

HEPBURN SHIRE COUNCIL

ORDINARY MEETING MINUTES

7pm Tuesday 21 October 2008

Senior Citizens Room
located at the rear of
Daylesford Town Hall

This Document is printed on 50% Australian recycled paper

HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

VISION STATEMENT:

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

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

Objective One – Strengthening Communities

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

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

Objective Two – Service Delivery

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

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

Objective Three – Asset and Resource Management

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

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

Objective Four – Economic Development

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

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

Objective Five – Heritage and Environment

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

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

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

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

**MINUTES OF THE ORDINARY MEETING
OF THE HEPBURN SHIRE COUNCIL HELD AT
DAYLESFORD SENIOR CITIZENS ROOM ON TUESDAY 21 OCTOBER 2008,
COMMENCING AT 7 PM**

AGENDA

	Page No
1. APOLOGIES:	1
2. DECLARATION OF CONFLICTS OF INTEREST:	1
3. CONFIRMATION OF MINUTES:	1
4. PETITIONS AND PUBLIC QUESTION TIME:	2
4.1 Petition – Daylesford Region Landcare Group.....	2
4.2 Petition – Bring Back the Diving Board at the Daylesford Local Outdoor Pool	5
5. GOVERNANCE & STRATEGIC MATTERS:	
5.1 Consideration of Annual Report 2007 / 2008.....	9
5.2 Unused Road Licence – Road Reserve Lewis Lane, Dry Diggings.....	10
5.3 Unused Road Licence – Section of T Mays Road, Kingston	12
5.4 Draft Wind Energy Facility Guidelines	14
5.5 From Year 12 to Eternity.....	19
5.6 Draft Positive Ageing Strategy (Attachment No. 2).....	24
5.7 Appointment of Municipal Recovery Manager	26
5.8 Councillor Expenses and Resources Guidelines	28
5.9 Maryborough to Ballarat Passenger Rail Service.....	30
5.10 ChillOut – Buddies for <wild> Life Program.....	32
5.11 Monthly Financial Report 1/7/08 – 30/09/08 (Attachment No 3).....	33
6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND	
Nil Reports at time of collating Agenda.....	
7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES:	
7.1 Wombat Hill Botanic Gardens Advisory Committee.....	41
7.2 Appointment of Members – Clunes Medlyn Complex.....	43
7.3 Appointment of Members – Clunes Municipal Purposes Reserve Committee	45
7.4 Heritage Advisory Committee – Appointment of Members for the New Term 2008 – 1010.....	47
7.5 Section 86 Committee & Advisory Committee Minutes	50
8. STATUTORY MATTERS:	
8.1 Planning Application 2008 / 9836 Proposal: Three Lot Subdivision and Two Dwellings at 195 Ridge Road, Sailors Hill.....	51

- 8.2 Planning Application No. 2007 / 9840 Proposal : Construction of a Dwelling at 269 Chanters Lane, Fern Hill.64
- 8.3 Section 173 Agreement between Hepburn Shire council and Gatum Holdings Pty Ltd, Planning Permit No 2007 / 949470
- 8.4 section 173 Agreement between Hepburn Shire Council, Eric and Lesley Van Der Pol, Planning Permit No 2006 / 904071

9. COUNCILLOR REPORTS AND CONGRATULATIONS:

- 10. CONFIDENTIAL MATTERS 76**
- 10.1 Hepburn Mineral Springs Reserve – Bathhouse – Trademark (**Confidential Report**)77
- 10.2 Construction of Creswick Tourism & Interpretive Centre Contract H193 (**Confidential Report & Evaluation**)82

CLOSE OF MEETING:

ATTACHMENTS

CR TIM HAYES, MAYOR
22 OCTOBER 2008.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

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

IN ATTENDANCE: Chief Executive Officer, Kaylene Conrick; Director Infrastructure & Development, Rod Conway; Manager Governance & Information, Matthew Morgan; Manager Finance, John Traill and Manager Tourism, Economic Development & Recreation, Geoff Ryan. Gallery 26 and Press 1.

The Mayor open the meeting with a reading of the Council prayer at 7pm..

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:**

Recommendation:

That items :

3.1 Minutes of the Ordinary Meeting of Council held on 16 September 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.

PETITIONS

4.1 PETITION – DAYLESFORD REGION LANDCARE GROUP

(A/O – Director Infrastructure & Development)

File Ref: 10/02/01

Introduction

This report provides information concerning the issues raised in a petition by the Daylesford Region Landcare Group Committee relating to tree removal operations performed during the end of June 2008 at the Bullarto Cemetery and on a road reserve adjoining the Bullarto Primary School.

Background

Council at its Ordinary Meeting on 16 September 2008 received a petition from the Daylesford Region Landcare Group Committee dated 11 September 2008 containing the signature of the Secretary.

The petition is in response to tree removal operations at Bullarto Cemetery and also on the road reserve adjoining the Bullarto Primary School.

The petition states:

“ We request Council acknowledge our following concerns in Council’s public report on the matter so these mistakes might be avoided in the future as promised by acting CEO Phillip Shanahan.

1. *Failure to leave the sites safe (a Worksafe requirement) – hangers/widow makers were left hung-up in the retained trees at both sites.*
2. *Failure to protect retained native vegetation from damage – inappropriately sized and located burn-off heaps lead to unnecessary damage of retained native vegetation. Unnecessary removal of all nine large pines exposed the retained native trees to further wind damage.*

4. PETITIONS AND PUBLIC QUESTION TIME

3. *Failure to advertise proposed works and conduct a public consultation process – such extensive large and significant tree removal in a public use zone should have been publicly advertised.*
4. *Failure to obtain qualified arborists reports – no reports for any of the 13 trees removed at Bullarto cemetery were sought prior to removal. The trees were of conservation, cultural heritage and spiritual significance.*
5. *Failure to secure offsets and permits for removal of native vegetation - three Blackwoods and a Manna Gum were removed requiring offsets and permits.*
6. *A Daylesford volunteer Junior Landcare project was severely compromised – the original volunteer Landcare project has virtually been destroyed.*
7. *Council's Emission Reduction Scheme challenged - Landcare receives funding to plant trees to offset Council's carbon emissions. Removing and then burning large old trees unnecessarily is in complete and direct conflict with this strategy.*

Daylesford Region Landcare Group seeks a formal apology from Council regarding the Council's failure to conduct and advertise a public consultation process, obtain necessary permits and the resulting damage done to our Junior Landcare project.

Daylesford Region Landcare Group seeks Council to individually acknowledge and address our foregoing seven concerns in a public report on the matter including securing offsets and imposing penalties as would occur had a private landholder conducted these works."

Report

The tree removals at Bullarto Cemetery were carried out by a contractor under the direction of Council. The tree removals on the road reserve adjoining the Bullarto Primary School were performed by the same contractor under the direction of the Bullarto Primary School. Whilst Council had not formally authorised the pine tree removals on the road reserve at the actual time of removal, the School has since received Council authorisation. There was a misunderstanding as to Landcare's role/authority in the School's project and Council's authority to as the land manager to approve such works in the road reserve.

The tree removals at each site were carried out under *good faith* by all concerned and the issues raised by the Daylesford Region Landcare Group are certainly valid.

1. Site safety

At both sites installation of safety barrier fencing was carried out as well as other suitable actions taken. The safety barrier fencing at the cemetery should have been in place earlier.

2. Protection of native vegetation

A burn off heap at the Cemetery site was inappropriately sized and located and did lead to unnecessary heat damage to some native vegetation. The removal of pines has exposed both sites to more wind and hence potential wind damage.

3. Consultation

A suitable public consultation process was not undertaken. Whilst the adjoining landowners and residents who had been involved in carrying out maintenance works at

4. PETITIONS AND PUBLIC QUESTION TIME

the Cemetery had been consulted the wider community had not. The tree removals by the School, is understood to have had some community consultation.

4. Arborist reports

Arborists reports were not obtained and most certainly would have assisted in the decision making process relating to the tree removals. It should be noted that the decision to remove the blackwood tree was made after four people had inspected and agreed that the blackwood tree, adjacent to a grave headstone was unsafe and presented an immediate risk, in particular to the grave headstone.

5. Offsets & permits

Offsets are not required where native vegetation is removed because it is unsafe. A planning permit is also not required where *“the native vegetation presents an immediate risk of personal injury or damage to property.”*

Never the less measurements have been recorded of the blackwood trees and also a manna gum that was also affected by removal of pine trees. It is acknowledged that the manna gum and a blackwood that were affected as part of the tree operations were not presenting an immediate risk. Accordingly appropriate offsets will be provided.

6. Junior Landcare Project

It is regretted that the tree removal has severely compromised the original Junior Landcare project and a formal apology from Council is recommended to be made to the Daylesford Region Landcare Group.

7. Council’s Emission Reduction Scheme challenged

It is acknowledged that burning off is not in keeping with reducing carbon emission and that where possible alternative use of the timber is the preferred option. Some timber was salvaged for re-use however regrettably the majority of timber was unsuitable for re-use and was burnt.

The Daylesford Region Landcare Group has requested Council secure offsets and impose a penalty as would occur had a private landholder conducted these works. It is recommended that appropriate offsets be provided. Council cannot impose a money penalty on itself however it is recommended that Council could donate the equivalent cost of such penalty as a grant to Landcare groups in the Shire to assist in their environmental projects.

Relevant Policies / Council Plan implications

Council Plan

Objective Five – Heritage & Environment.

Community / Engagement / Communication / Consultation

The extent of community consultation in relation to the tree removals was with the adjacent landowners and residents who had been maintaining the cemetery.

Financial & Resource Implications Initial & Ongoing

The financial implications in adopting the recommendations presented to Council for this report amount to approximately \$1,100.

4. PETITIONS AND PUBLIC QUESTION TIME

Recommendation:

That Council:

- 4.1.1 *Write to the Daylesford Region Landcare Group formally apologising for any damage to the Junior Landcare project and for not carrying out a suitable public consultation process on the tree removals.*
- 4.1.2 *Provide a copy of this Council report to the Daylesford Region Landcare Group and they be advised that the seven concerns raised by the Group have been considered in this public report and that Council will be carrying out appropriate offsets as well as making a \$1,100 donation/grant, to be evenly distributed to Landcare groups in the Shire, as an acknowledgement of the removal of native vegetation without a permit.*

Moved the Officer's Recommendation with the following addition:

- 4.1.3 ***That the Daylesford Landcare Group be invited to attend meetings with other community members for the development of a Management Plan at the Bullarto Cemetery.***
- 4.1.4 **That a letter of appreciation be forwarded to Peter Brown from the Mayor for his tireless work in undertaking management works at the Bullarto Cemetery on behalf of the Cemetery trust over the last 42 years.**

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

Cr Heather Mutimer requested that her dissent be recorded.

4.2 STUDENTS PETITION – BRING BACK THE DIVING BOARD AT THE DAYLESFORD LOCAL OUTDOOR POOL.

(A/O Manager Tourism, Economic Development & Recreation)

The above Petition was handed to Manager Tourism, Economic Development & Recreation at the recently held Pools Meeting.

Motion moved at the Meeting:

That the Petition be received.

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

4. PETITIONS AND PUBLIC QUESTION TIME

PUBLIC QUESTION TIME :

1. **David Wilson – Trentham**

Question: Questions faxed to the Planning Department?

Response: The CEO responded stating that the Planning Department will respond within two (2) weeks.

2. **Marjorie Atkinson Daylesford**

Question: Is there any possibility of altering the depth of the pool at the Bathhouse from 1.4m? Not safe for people who are short for hydrotherapy purposes.

Response: Rod Conway, Director Infrastructure & Development. Changes would be costly, and no facility will be able to suit everyone.

3. **Bob Kennedy - Glenlyon**

Question: Can the Council take some action against someone who has cut down 15m tall trees with a permit?

Response: Rod Conway, Director Infrastructure & Development. A permit was not required.

4. **Russ Wilkinson - Daylesford**

Question relating to the allegations of bullying against Cr McClenaghan.

Response: Mayor, Cr Tim Hayes – not prepared to answer the questions.

5. **Graeme Ratray -**

Question: Query about the depth of the Hepburn Pool; and how it can't be used by short people?

Response: Mayor, Cr Tim Hayes – the main pool was not designed for hydrotherapy activities.

6. **Ruth Bray – Hepburn Springs**

Question: As we age, as per the Positive Ageing Strategy, what provision has Council made to address the hydrotherapy needs of this ageing population?

Response: Rod Conway, Director Infrastructure & Development. There are existing pools in the region, such as the Gisborne Pool, however not pool can suit the needs of all.

Cr Bill McClenaghan – The original plan for the Bathhouse were changed at some point during the process.

7. **Keith Pyers Daylesford**

Question: Can somebody in authority please check the early plans of the Bathhouse redevelopment and report back on when the changes were made?

Response: Mayor, Cr Tim Hayes. This will be looked into.

8. **Peter Kavanagh - MLC**

Question: There has been an injustice done and shouldn't the Councillor who had been labelled a bully be exonerated by Council given the fact that he was exonerated by the Local Government Department.

4. PETITIONS AND PUBLIC QUESTION TIME

Response: Mayor Cr Tim Hayes. Cannot comment on the bullying, but I would be prepared to talk with Mr Kavanagh on the Matter of Governance.

9. Will Elsworth – Smeaton.

Question: How can it be that a Wind Farm proposal surfaced, in Mr Walsh's proposal, three days after Council stated that there were no wind farm proposals presented to Council?

Response: Rod Conway, Director Infrastructure & Development. No proposal, but a vision from Jim Walsh.

Questions: Illegal land clearing in Smeaton at the Tuki site and some environmental concerns re the legless lizard. I had been informed that Council's Environmental Officer had been on site and was aware of the land clearing. Mr Evans contacted the officer and it was alleged that the Officer hung up. It is appropriate for the Officer to hang up on Mr Evans?

Response: Rod Conway, Director Infrastructure & Development. No issues with legless lizard; and I don't believe the Environmental Officer hung up on Mr Evans as she has great customer service skills.

10. Maureen Corbett – Hepburn Springs.

Question: Want Council to bring down the price of the local access agreement for residents in relation to the Bathhouse.

Response: Rod Conway, Director Infrastructure & Development. There is a community services agreement in place and was determined during the tender process. Council stated the Belgravia Leisure was the lowest price for Community Services Agreement.

11. Jim Esworth – Smeaton.

Question: Is the debt on an annualised basis; is it going up or down? What is the debt?

Response: The current debt is \$2.5 million dollars.

Motion Moved at the Meeting.

That Public Question Time be extended by ten (10) minutes.

