

HEPBURN SHIRE COUNCIL

ORDINARY MEETING MINUTES

7pm Tuesday
17 July 2007
Creswick RSL
Albert Street Creswick

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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 HELD AT
CRESWICK RSL ON 17 JULY 2007,
COMMENCING AT 7 PM**

MINUTES

	Page No
1. APOLOGIES:	1
2. DECLARATION OF PECUNIARY INTEREST:	1
3. CONFIRMATION OF MINUTES:	1
4. PETITIONS AND PUBLIC QUESTION TIME:	2
4.1 Petition – Criterion Court Clunes	2
5. COUNCILLOR REPORTS AND CONGRATULATIONS:	4
6. GOVERNANCE & STRATEGIC MATTERS:	
6.1 Management / Advisory Committee for the ARC (<i>Attachment 2, includes Confidential attachment</i>)	9
6.2 Central Highlands Agribusiness Forum (<i>Attachment 3</i>)	12
6.3 ARC Monthly Report	14
6.4 Review of Low Density Residential Zone, Beckworth Court Road, Situated to the West of Clunes	16
6.5 Audit Committee Membership	18
6.6 Budget for the Financial Year 2007/2008 (<i>Attachment 4</i>)	20
6.7 Community Grants Policy (<i>Attachment 5</i>)	28
6.8 Neighbourhood Houses & Centres Policy	30
6.9 Rate Review Committee Recommendations	32
6.10 Instrument of Delegation for Two New Planning Staff	38
7. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND	
8. COUNCIL SECTION 86 AND ADVISORY COMMITTEES:	
8.1 Clunes Court House	41
8.2 Section 86 Committee & Advisory Committee Minutes	43
9. STATUTORY MATTERS:	
9.1 Application No 2007/9380, Use and Development of A: Public Amenity & Visitor Information Centre at Corner Victoria & Albert Streets, Creswick ...	44
9.2 Section 173 Agreement between Hepburn Shire council, Goulburn-Murray Water and Tony Olivera, Planning Permit No 2005/8384	54

CLOSE OF MEETING:

ATTACHMENTS

MAYOR, CR DAVID SMITH JP

18 July 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.

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.

The Mayor opened the meeting at 7pm 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 19 JUNE 2007

Recommendation:

That item 3.1 Minutes of the Ordinary Meeting of Council held on 19 June 2007 (Attachment 1), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.

Councillor McClenaghan requested that his full report is included in the Minutes of the Ordinary Council Meeting held on 19 June 2007, not the version showing dot points.

Moved the Officer's Recommendation:

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

4. PETITIONS AND PUBLIC QUESTION TIME

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 – CRITERION COURT CLUNES

(A/O – Director Infrastructure & Development)

File Ref: 7410

Synopsis

A petition signed by residents and users of Criterion Court, Clunes has been submitted to Council requesting Council to fully reconstruct the road and to install street signage and lighting.

Report

The petition lodged with Council signed by 22 residents and users of Criterion Court states:

“ROAD SURFACE

We the residents of Criterion Court & West Street request that works are carried out by Hepburn Shire to replace the existing road that is no longer a safe carriageway and has little or no structural integrity. This is a matter of some urgency. The road is now beyond the band-aid fixes and needs to be completely re-built.

We, the residents of Criterion Court feel that we have been extremely patient in tolerating the deplorable condition of the road for as long as we have. During the past decade residents have frequently had to contact Hepburn Shire Council to send a work crew to effect repairs. The problem is not only with the bitumen surface but with the road-base beneath. It is no longer able to cope with the increased traffic that uses it on a daily basis. Vehicles and pedestrians have also become victims of the worst road in Clunes. Twenty two vehicles are used by Criterion Court residents plus visitors and on a daily basis the postman precariously dodges potholes on his motorbike. The road needs to be replaced not repaired. It was obviously not built to cope with this amount of daily traffic. If it was, it was poorly constructed in the beginning.

DRAINAGE

The roadside culverts also need some maintenance to ensure that they adequately cope with run-off.

4. PETITIONS AND PUBLIC QUESTION TIME

LIGHTING & SIGNAGE

The court needs a sign at the top clearly stating 'Criterion Court' and a street light at the end of the court and another on the bend halfway down."

In accordance with Council's Local Law No1. - Meeting procedures, a petition must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

Relevant Policies / Council Plan implications:

Council Local Law – Meeting Procedures

Community / Engagement / Communication / Consultation:

Petition received and head petitioner will be invited to attend the draft agenda session on 14 August 2007.

Financial Implications

Cost of works requested has not been estimated.

Recommendation:

That Council:

4.1.1 Receive the petition and the matter be the subject of a report to the 21 August 2007 Ordinary Meeting of Council.

Moved the Officer's Recommendation.

Moved: Cr Tim Hayes

Seconded: Cr Janine Booth

Carried.

PUBLIC QUESTION TIME:

1. **Christina Croft** - spoke on behalf of Friends of the Glenlyon Trees about Elm trees, arborists reports and community consultation.
2. **Kerry Lock** - spoke re potential closing of Clunes Neighbourhood House.
3. **Bob Orr** - spoke on behalf of Friends of Park Lake Botanical Reserve.
4. **Christina Croft** - again spoke on behalf of Friends of the Glenlyon Trees.

5. COUNCILLOR REPORTS / CONGRATULATIONS

5.1 Councillor Janine Booth

Creswick Ward

Cr Booth spoke to written report on various matters, including her involvement with Hepburn Healthy Communities and Creswick Development Committee. Report follows.

This past month I have attended the usual ward meetings and meetings of Council. Each month I attend meetings of the Hepburn Healthy Communities and also the Creswick Development Committee. Both these Committees look at developments and opportunities within our Shire that encourage and support the well being and lifestyle of our residents.

The Hepburn Healthy Communities Committee brings together representatives from across the Shire to discuss and research issues and provides advice to Council on strategies identified in the Hepburn Healthy Community Plan.

The Creswick Development Committee is made up of representatives of the Creswick Community appointed by Council to implement and provide advice on strategies within the Creswick Development plan.

Both Committees work on Community Plans that were developed after extensive community consultation and represent the views and values of the Communities.

In Creswick ward in particular, our Development plan gives Council an insight into the Communities ideas about a wide variety of issues including the marketing of Creswick, upgrade of existing infrastructure such as Calemben park and Park lake and the development of future community facilities like playgrounds, toilet blocks and interpretive centres. The strategies that were developed became the blueprint for the Community's road map of the future and reflected the views of the overwhelming majority of respondents to the community consultation process.

I appreciate Council giving me the opportunity to work closely with the Community on these two Committees, to endeavour to match community expectations and values with appropriately allocated Council resources and State and Federal Government grants to achieve results that are identified and driven from the ground up. That is the basis of Community Planning.

5.2 Councillor Tim Hayes

Cameron Ward

Cr Hayes spoke to a written report about funding for the Clunes Bowling Club and moved an Item of Urgent Business. Report follows.

Over the past month I have attended the usual round of Council Forward Planning and Briefing sessions as well as the Tourism Advisory Committee.

At the local level I had the pleasure of chairing the Annual General Meeting of the Clunes Senior Citizens Club last Tuesday and officiating at the installation of the new Office Bearers for 2007/2008. I am pleased to advise Council that Mrs Daphne Corney has been elected President, and former councillor, Lou Newman as Secretary.

An item on tonight's agenda relates to the Clunes Court House and a proposal to seek expressions of interest for the long term leasing of this facility. The Committee of Management of another building, the former Clunes Free Lending Library Reserve – which is on Crown Land – is also looking at inviting expressions of interest in regard to that building and I believe this is a strong positive step forward in not only planning for the ongoing conservation of these two historic buildings, but hopefully, injecting economic activity into the township of Clunes.

5. COUNCILLOR REPORTS / CONGRATULATIONS

On a less happy note I was disappointed to learn that the application by the Clunes Bowling Club for funding to the Department of Sport & Recreation to replace one of its two Greens was unsuccessful, despite being recommended by the Council's Recreation Advisory Committee. Apparently, the application failed to address the need for future planning and the problem that trees in the adjoining Creek Reserve are causing to the Greens. The problem of the adjoining trees was highlighted in early 2006 and the Recreation Strategy, released in November of last year, recommended that the issue be referred to the appropriate Council Department for consideration. It would appear that no action has been taken and accordingly I would like to move the following motion later in the meeting:

5.2.1 Urgent Business

That an item of Urgent Business be accepting regarding the Clunes Bowling Club.

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

5.2.2 That:

- 1. The Recreation Advisory Committee be requested to meet with representatives of the Clunes Bowling Club with a view to developing a fresh application for funding that meets all of the Department of Sport & Recreation criteria; and*
- 2. That a report be presented to the next Council Meeting on the nature of the problem caused to the Bowling Greens and the remedial action that may be taken.*

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

5.3 Councillor Heather Mutimer Coliban Ward

Cr Mutimer spoke to a written report re various matters including complaint from Lyonville resident that Oak trees had been lopped and trimmed.

5.4 Councillor Bill McClenaghan Holcombe Ward

Cr McClenaghan spoke re his community consultation meetings at Glenlyon and Daylesford re Council 2007/08 Budget and Council's 10 year Financial Plan, and moved an Item of Urgent Business regarding Glenlyon Elm Trees. Report follows.

Another busy month with numerous meetings and Advisory Committee meetings attended. There are four highlights of this month's report.

- 1.** On Thursday 28 Jun 07, I attended the state government's Rural and Regional Committee at a public hearing in Daylesford to inquire into the economic benefits of tourism in regional areas, impediments to development & economic growth and other related matters.
- 2.** "Destination Daylesford" continues with numerous meetings of the Steering Committee, the consultants and a wide cross section of the community from other locations outside Daylesford as well.

5. COUNCILLOR REPORTS / CONGRATULATIONS

3. Last week, I held two community information and consultation meetings on Council's 2007/08 Budget and also our draft Ten Year Financial Plan. The first meeting was in Glenlyon and attracted ten local people. I would like to thank our Manager of Finance, John Traill, who came along to that evening. The second meeting was in Daylesford and attracted six local people; two from out of town at Musk and Sailors Falls. Both meetings lasted over two hours and there was considerable interest shown by those who attended, particularly in the capital and projects section of the Budget and the proposal to build a new five million dollar office block on a greenfield site in the 2009/10 financial year with the subsequent financial implications.

I do not consider that the residents and ratepayers have been told enough about this project; there have only been a few lines published on the Council page in the Advocate and on our web page and unless one obtains a copy of the Plan itself and reads through it vigorously, the average ratepayer will be none the wiser.

