

HEPBURN SHIRE COUNCIL

ORDINARY MEETING MINUTES

7pm Tuesday 15 April 2008

Senior Citizens Room
Creswick

This Document is printed on 50% Australian recycled paper

HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

VISION STATEMENT:

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

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

Objective One – Strengthening Communities

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

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

Objective Two – Service Delivery

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

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

Objective Three – Asset and Resource Management

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

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

Objective Four – Economic Development

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

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

Objective Five – Heritage and Environment

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

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

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

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

**MINUTES OF THE ORDINARY MEETING
OF THE HEPBURN SHIRE COUNCIL WILL BE HELD AT
SENIOR CITIZENS ROOM DAYLESFORD ON 15 APRIL 2008,
COMMENCING AT 7 PM**

AGENDA

	Page No
1. APOLOGIES:	1
2. DECLARATION OF CONFLICTS OF INTEREST:	1
3. CONFIRMATION OF MINUTES:	1
4. PETITIONS AND PUBLIC QUESTION TIME:	2
4.1 Bath Street Reserve	2
5. GOVERNANCE & STRATEGIC MATTERS:	
5.1 Recruitment of a New Chief Executive Officer.....	4
5.2 2007/2008 Fire Prevention Activities	9
5.3 ARC Monthly Report	12
5.4 Central Victorian Solar Cities – Memorandum of Understanding and 2008/09 Budget Implications (Attachment No. 2)	15
5.5 Central Highlands Regional Library Corporation – Draft Budget Plan 2008/09 (Attachment No. 3)	17
5.6 10 Year Financial Plan (Attachment No. 4).....	19
5.7 Monthly Financial Report 1/7/07 – 31/1/08	21
6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND	
6.1	
7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES:	
7.1 Wombat Hill Botanic Gardens Advisory Committee.....	25
7.2 Creswick Museum Committee of Management – Appointment of New Members (Confidential Attachment No. 5).....	27
8. STATUTORY MATTERS:	
8.1 Hepburn Planning Scheme Amendment C38, to Incorporate the Revised Structure Plans and Amend the Municipal Strategic Statement.....	30
8.2 Application No 2007/9508 Proposal: Construction of a Dwelling and Carport at 15 Ford Street Glenlyon.	38
8.3 Planning Application No. 2007/9612, Proposed: Nine (9) Lot Subdivision of 175, 177 & 195 Ridge Road, Sailors Hill	44
8.4 Planning Application No. 2007/9622, Proposed: Construction of Dwelling and Garage – 4A Queensberry Street, Daylesford.	56

8.5	Planning Application No. 2007/9636 – Proposed: Detached addition to Existing Accommodation Building and Demolition of Existing Carport – 11 Hepburn Road, Daylesford.....	66
8.6	Restructure Plan for Liza Drive & Bushmans Crescent, Drummond.....	76
9.	COUNCILLOR REPORTS AND CONGRATULATIONS:	79

CLOSE OF MEETING:

ATTACHMENTS:

Cr Tim Hayes, Mayor.
16 APRIL 2008.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

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

IN ATTENDANCE: Chief Executive Officer, Philip Shanahan; Director Infrastructure & Development, Rod Conway; Acting Director Corporate & Community Services, 10 Public and 1 Press.

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

OPENING PRAYER

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

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

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

This we pray. Amen

1. **APOLOGIES:** Nil

2. **DECLARATION OF CONFLICTS OF INTEREST:** Nil

3. **CONFIRMATION OF MINUTES:**
 - 3.1 **ORDINARY MEETING OF 18 March 2008.**

Recommendation:

That item 3.1 Minutes of the Ordinary Meeting of Council held on 18 March 2008 (Attachment 1), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.

Moved the Officer's Recommendation.

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

4. PETITIONS AND PUBLIC QUESTION TIME

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.

PETITION:

4.1 BATH STREET RESERVE

(A/O – Director Infrastructure & Development)

File Ref: 4/0470/00100

Synopsis

Council at its Ordinary Meeting on 18 March 2008 received a petition signed by 108 people requesting Council to remove all weed infestation and keep grass under control at the Bath Street Reserve.

This report provides information on the petition and Council resolution to refer the cost of cleaning up the reserve to the 2008/9 budget.

Report

A petition was tabled at the March Ordinary Meeting of Council stating:

“We the undersigned being residents of Trentham in the Shire of Hepburn request and require the Shire Council to remove all weed infestation i.e. willow blackberry gorse broome etc. and keep the grass at a level that is not a fire danger (as Shire Council requirements).”

The petition is signed by 108 people and was submitted with a covering sheet being Council’s 2008/9 Budget Preparation (i.e. community request form for “*what projects/works would you like Council to consider for the coming budget?*”)

Council has already resolved at the March Ordinary Meeting to refer to the 2008/9 budget \$7,650 for appropriate maintenance/clean up of the reserve.

4. PETITIONS AND PUBLIC QUESTION TIME

Council also resolved to undertake the formulation of a Management Plan for the Bath Street Reserve.

Relevant Policies / Council Plan implications

Council Plan – Objective 5 – In partnership with our community Council will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.

Community / Engagement / Communication / Consultation

The petition has been organised by a resident and contains some 108 signatories.

Financial & Resource Implications Initial & Ongoing

To carry out major cleaning up of the reserve is estimated to cost \$7,650

Recommendation:

That Council:

- 4.1.1 *Advise the head petitioner that Council has referred to the 2008/9 budget \$7650 for appropriate maintenance/clean up of the reserve and has also resolved to undertake the formulation of a Management Plan for the Bath Street Reserve.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.1 RECRUITMENT OF A NEW CHIEF EXECUTIVE OFFICER

(A/O – Chief Executive Officer)

File Ref:

Synopsis

This report proposes that Council proceed with the recruitment of a new Chief Executive Officer and recommends the establishment of a Leadership Transition Committee to manage the process.

Report

The recent resignation of the former CEO, Mr Victor Szwed necessitates the filling of that position by a new CEO, appointed in accordance with the provisions of the Local Government Act.

In discussion around my appointment as Acting CEO, we touched on the best timing for commencing this process. One view canvassed was that the process should be delayed until after the November 2008 Municipal Elections.

I am firmly of the view that Council should proceed immediately with the recruitment process. I hold that view for four (4) main reasons.

1. Proceeding immediately will probably mean a new CEO commences in September 2008, nearly seven (7) months after the departure of the former CEO. That is a long time in the life of an organisation which needs executive leadership.
2. Delaying the process until after the Municipal Elections would probably not see a CEO commence until April 2009. This is not only too long to be “in limbo”, but not in compliance with the provisions of the Local Government Act which limits an Acting CEO appointment to one (1) year.
3. A recent Office of Local Government discussion paper entitled “Better Local Governance” recommends that vacant CEO positions be filled: “2-p. A Council should be required to appoint a new permanent CEO as soon as practicable after the permanent position becomes vacant”..
4. Municipal Elections may or may not provide a higher degree of certainty about the “ownership” of any appointment. There are too many variables about both the election process and the recruitment process to guarantee any particular outcome.

Arrangements for Managing the Recruitment Process.

Discussion Of Key Issues:

The key issues to be considered have been discussed under the (3) headings:

- (1) Timetable and process
- (2) Decision Making Framework, and
- (3) Roles and Responsibilities

5. GOVERNANCE AND STRATEGIC MATTERS

(1) TIMETABLE AND PROCESS

APRIL 2008.

I will conduct a series of Workshops to build a profile of the kind of CEO we are looking for. That profile will describe the skills, competencies and personal attributes we think we need to address the particular challenges the Shire faces over the next five years.

The Workshops will be held for :

- (a) Councillors
- (b) Staff
- (c) Key Stakeholders
- (d) Interested Community Members

The CEO profile will be completed in draft form, circulated amongst Workshop participants for final comments and finalised. It will be approved by the Leadership Transition Committee.

MAY 2008

The position will be advertised during May 2008. Normal advertising arrangements include the Age, the Local Government Jobs Directory and Council's website. Direct approaches to suitable people (head hunting) will also be undertaken during May.

The Leadership Transition Committee will determine a number of contractual issues including term of contract, bonus payments, termination arrangements, remuneration and so on. A Draft Contract will be developed and approved by the Leadership Transition Committee.

JUNE 2008

Interviews will be conducted during June. I will undertake preliminary interviews of all and any remotely suitable applicants.

A long, short list of preferred applicants will be developed by me. The Leadership Transition Committee will then determine which applicants are to be interviewed by the Committee.

Interviews will be conducted by the Committee and me. The Committee will determine whether subsequent interviews or psychological or other testing are required of selected applicants. The Committee will choose a preferred applicant or applicants (at most two).

JULY 2008

I will make background and reference checks on the preferred applicant (or applicants) and report my findings to the Committee. The Committee will make a final decision about a preferred applicant. I will seek appropriate authorisation from the Committee to conduct contract negotiations with the Committee's preferred applicant. That might include some Shire familiarisation with the applicant and partner (if any).

5. GOVERNANCE AND STRATEGIC MATTERS

Upon the signing of the Contract, the Committee will approve a programme of announcement to employees, media releases etc.

AUGUST 2008

Preparations for the CEO's commencement will be undertaken. Induction and first week, first month arrangements will be made.

SEPTEMBER 2008

The new CEO will commence. The Leadership Transition Committee will develop a six (6) month inductive programme, with the CEO, incorporating Council priorities leading into and immediately after municipal elections in November 2008.

(2) DECISION MAKING FRAMEWORK.

In my view, the best way to involve all councillors in the CEO recruitment process is to appoint all five (5) Councillors to a Leadership Transition Committee, an Advisory Committee to Council.

The Committee would have the following purpose and scope:

LEADERSHIP TRANSITION COMMITTEE

- Purpose:** An Advisory Committee appointed to assist Council with
- The leadership transition process and appointment of a new Chief Executive Officer pursuant to Section 94 of the Local Government Act 1989.
 - The review of performance of the Chief Executive Officer pursuant to Section 97A of the Local Government Act 1989.
- Membership:** Mayor and all Councillors
- Quorum:** 3 Councillors
- Meeting Frequency:** As required
- Scope of Activity:**
- To engage appropriate Human Resource consultants, if necessary, to assist with the leadership transition and the recruitment of a new Chief Executive Officer.
 - To develop a process for, and manage the recruitment of a new Chief Executive Officer for the Shire of Hepburn through to the signing of a Contract of Employment with a preferred candidate by the Hepburn Shire Council.

5. GOVERNANCE AND STRATEGIC MATTERS

- To ensure the appointment of the new Chief Executive Officer is in accordance with requirements of the Local Government Act 1989 (ie. employment contract, performance criteria etc.)
- To ensure a timely and effective transitional leadership communication program is established throughout the Organisation and to external stakeholders as required.
- To design the Chief Executive Officer induction program and develop a six month performance plan.
- To evaluate the first six months of new leadership against the agreed performance targets.
- To evaluate the leadership transition process.

Reporting: Committee reports to Council as required.

Delegated Authority: Nil

3. ROLES AND RESPONSIBILITIES:

The Leadership Transition Committee will manage the CEO Recruitment process. It will determine and where necessary approve:

- The CEO position profile (and the Key Selection Criteria for the job).
- The draft Employment Contract
- A short list of applicants for interview and will conduct those interview
- The need for further interviews or testing
- The selection of a preferred applicant as applicants for background and referee checking
- The final selection of a preferred application for contract negotiations
- Media and staff announcements about the appointment

As Acting CEO, I will :

- Facilitate a series of Workshops to help me prepare a draft CEO position profile for the Committee's consideration
- Prepare a draft Employment Contract for the Committee's consideration
- Undertake preliminary interviews with bona fide applicants and recommend a short list to the Committee
- Assist the Committee undertake interviews
- Arrange any necessary testing
- Undertake background checks and referee reports on a preferred applicant (or applicants) and report my findings to the Committee
- Negotiate a Contract of Employment with a preferred applicant with parameters authorised by the Committee
- Undertake induction and other preparations for the CEO's commencement.

Relevant Policies / Council Plan implications

The recruitment will proceed in accordance with the provisions of the Local Government Act.

5. GOVERNANCE AND STRATEGIC MATTERS

Community / Engagement / Communication / Consultation

This report deals with a consultative process as part of the CEO recruitment.

Financial & Resource Implications Initial & Ongoing

Within Budget constraints.

Recommendation:

That Council:

- 5.1.1 *Establish a Leadership Transition Committee, as outlined in this report, to manage the process of recruiting a Chief Executive Officer to Hepburn Shire Council and the Committee generally adopt the timetable, process, decision making framework, roles and responsibilities further outlined in this report.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.2 2007/2008 FIRE PREVENTION ACTIVITIES

(A/O – Compliance Coordinator)

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

Synopsis

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

Report

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

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

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

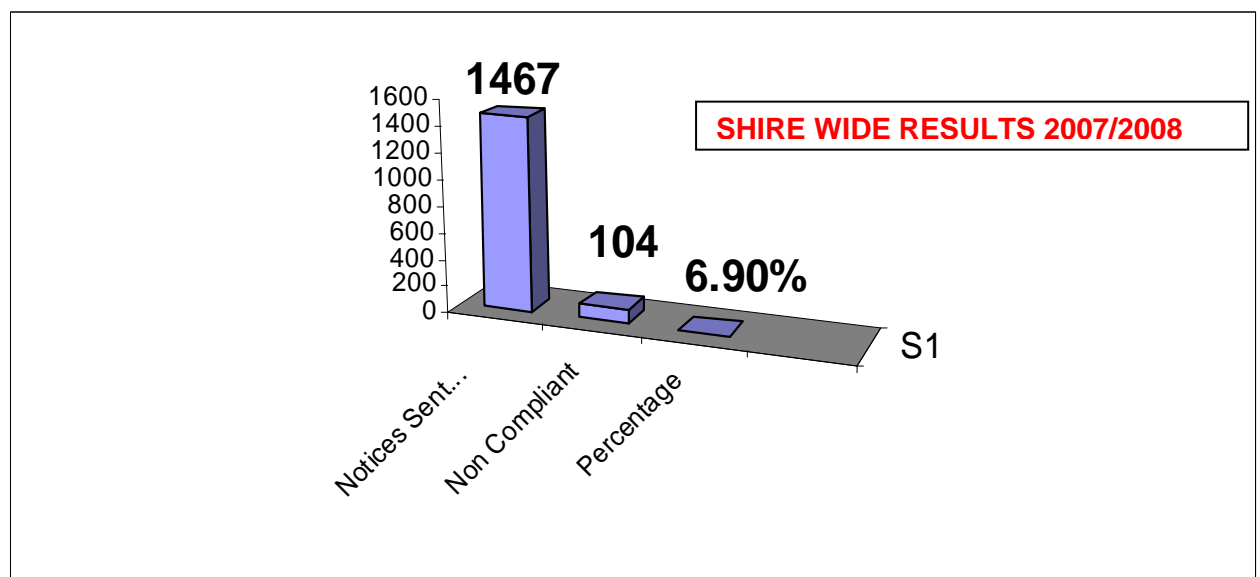
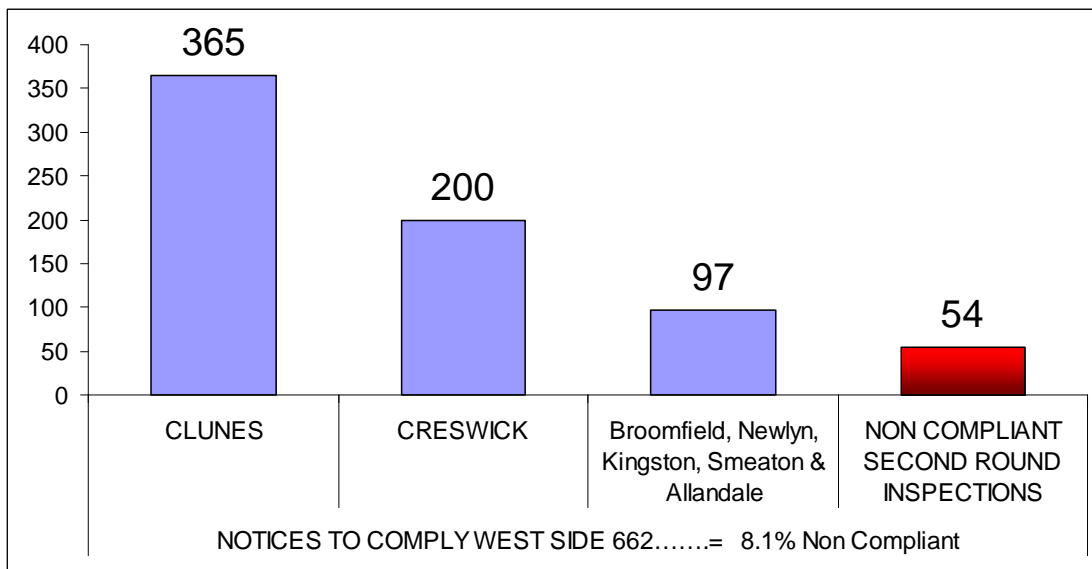
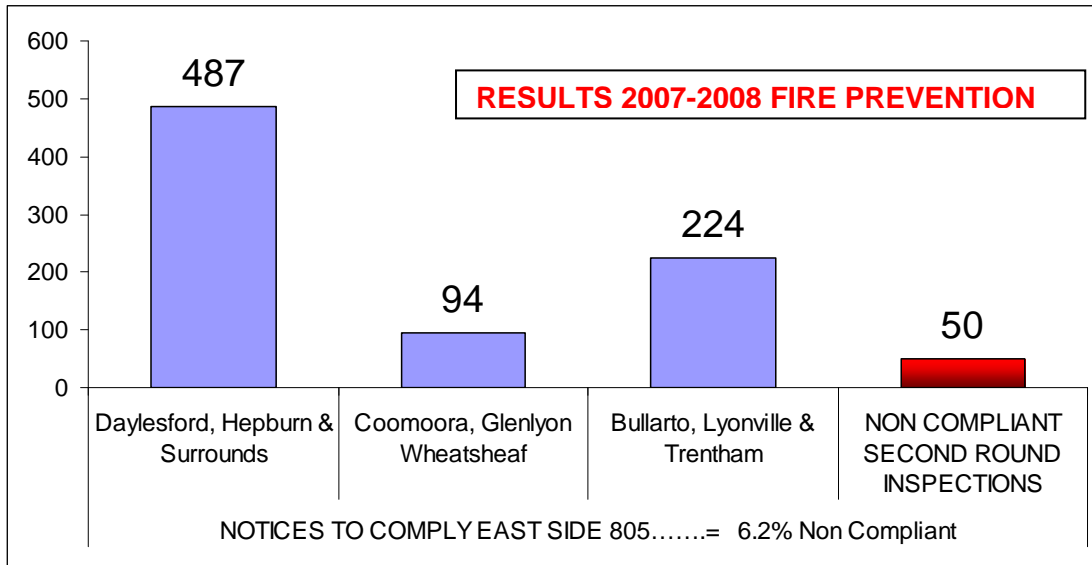
As indicated, 1,467 fire prevention notices were issued prior to Christmas 2007 throughout the Municipality, which was 193 more than for 2006. The percentage rate of non-compliance with notices was 6.9% which is a decrease from last years 11%.

Other Council fire prevention projects of note for 2007/08 were:

- New fire danger period signage erected in the Newlyn Brigade area.
- 25,000 litre water tank for fire fighting purposes installed at Lyonville.
- Construction of track at Nelsons Bridge to water point.
- Construction of track into dredge hole water point at Creswick.
- Minor vegetation clearance on various roads for fire fighting vehicle access.
- Fuel reduction burn operation on Council managed land at Ring Rd, Creswick
- Fuel reduction burn operation on Council managed land opposite Clunes Primary School.

The following are activities and statistics from the 2007/08 Municipal Fire Prevention Program:

5. GOVERNANCE AND STRATEGIC MATTERS



5. GOVERNANCE AND STRATEGIC MATTERS

Relevant Policies / Council Plan implications:

Municipal Fire Prevention Plan
Municipal Emergency Management Plan

Community / Engagement / Communication / Consultation:

Community fire meetings, media releases, Municipal Fire Prevention meetings/programs and advisory flyers to property owners in October each year all contribute community understanding and acceptance of fire risk.

