

Hepburn

SHIRE COUNCIL


HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

TUESDAY 15 DECEMBER 2015

DAYLESFORD SENIOR CITIZENS ROOM
VINCENT STREET, DAYLESFORD
6:00PM

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Confirmed at the Ordinary Meeting of Council
held on Tuesday 19 January 2016



Chair, Mayor Cr Neil Newitt

MINUTES

TUESDAY 15 DECEMBER 2015

Daylesford Senior Citizens Room
Vincent Street, Daylesford
Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
15 DECEMBER 2015

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 NEIL NEWITT, COUNCILLOR SEBASTIAN KLEIN, COUNCILLOR BILL MCCLENAGHAN, COUNCILLOR KATE REDWOOD AM, COUNCILLOR GREG MAY, COUNCILLOR DON HENDERSON

IN ATTENDANCE: CHIEF EXECUTIVE OFFICER AARON VAN EGMOND, GENERAL MANAGER CORPORATE SERVICES GRANT SCHUSTER, GENERAL MANAGER COMMUNITY SERVICES KATHLEEN, GENERAL MANAGER INFRASTRUCTURE BRUCE, MANAGER PLANNING JUSTIN FIDDES

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**

Councillor Pierre Niclas arrived at 8:52pm

4. **DECLARATIONS OF CONFLICTS OF INTEREST**

Councillor Greg May declared a conflict with item 11.6.

Councillor Sebastian Klein declared a conflict with item 14.2.

Councillor Don Henderson declared a conflict with item 14.3.

5. **CONFIRMATION OF MINUTES**

RECOMMENDATION

That Council confirms the following Minutes (as previously circulated to Councillors) as required under Section 93 (2) of the Local Government Act 1989:

5.1. Ordinary Meeting of Council held on 17 November 2015

5.2. Statutory Meeting of Council held on 10 November 2015

MOTION

That Council confirms the following Minutes (as previously circulated to Councillors) as required under Section 93 (2) of the Local Government Act 1989:

5.1. *Ordinary Meeting of Council held on 17 November 2015*

5.2. *Statutory Meeting of Council held on 10 November 2015*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Don Henderson

Carried.

6. **NOTICES OF MOTION**

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Neil Newitt, Cameron Ward

This month's schedule started the day after November's council meeting with a meeting with Minister for Planning Richard Wynne in Trentham.

I was able to convey to the minister the importance to our residents and visitors of the local amenity of our towns and how this impacts planning. He was very interested in hearing of the challenges that growing towns face in providing for the future whilst respecting and protecting our heritage.

I also met with member for Macedon Mary-Anne Thomas last month and again was pleased to welcome her announcement on Friday of the success of the application for funding for the Hepburn Hub. Through the living libraries program, \$500 000 has been granted to the project.

It's show time, and across the shire I had the chance to attend the Clunes, Daylesford and Kingston Shows.

This month also saw the annual highland gathering held in Daylesford,

Of the many end of year functions I was particularly pleased to attend Christmas functions for our volunteers who man our visitor information centres. Without the volunteers we would not be able to deliver many services to our communities. I thank them for their commitment.

Earlier this month, I attended the Opening of the Clunes Railway building. This building has been restored by VicTrack and has now become the new home of Creative Clunes - the people behind Booktown and other events in Clunes. VicTrack have produced a book illustrating the restoration of the building, and I will forward this to council for keeping.

COUNCILLOR REPORTS

Councillor Sebastian Klein, Coliban Ward

The past month has been topped by the news that the Daylesford Council Offices project has received Living Libraries Funding. Given that my impression was that the only project applied for was the New Mechanics in Trentham, and my impression that we had not resolved the site for the Daylesford Offices, this was very surprising, and I must say, for myself and community members, very disappointing.

As such, while I attended many other events, the main item of activity I would like to draw council's attention to is a spreadsheet that I drew up of the budgeted capital project expenditure in each of the council wards for the past 14 years.

For the benefit of the council the end results of this exercise showed that, in the past 14 years, \$3.3m allocated a cross the shire (probably not in Coliban due to a lack of council owned facilities there), just under half a million in Holcombe, \$1.8m in Coliban (including \$0.5m for the New Mechanics), \$4.3m in Clunes and Cameron Ward, \$8m in Creswick and \$19.8m in Daylesford and Birch Ward.

Meanwhile, official word regarding the Trentham New Mechanics Application is MIA... The Community Reference Group and myself watches with bated breath.

Other meetings and events I attended are included below:

Food systems policy meeting - Sustain Network Presentation to Murrindindi on the LG Act review Resource and Finance Sub-Committee for the VLGA Go Women for Local Government 2016 Reception Trentham Transfer Station Open Day Newbury Recreation Reserve Tri-AGM Audit and risk Advisory Committee meeting Water treatment project meeting in Trentham Waste to energy update Visitor Information Centre Volunteers Christmas Party VLGA Board meetings X2 VLGA Mayoral Welcome Spoke at the Kyneton Climate Rally Ward meeting - concerning cycling in Coliban Ward Q&A session with the Local Government Minister with the VLGA End of year celebration and John Jago Awards for the VLGA Briefing to Baw Baw Shire Council with the VLGA Quarterly meeting with the MAV & VLGA

Councillor Greg May, Creswick Ward

An interesting and busy few weeks since my last councillor report. On White Ribbon Day, the 25th of November I attended a breakfast in Ballarat organised by the Ballarat White Ribbon Committee. This committee has been going for around 12 years and each year inducts at least 10 new white ribbon ambassadors, whose role it is to take information back to their workplace, social groups or sporting clubs about domestic violence and the need to prevent it. The breakfast was attended by around 190 people who heard former AFL player Luke Brennan speak about the programs that the AFL have put in place in recent years to educate young footballers about domestic violence and respect for women. At the conclusion of the breakfast I spoke to Bob Miaka who is the current president of the Ballarat White Ribbon Committee and Bob has agreed to come along and address a meeting of the Hepburn Shire White Ribbon Committee once it is in place. Some members of the Ballarat committee have formed a choir which entertained the crowd at the end of the breakfast.

Along with other councillors and shire officers I travelled to Melbourne to attend the funeral service of Mary Dancuk. Mary spent many years working for Hepburn Shire and I'm sure her hard work and dedication will be greatly missed.

Along with Councillor Newitt I also attended a public meeting in Smeaton which was held to discuss a proposed therapeutic centre near the Smeaton township. Whilst the discussions were at times 'robust', the meeting was in general beneficial and gave locals the opportunity to put their point of view as well as ask questions around issues of concern to them. Well done to council officer Justin Fiddes on arranging the meeting and the way it was conducted.

The Swiss Mountain Hotel in Blampied was the venue for the Christmas lunch for the Creswick and Clunes Visitor Information Centres volunteers. Along with Councillor Newitt and Councillor Henderson I attended the lunch and enjoyed some Christmas cheer with the many volunteers in attendance. I'm sure they all enjoyed the lunch and the acknowledgement by council of their efforts during the last year.

On Sunday the 6th of December I attended the annual Kingston Agricultural Show. I expect the shows committee would be disappointed with attendance figures and possibly hot conditions may have contributed. The small but dedicated show committee all put a great deal of time and effort into organising the event but it seems they face an uphill battle to see its continuation into the future.

Councillor Bill McClenaghan, Holcombe Ward

It has been a quiet month since the last Council Meeting with a mixed bag of events. I attended another open day at the Daylesford Transfer Station, AKA Daylesford Resource Recovery Centre, aspects of the 64th Highland Gathering and the final Glenlyon Progress Association meeting for the year. I also attended a community event at the Goldfields Resort in Creswick now being operated by the RACV.

Last Saturday I attended the Glenlyon Community Christmas BBQ at the Glenlyon Recreation reserve and caught up informally with many local people whilst Santa arrived as usual on the local fire truck and took many adoring youngsters for a ride around the race track.

Lastly, I note with great sadness the passing of Mary Dancuk, Council's Governance Officer, after a short severe illness. Many Councillors and staff colleagues attended Mary's funeral in Melbourne last Tuesday week and the burial with her late beloved husband at the Fawkner Memorial Park. I have known Mary for over ten years since before joining Council in late 2005 and have worked closely with her, especially during my two Mayoral terms. I visited her in hospital the day before she died and was greatly honoured when Mary's family asked me to perform the eulogy on behalf of Council, which also included a short poem entitled "For Mary" as an offering to her family and as a symbol of our love and esteem. May she rest in peace.

Councillor Kate Redwood AM, Birch Ward

It has been a month to make me reflect that life is all to fleeting.

After the November Council meeting I hot footed it to Canberra for an all too brief visit to see my grand daughter, now 3 months old, and about to leave with her parents to live in New York.

I returned in time for the Hepburn Health AGM on 23 November, which included a fascinating address on the causes of obesity and its life shortening impact. We share a number of roles with Hepburn Health, and the work being done in the fields of health promotion, aged care and maternal and child health are the obvious examples.

On 24 November I attended the VIC volunteers dinner for Daylesford and Trentham volunteers, along with Cr Newitt, Cr Niclas and Cr Klein. Congratulations to Julie Nixon for her effective work in supporting VIC groups. As is well researched, volunteering makes for greater happiness and longer life.

The International Women's Day Advisory Committee met on 25 November and is to consider nominations for the Heather Mutimer Hepburn Honour Roll for Women in December. The keynote speaker for next year is being finalised. Poppy Caleja is taking photographs of women from towns other than Daylesford to exhibit, with the caption completed by each subject: "what makes me strong...." Her photographs of Daylesford women from last year were a great success.

On Saturday 28 November I went to the Daylesford Transfer Station Open Day and once again was impressed with the progress being made in recycling and customer service. The same day was the Daylesford Show and it was pleasing to see how well the efforts of Council staff to support the Show Committee were rolled out. The marquees under the trees were a very good replacement for the old building, now in reconstruction, and the public also seemed very pleased with this arrangement. Cr Newitt attended to judge Miss Junior Showgirl. Well done Cr Newitt!

The funeral for Mary Dancuk was held on 1 December at the Ukraine Orthodox Cathedral in Melbourne. It was a sorrowful occasion, but I am sure that Mary would have been pleased with its organisation - both as to the liturgy and the presence of so many to mourn her passing. The Council was well represented by councillors and staff, and of course it should be noted that Cr McClenaghan spoke on behalf of Council.

On 2 December we had our rescheduled Council briefing. I left early to fulfil an existing commitment to attend the end of year CWA function and to judge their craft exhibition.

Further Council briefings were held on 8 December, and also a meeting with Cr Newitt and Cr Niclas to consider nominations for Hepburn Citizen of the Year, Junior Citizen of the Year and Event of the Year.

On 11 December it was with great pleasure that I attended, along with Cr Newitt, Cr Niclas and Cr McClenaghan, the announcement by our state member, Mary Anne Thomas, of the State Government grant from the Living Libraries program of \$500,000 to Hepburn Shire. It was a great moment of celebration, and also an opportunity to talk with her about the process and decision making for such grants.

The same day saw the all staff Hepburn Shire Xmas Party held again this year at Hepburn Golf Club. I attended this function along with Crs Newitt, McClenaghan and Henderson. Well done to the organising group for a successful function.

Saturday 12 December was a Birch ward meeting. Once again Cr Niclas and I set ourselves up in Vincent Street outside the Town Hall. This is turning out to be an effective way of interacting with people on a range of issues.

Finally, I attended the Ecumenical Carol Service in Creswick at the invitation of the Anglican vicar, to read a lesson in their annual Carol Service. I can hardly believe that it is 12 months since I was attending this same service last year.

Good wishes to you all for a safe and happy Festive Season.

Councillor Don Henderson, Creswick Ward

I recently attended the opening of the refurbished Clunes Railway station. This is a great asset and I suspect will not only be a home for Creative Clunes but will find many other community uses.

I also attended the Kingston show where I put on a pigeon display and also put together a display of animals that were involved in war. Children were amazed at the different animals involved and were very interested in an elephant with a machine gun mounted on its back.

Clunes show was a great success. This show is one of the best organised of all the country shows. I judged the pigeon section of this show.

I had the pleasure of presenting awards at St Augustines Primary School and the Shire award went to poppy Charleston and Ella Gervasoni. I also attended the grade six graduation.

I presented the Shire award at Creswick Primary school to Oscar Broad who was chosen by his peers for his community efforts. This award was given as part of the grade six graduation event.

Last Friday we installed a newly constructed table and seat set at the Creswick Primary School. This was sponsored by the Creswick Railway Workshops as part of a Clubs program that sees children get involved with community organisations in activities such as bowls , cookery, mountain bike riding and of course woodwork.

Last Sunday I attended the Creswick Senior Citizens Christmas Lunch and represented the Shire. There were about 150 seniors at the function and I thanked them for their many collective years of service to our community.

Other events I attended were Visitor information Centre end of year thank you event.
Staff end of year function.

Carols by Candlelight function put on by Creswick Brass band . It was pleasing to note that Goldfields Resort have offered enough funding to see this event run for the next three years.

Audit and Risk Advisory Committee.

Lastly I attended the funeral of staff member Mary Dancuk. Sad event but as usual Mary had things organised. She had organised her white coffin and flowers which was her way to the very last. We will miss Mary who will be long remembered for her diligence and caring.

RECOMMENDATION

8.1. That Council receives and notes the Mayor's and Councillors' reports.

MOTION

8.1. *That Council receives and notes the Mayor's and Councillors' reports.*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Bill McClenaghan

Carried.

9. 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 Chief Executive Officer 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 Chief Executive Officer by 12 noon on the day of the Council Meeting.

Questions received 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.

9.1. PETITIONS

Nil

9.2. QUESTIONS

Question 1: From Ms Georgie Patterson, Trentham

At its July meeting Council agreed to underwrite the Trentham Community contribution to the Trentham Community Hub as part of a proposed budget which showed \$650,000 from the Living Libraries Infrastructure Fund (LLF) for the New Mechanics. At the same meeting Council agreed that they would confirm the Daylesford Town Hall for the proposed Hepburn Hub, approve the project progressing to the planning permit and detailed design stages, and resolved to seek funding for the project from various external sources. In neither the Agenda Paper or attached Concept Planning Outcomes Report was there any mention of Council seeking Living Libraries funding for the Hepburn Hub. At the Trentham CRG Meeting in August Ms Brannigan advised the Committee that Hepburn Hub would not have an application in this round of the LLF and that Trentham would be the only applicant.

Can Council please explain why Council then applied for \$500,000 from this round of LLF for its Hepburn Hub and only \$250,000 for the Trentham Hub?

Answered by Mayor Councillor Neil Newitt

Council staff informed the Trentham Hub Community Reference Group that the Trentham Hub was the only Council application for the National Stronger Regions Fund.

The *Concept Planning Outcomes Report*, which formed part of the July Report to Council on the Hepburn Hub, itemised (on page 22) forecast grant funding from the following sources:

- Victorian funding for community and economic benefits including Regional Infrastructure Fund;
- Federal infrastructure funding
- Victorian Heritage funding
- Victorian Living Libraries funding
- Victorian Swimming Pool Renewal funding
- Sustainability Victoria funding for biomass cogeneration

Applications for the Living Libraries Infrastructure Fund opened on 3 August 2015. The maximum funding amount available is \$750,000.

Local Government Victoria (the funding body) indicated that it would not support a large funding amount for both projects due to the local populations and previous allocations of Living Libraries funding. Following initial feedback, Council planned to submit a combined application for \$750,000 for the library component of both the Trentham and Hepburn projects. After further advice from Local Government Victoria, two separate applications were submitted with a total amount of \$750,000. In the end, lower amounts were requested for both projects, in comparison to original budgets.

Supplementary Question - From Georgie Patterson

It was clearly stated in the agenda that Council would apply for \$650,000. With that in mind, I'd like to know how Council is now going to fund that money, seeing that the Hepburn Hub was successful with their \$500,000 application?

The Mayor acknowledged the follow up question and advised that a response would be provided by Council.

Questions 2: From Ms Cate Evans, Trentham

There has been plenty of money spent in Trentham since 2011. Well over \$100,000 on a facilities review and architect plans that have yet to prove fruitful. A \$40,000 feasibility study of the Rail Trail/bike track from Woodend to Daylesford that revealed the railway line leased by the tourist railway beyond Bullarto will prove difficult for council to gain control of. Yet \$47,000 was spent on the Domino trail from Trentham to Lyonville and more funds are allocated for the trail from Lyonville to Bullarto. \$45,000 was spent on the Wombat trail. Over \$232,000 has been spent on these "priority projects". Whilst planning for future economic and population growth is important, rate paying residents are still walking and cycling on unsafe slippery slate, broken footpaths and potholed roads. We have a Streetscape budget of \$100,000 for footpath maintenance and construction planned for 2016/17, but it is no wonder many residents feel frustrated that their rates have funded a vision for Trentham, whilst their rights to basic infrastructure have been overlooked year after year.

In future strategic planning from 2017 onwards, is council willing to identify and prioritise the immediate needs of rate paying residents in each ward and act upon those needs in a timely fashion?

Answered by Mayor Councillor Neil Newitt

The Council Plan sets a four year vision for Council and outlines the strategic activities required to achieve that vision. The Council Plan guides future development and service delivery in response to community needs. A new four year Council Plan will be developed in consultation with the community in the first half of 2017.

In addition, it is important that our maintenance and repairs of existing assets continue at the same time. Council achieves this through a Shire wide program of asset inspections and works, in accordance with our Road Management Plan.

Council is committed in its Council Plan to the annual asset renewal program. Over \$6 million is spent each year to address the assets most in need of repair across the Shire.

In between our programmed inspections, road and footpath hazards can develop. Therefore, community members are encouraged to report specific concerns or hazards as Customer Requests through our customer service centres, via phone or through Council's website. Council staff will then undertake an inspection and determine the action needed.

To understand the specifics of the road and footpath issues you raise tonight, a council officer will be in touch with you shortly.

Question 3: From Ms Cate Evans, Trentham

The "Know Your Council" survey, that measured performance areas of all local councils in Victoria, revealed Hepburn Shire recorded the lowest score in the state for community consultation and decision making with 43%. Whilst they did achieve good results in some areas, a council should aim to deliver a satisfactory service of at least 60% to its rate paying citizens. The Economic strategy survey is a good idea. So might a general survey for residents to provide input on what areas of development they would prefer their rates be invested.

In order to establish clear majority support on Shire initiatives and ward projects before they are implemented, what further community consultation measures does council plan to undertake to better connect with residents?

Answered by Mayor Councillor Neil Newitt

In October this year, Council adopted a new Community Engagement Policy to guide the way it undertakes community consultation and engagement before making decisions.

The policy sets out principles to assist in consultation and recognises the need to provide different ways for people to participate.

It can be difficult to get people involved, so we use a range of methods to get people's ideas and feedback including on-line forums like OurSay, community presentations, meetings and listening posts, hard copy surveys and one-to-one discussions.

Current projects, such as the Economic Development Strategy and Recreation Strategy, are using a number of different approaches to get a range views and ideas.

Good community consultation is important, as it allows Council to hear a range of views. Ultimately, Council is responsible for decision making and it is not always possible to provide everyone what they request during consultation.

9.3. REQUESTS TO ADDRESS COUNCIL

Three members of the public submitted a request to address Council.

Councillor Sebastian Klein noted some facts about question 2 above as follows:

The amount for the Trentham Facilities Review is \$42,500

Cross Borders Tracks & Trails - \$100,000

Four Councils and state government project to progress Creswick Trails (Mountain Bikes), Black Hill Bike Trails, Maryborough to Ballarat Heritage (road bikes) and Daylesford to Macedon Rail Trail.

MOTION

9.3.1. *That Council defers hearing addresses from Mr David McPhee, Ms Robyn McPhee and Mr Neil Wright that relate to planning application 1029 until item 10.3, when Council will hear addresses from the applicant's representative and objectors.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood AM

Carried.

10. STATUTORY PLANNING REPORTS

10.1. USE AND DEVELOPMENT OF THE LAND FOR A SCHOOL (STAGE 1) – AMENDMENT TO INCLUDE MASTER PLAN (STAGES 1-8) AND TO AMEND CONDITIONS 6 AND 7 TO MODIFY ENGINEERING CONDITIONS.

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as Statutory Planner, I, Alan Todd have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to make a determination on the application to amend the permit for the use and development of the land for a school (stage 1) to include the master plan (stages 1-8) and to amend conditions 6 and 7 to modify engineering conditions at 90 Daylesford – Trentham Road, Daylesford.

BACKGROUND

A permit application was lodged in April for the use and development of the land for a school. Following advertising (no objections) and referrals, a permit was issued for this use and development of a school subject to conditions.

A master plan was submitted at that time, but did not form part of the approval granted. The applicant now wishes to amend the permit to include the future stages, and has also sought approval to modify some permit conditions.

The proposed amendment was referred to Central Highlands Water and Council engineering. Central Highlands Water requested that the same conditions they required for the original permit be included in the amended proposal.

Council engineering agreed to the proposed changes, which included substituting an "all weather" surface for internal roads and footpaths, where previously they had been required to be sealed (asphalt or concrete).

Referral to VicRoads was not required as the access was previously approved and is not being altered.

The proposed amendment was advertised to adjoining and adjacent landowners, and by notice in the Advocate newspaper. No objections or submissions have been received.

The total estimated cost of the development including the future stages is \$13.5million.

ISSUE/DISCUSSION

The relevant planning considerations in making a determination are set out below.