So, I sought to add an extra opportunity for ratepayers to come and ask more about the Budget and the Ten Year Financial Plan and to assist anyone who may wish to make a submission on them. I am pleased that a number of people have done so and that community awareness of a most significant Council proposal is growing. Whatever we decide to do, we must take the community along with us.

4. On the subject of tree works in Barkly Street, Glenlyon, I now present and table two letters from the new community group called Friends of Glenlyon Trees and a second professional arborist's report provided to Council by this group. This second arborist's report is from Bob Kenyon of Homewood Consulting P/L. It demonstrates that the Friends of Glenlyon Trees is a community group that is serious in its endeavours and professional in its approach.

I raise this issue under Section 2.8 - 1b of Local Law No 1 and I hereby move;

"That Council consider an item of Urgent Business concerning the works on trees in Barkly Street Glenlyon."

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

I now move;

"That Council receives and notes the arborist's report from the Friends of Glenlyon Trees together with associated correspondence and extends the moratorium on further tree removal in Barkly Street Glenlyon until outstanding matters are resolved with the Glenlyon community by collaboration and agreement. Also, that the matter of street drainage as it affects the trees be investigated and that an ongoing program of care, maintenance and tree replacement be formulated in partnership with the community."

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

To further explain, the following details are relevant to the issue;

* Council is conducting a pruning & weight reduction program on the trees after years of neglect. Some of the trees are in poor condition and/or unhealthy and/or dangerous and an arborist has recommended that five be removed.

5. COUNCILLOR REPORTS / CONGRATULATIONS

* Two have already been cut down with maybe another three to go.

* Tree removal is unpopular with quite a large number of people in the Glenlyon community. It appears that, from an attendance of nearly forty people at the meeting this weekend, the community is galvanising its wish to keep as many trees as possible although the loss of some trees has been generally accepted provided that there is a replacement program put in place.

* All works on the trees (including normal pruning, dead-wooding & weight reduction) has stopped because it is considered that a section of the community "harassed and intimidated" the arborist/contractor and entered his workplace without authorisation. I believe that this was a reaction to the arborist/contractor working on another condemned tree (tree #6) on the first day of the moratorium and I find no reason why one of the condemned trees needed "pruning".

* It may be that this arborist/contractor and his assistant may not resume work on this job at Glenlyon at all and it is unclear what must be done/ what guarantees must be given by the community/ what actions must be undertaken to get this project going again.

* Some of the works are urgent for safety reasons. Some of the trees are splitting and have dead branches hanging. Some are leaning over the road. It is important to complete the proposed works of pruning and weight reduction before the trees start budding in Spring.

There is some agreement with Council's arborist's report (from Nick Wong) but there is some disagreement as well. A new issue has been raised in this second report, touched on briefly by Nick Wong, that could impact heavily on the future of Glenlyon's trees; this being the drainage lines beside the roadway and right at the base of the trees. Drainage works and other root disturbances could be causing the root plates to de-stabilize and the trees to become unsafe. I believe that this issue is significant and worthy of further investigation.

Last Saturday saw a community meeting in Glenlyon to consider the situation and move towards a solution. The community remains angry that it was not consulted prior to tree removal but is willing to move on and co-operate with Council in developing an ongoing and lasting solution to the problem.

The unanswered questions still are; under what conditions can works re-commence and will Council need to appoint a new arborist/contractor to resume works? Now that Council has agreed to a collaborative approach on the care, maintenance and replacement program of these trees with the Glenlyon community and the "Friends of Glenlyon Trees" we can begin to re-address the issue.

I believe that the best way forward is in partnership and agreement with this community group. This action is consistent with several "Key Objectives" in the current Council Plan;

- * Number 1, "Strengthening Communities"
- * Number 3, "Asset & Resource Management"
- * Number 5, "Heritage and Environment."

I thank Council for considering the urgency of this matter and its importance to the greater Glenlyon community passionate about their beautiful old trees in Barkly Street.

Items Tabled at Meeting:

- Letter to Cr Bill McClenaghan, dated 11 July 2007, from Jenny Corr, Spokesperson, Friends of the Glenlyon Trees
- Letter to Cr Bill McClenaghan, dated 13 July 2007, from Jo Steiner, Secretary, Friends of the Glenlyon Trees
- Health and Condition Report – prepared by Ben Kenyon, Consulting Arborist, of Homewood Consulting Pty Ltd, for the Friends of the Glenlyon Trees

These items have been forwarded to the appropriate files.

5. COUNCILLOR REPORTS / CONGRATULATIONS

5.5 Councillor David Smith Birch Ward

Cr Smith spoke to written report on various matters. Report follows:

- Hepburn Planning Forum
- Bendigo – Attended Rural Financial Counselling Service Victoria – North Central - Guest Speaker Hon. Sussan Ley M.P. Parliamentary Secretary to the Ministerial Agriculture.
- The on the way home attended a Public Meeting with Rotary regarding the future of the Daylesford New Years Eve Gala. Rotary is looking for a couple of extra community groups to join them in running this event.
- Rural & Regional Committee public hearing Inquiry into Rural & Regional Tourism.
- Rotary Change-Over Dinner.
- Daylesford Fire Brigade (Dinner) and Installation of Officers and Presentation of Long Service Awards.
- Attended Forward Planning, Briefing meetings and Agenda meetings.
- Creswick Sportmans Dinner and Presentation of the Junior Sportsperson and Senior Sportsperson Awards.
- Was requested by the Newlyn Community to call a public meeting to discuss a proposal for a monument to commemorate the Sutton Park Soldiers Settlers. This meeting was held yesterday and 18 people attended and a committee was formed to follow up on this..

Recommendation:

That Council:

5.1 *Receive and note the reports of Councillors.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

6. GOVERNANCE & STRATEGIC MATTERS

6.1 MANAGEMENT / ADVISORY COMMITTEE for the ARC

(A/O Manager Tourism Economic Development and Recreation)

File Ref: 5/6370/00100

Synopsis

This report considers the appointment of a Contract Manager and an Advisory Committee for the "ARC". (*Refer Attachment 2 Terms of Reference previously circulated to Councillors on 8 June 2007*).

Report

Management Contract

It is proposed that Council appoint a Contract Manager to oversee the operations of the Centre for the next 5 years with an option to extend for two periods, each of 2 years. Tenders closed on 4 July 2007 having been advertised in the Courier, Advocate and Age. The tender document included a contract document, service specifications and a copy of the Development and Joint Use Agreement. These documents protect the interests of the School, the community and the Council. Each year the Management Contractor will be required to provide Council with a list of the proposed program initiatives for the coming year and proposed fees, for Council's approval. In addition Council and the Management Contractor will agree on a set budget for the centre which will ensure Council will be aware of its financial position prior to adopting its own budget. In order to allow the Management Contractor to be involved in the last stages of the building of the "ARC" it is proposed that Council at its meeting on July 17 2007 appoint the successful tenderer. The quality of tender received is excellent, and the tendered cost falls within the Council Budget. Council has allocated up to \$30 000 pa for the Centre. A confidential attachment analyses the tender. It is recommended that Council openly adopt the recommendations contained in that report by substituting them into part.6.1.1 of the Recommendation at the conclusion of this report.

Advisory Committee:

It is also proposed that Council commence the process to appoint an Advisory Committee for the "ARC". The need for this committee has been acknowledged by the community and Council throughout the planning process for the "ARC".

The attached draft Terms of Reference would provide the basis for the Committee's functions.

In particular the Committee objectives are:

To provide ongoing advice to the Council and the Manager to ensure that the following objectives are achieved:

- To provide quality social, recreational, sporting, health and fitness opportunities for all sections of the community.
- To operate in a business like and cost effective manner that must also recognise Council's community service obligations and maximise the benefits to residents.
- To provide a broad range of leisure centre associated programs for all sections of the community from pre school children to older adults and include special target groups such as disabled, youth, unemployed and lower socio-economic groups.
- To provide a Centre for community interaction and development.
- To strive for excellence in the provision of facilities, programs and services
- To develop consultative mechanisms within the community that assist to identify needs and provide appropriate programs to ensure that the Centre remains at the forefront of leisure service provision.

6. GOVERNANCE & STRATEGIC MATTERS

- To continuously improve customer care.
- To provide a safe environment for all users.

It is proposed that the ARC Advisory Committee comprises:

- A Councillor (Chair)
- Manager Tourism, Economic Development and Recreation
- Principal Daylesford Secondary College or nominee
- Facility Manager ex officio as Secretary
- DSC School Council President or nominee
- Three Community representatives

It is proposed that community nominations be advertised through the Advocate and Courier commencing 20 July and close 9 August. Council could then appoint the Advisory Committee at its meeting on Tuesday 21 August 2007. It is proposed that two of these represent user group and wider community and one the fundraising group if a nomination is received from that group.

Relevant Policies / Council Plan implications:

Council Plan 1, Strengthening communities
3, Asset and Resource Management

Community / Engagement / Communication / Consultation:

The establishment of an advisory committee allows ongoing consultation with the community.

Financial & Resource Implications Initial & Ongoing

Contract management of the facility provides the best service for the community at a known and agreed cost. This cost will be known when the tenders are received. (after this report was written)

Recommendation:

That Council:

- 6.1.1 *Adopt the Recommendation contained in the Confidential attachment.*
- (i) *That Council appoint the YMCA Ballarat as managers of the ARC Daylesford Indoor Recreation Centre.*
 - (ii) *That further negotiations commence with the YMCA Ballarat regarding their preparation of their Business Plan, fees, program and "start up" plans.*
 - (iii) *That a further report be presented to Council regarding these matters in due course.*
- 6.1.2 *Adopt the draft Terms of Reference for the ARC Advisory Committee (Attachment 2).*
- 6.1.3 *Seek nominations for the Advisory Committee.*
- Moved the Officer's Recommendation.**

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

6. GOVERNANCE & STRATEGIC MATTERS

6. GOVERNANCE & STRATEGIC MATTERS

6.2 CENTRAL HIGHLANDS AGRIBUSINESS FORUM

(A/O – Tourism & Economic Development Coordinator)

File Ref: 22/04/02

Synopsis

This report provides an update on relationships with the Central Highlands Agribusiness Forum and Council. The report also makes recommendation that a Councillor be appointed to the CHAF board to assist with Council liaison.

Report

Agribusiness forums have been formed throughout Victoria over the past nine years in order to promote Agribusiness in general and to act as facilitators for industry and community initiatives.

Projects and initiatives generated by the forums have typically been funded by the Department of Primary Industry (DPI) – Victorian Agribusiness Network until June 2006. Funding for the Forums is now dependent on the Forums partnerships with industry and government agencies, both Commonwealth and State.

