

HEPBURN SHIRE COUNCIL

ORDINARY MEETING MINUTES

7pm Tuesday 20 May
2008

Senior Citizens Room
Rear Town Hall, Daylesford

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HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

VISION STATEMENT:

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

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

Objective One – Strengthening Communities

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

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

Objective Two – Service Delivery

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

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

Objective Three – Asset and Resource Management

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

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

Objective Four – Economic Development

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

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

Objective Five – Heritage and Environment

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

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

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

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

**MINUTES OF THE ORDINARY MEETING
OF THE HEPBURN SHIRE COUNCIL HELD AT
DAYLESFORD SENIOR CITIZENS ROOM ON 20 MAY 2008,
COMMENCING AT 7 PM**

AGENDA

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CR TIM HAYES, MAYOR
21 MAY 2008

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

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

IN ATTENDANCE: Chief Executive Officer, Philip Shanahan; Director Infrastructure & Development, Rod Conway; Director Corporate & Community Services, Martin Walmsley.

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

OPENING PRAYER

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

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

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

This we pray. Amen

1. **APOLOGIES:** Nil

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

3. **CONFIRMATION OF MINUTES:**

3.1 **ORDINARY MEETING OF 15 April 2008**

Recommendation:

That item 3.1 Minutes of the Ordinary Meeting of Council held on 15 April 2008 (Attachment 1), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.

Moved the Officer's Recommendation.

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

4. PETITIONS AND PUBLIC QUESTION TIME

This part of the Council Meeting allows 30 minutes for:

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

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

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

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

Nil Petitions received.

5. GOVERNANCE AND STRATEGIC MATTERS

5.1 MONTHLY FINANCIAL REPORT 1/7/07 – 30/4/08

(A/O – Director Corporate Services)

File Ref: 30/08/16

Synopsis

A summary report on the Council's financial performance for the financial year to the 30 April 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 83%.

**Hepburn Shire Council
Monthly Financial Report April 2008
Percentage of year complete 83%**

	Budget/ Forecast 000's	Actual April-08 000's	Percentage Of Budget
1. Administration			
Expenditure	5180	4187	81%
Income	(11,924)	(11,098)	93%
1. Administration	(6,744)	(6911)	
2. Human And Community Services			
Expenditure	2,652	2003	76%
Income	(1,881)	(1,579)	84%
2. Human And Community Services	771	424	
3. Regional Development/promotion			
Expenditure	1827	1,489	82%
Income	(471)	(369)	78%
3. Regional Development/promotion	1356	1120	
4. Public Safety			
Expenditure	609	492	81%
Income	(264)	(248)	94%
4. Public Safety	345	244	
5. Recreation			
Expenditure	1341	1065	79%
Income	(19)	(17)	89%
5. Recreation	1322	1048	
6. Infrastructure Development			
Expenditure	4,897	4,253	87%
Income	(3,230)	(2,229)	69%
6. Infrastructure Development	1,667	2024	

5. GOVERNANCE AND STRATEGIC MATTERS

**Hepburn Shire Council
Monthly Financial Report April 2008
Percentage of year complete 83%**

	Budget/ Forecast 000's	Actual April-08 000's	Percentage Of Budget
7. Waste & Environment			
Expenditure	1,377	1031	75%
Income	(1,465)	(1,450)	99%
7. Waste & Environment	(88)	(419)	
8. Unclassified			
Expenditure	20	1	5%
Income	(538)	(9)	2%
8. Unclassified	(518)	(8)	
9. Capital Works And Projects			
Expenditure	4,112	3,130	76%
Income	(2716)	(1211)	45%
9. Capital Works And Projects	1396	1919	
Report Total	(493)	(559)	

The report has been produced at a summary level to provide Council with a snap shot as at the end of April 2008. The forecast surplus should be viewed with caution as it represents a number of projects it is anticipated will be carried forward to 2008/09, the underlying result is a surplus of \$10k. For those areas where the percentage varies significantly from the year completed percentage the following comments are provided.

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

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

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

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

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

Infrastructure Development - Expenditure. Majority of Road works completed with stabilization at 83%. Further routine maintenance to be carried out.

Infrastructure Development - Income. Income is received from two principal sources the grants commission which is paid quarterly and Roads 2 Recovery which has been claimed and is expected to be paid by the end of May.

5. GOVERNANCE AND STRATEGIC MATTERS

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

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

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

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

Relevant Policies / Council Plan Objectives

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

Community / Engagement / Communication / Consultation:

Financial & Resource Implications Initial & Ongoing

Nil.

Recommendation:

5.1.1 *That the April 2008 finance report be received and noted.*

Moved the Officer's Recommendation.

Moved: Cr David Smith

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.2 AUDIT COMMITTEE MEMBERSHIP

(A/O – Finance Manager)

File Ref: 30/04/01

Synopsis

This report recommends the appointment of Mr Peter Barton to fill the independent member vacancy on the Council's Audit Committee.

Report

Council placed a number of advertisements seeking expressions of interest to fill the independent member vacancy on Council's Audit Committee with no response.

In late 2006 when Council when faced with a similar situation resolved "That Council approach suitable members within the community to fill the vacancy on the Audit Committee".

Following discussions with Hepburn Health Service, Council has received an expression of interest from Mr Peter Barton. Mr Barton has qualifications in business and health administration and is Finance Manager and Deputy Chief Executive Officer of Hepburn Health Service.

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

Relevant Policies / Council Plan implications:

- 3.3 Responsible financial management
- 3.5 Focussed, professional administration

Community / Engagement / Communication / Consultation:

Appropriate advertising seeking expressions of interest was undertaken on a number of occasions.

Financial & Resource Implications Initial & Ongoing

Nil

Recommendation:

That Council:

5.2.1 *Appoint Mr Peter Barton to the internal Audit Committee.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.3 MARCH QUARTERLY BUDGET REVIEW 2007/08

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

File Ref: 30/08/16

Synopsis

Council's senior officers have undertaken an extensive review of the 2007/08 Operational and Capital / Project budgets.

Report

The March Quarterly review undertaken by Council staff of all expenditure and income items has been undertaken and updated forecasts prepared where variances from budget have occurred or an expected to occur.

The attached documents are provided for Council's information:

- One page summary
- Budget Variance Summary
- Capital /Projects year to date, with comments.

A forecast of \$204,000 net has been included for legal expenses based on the level of expenditure to March 2008 and the expected claims to be reimbursed.

The current forecast provides for a surplus of \$492,630 less carried forward projects and operating of \$482,764 which leaves an underlying surplus of \$9866.

Relevant Policies / Council Plan implications

- 3.1 Improve the management of our assets
- 3.3 Responsible financial management
- 3.5 Tight, sharp, focussed, professional administration.

Community / Engagement / Communication / Consultation

A range of consultations with the community were undertaken in developing the 2007/08 budget.

Financial & Resource Implications Initial & Ongoing

None anticipated.

Recommendation:

That Council:

5.3.1 *Receive and note the report*

5.3.2 *Request the Manager of Finance to provide future monthly reports on performance against the revised budget forecast.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.4 DEVELOPING COMMUNITY CAPACITY THROUGH COMMUNITY GRANTS (A/O – Community Strengthening Officer) File Ref: 30/14/03

Synopsis

Twice each year Council has the opportunity through its Community Grants initiative to directly support the work of community groups and organisations as well as provide the chance for new innovations. Round two of 2007/08 has received 32 applications in the categories of Culture and Arts, Community Strengthening, Small Equipment and Youth. There is a broad range of requests for funding from simple low-cost equipment to major performing arts and community events.

Report

Hepburn Shire is home to over 300 community groups, clubs and organisations. Most of these are operated or governed by volunteers, usually with little or no paid resources. Fire-fighting organisations, community education, children's groups and special interest groups are examples of these, all of which were represented in this round of grant applications.

Community grants have previously enabled 'good ideas' to be trialled as new initiatives. Applications for round two include a number of proposals which fall within this realm.

Council's contribution through the community grants initiative strengthens the work undertaken by communities. Receiving even small amounts of money through the community grants initiative can often enable these groups to conduct their business better, safer or make them more available to the community.

Following the large number of requests for small equipment purchases through the Community Strengthening Projects category in round one a 'Small Equipment' category was introduced. These grants are intended to fund or contribute to the purchase of minor operating equipment and are capped at \$500. There has been an overwhelming subscription to this category, outstripping the proposed budget. This has been reflected by fewer and more appropriate requests in the community strengthening projects category. Because of the inter-related nature of these two categories, requests can be satisfied within the allocated resources.

There was a disappointing under-subscription in the categories of Culture and Arts and Youth. Whilst both funding pools are significantly smaller than the Community Strengthening grants, application numbers were still down from previous rounds. The Youth Grants uptake could have been impacted upon by the Youth Advisory Committee grants which were conducted in March. Under that scheme eight grants of \$300 each were allocated, totalling \$2400.

There was also poor subscription from portions of the Shire with no applications being received from Trentham or surrounds and none from many of the rural areas.

Grants were assessed by representatives of the associated Advisory Committees; Youth, Culture and Arts and by the Hepburn Healthy Communities Advisory Committee assessing Small Equipment and Community Strengthening Projects. Council Officers assessed the grants independently of the committees.

Assessors applied scores from a total of 90 points. These were averaged and each grant was assigned a mean score.

5. GOVERNANCE AND STRATEGIC MATTERS

Category	Number Received	Amount Requested	Amount Recommended
Youth	1	\$500	\$500
Culture and Arts	4	\$7,525	\$2,000
Community Strengthening	6	\$7,600	\$5,000
Small Equipment	21	\$12,624	\$7,509
Totals	32	\$28,249	\$15,009

Applications recommended not for funding were rejected on the following grounds; insufficient evidence or incomplete applications, project was the responsibility of another jurisdiction, lacked benefit for wider community, was a fund-raising activity and the group was funded in the previous round for the same or similar project.

Attached for Councillor information is the **confidential attachment No #** in which the project applications are summarised and financial details are included.

Relevant Policies / Council Plan implications:

Council Plan – 1.2 Enhance community connectedness, capacity building and leadership.

Hepburn Shire Council Social Plan – 2.1 Communication, participation and engagement across the Shire, inclusive of all residents of all ages.

Recreation Plan – Developing inclusive and active communities

Community / Engagement / Communication / Consultation:

Publicity had been increased this round. In addition to the Hepburn Shire Council homepage and Advocate page, information was sent out to groups via e-mail lists. Applicants had been encouraged to contact officers to discuss their proposals to help increase their success with the application process. Approximately 1/3 of applications followed this advice.

An attempt to increase uptake for Round One of 2008/09 will involve a briefing session for Councillors and community briefings.

Financial & Resource Implications Initial & Ongoing

The total pool of funds available for allocation in Round Two is \$19,500

Youth - \$2,500

Culture and Arts - \$2,500

Community Strengthening - \$14,500

- Small Equipment - \$2,500
- Community Strengthening Projects- \$12,000

Recommendation:

That Council:

5.4.1 *Award the community grants as recommended in the confidential attachment.*

5.4.2 *Fund excess small equipment grant requests of \$5009 from the under-expended community strengthening projects budget.*

Moved the Officer's Recommendation.

Moved: **Cr Heather Mutimer**

Seconded: **Cr Janine Booth**

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.5 SUPPORTING THE VOLUNTARY WORKFORCE

(A/O – Community Strengthening Co-ordinator)

File Ref: 16/22/10

Synopsis

Volunteers make a significant contribution to the workforce of Hepburn Shire Council and to groups/organisations across the Shire. Hepburn Shire Council has developed its first Volunteer Policy, recognising and supporting volunteerism within the organisation.

Report

Hepburn Shire is home to a generous culture of volunteerism, with more than 1 in 5 residents volunteering for an organisation. This doesn't account for the innumerable acts where people give of their time to participate in community activities in an informal capacity.

In addition to voluntary operation of most community and sporting events, volunteerism is essential to the health, social service and education institutions of Hepburn Shire. Hepburn Health Service, the largest human service provider in the Shire, has 273 volunteers covering meals on wheels, transport, visitors and hospital auxiliaries.

Hepburn Shire Council is also host to a wide range of volunteers and recipient of services ranging from day to day operations to management committees. One of the largest single uses of volunteers is the operation of the Visitor Information Centres, engaging up to 200 people across Daylesford, Clunes, Trentham and Creswick. Seven volunteers also support the Creswick Planned Activity Group and a further 16 participate as part of the Community Visitors Scheme. Another significant voluntary contribution is made via participation on Section 86 and Advisory Committees. Hepburn Shire Council currently has 14 Section 86 Committees and 9 Advisory Committees, involving over 150 participants as volunteers. Other areas of voluntary participation include projects, such as Australia Day activities, Emergency Recovery and Friends of the Creswick Town Hall.

