AGENDA

FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD ON
TUESDAY 27 AUGUST 2013
COMMENCING AT 7.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
27 LYTTLETON STREET, CASTLEMAINE.
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SEPARATE ATTACHMENTS:
Confidential Attachment BET 05A: Copy of Petition to Retain and Not Sell Public Land in Metcalfe.
Confidential Attachment ECO 4A: Copy of Petition Opposing the development of an NBN Tower at Elphinstone.
ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings
I would like to acknowledge that we are meeting on Jaara country
of which the members and elders of the Jaara Jaara community and their forebears
have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.

1. PRESENT

2. APOLOGIES

3. DECLARATIONS OF INTEREST / CONFLICTS OF INTEREST

4. MINUTES
4.1. ORDINARY MEETING OF COUNCIL – 13 AUGUST 2013

The unconfirmed minutes of the Ordinary Meeting of the Mount Alexander Shire Council held at 7.30 pm on 13 August 2013 at the Civic Centre have been circulated to Councillors.

The unconfirmed minutes have also been posted on the Mount Alexander Shire Council website, pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Mount Alexander Shire Council held on 13 August 2013 be confirmed.

5. PUBLIC QUESTION TIME

6. PETITIONS AND JOINT LETTERS
7. COMMITTEE REPORTS

7.1. CENTRAL GOLDFIELDS LIBRARY CORPORATION

RECOMMENDATION

That the Minutes for the Central Goldfield Library Corporation for the meeting held on 28 June 2013 be noted (Attachment 7.1).
LIBRARY BOARD MEETING
Friday 28th June 2013 at 3.30 pm
Eaglehawk Library,
Pegleg Road Eaglehawk

-Minutes-

1. PRESENT:
   
   City of Greater Bendigo
   Cr Rod Fyffe (Chair)
   Marg Allan

   Loddon Shire Council
   Cr Cheryl McKinnon
   John McLinden

   Macedon Ranges Shire Council
   Cr John Connor
   Karen Stevens

   Mount Alexander Shire Council
   Cr Michael Redden
   Sue Jones (for Carolyn Wallace)

   Acting CEO
   Sue Howard

   Also in attendance:
   Nicole Ashby (Senior accountant CoGB)
   David Coughlan (Goldfields Library Corporation)
   Brenda Skinner (Goldfields Library Corporation)

2. APOLOGIES:
   Carolyn Macvean (CEO, Goldfields Library Corporation)
   Carolyn Wallace (Mount Alexander Shire Council)

Welcome to Acting CEO Sue Howard and Sue Jones from Mount Alexander Shire Council

Note: Declaration of conflict of interest Marg Allan (CoGB) re: governance arrangements between CoGB and Goldfields Library Corporation.

3. CONFIRMATION OF MINUTES OF GENERAL MEETING: 26th April 2013
   
   Moved       Cr Michael Redden
   Seconded    John McLinden           carried √
4. CONFIRMATION OF MINUTES OF SPECIAL MEETING: 29th May 2013

   Moved          Cr Michael Redden
   Seconded      Cr Cheryl McKinnon      carried √

5. MATTERS ARISING FROM MINUTES OF GENERAL MEETING: 26th April 2013

   Board members were invited to provide the CEO with feedback as to the criteria each member Council uses to determine what constitutes a mobile library service. Feedback was received by email from Loddon and Macedon Rangers Shires and endorsed by the Mount Alexander Shire and Bendigo Council. This feedback is to be used for a further review of the Mobile Service.

   Notice has been received verbally that Central Goldfields Shire no longer wish to purchase Mobile Library Services from Goldfields Library Corporation. It was proposed that the Service be withdrawn from end of September 2013.

   Action: Acting CEO, Sue Howard and Outreach Manager, Pam Howard, will meet with Sharon Fraser from Central Goldfields Shire to discuss the withdrawal of service during July 2013 and report to the next Board meeting.

6. MATTERS ARISING FROM MINUTES OF SPECIAL MEETING: 29th May 2013

   No matters arising.

7. ITEMS FOR DECISION

   7.1 Adoption of Financial Statements for the period 1st July 2012 to 30th April 2013 and 1st July 2012 to 31st May 2013.

   The July to April Financial Statements was circulated with the Board Papers, and the July to May Statement was tabled at the meeting. The Corporation is tracking in accordance with the forecast and labour costs are down (approx. $400,000). Photocopier contracts have been renegotiated.

   As the RFID tender has not been awarded in the 12/13 FY there will be no withdrawal of the projected $200,000 from the RFID Reserve. The projected full amount for the RFID will be transferred in in the 13/14 FY. While no longer required by legislation, funding for Long Service leave will be kept in a restricted cash reserve.

   Motion: The Library Board adopt the Financial Statements for the period 1st July 2012 to 30th April 2013 and 1st July 2012 to 31st May 2013.

   Moved          Marg Allan
   Seconded      Karen Stevens      carried √

   7.2 Goldfields Library Corporation Budget 2013-2014

   No submissions from the public were received on the proposed Budget during the advertising period. Some minor adjustments to the Budget are recommended as follows:
- $15,000 revenue from room hire in the redeveloped Bendigo Library when it re-opens.
- $20,000 for Human Resources support
- $500,000 contribution to the Bendigo Library deferred from 12/13 to be paid in 13/14
- $100,000 to be moved to the Defined Benefit Reserve.
- Additional $200,000 transfer of funds from RFID Reserve.

It should be noted that the budget also includes
- Three new senior roles are to be phased into the Corporation during 2013/14 FY
- Additional staff hours at Gisborne, Kyneton, Castlemaine and Eaglehawk Libraries.

**Motion:** the Library Board adopt the Goldfields Library Corporation Budget for 2013/2014.

Moved Marg Allan  
Seconded John McLinden  
carried ✓

No submissions were received during the advertising period.

**Motion:** the Library Board adopt the Library Plan 2013-2017.

Moved Cr Michael Redden  
Seconded Cr John Connor  
carried ✓

7.4 Bendigo Library Redevelopment update.
Bendigo Library staff are dealing with interior fit-out issues through Frank Pavan (Project Manager).

**Motion:** the Library Board notes the progress of the Bendigo Library Redevelopment.

Moved Sue Jones  
Seconded Cr Cheryl McKinnon  
carried ✓

7.5 Goldfields Library Corporation RFID tender.

Confidential Tender Evaluation Report forms Attachment One of the minutes.

**Motion:** To declare the meeting closed to the public.

Moved John McLinden  
Seconded Cr Michael Redden  
carried ✓

David Coughlan, Manager of IT at the Goldfields Library Corporation addressed the Board on the selection of the recommended contractor. There was some discussion and clarification of issues.

**Motion:** 1) The Board approves awarding of the Contract to FE Technologies for a lump sum of $667,038.40 (GST Exclusive)

Moved John McLinden  
Seconded Cr Cheryl McKinnon  
carried ✓
2) The Board authorises the Chair of the Corporation Board to sign the contract on its behalf.

3) The Corporation proceed with the implementation of RFID technology once the contract has been signed.

   Moved                        Karen Stevens
   Seconded                     Marg Allan          carried ✓

Motion: To declare the meeting open to the public.

   Moved                        John McLinden
   Seconded                     Cr Michael Redden   carried ✓

8. GENERAL BUSINESS INCLUDING COUNCIL REPORTS

8.1 CEO Report
It was noted that the Mayor of Mount Alexander Shire, Cr Michael Redden is featured reading to children at the Castlemaine Library for National Simultaneous Story-time 2013. Also on Page 38 there is press article regarding the announcement of a successful Living Libraries Infrastructure Grant for the foyer of Castlemaine Library at Castlemaine Library.

8.2 City of Greater Bendigo
Nothing further to report.

8.3 Loddon Shire Council
All well in Loddon Shire.

8.4 Macedon Ranges Shire Council
Nothing to report.

8.5 Mount Alexander Shire Council
The Project Control Group for the Castlemaine Library foyer upgrade is under way with the Living Libraries funding designated to improve heating and cooling etc. Mount Alexander will fund the rest of the upgrade to complete the project.

Motion: the Board receive the Council Reports.

   Moved                        Cr John Connor
   Seconded                     Cr Michael Redden   carried ✓

9. OTHER BUSINESS FOR DISCUSSION
9.1 Governance arrangements for the redeveloped Bendigo Library
* Note Marg Allan declared potential conflict of interest re: governance arrangements for the redeveloped Bendigo Library.

The CEO City of Greater Bendigo has written to the Board concerning governance arrangements for the redeveloped Bendigo Library proposing that formal arrangements be made between all user
groups. The City of Greater Bendigo will enter into a commercial lease for the Café and the intention is that the Goldfields Library Corporation will organise the running of the remainder of the building, including a number of new Community Spaces. The Corporation will receive the income generated from the hire of meeting rooms and it is proposed that the CoGB recoup the utilities cost for those spaces available for hire. In 2013/14 $15,000 has been forecast for revenue from room hire and this amount is to be reviewed, with the utility costs, after the first year. It was noted that the new Governance arrangements need to be in place from the opening of the new library.

* Marg Allan left the meeting.

Motion: That the Goldfields Library Corporation;

1. Note that the GOGB is establishing a commercial lease for the Café in the new Bendigo Library and establish a MOU between the Lessee and the GLC,
2. Prepare an Agreement between the GLC and COGB for access to community spaces at the community rate for events and activities with a community focus,
3. Agrees to payment to the CoGB for utility costs for approximately 12% of the floor area of the new Bendigo Library, representing the community spaces, for an amount in the order of $10,800, for review after twelve months of operation.
4. The GLC, with the support of the COGB preparing MOU’s with other users of the library including the Bendigo Regional Genealogical Society and the Bendigo Volunteer Resource Centre to make clear the responsibilities and expectations of each party.

Moved John McLinden
Seconded Cr Michael Redden carried ✓

Action: the Acting CEO to prepare a letter of response to the CEO, City of Greater Bendigo noting supporting the recommendation.

9.2 Authority to sign Goldfields Library Corporation invoices while the CEO is on leave.
While the CEO has been on leave, as Chair of the Finance Sub-committee, Marg Allan has authorised payment of Goldfields Library Corporation invoices for the period 22nd to 28th July 2013.

