

HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

TUESDAY 18 SEPTEMBER 2012

CRESWICK SENIOR CITIZENS CENTRE
WATER STREET
CRESWICK
5:30PM

Hepburn Shire Council Ordinary Meeting of Council



MINUTES

TUESDAY 18 SEPTEMBER 2012

Creswick Senior Citizens Room
Water Street, Creswick
Commencing 5:30PM

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AARON VAN EGMOND

CHIEF EXECUTIVE OFFICER
18 SEPTEMBER 2012



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.

2. OPENING OF MEETING

PRESENT: Mayor Councillor Sebastian Klein, Deputy Mayor Councillor Rod May, Birch Ward Councillor Jonathan Barrell, Cameron Ward Councillor Neil Newitt, Creswick Ward Councillor Janine Booth, Creswick Ward Councillor Don Henderson, Holcombe Ward Councillor Bill McClenaghan.

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Evan King, General Manager Infrastructure Bruce Lucas, General Manager Sustainable Development Barry Green, General Manager Community Services Kathleen Brannigan.

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

Nil.

4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Bill McClenaghan declared an indirect conflict of Interest in Agenda Item 10.8 – Draft Freight Strategy – Hepburn Shire due to his position as a Director of The Central Highlands Tourist Railway which occupies land in relation to the proposed upgrading or lowering of the East Street bridge.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

5.1. That the Minutes of the Ordinary Meeting of Council held on 21 August 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Councillor Jonathan Barrell Seconded: Councillor Don Henderson

Carried.



6. NOTICES OF MOTION

6.1. PUBLIC SAFETY AND THE SMART ELECTRICITY METER ROLLOUT

Date: 18 September 2012

MOTION

That Council:

- 6.1.1. Notes that many residents and ratepayers have expressed concerns regarding the rollout of Smart Electricity Meters by power distribution companies; such concerns relating to the issues of negative health effects, loss of privacy, increased energy costs and potential for damage to older houses with incompatible wiring.
- 6.1.2. Writes to the State Government's Minister for Energy and Resources, the Hon. Michael O'Brien, requesting that the roll out of smart electricity meters be made voluntary for home owners and occupiers at least until a public statement can be provided to guarantee the safety of the new technology and that there will be no associated health risks to home owners or occupiers and no risk to the safety of private homes and public buildings to which such meters may be fitted.
- 6.1.3. Supports any appropriate motion brought to the Municipal Association of Victoria's upcoming State Council on 20th September 2012 to seek such an outcome regarding the smart electricity meter rollout.
- 6.1.4. Maintains a Register of health issues experienced and as notified by Hepburn Shire Residents, such health issues that may be attributable to the installation of a smart electricity meter at their respective residences.

Moved: Councillor Bill McClenaghan Seconded: Councillor Don Henderson

Lost.



Councillor Bill McClenaghan called for a division.

Councillors that voted in favour of the motion: Councillor Janine Booth, Councillor Don Henderson, Councillor Bill McClenaghan.

Councillors that voted against the motion: Councillor Jonathan Barrell, Councillor Sebastian Klein, Councillor Rod May, Councillor Neil Newitt.

BACKGROUND

There have been two public meetings in Hepburn Shire in the months of July and August, in Daylesford and Glenlyon respectively, whereby local residents have met to consider the issues associated with the rollout of smart electricity meters to replace older analogue units. The meetings have both heard from local and other persons who have experienced difficulties with smart meters and who believe that the new technology is harmful to health and wellbeing and household safety. The meetings also expressed concerns that another round of the smart meter rollout is happening in Hepburn Shire and that residents are being told that they must accept a smart meter on their homes or face disconnection from the power supply.

The two public meetings both passed a series of resolutions that do not support the smart meter rollout, dispute the obligation any resident has to have a smart meter fitted and call upon the Hepburn Shire Council to advocate to the State Government on behalf of affected residents that the smart meter rollout be optional and that a register be set up to record any possible health issues that may be experienced as a result of the smart meter rollout.

Advanced Metering Infrastructure (AMI) involving the rollout of "smart meters" to all residential and small business customers was a decision of the Victorian State Government in 2006. In 2008, the regulatory arrangements were set out in an "Order in Council": under the Electricity Industry Act (2000). From 1st January 2009, a body called the Australian Energy Regulator (AER) became responsible for the smart meter rollout Australia wide and is now responsible for all decisions made under the Order in Council regarding the smart meter rollout until the end of 2015, after which the AMI will be regulated by the AER under National Electricity Rules (NER).

The replacement of old analogue electricity meters by smart meters has occurred in other countries and has also met with strong community opposition, various claims of ill health effects and other safety concerns. In Australia, some states have taken a "wait and see" response but Victoria has



opted for full implementation by 2013. Unfortunately, the matter has not been handled well and considerable community angst and opposition has been encountered. The State Government is in itself not driving the smart meter rollout as the Australian Energy Regulator is in control and has already made a final determination on smart meter charges following applications from Victoria's five electricity distributors seeking to set their budgets and fix forecast meter charges over the period 2012 – 2015.

MAIN ISSUES

- 1. Whether the fitting of a smart meter to every home and small business customer is a legal requirement or just a practical convenience for the power companies. No actual legislation is quoted to validate any legal obligation to accept a smart meter.
- 2. Whether smart meters pose inherent health risks to people, plants and animals.
- 3. Whether smart meters are safe, especially on older homes with older wiring.
- 4. Whether smart meters will save customers money or cost more in the long run with ongoing maintenance and replacement costs.
- 5. Whether smart meters pose an unacceptable threat to a person's / family's privacy in the information they record and transmit to private companies on the nature and timing of appliance use.
- 6. Whether power companies really need to fit smart meters to absolutely everyone's home and small business.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The question of whether a home owner is legally obliged to accept a smart meter is complicated by opposing answers given by both sides of the debate. In the beginning, residents were given the option of having a smart meter fitted or retaining their old analogue meters for the time being but the ongoing option to refuse a smart meter installation is in the spotlight. It is believed by some on one hand that there is no legal requirement for homeowners to have a smart meter fitted. By contrast, the five power distribution companies now declare that the rollout is compulsory and that residents and homeowners do not have the option any more to refuse having a smart meter fitted. Certainly, it appears that the five power distribution companies have been placed under an obligation by the Government and the AER to achieve full rollout in Victoria by 2013. The Victorian Government has now withdrawn the initial agreement allowing people to refuse a smart meter installation.

Pressure being applied by the power distribution companies to complete all installations by 2013 is intensifying. Some residents are reporting



unacceptable and forceful tactics being used and technicians returning to their homes when they are out to fit the smart meter in their absence. Some residents are locking their meter boxes and/or obstructing them in some way with fences, plants, fierce dogs and other devices. In practice however, the power distribution companies will need to remain competitive in the market place and may be able to make household power supply eventually conditional upon having a smart meter fitted so that those who choose not to have one will choose not to have a power supply from the national grid and will need to make other arrangements. This ultimatum has yet to be made universally although threats of disconnection have been made already in some instances of refusal to accept a smart meter.

Information currently being sent out to residents who do not yet have a smart meter fitted makes it plain that having a smart meter is compulsory but does not quote any legislation. Information letters from Powercor state; "All Victorian households and small businesses will continue to be required to have their meter replaced......The outcome of the government review (in 2011) requires all meters to be replaced by 2013. There are no provisions for customers to opt-out of the program." In the absence of quoted legislation, Powercor would appear to be saying that to remain a customer (i.e.; to remain connected to the power supply they provide) residents and small businesses must have a smart meter.

Our Council Plan rests upon four main pillars, one being "Healthy Safe and Vibrant Communities". Sufficient concerns are now being raised to suggest that the smart meter roll out could threaten the health of our residents and the safety of their homes. The position in this Notice of Motion is that Council should advocate on our residents' behalf to the Victorian Government and seek firm guarantees that our residents' health and safety will not be placed at risk.

CONCLUSION

The above situation is creating a high degree of anxiety in various sections of the community. About 3% of our population is super-sensitive to electro-magnetic radiation and cannot be near a microwave oven, a mobile phone or live in any house with a smart meter fitted nor can they even live next door to a home fitted with a smart meter. It is clear that when considering the provision of electricity as an essential service, "one size does not fit all." These people are crying out for help to whatever level of Government that will help them. They are asking for our help as their local Council and also from the Municipal Association of Victoria.



COUNCILLOR NAME: Bill McClenaghan

COUNCILLOR SIGNATURE:

CEO SIGNATURE:

Aaron van Egmond



6.2. SUPPORT FOR COMMUNITY BASED WIND FARMING

Date: 18 September 2012

MOTION

That Council:

- 6.2.1. Affirms its support for community based energy production and acknowledges the positive social, environmental and economic contribution of Hepburn Wind to the Shire.
- 6.2.2. Calls on the State Government to recognise that the ownership and role of community and corporate wind farms are different and require different approaches to policy and guidelines for operation.
- 6.2.3. Enlists the support of the Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA) to call on the State Government to support community wind farms and for those wind farms, review planning amendment VC82 and other obstacles to communities developing their renewable energy enterprises.

Moved: Councillor Rod May

Seconded: Councillor Jonathan Barrell

Carried.

Councillor Rod May called for a division.

Councillors that voted in favour of the motion: Councillor Jonathan Barrell, Councillor Janine Booth, Councillor Sebastian Klein, Councillor Rod May, Councillor Neil Newitt.

Councillors that voted against the motion: Councillor Don Henderson, Councillor Bill McClenaghan.

BACKGROUND

This Shire has benefited greatly from the \$13M+ investment by the community co-operative, Hepburn Wind which promises a long term benefit to our community, our economy and our environment. Importantly, the development has become identified with our shire as a solution to the challenges of rising



energy costs and greenhouse gas pollution. Along with Hepburn Wind, we have become synonymous with change and real options for green living and investment with positive contributions to local businesses including construction, agriculture and technology and food preparation. The community wind farm is part of the socio economic landscape and a great contributor, both directly and indirectly, to the green economy.

Alas, not all of our neighbours are able to express their community desires to invest in a similar community wind farm in great part as a consequence of a planning amendment VC82 which prohibits wind farms in proscribed areas spanning locations without which those communities cannot proceed.

http://planningschemes.dpcd.vic.gov.au/Shared/ats.nsf/(attachmentopen)/59ADA3B0E98BE3 0ECA2578F800133A28/\$File/VC82+Explanatory+Report.pdf (refer Attachment).

There is a strong argument that the ownership and control of much smaller community wind farms is by nature dramatically different to corporate wind farms and that if communities want to develop their sustainability and green economy, they should be given the option to do so free from the central prohibition of such enterprises as is laid out in VC82. Smaller (say maximum 6) turbines are dramatically different in their physical, visual, construction and operational footprint than larger corporate farms sometimes numbering in the 100s.

The investment by communities in the financing, managing, operation of a small wind farm builds and enhances local capital and skills and confidence, and the sharing of profits, and the distribution of grants and funding from those profits all add to the resilience of that community. Communities should therefore be given the right to develop autonomy through their own planning approach to community wind farm developments.

Councillor Name: Rod May

Councillor Signature:

CEO Signature:

Aaron van Egmond

Planning and Environment Act 1987

VICTORIA PLANNING PROVISIONS

AMENDMENT VC82

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this amendment.

What the amendment does

The amendment changes the Victoria Planning Provisions and all Victorian planning schemes by:

- Amending Clause 52.32 Wind energy facility to:
 - require a permit for the use and develop of any land for a Wind energy facility
 - include a table that identifies locations where a Wind energy facility is prohibited:
 - land where any turbine that forms part of the Wind energy facility is located within two kilometres of an existing dwelling, unless there is evidence of a written consent of any owner of the dwelling in accordance with Clause 52.32-3. With a condition that the prohibition does not apply to a facility that is integrated as part of the development of the land in a residential zone, industrial zone, business zone or special purpose zone.
 - land described in a schedule to the *National Parks Act 1975* with a condition that the prohibition does not apply to a Wind energy facility principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.
 - land declared a Ramsar wetland as defined under section 17 of the *Environment Protection and Biodiversity Conservation Act* 1999
 - land listed in a schedule to Clause 52.32 in the relevant planning scheme, being
 - all land covered by the Mornington Peninsula and Yarra Ranges planning schemes
 - land described as the Bellarine Peninsula, being the area that is covered by the Queenscliffe planning scheme and that part of the Greater Geelong planning scheme east of the Surf Coast Highway and south of the Princes Highway
 - land described as the Great Ocean Road region, being land within five kilometres
 of the high water mark of the coast between the Surf Coast Highway in the east
 and Warrnambool in the west in the Warrnambool, Moyne, Corangamite, Colac
 Otway, Surf Coast and Greater Geelong planning schemes
 - land in the Macedon and McHarg Ranges, being all land covered by the Macedon Ranges planning scheme, all land west of the Hume Freeway and the Goulburn Valley Highway in the Mitchell planning scheme, and all land bounded by the McIvor Highway and the Calder Highway/Freeway in the Greater Bendigo and Mount Alexander planning schemes
 - land within five kilometres of the high water mark of the coast in the Bass Coast planning scheme and South Gippsland planning scheme west of Wilsons Promontory
 - land within five kilometres of major regional cities and regional centres specified in the Regional Victoria Settlement Framework in the State Planning Policy Framework being Mildura, Swan Hill, Echuca, Shepparton, Benalla, Wangaratta, Wodonga, Horsham, Ararat, Ballarat, Greater Bendigo, Hamilton, Portland,

Warrnambool, Colac, Geelong, Moe, Morwell, Traralgon, Sale and Bairnsdale (the prohibition in these locations does not apply to a Wind energy facility integrated as part of the development of the land where the land is in a residential zone, industrial zone, business zone or special purpose zone).

- include an additional application requirement for evidence of written consent of any owner of an existing dwelling located within two kilometres of a proposed turbine that forms part of the wind energy facility
- change the application requirements to consolidate application requirements that were previously included in both Clause 52.32 and the *Policy and planning guidelines for* development of Wind energy facilities in Victoria (August 2011) (Guidelines)
- introduce a new Clause 52.32-6 that specifies that a permit may be granted for use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.
- Amending Clause 37.07 Urban Growth Zone to prohibit a Wind energy facility on land in that zone.
- Amending Clause 36.03 Public Conservation and Resources Zone to clarify that the condition relates to land described in a schedule to the *National Parks Act 1975*.
- Amending Clause 19.01 Renewable energy and Clause 52.32 Wind energy facility to reference the updated guidelines. Also amending Clause 81.01 to alter the status of the Guidelines to a reference document rather than an Incorporated Document in planning schemes.

Strategic assessment of the amendment

Why is the amendment required?

The amendment implements actions proposed by the Government in the *Victorian Liberal National Coalition Plan for Planning* for the 2010 State Election. The amendment implements the Government's policy that a turbine that forms part of a Wind energy facility must not be located within two kilometres of an existing dwelling without the owner's consent, and specifying locations in Victoria where Wind energy facilities are prohibited.

How does the amendment implement the objectives of planning in Victoria?

The amendment meets the objectives of planning set out in the *Planning and Environment Act* 1987 (the Act). In particular, it supports the objectives to:

- provide for the fair, orderly, economic and sustainable use and development of land
- provide for the protection of natural and man-made resources
- secure a pleasant, efficient and safe working, living and recreational environment
- balance the present and future interests of all Victorians.

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment will promote positive environmental, social and economic effects by facilitating a more balanced assessment of the impacts of a Wind energy facility against these factors. The amendment supports greater consideration of local amenity impacts and clarifies locations where Wind energy facilities should be considered, while recognising the importance of providing renewable energy for the broader Victorian community.

Does the amendment comply with the requirements of any applicable Minister's Direction?

The amendment is compatible with all Ministerial Directions under Section 12 of the Act.

The Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act is being amended concurrently with this amendment to introduce a schedule to clause 52.32 in relevant planning schemes that describes land where the use and development of a Wind energy facility is prohibited.

How does the amendment support or implement the State Planning Policy Framework?

The amendment is consistent with the State Planning Policy Framework by improving certainty about locations where Wind energy facilities may be appropriate.

Does the amendment have a significant impact on the transport system, as defined by the section 3 of the *Transport Integration Act 2010?*

As the amendment focuses largely on procedural matters for the assessment of Wind energy facilities, it will not have a significant impact on the transport system.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will potentially lessen resource and administrative costs of the responsible authority by clarifying locations and circumstances where Wind energy facilities can be considered. The amendment also clarifies the application requirements for a Wind energy facility, and better aligns the application requirements with the guidance material in the *Policy and planning guidelines for development of Wind energy facilities in Victoria*.

Where you may inspect this Amendment

A copy of the amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following offices of the Department of Planning and Community Development (DPCD):

Hume Region

Level 1, 62 Ovens Street WANGARATTA 3676

Grampians Region

111 Armstrong Street North BALLARAT 3350

Barwon South West Region

Warrnambool office 25 Liebig Street WARRNAMBOOL **Gippsland Region**

71 Hotham Street TRARALGON 3844

Loddon Mallee

Level 1, 56-60 King Street BENDIGO 3551

Barwon South West Region

Geelong office
4th Floor, State Government Offices
Cnr Fenwick & Little Malop Streets
GEELONG 3220

The amendment is also available for public inspection on the DPCD website www.dpcd.vic.gov.au/planning/publicinspection.



7. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Sebastian Klein, Coliban Ward

As I left the opening of the Toose Family Green at the Smeaton Bowling Club, I took time to view three doors painted by the Smeaton Primary School students representing their visions of yesterday, today and tomorrow. It reminded me of the words of Councillor Henderson at the last Council Meeting - that when things turn down - we look to the future.

I was reminded of these words time and time again as I, John Collins and three community representatives traversed 5 cities in six days, for China is a place that is using its new found affluence to provide for its community. I was interested that they recently guaranteed a pension for elderly and disabled people, they have maintained their one child policy, despite a looming age imbalance far in excess of our own. Every public sign and most business signs were in English as well as Mandarin and I was truly surprised by the numbers of young people who could speak fluent English — a factor contributing slowly to an increase of younger people in positions with municipalities and the governing Chinese Communist People's Party. I was amazed by the efficiency of an agriculture that uses every square inch productively and the space in between for agriculture. Among the sea of gleaming new high rises in Hefei, the Municipal Head of Agriculture assured me that the trees were for timber and shared some of the innovations they are making in producing Bioenergy from the waste.

The Victorian Government's Commissioner in Shanghai pointed out that our proposed sister city of Bozhou is a long way from port and lacks a major airport, but underlined that we should move with the eagerness of our hosts and strike any opportunities while the iron is hot. In this regard three firm connections stand out: a board member from the international federation of Traditional Chinese Medicine (TCM) keen to run a national conference or expo on Chinese medicine here in Hepburn Shire, a number of connections that local businessman Roger McLean made in regards to his *Herbal Lore* Liqueurs products, and the potential for school exchanges as explored by community member Jo Ruchel. There was also some interest in our Community Bank Model and this might be another avenue for the future.

From this trip I signed an Agreement of Friendly Cooperation; the text of which I will forward for attachment to the Minutes of this meeting.

Arriving back on Friday, I barely had a chance to shave and hop across to the American Hotel, Creswick to meet with the State Shadow Treasurer, Tim



Holding and our local member Geoff Howard. Our CEO Aaron van Egmond and I were grateful for the opportunity of two hours of their time to discuss and mull over the concerns of our Shire. As of the whirlwind of meetings with the Premier and other ministers, we got to present our priorities along with other Central Highlands regional shires. We represented flood mitigation, sports and recreation- particularly Victoria Park in Daylesford, and bioenergy projects among others and the restoration of the Bathhouse floor to a level suitable for hydrotherapy.

The Ministerial Forum on the new planning zones showed, I believe, an unwillingness to listen to Councils' concerns that these changes would increase costs of planning in local government areas and arrive at poor planning decisions and legacies.

The Imagine Ballarat 2030 meeting with the Committee for Ballarat showed how the Committee understands how Ballarat is linked to its regional hinterland and inspired some worthwhile debate over how we can best plan and develop the future of our regional city and surrounds.

The annual Daylesford Secondary College School production was a hit.

The Daylesford Bulldogs' Grand Final win was worthy of being the only footy match I have managed to make it to all season, as they brought home a hard and well earned win.

Other meetings I made it to included:

- Trentham Business & Tourism Group
- Principal for a day
- A specialty shop opening, *Eclectic Notions*, in the Rex
- Meeting with Fortitude Mining
- A meeting with U3A Community Group
- Youth space meetings
- Meeting with Ian McNeill from Lake Bellagio Resort Development
- Trentham Community FORUM
- Trentham Neighbourhood Centre AGM
- Basil Eliades' art exhibition
- Victorian Premier and State Cabinet consultation
- Meeting with Richard Salt re China
- Victorian State Cabinet Community Leaders' BBQ
- A meeting with the Bendigo Bank Regional Manager
- Central Highlands Regional Planning Committee
- Central Highlands ICT Committee



ATTACHMENT 1 - AGREEMENT OF FRIENDLY COOPERATION BETWEEN BOZHOU CITY, CHINA AND HEPBURN SHIRE, AUSTRALIA

Agreement on Progressing Sister City Relationship and Promoting the Friendly Cooperative Relationship between Bozhou City and Hepburn, Australia

Background

On July 6, 2011, Fang Chunming, the municipal party secretary of Bozhou, Anhui province and director of the Bozhou municipal people's congress standing committee, on behalf of Bozhou Municipal Government, and Cr Rod May, mayor of Hepburn Shire, signed the MOU agreement on economic cooperation and Building sister-city relationships, which lay a solid foundation for the cooperation in politics, economy, trade, culture, and education between Bozhou City and Hepburn.

The Sister City Project

The project is aimed at establishing a mutually beneficial and co-operative relationship between the parties to progress cultural, social, economic and environmental issues. It signifies a relationship that may be built on by both parties and their communities of interest and will be benefited by the development of communication and exchange processes including a joint co-ordination committee supported by the Australia International Trade Association & Associates

The Agreement

Each party agrees to the progression of a fully endorsed sister city relationship that is recognised by the relevant authorities as a bona fide relationship that promotes the aims and goals of the sister city project.

Each party furthermore agrees to promoting a friendly, co-operative relationship consistent with the goals of the sister city relationship.

This Agreement is written in Chinese and English in duplicate, each party keeps one copy, each copy shall deemed equally authentic,

Bozhou City: 1 39 Date: 20(2) 9.10

Hepburn shire Council:

Date: 2012 · 9 · 10

Explanatory notes and guidelines for Joint Committee

Joint coordinating committee meetings will be held from time to time between Bozhou and Hepburn with the aim to review the annual key matters of the relationship and plan bilateral cooperation and exchange programs in the next year. It will consists of chairman, deputy chairman (incumbent mayor from each city; two-yearly rotation mechanism), executive committee (responsible officers from municipal foreign affairs office, municipal commercial bureau, education bureau respectively on behalf of Bozhou City; councilor/s and community members responsible for international exchanges and trade and economic matters, agriculture matters, education matters, respectively on behalf of Hepburn City Council)

- They will share relevant information related to economic and trade, technology, culture, investment, technology transfer, investment attraction at a fixed time, including exchanging of publications and information about mutual cities and respective products and services.
- 2. They will consider and recommend community and business organization that may enjoy various co-operative partnerships.
- 3. They will collaborate with others outside the Bozhou and Hepburn administrative regions to capture support and cooperation at higher political and administrative levels.
- 4. They will propose and support various activities to facilitate more services, such as government delegations, economic and trade delegations, investment seminars, international investment promotion activities, education delegation, eg, teenagers summer (winter) camp.

The Australia International Trade Association & Associates (AITA & Associates) will be responsible for assisting and coordinating development of the relationship.

关于推进亳州市与澳大利亚郝本沙市友好交流合作的

协议书

一、合作背景

2011年7月6日,中国安徽省亳州市市委书记、市人大常委会主任方春明代表亳州市政府,澳大利亚郝本沙尔市市长、维多利亚州地方议员罗德迈代表郝本沙尔市市厅,在澳大利亚新南威尔士州议会共同签署了两市"经济协作暨建立友好城市关系意向书",为两市在文化、教育、经贸等领域的合作奠定了坚实基础。

二、 友城项目:

该项目意在促使合约签署方建立合作互惠关系以推进文化、社会、经济及环境等方面的合作。该项目表明这一合作关系是由协议签署的双方和各自利益相关社区推动的, 友城合作项目随着双方交流进程的推进, 将会使得签署各方受益, 交流工作包括成立由澳大利亚国际商会提供大力支持的联合协调委员会。

三、 协议内容及条款:

协议签署各方同意推进友好城市关系,并积极推动两国相关机构批准这种关系以便能够使得友好城市项目达到其目标。

同时,协议签署各方同意根据友好城市关系的目标推进双方友好合作的关系。本协议一式两份,使用中英文两种语言成文,应视为同等有效。

中国亳州市

日期:

2012.9.10

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澳大利亚郝本沙市

日期.

2012-9.10

关于联合委员会的说明性注解和指南

联合协调委员会的会议将在亳州和郝本沙两城市之间不定期地举行,以便审核每年城市关系的主要事件并对下一年度的交流项目作出计划。委员会将由主席,副主席(两城市的现任市长,每两年轮换一次),执行委员会(亳州市外事办、市商业局、教育局的负责人,及郝本沙市议员、负责郝本沙市国际交流、经贸、农业以及教育的社区成员)组成。

- 1. 委员会成员们将定期就经贸、科技、文化、投资、技术转让以及吸引投资等主题交换信息,其中包括交换关于两城市和各自产品及服务的出版物和信息.
- 2. 委员会成员们将考虑并推荐有可能结成合作关系的社区和商业组织.
- 3. 委员会成员们将与亳州和郝本沙两城市以外的区域合作,在更高级的政治和行政层面上获得支持和合作
- 4. 委员会成员们将提议并支持各种活动以便促进更多的服务,例如政府代表团、经贸代表团、投资研讨会、 国际投资促进活动、以及教育代表团(比如少年夏/冬令营)

澳大利亚国际商会将负责协助,协调相关工作以推动两城市关系的进一步发展。



COUNCILLOR REPORTS

Councillor Rod May, Birch Ward

I had the opportunity to attend in Creswick an important funding announcement with many of my colleagues and Council officers. Water Minister Peter Walsh and Treasurer Kim Wells announced funding for the Creswick Flood Mitigation Works to minimise the impacts of any future flood events.

Hepburn Mineral Springs Reserve Advisory Committee with consultant Robert Stamp on the Traffic Management Program. It's been a great working relationship between that Committee, Council officers and the consultant. The Committee had an opportunity to provide local knowledge in relation to vehicular traffic issues in this area to assist the consultant with the traffic management program.

Attended with Hepburn Shire staff and four of my colleagues the Business Plan Launch and CEO and Staff Awards at the Doug Lindsay Reserve Community Facility.

Councillor Neil Newitt, Cameron Ward

I would like to report on the opening of the new green at the Smeaton Bowling Club which I attended along with the Mayor. This is a great example of a dedicated group working together for its future benefit.

I was told of a recent working bee (at the Club) that if it was calculated at \$25 per hour the volunteer contribution just on one day would have amounted to over \$4000 in labour costs. The Club has more than 100 members - not bad considering Smeaton's population of 250.

The new green was possible through a generous donation of land by the Toose family and the Club is looking to the benefits future use of this facility can bring on social, health and community levels.

The Club should be commended for their vision and for the opportunities the new facility will deliver.



Councillor Janine Booth, Creswick Ward

As well as attending the regular monthly briefings and Council meetings I have had the opportunity to attend a number of Community based meetings.

Along with a number of user group and community representatives I have attended the meeting of the Doug Lindsay Recreation Reserve Community Facility Management Advisory Group, and I am pleased to note in tonight's agenda that there is a further report on progress in identifying the most appropriate management model and a recommendation on behalf of the Group in relation to future management options and including an extended time frame to consider those options for Council to consider.

Last night I also attended the regular monthly meeting of the Creswick Ward Community Committee an Advisory Committee appointed by Council to provide advice and oversee the development and implementation of the Creswick Community Plan. Last night's meeting saw two groups liaising with our Committee: one in relation to the formation of a community group supporting and researching the feasibility of the provision of a heated pool facility in Creswick and the other a group of Melbourne University Architectural students conducting a Research project in Creswick on Community Resilience to Extreme Climatic events. Our Advisory Committee continues to internally review the Community Plan and also to offer advice and support to those groups in the Community that are working on projects identified in and supported by the Community Plan.

