



# **HEPBURN SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

7pm Tuesday  
21 August 2007

**Glenlyon Hall, Malmsbury Rd**

## 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  
GLENLYON HALL, GLENLYON ON TUESDAY 21 AUGUST 2007  
COMMENCING AT 7 PM**

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**CLOSE OF MEETING:**

**ATTACHMENTS**

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**CR DAVID SMITH, JP**  
**MAYOR**  
**22 AUGUST 2007.**

## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

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

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

**IN ATTENDANCE:** Chief Executive Officer, Victor Szwed; Director Infrastructure & Development, Rod Conway; Director Corporate Services, Chris Cowley.

The Mayor opened the meeting with a reading of the Council prayer.

### **OPENING PRAYER**

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

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

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

This we pray. Amen

**NOTE: The Mayor, Councillor David Smith, sadly recognized the passing of Robert Frost, who had served in various roles for Council over several years, and who was a well known member of the community, through his work with the CFA and other groups.**

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

#### **3.1 ORDINARY MEETING OF 17 July 2007.**

##### **Recommendation:**

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

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

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

## **5. COUNCILLOR REPORTS AND CONGRATULATIONS**

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This part of the Council Meeting allows 30 minutes for:

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

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

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

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

### **PETITIONS:**

#### **4.1 PETITION – CRITERION COURT CLUNES**

(A/O – Director Infrastructure & Development)

File Ref: 7410

#### **Synopsis**

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

#### **Report**

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

##### “ROAD SURFACE

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

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

##### DRAINAGE

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

## **5. COUNCILLOR REPORTS AND CONGRATULATIONS**

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### LIGHTING & SIGNAGE

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

An inspection of Criterion Court with the Ward Councillor, Tim Hayes late in July 2007 showed that the road had received maintenance work and was in a reasonable condition at that time. This particular road was poorly constructed many years ago, the main problem being insufficient pavement material depth.

The estimated cost to re-construct the road is \$180,000. It is difficult to justify this amount of expenditure when the road is in reasonable condition. The cost to install street lights at the end of court and bend as requested is estimated at \$1600.

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

Council Local Law – Meeting Procedures

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

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

#### **Financial Implications**

The estimated cost to install 2 street lights is \$1600 plus annual ongoing operating costs of \$500.

Installation of new street lighting A/C 6050 101  
Budget 2007/8 \$10,000  
Expenditure to date: \$0

The estimated cost to re-construct the road is \$180,000  
No budget allocation in 2007/8

#### **Recommendation:**

*That Council:*

- 4.1.1 *Proceed to install street sign and two street lights as requested, including No Through Road sign*
- 4.1.2 *Advise the head petitioner that Council does not have the funds required to re-construct the road in the 2007/8 budget.*
- 4.1.3 *Decide as to whether \$180,000 will be made available in the 2008/9 budget for re-construction of Criterion Court, Clunes.*
- 4.1.4 *Send officers to inspect the western side drain and report*

#### **Amendment moved at the Meeting:**

**4.1.3 That an amount of \$180,000 be referred for considered in the 2008/09 Budget.**

**MOTION TOGETHER WITH THE AMENDMENT CARRIED.**

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**5. COUNCILLOR REPORTS AND CONGRATULATIONS**

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***Motion moved at the Meeting then read as follows:***

**Recommendation:**

***That Council:***

- 4.1.1 Proceed to install street sign and two street lights as requested, including No Through Road sign.***
- 4.1.2 Advise the head petitioner that Council does not have the funds required to re-construct the road in the 2007/8 budget.***
- 4.1.3 Refer an amount of \$180,000 for consideration in the 2008/09 Budget for re-construction of Criterion Court, Clunes.***
- 4.1.4 Send officers to inspect the western side drain and report.***

***Moved: Councillor Tim Hayes***  
***Seconded: Councillor Janine Booth***  
***Carried***

**PUBLIC QUESTION TIME**

- 1. Robert Kendall re Wombat Hill Gardens lease issue.***
- 2. Elenor Pearson re Wombat Hill Gardens lease issue.***
- 3. Marjorie Atkinson***
- 4. Susan Clavon re Wombat Hill Gardens lease issue.***
- 5. Russ Wilkinson re Wombat Hill Gardens lease issue.***
- 6. John Bingham re Wombat Hill Gardens lease issue.***



## 5. COUNCILLOR REPORTS AND CONGRATULATIONS

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### 5.1 MAYOR ON LEAVE IN SEPTEMBER

(A/O – Chief Executive Officer)

File Ref: 18/02/01

#### Synopsis

The Mayor has requested that this item be listed for this Council Meeting as he will be on leave during September and an Acting Mayor should be appointed to Chair the September Council Meeting and handle other relevant Civic responsibilities.

#### Report

The Mayor, Cr David Smith will be absent from 31 August to 23 September. The Local Government Act provides that Council appoints an Acting Mayor during the Mayor's absence.

In the past there has generally been a practice that for functions or events which particularly relate to a Ward then the relevant Ward Councillor attends and covers for the Mayor as these generally are not statutory type duties covered by the Act or Local law.

In relation to chairing the Council Meeting Council needs to appoint an Acting Mayor. That appointment also provides for the Acting Mayor to fulfil other relevant Mayoral duties during that period such as attending Civic functions, leading delegations, making statements to the media, signing off Minutes or other relevant Mayoral duties.

#### Relevant Policies / Council Plan implications:

Local Government Act Section 73 and Council's Local Law No 1.

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

As per the Mayor's role.

#### Financial & Resource Implications Initial & Ongoing

The Acting Mayor is entitled to be paid the Mayoral allowance during that period.

#### Recommendation:

*That Council:*

5.1.1 *Appoint Cr Tim Hayes to be Acting Mayor to cover the period that the Mayor, Cr David Smith will be away from 31 August 2007 to 23 September (inc)2007*

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

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

### 5.2 COUNCILLORS' REPORTS

#### 1. Councillor Bill McClenaghan – Holcombe Ward

Councillor McClenaghan spoke to a written report, which follows.

Before I commence my Councillor Report, I am sad to report the death of Mr Robert Frost of Leonards Hill in a tractor accident on his property this morning. Bob was a well known local identity who has done a lot of work for Hepburn Shire in the compliance area as Assistant Ranger, dog catcher and contract fire hazard grass slasher as well as school crossing supervisor. I extend my sympathy to his grieving family; his wife Robyn, their two

## **5. COUNCILLOR REPORTS AND CONGRATULATIONS**

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daughters and grand children. Bob will be sadly missed by us all and the locals around the town.

The past month has been very busy with many outside meetings to attend and several of them to chair. On 26<sup>th</sup> of July, I attended a meeting to help save the Daylesford New Year's Eve Gala event and it looks like we will get enough volunteers to run the event on the night with the help of Rotary.

I attended the public submissions conducted by the Victorian Electoral Representation Review in Daylesford on Wednesday 25<sup>th</sup> of July and had to head off early to the AGM of the Daylesford Agricultural Society (which runs the annual Daylesford Show) where I was asked by the President to chair the election of the new committee. Afterwards, I was pleased to present to the Committee some art works donated by a generous local artist Robbie Kendall to be prizes at the next Daylesford Show.

Earlier that day, I met with our local member Geoff Howard MP to express our Bathhouse Business and Community Liaison Group's grave concerns about the delays in the building of the new bathhouse but more importantly the delays in choosing a new long term tenant. Geoff Howard was presented with a letter that has been copied to the new Premier and other relevant State Government Ministers that expresses the concerns of the Shire and the community. Fundamentally, if there are more delays in the expressions of interest and tendering process then the bathhouse will not be open before Easter 2008 and this will have very profound negative effects on local businesses. We are assured as late as today that Premier Brumby has sought an update on the project and that the information flow will improve to keep us better informed. But I hope that this means no more delays !

On Saturday 28<sup>th</sup> of July, I attended the 50th anniversary celebration of the Daylesford Pre School that was built on the site of the former Shire stables fifty years ago. The following day was the Glenlyon Fine Food Fayre in the old Glenlyon Hall but I had to miss out there as I was called away to chair the Daylesford Speedway's AGM where there were some membership problems that needed some sorting out.

On Monday 30<sup>th</sup> of July I attended the AGM of the Hepburn Regional Tourism Association and witnessed the election of a new committee with some new blood and new ideas. HRTA has grown in size and achievement from its humble beginnings over a year ago and is certainly gaining local and regional recognition as our Regional Tourism Association.

I was pleased to attend the AGM & dinner of the Friends of Wombat Hill Botanic Gardens and again chaired the election of the new committee. I hoped to attend the AGM of the Friends of Cornish Hill but was again called away to chair a difficult Daylesford Speedway meeting where there are some lesions with a problem member. I have tried to avoid involvement with the speedway because of a conflict in my role whereby as a Councillor I am part of the reserve Management Committee that is their landlord. So I stood down as their Public Officer. However, as help was needed, help was given, especially when they owe us some money still for rent & water rates that we will not get if they close down. This would be a tragedy for Daylesford if that happened with another local attraction fading into history.

Two Sundays ago I attended the Stanley Hammond Studio Sculpture Display at the Daylesford Museum. Wonderful pieces are on display including miniatures of his famous sculptures and life size moulds. Good to see the Museum getting a DSE grant to repair dangerous windows in a room yet to be restored. Congratulations to the hard working volunteers that keep this wonderful community asset open.

## **5. COUNCILLOR REPORTS AND CONGRATULATIONS**

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On 13<sup>th</sup> of August, I attended the Upper Loddon Landcare Group's AGM at Glenlyon and again chaired the election of the new committee. Last Thursday I attended an MAV forum in Melbourne on sustainability & renewable energy. It was pleasing to see our Environment Officer there also. Last Friday I attended the Heritage Advisory Committee's monthly meeting and was honoured to march to the cenotaph on Vietnam Veterans Day last Saturday to commemorate the 41<sup>st</sup> anniversary of the battle of Long Tan. A newly mounted plaque presented to Hepburn Shire by the Daylesford RSL in appreciation of our support for Vietnam Veterans Day was officially unveiled together with a plaque commemorating local servicemen & women who served in the Korean War.

On 25<sup>th</sup> of July I attended the launch of the Better Buddies program in the Town Hall by the Alannah & Madeline Foundation which is named after Alannah and Madeline Micac who were tragically lost with their mother in the Port Arthur massacre. Their father Walter Micac has devoted the rest of his life to the defending the safety of children. This excellent program teaches primary school children how to deal with bullying in their early school years so that later on in adult life they will have the skills to withstand workplace bullying and harassment which claim so many victims who have not learned how to deal with it or who don't have a buddy to support them in their time of need.

Lastly, I want to acknowledge a long serving staff member, Robyn Haintz, who has worked for this municipality for eighteen years from back in the days of the old Daylesford and Glenlyon Shire. We are officially recognising her contribution tonight but I would like my thanks placed here on the public record. Robbie, as she was affectionately known to staff, Councillors and local people, has not been able to come to work for a while and her resignation took effect yesterday. She will be remembered as the receptionist who always greeted you by name and with a friendly smile as you entered the Town Hall. After her eighteen years, Robbie was indeed the recognisable face of the Hepburn Shire and she will be sadly missed.

### **2. Councillor Tim Hayes – Cameron Ward**

Councillors Hayes spoke to a written report, which follows.

Since the last Council meeting I have attended a number of Annual General Meetings of various organizations across the Shire. These included the Hepburn Regional Tourist Association on 30 July, the Clunes Bottle Museum on 8 August and the Clunes Museum and the Clunes Town Hall Committees of Management on 9 August.

In regard to the Clunes Bottle Museum, I would like to table a budget and design plans for the re-development of the internal spaces of the Complex. The designs are aimed at improving the visual impact of visitors to the Complex and for the better display of parts of the bottle collection. The budget for these works is \$5,958 and the works will be undertaken by 6 Conservation Volunteers of Australia workers who will be contributing 720 hours of work towards the project. The proposed works do not interfere with the structure of the building and I am seeking Council's approval of the works which have been endorsed by the Committee of Management. Although funds are not requested, I would also seek a contribution of \$500 as a measure of Council's support. Accordingly I would like to move:

1. That Council approve the proposed designs for the enhancement of the Bottle Museum and agree to the works proceeding.
2. That Council makes a contribution of \$500 towards the cost of the works with that amount being allocated from the Community Grants program.

