

# **HEPBURN SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

7pm Tuesday 15 July  
2008

Senior Citizens Room  
located at the rear of  
Daylesford Town Hall

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## HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

### **VISION STATEMENT:**

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

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

### **Objective One – Strengthening Communities**

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

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

### **Objective Two – Service Delivery**

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

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

### **Objective Three – Asset and Resource Management**

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

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

### **Objective Four – Economic Development**

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

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

### **Objective Five – Heritage and Environment**

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

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

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

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

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

**AGENDA**

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**Cr Tim Hayes, Mayor.**  
**16 JULY 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.

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

**IN ATTENDANCE:** Interim Chief Executive Officer, Philip Shanahan; Director Infrastructure & Development, Rod Conway; Acting Director Corporate & Community Services, Martin Walmsley and Senior Strategic Planner, Larry Waldron.

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 COUNCIL 17 June 2008**
  - 3.2 **SPECIAL MEETING OF COUNCIL 8 July 2008**

**Recommendation:**

*That item 3.1 Minutes of the Ordinary Meeting of Council held on 17 June 2008 and item 3.1 Minutes of the Special Meeting of Council & Confidential Minutes held on 8 July 2008 (**Attachment 1**), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.*

**Moved the Officer's Recommendation.**

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

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

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This part of the Council Meeting allows 30 minutes for:

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

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

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

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

Nil Petitions received.

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.1 TRENTHAM PUBLIC PARK – PART CLOSURE OF PARK STREET

(A/O- Manager of Operations)

File Ref: 4/5210/00050

#### **Synopsis**

This report provides information on the request from the Department of Sustainability and Environment for the closure of part of Park Street adjacent to the Trentham Bowling Club due to the occupation of the road by the club.

#### **Report**

Currently, the Trentham Bowling Club located on the Park and Recreation Reserve occupies a section of Park Street. (Refer attached plan reference P-141126)

The Department of Sustainability and Environment has requested consent from Council for the closure of this section of road occupied by the bowling club and then consolidation into the Park and Recreation Reserve. This is the area shown on the attached plan – area 2433.4m<sup>2</sup>.

Park Street is constructed and sealed and currently provides adequate access to the surrounding streets and closure of this section of Park Street abutting the reserve, will not impact on this access.

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

##### Council Plan Objective 3

Asset and Resource management- improve the management of assets through rationalisation and closure of assets

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

Communication with the Department of Sustainability and Environment, State Government agency responsible for the crown road reserve

#### **Financial Implications**

Nil

#### **Recommendation:**

*That Council:*

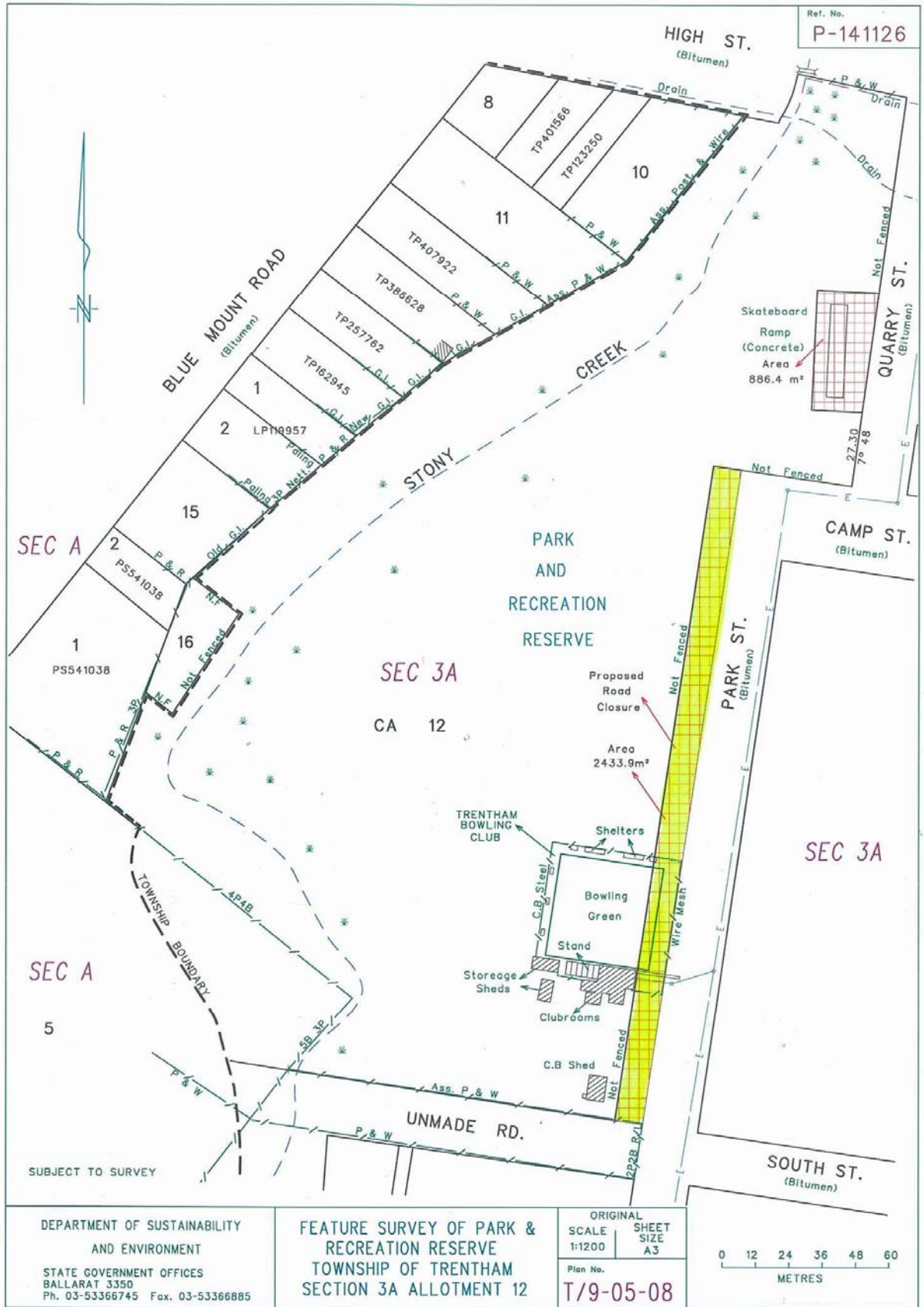
5.1.1 *Concur to the closure of western section of Park Street abutting the Park and Recreation Reserve, East of Crown Allotment 12, Section 3A, Township of Trentham pursuant to Section 349 of the Land Act 1958.*

5.1.2 *Sign and seal the Consent to Closing of Road form.*

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

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

**5. GOVERNANCE AND STRATEGIC MATTERS**





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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.2 SUPPORTING THE VOLUNTARY WORKFORCE

(A/O – Community Strengthening Co-ordinator)

File Ref: 16/22/10

#### Synopsis

The draft Volunteer Policy was presented to Council at their May meeting and has subsequently been available for public comment. Following this process the policy is being lodged for ratification at the July meeting of Council. (**Refer Attachment No. 2**)

#### Report

Hepburn Shire Council engages a wide range of volunteers both directly in areas such as Visitor Information Centres and indirectly via the many committees which operate services/facilities on behalf of Council.

Council was asked to consider the draft Volunteer Policy at their May meeting. It was recommended that the policy be made available for community comment. The draft policy was available for comment until June 27. One anonymous submission was received. The content recommended some preferential language changes and focused on a specific area of interest to the writer.

#### Relevant Policies / Council Plan implications:

- Hepburn Shire Social Plan – volunteerism and providing volunteer options community connectedness.
- Occupational Health and Safety Policy will need to consider the implications of volunteer participation.
- Tourism and HACCC procedures to incorporate volunteer participation to reflect policy.

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

Engaging and retaining community participation is an important function of this policy. Ongoing and effective volunteer participation must be acknowledged, nurtured and celebrated. The policy recognises this and commits to annual recognition of volunteers.

#### Financial & Resource Implications Initial & Ongoing

Volunteer expenses are associated with the various programs in which they participate and include reimbursement of agreed expenses. As there is no expectation that this policy will significantly increase the current number of volunteer participants there are no anticipated immediate demand on resources.

#### Recommendation:

*That Council:*

5.2.1 *Adopt the attached Volunteer Policy*

#### **Motion Moved at the Meeting:**

*That Council:*

**5.2.1 Consider further amendments to the Volunteer Policy and defer the matter to the August Council Meeting for final approval and adoption.**

**Moved:** **Cr Bill McClenaghan**

**Seconded:** **Cr Heather Mutimer**

**Carried.**

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.3 LEASE – COUNCIL LAND AT HEPBURN RECREATION RESERVE (A/O – A/Director Corporate & Community Services) File Ref: 3/3400/18000

#### Synopsis

The Hepburn Recreation Reserve Committee Inc. leases from Council land on which part of the recreation facilities are provided. The lease ends in December and the Committee is seeking to renew it for a 30 year term. The Local Government Act 1989 (LGA) enables Council to lease land for terms up to 50 years.

#### Report

At its 18 March 2008 meeting Council considered this request for a lease of 30 years for that part of the Reserve involved. The request was agreed in principle and Council required notice of intention to lease be published to meet the provisions of S190 of the LGA. This statutory notice allows for interested parties to make a submission about the intention to lease.

Public notice was given in The Advocate newspaper on 9 and 23 April 2008. The submission period ended on 7 May 2008.

No submissions were received.

The Hepburn Recreation Reserve (HRR) is built across Crown and Council land. In 1983 as part of development of HRR, the Council purchased land adjoining the Crown land for the purpose of extending the reserve. Approximately 2.3ha of land is involved. Technically the land is Lot 2 Plan of Subdivision 306789V and Crown allotments 2,3,4 & 5J Section 23 Hepburn Township.

The Committee has improved the land through tree planting and construction of a netball court and change room facilities. A small part of the main oval as well as the surrounding access road is also across part of the Council land.

The Committee is constituted by the Department of Sustainability and Environment with responsibilities to manage the Crown land section of the Reserve. It was incorporated through the provisions of the Crown Land (Reserves) Act 1978 on 11 May 2000. The Committee has enjoyed tenure by a standard lease arrangement at nominal rent for many years.

The Committee seeks to secure a longer lease so user clubs – Hepburn Football Club, Hepburn Cricket Club and Hepburn Netball Club – can continue to have this area available and ensure the future viability of the HRR and the clubs which use it.

#### Relevant Policies / Council Plan implications

Relevant matters are:

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

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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

Public notice was published as required by the LGA as a means to seek community input into the Committee's request to lease HRR for 30 years. As stated above no submissions were received.

### **Financial Implications**

Apart from the required administrative processes, there are no immediate financial implications for the Council. The existing \$10 pa nominal rent will be increased to \$104pa to be consistent with rent applied for other community use facilities.

The Committee has responsibilities for maintenance of HRR.

This lease is not subject to the provisions of the Retail Leases Act 2003 as community recreation use in this instance is exempt from this legislation.

### **Recommendation:**

*That following the publication of a notice of intention to lease and no submissions being received, Council lease to the Hepburn Recreation Reserve Committee Inc. the Council owned part of HRR described in the above Report for a term of 30 years; with initial rent being set at the community based amount of \$104pa; and the Lease be sealed.*

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

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

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

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Nil reports received at time of collating the Agenda.

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

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**7.1 WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE TERMS OF REFERENCE**

(A/O – Director Infrastructure & Development)

File Ref: 5/1330/01950

**Synopsis**

The terms of reference for the Wombat Hill Botanic Gardens Advisory Committee require amendment now that the Conservation Management Plan for the Gardens has been completed.

**Report**

The current terms of reference for the Wombat Hill Botanic Gardens Advisory Committee have the following objectives:

**2. OBJECTIVES FOR THE WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE**

- 2.1 *To provide advice to Council on suitable aspects of implementation of the Jill Orr-Young Wombat Hill Botanic Gardens Conservation and Development Plan October 1995 & Revised October 1997.*
- 2.2 *To assist Council in the preparation of a Management Plan for the Gardens.*
- 2.3 *To provide comment to Council on leasing of facilities at the Gardens.*
- 2.4 *From the Management Plan to develop a priority list of conservation and improvement projects for the Gardens to be submitted to Council on an annual basis by March.*
- 2.5 *To provide advice to Council on ways of broadening awareness of the Wombat Hill Botanic Gardens and increasing its use.*
- 2.6 *To annually conduct a visitor survey of the Gardens.*
- 2.7 *To source potential funding programs and assist in applications for funding conservation and improvement projects for the Gardens and develop strategic partnerships.*

The recently completed Conservation Management Plan for the Gardens has lead to a review of objectives 2.1 & 2.2 above, by Council's Wombat Hill Botanic Gardens Advisory Committee.

The Advisory Committee recommends to Council that:

*Objective 2.1 should be amended to delete reference to 1995 & 1997 conservation and development plan with this to be replaced by mentioning the new Conservation Management Plan.*

*Objective 2.2 should be amended "to assist Council in the preparation of a 5 year plan towards the 150<sup>th</sup> birthday of the Gardens in 2013."*

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

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**Relevant Policies / Council Plan implications**

The Wombat Hill Botanic Gardens Advisory Committee -Terms of Reference.

**Community / Engagement / Communication / Consultation**

The Advisory Committee has reviewed the terms of reference and recommends suitable changes to the terms of reference as a result of completion of the Conservation Management Plan for the Wombat Hill Botanic Gardens.

**Financial & Resource Implications Initial & Ongoing**

Nil.

**Recommendation:**

*That Council:*

7.1.1 *Amend the terms of reference for the Wombat Hill Botanic Gardens Advisory Committee by replacing objectives 2.1 & 2.2 with the following new objectives:*

*2.1 To provide advice to Council on suitable aspects of implementation of the Wombat Hill Botanic Gardens, Daylesford Conservation Management Plan – December 2007.*

*2.2 To assist Council in the preparation of a 5 year plan towards the 150<sup>th</sup> birthday of the Gardens in 2013.*

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

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

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

**7.2 DOUG LINDSAY RECREATION RESERVE**  
(A/O –Acting Director Corporate & Community Services)

File Ref: 2/0340/01370

**Synopsis**

The Doug Lindsay Recreation Reserve in Creswick is Crown land for which Council is the committee of management. Council has established a special committee under S86 of the Local Government Act 1989 which generally has responsibility for developing and managing the Reserve. The Committee has asked that an area of adjoining Crown land be added to the Reserve.

**Report**

The Committee points out that the addition of the Crown land to the Reserve was identified in the Reserve’s Master Plan as being beneficial to the development of the Park.

The Crown land is currently under control of the Department of Sustainability and Environment (DSE) and is shown coloured pink on the plan below. It is CA’s 36A and 15A Section 48A Creswick Parish. The particular purpose for which DSE has reserved this land is not known. For Council to assume responsibility for the land and assuming a suitable public purpose reservation eg recreation could be available, Council would need to request DSE that it be appointed committee of management. The Council could then include this land in the Delegation the Committee has for operation and management of the Reserve.



**Relevant Policies / Council Plan implications**

Policy # 9 – Management of Council Owned and Controlled Properties is about the control of property and requires proper and relevant arrangements be in place to recognise occupancy. The Council’s appointment and subsequent change to the Delegation (if necessary) will conform to this policy.

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

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The Master Plan for the Doug Lindsay Reserve.

There are no significant implications for the Council Plan.

**Community / Engagement / Communication / Consultation**

Any consultation conducted during preparation of and subsequent to the Master Plan.

**Financial Implications**

There are no immediate financial implications, but with an increase in the area of the Reserve some additional maintenance costs could be expected. Also, costs will depend on any development the Committee might propose for this land.

**Recommendation:**

*That Council*

- 7.2.1 *Agree to the request of the Doug Lindsay Recreation Reserve Committee to add Crown land to the existing Reserve;*
- 7.2.2 *Approach DSE and request that it be appointed as committee of management pursuant to the Crown Land (Reserves) Act 1978 of the Crown land 36A and 15A Section 48A Parish of Creswick; and*
- 7.2.3 *If and when appointed as committee of management, amend the Deed of Delegation for the special committee to include this land as a part of its responsibilities.*

***Moved the Officer's Recommendation for 7.2.1 & 7.2.3. The following amendment to be made to item 7.2.2***

***7.2.2 Approach DSE and request that it, being Council, be appointed as Committee of Management pursuant to the Crown Land (Reserves) Act 1978 of the Crown land 36A and 15A Section 48A Parish of Creswick;***

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



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## 8. STATUTORY MATTERS

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

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

#### Synopsis

There was an up-date report on this amendment to Council's meeting in April 2008, which summarised the previous reports and processes, details of recent progress, sought verification of Council's extension of the lodgement date for submissions, and gave some details of the submissions received thus far. A memo was circulated 12 May, giving up-dates on public meetings and submissions.