Motion: The Board endorse the authorisation for payment of Goldfields Library Corporation invoices by the Chair of the Finance Sub-committee, Marg Allan for the period 22nd to 28th July 2013.

Moved Cr Cheryl McKinnon
Seconded Sue Jones carried ✓

As the Acting CEO is unable to authorise the payment of accounts, it is recommended that Senior Manager, Collections and Cataloguing Services, Pam Sheean authorise the payment of invoices until the CEO returns from leave 22nd July 2013.

Motion: The Board authorises Senior Manager, Collections and Cataloguing Services, Pam Sheean to sign invoices for payment under the direction of the Acting CEO.
9.3 Living Libraries Infrastructure Funding announcement.
Board members are invited to the Living Libraries funding announcement Friday 5th July 2013 at Kangaroo Flat Library. The Minister for Local Government and Minister for Aboriginal Affairs, Jeanette Powell, will announce the outcome of a funding application to assist with the modification of circulation desks necessary for the installation of RFID technology throughout the Corporation’s Branch libraries.

9.4 CEO performance review.
An in camera meeting in which the Board received a verbal update of the CEO’s performance review.

MEETING CLOSED: 4.55 pm

NEXT MEETING DATE AND TIME:
30th August at 3.30 pm
Castlemaine

Signed Chair ___________________________________

Date __________________________________________
8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES ON 6, 7 AND 13 AUGUST 2013

RECOMMENDATION

That the Records for the following Assemblies of Councillors for the meetings held on 6 August, 7 August and 13 August (Attachments 8.1, 8.2 and 8.3).
ASSEMBLY OF COUNCILLORS RECORD
TUESDAY 6 AUGUST 2013
3.00 PM AT THE
COUNCIL CHAMBER, MOUNT ALEXANDER CIVIC CENTRE
27 LYTTLETON STREET, CASTLEMAINE.

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1. **PRESENT**

Councillors: Tim Barber, Tony Bell, Chris Cole, Christine Henderson, Jessica Howard, Michael Redden and Sharon Telford.

Officers: Chief Executive Officer (Phil Rowland), Director Corporate Support (Lucy Roffey), Director Technical Services (Jason Taylor), Manager Community Activity and Culture (Sue Jones, Acting as Director Economic and Social Development, Item 5.2), Manager Community Development (Glen Menner, Item 5.1), Community Planner (Chris Walters, Item 5.1), (Sharlene Farrugia, Item 5.1).

2. **APOLOGIES**

Nil

3. **PURPOSE OF THE MEETING**

The purpose of the meeting was to brief Councillors on issues and matters of interest which impact the Shire and which may be considered by Council in the future.

4. **RECORD OF CONFLICT OF INTEREST**

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<th>Councillor Name</th>
<th>Cr left meeting?</th>
<th>Type of Conflict</th>
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<td>5.1 Workshop on Castlemaine Community Planning Approach</td>
<td>No</td>
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<td>5.2 Outdoor Aquatic Facilities 2012/2013 Season Report</td>
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<td>5.3 Media and Communications</td>
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<td>6.1 Briefing Agenda</td>
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<td>6.3 Sale of Land at Metcalfe</td>
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<td>6.4 Opening for the Civic Centre</td>
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<td>6.6 Roadside Weed Spraying</td>
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<td>6.7 Newstead Levee Bank</td>
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* Councillors are required to leave the Meeting if they have declared an interest in an item that is being discussed. Councillors who have left the Meeting must not be able to see or hear the proceedings.

5. **MEETING CLOSE**

Meeting closed at 6.15 pm.
ASSEMBLY OF COUNCILLORS RECORD
7 AUGUST 2013, 10.00 AM
IN THE COUNCIL CHAMBERS
CIVIC CENTRE, 27 LYTTLETON STREET
CASTLEMAINE

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5. MEETING CLOSE 2
1. **PRESENT**

Councillors: Christine Henderson, Jessica Howard and Michael Redden.

Officers: Chief Executive Officer (Phil Rowland) and Director Technical Services (Jason Taylor).

Visitors: 
- Castlemaine Steiner School representatives
  - Ujjval Goble, School Board Chair
  - Amanda Colebrook, Educational Director
  - Andrew Dimsey, parent representative
  - Ilana Solo, parent representative
  - Michael Gersh, parent representative
  - John Goble, Chair of the College of Teachers

**NBN Representatives:**
- George Tzakis, Manager, Fixed Wireless Site Acquisition
- David Su, Fixed Wireless Site Acquisition
- Corrie Withers, Account Manager Victoria
- Matt Evans, Ericsson Stakeholder Manager

2. **APOLOGIES**

Nil.

3. **PURPOSE OF THE MEETING**

The purpose of the meeting was to discuss the NBN tower near the Castlemaine Steiner School (Pyrenees Highway, Muckleford). The matters itemised below reflect those items that were on the Agenda that were discussed by Councillors during the briefing session.

4. **RECORD OF CONFLICT OF INTEREST**

<table>
<thead>
<tr>
<th>Matter Discussed</th>
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<th>Councillor Name</th>
<th>Cr left meeting?</th>
<th>Type of Conflict</th>
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<tr>
<td>Discussion on NBN Co. proposal to develop a fixed wireless tower at Muckleford and community concerns about the development.</td>
<td>No</td>
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</table>

*Councillors are required to leave the Meeting if they have declared an interest in an item that is being discussed. Councillors who have left the Meeting must not be able to see or hear the proceedings.*

5. **MEETING CLOSE**

Meeting closed at 11.00am.
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1. PRESENT

Councillors: Tony Bell, Chris Cole, Christine Henderson, Jessica Howard, Michael Redden and Sharon Telford.

Officers: Chief Executive Officer (Phil Rowland), Director Corporate Support (Lucy Roffey), Director Technical Services (Jason Taylor), Director Economic and Social Development (Carolyn Wallace), Acting Manager Sustainable Development (Daniel Borton).

2. APOLOGIES

Councillor Tim Barber

3. PURPOSE OF THE MEETING

The purpose of the meeting was to brief Councillors on items that will be considered at the Ordinary Meeting of Council on 13 August 2013 and issues and matters of interest which impact the Shire. The matters itemised below reflect those items that were on the Agenda that were discussed by Councillors during the briefing session.

4. RECORD OF CONFLICT OF INTEREST

<table>
<thead>
<tr>
<th>Matter Discussed</th>
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<tbody>
<tr>
<td>VIB 02 Adoption of Customer Service Strategy 2013.</td>
<td>No</td>
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<td>BET 04 Appointments to Special Committees of Council (Section 86 Committee of Management) – John Powell Reserve Committee of Management.</td>
<td>No</td>
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<td>ECO 02 Planning Permit Application PA046/2013 for Native Vegetation Removal (Including nine trees) from Road Reserve adjacent to 28 Gaffney Street, Castlemaine.</td>
<td>No</td>
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<td>ECO 03 Planning Permit Application PA037/2013 – Use and Development of the Land For Storage at CA278 SEC A, 32 Fenton Avenue, Campbells Creek</td>
<td>No</td>
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<td>COM 09 Audit and Risk Advisory Committee Report for 2012-2013.</td>
<td>No</td>
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<td>COM 10 Planning Scheme Amendment C71 – Introduction of Permit Exemptions from the Environmental Significance Overlay Schedules 1 &amp; 2</td>
<td>No</td>
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<tr>
<td>Matter Discussed</td>
<td>Councillor Conflict?</td>
<td>Councillor Name</td>
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<td>COM 11 Planning Scheme Amendment C70 – Removal of Environmental Significance Overlay Schedule 6 from the Mount Alexander Planning Scheme.</td>
<td>No</td>
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<tr>
<td>Urgent Special Business - Sand for Newstead community for sandbagging</td>
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<td>Chewton Pool request for Council support</td>
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</table>

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5. **MEETING CLOSE**

Meeting closed at 7.25pm.
9. OFFICER REPORTS

9.1. A VIBRANT HEALTHY COMMUNITY (VIB)

VIB 03  2013/2014 COMMUNITY GRANTS SCHEME

Responsible Director: Director Economic and Social Development
Responsible Officer: Manager Community Development
Original Document: DOC/13/31799

1. Purpose

The purpose of this report is to seek Council’s endorsement of proposed arrangements for the 2013/2014 Community Grants Scheme (CGS) funding round.

Refer to Attachment VIB 03A: 2013/2014 Community Grants Scheme – Guidelines.

2. Background

Each year Council allocates funding to not-for-profit, community organisations through its Community Grants Scheme (CGS) to support projects and initiatives that provide community benefit to the Shire.

In 2012/2013, Council approved a total of $164,220 for 62 grant applications across the three funding categories, being Community Wellbeing and Culture; Events; and Sustainability and Natural Environment.

The successful grant applicants were formally acknowledged at an event in February 2013 and funding agreements executed and payments processed. Funding acquittals for the CGS 2012/2013 are due 30 September 2013.

In the 2013/2014 Budget, Council approved a community grant allocations of $112,000 under Community Wellbeing and Culture; $15,000 under Events; and $40,500 under Sustainability and Natural Environment categories. An additional $10,000 allocated for youth initiatives will be managed outside of the CGS Funding Round.

A review of the CGS 2012/2013 Funding Round by Council officers indicated no major changes to the funding objectives and guidelines, which have been subject to continuous improvement to better align with Council’s strategic priorities to support community initiatives.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

The objectives for the CGS are informed by the four goals identified in the Council Plan 2013-2017:

- A vibrant healthy community,
- Better community facilities,
- A thriving local economy, and
- Building sustainable communities.

In addition, there are a number of Council strategies and plans that provide a strategic framework for the CGS funding objectives and guidelines. They are:

- Health and Wellbeing Plan 2010-2013,
- Environment Strategy 2010-2014,
- Walking and Cycling Strategy 2010-2020,
4. Issues

Funding Objectives and Guidelines
The guidelines set out what Council seeks to achieve through the CGS in supporting not for profit organisations to deliver programs and initiatives that provide community benefit for the Shire (refer to Attachment 1: 2013/2014 Community Grants Scheme – Guidelines).

