

HEPBURN SHIRE COUNCIL

ORDINARY MEETING MINUTES

7pm Tuesday 18 December 2007
2007

Senior Citizens Room
Rear Town Hall, Daylesford

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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
SENIOR CITIZEN'S ROOM, DAYLESFORD TOWN HALL ON DATE 18 DECEMBER 2007,
COMMENCING AT 7 PM**

AGENDA

	Page No
1. APOLOGIES:	1
2. DECLARATION OF CONFLICTS OF INTEREST:	1
3. CONFIRMATION OF MINUTES:	1
4. PETITIONS AND PUBLIC QUESTION TIME:	2
5. GOVERNANCE & STRATEGIC MATTERS:	
5.1 Ten Year Financial Plan.....	3
5.2 Council Plan Action Plan September Quarterly Review (Attachment 2).....	5
5.3 Chill Out 2008	6
5.4 Monthly Financial Report 1/7/07 – 30/11/07	10
5.5 Dean Recreation Reserve and Former Dean Hotel	13
5.6 Women's Honour Roll 2008	16
5.7 Road Naming – American Gully Track	18
5.8 Road Naming – Known as “Levi Trach”	20
5.9 Midlands Branch Victorian Farmers' Federation.....	22
5.10 Confidential Staff Item: Annual Review of CEO.....	23
6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND	
Nil reports at time of collating Agenda.....	
7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES:	
7.1 Audit Committee Charter (Attachment 3).....	25
7.2 Section 86 Committee & Advisory Committee Minutes.....	26
8. STATUTORY MATTERS:	
8.1 Proposed Section Dwelling and use for Group Accommodation – Planning Application No 2007/9378 (Attachment 4)	27
8.2 Planning Application 2007/9472, 39 King Street, Daylesford Proposed, Demolition of a Dwelling & Outbuilding, excavation & Creation of Two New Access Construction of Four Dwellings & Associated Car Parks & Works & a Re-subdivision of Three (3) Lots into Four Lots.....	39
8.3 Section 173 Agreement Between Hepburn Shire Council, Goulburn-Murray Rural Water Cooperation and Theo Argyros, Planning Permit 2007/9452..	58

8.4	Section 173 Agreement Between Hepburn Shire council, Goulburn-Murray Rural Water, Robbie Clapton and Kirstie Clapton, Planning Permit No 2007/9407	59
8.5	Section 173 Agreement Between Hepburn Shire Council, Damian Patrick Leonard & Leonie Maree Leonard – Planning Permit No 2006/9127	60

9.	COUNCILLOR REPORTS AND CONGRATULATIONS:	61
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CLOSE OF MEETING:

ATTACHMENTS

CR TIM HAYES, MAYOR.
19 DECEMBER 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 Tim Hayes; Councillors Janine Booth, Bill McClenaghan, Heather Mutimer and David Smith.

IN ATTENDANCE: CEO, Victor Szwed; Director Corporate Services, Chris Cowley; Acting Director Infrastructure & Development, Andrew Bourke. Gallery 23 Including 1 Press.

The Mayor opened the meeting 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 CONFLICTS OF INTEREST:** Nil
3. **CONFIRMATION OF MINUTES:**

3.1 **ORDINARY MEETING OF 20 November 2007**

Recommendation:

That item 3.1 Minutes of the Ordinary Meeting of Council held on 20 November 2007 (Attachment 1), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.

Moved: Cr David Smith
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.

Nil Petitions received.

Public Question Time:

1. Christian Wilde: Dog Kennel
Issue considered at recent Council Meeting. Going to VCAT, objectors seek coordination of case preparation with Council.

2. Su Dennett

Last Council Meeting re CEO Review.

3. Russ Wilkinson:

- (i) Re two letters on notice regarding disclosing costs of legal etc matters
- (ii) Ten Year Financial Plan, community input etc.

4. Russ Wilkinson: 100% Recycled paper.

5. GOVERNANCE AND STRATEGIC MATTERS

5.1 TEN YEAR FINANCIAL PLAN

(A/O – Director Corporate Services)

File Ref:30/08/16

Synopsis

Council is in the process of formulating a 10 year financial plan.

The Financial Plan is a significant part of our planning process and sits just below our Council Plan reinforcing Council's commitment to undertaking sound financial planning to ensure the future prosperity of our community.

Report

The key elements of Hepburn Shire's Strategic Planning Framework are our Council Plan, Financial Plan and the annual budget.

Council also has many other management plans which must be considered in conjunction with Council's key planning elements.

The Financial Plan is designed to provide direction in future service planning and is a critical tool in identifying and managing Council's financial risks. The Plan informs Council decision making in areas such as service levels, infrastructure management, rating strategy and debt levels and then reflects the forecast future impact of those decisions. The Plan also provides the longer term, prudent and sustainable financial framework within which Council will develop, consider and adopt its annual budgets.

The key objective of the Financial Plan remains the achievement of financial sustainability in the medium to long term, whilst still achieving Council's broader Vision, Mission and Objectives as detailed within our Council Plan.

The Financial Plan is based on the following key objectives:

- To continue to deliver an acceptable level of services to the community
- To ensure that debt levels stay at an acceptable level
- To maintain a responsible and sustainable asset management program
- To achieve financial sustainability into the future.

The draft 10 year financial plan was placed on public exhibition in July 2007 and during the exhibition period 21 submissions were received. The majority of the submissions raised concerns around the inclusion of a new civic centre in the proposed plan.

As a result of the submissions, recent feedback, the material nature of the changes that have been made to the original draft document and comments made at the draft agenda meeting, Council has decided that there is a need to further review the proposed document and then to put the resultant document back out for community comment prior to adoption of the document.

It is envisaged that the revised plan will include a greater level of explanation to assist the community to better understand the plan and its contents.

The Financial Plan is not a static document, but is reviewed annually as part of Council's strategic planning and budget process and is updated to reflect changing internal and external circumstances. It must be appreciated that whilst this document recommends new initiatives they will only proceed if approved through the annual budget process.

5. GOVERNANCE AND STRATEGIC MATTERS

With regard to one of the major assumptions in the proposed document, that being the construction of a new civic centre, it is important to realise that the inclusion of this initiative in the 10 year financial plan does not make the project a certainty. There are many more steps to undertake prior to this project being undertaken. A detailed feasibility study will have to be undertaken, significant community consultation will have to take place and as the 10 year financial plan is only a guiding document the project will have to be resolved upon as part of the annual budget process in the year in question.

The process from here will involve the Councillors reviewing a further draft of the plan in January and then placing the document out on public exhibition and seeking submissions on its content. Once these submissions have been evaluated, Council will be in a position to adopt the document in February/March.

Relevant Policies / Council Plan implications:

Council Plan 2006-11
3.3 Responsible Financial Management

Community / Engagement / Communication / Consultation:

In line with the VLGA Community Consultation Resource Guide Council will undertake further consultation in order to gather information to make an informed decision.

- Comment will be sought from the Hepburn Shire Community via advertisements in the Daylesford Advocate, Ballarat Courier and Council's website.
- The feed back period will be open for a minimum of 21 days.
- Councillors will consider the public comments prior to adoption of the final document.

Financial & Resource Implications Initial & Ongoing

All financial implications of the proposed 10 year financial plan will be considered / funded via the annual budget process.

Recommendation:

That Council:

- 5.1.1 *Consider an updated draft of the 10 year financial plan, which takes into account community feedback, in January 2008.*
- 5.1.2 *Once comfortable with the updated draft document, place it on public exhibition for a minimum 21 day period, seeking submissions.*
- 5.1.3 *Note all formal submitters are currently being responded to and will be forwarded a copy of the updated draft Plan when it is placed on public exhibition.*

Moved the Officer's Recommendation,

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.2 COUNCIL PLAN ACTION PLAN SEPT 07 QTR REVIEW

(A/O – Director Corporate Services)

File Ref:16/22/03

Synopsis

As part of Council's quarterly review process, the September 07 quarterly review of the Council Plan 2006-2011 (reviewed 3 April 2007) Action Plan is presented for Councillors' information. (**Attachment No. 2**)

Report

As per feedback from the community, the action plans relating to the Council Plan have been embedded in the Council Plan document.

The actions contained in the plan were formulated by council officers and Councillors, with Council signing off on the action plan via a Forward Planning Meeting.

Attached for Councillors information is a copy of the Council Plan containing comments regarding the progress concerning the relevant actions.

Relevant Policies / Council Plan Objectives

Local Government Act 1989

Council Plan 2006 – 2011

Community / Engagement / Communication / Consultation:

Nil

Financial & Resource Implications Initial & Ongoing

Nil

Recommendation:

That Council

5.2.1 Receive and note the September 07 review of the Council Plan Action Plan.

Moved the Officer's Recommendation.

Moved: Cr Janine Booth

Seconded: Cr Bill McClenaghan

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.3 CHILL OUT 2008

(A/O – Director Corporate Services)

File Ref:04/10/03 & 06/06/03

Synopsis

Daylesford Chill out Inc. are holding their Chill Out dance party on the 9 March 2008 and are seeking Council support on various matters.

Report

Daylesford Chill Out Inc. have written to Council seeking a 8pm – 3am license for their 2008 Dance Party to be held in the Daylesford Town Hall. Chill Out has given an undertaking that they will provide the following:

- Send a notification letter to surrounding residences, and offer relocation to a motel for the night for a certain resident who may be uncomfortable with the noise. This was offered in 2006.
- Liaise with local restaurants to offer departing people a chance of coffee and light refreshments though out the evening an provide a warm environment to wait for taxis.
- Provide adequate security by supplying bouncers at the hall entrance, guards roaming around the back of the building as well as inside.
- Any external refrigeration will be shut down by 2am
- Adhere to a lock down at 2am where patrons are unable to enter after this time.
- Provide cleaners after the event.
- Work closely with the police to ensure the venue is secure and safe.

Also with regard to the Chill Out Festival in general, the organisers have requested the following:

- Could the fence behind the town hall, that separates the lane way and the back of the town hall have additional wire added to the top of the wire fence. This just makes the security easier for the evening events.
- We would like to place rainbow lights, to shine on the front of the town hall. All cords and lights will be out of the way of the general public. This has been done the past two years without incident. This would be for Friday, Saturday and Sunday of the Labour Day weekend. March 7,8 & 9.
- We would like the opportunity to place secure brackets on the light poles in Vincent Street which would hold a banner to be displayed before the festival and over the three days of the festival.

For the last Chill Out Festival, Council approved the use of the town hall until 3am with the same conditions as are being suggested for the 2008 dance party. At the last dance party there was a major issue with smoking in the building. The committee were reminded prior to the event of Councils no smoking policy, however cigarette butts were found in all toilets, the senior citizens rooms, the main hall, on the stage behind drapes and on the upstairs balcony. Also the carpet in the entrance to the senior citizens rooms had to be repaired to fix multiple burn holes (The bond money was retained to cover the cost of the repairs). There are also several burn marks in the timber boards through out the building. To combat this issue it is recommended that Chill Out provide a management plan to control smoking and designate names of people who will take responsibility officially on the night to police the requirements.

Also in the past there have been concerns with the number of patrons being allowed into the dance party. Due to the building regulation around the number of toilets available for use, the maximum number of patrons needs to be limited to 500.

5. GOVERNANCE AND STRATEGIC MATTERS

With regard to the specific requests that have been made managements response is as follows:

1. There is no need to make any changes to the wiring of the fence at the rear of the senior citizens buildings. If it is an issue they could use a security guard to monitor the area.
2. Council give permission for the rainbow lights for the night of the dance party only, with the committee to cover the cost of disconnecting and reconnecting the flood lights from the circuit board as there is no specific isolation switch for them.
3. No banners to be attached to the light poles in Vincent Street. These light poles are of a heritage design and also not designed to accept the attachment of signs to them.

It is recommended that the following conditions be required:

1. Send a notification letter to surrounding residences, and offer relocation to a motel for the night if the resident concerned is uncomfortable with the noise. This was offered in 2006.
2. Liaise with local restaurants to offer departing people a chance of coffee and light refreshments though out the evening and provide a warm environment to wait for taxis.
3. Provide adequate security by supplying bouncers at the hall entrance, guards roaming around the back of the building as well as inside.
4. Any external refrigeration will be shut down by 2am
5. Adhere to a lock down at 2am where patrons are unable to enter after this time.
6. Take full responsibility for all clean up costs.
7. Work closely with the police to ensure the venue is secure and safe.
8. That all hall hire provisions relating to community groups are strictly adhered to.
9. That suitable discretion be excised regarding the level of amplified music during the event so as not to cause detriment or nuisance to residents.
10. That Councils 'no smoking' policy be strictly adhered to
11. That rainbow lights may be displayed on the front of the town hall for the night of the dance party only and the committee to cover any costs involved.
12. That the maximum number of patrons be limited to 500.
13. Provide a management plan to control smoking and designate names of people who will take responsibility officially on the night to police the requirements.

Relevant Policies / Council Plan Objectives

Council Plan 2006-2011

5. GOVERNANCE AND STRATEGIC MATTERS

Community / Engagement / Communication / Consultation:

Notification letter to be sent to surrounding residences.

Financial & Resource Implications Initial & Ongoing

Nil

Recommendation:

That Council

5.3.1. Grant approval for the Chill Out Committee to utilize the Daylesford Town Hall for the purpose of their dance party until 3am on 10 March 2008 with the following conditions:

- 5.3.1.1 Send a notification letter to surrounding residences, and offer relocation to a motel for the night if the resident is uncomfortable with the noise.
- 5.3.1.2. Liaise with local restaurants to offer departing people a chance of coffee and light refreshments though out the evening and provide a warm environment to wait for taxis.
- 5.3.1.3. Provide adequate security by supplying bouncers at the hall entrance, guards roaming around the back of the building as well as inside.
- 5.3.1.4. Any external refrigeration will be shut down by 2am
- 6.3.1.5. Adhere to a lock down at 2am where patrons are unable to enter after this time.
- 5.3.1.6. Take full responsibility for all clean up costs.
- 5.3.1.7. Work closely with the police to ensure the venue is secure and safe.
- 5.3.1.8. That all hall hire provisions relating to community groups are strictly adhered to.
- 5.3.1.9. That suitable discretion be excised regarding the level of amplified music during the event so as not to cause detriment or nuisance to residents.
- 5.3.1.10. That Councils 'no smoking' policy be strictly adhered to
- 5.3.1.11. That rainbow lights may be displayed on the front of the town hall for the night of the dance party only and the committee to cover any costs involved.
- 5.1.3.12. That the maximum number of patrons be limited to 500.
- 5.1.3.13. Provide a management plan to control smoking and designate names of people who will take responsibility officially on the night to police the requirements.

5. GOVERNANCE AND STRATEGIC MATTERS

- 5.3.2 Acknowledge its in principle support for a 3am limited liquor license on the condition that the conditions as listed in the above recommendation are adhered to .
- 5.3.3 Acknowledge that the granting of approval to use the Daylesford Town Hall and its support for a 3am liquor license for the Chill Out Dance Party will not be viewed as setting precedence.

Moved the Officer's Recommendation.

Moved: ***Cr Janine Booth***
Seconded: ***Cr David Smith***
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.4 MONTHLY FINANCIAL REPORT 1/7/07 – 30/11/07

(A/O – Director Corporate Services)

File Ref: 30/08/16

Synopsis

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

Report

The report shows the annual budget and year to date actuals with a percentage calculation based on the actual expenditure or income to the end of the reporting period. This should be viewed against the percentage of year completed which is shown in the report heading of 42%.

**Hepburn Shire Council
Monthly Financial Report November 2007
Percentage of year complete 42%**

	Annual Budget 000's	Actual Nov-07 000's	Percentage of Budget
1. Administration			
Expenditure	4,984	2,028	41%
Income	(11,757)	(10,165)	86%
1. Administration	(6,773)	(8,137)	
2. Human And Community Services			
Expenditure	2,630	903	34%
Income	(1,830)	(788)	43%
2. Human And Community Services	800	114	
3. Regional Development/promotion			
Expenditure	1,932	715	37%
Income	(527)	(208)	39%
3. Regional Development/promotion	1,405	508	
4. Public Safety			
Expenditure	641	257	40%
Income	(254)	(52)	21%
4. Public Safety	387	204	
5. Recreation			
Expenditure	1162	418	36%
Income	(125)	(10)	8%
5. Recreation	1037	408	
6. Infrastructure Development			
Expenditure	4,904	1,330	27%
Income	(3,227)	(1,229)	38%
6. Infrastructure Development	1,677	101	

5. GOVERNANCE AND STRATEGIC MATTERS

**Hepburn Shire Council
Monthly Financial Report November 2007
Percentage of year complete 42%**

	Annual Budget 000's	Actual Nov-07 000's	Percentage Of Budget
7. Waste & Environment			
Expenditure	1,424	472	33%
Income	(1,469)	(1,397)	95%
7. Waste & Environment	(45)	(925)	
8. Unclassified			
Expenditure	18	1	8%
Income	(88)	(1)	1%
8. Unclassified	(70)	0	
9. Capital Works And Projects			
Expenditure	4,605	1,528	33%
Income	(3,025)	(557)	18%
9. Capital Works And Projects	1,580	972	
Report Total	(2)	(6,754)	

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

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

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

Public Safety – Income. This relates mainly to health regulation fees due in January 08 and animal registrations where virtually all income is received by the end of April. 08

Recreation.-Expenditure. Swimming Pool operations don't commence until December - March.

Recreation – Income. Bathhouse rent not expected to be received until March 2008.

Infrastructure Development - Expenditure. Majority of Road works takes place November - March

Infrastructure Development - Income. Income is received from two principal sources the grants commission which is paid quarterly and Roads 2 Recovery which is claimed when the works are completed.

5. GOVERNANCE AND STRATEGIC MATTERS

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

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

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

Capital & Projects – Expenditure & Income. Projects in this area are traditionally lumpy as such will be reported on separately at the January Forward Planning meeting.

There are a number of individual accounts that are currently running either over or under budget, a number will be able to be corrected over the coming months. Others such as legal fees will need to be looked at in some detail when the Mid Year review is undertaken.

Relevant Policies / Council Plan Objectives

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

Community / Engagement / Communication / Consultation:

N/A

Financial & Resource Implications Initial & Ongoing

Nil.

Recommendation:

5. 4 .1 *That the November 2007 finance report be received and noted.*

Moved the Officer's Recommendation.