Financial Implications

Current Compliance staff carry out this annual responsibility

Recommendation:

That Council

5.2.1. *Note the information provided.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr David Smith

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.3 ARC – MONTHLY REPORT

(A/O – Director Infrastructure & Development)

File Ref: H164

Synopsis

Final report on building project “ARC” being a multi-purpose recreation building for community and education use, constructed at Daylesford Secondary College.

Report

S J Weir , the building contractor appointed for this project obtained a certificate of occupancy for the building on 12 December 2007, approximately one month behind the original contract completion date due to a delay in laying stadium flooring because the moisture content of the timber flooring material was too high.

The balance of external works being car park and fencing was completed in January/February 2008 and a “Community Open Day” was held on 2 February 2008 attended by a large number of residents (approximately 500).

The “official opening” of the facility is being arranged by the Department of Education & Training as the Department provided the major funding for the project.

Project history.

The project whilst being contemplated for many years actually commenced back in 2003 with the Community Fundraising Committee being advanced funds to enable its establishment. In 2005 the architectural firm of Morton Dunn Architects were engaged to prepare concept and cost plans. As grant funds had been secured detailed plans and specifications were prepared and tenders invited for the project.

The building contract was awarded to S J Weir in late 2005 with the works comprising refurbishment of the school gymnasium, theatre, canteen and squash courts as well as the construction of a new double court sports stadium with associated kiosk, office, multi-purpose room, first aid, change rooms and lobby area.

This \$2.4 Million project was subsequently completed and open for use in early 2008.

Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

Community / Engagement / Communication / Consultation:

Extensive community consultation and engagement has occurred with this project.

Financial & Resource Implications Initial & Ongoing

The project budget and final actual costs are as shown below:

5. GOVERNANCE AND STRATEGIC MATTERS

ARC - DAYLESFORD REC CENTRE BUDGET	REVISED BUDGET	TOTAL ACTUAL 13-Mar-08	PROJECTIONS 13-Mar-08
EXPENDITURE - 9550 815	Dec-06		
Architect & Sub consultants	\$ 124,500	\$127,873	\$ 127,873
Contract Admin	\$ 5,500	\$12,487	\$ 12,487
Building 2 courts, entry, kiosk & amenities	\$ 1,529,228	\$1,529,228	\$ 1,529,228
Variations 2 courts,entry,kiosk, etc	\$ 75,000	\$106,430	\$ 106,430
Building School refurbishment	\$ 302,730	\$302,730	\$ 302,730
Variations School building refurbishment	\$ 257,270	\$192,814	\$ 192,814
Legals	\$ 1,500	\$0	\$ -
Planning Permit	\$ 2,100	\$2,071	\$ 2,071
Tender costs	\$ 1,500	\$676	\$ 676
Opening function & marketing	\$ 5,000	\$616	\$ 1,211
Fitout - equipment & furniture	\$ 25,000	\$25,158	\$ 25,158
Fundraising Committee	\$ 12,094	\$12,094	\$ 12,094
Carparking	\$ -	\$0	\$ -
Drainage & Authority Headworks Charges	\$ 70,000	\$66,646	\$ 66,646
Contingencies	\$ 30,578	\$237	\$ 237
TOTAL EXPENDITURE	\$ 2,442,000	\$2,379,059	\$ 2,379,655

INCOME - 9550948

SRV - (DVC)	\$ 500,000	\$375,000	\$ 500,000
COUNCIL	\$ 300,000	\$300,000	\$ 300,000
FEDERAL GRANT	\$ 120,000	\$120,000	\$ 120,000
COM FACILITIES GRANT (DET)	\$ 1,222,000	\$1,157,719	\$ 1,157,719
COMMUNITY FUNDRAISING	\$ 300,000	\$300,000	\$ 300,000
DAYLESFORD BASKETBALL ASSOC.	\$ -	\$0	\$ 1,936
TOTAL INCOME	\$ 2,442,000	\$2,252,719	\$ 2,379,655

In relation to income, at the time of writing this report Council is still to receive the final Sport & Recreation funding amount of \$125,000.

The Community Facilities Grant from DET has been fully claimed. The Daylesford Secondary College incurred direct expenditure of \$64,281 and therefore the original grant amount of \$1,222,000 is to be reduced by the \$64,281

The Daylesford Basketball Association is also to be billed for the additional set of adjustable backboards that they requested for the second court.

A balance amount of \$595 from the project funding is still available for the official opening and plaque.

The major expenditure component of the project has been the building contract being Council Contract H164.

Original Contract Amount	\$ 1,831,958.00
School variations	\$ 169,421.29
Council variations	\$ 123,961.56
Deductions	-\$ 17,531.73

Final contract amount H164 \$ 2,107,809.12

5. GOVERNANCE AND STRATEGIC MATTERS

Recommendation:

That Council:

- 5.3.1 *Send a letter of appreciation to the builder SJ Weir Pty Ltd acknowledging the standard of workmanship and the excellent site supervision by Ken Muller.*
- 5.3..2 *Send a letter of congratulations to the Community Fundraising Committee for their magnificent fundraising achievement for the ARC.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.4 CENTRAL VICTORIAN SOLAR CITIES – MEMORANDUM OF UNDERSTANDING AND 2008/09 BUDGET IMPLICATIONS

(A/O – A/Director Corporate & Community Services)

File Ref: 46/18/08

Synopsis

The purpose of this report is to update Council on the progress of the Central Victorian Solar Cities (CVSC) project and to consider signing the Memorandum of Understanding noting 2008/09 budget implications.

Report

In July 2007, the Federal Government announced \$15 million funding for the Central Victorian Solar Cities project via Sustainable Regional Australia Inc. through the Australian Greenhouse Office. Hepburn Shire Council is one of 13 member Councils who agreed to support the project by;

- Marketing CVSC products and services across the ratepayer base
- Providing roof space on buildings of significance to the community
- hosting forums and other activities to engage residents to adopt products and services across the region for the Solar Cities trial and beyond
- In Bendigo and Ballarat only, sourcing suitable vacant land for photovoltaic parks.

The primarily in-kind support of local governments is estimated at \$2 million across all councils over the 7 year life of the project, which will conclude in 2013. Hepburn Shire Councils in-kind contribution is \$81,292 over the 7 years.

A copy of the suggested Memorandum of Understanding is attached (**Attachment No. 2**) which outlines;

- the actions sought from Council and actions Sustainable Regional Australia will take to support member councils,
- how the 2500 households and businesses that will be involved will be divided between councils,
- the attributed value of each council's actions to the Solar Cities program. It should be noted that councils' support will largely comprise "in-kind" provision of physical and human resources. Examples of in-kind support include:
 - an officer's time to include an article in a council bulletin
 - reception staff's time handling public enquiries
 - use of council facilities for public meetings
 - provision of refreshments for meetings.

Relevant Policies / Council Plan implications:

In accordance with the Council Plan 2006-2011 objectives:

- Strengthening Communities
- Service Delivery
- Heritage and Environment

Community / Engagement / Communication / Consultation:

N/A

5. GOVERNANCE AND STRATEGIC MATTERS

Financial Implications

As indicated, there is no additional financial support required as only “in-kind” support is sought which can be met within Council’s operational budget.

Recommendation:

That Council

- 5.4.1 *Sign the Memorandum of Understanding with Sustainable Regional Australia for the Central Victorian Solar Cities project.*
- 5.4.2 *Note that the attributed financial value of “in-kind” support can be met within Council’s operational budget.*

Moved the Officer’s Recommendation.

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.5 CENTRAL HIGHLANDS REGIONAL LIBRARY CORPORATION – DRAFT BUDGET PLAN 2008/09

(A/O – A/Director Corporate & Community Services)

File Ref: 40/04/01

Synopsis

The Central Highlands Regional Library Corporation (CHRLC) has prepared a Draft Budget Plan for 2008/09 and seek Council's confirmation of financial contribution for 2008/09.

Report

CHRLC was established in April 1997 to provide library services to the municipalities of Ballarat, Hepburn, Moorabool, Pyrenees, Ararat, Southern Grampians and Central Goldfields. It is governed by a Board that consists of representatives from each of the member municipalities. The library service has twelve static branches and one mobile library service.

The Corporation is required to prepare and adopt an annual budget under the provisions of the Local Government Act (1989). A copy of the Draft Budget Plan 2008/09 is attached (**Attachment No. 3**)

The key influencing factors in the development of the 2008/09 budget are:

- A 5% Enterprise Bargain Agreement increase in all salaries
- A predicted increase in the State Government Subsidy of 3% to adjust for population increases and CPI
- An increase in freight charges reflecting high inter branch reservations and higher petrol prices
- \$30,000 for capital improvement fund and future mobile library replacement

The Corporation has prepared a number of budget proposals that offer a number of alternatives to member councils.

The following table summarises Council's 2007/08 financial contribution and CHRLC proposed options for 2008/09.

	Hepburn Shire Council contribution	Comment
2007/08 Financial Contribution	\$253, 698	
Proposed 2008/09 Version 1 Base Budget	\$267,497	5.44% increase, difference of \$13,800
Proposed 2008/09 Version 2 which includes Capital Replacement Fund	\$270,546	6.64% increase, difference of \$16,849
Proposed 2008/09 Version 3 which includes full time library officer for Ballarat branch	\$267,497	5.44% increase, difference of \$13,800
Proposed 2008/09 Version 4 which includes increased internet performance and lines at Daylesford, Creswick, Clunes, Maryborough and Sebastopol	\$281,667	11.02% increase, difference of \$27,969

5. GOVERNANCE AND STRATEGIC MATTERS

Relevant Policies / Council Plan implications:

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

Community / Engagement / Communication / Consultation:

CHRLC intends to advertise the proposed draft budget and seek public comment in May / June 2008.

Financial Implications

CHRLC has presented a number of budget options for Council to consider. It should be noted that Version 4 will enabled increased internet performance and lines for library users at Daylesford, Creswick and Clunes.

Recommendation:

That Council

- .1 *Allocate \$281,667 for the 2008/09 financial year as its contribution to the Central Highlands Regional Library Corporation.*
- .2 *Note the Draft Budget Plan 2008/09.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.6 10 YEAR FINANCIAL PLAN

(A/O – Acting Director Corporate & Community Services)

File Ref: 30/08/16

Synopsis

Council having considered the comments provided by the public and the comments provided by Council's Audit Committee have made a number of changes to the draft 10 Year Financial Plan originally placed on public exhibition last year. The updated plan will now be placed on public exhibition with any further comments received being considered before the plan is presented to Council for adoption.

Report

The first draft of the current 10 Year Financial plan was put out for public comment in late June 2007. A number of submissions were received predominantly about the reference to new office accommodation contained in the plan. These comments were considered by Council and as a result some changes were made to the plan to make it clear that the construction of a new Civic centre was not a fait accompli simply because it had been included in the plan and that Council will be undertaking a feasibility study and needs analysis before any decision is made.

The revised plan was then referred to the Council's Audit Committee for comment and some further changes to the plan were made to expand and include some additional items under the Assumption Risks section of the report and the updating of the financial tables given that by this time the 2006 – 07 financial accounts had been completed.

The Financial Plan provides direction in future service planning and is a critical tool in identifying and managing Council's financial risks.

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

The Financial Plan is based on the following key objectives:

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

In turn, specific financial goals have been established to support Council decision making, and to track progress against the above objectives.

These goals are:

- Maintain a balanced, or cash positive, annual 'cash' budget;
- Ensure that Debt Servicing Costs (Principal & Interest) as a % of Rates remains less than 7.5%
- Council set a target for its working capital ratio (current assets / current liabilities) of greater than 140%
- Maintain an annual reduction in the infrastructure funding gap
- Generate ongoing surpluses from annual operations.

The Financial Plan is not a static document, but is reviewed annually as part of Council's strategic planning and budget process and is updated to reflect changing internal and external circumstances. It must be appreciated that whilst this document

5. GOVERNANCE AND STRATEGIC MATTERS

recommends new initiatives they will only proceed if approved through the annual budget process. The plan merely provides a framework for any major projects that might be undertaken, it demonstrates capacity not agreement. Feasibility and needs evaluations will be undertaken on each project before any decision is made by Council to proceed or otherwise with the project.

The plan will be placed on public exhibition which will include a public information session until close of business on Friday 23rd May 2008 and a copy will be sent to those who have previously provided comments from the earlier public exhibition period.

Any submissions received will be summarised and comments provided to the June Briefing session with the plan presented to the June Council Meeting for adoption.

Relevant Policies / Council Plan implications

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

Community / Engagement / Communication / Consultation

The plan will be placed on public exhibition until close of business on Friday 23rd May 2008 and a copy will be sent to those who have previously provided comments from the earlier public exhibition period. An information session will be run in early May for interested parties.

Financial & Resource Implications Initial & Ongoing

It is important to note that while this plan sets out some key financial principals that the Council will use in developing future budgets it does not pre-empt what will be included in those budgets

Recommendation:

That Council:

- 5.6..1 *Adopt for public exhibition the Draft 10 Year Financial Plan*
- 5.6.2 *Place the Draft 10 Year Financial Plan on public exhibition seeking comments from interested parties until the 23rd May 2008*
- 5.6 .3 *Conduct a public information session in early May 2008*

Moved the Officer's Recommendation.

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

Please Note: 2nd paragraph on Page 20 has been amended to read:
The Plan will be placed on public exhibition until close of business on Friday 23 May 2008. Whilst on exhibition, a public information session will be held. The date to be confirmed. A copy of the Plan will be sent to those who have previously provided comments from the earlier public exhibition period.

5. GOVERNANCE AND STRATEGIC MATTERS

5.7 MONTHLY FINANCIAL REPORT 1/7/07 – 31/3/08

(A/O – Director Corporate Services)

File Ref: 30/08/16

Synopsis

A summary report on the Council's financial performance for the financial year to the 31 March 2008 is provided for information.

Report

The report shows the annual budget and year to date actuals with a percentage calculation based on the actual expenditure or income to the end of the reporting period. This should be viewed against the percentage of year completed which is shown in the report heading of 75%.

**Hepburn Shire Council
Monthly Financial Report March 2008
Percentage of year complete 75%**

	Budget/ Forecast 000's	Actual Mar-08 000's	Percentage Of Budget
1. Administration			
Expenditure	5143	3883	75%
Income	(11,890)	(11,027)	93%
1. Administration	(6,747)	(7144)	
2. Human And Community Services			
Expenditure	2,632	1,794	68%
Income	(1,840)	(1,439)	78%
2. Human And Community Services	792	355	
3. Regional Development/promotion			
Expenditure	1901	1,352	71%
Income	(514)	(333)	65%
3. Regional Development/promotion	1387	1019	
4. Public Safety			
Expenditure	636	446	70%
Income	(259)	(192)	74%
4. Public Safety	377	254	
5. Recreation			
Expenditure	1060	971	92%
Income	(19)	(16)	84%
5. Recreation	1041	955	
6. Infrastructure Development			
Expenditure	4,908	3,260	66%
Income	(3,229)	(2,092)	65%
6. Infrastructure Development	1,679	1168	

5. GOVERNANCE AND STRATEGIC MATTERS

**Hepburn Shire Council
Monthly Financial Report March 2008
Percentage of year complete 75%**

	Budget/ Forecast 000's	Actual Mar-08 000's	Percentage Of Budget
7. Waste & Environment			
Expenditure	1,422	903	63%
Income	(1,462)	(1,435)	98%
7. Waste & Environment	(40)	(532)	
8. Unclassified			
Expenditure	19	1	5%
Income	(309)	(9)	3%
8. Unclassified	(290)	(8)	
9. Capital Works And Projects			
Expenditure	4,689	2,828	60%
Income	(2912)	(987)	34%
9. Capital Works And Projects	1777	1841	
Report Total	(24)	(2,092)	

The report has been produced at a summary level to provide Council with a snap shot as at the end of March 2008. For those areas where the percentage varies significantly from the year completed percentage the following comments are provided.

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

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

Regional Development/promotion – Income. This relates mainly to Tourist Information fees and Map income which are raised in May/June each year.

Recreation – Income. Bathhouse rent not expected to be received until 2008/09 based on advice that the project is running behind schedule.

Recreation – Expenditure. Seasonal Expenditure in Parks & Reserves mainly mowing.

Infrastructure Development - Expenditure. Majority of Road works completed with stabilization at 80%. Further routine maintenance to be carried out.

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

5. GOVERNANCE AND STRATEGIC MATTERS

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

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

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

Capital & Projects – Expenditure & Income. Projects in this area are traditionally lumpy as such will be reported on separately in some detail as part of the March Quarterly review process.

Relevant Policies / Council Plan Objectives

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

Community / Engagement / Communication / Consultation:

Financial & Resource Implications Initial & Ongoing

Nil.

Recommendation:

5.7.1 *That the March 2008 finance report be received and noted.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

Nil reports received.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.1 WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE

(A/O – Director Infrastructure & Development)

File Ref: 5/1330/01950

Synopsis

The terms of reference for the Wombat Hill Botanic Gardens Advisory Committee has a provision that appointment to the Committee is for a two year period and that the Friends of Wombat Hill Botanic Gardens are invited to nominate three representatives to be on the Committee and Council publicly invites applications for the two community representatives.

Council in January 2008 appointed the representatives from the Friends of Wombat Hill Botanic Gardens and noted that no submissions had been received for the community positions. Re-advertising has been carried out and this report provides information on the nomination now received for the community positions.

Report

In accordance with the terms of reference expressions of interest were invited for the second time for the two community representatives.

Notices had previously been placed in the Hepburn Advocate inviting applications for two community representatives in late 2007 without any application being received on time. Re-advertising was again carried out in February 2008 for the two community positions on the Advisory Committee.

The Selection Criteria to be used in appointing the community members as advertised was:

- **Demonstrated interest in botanic gardens and /or landscape.**
- **Interpersonal skills**
- **Ability to work as part of a team**

One submission was received by the closing date being from Mr. David Marshall. Mr Marshall has previously been a community representative on the Advisory Committee and Mr Marshall admirably fulfils the selection criteria.

It is recommended that the Advisory Committee seek a further community representative and report back to Council.

Relevant Policies / Council Plan Objectives

Wombat Hill Botanic Gardens Advisory Committee Terms of Reference.

Financial & Resource Implications Initial & Ongoing

The Advisory Committee is envisaged not to require any specific funding for meeting purposes other than a venue for meeting and some minor catering (tea, coffee). The Advisory Committee however will make recommendations to Council which will require Council funding to a higher level than in the past.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recommendation:

- 7.1.1. *That Council appoint David Marshall as a community member of the Wombat Hill Botanic Gardens Advisory Committee for a period of two years.*
- 7.1.2. *That the Wombat Hill Botanic Advisory Committee report back to Council on how best to fill the current vacancy for one community representative on the Advisory Committee.*

Moved the Officer's Recommendation.

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

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.2 CRESWICK MUSEUM COMMITTEE OF MANAGEMENT – APPOINTMENT OF NEW MEMBERS

(A/O – Manager Administration)

File Ref: 2/7350/02046

Synopsis

The term of the Section 86 Creswick Museum & Gold Battery Committee of Management expired on 31 March 2008.

In accordance with a Resolution of Council made on 19 February 2008, advertising for Committee membership expressions of interest for the new Creswick Museum Committee of Management has been undertaken. (**Confidential Attachment No. 4**)

This Report recommends appointments to this Committee.

Report

The following Resolutions were made by Council on 19 February 2008:

That Council:

1. Sign and seal the Instrument of Delegation for the Creswick Museum Committee of Management.
2. Undertake to consult with the Creswick Museum Committee of Management regarding the future of the Creswick Gold Battery.
3. Agree to proceed with advertising for expressions of interest for membership of the Creswick Museum Committee of Management.

In association with Resolution 1. above, responsibilities linked with the Creswick Gold Battery were removed from the revised Instrument of Delegation and advertising for Committee membership expressions of interest for the Creswick Museum Committee of Management was undertaken in accordance with Resolution 3 above.

In response to this advertising nine submissions were received by Council. A tenth expression of interest was received shortly after the closing date.

