

# **HEPBURN SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

7pm Tuesday

15 May 2007

Smeaton Community Centre & Bowling Club Rooms  
3514 Creswick/Newstead Road  
Smeaton

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## HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

### **VISION STATEMENT:**

**Hepburn Shire will be a vibrant, creative rural Shire with strong and healthy connected communities. Our Council will govern with integrity and inclusiveness. Our natural environment, productive agricultural land and rich heritage will remain valued and protected as assets for residents and visitors to appreciate and enjoy.**

Council has in the COUNCIL PLAN established 5 objectives to enable your Team of Councillors and Officers to move forward.

### **Objective One – Strengthening Communities**

Council will engage with and support our diverse communities to realise their potential and determine and achieve their aspirations.

- 1.1 To be a leader in community consultation, advocacy & engagement
- 1.2 Enhance community connectedness, capacity building and leadership
- 1.3 Enhance external relationships

### **Objective Two – Service Delivery**

Council will deliver responsive services to our community within available resources.

- 2.1 Improve service delivery
- 2.2 Improve internal and external communication
- 2.3 Further develop the range of facilities and programs

### **Objective Three – Asset and Resource Management**

Council will effectively manage our assets and resources to create a better Shire for our community.

- 3.1 Improve the management of our assets
- 3.2 Foster & encourage leadership
- 3.3 Responsible financial management
- 3.4 Promote and encourage innovation
- 3.5 Tight, sharp, focussed, professional administration

### **Objective Four – Economic Development**

Council will strengthen our local economy by working in partnership with business and community.

- 4.1 Develop partnerships with educational and research organisations
- 4.2 Promote and market the Shire
- 4.3 Encourage and support diversity of economic activity and employment

### **Objective Five – Heritage and Environment**

Council, in partnership with our community will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.

- 5.1 Promote & practise environmental management and sustainability
- 5.2 Respect and honour our unique historical and cultural attributes

*Council has committed itself to these philosophies, to the five objectives, to the strategies of implementation and to being accountable to all of the Hepburn Shire.*

*Hepburn Shire is a wonderful home for all of us. Our Council Plan and the Community Plan provide a direction for the future.*

**MINUTES OF THE ORDINARY MEETING  
OF THE HEPBURN SHIRE COUNCIL WILL BE HELD AT  
SMEATON ON 15 MAY 2007,  
COMMENCING AT 7 PM**

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**CR DAVID SMITH JP – MAYOR 2006-07**  
**16 MAY 2007.**

## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land the Jaara people 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.

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**PRESENT:** Mayor, Cr David Smith; Councillors, Janine Booth, Tim Hayes, Bill McClenaghan and Heather Mutimer.

**IN ATTENDANCE:** Chief Executive Officer, Victor Szwed; Director Infrastructure & Development, Rod Conway; Director Corporate Services, Chris Cowley; Manager Planning, Sylvester Tan; 18 Public and 1 Press.

The Mayor to opened the meeting at 7.02pm with a reading of the Council prayer.

### OPENING PRAYER

Almighty God, we ask your blessing upon this council.  
direct and guide our deliberations.

We ask you to grant us wisdom and sensitivity as we deal with  
the business of our Shire.

May each decision that we make advance the wellbeing of all our  
residents.

This we pray. Amen

1. **APOLOGIES:** Nil
2. **DECLARATION OF PECUNIARY INTEREST:** Nil
3. **CONFIRMATION OF MINUTES:**

#### 3.1 **ORDINARY MEETING OF 17 April 2007**

##### **Recommendation:**

*That item 3.1 Minutes of the Ordinary Meeting of Council held on 17 April 2007 (Attachment 1), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.*

##### **Moved the Officer's Recommendation**

**Moved:** Cr Tim Hayes  
**Seconded:** Cr Janine Booth

**Carried.**

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## 4. PETITIONS AND PUBLIC QUESTION TIME

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This part of the Council Meeting allows 30 minutes for:

- tabling of petitions by Councillors and Officers;
- questions to be asked by members of the public on general matters or on specific items appearing elsewhere in this Agenda.

Where you have more than one question or questions are lengthy or complex it would assist if you could provide a written copy so that we can accurately record it and respond. If you have more than one question please indicate this. In the interests of fairness and equity, one opportunity is normally provided for any person during this part of the Meeting.

Questions may be taken on notice and responded to later. Separate forums and Council processes are provided for deputations or for making submissions to Council.

If you have questions about specific items in this Agenda, Council encourages you to attend the Agenda Meeting held a week before the Council Meeting. This allows reasonable time for us to consider your question or comment before making the decision at the Council Meeting.

### PETITIONS

#### 4.1 PETITION – BICKLEY’S COTTAGE – COSMOPOLITAN HOTEL

(A/O – Director Infrastructure & Development)

File Ref: 4/1635/01650

#### Synopsis

A petition containing 164 signatures was tabled at Council's 17 April 2007 Ordinary Meeting, requesting Council to avoid demolition of Bickley's Cottage which is located in the grounds of the Cosmopolitan Hotel, Trentham. A planning application to subdivide the Cosmopolitan Hotel site has been lodged with Council.

#### Report

The petition states:

*“Bickley’s Cottage; Grounds of Cosmopolitan Hotel*

*We the residents of Trentham and District deplore the proposal to demolish Bickley’s Cottage, Cosmo Road, Trentham.*

*We urge the Hepburn Shire Council to avoid demolition of the cottage at all costs and to consider instead the redrawing of the boundaries or relocation of the cottage.”*

The petition contains 164 signatures and was collected mainly from the Trentham Post Office, Trentham Hotel and Trentham Grocery Store from March 3 until April 16, 2007.

As the planning application for subdivision is to be considered by Council at this meeting it is recommended that Council take into consideration the petition when deciding upon the planning application.

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#### **4. PETITIONS AND PUBLIC QUESTION TIME**

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##### **Relevant Policies / Council Plan implications:**

Council Plan – Objective 5 – Heritage & Environment

##### **Community / Engagement / Communication / Consultation:**

The planning application has been advertised and made available for public review. TRATA has also organised a public meeting in Trentham.

##### **Financial & Resource Implications Initial & Ongoing**

Nil.

##### **Recommendation:**

*That Council:*

- 4.1.1 *That the petition be noted and considered by Council when deciding upon the planning application to subdivide the Cosmopolitan Hotel site in Trentham.*
- 4.1.2 *That the head petitioner be advised of Council's decision relating to the planning application.*

**Moved the Officer's Recommendation.**

**Moved: Cr Heather Mutimer**

**Seconded: Cr Tim Hayes**

**Carried.**

#### **PUBLIC QUESTION TIME:**

1. **Roy – Trentham re Bickley's Cottage**
2. **Lynton Shannon**
3. **Trentham resident re Cosmo**
4. **Cosmo Owner**
5. **Jim – Survey Cosmo**
6. **John Toose – re Road Name  
Change Daylesford – Clunes Road, change to Smeaton – Clunes &  
Smeaton – Daylesford or Blampied.**

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## 5. REPORTS FROM COUNCILLORS

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### **Cr Tim Hayes Cameron Ward**

Cr Tim Hayes spoke to written notes on various meetings and forums attended.  
Notes follow:

Since the last Council meeting, I have attended meetings of the Clunes Town Hall Committee of Management, the Tourism Advisory Committee, the Clunes Free Lending Library Reserve Committee of Management and meetings associated with the Council Budget.

On Saturday 21 April I attended a regional meeting of the Mechanics' Institutes of Victoria held in Malmsbury. There is some 560 Mechanics Institutes in Victoria and they were originally established as centres for learning, lectures and research. Today, only a few have specialist uses consistent with their original purpose and the vast majority serve as local community halls with a multitude of uses. In all, some 4000 volunteers manage these halls for community purposes but sadly many of the buildings – like the Clunes Former Free Lending Library – are in a state of disrepair.

Since the last Council meeting, the Central Highlands Regional Library Corporation has met and considered its Annual Budget and in line with a resolution by the Board, the contributions by the member Councils have been contained to within a 5% increase. The contribution by Hepburn Shire will be \$253,698, representing a 4.43% increase on this current year.

The Anzac Day ceremony in Clunes was once again well attended on 25 April. World War 11 veteran Larry Downes, who recounted his experiences on the Kokoda Trail, filled the Clunes Town Hall to capacity to hear a very emotive address.

On Monday 7 May I was pleased to represent Council at the University of Ballarat, School of Business, Awards for Academic Excellence 2006. The Hepburn Shire Council Award for an Industry placement was presented to Kathleen Thomas for her achievement as the best student in Tourism Products and Services and she will work in our Tourism Office later in the year. Of the 37 awards presented, only two provided for industry placements and – as indicated by Professor Chris Robinson, Head of the School of Business - these are highly regarded by the University.

The Hugh Williamson Foundation has been a great benefactor to the township of Clunes over the past 8 years or so and on Wednesday 9 May, the Trustees of the Foundation visited Clunes to inspect the work carried out on the Creswick Creek Walk and Queens Park. The Foundation contributed \$120,000 towards these works and the visit was an opportunity to acknowledge and thank the Trustees for their generosity in regard to this project, and previous projects.

At some time in the near future I will be asking council to acknowledge the work undertaken by two local residents in restoring the Fountain at Queens Park. The Fountain was erected in 1877 to mark the Jubilee of Queen Victoria but it has been some 40 years since water flowed from this very historic structure. Les Carey and David Coleman undertook the restoration and re-commissioning of the Fountain at no cost to Council. This work involved literally hundreds of hours of volunteer labour on their part and is indicative of the spirit of volunteerism that exists in Clunes.

That same spirit of volunteerism was evident last Saturday when about 50 or 60 people participated in a clean up of the 21 buildings that will be used for the Booktown for a Day event next Saturday. Some of these buildings had not seen the light of day for many



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## 5. REPORTS FROM COUNCILLORS

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years and it was most gratifying to witness so many people becoming involved in an event that is likely to attract thousands of visitors to Clunes next Sunday.

### **Cr Heather Mutimer Coliban Ward**

Cr Mutimer spoke to written notes on various meeting and forums attended, including the extraction of bore water at Musk for bottling elsewhere. Notes follow:

The month of May is always a busy month in the Council calendar with preparation for the formulation of the annual budget which involves a number of extra meetings in addition to normal council meetings and duties.

Since the last Council meeting and in addition to the normal/regular Council meetings, I have chaired the April meeting of the Heritage Advisory committee meeting which was held at Creswick. As Councillors will note from the recommendations coming forward from this committee its members are very active and passionate about heritage issues within our Shire. The Manager of Planning who is the officer designated to this committee is proving to be a very valuable asset with his wide knowledge of heritage related matters.

As the Councillor delegated to represent Council on the 'Building Communities Leadership Journey' Advisory Group I have pleasure in reporting that the course has begun with the first sessions taking place at Trentham on the 23<sup>rd</sup> & 24<sup>th</sup> April. With the CEO I attended the opening of the course which will no doubt prove to be a very valuable and rewarding experience for all those participating. Yesterday I travelled to Melbourne to attend a meeting of the Advisory Group at the VLGA offices. As this project is a pilot project it is very much a learning experience not just for the participants but also the organizers and partners

Some of the other meetings/events I have attended since the last meeting have included the following:

- \*Chairing the Leonard's Hill Hall Committee tri/annual meeting.
- \*Daylesford Community Park meeting. A report and briefing will be coming to the next Councillor 'Briefing Meeting'.
- \*Meeting with constituents in relation to Coliban Rd/Springhill Rd. Intersection
- \*Meeting with applicants/objectors re;Cosmo Hotel site subdivision
- \*Public meeting re; above
- \*Meeting & phone conversations with Musk residents concerned about extraction of bore water for bottling: This issue is causing growing concern in the community and rightly so. A property (rich agricultural land) which has recently been subdivided and partly sold is I understand being permitted to transfer its existing bore license previously used for irrigation to a Melbourne bottling company. Heavy tankers have already been sighted travelling along the narrow Musk roads. People are asking "how can this be allowed in times such as these", especially when their ground water supply will be affected as some say it has already been as a result of irrigation. But at least with irrigation some of the water seeps back into the ground and into the nearby waterways. What economic benefit does this type of extraction bring to the local economy and environment? I am told by Murray Goulburn water that a 'commercial license' does not determine the type of commercial use for which the water is being extracted and is controlled by a relevant 'Act of Parliament' not the water authority. I am also told that there is no hydrology testing done on private bores. This whole issue relating to bore licences is a serious issue which needs further investigation. Concerns should be sent to the relevant Government Minister and water authorities. I have a letter from a local resident to table at the May meeting and intend to provide a more detailed report and a 'notice of motion' for a future meeting. As a

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## 5. REPORTS FROM COUNCILLORS

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recent article in the Courier highlights the social/environmental impacts of bottled water is proving to be an issue of concern/debate in other parts of the world.

\*Attended first game of the season for the Trentham Saints.

\* Open Day Trent ham Neighbourhood House.

### **Cr Janine Booth Creswick Ward.**

Cr Booth spoke to written notes on various meetings and forums attended.

### **Cr Bill McClenaghan Holcombe Ward**

Cr McClenaghan spoke to written notes on various meetings and forums attended, with particular emphasis on the MAV State Council. Notes follow:

Another busy month with extra efforts made to finalize the Shire Budget at a time when State and Federal Governments are doing likewise. But rather than outline the numerous activities and meetings I have attended since Council last met in April, this report is centred around just one of the events I attended last week in Melbourne being the M.A.V. State Council.

Each year the Municipal Association of Victoria holds its State Council which is a forum of all member Victorian Councils. As well as being a valuable face to face information exchange and a chance to meet up with Council colleagues from all over, it is an opportunity to consider and debate the hot topics within local government. This time, about 70 motions were considered from member Councils although some were so similar that they were combined or otherwise amended. Many went straight through. Some were controversial producing lively debate.

One such motion for better remuneration of Councillors is a very current topic right now and received a variety of responses. Just about everyone considers that a Councillor's allowance (that can be as low as \$5,000 pa in small municipalities) is inadequate and does not represent the value of the skills required or the services provided. However, there was a feeling expressed and applauded that a Councillor's role is one of service to the community and that those of us who do it for this reason are not overly interested in the level of remuneration. Some Councillors thought that any way of increasing the monetary take home pay was worth pursuing even by pursuing payment of sitting fees, accommodation and transport expenses for attending MAV committees. Others thought that a Councillor should not travel half way across the State for a one hour meeting and claim every applicable cost. Many thought that this would only increase the financial drain on MAV and increase membership fees to cover it. Here I joined the debate and argued that the issue of better remuneration for Councillors should be pursued generally with the State Government and not left to us to pick up scraps here & there or running up our expense accounts to compensate. The motion to pay sitting fees and expenses for attending MAV committees was duly defeated.

The State Council opened with an address from The Hon. Richard Wynne, Minister for Local Government. The Minister has been a Councillor before entering State Parliament and a former Melbourne Lord Mayor. He is sympathetic to better remuneration for Councillors, who have not had an increase for years & years. He announced the formation of a panel to examine the issue although there is some disquiet about its membership notably from the VLGA. The Minister also outlined the benefits for local government in the new state budget.

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## 5. REPORTS FROM COUNCILLORS

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Local Government is indeed the poorest tier of government in Australia with very limited ability to raise funds. We rely upon the wealthier State & Federal Governments for grants so that we can operate. The Federal Government used to fund Councils with 1% of taxation revenue. This has fallen to 0.66% although other funding like Roads to Recovery and Black Spot funding have increased; the former will increase from \$300 million pa to \$350 million pa after 2010. Unfortunately this coming financial year there is not a lot in the Federal Budget for Councils.

By contrast, the State Budget is good news for Councils especially in the areas of library funding and affordable housing although some areas have been cut back.

The MAV has been addressing a major problem area in local government, being the infrastructure funding gap whereby a Council's assets are deteriorating at a faster rate than they can be renewed. Small rural Councils in particular tend to allocate less funds than needed for renewing old assets because of limited financial resources. Two MAV strategies address this issue as follow;

1. Step Management Plan (for engineers) and
2. MAV Council Viability Index (for accountants).

The MAV presented awards to various Councils for their individual performances in asset management and annual financial reporting. Unfortunately Hepburn didn't collect any gongs again this year. What is interesting to note is that one small rural Council recently named in the bottom financial three for non-viability received a commendation for significant improvements in its asset management. This shows how differently engineers and accountants do things.

MAV (and Hepburn Shire) are not impressed with a report recently published by Fiscal Star on the economic viability of Councils. It is a very unfair comparison of rural against metropolitan and small against large. For example, the City of Port Phillip raises about \$20 million pa in parking fines whereas this is more than our total annual Budget. Hepburn Shire was listed in the bottom five Councils with a "one star" rating, an assessment that is not consistent with the MAV Viability Index. Only two large metro councils got a "five star" rating. MAV estimates that over 50% of Fiscal Star's assessments are just plain wrong !

Some good news about to be officially announced through MAV is that Council's insurance premiums are coming down in the next financial year. After years of high premiums, the industry has softened and our insurer, CGU, is passing on the savings. This is a reward to the local government sector for sticking with CGU through the MAV in the years when most insurance companies would not insure for reasonable premiums and cover the activities of small community groups.

In other news, Queensland is now moving into a process of Shire amalgamations like Victoria did in the 1990's. The number of municipalities is to be reduced from over 100 down to about 63. Provided we in Victoria can address our viability issues, the dreaded "a" word will not be heard here again.