State and Local Policy

Clause 15.01 Protection of catchments, waterways and groundwater

Stage one (already approved) and the amendment to include future stages both rely on connecting to the reticulated sewer system. Stormwater associated with buildings and works is to be controlled by means of extensive engineering drainage conditions. All construction and ongoing activities are to comply with EPA principles for construction techniques for sediment control.

Clause 17 – Economic Development

Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

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

The Dharma school is already established in Daylesford, contributing to an innovative economy and the economic well-being of the community. It is due to the need to expand that a new site was sought. By facilitating expansion of the school to include future stages, planning supports this significant objective.

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies

Clause 22.01 Catchment and land protection

This policy applies the protection of catchments, waterways and groundwater SPPF objective in clause 15.01 to local circumstances.

Consideration has been given to local circumstances, including availability of connection to reticulated sewer, appropriate drainage of the proposed development site, and consideration that there are no declared waterways within the vicinity of the proposed development.

Zoning and Overlay Provisions

The land falls within the Farming Zone and a permit is required for use of the land for education and associated buildings or works

The purpose of the Farming Zone (clause 35.07) is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposed development is associated with a non agricultural use. The use itself has already been approved. The proposed amendment to include future stages is considered to create significant employment opportunities, which supports the purpose of retaining employment. The provision of an alternative educational opportunity supports population retention and the local community.

The development is provided with appropriate infrastructure – access, internal roads, parking areas, waste management, sewer connection – to support sustainable management of the site.

The application would accord with the decision guidelines at Clause 35.07-6 as:

- The land would be able to accommodate the development including the disposal of effluent via reticulated sewer.
- The use and development is compatible with adjoining uses. The area is fragmented with dwellings and other non- agricultural land uses.
- The land is located on the fringe of Daylesford and has access to a main arterial road.
- The development would not limit the operation and expansion of adjoining and nearby agricultural uses due to the existing fragmentation of the land and pattern of ownership
- Reticulated sewer would prevent any impact of nutrient loads on waterways.

Site context:

The application site is one of a number of similarly sized lots extending from the eastern boundary of Daylesford on the south side of the main road. The land is already fragmented, with a number of dwellings developed. Other non agricultural uses close to the land, but further from Daylesford, include the cemetery and the Hepburn Shire Depot. In this context, the further development of the school to include the further stages is not considered inappropriate, or likely to prevent the operation or expansion of adjoining agricultural uses. No objections were raised by adjoining landholders in this regard.

The agricultural activities currently carried out on adjoining land are not considered likely to impact on the proposed staged school development and ongoing use.

The land is 850m from the town boundary. This proximity, allowing for students to walk or cycle to school, lends weight to the consideration of an “out of zone” development, which would not apply if the land were far removed from the population centre from which the students will be drawn.

Environmental Significant Overlay – Schedule 1

The Environmental objective includes:

- 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.

The requirement to connect to reticulated sewer satisfies the requirement to protect the quality of water supplies within the catchment.

Engineering conditions satisfy environmental objectives by controlling drainage and runoff from stormwater.

Goulburn-Murray Water has consented to the development subject to conditions.

Environmental Significant Overlay – Schedule 2

The works are not considered to affect any identified mineral springs, groundwater supplies or their aquifers through the controlled management of stormwater and through connection of all wastewater to the existing sewer

Hepburn Planning Scheme Particular Provisions – Car Parking

The submitted master plan shows adequate provision of onsite car parking for the proposed use (primary and secondary school) as per the table to clause 52.06

The required number of spaces is 1 for each employee for a primary school, and 1.2 per employee for a secondary school. 45 spaces have been nominated for stage one, with further space set aside for up to 145 cars. This equates to up to 45 employees for the primary school, and 120 for the secondary. This well exceeds any reasonably expected demand.

KEY ISSUES

The key issue is whether the inclusion of the master plan for future development of an approved use (school) is appropriate for the site.

All matters relating to access, drainage, wastewater disposal and site management are met by the appropriate conditions, with minor changes to engineering conditions to require all weather internal roads and paths rather than sealed surfaces (asphalt/concrete).

No plans and elevations for the development of future buildings have been submitted at this stage. It will be a requirement that plans and elevations, including schedule of materials and finishes, be submitted for approval prior to the commencement of the building and works commencing for each stage.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Cost of appeal should the application be refused.

RISK IMPLICATIONS

Not applicable

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*.

CONCLUSION

The proposed amendment of the existing permit to include the master plan and amendment to condition 7 of the existing permit to remove the requirement for a bituminised internal road, to be substituted for an all weather internal road, should be supported.

OFFICER'S RECOMMENDATION

That Council having caused notice of planning application PA 959 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to **Grant an amendment to a permit** under the provisions of Clauses 35.07 and 42.01 of the Hepburn Planning Scheme in respect of the land known and described as 90 Daylesford-Trentham Road, Daylesford for the amendment to permit PA827 to include a master plan for stages 1-8 and modification to conditions, with the application dated 29/07/2015 subject to the following conditions:

10.1.1. FURTHER PLANS – STAGES 2 TO 8.

Prior to the commencement of each stage (2 to 8) of the development detailed plans and elevations, accurately dimensioned and drawn to scale and including a schedule of all external materials and finishes, must be submitted to and approved by the responsible authority. Once approved, the plans will be endorsed, and will then form part of the permit.

10.1.2. **NO CHANGE**

The development as shown on the endorsed plans must not be altered without the consent of the responsible authority.

The layout of the use on the endorsed plans must not be altered without the written consent of the responsible authority.

10.2.3. **SIGNAGE**

Prior to the placing of identification signage for the school, plans including dimensions and location for proposed signage must be submitted to and approved by the responsible authority. Dimensions of proposed signage must not exceed 3square metres in total. Once approved, these plans will be endorsed, and will then form part of the permit.

10.2.4. **GENERAL AMENITY**

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land
- b) appearance of any building, works or materials
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- d) presence of vermin

10.1.5. **ENGINEERING**

Stormwater Drainage

It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment including proposed easements. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land(s) and/or adjoining road(s). Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be completed prior to commencement of use.

- All underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority

prior to the commencement of construction. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be completed prior to commencement of use.

- Return period for a Detention system is to be 1 in 10 years where there is overland escape path and 1 in 100 years if the failure of the detention system will cause property damage or inundation of freehold titles.
- Stormwater shall be directed to the legal point of discharge being the naturally occurring drainage line within the property.

Access

- Vehicle access/crossing to the development is to be located and constructed of concrete/asphalt to the satisfaction of the Responsible Authority and in accordance with the Department of Education and Early Childhood Development guidelines.
- Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- Prior to commencement of use, the developer must prepare a detailed school crossings (in particular at the East Street intersection) and signage scheme for safe access to and from school in accordance with Austroads, VicRoads and Department of Education and Early Childhood Development guidelines and submit to the Responsible Authorities for approval.
- 1.5m wide an all weather footpath shall be provided from East Street to the School entrance along Daylesford-Trentham Road to the satisfaction of the Responsible Authority.
- 1.5m wide all weather footpaths shall be provided connecting carpark and buildings. These footpaths shall be separated from vehicle access roads. All footpaths shall be in accordance with the Department of Education and Early Childhood Development guidelines.
- VicRoads approval must obtain for all access/crossing, bus-stops, designated school crossings and signage.

Road Works

- It is the responsibility of the developer to develop and maintain all internal roads to the satisfaction of the Responsible Authority and in accordance with Department of Education and Early Childhood Development guidelines. The road shall be formed, drained and surfaced in accordance with detailed plans and specifications submitted to and approved by the Responsible Authority.
- The road shall be designed and constructed to relevant Australian and VicRoads standards and in accordance with the requirements of Infrastructure Design Manual (IDM)
- Internal roads shall include:

All weather surface

Minimum 4.0m wide pavement with 1.2 shoulders

1.5m all weather footpath on one side

Table drains

Parking

- All parking areas including disable parking are to be designed in accordance with Australian Standard "AS2890: Parking Facilities".
- The areas shown as driveway and car parking spaces shall be constructed and surfaced with an approved material for all-weather use to the satisfaction of the Responsible Authority. The works shall be constructed and drained in accordance with plans and specifications provided by the applicant/owner and approved by the Responsible Authority and shall include:
 - a) all weather pavement;
 - b) underground drains as required;
 - c) provision for vehicles to pass on driveways.

Waste Disposal

- Prior to issue of a planning permit, developer must prepare a waste management strategy to the satisfaction of the Responsible Authority, which demonstrates:
 - Waste generation
 - Collection arrangement
 - Maximum waste collection vehicle dimension
 - Adequacy and safety of the access roads
 - Compliance with Environment Protection Authority noise standards
- Waste management strategy shall be in compliance with Department of Education and Early Childhood Development guidelines.
- Required Prior to Occupation
 - The developer must enter into a Section 173 Agreement with the Responsible Authority, under Section 173 and 174 of the Planning and Environment Act, which requires a private waste collection to be arranged and maintained by the owners at their cost in accordance with the approved waste management strategy.
 - The developer and the Responsible Authority shall agree to do all things necessary to register a memorandum of this Agreement on the titles of the land pursuant to Section 181 of the Planning and Environment Act 1987.
 - The developer must pay all of the reasonable costs and expenses including lawyers checking fees incurred by the Responsible Authority in relation to the preparation, execution, registration, enforcement and cancellation of this Agreement. This shall include costs for obtaining the necessary consents if required by the Land Titles Office before registration of this Agreement.

All works must complete prior to commencement of the use.

All costs incurred in complying with the above conditions shall be borne by the permit holder.

10.1.6. **DROP OFF AND PICK UP**

All drop off and pick up of students is to occur within the school grounds.

No drop off or pick up is to occur on the main road or road reserve.

10.1.7. **GOULBURN MURRAY WATER**

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All wastewater from the development must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

10.1.8. **CENTRAL HIGHLANDS WATER**

- a) Reticulated sewerage facilities must be provided by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- b) A reticulated water supply must be provided by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

10.1.9. **VICROADS**

- a) The proposed access arrangements on Daylesford-Trentham Road must be constructed in accordance with the functional layout plan (drawing no: 3202) and to the satisfaction of VicRoads.
- b) Prior to commencement of the road works, detailed plans must be prepared and submitted to VicRoads for approval.
- c) Before the buildings are occupied, all road works must be completed to the satisfaction of VicRoads.

Notes:

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within ten years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

- Within six months afterwards if the development has not been started, or the development is complete but the use has not started, or the use has been discontinued for a period of two years.
- Within twelve months afterwards if the development started lawfully before the permit expired.

MOTION

*That Council having caused notice of planning application PA 959 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to **Grant an amendment to a permit** under the provisions of Clauses 35.07 and 42.01 of the Hepburn Planning Scheme in respect of the land known and described as 90 Daylesford-Trentham Road, Daylesford for the amendment to permit PA827 to include a master plan for stages 1-8 and modification to conditions, with the application dated 29/07/2015 subject to the following conditions:*

10.1.1. FURTHER PLANS – STAGES 2 TO 8.

Prior to the commencement of each stage (2 to 8) of the development detailed plans and elevations, accurately dimensioned and drawn to scale and including a schedule of all external materials and finishes, must be submitted to and approved by the responsible authority. Once approved, the plans will be endorsed, and will then form part of the permit.

10.1.2. NO CHANGE

The development as shown on the endorsed plans must not be altered without the consent of the responsible authority.

The layout of the use on the endorsed plans must not be altered without

the written consent of the responsible authority.

10.1.3. ***SIGNAGE***

Prior to the placing of identification signage for the school, plans including dimensions and location for proposed signage must be submitted to and approved by the responsible authority. Dimensions of proposed signage must not exceed 3square metres in total. Once approved, these plans will be endorsed, and will then form part of the permit.

10.1.4. ***GENERAL AMENITY***

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land*
- b) appearance of any building, works or materials*
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*
- d) presence of vermin*

10.1.5. ***ENGINEERING***

Stormwater Drainage

- It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment including proposed easements. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land(s) and/or adjoining road(s). Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be completed prior to commencement of use.*
- All underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. The drainage works shall*

include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be completed prior to commencement of use.

- *Return period for a Detention system is to be 1 in 10 years where there is overland escape path and 1 in 100 years if the failure of the detention system will cause property damage or inundation of freehold titles.*
- *Stormwater shall be directed to the legal point of discharge being the naturally occurring drainage line within the property.*

Access

- *Vehicle access/crossing to the development is to be located and constructed of concrete/asphle to the satisfaction of the Responsible Authority and in accordance with the Department of Education and Early Childhood Development guidelines.*
- *Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.*
- *Prior to commencement of use, the developer must prepare a detailed school crossings (in particular at the East Street intersection) and signage scheme for safe access to and from school in accordance with Austroads, VicRoads and Department of Education and Early Childhood Development guidelines and submit to the Responsible Authorities for approval.*
- *1.5m wide an all weather footpath shall be provided from East Street to the School entrance along Daylesford-Trentham Road to the satisfaction of the Responsible Authority.*
- *1.5m wide all weather footpaths shall be provided connecting carpark and buildings. These footpaths shall be separated from vehicle access*

roads. All footpaths shall be in accordance with the Department of Education and Early Childhood Development guidelines.

- VicRoads approval must obtain for all access/crossing, bus-stops, designated school crossings and signage.

Road Works

- It is the responsibility of the developer to develop and maintain all internal roads to the satisfaction of the Responsible Authority and in accordance with Department of Education and Early Childhood Development guidelines. The road shall be formed, drained and surfaced in accordance with detailed plans and specifications submitted to and approved by the Responsible Authority.
- The road shall be designed and constructed to relevant Australian and VicRoads standards and in accordance with the requirements of Infrastructure Design Manual (IDM)
- Internal roads shall include:
 - All weather surface
 - Minimum 4.0m wide pavement with 1.2 shoulders
 - 1.5m all weather footpath on one side
 - Table drains

Parking

- All parking areas including disable parking are to be designed in accordance with Australian Standard "AS2890: Parking Facilities".
- The areas shown as driveway and car parking spaces shall be constructed and surfaced with an approved material for all-weather use to the satisfaction of the Responsible Authority. The works shall be constructed and drained in accordance with plans and specifications provided by the applicant/owner and approved by the Responsible Authority and shall include:
 - a) all weather pavement;
 - b) underground drains as required;
 - c) provision for vehicles to pass on driveways.

Waste Disposal

- *Prior to issue of a planning permit, developer must prepare a waste management strategy to the satisfaction of the Responsible Authority, which demonstrates:*
- *Waste generation*
- *Collection arrangement*
- *Maximum waste collection vehicle dimension*
- *Adequacy and safety of the access roads*
- *Compliance with Environment Protection Authority noise standards*
- *Waste management strategy shall be in compliance with Department of Education and Early Childhood Development guidelines.*
- *Required Prior to Occupation*
- *The developer must enter into a Section 173 Agreement with the Responsible Authority, under Section 173 and 174 of the Planning and Environment Act, which requires a private waste collection to be arranged and maintained by the owners at their cost in accordance with the approved waste management strategy.*
- *The developer and the Responsible Authority shall agree to do all things necessary to register a memorandum of this Agreement on the titles of the land pursuant to Section 181 of the Planning and Environment Act 1987.*
- *The developer must pay all of the reasonable costs and expenses including lawyers checking fees incurred by the Responsible Authority in relation to the preparation, execution, registration, enforcement and cancellation of this Agreement. This shall include costs for obtaining the necessary consents if required by the Land Titles Office before registration of this Agreement.*

All works must complete prior to commencement of the use.

All costs incurred in complying with the above conditions shall be borne by

the permit holder.

10.1.6. ***DROP OFF AND PICK UP***

All drop off and pick up of students is to occur within the school grounds.

No drop off or pick up is to occur on the main road or road reserve.

10.1.7. ***GOULBURN MURRAY WATER***

(a) *All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*

(b) *All wastewater from the development must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.*

10.1.8. ***CENTRAL HIGHLANDS WATER***

(a) *Reticulated sewerage facilities must be provided by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.*

(b) *A reticulated water supply must be provided by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.*

10.1.9. ***VICROADS***

(a) *The proposed access arrangements on Daylesford-Trentham Road must be constructed in accordance with the functional layout plan (drawing no: 3202) and to the satisfaction of VicRoads.*

(b) *Prior to commencement of the road works, detailed plans must be prepared and submitted to VicRoads for approval.*

(c) *Before the buildings are occupied, all road works must be completed to the satisfaction of VicRoads.*

Notes:

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within ten years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

- *Within six months afterwards if the development has not been started, or the development is complete but the use has not started, or the use has been discontinued for a period of two years.*
- *Within twelve months afterwards if the development started lawfully before the permit expired.*

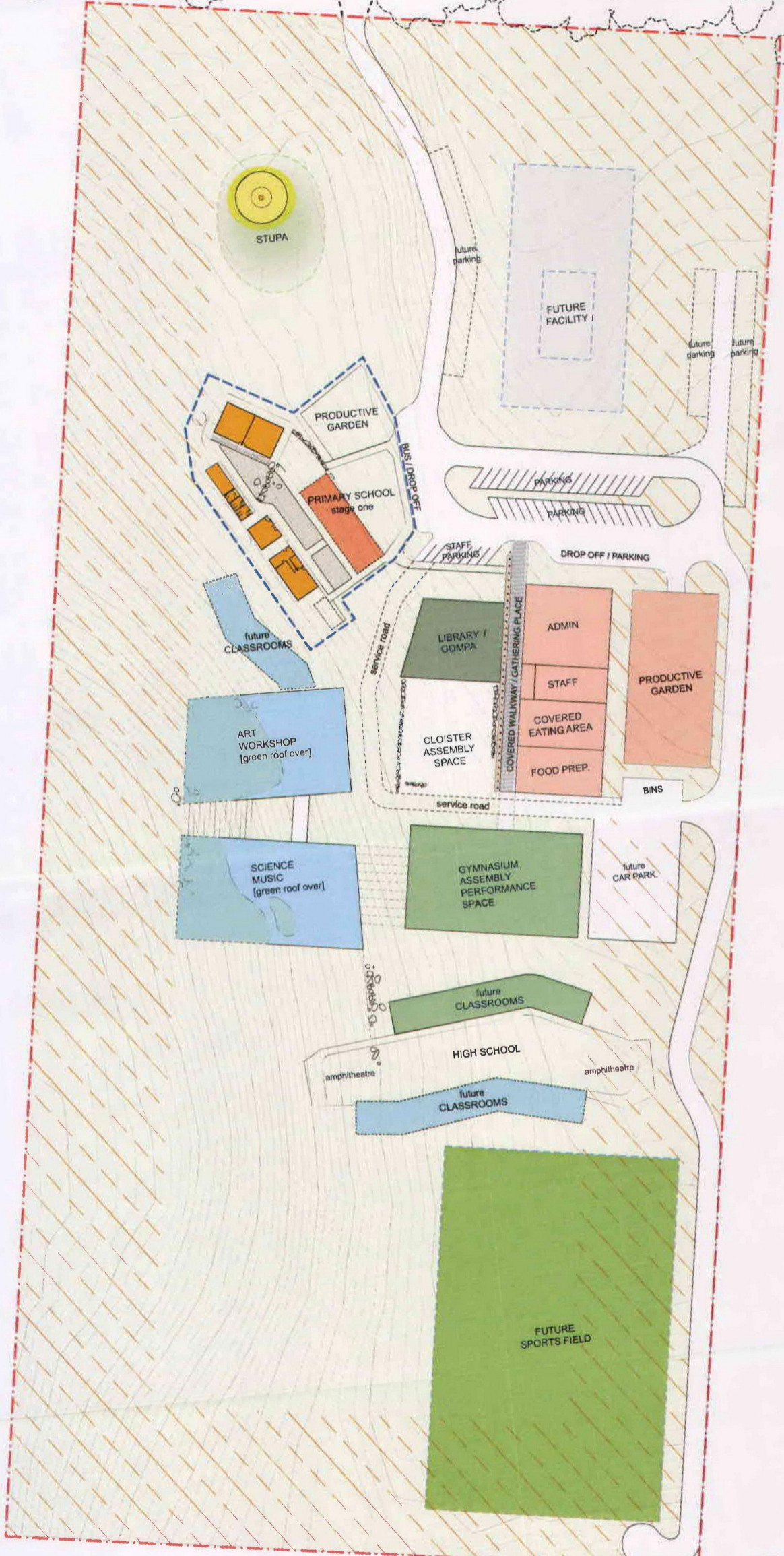
Moved: Councillor Bill McClenaghan

Seconded: Councillor Kate Redwood AM

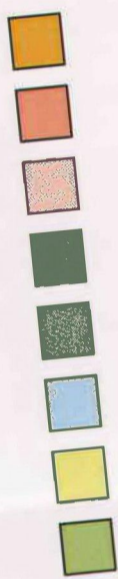


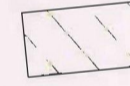
Carried.