This policy has been prepared as the framework for volunteerism within Hepburn Shire Council. In addition to ensuring that volunteers receive the appropriate recognition and support, the policy also provides a number of guiding statements to assist both volunteers and the organisation. It provides the foundation for a number of procedures that will be developed to assist both staff and volunteers.

This policy also supports volunteerism by staff. Corporate and government sponsorship of volunteerism is a growing trend where by staff are released from their paid duties to support community ventures or groups for a set number of hours each year, e.g. 8 hours p.a. A separate staff volunteering policy is currently being developed.

Relevant Policies / Council Plan implications:

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

5. GOVERNANCE AND STRATEGIC MATTERS

Community / Engagement / Communication / Consultation:

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

Financial & Resource Implications Initial & Ongoing

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

Recommendation:

That Council:

- 5.5.1 *Place the Draft Volunteers Policy on public exhibition to seek community comment.*
- 5.5.2 *Acknowledge the efforts of all volunteers in Hepburn Shire in recognition of National Volunteers Week which was celebrated May 12-18.*

Moved the Officer's Recommendation.

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.6 ROAD MANAGEMENT - CLARKES ROAD, FRANKLINFORD

(A/O – Director Infrastructure & Development)

File Ref: 1465

Synopsis

Road access to 130 Clarkes Road, Franklindford has not been formally and legally provided as vehicular access is over Crown Land known as the Franklindford Streamside Reserve.

This report recommends proclamation of Clarkes Road under the Land Act and acceptance by Council of road management functions under the Road Management Act so that Council becomes the Responsible Road Authority and this property has legal road access.

Report

Clarkes Road is located in Franklindford, as shown below.



Council has issued a planning permit to develop a dwelling to replace the old house for this property at 130 Clarkes Road, Franklindford.

The access to this property is over Crown Land known as the Franklindford Streamside Reserve. DSE has advised that in accordance with Section 37 of the Code of Practice for Operational Responsibility for Public Roads, established under the Road Management Act, *"If a public road other than a freeway or arterial road, runs through land administered under the Forests Act 1958, the National Parks Act 1975 or the Crown Land (Reserves) Act 1978 and provides access exclusively to freehold land, the responsible road authority should be the Council of the municipality in which the road is situated."*

To enable this property to have formal and legal road access, proclamation of a road (of 15 metres width) under the *Land Act 1958* and transfer of road management functions under section 15 of the *Road Management Act 2004* is required. The Responsible Road Authority for this section of Clarkes Road over the stream reserve would then be Council.

5. GOVERNANCE AND STRATEGIC MATTERS

The former Daylesford & Glenlyon Shire in 1979 built a replacement bridge with a load limit of 15 tonnes. The bridge substructure is in fair condition together with the steel beams. The timber decking is in fair/poor condition and is trafficable only for light vehicles. The handrails require replacement should the bridge be used for day to day access.

The property owners have been advised that the bridge is to be closed to traffic and only used for emergency purposes, during times of flooding of the creek, and that a gross load limit of 5 tonne be applied. The owner of the land has already installed a gate across the bridge which is locked.

A concrete culvert crossing of the creek has been constructed to provide for day to day access however during times of flood it would be unsuitable for access to 130 Clarkes Road, Franklinford.

Flood waters tend to fall quickly in this location so that the period of not being able to use the culvert crossing would normally only be for a short time. The bridge could be used for emergency purposes during this period.

Relevant Policies / Council Plan implications

Road Management Plan.

This section of Clarkes Road is not listed on Council's Road Register contained within our Road Management Plan. Should Council agree to the transfer of road management functions then this section of road would be listed on Council's Road Register.

Community / Engagement / Communication / Consultation

Discussions have been held with the applicant for the planning permit and DSE representatives.

Financial & Resource Implications Initial & Ongoing

The current road is at an acceptable standard for all weather access however the old bridge is not suitable for day to day access. The property owner has been advised that the bridge cannot be used unless for emergency purposes.

The ongoing maintenance costs would have to be borne by Council, the same as other local roads, whilst this property has paid rates for many years.

Recommendation:

That Council::

5.6 .1 *Advise the Department of Sustainability & Environment that it agrees to the proclamation of Clarkes Road under the Land Act 1958 and the transfer of road management functions under section 15 of the Road Management Act 2004 so that Council becomes the Responsible Road Authority for Clarkes Road.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.7 ESTATE OF SOUTHWICK – COMPULSORY ACQUISITION

(A/O – A/Director Corporate & Community Services) File Ref: 3/3880/02500

Synopsis

During the period January 1957 – April 1962 the then Borough of Daylesford proposed to purchase/acquire certain land in the vicinity of Central Springs Reserve. It was resolved to compulsory acquire certain land. Although records are 'sketchy' it appears the land was to be used to improve access to the Reserve and to create a car park. One of the pieces of land was Crown allotment 1 Section 38 Township of Daylesford Parish of Wombat - Certificate of Title Vol 0379 Folio 616 but it appears that the acquisition did not proceed to finality. The land remains in the name of the M H Southwick, known to be deceased.

Report

As part of the compulsory acquisition process a caveat was, by notice, lodged on the Title and it remains endorsed viz:

***The Mayor Councillors and Burgesses of the Borough of Dylesford (sic) has pursuant to section 57 of the Transfer of Land Act 1954 served a notification relating to the compulsory acquisition of the whole of the land comprised herein.
Dated 30th January 1959.***

A formal notice about the compulsory acquisition was published in the Government Gazette on 28 January 1959.

Solicitors (Frenkel Partners) ask, on behalf of the now Estate for which they act, for the endorsement to be removed, pointing out that no action has been taken and therefore in the circumstances removal of the endorsement would be appropriate.

It is important to establish whether the Council did or did not complete the compulsory acquisition process – if indeed paid compensation – and if it did, then it might be expected the Council has a strong claim to the land, now quite valuable, even though the Title process is incomplete.

The only reliable document readily available is the Council's Minute Book from the time. A search of the Minute Book from June 1956 to October 1964 was made. It must be stated that the search was not 'line by line' and generally it was found references to Central Springs Reserve had relevance. The Minute Book is also 'brief' and sometimes in the extreme regarding this matter. A major difficulty being - the Minutes do not include Reports referred to.

Further information may be gained by searching records of the former Local Government Department at the Public Record Office. Given the circumstances described below, the time and expense of a public records search could not realistically be justified.

It was established that the Council did resolve to compulsory acquire the land in question – the Minute Book records– 25 September 1961 – Compulsory Land Acquisition – Central Springs – the Town Clerk reported on conferring with the Borough solicitor regarding the compulsory acquisition of land at Central Springs to be constructed and used as a car park. The land in question ***“was in the Estate of M H Southwick.”*** All necessary ***“foundation work”*** had been carried out and the Council needed to make an **Order** for the work to be done.

5. GOVERNANCE AND STRATEGIC MATTERS

A Council resolution then specifically refers to –

- CA 1 Sec 38 and its Title reference,
- the Southwick name,
- the notice of intention in the Govt Gazette of 28 January 1959 and

goes on to state “... **that the said land be taken for such purpose** (works referred to in specifications, maps and plans, but these not included) **by the Council and that such order together with true copies of all such specifications, maps and plans and all sections and elevations thereof and with the written objection of the said Adelaide Southwick be transmitted to the Minister in accordance with Section 514 of the Local Government Act 1958.**”

Normally after the submission of documents to the Local Government Department there is correspondence and eventually a confirmation by the Minister of the Council's Order. No correspondence to the Council about the Central Springs area or compulsory acquisition was subsequently noted in the Minute Book. To demonstrate or confirm - a compulsory acquisition process took place in 1963 for land at Jubilee Lake and the Minute Book records various correspondence from the Local Government Department and specifically on 23 October 1963 the Minister's subsequent confirmation of the Council's Order for this acquisition

The Minute Book then on 26 March 1962 records – Land Acquisition – Central Springs – solicitors representing the Southwick Estate claimed an amount of 1000 pounds for the land as previously indicated. The Council resolved “**that the Tourist Development Authority be approached seeking permission to transfer of money made available for car parking to the area around Boat Shed and footpath and surroundings towards swimming pool. Authority to be advised of difficulties facing Council regarding compulsory acquisition of land etc, in carrying out original proposal.**”

There is no indication as to the “**difficulties facing Council**” but it might be presumed the Council would not pay the amount being claimed as compensation or agreement on compensation could not be reached or it did not have sufficient funds to pay compensation for the land and was relying on grants. The grants situation appears to have changed – maybe even ‘dried up’.

30 April 1962 – Minutes record that the Tourist Development Authority had cancelled part of a subsidy for work at Central Springs, but an application was made to restore the amount and a further grant for proposed work on the car park area and tracks would have to be made as a subsidy for road works 1,200 pounds would be cancelled. An application concerning the boat shed at Central Springs is also mentioned.

The Minute Book goes on to mention other works at Central Springs and even the offer of other land for purchase by the Council (100 pound per block). But there does not appear to be any further mention of the subject land in the Minute Book up to October 1964. This is beyond the 2 year period when compensation would have to have been determined at the time.

To establish if similar circumstances applied to any other land – CA's 2, 3, & 8 Section 38, were also mentioned at the time as subject to acquisition - Title checks of these allotments were made.

At the time, CA's 2 and 3 were owned by Arthur Mahoney. An endorsement about the compulsory acquisition of this land was recorded on Title on 2 February 1959. A Dealing is recorded for 12 October 1986 to note that the endorsement does not now affect the land. Similarly with CA 8 in the name of Hazel Chatfield, an endorsement is

5. GOVERNANCE AND STRATEGIC MATTERS

recorded about the compulsory acquisition on 2 February 1959. There is a Dealing on 10 April 1984 to note that the endorsement no longer has affect.

It is appropriate to assume the acquisition process for CA 1 Sec 38 Township of Daylesford was effectively abandoned because –

- the Council appeared to ‘buck’ at the amount of and/or not paid compensation
- the proposed parking scheme at Central Springs did not eventuate
- other land mentioned as part of the acquisition process at the time remains in private ownership and clearly from the checks of titles for this land, the endorsements were removed albeit years later
- the silence of the Minute Book after a certain time on the matter
- the Estate has paid rates and charges and there are no arrears –

therefore any claim the Council may have to the land cannot be without doubt substantiated and the request to have the Title endorsement removed is reasonable.

A full chronology of events recorded in the Minute Book on this matter was made available for Councillors.

Assumptions – the action of the former Borough of Daylesford became a responsibility of the amalgamated Shire of Daylesford and Glenlyon. It follows that responsibilities of the former Shire were assumed by Hepburn Shire Council on its creation. (Refer Order Jan 1994) The point here is the Land Vic Titles Office will want proof about the Council’s ability to lodge an application to remove the Notice. With succession responsibilities in Orders, the Council can resolve to do so.

Relevant Policies / Council Plan implications

There are no specific policies or Council Plan implication regarding this matter. Council, in equity, must act reasonably and fairly and with no substantive evidence to the contrary it should not delay in taking the recommended action.

Community / Engagement / Communication / Consultation

A detailed chronology of the Minute Book is available, otherwise nothing further is applicable.

Financial Implications

There are no direct financial implications unless the Council wishes to dispute the matter. Then, substantial compensation may be payable, there may be a requirement to repay a cumulative (and substantial) amount of rates and charges and no doubt legal costs would also be substantial.

Recommendation:

Whereas

- *the former Borough of Daylesford lodged a caveat by notice dated 30 January 1959 on Certificate of Title Vol 0379 Folio 616 to create an endorsement about the compulsory acquisition of the whole of the land within the Title;*
- *the former Borough of Daylesford resolved on 25 September 1961 to confirm its Order to take the land for purposes for which the Council could reasonably acquire land;*
- *there is no or insufficient information to conclude that the compulsory acquisition procedure and including the payment of compensation to the Estate*

5. GOVERNANCE AND STRATEGIC MATTERS

- *of M H Southwick was ever properly completed; and*
- *the Hepburn Shire Council is a successor body to the former Borough of Daylesford*

That

- *pursuant to Section 57(2) Transfer of Land Act 1958, Council withdraw the endorsement on Certificate of Title Vol 0379 Folio 616 dated 30 January 1959; and*
- *the 'Withdrawal of Notification' document be sealed.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.8 SWIMMING POOLS AND RECREATIONAL WATER ANNUAL REPORT

(A/O – Executive Engineer)

File Ref: Various

Synopsis

18,010 attendances were recorded at the aquatic facilities provided by the Council during the summer season of 2007-08 for which the YMCA successfully managed these facilities.

This report for the 2007/8 financial year provides information on program initiatives, capital works improvements and attendance data.

Report

Swimming is one of the most balanced and safe forms of physical exercise and aquatic facilities provide a social focal point for the community, especially youth during the summer.