On 25 July I attended a most informative presentation by the Allanah & Madelaine Foundation at the Daylesford Town Hall. The Foundation honours the memory of the two

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## 5. COUNCILLOR REPORTS AND CONGRATULATIONS

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small girls killed at Port Arthur 11 years ago and its main objective is to eradicate bullying in schools. I congratulate the Chill Out Organising Committee for nominating the Foundation's Better Buddies Program as its principle beneficiary in 2008 and I look forward to this program operating in every Primary School throughout the Shire within the next two years.

On 15 August, I attended the inaugural meeting of the Council's Culture and Arts Advisory Committee. It was a gathering of people with eclectic interests and I am sure they will make a positive contribution to the cultural life of the Hepburn Shire. I extend my thanks to both Martin Walmsley and Sue Jones for making this first meeting so lively.

In Clunes, The Creative Clunes Working Party is nearing completion of its Business Plan for the establishment of a Creative Clunes Office which will be responsible for implementing this exciting cultural tourism and rural renewal program. Last Friday, the Working Party met with representatives of the Central Highlands Area Consultative Committee, Regional Development Victoria, the Department for Victorian Communities and the University of Ballarat to present an outline of Creative Clunes. The presentation was very well received and each of the Departments was very encouraging. This gathering of high level people would not have been possible without the efforts of our CEO, and I thank him for his efforts in organizing the meeting and in speaking in such positive manner about Creative Clunes.

The only other meeting attended was the public enquiry by the Victorian Electoral Commission held in Daylesford on 25 July for the purpose of hearing submissions regarding the Shire's electoral boundaries. The final report of the VEC has now been released and it was pleasing to learn that the VEC has responded to community submissions and is recommending the continuation of the ward system.

Finally there is a matter of a local constituency nature that I wish to raise with Council and this related to the issue of a Town Planning Permit in respect of a residential dwelling located at 18 Blackmores Road, Clunes. In this regard I wish to move the following motion:

1. That a report be presented to the next meeting of Council relating to the need to advise abutting owners of town planning permit applications lodged in respect of properties affected by a heritage overlay.
2. That Council seek legal advice as to its and the adjoining owners' liability as a result of the issue of the Planning Permit pertaining to 18 Blackmores Road, Clunes.

### **3. Councillor Heather Mutimer – Coliban Ward**

Councillor Mutimer spoke to a written report, and expressed her condolences at the tragic death of "Frostie" and also her personal appreciation to Robyn Haintz for her 18 years of dedicated service to the Hepburn Shire. Councillor Mutimer's written report follows.

As Councillors are aware I took a much needed holiday break shortly after our last meeting. Travelling with my partner Ken to Central Australia and Outback SthWest Queensland. Where foccacias disappeared from the menus and the best that indulgence tourism could offer at times was a hot shower heated by sulphur smelling artesian bore water. A magnificent and beautiful part of Australia where the word 'outback' certainly has a literal meaning. And terms such as 'rough roads' and 'isolation' take on a whole new meaning compared to their use in Shires such as ours. This is an area of Australia not just rich in natural wonders and resources but also wonderful resilient communities. The type of small town Qld communities Dr.Ian Plowman has researched. Towns like Qulipie and Boulia with Shires of the same names. Quilpie Shire is one of the largest geographical Local governments in the Sth.West of Queensland covering an area of

## 5. COUNCILLOR REPORTS AND CONGRATULATIONS

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67,482 square kilometers with a population of only 1,200. Max. temperatures reach 46.5 degrees Celsius.

Boulia 300ks from Mt. Isa home of the legendry 'Min Min' light is another large geographic Shire. Boulia's town planning department has experienced a 50% decrease in planning applications between 2005 to 2006. Dropping from 2 planning approvals down to 1! Both these outback towns are at the heart of the enormous community opposition and backlash to Premier Beattie's forced amalgamation plan. Boulia has successfully campaigned to remain un-amalgamated.

Since returning from holidays I have chaired the International Women's Day Committee which Cr. Booth also attended. At this meeting it was agreed that a speaker for our 2008 event would be sourced to speak on the anniversary of suffrage in Victoria. It was also agreed that Dr. Gwen Wisewould (2006 Hepburn Shire Honour Roll (posthumous) recipient) would be put forward as a nomination for the 2008 Victorian Honour Roll of Women – if an application can be prepared in time for the deadline.

Along with Cr. McClenaghan I attended and chaired the Heritage Advisory Committee meeting and on Wednesday the 15<sup>th</sup> of August along with Cr. Hayes I attended the inaugural meeting of the Council's 'Arts and Culture Committee'. The committee is certainly made up of a diverse and enthusiastic group of local community members involved with arts and culture. With the support and guidance of our Community Arts and Culture Officer I am sure this new group will prove to be a very valuable resource for Council.

One of the most rewarding roles of being a council is the opportunity it provides in getting to know some of those special people in our various communities. Eddie McInerney was one of these people in Trentham and sadly he passed away 10 days ago after a long illness. I attended his funeral last Thursday. Eddie has been a tireless community worker for Trentham especially as a member of the local Lions Club serving terms as President and other committee positions. He was also passionately involved with the local football club. Eddie will be sadly missed by the Trentham community and especially his wife Elizabeth who is a member of our Heritage Committee. At the cemetery the proposed takeover over local cemetery trusts was raised by a member of the local trust very concerned about the proposed takeovers. The work that is undertaken at the Trentham cemetery is a great example of the work our local volunteer cemetery trusts are carrying out. This is an issue I believe councillors should take an active interest in and advocate on behalf of our local trusts.

Two other controversial issues which have previously surfaced in our community have raised their ugly heads again. I refer to Fluoridation of our public local water supplies and the lifting of the moratorium on GM crops. I have been contacted by constituents on both these subjects and I intend to raise both these issues at a future council meeting for fuller discussion. Both these issues I believe this council needs to seriously consider.

Finally I would like to table as a member of the Australian Local Government Women's Association a document titled "Review of the National Framework for Women in Local Government". The review was ... "undertaken to update the framework, confirm its status as an accurate and relevant reference and resource, and promote further initiatives to ensure effective implementation.

The review identified 'Cultural Change' "as the biggest issue, one that underpins all the others. Cultural change was seen as critical for the retention of both female staff and elected members..."

65% of women staff members surveyed stated that "the workplace culture of their organization needs to change to be more inclusive of women. Cultural practices which women found most problematic were decision making styles and being undervalued in the workplace".

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## 5. COUNCILLOR REPORTS AND CONGRATULATIONS

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### 4. Councillor Janine Booth – Creswick Ward

Councillor Booth spoke to a written report, which follows.

As well as the usual meetings of Council including forward planning and draft Agenda meetings I have attended meetings of the Creswick Development Committee, Hepburn Healthy Communities Committee and the Doug Lindsay Recreation Reserve Committee. I have also attended the AGM of the Creswick/Bald Hills Landcare held at Creswick where a full Committee of 10 members was elected and the program for projects for the coming year was outlined.

As part of the leadership program I am involved in sponsored by Hepburn Shire and Sustainability Victoria I will be involved with the Creswick Bald Hills Landcare group and our Landcare coordinator Pam Manning in encouraging involvement of our residents in rural tree planting projects to offset green house gas emissions.

I hope to combine my two roles, as Ward Councilor encouraging and supporting links between Council, our landcare coordinator and the local landcare group and, as a Leadership Program participant developing skills to inspire, involve and empower residents to develop and manage Community projects.

Earlier this month I had the pleasure of attending the Launch of the Book "tales from the Mens Shed" by Barry Golding at the Mens Shed at Park Lake at Creswick.

Barry Golding is a professor/lecturer at the Ballarat Uni has recently completed a National Research project for the Centre for Health Research on the value of mens sheds to the Community.

There are now approximately 200 mens sheds operating across Australia, of which Creswick was one of the first.

The benefits to the Community of Mens sheds are widely acknowledged and Hepburn Shire Council was thanked both verbally and within the book for their ongoing support and encouragement of the Mens Friendship Shed.

The Book is made up of a collection of thoughts ideas recollections and dreams of those involved in the Mens Shed at Creswick and at the Launch, several participants spoke emotionally about their journey with the shed, what being involved in the Shed meant to them, the friendships they have made and the value they feel for being a useful part of the community .

Copies of the book are available from Hepburn Health Service at \$10 with all proceeds going back into the Mens Shed.

### 5. Councillor David Smith – Birch Ward

Councillor Smith spoke to a written report, which follows.

A very busy past month since the last Council Meeting.

- Forward Planning
- Attended the V.E.C Public Hearing on Shire Boundaries
- Information Session – Better Buddies Framework – Reducing bullying in Hepburn Shire Schools
- Annual meeting of the Daylesford Agricultural Society
- Morning Tea – farewell to Linda Campbell
- Daylesford Pre-School – 50<sup>th</sup> Anniversary
- Glenlyon Fine Food and Wine Fayre – another successful year for the committee running this event
- H.R.T.A AGM held at Lake House with guest speaker Mr. Don Ritcher
- Farmers Day Out – Bus Trip to Geelong – enjoyed by all those who attended
- V.F.F. Midlands Branch – Annual Dinner at Castlemaine
- Mayors and CEOs meeting held at Maryborough

## 5. COUNCILLOR REPORTS AND CONGRATULATIONS

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- Meeting with Professor Rodney Keenan – Head of School of Forestry – Creswick Campus
- Attended with the Minister for Tourism Hon. Tim Holding the opening of the newly refurbished Villa Parma
- Last Saturday attended Vietnam Veterans Day in Daylesford – march and the address given by Ian Tinetti

As advised to all that attended the Agenda meeting last week – I will be on leave for three weeks – from the 31<sup>st</sup> August until the 23<sup>rd</sup> September, 2007. As the Australian Reversible Ploughing Champion, I will be representing Australia at the World Ploughing Titles at Kaunas in Lithuania.

At this Council meeting, we will be appointing an Acting Mayor to Chair the September Council Meeting and handle other relevant Civic responsibilities.

### **Recommendation:**

*That Council:*

5.2.1 *Receive and note the reports of Councillors.*

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

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

### **5.3.1 ITEM OF URGENT BUSINESS RAISED BY COUNCILLOR TIM HAYES**

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

|                        |  |
|------------------------|--|
| <b>Recommendation:</b> |  |
| <i>That Council:</i>   |  |
| 5.3.1<br>(i)           | <i>Approve the proposed designs for the enhancement of the Bottle Museum and agree to the works proceeding.</i>                        |
| (ii)                   | <i>Makes a contribution of \$500 towards the cost of the works with that amount being allocated from the Community Grants program.</i> |

***Moved the Councillor's recommendation.***

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

### **5.3.2 ITEM OF URGENT BUSINESS RAISED BY COUNCILLOR TIM HAYES**

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

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**5. COUNCILLOR REPORTS AND CONGRATULATIONS**

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|                        |  |
|------------------------|--|
| <b>Recommendation:</b> |  |
| <b>That Council:</b>   |  |
| 5.3.2<br>(i)           | <i>Present a report to the next meeting of Council relating to the need to advise abutting owners of town planning permit applications lodged in respect of properties affected by a Heritage Overlay.</i> |
| (ii)                   | <i>Seek legal advice as to its and the adjoining owners' liability as a result of the issue of the Planning Permit pertaining to 18 Blackmores Rd, Clunes.</i>   |

***Moved the Councillor's recommendation.***

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



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## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.1 POLICY NO. 6 REVENUE

(A/O – Director Corporate Services)

File Ref: 16/22/10

#### Synopsis

This policy has been reviewed in line with the recommendation contained in the Rate Review Committee report that recommends that Council's Hardship Policy be reviewed annually.

#### Report

Council's Revenue Policy (**Attachment 2**) covers all the aspects of revenue collection. One of these aspects is Financial Hardship.

Whilst the wording has been carried over essentially the same as the current Financial Hardship provisions, the layout has been changed along with some minor wording changes. The effect of the changes has been to ensure that the process is very clear and demonstrates a logical progression of options when dealing with a hardship application.