Last week I had the pleasure of attending the Hepburn Shire Business Plan Launch and the CEO and Staff Awards at Doug Lindsay Recreation Reserve. I would like to thank our CEO for his presentation of the Business Plan, outlining the future direction in creating alignment between management and operation, council plan and service delivery and to challenge ourselves as an organisation to continue to provide relevant and much needed services to our Community at a reasonable or reduced cost. Councillors were also involved in the presentation of the staff awards which acknowledge the exemplary work, commitment and customer focus of our Council employees. Mr Mayor, I felt quite inspired following the presentations and I know that many of the staff present were appreciative of the recognition and of our CEO detailing and expanding on his thoughts and ideas in implementing a positive way forward. I agree with the CEO that there is much work to be done, and I believe this was a very positive beginning. Finally, I would like to congratulate all recipients of awards at the recent Creswick Football Club Junior Presentation Day, in particular the recipients of the Hepburn Shire Community Spirit award which was won jointly by Josh Knowles and Sarah Griffin; two young people



who were judged as best displaying the attributes of inclusive team player, club supporter and community volunteer.

Councillor Don Henderson, Creswick Ward

During the past month I have attended all statutory meetings as well as briefings.

I attended the Creswick Ward Community Committee and the Business Plan launch at Doug Lindsay Recreation Reserve and Doug Lindsay Recreation Reserve steering committee.

I was present to hear the announcement of funding for flood mitigation works in Creswick.

Creswick Action Network has identified that 20 young people are disengaged from the education system. Students from St Augustine's in Creswick graduated from the wood work class run at the Creswick Railway Workshops.

It is important to engage with our young folk before they go out of town to secondary school where we are in danger of losing contact.

Councillor Bill McClenaghan, Holcombe Ward

Firstly, thank you Mr. Mayor for reminding me that I have three minutes to outline my report to Council on my recent activities. On Monday 27th August, I attended another Glenlyon Progress Association meeting in the Glenlyon Shire Hall. The major project for the town is now renovations to the hall itself after a new commercial kitchen and outdoor decking has been fitted. The hall needs painting and structural repairs to some of the walls. Unfortunately, the Annual General Meeting has been postponed till October. The old Shire of Glenlyon was once run by just one man who was Shire Secretary and Engineer. They therefore had very low rates, very few staff and was very much more efficient than many rural Shires today.

Again at the Glenlyon Shire Hall, our CEO held a meet and greet session with community members on Friday 7th September where one of the main discussions centred on development constraints on small blocks in rural areas and catchments, particularly in the area of the Wombat Forest Estate at Wheatsheaf. In this area, many people have yet to develop their blocks and may find that they can't build a house with a septic tank system on small blocks in the Loddon catchment. Also, with new bushfire overlay requirements, if a house there burns down or is more than 50% lost, no



planning approval for a replacement house is possible and yet these houses and properties have been recently re-valued upwards against this future trend.

I also attended an Audit & Risk Advisory Committee meeting on Monday 10th September where we looked at the functioning of Special (Section 86) Committees that had come to the attention of the Local Government Investigations and Compliance Inspectorate, mainly for governance issues. Some of these Special Committees manage parcels of land and facilities owned or managed officially by Council, which mows the grass, empties the rubbish bins and maintains other facilities on site. The Drummond Hall Special Committee is a notable exception where committee members have to mow their own grass and re-erect the high fence for the newly refurbished tennis court.

And lastly, Mr. Mayor, I will be attending the Municipal Association of Victoria (MAV) State Council in Melbourne this Thursday. However, as Council has not demonstrated any stated position on "Smart Meters", it will not be possible for me to proactively vote for any smart meter motions that have come in, nor vote against them. I will have to register an informal vote in each case as a result of tonight's deliberations.

Councillor Jonathan Barrell, Birch Ward

Wombat Hill Botanical Gardens Advisory Committee has not met formally this month due to lack of quorum. I anticipate a report to Council in the near future regarding new Advisory Committee appointments. I'm pleased to advise the 150th birthday steering group have provisionally set Saturday 11 May 2013 for a major celebratory event.

ARC Advisory Committee met 10 September 2012. In response to Council's previous resolutions, Daylesford Neighbourhood Centre (DNC) have resolved that "Subject to further satisfactory negotiations by DNC with the relevant parties and the establishment of an appropriate MOU incorporating all DNC requirements, DNC are interested in proceeding with taking on the management of the ARC." Those negotiations are proceeding between Officers, DNC and Daylesford Secondary College and I am very optimistic of a great outcome for the Arts Recreation and Culture Precinct on Smith Street, Daylesford. Meanwhile, activities and participation at the ARC has increased including a range of new Daylesford Enterprising Youth and Daylesford Youth Space initiatives



Daylesford Macedon Ranges Regional Tourism Board conducted a strategic planning session on 28 August 2012 followed by its regular bimonthly board meeting 11 September which included a presentation by Victorian Fire Commissioner Mr Craig Lapsley who highlighted a revision of the messaging regarding travellers. Hepburn Shire Council CEO Mr Van Egmond attended the meeting. CEO Ms Kerry l'Anson, Tourism Industry Development Manager Ms Nikki Barker and Marketing and Social Media Coordinator Mr Jon Harris presented some very exciting trends, statistics and innovations for our region.

The Daylesford Streetscape Revitalisation Project continues with a report to Council tonight.

The Victoria Park Multi Purpose Facility Consortium no meeting this month as we await a review of the Victoria Park Association's Feasibility Study by Pitcher Partners to be discussed at the next consortium meeting this Thursday 20 September 2012.

The Freight Strategy Steering Committee no meeting this month as a report comes to Council tonight.

Municipal Early Years Plan Steering Group held its first meeting yesterday. It has a broad representation, and plans to meet monthly at present to deliver a set of recommended actions to benefit our communities

Stanbridge Jinker Project Group has not met this month.

On 6 September 2012 with Mayor Klein I represented Hepburn Shire Council at Imagine Ballarat 2030 Forum — a 'roundtable' event modelled on and hosted by Jenny Brocke of the SBS Insight program. Five surrounding shires were well represented and Hepburn Shire representatives made a significant contribution. Influenced by regional population projections of an extra 30,000 people by 2030 in both Ballarat and Bendigo, we heard of the committee's self-identified opportunities for the region in health, education, equine services, IT, water harvesting and bioenergy. And we heard of aspirations to improve year 12 and tertiary education completion rates. I was specifically interested in ideas to encourage employers to develop relationships with local education providers to seek to develop individual learning plans for our children which may lead to increased local employment opportunities.



RECOMMENDATION

7.1 That Council receives and notes the Mayor and Councillors' reports.

MOTION

7.1. That Council receives and notes the Mayor and Councillors' reports.

Moved: Councillor Rod May
Seconded: Councillor Neil Newitt

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

Nil.

8.2. QUESTIONS

Question 1: From Ms Jane Bennett

Not present at meeting

Is Hepburn Council aware to what degree the water catchment authorities, are using the potable water guidelines to say no to all planning permits? Particularly Goulburn-Murray Water (G-MW).

They are flying under the radar of little if no governance or accountability. Destroying small country towns and using the precautionary principle when it suits them.

It is not even a planning act, just a guideline that went to VCAT with one case, in February this year. 'Simpson' regarding a Ballarat property, Helen Gibson, the arbitrator, plainly declared not enough evidence and yet still the water corporations persist with using the 1 in 40 hectare scheme when it suits. It has been stated that the 1:40 hectare plan is used for rural and farming zones, however they are clearly using it in township zones [as in my own case]



Victorian planning act clearly states 'as of right' to build for township zones.

They do not have data or evidence to make claims of over capacity, or evidence the catchments are indeed at risk. It clearly states on their own annual report that blackwater appeared from the floods.

It is a non argument when Werribee treatment farm treats 480 million litres of Melbourne's effluent [half of Melbourne's population], without pathogens in their outflow. Pouring into the Bay. Melbourne Water does a terrific job of managing effluent, public safety and drinking water with high density, this should be evidence enough that mass population does not affect our drinking water. Them asking for a capacity study is more high and mighty grandstanding.

Surely this is more a mismanagement of G-MW and their own internal politics, or maybe even grandstanding for funding that we the public are being penalised for.

Allowing applications and referrals to go through their system, without reporting the permits approval, non approval data, either on their website or in their annual report. [is this another funding grab]

It portrays a lack of transparency.

Why is OK for the catchment authorities to utilise treatment plants and the proven sophisticated technology of sand filters and yet dictate to the general public, they cannot be used in their own backyards? It is discrimination. It is not enough for Anne Gruesser from the water bodies department to state to me by phone that you may not install your system correctly, when there are so many checks and balances in place, like the Council Health Department, Building Surveyor, EPA, DSE or even the general public. It is an insult and a high and mighty attitude to state you 'may not get it serviced'.

Accusations like that are a court matter. Her position, paid for by the public purse is surely not a platform for her to have a free rein, displaying her own personal belief systems. It is one thing to be green in principle, another matter of urgency is where are our children going to live??

Where are the doctors, nurses farm workers going to live??? Communities will die, if growth of home building does not equal growth of population.

I ask the Hepburn Council to rally the Minister for Water and clear up the guidelines so that they cannot be misconstrued.



Answered by Mayor Councillor Sebastian Klein

Relevant water agencies are referral authorities under the Hepburn Planning Scheme and as such their input and advice is valuable to planning officers.

The guideline has been in existence for some time and was previously tested at a Supreme Court hearing as well as VCAT. It is acknowledged that there is limited evidence on the 1:40 hectare ratio; however in the absence of further work at considerable cost the precautionary principle is applied to limit any potential effects.

The guideline is used in all areas within a proclaimed water supply catchment where reticulated sewerage is not available and for some uses that may result in contamination of water.

Council continues to advocate on this issue, however likely long term solutions will come at some considerable cost to Council.

Question 2: From Mr Pierre Niclas, Daylesford and Hepburn Springs Business Owner

Can Council please provide a brief but concise report on its recent trip to China? In particular, can Council focus on:

- 1. What were the key tangible and measurable objectives set by this Council prior to departure of the mission?
- 2. What were the results achieved by the team vs. the pre-set objectives?
- 3. What is the current cost to Council / ratepayers for this trip?
- 4. What work has this Council done to estimate what the total cost might be of this sister city initiative when we are required to absorb the additional costs that will be incurred when we host that cities senior officials on their return visit?

Answered by Mayor Councillor Sebastian Klein

When Cr May moved the motion he was very clear that this was about creating a portal or a platform to create opportunities for businesses and local business generally to create these economic connections with Bozhou, China.



I set myself three goals for this trip:

- 1. Find out what opportunities there might for Hepburn Shire agriculture to benefit from this relationship.
- 2. Find out what opportunities there might be for Hepburn Shire to benefit from the strength of the Bozhou region in traditional Chinese Medicine. Bozhou is the largest herbal medicine market in the world. The Herbal Medicine Expo we visited is also the largest of its kind.
- 3. Looking at any opportunities to promote tourism through the relationship.

There are three concrete opportunities that stand out which I mentioned earlier in my Mayor's report:

- a board member from the international federation of Traditional Chinese Medicine (TCM) keen to run a national conference or expo on Chinese medicine here in Hepburn Shire,
- 2. a number of connections that local businessman Roger McLean made in regards to his *Herbal Lore* Liqueurs products, and
- 3. the potential for school exchanges as explored by community member Jo Ruchel.

There was also some interest in our Community Bank Model and this might be another avenue for the future. Other general conversations related to the economic exchange around agriculture and tourism and the technology developed in China in relation to renewable energy.

The current cost to Council and ratepayers is not yet entirely tallied, but will be well under half of the \$10,000 included in Council's 2012-2013 Budget for the Chinese Sister City Project. The remaining budget is enough to host the return Bozhou trip when it occurs either late this year or early next year.

No formal Sister City Agreement was signed. An Agreement on Progressing Sister City Relationship and Promoting the Friendly Cooperative Relationship between Bozhou City, China and Hepburn Shire, Australia was signed (copy of Agreement attached to Mayor's Report). In China, a sister city arrangement needs to be signed off by the Central Government.



Question 3: From Mr John Baragwanath, Daylesford

I would like to know why a Council officer, who in his report expressed serious reservations about the whole project and suggested postponing till more investigations were undertaken, was part of the delegation to Bohzou? Apparently the Sister City Agreement was signed by the Mayor without any community consultation as usual.

Answered by Mayor Councillor Sebastian Klein

The Council resolution supported the delegation and officers are charged with carrying out the decisions of Council.

Council's Manager Economic Development and Tourism was the most appropriate officer to attend such a delegation

No formal Sister City Agreement was signed. An Agreement on Progressing Sister City Relationship and Promoting the Friendly Cooperative Relationship between Bozhou City, China and Hepburn Shire, Australia was signed (copy of Agreement attached to Mayor's Report).

Question 4: From Ms Loretta Little, Daylesford

When is Council going to return the inalienable right under a democracy to freedom of speech for the people of Hepburn Shire?

This must be achieved by removed the requirement to submit questions in writing prior to open public meetings, and by allowing questions from the floor during said meetings.

I wish to speak to my question.

Answered by Mayor Councillor Sebastian Klein

Local Law No 1 – Meeting Procedures and Common Seal outlines public participation time at Council meetings. At present Council can allow up to 30 minutes for the purpose of public participation. This can be extended for an additional 15 minutes subject to the approval of the majority of Councillors.

In order to facilitate accurate and meaningful responses questions are required to be submitted to the Chief Executive Officer by 12 noon on the day



of the Council meeting. This process allows officers to research the question and minimises the number of questions taken on notice.

Question 5: From Mr Peter Considine,
Creswick Football Netball Club

- Q1 Assuming Council approves the Doug Lindsay Recreation Reserve restorative works tonight, what is the process and timeframes to release the allocated funds to allow the relevant contracts to be signed?
- Q2 If a decision is not made on the Doug Lindsay Recreation Reserve restorative works tonight, when will a decision be made and how will this affect the likelihood of the club playing football at Doug Lindsay Reserve?
- Q3 Would you please outline the assistance that would be available to the club if they are not playing at Doug Lindsay Reserve in 2013?

Answered by Mayor Councillor Sebastian Klein

A1 Council's Procurement Policy and provisions of *the Local Government Act 1989* require works that exceed \$200,000 in value, on a single project with a single provider, to be acquired through a public tender process.

Should a public tender be necessary this may take 3-5 weeks, and will need to be awarded by Council as the value of works exceeds officer delegation. Given the care taker period prevents this decision by Council at the October Council meeting without ministerial approval, the awarding of such a contract will be presented to Council at its meeting on 20 November 2012.

Once Council has determined remedial works to be undertaken, officers will be endeavouring to deliver works in the most effective and efficient manner.

A2 Given the budget implications this matter needs to be determined by Council. If no decision is reached tonight any outstanding queries will be further investigated by officers and presented back to the 20 November Council meeting for determination. Should this occur there is a significant risk of the playing surface not being available for the 2013 football season.



A3 To date there has not been any discussion regarding available assistance if the Doug Lindsay Recreation Reserve oval was not available in 2013.

Should this occur, Council will work closely with the club to minimise any impacts and provide support where ever possible.

Question 6: From Mr Bob Kennedy, Glenlyon

Doug Lindsay Reserve

I read the Hepburn Shire Council's Ordinary Meeting of Council Agenda. I refer to Item 9.2. This refers to the improvements to the playing surface.

The Officer's Recommendation is to proceed with Option 3. I feel this is very wrong as give us another 12 months or less the old problem will come to the surface again, so again the Council will be wasting ratepayers' money on fixing the problem.

May I suggest for once we get it right. I know Option 1 costs more now, but in the long run it will save us money. The people of 'Creswick' and indeed the people of Hepburn Shire deserve better. Another thing, when repairing this problem, let us use the right people for the job not relations, friends and mates.

Answered by Mayor Councillor Sebastian Klein

The comments are noted and Council will consider a report on this matter (Item 9.2) later in the Agenda.



9. ITEM OF URGENT BUSINESS

PROCEDURAL MOTION

9.1.1. That Council considers an Item of Urgent Business – Local Authorities Superannuation Fund (LASF) Defined Benefit Plan.

Moved: Councillor Rod May

Carried.



9.2. LOCAL AUTHORITIES SUPERANNUATION FUND (LASF) DEFINED BENEFIT PLAN

MOTION

That Council:

- 9.2.1. Notes its extreme disappointment at the LASF Defined Benefit Plan 31 December 2011 Actuarial Investigation dated 31 July 2012 notifying Council that its share of the \$453 million short fall is \$1,209,633.99 plus contributions tax \$213,464.82 giving a total of \$1,423,098.81.
- 9.2.2. Writes to Vision Super expressing Council's disappointment in the result and with the management of the fund.
- 9.2.3. Writes to the Municipal Association of Victoria (MAV) requesting membership on their task force being established to campaign for the reinstatement of the Local Authorities Superannuation Fund Defined Benefit Plan as an exempt public sector scheme.
- 9.2.4. Writes to MAV, Vision Super and the Minister for Local Government seeking options to steer reforms that protect communities from future uncertainty.
- 9.2.5. Calls for the establishment of a parliamentary inquiry into the operations of the LASF Defined Benefit Plan including an assessment of what options are available to eliminate the ongoing financial burden to Local Government.
- 9.2.6. Writes to Vision Super, MAV and the Minister for Local Government expressing community concern and outrage that this payment to the LASF Defined Benefits Plan will mean that a large sum has been paid by Hepburn Shire Council to fund the shortfall since 1999.
- 9.2.7. Advises the Minister for Local Government that as a consequence of this further payment of \$1.423 million, Council may be forced to increase its borrowings and revisit its rating strategy in future years to ensure adequate services are continued to be provided to Hepburn Shire residents.



9.2.8. Forwards a copy of this motion to all members of state parliament that represent Hepburn Shire and to the Shadow Minister for Local Government seeking their support.

Moved: Councillor Rod May

Seconded: Councillor Jonathan Barrell

Carried.



10. OFFICERS' REPORTS

10.1. DAYLESFORD STREETSCAPE REVITALISATION PROJECT GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the General Manager Infrastructure, I Bruce Lucas have no interests to disclose in this report.

PURPOSE

The purpose of this report is to present the Daylesford Streetscape Revitalisation Strategy for Council endorsement.

BACKGROUND

The preparation of main street revitalisation plans for key towns is one of the key objectives identified by Council in the Council Plan 2009-2013. The preparation of the Daylesford Streetscape Revitalisation Strategy fits within this objective and began in the latter part of 2010. This was made possible through receipt of \$300,000 grant funding from Regional Development Victoria (RDV) as part of the Sustainable Small Towns Development Fund and a Council contribution of \$100,000.

Following a formal procurement process, Council engaged Village Well to work with Council and our community to prepare a Daylesford streetscape revitalisation strategy which included review of previous related reports and extensive site visits. The project has been guided by a Project Steering Committee, Community Reference Group and a Local Design Committee who worked with Village Well and their professional teams and sub consultants during the project.

The strategy has been prepared following extensive community consultation in accordance with the Community Engagement Plan and project updates detailed in Project Fact Sheets.

Council considered the draft strategy at its meeting on 17 July 2012, and determined to:

Receives the Draft Daylesford Streetscape Revitalisation Strategy and agrees to advertise the strategy for public comment.

Considers a further report to the Ordinary Meeting of Council on 18 September 2012 detailing submissions received.



Considers a further report to the Ordinary Meeting of Council on 18 September 2012 to determine on the adoption of the Daylesford Streetscape Revitalisation Strategy.

ISSUE / DISCUSSION

Strategy overview

The strategy provides a range of recommendations to enhance the current strengths of Daylesford under 5 general principles and provides a staged and long term view to infrastructure upgrades and streetscape enhancements. In some cases this may require further design work and / or partnerships to be established with other key stakeholders.

The 5 general principles are listed below along with some general examples of where opportunities may exist under each principle.

Principle 1 - Connected

Focussing on enhancing Burke Square and civic space around the Town Hall and create spaces for gathering and conversations

Principle 2 - Stories of Place and History embodied

Promotion of grants programs to restore Historic buildings and promoting the story of historic buildings and of Daylesford through art.

Principle 3 - Welcoming

Encouraging events and creating partnerships with trader groups and artists and improving entrances into the town centre.

Promoting Daylesford's rich cluster of healers and health professionals.

Principle 4 - Accessibility

Promoting and improving universal access to all areas and improving seating & shade and looking at traffic calming opportunities.

Improving access to information technology.

Principle 5 - Green Reflecting the Beauty of the Surrounds

Greening Vincent Street and promoting and sharing Daylesford knowledge of permaculture and sustainability, including sustainable accommodation and sustainable food outlets.

KEY ISSUES

Council invited formal public comment of the draft strategy from 25 July to 15 August 2012 and received 19 written comments. These are in addition to the petition and comments previously received and considered by Council. These



were reviewed by the Project Steering Committee and are generally summarised as follows:

- Considering the purpose of Vincent Street as commercial precinct.
- Reinforcing implementation of small wins such as operating fountains.
- Poor condition and irregular shape of road and footpath pavement and desire to invest in these areas for improvement.
- Improve parking arrangements in Duke Street.
- Concerns over existing signage, including control, colour size.
- Opposing any changed parking configuration and suggestions that this
 be further reviewed at a future time, consideration of safety aspects
 and suggestions of a staged approach.
- Concerns regarding street trees and impact on streetscape character.
- · Supporting expansion of Burke Square.
- Concerns about any loss of current parking.
- Current laneway access is terrible
- Concerns around the 'drab' appearance of Vincent Street.
- Disappointment around the quality of the strategy document.
- Concerns with safety and operation of existing pedestrian crossing.
- Referencing previous Chris Dance 1996 report.
- Support for improving laneway access.
- Request for funding to be allocated to Soldiers Memorial upgrade.

A number of the items raised from submissions relate to the implementation of the previously identified small wins which are continuing such as signage improvements and turning on the fountains.

Other items related to maintenance and renewal of road and footpath infrastructure. Whilst there is a clear need for road and footpath work in Vincent Street, these works should be considered as part of Council's ongoing asset renewal program. A long term capital works program for major assets is being prepared which is taking account of these areas.

Considering all of the strategy recommendations, the community feedback during the project and written responses summarised above, the following infrastructure works could be progressed with the current available funding.



Revitalise the Laneways

Provide pedestrian access and safety improvement to the Town Hall laneway connection to Bridport Street including surface improvements and possible separation of pedestrians and vehicles. (Excludes lighting, fence replacements and artworks). \$45,000

Prepare a prioritised listing of laneway upgrades and authorise officers to approach and negotiate with other stakeholders to provide improved pedestrian access and safety through existing laneways that are not solely under Councils control.

Provide parking layout improvements in Duke Street with pavement markings and signage to optimise parking efficiency with available space. \$5,000

Traffic Calming Strategies

Review the existing Vincent Street pedestrian crossing to improve safety, visual appearance and functionality and provide a common style with other traffic calming treatments in Vincent Street. This may include a raised pavement profile for improved safety. \$85,000

Commence planning and initial development of a second pedestrian crossing / traffic calming treatment in Vincent Street that could be further developed at a later stage as a formal pedestrian crossing and potentially a town Square should that be desired. \$30,000

Improving seating and shade

Provide initial, centre of road street tree plantings (6-10) that are linked with other treatments where possible to minimise impact on current parking arrangements. \$20,000

Upgrade current street furniture and provide additional furniture including seating installation of at least two drinking fountains.

\$30,000

Story telling of Historic Buildings and Streetscapes

Reinstate the historic horse trough in Burke Square with some interpretive signage. \$10,000



Explore opportunities for interpretive plaques to promote historic significance of buildings & streetscapes. \$ 10,000

Improve entrances into the Town Centre

Reinstate missing boulevard tree plantings on town entrances \$20,000

It should be noted that the above costs are preliminary estimates only and the works are exempt from a Town Planning Permit requirement due to the State Government's exemption for Local Government Works up to \$1million.

The completion of this strategy and timely implementation of works under the existing funding agreement with RDV have been significantly delayed and outside the agreed timelines. Given the delays in finalising the strategy, Council officers are currently working with RDV to revise project milestones and reporting requirements.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The development of this strategy directly meets objective 32 of the Council Plan 2009-2013 which states:

'We will foster a more prosperous Shire by:-

'Preparing main street revitalisation plans for our key towns and completing as a priority the rejuvenation of Vincent Street, Daylesford'.

In achieving this direct objective, the preparation and implementation of this strategy also contributes to other Council objectives and strategies such as:

- Walking and Cycling Strategy
- Health and Well Being Plan
- Economic Development Strategy
- Positive Aging Strategy

all of which deliver on Council's core commitments of

- A more Prosperous Economy, and
- Healthy Safe and Vibrant Communities.

FINANCIAL IMPLICATIONS

Council currently has a project budget of \$400,000 of which part has been allocated for the development of the strategy and the balance expected to be in the order of \$275,000. It is intended that these funds will be utilised for the implementation of the small wins previously identified and the implementation of recommended works as detailed above.



The implementation of all works in the strategy total over \$1 million and the implementation of these future works will be subject to Council securing additional funds to progress their implementation over the longer term.

RISK IMPLICATIONS

Any potential risks associated with the implementation of works recommended in this strategy will be considered and addressed as the detail design works proceed from the recommendations in the strategy.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

As highlighted in the strategy, the town centre needs to function as a main social and trading place for the local community and function as a an attractive and welcoming place for visitors. The significant community and stakeholder consultation sought to maximise the economic opportunities and benefits for the Daylesford community.

Council does recognise the wide variety of community views on the revitalisation concepts put forward and how difficult it is to meet the expectations of all parts of our community. The strategy has been prepared based on strengths of the Daylesford Township and endeavours to identify a number of recommendations to further enhance these strengths.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

In addition to the inviting public comment on the draft strategy as detailed above, an extensive community consultation and engagement process was undertaken during the development of the strategy in accordance with the community Engagement Plan and detailed in Project Fact Sheets. This consultation included the following:

•	Walk the Beat and Place Audit	6 June 2011
•	Workshop with Council	7 June 2011
•	Community Economic meeting workshop	30 Aug 2011
•	Walk the beat – engagement with traders	9 & 10 Sept 2011
•	Listening Posts community open day	9 & 10 Sept 2011
•	Traders workshop	14 Sept 2011
•	On line Community Survey	11 Oct - 15 Nov 2011

18 Oct - 11 Nov 2011

19 May 2012

Blog created for uploading photosCommunity Open Day

Community Open DayRegular Fact Sheets

Invitation to email directly to project officers

Community reference group meetings

Council website



CONCLUSION

The preparation of the Daylesford Streetscape Revitalisation Strategy was identified by Council as a key objective in the Council Plan and has been prepared following a community engagement process. Community feedback and comments were invited on the draft strategy between 25 July and 15 August 2012. The comments received have been considered by the Project Steering Committee and the final draft strategy is now presented for endorsement along with approval to proceed with works with the available funding.

OFFICER'S RECOMMENDATION

That Council:

- 10.1.1 Endorses the Draft Daylesford Streetscape Revitalisation Strategy.
- 10.1.2 Agrees to proceed with the design and implementation of works detailed in the body of this report with the available funding.
- 10.1.3 Authorises officers to approach and negotiate with other stakeholders to provide improved pedestrian access and safety through existing laneways that are not under Council's control.
- 10.1.4 Notes that further reports will be provided to Council about specific recommendations and actions identified in the strategy.



MOTION

That Council:

- 10.1.1. Endorses the Draft Daylesford Streetscape Revitalisation Strategy.
- 10.1.2. Agrees to proceed with the design and implementation of works detailed in the body of this report with the available funding.
- 10.1.3. Authorises officers to approach and negotiate with other stakeholders to provide improved pedestrian access and safety through existing laneways that are not under Council's control.
- 10.1.4. Notes that further reports will be provided to Council about specific recommendations and actions identified in the strategy.

Moved: Councillor Jonathan Barrell

Seconded: Councillor Rod May

Carried.



ATTACHMENT 2 - DRAFT REVISTALISATION STRATEGY AND MASTER PLAN

(Issued under Separate Cover)



10.2. DOUG LINDSAY RECREATION RESERVE GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the general Manager Infrastructure, I Bruce Lucas have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide Council with options for the improvement of the oval playing surface at the Doug Lindsay Recreation Reserve and Community Facility.

BACKGROUND

Since the completion of the Doug Lindsay Recreation Reserve and Community Facility in late 2011, many concerns have been raised regarding the playing surface of the oval particularly around the course stone particles that exist and comments around the saturated nature of the surface.

These concerns were discussed with Central Highlands Football League (CHFL) and Creswick Football Netball Club representatives part way through the season and concluded that the surface was acceptable and football could continue.

Following further complaints and a ground inspection, the CHFL Board determined at its meeting on 25 July 2012 that the ground was no longer suitable for football and the final two home games of the season were to be relocated to alternate venues.

Since this time, Council Officers have been working with the club to investigate the matter and explore options for remedial works to improve the current playing surface.

