

# **HEPBURN SHIRE COUNCIL**

## **MINUTES OF THE ORDINARY MEETING**

7pm Tuesday  
20 February 2007  
**Drummond Hall**  
**Kyneton / Lauriston Road**

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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 THE  
DRUMMOND HALL ON 20 FEBRUARY 2007,  
COMMENCING AT 7 PM**

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**AGENDA**

	<b>Page No</b>
<b>1. APOLOGIES:</b>	<b>1</b>
<b>2. DECLARATION OF PECUNIARY INTEREST:</b>	<b>1</b>
<b>3. CONFIRMATION OF MINUTES:</b> (Attach 1)	<b>1</b>
<b>4. PETITIONS AND PUBLIC QUESTION TIME:</b>	<b>2</b>
<b>5. REPORTS FROM COUNCILLORS:</b>	<b>4</b>
<b>6. GOVERNANCE MATTERS:</b>	
6.1 International Women's Day 2007 .....	9
6.2 Marketing Plans – Clunes & Trentham .....	11
6.3 Audit Committee Membership .....	13
6.4 Drought Recovery Committee .....	14
6.5 Submission on Public Library Funding & Services Agreements.....	16
6.6 Monthly Financial Report 1/7/06 – 31/01/07 .....	18
6.7 Calambeen Park .....	21
6.8 Destination Daylesford .....	23
6.9 Draft Recreation Strategy .....	26
6.10 Recreation Advisory Committee .....	27
6.11 ARC – Monthly Report .....	28
6.12 Bridge Program.....	30
6.13 Road Proclamation – Mullers Lane Shepherds Flat.....	32
<b>7. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND</b>	
7.1 Hepburn Springs Bathhouse Project Update	35

<b>8.</b>	<b>COUNCIL SECTION 86 ADVISORY AND COMMITTEES OF MANAGEMENT</b>	
8.1	Proposal For Establishment Of A Culture And Arts Advisory Committee ...	37
8.2	Section 86 Committee & Advisory Committee Minutes.....	40
<b>9.</b>	<b>STATUTORY MATTERS:</b>	
9.1	Application No 2006/136, Proposed: Extensions to the Trentham Community Centre, 56 High Street, Trentham .....	41
9.2	Application No 2006/9227, Proposed: Subdivision of two (2) lots into three (3) lots at 23 Main Road, Hepburn Springs.....	47
9.3	Application No 2006/9231, Proposed: Use and Development of Land for Wind Farm Energy Facility Including Associated Building and Works .....	57
9.4	Section 173 Agreement Between Hepburn Shire Council and Robert Stephen Preston, Planning Permit No 2006/9003 .....	71
9.5	Section 173 Agreement Between Hepburn Shire Council and Ian Francis Welch and Pricilla Margaret Welch, Planning Permit No 2005/8577.....	72
9.6	Section 173 Agreement Between Hepburn Shire Council, And Noel Edwin Bompfrey, Planning Permit No 2004/8332 .....	73
<b>10.</b>	<b>STRATEGIC MATTERS:</b>	
10.1	Hepburn Planning Scheme Amendment C28-Review of Wildfire Management Overlay .....	74
10.2	Hepburn Planning Scheme Amendment C39: Consequential Minor Corrections to Heritage Overlay – Adoption and Approval.....	78
<b>11.</b>	<b>ITEMS FOR NOTING:</b>	
11.1	Animal Management Activities for First Quarter	80
11.2	2006/2007 Fire Prevention Activities	82
<b>12.</b>	<b>CONGRATULATIONS / APPRECIATION:</b>	<b>84</b>
<b>13.</b>	<b>ORDINARY BUSINESS:</b>	<b>85</b>
<b>14.</b>	<b>NOTICE OF MOTION</b>	<b>86</b>
	<b>CLOSE OF MEETING:</b>	
	<b>ATTACHMENTS</b>	<b>87</b>

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**CR DAVID SMITH, MAYOR**  
**21 FEBRUARY 2007.**

## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

On this land the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

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

**IN ATTENDANCE:** CEO, Victor Szwed; Director Infrastructure & Development, Rod Conway; Director Corporate Services, Chris Cowley; Executive Assistant, Mary Ashdown. 1 Press and 38 gallery.

The Mayor to open 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:** Cr Tim Hayes
  
2. **DECLARATION OF PECUNIARY INTEREST:** Nil
  
3. **CONFIRMATION OF MINUTES:**
  - 3.1 **ORDINARY MEETING OF 16 January 2007.**

#### **Recommendation:**

*That item 3.1 Minutes of the Ordinary Meeting of Council held on 16 January 2007, be confirmed, as required under Section 93 (2) of the Local Government Act 1989.*

***Moved the Officer's recommendation.***

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

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

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This part of the Council Meeting allows 30 minutes for:

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

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

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

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

Nil Petitions received.

**Mr Ken Stockfeld** – Member of the Drummond Hall Committee extended a warm welcome to Councillors and those attending the Council Meeting.

#### **Public Question Time:**

#### **Leonard's Hill resident - Questions relating to Wind Farm**

1. In relation to bush fire prone area
2. Greenhouse effect
3. Only residents of Leonard's Hill should be involved in the decision making process.

Questions responded to by Director Infrastructure and Development.

#### **Rod Conway – Director Infrastructure and Development – Video taping of Meeting**

Mr Conway drew to Council's attention, that the Council Meeting was being video taped.

The Mayor enquired the purpose of the taping. Response from person taping: Historical occasion; record the decision; documentary might be made in the future of this historical step for Australia.

Cr Janine Booth stated that enough accurate information would be captured within the minutes and that some people may find it intimidating. 4 Councillors voted unanimously that the taping cease and the recorder be turned off.

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**4. PETITIONS AND PUBLIC QUESTION TIME**

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The question was then raised of the continual flash or the camera. Whilst Councillors agreed that the Press may take some photos, it was requested that this be limited.

**Denise Dalton – Drummond resident – Tree Preservation**

Question related to removal of tress without permits and the Native Vegetation Planning Scheme.

**Lynton Shannon – Station House Guest House Daylesford**

Question related to correspondence between Mr Shannon and Council re noise to his amenity. Mr Shannon further stated that there was an agreement which stated that no maintenance would be carried out on trucks at this site. Photographic evidence was tabled which indicated the contrary. Director Infrastructure & Development advised that the matter was in the hands of Council's solicitor who would be responding to Mr Shannon's Solicitors.

Following further discussion Cr Bill McClenaghan advised that he would be tabling the matter at the next Forward Planning meeting of Council.

**Name Unknown - Leonard's Hill Wind Farm**

Question: Does the Mayor have two votes.

**Julianne Regan - Glenlyon**

Reference Item 6.12 Bridge Program

**Name Unknown - Phone query**

Ring Council and it takes 24 hours for response.

Response: If non-urgent matter 24 hours appropriate; an urgent matter return would be escalated.

**Christian Wild - Leonard's Hill Action Group**

Statement: 85% of calls, never get a call back or response.

## 5. REPORTS FROM COUNCILLORS

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

Report tabled.

In the last month I attended the regular meetings of the Tourism Advisory Committee and the Wombat Hill Botanic Gardens Advisory Committee. As an offshoot to the TAC, I have participated in the executive committee for "Destination Daylesford" which is a \$50,000 program funded by Tourism Victoria designed to develop a tourism strategy for the greater Daylesford area, including Hepburn Springs. Currently we are assembling a steering committee that will perform most of the tasks associated with Destination Daylesford and also a wider Project Reference Group. The purpose of this structure is to give the wider community ownership of the program as it will not be just another committee of Council.

On the local front, here at Drummond, there are several issues that should receive a mention today. The first is the hazard faced right here at the Drummond Hall and public tennis court. If you look out the window to the west of the building, you will see a large infestation of gorse growing through the tennis court fence and effectively pushing it over. All attempts to find a solution to this problem have failed. It can't be declared a fire hazard, although if it catches fire it will surely burn down this hall by means of radiant heat and ember attack. The landowner can't be told to get rid of it and, despite some requests over time has failed to do so. Local school children playing tennis have lost a lot of tennis balls in inaccessible spots and are attacked through the fence every time they go sideways after a wide ball. It frustrates me that despite various mechanisms in Council, D.S.E. and the D.P.I. literally "all the kings horses and all the kings men" cannot get rid of this gorse ! Would Council like a demonstration on how well it burns ? We have a small quantity in a properly constructed fireplace (aka steel drum) that could be set alight to prove the point in question.

Another local issue is the Drummond Avenue of Honour. Local people are working hard to restore it as a local icon and a local historian has been eagerly researching the local people who went off as soldiers and sailors to the First World War. However, funds are needed to cast up bronze plaques to commemorate these local people because the Federal Government will not provide them. The reason for this is that most bronze plaques get souvenired by relatives although it is planned to permanently affix the plaques to concrete foundations in this Avenue of Honour. I had hoped to obtain money from Council's Public Open Space fund but again, no success. These funds are for public open space on land controlled by Council, not for such a project on a road reserve managed by Vic Roads. We are still working on a solution and maybe special permission from the Local Government Minister may unlock available funds.

And speaking of public open space, where may any of it be found in the Drummond area ? A hall, a tennis court and that was about it until my attention was drawn by a local resident to a small roadside reserve beside the Vaughan Springs Road on the East side of the Loddon River at the very outer fringe of the Shire. Not much, but something. The reserve is an old CRB roadside reserve. Council is now the road manager & is conducting some maintenance in the reserve like removing the remains of an old picnic table that was squashed by a falling tree. Other dangerous trees exist on this reserve and the access track through a small ford needs an upgrade to allow good vehicle access. I support the provision of some open space funds for a basic upgrade of this reserve so that there will be somewhere nice to go and relax on Crown land in an area that is controlled by Council and I commend the local resident for his initiative and the Malmsbury Landcare Group that will help by spraying weeds in the reserve. This is another good partnership between Council and local residents.

Another problem in the Drummond area that has been placed before me many times is the condition of some local roads and the lack of appropriate signage. A local resident



## 5. REPORTS FROM COUNCILLORS

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who is largely confined to a motorised scooter for travelling any distance has asked me to get something done about the awful corrugations in his road that are bad enough to drive over in a car let alone a small four wheel scooter. Unfortunately dry conditions have created many such problems on gravel roads with the inability to grade these roads because of the shortage of water. I share the frustration many local people in this area have with little or nothing done to local roads again on the fringe of the Shire. I would encourage them to make as many service requests as necessary to bring the problems out here to the attention of appropriate Council staff.

The most exciting achievement to report this month is the arrival of the Wombat Hill Botanic Gardens Conservation Management Plan in first draft format. Consultants engaged to prepare this report have done an absolutely magnificent job and have been both enthused and inspired by the magnificent botanic gardens in Daylesford. They do not regard these gardens as of state significance but of national significance with some fine specimens of rare trees in excellent condition. For the first time, there is an historical description of the development of the gardens together with many wonderful old photographs taken in the late nineteenth and early twentieth century. Also, the consultants have checked the location of each and every tree on the hill and reckon that there are over one thousand. Eighty percent are conifers, making the gardens more of a pinetum than an arboretum. Around the circular driveway, which is a rarity in itself for established botanic gardens, is a wonderful elm tree avenue of healthy trees that have been all but wiped out by disease in other places but not here. The historic structures on the hill compliment the placement of trees and shrubs which have all been freshly surveyed and their details checked against the records. The consultants have found about fifty plotting errors from a 1983 survey; trees that aren't there any more, trees that shouldn't be there but are, trees that are plotted in the wrong location and trees that are incorrectly identified as another species. When the WHBGAC provides revisions to the first draft, the consultants will prepare a second draft and this will be placed on public exhibition. Much of the work done has been with the passion and assistance of a community group known as the "Friends of Wombat Hill Botanic Gardens" and they should be thanked and acknowledged for their tireless work and expertise. What this entire exercise has revealed is that the treasure we have atop our Wombat Hill is far greater than anyone really understands or appreciates. As stated, these gardens are of national significance.

Late news today is that Heritage Victoria has approved our application to conduct safety works at the Hepburn Pool. These works must be completed by the end of the financial year if our \$100,000 grant from DSE is to be forthcoming and the spectre of a delay has now been dispersed. The next stage will be to appoint suitable contractors to do the works as planned.

Council has been conducting a series of Budget consultations with the community to canvass community input into framing the 2007 / 2008 Budget. I have attended meetings at Daylesford, Glenlyon & Yandoit. The community has also been asked to provide information and input into the current Council Plan that is a pivotal document that provides the scope and direction of all of Council's activities. The vision, mission and actions of Council, and the manner in which it spends available funds, are all identified in the Council Plan.

Last Monday week, I attended a meeting of the Upper Loddon Landcare group at Glenlyon where the main topic was weeds on roadsides, who should be responsible for their eradication and the activities of the Gorse Task Force in the eradication of one of the nastiest prohibited weeds that massively infests large sections of private and public land and especially along waterways. The target this year is the Sutton's Lane area around the back of the Glenlyon Recreation Reserve and on adjacent private land. Unfortunately, little joy was found in finding a solution to the problem here at Drummond Hall.

## 5. REPORTS FROM COUNCILLORS

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Last Saturday, I attended another new residents welcome session at the Daylesford neighbourhood house where new arrivals are told about the resources available to them and other useful information by local people with particular associations and expertise.

By far the most time consuming activity I have been involved in lately has been researching the decision Council is to make tonight on the Leonards Hill wind farm. To facilitate a decision I have researched the matter intensively and last Tuesday I attended a seminar at Crowlands in Pyrenees Shire that was run by the Australian Council of National Trusts and AusWind. This was one of sixteen such seminars held Australia wide to identify landscape values of local communities to establish an accepted national framework for the establishment of wind farms because right now there isn't one. I don't want to start the wind farm debate at this stage except to say that the values and issues identified at this seminar echoed those identified by the HREA at its public consultation last year at Leonards Hill.

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

Report tabled.

This past month I have attended along with other Councillors and Officers strategic meetings relating to Councils 10 year financial plan and the Council plan Action plan update.

I have also attended budget meetings in Clunes and in Creswick where 20 people attended and offered suggestions for budget directions and projects.

I, along with Councillor Mutimer, have attended several meetings to coordinate the events of Hepburn Shires International Women's Day eve function to be held at Daylesford Town Hall on Tuesday 7<sup>th</sup> March at 5p. This function will include the announcement of 5 new inductees onto our Women's Honour roll and will help promote and celebrate the important role of women in our community. This year's theme is a celebration of "Women in the Arts."

On the past three Saturdays in February, I have joined with many other residents of Creswick in revamping our Town Hall. A council owned facility, my Community is endeavouring to assist its restoration by scraping, sanding and washing down walls in preparation for painting. It is hoped that heritage grant monies can be obtained to have the facility restored to its former glory as a useful and important community facility.

I have also met with the Minister for Planning Mr. Justin Madden at the Clunes Town Hall where He announced funding for the restoration of the stage curtain and wings as well as funding for other restoration projects across the region including.

I have also attended meetings as Council representative on the Youth Advisory Council and the Hepburn Healthy Communities committee which was attended by 18 representatives which demonstrates the interest and commitment to this project from Council officers and Communities across the Shire. I look forward to working with this dynamic group to further implement the important strategies within the Hepburn Healthy Communities Plan.

And finally on Australia Day, as Creswick Ward Councillor, I joined Creswick residents to celebrate our national day at the Australia Day breakfast at Park Lake. This event sponsored by Hepburn Shire, and the Australia day Council was a great celebration of the diversity and comradely within our Community and was attended by over 500 residents who after the unfurling and raising of the flag by the Creswick Light Horse Brigade and singing of the National Anthem, enjoyed a breakfast of fruit cereal, bacon eggs and sausages. I later attended the John Curtin Hostel to celebrate with some of

## 5. REPORTS FROM COUNCILLORS

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our aged residents and share with them some Australia Day cake and Aussie entertainment from the Creswick Senior Citizens choir. Needless to say I did not require an evening meal that night but was happy to sit for a while and reflect on our unique Aussie culture and the privileged opportunity I have to represent the people of Creswick ward in the Hepburn Shire.

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

February always proves to a busy month on the Council agenda with preparation of the Budget process involving a series of internal council meetings and the various community meetings across the 5 wards. The attendance at the Trentham meeting was particularly pleasing with around 15 in attendance – well up on last year's figures. The Daylesford meeting attracted only one community member who actually came from Dean. Some of the issues raised at the Trentham meeting included request for some financial assistance to the local kindergarten for improvements to the Shire owned building – in particular lino. Lack of funding for community groups in general to undertake maintenance works on their buildings was also highlighted. Safety improvements to the recently completed board walk at the Bath St. reserve was another issue of concern. The need for the Shire to do more to protect our landscapes – in particular Mt. Franklin also came up as a matter for consideration. Of course improvements to some roads and footpaths were also discussed.

Other meetings I have attended have included a meeting to discuss and workshop residents concerns regarding future works at the site of the Daylesford Skate Park and plans for improvements to include a community park and playground. Contrary to what was portrayed in the press this was I believe a productive and positive meeting. Priorities highlighted included the need for shade, toilets, playground equipment and decent drinking water facilities. Another meeting is proposed for this coming Thursday evening.

Another very important meeting in my ward was held at the Bullarto Hall last Thursday to discuss the boundary realignment of piece of Sth Bullarto land which is currently in the Moorabool Shire. This issue has a long history going back to amalgamation. Cr. Pat Toohey from Moorabool and I have been working together with our relevant officers and community to try and resolve this issue for some time. At this meeting residents were provided with requested information to assist in their decision making. If we receive 75% in favour of coming over to Hepburn Shire then we will have a serious case to put to the Minister.