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

12. Christian Wild – Daylesford.

Question: How does the refusal to answer questions on certain issues relate to Council Plan objectives 1.2 & 2.2? Are you Mr Mayor going to apologise to Cr McClenaghan?

Response: Mayor, Cr Tim Hayes. Unable to comment.

13. Jack Cooper – Glenlyon.

Question: Were ex-Councillors invited to the Bathhouse opening; Why was I not invited?

Response: Mayor, Cr Tim Hayes. Only Councillors of Hepburn Shire Council.

Question: There was a Matter transferred to a Melbourne court; will Council pay for Mr Szwed's legal fees?

Response: Mayor Cr Tim Hayes. Cannot comment on the matter.

14. **Gary McIntosh – Bullarto**

Question: How can I ask a question, if it is dealt with before the petition is tabled? Is it permissible that Motions be carried before Public Question Time?

Response: Mayor, Cr Tim Hayes. Yes it is appropriate.

15. **Richard Evans – Smeaton.**

Question: Clearing of land in Smeaton at Tuki site. I asked if she had spoken to DSE; the Environmental Officer then hung up. I rang DSE the next day, she stated that all clearing had been stopped at this site. Surely the person in charge should have knowledge of the clearing of rocks and the legless lizard?

Response: Director Infrastructure & Development, Rod Conway. No permit was required for the cleaning of rocks – the works did not breach any act.

5. GOVERNANCE AND STRATEGIC MATTERS

5.1 CONSIDERATION OF ANNUAL REPORT 2007 / 2008

(A/O – Manager Governance and Information)

File Ref: 16/22/04

Introduction

Council must in accordance with Section 131 of the Local Government Act 1989 produce a report at the end of each financial year which includes a report of its operations during the year, audited standard statements, audited financial statements and an audited performance statement. Council must also consider the Annual Report at a meeting of Council in accordance with Section 134 of the Act.

Report

The Annual Report for the 2007/2008 was produced by Council and submitted to the Minister for Local Government before 30 September 2008 in accordance with Section 131(6) of the Local Government Act 1989. Council is now required to consider the report at a meeting of Council.

A copy of the Annual Report 2007/2008 has been circulated to the Councillors and is available for viewing at the Council Offices in Daylesford and Creswick. Alternatively the report is available for download from the Council website.

The format of the report sees a focus on the five objectives of the Council Plan and details the highlights and disappointments that Council has experienced in attempting to achieve these objectives.

Relevant Policies / Council Plan implications:

Nil.

Community / Engagement / Communication / Consultation:

A Public Notice was placed in *The Advocate* and *The Courier*, as well as at the Council offices in Daylesford and Creswick that it is Council's intention to consider the Annual Report 2007/2008 at the Ordinary Meeting of Council held on Tuesday 21 October 2008.

Financial Implications

Nil.

Recommendation:

That Council

5.1.1 Receive and Note the Annual Report 2007 /2008.

Moved the Officer's recommendation.

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.2 UNUSED ROAD LICENCE – ROAD RESERVE LEWIS LANE, DRY DIGGINGS (A/O-Manager of Operations)

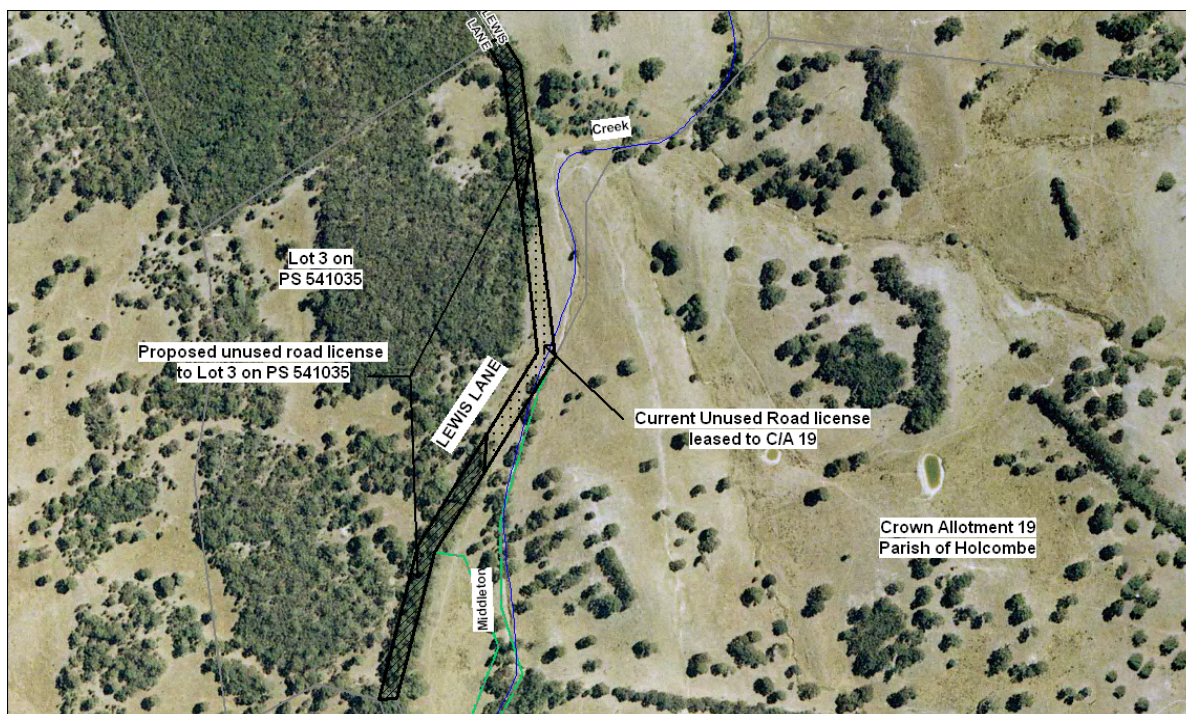
File Ref: 5/3955/00300

Introduction

This report provides information on a request from the Department of Sustainability and Environment for consideration of the issuance of an unused road licence on an unnamed road in Dry Diggings within the Parish of Holcombe.

Report

Council has received a request from the Department of Sustainability and Environment for the consideration of a licence over a section of unmade and unused road reserve along Lewis Lane in Dry Diggings as shown on the attached plan.



This road reserve has currently a section of road licensed to the abutting landowner (Crown Allotment 19), is neither made nor maintained by Council.

Therefore, this road reserve is not required for public traffic and Council should support the issuance of an unused road license to the owner of Lot 3 on PS 541035

Relevant Policies / Council Plan implications:

Council Plan Objective 3

Asset and resource management-improve the management of assets through rationalisation of unused road reserves.

Community / Engagement / Communication / Consultation:

Communication with the Department of Sustainability and Environment, the state Government agency responsible for crown road reserves.

5. GOVERNANCE AND STRATEGIC MATTERS

Financial Implications - Nil

Recommendation:

That Council:

5.2.1. *Agree to the issuance of a unused road licence on the Government road locate east of Lot 3 on PS 541035 pursuant to Section 400 of the Land Act 1958.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.3 UNUSED ROAD LICENCE – SECTION OF T MAYS ROAD, KINGSTON
(A/O-Manager of Operations)

File Ref: 3/2630/00720

Introduction

This report provides information on a request from the Department of Sustainability and Environment for consideration of the issuance of an unused road licence on a section of T Mays Road in Kingston.

Report

Council has received a request from the Department of Sustainability and Environment for the consideration of a licence over a section of unmade and unused road reserve along T Mays Road as shown on the attached plan.



This road reserve has an accumulation of vegetation , predominately noxious weeds which the proponent is keen to maintain as they are the owners of the land at either boundary of the road and are aware of the maintenance requirements for licensing of this parcel of land

Therefore, this road reserve is not required for public traffic and Council should support the issuance of an unused road license to the owner of Crown Allotment 9 Section A, Parish of Spring Hill in Kingston.

5. GOVERNANCE AND STRATEGIC MATTERS

Relevant Policies / Council Plan implications:

Council Plan Objective 3

Asset and resource management-improve the management of assets through rationalisation of unused road reserves.

Community / Engagement / Communication / Consultation:

Communication with the Department of Sustainability and Environment, the state Government agency responsible for crown road reserves.

Financial Implications

Nil

Recommendation:

That Council:

5.3.1. Agree to the issuance of a unused road licence on the Government Road located west of Crown Allotment 9 Section A parish of Spring Hill pursuant to Section 400 of the Land Act 1958

Moved the Officer's Recommendation.

Moved: Cr David Smith

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.4 DRAFT WIND ENERGY FACILITY GUIDELINES

(A/O – Director Infrastructure & Development)

File Ref: 46/04/01

Introduction

The Draft Wind Energy Facility Guidelines have been on public exhibition during the months of July and August 2008. This report provides an overview of public submissions received and recommends that submitters be invited to present their submissions to a committee of Council.

Report

The Draft Wind Energy Facility Guidelines (DWEF) is intended to provide guidance to applicants, operators and the community about wind energy facility proposals within the Hepburn Shire. The guidelines provide an overview of :

- the wind energy facility planning approval process
- the State Government policy towards wind energy facilities
- protecting rights of land owners and occupiers
- protecting rights of wind energy facility proponents and operators.

Council placed the draft guidelines on public exhibition during July and August 2008 to seek community comment prior to formally finalising and adopting the guidelines. At the time of writing this report 167 submissions had been received. The majority of submissions were provided to Council on a standard pro-forma covering seven issues:

Significant Landscape Overlay

1. The DWEF should uphold and protect the Shire's Planning Scheme, most notably the Significant Landscape Overlay (SLO). The SLOs of the Hepburn Planning Scheme Shire protect the volcanic cones and escarpments of the Western Upper Lands identified in N. Rosengren's 1994 report '*Eruptions Points of the Newer Volcanic Province*'. Planning Panels Victoria has found that where land is subject to an SLO, development of a wind farm on that land is not an appropriate use of the land. Therefore, it is not appropriate for wind farm applications to be lodged with Council which include or are adjacent to SLO areas of the Shire. It is a waste of Council's resources and ratepayers' money for wind farm applications to be considered which comprise land governed by an SLO or are adjacent to land which is subject to an SLO.

Proximity of Wind Turbines to Residences

2. Wind Turbines should not be placed within two (2) kilometres of a residence. In New South Wales, the Shire of Glen Innes has imposed a two (2) kilometre set back for wind turbines from residential homes to eliminate the problems caused by wind turbines such as noise, shadow flicker and loss of amenity. This year's report by Dr Nina Pierpont, MD, PhD called '*Wind Turbine Syndrome: A Report on a Natural Experiment*' discusses the adverse effects experienced by those who live near to wind turbines. This report should be fully examined by Council prior to finalising the DWEF.

Identification of Residences

3. The DWEF should require a wind farm proponent to map the location of all residences within a five (5) kilometre radius of a proposed wind farm site. This map should be provided to Council, and all households shown on the map, to ensure its accuracy. Council should then notify each household in writing of the wind farm proposal as soon as the proposal is brought to Council's attention, rather than when Council or the Department of Sustainability and

5. GOVERNANCE AND STRATEGIC MATTERS

Environment (DSE) receives a planning permit application. Proponents to date have only identified some, and not all, residences with a 500 metre radius of proposed wind farm site, which is not acceptable.

Noise created by Wind Turbines

4. The noise standard from New Zealand Standard 'Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators' (NZ 6806:1998) is not appropriate. The South Australian Environmental Protection Agency noise standards should be applied in the DWEG and adopted by Council. The South Australian Environmental Protection Agency's 'Environmental Noise Guideline: Wind Farms' apply not just in South Australia, but have been applied in New South Wales as well.

Consultation and Public Meetings of Proponents

5. A wind farm proponent who proposes a wind farm development in Hepburn Shire must be required to hold at least two (2) public meetings where affected residents and ratepayers can ask questions about a proposal. Council should develop a set of questions a developer must respond to in a public meeting format. Within the DWEG, Council should develop a code of best practice as to how Council requires proponents to consult with the community. This would be achieved by a set of questions proponents must answer at a public meeting before a planning permit application is lodged either with Council or the DSE. Encouraging a proponent to consult the community is inadequate if no clear guidelines or requirements are specified which the proponent must adhere to. Otherwise, consultation is too often found to be inadequate to residents and ratepayers, as has occurred at Leonards Hill, Clarkes Hill and Smeaton.

Decommissioning of Wind Turbines

6. The DWEG should have a section dedicated to the issue of 'decommissioning' wind turbines at the end of the life of a wind farm. The DWEG must impose decommissioning policy upon wind farm proponents undertaking a wind farm development, so that participating landholders are not left ultimately responsible for cleaning up a wind farm site at the end of its life. Overseas experiences have shown that landholders who are left to remove wind turbines at the end of the life of a wind farm cannot afford to do, and land is left with industrial junkyards. A decommissioning policy would ensure residents and ratepayers of the Shire are not left with a potential cost burden in the future should the Shire grant planning approval for the construction of a wind farm where the operator and landholder(s) are unable to carry out the responsibility of decommissioning.

Covenants on land

7. The Hepburn Shire should also follow the example shown by the South Gippsland Shire in relation to the proposed Bald Hills Wind Farm by requiring a Section 173 Agreement on any land which is subdivided adjacent to, or near, a wind farm. This protects Council and places prospective purchasers of land on notice where there is a covenant alerting that person to the potential adverse affects of the wind farm. This protects Council from any potential liability in approving subdivisions or a change of use of land near to a wind farm so that the owner or future owners are aware of the adverse affects of the wind farm. A covenant protects the Shire from costly and unnecessary litigation.

The above key points must be carefully considered by Council before finalising the DWEG. The DWEG are an important policy which must serve to protect residents, ratepayers and the Shire itself in dealing with wind farm development applications.

Other submissions received provided the following comments:

8. The guidelines are recommended to be a Council Policy which would then lead to a Planning Scheme amendment, thereby enabling statutory enforcement. In relation to the Significant Landscape Overlay the policy should be to discourage/avoid these areas.
9. Council should request a bond of \$500,000 (indexed to CPI) to cover the cost of enforcing reasonable noise complaints.