The broad aims and objectives as outlined under the Introduction are unchanged from previous years, with the addition of reference to Aboriginal and Torres Strait Islanders, in line with Council’s priorities identified in the Council Plan 2013-2017 to support and recognise our Indigenous community and their culture.

The three funding categories are unchanged from previous funding rounds.

1. Community Wellbeing and Culture (total $112,000),
2. Events (total $15,000), and
3. Sustainability and Natural Environment (total $40,500).

1. Community Wellbeing and Culture

The aims and objectives under this category are similar to those in previous years, which seek to provide opportunities to improve community health and wellbeing and to create and participate in arts and cultural activities. There have been minor changes to the wording of the objectives relating to arts and culture and gender equity that better reflect Council’s strategic directions in the Arts Strategy and Prevention of Violence Against Women Project Plan.

2. Events

The aims and objectives under this category are unchanged from last year, which seek to support community events that celebrate and contribute to the community.

3. Sustainability and Natural Environment

The aims and objectives under this category are unchanged from last year, which seek to involve the community in initiatives that will assist in achieving the objectives identified in the Environment Strategy, including the following:

- Climate change, greenhouse and energy,
- Land and biodiversity,
- Urban development, planning and sustainable transport,
- Waste and resource efficiency, and
- Water.

The amounts for grant funding that may be sought are unchanged from previous years. Grant requests made under the Community Wellbeing and Culture category may range from $500 up to $5,000. Grant requests made under the Events category may range from $500 up to $2,000. Grant
requests made under the Sustainability and Natural Environment category may range from $500 to $3,000.

No changes are proposed to the eligibility criteria, which require applicants to deliver projects that provide community benefit to the Shire and be one of the following entities:

- a not for profit incorporation association, or
- auspiced by such an organisation, or
- a Special (Section 86) Committee of Council.

**Funding round**

It is proposed that the funding round open on 2 September 2013 and close on 11 October 2013. The closing date is scheduled one week after the end of Term Three school holidays to allow community groups sufficient time to submit applications.

In line with previous funding rounds, a total of three community information sessions are to be scheduled in September 2013. Dates, times and locations will be advised.

Information about the 2013/2014 CGS will be made available through Council’s website, at Council’s Customer Service Centre at the Civic Centre, through local media and directly to previous grant applicants, Special (Section 86) Committees of Council and other groups who have expressed interest.

**Application form and assessment process**

Some changes to the application form are proposed for 2013/2014, based on a review of the 2012/2013 CGS funding round.

The changes have been made to ensure applicants clearly indicate how their project will assist in achieving the funding objectives, identified under the category to which they are applying.

There is also a requirement that applicants complete a Project Plan outlining what they will do, when they will do it and the expected outcomes.

Applicants under the Sustainability and Natural Environment category for the purchase and installation of sustainability technologies have been asked to include an energy and/or water assessment conducted by a recognised independent assessor.

Other changes to the application form include clarity regarding the funding source for each item in the project budget and highlighting the need for applications to have completed all sections of the application form.

Funding applications are allocated to a Council officer to make an initial assessment based on eligibility and the extent to which the funding objectives under the relevant funding category are addressed. Following this, an Assessment Panel is convened involving a number of Council officers to review initial assessments and provide recommendations on each application.

The recommendations of Council officers will then be discussed at a Councillor Briefing in November 2013, with final recommendations for funding approvals to go to an Ordinary Meeting of Council in December 2013 for determination. Following this all applicants will be notified of the outcome and funding agreements sent to successful applicants before Christmas 2013.

Successful applicants will be required to complete projects and submit acquittals by 30 September 2014, unless agreed otherwise by Council.
5. **Financial and Resource Implications**

In the 2013/2014 Budget, Council approved a total of $112,000 under Community Wellbeing and Culture, $15,000 under Events and $40,500 under Sustainability and Natural Environment categories. An additional $10,000 allocated in the budget for youth initiatives will be managed outside of the CGS Funding Round.

6. **Consultation**

A total of three community information sessions will be held during the funding round in September 2013. Dates, times and locations will be advised.

The purpose of the sessions is to provide information about the 2013/2014 Community Grants Scheme Guidelines, objectives and eligibility criteria and discuss potential projects and initiatives with community groups.

Information about the 2013/2014 CGS will be made available through Council’s website, at Council’s Customer Service Centre at the Civic Centre, through local media and directly to previous grant applicants, Special (Section 86) Committees of Council and other groups who have expressed interest.

Potential applicants are strongly advised to discuss their proposals with Council officers prior to submitting a grant application.

An internal Community Grants Working Group will meet regularly during the course of the year to advise on funding objectives and guidelines and the outcomes of the funding round in terms of projects delivered.

The Working Group consists of the following officers: Manager Community Development, Community Development Administration Officer, Community Planner, Recreation Services Team Leader, Recreation Officer, Arts Officer, Youth Officer; Manager Community Activity and Culture, Tourism Officer, Economic Development Officer, Environment Officer, and Manager Healthy Environments.

7. **Conclusion**

The Community Grants Scheme (CGS) has been subject to significant changes since 2009 to ensure improved coordination and alignment of Council’s strategic priorities with local community initiatives.

No major changes are proposed to the funding objectives, guidelines or assessment processes for this year’s CGS Funding Round, which is proposed to open on 2 September 2013 and close on 11 October 2013.

Councillors will be briefed on recommendations for funding allocations to community organisations in November 2013 once applications have been assessed according to the funding guidelines and eligibility criteria.

**RECOMMENDATION**

That Council:

1. Endorse the attached 2013/2014 Community Grants Scheme – Guidelines; and

2. Approve the timelines and process for the 2013/2014 Community Grants Scheme Funding Round to open on 2 September 2013 and close on 11 October 2013.
INTRODUCTION

Each year Mount Alexander Shire Council allocates funding to support a range of local community-based projects and initiatives through the Community Grants Scheme. Through this funding Council seeks to:

- Support community initiatives that align with Council priorities as expressed in the Council Plan 2013-2017 and other relevant policies, plans and strategies (for further information please refer to the Key Publications area of Council’s website);
- Increase resources and opportunities for local community groups who have limited avenues of support but wish to undertake activities that benefit the wider Shire community;
- Encourage and support community groups to build capacity and sustainability by developing new skills and attract and retain volunteers;
- Support community groups to leverage grant funds by applying to funding programs external to Council;
- Support projects that provide opportunities for older adults, young people, children and families, people from Aboriginal and Torres Strait Islander or culturally and linguistically diverse backgrounds and people with a disability; and
- Generate and foster collaborative relationships between community groups, Council, State and Federal Government and other organisations.

In the 2013/2014 Budget, Council allocated a total of $167,500 for the Community Grants Scheme across three categories. They are:

4. **Community Wellbeing and Culture** (total $112,000);
5. **Events** (total $15,000);
6. **Sustainability and Natural Environment** (total $40,500);

Requests for funding under the Community Grants Scheme open on Monday 2 September 2013 and close on Friday 11 October 2013.
AIMS AND OBJECTIVES

1. Community Wellbeing and Culture

Aim:
To support not-for-profit community organisations in:

(a) Providing opportunities to improve the health and wellbeing for residents of the Mount Alexander Shire; and/or
(b) Providing opportunities for community members to create and participate in arts and cultural activities.

Objectives:

(a) Encourage participation in physical activity;
(b) Support healthy eating and lifestyle behaviours;
(c) Promote participation in the arts;
(d) Conservation and interpretation of cultural heritage;
(e) Support innovation in creative and cultural projects and practices;
(f) Foster cross-cultural understanding and engagement;
(g) Improve access to health and community services and facilities;
(h) Promote community access and inclusion;
(i) Promote gender equity and respectful relationships; or
(j) Encourage young people’s engagement and participation in the community.


Funding:

Grant requests made under the Community Wellbeing and Culture category may range from $500 up to $5,000 (total amount available $112,000. Only in exceptional circumstances will grant requests exceeding these amounts be approved.

2. Events

Aim:
To support community events that celebrate and contribute to the Mount Alexander Shire community.

Objectives:

To encourage a strong, diverse events calendar that promotes the Shire’s strengths and provides positive outcomes to the community by:

(a) Supporting new events that enhance the Shire’s existing events program;
(b) Assisting existing events to improve their future viability; and
(c) Innovation in event operations and/or event delivery.
Such events should deliver one or more of the following outcomes:

- Attract new markets through the introduction or expansion of programs and experiences;
- Demonstrated economic benefit to the community (e.g. through increased visitation to the Shire);
- Wide and/or diverse participation by the local community;
- Involvement of local businesses and profiling of local product;
- Increased media exposure and profile for the Shire;
- Minimise environmental impacts; and
- Become more financially sustainable for future events.

Funding:

Grant requests made under the **Events** category may range from $500 up to $2,000 (total amount available $15,000). Only in exceptional circumstances will grant requests exceeding these amounts be approved.

3. Sustainability and Natural Environment

**Aim:**

Creating a prosperous, sustainable culture in a healthy environment requires the awareness and participation of all sectors of the community. To outline the important tasks that need to be achieved in the short-term, Council and the community collaborated to develop the Mount Alexander Shire Council Environment Strategy 2010-2014 (available from [www.mountalexander.vic.gov.au/environment](http://www.mountalexander.vic.gov.au/environment))

The aim of the Sustainability and Natural Environment community grant component is to assist the community to implement the Environment Strategy.

**Objectives:**

The Environment Strategy outlines a vision and 44 objectives. These objectives are grouped under five themes:

- Climate change, greenhouse and energy;
- Land and biodiversity;
- Urban development, planning and sustainable transport;
- Waste and resource efficiency; and
- Water

Proposals for funding under this category should identify which theme(s) the proposed project will help achieve.