Central Highlands Agribusiness Forum (CHAF):

Background:

Officially established in March 2005 following a community meeting to discuss the need for and support of an Agribusiness Forum in the region.

CHAF covers the areas of Hepburn, Macedon Ranges, Moorabool and Pyrenees. With the addition of NLP funding CHAF now covers the Glenelg Hopkins CMA region.

CHAF projects undertaken since March 2005.

Agribusiness Audit
Strategic Direction & Business Plan
ABARE Regional Conference
Sustainable Water Strategy – Central Region
Growing Blue Gums for Sawn Timber
Potato Cluster Group – Biodiesel Project
MLA – Meat Profit Day
Waste Management Treatment using Tree Bark
Organic Food Trail
Skills Audit
Export Network Program
Annual CHAF Dinner
Victorian Agribusiness Summit
CHAF Web Page
CHAF Board Member Honored – Sue Morgan
National Bioenergy Conference
Biofuels Breakfast

Representatives of CHAF met with Council on Tuesday 5th June and outlined the work of CHAF and the need for an agreement with Council.

The MOU includes the City of Ballarat, Macedon Ranges Shire Council, Moorabool Shire Council, and Pyrenees Shire Council. The agreement indicates a willingness to work together, facilitate, promote and advocate. The agreement does not require any financial contribution.

The MOU is attached and was circulated to Councillors earlier for any feedback.

(Attachment No. 3)

6. GOVERNANCE & STRATEGIC MATTERS

Relevant Policies / Council Plan Objectives

Council Plan 2006 – 2011, Section 4 – Strategies:-

- 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

In order to maintain the close link with CHAF already established by Council it is suggested that a Councillor be appointed to the board and that Council sign the MOU.

Community / Engagement / Communication / Consultation:

Financial & Resource Implications Initial & Ongoing

Expected Resource implications are minimal and outlined below:-

Councillor Involvement on Committee.

Approximately 6hrs pa. of Tourism and Economic Development Coordinator

Recommendation:

That :

- 6.2.1 Councillor David Smith be nominated to the CHAF Board and that Council continue to liaise with CHAF.
- 6.2.2 Council adopt and endorse the Memorandum of Understanding.

Moved the Officer's Recommendation.

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried.

6. GOVERNANCE & STRATEGIC MATTERS

6.3 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, roof and wall cladding for 2 court stadium.
- Stumps and bearers for flooring 2 court stadium.
- Theatre lighting and sound equipment.
- Stumps for amenities area of new building.
- Joists for flooring 2 court stadium

Works in progress:

- Flooring commenced but placed on hold due to moisture issues.

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 October/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 & STRATEGIC MATTERS

Financial & Resource Implications Initial & Ongoing

As at 30 June 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-Jun-07	PROJECTIONS 30-Jun-07
EXPENDITURE - 9550 815	Dec-06					30-Jun-07		
Architect & Sub consultants	\$ 124,500			19,400	101,100	7,373	\$127,873	\$ 129,000
Contract Admin	\$ 5,500					12,487	\$12,487	\$ 15,000
Building 2 courts, entry, kiosk & amenities	\$ 1,529,228					800,614	\$800,614	\$ 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					190,060	\$190,060	\$ 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	315	\$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	\$ 19,442
TOTAL EXPENDITURE	\$ 2,442,000	\$ 120	\$ 11,974	\$ 19,496	\$ 169,904	\$ 1,314,491	\$1,515,984	\$ 2,442,000
								\$ -
INCOME - 9550948								
SRV - (DVC)	\$ 500,000				100,035	274,965	\$375,000	\$ 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		-		-	765,606	\$765,606	\$ 1,222,000
COMMUNITY FUNDRAISING	\$ 300,000		7,000				\$7,000	\$ 300,000
TOTAL INCOME	\$ 2,442,000	\$ -	\$ 12,000	\$ -	\$ 421,655	\$ 1,109,951	\$ 1,543,606	\$ 2,442,000

Progress payments to builder \$1,283,343
 Claims to be processed \$ 75,062

Approved variations to date:
 School component of the building works \$ 193,274
 Council component of the building works \$ 21,824

Recommendation:

That Council:
 6.3.1 Note & receive the report.

Moved the Officer's Recommendation.

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

6. GOVERNANCE & STRATEGIC MATTERS

6.4 REVIEW OF LOW DENSITY RESIDENTIAL ZONE, BECKWORTH COURT ROAD, SITUATED TO THE WEST OF CLUNES

(A/O – Strategic Planner)

File Ref: 66/20/01

Synopsis

This matter was reported to the 17 October 2006 Council meeting, regarding a Low Density Residential Zone (LDRZ), roughly 2km x 2km, located about 3km to the west of Clunes township, in the vicinity of Beckworth Court Road and north of the railway line to the Ballarat Maryborough Road. This land is separated from the Clunes township by land zoned for rural purposes, plus LDRZ on the outskirts of Clunes, and appears to have been translated into the incorrect zone since the gazettal of the current new format planning scheme.

Having this relatively isolated area of Low Density Residential land is not good planning practice, and Council agreed to the preparation of a planning scheme amendment to rezone the land to Rural Living Zone (RLZ) which is more appropriate for the area, given that much of the land has steep, forested portions, dissected by a creek and other watercourses, and given the previous history of the zoning of the land.

The matter became critical when the owner of 100 Beckworth Court Rd, submitted a planning application for an 11 lot subdivision of 41ha near the centre of the subject area, a mix of farmland and steep forest typical in this area.

Council wrote to the twenty three (23) affected land owners, advising of Council proposal to rezone the land in question from LDRZ to RLZ. Some 12 responses were received. The applicants for No.100 objected to the proposal to rezone the area. Another response wanted further information before giving a final comment. The other responses supported the rezoning; some of the support was conditional on the matter of the proposed subdivision of land at No.100 not being supported or approved by Council.

The planning application for the subdivision of 8 lots, was refused. The applicants appealed the refusal, later substituting it with the 11 lot version. Several of the supporters of the proposed rezoning participated in the hearing. VCAT disallowed the appeal, indicating that the 11 lot subdivision was not appropriate, and choosing not to indicate what number might be acceptable.

Department of Sustainability and Environment (DSE) had indicated that it would prefer to await the outcome of this appeal before proceeding with the proposed rezoning from LDRZ to RLZ. A copy of the decision has been forwarded to the authority.

The owners of 100 Beckworth Court Road have been written to, requesting advice as to whether they wish to proceed with their objection to the proposed rezoning, in light of the VCAT finding against their proposal. Their verbal response is that they wish to continue with their objection to the amendment.

The only options available now to Council is to either abandon the amendment or refer the submissions to a panel appointed by the Minister for Planning.

6. GOVERNANCE & STRATEGIC MATTERS



Relevant Policies / Council Plan implications:

Hepburn Planning Scheme
Council Plan Objective 5 – Heritage and Environment

Community / Engagement / Communication / Consultation:

At the commencement of this proposed amendment, Council wrote to all the land owners with land in the subject Low Density Residential Zone, outlining the current situation and advising that Council was seeking comment from the affected land owners prior to undertaking the preparation of a planning scheme amendment to rectify the current anomaly.

These land owners were also advised that Council would consider the matter of the rezoning of this area, at the 17th October 2006 Council meeting.

Some of the neighbours have been contacted by telephone about recent events, and about this report to this Council meeting.

Financial Implications

There are funds within the current budget to cover the cost of the preparation of these types of amendments.

Recommendation:

- 6.4.1 *That Council resolves to continue with the amendment as exhibited and request the Minister for Planning to appointment a Panel to consider the submissions to the proposal.*

Moved the Officer's Recommendation.

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

6. GOVERNANCE & STRATEGIC MATTERS

6.5 AUDIT COMMITTEE MEMBERSHIP

(A/O – Director Corporate Services)

File Ref: 30/04/01

Synopsis

At Council's last Audit Committee meeting the chairman Dr. Jim Edgar tendered his resignation as Chairman and member of the Committee. It is recommended that an appropriate letter of appreciation be forwarded to Dr. Edgar and an advertisement placed seeking expressions of interest to fill the casual vacancy.

Report

Dr Edgar has served as an independent member and Chairman on the Council's Audit Committee since its inception in late 1998.

His guidance as Chairman, the valuable input and professional advice provided on the many and varied issues that the Audit Committee has considered during the past nine years has been of great assistance to the Council.

It is recommended that an appropriate letter of appreciation be forwarded to Dr Edgar and an advertisement placed seeking expressions of interest from interested members of the community to fill the casual vacancy that now exists on the Committee.

A new Chairman will be elected at the next meeting of the Audit Committee in August.

Relevant Policies / Council Plan implications:

Objective 3: Asset and Resource Management.

Strategies:-

- 3.3 Responsible financial management
- 3.5 Focused, professional administration

Community / Engagement / Communication / Consultation:

Appropriate advertising seeking expressions of interest.

Financial Implications

Nil.

Recommendation:

That Council:

6.5.1 *Send a letter of appreciation to Dr Jim Edgar.*

6.5.2 *Advertise seeking expressions of interest for an independent external member to fill the casual vacancy on the Council's Audit Committee.*

Moved the Officer's Recommendation.

Moved: Cr Tim Hayes

Seconded: Cr Heather Mutimer

Carried.

6. GOVERNANCE & STRATEGIC MATTERS

6. GOVERNANCE & STRATEGIC MATTERS

6.6 BUDGET FOR THE FINANCIAL YEAR 2007/08

(A/O - Director Corporate Services)

File Ref: 30/08/16

Synopsis

For the past five months Councillors and Council Officers have been working to compile a Budget that will meet the needs of our community over the coming year with an outlook for the next five years. At its June meeting Council resolved to advertise the Budget seeking comments and submissions from the public. It is now appropriate for Council to adopt the Budget. (*Refer Attachment 4*).

Report

The Budget proposes to raise \$19.15 million in recurrent income and recommends recurrent expenditure of \$17 million. Net expenditure on capital and projects of \$2.15 million is proposed after allowing for external contributions to capital projects. The draft budget also makes provision for a loan of \$1,200,000 to be taken out during 2007/08.

Some of the initiatives included in this Budget are:-

- Improved public convenience access at Clunes Town Hall (\$25,000)
- Implementation of Domestic Wastewater management plan (\$30,000)
- Construction of footpaths (\$250,000)
- Connection of natural gas to Creswick Kindergarten, Museum and Senior Citizens (\$15,000)
- Construction of pedestrian crossing in Vincent St Daylesford (\$55,000)
- Increase in Town Planning Resources (\$108,000)
- real increase (i.e. above inflation) in infrastructure maintenance (\$257,000)

The Budget papers contain details of the operational Budget and the capital works and projects to be undertaken in 2007/2008.

