

# **HEPBURN SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

7pm Tuesday 16 September  
2008

Senior Citizens Room  
located at the rear of  
Daylesford Town Hall

## 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 16 SEPTEMBER 2008,  
COMMENCING AT 7 PM**

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**CLOSE OF MEETING:**

**ATTACHMENTS**

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**CR TIM HAYES - MAYOR**  
**17 SEPTEMBER 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:** Mayor, Cr Tim Hayes; Councillors Janine Booth, Bill McClenaghan, Heather Mutimer and David Smith.

**IN ATTENDANCE:** Chief Executive Officer, Kaylene Conrick; Director Infrastructure & Development, Rod Conway; Manager Finance, John Traill; Manager Community Services, Martin Walmsley; Manager Tourism, Economic Development & Recreation, Geoff Ryan; Manager Governance & Information, Matthew Morgan. 18 Gallery. No press.

The Mayor opened the meeting with a reading of the Council prayer at 7.01pm.

### **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

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**4. PETITIONS AND PUBLIC QUESTION TIME**

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

**Recommendation:**

*That items :*

*3.1 Minutes of the Ordinary Meeting of Council held on 19 August, 2008; 3.2 Minutes of the Special Meeting of Council held on 9 September, 2008; (**Attachment 1**), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.*

***Moved the Officer's Recommendation with the inclusion that the amendments as discussed as the Draft Agenda Meeting be made.***

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

***Motion Moved that Item 8.5 be deferred to allow further community consultation.***

***Moved: Cr Heather Mutimer  
Seconded: Cr Bill McClenaghan  
All in favour  
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.

#### Petitions .

Mr Gary McInrosh, Bullarto tabled a Petition to Council submitted by Landcare Group.

<p><b><i>That the Petition be accepted and lay on the table for one month to be dealt with at the October Meeting of Council.</i></b></p>
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#### PUBLIC QUESTION TIME

**Mr Jim Elmsworth – Smeaton**

1. Has Council had any success in contacting Windpower Authority?
2. Are the community going to be told of Mr Walshes proposal for the development in Creswick?
3. Does the Council intend to tell the community the details of the proposals?

**Mr Will Elmsworth – Smeaton**

Are there any more proposals for wind farms/turbines with the shire?

**Mr Christian Wild – Daylesford**

Why was the Mayor prepared to issue a letter on the topic of bullying and harassment after signing the confidentiality agreement but will not speak about it at Council meetings?

**Mr Jack Cooper – Glenlyon.**

What is Council going to do about illegally parked vehicles in the Main Street of Glenlyon?

**Ms Brenda Blackmore – Glenlyon**

Added to Jack Cooper's comments by adding that Council is responsible for the area in Glenlyon that is under 60/km/hm

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

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**Mr John Madigan**

There was a case against Hepburn Shire Council in Ballarat courts that was adjourned, is Council able to advise the community what the cost of this case will be to Council.

**Mr Gary McIntosh – Bullarto**

How do I get permission to break down and remove the woodpile at the Bullarto Primary School? Have asked Pam Manning and Thea Laidlaw who advise me to ask the other.

**Mr Jack Cooper – Glenlyon**

Mr Cooper only received 1 wheelbarrow of wood, whilst his neighbour received 4. Is this discrimination against him?

**Mr Will Elmsworth – Smeaton.**

1. Will some of the submissions on the Wind Energy guidelines be taken on board or will they be ignored?
2. Will there be a community consultation on this matter?



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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.1 AGRICULTURE ADVISORY COMMITTEE

(A/O – Recreation, Economic Development and Tourism Manager) File Ref: 22/04/03

#### Synopsis

It is proposed that Council appoint Damian Leonard, David Holmgren, Joy Durston, Elizabeth Hak, and Norm Suckling as members of the Agriculture Advisory Committee and modify the terms of reference for the Advisory Committee to include two representatives of the Victorian Farmers Federation and one Councillor.

#### Report

Council at its meeting on 17 June 2008 recognized the importance of agriculture to the community, the economy and the environment and resolved to establish an Advisory Committee.

The Committee will provide advice on transport, pricing, climate change, sustainability, pollution, water drought, potatoes, farm gate production and genetically modified crops. Council may then choose to advocate on the industry's behalf, facilitate appropriate industry development, or address industry needs in its development of policy and strategic plans.

Nominations have been sought via local media and consequently seven nominations have been received. All nominations received could have contributed to the committee and so the recommended nominations are made taking into account the selection criteria approved in the Terms of Reference adopted by Council on 17 June 2008 and geographical representation.

The nominations proposed for the Committee have extensive farming experience, knowledge of permaculture and farm gate production. Each person is broadly involved in the community and is representative of a range of community views on agriculture. It is proposed that Damian Leonard, David Holmgren, Joy Durston, Elizabeth Hak, and Norm Suckling be appointed to the Committee. The Victorian Farmers Federation is yet to advise who their representative would be. It is important to note that the committee can co-opt other agriculture representatives to provide informed advice on any issue it is considering.

The terms of reference adopted on 17 June 2008, allowed for one representative from the Victorian Farmers Federation and two Councillor representatives. It is suggested that the terms of reference should be modified to include two representatives of the Victorian Farmers Federation and one Councillor.

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

Council Resolution 18 December 2007  
17 June 2008

Council Plan – Statement of Intention 2008/2009  
4.4 – Establish an Agriculture Advisory Committee

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

Establishment of an Agriculture Advisory Committee will enhance and strengthen Council's ability to consider issues which affect the Agriculture Industry and the community.

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### Financial & Resource Implications Initial & Ongoing

The Economic Development Officer and Tourism, Economic Development and Recreation Unit will provide administration support for the Committee. Other Council officers will be invited to attend meetings as required.

**Recommendation:**

*That Council:*

- 5.1.1 *Appoint Damian Leonard, David Holmgren, Joy Durston, Elizabeth Hak, and Norm Suckling to the Committee.*
- 5.1.2 *Modify the terms of reference for the Advisory Committee to include two representatives of the Victorian Farmers Federation and only one Councillor representative.*
- 5.1.3 *Write to the unsuccessful nominees thanking them for their nomination and inviting them to be involved where possible in the activities of the committee.*

**Amended Motion Moved at Meeting.**

***That Item 5.1.2 be deleted***

***Moved: Cr Heather Mutiner  
There being no seconder the Motion Lapsed.***

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**5. GOVERNANCE AND STRATEGIC MATTERS**

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***Moved the Officer's Recommendation with the addition of Item 5.1.4***

***That Council:***

***5.1.1 Appoint Damian Leonard, David Holmgren, Joy Durston, Elizabeth Hak, and Norm Suckling to the Committee.***

***5.1.2 Modify the terms of reference for the Advisory Committee to include two representatives of the Victorian Farmers Federation and only one Councillor representative.***

***5.1.3 Write to the unsuccessful nominees thanking them for their nomination and inviting them to be involved where possible in the activities of the Committee.***

***5.1.4 That Cr Smith be Council's representative on the Committee.***

***Moved: Cr Janine Booth***

***Seconded: Cr David Smith***

***Carried.***

***Cr Heather Mutimer requested that her dissent be noted with regards to two VFF members.***

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.2 BATHHOUSE BUSINESS & COMMUNITY LIAISON GROUP

(A/O – Manager Tourism, Economic Development and Recreation)

File Ref:5/4685/00100 - RESTR

#### Synopsis

With the imminent opening of the Hepburn Springs Bathhouse it is proposed that the Council appointed Committee (Bathhouse Business & Community Liaison Group) be wound up and that Council thanks the Committee members for their work during the last three years.

#### Report

The Committee was established in May 2006 and has included the following members Cr. Bill McClenaghan, Nigel Dempster, Bill Guest, Carol Hulst, Chris Sedgman, David Reilly, Frank Page, Keira Lockyer, Ted Francome, Victor Szwed, Geoff Ryan, Don Sinclair, and Geoff Howard MP.

The Committee was set up to help keep the community informed about matters relating to the Bathhouse Project and minimize any temporary negative impacts of the Bathhouse being closed for refurbishment and re development. Members of the Committee have worked passionately to address many issues and have been remarkably successful in helping to maintain visitor numbers to the region. Activities carried out by the Committee have included :

1. Developing a spa and therapies website “spa town” to promote health and wellness.
2. Supporting a PR Campaign, coordinated by the Daylesford Macedon Ranges Marketing Committee which successfully maintained visitor interest in the region.
3. Assisting with the provision of a phone number for the new operators of the centre.
4. Developing and printing a Health and Wellness Brochure for State wide distribution.
5. Ensuring regular information was provided to VIC volunteers regionally and at the Federation Square VIC.
6. Developing and printing (twice) a Hepburn Springs Brochure and town walk.
7. Assisting with a community newsletter to keep Hepburn Springs residents up to date. Keira Lockyer in particular deserves many thanks for this work.
8. Initiating a review and update of signs in the Hepburn Springs area related to the bath house.
9. Encouraging the installation of maps showing access to the Bathhouse, at the entry points of the Mineral Springs reserve at Ninth, Tenth & Eleventh Streets.
10. Reviewing lighting for the reserve.
11. Establishment of a temporary satellite V.I.C. adjacent to the building site.
12. Regular displays in the Daylesford Visitor Information Centre.
13. Providing Council and State Government with comment and advice on a broad range of matters relating to the Bathhouse redevelopment.
14. Assisting with public open days at the bathhouse site. Funding for all these activities has been provided by State Government in addition to the funding provided for the building works. The State Government has recognised the importance of maintaining market share and minimizing the impact of the bathhouse closure.

While it must be acknowledged that some businesses have experienced a down turn in business during the closure, others have seen the opportunity to expand their business and quite a few new businesses have opened in Hepburn Springs.

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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Overall it is estimated that the “pie has grown” during the last two years and this is partially due to the good work of the Committee.

With the imminent opening of the new centre and accompanying marketing the future for Hepburn Springs and the broader region, as highlighted by the Tourism Victoria CEO Mr Greg Hywood at the launch of Destination Daylesford looks very bright.

Future Issues relating to the Bathhouse will be dealt with in the following manner:

1. Operational – By Belgravia Leisure in accordance with the terms of their lease agreement.
2. Marketing – By Belgravia Leisure and also the Daylesford Macedon Ranges Campaign Committee.
3. General Tourism – By HRTA or the new tourism board Mineral Springs Reserve – By the Victorian Mineral Springs Advisory Committee.
4. Through the Management Plan being prepared for the reserve.
5. Management of the Lease Agreement.

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

Council Plan 2006 – 2011

4.3.1. “Completion of the Bathhouse Redevelopment”

Delivery of Council Commitments 2008 – 2009

“We will optimise the iconic status of Hepburn Springs Bathhouse and Spa to spread economic and social benefits across the whole Shire”

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

The Committee is made up of members of the community and has engaged with the community through newsletters, open days, formal and informal meetings.

### **Financial Implications**

State Government has contributed \$47,000 towards the Committees initiatives. Council, including in kind assistance has contributed approximately \$20,000. This includes officer time.

<p><b><u>Recommendation:</u></b></p>
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<p>5.2.1     <i>That Council congratulate the members of the Group and write to thank each member for their hard work during the last two years.</i></p>
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### ***Moved the Officer’s Recommendation.***

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

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.3 SPORT AND RECREATION VICTORIA MAJOR FACILITIES FUNDING APPLICATIONS

(A/O – Manager- Tourism Economic Development and Recreation) File Ref: 56/10/02  
2/0340/01370

#### Synopsis

It is proposed that Council endorse the application for funding a multi-purpose outdoor sports facility at the Doug Lindsay Reserve, Creswick, under the Sport and Recreation Victoria Building Community Infrastructure Major Facilities Program, and provide \$300,000 financial contribution to the project, subject to the application being successful.

#### Report

Applications for major facilities funding opened on 18 August and closed on Thursday August 28, 2008. Council can only submit one application per year and previously the Daylesford ARC received funding under this programme. The grant programme from Sport and Recreation Victoria can provide grants of up to \$500,000 on a dollar for dollar basis. No in kind contribution can be included in the application.

An application was received from the Doug Lindsay Recreation Reserve in Creswick for the development of a multi-purpose outdoor sports facility for use by junior and senior cricket, junior and senior football, athletics, outdoor games and fire brigade regional activities. Currently these activities are based at Hammond Park Creswick. However a risk assessment of Hammond Park indicated the playing field was too close to the Creswick Creek and too close to a significant suburban "through road." Consequently the only possible solution identified was to move the activities away from this reserve.

The project has been under consideration for over ten years and a project team consisting of representatives from the Doug Lindsay Reserve, Creswick Football Netball Club, Creswick Cricket Club, Victorian Country Football League, Central Highlands Football League, Sport and Recreation Victoria and Hepburn Shire have been meeting for many months to prepare the application. The need for the funding is supported by many studies including the 1996 and 2006 Recreation Needs Strategies. A feasibility study funded by Council and the Department of Sport and Recreation in 2004, considered the options for development at the Doug Lindsay Reserve.

In 2008, a master plan which shows the layout of all proposed facilities at the reserve was completed and a detailed oval costing was completed based on the 2002 detailed oval design.

As part of Councils assessment process the Recreation Advisory Committee received a presentation from the working party on Thursday 28 August 2008, and has recommended that Council support the application and provide \$300,000 to the project. The Recreation Advisory Committee has identified that the project complies with the Sport and Recreation guidelines, the Hepburn Shire 2006 Recreation Needs Strategy Funding Criteria, the Hepburn Shire Recreation Funding Guidelines and is identified in the 2006 Recreation Needs Strategy as a high priority.

#### Relevant Policies / Council Plan implications

Hepburn Shire Recreation Development Policy.  
Hepburn Shire Recreation Needs Strategy 2006.  
Hepburn Shire Recreation Funding Guidelines.  
Council Plan Commitment 1.7 "attracting recreation funding"  
2.6 "provide quality sporting and recreation opportunities".

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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

This project has been developed through extensive community consultation via the recreation strategy, has been endorsed by the Shire's Recreation Advisory Committee made up of community members from across the Shire. It is supported by the following groups and businesses:

Melbourne University- School of Forestry and Eco-systems Science.

Creswick Primary School

St Augustines Primary school

Creswick Football Netball Club

Creswick Soccer Club

Creswick Netball Association

Auskick Creswick

Mount Prospect Tennis Association

Creswick District Development Association

Creswick Business Group.

Creswick Development Committee.

Catherine King MP

Mr Geoff Howard MLA

Victorian Country Football League.

Business Sector

Davies and Rose Rural Supplies and Hardware.

Creswick American Hotel

Glenn Murphy Plumbing

McPhees painting service.

Overingtons Electrical

Creswick Forest Resort.

Creswick Farmers Arms Hotel

Creswick Community Bank Branch of the Bendigo Bank.

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

The total cost of the project is \$1,100,000. A grant of \$500,000 is requested from the Department of Sport and Recreation Victoria. The community contribution is \$300,000 and Council is being asked to provide \$300,000. This is a similar funding contribution to for the Daylesford ARC project.

The Creswick community has an excellent track record with fundraising and delivering recreation capital works projects on time and on budget. \$170,000 has previously been raised by the community for netball courts, soccer fields and change rooms at the Doug Lindsay Reserve.

It is recommended that Council's financial support be provided over two years and be derived from within existing and planned levels of budget provisions for recreation, from the "Resort and Recreation" account and possibly from the sale of some unneeded land in Creswick. This approach would minimize the impact on Council's budget considerably.

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**5. GOVERNANCE AND STRATEGIC MATTERS**

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**Recommendation:**

*That Council:*

- 5.3.1 *Congratulate the working party on their hard work in preparing the application.*
- 5.3.2 *Support the application to Sport and Recreation Victoria.*
- 5.3.3 *Commit \$150,000 in its 2009-2010 and 2010-2011 budgets for this project, subject to the application being successfully funded by Sport and Recreation Victoria.*

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

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



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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.4 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

(A/O – Manager Governance & Information)

File Ref: 42/04/03

#### Synopsis

The Australian Local Government Association (ALGA) is seeking responses from municipalities across the nation to determine a sector wide position to put forward to the Federal Government to consider the constitutional recognition of local government. As such Council has been invited to provide feedback on the issue.

#### Report

The Australian Constitution does not recognise local government as formal tier of government. It has long been the ambition of the ALGA to achieve constitutional recognition of local government and this desire has been fuelled by the Federal Government committing to consult on the process for achieving constitutional recognition during its first term of office.

As a result, the ALGA in conjunction with the Municipal Association of Victoria and other local government associations have presented Australian municipalities with a five point/objective feedback form to ascertain a sector wide position on the issue of constitutional recognition for local government. The ALGA will be holding a Constitutional Recognition of local government summit in Melbourne in November 2008 and has requested councils provide feedback before this time.

The five points/objectives of feedback are intended to demonstrate to the ALGA the requirements of local government in the context of what form of constitutional recognition ought to be sought, if any, and what the outcomes might be. It is requested that the objectives be considered and weighted according to importance as high, medium, low or nil.