Council provides supervised summer swimming pool recreational facilities in townships of Clunes, Daylesford and Trentham and provides supervision of the dive tower at Calembreen Park, Creswick. The supervision and operation of these facilities was undertaken by YMCA Ballarat and this past season was the first year of a new three year contract for the Operation and Management of these facilities.

Program Initiatives.

Clunes pool operated a number of additional programs to encourage further use by patrons this season and it is hoped to extend these programs to Daylesford and include a sweat program, golden oldies and lap-a thon. Other general programs included giant inflatable; BBQ's combined with fun days.

Calembreen Park had two funs days provided this year which included canoeing, jumping castle, space games, music on site and competitions. These fun days are an important way of bringing back families to use Calembreen Park as a local and family oriented park.

Council has maintained its commitment identified in the Recreation Strategy to provide recreational activities for families and youth by providing a safe and supervised environment for swimming and water activities. These aquatic facilities are seen as important assets to local communities and visitors alike.

Taking into account the impact of weather the attendances this year were quite satisfactory. The YMCA and Council have received a range of positive feedback about the services provided.

Capital Works Improvements

Improvements this year have included the maintenance painting of the Clunes, Trentham and Creswick Pools, water supply pumping from Calembreen Lake to supply toddler's pool, new skillion roof to the ablution block and additional solar heating at Trentham, replacement of leaking return water pool piping at Clunes and hypochlorite storage tank bunding at Daylesford. Proposed improvements for next season are scum gutter refurbishment at Clunes and Trentham, painting of ablution blocks at Daylesford and Trentham.

Attendance data

5. GOVERNANCE AND STRATEGIC MATTERS

The attendances analysis is provided below.

Pool	Total	Total	Total	Total	Total	Total	Total	7 Year Average
	2001/02	2002/03	2003/04	2004/05	2005/6	2006/7	2007/8	
Creswick Dive Tower							904	Not applicable
Clunes	2590	3333	4550	3195	4069	4522	4236	3785
Daylesford	8084	8508	13710	9536	12851	11927	10968	10798
Trentham	880	2394	2119	890	1572	1904	1902	1666
TOTALS	11554	14235	20379	13621	18492	18353	18010	16248

Facility	Daily Attendances	Percentage Increase/decrease over long term average
Creswick	9	Only have one years numbers
Clunes	42	-22.7%
Daylesford	108	-11.4%
Trentham	19	-8.1%
TOTALS	177	-14.2%

Relevant Policies / Council Plan implications:

Council Plan

Objective Two

2.3 Further develop the range of services and programs

Community / Engagement / Communication / Consultation:

Customer feedback from patrons using the facilities was received by the YMCA and Council. Two main issues were raised- suggestions for improved facilities and the possibility of extending the season if the weather continues to be warm.

The improvements are being considered as part of the budget process and the possibility of an extended season will be discussed with the YMCA.

Financial & Resource Implications Initial & Ongoing

The Operation and Management of the Swimming Pools maintained expenditure in line with expectations.

Council has provided \$209,000 in its budget for aquatic facilities. Management and maintenance is within budget.

Recommendation:

That Council:

5.8.1 Receive and note the 2007/8 annual report on swimming pools and recreational water activities.

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.9 WASTE MANAGEMENT STRATEGY IMPLEMENTATION

(A/O – Director Infrastructure & Development)

File Ref: 68/08/03

Synopsis

This report provides information on implementation of the Council's Waste Management Strategy relating to garbage & recycling collection services, transfer stations, municipal recycling facility and future service provision improvements.

Report

Hepburn Shire is a member of the Highlands Regional Waste Management Group (HRWVG) which comprises Ballarat City and the Shires of Moorabool, Pyrenees, Golden Plains & Central Goldfields.

Hepburn Shire's waste management plan is incorporated into and forms part of the Regional Waste Management Plan as required by the State Government.

Over the past decade significant changes have occurred in how we provide and deliver waste management services in our Shire.

Waste Management Services in Year 2000

In the year 2000 Council operated four (4) landfills which were located at Trentham, Daylesford, Creswick and Clunes.

A weekly kerbside domestic garbage collection service was being provided to the townships of Trentham, Daylesford, Hepburn/Hepburn Springs, Creswick & Clunes. In Creswick mobile garbage bins (MGB's) were the container used for collection, however in the other towns it was predominantly a mixture of MGB's and the old plastic or galvanised iron garbage bins.

A fortnightly recycling collection service was provided to the townships of Trentham, Glenlyon, Daylesford, Hepburn/Hepburn Springs, Creswick & Clunes in the year 2000 using the "plastic crate system" and bundled paper and cardboard was also collected.

A Municipal Recycling Facility was operating from Daylesford for sorting & processing of recyclable materials from the recycling collection service.

Waste Management Services from 2001-2007

In the year 2007 all landfills in the Shire had been closed. Model rural waste recovery and transfer stations had been built and operate in Trentham, Daylesford and Creswick. These stations have all weather access for the general public. Gone are the days of getting bogged at the tip face or stepping out of your car into mud!

These stations also recover/recycle a variety of materials that have traditionally in the past been buried at landfills. This recovery aspect has placed Hepburn Shire as the leading municipality in the HRWVG for reduction in waste to landfill. Our waste recovery and transfer stations are regarded in the industry as being the "model/benchmark facilities" for rural shires.

Waste that cannot be recovered at the stations is then transported via 30m³ skips to the regional landfill at Smythesdale.

5. GOVERNANCE AND STRATEGIC MATTERS

Each of the stations also provides for recyclable materials such as glass, plastic bottles, steel cans, milk cartons, paper and cardboard to be dropped off at the stations by the rural community who do not receive kerbside recycling collection service. Approximately 4600m³ of recyclable materials are then recovered and transported for processing from the waste recovery and transfer stations.

Each station also provides for disposal of green waste which is chipped/shredded and then re-used as cover material for rehabilitation of the former landfill sites and also made available for the community to collect free of charge.

An annual hard rubbish collection service is provided to the township of Clunes in recognition of closure of their landfill and the decision not to build a transfer station in Clunes, as it was not financially feasible.

The weekly kerbside domestic garbage collection service was changed in 2002 to use only 120 litre MGB's for collection. Council was able to negotiate the supply of approximately 800 used MGB's to be provided to those households at the time who were still using the conventional garbage bins for no cost. This enabled the then contractor to use a one arm lift system for collection and no more manual handling.

In 2003 the recycling collection service was changed to use a 240 litre MGB for collection of the recyclables as a commingled system. Glass bottles, milk containers, plastic bottles, steel and aluminium cans as well as paper and cardboard are now collected using this service. Hepburn Shire was the first municipality in the HRWMG to introduce a 240 litre MGB commingled recycling service.

Our recycling participation rate and the amount of recycled material collected per household is the highest in the Region. The Environment Protection Authority has acknowledged that our recovery rate was the highest for rural Victoria as well as being the third highest for all municipalities in Victoria when it conducted a major review some two years ago.

2008 and Beyond – Improvements to Waste Management Services.

The Municipal Recovery Facility (MRF) has experienced a significant increase in the volume of materials delivered for sorting and processing. A large volume of recyclable materials is captured at the waste recovery/ transfer stations (4600m³), which has meant that the facility has had difficulty in processing all material. As a means of assisting the operator to manage the large volume of material the recyclables from the waste recovery/transfer station and kerbside collection service were diverted to Ballarat for processing in late April 2008. The long term capability of the MRF's current operations will be subject to a review as part of the lead up to the next contract for that service in 2010.

Some concern has been raised about the amount of broken glass and contaminated material that is being received at the MRF. From the data gathered to date for the MRF this appears to be in the order of 7% of the material by weight. A recent study of 6 Metropolitan municipalities revealed rates of between 11.5% to 22.5%. Further analysis of the loads going into the MRF will be carried out.

The garbage collection and recycling collection contracts expire in 2010 and therefore a major review of these services will be undertaken over the next 12 months as the contracts will be for a seven (7) year period.

5. GOVERNANCE AND STRATEGIC MATTERS

As part of the review an audit will be carried out in June 2008 on the contents of a sample amount of household garbage MGB's. The audit is being conducted in conjunction with the HRWVG at minimal cost to Council. This will provide information on the amount of recyclables and green waste that is still being put in with household waste.

A green waste collection service and a hard rubbish collection service for each main township (other than Clunes) have been difficult to justify the cost of these in the past, as the main township households have easy access to the waste recovery/transfer stations.

The 2008/9 budget for waste management includes a provision to commence installing street recycling bins in shopping precincts.

Conclusion

The key elements of the waste management strategy since 2000 have been to provide best practice in the collection, recovery and disposal of waste.

Have we delivered?

- Hepburn Shire was the first municipality in the HRWVG to introduce a 240 litre MGB commingled recycling service and provides best practice in collection of household garbage and recyclables.
- Our recycling participation rate and the amount of recycled material collected per household is the highest in the Region. The Environment Protection Authority in 2006 acknowledged that our recovery rate is the highest for rural Victoria as well as being the third highest for all municipalities in Victoria.
- Council no longer operates landfills, it now provides waste recovery and transfer stations which are regarded in the industry as being the "model/benchmark facilities" for rural shires.

Relevant Policies / Council Plan implications

Council Plan – Service Delivery

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

Community / Engagement / Communication / Consultation

The annual satisfaction survey has provided feedback that our waste management services are highly regarded.

Council conducts other consultative forums and surveys such as the recently completed survey in Glenlyon township on the waste services. The results of the forums or surveys are used to respond to community needs.

Financial & Resource Implications Initial & Ongoing

The 10 year financial waste management plan has been updated which indicates that the future costs for waste management services will be operated at an acceptable level.

5. GOVERNANCE AND STRATEGIC MATTERS

Recommendation:

That Council:

- 5.9.1 *Undertake a major review of waste management services during 2008/9 to enable best practice to again be implemented for the major contracts for collection, recovery and disposal which expire in 2010 & 2011.*
- 5.9.2 *Note that a detailed report on the audit of waste material in the weekly garbage collection service will be presented to September 2008 Ordinary Meeting of Council.*
- 5.9.3 *Include in the 2008/9 budget an amount to commence installing street recycling bins in shopping precincts.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr David Smith

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.10 WOOLNOUGHS CROSSING RESERVE

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

File Ref:5/7700/00050

Synopsis

Council previously authorised to commence arrangements to transfer of its Title to the above Reserve to the Crown.

Report

The process to transfer R1 Plan of Subdivision 98634 as contained in Certificate of Title Vol 10885 Folio 236 is complete to a stage where the Council needs to now resolve to seal the Transfer of Land document and for it to be lodged at the Land Registry, Office of Titles.

To briefly recap on this matter, the objective behind the transfer is to have the land reserved under the Crown Land (Reserves) Act 1978 as a Mineral Water Reserve which will allow for support from Victorian Mineral Water Committee (VMWC) for works to develop and maintain the mineral spring on Kangaroo Creek which adjoins the land.

As part of the process Council will maintain management responsibility of the Reserve as it will be appointed committee of management through the Department of Sustainability and Environment. This appointment is in hand with the Department and is expected to be completed soon with the completion of the Transfer. Council has already agreed to continue on with a Local Government Act (LGA) Section 86 committee for the 'day to day' management of the Reserve, pending the committee of management appointment.

No consideration is involved in this matter. The transfer without consideration is authorised by LGA S191 whereby the Council may transfer land to the Crown without consideration and without complying with the provisions of LGA S189 which requires a public consultation process

Relevant Policies / Council Plan implications

Council Plan 2006 – 11

- Enhance community connectedness and external relationships
- Improve asset management
- Environmental management and sustainability practice

Community / Engagement / Communication / Consultation

Despite the provision not to have to comply with LGA S189, Council did in late 2006 provide public notice of these proposals and met with the Porcupine Ridge community which supports the proposals.

Financial Implications

As indicated this process allows for support from VMWC.

Recommendation:

That Council:

5.10.1 Transfer of Land document to transfer R1 Plan of Subdivision 98634 to the Crown be sealed.

5. GOVERNANCE AND STRATEGIC MATTERS

Motion Moved at the Meeting.

That Council:

5.10.1 Transfer of Land document to transfer R1 Plan of Subdivision 98634 to the Crown be sealed.

5.10.2 Members of the current committee to be notified of Council's action.

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.11 ROAD MANAGEMENT - YAM GULLY ROAD, BASALT

(A/O – Director Infrastructure & Development)

File Ref: 7759

Synopsis

Yam Gully Road is a forest track not required by the Department of Sustainability & Environment (DSE) or Parks Victoria for its operations. There are vacant allotments as well as a developed lot which can only be accessed by this track.