ATTACHMENT 1 - PA959 – MASTER PLAN

DAYLESFORD - TRENTHAM ROAD



SETTLEMENT ROAD


 STAGE ONE
 STAGE TWO
 STAGE THREE
 STAGE FOUR
 STAGE FIVE
 STAGE SIX
 STAGE SEVEN
 STAGE EIGHT
 STAGE ONE (site area)
 SITE BOUNDARY
 40m BUSHFIRE EXCLUSION ZONE

0 25m 50m

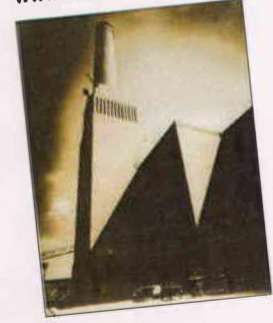
MASTERPLAN [STAGES]
 [town planning]
 PROPOSED PROJECT:
 SCHOOL MASTERPLAN
 FOR:
 dharma school
 AT:
 DAYLESFORD-TRENTHAM RD, DAYLESFORD

DATED PRINTED:
 23 JULY, 2015
 DRAWN BY: CM

PROJECT DESIGNERS/COPYRIGHT:
 SIOUX CLARK MDIA
 TIM O'SULLIVAN ARCHITECT
 c/- multiplicity;

OFFICES:
 337 BRUNSWICK ROAD, BRUNSWICK VIC 3056

CONTACT DETAILS:
 phone/fax
 (03) 9388 0790
 email
 mob@multiplicity.com.au
 web
 www.multiplicity.com.au



1/1

10.2. USE AND DEVELOPMENT OF A DWELLING AT 218 EASTERN HILL ROAD, BLAMPIED

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Statutory Planner, I, Alan Todd have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to make a determination on the application for the use and development of a dwelling at CA133, 218 Eastern Hill Road, Blampied.

BACKGROUND

A permit application was lodged on 14 May 2015 for the use and development of the land for a dwelling. The land has an area of 16Ha. Adjoining land in the same ownership comprises of two lots of 24Ha and 42Ha respectively. There is a dwelling on the 24Ha lot, with approval granted for the development of a dwelling on the 42Ha lot.

The applicant was advised that the proposal for the use and development of a dwelling on the land application was unlikely to receive officer support for the following reasons:

- The application sits is on very high quality agricultural land, in an area where fragmentation of such land through development of dwellings on smaller lots is not widespread.
- The use and development of a dwelling is considered likely to contribute to fragmentation of productive agricultural land in the area, and lead to a concentration or proliferation of dwellings in this area, with consequent negative impacts on the use of land for productive agriculture.

The applicant was advised that should they wish withdraw the application, a full fee refund would be granted. If they wished to proceed with the application a written statement would need to be submitted which explains how the proposed dwelling responds to the decision guidelines for dwellings in the farming zone (clause 35.07-6). The applicant chose the latter approach, and supplied a statement as requested. The statement did not include any specific agricultural activity proposed for the land, but rather a speculative contention that the land could be used for a small scale farming enterprise with onsite dwelling.

ISSUE/DISCUSSION

The relevant planning considerations in making a determination are set out below.

State and Local Policy

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 14.01 -1 Protection of agricultural land seeks to protect productive farmland which is of strategic significance in the local or regional context.

Clause 16.02-1 Rural residential development seeks to manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.08 – Rural Land Use and Agriculture recognises as a key issue the protection of high quality agricultural land from encroachment of urban land uses.

Clause 22.04 – Rural Land, Dwellings in Rural Zones seeks to provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise.

Zoning and Overlay Provisions

Farming Zone

The relevant primary purposes of the farming zone are:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

Environmental Significance Overlay 1 – Proclaimed Catchment Protection.

The environmental objectives of the overlay 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
- The proposal, subject to the containment and treatment on site of all wastewater, is considered to meet these objectives.

KEY ISSUES

State and Local Policy are both quite clear with regard to agricultural land use. The fragmentation of productive agricultural land is discouraged. Uses which may conflict with, or permanently remove land from productive agriculture are also not supported.

Lots of less than 40Ha (other than those scheduled to 20Ha) in the Farming Zone require planning approval for the use and development of a dwelling. The burden of justification lies with the applicant, to demonstrate that the need for a dwelling is supported by a viable agricultural enterprise on the land. The land is identified as of very high agricultural quality. Approval for a dwelling would therefore require a high level of justification that agriculture activity would be supported and enhanced by the ability to have a dwelling on the land.

It should be noted that the land has been used productively for agricultural purposes for many years without the benefit of a dwelling on the lot. What is proposed is that the nature of the agricultural activity to be carried out on the land is to be changed to an as yet unspecified but more intensive or niche activity.

The agricultural activity proposed is both nebulous and speculative. On this basis, the view that agriculture will be supported by a dwelling is speculative.

On balance the risk of rural fragmentation posed by allowing a dwelling on a small parcel of prime agricultural land outweighs consideration of the need for such a dwelling to support a potential future agricultural enterprise.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council and which is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

NA

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

NA

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987.

CONCLUSION

On balance of planning considerations appropriate to the zoning of the land, there is insufficient support for the use and development of a dwelling on this lot.

- The land and surrounding land is of very high agricultural quality, is not fragmented by subdivision or housing development on small lots.
- The land is currently used productively for agricultural purposes without the benefit of a dwelling on the lot.
- The agricultural activity proposed is both nebulous and speculative. The view that agriculture will be supported by a dwelling is equally speculative.
- The development of a dwelling may lead to the spread of fragmentation of agricultural land to this prime farming area.

Having regard to the clear directions set for agricultural land by both state and local policy, the application should not be supported.

OFFICER'S RECOMMENDATION

10.2.1 That Council, having considered all the matters required under Section 60 of the Planning & Environment Act 1987 decides to **Refuse to Grant a Permit** under the provisions of clause 35.07 of the Hepburn Planning Scheme in respect of the land known and described as **CA133, 218 Eastern Hill Road, Blampied** for **The use and development of a dwelling in accordance with the submitted plans**, with the application dated **14/5/2015**

For the following reasons:

- The proposal is contrary to state planning policy clause 14.01-1
- The proposal is contrary to state planning policy clause 16.02-1
- The proposal does not support the objectives of clause 21.08 – local policy, rural land use and agriculture.
- The proposal is contrary to local policy clause 22.04, rural land.
- The proposal does not support the purposes of the farming zone
- The proposal would lead to fragmentation of productive agricultural land.
- The proposal is contrary to the orderly planning of the area.

MOTION

10.2.1. That Council, having considered all the matters required under Section 60 of the Planning & Environment Act 1987 decides to Refuse to Grant a Permit under the provisions of clause 35.07 of the Hepburn Planning Scheme in respect of the land known and described as CA133, 218 Eastern Hill Road, Blampied for The use and development of a dwelling in accordance with the submitted plans, with the application dated 14/5/2015,

For the following reasons:

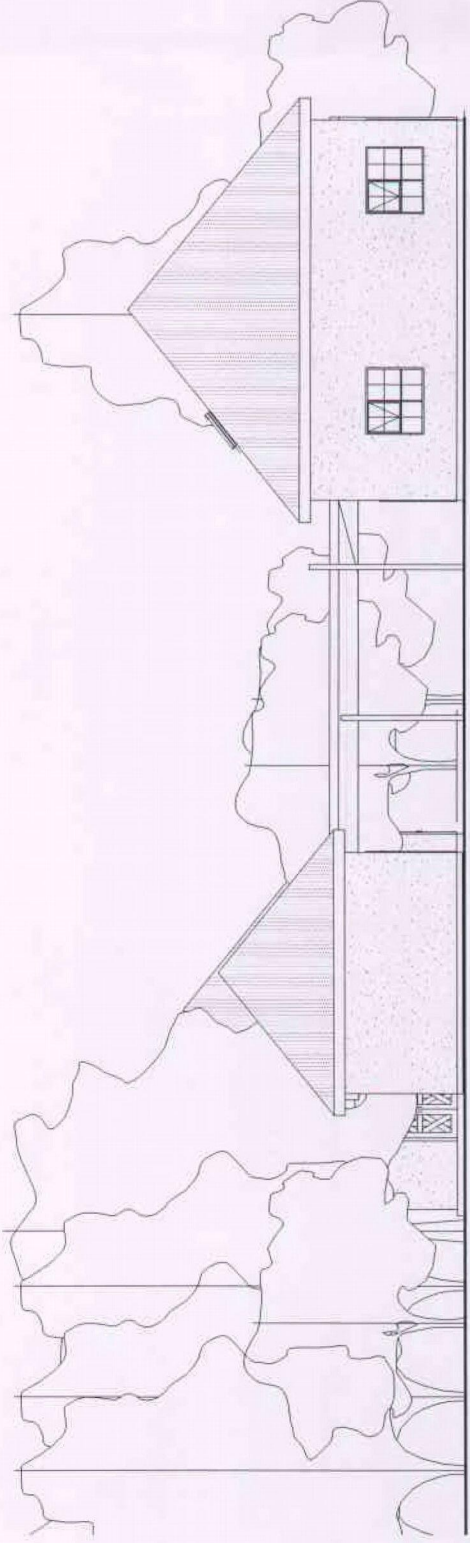
- The proposal is contrary to state planning policy clause 14.01-1
- The proposal is contrary to state planning policy clause 16.02-1
- The proposal does not support the objectives of clause 21.08 – local policy, rural land use and agriculture.
- The proposal is contrary to local policy clause 22.04, rural land.
- The proposal does not support the purposes of the farming zone
- The proposal would lead to fragmentation of productive agricultural land.
- The proposal is contrary to the orderly planning of the area.

Moved: Councillor Kate Redwood AM

Seconded: Councillor Bill McClenaghan

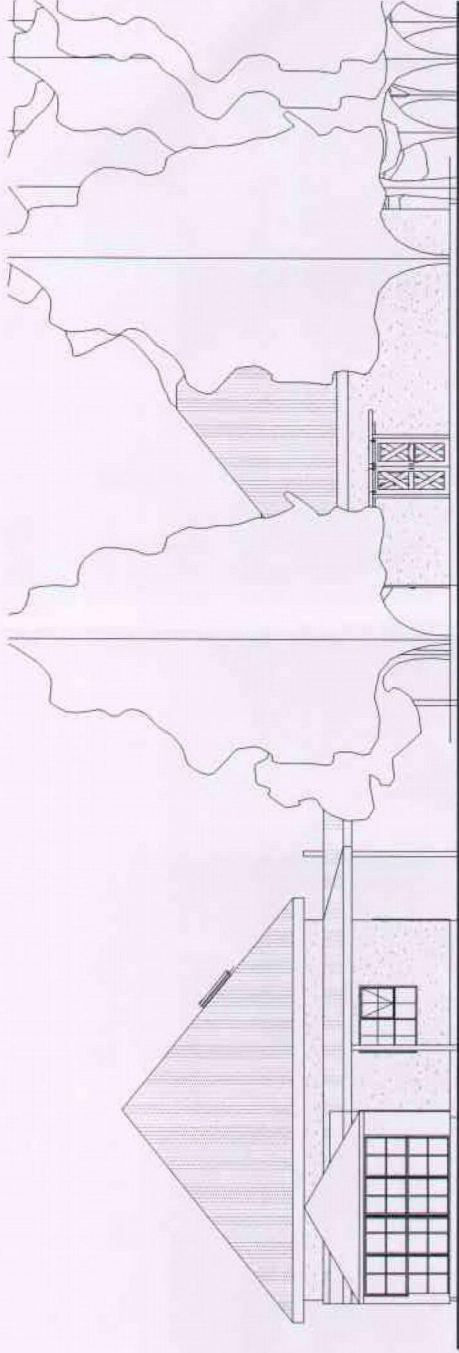
Carried.

ATTACHMENT 2 - PA871 - PLAN



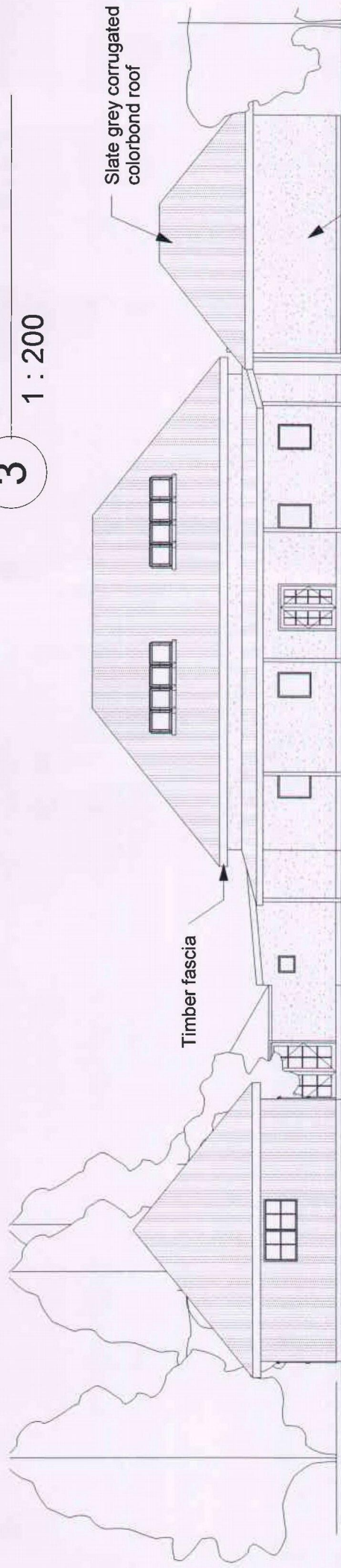
Elevation 8 - a

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1 : 200



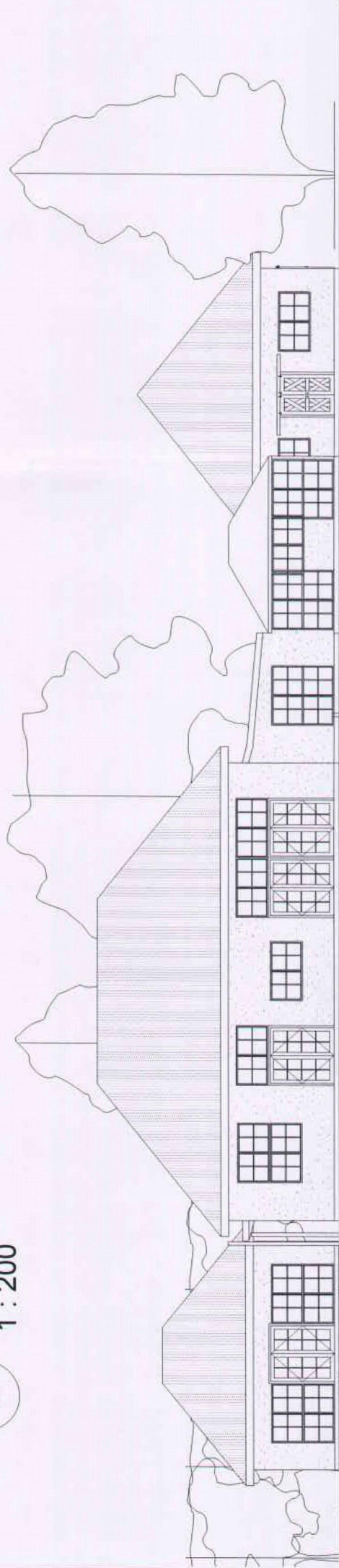
Elevation 6 - a

3
1 : 200



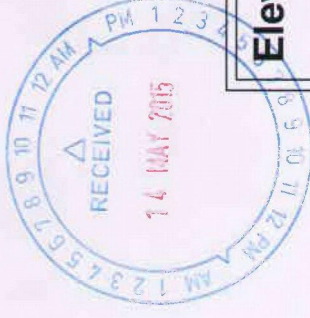
Elevation 7 - a

2
1 : 200



Elevation 5 - a

4
1 : 200



Elevations

Project Status

CLIENT

R. Mongan

PROJECT

Farm development plans

PROJECT ADDRESS

218 Eastern Hill Road,
Blampied 3364

Date 11/05/2015 1:29:53 PM

Drawn by Author

Scale 1 : 200

Cool Temperate

Ways of sustainable building

M: 0407 569 105

Email: vtd66@tpg.com.au

Reg. Build. Prac. DP AD 124



REGISTERED
Building Practitioner

D:\Users\Vasko\Dropbox\Work\office\Projects\mongan ross\farm subdivisions\farm subdivisions.rvt

**10.3. USE OF THE EXISTING BUILDING AS A WAREHOUSE FOR PACKING AND DISTRIBUTION OF SHOW BAGS AT 1 ANNE STREET, CRESWICK
CHIEF EXECUTIVE OFFICER**

In providing this advice to Council as the Planning Coordinator, I Louise Johnston have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to determine the application for to use the existing building as a warehouse for packing and distribution of show bags.

BACKGROUND

An application was received on 13 February, 2015 to use the existing building as a warehouse for packing and distribution of show bags at 1 Anne Street, Creswick. Further information was requested on 18 February, 2015. This information was not provided and the application was lapsed on 25 May, 2015.

Enforcement Action was commenced following the use being conducted from the existing building on the land without planning permission.

The enforcement action resulted in an enforcement order being lodged at the Victorian Civil and Administration Tribunal (VCAT) on 6 August 2015. The matter went before VCAT on 25 September, 2015 at a Practice Day Hearing where the application for enforcement was listed for a full hearing on 8 April, 2016. It was agreed at this hearing that a second permit application was to be made within seven days of the order. A second application was lodged on 30 September, 2015, the application currently being considered by Council.

The subject site is irregular in shape having a total area of 3.4ha. The land is developed with a large double storey industrial shed at its southern end. The existing building is surrounded by an all weather surface access way having direct access to Anne Street. All works associated with the warehouse use would be restricted to the existing building and its surrounds in the southern end of the site. The building is proposed to be used for storage and distribution of show bags. There would be a maximum 16 employees on site depending on seasonal and customer demands. Hours of operation include Monday to Friday 7am-7pm, Saturday & Sunday 9am - 5pm. A total of 26 car spaces have been provided on site. A loading bay is proposed along the southern elevation of the building for unloading and loading of vehicles.

The land is zoned Industrial 1 Zone (IN1Z) and is subject to an Environmental Significance Overlay – Schedule 1 (ESO1). A permit is required under the IN1Z as the land is located within 30m of a residential zone. No permit is triggered for the use under the ESO1.

The application has been advertised by placing a notice on the site, sent to adjoining and adjacent owners and occupiers. Four objections were received.

ISSUE/DISCUSSION

State and Local Planning Policy encourages new industrial use and development within existing industrial areas where infrastructure and services are available. The Municipal Strategic Statement (MSS) seeks to ensure availability of land for industry.

Clause 17.02-1 refers to Industrial land development and includes in its objective to ensure availability of land for industry, protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Clause 21.07 relates to Economic Development and its objectives include

- *To encourage well-designed and locally appropriate industrial development, optimising the use of infrastructure and services.*

Its strategies include:

- *Support industrial and commercial development in existing industrial and commercial areas and provide opportunities for expansion in accordance with approved structure plans.*
- *Encourage high quality design of industrial buildings, landscaping and transport access to minimise impacts on surrounding industrial and non-industrial land uses.*

The Creswick Structure Plan identifies the subject site within a 'strategic investigation area' including the adjoining Crown land. In relation to the subject site, it recommends to consider rezoning to Industrial 3 Zone, recognising its proximity to residential land. The proposed use of the existing building as a warehouse for storing, packing and distribution of show bags is considered a use consistent with the objectives of the Industrial 3 Zoning, particularly a use that minimises its impact on the safety and amenity of adjacent more sensitive land uses.

Zone

The purpose of the IN1Z includes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

The Use is proposed within an existing building, having direct access to Anne Street and being a fully reticulated site. There is ample parking and access on the site to accommodate the maximum number of staff associated with the use as a warehouse. The existing building is surrounded by an earthen batter which aids in screening the building particularly from existing residential dwellings west of the subject site in

Anne Street. Further measures would be included on any permit issued to reduce the impact of the proposed use on the amenity of the area. These would include

- limiting the size of trucks entering the area and the site.
- Days and hours of operation of the use from the land.
- Limit and times of garbage collection from the site

Particular Provisions

Clause 52.06 refers to car parking and Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The number of spaces required to be provided is specified in the table at Clause 52.06-5. Warehouse use requires 1.5 spaces to each 100sqm of net floor area. The floor area of the warehouse is nominated at 1056sqm which equates to 15.7 spaces = 16 Spaces. The application includes the provision of 26 designated spaces, (more available if required).

Clause 52.07 refers to loading and unloading of vehicles and includes in its purpose to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. The Requirements to be met include:

No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

- Space is provided on the land for loading and unloading vehicles as specified in the table - 7.6m length, 3.6m width, 4m height clearance.
- The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
- The road that provides access to the loading bay is at least 3.6 metres wide.

The loading bay and access included with the application would achieve all the minimum dimensions.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council and which is subject to appeal rights, may incur costs.

RISK IMPLICATIONS

Not applicable

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by placing a notice on the site, sent to adjoining and adjacent owners and occupiers pursuant to Section 52 of the Planning and Environment Act, 1987. Four objections were received which are summarised below. Each point is addressed in italics:

- Increased traffic

As above, the number of vehicular movements in and out of this site is considered reasonable given the use, likely staff, restrictions placed on hours of operation of the use and the underlying zone where the land is located. Council's Engineers have not raised any concerns with the existing road network and additional traffic in this area.

- The permit application is substandard, and it fails to give details about the true operation.

The application includes details about the use, the type of goods to be packed and stored, the type of processes to be utilised, a scaled site plan including location of the existing building in relation to boundaries, areas set aside for vehicular movements and parking, loading, hours and days of operation. It is Officers position that the application has met the application requirements under Clause 33.01-2 of the Hepburn Planning Scheme.

- There has been numerous previous VCAT on this site that have set many conditions to protect the amenity of the area. The current owner and use has ignored these requirements.

Previous applications on site required certain undertakings associated with those uses previously approved on this land. The current application is a warehouse use solely being undertaken within the existing building.