### **Cr David Smith Birch Ward**

Cr Smith spoke to written notes on various meetings and forums attended. Notes follow:

- VLGA. Seminar in Melbourne with Cr. Booth.
- Attended the Opening of the 11<sup>th</sup> Swiss –Italian Festa Landscape Art Exhibition

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## 5. REPORTS FROM COUNCILLORS

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- Workshop 3<sup>rd</sup> Budget followed by Forward Planning meeting.
- Anzac Day services at –
  - Eganstown- over 60 people in attendance and growing each year.
  - Kingston- laid the wreath on behalf of the Hepburn Shire.
  - Daylesford - together with Cr. Bill
- Attended a meeting at the Senior Citizens Rooms in Creswick  
To discuss some of the concerns some members have.
- Briefing meetings
- Met with the C.E.O. from the sister Council in New Zealand.
- Apology for the Agenda meeting last week.

### **Recommendation:**

*That Council:*

5.1 *Receive and note the reports of Councillors.*

### **Moved the Officer's Recommendation.**

**Moved: Cr Bill McClenaghan**

**Seconded: Cr Heather Mutimer**

**Carried.**

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## 6. GOVERNANCE MATTERS

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### 6.1 MARCH 2007 FINANCIAL REVIEW

(A/O – Director Corporate Services)

File Ref: 30/08/14

#### Synopsis

A review of the Council's expenditure to the 31<sup>st</sup> March 2007 has been undertaken across the organisation. There are a number of areas where it is expected that there will be variances and explanations are provided. The overall forecast at this stage indicates a surplus of \$107,025.

#### Report

The March 2007 review has now been completed and is presented for Council's information.

As per the motion moved at the April 2007 Council Meeting the managers have comprehensively examined their program areas and reported on any variations to the original budget. These variations are based upon \$5,000 greater than original budget or 5%, whichever is greater.

There are a number of areas that have been identified where there is likely to be a variation from the original budget. With the exception of the Capital and projects section the variances are shown in the attached report along with comments on each.

The Capital and Projects section which is presented as a separate attachment includes all items with comments on the progress of each and noting any variances anticipated.

The majority of adjustments are relatively small or relate to expenditure that is covered by additional income sources such as grants.

Some areas to note are an increase in rate revenue and municipal charge due to supplementary activity, increase in interest which is a combination of increased interest rates and funds available to invest. Other areas worth noting are planning where there has been a conscious decision to increase resources; this has been partly offset by increased fees in this area and the building area. The parks and reserves section has seen some reallocation of resources from areas such as mowing due to the drought to other maintenance activities. Overall they are travelling reasonably well.

The increase in the surplus has come principally from the three main areas mentioned in the previous paragraph being:-

Rate Revenue	\$ 28,200
Municipal Charge	\$ 8,600
Interest on investments	<u>\$ 71,700</u>
Total	<u>\$108,500</u>

Where there have been some overruns with unbudgeted expenditure such as the drought initiative or a decision to provide additional resources e.g. planning these have been offset by savings. The savings have generally been achieved within the same budget area with some support coming from other program areas where necessary.

Both the mineral reserves and waste management sections have been reconciled and adjustments made to the transfers to/from reserves to ensure that they remain self funding.

The net result is forecast to be an increase in the expected surplus from \$350 to \$107,025. Close monitoring of the budget will still be required to ensure that a surplus is achieved. It would be unwise to make commitments to expend any of this projected

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## 6. GOVERNANCE MATTERS

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surplus at this stage as it is certain to vary between 31 March and the end of year reconciliations.

### **Relevant Policies / Council Plan Objectives**

The Management of Council financials is in line with objective 3.3 of the adopted Council Plan 2006 – 2011.

### **Community / Engagement / Communication / Consultation:**

The Budget was prepared with considerable community input.

### **Financial & Resource Implications Initial & Ongoing**

Forecast surplus of \$107,025

### **Recommendation:**

*6.1.1 That Council receive and note the March 2007 Financial Review*

**Moved the Officer's Recommendation.**

**Moved:** Cr Tim Hayes  
**Seconded:** Cr Janine Booth  
**Carried.**

**6. GOVERNANCE MATTERS**

**6.2 MONTHLY FINANCIAL REPORT 1/7/06 – 30/04/07**

(A/O – Director Corporate Services)

File Ref: 30/08/14

**Synopsis**

A summary report on the Council's financial performance for the financial year to the 30 April 2007 is provided for information.

**Report**

The report shows the annual budget and year to date actuals with a percentage calculation based on the actual expenditure or income to the end of the reporting period. This should be viewed against the percentage of year completed which is shown in the report heading of 83%.

**Hepburn Shire Council  
Monthly Financial Report April 2007  
Percentage of year complete 83%**

	Annual Budget 000's	Actual April 07 000's	Percentage of Budget
<b>1. Administration</b>			
Expenditure	4,706	3,719	79%
Income	(10,687)	(10,179)	95%
<b>1. Administration</b>	<b>(5,981)</b>	<b>(6,460)</b>	
<b>2. Human And Community Services</b>			
Expenditure	2,216	1756	79%
Income	(1,573)	(1,333)	85%
<b>2. Human And Community Services</b>	<b>643</b>	<b>422</b>	
<b>3. Regional Development/promotion</b>			
Expenditure	1,750	1562	89%
Income	(466)	(447)	96%
<b>3. Regional Development/promotion</b>	<b>1,284</b>	<b>1114</b>	
<b>4. Public Safety</b>			
Expenditure	586	448	76%
Income	(244)	(268)	110%
<b>4. Public Safety</b>	<b>342</b>	<b>180</b>	
<b>5. Recreation</b>			
Expenditure	1,124	1086	97%
Income	(127)	(123)	97%
<b>5. Recreation</b>	<b>997</b>	<b>964</b>	
<b>6. Infrastructure Development</b>			
Expenditure	4,442	4073	92%
Income	(3,112)	(2,515)	81%
<b>6. Infrastructure Development</b>	<b>1,330</b>	<b>1558</b>	

**6. GOVERNANCE MATTERS**

**Hepburn Shire Council  
Monthly Financial Report April 2007  
Percentage of year complete 83%**

	<b>Annual Budget 000's</b>	<b>Actual April 07 000's</b>	<b>Percentage of Budget</b>
<b>7. Waste &amp; Environment</b>			
Expenditure	1,314	997	76%
Income	(1,410)	(1,420)	101%
<b>7. Waste &amp; Environment</b>	<b>(95)</b>	<b>(423)</b>	
<b>8. Unclassified</b>			
Expenditure	86	6	7%
Income	(233)	0	0%
<b>8. Unclassified</b>	<b>(147)</b>	<b>6</b>	
<b>9. Capital Works And Projects</b>			
Expenditure	6,590	2,770	42%
Income	(4,964)	(691)	14%
<b>9. Capital Works And Projects</b>	<b>1,626</b>	<b>2,079</b>	
<b>Report Total</b>	<b>(0)</b>	<b>(561)</b>	

The report has been produced at a summary level to provide Council with a snap shot as at the end of April 2007. There are a number of areas where the percentage varies significantly from the year completed percentage they are:-

Administration – Income. This relates to the recognition of all the rate income being included in the July figures which is when it is raised.

Human and Community Services – Expenditure. Some of this work is provided under contract with contract payments traditionally a month behind, e.g. the April account is normally paid in May.

Regional Development/Promotion - Expenditure: Additional staffing resources in Planning. Income - Increased activity in Planning and Building.

Public Safety – Expenditure. Environmental officer commenced in Jan 07.

Public Safety – Income. This relates mainly to health regulation fees due in January 07 and animal registrations where virtually all income is received by the end of April.

Recreation – Expenditure: Expected to exceed Budget, additional expenditure undertaken in Mineral Springs Reserves, this will be offset by a transfer from the Reserve.

Infrastructure Development - Expenditure. This is lumpy due to large contract works ie road seals which are traditionally undertaken over summer. These works have now been completed. Works will now only relate to maintenance issues.

Waste & Environment – Expenditure. The majority of this work is provided under contract with contract payments traditionally a month behind, e.g. the April account is normally paid in May.



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## 6. GOVERNANCE MATTERS

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Waste & Environment – Income. This relates to the recognition of all the income for the Waste Management Charge, Garbage Charge and Recycling charge being included in the July figures which is when they are raised.

Unclassified –Expenditure & Income. Transfers to and from reserves are carried out at the end of year.

Capital & Projects – Expenditure & Income. Projects in this area are traditionally lumpy as such were reported on separately at the March quarterly review.

### **Relevant Policies / Council Plan Objectives**

The Management of Council financials is in line with objective 3.3 of the adopted Council Plan 2006 – 2011.

### **Community / Engagement / Communication / Consultation:**

N/A

### **Financial & Resource Implications Initial & Ongoing**

Nil.

### **Recommendation:**

6.2 .1        *That the April 2007 finance report be received and noted.*

### **Moved the Officer's Recommendation**

**Moved:**                      **Cr Tim Hayes**  
**Seconded:**                **Cr Bill McClenaghan**  
**Carried.**

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## 6. GOVERNANCE MATTERS

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### 6.3 COMMUNITY & EVENTS GRANTS PROGRAM

(A/O – Executive Assistant)

File Ref: 30/14/03

#### Synopsis

Twenty-one applications have been received seeking funds under Council's Round 2 2006/07 Community & Events Grants Scheme.

#### Report

Council's Community & Events Grants Scheme provides \$30,000 of assistance each year to community groups and individuals. The funding has a strong focus on assisting new programs, one off projects and other innovations, which may have general benefits to our community. A portion is also to be directed to community events and festivals.

The 21 applications received total around \$40,055. Approximately \$9,000 is normally available to be allocated in this second round plus around \$3,480 of further funds are uncommitted.

The Objectives and Eligibility Criteria together with comments from the relevant officers have been provided to councillors in a confidential report to assist with the process. Councillors have also been offered the opportunity to view the individual applications to assist. At the Draft Agenda Meeting it was agreed that comments would be provided on changes to the recommendations and shared with other Councillors so that all or most applications could be determined at this Council Meeting.

The applications have been reviewed against the criteria and other funding programs have also been taken into account. Some applications should be considered under alternative funding programs.

#### Relevant Policies / Council Plan Objectives

In accordance with the 2006 – 2011 Council Plan:

1. Strengthening Communities
2. Service Delivery

#### Community / Engagement / Communication / Consultation:

Notification of Round 2 was advertised and promoted in the Advocate, the Courier, some Community Newsletters and on Council's website. Applications forms were available at Council's counters, by mail and be downloaded from Council's website.

#### Financial & Resource Implications Initial & Ongoing

Budget Allocation - \$30,000 (Account No. 1250 039) of which \$16,970 has been expended so far and around \$550 in grants approved are yet to be drawn. This leaves some \$12,480 available to be distributed.

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## 6. GOVERNANCE MATTERS

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### Recommendation:

*That Council:*

6.3.1 *Determine grants under Round 2 of the 2006-07 Community and Events Grants program.*

6.3.2 *Note that a number of other applications are being channelled into more appropriate funding programs.*

### Motion moved at Meeting;

Total amount proposed to be funded Round 2 2006/07	\$10,350
Community Grants 1250 039	\$ 9,450
CCALO 4300 001	900

### Recommendation:

*That Council:*

6.3.1 *Make available the amounts listed to the following organisations from the Community Grants Program totalling \$9,450:*

*St John Ambulance \$1,900*

*Hepburn wildlife shelter - \$1,000*

*RARD Rural Australians for Refugees Daylesford & District - \$400*

*Creswick Men's Friendship Shed - \$2,000*

*Creswick Theatre Company Inc - \$1,000*

*Clunes Angling Club - \$1,000*

*07 Men's Health Evening - \$500*

*Glenlyon Recreation Reserve Committee - \$700*

*CWA - \$400*

*Clunes Probus Club - \$300*

*Trentham Residents & Traders Association \$250*

6.3.2 *Make available the amounts listed from the CCALO fund totalling \$900:*

*Wax Lyrical Events 2007/08 - \$400*

*Cocoon Exhibition – Community Art Exhibition - \$500*

6.3.3 *Note that a number of other applications are being channelled into more appropriate funding programs two will be further reported on once additional information is obtained and that one application is to be determined as part of 2007-08 Budget bids.*

Moved: Cr Heather Mutimer  
Seconded: Cr Bill McClenaghan  
Carried.

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## 6. GOVERNANCE MATTERS

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### 6.4 CLOSURE OF ROAD RESERVE ACCESSING MIDDLE SWAMP - CLUNES

(A/O-Manager of Operations)

File Ref: 58/02/04

#### Synopsis

This report provides information on the request from the Department of Sustainability and Environment for the closure of a road reserve accessing the Middle Swamp Wildlife Reserve in Clunes

#### Report

Council has received a request from the Department of Sustainability and Environment for the closure of the road that services part of the Middle Swamp Reserve in the Parish of Eglinton near Clunes.

The road is an unmade, unnamed road reserve that has no requirement for public access to the Middle Swamp wildlife reserve and therefore Council should support the closure.

This reserve is serviced by road reserves both to the western and southern boundaries (Refer Attachment Ref GP 2370).

#### Relevant Policies / Council Plan implications:

##### Council Plan Objective 3

Asset and Resource management- improve the management of assets through rationalisation and closure of assets

#### Community / Engagement / Communication / Consultation:

Communication with the Department of Sustainability and Environment, State Government agency responsible for the crown road reserve

#### Financial Implications

Nil

#### Recommendation:

*That Council:*

6.4 .1 *Concur to the closure of the Government Road North of Crown Allotment 74H; Section 8 Township of Eglinton pursuant to Section 349 of the Land Act 1958.*

6.4.2 *Sign and seal the Consent to Closing of Road form.*

#### Moved the Officer's Recommendation.

Moved: Cr Tim Hayes  
Seconded: Cr Janine Booth  
Carried.

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## 6. GOVERNANCE MATTERS

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### 6.5 ARC – MONTHLY REPORT

(A/O – Director Infrastructure & Development)

File Ref: H164

#### **Synopsis**

Monthly report on the ARC project.

#### **Report**

Works are progressing as per program on-site.

S J Weir, the building contractor appointed for this project has completed:

- Gymnasium renovations;
- Canteen works;
- School change room renovations;
- Sewer & stormwater works;
- Structural steel frame erected for 2 court stadium; and
- Roof cladding for 2 court stadium.

Works in progress:

- Wall cladding for 2 court stadium;
- Stumps for flooring 2 court stadium; and
- Theatre lighting and sound equipment.

The internal renovation works (school component) have been completed and handed back to School. The new building (Council component) hand-over is still planned for November 2007 at the latest.

#### **Relevant Policies / Council Plan implications:**

Council Plan – Service Delivery

#### **Community / Engagement / Communication / Consultation:**

Extensive community consultation and engagement has occurred with this project.

**6. GOVERNANCE MATTERS**

**Financial & Resource Implications Initial & Ongoing**

As at 30 April 2007:

ARC - DAYLESFORD REC CENTRE BUDGET	REVISED BUDGET	ACTUALS 2002/2003	ACTUALS 2003/2004	ACTUALS 2004/2005	ACTUALS 2005/2006	ACTUALS 2006/2007	TOTAL ACTUAL 30-Apr-07	PROJECTIONS 30-Apr-07
<b>EXPENDITURE - 9550 815</b>	Dec-06					<b>30-Apr-07</b>		
Architect & Sub consultants	\$ 124,500			19,400	101,100	3,083	\$123,583	\$ 124,500
Contract Admin	\$ 5,500					4,114	\$4,114	\$ 7,500
Building 2 courts, entry, kiosk & amenities	\$ 1,529,228					215,008	\$215,008	\$ 1,529,228
Variations 2 courts, entry, kiosk, etc	\$ 75,000						\$0	\$ 75,000
Building School refurbishment	\$ 302,730					302,730	\$302,730	\$ 302,730
Variations School building refurbishment	\$ 257,270					5,995	\$5,995	\$ 260,000
Legals	\$ 1,500						\$0	\$ -
Planning Permit	\$ 2,100			96	1,975		\$2,071	\$ 2,100
Tender costs	\$ 1,500					676	\$676	\$ 700
Opening function & marketing	\$ 5,000					183	\$498	\$ 5,000
Fitout - equipment & furniture	\$ 25,000						\$0	\$ 25,000
Fundraising Committee	\$ 12,094	120	11,974				\$12,094	\$ 12,100
Carparking	\$ -						\$0	\$ -
Drainage & Authority Headworks Charges	\$ 70,000					66,646	\$66,646	\$ 66,700
Contingencies	\$ 30,578					237	\$237	\$ 31,442
<b>TOTAL EXPENDITURE</b>	<b>\$ 2,442,000</b>	<b>\$ 120</b>	<b>\$ 11,974</b>	<b>\$ 19,496</b>	<b>\$ 169,904</b>	<b>\$ 532,158</b>	<b>\$733,651</b>	<b>\$ 2,442,000</b>
								<b>\$ -</b>
<b>INCOME - 9550948</b>								
SRV - (DVC)	\$ 500,000				100,035		\$100,035	\$ 500,000
COUNCIL	\$ 300,000		5,000		295,000		\$300,000	\$ 300,000
FEDERAL GRANT	\$ 120,000	-	-		26,620	69,380	\$96,000	\$ 120,000
COM FACILITIES GRANT (DET)	\$ 1,222,000		-			82,161	\$82,161	\$ 1,222,000
COMMUNITY FUNDRAISING	\$ 300,000		7,000				\$7,000	\$ 300,000
<b>TOTAL INCOME</b>	<b>\$ 2,442,000</b>	<b>\$ -</b>	<b>\$ 12,000</b>	<b>\$ -</b>	<b>\$ 421,655</b>	<b>\$ 151,541</b>	<b>\$ 585,196</b>	<b>\$ 2,442,000</b>

Progress payments to builder \$517,738  
 Claims to be processed \$263,629

Approved variations to date:  
 School component of the building works \$129,615  
 Council component of the building works \$ 6,824

**Recommendation:**

*That Council:*  
 6.5 .1 Note & receive the report.