5. GOVERNANCE AND STRATEGIC MATTERS

10. Background noise testing needs to be undertaken at all potentially affected residences with wind speed and noise data provided to both the council and resident for independent evaluation. Remediation measures need to be put in place, which necessitate the requirement to turn off turbines during prevailing weather conditions. Hepburn Shire should adopt the acceptable limit of 35dBA instead of the 40dBA limit to align itself with SA & NSW.
11. If shadow impacts residents' properties it is unacceptable.
12. Wind generators should be designed in height to avoid the need for installation of aviation hazard lighting (i.e. less than 110m) as the lighting impacts on residents.
13. To achieve equity with other energy projects a rating formula of \$1100/MW capacity is recommended to be adopted. A further discount for community owned wind farms and the rates collected from community owned sustainable projects is recommended to be directed towards Council's own sustainability projects.
14. Section 11.0 should be amended to include the requirement that in accordance with section 49 of the *Aboriginal Heritage Act 2006* a cultural heritage management plan must be prepared if a proposed activity requires an Environmental Effects Statement.
15. The guidelines are recommended to be reviewed on a yearly basis for the first ten years. A more equitable rating structure (example: 2 turbines \$2,000 plus \$1000 per MW) and where a community owned wind farm the rate should be a nominal \$1000 per MW.
16. A decommissioning bond of 10% of the value of the wind farm should be provided. As soon as a wind company talks to Council this should be made public and the community notified immediately. The views of the local community should be taken into account. Developers advertising the wind farm should be required to use actual data recorded from the proposed site to promote the wind farm. Statements from developers should only be allowed to be used once the actual production figures have been determined using wind speed data from an anemometer on the site.
17. A Fire Plan for each wind farm is required as wind farms are a fire risk.
18. An Environmental Effects Statement should be a pre-requisite for any wind energy facility proposal.
19. Proponents should have a specific time period, say 12 months, in which they have to apply for a permit. A substantial bond should be held by Council which would be available to residents affected by the proposal (aesthetically, physically or mentally affected).
20. A residential buffer of 3 kms.
21. All volcanic cones should exclude wind turbine development. No wind turbine should be permitted on any area covered by a Significant Landscape Overlay. Views of a SLO should also be unobstructed.
22. No wind energy facility should be permitted within 2km of any forest regardless of whether public or private.

5. GOVERNANCE AND STRATEGIC MATTERS

23. A 24 hour telephone service should be maintained to deal with issues as they occur.
24. Public notice should be given of a developer's intention to erect an anemometer.
25. In cases of sensitive breeding grounds of wildlife, an Environmental Effects Statement should be required.
26. A public meeting should be held to discuss the proposed Wind Farm Guidelines.

All submissions have been clear, well presented and definitely will assist Council in finalising Hepburn Shire's Wind Energy Facility Guidelines. Each submitter has received an initial written reply thanking them for their submission and advising that a copy of the final guidelines will be forwarded to them once complete.

Relevant Policies / Council Plan implications

Hepburn Planning Scheme
Council Plan – Objective One – Strengthening Communities.

Community / Engagement / Communication / Consultation

To enable public feedback on the draft guidelines Council placed the draft on exhibition during the months of July and August 2008.

Copies of the **Draft Wind Energy Facility Guidelines** were made available at Council's Customer Service Centres at Daylesford & Creswick and also on the Hepburn Shire Web site www.hepburnshire.com.au where a copy of the guidelines could be downloaded.

All submitters have received written acknowledgement of their submission and have been advised that they would also receive a copy of the final guidelines once completed.

It is recommended that Council provide an opportunity for each submitter to make a presentation to a "committee" of Council. This would enable a committee to hear directly from submitters prior to making any further decision on the guidelines.

A committee comprising all Councillors, Chief Executive Officer, Director Infrastructure & Development and Manager Planning, is suggested as the preferred model.

Council has recently established an Agricultural Advisory Committee and they have been requested to also review the draft guidelines and provide comment.

Financial & Resource Implications Initial & Ongoing

The financial implications associated with the recommendation contained within this report, being the cost of conducting a meeting and sending out invitations, can be accommodated within existing resources.

5. GOVERNANCE AND STRATEGIC MATTERS

Recommendation:

That Council:

- 5.4.1 *Invite all submitters to a committee meeting comprising Councillors, Chief Executive Officer, Director Infrastructure & Development and Manager Planning to be held in mid December 2008 or late January 2009 which will provide the opportunity for submitters to make a verbal presentation.*
- 5.4.2 *Note this report and that the Wind Energy Facility Guidelines will be subject to a further report following the committee meeting.*
- 5.4.3. *Refer the Wind Energy Facility Guidelines to the Agricultural Advisory Committee for comment.*

Moved the Officer's Recommendation with the follow amendment to item 5.4.3

5.4.3 Refer the draft Wind Energy Facility Guidelines to the Agricultural Advisory Committee and the Heritage Advisory Committee for comment.

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.5 FROM YEAR 12 TO ETERNITY

(A/O – Manager Tourism, Economic Development and Recreation) File Ref: 56/12/05

Introduction

This report provides Council with a summary of the key findings of the Hepburn Shire Council's Year 12 to Eternity project.

Report

Project Funding

For the last two years Sport and Recreation Victoria's "Go For Your Life" program provided the funding to undertake an innovative study aimed at increasing awareness of involvement and participation levels in physical activity of the broad community and in particular, school leavers. Council subsequently employed Jacinta Walsh, a qualified PE teacher, to lead the project. A small committee consisting of Heather McIntyre, Cr Janine Booth, Sharyn Ruyg, Konrad Hartz and Geoff Ryan provided guidance for the project.

The study successfully identified a model that could be used throughout Australia to encourage school leavers to stay involved in physical activities. It also identified reluctance from some sporting groups and tertiary institutions to involve school leavers in physical activity.

Project Aims

During the last two years the project has aimed to achieve the following:

- a comprehensive media campaign in local and regional publications such as the Hepburn Shire Advocate, the Ballarat Courier and the Midland Express, Creswick, Clunes and Trentham Community newsletters, also ABC radio, Win TV and the Tourism and Recreation e news.
- The development of information brochures and a CD listing all the physical participation opportunities available in the Hepburn Shire.
- 10 'Come and Try' Days held in Daylesford/Hepburn, Creswick, Trentham and Clunes.
- A comparative study of school leavers to determine changes in physical activity and barriers to continued participation.

School Leavers Project

The School Leavers component of the project sought to increase the degree to which students maintain their involvement in physical activity after they leave school.

Year 12 school students from three secondary schools were surveyed in 2006 and 2007 and again in the year after leaving school in July 2007 and July 2008. Physical activity involvement levels were measured during their final year of school and in the year after completing secondary school. A total of 335 students were surveyed from Ballarat High School, Ballarat Secondary College and Daylesford Secondary College over 2 years.

A total of 80% of the original surveyed students were able to be contacted in the year after they finished secondary school in 2006/2007. A total of 45% of the original surveyed students were able to be contacted in the year after they finished secondary school in 2007/2008.

One group of students (Daylesford Secondary College) were provided with information relating to the benefits of physical activity and attempts were made to connect these students with a sporting organisation in the year after completing secondary school.

5. GOVERNANCE AND STRATEGIC MATTERS

The other two groups of students (from Ballarat High School and Ballarat Secondary College) did not receive the information or assistance with connecting to sporting clubs.

The post-secondary school survey revealed that:

- 50% (2007) and 38% (2008) of students from Ballarat High School and Ballarat Secondary College decreased their participation in physical activity after they finished school in 2007 and 2008. This compared with only 10% (2007) and 30% (2008) of students decreasing their participation in physical activity from Daylesford Secondary College.
- A total of 52% (2007) and 40% (2008) of students from Daylesford College Secondary College increased their involvement in physical activity after leaving school, compared to 26% (2007) and 34% (2008) from Ballarat High School and Ballarat Secondary College.
- A total of 38% (2007) and 30% (2008) of Daylesford Secondary students maintained their level of physical activity, whilst 24% (2007) and 28% (2008) indicated their level of physical activity remained the same from Ballarat High and Ballarat Secondary College.

Whilst it needs to be recognised that other variables were not measured, the initial results indicate that the model used with Daylesford Secondary students to encourage students to continue to participate in physical activity may have had a positive impact.

Assisting school leavers to continue in physical activity

When the project was introduced at Daylesford Secondary College, and the initial surveys were conducted, a guest speaker spoke to the Year 12 students about the benefits of regularly participating in physical activity. Shane Giles, a contestant from the TV show "The Biggest Loser", spoke to the students.

Students were asked to nominate sporting clubs they would be interested in joining, and these clubs then contacted the students. Further attempts were also made to facilitate contact between school leavers, sporting clubs and Universities by encouraging the recruitment of a students from Daylesford Secondary College who expressed interest in joining a club.

During this process the following issues were identified:

- The majority of clubs do not have any specific programs in place to attract or retain school leavers after they have finished school, especially for people who were not attending University.
- Attempting to connect school leavers with University sport was easier. Most Universities have an open day for students to join new clubs.
- After year 12 students have finished school most move away from home for work or further study. Therefore it is difficult to locate students as their contact details can change frequently and it is difficult to keep them up to date,
- It was found that most sporting groups contacted throughout the project were not active in seeking new members.

Summary of Key Findings

While the school leaver project had some limitations relating to the size of the group surveyed, the initial results would suggest that an intervention can achieve a positive

5. GOVERNANCE AND STRATEGIC MATTERS

effect in supporting school students to continue to participate in physical activity in the year after completing secondary school.

While the project did not measure pre and post program participation levels, the media campaign, community awareness campaign and come and try days would have made a significant impact on a small community.

Study Recommendations

Based on the findings of this project, the following recommendations can be made to encourage school leavers to continue participating in physical activity in the years following secondary school:

Connecting School Leavers to Clubs

State and Local government to provide incentives for sporting clubs and associations to encourage school leavers to participate and become active members of clubs.

Incentives may include:

- Financial incentives based on the number of new school leaver members, and/or new programs developed specifically to attract school leavers.
- Financial or equipment incentives to host special events or come and try days specifically targeted at school leavers and/or young people
- Special memberships and/or discounts for school leavers.
- State and/or Local Government to consider providing dedicated resources to make the linkages to clubs for school leavers.
- Clubs, Universities and sporting organisations could be required to demonstrate their efforts and outcomes in recruiting new school leaver aged members to funding bodies. This could then be used as one of the criteria used when assessing future support.

Note: The Year 12 to Eternity project demonstrated that intervention programs are likely to be successful when they occur both in year 12 and in the year after finishing school.

Improving awareness of opportunities available:

- Encourage clubs and associations to promote and advertise the programs and locations of sporting and physical activity programs available to school leavers. A targeted marketing campaign is likely to include Universities, TAFE's, Apprenticeship programs, and specific workplaces.
- In local communities, a specific marketing program could be conducted to encourage school leavers to join their local clubs and/or continue an involvement.

Pricing:

- Clubs and Associations, gymnasiums and other physical activity providers could provide special subsidies or a special pricing structure for school leavers, acknowledging the limited financial capacity of most school leavers.
- Sponsorship opportunities may present to help subsidise or off-set the cost of the school leaver discounts.

5. GOVERNANCE AND STRATEGIC MATTERS

Promoting the Benefits of Physical Activity

- Government authorities should continue to implement marketing campaigns targeted at improving the awareness of the benefits of physical activity for young people. A specific campaign could be targeted to school leavers – both in their final year of school, as well as in the 2 years following school.
- Recognising that not all school leavers will seek organised sporting or physical activity programs, it is recommended that the “benefits campaign” include both organised and non-organised activity.

Community Participation

- Dedicated resources are required at both the local and state government levels to both promote the benefits of physical activity in local communities, as well as actively engaging people.
- Local sporting clubs and associations, facilities and private providers of physical activity programs should be actively supported and encouraged to recruit new members. Incentives should be provided to organisations achieving new memberships and continued participation.

Relevant Policies / Council Plan implications:

Council Plan, Committees 2008-2009

2.6 We will provide a diverse range of quality sporting and recreation opportunities for all residents.

Community / Engagement / Communication / Consultation:

The community was involved in all activities in this project and helped in advising the co-ordinator of the project.

Financial & Resource Implications Initial & Ongoing

The project was entirely funded by State Government. Council provided office space and supervision.

Recommendation:

That Council:

- 5.5.1 *Note the report and refer the report to :*
- *The Recreation Advisory Committee; and,*
 - *The Youth Advisory Committee*
- for consideration.*
- 5.5.2 *Write to the Daylesford Secondary College, Ballarat High School and Ballarat Secondary College, to thank them for their involvement and cooperation with the project.*
- 5.5.3 *Congratulate Jacinta Walsh for her work with the project.*
- 5.5.4 *Write to the Minister for Sport and Recreation, thanking him for the Department’s support for the project and drawing his attention to the recommendations of the report.*

5. GOVERNANCE AND STRATEGIC MATTERS

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.6 DRAFT POSITIVE AGEING STRATEGY

(A/O – Manager Community Services)

File Ref: 16/18/03

Introduction

Within the next 22 years the population of people aged 55 years and over living in Hepburn Shire is set to double. The implications for this shift in population will extend beyond local government to the broader community. This strategy has been prepared as a starting point in preparation for this population transition. (**Attachment No. 2**)

Report

This report follows a briefing to Council in September and accompanies the draft of Hepburn Shire Council's first Positive Ageing Strategy 2008-2012. This draft is the culmination of work commenced in April 2008 and has been developed following a research process including group discussions and surveys completed by over 200 people from the target group. This has been supported by national and international evidence for the need to prepare for the ageing population.

The strategy document provides a background to Positive Ageing followed by five main strategy groupings:

- Keeping active (includes infrastructure items)
- Staying connected and in touch
- Getting places (transport)
- Maintaining a quality standard of living
- Developing services for an ageing population

The strategy document is intended for implementation across Council and as a tool to lead community in the transition to an older population. Hepburn Health Service has been invited to participate as a key collaborating agency because of the significant role their services play for an ageing population.

Relevant Policies / Council Plan implications:

The Positive Ageing Strategy has been identified in Delivery of Council Commitments 2008-2009.

Community / Engagement / Communication / Consultation:

A Community Reference Group was established for this project with representation from across the Shire. The primary process of community participation has been through consultation conducted by survey and group discussions.

Financial & Resource Implications Initial & Ongoing

A grant was received from the MAV and Council on the Ageing Victoria for the establishment of the Positive Ageing Strategies. Strategies have been developed for implementation over a four year allowing more resource-intensive items to be planned for in annual budget cycles. There are no anticipated short-term additional budget implications as a result of this strategy.

Recommendation:

That Council:

5.6 1 *Adopt the Hepburn Shire Council Positive Ageing Strategy as a draft.*

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

5. GOVERNANCE AND STRATEGIC MATTERS

Moved the Officer's Recommendation.

Moved: Cr Heather Mutimer

Seconded: Cr David Smith

CARRIED.

5. GOVERNANCE AND STRATEGIC MATTERS

5.7 APPOINTMENT OF MUNICIPAL RECOVERY MANAGER

(A/O – Chief Executive Officer)

File Ref: 28/06/02

Introduction:

The purpose of this report is for Council to consider the appointment of a Municipal Recovery Manager.