The five objectives as per the ALGA feedback form are;

1. Simplified/Streamlined Federal Funding ( Direct Commonwealth funding rather than through the States )
2. Providing a guarantee of funding to some minimum level
3. Symbolic recognition of local government
4. Protection of the system of Local Government ( require the States to maintain a system of local government )
5. Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met )

Council may use this opportunity to establish its position on each of the objectives outlined above and the benefit that they may deliver for the local community if the objectives are achieved through recognition of local government in the Australian Constitution.

If constitutional recognition were to be achieved, objective 1 would be important, however objective 2 would be more important as a guaranteed source of funding is ultimately more important than the process of how to obtain the funding. The issue is not so much whether it comes from the federal government directly or via the state governments, but that there is at least some minimum guaranteed level of funding.

Securing a guaranteed level of funding would be a high priority as it would ensure sufficient funds are available to complete capital works, reduce the infrastructure funding gap, facilitate improved service delivery and enable Council to start new initiatives. However there would need to be measures put in place to ensure that

## 5. GOVERNANCE AND STRATEGIC MATTERS

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existing funding arrangements are either incorporated into any new arrangements or are still available for Council.

Objective 3 is not of significant importance as the overall benefit of a symbolic recognition of local government would bring to the community would be questionable and near impossible to measure.

Objectives 4 and 5 are both important to ensure that Council as it currently exists is maintained into the future. Objective 5 is possibly more important from the community perspective in the sense that it would protect against the amalgamation of municipalities, which has occurred in the past. This would ensure that local communities maintained a localised form of government which was truly local in the sense that the communities are being governed from within, rather than from neighbouring municipalities.

Council is also provided with the opportunity to create an additional objective if there are any other issues that it feels are appropriate in the context of constitutional recognition. One such issue that may be considered in the context of financial support from the Federal government is that of 'cost shifting'. It may be plausible to suggest an objective that states that cost shifting from state or federal governments onto local government is prohibited unless financial reimbursement is offered for the additional delegated tasks.

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

Not relevant to this report.

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

Not relevant to this report.

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

Not relevant to this report.

### ***Recommendation:***

*That Council:*

- 5.4.1 *Establish a position on Constitutional Recognition through providing the feedback to the ALGA as requested.*
- 5.4.2 *Identifies Objective 1 as being of medium importance.*
- 5.4.3 *Identifies Objective 2 as being of high importance.*
- 5.4.4 *Identifies Objective 3 as being of low importance.*
- 5.4.5 *Identifies Objective 4 as being of medium importance*
- 5.4.6 *Identifies Objective 5 as being of high importance.*
- 5.4.7 *Establishes an Objective 6 that states 'cost shifting onto local government should be prohibited without sufficient financial reimbursement'*
- 5.4.8 *Identifies Objective 6 as being of high importance.*

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**5. GOVERNANCE AND STRATEGIC MATTERS**

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

***Moved: Cr Janine Booth***

***Seconded: Cr Bill McClenaghan***

***Carried.***

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.5 FARM RATE SUBSIDY – EXCEPTIONAL CIRCUMSTANCES

(A/O – Manager Finance)

File Ref 28/06/05

#### Synopsis

The State Government via the Department of Primary Industry has provided a municipal rate subsidy for farm properties for the past three years that qualify for Exceptional Circumstances. No decision to continue the Municipal Rate Subsidy in 2008/09 has been made.

#### Report

In 2007/08 financial year 105 farm properties (56 land owners) across Hepburn Shire received a total of \$67,940 in Municipal Rate Subsidy Rebates from the Department of Primary Industries

The Municipal Rate Subsidy was first introduced by the Victorian Government in July 2005 for the 2005/06 and 2006/07 financial years. The scheme was subsequently extended to the 2007/08 financial year.

Eligibility for the Municipal Rate Subsidy was based upon receipt of Exceptional Circumstances Relief Payments. However, the Municipal Rate Subsidy was not a component of Exceptional Circumstances assistance, which is primarily funded by the Australian Government. The Victorian Government provided the Municipal Rate Subsidy for particular financial years, regardless of the term of any Exceptional Circumstances declaration.

Whilst the Federal Governments Exceptional Circumstances declarations remain in place for the 2008 /09 financial year, the State Governments Municipal Rate Subsidy ceased in June 2008. Council has been advised by Department of Primary Industry that no decision has been made to continue the Municipal Rate Subsidy in 2008/09.

The effects of the drought are still being felt by the farming community as evidenced by the continuation of the Exceptional Circumstances funding by the Federal Government. It is therefore recommended that Council Lobby Local Politicians and the State Government requesting that the Municipal Rate Subsidy Rebate be extended to the 2008/09 financial year.

#### Relevant Policies / Council Plan implications

Advocacy

#### Community / Engagement / Communication / Consultation

Letters sent to recipients of Municipal Rate Subsidy Rebate I 2007/08

#### Financial & Resource Implications Initial & Ongoing

Nil

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**5. GOVERNANCE AND STRATEGIC MATTERS**

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**Recommendation:**

*That Council:*

5.5.1      *Lobby Local Politicians and the State Government requesting that the  
Municipal Rate Subsidy Rebate be extended to the 2008/09 financial year*

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

***Moved:        Cr David Smith***

***Seconded:   Cr Janine Booth***

***Carried.***

**5. GOVERNANCE AND STRATEGIC MATTERS**

**5.6 MONTHLY FINANCIAL REPORT 1/7/08 – 31/08/08**

(A/O – Manager Finance)

File Ref: 30/08/17

**Synopsis**

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

**Report**

The report shows the annual budget and year to date actuals with a percentage calculation based on the actual expenditure or income to the end of the reporting period. This should be viewed against the percentage of year completed which is shown in the report heading of 16.7%.

**Hepburn Shire Council  
Monthly Financial Report August 2008  
Percentage of year complete 16.7%**

	Annual Budget 000's	Actual Aug 08 000's	Percentage of Budget
<b>1. Administration</b>			
Expenditure	4834	751	16%
Income	(12859)	(10467)	81%
<b>1. Administration</b>	<b>(8025)</b>	<b>(9716)</b>	
<b>2. Human And Community Services</b>			
Expenditure	2764	359	13%
Income	(1866)	(273)	15%
<b>2. Human And Community Services</b>	<b>898</b>	<b>86</b>	
<b>3. Regional Development/promotion</b>			
Expenditure	2191	281	13%
Income	(1166)	(114)	10%
<b>3. Regional Development/promotion</b>	<b>1025</b>	<b>167</b>	
<b>4. Public Safety</b>			
Expenditure	708	101	14%
Income	(272)	(16)	6%
<b>4. Public Safety</b>	<b>436</b>	<b>85</b>	
<b>5. Recreation</b>			
Expenditure	1672	158	9%
Income	(663)	(6)	1%
<b>5. Recreation</b>	<b>1009</b>	<b>152</b>	
<b>6. Infrastructure Development</b>			
Expenditure	2913	485	17%
Income	(3382)	(589)	17%
<b>6. Infrastructure Development</b>	<b>(469)</b>	<b>(104)</b>	

**5. GOVERNANCE AND STRATEGIC MATTERS**

**Hepburn Shire Council  
Monthly Financial Report August 2008  
Percentage of year complete 16.7%**

	<b>Annual Budget 000's</b>	<b>Actual Aug-08 000's</b>	<b>Percentage of Budget</b>
<b>7. Waste &amp; Environment</b>			
Expenditure	1476	123	8%
Income	(1498)	(1435)	96%
<b>7. Waste &amp; Environment</b>	<b>(22)</b>	<b>(1312)</b>	
<b>8. Unclassified</b>			
Expenditure	6	-	0%
Income			
<b>8. Unclassified</b>	<b>6</b>	<b>-</b>	
<b>10. Depreciation</b>	<b>4477</b>	<b>0</b>	<b>0%</b>
<b>Report Total</b>	<b>(664)</b>	<b>(10642)</b>	

The report has been produced at a summary level to provide Council with a snap shot as at the end of August 2008. There are ten areas where the percentage varies significantly from the year completed percentage they are:-

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

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

Regional Development / Promotion – Income Substantial grant to be received in the later part of the year.

Public Safety – Income. This relates mainly to health regulation fees due in January 09 and animal registrations where virtually all income is received by the end of April 09.

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

Recreation – Income. Bathhouse rent not receivable until mid September 2008.

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

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

Unclassified – Expenditure & Income. Emergency Grant expected to be paid in October/November 2008.

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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Depreciation – Depreciation is brought to account at the end of the year.

Capital & Projects – Are not included in this report due to the late adoption of the Budget very little has been spent in this area. A more detailed report will be included in the September Quarterly Report.

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

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

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

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

Nil.

<p><b><u>Recommendation:</u></b></p>
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<p>5.6.1      <i>That the August 2008 finance report be received and noted.</i></p>
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### ***Moved the Officer's Recommendation.***

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



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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.7 ADOPTION OF THE SUSTAINABLE PUBLIC LIGHTING ACTION PLAN

(A/O – Environmental Sustainability Officer)

File Ref: 46/04/01

#### Synopsis

This report provides details of the Sustainable Public Lighting Action Plan (SPLAP) and opportunities for the Shire to progress sustainable development through implementing energy efficient lighting to the public sector.

Council is asked to adopt the SPLAP and support the outlined recommendations.

#### Report

Joining the ICLEI Cities for Climate Protection Program in 2003 to reduce carbon emissions through a five-step program Council resolved that, 2001/2002 would be the base year and 2010 the target year for measuring greenhouse emissions resulting from community and Council operations.

Council has resolved that by 2010 Council emissions will be 20% less than in 2001/2002 and Community emissions be 10% less than in 2001/2002. Since then the Shire of Hepburn has been implementing strategies to reduce Council carbon emissions.

As part of the CCP Program, Council has identified a range of actions to reduce carbon emissions, the Sustainable Public Lighting Action Plan (SPLAP), integrates with this program.

Accounting for 19% of Hepburn Shire's total emissions, development of the SPLAP and implementation of the outlined actions will demonstrate leadership and a commitment to cost effective, energy efficient and low carbon emission public lighting.

The fifteen high pressure sodium lamps changed over in 2005 are an example, demonstrating lower energy consumption and reduced carbon emissions, as well as participation in a Powercor lighting trial of energy efficient T5 fluorescent lights to a new development at Trentham.

The T5 lights Operational Maintenance & Replacement (OMR) charges being put forward by the various distributors is of concern for all Councils as this cost is prohibitive. The MAV is pursuing a more sustainable charge.

An electronic copy of the SPLAP has been circulated to Councillors and also placed on Council's website.

#### Relevant Policies / Council Plan implications

Council Plan 5.1      *Promote and practice environmental management and sustainability.*

#### Community / Engagement / Communication / Consultation

Results from the T5 trial in Trentham will be communicated to the community together with the endorsement of the SPLAP.

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### Financial & Resource Implications Initial & Ongoing

Whilst the current trial of T5 lighting represents potential energy savings of 7009 kWh and reduced carbon emissions to Council, the associated annual cost shows a significant increase. An additional outlay of \$224.50 per lamp is being proposed due to the increased OMR charges proposed for a T5 lamp fitting.

#### **Recommendation:**

*That Council:*

- 5.7.1 *Adopt the SPLAP as presented.*
- 5.7.2 *Implement alternate energy efficient initiatives toward Council endorsed CCP goals.*
- 5.7.3 *Support MAV negotiations with Powercor to secure energy efficient street lighting options for Local Government*
- 5.7.4 *Incorporate T5 lighting options in future Council street light planning, subject to Powercor reviewing and lowering OMR charges for T5 lights to a more sustainable charge.*

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

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

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.8 BOBONARO FRIENDSHIP GROUP

(A/O – Chief Executive Officer)

File Ref: 16/23/01

#### Synopsis

The Bobonaro Friendship Group was initially formed in 2000 however it was not until 2004 that the Council resolved to 'work in partnership' with the Group and, in the following year, to sign a Friendship Agreement with the Sub District of Bobonaro

This report seeks a decision from Council to reaffirm its commitment to the Bobonaro Friendship Agreement and to establish an Advisory Committee responsible for pursuing the objectives of the Friendship Group.

#### Report

Formed in 2000, the Bobonaro Friendship Group was an 'off-shoot' of a Community Aid Abroad initiative called the East Timor Sanctuary Network.

The concept of Friendship Groups came to fruition in 2000 when a Statement of Principles was signed by the then President of the Council of Timorese Resistance (Xanana Gusmao), the Victorian Local Government Minister and the Presidents of the MAV and the VLGA. The VLGA has consistently promoted the Friendship program with the aim of developing friendship, support and cross-cultural understanding at a grass-roots level between the people of Timor-Leste and the people of Australia through local governments and their communities. There are now over 40 such relationships involving nearly 60 local governments across Australia. Bobonaro was suggested as a suitable town by Abel Guterrez (now Consul General for East Timor), being a small community in the hills of East Timor with hot spas nearby.

In June 2004, a representative of the VLGA East Timor Working Group addressed the Hepburn Shire Council seeking its participation and support for the Friendship program and Council subsequently resolved to 'work in partnership' with the Bobonaro Friendship Group.

The Bobonaro Friendship Group has no legal status; rather it is a small band of dedicated residents who, since 2000, have raised funds and arranged for the consignment of a variety of equipment and instruments to Bobonaro. In September 2005, two local residents – Pam Harris and Anne Finch – visited Bobonaro and reported on the impoverished living conditions, the lack of infrastructure and the lack of employment opportunities. The efforts of the Group are to be commended particularly in light of the language difficulties and the lack of a contact person in Bobonaro (the point of contact having fled the town during the unrest in 2007).

On 23 July, the Mayor convened a meeting of the existing members of the Bobonaro Friendship Group as well as other residents who had expressed an interest in being involved. The purpose of this meeting was to discuss ways in which the Group could enlist broader community support and how Council could provide more visible and practical support.

The meeting was attended by Dan & Pam Harris, Anne Tamblyn, Andrew Jalanski, Dr Greg Stewart, Anne E Stewart and the Mayor. Mr Andrew Miller of the City of Ballarat was also in attendance to speak about his Council's involvement in the Ballarat-Ainaro Friendship Group.

The Ballarat group was initially formed at a community level in 1999. In 2003 the Ballarat Council established a Friendship Agreement with Ainaro and in 2005 resolved

## 5. GOVERNANCE AND STRATEGIC MATTERS

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to establish a Section 86 Committee for the purpose of *administrating, managing and developing the Friendship relationship.*

Following Mr Miller's presentation and discussion at the 23 July meeting, those in attendance agreed that the establishment of an Advisory Committee (rather than a Section 86 Committee) would be an appropriate vehicle through which Council could demonstrate 'visible and practical' support for the Friendship Group. In addition the imprimatur of an Advisory Committee would clarify the status of the Friendship Group, afford its members some degree of protection and would hopefully assist in enlisting broader community support.

Should Council proceed with the establishment of the Advisory Committee, there is an expectation that it would be administratively supported with Council Resources. In this regard, Andrew Jalanski, Council's Senior Environmental Health Officer has indicated a preparedness to administratively support the Committee.

Appended to this Report is the Draft Terms of Reference for the establishment of the Advisory Committee (***Refer Attachment 2***)

### **Relevant Policies/Council Plan Implications**

Strengthening Communities through fostering of community cohesion.

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

Council has consulted with the members of the Bobonaro Friendship Group in the development of this proposal. It is envisaged also that Council will seek broad representation on the Advisory Committee by canvassing individuals, service organizations, churches and other agencies prior to appointment of members to the Advisory Committee.

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

Minimal financial implications although Council may wish to provide an annual allocation in future budgets.

#### **Recommendation:**

*That Council:*

- 5.8.1 *Reaffirm its previous resolution and commitment to the Bobonaro Friendship Group.*
- 5.8.2 *Agree to the establishment of the Bobonaro – Hepburn Friendship Group Advisory Committee pursuant to Section 88 of the Local Government Act 1989.*
- 5.8.3 *Approve the Terms of Reference for the Advisory Committee attached to this Report.*

***Moved the Officer's Recommendation with the Terms of Reference modified to include a two (2) year term.***

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

## 5. GOVERNANCE AND STRATEGIC MATTERS

### 5.9 SUPPLY AND ERECT TWO INDUSTRIAL SHEDS – CONTRACT H191 (A/O-Manager of Operations) File Ref: H191-2008

#### Synopsis

Tenders were invited for the supply and erection of two (2) Industrial sheds as part of the New Daylesford Depot development.

#### Report

This contract was developed for the supply and erection of sheds for the major operations and storage facilities within the New Daylesford depot encompassing the road and parks operations at Daylesford.

Specifications and plans were prepared for the contract and tenders were advertised in the Ballarat Courier on the 23 and 30 August 2008 and tenders were forwarded to 9 prospective contractors.

The tender closed at 5 pm on Wednesday the 3 September 2008 and the following tenders were received.