There are now nearly fifty submissions, including from the two water authorities, Coliban for information, CHW querying several zonings with servicing difficulties, and DSE, which requested stronger wording in respect to forest interfaces with development. There were nine submissions from Daylesford, two for which agreement could be reached; four for Hepburn, of which two could possibly be agreed; nine for Creswick, of which three could be agreed; and fifteen for Clunes, of which one could be agreed, the others recommended for referral to a panel. Nine were received for Trentham, and most of these should be agreed.

#### Report

##### Formal exhibition of the planning scheme amendment

DPCD accepted further revisions as satisfactory responses to its conditions (referred to in the April report). Exhibition under the Act commenced on 21 February 2008. Given the time elapsed from the original public workshops, another one was held for each of the five towns during the exhibition period, from 7 to 21 April. A two month exhibition period meant a closing date of 22 April 2008, extended to a preferred date of 2 May, and final date of 16 May 2008, due to some last-minute adjustments in the documents.

**Refer Attachment No. 3)**

##### Submissions

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

The April Council report and an up-date memorandum the following June included summaries of submissions which had already been lodged. All formal submissions, including some 'consensus items' from the public meetings are reported below. There are also some notes about enquiries that did not lead to submissions.

##### Trentham public meeting

The proposed areas for residential investigation received lengthy, mostly positive discussion, the western areas including 11 Falls Rd discussed below. It was suggested that the medium density guideline could be extended toward these areas, within the 20 minute walking distance from the town centre.

The proposed residential area near the schools was also generally supported.

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## 8. STATUTORY MATTERS

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Industry was a complex issue. There was some debate about whether retention of Township Zoning might provide enough flexibility to forego the need for more industrial zones; however, getting industries out of backyards also had appeal.

It was agreed that the industrial areas shown on the plan appeared large, but their further use by others is limited, eg possibly by contamination, awkward access, etc; also, industry would be better located on the highway, avoiding the need for trucks to come into the town centre. The recently completed unit factories in Station St are available, so need for the additional areas to be zoned for industrial use in this area was questionable.

These points turned attention to the recent nursery/garden supplies proposal in Kyneton Road, on part of a triangular property of 18ha and 900m frontage to Kyneton Rd. There was some support for the investigation of this land for light industrial/business zoning. Care would need to be taken to minimise points of access, to protect the line of native trees along the frontage, and any zoning structured for minimal impact to surrounding land.

Some enquired about the possibility of a motel or caravan park being developed in Trentham, and it was suggested that nominating an appropriate location may spark interest from developers. Reference could be made to this idea in the report; an appropriate location might be on Falls Road, near the sports oval. The meeting also wanted a note in the report about improving access to the sports oval, because the current entry does not cater for safe queuing.

Colin Bowden, submitted for Carol & Ken Morris, concerns 'Feldspar Gallery' and accommodation; **No.11 Falls Road**, Trentham; is on a 1.16ha 'L-shaped' lot. The smaller portion fronts Falls Rd, in Township Zone (TZ), while the larger rear portion is in Low Density Residential Zone (LDRZ). It is requested to extend the TZ to the whole property.

The property contains a manager's residence and two studio/galleries, 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 would be smaller than as prescribed for LDRZ. The owners are hoping that a more flexible permit would be granted if 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, verified in Coliban Water's submission, is proposed for investigation to become TZ (possibly R1Z), and could therefore be accommodated by the proposed amendment.

David Wilson, an owner of land between Victoria St (No.43) and the rail line has indicated a strong preference for remaining in TZ, and lodged a submission along the lines of the discussion at the meeting.

Tom and Lynne Madden are in a similar situation, and reside on one of the TZ lots 'to be investigated for industrial use', to the east of the existing IN1Z land. They have given similar amenity reasons for opposing any re-zoning.

Corina Sabo owns and resides on TZ land, to the west of the existing IN1Z, and prefers it to stay in TZ.

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## 8. STATUTORY MATTERS

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Vanessa Webb owns one of the IN1Z lots, which is vacant, between Victoria St and the railway line, and intends to develop it with a design studio in future, so would benefit from an inclusion in TZ, or re-zoning to a business zone. She has included a detail of how the proposed open space link traversing her property could be developed.

This request is consistent with the views expressed by other owners in that area, and could be supported by Council.

Barry Elliot who resides on the northern edge of Trentham, in Falls Rd, lodged a submission addressing most of these issues, and suggests some adjustments of text in the report, mainly to do with protecting biodiversity, and focusing on the Kyneton Rd site to investigate for light industry.

Bill O'Connell of Pearsons Rd, East Trentham, submitted that it was important for some site(s) to be investigated for industry. He also asked for a reference to a suitable accommodation site; and requested that properties on the south side of **Rahills Rd**, which forms the southern UGB, be included within the UGB; however, the latter would be considered unjustifiable, given the ample undeveloped land already within. This aspect would have to be referred to a panel.

Ian MacBean of Blue Mount Rd, Trentham, prepared a submission with a group including similar attendees as the public meeting. It endorses the view that the existing industrial land be held to its existing boundaries, with any future industry located on the highway (possibly the Kyneton Rd site, but not necessarily). It endorses the medium density guideline, provided this did not lead to multi-storey development (the text says that any first floor development must be sensitively designed); and endorses an open space network, with some suggestions.

Other suggestions include a vehicle link between **Mulcahys Rd** and **Blue Mt Rd** (could be created as part of subdivisions); elimination of a low-lying parcel of land for residential investigation; and more forested areas shown on the plan along the east, as shown for the south (which would be consistent with DSE's request). Most of the submissions for Trentham above can possibly be agreed.

Henk Bak of 14 Forest St, Trentham lodged a submission expressing concern about future businesses that may not be independently owned and operated by local people, particularly those based on industrialised agriculture and biotechnology, which would threaten the natural environment, held in esteem in the community vision statement.

Objective 5 in the report is:- *To encourage a greater diversity of economic activity in Trentham*, and the particular strategy appears to be:- *Encourage the establishment of value added industry and business based on sustainable agriculture, rural town lifestyle, heritage and townscape.*

Explicitly stating that we seek to exclude specific types of businesses should be avoided; however, it would be consistent with the vision statement to include:- *sustainable agriculture which is compatible with natural systems in the environment.* He is also requesting several other text changes along the same lines.

This will likely need to be referred to a panel.

### Daylesford public meeting

Participants discussed the proposed re-zoning of No.1 Vincent St, which is reported below; but no firm views were expressed. Possible future growth areas were discussed, and the meeting was generally content with the way this aspect is depicted

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## 8. STATUTORY MATTERS

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on the proposed structure plan. The controls at town entrances and how extensively they should be shown was debated, which came out in submissions, below; and whether abandoned rail lines for cycling paths were still available was discussed.

Con Tsourounakis for EN Comelli concerns **No.1 Vincent Street**, south-east corner of Raglan Street, Daylesford, has a 40m frontage to Vincent St, 23.5m to Raglan St, area of 940m<sup>2</sup> (all approximate). It slopes slightly up from the corner, excavated to just above street level, to have enabled its use as a motor garage many years ago. It is surrounded on all sides by similar-sized lots with dwellings, the south-adjointing lot being 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. The submission includes that a retail ground floor with parking and residence above is planned for the site.

Despite the zoning change on the site's southern boundary, along Vincent St there are 2 dwellings; a commercial building (antiques) follows, then the hardware (considered peripheral uses) on Burke Square. In this way, 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. However, a permit was granted last year to re-develop the dwelling site opposite, at No.10, for three shops, and the dwelling at No.12 is used for commercial purposes, and a permit has been granted to build a shop in front of the dwelling at No.14.

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. However, the existing year 2000 structure plan shows the Business Zone extending north to Raglan St, suggesting new retail front onto that street. This would appear to be consistent with relatively recent retail developments on the north side of Howe Street; although Raglan St would lose its 'all residential' classification.

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.

The nearest retail use is south of the subject land, towards Burke Square, and an extension of the retail core so far north may not have been considered favourable by the drafters of the 2006 version of the plan, since accommodation, spa and even a small restaurant can be proposed in R1Z.

However, business and even retail development on the south side of Raglan St could be compatible with the residential character of the north side, with appropriate controls. A recent survey of retail premises in Daylesford town centre showed that there are very few retail premises currently available, although the 'Rex' project in Vincent St should provide some 19 shops when completed, in addition to the permits mentioned above. Although the town appears to be losing permanent residents, it is very busy on weekends, in most every respect.

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One owner on the west side of Vincent St, near the corner of Raglan St, expressed concern about commercial intrusion from the three proposed shops at No.10, when obtaining a permit to extend the dwelling at No.4, around the same time.

However, it is considered that Council could support the re-zoning to B1Z request, and to include the other 5 lots to the east, subject to strict overlay controls. Having Raglan St as a boundary to the B1Z could provide more access options to the under-developed land to the south, eg for parking.

The complexities involved suggest referral to a panel may be necessary.

Ron Liversidge of Leonards Hill submits that the re-zoning of No.1 Vincent St should be supported, because of its commercial history (which also includes the site of the town electricity generator) and will be required for commercial growth (albeit mainly for weekend trade).

It is also submitted that the importance of extra controls for town entries is overstated; and that building lots are costly because of lack of supply, sending people to build outside of the town; making Crown land available for development is suggested.

Although there is ample zoned land for residential development, particularly opposite the secondary college on **Smith St** through to **Jamieson Street**, there is 25ha to the north, still in a Farming Zone, which CHW submits may be fully serviced. Surrounded by zoned and partially developed residential land, it would be an infill, near the secondary college, not a new direction of growth.

By noting this land for investigation for residential development on the structure plan, it may be possible to at least partially satisfy this submission.

Christina Read, Catherine Jones & Carol Hulst lodged a submission pursuant to public meeting discussions. It is requested that the visual control on dwelling design be extended for Ballan Road, from the UGB. It is already shown as 'maintain rural and forest setting,' but it is requested to use the 'residential design to address town entry' control,' like the Raglan St entry. This conflicts with the views of the submission directly above, and suggests referral to a panel for both parties.

Another proposal is to convert the disused Jubilee rail line branch to a cycle track; although not a high priority, this could go on the plan for investigation.

The last request is to show a coding on planning scheme maps for the status of roads. This would be helpful, but as a priority probably beyond Council's resources.

Brendan Murray, resident of **Ridge Road, Sailors Hill**, south-west of Daylesford, has lodged a submission concerning the Crown subdivision on this road and Hoaths Rd. It is relatively level grazing land, most of it bordered by State forest, the forest coming within private land in places. It consists mainly of 2ha lots (a few as small as 0.4ha – 0.8ha), over 20 in number, some owned in multi-lot parcels. It is in a Low Density Residential Zone (LDRZ), with a similar zoning prior to the advent of the 2000 planning scheme. It is about 1.5km from Daylesford town centre, but few owners have chosen to subdivide. Recently, a proposal to subdivide down to the minimum lot size of 0.4ha has been under consideration; servicing costs were found to be prohibitive, and the owners settled for subdivision of a 2ha lot into halves.

There appeared to be some consensus amongst the other owners that keeping ownerships down to 2ha (existing lot sizes) would be preferable; but there appeared to be some acceptance of future development pressure in Brendan Murray's submission, provided that a range of development controls is imposed, eg minimum lot sizes of 0.8ha, retention/enhancement of native vegetation, building design, and no commercial uses, which could be considered. The list suggests some items beyond planning

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control, eg agricultural use not to require intensive water. Although it may be possible to satisfy some of this submission, parts of it conflict with others below.

Keith Pyers of **Hoaths Road**, also part of this LDRZ, has lodged a similar submission, suggesting a minimum lot size of 0.9ha, and other similar controls, eg retention of native vegetation.

Michelle Ainley & Mark Taylor of **Hoaths Road** includes details of why the LDRZ area should be kept rural, not earmarked for urban development, mainly because of its context, ie bordered by State forest and recreation opportunities. The submission appears to tolerate minimum lot sizes of 0.8ha, but specifies that lot sizes adjoining the State forest should remain at 2ha. This is consistent with DSE concerns, noted below.

J Ratcliffe of **Ridge Road** has lodged a submission similar to Ainley & Taylor, also making the point that its forest surrounds separates it from other development. It also states that any lots adjoining the forest should be at least 2ha in area.

Shirley Hinkley of **Hoaths Road** has also lodged a similar submission, including the forest context, requesting that a control of 2ha lots adjoining the forest be imposed.

Ian Esmore, owner of land in **Ridge Road**, has lodged a submission in support of the LDRZ provisions as they exist in the planning scheme, implying the usual minimum lot size of 0.4ha, but accepting that controls to address fire risk and impacts to habitat must be imposed on any development. All of these Ridge Rd / Hoaths Rd submissions should be referred to a panel.

CHW, whose submission is covered in general near the end of this report, strongly advocates imposing a 2ha minimum for this area. Although it cannot be sewered, it could have a water supply; but only coping with a small yield of dwellings.

DSE - Keeping lot sizes to 2ha may respond better to DSE concerns about fire risk, explained below, and such a limit could be imposed in a schedule to LDRZ.

**No. 4719 Midland Highway**, is a 180ha property known as 'Wombat Park' in FZ, east of the Daylesford Secondary College, St Michaels School and R1Z. 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 grazed in conjunction with No. 4719.

Informal contacts were made by a consultant some time ago, about developing the 4ha R1Z land, and keen to have R1Z and development extended north into the Farming Zone. There was discussion with CHW, and issues would have to be addressed. The consultant was informally advised of the structure plan exhibition, but 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. Nothing further has emerged, and no further response is required.)

### Hepburn public meeting

There was discussion about the existing Business 1 Zones (B1Z) and how they relate to the larger Town Centre Activity Precinct. Any commercial activity can locate in B1Z, and it tends to become the retail core within the larger activity precinct along the main road, which can only have accommodation and food premises, deemed to be more

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compatible with residential uses than shops (more intense traffic generators). There was some indication that more B1Z should be considered, especially for community items, eg chemist.

The participants were keen that parking and access be looked at in detail. An idea previously advocated was to alternate parking areas and building areas along Main Rd. It was advised that these items will be included in the Council study to be carried out. Participants said it should include bus transport considerations, and possibly locate a site for a town square. There was apparently an idea for one opposite Eighth St, a vacant lot/garden area owned in conjunction with 'Warwick Lodge.'

The group was searching for ways to halt the domination of Hepburn with dwellings being used for accommodation. There was consensus that the activity precinct should stop at Tenth St (apparently requested in earlier meetings), eg to ensure that areas to the north and west are used mainly for permanent dwellers, particularly the elderly. Meeting participants were advised that use of dwellings were difficult to control in this way. Some suggested that Council keep tight control on the way the depot is developed when it ceases its current function.

The exhibited report already contains reference to encouragement of developing smaller dwellings for the elderly, proximate to facilities. In order to close the Hepburn depot, funds would have to be realised, for the construction of a new depot, and Council would decide what to do with the site as part of such a project.

Bill Guest of Mineral Springs Crescent, lodged a submission, which focussed on some of the above issues, particularly the Tenth St northern limit of the activity precinct.

Gary Lawrence, also of Mineral Springs Crescent, lodged a more detailed submission which covered all of the items above. There is reference to the 2002 urban design framework study done by consultants for Hepburn. It is suggested that little from that study was implemented; however, the study was the basis for a renovation of the footpath system in Hepburn, which included the pedestrian/bicycle link with Daylesford. This also included special treatment of Tenth Street, a focal point, with its adjacency to the RSL Memorial on the east, and its link to old Hepburn to the west. The study likens Tenth St to a 'town square,' especially when closed for special occasions.

The submission calls for a neighbourhood character study for Hepburn, like the one for Daylesford. Council may give consideration to funding such a study in future, but principles in the urban design framework study on town character, and the Daylesford neighbourhood character study have been helpful in determining development proposals for Hepburn in recent years.

In general, the submission is concerned that the structure plan and report are not sensitive enough to expressions from the community, calls for many changes to the text and plan, and it will need to be referred to a panel.

Earlier, Gary Lawrence advised that some concern was raised about possible impacts of developing the land at No.6 Fourteenth Street. It is 4.6ha in area, with 203m frontage to Fourteenth St, one of the vacant properties already in R1Z, near the northern edge of Hepburn. The land slopes down from the street, mainly from 5% to 10%, becoming as steep as 20%, down to the forested gullies. It is one of the areas mentioned in the submissions by DSE and CHW, discussed below.

Some servicing investigations were carried out for the land in 2003, by a consultant, which suggested difficulties in servicing the lower (north-western) one-third of the land. Fresh investigations would have to be carried out by any developer and CHW, who

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advise that only the upper 2/3 can be serviced. The consultant has been contacted about this matter, and has 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 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, as well as most other new sites. The need for referral to a panel for this item should not be required.