This report recommends proclamation of Yam Gully Road under the Land Act and acceptance by Council of road management functions under the Road Management Act so that Council becomes the Responsible Road Authority and these allotments have legal road access.

Report

Yam Gully Road is located off Basalt Road, Basalt as shown below.



Council has received a planning application to develop a dwelling on the middle crown allotments (CA 17A & 17B) which are situated in the Hepburn Regional Park. The privately owned allotments are zoned Rural Living however they do not have formal and legal road access.

The access track to these properties has been in existence for many years however DSE and Parks Victoria have advised that the access track is not required for their operational purposes. In accordance with Section 37 of the Code of Practice for Operational Responsibility for Public Roads, established under the Road Management Act, *“If a public road other than a freeway or arterial road, runs through land administered under the Forests Act 1958, the National Parks Act 1975 or the Crown Land (Reserves) Act 1978 and provides access exclusively to freehold land, the responsible road authority should be the Council of the municipality in which the road is situated.”*

5. GOVERNANCE AND STRATEGIC MATTERS

To enable these properties to have formal and legal road access, proclamation of a road (of 15 metres width) under the *Land Act 1958* and transfer of road management functions under section 15 of the *Road Management Act 2004* is required. The Responsible Road Authority for Yam Gully Road would then be Council.

Relevant Policies / Council Plan implications

Road Management Plan.

Yam Gully Road is not listed on Council's Road Register contained within our Road Management Plan. Should Council agree to the transfer of road management functions then this road would be listed on Council's Road Register.

Community / Engagement / Communication / Consultation

Discussions have been held with the applicant for the planning permit and DSE representatives.

Financial & Resource Implications Initial & Ongoing

Council can require the property owners to contribute towards the upgrade of the road to a suitable standard for all weather access via planning permit conditions however the ongoing maintenance costs would have to be borne by Council, the same as other local roads.

These properties currently pay rates.

Recommendation:

That Council:

5.11 .1 *Advise the Department of Sustainability & Environment that it agrees to the proclamation of Yam Gully Road under the Land Act 1958 and the transfer of road management functions under section 15 of the Road Management Act 2004 so that Council becomes the Responsible Road Authority for Yam Gully Road.*

Moved the Officer's Recommendation.

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

6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

Nil reports received.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Nil Reports received.

8.. STATUTORY MATTERS

**8.1 FOREST RESORT DEVELOPMENT PLAN AT 1500 MIDLAND HIGHWAY
CRESWICK**

(Team Leader Planning)

File Ref:2/4630/00777/P

Synopsis

Applicant: Jim Walsh Managing Director Forest Resort
Location: 1500 Midland Highway Creswick
Proposal: Revised Development Plan
Zoning: Special Use Zone
Overlay Controls: ES01, WMO

An amended Development Plan proposing the long term development of Forest Resort (the former Creswick Golf Course) has been lodged with Council for approval.

This amended plan was placed on public exhibition from Monday 7 April 2008 to Monday 21st April 2008. Council has received one submission from an adjoining property owner as a result of notification.

Report

INTRODUCTION

The current Development Plan was approved by Council in October 2006

Residential areas are located either side of a road spine through the centre of the site. This development plan made provision for recreation and servicing uses in association with a Golf Course and Hotel.

Planning permits have been issued for the 10 stages of subdivision and a cluster of residential lots have been sold in the centre of the site in proximity to the hotel.

PROPOSAL

The features of this revised Development Plan are an increase in density in the residential areas to the south of site. The current Development Timeframes allow for:

Development Plan	Oct 06	May 08
Dwellings/Allotments	168	360
Residential Hotel	144	144
Retirement units/ Dwellings	100	20 or 100 retirement units

A restaurant and chapel are included as stand alone uses. These are reflected in the Description of Development.

The revised Development Plan is supported by the specifications for the waste management system.

8.. STATUTORY MATTERS

REFERRAL AUTHORITIES

The waste management system is the subject of a Works Authority from the EPA therefore a referral was made and approval for the specifications given.

REFERRAL WITHIN COUNCIL

The entrance and road network are constructed therefore no further referrals were made.

ADVERTISING/NOTICE OF APPLICATION

This amended plan was placed on public exhibition from Monday 7 April 2008 to Monday 21st April 2008. One submission was received from the neighbouring property to the north. This submission relates to the reflection on the plan of completed works namely sheds, ponds and the existing new road. Removal of a cut off drain is requested. This objection would be withdrawn if these issues can be resolved.

Relevant Policies / Council Plan implications:

The substantive planning policy issues were addressed in the initial setup of the Forest Resort.

ZONE AND OVERLAY PROVISIONS

Special Use Zone

The purpose of the Special Use Zone

SCHEDULE 2 TO THE SPECIAL USE ZONE

CRESWICK GOLF COURSE

Purpose

To provide for the use and development of the Creswick golf course and associated uses.

ASSESSMENT

This revision was prompted by the re-subdivision of existing lots for unit development and a requirement to provide accommodation in association with the Hotel.

The proposed uses included will need applications for planning permits.

Community / Engagement / Communication / Consultation:

No consultation meetings were required.

Financial & Resource Implications Initial & Ongoing

There are no financial or resource implications.

Recommendation

- 8.1.1 *That Council resolve to approve the revised Development Plan for the Forest Resort as generally submitted and dated 14 December 2007.*

8.. STATUTORY MATTERS

Motion Moved at the Meeting:

That Council approve the revised Development Plan for Forest Resort dated 12 May 2008 (file: development 47 12 May 08) with an additional notation on the plan stating "Siting of the shed by agreement and consultation with the Forest Resort and Mr Mark Shalless of tumblers Green and the Hepburn Shire Council. Products, materials, equipment and machinery are to be housed with the shedding".

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

8. STATUTORY MATTERS

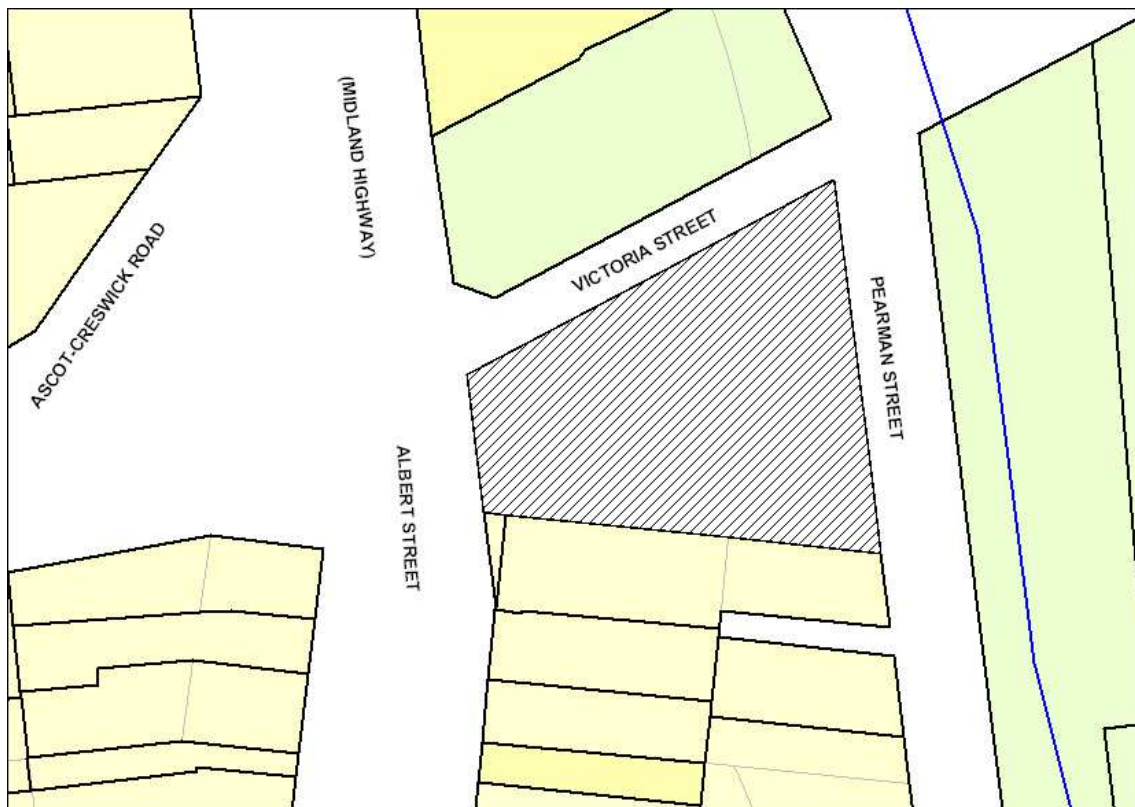
8.2 PLANNING APPLICATION 2007/9489 PROPOSED: BUILDINGS & WORKS ASSOCIATED WITH RETAILING AT 48 ALBERT STREET, CRESWICK

(Team Leader - Planning)

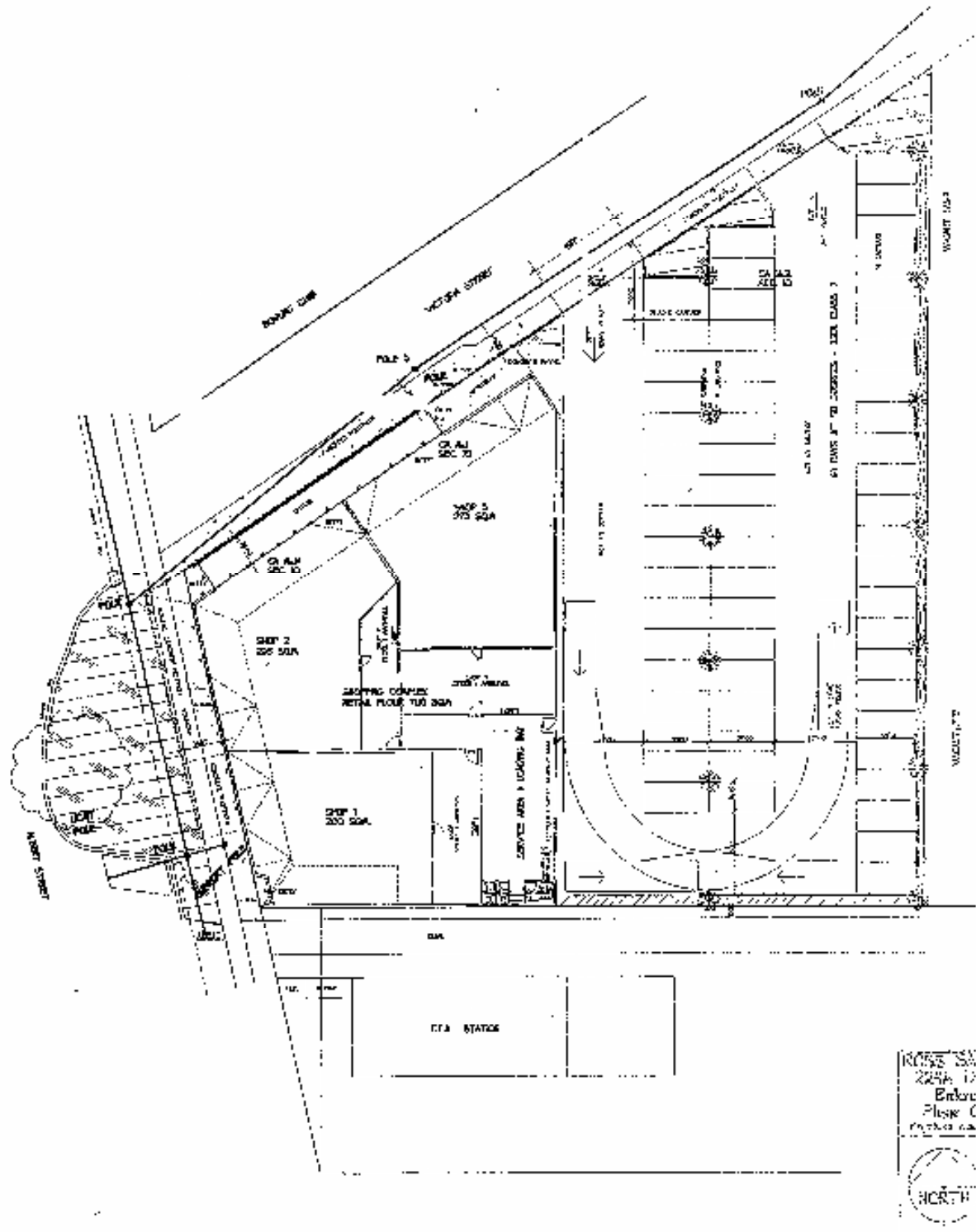
File Ref: 2/0050/01900/P

Synopsis

Applicant:	Ross Barnett Design
Location:	48 Albert Street, Creswick CA1,1A,2.2A, 2B Sec 10 Township Creswick
Proposal:	Buildings & Works Associated with 708 m ² of Retailing Space & Associated Car Parking
Zoning:	Business 1 Zone BZ1
Overlay Controls:	Environmental Significance Overlay ES01
No. of Objections	Two (2)
Recommendation:	Notice of Decision to Grant a Permit



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

On the 2nd August 2007 Council received an application for retail shops. It has been determined that the use of the land for shops in the Business 1 Zone in the Hepburn Planning Scheme does not require a planning permit. The technical trigger for the planning permit is the buildings and works in association with the use. The subject land is parcelled over three titles.