Tenderer	Location	Tender Amount
Ballarat Civic Constructions	Ballarat	\$659,405.00
Apex Sheds	Ballan	\$377,479.36

Tenders were opened in accordance with Council policy in the presence of Rod Conway – Director Infrastructure & Development and Andrew Bourke – Manager Operations.

Engineer's estimate based on quotations from shed manufacturer for the supply and erection in May 2008 was \$306,700.

From the tenders received and in accordance with the requirements under this contract it is recommended that this contract not be awarded and that Council seek alternative competitive quotations from shed manufacturers for these works.

These quotations would be sought in accordance with Council's Purchasing Policy and the public tender threshold requirements (amended from \$100,000 to \$200,000) recently under the Local Government Act.

#### Relevant Policies / Council Plan implications:

##### Council Plan

**Objective 3.** Asset and Resource Management- Improve the management of assets through management of the budget

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

Tender advertised in papers that are available within municipality

#### Financial Implications

Council has an allocation of \$1,450,000 for the Depot works and the supply and installation component is incorporated within this budget amount.

#### Recommendation:

*That Council:*

- 5.9.1 *Not award the contract No H 191-2008 for the supply and erection of the Industrial sheds for the New Daylesford Depot and duly notify the tenders of this decision*
- 5.9.2 *Seek alternative competitive quotations in accordance with the requirements of the Local Government Act and Purchasing Policy.*

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**5. GOVERNANCE AND STRATEGIC MATTERS**

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

***Moved: Cr Janine Booth***

***Seconded: Cr David Smith***

***Carried.***

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.10 YOUTH POLICY REVIEW - POLICY NUMBER 43

(A/O – Community Strengthening/Youth Development Co-ordinators) File Ref: 16/18/03

#### Synopsis

This report asks Council to consider a review of the Hepburn Shire Council Youth Policy No. 43 (**Attachment No. 3**).

#### Report

Hepburn Shire Council's previous Youth Policy was prepared in 2005. This is the first review of the policy.

Young people are an integral part of our communities. There are 1,914 people aged 12-24 years in the Hepburn Shire. Young people (15-24 years) make up 10% of the Hepburn Shire population, compared to 14% of the State population, reflecting Hepburn Shire's ageing population. There has been a decline in the 15-24 year age group in the last three census; 1470 (1996), 1458 (2001) and 1319 (2006) despite modest overall population increases. See accompanying map for distribution.

Approximately one third of young people in the Hepburn Shire are employed represented in a broad range of industries. 43% of working young people earn between \$250 and \$599 per week.

In 2006, 267 people aged 15-24 years were involved in volunteer work of some description in the Hepburn Shire. This is consistent with Hepburn Shire's overall rate of volunteerism (20%).

The Youth Policy is an essential step in ensuring that Hepburn Shire Council is doing its utmost to advance the causes of young people and to acknowledge what they do to enrich the lives of community.

Society has many strong negative connotations around young people. They are often defined by the percentage of early school leavers, as being at risk from drug and alcohol abuse or those who are experiencing problems with homelessness. The 2006 Census data proves that researching the positive contributions that young people make to society is a difficult task. For example the Community Indicators Victoria Wellbeing Map provides information on a range of topics such as Volunteering, Participation in Arts and Cultural Activities and Social Support in relation to the adult population, but touches on youth only as those aged 15-19 years who are in, or out, of school or full time employment. The information on how many young people participate in sporting clubs, community life and charity work goes undocumented. They do in fact impact on the industry and economics of the Shire as well as making a significant contribution to health and well being by contributing to community through music, volunteering, arts, serving on events and community committees and more. The first Hepburn Shire Youth Advisory Committee Youth Recognition Awards held during National Youth Week in April this year highlighted these contributions, with 23 applications across five categories.

We must also acknowledge that young people are faced with difficulties relating to isolation, lack of employment, training and education opportunities.

This policy is aimed at building opportunities for young people in Hepburn Shire, which will encourage or allow them to remain living locally. It also focuses on creating a positive experience for young people who may leave so that one day they may return to live in Hepburn Shire.

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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The main strategies include community engagement, advocacy/leadership, service delivery, creating a positive image of young people and building partnerships with community groups and organisations.

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

Youth Policy

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

The Youth Policy has been considered by the Youth Advisory Council and should be circulated for public review as a draft document.

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

This policy does not require any additional resources in addition to the current allocation.

### **Recommendation:**

*That Council:*

5.10.1 *Adopts the Hepburn Shire Council Youth Policy as a draft*

5.10.2 *Direct the policy be placed on public display for comment by the community*

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

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



**5. GOVERNANCE AND STRATEGIC MATTERS**

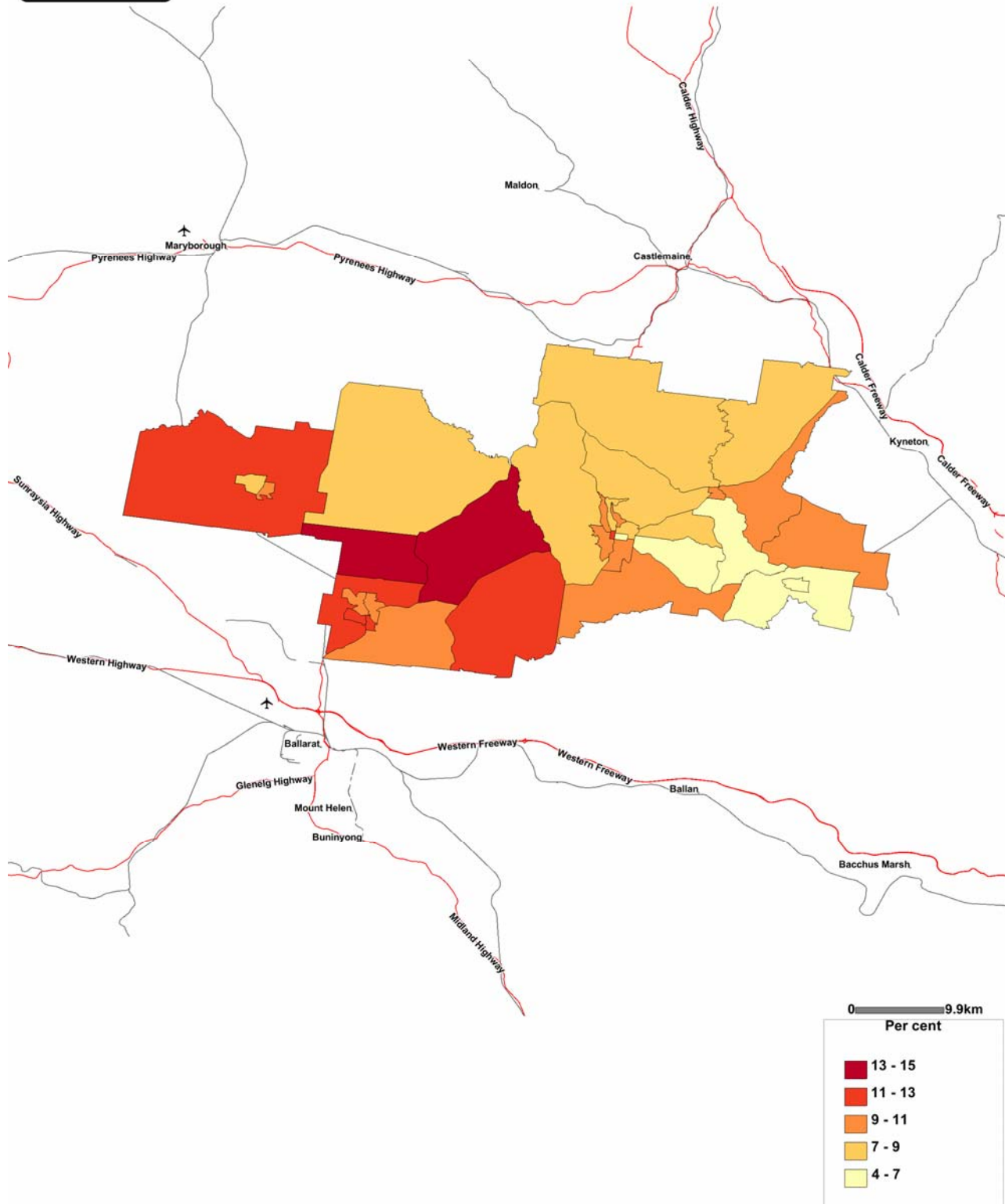
\*Statistics courtesy of Australian Bureau of Statistics [www.abs.gov.au/census](http://www.abs.gov.au/census) downloaded August 2008

**Population Distribution of People Aged 15-24 Years in Hepburn Shire**



**People aged 15-24 years**

As a percentage of the total population  
Based on Place of Usual Residence, 2006  
Hepburn (S) (Local Government Area) by Census Collection District



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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.11 SALE OF LAND TO RECOVER UNPAID RATES AND CHARGES

(A/O – Manager Governance & Information)

File Ref: 52/04/01

#### Synopsis

Council is able to sell land where any rates and charges have remained unpaid for at least 3 years. Section 181, Local Government Act 1989 makes this provision and prescribes the legal process to be followed. The process is exhaustive and complex, necessarily so as the Council is dealing statutorily with property of individuals in the exercise of recovering money it claims has been levied or debt incurred and to which it is entitled. Obtaining a Magistrates Court Order for payment is an initial step along with giving the prescribed public notice and how the proceeds of any sale are distributed.

#### Report

Ongoing examination of outstanding rate debtors occurs. As part of ensuring procedural fairness and equity it is necessary to attempt to contact 'owners/occupiers' and physically check each property prior to commencing proceedings. While this can be time consuming it can bring to light new addresses for owners and then payments and payment arrangements can be put in place. This all takes place after initial service of rate notices, attempted debt collection through normal means and writing to owners.

If a sale does take place, Council is able to recover all costs associated with the sale (subject to adequate sale price which cannot be less than a current statutory valuation of the property) and any balance must then be paid to the owner or other person having a proven interest in the land. If no one can be located after reasonable efforts to trace them, excess amount can be taken into Council's general revenue.

On 17 June 2007 Council authorised action under S181 for 8 properties. This Report notes below progress to date where some \$14,415 has been recovered:

Prop#	Description	Status
14489	CA 6A Sec F 524 Blackwood Rd Newbury	Property sold with settlement 20 August and \$5,248.44 to be recovered from proceeds.
101119	Lots 81, 82 & 83 LP 12123 12 Spring Ave Sailors Falls	Magistrates Court Order 25 July 2008 and Statutory Notices 19 August 2008 – sale to take place after 26 September 2008 - \$6,616.90# + sale expenses to be recovered.
103155	CP 173821 6225 Midland Hwy F'linford	Magistrates Court Order 25 July 2008 with substituted service and Statutory Notices 19 August 2008 – sale to take place after 26 September 2008 - \$4,620.34 + sale expenses to be recovered.

**5. GOVERNANCE AND STRATEGIC MATTERS**

13334	Pt CA 5 Sec 10 14 Bath St Clunes	Magistrates Court Order 25 July 2008 with substituted service and Statutory Notices 19 August 2008 – sale to take place after 26 September 2008 - \$3,551.09 + sale expenses to be recovered.
104301	CA 36 Sec 12 Powell Connection Rd F'ford	Being held pending ongoing discussion with owner.
104439	Lot 1 LP 125638 Werona Rd Werona	Statutory process about to commence following effluxion of 3 years with Magistrates Court Order to be sought following no response from owners.
100359	CA 5, 6 & 9 S38; CA 1 S39 26 Leggatt St Daylesford	Owner paid all outstanding prior to commencement of statutory process - \$2,578.
13596	Pt CA 30 Sec 6 65 Pickfords Rd Clunes	Action held pending property sale by owner and all amounts recovered on Settlement - \$6,589.88

**Further property:**

11967	CA's 8, 9, 17, 18, 21 & 22 19 Leishman St Allendale	This property was part of an earlier Council decision and Statutory Notices – 19 August 2008 have just been served following no response from owners - \$2,684.52.
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#: Includes VCAT Order amount.

It may be observed on Statutory Notices on the land or from published notices, that amounts owing as stated in the Notices differ from those above. The above amounts do not include all legal costs included by solicitors in the Statutory Notices.

**Further Properties for S181 Consideration and Action**

The following properties have rates and charges outstanding for more than the statutory 3 years, no payment arrangements are in place and Council's authorisation is required to commence action under S181.

Prop#	Description	Status	Period Outstanding/ Last receipt	Amount
200607	Lot 4 PS 96788 121 Main Rd Hepburn	Vac land CIV \$92,000	2004/05	\$3,302.86
201715	CA 19 Sec 3 P/Glenlyon 150, Henrys Rd Glenlyon	Vac land CIV \$160,000	2005/06	\$1,899.90
101350	CA 18 & 19 Sec 24 T/Hep 9 Range Rd Hep Springs	Vac land CIV \$180,000	2004/05	\$3,570.20
102627	Lot 67 PS 114002 110 Woodduck Drv W'shf	Vac land CIV \$110,000	2005/06	\$1,456.05

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100357	CA 5 Sec 39 T/D'sfd 38 Leggatt St D'sfd	Vac land CIV \$92,000	2005/06	\$3,377.34
12052	CA 5 Sec 52 T/Cres'k 56 Melbourne Rd Cres'k	Vac land CIV \$42,000	2005/06	\$908.20
201230	CA 51H Sec E P/Clunes 165 McDonalds Rd Clunes	Vac land CIV \$58,000	2005/06	\$832.51

None of the above amounts include 2008/09 rates and charges. Owners of most of the properties are not traceable.

### Relevant Policies / Council Plan implications

Council's Revenue Policy # 6 Part 8 specifically allows for Section 181 provisions of the Local Government Act 1989 to be used in the circumstances where other attempts to collect amounts have been exhausted; the 3 year period has expired; and the owner does not live permanently on the property.

Council Plan 2006 – 2011 Key objective 3 on Asset and Resource Management calls for a strategy of responsible Financial Management. Collection of outstanding revenue by appropriate means equates to responsible financial management.

### Community / Engagement / Communication / Consultation

There is no need for direct community consultation in these instances. However, there are statutory requirements to be followed regarding contact with owners or persons who may have an interest in the property, public notice of any sale as well as notice periods where signs are erected on properties.

### Financial Implications

Collection of outstanding rates and charges assists cash flow. In some instances excess amount from sales can be brought into revenue where no claims for the funds are received. For the properties subject to this report, there may only be one that falls into the category where claims for excess may not be received. Legal costs and expenses relating to any sale of the properties are recoverable from the sale proceeds.

### Recommendation:

That Council :

5.11.1 *Note the up-date status Report*

5.11.2 *Council approve and authorise action to be taken by the Chief Executive Officer pursuant to S181 of the Local Government Act 1989 relating to the further properties viz 200607; 201715; 101350; 102627; 100357; 12502 and 201230 as listed in the above Report for the recovery and collection of outstanding rates and charges.*

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

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

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### 5.12 CHRISTMAS OFFICE CLOSURE

(A/O – Chief Executive Officer)

File Ref: 16/10/01

#### Synopsis

This report discusses the proposal to close the Hepburn Shire Council offices, Town Hall, Duke Street, Creswick office and both Depots, Hepburn Springs and Creswick over the Christmas/New Year period, similar to the past few years.

The report also outlines the arrangements for an early closure of the offices on Friday 19 December 2008 to facilitate an all organisation Christmas celebration.

#### Report

It is proposed that the Hepburn Shire municipal offices, Town Hall, Duke Street, Creswick office and both depots be closed for the period from 3.00pm on Wednesday 24 December 2008 to return of business on Monday, 5 January 2009.

The period comprises seven week days. Public holidays have been assigned, under the Public Holidays Act, to Thursday 25 December, Friday 26 December 2008 and Thursday, 1 January 2009 in recognition of Christmas Day, Boxing Day and New Year's Day respectively. It is proposed that the four days (Monday 29 December, Tuesday 30 December, Wednesday 31 December and Friday 2 January, 2008) will be taken by staff as annual leave during this period.

Christmas/New Year closure enables staff to take a break with very little impact on service delivery and at the same time provides the opportunity for staff to reduce outstanding annual leave and rostered day off balances. This has been the practice over the past few years and experience indicates that limited demand is placed on municipal services over this period and that the offices and works depots closure is generally accepted by the community.

Further, each year Hepburn Shire Council holds an end of year Christmas break-up function to thank staff for their contribution to the organisation over the past 12 months. In order to facilitate this celebration it is proposed that the municipal offices close early on Friday 19 December 2008 at 2 pm.

#### Relevant Policies / Council Plan implications

Nil

#### Community / Engagement / Communication / Consultation

It is proposed that the office and depot closures (19 December 2008 and Christmas closure) will be advertised in Hepburn Advocate and the Ballarat Courier newspapers.

Further, public advertisements will indicate the arrangements for service provision and emergency response over the Christmas/New Year period

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## 5. GOVERNANCE AND STRATEGIC MATTERS

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### Financial & Resource Implications Initial & Ongoing

There is no financial impact as a result of closing the offices and depots between Christmas and New Year. The closure provides the organisation with the opportunity to decrease its annual leave liability.