With International Women's Day fast approaching Councillor Booth and myself together with the IWD committee have been having regular meetings to organise this year's event. The theme for this year will be 'Women and the Arts'. The recipients of this year's addition to the 'Honour Roll' will also be announced.

On Sunday the 11<sup>th</sup> along with the Mayor I attended a very special event at the Daylesford Railway where the Mayor cut the ribbon on the recently and beautifully restored diesel rail motor. A wonderful example of dedicated, community volunteerism. A very enjoyable ride on the train to Musk followed where the train was met by Daylesford brass band playing on the platform.

During the Month of February I also chaired the first Heritage Advisory Committee meeting for the year. Guest speaker at this meeting was mining archaeologist David Bannear who works for Heritage Victoria – based at Castlemaine.

The Hepburn Shire and Bobonaro Friendship Group also met at the beginning of the month. Local resident Ann Finch and group member who is working in East Timor for

## 5. REPORTS FROM COUNCILLORS

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'Austcare' is proving to be a valuable liaison. It was reported that the musical instruments have finally been arrived at Bobonaro with Anne's assistance.

### **Cr David Smith Birth Ward**

Report tabled.

Australia Day Eve – Function at Creswick Senior Citizens Rooms announcing the Shire Awards - Bob Orr – Citizen of the Year and Feast on Fraser – Event of the Year. Five citizenships were performed and entertainment provided by residents of the Shire. A large attendance and an enjoyable evening was had by all. The evening was followed by an enjoyable supper.

26 January -

Australia Day - Attended BBQ at Bourke Square, Daylesford for breakfast and raising of the Australian flag, followed by attending the John Curtin Hostel in Creswick at 1.30pm and then onto Clunes at Collins Place for the flag lowering ceremony. A very busy day..

MAV Regional Meeting at Ballan.

Attended Budget meetings at Daylesford and also at Yandoit. Wind Farm site inspection at Leonard's Hill. Dean Recreation Reserve Committee Meeting

Together with Cr Booth attended announcement at Clunes when Minister Justin Maddern –announced the money for restoration to the back drop in the Clunes Town Hall.

Sunday 11 February — Cut the ribbon on the 76 year old re-commissioned 63 RM (Rail Motor) at Daylesford Railway Station. All the work was done by volunteers. Another great effort by our volunteers.

The same day attend the Uniting Church in Daylesford - A service of Recognition of Ms Sally Douglas. Sally is a ministry intern who has been appointed to the Highlands Cluster and taking up her role in Daylesford.

Last Thursday attended a meeting in the Bullarto Hall with concerned residents regarding Shire boundaries.

### **Recommendation:**

*That Council:*

5.1 *Receive and note the reports of Councillors.*

***Moved the Officer's recommendation.***

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

**Carried.**

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## 6. GOVERNANCE MATTERS

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### 6.1 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. In 2006 the panel recommended 7 women to council for inclusion on the Roll – this recommendation was unanimously endorsed by council. This year the selection panel are recommending 6 women.

#### Report

Planning and organising for the 2007 '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: Cr.Heather Mutimer, Cr.Janine Booth, Chris Sedgeman, Maureen Corbett, Denise Dalton, Wendy Ohlsen, and Rebecca Crowley (youth council). Barbara Bennett from the CEO'S unit has provided admin assistance and coordination. Other individuals from the community also offer assistance on the day eg. Chris Sedgeman's partner Mark Barnes drives the community bus to take women to and from the event from outlying areas.

This year's event as last year's will be held on the 7<sup>th</sup> of March (the eve of IWD) at the Town Hall, commencing at 5pm. The theme for this year's event will be 'Women and the Arts' The Guest Speaker will be Karen Martin – 'Cultural Arts Officer' from Macedon Ranges Shire. A local female choir will perform also young female music students. Pipers from the Daylesford and District Pipes and Drums Band will 'pipe' in those women attending as they enter the Town Hall

The selection panel for the 2007 'Women's Honour Roll' met on the 22<sup>nd</sup> Jan and assessed the nominations against a number of criteria and scored the nominations accordingly. The women who made up the 2007 selection panel were: Cr.Heather Mutimer,Cr.Janine Booth, Dr.Kate White(community rep) Ms.Su Dennett (community rep), Mrs.Carmel Righetti (CWA). There were 8 nominations and the panel recommends to council that 6 women be included on the 2007 Roll. This will allow for a 'living' and a 'posthumous' woman artist to be included. The **confidential (ATTACHMENT NO. 2)** recommendations from the panel have been advised to Council.

The recommendation of the panel needs to be formally accepted/ratified at the February council meeting. But this meeting is only a couple of weeks prior to the event. To provide sufficient time for relatives/friends of the recipients to be invited and make any necessary arrangements for travel it is requested that that council gives informal/'in principle' acceptance of the recommendation ASAP.

#### Relevant Policies / Council Plan Objectives

Objective 1. Strengthening communities.

1.2 Enhance community connectedness, capacity building and leadership.

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## 6. GOVERNANCE MATTERS

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### **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.

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

The associated financial cost for this successful annual 'civic' event is aprox. \$3,000. Grant funding is being sought to enable the 'Women's Honour Roll' to be more professionally documented and recorded.

### **Recommendation:**

- 6.1.1 *That the recommendation of the 2007 'Hepburn Shire Women's Honour Roll' selection panel, recommending that the names included in the confidential report to Council that the 6 women named be added to the 'Hepburn Shire Women's Honour Roll' be accepted by council.*
- 6.1.2 *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.***

## 6. GOVERNANCE MATTERS

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### 6.2 MARKETING PLANS – CLUNES & TRENTHAM

(A/O – Chief Executive Officer)

File Ref: 16/18/03

#### Synopsis

Proposals have been received for marketing initiatives for both Clunes & Trentham seeking funding assistance from Council.

#### Report

The 2006/7 Council budget has an allocation of \$15,000 for Marketing & Development Plans earmarked for Creswick, Trentham & Clunes.

Proposals have been received for marketing/promoting Clunes and Trentham being:

A Book Walk Around Clunes – whereby a Book Market in Clunes on Sunday 13 May 2007 is proposed to be held. Invitations to 100 reputable second hand book sellers will be actioned to attract at least 15 booksellers. Overnight accommodation will be provided to booksellers and a dinner on the preceding evening will be provided to enable networking. The book market will be conducted and at the conclusion of the book market a debriefing with the booksellers will be carried out with the aim to encourage booksellers to re-locate to Clunes. An overall budget of \$8550 has been developed for which the CTDA will contribute \$2,000 and a further amount of \$1550 from a DVC grant already obtained. A \$5,000 grant from Council is requested to enable the proposal to proceed.

Advertising Trentham – is a marketing initiative by TRATA, comprising updating the map at Trentham Falls to promote the township, further promotion of the monthly market and improved signage at the Visitor Information Centre. A \$5,000 grant from Council is requested.

#### Relevant Policies / Council Plan implications:

Council Plan – Objective One – Strengthening Communities  
Objective Four – Economic Development

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

Both the CTDA & TRATA are community based organisations within each township and distribute regular monthly newsletters and consult with the community on their activities.

#### Financial & Resource Implications Initial & Ongoing

Council Budget 2006/7:	A/C 9520-751 Marketing & Development Plans	\$15,000
Expenditure to date:	Nil	
Funds available:	\$15,000	

Council staff will liaise with CTDA and TRATA to assist with implementation.

#### Recommendation:

*That Council:*

6.2.1 *Provide a \$5,000 grant to CTDA for "A Book Walk Around Clunes" marketing proposal and wish the CTDA all success with this initiative.*

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**6. GOVERNANCE MATTERS**

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6.2.2 *Provide a grant of up to \$5,000 to TRATA for "Advertising Trentham" marketing proposal and wish TRATA all success with this initiative.*

***Moved the Officer's recommendation.***

***Moved: Cr Heather Mutimer***

***Seconded: Cr Janine Booth***

***Carried.***



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## 6. GOVERNANCE MATTERS

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### 6.3 AUDIT COMMITTEE MEMBERSHIP

(A/O – Director Corporate Services )

File Ref: 30/04/01

#### Synopsis

As outlined in the report to its Ordinary Meeting of 21 November 2006, there remains a vacancy on the Audit Committee which Council seeks to fill. The recommendation adopted at that meeting was: "That Council approach suitable members within the community to fill the vacancy on the Audit Committee".

#### Report

Council has received an expression of interest from Mr Robert Taylor – see confidential attachment. Mr Taylor has extensive business and systems background experience and has qualifications as a registered CPA Accountant municipal auditor. (REFER CONFIDENTIAL ATTACHMENT NO. 3 )

It is recommended Mr Taylor be appointed to the Audit Committee.

#### Relevant Policies / Council Plan implications:

- 3.3 Responsible financial management
- 3.5 Focussed, professional administration

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

Appropriate advertising seeking expressions of interest was undertaken late in 2006.

#### Financial & Resource Implications Initial & Ongoing

Nil

#### Recommendation:

*That Council:*

6.3.1 *Appoint Mr Robert Taylor to the internal Audit Committee.*

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

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

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## 6. GOVERNANCE MATTERS

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### 6.4 DROUGHT RECOVERY COMMITTEE

(A/O – Director Corporate Services)

File Ref:28/06/06

#### Synopsis

In recognition of the severity of the current drought and the effect that it is having on our community, this report recommends that Council ratify the formation of a Drought Recovery Committee.

#### Report

In identification of the need to act swiftly in response to the impact that the current drought is having on our community, a meeting was held on the 11 January 2007 to form a Drought Recovery Committee.

The meeting was attended by Council officers, representatives of external support agencies and chaired by the Mayor, Cr David Smith.

One of the main drivers for the formation of a Drought Recovery Committee was to provide a conduit for our residents and ratepayers to access the available information regarding the drought.

The meeting arrived at three main outcomes.

1. Set up a link on Council's website for people to access relevant drought recovery information
2. Publish a brochure to distribute all available recovery information to our rural community.
3. Hold some form of public meeting to provide an opportunity for rural residents and businesses affected by the drought to connect with agencies or obtain specific information.

Also at the meeting it was acknowledged that as this was the initial meeting of the committee, we may not have invited all parties that should be part of the committee. The intention is to allow the committee membership to evolve over time.

The committee currently comprises:

- Cr David Smith – Chair
- Director Corporate Services
- Director Infrastructure & Development
- Manager Community Services
- Manager Finance
- Manager Operations
- Manager Tourism & Recreation
- Community Strengthening Coordinator
- Senior Environmental Health Officer
- Technical Officer
- Michelle Leishman – Community Rep
- Ron Cosgrove – Community Rep
- Various agencies and departments who can provide information and assistance to achieve our goal of assisting our community through this period of drought and beyond. (REFER DROUGHT INFORMATION BROCHURE **ATTACHMENT NO 4**)

The committee has agreed that it should meet every two months.

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## 6. GOVERNANCE MATTERS

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### Relevant Policies / Council Plan implications:

Council Plan:

1. Strengthening Communities
2. Service Delivery

### Community / Engagement / Communication / Consultation:

As per the recommendation it is recommended that the committee include some rural community representation.

### Financial & Resource Implications Initial & Ongoing

Council does not have a budget allocation for the activities of this committee. It is envisaged that any expenditure that is incurred will be accommodated as part of Councils overall budget. The expenditure should not exceed \$5,000.

### Recommendation:

*That Council:*

- 6.4.1 *Ratify the formation of a Drought Recovery Committee*
- 6.4.2 *Appoint Cr David Smith as Chair of the Committee*
- 6.4.3 *Establish that the committee shall have membership representation comprising: Council officers, Councillors, External agencies and community representatives.*

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

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

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## 6. GOVERNANCE MATTERS

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### 6.5 SUBMISSION ON PUBLIC LIBRARY FUNDING & SERVICE AGREEMENTS

(A/O – Director Corporate Services)

File Ref:

#### Synopsis

The current funding and service agreements between the Victorian Government and public library services expires on the 30 June 2007. Local Government Victoria has commenced a review of the funding arrangement for public libraries and has invited input from Councils and regional library corporations. Submissions are due by the 2 March 2007.

#### Report

Local Government Victoria has gone to lengths to point out that this review is focussed on the formula used to allocate the government recurrent grants to councils and regional library corporations and the terms and conditions for the receipts of those grants. Whilst our submission will cover this area, it would be remiss of Council not to also point out other areas of deficiency in the library funding area.

The issues that Council will be addressing in its submission are:

1. Are the current funding and service agreements the most appropriate way to provide funding for library services?
2. Should part of the annual funding allocation for public libraries be set aside to fund specific, designated state-wide infrastructure operations?
3. Is the percentage split between recurrent expenditure (95%) and local priorities (5%) appropriate?
4. Should the allocation of recurrent funds between per capita (90%) and council components (10%) be maintained?
5. Should weighting be applied to the Council component?
6. Is there any other data that should be taken into account when allocating the grants?
7. Do the conditions for the receipt of library grants need amending?
8. History of the erosion of the government grant compared to Councils contributions must be rectified by the State Government.
9. Recommend a measure to determine the annual grant increase amount based on more realistic/accurate criteria.

On the 19 of February the Director Corporate Services will be meeting with the Central Highlands Regional Library Board to discuss this submission. It is appropriate that Council consider this discussion prior to finalising its own submission. This action will ensure that both submissions are complementary and therefore should carry more weight with the review committee.

#### Relevant Policies / Council Plan implications:

Council Plan 2.1 – Improve Service Delivery

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

N/A

#### Financial & Resource Implications Initial & Ongoing

The outcome of this review will impact on Council's longer term funding requirements to provide library services.

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**6. GOVERNANCE MATTERS**

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**Recommendation:**

*That Council:*

- 6.5.1 *Make a submission to Local Government Victoria concerning Public Library Funding & Service Agreements based on the issues mentioned in this report (and in consultation with Cr Tim Hayes, Council's representative on the Central Highlands Regional Library Services Corporation)..*

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

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

**6. GOVERNANCE MATTERS**

**6.6 MONTHLY FINANCIAL REPORT 1/7/06 – 31/01/07**

(A/O – Director Corporate Services)

File Ref: 30/08/14

**Synopsis**

A summary report on the Council's financial performance for the financial year to the 31 January 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 58%.

**Hepburn Shire Council  
Monthly Financial Report January 2007  
Percentage of year complete 58%**

	Annual Budget 000's	Actual Jan-07 000's	Percentage of Budget
<b>1. Administration</b>			
Expenditure	4,706	2709	58%
Income	(10,687)	(9,560)	89%
<b>1. Administration</b>	<b>(5,981)</b>	<b>(6851)</b>	
<b>2. Human And Community Services</b>			
Expenditure	2,216	1209	55%
Income	(1,573)	(811)	52%
<b>2. Human And Community Services</b>	<b>643</b>	<b>397</b>	
<b>3. Regional Development/promotion</b>			
Expenditure	1,750	1083	62%
Income	(466)	(336)	72%
<b>3. Regional Development/promotion</b>	<b>1,284</b>	<b>748</b>	
<b>4. Public Safety</b>			
Expenditure	586	311	53%
Income	(244)	(139)	57%
<b>4. Public Safety</b>	<b>342</b>	<b>171</b>	
<b>5. Recreation</b>			
Expenditure	1,124	727	65%
Income	(127)	(108)	85%
<b>5. Recreation</b>	<b>997</b>	<b>620</b>	
<b>6. Infrastructure Development</b>			
Expenditure	4,442	2159	49%
Income	(3,112)	(1,480)	48%
<b>6. Infrastructure Development</b>	<b>1,330</b>	<b>679</b>	

**6. GOVERNANCE MATTERS**

**Hepburn Shire Council  
Monthly Financial Report January.2007  
Percentage of year complete 58%**

	Annual Budget 000's	Actual Jan-07 000's	Percentage of Budget
<b>7. Waste &amp; Environment</b>			
Expenditure	1,314	705	54%
Income	(1,410)	(1,391)	99%
<b>7. Waste &amp; Environment</b>	<b>(95)</b>	<b>(686)</b>	
<b>8. Unclassified</b>			
Expenditure	86	1	2%
Income	(233)	0	0%
<b>8. Unclassified</b>	<b>(147)</b>	<b>1</b>	
<b>9. Capital Works And Projects</b>			
Expenditure	6,590	1,920	29%
Income	(4,964)	(287)	6%
<b>9. Capital Works And Projects</b>	<b>1,626</b>	<b>1634</b>	
<b>Report Total</b>	<b>(0)</b>	<b>(3287)</b>	

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

Administration – Income. This relates to the recognition of all the rate income being included in the July figures which is when it is raised. The annual budget has increased because of the reclassification of the old VIC lease.

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

Regional Development/Promotion - Income. 72% of budgeted planning permit fees already received. The annual budget of the Tourism area has decreased due to the reclassification of the old VIC lease.

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

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

Recreation – Income. Bathhouse rent was received in the early part of the year only

Infrastructure Development - Expenditure. This is lumpy due to large contract works ie road seals which are traditionally undertaken in February 07.

Infrastructure Development - Income The Roads to Recovery grant is paid on completion of works.

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## 6. GOVERNANCE MATTERS

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

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 when the mid year review is undertaken at the Forward Planning Meeting on 27 February 2007

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

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

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

N/A

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

Nil.

### **Recommendation:**

6. 6 .1        *That the January 2007 finance report be received and noted.*

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

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



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## 6. GOVERNANCE MATTERS

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### 6.7 CALEMBEEN PARK

(A/O –Manager Tourism and Recreation)

File Ref: 2/1860/20462

#### Synopsis

It is proposed that the Diving Tower at Calembeen Park be retained and refurbishment works be undertaken to repair and refurbish the tower and improve safety standards to assist in the supervised use of the facility by the public.

It is also proposed that additional works be undertaken to upgrade the park in accordance with the Recreation Strategy.