The subject site is located generally at the northern end of the township of Creswick adjacent to the Midland Highway, on the corner of the highway and Victoria Street. The site is adjacent to a creek corridor to the east, bowling club to the north and the CFA local headquarters to the south. There is a footpath along the street adjacent to the highway.

PROPOSAL

The proposal is to construct 708m² of retail space in three tenancies with a frontage to Albert Street and Victoria Street. The proposed building is single storey with verandahs on two sides. The roof has gable and parapet features.

The proposed car parking and loading areas are to be located at the rear and accessed from Victoria Street, 61 car spaces and two loading bays are proposed. The loading bays are located at the rear and are accessed from the car parking area.

REFERRAL AUTHORITIES

The site abuts the highway therefore Vic Roads were a Section 52 referral as an interested party.

REFERRAL WITHIN COUNCIL

Council's Engineering Department were consulted. The site is a prominent site at the entrance to the township with a visual connection to prominent heritage buildings therefore Council's Heritage Advisor was consulted for input into the building design.

ADVERTISING/NOTICE OF APPLICATION

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The proposed construction is within 30 metres of land zoned residential. The application was notified by a sign. Two objections have been received:

The basis of the objection from the CFA is - Interrupted line of vision for the Fire Fighting Vehicles. This is a design issue which can be addressed through conditions for amended plans.

8. STATUTORY MATTERS

The basis of the second objection is:

- Misleading application
- Car Parking requirements at Clause 56.06
- Proposed Built Form
- Signage
- Goods Delivery
- Noise Generated by Refrigeration Plant
- Additional Reports:
 - Traffic and vehicular movement
 - Economic impact assessment
 - Ecological study (adjoining Crown land)
 - Noise generation report
 - Waste Management report
 - Proposed supermarket banner reporting on capability and experience

Misleading application

This objection refers to the real estate sign that appeared on site advertising all the titles in one ownership for sale potentially for a supermarket. Concern is expressed for the impact on the BZ1 zone in Albert Street for a 1500 m² supermarket as the Hepburn Planning Scheme BZ1 allows for internal conversions without a planning permit.

This application for Council to consider is buildings and works associated with 708 m² of retailing in three tenancies. Hepburn Shire's Planning Scheme does not have schedules to the Business 1 Zone that trigger permits for the internal changes to retail.

Car Parking requirements at Clause 52.06

Clause 52.06 requires 8:100 m² of leasable floor area – 57 car parking spaces would be required for 708 m² proposed. 61 are proposed. This proposal complies with Clause 52.06. There is a bus stop within view of the site.

Proposed Built Form

The objections states "The application fails to take into consideration the conversion into a moderately sized supermarket which will not take the form as proposed by the applicant." The BZ1 does not require this issue to be considered.

Signage

Signage would be the subject of a separate application if all the signage is over 8m² and/or illuminated.

Goods Delivery

Because the planning trigger is not for the use of the land the goods deliveries are not included in the Decision Guidelines for Buildings & Works in the BZ1.

Noise Generated by Refrigeration Plant

As above. An amenity clause on any permit that may issue will address this issue.

8. STATUTORY MATTERS

Additional Reports:

A permit for buildings and works does not require this level of comprehensive consideration as discussed under the Decision Guidelines for Buildings & Works in BZ1 zone.

Relevant Policies / Council Plan implications:

STATE PLANNING POLICY FRAMEWORK (SPPF)

11.03-5 Economic well-being

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

17.02-1 Objective

To encourage developments which meet community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

18.02 Car parking and public transport access to development

18.02-1 Objective

To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas.

18.02-2 General implementation

Consideration should be given to all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and freight) in providing for access to new developments. The integration of public transport services should be encouraged in new development.

Authorities should:

- Have regard to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
- Encourage the efficient provision of car parking through the consolidation of car parking facilities.
- Planning and responsible authorities should prepare or require parking precinct plans for the design and location of local car parking to:
 - Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.
 - Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
 - Create a safe environment for users, particularly at night.
 - Facilitate the use of public transport.

The amenity of residential precincts should be protected from the effects of road congestion created by on-street parking.

Adequate provision for taxi ranks should be planned as part of activity centres, transport interchanges and major commercial, retail and community facilities.

8. STATUTORY MATTERS

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Hepburn Shire's Local Planning Policy Framework acknowledges that Shire's towns have a relationship to Melbourne and regional cities, in this case Ballarat. It indicates Creswick has a role in providing "district level" services and retailing to a growing population. The need to promote local employment particularly for young people is included as an important strategic goal for economic development.

Creswick's population in 2001 was 2,448. In 2006 it had decreased slightly to 2418, with growth occurring in the peripheral areas to 3066 (ABS).

Municipal Strategic Statement

Objective 2

To improve the character of development in established urban areas.

Strategies

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

Implementation

Planning Scheme

These strategies will be implemented by:

Using policy and the exercise of discretion.

- Using the Catchment and Land Protection Policy to require adequate regard for land and water quality throughout the Shire.
- Using the Settlement Policy to require adequate regard for urban development in rural settlements and villages.
- Requiring development to consider local environmental considerations including vegetation, landscape character, drainage, habitat linkages and water quality.

Economic Development

The Shire is part of a dynamic region where a broad range of development and employment opportunities continue to be created through good access to Melbourne and other provincial cities.

Service Towns:
Clunes, Creswick, Daylesford,
Hepburn Springs, Trentham

Providing district level retail,
business, employment and cultural
facilities

Economic development (21.02)

- The level of unemployment across the Shire indicates the need to provide for local employment opportunities, particularly for youth. There are only limited opportunities to expand employment opportunities in existing industrial areas and new areas need to be identified.

8. STATUTORY MATTERS

Clause 21.07

Objective 3

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

Strategies

- Encourage high-quality and locally appropriate commercial and tourism development.
- Promote urban and building design that complements significant streetscapes and rural landscapes.
- Promote and protect the tourism values of urban residential areas with valued neighbourhood character.
- Encourage the consolidation of commercial activity in existing commercial areas.
- Support high quality development in mixed use and residential areas where local amenity impacts can be adequately addressed.

Implementation

Through the use of policy and discretion in decision making

Using structure and streetscape plans to identify the economic characteristics and potential of precincts and localities, with reference to potential land use conflicts, environmental constraints and infrastructure opportunities.

Using the relevant urban streetscape and neighbourhood character studies to provide guidance in design decisions in urban centres.

22.07 Settlement

This policy applies to the land within the:

Townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham as delineated in the Structure Plans in Clause 21.03 of the MSS.

Policy Basis

This policy:

- Applies the planning for urban settlement SPPF objective in clause 14.01 to local circumstances.
- Builds on the MSS objectives in clause 21.05 relating to the provision of housing and lifestyle options while protecting rural land values, and clause 21.03 relating to Structure Plans
- Provides guidance to implement the directions in the Settlement review Paper 1999. The Land Use Strategy has recommended that “major and urban development over the next ten years is to be encouraged in the Shire’s serviced towns (Daylesford, Hepburn Springs, Clunes, Creswick and Trentham)”.
- The aim of encouraging development within these centres is to achieve compact urban forms, reduce the cost of maintaining services such as road infrastructure, drainage and garbage collection. Increased population numbers in towns will assist in improving the level of services available and enhance the viability of the towns. A number of zones have been applied to these towns. The Structure Plan also indicates a boundary showing the limits for urban growth.

Objectives

- To direct residential development into existing townships, villages and settlements.

8. STATUTORY MATTERS

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

Policy

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

- Encourage the development of infill lots and the use of existing small lots that are either sewerred or capable of containing effluent and waste water disposal on site.
- Ensure urban development proposals occur within the urban boundary as delineated in the Structure plans.
- Ensure proposals are consistent with the Guidelines for future development recommendations for future development in the *Creswick Townscape Streetscape Design Concept plans Final report, July 1997*.

ZONE AND OVERLAY PROVISIONS

Business 1 Zone BZ1

In addition to implementing State & Local Planning policy the purpose of the Business Zone is:

To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

The use Shop (other than Adult sex bookshop) does not require a planning permit unless the combined leaseable floor area for all shops must not exceed any amount specified in the schedule to this zone.

The Hepburn Shire's Planning Scheme Schedule to the BZ1 has none specified.

ASSESSMENT

The role of the Hepburn Shire's Planning Scheme from a planning policy perspective is to provide for land to be developed, resolve land use conflicts and to have regard to the structure and character of towns and neighbourhoods. It has a limited role in investment decisions beyond these requirements especially if no permit is required to use the land for a shop.

The responsible authorities considerations are limited to the following issues:

Decision Guidelines for Buildings and Works in the BZ1

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

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

Consideration:

The planning policy framework has been discussed in the previous section.

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

8. STATUTORY MATTERS

Consideration:

The highway is under the control of VicRoads. There is adequate consideration of all modes of transport at this location. There is a bus stop adjacent to this site.

The provision of car parking.

Consideration

There is adequate car parking provided on site.

The interface with adjoining zones, especially the relationship with residential areas.

Consideration

The interface with adjoining zones has been considered in the information gathered by the notification process.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

Consideration

Active street frontages have been retained and the elements of the township streetscape have been reflected in the proposed development.

The storage of rubbish and materials for recycling.

Consideration

There are areas set aside away from the active streetscape for these purposes.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

Consideration

Permit conditions will ensure responsibility is allocated appropriately. Council provides street cleaning services in the main street of Creswick as required.

The availability of and connection to services.

Consideration

Services are available

The design of buildings to provide for solar access.

Consideration

There are windows along the northern façade. As solar technology evolves the opportunities to use solar power increase.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority. A permit conditions will ensure this.

Environmental Significance Overlay - ES01

The development can be serviced by reticulated water and sewer. The Responsible Authority is of the opinion buildings and works satisfy the environmental objective of this schedule. Conditions on a permit and the requirement for a stormwater management plan during construction will address the environmental objectives of the schedule.

Particular Provisions Car Parking Clause 52.06

8. STATUTORY MATTERS

Community / Engagement / Communication / Consultation:

There was no consultation beyond the public notification process.

Financial & Resource Implications Initial & Ongoing

Financial implications of a possible VCAT appeal

Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit in respect of Application No.2007/9489 for the development of 48 Albert Street, Creswick to allow for the construction of retail shops (708m²) and associated car parking in accordance with the attached endorsed plans. The following conditions apply to the Permit:

- 1 *Amended plans required*
Before the development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - *Building and verandah setback from the southwest boundary such that an adequate visibility is available for the CFA fire fighting vehicles;*
 - *A traffic management plan demonstrating that delivery vehicles are able to access, unload and egress the site.*

 - *Any changes to the development required by the Responsible Authority as a result of the Traffic Management Study, condition 10.1 of this permit;*
 - *Any changes to the development required to facilitate Traffic in Victoria Street from Midland Highway to Pearman Street; and*
 - *Any changes to boundaries of the development resulting from the Traffic Management Study and the requirement for delivery vehicles (trucks and articulated vehicles) to be able to deliver to and service the site.**An endorsed copy of such plans will form part of this permit.*

- 2 *No polluted stormwater runoff is to flow beyond the boundaries of the property.*

- 3 *General amenity provision*
The development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) *transport of materials, goods or commodities to or from the land;*
 - (b) *appearance of any building, works or materials;*
 - (c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - (d) *presence of vermin.*

- 4 *Erosion Control*
Soil erosion control measures must be employed throughout the construction stage of the development in accordance with Construction Techniques for Sediment Pollution Control EPA 1991

- 5 *Use of Car Parking Areas*
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

8. STATUTORY MATTERS

- 6 *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.*
- 7 *Loading/unloading*
The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s]/ and must not disrupt the circulation and parking of vehicles on the land).
- 8 *Control of light spill*
External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 9 *Landscape plan required*
Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated (insert date) prepared by (specify consultant), except that the plan must show / The plan must show:
- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;*
 - (b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;*
 - (c) details of surface finishes of pathways and driveways;*
 - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;*
 - (e) landscaping and planting within all open areas of the site;*
 - (f) (specify number) canopy trees (minimum two metres tall when planted) in the following areas: (specify location);*
 - (g) (specify other requirements). All species selected must be to the satisfaction of the Responsible Authority.*
- The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.*
- 10 *Council's Engineering Department*
Prior to the occupation of the building the owner/developer must carry out all works required in Victoria Street to the satisfaction of the Responsible Authority at the owner/developer's expense.