#### Recommendation:

*That Council:*

:

- 5.12.1 *That the Hepburn Shire Municipal Offices and Depots be closed for the period from 3.00pm on Tuesday 24 December 2008 to return of business on Monday 5 January 2009.*
- 5.12.2 *That the Hepburn Shire Municipal Offices and Depots close at 2 pm on 19 December 2008 to facilitate an end of year staff Christmas function for staff.*
- 5.12.3 *That advertisements be placed in the Hepburn Advocate and the Ballarat Courier newspapers advising of the Offices and Depots closure arrangements, indicating service delivery and emergency response arrangements during the 2006/2007 Christmas/New Year period.*

***Moved the Officer's Recommendation with an Amendment to item 5.12.3 to read 2008/2009 Christmas / New Year period.***

***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 .

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

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Nil reports received



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## 8. STATUTORY MATTERS

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### 8.1 FOREST RESORT

(A/O – Director Infrastructure & Development)

File Ref: 2/4630/00783

#### Synopsis

The owner of the Forest Resort - Creswick, Mr Jim Walsh, has briefed Councillors on his vision for future development of land to the south of the resort and is seeking feedback from Council.

#### Report

The Forest Resort concept was initially proposed back in 2001 when the Creswick Golf Club was in financial difficulty. A rescue package was floated by Mr Walsh whereby the land, which was not sustainable as a stand alone golf course, would be developed incorporating residential development, residential hotel and other supporting development.

Council proceeded with an amendment to re-zone the land to a Special Use Zone – Creswick Golf Course with a Development Plan Overlay. The Development Plan would guide the future development of the land.

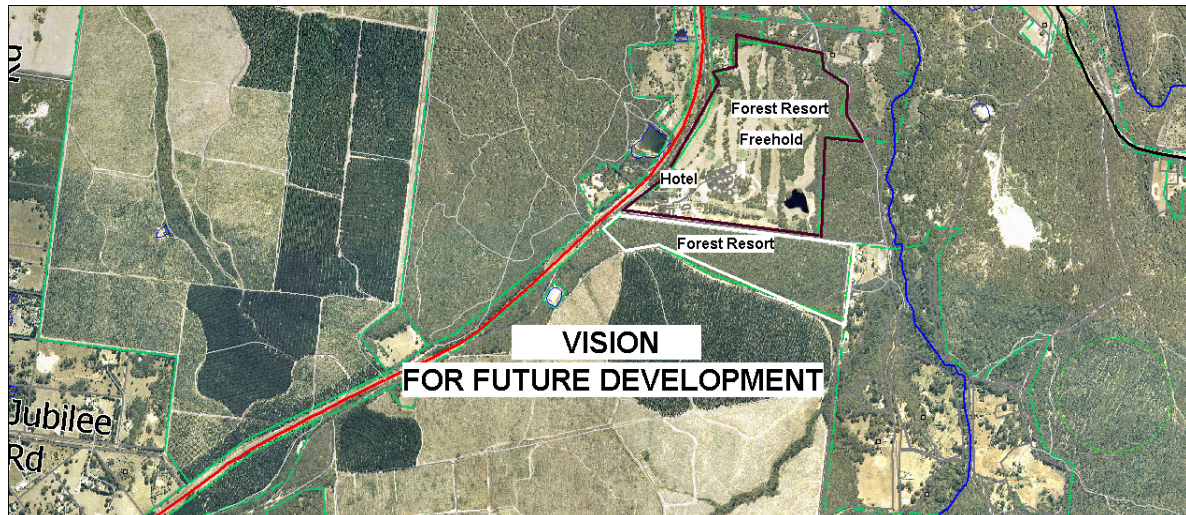
After further planning for the site it was proposed to extend the Special Use Zone & Development Plan Overlay over an area of unused crown land immediately to the south to allow for a full 18 hole golf course and better use of the golf course freehold land. The development plan was updated to incorporate this land and after a considerable time this land is now part of the Forest Resort development.

Mr Walsh has briefed Councillors on his long term vision for development of land further to the south of the current Forest Resort development, which is crown land operated by Hancocks under a forestry licence.

The broad concept is to create further tourist/recreational activities on the land to the south as well as supporting residential / accommodation zones to compliment the Forest Resort & Creswick.

Mr Walsh is seeking Council's response as to whether the concept of development to the south is a definite "no" or whether Council would be prepared to discuss with the relevant State Government Departments further development of the broad concept.

## 8. STATUTORY MATTERS



### Relevant Policies / Council Plan implications

#### Council Plan – Objective Four – Economic Development

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

#### Community / Engagement / Communication / Consultation

Community engagement would occur as part of any definite planning proposal.

#### Financial & Resource Implications Initial & Ongoing

Nil.

#### Recommendation:

*That Council:*

- 8.1.1 *Advise Mr Walsh that Council is prepared to discuss with the relevant State Government Departments the “broad concept” for land to the south of Forest Resort, Creswick which would support expansion to the existing Forest Resort, tourism operation.*

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

- 8.1.1 Advise Mr Walsh that Council is prepared to discuss with the relevant Government Department the “broad concept” for land to the south of Forest Resort, Creswick on which expansion to the existing Forest Resort tourism operation is planned.**
- 8.1.2 That Council will consult with the Creswick community about the proposed development.**

**Moved: Cr Bill McClenaghan**

**Seconded: Cr Heather Mutimer**

**Carried.**

**Cr Mutimer requested that her dissent be noted.**

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## 8. STATUTORY MATTERS

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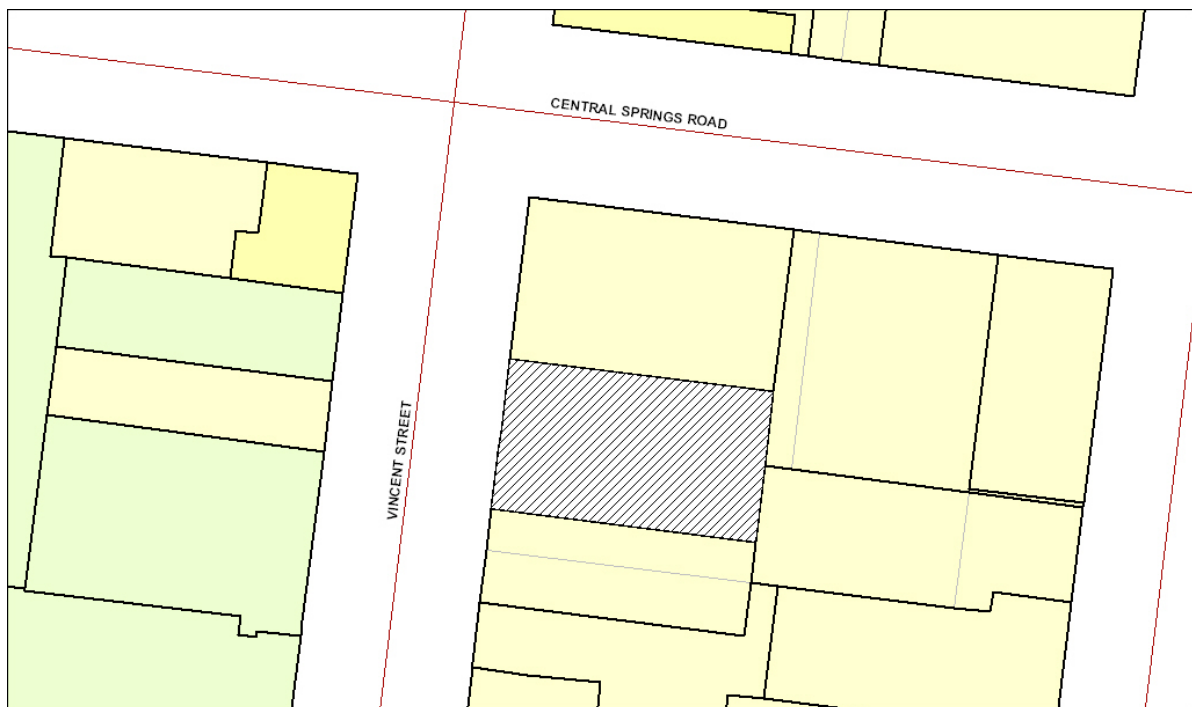
### 8.2 APPLICATION NO. 2008/9783, PROPOSED: USE AND DEVELOPMENT OF TWO SHOPS & CARPARKING WAIVER – 97 VINCENT STREET DAYLESFORD

(A/O – Planning Officer 3)

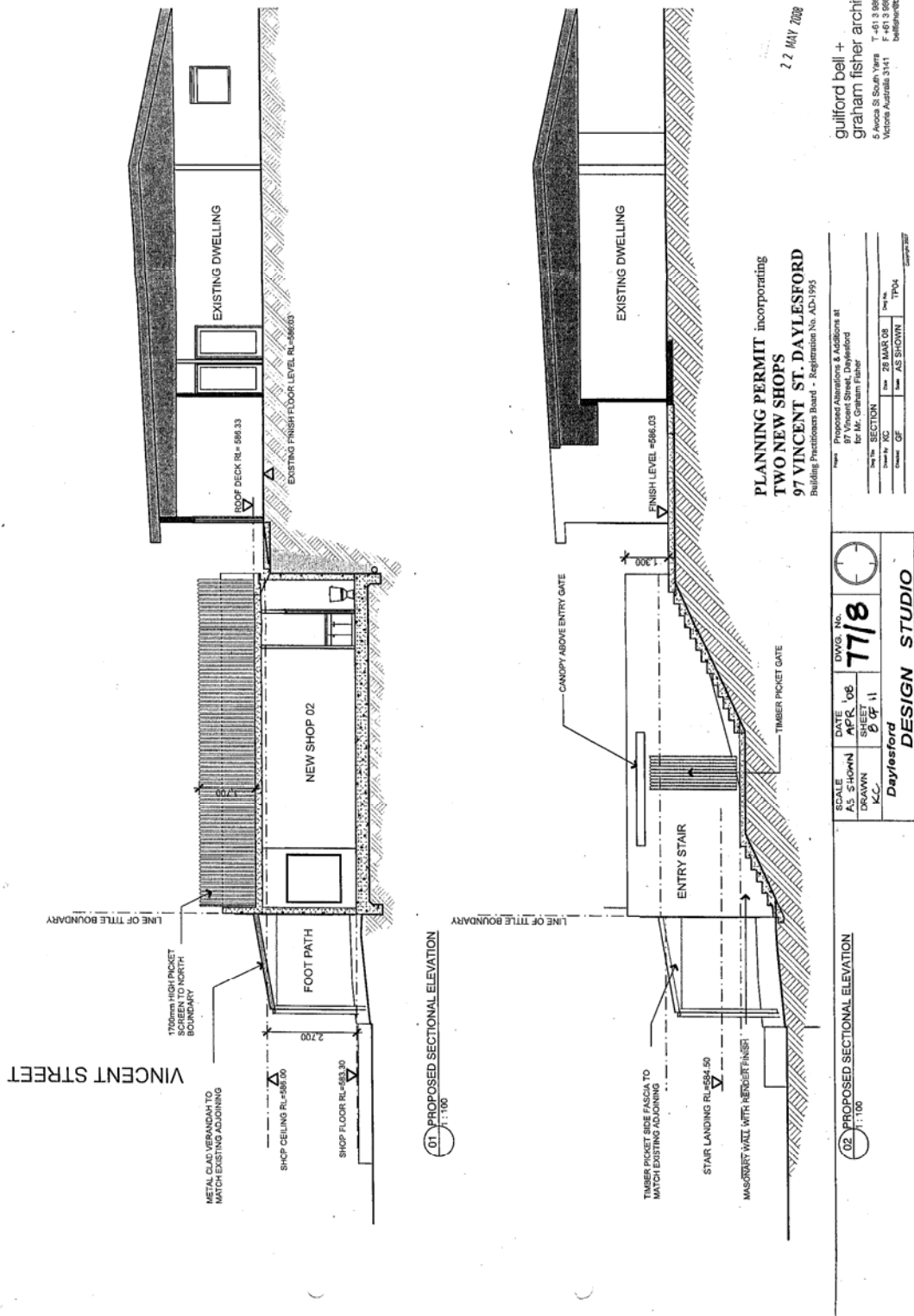
File Ref: 5/7300/96100/P

#### Synopsis

Applicant:	Mr Ian Esmore
Location:	97 Vincent Street, Daylesford Lot Pt 1, TP 11764 TSH TDF
Proposal:	Use and development of two shops and car parking waiver
Zoning:	Business 1 Zone – B1Z
Overlay Controls:	ESO1, ESO2, HO694
No of Objections received	Nil
Recommendation	Grant a Planning Permit



8. STATUTORY MATTERS



Report

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## 8. STATUTORY MATTERS

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### INTRODUCTION

A planning application was submitted to Council for the construction of two (2) shops and a waiver of car parking requirements on 22 May 2008.

### PROPOSAL

It is proposed to construct two shops with street frontage in front of the existing residence on the lot. A verandah will be positioned over the footpath. The lot measure 697m<sup>2</sup>.

As per the existing two shops on the adjoining lot an open deck will form the roof providing an open space area for the existing dwelling on the lot.

A new concrete stair entrance will provide access to the dwelling setback beyond the shops.

### REFERRAL AUTHORITIES

#### Section 55 Referral

Nil

#### Section 52 Referral

Nil

### REFERRAL WITHIN COUNCIL

Heritage Advisor: 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.
- 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 17.01 Activity Centres

The objective of this clause is to encourage the concentration of major retail, commercial, administrative and other developments into existing activity centres. This development is located in the existing township (Daylesford) activity centre therefore meets the objectives of this clause.

#### Clause 17.02 Business

Commercial developments should be encouraged into existing activity centres. The application is located within the existing CBD of the township of Daylesford.

### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Nil

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## 8. STATUTORY MATTERS

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### **ZONE AND OVERLAY PROVISIONS**

#### **Clause 34.01-4 Building and Works (B1Z)**

A permit is required for building and works in the B1Z. The use of a shop does not require a permit.

Before deciding on an application in addition to Clause 65 one must consider the movement of people, provision of parking (requested a parking waiver), the interface with adjoining zones and rubbish storage.

The applicant has provided details which satisfy these requirements. The immediate area has existing pavements for pedestrian traffic, existing on street parking, the rubbish will be stored internally and the existing use of the area for business demonstrates that there will be no material detriment to adjoining property uses.

#### **Clause 42.01-2 Environmental Significance Overlay 1 & Clause 42.01-2 Environmental Significance Overlay 2**

The proposal poses no threat to the quality of water in the shire. All services are available and stormwater must be directed to the legal point of discharge.

#### **Clause 43.01-1 Heritage Overlay**

The proposal mirrors development in the streetscape. A development in the Heritage Overlay must respect the character of the heritage area. The application was referred to the Heritage Advisor for comment. The heritage advisor did not object to the proposal subject to conditions.

The heritage advisor suggested replacing the roof deck with a hipped or gable roof at a pitch of 28-35 degrees and clad in corrugated iron. This suggestion may block light from the windows of the existing residence to the rear of the shops therefore this suggestion will not be incorporated into the permit conditions.

All other Heritage Advisor requirements will form a condition on this permit.

### **ASSESSMENT**

#### **Clause 52.06 Car Parking**

A development in the B1Z must provide car parking. The floor area of the two shops is 116m<sup>2</sup> which equates to the need to provide 9.1 car spaces.

In this instance given the constraints on the land size and the existing dwelling located directly behind this proposed development, the applicant has asked that the car parking requirements be waived.

A review of existing car parking arrangements on both sides of Vincent Street and in the adjacent street of Central Springs Road has been undertaken. Notwithstanding the general availability of car parking in the area, it is considered with reason to waive five car parking spaces of the required nine spaces and to seek the provision of remaining four car parking spaces.

In this case, the four car parking spaces are unlikely to be provided on site, thus the requirement from the applicant to pay cash in lieu of car parking at \$ 5000 per car parking space with a total contribution of \$ 20 000.

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

Community consultation was not undertaken.