#### Report

For some time now Council has been considering how Calembeen Park should be developed. The park is used for swimming, fishing, diving, sailing, picnics, BBQs and outdoor recreation. While Council has previously undertaken a masterplanning exercise as preparation to attract funding for the park, and the recreation strategy broadly covers the development priorities for the park, it was decided to undertake further community consultation prior to commencing any works on the diving tower. Council had allocated \$70,000 towards the cost of repair and refurbishment works. These works also improve the ability for supervised use of the tower. Both the Recreation Advisory Committee and Council considered it wise to specifically seek community advice regarding its preference for spending the \$70,000 on the tower or other facilities at the park. This information would then be considered by Council in the light of the advice received from its insurers and risk managers.

Council has also received a Consulting Structural Engineer assessment which indicated that the tower was currently structurally sound but would need some improvements in design and require significant and possible major refurbishment works for it to remain usable into the future.

The tower is recognized as being of significance to the community and youth in particular. It provides an important recreational focal point and over the years has attracted many visitors to Creswick. There are few facilities available in the region which can provide a similar recreation experience. On the other hand Council has been advised that the 10 metre platform does not have Public Liability Insurance cover and therefore should not be used. There is some evidence that the tower attracts an "unruly" element of the population. There is currently anecdotal evidence that community use is increasing and unruly behaviour is reducing since the tower has been used under supervision.

#### Community Consultation

Ballarat University carried out a survey which obtained a representative sample of the Creswick population based on appropriate gender and age sections drawn from the ABS 2001 census data. 101 people were surveyed. Some of the survey findings were;

- The majority of park users visited the park 5 times or less
- The top activities of the park are other activities  
26.7%, Fishing 20%, Walking 17.8%, Diving from tower 15.6%, Swimming 13.3%
- 54.5% were in favour of modifying the tower compared with 41.8% who thought it better to spend the funds on other projects at the park
- The survey also identified community preference for other works which could be carried out at the park most of which have been included in the Recreation Strategy. It is interesting to note that by far the highest priority is –Demolish old picnic Shelter and construct shade structure, benches, and tables 42%

## 6. GOVERNANCE MATTERS

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It needs to be understood that if the tower is to remain that in addition to removing the top platform for safety and public liability reasons Council will need to allow for ongoing maintenance and supervision costs.

The tower is in need of maintenance, painting, repairs to some steel sections and areas that have varying degrees of corrosion (rust). Improvements to access stairs and handrails are also required to allow for future maintenance works to be undertaken easily. Any repairs and repainting will require the tower be dismantled so that this work can be undertaken safely and properly. It is anticipated that any refurbishment process would retain the existing main frame which can be reused and new sections including stairs and safety rails be built as bolt on sections. This proposed refurbishment would retain the visual character of the tower and provide for improvements to safety and allow for improved supervision and management of the tower.

It is also important that Council undertake a further educational process to better inform the community about the value of the facilities at the park.

If people persist in gaining access to the tower at times when it is not being supervised then council would be forced to review any decision made to retain the tower.

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

Hepburn Shire Council Recreation Policy  
Hepburn Shire Council Recreation Strategy 2007

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

Hepburn Shire Council Recreation Strategy 2007  
University of Ballarat Survey  
Public Meetings

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

### **Recommendation:**

*That Council:*

- 6.7.1 *Retain the diving tower with the refurbish of the 7.5 metre and 5 metre platforms. (Note: the 10 metre platform will be removed).*
- 6.7.2 *Provide supervision of the persons using the diving tower during the outdoor swimming pool season (the tower is to be closed in non swimming season times).*
- 6.7.3 *Encourage better community awareness of the facilities available and the importance of using the facilities in a proper manner*
- 6.7.4 *Consider the other proposed upgrade works within Calembeen Park as part of its annual budget process*
- 6.7.5 *Monitor the use and behaviour of persons accessing the diving tower*

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

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

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## 6. GOVERNANCE MATTERS

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### 6.8 DESTINATION DAYLESFORD (A/O – Manager Tourism and Recreation)

File Ref: 62/08/01

#### Synopsis

This report proposes that Council appoint community representatives to the steering committee being established to undertake a destination plan for Daylesford Hepburn Springs.

#### Report

Tourism Minister John Pandazopoulos in November 2006 announced funding of \$50,000 for a Destination Daylesford Plan. Council at its December 2006 meeting agreed to undertake the plan as part of their agreement with Tourism Victoria and the Hepburn Region Tourism Association. This project has been initiated by Tourism Victoria and is completely funded by Tourism Victoria. In response to discussions held with Council, the project will be a joint initiative between Council HRTA, DMRCC, Regional Development Victoria, local tourism operators and the community.

Following a meeting on September 5 2006 between Council representatives and Bill Fox from Tourism Victoria and a representative of the Hepburn Region Tourism Association, a working group was established to commence the task of preparing for this planning exercise.

The plan will address a number of key issues that will allow both the industry and community to take a long term view on destination development for the Daylesford and Hepburn Springs region.

Bill Fox has identified some recent destination plan development work undertaken in Mildura and Echuca/Moama as good models to refer to in the work that needs to be undertaken for our Daylesford Destination plan. Of particular importance with these several examples is the manner in which they incorporated community consultation within their plan development.

The importance of a robust and inclusive strategic planning process cannot be underestimated. This process, if undertaken correctly, allows for integrated, consistent and holistic tourism development that is owned and implemented by all stakeholders. Stakeholders, for the purposes of this report, include business, the Council and the full community.

Planning for a sustainable tourism destination development which will be a major objective of this work is particularly relevant to our regional Victorian location as it will :

- Measure the economic, social and environmental impacts and benefits of tourism.
- Ensure the integration of tourism planning with community development.
- Prioritise the best use of scarce resources.

Vital, cohesive communities with quality services and infrastructure, a strong sense of place, community spirit and enviable quality of life, also make attractive tourism destinations. Therefore destination development must also focus on:

- Generation and retention of wealth that will facilitate the development of appropriate services, infrastructure and employment that benefit both the local community and visitors.
- Improvement in lifestyle such as preserving environmental values and heritage structures, (particularly those that contribute to community identity);
- Sustainability i.e. ensuring the human, natural and built resources on which industry and the community depend are maintained into the future; and

## 6. GOVERNANCE MATTERS

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- Monitoring and evaluation to ensure infrastructure, products and services are fresh, competitive and responsive to changing market demand.

Strategic directions highlighted at a State level (for example, the strategies outlined in Victoria's Tourism Industry Strategic Plan 2002-2006) must flow into the regional planning process. Regional plans then lay the strategic groundwork for planning at a destination level. These destination plans focus on issues relevant to a particular destination and detail a specific strategic outlook in the context of regional and state-wide plans.

### **Project Management**

While Tourism Victoria is ultimately responsible for the project it is intended that the following structure is established to ensure good coordination, industry ownership and extensive community consultation:

**Executive** ( already operating) Bill Fox Tourism Victoria, HRTA Chair Nigel Dempster, Cr Bill McClenaghan, Daylesford and Macedon Ranges Campaign Committee member and TAC Chair Frank Page, (CEO Victor Szwed, Tourism and Recreation Manager Geoff Ryan ex officio).The Executive would be responsible for project coordination and selection of consultants for appointment by Council.

### **Steering Committee**

A working group consisting of up to 8 industry representatives . The Committee would have responsibility for drafting the project brief.

The Steering Committee will consist of four (4) Executive Members, eight (8) Industry Representatives, four (4) Community Representatives elected by Council and two (2) ex officio officers.

### **Reference Group**

Broader consultation would occur in a number of ways with the following organizations:

BB&BLG

HRTA

TAC

DMR CC

Goldfields CC

Daylesford business group

TRATA

Spa Therapy Assoc.

Neighbourhood house

Sporting groups

GDT

Parks Vic

Events and Festivals

Community Reference Group

Friends of Wombat Hill

VMWC

Ballarat Uni

LTAs

VOGA

Daylesford Spa Country Railway

Other Groups as recommended

All Councillors would be welcome to attend any of the reference group workshop meetings.

## 6. GOVERNANCE MATTERS

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### **Community Consultation**

It is proposed that Council seek nominations for 4 community representatives to become a part of the Steering Committee. Bill Fox from Tourism Victoria has indicated that it would be appropriate for Council to take responsibility to appoint these community representatives.

It is suggested that selection criteria could include :

- an understanding of the needs of the Daylesford /Hepburn Springs Community,
- the ability to contribute to a committee in a positive and solution focused manner,
- the ability to represent a broad range of community views.
- an understanding of the importance of maintaining a strong community.
- broader community representation outside of those directly in tourism.

Nominations would be called on February 22 and close on March 12 with recommendations to go to Councils meeting on March 20. It is intended that the project brief be prepared by April, consultants appointed by May and the project concluded by November 2007.

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

Hepburn Shire Tourism Policy  
Agreement between Tourism Victoria Hepburn Shire Council and the Hepburn Regional Tourism Association

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

Through local media, Council's Web site and enews.

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

Tourism Victoria has contributed \$50,000 to this project.

### **Recommendation:**

*That Council:*

6.8.1 Seek nominations for 4 community representatives to become a part of the Steering Committee. Nominations with recommendations to go to Council's meeting on March 20.

6.8.2 *Confirm its representatives on the Executive of the Destination Daylesford Committee are Cr Bill McClenaghan and TAC Chair Frank Page with the CEO and Manager Tourism and Recreation ex officio.*

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

***Moved: Cr Bill McClenaghan***

***Seconded: Cr Janine Booth***

***Carried.***

## 6. GOVERNANCE MATTERS

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### 6.9 DRAFT RECREATION STRATEGY

(A/O Manager Tourism and Recreation)

File Ref:56/10/06

#### Synopsis

This report proposes that Council adopt the Recreation Strategy prepared by Garry Henshall and Associates and request the Recreation Advisory committee to advise on its implementation and priorities for Councils consideration as part of the planning for the 10 year Financial Plan.

#### Report

The draft Recreation Strategy has been on display since mid December 2006.No further public comments have been received on the strategic directions outlined in the report. The Strategy prepared by Garry Henshall and Associates has previously involved considerable public input from groups and individuals. It provides a clear focus for Council and the Recreation Advisory Committee regarding the development of recreation facilities and programs. The quality of Garry Henshall's work has been excellent and his recommendations are realistic and well considered. It would now be helpful if the Recreation Advisory Committee is able to consider the highest priorities in the Strategy and meet with Council to discuss these priorities.

#### Relevant Policies / Council Plan implications:

4 Servicing the Community  
Recreation Development Policy

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

The Strategy has been on display at all Council offices, libraries at Daylesford, Creswick, and Clunes, Clunes and Trentham newsagency and Councils website.

#### Financial & Resource Implications Initial & Ongoing

Council has provided \$30,000 and Sport and Recreation Victoria \$30,000 for this project and the Doug Lindsay Recreation Reserve Master Plan. The Draft Recreation Strategy makes various recommendations with the financial and resource implications. These should be considered during the Ten Year Financial Strategy review in the context of what commitments Council is able to make.

#### Recommendation:

*That Council*

- 6.9.1 *Adopt the Recreation Strategy on the basis that the recommendations and financial implications will be considered as part of Council's Ten Year Financial Plan Review and Annual Budget processes.*
- 6.9.2 *Request that the Recreation Advisory Committee meet to consider priorities from the Strategy which should be included in the Ten Year Financial Plan.*
- 6.9.3 *That Council and the Recreation Advisory Committee meet to discuss these priorities.*

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

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

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## 6. GOVERNANCE MATTERS

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### 6.10 RECREATION ADVISORY COMMITTEE

(A/O –Manager Tourism and Recreation )

File Ref:56/10/03

#### **Synopsis**

This report proposes that nominations be called for new members of the Recreation Advisory Committee

#### **Report**

Each year Council seeks nominations for half the members of the community committee in accordance with the committee's terms of reference. Because of a resignation and the conclusion of the term of appointment of half the committee there are 6 vacancies on the committee. It is intended that nominations will be sought via local media starting on February 22 and closing on March 13 2007. Because the reappointment of the committee has been delayed it is proposed that the term of appointment be for 18 months not two years in order to keep the terms of the other committee members aligned in the coming years.

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

Recreation Advisory Committee Terms of Reference

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

This committee is Council's key means to consult with the community on recreation matters. The entire committee is community based and consequently has been significant in Council attracting so much government funding.

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

The committee provides advice to Council on all Recreation Capital Works expenditure.

#### **Recommendation:**

*That Council:*

6.10.1 *That Council seek nominations for members of the Recreation Advisory Committee.*

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

***Moved: Cr Janine Booth***

***Seconded: Cr Bill McClenaghan***

***Carried.***

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## 6. GOVERNANCE MATTERS

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### 6.11 ARC – MONTHLY REPORT

(A/O – Director Infrastructure & Development)

File Ref: H164

#### Synopsis

Monthly report on the ARC project.

#### Report

Works are progressing as per program on-site.

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

- Sewer & stormwater works;
- Internal demolition of change-rooms;
- Structural steel ordered;
- Earthworks for new building & pile footings poured;
- Canteen works completed and handed back to School; and
- Theatre painted.

Works in progress:

- Gymnasium renovations.
- Plumbing works change-rooms.
- Quotations for Theatre fit out.

The internal renovation works (school component) are programmed for completion in February/March 2007 with the new building (Council component) hand-over planned for November 2007, weather permitting.

#### Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

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

Extensive community consultation and engagement has occurred with this project.

#### Financial & Resource Implications Initial & Ongoing



**6. GOVERNANCE MATTERS**

ARC - DAYLESFORD REC CENTRE BUDGET	REVISED BUDGET	ACTUALS 2002/2003	ACTUALS 2003/2004	ACTUALS 2004/2005	ACTUALS 2005/2006	ACTUALS 2006/2007 5-Feb-07	TOTAL ACTUAL 5-Feb-07	PROJECTIONS 5-Feb-07
<b>EXPENDITURE - 9550 815</b>	Dec-06							
Architect & Sub consultants	\$ 124,500			19,400	101,100	-	\$120,500	\$ 124,500
Contract Admin	\$ 5,500					1,032	\$1,032	\$ 9,500
Building 2 courts, entry, kiosk & amenities	\$ 1,529,228						\$0	\$ 1,529,228
Variations 2 courts, entry, kiosk, etc	\$ 75,000						\$	\$ 75,000
Building School refurbishment	\$ 302,730					196,946	\$196,946	\$ 302,730
Variations School building refurbishment	\$ 257,270						\$	\$ 257,270
Legals	\$ 1,500						\$0	\$ -
Planning Permit	\$ 2,100			96	1,975		\$2,071	\$ 2,100
Tender costs	\$ 1,500					676	\$676	\$ 700
Opening function & marketing	\$ 5,000					183	\$498	\$ 5,000
Fitout - equipment & furniture	\$ 25,000					315	\$0	\$ 25,000
Fundraising Committee	\$ 12,094	120	11,974				\$12,094	\$ 12,094
Carparking	\$ -						\$0	\$ -
Drainage & Authority Headworks Charges	\$ 70,000					66,646	\$66,646	\$ 67,000
Contingencies	\$ 30,578					-	\$237	\$ 31,878
<b>TOTAL EXPENDITURE</b>	<b>\$ 2,442,000</b>	<b>\$ 120</b>	<b>\$ 11,974</b>	<b>\$ 19,496</b>	<b>\$ 169,904</b>	<b>\$ 199,206</b>	<b>\$400,699</b>	<b>\$ 2,442,000</b>
								<b>\$ -</b>

**INCOME - 9550948**

SRV - (DVC)	\$ 500,000				100,035		\$100,035	\$ 500,000
COUNCIL	\$ 300,000		5,000		295,000		\$300,000	\$ 300,000
FEDERAL GRANT	\$ 120,000	-	-		-	96,000	\$96,000	\$ 120,000
COM FACILITIES GRANT (DET)	\$ 1,222,000		-		-	82,161	\$82,161	\$ 1,222,000
COMMUNITY FUNDRAISING	\$ 300,000		7,000				\$7,000	\$ 300,000
<b>TOTAL INCOME</b>	<b>\$ 2,442,000</b>	<b>\$ -</b>	<b>\$ 12,000</b>	<b>\$ -</b>	<b>\$ 395,035</b>	<b>\$ 178,161</b>	<b>\$ 585,196</b>	<b>\$ 2,442,000</b>

As at 5 February 2007:

Progress payments to builder \$196,946  
Claims to be processed \$ 63,988

Approved variations to date:  
School component of the building works \$38,361.50  
Council component of the building works \$nil

**Recommendation:**

*That Council:*  
6.11.1 Note & receive the report.

**Moved the Officer's Recommendation**

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

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## 6. GOVERNANCE MATTERS

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### 6.12 BRIDGE PROGRAM (A/O-Manager of Operations)

File Ref: 58/08/03

#### Synopsis

This report provides information on the ongoing reconstruction and rehabilitation of Council bridges.

#### Report

Council within the municipality has a number of bridges that are structurally deficient and in need of reconstruction and repairs.

Recently Council received a supplementary allocation from the Roads to Recovery program of \$604,000 for which the bridge on the Clunes Daylesford Road, Nelson's Bridge was identified for reconstruction and contract awarded in December 2006.

In conjunction with this bridge two other structures have also been assessed for reconstruction / rehabilitation and programmed for works.

These structures are:-

- 1) Twin Cell corrugated steel culvert on Hepburn Newstead Road at Shepherds Flat;&
- 2) Leonards Bridge on Clunes Mt Cameron Road over the Kilkenny Creek

The culvert on Hepburn Newstead Road has a completely rusted floor and is structurally deficient as per VicRoads' Bridge Design assessment and reports, whilst Leonard's bridge has a ten tonne load rating with gross deterioration in the timber components of the structure. Leonard's Bridge also forms part of a school bus route

The twin cell structure is currently being advertised for works to be undertaken. The Leonard's bridge design is underway with civil works programmed for later in 2007.