Other properties further northwest, which are in R1Z and appeared to have further development potential, have now also been discussed with CHW. Only a hectare (or so) of that area is worthwhile investigating for further subdivision. The other land is too steep, dissected by watercourses and/or too low-level to be further subdivided. This land is also indicated in the DSE submission. The structure plan should be amended accordingly. This was conveyed to the Hepburn public meeting.

In discussing these matters with CHW, it has come to notice that the pine plantation across from the Hepburn Hotel may be a candidate for development, but is in a Rural Conservation Zone; CHW advise that development is possible, but very difficult. Also, a late informal enquiry has requested that Council investigate land at the end of Eighteenth St, near the blowhole, for LDRZ, and this is being discussed with the relevant referral authorities. It also appears possible, but needing extra controls.

Con Tsourounakis for E N Comelli concerns **97 Main Road**, corner of Ninth St, Hepburn Springs, proposing to re-zone from R1Z to B1Z. This would accord in principle with the possible future minor extension of the existing B1Z, as shown in the exhibited structure plan. It was envisaged to happen when the access, parking and traffic study nears completion.

The land has a 50m frontage to Main Rd and 36m to Ninth St. It already contains 3 dwellings, one having a food premises built to the front boundary of Main Road. Like the site itself, surrounding properties are mainly occupied by accommodation dwellings, with the post office opposite and restaurants further north.

Parking provisions may be difficult to address, with the site so fully developed already. While there is parking available in Main Road, it is said to be heavily used, particularly by tourists on weekends, many enjoying the food and drink outlets, especially at peak times of the day.

Council could possibly support investigation of this site for business purposes, subject to positive outcomes from the parking and traffic study, in due course.

Hepburn Springs Golf Club is submitting a proposal at **No. 36 Golf Links Road**. The Club owns 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 mainly native forest in Rural Living Zone (RLZ), Rural Conservation Zone (RCZ) and Public Park & Recreation Zone (PPRZ), with some R1Z on the east side. Much of the subject property is cleared for fairways, clubhouse and parking, but substantial stands of large gums were retained between fairways and along the boundaries.

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 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



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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 with Club, Council and DSE representatives, and letter in August 2007, stating (inter alia):-

'One advantage of looking at your proposal as a submission to the structure plan 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 DSE, 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.'

Since that time, Council has become aware of a levelling off of residential growth, and the environmental issues are still of concern. The recommendation is that the submission be put to a panel. (The Club has been in contact about the process.)

(Related by locality is an enquiry from the owners of 7.6ha adjoining the Club's Southern boundary, with access from Ajax Rd, No.73. Prior to the operation of the 2000 planning scheme, it was in a 'Landscape Interest Zone,' enabling consideration of subdivision down to 0.4ha lots. Because of the high quality of forest on and around the land, it was translated to Rural Conservation Zone (RCZ), together with other properties nearby, only allowing one dwelling on each, which the subject owners already have. Apparently, a panellist at the time mentioned the possibility of allowing applications for second dwellings to be considered, but nothing came through in the translated scheme. No submission has been received to date.)

### Creswick public meeting

The owner of Tumblers Green attended the public meeting, and urged Council to include both the reception rooms and the resort within the Urban Growth Boundary (UGB); his submission is discussed below. This issue is touched upon in the Forest Resort submission, also discussed below.

Other issues arose which question the proposed UGB. An owner of around 40ha of undulating grazing land 2.5 km west of the town centre, on the northern side of Ascot Rd, east of Fisher Rd, has made enquiries about its development possibilities. This included a site visit with planning officers. His submission is set out below. He was advised that a strong, recurring theme in the structure plans is compact development, and there is ample land north of Bald Hills Rd already appropriately zoned. This could yield some 80 dwellings, plus LDRZ land south of Bald Hills Road could yield another

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80 dwellings if re-zoned to R1Z; there are also two R1Z areas on the northern edge that could yield at least 20 and 50 dwellings respectively, able to be serviced by CHW, within a rational UGB. (CHW advise that the 2ha lot on the western tip of this area is not serviceable.)

However, the idea of encouraging north-western growth beyond this boundary appears to have had some support at the meeting. In this case, the land is located within a Local Planning Policy Area based on its proximity to CHW treatment ponds. The owner hoped that this Policy Area could be removed in the near future, because pumping to northern Ballarat is planned. However, CHW advised that this process is complex, exploration into options will be lengthy (at least 5 years), and CHW wishes the policy area to remain firm.

It is suggested that an appropriate response to the concern about adequate opportunities for residential development, is to designate the LDRZ area south of Bald Hills Rd for immediate investigation for R1Z, rather than in a 5-10 year period, as shown on the exhibited structure plan. Other residential areas to be investigated with CHW are included in the discussion on its submission below.

About 1km closer to town on Ascot Rd is the Industrial 1 Zone (IN1Z), which attracted much discussion. Some are opposed to the prospect of this zone being developed, concerned about its 'wet areas' and proximity to residential areas. Three submissions were lodged mainly on this issue, set out below.

In response, the industrial zoning pre-dates the 2000 planning scheme; the 'wet areas' were man-made, and necessary drainage work is being carried out. Access to the western side of the land (away from the most concerned parties in Anne St) has been constructed, Ring Rd. The report accompanying the proposed structure plan states that a master plan is to be prepared to address the 'wet areas' with drainage works and landscaping features; their role could include some buffering to residential areas. The preparation of the plan will include native title checks, as well as referral to the North Central Catchment Management Authority, concerning water flows, and the report text may be enhanced accordingly.

There were also concerns about adequate zoning for shops, access and parking; these items will be addressed in detail in the study on these items to be undertaken within the next five years. There are current planning applications for 700 – 1500sqm of retail floor area, within the current B1Z, indicating capacity for ample retail expansion, particularly given the low population growth.

Some wanted to know why moving the football oval was being investigated; the community has been discussing a move of the facilities to Lindsay Park for some time, and a master plan has been prepared. Reference to this can be included in the report. Submissions on most of the above points are discussed below.

Geoff Cole of Creswick, lodged a brief submission. He identified some minor drafting errors, and a suggestion to include two strips of land along the west sides of the primary school and hospital in the 'green wedge' system, which should be included in the plan, to link Raglan St with Calembeen Park.

Ian Kronberger of **Gardiner Street**, Creswick, similarly submitted a suggestion that a strip of road reserve in his street, which appears to be in excess of what is required for the road, could be shown as part of the 'green wedge' system, which could link Raglan St, via Napier St with State Forest to the south.

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Ken Kronberger of **Gardiner Street**, lodged a similar submission, ensuring that the strip of land along Gardiner Street becomes part of the 'green wedges.' The submission also includes support for the concerns expressed at the public meeting about the industrial zone.

Mark Shalless of Tumblers Green, **1550 Midland Highway**, lodged a lengthy submission, wanting his land and Forest Resort included within the UGB, also wanting growth corridors to be shown. Much of the submission urges stronger, enhanced wording in the report to cover mainly tourism themes, but criticism extends to other text as well, and should be referred to a panel.

Mike Kaufmann has written to Council on behalf of Forest Resort, **No.1500 Midland Highway**, Creswick, submitting that the Structure Plan Review report should have more coverage of the resort; that 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 on-site 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.

Forest Resort is outside of Creswick's proposed UGB, separated by about 300m of Crown forest and Tumblers Green Receptions, which is in Rural Living Zone, a zone not normally included within a UGB. Also, further southern expansion of the resort appears to conflict with DPCD's preference for keeping the corridor between Ballarat and Creswick free of development, while seeing Creswick grow mainly by infill, and perhaps slightly on its northern edge.

In any case, it is suggested that this submission is best referred to a panel.

Rosalie Billson for John Austin, land at **217 Ascot Road**, corner of Fisher St, northwest of Creswick, submits that consideration should be given to indicate where growth is to occur after the ten-year planning period. As discussed above, the structure plan is all about encouraging infill and consolidation. Anticipation about expansion should only follow more substantial development within already-zoned areas, and spurred by stronger population growth. Therefore, this should be referred to a panel.

Geoff Phillips of **20 Anne Street** submits that the adjacent land in IN1Z was established in error; that the way it is depicted on the maps is misleading and deceptive, and that watercourses traverse the land.

Michele Potter of **20 Anne Street** has similar concerns about the IN1Z land, submitting that proper access to it has not been established. Concerns also include lack of attention to some heritage and historical sites; and the extension of the UGB to encompass Forest Resort is supported.

Julie Skeyhill of **14 Anne Street** expresses concern about the IN1Z land, that it is not suitable to meet future demand for industrial use. Inclusion of Forest Resort in the UGB is also supported, and the western entries of Bald Hills Rd and Ascot Rd should have similar controls to those shown for the others.

As described above, some access and drainage have been constructed for the IN1Z, and a master plan is to be prepared for the further development of the site; more detail of preparing such a plan included in the report could help towards agreement with the parties; plus, the references to historical sites and more entry control could be

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positively considered. However, given the intensity of the areas of disagreement, these submissions should be referred to a panel.

### Clunes public meetings

Ken & Elayne Perry attended the first meeting, and constructive discussion about Clunes and its future took place. This included a need to:- promote gold mining themes; improve Esmond Park; and promote Clunes' identity with Creswick and Ballarat. The proposal to use railway land for some community use appeared to have some support, and there was discussion about the existing small industries scattered around the town. They have lodged a submission in regard to the improvement of the central parks, including the expansion of the skate park in Bailey St toward Fraser St; and have asked that traffic works and signs be reviewed to better promote tourism. The open space north and west of Council's skate park is managed by DSE; however, their ideas will need to be considered by Council, with DSE and VicRoads. Contact will be made with the Perrys for further discussion.

A second meeting was held, which also discussed parkland and walking tracks, more particularly Queens Park along the Creek; some expressed a need to be more selective about removal of vegetation.

The meeting focused more on light industry. Enquiries with VicTrack have indicated its preference for leases, limiting its value for some business hopefuls (negotiations with an interested party are continuing). Most are hoping to see the station reactivated with passenger service, although some form of community use was not ruled out.

The meeting took a strong interest in land to be investigated for light industry/business use on Victoria St, part of the main truck route, particularly between Suburban St and Templeton St. The meeting chose to adopt this land as a preferred alternative to the railway land for such investigation.

There was also some discussion about expansion of the town centre/retail/business area in future, with most appearing to indicate acceptance of the exhibited plan in this regard. There are three individual submissions about the business area(s) below. Some of the formal submissions have included the railway precinct issue, see below. In any case, it is recommended that Council agree to amend the structure plan in regard to investigating land for light industry/business purposes, as indicated above.

M & J Tozer of 17-21 Camp St, lodged a submission with T Binns and H Ronaldson of 25 Camp St, I & W Harris of 2 Sutherland St, J Sayers of 2 Canterbury St, J Paine of 8 Suburban St, and M & C Freeman of Criterion Ct.

The last three also lodged their own submissions, with similar concerns expressed. Primarily, they are concerned that the medium density housing guideline could lead to a dominance of the central area by modern buildings.

The objectives and strategies in the report specify that the encouragement of small dwellings is in response to a growing need, including for retired people, that need preferably to be met closer to the town centre, and that such dwellings must respect the integrity of heritage places and buildings, ie there must be sufficient space on the site.

The submissions are sceptical that the current planning process will produce heritage-sensitive outcomes.

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Concern is also expressed about the potential impact of introducing industry to the railway precinct, including visually dominating the station building, especially for tourists as seen from road and rail (on excursion days).

These issues were touched on at the public meeting, which led to the undertaking to look at alternative sites, especially Victoria St/Thornton St.

Sue Kelman of 10 Hill Street focuses mainly on the concerns about medium density housing, but also posed several questions about the future of Clunes, some of which relate to information in the structure plan report.

Chris Miers and Geoff Moorby of 15 Carter Road lodged a submission similar to the medium density housing portion in the joint submission discussed above.

Jane Clark of 9 Fraser Street submits that medium density housing would be invasive to the central area, preferring to see rural growth.

Roma Sayers-Wiseman of 60 Talbot Road submits that medium density housing would be totally out of character with the heritage nature of Clunes.

The strategy is considered to be correct, responds to social issues raised at earlier meetings, eg *Ensure that all ages are valued and supported*, and the submissions should be referred to a panel. The wording could be adjusted, to put more emphasis on providing alternative housing, while respecting the existing heritage buildings and places. These submissions should go to a panel.

John & Robyn Young of 55 Criterion Court, vigorously oppose the medium density housing, but also oppose adapting the historic commercial buildings on **Fraser St** for new businesses, preferring the establishment of a new centre on **Victoria St**, corner of **Suburban St**, near the possible investigation area for light industry/business, taking 'pressure' off historical Fraser St; apparently this idea was submitted to an earlier workshop.

The exhibited plan shows retention of the retail centre remaining in Fraser St, to ensure its vitality. Any restoration for a new business would be done sensitively, under the guidance of appropriate professionals. The Victoria St area, if it became a reality, should only be for more intensive business, requiring large spaces. This should be referred to a panel.

Jim Robinson of 130 Beckworth Court Road (west of Clunes), submits in support of the Victoria St light industrial investigation; but similar to the previous submission, is also advocating the re-zoning of new business areas, including near the existing shop and other small commercials near the south-westerly corner of Bailey St and Suburban St (opposite the bottle museum), extending existing B1Z south to Bailey St, while ceasing B1Z west of Templeton St.

Aaron Gay of 45 Fraser St lodged a similar submission.

Again, the strategy is to encourage the vitality of the existing centre, based on Fraser St and the corners with Service St; although B1Z west of Templeton St is not developed, and could be investigated for residential use; otherwise, these aspects of the submission should be referred to a panel.

Ramon Jimenez for A & J Medical Supplies is requesting that the UGB be extended north-easterly to include land fronting **Flood St**, Clunes, currently in RLZ. It would be more consistent with the north-westerly part of Clunes to leave the land outside of the UGB, and would not affect its development in any case. This will be conveyed to the parties involved, and referred to a panel if they wish to pursue the point.

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Central Highlands Water (CHW) is undertaking a detailed investigation of potential development areas in Daylesford, Hepburn, Creswick and Clunes, which forms the basis of their submission. CHW is obligated to ensure orderly provision and co-ordination of water and sewerage services, ie land that is more readily serviceable should be considered for development as a priority. The submission details the following areas:

**Sailors Hill** is discussed with the **Daylesford** submissions above. CHW would prefer a back-zoning from LDRZ to RLZ, because only limited water could be supplied; but would consider extra controls (eg minimum lot size of 2ha, vegetation protection) instead.

**Tipperary Rd** area is in LDRZ; some existing lots are even smaller than the minimum of 0.4ha, and this land is within a mineral spring catchment. Most lots already have one dwelling, but there is at least one lot re-structure opportunity, as suggested on the exhibited plan; plus, extra controls could impose some limits on further dwelling development, and CHW supports this.

**Table Hill Rd** area was the subject of two development proposals approved by VCAT. CHW is seeking to limit the effect of this decision by back-zoning adjacent land from R1Z to LDRZ, which may be acceptable to some of the residents, or extra controls may be sufficient.

**Jamieson St and Smith St**, land to north, is in FZ, but surrounded by residential zones, as discussed in the Daylesford submissions above, as being suitable for residential development, requiring minimal investigation and works. CHW prefers to see this developed to other areas, particularly those to the **north of Hepburn House** (aged care), already in R1Z, but heavily vegetated and not feasible to service. Extra controls may address the latter, but CHW would prefer the land in a rural zone.

**Fourteenth St, Eighteenth St and Nineteenth St, Hepburn** are discussed in the Hepburn submissions above. Much of the Fourteenth St land can be serviced, subject to stringent controls; but only a small portion of the Eighteenth/Nineteenth St land can be further developed. CHW prefers to see the balance in a rural zone.

**Angus St/Cambelltown Rd, Clunes**, land north and east of the Primary School, as shown on the structure plan, could readily be serviced for residential development.

**Maryborough Rd**, land to north shown for residential infill can also be so developed. Land south of Maryborough Rd shown for infill development will be more difficult to service, and a 100m wide buffer must be left to Kilkenny Creek.

**Cloundon St** area can only be provided with minimal services, so CHW prefers to see it back-zoned from R1Z to LDRZ. Possibly extra controls may suffice.

**Bald Hills Rd, Creswick**, north and south sides, are discussed above in the Creswick public meeting and submissions, as areas to be reasonably in-filled with development, as opposed to anticipating growth in 'corridors.' CHW verifies that most of this land is readily serviceable, with the exception of the westernmost 2.4ha property, which is not feasible to service, having a rising elevation; CHW prefers it to be in a rural zone.

**Bridge St**, R1Z land at the north-eastern extremity of the UGB, is also too high to service well, has vegetation and bushfire issues; should be in LDRZ or even a rural zone; possibly could impose extra controls, eg with Design & Development Overlay .

**King St**, land further to the north-west, CHW advises needs more investigation, as to serviceability, and given its forest interfaces and vegetation will also need extra controls.

