



***HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF  
COUNCIL  
MINUTES***

***TUESDAY 19 OCTOBER 2010***

**CLUNES TOWN HALL  
BAILEY STREET  
CLUNES  
7PM**

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# Hepburn Shire Council Ordinary Meeting of Council



## **MINUTES**

**TUESDAY 19 OCTOBER 2010**

CLUNES TOWN HALL

Bailey Street, Clunes

**Commencing 7PM**

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**KAYLENE CONRICK**  
CHIEF EXECUTIVE OFFICER  
15 OCTOBER 2010

## 1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS:**

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

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

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

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## 2. **OPENING OF MEETING: The Meeting opened at 7.00pm**

**PRESENT:** Mayor, Cr Janine Booth; Deputy Mayor, Cr Rod May; Birch Ward Councillor Jon Barrell; Coliban Ward Councillor, Creswick Ward Councillor Don Henderson; Holcombe Ward Councillor Bill McClenaghan.

**IN ATTENDANCE:** Chief Executive Officer, Kaylene Conrick; General Manager Corporate Services, Evan King; General Manager Community Development, Martin Walmsley; Executive Engineer, Richard Russell; Building Surveyor, Craig Fletcher.

### **STATEMENT OF COMMITMENT**

“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”

## 3. **APOLOGIES:** Cameron Ward Councillor, Tim Hayes; General Manager Infrastructure, Peter Reeve; General Manager Sustainable Development, Robert Jennings;

**4. DECLARATION OF CONFLICTS OF INTEREST:**

**Cr Henderson declared a Conflict of Interest in the Urgent Item of Business concerning the Creswick Railway Workshop and VicTrack.**

## 5. CONFIRMATION OF MINUTES:

### OFFICER'S RECOMMENDATION

5.1.1 *That the Minutes of the Ordinary Meeting held 21 September 2010 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

### MOTION

5.1.1 *That the Minutes of the Ordinary Meeting held 21 September 2010 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

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

## 6. NOTICES OF MOTION

Nil Notices of Motion received at time of compiling Agenda.

## 7. PRESENTATIONS

### 7.1 PRESENTATION OF REPORTS

#### Mayor's Report

**Councillor Janine Booth, Creswick Ward delivered the following report:**

The past month of Mayoral duties has, as usual, been many and varied.

The last few weeks of September saw Aussie Rules Football Finals across the State and I had the pleasure of attending the Central Highlands Football League Grand Final Afternoon Tea along with the Mayors of Pyrenees and Moorabool who also have teams from around their Municipalities represented in the League. The President of the League asked the Mayors to pass on their thanks and appreciation for the support of Councils to their local Football Clubs through the maintenance and support for a high standard of facilities. The President particularly acknowledged the work being undertaken by the Hepburn Shire Council at the Doug Lindsay Reserve that would see the development and co – location of a high standard of multi-use Community facilities including Football that will support recreational opportunities well into the future.

I attended a constructive and informative public meeting at Creswick on the Creswick Sustainable Water Use and Industrial Land Use Strategy and am pleased that a number of Creswick residents took the opportunity to be better informed and updated on opportunities for further engagement with DSE and the Community on the possible solutions and more productive outcomes for the better management of not only the Creek Reserve area but also this Crown Land Reserve, currently zoned industrial in the midst of Creswick.

I have attended both of Councils Rating Review strategy Workshops conducted by Consultants Socom. These were held on 2 consecutive Sundays and whilst challenging at times for the Consultant and staff at times I found some of the feedback and questions from participants useful and interesting. Council has of course received a report today and will, through the Consultants, continue to engage with our broader community in developing a fair and equitable Rating Strategy for Hepburn Shire.

As Mayor I was pleased to officiate at the Civic Reception for the Australasian Council of Justices Association and the Royal Victorian Association of Honorary Justices in Clunes last Friday. Thanks to the organisation and encouragement of previous Councillor Michael Cheshire who is the current President of the ACJA, it was the first time this organisation had held its annual meeting/conference outside the metropolitan area. After the Civic Function the members from all over Australia and New Zealand



enjoyed a brief tour of Clunes and lunch at Tuki Trout Farm. It was indeed an honour to have them visit our Shire.

Last weekend I officially opened the Swiss & Italian Festa Landscape Art Prize on Friday night and attended the official opening of the Swiss & Italian Festa the next morning that followed the Grand Parade down Main Road in Hepburn Springs. The official opening by Minister for Tourism Tim Holding was held in the Palais in Hepburn rather than at the Sound Shell due to inclement weather but the weather did nothing to dampen the enthusiasm of the participants in particular the Festival co-ordinator Franca Smarelli and the volunteers led by president Maria Viola who are to be congratulated on the comprehensive 10 day program giving not only our community the opportunity to celebrate and acknowledge the Swiss and Italian heritage of our region but for the many visitors and previously residents of the area who return to join in the festivities. This along with other community celebrations such as Creswick's Forestry Fiesta and Trentham's Spudfest events help encourage local participation as well as showcase the rich heritage of our unique region to others.

### Councillor Reports

#### **Councillor Bill McClenaghan, Holcombe Ward delivered the following report:**

On Wednesday 29 September 2010, I attended a special board meeting of the Highlands Regional Waste Management Group to hear details and concerns relating to the proposed restructuring of Regional Waste Management Groups. Several member Councils are very concerned about risk and legal liability issues that the restructuring will create. Some details of the proposed restructuring are as follow.

The legislative task is complicated. DSE needs to have "in principle" support of Cabinet shortly after the State election. The final Draft Bill will then be presented to cabinet for acceptance in April 2011 and then, assuming Cabinet approves, scheduling within the Government's legislative agenda.

In the current timetable DSE will be encouraging the future Groups to commence business plan development in February 2011. The Groups will need some idea of available funding from July 2011. It is also anticipated that the Business Plans will form the basis of project linked funding.

There will be transitional provisions in the Act that limit the transfer of liability within the new regions. For example if there was a waste contract to which two Councils from the previous region were parties then any contingent liability rests with those two Councils.

However, there are concerns which member Councils will need to know and understand.

On the subject of Joint and Several Liability, the Group understands that the Minister wishes to maintain the current liability provision as the Boards are comprised of nominated Councillors. As a way forward, it is suggested that the current legislative provision for the appointment of additional 'skills based' Directors is cumbersome and that it might be better that the skills based directors are Ministerial appointments, whilst still preserving the majority control by the Member Councils. This then provides the legislative precedent as there is no corresponding 50 M (1) jointly and severally liable clause in the Metropolitan Waste Management Group legislative provisions. Restructuring has already occurred in Melbourne.

Regarding Procurement, there was agreement that the EP Act allows the Group to enter into contracts for the procurement of materials and services.

Regarding Regional Contracts, the Environment Protection Act 1970 Section 50 AR allows for regional contract facilitation by the Metropolitan Waste Management Group. The HRWMG is of the view that the same provision should apply to regional waste management groups. 50AR provides an exemption from the requirements of Section 186 of the Local Government Act and simplifies administrative arrangements for regional contracts. LGVic at least at officer level has agreed to exempt the RWMGs from the requirements, thereby enabling Councils to engage RWMGs in contracting on their behalf.

Regarding Conflict of Interest, under recent amendments to the Local Government Act Board Members nominated by Member Councils are prohibited from participating in Council discussion on matters related to waste management. On the one hand the Government via the EP Act encourages active local government participation in the work of the RWMG's but on the other hand prohibits the knowledge gained by the Directors being a contributing factor to decision making of Member Councils. One therefore questions what would be the use of sending a Councillor to act as a RWMG Director if that Councillor cannot legally use the information gained at Council level to benefit the Shire.

More on the implications of the RWMG restructuring will be referred to Council as the process continues. The first hurdle is the need for the Government to win the forthcoming State election.

Later that same day, I attended and chaired a meeting of Council's Municipal Fire Prevention Committee at the Daylesford fire station. These meetings are attended by CFA officers, brigade personnel, shire staff and representatives from groups like Central Highlands Water, DSE and Parks Victoria.

On Thursday 14 October 2010, I attended a public meeting called by the Victoria Park Association to consider plans and funding for the proposed multi-purpose facility at Victoria Park, Daylesford. Numerous community members and supporters attended. As I see things, Council cannot commit major funding to this project, having borrowed \$300,000 for each of two local sporting projects being the Daylesford ARC and the Doug Lindsay Recreation Reserve in Creswick. However with careful planning and prudent application for suitable grants, this project could well cost Council next to nothing except our general support and some officer time.

Lastly I regret to report that there still appears to be a problem with CFA Total FireBan Regions and Weather Forecast Areas lining up. Hepburn Shire is still being published as in the Central Total Fire Ban Region with Melbourne, Ballarat and Phillip Island despite the weather in these places being very different to ours.

The newly created "North Central" Total Fire Ban Region would suit Hepburn better as our weather is much more like other areas north of the Great Dividing Range such as Mt Alexander, Central Goldfields and Macedon Ranges Shires. Total Fire Ban is a function largely of weather. If the needed changes do not happen clearly and unambiguously before the next fire season, there will be lots of confusion especially when places like Campbelltown & Guildford are split between two weather forecast areas and are in different Shires. Watch this space to consider how we are going to handle things next fire season in a manner that the public can understand. .

**Councillor Don Henderson, Creswick Ward delivered the following report:**

During the last month I have attended the AGM of U3A Creswick.

I thank this wonderful group for the way they have shared their skills and wisdom for the benefit of us all.

I also chaired the Creswick Football Netball Club AGM and conducted the election of the new committee. The work of the previous committee was appreciated.

I was fortunate to attend DLRR when a cheque for over \$ 59,000 was given by the Football Netball club to go towards lighting or watering system for the new oval. Generous indeed and this will assist in bridging the short fall on this project.

I attended a very well patronised Centenary of the Creswick Forestry School and it was truly heartening to see so many students and lecturers return. The contribution to global forestry and practices cannot be underestimated. Many people have come to this school and stayed on and have been big contributors to our community. The weather was bitter but this did not dampen the spirits of these souls and the hardy folk of Creswick.

I also attended a function to welcome Honorary Justices from all over Australia and NZ. People thought that Clunes was a great place.

Lastly I want to congratulate athletes from this area who competed at the Commonwealth Games.

I was also fortunate to attend a bioenergy forum where Hepburn Shire with three Councillors was by far the best represented. It should be noted that some exciting opportunities were discussed.

**Councillor Sebastian Klein, Coliban Ward delivered the following report:**

The reality of politics exists in a strange nexus between idealism and the pragmatism of a four yearly election cycle:

And so I was encouraged by the presentations at the VLGA leading edge forum with the new government department - climate communities on show with \$50k pots up to \$40m total over five years that will act also as the go-to department for state government sustainability initiatives. This includes other groups who presented on the night including keep Victoria beautiful, green energy (which has declined in number of subscriptions in the past year), Sustainability Victoria and the EPA presenting their new LG monitoring tools.

A meeting between council officers and the Trentham Forum Group was very positive and involved constructive, positive communication between the community and the organisation. I hope that this meeting is entrenched as an ongoing feature of Trentham council relations as this contact and communication is important for the major community of a ward that pays something in the order of \$3.2 million into general revenue. Certainly there are some better partnerships developing and I hope to see some projects developing for Trentham more constructive than pool filters.

I have received positive feedback from the community on the rating strategy review and had a chance to look at the discussion paper for this review, which proved to be a well thought-out, thorough and encompassing background document. I think that the work

done by our own officers so far has probably eclipsed the work of the consultants so far, although I look forward to further briefings and seeing the finished product.

I had a ball at the Daylesford Enterprising Youth project launch and was surprised to see the number of young folk there having a great time in the downpouring rain. Leda and Caleb blew audiences away while the rocksteady rhythms of the Vets were only out-decibelled by those Daylesford stalwarts, Family Farm. The energy of the event and the level of engagement were noteworthy and a credit to Tiana Hokins the coordinator of the program. I think that we can expect great things from this project and the continued partnership with our community services department and Daylesford Neighbourhood Centre.

It was great to see community and politicians out in force to support the Hepburn Wind sod-turning despite some cold and appropriately windy weather and small band of protesters who did themselves no favours by conducting themselves in an unsafe and personally offensive manner. I maintain that if their objections cannot be conveyed seriously in a respectful or qualified manner then I am skeptical as to the validity of these statements. Certainly a claim that this project jeopardizes jobs has already been discredited by a number of positions held currently by Hepburn Shire community members. Thanks to ministers Jennings and Howard who made it to Hepburn Shire to launch this significant project supported by Sustainability Victoria.

**Councillor Jon Barrell, Birch Ward did not deliver a report.**

**Councillor Rod May, Birch Ward delivered the following report:**

- Received official notification of membership of the upper Loddon groundwater group.
- Agriculture committee. Agreed with the house and curtilage approach .

Also met with the consultant.

- Springs reserve committee met and progressed the work plan.
- Sustainability committee met and developed a rating strategy paper.
- Daylesford museum . Chaired AGM and heard a moving account of the sinking of the HMAS Sydney in 1942
- Hepburn Wind. MCd the turning of the sod for this epic community project
- Climate summit. Attended with Rob Jennings and heard of the state government strategy for climate change
  - o Energy and energy efficiency
  - o Adaptation
  - o Street lighting announcement from Premier Brumby.
- Swiss Italian Festa “the leopard literary feast” was attended.
- Bioenergy forum in Ballarat where options for renewable energy from a variety of biofuels including waste and wood were workshopped.

## MOTION

7.1.1 *That Council receive and note the reports of the Councillors.*

**Moved: Cr Jon Barrell**

**Seconded: Cr Rod May**

**Carried.**

## 8. PUBLIC PARTICIPATION TIME:

This part of the Ordinary Meeting of Council allows for the tabling of petitions by Councillors and Officers and 30 minutes for the purpose of:

- Responding to questions that have been submitted by members of the community
- Allowing members of the community to address Council.

Community members are invited to submit written questions to the CEO by 12 noon on the day of the Council meeting. If you wish to address Council you must provide a brief synopsis of your address in writing to the CEO by 12 noon on the day of the Council meeting.

Questions may be taken on notice and responded to later. Likewise, some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

### 8.1. PETITIONS:

Petition to address inadequate mobile phone and broadband coverage to the Central Victorian Communities of Blackwood, Bullarto, Little Hampton, Lyonville, Musk and Newbury with more than 800 signatures has been received.

Officer's Recommendation:

That the petition lay on the table for one month and a report addressing it be considered at the Ordinary Meeting of Council on 16 November 2010.

### MOTION

8.1.1 That Council note the petition.

**Moved: Cr Sebastian Klein**

**Seconded: Cr Jon Barrell**

**Carried.**

## 8.2 QUESTIONS:

### 1. Submitted by David Marshall, Daylesford.

#### Re Item 13.4 Application for heavy vehicle permit Stanbridge street

On behalf of the Stanbridge Street Neighbourhood Residents' Association, I am seeking clarification on the questions below in relation to the application from Daylesford Hardware-Timber for a heavy vehicle permit.

The council agenda on this item states that 'The load limit in Stanbridge Street was imposed primarily to prevent through traffic from using Stanbridge Street and not to restrict access to **the East Street industrial properties.**' It also states that 'The Council is conscious of the need to protect the current business operations **that exist in East Street** and the need to maintain access to this area.'

This statement twice refers to '**East Street Industrial Properties**', which would reasonably be taken to refer to the industrial estate. However, the current application is for a business situated **not** in the East Street Industrial zone (zoned IN1Z) which extends only to a few metres south of Stanbridge Street, but in Wombat Dam Road, which is zoned for farming (FZ). Traffic originating in this back road fits the definition of 'through traffic'; i.e. traffic not originating in the East Street Industrial Estate. Residents of East Street south of Stanbridge Street (zoned residential RZ1; with the road shared between residential (RZ1) on the west and farming (FZ) on the east), are also being exposed to traffic from a de-facto industrial zone without being properly informed that they were buying in or between industrial zones.

- (1) Therefore I would like to ask: '**Has the area of Wombat Dam Road been secretly zoned industrial and form part of the East Street Industrial Estate, or is the council, by issuing such heavy vehicle permits as these, under the claim that it is 'protecting current business operations', legitimising a de facto (i.e. illegal) industrial zone that has not been planned as one, and ought never to be so designated, since it is on a dead end road with no access to major highways without going through residential streets?**
- (2) The application does **not** state that the trucks in question are too high to go under the railway bridge on East Street. The clause that the operators are **requested** not to use Stanbridge Street means little, since, there is no obligation to do so, and contractors are unlikely to know about it anyway. Stanbridge Street, like the adjacent housing blocks, is zoned residential (R1Z), and does not have a road zoning. Road Zone 2 is confined to East Street north of Central Springs Road and connects to Road Zone 1 (The Midland Highway) at the Farmer's Arms corner. The road zoning clearly indicates that trucks exiting the Industrial Zone



should be using the East Street/Raglan Street route. The only reason for them not to do so is that trucks higher than 3.7 metres face the physical obstruction of the railway bridge. Therefore I ask: **'Why does the permit not state that the permit to use Stanbridge Street between the hours stated *only* applies to contractors' vehicles that cannot fit under the railway bridge and that all other heavy vehicles are *required* to use East Street/Midland Highway Street route?'**

- (3) The road zoning makes it clear that any permits to use Stanbridge Street should be of a temporary nature until the problem of the railway bridge is resolved. Moreover, the only parties that have reason to use Stanbridge Street are the occupants of lots PT3, 4, 5, 6 and 7, i.e. the lots on the Industrial Estate south of the railway bridge. Therefore I ask: **'Will council put time restrictions on heavy vehicle permits, requiring regular renewal; will it restrict such permits to businesses situated on these lots; and will it actively discourage businesses that require over-height heavy vehicles from setting up on these lots, until such time as the access to the Midland Highway is resolved?'**
- (4) If the load restriction signs on Stanbridge Street are placed only at its ends it is likely that heavy **through** traffic coming from the Midland Highway will be reluctant to make a 180 degree turn into Stanbridge Street, and will prefer to ignore the restrictions. Therefore I would like to ask: **'Given the stated concern of council to deter through traffic from Stanbridge Street, will council place a sign giving advance warning of the Stanbridge Street weight restrictions near the Farmer's Arms corner, in order to discourage them from turning into East Street?'**
- (5) **'Why is the load limit 16 tonnes, and not 15 tonnes as in Camp Street?'**
- (6) Finally, **'Is council aware that heavy articulated vehicles are continuing to use Stanbridge Street outside the times specified in the two permits issued so far, and does it plan to enforce these load limits?'**

**Responses by Executive Engineer, Richard Russell:**

1. The area has not been designated as a de facto industrial area and is Farming Zone, thus it is legitimate for heavy vehicles to access farms. The persons seeking permits for travel to farms have existing use rights.
2. Discussions with businesses applying for a permit indicate that the trucks they use are too high for the East Street bridge. The operators would prefer to use East Street and one of the permit holders does have trucks that are low enough to fit under the East Street bridge. These trucks do use East Street. The permit wording does include the preference for trucks that can fit under East Street bridge to use East Street.
3. Council will include time limits for renewal of permits. This is normal industry practice. Businesses are regulated by the Hepburn Planning Scheme according to the land use planning zones and businesses can operate as farms and as industrial as per zoning. The use of vehicles to operate in these zones should be commensurate with the activities allowed in the zone.
4. A warning sign will be placed in East Street, in the vicinity of the highway warning that there is a 16 tonne load limit in Stanbridge Street.
5. Permit is 16 tonnes as this will allow the 8 tonne single axle trucks to access Stanbridge Street without a permit. Permits would apply to heavier tandem axle type vehicles.
6. The use of Stanbridge Street by heavy articulated vehicles without a permit is under the enforcement of VicRoads and VicRoads are monitoring the use of Stanbridge Street in conjunction with Council.

## **9 URGENT ITEM OF BUSINESS:**

**Cr Don Henderson left the Meeting at 7.30pm due a Conflict of Interest.**

### **MOTION**

*That Council:*

- 9.1.1 *Write to VicTrack to express its ongoing interest in leasing the Creswick Railway Station and Goods Shed this year, subject to negotiations already undertaken;*
- 9.1.2 *Finalise outstanding lease issues with VicTrack and details of the Memorandum of Understanding with the Creswick Railway Workshops Inc. for presentation to the November 2010 Council Meeting.*

**Moved: Cr Rod May**

**Seconded: Cr Bill McClenaghan**

**Carried.**

**Cr Don Henderson returned to the Meeting at 7.40pm.**

## **10. EXECUTIVE SERVICES**

### **10.1 NOMINATED COUNCIL REPRESENTATIVE – REGIONAL STRATEGIC PLANNING COMMITTEE CHIEF EXECUTIVE OFFICER**

#### **PURPOSE**

This report presents to Council the Central Highlands Regional Strategic Plan (RSP) key regional priorities and projects and requires Council to appoint a representative to the Central Highlands Regional Strategic Plan Committee to progress the projects.

#### **BACKGROUND**

Council at its Ordinary Meeting on 15 June 2010 resolved to “...endorse the Central Highlands Regional Strategic Plan as representing the aspirations and key strategic directions required for a prosperous, liveable and sustainable region.”