ISSUE / DISCUSSION

There are a number of contributing influences that have resulted in the current situation which include the timing of the oval development, immature or thin grass coverage, adverse weather conditions, reduced effectiveness of existing surface drainage, use of reclaimed topsoil.

In looking at possible solutions to improve the playing surface for future seasons, many options have been explored and discussions held with football club representatives, turf experts, local experienced and qualified curators and local government colleagues.

Some of the feedback received indicates



- The oval has good shape and supports the drainage design principle of shedding water to the perimeter drainage infrastructure.
- The topsoil in place has minimal vertical drainage capacity. This low soil permeability restricts the effectiveness of the perimeter drain.
- Playing surface growing medium should have a seepage capacity >150mm/hr.
- Turf selection is not ideal with pasture grasses and other colonising species that hinder surface drainage.

The options for improvement vary and are summarised below.

1. Remove and Replace (Full Renovation) Esti

Estimate \$485,000

Includes removal of topsoil material, design and install full subsurface drainage including new perimeter drain, placement of new growing medium, raise all sprinkler heads, supply and lay Couch sods.

2. Remove and Replace Surface

Estimate \$415,000

As per option 1 without the sub surface drainage layer.

3. 100mm Topdressing and Placement of Turf Estimate \$285,000

Spray out existing grasses and place 100mm of sandy loam over the existing surface and place Santa Anna Couch sods oversewn with cool climate turf species. This option will also need to include some additional drainage improvements around the perimeter to ensure its effectiveness. The top dressing layer may be thinned towards the perimeter to match existing drainage pits and will further enhance grades across the surface; further aiding surface run off.

4. Upgrade Drainage and Top Dress

Estimate \$110,000

Undertake sand slitting to improve existing drainage, supply and place 2 x 20mm staged top dressing applications including treatment of any low spots allowing for existing grasses to come through each stage.

Supply and place Santa Anna turf in high trafficked areas such as goal squares and centre circle area.

This treatment will also include works to perimeter drainage.

It should be noted that this treatment will require future topdressing applications to maximise the benefit which are estimated at approximately \$25,000 per application.



In addition to the above works it is essential that a maintenance plan be established for the playing surface which details routine maintenance and periodic maintenance needs to ensure the surface is serviceable and meets the demands placed on it and the expectations of the community.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The Council Plan 2009-13 under the core theme of Healthy Safe and Vibrant Communities, objective 47 states:

Achieving high levels of social inclusion through understanding the great diversity within our shire and making our services, programs and facilities accessible to all.'

which goes to support the facility development and to support the need for a high quality playing surface as part of this facility.

FINANCIAL IMPLICATIONS

The current budget has zero allocation for surface upgrade works at the Doug Lindsay facility. The Officer Recommendation is to proceed with option 3 which requires funding to the value of \$285,000 and in order for these works to be considered the following budget alterations are put forward for consideration.

Item	Original Budget	Revised Budget	Saving	Progressive Savings
Shoulder Sealing	\$225,000	0	\$225,000	\$225,000
Signs & Banners	\$12,500	0	12,500	\$237,500
Hepburn Netball Court Upgrade	\$5,000	0	\$5,000	\$242,500
Goldfields Heritage Region	\$60,167	\$10,167	\$50,000	\$292,500

Table 1 – Initial budget reallocations

If Council is of a mind to complete works beyond this value, further budget amendments are suggested as follows.

Item	Original Budget	Revised Budget	Saving	Progressive Savings
Revegetate roadsides	\$50,000	0	\$50,000	\$342,500
Professional Photography	\$2,500	0	2,500	\$345,000
Bituminous Reseals	\$1,575,000	1,525,000	\$50,000	\$395,000



RV Friendly Dump sites		\$7,500	0	7,500	\$402,500
Grazing Pilot		\$10,000	0	\$10,000	\$412,500
Signage (LGIF)	Renewal	\$50,000	0	\$50,000	\$462,500
Rem Plan Subscription		\$10,000	0	\$10,000	\$472,500
E.D. Implementation		\$14,000	0	\$14,000	\$486,500
(Proposed funding)	c/fwd				

Table 2 – Further budget reallocations

It should be noted that reallocating the above funding and subsequent removal or deferral of these projects is significant and will impact on community expectations.

RISK IMPLICATIONS

Regardless of the treatment option adopted, there is both a financial and project delivery risk with remedial works.

The level of risk associated with the timely completion of works will be impacted by formal procurement requirements for works exceeding \$200,000 in value and the subsequent availability of appropriate contractors to undertake the works.

In addition, the level of success of the works will be dependent on the timing of works and to some extent the seasonal conditions and ongoing maintenance regimes.

Option 1 offers the lowest risk to Council. However, contractors have identified the need to secure the required turf as critical given the time of year and the many other oval managers and contractors preparing for similar construction or refurbishment works.

Undertaking low cost remedial works such as thin top dressing of the existing surface obviously results in an increased risk of the works not being successful long term. This approach is reliant on the thatch thickness of the turf to act as the barrier to prevent stones coming through the surface.

As the level of top dressing is increased, the risk of stones coming through is reduced and advice provided to officers is that stones would not work through a 100mm topsoil layer and the root zone of the turf.



This risk is then totally removed with the removal and replacement of the existing material as per Option 1, however does have a significant cost implication.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The social implications of the oval surface not being playable in 2013 are significant for the Creswick community and the Creswick Football Netball Club given the social underpinning these types of sporting clubs play in any small community. The club has been understanding of the situation and worked with Council in an endeavour to find an appropriate solution.

In addition, the club provides an unquantified level of economic benefit for the Creswick community through purchasing of consumables and trades persons etc in the day to day operation of the club. There is also economic benefit through the visitation to the town on game day for other routine purchases such as petrol and other consumables.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council has and continues to work closely with the Creswick Football Netball Club and has also consulted other experts and local professionals in reviewing the playing surface and to discuss options for remedial works.

CONCLUSION

Following concerns raised about the quality and safety of the playing surface of the Doug Lindsay Recreation Facility, Council has investigated options for upgrading the surface to a suitable standard. Many options have been explored that range from top dressing the existing surface to full renovation. Each option has an incremental budget implication.

Potential options to fund improvement works have also been explored and are detailed in the body of the report, however essentially result in reducing or deferring current projects.



OFFICER'S RECOMMENDATION

That Council:

- 10.2.1 Agrees to proceed with remedial works similar to that detailed in Option 3 at an estimated cost of \$285,000.
- 10.2.2. Agrees to fund these works as per detail in Table 1 of the above report.
- 10.2.3 Writes to the Creswick Football Netball Club advising of Council's decision and thanking them for their continued support.

MOTION

That Council:

- 10.2.1. Agrees to proceed with remedial works similar to that detailed in Option 1 at an estimated cost of \$485,000.
- 10.2.2. Agrees to fund these works as per detail in Tables 1 and 2 of the above report.
- 10.2.3. Writes to the Creswick Football Netball Club and other user groups advising of Council's decision and thanking them for their continued support.

Moved: Councillor Don Henderson Seconded: Councillor Bill McClenaghan

Lost.

Councillor Bill McClenaghan called for a division.

Councillors that voted in favour of the motion: Councillor Don Henderson, Councillor Sebastian Klein, Councillor Bill McClenaghan.

Councillors that voted against the motion: Councillor Jonathan Barrell, Councillor Janine Booth, Councillor Rod May, Councillor Neil Newitt.



MOTION

That Council:

- 10.2.1. Agrees to proceed with remedial works similar to that detailed in Option 3 at an estimated cost of \$285,000.
- 10.2.2. Agrees to fund these works as per detail in Table 1 of the above report.
- 10.2.3. Writes to the Creswick Football Netball Club and other user groups advising of Council's decision and thanking them and the Creswick Community for their continued support.
- 10.2.4. Writes to the Minister for Local Government seeking exemption under Section 93A of the Local Government Act 1989 in relation to the awarding of a tender for the playing surface rectification works at the Doug Lindsay Recreation Reserve during the 2012 Election Caretaker period.

Moved: Councillor Janine Booth
Seconded: Councillor Neil Newitt

Carried.

Councillor Bill McClenaghan requested that his dissent be recorded.



10.3. DOUG LINDSAY RESERVE MANAGEMENT ARRANGEMENTS GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the Manager Community Development, I Adam McSwain have no interests to disclose in this report.

PURPOSE

To update Council on the status of the Doug Lindsay Reserve Management Arrangements and seek an extension of the Doug Lindsay Reserve and Community Facility Management Advisory Committee's term.

BACKGROUND

Council appointed the Doug Lindsay Reserve and Community Facility Management Advisory Committee in December 2011. The purpose of this Advisory Committee as per the Terms of Reference is to "provide advice to Council about preferred management arrangements for the Doug Lindsay Reserve and Community Facility". The term of the Committee is until 30 November 2012.

In April this year, the Advisory Committee provided advice to Council "that a single overall incorporated Committee to manage the Doug Lindsay Facility within Council guidelines be formed. The composition and rules of this would be determined at future meetings". This advice was endorsed by Council.

ISSUE / DISCUSSION

Since the report to Council in April, the Advisory Committee has developed draft Rules of Incorporation for a proposed Doug Lindsay Reserve Sports and Community Club Incorporated. It is proposed that the Committee consist of -

- a) two representatives of the general community of Creswick, selection criteria to be determined.
- b) two representatives from each of:
 - Creswick Football Netball Club
 - Creswick Bowling Club
 - Creswick Soccer Club;
- c) one representative from each of:
 - Hepburn Shire Council
 - · Creswick Imperials Cricket Club
 - Creswick Brass Band.



These positions would be elected at the Annual General Meeting each year. The Committee would then have an executive made up of a President, Treasurer and a Secretary.

While not needing to be included in the Rules of Incorporation, it is proposed that a single liquor licence covering the Doug Lindsay Reserve and Community Facility be applied for by the Incorporated Committee. This liquor licence would then sit with that Committee. When the Bowling Club relocates to Doug Lindsay Reserve this facility would also be included under the single liquor licence.

The draft Rules of Incorporation are currently being assessed by BJT Legal to ensure they meet upcoming changes to the Rules of Incorporation. It is expected that the Rules of Incorporation will be finalised in October 2012.

Once the Rules of Incorporation are finalised, the Advisory Committee will commence work on a business plan for Doug Lindsay Reserve and Community Facility that will consider fees and charges, management of revenue, administration of bookings and finances, arrangements for managing maintenance, cleaning and utilities and sharing of facilities e.g. canteen and bar. In order to complete this work, it is recommended that the Advisory Committee's term of appointment be extended until 29 March 2013. This extension will allow the Rules of Incorporation to be finalised and a business plan to be developed.

Council officers are currently developing a draft Lease between Council and the Doug Lindsay Reserve Sports and Community Club Incorporated. Draft Licence agreements for each of the facility user groups are also being completed. These Lease and Licence agreements will be brought to a future Council meeting. A meeting has been held with representatives from the Department of Sustainability and Environment (DSE) to discuss these agreements as Council is Crown Land Committee of Management for this site.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan No.17 'Embracing community knowledge and expertise to help guide its decision making and implementation'.

FINANCIAL IMPLICATIONS

Business plan to identify income and expenditure projections for the facility. The Lease will set out maintenance responsibilities for the facility.



RISK IMPLICATIONS

The Lease agreement will identify roles and responsibilities between Council and the Incorporated Committee. A risk management plan will be prepared covering on-going operations.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Doug Lindsay Reserve and Community Facility Management Advisory Committee plays an important role in advising Council on the most appropriate arrangements for the management of the Doug Lindsay Reserve and Community Facility.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Advisory Committee is made up of both Creswick Ward Councillors, one representative each from Creswick Soccer Club, Creswick Football and Netball Club, Creswick Cricket Club, Creswick Municipal Band and Creswick Bowling Club plus four community members.

CONCLUSION

An extension is needed for the Doug Lindsay Reserve and Community Facility Management Advisory Committee to finalise the Rules of Incorporation and business plan for the Doug Lindsay Reserve and Community Facility.

OFFICER'S RECOMMENDATION

That Council:

- 10.3.1 Notes the Rules of Incorporation for the Doug Lindsay Reserve Sports and Community Club Incorporated are being developed by the Doug Lindsay Reserve and Community Facility Management Advisory Committee.
- 10.3.2 Notes that Lease and Licence agreements for Doug Lindsay Reserve and Community Facility will be brought to a future Council meeting for endorsement.
- 10.3.3 Extends the term of appointment for the Doug Lindsay Reserve and Community Facility Management Advisory Committee and all members to 29 March 2013.



MOTION

That Council:

- 10.3.1. Notes the Rules of Incorporation for the Doug Lindsay Reserve Sports and Community Club Incorporated are being developed by the Doug Lindsay Reserve and Community Facility Management Advisory Committee.
- 10.3.2. Notes that Lease and Licence agreements for Doug Lindsay Reserve and Community Facility will be brought to a future Council meeting for endorsement.
- 10.3.3. Extends the term of appointment for the Doug Lindsay Reserve and Community Facility Management Advisory Committee and all members to 29 March 2013 with thanks to the Committee for their hard work.

Moved: Councillor Don Henderson Seconded: Councillor Janine Booth

Carried.



10.4. MULCHAYS ROAD, TRENTHAM – SPECIAL CHARGE SCHEME FOR PROPOSED WORKS ON GRAVEL SECTION GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Manager of Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.

PURPOSE

To consider the proposal to upgrade Mulchays Road, Trentham following a resident survey and public meeting.

BACKGROUND

Council has received various requests from residents and ratepayers dating back to the 1990s, for sealing the gravel section of road. Mulchays Road is sealed from Falls Road for a distance of 360 metres and the remaining 1550 metres is currently a gravelled pavement which requires regular maintenance grading and does not provide the desired level of service sought by the residents. Resident issues include dust created by traffic in dry periods and the road pavement being described as slippery and potholed which can become soft and sloppy during wet conditions. Drainage is generally adequate but would need to be improved in conjunction with any upgrade of the road.

Mulchays Road is a 'no through' road and provides access to properties that front Mulchays Road, Feelys Lane and Puddingstone Road. There is no obvious use from vehicles accessing the forest off Mulchays Road although local information suggests some use by recreational motor bike riders occurs.

Mulchays Road has 25 properties with direct frontage with 7 more allotments that use Mulchays Road as part of their property access. Allotments vary considerably on both area and length of frontage to road with some multiple lot owners.

ISSUE / DISCUSSION

Following a briefing to Council in April 2012 and response to a previous Council motion (July 2009), a written survey was posted to residents in April and a public meeting of landowners and residents was held in Trentham on 30 April 2012. The Special Charge Scheme proposal discussed with residents was to be a 50% contribution by landowners and a 50% contribution by Council. The estimated cost for the upgrade project is \$578,000 including GST.



The response from the survey returns was a 78% opposition to a special charge scheme. The consensus from the public meeting indicated there is no support for a special charge scheme. The discussion at this meeting was very supportive of Mulchays Road needing to have a good quality gravel road surface that was not slippery when wet and improving the drainage to prevent water pooling and encroaching onto the road surface.

The following options for improvements have been considered as alternatives to a special charge scheme. Options range from minor drainage and improvements to site distance at chainage 1800 to a full reconstruction and sealing which would include improvements to drainage, driveway culverts and site distance road alignment at 180 Mulchays Road. The estimated costs of these options are:

Option 1 – \$35,000 – Limited Drainage and Site distance Improvements

The works would be limited by budget and be focused on improving drainage and alignment (site distance at ch 1800 metres). Works requiring new or improved driveway access would be at landowner cost.

Outcomes would be existing road surface remains and existing concerns in wet and dry conditions remain, however storm water will not encroach onto the road. Any future improvements would add value to the works proposed in this option.

Option 2 – \$130,000 – Stabilise Existing Road Width

The works would be to stabilise the existing road pavement which varies in width from 6.2 metres (2 way passing) to 4 metres (passing using shoulders) with works requiring new or improved driveway access to be at landowner cost.

Outcomes would be the existing road surface remains as gravel but potholes and dust will be reduced and surface quality will improve in wet conditions. Road alignment and site distance at ch 1800 would be improved. The road would be suitable for residential traffic.

Any future works to upgrade the width of Mulchays Road to a 2 way vehicle passing standard would require significant reworking of the road pavement and this would result in significant loss of work if option 2 proceeded.

Option 3 – \$240,000 – Stabilise and Seal Existing Gravel Road Material to 6.2 m wide

Works would include importing crushed rock to make up a full 6.2 metre wide road pavement and stabilising and sealing with an initial/primer seal. Improvements to drainage and site distance would be included in this option



with works requiring new or improved driveway access to be at landowner cost.

The final seal estimated cost of \$51,000 would need to come from the resealing asset renewal program for 2013-2014, effectively subsidising the project cost.

Outcomes would be a full length sealed road suitable for 2 way traffic 6.2 metres wide, but with varying pavement thickness not suitable for commercial traffic.

Option 4 – \$490,000 - Full Reconstruction with additional road pavement depth

Works would include a 150 mm overlay of crushed rock and provide a sealed surface 6.2 metres wide suitable for 2 way vehicle passing. Improvements to drainage, vehicle driveways, road alignment and site distance would also be included.

Outcomes would be a very good quality residential street that could cater for limited commercial traffic.

The above options indicate that there is limited scope to seal Mulchays Road without providing additional road pavement at a significant cost. The existing gravel road performs adequately and by improving drainage and site distance Option 1 would be compatible with the outcomes of the public meeting in April 2012.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The construction of Mulchays Road meets objective 39 of the Council Plan 2009-2013 which states:

'Actively participating in the important Federal and State funding programs specifically aimed at helping Council build local economic infrastructure'

which delivers on Council's core commitment of

Healthy Safe and Vibrant Communities.

FINANCIAL IMPLICATIONS

Council has allocated of \$240,000 from the 2012-2013 Country Roads and Bridges Grant program as Council's 50% contribution of a Special Charge Scheme for Mulchays Road.

RISK IMPLICATIONS

The sealing of the gravel section of Mulchays road provides a safe residential street that is free of potholes and dust.



ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The sealing of the gravel section of Mulchays Road would provide a residential street that appropriately caters for the 135 vehicles per day that utilise this road.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Although there have been a number of previous petitions and letters seeking the sealing of the gravel section of Mulchays Road, a survey of residents was conducted in April 2012 finishing with a public meeting held on 30 April 2012 in Trentham, both concluding that the upgrade of Mulchays Road through a special charge scheme was not supported. The landowners and residents were keen to continue to discuss the future condition of the gravel road and possible improvements that would provide a "safe and satisfactory" road surface and improved drainage.

CONCLUSION

Council has received regular requests from residents over many years to upgrade Mulchays Road to address concerns of dust and slippery road surface conditions.

Council has considered the upgrade proposal under a special charge scheme and recently completed a consultation process to gauge the level of support. The results of the survey and the public meeting indicate there is no support for a special charge scheme.

The options considered for improvements to Mulchays Road provide a range of options with Option 3 providing outcomes that are compatible with the wishes of residents in Mulchays Road.

OFFICER'S RECOMMENDATION

That Council:

- 10.4.1 Not proceed with the construction of the gravel section of Mulchays Road as proposed under a Special Charge Scheme.
- 10.4.2 Proceeds with Option 3 to spend \$240,000 from the 2012-2013 Roads and Bridges Program on the upgrade and sealing of the gravel section of Mulchays Road



MOTION

That Council:

- 10.4.1. Not proceed with the construction of the gravel section of Mulcahys Road as proposed under a Special Charge Scheme.
- 10.4.2. Proceeds with Option 3 to spend \$240,000 from the 2012-2013 Roads and Bridges Program on the upgrade and sealing of the gravel section of Mulcahys Road, subject to officers obtaining agreement from all affected landowners to upgrade all private driveway access to Council's satisfaction.

Moved: Councillor Jonathan Barrell Seconded: Councillor Don Henderson

Carried.



ATTACHMENT 3 - REPORT FROM 17 JULY 2012 - ROAD PROPOSED SPECIAL CHARGE SCHEME TO RECONSTRUCT GRAVEL SECTION



Extract – Minutes – Ordinary Meeting of Council – 17 July 2012

That Council defers item 10.9 for consideration of different funding options and the ramifications of those options on the current budget.

Mayor Councillor Sebastian Klein vacated the Chair at 7:26 pm. Deputy Mayor Councillor Rod May took up the Chair. Mayor Councillor Sebastian Klein resumed the Chair at 7:31 pm.

10.9. MULCHAYS ROAD PROPOSED SPECIAL CHARGE SCHEME TO RECONSTRUCT GRAVEL SECTION GENERAL MANAGER INFRASTRUCTURE.

In providing this advice to Council as the Manager of Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.

PURPOSE

To consider the proposal to upgrade Mulchays Road, Trentham under a special charge scheme following a resident survey and public meeting.

BACKGROUND

Council has received various requests from residents and ratepayers dating back to the 1990's, for sealing the gravel section of Mulcahys Road. Mulchays Road is sealed from Falls Road for a distance of 360 metres and the remaining 1550 metres is currently a gravelled pavement which requires regular maintenance grading and does not provide the desired level of service sought by the residents. Resident issues include dust created by traffic in dry periods and the road pavement being described as slippery and potholed which can become soft and sloppy during wet conditions. Drainage is generally adequate but would need to be improved in conjunction with any upgrade of the road.

Mulchays Road is a no through road and provides access to properties that front Mulchays Road, Feelys Lane and Puddingstone Road. There is no obvious use from vehicles accessing the forest off Mulchays Road although local information suggests some use by recreational motor bike riders occurs.

Mulchays Road has 25 properties with direct frontage with 7 more allotments that use Mulchays Road as part of their property access. Allotments vary considerably on both area and length of frontage to Mulcahys Road with some multiple lot owners.



ISSUE / DISCUSSION

Following a briefing to Council in April 2012 and response to a previous Council motion (July 2009) a written survey was posted to residents in April and a public meeting of landowners and residents was held in Trentham on 30 April 2012. The Special Charge Scheme proposal discussed with residents was to be a 50% contribution by landowners and a 50% contribution by Council. The estimated cost for the upgrade project is \$578,000 inc GST

Seventeen (17) surveys were returned from the 32 sent to property owners and the following table provides a summary of responses from the public meeting and the survey.

The results from the public meeting of 18 attendees, 17 were opposed to the special charge scheme, 1 attendee was supportive of a scheme in principal but not if the proposed apportionment was used. The consensus from the public meeting is there is no appetite for a special charge scheme. The meeting discussed and was very supportive of Mulchays Road needing to have a good quality gravel road surface that was not slippery when wet and improving the drainage to prevent water pooling and encroaching onto the road surface. There was some very limited support for future discussions on a special charge scheme with different apportionment methods to reduce landowner contributions and increase Council's contribution.

	Total of returns and public meeting responses	Total Percentage of returns and public meeting responses
Opposed to a Special Charge Scheme	18	78%
Agree in Principal but not apportion method of this proposed special Charge Scheme	3	13%
Agreed with Special Charge Scheme with 50- 50 split	2	9%
Total in Survey	23	100%

Table 1 Responses from survey and meeting



The above table includes the formal written responses from the survey and verbal responses from the public meeting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Any special Charge Scheme must be undertaken in compliance with section 163 of the Local Government Act and Council's policy 61 *Special Rates and Charges*.

FINANCIAL IMPLICATIONS

Council currently has no specific budget allocation for the construction and sealing of Mulchays Road in the adopted 2012-2013 Council budget.

Council's contribution has therefore been tentatively allocated from the 2012-2013 Country Roads and Bridges Grant program and this advice has been provided in writing to VicRoads. If Council's contribution from the Roads and Bridges Grant was increased to provide additional funding to the Mulchays Road Special Charge Scheme, the amount of road and bridge asset renewal works that could be funded from the Road and Bridges Grant program would be correspondingly reduced.

RISK IMPLICATIONS

There are no risk implications.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The February 2012 traffic count for Mulchays Road was 135 vehicles per day.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Although there have been a number of previous petitions and letters seeking the sealing of the gravel section of Mulchays Road, a survey of residents was conducted in April 2012 finishing with a public meeting held on 30 April 2012 in Trentham both concluding that the upgrade of Mulchays Road through a special charge scheme was not supported. The landowners and residents were keen to continue to discuss the future condition of the gravel road and possible improvements that would provide a "safe and satisfactory" road surface and improved drainage.

CONCLUSION

Council has received regular requests from residents over many years to upgrade Mulchays Road to address concerns of dust and slippery road surface conditions.



Council has considered the upgrade proposal under a special charge scheme and recently completed a consultation process to gauge the level of support.

The results of the survey and the public meeting indicate there is no appetite for a special charge scheme that has a 50% - 50% cost split between the landowners and Council. The landowners were very supportive of Mulchays Road having a good quality gravel road surface that was not slippery when wet and sought works to improve the drainage to prevent water pooling and encroaching onto the road surface. The landowners were not supportive of contributions from landowners toward works for improvements to the road surface or drainage.

OFFICER'S RECOMMENDATION

That Council:

- 10.9.1. Not proceed with the construction of the gravel section of Mulcahys Road, Trentham under a Special Charge Scheme.
- 10.9.2. Allocates \$35,000 from the 2012-2013 Roads and Bridges Program for drainage works and some minor road alignment improvements to Mulcahys Road to address many of the concerns raised with Council through the consultation process.

DEFERRAL MOTION

10.9.1. That Council defers Item 10.9 for consideration of different funding options and the ramifications of those options on the current budget.

Moved: Councillor Sebastian Klein

Carried.



10.5. PLANNING ZONE REFORM PROPOSALS GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Acting Manager Planning, I Kate Jewell have no interests to disclose in this report.

SUMMARY

Victoria's Planning Minister, Matthew Guy, announced on 11 July 2012 that planning zones were to be reformed to ensure that they are still relevant and adequately reflect the aspirations of all Victorians. The media release was titled – "Planning zone reforms to target productivity". The Minister has sought community feedback until 21 September 2012. Unfortunately this has provided limited time for community and Council consideration.

The new provisions propose to make very significant changes to existing zones and the introduction of new zones. In addition, significant changes to the planning framework in Victoria are proposed. The majority of zones are impacted with the main focus of the reform affecting residential, business, industrial and rural zones.

The Department of Planning and Community Development (DPCD) have indicated that feedback is sought on the content of the zones and secondly on the implementation process. This report considers the impact of the proposed zone changes that will guide our submission to the Minister, along with views as to how and when the changes should be implemented.

The Minister has indicated that the zone reforms seek to:

- Simplify requirements and to provide greater certainty (particularly in residential areas);
- Allow a broader range of activities to be considered; and
- Improve the range of zones to better manage growth.

It has been indicated that the translation to the zones will commence in October 2012, with a further 12 month implementation period to consider where new residential zones should apply.

The key concerns are:

- Limited time for consideration and consultation.
- Increased uncertainty and reduced productivity and therefore delays in decision making due to many of the uses being subject to a planning permit.
- The blurring of the hierarchy of zones and land uses limiting the capacity to responsibly plan for future growth and directing land uses to appropriate locations;



- Creep of proposed activities without the need for a planning permit which are inconsistent with the underlying purpose of the zones; and
- Inability to direct uses to ensure sustainable levels of amenity, liveability, economic activity and prosperity.
- Direct translation of business zones to commercial zones will not enable strategic work to be completed to allow Council to have time to nominate other appropriate zones.
- The strategic work and justification required to be made by Council during the implementation process and the impact this will have on resources.
- The suite of new zones and proposed changes to existing zones appear to be targeted towards the metropolitan municipalities rather than rural and regional situations and issues.

PURPOSE

The purpose of this report is to provide Council with an outline of the key changes within the reformed zones and the potential implications for Hepburn Shire. The issues arising from these changes will form the basis of the submission to be made on Council's behalf to DPCD.

BACKGROUND

On 11 July 2012, the Minister for Planning released details of a proposed Zone Reform package, which includes significant changes to the residential, business, industrial and rural zones of the Victoria Planning Provisions applicable to all planning schemes in

Victoria.

The Minister stated that:-

"Planning zone reforms are vital to maintaining Victoria's competitive economy, and growing the productivity of our retail and commercial sectors."

"These reforms will place Victoria at the forefront of commercial development and employment."

"Planning zone reform (will) improve productivity and jobs in our commercial and industrial sectors while providing greater certainty in our residential areas."

Advice from DPCD has provided some context as to the reference documents used as a basis for the proposed reforms:-

- Commitments made as part of the Government's policy platform prior to the last election;
- The Victorian Planning System Ministerial Advisory Committee interim report (December 2011);



- The (Australian Government) Productivity Commission report on Economic Structure and Performance of the Australian Retail Industry November 2011;
- The Victorian Competition and Efficiency Commission (VCEC) Inquiry into Victoria's Regulatory Framework 2011; and
- The VCEC Inquiry into Victoria's tourism industry 2011 (final report and government response still to be released).