**Moved the Officer's Recommendation**

**Moved:** Cr Bill McClenaghan  
**Seconded:** Cr Tim Hayes  
**Carried.**

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## 6. GOVERNANCE MATTERS

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### 6.6 ECO-BUY MEMORANDUM OF UNDERSTANDING MOU

(A/O – Director Infrastructure & Development)

File Ref: 68/10/01

#### Synopsis

This report provides information on the ECO-Buy Program, describes the benefits of signing the MOU and details Council's ongoing commitment to the program.

#### Report

Hepburn Shire Council has been a member of ECO-Buy since January 2003. Council has benefited from the support of this program and has been able to undertake many environmentally friendly purchasing opportunities.

By signing the MOU Council will be able to continue to receive a range of services and tools at no cost – these include product specifications, access to 500 suppliers of green products, access to discounts and training by ECO-Buy staff. ECO-Buy can assist Council to make the best possible sustainable and environmental purchasing decisions.

Council signing the MOU will mean that it is committed to the implementation of a green purchasing program that includes:

- Developing, adopting and implementing a green purchasing policy (has been written, currently waiting adoption)
- Establishing an ECO-Buy Working Group (first meeting to occur after adoption of purchasing policy)
- Developing and implementing an annual Action Plan
- Establishing a tracking system to monitor purchasing of green products
- Provision of annual report to ECO-Buy
- Nomination of staff member to coordinate program (Environment Officer)
- Participation in quarterly meetings, expos and seminars
- Providing adequate staffing time to execute program
- Utilises the ECO-Buy logo to promote Council's commitment to the program

Appended is a copy of the memorandum of understanding that ECO-Buy requires Council to sign, draft resolution and letter from ECO-Buy regarding MOU.

#### Relevant Policies / Council Plan implications:

The signing of the MOU supports the aims of Council's 'Buy Recycled Purchasing & Waste Minimisation Policy' – Policy No. 29 (soon to be replaced with Council's new purchasing policy as mentioned above).

#### Community / Engagement / Communication / Consultation:

This is an in house program. Annual milestones can be reported to the community for Council promotion.

#### Financial & Resource Implications Initial & Ongoing

There is no fee/charge to be a member of the ECO-Buy program. There is an ongoing requirement that there is sufficient officer time allocated to this program.

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## 6. GOVERNANCE MATTERS

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### **Recommendation:**

*That Council:*

6.6.1 *Sign the memorandum of understanding with ECO-Buy.*

6.6.2 *Continues to implement the above commitments to the ECO-Buy program.*

### **Moved the Officer's Recommendation**

**Moved:** Cr Heather Mutimer  
**Seconded:** Cr Janine Booth  
**Carried.**



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## 6. GOVERNANCE MATTERS

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### 6.7 GLENLYON WASTE MANAGEMENT SERVICES

(A/O – Director Infrastructure & Development)

File Ref: 68/08/03

#### Synopsis

Information relating to contract costs for deleting recycling service and/or providing a garbage collection service to Glenlyon.

#### Report

Councillors at the February 2007 Forward Planning Meeting requested that a review be performed of the recycling service currently provided to households in Glenlyon and on the Daylesford –Malmsbury Road leading out to Glenlyon.

The review was to look at the possibility of cancelling the recycling collection service to these households and/or providing a garbage collection service to these households.

#### Recycling – deletion of service.

The recycling collection contract rate includes the supply of the MGB's amortised over the life of the contract. Accordingly should Council elect to delete these services then it is considered that Council would only need to pay Cleanaway an amount of \$23.50 per tenement being the balance of MGB cost of supply. There are approximately 60+ services provided, hence Council would need to pay Cleanaway \$1410 + and the bins could be then reused for new services in the future. The recovery of the bins would also be an additional cost.

No other contract costs for reduction in services would be incurred and this has been confirmed with Cleanaway.

#### Garbage Collection – additional services Glenlyon.

Currently there is no garbage collection service provided. If Council were to decide to continue with the recycling collection service but to also provide a weekly or fortnightly garbage collection service then the contract rate per tenement for garbage collection for properties along the Daylesford –Malmsbury Road and within the Glenlyon township would be approximately \$3.25 per bin lift ( \$169.00 per annum for a weekly collection service and \$84.50 for a fortnightly collection ). The current contract rate for garbage collection is \$0.98 per bin lift (\$50.96 plus GST).

Due to the Glenlyon area being outside of the current garbage collection area the current contract rate is not applicable. Also the cost of disposal needs to be added as well which is approximately \$22 per tenement p.a. The total cost for garbage collection per tenement for a weekly collection service would therefore be \$191 pa or \$106.50 pa for a fortnightly collection. The property owners would also need to provide their own 120 litre MGB for a weekly service or 240 litre MGB for a fortnightly service, the same as other property owners as the garbage collection contract did not include supply of MGB.

Based on the above it is not recommended to delete the recycling collection service as there has been only one request. Council could however canvass the Glenlyon households to see if they are prepared to pay for a fortnightly garbage collection service.

Provided 51% or more of the households agree to this then the garbage collection district should then be extended to include Glenlyon and all properties would be required to pay for the service.

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## 6. GOVERNANCE MATTERS

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### Relevant Policies / Council Plan Implications:

Council Plan – Objective Two – Service Delivery

### Community / Engagement / Communication / Consultation:

A survey of households providing costs for garbage collection is recommended if Council wishes to offer a garbage collection service to Glenlyon. Provided at least 51% or more of the households agree to accept the costs of the service then it should be implemented.

### Financial & Resource Implications Initial & Ongoing

The cost to delete recycling services to Glenlyon is approximately \$1400 plus bin recovery.

The cost for a fortnightly Garbage collection service is estimated to be \$106.50 p.a. per tenement.

Council could either decide to adopt an additional garbage collection charge for Glenlyon being \$106.50 or slightly increase the existing garbage charge from \$73 to \$75 and use this as a common residential garbage collection charge throughout the Shire.

### Recommendation:

*That Council:*

- 6.7.1 *Determine that all residential kerbside garbage collection services should be charged the same amount, however Glenlyon Township only to be offered a fortnightly collection service.*
- 6.7.2 *Survey households in Glenlyon to advise of the costs for a fortnightly garbage collection service ( approximately \$75 p.a. plus households to provide at their expense a 240 litre MGB) and that if more than 51% of households agree to accepting this cost that a garbage collection service be provided to Glenlyon households*

### Motion Moved at Meeting:

- 6.7.1 **That Council survey all ratepayers in the township of Glenlyon to identify their preference for:**
- 6.7.1.1 **The current situation of a fortnightly recycling service only**  
**OR**
- 6.7.1.2 **A fortnightly garbage service (for the extra cost of \$75 pa plus the cost of a 240 litre MGB), in addition to the fortnightly recycling service at the stand fee**  
**OR**
- 6.7.1.3 **No waste management service (ie neither recycling nor garbage service)**

6.7.2 **That the survey take place as soon as possible but not before the proposals are outlined and explained in the local Glenlyon Newsletter.**

**Moved:** Cr Bill McClenaghan  
**Seconded:** Cr Heather Mutimer  
**Carried**

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## 7. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

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### 7.1 HEPBURN SPRINGS BATHHOUSE UPDATE

(A/O – Chief Executive Officer )

File Ref: 5/4685/00100 - RESTR

#### Synopsis

An Update is provided on the Bathhouse redevelopment and leasing process. Confidential briefings have and will continue to be provided to councillors on aspects which are commercially or otherwise confidential.

#### Report

The redevelopment of the Bathhouse is progressing well. As advised previously, once the demolition work together with the foundation work was completed this progressed the project beyond a number of potential risks. Those risks included potential problems with the soil conditions, drainage, pile driving and so on. No significant problems occurred

The new northern building has progressed well with the concrete sub base being developed and the formwork and concreting for the floor, pools and lift shaft progressing.

The southern building has been internally guttered and a number of structural problems rectified. These included inadequate footings, inadequate structural support for some walls and inadequate floor joists. As part of this redevelopment, the varying floor levels are being rectified to greatly improve functionality.

The development of the lease process is managed by DSE. Council received a briefing from David Heale and the Probity Consultant Craig Geddes several weeks ago. Further confidential briefings will be provided.

As advised, DSE had engaged Price Waterhouse Coopers to assist in the lease process. Price Waterhouse Coopers conducted research and market testing and have also used advice from Spa Industry experts.

The leasing processes has proceeded slower than expected, however, the Minister was to formally launch the Expression of Interest phase in early May. This should result in important feedback to assist with the leasing process and the next phase which will be a formal tendering process.

Council's own business planning is being updated. As the leasing process progresses then this planning will incorporate stronger assumptions to assist our financial planning.

DSE have agreed to incorporate community obligations relating to reasonable pricing for public access to the main pool area in off peak together with provision for therapy and learn to swim classes.

The building incorporates many environment, water and energy initiatives. RDV have agreed to provide a public update refreshing these key features.

#### Relevant Policies / Council Plan implications:

Various aspect of the Council Plan relating to Heritage, Community, Environment and Economic Development.

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**7. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND**

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**Community / Engagement / Communication / Consultation:**

**Financial & Resource Implications Initial & Ongoing**

Council's contribution of \$1.2 million will be made early in 2007-08 after most of the State and Federal funding have been expended.

**Recommendation:**

*That Council receive and note this report and that further reports and confidential briefings be provided as the project progresses.*

**Moved the Officer's Recommendation.**

**Moved:** Cr Janine Booth  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

**8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

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**8.1 HERITAGE ADVISORY COMMITTEE – FUNDING FOR THE ARCHIVE OF  
PHOTOGRAPHS OF HERITAGE PLACES AND SITES THROUGH  
HEPBURN SHIRE'S HISTORICAL SOCIETIES AND MUSUEMS**

(A/O – Manager Planning)  
Synopsis

File Ref:

At its meeting of 16<sup>th</sup> March 2007 the Heritage Advisory Committee has recommended that the Committee seeks funding from Council for the purpose of archiving photographs of heritage places and sites as a direct result of those places and sites being demolished and/or redeveloped through planning permit process. Funding has been sought at \$ 500 to be distributed amongst the historical societies and museums of Hepburn Shire.

**Report**

The Heritage Advisory Committee at its meeting of 16<sup>th</sup> March 2007 discussed the feasibility of proper archival of photographs of heritage places and sites within Hepburn Shire, on behalf of the Council's Planning Department. Previously printed photographs of various sizes have been passed onto district historical societies and museums for public display and storage.

Proper archiving of printed photographs has been costed at \$ 500, which included heavy duty archive boxes and other materials. There may be other ongoing costs associated with the archival process. There is also the need to consider physical infrastructure to house the archive boxes.

In comparison to archival of printed media, costs associated with archiving photographs through digital media are significantly lower. DVDs as one form of digital media features high portability of data between users, accessibility, capability to perform multimedia formatting and minimal storage space.

The photographs are generally acquired through the planning permit process where there has been the proposal for the demolition and/or redevelopment of heritage places. Council can modify the condition of the planning permit to require photographs to be submitted in digital media in lieu of printed media.

**Relevant Policies / Council Plan Objectives**

Council Plan.  
Hepburn Planning Scheme

**Financial & Resource Implications Initial & Ongoing**

Archival of printed photographs may require ongoing costs in maintenance, storage space and other materials in relation to the archival process.

**8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

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**Recommendation**

- 8.1.1 *That Council advise the Heritage Advisory Committee that photographs of heritage places and sites required through a condition of planning permit, will be required to be provided in digital media and archived using digital imaging methods, and that the Hepburn Shire Planning Department will be responsible for the proper storage and distribution. Consequently this will provide a central collection and storage process instead of dispersing these photos across several locations.*

**Moved the Officer's Recommendation**

**Moved:** Cr Janine Booth  
**Seconded:** Cr Tim Hayes  
**Carried.**

## **8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

### **8.2 HERITAGE ADVISORY COMMITTEE – RECOMMENDED REINSTATEMENT OF THE STREETScape OF CLUNES AFTER THE FILMING EVENT OF “NED KELLY” AND AMENDMENT TO COUNCIL POLICY NUMBER 32 FILM LIAISON POLICY ADVICE AND CONDITIONS**

(A/O – Manager Planning)

File

Ref:

#### **Synopsis**

At its meeting of 16<sup>th</sup> March 2007 the Heritage Advisory Committee recommended to Council that the streetscape of Clunes be reinstated as a result of previous filming of the movie “Ned Kelly” subject to conditions of the permit Council issued for the filming, and that Council amends the existing Council Policy 32.0 Film Liaison Policy Advice and Conditions to ensure that reinstatement of streetscape takes place after each approved filming event in the Hepburn Shire.

#### **Report**

Discussions were made at the Heritage Advisory Committee meeting that the streetscape of Clunes has yet to be reinstated to its condition as it was prior to the filming of “Ned Kelly”. Some replica signboards and film props as part of the “Ned Kelly” filming event remain on the façade of buildings and lead to confusion amongst locals and visitors alike in Clunes.

The Committee wants replica signboards and props to be removed from buildings, and front façade of buildings in Clunes reinstated.

The Committee wants the existing Council Policy No. 32 - Film Liaison Policy Advice and Conditions be amended to include a new section in the Policy requiring the reinstatement of streetscape after a filming event.

#### **Relevant Policies / Council Plan Objectives**

Council Plan.  
Hepburn Planning Scheme

#### **Financial & Resource Implications Initial & Ongoing**

The cost for reinstating the streetscape of Clunes has not been estimated as it involves proper identification of replica signboards and props across the entire streetscape and determination of person/s responsible for the reinstatement of such streetscape.

The cost for amending the Council Policy No. 32 - Film Liaison Policy Advice and Conditions is minimal to Council as the recommendation can be undertaken in-house by Council staff.

#### **Recommendation**

- 8.2.1 *That Council notes the recommendation of the Heritage Advisory Committee to reinstate the streetscape of Clunes as a result of the filming event of “Ned Kelly” and proceeds to identify which signs and props relate to this and how best to achieve the outcome sought.*

**8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

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- 8.2.2 *That Council note that the suggestion for amendment to the Council Policy Number 32 Film Liaison Policy Advice and Conditions to include a new section in the Policy requiring reinstatement of streetscape after filming events has been referred to Council's Manager Tourism Economic Development & Recreation for a further report and that the Heritage Advisory Committee will be kept informed on this.*

**Moved the Officer's Recommendation**

**Moved:** Cr Tim Hayes  
**Seconded:** Cr Heather Mutimer  
**Carried.**



**8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

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**8.3 HERITAGE ADVISORY COMMITTEE – NEW HERITAGE STUDY FOR  
HEPBURN SHIRE**

(A/O – Manager Planning)

File

Ref:

**Synopsis**

At its meeting of 16<sup>th</sup> March 2007 the Heritage Advisory Committee advised Council that a shire wide Heritage Study is requested to be undertaken to ensure consistency in the listings of heritage places and sites contained within the schedule to the Heritage Overlay of the Hepburn Planning Scheme.

**Report**

The Heritage Advisory Committee has considered that a new shire wide Heritage Study should be undertaken to ensure currency of heritage places and sites listed in the schedule to the Hepburn Heritage Overlay. Changes have taken place to the assessment methodologies of places and sites of cultural heritage significance since the last studies were undertaken by the former Shires of Creswick and Daylesford – Glenlyon. Consequently the Committee requests that Council conduct a new study to ensure that all places and sites of cultural heritage significance in Hepburn Shire are accounted for and protected.

The review of existing Local Heritage Places Datasheets (LHPDs) would provide updated information to statutory planners in their assessment of planning permit applications involving places and sites of cultural heritage significance. For general referencing purpose, existing LHPDs will continue to be of assistance to planners.

Considering that the Department of Sustainability and Environment has commenced the review of the Heritage Overlay as contained in the Victorian Planning Provisions in March 2007, deferment of the proposed heritage study is deemed prudent. The review by DSE is occurring on the basis that the current provisions of the Heritage Overlay do not adequately address the cultural heritage matters of pre-settlement Victoria (pre 1834) and this inadequacy needs to be remedied as a direct result of the new Aboriginal Heritage Act 2006.

The Planning Department will provide a briefing to Council on the review of the Heritage Overlay as contained in the Victorian Planning Provisions.

**Relevant Policies / Council Plan Objectives**

Council Plan  
Hepburn Planning Scheme

**Financial & Resource Implications Initial & Ongoing**

The cost for preparing and implementing a shire wide heritage study is estimated at \$ 120 000 to \$ 160 000.

This estimate is subject to change as a direct result of the review of the Heritage Overlay as contained in the Victorian Planning Provisions.

**8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

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**Recommendation**

- 8.3.1 *That Council defer the undertaking of a shire wide heritage study pending the Department of Sustainability and Environment completing its review of the Heritage Overlay as contained in the Victorian Planning Provisions.*
- 8.3.2 *That Council is briefed on the progress of the review of the Heritage Overlay.*

**Moved the Officer's Recommendation**

**Moved:** Cr Heather Mutimer  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

**8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

**8.4 HERITAGE ADVISORY COMMITTEE – ADVICE TO THE PROPOSED  
SUBDIVISION DEVELOPMENT OF THE COSMOPOLITAN HOTEL SITE,  
HIGH STREET TRENTHAM**

(A/O – Manager Planning)  
4/1635/01650/P

File Ref:

**Synopsis**

At its meeting of 16<sup>th</sup> March 2007 the Heritage Advisory Committee advised Council that it considered the exhibited subdivision plan submitted as part of the planning permit application to redevelop the Cosmopolitan Hotel Trentham as not satisfactory. The area of the subject site bounded by the High street frontage and south to the line including the derelict cottage is seen to be of heritage importance and includes the hotel, cottage, shed, stables and significant trees. The advice is that the subdivision should be configured to permit rational uses which protect the heritage. The subdivisional area proposed south of the cottage is not seen to be of heritage importance.

**Report**

The Heritage Advisory Committee has reviewed the proposed plan of subdivision for the site known as the Cosmopolitan Hotel site in Trentham. The subject site is bounded on three sides by High Street, Cosmo Avenue and Quarry Street. The Committee has made the above recommendation.