- The problem with this site are extensive as it cannot meet buffer distances

Warehouse use is a Section 1 (no permit required) use in the Industrial 1 Zone, subject to the land being located a minimum of 30m from land within a residential zone. As the subject site is located within 30m of land within a residential zone, a permit is required. An application has been lodged to assess the use against the relevant provisions of the Hepburn Planning Scheme

- Other problems with this application include dust from the site, odour- plastic, diesel fumes, burnt sugar and truck movements all hours.

The processes included with the use do not include the manufacturing of goods from the land, only the storage and packing of goods associated with the show bags, which is considered to result in little if any odours from the site. Council's Engineers have required all surfaces within the site to be compacted pavements to prevent dust and the vehicle access and crossing to have a fully sealed pavement. Other restrictions would include hours of operation and a limit on the truck capacity permitted on site and within the surrounding area. No semi-trailers would be permitted.

- The land includes a portion of the old landfill and contaminate land with Asbestos.

The use would be restricted to the existing building located within the southern portion of the land, outside the former land fill area located to the north of the site. There has been previous asbestos found on the land where EPA have been involved and removal has occurred.

- Endangered species - Growling Grass frog has been identified as inhabiting this area west of the Rail line. Therefore any works on this site should take this into consideration.

The use on the land does not include any buildings and works and would utilise the existing building and access ways.

CONCLUSION

The use of the existing building as a warehouse for packing and distribution of show bags supports the objectives and outcomes for industrial zoned land as stated in the State and Local policies of the Hepburn Planning Scheme. Conditions would be included on any permit issued to reduce the impact of the proposed use on the amenity of the area.

OFFICER'S RECOMMENDATION

That Council having caused notice of planning application PA 1029 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Notice of Decision to Grant a Permit** under the provisions of Clauses 33.01-1, 52.06 & 52.07 of the Hepburn Planning Scheme in respect of the land known and described as 1 Anne Street, Creswick, for the use of the existing building as a warehouse for packing and distribution of show bags with the application dated 29/09/2015 subject to the following conditions:

10.3.1. LAYOUT NOT ALTERED – USE OF LAND

The layout of the uses on the endorsed plans must not be altered without the written consent of the responsible authority.

10.3.2. ENGINEERING

Access

Vehicle access/crossing to the development is to be constructed and maintained to the satisfaction of the Responsible Authority and shall comply with followings.

Vehicle access/crossing to the development shall have fully sealed pavements.

All vehicle entry to and egress from the site shall be in a forward direction. A site plan with turning circles shall be submitted showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site.

Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.

Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

Parking

All parking areas including disable parking are to be designed in accordance with Australian Standard "AS2890: Parking Facilities". A plan drawn to scale with dimensions shall be submitted by the applicant/owner to the Responsible Authority for approval. Construction shall not commence until the plans have been approved by the responsible authority.

The areas shown as driveway and car parking spaces shall be constructed and surfaced with an approved material for all-weather use to the satisfaction of the Responsible Authority. The works shall be constructed and drained in accordance with plans and specifications provided by the applicant/owner and approved by the Responsible Authority and shall include:

- a) compacted pavements to prevent dust;
- b) underground drains;
- c) provision for vehicles to pass on driveways.

All works must be completed within 3 months of the permit being issued.

All costs incurred in complying with the above conditions shall be borne by the permit holder.

10.3.3. GENERAL AMENITY PROVISION

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of materials, goods or commodities to or from the land, ensuring all goods entering and leaving the site are secured
- b) Appearance of any building, works or materials
- c) All packaging and associated waste must be kept within the property boundary and waste collection area's to the satisfaction of the responsible authority.
- d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- e) Presence of vermin

10.3.4. **WAREHOUSE USE**

The use hereby permitted must be restricted to the area endorsed under condition 1 to the satisfaction of the Responsible Authority.

10.3.5. **HOURS OF OPERATION**

Without the further consent of the Responsible Authority, the use of the existing building as a warehouse may operate only between the hours of:

- 7.00am to 7.00pm, Monday to Friday,
- 9.00am to 5.00pm, Saturday & Sunday

10.3.6. **REGULATION OF WASTE COLLECTION**

Waste Collection to and from the site must only take place without the further written consent of the responsible authority between:

- 9.00 a.m. and 6.00 p.m. Monday to Friday

10.3.7. **LIMIT ON NUMBER OF EMPLOYEES ASSOCIATED WITH THE WAREHOUSE USE**

Not more than 16 employees may be present on the premises at any one time without the written consent of the responsible authority.

10.3.8. **CONTROL OF LIGHT SPILL**

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

10.3.9. **NUMBER OF CAR SPACES REQUIRED**

No fewer than 16 (sixteen) car space(s) must be provided on the land for the use of the existing building as a warehouse.

10.3.10. **LOAD LIMITS OF TRUCKS**

The load for all trucks accessing the site must not exceed the following

- 10 tonnes
- must be of fixed rigid design

10.3.11. LANDSCAPE PLAN REQUIRED

Within one month of a permit being issued, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:

- a) A survey (including botanical names) of all existing vegetation to be retained.
- b) Details of surface finishes of pathways and driveways
- c) Landscaping and planting on the earthen batter surrounding the existing building and along the frontage of the site with a mixture of native trees and shrubs

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

10.3.12. COMPLETION OF LANDSCAPING

Within three months of the permit being issued or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

10.3.13. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Note:

This permit will expire if the permitted use of the land has not started within two years of the date of this permit, or, after starting, is discontinued for a period of two years.

The responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards

Addresses to Council in relation to the permit application:

Mr Jamie Lampard addressed Council representing the applicant.

Ms Robyn McPhee addressed Council in support of the application.

Ms Julie Skeyhill addressed Council in opposition to the application.

Ms Michelle Potter addressed Council in opposition to the application.

Mr Geoff Phillips addressed Council in opposition to the application.

Mr Neil Wright addressed Council in support of the application.

MOTION

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to ***Issue a Notice of Decision to Grant a Permit*** under the provisions of Clauses 33.01-1, 52.06 and 52.07 of the ***Hepburn Planning Scheme*** in respect of the land known and described as ***1 Anne Street, Creswick***, for the use and development of the existing building as a warehouse for packing and distribution of show bags with the application dated 29/09/2015 subject to the following conditions:

10.3.1. ***LAYOUT NOT ALTERED – USE OF LAND***

The layout of the uses on the endorsed plans must not be altered without the written consent of the responsible authority.

10.3.2. ***ENGINEERING***

Access

Vehicle access/crossing to the development is to be constructed and maintained to the satisfaction of the Responsible Authority and shall comply with followings.

Vehicle access/crossing to the development shall have fully sealed pavements.

All vehicle entry to and egress from the site shall be in a forward direction. A site plan with turning circles shall be submitted showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site.

Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.

Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

Parking

All parking areas including disable parking are to be designed in accordance with Australian Standard "AS2890: Parking Facilities". A plan

drawn to scale with dimensions shall be submitted by the applicant/owner to the Responsible Authority for approval. Construction shall not commence until the plans have been approved by the responsible authority.

The areas shown as driveway and car parking spaces shall be constructed and surfaced with an approved material for all-weather use to the satisfaction of the Responsible Authority. The works shall be constructed and drained in accordance with plans and specifications provided by the applicant/owner and approved by the Responsible Authority and shall include:

- a) compacted pavements to prevent dust;*
- b) underground drains;*
- c) provision for vehicles to pass on driveways.*

All works must be completed within 3 months of the permit being issued.

All costs incurred in complying with the above conditions shall be borne by the permit holder.

10.3.3. GENERAL AMENITY PROVISION

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land, ensuring all goods entering and leaving the site are secured*
- b) appearance of any building, works or materials*
- c) all packaging and associated waste must be kept within the property boundary and waste collection area's to the satisfaction of the responsible authority*
- d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*
- e) presence of vermin*

10.3.4. WAREHOUSE USE

The use hereby permitted must be restricted to the area endorsed under condition 1 to the satisfaction of the Responsible Authority.

10.3.5. ***HOURS OF OPERATION***

Without the further consent of the Responsible Authority, the use of the existing building as a warehouse may operate only between the hours of:

- 7.00 a.m. to 7.00 p.m. Monday to Friday,
- 9.00 a.m. to 5.00 p.m. Saturday & Sunday

10.3.6. ***REGULATION OF WASTE COLLECTION***

Waste Collection to and from the site must only take place without the further written consent of the responsible authority between:

- 9.00 a.m. and 6.00 p.m. Monday to Friday

10.3.7. ***LIMIT ON NUMBER OF EMPLOYEES ASSOCIATED WITH THE WAREHOUSE USE***

Not more than 16 employees may be present on the premises at any one time without the written consent of the responsible authority.

10.3.8. ***CONTROL OF LIGHT SPILL***

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

10.3.9. ***NUMBER OF CAR SPACES REQUIRED***

No fewer than 16 (sixteen) car space(s) must be provided on the land for the use of the existing building as a warehouse.

10.3.10. ***RESTRICTION ON TRUCKS***

Trucks must be of fixed rigid design.

10.3.11. ***LANDSCAPE PLAN REQUIRED***

Within one month of a permit being issued, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:

- a) a survey (including botanical names) of all existing vegetation to be

retained

- b) *details of surface finishes of pathways and driveways*
- c) *landscaping and planting on the earthen batter surrounding the existing building and along the frontage of the site with a mixture of native trees and shrubs*

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

10.3.12. **COMPLETION OF LANDSCAPING**

Within three months of the permit being issued or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

10.3.13. **LANDSCAPING MAINTENANCE**

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

10.3.14. **TRAFFIC MANAGEMENT PLAN**

Prior to the use commencing, a traffic management plan must be submitted to the Responsible Authority for approval. The traffic management plan must include details on:

- *vehicles entering and exiting the site*
- *ensuring loading and unloading is undertaken only in the approved loading bay*
- *no loading and unloading is allowed to occur in Anne Street*
- *no trucks entering or exiting the site may exceed 10 tonnes and must be fixed rigid design*

- *provide for entry and exit signs to the satisfaction of the Responsible Authority*

- *Staff associated with the use must use the staff car park on the site as shown in the approved plans.*

Note:

This permit will expire if the permitted use of the land has not started within two years of the date of this permit, or, after starting, is discontinued for a period of two years.

The responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards.

Moved: Councillor Kate Redwood AM

Seconded: Councillor Greg May

Lost.

MOTION

That Council defers this item until the February 2016 Ordinary Meeting of Council and in the meantime Council enters into negotiations with the applicant and objectors to find a meaningful compromise.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

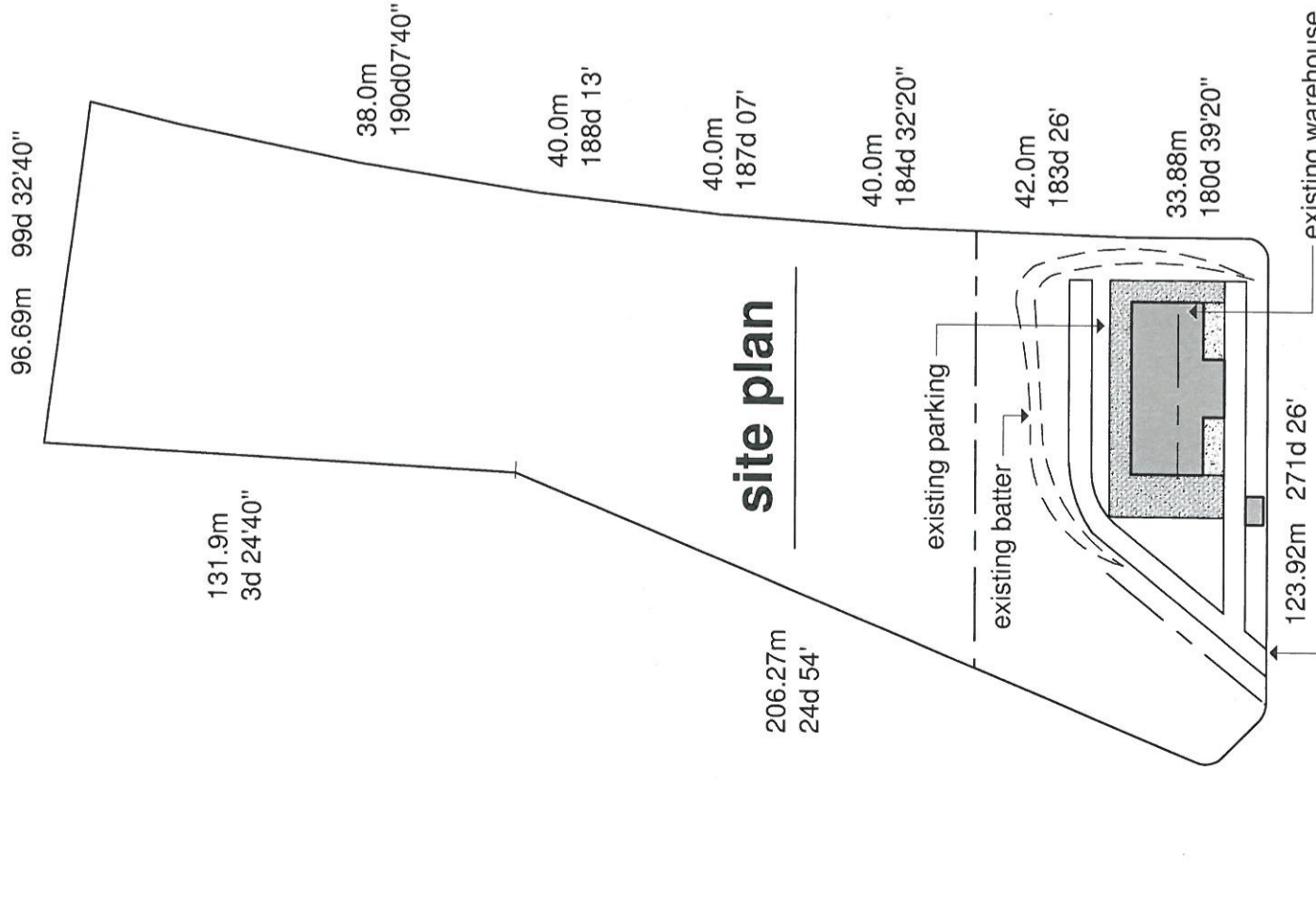
7:56pm - Councillor Sebastian Klein left the meeting for a comfort break.

7:59pm - Councillor Sebastian Klein returned to the meeting.

ATTACHMENT 3 - PA1029 -PLAN

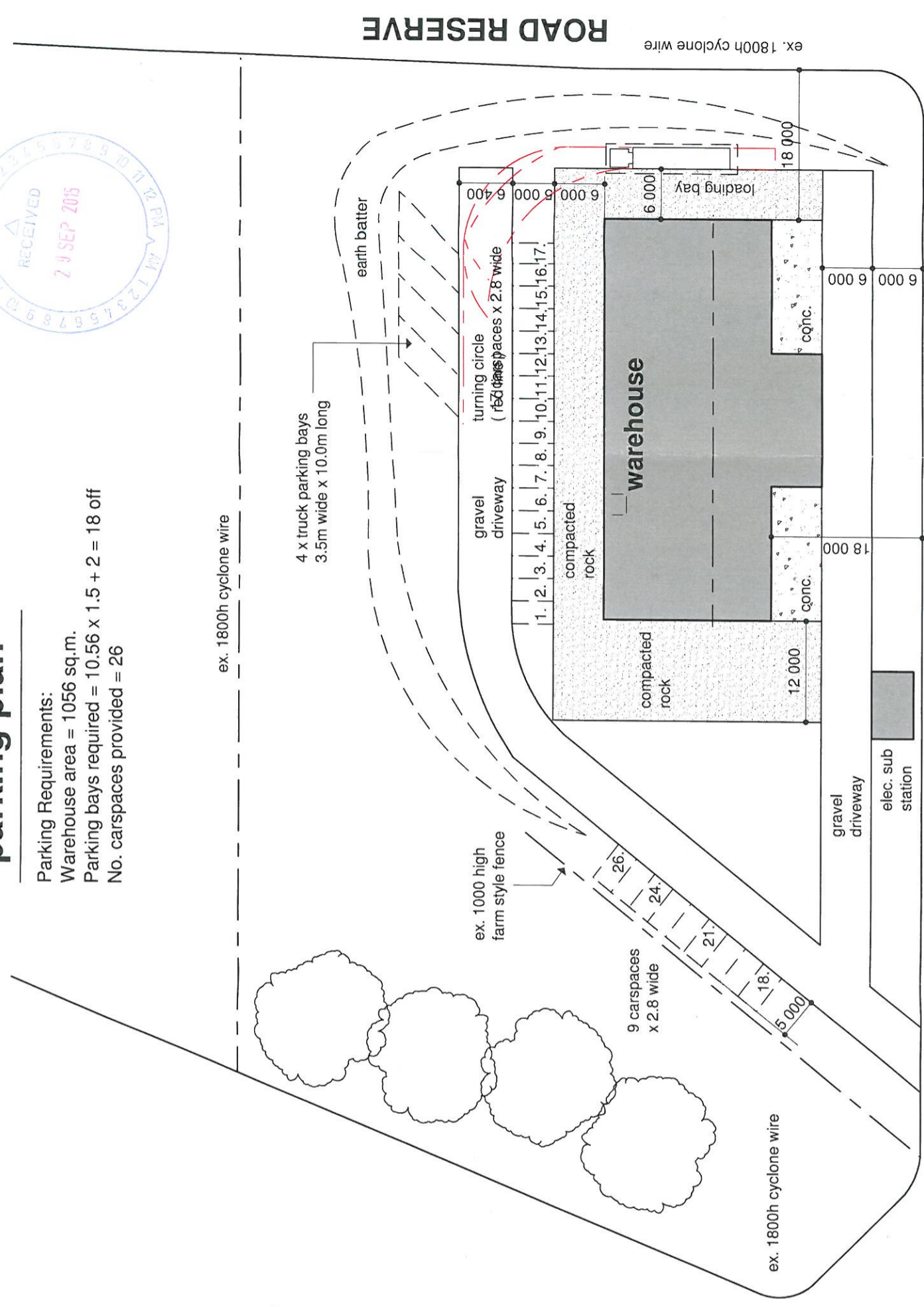
parking plan

Parking Requirements:
 Warehouse area = 1056 sq.m.
 Parking bays required = $10.56 \times 1.5 + 2 = 18$ off
 No. carspaces provided = 26



ANNE STREET

ANNE STREET



ex. 1800h cyclone wire

ROAD RESERVE

Tony De Jong Drafting P/L

D.P. AD 244
 A.B.N: 38 233 853 783
 Phones: 53 322468 / 0419 538 580
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED PARKING PLAN TO EXISTING WAREHOUSE**
 client:
 address: **No. 1 ANNE STREET CRESWICK**

scale: 1 : 1000
 printed: 01-05-2015
 sheet no: 01
 drg no: 15229

11. OFFICERS' REPORTS

11.1. TRENTHAM SPORTSGROUND - MEMORANDUM OF UNDERSTANDING 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 for Council to consider entering into a five year Memorandum of Understanding (MOU) with the Trentham Sportsground Committee.

BACKGROUND

At its July 2014 meeting Council approved the development of a five year MOU between Council and the Trentham Sportsground Committee (TSC), to be ratified by Council. Specifically the MOU was to define Council's commitment including:

- Contribution to Oval Maintenance (Watering, Fertilising, Mowing)
- Contribution to Building Maintenance
- Contribution to Reserve Maintenance
- Review of the Trentham Sportsground Strategic Plan and future Action Plan development to identify and progress priority renewal and upgrade works

ISSUE/DISCUSSION

The MOU (Attachment 4) sets out both Council and TSC's roles and responsibilities and specifies the key contacts in relation to specific items, communication obligations and response timeframes.

The MOU commits Council to the following:

Oval Maintenance

- Paying for oval watering up to the agreed allocation, currently 3,228 kilolitres of water per year;
- Monitoring the moisture content of the oval and advising the club on the irrigation requirements of the oval;
- Mowing the sportsground as per Council's service specifications;
- Developing and implementing an annual maintenance schedule for general maintenance items including top dressing, over sowing and fertilising.

Reserve Maintenance

- Maintaining the internal reserve roads to minimum standards and in line with Council's Road Management Plan – Maintain Tracks;
- Providing rubbish and routine rubbish removal at the reserve;
- Including the netball court and cricket pitch in renewal programs;

- Including the playground in Council's annual playground audit topping up the playground soft fall, as required.
- Undertaking regular mowing of reserve surrounds.

Strategic Planning Support

- Providing support to the Trentham Sportsground Committee for the development of a Strategic Plan and Reserve Master Plan, which may include applying for external funding to develop the Master Plan.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

4. Implement a proactive and planned approach to the maintenance, renewal and upgrade of recreation assets.

Action: Clarify roles and responsibilities of council and sporting groups and level of support Council will provide including building maintenance and renewal, oval maintenance, courts and amenity to ensure that equitable and consistent support is provided.

FINANCIAL IMPLICATIONS

Oval and reserve maintenance at the Trentham Sportsground is included in Council's Parks and Open Space operating budget.

RISK IMPLICATIONS

Nil identified with this report.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The MOU with the Trentham Sportsground Committee is underpinned by the principles of equity, participation and sustainability.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The MOU has been developed in consultation with the TSC.

CONCLUSION

The MOU specifies the respective roles and responsibilities of Council and the Trentham Sportsground Committee and clarifies the level of service Council will provide at the sportsground.