The Budget papers are presented in two formats for 2007/2008. A detailed rate determination statement for 2007/2008, as well as an operating statement and balance sheet format for five years. The Budget has been formulated to present a balanced budget in rate determination format. When this is converted to an operating statement with the inclusion of depreciation, this balanced budget will show a deficit relating to the depreciation.

Following an extensive consultation process, the 2007/2008 Budget has been prepared on the basis of an overall 7.9% increase in rates and charges. This budget continues the existing practice of applying rate differentials. The figures to be applied for 2007/08 will be in accordance with the Council decision made in May 2005 after considering the Rate Review Committees recommendations. The two principal recommendations adopted were the phasing out of the Municipal Charge over 5 years and the reduction of the Farmland differential from 90% to 80% of the General Rate over the same time frame, the 2007/2008 year is the third year of the phase out period.

During the 2006/07 year the Rate Review Committee was reconvened to review the implementation process and original recommendations and provide a report to Council. After considering this report the Council resolved to make two changes to the original implementation arrangements, the first was to bring forward the phasing in of the Farm rate reduction and declare the Farm rate differential to be 80% in 2007/08. The second was to set the differential rate for the Trust for Nature Covenant properties at 50% of the General Rate.

6. GOVERNANCE & STRATEGIC MATTERS

The Rate Differentials and Municipal Charge that will be applied are as follows:-

	2006/07	2007/08
Rate Differentials		
General	1.00	1.00
Commercial	1.10	1.10
Farmland	0.86	0.80
Industrial	1.10	1.10
Mixed Use	1.10	1.10
Recreational Land	0.50	0.50
Trust for Nature	0.86	0.50
Vacant Land	1.10	1.10
Municipal Charge	\$66	\$44

The budget proposes to raise \$8.67million from rates and municipal charges. The waste management charge on all properties will remain at the same level as last year of \$78.00. The garbage collection and disposal charge will also remain at the same level as last year of \$73.00 and the recycling charge will increase from \$54.00 to \$59.00. These charges will raise a total of \$1.37 million.

These increases will still leave Hepburn Shire as generating one of the lower levels of income from rates and charges in the State.

Fees and Charges

During the Budget process there have been discussions held relating to the fees and charges that Council levies for certain services and for certain penalties. The results of these discussions with Councillors have been built into the 2007/2008 budget with the majority of fees and charges being maintained at the 2006/2007 level.

A schedule of the proposed fees and charges for 2007/2008 was included in the information on the Budget that was placed on public display. Council should resolve to adopt the schedule of fees and charges for the 2007/2008 financial year.

Community Consultation

There have been seven public meetings held to get a better appreciation of the desires of the community on the Council Plan and Budget. Over 70 members of the public took the opportunity to be involved and provide views regarding Council's priorities, which exceeds the community participation from previous years.

Public submissions

At its Council Meeting held on 19 June 2007, Council resolved to advertise the draft Budget and call for submissions from the public and interested groups as required under section 223 of the Local Government Act 1989, submissions close on the 13 July 2007. Council will consider all submissions prior to adopting the Budget. A copy of all submissions received will be provided to councillors prior to the meeting.

6. GOVERNANCE & STRATEGIC MATTERS

Recommended changes to Budget that were advertised in June 2007

Since the draft Budget was prepared and advertised in June 2007, some additional information has come to hand in respect to the Transport Connections Policy Grant announcement and it is appropriate to adjust this before adopting the final budget document.

The recommended changes are as follows:-

Description	Draft Budget	New Budget	Difference
Transport Connections (SEEAT) (expenditure)	-	\$132,000	\$132,000
Transport Connections Grant (income)	-	(\$132,000)	(\$132,000)
Total	-	0	0

It is important to note that these changes do not alter the Budget bottom line or the Rates & Charges to be levied that are contained in the draft budget put out for public exhibition.

Relevant Policies / Council Plan Objectives

Council has a statutory responsibility as required by the Local Government Act 1989 section (127) to prepare and adopt a budget.

Community / Engagement / Communication / Consultation:

Council conducted a significant initial community consultation process via a public meeting forum throughout the Shire to gain people's initial thoughts on the Council Budget and Council Plan.

As a requirement of the Local Government Act the draft documents were placed on public exhibition for the statutory period while public submissions were sought.

All submitters will be written to, thanking them for their comments and provided with detailed feedback. The final Council Budget 07-08 will be placed on Council's website and also copies will be made available for viewing at Council's administration offices and library sites.

Financial & Resource Implications Initial & Ongoing

The Budget setting process is necessary to ensure that funds are set aside to achieve the objectives as prioritised by Council after consulting the community.

6. GOVERNANCE & STRATEGIC MATTERS

Recommendation:

That Council:

6.6.1. *Adopt the Budget for 2007/2008 incorporating the recommended changes as presented in the report and the five year plan for 2007/2008-2011/2012.*

6.6.2. *Declare that rates and charges be in accordance with the following statement.*

DECLARATION OF RATES AND CHARGES

Whereas the Council is required by Section 158 of the Local Government Act 1989 to at least once in each financial year by 31 August, to declare the amount it intends to raise by general rates, municipal charges, service rates and charges and whether such declaration will be of uniform or differential rates, the Council now resolves:

6.6.3. *An amount of \$10,040,468 be declared as the amount which Council intends to raise by general rates, the municipal charge and annual service charges (all later described in this resolution) which amount is calculated as follows:*

General Rate \$8,251,802

Municipal Charge \$413,996

Annual Service Charge - Waste Management (improved) \$603,564

Annual Service Charge - Waste Management (vacant) \$142,116

Annual Service Charge - Garbage Collection \$352,121

Annual Service Charge - Recycling Collection \$276,869

6.6.4. *A general rate be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.*

6.6.5. *It is further declared that the general rate be raised by the application of differential rates.*

6.6.6. *It be recorded that Council considers a differential rate will contribute to the equitable and efficient carrying out of Council functions.*

6.6.7. *A differential rate be declared for all rateable land (or part thereof) having the following characteristics:*

GENERAL - Residential

Meaning that rateable land which is used solely for residential purposes.

COMMERCIAL

Meaning that rateable land which is used solely for commercial purposes.

FARMLAND

Meaning that rateable land declared as farmland and which is used solely for the purpose of farming as defined in section 2(1) of the Valuation of Land Act 1960.

INDUSTRIAL

Meaning that rateable land which is used solely for industrial purposes.

RECREATIONAL

6. GOVERNANCE & STRATEGIC MATTERS

Meaning that rateable land upon which sporting, recreational or cultural activities are conducted, including buildings which may be ancillary to such activities.

MIXED USE

Meaning that rateable land which is not used solely for residential or commercial or farmland or industrial or recreational but is a combination of residential and at least one other category.

TRUST FOR NATURE

Meaning that rateable land which has a Trust for Nature Covenant applying to the land.

VACANT LAND

Meaning that rateable land which does not form part of a commercial or industrial or farming enterprise or recreational purpose or upon which a residence is erected.

6.6.8 *The differential rate be applied by multiplying the capital improved value of the rateable land categorised in paragraph 7 by the percentages indicated on the following table:*

RESIDENTIAL	.359790%
COMMERCIAL	.395770%
FARMLAND	.287832%
INDUSTRIAL	.395770%
RECREATIONAL	.179895%
MIXED USE	.395770%
TRUST FOR NATURE	.179595%
VACANT LAND	.395770%

6.6.9 *It be further recorded that the objectives of the differential rate are those objectives specified below:*

GENERAL - Residential

To ensure an equitable contribution towards the total rate income, having regard to the location, use and services available to the land.

COMMERCIAL

To ensure an equitable contribution towards the total rate income which recognises the objective of maintaining an environment which is beneficial to the continuing operation of these properties. As well as the use and services available to the land

FARMLAND

To ensure an equitable contribution towards the total rate income commensurate with the nature of the land, the services available and the uses to which the land is put.

INDUSTRIAL

To ensure an equitable contribution towards the total rate income which recognises the objective of maintaining an environment which is beneficial to the continuing operation of these properties. As well as the use and services available to the land

RECREATIONAL

To recognise the contribution this land makes towards the environment and habitat of native flora and fauna.

6. GOVERNANCE & STRATEGIC MATTERS

MIXED USE

To ensure an equitable contribution towards the total rate income where the use is not solely residential or commercial or farmland or industrial or recreational, but maintains the characteristics of residential use and at least on other use category.

TRUST FOR NATURE

To recognise the contribution this land makes towards the social, cultural and physical well being of the community.

VACANT LAND

To ensure an equitable contribution towards the total rate income and encourage the development of vacant land.

6.6.10 ANNUAL SERVICE CHARGES

A Municipal Charge be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.

The Municipal Charge be declared for the purpose of covering some of the administrative costs of the Council's operations.

The Municipal Charge be the sum of \$44.00 for each area of rateable land (or part thereof) in respect of which a municipal charge may be levied. It be confirmed that the Municipal Charge is declared in respect of all rateable land within the municipal district against which a municipal charge may be levied and may be calculated pro rata for land which becomes rateable during the year.

6.6.11. An Annual Service Charge (here after described as the 'Service Charge – Waste Management (improved)') be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.

The Service Charge - Waste Management (improved) be declared for :

- *the management of waste disposal and the environment.*

The Service Charge - Waste Management (improved) be the sum of \$78.00 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land within the municipality upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Waste Management (improved).

6.4.12. An Annual Service Charge (forthwith described as the 'Service Charge - Waste Management vacant') be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.

The Service Charge - Waste Management (vacant) be declared for the management of waste disposal and the environment.

The Service Charge - Waste Management (vacant) be the sum of \$78.00 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land within the municipality which is vacant land or is land upon which is erected a building which is not occupied or not obviously adapted to be

6. GOVERNANCE & STRATEGIC MATTERS

occupied for residential, commercial or industrial purposes will be liable for the Service Charge - Waste Management (vacant) with the exception of farmland

where multiple assessments exist and which is worked as a single farming enterprise, only one charge will be levied.

- 6.6.13. *An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection residential') be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.*

The Service Charge - Garbage Collection (residential) be declared for:

- *the collection, removal and disposal of domestic refuse and rubbish.*

The Service Charge - Garbage Collection (residential) be the sum of \$73.00 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All residential and mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection (residential).

- 6.6.14. *An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection commercial') be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.*

The Service Charge - Garbage Collection (commercial) be declared for:

- *the collection, removal and disposal of commercial refuse and rubbish.*

The Service Charge - Garbage Collection (commercial) be the sum of \$188 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land other than residential or mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection upon request for the service.