## 8. STATUTORY MATTERS

### Financial & Resource Implications Initial & Ongoing

N/A

#### **Recommendation:**

*That Council having caused notice of Planning Application No. 2008/9783 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Permit under the provisions of the Hepburn Planning Scheme in respect of the land known and described as 97 Vincent Street, Daylesford; Lot Pt 1, TP 11764, TSH TDF, for the use and development of two (2) shops and a waiver of car parking requirements in accordance with the attached plans, with the application dated 22 May 2008 subject to the following conditions:*

1. *Before the use and/or development start(s), plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:*
  - a) *A detailed design of the shop fronts and verandah is to be submitted for further Responsible Authority approval.*
  - b) *The surface mounted signage display zone is to be removed from the elevation plans.*
  - c) *The height of the structures, including shopfronts, parapets and verandah's is to be increased to the satisfaction of the Responsible Authority.*
2. *Before the use commencing on site, a \$ 20 000 car parking contribution is to be paid to Council for the four car parking spaces to be provided on site at a cost of \$ 5000 per space.*
3. *This permit will expire if one of the following circumstances applies:*
  - *The development and use is/are not started within two years of the date of this permit.*
  - *The development is not completed within four years of the date of this permit.*

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

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

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

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**8. STATUTORY MATTERS**

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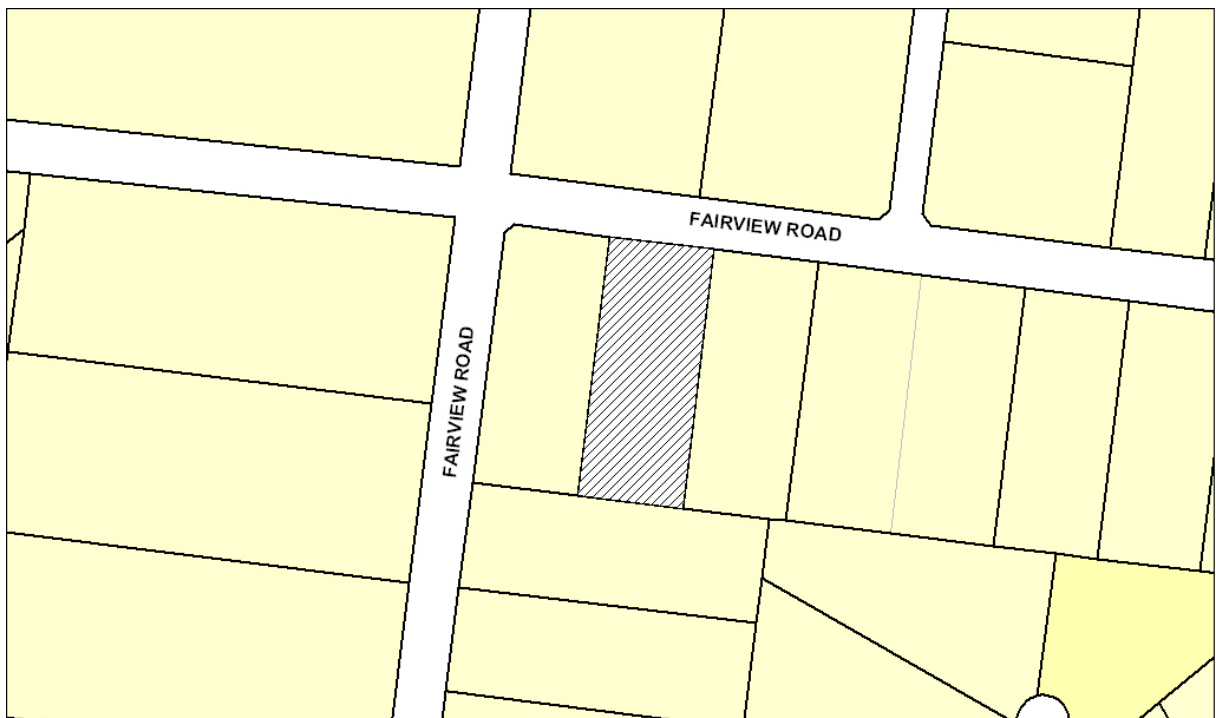
**8.3 PLANNING APPLICATION NO 2008/9713 - 108 FAIRVIEW ROAD, CLUNES  
PROPOSED TWO LOT SUBDIVISION**

(A/O – Planning Officer 2)

File Ref: 1/2307/00108/P

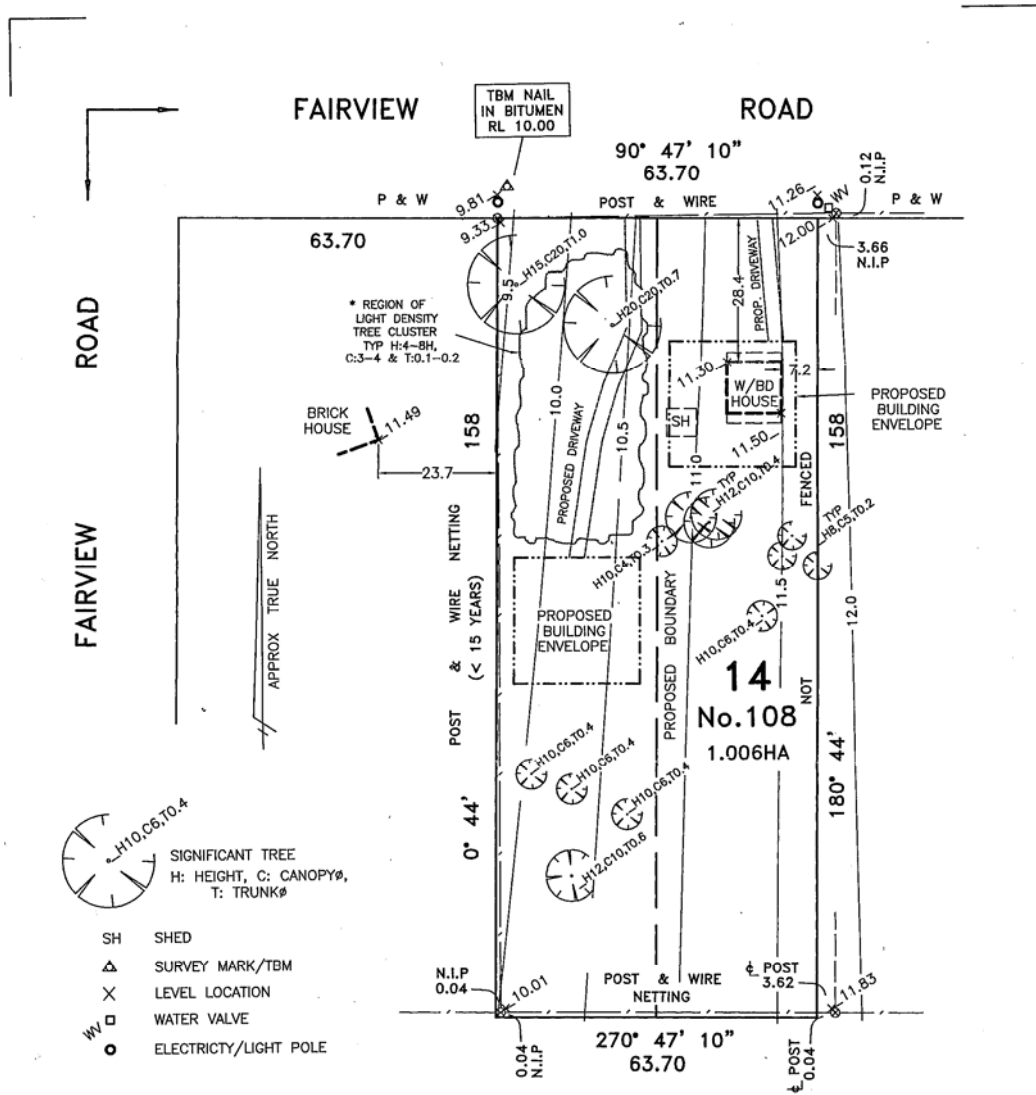
**Synopsis**

Applicant:	Szirom McGrath & Co.
Location:	108 Fairview Road, Clunes
Proposal:	Two lot subdivision
Zoning:	Low Density Residential
Overlay Controls:	Environmental Significance Overlay, Schedule 1
No of Objections Received:	2
Recommendation:	Refuse to Grant a Permit





8. STATUTORY MATTERS



LEVELS ARE TO AN ARBITRARY DATUM  
CONTOUR INTERVAL IS 0.5m

\* A NUMBER OF OPTIONS ARE AVAILABLE TO ALLOW  
A DRIVE-WAY WITH MINIMAL IMPACT ON TREES.

N.I.P.: NAIL IN POST

ALL OFFSETS SHOWN ARE TO A NAIL IN POST AT APPROXIMATE  
FENCE INTERSECTION UNLESS STATED.

N.B. ANY OCCUPATION AND FENCING OLDER THAN  
15 YEARS AND MORE THAN 0.05m OFF THE  
BOUNDARY HAS ADVERSE POSSESSION IMPLICATIONS.

NOTATIONS	CERTIFICATION	PLAN OF SURVEY
<p>THE LAND SHOWN IN THIS SURVEY IS SHOWN ENCLOSED BY THICK CONTINUOUS LINES.</p> <p>THE OCCUPATION OFFSETS ARE TO TITLE AND ARE SHOWN NOT TO SCALE.</p> <p>E 745 035 MGA ZONE 54 N 5 870 330 DATUM VIDE AP 7753/99</p>	<p>I GEORGE M SZIROM CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS THE OCCUPATION EXISTING ON</p> <p>2 JUL 08</p> <p>LICENSED SURVEYOR</p>	<p>PARISH CLUNES</p> <p>SECTION A ALLOTMENT -</p> <p>CROWN PORTION 1 (part)</p> <p>TITLE REF: VOL 9315 FOL 755 LP 126072</p> <p>LAST PLAN REF:</p>
<p>SZIROM McGrATH &amp; Co. LAND SURVEYORS. 113 CHURCH ST, KEILOR 3036 Tel: 9331 7099</p>	<p>SURVEYOR REF: 8012 VERSION: 1</p>	<p>SCALE 1:750</p> <p>LENGTHS ARE IN METRES</p> <p>SHEET SIZE A3</p> <p>SHEET 1 OF 1</p>

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## 8. STATUTORY MATTERS

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### Report

#### INTRODUCTION

This report has been prepared to assist Council in reaching a determination on the proposed two lot subdivision at 108 Fairview Road, Clunes.

The application site lies three and a half kilometres by road north west of the centre of Clunes. The site has an area of one hectare, is flat and low lying, and has a vegetation coverage of grass and scattered Eucalypts, with two large Red Gums of a considerable age at the front of the lot. There is a single dwelling on site, in a state of some disrepair.

Land in the vicinity has been subdivided to form an extensive semi rural residential estate. Lots close to the application site are around one hectare in area, with those to the north ranging from one and a quarter to two and a half hectares. As with the application site, the land in the vicinity is low lying and flat, with remnant native vegetation and some regrowth. Many of the lots have been developed with dwellings.

#### PROPOSAL

The proposal is to subdivide the land into two parcels. Both proposed lots would have a frontage of 32 metres to Fairview Road, a depth of 158 metres, and area of 0.5 hectares. A proposed building and effluent envelope was included in the application, with position of proposed driveways for the existing dwelling and a future dwelling on lot 1.

#### REFERRAL AUTHORITIES

The application was referred to the DSE and Goulburn Murray Water as section 55 referral authorities.

DSE had no objection, but required that a permit would include a restriction on the certified plan of subdivision securing the building envelope and driveway access for lot one.

Goulburn-Murray Region Water Authority (GMW) expressed misgivings that the subdivision could set a precedent for further subdivision, further increasing the density of unsewered development in an already marginal area. They did not however object to a permit being issued, subject to a number of conditions.

#### REFERRAL WITHIN COUNCIL

The application was referred to Council's Environmental Health Unit and to Engineering. Environmental Health did not object to the subdivision, but listed a number of conditions including the decommissioning of the existing septic system, which is inadequate.

Engineering had this to say: "Recommend for refusal. This is a natural low point on the terrain and is currently a swamp during the wet weather. Additional development will exasperate the problem.

Prior to additional development being permitted, a constructed drainage system will have to be created. This system will be highly expensive to construct as the land is very flat requiring long runs of pipe and excavation will be in basaltic rock.

The costs of the drainage solution will vastly outweigh the profit to be made from the development".

#### ADVERTISING/NOTICE OF APPLICATION

The application was advertised by letter to adjoining and adjacent owners and occupiers, and by a sign placed on the land. Two objections were received. The substance of the objections can be summarised as follows:

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## 8. STATUTORY MATTERS

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1. Concern about the burden placed on soils by on-site waste water disposal.
2. Would set a precedent, creating an urban type of future development for the area.
3. Would affect the amenity of the area.
4. Would devalue property.
5. Noise from future driveway.
6. Invasion of privacy from future dwelling.
7. Increase in stormwater runoff across boundary into neighbouring property.

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

#### STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 14.01 - Planning for urban settlement. Policy seeks to facilitate the orderly development of urban areas. To this end, responsible authorities are required to use any relevant structure plan in considering applications for subdivision.

Clause 15.09 – Conservation of native flora and fauna – to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals. If a planning application for subdivision could result in the removal of native vegetation, the three-step approach defined in the Native Vegetation Framework must be followed. (The subject site contains significant native vegetation, the proposal for subdivision may require some of it to be removed).

#### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.03-3 – Land Use Structure Plans (Clunes). The structure plan identifies the town boundary, and seeks to contain future urban development within the Clunes township boundary.

#### ZONE AND OVERLAY PROVISIONS

**Low Density Residential Zone** A permit is required to subdivide land.

**Environmental Significance Overlay Schedule 1 – Proclaimed Catchment Protection.** A permit is required to subdivide land.

While the subdivision itself will have no impact on the environmental objectives of the overlay, consideration must be given to the likely future development as a result of the subdivision. Consideration has been given to the suitability of the site to contain and treat all wastewater generated by a future dwelling on the proposed lot 1, as well as the existing dwelling on lot 2.

#### GENERAL PROVISIONS

Clause 65 states a number of other matters which must be considered when an application is made to subdivide land. The following are relevant to the current proposal:

- The orderly planning of the area
- The extent and character of native vegetation and the likelihood of its destruction.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The density of the proposed development.

Clause 65 also states that because a permit can be granted does not imply that a permit should or will be granted.

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## 8. STATUTORY MATTERS

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### PLANNING SCHEME AMENDMENTS.

Proposed scheme amendment C38 has already been to exhibition. Relevant to the current proposal, C38 proposes changes to the Clunes structure plan, moving the township boundary over one kilometre to the east, further from the application site. The report also discussed limiting subdivision in the Fairview estate to 1 hectare.

### ASSESSMENT

The applicant was advised on the 11<sup>th</sup> April that the proposal was not supported by the strategic framework in the planning scheme. They were invited to withdraw, with the assurance of a refund of fees should they choose to do so. The applicant however chose to proceed. Further information required for a full assessment was supplied as asked, following a request for more time to do so. The following assessment will expand upon Council's initial concerns, and include assessment against the other identified relevant scheme provisions.

**Zone provisions.** The Low Density Residential Zone seeks to implement the State Planning Policy Framework and Local Planning Policy Framework, and to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. State and Local Policy Framework is covered below. The ability to retain and treat all wastewater is dealt with more fully under the Environmental Significance Overlay. Consideration must also be given to the provision and availability of services, including drainage. Council's engineering department has identified major concerns with the drainage of the site, which would be exacerbated by any further development on the site. Were the application to be approved, permit conditions in regard to properly draining the site could be onerous.

**Overlay objectives.** The environmental significance overlay applying to the site seeks to protect the quality and quantity of water in the catchment. Possible threats from a subdivision [and consequent development of a second dwelling] are erosion from construction, and the generation of wastewater. The site is flat, meaning that erosion as a result of construction is unlikely to be an issue. The existing septic system serving the house on site has been identified by Council's environmental health department as inadequate. They are however, of the view that the site could treat and retain all wastewater generated by two dwellings with a suitable system. GMW, though expressing misgivings about the site, also agreed that the environmental objective could be achieved.

**State Planning Policy.** In planning for urban settlement, state policy seeks to facilitate the orderly development of urban areas. To this end, responsible authorities are required to use any relevant structure plan in considering applications for subdivision.

**Local Planning Policy.** Structure plans are the principal planning tools used to articulate the preferred future direction for growth and development in a shire's settled areas. Clause 21.03-3 sets out the structure plan for Clunes. The structure plan identifies the town boundary, and seeks to contain future urban development within the Clunes township boundary. The proposal to subdivide the land at 108 Fairview Road is a proposal for urban development. The site is some 3.5 Km by road from the centre of Clunes, and 900m beyond the town boundary identified in the structure plan. The proposed amendment C38 would see the site even further from the town boundary, at a distance of 2Km. Amendment C38 also discusses limiting subdivision to 1Ha in the Fairview Estate. The proposed subdivision would create lots half this size.

**Objector concerns.** Objectors raised a number of concerns. Though all concerns are genuine, not all carry weight as valid planning considerations. The matters raised, and planning response, follow below:

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## 8. STATUTORY MATTERS

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- Concern about the burden placed on soils by on-site waste water disposal.  
Response: Concern shared by Goulburn-Murray Region Water Authority if development became cumulative.
- Would set a precedent, creating an urban type of future development for the area.  
Response: Planning shares this concern.
- Would affect the amenity of their area.  
Response: Not clearly established.
- Would devalue property.  
Response: Not a valid planning consideration.
- Noise from future driveway.  
Response: Neighbouring driveways and any associated noise are considered normal to a residential area.
- Invasion of privacy from future dwelling.  
Response: Any future dwelling would have to comply with the relevant standards under the building code.
- Increase in stormwater runoff across boundary into neighbouring property.  
Response: Council shares this concern. Were a permit to issue, conditions would be required to address the matter.