OFFICER'S RECOMMENDATION

11.1.1. That Council authorises the Chief Executive Officer to sign the Memorandum of Understanding (2015/16 - 2019/20) between the Trentham Sportsground Committee and Hepburn Shire Council

MOTION

11.1.1. *That Council defers this item.*

Moved: Councillor Don Henderson

Seconded: Councillor Kate Redwood AM

Carried.

ATTACHMENT 4 - MEMORANDUM OF UNDERSTANDING-
TRENTHAM SPORTSGROUND COMMITTEE

DRAFT Memorandum of Understanding
between
Hepburn Shire Council and the Trentham
Sportsground Committee

Purpose: The Memorandum of Understanding sets out the roles and responsibilities between Hepburn Shire Council (Council) and the Trentham Sportsground Committee (TSC) for services to be provided to the Trentham Sportsground.

Term: This MOU is for a five year period (2015/16-2019/20) to be reviewed in 2019

Parties: **Hepburn Shire Council** (ABN 76 845 763 535) of 76 Vincent Street, Daylesford Victoria 3460 (HSC)

and

Trentham Sportsground Committee Inc. (ABN xx xxx xxx xxx) of <Insert Address> (TSC)

This MOU is underpinned by the principles of equity, participation and sustainability. Hepburn Shire Council will provide ongoing support and assistance to the Trentham Sportsground Committee for the five year term, subject to the requirements of this MOU.

▶ MEMORANDUM OF UNDERSTANDING

1. CONTACTS AND COMMUNICATION SCHEDULE

1.1. CONTACTS

The following contacts are the main points of contact to be used during normal business hours. Each party to this MOU is responsible for notifying the other party of any changes.

Organisation	Capacity	Name	Phone	Email
Trentham Sportsground Committee of Management	Secretary	Georgie Patterson	Insert	Insert
Hepburn Shire Council	Oval/Reserve Maintenance	James Lowe	0458 026 485	jlowe@hepburn.vic.gov.au
Hepburn Shire Council	Buildings	Steve Millard	0407 608 451	smillard@hepburn.vic.gov.au
Hepburn Shire Council	Strategy	Michael Hynes	0429 374 821	mhynes@hepburn.vic.gov.au
Hepburn Shire Council	Grievance	Michael Hynes	0429 374 821	mhynes@hepburn.vic.gov.au

1.2. CONTACT SCHEDULE

Communicator	Reason	Timeframe
Both Parties	Change of Contact Details	Within 1 week of change
Parks and Gardens - HSC	Budget and schedule of services are identified	July each year
Parks and Gardens - HSC	Date of work to be done has been scheduled	July each year
Parks and Gardens - HSC	Confirmation of services to	One month in advance of

▶ MEMORANDUM OF UNDERSTANDING

	be done	scheduled work
Parks and Gardens - HSC	Increase/decrease of water on oval	Immediately upon making such a decision
Trentham Cricket Club	Provide Council with fixture	1 month before start of each season
Trentham Football and Netball Club	Provide Council with fixture	1 month before start of each season

2. SUPPORT PROVIDED BY COUNCIL

2.1. OVAL MAINTENANCE

- a. Council will pay for the water required for irrigation of the surface with the following conditions:
 - Council has, in principle, allocated 3,228 kilolitres of water per year to irrigate the oval
 - Council will monitor the moisture content of the oval and advise the club on the irrigation requirements of the playing surface
 - Council will advise TSC on adjustments to the irrigation requirements as required
 - Any savings in the cost of irrigating the sportsground will remain Councils
 - Any additional costs incurred in irrigating the sportsground will be covered by Council, however, if the additional irrigation has not been approved by Council, the additional costs will be the responsibility of the TSC
- b. Council will be responsible for mowing the sportsground as per Council's service specifications. Council may review and alter the service specifications as required. Any changes to the service specifications from the time of signing this MOU will be communicated to TSC.
- c. Council will develop and implement an annual maintenance schedule for general maintenance items including top dressing, over sowing and fertilising. The schedule will be developed in collaboration with TSC based on Council Specifications
- d. Council will advise TSC if any of the services are unable to be completed when scheduled
- e. Council will consider, and if agreed to will act upon, requests for additional oval maintenance with a minimum of 10 working days notice

2.2. RESERVE MAINTENANCE

- a. Council will maintain the internal reserve roads to minimum standards and generally in accordance with Council's *Road Management Plan – Maintain Tracks*.
- b. Council will be responsible for routine rubbish removal at the reserve, this does not include events which will be considered on a case by case basis through Council's events area .

▶ MEMORANDUM OF UNDERSTANDING

- c. Council will provide an appropriate number of rubbish bins to service the reserve.
- d. The Trentham Netball Court will be included in the annual Hard Court Renewal Program. Surface renewal will be based on Council assessment process and priorities with consideration of availability of funding for the program. TSC will be responsible for line marking and general court maintenance.
- e. Council will communicate any changes to the Hard Court Renewal Program to TSC.
- f. The Trentham Cricket Pitch will be included in the annual Cricket Pitch Renewal Program and will be scheduled for renewal within Council priorities and in consideration of availability of funding for the program
- g. The playground at the Trentham Sportsground will be included in Council's annual playground audit and the playground soft fall will be topped up by Council as required. The Trentham Sportsground Committee will be responsible for implementing findings from the playground audit and should notify Council when the playground soft fall requires refilling.
- h. Council will undertake regular mowing of the reserve surrounds in accordance with Council's Service Standards.

2.3. STRATEGIC PLANNING SUPPORT

- a. Council's Recreation Coordinator will provide support to the Trentham Sportsground Committee for the development of a Strategic Plan and will act as the Council Liaison Officer during the term of this agreement.
- b. Council will support the Trentham Sportsground Committee in the development of a Reserve Masterplan. This may include applying for external funding to develop the Masterplan and may require a contribution from the Committee.

2.4. FACILITY UPGRADES

- a. Council will work with the Trentham Sportsground Committee and its user groups to apply for external funding opportunities as available. Applications for funding opportunities must align with Council's Recreation strategies and master plans and the relevant user groups strategic plan. Council does not guarantee that all requests for funding submissions will be supported.

3. TRENTHAM SPORTSGROUND COMMITTEE RESPONSIBILITIES

3.1. OVAL MAINTENANCE

- a. TSC will provide Council's Parks and Gardens team with the fixtures for Football and Cricket one month in advance of each season.
- b. TSC will be responsible for watering the surface under direction of Council's Parks and Open Space Coordinator:
 - Council will monitor the moisture content of the oval
 - Council will advise TSC on adjustments to the irrigation requirements
- c. TSC will provide Council with 10 working days notice for any additional request for oval maintenance.
- d. Council reserves the right to charge fees associated with additional maintenance requests not contained within the annual maintenance schedule

3.2. RESERVE MAINTENANCE

- a. Perimeter fencing will be the responsibility of TSC.
- b. Goal posts will remain the responsibility of the Trentham Football Netball Club.
- c. Oval fencing will remain the responsibility of the Trentham Football Netball Club.
- d. Seating will remain the responsibility of the Trentham Football Netball Club.
- e. The practice cricket nets will remain the responsibility of the TSC and the user groups.
- f. TSC will ensure that all litter/rubbish is placed in Council bins as required and bins are placed in the designated collection point to be emptied.

4. OCCUPATIONAL HEALTH AND SAFETY, RISK AND COMPLIANCE

- a. TSC must comply with all requirements and directions in relation to occupational health and safety legislation, regulation, standards and codes.

5. INDEMNITY AND INSURANCE

- a. TSC will indemnify and keep indemnified and hold harmless HSC, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of TSC, except to the extent caused or contributed to by the negligence or unlawful conduct of HSC or its servants or agents.
- b. TSC will undertake (or ensure that clubs undertake) the necessary "fit for use" inspections as required by the relevant associations/peak bodies prior to use for competition.

6. DISPUTE RESOLUTION

- a. In the event of a dispute arising out of failure to meet any of the obligations required by this MOU, the TSC Chair and Council Liaison Officer will meet to attempt resolution of the dispute to mutual satisfaction. If this is not able to be achieved either party may give the other party written notice specifying the details of the dispute.
- b. Complaints about Hepburn Shire Council will fall under the Hepburn Shire Complaint Policy #64
- c. Should a dispute be unable to be resolved, the matter will be referred to any form of alternative dispute resolution procedure on which the parties agree. Where a mediator is involved, the parties must agree to comply with the mediators instructions. The charges for the mediation will be paid equally by the parties.

▶ MEMORANDUM OF UNDERSTANDING

Irrigation Requirement Tables

Home Next

Crop Coefficient (Kc)

Distribution Uniformity (DU)

Trentham

Base Irrigation Requirement - History

Month	Eto	Rainfall	TQVS Category - BIr (Base Irrigation Requirement) kL per ha			
			TQVS 1	TQVS 2	TQVS 3	TQVS 4
Jul	40	125	-	-	-	-
Aug	60	124	-	-	-	-
Sep	80	107	182	-	-	-
Oct	100	97	459	34	-	-
Nov	125	75	857	326	193	60
Dec	200	66	1,716	866	653	441
Jan	175	54	1,525	781	595	409
Feb	175	56	1,512	768	582	396
Mar	150	56	1,243	605	446	286
Apr	100	75	593	168	62	-
May	50	103	-	-	-	-
Jun	40	126	-	-	-	-
Total	1,295	1,062	8,086	3,548	2,531	1,593

65 as in this table have been derived from the Code of Practice Irrigated Public Open Space

Actual Irrigation Requirement - 5 Year Average

Month	Monthly Eto	Monthly Rainfall	TQVS Category - AIr (Actual Irrigation Requirement) kL per ha			
			TQVS 1	TQVS 2	TQVS 3	TQVS 4
Jul	40	127	-	-	-	-
Aug	60	78	150	-	-	-
Sep	80	83	331	-	-	-
Oct	100	65	656	231	125	19
Nov	125	124	555	24	-	-
Dec	200	78	1,638	788	575	363
Jan	175	67	1,439	695	509	324
Feb	175	91	1,292	549	363	177
Mar	150	58	1,231	594	434	275
Apr	100	44	788	363	257	150
May	50	50	218	5	-	-
Jun	40	98	-	-	-	-
Total	1,295	963	8,298	3,249	2,263	1,307

Formulas in this table have been derived from the Code of Practice Irrigated Public Open Space

**11.2. PROPOSAL TO NAME OVAL AT GLENLYON RECREATION RESERVE
GENERAL MANAGER CORPORATE SERVICES**

In providing this advice to Council as the Procurement and Governance Project Officer, I Christian Anderson have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider approving a submission to the Registrar of Geographic Names proposing the naming of the oval at Glenlyon Recreation Reserve as the Des Leonard Oval.

BACKGROUND

In September 2015, the Glenlyon Recreation Reserve Special Committee submitted a request (Attachment 5) to Council to name the oval located within the Reserve as 'Des Leonard Oval' (Attachment 6). In accordance with Council policies and the *Geographic Place Names Act 1998*, a report has been prepared for Council to consider the naming request.

ISSUE/DISCUSSION

In accordance with the *Geographic Place Names Act 1998*, public feedback on the naming proposal was sought through The Advocate on 28 October 2015 and through Council's website. An advertisement was also placed at the pavilion located within the Glenlyon Recreation Reserve. Four submissions were received from the community, all of them supporting the naming proposal. No objections to the name were received.

The name 'Des Leonard Oval' was chosen in recognition of Des Leonard, a member of the Glenlyon community who volunteered for numerous organisations for over 40 years including the Glenlyon Sports Club and the Glenlyon Fire Brigade.

The next step is to make a submission to the Registrar of Geographic Names seeking to officially register the name of the oval located within the Glenlyon Recreation Reserve as the Des Leonard Oval. Once approved by the Registrar, the name will feature on all government maps 30 days after gazetting in the Government Gazette.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The proposed name for the oval is in accordance with the requirements of the *Geographic Place Names Act 1998*.

FINANCIAL IMPLICATIONS

There are provisions in the recurrent budget for the creation and installation of new signage within Council reserves. The estimated cost to Council is estimated to be under \$400.

RISK IMPLICATIONS

Given the oval is currently unnamed, the proposed name improves the ability of community members, visitors and emergency services to easily and quickly locate the oval, particularly in the case of an emergency.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The naming of the oval enables residents to clearly identify and locate the oval. It also provides the local community with a sense of connection and belonging as it was the community, led by the Special Committee, which initiated the naming request.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Glenlyon Recreation Reserve Special Committee submitted the original proposal to name the oval. Public feedback on the proposed name was sought through newspaper advertisement, public notice at the site and on Council's website. The Committee's preference is to locate the sign in front of the oval.

CONCLUSION

The proposed name of the oval at Glenlyon Recreation Reserve, the Des Leonard Oval, is consistent with the requirements of the *Geographic Place Names Act 1998*. Feedback from the public demonstrates that the proposed name has the support of the community.

It is recommended that Council approves a submission to the Registrar of Geographic Names seeking to officially register the name of the oval located within the Glenlyon Recreation Reserve as the Des Leonard Oval.

OFFICER'S RECOMMENDATION

11.2.1. That Council resolves to submit an application to the Registrar of Geographic Names to name the oval located within the Glenlyon Recreation Reserve, the Des Leonard Oval, to commemorate the outstanding contribution Des Leonard made to the Glenlyon community for over 40 years.

MOTION

11.2.1. *That Council resolves to submit an application to the Registrar of Geographic Names to name the oval located within the Glenlyon Recreation Reserve, the Des Leonard Oval, to commemorate the outstanding contribution Des Leonard made to the Glenlyon community for over 40 years.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

ATTACHMENT 5 - PROPOSAL BY GLENLYON RECREATION RESERVE
SPECIAL COMMITTEE

HEPBURN SHIRE COUNCIL

**Proposal to name the Oval at the
Glenlyon Recreation Reserve the 'Des Leonard Oval'**

File No: Fa/15/96
Rec'd Date: 03 SEP 2015
Rec'd By: JH dR
Action By: M Danca K
Rec'd Date:

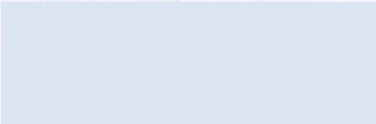
1. Location of feature (and current name):

Glenlyon Recreation Reserve – Oval
Suttons Lane, Glenlyon

2. Reason for the proposal: *As outlined in (3) Des worked tirelessly for the local community where he was greatly respected and loved by one and all.*

3. Why the proposed name would be appropriate: *The only volunteer organization in Glenlyon Des wasn't in was the C.W.A. - 32 years on the Glenlyon Cemetery Trust (President). President of the Glenlyon Sports Club for 28 years member for 46 years; during his term as President over \$400,000 raised for local charities. 45 years in the Glenlyon Fire Brigade. On the Glenlyon Recreation Committee of Management for a long time. Collected fire wood for locals in need. Committee member of Daylesford Football Club. Long standing member of local handcare group. Over 40 years on the Glenlyon Progress Association. Des was passionate about Glenlyon and helping the community becoming a better place.*

4. Contact details of the proposer(s):

Neil Bruce 

5. Information on any public consultation that has occurred and/or support that has been gathered from members or groups of the community:

Motion moved at Glenlyon Recreation Reserve Committee of Management, unanimously accepted. Cr. Bill M'Clernaghan in attendance was in support. Numerous locals approached all in favour.

6. Consent from the Leonard Family *Obtained.*

ATTACHMENT 6 - MAP OF THE OVAL LOCATED WITHIN GLENLYON RECREATION
RESERVE



**11.3. REVIEW OF POLICY 44 (C) - FLAGS AND DISPLAYS ON COUNCIL PROPERTY
GENERAL MANAGER CORPORATE SERVICES**

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

PURPOSE

The purpose of this report is for Council to review Policy 44 (C) - Flags and Displays on Council Property, formerly called the Flags, Banners, Special Lighting and Other Decorations Displayed on Council Managed Buildings Policy

BACKGROUND

In accordance with Council's Policy Review reported to Council in August 2015, Policy 44 has been reviewed.

ISSUE/DISCUSSION

The policy has been reviewed and updated to reflect recent changes in facilities and the flying of the Aboriginal flag. The policy has also been amended to address the management of flagpoles across the shire on Council managed land, buildings and properties.

The key points that have been updated in the revised policy are:

- *Specific designation of regular locations where both the Australian and Aboriginal flags will be flown.*
- *Specifying the process for flying of an alternate flying to the Aboriginal flag alongside the Australian flag.*
- *Clarifying CEO approval for other displays (including lighting, banners and decorations) on Council managed buildings.*
- *Specifying that flags will not be flown on the Clunes or Creswick Town Halls.*

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Policy 44 (C) outlines how Council complies with the Flags Act 1953 and specifies its approach to flying the Australian and other flags.

FINANCIAL IMPLICATIONS

Installation of new flag poles at The Warehouse - Clunes will be funded by Council's project for Actions to Recognise Indigenous Australians.

RISK IMPLICATIONS

This policy provides certainty in how Council flies the Australian, Aboriginal and other flags.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Flying the Australian flag is a symbol of importance to many Australians and it is appropriate the Council flies this at its customer service centres.

Flying the Aboriginal flag alongside the Australian flag provides a significant symbol of unity that contributes to reconciliation.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal engagement was undertaken in revising the policy. Previous engagement with the Dja Dja Wurrung Corporation when a second flag pole was placed on the Daylesford Town Hall was supportive of Council flying the Aboriginal flag alongside the Australian flag.

CONCLUSION

The proposed revisions to Policy 44 (C) - Flags and Other Displays on Council Property incorporate changes to increase the recognition of indigenous Australians and reflect current practices with managing flags on Council property.

OFFICER'S RECOMMENDATION

11.3.1. That Council adopts the revised Policy 44 (C) - Flags and Other Displays on Council Property and makes it available on Council's website and at its service centres in Daylesford, Creswick and Clunes.

MOTION

11.3.1. *That Council defers consideration of this item until the end of public time in tonight's meeting.*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Bill McClenaghan

Carried.

ATTACHMENT 7 - DRAFT FLAG POLICY.

FLAGS AND DISPLAYS ON COUNCIL

▶ PROPERTY POLICY

POLICY NUMBER:	44 (C)
NAME OF POLICY:	FLAGS AND DISPLAYS ON COUNCIL PROPERTY POLICY
DATE OF NEXT REVIEW:	December 2019
DATE APPROVED:	<Insert date adopted by Council>
RESPONSIBLE OFFICER:	General Manager Corporate Services
REFERENCES:	<i>Flags Act 1953</i> <i>Australian Flags</i> (protocols published by the Federal Government)

Best Value Principles

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

FLAGS AND DISPLAYS ON COUNCIL

▶ PROPERTY POLICY

INTRODUCTION

This policy has been prepared to specify locations where Council regularly flies the Australian and Aboriginal flags, and to also set the rules for displaying other flags, banners, special lighting and decorations on Council managed buildings and property.

SCOPE

This policy applies to flag poles managed by Hepburn Shire Council, but excludes those managed by other organisations, such as Returned Service Leagues (RSLs).

The policy also applies to decorations, banners, special lighting and other flags displayed on town halls and civic buildings managed by Council. Other than flagpoles, this policy does not apply displays on road reserves, parks and other open space.

POLICY

1. Regular locations for flying Australian and Aboriginal flags

The Australian and Aboriginal flags will be regularly flown at the following locations where council has a civic presence through its customer service centres:

- Daylesford Town Hall on the roof
- Creswick Hub on the footpath in front of the building
- The Warehouse - Clunes - next to the building in Collins Place fronting Fraser Street

Council will fly these flags in accordance with the *Australian Flags* protocols, with the Australian flag taking the position of 'honour'.

At these locations, Council will light the flags at night to enable 24 hour flying, except during times of replacement or maintenance of flags and poles.

On occasions where a direction or recommendation is received from Federal or State Government, an alternate flag to the Aboriginal Flag will be flown (e.g. the United Nations Flag or the Victorian State Flag). In addition, Council or the Chief Executive Officer may approve an alternate official flag to be flown, such as if a representative of another Country or State visits Council.

FLAGS AND DISPLAYS ON COUNCIL

▶ PROPERTY POLICY

The flags will be flown at half mast in accordance with State and Federal Government directions, or decisions of Council or the Chief Executive Officer, in accordance with the *Australian Flags* protocols.

Council officers in each location are to be delegated by the Chief Executive Officer for the purpose of maintaining flags and raising and lowering them as required.

2. Council meetings

At all ordinary and special meetings of Council, both the Australian and Aboriginal Flags will be displayed behind the councillors or in an alternate suitable location.

3. Other flag poles

Council's approach to other flag poles is:

- Vincent Street, Daylesford - Both official and non-official flags can be flown on the approval of the Chief Executive Officer. Non-official flags for events must be removed within two days of the conclusion of the event.
- Trentham Town Square - Council will not regularly manage the flying of the Australian flag at this location. The Australian flag is able to be flown during the day and brought in at night, with the local Lions Club coordinating the Australia Day event and supported by Council.
- Creswick Town Hall - due to OH&S limitations and a lack of permanent lighting, no flags will be flown from the Creswick Town Hall.
- Clunes Town Hall - due to OH&S limitations and a lack of permanent lighting, no flags will be flown from the Clunes Town Hall.
- Cenotaphs - Responsibility for managing the raising and lowering of flags in cenotaphs in road reserves managed by Council is delegated to the relevant RSL, or equivalent organisation, in the town or locality.