Moved: **Cr David Smith**
Seconded: **Cr Bill McClenaghan**
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.5 DEAN RECREATION RESERVE and FORMER DEAN HOTEL

(A/O – DCS)

File Ref: 3/1915/05331

Synopsis

The owners of the former Dean Hotel discovered that part of the adjoining Dean Recreation Reserve is fenced in with the hotel property. This Report recommends that the most appropriate way to resolve the situation is to amend titles to reflect the 'on the ground' circumstances with the owners purchasing the occupied land from Council.

Report

In 1983 the then Ballarat Brewing Co Ltd & JJ Goller & Co Pty Ltd transferred (understood to have been gifted) to the then Shire of Creswick 2.648ha of land which was developed as and remains part of the Dean Recreation Reserve. The Reserve (Lot 2 LP 142549) was created by subdivision of the Dean Hotel property (hotel) into 2 lots. The hotel remains on Lot 1 LP 142549.

The hotel no longer operates as a 'licensed premises' and was purchased in December 2006 by Brad Lucas and Natasha Tretiach (the owners). As part of an exercise to carry out alterations on the property, the new owners had it surveyed to re-establish boundaries. The survey revealed that the hotel property actually encroaches onto/occupies part of the Reserve.

The 'occupancy' is shown on the Plan of Survey - below. The area of land included with the hotel property is around 800 square metres. The Reserve does not depend on this land for active recreation use.

The correct boundary (north east corner) of the former hotel property bisects a large shed. The area south and east of the shed is generally open ground, but apparently contains transpiration pipes from the hotel's septic system; and along the 'actual' fence line is a stand of eucalypt trees. Going by other trees on the Reserve, these trees were probably planted at around the time the Reserve was developed, but are within the area fenced as part of the hotel property.

The fence positions have been in place for many years, perhaps even preceding the 1983 subdivision which created the Reserve and were never corrected. The position of the trees suggests whoever planted them was following a 'boundary' created by the fence, or what they considered to be the fence/boundary.

The property immediately to the north of the hotel is also owned by Council – the Dean Tennis Courts. The fence line suggests that part of the tennis courts area also extends into the Reserve, but probably corrects itself once the fence gets to the north boundary of the courts. With both being owned by Council, this probably does not matter too much.

The owners after discovering the land circumstances now ask if the land occupied as part of the former hotel may be purchased by them. Section 7B of the Limitation of Actions Act 1958 prevents any claim by adverse possession to the land.

Subject to S189 and S192 of the Local Government Act 1989, Council is able to sell property which is no longer required for its original purpose and which is surplus to needs.

Without pre-empting any decision, the best way to deal with this matter would be for the offer of the owners to be accepted with the boundary being adjusted by subdivision/consolidation and purchase. The position of the trees may have a bearing. It maybe that the trees should be kept as part of the Reserve, therefore a shift of the

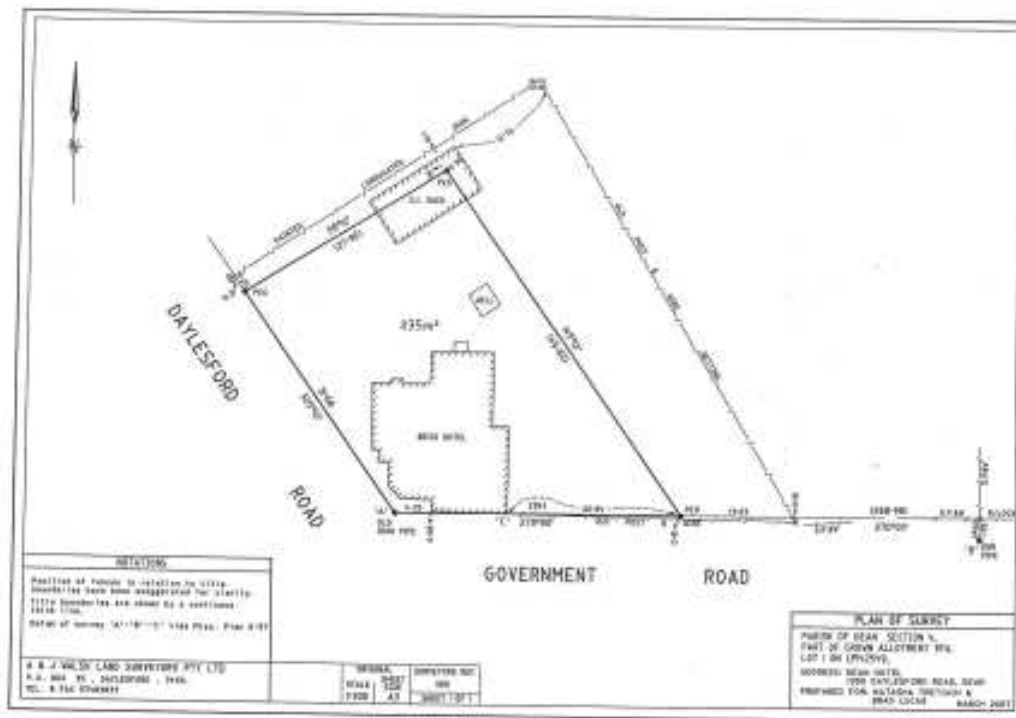
5. GOVERNANCE AND STRATEGIC MATTERS

fence will be required in any case and thereby reduce the area of land that may be subject to transfer.

The owners are prepared to cover costs of subdivision as well as the purchase cost of the land.

The Valuer was asked for his opinion as to the value of the land. It is valued at \$8,000. This valuation was put to the owners and they are prepared to accept it.

There is a Section 86 Committee with responsibility for management and operation of the Dean Recreation Reserve. The Committee was contacted to seek its views about the matter. All members of the Committee agree that the 'current fenced boundaries be accepted as the correct boundaries' and that the titles be amended accordingly. The Committee submits that a consideration for a transfer should be a minimum amount to cover Council's costs.



Relevant Policies / Council Plan implications

The provisions of the Local Government Act 1989 will be followed.

Policy # 9 – Management of Council Owned and Controlled Properties allows for the sale of Council owned.

There are no direct Council plan implications, although this situation does relate to Key Objective 3 – Asset and Resource Management -

Community / Engagement / Communication / Consultation

Public notice to be given as part of the sale process prescribed by the Local Government Act 1989 will allow for submissions to be received and considered.

5. GOVERNANCE AND STRATEGIC MATTERS

The Dean Recreation Reserve Committee, constituted of local community representatives has endorsed the realignment of the reserve boundaries and sale of the land.

Financial Implications

There will be no direct cost to Council. The purchase price for the land involved will be additional revenue, which in turn may be used for another purpose – possibly work at the Recreation Reserve.

Recommendation:

That Council:

- 5.5.1 *Is satisfied that the part of Lot 2 LP 142549 currently fenced in with the former Dean Hotel property and identified on the above survey plan is no longer required for its original purpose, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold;*
- 5.5.2 *Agree to a subdivision and consolidation of the land identified and described in the report and its sale to Mr B Lucas and Ms N Tretiach, subject to:-*
- *Market valuation*
 - *Consolidation of the land with lot 1 LP 142549 and*
 - *All costs associated with the sale being met by the purchasers;*
 -
- 5.5.3 *Give public notice of the proposal in accordance with Section 189 of the Local Government Act 1989; and*
- 5.5.4 *Authorise the CEO to progress this matter, and sign and seal any documents required to achieve the sale of the land.*

Moved the Officer's Recommendation with the addition of:

- 5.5.5 ***Set aside the sale proceeds for future works which may be required at Dean Recreation Reserve.***

Moved: Cr David Smith
Seconded: Cr Janine Booth
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.6 INTERNATIONAL WOMEN'S DAY 2007

(A/O – Cr Heather Mutimer)

File Ref: 16/04/09

Synopsis

In 2004 the Hepburn Shire held its first celebration of International Women's Day. At this event the inaugural 'Hepburn Shire Women's Honour Roll' was launched. The event has now become a highly successful annual event attracting 200 or so women (and men) from across the whole Shire. Each year it is planned that up to 5 women are to be added to the Honour Roll and their names announced at the event. A selection panel makes the recommendations to Council. This year the selection panel are recommending 5 women and a special citation for a Pioneer Woman.

Report

Planning and organising for the 2008 'International Women's' Day' is well underway with the organising committee having met on a regular basis for several months. This 'IWD Organising Committee' consists of the following women: Councillors Heather Mutimer & Janine Booth; Chris Sedgeman; Maureen Corbett; Anne E Stewart; Laurice Newman and Laurel Freeland. Kathy Graham from the CEO'S unit has provided admin assistance and coordination. Other individuals from the community also offer assistance on the day.

Next year's event as last year's will be held on the 7th of March (the eve of IWD) at the Daylesford Primary School, commencing at 5pm. The theme for this year's event will be 'Celebrating the Centenary of the Womens Petition' The Guest Speaker will be Professor Marilyn Lake, Professor of History La Trobe University

The selection panel for the 2008 'Women's Honour Roll' met on the 14 December and assessed the nominations against a number of criteria and scored the nominations accordingly. The women who made up the 2008 selection panel were: Cr.Heather Mutimer, Cr.Janine Booth, Barbara Webb; Clare Gervasoni; and Carmel Righetti. There were 12 nominations and the panel recommends to Council that 5 women be included on the 2008 Roll and one special citation for a Pioneer Woman. This will allow for 'living' and 'posthumous' to be included. The **confidential (ATTACHMENT NO. 2)** recommendations from the panel.

The recommendation of the panel needs to be formally accepted/ratified at the December Council Meeting to provide sufficient time for relatives/friends of the recipients to be invited and make any necessary arrangements for travel.

Relevant Policies / Council Plan Objectives

Objective 1. Strengthening communities.

1.2 Enhance community connectedness, capacity building and leadership.

Community / Engagement / Communication / Consultation:

The Hepburn Shire 'IWD' event and our 'Women's Honour Roll' is well advertised and promoted throughout the media and via community newsletters and a data base comprising the names and contact details of interested local women.

Public notices are placed in the 'council page' of the Advocate calling for nominations to the 'Honour Roll' and also for both the 'IWD Organising Committee' and "Women's Honour Roll Selection Panel'. Each year feed back is sought to evaluate the event.

5. GOVERNANCE AND STRATEGIC MATTERS

Financial & Resource Implications Initial & Ongoing

Within Council's Budget.

Recommendation:

That Council:

- 5.6.1 Accept the recommendation of the 2008 'Hepburn Shire Women's Honour Roll' selection panel, recommending that the names included in the confidential report to Council that the 5 women named be added to the 'Hepburn Shire Women's Honour Roll' be accepted by council.
- 5.6.2 That a special citation for a "Pioneer Woman" be accepted
- 6.1.3 The nominators of the successful and unsuccessful nominees be advised of the outcome accordingly & as soon as possible.

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.7 ROAD NAMING

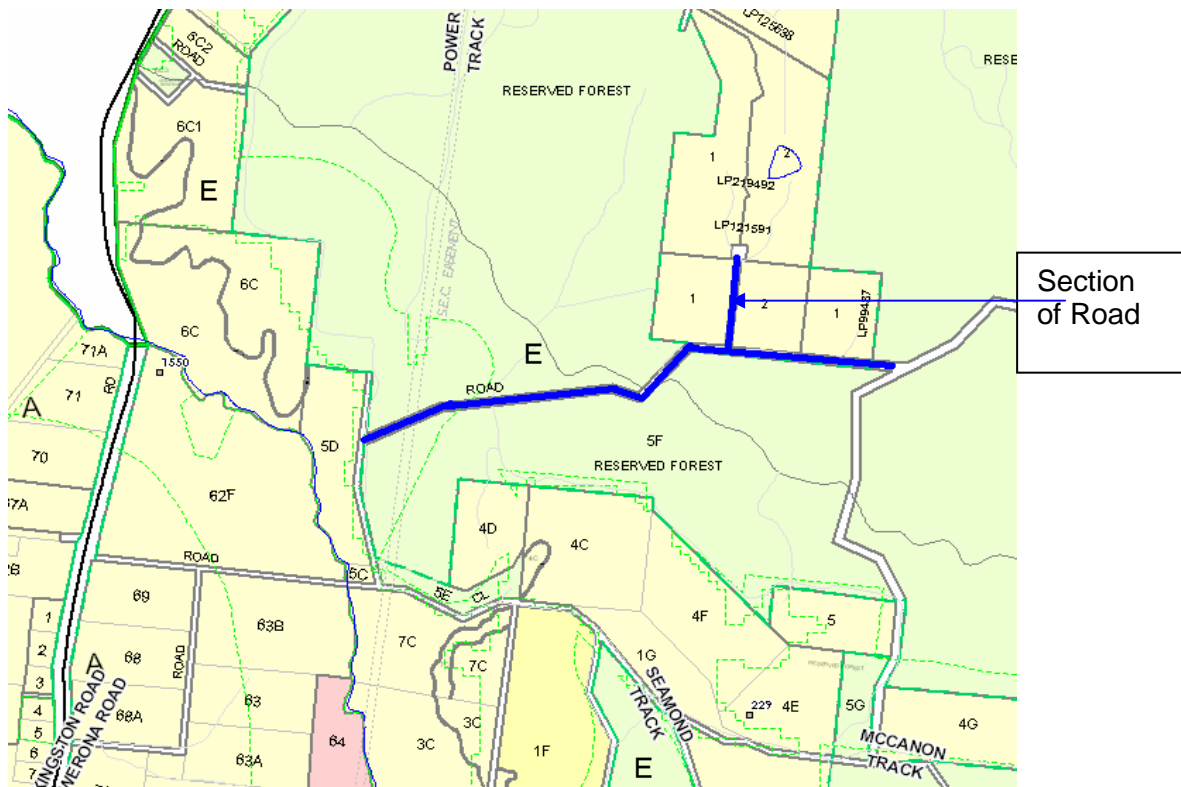
(A/O – Director Corporate Services)

File Ref: 58/02/03

Synopsis

The Council has responsibility for the naming of roads and streets within the municipality. To commence the process Council advertised it's intention to name the road shown on the map below, suggesting that it be named Whidburn Lane and seeking public comment. Following consideration of the public submissions received it is recommended that the un-named section of road off Werona Road, Werona be known as **"American Gully Track."**

Report



Eight submissions were received for this un-named section of road. All eight submissions requested the name **"AMERICAN GULLY TRACK"**.

The suggested name of "American Gully Track", is already widely used and has been locally known by this name for the past 140 years (since the gold rush). Also the Central Region Fire Map book has it marked as "American Gully Track".

A Mr. Bill Hannan who owns land on this section of road adopted the name for his Company and it is known as American Gully Pty Ltd.

Further suggestions were made by Mr. David Marshall who suggested the names Red Box Track (after the Eucalyptus polyanthemus), common throughout this region, Yellow

5. GOVERNANCE AND STRATEGIC MATTERS

Box Track, Grey Box Track and Werona Track. It was also noted that he too suggested "American Gully Track".

Mr David Marshall will be attending the Draft Agenda meeting on Tuesday, 11th December, 2007, as he desires to be heard in support of his submission.

As all eight submissions have either suggested or requested "**American Gully Track**". It is recommended that the name "**American Gully Track**" be adopted to ensure the history of this area be preserved and recognised.

Relevant Policies/ Council Plan Objectives:

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

Financial & Resource Implications Initial & Ongoing

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

Recommendation:

- 5.7.1 *That Council resolve in accordance with S206 of the Local Government Act 1989 to name the un-named section of road off Werona Road as outlined in the body of this report as "American Gully Track".*

Moved: **Cr David Smith**
Seconded: **Cr Bill McClenaghan**
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.8 ROAD NAMING

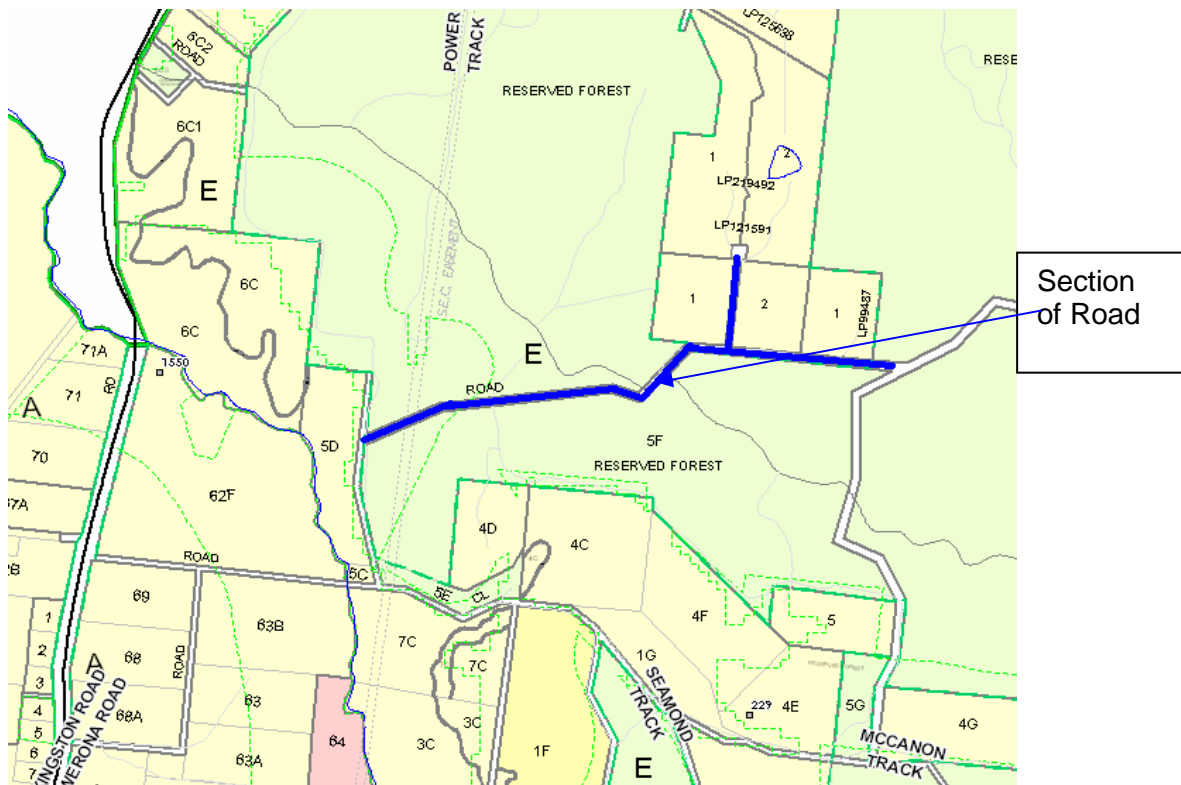
(A/O – Director Corporate Services)

File Ref: 58/02/03

Synopsis

The Council has responsibility for the naming of roads and streets within the municipality. To commence the process Council advertised it's intention to name the road shown on the map below, suggesting that it be named Longmire Track and seeking public comment. Following consideration of the public submissions received it is recommended that the un-named section of road off Werona Road, Werona be known as "**Levi Track**" or "**Jim Crow Track**".