The Committee agreed that the proposed subdivision should be revised to ensure retention of places and sites of cultural heritage significance in Trentham. The Committee was of the view that the derelict cottage, sheds, stables and large courtyard trees are integral to the cultural heritage significance of the Cosmopolitan Hotel site.

The advice of the Committee has been taken into account through individual objections lodged by Committee members. Consultations have been organised between Council Planning Department and the applicants.

**Relevant Policies / Council Plan Objectives**

Council Plan.  
Hepburn Planning Scheme

**Financial & Resource Implications Initial & Ongoing**

Nil

**Recommendation**

*8.4.1 That Council note the recommendation of the Heritage Advisory Committee and Council consider this when deciding upon the planning application to subdivide the Cosmopolitan Hotel site in Trentham.*

**Moved the Officer's Recommendation**

**Moved:** Cr Bill McClenaghan  
**Seconded:** Cr Janine Booth  
**Carried.**

## **8. COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT**

### **8.5 SECTION 86 COMMITTEE & ADVISORY COMMITTEE MINUTES**

(A/O – Manager Administration)

File Ref: Various

#### **Synopsis**

Section 86 Committee and Advisory Committee minutes are tabled for noting.

#### **Report**

Please see listed below the minutes of various Section 86 and Advisory Committees for your information:

- Minutes of the Heritage Advisory Committee dated 16 March 2007. (File Ref. 66/08/02)
- Minutes of the Creswick Museum & Gold Battery Committee dated 5 March 2007. (File Ref. 2/7350/02046 & 2/6440/02296)
- Minutes of the Heritage Advisory Committee dated 20 April 2007. (File Ref. 66/08/02. unconfirmed.

#### **Relevant Policies / Council Plan implications:**

2.2 – Improve internal and external communication.

#### **Community / Engagement / Communication / Consultation:**

Members of the community are represented on these committees.

#### **Financial Implications**

Nil.

#### **Recommendation:**

*That Council note the minutes of:*

- 8.5.1 • Minutes of the Heritage Advisory Committee dated 16 March 2007. (File Ref. 66/08/02)
- 8.5.2 • Minutes of the Creswick Museum & Gold Battery Committee dated 5 March 2007. (File Ref. 2/7350/02046 & 2/6440/02296)
- 8.5.3 • Minutes of the Heritage Advisory Committee dated 20 April 2007. (File Ref. 66/08/02. unconfirmed.

#### **Moved the Officer's Recommendation**

**Moved:** Cr Janine Booth  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

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## 9. STATUTORY MATTERS

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### 9.1 21 RAGLAN STREET, DAYLESFORD

(A/O – Director Infrastructure & Development)

File Ref: 5/5660/01600/P

#### Synopsis

The owner of Station Guest House, which abuts 21 Raglan Street, Daylesford has expressed concern regarding the parking of trucks (garbage & recycling truck) and alleged servicing of these vehicles on a property at 21 Raglan Street, Daylesford (former Vic Roads & CHW Depot). In 2002 VCAT determined that the property 21 Raglan Street has existing use rights to park two trucks overnight and on weekends.

The owner of the Station Guest House is requesting Council to take enforcement action, in particular on the grounds that the activity of the trucks is not in keeping with the limited purpose of the use preserved by the existing use right.

#### Report

The issue of existing use rights was the subject of a VCAT Hearing No. P793/2002. The Tribunal member determined that existing use rights had been established, but were of a low intensity and low key. The Tribunal member concluded "*The evidence is that at most only two road maintenance trucks were ever parked overnight and on weekends on the land.*"

In January 2003 the owner of 21 Raglan Street sought Council advice as to whether parking of two trucks (one garbage & one recycling truck) was still allowable under the "existing use rights" provision of the Hepburn Shire Planning Scheme.

Clause 63.06 of the Hepburn Shire Planning Scheme concerns expiration of existing use rights and states:

#### An existing use right expires if either:

- *The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.*
- *In the case of a use which is seasonal in nature, the use does not take place for two years in succession.*

The owner of 21 Raglan Street was subsequently advised that:

*"The evidence submitted at the VCAT hearing was that there have been two breaks in the continuity of use. In early 1999 Vic Roads vacated the land and approximately 6 months later Central Highlands Water occupied the land. From late March/early April 2001 the land has been vacant in terms of use. Accordingly any existing use rights would expire in late March/early April 2003.*

*It is therefore confirmed that an existing use right has been established for two trucks to be parked overnight together with some storage of materials associated with the service delivered by operating the trucks.*

*The area of land proposed for parking of the trucks at the rear of 21 Raglan Street, as shown on plan submitted with your letter, is in keeping with the previous area used by Vic Roads and Central Highlands Water for their operations when they occupied the site.*

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## 9. STATUTORY MATTERS

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*As only two trucks are to be parked on this land, it is considered that this is not an increase in intensity of use of this land.*

*That being the case the existing use established may continue provided:*

- 1. It commences before late March/early April 2003.*
- 2. No buildings or works are constructed or carried out without a permit.*
- 3. The use is restricted to the rear section of land at 21 Raglan Street that has previously been used by Vic Roads & Central Highlands Water, when operating as a depot and that the intensity of use is no greater than in the past.*
- 4. The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right."*

The garbage truck and the recycling truck commenced being parked on 21 Raglan Street in March 2003.

The concerns of the Station Guest House Owner (SGHO) have been related to noise/nuisance and planning.

### **Noise/Nuisance:**

The SGHO has complained about activities on this site relating to noise as far back as 1998. The garbage and recycling trucks have been operating from this site since March 2003.

The SGHO has had a legal advisor writing to Council since 2005 and engaged a noise consultant. At least four Environmental Health Officers have investigated the complaints about noise, etc and formed the view that there was no nuisance and Council would not be successful in taking action under the Health Act.

The SGHO and his legal advisor have on several occasions been advised that they could take this matter of noise/nuisance complaint to Court themselves under the Health Act Section 45 (see below) and if they were successful then the Court may order the Council to pay any costs and expenses incurred in bringing the matter to Court. i.e. legal fees.

### **45. Failure of council to investigate complaint**

- (1) If the council does not within a reasonable time of being notified of an alleged nuisance investigate the subject-matter of the notification, the person who notified the council may make a complaint to the Magistrates' Court of the existence of the alleged nuisance.
- (2) The Magistrates' Court may summon the person alleged to be causing the nuisance before it and the court may proceed as if the complaint had been made by a council.

S. 45(1)  
amended by  
No. 57/1989  
s. 3(Sch.  
item 91.2).

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## 9. STATUTORY MATTERS

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S. 45(3A)  
inserted by  
No. 59/1991  
s. 6.

- (3) If the court is satisfied that the person making a complaint under this section had reasonable grounds for doing so, the court may order the council to pay any costs and expenses incurred by that person.
- (3A) The court must not order a council to pay any costs or expenses under sub-section (3) unless it first gives the council or its representative an opportunity to be heard.
- (4) If the court is satisfied that a complaint under this section is vexatious or frivolous, it may order the person making the complaint to pay the costs and expenses incurred by the person who has answered the complaint.

It is considered that Council would not be successful in taking this matter to Court under the provisions of the Health Act and that the SGHO could himself take action.

### **Planning:**

Council in last year sought legal advice as to whether planning enforcement action would be appropriate and this legal advice has been circulated to Councillors. Further evidence, first hand, which demonstrates the amenity impacts would need to be provided. The SGHO was requested to provide further evidence and supplied Council with a video tape and a further on site meeting was conducted on 26 October 2006.

Based on the material provided by the SGHO, the video was considered insufficient to mount enforcement proceedings and hence the SGHO was subsequently advised by Council's Planning Investigations Officer in writing on 3 December 2006 that at this point in time Council will not be taking any action against the owner of 21 Raglan Street nor truck operators under the Planning & Environment Act

A further letter from SGHO's legal advisor was received in early February 2007 advising that he had been instructed to take action if Council failed to take action under the Health Act. SGHO's legal advisor was again advised:

*"Council considers that it has on numerous occasions now investigated complaints and several officers, who are authorised to perform the functions of Council under the Health Act 1958, have subsequently formed the opinion that there was insufficient evidence to support concerns relating to the noise being a nuisance under the Health Act 1958.*

*Council notes that you have been instructed to take appropriate steps on this matter. "*

The options available to Council are:

1. Proceed to enforcement as a non-compliance of existing use rights (clause 63.5); or
2. Again advise SGHO that Council will not be taking any further action on this matter and accepts that he may take his own legal action.

### **Relevant Policies / Council Plan implications:**

Planning Scheme.

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## 9. STATUTORY MATTERS

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### **Community / Engagement / Communication / Consultation:**

Not applicable.

### **Financial & Resource Implications Initial & Ongoing**

Council has already incurred legal expenses of \$1600

The following estimated costs are purely ball park figures.

Enforcement action \$10,000 - \$15,000

Possible costs if not successful \$10,000 - \$15,000

### **Recommendation:**

*That Council:*

9.1 *Determine to either:*

A. Proceed to enforcement as a non-compliance of existing use rights (clause 63.5);

or

B. Again advise the Station House Guest House Owner that Council will not be taking any further action on this matter and accepts that he may take his own legal action.

### **Motion Moved at Meeting:**

**That Council:**

**9.1.1 Negotiates with the owner of the land at 21 Raglan Street Daylesford regarding the current use of the land in excess of any existing use rights and that if a satisfactory solution to the land use question is not forthcoming, proceed immediately to enforcement action as a non-compliance of existing use rights (Clause 63.5)**

**Moved: Cr Bill McClenaghan**

**Seconded: Cr Heather Mutimer**

### **Amendment Moved by Cr Tim Hayes:**

**That Council:**

**9.1.1 Negotiates with the owner of the land at 21 Raglan Street Daylesford regarding the current use of the land in excess of any existing use rights.**

**9.1.2 Following negotiations with the owner of 21 Raglan Street that a further report be presented to Council.**

**Councillors McClenaghan & Mutimer agreed with the Amendment.**



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**9. STATUTORY MATTERS**

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**The Amendment became the Motion.**

**Motion:**

**That Council:**

**9.1.1 Negotiates with the owner of the land at 21 Raglan Street Daylesford regarding the current use of the land in excess of any existing use rights.**

**9.1.2 Following negotiations with the owner of 21 Raglan Street that a further report be presented to Council.**

**Moved: Cr Bill McClenaghan**

**Seconded: Cr Heather Mutimer**

**Carried.**

## 9. STATUTORY MATTERS

### 9.2 AMENDMENT TO PLANNING PERMIT NO 2006/9140, PROPOSED: ADDITIONAL/ALTERATION TO AN EXISTING RESIDENTIAL HOTEL INCLUDING EXTENSION TO LIQUOR LICENSE AND REALIGNMENT OF BOUNDARIES.

(A/O – Manager Planning)

File Ref: 3/4300/11100/P

#### Synopsis

Applicant: THA Landscape Architects P/L – S Melotte  
(Malcross Investments Pty Otd.)

Location: 124-128 Main Road, Hepburn Springs

Proposal: Amendment to Planning Permit No 2006/9140,  
previously approved by Council at its Ordinary Meeting  
of January 2007

Amendment does not affect the Permit component for extension to liquor license and realignment of boundaries.

Amendment applies only to the Permit component relating to the additional/alteration to an existing residential hotel.

Zoning: Residential 1 Zone (R1Z)

Overlay Controls: Environmental Significance Overlay - Schedule 1 & Schedule 2 (ESO1 & ESO2), Heritage Overlay (HO687, HO686) over the two main buildings on the site.

Recommendation: Consent to the amendment of Planning Permit  
No objections to the applicant making application to VCAT to amend plans.



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## 9. STATUTORY MATTERS

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### Report

#### BACKGROUND

Planning permit application 2006/9140 was lodged 29 August 2006 for the development of the site known as the Peppers Springs Retreat (formerly the Hepburn Springs Hotel) and newly acquired Villa Parma plus its gardens. Application also included extension to liquor licence and realignment of boundaries.

At the Council meeting of 16 January 2007 it was decided to approve the application subject to conditions.

Subsequently a resident objector lodged an appeal with VCAT. The permit applicant then lodged an appeal against some of the conditions.

The matter is listed for VCAT hearing on 21 May 2007.

The permit applicant has recently made a request to VCAT to amend the application plans. According to the procedures of VCAT, the matter is before Council seeking consent to the amended plans and for Council having no objections to the applicant making the amended plans application to VCAT.

#### PROPOSAL

The applicant has provided a summary of the amendment to endorsed plans of planning permit 2006/9140 to VCAT as part of Clause 11 General procedures of the Practice Note Planning and Environmental List VCAT, and listed as follows:

1. The proposal for a self contained lodge on Lot 7 of 128 main Road is withdrawn. Accordingly drawings TP 20, 21, 22 and 23 relating to the Lodge are deleted.
2. The top floor of the extension to the spa building has been modified to now include the Lodge facilities.
3. A dimension from the boundary of the objector's property to Villa 7 has been added.
4. The accommodation suites have been altered to provide 2 blocks of 12 rooms and one separate villa and subsequent deletion of 2 suites.
5. One carparking space in the lower carpark has been deleted to provide for additional landscaping.
6. Two carparks in the top carpark have been deleted to allow for a new entry to the lodge facility in the spa building.
7. The lower level of the day spa has been altered to facilitate a changed location for a stair.
8. A walkway linking the garden to the carpark has been deleted. The walkway has been incorporated into an extension to the lower level of the day spa building.

## 9. STATUTORY MATTERS

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9. The northern elevation of the day spa building has been altered in the vicinity of the lodge/conference area.
10. The elevation to the 2 blocks of suites has been altered.
11. The setback of the office adjacent to the Tenth Street has been increased to allow additional landscaping.
12. The openable windows in each of the villas are now shown.
13. There have been additional landscaping opportunities created as a result of the above changes.

### REFERRAL AUTHORITIES

Pursuant to the provisions of the Planning and Environment Act 1987, it is considered that the proposed amendment to the planning permit is of a nature that will not have required further consent from the referral authorities.

### REFERRAL WITHIN COUNCIL

See comments above.

### ADVERTISING/NOTICE OF APPLICATION

***Public notification of the application(s) was not required as this report relates to a specific procedure carried out under the Practice Note of the Planning and Environmental List appended to the Victorian Civil and Administrative Tribunal Act 1998. The objector to the issuance of planning permit 2006/9140 has been formally notified of the application to amend plans by the applicant as required by the Practice Note.***

### ASSESSMENT

This report is to be read in conjunction with that of the previous officer's report tabled at the Council Ordinary Meeting of 16 January 2007.

The proposed co-location of the new lodge/conference facility within the approved (new) day spa building is considered to have assuaged the concerns expressed by the objector pertaining to noise emissions originating from the subject site. The applicant has decided to combine the proposed building with the day spa building and proposed accommodation/holiday suites as a centralised activity hub. This decision to co-locate has created the opportunity to provide landscaping buffers and new gardens northwest of the Villa Parma.

The reconfiguration of the proposed holiday/accommodation suites has also assisted in improved facade on the western elevation of the site, improved building layout and linkages with the proposed lodge/day spa facility to the east. Thought has also been given to the setback of the new office to Tenth Street, further enhancing the greenery aspects to this side of Tenth Street.

The proposal decreases the intensity of the development with improvements to the interface adjoining properties. The changes will result in an improved appearance for those premises.

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## 9. STATUTORY MATTERS

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### CARPARKING

A total of 76 car parks (37 existing car parks + 39 new car parks) have been shown on the previously approved plans.

In contrast to the approved plans, 3 carparking spaces have been deleted from the plans with an outcome of 73 carparking spaces on site. Given that the provision of carparking spaces on site exceed the requirements of the Hepburn Planning Scheme (Clause 52.06) and two proposed accommodation/holiday suites have been deleted from plans, the carparking spaces deficit is not considered to have detriment on the amenity of the site and surrounds.

Siting of existing and proposed loading facilities has not been impacted by the amendment proposal.

It is noted that a separate application 2006/9112 was determined by Council at its Ordinary Meeting for temporary use of an existing building for therapeutic treatment rooms for a period of two (2) years. That planning permit is not subject of this report.

#### **Community / Engagement / Communication / Consultation:**

Communication, engagement and consultation are in accordance with the procedures set down by the Practice Note Planning and Environmental List of VCAT and the general administrative procedures of VCAT.

#### **Financial & Resource Implications Initial & Ongoing**

Nil.