4. Displays including flags, decorations, banners, special lighting

Events supported by Council can display a banner on the fence alongside the front right-hand-side gate on the Daylesford Town Hall.

Events can display banners on Gateway Signs on the entrances to townships by making an application to Council's Events Coordinator.

FLAGS AND DISPLAYS ON COUNCIL

▶ PROPERTY POLICY

Temporary flags, banners, special lighting and other decorations may be displayed on other parts of the Daylesford Town Hall, light pole banner mounts, or on other Council owned or managed buildings as approved by the CEO. The location of display and length of the display period shall be determined by the CEO and shall take into account the requirements of other events and causes that might wish to display a flag or banner. The CEO will take into consideration the reason for the display, the amenity impacts on public buildings and areas, potential discrimination in messages displayed and any relevant legislative provisions and planning requirements.

Costs of placing and removing banners on light pole banner mounts will be met by the group or organisation putting up the display.

DEFINITIONS

The following terms are referred to in the policy.

Term	Definition
<i>Australian Flags</i>	Excerpt from the booklet <i>Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag</i> . A publication containing protocols set by the Federal Government for flying flags in accordance with the <i>Flags Act 1953</i> .
Council	Hepburn Shire Council
Non-official flags	Flags representing a local community event, charity days, or celebrations.
Official flags	Flags of countries, states or those formally proclaimed by the Governor General in accordance with the <i>Flags Act 1953</i> .
The Act	<i>Local Government Act 1989</i>

FURTHER INFORMATION

Any enquiries about the Flags and Displays on Council Property Policy should be directed to Council's General Manager Corporate Services.

FLAGS AND DISPLAYS ON COUNCIL

▶ PROPERTY POLICY

IMPLEMENTATION

This policy will be available on Council's website and for inspection in its service centres in Daylesford, Creswick and Clunes.

REVIEW

The Flags and Displays on Council Property Policy will be reviewed every four years or sooner if required by legislation or organisational changes.

The officer responsible for the review of this policy is the General Manager Corporate Services.

11.4. PROPOSED ASSET EXCHANGE (WOMBAT HILL BOTANIC GARDENS LOOKOUT TOWER AND LAKE JUBILEE SEWER PUMP STATION), COMMITTEE OF MANAGEMENT BOUNDARY REALIGNMENT (WOMBAT HILL BOTANIC GARDENS) AND CREATION OF CARRIAGEWAY EASEMENT (LAKE JUBILEE SEWER PUMP STATION)

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Manager Strategic Asset Management, I Steve Millard have no interests to disclose in this report.

PURPOSE

The purpose of this report is seek Council approval for an exchange of assets between Central Highlands Region Water Corporation ('CHW') and Council, a related realignment of Committee of Management boundaries at Wombat Hill Botanic Gardens and creation of a carriageway easement at Lake Jubilee Caravan Park.

BACKGROUND

Lake Jubilee Sewer Pump Station

Council currently owns and operates a sewer pump station situated within the Lake Jubilee Caravan Park freehold land together with a sewer rising main that connects the pump station with CHW's sewer network located near the intersection of Lake Road and King Street, Daylesford. This infrastructure was constructed by Council several years ago to provide a reticulated sewer service to the caravan park in lieu of septic tanks.

Council has previously requested CHW to accept a transfer of this asset as Council considered CHW to be the appropriate authority to operate and maintain the asset. CHW refused to accept the asset unless Council was prepared to first upgrade the asset to CHW's current-day standards. This would typically include emergency storage, an all-weather access road, installation of a back-up generator, replacement of the switchboard and installation of radio telemetry.

Memorial Lookout Tower – Wombat Hill Botanic Gardens

CHW is Committee of Management for portion of the Wombat Hill Botanic Gardens that includes the Memorial Lookout Tower, the original brick-lined water storage tank (disused) and the large 'high level' water storage tank. The CHW 'low-level' tank situated off Hill Street, is located partly on Council Committee of Management land, the Hill Street road reserve and Daylesford Spa Country Railway freehold land. There are discrepancies between the respective Committee of Management boundaries and the physical location of the two water storage tanks as shown on the attached plan.

Council has recently been approached by CHW to accept a transfer of the Memorial Lookout Tower as CHW only recently became aware that the tower is located on portion of the botanic gardens for which it is responsible. CHW considers that the tower presents an unacceptable risk to it as a tourist attraction and would be best managed by Council.

ISSUE/DISCUSSION

Rather than Council and CHW upgrade assets with a view to immediately transferring them to the other party, Council and CHW have agreed in principle to transfer the assets in their current states, thus aligning the purpose and use of these assets with each party's respective core business interests.

There are a number of practical matters that will need to be addressed as part of this asset exchange:-

Memorial Lookout Tower - Wombat Hill Botanic Gardens

- Adjustment of Committee of Management boundaries to align with current above-ground CHW assets (refer to plan attached);
- Formalise CHW access via the existing sealed road and carpark area by a Crown land licence under section 17B of the *Crown Land (Reserves) Act 1978* for the maximum permitted term (10 years).

Lake Jubilee Sewer Pump Station

- Formalise CHW access to the sewer pump station and sewer rising main by granting an easement for sewerage purposes (including a right of carriageway - refer to plan attached) over its freehold land.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

10. Effectively Manage Council's Asset Portfolio

FINANCIAL IMPLICATIONS

All costs associated with the adjustment of Committee of Management boundaries and formalising of access (both within the Wombat Hill Botanic Gardens and at Lake Jubilee) will be borne by CHW.

RISK IMPLICATIONS

The proposed transfer of these assets will result in their operation and management being undertaken by the parties best suited. In particular, the Lake Jubilee sewer

pump station represents an environmental risk due to its close proximity to the lake. CHW is best placed to manage this risk.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Memorial Lookout Tower is an important tourist attraction in Daylesford and Council is best placed to continue the operation and maintenance of this asset.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nil

CONCLUSION

The proposed exchange of assets presents an opportunity for Council and CHW to ultimately align the operation and maintenance of assets that represent 'core business' for both parties.

OFFICER'S RECOMMENDATION

That Council:

- 11.4.1. Authorise Council officers to transfer the ownership of Lake Jubilee Sewer Pump Station and sewer rising main from Council to Central Highlands Region Water Corporation ('CHW') and to accept the transfer of the Memorial Lookout Tower (Wombat Hill Botanic Gardens) from CHW and such transfers to be evidenced by an exchange of correspondence between Council and CHW;
- 11.4.2. Agrees to the adjustment by Department of Environment, Land Water and Planning of Committee of Management boundaries within Wombat Hill Botanic Gardens as shown on the plan attached;
- 11.4.3. Grants a 10 year section 17B Crown land licence to CHW for access to the high level water storage tank at Wombat Hill Botanic Gardens using the existing sealed road and car park area as shown on the plan attached;
- 11.4.4. Authorises the Chief Executive Officer to execute the Crown Land licence granted for and on behalf of Council;
- 11.4.5. Grants an easement for sewerage purposes (including a right of carriageway) over the Lake Jubilee sewer pump station and sewer rising main as shown on the plan attached; and
- 11.4.6. Authorises the Mayor and Chief Executive to sign and affix the seal to the Creation of Easement documentation.

MOTION

That Council:

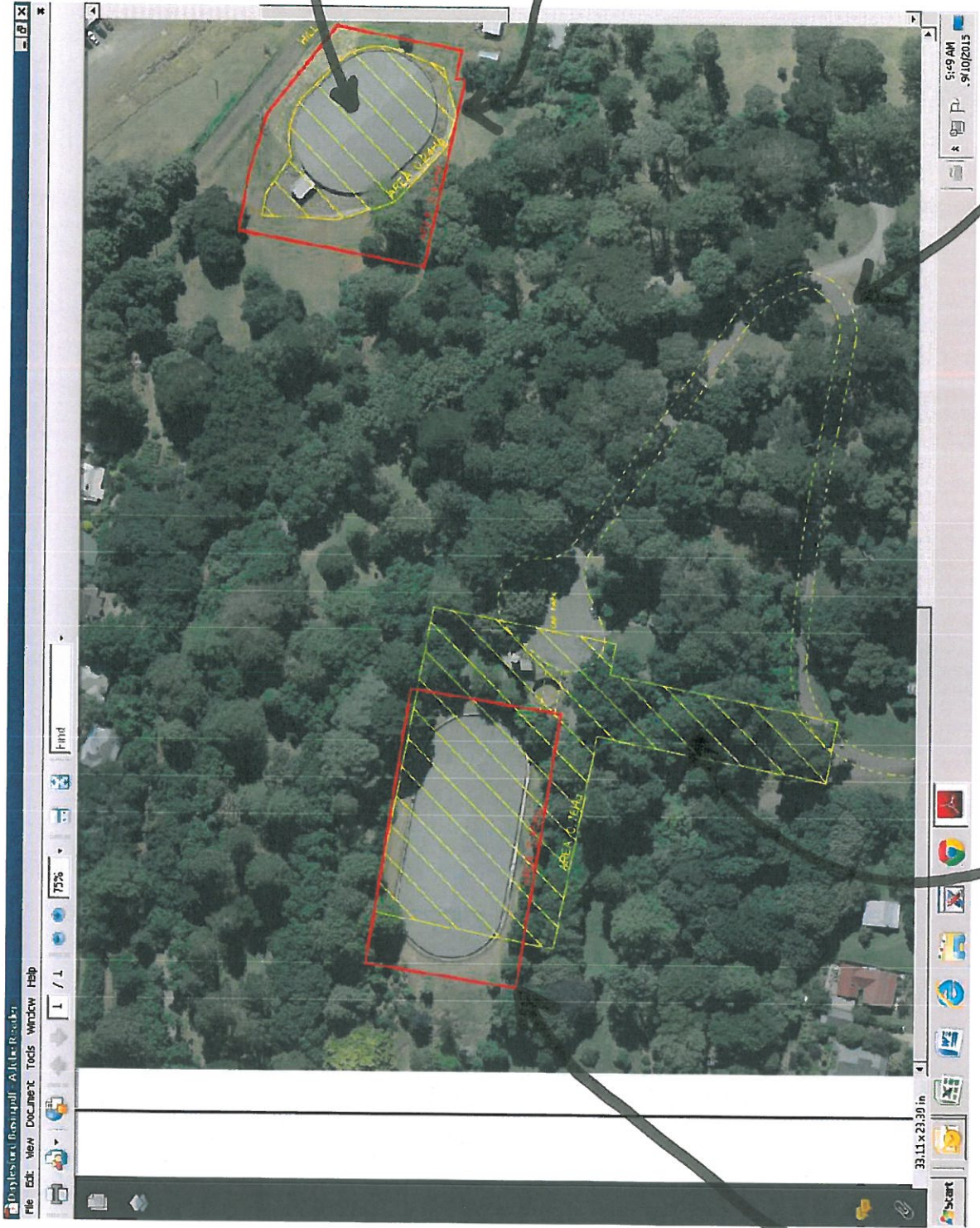
- 11.4.1. *Authorise Council officers to transfer the ownership of Lake Jubilee Sewer Pump Station and sewer rising main from Council to Central Highlands Region Water Corporation ('CHW') and to accept the transfer of the Memorial Lookout Tower (Wombat Hill Botanic Gardens) from CHW and such transfers to be evidenced by an exchange of correspondence between Council and CHW;*
- 11.4.2. *Agrees to the adjustment by Department of Environment, Land Water and Planning of Committee of Management boundaries within Wombat Hill Botanic Gardens as shown on the plan attached;*
- 11.4.3. *Grants a 10 year section 17B Crown land licence to CHW for access to the high level water storage tank at Wombat Hill Botanic Gardens using the existing sealed road and car park area as shown on the plan attached;*
- 11.4.4. *Authorises the Chief Executive Officer to execute the Crown Land licence granted for and on behalf of Council;*
- 11.4.5. *Grants an easement for sewerage purposes (including a right of carriageway) over the Lake Jubilee sewer pump station and sewer rising main as shown on the plan attached; and*
- 11.4.6. *Authorises the Mayor and Chief Executive to sign and affix the seal to the Creation of Easement documentation.*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Don Henderson

Carried.

ATTACHMENT 8 - MAP – WOMBAT HILL GARDENS



CURRENT
CHW AREA

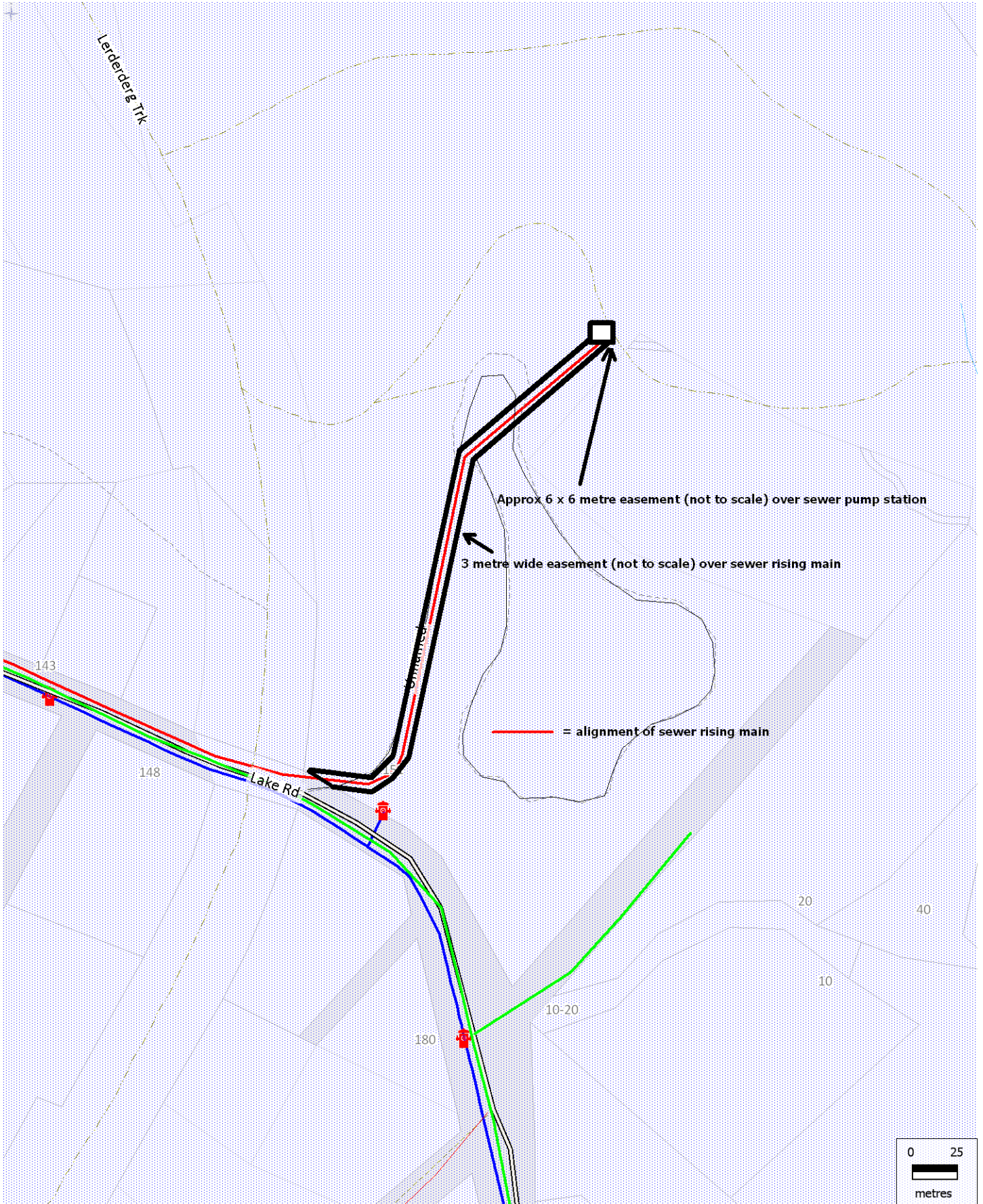
REQ'D
CHW AREA

REQ'D
CHW ACCESS

CURRENT
CHW
AREA

REQ'D
CHW
AREA

ATTACHMENT 9 - MAP – LAKE JUBILEE



Please note: Due to a technical issue there is no item 11.5.

Councillor Greg May left the meeting at 8:19pm due to a conflict of interest in item 11.6.

**11.6. NEW LEASE – NEWLYN COMMUNITY AND SPORTING COMPLEX
INCORPORATED TO OCCUPY NEWLYN RECREATION RESERVE
GENERAL MANAGER INFRASTRUCTURE**

In providing this advice to Council as the Property Officer, I Karen Ratcliffe have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to enter into a new five year Council lease (with two further options of five years) with the Newlyn Community and Sporting Complex Incorporated to occupy the Newlyn Recreation Reserve.

BACKGROUND

Council is the owner of the Newlyn Recreation Reserve (the Reserve) and at the August 2007 Council meeting, Council authorised the renewal of the lease for a further 9 years to the Newlyn Community and Sporting Complex Inc (the Committee) which manages the Reserve on behalf of Council.

The current lease between Council and the Committee expires 31 December 2015 and the Committee seeks to have it renewed for a further term.

ISSUE/DISCUSSION

It is proposed to issue a new five year Council lease for the period 1 January 2016 to 31 December 2020 with two further options of five years each to the Committee. The proposed lease is similar to the existing lease with a number of minor changes to reflect changes in legislation.

A maintenance schedule which clarifies maintenance and capital works responsibilities is also proposed to be incorporated into the proposed new lease.

Currently, the Committee pays an annual lease fee of \$104 per annum + GST, based on the Department of Environment, Land Water and Planning's (DELWP) established fee for community based organisations. This will remain unchanged.

Currently, general repairs and maintenance are the Committee's responsibility which includes cleaning and minor works whilst Council takes responsibility for the larger structural repairs and capital items. A new water meter is proposed to be installed which will separate the costs of supplying water to the clubrooms (which will be the Committee's responsibility), and the playing field and public toilets (which will be Council's responsibility up to 4516 kilolitres annually).

The main conditions of the proposed new lease are:

- Rent remains at the same rate of \$104+GST per annum;
- In collaboration with Council's Asset Team, the Committee must prepare, submit and undertake an annual program of repair and maintenance works;
- The Committee must take out public liability insurance (not less than \$20 million) and personal property insurance. The Committee must also reimburse council for its proportion of building insurance premiums;
- The Committee must provide annual financial reports and supporting documentation on request;
- The Committee must provide a Risk Management Plan; and
- The Committee must pay the water bills if the consumption exceeds 4516 kilolitres annually.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Policy # 9: Council Owned & Controlled Property requires that appropriate written occupancy arrangements be in place which support good governance objectives and principles.

Council Plan 2013–2017: Key Strategic Activity 4.

Action: Clarify roles and responsibilities of Council and sporting groups and level of support Council will provide, including building, maintenance and renewal, oval maintenance, courts and amenity to ensure that equitable and consistent support is provided.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the proposed new lease. The Committee pays the annual fee of \$104 + GST, based on DELWP's established fee for community based organisations.

RISK IMPLICATIONS

The lease requires the Committee to hold public liability insurance of \$20m and evidence of this is to be provided. The lease will also stipulate a requirement of the Committee to submit an annual risk management plan which covers such issues as personal injury, fires and other emergencies at the property.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Hepburn Shire Council recognises that participation in recreational groups and clubs provide important social connection and benefits for communities. No other implications are envisaged regarding this lease.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The request to renew the lease originated from the Committee. Council officers have liaised with the Committee regarding maintenance, and other operational matters.

CONCLUSION

A five year Council lease (with two further options of five years) for Newlyn Community and Sporting Complex Incorporated to occupy the Newlyn Recreation Reserve is presented for Council's approval.

OFFICER'S RECOMMENDATION

That Council:

- 11.6.1. Approves a new five year council lease (with two further options to renew) for Newlyn Community and Sporting Complex Incorporated to occupy the Newlyn Recreation reserve; and
- 11.6.2. Authorises the Chief Executive Officer and the Mayor to execute and seal the lease documentation for and on behalf of Council.

MOTION

That Council:

- 11.6.1. *Approves a new five year Council lease (with two further options to renew) for Newlyn Community and Sporting Complex Incorporated to occupy the Newlyn Recreation reserve; and*
- 11.6.2. *Authorises the Chief Executive Officer and the Mayor to execute and seal the lease documentation for and on behalf of Council.*

Moved: Councillor Don Henderson

Seconded: Councillor Kate Redwood AM

Carried.

Cr Greg May returned to the meeting at 8:22pm.

The Mayor left the meeting for a comfort break at 8:22pm.

The Mayor returned to the meeting at 8:23pm.

ATTACHMENT 10 - NEW COUNCIL LEASE – NEWLYN RECREATION RESERVE

Hepburn Shire Council

ABN 76 845 763 53

LEASE - Newlyn Recreation Reserve

1 The Parties

- (1) This lease is granted by the Hepburn Shire Council which owns or has the right to lease the property.
- (2) The Hepburn Shire Council leases the property to **Newlyn Community and Sporting Complex Inc (A0017813U)**, 2745 Midland Hwy, Newlyn for the term of the lease subject to the agreements and conditions (including the essential terms) contained in the lease.

2 The Property

The Property subject of this lease is the land delineated on the plan marked "A" annexed to this lease situated at 2745 Midland Hwy, Newlyn and known as Lot 1 PS404316V.

3 The Term

This lease commences on 1 January 2016 and continues for 5 years after which it may be renewed for a further two terms of 5 years subject to Clause 14.