#### Relevant Policies / Council Plan implications:

Council Plan  
Objective 3. Asset and Resource Management  
Improve the management of our assets

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

Advertising to be undertaken prior to works commencing

**6. GOVERNANCE MATTERS**

**Financial Implications**

The financial implication is listed in the table as follows:-

Structure	Road Location	Works Description	Total Cost	Financial Information			
				2006/07		2007/08	
				Operating	Capital	Operating	Capital
				6010262	9560840	6010262	9560840
Nelson's	Clunes Daylesford	Reconstruction	\$420,000		\$420,000		
Twin Cell	Hepburn Newstead	Rehabilitation	\$120,000	\$95,000	\$25,000		
Leonard's	Clunes Mt Cameron	Reconstruction	\$260,000		\$27,500	\$101,000	\$131,500
Total Value			\$800,000	\$95,000	\$472,500	\$101,000	\$131,500

Operating Account No. 6010262 is Bridge Maintenance.  
Capital Account No. 9560840 is Roads to Recovery

The Roads to Recovery Supplementary funding of \$604,000 (i.e. \$472,500 & \$131,500) has to be expended by 2009. The Leonard's Bridge works will proceed in 2007/2008 financial year with design works being carried out this financial year.

**Recommendation:**

*That Council:*

6.12 .1 *Note and endorse the report for civil works currently to be implemented for reconstruction and rehabilitation of bridge structures within the municipality.*

**Moved the Officer's Recommendation**

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

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## 6. GOVERNANCE MATTERS

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### 6.13 ROAD PROCLAMATION - MULLERS LANE SHEPHERDS FLAT

(A/O-Manager of Operations)

File Ref: 4857

#### Synopsis

This report provides information on the proposed road proclamation of the Crown Reserve to service the 5 lot subdivision on planning application 2001 / 6987.

#### Report

Council has issued a Notice of Decision for the 5 lot subdivision whose principal access is from Mullers Lane in Shepherd Flat.(Permit 2001 / 6987 applies)

In discussions with officers from the Department of Sustainability and Environment (DSE) as per the attached letter, Council needs to resolve access over the Crown Land Reserve that forms part of the Jim Crow Creek Reserve.(refer attached map)

Changing the status of the reserve from water reserve to Road reserve will not affect the hydrology of the Jim Crow Creek. The only effect will be change of management from DSE to Council.

In order for the subdivision to be accessed via the proposed internal road and Muller Road, Council formally needs to resolve to declare the current reserve as reasonably required for public access and open for public traffic under Section 204 Part 2 of the Local Government Act.

This declaration will allow legal access to the proposed subdivision and make Council responsible for the care and management of the road.

The Road Management Act and Council's Road Management Plan will determine delineation of responsibility for the maintenance of this road. Construction of the road will form part of the planning permit No 2001/ 6987.

#### Relevant Policies / Council Plan implications:

Objective 3 – Asset and resource Management

Manage our assets and resources to create a better Shire for our community

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

Discussion with applicant, Department of Sustainability and Environment and Council Officers

#### Financial Implications

Nil. All costs to be borne by subdivision applicant

#### Recommendation:

*That Council:*

6.13.1 *Formally resolve that the triangular Crown Reserve abutting the south western portion of Crown Allotment 4C Section 3 Parish of Franklin and Mullers Lane is reasonably required for public use and be open to public traffic.*

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

**Moved:** Cr Janine Booth

**Seconded:** Cr Bill McClenaghan

**Carried.**

**6. GOVERNANCE MATTERS**



**Department of Sustainability and Environment**

402-406 Mair Street  
Ballarat 3350  
Telephone: 136186  
Facsimile: (03) 5336 6885

Your Ref: 2001/6987  
Our Ref: SP423462  
Contact: Stewart Dekker  
Date: 13<sup>th</sup> November 2006

Mukul Hatwal  
Statutory Planning Services  
Hepburn Shire Council  
PO Box 21  
DAYLESFORD VIC 3460

**HEPBURN SHIRE COUNCIL**

File No: 5/4020/001001P

Rec'd Date: **15 NOV 2006**

Rec'd By: LXL

Action By: \_\_\_\_\_

Reg No: \_\_\_\_\_

Dear Sir/Madam

**PLANNING APPLICATION 2001/6987  
FIVE LOT SUBDIVISION  
CA 3A, 3B, 4, 4E, 4A, 4B & 4C, SECTION 3, PARISH OF FRANKLIN  
MULLER LANE, ELEVATED PLAINS**

I refer to planning application number 2001/6987, for a five-lot subdivision at Muller Lane, Elevated Plains.

Following a meeting at the Departments Ballarat regional office with Shire officer Mukul Hatwal on the 7<sup>th</sup> November 2006. The Department has found that the status of the proposed access road through Crown land CA, 4D, Section 3, Parish of Franklin (P142458) being water frontage to Jim Crow Creek requires some clarification.

The department requests a letter of agreement from council to the proclamation of the portion of road providing access through Crown land CA, 4D, Section 3, Parish of Franklin (P142458), and all other land adjoining to the immediate north that may be excised as part of the road formation.

Once this area is proclaimed council will become the public authority responsible for the care and management of the road under Section 205(1)(b) of the *Local Government Act 1989*.

If you have any questions regarding this matter please contact Stewart Dekker at the Ballarat regional office of the department on telephone (03) 5336 6754.

Yours sincerely

**NICK WYNN**  
Manager Land Use Planning  
South West





**6. GOVERNANCE MATTERS**



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

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### 7.1 HEPBURN SPRINGS BATHHOUSE PROJECT UPDATE

(A/O – Chief Executive Officer)

File Ref: 5/4685/00100 - RESTR

#### Synopsis

An update is provided on the redevelopment of the Hepburn Springs Bathhouse, Lease development and the Bathhouse Business & Community Liaison Group.

#### Report

The redevelopment of the Bathhouse is going very well and considerable progress has been made. As indicated by the State Government through a media statement appearing in the Courier and Advocate earlier this month construction is on schedule.

Foundation pile driving was completed early February and did not encounter any problems. This phase was one that had some potential issues as the Bathhouse partially sits on silty soils of varying depths and wet weather conditions could have also impacted. While there was some good rain in the area it did not cause any significant problems. The deepest pile has gone down around seven metres.

Plumbing work was then underway in preparation for the slab and structural work and progress will become more visible from the viewing area at the roadside.

The southern wing has had major work done in removing various floors and walls and some improvements to structural features. Major Projects Victoria are ensuring that issues are assessed and rectification works carried out as the project proceeds so that the refurbished southern wing is improved wherever possible. For instance, some settling of the sub-floor had occurred in one area creating some movement in that part of the building. This is being rectified.

DSE have been advancing the development of the new lease with the target of mid year for announcement of the new lessee. Considerable work is being done on scoping out the lease utilising commercial professional advice together with a legal firm doing the actual drafting.

A probity review professional has also been engaged by DSE to monitor the whole lease process to ensure that it occurs properly.

The Bathhouse Business & Community Liaison Group has continued the excellent work it has been doing. The brochures prepared with State Government funding support and working with the BB&CL Group, Hepburn Regional Tourism Association and others have been well received.

The BB&CL Group members have continued to play a vital role of networking into the wider community and assisting to get good information out there and to feed back on issues or concerns.

While there have been some limited impacts occurring with the Bathhouse being under redevelopment, the feedback is that these impacts are relatively small and no where near the level that some parties had been suggesting. Council has received some very good praise for the way in which this has been handled. It is a great example of community capacity building and Council-Community partnership approaches that again places Hepburn Shire Council out there as a leader in its various community approaches.

When Council was appointing the Bathhouse Business & Community Liaison Group it approved the terms of reference which stated that membership included: the Holcombe Ward Councillor ( Cr Bill McClenaghan ); Geoff Howard MP and Council's

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

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CEO ( Victor Szwed ) with other Council Officers assisting. It is common for the Councillor to chair such a Committee, however this had not been formally ratified then and should be ratified now.

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

The Council Plan 2006-2011 includes several relevant strategies including:

- 1.1 To be a leader in community consultation, advocacy & engagement.
- 2.3 Further develop the range of facilities and programs.
- 4.3 Encourage and support diversity of economic activity and employment.
- 5.1 Promote & practice environmental management and sustainability.

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

The project has involved extensive community engagement, communication and consultation over a long period of time and the BB&CL Group has strengthened that considerably.

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

These have been reported on previously.

### **Recommendation:**

*That Council:*

7.1.1 *Note progress on the Bathhouse project and the valued work of the Bathhouse Business & Community Liaison Group*

7.1.2 *Confirm Cr Bill McClenaghan as Chair of the Group.*

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

**Moved:** Cr Heather Mutimer

**Seconded:** Cr Janine Booth

**Carried.**



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

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### **8.1 PROPOSAL FOR ESTABLISHMENT OF A CULTURE AND ARTS ADVISORY COMMITTEE**

(A/O – CCALO)

File Ref:04/02/02 &16/18/03

#### **Synopsis**

Council in 2006 agreed in principal to the establishment of a Culture and Arts Advisory Committee subject to community consultation and feedback.

Community consultation and a community workshop have been held and the Purpose and Terms of Reference (**ATTACHMENT 5**) incorporate feedback from the arts and culture industry and the wider community.

#### **Report**

Hepburn Shire has long been a haven for and an inspirational workplace for artists across all art forms, genres and styles. The vibrant artists and cultural community is made up of artists of wide and differing ranges of experience and skill. This is matched - in with wider community - by a strong interest and involvement in the arts and their exponents.

Council has not had the resources to employ an “arts officer” to help develop policies and to promote, nurture and develop the arts and cultural community.

Three to four years ago, Council adopted a broad Culture and Arts Policy based on a draft prepared by various members of the arts community and co-ordinated by 360 Degrees.

18 months ago, in association with Moorabool Shire, Council obtained funding from Arts Victoria to employ a Community Culture and Arts Liaison Officer (CCALO) whose tasks included developing a long range culture and arts policy and strategy for Council as well as undertaking development work, identifying areas of need and interest, assisting artists and arts bodies and commencing projects that would nurture and promote artists and art within the community and elsewhere.

Mid last year, Council considered a proposal submitted by the CCALO proposing the establishment of an Advisory Committee on Culture and the Arts. It also proposed that before Council formally consider the establishment of such a committee that a public meeting open to all members of the arts community and the interested general public to consider a draft of the Purpose and Terms of Reference of the proposed committee and provide Council with further feedback and suggestions.

A workshop was held on Wednesday 29 November to discuss draft Terms of Reference for a Culture and Arts Advisory Committee. The workshop was attended by some 20 artists and members of the general public. The artists represented a cross section of the arts community and different genres and art forms and they came from a wide geographic spread across the Shire. The workshop was also attended by Cr Mutimer and Cr Hayes as well as the Community Services Manager and Community Strengthening Officer.

The workshop proposed changes, amendments and suggestions to the draft proposals and unanimously recommended the establishment of a Culture and Arts Advisory Committee.

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

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

#### Council Plan: Objective 5 – Heritage and Environment

“respect and honour our unique historical and cultural attributes”

#### Cultural and Arts Policy and Action Plan

“Pursue a leadership and partnership role for Hepburn Shire Council in promoting the cultural life of all residents throughout the Shire...”

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

The draft proposals for a Culture and Arts Advisory Committee have been well promulgated throughout the artistic and broader community of the Shire. A workshop to consider the draft proposal was widely advertised and attracted a good cross section of interested parties who provided input and feedback.

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

There are no immediate financial implications in the establishment of CAAC.

Council officers and staff would be required to service the committee and its activities. At least one councillor would be a member of the Committee.

### **Economic Implications**

Although it has not been separately accounted for, the economic impact on the community of Culture and Arts based industry and the endeavours of individual artists is already acknowledged as making a significant contribution to the local economy. The establishment of CAAC will provide Council with appropriate advice to prepare policies and strategies to help develop and nurture this industry and to assist in its growth and development. Such growth will not only be evident from an increase in artists joining the community, but also in the expansion of new markets such as cultural tourism. Council will be well placed to give support to this expansion. It will also be advantaged in that the participation and partnership between Council and the arts community may well reinforce the importance of this Shire as a location for artists and address issues of concern in that sector.

### **Social Implications**

The importance of culture and the arts to the expression of creativity within a community is matched by strong evidence that suggests culture and the arts play a strong role in the social and mental health of a community as well as promoting a sense of identity, community spirit and social cohesion. The establishment of CAAC will allow Council to monitor and promote both the arts and artists but also the vital social impact potential that they have within the shire.

### **Environmental Implications**

The broad strokes of the terms of reference of CAAC will enhance Council's current commitment to the preservation and celebration of the Shire's natural and built heritage as well as providing opportunities to work with the Heritage Advisory Committee and the new Environmental Officer to explore further forms of protection and celebration

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

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### **Cultural Implications**

Although Council has had the services of a Culture and Arts Liaison Officer for the (almost) last two years, this is a position of limited tenure. The establishment of CAAC will provide an ongoing source of counsel and advice and provide a much needed bridge between Council and the culture and arts community, and related industry. CAAC's terms of reference provide for the development of long term strategies and policies in this important area and fill a much needed gap in a vital part of this community that has been neglected in the past.

### **Recommendation:**

*That Council:*

- 8.1.1 *Establish a Culture and Arts Advisory Committee with Terms of Reference as detailed in the attached terms.*
- 8.1.2 *Call for Expressions of Interest in positions on the CAAC as soon as practical after establishment.*
- 8.1.3 *Appoint at least one Councillor representative to the CAAC*

***Cr Mutimer requested confirmation the nomination of a Councillor could be delayed until the return of Cr Tim Hayes.***

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

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

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

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

(A/O – Manager Administration)

File Ref: Various

#### **Synopsis**

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

#### **Report**

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

- Minutes of Hepburn Pool Advisory Committee dated 11 January 2007
- Minutes of Hepburn Healthy Communities Committee dated 29 January 2007
- Minutes of Creswick Museum and Gold Battery dated 4 December 2006.

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

2.2 – Improve internal and external communication.

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

Members of the community are represented on these committees.

#### **Financial Implications**

Nil.

#### **Recommendation:**

*That Council note the Minutes of the:*

*8.2 .1 Creswick Museum and Gold Battery dated 4 December 2006, Hepburn Pool Advisory Committee dated 11 January 2007 and Hepburn Healthy Communities Committee dated 29 January 2007*

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

**Moved:** Cr Janine Booth

**Seconded:** Cr Bill McClenaghan

**Carried.**

## 9. STATUTORY MATTERS

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### 9.1 APPLICATION NO 2006/9136, PROPOSED: EXTENSIONS TO THE TRENTHAM COMMUNITY CENTRE, 56 HIGH STREET, TRENTHAM

(A/O – Planning Officer 2)

File Ref: 4/3150/03600/P

#### Synopsis

Applicant: Trentham Community Group c/- Wayne Quinn  
Location: 56 High Street and Market St, Trentham  
Proposal: Construction of additions to Neighbourhood Centre  
Zoning: Business 1 Zone, B1Z, as is surrounding land  
Overlay Controls: ESO1 and HO 352 Trentham Township Heritage Area  
No of Objections Received: Nil  
Recommendation: Approval





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## 9. STATUTORY MATTERS

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### Report

#### INTRODUCTION

Neighbourhood Centre occupies a 10m x 10m residential-style building, of timber, cement-sheet and steel gable roof, built to High St frontage, and one metre over the frontage of Market St. It was part of a larger complex of buildings on land with 30.8m frontage to High St, and the balance appears to have only been a fenced yard with some small outbuildings. Title was created in 1954, severing the building, therefore with dimensions of 10-14m to Market St and 30.8m to High St.

The main building has a hall, store, office and kitchen, with classroom in one outbuilding, toilets in another on septic tank; there is room here for one parking space within the site. Street trees in Market St are the only significant vegetation.

Buildings and works require planning permission in B1Z, as does waiving of parking requirement.

#### PROPOSAL

The centre has received funding to expand its educational role, plus other community services. The addition would increase the High St building frontage by 11m, constructed the whole 12m+ depth, narrowing to 8m at the north/rear boundary, where there is to be a large paved area with pergola

Exterior walls are to be mainly cement-sheet to match existing, with fire-rated wall to northern neighbour; roof to be gabled, originally to run the same direction as the existing gable, but turned 90deg on the advice of Council's heritage adviser. There will be a new entry from High St, and the extension will contain a central meeting room, office, sanitary facilities, and two classrooms. The toilets will be de-commissioned and used as a shed. A new vehicle crossing will provide for loading/unloading, and a parking space for the centre manager, if and when required.

#### REFERRAL AUTHORITIES

**Coliban Water** - advising that applicants will be required to enter into agreement with CWA for connection to and provision of sewer and water;

#### REFERRAL WITHIN COUNCIL

Discussed with health and building, no special requirements; and referred to engineering, who require certain access and drainage conditions.

#### ADVERTISING/NOTICE OF APPLICATION

To owners/occupiers of some 10 surrounding properties and sign on site; no objections were received.

#### Relevant Policies / Council Plan implications:

## 9. STATUTORY MATTERS

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### STATE PLANNING POLICY FRAMEWORK (SPPF)

The proposal is considered to be consistent with the relevant objectives of the State Planning Policy Framework, in Activity centres, *to encourage the concentration of administrative and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

The proposal is similarly consistent with Council's MSS, directing growth towards the centre of a well-established and fully-serviced major township of the Shire, identified as appropriate for such development.

### ZONE AND OVERLAY PROVISIONS

Proposal is consistent with objectives of B1Z; connection to sewerage will be consistent with ESO1.

Parking - The proposal seeks a dispensation of all but one of on-site parking spaces required by the Scheme, with one space for the manager.