When dealing with Financial Hardship the Policy provides three options for consideration:

1. Deferment
2. Waiver
3. Hardship & Tragedy

The first two options are based primarily on financial assessment, whilst the third option has been designed to take into account whether a debtor has suffered extreme personal hardship or tragedy not exclusively of a financial nature.

The balance of the Revenue policy has not needed amending.

#### Relevant Policies / Council Plan Objectives

Asset and Resource Management 3.3 Responsible Financial Management

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

Rate Review Committee

#### Financial & Resource Implications Initial & Ongoing

Nil

#### Recommendation

That Council

6.1.1 Adopt the revised Revenue Policy as attached

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

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

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## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.2 DAYLESFORD VICTORIA CARAVAN PARK – LEASE OPTION

(A/O – Director Corporate Services)

File Ref: 3/0360/00420

#### Synopsis

The Lease for Daylesford Victoria Caravan Park is structured in such a way that it contains 3 year option periods for renewal. The operators (BJEC Pty Ltd) have exercised the option to renew the lease for a further term. **(Attachment No. 3).**

#### Report

This 18 year (6 x 3 year terms) Lease was entered in 1997 and while assigned from the original operators has been renewed each 3 years. The current renewal period dates from 11 June 2006 to 10 June 2009. The Lessee gave appropriate notice of renewal last year. The lease is due to end in 2015. The delay in this matter has been due to an approach to the Department of Sustainability and Environment (DSE), authorised by Council when the Lease was assigned to the current tenant, to alter the lease to a straight fixed term so as to have an exemption from the Retail Leases Act 2003. The exemption has not been possible as DSE prefers that the Lease be 're-tendered' for a new 15 year term and the current tenant compete for the new lease. If the tenant was not successful, compensation would become payable to the tenant for the difference between the value of the current and new lease. This is not a practical solution at this time and the tenant prefers to carry on with the current Lease.

The lease provides for the Lessee to exercise the extension and Council must agree unless the Lessee is in breach. There is no breach of Lease terms and conditions. BJEC Pty Ltd took over the Lease in 2005 and has been an excellent tenant.

#### Relevant Policies / Council Plan implications

The requirement for Council to extend the Lease is dictated by the terms of the original Lease.

#### Community / Engagement / Communication / Consultation

This is an ongoing commitment for operation of the Caravan Park.

#### Financial Implications

The exercise of the option to extend the Lease has no financial implications. The Lease contains provisions for regular 5% rent increases.

#### Recommendation:

*That Council*

6.2.1 *Acknowledge and agree to the exercise of the option to renew the Daylesford Victoria Caravan Park Lease for the term to 10 June 2009 and authorise the sealing of the renewal document.*

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

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

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## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.3 HALL HIRE FEE WAIVER

(A/O – Director Corporate Services)

File Ref: 06/06/03

#### Synopsis

As part of the 07/08 budget Council has allocated \$5,000 for the reimbursement of committees that manage Council owned halls if they waive the hire fees for community not for profit groups. This report is designed to set the parameter/conditions for this to occur.

#### Report

As part of Council's adopted fees and charges for the 07/08 financial year, Council has agreed to continue the waiver of hall hire fees for the Daylesford Town Hall, Daylesford Town Hall Senior Citizens Rooms and the Creswick Town Hall.

This action was seen to be unfair on the community groups that use the other halls in the shire that are owned by Council and run by either in a section 86 capacity or a lease capacity.

To remedy this situation Council allocated \$5,000 for the reimbursement of committees that manage Council owned halls if they waive the hire fees for community not for profit groups. To ensure that clear guidelines are developed and that Councillors are comfortable with them, the following is presented for consideration:

#### Which halls are able to claim a reimbursement?

Lyonville Hall (S86)  
Drummond Hall (S86)  
Clunes Town Hall (S86)  
Newlyn Sporting Complex (peppercorn lease)

#### Under what conditions can they claim a reimbursement?

If they hire out the facility for the use by a Hepburn shire community not for profit group.

#### What is the process?

1. The relevant committee would provide Council with a completed reimbursement claim form (to be formulated by Director Corporate Services).
2. The Manager Administration would assess the claim and if accepted proceed to have a cheque drawn to reimburse the committee for the hire fees waived.

#### How do we ensure that the process works?

1. Request the relevant committees to submit a copy of their fees schedule annually
2. Provide the committee with clear guidelines (to be formulated by the Director Corporate Services)
3. Review after 12 months.

To ensure a consistent application of the concept presented a draft policy is attached for Council consideration (**Attachment 3**).

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**6. GOVERNANCE AND STRATEGIC MATTERS**

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**Relevant Policies / Council Plan Objectives**

A draft policy document is attached for Council consideration

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

The relevant committees will be responsible for the promotion of this initiative

**Financial & Resource Implications Initial & Ongoing**

\$5,000 has been allocated in the 07/08 budget.

**Recommendation:**

*That Council*

*6.3.1 Adopt the Hall Hire Fee Waiver Policy as per attached*

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

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

## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.4 ACCESS FOR ALL

(A/O – Director Infrastructure & Development)

File Ref: 44/06/04

#### Synopsis

The Hepburn Community Access Group (HCAG) has recommended that Council adopt a similar policy to Bayside City Council's Footpath Policy, with appropriate adjustments and that a strategy of education of traders and community members be implemented across the Shire.

#### Report

On 15 August 2006 a report was presented to Council providing background information on Council's obligations under the Disability Discrimination Act 1992 (DDA) to require a 2m clear pathway from the shop front and the reasons for this.

It was recommended that Council amend Policy 19 concerning Signs and Goods on Road Reservations to meet the requirements of the DDA and to advise traders of the requirement to keep a 2 metre clear pathway from the shop front, with the change to be effective from 1 October 2006 to allow time to inform businesses and the wider community.

Council deferred this item to enable the matter to be referred to the HCAG for their advice.

HCAG has recommended that Council adopt a policy along the lines of the Bayside City Council Footpath Policy (BCCFP) with appropriate adjustments for the Hepburn Shire and that a strategy of education of traders and community members be implemented across the Shire.

The BCCFP also requires that a 2000mm clear and unobstructed accessway from the building line or shopfront be provided for footpaths 4000mm or wider. For footpaths 3500mm to 4000mm a minimum 1800mm clear accessway and for footpaths 2500mm to 3500mm wide a minimum of 1500mm clear accessway. Where a footpath is less than 2500mm no outdoor dining or placement of articles is allowed.

Alternatively Yarra City Council's policy has been mentioned by the Commission as an example of a comprehensive policy. The following extract from the Yarra City Council's Footpath Policy is provided for information:

#### **FOOTPATH ZONES**

Walkways must extend out from the building line and provide a safe, clear and consistent pathway to meet the needs of a range of users including parents with prams, pet owners and people of all ages and abilities. In order to achieve this, any street furniture, signs, trader's activities or displays should be placed towards the kerbside, not along the property line.

In order to provide a clear and suitably unobstructed footway for pedestrian access, there are three main functions of each footpath - the **Walkway Zone**, the **Trading Activity Zone** and the **Kerbside Zone**. The size of these zones will vary depending on the width of the footpath.

**Walkway Zone:** extends from the property line to allow suitable passage by footpath users. This area of the footpath must be kept free from any items or structures at all times.

**Trading Activity Zone:** this is the only area of the footpath where the placement of goods, café furniture and ancillary items may be authorised.

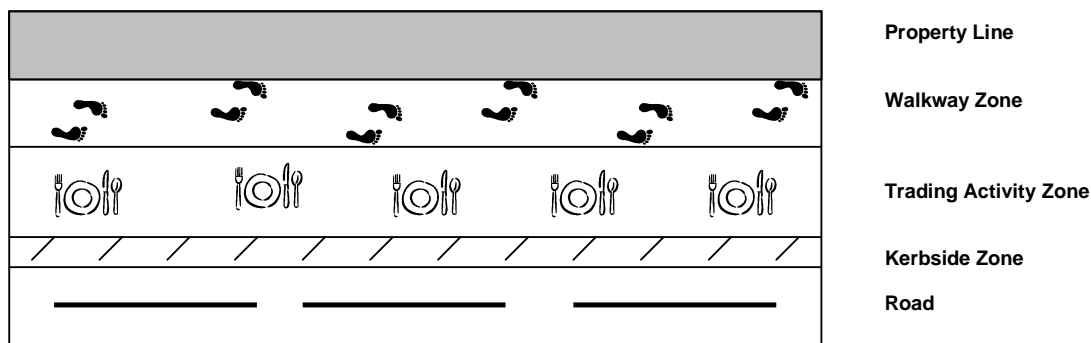
**6. GOVERNANCE AND STRATEGIC MATTERS**

**Kerbside Zone:** a minimum buffer of clear footpath must be provided from the kerb to allow for access to and from parked vehicles, including loading zones. Where there is a disabled parking bay, the setback from the kerb will need to be greater. This area of the footpath must be kept free from any items or structures at all times.

**1. Specific location and setback requirements**

**How do I identify the various footpath “zones”?**

| Total Footpath Width  | Less than 3.5m wide   | 3.5 m and wider   |
|-----------------------|---|---|
| Walkway Zone          | Minimum 1.5m from the property line towards the kerb          | Minimum 1.8m from property line towards the kerb              |
| Trading Activity Zone | Remaining area once walkway and kerbside zones are identified | Remaining area once walkway and kerbside zones are identified |
| Kerbside Zone         | Minimum 0.4m from the kerb of the road                        | Minimum 0.4m from the kerb of the road                        |
|                       | Minimum 1.5m if a disabled parking space adjoins the footpath | Minimum 1.5m if a disabled parking space adjoins the footpath |
|                       | Minimum 0.7m if a loading zone adjoins the footpath           | Minimum 0.7m if a loading zone adjoins the footpath           |



- 1.1 A clear access way of at least 0.5 metres must be provided and maintained on either side of the frontage of the principal business to create a walkway from the kerbside through the Trading Activity Zone. Where there is an extended shop frontage, an applicant may be required to maintain through-access at additional points from the kerbside.
- 1.2 Where premises are adjacent to an intersection, the Trading Activity Zone must not extend past the property line.
- 1.3 No footpath trading will be allowed beyond the “vehicle stop line” on the approach side of any pedestrian crossing, and an equivalent distance on the opposite side, whether controlled by traffic lights or not.
- 1.4 In order to facilitate a clear and consistent unobstructed footway for pedestrian access, footpaths of less than 2.5 metres cannot be used for footpath trading.
- 1.5 Footpath trading will only be permitted until 11.00pm unless, in the opinion of Council the amenity, safety or access of nearby residences will not be affected and written permission is granted.
- 1.6 A minimum clearance of 0.5 metres, or greater if deemed appropriate by Council or a relevant statutory authority, must be provided on either side of any asset permanently affixed to the footpath such as rubbish bins, parking meters, and/or bike racks.

## 6. GOVERNANCE AND STRATEGIC MATTERS

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- 1.7 A minimum clearance of 1.0 metre, or greater if deemed appropriate by Council or a relevant statutory authority, must be provided on either side of any bus or tram stop or public seat.
- 1.8 As a general rule, rubbish bins, parking meters, public seating and/or bike racks will not be relocated at the request of traders. Traders should take this into account when selecting a site. Council may charge traders for the cost of relocation of public assets.
- 1.9 Items which are placed on the footpath must be stable and suitably designed to prevent damage to the footpath, withstand weather conditions and maintain an attractive appearance.
- 1.10 All items associated with footpath trading must be removed from the footpath daily, when footpath trading has ceased.

Council now needs to determine whether it wishes to amend its current Policy 19 to meet the requirements of the DDA and require a minimum of 1800mm or 2000mm from the front of shops to be clear of any obstructions. If Council is not prepared to require this clear pedestrian walkway zone then there is no point in amending or adopting a new footpath policy.

Should Council wish to undertake a full educational program for traders and the community concerning the clear pedestrian walkway zone then external resources would need to be engaged to prepare and deliver such a program. It is estimated that this would cost in the order of \$7,000 to \$10,000. Alternatively Council's Compliance Department could prepare a brochure and hand deliver to businesses and discuss any concerns with traders.