The CHRSP sets out a vision that is designed to best position the Central Highlands to 2030 and beyond so as to provide a prosperous, sustainable and liveable region for its people. The Plan sets out a series of integrated strategic directions and actions that are designed to implement the vision and are proposed to build on the region’s capacities and strengths to the advantage of the region, regional Victoria and the whole state.

Key drivers of change include:

- Access and Proximity to Melbourne
- Transport Upgrades
- Changing Composition of the Population
- Use of IT and Broadband to Deliver Services
- Changing Demands on the Natural Resource Base
- Increasing Emphasis on Liveability

The Plan outlines a number of key strategic directions and actions. These include:

- The Central Highlands Region Settlement Network and Hierarchy
- Settlement Development and Managed Land Use in the Melbourne and Ballarat Peri Urban Areas
- Managing Land Use and Regional Scale Assets, Horticulture, Securing Water and Energy and Providing for Planned Rural Living

- Transport Infrastructure and Services
- Positioning the Region's Heritage at the National Level
- Expanded and Better Health Services, IT Development, Broadband Provision and Access and Services.
- Housing Options, Ballarat CBD Revitalisation and Education and Training Facilities
- Leadership, Capacity Building and Regional Governance.

### **ISSUE/DISCUSSION**

Now that the RSP has been adopted /endorsed by all of the eight local government authorities in the Grampians region along with Regional Development Australia Grampians Committee and the Grampians Regional Managers Forum the next phase is implementation and action on the key strategic directions and actions.

The Project Control Group for the Central Highlands RSP, established to oversee the development of the RSP, has to this point been working on prioritizing key strategic directions.

To progress the next phase a Regional Planning Committee (RPC) needs to be established to continue the work from the Project Control Group and beyond.

The following governance structure to implement the plan was agreed to by the Central Highlands Mayors' and CEOs' Forum and includes:

- 1 representative from each Council member of the Central Highlands Mayors and CEOs Forum – either Mayor or CEO.
- The Chair or representative from the Regional Development Australia (RDA)
- The Chair or representative from the Regional Management Forum (RMF)
- 1 representative from the Interdepartmental committee. (This will be flexible depending upon the scope of priorities at any given time.)

The scope of the RPC shall be:

- Agree and endorse project scopes and initiatives.
- Monitor and oversight project implementation.

- Review achievement of objectives as projects are implemented.
- Report on project progress.
- 

The RPC will have the following resources:

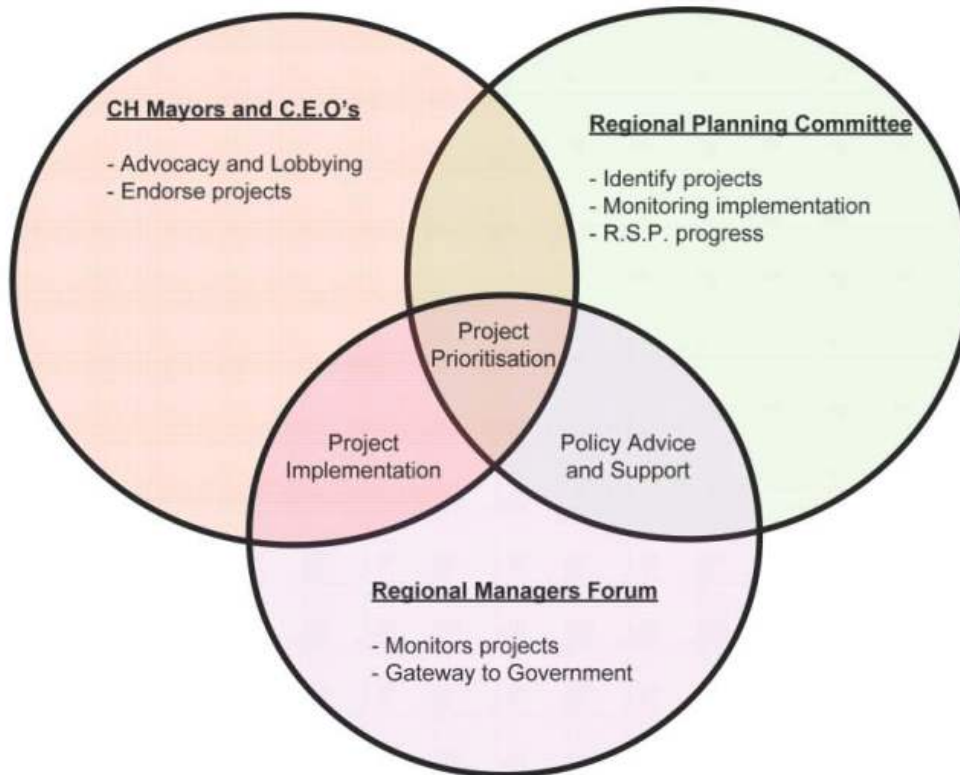
- Secretariat role to maintain minutes, records, meeting agendas etc (funded via a funding application to RDV as auspiced under RSP process.)
- Commitment from member Councils to support delivery of projects in alignment with agreement of Mayors and CEO's Forum decisions.
- 

The RPC will have the following relationships:

- Provide guidance to delivery teams working on identified projects.
- Provide progress reports to CH Mayors and CEO's, RMF, RDA and the IDC.

In relation to the RSP the following Committees/Forums will have the following responsibilities:

- Central Highlands Mayors and CEO's Forum
  - Advocacy and lobbying
  - Endorse projects
- Grampians Regional Managers Forum
  - Monitor projects
  - Gateway to Government
- Central Highlands Regional Planning Committee
  - Identify projects
  - Monitoring implementation
  - R.S.P progress



At the meeting of the Central Highlands Mayors and CEO's Forum held 20 August 2010, the CHRSP was discussed including the need for a priority listing of projects and the potential implementation and governance for the strategy.

The CH Mayors and CEO's Forum requested the Project Control Group acting as interim Regional Planning Committee, to provide a priority listing of projects.

Hepburn Shire Council has been represented on the Project Control Group by the Chief Executive Officer.

The Project Control Group has prepared a list of five areas that will generate the most significant changes in the region, see below.

Central Highlands Regional Strategic Plan  
Key regional priorities and projects

The Central Highlands RSP interim Regional Planning Committee has identified the five things that will generate the most significant changes in the region requiring a partnership with, or support from, the Victorian Government. These are:

1. Integrated Regional Land-use Plan
2. Australia's First National Heritage Region
3. Transport infrastructure consistent with the CH Regional Transport Plan including:
  - Employment Zone and Freight Hub for Ballarat;
  - Bypasses for Ararat, Beaufort, Great Western;
  - Upgrades to the Western Highway; and
  - Extension of passenger rail services to take advantage of government infrastructure investment.
4. Small Town Enhancement projects across the region that link with two (2) or more of the seven (7) key strategies in the CH RSP including projects such as:
  - Clunes Community Interpretive Centre;
  - Halls Gap Community Hub;
  - Ararat Performing Arts Centre;
  - Talbot Sewerage Scheme;
  - Linton Heritage Streetscape;
  - Bungaree Masterplan project; and
  - Beaufort Flood Mitigation infrastructure.
5. Ballarat as the region's Capital City and services hub including:
  - Ballarat CBD revitalisation projects such as Town Hall Plaza, Lydiard Street Heritage Precinct, Grenville Street/Yarrowee River Park central CBD;
  - Industry and workforce development including the establishment of the Ballarat Industry Network;

Council is now required to appoint a representative to the Regional Planning Committee and endorse the key priorities and projects.

**COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

*Hepburn Shire Council Plan 2009-2013* states:

“Council recognizes its regional interdependency and is committed to working together strategically with local, state and federal governments in regional planning processes.”



### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with nominating a Hepburn Shire Council representative to the Regional Strategic Planning Committee or endorsing the key regional priorities and action report.

### **RISK IMPLICATIONS**

No identifiable risks

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The Regional Strategic Planning Committee will work with State and Federal Government Departments and the Victorian State Government Interdepartmental Committee to implement the key strategic directions and actions in the RSP.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The appointment of a representative to the Regional Strategic Planning Committee does not require community or stakeholder engagement.

### **CONCLUSION**

The Regional Strategic Planning Committee is an implementation and action Committee to be established to scope projects as identified in the RSP, to implement and monitor the progress of projects and the RSP and to evaluate and report to other stakeholders on the progress of the Plan.

The Chief Executive Officer has represented Council on the Project Control Group and more recently on the Interim Regional Strategic Planning Committee therefore it would be appropriate to appoint the Chief Executive Officer as Council's representative on the Committee.

## **OFFICER'S RECOMMENDATION**

*That Council*

*10.1.1 endorse the key regional priorities and projects report from the Central Highlands Interim Regional Strategic Planning Committee; and*

*10.1.2 nominate the Chief Executive Officer to be its representative on the Regional Strategic Planning Committee.*

## **MOTION**

*That Council*

*10.1.1 endorse the key regional priorities and projects report from the Central Highlands Interim Regional Strategic Planning Committee; and*

*10.1.2 nominate the Chief Executive Officer to be its representative on the Regional Strategic Planning Committee.*

**Moved:**            **Cr Rod May**

**Seconded:**      **Cr Sebastian Klein**

**Carried.**

**11 CORPORATE SERVICES:**  
**11.1 MONTHLY FINANCIAL REPORT**  
**GENERAL MANAGER CORPORATE SERVICES**

**PURPOSE**

The purpose is to report on the Council's financial performance for the 2010/11 financial year up to the 30 September 2010.

**BACKGROUND**

This report provides information on Council's operating performance for three months to the 30 September 2010. Further, it provides a forecast to 30 June 2011.

**ISSUE/DISCUSSION**

**OPERATING SUMMARY:**

The year to date operating result is a surplus of \$9.8m, almost entirely due to bringing the full year's rates and charges to account. For accounting purposes all revenue is raised in August, however collection occurs throughout the year.

The first instalment of the remaining grants commission income has been further delayed and was received in early October.

It should be noted that voting on the proposed Enterprise Bargaining Agreement will take place in October. Currently all salary and wages to 30/9/10 do not include the annual salary increase per this agreement. Once the agreement is in place the salary and wages percentage (proposed 3.5%-4%) increase will be backdated to 1/7/10 and reflected in the expense accounts.

**CAPITAL WORKS AND MAJOR PROJECTS:**

\$625,000 has been spent in capital works and \$59,000 in major projects for the quarter ended 30 September 2010.

Due to the ongoing wet weather conditions only \$172,000 of this has been spent on the Doug Lindsay project to date.

See tables for details of status of each capital and non capital project later in this report.

### **SEPTEMBER 2010 FLOODS:**

Following the floods of Saturday 4 September 2010 Hepburn Shire Council is facing a flood damage bill of an estimated \$4 million for roads, bridges and public assets according to initial engineering surveys. The total cost will become known once all damage is fully assessed by insurers and engineering staff.

Council will continue to work on recovering these costs through insurance and through the \$10.4 million flood package recently announced by the State Government.

\$82,000 of additional salary and wages incurred during the flood relief effort have been captured in the actual and forecasts at end of September. No other costs have been included in the forecast at this stage until more accurate information is available.

### **BALANCE SHEET**

#### **CURRENT ASSETS:**

Cash and investments at 30 September 2010 total \$6.4m, which includes pre-paid Grants Commission payment of \$932k and other works grants carried over from 2009/2010.

Refer to the Investment schedule (attached) for detail of investments and cash held and the graph of cash and cash equivalents for the 12 months to 30 June 2010 with comparison to the first 3 months of this year. Cash is tracking fairly consistent with prior year.

#### **TRADE & OTHER RECEIVABLES:**

Rate debtors at the end of September 2010 are \$10.8m. This compares to rate debtors at the same time last year (\$10m.)

Sundry debtors total \$278,000 at the end of September which is very similar to the same time last year (\$276,000).

The two graphs attached show the level of Rate Debtors for 2010/11 in comparison to the same time last year and Sundry Debtors in comparison to the same time last year.

**CURRENT LIABILITIES:**

The major items are trade and other payables which include accrued contractor payments, current loan liability, employee provisions such as annual leave and long service leave and provisions for landfill rehabilitation.

Deposits and trusts are reviewed quarterly with refunds or transfers made where applicable. Council still holds \$90k in trust following a Section 181 property sale that to date is unclaimed.

Total current liabilities are fairly similar to the same time last year.

**NON-CURRENT ASSETS:**

These include all infrastructure assets including current capital costs that have been classified as work in progress.

All Long Service Leave, Annual Leave and RDO calculations have been completed for 30 June 2010. Long service leave investments consist of financial instruments that vary in market value during the course of their holding, as reflected in the balance sheet (\$962k), but will on maturity be able to be redeemed for their face value (\$1m).

An investment in associates of \$443k is Council's share of Central Highlands Regional Library Service which shows a \$4k decrease on the prior year.

**NON-CURRENT LIABILITIES:**

Major items are Council's loan liability of \$3.1m and provisions for long service leave and landfill rehabilitation totalling \$838k.

**CASH FLOW:**

Cash flow for September 2010 is attached. Instalment one of rates was due at the end of September, where by \$2.2m was collected.

**COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

Under Section 138 of the Local Government Act 1989 a report comparing expenses and revenue to budget must be presented at least quarterly to the Council in a meeting which is open to the public.

### **FINANCIAL IMPLICATIONS**

The reports attached provide the opportunity for constant review of Council's financial position.

### **RISK IMPLICATIONS**

The internal financial report is required to assist in decision making and ensure departments do not exceed their budget.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

None noted.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Open reporting to the public on a monthly basis.

### **CONCLUSION**

The report on the financial performance of Council for the three months to 30 September 2010 has been reported.

### **OFFICER'S RECOMMENDATION**

- 11.1.1 That Council receives the Monthly Financial Report for the three months from 1 July 2010 to 30 September 2010.

### **MOTION**

*11.1.1 That Council receives the Monthly Financial Report for the three months from 1 July 2010 to 30 September 2010.*

**Moved: Cr Bill McClenaghan**

**Seconded: Cr Jon Barrell**

**Carried.**

<b>Income Statement</b>				
<b>For the quarter ending 30 September 2010</b>				
	<b>YTD Actual 2010/11 \$'000</b>	<b>Annual Budget 2010/11 \$'000</b>	<b>Annual Forecast 2010/11 \$'000</b>	<b>Variance Annual forecast to budget 2010/11 \$'000</b>
<b>Revenues from ordinary activities</b>				
Rates charges	13,494	13,501	13,511	10
Statutory fees and fines	87	330	330	-
User fees	168	850	850	-
Grants - Operating	467	4,458	4,511	53
Grants - Capital	-	2,613	2,613	-
Contributions	49	153	153	-
Other revenue	445	1,234	1,321	87
<b>Total revenue</b>	<b>14,710</b>	<b>23,139</b>	<b>23,289</b>	<b>150</b>
<b>Expenses from ordinary activities</b>				
Employee benefits	1,328	8,711	8,750	39
Materials and services	1,853	7,025	7,065	40
Bad and doubtful debts	-	4	4	-
Depreciation and amortisation	1,197	4,787	4,787	-
Finance costs	81	220	220	-
Other expenses	413	1,037	1,037	-
<b>Total expenses</b>	<b>4,872</b>	<b>21,784</b>	<b>21,863</b>	<b>79</b>
<b>Surplus (deficit) for the year</b>	<b>9,838</b>	<b>1,355</b>	<b>1,426</b>	<b>71</b>

Variance - Surplus/(Deficit) 000's								-322
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance	Forecast 30 June 2010	Budget to Forecast Variance	Note
	000's	000's	000's	000's	%	000's	000's	
<b>CORPORATE SERVICES</b>								
<b>INCOME</b>								
Revenue Services (Rates & M/C)	11,725	11,633	11,664	32	0%	11,725	10	
Grants Commission	1,912	478	0	-478	-100%	1,912	-	1
Other Income	369	127	169	41	32%	369	30	2
<b>Total Income</b>	<b>14,006</b>	<b>12,238</b>	<b>11,833</b>	<b>-405</b>	<b>-3%</b>	<b>14,006</b>	<b>40</b>	
<b>EXPENDITURE</b>								
Council & Executive Services	755	174	163	11	6%	755	-	
Financial Services	819	181	172	10	5%	819	-	
Technical Services	672	167	174	-7	-4%	672	-	
Governance & IT	505	129	122	7	5%	505	-	
Organisational Development & Risk	560	142	98	44	31%	560	-	3
Other Administration	1,528	520	501	18	4%	1,528	-	
Administratin Projects	18	0	0	0		18	-	
<b>Total Expenditure</b>	<b>4,858</b>	<b>1,313</b>	<b>1,230</b>	<b>83</b>	<b>6%</b>	<b>4,858</b>	<b>0</b>	
<b>NET</b>	<b>9,148</b>	<b>10,925</b>	<b>10,603</b>	<b>-322</b>	<b>-3%</b>	<b>9,148</b>	<b>40</b>	
<b>NOTES</b>								
1. Grants Commission first quarter payment was not received in September as expected. Was received in first week of October.								
2. Interest is ahead of \$30,000 of budget.								
3. Risk Manager position has been vacant since end of August 2010. Funds will be utilised for specific OH&S projects in October/November 2010.								



Variance - Surplus/(Deficit) 000's								\$109
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance	Forecast 30 June 2010	Budget to Forecast Variance	Note
	000's	000's	000's	000's	%	000's	000's	
<b>COMMUNITY SERVICES</b>								
<b>INCOME</b>								
Community Development	142	88	57	-31	-35%	112	- 30	1
Family & Children's Services	105	26	31	4	16%	105	-	
Aged & Disability Services	1,123	273	309	36	13%	1,163	40	2
Housing	52	13	19	6	46%	52	-	
Contract Services	443	110	94	-16	-14%	443	-	3
<b>Total Income</b>	<b>1,865</b>	<b>510</b>	<b>510</b>	<b>0</b>	<b>0%</b>	<b>1,875</b>	<b>10</b>	
<b>EXPENDITURE</b>								
Community Development	1,072	224	183	41	18%	1,029	43	4
Family & Children's Services	294	66	63	4	6%	294	-	
Aged & Disability Services	1,471	338	280	58	17%	1,511	- 40	2
Housing	26	5	8	-3	-50%	26	-	
Contract Services	420	103	90	13	12%	420	-	
Other	133	31	23	8	26%	133	-	
Community Services Projects	170	0	12	-12		170	-	
<b>Total Expenditure</b>	<b>3,586</b>	<b>767</b>	<b>658</b>	<b>109</b>	<b>14%</b>	<b>3,583</b>	<b>3</b>	
<b>NET</b>	<b>-1,721</b>	<b>-258</b>	<b>-149</b>	<b>109</b>	<b>-42%</b>	<b>-1,708</b>	<b>7</b>	
<b>NOTES</b>								
<p>1. The Arts &amp; Cultural Officer will not be a shared position with Moorabool going forward. Therefore budgeted reimbursement of \$43,000 will not be received (this will be offset by decreased expenditure, see comment below). L2p program grant of \$67,000 anticipated to be received in September, will not be received until November. Grant now anticipated to be \$80,000.</p> <p>2. \$40,000 grant received in August not anticipated.</p> <p>3. Income lower than budgeted due to level of demand</p> <p>4. Currently there is a vacancy in the Arts &amp; Cultural Officer position, resulting in \$20,000 of expenditure under budget YTD. Note once the position is filled, will be a part time position, hence the decreased forecast cost. L2P program expenditure is \$14,000 less than YTD budgeted amount.</p>								

Variance - Surplus/(Deficit) 000's								\$86
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance	Forecast 30 June 2010	Budget to Forecast Variance	Note
	000's	000's	000's	000's	%	000's	000's	
<b>REGIONAL DEVELOPMENT</b>								
<b>INCOME</b>								
Planning & Heritage Services	168	51	58	7	13%	168	-	
Building Services	131	33	35	2	6%	131	-	
Tourism & Economic Development	230	64	68	4	7%	230	-	
Other Cultural Activities	0	0	0	0		0	-	
Public Halls	5	2	1	0	-22%	5	-	
Projects	14	0	0	0		14	-	
<b>Total Income</b>	<b>547</b>	<b>150</b>	<b>162</b>	<b>12</b>	<b>8%</b>	<b>547</b>	<b>0</b>	
<b>EXPENDITURE</b>								
Planning & Heritage Services	1,124	224	154	71	32%	1,124	-	1
Building Services	166	40	41	-2	-4%	166	-	
Tourism & Economic Development	618	132	120	11	9%	618	-	
Community Amenities	177	44	39	5	11%	177	-	
Library Services	451	109	108	1	1%	451	-	
Other Cultural Activities	88	13	19	-6	-47%	88	-	
Public Halls	75	14	19	-5	-35%	75	-	
Regional Development Projects	36	0	2	-2		36	-	
<b>Total Expenditure</b>	<b>2,735</b>	<b>577</b>	<b>503</b>	<b>74</b>	<b>13%</b>	<b>2,735</b>	<b>0</b>	
<b>NET</b>	<b>-2,188</b>	<b>-427</b>	<b>-341</b>	<b>86</b>	<b>-20%</b>	<b>-2,188</b>	<b>0</b>	
<b>NOTES</b>								
1. YTD savings in planning department due to current vacancies.								