In accordance with Resolution 2. above, a consultation meeting of Council Officers (A/Director Corporate & Community Services, Manager Organisational Development and Manager Administration), Cr Booth and the Creswick Museum & Gold Battery Committee of Management was held on 13 March 2008 to discuss future options for the preservation, restoration, management and operation of the Gold Battery.

At this meeting Council Officers outlined the following program for the site:

- The site is to be fenced and essential maintenance undertaken at a cost of approximately \$25,000.
- Public access is to be suspended to protect the safety of the public and volunteers.
- Expenditure of approximately \$150,000 on works necessary to bring the facility up to a standard which would allow public access to be reinstated is to be referred to the 2008/09 Council Budget.
- Council Officers would approach Heritage Victoria to determine the current heritage status of the asset and the potential for alternative stewardship / funding options.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

- Consultation is to occur with the Creswick Community and the Hepburn Heritage Advisory Committee regarding future options for the asset.

This program was developed with reference to:

1. A Council risk assessment analysis of the Gold Battery site;
2. Previous proposals put forward by the Creswick Museum & Gold Battery Committee of Management; and
3. Subsequent Council consideration of the matters.

Following the consultation meeting on 13 March, the Creswick Museum & Gold Battery Committee convened a special meeting and resolved not to excise the Gold Battery from the Committee's Instrument of Delegation. The term of this Committee has since expired on 31 March 2008.

Until such time as the aforementioned program of works and consultation has been completed the Gold Battery is not accessible or operational. If relevant consultation identifies the site as a heritage / tourism asset worthy of restoration to a specified standard, then the necessary funding must be allocated / sourced.

Any arrangements for future management of the Gold Battery are contingent upon these outcomes.

Meanwhile, in response to Council advertising, the following ten members of the community have volunteered to serve on the Creswick Museum Committee of Management (a summary of their skills and experience, and copies of expressions of interest are included in the confidential attachment to this report):

- Paul Ford, Evelyn Wright, Geoff Newmarch, Wendy Ohlsen, Val Lawrence, Margaret Fullwood, Richard Hutton, Robert Imhoff, Jack Sewell, Tracey O'Brien

It is considered that this field of nominees offers a high calibre of relevant skills and experience. Accordingly, Council is asked to consider the appointment of all nominees to the committee.

The Instrument of Delegation for the Creswick Museum Committee prescribes that the Committee shall be comprised of at least nine community representatives.

Relevant Policies / Council Plan implications:

- 1.2 Enhance community connectedness, capacity building and leadership
- 5.2 Respect and honour our unique historical and cultural heritage attributes

Community / Engagement / Communication / Consultation:

Consultation with the former Committee secretary has occurred in relation to the calling for expressions of interest for Committee membership.

Letters of thanks have been issued to outgoing committee members.

Advertising in local newspapers (The Advocate and Ballarat Courier) was undertaken calling for interested people to nominate for membership of the Committee.

Financial Implications

Nil

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recommendations:

That Council:

- 7.2.1. Appoint Paul Ford, Evelyn Wright, Geoff Newmarch, Wendy Ohlsen, Val Lawrence, Margaret Fullwood, Richard Hutton, Robert Imhoff, Jack Sewell and Tracey O'Brien as members of the Creswick Museum Committee for the period to 31 March 2011, when the term of the Committee expires.

Moved the Officer's Recommendation.

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

8. STATUTORY MATTERS

8.1 HEPBURN PLANNING SCHEME AMENDMENT C38, TO INCORPORATE THE REVISED STRUCTURE PLANS AND AMEND THE MUNICIPAL STRATEGIC STATEMENT

(A/O – Senior Strategic Planner) File Ref: 66/20/11, 66/20/04C38, 3/2830/00100/P

Synopsis

The most recent report on this amendment was to Council's meeting in January 2008. By the previous November, the consultant had completed draft revised structure plans for the five main towns within the Shire, to replace those currently in the Hepburn Planning Scheme.

The associated planning scheme amendment documentation which amends the Municipal Strategic Statement (MSS) and Local Policy section of the planning scheme, had also been revised to meet Department of Planning and Community Development (DPCD) conditions, to clarify several elements of the plans and report. In particular, some areas shown for future growth were not considered to be adequately justified by projected population increase, given the population losses recorded in the 2006 census, which had just come to hand.

After meetings with DPCD, further revised plans and report were re-submitted to address the conditions. Council verified its consent to the revisions, and after more refinements, discussion and correspondence, the documents were cleared for exhibition on 21 February 2008. However, there were still some minor inconsistencies between the documents, and DPCD suggested some extension of the exhibition period; this is recommended below, in conjunction with holding public information meetings, in each of the 5 towns.

Some submissions have already been lodged in anticipation of the exhibition. Two were from the water authorities, necessary to finalise the Clunes and Trentham structure plans, and they now have the opportunity to lodge any further submissions. There were three formal submissions from the private sector, plus two other enquiries that may result in formal submissions, detailed and assessed below. One of the submissions is consistent with the proposals for Trentham, while it is likely that the others will be recommended for referral to a panel, once all submissions are lodged.

Report

The proposed amendment to the planning scheme is to replace the existing structure plans with the revised plans for the towns of Daylesford, Hepburn Springs, Clunes, Creswick and Trentham, and rewrite sections of the MSS, and revise Local Policies within the Hepburn Planning Scheme, to strengthen policy support for the five structure plans.

The process of preparing draft revised structure plans with report was thought to be substantially completed in August 2006, following informal community exhibition, workshops and comment. Fifteen written submissions were received by Council, and where deemed appropriate, were incorporated into the drafting of the revised structure plans, report and proposed amendments to the Hepburn Planning Scheme.

However, after lodging the first draft documents with DPCD, Council was advised that such authorisation was subject to addressing several conditions; and DPCD wished to

8. STATUTORY MATTERS

be assured that Council endorsed all responses to the conditions, for the purpose of formal exhibition, particularly where the response could be seen as a 'new direction.'

Satisfying Conditions for Authorisation

More justification for urban growth was provided. Population projections were assisted by the recent availability of the 2006 Census figures and assistance from DPCD demographers, which showed that Daylesford-Hepburn's growth has levelled, the permanent population dropping by nearly 300. The other towns showed small population losses inside town census boundaries, with some peripheral growth outside. The overall Shire population was down to 14,235 from 14,828 in 2001. The demographers are preparing a report, 'Towns in Time' to be released later this year, which should provide more information. The response in the structure plans is set out for each town below.

The appropriateness of development control methods to be used to achieve the strategic planning objectives was elaborated. The list of possible planning policies was revised to be more focussed on each town, together with the use of policies in conjunction with overlay controls and studies.

The depiction of the urban growth boundary for Clunes and Trentham, given the extensive Low Density Residential Zones (LDRZ) on their peripheries, was clarified and re-worked to be more consistent with the other towns.

Council's position on whether Clunes and Trentham should continue to use Township Zoning (TZ), or adopt Residential 1 Zoning (R1Z), was clarified. Council supported the positive step toward R1Z in these two service towns, which are no longer just villages, and the text was revised accordingly. The introduction of R1Z is to be accompanied by a complement of commercial zones, which can be addressed in future planning scheme amendments.

Daylesford

Census figures are combined with Hepburn Springs. The 2006 census shows that they are losing permanent population, likely explained by a higher proportion of dwellings being used for weekend/holiday accommodation. There is ample capacity for this reduced demand in existing zonings, at least in the 10-year planning period, particularly in the north-east and south-east, plus the large LDRZ in the south-west. Reference to possible future investigation areas was eliminated.

The guideline for encouragement of medium density close to the town centre was further revised from the Sept '06 version, avoiding the lake, hills and ridges by bigger margins, but more proximate to the high school.

Regarding controls and policies, studies are to be carried out for retail, traffic and parking in the central area. Work is well underway to provide appropriate controls for the eastern gateway and other entries, DPCD planners stressing that further progress must await settlement of the whole structure plan. Vegetation clearing controls which address fire risk and biodiversity are to be investigated for all 5 towns.

8. STATUTORY MATTERS

Hepburn Springs

Previous comments stand. Like Daylesford, projected growth is catered for by existing zonings, by infill development and the larger development areas near the north-western end of Hepburn. One of the properties, on Fourteenth St, is the subject of one of the submissions discussed below. Consolidation and infill should mainly occur around the town centre activity precinct.

Creswick

Some of the small population loss from within the town census boundary may have shifted outside, the outer Creswick district having a larger overall population, as well as larger area. Extensive underdeveloped residential zones, particularly in the north and west provide ample scope for estimated demand, minimising the need to look at re-zoning the extent of LDRZ originally envisaged, south of Bald Hills Road, to R1Z (except for the north-east corner of this area).

Controls at the entries are to be investigated, especially the Midland Highway south entry, near Forest Resort.

A traffic and parking study of the central area is to take place. Reference to specific commercial development sites was removed (having limited relevance to the long-term nature of structure plans).

Clunes

The small town population loss may have moved slightly further out, the overall Clunes district having a larger area and population. Extensive under-developed TZ land should easily absorb the 10-year estimated demand. Alternatives in the Sept'06 plan suggested for re-zoning LDRZ to TZ were reduced to areas most proximate to the town centre.

Regarding the large LDRZ areas to the north and west, only those with smaller lots or those reasonably proximate to the town centre, to be encouraged for subdivision into smaller lots, are to be shown within the Urban Growth Boundary (UGB).

Council has supported the investigation of changing TZ to R1Z, ideally for the same amendment as the above possible re-zonings. With R1Z comes the need to provide zones for a range of commercial uses, including industry. The structure plan now only identifies the 5ha, under-utilised railway station site for investigation, with servicing difficulties having recently come to light for the Smeaton Rd site (CHW submission).

In regard to consolidating residential development around the town centre, there was some concern for heritage buildings. However, the Heritage Overlays should provide sufficient control to keep second dwellings from dominating the genuine heritage buildings on sites, the sites tending to be 1000m² in area. Therefore, the Clunes plan provides a medium density guide line, like the others.

Town entrances are shown on the plan to be investigated for appropriate controls, particularly the south-east entry from Creswick, and the western entry, from Maryborough.

8. STATUTORY MATTERS

Trentham

The small population loss from within the town boundary and the overall district being considerably larger in size and population, suggests moves further out. Extensive under-developed areas already in TZ, mainly east of the town centre, should absorb the estimated growth in the next 10 years.

Some of the western LDRZ areas within a kilometre of the town centre were identified on the Sept'06 plan for investigation to re-zoning for normal residential density, and this had to be clarified. Coliban Water (in its submission) advised that most of this land could be serviced, except for an elevated area on the south-west edge of the investigation area, between Blue Mount Rd and Mulcahys Rd (west of the recent Manna Lane subdivision). Such western re-zoning should balance the extensive residential land in the east; although a 3.3ha parcel east of the town centre on Victoria St is just north of the school, and should also be investigated for normal-to-medium-density residential development.

Council has agreed that TZ should be investigated for conversion to R1Z, similar to Clunes, to acknowledge Trentham's service town status and complement of commercial zones. This should include investigation of minor expansion west and east of the existing Industrial 1 Zone between the rail line and Victoria St, plus the minor infill of the 'gap' in the Business 1 Zone, corner of Market St and Albert St.

For residential consolidation around the town centre, a guide line, as for the other towns, is considered the best option.

Town entrances and their features are shown on the plan, to be followed-up in future with special controls, after necessary investigation.

Formal exhibition of the planning scheme amendment

DPCD accepted these further revisions as satisfactory responses to its conditions. Exhibition under the Act commenced on 21 February 2008, which allows for formal community input/comment before the amendment is further considered by Council. Given the time elapsed from the original public workshops, another one is being held for each of the five towns during the exhibition period, from 7 to 14 April. A two month exhibition period meant a closing date of 22 April 2008.

A week or two after exhibition commenced, a minor inconsistency between the explanatory report and the proposed text came to notice. Originally, it was intended to include the overview, key issues, vision statement and sustainability definition for each town, repeated from the report accompanying the amendment, "Hepburn Structure Plan Review" in the planning scheme text. It was later considered more efficient to simply refer to these details in the text as being in the report, which is to become a Reference Document to the scheme. This is in light of the overall key Influences, vision & strategic framework, objectives and strategies to support the new structure plans (Settlement & Housing, for all 5 towns combined) being inserted into the text.

The explanatory report also had to be adjusted accordingly. Due to a transmission error, the corrected text did not reach the DPCD in time to be included on the website. This has now been corrected.

8. STATUTORY MATTERS

The DPCD has suggested that the exhibition period should be extended. An extension to Friday 2 May has already been discussed, as the “encourage to lodge-by” date, and the 16 May 2008, two weeks more and a full month after the last public meeting, could become the “must lodge-by” date. These dates are recommended to Council below.

Submissions

Submissions which cannot be resolved by changing the amendment in the manner requested will need to be referred by Council to a panel, in accordance with the provisions of the Act, before making the final decision whether or not to adopt the amendment.

By the time exhibition commenced, some submissions were already lodged in anticipation. Two were from the water authorities, necessary to finalise the proposed Clunes and Trentham structure plans, as noted above. They now have the opportunity to lodge any further submissions; in particular, more work will be required to clarify the service limitations of undeveloped R1Z land in northwest Hepburn.

There were three formal submissions from the private sector, plus two other enquiries that may result in formal submissions, detailed with a preliminary assessment below.

No.11 Falls Road, Trentham, Colin Bowden for Carol & Ken Morris, ‘Feldspar’ Gallery and accommodation, is on a 1.16ha ‘L-shaped’ lot. The smaller portion fronts Falls Rd, in TZ, while the larger rear portion is in LDRZ. It is requested to extend the TZ to the whole property.

The property contains a managers residence and studio, with an accommodation unit. The owners received permission for more cottage development, which included strict conditions, in particular no subdivision, given that the lot sizes could be smaller than as prescribed for LDRZ. The owners are hoping that a more flexible permit would be granted once the land is re-zoned, which may be possible.

Most nearby properties have dwellings on urban-sized lots, except to the west, which has accommodation units at similar density; beyond to the west is under-developed land, used mainly for small-scale agriculture.

The LDRZ portion is amongst land west of Trentham town centre which could be fully serviced (Coliban Water’s submission), is proposed for investigation to become TZ (possibly R1Z), and could therefore be accommodated by the proposed amendment.

No.1 Vincent Street, south-east corner of Raglan Street, Daylesford, Con Tsourounakis for EN Comelli, has a 40m frontage to Vincent St, 23.5m to Raglan St, area of 940m² (all approximate). It slopes slightly up from the corner, excavated to just above street level, apparently to enable use as a motor garage many years ago. It is surrounded on all sides by similar-sized lots with dwellings, although the south-adjointing lot is narrower and deeper, dwelling set behind the adjacency to the subject lot. The R1Z - Business 1 Zone (B1Z) boundary follows the rear of the lots on the south side of Raglan St, like the subject lot, continuing 5 more lots east, then becomes Business 1 Zone where Howe St joins Raglan St. Further east, Raglan St resumes R1Z on both sides.

A proposal to use the land for a 3-bay car wash was unsuccessful at VCAT in Nov 2004. The owner now seeks to have the B1Z extended north to his land.

8. STATUTORY MATTERS

Despite the zoning change on the southern boundary, along Vincent St there are 2 dwellings, then a commercial building (antiques), then the hardware (considered peripheral uses) on Burke Square. The Square can be considered as the northern end of the retail core, which extends south along Vincent St to Central Springs Road. Outside of the core, business activity becomes mixed with peripheral and residential uses. Keeping the retail core compact, inside the ample B1Z around it for some future expansion to the west, is an important principle in the Daylesford Structure Plan.

The submission states that the B1Z to the south of the owner's land has various retail uses, and surrounding area consists of tourist accommodation and spas. However, the nearest retail use is well south of the subject land, to Burke Square, and an extension of the retail core so far north is not considered favourable. Accommodation, spa and even a small restaurant can be proposed in R1Z. Therefore, retention of the existing R1Z will likely be recommended, with the submission referred to a panel.

No.36 Golf Links Road, Hepburn Springs Golf Club; The Club own some 44ha of previous forest, west of the Hepburn Springs residential areas, in Special Use Zone 1 (SUZ1, the southern portion mistakenly in a Public Use Zone, to be corrected in Am C16). The property is surrounded by native forest in Rural Living Zone (RLZ) and Rural Conservation Zone (RCZ). Much of the subject property is cleared for fairways, clubhouse and parking, but substantial stands of large gums were retained between fairways.

The club first contacted Council around April 2002, wishing to re-zone a 2ha triangle of heavily forested land between its eastern boundary and an access track running south from the clubhouse through and to the edge of the property, to R1Z, to create lots to sell. There were concerns about the proposal, and it was suggested to the club that rather than mount a costly application for a one-off re-zoning, wait and lodge a submission to the Structure Plan review.

There has been correspondence over that period, the most recent being a site inspection and letter in August 2007, stating (inter alia):-

'One advantage of looking at your proposal as a submission to the structure plans review is that the question of demand for more housing in this area can be assessed on a broad scale. Projections based on recent past population figures will accompany the report. At this stage, it appears that there is an ample supply of land already zoned for future residential purposes, mainly in the northern portions of Hepburn. Also, there are many opportunities to build on separate vacant sites throughout Hepburn. These opportunities come under the category of infill of ready-zoned land. There is a distinct State and Council preference for infill development, in contrast to zoning more land, particularly in environmentally sensitive areas.

The site has been inspected by Council officers and an officer of Dept Sustainability & Environment, accompanied by the Club's Ken Penny. It appears that construction of dwellings and access, as proposed, would require substantial earthworks, involving removal of substantial native vegetation, and would likely cause stress on much of the remaining vegetation in the immediate area, some of which may not survive.

Under these circumstances, it would be difficult to recommend favourably about your proposal to Council. You are welcome to lodge a submission addressing all of these matters when the structure plans go on exhibition.'

8. STATUTORY MATTERS

Since that time, Council has become aware of a levelling off of residential growth, and the environmental issues are still of concern. The likely recommendation is that the submission be put to a panel.

No.6 Fourteenth Street, Hepburn, is 4.6ha in area, with 203m frontage to Fourteenth St. It is one of the vacant properties already in R1Z, near the northern edge of Hepburn, referred to in Hepburn Springs above. The land slopes down from the street, mainly from 5% to 10%, but as steep as 20%, down to the forested gullies.

The owner has made no known recent submission, but Hepburn resident Gary Lawrence, who participated in the early public workshops, wishes to advise that some concern was raised about possible impacts of developing the land, and the need for special controls to be applied.

Some servicing investigations were carried out in 2003, by consultants Beveridge Williams, which suggested difficulties in servicing the lower (north-western) one-third of the land. Fresh investigations with CHW would have to be carried out by any developer. Beveridge Williams have been contacted about this matter, and have apparently not heard from the owner since those preliminary investigations.

It is considered that the most appropriate response to the expression of concern is to give an undertaking, within the Council resolution, to investigate the appropriate development controls for this property. This action is integral to the Structure Plan, which includes the investigation of the use of overlays to control development on this site. The need for referral to a panel should not be required.

As a matter of interest, the other vacant properties similarly referred to in Hepburn Springs above, will require similar servicing investigations.

No.4719 Midland Highway, Daylesford, is a 180ha property known as 'Wombat Park' with historic homestead and avenue of trees, in a Farming Zone (FZ). It is east of the Daylesford Secondary College, St Michaels School and Residential 1 Zones (R1Z). It appears to be used mainly for grazing. Adjoining to the south is a 4ha R1Z on the corner of Raglan St and the Midland Highway, No.4732, on a separate lot but apparently farmed in conjunction with No.4719. Informal contacts were made by consultants Tomkinson to Council, apparently some time ago, about developing the 4ha R1Z land, and keen to have R1Z and development extended north into the Farming Zone.

There was some discussion with the water authorities, including advice that treatment of tributaries crossing the land, into Bund Creek would be critical.

Tomkinson was informally advised that investigation beyond the existing R1Z land was considered premature, given the ample supply of zoned and serviced land, particularly in this area, and the slowing in Daylesford's permanent population growth. Tomkinson's office was advised that the structure plans were on exhibition, and a submission could be lodged. Nothing further has emerged. In the absence of any written submission, no further response would be required.