A summary of the proposed zone reforms, as made by the government is provided in the attachments.

In summary, the reforms propose the following:

Create five new zones	Amend 12 existing zones	Delete nine existing zones
Residential Growth Zone General Residential Zone Neighbourhood Residential Zone Commercial 1 Zone Commercial 2 Zone	Low Density Residential Zone Mixed Use Zone Township Zone Rural Living Zone Green Wedge Zone Green Wedge A Zone Rural Conservation Zone Farming Zone Rural Activity Zone Industrial 1 Zone Industrial 2 Zone Industrial 3 Zone	Residential 1 Zone Residential 2 Zone Residential 3 Zone Business 1 Zone Business 2 Zone Business 3 Zone Business 4 Zone Business 5 Zone Priority Development Zone

ISSUE / DISCUSSION

1 - Key Concerns in relation to the proposed reforms

Blurring of zone hierarchy

The proposed changes to the zone controls allow for a wider range of uses both as of right and subject to permit. Whilst the general reasoning for the proposed changes is acknowledged, in a number of instances the proposed changes lead to a blurring of the hierarchy of the zones and land uses limiting the capacity for Councils to appropriately plan for future growth, through directing land use to appropriate locations.



The proposed changes to the new Residential and amended Industrial zones have the potential to limit the capacity to holistically plan for the future growth and development of our municipality through:

- Creep of proposed 'as of right' activities which are inconsistent with the underlying purpose of the zones; and
- An inability to direct the appropriate mix of land uses, ensuring sustainable levels of amenity, liveability, economic activity and prosperity.

Residential zones

The key primary area of concern in relation to the blurring of zone and land use hierarchy relates to the introduction of as of right commercial uses within the new residential zones, and in particular allowing:

- Medical centres with floor area of 250 square metres or less, as of right in all residential zones; and
- Shops and offices as of right in the General Residential Zone

These changes have the potential to significantly affect the amenity, liveability, character, form and function of residential areas. An explanation of the effect of these changes is detailed in the examples below. In summary, however, it is sound planning practice to locate commercial uses in commercial zones to ensure the effective management and control of potential land use conflicts.

Case study 1 – Medical centres in residential zones

The proposed new residential zones seek to allow medical centres of up to 250m2 as of right. If the floor area limit is met, a planning permit is not required for buildings and works associated with the medical centre use, and the building height requirements set out in the zone do not apply to the use. The proposed controls do not require medical centres to be located on a main road, and there is no capacity to limit hours of operation or require landscaping or treatments along common boundaries between a medical centre and a residential or other sensitive use.

As a result of the absence of controls for medical centres, there would be nothing to prevent a building being constructed on a residential street (with significant neighbourhood character qualities) well removed from a main road and transport and accessibility options. Such a building could exceed the maximum residential building height specified in the relevant zone and/or associated schedule, without Council or community input. There would also be no capacity to assess or prevent amenity impacts on adjoining or nearby residents, by way of noise, light, smell or in any other way. Car parking areas and accessways associated with a medical centre could be located adjacent



to a common boundary with an existing residential dwelling as of right, with no capacity for a Council or the adjoining (affected) residents to comment on the layout of the car parking and access areas, or require boundary treatments.

The development of as of right medical centres in residential areas without any control over location (e.g. on a road), amenity, height or hours of operation is likely to have significant impacts on the amenity and liveability of residential uses in residential zones and is inconsistent with the purpose of these zones.

Case Study 2 – Shops, Offices and Food and Drink Premises in residential areas

Within the new General Residential and Residential Growth zones it is proposed to allow Shops, Offices and Food and Drink Premises which meet floor area requirements as of right within 100 metres of a commercial zone. These provisions have the capacity significantly affect the character and amenity of residential areas.

The larger centres within the municipality have lineal business zoned land which abuts residential areas. The proposed changes would allow for a creep of 100 metres from the edge of the local shops increasing the extent of retail uses by up to 100 metres in every direction from the edge of an existing centre, to the detriment of the residential amenity and liveability of an area.

Such an outcome compromises the hierarchy of the zones and land uses.

Industrial zones

In industrial zones the proposed reforms seek to remove floor area limits for office uses. These proposed changes have the potential to alter the land use hierarchy and mix in industrial areas, limiting the availability of industrial land for industrial purposes.

The proposed changes to commercial zones, which are discussed below, will have the result of derestricting office uses in commercial zones, and accordingly it is considered that the proposed removal of office floor area limits in industrial areas is unnecessary.

The ability for supermarkets to be developed as of right in the Industrial 3 zones is an ill-conceived option that will seriously impact upon accessibility and the primary purpose of industrial areas, i.e. to provide for industrial and related uses, not shopping centres. Significant opportunities already exist for retailing in industrial zones as a result of recent amendments to Restricted Retail controls. The introduction of additional retailing opportunities in industrial areas may encourage industrial areas to become unplanned de



facto retail areas with limited ability to cater for traffic, pedestrian and car parking requirements associated with such uses.

Irrespective of the final form of the proposed reforms in relation to supermarkets and offices, it is suggested that a concept of 'reverse buffers' could be applied to all new nonindustrial uses in the industrial zones. These ensure that adequate separation is put in place from existing activities that have off site amenity impacts, currently provided for in Clause 52.10 of the Hepburn Planning Scheme. The imposition of such a requirement would ensure that industrial areas remain viable for industrial activities, and contribute to the maintenance of an employment and economic base for the Shire's future.

Commercial zones

The new commercial zones are seen to dilute the distinction between the existing Business zones and allow for additional activities without conditions or restrictions, including Accommodation, Retail, Office and Food and Drink premise uses.

The current distinctions between each of the five Business zones are not proposed to carry through to the new Commercial zones and schedules are not proposed for either of the Commercial zones. The replacement of the five Business zones with the two Commercial zones, also reduces the number of controls within the Victorian Planning Provisions (VPP):

- Removes the ability to provide different performance criteria and outcomes in different Business areas, and indeed distinguish between areas appropriate for office, manufacturing, bulky goods retailing from core retailing, business and entertainment uses;
- Blurs the zone and land use hierarchy; and
- Limits the ability to direct land use outcomes both at the edge of and within
 the commercial areas consistent with a precinct structure plan or similar
 policy or plan. It is regarded that the new Commercial zones should
 include schedules to provide an opportunity to direct outcomes within
 commercial areas, where appropriate. Under the proposed reforms
 however, retail uses will expand beyond the boundaries of the commercial
 cores of our townships, thereby weakening of existing retail and land use
 hierarchy and distinctions.



Adverse impact on rural environments and agriculture

The proposed zone reform changes include:

- A minimum lot size of 0.2 hectares in the Low Density Residential Zone ("LDRZ") where land is connected to reticulated sewerage. Under the current controls the minimum subdivision area is 0.4 hectares;
- Increased ability to subdivide land in the Rural Conservation Zone ("RCZ") and the Farming Zone ("FZ"), through the removal of the requirement to enter into a Section173 agreement to prevent further subdivision.
- The inclusion of a number of non agricultural uses to be considered that may conflict with existing agricultural uses.

These changes have the potential to result in the further fragmentation of rural land, allowing for additional residential lots in environmentally sensitive areas with little or no facilities and services. The increase in residential activity in such locations will lead to land use conflicts, poor housing outcomes for future occupants, as well as significant demands on Council's and ratepayers to fund new infrastructure for unplanned and potentially unsustainable development.

Implementation / transition from Business to Commercial zones

In addition to the absence of schedules to the Commercial zones, the major concern in relation to Commercial Zones relates to the proposed translation process.

It is understood, based on the exhibited materials, that at the relevant translation date, it is proposed that all land within the existing Business 1, 2 and 5 zones will become Commercial 1 Zone land, whilst land in the existing Business 3 and 4 zones will become Commercial 2 Zone land.

It is considered that the direct translation of the land in Business zones in this manner fails to ensure that land is zoned to appropriately implement any preferred strategic planning outcome for an area. Ideally, the translation of zones should occur following strategic planning studies to provide an informed translation.

By contrast the purpose of the new Commercial 1 Zone ("C1Z") is to create vibrant mixed use commercial centres for retail, office, business, entertainment and high density residential uses. Within the C1Z retail premises are as of right.

2 - Items to be clarified

 The following matters require clarification prior to the introduction of the new zone reforms:



- The criteria for the translating existing zones to new zones (particularly the Neighbourhood Residential Zone);
- Whether existing overlay controls are to remain after the new/revised zones are applied (e.g. Design and Development Overlay controls), and if not the method for translating the existing controls into the schedules to the new zones; and
- The method of applying schedules to individual areas affected by the new/revised zones (including necessary processes, timing, strategic justification).
- The method of separation distance calculations.

3.0 - Suggested Amendments to the Proposed Zone Reform Package

Based on the matters outlined above and included within Attachment 3, it is considered that prior to the adoption and implementation of the proposed zoning reforms:

3.1. RESIDENTIAL

It is submitted that the **Neighbourhood Residential Zone** should be amended to:

- Include a permit requirement for buildings and works associated with nonresidential uses. Decision guidelines should also be included for the assessment of buildings and works applications and require consideration of traffic, amenity impacts, hours of operation and consistency with the purpose of the zone;
- Include general amenity requirements for non-residential uses;
- Limit new medical centres to locations along Road Zone category 1 roads;
 and
- Apply building heights to non-residential buildings.

It is suggested that the **General Residential Zone** should be amended to:

- Make Food and Drink Premise, Shop and Office section 3 prohibited uses;
- Include a permit requirement for buildings and works associated with nonresidential uses. Decision guidelines should also be included for the assessment of buildings and works applications and require consideration of traffic, amenity impacts, hours of operation and consistency with the purpose of the zone;
- Include a general amenity requirements for non-residential uses;
- Limit new medical centres to locations along Road Zone category 1 roads; and



Apply building heights to non-residential buildings.

3.2. COMMERCIAL

It is regarded that the proposed new Commercial zones should be amended to allow for provision of schedules / recognition of precinct structure planning. The schedules should provide an opportunity to stipulate which uses are appropriate, as well as, height, setback, ground floor interface and character outcomes.

In addition, as detailed above, Councils should be given time once the new Commercial Zone controls are settled to consider the application of the new Zones.

3.3. INDUSTRIAL

Suggested amendments to the proposed Industrial zones are as follows:

- The office floor limits should not be removed, or alternatively in the event that strategic basis exists for the alteration of the office floor limits, floor limits ought to increased rather than deleted outright;
- A concept of 'reverse buffers' should be applied to all new non-industrial uses in the industrial zones.
- * The reallocation of supermarket having a leasable floor area not in excess of 2000 square metres from a section 1 to a section 2 use.

4. 4. RURAL ZONES

It is submitted that within the rural zones:

- The requirement for a Section 173 agreement preventing further subdivision of land should not be deleted:
- Accommodation should be limited to uses in association with tourist facilities and agricultural production.
- * The minimum allotment size for land in the Rural Living zone should remain at 8 hectares.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

No negative impact.

FINANCIAL IMPLICATIONS

There are number of financial implications with the proposed zone reforms, however not all are fully known or quantitative at this stage. They include:-



- Officer time to review where the more immediate transition zones apply;
- Further strategic work required to justify the implementation of the zones;
- The potential need to engage consultants to assist with the above tasks within the set time frames by the State Government;
- The proposed changes will lead to more planning permit applications, which will in turn require additional resources to process and consider the applications;
- More permit opportunities will lead to a greater percentage of cases proceeding to VCAT with the officer time costs associated with that;
- The potential effect on the strength and competitiveness of the Hepburn tourism brand through character changes to the municipality.

RISK IMPLICATIONS

It is considered that the lack of preparation and thorough thought to the content of the zones and the timing and management of implementation will raise the risk for error. The potential consequences could be well managed with the involvement of the community and Council.

The emphasis on additional time to review the strategic justification to guide the implementation of the final form of the zones would reduce this risk.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Adequate time has not been provided to conclusively assess the potential environmental, social and economic implications of the proposed reforms package. It is assumed however, that these implications will be significant and require thorough investigation in an all of council approach.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Inadequate time has led to the inability for Council to prepare an appropriate Community Engagement Plan or seek the views of its community.

CONCLUSION

Overall, the Zones Reform provided a review and update of the VPPs which is welcomed in regard to the proposed residential zones which reflect the three tiered approach which has been anticipated for a number of years.

However, it is considered that the reform appears rushed and not well thought through in terms of the detail of the content of the zones and its implications on the workload of Council planners. Further, it appears to be at odds with the recommendations of the Ministerial Advisory Committee which Hepburn Shire made a detailed submission to and the current Bill before Parliament that is promoting and modifying planning systems for quicker decisions.



It is most disappointing that the reform package has failed to address one of the fundamental issues with the planning system, that being the time, expense and complexity of the planning scheme amendment process.

It is considered that the government should review the timing of the implementation of the proposed zones reform to enable a more thorough analysis of the impact of the blurring of zones and land use activity, as well as the opportunity for Councils to have input to the application of the zones in their transition.

OFFICER'S RECOMMENDATION

That Council:

- 10.5.2. Notes the report.
- 10.5.2. Resolves to lodge a submission with the Minister for Planning on zones reform based on the details contained in Attachment 4 – 'Analysis of Key Changes for Zones applicable to the Hepburn Planning Scheme' and the following elements as outlined in the report.
 - a. Key Concerns:
 - Blurring of zone hierarchy
 - Eroding the industrial zones
 - Adverse impacts on rural environments and agriculture
 - Implementation / transition from Business to Commercial zones:
 - b. Request for clarification of identified items;
 - Opportunities to review amendments to the proposed zone reform package;
 - d. Typographical errors.



MOTION

That Council:

- 10.5.1. Notes the report.
- 10.5.2. Resolves to lodge a submission with the Minister for Planning on zones reform based on the details contained in Attachment 3 'Analysis of Key Changes for Zones applicable to the Hepburn Planning Scheme' and the following elements as outlined in the report.
 - e. Key Concerns:
 - Blurring of zone hierarchy
 - Eroding the industrial zones
 - Adverse impacts on rural environments and agriculture
 - Implementation / transition from Business to Commercial zones;
 - f. Request for clarification of identified items;
 - g. Opportunities to review amendments to the proposed zone reform package;

Moved: Councillor Janine Booth Seconded: Councillor Neil Newitt

Carried.



ATTACHMENT 4 - ANALYSIS OF KEY CHANGES FOR ZONES APPLICABLE TO HEPBURN PLANNING SCHEME

(Issued under Separate Cover)

ANALYSIS OF KEY CHANGES FOR ZONES APPLICABLE TO HEPBURN PLANNING SCHEME

Change Area	Major Changes	Positives	Negatives	Recommendation
ONE SIZE FITS ALL APPROACH AND THE REDUCTION IN AVAILABLE PLANNING TOOLS	Diminishes local discretion and control over future land use and development ability to prohibit uses and require permission is diminished.	Increased flexibility for developers/applicants. A perception of greater certainty for developers/applicants.	 Does not address the fundamental problem of the amendment process – the specifics of the current zones are considered adequate if they are applied to the correct locations however the time, cost and effort required to make simple changes is too much. Reduces potential for local variation based on varying conditions across the state. Reducing the number of zones does not increase certainty of outcomes Diminishes certainty unless significant strategic work on local policy is undertaken by Council. Creates an uncertain investment climate due to uncertainty of future development and land use. The Victorian Planning System is already one of the simplest in the country in that zones apply statewide. The proposed changes do not simplify planning processes for planning authorities and communities because the potential for inappropriate use and development is significantly increased and the tools for appropriate control are being diminished. Increased conflict situations, longer time delays and difficulty in attracting and retaining planning staff. 	Allow for much greater local variation than proposed. Retain a wide range of planning tools. Streamline the planning scheme amendment process.

OVERALL THEME OF CHANGES TO USE TABLES	General Shift of uses from Prohibited to Permit required, and from permit required to "as of right".	Provides a perception of more certainty to the developer/applicant as discretion exists. Reduces the need to seek approval for a number of uses. Increases the range of uses available to the developer. Reduces need for planning scheme amendments for specific proposals.	 No specific details provided on how these changes may be implemented. Creates uncertainty for residents and businesses by allowing uses that may have off-site impacts to establish without permit. Examples: 24 Hour Take-away and 24 Hour medical centre in Neighbourhood. Residential zone. New Commercial Zone allows Garden supplies and industry to establish next to a restaurant or café without permit. Significantly higher potential for planning applications and appeals to VCAT. Greater impact on council resources. Increases the level of conflict in an already confrontational area of Council 	That uses that could have adverse impacts on existing businesses or residences be subject to permit and not be exempt from notification provisions.
BLURRING OF DISTINCTION BETWEEN RURAL AND URBAN USES	Allowing a wide range of urban uses in non-urban zones either subject to permit or without permit.	Provides a perception of more certainty to the developer/applicant as discretion exists. Reduces the need to seek approval for a number of uses. Increases the range of uses available to an applicant. Reduces need for planning scheme amendments	 Provides uncertainty for rural land users, infrastructure planners as future land use becomes less predictable. Potentially blocks orderly urban expansion by raising price of rural land at urban fringes. Increased price of rural land diminishes competitive capacity of agriculture. Potentially creates "buffer blight" impacting on future town expansion. Competes with urban land market resulting dispersed development and investment uncertainty that ultimately Council will have to service. Significantly greater potential for planning appeals to VCAT. 	 That no change be made to the current rural suite of zones. That rural land at the edges of towns be protected from land speculation and inappropriate uses with appropriate limitations on land use and development via a mandatory policy reference in the State Section of the Planning Scheme or through Local Policy. That Planning Authorities be given the autonomy to develop stricter controls where primary industries are threatened.
AMENDED ZONES IN CONFLICT WITH EXISTING POLICY	New zones do conflict with a wide range of existing policy.	None	Urgent need for all Planning Authorities to carry out amendments to their Planning Schemes which creates a resourcing issue – otherwise potential for translation!!!.	 Re-draft or retain zones that reflect policy. Change policies if inappropriate. Allow Planning Authorities to include

			 Urgent need for the Minister to amend State Policy Proposed zones do not provide the right tools to implement some important policy (there is now no bulky goods zone, retail areas are now dispersed rather than compact as policy encourages). 	wide ranging schedules to vary controls locally.
UNINTENDED OR PERVERSE OUTCOMES	As a consequence of the proposed changes there are a number of outcomes that have been detected which do not appear to have been anticipated.	NA	 Sensitive uses allowed next to adverse amenity uses with or without a permit (previously prohibited). Promotes out of centre development for uses without a permit where required services are not appropriate or do not exist – eg: Supermarket in industrial areas where no public transport, pedestrian or universal access. 	No change until further detailed analysis undertaken.
FARMING ZONE	Modification of purpose: "To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. (Purpose was, "to ensure that nonagricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture").	This change is not considered positive in the context of Hepburn Shire.	Coupled with the increase in as of right and permit required uses, this has the likelihood of eroding the right to farm. Inadequate decision guidelines have been applied to assist in determining which uses are inappropriate. Hepburn's farming areas have been identified as being of strategic importance nationally, regionally and locally. The ad-hoc and incremental development of dwellings in the Farming Zone will have implications for servicing costs to local government (and ratepayers), the provision of social and emergency services, landscape quality, water use, agriculture and	The existing purpose emphasizes dwellings for a strong reason. It is considered that this purpose should be retained. Councils have for years had the right to seek a more appropriate zone, such as Rural Activity, Rural Conservation or Rural Living, where they wanted to encourage a more diverse range of uses in their rural areas. Noting the previous comments re the issues associated with amendments to planning schemes. This is considered an appropriate purpose and the purpose should be left unchanged.

Inclusion of a new purpose for the zone: "To retain population to support rural communities"	This change is not considered positive for Hepburn Shire as it is vague and lacks guidance as to how and where this will be achieved.	biodiversity. Agriculture underpins the local economy – to diminish the importance of food production in the Farming Zone has not just local impacts, but regional and national. The development of dwellings on lots in the farming zone inflates the price of land to the extent that farming enterprises are unable to expand and diversify. The regional growth plans have highlighted an abundance of Rural Living zoned land for this purpose. The potential scale of rural housing could seriously diminish the tourism and agricultural potential of the region. Has potential to undermine the strategic work undertaken and the draft Rural Land Use Strategy. This is contradictory to the remaining purpose of the Farming Zone, and is at odds with State Policy that discourages dwellings unless required for agriculture and undermines the application of other more appropriate zones for these uses. Has potential to undo the strategic work established by the draft Rural Land Use Strategy.	The existing purpose emphasizes dwellings for a strong reason. It is considered that this purpose should be retained. Councils have for years had the right to seek a more appropriate zone, such as Rural Activity, Rural Conservation or Rural Living, where they wanted to encourage a more diverse range of uses in their rural areas. Noting the previous comments re the issues associated with amendments to planning
		Is at odds with Regional Strategy undertaken	

		as part of the Grampians RGP, which	schemes.
		identifies available rural living zoned land that are best suited to these uses.	This is considered an appropriate purpose and the purpose should be left unchanged.
		Incremental development of dwellings and other non-agricultural uses has significant adverse implications for servicing costs to local government and other servicing authorities, provision of social services, landscape quality, water use, right to farm and flow on impacts to tourism.	
		To support rural communities, it would be more appropriate to direct population growth into our existing small towns or RLZ or RAZ land.	
		Rural communities (townships) are likely to lose government investment if the population is scattered throughout the farming zone.	
		It is better to consolidate and grow existing communities with existing servicing that can be enhanced.	
Removal of the purpose to the zone: "To protect and enhance natural	This change is not considered positive for Hepburn Shire as Council has actively advocated on better enhancement and	This is at odds with State Policy, Local Policy, good farming practice and community expectations.	Retain the purpose.
resources and the biodiversity of the area."	protection of natural resources and biodiversity.	Remnant areas of vegetation scattered throughout farming areas perform vital services – soil microbiology, water table, salinity, pollination, beneficial predatory	

Primary produce sales, rural industry and rural store now as of right (with conditions)	Some of the relaxations such as primary produce sales, rural industry and rural store are appropriate, as they are limited in size and impact due to conditions, they support agricultural activity and may assist farmers in value-adding to enterprises.	insects and animals. Has significant adverse implications for landscape aesthetics sought after for tourism, one of the reasons people move to and visit our Shire is for the rural outlook and environmental benefits of living in an area with rich biodiversity. Numerous farmers make important contributions to the enhancement of biodiversity and environmental values in the Shire and this should be recognized in the zone's purpose. This purpose has been retained in Rural Activity Zone, no reasons given for this and makes less sense. There is the potential for misuse of the Rural Store provisions on small lots that are not genuinely for agriculture (eg for domestic holiday use). There needs to be a minimum lot size or bone fide agricultural test to ensure that rural sheds do not proliferate in old small lot rural areas where agriculture should be the prime activity.	Retain change as proposed apart from imposing conditions or tests such as a minimum lots size (say 20ha) for Rural Store.
Removal of restrictions on as of right and permissible uses. Only prohibited uses in	More perception of certainty for applicants	There are inadequate decision guidelines to assess appropriateness of new permit required uses. There are no reasons given for why all	The change is not supported.

Farming Zone:
Amusement Parlour,
brothel, child care
centre, tertiary
education, nightclub,
office, some retail
uses.

All industrial uses now either permit required or as of right.

Industrial uses are now appropriate in a Farming Zone, and how this will not undermine the purpose of the zone (ie to provide for the use of land for agriculture).

Lack of transition period means that there is not time to insert Local Policy to regulate nonagricultural uses – Council may not get State Govt support if seeking to mitigate effects.

Will impact on the values of land (rated for the highest and best use possible on land). Will potentially inflate the value of land to a point where it is not viable for farms to expand their holdings.

Will draw industrial uses out of well-serviced industrial estates, where land prices are higher.

Will lead to an increase in the number of applications and conflicts associated with these applications which will likely to end up in VCAT for planning decisions,

Creates uncertainty for Councils in how to rate land given a broad range of uses possible.

Will impact on the provision of infrastructure across the rural areas eg large commercial vehicles accessing outlying areas, increased road damage, weight limits on bridges.

Will reduce the aesthetic qualities of the rural landscape – flow on effect to tourism.

Land use conflicts are likely to arise between industrial uses (eg Materials Recycling) and bona fide farming enterprises. Risk to the environment and agricultural activities—greater potential for contamination of adjoining land.

There is no permit trigger for sensitive uses such as dwelling or educational establishment that may be established on contaminated land without a permit or assessment.

Potential for strip development of commercial and industrial uses that will be detrimental to desirable tourist routes and landscape values.

Would adversely impact on the strategic work in the draft Land Use Strategy

Potential uncontrolled increase in traffic on the local rural road network, increasing maintenance costs.

The additional permissible uses will greatly increase the potential for planning applications and is not supported as proposed because of the potential impact on administrative resources.

The changes will have the effect of encouraging inappropriate and incompatible

Community market,	Provides a perception of more	uses and increasing rural land values, both of which undermine the viability of agricultural land. In some areas these are not inappropriate.	Develop guidelines for appropriate siting
landscape gardening supplies now permit required uses	certainty for applicants as they can apply for such uses.	Plant nurseries often sell landscape gardening supplies. State Government needs to provide decision guidelines to assist in assessment of use for commercial uses. Adds to semi retail uses the cause increased land values and hence impact on agriculture.	and implement via a schedule to the zone
Increase in number of guests at a B&B from 6 to 10.	Sensible increase, more support for minor tourism however requires clearer definition for B&B.	Could lead to an increase of residential uses in areas with potential amenity impacts and impact of existing uses - right to farm	Support change with appropriate guidelines
Accommodation (including tourist accommodation, group accommodation, hostels etc) now being permit required, rather than being prohibited if not linked to agricultural use of the land	Create a perception of more certainty for applicants	Pressure on infrastructure, land use conflict – diminishing right to farm, removing land from agriculture. Creates further potential land use conflicts with incompatible uses where new uses may adversely impact on existing and primary uses such as farming.	The change is not supported.
Removal of the requirement for a restaurant to be in conjunction with	Create a perception of more certainty for applicants	Restaurants may move out of townships onto small lots in farming zones. Pressure on legitimate farming uses, infrastructure and servicing impacts to Council and other	Whilst it may be appropriate to broaden the range of circumstances under which restaurant can establish in the zone, such an open slather approach is contrary to the

agriculture or winery.		authorities.	zone purpose.
		Remove agricultural land from production. Such uses should be supporting existing agricultural uses.	Not supported without conditions
Store does not have to be in conjunction with a dwelling on the land.	Could benefit some larger farms if properly conditioned.	Small farming lots used for warehousing, rather than storage in industrial zones. May have impact on crime in rural areas, as stores unattended by resident. Impact on aesthetic of rural landscape. This has far reaching implications because of the potential for small lots in old and inappropriate subdivisions to have sheds erected on them to be used as unofficial "weekenders" a problem that is already significant in the Shire. However, in the case of larger holdings where the shed is of significant size there may be scope for such a change.	Impose some strict conditions in relation to size of land and size of store.
Deletion of a requirement for a S173 Agreement to prohibit further subdivision where a lot of less than 40ha is created	Provides perception that continued small lot applications will be successful as they can be made and then small lots once created can have dwellings on them.	The small lots are not the issue, the issue is the perception that every small lot will have a dwelling which undermines the purpose of the zone. The potential for defacto residential subdivision in the Farming Zone through	Break any perception of nexus between small lots and dwellings where a section 173 agreement is mandatory but not to restrict further subdivision but to restrict any further dwellings.

	Support for small lot as these can be traded to improve farm enterprises.	serial excisions is returned. The "Right to Farm" is again undermined. The Farming Zone was initially introduced with the S173 requirement to address this issue. The situation is now proposed to return to what it was under the former Rural Zone. Likely increase in the number of small lot subdivision applications which has resource implications on Council, further slowing up a struggling system. Likely that there will be many requests to remove S173 Agreements from existing titles	
Threshold for exemptions from requiring a planning permit for additions to dwellings, outbuildings and agricultural structures are doubled.	More certainty for applicants and Council	with resourcing implications for Council Removes unnecessary processing of minor applications where not triggered elsewhere by overlays. Will have a very minor impact on Council resources.	Agee with change.
Rural industry other than abattoir and sawmill now as of right (subject to conditions)	More certainty for applicants	Conditions for as of right likely to create confusion. Uses may be not compatible with those adjoining but Council as a Responsible Authority will have no control but will be left with the conflict situations within their communities.	Redraft proposed conditions.