Variance - Surplus/(Deficit) 000's								-31
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance	Forecast 30 June 2010	Budget to Forecast Variance	Note
	000's	000's	000's	000's	%	000's	000's	
<b>PUBLIC SAFETY</b>								
<b>INCOME</b>								
Fire Prevention	18	0	-2	-2		18	-	
Animal Control	90	11	6	-4	-42%	90	-	
Compliance	28	7	22	15	212%	28	-	1
Health	164	12	12	0	-3%	164	-	
School Crossings	8	0	0	0		8	-	
Emergency Management	12	12	12	0	2%	94	82	3
<b>Total Income</b>	<b>319</b>	<b>41</b>	<b>50</b>	<b>8</b>	<b>20%</b>	<b>401</b>	<b>82</b>	
<b>EXPENDITURE</b>								
Fire Prevention	50	0	0	0		50	-	
Animal Control	31	10	11	-1	-10%	31	-	
Compliance	262	61	51	10	16%	262	-	
Health	317	62	58	4	7%	317	-	
Environmental Initiatives	205	27	9	18	68%	205	-	2
School Crossings	35	8	8	0	5%	35	-	
Emergency Management	74	30	102	-72	-238%	156	82	3
<b>Total Expenditure</b>	<b>973</b>	<b>198</b>	<b>238</b>	<b>-40</b>	<b>-20%</b>	<b>1,055</b>	<b>82</b>	
<b>NET</b>	<b>-655</b>	<b>-157</b>	<b>-188</b>	<b>-31</b>	<b>20%</b>	<b>-655</b>	<b>0</b>	
<b>NOTES</b>								
1. Footpath sign permits are \$10,000 ahead of YTD budgeted income.								
2. YTD expenditure is lower than budgeted by \$17,000 due to Sustainability Coordinator position being vacant until early September.								
3. YTD expenditure is lower than budgeted by \$11,000 due to Emergency Management Officer position vacancy. However, expenditure relating to floods YTD is an additional \$82,000, the majority of this being overtime salary and wages. It is expected that this additional costs will be recouped via State Government Funding or via insurance.								

Variance - Surplus/(Deficit) 000's								\$73
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance	Forecast 30 June 2010	Budget to Forecast Variance	Note
	000's	000's	000's	000's	%	000's	000's	
<b>RECREATION</b>								
<b>INCOME</b>								
Parks & Gardens	1	0	0	0	-100%	1	-	
Reserves	8	2	3	1	53%	8	-	
Mineral Springs Reserves	527	173	191	18	10%	545	18	1
Projects	96	0	0	0		96	-	
<b>Total Income</b>	<b>633</b>	<b>176</b>	<b>195</b>	<b>19</b>	<b>11%</b>	<b>651</b>	<b>18</b>	
<b>EXPENDITURE</b>								
Parks & Gardens	191	54	26	28	52%	191		2
Reserves	749	187	160	27	14%	749		2
Mineral Springs Reserves	242	60	61	-1	-1%	242		
Swimming Areas	251	4	3	1	29%	251		
Cemeteries	1	0	0	0		1		
Indoor Recreation	25	6	6	1	9%	25		
Recreation Projects	127	0	2	-2		0		
<b>Total Expenditure</b>	<b>1,586</b>	<b>312</b>	<b>258</b>	<b>54</b>	<b>17%</b>	<b>1,458</b>	<b>0</b>	
<b>NET</b>	<b>-953</b>	<b>-136</b>	<b>-63</b>	<b>73</b>	<b>-54%</b>	<b>-808</b>	<b>18</b>	
<b>NOTES</b>								
1. Bathhouse and kiosk rental income \$18,000 ahead of budget.								
2. Maintenance expenditure behind anticipated YTD position due to resources required for flood damage.								

Variance - Surplus/(Deficit) 000's								- \$292
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance	Forecast 30 June 2010	Budget to Forecast Variance	Note
	000's	000's	000's	000's	%	000's	000's	
<b>INFRASTRUCTURE</b>								
<b>INCOME</b>								
Road Maintenance	958	240	0	-240	-100%	958	-	1
Other Transport	1,009	252	221	-31	-12%	1,009	-	
<b>Total Income</b>	<b>1,967</b>	<b>492</b>	<b>221</b>	<b>-271</b>	<b>-55%</b>	<b>1,967</b>	<b>0</b>	
<b>EXPENDITURE</b>								
Road Maintenance	1,883	471	481	-10	-2%	1,883	-	
Depots	47	12	10	2	15%	47	-	
Other Transport	409	102	115	-13	-12%	409	-	
Local Road Projects	33	12	12	0	1%	33	-	
<b>Total Expenditure</b>	<b>2,373</b>	<b>597</b>	<b>618</b>	<b>-21</b>	<b>-4%</b>	<b>2,373</b>	<b>0</b>	
<b>NET</b>	<b>-406</b>	<b>-105</b>	<b>-397</b>	<b>-292</b>	<b>277%</b>	<b>-406</b>	<b>0</b>	
<b>NOTES</b>								
1. Roads to Recovery (Grants Commission) first quarter payment was not received in September as expected. Was received in first week of October.								

Variance - Surplus/(Deficit) 000's								\$65
DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2010								
	Annual Budget 000's	YTD Budget 000's	YTD Actual 000's	YTD Variance 000's	YTD Variance %	Forecast 30 June 2010 000's	Budget to Forecast Variance 000's	Note
<b>WASTE MANAGEMENT</b>								
<b>INCOME</b>								
Waste Revenue	1,920	1,848	1,847	-1	0%	1,920	-	
Land Management	10	0	34	34		10	-	
<b>Total Income</b>	<b>1,930</b>	<b>1,848</b>	<b>1,881</b>	<b>33</b>	<b>2%</b>	<b>1,930</b>	<b>0</b>	
<b>EXPENDITURE</b>								
Street Cleaning	113	28	27	1	5%	113	-	
Waste Management	1,729	402	376	26	6%	1,729	-	
Land Management	40	4	0	4	100%	40	-	
<b>Total Expenditure</b>	<b>1,882</b>	<b>434</b>	<b>403</b>	<b>32</b>	<b>7%</b>	<b>1,882</b>	<b>0</b>	
<b>NET</b>	<b>48</b>	<b>1,413</b>	<b>1,478</b>	<b>65</b>	<b>5%</b>	<b>48</b>	<b>0</b>	
<b>NOTES</b>								

<b>BALANCE SHEET AS AT 30 SEPTEMBER 2010</b>		
	<b>30-Sep-09</b>	<b>30-Sep-10</b>
	<b>000's</b>	<b>000's</b>
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	5,893	6,360
Trade and other receivables	10,609	11,370
Inventories	43	38
Other assets	-	11
<b>Total current assets</b>	<b>16,545</b>	<b>17,779</b>
<b>Non-current assets</b>		
Trade and other receivables	2	55
Financial assets	899	899
Investments in associates accounted for using the equity method	447	443
Property, plant and equipment, infrastructure	161,375	171,604
<b>Total non-current assets</b>	<b>162,723</b>	<b>173,001</b>
<b>Total assets</b>	<b>179,268</b>	<b>190,780</b>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Trade and other payables	(356)	(524)
Trust funds and deposits	(818)	(917)
Provisions	(1,537)	(1,425)
Interest-bearing loans and borrowings	(296)	(287)
<b>Total current liabilities</b>	<b>(3,007)</b>	<b>(3,153)</b>
<b>Non-current liabilities</b>		
Provisions	(736)	(838)
Interest-bearing loans and borrowings	(3,193)	(3,078)
<b>Total non-current liabilities</b>	<b>(3,929)</b>	<b>(3,916)</b>
<b>Total liabilities</b>	<b>(6,936)</b>	<b>(7,069)</b>
<b>Net Assets</b>	<b>172,332</b>	<b>183,711</b>
<b>Equity</b>		
Accumulated surplus	(95,957)	(100,814)
Operating result for period	(10,875)	(9,794)
Reserves	(65,500)	(73,103)
<b>Total Equity</b>	<b>(172,332)</b>	<b>(183,711)</b>

<b>Cashflow Statement</b>				
<b>For the quarter ending 30 September 2010</b>				
	<b>YTD Actual</b>	<b>Budget 30/06/2011</b>	<b>Forecast 30/06/2011</b>	<b>Variance</b>
<b>Cash flows from operating activities</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<i>Receipts</i>				
Rates charges	2,206	14,001	14,011	10
Statutory fees and fines	87	330	330	-
User fees	168	1,000	1,000	-
Grants - Operating	467	4,458	4,511	53
Grants - Capital	-	2,766	2,766	-
Other revenue	350	1,205	1,262	57
Interest	95	263	293	30
	<b>3,374</b>	<b>24,023</b>	<b>24,173</b>	<b>150</b>
<i>Payments</i>				
Employee costs	(1,328)	(8,617)	(8,656)	(39)
Materials & consumables	(1,567)	(7,078)	(7,118)	(40)
Finance costs	(81)	(220)	(220)	-
Other expenses	(413)	(1,041)	(1,041)	-
	<b>-3,389</b>	<b>(16,956)</b>	<b>(17,035)</b>	<b>(79)</b>
Net cash provided by operating activities	<b>-15</b>	<b>7,067</b>	<b>7,138</b>	<b>71</b>
<b>Cash flows from investing activities</b>				
Proceeds from property, plant and equipment	-	417	417	-
Payments for property, plant and equipment	(696)	(11,335)	(11,335)	-
Net cash used in investing activities	<b>(696)</b>	<b>(10,918)</b>	<b>(10,918)</b>	<b>-</b>
<b>Cash flows from financing activities</b>				
Proceeds from borrowings	-	380	380	-
Repayment of borrowings	(129)	(418)	(418)	-
Net cash provided by (used in) financing activities	<b>(129)</b>	<b>(38)</b>	<b>(38)</b>	<b>-</b>
<b>Net decrease in cash &amp; cash equivalents</b>	<b>-840</b>	<b>(3,889)</b>	<b>(3,818)</b>	<b>71</b>
Cash & cash equivalents at beginning of year	7,200	6,875	7,200	325
<b>Cash &amp; cash equivalents at end of period</b>	<b>6,360</b>	<b>2,986</b>	<b>3,382</b>	<b>396</b>



<b>Hepburn Shire Council Cash and Investments As at 30 September 2010</b>			
	<b>Maturing</b>	<b>Rate</b>	<b>Balance</b>
CBA Investment Account		Variable	\$1,136,362.05
FIIG Securities	30/08/2014	Variable	\$250,000.00
Laiki Bank ( Australia ) Ltd	23/11/2010	5.85%	\$1,000,000.00
Bankwest	26/11/2010	5.50%	\$300,000.00
Community CPS Credit Union	29/11/2010	5.85%	\$1,000,000.00
Doug Lindsay Reserve		Variable	\$988,749.22
Litherland Bequest		Variable	\$91,400.00
Medlyn Bequest		Variable	\$21,600.00
F Shaw Bequest		Variable	\$10,000.00
General CBA Bank Account		Variable	\$1,396,425.02
Cash Floats and Petty Cash			\$6,000.00
			<b>\$6,200,536.29</b>
<b>LSL Reserve Funds</b>			
Bendigo Bank Floating Rate	12/12/2011	Floating	\$484,850.00
CBA Investec	27/02/2014	Floating	\$489,300.00
			<b>\$974,150.00</b>
		<b>Total Investments</b>	<b>\$7,174,686.29</b>

## Projects

Project	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comment
Utility Tracking program	GMSD	4,000	-	Planet Footprint engaged to monitor utilities across Council buildings plus Tourist info centre has an interactive display in the public area.
ICLEI Pathway program	GMSD	4,000	-	Series of 4 work shops, final conducted in December 2010
Energy Descent Action Plan (EDAP) \$40k Monitoring of the Elm Leaf Beetle \$10k Installation of energy efficient light fittings (Carried forward) \$6,881	GMSD	57,000	2,950	Environmental Action Group meeting on monthly basis to develop plan
Contribution to Landcare groups	GMSD	24,000	-	Monies to be distributed by December 2010
<b>Total projects funded by the environmental charge</b>		<b>89,000</b>	<b>2,950</b>	
Yandoit Tennis Courts Asphaltting	GMCD	41,000	-	Subject to grant funding which has not been confirmed yet
Community Infrastructure Project Planning project at Trentham	GMCD	40,000	-	Tender advertised for expression of interest
Lindsay Arts Trail - Stage 2 &3	GMCD	40,000	2,133	Specification currently being put together.
Support of community planning in towns across the Shire \$30k Walking and cycling strategy \$25k	GMCD	55,000	-	Walking & Cycling Strategy brief complete expressions of interest to be called in November. Community planning ongoing .
Library Review	GMCD	15,000	-	Review to be conducted in November
Hepburn Health and Wellbeing Plan	GMCD	30,000	-	Brief being finalised
Celebrating 150 Years of Local Government	GMCD	18,000	-	Delay due to resources allocated to flood damage
Trentham Railway Building Painting	GMCD	10,000	10,000	Completed
Creswick Tourism Interpretative Centre	GMCD	14,306	-	Still awaiting resolution of copyright issues and require further negotiation with RDV
Waste Management Strategy	GMI	60,000	-	Brief to Council in December
Asset Management Plan	GMI	60,000	14,413	Ongoing, brief to be developed for next stage

Project	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comment
Hepburn Springs Mineral reserve - conservation Volunteers material support	GMI	10,000	-	To be carried out in Autumn 2011
Wombat Hill Botanic Gardens Restoration Plan	GMI	25,000	-	Quotations being received, works to commence prior to Christmas
Trentham Recreation Reserve Works	GMI	160,000	-	Tender for works closed in early October.
Ullina Avenue of Honour Project	GMI	800	-	Plaques to be sourced in conjunction with appropriate RSL
Drummond Avenue of Honour Project	GMI	4,000	-	Plaques to be sourced in conjunction with appropriate RSL
Daylesford Cenotaph Restoration	GMI	7,000	-	Scoping has started with discussions with RSL
Trentham Mechanics Institute Verandah works	GMI	10,000	-	To be followed up with Institute Committee
Arboricultural works Shire wide	GMI	17,118	-	Ongoing
Glenlyon Main road tree works	GMI	16,052	11,901	Ongoing
Significant Trees Register \$40k (to be completed over 2 years)	GMSD	40000	0	Nominations sought, compiling information. Investigating the use of a local law as part of the process
Main street revitalisation plan	GMSD	60,000	1,970	Council briefing commencing processes occurred in August.
Tourism Websites	GMSD	16,000	167	Scope of project to be revisited, to be completed in new year.
- Completion of the Economic Development strategy (carried forward) \$26,486 and Implementation \$15k - Business Pack & Economic Development Website for Shire \$10k	GMSD	51,486	16,679	The Economic Development Strategy proposed completion date is November. Work has commenced on the Business Pack and Economic Development Website, will be finalised in new year.
Heatwave strategy	GMSD	25,000	-	Completed in-house and will be adopted by Council by end of the year, funds will be re-allocated to another project during mid-year budget review.
MSS Review	GMSD	131,279	1,350	Commenced, compiling a report for the selection of a consultant to review the planning scheme
<b>TOTAL OTHER PROJECTS</b>		957,041	58,613	

Capital Works Area	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comments
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## 1. New works

### ROADS & BRIDGES

#### Asset renewal

Reseals	GMI	1,500,000	11,476	Main expenditure will occur February - March 2011
Reseal Preparation	GMI	78,000	894	Main expenditure will occur December - February
Shoulder Resheets	GMI	100,000	-	Scheduled for November through to April
Gravel Resheets	GMI	600,000	-	Scheduled for November through to April
Stabilisation Project	GMI	790,000	-	Scheduled for December through to February
Bridge Replacement Design	GMI	30,000	-	Scheduled for November through to April
Bridge Maintenance (including \$82k of c/f)	GMI	371,733	93,348	Ongoing works
Mullers Lane Bridge Construction (including \$18k c/f)	GMI	167,500	-	Permit being sought from DSE, therefore work has not commenced to date
Footpath Improvement	GMI	40,000	-	Scheduled for November through to April
<b>Total asset renewal</b>		<b>3,677,233</b>	<b>105,718</b>	

#### Asset expansion/upgrade

Shoulder Sealing	GMI	363,000	-	Scheduled for November through to April
Swords Road Road Works	GMI	15,000	-	Scheduled for November through to April
<b>Total asset expansion/upgrade</b>		<b>378,000</b>	<b>-</b>	

### TOTAL ROADS

**4,055,233**      **105,718**

### RECREATION

#### Asset renewal

Newlyn Football & Netball Club Upgrade	GMCD	60,000	-	The associated grant was not successful. The \$15,000 Council contribution will be reallocated at the mid-year budget review.
Skatepark improvement program	GMCD	20,000	-	Works to commence in January/February 2011.
Playground Equipment Replacement Program	GMCD	20,000	-	Program to be completed by May 2011
<b>Total asset renewal</b>		<b>100,000</b>	<b>-</b>	

Capital Works Area	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comments
<b>New assets</b>				
Amenities block at Daylesford Community Park	GMCD	65,000		Work to commence in December/January
Calembeen Park Walking Track	GMCD	100,000	-	Ideally work to be completed in conjunction with the Dive Tower.
<b>Total new assets</b>		165,000	-	
<b>TOTAL RECREATION</b>		<b>265,000</b>	<b>-</b>	
<b>BUILDINGS</b>				
<b>Asset renewal</b>				
Buildings Renewal	GMI	180,000	52,236	Ongoing.
Trentham Pool Filter	GMI	90,000	2,399	Project anticipated to cost 125,000 due to additional works required and increased cost of filter. Reallocation of funds to occur during mid-year budget review.
Painting Daylesford Pool	GMI	40,000	-	Quotes in progress, to be completed by start of season
Replacement of Seals at Daylesford Pool	GMI	5,000	-	Quotes in progress, to be completed by start of season
Pool Entrance Steps Rails	GMI	4,800	-	Quotes in progress, to be completed by start of season
Repairs to Pound	GMSD	3,500	-	Repairs to be undertaken prior to Christmas
Street Litter & Recycling Bins	GMI	50,000	-	To be carried out November through to January 2011
Duke St Drainage Works	GMI	30,000	-	Works to be carried out April - June 2011
<b>Total asset renewal</b>		<b>403,300</b>	<b>54,635</b>	
<b>Asset expansion/upgrade</b>				
Wombat Hill Gardens Kiosk	GMI	250,000	-	Not expected to be required until early 2011
Pool Entrance Steps Rails	GMI	4,800	-	Quotes in progress
Landing Providing Access to Medlyn Bottle Museum	GMI	15,000	-	Works to be carried out in 2011
Transfer Station Facility Upgrade	GMI	60,000	-	Works to be carried out Nov - March 2011
Duke St Drainage Works	GMI	30,000	-	Works to be carried out April - June 2011
<b>Total asset expansion/upgrade</b>		<b>359,800</b>	<b>-</b>	
<b>New assets</b>				
Cameron Court Units (Including \$241k carried forward)	GMI	591,220	-	Site assessments being made. Some delay due to floods.
<b>Total new assets</b>		<b>591,220</b>	<b>-</b>	

Capital Works Area	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comments
<b>TOTAL BUILDINGS</b>		<b>1,354,320</b>	<b>54,635</b>	

**PLANT, EQUIPMENT and OTHER**

**Asset renewal**

Corporate System (including c/f \$74k)	GMCS	173,249	11,050	Tender closed 14 October 2010.
Computer Equipment \$90k (including c/f \$22k)	GMCS	111,825	16,736	Purchases made according to resources
Survey Total Station	GMI	18,500	15,864	Completed
Mineral Spring Reserves projects	GMI	81,500	-	Works to be carried out in first half of 2011
Passenger & Commercial Fleet (including c/f \$110k )	GMI	328,195	74,535	On track, working through 2010/11 purchase schedule
Works Plant & Equipment (including c/f \$244k)	GMI	994,325	16,709	On track, working through 2010/11 purchase schedule
<b>Total asset renewal</b>		<b>1,707,594</b>	<b>134,894</b>	

**New assets**

Creswick Office Refit	GMCD	20,000	-	Quotes being obtained, to be completed by end of December 2010.
Auto Startup Generator	GMCS	5,000	-	Purchase outstanding
Mineral Spring Reserves projects	GMI	35,000	849	Works to be carried out in first half of 2011
Air Conditioning - Economic Development & Tourism Office	GMI	6,000	-	Quotes currently being sought
<b>Total new assets</b>		<b>66,000</b>	<b>849</b>	

**TOTAL PLANT, EQUIPMENT and OTHER**

**1,773,594**      **135,743**

**TOTAL CAPITAL WORKS 2010/11**

**7,448,147**      **296,095**

Asset renewal		<b>5,888,127</b>	295,247	
New assets		<b>822,220</b>	849	
Asset expansion/upgrade		<b>737,800</b>	-	

Capital Works Area	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comments
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## 2. Works carried forward from the 2009/10 year

### RECREATION

#### Asset renewal

Victoria Park Daylesford Project	GMCD	82,410	2,571	Quotes to be finalised before works commence
Clunes Bottle Museum	GMI	2,389	-	Seeking Consultant
Drummond Hall Tennis Court	GMCD	28,000	-	Delayed due to wet weather.
Clunes Football/Netball Club redevelopment	GMCD	5,000	-	To be completed over summer period.
Calambeen Park - Dive Tower	GMI	121,244	5,175	Delay due to awaiting application approval from Heritage Victoria
Leitches Creek and Woolnoughs Crossing Mineral Springs Works	GMI	12,500	-	Scheduled for November through to April
<b>Total asset renewal</b>		<b>251,543</b>	<b>7,746</b>	