**Clause 65 – Decision Guidelines.** Clause 65 states a number of other matters which must be considered when an application is made to subdivide land. Those matters identified as relevant, with response, follow below.

- The orderly planning of the area. The resubdivision of one of the lots in an established low density residential area would set a precedent for further similar resubdivision. This would lead to a qualitative change to the nature of the estate, whilst creating further residential lots at some distance from the urban centre. Without strategic support – indeed in the face of strategic opposition – this cannot be considered as orderly planning.
- The extent and character of native vegetation and the likelihood of its destruction. Two large redgums of considerable age have been identified at the front of the site. Their continued survival could well be compromised by the creation of further driveway development.
- The availability of subdivided land in the locality, and the need for the creation of further lots. There is ample undeveloped subdivided land in the locality, with no identified need for the creation of further lots.
- The density of the proposed development. Lots in the vicinity range from one to two and a half hectares in area, with a regular pattern of subdivision. The proposal is to create lots at over twice that density, and not in keeping with the general pattern and dimension of surrounding lots.

**Conclusion.** It is an established principle of planning, articulated at Clause 65 of all Victorian Planning Schemes, that because a permit can be granted does not imply that a permit should or will be granted. The proposal to create two lots of 5000m<sup>2</sup> each by the subdivision of the land at 108 Fairview Road Clunes is just such a case. Whilst a permit could be issued, the proposal cannot be supported on planning merit. Urban consolidation is only appropriate within recognised urban boundaries. The proposal to

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## 8. STATUTORY MATTERS

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subdivide land, creating two lots less than half the size of average lots in the vicinity, 2km from the proposed town boundary and 900m from the current town boundary, has no strategic support. The lot has been identified as already having serious drainage issues, which subdivision and future development would exacerbate. The opportunistic subdivision both in itself, and as a precedent for the area, cannot be considered to be orderly planning for an area with an established subdivision pattern, and adequate supply of undeveloped sites.

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

None undertaken.

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

Costs associated with any appeal.

### **Recommendation:**

*That Council, having caused notice of Planning Application No. 2008/9713 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 Act, decides to Refuse to Grant a Permit under the provisions of Clauses 14.01, 21.03 and 65 of the Hepburn Planning Scheme in respect of the land known and described as 108 Fairview Road, Clunes, for the subdivision in accordance with the submitted plans, with the application dated 20/3/2008 for the following reasons:*

- 1            *The proposal does not support the objectives of State Policy Clause 14.01 – Planning for Urban Settlement.*
- 2            *The proposal is contrary to Clause 21.03 – Council’s Vision and Strategic Framework.*
- 3            *The proposal is contrary to the orderly planning of the area.*
- 4            *The proposal does not demonstrate the need to create further lots.*

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

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

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## 8. STATUTORY MATTERS

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### 8.4 PROPOSED PLANNING SCHEME AMENDMENT – RURAL ZONE REVIEW, (PREVIOUS AMC37)

(A/O – Senior Strategic Planner)

File Ref: 66/21/02/C37

#### Synopsis

Following the introduction of the new Rural Zones by State Government in early 2006, Council agreed to a direct translation of the former Rural Zone to **Farming Zone (FZ)**, and the former Environmental Rural Zone to **Rural Conservation Zone (RCZ)**; the Rural Living Zone (RLZ) is to remain the same. This was on the understanding that Council would review current rural policies in the Planning Scheme, and provide the necessary data, maps and recommendations to adopt revised policies, to consider designation of new RCZ zoned areas where appropriate, review current zoned areas of RLZ, and possibly to introduce the Rural Activity Zone (RAZ) into the Hepburn Planning Scheme.

EnPlan Partners was appointed project consultant and worked from early October 2006 over the following seven months, which included several meetings with officers from Council and other authorities, technical groups, Land Care, local farmers and Councillors. A final report was tabled in May 2007; it was then presented with some revisions to all of these stakeholders in early September 2007.

The report is hereby recommended to be received by Council and amended into the Hepburn Shire Planning Scheme as a reference document,

#### Report

##### INTRODUCTION

The State Government introduced new Rural Zones in early 2006, primarily in order to place renewed emphasis on the use of mainly cleared rural land for agricultural and pastoral pursuits, to become **Farming Zone (FZ)** and maintaining mainly forested land for native habitat to become **Rural Conservation Zone (RCZ)**. The old Rural Zone had been used as a default zone, covering a range of situations; whereas under the new regime, Councils are to nominate in more detail which land is better represented by RCZ. Emphasis is to be placed on avoiding fragmentation of agricultural land, especially by minimising the creation of more Rural Living Zone (RLZ).

The Rural Activity Zone (RAZ) was introduced to enable focal points of activity for value adding industries to supplement farming production, as a result the RAZ having more flexibility for establishing rural industry than in FZ.

In September 2006, Council agreed to accept a direct translation of Rural Zone to FZ, and Environmental Rural Zone to RCZ (through Planning Scheme Amendment C37) whilst undertaking a study to review current rural policies in the Planning Scheme, and provide the necessary data, maps and recommendations to adopt revised policies and review of the full suite of rural zones within the shire.

##### APPOINTING CONSULTANTS

The brief which advertised for consultants summarised the situation as follows:-

*Hepburn Shire Council is seeking submissions from suitably qualified and experienced consultants to undertake a project to assist Council in implementing the new rural zones throughout the Shire so that the application of the new rural*

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## 8. STATUTORY MATTERS

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*zones appropriately reflect the agricultural value of land, future demand and use of agricultural land within the shire, as well as identifying and recognising those areas of rural land within the shire which are currently used for other purposes or have limited value for agricultural purposes.*

*It should be noted that Council has accepted the Minister's offer to undertake a Ministerial amendment (AmC37) to implement the new rural zones via a direct translation of the current rural zones under the Hepburn Planning Scheme. Therefore, one of the priorities of the project will be to identify existing anomalies in the application of the current rural zones that could not be addressed as part of the direct translation process, and identify those areas where the Rural Activity Zone would be more applicable due to the current land use activities.*

*The project will provide Council with the research, analysis and information required to provide Council with the strategic justification to prepare or revise local planning policies on rural issues, identify appropriate areas for the application of the new Rural Activity Zone and the Rural Conservation Zone and to determine whether the existing minimum lot size for subdivision in the rural zones is still appropriate.*

### THE PROJECT

EnPlan Partners was appointed to the project and commenced work in early October 2006. Over the following seven months, EnPlan researched the existing relevant policies, became familiar with the rural areas of Hepburn Shire, gathered and mapped data on soil capability and agricultural quality. With Council officers, several meetings were organised with other statutory authorities including a technical reference group with representatives from Land Care, relevant industry and environmental bodies, and local farmers.

A final report was tabled in May 2007, for Council officer comment; it was then presented with some revisions to all parties the following September.

### FINAL PRESENTATION

The meeting on 4 September was attended by officers from 5 statutory authorities, 6 from the reference group, and several apologies were accepted. (Councillors had been briefed on a separate meeting.)

The consultants gave a comprehensive power-point presentation of the study and recommendations, including state government policy to protect and enhance farming, evolution of the rural zones, explaining each new one, ie Farming Zone (FZ) being the main one; Rural Conservation Zone (RCZ) for rural land where farming co-exists with conservation characteristics to be protected, often near state forests; Rural Living Zone (RLZ) where 8ha lots may be created, preferably not remote from services; and Rural Activity Zone (RAZ), where limited commercial activity directly associated with farming may be permitted; some councils intend to identify RAZ proactively, others plan to consider proposals from land owners.

**8 rural land planning units** were identified for the Shire, based on contrasting geomorphic characteristics, agricultural quality, and the rural activity/town settlement which occurs and affects farming in each one. Differences in characteristics, including property sizes, extent of native vegetation and rural living development were discussed for each unit.

The consultants' overall observations are that the quality of land throughout the shire is such that the FZ should remain dominant.



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## 8. STATUTORY MATTERS

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Limited RAZ, eg on arterial roads, could be identified if Council chooses the proactive approach. More RCZ could be applied to protect conservation values, eg to forested private properties near state forests.

There are ample areas of RLZ in the Shire already, only about half of which are developed with dwellings. (All groups of small rural lots have been plotted on a shire wide map.)

Each land planning unit has been summarised as follows:

Unit 1 Mt Beckworth, in the far west, has Clunes on its eastern edge, has average to high agricultural quality, mainly cleared, properties ranging in size from 96-178ha, with mainly broad-acre farming.

Unit 2 Campbelltown-Ullina, in the north-west, has mainly cleared, 113-270ha properties of high agricultural quality, with broad-acre cropping and grazing.

Unit 3 Smeaton-Dean, in the central-south, has very high agricultural quality, 54-105ha, and mainly cleared properties, with extensive potato farming.

Unit 4 Creswick, in the south-west, has extensive state and plantation forests, with cleared agricultural grazing land of mainly average quality, some low, some high, average size of properties around 42ha, with significant settlement in and around Creswick.

Unit 5 Mt Franklin-Clydesdale, in the north, ranges from low to very high agricultural quality, 63-138ha, mainly in broad-acre farming, with many properties interfacing with state forest.

Unit 6 Drummond, in the northeast, has a similar range in agricultural quality, with more in the high category, slightly smaller 36-109ha properties, mainly in broad-acre farming, many interfacing state forest.

Unit 7 Trentham-Bullarto, in the south-east, high to very high agricultural quality, 33-74ha properties, with a range of farming activity and some interface with state forest to the west.

Unit 8 Daylesford-Glenlyon, in the central-east, has low to very high range agricultural quality, with extensive settlement around Daylesford-Hepburn and towns to the north-east, and range of farming activities, in 43-89ha properties.

**A table with recommendations** for the 8 units was distributed. The main, central recommendation was that all units have valuable farmland, and fragmentation of farming properties should be discouraged.

Units 1 and 2 - minimum lot size for subdivision and automatic right to a dwelling should be raised, having the largest properties, with broad-acre farming on land of high agricultural quality, from 40ha to 80ha.

Unit 3 has very high quality land, but has smaller properties with more intensive use, should remain at 40ha. Similar remarks apply to Unit 4, with its forestry and extensive settlement in and around Creswick, along with grazing.

Units 5 and 6 have large broad-acre farms with a range of quality, and so the existing 20ha minimum should be raised to 40ha.

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## 8. STATUTORY MATTERS

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Unit 7 has higher quality, if slightly smaller properties, so most of it should go to 40ha; main road corridors could be considered for RAZ.

Unit 8, with extensive settlement around Daylesford-Hepburn, including rural-related activities, will remain under pressure for houses on existing lots that make up the properties, and so leaving the minimum at 20ha is recommended.

### RESPONSES, QUESTIONS

Some reference group people questioned the value and validity of all of the technical work undertaken thus far; the consultants maintained that a system is needed that enables appropriate measures for the wide range of agricultural quality, property sizes and other circumstances.

However, others observed that with wide ranges within each unit, sub-units may be necessary. The consultants said that plotting the units precisely on the mapping would be difficult, and were mainly for policy discussion and decision making.

Several of those present sought more certainty that permission for dwellings could be obtained for existing allotments. Others pointed out that this would lead to fragmentation of existing farming properties, with more conflict between commercial farmers, hobby farmers and those seeking large dwelling sites amongst such farms (see below).

Climate change was raised, some questioning whether farming would be sustainable with less water available; then it becomes questionable whether dwellings in isolated areas could cope any better than farmers living on their land.

The opinion was expressed that one of the northern units already had too many dwellings trying to collect water from dams. In this same vein, the consultants suggested that Council should give preference to new rural living dwellings (including on existing small lots) closest to existing services and infrastructure.

### ADOPTION OF REPORT

Following discussions with the Department of Planning and Community Development, it is decided that the Rural Zones Review report is to be put to Council with the recommendation that the report be received and adopted by Council. In addition to the formal adoption of the report, it is also recommended that Council initiate the new Planning Scheme Amendment C47 to include the report as a reference document in the Hepburn Planning Scheme.

The Rural Zones Review report provide the information and recommendations to project plan the varied tasks of revising rural policies in the Scheme including the abovementioned points on the future of RCZ zoned land and introduction of RAZ zoned land.

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

State policy on Economic development – Agriculture

Municipal Strategic Statement objectives for Rural land use and agriculture

Local planning policy on Rural land

Council Plan – Economic development, encourage and support diversity of economic activity and employment

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## 8. STATUTORY MATTERS

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

At least two public meetings and other meetings with reference group

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

Seek funding for preparation of policy revisions and re-zonings in the Scheme

### **Recommendation:**

*That Council:*

- 8.4.1 *Adopt the Hepburn Shire Rural Areas Review report and initiate the Planning Scheme Amendment C48 to include in the Hepburn Planning Scheme the report as a reference document for the purpose of using the report's information, and recommendations to complete the review of the suite of rural zones in the Hepburn Planning Scheme.*

***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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**8.5 PLANNING APPLICATION 2008/9799, 33 DUKE STREET, DAYLESFORD.  
PROPOSED CONSTRUCTION OF A COMMUNITY RESERVE TO INCLUDE  
PLAYSPACE, BASKETBALL COURT, OPEN SPACE AREA, PUBLIC TOILETS  
AND OPEN FRAMED TIMBER STRUCTURE**

(A/O – Planning Officer 2)

File Ref: 4/2130/00250/P

**Synopsis**

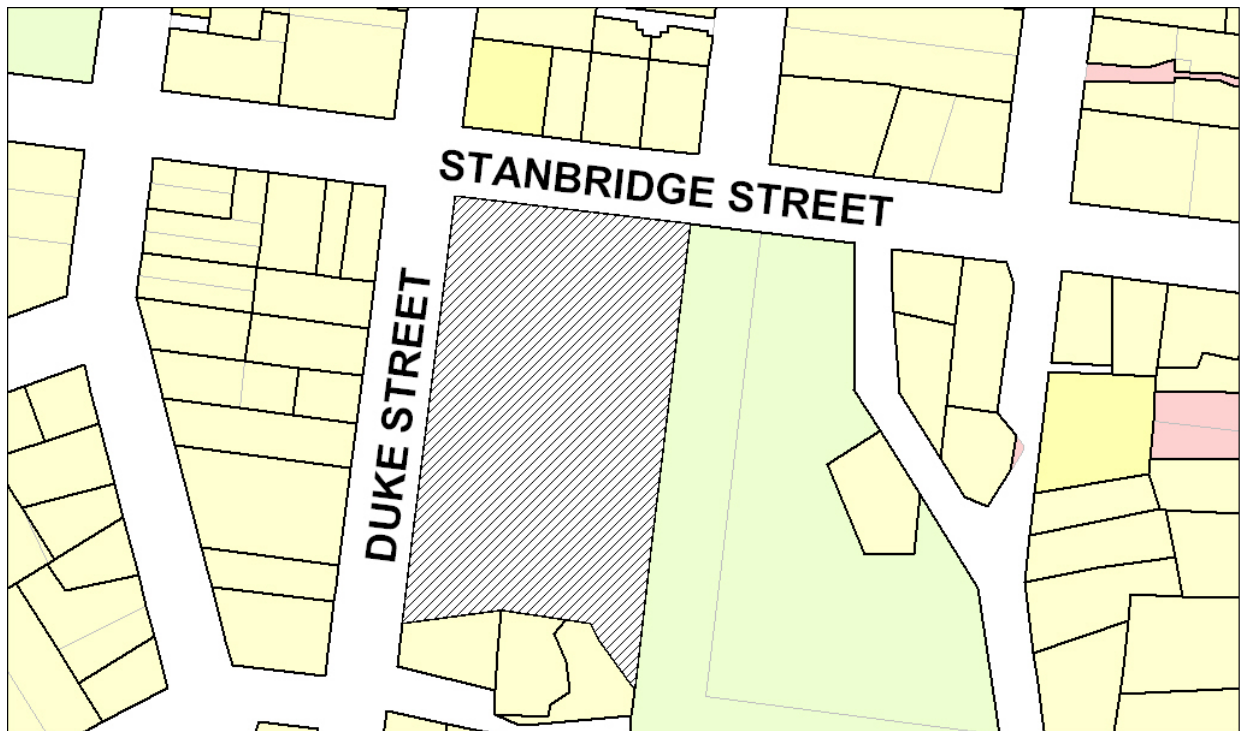
Applicant: Hepburn Shire Council

Location: 33 Duke Street, Daylesford

Proposal: Construction of a community reserve to include playspace, basketball court, open space area, public toilets and open framed timber structure.