The requirement for place of assembly is 0.3 spaces for every square metre of additional net floor area, which is  $90\text{m}^2 \times 0.3 = 27$  spaces.

Because the centre is east of the main retail core, there is little demand for the parallel spaces along High Street. There are 4 spaces on the centre's frontage alone, so there would be over 20 spaces in reasonable proximity. The centre will not be as intensive as other places of assembly (eg theatre) and being locally based should not attract large numbers needing to access it in a vehicle.

### ASSESSMENT

The proposal is well located to consolidate the neighbourhood/community activities in an appropriate Trentham location, with all services available; plus, the details of the design will blend well with neighbourhood character and amenity, in accordance with state and local policies. There appears to be adequate parking spaces available for these circumstances, so the prescribed requirement should be substantially waived

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

Occurred in obtaining grant, leading up to lodgement of planning application; giving notice went without difficulty.

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

Covered by grant.



## 9. STATUTORY MATTERS

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### **Recommendation**

*That a permit be granted for the development and use of the land for extensions to the community centre at 56 High Street, Trentham, including dispensation from the full parking requirement, in accordance with endorsed plans subject to the following conditions:*

1. *Before the use and development commences three (3) copies of amended layout plans must be submitted to and approved by the Responsible Authority. These plans must be in accordance with the original plans submitted but must be amended to show:*
  - *One car parking space for operator of centre; and*
  - *Requirements of Condition 4 of this permit.*

*An endorsed copy of such plans will form part of this permit.*
2. *The use of the premises, the layout of the site and the size and internal layout of the buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.*
3. *Prior the commencement of use the area set aside for the parking of vehicles, together with associated access as delineated on the endorsed plan must:*
  - a) *be made available for such use;*
  - b) *not be used for any other purposes;*
  - c) *be properly formed to such levels that it can be used in accordance with the plans;*
  - d) *be clearly delineated on the ground;*
  - e) *be drained and sealed with an all weather seal coat; and*
  - f) *be maintained continuously in a useable condition;*

*to the satisfaction of the Responsible Authority.*
4. *Council's Heritage Advisor:*
  - 4.1 *Materials, finishes and colours are to match those of the existing building.*
  - 4.2 *Any new colour scheme is to be to the approval of the Responsible Authority.*
  - 4.3 *All window/door joinery to be in timber except with further approval of the Responsible Authority.*
  - 4.4 *The jointing pattern of the cement sheet cladding should be shown on the drawings. Joint type, butt battened or other should also be nominated.*
  - 4.5 *Fascias and cappings to roofs are to be in timber or other approved detail.*
  - 4.6 *The roof sheeting and rainwater goods are to match the existing.*

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**9. STATUTORY MATTERS**

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5. *Coliban Water:*
- 5.1 *The applicant or owner is required to reach agreement with Coliban Water for the provision of reticulated sewerage services to the development and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.*
6. *This permit will expire if the use and development hereby permitted is not commenced within 2 years of the date of issue and completed within 4 years from the date of issue. An extension of time may be sought in writing up to three months after the expiry of the permit.*

**NOTE:**

**Building Permit Required**

*This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.*

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

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

## 9. STATUTORY MATTERS

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### 9.2 APPLICATION NO 2006/9227, PROPOSED: SUBDIVISION OF TWO (2) LOTS INTO THREE (3) LOTS, AT 23 MAIN ROAD, HEPBURN SPRINGS

(A/O – Planning Officer 2)

File Ref: 5/4300/02000/P

#### Synopsis

Applicant:	A & J Walsh Land Surveyors On behalf of Colin & Cheryl Nevill
Location:	23 Main Road, north of First Street, Hepburn Springs
Proposal:	Re-subdivision of 2 adjoining lots into 3 lots
Zoning:	Residential 1 Zone, as is surrounding land, except for Public Conservation & Resource Zone to rear
Overlay Controls:	ESO1, ESO2 and DDO1, link between Hepburn & Daylesford
No of Objections Received:	Two (2)
Recommendation:	Notice of Decision to grant with conditions





## 9. STATUTORY MATTERS

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### Report

#### INTRODUCTION

Two 3500m<sup>2</sup> lots have been owned and used together for many years, as a transport business and dwelling. The land is on a similar level to the road at the northern end, where there is a wide entry; just inside the frontage, a fuel tank and dispenser were recently decommissioned. The access then slopes down to the north-east/rear, together with an old, metre-wide pipeline reserve; the entry alternatively leads due-east into an ageing 10m x 16m shed, about 10m back, or leads south-east, up to the existing timber dwelling, 12m x 15m, located 15m back from the front, straddling the 2 lots. There is a small 'sleep-out' beyond. From the southern edge of the opening, the land slopes up more steeply to the south, to a hill, through which the road goes into a steep cutting, along the road, then levels out, opening to First St, where there is a narrow drive north, up to the top of the cutting, in front of dwellings at Nos. 15 & 17, which have lots with areas of around 1000m<sup>2</sup>; the drive finishes at a power pole.

The road reserve widens to the northern end of the subject land, and the north adjoining property has a dwelling 30m back from a straight line, 20m from the widened reserve, and 12m from the common side boundary. Land opposite Main Rd has lots of a similar mix in size, mainly with dwellings.

#### PROPOSAL

The owner/applicants have operated from this site for a few years, and now wish to move the location of the truck shed towards the rear of the site, provide a separate site for the existing dwelling, and create a site for another dwelling to sell. A plan was lodged to re-subdivide the 2 lots into 3 lots, 2 on the frontage, 940m<sup>2</sup> for the existing dwelling, 660m<sup>2</sup> for the future dwelling, between the existing one and the southern boundary, to have access from the corner of Main Rd and First St, by removing the power pole. The balance would be 5532m<sup>2</sup>, on the northern side and rear; the plan suggests that the new truck shed site would be 5.5m from the southern boundary; however, the construction of a new shed is not specifically included in the application form itself.

Planning permission is required for subdivision in this zone, and for ESO1 & 2.

#### REFERRAL AUTHORITIES

Notices only were sent to:

**Goulburn Murray Water** - no objection subject to connection to sewerage and water;  
**Country Fire Authority** - conditions about safe access to each dwelling and proximity to fire hydrant;

**Department of Sustainability and Environment** - no special interest in this application.

Referred to **Powercor, Telstra & Central Highlands Water**, usual requirements to agree to certain charges and connect to all services applies.

## 9. STATUTORY MATTERS

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### REFERRAL WITHIN COUNCIL

**Engineering** - special drainage-to-rear-through-easements-to-be-created conditions, plus special access conditions for new entry(s), including need to modify entry/access for proposed lot between existing dwelling and south boundary.

### ADVERTISING/NOTICE OF APPLICATION

Notice was required to owner/occupiers of 7 surrounding properties. Objections were lodged by the owners of the two dwellings to the south.

Although they both have access to their properties from First St, they have shared the use of the narrow drive at the top of the cutting for many years, which the applicants had intended to be the only access for their new lot.

The adjoining neighbour is said to have built up a home occupation-health business over 10 years, and the drive is the best access to the dwelling for patients, the other access being a difficult one via a lane to First Street. The other neighbour, on the corner of First Street is also concerned about the condition of the drive, and that heavier use will make it less safe. See below for consultation details.

### Relevant Policies / Council Plan Objectives

#### STATE PLANNING POLICY FRAMEWORK (SPPF)

The proposal is considered to have some consistencies with the settlement objectives of the SPPF, given that the land can be fully serviced in a major township, providing lot sizes that respect the neighbourhood; however, the access to the new lots should be modified; plus, the appropriateness of continuing the existing transport depot use must be addressed; see in General Provisions below.

#### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Similar remarks apply to local policies, see below for lot size analysis.

### ZONE AND OVERLAY PROVISIONS

The subdivision itself poses few difficulties with zone and overlay provisions, as set out below. However, the intention to continue the transport use is addressed under General Provisions further on.

#### Assessment against ResCode requirements

Under the provisions of Clause 56 of the Hepburn Planning Scheme, a development: must meet all of the objectives. Should meet all of the standards.

#### Relevant Portions of Clause 56, Residential Subdivision

**Community Design** – Residential character, planning for movement, poses difficulties with 2 or 3 owners on the corner, having shared virtually exclusive use of this narrow access track, and having to provide the only access for this proposed new lot would appear to be an excessive burden.

## 9. STATUTORY MATTERS

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A track in from the applicants' existing entry, although steep (about 25%) is considered a better alternative.

Environmental sustainability is responded to, with full services, and provided future owners build a modest dwelling, sited to retain most existing trees, and be designed well for the steep slopes.

**Lot Sizes and orientation** – The land has good northern exposure, providing scope for designing a dwelling which takes advantage of solar access.

The proposed lot sizes are consistent with those in the immediate area; the smaller, new dwelling site, lot 2 is to be similar in size to the one adjoining to the south; however, it should be larger, taking into account its steepness and mature trees. Lot 1 for the existing dwelling would have to be larger too, with the access to lot 2 going through.

**Street Construction and Drainage** – must be to Council specifications. Council engineers have imposed detailed conditions to deal with drainage and access issues presented by the slope to the rear. All lots should continue to share the existing northern entry, subject to details being approved.

In summary, there could be better compliance for the subdivision with ResCode, with alternative access, and larger areas for both proposed lots 1 & 2. This has now been agreed in principle, see below.

### GENERAL PROVISIONS

#### Existing Use

The design could respond satisfactorily to Decision Guidelines in Clause 65, regarding neighbourhood amenity, drainage and access, with the modifications discussed above. However, the Existing Use provisions must be addressed, because it is clear from the plan and text accompanying the application, that it is intended to construct a new shed for the transport business, within proposed lot 3, to the rear of the site.

The Scheme says that a prohibited use may continue, provided *any condition or restriction to which the use was subject, continues to be met; this includes any implied restriction on the extent of the land subject to the existing use right, or the extent of activities within the use.*

Since the application is for subdivision only, these issues should be addressed with notes on the permit, and by requiring that reference to a future shed site be deleted from the plan to be endorsed.

### ASSESSMENT

The proposed subdivision's compliance with ResCode and the relevant state and local objectives could be satisfactory with amendments to access and larger lots 1 & 2. This would save more vegetation and provide better siting and design options in future, and can then be seen to make more efficient use of serviceable land in a major township, and should lead to environmentally sound and sustainable development. Whether this may include the retention of the transport business depends on the lodgement and consideration of a development application.

## 9. STATUTORY MATTERS

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

A meeting was chaired by the ward Councillor, with the 2 neighbours, applicant/consultant and Council officers. The above issues were discussed in detail, and the consultant agreed to put the alternative to his clients, i.e. use the existing entry at the northern end, through an easement along the frontage, making the lots commensurately larger. Alternative plans as such were subsequently lodged.

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

Nil

### **Recommendation**

*That Council issue a Notice of Decision to grant a permit for re-subdivision of the existing two (2) lots into three (3) lots at 23 Main Road, Hepburn Springs, in accordance with the endorsed plan subject to the following conditions:*

1. *Before the use and development commences three (3) copies of amended layout plans must be submitted to and approved by the Responsible Authority. These plans must be in accordance with the original plans submitted but must be amended to show:*
  - *access to proposed lot 2 through the front of proposed lot 1, lot 2 to have a minimum area of 660 square metres, and lot 1 to have a minimum area of 940 square metres; and with no reference to future buildings.*

*An endorsed copy of such plans will form part of this permit.*
2. *The subdivision as shown on the endorsed plan must not be altered or modified without the written consent of the Responsible Authority.*
3. *The applicant must pay to the Responsible Authority a contribution equivalent to five percent (5%) of the site value of all the land in the subdivision for open space purposes in accordance with Clause 52.01 of the Hepburn Shire Planning Scheme. This payment must be made prior to the issue of a Statement of Compliance. This contribution may be made on a pro rata basis in accordance with the development of each stage.*
4. *No trees on the site shall be felled, damaged, lopped or trimmed except those trees required to be removed, lopped or trimmed for the construction of any subdivision requirements specified below.*
5. *Erosion attenuation measures must be put in place during construction and to treat any exposed surfaces resulting from construction. These measures must be to the satisfaction of the Responsible Authority.*



## 9. STATUTORY MATTERS

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6. *Prior to use commencing all driveways and access roads, drains, banks, batter slopes, excavations and any other earthworks or structures appurtenant thereto associated with the development hereby permitted must be so constructed and maintained as not to create or increase soil erosions of the land, to the satisfaction of the Responsible Authority.*
7. *Council's Engineering Services Department:*
  - 7.1 *Stormwater is to be directed to the legal point of discharge being the reserve to the east of the property.*
  - 7.2 *All easements deemed necessary by the Responsible Authority shall be provided by the applicant regardless of whether they are through the subject land or through other titles.*
  - 7.3 *All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to commencement of construction. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land or adjoining roads to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties.*
  - 7.4 *Access to be common property.*
  - 7.5 *All costs incurred in complying with the above conditions shall be borne by the applicant.*
8. *Access and other works must be carried out to protect all utility installations during and after construction to the satisfaction of the Responsible Authority.*
9. *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 that Act.*
10. *The holder of this permit must include in any Contract of Sale advice of all the requirements of this permit.*
11. *An environmental assessment of the residual effects of the previous operation of the land must be undertaken by a person of approved professional competence. A report of the assessment, which particularly addresses the effect of contamination (if any) on the use of the land for residential purposes and which provides recommendations on appropriate methods of treatment, must be submitted for approval. Approved treatment works, as recommended by the report, must be completed prior to the issue of any Statement of Compliance under the Subdivision Act 1988 for the subdivision permitted. Such report must*

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## 9. STATUTORY MATTERS

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*be prepared and works undertaken to the satisfaction of the Responsible Authority in consultation with the Environment Protection Authority.*

12. Country Fire Authority:

12.1 **Subdivision plan not to be altered**

*The subdivision as shown on the endorsed plans must not be altered without the consent of the CFA.*

12.2 **Hydrants**

*Operable hydrants, above or below ground must be provided to the satisfaction of the CFA*

*The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200 metres apart.*

*Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).*

13. Central Highlands Region Water Authority:

13.1 *Any plan lodged for certification will be referred to the Central Highlands Region Water Authority pursuant to Section 8(1)(a) of the Subdivision Act.*

13.2 *Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Authority. This will include the construction of works and the payment of major works contributions by the applicant.*

13.3 *A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Water Authority. This will include the construction of works and the payment of major works contributions by the applicant.*

13.4 *The owner will provide easements to the satisfaction of the Central Highlands Region Water Authority, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Authority, over all existing and proposed sewerage facilities within the proposal.*

13.5 *If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.*

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**9. STATUTORY MATTERS**

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14. *Powercor Australia Ltd:*

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

14.2 *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 existing on the land to be subdivided and are connected to electricity supply, they shall be brought into compliance with the Service and Installations Rules issued by the Victorian Electricity Supply Industry.*

*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 approved. Such a lease shall be for a period for 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia will register such leases on the title by way of 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, to be located, on public roads set out on the plan. These easements shall be for the purpose of "Power Line" in favour of Powercor Australia Ltd.*

*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) of 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.*

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## 9. STATUTORY MATTERS

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*Provide to Powercor Australia Ltd's a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

15. *This permit will expire if the subdivision hereby permitted is either not commenced within 2 years of the date of this permit or not completed within 4 years from the date of issue. An extension of time may be sought in writing up to 3 months after the expiry of the permit.*

**NOTE:**

*This permit does not authorise any future buildings or works, except those to complete any subdivisional requirements.*

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

***Moved: Cr Bill McClenaghan***

***Seconded: Cr Heather Mutimer***

***Carried.***

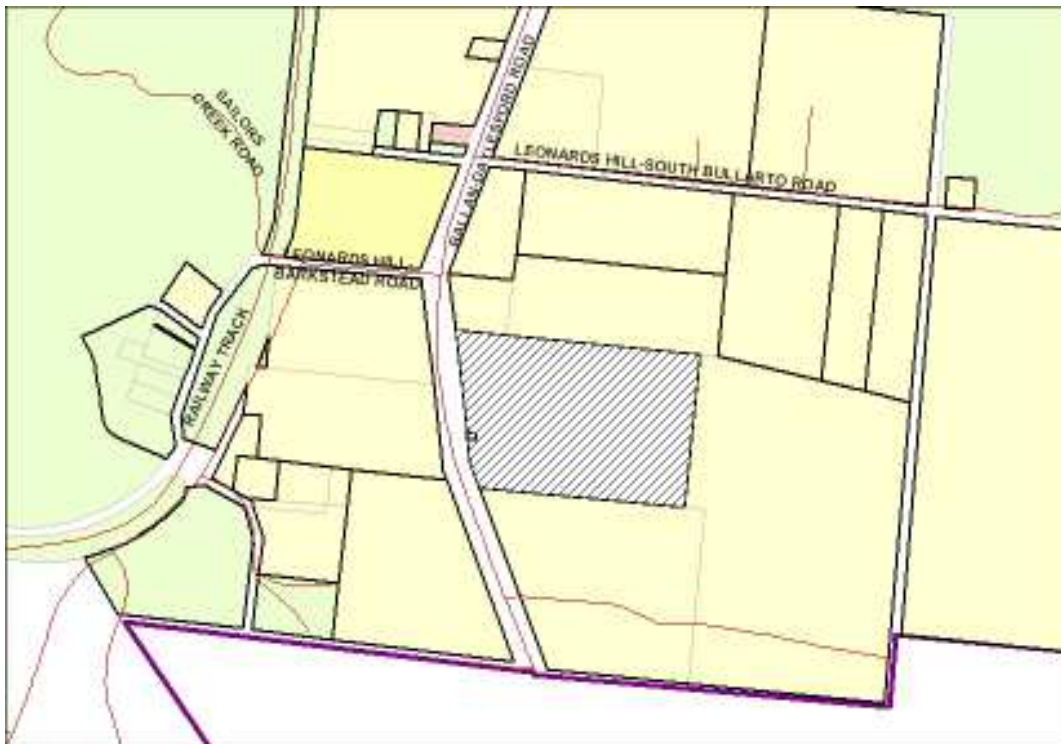
## 9. STATUTORY MATTERS

### 9.3 APPLICATION NO 2006/9231, PROPOSED: USE AND DEVELOPMENT OF LAND FOR WIND FARM ENERGY FACILITY INCLUDING ASSOCIATED BUILDING AND WORKS