**Funding:**

Grant requests made under the **Sustainability and Natural Environment** category may range from $500 to $3,000 (total amount $40,500). Only in exceptional circumstances will grant requests exceeding these amounts be approved.
ELIGIBILITY CRITERIA

All applications must meet the following eligibility criteria:

- Applicant organisations must be not-for-profit and based in the Shire or demonstrate clear links to the Shire.
- Applicant organisations must be incorporated or auspiced by an incorporated organisation or be a Section 86 Committee of Council.
- The project must be delivered in the Mount Alexander Shire and be of broad community benefit.
- All sections of the Application Form must be complete.
- Applicant organisations must attach the requested financial details to the Application Form.

Applications will not be considered eligible for assessment if:

- They are received after the closing date.
- They are received from an individual.
- The project is primarily to promote or for the benefit of a political party or a religious organisation.
- The project has commenced and the funds are to be applied retrospectively.
- The application is incomplete. It is crucial that the 'Financial Details' section of the Application Form is completed.
- The applicant organisation has previously received funding via the Community Grants Scheme but has failed to provide any required acquittal / reporting information to Council.
- The organisation is in debt to Council or has not met the conditions of existing financial agreements.
- The project involves capital works or improvements to a building owned by a third party.
- Project activities are considered the primary responsibility of State or Commonwealth Governments.
- They are considered core school curriculum activities.

ASSESSMENT PROCESS

Applications will be assessed via the following process:

A panel of Council officers will assess and score all applications. The assessment/scoring process will be informed by the extent to which applications meet the eligibility criteria and funding objectives. The recommended funding allocations will then be referred to Council for consideration and approval.

It is anticipated that Council will formally resolve upon the funding allocations for all categories at a Council Meeting in December 2013.

MAKING AN APPLICATION

Applications for funding are to be made on the appropriate Application Form and submitted as per the details on the Application Form.

Applications close on 11 October 2013 at 4.00pm.
CONDITIONS FOR FUNDED PROJECTS

- Project must be completed and the acquittal process finalised by 30 September 2014 unless a later date is approved.
- Successful applicants will be accountable to Mount Alexander Shire Council for the disbursement of grant monies.

ACQUITTAL PROCESS

- Successful applicants will be required to enter into a Funding Agreement with Mount Alexander Shire Council prior to payment being issued.
- Successful applicants will be required to submit a Funding Acquittal outlining what the key outcomes of the project were, verifying the appropriate disbursement of the grant monies and detailing how Council’s support for the project was publicly acknowledged.
- Any unexpended grant monies must be returned to Mount Alexander Shire Council.
- Any variations to the original project submission must be lodged in writing and approved by Council.

ACKNOWLEDGMENT

Mount Alexander Shire Council must be acknowledged in any promotional material relating to the project. Copies of any promotional material should be retained for inclusion in the Funding Acquittal.

GENERAL INFORMATION

Completed Application Forms and any supporting documentation are to be forwarded to:

grants@mountalexander.vic.gov.au

or
Mount Alexander Shire Council
Community Grants Scheme
PO Box 185
CASTLEMAINE VIC 3450

Late applications will not be accepted.

Council is required to comply with GST related Legislation. If your organisation does not have an ABN and your application is successful, Council will require further documentation prior to a cheque being issued.

FURTHER INFORMATION

Further information can be obtained from Council’s Community Development Administration Officer on 5471 1744 or at

grants@mountalexander.vic.gov.au
9.2. BETTER COMMUNITY FACILITIES (BET)

BET 05 RESPONSE TO PETITION RECEIVED REGARDING THE SALE OF PUBLIC LAND IN METCALFE

Responsible Director: Director Corporate Support
Responsible Officer: Property Portfolio Coordinator
Original Document: DOC/13/31807

1. Purpose

The purpose of this report is to provide a response to the petition tabled at the Ordinary Meeting of Council on 13 August 2013 requesting that Council retain (and not sell) the public land at Metcalfe.

Refer to Confidential Attachment BET 05A: Copy of Petition to Retain and Not Sell Public Land in Metcalfe.

2. Background

A review of Council owned properties was conducted and those considered surplus to Council’s and the community’s current needs were short-listed.

Council resolved at the Ordinary Meeting of Council on 8 November 2011 to give Public Notice of its intention to sell six parcels of Council land, including the land at Metcalfe.

Public Notice was given in the Castlemaine Mail and the Midland Express on 18 November and 22 November 2011 respectively. One submission was made to Council requesting that the suitability of these parcels for affordable housing projects in conjunction with private investment be investigated. The submitter spoke in support of their submission at the Council Meeting held on 24 January 2012.

On the 13 March 2012, Council approved the sale of several Council properties including two parcels of land at Metcalfe (CA 5 & 7 Sec C Parish of Metcalfe).

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

Local Laws

Local Law No 1 of 2008 sets out how petitions are received by and responded by Council as follows:

1. Petitions and Joint Letters
   1. A petition or joint letter presented to the Council may lie on the table until the next ordinary meeting of the Council. No motion other than to receive the petition or joint letter may be accepted by the Chairperson at the meeting at which it is presented.
   2. The Council must receive a report on any petitions or joint letters at the next ordinary meeting of the Council or another meeting to be determined by the Council.
   3. A copy of the text of the petition or joint letter must be included on the agenda for the next ordinary or available meeting (as the case may be).
   4. A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council may reply to the first or any person whose signature appears on the petition.
   5. Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
Local Government Act 1989

Under Section 189 of the Local Government Act 1989, Council is required to give four weeks public notice of its intention to sell or exchange land and must undertake a Section 223 process and allow interested parties to make a submission to Council in regard to its intention to sell or exchange Council land.

Section 189 of the Local Government Act outlines restrictions on the power to sell land as follows:

189. Restriction on power to sell land

(1) Except where section 181 or 191 applies, if a Council sells or exchanges any land it must comply with this section.

(2) Before selling or exchanging the land the Council must-

(a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and

(b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than six months prior to the sale or exchange.

(3) A person has a right to make a submission under section 223 on the proposed sale or exchange.

4. Issues

The 35 signatures on the petition requested that Council retain the land at Metcalfe for public use and enjoyment.

At the Ordinary Meeting of Council on 13 August 2013, Council resolved as follows:

That Council determine to cease any further action towards the sale of land identified as, assessment numbers 8404 and 8408, 22 Kyneton-Metcalfe Road Metcalfe East (CA 5 & CA 7 Sec C Parish of Metcalfe) and instead keep the land in public ownership as provision of public open space for the use and enjoyment of residents of Metcalfe and visitors to the area.

5. Financial and Resource Implications

The Long Term Financial Plan included estimates of revenue to be raised from sale of land to be used to fund the capital works program. The land at Metcalfe was valued at $100,000 and therefore this revenue will need to be raised from an alternative source (such as rates or grants), or projects deferred. The Long Term Financial Plan is updated on an annual basis and will be adjusted for this reduction in estimated revenue from land sales.

Ongoing maintenance costs will also need to be budgeted for; to cover the fire services levy, grass slashing and fence and tree maintenance.

6. Consultation

No consultation was undertaken in relation to this petition which was received at the Ordinary Meeting of Council on 13 August 2013, however the public consultation process undertaken prior to Council resolving to sell the land was conducted in accordance with Section 223 of the Local Government Act.

7. Conclusion
At the Ordinary Meeting of Council on 13 August 2013, a petition was tabled requesting that Council retain the land at Metcalfe for public use. At the same meeting, a Notice of Motion to not sell the land at Metcalfe and retain it as public open space was carried.

RECOMMENDATION

That Council:

1. Receive the petition requesting the retention of the land at Metcalfe for public use that was tabled at the Council Meeting on 13 August 2013; and

2. Write to the submitter of the petition, Kate Hamond, advising that Council resolved to not sell the land at Metcalfe at the Ordinary Meeting of Council on 13 August 2013.
1. **Purpose**

The purpose of this report is for Council to formally appoint the membership of the Taradale Hall Committee of Management for the 2013/2014 year.

2. **Background**

This Committee is constituted as a Section 86 Committee of Council (pursuant to the Local Government Act 1989 – Section 86 (3) and the Interpretation of Legislation Act 1984 – Section 41A).

The function of this Committee is to manage the use and operations of the Taradale Hall, and Mechanics Institute and to advise Council on the use, development and capital needs of the Hall.

The membership of the Committee, as provided for in its Instrument of Delegation is:

*The Committee shall comprise up to eleven members of the public appointed by resolution of Council and one Councillor of Mount Alexander Shire Council.*

Members are appointed for 12 months, and were last appointed to the Committee in July 2013.

The current members are:

- Michael Pettigrew, Chairperson
- Peter (Team) Henderson, Secretary/Treasurer
- Olive Penno, Vice President
- Barbara Wales-West, Committee Member
- Chris Burgess, Committee Member
- Debra Goldsmith, Committee Member
- Lyn Shill, Committee Member
- Arthur Huck, Committee Member
- Margaret Moody, Committee Member
- Stephen Guest, Committee Member
- Yvonne Pettigrew, Committee Member

The Committee has now written to Council informing they have held their Annual General Meeting and is seeking to appoint members to the Committee for the 2013/2014 year.

3. **Policy and Statutory Implications**

These committees were initially formed in order to control and manage Council properties and to act as a policy development, planning, promotion and co-ordinating body for the associated properties. Their powers and administration are governed by an Instrument of Delegation from Council under Section .86 of the Local Government Act (1989).

4. **Issues**

Council is the only party able to appoint persons to Section 86 Committees. Appointment enables insurance coverage from Council’s insurance company and also provides the basis of appropriate governance arrangements for the Committees in accordance with the Local Government Act.
As per the Taradale Hall Committee of Management’s nominations for last year, the nominee for the position of Secretary/Treasurer, Mr Peter (Team) Henderson, is the domestic partner of Councillor Henderson. Councillor Henderson is the Council representative on the Committee and may be required to resolve on matters related to the Committee or the Taradale Hall as part of Council business. Councillor Henderson would be required to declare an indirect conflict of interest on the basis of close association where such matters come to the Council table for decision. However, advice from the Municipal Association of Victoria (MAV) states that this does not preclude Councillor Henderson from participating and voting on major Council decisions in which the Hall may have a peripheral benefit, such as the Council Plan, Annual Plans or Council’s Budget. Councillor Henderson has been advised of this.

This request from the Committee is consistent with its Instrument of Delegation.