#### **Recommendation:**

*That Council:*

9.2.1 *Note that the plan modifications do not alter the previous Council determination and that appeal preparations are continuing.*

9.2.2 *Advise VCAT that Council does not object to the application to amend the plans by the applicant.*

#### **Moved the Officer's Recommendation**

**Moved:** Cr Janine Booth  
**Seconded:** Cr Tim Hayes  
**Carried.**

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## 9. STATUTORY MATTERS

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### 9.3 APPLICATION NO 2006/9133, PROPOSED SUBDIVISION OF LAND INTO SEVEN (7) LOTS (PREVIOUSLY 8 LOTS): 21 HIGH STREET, COSMO HOTEL SITE - TRENTHAM

(A/O – 1)

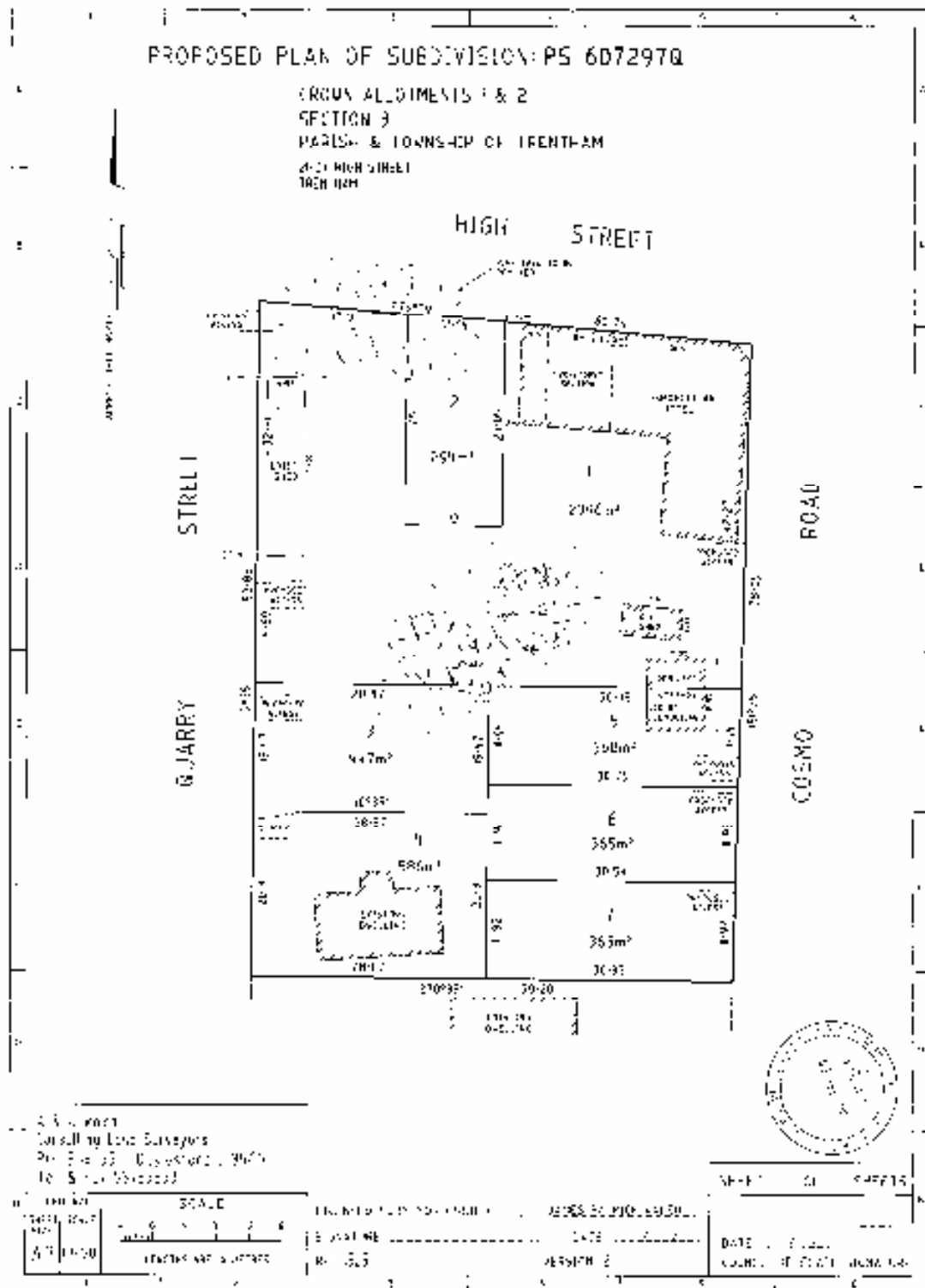
File Ref: 4/3150/00350/P

#### Synopsis

Applicant:	Bill & Lisa McIldowney
Location:	21 High Street, Trentham
Proposal:	Seven (7) lot subdivision
Zoning:	Business 1 (B1Z)
Overlay Controls:	Environmental Significance Overlay – Schedule 1 (ESO1), Heritage Overlay (HO346 and HO 347)
No of Objections Received:	Eleven (11) & Petition with 164 signatures.
Recommendation:	Issue a Notice of Decision to Grant a Permit



9. STATUTORY MATTERS



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## 9. STATUTORY MATTERS

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### Report

#### INTRODUCTION

The subject site contains the Cosmopolitan Hotel. The hotel suffered extensive fire damage in 2005. The owners have submitted the application in order to allow the rejuvenation of the hotel building (possibly by obtaining funds through the sale of land).

The original application sought approval for an eight lot subdivision. These plans were considered by Council's heritage advisor. Concerns were raised about the impact of the subdivision plan on the heritage values of the site. Subsequently the applicant amended the application for seven (7) lots.

The application has been advertised and there have been twelve submissions made. These comprise nine objections, a petition with 164 signatures requesting saving of Bickley Cottage by re-drawing boundaries of subdivision and two letters of comment about issues associated with the subdivision of the site.

After amended plans were submitted, Council's heritage advisor re-considered the proposal. The advice recognises the heritage significance of the site although notes the poor condition of the former cottage. The heritage advisor's comments provide a realistic assessment of the competing heritage issues and recommends that the application be approved subject to conditions.

Although the primary level of interest relates to heritage matters the application must also be assessed against other planning scheme controls and policies. There is overall policy support for the proposal.

On the basis that the subdivision respects the heritage values of the site it is recommended that the application be supported subject to additional modifications.

#### PROPOSAL

Following discussions with Council the application in its amended form proposes to subdivide the land into seven (7) Lots. The subdivision will create three small lots that can be developed for commercial purposes which will face Cosmo Rd, two lots facing Quarry Street (including one that contains an existing dwelling) a smaller lot (Lot 2) facing High Street and the largest lot containing the Hotel facing onto High Street.

#### SUBJECT SITE

The subject site is located at the western end of the Trentham Main Street. The site is known as the Cosmopolitan Hotel property. It is regular in shape with a frontage to High Street of 60.75m, a frontage to Quarry Street of 82.88m, a frontage to Cosmo Road of 78.05m and a site area of area of 4820m<sup>2</sup>. The hotel building is located on the northeast corner of the site. A dwelling is situated on the southwest corner. An old cottage is located near the Cosmo Road frontage. This is in a very poor condition.

#### REFERRAL AUTHORITIES

External Referrals/Notices Required by the Planning Scheme:  
No objections were received from referral (service) authorities.



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## 9. STATUTORY MATTERS

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### REFERRAL WITHIN COUNCIL

No objections have been received from Council Departments, including Council's Heritage Advisor.

### ADVERTISING/NOTICE OF APPLICATION

Notice of the application was given by way of insertion of a Public Notice in the Advocate (2/3/07), the erection of a sign on site, and the sending of Notice to adjoining owners and occupiers.

There have been twelve submissions made. These comprise nine objections, a petition with 164 signatures requesting saving of Bickley Cottage by re-drawing boundaries of subdivision and two letters of comment about issues associated with the subdivision of the site.

### **Relevant Policies / Council Plan implications:**

#### STATE PLANNING POLICY FRAMEWORK (SPPF)

The SPPF contains the following key policies relevant to this application:

#### **Clause 15 – Environment**

This clause requires consideration of the protection of catchments, waterways and groundwater, salinity, wildfire, flora and fauna and energy efficiency. The subject site is connected to reticulated services and the application does not propose any earthworks or removal of native vegetation. Issues relating to heritage will be discussed later in the body of this report.

#### **Clause 17 – Economic Development**

Clause 17.02 encourages developments that meet community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. Clause 17.04 encourages tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

The proposed development will allow for the creation of additional lots which can be developed for a range of purposes and significantly adding to the vitality of Trentham creating opportunities for potential commercial and tourist based use to be created. The proposal is therefore clearly consistent with this Clause.

#### **Clause 18 – Infrastructure**

Clause 18.09 requires consideration of water supply, sewage and drainage. The lots can be supplied with all reticulated services that are available and is accessed by an existing sealed road two street frontages and a made. Access points for all blocks are available from existing roads.

To this end, the proposed use and development of the land is considered to be consistent with the relevant policies set out under the SPPF.

## 9. STATUTORY MATTERS

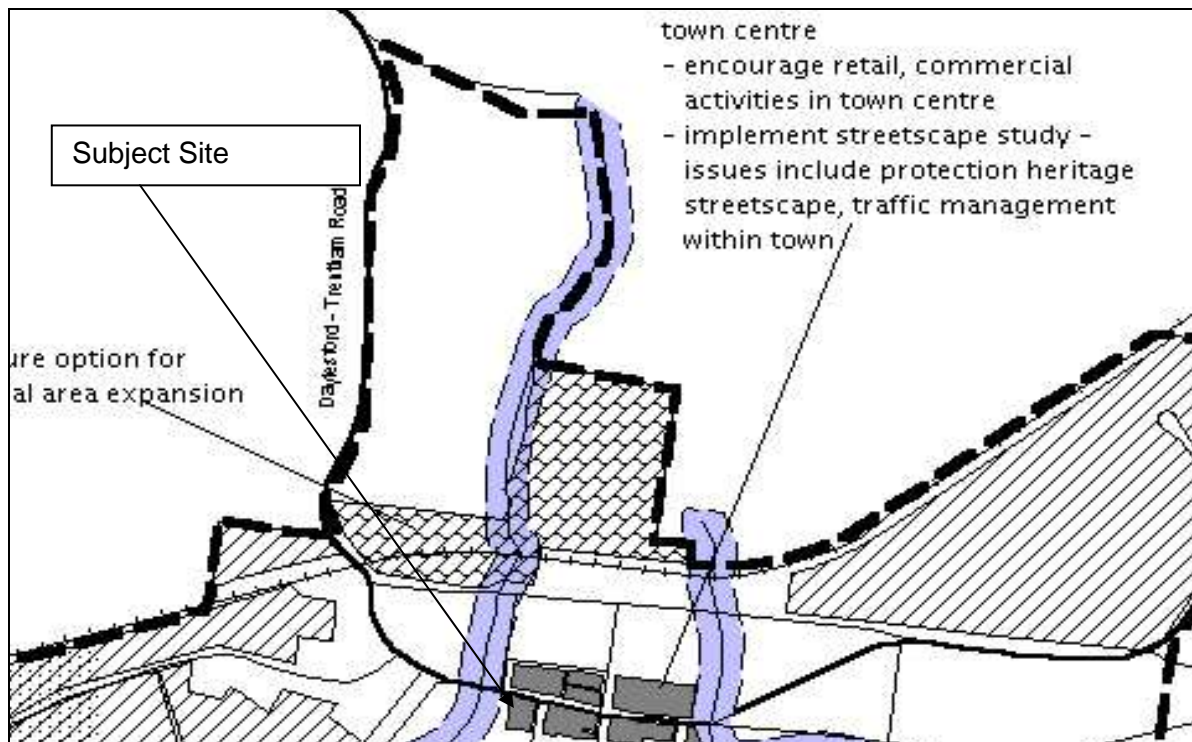
### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

#### Clause 21 Municipal Strategic Statement

##### Clause 21.03 VISION AND STRATEGIC FRAMEWORK

Of particular relevance to the proposal, one of the specific actions for this Clause includes Provision for urban development and growth in Clunes, Creswick, Daylesford, Hepburn Springs and Trentham as defined in the MSS Structure Plans, with more limited development in other smaller towns and rural settlements based on land capability and performance criteria.

In addition the structure plan for Trentham clearly supports this kind of development as shown in the extract below where it states that retail and commercial activities should be encouraged in the area that encompasses the subject site.



There is firm support for consolidation of development in township areas that have the infrastructure capacity in townships within Hepburn Shire. Cultural heritage of such townships is to be protected by the Scheme and the underlying character is to be respected by new development.

##### Clause 21.07 ECONOMIC DEVELOPMENT

Some of the relevant key issues include under this Clause:

- Encourage high-quality and locally appropriate commercial and tourism development.
- Promote urban and building design that complements significant streetscapes and rural landscapes.
- Promote and protect the tourism values of urban residential areas with valued neighbourhood character.

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## 9. STATUTORY MATTERS

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- Encourage the consolidation of commercial activity in existing commercial areas.
- Support high quality development in mixed use and residential areas where local amenity impacts can be adequately addressed.

### **Clause 21.01-9 Environment and Heritage**

Objective one of this clause aims 'to protect the cultural heritage of Hepburn, while promoting appropriate development opportunities for areas and sites of cultural heritage significance and neighbourhoods of strong residential character'. While infill development in the area is encouraged, the design must be appropriate for the area.

Further comment is provided in the Assessment section of this report.

Some of the relevant key issues included under this Clause:

- Recognition of the large number of cultural heritage assets, neighbourhoods of strong residential character and landscapes within the Shire.
- Protecting people, assets and the environment from the threat of wild fire.
- Ensuring protection for identified significant cultural heritage places and landscapes in urban and rural areas of the Shire.
- Providing guidance for development to maintain the integrity of localities and precincts with important heritage character.

### **Clause 21.05 Settlement and Housing**

Objective two of this clause states that it wishes "*to improve the character of development in established urban areas*". Whilst the application is for subdivision any application for future development will be the subject of a separate planning permit process where issues of appropriate built form can be considered.

## ZONE AND OVERLAY PROVISIONS

The subject site and surrounds are zoned Business 1. Under Clause 34.01 of the Hepburn Planning Scheme the purposes of the zone are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

A permit is required for subdivision (Clause 34.01-3).

The subject land and surrounds are included within an Environmental Significance Overlay – Schedule 1 (Groundwater). The proposal will not impact on this control as it is serviced by existing infrastructure.

The subject site is affected by Heritage Overlay with two separate listings under the schedule to the Overlay.

### **43.01 HERITAGE OVERLAY**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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## 9. STATUTORY MATTERS

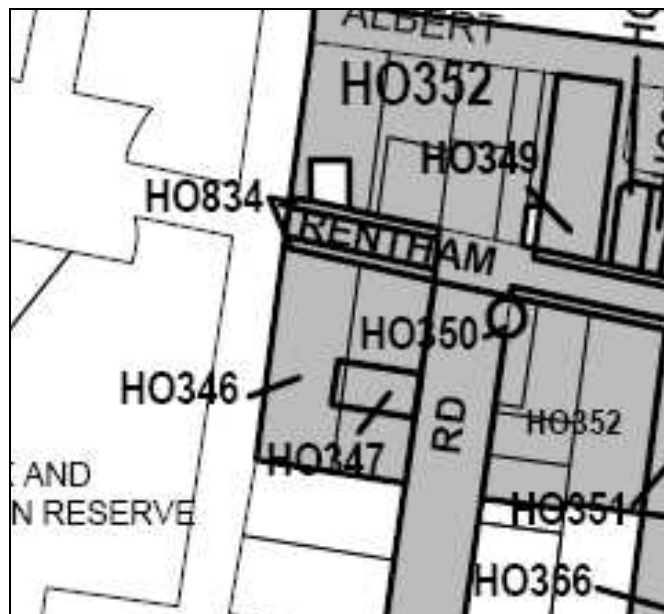
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To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.



### Public Input

A total of twelve (12) submissions were received. Nine (9) were objections, the objections raised a broad range of issues can be summarised as follows:

- The subdivision will cause the demolition of the old cottage on site, this as a very early example of domestic architecture and for its associations with the site and district should be retained.
- The subdivision will result in a loss of gardens that have been a traditional element of Trentham.
- There is no need for additional commercial lots.
- The placement of lots facing Cosmo Road will introduce a business presence into what has traditionally been a residential street.
- The proposal will harm the character and heritage values of Trentham.
- No permit should be granted unless the removal of dangerous pine trees occurs.
- The subdivision will compromise the future reuse of the Cosmopolitan Hotel.
- The proposed lots are too small.
- The proposal has inadequate detail.

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## 9. STATUTORY MATTERS

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The petition requested saving of the cottage by re-drawing the boundaries of the subdivision.

### ASSESSMENT

The Cosmopolitan Hotel property is a prominent local landmark and an important feature of the Trentham Township. The hotel fire of 2005 caused extensive damage. The property has become a substantial burden on the property owners. The purpose of the subdivision is to allow sufficient funds to restore the hotel to full operations.

The planning policies within the Hepburn Planning Scheme encourage the reasonable use and development of land. In this instance the site is located within a Business 1 zone. A relevant zoning objective is to encourage the *intensive* use and development of land.

The subdivision of the property is generally in accordance with local planning policies for Trentham. The original subdivision plan was referred to the heritage advisor for comment and found to be lacking. Further modifications were undertaken with realignments to the lot boundaries and a reduction in the number of lots.

The amended plan has been considered. There are concerns relating to the proposed Lot 2 that fronts High Street. The latest plans show this has a frontage of 12m. The proposed lot is located immediately to the west of the Cosmopolitan Hotel building.

There is a concern that the lot may compromise future redevelopment enhancement of the hotel. As part of this recommendation it is suggested that this lot be deleted thereby reducing the yield to six lots.

Interested parties have raised concerns at the loss of the former cottage. Whilst regrettable the retention of the cottage is difficult to achieve whilst still promoting the effective reuse of the majority of the property. The cottage has not had practical use for many years. It is of timber construction. The cottage is positioned approximately 30m from the southern boundary. If it were to be retained this would restrict the frontages of the newly created lots to the south.

If the subdivision plan were altered so as to delete lot 2 than the main hotel lot (northern half of the block to High Street) would have an area of 2690m<sup>2</sup>. Any development to the west of the hotel building can be provided in a more spacious manner.

The balance of the land would see three lots to Cosmo Road and two to Quarry Street. One of these intended lots already contains a dwelling and the increased lot size respects the existing layout form of this dwelling.

The application does not seek the removal of trees and therefore issue of tree removal is outside the scope of this assessment.

The objections raise a number of concerns. Based on the planning scheme policies and controls it is considered:

- The proposal (with modifications) respects the heritage place.
- The hotel retains a sufficiently large area to ensure long term redevelopment options are retained.
- The former cottage is in very poor condition and therefore insistence on its retention is no guarantee that it can be put to reuse.

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## 9. STATUTORY MATTERS

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- The proposed size of lots is reasonable given the Business 1 (i.e. commercial zoning).
- There has been no objection raised to the width of lots facing Cosmo Road or Quarry Street.