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

Council Plan – Objective One & Two

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

The HCAG have recommended to Council to adopt a footpath policy similar to Bayside City Council's Footpath Policy and for Council to conduct a positive education and implementation program across the Shire.

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

The cost for conducting a full educational and implementation program is estimated at \$7,000 to \$10,000. No budget allowance has been made in the 2007/8 budget for such a program.

### **Recommendation:**

- 6.4.1 *That Council amend Policy 19 concerning Signs and Goods on Road Reservations to meet the requirements of the DDA and to advise traders of the requirement to keep a 2 metre clear pathway from the shop front, with the change to be effective from 1 November 2007 to allow time to inform businesses and the wider community.*

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- 6.4.2 *That Council's Compliance Department prepare a brochure, hand deliver to businesses and directly inform traders of the reasons for the clear pathway requirements.*

**Motion tabled at the Meeting by the Director of Infrastructure:**

| <b>Recommendation:</b> |  |
|------------------------|--|
| 6.4.1                  | <i>That Council advertise its intention to amend Policy 19 concerning Signs and Goods on Road Reservations to meet the requirements of the DDA to keep a minimum of 1.5 to 1.8 metre clear pathway from the shop front and invite community comment.</i>                           |
| 6.4.2                  | <i>That Council's Compliance Department prepare a brochure and hand deliver to businesses to directly inform traders of the reasons for the clear pathway requirements under the DDA and invite comments on the intended amendment or other matters relating to Policy No. 19.</i> |

**Motion moved at the Meeting:**

*That this item be referred to a Forward Planning Meeting and Fiona Strahan be invited to attend. The groups CTDA, CDDA, TRATA & DDBA to be invited to a meeting also.*

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



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## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.5 ADOPTION OF AMENDED DRAFT SUSTAINABLE WATER USE PLAN

(A/O – Environment Officer)

File Ref: 46/22/01

#### Synopsis

This report provides details of the one and only submission received for comment on the Draft Sustainable Water Use Plan and details of the amended plan.

Council is asked to adopt the final draft version of the Sustainable Water Use Plan in its entirety. (**Attachment 4**)

#### Report

Council has received only one submission to the advertised Draft Sustainable Water Use Plan. The submission was from the Doug Lindsay Recreation Committee of Management. The main concerns outlined in the submission were that the committee would like to see more detailed commitment to the use of grey water on sporting fields, particularly in the Creswick Township. More discussions need to take place between Council and Central Highlands Water on the issue of the use of treated water in the Creswick Township.

There is also a suggestion of actively using the Forest Resort water recycling facility to treat Creswick's grey water. It is understood that the infrastructure at the Forest Resort has the capacity to only process water from the Forest Resort. More discussion would need to occur between the Forest Resort, Central Highlands Water and Council to see if this is a viable option.

In response to the submission, the Draft Sustainable Water Use Plan now has included the following amendments to the plan.

Under "Alternative Water Supplies" section (page 17), "Recycled grey water", the following now appears "Council is actively encouraging recycling of grey water within the Hepburn Shire community. Council intends to investigate the possibilities of utilising grey water on its recreation reserves, parks and gardens and sporting fields."

Also under the section "Sustainable Water Use" (page 19) , point 7 now reads "Investigate the potential for the re-use of treated wastewater (including grey water) and/or recycled stormwater for use in Council's open space facilities, including sporting fields".

In light of these new additions to the plan it is recommend that Council now adopt the plan.

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

The Sustainable Water Use Plan will support the aims and outcomes of Council's Council Plan 2006-2011, Inclusion and Action Plan 2005-2015, Healthy Communities Plan, Stormwater Management Plan and the Domestic Wastewater Management Plan.

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

This plan has been developed in consultation with staff from the areas of building, planning, environmental health, environment, compliance and the staff of Wombat Hill Botanic Gardens.

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## 6. GOVERNANCE AND STRATEGIC MATTERS

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The draft plan has been placed on exhibition for comment at all Customer Service Centres and on the Shire Web for a period of six weeks. The plan was also sent onto all relevant Water Authorities. All comments have been considered for amendment to the final draft.

An initial response has been sent to the submission from the Doug Lindsay Recreation Reserve.

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

This plan will need to be funded for a period of three years commencing in the 2008/9 financial year. The provision of \$15,000 dollars is required to complete year 1 of the plan, with an ongoing provision of a minimum of \$15,000 dollars each year after that.

The ultimate responsibility for the management of the Sustainable Water Use Plan is with the Director of Infrastructure and Development, with resource implications (listed in the plan under the area of "Responsibility") for the areas of Environment, Environmental Health, Engineering, Parks and Gardens, HACC Coordinator, and Planning.

### **Recommendation:**

*That Council:*

6.5.1 *Adopt the amended Sustainable Water Use Plan as mentioned within the report.*

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

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

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## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.6 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 except for stadium flooring.

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

- Gymnasium renovations;
- Canteen works;
- School change room renovations;
- Sewer & stormwater works;
- Structural steel frame, roof and wall cladding for 2 court stadium.
- Stumps, bearers & joists for flooring 2 court stadium.
- Theatre lighting and sound equipment.
- Internal wall framing and flooring for amenities, administration, canteen, etc.

Works in progress:

- Flooring for stadium placed on hold due to moisture issues.
- Electrical fit out
- Brickwork
- Glazing
- Joinery

The internal renovation works (school component) have been completed and handed back to School. The new building (Council component) hand-over is still planned for October/November 2007 dependent upon the moisture content for flooring timber.. At the time of writing this report it had dropped by 1% over a week to now be at 15.3% but needs to go down to 12.5 – 13 %.

#### Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

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

Extensive community consultation and engagement has occurred with this project.

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**Financial & Resource Implications Initial & Ongoing**

As at 31 July 2007:

| ARC - DAYLESFORD REC CENTRE BUDGET          | REVISED BUDGET      | ACTUALS 2007/2008 | TOTAL ACTUAL 31-Jul-07 | PROJECTIONS 31-Jul-07 |
|---|---------------------|-------------------|------------------------|-----------------------|
| <b>EXPENDITURE - 9550 815</b>               | Dec-06              |                   |                        |                       |
| Architect & Sub consultants                 | \$ 124,500          |                   | \$127,873              | \$ 129,000            |
| Contract Admin                              | \$ 5,500            |                   | \$12,487               | \$ 15,000             |
| Building 2 courts, entry, kiosk & amenities | \$ 1,529,228        | -                 | \$886,194              | \$ 1,529,228          |
| Variations 2 courts, entry, kiosk, etc      | \$ 75,000           | 30,000            | \$36,420               | \$ 75,000             |
| Building School refurbishment               | \$ 302,730          |                   | \$302,730              | \$ 302,730            |
| Variations School building refurbishment    | \$ 257,270          | 11,200            | \$184,322              | \$ 257,270            |
| Legals                                      | \$ 1,500            |                   | \$0                    | \$ -                  |
| Planning Permit                             | \$ 2,100            |                   | \$2,071                | \$ 2,100              |
| Tender costs                                | \$ 1,500            |                   | \$676                  | \$ 700                |
| Opening function & marketing                | \$ 5,000            |                   | \$498                  | \$ 5,000              |
| Fitout - equipment & furniture              | \$ 25,000           |                   | \$0                    | \$ 25,000             |
| Fundraising Committee                       | \$ 12,094           |                   | \$12,094               | \$ 12,100             |
| Carparking                                  | \$ -                |                   | \$0                    | \$ -                  |
| Drainage & Authority Headworks Charges      | \$ 70,000           |                   | \$66,646               | \$ 66,700             |
| Contingencies                               | \$ 30,578           |                   | \$237                  | \$ 22,172             |
| <b>TOTAL EXPENDITURE</b>                    | <b>\$ 2,442,000</b> | <b>\$ 41,200</b>  | <b>\$1,632,247</b>     | <b>\$ 2,442,000</b>   |

**INCOME - 9550948**

|                            |                     |             |                    |                     |
|----------------------------|---------------------|-------------|--------------------|---------------------|
| SRV - (DVC)                | \$ 500,000          |             | \$375,000          | \$ 500,000          |
| COUNCIL                    | \$ 300,000          |             | \$300,000          | \$ 300,000          |
| FEDERAL GRANT              | \$ 120,000          |             | \$96,000           | \$ 120,000          |
| COM FACILITIES GRANT (DET) | \$ 1,222,000        |             | \$765,606          | \$ 1,222,000        |
| COMMUNITY FUNDRAISING      | \$ 300,000          |             | \$7,000            | \$ 300,000          |
| <b>TOTAL INCOME</b>        | <b>\$ 2,442,000</b> | <b>\$ -</b> | <b>\$1,543,606</b> | <b>\$ 2,442,000</b> |

Progress payments to builder \$1,358,406  
Claims to be processed \$ 99,038

Approved variations to project to date:

School component of the building works \$ 184,322  
Council component of the building works \$ 36,420

**Recommendation:**

*That Council:*

6.6.1 Note & receive the report.

**Moved the Officer's recommendation.**

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

**6. GOVERNANCE AND STRATEGIC MATTERS**

**6.7 PROPOSED SALE OF LAND – NO 2 CRESWICK ROAD, CLUNES**

(A/O –Director Infrastructure and Development)

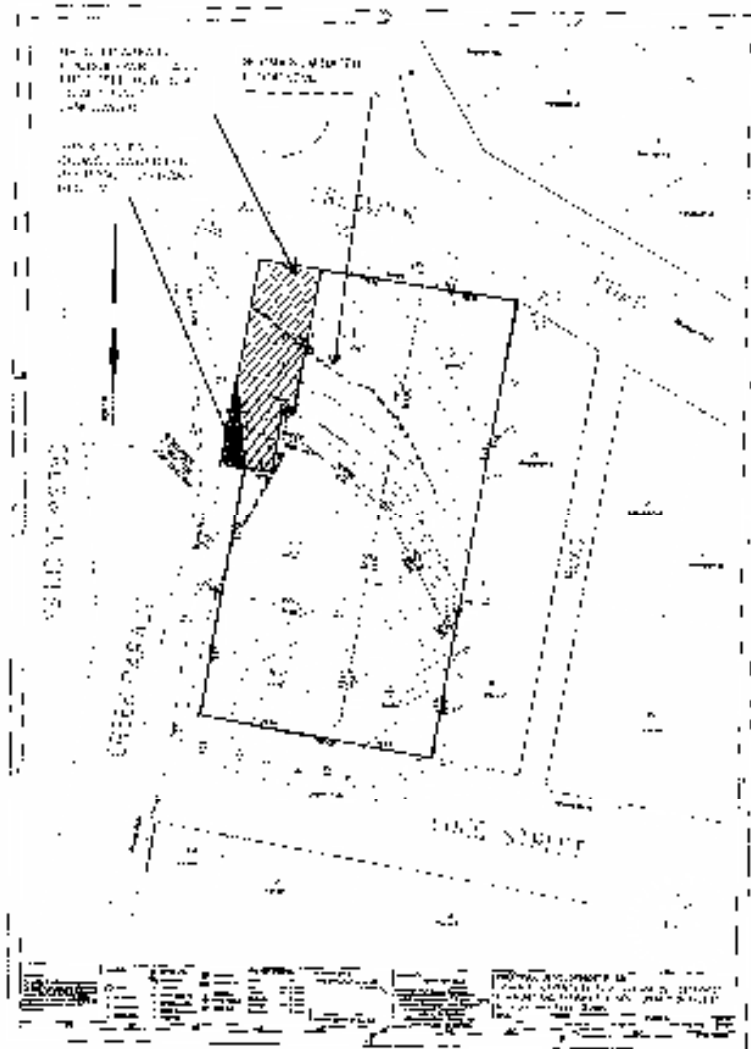
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**Synopsis**

This report recommends the proposed sale of a small parcel of land in the Township of Clunes that is owned by Council to an adjoining landowner who is currently proposing a boundary realignment of 5 Lots. The land is described as No 2 Creswick Road, Lot 26, Sec 27 Township of Clunes.