5. Financial and Resource Implications

Nil.

6. Consultation

The Taradale Hall Committee of Management has advised Council of their proposed membership and has requested Council appointment as set out in their Instrument of Delegation. Previous consultation with the MAV, has provided advice on any potential conflict of interest and how to manage this.

7. Conclusion

As set out in the Instrument of Delegation, Council appointment of the membership for the Taradale Hall Committee of Management is required. The proposed appointments are consistent with the Committee’s Instrument of Delegation. Only Council can make these appointments.

RECOMMENDATION

That Council:

1. Appoint the following persons to the Taradale Hall Committee of Management listed for the period 15 July 2013 to 14 July 2014;

<table>
<thead>
<tr>
<th>Name</th>
<th>Expiry Date</th>
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</thead>
<tbody>
<tr>
<td>Michael Pettigrew</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Peter Henderson</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Olive Penno</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Yvonne Pettigrew</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Lyn Shill</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Debra Goldsmith</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Christopher Burgess</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Barbara Wales-West</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Margaret Moody</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Arthur Huck</td>
<td>14 July 2014</td>
</tr>
</tbody>
</table>

2. Write to the Committee confirming these appointments and thanking them for their contribution to the Committee and their local community in the last 12 months;

3. Write to the retiring Committee member, Stephen Guest, thanking him for his contribution to the Committee and their local community in the last 12 months.
1. Purpose

The purpose of this report is to request Council formally appoint the membership of the Elphinstone Community Facilities Committee of Management for the next twelve months.

2. Background

This Committee is constituted as a Section 86 Committee of Council (pursuant to the Local Government Act 1989 – Section 86 (3) and the Interpretation of Legislation Act 1984 – Section 41A).

The function of this Committee is to manage the use and operations of Elphinstone Community Facilities, namely Elphinstone Hall and Recreation Reserve and the Sawpit Gully Reserve.

The membership of the Committee, as provided for in its Instrument of Delegation is:

1.1 No less than six members of the public appointed by resolution of Council

Members are appointed for 12 months, and were last appointed to the Committee in August 2013.

The current members are:

- Garry Pollard, Chairperson
- Michael Tregenza, Secretary
- Maree Priestly, Treasurer
- Michael Reeves, Committee Member
- Brian Keilor-Reed, Committee Member
- Dian Tate, Committee Member
- Cassandra Gunther, Committee Member
- Siggy Druskat, Committee Member
- Gillian Maskell, Committee Member

3. Policy and Statutory Implications

This Committee was initially formed in order to control and manage Council properties and to act as a policy development, planning, promotion and co-ordinating body for the associated properties. Its powers and administration are governed by an Instrument of Delegation from Council under Section 86 of the Local Government Act (1989).

1. Issues

Council is the only party able to appoint persons to Section 86 committees. Appointment enables insurance coverage from Council’s insurance company and also provides the basis of appropriate governance arrangements for the Committees in accordance with the Local Government Act.

The Committee has now held its Annual General Meeting and has proposed its nominated membership.

This request from the Committee is consistent with its Instrument of Delegation.
The Instrument of Delegation also allows for the Chief Executive Officer and his/her nominee, and the Ward Councillor to attend any meeting as ex-officio members of the Committee. The Council representative for this Committee is Councillor Christine Henderson and the Council key contact officer is the Community Planner.

4. Financial and Resource Implications

Nil.

5. Consultation

The Elphinstone Community Facilities Committee of Management has advised Council of a proposed change to their membership and has requested Council appointment as set out in their Instrument of Delegation.

6. Conclusion

As set out in the Instrument of Delegation, Council appointment of the membership to the Elphinstone Community Facilities Committee is required. The proposed appointments are consistent with the Committee’s Instrument of Delegation. Only Council can make these appointments.

RECOMMENDATION

That Council:

1. Appoint the following persons to the Elphinstone Community Facilities Committee of Management listed for the period ending 1 August 2013 to 31 July 2014;

<table>
<thead>
<tr>
<th>Name</th>
<th>Representative</th>
<th>Expiry Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Reeves</td>
<td>Chairperson</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Michael Tregenza</td>
<td>Secretary</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Maree Priestly</td>
<td>Treasurer</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Gillian Maskell</td>
<td>Committee Member</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Gary Pollard</td>
<td>Committee Member</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Cassi Gunther</td>
<td>Committee Member</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Dian Tate</td>
<td>Committee Member</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Siggy Druskat</td>
<td>Committee Member</td>
<td>31 July 2014</td>
</tr>
<tr>
<td>Ray West</td>
<td>Committee Member</td>
<td>31 July 2014</td>
</tr>
</tbody>
</table>

2. Write to the Committee confirming these appointments;

3. Write to the returning Committee members being Michael Reeves, Michael Tregenza, Maree Priestly, Gillian Maskell, Gary Pollard, Cassi Gunther, Dian Tate thanking them for their contribution to the Committee and their local community in the last 12 months.

4. Write to the new Committee member Ray West welcoming him to the Committee; and

5. Write to the retiring member Brian Keilor-Reed, thanking him for his contribution to the Elphinstone Community Facilities Committee of Management during his terms of office.
1. Purpose

The purpose of this report is to request Council formally appoint the membership of the Wesley Hill Facility Committee of Management for the next two years.

2. Background

This Committee is constituted as a Section 86 Committee of Council (pursuant to the Local Government Act 1989 – Section 86 (3) and the Interpretation of Legislation Act 1984 – Section 41A).

The function of this Committee is to control and manage the Wesley Hill Facility and act as a policy development, planning, promotion and coordinating body for the Wesley Hill Facility.

The membership of the Committee, as provided for in its Instrument of Delegation is:

1. The Committee shall be comprised of 11 members appointed by resolution of Council and be comprised of one nominated representative from each of the following organisations, Castlemaine & District Netball Association/Castlemaine Married Ladies Netball Association, Wesley Hill Junior Football Club, Castlemaine Soccer Club, St Marys Tennis Club/Wesley Hill Tennis Club, North Castlemaine Cricket Club, Castlemaine Little Athletics, Castlemaine Cycle Club, Castlemaine Hockey Club and the Wesley Hill Progress Association.

Members are appointed for a two year term, and were last appointed to the Committee in July 2012.

The current members are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Ken Maddern</td>
<td>President/ Cycling Representative</td>
</tr>
<tr>
<td>Greg Cue</td>
<td>Secretary/ Cricket Representative</td>
</tr>
<tr>
<td>Ivor McGibbon</td>
<td>Treasurer/Winters Flat Football Club Representative</td>
</tr>
<tr>
<td>Tim Bird</td>
<td>Wesley Hill Football Club Representative</td>
</tr>
<tr>
<td>Tim Foster</td>
<td>Radio Controlled Car Club Representative</td>
</tr>
<tr>
<td>Mandy Long</td>
<td>Netball Representative</td>
</tr>
<tr>
<td>David Button</td>
<td>Little Athletics Representative</td>
</tr>
</tbody>
</table>

The Castlemaine Soccer Club, St Mary’s/Wesley Hill Tennis Club, and Castlemaine Hockey Club are no longer users of the Facility.

3. Policy and Statutory Implications

This Committee was initially formed in order to control and manage Council properties and to act as a policy development, planning, promotion and co-ordinating body for the associated properties. Its powers and administration are governed by an Instrument of Delegation from Council under Section 86 of the Local Government Act (1989).

4. Issues

Council is the only party able to appoint persons to Section 86 committees. Appointment enables insurance coverage from Council’s insurance company and also provides the basis of appropriate governance arrangements for the Committees in accordance with the Local Government Act.
The Committee has provided Council with an updated list of nominated committee members. Whilst the nominated Committee members are consistent with the Instrument of Delegation, there are now further vacancies in user group representation. The Wesley Hill Junior Football and Castlemaine Little Athletics are no longer users of the facility and are therefore not represented on the Committee. The Instrument of Delegation clearly does not reflect the current users and needs to be updated. This will be done as part of the statutory review of delegations to Committees to be undertaken by Council in 2013.

The Committee also made an undertaking with Council to approach the Wesley Hill Progress Association to ask for their representation on the Committee and as yet have not provided any update on that undertaking.

At a recent meeting, the Committee proposed to nominate Vicki Cole as the representative for the Castlemaine & District Netball Association for the remainder of the two year term.

5. Financial and Resource Implications

Nil.

6. Consultation

The Wesley Hill Facility Committee of Management has advised Council of a proposed change to their membership and has requested Council appointment as set out in their Instrument of Delegation.

7. Conclusion

As set out in the Instruments of Delegation, Council appointment of the membership to the Wesley Hill Facility Committee of Management is required. The proposed appointment is consistent with the Committee’s Instrument of Delegation. Only Council can make these appointments.

RECOMMENDATION

That Council:

1. Appoint the following persons to the Wesley Hill Facility Committee of Management listed for the period ending 2 July 2013 to 1 July 2015;

<table>
<thead>
<tr>
<th>Name</th>
<th>Representative</th>
<th>Expiry Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken Maddern</td>
<td>President/ Cycling Representative</td>
<td>1 July 2015</td>
</tr>
<tr>
<td>Greg Cue</td>
<td>Secretary/ Cricket Representative</td>
<td>1 July 2015</td>
</tr>
<tr>
<td>Ivor McGibbon</td>
<td>Treasurer/ Castlemaine Junior Football Club</td>
<td>1 July 2015</td>
</tr>
<tr>
<td>Tim Foster</td>
<td>Radio Controlled Car Club Representative</td>
<td>1 July 2015</td>
</tr>
<tr>
<td>Vicki Cole</td>
<td>Castlemaine and District Netball Representative</td>
<td>1 July 2015</td>
</tr>
<tr>
<td>Tim Bird</td>
<td>Castlemaine Junior Football Club</td>
<td>1 July 2015</td>
</tr>
</tbody>
</table>

2. Write to the Committee confirming these appointments;

3. Write to the new Committee member Vicki Cole welcoming her to the Committee; and

4. Write to the retiring members Mandy Long and David Button thanking them for their contribution to the Wesley Hill Facility Committee of Management during their terms of office.
1. **Purpose**

   The purpose of this report is for Council to consider and determine the awarding of tender M992-2013 for installation of fire protection services at Castlemaine Caravan Park.