- 6.6.15. *An Annual Service Charge (hereafter known as the 'Service Charge - Recycling Collection') be declared for the period commencing on 1 July 2007 and concluding on 30 June 2008.*

The Service Charge - Recycling Collection be declared for

- *the collection, removal and disposal of approved recyclable materials.*

The Service Charge - Recycling Collection be the sum of \$59 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All residential land and mixed use within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection.

All other land within the designated collector areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection upon request for the service.

6. GOVERNANCE & STRATEGIC MATTERS

- 6.6.16. *Where during the year, a building is erected on vacant land, the Service Charge - Waste Management for the year for that land will be the sum of the Service Charge - Waste Management (vacant) multiplied by the fraction of the year which elapsed prior to the building being occupied for the first time and the Service Charge - Waste Management (improved) multiplied by the fraction of the year remaining when the building is occupied for the first time.*
- 6.6.17. *Where during the year, a building on vacant land which is in a designated collection area becomes occupied or obviously adapted to be occupied, the Service Charge - Garbage Collection (residential) and the Service Charge - Recycling Collection respectively for that land will be the Service Charge - Garbage Collection (residential) and the Service Charge - Recycling Collection multiplied by the fraction of the year remaining when the building becomes occupied or obviously adapted to be occupied.*
- 6.6.18. *Where during the year, land becomes part of a designated collection area, the Service Charge - Garbage Collection and the Service Charge - Recycling Collection respectively for that land will be the relevant Service Charge - Garbage Collection and the Service Charge - Recycling Collection multiplied by the fraction of the year remaining when the land becomes part of the designated collection area.*
- 6.6.19. *Where this declaration levies an Annual Service Charge on a per unit basis, a unit is defined as follows:*
- *Service Charge - Garbage Collection (residential) means one only 120 litre mobile garbage bin.*
 - *Service Charge - Garbage Collection (commercial) means one only 240 litre mobile garbage bin*
 - *Service Charge - Recycling Collection means one only 240 litre mobile garbage bin.*
- 6.6.20. *That interest be charged on all overdue rates in accordance with section 172(2) of the Local Government Act 1989.*
- 6.6.21. *That pursuant to section 167(1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration must be paid by four instalments payable on the dates fixed by the Minister under section 167(2).*
- 6.6.22. *That persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.*
- 6.6.23. *That Council adopt the schedule of fees and charges included as part of the budget document.*

Moved the Officer's Recommendation.

Moved: Cr Tim Hayes

Seconded: Cr Janine Booth

Carried.

6. GOVERNANCE & STRATEGIC MATTERS

6.7 COMMUNITY GRANTS POLICY

(A/O – Director Corporate Services)

File Ref: 30/14/03

Synopsis

Presented for Councillors consideration is a draft Community Grants Policy (**refer attachment 5**) which has been formulated by an internal working group in conjunction with a community consultation process.

Report

The Community Grants Policy has been significantly rewritten to achieve the following:

1. Clear Policy direction
2. Provide the mechanism to provide grants under 3 different categories
3. Clearly articulate grant requirements
4. Provide a clear process
5. Set assessment criteria
6. Contain a application form that is comprehensive with out being confusing
7. Encourages in kind contributions
8. Utilise advisory committees to undertake initial assessment and ranking of projects.

The Community Grants Policy pulls together three key areas of Council to offer a total of \$50,000 that can be allocated towards community projects. The pool of funds is spread over three areas. These areas are:

1. Community strengthening - \$33,000
2. Arts and Culture - \$12,000
3. Youth - \$5,000

A major change from the way council previously assessed community grant applications is the recommendation that Council utilise the relevant advisory committees to assist in the process.

Also this policy seeks to emphasise the focus on accountability and ensuring that the assessment process is consistent.

With the introduction of this policy the intention is to also utilise the media opportunities to a greater degree.

Relevant Policies / Council Plan Objectives

Council Plan 1.2 – Enhance community connectedness, capacity building and leadership.

Community / Engagement / Communication / Consultation:

The draft Policy was placed on public exhibition and 4 submissions were received, this feedback has been incorporated into the document that is before Council.

6. GOVERNANCE & STRATEGIC MATTERS

Financial & Resource Implications Initial & Ongoing

The Community Grants pool is subject to the annual Budget process. \$50,000 has been allocated in the 07/08 draft Budget. In addition to this, Council's 07/08 Budget provides:

- \$25,000 for grants to assist Community halls.
- \$10,000 to assist with Community Events facilitation.
- More than \$60 000 of grants for Community based recreation projects.

Recommendation

That Council:

6.7.1 Adopt the Community Grants Policy as presented.

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

6. GOVERNANCE & STRATEGIC MATTERS

6.8 NEIGHBOURHOOD HOUSES & CENTRES POLICY

(A/O – Manager Community Services)

File Ref: 24 02 01
34 08 01

Synopsis

The Neighbourhood Houses & Centres policy has been developed to recognise and strengthen the relationship between Hepburn Shire Council and the four neighbourhood centres within the Shire.

Report

The policy is the result of extensive work conducted with the neighbourhood centres, whereby a request was made to have a closer formal relationship with Hepburn Shire Council. This dates back to at least 2003 when initial discussions were undertaken between the then Daylesford Neighbourhood House and Learning Centre, Councillors and senior management. Establishing closer links between local government and neighbourhood centres is being encouraged by the Dept for Victorian Communities as neighbourhood centres are now administered under Local Government Victoria.

As neighbourhood centres are an important social and educational institution in the Shire, who have sought, received and will continue to seek resources from local government, it is prudent to adopt a policy position on this relationship.

A first draft of this policy was considered by Council at the May Forward Planning Meeting. Some clarification was sought regarding ongoing funding, and this has been clarified in the final draft, the inserted wording is listed below:

'This policy does not commit HSC to an annual recurrent funding relationship with neighbourhood centres. Requests for resources by the neighbourhood centres will continue to be through the annual budget process or via other applicable Council grant streams.'

As the 26 June Forward Planning Meeting the second draft was considered and agreed to. Councillors are requested to now adopt the Policy.

Relevant Policies / Council Plan Objectives

Council Plan

1. Strengthening Communities
 - 1.2 Enhance community connectedness, capacity building, and leadership.
 - 1.3 Enhance external relationships

4. Economic Development
 - 4.1 Develop partnerships with educational and research organisations

Hepburn Shire Social Plan

6. Lifelong Learning
 - 6.1 Promote access to learning and training by building capacity and opportunities within the Shire.

6. GOVERNANCE & STRATEGIC MATTERS

Community / Engagement / Communication / Consultation:

This second draft policy is the result of several drafts prepared in consultation with the four neighbourhood centres and Councillor input.

Financial & Resource Implications Initial & Ongoing

The network of Hepburn Neighbourhood Centres requested funds and \$5,000 was included in the final 2007/08 draft Budget.

Recommendation

That Council

6.8.1 Adopt the Neighbourhood Houses and Centres policy as attached.

Moved the Officer's Recommendation.

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

6. GOVERNANCE & STRATEGIC MATTERS

6.9 RATE REVIEW COMMITTEE RECOMMENDATIONS

(A/O – Director Corporate Services)

File Ref:52/04/05

Synopsis

As part of the ongoing review of Councils rating structure Council requested that the Public Rating Review Special Committee review the decisions made two years ago regarding the committees initial recommendations.

Report

In the **Council Plan 2006 - 2011** reference is made to the work of this Special Committee and the Council's ongoing implementation of decisions made on the Committee's 2004 Report and Recommendations.

Leading up to the 2006/07 Budget, the Council asked if the Committee would review what had taken place since the **Public Rating Review - Final Report** in 2004 and to consider if fresh or revised recommendations should be formulated for Council's consideration.

The Council had not revoked the Delegation to the Special Committee so it was considered to remain in place. After contacting the original Committee Members only 4 were prepared to continue with further work.

To increase representation on the Committee advertisements were placed inviting people with "a special interest or expertise in municipal rating" to nominate for appointment to the Committee. Specifically, representatives were sought from Creswick, Daylesford/Hepburn and Trentham areas. Information packages were placed in The Town Hall, both Customer Service offices and Trentham Newsagency.

Although there was some initial enquiry, no nominations were received. The Committee has therefore continued and met with reduced numbers.

The four members; Mr Jock Leishman (Chairman); Mr Ross Dimond; Mr Graham Hudson; and Mr Ian Tinetti, of the Committee have, at all times, been conscious of their limited numbers and the need to represent the views of the entire municipality.

Committee Members were reacquainted with information setting out their responsibilities and duties as a member of a special committee.

The Committee's main methodology was to review the decisions made by the Council on the original 14 Recommendations and compare progress or what has transpired with the implementation of those Recommendations.

The Committee met on: 30 January 2007
27 February 2007
21 March 2007
3 April 2007

6. GOVERNANCE & STRATEGIC MATTERS

1 CAPITAL IMPROVED VALUE - CIV

The Committee noted and agreed with the Council's decision that the use of CIV with differential rates continues as the most appropriate rating system for Hepburn Shire Council.

RECOMMENDATION: The continued use of CIV as the valuation base for assessing differential rates is noted.

OFFICER COMMENT: The committee recommendation is supported

2 HARDSHIP POLICY

The Committee noted that the hardship policy is being reviewed annually to meet changing community circumstances and the next review is due in May 2007.

It was also noted that the Council previously decided the Hardship Policy should encompass a broader range of situations which may cause hardship, but there is no record of this having happened. During the May 2007 review consideration should be given to nominating a broader range of hardship situations.

The Committee noted that the Recommendation to put in place a panel of community members to assist and advocate on behalf of ratepayers had not been put in place. Initially the Committee considered this matter should be pursued. On further consideration the Committee accepted the Recommendation may now be redundant as people can get support from family and local organisations. It also considered councillors may play an advocacy role and with various safeguards in place and evidence of better communication to ratepayers it was prepared to accept there is no current need to implement this Recommendation.

RECOMMENDATION: The Committee notes there are now annual reviews of the Hardship Policy which take into account changing community circumstances; and that in the next review consideration be given to including a broader range of hardship situations.

OFFICER COMMENT: The committee recommendation is supported

3 FARMLAND

The Committee devoted considerable time to the rating of farmland. It looked at the question of 'farm enterprises' and noted, based on the number of municipal charges imposed, there are 556 separate enterprises against 1015 rate assessments i.e. there can be 2 or more assessments owned by the same person/family/organisation for farming purposes.

The Committee noted and supported that a review of farmland classified properties had been undertaken with the review objective being rigorous application of the 'legal' definition of 'farmland'. The Committee supports the continued rigorous application of the definition.