No.1500 Midland Highway, Creswick, is Forest Resort, and Mike Kaufmann has written to Council on its behalf, that the Structure Plan Review report should have more coverage of the resort; it is not just a golf club-based resort important to Creswick as a major employer of more than 100 persons, but a state of the art facility, with onsite water treatment, unique for the wider region. Further expansion to the south is being explored, and it is wished that this be reflected in the new proposed structure plan.

8. STATUTORY MATTERS

Forest Resort is outside of Creswick's proposed urban growth boundary, separated by Crown forest and Rural Living Zone. Further southern expansion of the resort appears to be contrary to DPCD's preference for keeping the corridor between Ballarat and Creswick free of development, and seeing Creswick grow mainly by infill, and perhaps slightly on its northern edge. This item may need referral to a panel.

Conclusion

In summary, there are 7 'early' submissions, from 2 authorities for information; and 5 private submissions, of which 2 will likely be accommodated in the amendment, ie No.11 Falls Rd, Trentham and No.6 Fourteenth St, Hepburn; and the other 3 will likely need referring to a panel, ie No.1 Vincent St Daylesford and No.38 Golf Links Rd, Hepburn; and possibly No.4719 Midland Hwy, Daylesford if a formal submission is lodged.

It is recommended that Council accept this progress report, in anticipation of the Amendment C38 exhibition period being complete by early May, with Friday 16 May being the final date for lodgement. A full report on all of the submissions will be made to a subsequent meeting, depending on the number and complexity of further submissions. It appears likely, at this stage that a panel will need to be appointed

Relevant Policies / Council Plan Objectives

Hepburn Planning Scheme

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

Community / Engagement / Communication / Consultation

The review of the Structure plans was first informally undertaken with extensive community consultation, mainly in workshops.

Further community consultation is being undertaken as part of the formal exhibition of the amendment to the planning scheme process, including workshops for each town in early April.

Financial & Resource Implications Initial & Ongoing

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

Recommendation:

That Council resolve to:

8.1.1 *Adopt this as a progress report.*

8.1.2 *Adopt Friday, 16 May 2008 as the final day of lodgement for submissions.*

Moved the Officer's Recommendation.

Moved: *Cr David Smith*

Seconded: *Cr Heather Mutimer*

Carried.

8. STATUTORY MATTERS

8.2 APPLICATION NO 2007/9508 PROPOSAL: CONSTRUCTION OF A DWELLING AND CARPORT AT 15 FORD STREET, GLENLYON

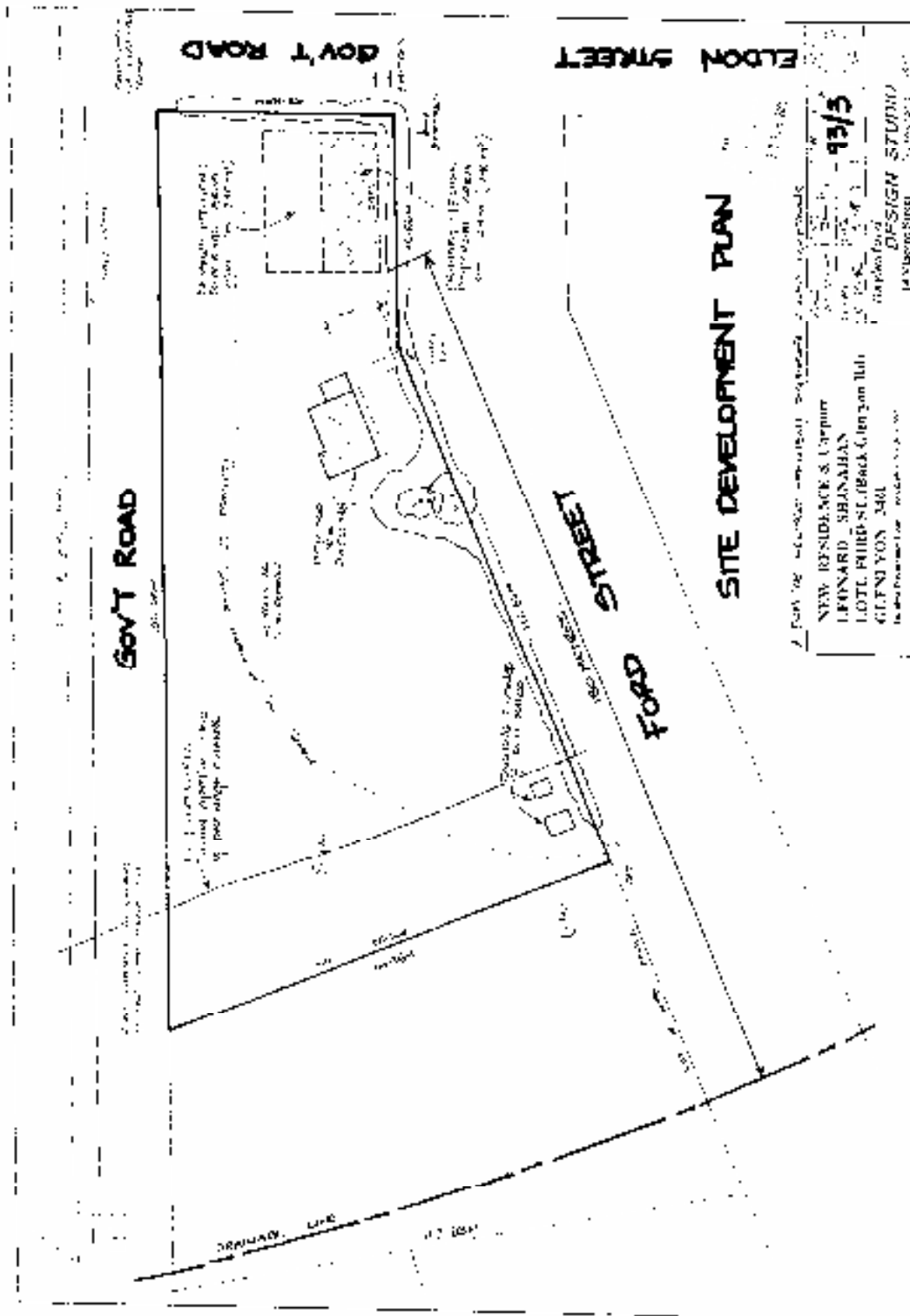
(A/O – Planning Officer 2) File Ref:5/2465/00200/P

Synopsis

Applicant:	Ian Esmore
Location:	15 Ford Street, Glenlyon
Proposal:	Construction of a dwelling and carport
Zoning:	Farming Zone
Overlay Controls:	ESO1, LSIO
No of Objections Received:	None
Recommendation:	Refuse



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

PREAMBLE

This report has been prepared to assist Council in reaching a determination on the application to develop a dwelling at 15 Ford Street, Glenlyon. A report on this application was presented to Council at the Ordinary Council Meeting of 20 November 2007. At that stage, responses from external referral authorities had not been received, and the proposal had not been advertised. As the recommendation was for refusal, it had not been considered that these matters required resolution. However, at the request of the applicant, Council moved to defer the item to a later date to allow a full resolution of all outstanding matters. This has now occurred.

INTRODUCTION

The site has an area of 1.11Ha, and is generally cleared and covered in pasture. Low lying and subject to flooding at its western end. One lot is developed with a dwelling to the west of the site, in the Township zone. Land to the North of Ford Street is open agricultural land. To the South of Ford Street lies the township of Glenlyon. In the immediate vicinity of the subject site, lots in the township zone are only sparsely developed.

PROPOSAL

The proposal is to construct a dwelling on this small lot in the farming zone just outside the township boundary of Glenlyon. The applicant was advised at an early stage that the proposal was unlikely to be supported for the following reasons:

- The dwelling is not reasonably required for the operation of the agricultural activity carried out on the land
- The proposal does not accord with the purposes of the Farming Zone
- The proposal is not consistent with the orderly planning of the area

They were also advised that should they wish to withdraw the application at that stage, a refund of 80% of the application would be made available to them. However they elected to proceed with the application.

REFERRAL AUTHORITIES

The application was referred to the following external authorities under section 55 of the Act. A summary of their responses is included.

Department of Sustainability and Environment - No objection

North Central Catchment Management Authority – No objection

Goulburn Murray Water – In their response of 6/11/2007, GMW expressed concern in regard to a transient wet area 50m from the proposed wastewater disposal area. A revised Land Capability Assessment to address the issue was requested. The applicant supplied this on 12/2/2008, and it was duly forwarded to GMW. On the basis of the revised LCA, which moved the proposed effluent disposal field to the East of the property, GMW informed Council on 14/3/2008 that they did not object to the proposal subject to conditions.

REFERRAL WITHIN COUNCIL

The application was not referred within Council

ADVERTISING/NOTICE OF APPLICATION

Public notice of the application was given by letter to adjoining landholders. Concern was expressed verbally by one neighbour, however no written objections or comments were received.

8. STATUTORY MATTERS

Since originally preparing this report, a late objection has been lodged by the owners of the neighbouring property to the north. The concern is expressed that contamination from the proposed septic system will affect their land, due to the drainage line along the unmade government road on the northern boundary of the site, leading to the identified north flowing seasonal watercourse to the west. The problem would, in the objectors' judgement, be exacerbated by the removal of vegetation required to install the absorption trenching, and by the general wetness of the site in a normal rainfall year.

In response to this concern, the following considerations should be noted:

The applicant was required to submit a Land Capability Assessment prepared by a qualified professional to assess the ability of the land to contain and treat effluent on site. The assessment identified potentially high seasonal watertables, and a system appropriate to this was designed. The proposal was referred to Goulburn Murray Water, who did not object subject to specified conditions. These conditions included appropriate vegetation being planted to maximise the performance of the effluent disposal field, and a buffer distance of 100metres from the disposal field to the identified watercourse. This is the same buffer distance as is set out in the EPAs Septic Tanks Code of Practice.

Relevant Policies / Council Plan implications:

STATE PLANNING POLICY FRAMEWORK (SPPF)

[Clause 17.05 Agriculture states the objective](#) to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context. The current proposal does not further this objective. It is a permanent change of land use leading to an unplanned loss of agricultural land.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

[Clause 22.04 – Rural Land. The relevant objective for dwellings in rural zones is:](#)

To provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise.

In achieving this objective, it is policy to ensure that proposals including housing and small lot excisions show the ongoing use of the land for productive agricultural activity is not diminished and that the development is directly related to an agricultural enterprise.

The proposal fails to show that the use of the land for agriculture will not be diminished by the development. Nor does it demonstrate that the development is directly related to an agricultural enterprise.

ZONE AND OVERLAY PROVISIONS

Farming Zone. The purpose of the zone as set out in the planning scheme is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

8. STATUTORY MATTERS

Assessment against the SPPF and LPPF has been made above.

The proposal does not provide for the use of the land for agriculture.

The proposal does not encourage the retention of productive agricultural land.

The salient purpose with this application is point four.

In deciding an application for a dwelling in the farming zone, the decision guidelines are set out as follows:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The land is currently used for grazing. The use for a dwelling is likely to reduce the availability of the land for this agricultural use. The applicant made no case for why a dwelling is reasonably required for the agricultural activity conducted on the land. It is hard to imagine a reasonable requirement of a dwelling to assist in the use of just over 1Ha of land for grazing.

Whether the proposed dwelling would be adversely affected by neighbouring agricultural uses is somewhat hard to determine. We can however be confident that a dwelling on this lot would remove it permanently from the market as a piece of agricultural land which could be acquired as part of an expansion of operations by neighbouring agricultural users.

The proposal has the potential to lead to a proliferation of dwellings in the area. It represents an incremental step, fudging the township boundary by putting a dwelling over the road into the farming zone. Were this to be approved it could certainly lead to a further proliferation of dwellings in this situation, eroding the availability of land for agriculture just beyond the town boundary.

Environmental Significance Overlay Schedule 1 Proclaimed Catchment Protection.

The proposal involves generation of effluent. A Land Capability Assessment was submitted with the application, and a revised assessment was supplied at the request of Goulburn Murray Water. Consideration of the revised LCA, and the comments of GMW indicate that effluent generated can be contained and treated onsite. As such, the proposal is considered as satisfying the environmental objectives of this overlay. Were a permit to be issued, the applicant would be required to apply for a separate permit to install a septic system.

Land Subject to Inundation Overlay The proposal sites the house and effluent disposal field outside that part of the property covered by the overlay.

THE DECISION GUIDELINES OF CLAUSE 65.01

[Clause 65.01 sets out the matters which the responsible authority must consider as appropriate. Most of these matters have already been considered above through](#)

8. STATUTORY MATTERS

assessment against the Zone, Overlays, SPPF and LPPF. However a final relevant matter, already touched on, is the orderly planning of the area.

The application effectively seeks to have the proposal considered as suitable because the land lies adjacent to the township zone, and some adjacent lots in that zone have been developed with dwellings. This argument if applied widely would have the effect of allowing development in accordance with the adjacent zone, rather than the actual zone of the site. As such it does not represent orderly planning. Orderly planning would require a rezoning of the site, based on a strategic justification.

ASSESSMENT

There is no policy support for this proposal. Neither the SPPF nor the LPPF support the use of agricultural land for dwellings where no agricultural purpose is served by a dwelling.

Brief assessment under the overlays has been made above, and will not be elaborated here due to the overwhelming obstacles to the success of the application under the provisions of Local Planning Policy on Rural Land (clause 22.04) and the Zoning (clause 35.07).

The Local Planning Policy on Rural Land stipulates as an objective to provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise. It is also a requirement under the zoning to consider whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land. The current agricultural activity carried out on the land is grazing, and the application fails to show why a dwelling is reasonably required for this activity.

The proposal seeks to effectively extend the township zone by stealth. It is not consistent with the orderly planning of the area.

Community / Engagement / Communication / Consultation:

None undertaken

Financial & Resource Implications Initial & Ongoing

Possible appeal costs.

Recommendation

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to refuse to Grant a Permit under the provisions of [clause 35.07](#) of the Hepburn Planning Scheme in respect of the land known and described as 15 Ford Street, Glenlyon, for the CONSTRUCTION OF A DWELLING AND CARPORT in accordance with the submitted plans, with the application dated 17 August 2007, on the following grounds.

- 1 *The proposal is inconsistent with the purposes of the Farming Zone*
- 2 *The proposal fails to meet the objectives of clause 17.05 (Agriculture)*
- 3 *The proposal fails to meet the objectives of clause 22.04 (Rural Land)*
- 4 *The proposal is not consistent with the orderly planning of the area.*

Moved the Officer's Recommendation,

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

8. STATUTORY MATTERS

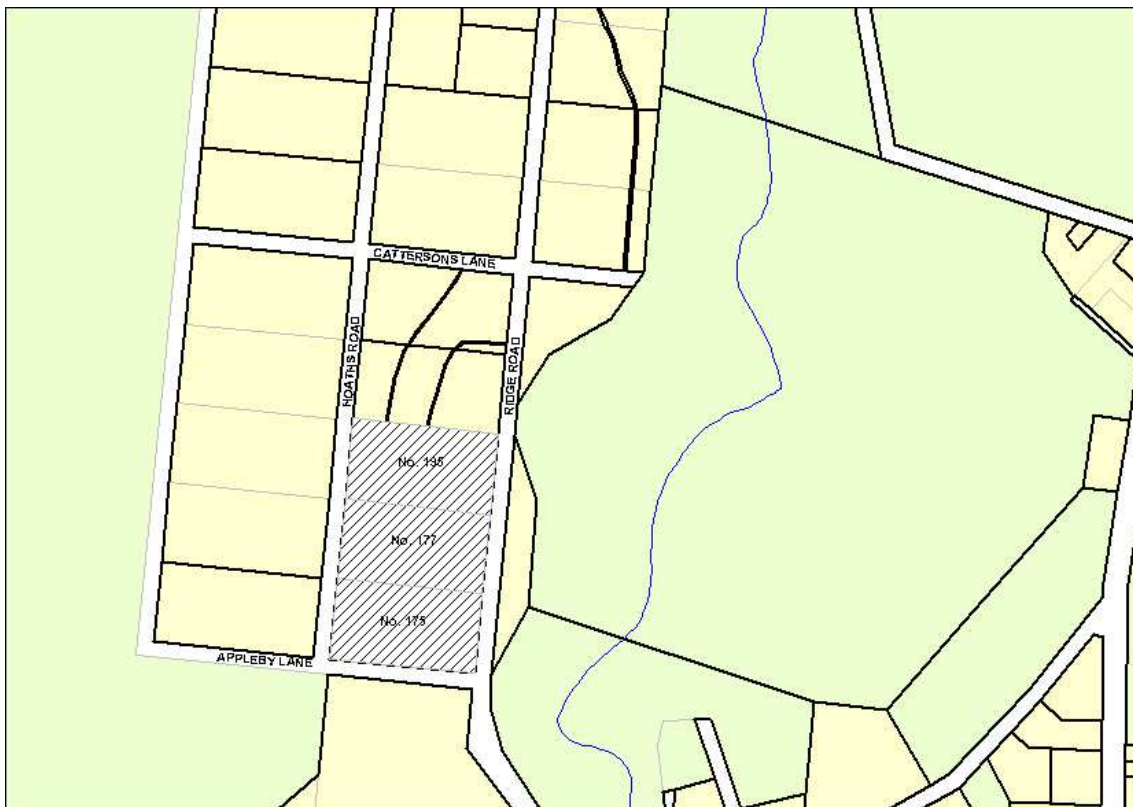
8.3 PLANNING APPLICATION NO. 2007/9612, PROPOSED: NINE (9) LOT SUBDIVISION OF 175, 177, & 195 RIDGE ROAD SAILORS HILL

(A/O – Team Leader Planning)

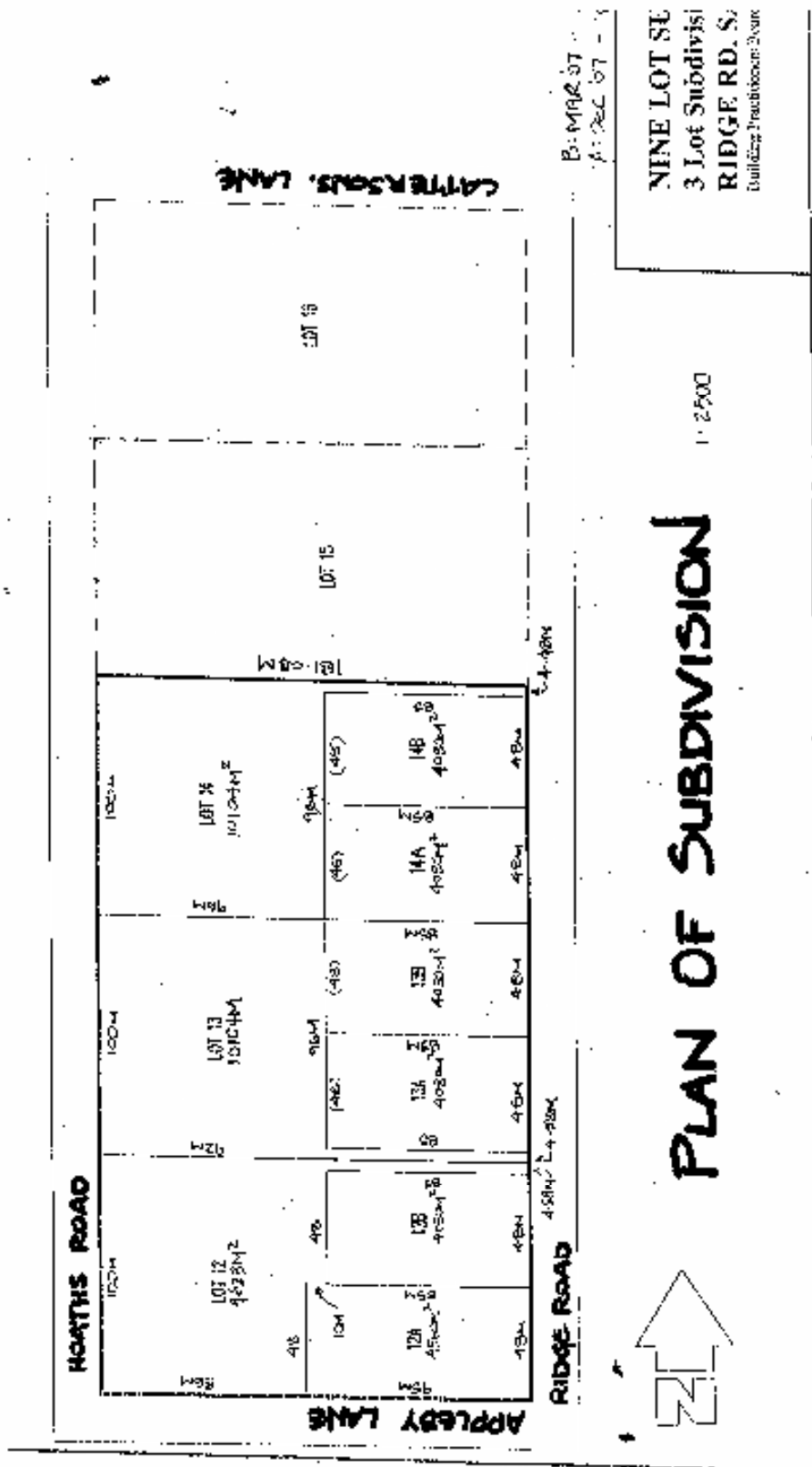
File Ref: 3/5790/0001/P, 3/5790/00002/P,
3/5790/00189/P

Synopsis

Applicant	Daylesford Design Studio
Location	175, 177, 195 Ridge Rd, Sailors Hill
Proposal	Nine (9) Lot Subdivision
Zoning	Low Density Residential Zone
Overlay Controls	ES01 – Environmental Significance Overlay – Catchment Protection), Wildfire Management Overlay
No of Objections received	24
Recommendation	Refuse to Grant A Permit



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

This report is to enable Council to make a decision relating to Planning Permit application 2007/9612 a 9 lot subdivision at 175, 177, 195 Ridge Road Sailors Hill, Crown Allotments 12, 13 and 14, Parish of Wombat. The crown allotments are each 1.83ha, a total area of 5.49 hectares.