### CONCLUSION

The proposed subdivision of any heritage place necessarily implies change. The Cosmopolitan hotel site has experienced a significant setback due to fire damage. The proposed subdivision of what is a large site can occur without unduly affecting the significance, character and appearance of the heritage place. The subdivision will include the removal of the cottage (it straddles a proposed lot boundary). It has been recommended by the Council's heritage advisor that a heritage recording process occur before demolition.

The proposal is consistent with various SPPF and LPPF policy provisions. The proposal achieves a reasonable degree of compliance with the heritage overlay provisions. It also satisfies the criteria of Clause 65.

On balance the proposal is considered acceptable subject to the inclusion of conditions including a reduction in the number of lots.

### **Community / Engagement / Communication / Consultation:**

See above

### **Financial & Resource Implications Initial & Ongoing**

Possible appeal costs

### **Recommendation**

That Council having caused notice of Planning Application No. 2006/9133 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known and described as 21 High Street Street, Trentham for the subdivision of land into six (6) lots in accordance with the endorsed plans, subject to the following conditions:

1. *Before the Plan of Subdivision can be certified, three (3) copies of amended plans must be submitted for assessment and approval by the Responsible Authority. These plans must be generally in accordance with the amended plans submitted but must be modified to show:*
  - a) *the deletion of Lot 2 and the subsequent renumbering of lots;*
  - b) *the specific dimensions for the "Old Shed" and the existing shed/stable are included;*

*An endorsed copy of such plans will form part of this permit.*

2. *Prior to the removal or demolition of the former cottage a recording exercise shall be completed that includes a dimensioned plan and elevation as well as photographic evidence. The resultant study shall be forwarded to Council. The study should be in electronic and 'hard' copy format.*

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## 9. STATUTORY MATTERS

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3. *Council's Engineering Department:*
- 3.1 *Stormwater is to be directed to the legal point of discharge being the Creek to the West of the property.*
  - 3.2 *All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to commencement of construction. Such drainage works shall be designed and installed to transport run-off from the subject land and surrounding land or adjoining roads to the approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties.*
  - 3.3 *All easements deemed necessary by the Responsible Authority shall be provided by the applicant regardless of whether they are through the subject land or through other titles. Any drainage easements created are to be in favour of Hepburn Shire Council.*
  - 3.4 *Vehicle access/crossing from Cosmo Road to the allotment is to be located and constructed of material to the satisfaction of the Responsible Authority (Refer-attached) Permit No.:516*
  - 3.5 *Vehicle access/crossing from Quarry Street to the allotment is to be located and constructed of material to the satisfaction of the Responsible Authority (Refer-attached) Permit No.:516*
  - 3.6 *No vehicle access to Lot 2.*
  - 3.7 *Concrete kerb & channel shall be constructed along the frontage of the subject land within the Cosmo Road Road Reserve to the satisfaction of the Responsible Authority. The area between the kerb and channel required by this condition and the existing bitumen seal shall be constructed and sealed with bitumen or asphalt surface and the area behind the kerb and channel shall be backfilled with approved topsoil and grasses to the satisfaction of the Responsible Authority.*
  - 3.8 *Concrete kerb & channel shall be constructed along the frontage of the subject land within the Quarry Street Road Reserve to the satisfaction of the Responsible Authority. The area between the kerb and channel required by this condition and the existing bitumen seal shall be constructed and sealed with bitumen or asphalt surface and the area behind the kerb and channel shall be backfilled with approved topsoil and grasses to the satisfaction of the Responsible Authority.*
  - 3.9 *A concrete pedestrian path to be constructed to the satisfaction of the Responsible Authority along the frontage of Cosmo Road.*
  - 3.10 *An asphalt pedestrian path to be constructed to the satisfaction of the Responsible Authority along the frontage of High Street.*
  - 3.11 *A concrete pedestrian path to be constructed to the satisfaction of*

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## 9. STATUTORY MATTERS

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*the Responsible Authority along the frontage of Quarry Street..*

3.12 *All costs incurred in complying with the above conditions shall be borne by the applicant.*

4. *Coliban Water Authority:*

*The applicant or owner is required to reach agreement with Coliban Water for the provision of reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water Assets.*

5. *Telstra:*

*The plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.*

6. *Powercor Australia Ltd:*

*The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.*

*The applicant shall:*

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards.*
- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.*
- The applicant shall provide to Power or Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

7. *The applicant must pay to the Responsible Authority a contribution equivalent to 5% of the site value of all the land in the subdivision for open space purposes. This payment must be made prior to the issue of a Statement of Compliance. This contribution may be made on a pro rata basis in accordance with the development of each stage and may be adjusted in accordance with Section 19 of the Subdivision Act.*

8. *This permit will expire if one of the following circumstances applies:*

*- The plan of subdivision is not certified within two (2) years of the issue date of this permit.*

*- the development is not completed within five (5) years of the certification of the plan of subdivision under the Subdivision Act 1988.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*



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### **Motion moved at the Meeting. Changes highlighted in Bold.**

That Council having caused notice of Planning Application No. 2006/9133 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known and described as 21 High Street, Trentham for the subdivision of land into **five (5)** lots in accordance with the endorsed plans, subject to the following conditions:

*Before the Plan of Subdivision can be certified, three (3) copies of amended plans must be submitted for assessment and approval by the Responsible Authority. These plans must be generally in accordance with the amended plans submitted but must be modified to show:*

- a) ***the deletion of Lot 2 as proposed and the subsequent renumbering of lots***
- b) ***the deletion of Lot 5 as proposed and the subsequent renumber of lots***
- c) ***The inclusion of existing cottage into Lot 1 as proposed which contains the existing Cosmo Hotel***
- d) ***the specific dimensions for the "Old Shed" and the existing shed/stable are included;***

*An endorsed copy of such plans will form part of this permit.*

### **2. Deleted, therefore 3 now becomes 2.**

*Council's Engineering Department:*

- 2.1 *Stormwater is to be directed to the legal point of discharge being the Creek to the West of the property.*
- 2.2 *All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to commencement of construction. Such drainage works shall be designed and installed to transport run-off from the subject land and surrounding land or adjoining roads to the approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties.*
- 2.3 *All easements deemed necessary by the Responsible Authority shall be provided by the applicant regardless of whether they are through the subject land or through other titles. Any drainage easements created are to be in favour of Hepburn Shire Council.*
- 2.4 *Vehicle access/crossing from Cosmo Road to the allotment is to be located and constructed of material to the satisfaction of the Responsible Authority (Refer-attached) Permit No.:516*

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- 2.5** *Vehicle access/crossing from Quarry Street to the allotment is to be located and constructed of material to the satisfaction of the Responsible Authority (Refer-attached) Permit No.:516*
- 3.6** *Deleted. Numbering amended accordingly.*
- 2.6** *Kerb & channel shall be constructed along the frontage of the subject land within the Cosmo Road Road Reserve to the satisfaction of the Responsible Authority. The area between the kerb and channel required by this condition and the existing bitumen seal shall be constructed and sealed with bitumen or asphalt surface and the area behind the kerb and channel shall be backfilled with approved topsoil and grasses to the satisfaction of the Responsible Authority.*
- 2.7** *Kerb & channel shall be constructed along the frontage of the subject land within the Quarry Street Road Reserve to the satisfaction of the Responsible Authority. The area between the kerb and channel required by this condition and the existing bitumen seal shall be constructed and sealed with bitumen or asphalt surface and the area behind the kerb and channel shall be backfilled with approved topsoil and grasses to the satisfaction of the Responsible Authority.*
- 2.8** *A pedestrian path to be constructed to the satisfaction of the Responsible Authority along the frontage of Cosmo Road.*
- 2.9** *An pedestrian path to be constructed to the satisfaction of the Responsible Authority along the frontage of High Street.*
- 2.10** *A pedestrian path to be constructed to the satisfaction of the Responsible Authority along the frontage of Quarry Street..*
- 2.11** *All costs incurred in complying with the above conditions shall be borne by the applicant.*

*Coliban Water Authority:*

*The applicant or owner is required to reach agreement with Coliban Water for the provision of reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water Assets.*

*Telstra:*

*The plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.*

*Powercor Australia Ltd:*

*The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.*

*The applicant shall:*

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards.*

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- *Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.*
- *The applicant shall provide to Power or Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

*The applicant must pay to the Responsible Authority a contribution equivalent to 5% of the site value of all the land in the subdivision for open space purposes. This payment must be made prior to the issue of a Statement of Compliance. This contribution may be made on a pro rata basis in accordance with the development of each stage and may be adjusted in accordance with Section 19 of the Subdivision Act.*

*This permit will expire if one of the following circumstances applies:*

- *The plan of subdivision is not certified within two (2) years of the issue date of this permit.*
- *the development is not completed within five (5) years of the certification of the plan of subdivision under the Subdivision Act 1988.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*

**Moved:** Cr Heather Mutimer  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

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**9. STATUTORY MATTERS**

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**9.4 PLANNING APPLICATION 2007/9306, DEVELOPMENT OF 60 GRENVILLE STREET, DAYLESFORD FOR A SECOND DWELLING**

(A/O – Planning Officer 2)

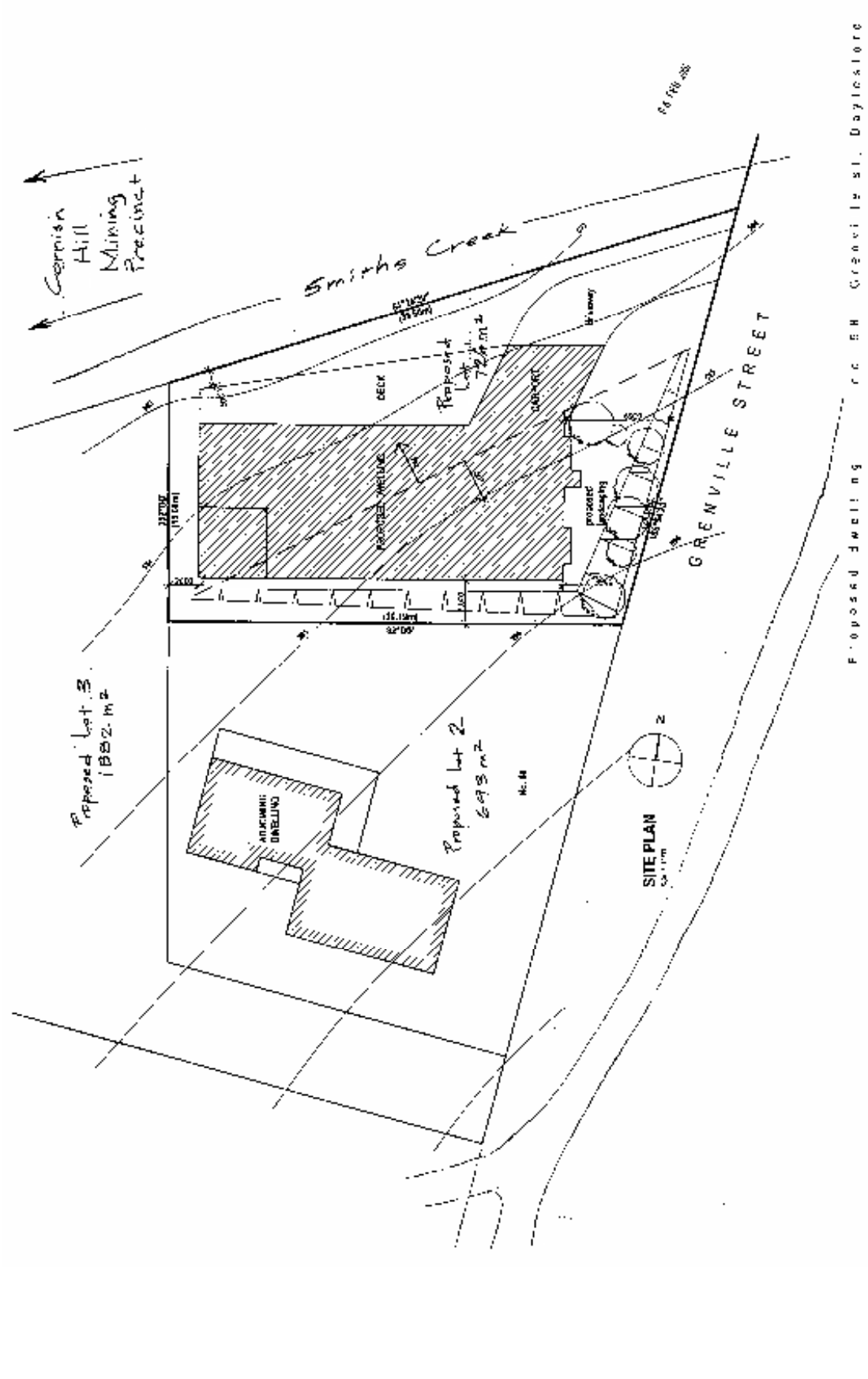
File Ref: 4/2940/00500

**Synopsis**

Applicant	Rachel Powlett
Location	60 Grenville Street, south of Houston St, Daylesford
Proposal	Development of a second dwelling on 3288m2 lot
Zoning	Residential 1 Zone R1Z, with Public Park & Recreation Zone PPRZ to west
Overlay Controls	ESO1 & 2, HO 898 Cornish Hill Mining Precinct
No of Objections received	One, from owner of 3rd property south
Recommendation	Refuse to Grant a Permit



9. STATUTORY MATTERS



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## 9. STATUTORY MATTERS

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### Report

#### INTRODUCTION

This is a triangular lot with 64.8m frontage, maximum depth of 101.8m, area of 3288m<sup>2</sup>, sloping down from the frontage and down from south to north. The owner gained permission to subdivide into 3 lots, pursuant to an appeal, about 2 years ago. The subdivision is still not completed.

There is an existing informal access from the southern/downhill end of the frontage; a 6m wide shared access will be constructed to the proposed 1882m<sup>2</sup> rear Lot 3. Permission was granted not long after to re-locate a miner's cottage of about 125m<sup>2</sup> onto Lot 2, with 6m front setback. It has a frontage of 30m, area of 693m<sup>2</sup>.

Proposed Lot 1, the subject site at the northern end, is to have a similar frontage and area, of 726m<sup>2</sup>, and to have its own access. Its level is lower than that of Lot 2.

There is a row of large conifer trees along the frontage. The area is underdeveloped, with only a few dwellings to the south, the adjoining one set back about 7m. To the north is a valley formed by Smiths Creek; then Grenville St continues to the north beyond.

With the subdivision still incomplete, a permit is required for the second dwelling; under Environmental Significant Overlay (ESO) 1 & 2, buildings and works will result in changes to surface and groundwater runoff; particularly with a large site cut. Under the recent Heritage Overlay amendments, this and other properties are peripheral to the Cornish Mine heritage area, which originally only covered land in the Public Park and Recreation Zone (reserve) to the west, were added to that area.

#### PROPOSAL

It is now proposed to develop proposed Lot 1, of 726m<sup>2</sup>, with a dwelling. The existing dwelling on Lot 2 enjoys views across to Smiths Ck, which the applicant can substantially retain for their occupancy, by excavating the site, and keeping the majority of the dwelling on one level. It is to consist of 3 bedrooms, 2 bathrooms, 2 large living areas, plus a 9m x 15m (approx) studio, of which half is to have a 1<sup>st</sup> floor loft. The total ground floor area, including double carport is estimated to be 280m<sup>2</sup>, plus uncovered 68m<sup>2</sup> deck. It is to be set back 4.4m to 7m from the frontage, generally less than the 6m setback for the cottage on Lot 2. The entry is to be on the lower, northern end. The applicant has already carried out frontage screen planting.

The roof is to have a series of low sloping re-cycled steel sheet planes, estimated to have slopes of 10-12%, walls to be clad in recycled timber. The Applicant submits that the long, low 'shed-look' is not only necessary to accommodate a large floor area while retaining view for the neighbouring cottage; it is also inspired by the mining legacy, and the appearance of other long, low dwellings, and use of timber and steel, in the area.

#### REFERRAL AUTHORITIES

Application was referred to the Department of Sustainability and Environment, Goulburn-Murray Water and Central Highlands Water, with no objections subject to standard conditions.

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### REFERRAL WITHIN COUNCIL

**Engineering Services** - no particular issues.

#### **Council's Heritage Adviser –**

Observes that there are several small cottages, mainly timber-clad with gabled roofs, in the vicinity of the site, which is visually apparent from the periphery, particularly where the construction of Grenville St finishes at Smiths Ck, coming down toward the site from Central Springs Rd.

The cottages are stated to more appropriately reflect the mining legacy of Cornish Hill than the proposed long, low, rectangular, shed-like dwelling. Also, the cottages tend to be mounted on the ground, rather than cut into it.

While the site coverage (estimated to be 38% of Lot 1) would be under the 60% maximum in the state ResCode, it is not considered to be appropriate in the context of this heritage overlay (eg the cottage on Lot 2 covers less than 20% of the lot).

The heritage adviser does not believe that the proposal would conserve/enhance the heritage place, and objects to the proposal (see under consultation below). Heritage comments and the applicant's response are to be tabled at the meeting.

### ADVERTISING/NOTICE OF APPLICATION

It was required that notices be sent to owners/occupiers of 12 surrounding properties, and that a notice be posted on the frontage of Lot 1.

The owner of the third property south of the subject land lodged an objection that included concerns about earlier works around Smiths Creek, seeking more care in future (any evidence of this will be looked into prior to the meeting).

The apparent site coverage of the proposal is also a matter of concern, having regard to the lower coverage of other nearby dwellings, and to the prospect of Lot 3 being developed in future.

#### **Relevant Policies / Council Plan implications:**

##### STATE PLANNING POLICY FRAMEWORK (SPPF)

The proposal is considered to be consistent with the objective of the State Planning Policy Framework, Housing and Settlement, in that efficient use is to be made of a vacant site within the fully serviced area of a major township. However, such consideration must take into account the heritage and conservation aspects, for which the proposal has been found to have some inconsistencies with the provisions of the Hepburn Planning Scheme.

##### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

The proposal posed a similar balance to be determined for local policies. The Neighbourhood Character Overlay only comes as far south as Grant St. However, neighbourhood character is considered to be relevant in the ResCode analysis, because the new dwelling is second to the existing dwelling on a single lot and from an overall heritage perspective. Council's Heritage Adviser identified the preferred character (as above) to be buildings which (at least) appear to be timber cottages with gabled roofs. Larger floor areas should be achieved by joining building components in

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a way that they appear have distinct envelopes. Detailing should be plain, not copying older styles, but be sympathetic to them in scale and form.

### ZONE AND OVERLAY PROVISIONS

The objectives for Residential 1 Zone are substantially covered in state policy above, the need to balance efficient use of serviced land with neighbourhood character. The heritage overlay provisions are similarly addressed above.

The necessity to excavate up to 2 metres poses a problem for compliance in areas affected by ESO1 & 2. Council's Heritage Adviser mentions the preference for building on or above ground level, and it would help to achieve other objectives to step the building down the slope, at varying floor levels.

A complete ResCode assessment has been made as below in this report. The primary inconsistencies are in Neighbourhood character, Street setback, Access and Design detail.

### ASSESSMENT

It is regarded as appropriate, and possible, to vary the building forms in levels, rather than cut so deeply into the site; vary setbacks and roof designs, to give the appearance of joined cottages, rather than one large rectangular shape. It is considered that this would achieve an outcome which would be more sympathetic to the heritage and neighbourhood character considerations for this area.

2007/9 306	Assessment for 2 <sup>nd</sup> Dwelling at 60 Grenville St	Objectives	Standards	Comments
B1	Neighbourhood Character	Respects existing neighbourhood character	Harmonise with character elements	Dwelling to be significantly bulkier in scale than most existing in the street, and accentuated by lesser setback, will tend to dominate street, notwithstanding site cut.
B2	Residential Policy	Infill existing settlements	Close to community Facilities	Site is 1km driving distance from shops and other facilities
B3	Dwelling Diversity	Encourage diversity in 10+ development	Vary number bedrooms, facilities	Not relevant
B4	Infrastructure	Ensure servicing is appropriate	All-service availability & capacity	Most services readily available
B5	Integration with the street	Integrate layout with street(s)	Adequate pedestrian/ve hicular links	Proposed vehicle access to be via a driveway from the road.
B6	Street setback	Respect setbacks of existing dwellings	Average setback of nearest dwellings	Should be a minimum of 6m, consistent with nearest dwelling
B7	Building height	Respect height of existing buildings	Any variation in height to be gradual	A taller building, stepping down the slope, is preferable to cutting into the slope, in this area
		Coverage to	Most less	Proposed site coverage to be



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B8	Site coverage	respect n'hood	than 50% (60% max)	relatively high for this area.
B9	Permeability	Minimise impact of run-off	At least 20% to be permeable	Similar to above response
B10	Energy efficiency	Maximise efficiency of dwelling	Living area solar orientated,	Living areas to have good solar access
B11	Open space	Integrate with public space	Dwellings to face any space	Integrates satisfactorily with public open space
B12	Safety	Provide safety and security	Adequate lighting, street visibility	New dwelling to have limited surveillance to the street.
B13	Landscaping	Respect landscape character of street	Use or replace significant trees	Screening pre-planted; but need to stabilise large cut.
B14	Access	Safe, usable vehicle access	Minimise no. crossings, 3m width, 4m inner turn rad.	Access via private drive from street; backing into street would be awkward.
B15	Parking location	Convenient to visitors/ Residents	Access min 1.5m from windows	Location would be convenient
B16	Parking provision -	No. appropriate to needs of visitors/ Residents	1 sp for 1-2 bedroom, 2 sp for 3+ bedroom	Number of spaces would minimally cover the Code requirement.
B17	Side and rear setbacks	Ht/setback to respect n'hood	1m+ for 3.6m ht (+eaves)	Some side & rear setbacks are minimal, given context of neighbourhood
B18	Walls on boundaries	Limit impact on adjacent dwelling	Ave 3m high, 10m+ long	None
B19	Daylight to existing windows	Adequate daylight to existing habitable room windows	Min light opening of 1m min.& 3m <sup>2</sup> min	Dwelling on land to south set well back from north boundary
B20	North-facing windows	Adequate north light to existing bedroom	1m + 0.6m over 3.6m setback from boundary	As above
B21	Overshadowing open space	Minimise overshadowing to private open space	75% to receive 5hr sunlight	As above

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B22	Overlooking	Limit view into private open space & habitable room windows	Views measured 9m within 45 overview	No issues
B23	Internal views	Limit view within development	prevent more than 50% view	No issues
B24	Noise impacts	Minimise noise to & from development	Distance windows & open space from noises	No issues
B25	Accessibility	Consider needs of less mobile	Ground floor entries accessible	Accessibility adequate
B26	Dwelling entry	Dwellings to have identity	Entries visible from street	New dwelling entry to be obscured by the carport.
B27	Daylight to new windows	New windows to have adequate light	To face opening of 1m & 3m <sup>2</sup> min	All new windows to face ample light openings.
B28	Private open Space	Adequate for recreation needs of residents	Min 25m <sup>2</sup> >3m wide, total 40m <sup>2</sup>	Much of new dwelling's private open space consists of relatively narrow setbacks, rather than usable space, except for the deck.
B29	Solar access to open space	Maximise solar access to private open space	Locate on north side or increase setback	Proposed deck to have good solar access.
B30	Storage	Adequate storage for residents	Convenient access to 6m <sup>3</sup> - ext.	Adequate storage possible.
B31	Design detail	Encourage detail that respects n'hood	facade, openings, roof form, other detail	Not considered to be compatible with design details of preferred buildings in street, that is those that contribute to the heritage context.
B32	Front fences	Design to respect n'hood	max 1.5m, 2m for main roads	Not relevant
B33	Common Property	Any common property to be manageable	Clearly delineated, functional	Not relevant.
B34	Site services	Adequate services & facilities	Adequate accessed, maintained	Services can be provided

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### COMMUNITY / ENGAGEMENT / COMMUNICATION / CONSULTATION:

A site meeting was held between the Council heritage adviser and planner, and the applicant; and a separate meeting was arranged between the heritage adviser and the applicant's architect. Little agreement was reached on what range of building design elements are appropriate for this neighbourhood.

The applicant had a separate meeting with the objector.

### **Financial & Resource Implications Initial & Ongoing**

Nil

### **Recommendation**

*That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Refusal for the development of second dwelling on 60 Grenville Street, Daylesford on the following grounds:*

- 1        *The proposal is inconsistent with the provisions of the Local Planning Policy Framework of the Hepburn Planning Scheme in particular Clause 21.09 Environment and Heritage*
  
- 3        *The proposal is inconsistent with objectives of Clause 41.01 Heritage Overlay, in that the proposal would not conserve and enhance the cultural significance of the heritage site.*
  
- 4        *The proposal is inconsistent with the objectives of Clause 42.01 Environmental Significant Overlay, in that the proposal involves extensive excavation that impacts on the environmental values of adjacent creek.*
  
- 5        *The proposal is inconsistent with the objectives and provisions of Clause 55 Two or More Dwellings on a Lot, in the area of Neighbourhood Character, Street Setback, Access and Design details.*
  
- 6        *The proposal would be detrimental to the amenity of the area*

### **Moved the Officer's Recommendation**

**Moved:**        **Cr Heather Mutimer**  
**Seconded:**   **Cr Janine Booth**  
**Carried.**

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### 9.5 ROAD NAMING - MCKENNAS ROAD

(A/O – Director Corporate Services)

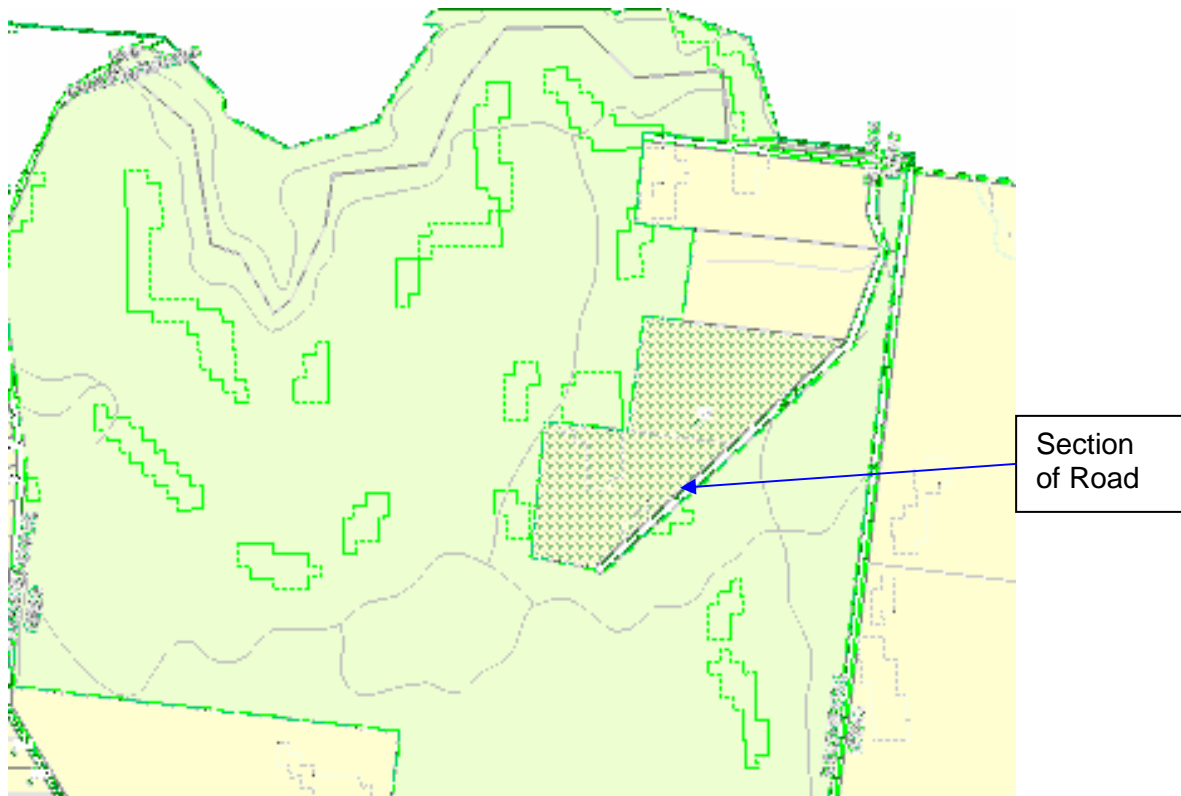
File Ref: 58/02/03

#### Synopsis

The Council has responsibility for the naming of roads and streets within the municipality. The following report recommends the naming of the un-named section of road off Belltopper Road, Taradale as “McKennis Road”

#### Report

Deita Walters requested that the section of road (shown on map below) be named “Bellair Drive”. An advertisement was placed in the Advocate on 7<sup>th</sup> March, 2007 calling for submissions from the Public.



There was one other submission received from Ms Susan Walter, with five historical name suggestions, one being McKennis Road.

There were four early land owners in the 1880s along this road, they were the Penno, Tyquin and two McKenna families. The McKenna’s owned a substantial amount of land at the time. There are roads named after the Penno and Tyquin families so it seems fitting to acknowledge the McKenna family history as well.

As this name holds more historical significance than the suggested “Bellair Drive” it is recommended that name “McKennis Road” be adopted to ensure the history of the family name is preserved and recognised.

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### **Relevant Policies/ Council Plan Objectives:**

The Local Government Act 1989 gives the Council powers (Section 206) in relation to naming roads. When exercising this power, we must act in accordance with guidelines (*Geographic Names Victoria –GNV*) provided by the Registrar of Geographic Names. The Registrar has the responsibility to record changes in Vicnames Register as road names are a critical component for Emergency Service Organisations.

### **Financial & Resource Implications Initial & Ongoing**

Sign costs of approximately \$300 to be born out of existing budget.

### **Recommendation:**

9.5 .1 *That Council resolve in accordance with S206 of the Local Government Act 1989 to name the un-named section of road off Belltopper Road as outlined in the body of this report as “McKennas Road”.*

### **Moved the Officer’s Recommendation**

**Moved:** Cr Janine Booth  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

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### 9.6 ROAD NAMING – GRAVES ROAD

(A/O – Director Corporate Services)

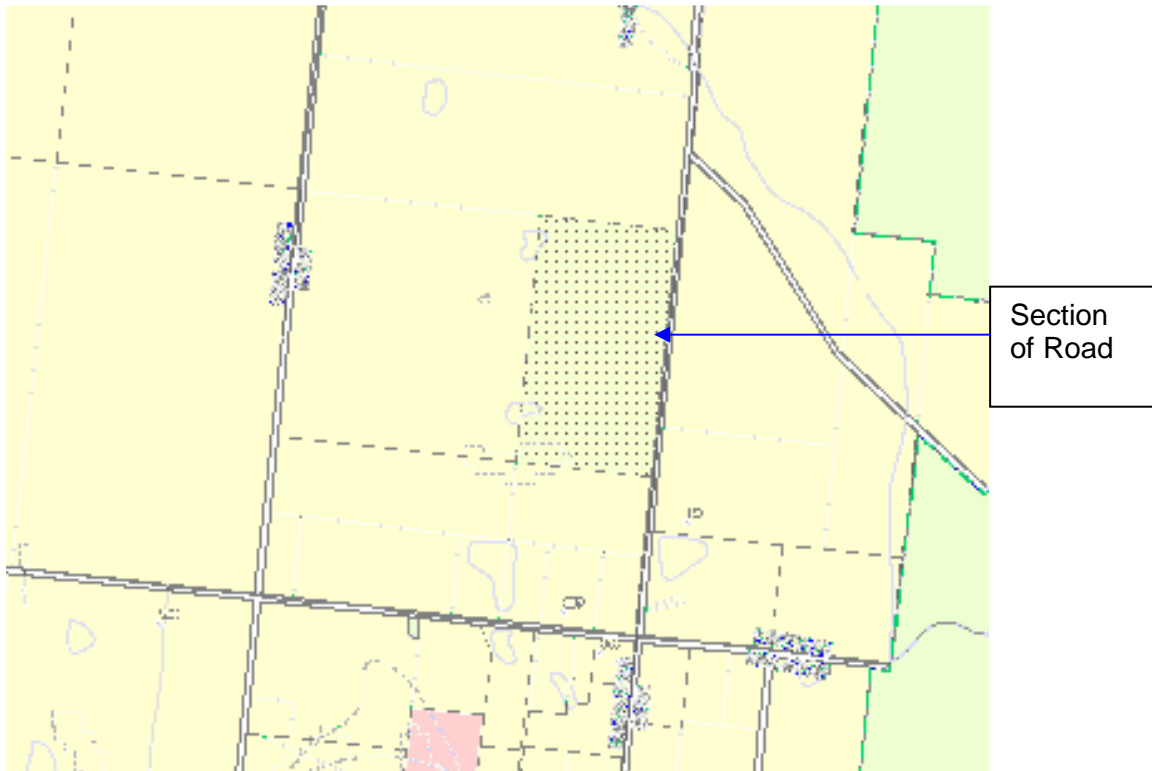
File Ref: 58/02/03

#### Synopsis

The Council has responsibility for the naming of roads and streets within the municipality. The following report recommends the naming of the un-named section of road off Telegraph Road, Langdons Hill as “Graves Road.”

#### Report

Chris and Rita Perry requested that the section of road (shown on map below) be named “Perry Lane”. An advertisement was placed in the Advocate on 7<sup>th</sup> March, 2007 calling for submissions from the Public.



Two further submissions were received from Ms Margaret McDonald of Telegraph Rd, Sailors Falls, requesting the name Atkinson Road and Mr Alistair Vallance also of Telegraph road, requesting Graves Road.

The suggested name of Atkinson Road holds historical meaning for Ms McDonald as her Great, Great Grandparents migrated from England in 1866 and along with their 12 children settled in Telegraph Road and remained until their deaths in 1905 and 1908. They were both laid to rest in the Daylesford Cemetery.

They built a small cottage called “Holly” cottage and it still remains there today.

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## 9. STATUTORY MATTERS

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The second suggestion of Graves Road, derived from Mr G Graves and Mr Newton Graves being the earliest settlers after Captain Langdon and Captain Hepburn. This is supported by the local history of Mt Prospect as it appears in the Creswick Advertiser on Dec 23rd, 1924.

The Graves family owned land adjacent to the road in question and there are two mines on this land named Graves United and Graves Extended. They also owned three sawmills in this area.

As both names requested hold more historical significance than the suggested "Perry Lane" it is recommended that the name "Graves Road" be adopted to ensure the history of the family name is preserved and recognised.

### **Relevant Policies/ Council Plan Objectives:**

The Local Government Act 1989 gives the Council powers (Section 206) in relation to naming roads. When exercising this power, we must act in accordance with guidelines (*Geographic Names Victoria –GNV*) provided by the Registrar of Geographic Names. The Registrar has the responsibility to record changes in Vicnames Register as road names are a critical component for Emergency Service Organisations.

### **Financial & Resource Implications Initial & Ongoing**

Sign costs of approximately \$300 to be born out of existing budget.

### **Recommendation:**

9.6 .1 *That Council resolve in accordance with S206 of the Local Government Act 1989 to name the un-named section of road off Telegraph Road as outlined in the body of this report as "Graves Road".*

### **Moved the Officer's Recommendation**

**Moved:** Cr Janine Booth  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

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## 9. STATUTORY MATTERS

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### 9.7 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, AND ROWENA ANN DAVIES, PLANNING PERMIT NO 2004/8135

(A/O – Planning Administration Officer)

File Ref5/4060/01200/P

#### Synopsis

This report concerns a Section 173 Agreement that provides no further development is to take place for the subject lot at Lot 15, LP 99107, Parish of Burke, under Condition 12.4 of Planning Permit 2004/8135, issued for the use and development of the land for a dwelling prior to reassessment.

