



HEPBURN SHIRE COUNCIL

***ORDINARY MEETING OF
COUNCIL MINUTES***

TUESDAY 17 MARCH 2009

***CRESWICK SENIOR CITIZENS' CENTRE
WATER ST, CRESWICK
7PM.***

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Hepburn Shire Council Ordinary Meeting of Council

MINUTES TUESDAY 17 MARCH 2009

Creswick Senior Citizens' Centre
Water St, Creswick
Commencing 7pm.

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1. WELCOME TO COUNTRY

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.

2. OPENING OF MEETING. The meeting opened at 7.03pm.

PRESENT: Mayor, Cr Bill McClenaghan, Deputy Mayor, Cr Janine Booth, Councillors Jon Barrell, Tim Hayes, Don Henderson, Sebastian Klein and Rod May.

IN ATTENDANCE: Chief Executive Officer, Kaylene Conrick; Acting Director Infrastructure and Development, Andrew Bourke; Manager Finance, John Traill; Manager Community Services, Martin Walmsley; Manager Governance and Information, Matthew Morgan.

Seventeen (17) people present in gallery.

Advice that Item 12.1 Doug Lindsay Recreation Reserve Committee is withdrawn from the Agenda.

STATEMENT OF COMMITMENT

The Mayor opened the meeting and invited Councillors to join him in the Statement of Commitment

<p>“WE THE COUNCILLORS OF HEPBURN SHIRE DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF GOOD GOVERNANCE SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”</p>
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3. APOLOGIES:

4. DECLARATION OF CONFLICTS OF INTEREST: Councillor Booth declared a conflict of interest in Item 12.1 Doug Lindsay Recreation Reserve Committee due to conflicting duties, as she is the Chairperson of the Lindsay Park Recreation Reserve Committee. Councillor Booth left the Meeting at 8.50pm and returned at 8.52pm.

5. CONFIRMATION OF MINUTES:

Motion:

That:

5.1.1 *The Minutes of the Ordinary Meeting of Council held on February 17, 2009 (previously circulated to Councillors and tabled at this Meeting) be confirmed as required under Section 93 (2) of the Local Government Act 1989*

6. PETITIONS

Nil petitions received at time of collating Agenda.

7. NOTICES OF MOTION

Nil notices of motion received at time of collating Agenda.

8. PRESENTATION OF REPORTS

8.1 At an Ordinary Council Meeting, the Mayor and Councillors who are delegates or representatives of the Council or other bodies may report to the meeting on issues of importance to the Council. (Local Law No. 1)

Mayor, Cr Bill McClenaghan delivered the following report:

The past month has been dominated by the Musk Vale bushfire on Monday 23 February that burned a swathe of destruction from Musk Vale eastwards to Musk and then northwards towards Coomoora and Wheatsheaf. The fire was fanned by west and later strong south winds that caused spotting ahead of the main fire front as far as Lyonville and Trentham and into the Wombat Forest. Significant collateral and environmental damage was done, wildlife was killed and injured and both private and public assets were damaged or destroyed. The local community was severely disrupted and traumatized by the calamitous events of this fire.

A total of 2,658 hectares of land were burned, including 21 buildings, 125 km of fencing damaged or destroyed, numerous stock and fodder losses on local farms and a mile of burned out tourist railway track. Thankfully there were no serious injuries or lost human lives. We were very, very lucky.

The Musk Vale fire came thankfully after “Black Saturday” so its intensity was not as fierce or destructive. Also, it burned away from major towns like Daylesford and Hepburn Springs. On day two, with the fire still advancing and not yet contained, it was important to fully update and inform the various communities likely to be further impacted. Two special bushfire information meetings were held in Daylesford the day after the main fire, together with a meeting in Trentham and Glenlyon townships which were both cut off from Daylesford. These communities were given up to date information on the fire and encouraged to have workable fire plans ready to enact should the fire break out of control lines or should another fire start. Numerous displaced and affected people were now being assisted with the relief and recovery operations that commenced the night of the fire in the Daylesford Town Hall and also in Kyneton and Ballan as roads to the north east, south and east were closed, preventing some people from getting back home. Firefighting and relief efforts were all co-ordinated from a Municipal Emergency Control Centre (MECC) in the Daylesford Town Hall.

There were two more critical extreme fire danger days since the Musk Vale fire when emergency services were on high alert and it was important to totally control and contain the remaining fire before the first of them. More bushfire information meetings were held in Daylesford and Trentham on Thursday 26 February before the following extreme Friday. The fire did flare up in places but was kept under control by an army of determined firefighters, many of them from Canberra. Two ACT contingents were sent down to help and relieve exhausted local crews. Before the second critical day on Tuesday 3 March, two more bushfire meetings were held on Monday evening at Daylesford and Trentham to again warn and inform the community about the importance of enacting a workable fire plan to either stay and defend a well prepared property or to leave and leave early should another fire break out.

During the bushfire emergency in Hepburn Shire, there was a high level of community fear and apprehension that Government warnings about forthcoming extreme fire events could lead to a repeat of the Kinglake and Marysville disasters in our local communities of Daylesford, Hepburn Springs, Musk, Coomoora and Wheatsheaf together with Bullarto, Lyonville, Trentham and even Blackwood. Local schools closed and some local and arterial roads remained closed for safety. Fortunately weather conditions on both subsequent fire danger days were less extreme than predicted and isolated flare-ups were quickly dealt with again.

We owe a tremendous debt of gratitude to the courage and dedication of the firefighters of the CFA and the DSE, together with the SES, police and other emergency services and agencies together with many community volunteers who helped out wherever they could by providing food and accommodation, money, support and material aid to those affected. The recovery effort is now well under way and will be a long ongoing task as our resilient communities rebuild.

Fortunately in the week before the fire the Hepburn Shire Council, the CFA, the DSE and the Daylesford Police ran a bushfire information evening in the Daylesford Town Hall and a lead up media campaign to place the impending bushfire danger prominently to our local communities together with the latest information on how to best respond if it were to happen here. The Musk Vale fire broke out just four days later and we were then ready to respond.

Again on Wednesday 4 March, there was another bushfire information evening in the Daylesford Town Hall run this time by the Hepburn Relocalisation Network at which bushfire victims and prominent authors and experts spoke and provided a wealth of practical advice.

On Sunday 8 March, I attended with Cr. Don Henderson the Field and Game Australia 2009 Side by Side National Championship Event at the Clunes Field and Game gun club. Together we presented the trophies in various categories to the competition winners who came from all over Australia. There was also a good showing of young people at this event on a relaxing fire-free long weekend.

There have been numerous other events and engagements in the past month like a meeting of the Highlands Regional Waste Management Group in Ballan on the day of the fire and I had only just got back to Daylesford and an Audit Committee meeting when the fire started at 3.00 pm that afternoon. All else I may have done in the past few weeks has been consumed by the Musk Vale bushfire, the long road ahead with ongoing recovery and in the lead up to the forthcoming Royal Commission.

Cr Jon Barrell delivered the following report:

Regarding the ARC Advisory Committee, a “Thank You Event’ will be held on Monday 30th March 2009 to acknowledge and thank all of the donors and supporters that brought the ARC to life. The Advisory Committee and community members have brought issues such as holiday programs, non-functioning scoreboard, difficulties with the umpires window, delayed opening of the gym, and access to the squash courts to my attention. I have liaised with Hepburn Shire Recreation Officer Mr McSwain. YMCA Manager Mr Walshe has responded to me very promptly and reports that all matters listed are being attended to.

I attended the Destination Daylesford Interim Committee meeting on 2nd March 2009. The Committee appears very keen to work with Council and Tourism Victoria to maximize opportunities for our Shire through the formation of a Regional Tourism Board.

I chaired the Wombat Hill Botanical Gardens Advisory committee on 3rd March 2009. Slow progress regarding the Water Re-Use project was noted and Manager Infrastructure Mr Bourke is pursuing this with Central Highlands Water. Meanwhile the Committee will conduct its annual meeting with stakeholders to progress its 5 Year Plan in time for the upcoming sesquicentenary of the gardens.

Telstra have advised Council of their intention to reduce the number of payphones in our Shire. Council met with Telstra & emphasized that some pay phones have low usage rates because they are unserviceable or unreliable. Telstra agreed to defer any removals by at least 1 month. Any persons seeking a continuation of their payphones should communicate with Telstra directly.

Representations, to Cr May & myself, from the Friends of the Hepburn Mineral Springs Reserve have led to an understanding to accept volunteer labour to assist the cleanup of Spring Creek, and the recommendation to form a Hepburn Mineral Springs Advisory Committee as listed on our agenda later this evening. I thank the Friends for their

representations. This morning I visited the Hepburn Bathhouse & Spa, and met with Manager Kim Whitehouse. I was most impressed with the facility and I gained a better understanding of hydrotherapy opportunities within our Shire. Ms Whitehouse confirmed the support of her organization for the inception of a Hepburn Mineral Springs Advisory Committee who could advocate for development of the Hepburn Mineral Springs Reserve.