#### New assets

CDDA Magic Pudding Playground	GMCD	63,863	14,215	Quotes currently being obtained, work anticipated to commence in December 2010.
Daylesford Playground design	GMCD	24,000	14	Work to commence in December/January
Calambeen Park shade area	GMCD	6,000	330	To be completed in conjunction with walking track and dive tower works
Carbon Negative Initiatives	GMSD	104,500	-	Clunes & Newlyn solar/hot water projects - Quotes being sought
Wombat Hill Gardens recycling plan	GMSD	7,336	-	
Wombat Hill Gardens tree replacement plan	GMSD	12,000	-	Tree planting to take place during dormant growth period
Victoria Park Daylesford Project	GMSD	82,410	2,571	Quotes to be finalised before works commence
<b>Total new assets</b>		<b>300,109</b>	<b>17,131</b>	

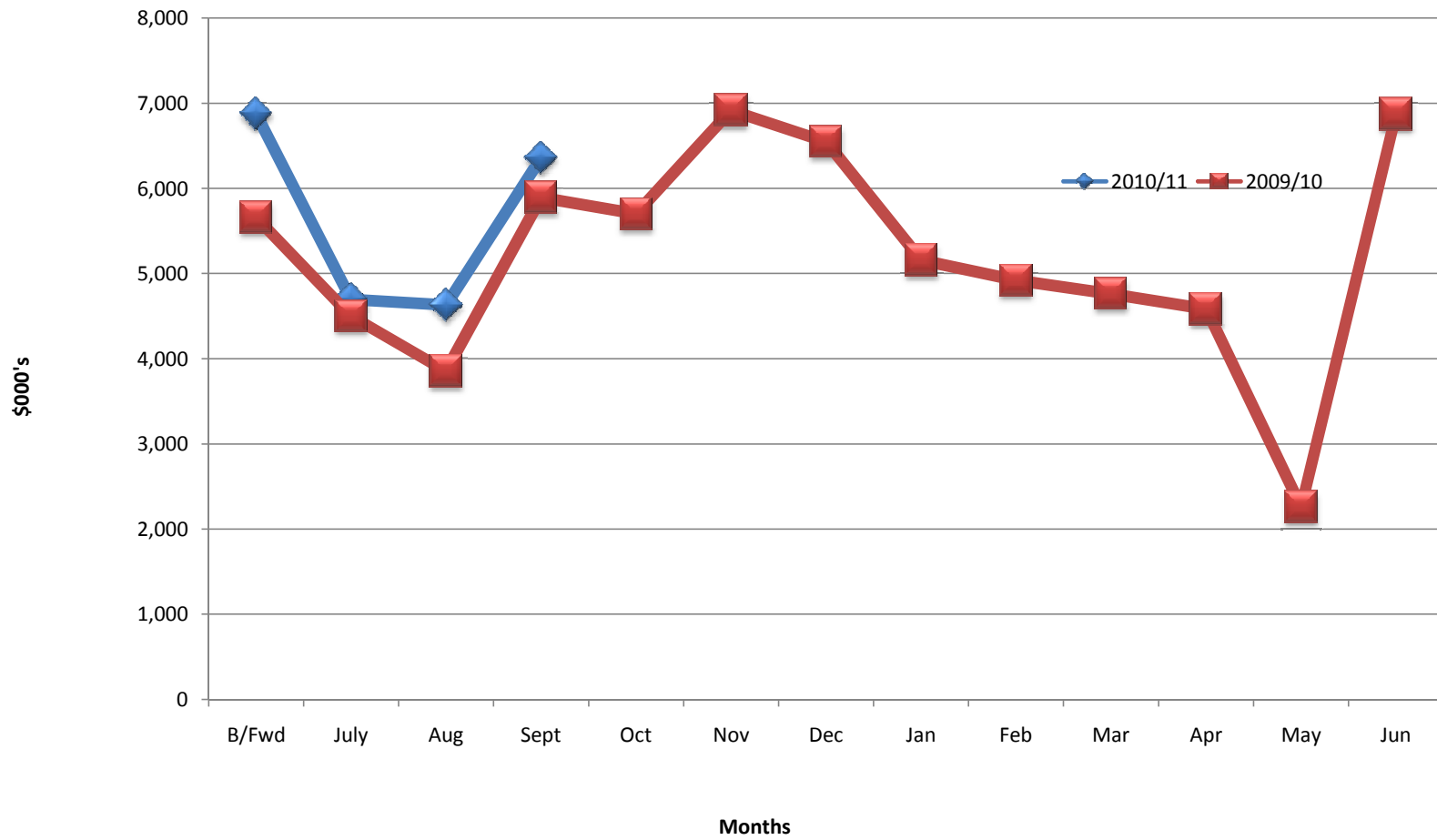
<b>TOTAL RECREATION</b>		<b>551,652</b>	<b>24,877</b>	
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Capital Works Area	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comments
<b>ROADS &amp; BRIDGES</b>				
<b>Asset renewal</b>				
Blackspot program - Clunes	GMI	9,427	7,160	Final guard rail being installed
Gooch's Bridge design & construction	GMI	47,521	36,663	Completed final invoices to be received
Footpath & Kerbing High St Trentham	GMI	6,000	7,293	Completed slightly over budget due to Telstra costs
Zig Zag Road re-establishment	GMI	8,000	-	WIP completion May/June 2011
Mossops Road re-establishment	GMI	25,341	-	WIP completion May/June 2011
Mobile Skate Park modifications	GMCD	2,935	-	Money to be utilised as part of skate park upgrade works scheduled for commencement in January 2011
<b>Total asset renewal</b>		<b>99,224</b>	<b>51,116</b>	
<b>TOTAL ROADS &amp; BRIDGES</b>		<b>99,224</b>	<b>51,116</b>	
<b>BUILDINGS</b>				
<b>Asset renewal</b>				
Glenlyon Hall restoration	GMI	91,341	-	WIP Demolition of back area completed
Creswick Town Hall works	GMI	91,131	80,662	Nearing completion some works to finish
Doug Lindsay Recreation Reserve Multi Purpose Facility	GMSD	1,433,975	99,341	Delays as a result of weather. SJWeir are constructing foundation, building slab and continuing earth works to oval.
Sealing of access way to Municipal; Recycle Facility	GMI	29,179	22	Ongoing
<b>Total asset renewal</b>		<b>1,645,626</b>	<b>180,025</b>	
<b>New assets</b>				
Doug Lindsay Recreation Reserve Multi Purpose Facility	GMSD	1,433,975	72,973	Delays as a result of weather. SJWeir are constructing foundation, building slab and continuing earth works to oval.
Sealing of access way to Municipal Recycle Facility	GMI	29,179	22	Ongoing
<b>Total new assets</b>		<b>1,463,154</b>	<b>72,995</b>	
<b>TOTAL BUILDINGS</b>		<b>3,108,779</b>	<b>253,020</b>	

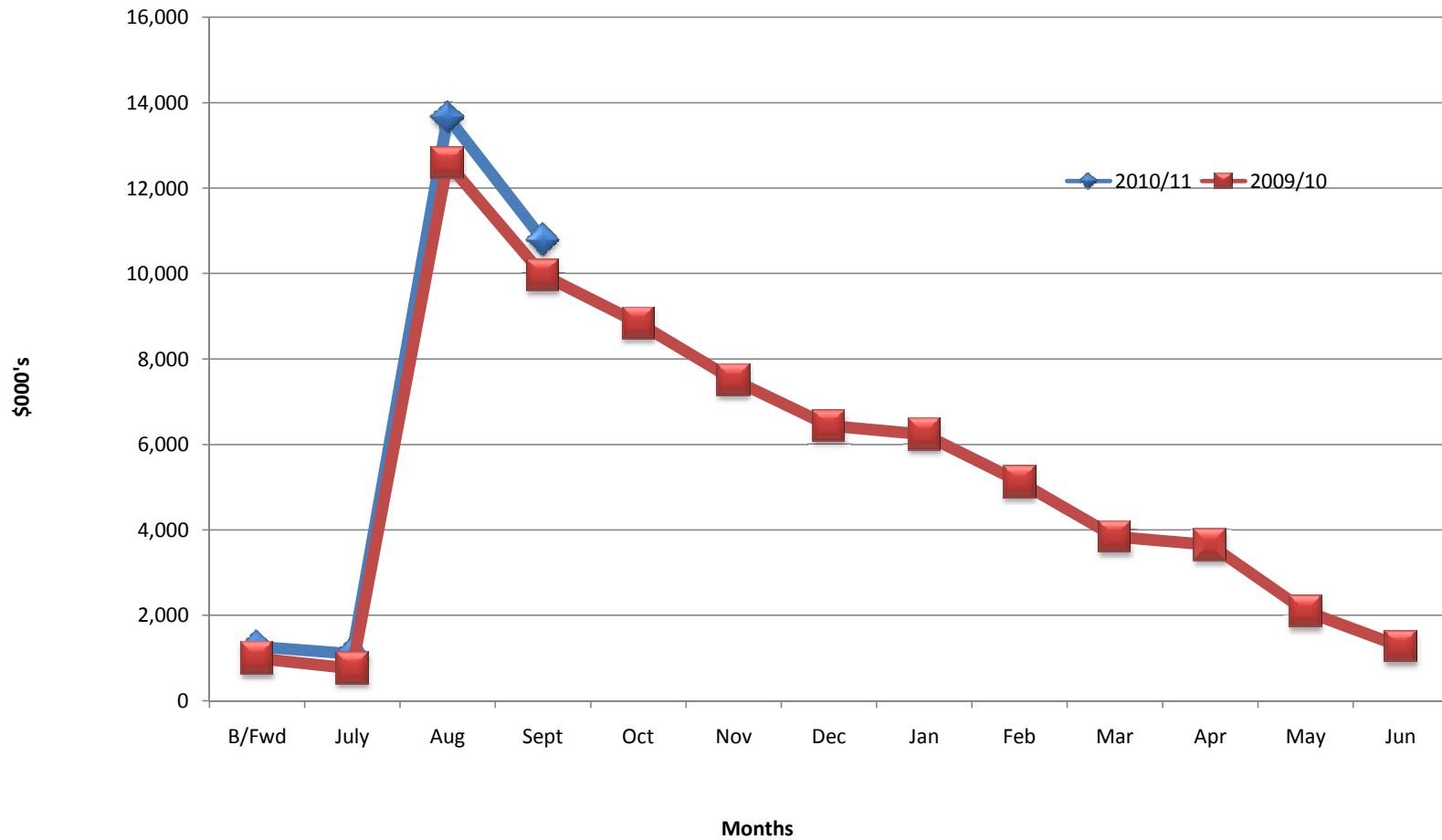


Capital Works Area	Responsible GM	Project Cost \$'000	YTD Actual \$'000	Comments
<b>PLANT, EQUIPMENT AND OTHER</b>				
<b>Asset renewal</b>				
Upgrade of generator & electrical service	GMI	7,000	-	To be purchased
<b>Total asset renewal</b>		<b>7,000</b>	<b>-</b>	
<b>New assets</b>				
Music equipment for Schools	GMCD	10,000		To be purchased once flood damage assessed for existing equipment stored in Creswick.
<b>Total new assets</b>		<b>10,000</b>	<b>-</b>	
<b>TOTAL PLANT, EQUIPMENT AND OTHER</b>		<b>17,000</b>	<b>-</b>	
<b>TOTAL CARRIED FORWARD WORKS 2009/10</b>		<b>3,776,655</b>	<b>329,013</b>	
Asset renewal		2,003,393	238,887	
New assets		1,773,263	90,126	
Asset expansion/upgrade		-	-	
<b>3. Summary</b>				
Asset renewal		7,891,520	534,134	
New assets		2,595,483	90,975	
Asset expansion/upgrade		737,800	-	
<b>TOTAL CAPITAL WORKS</b>		<b>11,224,802</b>	<b>625,108</b>	

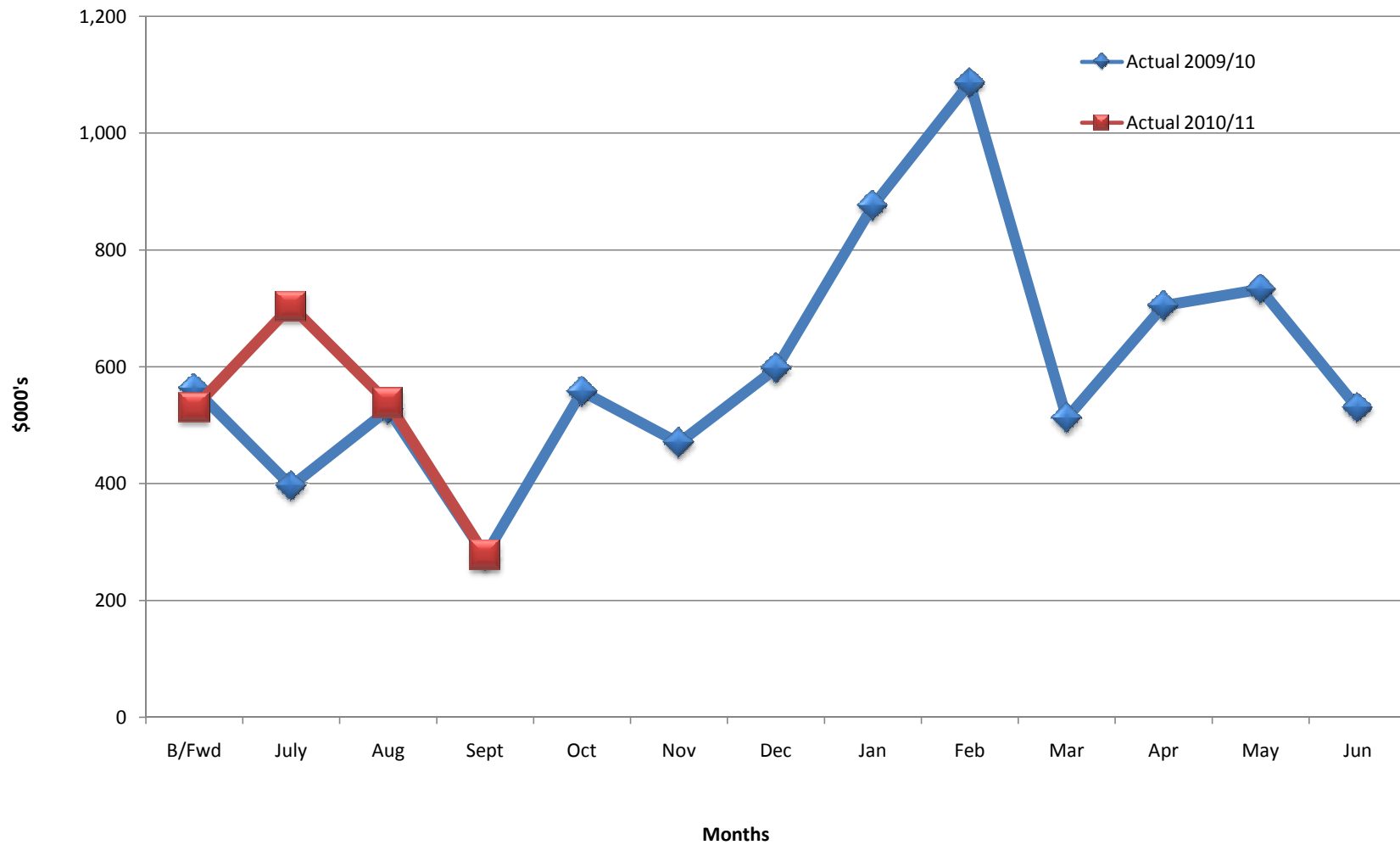
### Cash and Cash Equivalents Actual 2009/10 Vs 2010/11



### Rate Debtors Actual 2009/10 Vs 2010/11



### Sundry Debtors Actual 2009/10 Vs Actual 2010/11



## **11.2 ANNUAL REPORT 2009-10 GENERAL MANAGER CORPORATE SERVICES**

### **PURPOSE**

Under the *Local Government Act 1989* (the Act), Council is required to consider the Annual Report at a meeting of Council as soon as practicable after the council has sent the Annual Report to the Minister.

### **BACKGROUND**

In accordance with Section 131 of the *Local Government Act 1989* (the Act), Council is required to consider the Annual Report at a meeting of Council as soon as practicable after the council has sent the annual report to the Minister. The Annual Report was sent to the Minister on 30 September 2010 as required under the Act.

### **ISSUE/DISCUSSION**

The requirements to prepare an Annual Report are contained in Section 131 of the Act and Part 4 of the *Local Government (Finance and Reporting) Regulations 2004* (the Regulations).

The information that must be contained in an annual report for each financial year includes:

- A report of operations for the financial year;
- Audited standard statements;
- Audited financial statements; and
- Audited performance statement.

The audited standard statements and financial statements were adopted in principal by Council at its Ordinary Meeting held on Tuesday 21 September 2010.

Key elements of the Annual Report are as follows:

- Review of performance against the Council Plan;
- Major changes that have taken place during the year;
- Other major operations and achievements and future directions;
- Legislative, economic or other factors which have had an impact on the Council's Performance;
- Major policy initiatives taken by the Council;

- Major works undertaken or completed;
- List of names of all Councillors and their dates of election and retirement;
- Names of senior staff (executive) with brief description of the area of Responsibility;
- Organisation chart;
- Audited Performance Statement;
- Contact details of Council offices;
- Places where prescribed information can be inspected and copied;
- Victorian Local Government Indicators;
- Freedom of Information;
- Information Privacy;
- Compliance with the National Competition Policy;
- Whistleblowers Protection Act compliance;
- Memberships, fees and services provided by Council;
- All local laws current at end of financial year;
- Specify the number, classification and types of jobs of members of Council staff of either sex members of Council staff in designated groups;
- Statement in relation to equal opportunity program.

All of the above information has been included in the 2009-10 Annual Report, which is available for viewing at Council's offices and on its website.

#### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

The requirements to prepare an Annual Report are contained in Section 131 of the Act and Part 4 of the Local Government (Finance and Reporting) Regulations 2004 (the Regulations).

#### **FINANCIAL IMPLICATIONS**

There are no financial implications applicable to this report.

#### **RISK IMPLICATIONS**

As lodgement has occurred within required timeframes, no risks have been identified with this report.

#### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The public availability of the Annual Report ensures transparency and allows the public to evaluate how Council is progressing towards the objectives identified in their 2009-2013 Council Plan and the financial results and position of the Council at 30 June 2010.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

As required by the Act, a public notice has been placed in the Advocate and on the Council's website advertising Council's intention to consider the 2009-10 Annual Report at the Ordinary Meeting of Council in October.

### **CONCLUSION**

Legislative requirements in relation to the Annual Report have been met for 2009-10.

### **OFFICER'S RECOMMENDATION**

*11.2.1 That Council receive and note the 2009-10 Annual Report.*

### **MOTION**

*11.2.1 That Council receive and note the 2009-10 Annual Report.*

**Moved: Cr Rod May**

**Seconded: Cr Sebastian Klein**

**Carried.**

### **11.3 SALE OF VACANT LAND – CRESWICK GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

This report seeks a Council decision to proceed following the giving of public notice of intention to sell land.

#### **BACKGROUND**

As part of the vacant land holdings review, land at 56 and 58 Melbourne Road Creswick was identified as surplus to needs and therefore could be sold.

The land which adjoins Northcott Park, Creswick is described as -

- Crown allotments 5 (#56) and 6 (#58) Section 52 Township and Parish of Creswick;
- more particularly described in Certificates of Title Vol 9758 Folio 965 and Vol 10048 Folio 747 respectively; with
- Area 680m<sup>2</sup> and 342m<sup>2</sup> = 1022m<sup>2</sup>

A detailed report was provided to Council on 15 June 2010 where it was resolved that the land was surplus to need and public notice of intention was authorised to be given to sell it.

#### **ISSUE/DISCUSSION**

Following the giving of public notice of intention to sell the land (The Advocate 30 June 2010 and Council's website) no submissions were received about the proposal. Council should now resolve to proceed with selling the land.

#### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

The Council Plan 2009 – 2013 refers to “***Disposing of poorly utilised, inefficient or surplus assets in consultation with the community where appropriate.***”

There has been compliance with the provisions of S189 (power to sell land) and S192 (land being used for a different reason than for what it was acquired for) of the *Local Government Act 1989*.



Under the Hepburn Shire Council Planning Scheme the land is Residential 1 Zone (R1Z) and is affected by Environmental Significance Overlay Schedule 1 (ESO1). See 7 below.

### **FINANCIAL IMPLICATIONS**

A statutory valuation of the land is \$70,000. Agents approached about the site believe it should be sold by private treaty and could bring up to \$75,000.

Council will recall that CA 5 was the subject of a process under S181 of the Act for the recovery of rates and charges. On this point, the Council had to set aside \$45,000 as the assessed valuation of the site as part of the S181 process. Rates, charges and expenses from the S181 process have been deducted from the \$45,000. Presently there is a surplus of \$40,110.96 which will be payable to any person who appears to have an interest or estate in the land. It is likely the former owner will be located.