2. **Background**

   The fire protection measures at Castlemaine Caravan Park are sub standard or non-existent. Under the Residential Tenancies (Caravan Park and Moveable Dwellings Registration and Standards) Regulation 2010, improved standards for fire prevention and safety must be put in place as a mandatory requirement. To meet these new standards, new fire service infrastructure is required at Castlemaine Caravan Park.

3. **Policy and Statutory Implications**

   *Including consideration of Economic, Social and Environmental impacts.*

   The tender process has been conducted in accordance with the conditions included within Council’s Procurement Policy and Procedure Manual.

   The adoption of the tender selection criteria within Council’s Procurement Policy and Procedures ensures competition in the supply of goods, services and products to Council and will ensure administrative consistency and fairness through transparency in Council’s decision making.

4. **Issues**

   The tender is a lump sum based tender and costing was based on core tender items and subject to adjustment of variance.

   Tenders were evaluated using standard Council evaluation criteria, with weightings determined at a pre-tender meeting involving risk, finance and infrastructure representatives.

5. **Financial and Resource Implications**

   The budget allocation for 2013/2014 for the installation of fire protection services at Castlemaine Caravan Park is $271,000.00 (Excl. GST). The preferred tender submission is $248,000.00 (Excl. GST).

6. **Consultation**

   A tender review committee assessed the tenders with input from Council’s Risk, Finance and Infrastructure Units.

7. **Conclusion**

   Council invited tenders for the installation of fire protection services at Castlemaine Caravan Park and two confirming tenders were received.
Following a detailed evaluation, the preferred tenderer is Wild Company Pty Ltd for a contract price of $248,000.00

RECOMMENDATION

That Council:

1. Award Contract M992- 2013 for Installation of fire protection service to Wild Company Pty Ltd for a contract price of $248,000.00 (GST exclusive); and

2. Authorise the Chief Executive Officer to sign and affix the common seal to the contract documentation for Contract (M992-2013) for Installation of fire protection service at Castlemaine Caravan Park.
9.3. A THRIVING LOCAL ECONOMY (ECO)

ECO 04 RESPONSE TO PETITION OPPOSING THE DEVELOPMENT OF AN NBN TOWER AT ELPHINSTONE

Responsible Director: Director Technical Services
Responsible Officer: Acting Manager Sustainable Development
Original Document: DOC/13/32035

1. Purpose

The purpose of this report is to respond to a petition received at the Ordinary Meeting of Council on 13 August 2013. The petition was tabled by Andrea Harrison and contains 101 signatures. The petition asks ‘Stop the Development of NBN Tower at Elphinstone Hill. Help us stop the clutter of towers on Elphinstone Hill where NBN plan to build 500 metres from the local primary school and next to residential homes’.

Refer to Confidential Attachment ECO 4A: Copy of Petition regarding NBN tower at Elphinstone.

2. Background

The Federal Government is currently rolling out infrastructure for the National Broadband Network. It is proposed to construct nine new towers in Mount Alexander Shire to provide a wireless service to towns other than Castlemaine and Maldon. Planning Permits have been received for towers in seven locations, and five of these have now been approved. In addition to the nine new towers, three parabolic antennas and panels will be co-located on existing towers. A Planning Permit is not required for these facilities, as the towers already exist.

A Planning Permit Application (being PA035/2013) has been lodged for an NBN tower at Elphinstone which Council considered at the Ordinary Meeting on 23 July 2013. At this meeting Council resolved to defer the decision on this application until the potential to co-locate the parabolic antenna had been further investigated.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

Local Laws

Local Law No 1 of 2008 sets out how petitions are received by and responded by Council as follows:

1. Petitions and Joint Letters

1. A petition or joint letter presented to the Council may lie on the table until the next ordinary meeting of the Council. No motion other than to receive the petition or joint letter may be accepted by the Chairperson at the meeting at which it is presented.

2. The Council must receive a report on any petitions or joint letters at the next ordinary meeting of the Council or another meeting to be determined by the Council.

3. A copy of the text of the petition or joint letter must be included on the agenda for the next ordinary or available meeting (as the case may be).

4. A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council may reply to the first or any person whose signature appears on the petition.

5. Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
Planning and Environment Act (1987)

Under Section 79 of the Planning and Environment Act 1987:

*An applicant for a permit may apply to the Tribunal for review of the failure of the responsible authority to grant the permit within the prescribed time.*

The prescribed timeframe is 60 days.

Mount Alexander Planning Scheme

State Planning Policy Framework (SPPF)

Clause 19.03-4, Telecommunications

This clause of the Planning Scheme seeks to facilitate the orderly development, extension and maintenance of telecommunications facilities. Strategies to support this goal include:

- Facilitate the upgrading and maintenance of telecommunications facilities.
- Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.
- Ensure the communications technology needs of business, domestic, entertainment and community services are met.
- Do not prohibit the use of land for a telecommunications facility in any zone.
- Encourage the continued deployment of broadband telecommunications services that are easily accessible by:
  - Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.
  - Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.
- In consideration proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.
- Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

The assessment of a planning permit application for a telecommunications facility must have regard for *A Code of Practice for Telecommunications Facilities in Victoria* (Department of Sustainability and Environment, 2004).

Clause 52.19 – Telecommunications Facility

Under this clause, the responsibly authority must consider

*The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria.*

4. Issues

The proposed location for the Elphinstone tower is approximately 165 metres from an existing Telstra mobile tower, and approximately 160 metres from the location of a proposed Vodafone tower. A Planning Permit has been issued for the proposed Vodafone tower, however construction has not commenced.

In the application for PA035/2013, the applicant advised that opportunities for co-location have been explored, however the Telstra tower was not tall enough, and was not of a structural standard to extend the height, and install the NBN infrastructure. Construction had not yet commenced on the Vodafone tower, and a construction date was not known, deeming co-location impractical.

At the Ordinary Meeting of Council on 23 July 2013, Council resolved to defer the decision until opportunities for co-location had been explored further. The applicant is currently in discussion with
Vodafone regarding development timeframes, and possible co-location. If co-location is possible, it is likely Vodafone will need to amend its permit to make the tower higher.

5. **Financial and Resource Implications**

Should Council not make a determination on any applications within 60 days, the applicant may appeal to VCAT for failure to decide. Should the applications be appealed to VCAT, there would be the costs of representation, and officer time to provide information. While this application is over the 60 days, it appears the applicant is attempting to meet Council's request to fully explore co-location opportunities.

6. **Consultation**

Consultation has not been undertaken regarding the acceptance of this petition.

7. **Conclusion**

Council has received a petition signed by 101 signatories opposing the development of an NBN tower on Elphinstone Hill. The proposed NBN tower is the subject of Planning Permit Application PA035/2013.

At its Ordinary Meeting of Council on 23 July 2013, Council resolved to defer making a determination on this Planning Permit until co-location opportunities have been further explored. The permit applicant is currently exploring co-location opportunities on the proposed Vodafone tower, located approximately 160 metres from the proposed NBN tower.

**RECOMMENDATION**

That Council:

1. Continue to support the applicant to Planning Permit PA035/2013 to explore co-location opportunities;

2. Write to Andrea Harrison and acknowledge the petition.
9.4. BUILDING SUSTAINABLE COMMUNITIES (COM)

COM 12 RATES AND CHARGES - COLLECTION AND HARDSHIP POLICY

Responsible Director: Director Corporate Support
Responsible Officer: Manager Finance
Original Document: DOC/12/9201

1. Purpose

The purpose of this report is to present to Council the Rates and Charges - Collection and Hardship Policy for formal adoption by Council following recent legislative changes to Section 172 of the Local Government Act 1989 which enables Council to charge interest on unpaid rates and charges.

Refer to Attachment COM 12A Rates and Charges – Collection and Hardship Policy.

2. Background

The aim of the Policy is to provide guidance to ratepayers on their payment options and Council’s policy and processes regarding the collection, waiving and deferral of rates and charges including the calculation of interest. The existing policy was adopted by Council on the 13 March 2013. Since that time the State Government has amended the Local Government Act 1989 to change the basis of how interest on unpaid rates is calculated for those opting to pay their rates in full.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

Section 172 of the Local Government Act 1989 sets out when and how Council’s can charge interest on outstanding rates and charges. Changes have recently been made to Section 172 (2) (b) (iii) which outlines the date from which interest can be charged.

The change replaced the following clause:

(iii) if the payment was payable either in instalments or in a lump sum and the first instalment was not paid by the date it was due, on and from the date on which the rate or charge was declared; and

with the new clause:

(iii) if the payment was payable either in instalments or in a lump sum, and neither the first instalment nor the lump sum were paid by the dates the first instalment or the lump sum were due, on and from the date on which each missed instalment was due.

4. Issues

Under the previous provision in the Act, interest was calculated from the date the rates were struck, that is when the budget was adopted. The legislative change means interest is now calculated from the date the instalment is due.

Circular 19/2013 Local Government Act 1989 amendments to come into effect 30 June 2013 makes it clear that where no payments have been made by the ‘payment in full due date’, it is assumed that rates are paid by instalment and interest is calculated as follows:

- 25% of rates (interest back dated to 30 September)
- 25% of rates (interest backdated to 30 November)
- 25% of rates (interest backdated to 28 February)
25% of rates (interest backdated to 31 May)

This makes the calculation of penalty equitable between ratepayers irrespective of whether they pay by instalment or lump sum.

As a result of the change to Section 172 of the Local Government Act, some Council’s have changed their policies to remove the payment in full option. This is not proposed at this time, but payment patterns will be reviewed and this will be expedited should the level of outstanding rates become unacceptable. Outstanding rates at 30 June 2013 were 7.7% against an industry benchmark of 5%.