Like many of our community, my wife, daughter and I and 1 dog and 4 horses evacuated during the recent fire which started at Muskvale. Our property at Coomoora was not harmed and we have returned. I congratulate and thank all of our local emergency services, and the Shire's role in relief and recovery, acclaimed by the State Government's Department of Human Services as excellent, and I extend my condolences to all who have lost property.

Subsequently like many I participated in Chill Out and I commend the hard work of many volunteers and their amazing community fundraising efforts. I also note the lift it gave our community, including the business community, after some very stressful weeks.

Cr Janine Booth delivered the following report:

This past month has seen the usual round of Council meetings, Delegated Planning Committee and briefing sessions with a number of workshops on developing our Council Plan.

I along with Crs Henderson, McClenaghan and Klein attended a MAV workshop to assist in developing stronger skills in Councillor Financial management to assist us to better understand our role in financial management and the reports provided to us by Councils finance team.

I also attended the regional meeting of ALGWA –the Australian Local Government Women's Association which met recently in Ballarat. ALGWA Victorian President is Pam McLeod from City of Whittlesea Council, whose ward extends towards the surrounds of King Lake. Pam spoke at some length of the difficulties and challenges facing her community after the devastating fires on Black Saturday and how her Council has been assisting fire victims.

The Committee of ALGWA has also noted with concern that female representation in Local Government is reducing and are conducting surveys of present and past Women Councillors in the hope of identifying and addressing some of the issues causing this imbalance. Currently in Victoria, of 79 Councils there are 12 Councils with only 1 female representative (of which Hepburn is one) and 5 Councils with no female representation .The results of the survey will be discussed at a meeting with the Minister for Local Government.

As Deputy Mayor I have attended the 2009 FinPro conference held recently at Creswick Forest Resort to welcome several hundred local government Finance officers from Councils across Victoria to Hepburn Shire for their Annual conference. It was the first time Hepburn Shire has been able to host such a large event and I welcomed and passed on Councils appreciation to the organizing Committee which includes our own Finance manager John Trail. And On Sunday I officially opened the Volunteer Fire

Brigades Victoria Region 15 championships at Newlyn Recreation Reserve. 35 Fire brigades attended from the region with competitors as young as 11 honing their fire fighting skills through a series of hose and reel events. I welcomed the Brigades to Hepburn Shire and thanked the volunteers for their dedication and commitment and their fire fighting skills. All of the brigades had attended at some stage the recent fire in our Shire. It was a day of celebration and recognition, of comradeship and friendly rivalry and was proudly supported by our Council.

Events held within Creswick Ward over the past month which have been supported by our Council have included 2 outdoor drama performances of a “slice of pudding” in the Magic Pudding Playground, a tour of the new Interpretive centre by community volunteers and a guided walk of proposed sites of the “Creswick of the Lindsay’s” Arts Trail. I have also attended the monthly meeting of the Creswick Development Committee along with Councillor Henderson.

Cr Don Henderson delivered the following report:

Mr Mayor, I have attended training sessions regarding finance as it applies to local government which I believe will assist me in my work as a Councillor and as a member of the Audit Committee. Unfortunately the last Audit Committee was halted due to the outbreak of fires in our area. The meeting has been rescheduled and I will be no doubt able to report on this at our next meeting.

The Heritage Committee met at Trentham and was very well attended. Reports on activities of our various committees across the Shire were presented and it seems that all of these groups are busy and diligently looking after our heritage interests. Our planning officer Sylvester Tan was able to capably give advice on a number of issues. We were able to see a map presented by David Henderson who was born and raised in Creswick and has recorded many sites of historical interest. These projects are vitally important as a great deal of our history resides in the memories of our citizens and each time someone passes some vital piece of history is lost. We therefore need to assist this sort of work in my opinion. There will be many opportunities to assist others in the future and it is my view that recording some of our history orally will gain some prominence as many of our older folk just do not put pen to paper.

I attended the national side by side trap shooting championships at Clunes along with yourself. From my perspective it was great to see a gathering of shooters and their families from various parts of Australia visit our Shire. The really impressive thing was the number of young folk both attending and taking part in competition. The hosts certainly made everyone welcome to our Shire.

CFA competitions at Newlyn. Once again I was very pleased to see the team spirit and friendliness of the competitions. The junior events were keenly fought out and the heartening thing is that all of these young people seemed to be keen to join the ranks of our volunteer fire fighters at the front line. I believe that I saw many future community leaders amongst the ranks.

Mr Mayor The important job of preparing the Council Plan has consumed a great deal of time and it is now almost at a stage where the public get to have their input in order for it to work and serve our Shire into the future. I would like to see the community turn out to

have their say as this is not our plan but rather the community blueprint for the future. I hope that by being involved that the community not only assist us but also gain a greater understanding of the workings of their Council.

I also was able to spend time at the various Lindsay events in Creswick and pay tribute to all of the fine work carried out to make this a very successful event. I particularly enjoyed the exhibitions of our indigenous artists from Alice Springs and Geelong.

Thank you for the opportunity to present this brief outline of some of my work over the last month.

Cr Sebastian Klein delivered the following report:

A socially minded start to the month with Friends of Bobonaro and the Wombat awarded to Kevin S was interrupted by the fires and I found myself stranded in Daylesford while a number of meetings in Trentham were postponed due to the fires. It was with great relief that I returned to Trentham to find no one injured and very little in the way of lost assets.

The world rolls on though and it certainly was rolling at the Bullarto Tractor Pull, where something of the timeless was evident, unperturbed by the fires that came so close to that same town.

A number of meetings convened and led by emergency services brought record numbers of Trenthamites together - an effort that I hope can be replicated in response to other things that threaten our community: such as unemployment and youth emigration.

I convened a meeting of the Land Based Industries Focus Group looking at strengthening and progressing the agendas of these industries and their potential responses to challenges such as drought and shifts in the energy market. Opportunities discussed included using waste agricultural products for fuel and energy production and increasing the uptake of further education and expanding potential employment in agriculture. We had found agreement on need for development in this area and have resolved to continue as a cluster group of CHAF and to continue as a working group to the ends of developing this agenda in the Hepburn area.

Trentham and Coliban ward are bouncing back with a community thank you and benefit for all of the volunteers and professionals who helped keep our communities safe and sound. An open invitation exists to those who assisted in any way.

Cr Rod May delivered the following report:

My monthly report relates to attendance at the Hepburn relocalisation groups fire forum held at the town hall where I delivered a summary of the evening, DPls “Water & Horticulture, Planning for the Future” on Wed 13th March at the Newlyn sporting complex and “land Based Futures” a meeting instigated by Cr Klein

The Fire Forum of over 100 persons heard from victims of recent regional fires, CFA and the renowned ex CSIRO bushfire authority Joan Webster, author of “Essential Bushfire Safety tips”. Local expertise in designing for fire safety was presented by David

Holmgren. All participants agreed that with the knowledge and preparedness that personal disaster could be averted. A positive educational and strategic approach was seen as in part falling into the domain of local government. The same confidence that can be engendered in a community through empowerment and knowledge has application for other issues than fire preparedness.

The Water, Horticulture and Planning exercise was attended by close to 100 mainly local potato farmers and horticulturalists and heard about the planning being undertaken for a drying climate as a result of climate change and specifically from water authorities regarding water management. GMW, SW and CHW all explained their management aims and gave a resource report. The news was not good as all indicators show downward trends in water tables with some dramatic downturns of over 20m in the past years. Bruce Gill, hydro-geologist explained that annual recharge in Clunes was now approx 50mm and that much of the deep aquifer still contained water aging from 2000 to 20000 years.

Land Based Industries was an exploratory exercise in bringing together rural needs, education and training and potential for new rural industries. A well presented case by Cr Klein outlined numerous agriculture and energy based industries that were later collaborated by University of Melbourne and CHAF representatives as holding distinct potential for application in this shire. Of particular interest on the night was the explanation of Melbourne University (Creswick Campus) investment in appropriate technology for energy generation which was currently mothballed for reasons related to permits and planning issues.

Councillor Tim Hayes did not deliver a report.

Motion:

That Council:

8.1.1 *Receive and note the reports of the Mayor and Councillors.*

Moved: Cr Jon Barrell

Seconded: Cr Don Henderson

Carried.

9. PUBLIC QUESTION TIME

This part of the Council Meeting allows up to 30 minutes for: Responding to questions from the community submitted to the Chief Executive Officer in writing prior to 12 noon on the day of the meeting.

Community members are invited to submit written questions prior to 12 noon on the day of the Council Meeting. Questions received will be read and answered at the meeting as long as the author of the question/s is in attendance at the meeting and the question/s are not offensive or otherwise in breach of the principles defined in Council's Local Law No. 1 - Meeting Procedures Local Law section 2.11. If time permits, the author may be permitted to ask a verbal supplementary to further clarify the response from Council. Some questions of an operational nature may be responded to through normal administrative procedure.

If you have questions about specific items in this Agenda, Council encourages you to submit a question in writing to the Chief Executive Officer prior to 12 noon on the day of the meeting.

Council received written questions from nine (9) individuals prior to 12 noon on Tuesday 17 March.

Submitted by Joan & Graeme Rattray, Glenlyon

Council has had the arborist's report since September 2008 (that is almost 6 months) and the road works have been on the works list for 18 months.