The subject land is generally located on the south western side of the township of Daylesford, approximately 2km from the central retailing area and community facilities. There is a fall across the site to the west. It has been used for grazing in the past and is cleared of trees. The area is largely undeveloped with two houses located to the north of the subject land.

PROPOSAL

The proposal is to subdivide each of the three lots in a similar way. The design for the subdivision is two lots approximately 4000m² abutting Ridge Road with one large lot approximately 1 hectare at the rear accessed from Ridge Road, a total of three lots for each crown allotment, a total of nine lots. The result is 6 (six) lots of 4000m² approx adjacent to Ridge Road.

A Wildfire Management Plan was included in the application along with a Land Capability Assessment for effluent disposal.

Recently permits have been issued for a dwelling on each of these lots, 2007/9582, 9583, 9584.

REFERRAL AUTHORITIES

Mandatory Referrals were required to:

Central Highlands Region Water Authority, Goulburn-Murray Rural Water Corporation, Country Fire Authority, Department of Sustainability & Environment

No objections were received subject to conditions.

REFERRAL WITHIN COUNCIL

Referrals were made to Engineering and Environmental Health

ADVERTISING/NOTICE OF APPLICATION

Notice of the application was given by way of insertion of a Public Notice in the Courier, the erection of a sign on site, and the sending of Notice to adjoining owners and occupiers and objectors to the previous proposal.

In response to notification of the application, a total of twenty four (24) objections were received.

The grounds of objection could be summarised as follows:-

- The amenity of the area for the existing residents will be detrimentally affected;
- The rural character of the area would be destroyed;

8. STATUTORY MATTERS

- The condition of Ridge Road will not cope with increased traffic;
- There is not adequate water supply specifically no mains water available to the land;
- Density adjacent to the forested area will be detrimental to tourism;
- This pattern of subdivision has existed since the 1800's, consequently has heritage value and should not be altered.

In March 2008 two Applicant/Objector meetings were held, however no amendments to the design of the proposed subdivision were made. The objectors contended that a large lot in this area would be more attractive to the market than the two smaller lots and achieve the same financial return and asked for compromise.

The owners tabled a written response to the objections stating that sensitive design and landscaping would improve an area which is currently denuded of vegetation.

As required by S60 of the Planning & Environment Act 1987 the following is a consideration of the objections to the proposal which have not been withdrawn:

The proposal is at odds with the rural character of the area

The rural character of the southern corridor leading to the township of Daylesford would be changed by this proposal. Whilst this application is for 9 lots the potential lot yield of the land adjacent to Ridge Road, bounded by Appleby Lane, and Cattersons Lane with reticulated water, at the lowest lot size in the Low Density Residential Zone of 4000m² could be 20 dwellings. There are another five lots of similar size in a block further west bounded by Appleby and Cattersons Lanes also zoned LDRZ. The LDRZ has provisions for consideration of two dwellings on a lot.

This may be an inappropriate rate of change in this area. The character of the area is defined by its discreet location from the township of Daylesford, approximately 2km from town and separated from it by a creek corridor to the east and a corridor of forest to the west which significantly contributes to its rural character. The connectivity to the township of Daylesford is undeveloped at this stage and the development of the area, in general, to smaller lot sizes has the potential to create a car based pattern of development. Any potential for walking and cycling connectivity to Daylesford is undeveloped

The revised Structure Plan for Daylesford C38 currently on exhibition does not contemplate provision for character studies or siting guidelines in this area although the forest interface is identified as an element in future considerations for development.

VCAT 204(25 March 2002) made a determination that a subdivision in a Township Zone could be refused on the basis of being premature in similar circumstances.

The amenity of the area for the existing residents will be detrimentally affected

This expresses a perception of the existing long term residents who have chosen the area for its rural characteristics.

The condition of Ridge Road will not cope with increased traffic

The developer will be required to make a road works contribution based on benefiting land owners abutting the road for an upgrade of Ridge Road adjacent to proposal.

There is not adequate water supply specifically no mains water available to the land.

8. STATUTORY MATTERS

It was indicated that the water levels in bores in the area are dropping and some concerns raised about a proposed orchard on one of the larger lots. With regard to this proposed subdivision Central Highland Water advise significant works and payment of major works contribution would be required to bring mains water from 400 metres south.

Density adjacent to the forested area will be detrimental to tourism

The site does not have a visual connection with the main road into Daylesford. There are similar sized lots directly west of the subject site also zoned LDRZ. There is forested crown land adjacent to the west of these lots, 250 metres approximately from the subject land. There are tracks, the Black Jack Track and Briggs Track located in the forested area. The Local Planning Policy does refer to the importance of tourism to the Shire due to the attractive environmental features of the Shire. The focus has been generally on accommodation and the mineral springs and lake environs.

This pattern of subdivision has existed since the 1800s consequently has heritage value and should not be altered.

Subdivisions have not been included in Hepburn Shire's Heritage Study. The Heritage Study includes patterns of settlement as evidenced by the built form and some significant trees.

Relevant Policies / Council Plan implications

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 14.04 Settlement

This policy directs Planning Authorities to ensure adequate supplies of land, encourage consolidation of existing urban areas having regard to neighbourhood character and concerns itself with facilitating orderly development through Structure planning. The policy states:

Structure plans may consist of a hierarchy of plans that provide a broad planning framework for an area as well as more detailed planning requirements for neighbourhoods and precincts in the area. Planning Authorities should facilitate the preparation of a hierarchy of plans appropriate for the development of an area.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Municipal Strategic Statement

The relevant parts of the MSS are considered to be:

- 21.01-5 Key Towns & Settlement
- 21.01-7 Tourism
- 21.05 Settlement & Housing
- 21.07 Economic Development

Clause 21.01-5 - Key Towns and Settlements

Future low density residential development in parts of Clunes, Daylesford, Hepburn Springs and Trentham requires careful planning for staged development including preparation of development plans to guide the long term utilization of land and service provision within these areas.

8. STATUTORY MATTERS

Clause 21.05 - Settlement & Housing

This clause identifies one of the key issues as:

- The need to conserve the urban fabric of townships and the maintenance of rural lifestyle and residential amenity.
- Taking into consideration the key issues of the lifestyle choice, population growth, changes in population structure, servicing and environmental management in the face of growth the objectives for settlement in Hepburn are:
 - To provide for a range of housing and lifestyle options while protecting rural land values; and
 - To improve the character of development in established urban areas

The settlement strategies

- To provide for residential infill opportunities using township structure plans;
- Promote innovative residential development and a range of lot sizes in existing urban areas;
- Promote residential development that acknowledges and enhances the valued character of neighbourhood areas;
- Encourage tourism and other non-residential development that is sensitive to neighbourhood and town character in appropriate locations;
- Support the consolidation of development in urban areas where infrastructure capacity exists and where the character of the area is not prejudiced.

The implementation of the strategies specific to the Low Density Residential Zones refers to applying the Low Density Residential Zones to the areas on the fringe of Clunes, Creswick, Trentham, and Daylesford. No application of Overlays or Policy is proposed specifically for this area.

The further strategic work proposed is to investigate the staged development planning for Low Density Residential in areas shown of the town structure plans.

21.01 -7 Economic Development Overview

With regard to Tourism the MSS indicates an objective to protect these valuable tourist assets to maintain tourism opportunities:

21.07 Economic Development

Objective 3

To improve local prosperity and quality of local environments within the Shire as identified in the MSS and other strategic reports.

Strategies

Include promotion of urban and building design that compliments significant streetscapes and rural landscapes.

Local Planning Policy Framework

The Relevant Local Planning Policies

Clause 22.07 Settlement

This policy includes Daylesford and is based on the State Planning Policy objectives and builds on the Municipal Strategic Statement.

8. STATUTORY MATTERS

Policy Basis

This policy:

Applies the planning for urban settlement SPPF objective in clause 14.01 to local circumstances.

Builds on the MSS objectives in clause 21.05 relating to the provision of housing and lifestyle options while protecting rural land values, and clause 21.03 relating to Structure Plans.

Provides guidance to implement the directions in the Settlement Review Paper 1999. The Land Use Strategy has recommended that “major and urban development over the next ten years is to be encouraged in the Shire’s serviced towns (Daylesford, Hepburn Springs, Clunes, Creswick and Trentham)”.

The aim of encouraging development within these centres is to achieve compact urban forms, reduce the cost of maintaining services such as road infrastructure, drainage and garbage collection. Increased population numbers in towns will assist in improving the level of services available and enhance the viability of the towns. A number of zones have been applied to these towns. The Structure Plan also indicates a boundary showing the limits for urban growth.

The Township Zone has been applied to certain villages and settlements across the Shire.

Past development has seen limited demand for residential land within their township environs. However, these villages provide a residential role surrounded by rural land. Absence of reticulated water and sewerage and other services and the surrounding rural land will limit these centres’ potential for future urban growth.

The settlements of Blampied, Borlands, Campbelltown, Eganstown, Franklinford, Muskvale, Newbury, Sailors Falls and Yandoit have been zoned rural although these settlements have experienced minimal residential development. Development proposals need to be aware of the residential role these settlements provide in a rural land use.

Objectives

- To direct residential development into existing townships, villages and settlements.
- To ensure that new residential development in the villages and settlements (listed in the policy) is directed towards the Township or Low Density Residential Zones.
- To ensure that new use and development is compatible with the underlying character of the surrounding built areas.
- To ensure that non-residential uses in residential areas do not adversely effect residential amenity.

Where a permit is required for use and development in Clunes, Creswick, Daylesford, Hepburn Springs and Trentham, it is policy to:

- Encourage the development of infill lots and the use of existing small lots that are either sewered or capable of containing effluent and waste water disposal on site.

8. STATUTORY MATTERS

- Ensure urban development proposals occur within the urban boundary as delineated in the Structure plans.
- Ensure proposals are consistent with the:• Guidelines for future development recommendations in the streetscape studies.

Where a permit is required for use, development and subdivision in the Township Zone, Low Density Residential Zone or Residential Zone, it is policy where appropriate, to:

- Ensure development is capable of containing effluent disposal on site.
- Promote innovative residential development that provides a positive contribution to the character and appearance of the township area.
- Encourage development where infrastructure services are available.
- Ensure that non-residential uses do not segregate a single dwelling or collection of dwellings.
- Ensure that non-residential uses do not adversely effect residential amenity.
- Ensure the scale, design and appearance of any new buildings are in harmony with the character of the area.
- Ensure the non-residential use does not present a potential safety risk for nearby residents.

Require applications for small lot subdivision below 0.4 hectare to demonstrate:

- The capability of the site for on-site effluent and waste water disposal.
- How the proposal is in character with the surrounding area.

Require any proposed conversion of a residential use to a non-residential use to demonstrate why the use would not be more appropriately located within a business (or other) zone.

Ensure residential amenity is protected from:

- Significant changes to traffic conditions in local streets including an increase in car parking demand.
- Noise, light, odours emitted from the site.
- Disturbance associated with the hours of operation.

The LPPF for settlement focuses generally on servicing of land, provision of infrastructure, amenity of built up areas and the impact of non residential uses. It is silent on preferred lot sizes.

ZONE AND OVERLAY PROVISIONS

Low Density Residential Zone (LDRZ)

The purpose of the LDRZ are:

In addition to implementing State and Local Planning Policy the zone includes:

- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage can treat and retain all wastewater.*
- *The Decision Guidelines in the Low Density Residential Zone*
- *Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:*

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

8. STATUTORY MATTERS

The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

In the absence of reticulated sewerage - the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).

The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

The relevant standards of Clauses 56.07-1 to 56.07-4 Integrated Water Management.

The Low Density Residential Zone contemplates a range of lots sizes between 4000m² and 2 hectares.

Environmental Significance ES01 – Proclaimed Catchment Protection

The statement of significance indicates:

Hepburn Shire is situated in the Central Highlands at the source of a number of catchments linked to Port Phillip Bay or the Murray River. Protection of the quality of this water has significant local and regional implications, especially where these catchments provide domestic water supply.

Goulburn-Murray Rural Water Corporation have no objections. The land is in a Water District for Central Highlands Water's purposes and must be connected to mains water.

Environmental Significance ES02 – Mineral Springs Protection

Statement of significance indicates:

The mineral springs that occur within the Hepburn Shire have natural, cultural and economic significance. The protection of springs, their aquifers and environs from the impact of water disposal and drainage is a fundamental component of the future management of this asset.

DSE as the referral authority have no objections.

Wildfire Management Overlay - WMO

The objective of this overlay is to:

Ensure the development which is likely to increase the number of people in the overlay area satisfies fire protection objectives.

8. STATUTORY MATTERS

The Country Fire Authority has conditions relating to water supplies, access and vegetation management.

ASSESSMENT

S60 of the Planning & Environment Act 1987 sets out matters that Responsible Authority must consider before deciding on an application:

- (a) the relevant planning scheme; and
- (b) the objectives for planning in Victoria; and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any significant effects which the Responsible Authority considers the use or development may have on the environment or which the Responsible Authority considers the environment may have on the use or development.

Clause 65 of the Hepburn Shire Planning Scheme Decision Guidelines states:

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

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and
- The use, development or management of the land so as to minimise any such hazard.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the Responsible Authority must also consider, as appropriate:

- The suitability of the land for subdivision.

8. STATUTORY MATTERS

- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Conclusion

Clause 65 of the General Provisions of the Hepburn Shire's Planning Scheme states because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause:

State Planning Policy Framework Clause 14 Settlement indicates Council should facilitate a hierarchy of plans for the appropriate development of an area. The Municipal Strategic Statements (MSS) is considered the key element in the Local Planning Policy Framework to further the objectives of the SPPF. The LPPF at 22.07 for Settlement includes the provision of lifestyle options. The planning policy framework for Hepburn Shire requires a balance between rural lifestyles, protection of tourism values and directing future growth. It is considered that this development proposal does not balance these elements.

MSS for Hepburn Shire includes a particular emphasis on lifestyle choice including a rural lifestyle and specifically commits to staging development for Low Density Residential Zones. These two objectives create an expectation that there will be a more fine grained consideration of implementation and design in the Low Density Residential Zones.

8. STATUTORY MATTERS

It is concluded that the proposed subdivision is premature and contrary to the orderly and proper planning for the area due to the stated intention in the Municipal Strategic Statement of staging the development of the Low Density Residential Zones on the fringes of Daylesford and inconsistent with Local Planning Policy Clause 22.07 Settlement.

The structure planning process for Amendment C38 offers an opportunity to resolve the application of local policy and appropriate overlays to have regard for the orderly and proper planning of the area and the supply of land. It is contended that there is an adequate supply of LDRZ land at 4000m lot size subdivision in closer proximity to the township of Daylesford (West Street).

Revised structure plans on exhibition. Community information sessions were notified in Advocate on 11th March 08.

Community / Engagement / Communication / Consultation

Notice of the application was given by way of insertion of a Public Notice in the Courier, the erection of a sign on site, and the sending of Notice to adjoining owners and occupiers.

Financial & Resource Implications Initial & Ongoing

Possible VCAT appeal costs.

Recommendation:

That Council resolve to Refuse to Grant a Permit in respect of Application No.2007/9612 for the nine (9) lot subdivision of 175,177,195 Ridge Road, Sailors Hill on the following grounds:

- 1 *The proposed subdivision is not consistent with Clause 14 of the State Planning Policy Framework for Settlement requirement for orderly planning of the area.*

- 2 *The proposed subdivision is premature and therefore contrary to the objectives of Clause 21 of the Municipal Strategic Statement stage development of the Low Density Residential Zones and Local Planning Policy Framework*

- 3 *The proposed subdivision is detrimental to the character of the area.*

Motion Moved at the Meeting:

That this item be deferred to enable the applicant to submit amended plans.