**Creswick-Newstead Rd**, land further west, could be readily serviced, and CHW endorses its R1Z and development.

**White Hills Rd**, land at the south-east end of Creswick UGB, in LDRZ, will need larger lots, perhaps 1ha-2ha to develop this area, which can be done with a schedule in the current zoning.

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## 8. STATUTORY MATTERS

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Dept of Sustainability & Environment (DSE) has requested stronger wording in respect to forest interfaces with new development, on the forest edges of Creswick, Daylesford and Hepburn Springs. Locations are cited where R1Z and LDRZ interface with State forest; said to be inappropriate; but in most cases, the zoning is not proposed, but long-existing zoning, for which encouragement for infill development is being given. Also in most cases, DSE concerns have been anticipated, and the necessary controls for fire risk and habitat impacts have been included on the structure plans. In the case of the Fourteenth St land in Hepburn, the development edge will have to be pulled back for servicing reasons, as well as environmental concerns. The Sailors Hill residents are requesting similar controls. DSE has provided similar comments on the late enquiry about developing property at the south-east end of Eighteenth St

The submission acknowledges Council's proposed control details, but requests stronger wording. DSE also wants the document to acknowledge the need to confer with itself and Parks Victoria in the construction of foot tracks and the like. Any new development or project is referred to DSE for comment and consultation in any case; but the wording could be strengthened with simple changes to the documents, if Council agrees.

### Conclusion

There are now nearly fifty submissions, including from three authorities, Coliban and CHW providing information, CHW and DSE also concerned about suggested and existing zonings; some of which can possibly be agreed to be dealt with using additional controls, others requested to be back-zoned, therefore to be referred to a panel. DSE mainly wants stronger wording in regard to addressing fire risk and impacts to habitat at forest interfaces, and to acknowledge the need for project consultation; which can probably be agreed.

**Trentham** had nine submissions, of which eight are either partially or fully concerned with the future industry/business aspects, most agreeing that general industry is already provided for, that any future industry/business should be light, and on the highway, not near the town centre. This should be agreed by Council to go to the panel for amendments to the exhibited plan, with the area north of the LDRZ on Kyneton Rd shown to be investigated for light industry/business use. Similarly, the vacant IN1Z lot at No.8 Victoria St should be investigated for a business zone to allow a compatible office development. A slightly expanded special housing guideline should also be included. The other matters in these submissions are minor, but some will need panel referral. Also in Trentham, in Falls Rd is the 'Feldspar' proposal for re-zoning the land to TZ from LDRZ, which corresponds with the exhibited plan, and can be agreed.

**Daylesford** had nine private submissions, including the proposed re-zoning of 1 Vincent St & Raglan St; which could be agreed in principle, but imposing the requirement for progress on the parking study and special controls could be queried, and cause referral to a panel, along with R Liversidge's submission. Designating the FZ surrounded by residential zone north of Jamieson St and Smith St for future residential investigation should be agreed by Council as a change in the structure plan. The six private submissions for Sailors Hill, with involvement by DSE and CHW, should be referred to a panel, along with the other areas of concern by CHW, ie Tipperary Rd and Table Hill Rd.

**Hepburn** had four private submissions, two concerned about mainly business and residential aspects of the plan, some of which could possibly be agreed; Hepburn Golf

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## 8. STATUTORY MATTERS

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Club's proposal for residential use should be referred to a panel. The proposed re-zoning of 97 Main Rd and Ninth St to B1Z could be agreed in principle, but is also subject to special controls and progress on the parking study, and may cause referral to a panel. Agreeing to this re-zoning responds positively to the request for more businesses. Discussions with G Lawrence led to the need to revise the areas for investigation for residential development, are the subject of concerns by CHW and DSE, and should go to a panel. Council should agree to ceasing the activity precinct north of Tenth St, as requested.

**Creswick** had nine private submissions, and most are critical about a range of matters, mainly concerning provisions for residential growth and the industrial zone, for which some positive responses can be given, but in general should be referred to a panel. The Forest Resort issues should also be referred to a panel; and two suggesting minor corrections could be agreed. The areas of concern by DSE and CHW should go to a panel.

**Clunes** had fifteen private submissions, of which twelve are concerned mainly about medium density housing or using railway property for industry or both, which all should be referred to a panel. The public meeting strongly supported the investigation of land between Victoria St and Thornton St in Clunes for light industry/business, in preference to the railway precinct, which Council should support. However, the two submissions also wanting to include new business areas should go to a panel, together with the one wanting a north-easterly extension of the UGB. The one regarding park and tourist access improvements need to be discussed within Council and other relevant authorities.

It is recommended that Council accept this as a report on all of the submissions; that Council agree to certain submissions (or parts thereof) as discussed above and recommended below; that Council continue to pursue agreement where it appears possible; and that Council request that the State Government appoint a panel to hear any that cannot be resolved.

### **Further Information:**

#### Trentham light industry/business area on Kyneton Road

The idea of investigating this area grew out of the Trentham public meeting, finding a site (to investigate only at this point, not necessarily seeking re-zoning) which is close to Trentham, and accessible on the highway without having to go through the town centre. Land at 145 Kyneton Road was the subject of a variation to the Planning Scheme in early 2006 (Scheme Amendment C36) for the Rural Living Zone, to enable the subdivision for a relatively small piece of land, to be developed for a plant nursery. Possibly another site in this same ownership parcel at No. 145 can be identified for light industrial/business use of relatively low impact, ideally related to agriculture, similar to that of a plant nursery.

#### Trentham expansion of Special Needs Housing Guideline

This refers to the dotted-line areas marked as Medium Density Housing on all of the exhibited township structure plans, strategically established by a reasonable walking distance from the town centre, eg for the elderly, within which development of smaller dwellings could be encouraged. The term Medium Density Housing raised concern amongst some in the community on the possibility of over-development. It is suggested that the term Special Needs Housing has less connotations of impact on amenity.



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## 8. STATUTORY MATTERS

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It was suggested by several people at the Trentham public meeting that land further to the west was of a similar distance to the town centre, and could also be included. This has been indicated on the diagram of Trentham township structure plan accompanying the report, and now further clarified with additional notes.

### Minimum lot size

A minimum lot size of 600 square metres was discussed with the Department of Planning and Community Development (DPCD), who responded that it is considered by DPCD a strategic importance to keep the ResCode provisions consistent across Victoria, including lot sizes. DPCD pointed out that even 600 square metre lots can be further subdivided by the State provisions, and that the best way to control over-development is by the Neighbourhood Character provisions, eg distances between and around buildings for landscaping/tree preservation.

This additional point in the report has already been summarised in the technical report accompanying the Structure Plans, page 10, 3rd paragraph from the end of page.

### **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.

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## 8. STATUTORY MATTERS

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### Recommendation:

*That Council resolve to:*

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*In **Trentham**, agree to*

*Delete the investigation areas for further industry, and noting an area for investigation for light industry/business on the Kyneton Road;  
Delete 'existing industry' at No.8 Victoria Street, substituting 'investigate for low intensity office development, compatible with the surroundings';  
Expand the guideline for special housing slightly to the west;  
Delete the 'residential infill' coding from the parcel of land on north side of West St, east of Stoney Creek;  
Show 'Native Vegetation Protection' between the Coliban River and the railway; and in the text, mention Falls Road opposite the Golf Course as suitable for accommodation.*

*In **Daylesford**, agree to*

*Investigate inclusion of No.1 Vincent Street into the business area, together with No's.66, 68, 70, 70A and 72 Raglan Street, subject to special development controls, and parking standards to arise from the parking and traffic study to be carried out as referred to in the text;  
Investigate use of closed railway reservation for bicycle/walking path;  
Designate the land north of Jamieson Street and Smith Street as 'Investigation for future residential development'; and  
Extend coding for 'Residential design to address town entrance character' south to the Urban Growth Boundary.*

*In **Hepburn**, agree to*

*Cease the activity precinct north of Tenth Street;  
Delete 'potential residential infill' from areas too difficult to service, in Fourteenth, Eighteenth and Nineteenth Streets; and  
Investigate inclusion of No.97 Main Road into the business area, subject to special development controls, and parking standards to arise from the parking and traffic study as per above.*

*In **Creswick**, agree to*

*Add 'green wedges' on west side of hospital, primary school and Gardiner Street, and correct errors at Gardiner and Lt King Streets;  
Respond to submissions about 'growth corridors' by including land in Low Density Residential Zone south of Bald Hills Road with Potential residential infill, ie to be investigated within 5 years; and  
Elaborate details to be included on the master plan for the IN1Z.*

*In **Clunes**, agree to*

*Show land on north side of Victoria Street as preferred area to investigate for light industrial business uses, and  
Qualify most references to 'medium density housing' as 'dwellings for small households, eg the elderly.'*

*Attempt to reach agreements with submissions as noted in this report, and request that the State Government appoint a panel to hear any submissions which cannot be resolved.*

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**8. STATUTORY MATTERS**

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***Motion Moved at the Meeting:***

***That Council:***

***Consider further amendments to the Hepburn Planning Scheme Amendment C38 and defer the matter to the August Council Meeting for final approval and adoption.***

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

**8. STATUTORY MATTERS**

TABLE OF SUBMISSIONS TO AM C38, STRUCTURE PLAN REVIEW

<b>Name</b>	<b>Address</b>	<b>Item</b>	<b>Possible To agree?</b>	<b>Comment</b>
<b>TRENTHAM</b>				
Bowden for Morris	Falls Rd	Re-zone to TZ or R1Z	yes	subject to discussion
David Wilson	Victoria St	Industry	yes	subject to discussion
T & L Madden	Victoria St	Industry	yes	subject to discussion
Corina Sabo	Victoria St	Industry	yes	subject to discussion
V Webb	Victoria St	Industry to office	yes	subject to details
O'Connell	Pearsons Rd	Industry, Rahills Rd	Industry yes	Rahills Rd no
Henk Bak	Forest St	Specify type of Business	not likely	
Barry Elliot	Falls Rd	Industry and other	yes	subject to discussion
MacBean & others		Industry and other	yes	subject to discussion
<b>DAYLESFORD</b>				
Con Tsourounakis for Comelli		1 Vincent St cnr Raglan St	yes	subject to conditions
Liversidge	Leonards Hill	More R1Z, B1Z	yes	subject to conditions
Read, Jones & Hulst		Extend entry various control & other	yes	subject to discussion
B Murray	Sailors Hill	More controls	not likely	conflicting views
K Pyers	Sailors Hill	More controls	"	conflicting views
Ainley & Taylor	Sailors Hill	More controls	"	conflicting views
J Ratcliffe	Sailors Hill	More controls	"	conflicting views
S Hinkley	Sailors Hill	More controls	"	conflicting views
Ian Esmore	Sailors Hill	Retain existing control	"	conflicting views
<b>HEPBURN</b>				
Bill Guest	Mineral Springs Cr	Activity precinct	yes	subject to discussion
G Lawrence	(same)	Activity precinct and other	yes	subject to discussion
Hepburn Springs Golf Club		Residential development		not likely
Con Tsourounakis for Comelli		97 Main Road cnr Ninth St	yes	subject to conditions
<b>CRESWICK</b>				
Geoff Cole	Creswick	mapping	yes	subject to conditions

## 8. STATUTORY MATTERS

Name	Address	Item	Possible To agree?	Comment
I Kronberger	Gardiner St	mapping	yes	subject to conditions
K Kronberger	Gardiner St	mapping & industrial zone		not likely
M Shalless	Tumblers Green	urban growth boundary (UGB), tourism & other		not likely
M Kaufman for Forest Resort		UGB and Resort		not likely
R Billson for J Austin	217 Ascot Rd	UGB and future growth		not likely
G Phillips	Anne St	IN1Z 'unsuitable'		not likely
M Potter	Anne St	IN1Z & heritage sites		not likely
J Skeyhill	Anne St	IN1Z & western entries		not likely
<b>CLUNES</b>				
K & E Perry	Camp St	Park & tourist info	yes	subject to discussion improvements
M & J Tozer	Camp St	Medium density housing (MDH) & industry		not likely
T Binns	Camp St	MDH & industry		not likely
Ronaldson	Camp St	MDH & industry		not likely
I & W Harris	Sutherland St	MDH & industry		not likely
J Sayers	Canterbury St	MDH & industry		not likely
J Paine	Suburban St	MDH & industry		not likely
M & C Freeman	Criterion Ct	MDH & industry		not likely
Sue Kelman	Hill St	MDH & other		not likely
Miers & Moorby	Carter Rd	MDH		not likely
Jane Clarke	Fraser St	MDH invasive		not likely
Sayers-Wiseman	Talbot Rd	MDH threat to heritage		not likely
J & R Young	Criterion Ct	MDH & new business area		not likely
J Robinson	Beckworth Court Rd	New business areas		some aspects
Aaron Gay	Fraser St	New business areas		some aspects
Jimenez for A & J Med Sup		UGB around land in Flood St		not likely
CHW	Ballarat	serviceability of land	yes	subject to discussion
DSE	Ballarat	bushfire/habitat risks	yes	subject to discussion

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## 8. STATUTORY MATTERS

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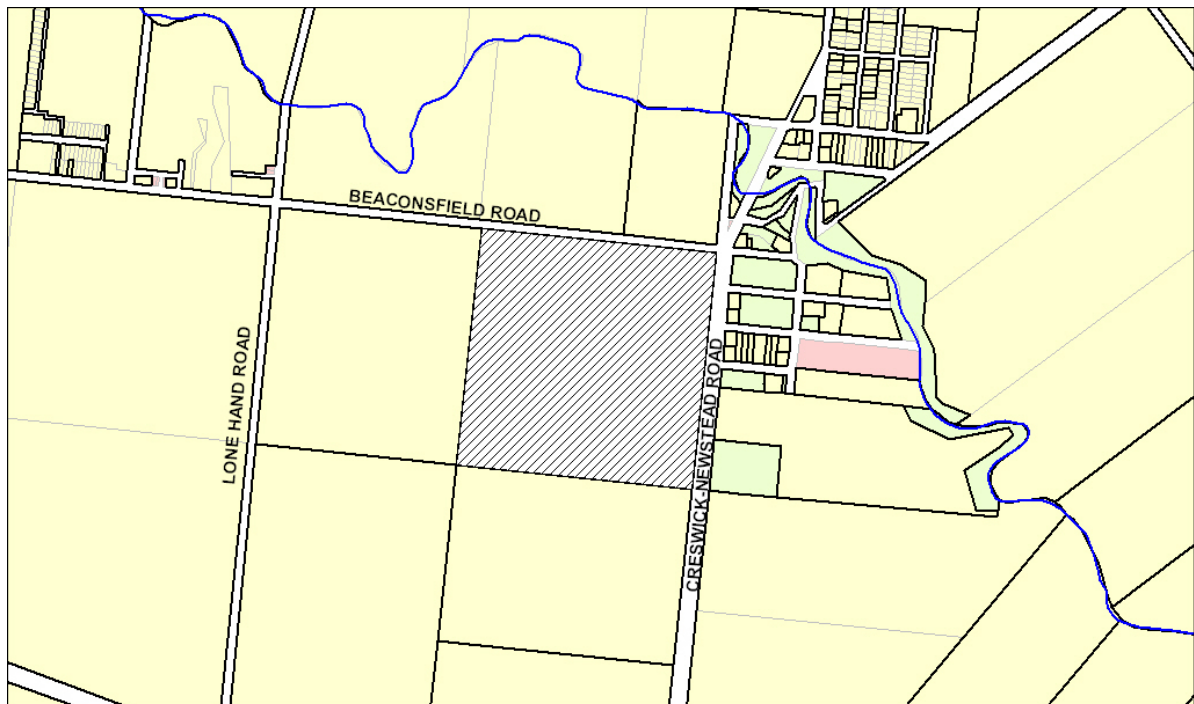
### 8.2 C47 PLANNING SCHEME AMENDMENT PROPOSED FOR CA 65 MAIN ROAD, SMEATON

(A/O Team Leader)

File Ref: 66/20/04/C47

#### Synopsis

Applicant:	Unigrain
Location:	Main Road, Smeaton
Proposal:	To include a schedule in the Particular Provisions at Clause 52.03 Specific Sites & Exclusions
Zoning:	Farm Zone
Overlay Controls:	ES01 Environmental Significance Overlay DPO Development Plan



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## 8. STATUTORY MATTERS

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### Report

#### INTRODUCTION

A report and amendment documents were submitted to Council.

A subsequent discussion with the Department of Planning and Community Development indicated that the appropriate course of action was to seek a resolution from Council to exhibit the amendment.

The Farming Zone is currently structured to consider small lot subdivision which excises a dwelling. This site contains a grain processing facility with the remainder being undeveloped rural land.

#### PROPOSAL

To include a schedule in the Particular Provisions at Clause 52.03 Specific Sites & Exclusions to enable a two lot subdivision to be applied for on this land used for a rural industry. The zone and the requirement for a Development Plan remain unchanged.