1. Has the Council applied for the planning permit for the Holcombe/Swords Rd works at Glenlyon?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

A permit has not been applied for as yet for these works. Following the tree report, Council has engaged a surveyor to survey the current road , vegetation identified in the arborists report and the fence lines to then utilise in discussions with DSE regarding the extent of works.

Investigation, survey and design on projects are part of the development process for undertaking a project such as required along Swords Road. These works do take time to arrange, co-ordinate and complete. The works process has commenced and Council is mindful of the works required to be undertaken along this road.

It is projected that survey and design works should be completed within the next 2-3 months. Then Council will be provided with cost estimates to undertake this project.

Any updated budget allocation would need to be inserted into the new Ten Year Capital works program that Council is currently preparing as part of its strategic works program.

2. Has permission been applied for from DSE for these works? If not, when will it be done?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

No permission has been sought from DSE as yet for tree removal. This will not be undertaken until a design is completed on the road.

Initial discussions have been held with DSE regarding the intent of the project to ascertain if a permit is required and due to the amount of projected trees to be removed, a permit to remove vegetation as indicated by DSE will be required. Council officers will continue discussions with DSE regarding this permit requirement.

3. In our previous questions, we have referred to Ridge Road but council keep giving us answers referring to Porcupine Ridge Road. Why are Council confusing these two roads? Do they know the difference?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

The works carried out on Ridge Road , off Swords Road, were carried out by DSE. DSE as the forest manager , does not have restrictions of tree removal along land that they manage and control.

Essentially Council is required to comply with the planning scheme on land that they manage.

DSE as a state government agency does not have to comply with the planning scheme on land under their management and control.

Submitted by Angela Koski, Creswick

Re: Transport concerns of parents/guardians of Creswick students that are attending Daylesford Secondary College in 2009 and beyond.

1. Is the Hepburn Shire Council willing to pursue this community issue until resolved?

Reply: Manager Community Services, Martin Walmsley

Council's Transport Connections Officer Simon Evans has had many conversations with Ms Koski over the last 6 months and has investigated a range of options including speaking with Daylesford Secondary College, The Victorian Department of Transport, Creswick Taxi Service and Little's Bus Service.

The school bus service is provided by the Department of Transport for Secondary Schools within their zoning policy. This is clearly a State

Government responsibility and I believe our officer has taken this matter as far as possible.

Submitted by Michael Overington, Creswick

1. What time frame does Council place, in providing a rubbish collection service, for the small centres that surround its larger population areas of Creswick and Daylesford (eg Kingston, Newlyn, Springmount etc)?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

Currently it relies on the private contractor to undertake the service and through the waste system does provide tip tickets to residents in the rural areas to access the Transfer Stations at Creswick, Daylesford and Trentham. The total tip tickets issued are equivalent in the total volume of an urban resident in the township for a year.

Those properties that receive a garbage collection in the townships receive that service by the payment of a garbage charge based on a cost recovery for the whole service.

Provision of a service in the rural sector would be based on the same basis and would also require the majority of the residents within that collection area consenting to payment and introduction of the service and charge.

2. Can Council inform me as to the construction method it intends to construct Alcorns Road and Frenchmans Road in the future?

Comment

Sections of Frenchmans Road received **roads to recovery** monies in 2006 and as such have fallen into disrepair again. The position of utilising local scoria, as a construction medium remains I believe unclear, as in the past it has suffered large scale over runs in budget, on the sections of Smokeytown Road.

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

Roads to Recovery monies are allocated to a number of programs across the road infrastructure which in the last 5-6 years has included, reseals, gravel resheets, sealed road stabilisation, shoulder sealing and bridges. This program will continue until the Federal Government ceases to provide the funding and is invaluable in improving the state of Councils current road network. The Roads to Recovery monies are allocated to current assets, not new assets construction such as Frenchmans and Alcorns Road upgrade.

Normal road maintenance will continue on Alcorns Road and Frenchmans Road as per Councils current zoned schedule program.

Submitted by Jim Elsworth, Smeaton

1. In recent weeks planning applications have not been included on the council page of the Daylesford newspaper. Is this the result of a Council Motion; and if not, who has caused the Council Policy of informing, through the press, of planning applications to be changed?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

Council as part of an internal review of the Planning department reviewed a number of processes and procedures and as discussed in February with Councillors, the notification of permit application within the Council Advocate page was to cease.

Council is required to maintain a public register at its offices and this register is located in the Duke Street offices for any person who wishes to view any planning application lodged with Council. It is also intended that the register will be available on Council internet site.

Submitted by Aileen Preston, Creswick

1. After the information evening on 30 October 2008 what are the plans of the Hepburn Council for consultation with the Creswick community re proposed expansion of Forest Resort as decided at the Council Meeting of 16/9/08, item 8.1?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

Council has commenced discussions with the consultant acting on behalf of the operator of this facility and at this stage no further development has occurred with the broad concept plan tabled at the September 2008 meeting.

Until Council receives notification from the operator of the facility that they wish to pursue further matters on the broad concept plan, then no community consultation plan is proposed by Council.

Submitted by Wal Overington, Creswick

1. There are a number of industrial businesses ready to establish and employ people but there are no available industrial sites in Creswick. Could Council advise when industrial land will be made available within close proximity to Creswick?

Will Council investigate the suitability of land to the immediate north of Creswick for example?

Will provision of industrial land in Creswick be part of the Council Plan or any proposed review of the Planning Scheme?

Reply: Acting Director Infrastructure and Development, Andrew Bourke.

Currently there is land designated as Industrial Land in Creswick but still remains in the ownership on the Crown, thus Native Title and sale of the land remain to be resolved.

Council has applied for State Government Funding through the Regional Development Program to undertake a feasibility and conceptual strategy for this land with the view of developing the land as currently zoned.

Council also recently undertook a planning structure review of land within the Creswick Township which included the Industrial Land precinct and is yet to decide on the recommendations of the structure plan panel.

It is recognised that Industrial land is required within the Creswick Township and Council continues to explore funding opportunities to enable further progress with this land.

Development of the land is more likely to be in the longer term rather than the shorter term due to the land tenure complexities.

Submitted by John Madigan, Hepburn Springs

At Council's February 2009 meeting at Clunes, I asked questions of Council in writing. After Christian Wild and myself left the meeting, I believe that a Councillor made derogatory comments about both of us.

1. If this is the case within the Council Code of Conduct for an individual Councillor to make derogatory possibly slanderous comments about ratepayers behind their back?
2. In what way was my behaviour that evening out of order?

In reference to resolution 9.12.1 December 2008, your letter of 18 February 2009 stated that the required notices and exhibition period were not undertaken as required to amend a Local Law by the Local Government Act.

1. How can the resolution read "amend Local Law No.1" if it is not changed?
2. Are verbal questions therefore still acceptable?
3. Is then the current requirement of Council for questions in writing therefore out of order?

Response from the Mayor, Councillor Bill McClenaghan.

There is nothing in the Local Law permitting talking behind someone's back, and Council has nothing on written record to suggest your behaviour was inappropriate.

Council resolved to amend Local Law Number 1, which it is proceeding to do on public exhibition. Council, however, is acting on the interpretation of the current Local Law requiring questions to be provided in writing.

Submitted by David Smith, Rocklyn

At your last Council Meeting it was moved and passed to give \$10,000 to the Bush Fire Appeal. What is the figure for the Shire's recent fire at Muskvale?

Response from the Mayor, Councillor Bill McClenaghan.

Yes, the Shire provided \$10,000 to the state Bushfire Appeal.

In relation to our local situation, the Department of Human Services and Centrelink have provided more than \$650,000 relief in our area, and Council has contributed in-kind support through operation of the MECC (Municipal Emergency Control Centre), recovery centres, replacement of fencing and stock feed.

10.1 PLANNING SCHEME AMENDMENT C51 – PROPOSED AMENDMENT TO THE SCHEDULE TO THE HERITAGE OVERLAY OF THE HEPBURN PLANNING SCHEME TO INCLUDE THE FORMER CLUNES SCHOOL OF MINES

(A/O – Manager Planning)

File Ref: 66/20/04/C51

Introduction

The former Clunes School of Mines is located on Service Street in the township of Clunes. The building was built and commissioned for use as an education facility relating to the mines in Clunes for 4 years between 1890 and 1894. The site and building is owned by the Department of Sustainability and Environment, and is currently tenanted by the Clunes Angling Club.

Council's Heritage Advisor when preparing an assessment report for the application for grants funding under the Victorian Heritage Places Scheme, found that the place whilst identified as a place of local significance in 1997 in the draft new format Hepburn Planning Scheme was inadvertently omitted from the gazette version of the Hepburn Planning Scheme in 2000.

This report outlines the background to the planning scheme amendment and recommends that Council initiate the amendment and forward the documentation to the Minister for Planning for consideration, approval and gazette under Section 20 (2) of the Planning and Environment Act.