5. Financial and Resource Implications

The proposed policy resulting from legislative change will mean that Council will recover less interest income on unpaid rates. For last financial year, Council calculated interest on rates of $183,773. Interest of $4,359 was waived giving a net collection figure of $179,414. Since this is primarily collected from ratepayers who do not pay any instalment payments, the legislative changes are likely to reduce interest received significantly. With the calculation of interest from the due date of the instalments giving a much lower interest figure, there will be less incentive for ratepayers to pay rates in full by the due date. Previously interest was calculated from the date the rates were struck when the budget was adopted.

6. Consultation

Other Councils were consulted on their interpretation of the revised legislation and on any changes to instalment arrangements that they planned to implement.

7. Conclusion

The aim of this Policy is to provide guidance to ratepayers as to their payment options and to define Council’s policy and processes regarding the collection or waiving and deferral of rates and charges and the calculation of interest on unpaid rates. The policy has been updated to reflect recent legislative changes in relation to calculation of interest.

RECOMMENDATION

That Council adopt the updated Rates and Charges – Collection and Hardship Policy.
Policy Category: Finance  
Title: Rates and Charges Collection and Hardship Policy  
Adoption Method: ☒ Council  
Review Period: ☐ Annually ☒ Other  
Responsible Officer: Director Corporate Support  
CEO Signature:  
Date Adopted: 12 March 2013  
Date Last Reviewed: August 2013  
Next Review Date: August 2015  
Date: August 2013

Purpose / Objective:

The purpose of this policy is to establish a framework for Mount Alexander Shire Council to manage:

- the payment of rates and charges, including the Fire Services Levy;
- applications to enter into special payment arrangements;
- applications to defer payment of rates and charges;
- applications to have rates and charges waived; and
- levying of penalty interest on outstanding rates and charges.

Council aims to assist those ratepayers in genuine financial distress with a policy to defer the rates and charges payable on their property and/or to waive the interest charges payable.

Who Is Affected By This Policy?

The Rates and Charges Collection and Hardship Policy applies to all payments of rates and charges but particularly to applications to Council seeking alternate arrangements for payment of rates. Typical applicants for arrangements include, but are not limited to, ratepayers suffering financial or emotional hardship.

Background / Reasons For Policy:

The Local Government Act 1989 (the Act) provides legislated payment options to facilitate the payment of rates and charges. In addition to these, Council provides additional payment frequencies to assist ratepayers to manage their debts.

The policy allows Council to ensure that monies owed are recovered in a manner acceptable to Council and the person/organisation experiencing financial hardship. Hardship can arise in numerous ways for our community. Having the means available to temporarily assist the community member to allow them time to overcome their hardship in a sensible and sensitive way is appropriate.

Under Section 170 of the Act, Council may defer, in whole or part, any payment due on the grounds of hardship.

The Act goes on to say Council may waive a whole or part of any rate or charge or interest if a person is suffering financial hardship (Section 171).

The difference between a waiver and a deferral is that a deferral suspends payment for a period of time whereas a waiver permanently exempts payment of the fee or charge under discussion.

Applications for waiver and deferral will be individually assessed against the criteria stated in this policy.
Section 170 of the Act enables Council to defer the payment for rates, charges and interest;

Section 171 of the Act enables Council to waive the whole or part of any rate, charge or interest for particular classes of ratepayers e.g. pensioners;

Section 171(a) of the Act enables Council to waive rates and charges, based on financial hardship, upon application from the ratepayer;

Section 171(b) of the Act states that: "A person may only apply for a waiver in respect of rateable land or a part of rateable land which is used exclusively for residential purposes by that person and is that person's sole or principle place of residence."

Section 172 of the Act enables Council to charge interest on unpaid rates and charges.

Section 181 of the Act, enables Council to sell land or cause land to be transferred to the Council to recover unpaid rates and charges.

The penalty interest rate is fixed by the Attorney-General under Section 2 of the Penalty Interest Act 1983 and reviewed each year.

Scope:

This policy applies to any person who is levied rates or charges, including the Fire Services Levy, within the municipality.

The policy on waiving of rates and charges applies to rateable land used for residential purposes in accordance with Section 171(b) of the Act.

This policy does not deal with the waiving of hire charges for Council facilities.

Policy Content:

Council will allow the payment of rates via a lump sum payment by the date set by the Minister and declared in the Government Gazette or by instalments as follows:

1. Payment Due Dates
   - First Instalment: 30 September
   - Second Instalment: 30 November
   - Third Instalment: 28 February
   - Fourth Instalment: 31 May
   - Full Payment (Lump Sum): 15 February

If any of the above dates fall on a non-business day, the payment date is moved to the next business day.

Reminder notices will be issued to those ratepayers who have elected to pay their rates via the instalment method.

Council will provide additional payment frequencies within the declared payment dates, to assist ratepayers in managing their debts, e.g. Centrepay and special arrangements.

2. Interest

Interest will be charged on all amounts that are overdue in accordance with Section 172 of the Act at the rate set under the Penalty Interest Rates Act 1983.

Interest payments received after the instalment due dates will be charged interest from the instalment due date.

Rates and Charges Collection and Hardship Policy Page 2 of 7
Section 172 (2) (b) (ii) states that:

- If the payment was payable either in instalments or in a lump sum and the first instalment was paid by the date it was due, on and from the date on which the relevant subsequent missed instalment was due.

Payments received after the full payment due date will be charged interest from the date the rates and charges instalments were due.

Section 172 (2)(b)(iii) states that:

- If the payment was payable either in instalments or in a lump sum, and neither the first instalment nor the lump sum were paid by the dates the first instalment or the lump sum were due, on and from the date on which each missed instalment was due;

Where no payments have been made by the payment in full due date it is assumed that rates are paid by instalments and interest is calculated as follows:

- 25% of rates (interest back dated to 30 September
- 25% of rates (interest backdated to 30 November
- 25% of rates (interest backdated to 28 February
- 25% of rates (interest backdated to 31 May

3. Special Payment Arrangements

Where ratepayers are unable to make their payments through any of the standard options listed above, a Special Payment Arrangement may be entered into. These arrangements can be made at any time during the recovery process but are subject to the following conditions:

1. All requests for Special Payment Arrangements are to be made in writing by the ratepayer.
2. Interest will continue to accrue on overdue amounts.
3. Any default from the Special Payment Arrangement may result in legal action to recover the debt without further notice.

Council will be flexible regarding the type of arrangement entered into in order to best suit the ratepayer’s circumstances but as a minimum, payments over a 12-month period must cover the annual rates and charges and any interest applied to arrears. Ratepayers who are unable to make this minimum repayment should be assessed under the financial hardship provisions of this policy.

4. Policy on the deferral or waiver of rates or charges

Deferral:

Ratepayers may have rates and charges, or part thereof, deferred subject to compliance with the following conditions:

- The ratepayer must be able to demonstrate that they are experiencing undue and unusual financial hardship.
- A confidential statement must be submitted by the ratepayer as evidence of such circumstances.
- The acceptance by the ratepayer that interest will accrue on the deferred rates and charges;
- Where a ratepayer has complied with above conditions the rate or charge or part thereof may be deferred until the property is sold or transferred or the ratepayer’s financial circumstances improves.

The ratepayer must request a review of eligibility for financial hardship relief. Assessment of financial hardship will be a subjective assessment having regard to the applicant’s income and expenses and obligations.

Waiver and Deferral:
Rates and charges will generally not be waived. However, under Section 171(a) of the Act, Council may waive rates and charges if Council considers that a ratepayer is suffering financial hardship. Ratepayers may have interest, or part thereof, waived subject to compliance with the following conditions:

- The ratepayer must be experiencing financial hardship.
- The property for which the interest waiver is being considered must be used exclusively for residential purposes and must be the ratepayer's principal place of residence in accordance with Section 171 (b) of the Act; and
- The ratepayer must request a review for eligibility of financial hardship.

Determination on applications for waiver of rates and charges will be subject to CEO approval.

Determination on applications for waiver of interest charges will be subject to Director Corporate Support approval.

Assessment of financial hardship will be a subjective assessment having regard to the applicant’s income and expenses and obligations.

If a deferral of rates and charges is approved:

- the property will be flagged as a rates deferment property and no debt recovery action will be taken; and
- a letter will be sent to the ratepayer seeking confirmation that the hardship still exists in accordance with the time-frame of the deferral.

An indefinite deferral may result in the rates not being recovered until the sale of the property, or when the property is sold upon the ratepayer’s death. Rates and charges are a first charge on a property and are always recoverable before any other charges on the property are paid.

The deferral will be deemed withdrawn on the basis of any of the following conditions:

- The ratepayer advises that the hardship conditions no longer exist;
- Periodic confirmation of ongoing hardship is not received within 30 days of the date of the request;
- The ratepayer no longer owns or occupies the property; and/or
- The ratepayer has defaulted in meeting any agreements with council in regards to the deferral.

If a waiver of interest is approved:

- the property will be flagged as an interest waiver property; and
- subject to repayment agreements, a letter will be sent to the ratepayer seeking confirmation that the hardship still exists in accordance with the time-frame determined at the time the interest waiver was granted.

The waiver will cease to apply on the basis of any of the following conditions:

- The ratepayer advises that the hardship conditions no longer exist;
- Periodic confirmation of ongoing hardship is not received within 30 days of the date of the request;
- The ratepayer no longer owns or occupies the property.

Council has the authority to withdraw any agreement at its discretion.

If a waiver of rates is approved:

- the property record will be updated to reflect the write-off of the particular debt that has been waived and interest will therefore not accrue; and
- future rates will continue to be applied to the property and a fresh application for waiver on hardship grounds will be required each year.

5. **Reporting on application of the Policy**

A report will be prepared at least annually for Council on the exercise of delegations under this policy.
6. Rate Recovery Process

Final Notices:
Where there is no Special Payment Arrangement or where there has been a default in a Special Payment Arrangement and where no approved financial hardship application exists, the following will occur:

Lump Sum Payment:
- Following the Lump Sum payment due date (15 February) a reminder notice will be issued to ratepayers who have more than $100 rates outstanding requesting payment within 14 Days.

Quarterly Instalments:
- Following the Final Instalment payment date (31 May) a reminder notice will be issued to ratepayers who have more than $100 rates outstanding, requesting payment within 14 Days.