Report

Council has a range of roles and responsibilities in responding to emergencies within the Shire. Under the Emergency Management Act 1986, Council is required to prepare and maintain a Municipal Emergency Management Plan and appoint various officers as Municipal Emergency Resource Officers, including a Municipal Recovery Manager.

The former Director Corporate Services was the last appointed Municipal Recovery Manager. Council now needs to consider delegation to a new officer. Council also needs to reaffirm the delegation of the role Deputy Municipal Emergency Recovery Officer.

It is proposed to nominate Martin Walmsley, Manager Community Services as Municipal Recovery Manager. Martin, through his role as Manager Community Services has a sound understanding of our community and the compassion to deal with their needs if such an emergency should arise.

It is also proposed to nominate John Traill, Manager Finance as the Deputy Municipal Recovery Manager. John has been the deputy in previous years and has experienced first hand previous emergencies. This coupled with his sound financial management practices makes him the ideal candidate for Deputy.

In a major emergency, Council staff would all be involved in some capacity, either in the field or by assuming additional duties to cover for staff who are assisting with the emergency.

Relevant Policies / Council Plan implications

Objective One – Strengthening Communities

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

Objective Two – Service Delivery

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

Community / Engagement / Communication / Consultation

N/A

Financial & Resource Implications Initial & Ongoing

N/A

5. GOVERNANCE AND STRATEGIC MATTERS

Recommendation:

That Council:

- 5.7.1 *Appoint Martin Walmsley – Manager Community Services as the Municipal Recovery Manager.*
- 5.7.2 *Appoint John Traill, Manager Finance as the Deputy Municipal Recovery Manager.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.8 COUNCILLOR EXPENSES AND RESOURCES GUIDELINES

(A/O – Manager Governance and Information)

File Ref: 18/02/01

Introduction

This report tables for Council consideration, draft Councillor Expense and Resources Guidelines.

Report

Councillors must be adequately resourced and supported by Council in order for them to be able to fulfil their duties as a Councillor. In addition to this, Section 75 of the Local Government Act 1989 also allows for Council to reimburse Councillors for necessary out of pocket expenses incurred while performing their Civic duties. It is important that there are clear guidelines in place to ensure that Councillors are adequately resourced and appropriately reimbursed.

While preparing the Councillor Induction program for the Council to be elected in November 2008, it became apparent that Council's existing Councillor Reimbursements Protocol may need to be reviewed and expanded upon so that it is clear to Councillors and the community what resources are available to them and what reimbursements they may be entitled to claim.

A document named *Councillor Expenses and Resources Guidelines* has been developed and explains in detail what resources are available to Councillors to support them in their duties and which incurred expenses that they may be entitled to claim reimbursement for. The guidelines also detail the process for approval for access to resources and reimbursements.

The guidelines cover such things as travel allowances, child care reimbursements and the supply of computer and communications infrastructure and resources.

A copy of the Councillor Expenses and Resources Guidelines has been circulated to the Councillors and is also tabled at this meeting.

Relevant Policies / Council Plan implications:

Local Government Act 1989

- 1.1 Enhance community connectedness, capacity building and leadership
- 2.2 Improve internal and external communication
- 3.4 Promote and encourage innovation

Community / Engagement / Communication / Consultation:

If the recommendations are moved by Council a press release will be circulated expressing the benefits of having Councillor Expenses and Resources Guidelines and ensuring that the community is aware of what resources and reimbursements are provided to Councillors.

The guidelines will also be provided to potential Council candidates as part of the Information Pack provided by Council.

Financial Implications

5. GOVERNANCE AND STRATEGIC MATTERS

The cost of supplying Councillors with the resources and reimbursements that are included in the Councillor Expenses and Resource Guidelines has been budgeted for in the 2008/2009 Budget, with consideration for the fact that there will be seven Councillors instead of five.

Any allowances that have not been budgeted for, such as child care reimbursements will need to be considered at the half year budget review in January 2009. These costs will not be known until the new Council is elected.

Recommendation:

That Council

5.8.1 *Adopt the Councillor Expenses and Resources Guidelines.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.9 MARYBOROUGH TO BALLARAT PASSENGER RAIL SERVICE

(A/O – Chief Executive Officer)

File Ref: 42/08/01

Introduction

This report seeks Councils support to advocate for the reintroduction of passenger rail services between Maryborough and Ballarat.

Background

Council recently received a letter from Central Goldfields Shire Council requesting that Council consider supporting the resolution adopted by Central Goldfields Shire Council at its Ordinary Meeting dated 27 August 2008.

The resolution read :

“That Council:

- (i) Continue its strong advocacy for the reintroduction of passenger rail services between Maryborough and Ballarat,*
- (ii) seek to have the reintroduction of passenger rail services between Maryborough and Ballarat recognised in the Central Highlands Regional Strategy,*
- (iii) Seek the support of Hepburn and Pyrenees Shire Councils on this matter.*

Central Goldfields Shire Council has for some time been advocating for the return of passenger rail services from Maryborough.

A Maryborough to Ballarat passenger rail service would also service the townships and districts of Clunes and Creswick.

In July 2007 the Department of Infrastructure advised the Central Goldfields Shire Council that the State Government had bought back the regional rail network and that “The first project to occur under the buy-back will be the upgrade of the Mildura rail line to an 80km/h rail freight standard” and that “This investment is the first stage in retuning passenger rail services to Mildura via Maryborough. The project is due to commence shortly. Completion of the freight upgrade is a prerequisite for detailed feasibility development work on passenger rail services.

Hepburn Shire Council is part of the Central Highlands Region along with Ararat, Central Goldfields, Ballarat, Golden Plains, Moorabool and Pyrenees Councils.

The Central Highlands Councils’ regional priority projects are captured in the CH21 Strategy.

The CH21 Strategy feeds into the Department of Infrastructure’s *Regional Transport Strategy* which also informs the Commonwealth funding priorities.

The CH21 Strategy is currently undergoing a review as part of Regional Development Victoria’s regional planning exercise.

It is therefore timely for Council to provide its endorsement of the reintroduction of the Maryborough to Ballarat passenger rail service and support its inclusion in the updated CH21 Strategy and other regional plans.

5. GOVERNANCE AND STRATEGIC MATTERS

Relevant Policies / Council Plan implications

In accordance with the 2006-2011 Council Plan key objectives.

Community / Engagement / Communication / Consultation

In supporting this matter, where appropriate Council will seek the inclusion of this project in strategic plans and advocate on the matters behalf at appropriate forums

Financial & Resource Implications Initial & Ongoing

In supporting the reintroduction of the Maryborough to Ballarat passenger rail service as a project that should be included in the regional plan Council is not making any financial commitment. This is purely an advocacy matter.

Recommendation:

That Council:

- 5.9.1 *Endorse its support for the reintroduction of the Maryborough to Ballarat passenger rail service*
- 5.9.2 *Seek to have the reintroduction of the Maryborough to Ballarat passenger rail service included in the amended CH21 Strategy*
- 5.9.3 *Advocate on this matter when and where appropriate.*

Moved the Officer's Recommendation.

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

5. GOVERNANCE AND STRATEGIC MATTERS

5.10 CHILLOUT – BUDDIES FOR <WILD> LIFE PROGRAM.

(A/O – Manager Tourism, Economic Development & Recreation) File Ref: 04/10/03

Introduction

This report briefly outlines a request received from ChillOut to form a partnership with Hepburn Shire Council.

Report

Mr Jim Culbertson met with the CEO and Manager Tourism, Recreation and Economic Development recently. Mr Culbertson extended the appreciation of ChillOut to Council for its support of the Alannah and Madeline Foundation's Better Buddies Program.

ChillOut has requested that Council, as a community partner support ChillOut in raising awareness and donations for ChillOut's 2009 nominated cause – 'Buddies for <wild> life'.

Funds raised during this partnership appeal would enable the development and introduction of a new Better Buddies activity focused on the environment and wildlife.

Primary schools in Hepburn Shire currently enrolled in The Alannah and Madeline Foundation's Better Buddies Framework will be able to participate in this project at no cost to them and any additional funds raised will be directed locally to Wildlife Victoria (Hepburn Wildlife Shelter).

All funds donated to this community project will stay within Hepburn Shire.

Relevant Policies / Council Plan implications

In accordance with the 2006-2011 Council Plan.

Community / Engagement / Communication / Consultation

Extensive media promotion will be undertaken by ChillOut.

Financial & Resource Implications Initial & Ongoing

\$10,000 has been committed in the 2008 / 2009 Budget.

Recommendation:

That Council:

5.10.1 *Confirm its agreement as a community partner to support ChillOut in raising awareness and donations for "Buddies for <wild> life" program.*

Moved the Officer's Recommendation.

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.11 MONTHLY FINANCIAL REPORT 1/7/08 – 30/09/08

(A/O – Manager Finance)

File Ref: 30/08/17

Introduction

A summary report on the Council's financial performance for the financial year to the 30 September 2008 is provided for information.

Report

This report provides information on Council's operating performance for the 3 months to 30 September 2008 against the budget adopted by Council in July 2008. The report considers year to date budgets against year to date actual for each operating program and for all capital works.

The budget was adopted based on projected completion of projects and capital works at 30 June 2008 and information available at that time. Council will have an opportunity in January 2009 to review its budget based on current information about projects, variations that occur and new information.

Statutory Requirements

Under Section 138 of the Local Government Act 1989, at least quarterly a report comparing expenses and revenue to budget must be presented to the Council.

Summary of Financial Report Attachments

The following attachments (***Refer Attachment No. 3***) form part of this financial report:

- Capital Works and Projects
- Balance Sheet
- Charts of Rate and General Debtors (1.1 and 1.2)

The reports note any variations against the year to date budget and a year to date actual amount.

5. GOVERNANCE AND STRATEGIC MATTERS

Variance Report

Corporate Services:

Variance (Deficit)/Surplus 000's: \$ 251

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
1 Corporate Services					
Revenue Services	Rates & Municipal Charge	-9,673	-9,628	-9,793	165
Grants Commission	Untied Government Grant	-2,201	-550	-555	4
Council	CEO's Office & Councillors	806	151	132	20
Financial Services	Financial Services	407	96	47	49
Technical Services	Engineering Services	794	190	194	-4
Governance & IT	Governance Records Management & Information Technology	914	351	338	13
Organisational Development	Human Resources and Risk Management	243	49	47	2
Other Administration	Office Operations, Postage etc	678	143	142	2
Total Corporate Services		-8,032	-9,197	-9,448	251

- Revenue services relates to supplementary valuations exceeding expectations
- Financial services relates to profiling of expenditure which will be corrected for next months report

Community Services:

Variance (Deficit)/Surplus 000's: \$ 29

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
2 Community Services					
Community Development	Community Development, Arts & Culture and Youth Services	521	158	129	29
Family & Childrens Services	Maternal & Child Health, Pre-Schools etc	168	18	14	4
Aged & Disability Services	Home Care Services, Day Activity Centres Meals on Wheels	244	39	30	9
Housing	Housing	-6	0	-3	2
Contract Services	Home Care Services provided under Contract for External Agencies	-8	-6	9	-15
Total Community Services		919	208	179	29

- Some minor profiling refinements need to be made before next months report.

5. GOVERNANCE AND STRATEGIC MATTERS

Regional Development:

Variance (Deficit)/Surplus 000's: \$ 109

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
3 Regional Development					
Planning & Heritage Services	Strategic & Statutory planning & Heritage services	734	152	117	36
Building Services	Building Inspections	58	13	-5	18
Tourism & Economic Development	Tourist information centres Caravan Parks & Economic Development	313	84	18	65
Community Amenities	Public Conveniences, Cemeteries	183	29	24	6
Library Services	Branch Libraries & Bookmobile	324	93	91	2
Other Cultural Activities	Community Events & Museums	63	5	21	-16
Public Halls	Town Halls & Other Public Halls	130	19	20	-2
Total Regional Development		1,806	395	286	109

- Some monthly profiling of budgets is required for most areas.
- Tourism & Economic Development is in surplus as a result of receiving an unbudgeted grant of \$75,000 however this will be offset by additional expenditure with an adjustment to the budget made at the mid year review.

Public Safety:

Variance (Deficit)/Surplus 000's: \$ 2

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
4 Public Safety					
Fire Prevention	Fire Hazards, signs Fire Access Tracks	17	3	3	0
Animal Control	Animal Management & Pound Operating	-43	10	7	3
Compliance	By-Laws Management & Parking	217	50	50	0
Health	Health Surveyor, Food Premises Inspections Immunisations etc	116	43	48	-6
Environmental Initiatives	Environmental Officer & Projects	145	30	27	3
School Crossings	School Crossing Supervision	18	7	6	1
Emergency Management	State Emergency Service contribution	5	0	0	0
Total Public Safety		475	143	141	2

- All areas are travelling OK

5. GOVERNANCE AND STRATEGIC MATTERS

Recreation:

Variance (Deficit)/Surplus 000's: (\$ 19)

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
5 Recreation					
Parks & Gardens	Parks & Gardens Maintenance	231	33	27	6
Reserves	Reserves Maintenance	665	158	142	15
Mineral Springs Reserves	Mineral Springs Reserves Maintenance	-354	-89	-32	-57
Swimming Areas	Swimming Areas Supervision & Maintenance	274	25	20	4
Recreation Management	Recreation Management	163	21	-13	34
Indoor Recreation	Indoor Recreation Contribution	30	0	0	0
Total Recreation		1,009	-43	-24	-19

- The mineral springs area profiling needs to be adjusted
- Recreation management needs some work in this area as well.

Infrastructure:

Variance (Deficit)/Surplus 000's: (\$ 100)

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
6 Infrastructure					
Road Maintenance	Local Road Maintenance plus Local & Federal Road Grants	225	125	204	-79
Depots	Works & Parks Depot Operations	51	18	18	0
Other Transport	Gravel Pits, Plant Hire & Private Works	-598	-151	-130	-21
Total Infrastructure		-323	-8	92	-100

- Road maintenance figures have not been adjusted for seasonal variations in work plans.

5. GOVERNANCE AND STRATEGIC MATTERS

Waste Management:

Variance (Deficit)/Surplus 000's: \$ 57

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
7 Waste Management					
Waste Revenue	Waste Management, Garbage, Recycling Charges and Fees	-1,493	-1,434	-1,442	7
Street Cleaning	Street sweeping and Clearance of Street Bins	124	27	24	3
Waste Management	Operation of Transfer Stations and Recycling Facility	1,333	281	234	47
Land Management	Support for Landcare Groups & Weed Eradication Programs	14	1	1	0
Total Waste Management		-22	-1,125	-1,182	57

- The waste management monthly profiling needs reviewing some monthly accounts are paid the following month.