THE MEANING OF WORDS USED

4 In this lease:

"you", "your" means:	Newlyn Community and Sporting Complex Inc and its successors and permitted assigns
"us", "we" or "our" means:	Hepburn Shire Council and includes any person authorised by the Hepburn Shire Council
"Hepburn Shire Council" means:	Hepburn Shire Council and its successors and assigns
"default" means:	As set out in clause 12
"GST Act" means:	<i>A New System (Goods and Services Tax) Act 1999</i>
"GST Law" means:	A New Tax System (Goods and Services Tax Act 1999) (as amended) and regulations made under that Act
"GST" means:	Any consumption, goods and services or value added tax, by whatever name called, imposed, levied or collected by any Federal or State Government which operates at any time or times during the Term or any renewal or overholding of the Lease including, without limitation, GST as defined in the GST Act and any replacement tax
"permitted use" means:	The permitted use of the property set out in Clause 8
"property" means:	The land leased and any structure on that land

“structures” include:	Any things erected or constructed on the property such as buildings, fences, gates, drains, water and sewerage pipes, meters and fittings, tanks, courts, gas pipes or services and electrical wiring or services
“person” includes:	An individual and a corporation
“receiver” includes:	A receiver, a manager or a receiver and manager

- (2) A word or expression in the singular includes the plural and the other way around.
- (3) Headings have been inserted for guidance only and do not form part of any of the provisions of this lease.

YOUR OBLIGATIONS - PAYMENTS WHICH YOU MUST MAKE

5 Rent

- (1) You must pay the rent to us.
- (2) The base rent for the first year of the term is \$104 plus GST.
- (3) On each anniversary of the commencement of the lease the base rent for the following year will be reviewed in accordance with the Department of Environment, Land, Water and Planning requirements for lease fees for the community use of land.
- (4) You must pay the rent to us yearly in advance.

6 Rates, Taxes and Services

- (1) You must pay all rates, taxes and service charges which are assessed on the property or its owner or occupier including any rates and charges assessed on the property by us.
- (2) If we pay any rates, taxes or service charges then you must reimburse us.
- (3) You must pay for all services to the property such as water supplied by measure (in excess of the approved annual water allocation), electricity, gas and telephone.

7 Costs and Expenses Incurred by Us

You must pay to us any:

- (1) costs or expenses which we incur concerning this lease such as legal costs;
- (2) costs or losses which we incur as a result of your default;
- (3) costs or losses which we incur if we exercise our rights or powers under this lease;
- (4) costs or losses which we incur if we exercise our rights or powers on default;
- (5) amount for which you must indemnify us; and
- (6) GST calculated as follows:
 - (a) **Amounts otherwise payable do not include GST**
Except where express provision is made to the contrary, and subject to this clause 7(6) the *consideration* payable by any party under this lease

represents the *value* of any *taxable supply* for which payment is to be made.

- (b) **Liability to pay any GST**
Subject to clause 7(6)(d) if a party makes a *taxable supply* in connection with this lease for a *consideration*, which, under clause 7(6)(a) and clause 7(6)(c) represents its *value*, then the party liable to pay for the *taxable supply* must also pay, at the same time and in the same manner as the *value* is otherwise payable, the amount of any GST payable in respect of the *taxable supply*.
- (c) **Reimbursements**
If this lease requires the lessee to pay, reimburse or contribute to an amount paid or payable by the landlord in respect of an *acquisition* from a third party for which the landlord is entitled to claim an *input tax credit* the amount required to be paid, reimbursed or contributed by the tenant will be the *value of the acquisition* by the landlord plus, if the landlord's recovery from the licensee is a *taxable supply*, any GST payable under clause 7(6)(b).
- (d) **Tax invoice**
A party's right to payment under clause 7(6)(b) is subject to a valid *tax invoice* being delivered to the party liable to pay for the *taxable supply*.

YOUR OBLIGATIONS - USE OF THE PROPERTY

8 Permitted Use

- (1) You can use the property for the following purposes:

Sporting and recreational pursuits and associated social activities.

- (a) meetings, fundraising, private parties and events;
- (b) other activities as may be approved by us from time to time.

You must actively and continuously use the property for these purposes during the term.

Licences and Permits

- (2) You may hold or apply for and obtain licences or permits to conduct other activities at the premises.

You can use the property in accordance with the terms and conditions of any licences or permits granted.

You must not apply to alter or vary the terms or conditions of licences or permits without our consent.

Prohibited Activities

- (3) You must not use the property or permit any person to use the property:
 - (a) for any purpose which is not permitted without our consent;
 - (b) for any illegal activity;
 - (c) in a way which causes a public or private nuisance;
 - (d) in a way which causes disturbance to us or any other tenant of ours or any other person using the property;
 - (e) for any activity or in any way which has been prohibited by us by notice to you;
 - (f) to store inflammable, explosive or dangerous articles in the property;

- (g) for sale or consumption of liquor or for any gaming or gambling activities unless these are permitted by licences or permits granted under sub-clause 8(2); or
- (h) for smoking.

Compliance with Laws

- (4) You must comply with all laws relating to the property or the use of the property. The laws which you must comply with include (but are not limited to):
 - (a) our Local Laws;
 - (b) the Liquor Control Reform Act 1998 and any other law relating to the sale or consumption of liquor;
 - (c) the Fundraising Appeals Act 1998 (if applicable);
 - (d) the Gambling Regulation Act 2003 and any other law relating to gambling;
 - (e) the Building Act 1993;
 - (f) the Planning and Environment Act 1987;
 - (g) the Local Government Act 1989;
 - (h) the Public Health and Wellbeing Act 2008;

(Laws include any Regulations made under or in accordance with an Act.)

Notices and Orders

- (5) You must comply with any lawful notice, order or requirement with respect to the property or the use of the property.

Retail Sales

- (6) You must not use the property for the retail sale or hire of goods or the retail provision of services other than to your own members and their guests and then only where those retail activities are ancillary to the use which you can make of the property.

Use by Others

- (7) You may allow the use of the property by the public and other clubs and associations, subject to:
 - (a) your adopted policies;
 - (b) there being no conflict with your own use or your objectives; and
 - (c) the user holding appropriate current insurances for the activity.

Use by Us

- (8) You may consent to us and any person or group introduced by us to use the property at the times and for the charges which we nominate or donation to cover reimbursement of cost as long as this does not conflict with your own use of the property or your objectives.
- (9) We are permitted to utilise the property for reasonable emergency management purposes (e.g. relief centre, coordination centre) when and as required in response to community incidents or emergencies without providing any advanced notice to you. Pre-booked or planned usage will need to be cancelled during these occurrences. No payment will be made to you for such usage and no compensation will be provided by us or Third Parties for any bookings which may need to be cancelled as a result of such usage.

In addition, we may install, store and/or maintain equipment or facilities within the property for the purposes of keeping the facility ready for such emergency management purposes. We will provide verbal or written notice to you when

we need to access the premises for such emergency management related maintenance.

We may also undertake up to two emergency management training exercises per year in the property. The time for such exercises will be agreed in writing with you at a time when no other bookings are previously made. No payment will be made to you for these bookings.

YOUR OBLIGATIONS - THE PROPERTY

9 Cleaning

- (1) You must keep the property clean and free from all rubbish and debris.

Repair

- (2)
 - (a) You must assist us to keep the property in good repair and condition;
 - (b) You are responsible to undertake the works listed in column 2 of Appendix "1"; and
 - (c) You must prepare each year a program for your maintenance works (together with estimates of cost) proposed to be undertaken during the next year beginning 1 July and submit a copy of this program to us by the previous 30 April each year.

Damage

- (3) You must immediately report to us any damage to the property and you must make good any damage caused to the property by you or your members or by any person you invite on to the property or permit to use the property.

Security

- (4) You must keep the main building locked and secure against unauthorised entry. You must allow us access to your key register. You should note that in due course the keying system for the property may be brought under our 'master key' system.

Alterations

- (5) You must not make any alterations or additions to the property including the buildings without our consent.

Fixtures

- (6) You must not attach any fixtures, plant, equipment or signs to the property without our consent.

Inspection

- (7) You must permit us to enter the property by appointment to inspect it.

Notice to Do Works

- (8) If we require you to do anything to the property by notice then you must do this within the time required by the notice and if you do not then we can enter the property and undertake the work required by the notice and recover from you any cost or expense which we incur.

Entry to Do Works

- (9) If we consider that any works need to be done to the property which you are not obliged to do then you must permit us to enter the property to do this work.

YOUR OBLIGATIONS - GENERAL

10 Assign

- (1) You must not assign, mortgage or charge this lease or permit any other person to take possession of the property or enter the property except in accordance with the lease.

Your Financial Position

- (2) If we ask, you must provide to us a statement of your income and expenditure for any period and of your assets and liabilities.

Audit

- (3) If we ask, you must have your accounting records audited by a registered company auditor.

Statements and Returns

- (4) You must deliver to us copies of the audited financial statements which you provide to any statutory body, other corporation or person and copies of any annual returns which you submit to any other statutory body.

Your Objectives

- (5) You must not alter the objectives or purposes set out in your constitution without our consent.

Your Rules

- (6) You must not alter your rules to permit distribution of your assets (or profits) to your members without our consent.

Insurance

- (7) You must maintain during the term the following policies of insurance with an insurance company licensed to carry insurance in Australia. The insurance policies must be in your name and also note the interest of the Hepburn Shire Council:
- (a) public liability insurance for the property for \$20,000,000.00 or any higher amount which we may require;
 - (b) all plate glass windows and windows on the property for the replacement value thereof; and
 - (c) all fixtures, fittings, furnishings, plant and equipment and other contents of the property for the replacement value thereof.

We insure the 'real property' – building and permanent fixtures - at the premises and we may recover from you a proportion of our annual insurance premium for all buildings as a building outgoing. The amount that we are entitled to recover shall be calculated in the same proportion that the value of the Property bears to the total value of all buildings insured by us.

Proof of Insurance

- (8) You must deliver to us certificates of currency of any insurance which you are required to maintain before the commencement of this lease and before each anniversary of the commencement date and if we ask you must produce the insurance policy documents, receipts for premiums and/or other evidence of this insurance.

Indemnity for Damage or Injury

- (9) You must and hereby indemnify us in respect of any liability for damage or personal injury arising on the property or as a result of any use of the property.

Notice, Orders or Requirements

- (10) You must advise us immediately of any notice, order or requirement issued to you or any employee, committee member or officer of your Association pursuant to any legislation, except if the notice is issued by us.

Offences

- (11) You must notify us immediately of any charge or conviction against you or any employee, committee member or officer of your Association pursuant to any legislation that directly affects your use of the property.

OUR OBLIGATIONS

- 11**
- (1) Subject to Clause 8(9), we must permit you to occupy the property during the term without interruption while you are not in default.
 - (2) We will undertake the works listed in column 3 of Appendix "1" provided they have a value of \$500 or more and subject to our Budget.
 - (3) We will provide a service to mow grass at the property and undertake major tree lopping or removal works. (For the purpose of this clause, a tree is defined as either living or not and being at least 2 metres in height and with a trunk of at least 80mm in diameter).
 - (4) We will undertake all Essential Safety Measures at the property.
 - (5) We will for the purposes of our maintenance responsibilities and cyclical maintenance programs undertake regular inspections of the property.
 - (6) We will for the purposes of our risk management programs undertake quarterly inspections of playgrounds and playground equipment.
 - (7) We will undertake periodic grading and will supply gravel (as necessary) to the track around the oval and the car park area at the property.

DEFAULT

12 When You Are In Default

- (1) You are in default if, in our opinion, any one of the following occurs:
- (a) you do not pay the rent when it falls due; (Clause 5 essential term)
 - (b) you do not make any payment which you have agreed to make under this lease; (Clause 6 essential term)
 - (c) you do not do something you have agreed to do under this lease; (Clauses 8, 9 10(7) and 13(1) essential terms)
 - (d) you do something which you must not do under this lease;
 - (e) a Court order is made against any of your assets;
 - (f) a receiver or similar person is appointed over any of your assets or you enter into a compromise or an arrangement with any of your creditors;
 - (g) the property is by law taken out of your management or control;
 - (h) an application or order is made or resolution is passed for your winding up;

- (i) an inspector is appointed to investigate your affairs pursuant to any law relating to your operation of the property for the permitted use;
- (j) you no longer actively and continuously use the property for the purposes which are permitted by clause 8(1); (essential term)
- (k) you distribute any assets to your members or alter your constitution to permit you to distribute assets to your members;
- (l) you fail to pursue the objectives and purposes set out in your constitution or you pursue other objectives or purposes;
- (m) if demand is made on us pursuant to any guarantee or if we are required to make any payment of money or incur any loss pursuant to any guarantee;
- (n) if you commit an offence or any employee, committee member or officer of your Association commits an offence which is liable to cause any licence or permit which you hold to be suspended or cancelled; and
- (o) you do or omit to carry out any act that may render our insurances as void.

What We May Do If you Default

- (2) If you default we may do any one or more of the following:
 - (a) exercise our rights or powers under the lease;
 - (b) exercise any rights or powers available to us under the law;
 - (c) charge you interest on any money you owe to us at the rate fixed pursuant to the Penalty Interest Rates Act 1983;
 - (d) sue you for any money you owe us;
 - (e) terminate this lease, re-enter the property and remove and eject all persons and things in the property after giving to you 14 days notice;
 - (f) recover compensation from you for any loss or damage suffered by us as a result of your default if you are in breach of an essential term of this lease.

Period of Notice

- (3) The period of notice within which you may remedy any default if it is capable of remedy and make reasonable compensation in money to our satisfaction for the default, pursuant to Section 146 of the Property Law Act 1958, is fourteen days.

WHAT HAPPENS AT THE END OF THIS LEASE

13 Vacate Property

- (1) At the end of the term or if the lease is terminated earlier, on termination of the lease if required by us or if you choose you must vacate the property and deliver it to us in good order and condition kept as required by this lease.

If you Continue in Possession

- (2) If we do not require you to vacate the property and you choose to remain then you will be a tenant from month to month and the provisions of this lease will continue to apply.

FURTHER LEASE

- 14** (1) You may request a new lease for a further term of 5 years.
- (2) To request a new lease you must make a request to us in writing not more than 6 months and at least 3 months before the end of the term of this lease.
- (3) A new lease may not be granted if you are in default at the time when you give notice or at the end of this lease or if we are not satisfied with your use of the property or performance of the lease.

- (4) If we grant your request for a new lease then the new lease will be at a rental and upon such terms and conditions as we require having regard to the circumstances existing at the time.

OTHER MATTERS

15 Notices

- (1) Any notice required by this lease must be in writing.
- (2) A notice to you may be served on you personally or by leaving it at or posting it to the property or to 4 Mays Rd, Blampied.
- (3) A notice to us must be given to us by leaving it at or posting it to our premises at the Town Hall, 76 Vincent Street, Daylesford, 3460.

16 Consent

If our consent is required then it must be in writing.

17 Severability

If a paragraph in this lease is unenforceable it does not affect whether any other paragraph is enforceable.

18 Property Law Act

Section 144 of the Property Law Act 1958 does not apply to this lease.

19 Retail Leases Act 2003

For the avoidance of doubt this lease does not constitute the lease of a retail premises within the meaning of the Retail Leases Act 2003 being specifically exempted from the Act by a Determination of the Minister for Small Business effective from 1 August 2008 relying on the fact that you are an incorporated body existing for the purposes of providing or promoting community facilities or activities or objectives and that profits are applied in promoting your objects and the payment of any dividend or amount to your members is prohibited.

20 Emergency Management

- (1) The Hepburn Shire Council "Code Red Fire Warning Procedure" (Appendix "2") applies to and is to be read in conjunction with this lease;
- (2) You must prepare and maintain during the Term an emergency management plan which must describe the emergency risks associated with the permitted use, the measures to be taken to reduce emergency risks so far as is reasonably practicable, response measures in the event of an emergency and an evacuation procedure. A copy of your emergency management plan must be provided to Council on the anniversary of the date of commencement of this lease.

21 Disputes

Should any dispute arise, the parties to this lease must endeavour to resolve the dispute through negotiation. If a dispute cannot be resolved by negotiation after 90 days, the matter will be referred to an appropriate person for mediation and that person's written determination must be made within a further 60 days and will bind the parties.

22 Execution of Documents

Documents may be signed by us or by any person authorised by us.

EXECUTED as a DEED by the parties on
(Date)

In Witness hereto:

THE COMMON SEAL of **HEPBURN SHIRE**)
COUNCIL was affixed on this)
.....day of2015 on)
the authority of Council and signed by:

Cr Neil Newitt
Mayor

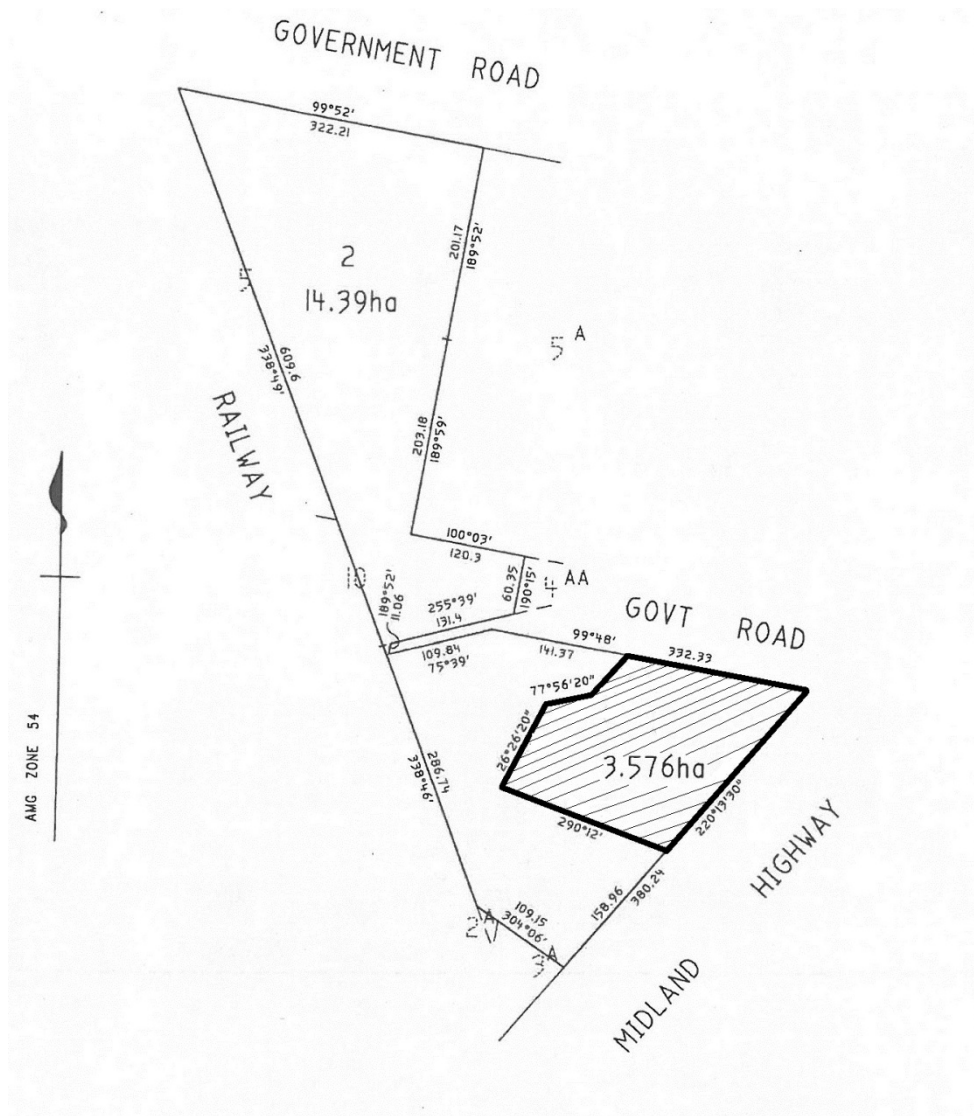
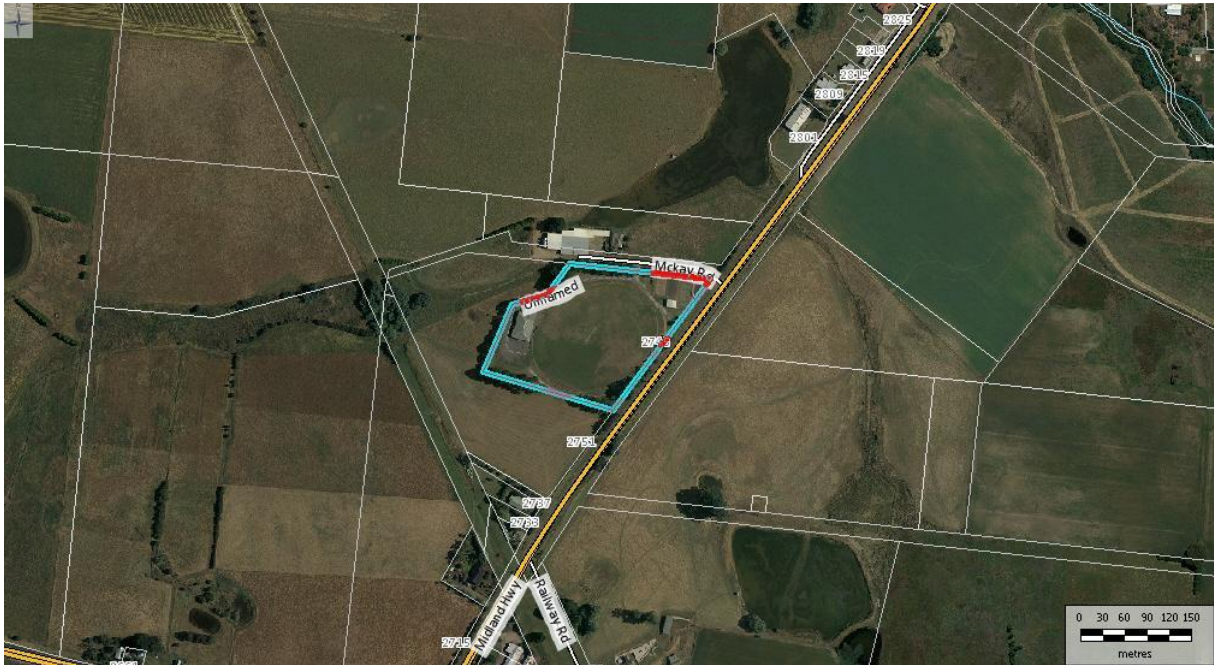
Aaron van Egmond
Chief Executive Officer