Applicant: ROWENA ANN DAVIES

Property: 20 LIZA DRIVE, DRUMMOND  
LOT 15, LP 99107, PARISH OF BURKE

#### Report

The land owner/applicant is to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, in accordance with the planning permit.

The agreement provides that no additional bedrooms will be created unless the capacity of the wastewater treatment facility and constructed wetlands are reassessed prior to the granting of a planning permit for Lot 15, LP 99107, Parish of Burke, under Condition 12.4 of Planning Permit 2004/8135.

#### Relevant Policies / Council Plan implications:

#### Community / Engagement / Communication / Consultation:

#### Financial Implications

Nil

#### Recommendation:

9.7.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Rowena Ann Davies, as detailed under item 9.7.*

#### Moved the Officer's Recommendation

Moved: Cr Bill McClenaghan  
Seconded: Cr Janine Booth  
Carried.



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## 9. STATUTORY MATTERS

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### 9.8 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, GOULBURN-MURRAY WATER AND JUNE LILLIAN STANLEY, PLANNING PERMIT NO 2006/9125

(A/O – Planning Administration Officer)

File Ref: 1/0105/10001/P

#### Synopsis

This report concerns a Section 173 Agreement that provides that the dwelling must not exceed three (3) bedrooms and one (1) bathroom and that wastewater management be undertaken according to planning permit 2006/9125 for the subject lot at CA 8, CA 9A, Section A1, Parish of Clunes, under Conditions 2 and 8.3, issued for the development and use of the land for the construction of a dwelling.

Applicant: JUNE LILLIAN STANLEY

Property: 40 ALFRED STREET, CLUNES  
CA 8, CA 9A, SECTION A1, PARISH OF CLUNES

#### Report

The land owner/applicant is to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, in accordance with the planning permit.

The agreement provides that the dwelling must not exceed three bedrooms and one bathroom and wastewater management carried out according to the planning permit for CA 8, CA9A, Section A1, Parish of Clunes, under Conditions 2 and 8.3 of Planning Permit 2006/9125.

#### Relevant Policies / Council Plan implications:

#### Community / Engagement / Communication / Consultation:

#### Financial Implications

Nil

#### Recommendation:

9.8.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, Goulburn-Murray Water and June Lillian Stanley, as detailed under item 9.8.*

#### Moved the Officer's Recommendation

Moved: Cr Bill McClenaghan  
Seconded: Cr Janine Booth  
Carried.

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## 9. STATUTORY MATTERS

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### 9.9 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, AND J & D FRANGOS, PLANNING PERMIT NO 2002/7245

(A/O – Director Infrastructure & Development)

File Ref5/7300/95400/P

#### Synopsis

This report concerns a Section 173 Agreement that requires the owner to provide public liability insurance relating to building works encroaching on footpath outside 82 Vincent Street, Daylesford.

Applicant: JAMES & DIANNE FRANGOS

Property: 82 VINCENT STREET, DAYLESFORD

#### Report

The land owner is to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, in accordance with the planning permit.

The agreement requires the owner to provide public liability insurance relating to building works encroaching on footpath outside 82 Vincent Street, Daylesford as required by Condition 2 of Planning Permit 2002/7245, issued for alterations of existing portion of Hotel

#### Relevant Policies / Council Plan implications:

#### Community / Engagement / Communication / Consultation:

#### Financial Implications

Nil

#### Recommendation:

9.9.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and James & Dianne Frangos, as detailed under item 9.9.*

#### Moved the Officer's Recommendation

Moved: Cr Bill McClenaghan  
Seconded: Cr Janine Booth  
Carried.

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**10. STRATEGIC**

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Nil

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**11. ITEMS FOR NOTING**

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Nil

**12. CONGRATULATIONS / APPRECIATION**

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Nil

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**13. ORDINARY BUSINESS**

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**Moved:**

**That a report be presented to Council on the naming of the Daylesford – Clunes Road to resolve the issues raised by Mr Toose at public question time.**

**Moved:** Cr Tim Hayes  
**Seconded:** Cr Heather Mutimer  
**Carried.**

**CLOSE OF MEETING:** The Meeting closed at 8.54pm.

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**ATTACHMENTS**

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- ATTACHMENT 1** (Item 3.1)
- ATTACHMENT 2** (Item 6.4) Closure of Road Reserve Accessing Middle Swamp - Clunes
- ATTACHMENT 3** (Item 6.6) Eco-Buy Memorandum of Understanding MOU

**ATTACHMENT 1**

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**Minutes of The Ordinary Meeting Of Council  
Held On 17 April 2007**

The minutes will be tabled at the meeting.



ATTACHMENT 2

Item 6.4 Closure of Road Reserve Accessing Middle Swamp - Clunes



Department of  
Sustainability and Environment

14 February 2007

Mr Andrew Bourke  
Manager Operations  
Hepburn Shire Council  
P.O. Box 21,  
DAYLESFORD 3460

ORIG SENT TO ALO.

HEPBURN SHIRE COUNCIL  
RM No: 58/02/04  
Rec'd Date: 19 FEB 2007  
Rec'd By: [Signature]  
Action By: [Signature]  
Prog No: 011

PO Box 30  
WODONGA 3680  
Telephone 02 6043 7046  
Facsimile 02 6043 7910  
AMN 90 119 652 204

Doc Ref: 161592 LP

Dear Mr Bourke

**PROPOSED CLOSURE OF UNUSED ROAD - PARISH OF EGLINTON**

I write in reference to the Department's intention to formally reserve land as the Middle Swamp Wildlife Reserve in the Parish of Eglinton, and to seek Council consent for closure of the unused Government road hatched on attached Plan GP 2369 for inclusion in the reserve.

The land shown hatched on the attached Plan GP 2370 is to be reserved for "the management of wildlife and/or the preservation of wildlife habitat", and is to be managed by Parks Victoria.

Subject to Council consent, the department intends to close the unused road under Section 348 Land Act 1958 to enable it to be included in the reserve.

It would be appreciated if Council would consider the closure and complete the "Consent to Closing of Road" form, then return it to this office as soon as possible.

Please note:

- If the form is signed off at a Council meeting, the Council seal must be affixed to the form
- If the form is signed under delegation, we must receive a copy of the Instrument of Delegation

Please contact me on 02 6043 7946 if you have any enquiries or wish to discuss the matter. It would be appreciated if you would forward comments or confirm that Council has no objection to the proposal within 30 days of this letter.

Please contact me on 02 6043 7946 if you have any enquiries.

Yours sincerely

Lois Pauline  
Case Manager  
Attachments

Prepared By: Lois Pauline  
Phone: 02 6043 7946 Fax: 02 6043 7910  
Email: Lois.Pauline@dep.vic.gov.au

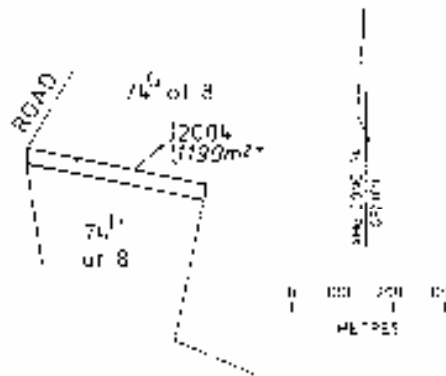


For further information about DSE contact the Customer Service Centre on 136 136 or visit our website at [www.dse.vic.gov.au](http://www.dse.vic.gov.au)

**ATTACHMENT 2**

**Item 6.4 Closure of Road Reserve Accessing Middle Swamp - Clunes**

PLAN 1:2000

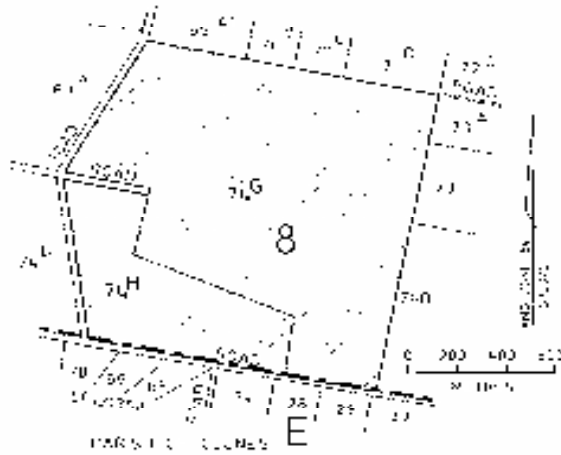


CROWN ALLOTMENT 2004 PARISH OF EGLINTON COUNTY OF TALBOT	
Prepared from VDP. E15(4)	A.JASKIEWICZ 7.2.2007 for JOINT DIRECTOR RURAL/URBAN PLANNING, VICTORIA
Corr. No. E515892	Drawn: MWP 10.02.2007 GP 2369

**ATTACHMENT 2**

**Item 6.4 Closure of Road Reserve Accessing Middle Swamp - Clunes**

410 06612P



Total area of hatched portions is 172ha<sup>2</sup>

CROWN ALLOTMENTS 74G & 74H OF SECT ON 8 PARISH OF EGLINTON COUNTY OF TALBOT	
Prepared from VDP E18743	
Case No. 03/5832	Drawn: VWP 05/02/2007
A MARKING OF T 2 2007 MURDOCH UNIVERSITY SURVEYING DEPARTMENT VICTORIA GP 2370	

ATTACHMENT 2

Item 6.4 Closure of Road Reserve Accessing Middle Swamp - Clunes



CONSENT TO CLOSING OF ROAD - MUNICIPAL COUNCIL  
Section 349, Land Act 1958

Office Wodonga (Box-Ironbark Project)  
Region North East  
Ref. No. 0615892

A road laid out on land of the Crown which is unused as to the whole or any portion of the length or width may be closed by the Governor in Council as to the whole or any part, as the case may be, by order published in the Government Gazette; but only with the concurrence in writing of the Council of the municipality in whose district the road is located, and of the owners of any land adjoining the road.

If the Council favours the closing of the road described in the next paragraph, its concurrence should be given in writing to satisfy the requirements of the relevant legislation. It is suggested that the form of consent at the foot of this sheet should be used to provide the written concurrence of the Council under seal, or under the hand of the Chief Executive Officer.

The description of the road is:

**Unused road north of Crown allotment 74H Section 9 Parish of Eglinton as shown hatched on Plan GP 2369.**

CONSENT

At the meeting of the Council of the \_\_\_\_\_ of \_\_\_\_\_ held on \_\_\_\_\_ it was resolved that the Council give its concurrence to the closing of the subject road pursuant to Section 349 of the Land Act 1958. In giving this consent, Council is aware that should the road be closed, the effect will be that --


- (a) the closing will be absolute;
- (b) the road will be shown as closed on all departmental plans and Office of Titles charts and on the titles of the abutting lands;
- (c) all rights of carriageway enjoyed by the public will cease; and
- (d) the land in the closed road will become unalienated land of the Crown and can be dealt with under the provisions of the Land Act, which includes the sale of the freehold.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2007

Council seal or signature of )  
Shire Secretary )  
Town Clerk )  
Executive Officer )

*Notes: If Council's consent is provided under delegation a copy of the appropriate "Instrument of Delegation" must be returned with this form.*

ATTACHMENT 3 – Item 6.6



**ECO BUY**

Mr Victor Sowed  
Chief Executive Officer  
Hepburn Shire Council  
PO Box 21  
Daylesford VIC 3480

28 March 2007

Dear Victor

RE: ECO-Buy Memorandum of Understanding (MOU)

Congratulations on your council's achievements in environmental purchasing to date. Currently ECO-Buy has 61 Victorian council members who have committed to purchasing green products wherever possible. Since the establishment of the program in 2000, membership has grown from 22 to 61 councils and green spending has increased from \$5.9 in 2000/01 to \$81.9 million in 2004/05.

When your council originally joined ECO-Buy (or the Local Government Buy Recycle Alliance as it was named prior to 2002), a resolution was passed at council and a Memorandum Of Understanding (MOU) was signed by your Chief Executive Officer at that time. According to our records, this MOU expired in January 2006.


To continue to enjoy the benefits of ECO-Buy membership it is necessary for your council to sign a new ECO-Buy MOU, which will be current for three years from the date of signing. In return ECO-Buy will continue to provide you with a range of quality services and tools at no cost – these include product specifications, web access to over 500 suppliers of green products, access to discounts and incentives on green products and tailored training provided by ECO-Buy staff.

Please find the MOU document attached which outlines the key commitments of ECO-Buy membership. Also attached is a draft Resolution document that you may require to pass this initiative through council. These documents are also available electronically on the ECO-Buy website  
[http://www.ecobuy.org.au/director/government/how\\_to\\_join.cfm](http://www.ecobuy.org.au/director/government/how_to_join.cfm)

We trust you will continue your commitment to environmentally sustainable purchasing and the ECO-Buy program that is leading not only Victorian Local Government, but all sectors Australia-wide in green purchasing.

A response to this letter will be required by the end of April 2007 to confirm your membership status. Please feel free to contact me if you have any enquiries. I can be contacted by email [astandish@ecobuy.org.au](mailto:astandish@ecobuy.org.au) or by phone on 03 9567 5565.

Yours sincerely



Alison Standish  
Acting ECO-Buy Executive Officer

cc: Sophie Akers

ORIG SENT TO W/O  
HEPBURN SHIRE COUNCIL  
File No: 6810101  
Rec'd Date: - 3 APR 2007  
Print By: LTC  
Action By: V Sowed  
Reg No: 07/008323

Level 10, 100 Collins Street, Melbourne VIC 3000 • Postal Address: PO Box 40181, Melbourne VIC 3001  
Tel: 03 9567 5565 • Fax: 03 9567 5566 • Email: [info@ecobuy.org.au](mailto:info@ecobuy.org.au) • [www.ecobuy.org.au](http://www.ecobuy.org.au)

Approved by the Council  
15 May 2007

ATTACHMENT 3 – Item 6.6



Draft Resolution

HEPBURN SHIRE [Insert Council] agrees to become a member of ECO-Buy and commit to the principles of the network by:

- 1.1 Adopting a resolution of the council that commits it to the implementation of a green purchasing program that includes:
  - a) Developing, adopting and implementing a green purchasing policy.
  - b) Establishing an ECO-Buy Working Group Group.
  - c) Developing and implementing an annual Action Plan.
  - d) Establishing a tracking system to monitor purchasing of green products.
  - e) Providing a written report to ECO-Buy every twelve months.
  - f) Nominating a staff member to coordinate the ECO-Buy program.
- 1.2 Becoming part of a network of councils willing to share their knowledge, experiences and achievements.
- 1.3 Participating in expos, seminars and forums that will educate staff about the use and application of green products.
- 1.4 Utilising the ECO-Buy logo to promote council's commitment to the program.
- 1.5 Providing adequate staff time to implement the ECO-Buy program.

Council endorses the signing of the Memorandum of Understanding between ECO-Buy and HEPBURN SHIRE [Insert Council]

**ATTACHMENT 3 – Item 6.6**

**4. Council Commitment**

Hepburn Shire Council agrees to become a member of ECO-Buy and commit to the principles of the program by:

- 4.1 Adopting a resolution of the council that commits it to the implementation of a green purchasing program that includes:
  - a) Developing, adopting and implementing a green purchasing policy.
  - b) Establishing an ECO-Buy Working Group.
  - c) Developing and implementing an annual Action Plan.
  - d) Establishing a tracking system to monitor purchasing of green products.
  - e) Providing a written report to ECO-Buy every twelve months.
  - f) Nominating a staff member to coordinate the ECO-Buy program.
- 4.2 Becoming part of a network of councils willing to share their knowledge, experiences and achievements.
- 4.3 Participating in expos, seminars and forums that will educate staff about the use and application of green products.
- 4.4 Utilising the ECO-Buy logo to promote council's commitment to the program.
- 4.5 Providing adequate staff time to implement the ECO-Buy program.

There is no membership fee.

**5. ECO-Buy Commitment**

In order to support councils ECO-Buy will provide the following resources:

- 5.1 Support from the ECO-Buy Executive Officer and Local Government Manager who will provide hands on support, advice and education for council staff and councillors.
- 5.2 A comprehensive Green Purchasing Guide
- 5.3 ECO-Train – ECO-Buy's free green purchasing training program.
- 5.4 Access to the ECO-Buy logo providing a common branding to unite local governments. The logo can be used on stationery, advertisements, tenders, contracts, purchasing agreements, invoices, statements, and annual reports.
- 5.5 A membership certificate.
- 5.6 An Expo program with suppliers and manufacturers of green products.
- 5.7 Network meetings of ECO-Buy members.
- 5.8 Information from case study councils who are currently implementing green purchasing policies.
- 5.9 Support from a network of 20 regional Education Officers employed by the Regional Waste Management Groups.
- 5.10 An ECO-Buy web-site that will provide relevant and up-to-date information on green purchasing including the ECO-find database of green products and suppliers
- 5.11 Access to other EcoRecycle Victoria and Victorian Greenhouse Strategy information and resources.

**ATTACHMENT 3 – Item 6.6**

**6. Membership Review**

ECO-Buy reserves the right to terminate membership when members fail to demonstrate their commitment to this MOU and the spirit in which it was developed.

**7. Period of Memorandum of Understanding**

This Memorandum of Understanding is for the period commencing with the signing of the agreement until \_\_\_\_\_ (36 months later).

Signed by: \_\_\_\_\_

Date: \_\_\_\_\_

Alison Standish  
Acting Executive Officer  
ECO-Buy

Signed by: \_\_\_\_\_

Date: \_\_\_\_\_

Chief Executive Officer VICTOR SZWISO  
HEPBURN SHIRE Council