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Primary produce sales	More certainty for primary	Supports agricultural activity and value-	Agree with change.
now as of right (subject	producers	adding, supports tourism (farm gate trails).	
to conditions)			
Primary and secondary	Provides a perception of more	In strict land use planning terms the location	The change is not supported.
schools no longer	certainty for applicants as they	of schools in rural areas is inappropriate	
prohibited – now permit	can now apply for uses that were	because it relies on car and bus transport and	However, it would be appropriate to allow
required use.	previously prohibited with great	reduces urban and rural efficiency.	for a class of school that is reliant on an
	certainty.		agricultural/rural location (eg agricultural
	oortainty.	Such a change proposes out of centre	school, natural resource school). However,
		development leading to ongoing issues for	care would need to be taken in establishing
		Council and servicing authorities.	the conditions pertaining to the definition of
		Countries and conviously additionalise.	such a use to avoid abuse of the definition.
		Primary and secondary schools can tend to	Such a doc to avoid abase of the definition.
		establish several kilometres outside towns on	In the event that primary school and
		main roads. Their high traffic generation can	secondary school are to become
			1
		compromise road function and lead to	permissible uses, it is appropriate that
		lowering of speed limits due to safety	Tertiary education facilities reliant on a
		concerns.	rural location also be permissable as well.
		In a rural shires reducing speed limits on rural	It is appropriate that conditions be applied
		highways has the negative impacts of	to ensure that regional highways are not
		extending journey times and consequential	directly accessed from schools.
		driver fatigue and increasing freight costs for	amount accessed mentioned.
		sometimes marginal rural industries.	
		The only type of school that is considered	
		justified in planning terms is one that is reliant	
		on a rural location because of the type of	
		education it provides (eg an agricultural	
		. , , ,	
		school or environmentally based school).	
		This proposed change does not consider	

			tertiary education facilities.	
	Removal of many conditions for permit required uses that require a link between the proposed use and the use of the subject land for agriculture, or place a limitation on the extent of the non-agricultural use.	Perception of more certainty for applicants	As the name suggests, the Farming zone is essentially for farming. For areas where additional uses for accommodation and tourism activities are required, the Rural Activity Zone should be applied. This change undermines the right to farm, and has the effect to irrevocably remove high quality strategically important agricultural land from production – a critical issue for food security. There have not been adequate decision making guidelines created for clause 35.07-6 to ensure that commercial, industrial uses demonstrate a tangible relationship or benefit to farming in the locality/region.	Either retain existing conditions or improve decision making guidelines for clause 35.07-6 to ensure that commercial, industrial uses demonstrate a tangible relationship or benefit to farming in the locality/region.
	Motor Vehicle Racing Track no longer prohibited	Perception of more certainty for applicants	Significant potential to cause detriment to farming activities and the amenity of a farming area. Possibility of removing large parcels of land from production, traffic implications, servicing tracks.	This should remain a prohibited use in the Farming Zone.
RURAL ACTIVITY ZONE	Increase in number of guests at a B&B from 6 to 10.	Sensible increase, more support for minor tourism however requires clearer definition for B&B.	Could lead to an increase of residential uses in areas with potential amenity impacts and impact of existing uses - right to farm	Support change with appropriate guidelines

Primary proc now as of rig to conditions	ht (subject value-adding, supports tour	•	Agree with proposed change subject to conditions.
Rural industr than abattoir sawmill now (subject to co	and as of right	ants. Conditions for as of right likely to create confusion and may create land use conflict that Council will be left to deal with even though no power to control any initial permission.	Reword to include conditions for as of right use.
Rural store right (subject conditions)		Store provisions on small lots that are not genuinely for agriculture (eg for domestic	Retain change as proposed apart from imposing a minimum lots size (such as default 20ha alterable by schedule) for Rural Store.
Abattoir perruse	Perception of more certainty applicants	Inappropriate use for rural activity zone – amenity impacts, zone often used to encourage tourism uses relating to agriculture. Environmental impacts.	The use is inappropriate to the purpose of the zone. It should remain prohibited.
Accommoda than depend person's unit dwelling) per required use	ent applicants and mit	Will lead to an increase in applications for consideration, increase in conflict and VCAT cases thus slowing an already slow system.	Appropriate, however decision guidelines and or conditions need to be developed to assist in the assessment of non-agricultural uses in order to provide guidance to applicants and planners.

caravan park, group accommodation, host farm, hotel, residential hotel			
Retail premises (other than Primary produce sales) permit required use	Perception of more certainty for applicants	Retail premises is a very broad land use term and includes: food and drink premises: convenience restaurant, hotel, restaurant, take away food premises, tavern. Gambling premises: betting agency, gaming premises. Landscape gardening supplies, plant nursery. Manufacturing sales. Market, trash and treasure market. Motor vehicle, boat or caravan sales. Postal agency. Trade Supplies, timber yard. Shop – which in itself is a broad land use term, and includes: Adult sex bookshop, beauty salon, bottle shop, convenience shop, dry cleaning agent, department store, hairdresser, Laundromat, restricted retail premises, equestrian supplies, party supplies and supermarket. Is likely to divert retail business investment from our town centres to cheaper land. Conflicts with purpose of the zone. Limited retail uses may be appropriate, eg equestrian supplies, landscape gardening supplies, plant nursery, manufacturing sales, but these should be specified, or strict limitations applied eg: Must be in conjunction with Agriculture, must be the only retail	Change not supported as proposed. The retail premises definition is far too broad to ensure that inappropriate uses (some in competition with urban centres) will not occur.

		premises on the lot.	
Sawmill permit required use	Perception of more certainty for applicants	Needs to be limitations or conditions placed on the use. Implications for bushfire risk, impact on tourist routes, amenity, tourist accommodation.	Change not supported as proposed
		No clear decision guidelines for non- agricultural uses – these need to be developed in order to provide certainty to applicants, landowners, VCAT and councils.	
Warehouse (other than Rural store) permit required use	Provides opportunity for cool stores and freezer storage to be used for warehousing of goods other than primary produce.	Has potential to draw investment out of established industrial zones where infrastructure and servicing has been provided and result in agricultural land being priced beyond its agricultural potential.	Change not supported as proposed.
Removal of requirement for S173 Agreement to prevent further subdivision	Provides perception that continued small lot applications will be successful as they can be made and then small lots once created can have dwellings on them.	The small lots are not the issue, the issue is the perception that every small lot will have a dwelling which undermines the purpose of the zone. The potential for defacto residential subdivision in the Rural Activity Zone (RAZ) through serial excisions is returned. The "Right to Farm" is again undermined. The RAZ was initially introduced with the S173 requirement to address this issue. The situation is now returned to what it was under the former Rural Zone.	That the requirement for S173 Agreement remain

		Likely increase in the number of small lot subdivision applications which has resource implications on Council, further slowing up a struggling system. Likely that there will be many requests to remove S173 Agreements from existing titles with resourcing implications for Council	
Permit threshold for extensions or alterations of an existing dwelling from 50 square metres to 100 square metres	More certainty for Councils and applicants	Removes unnecessary processing of minor applications where not triggered elsewhere by overlays. Will have a very minor impact on income from application fees.	Support change as proposed as consistent with work currently being undertaken by Council.
Permit threshold for extensions or alterations to an existing building used for agriculture from 100 to 200 square metres	More certainty for Councils and applicants	Removes unnecessary processing of minor applications where not triggered elsewhere by overlays. Will have a very minor impact on income from application fees. Most are exempt from requiring a permit anyway.	Support change as proposed as consistent with the work currently being undertaken by Council.
No additional decision guidelines to assist in the assessment of non-agricultural uses	Perception of more certainty for applicants	Likely to end up in VCAT more frequently as land use conflicts highly likely to arise with more liberal as of right and permit required uses. No certainty for permit applicants, landowners, or Council.	Suggest to Minister that additional decision guidelines be developed.

RURAL
CONSERVATION
ZONE

Accommodation (other than B&B, dependent persons' unit and dwelling) permit required use, rather than prohibited (or no longer permit required with conditions)

Includes caravan and camping park, corrective institute, caretaker's residence, residential building, backpackers lodge, boarding house, hostel, nursing home, residential aged care, residential college, hotel, motel, residential village.

Perception of more certainty for applicants as more application can be made

Removes conditions on Group
Accommodation, Residential Hotel: must be in
conjunction with Agriculture, Rural Industry or
Winery, limit on number of dwellings,
bedrooms and lot sizes (lot sizes only applied
to metropolitan Melbourne).

Contradictory to the purpose of the zone.

Pressure on infrastructure, land use conflict – diminishing environmental values of the land that are meant to be protected in the zone.

Environmental impacts – septic tanks, increased traffic, removal of vegetation and habitat, and removal of land from agriculture.

Aesthetic impacts – cultural significance, open rural and scenic non-urban landscapes jeopardized by over-development and impacts on landscapes valued by visitors.

Permissible uses contradictory – residential college permissible, however tertiary education facility is prohibited. Primary or secondary boarding school permit required.

Change would effectively leave the VPPs without a zone for highly sensitive environmental areas.

The changes would be better achieved by a rezoning to a less restrictive rural zone by respective planning authorities given the highly sensitive nature of much of the land included in the Rural Conservation zone.

This would be better facilitated by a more streamlined planning scheme amendment process which would allow Council's to apply a more appropriate zone.

Change not supported.

Animal boarding and animal training, permit required use, no longer prohibited. Landscape gardening supplies now permit required use (includes plant nursery), no longer prohibited	Perception of more certainty for applicants Perception of more certainty for applicants	Introducing additional domestic or exotic animals into an area which is zoned to: protect and enhance the natural environment for their faunal habitat is contradictory. The fauna that uses the habitat ought to be protected as well by default! May be appropriate in some locations. Would need to be constrained by appropriate permit conditions – decision guidelines do provide some guidance to the community.	Change not supported. Suggest to Minister that additional decision guidelines be developed.
Leisure and recreation (other than informal outdoor recreation and motor racing track) now permit required uses, no longer prohibited Includes Race Course, indoor recreation facility, dancing school, open sports ground, golf course, golf driving range, paintball games facility, pleasure park, zoo and restricted recreation facility.	Perception of more certainty for applicants	Significantly increases development potential for the RCZ. To avoid adverse outcomes decision guidelines should be developed. Increase in potential permits applications thus impacting on council resources and leading to further conflict and VCAT cases.	Suggest to Minister that additional decision guidelines be developed.
Market no longer prohibited, now permit required use	Not likely to be a great impact, as the environmental constraints and stall numbers, parking		Change supported.

	requirements can all be managed through permit conditions.		
Primary and secondary schools no longer prohibited – now permit required use.	Perception of more certainty for applicants	Intensive uses such as school are not consistent with the purpose of the zone.	Change not supported.
Any other use not in Section 1 or 3 is now permissible in the zone. Restaurant (no longer needs to be in conjunction with Agriculture, Rural Industry or Winery, no limitations on patron no's, no limitation on lot size) Freezing and Cool	Perception of more certainty for applicants	Likely to end up in VCAT re: land use conflicts, possible EPBC and FFG implications (environmental impacts could be irreversible) Reverts to the uncertainty of the former Rural Zone where anything can be applied for leading to argument and conflict, increase in VCAT cases and adverse impacts for Councils attracting and retaining staff due to level of uncertainty and conflict.	Overall change is not supported as not in accordance with zone purposes. Primary Produce Sales with conditions should however be an as-of-right use.
storage no longer limited to agricultural produce or products used in agriculture.			
Cemetery, Crematorium, Display Home, Funeral Parlour, Freeway Service Centre, Saleyards,			

	Hospital, Service Station or any innominate use, no longer prohibited.			
Schedule to RURAL CONSERVATION ZONE	Removes ability for Councils to set limits on number of bedrooms in residential hotel, and limits on number of patrons to a restaurant	Provides more certainty for applicants	This may result in much larger than appropriate complexes being constructed in fragile environments with high conservation value. Impacts from greater visitation to this area may be irreversible and have severe environmental implications. Impacts on servicing particularly roads and has the potential for adverse amenity impacts.	Change not supported.
RURAL LIVING ZONE	Increase in number of guests at a B&B from 6 to 10.	More certainty for developers/proponents	Sensible increase, more support for minor tourism. Requires better definition of B&B	Change supported.
	Default minimum lot size from 8 hectares to 2 hectares	More certainty for applicants	Increasing density of population similar to LDRZ. Environmental impacts re water quality: 4 times as many septic tanks Nothing between 2hectares of RLZ and 40hectares of FZ – If need exists to provide such a change, retain the 8ha default and allow lower lot sizes to be specified in schedule, but only where justified.	Change not generally supported. Retain the current 8ha default and the ability to schedule differing lot minimums. Requires streamlined amendment process to facilitate this.

	Removal of the requirement for S173 Agreement to limit further subdivision	Perception of more certainty for applicants with multiple applications for small lots able to be made.	Change does not take into account that such land can be in hazard areas (eg Fire or flood risk) or of high environmental sensitivity. Not really a great issue in the RLZ. May becomes an issue where existing RLZ subdivisions have S173 agreements in place already, and potentially need to have them removed to subdivide to minimum lot size.	Change not generally supported. If need exists to introduce such a change, retain the 8ha default and allow lower lot sizes to be specified in schedule, but only where justified
	Permit threshold for extension to dwelling or outbuilding doubled from 50 to 100 square metres.	Provides more certainty for applicants	With the proposed minimum lot size of 2ha, dwellings will generally be placed closer together, and permits may be triggered by the distance specified in the schedule.	Change not generally supported based on 2ha minimum, retain status quo. If need exists to introduce such a change, retain the 8ha default and allow lower lot sizes to be specified in schedule, but only where justified
COMMERCIAL 1 ZONE	Consolidation of B1, B2 and B5 Zones	Perception of more certainty for applicants	No longer any buffer zone to residential areas (see modified purpose below). B2Z often used as a buffer between business centres and residential areas.	Change not supported. Would have a negative impact on residential amenity.
	Modification of purposes to: To create vibrant mixed use commercial centres for retail, office, business, entertainment and high density residential	Perception of more certainty for applicants	B1Z formerly to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses. B2Z formerly to encourage the development of offices and associated commercial uses. B5Z has not been applied in Hepburn.	Change not supported. The proposal would have a negative impact on established town centre retail precincts.

	1000		Given the objective of the zone, the use of the	1
u:	uses.			
			term Commercial Zone rather than Mixed Use	
			zone is questioned.	
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	Accommodation (other	Provides more certainty for	Formerly permit required in B1Z and B2Z.	Change not supported. Seems to induce an
	han dwelling and	applicants	Large hotel complex needs to be assessed in	unintended change to State Policy in
C	corrective institution)		order to mitigate potential land use conflicts	relation to the use.
a	as of right		that may arise in such a mixed zone.	
			Residential village and retirement village	
			should be prohibited in Commercial Zones as	
			not consistent with purpose of zone.	
			Given that Industry can be established within	
			the zone as-of-right and Accommodation can	
			be established as-of-right, the trigger for use	
			of land by sensitive uses is removed	
			,	
C	Child Care Centre as of	Provides more certainty for	Same as former B1Z. Formerly permit	Change not supported. Seems to induce an
ri	right (with condition –	applicants	required in B2Z.	unintended change to State Policy in
	any frontage at ground	••	'	relation to the use.
	loor level must not		Given that a Brothel can be established within	Totalion to the doc
	exceed 2m and access		the zone and Child Care Centre can be	
			established as of right, the potential exists for	
	must not be shared		a Child Care Centre to establish adjacent to a	
W	vith a dwelling)		brothel.	
			Diotriei.	
			Given that Industry can be established within	
			the zone as-of-right and Child Care Centre	
			•	
			can be established as-of-right, the trigger for	
			use of land by sensitive uses is removed and	
			therefore the zone allows for Child Care	
			Centres to be established on contaminated	

		land.	
Cinema as of right	Provides more certainty applicants	Same as former B1Z. Formerly Permit required in B2Z. May result in unintended consequences which Council will be drawn to by community with no ability to deal with.	Change not supported.
Cinema based entertainment facility as of right	Provides more certainty applicants	Same as former B1Z. Formerly Permit required in B2Z. May result in unintended consequences which Council will be drawn to by community with no ability to deal with.	Change not supported.
Dwelling as of right (with condition – any frontage at ground floor level must not exceed 2m (other than a B&B and Caretakers house)	Provides more certainty for applicants	Should read "Dwelling (other than Bed and breakfast and Caretaker's house) Given that a Brothel can be established within the zone and Dwelling can be established as of right, the potential exists for a dwelling to establish adjacent to a brothel. Given that Industry can be established within the zone as-of-right and Dwelling can be established as-of-right, the trigger for use of land by sensitive uses is removed and therefore the zone allows for Dwelling to be established on contaminated land adjacent to an industrial use leading to land sue conflict.	Change not supported. Creates unintended land use issues Seems to induce an unintended change to State Policy in relation to the use.
Education Centre as of	More certainty for applicants	Given that a Brothel can be established within the zone and Dwelling can be established as	Change not supported.

right (no conditions)		of right, the potential exists for an Education	Creates unintended land use issues
		Centre to establish adjacent to a brothel or a dwelling without any control or Council input.	Seems to induce an unintended change to State Policy in relation to the use.
		Given that Industry can be established within	·
		the zone as-of-right and Education Centre can	
		be established as-of-right, the trigger for use	
		of land by sensitive uses is removed and	
		therefore the zone allows for Education	
		Centre to be established on contaminated	
		land adjacent to industrial uses.	
Exhibition Centre as of right	More certainty for applicants	Use previously not specified in Business Zones – permit required.	Change not supported.
		Defined at clause 74: Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.	
		Various exhibition centres around Victoria often host other events such as concerts.	
		While this is unlikely to pose a problem in Hepburn, this type of use and development needs to be managed so as to mitigate adverse amenity impacts.	
Office as of right (no conditions)	More certainty for applicants	Previous conditions applied in B1Z – leasable floor area limit set in schedule to zone, frontage at ground floor level must not exceed	Change not supported.
		2m and access must not be shared with a	
		dwelling, unless the office is a bank, real	
		estate agency, travel agency, or any other	

		office where the floor space adjoining the frontage is a customer service area accessible to the public. Previous condition in B2Z – combined leasable floor area must not exceed any amount specified in the schedule. More desirable to provide active street fronts in 'high street' commercial areas. To allow office as of right may impact adversely on the central business areas of towns, and displace more active uses such as shop into peripheral parts of business areas.	
Place of Worship as of right with condition: gross floor area of all buildings must not exceed 250 square metres	More certainty for applicants	In the former B1Z & B2Z– permit required. Should remain section 2 to ensure that amenity issues properly addressed.	Change not supported.
Retail premises (other than adult sex bookshop) as of right	More certainty for applicants	Retail premises is a very broad land use term and includes: food and drink premises: convenience restaurant, hotel, restaurant, take away food premises, tavern. Gambling premises: betting agency, gaming premises. Landscape gardening supplies, plant nursery. Manufacturing sales. Market, trash and treasure market. Motor vehicle, boat or caravan sales. Postal agency. Trade Supplies, timber yard. Shop – which in itself is a broad land use term, and includes: beauty	Change not supported.

		salon, bottle shop, convenience shop, dry cleaning agent, department store, hairdresser, Laundromat, restricted retail premises, equestrian supplies, party supplies and supermarket. In B1Z, betting agency, shop, postal agency, trade supplies are the only retail premises that are as of right. In B2Z, postal agency is the only retail premises that is as of right.	
Adult sex bookshop, permit required use (with condition Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school or secondary school or secondary school.)	Perception of more certainty for applicants	Used to need to be at least 200m from a Business 5 Zone. No explanation as to why it is now acceptable in areas where previously prohibited. Potential for Child Care Centre, Accommodation, Dwelling and Educational Centre to encroach upon the use because they are as-of-right uses.	Change not supported. Seems to induce an unintended change to State Policy in relation to the use.
Place of assembly (other than Carnival, Cinema, Circus, Exhibition Centre and	Perception of more certainty for applicants	No change, Carnival and Circus are as of right under clause 62.01, provided the requirements of 'Good Neighbour' Code of	Change supported. Discretion to grant a permit is appropriate.

	Place of Worship) permit required use		Practice for Circus or Carnival are met.	
	Warehouse discretionary (with the condition must not be a purpose listed in the table to clause 52.10)	More certainty for applicants	No change from B1 or B2Z.	Change supported. Discretion to grant a permit is appropriate.
	Timber Yard now discretionary	Perception of more certainty for applicants	Formerly prohibited in B2Z.	Change supported. Discretion to grant a permit is appropriate.
	Consolidation of application requirements and decision guidelines.	Improves readability and places all relevant decision guidelines in one clause		Change supported.
	Creation of more as-of- right uses effectively removes notice and review rights	More certainty for applicants	When developments spring up without notice, Councils will be on the receiving end of complaints – with no recourse for appeals relating to use or development.	Change not supported due to insufficient consultation on an issue that will have far reaching consequences.
COMMERCIAL 2 ZONE	Consolidation of Business 3 and Business 4 Zone		B3Z purpose to: encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.	Although B3 and B4 currently not in use in Hepburn Planning Scheme the change not supported.
			B4Z purpose to: encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services.	
			Undermines MSS, LPPF and many strategies that support towns' central business areas, discourage out of centre retail, other than for bulky goods.	

"To device comme offices manufa industrinot affer and arm	one purpose: velop ercial areas for and appropriate acturing and rial uses that do ect the safety menity of ent sensitive	Perception of more certainty for applicants	The as of right uses and new permit required uses do not appear to meet the purpose of the zone. The zone will result in too many potential land use conflicts and the inability to implement local policy.	Change not supported.
(condit must a	a as of right tion that the site adjoin or have is to a road in a one)	More certainty for applicants	Alteration of the access to the road triggers a planning permit, as does building and works. No ability to manage amenity impacts caused by the use eg hours of operation, patron numbers Leads to further land use conflicts that Council will be involved in but has no control.	Change not supported.
enterta as of ri	a based ainment facility ight (same on as above)	More certainty for applicants	Alteration of the access to the road triggers a planning permit, as does building and works. No ability to manage amenity impacts caused by the use eg hours of operation, patron numbers Leads to further land use conflicts that Council will be involved in but has no control.	Change not supported.
premis (condit	and drink ses as of right tion that leasable rea must not	More certainty for applicants	All food and drink premises permit required use in B3 and B4Z.	Change not supported.

exceed 100m2)		May cause decline in central business areas of towns as opportunities to move out of centre areas previously zoned for bulky goods)	
Home occupation, now permit required use.		Dwelling (other than Caretakers house) prohibited in Commercial 2 Zone. Dwelling prohibited in B3Z (Accommodation other than Caretakers' House) and in B4Z (Accommodation other than Caretakers House and Motel). The use does not make sense other than in the context of an existing non-conforming dwelling. It would be better to deal with these situations by applying the non-conforming use clause.	Change unnecessary and not supported.
Industry (other than materials recycling and transfer station) now as of right with condition: must not be a purpose shown with a Note1 or Note2 in the table to clause 52.10.	Makes it easier for industry to establish.	Industry in B3 & B4Z previously had more conditions for the use to be as of right: The land must be at least the following distances from land (not a road) which is in a residential zone, B5Z, Capital City Zone or Docklands Zone, land used for a hospital or education centre or land in a PAO to be acquired for a hospital or education centre: The threshold distance, for a purpose listed in the table to clause 52.10 30 metres, for a purpose not listed in the table to clause 52.10. Increases the potential for conflicts between land use types within the zone. No opportunity to assess the potential impacts on amenity	As the potential for land use conflict is increased with the extra land use types allowed within the zone it is considered that the 30 metre threshold requirement should remain.

Office now as o without conditio Restrictions on floor area now removed.	ns. manufacturing/office businesses	Could increase the potential for land use conflicts. There is now no dedicated office zone.	Support the change. In this case the benefits may outweigh the costs.
Restricted retail right (no condition (Previously perror required use in No change from	ons) mit B3Z.	Removes control over the establishment of "big box" bulky goods retail in areas originally designated for offices and retail. Potential for "blank concrete wall street frontages" makes town centre urban design problematic.	Change not supported.
Shop (other that sex bookshop, Restricted retail premises and Supermarket) a right with condit Must adjoin, or the same land a supermarket. The combined lefloor area for all adjoining or on same land as the supermarket multiple exceed 500 squimetres	s of ions: be on as, a easable shops the lee ust not	This is potentially extremely counterproductive because some of the existing zones were designed/intended to specifically limit shopping development in order to focus retail activity into walkable, vibrant, main street town centres. The ability to establish shopping precincts in unplanned areas without the need for a permit contrary to the intentions of town centre strategies. Would lead to a decline in town centres, high street activity areas. The introduction of a new undefined term "supermarket" into the use tables is likely to lead to inconsistent and unintended outcomes because of the many ways the term can be used and the potential financial incentives to stretch the definition. Removes ability to assess economic impact on existing retail centres and central business area shopping precincts. Likely to lead to decline in existing centres. The changes would have a more significant	Strongly oppose this change for the reasons stated.

		impact on country towns than suburban areas and this should be recognised	
Supermarket as of right with condition the leasable floor area must not exceed 2000 square metres.	More certainty for applicants	As above.	Strongly oppose this change for the reasons stated.
Warehouse as of right (other than mail centre) with condition, must not be a purpose shown with a note1 or note2 in the table to clause 52.10. Removes requirement for threshold distances applied in B3 & B4Z as per purposes listed in the table to clause 52.10, or if not specified, 30m.	More certainty for applicants	Removes the ability for adverse amenity impacts to be controlled.	Change not supported.
Creation of more as of right uses.	More certainty for applicants	A number of Section 1 uses are potentially not compatible with either each other or the purpose of the zone. Land use conflicts may result in increase resource requirements from Council and VCAT.	Request that range of as of right uses be reviewed.

NEIGHBOHBHOOD	T.5.		T-1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	T- (4) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
NEIGHBOURHOOD	Purpose:	More certainty for applicants	The purpose combined with new as of right	That the issues raised be addressed in the
RESIDENTIAL ZONE	To manage		uses means that there will be limited control	final version of the zone.
	neighbourhoods where		over the manner in which these uses operate	
	there are limited		and the ability to protect the amenity of the	
	opportunities for increased residential		surrounding residential areas from the use	
	development due to		activities. This could weaken the commercial	
	identified		centres of townships within the Shire.	
	neighbourhood			
	character,		Objectives will need to be prepared by	
	environmental or		Council.	
	landscape			
	characteristics.		Multiple schedules can be created with	
	To ensure that		different requirements – although schedule	
	development respects		only sets height limit for residential uses, not	
	the neighbourhood		non-residential uses. Height restrictions for	
	character. To ensure that		non-residential uses are important to retain	
	development is		amenity in the residential areas.	
	consistent with the			
	objectives specified in		ResCode should be varied to align with the	
	a schedule to the zone.		new zone purposes. Likely to provide market	
	To allow educational,		incentive in terms of yield variety.	
	recreational, religious,			
	community and a		A default schedule for each residential zone	
	limited range of other		should be provided to reduce the pressure on	
	non-residential uses to		Councils to prepare individual schedules.	
	serve local community			
	needs in appropriate		Reduced focus on providing housing diversity.	
	locations.		Makes the appropriate that naighborings and	
			Makes the assumption that neighbourhood	
			character has been established (and	
			documented) by Councils.	