The Committee noted the Council's decision to adjust the farm rate differential to 80% of the general rate over 5 years. The Committee's original recommendation was to eventually have a 70% differential, this figure having a direct correlation to phasing out the municipal charge as also recommended. The 70% differential provides acceptable adjustment to farm rates paid after total phase out of the municipal charge.

6. GOVERNANCE & STRATEGIC MATTERS

The Committee is concerned that proper adjustment will not be achieved if the farm rate differential remains at 80%.

The present farm rate differential at 86% was noted.

The Committee was also interested in the methodology used to 'value' farm properties, particularly the value of building improvements and dwellings. It received information from the Shire Valuer which enabled an exercise on 'house and land curtilage' with separate 'farmland rate' rating to be undertaken. It was noted that the Council had previously rejected a detailed investigation into this system, but the Committee firmly believes the system could be a useful differential category in the future.

The Committee continues to maintain the curtilage system to be sound in principle and equitable. The Committee believes as more rural properties succumb to 'lifestyle ownership' the rating of farms on this basis will become more realistic. The Committee also reminds and emphasises to the Council the connection between changing the farm rate differential to 70% and the phase out of the Municipal Charge.

RECOMMENDATION: That the Committee emphasis again to the Council regarding the phase out of the municipal charge (Refer to Part 7) that to achieve rate payment neutrality for farm classified properties it is necessary to adjust the farm rate differential to be 70% of the general rate;

That the Committee continues to support the principle of a house and curtilage rating system as a fair and equitable method for imposing rates on farmland properties, but does acknowledge that within the farm classification of properties there would be some initial adjustment impact; and

The Council be requested to consider and monitor from time to time the implementation of a house and curtilage rating system for farmland property.

OFFICER COMMENT: Recommend that the farm rate be reduced from 84% to 80% this coming financial year, to arrive at Councils previously resolved 80% differential one year earlier than originally intended.

Also in recognition of the committees comments, reduce the farm rate differential from 80% to 75% over two financial years, 08/09 & 09/10.

4 VACANT LAND

The Committee noted the Council's decision not to alter circumstances with the vacant land differential as there is apparently no effective data to determine if planning permits would be granted for development or not. The Committee did not wish to pursue this matter any further.

RECOMMENDATION: The Committee while still of the belief that there are questions of equity in imposing full rates and charges on land which cannot be developed due to planning restrictions, notes the Council's decision on this matter.

OFFICER COMMENT: Support the committees recommendation

6. GOVERNANCE & STRATEGIC MATTERS

5 ENVIRONMENT REBATES

The Committee noted and agreed at this stage that there be no introduction of an environmental rebate.

The Committee's original Recommendation also included reference to properties affected by a Trust for Nature covenant. The Committee understands there are 9 such properties. The Committee's original Recommendation was for a 100% rebate for the land the subject of the covenant. The action to offer a rebate equivalent to the farm rate differential was noted and supported, however, the Committee points out the current practice, while welcome, does not offer any greater benefit to farmland classified properties, because these properties already receive exactly the farm rate differential. In the case of a farm, the Trust for Nature land is 'not productive' so there is in effect a penalty being imposed on the farmer. The Committee prefers to see its original recommendation implemented.

RECOMMENDATION: That the original Recommendation to provide a 50% rate rebate on only the land designated with a Trust for Nature covenant be implemented.

OFFICER COMMENT: Support the committees recommendation

6 ECONOMIC DEVELOPMENT

The Committee's original Report made 8 Recommendations under the Economic Development heading. The Council resolved to establish a committee (one Councillor, the Director Corporate Services, the Manager Planning & Economic Development and Revenue Accountant) to review the first 6 Recommendations. Those Recommendations were, in the main, about the funding of economic development strategies and promotion, through a special rate or levy.

The Committee noted the Council's committee was not formally convened and no report has been made. The Committee supports the Council's decision to have a committee investigate the various matters for funding of economic development initiatives.

RECOMMENDATION: The Committee requests the Council to establish a committee in accordance with the Council's earlier resolution to investigate the funding of economic development strategies and promotion through a special charge or levy.

OFFICER COMMENT: Support the committee recommendation and recommend that the committee comprise Cr Tim Hayes, The Director Corporate Services, The Manager Finance and The Manager Tourism, Recreation & Economic Development.

7 MUNICIPAL CHARGE

A progressive phase out of the Municipal Charge, considered to be regressive in nature, was recommended by the Committee. The Committee was pleased to see the Council adopt this approach and the Charge is about to enter year 3 of a 5 year phase out.

The Committee received and noted correspondence from Cr T Hayes about retention of a municipal charge to at least cover specified administration costs associated with rate revenue imposition/collection - including valuation costs.

6. GOVERNANCE & STRATEGIC MATTERS

The Committee expresses again its preference, for equity reasons (given in the original Report) and the regressive nature of a fixed charge on each and every property (farm enterprises excepted) that the charge should continue to be phased out.

The Committee accepts that the phase out of the charge does shift some additional burden to higher valued properties, including farms, but it reemphasises - to compensate for this shift was the reason for recommending in the first place that the farm rate differential be 70% of the general rate.

RECOMMENDATION: The Committee continues to support the phase out in full of the municipal charge over 5 years with there being a corresponding change in the farm rate differential. (Refer to Part 3)

OFFICER COMMENT: Support the committee recommendation taking into account the officer comment in part 3.

8 COMMUNICATION

The Committee's Recommendation called for clear and regular communication to help ratepayers understand their rights, assistance and responsibilities relating to the rating system as well as staff training on these matters.

The annual production of newsletters, website information and information sessions for staff were noted. The Committee accepts there is improved communication.

RECOMMENDATION: The improvements made are noted and the Committee encourages the maintenance of high communication standards and training relating to rates and charges.

OFFICER COMMENT: Support the committees recommendations

9 OTHER RECOMMENDATIONS

Recommendations were previously made about other annual charges (Garbage, Waste Management and Recycling); Recreation Rates; Non-Rateable properties; and Community Recognition.

On Recreation Rates, the Council decided that a policy should be developed and the Committee noted this has yet to occur.

The review of non-rateable properties in conjunction with the 2006 revaluation of properties was noted.

OFFICER COMMENT: The Manager Finance is currently developing a policy for Council consideration regarding recreation rates. This draft policy will be presented to the May forward planning meeting.

With regard to a review of the non rateable properties a review is currently underway. A report will be presented to the June briefing meeting for councillor consideration.

6. GOVERNANCE & STRATEGIC MATTERS

10 CONCLUSION

The Committee while reduced in number was appreciative of having further opportunity for comment and input into what is obviously a most important facet of the Council's financial administration.

Relevant Policies / Council Plan Objectives

Council Plan 2006-2011

Community / Engagement / Communication / Consultation:

Recommendations have been put forward by the Public Rating Review Special Committee.

Financial & Resource Implications Initial & Ongoing

The effect of these recommended changes to Council's rating structure will not decrease the amount of rates levied, however it will effect a redistribution of the rate burden across the shire.

Recommendation

That Council:

- 6.9.1 Receive and note the Rate Review Committee Report
- 6.9.2 In respect of the several recommendations made by the Rate Review Committee, resolve as follows:
 - a) that in respect of the rating of Farmland, Council notes that for the forthcoming financial year of 2007/2008 it is proposed to levy a Farm Rate equivalent to 80% of the General Rate and that further reductions in the Farm Rate will be considered in future Budget deliberations.
 - b) That officers be requested to prepare a detailed report on the suggestion by the Rate Review Committee that the rating of Farm land have regard to the 'house and curtilage' principle;
 - c) That a committee comprising Cr Tim Hayes, the Director Corporate Services, the Manager Finance, the Manager Tourism, Economic Development & Recreation and a representative of the business community be established to investigate the funding of economic development strategies and promotion; and
 - d) That officers be requested to prepare a detailed report for the July Forward Planning meeting regarding the review of properties that are currently not rated.

Moved the Officer's Recommendation.

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

6. GOVERNANCE & STRATEGIC MATTERS

6.10 INSTRUMENT OF DELEGATION FOR TWO (2) NEW PLANNING STAFF

(A/O – Manager Planning)

File Ref: 16/22/07 Personnel

Synopsis

Following the appointment of Council's new Statutory Planners Mary Vanselow and Alan Todd, it is necessary to formally delegate appropriate powers under the Planning & Environment Act as well delegation under Division 5 Section 88 (Mediation) of the Victorian Civil and Administrative Tribunal 1998.

Formal authorisation under the Planning & Environment Act 1987 and the Local Government Act 1989 is also required to allow both officers to carry out their duties.

Report

Delegation to officers allows them to act on Council's behalf and make day-to-day decisions.

Section 98 of the Local Government Act 1989 provides that 'Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than.....'. Exemptions principally prevent delegating this power of delegation, or declaring special charges, borrowing money, and so on.

The Instrument of Delegation presented to Council for Ms Vanselow and Mr Todd will enable them to make day-to-day decisions and perform duties on Council's behalf relating to statutory planning, planning enforcement and compliance matters.

Council's Statutory Planners have been provided with authorisation for the purpose of entering land to carry out inspections and enforce the Planning & Environment Act, as well as being authorised under Sections 224 and 232 (1) (b) of the Local Government Act. Such authorisations need to be provided to allow the efficient and effective operation of Council's Planning Department. The instruments of authorization for Mary Vanselow and Alan Todd are included as attachments to this agenda.

Relevant Policies / Council Plan Objectives

Council Plan.
Hepburn Planning Scheme

Financial & Resource Implications Initial & Ongoing

Nil

6. GOVERNANCE & STRATEGIC MATTERS

Recommendation

- 6.10.1 *That Council sign and seal the Instrument of Delegation for Mary Vanselow and Alan Todd under the Planning & Environment Act 1987, and delegation for the purposes of Division 5 Section 88 (Mediation) of the Victorian Civil and Administrative Tribunal 1998.*
- 6.10.2 *That Council resolve to authorise Mary Vanselow and Alan Todd under section 133 of the Planning & Environment Act 1987 and Sections 224 and 232 (1) (b) of the Local Government Act 1989 and that Council sign and seal the Instrument of Authorisation.*

Moved the Officer's Recommendation.

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

7. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

8. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

8.1 CLUNES COURT HOUSE

(A/O – Director Corporate Services)

File Ref: 1/0320/00098

Synopsis

The Clunes Municipal Purposes Reserve Special Committee advises it has, over several months', considered the long term future of the Court House part of the Town Hall complex. The Committee seeks from Council approval and co-operation to facilitate a lease of the Court House – perhaps for a commercial purpose.