Zoning: Public Use Zone 6 (Local Government)

Overlay Controls: Environmental Significance Overlay 1 and 2  
Heritage Overlay 898



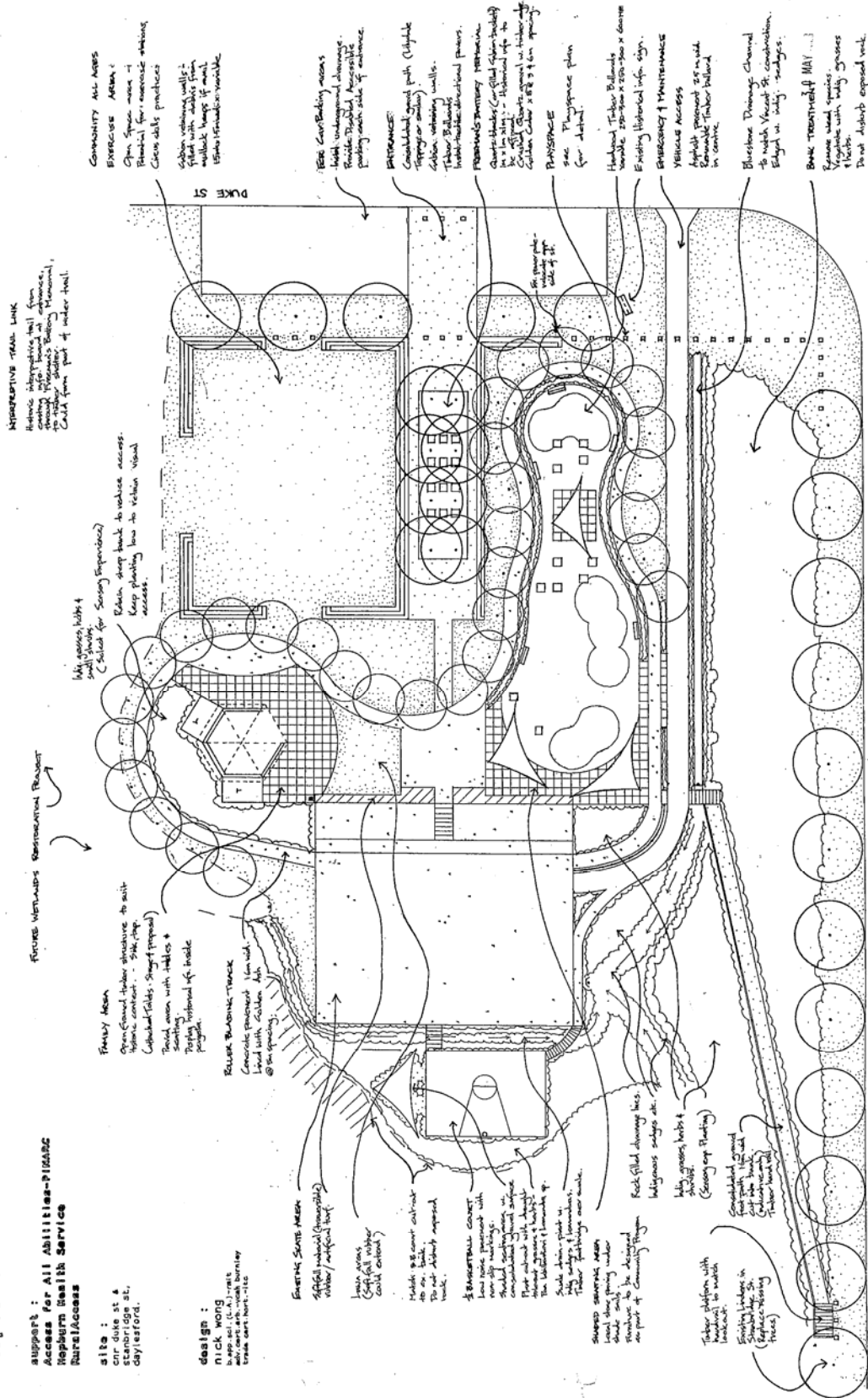
8. STATUTORY MATTERS

Hepburn Shire Council

support:  
Access for All Abilities-PiMARC  
Hepburn Health Service  
RuralAccess

site:  
on Duke St &  
Stanbridge St,  
Daylesford.

design:  
nick wong  
n.wong@hsc.vic.gov.au  
break out North Hill



DAYLESFORD COMMUNITY RESERVE

NOVEMBER 2007

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## 8. STATUTORY MATTERS

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### Report

#### INTRODUCTION

This report has been prepared for an application for a planning permit for the construction of a community reserve facility by Council on the land at 33 Duke Street, Daylesford.

The land is situated on the south east of the corner of Duke and Stanbridge Streets, on the edge of the area known as the Cornish Hill precinct. A drainage line runs across the north of the site, and approximately parallel to this is a creek running some two thirds of the way towards the rear boundary of the site. The site has an area of 1.416 hectares. The proposed development is contained to the northern part of the site, an area of approximately 0.6 of a hectare.

The land has been extensively altered over the years, largely by early mining activity. Though nothing remains to be seen, it was once the site of the Freemans Battery. The western part of the development site has been made level in the past, and is currently a grassed informal sporting ground. To the east, a skate park has recently been developed. The land to the side and rear of the skate park slopes steeply upward, forming a built structure akin to a natural amphitheatre.

#### PROPOSAL

The proposal is to develop the area identified as a youth park/community reserve. This would involve development of a half basketball court, toilets and open structure, all ages exercise area, rollerblade track, children's playground and a memorial marking the former Freemans Battery. Associated works proposed include vegetation and landscaping, pathways, fencing/walls and drainage. The existing skate park would be retained and incorporated in the design of the facility. A full appreciation of how the various elements relate can be had by referring to the submitted plans.

A pre-application meeting was held on the 6 May 2008 attended by the applicant, Council's Heritage Adviser and a Council Planning Officer.

A Cultural Heritage Management Plan [CHMP], required under the recently introduced Aboriginal Heritage Legislation, was supplied with the application. The Plan has been certified with approval in accordance with the Aboriginal Heritage Act.

#### REFERRAL AUTHORITIES

The application was not required to be referred externally.

#### REFERRAL WITHIN COUNCIL

The application was referred to Council's Heritage Adviser, and to Council Engineering.

Heritage advice was that the proposal should be supported, with the condition that amended plans to reflect the former mining history of the site by expressing the footprint of the former crusher building by means of poles.

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## 8. STATUTORY MATTERS

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Council Engineering identified issues in relation to the potential contamination of the site [also identified in the CHMP], safety standards for playgrounds and play equipment, possible presence of treated pine [no longer recommended in playgrounds], and treatment of the carparking area. Conditions were suggested to address the concerns.

### ADVERTISING/NOTICE OF APPLICATION

The proposal was advertised by notifying adjoining landowners and occupiers by mail, by placing a sign on the site, and by advertising once in the Advocate newspaper. One formal letter of objection was received, and one letter of concern about the November 2007 site plan was also received. It has been agreed however to treat this also as a formal objection.

The matters raised by objectors, and Council's response, will follow under the assessment heading. It must be borne in mind however, that Council's obligation to consider all objections and submissions under section 60(1)(c) of the Act does not extend to matters which are not proper planning considerations nor matters outside the ambit of discretion for which Council has to exercise in this case.

### COMMUNITY ENGAGEMENT/CONSULTATION.

A facilitation meeting was organised and held on 11 August. Mr. John Gibcus, an independent mediator, was engaged to chair the meeting, and invitations were sent to objectors and owners and occupiers of adjacent dwellings. The meeting was attended by Council's Team Leader- Planning, Recreation Officer [representing the applicant being Council], the two objectors, five residents, Peter O'Meara [community liaison involved with youth] and Nick Wong, the project designer. Some agreement was reached in regard to one objector's concerns about safety fencing, dogs and better exclusion of cars by the use of bollards. The matter of step up facilities appropriate for seniors was also canvassed. At the point of preparing this report to Council, there has been no written request to withdraw the objections lodged with Council.

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

#### STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 15.11 Heritage, seeks to assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance.

#### LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.09 Environment and Heritage. Objective 1 seeks to protect the cultural heritage of Hepburn, while promoting appropriate development opportunities for areas and site of cultural heritage significance.

### ZONE AND OVERLAY PROVISIONS

#### **Public Use Zone 6 (Local Government).**

A permit is not required for a use if it is for the purpose described in the schedule, and if the use is carried out by or on behalf of the public land manager. A public park,

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## 8. STATUTORY MATTERS

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managed by Council, falls within the purpose "Local Government", and Council is the public land manager for the site.

### **Environmental Significance Overlay 1 (Catchment and Land Protection) and 2 (Mineral Springs Protection).**

The proposal meets the requirements of both schedules for buildings and works not requiring a permit.

### **Heritage Overlay.**

A permit is required to construct a building or to carry out works.

## ASSESSMENT

Council is the applicant for this permit. Section 96 of the Act, in conjunction with Clause 67 of the Planning Scheme, require that Council is also the authority responsible for assessing the application. In such cases where Council is both applicant and responsible authority, it is particularly important that due process is clearly followed.

Section 60 of the Act sets out what matters must be considered, and matters that may be considered if relevant. Those matters which the Responsible Authority must consider are:

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

The assessment will each in turn relate to.

- (a) Statutory and strategic considerations arising from the planning scheme were outlined earlier. It was established that the sole requirement for a permit was the Heritage Overlay [Schedule 898]. In deciding on an application for a development under the heritage overlay, the following matters must be considered:
  - The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
  - Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
  - Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
  - Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.



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## 8. STATUTORY MATTERS

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The relevant objectives of the State and Local Policy Frameworks are in effect articulated through the application of the Heritage Overlay. Their separate consideration would therefore be repetitious.

The area affected by Heritage Overlay Schedule 898 is known as the Cornish Hill Precinct. The Cornish Hill area was the centre of alluvial mining activities as early as the 1850's, leading to the exposure of the Cornish Reefs in 1854. The original Cornish Company remained in business until 1889 when it was taken over by the North Cornish. The company was wound up in 1895, and with the exception of small parties reworking abandoned ground, the whole line south of Stanbridge Street was to remain idle until its revival by Donald McLeod during the period 1903 to 1923. The statement of significance for the precinct describes it as follows:

*“Presenting the appearance of a bushland park today, close examination records evidence of the precinct’s early mining history. Features noted after an initial study include the remnants of brick and concrete abutments, overburden dumps, open cut and tunneling activities. Prominent features are the old Cornish Company’s workings, the Bonnard’s shaft and the Argus QM Company’s sites, which, in conjunction with the now mature pine plantations and bushland, create an unusual parkland setting”.*

The application site forms the north western corner, or approach to the precinct. None of the features noted in the statement of significance for the precinct are in fact present on the application site. With this in mind, it would be reasonable to conclude that the development of the proposed community park would not adversely affect the natural or cultural significance of the place. That the proposed buildings [two small toilet blocks in corrugated steel with roofs at a pitch similar to those commonly found in the late 19<sup>th</sup> century, plus associated water tanks] will not adversely affect the significance of the heritage place, and are in keeping with the character and appearance of adjacent buildings and the heritage place.

Similarly the proposed works [landscaping etc] will not adversely affect the significance, character or appearance of the heritage place. The one matter of concern, identified by both the heritage adviser and one of the objectors, was the inappropriate nature of the proposed memorial. A better outcome in terms of the significance of the heritage place could be achieved by marking the site of the former Freemans Battery. This could be done by poles marking the original footprint of the building.

(b) The objectives of planning in Victoria are set out in section 4 of the Act. Whilst not all are directly relevant to this proposal, or have been addressed through other provisions, objective (c) is of relevance. This objective seeks to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

Council’s Engineering Department, and one of the objectors, have both identified potential safety problems in relation to the provision of a playground. It is appropriate that permit conditions be put in place to ensure playground equipment and surfaces comply with the relevant Australian standards, as does any required fencing, and that measures are in place to control vehicle access to the site. The issue of step up facilities appropriate to seniors, identified at the facilitation meeting, should also be addressed to meet this objective.

(c) Two objections have been received:

Objector 1 raised a wide range of issues of concern.

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## 8. STATUTORY MATTERS

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Concern raised over a proposed BMX track has no basis for consideration, as no such component is included in the proposal. Likewise concern over possible future developments cannot be taken as proper planning consideration.

Concerns raised over the design and functionality of the proposal, but not related to the heritage significance of the place are not valid considerations in planning.

Objector 1 also raised a number of concerns relating to the cost of the project, possible funding arrangements, the consultation process during the design of the project, and matters relating to a previous permit for a skatepark on the site. Whilst acknowledging that Objector 1 may have genuine concerns in these areas, they are not planning considerations.

On the issue of process and consultation, the design of a project is a quite separate matter from the assessment of an application for a planning permit limited by the ambit of discretion in Heritage Overlay. Objector 1's concern about the inappropriateness of the proposed monument is supported by planning considerations based on the significance and appearance of the heritage place.

Objector 2 raised three specific concerns, all based on safety issues.

These were in summary, inadequate bollards to control entry of vehicles to the site, lack of safe fencing to the playground area, and concern that dogs should be kept on leash on the site. Planning considerations already discussed support appropriate permit conditions to address the first two matters.

The issue of the control of dogs, though a matter of concern in community safety it is not one that can be considered within the ambit of discretion for this application for planning permit before Council. Alternative avenues for consideration can be found under the appropriate Council's Local Laws.

- (d) Is not relevant as no external referrals were required.
- (e) Both the Cultural Heritage Management Plan and Council's Engineering Department recognised the possibility that the site may be contaminated as a result of past mining activity. In considering an application for a recreational area including playground on such a site, Council must consider the possible effect of the environment on the proposed use and development. To this end, the applicant will be required to undertake a preliminary site investigation, and if required a detailed site investigation and any recommended remediation works, in accordance with the relevant legislation.

## CONCLUSION

The proposed development of a community reserve, subject to minor modification, meets the objectives of the heritage overlay. Planning considerations raised by objectors and Council's Engineering Department in regard to safety of the site and possible contamination of the site can be addressed by appropriate permit conditions.

## Financial & Resource Implications Initial & Ongoing

Costs associated with a possible application for review before VCAT.

## 8. STATUTORY MATTERS

### Recommendation:

*That Council, having caused notice of Planning Application No. 2008/9799 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 Act, decides to issue a Notice of Decision to Grant a Permit under clause 43.01 of the Hepburn Planning Scheme in respect of the land known and described as 33 Duke Street, Daylesford for the development of a community reserve with the application dated 30<sup>th</sup> May 2008, subject to the following conditions.*

1. **Amended plans required**  
*Before the development starts, amended site plans to the satisfaction of the Responsible authority must be submitted and approved. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
  - (b) *modified designs for walls*
  - (c) *inclusion of step up facilities appropriate to seniors*
  - (d) *fencing around the playground area;*
  - (e) *bollards preventing vehicles driving onto the site'*
  - (h) *Omit the memorial*
  - (i) *Include poles to express the footprint of the former crusher building in the layout of the proposal.*
  - (j) *Details and dimensions of car parking.*
  
2. **No site works for the use and development under this permit shall be allowed until the conditions for this clause are complied with.**  
*A Preliminary Site Investigation report in accordance with Section 3 of AS4482.1-2005, prepared by an suitably qualified professional approved by the Responsible Authority, shall be submitted to the Responsible Authority prior to works commencing on the site.*  
*Should the Preliminary Site Investigation report indicate that contamination exists on the site that exceeds Setting D of Schedule B(1) of the NEPM (or any subsequent successor document) in accordance with the Land SEPP, a Detailed Site Investigation in accordance with Section 4 of AS4482.1-2005 shall be undertaken. The Detailed Site Investigation report shall include any recommended remediation works.*  
*If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the commencement of construction for the use hereby permitted commencing.*  
*If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:*
  - (a) *A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 prior to the issue of the Statement of Compliance; OR*
  - (b) *An environmental auditor appointed under the Environmental Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the use hereby permitted*

## 8. STATUTORY MATTERS

*commencing on the site.*

3. *Before the commencement of construction an audit for compliance with AS 4486, AS 4685 and AS 4442 must be undertaken by a suitably qualified consultant approved by the Responsible Authority. The Audit must include recommendations for improvements for any non compliance with the above standards.*

*Any changes recommended by the auditor are to be included as revised and amended plans and three (3) copies must be submitted to the Responsible Authority for approval, and an endorsed copy of such plans will form part of this permit*

4. **Equipment Installed**

*All playground equipment installed must be compliant with AS 4486, AS 4685-and AS 4442.*

5. **Car Park Construction**

*Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*

- (a) constructed*
- (b) properly formed to such levels that they can be used in accordance with the plans*
- (c) surfaced with an all-weather-seal coat*
- (d) drained*
- (e) line marked to indicate each car space and all access lanes*
- (f) clearly marked to show the direction of traffic along access lanes and driveways*

*to the satisfaction of the Responsible Authority.*

*Car spaces, access lanes and driveways must be kept available for these purposes at all times.*

6. **Removal of Treated Pine**

*Any treated pine within the site for the proposed playground must be removed as part of the works undertaken for this permit. No treated pine shall be used in the finished playground or Community Reserve*

7. **Expiry Conditions**

*This permit will expire if one of the following circumstances applies:*

- the development is not started within two years of the date of this permit*
- the development is not completed within four years of the date of this permit.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards*

**Motion Moved at the commencement of the Meeting.**

**That Item 8.5 on the Agenda be deferred to allow further community consultation.**

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

## **9. COUNCILLOR REPORTS, CONGRATULATIONS & NOTICE OF MOTION**

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### **9.1 NOTICE OF MOTION:**

Background / Supporting information.