Increase in number of guests at a B&B from 6	More certainty for	Sensible increase, more support for minor	Change supported.
to 10.	developers/proponents.	tourism.	
Medical Centre as of right with condition: the gross floor area of all buildings must not exceed 250 square metres.	More certainty for applicants.	No control over the hours of operation or the intensity of the use is allowed. (24 hour medical centre as of right in a residential area is not supported). Leads to further land use conflicts that Council will be involved in but has no control.	Changes not supported without introduction of some controls on height, hours of operation and intensity.
Place of Worship as of right with condition: the gross floor area of all buildings must not exceed 250m2 Same as R1Z, but with removal of conditions.	More certainty for applicants.	No control over the hours of operation or the intensity of the use is allowed. (24 hour medical centre as of right in a residential area is not supported). Agree with removal of condition "Must be no social or recreation activities". This is an unrealistic requirement. Disagree with the removal of the condition "The site must adjoin, or have access to, a road in a Road Zone" – it is inappropriate to have a place of worship located in narrower urban streets, which are less likely to cope with the impact of increased traffic. As of right provision should include parking requirement as a minimum.	Changes not supported. Each cited issue should be addressed.
Building and Works permit triggers	More certainty for applicants.	No permit triggers for building and works for non-residential uses in section 1 – likely to have impacts on residential amenity (lack of height and setback controls for non –	Change not supported.

			residential uses).	
	Decision guidelines and application requirements – wording changes		Increases complexity and reduces clarity.	Different wording for guidelines and application requirements in each of the residential zones. Should be made to be consistent across the Residential Zones.
	New purpose: To encourage development that respects the neighbourhood character of the area. To manage development to achieve the neighbourhood character objectives specified in a schedule to this zone. To allow educational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.	Perception of more certainty for applicants.	Combined with as of right uses and lack of decision guidelines, the purpose may not be achieved. There is inadequate guidance provided to assess non-residential uses. Height limits set for residential buildings, but not non-residential buildings. Reduced focus on providing housing diversity. Makes the assumption that neighbourhood character has been established (and documented) by Councils. Reduces certainty that residential amenity will be maintained.	Not supported. Should address issues mentioned.
GENERAL RESIDENTIAL ZONE	Food and Drink Premises (other than Convenience restaurant, Hotel and Tavern) as of right – with condition must be located within 100m of a commercial zone or mixed use zone, the land must have the	More certainty for commercial applicants.	Blurs the edges of commercial and mixed use zones – the creep of commercial uses into residential areas may provide justification to expand commercial areas further, rather than concentrating and increasing densities in existing serviced commercial areas. If the Commercial or Mixed Use Zone finishes on a corner parcel, you may end up with a food and drink premises up to 100m down a	Change not supported. Poor outcomes are likely

same street frontage as the land in the commercial zone or mixed use zone. The leasable floor area must not exceed 100 square metres. Medical Centre as of right with condition: the gross floor area of all buildings must not exceed 250 square metres	More certainty for applicants	No control over the hours of operation or the intensity of the use is allowed. (24 hour medical centre as of right in a residential area is not supported). Leads to further land use conflicts that Council will be involved in but has no control.	Changes not supported without introduction controls for height, hours of operation and intensity.
Office (other than Medical Centre) as of right with condition: the leasable floor area must not exceed 250 square metres. Must be located within 100m of a commercial zone. Land must have the same street frontage as the land in the commercial zone.	Perception of more certainty for applicants	Blurs the edges of commercial and mixed use zones – the creep of commercial uses into residential areas may provide justification to expand commercial areas further, rather than concentrating and increasing densities in established commercial areas. If the Commercial Zone finishes on a corner parcel, you may end up with an office up to 100m down a quiet suburban street. The wording of the condition relating to the 100m requirement is confusing.	Change not supported. Condition relating to 100m requirement needs to be reworded if the change is to be retained.
Place of Worship as of right with condition: the gross floor area of all buildings must not exceed 250m2	More certainty for applicannts	No control over the hours of operation or the intensity of the use is allowed. (24 hour medical centre as of right in a residential area is not supported). Agree with removal of condition "Must be no	Changes not supported. Each cited issue should be addressed.

sex bo Bottle with lin be loca of com use zo same s as con mixed Leasal	okshop, and shop) as of right nitations: must ated within 100m imercial or mixed one. Must have street frontage inmercial or use zone land. ble floor area not exceed	More certainty for applicants	social or recreation activities". This is an unrealistic requirement. Disagree with the removal of the condition "The site must adjoin, or have access to, a road in a Road Zone" — it is inappropriate to have a place of worship located in narrower urban streets, which are less likely to cope with the impact of increased traffic. As of right provision should include parking requirement as a minimum. Introduction of retail into the residential zone, undermines the purpose of the zone, which is to allow for these types of uses to co-exist. Shop is a broad land use term and includes: beauty salon, convenience shop, dry cleaning agent, department store, hairdresser, Laundromat, restricted retail premises, equestrian supplies, party supplies and supermarket.	Change not supported. Rather than introduce an exemption, if the Minister considers it necessary to include Shop, it should be a permit required use only.
Section	n 1 conditions for not met) is permit	Perception of more certainty for applicants	This change would allow for a convenience shop to be applied for in any part of the zone. This is considered to be inappropriate in terms of the protection of residential amenity.	Change not supported.
sex bo bottles conver	` l	Perception of more certainty for applicants	Reduces confidence that residential amenity will be maintained. Disagree with introduction of retail into the residential zone, despite limitations. The	Change not supported.

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Changes supported with suggested
change.
er Change not supported. Poor outcomes are
likely.
buildings and works related to Section 1
d uses.
Changes supported with suggested
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change.
r

	four or more storeys, and applications for residential building can be made – need to cross reference to clause 52.35		
To encord development of the control	ment that s the purhood er of the area. age residential ment to the purhood er objectives d in a schedule one. v educational, onal, religious, nity and a range of other idential uses to ical community in appropriate	Agree with the introduction of neighbourhood character, and inclusion of non-residential development to respect character.	Agree with change

Increase in number of guests at a B&B from 6 to 10.	More certainty for applicants	Sensible increase, more support for minor tourism. Requires clearer definition of B&B	Agree with change subject to definition clarification
Medical Centre as of right with condition: the gross floor area of all buildings must not exceed 250 square metres	More certainty for applicants	No control over the hours of operation or the intensity of the use is allowed. (24 hour medical centre as of right in a residential area is not supported). Township zones are usually applied to in a similar manner to a Mixed Use zone but in small townships where clear precincts have not developed. In such circumstances a permit should be required to avoid unintended outcomes.	Changes not supported. Use should remain subject to permit.
Place of Worship as of right with condition: gross floor area of all buildings must not exceed 250 square metres	More certainty for applicants	No control over the hours of operation or the intensity of the use is allowed. (24 hour medical centre as of right in a residential area is not supported). Township zones are usually applied to in a similar manner to a Mixed Use zone but in small townships where clear precincts have not developed. In such circumstances a permit should be required to avoid unintended	Changes not supported. Use should remain subject to permit.

		outcomes.	
Decision guidelines & application requirements for use for Industry and Warehouse	Includes scope to include additional requirements within schedules – also need decision guidelines and application requirements for other non-residential uses.		Support change
Subdivision in the zone	Agree with introduction of additional decision guidelines. Amend so as not to require a clause 56 assessment on subdivisions where a clause 55 assessment has been undertaken and where no public roads are being created.		Support change.
Construction of 1 dwelling on a lot.		Reduction of trigger not appropriate – retain 300m as trigger. Townships are generally at a lower density and amenity issues will need to be assessed to ensure quality housing stock & neighbourhood character maintained. ResCode objectives will need to be varied.	Change not supported.
Building and Works permit triggers	More certainty for applicants	No permit triggers for building and works for non-residential uses in section 1 – likely to have impacts on residential amenity, desired built form outcomes, reduced amenity considerations, carparking permit won't include built form issues.	Change not supported.

	Removed restriction on leasable floor area for Office, and the ability to set limits via schedule	More certainty for applicants.	Change supported, but if Councils unable to resource strategic work to justify minimum, may undermine purpose of the zoning of the land.	Changes supported but subject to delayed implementation to allow for inclusion of considered schedules.
INDUSTRIAL 1 ZONE	Removed restriction on leasable floor area for Office, and the ability to set limits via schedule	More certainty for applicants	Change supported, but if Councils unable to resource strategic work to justify minimum, may undermine purpose of the zoning of the land.	Changes supported but subject to delayed implementation to allow for inclusion of considered schedules.
INDUSTRIAL 2 ZONE	No significant changes			Minor changes supported.
INDUSTRIAL 3 ZONE	Supermarket as of right if the leasable floor area does not exceed 2000 square metres	More certainty for applicants	Undermines the zone purpose (retail is not mentioned). Negative impacts on existing retail areas of town centres, encourages out of centre trading to detriment of established high street shopping areas. 2000 square metres is a significant floor area for most rural towns. Allows supermarkets to locate in area not well serviced for universal access, public transport, pedestrian access and safety	Changes not supported.
	Shop (other than Adult sex bookshop, Convenience shop, Restricted retail premises and Supermarket) as of right, with condition: must adjoin or be on the same land as a supermarket.	More certainty for commercial applicants	Undermines the zone purpose retail is not mentioned). Negative impacts on existing retail areas and town centres, impact to retail hierarchy and encourages out of centre trading. Undermines Council's strategic work to strengthen town centres.	Changes not supported.

The combined leasable		
floor area for all shops		
adjoining or on the		
same land as the		
supermarket must not		
exceed 500 square		
metres		



10.6. HEPBURN PLANNING SCHEME – AMENDMENT C59 – REVIEW OF THE ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULES 1 AND 2 GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Senior Strategic Planner, I Esther Oluyide have no interests to disclose in this report.

PURPOSE

To seek the Council's endorsement to prepare and exhibit Amendment C59 (the amendment) to the Hepburn Planning Scheme (the planning scheme) to introduce changes to Schedules 1 and 2 of the Environmental Significance Overlay (ESO1 and ESO2) for the Proclaimed Catchment Protection and the Mineral Springs and Groundwater Protection.

BACKGROUND

The current ESO Schedules 1 and 2 were introduced into the Hepburn Planning Scheme when the new format planning scheme was introduced in 2000. The current planning scheme review report adopted by Council in 2011 identified that the ESOs required updating and this report progresses that recommendation.

Hepburn Shire is significant as being located in the upper catchment for the Tullaroop, Eppalock, Cairn Curran, Loddon River, Creswick, Lake Merrimu and McCallum Creek catchments. These catchments contain the potable storage reservoirs for a number of towns and settlements. The environmental objectives of the ESO 1 are:

- To protect the quality of domestic water supplies within the Shire and the broader region.
- To maintain and where practicable enhance the quality and quantity of water within watercourses.
- To prevent increased runoff or concentration of surface water leading to erosion or siltation of watercourses.
- To prevent erosion of banks, streambeds adjoining land and siltation of watercourses, drains and other features.
- To prevent pollution and increased turbidity and nutrient levels of water in natural watercourses, water bodies and storages.

Refer to Attachments 5-7.

The current ESO 1 requires buildings and works that do not detract from water quality and quantity to obtain planning approval. Under the current provisions, most buildings and works, including signage installation, removal



of vegetation and subdivisions amongst other things will require a permit except for buildings and works currently exempt under Clause 3.0 of the schedule. The proposed amendment seeks to streamline the planning scheme and expand the list of exemptions to include some removal of vegetation and located more than 30m from waterways and subdivision of existing buildings where the buildings are connected to reticulated sewerage or works that are considered to not have an adverse impact on the catchment such as minor works like open carports.

ESO 2 aims at protecting mineral springs, their aquifers and environs from impacts of effluent and drainage associated with developments.

The proposed amendment seeks to add to the list of exemptions in ESO 2 in a similar manner to ESO 1 so that minor buildings and works, including some removal of vegetation and subdivision that accords with the objectives of the overlay are exempt from permit requirement.

It should be noted that the requirement of Clause 52.17 (Native Vegetation) will continue to apply to proposal for removal of native vegetation and normal referral to the Department of Sustainability and Environment (DSE) will continue to apply.

Referrals to water authorities pursuant to Clause 66.01 (Subdivision Referrals) remain applicable.

This report seeks Council's endorsement to prepare and exhibit the amendment to the planning scheme so that the provisions in the schedules are more focused and are better aligned with the stated objectives.

ISSUE / DISCUSSION

ESO 1 currently covers the whole of the shire while ESO 2 applies to identified minerals spring areas. The water authorities and DSE have raised concern about the efficiency of the schedules to the ESO as the schedules require most developments in sewered and unsewered areas to obtain a planning permit, including removal of vegetation (both exotic and native). It is considered that some of the permits currently being triggered and issued are unnecessary and consume both Council officer and referral agency resources. These issues were also raised during the Hepburn Planning Scheme Review consultation held with various agencies in February 2011.

The agencies including DSE, Coliban Water (CW), Central Highlands Water (CHW) and Goulburn-Murray Water (G-MW) recognise the need for strategic work to support changes to the ESO schedules and mapping.

Council currently has two memoranda of understanding (MoU) in place in relation to planning permit application referrals to DSE and G-MW. The



proposed changes will ensure the current MoU arrangement is formalised, introduced into the planning scheme and publicly accessible.

Council officers have workshopped the proposed changes with the relevant water authorities and DSE. Their comments and recommendations have been incorporated into the draft documents. The referral status accorded to DSE pursuant to Section 55 of the Planning and Environment Act 1987 has now been removed and the legislative role relating to water quality and catchment protection has been moved to water authorities and Catchment Management Authorities.

DPCD Guidelines for Planning Permit in open, potable water Catchment areas (The Guidelines)

Clause 14.02 of the Hepburn Planning Scheme requires planning to assist in the protection and restoration of water catchments and water quality. This provision requires Council to consider the Guidelines when considering planning permit applications in open, potable water catchment areas. Where a permit is required for use of land for a dwelling, a minimum density of 40ha is required. Recent Supreme Court and VCAT decisions have clarified the status of the guidelines and Council must consider these requirements.

It is considered that the proposed amendment is consistent with the Guidelines, as all applications will continue to be assessed against the Guidelines. In the preliminary discussions with the relevant water authorities, G-MW suggested that a reference to the guidelines be included in the schedules. Given the Guidelines are a state-wide requirement and apply to all permit applications within open potable water catchment, inclusion in the ESO 1 and 2 provision is not considered necessary. It should be noted that the Guidelines still apply to all permit applications irrespective of whether it is included in the schedules or not

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council is committed to ongoing review of the Hepburn Planning Scheme to support growth that caters for a mix of housing choices, sustainable development, tourism and agriculture. The proposed Amendment is consistent with the Council Plan.

This report has been prepared in accordance with Part 3 (amendments) of the *Planning and Environment Act 1987*.



FINANCIAL IMPLICATIONS

The costs for the preparation and exhibition of the amendment are provided for in the 2012-2013 budget. There is no allowance for a panel should this be required.

It is anticipated that the proposed amendment will also reduce administrative costs associated with implementation of the schedules, as unnecessary permit triggers are being taken out of the planning scheme, thus improving the performance of the planning scheme.

RISK IMPLICATIONS

It is not envisaged that the proposed amendment will present any risks to Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The proposed changes will further the objectives of the overlay and have positive social and economic impacts by ensuring that Planning Department's resources are used in an efficient manner. The changes will also provide certainty to the community, as building and works that are considered of limited or no negative impact on water quality are exempt from planning requirements under the proposed schedules.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As part of the amendment process, a one month public exhibition period will be undertaken in accordance with the *Planning and Environment Act 1987*. Public exhibition will include notices to all the prescribed Ministers, relevant service authorities and a notice of the amendment in the local newspapers circulating in the shire, as well as a notice in the *Victoria Government Gazette*.

CONCLUSION

It is considered that the proposed amendment will improve the operation of the ESO Schedule 1 and 2 and ensures efficiency by excluding minor building and works from the planning requirements.

OFFICER'S RECOMMENDATION

That Council:

10.6.1 Under Sections 12 and 19 of the Planning and Environment Act 1987, resolves to prepare and exhibit Amendment C59 to the Hepburn Planning Scheme to introduce changes to Schedule 1 and 2 of the Environmental Significance Overlay for the protection of the



- water catchment, mineral springs and ground water for a period of one month.
- 10.6.2 Receives a further report considering any submissions to progress the amendment to completion, following completion of the exhibition period.

MOTION

That Council:

- 10.6.1. Under Sections 12 and 19 of the Planning and Environment Act 1987, resolves to prepare and exhibit Amendment C59 to the Hepburn Planning Scheme to introduce changes to Schedule 1 and 2 of the Environmental Significance Overlay for the protection of the water catchment, mineral springs and ground water for a period of one month.
- 10.6.2. Receives a further report considering any submissions to progress the amendment to completion, following completion of the exhibition period.

Moved: Councillor Bill McClenaghan Seconded: Councillor Jonathan Barrell

Carried.



ATTACHMENT 5 - PROPOSED NEW SCHEDULE 1 TO ENVIRONMENTAL SIGNIFICANCE OVERLAY (CLAUSE 42.01-1)

05/07/2007 Proposed

SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1

PROCLAIMED CATCHMENT PROTECTION

1.0 Statement of environmental significance

19/01/2006 VC37 Hepburn Shire is situated in the Central Highlands at the source of a number of catchments linked to Port Phillip Bay or the Murray River. Protection of the quality of this water has significant local and regional implications, especially where these catchments provide domestic water supply.

2.0 Environmental objective

19/01/2006 VC37

- To protect the quality of domestic water supplies within the Shire and the broader region.
- To maintain and where practicable enhance the quality and quantity of water within watercourses.
- To prevent increased runoff or concentration of surface water leading to erosion or siltation of watercourses.
- To prevent erosion of banks, streambeds adjoining land and siltation of watercourses, drains and other features.
- To prevent pollution and increased turbidity and nutrient levels of water in natural watercourses, water bodies and storages.

3.0 Mandatory Requirement

Proposed C59

- All on-site wastewater must be treated and disposed of in accordance with the relevant EPA Code of Practice – On Site Wastewater Management.
- All stormwater must be managed and discharged to the satisfaction of the responsible Authority and generally in accordance with the principles described in Urban Stormwater: Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).

4.0 Permit Requirement

05/07/2007 Proposed

Buildings and Works

A permit is not required for:

- Buildings and works for a dwelling connected to a reticulated sewer system.
- Buildings and works associated with an existing dwelling provided the buildings and works are:
 - Extensions which do not generate additional waste water i.e any domestic waste water other than stormwater.
 - Connected to a reticulated sewer system
- 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 metre in depth

- any site cut required is less than 300 square metres in area
- no effluent is discharged less than 100 metres from a waterway
- no stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.
- Buildings and works for a sign or fence.
- Constructing a dam under 3ML capacity if they are not on a waterway and is for stock and domestic purposes only.
- Development undertaken by a public authority to regulate the flow of water in a watercourse, regulate flooding or to construct or redirect a watercourse.
- Activities conducted on public land by or on behalf of the Department of Sustainability and Environment under the relevant provisions of the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Land Act 1958, the Crown Land (Reserves) Act 1978 or the Forests Act 1958.
- The construction of a building or carrying out of works associated with a utility installation required for the Goldfields Superpipe Project. The building and works must be in accordance with the Project Impact Assessment and Environmental Management Plan approved by the Secretary of the Department of Sustainability and Environment and the native vegetation offset plan approved by the Minister for Environment.

Vegetation

A permit is not required to remove, destroy, or lop vegetation unless the removal, destruction or lopping involves:

- Any vegetation greater than 1 has
- Vegetation within 30 metres of a waterway.

Subdivision

A permit is not required to subdivide land if:

- The subdivision is for existing buildings that are connected to a reticulated water and sewerage system.
- The subdivision is a two lot subdivision and each lot is connected to reticulated water and sewerage system.

General

Application Requirement

An application for a permit must be accompanied by the following information, where appropriate:

- A scaled site context plan showing the subject site and surrounding land including location of all water ways, drainage lines, water bodies, water supply channels or springs.
- The location and use of existing and proposed buildings and works. Proposed or existing waste water disposal areas and vehicle access.
- Details of degree and direction of slope, soil type, vegetation and drainage systems.
- A geotechnical report prepared by a suitably qualified persons which demonstrates that the land is capable of absorbing effluent generated on the lot and the likely impact of

any on-site wastewater treatment system on surface and ground water resource and how such impact is to be mitigated.

• Any environmental management plan to be implemented as part of the proposal.

5.0 Referral/Notice Requirements

Notice Requirements

An application of the kind listed above which complies with the requirements in this schedule is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Referral

An application for a permit must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

6.0 Decision guidelines

19/01/2006 Proposed

Before deciding on an application the Responsible Authority must consider:

- Any comments of the relevant water authority.
- The slope, soil type and other environmental factors including the potential for pollution of waterways and ground water.
- The need to maintain water quality at a local and regional level.
- The possible effect of the development on the quality and quantity of water in local watercourses, storages, creeks and springs, including the impact on nutrient levels.
- The preservation of, and impact on soils and the need to prevent erosion.
- The need to prevent or reduce the concentration or diversion of stormwater.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.



ATTACHMENT 6 - PROPOSED NEW SCHEDULE 2 TO ENVIRONMENTAL SIGNIFICANCE OVERLAY (CLAUSE 42.01-2)

19/01/2006 Proposed C59

SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2

MINERAL SPRINGS AND GROUNDWATER PROTECTION

1.0 Statement of environmental significance

19/01/2006 VC37

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

2.0 Environmental objective to be achieved

19/01/2006 VC37

To protect the mineral springs, their aquifers and their environs from the impacts of effluent and drainage.

To protect water bores that provide town water supply.

3.0 Permit requirement

19/01/2006 Proposed C59

Buildings and Works

A permit is not required for:

- Buildings and works for a dwelling connected to a reticulated sewer system.
- Buildings and works associated with an existing dwelling provided the buildings and works are for:
 - Extensions which do not generate additional waste water i.e any domestic waste water other than stormwater.
 - Connected to a reticulated sewer system
- Construction of a building or works located greater than 100m of a waterway or mineral spring, in area not serviced with reticulated sewerage.
- Works that will not result in changes to surface or groundwater runoff or contribute to a decline in spring water quality.

Vegetation

A permit is not required to remove, destroy, or lop vegetation unless the removal, destruction or lopping involves:

- Any vegetation greater than 1 ha; or
- Vegetation within 30 metres of a waterway or spring.

Subdivision

A permit is not required to subdivide land if:

- The subdivision is for existing buildings that are connected to a reticulated water and sewerage system.
- The subdivision is a two lot subdivision and each lot is connected to reticulated water and sewerage system.

4.0 Decision guidelines

19/01/2006 Proposed C59

Before deciding on an application the responsible authority must consider as appropriate:

- Existing use of land and the reason for the development in relation to that use.
- The availability of alternative land outside the overlay area.
- The means of treatment and disposal of all sewage, sullage, stormwater and other wastes where connection to a reticulated sewage system is not available.
- Possible effect of the development on the quality and quantity of mineral spring and freshwater.
- The impact on soils and the need to prevent erosion.
- Protection of the area for its recreational value.
- The need to prevent or reduce the concentration of wastewater or stormwater.
- Potential threats to mineral springs water quality.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- Comments received from the Department of Sustainability and Environment.



ATTACHMENT 7 - PROPOSED NEW SCHEDULE TO CLAUSE 66.04

19/01/2006 Proposed

SCHEDULE TO CLAUSE 66.04

Referral of permit applications under local provisions

Clause		Kind of application	Referral authority
42.01 Schedule 2 Clause 5.0		To construct a building or to construct or carry out works, including removal of vegetation within 30m of a water way or 1ha in area.	
		To subdivide land	Relevant water authority



10.7. HEPBURN PLANNING SCHEME – AMENDMENT C57 – REZONING OF LAND FROM FARMING ZONE TO PUBLIC USE ZONE 5

CROWN ALLOTMENT 2080, PARISH OF WOMBAT, 146, DAYLESFORD – TRENTHAM ROAD, DAYLESFORD

GENERAL MANAGER SUSTAINABLE DEVELOMENT

In providing this advice to Council as the Senior Strategic Planner, I Esther Oluyide have no interests to disclose in this report.

PURPOSE

This amendment proposes to rezone the parcel of land described as Crown Allotment 2080, Parish of Wombat (146 Daylesford – Trentham Road, Daylesford) from Farming Zone (FZ) to Public Use Zone 5 (Cemetery/Crematorium).

BACKGROUND

The Daylesford Cemetery Trust has requested the rezoning of the above site from the current Farming Zone to Public Use Zone 5 (Cemetery/Crematorium). The land was surrendered to the Crown via the Department of Health (DoH) following the successful acquisition of the land by the Cemetery Trust in 2008. Council issued a planning permit for a two-lot subdivision, use and development of the land for a cemetery on the 16 February 2009. The rezoning of the land into a Public Use Zone 5 is required to ensure that the land is in an appropriate zone to facilitate use and development of the site for a cemetery or crematorium on an ongoing basis without the need to obtain further planning approval from Council. The land is permanently reserved for cemetery purposes having been surrendered to the Crown and pursuant to Section 34 of the Cemeteries and Crematorium Act 2003. The current Farming Zone is now inappropriate for the current and future use of the land.

ISSUE / DISCUSSION

The subject site is located on the opposite side of the existing Cemetery site along Daylesford-Trentham Road, Daylesford.

The DoH, through the Cemeteries and Crematorium Regulation Unit, regulates and controls cemeteries throughout Victoria and places ongoing maintenance responsibilities of a cemetery on the Cemetery Trust.

The Daylesford Cemetery Trust acquired the subject site in 2008 to cater for the future needs of the community. Since commencing operations in 1861, Daylesford Cemetery has carried out around 11500 interments to date. Based on the current usage, the Cemetery Trust envisages the current site will reach its full capacity in approximately 12 years. With the assistance of the DoH, the Trust was able to secure the site on the opposite side of the existing cemetery for future extensions.

The Department of Sustainability and Environment, through its Public Land Services Unit has provided comment in support of the proposed rezoning.



COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council is committed to ongoing review of the Hepburn Planning Scheme to support the needs of the community. The proposed rezoning will ensure availability of land for future needs of the cemetery. The proposed rezoning better reflects the current and future use of the land.

This report has been prepared in accordance with Part 3 (amendments) of the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

The cost of the Planning Scheme Amendment will be borne by the proponent, Daylesford Cemetery Trust.

RISK IMPLICATIONS

It is not envisaged that the proposed rezoning will present any risk to Council. The proposal will enable the land to be appropriately zoned to reflect its current public ownership and permanent reservation for cemetery purposes.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The proposed amendment will have a positive social outcome of meeting future needs for a cemetery, in proximity of the existing cemetery.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As part of the amendment process, a one-month public exhibition period will be undertaken in accordance with the *Planning and Environment Act 1987*. Limited public exhibition under Section 20(2) of the *Planning and Environment Act 1987* will be undertaken, including notices to all the prescribed Ministers, and a notice of the amendment in the local newspaper circulating in the shire, as well as a notice in the *Victoria Government Gazette*.

CONCLUSION

The proposed Amendment is considered appropriate and will implement the objectives of planning in Victoria, which amongst other things are:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To facilitate development in accordance with the objectives set out in the points above.



To balance the present and future interests of all Victorians.

OFFICER'S RECOMMENDATION

10.7.1 That Council *under Sections 12 and 19 of the Planning and Environment Act 1987*, resolves to request the Minister for Planning for authorisation to prepare, exhibit and approve Amendment C57 to the Hepburn Planning Scheme to rezone Crown Allotment 2080, Parish of Wombat, from the Farming Zone to Public Use Zone 5 (Cemetery/Crematorium) to cater for the future extension of the existing cemetery.

MOTION

10.7.1. That Council under Sections 12 and 19 of the Planning and Environment Act 1987, resolves to request the Minister for Planning for authorisation to prepare, exhibit and approve Amendment C57 to the Hepburn Planning Scheme to rezone Crown Allotment 2080, Parish of Wombat, from the Farming Zone to Public Use Zone 5 (Cemetery/Crematorium) to cater for the future extension of the existing cemetery.

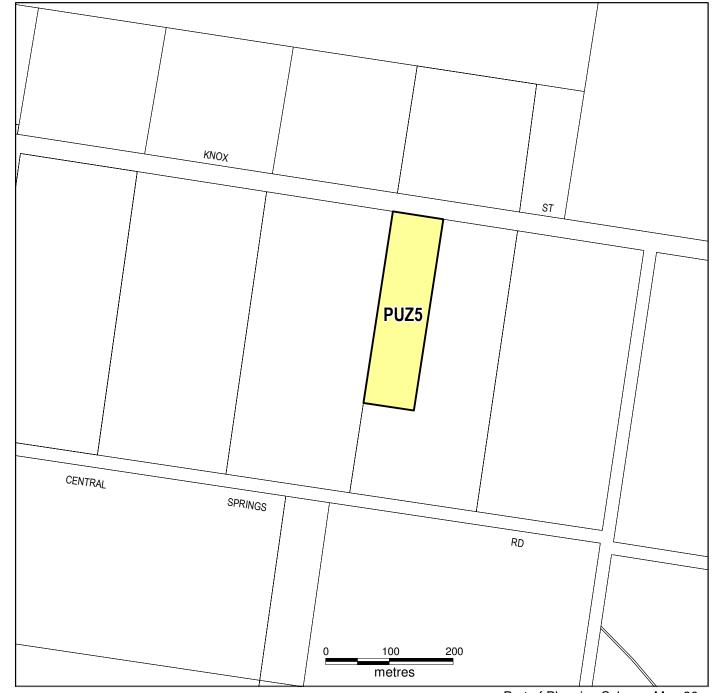
Moved: Councillor Don Henderson Seconded: Councillor Bill McClenaghan

Carried.



ATTACHMENT 8 - AMENDMENCT C57 - MAP

HEPBURN PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 36

LEGEND

PUZ5

PUBLIC USE ZONE - CEMETERY / CREMATORIUM

AMENDMENT C57

PREPARED BY: PLANNING SYSTEMS SERVICES Statutory Planning Systems Reform Planning and Local Government







Councillor Bill McClenaghan left the meeting at 8:31 pm due to an indirect conflict of interest and returned to the meeting at 8:44 pm.

10.8. DRAFT FREIGHT STRATEGY – HEPBURN SHIRE GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.

PURPOSE

The purpose of this report is to present the Draft Freight Strategy for Hepburn Shire to Council for adoption.