8. STATUTORY MATTERS

- 10.1 *Prior to the use or development commencing the applicant must undertake a Traffic Management Study of the impacts of this development on the traffic in:*
- *Albert Street (Midland Highway), and Victoria Street intersections (both east and west intersections);*
 - *Victoria Street;*
 - *Pearman Street; and*
 - *any other development that may generate traffic and affect the traffic in the precinct of this development.*
- The traffic study and its outputs and conclusions must be completed to the approval of the Responsible Authority.*
- The traffic study must include designs for the intersection of the Eastern intersection of Victoria Street and Midland Highway and Victoria Street and Pearman Street, to facilitate traffic movement (including articulated delivery vehicles) to service this development.*
- 10.2 *Prior to the use or development, all underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to commencement of construction. Such drainage works shall be designed and installed to transport run-off from the subject land and surrounding land or adjoining roads to the approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties. The legal point of discharge shall be to the GPT in Victoria Street to the satisfaction of the Responsible Authority.*
- 10.3 *All easements deemed necessary by the Responsible Authority shall be provided by the applicant regardless of whether they are through the subject land or through other titles. Any drainage easements created are to be in favour of Hepburn Shire Council.*
- 10.4 *Prior to use or development of the site, the Applicant must enter into an agreement with Hepburn Shire Council to construct road and drainage works associated with the development in Victoria Street, Pearman Street and intersection of Victoria Street with Midland Highway required to service the development. The Road Works will be based on a road and intersection works standard required by the Responsible Authority and VicRoads for Midland Highway and Victoria Street intersection and the standards required by the Responsible Authority for Victoria and Pearman Streets.*
- 10.5 *Prior to the use or development commencing any relocation of utilities required for this development including electrical power poles shall be borne by the applicant of the landowner and all such works required shall be undertaken.*
- 10.6 *Car Parking and entry into and from car parks shall comply with AS 2890.1-2004 Parking Facilities - Off Street Car Parking and AS 2890.2-2002 Pt 2 – Off Street Commercial Vehicle*

8. STATUTORY MATTERS

Facilities.

10.7 *All costs incurred in complying with the above conditions shall be borne by the applicant.*

11 **Vic Roads**

11.1 *The applicant must comply with any requirements to obtain planning permission for any advertising signs proposed to be included in or placed upon the proposed verandahs.*

11.2 *The permitted use and occupation of the road reserve may be terminated by VicRoads at its sole discretion at any time the road reserve is required for any purpose or it is considered necessary by VicRoads for public safety reasons without compensation to the applicant or any person(s) benefiting from the permitted use and occupation.*

11.3 *At any time VicRoads may direct that the facilities and other physical things established and associated with the permitted use and occupation be removed or modified by the applicant or person(s) benefiting from the permitted use and occupation at no cost to VicRoads.*

11.4 *The design of the verandah shall be to the satisfaction of VicRoads including that extend beyond the back of kerb and shall be not less than Council's specification from the vertical extension of the back of the kerb.*

11.5 *Prior to the commencement of occupation of the road reserve or works associated with this permit the applicant must fully complete to VicRoads satisfaction a VicRoads Road Works Agreement as included in this permit.*

12 **Expiry Conditions**

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

- the development is not started within two (2) years of the date of this permit;*
- the development is not completed within four (4) 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.

Notes

Signage over 8m² and/or illuminated requires further planning permission.

Moved the Officer's Recommendation.

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

8. STATUTORY MATTERS

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

Synopsis

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



8. STATUTORY MATTERS

Proposed Site Plan No. 5

DUFFENSURRY STREET

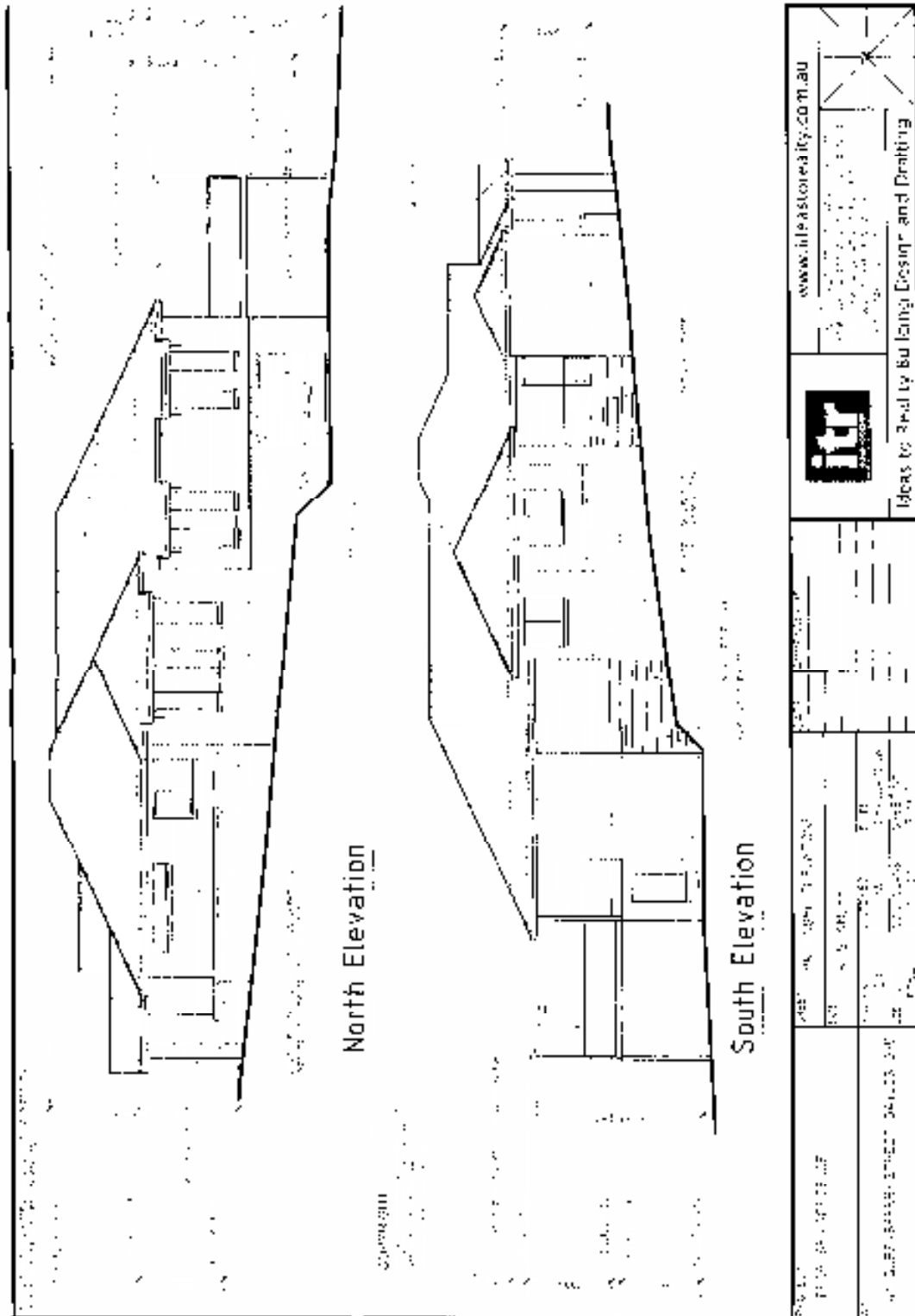
No. 4

PROPOSED RLS DESIG

No. 5

<p>www.ideastoreality.com.au</p> <p>itr</p> <p>Ideas to Reality Building Design and Drafting</p>	<p>DATE: 15/05/2008</p> <p>BY: P. SMITH</p> <p>SCALE: 1:100</p> <p>PROJECT: 10/05/08</p>	<p>PROJECT NO: 10/05/08</p> <p>DATE: 15/05/2008</p>
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8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

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

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

PROPOSAL

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

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

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

Amended plans for the proposed house were submitted to Council on 21st April 2008 following the concerns raised at the Draft Agenda Meeting of 8th April 2008. The amended plans showed:

- the reduction of the garage space underneath the house from two carspaces to one,
- increased articulation of the side elevations of the house,
- increased front setback to 6.85m to meet the Clause 54 standard,
- slight reduction in roof height as seen from rear elevation
- increased use of weatherboard 'look' cladding in place of rendered brick.

REFERRAL AUTHORITIES

The application was referred as follows:

Section 55 Notification

Nil

Section 52 Notification

Nil

REFERRAL WITHIN COUNCIL

Nil

ADVERTISING/NOTICE OF APPLICATION

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

8. STATUTORY MATTERS

Relevant Policies / Council Plan implications:

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

STATE PLANNING POLICY FRAMEWORK (SPPF)

15.11 Heritage

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

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

21.01 Municipal Profile

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

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

21.03-3 Land Use Structure Plans

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

21.05 Settlement and Housing

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

21.09 Environment and Heritage

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

22.08 Daylesford Neighbourhood Character

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

The relevant objectives of this policy are:

- To maintain and enhance the character and amenity of residential areas of Daylesford.
- To promote the integration of new development into the topography and landform of its neighbourhood character area.

8. STATUTORY MATTERS

- To ensure that all new development reflects the height, scale, building form, appearance and underlying character of surrounding residential areas, and
- To protect and enhance vistas, views and landmarks.

ZONE AND OVERLAY PROVISIONS

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

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

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

The key existing characteristics of this precinct include:

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

The relevant aspects of the preferred neighbourhood character statement recommend:

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

The relevant objectives of the NCO2 for Precinct 14 are:

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

The following Particular Provisions also apply to the proposal:

Clause 54 – One dwelling on a lot.

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

8. STATUTORY MATTERS

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

ASSESSMENT

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

8. STATUTORY MATTERS

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

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

An assessment of the proposal against the relevant decision guidelines for Precinct 14 follows:

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

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

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

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

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

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

The western, northern and southern elevations of the dwelling demonstrates the visual bulk of the dwelling (despite the added articulation of the side elevations) and its appearance as a ‘two storey’ building from any view other than the street frontage.

Surrounding dwellings are single-storey and have demonstrated an ability to ‘step down the site’ as is envisaged by the Neighbourhood Character Overlay requirements. The overall height of the dwelling (now reduced to 7.3m) and its bulky roof-form is likely to be visually dominant in the landscape.

Excessively long gravel driveway will create dust impacts

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

8. STATUTORY MATTERS

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

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

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

Rendered brickwork is neither the dominant nor the preferred building material for the neighbourhood character precinct. However, the amended plans have removed reference to rendered brickwork. The current proposed dwelling will be finished in weatherboard 'look' cladding, hardwood battens, painted "warm neutral" texture coat

Summary: In assessing the proposal against the State and Local Planning Policy, it was considered that the building design is inappropriate to the site. The proposal consists, effectively as a two storey dwelling on the land, which present as a single-storey dwelling only at the street frontage.

The proposed design does maintain side setbacks, has attempted to 'hide' the garage away underneath the dwelling, has provided articulated side elevations and has attempted to 'fit' the building materials and finishes into the neighbourhood.

Nevertheless, this proposal to create a blunt two-storey rear elevation with a jutting-out deck on this land, prominent on the side of Wombat Hill will not achieve the purpose or objectives of the Neighbourhood Character Overlay.

Community / Engagement / Communication / Consultation:

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

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

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

The applicant has had a number of discussions with the Planning Officer since the application was lodged. The applicant was advised of the content of the objections lodged in writing and an offer was made to convene an applicant/objector meeting to discuss the issues. However, the applicant declined the offer of an applicant-objector meeting and had, prior to the Draft Agenda Meeting, chosen to continue with the proposal as submitted.

Discussions and correspondence from Council to the applicant throughout the application process have focussed on the importance of designing to 'step down the site'.

8. STATUTORY MATTERS

The applicant presented information to Council at the Draft Agenda Meeting held on 8th April 2008. Council heard that the applicant would be willing to amend the plans to address the concerns raised in the officer's report. Council received amended plans on 21st April 2008 which addressed some of the concerns with the original proposal.

Financial & Resource Implications Initial & Ongoing

Potential cost of appeal to VCAT.

Recommendation:

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

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

Moved the Officer's Recommendation.

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

Cr Janine Booth Creswick Ward

Anzac day services in Creswick saw over 200 warmly clad Creswickians, RSL Light horse troop members, friends and visitors attended the 6am Dawn Service.