(A/O – Planning Officer -1)  
**Synopsis**

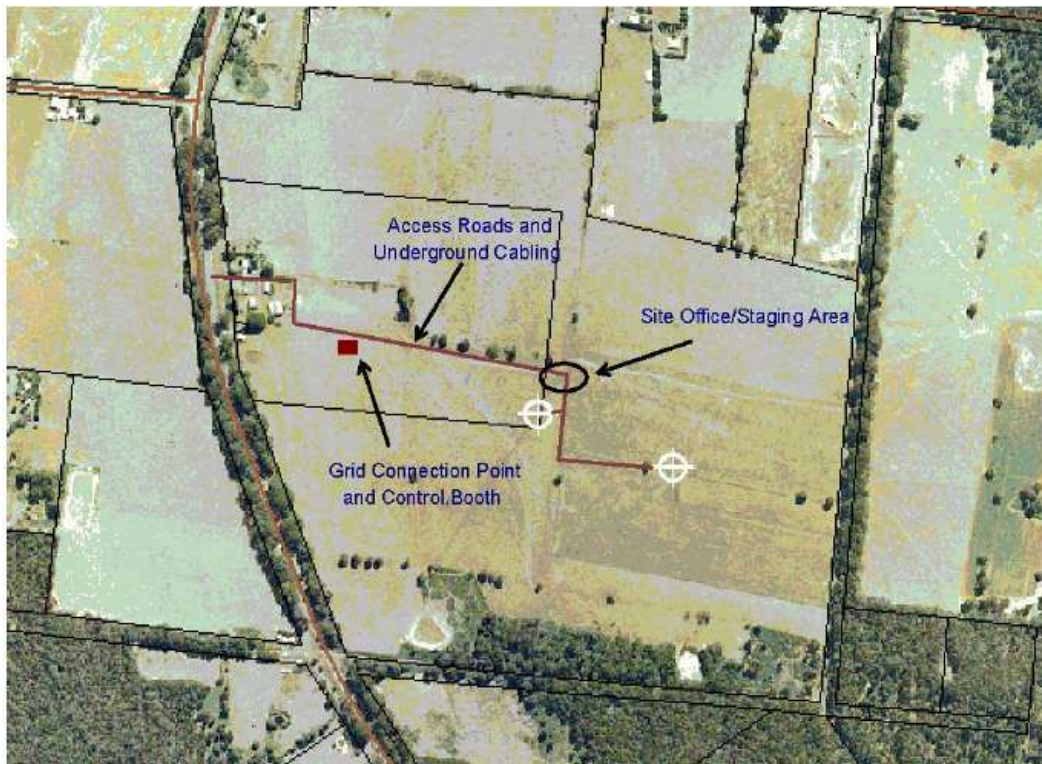
File Ref: 4/0360/02700/P

Applicant:	Hepburn Renewable Energy Association Inc
Location:	2040 Ballan – Daylesford Road, Leonards Hill
Proposal:	Use and development of land for wind energy facility including two (2) wind turbines and associated building and works at 2040 Ballan Daylesford Road, Leonards Hill.
Zoning:	Farming Zone (FZ)
Overlay Controls:	Environmental Significance Overlay - Schedule 1 (ESO1)
No of Submissions Received:	Objections – 18, Support – 325
Recommendation:	Grant a Notice of Decision to Grant a Permit



## 9. STATUTORY MATTERS

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**Wind Park Layout**

### BACKGROUND AND PROPOSAL IN DETAIL

The project consists of two, 2 Megawatt wind turbines located on the southern side of Leonards Hill. The height of each wind turbine generator to the tip of blade will be below 110m. A tower height of approximately 68 m and a blade length of approximately 41m has been proposed. The wind turbines shall be housed within nacelles which will be mounted on steel towers. The nacelle mounting allows it to pivot in all directions to ensure the blades are able to face directly into the wind at all times. The towers will have a diameter of approximately 4-5m and will taper to the top. The turbine blades rotate in a clockwise direction with varying speed between approximately 10-20rpm. Associated works would include grid connection, underground cabling, foundations, wind monitor mast, site office, hard standing areas for turbine assembly, access tracks, parking areas and lighting.

The facility will be owned and operated by a community owned co-operative. The site is privately owned and a 25 year lease has been secured with the landowner. A 22 kilovolt (kV) powerline runs through the property and will be used as the point of connection to the grid.

Leonards Hill is approximately 10 kilometers south of Daylesford. The subject site is located on the eastern side of the Ballan–Daylesford Road. Leonards Hill is a high point (approximately 741m AHD) on the Great Dividing Range, a broad east-west ridge, and rises approximately 50m above the surrounding country. The landform falls away to the Moorabool River in the south and more steeply into Sailors Creek in the north.

## 9. STATUTORY MATTERS

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Daylesford and Wombat Hill (approximately 662m AHD) are visible in the north. The landform is generally rounded ridges and rolling slopes dissected by valleys that vary from broad and flat to deep and distinct (eg. Sailors Creek valley). The site is cleared farming land used predominantly for cattle grazing as well as some potato cropping activities. It lies within a generally cleared corridor which follows the Ballan–Daylesford Road. The Wombat State Forest is beyond this corridor to the east and west.

The rural area is moderately populated with greater densities of residences occurring in the localities of Leonards Hill, Spargo Creek and Sailors Falls. The town of Daylesford is the main population centre. There is a public hall to the north-west of Leonards Hill and a reserve at Sailors Falls 4km to the north of the site. The Ballan Daylesford Road runs north-south to the west of the site, connecting Daylesford with Ballan (and the Western Freeway). There are a number of other minor link and local access roads in the area, including the Leonards Hill-South Bullarto Road to the north, Barkstead Road to the west, and Liversidges Lane and Telegraph Road off Ballan-Daylesford Road to the north.

The applicant has submitted the following detailed reports along with other supporting documentation:

- Steffen Report: *Stronger Evidence but New Challenges: Climate Change Science 2001- 2005*. Department of the Environment and Heritage, Australian Greenhouse Office, March 2006
- Landscape and Visual Assessment Study
- Fauna Assessment
- Noise Assessment
- Geotechnical Assessment Report
- Archaeological Assessment
- Assessment of Shadow Flicker
- Assessment of Electromagnetic Interference Issues

### REFERRAL AUTHORITIES

**Central Highlands Regional Water Authority** – no objection and no conditions required.

**Powercor** –

**Telstra** – no objection and no conditions required.

**Department of Sustainability and Environment** – no objection, requires the inclusion of permit conditions.

**Tenix** –

**North Central Cathment Management Authority** – no objection and no conditions required.

**Environmental Protection Authority** – no objection, comments made in relation to the application with no conditions required.

**Goulburn Murray Water** – no objection and no conditions required.

**Country Fire Authority** – no objection and no conditions required.

**Sustainable Energy Association of Victoria** – no objection and no conditions required.

**Civil Aviation Safety Authority** – no objection and no conditions required.

**Aboriginal Affairs Victoria** –

**Vic Roads** – no objection, requires the inclusion of permit conditions.

All detailed comments and submissions received from all parties to the said application are on the planning file.



## 9. STATUTORY MATTERS

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### REFERRAL WITHIN COUNCIL

**Engineering Services** – no objection, requires the inclusion of permit conditions.

**Environmental Officer** – no objection, requires the inclusion of permit conditions.

### ADVERTISING/NOTICE OF APPLICATION

Public notification of the application was undertaken by way of a letter to the landowners/occupiers to all the adjoining properties and to the landowners/occupiers of properties approximately within a 5km radius of the site within the identified visual corridor and in the newspaper for 28 days whilst the minimum statutory requirement is for 14 days only.

### OBJECTIONS

Council has received three hundred and twenty five (325) submissions in support of the proposal and eighteen (18) submissions to date which have objected to the proposal.

The stated grounds of objection have been summarised as per the following:

- Visual Impact/Intrusion of wind turbines on property's bush vistas.
- Noise Pollution.
- Land Values will be reduced as a result of this proposal.
- The proposal will impact upon safety of Ballan – Daylesford road.
- Detrimental impact of proposal on amenity of area – lack of passing traffic, remote location, and lovely rural outlook would be impacted upon by turbines.
- The proximity of the proposal to housing.
- No public consultation has been undertaken.
- A main concern is from shadow flicker and glint from turbine heads.
- The effect the proposal will have on the heritage of the region.
- The effect of the proposal on flora & fauna in the area.
- Electro magnetic interference effect.
- Impact on water quality.
- Public acceptability.
- Business viability.

Appropriate permit conditions are recommended in response to the objections.

### STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 11.02 – Goal of the State Planning Policy Framework (SPPF), seeks to ensure that the objectives of Planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 11.02-3 – Environment of the SPPF, refers to the various international and national agreements for ecologically sustainable development, including the Inter-Governmental Agreement on the Environment, the National Greenhouse Response Strategy and the National Strategy for the Conservation of Australia's Biological



## 9. STATUTORY MATTERS

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Diversity. The Strategies provide a '*broad framework*' for the development of strategies at the State level to encourage sustainable land use and development.

Clause 11.03-5 - Economic well-being of the SPPF, states that planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

Clause 15.09 Environment of the SPPF, sets out the conservation of native flora and fauna. The stated objective is to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 15.14 Renewable Energy of the SPPF, seeks to promote the provision of renewable energy, including wind energy facility, in a manner that ensures appropriate siting and design considerations are met. In particular, planning should:

- Facilitate the consideration of wind energy development proposals.
- Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year and may be highly localised.
- Consider the economic and environmental benefits to the broader community of renewable energy generation and the effects on the local environment.

The proposal is considered to have met the relevant State Planning Policies.

### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Notwithstanding the absence of specific local policy on wind energy facilities, the Hepburn Planning Scheme's Municipal Strategic Statement (MSS) outlines Council's commitment to appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The Structure Plan for Muskvale Leonards Hill Corridor at Clause 21.03-3 provides general guidance for land use and development in that specific corridor. Relevant objectives in the Structure Plan include:

- Ensure that development proposals consider presence of rare and threatened species.
- The Shire contains significant landscape features, forest areas and views that should be protected from inappropriate development.
- The site is outside areas identified in the Significant Landscape Overlay.

This application is consistent with the Municipal Strategic Statement (MSS) of the Council as the proposed wind park generates sustainable electricity energy resources and reduces greenhouse gas emissions associated with traditional energy production.

### ZONE, OVERLAY & SCHEME PROVISIONS

The following planning permissions are required:

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## 9. STATUTORY MATTERS

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The subject land is zoned Farming. Pursuant to Clause 35.07 the proposed wind park is a Section 2 Use and a permit is required.

The subject land is affected by Environmental Significant Overlay (Schedule 1). Pursuant to Clause 42.01-2, a planning permit is required for construction of building and/or works.

### Clause 52.32 - Wind Energy Facility

The purpose is to facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area. This clause applies to land used and developed or proposed to be used and developed for a wind energy facility and requires a permit.

The subject land is adjacent to a road designated by Vic Roads as Road Zone Category 1. Pursuant to Clause 52.29, a permit is required to create or alter access to such designated roadway.

### ASSESSMENT

The proposal is under the 30MW threshold by which the Minister decides the application. Hence Council is the Responsible Authority to make a determination on this application.

Before deciding on this application, in addition to the decision guidelines of zoning provisions and Clause 65, the Responsible Authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provisions.
- Any matter required to be considered in the Zone, Overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The views of the Sustainable Energy Association of Victoria about the contribution of the proposal to reducing greenhouse gas emissions.
- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.
- The impact of the development on significant views, including visual corridors and sightlines.
- The impact of the facility on the natural environment and natural systems.

## 9. STATUTORY MATTERS

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- The views of the Civil Aviation Safety Authority if within a 30 kilometre radius of an airfield.
- The Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2003.

The applicant in facilitating the location of wind energy facility applies a minimum setback of 500 metres from surrounding dwellings. Observation on site indicates the presence of 18 dwellings within 1 km of the proposed development site of which two are owned by the landowner. There are no specified setbacks to houses from the wind energy facility outlined in the Hepburn Shire Planning Scheme, and the use is permissible within the zone. Notwithstanding the absence of minimum setback distances, the Planning Scheme contains provisions relating to the location of industries bearing similar level of amenity impacts. Comparatively, the minimum setback of 500 metres from the wind energy facility is considered acceptable.

There is the aspect of the proposal that relates to the viability of existing energy sources, climate change and greenhouse effect. Victorian State Government planning and environmental policies encourage diversification of energy generation, develop the renewable energy sector and reduce the greenhouse gas emissions. It also supports increased investment in regional areas.

Sustainable Energy Association of Victoria has supported the proposal. The proposal also meets the *The Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2003*. It is considered that the proposed development accords with the findings of the recent planning panel relating to the Macarthur wind farm project.

The proposal will alter the visual amenity of the area surrounding Leonards Hill and to an extent the locality in general. At a height of 68m, the wind turbines and towers would appear intrusive when viewed in close proximity, yet less intrusive when viewed from afar. The design of wind energy facility is similar to that of other wind farms in Victoria and its location is important to ensure maximum wind flow through.

Noise is a concern. It is accepted that residents need to have a reasonable noise environment at their dwellings. Noise is a recognised problem when siting wind turbines in any proximity to residential properties. The *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* state that noise levels should comply with the *New Zealand Standard NZS6808:1988 Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators* ([www.standards.co.nz](http://www.standards.co.nz)). This requires that for nearby dwellings, the noise of the wind farm must be below 40 decibels (dBA) or 5 dBA above background noise levels, whichever is the greater. A full Noise Assessment has been carried out by Marshall Day Acoustics Pty Ltd. This assessment has found that all resident sites comply with the Guidelines.

Shadow flicker occurs when the sun is low on the horizon, near morning and evening, and the blades pass between the sun and an observer, or somebody is in the path of the shadow casts, thus the flickering effects. The permit application report has considered that a limited number of residences and areas will be subject to shadow flicker within acceptable limits. Blade glint occurs with reflection of the sun's rays off the turbine blades. In accordance with the recommendations contained within the Landscape and Visual Assessment the blades for the proposed wind park will be finished with low-reflectivity paint. This will ensure that any potential impact from blade glint will be minimised.

## 9. STATUTORY MATTERS

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In terms of electromagnetic interference, the permit applicant submits that if any television or radio reception is adversely affected it can be rectified by correcting the alignment of any existing antennas.

The proposed wind park is not considered to have an impact on nearby airfields. Civil Aviation Services Australia (CASA) have advised that, there are no certified or registered aerodromes within 15km of the proposed site and so the proposed wind farm will not infringe on the measured Obstacle Limitation Surface of a major aerodrome. However proponent may have a duty of care to local aviation users, such as recreational and general aviation operators, to ensure the wind turbines are always visible especially during periods of low visibility and during nightfall. Though the turbines are less than 110m in height above ground level they are still considered tall structures and may need to be included in the national data base of tall structures maintained by the RAAF.

The Department of Sustainability and Environment (DSE) and Council's Environment Officer have examined the issues related to biodiversity, flora and fauna. The Fauna Assessment report submitted by the applicant recommends that if the proposed wind park proceeds, the permit applicant is required to conduct operational phase fauna monitoring (in which impacts of the operation of the turbines are monitored), it will be necessary to conduct more detailed pre-operational fauna monitoring for comparative purposes. Appropriate permit conditions have been recommended.

The subject land is also affected by an Environment Significance Overlay Schedule 1 (ESO1). Schedule 1 refers to Proclaimed Catchment Protection and its objectives are to protect quality of water within catchments. It is a requirement of the overlay that all effluent disposal and stormwater must be managed and discharged to the satisfaction of the Responsible Authority. Goulburn Murray Water and North Central Catchment Management Authority have expressed no concerns.

No Aboriginal or European heritage issues have been identified.

Traffic and road safety issues have been addressed by VicRoads response and permit conditions.

Public Notification was extensively undertaken. Refer to previous text in report – "Advertising/Notice of Application".

Devaluation of land is not considered a planning matter. The impact of wind energy facility on surrounding property values is speculative, and has not been quantified at this stage. Reference is made to VCAT case.

This is a large project with the bulk of the funds going to purchase and erection of the wind turbines. The on-site roadworks, cabling and powerlines are a minor portion of the cost. The construction of the windfarm will not involve a large amount of earth works. The turbines will be brought to the site in prefabricated sections and assembled. Appropriate construction management, on going maintenance and decommissioning conditions have been included in the permit.

As with any industry that exploits a natural resource, wind power stations can be sited only where the resource, namely wind, is economically available. Close connection to existing electricity transmission grids is also essential in costing, making other locations

## 9. STATUTORY MATTERS

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with negligible visual and amenity impacts, an unlikely alternative. Accordingly, the subject land is ideally situated for the wind energy facility.

On balance it is considered that the wind farm will contribute positively to the environment of Leonards Hill. The permit applicant states that this facility is capable of providing a renewal energy supply equivalent to the domestic electricity needs of 2500 homes per year. The community shall be provided with a sustainable and environmental friendly renewable energy source which will meet a large part of its energy needs for at least 25 years. The proposal is considered to have contributed to a state-wide environmental outcome and accorded with the state's strategies on renewable energy source. The proposal provides for the proper and orderly development of the area.