Report

History

The Clunes School of Mines was established in 1890 and the simple carpenter Gothic gabled building was constructed in 1892. It contained a classroom at the front and a laboratory/furnace and retort room at the rear. The furnace and retorts were contained in a substantial brick structure at the side. There is comprehensive evidence of the over-painted original stencilled interior decoration and very few other changes to the building

By 1894, with the collapse of mining in the area, the school had closed and the building was taken over by the Australian Natives Association as the first of a variety of users, including a mattress factory and an infant welfare centre. In spite of these changes of use the building remains remarkably intact apart from a recent porch addition and some internal partitions. It is currently owned by the Department of Environment and Sustainability with the Clunes Angling Club as Committee of Management. The Shire has no management involvement.

Local Heritage Significance.

The building was recognised as one of local heritage significance in the Talbot and Clunes Conservation Study of 1988 by Richard Aitken (see attached Appendix 1). The Statement of Significance identifies it as the "only known School of Mines outside the larger Victorian towns such as Ballarat and Bendigo". As a rare, possibly unique example of a small School of Mines, it is probably of State Significance which will require further heritage research and comparative analysis to determine that status in consultation with Heritage Victoria. Such research is not within the scope of this proposed planning scheme amendment.

Lack of heritage status and the consequences for the place.

The lack of formal heritage recognition of the former Clunes School of Mines is a deficiency in the Hepburn Planning Scheme that may allow inappropriate works to occur on the site without proper place management or redress and which puts the place at a disadvantage in some respects.

In particular, although it is unlikely to be put under serious threat while in DSE ownership, the lack of any formal heritage recognition disqualifies it from the normal funding assistance that would be available through the Ministry's Victoria's Heritage Grants Program. The building is in need of repair and conservation, including repainting of original internal decorations, estimated to cost in the order of \$70,000. Previous efforts to obtain funding through Recreation Capital Works Programs have failed because the restoration is considered to be a heritage responsibility. Hence to date only minor steps have been taken to conserve an important heritage asset.

Omission from the Hepburn Planning Scheme in 2000

The Clunes School of Mines was recognised by the Shire's strategic planners in the preparation of material for exhibition and for the Panel Hearing dated 29 June 1998. It was given a registry number of HO 464 in the draft Schedule to the Heritage Overlay (see attached Appendix 2) and was exhibited as such in 1997.

It remained as HO 464 in the Hepburn Planning Scheme adopted by the Hepburn Shire Council on 21/3/2000 (see attached Appendix 3), but in a subsequent re-numbering of the schedule of the same date, HO 464 became 26 Raglan Street, Daylesford (see attached Appendix 4).

No alternative number was allocated to the Clunes School of Mines and it was consequently "omitted" from the Schedule.

It was overlooked in the C15 amendment of 2006 (identified in the working document for amendment C35 as in Appendix 6), but was immediately picked up in the proposed amendment C35 which was not proceeded with by Council (see attached Appendix 7).

The site was the subject of a Conservation Management Plan in August 2000. This was prepared by Amanda Jean, Mary Sheehan and TGM Consulting Engineers for Heritage Victoria and the Hepburn Shire Council. Copies should be available in the DPCD library.

A letter from the Department of Sustainability and Environment agreeing to the proposal is to be distributed.

Strategic planning and policy considerations.

The inadvertent omission of the former Clunes School of Mines from the Schedule of the Heritage Overlay is an obvious deficiency in the Hepburn Planning Scheme and its reinstatement would ensure that it is properly recognised as a place of local significance, allowing it to be dealt with in ways appropriate to its significance.

It is prudent for Council to rectify anomalies and omissions within the Heritage Overlay as when the opportunity arises to ensure that control over the infrastructure is effective. Given that the current Schedule to the Heritage Overlay is constructed of information derived from a series of heritage studies from amalgamated former municipalities, it is

likely that such anomalies and omissions will continue. On a strategic perspective, there is the possible scope for a shire-wide heritage review.

Notwithstanding this, the listing of the former Clunes School of Mines in the Heritage Overlay as a place of local significance would establish its credential for future heritage grants funding application and would facilitate a favourable outcome in the management of the building. It is imperative that Council supports the listing of places of local heritage significance and provides for their ongoing conservation, restoration and maintenance, where possible.

Relevant Policies / Council Plan implications:

Council Plan Objective Five – Environment and Heritage

This proposed planning scheme amendment supports the objective relevant to the conservation of heritage places and sites within the Hepburn Shire.

Community / Engagement / Communication / Consultation:

This proposed planning scheme amendment affects a single building in Clunes and the owner of the building and whole of site, Department of Sustainability and Environment has consented to the listing of the building in the schedule to the Heritage Overlay.

The matter has been tabled at the Heritage Advisory Committee meeting and the representatives of Clunes Museum have been engaged at a collaboration level to discuss the listing and their input to the matter.

Given the narrow scope of the amendment, it is duly requested that the Minister for Planning considers the proposed planning scheme amendment under Section 20 (2) of the Planning and Environment Act which exempts from giving of notice.

Financial Implications

Council has allocated funds within the current budget to cover the costs of planning scheme amendment requested by Council, which is \$775.

Motion:

That Council:

10.1.1 ***Initiate the Planning Scheme Amendment C51 to include in the Hepburn Planning Scheme Schedule to the Heritage Overlay an additional item referencing the former Clunes School of Mines building and site and to request the Minister for Planning to consider the Planning Scheme Amendment and to exempt from giving of notice of amendment under Section 20 (2) of the Planning and Environment Act.***

Moved: Cr Tim Hayes

Seconded: Cr Don Henderson

Carried.

APP. 10

TALBOT & CLUNES CONSERVATION
STUDY – RICHARD AITKEN 1988

FORMER SCHOOL OF MINES, Service Street, Clunes

Crown Land, alignment of West Parade, Township of Clunes

History

This building was apparently erected as a School of Mines and subsequently used as a hall by the Australian Natives Association. The building was purchased by the Borough of Clunes in 1956 and now serves as Infant Welfare Centre. (1)

Integrity

This building is substantially intact although the front porch has been added at a later date than the remainder of the building. The retort furnace used by the School of Mines is still retained in the rear room.

Analysis

Schools of Mines were an important facility in mining towns and large institutions were established in towns such as Ballarat and Bendigo. However, this is a rare example of a small School of Mines and drew on a long tradition of empirical research into mining technology fostered in Clunes since the late 1850s. (2)

Significance

A characteristic small country hall having special historical associations with the local School of Mines and Australian Natives Association. The rear room (with furnace) is a significant physical feature of the former School of Mines. This building is the only known School of Mines building outside larger Victorian towns such as Ballarat and Bendigo.

- 1 Legal agreement regarding purchase held by Shire of Talbot and Clunes.
- 2 See background history, Chapter 5.

HEPBURN PLANNING SCHEME (AS PRESENTED TO PANEL HEARING 29/6/1998)

APP. 2.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4?	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO 464	Former School of Mines, Service St Clunes T/S of Clunes	Yes	Yes	No	No	No	No		
HO 465	Former "Jobsons Corner" 1 Service St Cnr Fraser St Clunes Sect 2, C/A 3, T/S of Clunes	Yes	Yes	No	No	No	No		
HO 466	Shop 57 Service St Cnr Bailely St Clunes Sect 2, C/A 1, T/S of Clunes	Yes	Yes	No	No	No	No		
HO 467	Residence 7 Service St Clunes Sect 5, C/A 18, T/S of Clunes	Yes	Yes	No	No	No	No		
HO 468	Residence and Former Surgery 21 Service St Clunes Sect 6, C/A 14, T/S of Clunes	Yes	Yes	No	No	No	No		
HO 469	Masonic Lodge (Former Primitive Methodist Church) 23 Service St Clunes Sect 6, C/A 15, T/S of Clunes	Yes	Yes	No	No	No	No		
HO 470	Residence 25 Service St Clunes Sect 6, C/A 16, T/S of Clunes	Yes	Yes	No	No	No	No		
HO 471	Former Shrigley Residence, 31 Service St Clunes Sect 6, C/A 19, T/S of Clunes	Yes	Yes	No	Yes	No	No		

PAGE 41 OF 99

SCHEDULE TO HERITAGE OVERLAY

*

NEW FORMAT HERITAGE SCHEDULE
EXHIBITED 1997

APP 3.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-4?	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted ?	LOCAL PROVISION
HO 460	Queens Park Ligar St Cnr Cameron St & Smeaton Rd Clunes T/S of Clunes	Yes	No	Yes	No	No	No	
HO 461	Residence 4 Macdonald St Clunes Sect 27, C/A 12 T/S of Clunes	Yes	Yes	No	No	No	No	
HO 462	Residence 8 Macdonald St Clunes Sect 27, C/A 11, T/S of Clunes	Yes	Yes	No	No	No	No	
HO 463	Residence Purcell St Clunes Sect 15, C/A 13, T/S of Clunes	Yes	Yes	No	No	No	No	
* HO 464	Former School of Mines, Service St Clunes T/S of Clunes	Yes	Yes	No	No	No	No	
HO 465	Former "Jobsons Corner" 1 Service St Cnr Fraser St Clunes Sect 2, C/A 3, T/S of Clunes	Yes	Yes	No	No	No	No	