Report



Eight submissions were received for this un-named section of road.

Two submissions requested the name "**Levi Track**". Other names suggested were Bush Track, Jim Crow Track, Shepherds Flat Road/Track and Eganstown Road.

The suggested name of "**Levi Track**" derives from the name of the local stonemason back in the 1900's who was only known by the name Levi.

Levi would walk this track carrying his stonemason kit to get to his jobs. He built many of the buildings and chimneys in this area.

Unfortunately he met his death on this track. His remains were found scattered around the bush floor next to his stonemasons bag.

5. GOVERNANCE AND STRATEGIC MATTERS

His remains were gathered up by two sticks and placed in a bag. They took the remains back to the local pub that night and had a farewell drink with them. The barmaid was not impressed with this and wanted them taken out. The comeback, "he spent plenty of nights here asleep on the floor, one mores not gonna hurt".

A further submission was made by Mr. David Marshall, who suggested the name "Jim Crow Track" as the track sits in the heart of the Jim Crow Ranges.

Mr David Marshall will be attending the Draft Agenda meeting on Tuesday, 11 December, 2007, as he desires to be heard in support of his submission.

"Levi Track", has been suggested twice and is a name not used in our area as is "Jim Crow Track" which is very relevant to where the track is situated.

Relevant Policies/ Council Plan Objectives:

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

Financial & Resource Implications Initial & Ongoing

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

Recommendation:

5.8.1 *That Council resolve in accordance with S206 of the Local Government Act 1989 to name the un-named section of road off Werona Road as outlined in the body of this report as "Levi Track".*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.9 MIDLANDS BRANCH VICTORIAN FARMERS' FEDERATION

(A/O – CEO)

File Ref: 22/04/01

Synopsis

The Midland Branch of the VFF have written to Council indicating how they value their “regular meetings” with Hepburn Council and now seek to enter into a more formal arrangement to meet and consult.

Report

The Midlands Branch of the VFF wrote to Council in July advising how they value their regular meetings with Hepburn Council and sought to formalise this. Two meetings have taken place with their representatives including Simon Ramsay their President a few weeks ago.

As part of the discussions with the VFF it was agreed that an Agricultural Advisory Committee should focus on key issues at a strategic level and that having an agreed Terms of Reference would provide a good focus. Also, it was agreed that Agricultural representation should be sought to reasonable cover the key sectors.

Relevant Policies / Council Plan implications

The Council Plan and other documents provide a clear basis that Council is willing to communicate with appropriate organisations as required.

Community / Engagement / Communication / Consultation

N/A

Financial & Resource Implications Initial & Ongoing

Recommendation:

That Council:

5.9.1 *That Council advise the VFF that it agrees to establish an Agricultural Advisory Committee to meet twice per annum and as otherwise required. Terms of Reference to be developed and presented to Council in early 2008. These will also cover membership such as: 4 Agricultural Delegates covering General Farming, Potato/Water and other key areas.*

Moved the Officer's Recommendation.

Moved: Cr David Smith

Seconded: Cr Janine Booth

Carried.

Cr Mutimer requested that her dissent be recorded.

5. GOVERNANCE AND STRATEGIC MATTERS

5.10 CONFIDENTIAL STAFF ITEM: ANNUAL REVIEW OF CEO

(A/O – Mayor, Cr Tim Hayes)

File Ref:

Synopsis

Council is required to annually review the CEO's performance by 30 October or as otherwise agreed with the CEO. A review was conducted recently.

Report

Relevant Policies / Council Plan implications:

In accordance with the Statutory requirement.

Community / Engagement / Communication / Consultation:

N/A.

Financial & Resource Implications Initial & Ongoing

Budgeted item.

Recommendation:

That Council consider this item and conclude the Annual Review of the CEO.

Motion Moved at Meeting:

That this item be deferred to the end of this meeting.

Moved: Cr Janine Booth

Seconded: Cr Bill McClenaghan

Carried.

8.20pm.

That Council move in-camera to consider this item

Moved: Cr David Smith

Seconded: Cr Janine Booth

Carried.

8.46pm

Moved that Council Resume Standing Orders.

Moved: Cr David Smith

Seconded: Cr Janine Booth

Carried.

Moved the Recommendation 1, 2 and 3 as per confidential report.

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

For: Councillors Janine Booth, David Smith & Tim Hayes

Against: Councillors Bill McClenaghan and Heather Mutimer.

6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.1 AUDIT COMMITTEE CHARTER

(A/O – Director Corporate Services)

File Ref:30/04/01

Synopsis

After reviewing the current Audit Committee Charter the Audit Committee recommends to Council that it adopts a revised Audit Committee Charter. (**Attachment 3**)

Report

The Audit Committee is a requirement under section 139 (1) of the Local Government Act 1989. The purpose of the Audit Charter is to provide direction to the committee and to clarify the extent of their responsibilities and scope of operation.

The revised Audit Committee Charter clearly specifies the responsibilities and focus of the Audit Committee. In the revised charter the focus of the Committee can be defined as ensuring the effective management of financial activities and associated risks.

The Committee's role is to assist Council with Council's obligations in relation to:

- Effective management of financial activities and associated risks
- Reliable financial reporting
- Compliance with laws and regulations
- Maintenance of an effective audit

The Audit Committee has reviewed the draft charter presented as an attachment to this report and recommend it to Council for adoption.

Relevant Policies / Council Plan implications

Local Government Act 1989
Council Plan 2006-2011

Community / Engagement / Communication / Consultation

N/A

Financial & Resource Implications Initial & Ongoing

This Charter provides a framework to effectively manage and limit any financial risks.

Recommendation:

That Council:

7.1.1 *Adopt the Audit Committee Charter as presented.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr David Smith

Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.2 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 Wombat Hill Botanic Gardens Advisory Committee dated 30th August 2007 (File Ref. 5/1330/01950) (Advisory)
- Minutes of the Creswick Museum and Gold Battery Committee of Management dated 1st October 2007 (File Ref. 2/7350/02046 & 2/6440/02296) (Section 86)
- Minutes of the Clunes Historic Medlyn Complex Committee of Management dated 1st October 2007 (File Ref. 1/0320/00070) (Section 86)
- Minutes of the Heritage Advisory Committee dated 19th October 2007 (File Ref. 66/08/02) (Advisory)
- Minutes of the Hepburn Healthy Communities Advisory Committee dated 29th October 2007 (File Ref. 50/12/05) (Advisory)
- Minutes of the Heritage Advisory Committee dated 16th November 2007 [unconfirmed] (File Ref. 66/08/02) (Advisory)

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

7.2.1 *Note the Minutes of the Committees listed above*

Moved the Officer's Recommendation.

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

8. STATUTORY MATTERS

8.1 PROPOSED SECOND DWELLING AND USE FOR GROUP ACCOMMODATION – PLANNING APPLICATION NO 2007/9378

(A/O – Planning Officer 2)

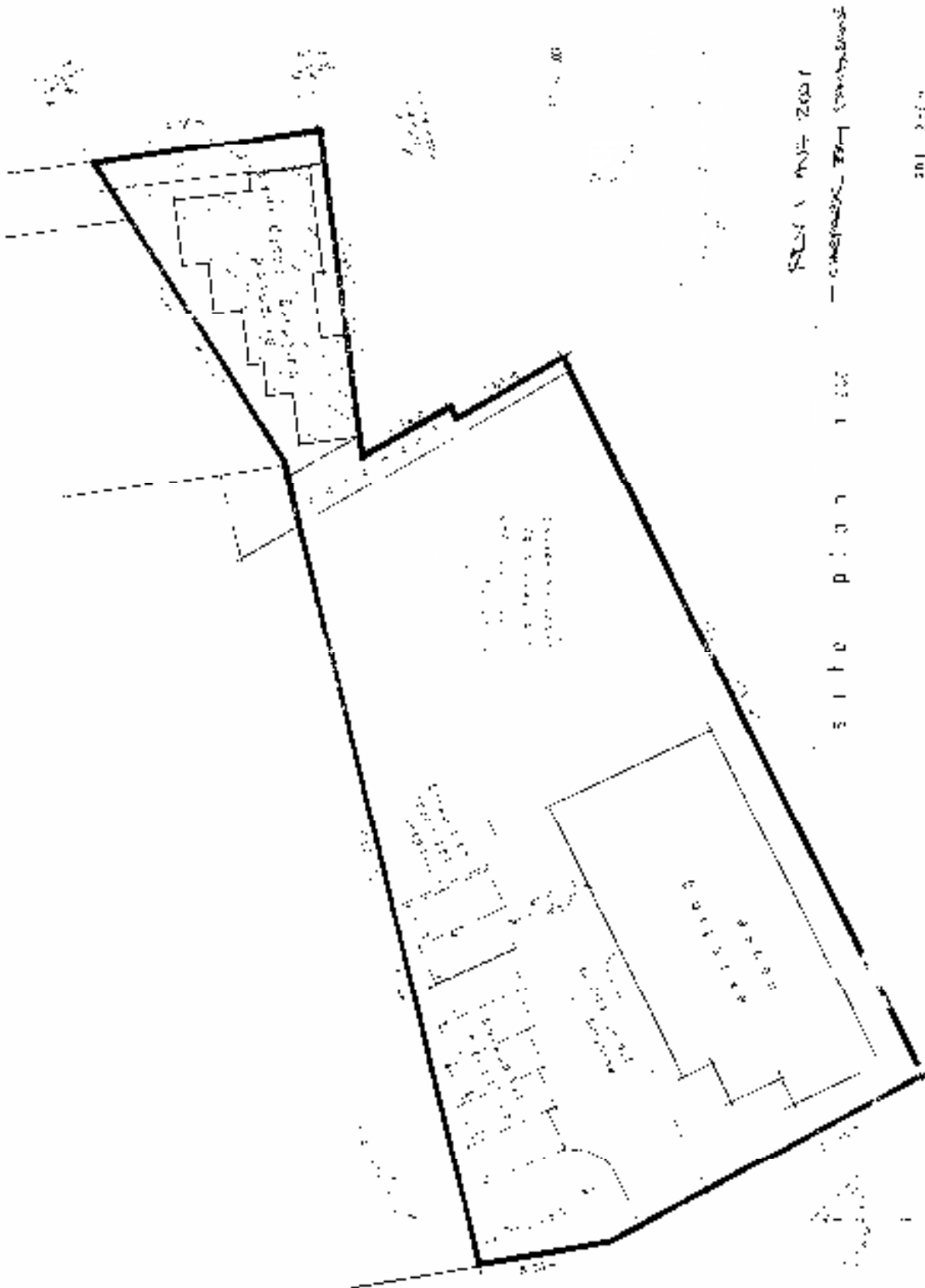
File Ref: 5/4300/05300/P

Synopsis

Applicant	Clinton Krause
Location	65 Main Road, Hepburn Springs
Proposal	Construction of a second dwelling and use for group accommodation
Zoning	Residential One Zone
Overlay Controls	DDO1, ESO1, ESO2 and WMO
No of Objections Received	4
Recommendation	Refusal to Grant a Permit



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

This report has been prepared for an application to develop a second dwelling for use as group accommodation at 65 Main Road, Hepburn Springs. There is a substantial dwelling already developed at the front of the site, which is operated by its current resident owners as bed and breakfast accommodation.

The site has an unusual shape, as can be seen from the attached plan. The small section of land, which is for most practical purposes separate from the main area of the lot, has an area of 195m². This piece of land slopes significantly to the South and East, to the extent that when standing in it you gain quite a sense of looking over the neighbouring properties. The site as a whole has an area of 1424m² suggesting that a proposal for two dwellings on a single site can be supported. The configuration and slope do however pose substantial design challenges.

PROPOSAL

The proposal is to construct a second dwelling on the 195m² section of the site. The owners intend to live in this, and continue to offer short term accommodation in the existing dwelling. This entails a change of use from bed and breakfast to group accommodation due to there being more than one dwelling on the lot. The second dwelling would make use of the existing driveway and car park, with access to the dwelling from the car parking area across the current back yard. It is proposed to include two extra car parking spaces at the end of the existing ones in order to provide the required parking for the expanded use.

The proposed dwelling comprises two bedrooms, study, lounge, meals area and kitchen. It is single storey on the west, with two storeys and upper level deck on the east, to take account of the slope of the site. The roof is skillion, pitched at 10 degrees. Due to the extent of site cut, a 1.25m retaining wall is proposed to be built to secure the building site.

REFERRAL AUTHORITIES

The application was referred under Section 55 of the Act to the Goulburn-Murray Rural Water Corporation, the Department of Sustainability and Environment and the Country Fire Authority. None of these authorities objected to the proposal, with GMW and CFA requiring some conditions on any ensuing permit.

It was referred to Central Highlands Water under section 52 of the Act. They likewise had no objection.

REFERRAL WITHIN COUNCIL

The application was referred to Council's Engineering Department, who had no objection subject to conditions.

8. STATUTORY MATTERS

ADVERTISING/NOTICE OF APPLICATION

The application was advertised by mail to adjoining owners and occupiers, and by placing a sign on the land. Four objections were received. A broad range of issues were raised, which have been summarised under four separate headings.

- (a) Deficiencies in the application.
- (b) Technical problems
- (c) Amenity impacts
- (d) Other planning considerations.

Further elaboration of these objections, with responses, follows below:
These were quite detailed. A summary and response follows below.

- (a) Deficiencies in the application.
 - 1. Application inadequate – does not show contours, levels and site cut details.
 - 2. Does not address the Wildfire Management Overlay.
 - 3. Clause 55 assessment not properly undertaken.
 - 4. Does not address impact on operation of the Savoia Hotel.
 - 5. Application does not address need for a permit for B&B.
- (b) Technical problems
 - 6. Application appears to show encroachment on Savoia Hotel property boundary.
 - 7. Ground is unsuitable for building due to previous use as an area to dispose of vegetation and surplus fill.
 - 8. Will reduce neighbours property value.
- (c) Amenity impacts
 - 9. Proposal overlooks neighbours, especially their private outdoor space.
 - 10. Proposal overshadows neighbours.
 - 11. Will be a source of unacceptable noise.
- (d) Other planning considerations.
 - 12. Impact of excavations on Spring Creek.
 - 13. Problems with future subdivision.
 - 14. Design is not site responsive.
 - 15. Design out of character.

Response

Most of the concerns will be addressed in the body of the report. However a brief summary is made here as follows:

- 1. Application was required to show details of contour levels, floor levels and details of site cut. The information supplied was considered adequate to inform an assessment.
- 2. Applicant completed the Wildfire Management Overlay Declaration Form, which provides sufficient information for an assessment against the objectives of the overlay.
- 3. A clause 55 assessment was undertaken by the applicant. As a part of the assessment of the application, an independent clause 55 assessment has been undertaken, and forms part of this report.
- 4. This objection fails to identify any impact on the operation of the Savoia Hotel not covered by clause 55 assessment.

8. STATUTORY MATTERS

5. Applicant has applied for a permit for a second dwelling, and use for group accommodation.
6. All buildings and works proposed are shown as falling within the boundaries of the property as shown on the certificate of title.
7. Suitability of the site for foundations would be assessed at the building permit stage.
8. Neither increase nor decrease of adjoining property values is a valid planning consideration.
9. Planning assessment supports this objection.
10. The extent of private open space on neighbouring properties ensures that the overshadowing objectives of clause 55 can be achieved.
11. There are no external sources of noise such as air conditioners proposed. Noise normal to the use of a dwelling is considered acceptable in a residential area.
12. Ongoing erosion problems are not envisaged. Conditions could be put on any permit issued to ensure adequate erosion control measures are put in place during construction.
13. Any future application for subdivision would be considered on its merits. It is noted that any subdivision proposal creating a lot of 195m² with the proposed dwelling would be unlikely to be supported due to its failure to meet the site coverage and permeability objectives of clause 55.
14. Planning assessment supports this objection.

Relevant Policies / Council Plan implications:

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 16.01-1 seeks to encourage opportunities for increased residential densities to help consolidate urban areas. The proposal represents such an opportunity.

Clause 16.02-1 seeks to encourage the development of well-designed medium density housing which respects neighbourhood character. The proposal is questionable in this regard.

Clause 17.04-1 seeks to encourage tourism development to maximise the employment and long term economic, social and cultural benefits of developing the State as a competitive domestic and international tourism destination. The proposal increases the supply of tourist accommodation.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.05 – Settlement and Housing. The relevant objective is objective 2, which is to improve the character of development in established urban areas. The relevant strategies listed are the following:

- Provide for residential infill opportunities, using the township structure plans.
- Promote innovative residential development and a range of lot sizes in existing urban areas.
- Promote residential development that acknowledges and enhances the valued character of neighbourhood areas.

- Support the consolidation of development in urban areas where infrastructure capacity exists and where the character of the area is not prejudiced.

8. STATUTORY MATTERS

The proposal is considered as an infill opportunity. Whether it is an innovative residential development for a constrained site, or a poor and opportunistic response to the site, is a question which will be addressed as part of the clause 55 analysis.

The proposal is a consolidation of development in an urban area where infrastructure capacity exists. However it is considered that it does prejudice the neighbourhood character of the area.

ZONE AND OVERLAY PROVISIONS

Residential One Zone

A permit is required for group accommodation. A permit is also required to construct a dwelling if there is already one dwelling on the lot.

The purposes of the zone are as follows:

- (i) To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- (ii) To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- (iii) To encourage residential development that respects the neighbourhood character.
- (iv) In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Comments to the Above Statement of Zone Purposes

- (i) Was dealt with above, and (iv) is not relevant to the present application.
- (ii) The proposal for a second small dwelling on the same site of a substantial two storey dwelling offers a variety in terms of dwelling type. The dwelling density, *taking both houses into account*, fits reasonably within the range of dwelling densities of surrounding properties. Holiday types of accommodation for people away from their normal place of residence are a clear housing need in towns such as Daylesford and Hepburn Springs, with their established tourism industry.
- (iii) Assessment of neighbourhood character, and whether a development respects it, might appear to be a subject designed for disagreement, and will always have an element of subjectivity.

Council in its assessment of applications of this nature is required to make that assessment on an objective basis not a perceived subjective basis. Given the assessment criteria, objectively it can be said that key neighbourhood character elements include boundary setbacks, bulk and scale of development, and form of development, including consistency of roof form.