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

8. STATUTORY MATTERS

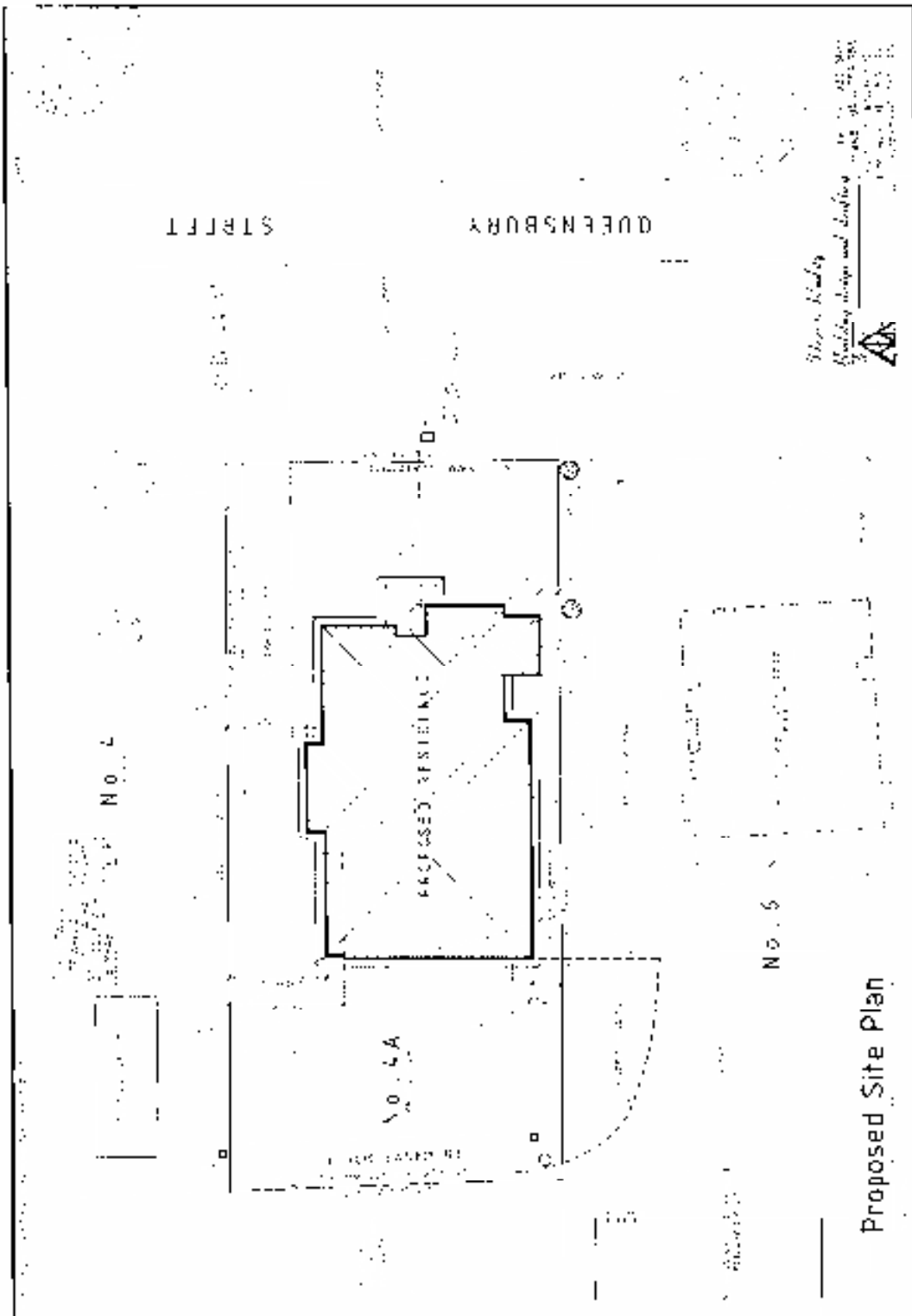
8.4 PLANNING APPLICATION NO. 2007/9622, PROPOSED: CONSTRUCTION OF DWELLING AND GARAGE – 4A QUEENSBERRY STREET, DAYLESFORD (A/O – Planning Officer 1) File Ref: 5/5610/00151/P

Synopsis

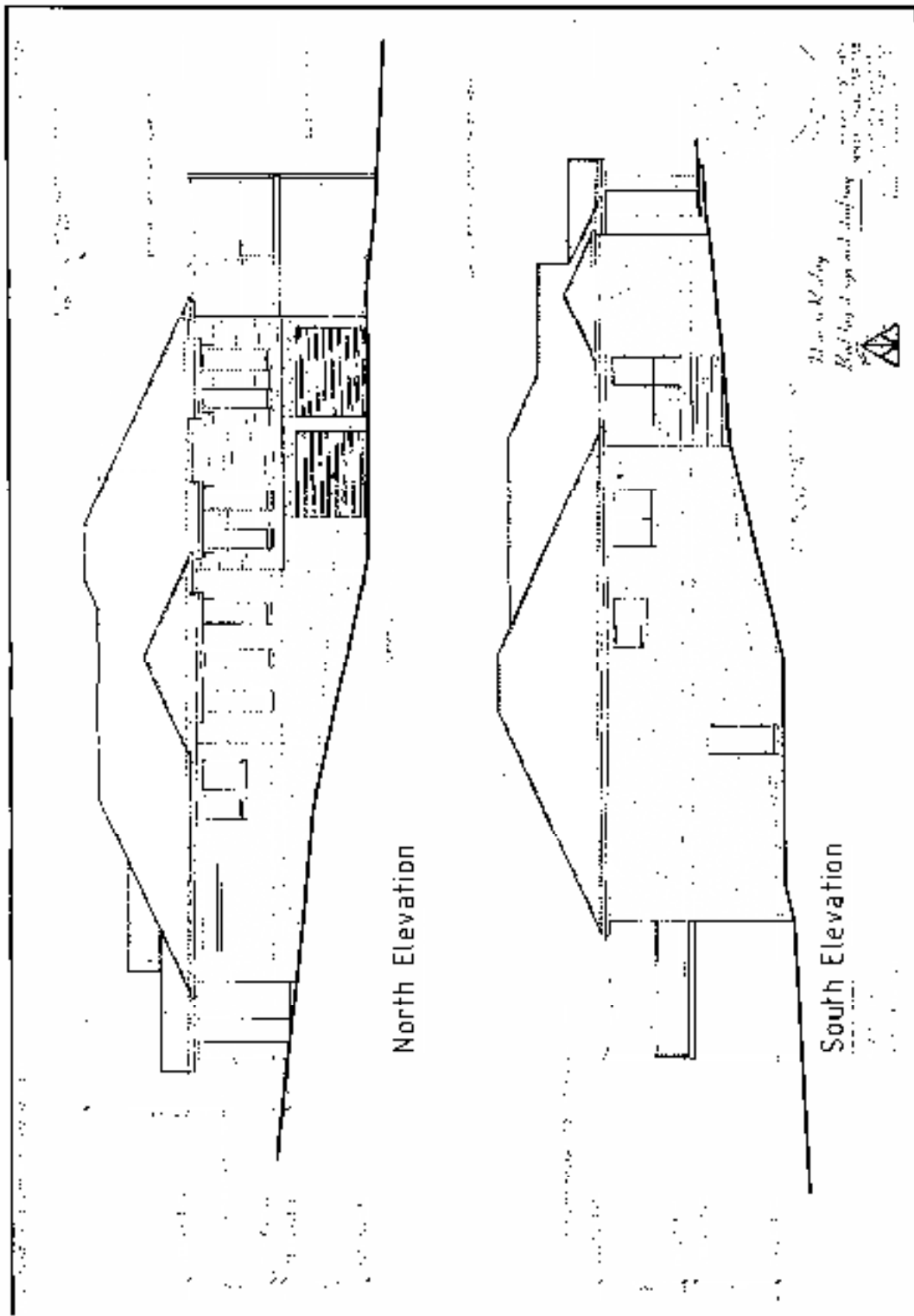
Applicant	ITR Building Design & Drafting
Location	4A Queensberry Street, Daylesford
Proposal	Dwelling and Garage
Zoning	Residential 1 Zone
Overlay Controls	ESO1, ESO2, NCO2
No of Objections received	One
Recommendation	Refuse To Grant a Permit



8. STATUTORY MATTERS



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

An application was received on 26th November 2007 for construction of a new dwelling and garage.

A previous application for a permit to construct a double-storey dwelling (2006/9176) was refused by Council on 23/03/2007.

PROPOSAL

It is proposed to construct a single-storey, three (3) bedroom dwelling with garage and laundry under the rear section of the dwelling. The dwelling will be constructed of rendered bricks with some weathertex cladding on walls and corrugated colorbond roofing.

The subject site is located on the western (downslope) side of Queensberry Street, on the side of Wombat Hill, with an area of 899m². The land is currently vacant and slopes to the west by about 4m. The land is located within Daylesford Neighbourhood Character Precinct 14.

The site is in a prominent position on the side of Wombat Hill when viewed from the southwest and Lake Daylesford. Surrounding lots are developed for dwellings or accommodation. The northern neighbour (No.4) is currently constructing a new dwelling with a curvilinear roof form that is considered to successfully demonstrate 'stepping down the site'.

REFERRAL AUTHORITIES

The application was referred as follows:

Section 55 Notification

Nil

Section 52 Notification

Nil

REFERRAL WITHIN COUNCIL

Nil

ADVERTISING/NOTICE OF APPLICATION

The application was advertised to adjoining property owners/occupiers, and by placing a sign on the land. The notification process was satisfactorily completed and one objection was received in two parts.

Relevant Policies / Council Plan implications:

Council Plan 2006-2011 – the relevant objective to this application is key objective no. 5 that 'Council, in partnership with our community will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.'

8. STATUTORY MATTERS

STATE PLANNING POLICY FRAMEWORK (SPPF)

15.11 Heritage

The objective of this policy is to assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance as a means of understanding our past, as well as maintaining and enhancing Victoria's image.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

21.01 Municipal Profile

Daylesford is formed on a dominant hillscape with 360 degree views. Wombat Hill dominates the town and dictates urban structure. Wombat Hill contributes to Daylesford's identity and is to be protected.

The landscape of Wombat Hill is a significant cultural and natural landscape that is important for residents and visitors alike.

21.03-3 Land Use Structure Plans

The land is contained within the urban boundary of Daylesford according to the Daylesford Structure Plan.

21.05 Settlement and Housing

The need to maintain and enhance the character and amenity of residential areas in Daylesford township is identified as a key issue for the Hepburn Shire. Objective 2 of this Clause seeks to improve the character of development in established urban areas by promoting residential development that acknowledges and enhances the valued character of neighbourhood areas.

21.09 Environment and Heritage

Objective 4 of this clause aims to manage development where significant where significant landscapes and landscape features could be adversely affected. This is to be achieved by assessing development applications against the landscape value and neighbourhood character values of an area where specified, having regard to ridgelines, hilltops and other significant landscape features.

22.08 Daylesford Neighbourhood Character

This policy applies to all land within a Daylesford Neighbourhood Character Precinct. Daylesford's distinctive character arises from, amongst other things, the contribution of Daylesford's landscape set amongst the pastoral and forest scenery of the Central Highlands. It is envisaged that residential areas will continue to have a spacious, open, country town feel, with constant views to the surrounding country. The dominance of Wombat Hill in the landscape will be retained and the visual cohesiveness of the town enhanced by this policy.

The relevant objectives of this policy are:

- To maintain and enhance the character and amenity of residential areas of Daylesford.
- To promote the integration of new development into the topography and landform of its neighbourhood character area.
- To ensure that all new development reflects the height, scale, building form, appearance and underlying character of surrounding residential areas, and
- To protect and enhance vistas, views and landmarks.

8. STATUTORY MATTERS

ZONE AND OVERLAY PROVISIONS

Residential 1 Zone. – The purpose of this zone is to provide residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and to encourage residential development that respects the neighbourhood character. No planning permit is required under the provisions of the zone.

Environmental Significance Overlay – Schedule 1&2 (ESO1&2). The purpose of these overlays is to protect the quality of domestic water supplies and mineral springs within the Shire and the broader region, to prevent increased runoff or concentration of surface water leading to erosion or siltation of watercourses and to prevent pollution and increased turbidity and nutrient levels or water in natural watercourses, water bodies and storages. The earthworks required to site the dwelling will be less than 1m in depth/height and therefore there is no permit trigger under the provisions of these overlays.

Neighbourhood Character Overlay – Schedule 2 (NCO2). The purpose of this overlay is to ensure that development respects the neighbourhood character. The subject land is located within Precinct 14. Precinct 14 is described, architecturally, the most historically intact of Daylesford and includes the highly recognisable and significant features of Wombat Hill and several church spires. Weatherboard is the predominant building material, with fibro and pressed red bricks also present.

The key existing characteristics of this precinct include:

- Architecture styles are mixed, with frequent late 19th century miner's cottages and grander styles from the early 1900s to 1920s.
- Building materials are mixed, with much weatherboard and fibro with iron roofs and pockets of early tuck point brick with mixed roofs.
- Topography is steeply sloping up to Wombat Hill and views focus on Wombat Hill Gardens or to state forest reserves west of the township.

The relevant aspects of the preferred neighbourhood character statement recommend:

- Encouraging new buildings that respect the building forms, including roof profile, of the identified historic buildings.
- Encouraging the use of timber or other nonmasonry materials and non-reflective corrugated iron roof materials where possible.
- Ensuring buildings are set into the topography.
- Ensuring buildings are setback from both side boundaries.

The relevant objectives of the NCO2 for Precinct Fourteen are:

- To minimize site disturbance and impact of the building on the landscape,
- To maintain the rhythm of dwelling spacing,
- To ensure that new buildings do not dominate the landscape, and
- To use building materials and finishes that compliment the dominant pattern within the streetscape.

The following Particular Provisions also apply to the proposal:

Clause 54 – One dwelling on a lot.

Council must consider as appropriate, the objectives, standards and decisions guidelines of Clause 54. A Clause 54 ResCode assessment follows:

8. STATUTORY MATTERS

		Meets Standard	Meets Objective?	
A1	Neighbourhood Character	x	x	Rather large and bulky building, using inappropriate materials does not 'step down' the slope as per the preferred neighbourhood character.
A2	Integration with the street	✓	✓	Dwelling faces the street
A3	Street setback	x	x	Northern neighbour setback 5m, southern neighbour setback 8.6m. Street setback on site is 8.7m. Street setback should be 6.85m to meet standard
A4	Building Height	✓	✓	8.6m – less than 9m maximum
A5	Site coverage	✓	✓	Site coverage 35%, less than 60% maximum
A6	Permeability	✓	✓	Approx. 55% permeable greater than 20% minimum
A7	Energy Efficiency	✓	✓	Lounge and Family Room face north – meets objective.
A8	Significant trees	✓	✓	No significant trees on site. Landscape plan supplied – meets objective
A9	Parking	✓	✓	Double garage supplied – meets objective.
A10	Side & rear setbacks	✓	✓	Meets requirements
A11	Walls on boundaries	N/A	N/A	No walls on boundaries
A12	Daylight to existing windows	N/A	N/A	Not applicable
A13	North facing windows	N/A	N/A	Not applicable
A14	Overshadowing	✓	✓	Meets objective, secluded private open space not overshadowed.
A15	Overlooking	x	x	Overlooking issues windows and deck must be 'treated' to ensure objective is met
A16	Daylight to new windows	✓	✓	Meets objective
A17	Private open space	✓	✓	Above 80m2 standard
A18	Solar access to open space	✓	✓	Meets objective
A19	Design detail	x	x	Rather large and bulky building, not well articulated especially to the sides, does not 'step down' the slope as per the preferred neighbourhood character description.
A20	Front fences	N/A	N/A	None proposed.

8. STATUTORY MATTERS

ASSESSMENT

There are two identified heritage dwellings on Queensberry St in proximity to the subject land. HO393 relates specifically to the house at 3 Queensberry St, across the road and slightly north of the subject land. The heritage house is setback significantly from its Queensberry St frontage. The house is of weatherboard construction with a galvanised iron roof and is described as a substantially intact, late Victorian asymmetrical villa with projecting gable ended wing and timber posted bullnosed verandah with cast iron lacework decoration.

HO394 relates specifically to the house at 11 Queensberry St across the road and slightly south of the subject land. The heritage house is described as a typical single fronted hip roofed timber villa with bracketed eaves cornice and timber posted verandah, decorated with Edwardian fretwork, all in good condition.

Although the subject land at 4A Queensberry St is not affected by a Heritage Overlay, the Neighbourhood Character Overlay (NCO2) directs that consideration should be given to nearby heritage places in neighbourhood character precincts in encouraging new buildings to respect the building forms of identified historic buildings.

An assessment of the proposal against the relevant decision guidelines for Precinct Fourteen follows:

The Description, Existing characteristics and Preferred Neighbourhood Character statement.	<input checked="" type="checkbox"/>
Whether a landscape plan that includes substantial trees and shrubs has been prepared to accompany an application for a new dwelling.	<input checked="" type="checkbox"/>
Whether the proposed buildings have been designed to follow the contours of the site or step down the site.	<input checked="" type="checkbox"/>
Whether the proposed front setback is no less than the average setback of the adjoining two dwellings.	<input checked="" type="checkbox"/>
Whether proposed buildings are to be offset from both side boundaries.	<input checked="" type="checkbox"/>
Whether the new building design reflects the dominant building forms in the street, including roof form, in areas where the streetscape contains identified heritage buildings.	<input checked="" type="checkbox"/>

One (1) objection has been received, the main points of objection are summarised as follows:

The proposed dwelling will block part (20%) of the views currently enjoyed by the western neighbour (no. 4 Queensberry St)

Whilst the Planning Scheme does grant residents the 'right' to a view *per se*, the implication is not that a dwelling will retain the exclusive rights to the entirety of any view. The implication is that, dwellings have the right to a shared view.

In this case it is considered reasonable that a dwelling with approx. 180 degree views over Lake Daylesford may reasonably expect to share that view with any new neighbour. A 20% share is not considered unreasonable in this case.

8. STATUTORY MATTERS

The dwelling at 8.6m high is too tall and will be visually imposing.

The western, northern and southern elevations of the dwelling demonstrates the visual bulk of the dwelling, its lack of articulation and its appearance as a 'two storey' building from any view other than the street frontage.

Surrounding dwellings are single-storey and have demonstrated an ability to 'step down the site' as is envisaged by the Neighbourhood Character Overlay requirements. The overall height of the dwelling and its bulky roof-form is likely to be visually dominant in the landscape.

Excessively long gravel driveway will create dust impacts

The proposed driveway is not considered excessively long. The location of the garage/carport to the rear of the dwelling is a preferred design within the neighbourhood character precinct. Furthermore, the proposed landscape plan includes the provision of low shrubs along that boundary fence which may alleviate any dust impacts from the driveway.

The dwelling will be closer than 9m to the western neighbour's private open space and habitable room windows

The proposal has been assessed under Clause 54 for compliance with overlooking standards. The current proposal does not meet this standard. Modifications to the design would be required in order to meet the overlooking objective.

The proposed rendered finish is not in keeping with the character of the street or the precinct

Rendered brickwork is neither the dominant nor the preferred building material for the neighbourhood character precinct.

In assessing the proposal against the State and Local Planning Policy, it was considered that the building design is inappropriate to the site. The proposal consists, effectively as a two storey dwelling on the land, which present as a single-storey dwelling only at the street frontage. The proposed building materials are neither consistent with those dominant in the neighbourhood nor with the preferred building materials in the precinct. The proposed design does maintain side setbacks and has attempted to 'hide' the garage away underneath the dwelling.

Nevertheless, this proposal on this land, prominent on the side of Wombat Hill will not achieve the purpose or objectives of the Neighbourhood Character Overlay.

Community / Engagement / Communication / Consultation:

The applicant advises that a pre-application meeting was held on 26th October 2007 with the Planning Liaison Officer. The issues highlighted at that meeting include:

- the adjoining developments are contemporary style buildings;
- setbacks, front and side are appropriate;
- the building doesn't step down the site, the subfloor heights were not excessive and the roof line was varied;
- incorporation of eaves into the roof form would be preferred;
- appropriate painting of the rendered finish is encouraged;
- overlooking to adjoining properties from the decking may be an issue.

The Liaison Officer notes that the comments were given on a pre-application basis only and that, on lodgement, the application would also be subject to the judgement of the assessing planning officers. Council has no record of the drawings presented at this pre-application meeting.

8. STATUTORY MATTERS

The applicant has had a number of discussions with the Planning Officer since the application was lodged. Discussions focussed on the importance of designing to 'step down the site', however, the applicant has chosen to continue with the proposal as submitted.

No formal consultation was undertaken between the objectors and the applicants as both parties indicated that a mutually beneficial outcome would be unlikely.

Financial & Resource Implications Initial & Ongoing

Potential cost of appeal to VCAT.

Recommendation:

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Refuse to Grant a Permit under the provisions of Clause 43.01-1 of the Hepburn Planning Scheme in respect of the land known and described as 4A Queensberry Street, Daylesford, for the Construction of a Dwelling and Garage in accordance with the attached plans, with the application dated 26/11/2007 on the following grounds:

1. *The application fails to meet the purpose and intent of the Neighbourhood Character Overlay – Schedule 2.*
2. *The application fails to meet the neighbourhood character objective of Clause 54.*
3. *The application fails to meet the purpose and objectives of Clause 22.08 – Daylesford Neighbourhood Character.*

Motion Moved at the Meeting:

That this item be deferred to enable the applicant to submit amended plans.