#### REFERRAL AUTHORITIES

Referrals to Goulburn Murray Region Water Corporation and VicRoads will be required as part of the amendment process.

#### REFERRAL WITHIN COUNCIL

As above

#### ADVERTISING/NOTICE OF APPLICATION

As above

#### Relevant Policies / Council Plan implications:

##### STATE PLANNING POLICY FRAMEWORK (SPPF)

Section 17.03 of the State Planning Policy Framework requires planning to facilitate the efficient operation of Victorian industry. The amendment supports a Project which is geared to ensuring the continued development of a viable industrial operation and to enable future employment opportunities.

##### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

The amendment is consistent with the Council's Infrastructure and Policy Objectives. Clause 21.06 states that growth and development potential in the Shire will depend on the timely and adequate supply of infrastructure services.

#### ZONE AND OVERLAY PROVISIONS

The subdivision provisions of the farm zone states:

*A permit may be granted to create a smaller lot if any of the following apply:*

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## 8. STATUTORY MATTERS

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*The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. An agreement under Section 173 of the Act must be entered into with owner of each lot created which ensures that the land may not be further subdivided so as to create a smaller lot for an existing dwelling. The agreement must be registered on title.*

The Farm Zone does not contemplate a subdivision to facilitate the operation of a rural industry.

### ASSESSMENT

A summary of the Explanatory Report indicates the amendment to the Planning Scheme will not facilitate any future development of the site as it will only realign title boundaries to be consistent with ownership patterns of the activities of the site.

The Unigrain facility, provides significant economic benefits for agricultural produce and is a long established business.

The amendment to the schedule will enable the continued development of the site for processing of grain and ancillary activities as previously described in this report.

When the amendment has formally been created by a Council resolution a request can be made to the Minister to exempt the amendment from exhibition as a second stage if this is considered appropriate.

In conclusion this is a conservative change to the planning arrangements in place for Smeaton. The site remains subject to the provisions of the Farm Zone and the requirements of the Development Plan Overlay.

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

As discussed

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

Should an independent panel be necessary then the subject of fees will need to be pursued with the proponent.

### **Recommendation:**

*That Council:*

*Resolve to agree to amend the Hepburn Planning Scheme through amendment C47 to include CA65 Main Road Smeaton in a Schedule at Clause 52.03 – Specific Sites and Exclusions..*

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

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



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## 8. STATUTORY MATTERS

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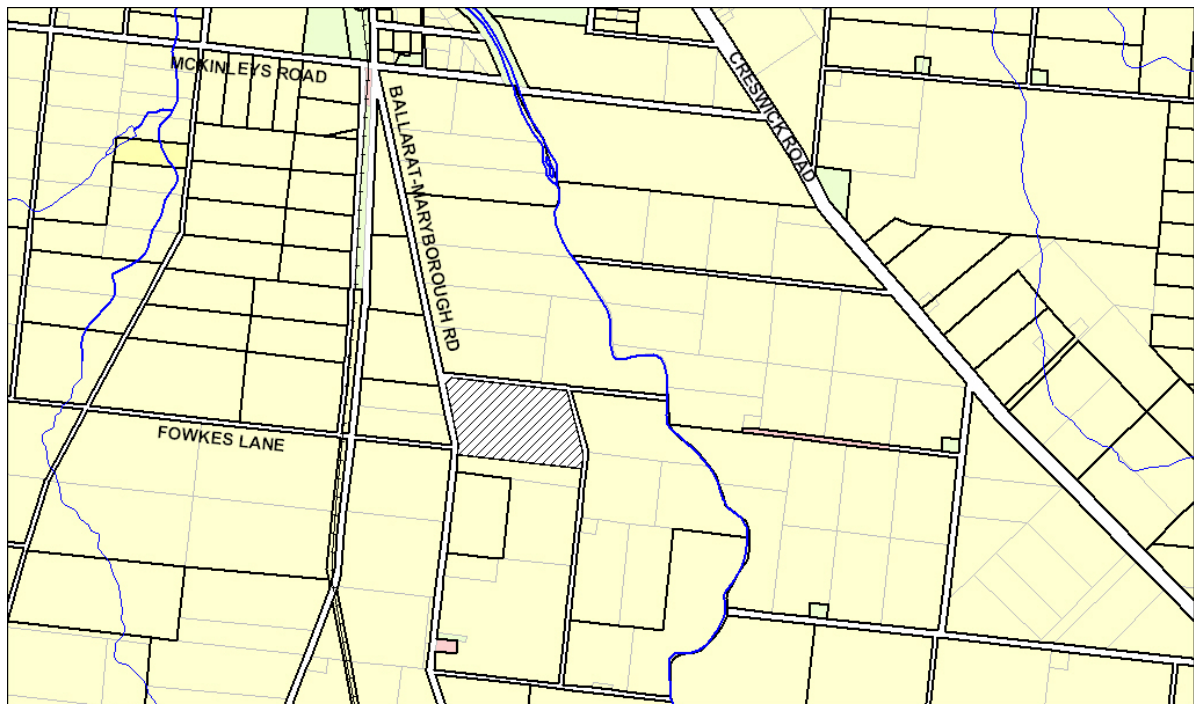
### 8.3 APPLICATION NO. 2008/9717, PROPOSED: CONSTRUCT A DWELLING, 3100 BALLARAT-MARYBOROUGH ROAD CLUNES

(A/O – Planning Officer 3)

File Ref: 1/0375/03100/P

#### Synopsis

Applicant:	Mr James Iles
Location:	3100 Ballarat-Maryborough Road, Clunes Lot 2 PS 81769 PSH PCL
Proposal:	Construction of a Dwelling
Zoning:	Farming Zone – FZ – Area 1
Overlay Controls:	ESO1, RD1Z
No of Objections received	Nil
Recommendation	Refusal To Grant a Permit



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## 8. STATUTORY MATTERS

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### Report

#### INTRODUCTION

A planning application was submitted to Council for the construction of a dwelling on 28<sup>th</sup> March 2008.

#### PROPOSAL

It is proposed to construct a 3 bedroom single story dwelling on an allotment fronting the Ballarat-Maryborough Road, Clunes. The lot covers approx 15 Hectares. Access to the lot is gained via Ballarat-Maryborough Road, located approx 60m from the proposed building envelope. A site management plan was submitted with the application for the continued use of the land for grazing and some revegetation activities.

The lot has been in the same ownership since 1969 and has acted as a working property (cattle grazing) since that time.

The building envelope is setback 60m from the western boundary which forms the front of the allotment and 45m from the southern boundary which adjoins a property in another ownership and is approx 85 hectares in total area. The adjoining property to the north is approx 175 hectares in area and is in a different ownership to the applicant. All properties are used for grazing. Other properties to the east and further south are also larger properties and are currently used for grazing.

The applicant intends to continue the use of the land as a grazing property and maintains that the dwelling is reasonably required for this activity and to allow for some planting of vegetation to act as screening and wind breaks.

A further information letter was sent to the applicant dated 10/04/2008 requesting a written statement addressing the decision guidelines of the Farming Zone – Clause 35.07-5. The applicant supplied this information on the 18<sup>th</sup> April 2008.

#### REFERRAL AUTHORITIES

##### Section 55 Referral

Goulburn-Murray Region Water Corporation (GMW): No objection subject to conditions

VicRoads: No objection subject to conditions

##### Section 52 Referral

Nil

#### REFERRAL WITHIN COUNCIL

Environmental Health Officer: No objection subject to conditions

#### ADVERTISING/NOTICE OF APPLICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.

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## 8. STATUTORY MATTERS

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- Placing (a) sign(s) on site

The notification has been carried out correctly.  
Council has received no objections.

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

N/A

### **STATE PLANNING POLICY FRAMEWORK (SPPF)**

Clause 15.01 – Protection of catchments, waterways and groundwater.

The objective of this clause is to assist in the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

The application meets the objectives of this clause.

Clause 17.05 – Agriculture

The objective of this clause is 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.

The applicant provided a site management plan for the continued use of the land for grazing and revegetation of the site. Given that the site is currently used for grazing and has been used for grazing since 1969, it is arguable whether a dwelling will be reasonably required for the operation of the site; given that a dwelling was not required for the last 39 years.

The applicant has not demonstrated that the construction of a dwelling is needed to reasonably support any agricultural activity being undertaken on the land.

### **LOCAL PLANNING POLICY FRAMEWORK (LPPF)**

Clause 22.04 Rural Land

The objectives of this clause relevant to this application are:

- To ensure that rural amenity is not adversely affected by use or development in the rural areas;
- To ensure that the use and development of land does not conflict with adjoining and nearby agricultural activity, and;
- To provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise.

This proposal fails to meet the objectives of this clause as the development of a dwelling for residential purposes is in conflict with the adjoining agricultural uses and the dwelling is not reasonably required to support the agricultural enterprise on the lot. The current use of the lot and use for the last 39 years has not required a dwelling for the full time presence on the lot.

### **ZONE AND OVERLAY PROVISIONS**

Clause 35.07-1 Farming Zone – Section 2 Use

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## 8. STATUTORY MATTERS

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A planning permit is required in this instance as the lot must be at least 40ha to be able to develop a dwelling as of right under the provisions of the Hepburn Planning Scheme. The applicant must be able to show that the development can meet the requirements of Clause 35.07-2. In this instance the applicant can provide this assurance.

Before deciding on an application to construct or carry out works the Responsible Authority must consider general issues, agricultural issues, dwelling issues, environmental issues and design and siting issues as described in Clause 35.07-6 of the Farming Zone.

An application for the use of a lot for a dwelling in the Farming Zone must be accompanied by a written statement describing how the proposed dwelling responds to the decision guidelines for dwellings in the zone:

*Whether the dwelling will result in the loss or fragmentation or productive agricultural land.*

The lot has been and still is used for grazing. There are larger properties to the north, south and east of this allotment which are used for grazing. While the development of a dwelling on a lot in the farming zone if associated with the agricultural use on the lot will not permanently remove this land from grazing, it is argued that the dwelling is not reasonably required to support the agricultural activity to be conducted on the land.

*Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.*

The applicant has submitted a site management plan for the site and proposes to continue to graze cattle on the lot. This activity has been conducted for the last 39 years whilst in the same ownership; therefore it is reasonable to conclude that a dwelling is not reasonably required for the operation of the agricultural activity.

*Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to noise, dust, odour, use of chemicals and farm machinery, traffic and hours of operation.*

The dwelling is proposed to be located approx 45 metres from the adjoining property to the south which is used for grazing and is approx 85 hectares in size therefore any agricultural activity conducted could potentially affect the residents of the dwelling.

*Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural activities.*

The dwelling may stop the expansion of any farm to the north, south and east all which are much larger holdings than the property for which the dwelling has been proposed. Other activities such as spraying and use of loud machinery could also be affected by the development of a dwelling on the lot.

*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.*

There is the potential for a proliferation of dwellings in the area if this development is approved. The lot is surrounded by larger properties made up of a number of allotments, many with direct access to Ballarat-Maryborough Road. Approval on this application may lead to interest in developing other allotments as the land values increase when associated with permission to develop dwellings. This may lead to

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## 8. STATUTORY MATTERS

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further interest in developing such properties. This may limit the expansion of existing agricultural properties.

As mentioned above it is arguable whether the development of a dwelling is reasonably required for the operation of the agricultural activity on the land. This proposal is not supported under the provisions of the Farming Zone as it will not support and enhance agricultural production and may permanently remove land from agricultural production, possibly leading to further and fragmented loss of agricultural land.

### Clause 42.01-2 Environmental Significance Overlay 1 (ESO1)

The application for the development of a dwelling is in an unsewered area of the shire therefore the ESO1 triggers the need for a planning permit. The main concerns in relation to protecting the proclaimed catchment area are:

- To protect the quality of domestic water supplies within the shire;
- To maintain and enhance the quality and quantity of water within watercourses;
- To prevent erosion of banks and streambeds and saltation of watercourses;
- To prevent pollution of water bodies, streams and water storages.

The applicant has supplied a Land Capability Assessment (LCA) with the application. The purpose of the LCA is to provide evidence that all waste water from the proposed dwelling can be treated and retained onsite.

The application was referred to Council's Environmental Health Officer and Goulburn-Murray Region Water Corporation for comment. The referral authorities recommended that with appropriate conditions they had no objections to the proposal.

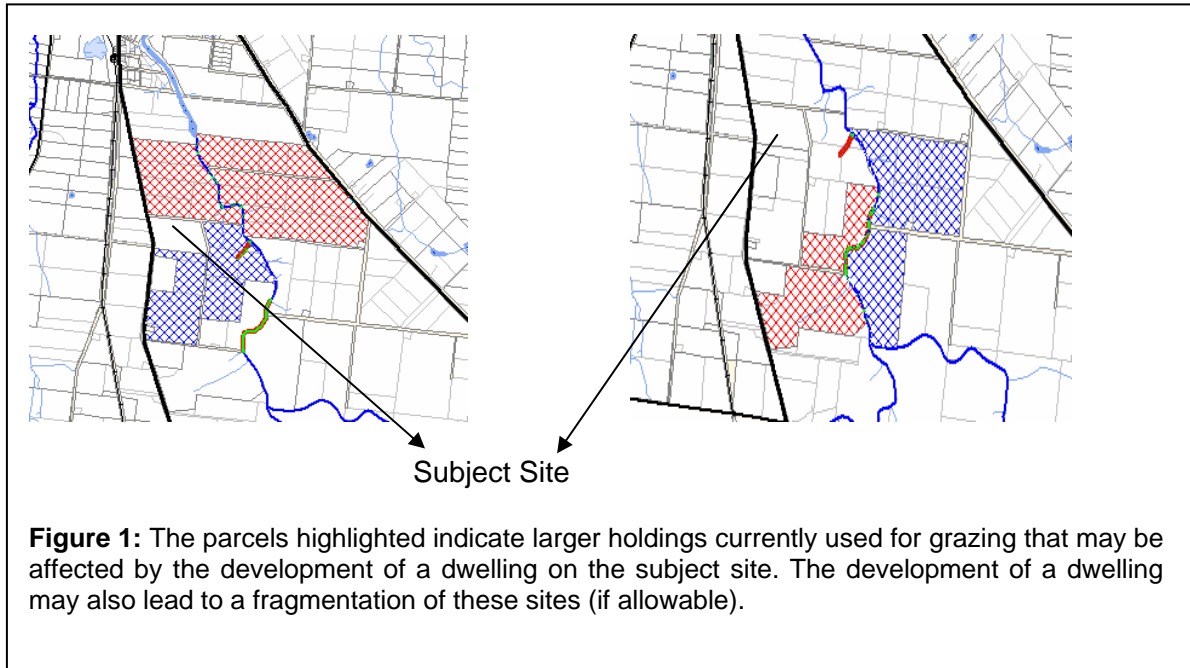
Given the referral responses and the recommendations provided with the LCA, it is deemed that the proposed development of a dwelling meets the objectives of the ESO1 as listed above.

### **ASSESSMENT**

The application proposes the construction of a dwelling in the farming zone. The applicant has provided a site management plan for the lot however it is arguable that the dwelling is reasonably required for the pursuit of agricultural activity; an agricultural activity that has been ongoing without the need for a dwelling for the last 39 years. The development of a dwelling may limit the expansion of nearby agricultural properties and could lead to a fragmentation of other properties.

The approval of such applications can lead to unplanned development in inappropriate zones and may set unfavourable precedents. (Please see figure 1 below). With such development comes the pressure for better infrastructure. Such developments are not supported by State and Local policy or the provisions of the farming zone and therefore should be refused.

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**Figure 1:** The parcels highlighted indicate larger holdings currently used for grazing that may be affected by the development of a dwelling on the subject site. The development of a dwelling may also lead to a fragmentation of these sites (if allowable).

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

Community consultation was not undertaken.

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

VCAT appeal may be lodged.