Unclassified:

Variance (Deficit)/Surplus 000's: \$ 150

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
8 Unclassified					
Oncost Clearing Accounts	Oncost Clearing Accounts	0	-21	-171	150
Unclassified	Minor Unclassified Expenditure	125	0	0	0
Total Unclassified		125	-20	-171	150

- Adjustments need to be made to the monthly profiling of the various oncost accounts which will be completed before next months report

Operating Summary:

The year to date operating result against budget currently indicates a positive variance of \$479 thousand. After only three months of the financial year it is to be expected that there would be few variations that cannot be explained because of timing differences, projects to be carried over from 2007/2008 or projects where unbudgeted funding has been received. The net operating result is monitored each month to ensure that the overall budget is met by year end.

5. GOVERNANCE AND STRATEGIC MATTERS

Capital Works and Major Projects:

The 2008/2009 capital works program is in its early stages as projects are being scoped and designed and contracts let. Main variations in this area relate to projects carried over from 2007/2008 that will be adjusted as part of the mid-year budget review. The year end surplus for 2007/2008 confirms that a number of projects were not completed and will have to be accommodated in 2008/2009.

Balance Sheet

Current Assets:

Cash and investments at 30 September total \$3.55 million and include \$0.95 million for the Long Service Leave Provision.

Net current receivables are \$10.12 million including \$9.04 million in rates. Trade debtors at 30 September are \$717 thousand. Debtors are being monitored and regular follow up action taken to minimise any write offs.

Council is generally owed money for the GST input tax credit and BAS's are lodged monthly. All legislative requirements are being met.

Current Liabilities:

The major items here are the creditors control, current loan liability, provision for landfill rehabilitation and employee provisions. Deposits and Securities are reviewed quarterly and refunds or transfers made where applicable.

Non-Current Assets:

These include all infrastructure assets and for the purpose of this report the net cost of current capital and major works has been treated as works in progress and added to the balance sheet here.

Non-Current Liabilities:

Major items here include loan liability, provision for landfill rehabilitation and provision for long service leave.

Conclusion:

As expected there are few major variations this early in the financial year other than those caused by timing differences. However there are some areas that will be closely monitored and reviewed regularly with Management Team and responsible managers. As indicated a number of variances have resulted from projects carrying over from 2007/2008 or new projects where funding will be received in 2008/2009.

The mid year budget review in January 2009 will be an opportunity for these projects to be brought to account and the overall budget fine tuned with the knowledge of 6 months of operations. In the meantime managers will continue to review in detail both operating and capital budgets to ensure that the overall budget will be achieved.

5. GOVERNANCE AND STRATEGIC MATTERS

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:

Nil

Financial & Resource Implications Initial & Ongoing

The reports attached provide the opportunity for constant review of Council's financial position to ensure compliance with budgets. The reports presented show the annual budget, year to date budget, year to date actuals and year to date variance. The reports note any variances against the year to date actual amount.

Recommendation:

5.11.1 *That Council receives the Monthly Finance Report for the 3 months from 1 July 2008 to 30 September 2008.*

Moved the Officer's Recommendation.

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

6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.1 WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE

(A/O – Director Infrastructure & Development)

File Ref: 5/1330/01950

Introduction

This report provides information on two recommendations from the Wombat Hill Botanic Gardens Advisory Committee to Council relating to leasing of kiosk area and preparation of a strategic management plan for 1705 Elm Trees across the Shire.

Report

The Wombat Hill Botanic Gardens Advisory Committee at its last meeting held on 18 September 2008 resolved to make two recommendations to Council, being:

1. That the matter of leasing of facilities (kiosk area) be advertised as soon as possible.
2. That Council prepare a strategic management plan for the 1705 Elm trees across the Shire.

The Advisory Committee has discussed matters relating to leasing and supports the leasing of the kiosk area for a 20 year period, which is in keeping with the Wombat Hill Botanic Gardens Conservation Management Plan. Appropriate crown approval has been obtained for Council to proceed on a 20 year lease and tender documentation for leasing of this kiosk area is being prepared by Council's Governance Department. Tenders will be advertised in November 2008 with the awarding of lease occurring after the Council "caretaker period" has concluded.

The Advisory Committee when discussing elm trees in the gardens was amazed to find out that across the entire shire there are 1705 elm trees. The Advisory Committee was concerned that to carry out tree root treatment to control elm leaf beetle on elm trees that it costs approximately \$80/tree. Canopy spraying was conducted on the Wombat Hill Botanic Gardens' 358 elm trees last year however this is not as affective. The Advisory Committee were of the view that the ongoing management of all of the elm trees across the shire requires an overall strategic plan.

Relevant Policies / Council Plan implications

Wombat Hill Botanic Gardens Conservation Management Plan.

Community / Engagement / Communication / Consultation

The Wombat Hill Botanic Gardens Advisory Committee has community representatives and Friends of the gardens as members on the Committee. The objectives for the Advisory Committee as set out in the terms of reference are:

- To provide advice to Council on suitable aspects of implementation of the Wombat Hill Botanic Gardens, Daylesford Conservation Management Plan – December 2007.
- To assist Council in the preparation of a 5 year plan towards the 150th birthday of the Gardens in 2013.
- To provide comment to Council on leasing of facilities at the Gardens.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

- From the Management Plan to develop a priority list of conservation and improvement projects for the Gardens to be submitted to Council on an annual basis by March.
- To provide advice to Council on ways of broadening awareness of the Wombat Hill Botanic Gardens and increasing its use.
- To annually conduct a visitor survey of the Gardens.
- To source potential funding programs and assist in applications for funding conservation and improvement projects for the Gardens and develop strategic partnerships.

Financial & Resource Implications Initial & Ongoing

The resources for calling of tenders for leasing of the kiosk area are already included in the 2008/9 budget.

A strategic management plan for the 1705 elm trees across the shire is estimated to cost \$20,000 to \$40,000

Recommendation:

That Council:

- 7.1.1 *Proceed to prepare specifications for the leasing of the Wombat Hill Botanic Gardens kiosk area in consultation with the Wombat Hill Botanic Gardens Advisory Committee.*
- 7.1.2 *Refer the cost to prepare a strategic management plan for 1705 elm trees across the Shire to the 2009/10 budget for consideration.*
- 7.1.3 *Inform the Wombat Hill Botanic Gardens Advisory Committee of Council's resolutions relating to the matters raised by the Advisory Committee.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

**7.2 APPOINTMENT OF MEMBERS – CLUNES MEDLYN COMPLEX
COMMITTEE**

(A/O – Manager Governance and Information)

File Ref: 1/0320/00070

Introduction

This reports seeks Councils endorsement of the appointment of members of the Clunes Medlyn Complex Committee.

Report

Council resolved last year that committee members who were appointed to the Clunes Medlyn Complex Committee in 2007 would be appointed for a term of 12 months. This time has expired and additional members are being sought by the committee. Council has advertised for expressions of interest from community members wishing to become a member of the committee.

The current instrument of delegation requires that the committee maintain at least nine members, one of which must be a representative of the Clunes Tourist and Development Association (CTDA). It is recommended that this continue to be the case and that the instrument of delegation is amended to allow for a term of membership of three years for members appointed to the committee.

It is recommended that Council re-appoint the following members to the Committee for the term of three years:

1. George Yates
2. Yvonne Yates
3. Jan Turner
4. Clayton Edwards
5. Steven Greenwood
6. Barbara Webb

In addition to this Council received four new submissions to be considered for membership of the committee. Submissions were received from Christine Rowe, Gayle Smith and Chris Stamatov, community members who have been volunteering and assisting the committee in recent times. Another submission was received from Les Eastcott a Clunes resident who also submitted an expression of interest in membership for the Clunes Municipal Reserve Purposes Committee.

Relevant Policies / Council Plan implications:

Local Government Act 1989

3.1 – Improve the management of our assets.

Community / Engagement / Communication / Consultation:

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

Financial Implications

Nil.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recommendation:

That Council

- 7.2.1 *Re-appoint George Yates, Yvonne Yates, Jan Turner, Clayton Edwards, Stephen Greenwood and Barbara Webb as members of the Clunes Medlyn Complex Section 86 Committee of Management.*
- 7.2.2 *Appoint Christine Rowe, Gayle Smith and Chris Stamatov as members of the Clunes Medlyn Complex Section 86 Committee of Management.*
- 7.2.3 *Amend the Instrument of Delegation for the committee to specify that the term of membership for individual members is three years from the date of appointment by Council.*

Moved the Officer's Recommendation.

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

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

**7.3 APPOINTMENT OF MEMBERS – CLUNES MUNICIPAL PURPOSES
RESERVE COMMITTEE**

(A/O – Manager Governance and Information)

File Ref: 1/0320/00098

Introduction

This report recommends an appointment to the Clunes Municipal Purposes Reserve Committee.

Report

The current Section 86 Committee known as the Clunes Municipal Purposes Reserve Committee has requested that Council advertise for an additional member due to the recent resignation of an existing member. Council has advertised for expressions of interest in becoming a member of this committee.

Calls for expressions of interest for membership of the Committee closed on 8 October 2008.

A submission was received from the following person:

Les Eastcott: Mr Eastcott is currently a resident of Clunes and manages the Clunes Caravan Park. Mr Eastcott has previously held positions within numerous community committees and board.

As the knowledge and skills of this applicant would be of benefit to the committee, it is recommended that Council appoint Mr Les Eastcott to the Clunes Municipal Purposes Reserve Committee.

A copy of the expression of interest has been circulated to Councillors.

Relevant Policies / Council Plan implications:

Local Government Act 1989

3.1 – Improve the management of our assets.

Community / Engagement / Communication / Consultation:

The call for expressions of interest for Committee membership was advertised in the *The Advocate*.

Financial Implications

Nil.

Recommendation:

That Council

7.3.1 Appoint Les Eastcott as a member of the Clunes Municipal Purposes Reserve Section 86 Committee of Management.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan

Seconded: Cr David Smith

Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.4 HERITAGE ADVISORY COMMITTEE – APPOINTMENT OF MEMBERS FOR THE NEW TERM 2008-2010

(A/O – Manager Planning)

File Ref: 66/08/02

Introduction

This report lists all nominees from the communities and local historical associations/museum groups and recommends their appointments to the Heritage Advisory Committee for the term of appointment 2008-2010.

Report

The Heritage Advisory Committee is an advisory committee of Council. The purpose and objectives of the Heritage Advisory Committee are set out in the Terms of Reference for the Committee dated 22 January 2008.

The Heritage Advisory Committee members are appointed for a term of two years. At the Committee Meeting of 22 August 2008, the Chairperson declared all positions on the Committee vacant as the term of appointment for members was to expire.

Following the declaration, all local historical associations/museum groups listed on the Terms of Reference were asked to nominate a principal and deputy representative for the new term. Advertising calling for nominations for the four community representative positions was also undertaken.

Letters were sent to the following historical associations and museum groups inviting them to nominate a principal and deputy representative, to represent their organisation on the Heritage Advisory Committee.

Daylesford & District Historical Society
Trentham & District Historical Society
Clunes Museum (William Barkell Memorial Arts & Historical Centre Inc.)
Creswick Historical Society
Creswick Museum & Gold Battery
The Central Highlands Tourist Railway

Council also advertised in the Advocate newspaper calling for community representative nominations. Nominations for membership of the Heritage Advisory Committee closed on the 16 September 2008. Nominations were received from six (6) people. There were no nominations from the community of Creswick.

All nominees have been advised that a report will be tabled at Council Meeting of 22 October 2008 recommending all nominees be appointed to the Heritage Advisory Committee.

Relevant Policies / Council Plan implications:

Council Plan Objective One
Council's Heritage Committee – Terms of Reference January 2008
Heritage Conservation Policy (Policy No. 16)
Council's Local Law No. 1 Meeting and Common Seal

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Community / Engagement / Communication / Consultation:

Advertising in local newspapers was undertaken calling for interested people to nominate for membership of the Heritage Advisory Committee.

Financial Implications

Council's Heritage Advisor Committee Operating Guidelines make provisions for covering reasonable travel expenses for members of the Committee to attend meetings and other functions/events that they are required to attend. Travel expenses are calculated on the distance required to be travelled to attend a meeting, normally from the person's home within the Shire to the meeting and return journey.

Council has allocated funds within the current budget to cover the operating costs of this committee.

Recommendation:

That Council:

7.4 .1 *Accept the nominee and their respective deputies from the Daylesford and District Historical Society, Creswick Historical Society, Creswick Museum, Clunes Museum and the Trentham and District Historical Society as members of the Hepburn Shire Heritage Advisory Committee with the terms of appointment expiring on the 31 August 2010.*

7.4.2 *Appoint the following community representatives to the Hepburn Shire Heritage Advisory Committee with their term of appointment expiring on the 31 August 2010.*

	Principal Representative	Deputy Representative
Daylesford and District Historical Society	David Endacott	Les Pitt
Creswick Museum	Margaret Fullwood	Richard Hutton
Creswick Historical Society	David Henderson	Valda Catrice
Clunes Museum	Patricia Cook	Karen Burnes
Trentham and District Historical Society	Gael Elliott	Elizabeth McInerney
Central Highlands Tourist Railway	Bill McClenaghan	
Community – public nomination	Christina Read	N/A
Community – public nomination	Peter Horsburgh	N/A
Community – public nomination	Robert Redmond	N/A
Community – public nomination	Ina Bertrand	N/A

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Moved the Officer's Recommendation.

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.5 SECTION 86 COMMITTEE & ADVISORY COMMITTEE MINUTES

(A/O – Manager Governance and Information)

File Ref: Various

Introduction

Section 86 Committee and Advisory Committee minutes are tabled for noting.

Report

Please see listed below the minutes of various Section 86 and Advisory Committees for your information:

- Minutes of the Drummond Hall Committee of Management dated 02/05/08, 20/07/08 Finance Report, 29/08/08, Risk Report 15/09/08 (File Ref. 5/2105/00400) (Section 86)
- Minutes of the Clunes Historic Medlyn Complex Committee of Management dated 02/01/08, 06/02/08, 05/03/08, 01/05/08, 07/05/08, 04/06/08, 02/07/08, 13/08/08 03/09/08 (File Ref. 1/0320/00070) (Section 86)
- Minutes of the Clunes Museum (William Barkell Memorial Arts & Historic Centre) Committee of Management dated 11/02/08, 14/04/08, 08/09/08 14/07/08 (File Ref. 1/2570/00036) (Section 86)
- Minutes of the Creswick InfoLink Committee of Management dated 15/09/08 2006/07 Financial Report (File Ref. 22/15/02) (Section 86)
- Minutes of the Creswick Museum Committee of Management dated 04/02/08, 03/03/08, 13/03/08 (File Ref. 2/7350/02046) (Section 86)
- Annual Financial Statement of the Dean Recreation Reserve Committee of Management dated 19/9/2007 – 14/8/2008 (File Ref: 3/1915/05331) (Section 86)

Relevant Policies / Council Plan implications:

2.2 – Improve internal and external communication.