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

8. STATUTORY MATTERS

8.5 PLANNING APPLICATION NO 2007/9636 – PROPOSED: DETACHED ADDITION TO EXISTING ACCOMMODATION BUILDING AND DEMOLITION OF EXISTING CARPORT - 11 HEPBURN ROAD, DAYLESFORD

(A/O – Planning Officer 3)

File Ref: 5/3110/01700/P

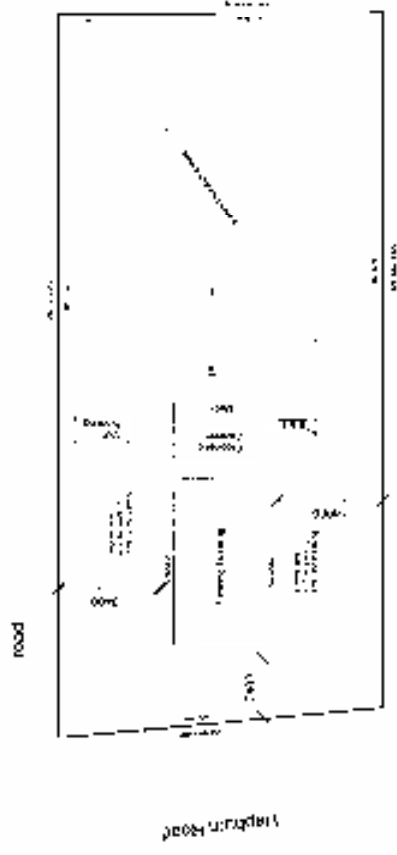
Synopsis

Applicant:	Wayne Quinn
Location:	11 Hepburn Road, Daylesford
Proposal:	Construction of a detached addition to existing building used as bed and breakfast, and demolition of existing carport.
Zoning:	Residential One Zone
Overlay Controls:	Environmental Significance Overlay Schedule 1 Environmental Significance Overlay Schedule 2 Design and Development Overlay Schedule 1 Neighbourhood Character Overlay Schedule 2 Wildfire Management Overlay
No of Objections Received:	None
Recommendation:	Refuse to Grant a Permit



8. STATUTORY MATTERS

W.A.O. Drafting & Building Maintenance
 184 Main Rd, Hepburn Springs Vic 3461 ph: 03 5348 2992 mob: 0409 588 879 Fax: AD 21198



Proposed Conditions Site Plan
 20/04/2008

APPLICANT	4001000
Site Name	1117 Main
Site Address	524 High
Project No	201175
Building No	1117-000
Lot No	13-14



PROJECT NO: 201175
 PROJECT NAME: 1117 Main

PROJECT NO: 201175
 PROJECT NAME: 1117 Main
 PROJECT ADDRESS: 524 High
 PROJECT LOT: 13-14

8. STATUTORY MATTERS

Report

INTRODUCTION

This report is prepared to assist Council in making a determination on planning application 2007/9636 seeking approval for a detached addition to the existing building at 11 Hepburn Road, and the demolition of a carport.

Hepburn Road is the main road linking Daylesford to Hepburn Springs. As such, the vegetation and built form of properties abutting the road are an essential element of the character of this important link. The application site currently contains a fairly substantial two storey building used as a bed and breakfast. Three permits have been issued for the site in the fairly recent past. Permit No. 4068 issued by the former Shire of Daylesford and Glenlyon in December 1993 allowed the conversion of the existing residence to a guesthouse with five rooms available for guests. Permit No. 2004/8259 issued in November 2004 allowed for changes to signage, and Permit No. 2004/8336 issued in January 2005 allowed for upper storey additions to be used by the residents of the dwelling and to provide further accommodation for guests.

PROPOSAL

The current proposal is to build a detached extension at the rear of the existing building, intended as a lounge room for guests. The applicant wishes to provide views for guests from this lounge, with the inclusion of a balcony. They also wish to maintain existing views from the rear lower storey verandah of the existing building. To this end, it is proposed to raise the extension above ground level to the extent that the floor level of the extension is at approximately the ceiling height of the existing building. This, combined with a fairly steep natural slope at the rear of the property, leads to a floor level elevation, at its extreme, of 6.2 metres above ground level. Access to the proposed extension is via an external staircase.

To accommodate this extension, it is proposed to demolish an existing carport. Though sought, planning permission is not required for such demolition. Under clause 62.05 of the Hepburn Planning Scheme, a permit is not required for the demolition or removal of a building unless a permit is specifically required for demolition or removal. The Zone and Overlay controls applying to the subject site do not specifically require such a permit.

The applicant was advised on 21/12/2007 that there were matters of design relating to neighbourhood character which meant that the proposal in its present form may not be able to be supported. They were also asked to supply further information to satisfy the requirements of clause 54, particularly a neighbourhood and site description, and design response. The information was supplied, but no changes were made to the proposal in the light of the concerns raised by Council.

REFERRAL AUTHORITIES

No external referrals were required.

REFERRAL WITHIN COUNCIL

The application was referred to Council's Building Department. It was originally thought that a significant site cut was proposed, but after clarification, no further requirements were made.

ADVERTISING/NOTICE OF APPLICATION

8. STATUTORY MATTERS

The application was advertised to adjoining neighbours, and by placing a sign on the site. No objections were received.

Relevant Policies / Council Plan implications:

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 17.04 - Tourism - is relevant. 17.04-2 states that planning and responsible authorities should encourage the development of a range of well designed and sited tourist facilities, including smaller scale operations such as bed and breakfast.

As a development of an existing bed and breakfast, the proposal is supported by this policy. However, the proposed extension, with external access and extreme elevation is not integrated with the existing building. As such, it is not considered to be well designed.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.05 – Settlement and Housing – recognises the need to maintain and enhance the character and amenity of residential areas in Daylesford township. To this end, it is strategy to promote residential development that acknowledges and enhances the valued character of neighbourhood areas.

Clause 22.08 – Daylesford Neighbourhood Character – is relevant. 22.08 -2 seeks to maintain and enhance the character and amenity of residential areas in Daylesford, and to promote the integration of new development into the topography and landform of its neighbourhood character area.

A full assessment in regard to neighbourhood character follows under the overlay provisions. Briefly, the proposal is not considered well integrated into the topography and landform of its area.

ZONE AND OVERLAY PROVISIONS

Residential One Zone

Under the provisions of the zone, a permit is required for buildings and works for a use in section 2 of clause 32.01 – 1. Bed and breakfast accommodation for more than six guests is a section 2 use, so a permit is required.

There are no decision guidelines for buildings and works under the zone, so one must turn to the purpose of the zone. The relevant purpose is “to encourage residential development that respects neighbourhood character”. It is not considered that the proposed development respects the preferred neighbourhood character of the area. This is examined in detail under the relevant overlay provisions.

Environmental Significance Overlay

A permit is required to construct a building unless a schedule to the overlay specifically states that a permit is not required. The site is covered by two schedules.

Schedule 1 – Proclaimed Catchment Protection. A permit is not required for buildings and works if all the conditions of point 3.0 of the schedule are met (these relate to the

8. STATUTORY MATTERS

treatment of stormwater, effluent and site cutting). The proposal meets these requirements.

Schedule 2 – Mineral Springs and Groundwater Protection. A permit is not required for works that will not result in changes to surface or groundwater runoff or contribute to a decline in spring water quality. As the proposed building is on stumps, with no site cutting involved, these conditions are satisfied.

Design and Development Overlay

A permit is required to construct a building.

The schedule applying to the site is schedule 1 – Main Road Daylesford.

The design objectives of the DDO1 are:

- To preserve and enhance the significant visual qualities of Main Road, its environs and the semi-urban link between Daylesford and Hepburn Springs;
- To maintain and enhance the character and amenity of residential areas in Daylesford that are within a Daylesford Neighbourhood Character Precinct;
- To maintain the characteristic design, bulk, form and exterior finishes that form the visual element of this area;
- To maintain the existing stock of trees and preserve important sight lines.

In deciding on an application, the applicable decision guidelines are:

- The need to maintain the low-density character of the link between Daylesford and Hepburn Springs;
- The need to maintain significant sight lines and views.

The objective relating to a neighbourhood character precinct, and guidelines giving consideration to this (which I have not detailed), are more properly considered under the neighbourhood character overlay.

The proposal is not considered to affect the low-density character of the link between Daylesford and Hepburn Springs to any significant extent. The lot is large, being over 4000m². The existing building (including carport and outbuilding) has a footprint of 467m². The proposed extension would increase this to 537m², which is still considered low density in character.

The extension, though at the rear of the existing building, will still be quite visible when approaching along Main Road from the South. The elevation of the proposed extension will cause some impact on sight lines and views from this direction. It is a matter of perception to what extent this impact could be considered detrimental to sight lines and views.

Neighbourhood Character Overlay Schedule 2

A permit is required under the overlay to construct a building.

Within the NCO2, the application site falls within Precinct Two.

Before deciding on an application relating to land in this precinct the Responsible Authority must consider, as appropriate:

- The statement of neighbourhood character for the precinct including the Description, Key existing characteristics and preferred neighbourhood character statement.
- The neighbourhood character objectives for the precinct.

8. STATUTORY MATTERS

It is appropriate to consider elements of the above which are problematic to the proposal, while acknowledging that the proposal may be supported by other considerations.

Description includes reference to a backdrop of large eucalypts, creating a cohesiveness to the precinct. The proposal does not include any tree removal. However, by setting the extension over six metres above ground level, and close to a stand of eucalypts to the rear, the proposed extension is considered to impact on the background canopy of eucalypts.

Key existing characteristics identifies the sloping topography along the length of the spur. This topography is an important feature of the site, sloping as it does towards Kidd's Gully.

Preferred neighbourhood character statement considers that the openness to the street and buildings set within the landscape will be maintained, while the role of the area as a town entrance, connection to the gold rush era and its cohesiveness will be strengthened by:

- Ensuring buildings and driveways are designed to follow the topography;
- Retaining the low scale nature of the dwellings.

The proposed building is neither low scale (over 8m tall), nor does it follow the topography.

Neighbourhood character objectives for the precinct include ensuring that buildings and extensions do not dominate the streetscape and wider treed landscape setting. Though the development will not dominate the streetscape due to its location at the rear of the existing building, it is considered that by setting the extension at tree canopy height, it will to an extent dominate the wider treed landscape.

In addition to the above, the decision guidelines require consideration be given to whether the proposed buildings have been designed to follow the contours of the site, or step down the site.

Wildfire Management Overlay

A permit is not required for buildings and works associated with accommodation where an alteration or extension to an existing building used for accommodation is less than 50% of the floor area of the existing building.

Particular Provisions

The provisions of clause 54 (Rescode) apply to an application to construct a building (includes extension) associated with a single dwelling on a lot under the provisions of a neighbourhood character overlay in a Residential One Zone. A development must meet all the objectives, and should meet all the standards of this clause. This is assessed in the table below:

		Meets Objective?	Meets Standard?	
A1	Neighbourhood Character	X	X	See analysis above
A2	Integration with the street	✓	✓	The proposed extension does not affect existing integration of dwelling with the street
A3	Street setback	✓	✓	No change to existing

8. STATUTORY MATTERS

A4	Building Height	X	✓	The building height is not considered to respect existing or preferred neighbourhood character. The standard is achieved (< 10m)
A5	Site coverage	✓	✓	Less than 60% standard
A6	Permeability	✓	✓	Meets requirements
A7	Energy Efficiency	X	X	Design is for views to the East, with little provision for solar access from the North.
A8	Significant trees	✓	✓	No significant trees to be removed. Trees removed within past twelve months, though large ere radiata pines, not identified as a significant landscape feature.
A9	Parking	✓	✓	No change
A10	Side & rear setbacks	✓	✓	
A11	Walls on boundaries	✓	✓	None
A12	Daylight to existing windows	✓	✓	No existing windows opposite
A13	North facing windows	✓	✓	Existing N facing unaffected
A14	Overshadowing	✓	✓	More than 9m from boundaries
A15	Overlooking	✓	✓	More than 9m from boundaries
A16	Daylight to new windows	✓	✓	Adequate daylight
A17	Private open space	✓	✓	Adequate provided with existing dwelling – no change
A18	Solar access to open space	✓	✓	Adequate provided with existing dwelling – no change
A19	Design detail	✓	✓	Problems are with overall design not meeting existing and preferred neighbourhood character. Design detail, eg roof form etc., are not at issue

8. STATUTORY MATTERS

A20	Front fences	✓	✓	No change
-----	--------------	---	---	-----------

ASSESSMENT

State policy supports the development of small scale tourism facilities, such as the extension to an existing bed and breakfast as is proposed. State policy does however require such development to be well designed. Local policy supports residential development which respects neighbourhood character. The provisions of the residential one zone likewise support residential development that respects neighbourhood character. Assessing neighbourhood character for this proposal is made somewhat more straightforward than it might otherwise be because of the Neighbourhood Character Overlay applying to the site.

The considerations which must be taken into account in making a decision are quite clear in the scheme. Specifically, the preferred neighbourhood character aims to ensure buildings are set into the topography, and to achieve this, an objective is to ensure that buildings and extensions do not dominate the streetscape and wider treed landscape setting. In assessing these matters, Council is required to consider whether proposed buildings have been designed to follow the contours of the site or step down the site.

The proposed extension makes no attempt to achieve the above objective. Rather than stepping down the site, it could be characterised as stepping up, to the extent that it impinges visually on the background tree canopy.

The proposal also fails to meet all the objectives and standards of clause 54. As well as failing on the neighbourhood character objectives and standards, it fails to meet the height objective and the energy efficiency objectives and standards.

The proposal, whilst meeting some of the objectives of the Design and Development Overlay, will have some impact on sight lines and views from Main Road, which could be considered detrimental. This in itself would not be fatal to the application, but is one factor amongst others.

It is considered that the proposed extension, elevated as it is to a considerable degree at the rear of the existing building, fails on balance to be an acceptable design outcome for the site. The unacceptability does not relate to the proposed use, but to the design. In this, it is the extreme elevation of the extension, and failure to respond appropriately to the sloping site that is at the root of the problems.

Community / Engagement / Communication / Consultation:
 None undertaken.

Financial & Resource Implications Initial & Ongoing
 Costs associated with a possible VCAT appeal.

8. STATUTORY MATTERS

Recommendation:

That Council resolve to issue a Refusal to Grant a Permit in respect of the land known and described as 11 Hepburn Road, Daylesford, for the Detached Addition to Existing Accommodation Building and Demolition of Existing Carport in accordance with the submitted plans, with the application dated 5/12/2007, on the following grounds:

- 1 *The proposal fails to meet the Neighbourhood Character objectives of the Residential One zone and Neighbourhood Character Overlay.*
- 2 *The proposal fails to meet all the objectives of clause 54.*

Motion Moved at the Meeting:

That this item be deferred to enable the applicant to submit an amended plan of the subdivision.

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

8. STATUTORY MATTERS

8.6 RESTRUCTURE PLAN FOR LIZA DRIVE & BUSHMANS CRESCENT, DRUMMOND

(A/O – Senior Strategic Planner)

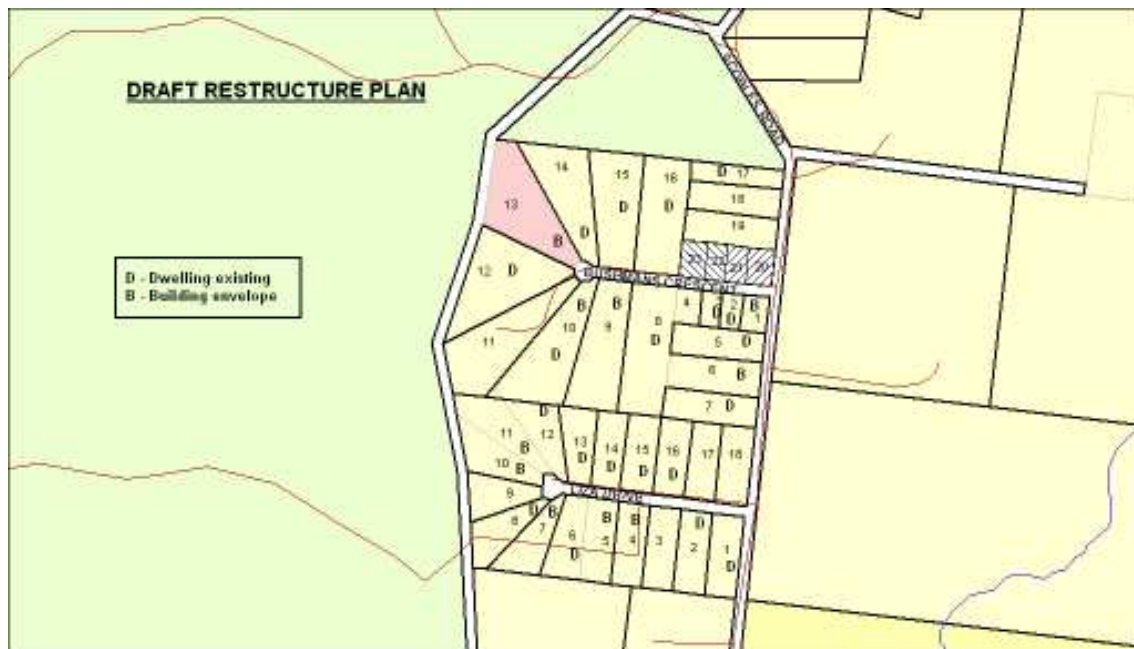
File Ref: 5/4060/01500/P

Synopsis

The subdivisions for Bushmans Crescent and Liza Drive were approved by Council around the time that the State Government was beginning to show a preference for small rural lot development to occur in a better-planned way. The subject lots are at the southern end of a 'string' of Rural Living Zone lots mainly backing onto the Loddon Forest, and generally within 3km of Drummond Primary School, so the lots are not completely isolated. Most of them are in the 2-4ha (5-10 acre) range; however, the subject lots are smaller, 2ha down to 0.25ha. This appears to be the reason for the imposition of a restructure overlay, to encourage creation of larger lots. This would be difficult, given the level of existing development.

It is necessary for a planning permit to comply with a restructure plan. Although a plan is listed in the Scheme, it is believed that such a plan was not adopted by Council. One owner has been in correspondence with a view to being able to build on a Liza Drive lot, on the corner of Scobles Road. This report seeks a direction from Council on the completion of the plan for adoption, suggesting that although consolidation opportunities are limited, the smallest lots of 0.25ha should be consolidated where possible, prior to any further development.

The report recommends the following draft structure plan be prepared and distributed to relevant owners and authorities for comments.



NOTES:

Bushmans Crescent

Lots 20-21 to be consolidated and Lots 22-23 to be consolidated as a condition of any further development;

For Lots 1, 2 and 3(respectively), any further development to be discouraged;

8. STATUTORY MATTERS

Lot 4 (currently owned with Lots 6 and 8) to be developed separately only if consolidated with a similar-sized lot excised from Lot 8; and

For Lot 9, to be developed only if an engineer's design satisfactorily addresses its local drainage difficulties, all work to be carried out at the owners' full cost.

Both streets

Proposed new dwellings:- applications to be accompanied by a satisfactory land capability assessment, dwellings not to have more than one or two bedrooms depending on the assessment, and to be located to minimise clearing of vegetation, including using shared access with adjoining lots wherever possible.

Report

These lots were created by subdividing two rural lots with a combined area of about 45ha (111 acres) around 1973-1974. They were approved by Council around the time that the State Government was beginning to discourage the creation of small rural lots in isolation from existing settlements, preferring such development to occur in a better-planned way, close to substantial towns.

The subject lots have access from two streets informally constructed off Scobles Rd. They are at the southern end of a 'string' of Rural Living Zone lots mainly backing onto the Loddon Forest, and generally within 3km of Drummond Primary School; so in this sense, the lots are not completely isolated. Most of them are in the 2-4ha (5-10 acre) range. However, the subject lots smaller: those in Liza Dr are only 0.8ha (2 acres) each; Bushmans Crescent has a mix of mainly 2ha, with 6 x 1ha and 8 x 0.25ha (just over half-acre) lots. This appears to be the reason for the imposition of a restructure overlay on this subdivision, with the new format Scheme in 1999, encouraging creation of larger lots, eg by consolidations.

However, by 1999, most of the lots had been sold to separate parties, around half having had a dwelling constructed (or the beginnings of one), making a difficult task even worse. Most of the dwellings are small, with one to two bedrooms.

Little interest was shown in developing the lots in the next few years. The Scheme stipulates that it is necessary for a planning permit to comply with a restructure plan listed in the schedule. Although a plan is listed, it is believed that such a plan was not adopted by Council.

An application was lodged around mid-2003 to build a one-bedroom dwelling on a single undeveloped lot in Liza Drive between lots that had existing dwellings. The view was taken that while there was no adopted plan to give direction, there was no clear way to restructure the vacant lot with the two adjoining developed ones. The land capability assessment accompanying the application was credible, so a planning permit was granted (the building is still under construction).

Some time later in 2004, the owner of a single undeveloped lot on the corner of Liza Dr requested advice about developing the land. The adjoining lot is also undeveloped. This time, the view was taken (by a different officer) that a permit could not be considered in the absence of an adopted plan, and preparation of the plan would be pursued when resources were available.

8. STATUTORY MATTERS

There was more correspondence, in April 2005, and some very basic work commenced on a plan. There was no further correspondence or progress, until a letter was received from the owner in early March this year. Advice is sought as to whether the restructure overlay still applies. A reply advises that Council's direction is being sought on the completion of a restructure plan.