Report

Clunes Court House as part of the Clunes Town Hall complex is Crown land for which Council is committee of management. To look after the 'day to day' management, maintenance and operation of the building, Council established a special committee under Section 86, Local Government Act 1989 and delegated certain functions, powers and duties to the Committee.

The Committee's Instrument of Delegation contains power to operate the premises and hire it out for exhibitions, displays, entertainment and appropriate activities. The delegation mentions leases, but it is unclear as to whether this includes a longer term lease giving an exclusive occupancy to a tenant and for what might be more of a commercial purpose, rather than the more normal short term or seasonal hire agreements. This has generated the request to Council asking if it would be prepared to allow the Committee to lease the Court House part of the premises.

Any lease would also need DSE (Minister's) consent.

The Committee is well aware there are town planning, heritage, building, environmental health issues to address on top of lease preparation and approvals. It seeks Council assistance to address these matters.

Outside of some one-off uses or viewings, the Court House has remained permanently closed for many years. The Committee submits that proceeds from a lease could be used positively to maintain the Town Hall buildings. It suggests the reuse of the Court House which no longer has an intense community use would provide function, vitality, accessibility and economic sustenance to this historic and unique part of the building.

Initially, Council should consider if it would be prepared to approve of the principle to lease the premises. If so, the Committee could then progress, with some confidence, to address other matters. If Council is not prepared to address approving the function of letting the Committee lease the premises, there is no point in taking the matter further.

Relevant Policies / Council Plan implications

Any proposal to lease would need to be in accordance with Policy # 9 Management of Council Owned and Controlled Property, DSE leasing requirements and the Crown Land (Reserves) Act 1978.

Some part of Key Objectives 1 Strengthening Communities; 3 Asset & Resource Management; 4 Economic Development; and 5 Heritage and Environment would come into play when considering this request.

8. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Community / Engagement / Communication / Consultation

An expression of interest process would be a prime requisite before any lease was offered. However, as a first stage of dealing with this request, the Committee could be requested to hold a public meeting in Clunes to gauge if there is a level of community support for its proposals.

.Financial Implications

Generation of income through a lease will assist in maintenance of these historic buildings. If the Council is prepared to provide support to the Committee, initially there could be some administrative costs involved.

Recommendation:

That Council:

- 8.1.1 *Agree in principle to the Clunes Municipal Purposes Reserve Special Committee being able to offer a lease of the Clunes Court House;*
- 8.1.2 *As an initial stage, the Committee be requested to consult with the Clunes community by holding a public meeting and the results of this meeting be reported to Council;*
- 8.1.3 *Provided there is no or little opposition to the proposal, the Council support the Committee administratively in its endeavours, but the Committee remain responsible for the project.*
- 8.1.4 *Ensure that the Heritage Advisory Committee are consulted as part of the process.*

Moved the Officer's Recommendation.

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

8. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

8.2 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 Creswick Museum & Gold Battery Committee dated 7 May 2007.
(File Ref. 2/7350/02046 & 2/6440/02296)

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:

- 8.2.1 *Note the Minutes of the Creswick Museum & Gold Battery Committee meeting held on 7 May 2007.*

Moved the Officer's Recommendation.

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried.

9. STATUTORY MATTERS

9.1 APPLICATION NO 2007/9380, USE & DEVELOPMENT OF A: PUBLIC AMENITY & VISITOR INFORMATION CENTRE AT CORNER VICTORIA & ALBERT STREETS, CRESWICK

(A/O – Planning Officer 1)

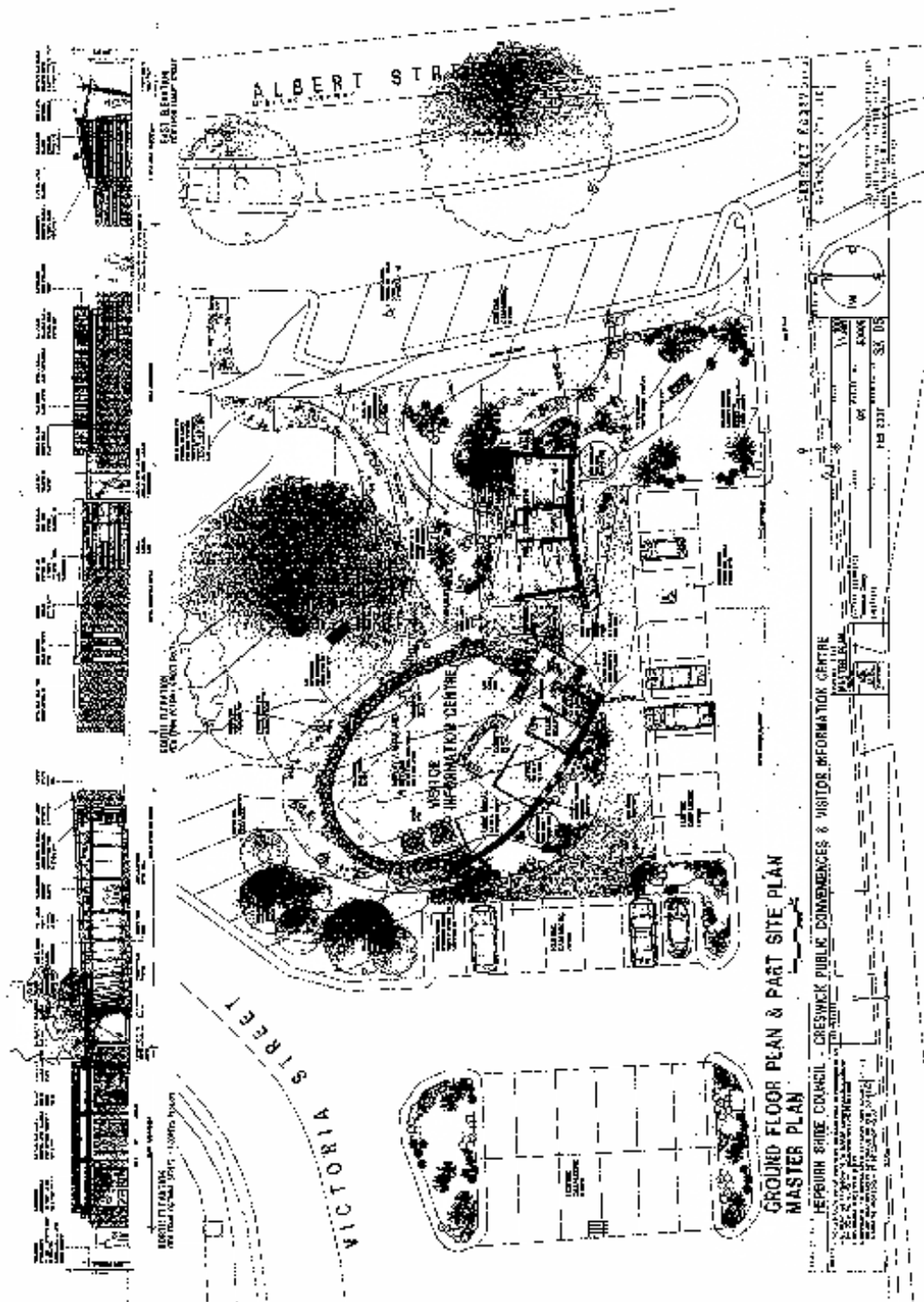
File Ref: 2/0050/01260/P

Synopsis

Applicant:	Craig Fletcher on behalf of Hepburn Shire Council
Location:	Coopers Reserve, Road Reserve, Cnr Victoria & Albert Streets, Creswick.
Proposal:	Use & Development of a Public Amenity Block & Visitors Information Centre
Zoning:	Road Zone Category 2
Overlay Controls:	ESO1 - Environmental Significance Overlay- Schedule 1, Catchment Protection
No of Objections Received:	6 Objections
Recommendation:	Notice of Decision to Grant a Permit



9. STATUTORY MATTERS



9. STATUTORY MATTERS

Report

INTRODUCTION

The purpose of this report is for Council to make a determination on a planning application to use and develop part of Coopers Reserve for a public amenities block and visitor information centre. Coopers Reserve is located in the road reserve at the corner of Victoria and Albert Streets, Creswick, at the northern end of the township precinct. The reserve is located adjacent to commercial and community facilities.

The proposal utilises the existing car parking area to the south, east and west of the reserve, a total of 47 spaces, including 2 spaces for the disabled.

PROPOSAL

A public amenities building is to be located at the southern end of Coopers Reserve and will include a female and male toilet and a facility for disabled people and a change table for babies.

The proposed development has a skillion roof form and is clad in metal custom orb and quartz stone material, 10m in length and 4.5m wide (45m² in area). The facility will be located in a landscaped setting. Solar technology will be used for water heating and lighting.

A building envelope for a Visitors Information Centre is indicated to the west of the public amenities block. It is approximately 113m² in area and includes a display area, staff facilities and an office.

REFERRAL AUTHORITIES

A referral was made to VicRoads who have no objections or conditions.

REFERRAL WITHIN COUNCIL

The project is managed by Council's Building Department.

ADVERTISING/NOTICE OF APPLICATION

Notification of the proposed development was given via a notice to adjoining owners and occupiers and a notice in the newspaper The Advocate which circulates in the area.

As a result of notifications six objections were received. The basis of the objections are:

- Loss of the park
- Loss of trees
- Heritage of the site
- Hotel uses adjacent to development
- Vandalism
- Impact on streetscape
- The parking area does not cater for towed caravans;

- Driver behaviour in the precinct causing congestion;
- Shared use of car parking area by shoppers;

9. STATUTORY MATTERS

- Alternative sites for public amenities in Creswick

These objections have been addressed in the Assessment part of this report.

Relevant Policies / Council Plan implications:

The Creswick Community Development Plan adopted in August 2003 has two key strategies identified within the plan being :

- Move the Visitor Information Centre and InfoLink service to the main street; and
- Relocate and improve the public toilets currently located behind the Shire Offices

This proposal is part of the implementation of this plan.

ZONE AND OVERLAY PROVISIONS

A public toilet is not a land use term included in any of the Scheme's defined land use terms at Clause 74, however at Clause 67, the use public toilet is included within the general land use group referred to in that clause as "*community facility*". The proposed public toilet and visitors centre are being treated as an innominate or undefined use for which a permit would be required in the Road Zone.

Road Zone RDZ2

The proposal is a Section 2 Use in the RDZ2. No uses are expressly prohibited in this zone.

The purpose of the Road Zone, in addition to implementing State and Local Planning Policy is to:

- Identify significant existing roads;
- To identify land which has been acquired for a significant or proposed road.