APP. 4

HPS AS ADOPTED BY COUNCIL 21/3/2000
NOTE HO 194 FOLLOWING PAGE - 26 RAGLAN ST DAYLESFORD

PS Map Ref	New No.	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-47	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?
HO 326	HO	Former Muskvale School, Daylesford-Ballian Rd	Yes	No	No	No	No	Yes
HO 439	HO	Former Nichol & Wallace Warehouse 36 Fraser St Clunes Sect 3, C/A 18, T/S of Clunes	Yes	Yes	No	No	No	No
HO 490	HO	Former Presbyterian Church, Sunday School, Service St & Manse, 49 Alliance St Clunes Sect 4, C/A 6 & 14, T/S of Clunes	Yes	Yes	No	No	No	No
HO 667	HO	Former Primitive Methodist Church Clunes Rd Creswick	Yes	Yes	No	No	No	No
HO 442	HO	Former Prisk's Drapery Mart 50-54 Fraser St Clunes Sect 3, C/A 15, T/S of Clunes	Yes	Yes	No	No	No	No
HO 327	HO	Former Railway Line Reservation	No	No	No	No	No	No
HO 464	HO	Former School of Mines, Service St Clunes T/S of Clunes	Yes	Yes	No	No	No	No
HO 489	HO	Former Ships 4 Service St Clunes Sect 3, C/A 14, T/S of Clunes	Yes	Yes	No	No	No	No
HO 239	HO	Former Shop & Dwelling - 117 Vincent Street	Yes	Yes	No	No	No	No
HO 332	HO	Former Shrives Hotel, Newstead-Hepburn Rd	No	No	No	No	No	Yes
HO 95	HO	Former State Savings Bank - 38-40 Vincent Street	Yes	Yes	No	No	No	No
HO 904	HO	Former Store & Residence Cnr McPhans & Mollongghip Rds Mollongghip	Yes	Yes	No	No	No	No
HO	HO	Former Union Bank - 54 Vincent Street	Yes	Yes	No	No	No	No

*

APP. 4.

HPS AS ADOPTED BY COUNCIL 21/3/2000

PS Map Ref	New Heritage Place No.	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-4?	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?
193	HO 463	Grocery Shop - 30 Raglan St	Yes	Yes	No	No	No	No
195	HO 464	House - 26 Raglan St	Yes	Yes	No	No	No	No
194	HO 465	House - 33 Raglan St	Yes	Yes	No	No	No	No
196	HO 466	House - 12 Smith St	Yes	Yes	No	No	No	No
204	HO 467	Five Shops - 4 - 12 Howe St	Yes	Yes	No	No	No	No
52	HO 468	House - 99 West St	Yes	Yes	No	No	No	No
224	HO 469	House (Pair) - 28-30 Duke St	Yes	Yes	No	No	No	No
228	HO 47	Smeaton Rd Bridge Creswick Rd Smeaton	Yes	No	No	No	Yes Ref. No: G 333	No
994	HO 470	House "The Luna" - 5 Park Ave	Yes	Yes	No	No	No	No
177	HO 471	House - 45 Stanbridge Street	Yes	Yes	No	No	No	No
205	HO 472	Residence 93 Service St Clunes Secty 30, C/A 8, T/S of Clunes	Yes	Yes	No	No	No	No
484	HO 473	Residence 5 Short St Clunes Sect 28, C/A 2, T/S of Clunes	Yes	Yes	No	No	No	No
499								

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APP 5.

HPS 24/1/2004
26 RAGLAN ST DAYLESFORD NOW HO 464 - CUNES SOM IS LOST

LOCAL PROVISION

HEPBURN PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO 447	House "Ware", 34 Hill St, Daylesford	Yes	No	No	No	No	No		No
HO 448	House, 35 Hill St Daylesford	Yes	No	No	No	No	No		No
HO 449	House, 32 Hill St Daylesford	Yes	No	No	No	No	No		No
HO 450	House 33 Hill St Daylesford	Yes	No	No	No	No	No		No
HO 451	House 62 Raglan St Daylesford	Yes	No	No	No	No	No		No
HO 452	House (Pair) 58-60 Raglan St, Daylesford	Yes	No	No	No	No	No		No
HO 453	House 15 Daly St, Daylesford	Yes	No	No	No	No	No		No
HO 454	Houses "Wombat Towers", 21 Daly St, Daylesford	Yes	No	No	No	No	No		No
HO 458	House - 8 Raglan St Daylesford	Yes	No	No	No	No	No		No
HO 459	House - 10 Raglan St Daylesford	Yes	No	No	No	No	No		No
HO 460	House - 15 Raglan St Daylesford	Yes	No	No	No	No	No		No
HO 461	House - 23 Raglan St Daylesford	Yes	No	No	No	No	No		No
HO 462	House - 24 Raglan St, Daylesford	Yes	No	No	No	No	No		No
HO 463	Grocery Shop - 30 Raglan St Daylesford	Yes	No	No	No	No	No		No
HO 464	House - 26 Raglan St Daylesford	Yes	No	No	No	No	No		No

*

LOCAL PROVISION

HEPBURN PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
464	House - 33 Raglan St Daylesford	Yes	No	No	No	No	No		No
465	House - 12 Smith St Daylesford	Yes	No	No	No	No	No		No
466	Five Shops - 4-12 Howe St Daylesford	Yes	No	No	No	No	No		No
467	House - 99 West St Daylesford	Yes	No	No	No	No	No		No
468	House (Pair) - 28-30 Duke St Daylesford	Yes	No	No	No	No	No		No
469	House "The Luna" - 5 Park Ave Daylesford	Yes	No	No	No	No	No		No
470	House - 45 Stanbridge Street Daylesford	Yes	No	No	No	No	No		No
471	House - 27 Raglan St, Daylesford	Yes	No	No	No	No	No		No
550	House - 39 Albert St, Daylesford	Yes	No	No	No	No	No		No
551	House - 82 West St Daylesford	Yes	No	No	No	No	No		No
552	Shop - 14 Howe St Daylesford	Yes	No	No	No	No	No		No
554	Former shop & dwelling, - 117 Vincent Street, Daylesford	Yes	No	No	No	No	No		No
555	Letches Creek Spring Reserve, Daylesford	No	No	No	No	No	No		No
616	Former Residential Pair: "Ottoman Cottage" - 37 King Street Daylesford	Yes	No	No	No	No	No		No

*

APP 6.

Talbot and Clunes Conservation Study Heritage Places Not in Am C15

Beckworth

Beckworth Court, Old Ballarat Road, Beckworth
Bridges along Old Ballarat Road, Beckworth
Ruins of MacCallum's pre-emptive right homestead, off old Ballarat Road, Beckworth

Parishes of Bullarook, Dean, Smeaton, Spring Hill, Tourello and Clunes

Clunes water supply works, Parishes of Bullarook, Dean, Smeaton, Spring Hill and Clunes

Clunes

Residence, 47 Alliance Street, Clunes
Residence, 24 Angus Street, Clunes
Residence, 71 Bailey Street
Residence, 21 Beckwith Street, Clunes
Residence, 25 East Parade, corner Coundon Street, Clunes
Residence, 85 Fraser Street, Clunes
Residence, 4 Fraser Street, Clunes
Shops, 46 Fraser Street, Clunes
Shops, 48 Fraser Street, Clunes
Residence, 9 George Street, Clunes
Residence, 29 George Street, Clunes
Residence, 8 Hill Street, Clunes
Residence, Leslie Street, corner Smeaton Road, Clunes
Residence, 15 Ligar Street, Clunes
Residence, Purcell Street, corner Templeton Street, Clunes
* Former School of Mines, Service Street, Clunes
Residence, 65 Service Street, Clunes
War Memorial, Service Street, corner Fraser Street, Clunes
Former Wesleyan Parsonage, Service Street, Clunes CHECK
Former Presbyterian Church and Sunday School, Service Street, Clunes CONSIDER SEPARATE ENTRIES
Former Presbyterian Manse, 49 Alliance Street, Clunes CONSIDER SEPARATE ENTRIES
Residence, Smith Street, Clunes
Residence, 20 Templeton Street, Clunes
New North Clunes Quartz Mining Company Site, Downes Street, Clunes
Powder Magazine, off Glengower Road, Clunes
Shepherd's Hut, off Glengower Road, Clunes
Residence, north end of Lothair Street, Clunes
Residence, Roses Lane, Clunes
Residence, 18 Talbot Road, Clunes
Mount Beckworth, Clunes(???)

Glengower

Clunes Estate homestead and outbuildings, Glengower Road, Glengower

Smeaton

Former Leishman Homestead and Outbuildings, Smeaton Road, Smeaton

RICHARD ALLEN'S WORKING DOWNS FOR C35

APP 7.