The purpose of the overlay is to identify old and inappropriate subdivisions which are to be restructured; and to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

Generally, the ownership pattern did not lend itself to workable consolidations. Some of the smallest lots, of 0.25ha are owned in pairs, and at least three consolidations should be imposed by the plan, to maximise the likelihood that wastes can be treated safely, for any further development. Other lots currently owned in multiple-lot parcels may be sufficiently large to treat wastes on each lot, subject to a satisfactory land capability assessment confirming a workable development plan for any lot. It is considered that the owners should be able to seek permission to construct a small dwelling on each lot.

In order to address the reduction of environmental impacts of such future dwellings, the applicants should not only have to address land capability, but also to employ techniques to reduce clearing of vegetation, such as sharing common entries, keeping building footprints small (one or two bedroom), and locating them near the fronts of lots. The same controls must apply to any proposed extensions to existing dwellings, which would also be critically assessed. These items are to be shown on the plan to be adopted by Council.

Relevant Policies / Council Plan implications

Adherence to the Planning Scheme principles;
Council Plan Objective No. 2, Service Delivery

Community / Engagement / Communication / Consultation

The restructure plan will be sent to all owners of land in and adjacent to the subject subdivisions and to the relevant water/catchment authorities (Goulburn-Murray Region Water Corporation, Coliban Water and Department of Sustainability and Environment) for comment, reporting back to Council around June this year.

Financial & Resource Implications Initial & Ongoing

All work being done in-house

Recommendation:

That Council:

- 1 *Adopt a 'minimum change' plan, with shared entries and small building envelopes for new dwellings, for the purposes of distribution to the relevant owners and authorities for comment as presented in the report.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

9.1 Councillor reports to be presented at Council meeting.

Councillor's Reports

Cr. Bill McClenaghan Holcombe Ward.

In the past month, activities have recommenced with the Municipal Association of Victoria. I attended the MAV Roadshow in Ballarat on 19th March where various topics of concern to local Government particularly in this area were discussed.

March 20th saw the final workshop in formulating the Destination Daylesford Strategic Plan, a meeting with Don Richter from Tourism Victoria and a very inspiring tour of the soon to be completed Hepburn Springs Bathhouse.

Completion of the Bathhouse has now become a real issue in terms of the delays and so too has the delayed announcement of the long term tenant. The latter could happen now at any time and it is hoped that an early start can be made in the completed South Wing once an Agreement to Lease is signed. The Government and Major Projects Victoria have re-confirmed that the building will be finished this June and we are very much awaiting a re-opening in July or August. Council's Bathhouse Business and Community Liaison Group is still functioning and we have today finalized our new Hepburn Springs pamphlet that will go out in the week ahead after it is printed. This pamphlet is an update of our previous pamphlet that has been very successful in promoting the businesses in and around Hepburn Springs and district in order to mitigate the economic effects of the Bathhouse being closed. Many local businesses and accommodation providers lost trade over Easter because the Bathhouse was not ready to re-open and there is much anticipation in the community for an upsurge in business when the Bathhouse does re-open with the expected surge of eager visitors and clients.

I have pleasure in tabling a copy of our new Hepburn Springs pamphlet that has been generously funded by the State Government and worked on by local volunteers. We have again reported in this pamphlet what we have been told about the projected completion and opening dates and we are now hopeful that these will prove to be correct.

On 27th March, a film "The Power of Community" or how Cuba survived the peak oil crisis, was shown in the Town Hall. With the collapse of the Soviet Union, Cuba found itself without oil, fuel and fertilizer and has had to adapt by utilizing extensive community efforts to survive on a strict low energy basis and to produce enough food. The film showed how this was done and on 3rd of April, Roberto Perez, a Cuban horticulturist and permaculturist spoke in the Daylesford Town Hall. Council was a major sponsor of this event and I am pleased to report that this was indeed money well spent. The night was very well attended by local people and others from Ballarat, other regional centres and Melbourne. There were almost 300 people there and Hepburn Shire was host to a significant wider community event. This month, I have expressed congratulations to three local people who were the principal organizers and promoters of this event but there were many, many more who helped out in some way. It is also pleasing to report how the aura of Council in the community has been changing for the better in recent times with several people remarking that they have had good experiences recently and feel at home because of community focused events like this one in "their" town hall.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

Out at Glenlyon, there have been two community meetings in the past two weeks to address the matter of the Barkly St streetscape, the avenue of oaks and elms, tree maintenance and replacement issues. The uniqueness of the avenue is the alternating plantings of oak and elm trees and the community is working to decide on what sort of trees will replace the ageing elms. The dominant view is an alternating planting of two varieties of hardier oak trees, with English Oaks already established there complimented by a second variety of oak, possibly a Turkey Oak. Also, the Glenlyon Progress Association has been working through other issues with Council.

Last Saturday night, I attended the Hepburn Shire Youth Awards in the Town Hall and was thrilled to see the range of young performing arts and film making talent on display. I was particularly taken by a film about the "East Street Spring" which is in the Smith Creek reserve adjacent to East St Daylesford. This spring is the source of fresh drinking water for the local community and it is amazing how many people come to take the water. Even recent e-coli contamination did not deter some people who took this water home and boiled it rather than drink local tap water. The young people who were motivated to make this film have shown us how important this much loved spring is to the local community and why it must always be protected from contamination and adjacent development.

Lastly, I am pleased to report that the Daylesford ARC (indoor recreation centre at the Secondary College) is developing into a well patronized and sought after community facility like we always knew it would. At the ARC Advisory Committee meeting last night, we received reports that suggest how well the ARC is performing.

- * Volleyball has emerged as the greatest success story so far with 13 teams playing there on Monday nights involving 200 people. One team is from Kyneton and a new team is coming over from Clunes. There are lots of requests for junior tournaments.

- * Tuesdays see junior basketball, with 90 children involved in 4 comps. There is a 20 – 30% increase per week.

- * On Wednesday, there is senior basketball, badminton & ladies' group fitness classes. Growth of these areas is such that badminton is moving to Thursdays with 25 – 30 people attending consistently.

- * Friday nights see indoor soccer; 4 junior boy's teams, 4 junior girl's teams and 4 adult teams; 12 teams in all.

- * Everything is growing well except for netball, which is catered for by local football and netball clubs but opportunities are now available to train indoors at the ARC in the colder wetter months ahead.

The committee is moving forward to attract local business sponsorship, purchase more equipment and assist the YMCA operators to increase patronage and profits of the Daylesford ARC, fast becoming the Hepburn Shire ARC if not the Central Victorian ARC. Well done to all involved.

Cr. Heather Mutimer Coliban Ward

Since the last council meeting I have attended a number of meetings and events some relating specifically to the Coliban ward – others with a much broader Shire focus.

Highlights of the past month's activities have included the visit by Cuban permaculture expert and biologist Roberto Perez. Roberto spoke to an audience

9. COUNCILLOR REPORTS AND CONGRATULATIONS

of around 300 people at the Daylesford Town Hall on the 3rd of April. People travelled from Ballarat, Bendigo, Castlemaine and even Melbourne to hear the captivating Cuban share how Cuba survived the period of its history when the impact of the oil embargo forced Cuban society to face the reality of life without oil and the necessity to find a more sustainable way of living. The consequences have resulted in Cuba becoming a role model for the rest of world as we face the challenges of Climate Change and Peak Oil. The United Nations has declared Cuba as the only sustainable country in the world. 80% of its agriculture is organic. It is certainly a story about 'The Power of Community' and at a time when there is much doom and gloom the Cuban experience offers inspiration and hope. The challenge is how we get people in other parts of the world such as Australia to make the necessary transition before we are at the edge of catastrophe. Roberto offered some valuable advice and I would recommend and encourage my fellow councillors and officers who have not seen the film 'The Power of Community' to do so. Hepburn Shire was praised for supporting this special event and the community members who organised the event are to be congratulated.

Another important issue connected to sustainable agriculture and of interest to our community has been the recent lifting of the moratorium on genetically modified canola in Victoria. There have been 2 recent forums in our region; one at Kyneton facilitated by Macedon Ranges Shire and the other at Ballarat, hosted by Ballarat City Council which the Mayor and I attended. Unfortunately I was unable to attend the Kyneton forum where a number of eminent experts spoke including Julie Newman from the 'Network of Concerned Farmers'. Julie Newman was a supporter of GE/GM at first but said she was "horrified after finding out about the experiences of Canadian farmers. She believes GE fails when the alternatives, risk, cost and benefits are weighed up. Ms. Newman quotes the Bureau of Agriculture and Resource Economics who acknowledge Canada has had difficulty disposing of canola supplies which non GM countries don't want.

At the Ballarat Forum an overview of the Panel's Review Report was discussed with a representative of the Federal Office of Gene Technology Regulator in attendance who explained the role of the GTR. What is disturbing is the uncertainty and extent of ongoing monitoring by the GTR. Currently there is no monitoring of commercially released crops. Also of concern are doubts about how rigorous the testing was which determined that GM canola was safe for human consumption. There has been no human safety testing and animal tests have been minimal.

At the Ballarat forum a scientist explained how one gene can have many functions and whilst one function may make a plant pesticide tolerant it may have many other unknown and detrimental outcomes.

Also at the Ballarat forum was the Executive Director of CHAF – Hepburn Shire is represented on the Board of CHAF by Cr. Smith. The CHAF board I understand is divided on the issue and recently undertook a survey of its members - the results of this survey reflected this division with almost an even % for and against. Increased production appears the main reason for those in favour. The role of the chemical companies and the lack of controls and

9. COUNCILLOR REPORTS AND CONGRATULATIONS

monitoring together with increased costs appear to be at the core of those opposed. I would be interested know if Hepburn Shire as a member participated in the survey and how we voted.

It is a complex issue, which the ordinary person may never fully understand - but whilst there is doubt I along with many others am a great believer in the 'precautionary principle' – Where there is doubt say NO! I am not convinced there has been enough rigorous research to make me confident that GE/GM food crops are in fact safe for human consumption. Until such a time consumers will increasingly seek out food products which are GE/GM free. If GE/GM crops are allowed to be grown in our Shire or neighbouring Shires we run the risks of destroying our growing 'clean green image' and along with it a growing lucrative export market for our local farmers. We have a motion on our books from 2003 which has not been actioned which was for council to begin discussions with our residents & ratepayers to determine whether Hepburn Shire should declare itself 'GE Free' whilst we have no legal framework to implement such a move it would give a strong symbolic message which in the future could lead to legislative change. Many other councils have done so.

Other meetings activities attended:

26/3 "Hepburn Shire and Bobonaro Friendship Group' meeting

27/3: Planning application meeting/Duke St.

28/3: Meeting constituent Trentham

29/3: Meeting with constituent Trentham re;community planning

31/3: Meeting with constituent.

1/4: FP meeting

3/4: 'Living in a Low Energy World'/Roberto Perez/Town Hall

8/4: Agenda Meeting/Creswick

9/4: GM Forum Ballarat

12/4: Youth Awards/Town Hall

Music night/Trentham Neighbourhood Centre

14/4: Structure Plan meeting/Trentham

Cr. David Smith

Birch Ward

- Attended with the Mayor and Cr. Booth -- Launch of the new signage at the Dean Hall.
- Attended the announcement on site by our local member Catherine King M.H.R. with the funding announcement for the Sutton Park Memorial for the first soldier settlers on Sutton Park in 1919.
- Represented the Shire at the Presentation evening of the Daylesford Cricket Association at the Daylesford Bowling Club. Congratulations to the Hepburn Cricket Club the A Grade premiers for the 2007 – 2008 season.
- Away for a week in New Zealand.
- Last Thursday attended the Primary School Sports held at the Newlyn Recreation Reserve. It was excellent to see how the children all competed and the winners receiving their placing ribbons.
- Also later that day. As Chairman of the Sutton Park Soldier Settlement I called a meeting to arrange the commencement of the construction.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

●
Cr Tim Hayes
Cameron Ward

Since the last Council meeting I have had the honour of attending two functions at Dean. Over the Easter weekend I launched a new town sign for Dean – located outside the Dean Community Hall – and designed and constructed by local residents and recognizing the fact that Dean is 'Big Spud Country'; appropriate given that this is the International Year of the Potato. Later that week I chaired the Annual General Meeting of the Dean Hall & Mechanics Institute Committee of Management. It was with some sadness that Lyn Lea has announced her intention to resign as Secretary of the Committee as she and her husband are leaving Dean to reside in Buninyong. Lyn has been the driving force behind the restoration of the Dean Hall and the Hall will remain as testimony to her tenacity and dedication to the Dean Community.

On Sunday 30 March I represented the Shire at the dedication of the restored Soldiers' Monument on the corner of Service and Fraser Streets in Clunes. The monument has been cleaned and new tablets – incorporating the names of all those Clunes residents who served in the major conflicts (including Iraq) since the First World War – have been installed. The monument now records the fact that it was originally unveiled on 19 November 1921 by Senator Brigadier General Pompey Elliott, one of this country's great soldiers – a troubled soul who was to die tragically by his own hand in 1931.

On 9 April a public meeting attended by over 70 people was held at the Clunes Town Hall to hear from Mr Fred Hunt, Director of the Mt Rommel Mining Company about his plans to re-open the Port Phillip Mine – the original site of the first discovery of gold in Victoria. The proposal to reactivate the mine is of concern to many local residents and unfortunately their fears have not been allayed as Mr Hunt was unable to provide clear responses to many of the questions asked.

A forum on GM Crops was convened by the City of Ballarat earlier this month, attended by Cr Mutimer and myself. Once again there is some confusion as to the merits or otherwise of introducing GM crops and whether or not the Moratorium – which expired in February - should have been extended. The meeting concluded with no clear position to be taken by local governments in the area and it seems that the agriculture sector in the region is itself divided on this issue.

I have attended other meetings and forums since the last Council Meeting and one which I do wish to mention is the Shire Youth Recognition Awards announced last Saturday. On behalf of Council I congratulate all of those young citizens who were nominated, not just those who received the awards in the various categories.

Finally I extend sympathy to the family of Linda Campbell, a former Council employee who passed away last week.

Recommendation:

That Council:

9.1 *Receive and note the reports of Councillors.*

9. COUNCILLOR REPORTS AND CONGRATULATIONS

Moved the Officer's Recommendation.

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

9.2 CONGRATULATIONS:

Synopsis:

9.2.1 Supreme Court Decision – Macedon Ranges Romsey Case.

The Court of Appeal held that community opposition was a matter with the Tribunal – like the Commission – was bound to take into account, having regard to the statutory requirement for approval, and that the Tribunal's failure to do so was an error of law.

The Court said:

....if the approval of gaming at particular premises is likely to cause unhappiness or discontent in that community (or any part of parts of it), that consequence is a 'social impact of approval' which will be 'detrimental to the well-being of the community'. It will be detrimental to well-being because it diminishes the citizens' sense of happiness with, or contentment in, their community.

9.2.1 Motion of Congratulations moved by Cr Heather Mutimer:

That Hepburn Shire Council write to Macedon Shire Council congratulating them on their recent mighty Supreme Court victory which upheld their decision to disallow the introduction of gaming machines to a Romsey Hotel.

Synopsis:

9.2.2 I hereby move Congratulations to the "Hepburn Re-localization Group" for staging a wonderful public exposition on Thursday 3rd April 2008 entitled "Living Well in a Low Energy World". This involved a keynote speaker Roberto Perez, a Cuban biologist and permaculturist, who spoke extensively and answered questions about the Cuban experience after the collapse of the Soviet Union and on the issue of "peak oil".

Three local people were largely responsible for this wonderful informative evening, these being Su Dennett, Maureen Corbett and David Holmgren all of Hepburn Springs. In addition, many other local and non-local people assisted to make the evening a most memorable and informative one with stalls, presentations, a panel discussion and music. Almost 300 people attended from Hepburn Shire, Ballarat, Melbourne and from further a field and Roberto's visit to Daylesford and Hepburn Shire with his messages of sustainability are indeed a milestone in this year's events.

Congratulations to all who contributed, organised or were involved in a wonderful community gathering where everyone felt welcome and at home in "their" Daylesford Town Hall.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

9.2.2 Motion of Congratulations moved By Cr Bill McClenaghan

That Council writes to the Hepburn Re-localization Group organisers Su Dennett, Maureen Corbett and David Holmgren congratulating them and all of Hepburn Springs for staging a wonderful public exposition on Thursday 3 April entitled "Living Well in a Low Energy World".

Recommendation:

That Council:

Adopt Motions 9.2.1 and 9.2.2 .

Moved the Officer's Recommendation with the following amendment to Item 9.2.2 Delete the words "and all of Hepburn Springs".

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

URGENT ITEM OF BUSINESS:

That Council consider and urgent item of business.

Moved: Cr Heather Mutimer

Seconded: Cr Bill McClenaghan

Carried.

Request from TRATA; for financial assistance towards 'Trentham Spudfest'.

Trentham Residents and Traders Association has written to Council requesting financial assistance for an amount of between \$1,200 -\$1,500 towards the associated expenses involved with holding the Trentham Spudfest which is to take place for the duration of the weekend May 23rd to May 25th. TRATA is coordinating the festival which is to commemorate the International Year of the Potato. In today's epicure section of the Age there is an article featuring the humble spud and Trentham's Spud festival is highlighted.

Trentham has a rich potato growing history with many of its early settlers coming from Ireland – descendants of these Irish settlers are still residents of Trentham and the surrounding area.

The enthusiasm in the community for the festival is very strong with some interesting and exciting activities being planned. A tour of some of the remaining spud digger huts and a display of historical and current potato digging machinery are examples of some of the interesting activities taking place during the festival. There will also be a potato product cooking competition. At the neighbourhood house dinner apple pie with potato pastry will be served and a chocolate potato pudding.

CLOSE OF MEETING

If the festival proves to be a success then it could become an annual event providing a much needed boost for the town which has been struggling especially since the tragic fire which virtually destroyed the historic and much loved Cosmo Hotel.

As the ward councillor for Trentham I would highly recommend to Council that this request from TRATA be supported.

MOTION:

Council agrees to provide TRATA with an amount of \$1,500.00 to assist with the holding of the 'Trentham Spud Festival'.

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

The motion lapsed.

Amended Motion Moved at the Meeting:

That a grant of \$1500 be made available to TRATA to assist the holding of the Trentham Spud Festival, subject to:

- (i) The project meeting the normal requirements of Festivals & Events Program to the satisfaction of the Manager Tourism, Economic Development & Recreation; and***
- (ii) The grant being subject to the normal acquittals process established under the Community Grants Program.***
- (iii) Financial implications: Funds to come from Events Budget.***

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

CLOSE OF MEETING

CLOSE OF MEETING: The meeting closed at 8.50pm.

ATTACHMENTS

- ATTACHMENT 1** (Item 3.1) Minutes of the Ordinary Meeting of Council – 18 March 2008.
- ATTACHMENT 2** (Item 5.4) Central Victorian Solar Cities – Memorandum of Understanding and 2008/09 Budget Implications
- ATTACHMENT 3** (Item 5.5) Central Highlands Regional Library Corporation – Draft Budget Plan 2008/09
- ATTACHMENT 4** (Item 5.6) 10 Year Financial Plan
- ATTACHMENT 5** (Item 7.2) **CONFIDENTIAL** - Creswick Museum Committee of Management – Appointment of New Members

ATTACHMENT 1

**Minutes of The Ordinary Meeting Of Council
Held On 18 March 2008.**

The minutes will be tabled at the meeting.

ATTACHMENT 2

**Item 5.4 CENTRAL VICTORIAN SOLAR CITIES – MEMORANDUM OF
UNDERSTANDING AND 2008/09 BUDGET**

ATTACHMENT 3

**Item 5.5 CENTRAL HIGHLANDS REGIONAL LIBRARY CORPORATION – DRAFT
BUDGET PLAN 2008/09**

ATTACHMENT 4

ITEM 5.6

TEN YEAR FINANCIAL PLAN

ATTACHMENT 5

ITEM 7.2

CONFIDENTIAL

**CRESWICK MUSEUM COMMITTEE OF MANAGEMENT – APPOINTMENT OF NEW
MEMBERS**