### **Recommendation:**

*That Council having caused notice of Planning Application No. 2008/9717 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Refuse to Grant a Permit under the provisions of Clause 35.07-1 of the Hepburn Planning Scheme in respect of the land known and described as 3100 Ballarat-Maryborough Road, Clunes; Lot 2 PS 81769 PSH PCL, for the development of a dwelling in accordance with the attached plans, with the application dated 28<sup>th</sup> March 2008 on the following grounds:*

- 1. The application does not meet the objectives of Clause 35.07-6 of the Farming Zone.  
- The application failed to demonstrate that a dwelling is reasonably required on the land.  
- The application may lead to a loss of agricultural land and may lead to a proliferation of dwellings in the farming zone.*
- 2. Clause 17.05 – Agriculture  
The application fails to meet the objectives of this clause.*
- 3. Clause 22.04 Rural Land  
The application fails to meet the objectives of this clause.*

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

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

## 8. STATUTORY MATTERS

### 8.4 RESTRUCTURE PLAN FOR LIZA DRIVE & BUSHMANS CRESCENT, DRUMMOND, APPROVAL

(A/O – Senior Strategic Planner)

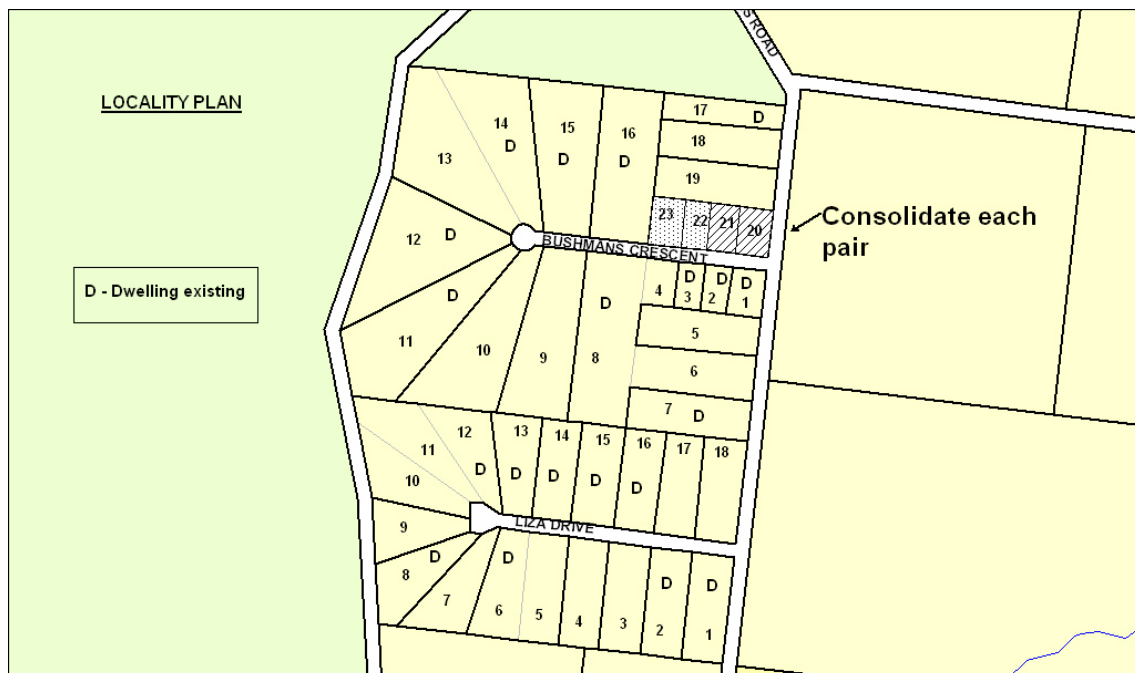
File Ref: 5/4060/01500/P

#### Synopsis

This matter was reported to last April's Council meeting, to circulate a draft plan for comment. The subdivisions were approved 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. They are at the southern end of a 'string' of Rural Living Zone lots backing onto the Loddon Forest, mostly in the 2-4ha (5-10 acre) range; however, the subject lots are smaller, 2ha down to 0.25ha, likely the reason for the imposition of a restructure overlay, encouraging creation of larger lots. This would be difficult, given the level of existing development. **(Refer Attachment No. 4).**

It is necessary for a planning permit to comply with a restructure plan. A plan is listed in the Scheme; it appears that work started on such a plan some time ago, and not completed. A few owners have corresponded with Council, the most recent wanting to build on a lot at the corner of Liza Dr & Scobles Road. In April, Council agreed to circulate a draft plan, which suggests that although consolidation opportunities are limited, the smallest lots of 0.25ha should be consolidated where possible, as part of any further development.

There was a small response, but comments from relevant owners and authorities were mostly positive, and Council should adopt the plan.



#### Report

This matter was reported to last April's Council meeting, to agree to circulate a draft plan for comment. These lots were created around 1973-1974, 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.

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## 8. STATUTORY MATTERS

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The subject lots have access from two informally constructed streets off Scobles Rd. There are other Rural Living Zone lots in this area, 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, 2ha down to 0.25ha. This would be the reason for the imposition of a restructure overlay on these subdivisions, with the new format Scheme in 1999. 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 appears that such a plan was not adopted by Council.

The majority of the lots have been sold to separate parties, and around half have had a dwelling constructed, making a difficult task even worse. Most of the dwellings are small, with one to two bedrooms. Limited interest was shown in the lots in the next few years. Around 2004, the owner of a single undeveloped lot on the corner of Liza Dr & Scobles Rd requested advice about developing the land. The view was taken that a permit could not be considered in the absence of an adopted plan, and it was advised that preparation of the plan would be pursued when resources were available.

Basic work was commenced on a plan; then a letter was recently received from the same owner, seeking advice as to whether the restructure overlay still applies. The draft plan was completed, and Council agreed to its circulation to relevant owners and authorities for comment.

The purpose of the overlay is not only to identify old and inappropriate subdivisions to be restructured; but also to preserve and enhance the amenity of the area, minimising the environmental impacts of dwellings. The ownership pattern does not lend itself to many workable consolidations, but some of the smallest lots, (0.25ha) are owned in pairs, and at least three consolidations can be imposed by the plan, to minimise wastes for any further development.

Other lots (some owned in multiple-lot parcels), mainly between 0.8ha and 2ha are generally large enough to treat wastes on each lot, subject to a satisfactory land capability assessment confirming a workable development plan. It is considered that the owners should be able to seek permission to construct a small dwelling on each of these larger lots; this is the basis for the draft plan.

In order to address the reduction of environmental impacts of such future dwellings, the applicants should employ techniques to reduce clearing of vegetation, such as sharing common entries, and keeping building footprints small (one or two bedroom). The same controls should apply to any proposed extensions to existing buildings, which would also be critically assessed; in the case of the smallest lots, consolidation is to be required. These items are also shown on the draft plan.

The draft plan was circulated with an explanatory letter. GMW and DSE wrote back, generally supporting the plan. GMW sought assurances about avoiding development of wet patches. Coliban indicated that the land is outside of its area of interest. Six owners have been in contact, mainly to clarify how the plan will affect them, and comments have been generally positive.

It is therefore recommended that Council adopt the plan as circulated for use in deciding future applications for the subject land.

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

Adherence to the Planning Scheme principles;

Council Plan Objective No. 2, Service Delivery



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## 8. STATUTORY MATTERS

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

The draft restructure plan was 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, who all reported back to Council in May-June this year.

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

All work being done in-house

### **Recommendation:**

*That Council:*

- 1 *Adopt the 'minimum change' plan, with shared entries (where possible) and small building envelopes, and therefore minimum clearing, as circulated for comment.*

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

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

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## 8. STATUTORY MATTERS

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### 8.5 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL AND MARIC DJURKOVIC, PLANNING PERMIT NO 2006/9002

(A/O – Planning Administration Officer)

File Ref: 4/4410/00300/P

#### Synopsis

This report concerns a Section 173 Agreement that provides for installation and management of wastewater systems and no more than one dwelling with three bedrooms shall be constructed on each lot as specified, under Conditions 9 and 11 of Planning Permit 2006/9002, issued for the re-subdivision of existing crown allotments into twelve (12) lots.

Applicant: MARIC DJURKOVIC

Property: 36 MATTS LANE, COOMOORA  
CAs 1A, 11A, 1 TO 12 INCLUSIVE, SECTION H3, AND CAs 1 TO 15  
INCLUSIVE, SECTION E3, PARISH OF WOMBAT

#### Report

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

The agreement provides that no more than one dwelling with three bedrooms is to be constructed on each lot and installation and management of wastewater systems as specified, under Conditions 9 and 11 of Planning Permit 2006/9002 at the above property.

#### Relevant Policies / Council Plan implications:

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

#### Financial Implications

Nil

#### Recommendation:

8.5.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Maric Djurkovic, as detailed under item 8.5.*

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

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

## **9. COUNCILLOR REPORTS AND CONGRATULATIONS**

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

My Mayor,

Thank you for allowing me this opportunity to provide my Councillor report for July. This month prior to preparing my report I took the time to review our Local Law No1 where the matter of Mayor and Councillors reports is addressed.  
Item 2.10 under the heading

#### 2.10 MAYOR'S AND COUNCILLORS REPORTS

1) At an Ordinary Council Meeting, the Mayor and Councillors who are delegates or representatives of the Council on other bodies may report to the meeting on issues of importance to the Council, notwithstanding that the report is not listed on the agenda.

And item 2.10(4) in part

4) The presentation of a report by a Councillor under the clause must not exceed five minutes.

Mr. Mayor I must apologise for my past transgressions in this matter notwithstanding the fact that I believed that all the matters that I have reported to Council in the past were of interest to the Mayor and Councillors.

However many were not in my role as Council delegate or representative on other bodies but rather matters of interest I have pursued in my role as Creswick Ward Councillor.

I am currently Councils delegate or representative on the following bodies.

The Hepburn Shires Youth Advisory Council, an important Advisory Committee addressing youth issues across the Shire under the guidance of our Youth Development Officer.

The Hepburn Shires Healthy Communities Committee which encompasses Community Planning and is co-coordinated by our Community Development Officer,  
The Creswick Development Advisory Committee responsible for the development of initiatives from the Creswick Development Plan.

The Doug Lindsay Recreation Reserve Committee a section 86 Committee of Council responsible for the development of the Reserve in line with the adopted Master plan  
The Hepburn Shire Recreation Advisory Committee providing advice to the Manager of Recreation and Council on Recreation Projects across the Shire. And finally I am Councils Delegate for The Victorian Local Government Association.

Mr. Mayor, You may well wonder how with all those important group meetings to report on, how I could have allowed myself to be sidetracked by other single issues. I can only say that over the next four months I will endeavor to limit my reporting to those bodies and trust that the Mayor will guide me or pull me into line should I transgress or even exceed my five minute allocation.

Since I have now used up much of my delegated time I will not now embark on a full report for each of those committees save to say I regularly attend their meetings and look forward to providing a complete report at the August Council meeting when hopefully I will be able to stay on track and dutifully report on my appointed responsibilities.

## **9. COUNCILLOR REPORTS AND CONGRATULATIONS**

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### **Cr David Smith Birch Ward**

Cr Smith reported on the various functions he had attended in his capacity as Councillor.

- Attended the Rotary Club of Daylesford – Change-Over Dinner.
- Attended the CHAF – Central Highlands Agribusiness Forum – Bioenergy meeting in Ballarat on 11.7.2008 – Mr. Andrew Lang reported back from the World Bioenergy Conference speaking on what might work here. Another speaker at the meeting was Prof. Loren Kellogg – speaking on the Ontario Experience in Canada.
- Landcare Meeting held here in Hepburn Shire with the Landcare Groups in the Shire discussing on applying for a joint grant submission.

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

I'd like to enhance my Councillor Report today, Mr Mayor, to state clearly and up front that my designated role and responsibilities described in my various Reports (under Local Law No 1) are fundamentally as a Councillor of Hepburn Shire – all of it. We all meet to consider the business of our Shire and pray to The Almighty for guidance as we make decisions and deal with the business of our Shire – all of it. Whilst I, like all of us, have my own specific delegated duties and areas of responsibility, I am here for all the residents and ratepayers. That is my primary and most important function, hence my comprehensive Reports.

So after having clarified that, not as much to report this month although Council has been busy with the new CEO selection process and an appointment has now been made.

Council's Bathhouse Committee again toured the completed Hepburn Springs Bathhouse for the last time prior to the handover to the long term tenant, Belgravia Leisure. Belgravia will trade as the "Hepburn Bathhouse and Spa" and is currently ramping up its operations prior to a planned opening in mid-September just prior to the school holidays. Staff recruitment and training is going on now, as is the fit-out of the refurbished South Wing with vichy showers and a steamroom for additional spa therapy amenity.

Currently the new building is in the hands of the Department of Sustainability and Environment, prior to the hand-back to Hepburn Shire Council as Committee of Management and the signing of the long term lease. The finished Bathhouse is absolutely stunning with a wonderful quality finish in natural materials of wood and stone. Everyone is very excited and waiting very impatiently for opening day.

Council's Heritage Advisory Committee met again on Friday 27 June and the central item of business with our new Environment Officer was the resurrection of the project to create a "Significant Tree Register" for Hepburn Shire so that significant trees can be protected under the Hepburn Planning Scheme.

The need for this was made clear by the cutting down of a beautiful seventy year old blackwood tree that was growing in the Bullarto Cemetery over which Council is the

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## 9. COUNCILLOR REPORTS AND CONGRATULATIONS

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trustee. This tree was not growing in open ground but within the Dwyer family grave, the only marked grave in the cemetery because old records were lost in a fire many years ago. As the blackwood tree was on a private grave, I do not believe that anybody other than the family should have been able to remove it and it is also protected as native vegetation. This tree is now gone but would have certainly qualified for "significant tree" status. We hope that the Significant Tree Register will be ready in twelve months and that four planning scheme overlays to apply it will be ready in another six months; eighteen months in all before our many significant trees in Hepburn Shire receive some real planning scheme protection. In the mean time, I guess that we just have to be a lot more careful and sensitive to family and community interests when working on trees.

On Monday 30 Jun, I attended a Highlands Regional Waste Management Group meeting at Beaufort where I was pleased to announce that some of the contractual difficulties with operating our MRF or Materials Recovery Facility have been worked through and resolved. Unfortunately there is still a fair degree of contamination in the recycling stream, including hazardous items like hypodermic needles. I understand that we will be conducting bin audits shortly to identify the items placed in the yellow top recycling bins and also to target the contamination problem.

On Monday 07 July, I attended a Budget information session in Daylesford with three other Councillors and four members of the public. It is disappointing that not more residents and ratepayers were at the meeting as there appears to be a lot of confusion out there about the proposed 8.3% rate rise and the reasons for it. We have received form letters encouraging no rate rise at all and criticized publicly for the increase. It appears that many people do not understand the basics of the rating system and unfortunately they were not at the information session to find out more.

Rates paid are a direct function of property values. In every category of property, the more valuable the property is, the more rates have to be paid. It is the same in every Shire although the rate in the dollar varies as does the differential rating categories whereby farmland receives an automatic 20% discount in Hepburn and only 80% of the general rate is payable on the value of the land. By contrast, commercial and industrial rates are higher with a 10% premium on top of the general rate. If rate relief is given to one sector of the community by lowering their rate differential, someone else has to pay the balance unless we cut the Budget and decrease services provided, community grants and staffing levels. It's as simple as that.

If rates did not increase at all we would go rapidly backwards into financial non-viability as our built assets and infrastructure all decay as it did in the early days of amalgamated Shires when rates were capped for years. We can not responsibly go back to that situation and remain viable. As late as today, Hepburn Shire was publicly criticized for raising rates above the inflation level of 4.3% and I really do not believe that the people saying these things actually understand that if we are ever going to get ahead and fund infrastructure replacement, we either raise rates or reduce service levels. Alternatively, State and Federal Governments could provide more money from the GST especially for small rural Shires like Hepburn where a disturbing percentage of our residents live close to or below the poverty line.

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## 9. COUNCILLOR REPORTS AND CONGRATULATIONS

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

The following are some highlights of my councillor activities since the June meeting of Council:

**IWD committee:** Chaired the 'International Women's Day Committee. Our Interim CEO joined us for part of the meeting to discuss the work undertaken by one of our committee members as a result of the 'Local Govt Women's Charter' workshops which were held last year. A key outcome identified during these workshops was the urgent need for cultural change within the organisation of the Hepburn Shire. Faye McLeod has drafted a comprehensive document as a suggested tool to guide this much needed change. The CEO gave some excellent feedback based on his experience at Darebin Council and will prepare a report to Council on how we can move forward in bringing about a stronger focus and understanding on gender equality and related issues.

Other matters discussed at the IWD meeting included the circulating of the Centenary of Suffrage 'Monster Petition' across the Shire.

**Meeting with TRATA members** at Trentham Railway Station. Purpose of meeting was to discuss a proposed restoration project for the 'Goods Shed' at the station site. Also in attendance was Lynn Hughes from the State Gvt. regarding 'small town' funding possibilities. Council's engineer Richard Russell and our Heritage Advisor also attended. TRATA has lodged a budget submission in relation to this project.

**Bullarto Cemetery:** Visited site of recent tree clearing to inspect the extent and impact of this work and in particular the removal of the large Blackwood tree which had been a special feature of the cemetery and in particular to a family grave of a local Bullarto resident. Who authorised the removal of this Blackwood tree is still unclear – its removal has caused a great deal of angst and disharmony within the Bullarto community. As the Ward Councillor I was only aware of the need to remove some precarious pine trees. This latest unauthorised tree clearing episode has highlighted the urgency of getting our 'significant tree register' completed and our Heritage overlay updated to include such places as the Bullarto Cemetery. Also, processes to prevent such incidents from continuing.