**Report**

The Council owned land is described as No 2 Creswick Road, Lot 26, Sec 27 Township of Clunes and adjoins the land for which a Planning Permit Application 2007/9389 for boundary realignment of existing 5 lots has been lodged. The owner of this land has expressed an interest in buying the adjoining land (Lot 26) owned by Council. The area of Lot 26 owned by Council is 452 square metres. The area of land above the flood level nominated by the NCCMA is only 135 square metres therefore the lot would not be able to be sold as an independent lot for construction of a house.



If the Lot 26 (owned by Council) was combined with the lots 1 and 2 of the boundary realignment to form 2 lots then this would produce 2 lots of increased land area which

## 6. GOVERNANCE AND STRATEGIC MATTERS

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is a preferred outcome. The section shaded would be retained by Council as part of realignment of the road reserve and the land area to be transferred to Road Reserve would be 40 square metres and the remaining land is proposed to be sold to the adjoining landowner.

Any sale of land would have to comply with the Local Government Act 1989 in particular *Section 189-Restriction on Power to Sell Land* and *Section 223-Right to Make a Submission*. The planning permit would also need to have a condition added that the if Lot 26 is sold to the adjoining landowner it must be combined with lots 1 and 2.

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

Objective Three – Asset and Resource Management

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

The proposed sale of land would be publicly advertised.

### **Financial Implications**

Potential income from sale of land that could be used towards road improvement works to Creek Parade, Clunes resulting from planning permit conditions as Council will need to contribute partially towards such roadworks.

### **Recommendation:**

*That Council:*

6.7.1 *Obtain a valuation for the land and if the adjoining landowner accepts Council's Valuer's valuation for sale of the land (Lot 26 Section 27 Township of Clunes) and agrees to pay all costs associated with the sale then Council is to proceed with the statutory processes required by the Local Government Act for the proposed sale to the adjoining landowner.*

6.7.2 *Insert a planning permit condition into Planing Permit Application 2007/9389 that subject to Lot 26 being sold to the applicant that Lot 26 be combined with and form part of Lot 1 and Lot 2 of the proposed subdivision realignment.*

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

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

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## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.8 DOMESTIC ANIMAL MANAGEMENT SUCCESS

(A/O – Compliance Coordinator)

File Ref: 02/02/01

#### Synopsis

Structured programs, processes and officer professionalism have all had a significant impact in improving community satisfaction in the domestic animal management area.

Domestic animal management is by far the area within the Compliance Department that requires the greatest level of attention on a daily basis and this report clearly identifies that the methods and approaches used have been pro-active in improving community satisfaction levels.

#### Report

Statistically animal control and management attracts the most enquiries, complaints and concerns within the Compliance area. It is recognised that the community are impacted upon both positively and negatively where pet ownership is concerned.

Whilst animal management legislation is a tool that is clearly required and used, historically long term responsible pet ownership should not rely on enforcement.

The Hepburn Shire Compliance team have recognised the need and benefits of community events, door-to-door programs and recently trialling a change in approach and focus regarding domestic animal registrations.

Microchipping events, paws walk events, door-to-door pet registration programs, implementation of lifetime registration tags and various in-house procedures have all contributed to a reduction in domestic animal complaints during working hours and after hours and also increased the numbers of pet owners that are registering their pets with Council.

At this time in 2004/05, 3,400 domestic animals were registered with Council, 2005/06 showed 3,600 animals registered and for the first time, Council's current registrations have exceeded 4,100.

Recent changes to domestic animal legislation have and will continue to place municipalities in a position of considering programs, procedures and visions for the short and long term. The development of a *Domestic Animal Management Plan* during 2007/08 will be a strategic document that will focus on community expectations and detail a large range of animal management programs, processes and accountabilities.

Further responsible pet ownership programs are now being considered for 2007/08 which will continue to highlight Council's positive approach to improvement in this area.

#### Relevant Policies / Council Plan implications:

Council Plan – Objectives One & Two.

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

Events, door to door personal contact and media releases have been used to engage the community about responsible pet ownership.

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**6. GOVERNANCE AND STRATEGIC MATTERS**

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**Financial & Resource Implications Initial & Ongoing**

Within budget.

**Recommendation:**

*That Council:*

6.8 .1      *Note & receive this report.*

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

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



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**6. GOVERNANCE AND STRATEGIC MATTERS**

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**6.9 ESTABLISHMENT OF SES UNIT**

(A/O – Director Infrastructure & Development)

File Ref: 28/06/02

**Synopsis**

The State Emergency Services Regional Manager has advised that the SES wishes to establish a unit in Daylesford to serve Hepburn Shire.

**Report**

A presentation was made to Councillors in late July 2007 by Mr Stephen Warren, Regional Manager SES advising that SES is proposing to establish and base an SES Unit in Daylesford. The SES is seeking Council support for the unit and requests that Council provide an annual ongoing financial contribution in the order of \$6,000 to the SES Unit.

**Relevant Policies / Council Plan implications:**

Council Plan – Objectives One Strengthening Communities.

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

Councillors have received a presentation by Mr Warren on the proposed SES Unit.

**Financial & Resource Implications Initial & Ongoing**

\$6,000 (indexed) annual financial contribution is being requested for operational purposes.

No budget allocation has been provided in the 2007/8 budget however the SES Unit is unlikely to be operational until 2008/9

**Recommendation:**

*That Council:*

- 6.9.1 *Advise the Regional Manager SES that Council supports the establishment of an SES Unit for Hepburn Shire and is prepared to make a matching contribution of around \$5,000 per annum subject to the name of the unit being "Hepburn Shire SES Unit".*

**Moved the Officer's recommendation.**

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

## 6. GOVERNANCE AND STRATEGIC MATTERS

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### 6.10 SIGNING OF VICTORIA LOCAL SUSTAINABILITY ACCORD

(A/O – Environment Officer)

File Ref:46/18/01

#### Synopsis

This report provides details of the Victorian Local Sustainability Accord and the financial opportunities it presents to Council by signing the Accord.

Council is asked to sign the Accord Model Resolution and support funding opportunities of this program. **(Attachment No 5).**

#### Report

The Victorian Local Sustainability Accord (the Accord) is a partnership agreement between the Victorian State Government and local governments on environmental sustainability. This agreement will allow Council to fund the development of a comprehensive and relevant Environment Plan/Strategy and potentially fund a major environmental project, including resources to complete the project (the second initiative can be a joint resource between neighbouring Councils).

#### IMPLEMENTING THE ACCORD

By joining the accord Council is committed to an implementation process, in conjunction with DSE, which includes the following key action areas:

1. Work with DSE to develop a Local Environmental Sustainability Priority Statement (Priority Statement) for the municipality;
2. Develop approaches for utilising the Priority Statement for a variety of local and regional purposes; and
3. Use the Priority Statements to inform potential funding or project opportunities.

#### FUNDING OPPORTUNITIES

The Accord is supported by an allocation of up to \$5 million over three years from the Sustainability Fund to support projects that arise out of the implementation of Accord actions, such as the development of the Local Environmental Sustainability Priority Statements.

#### Relevant Policies / Council Plan implications:

Signing the Accord Model Resolution will allow Council to support the aims of the Interim Environment Plan and support the aims and outcomes of the Council Plan 2006-2011, Inclusion and Action Plan 2005-2015, and the Sustainable Water Use Plan.

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

Community engagement and consultation will only be necessary if Council is successful in achieving funding through the Victorian Local Sustainability Accord Funding Program.

#### Financial & Resource Implications Initial & Ongoing

Council's Environment Officer would be responsible for the implementation of the Accord, over all management of Accord projects and application of funding opportunities.

All projects will be fully funded through the Sustainability Fund except the development of an Environmental Plan/Strategy which will be funded 2:1 matched funding. \$30,000 on a 2:1 matched funding basis will be offered, requiring a \$15,000 contribution by

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**6. GOVERNANCE AND STRATEGIC MATTERS**

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Council for the Environmental Plan/Strategy which can be the Environmental Officer's time.

**Recommendation:**

*That Council:*

- 6.10.1 *Sign the Accord Model Resolution.*
- 6.10.2 *Support the creation of a Local Environmental Sustainability Priority Statement.*
- 6.10.3 *Support the application of funding opportunities through the Accord funding program.*

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

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

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**6. GOVERNANCE AND STRATEGIC MATTERS**

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**6.11 ARC DAYLESFORD INDOOR RECREATION CENTRE ADVISORY COMMITTEE**

(A/O – Manager Economic Development, Tourism & Recreation) File Ref: 56/10/08

**Synopsis**

This report recommends the appointment of the three community representatives to the Advisory Committee for the ARC Daylesford indoor Recreation Centre.

**Report**

Nominations were called for the community positions through local media and via Council's web site. Three nominations were received for the three positions available. Some of the nominations are from the Arc Fundraising Committee.

The nominations received were: David Hall; Max O'Shea and Colin Priest. They each have a broad appreciation of the needs of the community, extensive business and marketing experience and well as considerable life experience. One has been involved in the project since its commencement.

**Relevant Policies / Council Plan implications:**

The ARC –Daylesford indoor Recreation Centre Advisory Committee Terms of Reference Adopted July 17 2007.

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

Advertisements in the Advocate, Courier and Council Web site.

**Financial Implications**

NA

**Recommendation:**

*That Council*

6.11.1 *Appoint David Hall, Max O'Shea and Colin Priest as representatives to the Advisory Committee for the ARC Daylesford Indoor Recreation Centre.*

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

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

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**6. GOVERNANCE AND STRATEGIC MATTERS**

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**6.12 DAYLESFORD MACEDON RANGES TOURISM**

(A/O – Manager Economic Development, Tourism & Recreation) File Ref: 62/10/03

**Synopsis**

The Chair of Daylesford Macedon Ranges Tourism Inc has invited Councillor Bill McClenaghan to join his Chairman's Advisory Panel. It is recommended that Council endorse this.

**Report**

Councillor McClenaghan forwarded an email relating to this to Councillors on 29 June. This included the email from the DMR Tourism Inc Chairman inviting him to join the Chairman's Advisory Panel.

Participation in this Panel should be beneficial to our Council and Shire through strengthening our involvement and also providing a stronger information link between Council and DMR Tourism Inc.

**Relevant Policies / Council Plan implications:**

Various sections of the Council Plan and other Plans and Policies relate in a positive manner.

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

Strengthens Council's ability to communicate and engage with this organisation.

**Financial & Resource Implications Initial & Ongoing**

None directly other than time and travel.

**Recommendation:**

*That Council:*

6.12.1 *Endorse Councillor Bill McClenaghan's participation on the Daylesford Macedon Ranges Tourism Inc Chairman's Advisory Panel.*

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

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

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**6. GOVERNANCE AND STRATEGIC MATTERS**

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**6.13 STAFF RECOGNITION**

(A/O –MOD )

File Ref: Personnel

**Synopsis**

Council has procedures in place to recognise staff service. One aspect covers recognition of service milestones such as 10 years service, 15 years and so on. Another aspect covers recognition when a staff member leaves Council.

**Report**

Recently a staff member, Robyn Haintz, resigned from Council after 18 years of service. Under our recognition procedure a letter is to be provided under Council seal.

Robyn Haintz had initially worked for the former Daylesford & Glenlyon Shire and since amalgamation she had worked for the Hepburn Shire. Her roles included front-line reception for much of that time and also working in the Records Department.

**Relevant Policies / Council Plan implications:**

Council's Human Resources Policy reinforces the importance of recognition of staff.

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

N/A

**Financial & Resource Implications Initial & Ongoing**

N/A

**Recommendation:**

- 6.13.1 *That a letter be provided under Council seal to Robyn Haintz in recognition of her 18 years of service.*
- 6.13.2 *That Councillors be provided with a copy of the Staff Recognition Procedure.*

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

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

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

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**7.1 LEASE AND LICENCE RENEWALS**

(A/O – Director Corporate Services)

File Ref: 2/0050/02042  
3/4630/10671  
1/4100/00100  
2/0880/20464  
2/0880/20466

**Synopsis**

Council owned/controlled properties, as set out in the Report below, are subject to tenancy arrangements which are due (or in some cases overdue) for renewal with the existing tenants.

**Report**

All of the properties listed below fall broadly into the 'recreation' or 'community use' category. Each is generally a renewal of existing circumstances, either by a new replacement lease, or use of an option for a further term in a lease or an end of term 'roll-over' of a licence.