Map Sheet	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01- 2	Aboriginal heritage place?
HO T&C 304	Former School of Mines, Service Street, Clunes	Yes	No	No	Yes	No	..No		No
HO T&C 324	War Memorial, Service Street, corner Fraser Street, Clunes	Yes	No	No	Yes	No	..No		No
HO T&C 328	Former Wesleyan Parsonage, Service Street, Clunes CHECK	Yes	No	No	Yes	No	..No		No
HO T&C 330	Former Presbyterian Church and Sunday School, Service Street, Clunes CONSIDER SEPARATE ENTRIES HO 763 Former Presbyterian Church, Sunday School, Service Street, and Manse, 49 Alliance Street, Clunes CA 6 and 14, Sect 4, Township of Clunes	Yes	No	No	Yes	No	..No		No
HO T&C 330	Former Presbyterian Manse, 49 Alliance Street, Clunes CONSIDER SEPARATE ENTRIES HO 763 Former Presbyterian Church, Sunday School, Service Street, and Manse, 49 Alliance Street, Clunes CA 6 and 14, Sect 4, Township of Clunes	Yes	No	No	Yes	No	..No		No
HO T&C 372	New North Clunes Quartz Mining Company Site, Downes Street, Clunes	Yes	No	No	Yes	No	..No		No



Department of
Sustainability & Environment

Public Land Administration

402-406 Mair Street
BALLARAT Vic 3350
Facsimile: (03) 53366885
DX: 214250
CALL CENTRE: 136186

Our Ref: 2017071
Your Ref:

3 March 2009

Mr Trevor Westmore
Heritage Adviser
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

Dear Trevor

CLUNES SCHOOL OF MINES BUILDING - 1 SERVICE STREET CLUNES
ALLOTMENT 2006 TOWNSHIP OF CLUNES

I refer to your recent advice that the above building no longer has heritage protection under the Hepburn Planning Scheme as proposed in the new format Hepburn Planning Scheme.

The Department supports recognition of local history and has no objection to the reinstatement of the local Heritage Overlay Control over this building by Council. Should your research indicate a higher heritage listing is warranted I would be happy to refer the matter to our Historic Place Branch for consideration.

I can be contacted on telephone (03) 5336 6746 should you have any queries.

Yours faithfully



Robert Bevern
Acting Property Manager, Ballarat

11.1 WOMBAT HILL BOTANIC GARDENS KIOSK TENDER PANEL COMPOSITION (A/O – Acting Director Infrastructure and Development)

File Ref: 5/1330/01950

Introduction

This report provides information on the proposed panel composition for the evaluation of the Wombat Hill Botanic Gardens Kiosk tender which closed on 12 March 2009.

Report

Council recently readvertised expressions of interest for the operation of the Wombat Hill Botanic Gardens kiosk which closed on 12 March 2009.

Currently Council has an active advisory committee, namely the Wombat Hill Botanic Gardens Advisory Committee (WHBGAC), that has been undertaking a number of tasks over the last eighteen to twenty-four months comprising the development of a conservation plan, development of a capital works strategy for the gardens complex and undertaking visitor surveys within the garden complex.

One of the key objectives of the conservation plan was maximising the potential of the kiosk complex within the gardens. In view of this objective Council has been working towards obtaining consent for a long term lease over the complex and also has advertised for Expressions of Interest for a long term lease for the operation and management of the kiosk within the gardens.

Therefore, as part of providing for greater community participation in the long term operation of the kiosk complex, it is recommended that a three person panel be appointed for the evaluation of the tender comprising members as follows:-

- 1) Chairperson, Cr Jon Barrell who is also the Chairperson of the Wombat Hill Botanic Gardens Advisory Committee as the Birch Ward Councillor;
- 2) A representative from the Wombat Hill Botanic Gardens Advisory Committee being a community representative and appointed by the Committee; and
- 3) Senior Council Officer who is not involved in the day-to-day management functions of the contract for the proposed kiosk operation.

In order to deal with confidentiality and probity issues for the evaluation panel, the community representative would be required to sign a confidentiality agreement to ensure that this and all information relating to the tender evaluation remains as such.

On completion of the evaluation, a subsequent report will be provided to Council with recommendations for the appointment of an operator for the ongoing operation of this complex.

Relevant Policies / Council Plan implications

Council Tendering Procedure.

- Council Plan: 1.1 Community consultation advocacy and engagement.
1.2 Enhance community connectedness and capacity building.
1.3 Enhance external relationships.

Community / Engagement / Communication / Consultation

Tenders advertised in *The Advocate* on 11 February, 18 February and 25 February, in *The Age* on 14 February and *The Courier* on 14 February and 21 February. Matters of the tender evaluation panel as discussed at the March meeting of the Wombat Hill Botanic Gardens Advisory Committee.

Financial & Resource Implications Initial & Ongoing

Nil

Motion:***That Council:***

- 11.1.1** *Undertake the assessment of the Wombat Hill Botanic Gardens Kiosk Tender in accordance with the Contracts Procedures Manual.*
- 11.1.2** *Provide a copy of the Tender Assessment Report to the Wombat Hill Botanic Gardens Advisory Committee for their information on the recommended successful tenderer. Any comments by the Wombat Hill Botanic Gardens Advisory Committee to be attached for the final Tender Assessment Report to Council.*
- 11.1.3** *Receive the final Tender Assessment Report for the Wombat Hill Botanic Gardens Tender at the April or May Council Meeting.*

Moved: Cr Jon Barrell
Seconded: Cr Sebastian Klein
Carried.

11.2 General Revaluation 2010

(A/O –Manager Finance)

File Ref: 52/08/02

Introduction

Council must resolve to cause a general revaluation to be made of all rateable property in the municipal district of the Hepburn Shire Council and notify interested rating authorities accordingly.

Report

Council is required under Section (6) of the Valuation of Land Act 1960 to conduct a general revaluation of all rateable properties within the municipality every two years and advise other interested rating authorities within the meaning of the Act. The following rating authorities have been identified as having an interest in the valuation of land within Hepburn Shire Council and will be advised of Council's resolution.

Valuer-General
State Revenue Office
Mt Alexander Shire
Central Goldfields Shire Council
Moorabool Shire Council
Ballarat City Council
Macedon Ranges Shire Council
Pyrenees Shire Council

Relevant Policies / Council Plan implications

In accordance with Section 6 (1) of the Valuation of Land Act 1960, Council is required to cause a general revaluation to be made of all rateable properties.

Community / Engagement / Communication / Consultation

Not applicable

Financial & Resource Implications Initial & Ongoing

Council must resolve to undertake a general revaluation in order to adopt rates and charges in future years

Motion:

That Council:

11.2.1 ***That in accordance with Section 6 (1) of the Valuation of Land Act 1960 Council undertake a General Revaluation of all rateable properties within the Hepburn Shire Council and that the valuation is to be returned at the levels of value as at the 1 January 2010***

11.2.2 ***That Hepburn Shire Council notify the Valuer-General and other rating authorities within the meaning of Section 2 of the Valuation of Land Act 1960 interested in the valuation of land in the Hepburn Shire.***

Moved: ***Cr Tim Hayes***

Seconded: ***Cr Janine Booth***

Carried.

11.3 MONTHLY FINANCIAL REPORT 1/7/08 – 28/2/09

(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 28 February 2009 is provided for information.

Report

This report provides information on Council's operating performance for the 8 months to 28 February 2009 against the revised budget that was adopted by Council in February 2009 following consideration of the mid year review of the budget. The report considers year to date budgets against year to date actual for each operating program and for all capital works.

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.

Variance Report

Corporate Services:

Variance (Deficit)/Surplus 000's: \$91

Program	Major Activities	Revised Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
1 Corporate Services					
Revenue Services	Rates & Municipal Charge	-9,889	-9,858	-9,862	4
Grants Commission	Untied Government Grant	-2,219	-2,219	-2,219	0
Council	CEO's Office & Councillors	797	488	493	-5
Financial Services	Financial Services	429	253	226	27
Technical Services	Engineering Services	833	596	596	0
Governance & IT	Governance Records Management & Information Technology	915	663	625	38
Organisational Development	Human Resources and Risk Management	243	149	147	2
Other Administration	Office Operations, Postage etc	680	452	427	25
Total Corporate Services		-8,211	-9,475	-9,566	91

- Financial services relates to interest on investments received earlier than anticipated \$16k and recovery of collection costs ahead of budget profile \$9k.
- Governance & IT relates to a one off insurance reimbursement of \$24k and savings in salaries and wages due to delay in replacing staff member \$11k.
- Other administration relates to building maintenance tracking below budget of \$5k and outstanding account for the elections of \$17k.

Community Services:

Variance (Deficit)/Surplus 000's:
\$93

Program	Major Activities	Revised 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	519	346	354	-8
Family & Childrens Services	Maternal & Child Health, Pre-Schools etc	167	92	49	44
Aged & Disability Services	Home Care Services, Day Activity Centres Meals on Wheels	249	157	121	36
Housing Contract Services	Housing Home Care Services provided under Contract for External Agencies	-6	-11	-14	4
		-8	13	-5	18
Total Community Services		921	598	504	93

- Family and childrens services relates to outstanding account for Maternal & Child Health services \$33k and building maintenance for preschools of \$7k
- Aged & disability services relates to outstanding account for meals on wheels of \$12k and HACC services tracking below budget across all areas \$30k.
- Contract services relates to increased patronage by external agencies \$18k

Regional Development:

Variance (Deficit)/Surplus 000's:
\$188

Program	Major Activities	Revised 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	662	404	363	41
Building Services	Building Inspections	70	35	6	29
Tourism & Economic Development	Tourist information centres Caravan Parks & Economic Development	302	72	40	32
Community Amenities	Public Conveniences, Cemeteries	168	100	94	6
Library Services	Branch Libraries & Bookmobile	340	246	175	71
Other Cultural Activities	Community Events & Museums	92	54	57	-3
Public Halls	Town Halls & Other Public Halls	158	91	80	-11
Total Regional Development		1,791	1,002	815	188

- Planning services fees exceeding expectation. Delay in replacing statutory planning position.
- Building services in surplus due to extent of activity.
- Tourism Manager and Economic Development Officer positions vacant.
- Library services – profiling needs adjusting 3rd quarterly invoice not yet received.