**Community Grants:** Attended the special event where recipients of Council's Community Grants were presented with their cheques. This was the first time we have held an event to present the grant cheques and I believe we should continue to do so.

**Budget Meeting:** Attended meeting along with 3 fellow councillors and CEO and Manager of Finance. Only 4 community members were in attendance which was disappointing.

**Parliamentary Inquiry/Regional Travel and Tourism:** Recently I was contacted by the State Government. and advised that I have been chosen as one of the 12 case studies to be included in the final report The Parliamentary Committee considered the "unique" perspective which I shared at the Inquiry as important and valuable.

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**9. COUNCILLOR REPORTS AND CONGRATULATIONS**

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**Recommendation:**

*That Council:*

9.1 *Receive and note the reports of Councillors.*

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

***Moved: Cr David smith***

***Seconded: Cr Bill McClenaghan***

***Carried.***

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**CLOSE OF MEETING**

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**CLOSE OF MEETING**

**The Meeting closed at 8.29pm.**



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**ATTACHMENTS**

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- ATTACHMENT 1** (Item 3)  
3.1 Minutes of the Council Meeting - 17 June 2008.  
3.2 Minutes of the Special Meeting of Council and Confidential Minutes – 8 July 2008.
- ATTACHMENT 2** (Item 5.2) Supporting the voluntary Workforce
- ATTACHMENT 3** (Item 8.1) Hepburn Planning Scheme Amendment C38, to incorporate the Revised Structure Plans and Amend the Municipal Strategic Statement, Report on Submissions.
- ATTACHMENT 4** (Item 8.4) Restructure Plan for Liza Drive & Bushmans Crescent, Drummond, Approval.

**ATTACHMENT 1**

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**Minutes of The Ordinary Meeting Of Council  
Held On 16 June 2008.**

The minutes will be tabled at the meeting.

**ATTACHMENT 2**



**Policy No:**

**HEPBURN SHIRE COUNCIL**  
**VOLUNTEER POLICY**

**Adopted:**

**Last Amended:**

**Next Review:**

**Responsible Officer:**

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**Introduction:**

Hepburn Shire Council recognises that the co-operative relationships formed between volunteers, paid staff, individuals, families, groups and local government, promote social cohesion and contribute to the development of strong, resilient and sustainable communities and community centres.

Volunteers of Hepburn Shire Council ensure a direct link between the community and Council.

Volunteer Programs forge a strong bond between the Hepburn Shire Council and the local community by encouraging:

- Community participation;
- Access to resources and information
- Social interaction and satisfaction
- Participation in Council services and events

**Related Policies:**

Equal Opportunity Policy  
Occupational Health and Safety  
HACC Transport Services Policy  
Privacy Policy  
Youth Policy

**Purpose and Scope:**

This policy provides guidelines to both the staff and volunteers of the organization, on the role, responsibilities and expectations of volunteers within the organization.

## **ATTACHMENT 2**

Hepburn Shire Council recognises, genuinely values and supports the role played by volunteers in the provision of services to the community and is committed to developing and promoting a quality volunteer management program.

### **Definition:**

Volunteer's give freely of their time, experience, knowledge and expertise, to the organizations services, without expectation of financial remuneration.

Volunteers complement but do not replace the services provided by paid staff, however may be utilised to perform activities that extend and enhance services provided by Council.

### **Volunteer Management:**

Hepburn Shire Council's Human Resource Management policies apply to volunteers. These include Occupational Health and Safety polices and procedures.

Council's, Manager Organisational Development, through Council's volunteer coordinators will provide volunteers with the relevant documentation which encompasses volunteers' rights and responsibilities within the Council, as part of the induction process.

### **Introduction and Training:**

All volunteers are to undergo relevant training for their volunteer role; this will include training pertinent to their position and is often delivered on the job.

Part of this induction is to understand the Occupational Health and Safety issues relevant to the voluntary role.

### **Council's Responsibilities to Volunteers:**

- Recognise the different roles, rights and responsibilities of volunteers;
- Create a climate of mutual respect;
- Provide a safe work environment;
- Be recognised and included as a valued team member;
- Provide sufficient induction and training related to the various activities the volunteers will undertake;
- Assess volunteer skills to match tasks with expectations, interests and time commitments;
- Ensure that volunteers are not used to replace paid staff;
- Require volunteers to work under the direction and supervision of paid staff, volunteer staff and/or appointed co-ordinators;
- Appropriate insurance cover is provided for volunteers who are identified as registered volunteers of Hepburn Shire Council whilst working in clearly defined activities that are approved and controlled by Council;
- Advise volunteers of the organizations relevant program policy on travel reimbursement;
- Inform and consult on matters that directly or indirectly affect volunteers and their work place;
- Make volunteers aware of grievance procedures within the organization;
- To manage volunteers' confidential and personal information in accordance with the principals of the Privacy Act 1988.
- In designated programs or where a volunteer is placed in a sensitive program and has contact with young people, elderly or those considered venerable community members, the volunteer must agree to have a satisfactory 'police check' or 'working with children check' undertaken by council prior to commencing their volunteer placement.  
(Cost met by Council).

## **ATTACHMENT 2**

Hepburn Shire Council has the discretion to refuse a volunteer placement or end a placement if:-

1. There is a perceived risk to the customer's or volunteer's health or welfare.
2. Suitable volunteer duties are not available or are no longer available.
3. The volunteer does not comply with Hepburn Shire Council Policies or funded program procedures.

### **Responsibilities of Volunteers:**

Volunteers have obligations to Hepburn Shire Council and are required to:

- Respect confidentiality
- Be committed to the organization and the volunteer position they hold
- Carry out the duties specified in their volunteer position description
- Have a non-judgemental approach
- Provide feedback to their supervisor which will assist in the development of the service or program being provided
- Respect and acknowledge decisions made by co-workers and Councils Management Committee
- Address areas of concern or conflict with the appropriate staff member
- Undertake training when requested
- Exercise a duty of care in relation to occupational Health and Safety, including informing others of potential hazards.
- Ask for support when it is needed
- Give informal and if possible, timely notice of your intention to leave the service/program
- Take due care with all Council equipment and property.
- Carry out work you have agreed to do responsibly and ethically
- All volunteers will be required to wear a Hepburn Shire Council Identification Badge.
- Act in accordance with associated State and Federal Policies i.e. Equal Opportunities and Disability Discrimination Act.

### **Volunteer Programs:**

Hepburn Shire Council operates a number of volunteer programs to ensure that the community has access to cover Council services.

#### ***Volunteer programs include:***

- Planned Activity Groups
- Community Visitors Scheme
- Visitor Information Centres
- Transport Connections program
- Youth programs
- Recreation and Events
- Advisory Committees/ Section 86 committees
- Project volunteers: i.e. 'Friends of Creswick Town Hall', 'Australia Day activities' and 'Emergency Recovery'.

### **Recognition and or acknowledgements:**

Volunteers will be acknowledged for their participation with Hepburn Shire Council on an annual basis and in an appropriate and timely manner.

**ATTACHMENT 2**

**Staff as Volunteers:**

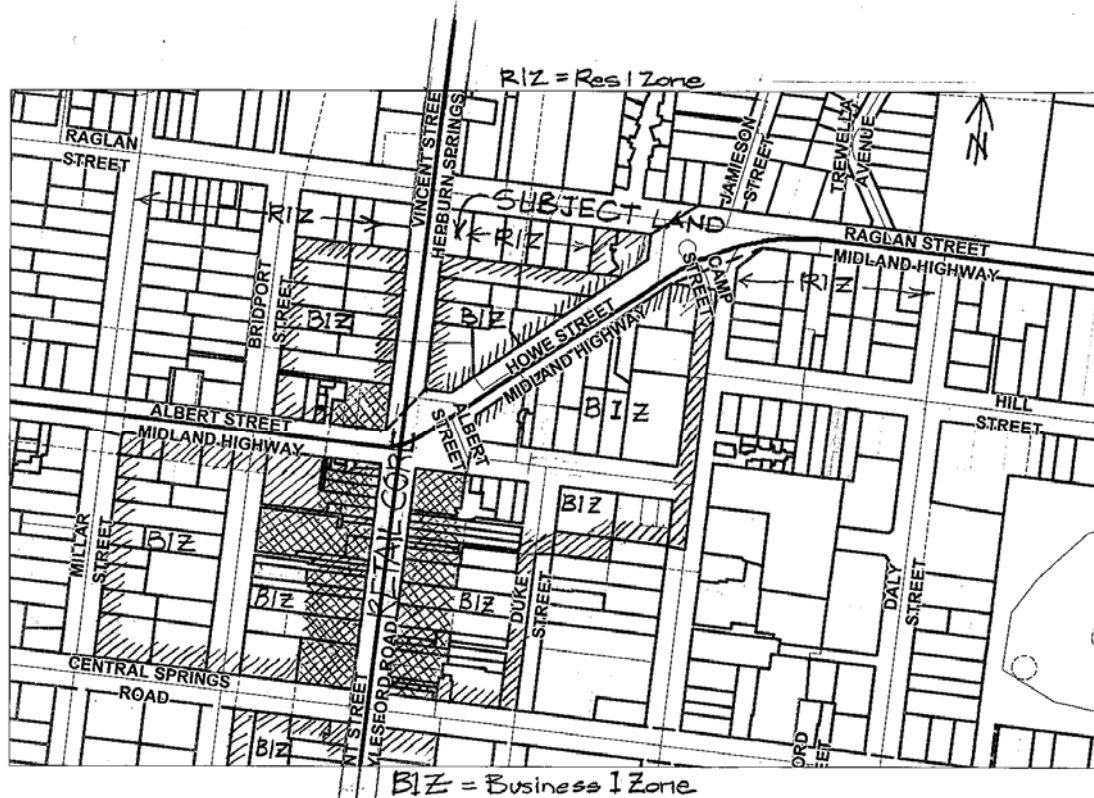
Hepburn Shire Council supports its staff to volunteer within the Hepburn Community. Corporate volunteering can improve Hepburn Shire Councils visibility, team building, staff training, staff moral and loyalty as well as help Hepburn Shire Council contribute to its community in a positive way.

Endorsed by:

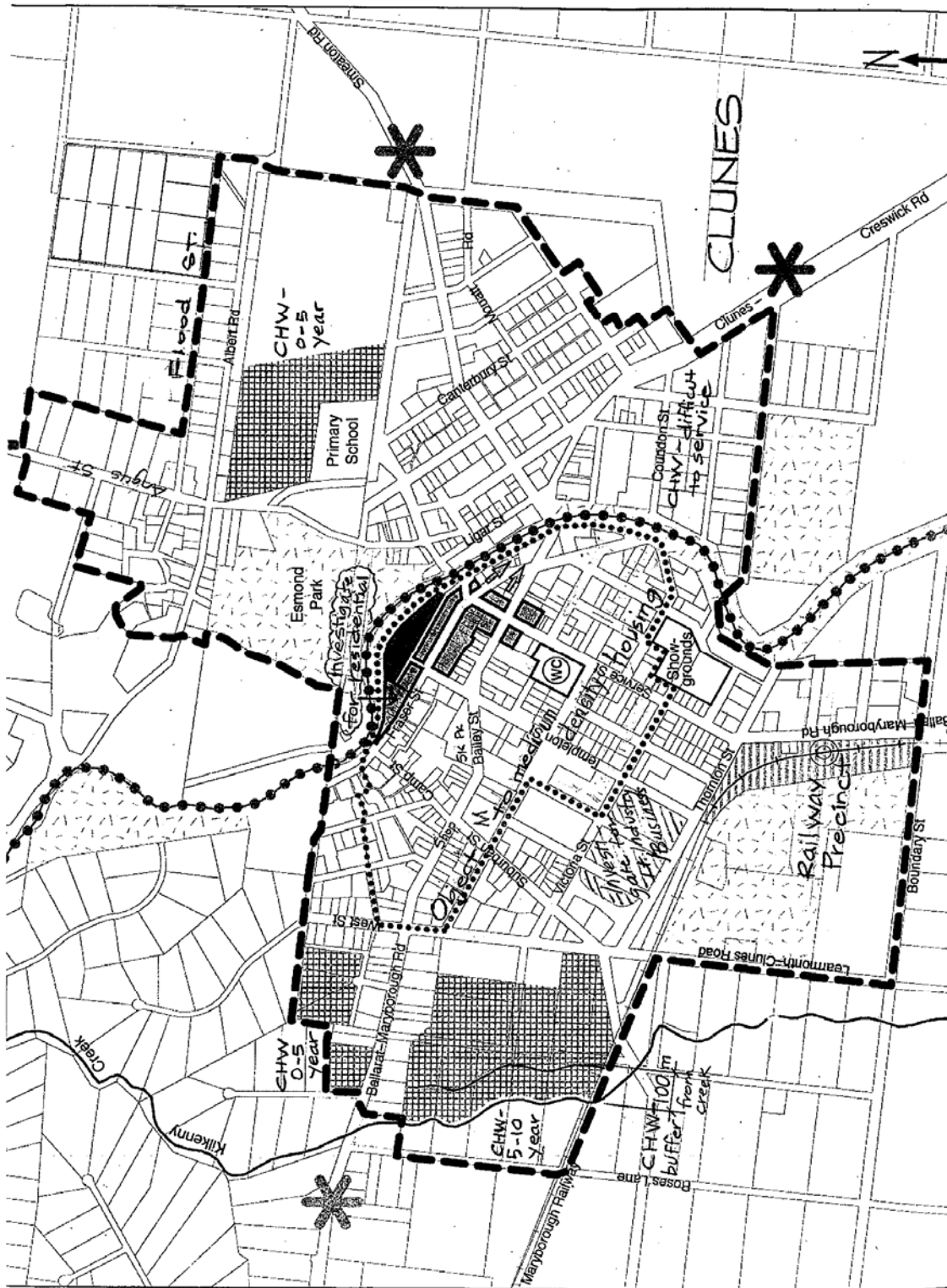
Date adopted by Council:

ATTACHMENT 3

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Raglan St, Daylesford

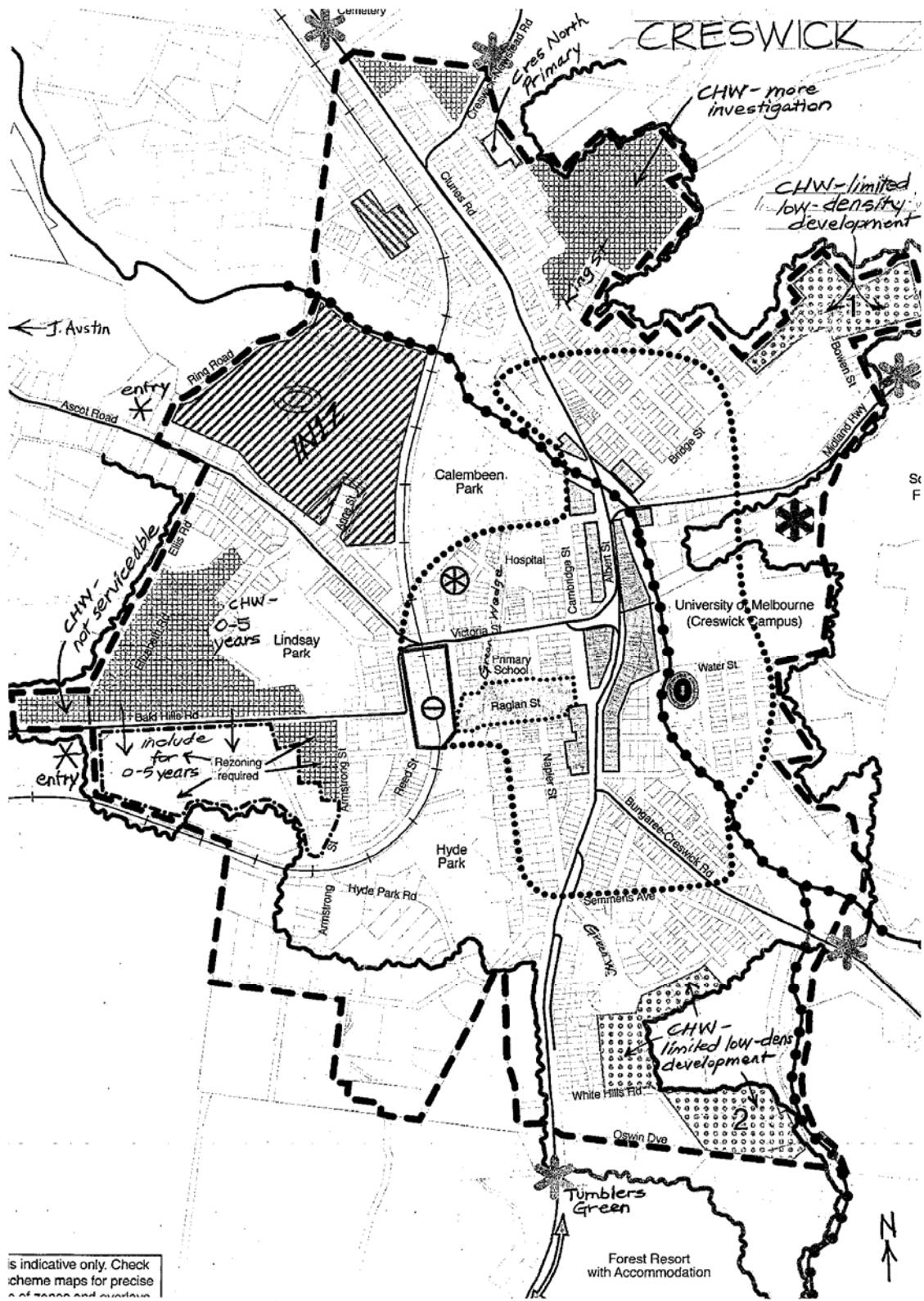


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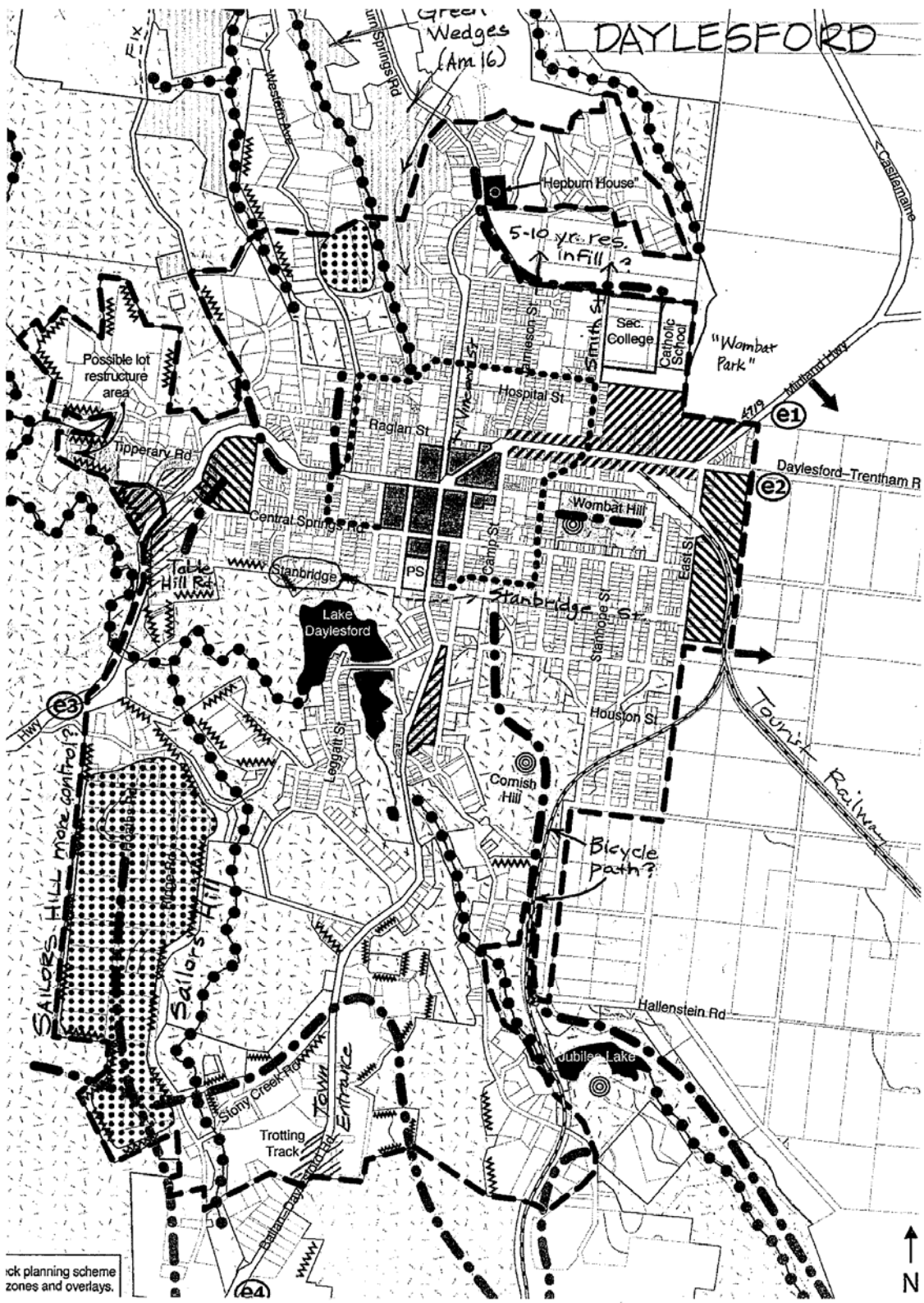




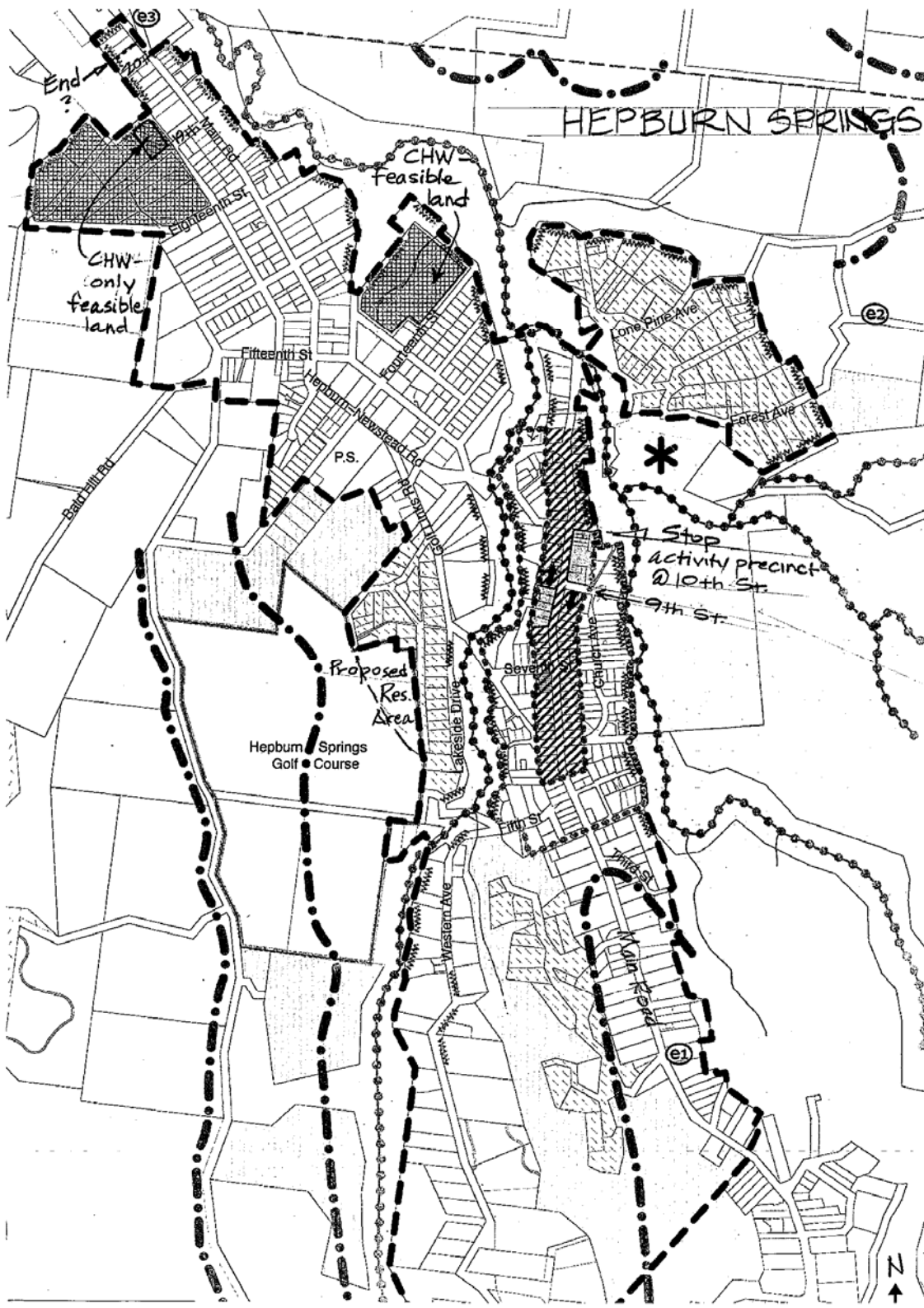
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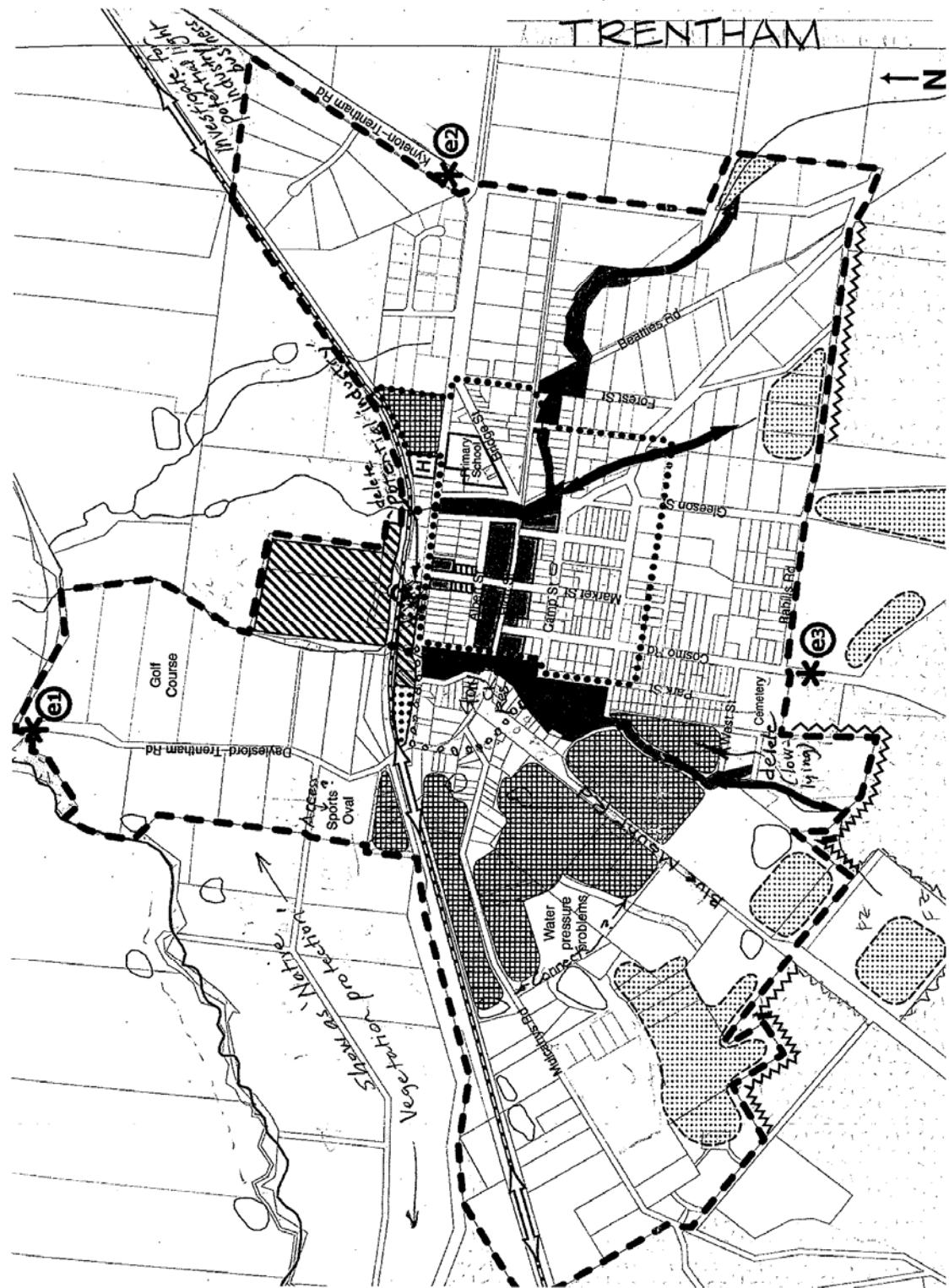
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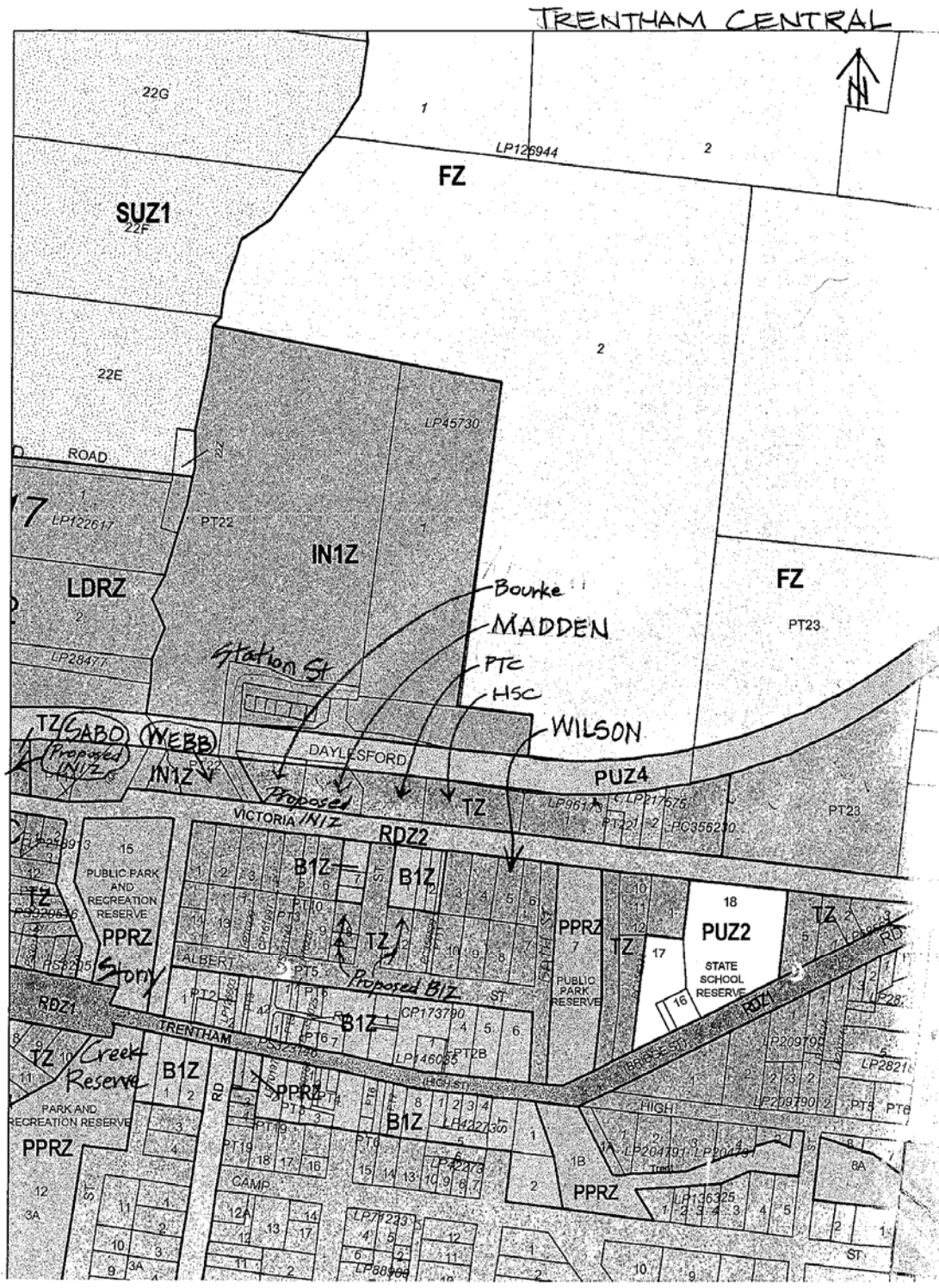


ATTACHMENT 3



ATTACHMENT 3

HEPBURN PLANNING SCHEME - LOCAL PROVISION



ATTACHMENT 4

RESTRUCTURE PLAN FOR LIZA DRIVE & BUSHMANS CRESCENT, DRUMMOND

Any planning permit for any building on Lots 4, 20, 21, 22 or 23 of LP112659 will include a condition that Lots 20 and 21, or Lots 22 and 23, must be consolidated into a single lot, or Lot 4 must be re-subdivided to double its area, with Lot 19, prior to the commencement of construction, and a condition that access must be minimised, shared where feasible, to dwellings with no more than one or two bedrooms, to avoid loss of vegetation and minimise impact on the environment.