Surrounding buildings offer a mix of architectural styles, including single storey weatherboards with iron roofs and a weatherboard with extensive attic extension and tiled roof. The neighbouring Savoia Hotel is a substantial brick building with tiled roof. All have roofs pitched at 30 degrees or more, with both

8. STATUTORY MATTERS

hipped and gable forms. All have generous side and rear set backs, creating a sense of spaciousness in gardens and back yards.

On the positive side, the proposed building is modest in scale with single and two storey elements which fits well with the neighbourhood character. The roof form is however completely at odds with the character of neighbouring buildings. Of greatest concern is how the proposed building sits on its site. Set backs from all three side and rear boundaries is absolutely minimal. With the shape of the part of the lot it sits on, the building displays character of an intensive development befitting that of inner city Melbourne, which has none of the sense of openness or spaciousness shown by its neighbours.

Further to the zone purposes and objectives, it is a requirement that consideration is also given to the objectives, standards and decision guidelines of clause 55. This follows.

		Standard	Objective	
B1	Neighbourhood Character	X	X	See purposes of the zone above.
B2	Residential Policy	X	X	Meets relevant State and Local Planning Policies, but design response is inappropriate.
B3	Dwelling Diversity	N/A	N/A	Proposal is less than 10 dwellings and therefore requirement not relevant
B4	Infrastructure	✓	✓	Will be connected to reticulated services. Stormwater drainage provided for.
B5	Integration with Street	X	✓	Vehicle and pedestrian linkages adequate – utilises existing vehicle access. No fencing proposed at front. New dwelling cannot front the street.
B6	Street setback	NA	NA	Existing dwelling has relevant setback.
B7	Building Height	✓	✓	Max height of proposed dwelling 8m
B8	Site coverage	✓	✓	Max. allowed 60%, proposal has 24% [see note below]
B9	Permeability	✓	✓	Over 70% pervious surfaces. [see note below]
B10	Energy efficiency	✓	✓	Oriented to take advantage of northern exposure. Does not impact on solar access to existing buildings.
B11	Open space	N/A	N/A	Not relevant as no communal open space required or provided
B12	Safety	✓	✓	Layout allows for safety and security

8. STATUTORY MATTERS

B13	Landscaping	✓	✓	No alteration proposed to existing landscaping.
B14	Access	✓	✓	New dwelling uses existing access which meets standards and objectives.
B15	Parking location	X	X	Car parking is 30m from entrance.
B16	Parking provision	✓	✓	7 spaces provided on site.
B17	Side and Rear setbacks	✓	✓	North Boundary (wall height 3.5m) min setback 1.00m, actual 1.5m South Boundary (wall height 5.9m) min setback 1.69m, actual 1.7m East Boundary – lower level (wall height 4.0m) min setback 1.12m, actual 2.0m East Boundary – upper level (wall height 7.8m) min setback 2.9m, actual 3.1m
B18	Walls on boundaries	✓	✓	Wall is 6.5m long (max allowed 10m plus 25%) Height does not exceed 3m.
B19	Daylight to existing windows	✓	✓	
B20	North facing windows	✓	✓	No existing north facing windows within 3m of boundary
B21	Overshadowing	✓	✓	There will be some overshadowing of private open space of properties to the south and east of the subject site. The large area of such space on both properties means however that the overshadowing objective and standards are easily achieved.
B22	Overlooking	X	X	No overlooking of habitable room windows (greater than 9m separation). Overlooking of neighbouring private open space from elevated deck on east of new dwelling.
B23	Internal views	✓	✓	Meets requirements.
B24	Noise impacts	✓	✓	No external noise sources.
B25	Accessibility	✓	✓	Entry at ground level.
B26	Dwelling entry			Dwelling entry cannot be made visible from street. Objective is

8. STATUTORY MATTERS

		X	✓	met as the proposed dwelling entry is clearly identified as for that dwelling only.
B27	Daylight to new windows	✓	✓	Adequate daylight to all new habitable room windows.
B28	Private open space	✓	✓	Balcony of 8m ² . The dwelling also has access to extensive shared open space with other dwelling on site.
B29	Solar access to open space	X	✓	Balcony on east of dwelling with a short side on the north allows solar access.
B30	Storage	X	X	No external storage provided
B31	Design detail	X	X	Roof form especially at odds with surrounding built form
B32	Front fence	✓	✓	No front fences proposed
B33	Common property	✓	✓	Clear delineation of shared land
B34	Site services	X	X	No clear provision for convenient bin and recycling enclosures.

[Note: Site coverage and permeability are calculated for the whole site. The 195m² part of the lot would not be capable of achieving site coverage and permeability objectives as a stand alone proposal].

Environmental Significance Overlay Schedules 1&2 – Proclaimed Catchment, Mineral Springs and Groundwater Protection.

The environmental objectives to be achieved are:

- To protect the quality of domestic water supplies within the Shire and the broader region.
- To maintain and where practicable enhance the quality and quantity of water within watercourses.
- To prevent increased runoff or concentration of surface water leading to erosion or siltation of watercourses.
- To prevent erosion of banks, streambeds adjoining land and siltation of watercourses, drains and other features.
- To prevent pollution and increased turbidity and nutrient levels of water in natural watercourses, water bodies and storages.
- To protect the mineral springs, their aquifers and their environs from the impacts of effluent and drainage.
- To protect water bores that provide town water supply.

The proposed dwelling will be connected to reticulated sewerage. It should therefore have no impact on water quality within the catchment. Some site cutting is involved. It is not considered likely that this will lead to siltation of watercourses due to erosion, nor that it will impact on groundwater quality. Appropriate measures to avoid erosion

8. STATUTORY MATTERS

during construction will be required through permit conditions. The application was also referred to DSE and Goulburn Murray Water, who raised no objections.

Design and Development Overlay Schedule 1

The principal objective of the schedule is:

- To preserve and enhance the significant visual qualities of Main Road, its environs and the semi-urban link between Daylesford and Hepburn Springs.

The proposed development will not impact on the visual qualities of Main Road due to its location at the rear of the property.

Wildfire Management Overlay

The relevant objectives of the overlay are:

To ensure that development which is likely to increase the number of people in the overlay area:

- Satisfies the specified fire protection objectives.
- Does not significantly increase the threat to life and surrounding property from wildfire.

The application was referred to the CFA. Conditions required by them satisfy the specified fire protection objectives. It is not considered that the proposed development of a dwelling, on a cleared site within an established residential area would significantly increase the threat to life and surrounding property from wildfire.

ASSESSMENT

There is policy support for the development of a second dwelling at 65 Main Road Hepburn Springs. To the extent that the proposal represents an opportunity for urban consolidation and medium density housing, there is qualified support from both the State and Local Planning Policy Provisions. The proposal also accords with the purposes of the overlays that apply to the land.

The use for group accommodation is supported by State Planning Policy and the purposes of the Zone.

In relation to the development of new dwelling, in this case, the second dwelling for grouped accommodation purposes, both State and Local Policy are only supportive of residential development that respects neighbourhood character and existing residential amenity. A detailed assessment of the proposal shows that it fails to meet this policy direction.

The concept of infill housing development is not new and the concept of infill housing with shared open space as common property between two dwellings is not new either. Notwithstanding the use of land for two dwellings can be supported and both concepts can be encouraged, the design and layout must respond to the site and neighbouring properties, without detriment. Through the discussion/consultation session, it was stated that the gap between dwellings, substantial at over 380 square metres is to maintain a garden space of trees and shrubberies. As mentioned, it is not an unusual concept to have that open space gap, evidently in some medium density housing development in Melbourne; the planning issue being the relatively small sized area rear of the proposed open space gap and the trapezoid shape constraints.

The applicant has effectively proposed a three bedroom dwelling structure with a deck to fit into an otherwise small 195 square metres area. Again this is common design challenge found in inner city Melbourne (Port Phillip) where allotments of size less than 200 square metres are the norm. What is uncommon is that this location is in Hepburn

8. STATUTORY MATTERS

Springs where the majority of buildings are sited with generous private open spaces and setbacks, and averaging 500 square metres per allotment. That has been and will continue to be the neighbourhood character for effectively an urban environment within rural setting.

An assessment of the proposed dwelling against the ResCode is to be made on the basis that the first principles of ResCode can be satisfied. Those principles surround the neighbourhood character, site analysis and design response. There has been other ResCode non compliance such as overlooking, car parking, and location of waste bins, storage and the like. Nevertheless, such extent of non compliance is deemed to be secondary principles to the first and can be addressed with proper design response. In relation to this application, a substantial change to the siting of the dwelling will be required to satisfy the first principles.

It cannot be said that the design response has been given due consideration to the site constraints posed by a 195 square metres allotment. Whilst the whole of site borders an operational commercial premises and a garden area occupies the site centre, there has been minimal consideration given to designing an infill development that has satisfactory outcome to the neighbourhood character and amenity of the area. It is emphasised that in all previous VCAT cases, neighbourhood is defined as a collective area five allotments on each side of the subject site.

Whilst Council is not open to consider future uses of the site, be grouped accommodation or dual occupancy, consideration can be given to the future subdivision of the site. There is no strategic justification in the structure plan for Hepburn Springs for an allotment size less than 200 square metres with a site overdevelopment impacting on neighbourhood character and amenity.

Council must consider the application on its merits and as presented and it is not open to Council to redesign the proposal.

On the balance, the proposal presents an unsympathetic design response to the site constraints and impacts detrimentally on the neighbourhood character and amenity. The proposal is also non compliant on other ResCode standards. In summary, the use of the site for grouped accommodation warrants support and the development of the site cannot be supported in its current form. The application is recommended for refusal.

Community / Engagement / Communication / Consultation

A consultation meeting was held with the applicants including the attendance of Councillor McClenaghan on 26 November 2007. The meeting was called after the applicants requested that Council deferred the consideration of this item at the November Council meeting. Following the meeting, this report has been revised to take into account that a meeting was held and that points of assessment clarified as discussed during the meeting. The assessment report was also revised to emphasise on key points relating to the proposal. Officer's recommendation for refusal to grant a permit will stand.

Financial & Resource Implications Initial & Ongoing

Possible VCAT appeal costs.

8. STATUTORY MATTERS

Recommendation:

That Council resolve to issue a Refusal to Grant a Planning Permit in respect of the land known and described as 65 Main Road, Hepburn Springs, for the Construction of a Second Dwelling and Use for Group Accommodation in accordance with the submitted plans, with the application dated 11/07/2007, on the following grounds:

- 1 *The proposal fails to meet the purposes of the Residential One Zone.*
- 2 *The proposal fails to meet all the relevant objectives of clause 55 (two or more dwellings on a lot).*
- 3 *The proposal would be detrimental to the neighbourhood character and amenity of the area in the design and siting of the new dwelling.*

Moved the Officer's Recommendation.

Moved: **Cr Bill McClenaghan**

Seconded: **Cr Heather Mutimer**

Carried.

8. STATUTORY MATTERS

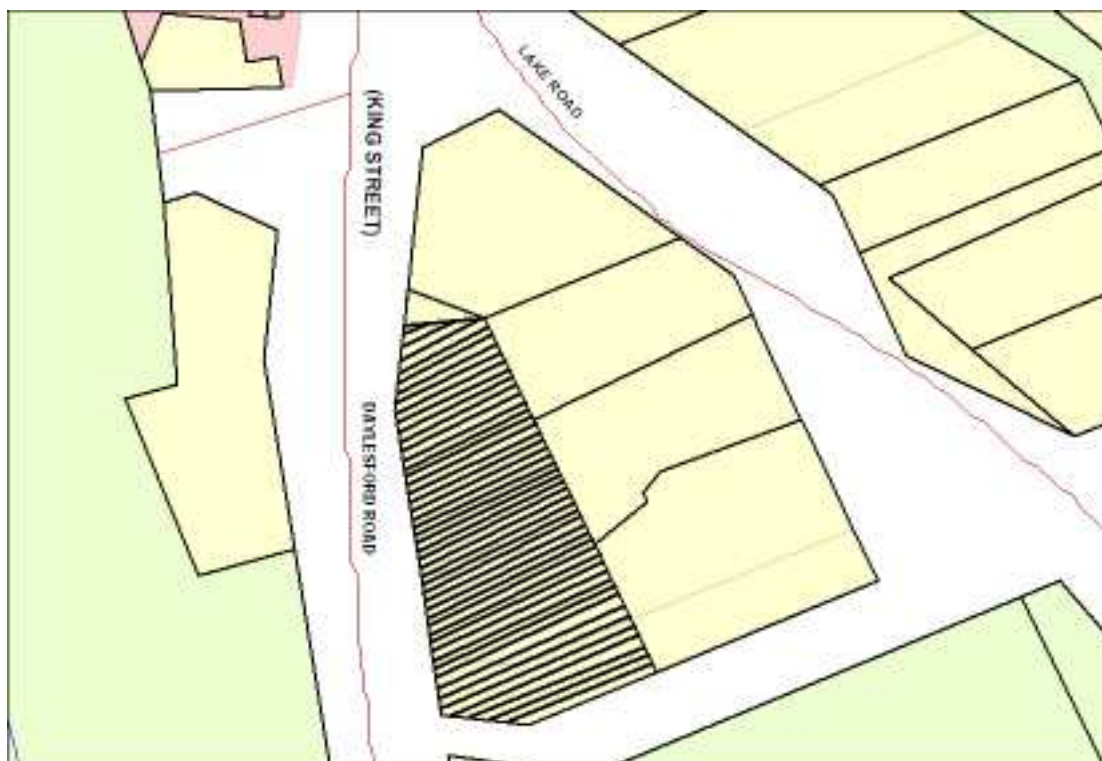
8.2 PLANNING APPLICATION 2007/9472, 39 KING STREET, DAYLESFORD PROPOSED DEMOLITION OF A DWELLING & OUTBUILDING, EXCAVATION & CREATION OF TWO NEW ACCESS CONSTRUCTION OF FOUR DWELLINGS & ASSOCIATED CAR PARKS & WORKS & A RE-SUBDIVISION OF THREE (3) LOTS INTO FOUR (4) LOTS

(Team Leader Planning)

File Ref:4/3720/01800/P

Synopsis

Applicant:	Ken Charles Centrum Architects
Location	39 King Street, Daylesford (Part CA7, CA 8 Sec 30, CA 2002 TP 835483G)
Proposal	Demolition of a dwelling & outbuilding, excavation & creation of two new access, construction of four dwellings & associated car parks & works & a re- subdivision of three (3) lots into four (4) lots.
Zoning	Residential 1 Zone – R1Z
Overlay Controls	NCO1 – Neighbourhood Character Overlay DDO2 – Design & Development Overlay ESO1 – Environmental Significance Catchment Protection ESO2 – Environmental Significance – Aquifer Protection
Recommendation	Notice of Decision to Grant a Planning Permit subject to condition for modified plans



8. STATUTORY MATTERS

Report

INTRODUCTION

An application was received to demolish the existing dwelling, remove a tree, earthworks required to create two new access points, the construction of four double storey dwellings and the re-subdivision of three lots to create four lots. This application was received on 23rd July 2007 and required a Cultural Heritage Management Plan approved under the new Aboriginal Heritage legislation which has been provided and approved by Aboriginal Affairs Victoria on the 14th November 2007. This new requirement introduced uncertainty regarding the final design of the proposal but a decision was made to proceed with the application in the interests of efficiency.

The subject site covers an area 1872m² and is generally located at the entrance from Ballan into the township of Daylesford, on the eastern side of the causeway. The subject site consists of three parcels of land which slopes down to an unmade road adjacent to the Slum Dam reserve. The site contains a 19th century weatherboard cottage and outbuilding and includes a mature swamp gum. There is currently an informal access on the south eastern corner of the site. A rock and earth mound forms the road reserve along the sites boundary with King Street.

PROPOSAL

The proposal is to subdivide the three parcels into four lots with associated common property for access and construct a dwelling on each lot.

Four lot subdivision

Lot 1 – 421.5m²

Lot 2 – 474.5m²

Lot 3 - 447m²

Lot 4 – 453.5m²

Two access points are proposed from King Street, north of the existing access for safety reasons.

The lots will be connected to reticulated sewer and water

The proposed dwellings are three bedroom two storey dwellings angled around the site. They are combinations of skillion and flat roofed forms, clad in a mix of materials. All have decks to take advantage of views and northerly aspects.

Houses 1 and 2 are oriented towards King Street and houses 3 and 4 are oriented toward the public reserve. House 3 is a minimum of 3 metres from the eastern boundary. A corner of the lounge of House 4 is a minimum of 4 metres from the southern boundary, adjacent to the Dam reserve. These dwellings have elevated decks which give the appearance from the public reserve of three storey structures.

Houses 1,2, & 4 have double garages included with access to a forecourt to enable vehicles to leave the site in a forward direction.

8. STATUTORY MATTERS

A landscape plan, access plan and specifications for the proposed earthworks are included with the application.

REFERRAL AUTHORITIES

Section 55 Referrals - VicRoads, Dept of Sustainability and Environment, Goulburn-Murray Rural Water Corporation, Central Highlands Water, Telstra, Powercor

VicRoads, GMW, CHW, Telstra, DSE have no objections and no conditions to either parts of the proposal.

REFERRAL WITHIN COUNCIL

Engineering had no objections subject to conditions. Building had no objections and no conditions. Environment accepts the Aborists report and landscaping

ADVERTISING/NOTICE OF APPLICATION

Notice of the proposal was required via a sign on-site, notices to adjoining owners and occupiers and a notice in a newspaper circulating in the area. Council received six (6) objections as a result of the notification. One objection, to the east of the subject land was withdrawn after discussions with the applicant regarding amendments to balconies.

The following table summarises the objections received in relation to the proposed development and responds to the concerns raised.

The following four concerns are common to most submissions

Objection	Response
Visual Impact on the towns' entrance	This site is a small element in a 180 degree vista of Daylesford from the entrance. This proposal introduces change which can be balanced by the siting and design of dwellings and landscaping. House 4 appears as a single storey dwelling from King Street, due to the slope of the land.
Density and intensity of development Detrimental to the integrity of neighbourhood character.	The site coverage of the buildings is 28% which is lower than the requirement of the Neighbourhood Character Overlay. Neighbourhood character is discussed in the conclusion of this assessment
Detrimental impact on the Slum Dam reserve.	This can be addressed by conditions and the landscaping plan.
Intruding on the privacy of 37 King Street & 4 Lake Road	Rescode allows screening measures for any potential overlooking. There are outbuildings and existing vegetation on properties adjacent to the eastern boundary of the site.
Heritage listing of 37 King Street	The heritage listed cottage at 37 King Street has a discreet and dominant presence to the corner of Lake Road and King Street. The two properties share approximately 25% of the boundary of 37 King Street. The angle of siting and articulation of house 1 and landscaping will minimise any impact on the Heritage listed building.