BACKGROUND

Council approved funding in the 2011-2012 budget for the preparation of a Municipal Freight Strategy and appointed R W Stamp and Associates to develop this strategy. The purpose of this Strategy is to address the concerns of increasing freight movements throughout the Shire.

A Steering Committee was formed to provide direction and oversight to this project which has been developed to:

- identify existing and potential priority freight routes on local roads (potential B-Double Routes and Higher Mass Limit (HML)) for the efficient movement of freight into, out of, and through the Shire;
- identify constraints that impact on the function of those routes;
- identify priority tourist routes on local roads throughout the Shire; and
- identify existing and potential constraints so as not to affect priority tourist routes.

ISSUE / DISCUSSION

Freight Generators in the Shire

There are four main areas of freight generated from the Hepburn Shire. The largest proportion of freight is carried to and from the grain processing plants in Smeaton. The other major freight generators within Hepburn Shire are timber cartage, transporting of potatoes from the local area to Ballarat and interstate and livestock cartage which is a smaller proportion of the freight carted within and through Hepburn Shire.



Identified Strategic Routes

Following consultation and research by the consultant, the Strategy recommends a number of strategic freight routes. An improved East - West route between Clunes and Smeaton and North - South local roads were identified as strategic freight routes and included in the Municipal Freight Route Plan.

Farm Gate Access

To provide for the growing trend of farm gate deliveries and pickups using B-Doubles and HML trucks the Strategy recommended access roads and the connecting roads to the farm gate be allowed for use by B Doubles and HML vehicles. These local roads would not be declared as formal B-Double and HML routes, however it is intended that farm gate access will be permitted without requiring a permit. Farms can legally transport the same quantity of produce to and from properties using semi trailers and by the use of B-Doubles and HML trucks farmers can potentially reduce transport costs.

National Strategy

The Federal Government is introducing a national heavy vehicle access regime due to be implemented sometime in 2013 which will be managed by the National Heavy Vehicle Regulator (NHVR). This program is to standardise the freight industry requirements for roads nationally.

From mid 2013, permit applications to Council by freight operators to operate B-Doubles and HML trucks on local roads will be forwarded to Council by the National Heavy Vehicle Regulator. Council can then consider the permit application.

The National Heavy Vehicle Regulator will require Councils to assess nominated routes for access by PBS Vehicles and Council to decide if the road is suitable for B-Doubles and Higher Mass Vehicles.

One of the National Heavy Vehicle Regulator's aims is to provide mapping of local and state roads that have been declared as suitable for B-Doubles and Higher Mass Vehicles

Council will still retain the control over its local roads including the final decision whether a road is to be allowed for use or declared a B-Double and HML Vehicle road.

Council's Freight Strategy will allow those roads to be clearly identified.



COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan

The development of a Municipal Freight Strategy meets the following objectives of Council's 2009-2013 Plan:

- 9. Attracting high levels of government grants by having at least three significant projects ready to begin
- 13. Lobbying the Federal Government for increased direct funding support to Local Government
- 35. Developing local polices which clearly demonstrate our commitment to supporting jobs and investment growth.
- 39. Actively participating in the important Federal and State Government funding programs specifically aimed at helping Council build local economic infrastructure

Regional Plan

This Draft Freight Strategy aligns with the directions of the Highlands Regional Transport Plan.

FINANCIAL IMPLICATIONS

The Freight Strategy provides the framework for future development of Council's strategic freight routes, however its implementation is subject to future funding. The current funding of these works is beyond Council's existing road construction budget which has its emphasis on renewal works to maintain Council's current road assets.

Council will seek external funding to bring these freight routes to a standard that is suitable for B-Doubles and Higher Mass Limit trucks and one potential funding source is the Federal National Heavy Vehicle Access Regime.

Table 9.2 lists the Draft Freight Strategy priorities and the seven high priority projects recommended are listed below with indicative costs:

- Westberry Road Creswick \$823,000
- East Street Rail Bridge Improvements feasibility study \$40,000
- Ligar Street Clunes Creswick Clunes Road freight bypass \$20,000
- Bald Hills Road Creswick \$595,000
- Blampied Mollongghip Road Rocklyn Midland Highway to weighbridge \$735,000
- Telegraph Road, Basalt Road and Leonards Hill Bullarto Road (logging freight roads) No roadwork's proposed as use limited to log trucks



 Gillies Road Creswick Clunes Road - investigations to determine costs in association with City of Ballarat.

The next steps would see Council undertake pavement and project investigations to establish detailed costs for road pavement improvements designed to meet the long term freight traffic demand that would allow grant applications to be lodged.

RISK IMPLICATIONS

There are no risk implications in adopting this Strategy as Council still retains control over the status of its local roads.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Freight Strategy provides a direction to reduce the costs of freight transport for business operating in the Municipality and preserve local roads and towns where freight movements are undesirable.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Discussions were held with stakeholders and industry and a public meeting was held on 3 May 2012 in Daylesford. The draft report was released for public comment.

The major themes that emerged from the stakeholder discussions, public meeting and public comments were:

- No change to the existing Ballan Road freight route from a proposal for an alternative truck bypass of central Daylesford using Bridport Street and Central Springs Road.
- East Street railway bridge and the effect this restricted height bridge
 has on directing freight movements to Stanbridge Street to access the
 industrial estate in East Street. The prevention and discouraging of
 unauthorised use of Stanbridge Street by trucks was a high
 consideration while accepting the need for permits to access the
 industrial estate
- Local freight routes of Gillies Road, Westberry Road Clunes Daylesford Road, Ligar Street Clunes and Bald Hills Road; and
- Bicycle friendly roads should be considered when considering the use of roads by higher mass load trucks.

CONCLUSION

Council has developed a Draft Freight Strategy to address the concerns of increasing freight movements throughout the Shire.



Council has considered representations from industry, the community and other statutory bodies to identify existing and potential priority freight routes on local roads for the efficient movement of freight into, out of, and through the Shire.

The Draft Freight Strategy lists a number of actions which will require external grant funding for them to proceed and need the cooperation of adjoining municipalities. The Strategy will provide Council with a future direction on strategic freight routes and is consistent with the Regional Transport Plan

OFFICER'S RECOMMENDATION

That Council

- 10.8.1 Adopts the Hepburn Shire Freight Strategy.
- 10.8.2. Notes that a further report will be presented to Council before any new road is declared a nominated Freight Route suitable for use by B-Double trucks and Higher Mass Limit trucks.

MOTION

That Council:

- 10.8.1. Adopts the Hepburn Shire Freight Strategy.
- 10.8.2. Notes that a further report will be presented to Council before any new road is declared a nominated Freight Route suitable for use by B-Double trucks and Higher Mass Limit trucks.
- 10.8.3. That Item 5 of the High Priority Actions in Table 9.2 be moved to medium priority.
- 10.8.4. That the authors, contributors including the Freight Strategy Steering Committee be acknowledged in the Strategy.

Moved: Councillor Rod May

Seconded: Councillor Jonathan Barrell

Carried.



ATTACHMENT 9 - HEPBURN SHIRE DRAFT FREIGHT STRATEGY - REVISION (REV) C

(Issued under Separate Cover)



10.9. PUBLIC HOLIDAY ARRANGEMENTS 2012-2013 GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council's endorsement of the closure of the Hepburn Shire Council offices during the Christmas New Year period 2012-2013.

The report also seeks endorsement for an early closure of the offices on Friday 21 December 2012 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.

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.

ISSUE / DISCUSSION

It is proposed that the Hepburn Shire municipal offices be closed from 1.30pm on Friday 21 December 2012 to Wednesday 2 January 2013.

The period comprises 4 and a half work days and 3 public holidays. Public holidays have been assigned, under the *Public Holidays Act*, to Tuesday 25 December 2012, Wednesday 26 December 2012 and Tuesday 1 January 2013, as Christmas Day, Boxing Day and New Year's Day respectively. It is proposed that the four days (Monday 24 December, Thursday 27 December, Friday 28 December and Monday 31 December) will be taken by staff as leave during this period.

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 21 December 2012 at 1.30 pm.

A skeleton staff will continue to operate during the closure period to ensure that essential services continue. Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with the



Emergency Management procedures. On declared Code Red days, Hepburn Shire Council emergency management personnel will be stationed in the Municipal Emergency Coordination Centre (MECC) in readiness for any incidents. Council will have a roster for Emergency Management Staff over the Christmas New Year Closure.

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 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 2012-2013.

OFFICER'S RECOMMENDATION

That Council:

- 10.9.1 Closes the Hepburn Shire municipal offices and depots for the period from 1.30pm on Friday 21 December 2012 to return of business on Wednesday 2 January 2013 including the end of year Christmas function for staff.
- 10.9.2 Places advertisements in *The Advocate* and the Courier advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2012-2013 Christmas/New Year period.



MOTION

That Council:

- 10.9.1. Closes the Hepburn Shire municipal offices and depots for the period from 1.30pm on Friday 21 December 2012 to return of business on Wednesday 2 January 2013 including the end of year Christmas function for staff.
- 10.9.2. Places advertisements in The Advocate and the Courier advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2012-2013 Christmas/New Year period.

Councillor Jonathan Barrell Moved: Seconded: Councillor Janine Booth

Carried.



10.10. FINANCIAL STATEMENTS 2011-2012, STANDARD STATEMENTS 2011-2012 & PERFORMANCE STATEMENT 2011-2012 ADOPTION IN PRINCIPLE

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager Finance, I Anthea Lyons, have no interests to disclose in this report.

PURPOSE

This report proposes that Council gives in principle approval to the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2012 and authorises two Councillors to certify them once they are finalised.

BACKGROUND

Council currently has the Auditor General's Office appointed as its external auditors. The Victorian Auditor General's Office audited Council's 2011-2012 Financial Statements during the period 27 - 31 August 2012.

The audited draft Financial Statements, Standard Statements and Performance Statements for the year ended 30 June 2012 were tabled at the Hepburn Shire Council Audit and Risk Advisory Committee meeting on Monday 10 September 2012. The Committee's recommendation to Council was as follows:

That the Audit and Risk Advisory Committee:

- 8.1.1 recommends that Council authorises two Councillors to approve the Financial Statements, Standard Statements and Performance Statement in their final form after any changes recommended, or agreed to by the auditor, have been made in accordance with the Act and accounting standards, and subject to any matters that may arise prior to the signing of the accounts.
- 8.1.2 accepts the draft auditor's report.

The audited financial statements must be submitted to the Minister within 3 months of the end of the financial year (30 September 2012). The Financial Reporting process includes presenting the statements to the Audit and Risk Advisory Committee, the Committee making a recommendation to Council, Council approving the statements "in principle" with the understanding that the Auditor General's Office may still require changes to be made, is required to



be completed prior to 30 September 2012. Meeting this timeline ensures the audited financial statements can be included in the Annual Report.

ISSUE / DISCUSSION

Standard Statements

The Standard Statements are seen as a summarised version of the Financial Statements in that they take the information contained in the three key financial statements being Income Statement, Balance Sheet and Cash Flow and compares this to Council's adopted budget for the year.

Full explanations of variances between the adopted budget and the actual results can be found within this document (pages 4-20).

In addition, the Standard Statements include a summary of the capital works also compared to budget.

Financial Statements

The Financial Statements are a full set of the Councils financials including the Income Statement, Balance Sheet and Cash Flow. The Financial Statements provide information on current and prior year balances and information as required by accounting standards and the Local Government Act and Regulations.

Overview

The Financial Statements show that for the 2011-2012 Financial Year that Council had:

- a comprehensive surplus of \$16.5 million
- an adjusted comprehensive surplus of \$2.1 million (excluding flood related items and revaluation)
- \$29.3 million of revenue with 50% coming from rates and charges (excluding flood related revenue)
- \$27.2 million of expenditure (excluding flood related expenditure) with 42% attributable to labour services and 33% attributable to materials and services
- \$188.6 million in capital assets, providing community facilities, roads, bridges and other infrastructure



- \$9.2 million (excluding flood reimbursements and Victorian Grants Commission funds received in advance) in cash, an increase on last year
- \$4.2 million in loans and borrowings, an increase on last year.

Performance Statement

The Performance Statement measures the key strategic activity performance targets in the annual budget to the actual achieved for the year.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Pursuant to Section 131(7) & (8) and Section 132(6) & (7) of the *Local Government Act* 1989, Council is required to give "in principle" approval of the 2011-2012 Financial Statements, Standard Statements and Performance Statement and authorise two Councillors to approve the statements in their final form.

The Council must not submit the statements to its Auditor or the Minister unless it has passed a resolution giving its approval in principle to them. Legislation also recognises that further changes may be made to the statements and therefore Council must authorise two Councillors to certify the Standard Statements, Financial Statements and the Performance Statement in their final form after any changes recommended or agreed to by the auditor, have been made.

FINANCIAL IMPLICATIONS

Not applicable to this report.

RISK IMPLICATIONS

There are no risk implications identified with this report.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A draft set of statements was referred to a meeting of Council's Audit and Risk Advisory Committee which has recommended approval of the statements to Council.

Once the final statements have been prepared and certified by the nominated Councillors they will form part of Council's Annual Report which is forwarded to the Minister by 30 September 2012 and made available on Council's website and at Council Offices.



CONCLUSION

In principle approval of the statements at this meeting and authorisation of Councillors to certify the final copy should ensure that they are finalised and lodged with the Minister within the required timeframe.

OFFICER'S RECOMMENDATION

That Council:

- 10.10.1 Pursuant to Section 131(7) and Section 132(6) of the Local Government Act 1989, gives in principle approval to the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2012.
- 10.10.2 Pursuant to Section 131(8) and Section 132(7) of the *Local Government Act* 1989, Council authorises Councillors (name)......and (name).....to certify the 2011-2012 statements in their final form after any changes recommended, or agreed to, by the auditors have been made.

MOTION

That Council:

- 10.10.1. Pursuant to Section 131(7) and Section 132(6) of the Local Government Act 1989, gives in principle approval to the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2012.
- 10.10.2. Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorises Councillors Klein and May to certify the 2011-2012 statements in their final form after any changes recommended, or agreed to, by the auditors have been made.

Moved: Councillor Janine Booth Seconded: Councillor Rod May

Carried.



ATTACHMENT 10 - DRAFT ANNUAL FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2012

(Issued under Separate Cover)



10.11. MONTHLY FINANCIAL REPORT – AS AT 31 AUGUST 2012 GENERAL MANAGER COPORATE SERVICES

In providing this advice to Council as the Manager Finance, I Anthea Lyons, have no interests to disclose in this report.

PURPOSE

The purpose of this report is to report on Council's financial performance for the 2012-2013 financial year up to 31 August 2012.

BACKGROUND

This report provides information on Council's operating performance for the period 1 July 2012 to 31 August 2012 based on the budget adopted by Council in June 2012.

ISSUE / DISCUSSION

INCOME STATEMENT

The year to date operating result is a \$19.3 million surplus. The surplus is high at this time of year due to the raising of \$15.7 million in annual rates and charges in August 2012.

The surplus is \$3.9 million ahead of YTD budget. This is primarily due to \$4.3 million in flood recovery reimbursements being received; no flood recovery income or expenditure was included in the 2012-2013 Budget. Offsetting this increase in income is the budgeted quarterly payment of Grants Commission funds that were not received in August 2012 as they were prepaid in June 2012.

Refer to the Income Statement attached (Attachment 11) for full details.

BALANCE SHEET

Cash at 31 August 2012 totals \$15.2 million. This is high due to \$4.3 million in flood recovery funds received but not budgeted for and \$2.05 million in prepaid Grants Commission funds received in June 2012. Another key driver of the high cash balance is the carry forward capital and projects from 2011-2012. The cash to fund these works is included in the cash balance as at 31 August 2012. These funds will remain in cash until payments to suppliers are required. Details of the carry forward capital and project balance can be found in the Capital works schedule attached (Attachment 9).

Debtors at 31 August 2012 are \$16.3 million. \$15.5 million of the debtor balance relates to rates and charges. Of this \$15.5 million, \$640,000 are



balances owned on rates and charges from prior years. This arrears balance has reduced by \$257,000 since 30 June 2012 due to debt collection activities.

Current liabilities are high as it includes the \$1.4 million Council will need to pay in July 2013 as a top up payment to the Defined Benefits Superannuation Fund.

CAPITAL WORKS & PROJECTS

Details of the status of capital works and projects is contained in the attached capital works and projects report (Attachment 12).

To date \$677,000 has been spent on capital works and \$136,000 on other projects. A further \$1.21 million has been committed through purchase orders.

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

As per the Hepburn Shire Community Engagement Framework, level 1 engagement has been undertaken. This information will be made available to the public via the minutes published on the Council's website.

CONCLUSION

The report on the financial performance of Council for the two months to 31 August 2012 has been reported.



OFFICER'S RECOMMENDATION

10.11.1 That Council receives the Monthly Financial Report for the two months from 1 July 2012 to 31 August 2012.

MOTION

10.11.1. That Council receives the Monthly Financial Report for the two months from 1 July 2012 to 31 August 2012.

Moved: Councillor Janine Booth Seconded: Councillor Neil Newitt

Carried.



ATTACHMENT 11 - FINANCIAL REPORT FOR PERIOD ENDING 31 AUGUST 2012

Income Statement For the period ending 31 August 2012

	-					
	Annual Budget 2012/13 \$'000	YTD Budget 2012/13 \$'001	YTD Actual 2012/13 \$'000	Variance Budget to Actual \$'000	YTD	
Revenues from ordinary activ	vities					
Rates charges	15,719	15,729	15,811	82	1%	
Statutory fees and fines	1,241	182	195	14	8%	
Grants - Recurrent	6,251	1,397	348	(1,050)	-75%	1
Grants - Non recurrent	2,251	1,025	1,331	307	30%	
Contributions	71	-	17	17		
Other revenue	1,364	201	4,883	4,682	2330%	2
Total revenue	26,897	18,533	22,585	4,052	22%	
Expenses from ordinary activ	/ities					
Employee benefits	10,335	1,539	1,659	120	8%	3
Materials and services	7,983	1,085	1,106	21	2%	
Bad and doubtful debts	5	1	-	(1)	-100%	
Depreciation/amortisation	5,150	1	-	(1)	-100%	
Finance costs	271	100	99	(1)	-1%	
Other expenses	1,084	388	397	9	2%	
Total expenses	24,828	3,114	3,261	147	5%	
Surplus (deficit) for the						
year	2,068	15,419	19,324	3,905	25%	

^{1.} Grants Recurrent is below budget due to the prepayment of the Grants Commission funding in last financial year. The \$994,000 expected to be received in August 2012 was received in June 2012.

^{2. \$4.3}M in flood reimbursements has been received to date. No flood recovery related revenue or expenditure has been included in the Budget. Lease and interest income are also ahead of YTD Budget.

^{3.} Employee costs are ahead of YTD budget due to funded projects that were not included in the Budget, e.g. Advancing Country Towns, Bushfire Provisions and Flood Recovery.

Balance Sheet as at 31 August 2012

	31/08/2011 31/08/2012		Movement year on		
	Actual Actual		year		
	\$000's	\$000's			
Assets					
Current assets					
Cash and cash equivalents	10,924	15,169	4,245	39%	1
Trade and other receivables	15,086	16,334	1,248	8%	
Other Assets	39	45	6	15%	
Total current assets	26,050	31,548	5,498		
Non-current assets					
Trade and other receivables	1	-	(1)	-100%	
Financial assets	999	521	(478)	-48%	2
Investments in associates accounted for using the equity method	453	120	(333)	-73%	3
Property, plant and equipment, infrastructure	170,405	189,265	18,859	11%	4
Total non-current assets	171,858	189,906	18,048		
Total assets	197,908	221,454	23,546		
Liabilities Current liabilities					
Trade and other payables	(489)	(422)	66	-14%	5
Trust funds and deposits	(883)	(941)	(58)	7%	
Provisions	(1,720)	(3,591)	(1,871)	109%	6
Interest-bearing loans and borrowings	(326)	(365)	(39)	12%	7
Total current liabilities	(3,416)	(5,319)	(1,902)		
Non-current liabilities					
Provisions	(637)	(580)	58	-9%	6
Interest-bearing loans and borrowings	(4,117)	(3,641)	476	-12%	7
Other Liabilities	-	(205)	(205)		8
Total non-current liabilities	(4,754)	(4,426)	329		
Total liabilities	(8,170)	(9,745)	(1,574)		
Net Assets	189,737	211,709	21,972		
Equity					
Accumulated surplus	(109,020)	(117,301)	(8,281)	8%	9
Surplus YTD	(13,553)	(19,324)	(5,771)	43%	10
Reserves	(67,163)	(75,084)	(7,921)	12%	11
Total Equity	(189,737)	(211,709)	(21,972)		

^{1.} Cash is higher than at this time last year due to \$4.5 million in flood related reimbursements that have been received in July & August 2012. Further, a prepayment of approximately \$985,000 was received in June 2011 in Grants Commission Funds. The prepayment in June 2012 was \$2.05 million. Also refer to comment in (2) & (5) below and the Cash Flow Statement.

^{2.} Legislation changed during the prior year and now funds are not required to be held separately for the long service leave provision. \$500,000 held previously in a bond expired during the prior year and therefore funds have been reallocated in the balance sheet to cash above.

Balance Sheet as at 31 August 2012

- 3. The Central Highlands Regional Library of which Hepburn Council was a part of is in the process of winding up. The books held in Council's three libraries are now owned directly by Council and have therefore been transferred from this asset class to property, plant and equipment. Further, the asset has been decreased based on future expected cash flows from the liquidators and the City of Ballarat.
- 4. The \$18.9 million increase is mainly due to \$16 million in capital works undertaken since August 2011, including approximately \$9 million flood recovery works. At 30 June 2012 a revaluation of some of Council assets was undertaken increasing their value by \$14.2 million. Offsetting these increases was the \$5.8million devaluation as a result of flood damage and annual depreciation.
- 5. The higher balance of trade payables is a result of timing. This higher balance is consistent with a higher cash balance.
- 6. Included in current provisions is \$1.4 million for Council's contribution to the defined benefit superfund shortfall, due for payment in July 2013. In the current Enterprise Bargaining Agreement, officers are entitled to their Long Service Leave on a prorata basis after 7 years, a change from 10 years. This has resulted in the current portion of the provision (likely to be paid out in the next 12 months) to increase and the non current portion to decrease.
- 7. This increase is associated with the \$300,000 in borrowings taken out by Council In June 2012.
- 8. This is prepaid income, which was recorded as at August last year.
- 9. This movement is the surplus for the 2011/12 financial year.
- 10. Refer to comments in the Income Statement.
- 11. The increase is a result of adjustments at 30 June 2012. Council assets were revalued by \$14.2 million, however, offsetting this was a further \$5.8 million in flood impairment (damage) recognised.

Cashflow Statement For the period ending 31 August 2012

	31/08/11 Actual	31/08/12 Actual			
	\$'000	\$'000			
Cash flows from operating activities					
Receipts					
Rates charges	1,050	1,728			
Statutory & user fees and fines	158	204			
Grants	1,686	1,679			
Other revenue	300	4,789			
Interest	95	82			
	3,289	8,482			
Payments					
Employee costs	(1,451)	(1,687)			
Materials & consumables	(2,332)	(3,776)			
Finance costs	(71)	(99)			
Other expenses	(347)	(397)			
	(4,202)	(5,959)			
Net cash provided by operating activities	(913)	2,523			
Cash flows from investing activities					
Proceeds from property, plant and equipment	31	29			
Payments for property, plant and equipment	(774)	(677)			
Net cash used in investing activities	(742)	(647)			
Cash flows from financing activities					
Proceeds from borrowings	900	_			
Repayment of borrowings	(139)	(180)			
Net cash provided by (used in) financing activities	761	(180)			
Net decrease in cash & cash equivalents	(894)	1,696			
Cash & cash equivalents at beginning of year	11,818	13,473			
Cash & cash equivalents at beginning of year	10,924	15,169			
		,			



ATTACHMENT 12 - 2012-2013 CAPITAL WORKS PROGRAM

2012/2013 CAPITAL WORKS PROGRAM

<u>Financials</u>					
PROJECTS	CARRY Forward	BUDGET	C/Fwd + Budget	COMMIT YTD	PROJECT MANAGER
ROADS					
Reseals (under contract)		\$1,575,000	\$1,575,000	\$0	Darren
Reseal Preparation		\$85,000	\$85,000	\$1,532	John B
Gravel Resheets		\$230,000	\$230,000	\$0	John B
Shoulder Sealing	\$225,000		\$225,000		John B
Mossops Road Re-establishment stage 2	\$10,306	\$15,000	\$25,306	\$2,880	Richard
Review of Road Management Plan		\$0	\$0		Richard
Country Roads & Bridges Renewal					
→ Blackmores Rd Reconstruction Clunes	\$255,000	\$110,000	\$365,000	\$14,410	Darren
→ Mulcahys Rd Trentham		\$240,000	\$240,000		Graeme
→ Springhill Tylden Rd Upgrade (cost shared with MRSC)		\$120,000	\$120,000		Bruce L
→ Luttet Street Reconstruction Creswick	\$70,800	\$30,000	\$100,800		Darren D
→ Bald Hills Road Reconstruction		\$420,000	\$420,000		Darren/GB
→ Clunes-Daylesford Reconstruction	\$368,528		\$368,528	\$485,392	Darren
Kooroocheang-Swamp Road Bridge Replacement (1 Mill Country		¢22.222	, ,		
Rds Renewal) - Bridge 51		\$80,000	\$80,000		Graeme B
LGIF					
Bleakley St Bridge (carry over) - Spent Design \$16,150	\$1,525		\$1,525		Darren D
Trentham Sportsground Lighting Stage 2 - LGIF		\$79,000	\$79,000		Laura C
Signage Renewal - LGIF		\$50,000	\$50,000		John C
Street Tree Replacement - LGIF		\$25,000	\$25,000		Darren D
Pedestrian Path Hepburn - Newstead Road - LGIF		\$35,000	\$35,000		Richard R
Domino Trail Extension- LGIF		\$50,000	\$50,000		Darren D
Lake Daylesford Trails & Signage (Projects 9,10&11) - LGIF		\$100,000	\$100,000		
WHBG East West Footpath Upgrade - LGIF		\$30,000	\$30,000		Darren D
Victoria Park Netball Pavilion	\$73,640		\$73,640	\$15,275	Darren/P0
Doug Lindsay Lighting and Fencing & sub station upgrade	\$7,000		\$7,000	\$29,708	Darren [
Doug Lindsay Soccer Pitch Top Soil & Seed	\$10,000		\$10,000	\$5,255	Darren/P0
Clunes School Footpath	\$61,257		\$61,257	\$61,777	·
(Stabilisation)	\$50,000		\$890,000	\$12,720	
→ Clunes Mt Cameron Road Section 1	, , , , ,	\$290,000	, ,	. , -	Darren/GB
→ Clunes Mt Cameron Road Section 2		\$450,000			Darren/GB
→ Birch Creek Clunes Daylesford Road		\$100,000			Darren/GB
BRIDGES					
Bridge Renewal Maintenance	\$0		\$525,000	\$17,392	
→ Hep Newstead Shrivers Bridge & Guard Rail - Bridge 38		\$200,000		,	Graeme B
→ Creswick Ascot Road Guard Rail - Bridge 141		\$35,000			Graeme B
→ Fish Tail End Replacement		\$50,000			Graeme B
→ Old Ballarat Rd - Clunes Evansford Rd Bridge 91		\$25,000			Graeme B
Guardrail Project (carry over))	\$15,000	,			Graeme B
Creswick Dean Culvert Replacement (bridge renewal)	\$200,000				Graeme B
Bridge Replacement Design - 2nd part for Wheelers Bridge		\$75,000	\$75,000		Graeme B
Monash Bridge Design - Lawrence Creswick Rd	\$79,000	, ,	\$79,000		Graeme B
Andersons Mill Bridge Design		\$15,000	\$15,000		Graeme B