Public Safety:

Variance (Deficit)/Surplus 000's: \$5

Program	Major Activities	Revised 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	12	6	4	2
Animal Control	Animal Management & Pound Operating	-47	14	-10	24
Compliance	By-Laws Management & Parking	223	139	146	-8
Health	Health Surveyor, Food Premises Inspections Immunisations etc	126	66	83	-17
Environmental Initiatives	Environmental Officer & Projects	148	104	103	1
School Crossings	School Crossing Supervision	18	13	11	2
Emergency Management	State Emergency Service contribution	6	1	1	0
Total Public Safety		485	343	338	5

- Animal registrations paid earlier than anticipated due 10 April 2009.
- Additional staffing resources utilized in Health Department.

Recreation:

Variance (Deficit)/Surplus 000's: \$73

Program	Major Activities	Revised Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
5 Recreation					
Parks & Gardens	Parks & Gardens Maintenance	256	138	164	-25
Reserves	Reserves Maintenance	687	468	450	18
Mineral Springs Reserves	Mineral Springs Reserves Maintenance	-171	-106	-75	-31
Swimming Areas	Swimming Areas Supervision & Maintenance	275	218	105	113
Recreation Management	Recreation Management	145	60	65	-4
Indoor Recreation	Indoor Recreation Contribution	30	15	12	3
Total Recreation		1,222	794	721	73

- Daylesford Garden maintenance higher than anticipated.
- Expenditure down in the majority of Reserves Creswick, Hepburn, Clunes and Trentham.
- Lease income down and general maintenance expenditure up.
- YMCA swimming pool invoice not paid due to lateness of its arrival.

Infrastructure:
Variance (Deficit)/Surplus 000's: **\$264**

Program	Major Activities	Revised 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	232	323	102	221
Depots	Works & Parks Depot Operations	51	38	34	4
Other Transport	Gravel Pits, Plant Hire & Private Works	-632	-435	-474	39
Total Infrastructure		-350	-74	-338	264

- Profiling needs adjusting particularly Bridge Maintenance.

Waste Management:

Variance (Deficit)/Surplus 000's: **\$126**

Program	Major Activities	Revised Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
Waste Management					
Waste Revenue	Waste Management, Garbage, Recycling Charges and Fees	-1,506	-1,478	-1493	14
Street Cleaning	Street sweeping and Clearance of Street Bins	124	81	70	11
Waste Management	Operation of Transfer Stations and Recycling Facility	1,341	839	748	91
Land Management	Support for Landcare Groups & Weed Eradication Programs	14	3	-8	11
Total Waste Management		-26	-556	-682	126

- Tip fees greater than anticipated
- Contractors payments not sent as regularly as anticipated.
- Green waste expenditure profiling incorrect.

Unclassified:

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

Program	Major Activities	Revised Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
8 Unclassified					
Oncost Accounts	Clearing Accounts				
	Oncost Clearing				
	Minor Unclassified				
	Expenditure	-199	0	0	0
Total Unclassified		-199	-123	-23	-100

- Long Service Leave paid out, profile not adjusted.
- Outstanding refund insurance claim.

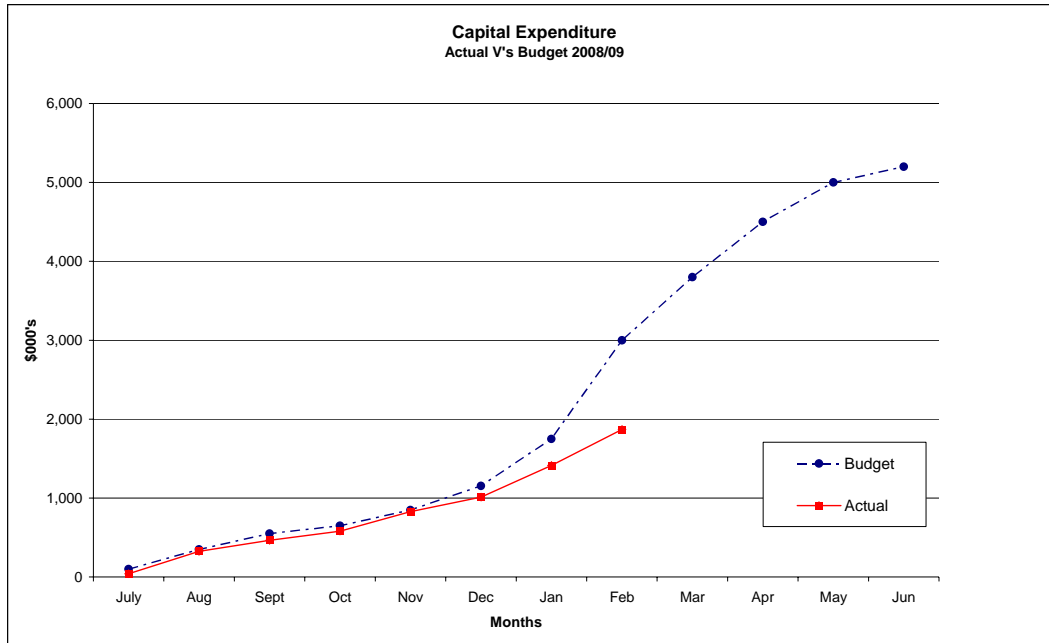
Operating Summary:

The year to date operating result against budget currently indicates a positive variance of \$741 thousand. After eight months of the financial year it is to be expected that there would be few variations that cannot be explained because of timing differences. The net operating result is monitored each month to ensure that the overall budget is met by year end. The mid year review resulted in a number of changes that have been included in the revised budget. There will be a further detailed review undertaken at the end of March 2009.

Capital Works and Major Projects:

Program	Major Activities	Revised Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
9 Capital Expenditure / Income					
Buildings	Buildings	573	-431	-614	183
Environment	Environment	82	7	2	5
Federal Stimulus Packages	Buildings	-343	0	10	-10
Mineral Springs	Mineral Springs	195	128	135	-7
Other	Debt Redemption & Sale of Land	284	203	203	0
Parks & Gardens	Parks & Gardens	39	37	29	8
Plant & Equipment	Plant & Equipment	803	24	101	-77
Recreation	Recreation	121	-103	-109	5
Roads & Pavements	Roads & Pavements	2,561	2,295	747	1,548
Swimming Areas	Swimming Areas	94	8	8	0
Waste Management	Waste Management	58	15	0	15
Total Capital Expenditure		4,466	2,183	512	1,671

The capital works projects were reviewed in some detail as part of the mid year review and allowances made for the projects carried forward from 2007 -2008 financial year. The roads & pavement areas are running slightly behind schedule, however are expected to be completed later this month or early April. Some adjustment is also required to the monthly profiling is required within the buildings area.



Balance Sheet :

Balance Sheet - As at 28 February 2009

	30-Jun-08	28-Feb-09
	\$	\$
Assets		
Current assets		
Cash and cash equivalents	2,714,945	5,453,412
Trade and other receivables	1,399,255	5,145,056
Accrued income	8,126	8,126
Prepayments	5,475	-
Inventories	61,134	90,914
Non-current assets classified as held for sale	66,100	66,100
Total current assets	<u>4,255,035</u>	<u>10,763,608</u>
Non-current assets		
Trade and other receivables	2,359	1,957
Financial assets	955,055	955,055
Investments in associates accounted for using the equity method	375,000	375,000
Capital Works and Income for 2008/09		1,671,064
Property, plant and equipment, infrastructure	150,160,328	150,160,328
Total non-current assets	<u>151,492,742</u>	<u>153,163,404</u>
Total assets	<u>155,747,777</u>	<u>163,927,012</u>
Liabilities		
Current liabilities		
Trade and other payables	(1,524,239)	(212,209)
Trust funds and deposits	(808,616)	(748,006)
Provisions	(1,378,072)	(1,425,108)
Interest-bearing loans and borrowings	(372,853)	(372,853)
Total current liabilities	<u>(4,083,780)</u>	<u>(2,758,176)</u>
Non-current liabilities		
Provisions	(715,559)	(715,559)
Interest-bearing loans and borrowings	(2,161,784)	(2,161,784)
Total non-current liabilities	<u>(2,877,343)</u>	<u>(2,877,343)</u>
Total liabilities	<u>(6,961,123)</u>	<u>(5,635,519)</u>
Net Assets	<u>148,786,654</u>	<u>158,291,493</u>
Equity		
Accumulated surplus	(83,373,098)	(83,373,098)
Operating result for period		(9,391,880)
Reserves	(65,413,555)	(65,526,515)
Total Equity	<u>(148,786,654)</u>	<u>(158,291,493)</u>

Current Assets:

Cash and investments at 28 February total \$6.3 million and include \$0.95 million for the Long Service Leave Provision.