8. STATUTORY MATTERS

Detrimental impact on property values	For technical reasons to do with fluctuating markets it has been determined property values are not town planning matters.
<p>The removal of the Swamp Gum is not necessary.</p> <p>Application breaches Local Planning Policy Framework.</p> <p>Houses should not be built on former road reserve.</p> <p>Will set bad precedent for 6 Lake Road and anywhere else along King Street/ Lake Daylesford foreshore.</p> <p>Daylesford needs to retain prime unspoiled beauty spots.</p> <p>There is a problem with asbestos on the site.</p> <p>Council should not allow access to building site via road reserve.</p> <p>The development will have detrimental social impacts</p>	<p>An Aborigines' report indicates the structure of the tree is not sound enough to take it into the future and removal is recommended.</p> <p>The Local Planning Policy Framework will be discussed in the Assessment part of this report</p> <p>Privately owned parcels of land are involved. Council is required by the Planning & Environment Act to consider each proposal on its merits. The land is zoned for residential purposes rather than Public Park and Recreation Zone.</p> <p>The person doing the demolition work is responsible for compliance with the code of practise.</p> <p>This concern can be addressed via conditions on any permit that may issue.</p> <p>An increase in the diversity of housing within proximity to community facilities is a positive social outcome.</p>
The proposed development includes a triangular parcel of land to the north which does not belong to the applicant	<p>Land accounting:</p> <p>Subdivision Total land 1872m2</p> <p>Titles</p> <p>Part CA7 = 924m2</p> <p>CA 8 = 587m2</p> <p>CA 2003 – 361m2 Total 1872m2</p>

Relevant Policies / Council Plan implications:

Key Objective 1. Strengthening Communities. Council will engage with and support our diverse communities to realise their potential and determine and achieve their aspirations.

Strategy 1.2 - Enhance community connectedness, capacity building and leadership.

Key Objective 4. Council will strengthen our local economy by working in partnership with business and community.

Strategy 4.3 - Encourage and support diversity of economic activity and employment.

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 16 Housing – Encourages the development of medium density housing that respects neighbourhood character.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Municipal Strategic Statement

Clause 21.03 Vision and Strategic Statement – Structure Plan for Daylesford identifies the lake environs as areas for protecting the foreshore, view lines, and streetscape.

8. STATUTORY MATTERS

Clause 21.05 – Settlement & Housing – Relates primarily to the application of zones and overlays throughout the Shire.

Clause 21.09 Environment & Heritage - relates to water, wildfire and landscape issues broadly across the Shire.

Local Policy Planning Framework

Clause 22.07 Settlement – guides implementation of the strategic settlement review for the whole Shire.

Clause 22.08 Daylesford Neighbourhood Character

Objectives

To maintain and enhance the character and amenity of residential areas in Daylesford.

- To increase the retention and use of local native plants and, in appropriate locations,
- exotic plants to reinforce the preferred character of residential areas in Daylesford.
- To discourage the use of plants which are invasive environmental weeds.
- To promote the integration of new development into the topography and landform of its neighbourhood character area.
- To ensure that the siting and site coverage of new development and alterations to existing development reinforces the preferred character of residential areas in Daylesford.
- To ensure that the provision for vehicle access and storage does not compromise the character and amenity of residential areas in Daylesford.
- To ensure that all new development reflects the height, scale, building form, appearance and underlying character of surrounding residential areas.
- To protect and enhance vistas, views and landmarks and, where possible and appropriate, to create new vistas, views and landmarks within the residential areas of Daylesford.
- To promote the use of building materials which contribute to the preferred residential character of residential areas in Daylesford.
- To ensure that streetscapes and private gardens strengthen the visual and physical connections between private built development, the public realm and their underlying neighbourhood landscape character.
- To encourage the use of appropriate fence types and heights compatible with the character and amenity of residential areas in Daylesford.

Modification to Clause 54 and Clause 55 standards

A20 and B32 Front fences: A front fence within 3 metres of a street should not exceed a height of 1.2 metres

A5 and B8 Site Coverage: The site area covered by buildings should not exceed 40%

8. STATUTORY MATTERS

Where a permit is required for subdivision it is policy to:

Encourage subdivision that retains the important elements and features which form part of the significance and character of the neighbourhood precinct and the important view lines between these elements.

ZONE AND OVERLAY PROVISIONS

Clause 32.01 Residential 1 Zone

In addition to implementing the SPPF and LPPF the purposes includes encouragement of residential development at a range of densities respectful of neighbourhood character.

Clause 43.05 Neighbourhood Character Overlay

Contains a preferred neighbourhood character statement as follows:
The spacious garden settings of the dwellings and the balance of vegetation and dwellings when viewed from a distance will be maintained and strengthened by:

- Encouraging the retention and planting of large trees;
- Ensuring buildings are setback from both side boundaries;
- Ensuring a balance between buildings and garden areas;
- Ensuring buildings are sited to minimise intrusion on views to the lake from public areas including streets;
- Ensuring buildings are sited within the landscape to minimise excavation;
- Ensuring development is sited to minimise visual impact from the lake environs;
- Encouraging the use of timber or other non masonry materials and non reflective corrugated iron roofing materials, where possible;
- Ensuring delineation between public and private space in the lake environs;
- Encouraging low to average height, open style front fencing;
- Maintaining the rhythm and pattern of the prevailing rectilinear or angular form of subdivision; and
- Retaining the informal street treatments.

Clause 55 – ResCode - More than one dwelling on a lot.

		Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	Design blends topography, vegetation, and built form.
B2	Residential Policy	✓	✓	Meets relevant State and Local Planning Policies.
B3	Dwelling Diversity	N/A	N/A	Proposal is less than 10 dwellings and therefore requirement not relevant.
B4	Infrastructure	✓	✓	Conditions are included to ensure that requirements are met.

8. STATUTORY MATTERS

B5	Integration with Street	✓	✓	Visual and physical linkages with street.
B6	Street setback	✓	✓	Meets requirements
B7	Building Height		✓	Max. allowed 9m except if slope allows increase to 10m. Highest House 3 is 9.6m.
B8	Site coverage	✓	✓	Max. allowed 60%, proposal has 28%.
B9	Permeability	✓	✓	Looking for 20% permeability. Proposal achieves 44%.
B10	Energy efficiency	✓	✓	Good solar exposure.
B11	Open space	✓	✓	No communal open space.
B12	Safety	✓	✓	Layout allows for safety and security. Vehicles can leave in a forward direction.
B13	Landscaping	✓	✓	Landscaping design softens building lines and is species appropriate.
B14	Access	✓	✓	All access ways meets requirements.
B15	Parking location	✓	✓	Parking can be provided to meet requirements.
B16	Parking provision	✓	✓	Allows for resident and visitor parking in accordance with requirements.
B17	Side and Rear setbacks	✓	✓	Setbacks provided as required.
B18	Walls on boundaries	✓	✓	Garage walls on boundaries within constraints of code.
B19	Daylight to existing windows	✓	✓	Setbacks and separation meet requirements.
B20	North facing windows	✓	✓	Setbacks and separation meet requirements.
B21	Overshadowing	✓	✓	Orientation of the site N/S has minimal effect – meets requirements.

8. STATUTORY MATTERS

B22	Overlooking	✓	✓	Design uses screens, high sill windows, landscaping and site topography to remove overlooking potential.
B23	Internal views	✓	✓	Meets requirements.
B24	Noise impacts	✓	✓	The site is located adjacent to a main road. Noise levels will be usual to urban settings.
B25	Accessibility	✓	✓	Complies with requirements but topography of the site makes mobility difficult.
B26	Dwelling entry	✓	✓	All dwellings will have identifiable access.
B27	Daylight to new windows	✓	✓	Meets requirements
B28	Private open space	✓	✓	Usable and practical open space of appropriate dimensions can be achieved.
B29	Solar access to open space	✓	✓	Meets objectives.
B30	Storage	✓	✓	Storage available to all dwellings.
B31	Design detail	✓	✓	Design is appropriate.
B32	Front fence	✓	✓	Fencing is appropriate
B33	Common property	✓	✓	Clear delineation of shared land
B34	Site services	✓	✓	Can be provided

In summary the proposal is able to meet the objectives and standards of ResCode. The one area that needs to be addressed by permit conditions is the interface of the design with the public reserve, the Slum Dam.

8. STATUTORY MATTERS

Clause 56 – Subdivision

Clause 56.02 – 1 Policy Implementation Strategic Implementation

Objectives	How is compliance achieved objectives
To ensure that the layout and design of the subdivision is consistent with any policy, strategy or development plan for the area as set out in the scheme.	There is no detailed development plan for the area. The subject land is within the boundaries of the structure plan for the township of Daylesford. The proposal is not for non residential uses.

Clause 56.03 Liveable and Sustainable Communities

	How is compliance achieved objectives
<p>Compact and Walkable Neighbourhoods</p> <p>Create Mixed Use Activity Centres</p> <p>Proximity to Community Facilities</p> <p>Create identity & character</p> <p>Integrate with existing/preferred character and protect significant veg & site features</p>	The liveable and sustainable community will be provided by the close proximity to community facilities.

Clause 56.04 Lot Design

Objectives	How is compliance achieved with objectives
<p>Lot Diversity and Distribution</p> <p>Lot area & Building Envelope</p> <p>Solar Orientation</p> <p>Street Orientation</p> <p>Common Areas</p>	The design response indicates that the lot sizes and orientations are able to be developed.

CI56.05 Urban Landscape

Objectives	How is compliance achieved with objectives
<p>Incorporate natural/cultural features</p> <p>Discourage planting of weeds</p> <p>Encourage continuous landscaping</p> <p>Protect and enhance habitat</p> <p>Public Open Space Provision</p>	<p>A comprehensive landscaping plan has been provided with the application fulfilling these objectives.</p> <p>Hepburn Shires Planning Scheme has provision for public open space contributions at Clause 52.01.</p>

8. STATUTORY MATTERS

Clause 56 06 Access & Mobility

Objectives	How is compliance achieved with objectives
Integration of Clause 56.06-2 Walking and cycling network. Clause 56.06-3 Public transport network. Clause 56.06-4 Neighbourhood street network. Lot Access	The street network is established however as part of the earthworks to gain access to the site pedestrian access at grade will be required. Changing the current access arrangements will address safety concerns at this point in King Street.

In summary the proposed subdivision can meet the objectives for ResCode relating to subdivision.

Design & Development Overlay

Ballan Road-King Street, Daylesford

1.0 Design objectives

- To preserve and enhance the significant visual qualities of the Ballan Road entrance to Daylesford.
- To maintain and enhance the character and amenity of residential areas in Daylesford that are within a Daylesford Neighbourhood Character Precinct.
- To maintain the characteristic design, bulk, form and exterior finishes that form the visual element of this area.
- To retain existing sightlines and views to Lake Daylesford and its environs.

Environmental Significance Overlays ES01 & ES02 have objectives relating to catchment and aquifer protection respectively. The proposed development will be connected to reticulated systems therefore will not have detrimental effects on either the catchment or mineral springs aquifer.

Proposed Gateway Control Amendment

Council has resolved to implement a specific gateway control for the townships within the Municipality. As this control amendment has not been adopted and is currently in the development and formulation stage, any Gateway controls under the Hepburn Planning Scheme are not pertinent to this application.

ASSESSMENT

- + Denotes a positive weight in the balance of considerations for the application.
- Denotes a negative weight in the balance of considerations for the application.
- 0 Denotes a neutral contribution to the balance.

The table is a description of matters Council is required to consider under Clause 65 of the Hepburn Planning Scheme and their applicability to this application.

The matters set out in Section 60 of the Act.	+		
The State Planning Policy Framework	+		

8. STATUTORY MATTERS

Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	+		
The purpose of the zone, overlay or other provision.	+		
The orderly planning of the area.	+		
The effect on the amenity of the area.		0	
The proximity of the land to any public land.			-
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.		0	
Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.	+		
The extent and character of native vegetation and the likelihood of its destruction.		0	
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	+		
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.	+		

Conclusion

It is considered that this proposal for the development and subdivision of this site in this location is appropriate with qualifications regarding the interface of the proposed design for dwellings three and four as they interface with the public reserve including the Slum Dam.

The Planning Practice Note *Understanding Neighbourhood Character* indicates that respecting character is not preventing change. The character of Daylesford is a balance of buildings with the vegetation and topography of the land form. The consistency of this character is achieved by open views between buildings which are stepped down the landscape and set amongst trees. The angular siting of the proposed dwellings and the proposed landscaping, including the planting of drooping she oaks (mature height 6m) through the centre of the proposed development, will generally maintain respect for this character.

The context for the site is generally a central Victorian goldfields town established in the 19th century. In this location this is announced by the winding view up the hill to the post office building, church spires, mature native and exotic vegetation and the remaining 19th century weatherboard cottage elevated above the subject site, to the east. The proposed development does not interrupt these views from the gateway to Daylesford.

This particular precinct is an eclectic mixture of building styles, materials and eras and the proposed development reflects this. The proposed dwellings are to be clad in traditional timber and iron building materials and the proposed skillion roof form makes reference to an element of the 19th century built environment.

8. STATUTORY MATTERS

With regard to the existing building, The Daylesford and Hepburn Springs Conservation Study, 1984 does not specifically mention this site. In regard to the area the study states:

Residential development did not wholly embrace the mines of Cornish Hill, and the extension of the grid iron plan into this area never quite matched the preceding disposition of miner's cottages.

The existing building has not been identified as a significant element in the story of the mining history of Cornish Hill.

The objectives of Precinct 13 of the Neighbourhood Character Overlay and the Design and Development Overlay applicable to this precinct seek to retain views to the Lakes from the public domain. This objective is not detrimentally impacted upon by the proposed development.

The qualification to support for the proposal is that dwellings three and four present to the public reserve as three storey buildings. The lake is surrounded by deciduous willows and therefore the proposed dwellings will be more visible to the entrance to the township during that season. On this basis modification of the design of two of four dwellings is considered reasonable.

Community / Engagement / Communication / Consultation

A meeting between the applicant, Cr Heather Mutimer and objectors was held on 28th November 2007. No modifications to the design of the proposal resulted from this meeting.

Financial & Resource Implications Initial & Ongoing

There are financial and resource implications if the application for review is made to VCAT.

Recommendation:

That Council having caused notice of Planning Application No. 2007/9472 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.011 of the Hepburn Planning Scheme in respect of the land known and described as 39 King Street, Daylesford for the demolition of a dwelling, tree removal, buildings and works associated with earthworks and construction of four dwellings and subdivision of the land to create four lots in accordance with the endorsed plans, subject to the following conditions:

- 1 *Before the 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 but modified to show:*
 - *the design of proposed dwellings three(3 and four (4) adjacent to the Slum Dam reserve, modified to step down the site to reduce height and bulk and minimise the visual impact on the reserve*

8. STATUTORY MATTERS

- 2 *The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3 *The exterior colour and cladding of the building(s) must be of a non-reflective nature to the satisfaction of the Responsible Authority.*
- 4 *Before the development starts, a schedule of construction materials, external finishes and colours (incorporating [insert details, for example paint samples]) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.*
- 5 *Soil erosion control measures must be employed throughout the construction stage of the development in accordance with Construction Techniques for Sediment Pollution Control EPA 1991*
- 6 *The unmade road adjacent to the southern boundary is not to be accessed for construction purposes.*
- 7 *A copy of this permit is to be available on site at all times to guide contractors relating to construction measures.*
- 8 *Before the development (including demolition) starts, a tree protection fence must be erected around any root zones for neighbouring trees adjacent to the eastern boundary to define a "Tree Protection Zone". The fence must be constructed of star pickets, mesh or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.*
- 9 *No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.*
- 10 *Before the occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - (a) *constructed;*
 - (b) *properly formed to such levels that they can be used in accordance with the plans;*
 - (c) *surfaced with an all-weather-seal coat;*
 - (d) *drained;**to the satisfaction of the Responsible Authority.*
- 11 *Car spaces, access lanes and driveways must be kept available for these purposes at all times.*
- 12 *Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.*

8. STATUTORY MATTERS

- 13 *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.*
- 14 *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.*
- 15 *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.

- 16 *Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.*

17 *Council's Engineering Department*

17.1 *All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to a point of discharge approved by the Responsible Authority. No stormwater shall drain or discharge from the land to adjoining properties.*

17.2 *All easements deemed necessary by the Responsible Authority must be provided by the Applicant to protect existing and future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge. All easements created must be in favour of Hepburn Hire Council. Easements shall generally be 3 metres wide, easement widths may be wider if required by the Responsible Authority or easement widths may be reduced to suit building offsets subject to agreement by the Responsible Authority.*

8. STATUTORY MATTERS

- 17.3 *A copy of the Environmental Management Plan for the development construction works shall be submitted to the Responsible Authority 1 week prior to construction commencing. The Environmental Management Plan shall be prepared by a suitably Qualified Environmental Consultant, appointed by the Applicant or Owner of the Land in compliance with Construction Techniques for Sediment Pollution Control, EPA, Publication Number 275 and as applicable Environmental Guidelines for Major Construction Sites, EPA Publication Number 480*
- 17.4 *The existing fence line facing the Ballan Road, the road reserve to the South, and the Northern boundary of the development must be re-constructed on the title boundaries to the satisfaction of the Responsible Authority.*
- 17.5 *Entrance driveways crossovers must be constructed of concrete, coloured to satisfaction of Responsible Authority in accordance with Council's standard drawing 2003-004*
- 17.6 *Entry and egress to the development must be in a forward motion and conform to AS 2890.1-2004.*
- 18 *VicRoads*
- 18.1 *The two accesses to the developments must meet the 115m sight distance requirement to comply with the AustRoads Standard (Guide to Traffic Engineering Practice – Part 5).*
- 18.2 *Any construction/earth works required to achieve the sight distance for both accesses must be completed to the satisfaction of VicRoads and Council prior to the start of the development or the issuing of a Statement of Compliance.*
- 18.3 *The two cross overs and associated works must be to Council's satisfaction.*
- 18.4 *The discharge of any concentrated drainage into the declared road drains or culverts is not permitted.*
- 18.5 *Access must be designed so that all vehicles can be driven in a forward direction when entering or leaving the subject land.*
- 18.6 *Prior to commencing work within the declared road reserve the developer must meet the requirements of the Road Management Act 2004 with respect to notifying and seeking consent from VicRoads to undertake works in the road reserve. The 'consent' from VicRoads requires the applicant to complete and 'Application for Consent' form and submit to VicRoads for approval.*
- 18.7 *On completion of works, VicRoads must be notified for an inspection.*

8. STATUTORY MATTERS

18.8 *All works must be at the developers cost.*

19 *Goulburn-Murray Rural Water Corporation*

19.1 *All wastewater from the dwellings must be disposed of via connection to the reticulated sewerage system.*

19.2 *Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*

20 *Telstra*

*Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from **Dial Before You Dig – Ph: 1100.***

For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

21 *Powercor Australia Ltd*

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

21.2 *The applicant shall:-*

- *Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.*
- *Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.*
- *Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.*
- *Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by*

8. STATUTORY MATTERS

way of a caveat prior to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

22 *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.*

23 *This permit will expire if:*
(a) the plan of subdivision is not certified within (2)two years of the date of this permit; or
(b) the registration of the subdivision is not completed within five (5) years of the date of this permit.
The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

Moved the Officer's Recommendation with the following amendment to 1.