This was followed by the traditional gunfire breakfast held at the Farmer Arms Hotel followed by the March at 10am with many local organizations and relatives helping to swell the ranks of serving members and the gradually decreasing World War two veterans. This was followed by the laying of wreaths and address by our Hepburn Shire Young citizen of the year and Creswick resident Caelli Greenbank recounting her journey visiting Anzac Cove and the War cemeteries of Europe as part of her Anzac Award prize that brought tears to the eyes of many of the 500 people present.

This past month, to assist my Community as Creswick Ward Councillor, I have attended meetings of the Creswick Development Committee, the Creswick Magic Pudding Playground, The Doug Lindsay Recreation Reserve project, Hepburn Healthy Communities Committee, Melbourne University Indoor Recreation Project, Community Economic Development Forum, and Hepburn Shire Youth Advisory Committee meeting.

A public meeting was also held by Developers recently to advise the Community of their proposal to build a new supermarket in Creswick. Over one hundred people attended and questions were answered in relation to proposed sitting, impact on streetscape and heritage issues.

Creswick is entering a phase of development unseen for many years with housing development, childcare centres and retail investment proposals all being developed. It is important, and I see it as part of my role to keep the Community involved and informed and understanding the part they play in supporting and managing the opportunities.

As Councillor I have enjoyed the opportunity over the last two days to engage with the Premier of Victoria and the Cabinet Ministers when they visited various locations across the Shire.

I am particularly pleased by the announcement of a further \$212,000 in funding for the Creswick Interpretive Centre., a project need that was identified through the Creswick Development plan 4 years ago and will now become a reality.

On behalf of my Community I would like to thank all Council Officers particularly Craig Fletcher and Geoff Ryan who have worked diligently on this project preparing plans and grant applications.

Cr David Smith Birch Ward

- Attended the Annual Meeting of the Daylesford Highland Gathering
- CHAF meeting held at Beaufort - discussion on withdrawal of Govt. funding (Catchment Management Authority).
- Many Budget meetings

9. COUNCILLOR REPORTS AND CONGRATULATIONS

- Anzac Day another moving experience - attending Eganstown at 9 am and Daylesford at 10am. Large attendance at the March down the street and at the laying of the wreaths. A smaller crowd attended the service that followed at the Daylesford Town Hall.
- Congratulations to Clunes for a very successful 2 day Booktown.
- On 5th May attended a meeting / forum on Bi O Energy at the Ballarat Town Hall.
- Friday 9th May was personally invited by the Walsh Family to attend a Cocktail Party to help celebrate the opening of the Novotel – Forest Resort - the biggest project taken to date in the Hepburn Shire – what a asset to our Shire.
- Agenda Meeting in Creswick.
- I, together with three fellow Councillors attended the Councillor Training that all Councillors were requested to attend.
- Yesterday and to-day a busy time for all Councillors and senior staff with the Premier and Members of the State Cabinet touring the Hepburn and Central Goldfields Shires.
- I attended the announcement with the S.E.S. and Ambulance followed by a presentation of a new big fill / quick fill pump for Hepburn.
- Following yesterdays announcements all around the Hepburn Shire, Councillors meet with Cabinet later in the afternoon in the Council Chambers, followed by the Hepburn Shire Community Reception held at the Town Hall.
- This morning I attended the Community Cabinet program – Community Discussion which was held at the Conference Centre at the Novotel Forest Resort in Creswick.
- Those who read the Weekly Times on May 7 will note my concerns on how Councils are losing ground with the Meals on Wheels, Pensioner rates rebates, School Crossing supervisors and Council Libraries.
- The “International Year of the Potato”

Cr Heather Mutimer Coliban Ward

The following report is a summary of meetings and activities attended since the last council meeting. It is not a comprehensive report of all activities and I will verbally expand on some of these listed items.

18th April: Attended the ‘Swiss Italian Festa’ landscape art show at the Glenlyon Hall.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

21st April: Attended the official opening of the Swiss Italian Festa at the Daylesford Town Hall which was followed by a wonderful and exhilarating performance by the Zelman Symphony Orchestra.

Alberto Zelman Jnr. In whose memory the orchestra was formed lived has a strong connection to Hepburn Springs where he once lived. 'Zelman Cottage' in seventh st. still remains as a reminder of this connection. Alberto was born in 1874 and died in 1927. Alberto was an extraordinary all-round gifted musician and was possibly Australia's best violinist. Alberto founded the original Melbourne Symphony Orchestra in 1906. Alberto conducted it over many years and it continued after his death until 1932 when it was converted to an all professional orchestra, In 1933 the amateur players formed their own orchestra, naming it the Zelman Memorial orchestra Today the orchestra comprises 60 or more players in a full symphonic ensemble. It performs at least 4 concerts a year and we are very lucky to have one of these concerts as the opening of the Swiss Italian Festa.

21/4: HEPBURN COMMUNITY ACCESS GROUP:

23/4: FRIENDS OF BOBONARO MEETING/TOWN HALL:

Items discussed at this meeting included the 'Friendship Conference' to be held in Dili in June. The group were anticipating that as the council representative I would be attending this conference along with another member of the group. Councillors will recall that in 2006 a budget allocation was made in the 2006/07 budget for my attendance at this important conference which was unfortunately postponed at the time because of unrest in Timor Leste. The conference attendance fee was in fact paid and is still valid. Aprox \$3,000 max would be required to cover air fares, accommodation etc.

The conference has now been given the green light for mid June this year.

Registration for delegates intending to participate needed to be finalised by 12th May. Since this meeting of the group on the 23rd April I have had the unpleasant task of advising the group that a majority of Councillors no longer support my attendance at the conference – the matter was discussed at a our last Forward Planning/Briefing meeting. I decided not to lodge a 'Notice of Motion' at tonight's meeting as there was little point – the registration deadline had closed and I received no indication that councillors would reconsider their position.

Councillors have received correspondence outlining the importance of this visit to East Timor and in particular its importance to our friendship with the people of the small mountain village of Bobonaro. The Mayor has sent a personal reply to this correspondence which I have read and I understand he has also met with one of the committee members.

When Hepburn Shire Council entered into a partnership with the Bobonaro Friendship Group in 2003 via a formal resolution it was always the intent and expectation that there would be a visit by a Council representative. Attending the conference would have served a dual purpose - attendance at the conference itself and making contact with our friends from Bobonaro who would have travelled to the conference and if possible also visiting Bobonaro or nearby Maliana – the district's main administrative centre – to formally ratify our friendship. An opportunity like this will most likely not happen again for a very long time – if at all in the future. We have missed a golden opportunity.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

The group is obviously upset and confused by this 'change of heart' of Council. Close family and friends in the community have offered to pay my costs but I have declined. If I was to make this visit I wanted to go with the support and blessing of Council and proudly represent Hepburn Shire but as the Mayor has openly said it's not about the money I could not accept this generous offer. These non financial reasons given to date for not supporting this visit are not convincing to either myself or other members of the group.

The core of Hepburn Shire Bobonaro Friendship Group is a hard working and dedicated group of diverse local residents, a Shire employee, and myself as the Council representative. I have reported regularly - both verbally and in writing since Council became involved with this special project and at any time I would have gladly answered any questions or concerns in relation to the group if I had been asked to do so. I have previously provided to Council the extensive list of achievements of the group and outlined some of the proposed future activities and projects. I attach with my report the letter from a founding member of the group which outlines the history of the group and its achievements, challenges, and why attendance at the forthcoming conference was so important.

This is the last report I will present to Council on behalf of the Hepburn Shire and Bobonaro Friendship Group because although I intend to remain a member of this wonderful humanitarian group I feel I can no longer be a representative of Hepburn Shire Council.

25th April: ANZAC DAY: attended dawn service at Trentham. Around 100 people attended this incredibly moving service which is community organised. A breakfast is later hosted by the Trentham CFA. I later attended the main official RSL march to the cenotaph at 11am. Our local member of parliament Geoff Howard also attended and gave the ANZAC address. I also attended the wreath laying service at the Daylesford cenotaph.

29th April: Attended BUILDING COMMUNITY LEADERSHIP JOURNEY GRADUATION/DAYLESFORD TOWN HALL.

2ND May: HERITAGE ADVISORY COMMITTEE MEETING/CLUNES. I was unfortunately an apology and Cr. McClenaghan chaired the meeting in my absence.

16th May: BULLARTO CEMETARY: In the current budget there is an allocation of \$3,000 for a plaque to list the names of those buried at this special little cemetery in the many unmarked graves. Council is responsible for this cemetery and I am the Ward Councillor.

Recently I took a visit to the Dunnolly area as I was aware of a couple of cemeteries where similar projects had been undertaken. The one which most impressed me was the Wanyara cemetery in the Bett Bett Shire where plaques have been mounted to large rocks listing names of those buried. It is a fascinating cemetery from the gold rush era and the heritage works undertaken (excuse the pun) are a credit to the cemetery trust and the 'friends' of the cemetery. Hepburn Shire has limited official records of those buried at the Bullarto cemetery – about 20 I believe. Over time further research may uncover more names and dates. There has not been a burial at the cemetery for many years because of the lack of records mapping the burial sites.

19th May: STATE GVT.COMMUNITY CABINET VISIT.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

Attended 'round table' discussion at Daylesford Hospital with the Minister for Women's Affairs/ Maxine Morand. Also attended the evening function at Town Hall.

Cr Bill McClenaghan Holcombe Ward.

The past month has been incredibly busy, culminating with two of the busiest days that I have put in on Council with Community Cabinet and the State Government in town. There has been a large round of official announcements for programs and funding and many of our communities have been fortunate to receive assistance. The small Clydesdale community was absolutely overjoyed with a Small Town grant of \$20,000 to replace the dangerous and dilapidated white ant eaten floor in the old school, now the Clydesdale Hall. A relatively small amount of Government funding, with assistance from Council has brought real benefits to this small outlying community whose hall is really all they have, other than themselves and their great community spirit. I'm sure that we would encourage the State Government to do more good things like this for small country communities who lack the infrastructure, assets and attractions of the major towns and villages around the Shire and I am told today that there are many programs and opportunities for these communities to gain funding.

The past busy month started off with Hepburn's famous Swiss Italian Festa with the Glenlyon Art Show and another wonderful concert in the town hall from the Zelman Memorial Orchestra. This was followed by many varied Swiss and Italian cultural events through the ensuing week and the annual street march (La Grande Parata) and festival (Festa per la Famiglia) down in central Hepburn Springs. Next year when the bathhouse building is finished and our icon is open for business once more, I hope that we can move the Festa celebrations back into the magnificent Mineral Springs Reserve where the Swiss Italian pioneers from Ticino recognized world class mineral waters like they had at home and gained Government help to protect them forever.

Benefits of protecting the mineral springs have endured to this day and continue to offer a very bright future with the shortly to re-open bathhouse by about late August. Council's Bathhouse committee is still actively promoting Hepburn Springs and Daylesford as premier health and wellness destinations and today met with the new long term tenant of the bathhouse, Belgravia Leisure. A bathhouse tour yesterday with Ministers Jennings, Allan and Theophanous revealed the stunning progress that has been made and the absolute quality of the facility that means so much to health and wellness and the economic life of this whole region, not just the Shire and the local areas within.

On Anzac Day I had the honour of marching with fellow RSL members to the Daylesford cenotaph where Cr Smith and I laid a wreath from the Shire. I also attended the dawn service there and the service at Hepburn Springs where Council workers have done a fantastic job of painting and sprucing up the Soldiers Memorial in Tenth Street. This was indeed a job well done and well received.

I subsequently attended a Legacy change-over lunch on Sunday 04 May where Hepburn Shire made a donation to the important ongoing work of Legacy in caring for the families of lost servicemen. These special volunteers do a mighty job in what they do but unfortunately their numbers are thinning as more need emerges from current conflicts in Iraq and Afghanistan as well as the ongoing tragedies from the Vietnam war.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

On Thursday 08th May, the M.A.V. held its first State Council for the year in Melbourne. Most of the 79 Councils in Victoria were represented by their MAV reps, CEOs and Mayors. I attended representing Hepburn Shire and successfully moved a well supported motion calling on the State Government to provide better library funding. There was much good and lively debate on municipal matters including cost shifting problems. There was 98% support for a motion supporting status-quo in roadside weed control rather than see responsibility shifted to Councils. One idea from left field was totally voted down as Councils rejected the notion of becoming responsible for enforcing traffic laws and speed limits. Imagine that.

Councillors and officers attended a Good Governance training seminar last week where we all learned and acknowledged that good governance rests on three pillars; good will, good relationships and good decision making processes. I am hopeful that by applying these principles that Hepburn Shire can indeed become a good governance Council.

Today, Community Cabinet has ended and the State Government has gone back to Melbourne wiser and more informed by consulting with local people, communities and Councils in the Hepburn and Central Goldfields Shires. Going out into the Country to meet their constituents is how they stay in touch and keep informed. We used to do that. We should consider going out again and meeting with our small rural communities

Cr Tim Hayes Cameron Ward.