PROJECTS	CARRY Forward	BUDGET	C/Fwd + Budget	COMMIT YTD	PROJECT MANAGER
FOOTPATHS & STREETS					
Footpath Improvement & Renewal					
Short Section Replacements		\$40,000	\$40,000		Richard/PC
DDA Access at Crossings		\$0	\$0		Jonathan
Audit of Parking Compliance (disabled & loading)		\$0	\$0		Jonathan
Creswick Creek Path (project 20)		\$250,000	\$250,000		Richard R
Albert St, Daylesford Footpath - Special Charge Scheme	\$34,500		\$34,500	\$2,668	Richard R
Daylesford Avenue of Honour project	\$3,810				
Ullina Avenue of Honour project	\$141		\$141		
Daylesford Cenotaph Restoration project	\$4,628		\$4,628		
Footpath grant works	\$30,000		\$30,000		Peter C
Daylesford Streetscape	\$300,847		\$300,847	\$0	Bruce L
BUILDING	1227		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, -	
Capital Building Renewal Program			\$326,941	\$121,593	
→ North Street Units	\$76,941		\$320,941	\$121,333	
	\$70,941	Å40.000			14 · B
→ Creswick Town Hall Public Toilets		\$10,000			Kevin B
→ Duke St Fence Replacement		\$6,000			Richard R
→ Duke Street Roof Repairs		\$15,000			Richard R
→ HMSR Sound Shell Repairs		\$38,000			HMSR/James
→ Essential Services (Fire extinguishers)		\$20,000			Kevin B
→ General Painting Works (swimming pool)		\$35,000			Kevin B
→ List as per Urgent Building Renewal Works		\$126,000			Richard R
Clunes Community & Interpretative Centre Design	\$2,973,307		\$2,973,307	\$243,783	Darren D
DRAINAGE					
Drainage Works (Capital) -Clunes, Creswick, Daylesford,					
Trentham (LGIP \$165K & council \$35K)			\$228,401	\$55,085	
→ American Hotel		\$5,000			Graeme B
→ Tonnas Drainage		\$10,000			Graeme B
→ Harvey St Creswick		\$8,000			Graeme B
→ Fraser St Catchment design Clunes		\$20,000			GB/Rich
→ Trewhella Ave Daylesford		\$10,000			Peter C
Allendale Drainage (Design) VicRoads					VicRoads
→ 128 Clunes Road Creswick(\$30k)		\$37,000			Graeme B
→ Golf Links Road Easement Hepburn (easement)	\$28,401	\$100,000			Graeme B
→ 4 Vincent Street Daylesford		\$10,000			Graeme B
→ Drainage Farmers Arms Hotel / East Street Daylesford	\$84,900		\$84,900	\$12,714	John B
WASTE MANAGEMENT					
Waste Strategy - Capital Requirements	\$33,347		\$33,347	\$8,500	Tim G
Waste Tender - Capital Requirements / Procurement A	\$10,173		\$10,173		Tim G
Replacement of Litter Bin Receptacles	-		\$0		Tim G
Mt Beckworth	\$217,500		\$217,500	\$175,500	Richard R
RECREATION					
Playground Replacement Equipment Program		\$22,000	\$22,000	\$11,507	PC
Playground Replacement Equipment Program	\$20,000		\$20,000	-	flood
Calembeen Park Creswick Tower Relocation	\$108,403		\$108,403		Adam M
Bushfire Memorial - Skate Park Daylesford	66,038		\$66,038	\$50,269	Kathleen B
Bullarto Railway Track Repair		\$310,000	\$310,000		Kathleen B
Swimming Pools Upgrade - Trentham, Clunes, Daylesford	\$107,075		\$107,075		Laura C
Calambeen Park Walking track	\$23,825		\$23,825		Adam M
Skate Park Improvement Program	\$4,000		\$4,000	\$4,546	Adam M
Wombat Gardens Irrigation Bore / power	\$12,834		\$12,834	\$0	Darren/PC
PLANT & EQUIPMENT					
Works Plant & Equipment	\$737,112	\$614,000	\$1,351,112	\$304,588	Kevin C
Passenger & Commercial Fleet		\$403,000	\$403,000	\$0	Kevin C
Corporate Information System	\$289,805	Ţ 103,000	\$289,805	\$226,139	Chris W
	7203,003	450.00=			
IT Hardware & Equipment		\$69,000	\$69,000	\$1,345	Chris W

PROJECTS	CARRY Forward	BUDGET	C/Fwd + Budget	COMMIT YTD	PROJECT MANAGER
OTHER					
Hepburn Netball Court Upgrade		\$65,740	\$65,740		Laura C
Smeaton Bowling Club Risk Mitigation Works		\$10,000	\$10,000	\$11,850	Laura C
Trentham Spudfest Event Funding		\$5,000	\$5,000	\$0	Laura C
Small Town Tracks and Trails Project - Signage & Mapping		\$44,600	\$44,600		Laura C
Event & Christmas Decorations (Brackets)		\$12,500	\$12,500		John C
Industrial Land Study Regional Economic Development Data		\$40,000	\$40,000		Kate J
RV Friendly Town (Parking)		\$10,000	\$10,000		John C John C
Tree Maintenance & Removal		\$7,500 \$43,000	\$7,500 \$43,000		J Beer
Publication Quality Photography		\$2,500	\$2,500		John C
Duke Street Office Accommodation		\$40,000	\$40,000		Barry G
Goldfield Heritage Region		\$60,167	\$60,167		John C
, ,				ćo	
Leadership Program Public Health & Wellbeing Plan		\$8,000	\$8,000	\$0	Aaron v Terry C
Planning Panels - Hepburn Planning Scheme		\$10,000 \$45,000	\$10,000		Kate J
Planning Panels - Repouri Planning Scriente Planning Panels - Significant Tree Register		\$45,000	\$45,000 \$5,000		Kate J
Rural Land Use Strategy		\$50,000	\$50,000		Kate J
Transport Trial for Glenlyon		\$20,000	\$20,000		Steve H
Chinese Sister City		\$10,000	\$10,000	\$0	John C
Bio-energy Pilot Study		\$20,000	\$20,000	7 0	John C
Daylesford Brass Band * Creswick Municipal Band		\$3,000	\$3,000	\$0	Kathleen B
BMX Track Completion - Trentham		\$10,000	\$10,000	ΨG	Jane B
Backflow Metres to Reserves & Commercial Buildings		\$50,000	\$50,000		Richard R
Recable Duke Street Office		\$22,000	\$22,000		Chris W
Wombat Trail Stage 1 (Project 15)		\$45,000	\$45,000		Richard R
Lindsay Arts Trail - Stage 4 Construction	\$24,809	\$200,000	\$224,809		Kathleen B
Freight strategy	\$6,560		\$6,560	\$55	Richard R
Advancing Country Towns	\$211,888		\$211,888	\$34,841	Mark H
HPV Vaccination Program	\$2,795		\$2,795		Terry C
Bushfire planning	\$100,804		\$100,804	\$18,528	Justin F
Neighbourhood Safer Places - Hepburn	\$232,947		\$232,947		Eric W
Victorian Local Sustainability Accord project	\$44,737		\$44,737	\$12,772	John V
MSS Review	\$29,327		\$29,327	4= 000	Justin F
Housekeeping special projects	\$18,182		\$18,182	\$7,033	Scott K
HACCPAC Mobile	\$52,646		\$52,646		Scott K Scott K
HACC Seeding Training Grant HACC Bushfire Preparedness	\$12,317 \$12,516		\$12,317 \$12,516	\$9,091	Scott K
HACC Growth and Minor Capital funding	\$35,761		\$35,761	\$5,051	Scott K
Trentham Library	\$40,707		\$40,707	\$36,933	Kathleen B
Vic Park Review	\$15,000		\$15,000	\$15,000	Kathleen B
Preschools Project	\$16,349		\$16,349	Ų13,000	Kathleen B
Celebrating 150 years of Local Government	\$8,662		\$8,662		Kathleen B
Significant Tree Register	\$5,000		\$5,000		Justin F
Economic Development Strategy implementation	\$14,142		\$14,142	\$70	John C
Daylesford PAG Centre works	\$35,303		\$35,303	\$1,471	Graeme B
Community Infrastructure Planning Trentham	\$10,000		\$10,000		Kathleen B
ENVIRONMENTAL PROJECTS					
Revegetation of Roadsides		\$50,000	\$50,000		Dale T
Grazing Pilot Trial for Weed Control		\$10,000	\$10,000		Dale T
Contribution to Landcare Groups		\$24,000	\$24,000	\$0	Dale T
Sustainability Community Grants		\$13,000	\$13,000	\$0	John V
Other & Sustainability Rebate		\$12,000	\$12,000		John V
HMSR Victorian Mineral Water Committee					
Mineral Springs Lake Daylesford Bore	\$65,371		\$65,371		Sue H
HMSR Parking & Traffic Strategy	\$15,500		\$15,500	\$14,516	Richard R
Hepburn Springs Pedestrian Strategy implementation	\$25,000		\$25,000		Richard R
Lake Daylesford Central Springs Master Plan	\$6,618		\$6,618		Sue H
HSMR replace concrete channel ('+ flood contribution)	\$38,940		\$38,940		
Hepburn Emergency Bore	\$44,181 Page 17 \$7,720,705	A= 222 = 2	\$44,181	\$0	Darren/PC
Total Budget	57.720.705	\$7,620,007	\$15,336,902	\$2,026,737	



10.12. TOURISM POLICY

GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Manager Economic Development and Tourism, I John Collins have no interests to disclose in this report.

PURPOSE

To seek Council's endorsement of an updated Tourism Policy.

BACKGROUND

At the Council meeting on 20 December 2011, Council adopted a revised Tourism Policy on the basis that it would be reviewed within 6 months. The policy has been reviewed and workshopped further with input from relevant stakeholders and is presented to Council for endorsement.

ISSUE / DISCUSSION

The previous policy was considered to lack a more defined commitment to sustainability principles. The revised policy includes reference to the *United Nations Environment Program (UNEP) Sustainable Tourism* principles. It is acknowledged that small local government organisations would be unable to deliver all of the aspirations without the shared support of other agencies including State and Federal Government departments and local, regional and State tourism associations.

The principles are included to the extent that applies to a rural local government in Australia. Some other minor editing was then required to remove duplication and to re-order some wording to accommodate the UNEP principles.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

- 28. We will **support** Tourism Victoria and Hepburn (Shire) Regional Tourist Association, and through the implementation of Destination Daylesford Strategic Tourism Plan, we will assist with the establishment of an adequately resourced Regional Tourism Board with strong local representation and a strong local purpose for the whole of Hepburn Shire.
- 29. Developing local policies which **encourage new tourism infrastructure investments** for new and existing businesses.
- 30. Ensuring that Council's heritage controls, neighbourhood character guidelines, urban design frameworks and eco-tourism strategies balance the protection of the essential tourism features of the Shire with economic development.



- 31. **Supporting** various drawcard **events** like ChillOut and Booktown which draw large numbers of visitors to Hepburn Shire.
- 35. Developing local policies which clearly demonstrate our commitment to supporting jobs and investment growth.

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with the Tourism Policy. Support of initiatives based on policy implementation is currently included in Council's annual budget.

RISK IMPLICATIONS

There are no identified risks associated with the changes to the policy.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Environmental, social and economic implications are more positively addressed by the revised policy than previously.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The policy review process did not include a public consultation process.

CONCLUSION

The Tourism Policy review identified the desire for a more targeted approach to encouraging a more holistic approach to sustainability outcomes. This has been achieved by replacing some of the policy with the UNEP Sustainable Tourism principles. The policy now more clearly addresses the need for Council to partner with local, regional and State associations and government agencies to achieve shared goals. The policy will be reviewed again in 2013 as part of the process of review by the new Council.

OFFICER'S RECOMMENDATION

That Council:

- 10.12.1 Adopts the revised Policy 12 Tourism Policy.
- 10.12.2 Places the policy on the Hepburn Shire Council website for public information; and
- 10.12.3 Reviews Policy 12 Tourism Policy prior to 27 October 2013.



MOTION

That Council:

10.12.1. Adopts the revised Policy 12 - Tourism Policy.

10.12.2. Places the policy on the Hepburn Shire Council website for public information; and

10.12.3. Reviews Policy 12 – Tourism Policy prior to 27 October 2013.

Moved: Councillor Rod May

Seconded: Councillor Jonathan Barrell

Carried.



ATTACHMENT 13 - POLICY 12 -TOURISM POLICY AMENDED MARCH 2012



POLICY NUMBER 12 (C) Tourism Policy

DATE AMENDED: March 2012

DATE OF NEXT REVIEW: October 2013

DATE ADOPTED: May 2004

RESPONSIBLE OFFICER: Manager Tourism & Economic Development

REFERENCES: 2002 Hepburn Shire Council –

Tourism Directions Statement.

Hepburn Shire Council - Council Plan 2009-13

PROGRESSIVE ORGANISATIONS HAVE GOOD POLICIES

Policies help organisations and the public to better understand an organisation's priorities and where it is heading. Hepburn Shire Council is committed to development and maintaining a comprehensive set of policies to guide the organisation towards a better environmental, social, cultural and economically sustainable future.

Policies are regularly reviewed and staff input is actively sought in this process. Community input is sought for those policies which have a major public focus.

Comments are also welcomed after policies have been adopted to assist in their continuous review and improvement.

Signed

Aaron von EgmondChief Executive Officer
Hepburn Shire Council

THIS POLICY

Tourism benefits local communities economically and socially, and can help raise awareness and support for conservation and responsible management of the environment. Within the tourism sector, economic development and environmental protection can work hand in hand to achieve mutually beneficial outcomes. Policies and actions must aim to strengthen the benefits and manage any potential negative impact of tourism

SUSTAINABLE TOURISM POLICY

Hepburn Shire Council promote and support a growing tourism industry that provides a rewarding experience for the visitor in a manner that sustains social, environmental and economic sustainability.

¹Council support the United Nations Environmental Program's (UNEP's) definition of Sustainable Tourism and believe that sustainable tourism should:

- 1. Make optimal use of environmental resources that constitute a key element in tourism development, maintaining essential ecological processes and helping to conserve natural resources and biodiversity.
- 2. Respect the socio-cultural authenticity of host communities, conserve their built and living cultural heritage and traditional values, and contribute to inter-cultural understanding and tolerance.
- 3. [Assist with] long-term economic operations, providing socio-economic benefits to all stakeholders.

As far as practicable, Council will pursue sustainable tourism practices by applying the UNEP 12 aims of Sustainable Tourism, as outlined below, within each of our economic, social and environmental platforms.

OBJECTIVES

Council accepts that it shares accountability with National and State Government, the community and business for the issues of managing growth, adapting to climate change, local economic development, support for environmental conservation, and public health, safety and security.

In this context, this tourism policy strives to achieve the universal objectives as proposed by the United Nations Environment Programme & UN World Tourism Organisation²:-

1) Economic Viability

To ensure the viability and competitiveness of tourism destinations and enterprises, so that they are able to continue to prosper and deliver benefits in the long term.

2) Local Prosperity

To maximise the contribution of tourism to the economic prosperity of the host destination, including the proportion of visitor spending that is retained locally.

3) Employment Quality

To strengthen the number and quality of local jobs created and supported by tourism, including the level of pay, conditions of service and availability to all without discrimination by gender, race, disability or in other ways.

¹ Adapted from *UNWTO*, 2004 United Nations Environmental Program Sustainable Tourism

² From UN Environment Programme & UN World Tourism Organisation Publication: "Making Tourism More Sustainable – A Guide for Policy Makers

4) Social Equity

To seek a widespread and fair distribution of economic and social benefits from tourism throughout the recipient community, including improving opportunities, income and services available to the poor.

5) Visitor Fulfilment

To provide a safe, satisfying and fulfilling experience for visitors, available to all without discrimination by gender, race, disability or in other ways.

6) Local Control

To engage and empower local communities in planning and decision making about the management and future development of tourism in their area, in consultation with other stakeholders.

7) Community Wellbeing

To maintain and strengthen the quality of life in local communities, including social structures and access to resources, amenities and life support systems, avoiding any form of social degradation or exploitation.

8) Cultural Richness

To respect and enhance the historic heritage, authentic culture, traditions and distinctiveness of host communities.

9) Physical Integrity

To maintain and enhance the quality of landscapes, both urban and rural, and avoid the physical and visual degradation of the environment.

10) Biological Diversity

To support the conservation of natural areas, habitats and wildlife, and minimise damage to them.

11) Resource Efficiency

To minimise the use of scarce and non-renewable resources in the development and operation of tourism facilities and services.

12) Environmental Purity

To minimise the pollution of air, water and land and the generation of waste by tourism enterprises and visitors.

SUPPORTING THIS POLICY

GENERAL

Council will:

- Support sustainable tourism in its Regulatory, Economic, Social and Planning areas and policies.
- Encourage tourism enterprises that actively incorporate sustainable business practices into their operations. Council will lead by example.
- Work with our Local Tourism Associations, *Daylesford and Macedon Ranges Tourism*, *Tourism Victoria* and other tourism and community organisations and government departments and agencies, to develop sustainable tourism.
- Encourage co-operation between private operators and other agencies such as the Daylesford and Macedon Ranges Tourism Board and Tourism Victoria in marketing, product development, customer service, training and industry development.
- Seek representation on local and regional tourism associations and boards.
- Will, where appropriate, engage in and develop tourism opportunities both in its own right and in partnership with business, governments, and community stakeholders.
- Foster and create a community awareness of the role and value of tourism within the region.
- Aim to be the premier rural location in temperate Australia for feature film and television series production, and be the site selector's first choice as a film friendly region in all other areas of the commercial and creative filming.

ECONOMIC

Council will:

- support the management and operation of Visitor Information Centres at Creswick, Trentham and Clunes and an accredited Visitor Information Centre at Daylesford.
- Provide an appropriate budget allocation for tourism expenditure.
- Assist, financially and by other means, tourism organisations or events that provide evidence of the potential to benefit both community and visitors in the area.
- Seek ongoing commitments and financial involvement from Government, industry and investors in the provision of tourist facilities.
- Use its rating policy to encourage development that delivers quality, sustainable tourism outcomes.
- Consider the social, cultural, economic and environmental impact of proposals within the area, when considering tourism development applications.
- Ensure that zoning and other statutory requirements encourage sustainable tourism, and ameliorate against developments that might reduce the potential opportunities for

sustainable tourism, in its strategic plans, town plans, development control plans and emergency plans, and within the guidelines of planning policies and protocols.

SOCIAL and ENVIRONMENTAL

Council will:

- Encourage tourism operators to seek accreditation and to strive for continuous improvement of tourism products. Furthermore, Council will promote participation in suitable certification systems for sustainable and eco tourism.
- Take into consideration the unique cultural, natural and heritage landscapes in relation to tourism development opportunities.
- Support the establishment and accessibility of regional parks and the enhancement of specific natural features, conserve areas of outstanding beauty and recognise items of heritage significance.

STAKEHOLDERS IN SUSTAINABLE TOURISM

Council recognise other State and Federal Government agencies, the local community, and the general public as stakeholders in the development of sustainable tourism products. In particular, this includes Parks Victoria, the Department of Sustainability and Environment and other land managers in our region.

Council also endorse the sentiments of the United Nations Environmental Program as follows: "Many different interests can benefit from tourism being made more sustainable:

- Tourism enterprises, while seeking long term profitability, should be concerned about their corporate image, the relationship with their staff, and their impact on the global environment and that immediately around them.
- Local communities are seeking increased prosperity but without exploitation or damage to their quality of life.
- Environmentalists are concerned about the harmful impacts of tourism but also see it as a valuable source of income for conservation.
- Tourists are seeking a high quality experience in safe and attractive environments; they
 are becoming more aware of the impacts of their travelling.
- In seeking more sustainable tourism, governments must recognize the different positions and motivations of these stakeholders and work with them to achieve common goals." (Copyright UNEP/GRID Arendal)



10.13. RECORD OF ASSEMBLIES OF COUNCILLORS – JULY, AUGUST 2012 GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

This report summarises Assemblies of Councillors for July and August 2012.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

- ...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –

but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation;

Assemblies of Councillors					
Date	Location	Committee Name			
17 July 2012	Daylesford Neighbourhood Centre	Freight Strategy Steering Committee			
19 July 2012	Daylesford Neighbourhood Centre	Municipal Emergency Management Planning Committee			
26 July 2012	Council Chamber, Daylesford	Hepburn Mineral Springs Reserve Advisory Committee			
7 August 2012	Council Chamber, Daylesford	Councillor Briefing			
14 August 2012	Council Chamber, Daylesford	Councillor Briefing			
20 August 2912	Creswick RSL	Creswick Ward Community Committee			



21 August 2012	Council Chamber, Daylesford	Wombat Hill Botanic Gardens Advisory Committee		
21 August 2012	Council Chamber, Daylesford	Councillor/CEO Meeting		
21 August 2012	Council Chamber, Daylesford	Pre Council Meeting		
27 August 2012	Doug Lindsay Reserve and Community Facility	Doug Lindsay Reserve and Community Facility Management Advisory Committee		

ISSUE / DISCUSSION

- The Local Government Act 1989 (as amended) requires the record of an Assembly of Councillors to be reported at an Ordinary meeting of the Council.
- The Local Government Act 1989 (as amended) requires the record of an Assembly of Councillors to be incorporated in the minutes of that Council Meeting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil.

RISK IMPLICATIONS

There are implications with regards to Council's compliance with the *Local Government Act* 1989 (as amended) if written records of Councillor Assemblies are not reported to Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The inclusion of the attached record of Councillor Assemblies in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.



CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

10.13.1 That the information be received.

MOTION

10.13.1. That the information be received.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Neil Newitt



ATTACHMENT 14 - RECORD OF ASSEMBLIES OF COUNCILLORS – JULY, AUGUST 2012

(Issued Under Separate Cover)



11. COUNCIL SPECIAL COMMITTEES (SECTION 86)

11.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.

PURPOSE

Special (Section 86) Committee minutes are tabled for noting and recommendations of Special Committees are presented for consideration by Council.

BACKGROUND

Special committees are established by Council and their function and responsibilities outlined in an Instrument of Delegation. Under the Instrument of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports of Special and Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes from the Creswick Museum Special Committee General Meeting 06/08/2012.
- Minutes from the Lee Medlyn Home of Bottles Special Committee General Meeting 01/08/2012.
- Minutes from the Lee Medlyn Home of Bottles Special Committee Annual General Meeting 01/08/2012.
- Minutes from the Drummond Hall Special Committee Annual General Meeting 31/08/2012.
- Minutes from the Drummond Hall Special Committee General Meeting 31/08/2012.

These minutes have been provided to Councillors under a separate cover.

The following recommendations have been received by Council and are presented for Council to consider adopting:

 The Drummond Hall Special Committee recommended that one new member Ken Stockfeld be approved and added to the Drummond Hall Special Committee



The Drummond Hall Special Committee has three members appointed until 28 August 2015. The instrument of delegation for the committee requires a minimum of three members. If Council wishes to add Ken Stockfeld bringing the total number of members up to four, as recommended by the special committee, a term ending 29 August 2014 would be considered appropriate.

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 have been provided for noting.

OFFICER'S RECOMMENDATION

That Council:

- 11.1.1 Adopts the Drummond Hall Special Committee's recommendation and appoints Ken Stockfeld to the Drummond Hall Special Committee with a term ending on 29 August 2014; and
- 11.1.2 Notes the minutes of the Special Committees (Sec 86) listed above which have been distributed under separate cover



MOTION

That Council:

11.1.1. Adopts the Drummond Hall Special Committee's recommendation and appoints Ken Stockfeld to the Drummond Hall Special Committee with a term ending on 29 August 2014; and

11.1.2. Notes the minutes of the Special Committees (Sec 86) listed above which have been distributed under separate cover.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Rod May



12. COUNCIL ADVISORY COMMITTEES

12.1. MINUTES OF ADVISORY COMMITTEES GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.

PURPOSE

Advisory Committee minutes are tabled for noting.

BACKGROUND

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees over the past month, for your information:

- Waste Resource Management Steering Committee 07/08//2012
- Creswick Ward Community Committee 20/08/2012.

These minutes have been provided to Councillors under separate cover.

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 have been provided for noting.

OFFICER'S RECOMMENDATION

12.1.1 That Council notes the minutes of the Advisory Committees listed above which have been distributed under separate cover.

MOTION

12.1.1. That Council notes the minutes of the Advisory Committees listed above which have been distributed under separate cover.

Moved: Councillor Jonathan Barrell

Seconded: Councillor Neil Newitt



12.2. APPOINTMENT OF MEMBERS TO VACANT POSITIONS - CRESWICK WARD COMMUNITY COMMITTEE

GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the General Manager Community Services, I Kathleen Brannigan have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend the appointment of members to the Creswick Ward Community Committee (CWCC) to fill casual vacancies arising from resignations from the Committee and an extension of the term of the Creswick Ward Community Committee.

BACKGROUND

At its meeting on 16 April 2012, the CWCC determined that vacant positions, resulting from resignations, on the CWCC be advertised in the *Creswick District News* (CDN) and *The Advocate*.

ISSUE / DISCUSSION

The casual vacancies were advertised in the May edition of the CDN and *The Advocate* and the original closing date for nominations was 1 June 2012.

Insufficient nominations were received by the closing date and the nomination period was extended until 31 August 2012. The three nominations received by the revised closing date were assessed against the selection criteria in the nomination form. (Attachment 15).

The CWCC Terms of Reference specify that Council appointments of casual vacancies that occur are to be ratified by Council.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan commitment – 17 Embracing community knowledge and expertise to help guide its decision making and implementation.

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil



ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Creswick Ward Community Committee has an important role in implementing the Creswick Ward Community Plan.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The call for nominations for the Creswick Ward Community Committee was advertised in The Advocate and Creswick Community Newsletter.

CONCLUSION

Nominations have been reviewed against the selection criteria and all nominees meet the criteria. The current committee was appointed for a period of 2 years in December 2010. It is recommended that the term of the Committee be extended until 30 June 2013 and that new members are appointed until that date.

OFFICER'S RECOMMENDATION

That Council:

- 12.2.1 Extends the term of appointment of the Creswick Ward Community Committee until 30 June 2013.
- 12.2.2 Appoints Margaret Giles, *John Edwards and Barry Coveney as members of the Creswick* Ward Community Committee until 30 June 2013.

MOTION

That Council:

- 12.2.1. Extends the term of appointment of the Creswick Ward Community Committee until 30 June 2013.
- 12.2.2. Appoints Margaret Giles, John Edwards and Barry Coveney as members of the Creswick Ward Community Committee until 30 June 2013.

Moved: Councillor Jonathan Barrell

Seconded: Councillor Rod May



ATTACHMENT 15 - CRESWICK WARD COMMUNITY COMMITTEE - SUMMARY OF NOMINEES

Creswick Ward Community Committee – Summary of Nominees

Nominee	Demonstrated skills, expertise and knowledge a) Economic development b) Community development c) Arts, heritage or culture d) Environmental sustainability e) health promotion or recreation	Demonstrated understanding of community planning processes and outputs.	Demonstrated involvement with the Creswick and district community	Good communication skills	Demonstrated ability to work as part of a team and to be solution based	Referees Supplied
Margaret Giles	Extensive retail and hospitality experience.	Involvement in Creswick Development Committee and development of Creswick Ward community plan.	Active on a number of committees - Business & Tourism Creswick, Director of Creswick Community Bank. Visitor Information Centre volunteer.	Yes	Yes, collaboration and respect.	Yes
John Edwards	Community development and health promotion expertise.	Previous member of Creswick Development Committee (2006-10)	Allendale resident, community market participant.	Yes	Yes, extensive experience working in team environments.	Yes
Barry Coveney	a) to d) applicable	Community background, school Councils, Apex and Oasis Club	The Committee for Creswick.	YEs	Yes, quality management systems and team management.	Yes



13. CONFIDENTIAL ITEMS

13.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

RECOMMENDATION

- 13.1.1 That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:
 - 89(2)(d) Contractual matters; and

Contract H318-2012 – Clunes Community and Interpretive Centre – Refurbishment and New Building Works

Contract H327-2012 – Replacement of Wyuna Channel at Hepburn mineral Springs Reserve

13.1.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.



PROCEDURAL MOTION

- 13.1.1. That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:
 - 89(2)(d) Contractual matters; and

Contract H318-2012 – Clunes Community and Interpretive Centre – Refurbishment and New Building Works

Contract H327-2012 – Replacement of Wyuna Channel at Hepburn mineral Springs Reserve

13.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

Moved: Councillor Rod May

Carried.

The Meeting closed to Members of the Public at 9:04 pm.



14. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

14.1 That Council, having considered the confidential items, re-opens the Meeting to members to the public.

PROCEDURAL MOTION

14.1.1. That Council, having considered the confidential items, re-opens the Meeting to members of the public.

Moved: Councillor Rod May

Carried.

The Meeting re-opened to the Public at 9:27 pm

In accordance with Council's resolutions, the following information is provided to the public on the matters resolved by Council during the confidential section of the Meeting.

MOTION

- 14.1.2. Awards the Tender for Contract No H327 2012 Replacement of Wyuna Channel for the lump sum of \$209,790.00 to IECL Pty Ltd.
- 14.1.3. Awards the tender for Contract No H318-2012 Clunes Community and Interpretive Centre Redevelopment, Refurbishment and New Building Works for the lump sum of \$2,298,709 to AW Nicholson Construction Pty Ltd (trading as Nicholson Construction).



15. CLOSE OF MEETING

The Meeting closed at 9:27 pm.