Pursuant to a Governor in Council Order made on 15 December 1998 Council is able to enter into tenancy arrangements without reference to the responsible Minister where the properties are Crown land \*.

2/0050/02042

**CRESWICK MECHANICS INSTITUTE \***

Creswick Municipal Band and Council acting as Committee of Management – existing lease expired with no further options.

Part of the property is occupied by the Band and used for conduct of its activities. The Gold Bullion Office is excluded from the leased area.

This is a new lease in standard Council form – term 3 years from 1 January 2007; Rent \$104 pa community based rent as per DSE guidelines.

3/4630/10671

**NEWLYN RECREATION RESERVE**

Newlyn Community & Sporting Complex Inc and Council as owner – renewal of existing lease after exercise of option for final 9 year term.

The whole of the recreation reserve is occupied and managed by this body – subject to certain obligations of Council for rubbish removal (not collection), mowing, public convenience maintenance, boundary fences including the oval fence replacement. Lease amended as to this being the final option term, removal of a clause requiring Council to grade gravel surfaces – now sealed – replaced with provision for any resealing or reconstruction to be discussed and agreed between the parties.

Standard Council lease for occupancy – to be renewed from 1 January 2007; Rent increase from \$20 pa to standard community based rent of \$104pa.

1/4100/00100

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

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### **ALLENDALE RECREATION RESERVE \***

Creswick & District Motor Cycle Club Inc and Council acting as Committee of Management – occupancy Licence expired and to be replaced.

The Club uses the Reserve seasonally and intermittently and the standard DSE Licence recognises this type of occupancy for the whole of the Reserve.

This is a new licence in standard DSE form – 3 years from 1 January 2007. Rent is \$104 pa community based rent as per DSE guidelines. The Licence contains special requirements for risk management plans, submission of annual reports on use and an events calendar.

2/0880/20464

### **HOUSE AT PARK LAKE RESERVE CRESWICK \***

Hepburn Health Service Inc and Council acting as Committee of Management – ongoing Lease for use of the house for emergency accommodation purposes.

This Lease is for a 3 year term, subject to exercise of an option for a further term by the tenant. The tenant is responsible for all maintenance associated with the property.

Renewal is from 1 July 2006, the tenant having recently exercised the option for renewal. Rent is \$104 pa based on community based rent as per DSE guidelines.

2/0880/20466

### **TENNIS COURTS AND BUILDINGS PARK LAKE RESERVE CRESWICK \***

The Mount Prospect Tennis Association Inc and Council acting as Committee of Management – existing lease expired with no further options.

This lease has been done on a 3 year basis with one further term of 3 years – 6 in total. The new lease proposal mirrors the expired lease. This allows a reasonable term but at the same time a chance to review circumstances without an extraordinary time passing.

This lease has been based on the Council's standard form and while we could use the DSE version, the simple Council version is preferred to continue into the future. Renewal is from 1 March 2007. Rent is \$104 pa based on community based rent as per DSE guidelines.

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

The relevant provisions are

- Policy # 9 Council Owned and Controlled Property – having proper tenure arrangements in place through leases or licences
- Objective 3 – Asset and Resource Management – management of assets, financial responsibilities and professional administration – by having proper written arrangements in place to protect both parties.

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

These are existing arrangements with the occupying bodies exercising their rights under existing arrangements or seeking to renew arrangements.



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

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**Financial Implications**

There are no direct financial implications – rents are all nominal based on community use. In the wider sphere, leases/licences require tenants to have appropriate public liability insurance arrangements in place, which in turn minimises any risk to Council. The tenants also have varying degrees of maintenance responsibility.

**Recommendation:**

That Council:

- 7.1.1 Agree to the new arrangements outlined in the Report and the new documents be sealed or authorised by the Chief Executive Officer as appropriate.

*Moved the Officer's recommendation.*

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

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

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### 7.2 WOMBAT HILL BOTANIC GARDENS - KIOSK

(A/O – Director Corporate Services) File Ref: 5/1330/01950

#### Synopsis

Submissions have been received for occupancy and use of the former caretakers dwelling and kiosk located in the Wombat Hill Botanic Gardens. The premises have been vacant for some time now.

#### Report

The Gardens are a permanent reservation for which Council is responsible as committee of management. However, Ministerial and Parliamentary approval was required for lease of the facilities. This approval was received on 28 March 2006. DSE prefers that residential use not occur.

Initially there were no proposals received when expressions of interest were sought for lease of the premises. Over time enquiries were received from several persons interested in operating the kiosk and using the residence. Each was referred to the Brief for expressions of interest and advised to put a proposition in writing.

Three expressions, as outlined below, were received:-

Michael Despott, Chairman 'Three 60 Degrees – Making Art Work', Daylesford. The project concept is to resurrect the residence/kiosk and convert it to an educational, employment and arts based environment providing improved function and use of the space for a long term vision and improved sustainability of the gardens.

Mr Despott proposes a conglomerate of activities for the kiosk/café including gardens and product information; food & beverage; employment & training; sustainability & environmental education; venue and conference centre; art exhibition space; performance and theatre; cooking classes; lectures & small seminars; small functions; a base for the 'Friends of the Gardens'; conduct guided gardens tours; community based activities; yoga & tai chi classes; painting classes; sculpture classes; and outdoor sculpture.

The project proposes renovations in the order of \$75–120,000 much of the cost of this being supplied by voluntary labour, government and philanthropic grants, his own personal and family funds. Full operation would take up to a year or more.

Mr Despott has offered between \$50–150 weekly as rent. He has asked that rent be subsidised back to recognise the value of renovations. It is also expected that Council would maintain the premises once renovations were complete.

A great deal of supporting information has been supplied. It is probably a fair summation to say Mr Despott and his organisation would like to 'rally' the community to help provide a facility in the gardens he sees as appropriate to cater for the various activities mentioned above.

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Harrish Sood and Jenny Hogan, Hepburn Springs, propose to create a café gallery with use of the undercover pergola area as well as rooms in the dwelling. Tandoori style Indian cuisine would be the speciality. They would undertake renovations (with a budget of around \$15,000) both indoor and out including providing a functional catering

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

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kitchen to food industry standards; a traditional tandoori clay oven; art display space; some landscaping; and develop a fresh produce garden at the rear of the dwelling. Use of space for groups to meet is also proposed along with a 'spiritual' and relaxing atmosphere.

They have business/teaching experience, confirmed they have the resources to undertake the project. A commencing rent of \$150 pw is offered.

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Alla Wolf-Tasker, Lake House, Daylesford, would like to renovate, revitalise and operate to provide kiosk services, café/tearooms, small retail space and develop a fresh produce garden. This, it is submitted, would revitalise interest in the gardens.

The point is made that botanic gardens worldwide are enhanced with the provision of light refreshments for visitors. Non viable, ill thought out operations, with frequent closures and operator turnover, tend to further deteriorate this sort of facility and require constant re-injection of funds. It is appreciated, Council is not prepared to subsidise operation of this facility.

Alla Wolf-Tasker is prepared to commit considerable resources and knowledge to deliver a 'top standard facility'. She has a long time interest in the gardens and at this stage would like a small project to develop. A combining of the pergola area and the dwelling is proposed. A list of works required for this proposal was outlined and initially estimated at \$250,000. In the interests of delivering a viable long term solution, Alla Wolf-Tasker is prepared to undertake all works subject to a workable rental and long term lease – 21 year maximum term.

The planning/building permit process needed is appreciated by Alla Wolf-Tasker.

Initially, nominal rent is proposed, given the value of improvement works outlined in the submission, with full market rent after an agreed time.

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Each person was interviewed after specific information was sought from them in order to assist with evaluating the proposals. Each had the opportunity to add to and clarify their written proposals.

The interviewers were the Director Corporate Services, Gael Shannon from Friends of Wombat Gardens and the Gardens Advisory Committee and Richard Pekin.

The panel concluded on all grounds that the Alla Wolf-Tasker proposal had merit, was most realistic in terms of the work required at the premises and with her background, experience and resources the most likely to have a long term future and success. The completed proposal would significantly improve existing buildings, add to the Gardens 'experience' and provide a further tourist resource. Alla Wolf-Tasker was the one person to show most understanding and 'passion' for the Gardens.

There are, however, details to be worked through before a final lease could be executed. It would be a requirement for tenant maintenance of the renovated facility. In the meantime, a decision by Council to confirm, in principle, that it is prepared to accept the Alla Wolf-Tasker approach would be the next step in the process. Once a lease document has been prepared this will come back to Council for their resolution to sign and seal the document.

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

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A lease will be standard DSE format, with a range of special conditions to meet the specific propositions being put forward.

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

Relevant matters are

- DSE guidelines for the leasing of Crown land properties.
- Ministerial and Parliamentary approvals to lease.
- Councils Policy # 9 – Council Owned and Controlled Properties – proper tenure arrangements in place with an appropriate lease.
- Council Plan – Asset and Resource Management – management of assets, financial responsibilities and professional administration – by having proper written arrangements in place to recognise and protect landlord and tenant responsibilities.
- Wombat Hill Botanic Gardens Management Plan – there is no conflict.

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

As outlined this is a permanent reservation and to gain approval for lease a parliamentary process is included under the legislation. Further expressions of interest to operate the kiosk were publicly advertised. It is also understood that the Friends of Wombat Hill Gardens had circularised Daylesford businesses to explore if any were interested in operating the facility.

As planning approvals will be required for the development proposed further community input may come through this process.

### **Financial Implications**

The very nature of this project has been to redevelop this facility to provide a service to Gardens visitors without significant costs to Council. While initially rent return may not be significant, a substantial asset improvement will be made and market rent will, in the future, provide income.

### **Recommendation:**

*That Council*

- 7.1 .1 *Agree in principle to accept the proposal of Alla Wolf-Tasker at Wombat Hill Botanic Gardens kiosk and further work be undertaken to develop a final lease for consideration; and*
- 7.2.2 *Thank the other submitters for their proposals.*

### ***Motion moved at the Meeting:***

***That Council refer the matter to next week's Forward Planning meeting.***

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

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

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**8.1 CLUNES HISTORIC MEDLYN COMPLEX**

(A/O – Director Corporate Services)

File Ref: 1/0320/00070

**Synopsis**

The current S86 Committee that manages the Clunes Historic Medlyn Complex has requested Council to advertise for additional members to be appointed to the committee. (*Attachment No. 5*)

**Report**

In line with the Committee's recent request to seek additional membership of the committee, it was determined that it would be prudent, in light of the current committees length of service, to declare that all membership positions will become vacant on the 21 August 2007.

Whilst all positions on the committee will be declared vacant, advertisements have been placed in The Advocate and the Ballarat Courier seeking expressions of interest from people who wish to become part of the new committee. The period for receipt of expressions of interest closed on the 17 August 2007.

Following consultation with the current committee members letters have been sent to them all thanking them for their dedication and efforts in assisting with the management of the complex, advising them of Council's actions in this matter and also providing that should they wish to seek re-appointment to the committee they are encouraged to forward to Council an expression of interest by 17 August 2007.

The current deed of delegation provides that the committee consist of a minimum of 9 members. It is proposed that the deed of delegation be amended slightly to include the provision that one of the membership positions be reserved for a representative of the Clunes Tourism & Development Association (CTDA). As the Visitor Information Centre is housed in the Medlyn Complex the aim of having a CTDA representative on the committee is for them to be pro active in improving the VIC component of the complex.

Council received 10 expressions of interest to be considered for membership of the committee. Following consultation with Cr Hayes it is recommended that the following people be appointed as members of the Clunes Historic Medlyn Complex Section 86 Committee of Management:

1. George Yates
2. Jan Turner
3. Stay Lay
4. Barbara Webb
5. Lou Newman
6. Stephen Greenwood
7. Yvonne Yates
8. Wendy Knowles

In light of the fact that there is only one new member being appointed to the committee, it is recommended that the appointment be for a term of 12 months and that the local Ward Councillor be appointed to the committee. These steps will provide Council with a mechanism to review how the committee is going on an ongoing basis.

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

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**Relevant Policies / Council Plan implications:**

Local Government Act 1989

Council Plan – 3.1 Improve the management of our assets

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

The current committee have been consulted and are comfortable with the action proposed.