Community / Engagement / Communication / Consultation:

Members of the community are represented on these committees.

Financial Implications

Nil.

Recommendation:

That Council

7.5.1 Note the Minutes of the Committees listed above.

Moved the Officer's Recommendation.

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

8. STATUTORY MATTERS

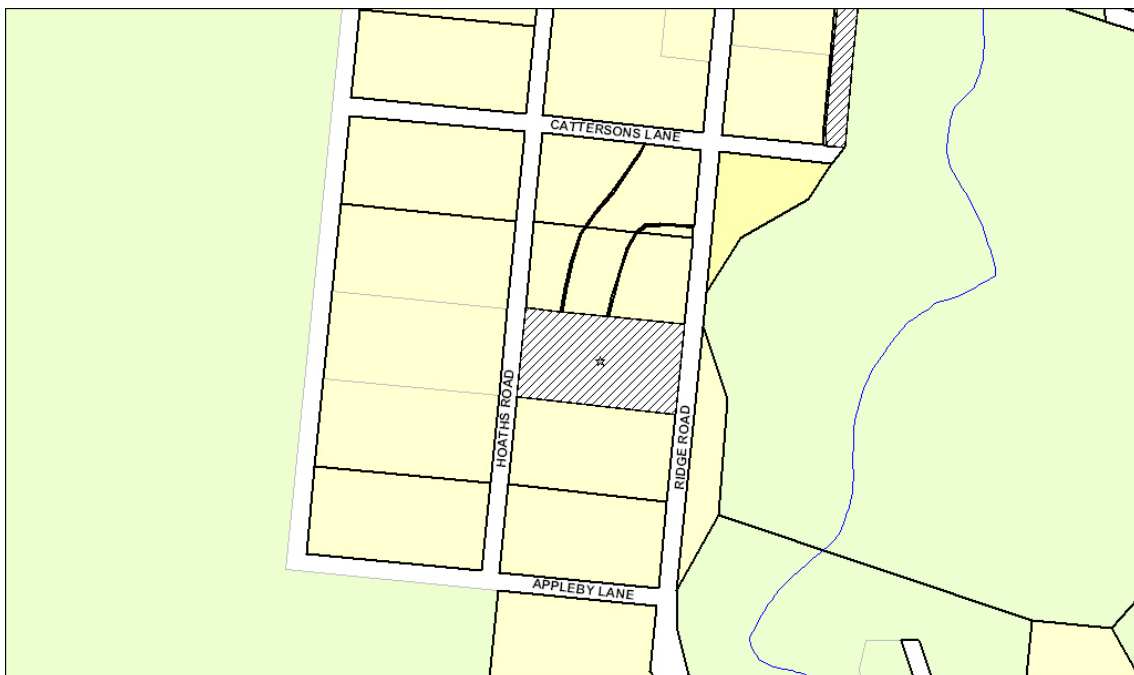
8.1 PLANNING APPLICATION 2008/9836 PROPOSED: THREE LOT SUBDIVISION AND TWO DWELLINGS AT 195 RIDGE ROAD, SAILORS HILL

(A/O – Manager Planning)

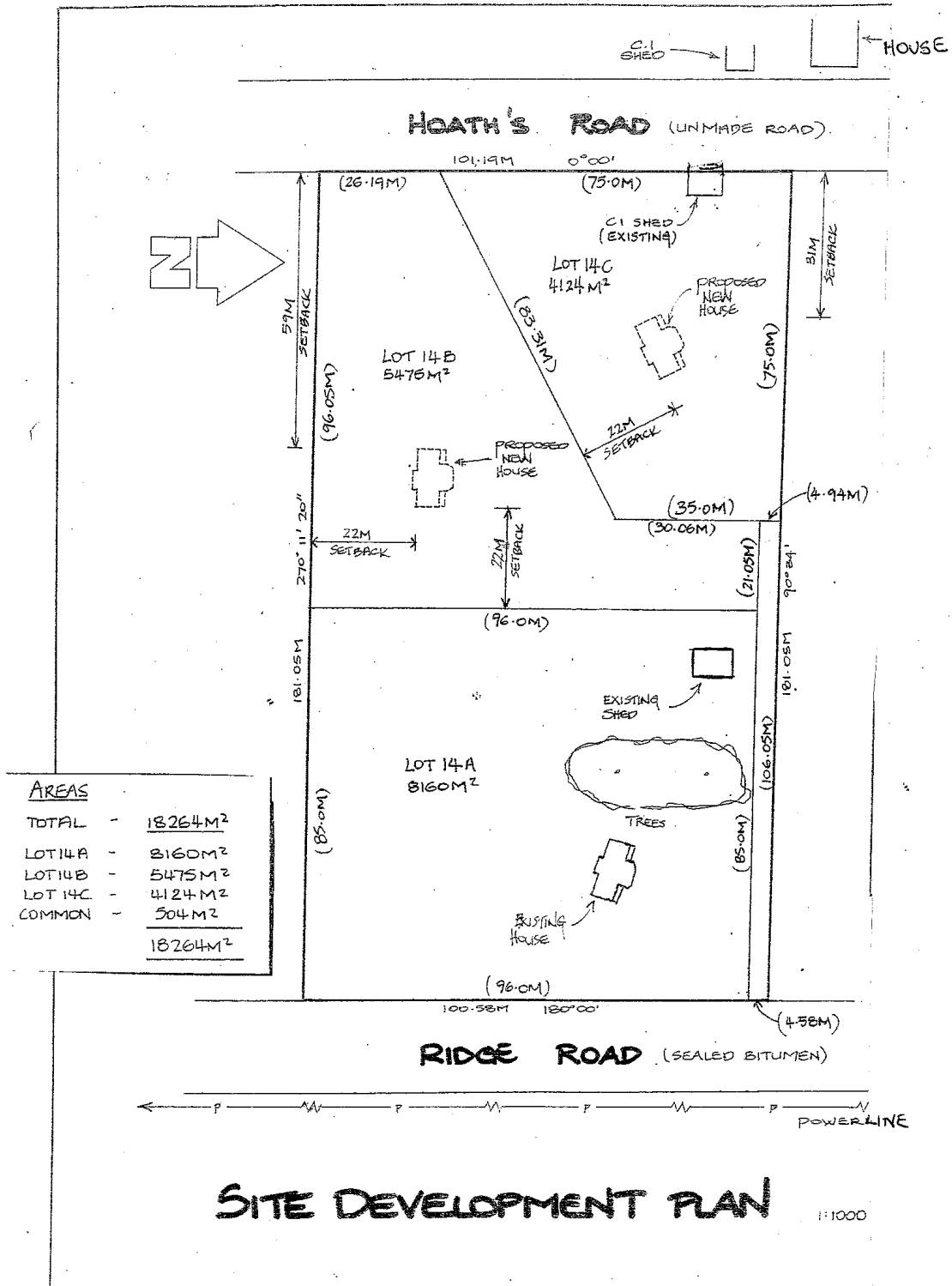
File Ref: 3/5790/00189/P

Introduction

Applicant:	Daylesford Design Studio
Location:	195 Ridge Road, Sailors Hill
Proposal:	Three lot subdivision and two dwellings
Zoning:	Low Density Residential Zone
Overlay Controls:	Environmental Significance Overlay ES01 Wildfire Management Overlay
Objections:	Twenty (20)
Recommendation:	Refuse to Grant a Permit



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

This report is to enable Council to make a decision relating to Planning Permit application 2008/9836 a 3 lot subdivision and 2 dwellings at 195 Ridge Road Sailors Hill, Crown Allotments 14, Parish of Wombat. The total area of the lots is 1.83ha.

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

PROPOSAL

The proposal is to subdivide the lot:

Lot A adjacent to Ridge Road – 8160m² (this lot has a permit for a dwelling).

Lot B – 5478m²

Lot C – 4124m² adjacent to Hoaths Road.

Lot 14 B & C are proposed to be accessed via a long driveway from Ridge Road.

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

REFERRAL AUTHORITIES

Mandatory Referrals were required to:

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

No objections were received subject to conditions.

REFERRAL WITHIN COUNCIL

Referrals were made to Engineering and Environmental Health Departments

There are concerns raised by both Council's Engineering and Environmental Health Departments relating to the possibility for seepage and consequent potential contamination of ground and surface water in the area due to the existence of a hardpan approximately 1-2 metres below ground. The LCA included with the application does not appear to address this issue.

The assessments conclude that prior to further consideration of the cumulative effect on public health and the environment in the area from three on-site wastewater systems given the rainfall area and the structure of the soil. The following requires further investigation:

8. STATUTORY MATTERS

- The depth of the groundwater and the hardpan;
- Potential groundwater seepage into Hoath Road and mitigation issues;
- Cumulative impact assessment of on-site waste water systems of groundwater quality through modelling and associated risk assessment.

ADVERTISING/NOTICE OF APPLICATION

Notice of the application was given by way of the erection of a sign on site, and the sending of Notice to adjoining owners and occupiers and objectors to the previous proposal. In response to notification of the application, a total of twenty (20) objections were received. A submission was made containing seven submissions of support for the proposal.

The grounds of objection could be summarised as follows:-

- The proposal is an overdevelopment of the area;
- Potential pollution of underground household water;
- Mains water will flush more water through waste systems;
- Detriment to rural character;
- Capacity of Ridge Road to handle traffic.

The following considers the objections set out above:

Detriment to Rural Character

The rural character of the southern corridor leading to the township of Daylesford would be changed by this proposal. Whilst this application is for 3 lots the potential lot yield of the land adjacent to Ridge Road, bounded by Appleby Lane, and Cattersons Lane with reticulated water, at the lowest lot size in the Low Density Residential Zone of 4000m² could be 20 dwellings. There are another five lots of similar size in a block further west bounded by Appleby and Cattersons Lanes also zoned LDRZ. The LDRZ has provisions for consideration of two dwellings on a lot.

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

The revised Structure Plan for Daylesford C38 currently on exhibition does not contemplate provision for character studies or siting guidelines in this area although the forest interface is identified as an element in future considerations for development. Panel has been appointed to hear submissions to the Structure Planning Process in November 2008.

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

The amenity of the area for the existing residents will be detrimentally effected.

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

8. STATUTORY MATTERS

The condition of Ridge Road will not cope with increased traffic

The developer will be required to make a road works contribution based on benefiting land owners abutting the road for an upgrade of Ridge Road adjacent to the proposal. There is not adequate water supply specifically no mains water available to the land.

With regard to this proposed subdivision Central Highland Water advise significant works and payment of major works contribution would be required to bring mains water from 400 metres south. The applicant has made an agreement with Central Highlands Water for the provision of mains water.

Density adjacent to the forested area will be detrimental to tourism.

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

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

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

Relevant Policies / Council Plan implications:

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 14.04 Settlement

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

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

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Municipal Strategic Statement

The relevant parts of the MSS are considered to be:

21.01-5 Key Towns & Settlement

21.01-7 Tourism

21.05 Settlement & Housing

21.07 Economic Development

Clause 21.01-5 - Key Towns and Settlements

Future low density residential development in parts of Clunes, Daylesford, Hepburn Springs and Trentham requires careful planning for staged development including

8. STATUTORY MATTERS

preparation of development plans to guide the long term utilization of land and service provision within these areas.

Clause 21.05 - Settlement & Housing

This clause identifies one of the key issues as:

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

•

The settlement strategies

- To provide for residential infill opportunities using township structure plans;
- Promote innovative residential development and a range of lot sizes in existing urban areas;
- Promote residential development that acknowledges and enhances the valued character of neighbourhood areas;
- Encourage tourism and other non-residential development that is sensitive to neighbourhood and town character in appropriate locations;
- Support the consolidation of development in urban areas where infrastructure capacity exists and where the character of the area is not prejudiced.
- The implementation of the strategies specific to the Low Density Residential Zones refers to applying the Low Density Residential Zones to the areas on the fringe of Clunes, Creswick, Trentham, and Daylesford. No application of Overlays or Policy is proposed specifically for this area.
- The further strategic work proposed is to investigate the staged development planning for Low Density Residential in areas shown of the town structure plans.

21.01 -7 Economic Development Overview

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

21.07 Economic Development

Objective 3

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

Strategies

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

Local Planning Policy Framework

The Relevant Local Planning Policies

Clause 22.07 Settlement

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

8. STATUTORY MATTERS

Policy Basis

This policy:

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

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

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

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

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

Past development has seen limited demand for residential land within their township environs. However, these villages provide a residential role surrounded by rural land. Absence of reticulated water and sewerage and other services and the surrounding rural land will limit these centres’ potential for future urban growth. The settlements of Blampied, Borlands, Campbelltown, Eganstown, Franklinford, Muskvale, Newbury, Sailors Falls and Yandoit have been zoned rural although these settlements have experienced minimal residential development. Development proposals need to be aware of the residential role these settlements provide in a rural land use.

Objectives

- To direct residential development into existing townships, villages and settlements.
- To ensure that new residential development in the villages and settlements (listed in the policy) is directed towards the Township or Low Density Residential Zones.
- To ensure that new use and development is compatible with the underlying character of the surrounding built areas.
- To ensure that non-residential uses in residential areas do not adversely affect residential amenity.
- Where a permit is required for use and development in Clunes, Creswick, Daylesford, Hepburn Springs and Trentham, it is policy to:
- Encourage the development of infill lots and the use of existing small lots that are either sewered or capable of containing effluent and waste water disposal on site.
- Ensure urban development proposals occur within the urban boundary as delineated in the Structure plans.
- Ensure proposals are consistent with the:• Guidelines for future development recommendations in the streetscape studies.
- Where a permit is required for use, development and subdivision in the Township Zone, Low Density Residential Zone or Residential Zone, it is policy where appropriate, to:

8. STATUTORY MATTERS

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

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

- The capability of the site for on-site effluent and waste water disposal.
- How the proposal is in character with the surrounding area.
- Require any proposed conversion of a residential use to a non-residential use to demonstrate why the use would not be more appropriately located within a business (or other) zone.

Ensure residential amenity is protected from:

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

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

Local Planning Policy Framework

The Relevant Local Planning Policies

Clause 22.07 Settlement

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

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.