(Moved by Cr Bill McClenaghan – Holcombe Ward).

File Ref:5/4300/07800

Recently, Australia Post cancelled the license for operation of the Hepburn Springs Post Office for confidential contractual reasons. The Post Office is being operated on a temporary basis with restricted operating hours until a new licensee is found. Australia Post has advertised for a new licensee in Melbourne and regional press. No further announcements have been made and the community is becoming apprehensive about their Post Office's future.

At the time the changes were made, representatives of Australia Post stated clearly that they fully intended to keep the Post Office open with a new licensed operator, for whom they would advertise. However, documentation provided with the tender indicates that it is not a high yielding operation and some likely tenderers have been deterred from tendering stating that it is not worth their while. If no new licensee is found, it is possible that the situation may be re-evaluated and the Post Office closed.

The Hepburn Springs community is quite separate to Daylesford and has its own special identity. There are numerous local people who would be unable to access postal services at Daylesford and need a local post office. For this reason, Council needs to advocate on behalf of the local community and seek a guarantee from Australia Post that this Post Office will remain open. The best person to approach for help in this regard is our local federal member of parliament, Catherine King.

#### **NOTICE OF MOTION:**

##### **Motion moved by Cr Bill McClenaghan**

*That Council:*

*Write to the Federal Member for Ballarat, Catherine King MP, requesting that she seek a guarantee from Australia Post that the Hepburn Springs Post Office will not be closed but will be retained to serve the community of Hepburn Springs.*

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

**Moved: Cr Bill McClenaghan**

**Seconded: Cr Heather Mutimer**

**Carried.**

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## **9. COUNCILLOR REPORTS, CONGRATULATIONS & NOTICE OF MOTION**

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### **9.2 COUNCILLOR REPORTS & CONGRATULATIONS.**

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

This past month I have attended the usual forward planning, briefing sessions and meetings of Council.

I was also pleased to represent Creswick Ward at the Clunes Community Dinner hosted by the CTDA in the Clunes Town Hall.

Also I attended meetings of the Hepburn Healthy Communities, Doug Lindsay Recreation Reserve, Creswick Development Committee, Creswick Interpretive Centre steering committee and the Youth Advisory Committee as Councils representative on those Committees.

I represented Council at the Creswick and District Community Bank Branch of the Bendigo Bank AGM and the opening of the Bowls season and new synthetic green at Creswick Bowling Club.

I have also attended community meetings of the Creswick of the Lindsay Arts Trail and the Magic pudding playground in Creswick.

I attended the launch of the Destination Daylesford campaign and the official opening of the Mineral Springs Hepburn Bathhouse at the Hepburn Springs mineral springs reserve.

I thank my fellow Councilors and the Officers of Council for their ongoing support and assistance to me in my role as Creswick Ward Councillor.

#### **Cr. David Smith JP. Birch Ward**

My report for this September Council meeting is very short as I did not return to Australia until late August – as I was representing my Country at the World Ploughing Championships in Krems in Austria.

On my return I attended together with the Mayor and Cr. Booth the Clunes Annual Community Dinner. Also on the 27<sup>th</sup> I attended the launch of the Destination Daylesford at Peppers. Many in the tourism business were also at this function.

Thursday 28<sup>th</sup> August - I attended the Clunes premier of the film “Jerry Can” which won an award at the Cannes Film Festival held recently. After the screening a reception was held in the Clunes Town Hall for the actors and film crew that starred in the film together with some of the parents. Congratulations go to the Julius Avery.

The usual run of meetings forward planning and agenda meetings were attended.

The Sunday 7<sup>th</sup> September saw the Newlyn-Dean Young Farmers Club in conjunction with the Ballarat & District Ploughing Association - hold the annual ploughing match at Dean. This was one of the largest matches held for many years with 22 local young ploughmen and plough ladies competing - many of them club members. This shows us that the young farmers in the area still have the country at heart.

## **9. COUNCILLOR REPORTS, CONGRATULATIONS & NOTICE OF MOTION**

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Last Friday was a very important date for Hepburn Shire with Minister Jacinta Allen officially opening the Hepburn Bathhouse. One of the icons of Hepburn Shire - the refurbished complex was open to the public yesterday. What a wonderful complex we now have for all – locals and visitors to the region to enjoy.

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

The following report provides some headings which highlights some of my councillor activities since last month's report to Council. It is not a comprehensive list. I will verbally expand on the headings listed.

22/8: Heritage Committee Meeting:

Sustainability Expo & Solar Panel Launch/Daylesford Secondary College

24/8(Sunday): Launch Of Trentham Community Plan Survey  
Trentham Railway Station

28/8:Trentham Neighbourhood Centre AGM  
Trentham Community Centre AGM

29/8: GE Meeting Hosted By 'Madge' (Daylesford Neighbourhood Centre)

12/9: Bathhouse Official Opening

### **Cr Bill Mcclenaghan Holcombe Ward**

September 2008 is the month we will all remember for a long time as the month that everything came back to life in the Hepburn Mineral Springs Reserve. On Tuesday 09 Sep, the Pavilion Café reopened after a \$100,000 plus refit, new kitchen, serious cleanup and reclamation of a stunning old tiled floor from under decades of dirt & grime. The results are spectacular and a new menu is in place, changing by the week. The "pav" as locals know it is back in action and already its popularity has been re-established.

Less than a week later, the iconic Hepburn bathhouse opened its doors to the public after a week or so in shake down mode for staff training and customer appraisal. Trading as "Hepburn Bathhouse and Spa", the bathhouse will be very quickly established as a local and regional icon of health and wellness with its traditional local mineral water, hydro and tactile therapies. The new operator, Belgravia Leisure group have expended a major amount of capital in establishing the facilities there as well as on staff training. A significant number of employees are local people with that number set to grow.

The iconic bathhouse was officially opened last Friday afternoon by the Minister for Regional and Rural Development, The Hon, Jacinta Allan MP. Invited guests included past and present Councillors, Council Officers, local politicians, members of Tourism Victoria and Daylesford Macedon Ranges Tourism Inc, Regional Development Victoria, Major Projects Victoria, Victorian Mineral Water Committee, the Department of Sustainability and Environment and the Federal Government Department of Transport and Regional Services (DOTARS) and a group of local people who worked so hard to

## **9. COUNCILLOR REPORTS, CONGRATULATIONS & NOTICE OF MOTION**

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keep Daylesford and Hepburn Springs Tourism alive during the 23 month shut down and redevelopment phase. These local people were members of Council's former Bathhouse Business and Community Liaison Group which Council has wound up today. A big thank you from me as the Councillor privileged to be the Chair.

I would like to acknowledge individually the members of Council's BB&CLGroup for their hard work, dedication and service to their community;

- \* Frank Page
- \* Nigel Dempster
- \* Carol Hulst
- \* Bill Guest
- \* Keira Lockyer
- \* Chris Sedgman
- \* Ted Francome
- \* Geoff Ryan
- \* Geoff Howard MP

I also acknowledge the contributions of former members of the group being;

- \* Victor Szwed (as CEO)
- \* Phil Shanahan (as Interim CEO)
- \* Don Sinclair
- \* David Reilly

The "Hepburn Bathhouse and Spa" opened its doors to the public yesterday and already has made a great splash in the media, whereby it is announced in words and wonderful tasteful colour images, that the Daylesford and Hepburn Springs area is indeed the Spa Capital of Australia.

In the past month, I have attended meetings of Council's Heritage Advisory Committee, the Highlands Regional Waste Management Group and the Destination Daylesford interim working party. I chaired the election of office bearers segment at the AGM of the Daylesford & District Historical Society two weeks ago and also the Glenlyon Progress Association's AGM and bi-monthly meeting.

Last week, I met with the newly formed steering committee that is planning the establishment of a Bendigo Community Bank in the Daylesford and Hepburn Springs district that will probably include Trentham as well. This will be a wonderful community driven project that can bring so much benefit to the community including jobs, local investment opportunity and cold hard cash for community groups. I commend the project to Council as an excellent means of economic development. We are to meet again this Friday and probably weekly thereafter to promote the bank, collect investment pledges, encourage new accounts at the existing Agency and to conduct a feasibility study.

Like new life returns after rain and in the Spring, with these wonderful new initiatives and the reopening of the Hepburn Bathhouse, I perceive a new renewal, a freshness, a re-creation of our district and we should all look forward to the good times and opportunities that lay ahead.

### **Recommendation:**

*That Council:*

9.2.1 *Receive and note the reports of Councillors.*



**9. COUNCILLOR REPORTS, CONGRATULATIONS & NOTICE OF MOTION**

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

***Moved: Cr David Smith***

***Seconded: Cr Heather Mutimer***

***Carried.***

**CLOSE OF MEETING**

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**CLOSE OF MEETING.**

*The Meeting closed at 8.44pm.*

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**ATTACHMENTS**

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- ATTACHMENT 1**            (Item 3) Confirmation of Minutes
- ATTACHMENT 2**            (Item 5.8) Bobonaro Friendship Group
- ATTACHMENT 3**            (Item 5.10) Youth Policy

**ATTACHMENT 1**

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**Minutes of The Ordinary Meeting of Council  
Held on 19 August 2008**

**&**

**Minutes of The Special Meeting of Council  
Held on 9 September 2008.**

The minutes will be tabled at the meeting.

**ATTACHMENT 2**

**Item 5.8**

**Bobonaro – Hepburn Friendship Group**

**Advisory Committee**

**TERMS OF REFERENCE**

September 2008

**1. NAME**

Bobonaro - Hepburn Friendship Group Advisory Committee (hereinafter called 'the Friendship Group')

**2. BACKGROUND/RECITALS**

The role of the Friendship Group is to auspice, promote and strengthen the relationship between the Hepburn Shire and Bobonaro in East Timor.

**3. OBJECTIVES/CHARTER/PRIMARY FUNCTIONS**

- To promote friendship activities between Hepburn Shire and Bobonaro
- To provide resources and expertise where possible and appropriate
- Through consultation with the Bobonaro Community, to identify and support projects within, and external to the Hepburn Shire, that will assist the Bobonaro community
- Active participation from members to inform, develop and implement 'community to community' initiatives through their involvement in the Friendship Group
- To promote and raise awareness for the relationship between the Hepburn Shire and Bobonaro

**4. INCOME AND PROPERTY**

The Friendship Group operates through the Hepburn Shire Council (hereinafter called 'the Council') and is a not for profit community committee. Any surplus of income raised through fundraising activities in any given year of operation will be kept in trust and used for future projects and activities for the benefit of Bobonaro, as agreed to by the Friendship Group.

**5. FRIENDSHIP GROUP FUNCTIONS**

- The Friendship Group has authority to identify and prioritise projects for funds collected from the Hepburn Shire community.
- The Friendship Group will provide the advice regarding priority projects, upon which the Council will then allocate the funds accordingly.

## **ATTACHMENT 2**

- The Friendship Group is required to base its advice on consultation with the Bobonaro community.
- The Friendship Group will have the authority to establish sub committees as required to assist in achieving outcomes identified within its work plan.
- The Friendship Group shall operate within the financial parameters approved by the Council.

### **6. MEMBERSHIP**

Membership will be sought through an annual public Expression of Interest process.

Members will be appointed to the Friendship Group for a one calendar year term and may re-nominate for membership in subsequent years.

A broad range of community interests and representation will be sought in constituting the Friendship group to cater for a diverse range of interests and expertise.

Membership may include:

- Hepburn Shire Council Officers(s)
- Interest Group Delegate(s)
- Community Group and Agency Delegate(s)
- Friendship Schools Project
- Business Interests
- Community Members

The Council shall appoint a councillor to the Friendship Group annually at the Annual Statutory Meeting

The Friendship Group will also have the capacity to co-opt delegates with special expertise and/or interests, as required to it fulfilling its workplan.

All appointments to the Friendship Group are subject to Council ratification.

### **7. MEETING PROCEDURE**

- a) The Friendship Group will be provided with secretariat support by the Council
- b) Only persons present shall be entitled to vote.
- c) Minutes of actions, discussions and decisions will be recorded.
- d) Minutes and agendas will be circulated prior to the meeting.

#### **CHAIRPERSON DETAILS**

The Friendship Group shall appoint a Chairperson from its membership

## **ATTACHMENT 2**

Decisions will be made upon a majority vote with the Chairperson having a casting vote if appropriate.

### QUORUM DETAILS

Quorum of the meeting shall be 60% members

### FREQUENCY OF MEETINGS

The Community Committee shall meet on a minimum of six (6) occasions each year at a time and location to be agreed.

### SUB-COMMITTEES

Sub committees may meet between general meetings and as authorised by the Friendship Group.

## **8. REPORTING**

- a) The Friendship Group shall cause Minutes of all meetings to be maintained and forwarded to the Council
- b) The Friendship Group is required to report to Council on an annual basis
- d) Subcommittees are required to report to the Friendship Group on a monthly basis.

## **9. DELEGATIONS**

The Council shall formally delegate to the Friendship Group such powers as are necessary for the Friendship Group to carry out its functions and responsibilities.

## **10. LEGAL AND STATUTORY RESPONSIBILITIES**

- a) Friendship Group members are bound by the Pecuniary Interest provisions of the Local Government Act 1989 sections 78 and 79.
- b) Friendship Group members must not make improper use of information acquired as a Committee member and are bound by section 77 of the Local Government Act 1989.

**ATTACHMENT 3**

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**Item 5.10**



**Policy No: 43**

**HEPBURN SHIRE COUNCIL**  
**YOUTH POLICY**

**Adopted:** August 2005

**Last Amended:** N/A

**Next Review:**

**Responsible Officer:** Youth Development Co-ordinator



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### ATTACHMENT 3

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#### **Background**

At the 2006 census there were 1,914 people aged 12-24 years in the Hepburn Shire. Young people (aged 15-24 years) make up 10% of the Shire's population, compared to 14% of the State population. They are an integral part of our communities however as with the national population trends this group is in decline. Despite recent increases in the birth rates in Hepburn Shire this trend is unlikely to turn around.

Hepburn Shire young people report being affected by a lack of local education, training and employment opportunities. This results in migration to larger centres to fulfil these needs or under-participation. For example 61% of youth aged 15-19 years are engaged in full time work or study, compared to the state average of 71.9% (Community Indicators Victoria 2008). In 2006 the population of 20-24 year age was half that of the 15-19 year age group. These matters are further complicated by secondary restrictions such as limited transport options.

Young people add value and diversity to our communities through involvement in sporting clubs, participating in and contributing to events and committees, taking part in the arts and through voluntary.

#### **Rationale**

Young people's input can often go under represented where their age or experience prevents their involvement. This policy has been developed to ensure young people have the right to active citizenship through visible and meaningful participation in decision making regarding them and their communities.

Hepburn Shire Council is committed to retaining young people and/or attracting them back later in life. To achieve greater youth retention and to make Hepburn Shire an attractive option to return to (for those young people who leave) a concerted effort will be required. This policy is intended to direct Hepburn Shire Council's youth retention initiatives and support action to attract a diverse population.

#### **Scope**

This policy applies to all Hepburn Shire Council.

#### **Aims**

To create an environment where young people will choose to live because they can participate in decision making, learning and employment.

#### **Objectives**

1. To increase young people's participation in civic processes

Hepburn Shire Council recognises that young people have an important contribution to make to the social, economic, recreational and cultural life of Hepburn Shire

2. To Increase the number of young people who choose to remain or return to live in Hepburn Shire.

Young people who are connected, appreciated and celebrated within their communities will retain our history as well as govern our future.

3. To provide effective leadership and advocacy for and on behalf of young people

### **ATTACHMENT 3**

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Hepburn Shire Council has a key role to play on a local, state and federal level as leaders in youth engagement, education, training, employment and advocacy.

#### **Strategies**

1. Strengthening and engaging with the youth communities by actively seeking their input in Council decisions, conducting community engagement initiatives and developmental projects. This includes an ongoing commitment to a Youth Advisory Committee, Youth Grants and Youth Development Co-ordination.
2. Advocating for and creating opportunities for education, training and employment with other levels of government, private industry and within Hepburn Shire Council's operations through youth apprenticeships and traineeships.
3. Deliver youth specific programs such as the Freeza Program and pursue where appropriate alternative resources to support youth development and participation.
4. Creating a positive image within communities that young people are valued and appreciated within the Shire.  
Attracting young people back will in part be determined by their experience before they leave and the opportunity they will have as older adults.
5. Building partnerships with community organisations, groups and services to advance youth participation and retention, for example the Highlands Local Learning & Employment Network.

**Endorsed by:**

**Adopted by Council:**

#### **References**

MAV Youth Charter  
Youth Advisory Council of Victoria Code of Ethical Practice  
Hepburn Healthy Communities Social Plan (2005)  
Australian Bureau of Statistics (ABS) 2006  
Community Indicators Victoria (CIV)  
FReeZA Program Delivery Guidelines