Net current receivables are \$5.1 million including \$4.4 million in rates. Trade debtors at 28 February are \$499 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:

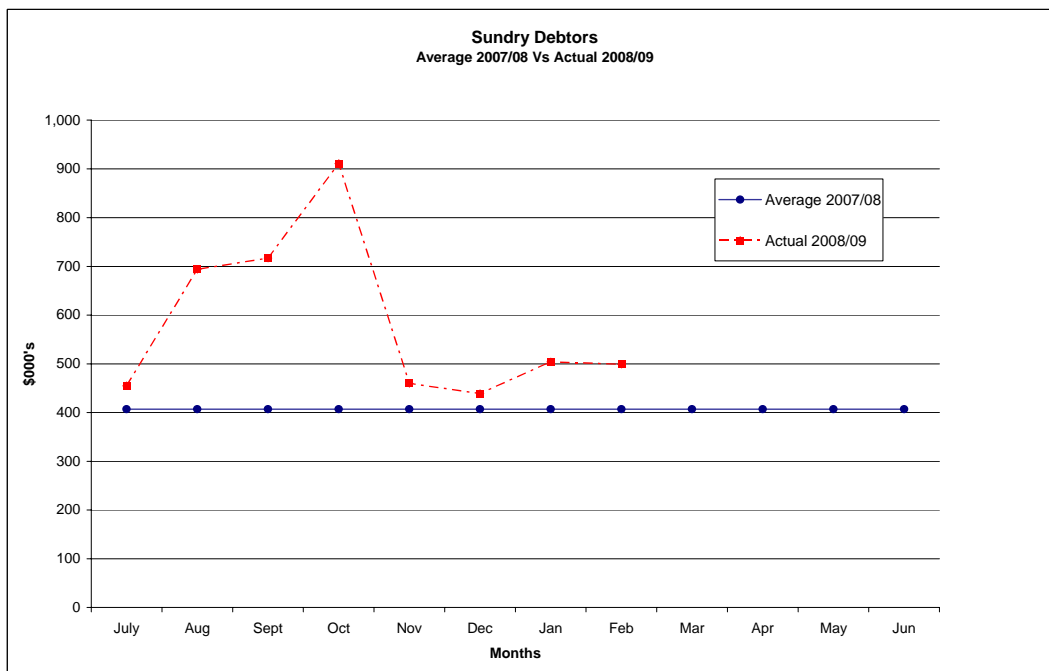
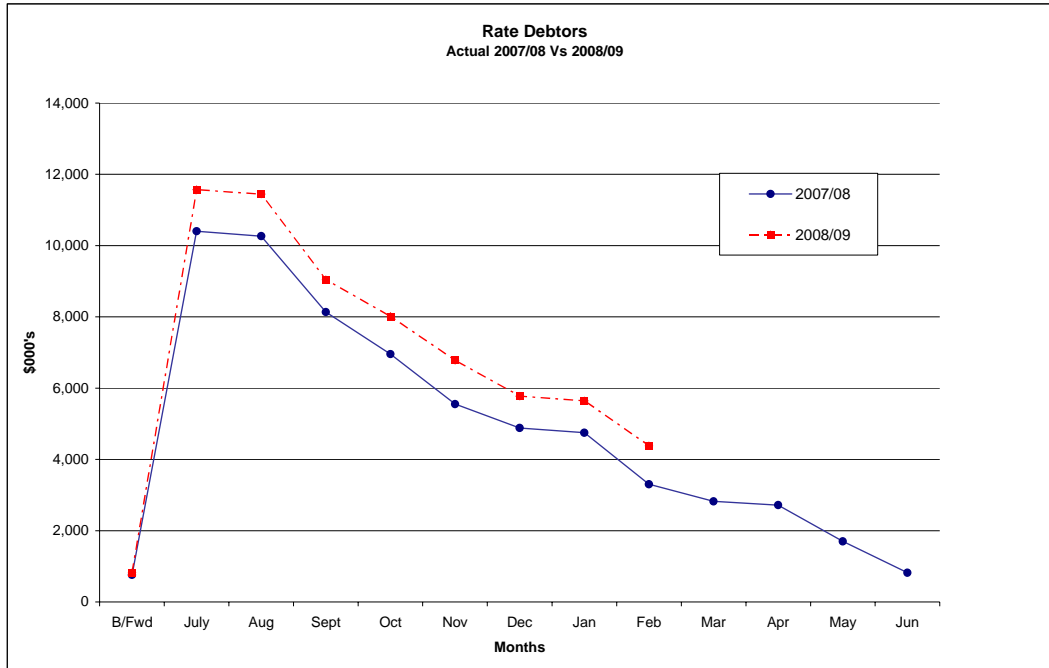
Major items here include loan liability, provision for landfill rehabilitation and provision for long service leave.

Conclusion:

As expected there are few major variations this stage 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.

The next detailed review of the budget will be undertaken in April for the 9 months ended 30 March 2009.

Following for Councillors information are two graphs which show the level of Rate Debtors for 2008/09 in comparison to the previous year and the level of Sundry Debtors to the average level of sundry debtors for the previous year. Both are considered to be at acceptable levels at the end of February 2009.



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 revised budget following the mid year review, the 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.

Motion:

11.3.1 *That Council receives the Monthly Finance Report for the 8 months from 1 July 2008 to 28 February 2009.*

Moved: Cr Rod May
Seconded: Cr Janine Booth
Carried.

11.4 PROPOSED ADVISORY GROUP FOR HEPBURN MINERAL SPRINGS RESERVE

(A/O – Acting Director Infrastructure and Development)

File Ref: 3/4680/00100

Introduction

This report provides information for Council for the proposal for the establishment of an advisory group within the Hepburn Mineral Springs Reserve.

Report

Council may be aware that it is the Committee of Management under the Crown Land Reserves Act for the Hepburn Mineral Springs Reserve and has undertaken discussions with regards to the provision of community involvement with the overall management of this reserve through the formation of an advisory group.

For Council information, the structures that exist within the Hepburn Mineral Springs Reserve comprise the Hepburn Pool, the mineral spring pumps comprising Wyuna, Sulphur, Locarno, Pavilion Spring and Soda Spring, Pavilion, Sound Shell, former caretaker's cottage and most importantly the Bathhouse complex. Natural features include the stream formations known as Welchmans Gully and Spring Creek.

As part of an overall strategic direction for the management of the Hepburn Mineral Springs Reserve, Council in the current financial year has allocated resources and has also appointed Coombes Consulting to undertake the preparation of a Management Plan for the future maintenance and capital works program within this reserve. As part of the overall management of this reserve, community input via an advisory group would allow for community representation in the preparation of the plan and ongoing direction within the reserve.

It is proposed that Council call for expressions of interest from the Community for the formation of an advisory group within the Hepburn Mineral Springs Reserve comprising between four to six members from the Community, representation from the operators of the Bathhouse complex, Councillor representation supported by an ex-officio Council officer.

The Terms of Reference prior to calling for expressions of interest would be developed and would form part of the documentation provided to any interested individual wishing to be part of this advisory group.

Relevant Policies / Council Plan implications

- Council Plan:1.1 Community consultation advocacy and engagement.
1.4 Enhance community connectedness and capacity building.
1.5 Enhance external relationships.

Community / Engagement / Communication / Consultation

Seek expressions of interest through advertisement in local papers.

Financial & Resource Implications Initial & Ongoing

Nil

Motion:

That Council:

11.4.1 Commence the process of advertising for Expressions of Interest for Advisory Group members for the Hepburn Mineral Springs Reserve and seek representation from Belgravia Leisure, the operators of the Hepburn Bathhouse complex.

11.4.2 Seek a further report of the Expressions of Interest received for the proposed Advisory Group composition.

Moved: Cr Jon Barrell

Seconded: Cr Don Henderson

Carried.

12.2 SECTION 86 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 27/02/09 (File Ref. 5/2105/00400)
- Minutes of the Clunes Museum (William Barkell Memorial Arts & Historic Centre) Committee of Management dated 09/02/09 (File Ref. 1/2570/00036)
- Minutes of the Creswick InfoLink Committee of Management dated 27/11/08 (File Ref. 22/15/02)
- Minutes of the Creswick Museum Committee of Management dated 01/12/08 (File Ref. 2/7350/02046)
- Minutes of the Clunes Municipal Purposes Reserve Committee (Town Hall) dated 11/12/08 (File Ref: 1/0320/00098)

Relevant Policies / Council Plan implications:

Community / Engagement / Communication / Consultation:

Members of the community are represented on these committees.

Financial Implications

Nil.

Motion:

That Council

12.2.1 ***Note the Minutes of the Committees listed above which have been distributed under separate cover.***

Moved: ***Cr Sebastian Klein***

Seconded: ***Cr Tim Hayes***

Carried.

CLOSE OF MEETING. *The meeting closed at 8.55pm.*