8. STATUTORY MATTERS

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

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

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

Objectives

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

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

- Encourage the development of infill lots and the use of existing small lots that are either sewered or capable of containing effluent and waste water disposal on site.
- Ensure urban development proposals occur within the urban boundary as delineated in the Structure plans.
- Ensure proposals are consistent with the:• Guidelines for future development recommendations in the streetscape studies.

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

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

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

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

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

Ensure residential amenity is protected from:

8. STATUTORY MATTERS

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

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

ZONE AND OVERLAY PROVISIONS

Low Density Residential Zone (LDRZ)

The purposes of the LDRZ are:

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

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

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

The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications. In the absence of reticulated sewerage - the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

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

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

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

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

Environmental Significance ES01 – Proclaimed Catchment Protection

The statement of significance indicates:

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

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

Environmental Significance ES02 – Mineral Springs Protection Statement of significance indicates:

8. STATUTORY MATTERS

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

DSE as the referral authority have no objections.

Wildfire Management Overlay - WMO

The objective of this overlay is to:

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

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

ASSESSMENT

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

- (a) the relevant planning scheme; and
- (b) the objectives for planning in Victoria; and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and

(d) any significant effects which the Responsible Authority considers the use or development may have on the environment or which the Responsible Authority considers the environment may have on the use or development. Clause 65 of the Hepburn Shire Planning Scheme Decision Guidelines states:

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

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

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

8. STATUTORY MATTERS

65.02 Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.

- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sillage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Conclusion

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

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

MSS for Hepburn Shire includes a particular emphasis on lifestyle choice including a rural lifestyle and specifically commits to staging development for Low Density Residential Zones. These two objectives create an expectation that there will be a

8. STATUTORY MATTERS

more fine grained consideration of implementation and design in the Low Density Residential Zones.

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

Settlement.

The structure planning process for Amendment C38 offers an opportunity to resolve the application of local policy and appropriate overlays to have regard for the orderly and proper planning of the area and the supply of land. It is contended that there is an adequate supply of LDRZ land at 4000m lot size subdivision in closer proximity to the township of Daylesford (West Street). Revised structure plans on exhibition. Community information sessions were notified in Advocate on 11th March 2008.

Community / Engagement / Communication / Consultation:

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

Financial & Resource Implications Initial & Ongoing:

Possible VCAT appeal costs.

Recommendation:

That Council resolve to Refuse to Grant a Permit in respect of Application No.2008/9836 for the three (3) lot subdivision of CA14, 195 Ridge Road, Sailors Hill on the following grounds:

- 1 The proposed subdivision is not consistent with Clause 14 of the State Planning Policy Framework for Settlement requirement for orderly planning of the area being a premature application.*
- 2 The proposed subdivision is premature and therefore contrary to the objectives of Clause 21 of the Municipal Strategic Statement stage development of the Low Density Residential Zones and Local Planning Policy Framework*
- 3 The proposed subdivision is detrimental to the character of the area.*
- 4 The proposed subdivision is contrary to the State Environment Protection Policy (Waters of Victoria).*

Moved the Officer's Recommendation.

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

8. STATUTORY MATTERS

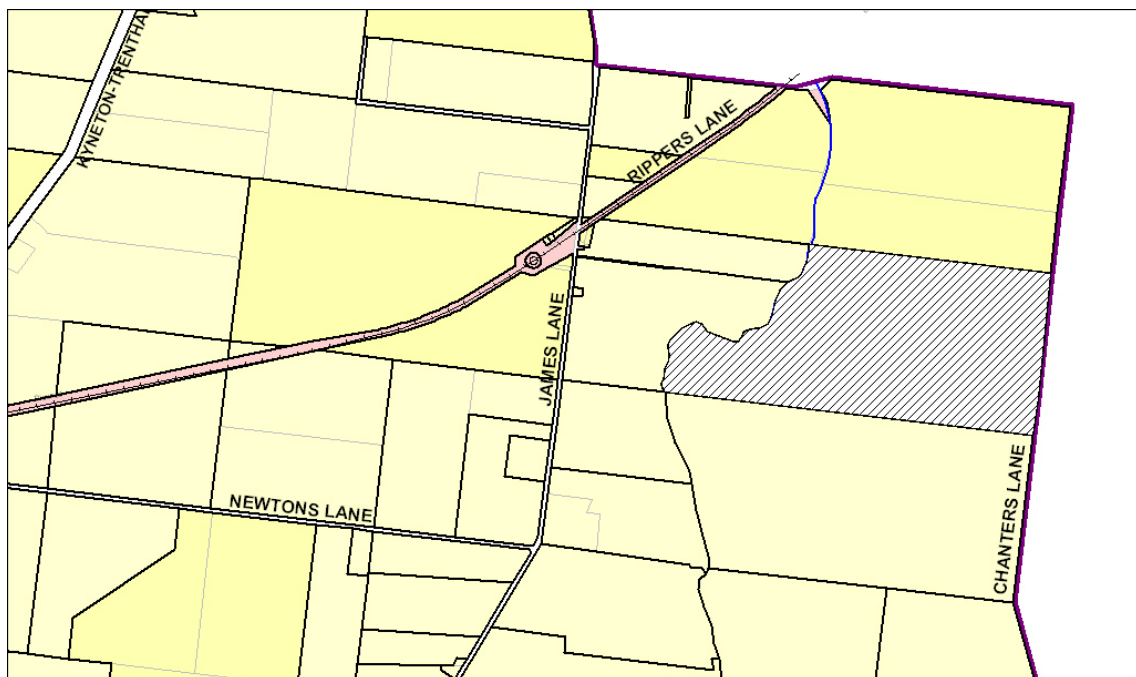
8.2 PLANNING APPLICATION NO 2007/9840 PROPOSAL: CONSTRUCTION OF A DWELLING AT 269 CHANTERS LANE, FERN HILL

(A/O – Planning Officer 2)

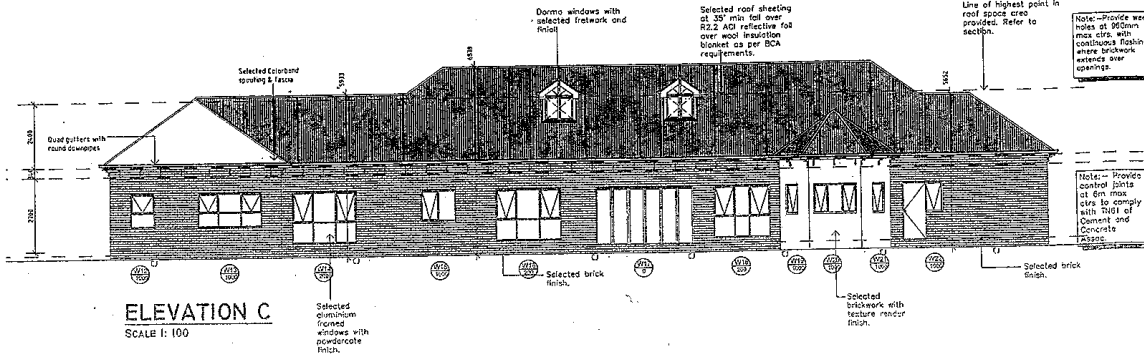
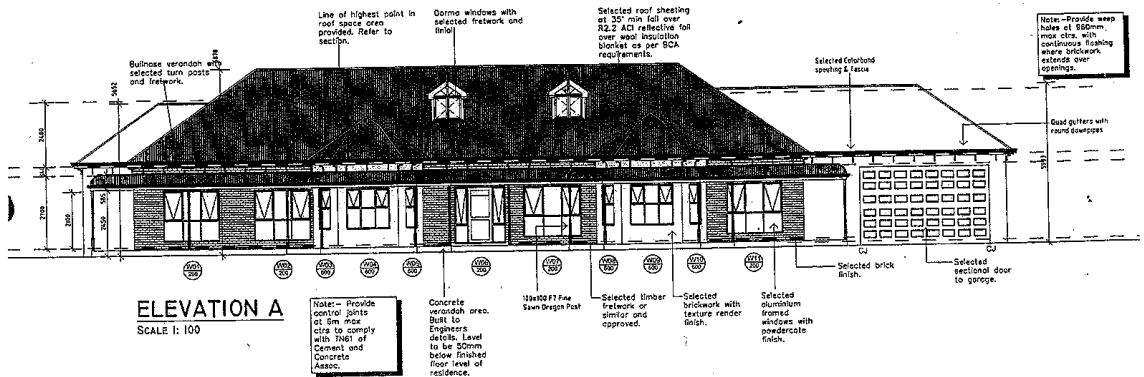
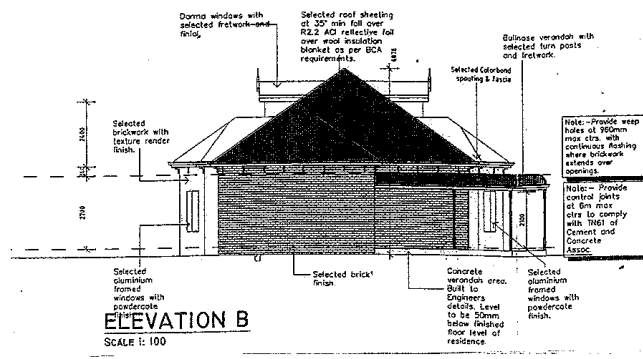
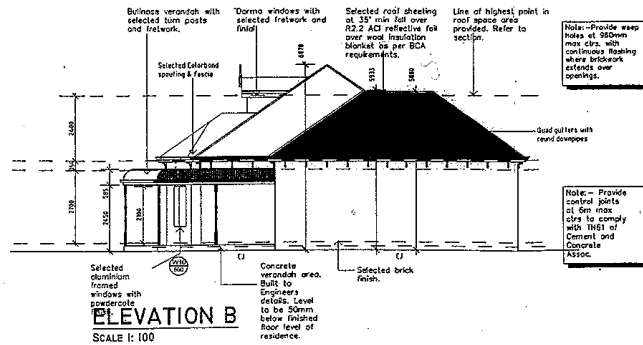
File Ref: 4/1360/01200/P

Introduction

Applicant:	Bryan Netzler (for Department of Education and Early Childhood Development)
Location:	269 Chanter's Lane, Fern Hill
Proposal:	Construction and use of a dwelling
Zoning:	Farming Zone
Overlay Controls:	ESO1
No of Objections Received:	None
Recommendation:	Refusal to Grant a Permit



8. STATUTORY MATTERS



8. STATUTORY MATTERS

Report

INTRODUCTION

This report has been prepared to assist Council in reaching a determination on the application to develop a dwelling at 269 Chanter's Lane, Fern Hill.

The application site is a small lot of 1 Acre (4000m²). The title was created in 1877 and transferred to the Minister of Public Instruction, to be used as the site for a school. This use has been discontinued for some time, with the site now generally overgrown with pine trees, and displaying no obvious trace of its former use. The land is identified in the Shire's Rural Land Review mapping as being of very high agricultural quality.

Surrounding land is undulating, generally cleared, and used for broad acre agriculture on generally larger lots. Many of these larger lots also have dwellings. The closest identified settlement is Tylden, about 5 kilometres to the North. This is reached by Chanter's Lane, which fronts the site. Chanter's Lane is an all weather road, with a sealed central carriageway and unsealed shoulders.

PROPOSAL

The proposal is to construct a substantial dwelling on the lot. The application describes the dwelling as a single storey four bedroom dwelling. The application plans however show four bedrooms and a study on the ground floor, with internal staircase. Elevations show upper storey dormer windows, suggesting that the dwelling proposed is in fact two storey with about seven bedrooms. This matter would need to be resolved if a permit were to be issued.

Following preliminary assessment, the applicant was advised that the proposal lacked planning support, either through policy or the provisions of the zone. As a full assessment was likely to result in a recommendation for refusal, a refund of application fees was offered were the application to be withdrawn at that stage. The applicant elected to proceed with the application.

REFERRAL AUTHORITIES

The application was referred to Coliban Water, who failed to respond within the statutory time frame. Later advice from Coliban indicated that they would require a full Land Capability Assessment (LCA) in order to determine the ability to retain and treat on site all domestic wastewater.

REFERRAL WITHIN COUNCIL

The application was referred to Council's Engineering Department and Environmental Health Department.

Engineering advised that Chanter's Lane was a boundary road, maintained by agreement by Macedon Ranges Shire. Permission for a crossover would need to be sought from them.

Environmental Health advised that they would need an LCA from the applicant. This request was made after the statutory period for requiring further information. As the recommendation for refusal is made on policy grounds and zone provisions, the LCA is not considered central to the case. The matter has, however been discussed with the applicant, with confirmation in writing to ensure understanding. The applicant is aware that if Council were to approve the proposal, this would be conditional on submitting an

8. STATUTORY MATTERS

LCA and satisfying the requirements of Environmental Health. Furthermore, if the applicant were to appeal a refusal, VCAT would undoubtedly require this information in the course of their deliberations.

ADVERTISING/NOTICE OF APPLICATION

The application was advertised by sending notice to adjoining landowners and occupiers. No objections were received.

Relevant Policies / Council Plan implications:

STATE PLANNING POLICY FRAMEWORK (SPPF)

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

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 22.04 – Rural Land. The relevant objective for dwellings in rural zones is: To provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise. In achieving this objective, it is policy to ensure that proposals including housing and small lot excisions show the ongoing use of the land for productive agricultural activity is not diminished and that the development is directly related to an agricultural enterprise.

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

ZONE AND OVERLAY PROVISIONS

Farming Zone.

A permit is required under the provisions of the zone for a dwelling on a lot less than 20Ha in area.

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

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

Assessment against the SPPF and LPPF has been made above.

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

8. STATUTORY MATTERS

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

The salient purpose with this application is point four.

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

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

The land, as has been noted already is currently overgrown with pine trees. It is however land of very high agricultural quality. The use for a dwelling is likely to reduce the availability of the land for any future agricultural use. The applicant made no case for why a dwelling is reasonably required for any agricultural activity conducted on the land. It is indeed hard to imagine a reasonable requirement of a dwelling to assist in the use of 1 acre of land for any agricultural purpose.

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

Environmental Significance Overlay Schedule 1 Proclaimed Catchment Protection.

The proposal involves generation of effluent. A full assessment of the ability to contain and treat all wastewater on site would require an LCA. It can be noted however that the site lies well over 100m from the nearest waterway, and that at 4000m² it is likely that a modern treatment system could be designed to contain and treat the effluent generated by a modest – say three bedroom – house.

THE DECISION GUIDELINES OF CLAUSE 65.01

Clause 65.01 sets out the matters which the Responsible Authority must consider as appropriate. Most of these matters have already been considered above through assessment against the Zone, Overlay, SPPF and LPPF. However a final relevant matter is the orderly planning of the area. The application site only exists as a separate title because of its former use as a school site. This use has been discontinued for a long time. To suggest that this title in any way justifies the use and development of a dwelling, not required for any agricultural purpose, in the middle of an area of broadacre farming, does not satisfy the requirement of orderly planning.