Proposals from two Creswick agents were sought. The most advantageous proposal was made by aag Property Consultants. Selling and legal costs for the land are estimated to be \$4,685. Assuming a sale price at valuation and after deducting the \$45,000 associated with CA 5 and the sale costs, a surplus of approximately \$20,315 should result.

### **RISK IMPLICATIONS**

There are no known or appreciable risk implications. The Contract of Sale will require that the 2 allotments be consolidated into one and contain appropriate hold harmless conditions in favour of Council.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The sale will release this land for residential development. The site is not 'flat' and will likely require some excavation for development. Services are available to the land (not connected).

The land is subject to the Planning Scheme ESO 1 meaning the following requirements must be met. If they cannot be met a planning permit would be required.

- All effluent disposal must be managed and discharged to the satisfaction of the responsible authority

- All stormwater must be managed and discharged to the satisfaction of the responsible authority

A permit is not required for buildings and works if all of the following conditions are met:

- all waste water (if any) is discharged to a reticulated sewerage system
- any site cut required is less than one meter in depth
- any site cut required is less than 300 square meters in area
- no effluent is discharged less than 100 meters from a waterway
- no stormwater is discharged less than 100 meters from a waterway unless into an approved drainage system.

Generally speaking when a dwelling is approved under the building code, stormwater is required to be discharged into the approved drainage system.

There are no other known environmental affects, costs or implications associated with the site.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Public notice of intention to sell this land was given. No submissions were received. Sale by private treaty through an agent will allow open access to the land.

### **CONCLUSION**

The Council having declared the land as surplus to need and complied with the provisions of the Act for its sale should resolve as per the following recommendation.

## **OFFICER'S RECOMMENDATION**

*That Council:*

- 10.3.1 having given the required public notice and as no submissions were received for consideration now authorises the Chief Executive Officer to sell Crown allotments 5 (#56) and 6 (#58) Section 52 Township and Parish of Creswick by private treaty;*
- 10.3.2 accept the proposal by aag Property Consultants, Creswick as agents to sell the land; and*
- 10.3.3 authorise the execution and sealing of contract and transfer documents for the sale.*

## **MOTION**

*That Council:*

- 11.3.1 having given the required public notice and as no submissions were received for consideration now authorises the Chief Executive Officer to sell Crown allotments 5 (#56) and 6 (#58) Section 52 Township and Parish of Creswick by private treaty;*
- 11.3.2 accept the proposal by aag Property Consultants, Creswick as agents to sell the land; and*
- 11.3.3 authorise the execution and sealing of contract and transfer documents for the sale.*

**Moved:** Cr Don Henderson  
**Seconded:** Cr Sebastian Klein  
**Carried.**

## **11.4 ROAD RENAMING – TORPYS ROAD, GLENLYON GENERAL MANAGER CORPORATE SERVICES**

### **PURPOSE**

The purpose of this report is to consider a resident's request to rename Torpys Road, Glenlyon.

### **BACKGROUND**

Ms Galena Debney, a resident of Torpys Road, Glenlyon, who has written to request Torpys Road be renamed "Yellow Box Lane". There is also a Toris Road, Glenlyon and she feels that they sound very similar and this may be confusing for Emergency Services in the event of an emergency. She advises that there has been confusion due to the similar names for visitors and delivery services alike.

Both roads are illustrated on map in Attachment 1, and whilst both are in Glenlyon they are quite some distance apart.

Ms Debney, states in her letter that she is writing on behalf of the residence of "Torpys Road" and they are all in agreement and happy with the name change. Unfortunately this has not been the case; most of the residents have strongly opposed the name change and written objections stating that they do not want this road re-naming to be adopted. In all there were four (4) written objections (refer Attachment 2). One (1) objection was from a resident of Trentham who opposed the name change and supplied some of the background/history of Torpys Road.

Also due to an error by Council many years ago the sign post reads "Torpys Lane" instead of "Road". Two (2) residents have requested in their letters of objections that if the name was to be changed it be changed to "Torpys Lane" only.

### **ISSUE/DISCUSSION**

When naming or renaming a road The Registrar of Geographic Names advises particular emphasis is placed on historical, geographical or topographical links, hence the name "Torpy". The name "Torpy" is confirmed on Councils old parish maps of the Torpy family owning ample land along this road.

One letter written to Council advised that Mr. Tom Torpy was one of the early farmers in Glenlyon who owned a dairy on Kangaroo Creek and later running cattle until his passing in the mid 1960's. Mr Torpy was well known and admired

in the area and cut a striking figure as an old man riding a white horse through the bush cracking his whip and rounding up his stock. He lived in a small cottage on the Loddon River and was a true identity of the area. He was a figure “to be remembered not removed”.

Glenlyon has a tradition that the majority of roads having important historical associations with the township and named after early settlers of the district. Other such names are Crowley’s Lane, Butler’s Lane, Yelverton Road and Wall’s Lane just to name a few.

Lastly along Torpys road there is a creek crossing called “Torpys Crossing” which keeps in alignment with the current road name.

Emergency Services have been asked for their input re the confusion of the road names. From the replies received the Emergency Services did not have a problem with the names sounding similar.

There were also a number of issues raised in the letters of objection received. These are as follows:-

- 1 The proposal lacks reasonable basis for change as “Yellowbox” is a remnant species in “Torpys Road”, not the main type as suggested. Pinus Radiata is the predominant species along the road.
- 2 Most residents reject their name being used as a supporter of the application.
- 3 The proposed change is inconsistent with road name convention in the immediate neighbourhood of Glenlyon.
- 4 The proposal will result in a material increase in unnecessary paperwork and administration and may set a precedent for others to follow suit to rename or change a street/road name for personal gain.
- 5 To remove the name “Torpy” from the road is a step in removing any trace of those who settled and lived in the area.

### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

*Local Government Act 1989, Section 206, Schedule 10, Section 5 (1) : A Council may approve, assign or change the name of a road.*

### **FINANCIAL IMPLICATIONS**

If Council adopt the name “Torpys Lane” the financial implications would be Nil due to the sign already erected. Otherwise the proposed cost would be \$300 for a new sign to be made with the correction of “Torpys Road”.

### **RISK IMPLICATIONS**

Nil

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Registrar of Geographic Names advised that as there was a request to follow normal procedure and advertise the name change asking for submissions and objections. An advertisement was placed in the *Advocate* calling for submissions to be lodged by 11 August 2010, which resulted in four (4) objections.

### **CONCLUSION**

There was only one request for the name change and 4 sound objections (6 signatories noted on the one objection) it should be conceded that “Yellow Box Lane” is not accepted.

Several residents have advised that they already use “Torpys Lane” as a postal address, on legal documents and on identification documents such as driver’s licences etc. Perhaps the alternative to avoid any confusion is to rename it “Torpys Lane”, Glenlyon. The minor change of “Lane” will clarify any confusion between “Toris” and “Torpys” Road.

### **OFFICER’S RECOMMENDATION**

*That Council:*

*11.4.1 adopt the name change from “Torpys Road” to “Lane” and reject “Yellow Box Lane”*

*11.4.2 notify all relevant stakeholders of the decision.*

## **MOTION**

*That Council:*

*11.4.1 adopt the name change from “Torpys Road” to “Lane” and reject “Yellow Box Lane”*

*11.4.2 notify all relevant stakeholders of the decision.*

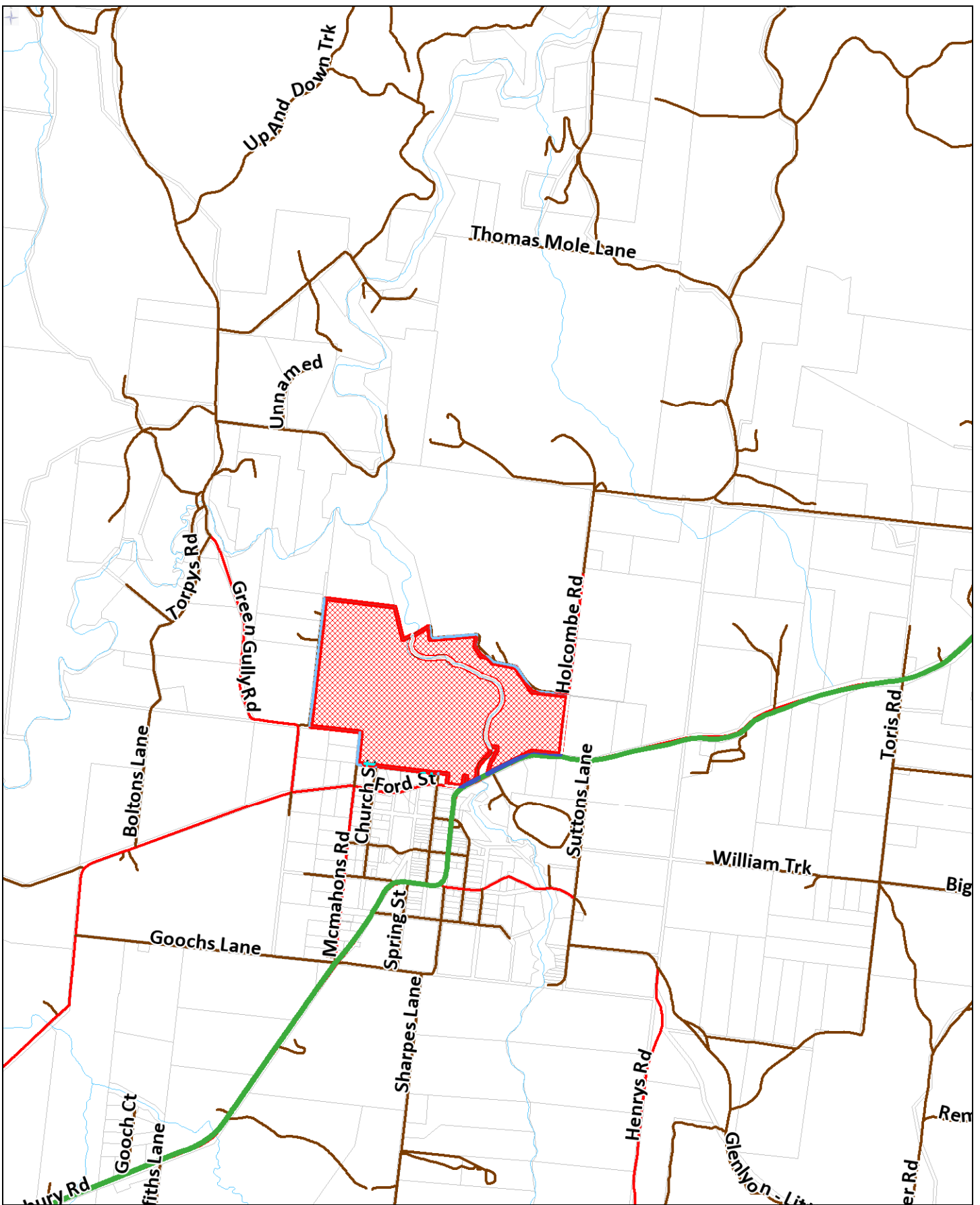
**Moved: Cr Bill McClenaghan**

**Seconded: Cr Jon Barrell**

**Carried.**

**Attachment 1**  
**Item 11.4**





Hepburn Shire Council shall not be liable in anyway, for loss of any kind including damages, costs, interest, loss of profits arising from error, inaccuracy or incompleteness of this information. The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability for any errors faults defects or omissions in the information

Title	:
Created By	:
Date	: Thursday, 14 October 2010
Projection	: MGA Zone 55, GDA 1994
Map Scale	: 1:35,220

**Attachment 2**  
**Item 11.4**

Ms J Cowan

Ms FRANKS

Po Box 21

88 HIGH ST

Darglesford 3460. JTC

TRENTHAM 3458.

Dear Ms Cowan

Re. Proposed

renewing of Torpy's Rd, Glenlyon.

I wish to object to the proposed renewing of Torpy's Rd, Glenlyon on the basis that Tom Torpy was one of the early farmers in Glenlyon having a Dairy on Kangaroo Creek and later running cattle until his passing in the mid 1960's when Mr TK Attridge bought his property. Mr Torpy was well known in the area and an amazing figure as an old man riding a white horse through the bush cracking

a stock whip while rounding up his stock along Kangaroo creek.

He and Mr. Wall who lived at the end of the road in a small cottage on the Lockton river were true colonists in the area.

To remove Torpy's name from the road is just another step in removing any trace of those who settled and lived in those areas seeking out a living from their land. To me seeing Tom Torpy on his horse in those days was a link to a different era and one, as Australians, we should strive to retain.

To follow your logic we should remove all the Victoria and Albert Streets from our towns and replace them with Acacia



and Sweetlypt streets.

To Note who knew Tom Torpy he was an eccentric workman of Glenlyon who should be remembered not removed. I would suggest that Torpy's Rd be retained to remember a true character.

Yours faithfully

WS (Bill) Frayle.

File No: ... FOL1013476  
 Received: 11 AUG 2013  
 Rec'd By: JTC  
 Action By: JTC  
 Reg No: .....

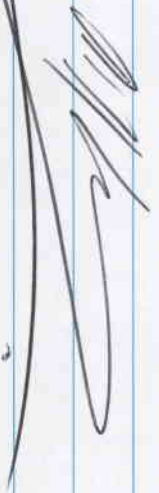
R. J. Kennedy  
 41 Barkley St  
 Glenlyon 346.  
 03 53 457 692

Subject: Name change "TORPY'S LANE" GLENLYON

I hereby submit my objection to a suggestion name change to "Torpy's Lane" in the Glenlyon area. The laneway like a lot of other laneways was named after some of the owners earlier settlers a lot of people living here still are related to a lot of these people, who settle and work this land around here.

If this went ahead, would the people who want the name change say for it to happen (I think not) I have lived in the Glenlyon area for many years and not once have I ever got mixed up between "Torpy's Lane" and "Torries Lane, there are lanes are quite a distance from each other. Considering the above I can only hope that this does not go through.

Yours sincerely



19 July 2010

Hepburn Shire Council

Attention: Jenny Cowan, Rates/Administration Officer

Dear Jenny,

Your reference: JTC; file no: 58/02/03 Road Re-Naming Proposal

We are writing to object to the proposed re-naming of Torpys Road to Yellowbox Lane contained in your letter of 7 July 2010. Our preferred name is Torpys Lane as it has been signposted (incorrectly by the Hepburn Shire Council) for the past 20 years. However, we welcome the opportunity provided by this application to eliminate any confusion resulting either from the current signposting of the road or roads of a similar name in the neighbourhood of Glenlyon.

The following are our reasons for objecting to the proposal:

**1. The proposed change is inconsistent with road name conventions in the immediate neighbourhood of Glenlyon.**

There are 5 roads off the southern section of Green Gully road before it enters the Upper Loddon/Castlemaine State Forrest. These roads are Crowley's Lane, Torpys Road and north of Torpys Crossing, Yelverton Road, Butlers Lane and Walls Lane. All of these roads have important historical associations with the township of Glenlyon as they were named after early land owners/settlers of the district.

More recently a section of the road south of Torpys Road that connects with the Back Glenlyon Road was named as Bolton's Lane after the third generation family that still farm that area of Glenlyon. Another unnamed road south of the intersection of Green Gully Road and Back Glenlyon Road was recently named Adcocks Road, another name referring to previous landowners.

**2. The proposal will result in a material increase in unnecessary paperwork and administration.**

We contend that the minor proposal of changing Torpys Road to Torpys Lane will make the name registered on Vic Maps consistent with current signposting, adjust a long standing anomaly between signposting and registration and also allow a clear distinction between Torpys Road and Toris Road.

Our family and several other residents of Torpys Road already use Torpys Lane as a postal address, on legal documents and on identification documents such as drivers licences. Torpys Lane is also used for Real



Estate listings and residents websites. Thus, this minor change will clarify the confusion referred to in the application letter and involve a minimum amount of administrative change. Indeed, the greatest inconvenience in our proposed change to Torpys Lane, will involve ourselves as we are registered in White Pages under Toris Road, as also mentioned in the letter of application.

**3. The proposal lacks a reasonable basis for change, as Yellowbox is a remnant species in Torpys Road, not the main type as suggested in the letter of application.**

A review of the significant vegetation when driving up Torpys Road shows that Pinus Radiata is the predominant species as the road dissects two large pine plantations that abut the verges on each side. There are some remnant indigenous trees along the way, but these are predominantly narrow leaf peppermint and black wattle, with only a sprinkling of manna gum, candlebark, long leaf and yellow box.

**4. The basis of the application is technically flawed.**

As you have heard from our separate letter to you dated 16 July 2010, we object to our name being used as a supporter of this application, as we do not support this proposal. Furthermore, of the four remaining householders named in the letter of application two have recently sold their properties. As a result, only two of the named householders support this proposal, a minority of the property owners on Torpys Road.

We request that you reject the application but make the suggested change to Torpys Lane.

Yours sincerely,

Jeff Thornycroft

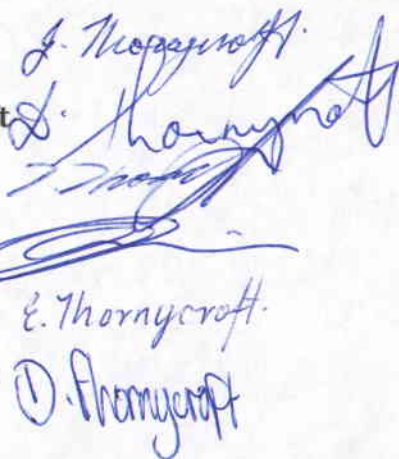
Donna Thornycroft

Tom Thornycroft

Liam Thornycroft

Ellie Thornycroft

Darcy Thornycroft





16 July 2010

Hepburn Shire Council

Attention; Jenny Cowan, Rates/Administration Officer

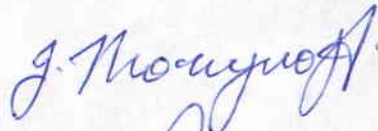
Your reference; JTC; file no. 58/02/03 Road Re-Naming Proposal

Dear Jenny,

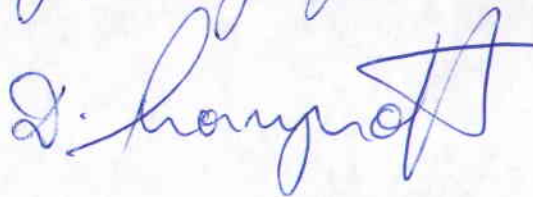
Further to our discussion we wish to remove our names from the above proposal as they were included by error and without our consent.

Yours sincerely,

Jeff Thornycroft



Donna Thornycroft



HEPBURN SHIRE COUNCIL  
File No: F041013476  
Date: 20 JUL 2010  
Made By: DM-counter  
Action By: J Cowan  
Page No: .....

## **11.5 PUBLIC HOLIDAY ARRANGEMENTS 2010/2011 GENERAL MANAGER CORPORATE SERVICES**

### **PURPOSE**

This report outlines the closure the Hepburn Shire Council offices, Town Hall, Duke Street, Creswick and Daylesford and Creswick Depots, during the Christmas/New Year period.

The report also explains the arrangements for an early closure of the offices on Friday 10 December 2010 to facilitate a staff Christmas celebration.

### **BACKGROUND**

It has been the practice of Hepburn Shire Council to close during the Christmas/New Year holiday period.

It is again proposed that the Hepburn Shire municipal offices: Town Hall, Duke Street, Creswick office and Daylesford and Creswick Depots be closed from 3.00pm on Friday 24 December 2010 to return of business on Tuesday 4 January 2011.

The period comprises six week days. Public holidays have been assigned, under the *Public Holidays Act*, to Monday 28 December 2010 and Tuesday 29 December 2010 and Monday 3 January 2011, as Christmas Day, Boxing Day and New Year's Day respectively. It is proposed that the three days (Wednesday 29 December, Thursday 30 December, Friday 31 December) will be taken by staff as annual leave during this period.

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

A skeleton staff will continue to operate during the closure period to ensure that Home and Community Care services and outdoor operations are not impacted upon.

Further, each year Hepburn Shire Council holds an end of year Christmas break-up function to thank staff for their contribution to the organisation over the past 12 months. In order to facilitate this celebration it is proposed that the municipal offices close early on Friday 10 December 2010 at 1.30 pm.

#### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

Nil.

#### **FINANCIAL IMPLICATIONS**

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

#### **RISK IMPLICATIONS**

Nil.

#### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil.

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

It is proposed that the office and depot closures (10 December 2010 and Christmas closure) will be advertised in *The Advocate* and *The Courier* newspapers.

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

#### **CONCLUSION**

It is appropriate that the Hepburn Shire Council offices close during the Christmas/New Year holiday period 2010/2011, and on the afternoon of Friday 10 December 2010 for annual staff celebration.