In making this assessment, the concerns of the objectors have been taken into account and the proposal has been assessed against the decision guidelines of the Hepburn Planning Scheme and applicable sections of the Planning and Environment Act 1987 (as amended). The planning related issues raised in the objections to the proposal have been adequately addressed in this report and permit conditions apply in accordance with the provisions set out in the Planning and Environment Act 1987 (as amended).

It is recommended that a Notice of Decision to grant a planning permit is issued to the applicant in relation to the proposal for a wind energy facility.

### COMMUNITY/ENGAGEMENT/COMMUNICATION/CONSULTATION

Public notification of the application(s) was undertaken by way of a letter to the landowners/occupiers to all the adjoining properties and to the landowners/occupiers of properties approximately within a 5km radius of the site within the identified visual corridor and in the newspaper for 28 days whilst the minimum statutory requirement is for 14 days only.

### FINANCIAL & RESOURCE IMPLICATIONS INITIAL & ONGOING

Nil.

### **Recommendation**

*That Council having caused notice of Planning Application No. 2006/9231 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 Hepburn Planning Scheme in respect of the land known and described as 2040 Ballan Daylesford Road, Leonards Hill for the use and development of the land for wind energy facility including two (2) wind turbines (Model: Repower MM82 2 MW turbines) and associated building and works in accordance with the endorsed plans, with the application dated 02/11/06, subject to the following conditions:*

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## 9. STATUTORY MATTERS

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1. *Amended Plans:*

*Before the development starts, 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:*

- a) *The exact location of all wind generators (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) generally in accordance with the indicative layout submitted.*
- b) *The location, layout and dimensions of all buildings and works, including switchyards and buildings, the temporary works building and staging area, all roads, tracks, overhead distribution lines, underground cabling, car parking areas, construction lay-down areas and landscaping areas.*
- c) *The detailed design of wind generators (inclusive of nacelles, blades and foundations), including dimensions, elevations, materials and colours and finish of construction.*
- d) *Details of any signage proposed to be displayed as part of the wind energy facility which must be limited to:*
  - *Directional signage showing the location;*
  - *One logo or company identification for the wind energy facility operator or wind generator manufacturer displayed on each wind turbine; and*
  - *Signs required specifically in relation to site safety issues.*

2. *Layout Not Altered*

*The various activities forming parts of the use, the layout of the site and the size, and layout of the buildings and works and model of turbines as shown on the endorsed plans and as described in "The Permit Allows" shall not be altered or modified (whether or not to comply with any Statute, Statutory Authority or Local Law or for any other reason) without the consent in writing of the Responsible Authority.*

3. *Lighting & Specifications*

*No external lighting of infrastructure associated with the wind energy facility, other than low level security lighting where appropriate, and lighting as directed by CASA may be installed or operated without further consent from Hepburn Shire Council.*

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## 9. STATUTORY MATTERS

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4. *Amenity*

- 4.1. *All new electricity cabling associated with the collector network within the wind energy facility generator cluster must be placed under the ground with the exception of the overhead distribution lines within the grid corridor shown on submitted Layout Plan;*
- 4.2. *The access tracks within the site are to be sited to ensure minimum impacts on the site, including impacts on erosion and overland flows*

5. *Sediment Control*

Sediment, erosion and water quality control measures must be carried out to the satisfaction of the Responsible Authority, and as detailed in the 'Construction Techniques for Sedimented Pollution Control' published by the Environmental Protection Authority.

6. *Aboriginal Heritage*

*In the event of discovery of aboriginal artefacts and relics during the construction phase of the wind energy facility, all construction works must immediately cease and the procedures for managing and recording such findings must be activated in accordance with the Aboriginal Heritage Act 2006 and in consultation with the Aboriginal Affairs Victoria, Department of Victorian Communities.*

7. *Bats and Avifauna*

*A strategy for managing, recording and mitigating bird and bat strike arising from the wind energy facility operation must be maintained to the satisfaction of the Responsible Authority. The strategy may include procedures, protocols and management plans.*

8. *Noise*

- 8.1. *The operation of the wind energy facility must comply with the New Zealand Standard 'Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators' (NZ 6806:1998) (the 'New Zealand Standard'), in relation to any dwelling existing at the date of approval of this document to the satisfaction of the Hepburn Shire Council.*
- 8.2. *An independent post-construction noise monitoring program and report must be commissioned by the proponent within 2 months from the commissioning of the last generator to the satisfaction of the Responsible Authority.*

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## 9. STATUTORY MATTERS

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9. *Decommissioning*

- 9.1 *The wind energy facility operator must, without delay, notify the Hepburn Shire Council in writing as soon as all or any wind energy facility generators have permanently ceased to generate electricity, whether due to planned removal, faults or otherwise.*
- 9.2 *Within 12 months of that date, the wind energy facility operator, or in the absence of the operator, the owner of the land in which the relevant generator is located must restore the site to its pre-construction environment, including access roads not required for subsequent land management to the satisfaction of the Responsible Authority.*
- 9.3 *A revegetation management plan is to be submitted to the satisfaction of the Responsible Authority.*

10. *Blade Shadow Flicker and Electromagnetic Interference*

*The wind energy facility is to be constructed and maintained in a manner that minimises blade shadow flicker and electromagnetic interference on surrounding properties. The operator of the wind energy facility is responsible for monitoring and mitigating effects caused by blade shadow flicker and electromagnetic interference.*

11. *VicRoads:*

- 11.1 *Before the development starts, a 'Traffic Management Plan' to the satisfaction of VicRoads, in consultation with Hepburn Shire Council, must be submitted to VicRoads for approval. The Traffic Management Plan must include:*
- a) *Details on whether the access location point to the proposed development meets the safe intersection sight distance requirements specified in 'Austroads' "Guide to Traffic Engineering Practice, Part 5 – Intersections at Grade" and if not details of any mitigating works required to meet the sight distance requirements.*
- b) *Details of a 'Traffic Management Plan' showing traffic management on Ballan-Daylesford Road during the construction phase, including temporary speed zones, and times of operation in accordance with VicRoads 'Roadworks Signing Code of Practice'.*
- c) *A traffic impact assessment report to address traffic and access issues arising from the proposed development on the site during the construction phase.*
- d) *Details of what works are required on Ballan-Daylesford Road during the construction phase of the wind generated turbines and what works are required when the turbines are commissioned.*



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## 9. STATUTORY MATTERS

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12. *Department of Sustainability and Environment:*
- 12.1 *All works must minimise soil erosion and sedimentation in accordance with Environmental Protection Authority recommendations detailed in the 'Construction Techniques for Sediment Pollution Control' No 275, May 1991.*
- 12.2 *To prevent the spread of weeds and pathogens:*
- a) *All track construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being taken from the works site on completion of the project.*
- b) *All road-making and maintenance material such as rock, gravel and sand required for the project must come from an area free of weeds.*
13. *This permit will expire if the use and development hereby permitted is either not commenced within two (2) years of the date of this permit or not completed within four (4) years from the date of issue. An extension of time may be sought in writing up to 3 months after the expiry of the permit.*

### **Notations:**

- a) Development  
*The use and/ or development allowed by this permit shall be undertaken and completed in accordance with the standards and requirements outlined by the Hepburn Shire Council.*
- b) Building Approval Required  
*This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.*
- c) Vegetation Control  
*A planning permit is required to remove, destroy or lop vegetation on the land, except in accordance with an exemption specified in the State Section of the Planning Scheme; exemptions include the minimum area necessary for the construction of a dwelling and or buildings or vehicle access ways ancillary to a dwelling, or to comply with a fire prevention notice.*
- d) Industry Requirements  
*The use and development hereby permitted must at all times be carried out in accordance with the provisions of the relevant legislation*
- e) Department of Sustainability and Environment Requirement  
*This permit does not authorise native vegetation removal. No native vegetation (including understorey and grasses) shall be removed from the land on the endorsed plan without a valid planning permit unless removal complies with exemption clauses in the Hepburn Planning Scheme.*

## 9. STATUTORY MATTERS

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***Moved the Officer's Recommendation with the following amendments as underlined:***

**A.**

**1. Amended Plans:**

- a) ***The exact location of all wind generators (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) generally in accordance with the indicative layout submitted and with each turbine being located no less than 500 metres from a dwelling.***

**3. Lighting and Specifications.**

***The overall height of each wind turbine, including blades, shall be no greater than 109 metres when measured from the natural ground and no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting where appropriate, and lighting as directed by CASA may be installed or operated, without further consent from Hepburn Shire Council.***

**B.**

***That the amended plans for this development and any other future applications for amendment to the permit be referred to and Ordinary Meeting of Council for approval and endorsement.***

**Moved: Cr Janine Booth**

**Seconded: Cr David Smith**

**FOR: Councillors Booth and Smith**

**AGAINST: Councillors Mutimer and McClenaghan**

***The Motion was carried with the Mayor's casting vote.***

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## 9. STATUTORY MATTERS

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### 9.4 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, AND ROBERT STEPHEN PRESTON, PLANNING PERMIT NO 2006/9003

(A/O – Planning Administration Officer)

File Ref: 1/3725/00977/P

#### Synopsis

This report concerns a Section 173 Agreement provides that the detached building must not be used as a self contained residence on the subject lot at Lot 1, TP 751427J, Parish of Springhill, under Condition 1 of Planning Permit 2006/9003, issued for a detached extension to existing dwelling (study, deck, balustrade) and construction of an outbuilding (garage).

Applicant: ROBERT STEPHEN PRESTON

Property: 383 KINGSTON ROAD, KINGSTON  
LOT 1, TP 751427J, PARISH OF SPRING HILL

#### Report

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

The agreement provides that the detached building must not be used as a self-contained residence and must not include a kitchen sink or food preparation facilities on Lot 1, TP 751427J, Parish of Springhill, under Condition 1 of Planning Permit 2006/9003.

#### Relevant Policies / Council Plan implications:

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

#### Financial Implications

Nil

#### Recommendation:

That Council:

9.4.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Robert Stephen Preston, as detailed under item 9.4.*

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

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

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## 9. STATUTORY MATTERS

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### 9.5 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, AND IAN FRANCIS WELCH AND PRICILLA MARGARET WELCH, PLANNING PERMIT NO 2005/8577

(A/O – Planning Administration Officer)

File Ref: 2/6060/00200/P

#### Synopsis

This report concerns a Section 173 Agreement that provides for planting works, a weed control program, and operation and maintenance of the wastewater treatment system and effluent disposal facility under Condition 9.1 of Planning Permit 2005/8577, issued for the use and development of the land for a dwelling.

Applicant: IAN FRANCIS WELCH AND PRICILLA MARGARET WELCH

Property: 2300 MIDLAND HIGHWAY, SPRINGMOUNT  
CA 2, SECTION G, PARISH OF SPRING HILL

#### Report

The land owner/applicant is to enter into an agreement with the Responsible Authority and Central Highlands Region Water Authority pursuant to Section 173 of the Planning and Environment Act 1987.

The agreement provides for planting works, a weed control program and operation and maintenance of the wastewater treatment system and effluent disposal facility under Condition 9.1 of Planning Permit 2005/8577.

#### Relevant Policies / Council Plan implications:

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

#### Financial Implications

Nil

#### Recommendation:

- 9.5.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, Central Highlands Water Authority and IAN FRANCIS WELCH AND PRICILLA MARGARET WELCH as detailed under item 9.5*

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

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

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## 9. STATUTORY MATTERS

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### 9.6 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, AND NOEL EDWIN BOMPHELY, PLANNING PERMIT NO 2004/8332

(A/O – Planning Administration Officer)

File Ref: 3/4960/00284/P

#### Synopsis

This report concerns a Section 173 Agreement that provides that there will be no further subdivision of either Lots created at the subject lot at Lot 2, LP 203286, Parish of Bullarook, under Condition 2 of Planning Permit 2004/8332, issued for a two (2) lot subdivision (house lot excision) as per the endorsed plans.

Applicant: NOEL EDWIN BOMPHELY

Property: 230 NEWLYN RESERVOIR ROAD, NEWLYN  
LOT 2, LP 203286, PARISH OF BULLAROOK

#### 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 provides that there will be no further subdivision of either Lots created at the subject lot at Lot 2, LP 203286, Parish of Bullarook, under Condition 2 of Planning Permit 2004/8332

#### Relevant Policies / Council Plan implications:

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

#### Financial Implications

Nil

#### Recommendation:

9.6.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Noel Edwin Bompheyl, as detailed under item 9.6.*

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

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

## 10. STRATEGIC MATTERS

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### 10.1 HEPBURN PLANNING SCHEME AMENDMENT C28-REVIEW OF WILDFIRE MANAGEMENT OVERLAY

(A/O – Senior Strategic Planner)

File Ref: 66/20/04/C28

#### **Synopsis**

In June 2004 Council adopted revised mapping for its Declared 'Bushfire Prone Area' (BPA) in accordance with the Building Regulations, to take effect from 1 July 2004. At the same meeting Council authorised the preparation of an amendment to the Hepburn Planning to change the Wildfire Management Overlay maps of the planning scheme to correspond with the revised 'Bushfire Prone Area' map. The amendment was placed on public exhibition from 25 March to 1 May 2006.

One submission was received from the Friends of the Box-Ironbark Forests asking Council to abandon the amendment. As this submission was not capable of being resolved, Council referred the submission to a panel.

The Panel has considered the amendment in conjunction with the submission lodged, and at a hearing on 20 December 2006, received presentations from the submitter, two on behalf of the CFA and one on behalf of Council. The Panel has now forwarded its report for Council's consideration.

#### **Report**

##### Background

In June 2004, Council declared a BPA under the provisions of the Building Regulations. The declaration requires that buildings constructed in the declared areas must comply with Australian Standard AS 3959 for construction of buildings in bushfire prone areas.

The Victorian Planning Provisions (VPPs) contain a Wildfire Management Overlay (WMO) that aims to identify areas of high wildfire risk and requires planning permits for uses such as accommodation.

Council applied the WMO to parts of the Hepburn Shire when it adopted the new format planning scheme in June 2000.

The VPP Practice Note on '*Planning for Bushfire Protection*' states that Councils should review their mapping of the WMO based on the latest CFA data, and align it with the declared BPA map.

##### Amendment

The amendment will update the WMO mapping and resolve previous inconsistencies between mapping under the Building Regulations, and the Planning Scheme.

##### Exhibition

The amendment was placed on public exhibition as required by the *Planning and Environment Act 1987* (P & E Act) commencing with newspaper advertisements on Saturday 25 March. It was available for public submissions until Monday 1 May 2006. The amendment was widely advertised in newspapers circulating locally and state-wide. However, due to the very large number of properties affected, individual notification was not carried out.

## 10. STRATEGIC MATTERS

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### Submissions

One submission was received during the exhibition period, from the Friends of the Box-Ironbark Forests (Mount Alexander Region) Inc.

The main points raised by the submission were:

- The introduction of a new bushfire risk assessment method (the building in a WMO, Applicants Kit) to large areas of the Shire, which was previously assessed under the Building regulations (AS 3959). The kit gives a less stringent bushfire risk assessment than the AS 3959 hence the amendment will increase the threat to life and property from wildfire.
- Believe the amendment should be abandoned until action is taken to bring the kit into line with AS 3959.

Council wrote to the Friends of the Box-Ironbark Forests asking them to withdraw their objection to Amendment C28.

Further discussion was held with the Friends group, making them aware that Council had no way of making changes to the CFA kit, and that it was not the role of this amendment to do so.

The Friends group provided Council with another letter, stating that they see no reason for withdrawing their objection to the amendment.

Section 23. (1) of the P & E Act states:

*After considering a submission which requests a change to the amendment, the planning authority must—*

- (a) change the amendment in the manner requested; or*
- (b) refer the submission to a panel appointed under Part 8; or*
- (c) abandon the amendment or part of the amendment.*

### Panel

Any Panel appointed must consider all submissions referred to it and give a reasonable opportunity to be heard to any person who has made a submission referred to it, the planning authority (Council), any responsible authority or municipal council concerned, and any person whom the Minister or the planning authority directs the panel to hear.

Under the legislation, the panel must report its findings to Council and Council may make any recommendation it thinks fit. Council may make the panel's report available to the public at any time after it receives the report and must make it available once Council has decided whether or not to adopt the amendment; or when 28 days have elapsed since it received the panel's report. The report must be kept available for inspection until the end of two months after the amendment comes into operation or lapses.

Council must consider the panel's report before deciding whether or not to adopt the amendment. A copy of the panel report is also given to the Minister for Planning. If Council decides not to adopt any panel recommendations it must give the Minister the reasons why any panel recommendation was not adopted.

## 10. STRATEGIC MATTERS

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The panel in preparing its report has considered Council's submission together with the submission lodged with Council during the exhibition period, and the written submissions presented to the panel by Mr Frank Panter (Friends of the Ironbark) and the CFA.

A full copy of the Panel Report has been previously circulated to all Councilors. Based on the reasons set out in its report, the Panel makes the following primary recommendations to Council:

1. Amendment C28 to the Hepburn Planning Scheme should be adopted without any modifications.
2. The Council, in consultation with the CFA, should review the application of the WMO in the Scheme at least every three years.

Two further recommendations have been made to the CFA.

It is now proposed that the amendment be adopted in accordance with the Panel's recommendations, and be submitted to the Minister for Planning for approval.

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

#### Council Plan

Objective Two – Protect, improve and enhance the natural and built environment.

#### Hepburn Planning Scheme

Policy support for the WMO is found in the:

- State planning provisions: Clauses 15.07 Protection from Wildfire, 16.01 Residential development for single dwellings, and 19.01 Subdivision); and,
- Local planning policies: Clauses 21.01 Municipal Profile, 21.02 Key Influences, and 21.09 Environment and Heritage.