Cr Hayes spoke of the various activities he had been involved with – No report was tabled.

Recommendation:

That Council:

5.1 *Receive and note the reports of Councillors.*

Moved the Officer's recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr David Smith

Carried.

URGENT ITEM OF BUSINESS

Motion Moved at the Meeting:

Moved that an Urgent Item of Business be dealt with

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried

NEWLYN AND DISTRICT POTATO FESTIVAL

Motion Moved:

That a seeding grant of \$1500 be provided to the Newlyn & District Potato Festival from the Events Budget. Subject to conditions as applied to the Trentham Spud Fest.

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

Note: Conditions applied to the Trentham Spud Fest which also apply to this grant read as follows:

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

CLOSE OF MEETING

CLOSE OF MEETING: **The meeting closed at 9.02pm.**

ATTACHMENTS

- ATTACHMENT 1** (Item 3) Minutes of the Ordinary Meeting of 15 April.
- ATTACHMENT 2** (Item 5.3) March Quarterly Budget Review 2007/08
- ATTACHMENT 3** (Item 5.4) Developing Community Capacity through
Community Grants **CONFIDENTIAL ATTACHMENT**
- ATTACHMENT 4** (Item 5.5) Supporting a Voluntary Workforce

ATTACHMENT 1

**Minutes of The Ordinary Meeting Of Council
Held On**

15 April 2008.

The minutes will be tabled at the meeting.

ATTACHMENT 2

Item 5.3 March Quarterly Budget Review 2007/08

ATTACHMENT 3

2008/09 Community Grants - Round 2 - Confidential Attachment

File Ref: 30/14/03

Grants Recommended for Funding

Community Arts Grants

Application in shaded area indicates recommendation varies from request. See section below titled 'notes' for rationale

Name of Group or Organisation	Project Name	Requested Amount	Total Project Cost	Recommended Allocation	Brief Description	Score (Mean)
Daylesford Young Filmmakers	Daylesford Young Filmmakers	\$500	\$500	\$500	To develop five super eight films and series of videos	70.3
The Old Van Ltd	The (Aussie Rules) Taming of the Shrew	\$2000	\$142,250	\$500	A large scale community project staged at the Daylesford Football Grounds.	69.7
Murmer	Establish & Develop Local Performing Arts Group	\$500	\$1500	\$500	Establish small company of performing artists and musicians to produce and present innovative workshops	64.7
Daylesford & District Municipal Band	Repair Musical Instruments	\$4,525	\$4,525	\$500	Repairs to Band instruments	58.3
Total		\$7,525	\$148,775	\$2000		

Notes

Requested amounts exceeded maximum grant amount.

ATTACHMENT 3

Youth Grants

Name of Group or Organisation	Project Name	Requested Amount	Total Project Cost	Recommended Allocation	Brief Description	Score (Mean)
Daylesford Secondary College	Coping with Change – Reach Program	\$500	\$1292.50	\$500	Leadership skill development program	N/A

Community Strengthening

Application in shaded area indicates recommendation varies from request. See section below titled 'notes' for rationale

Name of Group or Organisation	Project Name	Requested Amount	Total Project Cost	Recommended Allocation	Brief Description	Score (Mean)
Clunes Neighbourhood House	Wood Fire Oven	\$2,000	\$6000	\$2,000	Construction of Outdoor Cooking and eating area comprising wood fire oven	81.5
Hepburn Health Service	08 International Men's Health Week – Men's Health Night	\$400	\$3,485	\$400	To conduct a Men's Health Night to promote & encourage health promoting behaviour.	78.5
Daylesford Christian Fellowship (Kids Rock Group)	Kids Art & Book Festival	\$1,100	\$4,550	\$1,100	Local Kids Art and Book Festival	76.3
St Michaels Primary School Parents Association	St Michaels School Fete	\$2,000	\$16,000	\$500	Assist with costs associated with running the St Michaels School Fete	75
Daylesford Secondary College	ARC Landscaping Project	\$1,500	\$3000	\$1000	Landscaping and planting of area outside	67

ATTACHMENT 3

					Daylesford Community ARC building in Daylesford	
Total		\$7,000	\$33,035	\$5,000		

Notes

St Michaels Primary School Parents Assoc. - The application for \$2000K included the hire of rides at a cost of \$1500, \$300 for publicity materials and \$200 for food and drinks for volunteers. The assessors felt that there was limited community strengthening opportunity through children's rides, however that publicity and support for volunteers were both legitimate costs for engaging community members.

Daylesford Secondary College – The project included \$500 for wages and fees and \$1000 for materials and plants. It was thought to be a good opportunity for students to participate in planting and preparing site etc... with Council's Parks and Gardens section who will be doing work on site. There was no clear plan as to how broader community would be involved and therefore was lacking in terms of community building. The assessors recommended that \$1000 be committed to this project with the provision that it be included with the school's new commitment to sustainable schools as this project has a link to community. This would maximize the opportunity for community participation. There would also be a requirement that the project would need to fit within the master plan for the site.

Small Equipment

Applications in shaded area indicates recommendation varies from request. See section below titled 'notes' for rationale.

Name of Group or Organisation	Project Name	Requested Amount	Total Project Cost	Recommended Allocation	Brief Description	Score (Mean)
Smeaton Rural Fire Brigade	Stay hydrated	\$60	\$105	\$60	Purchase of Esky Cooler for storing water etc when out at fires.	86.8
Daylesford Family Day Care	In-Venue Family Day Care - Portable Table Tennis	\$500	\$590	\$500	Purchase of portable Table Tennis table for in-venue family day care.	86
Creswick Australia Day Group	Creswick Community Portable Public Address System	\$500	\$595	\$500	Purchase of portable PA system	84
Creswick & District Historical	Digitising of Cemetery Headstones &	\$400	\$500	\$400	Collation of all data from the	83.8

ATTACHMENT 3

Society inc	Graves				headstones in the Creswick Cemetery so it is available via electronic methods.	
Daylesford Neighbourhood Centre	Brush Cutter Purchase	\$500	\$650	\$500	Purchase of heavy duty brushcutter to assist with maintaining amenity of site	83.3
Newlyn Playgroup	Newlyn Playgroup room upgrade	\$359	\$404	\$359	Purchase of new heater	82
Hepburn Wildlife Shelter inc	Advanced Wildlife Rescue Equipment	\$500	\$2300	\$500	New Equipment for Rescue of wildlife.	80.3
Newlyn Football/Netball Club	Newlyn Netball Club Rooms - Upgrade	\$500	\$500	\$440	Installation of blinds in Netball change room to provide discreet & secure area.	79.8
Friends of Wombat Hill Botanic Gardens	Shade Shelter for FWHBG Functions	\$129	\$129	\$129	Shade shelter for protection from sun and rain during fundraising activities	79
Daylesford Riding for the Disabled Centre	Safety Fencing for RDA Arena	\$420	\$420	\$420	Need to fence rider area to ensure riders can achieve maximum potential without the need for leaders.	78

ATTACHMENT 3

Creswick Local & Family History	Secure Storage	\$250	\$295	\$250	Purchase cabinet to house information for all members in community re: family/history search	77.3
Clunes Neighbourhood House	Shade House	\$500	\$1140	\$500	Shade house to aid in propagation & cultivation of seedlings and herbs.	75
Bullarto Primary School	Students Tennis Racquets	\$476	\$476	\$476	Purchase of 12 tennis racquets to use on newly surfaced tennis court at the school	74.5
Twinklestars Playgroup	Noise Reduction for twinklestars Playgroup	\$478	\$893	\$478	Purchase sails to hang from the ceiling to help filter noise	74.3
Kingston Fire Brigade	Kingston Fire Brigade Administration Computerisation	\$1,755	\$3,753	\$500	To purchase laptop computer, printer and relevant software	73.5
Keays to Success - School of Dance	Keays to Success-School of Dance-Music Player	\$497	\$497	\$497	Purchase of new music player to be used for weekly classes and concerts.	71.5
Glenlyon and District Pony Club	Show Jump Wings & Poles	\$500	\$2,280	\$500	replace old show jump poles and wings	67.5
Daylesford	Goal Post	\$500	\$1280	\$500	To replace	53.0

ATTACHMENT 3

Football/Netball Club	Padding Replacement				goal post padding that conforms to VCFI standards.	
Total		\$8,824	\$16,807	\$7,509		

Notes

Newlyn Football/Netball Club – budget had been incorrectly completed. Amount required for purchase of the blinds was only \$440. Total project cost being \$500 including \$60 in kind contributions.

Kingston Fire Brigade – The application had been lodged under community strengthening, however did not address community strengthening criteria. The budget had been inadequately completed indicating a disproportionate amount of in-kind for the project, i.e. \$1500. A cash contribution of \$498 was indicated. Officer assessment recommended that the application be considered as small equipment and that the full amount of small equipment allocation be made as a contribution toward computerization. A second-hand Shire computer could be made available to the group in the short term until they can raise the remaining funds.

Grants Recommended Not for Funding

Category - Community Strengthening

Name of Group or Organisation	Project Name	Requested Amount	Total Project Cost	Brief Description	Score (Mean)
Clunes Probus Inc.	Probus Community Newsletter	\$600	\$2,178	To produce Community Newsletter to strengthen community involvement and participation	56.6
<p>Rationale - there was little evidence that this project had application beyond the Probus group with this newsletter primarily acting as their intra-organisation communication tool. The funding application simply appeared to be a means to address operating cost. The initiative and cost is an ongoing one and is currently underway, which contravenes guidelines. The budget didn't clearly indicate how the funds would be spent and the overall project appeared high for what was being proposed. The group was also funded in the previous round.</p>					

Category - Small Equipment

Name of Group or Organisation	Project Name	Requested Amount	Total Project Cost	Brief Description	Score (Mean)
Daylesford Football/Netball Club	Replacement of Line Marker	\$500	\$700	Replace old powder marker with new paint	52.5

ATTACHMENT 3

				marker	
<p>Rationale – Daylesford Football and Netball Club were asked to prioritise their two applications. They have listed this one second. They have indicated that they are a ‘for profit’ organisation, however given that their objective is community participation it would seem most reasonable to fund one of their applications. This request failed to adequately demonstrate the application of this equipment for the broader community. Budget information was scant.</p>					
Creswick Theatre Company Inc	Replacement of Rusted pipes.	\$2,200	\$2,200	Need to replace old rusted pipes with new water pipes.	51.0
<p>Rationale – this was recommended not for funding as replacement of pipes is seen as routine maintenance of which can be planned and budgeted for. The building is a state government owned property. The applicants made no commitment of any of their own resources. The amount exceeded the grant limit by more than 4X.</p>					
Wombat Steiner Playgroup	Security Fence/Carpet	\$500	not completed	To fence outdoor area and provide carpet for timber floor	43.3
<p>Rationale – this application was not recommended for funding for numerous reasons. The group has previously been funded for outdoor/garden equipment in round 1 when they were in a shared premises. They have now moved with no indication of what became of the community grant investment and no acquittal had been received. Fencing around such a premises is a requirement that should have been considered in establishment. The facility is currently operating and this would be retrospective funding. They have given no indication as to the permanency at this site and if they move again what would become of the asset. There was also no overall amount for the project and no quote for carpet. The budget had not been completed.</p>					

ATTACHMENT 4



Policy No:

**HEPBURN SHIRE COUNCIL
VOLUNTEER POLICY (Draft)**

Adopted:

Last Amended:

Next Review:

Responsible Officer:

Introduction:

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

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

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

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

Related Policies:

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

ATTACHMENT 4

Purpose and Scope:

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

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

Definition:

Volunteers give freely of their time, experience, knowledge and expertise, to the organizations services, without expectation of financial remuneration. Volunteers complement but do not replace the services provided by paid staff, however may be utilised to perform activities that extend and enhance services provided by Council.

Volunteer Management:

Hepburn Shire Council's Human Resource Management policies apply to volunteers. These include Occupational Health and Safety policies and procedures. Council's, Manager Organisational Development, through Council's volunteer coordinators will provide volunteers with the relevant documentation which encompasses volunteers' rights and responsibilities within the Council, as part of the induction process.

Introduction and Training:

All volunteers are to undergo relevant training for their volunteer role; this will include training pertinent to their position and is often delivered on the job. Part of this induction is to understand the Occupational Health and Safety issues relevant to the voluntary role.

Council's Responsibilities to Volunteers:

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

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check' or 'working with children check' undertaken by council prior to commencing their volunteer placement.
(Cost met by Council).

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

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

Responsibilities of Volunteers:

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

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

Volunteer Programs:

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

Volunteer programs include:

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

Recognition and or acknowledgements:

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

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Staff as Volunteers:

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

Endorsed by:

Date adopted by Council