Clause 36.04 – Decision Guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65 the Responsible Authority must consider:

- the views of the relevant road authority; and
- the effect of the proposal for the operation of the road and on public safety.

Environmentally Significant Overlay – ES01

This overlay is primarily concerned with proximity of development to waterways where there is proposed site cutting and vegetation removal to the extent that erosion would be detrimental to a water catchment.

9. STATUTORY MATTERS

ASSESSMENT

BALANCE OF CONSIDERATIONS FOR PLANNING APPLICATION 2007/9380

SPPF Clause 11.01 *expects that responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development.*

Clause 65 – General Provisions state:

65 DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- + indicates a positive weight in the balance of considerations for the application
- indicates a negative weight in the balance of considerations for the application
- 0 indicates not applicable/silent issue

The matters set out in Section 60 of the Planning & Environment Act. All relevant matters have been considered including objections	+
The State Planning Policy Framework The SPPF primarily guides amendments to planning schemes and major developments focussing particularly on Melbourne. This proposal has no implications for the Hepburn Planning Scheme.	0
Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	
Clause 21 Municipal Strategic Statement directs the overall framework of the planning scheme as a whole as it related to critical land use and natural resource issues. Strategically tourism along with traditional and emergent agriculture is important to the economic base of Hepburn.	0
Clause 21.01-6 with regard to Community facilities makes reference to the importance of maintenance and programming to promote wider and increased usage.	+
Clause 21.03-3 Strategic land use structure plans for Creswick identifies this location as being in the town centre precinct where the vision is for compact commercial development, implementing streetscape recommendations and increased access, car parking and traffic management.	+
Clause 22 Local Planning Policy primarily provides guidance for the direction of residential development.	0

9. STATUTORY MATTERS

The purpose of the zone, overlay or other provision. Not contrary to purpose of zone or overlay as indicated above	+
The orderly planning of the area. Not prejudicial to the future use and programming of development of land in the township of Creswick	+
The effect on the amenity of the area. The amenity of the area is improved by the provision of facilities in a landscape setting. Conditions can be applied to the provision of security lighting.	+
The proximity of the land to any public land. This proposal is the use of public land for public facilities	+
Factors likely to cause or contribute to land degradation, salinity or reduce water quality. There is no detriment to soil or water quality	+
Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site. Stormwater is maintained on site via provision of a tank.	+
The extent and character of native vegetation and the likelihood of its destruction. No native vegetation is destroyed by the proposed development	+
Whether native vegetation is to be or can be protected, planted or allowed to regenerate. Landscaping appropriate to the size and location of the land in a road reserve will be undertaken	0
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard. There is no flood or fire hazard involved	0
Any other research conducted ie site visit to similar facility and/or VCAT/Amendments The Hepburn Structure Plan Review is in progress however the northern extent of the town centre precinct remains the same.	0

Analysis and discussion of the outcome indicated by above table of considerations.

The parts of the Municipal Strategic Statement relevant to this proposal supports use and development of land linked to tourism which encourages wider and increased usage of community facilities especially within the township structure plan area. The proximity of the use to the future Arts Trail and the attraction of visitors towing caravans to stop in Creswick appear to fulfil this criteria.

The decision guidelines for the Road Zone state that as well as implementing State and Local Planning policy, the views of the relevant road authority must be considered including the operation of the road and public safety. The relevant road authority is VicRoads who have no objections and no conditions relating to the proposal.

The Environmental Significance Overlay does not control uses but influences the way development happens with regard to catchment protection issues. Development of this site will not be intensive enough to cause detriment to the catchment.

9. STATUTORY MATTERS

On balance it is concluded the proposed public amenity and visitor information centre produces an acceptable outcome in terms of the decision guidelines in the Hepburn Planning Scheme.

The following section considers and responds to the objections to this application:

Loss of the Park

Response to objection

Coopers Reserve is approximately 1550m² in area. The proposed development, both the amenities block and visitor centre will occupy 177m² which is a site coverage of approximately 11% leaving the majority of the area for other uses. The amenity of the reserve will be improved by the provision of facilities.

Toilets becoming the unwanted "centrepiece" for Creswick.

Response to objection

The intent is that this proposal which includes a visitor's information centre will have a connection to the future Arts Trail which could also become one of a number of potential "centrepieces" as the 19th century building stock is currently.

Loss of trees

Response to objection

One tree is proposed for removal however the largest tree in the park is to be retained and appropriate landscaping provided.

Heritage of the site

Response to objection

There are no heritage controls over this site. The main contributory factor to the heritage significance of Creswick is the 19th century built form remaining from the Gold Rush period as indicated by the heritage controls over the hotel building to the south.

Hotel uses adjacent to development

Response to objection

All the facilities required for the use of the hotel are provided inside the hotel building. It would be expected that the peak demand for the use of the hotel would not coincide with the peak demand of the use of the reserve therefore each would be unaffected by the other.

Vandalism

Response to objection

It has been shown that a well-lit site provides security. Conditions can be applied to ensure appropriate lighting.

9. STATUTORY MATTERS

Impact on streetscape

Response to objection

The proposed buildings are minor in scale in relation to existing building with more potential for landscaping.

The parking area does not cater for towed caravans.

Response to objection.

Expert opinion was sort from VicRoads who have indicated they have no objections to cars with caravans using the area. Line marking and traffic signs can contribute to the efficient functioning of the car parking area which includes caravans.

Driver behaviour in the precinct causing congestion

Response to objection

Driver behaviour in the area is regulated by Acts relating to Roads and Traffic. There is on-site parking available on the British Hotel/Creswick Supermarket site, south of Coopers Reserve.

Shared use of car parking area by shoppers

Response to objection

Clause 52.17 Particular Provisions relating to car parking decision guidelines factors in to planning considerations that car parking demand may reduce due to the sharing of car space by multiple uses either because of the variation of car parking demand over time or because there are efficiencies gained from the consolidation of shared car parking spaces. It is considered that this is the case in this application.

Alternative sites for public amenities in Creswick

Response to objection

The Statutory Land Use Planning system can only consider each site on its merits as the development is applied for. The merits of the use and development of the Coopers Reserve for a public amenity block and visitors centre is the subject of this planning application. The decision about the choice of an appropriate location was the subject of a separate community consultation process.

Water course under Coopers Reserve

Response to objection

This is a matter in which the applicant is aware of the site conditions.

In summary, after due consideration and analysis it is difficult to sustain the objections to this planning application in the light of the provisions of the Hepburn Planning Scheme.

9. STATUTORY MATTERS

Community / Engagement / Communication / Consultation:

The location of the proposed public amenity was subject to consultation and support from a Steering Committee set up to consider the issues involved. The criteria driving the need for an amenities block were:

- Ample parking for both cars as well as caravans;
- Conveniently located to encourage visitors to prolong their stay in town;
- It should be viewed as the starting hub for the future Arts trail;
- It needs to be highly visible for passing traffic, and
- It will serve both the needs of the town's people and visitors.

An information evening to present a draft Master Plan and the proposed development was held in mid April 2007 with the plans being on public display from 19th March 2007 to Friday 13 April 2007. Information about the proposal was also included in the Creswick District News, Issue 99 – March 2007. The planning application was lodged after this period and was also advertised with public notice on site and plans available for inspection.

In conclusion having regard for all the matters required to be considered under the Hepburn Planning Scheme including the objections to the proposal it is considered that the use and development of a public facility and visitors information centre produces an acceptable outcome with regard to the decision guidelines.

Financial & Resource Implications Initial & Ongoing

The proposed development has implications for the Capital Works budget. The cost of any appeal at VCAT will have to be a project cost.

Recommendation

That Council having caused notice of Planning Application No. 2007/9380 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme 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 under the provisions of Clause 36.04 of the Hepburn Planning Scheme in respect of the land known and described as Coopers Reserve, Corner Victoria & Albert Streets, Creswick for the public amenity and visitor information centre in accordance with the endorsed plans, with the application dated 1/05/07, subject to the following conditions:

- 1 *Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application to show:*
 - a) *details of security lighting to be provided;*
 - b) *car parking plans indicating the line marking and signage necessary for the use of the car parking areas for the towing of caravans;*
 - c) *landscaping plan detailing species to be planted;*
 - d) *elevations for the proposed visitor information centre.*

9. STATUTORY MATTERS

- 2 *The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3 *The use and development must be managed so that the amenity of the area is not detrimentally affected.*
- 4 *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.*
- 5 *The exterior colour and cladding of the building(s) must be of a non-reflective nature to the satisfaction of the Responsible Authority.*
- 6 *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.*
- 7 *This permit will expire if one of the following circumstances applies:*
- *the development is not started within two (2) years of the date of this permit;*
 - *the development is not completed within four (4) years of the date of this permit.*

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 the Officer's Recommendation.

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

9. STATUTORY MATTERS

9.2 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, GOULBURN-MURRAY WATER AND TONY OLIVEIRA, PLANNING PERMIT NO 2005/8384

(A/O – Planning Administration Officer)

File Ref: 1/5230/00200/P

Synopsis

This report concerns a Section 173 Agreement that provides for the management of the wastewater treatment system according to permit conditions, dwelling be limited to three bedrooms and connection to reticulated sewerage if it becomes available at the subject lot at Lot 3, TP 1822, Parish of Spring Hill, under Condition 19 of Planning Permit 2005/8384, issued for a two lot subdivision.

Applicant: TONY OLIVEIRA

Property: 33 PARKIN STREET, ALLENDALE
LOT 3, TP 1822, PARISH OF SPRING HILL

Report

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

The agreement provides that the wastewater treatment system be managed according to permit conditions, the dwelling will contain no more than three bedrooms and property to connect to reticulated sewerage if it becomes available at the subject lot at Lot 3, TP 1822, Parish of Spring Hill, under Condition 19 of Planning Permit 2005/8384, issued for a two lot subdivision, Lot 1 to contain existing dwelling and outbuildings.

Relevant Policies / Council Plan implications:

Community / Engagement / Communication / Consultation:

Financial Implications

Nil

Recommendation:

9.2.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, Goulburn-Murray Water and Tony Oliveira, as detailed under item 9.2.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Tim Hayes

Carried.

9. STATUTORY MATTERS

ADDENDUM

a) Councillor Tim Hayes asked that a thank you be sent from Cr Tim Hayes, Cameron Ward and Councillors to job Peter Jewell for the fine job he did at VCAT Hearing re Beckworth Court subdivision.

b) Cr Hayes also thanked the Director Corporate Services for his support at the Bottle Museum Meeting.

9. STATUTORY MATTERS

CLOSE OF MEETING: *The Meeting closed at 8.40pm*