**Financial & Resource Implications Initial & Ongoing**

Nil

**Recommendation:**

*That Council:*

- 8.1.1 *Appoint George Yates, Jan Turner, Stan Lay, Barbara Webb, Lou Newman, Stephen Greenwood, Yvonne Yates and Wendy Knowles as members of the Clunes Historic Medlyn Complex Section 86 Management Committee.*
- 8.1.2 *Write to all parties who submitted an expression of interest and thank them for their submissions.*
- 8.1.3 *Adopt the deed of delegation as attached which includes the provision that one of the membership positions be reserved for a representative of the Clunes Tourism & Development Association (CTDA)*
- 8.1.4 *Include in the deed of delegation reference to the running of a Visitor Information Centre out of the Clunes Historic Medlyn Complex*

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

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

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

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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:

- Clunes Museum Committee meeting held on 8<sup>th</sup> February 2007
- Clunes Museum Committee meeting held on 10<sup>th</sup> May 2007.
- Clunes Museum Committee meeting held on 14<sup>th</sup> June 2007
- Clunes Museum Committee meeting held on 12<sup>th</sup> July 2007
- Clunes Museum AGM meeting held on 10<sup>th</sup> August 2006
- Doug Lindsay Recreation Reserve held on 26<sup>th</sup> July 2007

**Relevant Policies / Council Plan implications:**

Council Plan 3.1 – Improve the management of our assets

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

Members of the community are represented on these committees.

**Financial Implications**

Nil

**Recommendation:**

*That Council*

8.2.1 *Note the Minutes of the various section 86 and advisory committees as listed in the above report.*

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

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

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## 8. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

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### 8.3 SECTION 86 COMMITTEES OF MANAGEMENT & ADVISORY COMMITTEES

(A/O – Manager Administration)

File Ref: 16/18/02

#### Synopsis

Various committees, forums or groups may be established to assist Council and may be made up of Councillors, officers, residents and/or other people. The degree of formality required of each committee or group will depend on the level and type of assistance it provides to Council.

Council may also appoint special committees under Section 86 of the Local Government Act 1989. Council may, by instrument of delegation, delegate any of its functions, duties or powers to a special (Section 86) committee, with the exception of the following powers:

1. the power to delegate;
2. to declare a rate or charge;
3. to borrow money;
4. to enter into contracts for an amount exceeding an amount previously determined by Council;
5. to incur any expenditure exceeding an amount previously determined by Council;
6. any prescribed power.

#### Report

A Section 86 committee is generally established with an Instrument of Delegation, giving the committee its own (limited) powers and authority. The committee, so far as its delegated authority is concerned, actually sits and acts as the Council for the purposes for which it is appointed.

Consequently, the proceedings of Section 86 committees are regulated by the requirements of the Local Government Act 1989 and sections of Council's Local Law No. 1. The following provides a brief overview of how a Section 86 special committee is to operate:

- each committee must act as prescribed in the Instrument of Delegation relating specifically to that committee;
- any decision made by the committee which is outside its delegated authority has no effect unless the Council approves it;
- meetings must be open to the public and the Chairperson must give reasonable notice to the public about holding of meetings;
- meetings may be closed if it is necessary to discuss any one of a number of specified special factors;
- decisions must be made by voting and each member has one vote, except the Chairperson who, if there is an equal number of votes, has a second or casting vote;
- when at a meeting a member must vote, unless he or she has a pecuniary interest in the matter being considered;
- the Chairperson is responsible to ensure minutes of meetings are kept and submitted to the next meeting for confirmation. When confirmed the Chairperson must sign them to certify that they have been confirmed;
- a copy of the minutes must be submitted to Hepburn Shire Council within 14 days of the meeting;



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

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- a vacancy on the committee must be reported to Council and will be filled by Council making an appointment.

Currently, Council has 20 active committees established under Section 86, 13 Committees of Management and five Advisory Committees (see attached).

The 13 Committees of Management have each been established for the purpose of undertaking day to day operation and maintenance of a specific Council controlled property. Each Committee of Management acts under an Instrument of Delegation which provides limited powers and authority to make decisions to allow the committee to fulfil its obligations.

Council's five Advisory Committees have been established for the purpose of providing advice to Council on a specific topic, for instance tourism, and each acts under the guidelines of a Terms of Reference. The Advisory Committees do not act independently on Council's behalf and therefore have not been delegated powers by virtue of an Instrument of Delegation.

The objective of each Advisory Committee is clearly stated in it's Terms of Reference as being to provide advice to Council. Given that the Advisory Committees are not required to act for Council, under an Instrument of Delegation, but to provide advice only, it would seem that their appointment as a special committee under Section 86 is unnecessary. Also, the level of formality required for the meeting process for a Section 86 (special) committee appears to be inappropriate for an Advisory Committee.

It is a relatively straight forward matter to withdraw the Section 86 (special committee) status of the Advisory Committees, as it would not require the revocation of an Instrument of Delegation. Withdrawal of the Section 86 status would not adversely affect the Advisory Committees, but would serve to provide a less formal forum for meeting. The Terms of Reference for each Advisory Committee would only require minor amendment to remove any references to Section 86 of the Local Government Act 1989, and could otherwise remain unchanged.

The Advisory Committees would continue to be covered under the terms and conditions of Council's liability and personal accident insurance policies, provided they are acting for and on behalf of Council, within the scope of duties defined in the Terms of Reference and are acting in good faith.

The following advisory committees will be affected by the change:

- Heritage Advisory Committee,
- Creswick Development Committee,
- Recreation Advisory Committee,
- Youth Advisory Committee,
- Tourism Advisory Committee

Having considered this matter at the June 07 forward planning meeting, Council requested that the advisory committees be informed of the proposed changes and the reasons for such. The relevant advisory committees have all been informed of the proposed changes and provided with an explanation for the changes.

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

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**Relevant Policies / Council Plan Objectives**

Council Plan 2006-2011

1. Strengthening Communities

Local Government Act 1989

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

Members of the community are represented on these committees.

**Financial & Resource Implications Initial & Ongoing**

Nil.

**Recommendation:**

*That Council:*

8.3.1. *Withdraw the Section 86 (special committee) status of the Heritage Advisory Committee, Creswick Development Committee, Recreation Advisory Committee, Youth Advisory Committee and the Tourism Advisory Committee*

8.3.2. *That the Terms of Reference for the, Heritage Advisory Committee, Creswick Development Committee, Recreation Advisory Committee, Youth Advisory Committee and the Tourism Advisory Committee be amended to reflect the withdrawal of the Section 86 (special committee) status.*

8.3.3. *That the, Heritage Advisory Committee, Creswick Development Committee, Recreation Advisory Committee, Youth Advisory Committee, Tourism Advisory Committee, Wombat Hill Botanic Gardens Advisory Committee, Hepburn Pool Advisory Committee, Culture & Arts Advisory Committee and the Hepburn Healthy Communities Advisory Committee continue in their roles as Advisory Committees to Council.*

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

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

## **9.1 AMENDMENT C41 TO HEPBURN PLANNING SCHEME**

(A/O – Manager Planning)

File Ref: 66/20/04/C41

### **Synopsis**

This report is to advise Councillors on the introduction of Amendment C41 to the Hepburn Planning Scheme which applies to land subject to the proposed Goldfields Superpipe project, which extends from the Sandhurst Reservoir south of Bendigo to the White Swan Reservoir north-west of Ballarat. The amendment is required to facilitate the project which is designed to secure the water supply for Ballarat; now and into the future.

### **Report**

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment. The request for the amendment was prepared by Central Highlands Water (CHW), the regional water authority.

The pipeline route predominantly follows an existing power transmission easement for a total of 87 kilometres. It ranges in width from between 6 and 10 metres.

Within Hepburn Shire the route generally runs in a north - south direction crossing the municipal boundary near the Loddon River/Limestone Creek junction before joining the Daylesford-Newstead Road at Clydesdale. The route deviates from the power transmission easement at several points. These deviations are required to:

- Avoid fibre optic cables
- Avoid hills, creek crossings and steep topography
- Avoid native vegetation, and
- Avoid dams on private property

One pump station will be constructed within the Shire at 275 Blampied-Kooroocheang Road, Blampied. A Public Acquisition Overlay (PAO) has been applied to this land.

As well as introducing the PAO into the Hepburn Planning Scheme, this amendment also amends the Schedules to the Public Conservation and Resource Zone, the Environmental Significance Overlay, the Vegetation Protection Overlay, the Erosion Management Overlay, the Significant Landscape Overlay and Clause 52.17 – Native Vegetation. This will exempt the Goldfields Superpipe project from any permit requirements, subject to the Project Impact Assessment Report and the Environmental Management Plan approved by the Secretary of the Department of Sustainability and Environment and the native vegetation offset plan approved by the Minister for Environment.

An easement in favour of CHW for the purpose of a water supply pipeline will be created along the route.

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

The Explanatory Report accompanying the amendment advises that the proposal is consistent with the Hepburn Planning Scheme which identifies some key issues in relation to natural resource management. In particular, Clause 21.09 Environment and Heritage and Clause 22.01 Catchment and land protection of the Local Planning Policy Framework are addressed through the detailed reports that have been prepared as part of the project.

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

The Explanatory Report advises that relevant Government Departments, authorities and other agencies have been consulted during the preparation of the Amendment. The Project Impact Assessment Report addresses their requirements.

As this amendment is a Ministerial amendment, there is no opportunity for community consultation.

**Financial & Resource Implications Initial & Ongoing**

The amendment will minimise resource and administrative costs to Council as the Minister for Planning is the planning authority and no planning applications for the project will need to be processed.

**Recommendation:**

*That Council:*

9.1.1 *Note that Amendment C41 to the Hepburn Planning Scheme has been gazetted.*

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

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

**9.2 APPLICATION NO 2007/9292, PROPOSED: PAINT FRONT EXTERIOR  
AND INSTALL NEW SIGNAGE**

(A/O – Planning Officer 3)

File Ref:1/0400/00063/P

**Synopsis**

Applicant: Julie Thompson, Programmed Maintenance Services  
(on behalf of C and W Haintz, Tyrepower, Creswick)

Location: 63 Albert Street, Creswick

Proposal: Re-imaging the front elevation of the building in the  
current Tyrepower colours and format. Involves  
painting the site and installing new signage.

Zoning: B1Z

Overlay Controls: HO 238, HO 823, ESO1

No of Objections Received: None

Recommendation: Refuse to Grant a Permit



## Report

### INTRODUCTION

An application has been received to repaint the façade of the building at 63 Albert Street, Creswick, currently trading as Tyrepower. The proposal is designed to project an image in keeping with Tyrepower's corporate image. An illustration of the proposed colour scheme and design is attached. (**Attachment No. 6**)

The application is not considered to accord with the purposes of the Heritage Overlay due to its adverse affect on the character and appearance of the building, not only in itself but in its role as an important element of the streetscape.

### PROPOSAL

The proposal is to repaint the façade of the building at 63 Albert Street, Creswick as per the attached design

### REFERRAL AUTHORITIES

The application did not require external referral under the provisions of the Hepburn Planning Scheme.

### REFERRAL WITHIN COUNCIL

The application was referred to the Council's Heritage Advisor. His advice was as follows:

"I will support new signs in whatever colours and design you (the applicant) wish and located in the panels as at present, but not the painting of the whole building in corporate colours and designs not sympathetic to the historic character of the building. The signs should be painted direct onto the building or be on rigid backings, not metal sheet. Suitable colours for the rendered body of the building would be warm greys, stones and similar colours like biscuit, etc. For the verandah, stones with deep red and cream highlights would be OK. Reds will fit best with the sign colours, but blues are a no-no for architectural elements."

### ADVERTISING/NOTICE OF APPLICATION

Under clause 43.01-3 the application was exempt from the requirement to give notice.

### Relevant Policies / Council Plan implications:

#### STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 15.11 – Heritage – is relevant. The stated objective of clause 15.11 is:  
*To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the State.*

The proposal fails this objective as it does not assist in the conservation of a place with identified historic and cultural significance.

## LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.09 – Environment and Heritage – is relevant. Objective one seeks *to protect the cultural heritage of Hepburn, while promoting appropriate development opportunities for areas and sites of cultural heritage significance*. The building in question has been identified as one of heritage significance through the Shire of Creswick Heritage Study [Lester Tropman and Associates 1989]. The proposal does not protect the significant heritage of the site, and so is an inappropriate development.

## ZONE AND OVERLAY PROVISIONS

Business One Zone – not relevant to application.

Heritage Overlay HO 238 applies to the subject site, and HO 823 to the precinct. The relevant purpose of the overlay is:

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

A permit is required under the overlay to externally paint a building if the schedule to this overlay identifies the heritage place as one where external paint controls apply. In this instance, the schedule to the Heritage Overlay identifies the building as one to which external paint controls apply.

The statement of significance in the Shire of Creswick Heritage Study has the following to say:

“Although much altered this building retains the form, scale and some decoration of the original Victorian shop and house. The building once housed a Butcher’s Shop on the south side, with a residence in the north section. The building is an important element of the streetscape.” [Lester Tropman and Associates 1989].

In exercising its discretion under clause 43.01-4 the Responsible Authority must consider (amongst other matters):

- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

## ASSESSMENT

The key issue identified through the foregoing considerations is whether the proposed works will adversely affect the significance, character or appearance of the heritage place. The statement of significance for the heritage place (HO238) records that the building retains the form, scale and some decoration of the original Victorian shop and house. The proposed painting is clearly at odds with the retained Victorian character of the shop. Consequently, it would adversely affect the appearance of the heritage place. The site also falls within the Creswick Township Heritage Precinct, identified by the Heritage Overlay Schedule 823. The statement of significance for the area includes reference to the many nineteenth century buildings, which contribute to making this area the focal point of the character of the Shire (of Creswick). Inappropriate painting of one building in the heritage precinct would not only adversely affect the appearance of that building, but also the whole precinct. This is especially so due to the building fronting the street, with no screening from the street, making any inappropriate alterations of high visual impact.

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

The advice provided by the Heritage Advisor was communicated to the applicant on more than one occasion. They did not ask to amend their application in the light of this advice.

**Financial & Resource Implications Initial & Ongoing**

Potential VCAT appeal costs.

**Recommendation:**

*That Council resolve to issue a Refusal to Grant a Planning Permit in respect of the land known and described as 63 Albert Street Creswick, for the **Painting Of Front Exterior And Installation Of New Signage** in accordance with the submitted plans, with the application dated 18/01/2007, on the following grounds:*

- 9.2.1 *The proposal fails to meet the relevant objectives of both the State Planning Policy Framework and the Local Planning Policy Framework.*
- 9.2.2 *The proposal does not accord with the purposes of the Heritage Overlay due to its adverse affect on the character and appearance of the building, not only in itself but in its role as an important element of the streetscape.*

**Alternative Motion Moved at the Meeting:**

*That Council resolve to Grant a Building Permit in respect of the land known and described as 63 Albert St, Creswick, for the **Painting of Front Exterior And Installation Of New Signage** in accordance with the submitted plans, with application dated 18/01/2007, subject to the following conditions:*

1. The development as shown on the endorsed plans must not be altered.
2. The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.

**Time for starting and completion**

3. This permit will expire if one of the following circumstances applies:
  - The development is not started within two years of the date of this permit.
  - The development is not completed within four years of the date of this permit.

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

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

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



### **9.3 PROPOSED PLANNING SCHEME AMENDMENT – “GATEWAY” CONTROLS TO DAYLESFORD TOWNSHIP**

(A/O – Larry Waldron, Senior Strategic Planner)

File Ref: 66/20/04

#### **Synopsis**

This report recommends the preparation of a planning scheme amendment to introduce “gateway” controls to the Daylesford township along the Daylesford-Ballan Road from Ballan and the Midland Highway from the Castlemaine/Trentham entry points.

#### **Report**

The character of a township is strongly influenced by its entrance points. Limiting commercial sprawl and ad hoc unsympathetic redevelopment of key sites is crucial in achieving an attractive and inviting “gateway” to the town.

The existing residential area along the Daylesford-Ballan from Ballan has been identified as an area that is subject to redevelopment pressures due to its proximity to the lake and the views that are available from the higher residential land to the east of the roadway. In addition, some of the housing stock is of an age and condition that makes it ripe for redevelopment.

Similarly, there is considerable pressure for increased commercial activity to extend along the eastern section of the Midland Highway (eg the car wash application on the corner of East Street).

There are currently a number of overlay controls covering land at these gateways. The land adjoining the Ballan entrance consists of Heritage Overlays, Neighbourhood Character Overlays, Environmental Significance Overlays and Design and Development Overlays. The Trentham / Castlemaine entrance comprises Environmental Significance Overlays and Heritage Overlays.

The aim of the project is to rationalise the existing overlays and introduce a planning control specifically tailored to preserve and enhance these key entry points. It is considered that the Design and Development Overlay is the most appropriate tool to achieve this outcome.

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

The proposal is consistent with the objectives of the *Hepburn Shire Council Plan 2006-2011* which states that *Council in partnership with the community will ensure that our cultural natural and built form environment is protected, conserved and enhanced for future generations.*

Clause 21.05 - Settlement and Housing of the MSS identifies further strategic work to be undertaken as follows:

*In conjunction with community and other key stake-holders, investigate and establish the planning parameters for the inclusion of a Design and Development Overlay for Daylesford and Hepburn Springs that will specifically address high visual impact areas.*

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

The revised Design and Development Overlay will be exhibited in accordance with the requirements of the planning scheme amendment process.

In addition, a media release and information in the Council Advocate page and on the Council website will highlight the proposal during the exhibition period. An information night could also be held if deemed necessary.

**Financial & Resource Implications Initial & Ongoing**

Officer time to prepare the amendment and manage the amendment process would be required to implement this project.

The project would not result in an increased number of planning permit applications as the existing overlays already create the “trigger” for a planning permit.

**Recommendation:**

*That Council:*

9.3.1 *Note & receive the report*

9.3.2 *Authorise the preparation of a Design and Development Overlay to address the entrances to the Daylesford township as mentioned within the report.*

***Moved the Officer’s recommendation.***

***Moved: Councillor Bill McClenaghan***

***Seconded: Councillor Heather Mutimer***

***Carried.***

**9.4 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, AND  
SCOTT ANTHONY ANDREWS AND TAMARA JANE CARMICHAEL,  
PLANNING PERMIT NO 2006/9097**

(A/O – Planning Administration Officer)

File Ref: 5/4335/00100/P

**Synopsis**

This report concerns a Section 173 Agreement that provides that no further facilities may be installed in front building and no subdivision is to be sought for the subject land at Lot 5, PS 516434P, Parish of Wombat, under Condition 3 of Planning Permit 2006/9097, issued to allow the use of the front building for short term bed and breakfast accommodation.

Applicant: SCOTT ANTHONY ANDREWS AND TAMARA JANE CARMICHAEL

Property: 14A MALMSBURY ROAD, DAYLESFORD  
LOT 5, PS 516434P, PARISH OF WOMBAT

**Report**

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

The agreement provides that no further facilities may be installed in the front building without further written consent and no subdivision of the subject land is to be sought for Lot 5, PS516434P, Parish of Wombat, under Condition 3 of Planning Permit 2006/9097.

**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 Scott Anthony Andrews and Tamara Jane Carmichael, as detailed under item 9.4.1.*

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

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

**9.5 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL,  
CENTRAL HIGHLANDS WATER, ROBERT STEPHEN PICONE AND  
LYNDAL SHEREE PICONE, PLANNING PERMIT NO 2006/9277**

(A/O – Planning Administration Officer)

File Ref: 2/6060/10206/P

**Synopsis**

This report concerns a Section 173 Agreement that relates to the limitation of animal husbandry and stud breeding and also wastewater treatment management according to the conditions of the permit at the subject lot at Lot 4 PS 311757, Parish of Creswick, under Condition 9 of Planning Permit 2006/9277, issued for the development and use of a dwelling and shed for the purposes of farming.

Applicants: ROBERT STEPHEN PICONE AND LYNDAL SHEREE PICONE

Property: 323 SAWMILL ROAD, SPRINGMOUNT  
LOT 4 PS 311757, SPRINGMOUNT

**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 property at Lot 4, PS311757, Parish of Creswick, shall not be used for intensive animal husbandry or stud breeding and the wastewater treatment facility and effluent disposal area shall be managed as detailed in Condition 9 of Planning Permit 2006/9277.

**Relevant Policies / Council Plan implications:**

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

**Financial Implications**

Nil

**Recommendation:**

*That Council:*

- 9.5.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Robert Stephen Picone and Lyndal Sheree Picone, as detailed under item 9.5.1.*

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

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

## **9.6 WIND FARM POLICY** (A/O – Senior Strategic Planner)

File Ref: 66/02/01

### **Synopsis**

This report is to brief Councillors on the preparation of a wind farm policy for the Shire. Discussions with officers from the Department of Sustainability and Environment have revealed that the policy will only be approved for inclusion in the planning scheme if it “encourages” the provision of wind energy facilities within the Shire and accords with government policy as reflected in the provisions of the State Planning Policy Framework.

### **Report**

Council has requested that a policy pertaining to wind energy facilities for possible inclusion in the Local Planning Policy Framework (LPPF) of the Hepburn Planning Scheme be prepared.

As Council is aware, Hepburn Shire has been identified as an area of high wind resource in the State Government report *The Victorian Wind Atlas* by Sustainable Energy Authority 2003.

In addition, the guidelines *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* by Sustainable Energy Authority 2003 gives proponents, authorities and the Victorian community guidance in assessing the merits and impacts of wind energy proposals. This is an incorporated document in the planning scheme.

Clause 15.14 - Renewable energy is contained within the State Planning Policy Framework (SPPF). This Clause promotes the provision of renewable energy, including wind energy facilities, in a manner that ensures appropriate siting and design considerations are met.

Preliminary investigations into a wind farm policy revealed that no other planning schemes within the State have such a policy. The Macedon Ranges Shire Council had previously prepared Amendment C53 to the Macedon Ranges Planning Scheme to include a Wind Energy Facility policy in the LPPF. The Minister for Planning has recently advised Macedon Ranges Shire Council that he will not approve the amendment as there are already adequate State measures incorporated into the Scheme and a local policy framework to assess relevant impacts such as tourism, catchment, amenity and environmental impacts is not warranted.

DSE officers have indicated that the major problem associated with the Macedon Ranges proposal is that it attempts to overly restrict the establishment of wind energy facilities within the Shire which is contrary to State Government Policy.

The Regional Manager of DSE has undertaken to discuss this Council's proposal with relevant parties and advise staff further on matters that the policy must have regard to.

In addition to a local policy, another tool to influence the locations of wind farms is the use of overlays. In particular, the judicious use of the Significant Landscape Overlay (SLO) is appropriate to protect areas with high landscape values. This then introduces another layer of control that any application within this overlay, (including wind farms), must be evaluated against when assessing an application.

Currently the Hepburn Planning Scheme has only one schedule to the SLO which relates to volcanic peaks landscape area, ridges and escarpments area and sites of geological significance. As part of this exercise, consideration may also be given to introducing another schedule to the SLO to identify additional high value landscapes.

**Relevant Policies / Council Plan implications:**

A Wind Farm Policy is consistent with the Council Plan 2006 - 2011 which states that *Council will effectively manage our assets and resources to create a better Shire for our community.*

The type of policy is also consistent with the Council's MSS to *develop sustainable strategies that support the Shires' natural resource assets.*

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

A draft policy will be initially prepared for discussion purposes with Councillors prior to going down the path of preparing a planning scheme amendment to include the policy as a LPPF in the Hepburn Planning Scheme, which will require considerable community engagement.

**Financial & Resource Implications Initial & Ongoing**

Preparation of a draft policy is estimated to cost \$2000.

Strategic Planning Account No 3255 141  
Budget \$ 10,000  
Expenditure to date \$ nil

Sufficient funds are available.

**Recommendation:**

*That Council:*

9.6 .1 *Note that as requested a Draft Wind Farm Policy is being prepared.*

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

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

**CLOSE OF MEETING**

The meeting closed at 9.54pm