ASSESSMENT

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

8. STATUTORY MATTERS

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

The Local Planning Policy on Rural Land stipulates as an objective to provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise. It is also a requirement under the zoning to consider whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land. Though no significant agricultural activity is carried out on the land, it is identified as land of very high agricultural quality. The application fails to show why a dwelling is reasonably required for any agricultural activity. It can be reasonably assumed that the development of a dwelling on the land would permanently remove the land from future agricultural uses.

It is an established principle of planning, articulated in Clause 65, that because a permit can be granted does not imply that a permit should be granted. The application site exists as a separate title due to strategic educational purposes that no longer apply. To suggest that just because the lot is there, it should be developed with a dwelling is opportunistic, and cannot be considered orderly planning based on the current agricultural land use objectives of the area.

Community / Engagement / Communication / Consultation:

None undertaken

Financial & Resource Implications Initial & Ongoing

Possible appeal costs.

Recommendation:

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to refuse to Grant a Permit under the provisions of Clause 35.07 of the Hepburn Planning Scheme in respect of the land known and described as 269 Chanters Lane, Fern Hill, for the Construction of a Dwelling in accordance with the submitted plans, with the application dated 3 July 2008, on the following grounds:

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

Moved the Officer's Recommendation.

Moved: *Cr Heather Mutimer*

Seconded: *Cr Bill McClenaghan*

Carried.

8. STATUTORY MATTERS

8.3 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL AND GATUM HOLDINGS PTY LTD, PLANNING PERMIT NO 2007/9494

(A/O – Planning Administration Officer)

File Ref: 3/7420/01100/P

Introduction

This report concerns a Section 173 Agreement that building construction is to occur only within specified building envelopes for the subject land at CA 38J SEC 2G, PSH PWO; Unused Rd Lic PSH PWO; Lot 2 PS 427486 PSH PWO; CP PC363204 PSH PWO, under Condition 4 of Planning Permit 2007/9494, issued for a thirteen (13) lot subdivision and tree removal.

Applicant: GATUM HOLDINGS PTY LTD

Property: 7 WEST STREET, DAYLESFORD
CA 38J SEC 2G, Parish of Wombat; Unused Rd Lic PSH PWO; Lot 2 PS 427486 PSH PWO; CP PC363204 Parish of Wombat

Report

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

The agreement provides that on each lot to be created, buildings may be constructed only within the building envelopes for CA 38J SEC 2G, Parish of Wombat; Unused Rd Lic PSH PWO; Lot 2 PS 427486 PSH PWO; CP PC363204 Parish of Wombat, under Condition 4 of Planning Permit 2007/9494.

Relevant Policies / Council Plan implications:

Community / Engagement / Communication / Consultation:

Financial Implications

Nil

Recommendation:

That Council:

8.3.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Gatum Holdings Pty Ltd, as detailed under item 8.3*

Moved the Officer's Recommendation.

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

8. STATUTORY MATTERS

8.4 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, ERIC AND LESLEY VAN DER POL, PLANNING PERMIT NO 2006/9040

(A/O – Planning Administration Officer)

File Ref: 2/0880/22131/P

Introduction

This report concerns a Section 173 Agreement that no further subdivision, limitation of buildings and works to building envelope and native vegetation management on the subject lot at CA 12 Section 93, Parish of Creswick, under Condition 6 of Planning Permit 2006/9040, issued for a two (2) lot subdivision.

Applicant: ERIC AND LESLEY ANNE VAN DER POL

Property: 48 BRIDGE STREET CRESWICK
CA 12 SECTION 93 PARISH OF CRESWICK

Report

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

The agreement provides that no further subdivision, no building or works to occur outside the building envelopes, and native vegetation management shall occur on property at CA 12 Section 93, Parish of Creswick, under Condition 6 of Planning Permit 2006/9040.

Relevant Policies / Council Plan implications:

Community / Engagement / Communication / Consultation:

Financial Implications

Nil

Recommendation:

That Council:

8.4.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, and Eric and Lesley Anne Van Der Pol, as detailed under item 8.4.*

Moved the Officer's Recommendation.

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried

9. COUNCILLOR REPORTS AND CONGRATULATIONS

Cr. Bill McClenaghan Holcombe Ward.

Since the last Council Meeting, the meeting circuit has gone ahead with vigour with several Annual General Meetings to attend. The first was for the Friends of Wombat Hill Botanic Gardens on 17th September when Glen Heyne gave a fascinating talk about one of his ancestors, Ernst Bernhard Heyne, who worked with Ferdinand von Mueller in the Melbourne Botanical Gardens in the mid nineteenth century. E.B. as he was known was probably around when our gardens were laid out by von Mueller on Wombat Hill.

On Friday 19th September, Council celebrated the premiership win by the Hepburn Football team from its arch rivals, Daylesford or "that place up the road:" as they say. The following Sunday, I attended the function at the clubrooms in old Hepburn where my job was to present the "team spirit awards" to two young people who have gone far beyond the call of duty in the service of their club. These awards are sponsored each year by Hepburn Shire and this year they went to a young woman who has done the hard yards as umpire in one of the junior netball teams and to a young man who played two bruising football games with a broken arm strapped up against his body, rather than let his side down. Such dedication and loyalty was suitably acknowledged as true "team spirit".

The Hepburn Football and Netball Club offers a good healthy mentoring environment for young people growing up in the district. They all have great respect and affection for their coaches and other adult volunteers who work each weekend to make it all happen; the games, the training, the events. Some come from unfortunate home environments but they too have a place in their club where they are accepted, welcomed and made to feel like part of the team rather than to direct their energies into less constructive pursuits elsewhere like many alienated young people do. They may never clean their rooms or polish their shoes, but they present themselves for sport with the "Hepburn Burras" each week looking good out of team pride and respect for their club president because "Ed said you have to keep your footy boots clean" for every game.

On Monday 06 October, I attended the triennial meeting of the Clydesdale Hall Committee, which is a Crown Committee of Management over Clydesdale Hall. I have done the same for similar committees at Yandoit & Franklinford in the past where a new Committee needs to be elected for three years. The meeting was a good turnout of hard working local people who are transforming their old school building into the well restored centerpiece of Clydesdale; indeed the centre of their community.

The Community Planning group for that area is going well with additional meetings of local people in the Yandoit Action Group planning more local events like the "Yandoit International Fair" for 2009 and the creation of an umbrella group that can apply for funding within the three local communities. I suggested something catchy like the YFCA (which stands for Yandoit, Franklinford and Clydesdale Association) with an Inc on the end for legal protection.

This month the ARC Advisory Committee has met twice with the latest agenda item being the creation of a new public gymnasium in Daylesford to replace the private gym that recently closed. The committee is looking at options and has a certain scheme in mind that should be very much a win-win-win-win for the Shire, the community, the YMCA and the Daylesford Secondary College. Before looking out of town, local fitness fanatics and gym junkies should really watch this space.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

I was unfortunately unable to attend last week's MAV State Council but it is pleasing to note that Hepburn Shire's motion to encourage the State Government to extend the Municipal Rate Subsidy into 2008/2009 was not necessary this time around as the Government had already agreed to do just that.

One ongoing issue that has yet to be resolved is the use of the Hepburn Springs Bathhouse by the hydrotherapy group. It appears that the original design of the large "relaxation pool" has been changed since the early community consultations in 2003 and that members of the group find the new pool unsuitable for their needs. I am currently working with individual members of the hydrotherapy group and the Hepburn Health Service to see if we can find a solution to the problems identified. I am sure that some modification to the programs conducted would allow this wonderful new facility to be used by the group and the healing properties of local mineral water fully taken advantage of rather than continually bussing the group out of the area. Once again this work is ongoing; so watch this space.

Last Friday evening the Spa Country Debutante Ball was held here in the Town Hall. A debutante ball has been held here every two years and is traditionally a Council affair. This year it was organized by a hardworking community group comprising of Adrian & Robyn Holmes who trained the debutantes, members of the Daylesford & District Municipal Band and Daylesford Rotary, Mary Ashdown from Council and Phil White from the Secondary College. The debutantes and their partners were very grateful for the opportunity provided, which they see as traditional in this rural community where their older siblings, relatives and parents made their debut in former years. My role as patron was to welcome everyone to the Daylesford Town Hall, introduce the Official Party and the guest of honour, Olympic bronze and silver medalist Jared Tallent and his wife Claire. The debs were introduced formally to Jared, who later spoke of how anyone can achieve their goals through dedication and hard work. We hope that those who participated this year will remember this event with joy for the rest of their lives.

Cr Janine Booth Creswick Ward

This past month as well as attending the usual briefing sessions and meetings of Council I have attended several meetings in my capacity as Creswick Ward Councillor. I attended the AGM of the HRTA (Hepburn Regional Tourism Association).

I attended the Creswick session of Youth Talkfest which was held to give local Creswick youth the opportunity to contribute ideas and provide feedback to Hepburn Shires Youth Advisory Committee and Youth Development Officer Jane Barclay on matters affecting youth in their local areas.

I also shared Dinner with members of the Youth Advisory Committee, Jane, Councillors Smith and Hayes at the Clunes Wesley Campus-an opportunity to discuss the events of Youth Week and the work of the Advisory Committee.

I attended the Open day of the Creswick Probus Group which they held as part of Seniors week.

I have attended a meeting of the Recreation Advisory Committee in which advice was provided to recreational groups across the Shire on their applications for funding for Shires Recreation funds and funding for Sport and Recreation Victoria Minor Capital Works funds.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

The final applications will be considered at a further meeting of this Advisory Committee later this month and subsequent recommendations made to Council.

I have attended a meeting of the Doug Lindsay Recreation committee and also a tree planting day of the Reserve where Mrs. Jenny Preston, the eldest daughter of Doug Lindsay – whom the Reserve is named after- attended with her family to plant three commemorative trees in honor of her father's contribution to the Creswick Community. 300 trees were also planted on the Reserve by members of the Bald Hills/Creswick Landcare group in accordance with the Reserves Masterplan and vegetation plan. And finally last Sunday I attended the official unveiling of the Sutton Park gates and commemorative plaque at the entrance to Sutton Park at Newlyn. Sutton Park was one of the original soldiers settlements allocated to returned servicemen after the First World War. The original gates were restored and along with a plaque detailing the farm lot numbers and the original recipients, were placed near the original site entrance.

Cr David Smith, Rhonda Smith, the organizing committee along with the local RSL are to be congratulated on researching and erecting such a fitting tribute and valuable recognition of the history of the area for future generations to observe.

Cr. David Smith J.P. Birch Ward.

Over the past month, I have represented Council at the following:

- H.R.T.A. AGM and Annual Dinner at Sault.
- CHAF Bio-Energy meeting in Ballarat on 18.9.2008
- Celebrating Hepburn Football Clubs – Premiership win in the Central Highlands Football League. The Shire recognized this with a small function in the Council Chamber on 19.9.2008.
- Attended many working bees over the last month at Sutton Park – the small committee and the tremendous support from the Shire, Andrew Bourke, Kevin Clohesy and the Outdoor Staff. The committee thank-you all.
- Agenda meeting in Creswick.
- Last Thursday evening attended the M.A.V. dinner where the Councillor Service Awards were presented. I was one of 35 persons in the State to receive a Mayor Emeritus – Certificate of Outstanding Service Award. I was very honoured to receive this award and stand up for Hepburn Shire.
- The following evening – last Friday I had two engagements the CHAF 4th Annual Dinner in Ballarat – of which I am a Board Member and also the Spa Country Deb. Ball. in Daylesford.
- – the point taken – apparently we were not wanted at the Deb. Ball – although we were invited.
- Last Sunday saw the 1919 Sutton Park Soldier Settlers monument unveiled. Mrs. Alma Dimond unveiled the plaque. Our Mayor spoke on the Closer Settlement Board. Cr. Booth also attended and an apology was tendered from Cr. Mutimer. Over 200 people attended this event with many descendants traveling from interstate and other parts of Victoria. A lovely afternoon tea at the Newlyn Complex followed and many friendships renewed from people who returned to the district for this special event.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

**Cr Heather Mutimer
Coliban Ward.**

Cr Mutimer gave a verbal report and spoke on a number of items.

Recommendation:

That Council:

9.1 *Receive and note the reports of Councillors.*

Moved the Officer's Recommendation.

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

CLOSE OF MEETING

10. CONFIDENTIAL ITEMS

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, a Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

The following matters are considered confidential matters and will be considered by Council "in-camera".

- Item 10.1 Hepburn Mineral Springs Reserve – Bathhouse – Trademark
Section 89 (2) f Legal Advice
- Item 10.2 Construction of Creswick Tourism & Interpretative Centre
Contract H193
Section 89(2) d Contractual Matter

Motion Moved at the Meeting:

That Council close the meeting to the public and move in-camera to discuss the confidential items.

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

The Meeting move in-camera at 8.49pm.

CLOSE OF MEETING

***Motion Moved at the Meeting:
That Council resume the meeting at 9.21pm.***

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

The Mayor, Cr Tim Hayes make the following points known from the in-camera discussion and meeting.

10.1 HEPBURN MINERAL SPRINGS RESERVE - BATHHOUSE – TRADE MARK

10.1.3 Advise the public that Specialist Counsel from BJT Legal in conjunction with MST Lawyers will be sought in relation to Bathhouse trademarks and further registrations to be applied for.

10.2 CONSTRUCTION OF CRESWICK TOURISM & INTERPRETIVE CENTRE CONTRACT H193

10.2.3 Make known to the public that the Contract H193-2008 has been awarded to Nicholson Construction P/L for the sum amount of Seven Hundred and Seventeen Thousand, Three Hundred and Forty Seven dollars (\$717,347).

CLOSE OF MEETING:

The meeting closed at 9.23pm.

ATTACHMENTS

- ATTACHMENT 1** (Item 5.1) MINUTES OF THE ORDINARY MEETING HELD ON 16 SEPTEMBER 2008.
- ATTACHMENT 2** (Item 5.8) POSITIVE AGEING STRATEGY
- ATTACHMENT 3** (Item 5.11) MONTHLY FINANCIAL REPORT 1/7/08 – 30/09/08

ATTACHMENT 1

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

The minutes will be tabled at the meeting.

ATTACHMENT 2

ITEM 5.8 POSITIVE AGEING STRATEGY

ATTACHMENT 3

5.11 MONTHLY FINANCIAL REPORT 1/7/08 – 30/09/08