## OFFICER'S RECOMMENDATION

*That Council:*

- 11.5.1 *Close the Hepburn Shire municipal offices and depots for the period from 3.00pm on Friday 24 December 2010 to return of business on Tuesday 4 January 2011.*
- 11.5.2 *Close the Hepburn Shire municipal offices and depots at 1.30 pm on 10 December 2010 to facilitate an end of year Christmas function for staff.*
- 11.5.3 *Place advertisements in The Advocate and The Courier advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2010/2011 Christmas/New Year period.*

## MOTION

*That Council:*

- 11.5.1 *Close the Hepburn Shire municipal offices and depots for the period from 3.00pm on Friday 24 December 2010 to return of business on Tuesday 4 January 2011.*
- 11.5.2 *Close the Hepburn Shire municipal offices and depots at 1.30 pm on 10 December 2010 to facilitate an end of year Christmas function for staff.*
- 11.5.3 *Place advertisements in The Advocate and The Courier advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2010/2011 Christmas/New Year period.*

**Moved: Cr Sebastian Klein**

**Seconded: Cr Jon Barrell**

**Carried.**

## **12. COMMUNITY DEVELOPMENT:**

### **12.1 DAYLESFORD ARC FEES & CHARGES 2010-11 GENERAL MANAGER COMMUNITY DEVELOPMENT**

#### **PURPOSE**

The purpose of this report is for Council to set 2010/11 fees and charges for the Daylesford ARC recreation facility, in accordance with the Contract between Hepburn Shire Council and the YMCA.

#### **BACKGROUND**

The Ballarat YMCA is currently engaged under Contract with Council to perform the operation and management of the Daylesford ARC recreation facility. This is the fourth year of a five year Contract for the management of this facility.

Each financial year the YMCA is required to submit to Council the fees and charges for Council approval. There has been a delay in submitting proposed fees and charges due to ongoing negotiations between the YMCA and Daylesford Secondary College around improved access to the Theatre and Multi-Purpose room for community groups, as specified in the joint use agreement between Hepburn Shire Council and the Department of Education and Early Childhood Development.

A further report to Council with a pricing structure for the Theatre and Multi-Purpose room will be submitted once negotiations have been resolved.

#### **ISSUE/DISCUSSION**

The proposed fees and charges submitted by the YMCA are attached (Attachment 3) and have been discussed with Council officers at the monthly contract management meetings with the YMCA.

The proposed increases to the fees and charges are in line with a CPI increase of 2.8% and comparable to nearby facilities in Macedon Ranges Shire and Ballarat City as illustrated in the table below.

Health Club

	Daylesford ARC Health Club	Gisborne and Kyneton Fitness Centres	Ballarat Aquatic Centre Health Club
Casual Entry	\$10.50	\$13	\$14.20
3 Month Membership	\$164.50	\$222	\$321 (Includes Pool access)
12 Month Membership	\$535	\$586	\$803 (Includes Pool access)
10 Pass Visit	\$92.50	\$117	\$106.10

Stadium Hire

	Daylesford ARC	Buffalo Stadium, Woodend	Riddells Creek Leisure Centre
Court Hire	\$37.50	\$39.70	\$39.70

**COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

*The Hepburn Shire Council Plan 2009-2013 states:*

“We will assist our residents improve the health, safety and vibrancy of our communities.”

**FINANCIAL IMPLICATIONS**

Approval of these new fees and charges is expected to improve the financial viability of the Daylesford ARC facility. These fees and charges are in line with similar recreation facilities across Victoria.

**RISK IMPLICATIONS**

N/A

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Fees and charges have been increased only by current CPI. For the health club the YMCA offers a wide variety of health club payment options and membership varieties to ensure that the gym is accessible to all. Stadium sports are also offered for a variety of sports with all prices comparing favourably against similar venues.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

N/A

## **CONCLUSION**

The fees and charges proposed by the YMCA for the 2010/11 financial year are fair and reasonable and will maintain the Daylesford ARC as a community facility available to all.

## **OFFICER'S RECOMMENDATION**

*12.1.1 That Council approve the Daylesford ARC Fees and Charges for the 2010/11 financial year as per the schedule.*

## **MOTION**

*12.1.1 That Council approve the Daylesford ARC Fees and Charges for the 2010/11 financial year as per the schedule.*

**Moved:** Cr Jon Barrell  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

**Attachment 3**  
**Item 12.1**





## DAYLESFORD 'ARC' HEALTH CLUB PROPOSED FEES & CHARGES 2010/11



	Price - Inc. GST	Price - Exc. GST	Price - Inc. GST	Price - Exc. GST
	2009/10		Proposed 2010/11	
Gold Membership DD	\$48.00	\$43.64	\$49.50	\$45.00
Gold Membership DD - Concession	\$40.80	\$37.09	\$42.00	\$38.18
Gold Membership 12 month	\$520	\$472.73	\$535.00	\$486.36
Gold Membership 12 month - Concession	\$442.00	\$401.82	\$454.00	\$412.73
Gold Membership 3 month	\$160.00	\$145.45	\$164.50	\$149.55
Gold Membership 3 month - Concession	\$136.00	\$123.64	\$140.00	\$127.27
Joining fee (DD only)	\$50	\$45.45	\$51.50	\$46.82
Health Club Casual Entry	\$10.00	\$9.09	\$10.50	\$9.55
Health Club Casual Entry Concession	\$9.00	\$8.18	\$9.50	\$8.64
Health Club Multi visit x10	\$90.00	\$81.82	\$92.50	\$84.09
Health Club Multi visit x10 Concession	\$80.00	\$72.73	\$82.00	\$74.55
Personal Training per visit	\$52.00	\$47.27	\$53.50	\$48.64
Personal Training per visit, - Concession	\$46.00	\$41.82	\$47.50	\$43.18
Personal Training 10 visit pass.	\$475.00	\$431.82	\$488.50	\$444.09
Personal Training 10 visit pass - Concession.	\$435.00	\$395.45	\$447.00	\$406.36
Group Fitness Casual Entry	\$8.50	\$7.73	\$9.00	\$8.18
Group Fitness Casual Entry Concession	\$7.50	\$6.82	\$8.00	\$7.27
Group Fitness Multi Visit x 10	\$75.00	\$68.18	\$77.00	\$70.00
Group Fitness Multi Visit x 10 Concession	\$68.00	\$61.82	\$70.00	\$63.64

## **12.2 DAYLESFORD MEN'S SHED – ALTERNATIVE LOCATION AT VICTORIA PARK GENERAL MANAGER COMMUNITY DEVELOPMENT**

### **PURPOSE**

The purpose of this report is to recommend that Council approve development of the Daylesford Men's Shed at an alternative location at Victoria Park, Daylesford.

### **BACKGROUND**

Council approved the use of, and extension, to an existing Council Shed (Tom Ford) by the Daylesford Men's Shed at Victoria Park, Daylesford at its 16 March, 2010 Ordinary Meeting. The Men's Shed is auspiced by Daylesford Neighbourhood Centre. Council provided a recreation grant of \$14,650 to the Daylesford Men's Shed in 2009/10.

### **ISSUE/DISCUSSION**

Following a site meeting with Men's Shed representatives in May 2010 the Men's Shed set out their requirements for a kitchen, accessible toilet and a 350 m<sup>2</sup> shed.

Two sites to the North of the Tom Ford Pavilion were identified as potential sites. (Attachment 4). The sites suggested would need to be connected to the sewer system in Victoria Park by a pump station. Central Highlands water would not agree to a pump station but would allow a second gravity connection in Leggat Street to service the shed, the sewer length is estimated between 110 to 130 metres depending on shed location. The cost of extending sewer and electricity was prohibitively expensive for the Men's Shed which has a budget of around \$70,000 to build the shed.

Council had previously indicated that the site near the 'Table Tennis Shed' was not preferred and the site will not accommodate a 350 m<sup>2</sup> shed. There are no other suitable sites at Victoria Park large enough to accommodate the Men's Shed which do not encroach on the area set aside for events such as the Agricultural Show and Chillout.

The current preferred site is near the toilets on the east of the oval. (Attachment #) The site is near power lines and subject to a Powercorp easement however the Men's Shed has developed a proposal to relocate the power pole. Powercorp

has undertaken a site specific easement calculation and confirmed that with the relocation of the pole the site will be suitable for the Men's Shed.

### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

*Council Plan Commitment 47:* Achieving high levels of social inclusion through understanding the great diversity within our Shire and making our services, programs and facilities accessible to all.

### **FINANCIAL IMPLICATIONS**

The Men's Shed will need to enter into an agreement with Council to include utility charges and on-going maintenance.

### **RISK IMPLICATIONS**

N/A

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Men's Sheds promote both physical and mental health and well being through skill sharing and companionship.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Daylesford Men's Shed is the outcome of a community development process which commenced in 2007, auspiced by Daylesford Neighbourhood Centre it currently has 30 active members.

### **CONCLUSION**

Council Officers and representatives of the Men's Shed have undertaken extensive assessments of all potential sites in Victoria Park, Daylesford. The preferred site on the east of the oval is the only viable site available.

### **OFFICER'S RECOMMENDATION**

*12.2.1 That Council approve the proposed location of the Daylesford Men's Shed on the east side of the oval.*

**MOTION**

*12.2.1 That Council approve the proposed location of the Daylesford Men's Shed on the east side of the oval.*

**Moved:**            **Cr Jon Barrell**  
**Seconded:**      **Cr Don Henderson**  
**Carried.**

**Attachment 4**  
**Item 11.2**

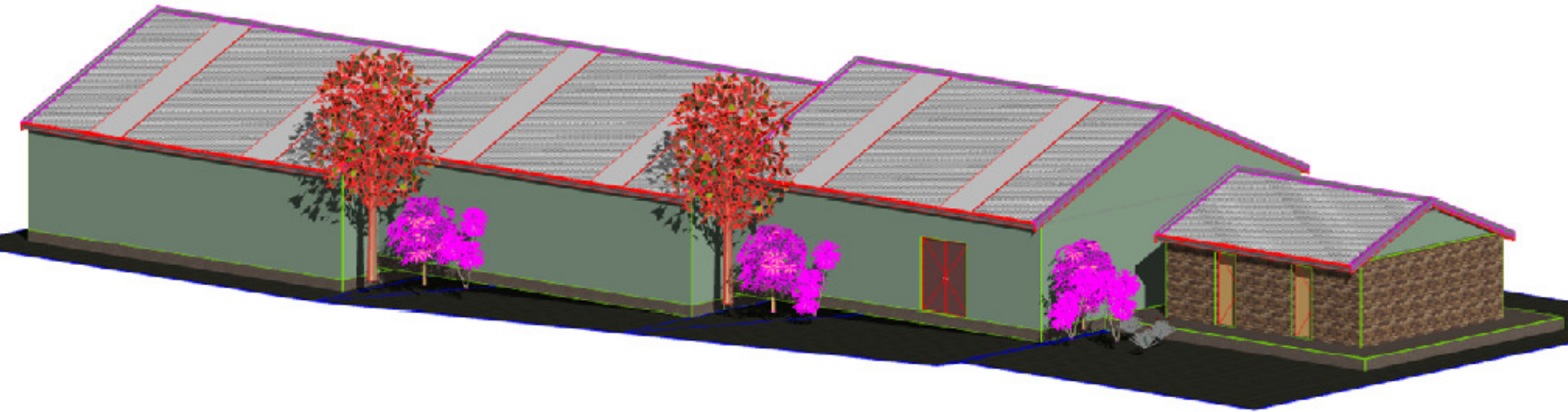








**Attachment 5**  
**Item 11.2**



**PROPOSED MENS SHED**  
**DAYLESFORD** SCALE: NTS

DATE	AMENDMENTS	COPIES
01/0	ARTIST'S IMPRESSION	

FLOOD PRONE AREA: YES/NO TERMITE PRONE AREA: YES/NO BUSHFIRE ATTACK LEVEL: BAL-??? WIND SPEED IF AVAILABLE: N1/N2/N3 ALPINE AREA: NO	AREA SHED: 82.8m <sup>2</sup>	PROPOSED RESIDENCE DAYLESFORD MENS SHED VICTORIA PARK DAYLESFORD. DATE: 8.09.2010
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\\sbs\private\jpb\daylesford mens shed\3d\3d\daylesford mens shed.ph

### **13 SUSTAINABLE DEVELOPMENT:**

#### **13.1 APPLICATION FOR COUNCIL CONSENT UNDER BUILDING REGULATION 422 FOR SHED TO BE BUILT AT 84 HEATH STREET, CLUNES GENERAL MANAGER SUSTAINABLE DEVELOPMENT**

##### **PURPOSE**

The purpose of this report is for Council to consider an application to construct a class 10a building (agricultural shed) on a vacant allotment at 84 Heath Street, Clunes (Refer Attachment 6).

##### **BACKGROUND**

At the Ordinary Meeting of Council held on 21 September 2010, Council deferred consideration of this item pending clarification on report details. The information below has been provided to Councillors in the weekly *Councillor Bulletin* on Monday 11 October 2010.

##### ***Will approval of this application set a precedent for future applications?***

All applications should be assessed on their merits. In this situation, the recommendation is to approve the construction of a shed based on the statutory declaration by the applicant that the shed will only be used for hay storage and feed for their animals. If similar proposals were to be brought to Council a similar recommendation might be expected. The decision would similarly need to go to Council if the details were the same.

##### ***Do the applicants own adjoining properties?***

From a search of the Council mapping system, the applicants do not appear to own any adjoining properties.

##### ***Is a house able to be built on this site?***

Based on the limited information available, an application for a house would need to be considered, as although the 4 hectare land size is substantially smaller than the required 40 hectares, the surrounding pattern of development is of houses on small lots. Other considerations are the advice from the Regional Catchment Authority and the site being located outside the defined township boundary.

##### ***Where do the applicants live?***

The applicant's postal address is stated as 10 The Elms, Hillside. This address is just east of Melton.

Building Regulation 422 - Siting of Class 10a buildings states that:

- (1) Unless otherwise approved under the Subdivision Act 1988 or any corresponding previous enactment, a Class 10a building must be on the same allotment as a building of another class to which it is appurtenant.
- (2) The report and consent of the relevant council must be obtained to an application for a building permit for the construction of a building that does not comply with subregulation(1).

Council has delegated authority to vary this requirement under Regulation 422(2) to the Municipal Building Surveyor subject to the following conditions:

Reg 422(2) - Siting of appurtenant Class 10a buildings

- Subject to liaison with a Town Planner.
- Subject to the commencement of an appurtenant building within 12 months of the date of approval of the building permit for the 10a building.

A Statutory declaration must be provided to Council to reflect this requirement.

### **ISSUE/DISCUSSION**

In this situation the applicant wishes to construct a 10m x 15m shed for agricultural purposes on a 4.048 hectare property.

The applicant has supplied the statutory declaration confirming that the building will not be used for habitable purposes.

However, it is not the applicant's intention to construct a dwelling on the property within 12 months of the date of approval of the Building Permit for this building and as such it falls outside the scope of the instrument of delegation to the Municipal Building Surveyor and must be referred to Council for consideration.

Advice from Council's Town Planning Department is that a Town Planning permit is not required for this project.

**COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

*Building Regulations 2006*

Hepburn Shire Council Instrument of Delegation to the Municipal Building Surveyor

No Council Plan implications

**FINANCIAL IMPLICATIONS**

Not applicable

**RISK IMPLICATIONS**

Not applicable

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Not applicable

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Not applicable

**CONCLUSION**

Council's adoption of the recommendation will facilitate the agricultural use of the property in accordance with Building Regulation 422(2).

**OFFICER'S RECOMMENDATION**

*13.1.1 That Council consent to the application to construct a 150m<sup>2</sup> shed on a vacant allotment at 84 Heath Street, Clunes in accordance with Building Regulation 422(2).*

## **MOTION**

*13.1.1 That Council consent to the application to construct a 150m<sup>2</sup> shed on a vacant allotment at 84 Heath Street, Clunes in accordance with Building Regulation 422(2).*

**Moved:**            **Cr Rod May**

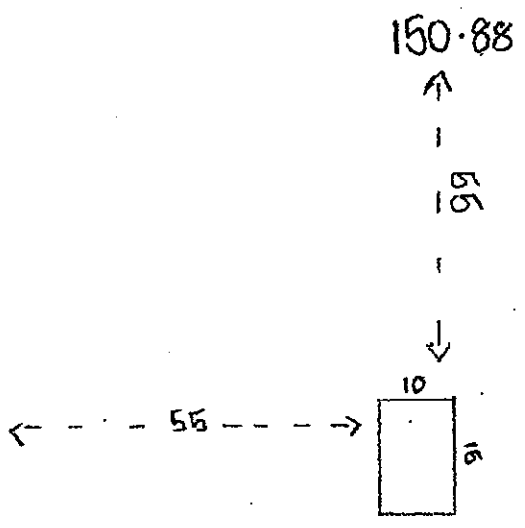
**Seconded:**      **Cr Don Henderson**

**Carried.**

**Attachment 6**  
**Item 12.2**

286.52

294.25



SHRE OF HERBURN - PLANNING & ENVIRONMENT ACT 1987

Is a Planning Permit required for this development?  Yes  No

Details of site covenants have not been provided. This assessment has not examined the impact of any site covenants. All plans must accord with any site covenant. A Planning Permit is required to amend a covenant.  Yes  No

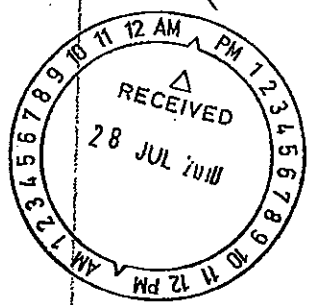
Has a Planning Permit been issued for this site and development?  Yes  No

Permit No. \_\_\_\_\_

There is a Planning Scheme amendment on exhibition which may affect this advice  Yes  No

This advice is only valid for 28 days from the date below.

Signed: *[Signature]* Dated: 3/8/10







# STATUTORY DECLARATION

VICTORIA POLICE

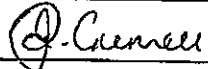
I, [REDACTED]  
of [REDACTED]  
in the State of Victoria, do solemnly and sincerely declare:

That I am wanting to build a shed on property we are purchasing being 84 Heath Street Clunes.  
The shed will be used to store hay and feed for our animals only and not to live in.

I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

Signature Of Person Making Declaration 

Declared at Caroline Springs in the State of Victoria  
on the 30<sup>th</sup> day of ~~October~~ ~~September~~ 20 10.  
Before me, JULY @ SIC 23980.

SIGNATURE	
PRINT NAME	J. CUNNELL SIC 23980
ADDRESS	CAROLINE SPRINGS POLICE STATION 221 CAROLINE SPRINGS BLVD CAROLINE SPRINGS VIC 3023 DX 217424
STATUS	<input type="checkbox"/> Justice of the Peace of the State of Victoria <input checked="" type="checkbox"/> Member of the Police Force <input type="checkbox"/> Person authorised under Section 107A(1) of the Evidence (Miscellaneous Provisions) Act 1958 to witness the signing of a Statutory Declaration

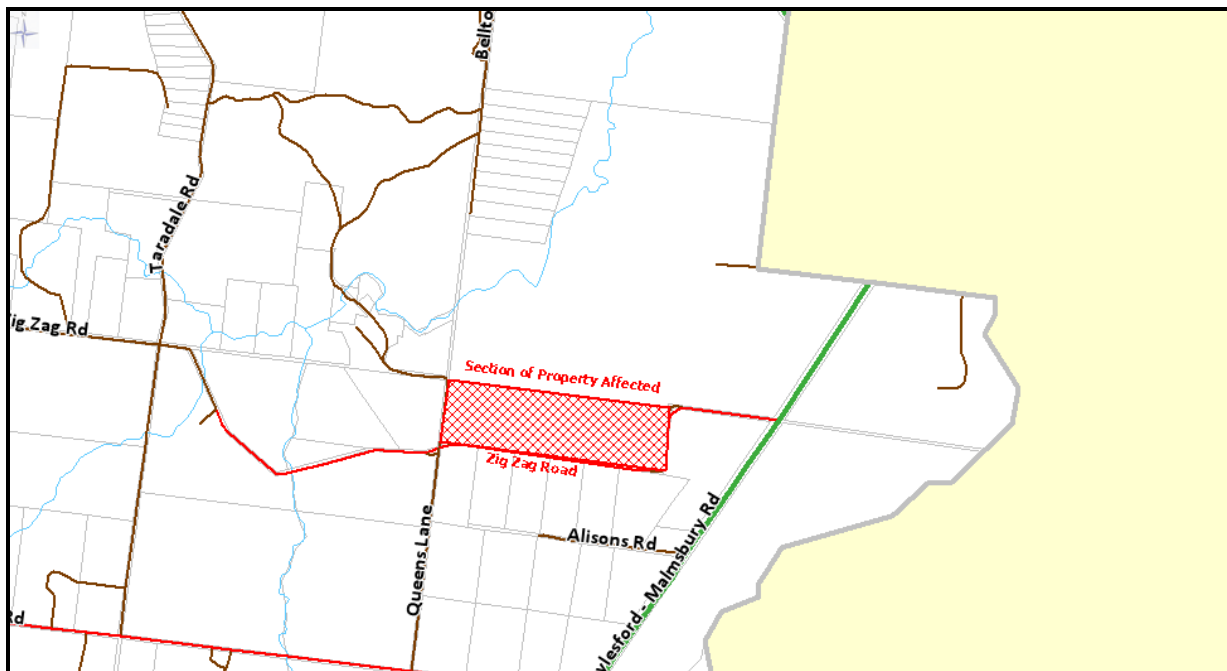
**14 INFRASTRUCTURE:**  
**14.1 ZIG ZAG ROAD, DRUMMOND NORTH RE-ESTABLISHMENT**  
**GENERAL MANAGER INFRASTRUCTURE**

**PURPOSE**

This purpose of this report is for Council to consider the re-alignment of a section of Zig Zag Road, Drummond North due to the encroachment of the constructed road onto private property

**BACKGROUND**

Council was advised by the property owner of the encroachment of the constructed Zig Zag Road onto private property in March 2008 after the owner had a survey carried out on the property.