1. Before the 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 and the application but modified to show:

(a) the lowering of proposed dwellings three (3) and four (4) by modification to the finished floor level at ground floor in consultation with the Responsible

8. STATUTORY MATTERS

Authority, to reduce scale, bulk and minimise the visual impact as view from the adjacent reserve and the Ballar – Daylesford Road.

(b) a revised tree planing, landscaping plan and schedule shall be submitted to the satisfaction of the Responsible Authority. Revisions to show tree species of a growth, height and width that will provide dense screening along the southern, western and eastern boundaries adjacent to dwelling three(3) and four (4).

Moved: Cr David Smith
Seconded: Cr Janine Booth
Carried.

Dissent of Cr Mutimer noted.

8. STATUTORY MATTERS

8.3 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, GOULBURN-MURRAY RURAL WATER CORPORATION AND THEO ARGYROS, PLANNING PERMIT NO 2007/9452

(A/O – Planning Administration Officer)

File Ref: 4/0860/00200/P

Synopsis

This report concerns a Section 173 Agreement that provides for the compliance with conditions for management of the wastewater treatment plant for the subject lot at Lot 1, PS 55632, Township of Lyonville, under Condition 15 of Permit to Install a Septic Tank System No. 011/2005, issued on 25 October 2005.

Applicant: THEO ARGYROS

Property: 9 BREMNER AVENUE, LYONVILLE
LOT 1 PS 55632, TOWNSHIP OF LYONVILLE

Report

The land owner/applicant is to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, in accordance with the Permit to Install a Septic Tank System.

The agreement provides for the approved management, maintenance and monitoring of the wastewater treatment plant for the subject lot at Lot 1, PS 55632, Township of Lyonville, under Condition 15 of Permit to Install a Septic Tank System No. 011/2005, issued on 25 October 2005.

Relevant Policies / Council Plan implications

Community / Engagement / Communication / Consultation

Financial Implications

Nil

Recommendation:

- 8.3.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, Goulburn-Murray Rural Water Corporation and Theo Argyros, as detailed under item 8.3.*

Moved the Officer's Recommendation.

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried.

8. STATUTORY MATTERS

8.4 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, GOULBURN-MURRAY RURAL WATER, ROBBIE CLAPTON AND KIRSTIE CLAPTON, PLANNING PERMIT NO 2007/9407

(A/O – Planning Administration Officer)

File Ref: 1/6365/11167/P

Synopsis

This report concerns a Section 173 Agreement that requires for compliance with conditions for management of the wastewater treatment plant for the subject lot at CA 8, Section 9, Township of Smeaton, under Condition 11 of Planning Permit 2007/9407, issued for the construction of a dwelling.

Applicant: ROBBIE BRERETON CLAPTON & KIRSTIE LEE CLAPTON

Property: 16 SMEATON STREET, SMEATON
CA 8, SECTION 9, TOWNSHIP OF SMEATON

Report

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

The agreement provides for the approved management, maintenance and monitoring of the wastewater treatment plant for the subject lot CA 8, Section 9, Township of Smeaton, under Condition 11 of Planning Permit 2007/9407.

Relevant Policies / Council Plan implications

Community / Engagement / Communication / Consultation:

Financial Implications

Nil

Recommendation:

8.4.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Robbie Brereton Clapton and Kirstie Lee Clapton, as detailed under item 8.4.*

Moved the Officer's Recommendation.

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried.

8. STATUTORY MATTERS

8.5 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, DAMIAN PATRICK LEONARD AND LEONIE MAREE LEONARD - PLANNING PERMIT NO 2006/9127

(A/O – Planning Administration Officer)

File Ref: 5/1940/50100/P

Synopsis

This report concerns a Section 173 Agreement that provides that no additional residence can be constructed on Lot 2 without the written approval of the Responsible Authority for the subject lot at PT CA 3 Section 3 Parish of Glenlyon, under Condition 2 of Planning Permit 2006/9127, issued for a two (2) lot subdivision and excision of a dwelling and outbuildings.

Applicant: DAMIAN PATRICK LEONARD AND LEONIE MAREE LEONARD

Property: 759 MALMSBURY ROAD GLENLYON
PT CA 3 SECTION 3 PARISH OF GLENLYON

Report

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

The agreement provides that no additional residence can be constructed on Lot 2 without the written approval of the Responsible Authority PT CA 3 Section 3 Parish of Glenlyon, under Condition 2 of Planning Permit 2006/9127.

Relevant Policies / Council Plan implications

Community / Engagement / Communication / Consultation

Financial Implications

Nil

Recommendation:

- 8.5.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Damian Patrick Leonard and Leonie Maree Leonard, as detailed under item 8.5*

Moved the Officer's Recommendation.

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

CR. HEATHER MUTIMER COLIBAN WARD

Since the last Council meeting I have attended numerous meetings and events both within my ward and beyond. The following is a list of some of these meetings and events. I will speak to a few of them in more detail.

I would also like to take this opportunity to wish my fellow Councillors, officers, staff and members of the Hepburn Community a very joyful & peaceful New Year. For many in our community it is often a difficult time – emotionally and financially – Christmas provides us all with the opportunity to reach out to those who for whatever reason find life a struggle – especially at this time of the year.

21/11: 'Hepburn Shire & Bobonaro Friendship Group'

22/11: Meeting with constituent/Wheatsheaf

24/11: Trentham Festival & Daylesford Show

26/11: 'Women's Charter Workshop'/Trentham

28/11: 'IWD' meeting

30/11: Newbury Hall celebration event

2/12: Springhill Community meeting re;Mining License

4/12: Forward Planning Meeting

5/12: Governor of Victoria/Civic Reception

6/12: Youth Luncheon/Governor, Trentham function

7/12: Statutory Meeting/election of Mayor

10/12: Special Council Meeting, launch of VCAL DVD 'Emu Made of Stars'

11/12: Agenda Meeting

14/12: Trentham Senior Citz Xmas lunch/Trentham Golf Club
Trentham Primary School/Pre School meeting
2008 Womens Honour Roll Selection

CR. BILL MCCLENAGHAN HOLCOMBE WARD.

Since the last Council meeting I have attended a review of the function of Council's Tourism Advisory Committee. This Committee has the task ahead of considering its function and how best to discharge that function. Notwithstanding that situation of relative uncertainty, I attended an energetic Destination Daylesford Steering Committee

9. COUNCILLOR REPORTS AND CONGRATULATIONS

meeting where the Draft "Destination Daylesford" plan was discussed and modified by direct interaction between the consultants and the Steering Committee.

Destination Daylesford happened on the second day of the State Governor's visit and fitted amazingly into an incredibly busy week. As part of the Governor's visit, I was pleased to meet the Governor, Professor David de Kretser at the Daylesford Recreation Centre or The ARC and then to be the MC at a reception and luncheon for the youth of the Shire. I congratulate Sebastian Klein who delivered an inspirational address to the youth reception before the Governor responded with his own address.

The previous evening, I attended a Civic Reception for the Governor and Mrs de Kretser at the Daylesford Town Hall. Certainly the Governor's visit was one of the highlights of the past month.

Another highlight, albeit more low key was the opening of the Daylesford Recreation Centre or The ARC at the Daylesford Secondary College. With a budget of \$2.442 million, the school gymnasium and associated facilities received an upgrade and a superb two court sports stadium was built.

It has taken the Shire and the community ten years to see the realization of The ARC. There were dark times when it really looked like the project would fail. A fall back measure for a one court centre with virtually no amenities or change rooms nearly gained approval but this was thankfully abandoned. Additional Government money was obtained and the community raised over \$300,000 from donations, auctions and pledges. Additional money is also being sought to purchase equipment. The efforts of the Daylesford Indoor Recreation Centre Inc. group must be acknowledged as a hardworking group of local people who have made it happen together with the Daylesford Secondary College, the Education Department and Hepburn Shire Council with a bit of help from the Federal Government.

The ARC is believed to be the largest single span stadium in the state. In early 2006 fresh plans were drawn up to increase the length of the building to accommodate an area for 240 seats. The building will be available for a range of indoor sports and other functions and events requiring large amounts of indoor space.

Opening day was planned for Monday 03 Dec 07 when the doors were to open for business. However, a week and a half delay occurred because a Certificate of Occupancy could not be obtained for various reasons. By Wednesday of last week, 12 Dec 07, occupancy status was granted and a busy program of indoor sporting fixtures has commenced. Details and prices are in the local paper. We hope that as many people as possible from Daylesford and district use this wonderful facility; indeed the entire Shire if possible. The ARC is contract managed by the Ballarat YMCA who have all the skill, expertise and contacts to make it a great success. Groups looking for an excellent indoor sporting venue should contact The ARC management.

I feel privileged to chair a vibrant committee called The ARC Advisory Committee which is an Advisory Committee of Council. This committee has worked closely with ARC management who are also on the committee with user groups and some of the community fundraisers to plan the soft opening this month and an official opening (hopefully with the Premier and the Ballarat Miners) some time next year. The committee is also working on getting additional equipment for The ARC and sponsorships are open. Anybody or any business seeking to sponsor a scoreboard, outdoor pavers or other equipment, we would love to hear from you.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

Unfortunately, speaking of new facilities and official re-openings, it is very disappointing to learn that the Hepburn Springs Bathhouse project has been delayed still further and will now not be fully finished until June next year although the South Wing should be finished by February. Therefore, actual opening may occur in stages but the full bathhouse may not be open until even later than June 08. Major Projects Victoria have advised of further time delays in arriving at practical completion. The leasing process through DSE is also running late. I also chair Council's Bathhouse Business & Community Liaison Group and it is disappointing that hardworking community members of the Group have been out there reassuring the community that the Bathhouse is on target and will open prior to Easter 2008 when this is not the case and that fact has been known in official circles for some time. Council has stepped back from the position of Committee of Management until practical completion and the refurbishment is being undertaken by Regional Development Victoria and managed by Major Projects Victoria. DSE controls the land with Council as Committee of Management over the Mineral Springs Reserve and later on the new \$10.6 million Bathhouse. Councillors and Group members attended a site visit last week and saw that the quality of the work is excellent. The new Bathhouse will indeed be a wonderful asset for Hepburn Shire.

Over the past weekend, I attended a community meeting at Drummond to address concerns about a mining exploration licence that is applied for in the area and the possible invasion of mining operations into a farming zone surrounding the Malmsbury Reservoir. The community has generated a large number of objections to the application and this morning I delivered them in person to the Department of Primary Industries in Spring Street as objections closed at 5.00pm today.

Also last weekend, I attended a community Christmas BBQ & get together at Glenlyon Recreation Reserve where the whole community turns out each year at this time. It is a great chance to speak formally and informally to Glenlyon people and I even got to meet Santa who arrived on the local fire truck. Unfortunately I didn't get my bag of lollies this year because Santa reckons I've been a bad boy.

Last evening I attended the annual Drummond Primary School concert where a small school shows what a small school can do with a great variety of very talented kids keen to put on a fabulous show for their parents and interested local people. Another big well done to a small country community.

CR JANINE BOOTH CRESWICK WARD

No report tabled.

CR DAVID SMITH BIRCH WARD

Cr Smith attended several meeting and events during the month including:

- Attended the Annual Staff Art Exhibition and Staff awards for years of service to our Shire.
- Attended and Opened the Daylesford Agricultural Show
- Attended the Daylesford Regional Visitors Centre – Christmas Break Up

9. COUNCILLOR REPORTS AND CONGRATULATIONS

- And the usual meetings for the month.
- Highlight over the last month was the visit of the Governor and his wife to our Shire, in which they spent two days touring all parts of the Shire. Functions in Creswick, Clunes, Hepburn, Yandoit, Trentham and the civic reception held on the Wednesday night in the Daylesford Town Hall where the Governor and his wife met many of our volunteers in the Shire.

Attended the 125th Anniversary of the Australasian Mine Disaster in Creswick - where 22 miners lost their lives. This was attended by a large number of people and many having family ties to miners who lost their lives in this greatest disaster in Creswick's history and in the history of mining in Victoria.

After this Rhonda & I attended the Creswick Senior Citizens luncheon .

Bathroom inspection was held last Thursday.

CR TIM HAYES CAMERON WARD

No report tabled.

CONGRATULATIONS: Tabled by Cr Bill McClenaghan:

Congratulations to the operators of Daylesford Post Office for winning a National Excellence Award. Manager Kylie O'Brien and her staff should be congratulated for being recognised as the best metropolitan licensed post office in the country.

Daylesford Post Office is a family run business that has become well known and appreciated for its friendly service to the community. The significantly refurbished shop offers a wide variety of goods for sale and has easy disabled access into an old nineteenth century building.

Australia Post presents its National Excellence Awards annually.

Recommendation:

That Council:

9.1 *Receive and note the reports and congratulations of Councillors.*

Moved the Officers Recommendation:

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

CLOSE OF MEETING

CLOSE OF MEETING

The Meeting Closed at 8.50pm.

ATTACHMENTS

- ATTACHMENT 1** (Item 3.1) Minutes of the Ordinary Meeting of Council
- ATTACHMENT 2** (Item 5.2) Council Plan Action Plan September 07 Quarterly Review
- ATTACHMENT 3** Item 7.1) Audit Committee Charter
- ATTACHMENT 4** ((Item 8.1) Plans for No 65 Main Road Hepburn Springs

ATTACHMENT 1

**Minutes of The Ordinary Meeting Of Council
Held On 20 November 2007.**

The minutes will be tabled at the meeting.



COUNCIL PLAN

2006 – 2011
(Reviewed 3 April 2007)

Working for our Community

ATTACHMENT 2

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Contents

Message from the Mayo & Councillors.....	3
About the Shire.....	4
Shire Townships.....	6
Our Vision, Mission & Values.....	9
Key Objectives.....	10
Strategies.....	11
Planning Framework.....	21
Strategic Resource Plan.....	22
Standard Statements.....	25

Message from the Mayor & Councillors

It is with pleasure and excitement that we present the Council Plan for the next five years that articulates our vision for the future of our community and the municipality. This plan recognises the broad role undertaken by local government. We are not a Council that deals solely with 'roads, rates and rubbish'; our focus is broader, inline with the expectations of our community. This Council Plan sets the key directions and strategies that this Council will pursue over the next five years. These key directions are:

1. Strengthening Communities
2. Service Delivery
3. Assessts and Resource Management
4. Economic Development
5. Heritage and Environment

The detail as to what work will be undertaken each year will be set out in the annual budget. The Plan recognises that everything that Council does will benefit or impact on the community, the economy or the environment, and frequently more than one of these areas. We encourage all residents, businesses and community organisations to use the Council Plan to monitor Council's progress as we strive to achieve our shared vision for the municipality.



(From Left)

Cr Tim Hayes Cameron Ward

Cr Bill McCleneghan Holcombe Ward

Cr Heather Mutimer Coliban Ward

Cr David Smith – Mayor Birch Ward

Cr Janine Booth Creswick Ward

ATTACHMENT 2

About the Shire

Location: Hepburn Shire is located in central Victoria, just over an hour from Melbourne. The city of Ballarat joins the Shire to the west and Bendigo to the north.

Population: The Shire's population is approximately 15,000 (2006 Census) and is well average with a healthy growth rate of 1.0% per annum. The population is projected to

Main Towns: The Shire's main townships are: Daylesford/Hepburn Springs with 3,396 2,449 residents; Clunes with 1093 residents and Trentham with 700 residents. The live in the many small townships and rural areas across the Shire. These figures are Census.

Geography: Hepburn Shire's geography is varied and the region is renowned for its mineral springs reserves. The eastern part of the Shire is hilly with high rainfall levels and areas. The western part is characterised by rolling hills, medium to lower rainfall and land. The total area of the Shire is 1,470 square kilometres.

Key features and attractions: Our Region contains over 80 per cent of Australia's mineral unique reserves are both important geological and hydrological features and are a major draw hundreds of thousands of visitors to the region, Daylesford and Hepburn Springs particularly.

The shires townships also have their own share of history and natural features. Trentham is Australia's highest single drop water fall, Creswick has carved out a name for itself as the home artist Norman Lindsay, and Clunes the first registered gold strike in Victoria.

As the 'spa capital of Australia', the Shire is known for its indulgence and relaxation weekends benefit of spectacular heritage buildings, parks, reserves and native forests. Hepburn Shire is the place to visit, invest in and live in. Lifestyle choices are many with the added advantage of easy access to Melbourne.



ahead of rural Victoria's reach 17,000 by 2015.

residents; Creswick with remaining 7,321 residents based on the 2001



natural beauty and significant native forest broad acre farming



springs. These card for the

home to of forestry and

with the added

ATTACHMENT 2

The Economy: The Shire's economy has become increasingly diversified in recent years. While agriculture, forestry and manufacturing continue to be important, other sectors such as tourism, the arts, service industries, retailing, education and health and community services are rapidly growing.

Heritage: The Shire's heritage is rich and varied and is reflected in the makeup of our community. The clans of the Dja dja Wrung people were the original inhabitants of the region, occupying the country between Avoca and Loddon Rivers. The breached volcanic cone of Mt Franklin was a significant ceremonial site and numerous tools and implements used by Aboriginal people have been discovered on surrounding farmland.

Captain John Hepburn arrived in the district in 1838 and took up a squatting run near present-day Creswick, which he named Smeaton Hill. It is after Captain Hepburn that the Shire takes its name.