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

- Direct Consultation with CFA Region 15 prior to exhibition.
- Statutory exhibition process as prescribed by the P & E Act.
- Newspaper advertisements in Herald-Sun, Courier, Midland Express and Advocate at start of exhibition period.
- Government Gazette at start of exhibition period.
- Briefing Session with Captains of all local CFA Brigades at start of exhibition period.
- Public Information Night early in exhibition period.

### **Financial Implications**

The costs for the preparation and exhibition of the proposed amendment have been covered within the current Strategic Planning Budget.

Panels Victoria advised Council that "*The Minister for Planning granted a blanket waiver for all Amendment Fees associated with Amendments dealing with Wildfire Management Overlays, and a similar waiver also applies to the Panel Fees and expenses*". Council should however formally request from the Minister an exemption from the adoption fee.

The amendment would increase the amount of WMO areas within the Shire; however it has removed the application of the WMO from the major towns of Clunes, Creswick, Daylesford, and Trentham. Therefore the number of applications subject to WMO



## 10. STRATEGIC MATTERS

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approval should be balanced. There would be negligible effect on Council's statutory planning operational cost due to this amendment.

Costs to landholders will be reduced, by ensuring that only one site assessment will be required at the planning permit stage, reducing the cost and delay in the subsequent issue of a building permit.

### **Recommendation:**

*That Council resolve to:*

- 10.1.1 *Adopt Amendment C28 in accordance with Section 29 of the Planning and Environment Act 1987 as exhibited and adopt the Panel's recommendations numbered 1 and 2 as set out in this Council report.*
- 10.1.2 *Submit the adopted Amendment C28 in accordance with Section 31 of the Planning and Environment Act 1987 (together with the prescribed information) to the Minister for Planning for approval.*
- 10.1.3 *Request the Minister for Planning to exempt Council from fees for the approval of Amendment C28 (in accordance with Section 35 of the Act) and giving notice of approval of the amendment (in accordance with Section 36 of the Act) under Section 13 of the Planning and Environment (Fees) Regulations 2000.*
- 10.1.4 *That the Friends of the Box-Ironbark Forests (Mount Alexander Region) Inc. be advised of Council's decision.*
- 10.1.5 *Release the Panel Report for public examination immediately.*

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

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

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## 10. STRATEGIC MATTERS

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### 10.2 HEPBURN PLANNING SCHEME AMENDMENT C39: CONSEQUENTIAL MINOR CORRECTIONS TO HERITAGE OVERLAY- ADOPTION AND APPROVAL

(A/O– Strategic/Statutory Planner)

File Ref: 66/20/04/C39

#### **Synopsis**

Following the gazettal of Amendment C15 a small number of unintended mapping inconsistencies in the Heritage Overlay maps were revealed. A further amendment was required to correct these. The amendment is now available for adoption and approval by Council.

#### **Report**

The unintended inconsistencies were comprised essentially of gaps in the Heritage precincts created where previous errors were corrected by moving an incorrect map notation to the correct site. Rather than automatically filling the gaps with the underlying precinct overlay, DSE advised that a further amendment was required to close those gaps. A request was made for a Ministerial amendment. However as this request was not supported by DSE, Council was required to prepare the amendment itself.

The Minister authorised Council to prepare and exhibit an amendment with a reduced level of notification (i.e. notice given to “prescribed Ministers” and published in the Government Gazette only, for a period of two weeks). The Minister also authorised Council itself to formally approve the amendment provided that the amendment is substantially in the form authorised, and it is certified by the Secretary, Department of Sustainability and Environment to be technically acceptable for approval.

No submissions have been received and it would be appropriate for Council to adopt the amendment as authorised and exhibited, to seek the “certification” required to enable its approval, and subject to that certification to approve the amendment.

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

Hepburn Planning Scheme

Council Plan Objectives No. 2 - Service Delivery, No. 3 – Asset and Resource Management, No. 5 – Heritage and Environment

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

Extensive consultation was carried out as part of the Amendment C15 process. As this amendment is essentially an administrative correction no further consultation was required.

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

There is a current budget allocation for the review and amendment of the Hepburn Planning Scheme.

#### **Recommendation:**

*That Council:*

- 10.2.1 *Resolve to adopt the amendment under section 29 of the Act.*
- 10.2.2 *Send the amendment as adopted to the Secretary of the Department of Sustainability and Environment for certification.*
- 10.2.3 *Subject to obtaining that certification, approve the amendment in the form certified in accordance with section 35B of the Act.*

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**10. STRATEGIC MATTERS**

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***Moved the Officer's recommendation.***

***Moved: Cr Heather Mutimer***

***Seconded: Cr Janine Booth***

***Carried.***

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## 11. ITEMS FOR NOTING

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### 11.1 ANIMAL MANAGEMENT ACTIVITIES FOR FIRST QUARTER

(A/O – Compliance Co-ordinator)

File Ref: 02/04/01

#### Synopsis

Domestic animal management and issues surrounding pet ownership is an area that is continually being monitored by the Compliance section.

Continual improvement of programs, processes and community education is a key to responsible pet ownership which ultimately results in reduced levels of enforcement and effect on community amenity.

#### Report

In 2007, domestic animal management will again be a focus, particularly in the first quarter of the year.

Planning is currently underway for a pet microchip day to be held in Daylesford on the 23<sup>rd</sup> March at Jubilee Lake which will also be the location and date for the “Paws Around The Lake” event designed to bring pet owners together and socialise their dogs. There will be lucky prizes, giveaways and sausage sizzle on the day and this will also be an opportunity to showcase Jubilee Lake and Hepburn Shire Council.

Council will also be introducing the “Lifetime registration tag” system starting this year. New stainless steel registration tags will now be issued with a unique number for each animal and this number will remain for the life of the pet.

Each year pet owners will still receive a renewal notice for their pets registration however, new tags will not be issued unless they are requested due to being lost.

As of the 1<sup>st</sup> May, the State Government have made it mandatory for all pets to be microchipped if their owners are applying for registration for the first time or do not have current registration with their Municipalities.

Councils will be unable to approve registration for pets for the first time or approve registration for those pets that do not have current registration unless they have been microchipped. A strategy will be developed to ensure that these pets are both microchipped and registered with Council once it has been established that neither has taken place.

A domestic animal registration check doorknock will take place during May in Daylesford and Hepburn which will give several weeks after the due by date for registrations being the 10<sup>th</sup> of April, for pet owners to ensure that their pets are registered.

#### Relevant Policies / Council Plan implications:

Domestic (feral & nuisance) Animals Act 1994

Domestic Animal Management Plan

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## 11. ITEMS FOR NOTING

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

The "Paws Around the Lake" event is a Hepburn Healthy Communities project.

A series of press releases, touching on all the identified domestic animal matters over the next three months has been developed. Details of events and legislation changes will also be provided on flyers which will accompany registration renewals in March.

Pet registration advisory signage will be erected on all major roads entering Daylesford and Hepburn this year which identifies the 10<sup>th</sup> of April as the cut off date.

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

The initial cost of the stainless steel registration tags is approximately double to the annual cost of the current plastic tags however, there will be minimal ongoing annual costs with only replacement tags having to be purchased.

Current Compliance and administrative staff will manage both the Microchip and Paws walk events.

### **Recommendation:**

*That Council:*

- 11.1 1. *Note the animal management activities for the first quarter and Councillors consider attendance at the events at Jubilee Lake on the 23<sup>rd</sup> March 2007.*

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

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

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## 11. ITEMS FOR NOTING

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### 11.2 2006/2007 FIRE PREVENTION ACTIVITIES

(A/O – Compliance Co-ordinator)

File Ref: 28/01/01 & 28/08/03

#### Synopsis

Municipalities throughout Victoria have an obligation under the CFA Act 1958 to develop Fire Prevention Plans or strategies. An element of the plan is to develop an annual process that addresses fire risks in the community.

#### Report

The Municipal Fire Prevention Officer and assistants carry out a designated inspection program of fuel loads on private land in Township areas and also on Council owned and managed land each year starting around late October and running through to mid January depending on climatic conditions.

Fire prevention notices are issued to properties that are either defined after assessment as having fire hazardous fuel loads that pose a risk to life or dwelling or that may become a risk to life or dwelling in the event of a fire.

Numerous other fire prevention related activities are carried out each year which in combination substantially reduces the risk to the community from the effect of fire.

The following are activities and statistics from the 2006/07 Municipal Fire Prevention Program:

#### **Clunes:**

291 fire prevention notices issued.

31 properties found to be in breach after allocated time period lapsed

#### **Creswick:**

166 fire prevention notices issued.

19 properties found to be in breach after allocated time period lapsed.

#### **Broomfield, Allendale, Kingston, Smeaton, Newlyn:**

52 fire prevention notices issued.

13 properties found to be in breach after allocated time period lapsed.

#### **Daylesford, Hepburn, Muskvale, Sailors Falls, Franklinford, Yandoit**

496 fire prevention notices issued.

61 properties found to be in breach after allocated time period lapsed.

#### **Coomoora, Wheatsheaf, Glenlyon**

95 fire prevention notices issued.

7 properties found to be in breach after allocated time period lapsed.

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## 11. ITEMS FOR NOTING

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### **Bullarto, Lyonville, Trentham**

174 fire prevention notices issued.

13 properties found to be in breach after allocated time period lapsed.

There is a clear link between the variance of statistics above in each area and the percentage of absentee property owners in each township.

As indicated above, 1274 fire prevention notices were issued prior to Christmas 2006 throughout the Municipality, with an 11% rate of non-compliance with the notices. The equivalent statistics for 2005/06 were 1505 fire prevention notices issued with a non-compliance rate of 14%.

Other Council fire prevention projects of note for 2006/07 were the completion of the Franklindford static water supply, the construction of the hard standing area at the Glenlyon Dam, the fire access road construction on Tori's Road, Glenlyon and the erection of ten new fire danger period signs in the Municipality,

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

Municipal Fire Prevention Plan

Municipal Emergency Management Plan

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

Community fire meetings, media releases, Municipal Fire Prevention Meetings/ programs and advisory flyers to property owners in October have all contributed to community understanding and acceptance of fire risk and of the agencies that are focused on providing as much information as possible to assist residents in making decisions about their properties and steps to take before and during a fire event.

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

Compliance staff carry out these activities on an annual basis.

### **Recommendation:**

*That Council:*

11.2.1 *Note the information provided.*

### ***Moved the Officer's recommendation***

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

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**12. CONGRATULATIONS / APPRECIATION**

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Motion:

That Council forward a letter of Congratulations to the following Hepburn Shire residents on being awarded the Member of the Order of Australia.

***Dr Diane Stapleton Bretherton***

*The Citation read:*

*For service to psychology as an academic, particularly through the advancement of scholarship in the areas of peace, mediation and conflict resolution and to the community as an advocate for the prevention of violence.*

*and*

***Mrs Alla Wolf – Tasker***

*The Citation read:*

*For service to the development and promotion of regional tourism and the hospitality industry through a range of organisations.*

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

Motion:

That a letter of congratulations be forwarded to the President and members of the Daylesford Spa Country Tourist Railway on having the (63 RM) 76 year old diesel electric rail motor restored and back on the rails.

**Moved: Cr Heather Mutimer**  
**Seconded: Cr David Smith**  
**Carried.**



**13 ORDINARY BUSINESS**

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Nil.

**14. NOTICE OF MOTION**

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**Notice of Motion:**

**THAT**

**Council, having reviewed the vehicle and pedestrian traffic situation in Vincent Street Daylesford, resolve to proceed with the construction of a legal pedestrian crossing and a review of other parking, traffic and access issues in that street for submission to the 2007/2008 Budget Process.**

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

**CLOSE OF MEETING: The Meeting closed at 9.10pm.**

**ATTACHMENTS**

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- ATTACHMENT 1** (Item 3.1) Minutes of the Ordinary Meeting Of Council – January 2007.
- ATTACHMENT 2** (Item 6.1) International Women’s Day – **CONFIDENTIAL ATTACHMENT**
- ATTACHMENT 3** (Item 6.3) Audit Committee Membership – **CONFIDENTIAL ATTACHMENT**
- ATTACHMENT 4** (Item 6.4 ) Drought Information Brochure
- ATTACHMENT 5** (Item 8.1) Establishment of Culture and Arts Advisory Committee – Terms of Reference.

**ATTACHMENT 1**

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**Minutes of The Ordinary Meeting Of Council  
Held On 16 January 2007.**

The minutes will be tabled at the meeting.

**ATTACHMENT 2**

**ITEM 6.1 INTERNATIONAL WOMEN'S DAY**

**CONFIDENTIAL ATTACHMENT**

**ATTACHMENT 3**

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**ITEM 6.3 AUDIT COMMITTEE**

**CONFIDENTIAL ATTACHMENT**

**ATTACHMENT 4**

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**ITEM 6.4 DROUGHT INFORMATION BROCHURE**

**ATTACHMENT 5**

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**HEPBURN SHIRE COUNCIL  
CULTURE AND ARTS ADVISORY COMMITTEE  
TERMS OF REFERENCE**

**1. INTRODUCTION**

These terms of reference have been prepared for the Hepburn Shire Council's Culture and Arts Advisory Committee and were adopted by Council on 20 February 2007.

The Culture and Arts Advisory Committee was appointed by Council to advise Council on matters pertaining culture and the arts in the Shire.

Council formally resolved to establish the Culture and Arts Advisory Committee at the Council meeting of 20 February 2007.

**2. OBJECTIVES**

- 2.1 Provide advice on general culture and arts policy and strategies (including indigenous culture and arts).
- 2.2 Encourage the valuing of and the importance of nurturing culture and arts within the Shire as a valued community asset and acknowledge its role in the social health and contribution to the well being of the community.
- 2.3 Provide advice on the culture and arts requirements, use and development of new and existing facilities including Shire Halls and community facilities
- 2.4 Develop and maintain an Arts register of artists, arts organisations, and arts-related businesses within the Shire.
- 2.5 Provide advice on the development, protection and promotion of culture and arts activities within the Shire and their economic viability and sustainability
- 2.6 Provide advice on broad education initiatives and policy relating to culture and the arts throughout the Shire including but not limited to skills development for practising or aspiring artists, art appreciation and involvement in the arts
- 2.7 Work with the Community Culture and Arts Liaison Officer and other relevant Council Officers whose work impinges on the activities and area of interest of the Culture and Arts Advisory Committee.
- 2.8 Promote healthy networks of artists, arts organisations and arts-related businesses to maximise the potential, success and community strengthening attributes of arts within the Shire.
- 2.9 Encourage visiting artists, performances, demonstrations and exhibitions to the Shire to expand the community's and artists' vision of their own and other arts forms and their potential.



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**ATTACHMENT 5**

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- 2.10 Encourage the networking and exchanges of work (exhibitions, performances etc) between this Shire and neighbouring Shires.
- 2.11 Encourage and assist artists, arts-based or arts-oriented business in the Shire.
- 2.12 Provide policy advice on the establishment and maintenance of a Council Collection which might include visual arts, music recordings, photography, recordings of performances etc as both an historical and cultural record and enhance the community's access to art forms.
- 2.13 Encourage and develop policy on public arts purchase and installation throughout the Shire.
- 2.14 Cross reference with the Heritage Advisory Committee on the arts and cultural aspects of heritage, built environment and natural environment and facilitate the collection, promulgation, dissemination and "telling" of the stories of the Shire.

**3. MEMBERSHIP OF THE COMMITTEE**

- 3.1 The committee shall be comprised of:
  - At least one Councillor
  - Community Culture and Arts Liaison Officer
  - Manager Community Services
  - At least one young person (under 25 years)
  - A representative of the Heritage Advisory Committee
  - At least one representative of business organisations
  - At least one representative of arts organisations
  - At least one representative of practising artists

The committee may only comprise a maximum of 14 members

**4. OPERATION OF THE COMMITTEE**

- 4.1 The members of the Culture and Arts Advisory Committee, hereinafter referred to as the "Committee", are appointed by Council and may at any time be removed from the Committee by resolution of Council.
- 4.2 The members mentioned in 4.1 are appointed for a maximum period of two years with half of the committee to be replaced annually. Prior to the term expiring or as soon after as practical, Council will call afresh expressions of interest.
- 4.3 Council's Local Law No. 1 *Meeting and Common Seal* applies to the operations of the Committee.
- 4.4 Council's Chief Executive Officer and other appropriate staff may attend meetings to participate and present reports and advice.
- 4.5 Members who do not attend three consecutive ordinary meetings of the Committee without apology will have their appointment to

**ATTACHMENT 5**

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the Committee rescinded from that last missed ordinary meeting date.

- 4.6 The Committee shall hold ordinary meetings a minimum of four times per year that are open to public and report to Council at least once every six (6) months.
- 4.7 The Committee shall arrange annually a meeting with the broader stakeholders/strategic partners
- 4.8 The Committee shall elect a chairperson from their members annually.

**5. LEGAL COVERAGE FOR MEMBERS OF COMMITTEE**

Council's Insurance provides indemnity coverage for members of Council Committees who are acting on behalf of Council in good faith and in accordance with the relevant terms of reference.

**6. OUT OF POCKET EXPENSES:**

Council will cover reasonable travel expenses for members of the Committee to attend meetings and other functions/events that they are required to attend as a Committee member outside of Daylesford. Travel expenses are calculated on the distance required to be travelled to attend such a meeting outside of Daylesford, normally from the person's home within the Shire to the meeting and return journey.

The rate of reimbursement for travel will be at the rate set for Hepburn Shire Councillor reimbursement rates.

If there are other out of pocket expenses then these should be brought to the attention of Council's Chief Executive Officer or the Chairperson for resolution. Approval must be sought for such expenses from the Chief Executive Officer prior to them being incurred