Failure to respond to the Final Notice (by making payment in full or requesting a suitable Special Payment Arrangement) will result in the account being referred to Council’s debt collection agency for further action.

Council’s Debt Collection Agency will issue a Final Notice requesting payment within 14 days.

Solicitors Letter of Demand
Ratepayers who fail to respond to the Final Notice (by making payment in full or requesting a suitable Special Payment Arrangement) will be referred to Council’s debt collection agency for a letter demanding payment within 14 days. These letters will generally only be issued on those ratepayers who have an amount outstanding of $100 or more.

Legal Action
Ratepayers who fail to respond to the Solicitor’s letter will be referred for legal proceedings to be commenced. A summons (complaint) will be issued to those ratepayers who have an amount outstanding of $800 or more as the costs of legal action are significant and are charged to the ratepayer. This amount will be reviewed annually in light of applicable court and legal fees. (Pursuant to the Magistrates Court civil procedure rules 2010 - scale of costs).

Once a debt has been placed in the hands of Council’s debt collection agency, all negotiations with the ratepayer are to be handled by them.

Once a summons/complaint is prepared and lodged with the Court for issue, the associated legal costs become chargeable. It is then served on the ratepayer who must, within 21 days from the date of service:

- pay the claim in full plus costs; or
- request a suitable Special Payment Arrangement; or
- lodge a completed Notice of Defence with the Court (thereby giving notice of their intention to dispute the claim).

If, at the expiration of the 21 days, the ratepayer has failed to carry out any of the above, an application will be made to the Court for an Order against the ratepayer for the amount of the debt plus costs. Once an Order has been made the following execution proceedings to recover the debt will be considered depending on the history of the ratepayer:

- Summons for Oral Examination (ratepayer is interviewed by the Clerk of Courts regarding their financial situation and intentions in relation to repaying the debt);
- Letter to mortgagee (a Court Order is not necessary but this action would normally only be taken after a debtor has failed to respond to an order being obtained);
- Rent demand (on the tenant of a rented property);
- Warrant to seize goods (some goods are not able to be seized like necessary household goods, tools of trade and low valued motor vehicles).

Rates and Charges Collection and Hardship Policy
• Garnishee of wages;
• Sale of property (refer next section).

7. **Sale of Property Section 181 Local Government Act**

In addition to the debt recovery procedures available through the legal system, under Section 181 of the Act, Council has the power to sell land or cause land to be transferred to the Council to recover unpaid rates and charges.

Section 181 recovery action may apply if:

- there are Rates and Charges (including enforcement costs and interest) which are more than three years overdue; and
- there is no current arrangement for the payment of the overdue Rates and Charges; and
- there is a Court order requiring the payment or part-payment of the overdue Rates and Charges.

This action may be taken in the following circumstances, after giving regard to the ratepayer’s debt repayment record and ability to repay the debt, their age, state of health and family situation:

- **Vacant Land**: If the total amount owing is more than $5,000 or more than 25% of Council’s CIV.
- **Improved Commercial and Industrial Land**: If the total amount owing is more than $10,000 or more than 25% of Council’s CIV.
- **Residential Land**: If a property is a residential dwelling occupied by the owner and the total amount owing is more than $20,000 or more than 50% of Council’s CIV.
- If a property is a residential dwelling not occupied by the owner (for instance a rental or investment property) and the total amount owing is more than $10,000 or more than 25% of Council’s CIV.
- **Farm Land**: If a property is rated as Farm Land with a residential dwelling occupied by the owner and the total amount owing is more than $20,000 or the total amount owing is more than 50% of Council’s CIV.
- **Other Land**: For all other land if the total amount owing is more than $5,000.00 or the total amount owing is more than 25% of Council’s CIV.

Before any land is sold or transferred, it must be approved by the Chief Executive Officer.

8. **Confidentiality**

Applications for consideration of financial hardship will be treated as strictly confidential in accordance with Council’s Privacy Policy.

An applicant is required to provide their personal information to Council.

**Definitions:**

- **A deferral of payment** – suspension in whole or in part of the payment for the period of time and subject to those conditions as determined by Council. The full amount will still be eventually recovered and the outstanding amount will still incur interest.

- **A waiver** – permanent exemption from the liability to pay the whole or part of any interest charge. Rates and charges will not be subject to a waiver except by council resolution. Council Officers will determine on applications for waiver of interest.

- **Rate rebate** – a deduction from the sum to be paid. This deduction can be either a discount or a partial refund.

- **Summons (complaint)** – demand for payment issued thru the Magistrates Court incurring legal costs.

- **Summons for oral examination** (ratepayer is interviewed by the Clerk of Courts regarding their financial situation and intentions in relation to repaying the debt);

- **Letter to mortgagee** (a Court Order is not necessary but this action would normally only be taken after a debtor...
has failed to respond to an order being obtained);

**Rent demand** (on the tenant of a rented property);

**Warrant to seize goods** (some goods are not able to be seized like necessary household goods, tools of trade and low valued motor cars).

**Related Policies:**
Donations and Sponsorships Policy.

**Related Legislation:**
- Local Government Act 1989
- Penalty Interest Rate Act 1983
- Fire Services Property Levy Bill 2012
- Civil Procedures Act 2010

**References:**
- Council’s Authorisations and Financial Delegations
- Rates Waiver Application Form
1. Purpose

The purpose of this report is to enable Council to consider the establishment of a quarterly Mount Alexander Sustainability and Environment Round Table (Round Table).

2. Background

On 14 April 2009, Council established the Environment and Advisory Committee (EAC) and approved its terms of reference (TOR). The focus of EAC was on the development and subsequent implementation of Council’s Environment Strategy.

Specific membership of EAC included two councillors, the Director Environment and Infrastructure and/or Manager Healthy Environments, community members with a specific interest and/or expertise in the field, and relevant Council officers. Community members were appointed on an individual basis rather than as part of any affiliation with a community group or organisation.

By late 2012, the EAC’s TOR had expired and its core function of strategy development had been fulfilled. On 13 December 2012, the EAC was postponed to allow time for Council officers to reconsider the role of the EAC and develop new Terms of Reference.

The Round Table is proposed as an alternative to the EAC and would supersede the expired EAC. The Round Table will seek to increase collaboration and coordination between local sustainability and environment service providers and stakeholders. The principle aim of the Round Table will be implementation of Goal 4 of the Mount Alexander Shire Council Plan 2013-2017 - Building Sustainable Communities.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

The Round Table will take a lead role in the delivery of the Mount Alexander Shire Council – Council Plan 2013-2017, specifically, Goal 4 - Building Sustainable Communities.

The Council Plan states:

‘Building sustainable communities’ is a broad goal that incorporates good land use planning, careful financial management, supporting our communities, advocating for flexible housing options, and responsibly meeting our future food, energy, water and waste needs. Sustainability in Mount Alexander Shire is about making decisions now that mean we can hand the Shire to future generations in a better condition than it is today.’

Goal 4 includes a number of strategies (e.g. Collaborate with the Community to Protect and Celebrate our Natural and Built Environment). The Council Plan states that these strategies will be implemented through actions in Council’s Annual Plans. The Council has a number of other documents that relate to Goal 4.

Specifically, the:

- Domestic Waste Water Management Plan
- Environment Strategy
- Greenhouse Action Plan
- Harcourt Town Centre Action Plan
- Heritage Strategy
Housing Needs Paper
Long Term Financial Plan
Partnership and Funding Priorities
Roadside Conservation Management Plan
State of the Environment Report
Sustainable Water Use Plan; and
Waste Management Strategy.

As the Council Plan is the preeminent Council document, and has been developed most recently and with extensive community consultation, it is fitting that this document orientates the operation of the Round Table. The Round Table will consider the above subordinate documents as appropriate.

4. Issues

The proposal is to replace the EAC with a new community-based Round Table. The purpose of the Round Table will be to act as a catalyst to facilitate collaboration and coordination between the many and varied local stakeholders actively working in Mount Alexander Shire.

Round Table agenda and actions will be community driven. Round Table navigation will be nested in the strategies contained in the Mount Alexander Shire Council Plan 2013-2017 Goal 4 – Building Sustainable Communities. The Round Table will be able to decide what it talks about but topics should connect with the delivery of the Council Plan.

Round Table membership will include nominated representatives of organisations that deal with issues of sustainability and environmental management and who are in a position to share the ideas of their organisation and mobilise action to assist in the achievement of positive outcomes.

Public consultation on Council’s sustainability and environment documents will still occur, both through the Round Table and through other fit-for-purpose mechanisms.

As the agenda for the Round Table is to be community driven there is potential for the Round Table to want to discuss contentious issues. It will be important to communicate and reiterate that the discussion of contentious issues is permitted and the views of Round Table members are not those of Council. Indeed, the Round Table will not be articulating a perspective as an entity in respect to any issue.

The Round Table model will be evaluated annually to determine its effectiveness.

5. Financial and Resource Implications

There will be limited costs associated with the running of the Round Table.

6. Consultation

Consultation was undertaken with a small number of people that were on the EAC and a small number of people who are likely to participate in the Round Table.

Respondents felt that the Round Table concept was a good idea. They particularly support it being composed of representatives of organisations, as opposed to individuals with an interest in the subject matter.

Respondents also communicated that for the Round Table to attract community participation, it should be led by and include Council representation at the highest levels such as Councillors and members of the Council’s Executive Management Team.

It became clear during the consultation process that the Round Table would benefit from alignment with the strategic direction outlined in the Council Plan in terms of its purpose and deliverables.
7. Conclusion

The establishment of a quarterly Mount Alexander Sustainability and Environment Round Table (Round Table) is proposed as an alternative to the Environment Advisory Committee. The Round Table will assist in the delivery of the Council Plan and the related community desire for a sustainable community.

RECOMMENDATION

That Council:

1. Establish the Mount Alexander Shire Council – Sustainability and Environment Round Table and nominate a Councillor as the Chair; and

2. Evaluate the operations of the Sustainability and Environment Round Table following the fourth quarterly meeting.
10. DELEGATES REPORTS

11. NOTICE OF MOTION

12. URGENT SPECIAL BUSINESS

13. MEETING CLOSE