In the late 1830s and 1840s, white squatters arrived with their sheep, disrupting the Dja dja Wrung's way of life and displacing them from their land. Traditional food sources were reduced, and Aboriginal people become exposed to new diseases. Aboriginal Protectorates were established, including one in the Shire at Franklford; however little remains of the former protectorate site today. The Lamabarramul Sanctuary commemorates both the original occupation of the Franklford area by the Dja dja Wrung people and the protectorate. Artifacts may be seen in the Daylesford Museum located in Vincent Street.

Later, gold seekers, timber cutters and farmers came to the region – including over a thousand miners of Swiss-Italian descent from the Ticino region in Switzerland. Many of these gold miners remained in the area after the gold rushes and settled into small farms or in businesses in Yandoit and Hepburn Springs. Many fine buildings remain from this era and are protected for future generations.

Shire Townships

Daylesford / Hepburn Springs

The twin spa towns of Daylesford and Hepburn Springs reflect the character of their early heritage in the Victorian era when people travelled to “take the waters” and the Swiss-Italian and other immigrants who settled here. Today, the towns retain their character with the addition of a thriving tourism industry. The area is the centre of the largest concentration of mineral springs in Australia and is surrounded by the heavily timbered Wombat Forest. The natural beauty of the area and its period character have drawn a widening artistic community so that there is a profusion of performing and visual arts to be enjoyed by artists of national and international repute.

The towns include diverse communities which have a strong involvement and pride in guiding their future.



The holistic health services provided in conjunction with the mineral springs and spas, retain the tradition of the area as a place of healing. The area also boasts the finest in elegant gourmet dining and pampering of all the senses. Some of the high quality tourism attractions include the award winning Convent Gallery, Lake House Restaurant and Lavandula Lavender Farm.

Community facilities include a secondary college, three primary schools, fire brigade, hospital, Community Health Centre, library, museum, Visitor Information Centre, churches, sporting facilities and the Shire’s principal offices.

Creswick

Creswick is set amidst tall eucalyptus and pine forests on the Midland Highway, in close commuting distance to Ballarat. The Creswick of today is in stark contrast to the Creswick of the gold rush period of the 1850’s when the population exceeded 25,000. Today the remnants of that era are evident all around, making it, like many of Hepburn’s towns a film destination. This has also been stimulated by Council’s approach to cater for filming.



still
popular
proactive



ATTACHMENT 2

The town has a rich heritage, producing some of the most influential bureaucrats, politicians and business people of the early years of the twentieth Century. It was also home of the Lindsay family, famous Australian artists. The Creswick Historical Museum situated in the Main Street features an exhibition of Lindsay memorabilia and paintings by other members of this famously talented family.

Creswick has become renowned throughout Australia and Papua New Guinea as the home of the Melbourne University School of Forestry, where many of the nation's foresters and other land managers are trained and important forestry research is undertaken. The Landcare Centre is also located in the town as is a TAFE Timber Industry Training Centre.

Creswick Woollen Mills has been a focus of manufacturing in the area over three generations. Agriculture continues to play a vital role with significant production of lamb and potatoes. W.D. Seeds have developed a growing export market for cleaned and graded seed. The district now has a fast expanding artistic community reflected in the galleries along the Midland Highway and in the recently formed arts alliance. Formulation of a Community Development Plan has provided a stronger focus on planning for the future.

Community facilities include a hospital, aged care hostel, health centre, library, community house, Visitor Information Centre, historic town hall & museum, fire brigade, caravan park, theatre, three primary schools, extensive sporting facilities and a Shire service centre.

Trentham

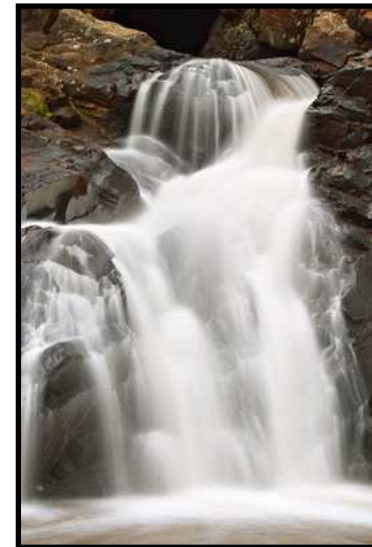
Trentham is one of the hidden secrets of Victoria. This former timber town nestled amongst the picturesque Wombat Forest, has developed a strong sense of community and co-operation.

It now has a range of accommodation and romantic dining to compliment the outdoor forest tourism that is fast developing.

Trentham Falls tumble over a layer of basalt that was deposited by volcanic activity millions of years ago. The cracks divide the river into several cascades as it tumbles over the high drop to form the largest single drop waterfall in Victoria. It is a favorite hiking and picnic spot.

Development of a tourism and business opportunity strategy has lead to major Council and infrastructure opportunities with additional streetscape works and further work on the Great

Potato farming, organic vegetables and herbs in addition to forest products are the main non-industries. Trentham is also home to a range of artisans and artists.



tall timbers of the

experience based

years ago. The
single drop waterfall

Government
Dividing Trail.

tourism based

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Community facilities include two public halls, a nursing home and aged care hostel, community house, kindergarten, primary school and fire brigade.

Clunes

Renowned as Victoria's first gold town, Clunes' robust history dates back to its origins as a gold town. Still reflecting the charm and richness of architecture of an era where gold created grand town buildings, Clunes is the most original and intact of Victoria's gold towns. Nested in a picturesque valley just 20 minutes from Ballarat the Clunes streetscape returns one to a bygone era.

Due to the extensive restoration and streetscape works undertaken, these magnificent architectural and heritage features of Clunes' main street and town hall/court house, have transformed this town to its former glory. This, together with Council's proactive approach to cater for filming has made Clunes a popular destination for film crews for feature films, mini series and advertisements. Among the more recent is the feature film *Ned Kelly*.



The magnificent period primary school building reflects the days when over 1600 children attended school in a bustling gold town. Development of a rural campus of Wesley College, has seen another influx of youth to the community as the start of the new millennium.

Community facilities include the town hall, library, kindergarten, senior citizens centre, community house, museums, caravan park, fire brigade, health service and churches.

Our Vision

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.

Our Mission

To provide quality service, strong representation and governance.

Our Values

- Integrity
- Respect
- Honesty
- Openness



accountable



Key Objectives

The following five Key Objectives represent Council's objectives over the next five financial years.

1. Strengthening Communities

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

2. Service Delivery

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

3. Asset and Resource Management

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

4. Economic Development

Council will strengthen our local economy by working with all business sectors and the community.

5. 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.

1. Strengthening Communities

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

Strategies

Council has identified, and is committed to, the following strategies to achieve the above objective:

- 1.4 To be a leader in community consultation, advocacy & engagement
- 1.5 Enhance community connectedness, capacity building and leadership
- 1.6 Enhance external relationships



Strengthening Communities Indicators

Council will use the following actions as indicators to help measure how effectively they are implementing their identified strategies:

Number	Action	Officer	07/08
1.1.1	Annually review the Community consultation policy and strategy	CEO	VLGA revised document recently received, review to commence in Dec. Cr to be briefed for discussion
1.1.2	Implement the community planning model by undertaking 2 Community Plans	MCS	Community Planning facilitator has been engaged, with the facilitator to talk to Council about the process on the 13 November 2007
1.1.3	Undertake 4 planning information forums across the shire	MP	To be undertaken during the first quarter of 2008.

Number	Action	Officer	07/08
1.2.1	Facilitate 15 community leaders participating in the VLGA leadership journey	CEO	Underway, progressing well
1.2.2	Advisory committees regularly meeting and adequately resourced	Various	All advisory committees are meeting regularly with relevant officers assisting the committees.
1.2.3	Implement Revised Community Grants Policy	CEO	Council adopted a revised community grants policy at the July 07 Council meeting. Council will decide the first round allocations at the November 07 Council meeting.

Number	Action	Officer	07/08
1.3.1	Forum with MP's	CEO	Meetings and forums have progressively occurred
1.3.2	Participate in the Grampian Regional Forum	CEO	CEO or DCS have been attending these forums
1.3.3	Establish forums with key planning referral agencies – Water, Environment	MP	Monthly meetings in place with state agencies eg. MAV, DPCD Ballarat Region, DPCD Melbourne central office and water authorities.

2. Service Delivery

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

Strategies

Council has identified, and is committed to, the following strategies to achieve the above objective:

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



Service Delivery Indicators

Council will use the following actions to help measure how effectively they are implementing their identified strategies:

Number	Action	Officer	07/08
2.1.1	Undertake a review of Councils emergency recovery plan	DCS	This review has commenced. Council was successful in achieving a \$42,000 grant to facilitate this process. David Draffin from DHS has been engaged as the project officer for this project.
2.1.2	Implement SPEAR program to improve processing of plans of subdivision.	MP	SPEAR program for Hepburn Shire Council has been implemented September 2007. Council is on the pilot program for expanding SPEAR to include processing of general planning permits.
2.1.3	Undertake a review of Customer Service standards in the Compliance area	DID	Review underway

Number	Action	Officer	07/08
2.2.1	Prepare and distribute a quarterly communication article on Council works	DID	First Qtr article has been completed
2.2.2	Refine Customer Request System to enable customer on-line monitoring of request	MA	The new Manager Administration – Alison Richardson will commence on the 12 November 07.

Number	Action	Officer	07/08
2.3.1	Complete the ARC	DID	The ARC is nearing completion. Councillors were invited to an inspection on the 6 November 07.
2.3.2	Gain grant funding through transport connections program to improve access to community transport across the shire	MCS	Grants funding has been received, however it is proving difficult to recruit the project officer.

3. Asset and Resource Management

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

Strategies

Council has identified, and is committed to, the following strategies to achieve the above objective:

- 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 Sharp, Focussed, Professional administration**



ATTACHMENT 2

Asset and Resource Management Indicators

Council will use the following actions to help measure how effectively they are implementing their identified strategies:

Number	Action	Officer	07/08
3.1.1	Establish housing capital reserve from rental of Community Housing stock to invest in. (HHC 4.6)	MCS	Any surplus funds from the 07/08 end of year result from this area will be transferred to a housing reserve
3.1.2	Continue active participation and involvement in STEP Asset Management Program with MAV and improve "scorecard results".	DID	Report received in relation to STEP asset management program, which indicates that HSC is one of the leading Councils in the 22 small shire council group.
3.1.3	Maintain or Improve Council's audit score for: Public Liability Insurance, Building Insurance and OH&S management.	MOD	Audits are currently being undertaken

Number	Action	Officer	07/08
3.2.1	Implement Councillor professional development program	CEO	MOD implemented the program in mid 2007
3.2.2	Implement the Victorian Local Government Women's Charter	CEO	Various actions underway. CEO's unit, Cr Mutimer & Cr Booth progressing these.

Number	Action	Officer	07/08
3.3.1	Review and update 10 year financial plan	MF	Review is progressing. The audit committee have now reviewed the document and have suggested some minor changes. Once this is complete it will be presented to the December Council meeting.
3.3.2	Investigate new financial management software	MF	Investigations are under way with several software providers being considered
3.3.3	Develop / Review all Finance policies and procedures	MF	This is an ongoing process. Council will be presented with a revised fixed assets policy for adoption at the November 07 meeting of Council

ATTACHMENT 2

Number	Action	Officer	07/08
3.4.1	Establish a Tourism Emergency Management Plan	MTR&ED	Draft Plan has been prepared, with further meetings with key stake holder to be held in new year.
3.4.2	Establish strategy to increase the participation rate in physical activities of students leaving school	MTR&ED	Councils year 12 to eterninty project is 2/3 complete. Completion is scheduled for April next year.

4. Economic Development

Council will strengthen our local economy by working with all business sectors and the community.

Strategies

Council has identified, and is committed to, the following strategies to achieve the above objective:

- 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**

Economic Development Indicators

Council will use the following actions to help measure how effectively they are implementing their identified strategies:

Number	Action	Officer	07/08
4.1.1	Establish partnership charter with Neighbourhood centres	MCS	Council adopted the Neighbourhood houses and centres policy at the July 07 meeting of Council
4.1.2	Completion of ARC and implementation of joint use agreement	DID/MTR	Joint use agreement is in place between the Education department and HSC

Number	Action	Officer	07/08
4.2.1	Be a partner in the development of Destination Daylesford strategy	MTR	Plan is 50% complete, due for completion in Feb/March 08
4.2.2	Develop marketing plans for Clunes and Trentham in consultation with the local communities of these towns.	MTR	Budget allocation is being expended on various individual projects in Consultation with ward Councillors.

Number	Action	Officer	07/08
4.3.1	Completion of the Bath House Redevelopment and new lease in place	CEO	Bath house program for completion early 2008. Tenders have been invited for lease of the facility.
4.3.2	Develop an Economic Development Plan for the Shire	MTR&ED	Draft plan developed and reported to Councillors at a workshop. Feedback taken on board and the revised plan is being implemented. A further report to be presented to Council in Feb 08.

5. 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.

Strategies

Council has identified, and is committed to, the following strategies to achieve the above objective:

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

Heritage and Environment Indicators

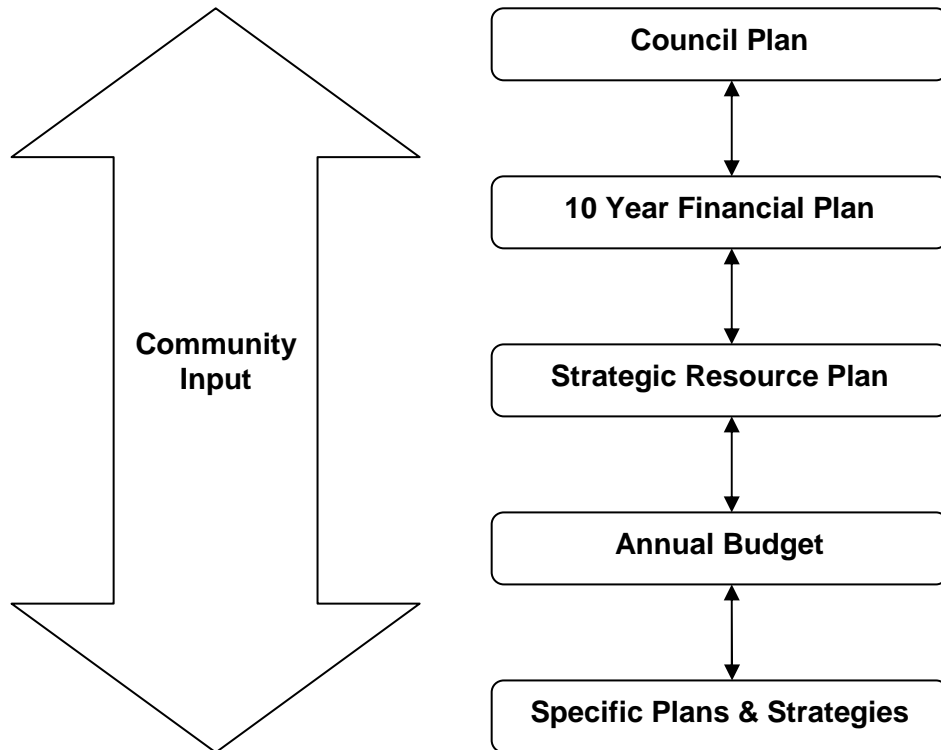
Council will use the following actions to help measure how effectively they are implementing their identified strategies:

Number	Action	Officer	07/08
5.1.1	Undertake a building energy audit (CCP AP 6) & Develop a system of monitoring energy use for building, park amenities and vehicles (CCP AP 4)	DID	Audit undertaken July 07 with actions currently being implemented.
5.1.2	Review policy on purchase of alternatively fuelled vehicles for the fleet (CCP AP 18)	DID	Policy has been reviewed, with the purchase of LPG/dual fuel and 4cyl vehicle continuing.
5.1.3	Expand online planning process to reduce paper use. (CCP AP 25)	Man Plan	Council is on the pilot program for SPEAR to include receipt of general permits and processing of all permits through an on-line portal managed by DSE.

Number	Action	Officer	07/08
5.2.1	Erect the Dja Dja Wrung signage on shire entrance signage	CEO	Cr Mutimer to provide details on tribal boundaries before project can progress.
5.2.2	Complete balance of safety works on the historic Hepburn Pool site	MOD	Works complete

Planning Framework

The Council Plan is a significant part of our planning process and sits above all of Councils other plans. It is a strategic document which is designed to articulate the broad objectives of the Council over the next 4 years.



When reading the Council Plan it is important to recognise that the actions listed are not designed to be exhaustive. Council already has many plans and strategies in place that it is currently working through.

Some examples are the Hepburn Healthy Communities Plan, Access and Inclusion Plan and the Cities for Climate Protection Action Plan.

The actions contained in these plans should be viewed as being complementary to the objectives, strategies and actions listed in this Council Plan.

Strategic Resource Plan

Council is required as part of the development of the Council Plan to prepare a Strategic Resource Plan which outlines the resources, both financial and non financial, required to achieve the Council Plan.

ATTACHMENT 2

The Strategic Resource Plan is to be updated annually and includes standard financial statements on:

- Financial performance statement
- Financial position statement
- Cash flow statement
- Capital works program

The achievement of the Council Plan and its strategies is dependent on the ability of the Council to effectively manage its resources to both achieve the objectives and ensure the sustainability of service delivery. The resources of Council can be grouped under the three main categories of Staff, Infrastructure, and Financial Resources.

Staff

The range of services undertaken by Council involves the efforts of 144 staff, of which 66 work part time or on a casual basis. Council has an effective full time workforce of 109.4 staff.

The skill base of Council's workforce is very diverse, with staff holding qualifications in specialised areas such as - aged care, engineering, accounting, local government, health care, planning, building, public administration, and other fields.

The Local Authorities Award and the Hepburn Shire Council Enterprise Bargaining Agreement No.4 (2004) govern the employment of Council staff.

Infrastructure

Many of the services delivered within the Shire depend on the \$XX million infrastructure which is developed and maintained by Council.

Infrastructure includes the Shire's roads, footpaths, drains, swimming pools, recreation facilities, public buildings, landfills etc.

With the current economic climate and continued cost shifting from the state and federal governments Council's management of its infrastructure is a key priority.

ATTACHMENT 2

Council established a Roads Advisory Committee to ensure that it is carrying out its maintenance and improvement works on roads in the most effective manner possible. This Committee was made up of 5 community members, one Councillor, the Director Infrastructure & Development and the Manager Operations. This Committee published a final report which was tendered to Council's Ordinary Meeting in May 2005.