## **ISSUE/DISCUSSION**

The attached survey plan (Attachment 7) indicates that the existing road alignment is located on private property. Council officers have considered the request to re-align the road reserve versus the cost to reconstruct the road on the correct alignment.

The current road is a sealed road which varies between 3.6 metres and 6.2 metres wide over its 1.3 km length. The cost to reconstruct the road, realign fences, culverts, etc would be much greater than the cost to purchase the property and pay survey and legal costs.

A valuation has been received from the Shire's Valuer and is shown as \$12,666 (refer Attachment 8).

Survey costs to re-establish the road alignment have amounted to \$7,664.25.

Legal costs and title costs are expected to be in the order of \$2,500 - \$3,000.

Thus, the total cost to legally realign the road reserve would be in the order of \$23,500.

Council has made a budget provision of \$8,000, brought forward from the 2009/2010 financial budget, for these works, while an amount of \$25,341 has been provided for the re-establishment of Mossops Road, Bullarto.

At this stage Mossops Road will require considerable negotiations until we are in a position to put a recommendation to Council.

Therefore the combined budget allocation for these road re-establishments is \$33,341. This combined budget for road re-alignments will adequately cover the cost of re-aligning the Zig Zag Road reserve.

Because of the length of time involved, Council officers will be recommending that we proceed with the re-alignment of a section of the road reserve for Zig Zag Road at an estimated cost of \$23,500.

## **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

Council, as the responsible road authority, has the authority to acquire and compensate for land under Section 187 of the *Local Government Act 1989*.

### **FINANCIAL IMPLICATIONS**

The estimated cost to legally re-align the road reserve is \$23,500. This cost has been carried forward into the Capital Works Budget for 2010-2011.

### **RISK IMPLICATIONS**

The property owner could legally fence their property on the correct alignment, thereby denying access along this route.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The proposed acquisition will provide the most socially, environmentally and economic solution to this problem.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Discussions have been held with the property owner who is in agreement to this compensation figure.

### **CONCLUSION**

Because of the length of time involved, Council officers recommend that Council proceed with the re-alignment of a section of the road reserve for Zig Zag Road at an estimated cost of \$23,500.

### **OFFICER'S RECOMMENDATION**

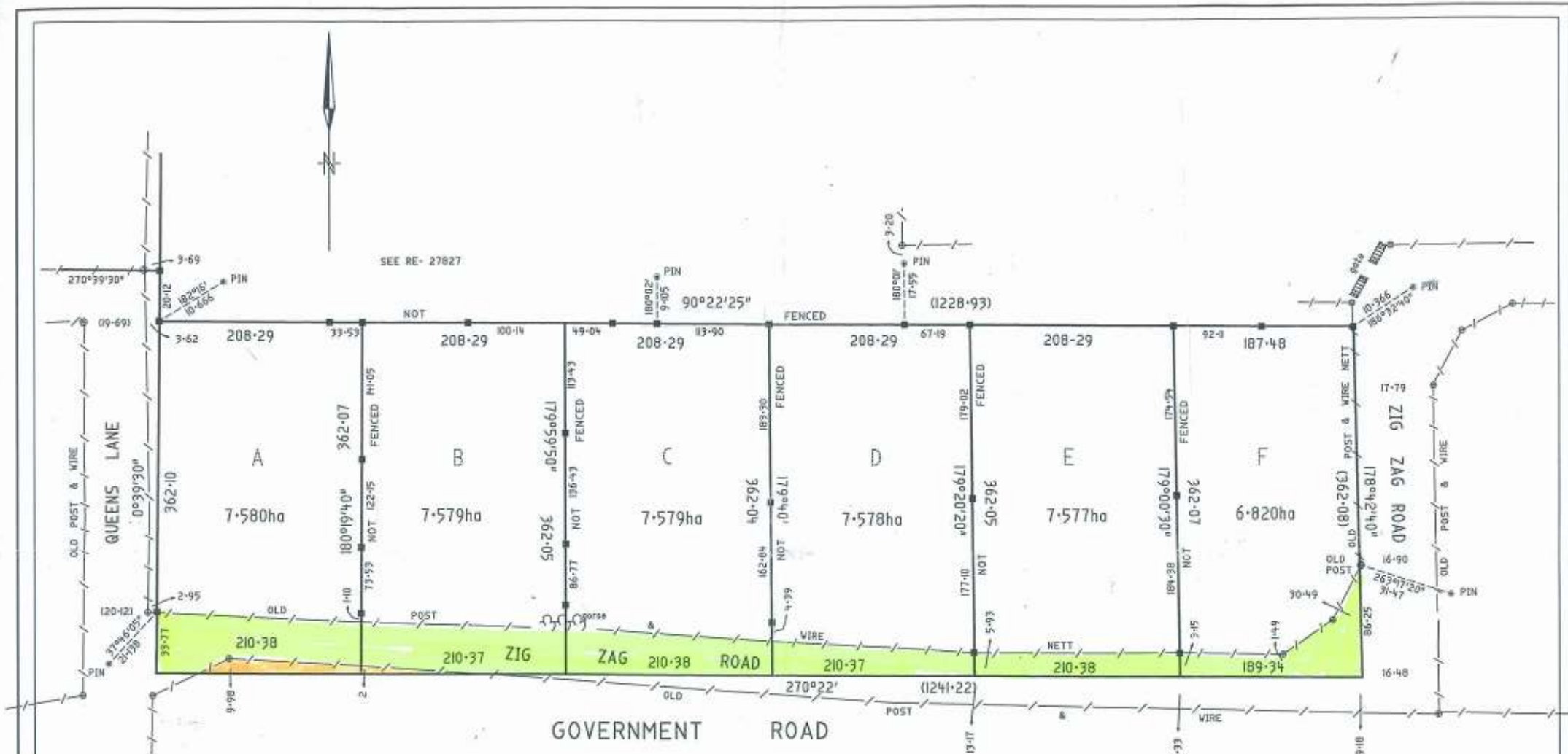
*14.1.1 That Council proceed with the re-alignment of a section of the road reserve for Zig Zag Road, Drummond North at an estimated cost of \$23,500.*

### **MOTION**

*14.1.1 That Council proceed with the re-alignment of a section of the road reserve for Zig Zag Road, Drummond North at an estimated cost of \$23,500.*

**Moved:** Cr Bill McClenaghan  
**Seconded:** Cr Don Henderson  
**Carried.**

**Attachment 7**  
**Item 13.1**



**NOTATIONS**

Position of fences with title boundaries have been exaggerated for clarity

ZIG ZAG ROAD IS A FORMED BITUMEN ROAD.

Title Boundaries are shown by a continuous thick line

DIMENSIONS SHOWN REPRESENT THE LAND THAT IS AVAILABLE TO TITLE.

■ DENOTES: TITLE PEG.

*James Walsh*  
 Licensed Surveyor  
 30/1/2008

A & J WALSH LAND SURVEYORS PTY LTD  
 P.O. BOX 35, DAYLESFORD, 3460.  
 TEL. & FAX 53489833

ORIGINAL SCALE	SHEET SIZE	SURVEYORS REF.
1:4000	A3	1403
		SHEET 1 OF 1

**PLAN OF SURVEY**

PARISH OF EDGECOMBE

PARTS OF CROWN ALLOTMENTS A, B, C, D, E & F.

DECEMBER 2007

**Attachment 8**  
**Item 13.1**

# *Rating Valuation Services*

*Certified Practising Valuers*  
32 Malcolm Street, Bacchus Marsh 3340

14 July 2010

Peter Reeve  
Manager Operations  
Hepburn Shire

Dear Peter

Re 56 Zig Zag Road Drummond North

The valuation is based on current values and I used a 'Before and After' approach to determine the loss of 1.987 hectares from the overall holding of 290 hectares (approx.). As at 28<sup>th</sup> August 2008 I assessed the loss of 1.987 hectares to the road widening at Nine Thousand Dollars.(\$9,000). As instructed I offered no opinion as to the legitimacy of any claim for compensation.

The owner has now submitted a valuation report listing two valuations, one being the value of the farm 'In Use' (\$1,970,000) and the other allowing for a hypothetical subdivision (2,930,000)

The owner has used the higher valuation which includes improvements of \$120,000 to arrive at a compensation figure. I believe the 'In Use' valuation of \$1,970,000 is the more appropriate figure for the basis of a before and after valuation for the owner to use which would result in a claim for compensation of \$12,666.

Valuation	\$1,970,000
Improvements	<u>\$120,000</u>
Land Value	\$1,850,000
Value Per Ha	\$6,375
Loss of 1.987 Ha	\$12,666

There is little if any direct sales evidence and any agreement will be by compromise. Currently the owner is asking \$20,000 for the land based on hypothetical development .The loss of 1.987 Ha would not affect any development proposal and I believe a compromised figure of \$12,700 based on the overall value of the farm 'In Use' would be an appropriate measure to conclude this matter.

Vin Bourke

Valuer



## **14.2 GRIFFITH TRACK, GUILDFORD GENERAL MANAGER INFRASTRUCTURE**

### **PURPOSE**

This purpose of this report is for Council to consider the creation of a new road reserve and closure of an existing road reserve subject to the two property owners meeting all associated costs.

### **BACKGROUND**

Concern has been expressed by the owner of a property (“A”) located in Griffith Track, Guildford because the existing formed track passes through his private property and is not on the defined road reserve.

### **ISSUE/DISCUSSION**

Because the owner “A” has ‘closed’ the section of track that passes through his property, his neighbour to the north (“B”) has to travel an extra 10-11 km to access his property.

The owner of property “B” has raised these concerns with Council officers and Department of Sustainability and Environment (DSE) officers requesting that the track be re-opened. In particular, this neighbour has expressed concern regarding access to his property during an emergency situation. wants access along this track in emergency situations.

Discussions with DSE officers reveal that in 2008 the owner through whose property the track crosses (“A”), received a letter signed by the State Government Minister for Environment and Climate Change to close this section of track.

The situation has been a long-standing dispute between the property owners, with Council facilitating mediation to encourage an agreed outcome.

A letter was sent by Council to the owner of the affected property (“A”) which suggests a way forward by creating a new road reserve ‘around’ the existing track in exchange for the land that is currently reserved for a road reserve and contains no track (Refer Attachment 9 – plan).

At this stage the owner (“A”) was prepared to meet all costs involved. However discussions now reveal that he is no longer prepared to pay all costs and that he believes that his neighbour (“B”) should share the costs.

Letters have now been received from both owners indicating that they are prepared to meet the majority of costs.

Recent telephone conversations confirm that both neighbours will put in writing their agreement to pay half the total costs involved with this process.

Until these letters are received, the Council should not proceed with this process.



### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

Council as the responsible road authority has powers under Section 206, Clause 3 of Schedule 10 of the *Local government Act 1989* to discontinue a road reservation. Similarly, it has powers in schedule 10 to deviate a road through private land.

### **FINANCIAL IMPLICATIONS**

There will be no costs incurred by Council or DSE as the two owners will pay all costs involved.

### **RISK IMPLICATIONS**

There are minimal risks to Council.

Currently, there is a perceived risk for the additional time required to access or egress their property.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The suggested solution is the best solution environmentally, as vegetation is not disturbed.

Socially, it is an acceptable solution to both parties.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Many discussions have been held with both parties on this issue in an effort to resolve the situation. It would appear that agreement has finally been reached and we have an agreed way forward. DSE is supportive of this proposal.

### **CONCLUSION**

As a consequence of a land owner "A" 'closing' a section of Griffith Track that passes through his property, the preferred solution is to create a road reserve around this track and close a section of road reserve that is unused and exchange it for the new road reserve. However, until confirmation is received in writing from both property owners outlining their mutual agreed position and agreement to incurring all costs, Council should not proceed.

## **OFFICER'S RECOMMENDATION**

*That Council:*

- 14.2.1 *Create a new road reserve along this section of Griffith Track, Guildford to provide access to property owners and close the existing road reserve subject to the two property owners meeting all costs involved.*
- 14.2.2 *Once written agreement has been received from the property owners to meet all costs, that Council intends to proceed under Section 206, Schedule 10, Clause 3 of the Local Government Act 1989 to discontinue the section of Griffith Track, Guildford as shown on attached map, and give public notice under Section 223 of the Local Government Act 1989.*
- 14.2.3 *A further report be provided to Council at the conclusion of the advertising period.*

## **MOTION**

*That Council:*

- 14.2.1 *Create a new road reserve along this section of Griffith Track, Guildford to provide access to property owners and close the existing road reserve subject to the two property owners meeting all costs involved.*
- 14.2.2 *Once written agreement has been received from the property owners to meet all costs, that Council intends to proceed under Section 206, Schedule 10, Clause 3 of the Local Government Act 1989 to discontinue the section of Griffith Track, Guildford as shown on attached map, and give public notice under Section 223 of the Local Government Act 1989.*
- 14.2.3 *A further report be provided to Council at the conclusion of the advertising period.*

**Moved:** Cr Bill McClenaghan

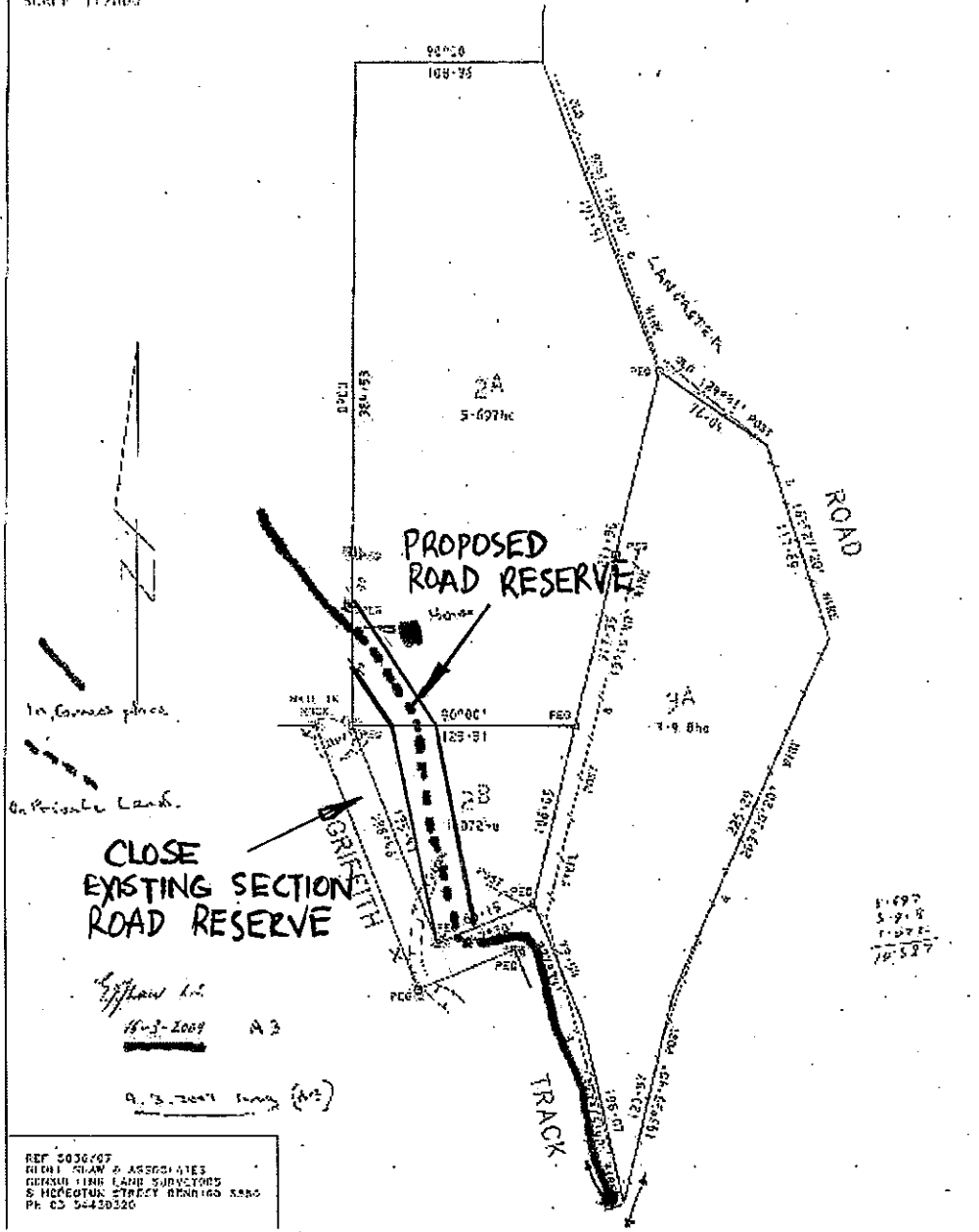
**Seconded:** Cr Rod May

**Carried.**

**Attachment 9**  
**Item 13.2**

IDENTIFICATION PLAN  
 CROWN ALLOTMENTS 2A 2B & 3A  
 SECTION 6  
 PARISH OF HOLCOMBE

SCALE 1:12000



REF 5036/07  
 RICHIE GILMAN & ASSOCIATES  
 SURVEYING ENGINEERS  
 5 HURSTON STREET BIRMINGHAM B3 5AB  
 PH: 0121 3543320

### **14.3 DOUG LINDSAY RECREATION RESERVE ROAD DISCONTINUANCE GENERAL MANAGER INFRASTRUCTURE**

#### **PURPOSE**

The purpose of this report is to commence procedure for the closure of parts of Government roads which currently adjoin or are effectively within the Doug Lindsay Recreation Reserve.

#### **BACKGROUND**

The Doug Lindsay Recreation Reserve in Creswick is Crown land for which Council is Committee of Management. In July 2008 after agreeing to a request from the Council appointed Doug Lindsay Reserve special committee the Council requested the Department of Sustainability and Environment (DSE) to extend the Reserve and for it to be made committee of management of the land coloured pale blue shown within the delineated dark blue area on the DSE plan below. It is CA's 36A and 10A Section 48A Creswick Parish.

#### **ISSUE/DISCUSSION**

The Doug Lindsay Reserve Committee – Council's S86 special committee - asked that the Crown land being CA's 36A and 10A Section 48A Creswick Parish be added to the Reserve. The Committee pointed out that the addition of the land was identified in the Reserve's Master Plan as being beneficial to the development of the Reserve. Council agreed to this request and DSE was approached and requested to make the change.

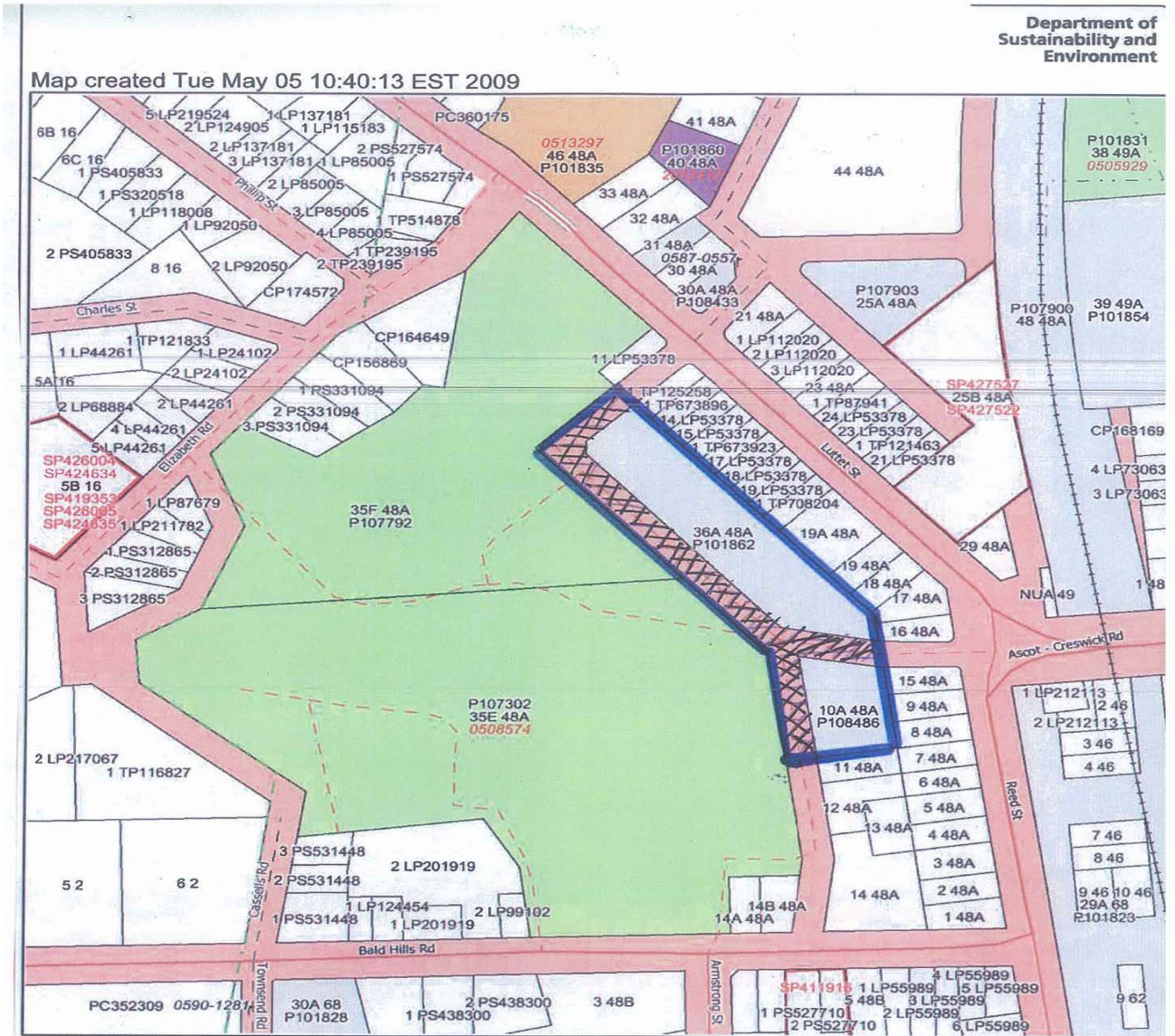
DSE advised on 5 May 2009, following its investigation of the Council's request, that it had no objection to the addition of the two allotments to the Reserve. However, before adding the allotments, DSE required that sections of roads which would bisect the extended Reserve - shown pink and cross hatched on the plan - be discontinued.

The discontinued road will be included in the Reserve and along with the two allotments be appropriately 'reserved' for public recreation purposes and Council made committee of management.

As the area of road reserve was not part of the original request, a decision to formally close the road was delayed pending the completion of gas main works



to service the Reserve. These works are now complete allowing this matter to progress.



### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

There are no direct connotations for the Council Plan 2009-2013. However, what the road closure will allow is the bringing together of 4 existing pieces of land into one reservation for public recreation purposes. This may assist with sustainability measures, the overall asset management and the seeking of government grants for future development of facilities at the Reserve.

Council's power to deal with road closures is contained in S206 and Schedule 10 of the Local Government Act 1989. Schedule 10 states "*A Council may ... discontinue a road, or part of a road, by notice published in the Government Gazette; .....*". Before exercising this power, Council must give public notice as provided in S223 of the Act and take into account any submissions received. If a closure is resolved, the land will remain as 'Crown land' and as indicated above DSE will be able to make reservations and appointments under the Crown Land (Reserves) Act 1978.

On conclusion of this process the Council may include the additional land in the Delegation to the S86 special committee for operation and management of the Reserve.

### **FINANCIAL IMPLICATIONS**

Apart from normal advertising costs there are no immediate financial implications. The land involved has effectively been part of the Reserve and even with a 'formal' increase in Reserve area, additional maintenance costs should not be expected. Maintenance costs will of course depend on any development and future arrangements the Committee might propose for the land.

Fencing costs between the public land for which Council will become responsible and adjoining private land may become a future issue.

### **RISK IMPLICATIONS**

There are no direct risk implications, but closing the roads and combining all the land into one public purposes reservation will ensure that the total site is covered by DSE public liability insurance. The action will take away any argument about whether a problem may have occurred on a road reserve or recreation land.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Closure of the sections of road does not affect any nearby private property – none directly fronts on the section of road reserve proposed to be closed. The land will remain as part of the Reserve meaning there are no changes to existing conditions on the ground.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The process for road discontinuance requires the publication of public notices in order that interested persons may make submissions to Council.

At Council's 17 August 2010 meeting Mr M Bird raised a question about this proposed road closure. The General Manager Sustainable Development discussed the matter with Mr Bird and he was sent a copy of the DSE plan for the closure. The part of the road being closed does not affect access to Mr Bird's property. Mr Bird has confirmed (verbally) that he was happy with the explanations provided to him. This Report is about giving public notice of the proposal – if there are further concerns by any person they can be dealt with as part of the public notice process.

Consultation conducted during preparation of and subsequent to the Reserve Master Plan.

### **CONCLUSION**

As a consequence of extending the Doug Lindsay Recreation Reserve, Council is being asked by DSE to undertake the process to close sections of Government roads which are effectively a part of the Reserve.

Initially public notice to invite community submissions and gauge any community concerns is required. After this process and by a further report Council may determine whether to proceed with a resolution to discontinue the roads or not.

## OFFICER'S RECOMMENDATION

*14.3.1 That Council Agree to proceed with the initial process for closure of the unnamed roads at Doug Lindsay Recreation Reserve and resolves as follows:*

- that as Council intends to proceed under Section 206 and clause 3 of Schedule 10 of the Local Government Act 1989 (Act) to discontinue the road reservations between and adjacent to CA's 10A, 36A, 35E and 35F Section 48A Parish of Creswick as shown cross hatched on the above Plan, public notice be given under Section 223 of the Act and a further report be provided to Council at the conclusion of the advertising period.*

## MOTION

*14.3.1 That Council Agree to proceed with the initial process for closure of the unnamed roads at Doug Lindsay Recreation Reserve and resolves as follows:*

- that Council advertise its intention<sup>1</sup> to proceed under Section 206 and clause 3 of Schedule 10 of the Local Government Act 1989 (Act) to discontinue the road reservations between and adjacent to CA's 10A, 36A, 35E and 35F Section 48A Parish of Creswick as shown cross hatched on the above Plan, public notice be given under Section 223 of the Act and a further report be provided to Council at the conclusion of the advertising period.*

**Moved: Cr Sebastian Klein**  
**Seconded: Cr Don Henderson**  
**Carried.**

---

<sup>1</sup> The words "advertise its intention to proceed" replace the phrase "intends to proceed"

#### **14.4 APPLICATION FOR HEAVY VEHICLE PERMIT – STANBRIDGE STREET DAYLESFORD – HOME TIMBER AND HARDWARE GENERAL MANAGER INFRASTRUCTURE**

##### **PURPOSE**

The purpose of this report is for Council to consider an application for a heavy vehicle permit for Stanbridge Street, Daylesford, received from Daylesford Hardware and Timber.

##### **BACKGROUND**

Following Council's decision at its Ordinary Meeting on 17 August 2010 to impose a 16 tonne load limit on Stanbridge Street, Daylesford, the attached application (refer Attachment 10) for a heavy vehicle permit has been received from Daylesford Hardware and Timber.

##### **ISSUE/DISCUSSION**

The Council is conscious of the need to protect the current business operations that exist in East Street and the need to maintain access to this area.

The load limit in Stanbridge Street was imposed primarily to prevent through traffic from using Stanbridge Street and not to restrict access to the East Street industrial properties.

This application is from a central business that needs additional storage space to operate and has been utilising storage space in the East Street area.

The permit requested is not to operate B-Doubles but vehicles that are over 16 tonnes and can legally operate on any street within the municipality that doesn't have a load limit.

The hours of operation requested are Monday to Friday between 9:00 am and 5:00 pm.

These hours are consistent with the revised hours for the two existing B-Double permits.



In order to allow this business to continue its current operation and not be compromised, it is recommended that this heavy vehicle permit be granted.

### **COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

Council Plan 2009-2013:

#### *Good Governance*

22. Requiring Council Management to prepare policies and protocols which support transparent decision making.

#### *A More Prosperous Economy*

34. Improving our responsiveness and regulatory efficiencies so that we are regarded as an attractive location for new business investment.

### **FINANCIAL IMPLICATIONS**

Nil.

### **RISK IMPLICATIONS**

The possible perception that Council is supporting the businesses that operate in the East Street area.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Concern from the residents in Stanbridge Street regarding the use of Stanbridge Street by heavy vehicles.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Residents are in general agreement that the business houses in East Street should be able to operate but that through traffic should be discouraged.

Representatives of the Stanbridge Street Neighbourhood Residents Association have been advised of this application and the officer's recommendations.

## **CONCLUSION**

The issuing of a heavy vehicle permit to Daylesford Hardware and Timber to allow vehicles to use Stanbridge Street when they cannot access East Street, because of the railway bridge is a common sense approach.

## **OFFICER'S RECOMMENDATION**

*That Council:*

*14.4.1 Agree to issue a permit to Daylesford Hardware and Timber to operate higher mass vehicles exceeding 16 tonnes in Stanbridge Street, Daylesford between the hours of 9am to 5pm Monday to Friday.*

*14.4.2 Stipulate on the permit that whenever possible, vehicles should use the East Street/Raglan Street route.*

## **MOTION**

*14.4.1 That Council defer consideration of the item to enable planning concerns to be addressed.*

**Moved:** Cr Jon Barrell  
**Seconded:** Cr Don Henderson  
**Carried.**

**Attachment 10**  
**Item 14.4**





PURTELL HOLDINGS PTY LTD Atf  
The Adam and Leanne Family Trust  
A.B.N 71 061 936 194

Trading as  
**DAYLESFORD HARDWARE & TIMBER**

**1 Burke Sq**  
**Daylesford 3460**  
Ph: 5348 2316  
Fax: 5348 3896

8th September, 2010

Att: Peter Reeve  
Hepburn Shire Council  
P.O Box 21  
Daylesford 3460

**HEPBURN SHIRE COUNCIL**

File No: F0210/3385

Rec'd Date: **13 SEP 2010**

Rec'd By: LTC

Action By: MAN

Reg No: \_\_\_\_\_

Dear Peter,

RE: HEAVY VEHICLE PERMIT – STANBRIDGE STREET

We currently utilize an unloading facility on Wombat Dam Road, due to space restrictions at our site in Burke Square, Daylesford.

The delivery vehicles are Higher Mass limit vehicles exceeding 16 tonnes, however, they are not B-Doubles. The delivery vehicles are contactors employed by a supplier of the hardware store to deliver goods. The contractors may vary from week to week.

Hours of operation are Monday to Friday 9.00am to 5.00pm.

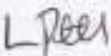
Therefore, I would like to request a Heavy Vehicle permit for the use of Stanbridge Street.

The council needs to look at another alternative access to East Street for heavy vehicles. Placing weight restrictions in Stanbridge Street is detrimental to all businesses who require deliveries via a heavy vehicle to that area until such time as an alternative route is in place. The height restrictions of the railway bridge in East Street is a problem and I feel that the road under the bridge could be altered and lowered to accommodate the height of a heavy vehicle. The council needs to make budget provisions to allow the alteration to occur.

I look forward to hearing from you.

Thank-you

Yours faithfully,

  
LEANNE PURTELL

## 14.5 UNUSED ROAD LICENCE APPLICATION – LAKE ROAD, DAYLESFORD GENERAL MANAGER INFRASTRUCTURE

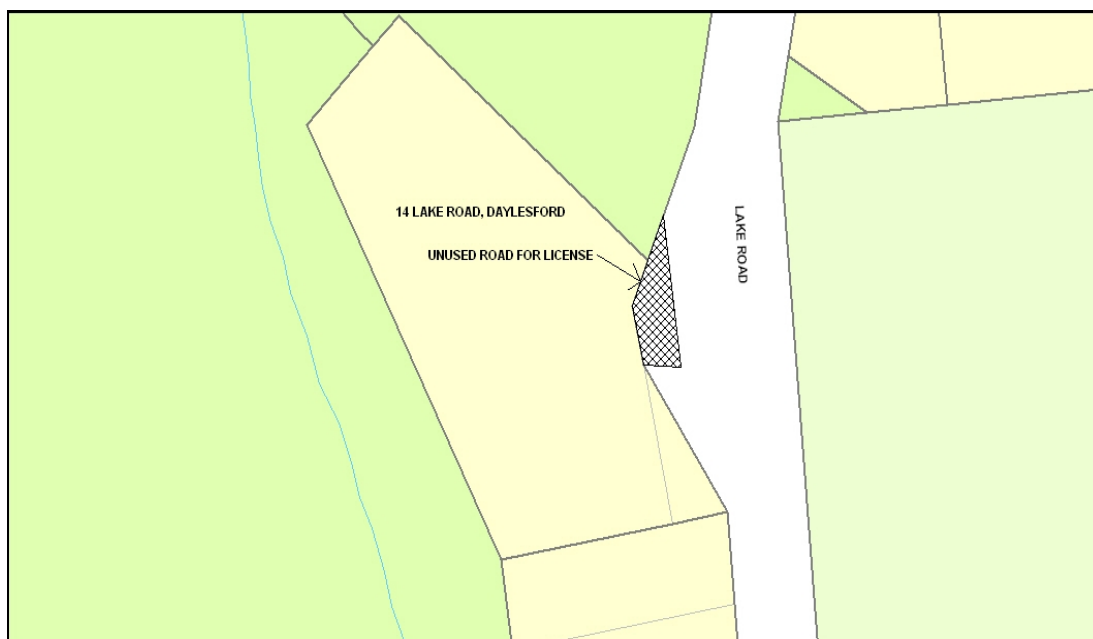
### PURPOSE

To determine that a piece of road reserve is not required by Council for Public Traffic and is therefore an Unused Road.

### BACKGROUND

The Department of Sustainability and Environment (DSE) has received an application for an unused road licence for a *“Portion of crown land being Allotment 27C, section 10 and portion of Jubilee Lake Road east of Lot 1 on Title Plan TP704613, area 858 m<sup>2</sup> (ref 0549-1156)”*

Council has now received a request from the DSE for the consideration to declare a section of road described as *“Portion of crown land being Allotment 27C, section 10 and portion of Jubilee Lake Road east of Lot 1 on Title Plan TP704613, area 858 m<sup>2</sup> (ref 0549-1156)”* as unused. This will allow DSE to grant a Miscellaneous License for this piece of land which is currently fenced and appears as part of the property of 74 Lake Road.



## **ISSUE/DISCUSSION**

The process for the declaration of a road as unused is that:

1. Council declare the road as an unused road, and
2. DSE issue an unused road licence to the applicant, thereafter granting the applicant a licence to use the land.

In this case, DSE has provided written notification to Council under Section 400 of the *Land Act 1958* requesting that Council consider declaring a section of road described as “*Portion of crown land being Allotment 27C, section 10 and portion of Jubilee Lake Road east of Lot 1 on Title Plan TP704613, area 858 m<sup>2</sup> (ref 0549-1156)*” as Unused Road. This road reserve is currently fenced and appears as part of the grounds of 74 Lake Road. The land is currently not maintained by Council. The road reserve in question is not required for public traffic and therefore Council is able to support the issue of an unused road licence. The applicant, KG & PC Lovig of 74 Lake Road Daylesford, is required to undertake the advertisement in the public notices of the local paper and a copy provided to DSE.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

This report is to allow Council to give notice under Section 400 of the Land Act 1958 to DSE that the section of the road as described above is not required for Public Traffic and therefore is an Unused Road.

## **FINANCIAL IMPLICATIONS**

Nil.

## **RISK IMPLICATIONS**

In declaring the road as an unused road, Council’s responsibility is removed from the land.

## **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The section of land for which the licence is applied for appears as part of the grounds of 74 Lake Road and as such there is no change to the existing situation.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The applicant is required by DSE to advertise in local paper and a copy of the notice is to be forwarded to DSE. DSE will not issue a licence until they have received this notification from the applicant.

### **CONCLUSION**

The road reserve in question is not required for public traffic and therefore Council is able to support the application for a licence by declaring the road unused.

### **OFFICER'S RECOMMENDATION**

*14.5.1 That Council agree to the road described as "Portion of Crown Land being allotment 27C, Section 10 and portion of Jubilee Lake Road east of Lot 1 on Title Plan TP704613, area 858 m<sup>2</sup> as Unused Road pursuant to Section 400 of the Land Act 1958.*

### **MOTION**

*14.5.1 That Council agree to the road described as "Portion of Crown Land being allotment 27C, Section 10 and portion of Jubilee Lake Road east of Lot 1 on Title Plan TP704613, area 858 m<sup>2</sup> as Unused Road pursuant to Section 400 of the Land Act 1958.*

**Moved:** Cr Rod May  
**Seconded:** Cr Bill McClenaghan  
**Carried.**

## 14.6 UNUSED ROAD LICENCE APPLICATION – JEFFREY ROAD, NEWLYN GENERAL MANAGER INFRASTRUCTURE

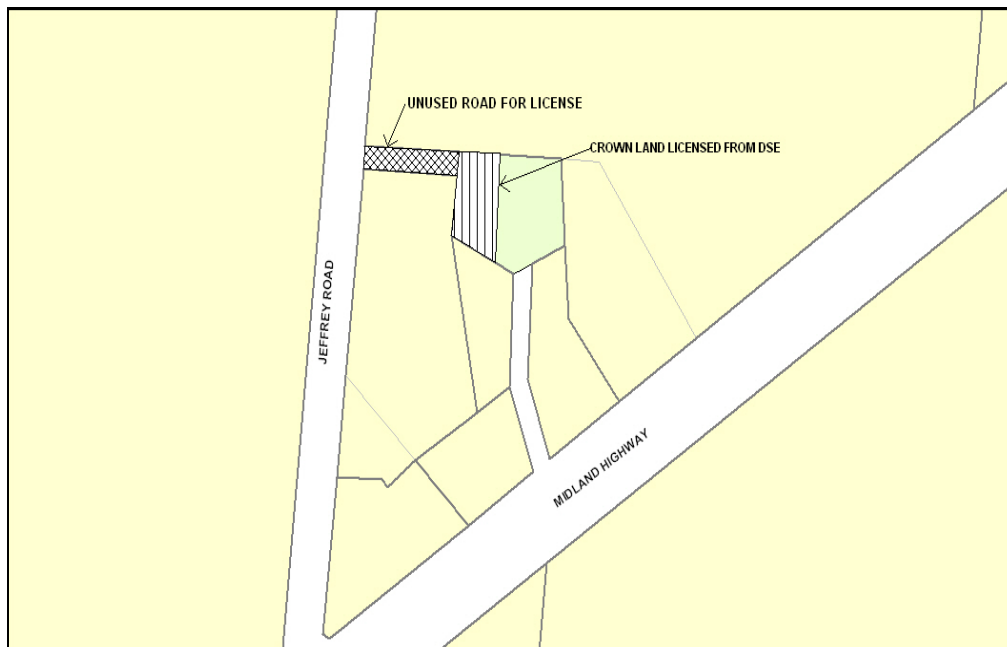
### PURPOSE

To determine that a piece of road reserve is not required by Council for Public Traffic and is therefore an Unused Road.

### BACKGROUND

Council has received a request from the Department of Sustainability and Environment (DSE) for consideration to declare a section of road described as “Unused Road North of Lot 1 on Title Plan TP159870, Parish of Bullarook (ref 0505593)” as unused. This will allow DSE to grant a Miscellaneous License for this piece of land which adjoins 14 Jeffrey Road, Newlyn North.

### ISSUE/DISCUSSION



DSE has provided written notification to Council under Section 400 of the Land Act 1958 requesting that Council consider declaring a section of road described as “Unused Road North of Lot 1 on Title Plan TP159870, Parish of Bullarook (ref 0505593)” as an Unused Road . This road reserve is vacant land and is fenced

along the road reserve boundary and is not required to provide access to adjoining properties.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

This report is to allow Council to give notice under Section 400 of the Land Act 1958 to DSE that the section of the road as described above is not required for Public Traffic and therefore is an Unused Road.

### **FINANCIAL IMPLICATIONS**

Nil.

### **RISK IMPLICATIONS**

Nil.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The applicant is required by DSE to advertise in local paper and a copy of the notice is to be forwarded to DSE. DSE will not issue a licence until they have received this notification from the applicant.

### **CONCLUSION**

The road reserve in question is not required for public traffic and therefore Council is able to support the application for a licence by declaring the road unused.

### **OFFICER'S RECOMMENDATION**

*14.6.1 That Council agree to the road described as "Unused Road North of Lot 1 on Title Plan TP159870, Parish of Bullarook" as Unused Road pursuant to Section 400 of the Land Act 1958.*

## MOTION

*14.6.1 That Council agree to the road described as “Unused Road North of Lot 1 on Title Plan TP159870, Parish of Bullarook” as Unused Road pursuant to Section 400 of the Land Act 1958.*

**Moved:** Cr Rod May  
**Seconded:** Cr Sebastian Klein  
**Carried.**

**15 COUNCIL SECTION 86 AND ADVISORY COMMITTEES**  
**15.1 COUNCIL SECTION 86 AND ADVISORY COMMITTEES**  
**A/GENERAL MANAGER CORPORATE SERVICES**

**PURPOSE**

Section 86 Committee and Advisory Committee Minutes are tabled for noting

**BACKGROUND**

Each committee is issued an instrument of delegation outlining their function and assigned responsibility, under the agreement of this delegation the committees are required to maintain minutes of meetings held and provide a copy of each minute to the Council for review.

Section 86 and Advisory Committees are required to submit their minutes and other reports

**ISSUE/DISCUSSION**

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

- Minutes from the Lyonville Community Hall committee on the 28 July, 1 September and 29 September 2010 and Discussion report 19 July 2010

**COUNCIL PLAN /LEGISLATIVE COMPLIANCE**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

Nil

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees

**CONCLUSION**

Minutes and reports



## OFFICER'S RECOMMENDATION

*15.1.1 That Council note the minutes of the Committees listed above which have been distributed under separate cover*

## MOTION

*15.1.1 That Council note the minutes of the Committees listed above which have been distributed under separate cover*

**Moved:** Cr Sebastian Klein  
**Seconded:** Cr Don Henderson  
**Carried.**

- 15. CLOSE OF MEETING.**  
**The Meeting closed at 9.39pm.**