Council prepared an updated Ten Year Financial Strategic Plan 2007 – 2017 which was adopted in June 2007. The plan considers a broad range of issues which will face Council in the next ten years and then reflects the financial consequences of those factors. One of the key findings of the plan is that Council faces a significant infrastructure gap i.e. the gap between what Council is spending on maintaining and improving its infrastructure assets compared to the amount which needs to be spent to maintain the assets at an appropriate level.

Financial Plan

The following information presents the financial plan for the five years 2007–2012. The financial plan takes into account the objectives and strategies as specified in the Council Plan and expresses them in financial terms.

Financial Management Principles and Objectives

In preparing the financial plan, the Council has complied with the following principles of sound financial management:

- Prudent management of financial risks relevant to debt, assets and liabilities.
- Provision of reasonable stability in the level of rate burden.
- Consideration of the financial effects of Council decisions on future generations, and
- Full accurate and timely disclosure of financial information.

The key objective that underlines the financial plan is financial sustainability in the medium and long-term, whilst achieving the objectives set out in the Council Plan. The key financial objectives that underpin the financial plan are:

- Maintenance of existing service levels
- Maintenance of a net expenditure on capital and projects of greater than \$2 million
- Achievement of balanced budgets (on a cash basis)

ATTACHMENT 2

- Achievement of a reduced deficit in the operating statement.

Key Assumptions

The financial plan is based on the following key assumptions:

General Assumptions

- While the reported CPI will be in the range of 2.5% to 3.0% per annum over the four years the cost increases facing Local Government are more likely to be between 4 – 5% over the next four years.
- Existing fees and charges have been assessed to ensure that:
 - where appropriate the fee is set at cost recovery
 - when a fee is set below cost for social equity reasons, we will ensure that the fee is fair and reasonable.
- Grants will decrease in real terms in the first year but will then stabilize.
- Service levels will be maintained at 2006/2007 levels with a focus on innovation and efficiency.
- During 2005/06 Council will borrow at total of \$1,000,000 to facilitate the construction of a works depot in Daylesford.
- EBA and performance based increases in staff costs averaging 4 - 5% per annum.
- Material and contract expenditure to increase by approximately 4 – 5 % annually.
- Additional cost shifting from State and Federal Governments will occur.

Rate and Waste Management Charges Assumptions

- Council's Ten Year Financial Strategic Plan recommends to Council that it adopts a strategy of decreasing municipal rate increases from 8.3% to 6% per annum over the next 10 years. The real increase in rates (above inflation) is to be used to improve assets and services.

ATTACHMENT 2

- In 2003 Council established a Rate Review Committee made up entirely of community representatives without any Councillor or Council Officer being on the committee (Council provided an officer to act as secretary and a resource for the committee). The Rate Review Committee has reviewed their initial recommendations and made some additional recommendations which will be implemented by Council this financial year.
- Waste Management charges will be set each year at a level which will allow the Waste Management area to be self funding.

Standard Statements

Please note that the standard financial statements required as part of this strategic resource plan are contained within the 2007/08 Council Budget as advertised for public comment.

These standard statements are:

- Financial performance
- Financial position
- Cash flow
- Capital works

Audit Committee Charter



ROLE

The Committee's role is to assist Council with Council's obligations in relation to:

- effective management of financial activities and associated risks
- reliable financial reporting
- compliance with laws and regulations
- maintenance of an effective audit.

LEGAL STATUS

The Committee is not a Special Committee under Section 86 of the Local Government Act. It is an Advisory committee for the purposes of the Act.

DUTIES

Internal and External Audit

- To review and approve the internal audit plan, ensuring that the scope of the Internal audit is adequate; ensuring emphasis is placed on areas where the Audit Committee, management or the auditors believe special attention is necessary.
- To review the internal audit charter on an annual basis
- To review decisions regarding the appointment or removal of the Internal Auditor thus safeguarding the independence of the internal audit function.
- To review the effectiveness of both the internal audit and external auditors in relation to their respective responsibilities.
- To review and assess the findings of the internal and external auditors and the action taken and timetable proposed by management in response to the findings.

Financial Reporting

ATTACHMENT 3

- To review and assess the adequacy of financial reporting to ensure that the Council receives reliable, timely, understandable and meaningful financial information.
- To review compliance with statutory requirements for financial reporting.
- To review the annual financial statements and where practical any other key financial reports or information to be released to third parties, prior to their submission to Council.
- To review any accruals, provisions or estimates which significantly affect the financial statements.
- To review any litigation, claim or contingency which could have a material affect on the Council's financial position or operating result.
- To review the Council's financial position, and where remedial action is required, to recommend this to the Council.

Internal Controls

- To be aware of the current areas of greatest risk regarding the financial activities of Council and to satisfy itself that management is effectively managing the risks.
- To satisfy itself that effective systems of accounting and internal controls have been established and maintained to manage financial activity risk.
- To satisfy itself as to the integrity and prudence of those management control systems, including policies and/or practices, that are designed to mitigate the risks associated with financial activities.
- To ensure Council is aware of any matters that might have a significant impact on the financial condition and affairs of the Hepburn Shire Council.

Statutory Compliance

- To monitor statutory compliance, ethical standards and related party transactions, and determine whether the systems of control are adequate.
- To monitor developments and changes in the law relating to the responsibilities of Councillors and to monitor and review the extent to which Council is meeting its obligations.

General Responsibilities

- To report any matter identified during the course of carrying out its duties that the Audit Committee considers should be brought to the attention of the Council.
- To perform or undertake on behalf of the Council any such other tasks or actions as Council may from time to time authorise.
- To consider recent developments in accounting principles or reporting practices that may affect the Council.

Administrative Matters

ATTACHMENT 3

- The Audit Committee shall comprise five members, none of whom should be officers of Council.
- Three members shall be independent representatives appointed by Council. Independent members may receive board fees as approved from Council from time to time. Independent Members will be appointed for a period of at least two years.
- The independent representatives should have a good understanding of financial systems, reporting requirements and an appreciation of the process of Local Government
- A quorum shall be three members.
- The Chief Executive Officer, Director Corporate Services, Manager Finance and other officers as necessary may attend the meetings.
- Internal and external audit representatives will normally make presentations to the Audit Committee at its meetings.
- The Committee will nominate the Independent Chairman of the Audit Committee from time to time.
- Members of the Committee are covered by the Councils insurance policies for those activities undertaken in meeting their responsibilities.

Meetings & Reporting

- Meetings generally shall be held quarterly but in any event shall be held not less than twice a year. Special meetings of the Audit Committee may be convened as required. The internal or external auditors may request a meeting if they consider one is necessary.
- The proceedings of all meetings shall be recorded.
- It is expected that regular reports will be received on matters to be defined by the Audit Committee. These are likely to include, but are not limited to:
 - management reports providing an assessment of risks in relation to the financial operations of Council
 - financial reports for past quarters and years
 - financial budgets for future years, including the 10 year plan
 - reports on the status of Council's annual compliance obligations
 - reports on current, pending and potential litigation and other contingent liabilities
 - internal audit reports
 - compliance certifications
 - external audit reports.

Authority and Access

- The committee will have access to the external and internal auditors and Council management
- The committee may obtain outside legal or other independent professional advice

Council reporting

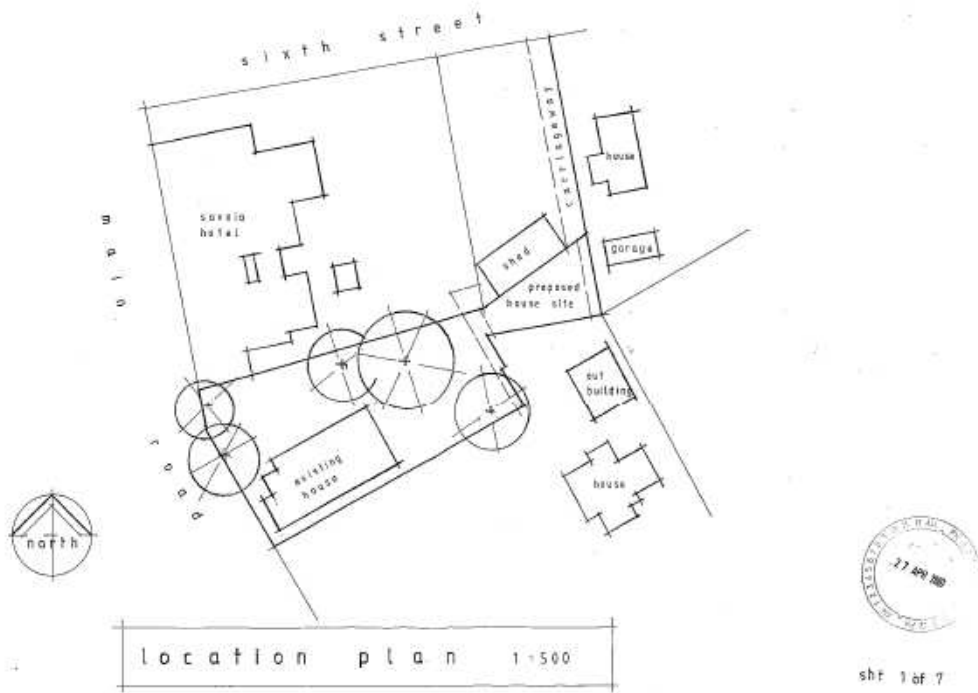
The Audit Committee will report to Council following each meeting (via committee minutes) and may also prepare specific reports as required.

Resourcing

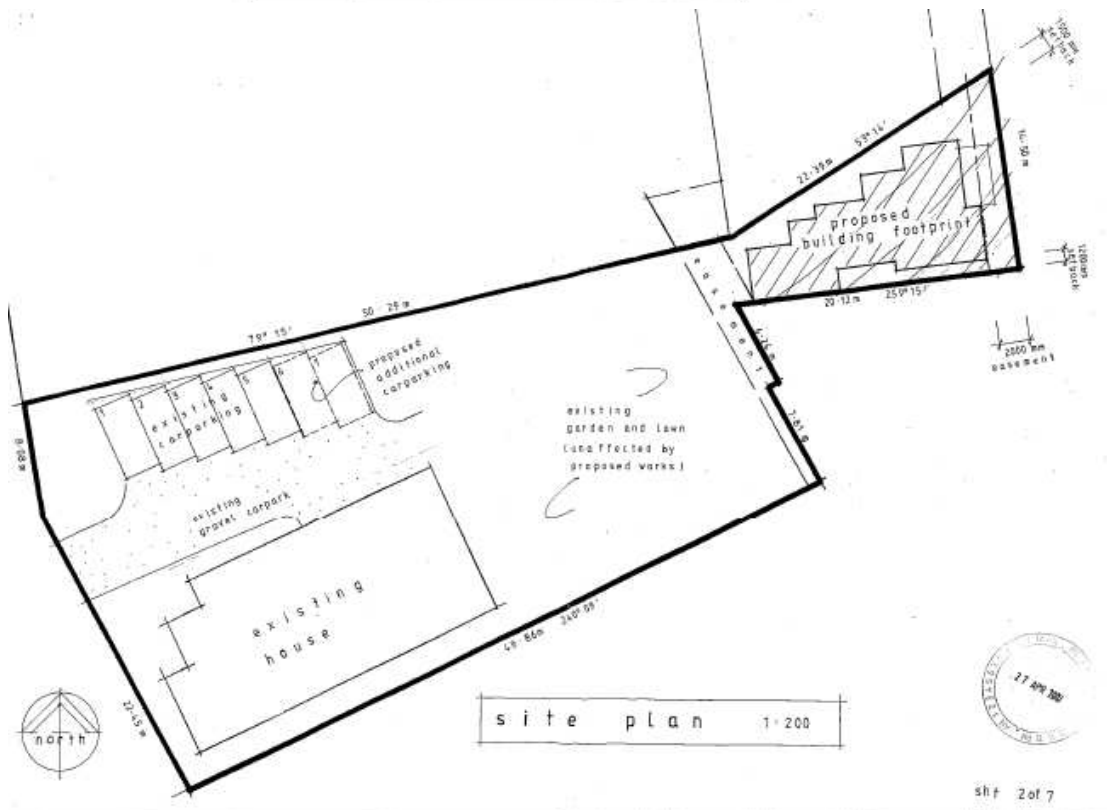
ATTACHMENT 3

- The Director Corporate Services and the Manager Finance will be responsible for servicing the committee.
- Council will ensure that there is adequate provision in the annual budget to fund the operations of the committee and the internal audit function.

ATTACHMENT 4

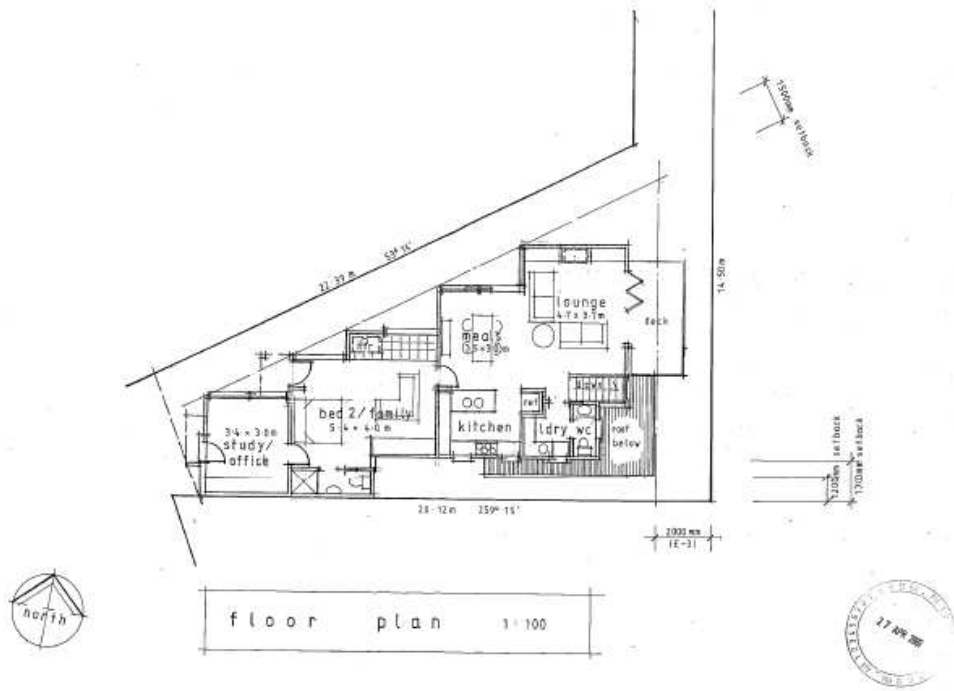


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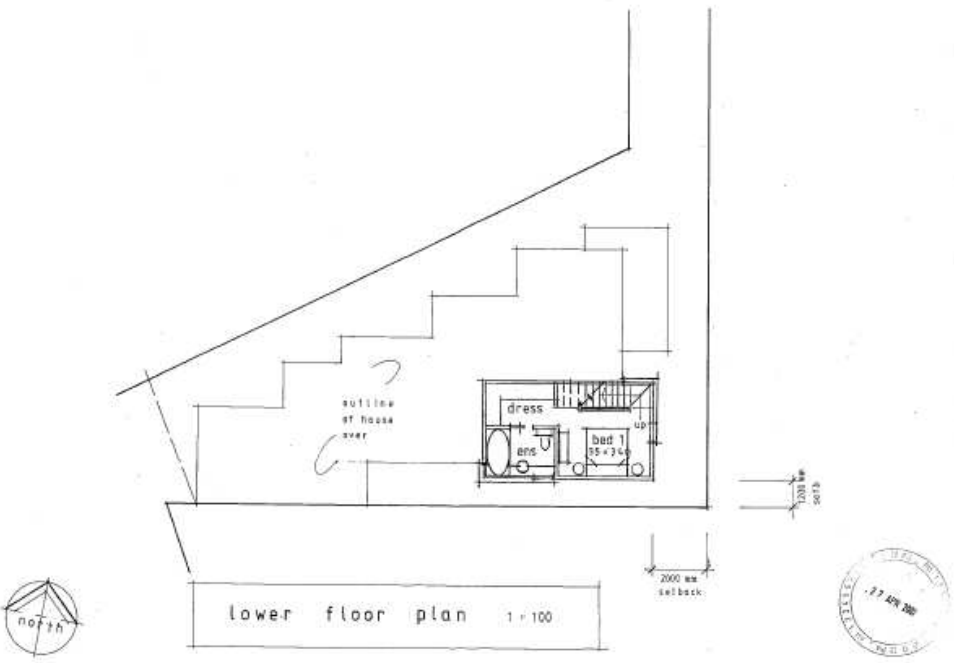
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ATTACHMENT 4



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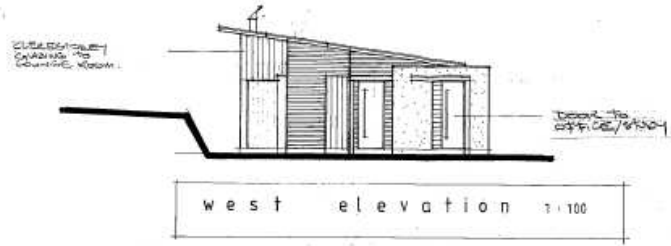
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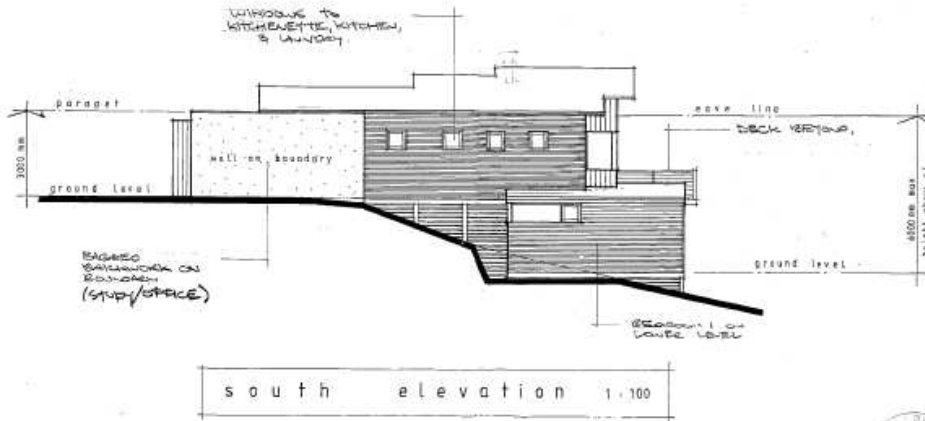
lower floor plan 1:100

shd 4 of 7

ATTACHMENT 4



sh: 5 of 7



sh: 6 of 7

ATTACHMENT 4