THE COMMON SEAL of
NEWLYN COMMUNITY AND SPORTING COMPLEX INC
(A0017813U) was hereunto affixed in the presence of:

.....
COMMITTEE MEMBER

.....
COMMITTEE MEMBER/PUBLIC OFFICER

'A'



APPENDIX "1"

MAINTENANCE SCHEDULE

1 ITEM	2 NEWLYN COMMUNITY AND SPORTING COMPLEX INC RESPONSIBILITY	3 HEPBURN SHIRE COUNCIL RESPONSIBILITY (IN ACCORDANCE WITH COUNCIL'S BUILDING MAINTENANCE PROGRAM)
AIR CONDITIONING/ AIR COOLING AND HEATING FIXTURES	Annual servicing and any associated service Agreements. Minor repairs due to fair wear and tear. Major repair or replacement due to misuse.	Replacement as necessary at Council's discretion.
STRUCTURE/ BUILDING ALTERATIONS	Determine and document requests for maintenance and/or renovations, extension etc. and make submissions to Council via Manager of Community Services.	To assess all requests submitted and if approved by Council ensure quality control, and satisfactory completion of work.
STRUCTURE/ BUILDING MAINTENANCE	Repairs of a minor nature to internal and external areas and all repairs due to misuse.	Structural repairs as necessary.
CURTAINS AND BLINDS	Regular cleaning and repair.	Replacement when necessary at Council's discretion.
CEILINGS	Repairs due to fair wear and tear or misuse.	Major repair and/or replacement as necessary (except where caused by misuse by the Tenant.
DOORS (INCLUDING CUPBOARDS DOORS & ELECTRIC SLIDING DOORS)	Regular cleaning and repair of internal and external doors (if damage on inside) due to misuse to the satisfaction of Council's Building Surveyor or Engineer.	Replacement as necessary.
ELECTRONIC FIRE ALARM SYSTEMS	Preventative maintenance Agreements. Minor repairs and servicing.	Major extensions and new installations of alarm systems.
ELECTRICAL WIRING AND FITTING IN BUILDING	Repair and replacement if damaged due to misuse. Minor repairs due to fair wear and tear. Work to be carried out by licensed electrical contractor approved by Council. Compliance Certificate to be	All building wiring including main supply to and including the switchboard, power points, switches and light fittings.

	forwarded and placed on Council's property file for any new or additional work.	
FIRE HYDRANT HOSES AND OTHER FIRE FIGHTING EQUIPMENT	Replace if stolen or damaged due to misuse. Regular servicing to be carried out by authorised service agent and service reports to be forwarded and placed on Council's property file.	Replacement as necessary.
FLOOR COVERINGS	Regular cleaning and repair/replacement if damaged through misuse.	Replacement when necessary at Council's discretion.
FLYSCREENS	Supply and replace when necessary.	
FENCES – BOUNDARY AND OVAL	Repair and replacement if damaged due to misuse. Minor repairs of oval fence due to fair wear and tear.	Replacement when necessary at Council's discretion.
GLASS	To keep clean and replace when damaged by user groups or other sources.	
GROUNDS	To keep all entry/exit areas clear and swept regularly.	
HARDWARE IE. LOCKS, RAILS	Regular cleaning and repair/replacement due to fair wear and tear or if damaged through misuse.	Replacement as necessary.
INSURANCE	As per Clause 10 (7).	Building Insurance
KEYS AND LOCKS	Replacement of lost keys. Keys from a master key system must not be cut without our written consent. Ensure preschool staff and parents operate within Council's key register policy and Council is informed. Repairs due to fair wear and tear or misuse.	Installation and maintenance of locks if a system change is considered necessary by Council to an updated master key system. Council will meet the initial costs for purchasing and issuing keys and maintaining a key register.
LIGHT GLOBES (Internal & External)	Regular cleaning of light fixtures. Replacement of light globes.	
PLUMBING	Cost of repair due to misuse,	Installation, repair or renewal

(including roof guttering, downpipes, rain water tank and stand etc)	and any add-on fixtures such as garden hoses and sprinklers. Using a Licensed plumber, minor repairs to roof, gutters and downpipes.	due to fair wear and tear, of all plumbing related fixtures as necessary (except if installed by you).
OTHER STRUCTURES OR PERMANENT FIXTURES	Regular cleaning of all fixtures and repair and/or replacement if due to misuse. Replacement and repair of minor items through fair wear and tear or misuse.	Repair and replacement as necessary i.e. hot water service, all inbuilt cupboards, bench tops, sinks, toilets, fans, etc.
PEST CONTROL	To keep buildings, grounds and drains in a clean and hygienic state. Fumigation and pest control as required.	
PAINTING	Internal.	External on a cyclical basis.
ROOFS	Reporting of potential major maintenance problems.	Maintenance and repair as necessary.
SERVICE PIPES (Gas, water, electrical, sewerage, drainage utilities, etc.)	Minor repairs and clearing of blockages.	To maintain all service pipes etc in a serviceable state. Replacement of pipes when necessary at Council's discretion.
WALLS	Regular cleaning and repairs through fair wear and tear or repairs/replacement where damaged through misuse.	Maintenance and repair as necessary.

Code Red Fire Warning Procedure

Purpose

This procedure is designed to assist in maintaining the health and safety of Hepburn Shire Council employees during the bush fire season and to minimise the risks to staff either at work or travelling to and from work when weather conditions are such that a fire danger rating of Code Red is issued by the Bureau of Meteorology.

This procedure will also form part of Council’s Business Continuity Plan.

Scope

This procedure is enacted when a *Code Red* warning is issued for the Central District only and then applies to all Hepburn Shire staff, contractors and volunteers.

Definitions

Hepburn Shire Council – refers to all Council depots, offices and any other work locations.

Code Red warnings are based on the information provided by the Bureau of Meteorology via the CFA website at www.cfa.vic.gov.au

Procedure

When a Code Red warning is issued for the Central District, all Hepburn Shire Council work locations will close and all services will be suspended in the designated “high risk” townships of Daylesford, Creswick, Trentham and Hepburn Springs from 12 midnight to 12 midnight.

On Code Red days, non-emergency management employees will not attend work in these towns, except staff trained in appropriate emergency management operations; all staff will be paid as normal. Due to travel requirements, all Aged and Disability Care Services will be suspended beyond these towns to all clients across the Shire.

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. Emergency staff will also be able take calls from community members whilst on standby status.

Staff should take the necessary personal precautions and preparations during the fire season.

On days other than those declared as Code Red for the Central District, staff who due to fire conditions are unable to attend work or who decide to stay and defend their property must advise their manager as soon as practicable. The normal range of leave provisions will apply in these circumstances.

This procedure must be read in conjunction with the Municipal Emergency Management Plan (MEMP).

Code Red Fire Warning Procedure

Responsibilities

The Chief Executive Officer will determine when Hepburn Shire Council will close.

General Managers / Managers / Supervisors will:

- advise staff when Hepburn Shire Council will close as a result of a Code Red warning being issued for the Central District.
- ensure all employees are aware of and adhere to fire ban restrictions
- ensure that all employees are aware of and trained in the fire evacuation procedures
- ensure staff who are working at non office or depot locations have a suitable plan to protect themselves on days of fire risk.

All Staff will:

- ensure they do not take undue risk to travel to or from work
- maintain regular checks on emergency radio broadcasts relevant to their area on (ABC radio AM 774 or FM 107.9)
- regularly check the Bureau of Meteorology website <http://www.bom.gov.au> and the CFA website <http://www.cfa.vic.gov.au>/especially if there are fires in their area.
- inform their supervisor of any fire risk in their area and if they are unable to travel
- Maintain hydration

11.7. LICENCE RENEWAL - CRESWICK AND DISTRICT MOTORCYCLE CLUB INCORPORATED TO OCCUPY ALLENDALE RECREATION RESERVE

COUNCIL IS CONSIDERING THIS REPORT IN ITS ROLE AS COMMITTEE OF MANAGEMENT FOR ALLENDALE RECREATION RESERVE

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Property Officer, I Karen Ratcliffe have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to enter into a three year Crown Land licence with the Creswick and District Motorcycle Club Incorporated to occupy the Allendale Recreation Reserve.

BACKGROUND

Council is the Committee of Management for the Allendale Recreation Reserve. Creswick and District Motor Cycle Club Inc (the Club) has occupied and used the Reserve for its activities for almost 40 years. Occupancy has been by way of three year Licences issued under Section 17(2) of the *Crown Land (Reserves) Act 1978*. Council has Governor in Council certification under the Act to issue licences up to three years without approval by the relevant Minister.

In 2013, Council approved the renewal of the Club's licence for a further term of three years and the current licence expires 31 December 2015.

The Club has approximately 50 families and 75 actual riders participating and provides a unique facility for youth of all abilities aged 4 to 16 to develop motorcycle skills and safe motorcycle riding skills. Bike capacities are limited to 100cc and the Club has a set of rules covering mechanical condition of bikes, competition and behaviour.

Since 2013, the Club has upgraded the kitchen appliances at the facility, and has resurfaced the riding tracks and racing lanes. More recently the Club was successful in receiving a Sustainability Grant of \$5000 and members installed two new 5000 gallon water tanks, pumps and fittings.

ISSUE/DISCUSSION

It is proposed to issue a new three year licence for the period 1 January 2016 to 31 December 2018 for the Club to continue to use the Allendale Recreation Reserve.

The main conditions of the proposed new licence are:

- A standard Section 17(2) Crown Land licence is used;

- Special conditions include a requirement for the Club to advise Council annually of works undertaken at the Reserve, and to provide a schedule of events and activities, and having an appropriate risk management plan in place.
- Annual licence fee is \$104 + GST, based on the Department of Environment, Land, Water and Planning's (DELWP) established fee for community based organisations;
- Repairs and maintenance at the Reserve are a Club responsibility, whilst Council is responsible for the large trees surrounding the Reserve.
- The Club must hold public liability insurance of not less than \$20m.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Policy # 9: Council Owned & Controlled Property requires that appropriate written occupancy arrangements be in place which support good governance objectives and principles.

The proposed licence is granted under the powers of Section 17(2) of the *Crown Land (Reserves) Act 1978*.

Council Plan 2013–2017: Key Strategic Activity 4.

Action: Clarify roles and responsibilities of Council and sporting groups and level of support Council will provide, including building, maintenance and renewal, oval maintenance, courts and amenity to ensure that equitable and consistent support is provided.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the renewal of this licence. The Club pays the annual Licence fee of \$104 + GST, based on the DELWP's established fee for community based organisations.

RISK IMPLICATIONS

The Licence requires the Club to hold public liability insurance of \$20m and evidence of this is to be provided. The licence also stipulates a requirement of the Club to submit an annual risk management plan.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Hepburn Shire Council recognises that participation in recreational groups and clubs provide important social connection and benefits for communities. No other implications are envisaged regarding this licence.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The request to renew the licence originated from the Club. Council officers have liaised with the Club regarding maintenance, safety and other operational matters.

CONCLUSION

A three year licence issued under Section 17(2) of the *Crown Land (Reserves) Act 1978* is presented for Council's approval.

OFFICER'S RECOMMENDATION

That Council:

- 11.7.1. Approves the new three year 17(2) Crown Land licence for the Creswick and District Motorcycle Club Inc to occupy the Allendale Recreation Reserve; and
- 11.7.2. Authorises the Chief Executive Officer to execute the 17(2) Crown Land Licence for and on behalf of Council.

MOTION

That Council:

- 11.7.1. Approves the new three year 17(2) crown land licence for the Creswick and District Motorcycle Club Inc to occupy the Allendale Recreation Reserve; and*
- 11.7.2. Authorises the Chief Executive Officer to execute the 17(2) Crown Land Licence for and on behalf of Council.*

Moved: Councillor Don Henderson

Seconded: Councillor Greg May

Carried.

ATTACHMENT 11 - 17(2) LICENCE - ALLENDALE RECREATION RESERVE -
CRESWICK AND DISTRICT MOTORCYCLE CLUB

LICENCE

CROWN LAND (RESERVES) ACT 1978
Section 17(2)

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee **HEREBY AUTHORISES** the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is subject to the provisions of the *Crown Land (Reserves) Act 1978* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

Date:

.....
Aaron Van Egmond – Chief Executive Officer
for and on behalf of the **Hepburn Shire Council** as Committee of Management
pursuant to the Crown Land (Reserves) Act 1978.

The **Licensee** hereby agrees to comply with the terms and conditions of this Licence and in witness the Common Seal of **Creswick & District Motor Cycle Club Inc** (Registered # A0002732T) ABN 38 491 134 569 was affixed in the presence of:

President
Stephen Jones

Secretary
Mark Smith

NOTE:

- | | |
|----------|---|
| 1 | <i>This Licence is an important document and should be stored in a secure and safe place. In the event of loss, a replacement fee will be charged.</i> |
| 2 | <i>The Licence is not valid until such time as the licence fee is received in full.</i> |
| 3 | <i>Ministerial approval is not required as pursuant to an approved ORDER made under Section 17 (1) Crown Land (Reserves) Act 1978, Council may issue tenures for this Reserve.</i> |

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SCHEDULE

ITEM

- 1 Licence Number:** FOL/13/147
- 2 Licensor:** Hepburn Shire Council ABN 76 845 763 535
- 3 Licensee:** Creswick and District Motor Cycle Club Inc A0002732T
- 4 Licensee's Address:** PO Box 1569, Ballarat Mail Centre, 3353
- 5 Commencement Date:** 1 January 2016
- 6 Term:** 3 years
- 7 Licence fee:** \$104 per annum + GST
- 8 Payable:** Annually in advance
- 9 Reservation description:** Public Recreation Reserve - C/A 71A, Parish of Springhill
- 10 Licensed premises:** Allendale Recreation Reserve, 16 Lone Hand Road, Allendale
- 11 Area:** 2.833ha – See Plan attached
- 12 Powers under which Licence granted:** Section 17(2) Crown Land (Reserves) Act 1978
- 13 Specified Purposes:** Junior recreation and motor cycle competitions, races and activities
- 14 Amount of Public Liability Insurance:** \$20m
- 15 Licensor Address:** PO Box 21, Daylesford, Vic 3460
- 16 Special Conditions:**
 - 16.1 All maintenance and capital works requirements remain the responsibility of the tenant. The Landlord retains responsibility for the inspection, maintenance, major pruning and removal of large trees, as required, from the perimeter of the Premises.**
 - 16.2 By 1 January each year during the Licence term, the tenant must submit an Annual Report which includes information on the level of use and maintenance carried out at the Reserve.**
 - 16.3 Before each racing season the tenant must submit a schedule of events and activities for that season.**
 - 16.4 By 1 January each year during the Licence term, the tenant must submit a current Risk Management Plan which must be relevant to, kept current, and observed for the purposes allowed by this Licence.**

LICENCE CONDITIONS

1 **Grant**

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the licensed premises or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

2 **Licensee's Obligations (Positive)**

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will:-

2.1 **Licence fee**

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 **Rates and Taxes**

2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed premises.

2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.

2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 **Indemnity**

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

2.4 **Public Liability Insurance**

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

<p>'the Committee of Management, the Crown in the right of the State of Victoria, the Secretary to the Department of Environment, Land, Water and Planning, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.'</p>

2.5 **Maintenance**

2.5.1 Throughout the term keep the licensed premises in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will:-

2.5.1.1 Keep the licensed premises free of pest animals and weeds;

2.5.1.2 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

2.6 **Fire Protection Works**

Undertake all fire protection works on the licensed premises required by law to the satisfaction of the Licensor and the responsible fire Authority

2.7 **Condition at Termination**

On expiry or prior determination of this Licence return the licensed premises to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

2.8 Notice of Defects and other matters

- 2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;
- 2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;
- 2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.9 Compliance with Law

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed premises and all lawful orders or direction made under them;

2.10 Arrears and Interest

- 2.10.1 Pay to the Licensor:-
 - 2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the **Penalty Interest Rates Act 1983** computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
 - 2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.11 Further Conditions

Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

3 Licensee's Obligations (Negative)

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will not -

3.1 Use of Licensed premises

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 Create nuisance

Do nor cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

3.3 Allow rubbish

Permit any rubbish to accumulate in or about the licensed premises.

3.4 Hazardous Chemicals

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

3.5 Assignment

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.

3.6 Licensor's Entry

- 3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-
 - 3.6.1.1 retaking or attempting to retake possession of the licensed premises;
 - 3.6.1.2 inspection; or
 - 3.6.1.3 any other lawful purpose.

3.7 Void insurance

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

3.8 *Erection of Improvements*

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 *General Conditions*

4.1 *Termination upon Default*

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

4.2 *Termination without Default*

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may with the approval of the Minister by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 *Ownership of Improvements*

The Licensee acknowledges that all buildings and structures on the licensed premises at the date of commencement of this Licence and all new structural works (except for any Licensee's trade fixtures or fittings) and any additions or modifications to the existing or new buildings and structures carried out during the term of this Licence are and remain the property of the Licensor.

4.4 *Licensee's Chattels*

4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels shall remain the property of the Licensee.

4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.

4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under sub-clause 4.4.2, the Licensee's chattels shall become the property of the Licensor.

4.5 *Licensor may remove and dispose of Licensee's chattels*

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.6 *Licensor's Agents*

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.7 *Notices*

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.8 *Debt recovery*

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

4.9 *Additional Approvals*

If the Licensor is a Committee of Management or Trustees the approvals required in Conditions 3.1 and 3.8 shall be read to mean the Licensor and the Secretary or delegate.

5 *Definitions*

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"**commencement date**" means the date described in Item 5 of the Schedule and is the first day of the term;

"**Crown**" means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary;

"**Department**" means the Department of Environment, Land, Water and Planning or its successor in law;

"**GST**" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"**hazardous chemical**" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"**improvement**" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"**licensed premises**" means the land and structures described in Item 10 of the Schedule;

"**Licence fee**" means the licence fee described in Item 7 of the Schedule as varied during the term;

"**Licensee**" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"**Licensor**" means the Trustees or Committee of Management appointed by the Minister to manage the reserved land described in Item 9 of the Schedule or if there are no Trustees or Committee of Management means the Secretary to the Department of Environment, Land, Water and Planning or a person or class of person authorised by the Secretary to grant licences under Section 17B of the *Crown Land (Reserves) Act 1978*;

"**Minister**" means the Minister of the Crown for the time being administering the *Crown Land (Reserves) Act 1978*;

"**person**" includes a body corporate as well as an individual;

"**pest animals**" has the same meaning as in the *Catchment and Land Protection Act 1994*;

"**rates and taxes**" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"**schedule**" means the schedule to this Licence;

"**Secretary**" means The Secretary to the Department of Environment, Land, Water and Planning, the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"**sign**" includes names, advertisements and notices;

"**soil**" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"**term**" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"**weeds**" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994* , and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"**writing**" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

6 Interpretations

6.1 A reference importing the singular includes the plural and vice versa.

6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.

6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.

PLAN

Allendale Recreation Reserve
16 Lone Hand Road, Allendale
C/A 71A Parish of Springhill



11.8. SUMMARY OF APPROVALS TO OPERATE HIGHER MASS LIMIT VEHICLES ON LOCAL COUNCIL ROADS – 2014 TO 2016

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Project Engineer, I Inoka Sanjeevanie have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide Council with a summary of B-Double and/or Heavy Vehicle Permit consents granted by Council during 2014/15 and 2015/16 (to date) as requested at the November 2015 Council meeting.

BACKGROUND

Heavy Vehicle National Law requires the National Heavy Vehicle Regulator [NHVR] and VicRoads to refer B-Double and/or Higher Mass Limit Vehicle Permit requests to councils for approval prior to the issue of permits.

ISSUE/DISCUSSION

There were 67 consents granted by Council during the period 2014/15 and 2015/16 (to date). A summary of New Requests and Permit Renewals, categorised by 'urban' and 'rural' areas, is provided below:

	2014/15		2015/16 (to date)	
Total Number of Approvals Granted	42		25	
<i>New Requests/Renewals</i>				
Number of New Requests	33	79%	11	44%
Number of Renewal Requests	9	21%	14	56%
<i>Urban Areas/Rural Areas</i>				
In Urban Areas	25*		10*	
In Rural Areas	20*		17*	
* Some requests relate to routes in both urban and rural areas				

East Street in Daylesford, Water, Moore and Lees Streets in Creswick and Victoria and West Streets in Clunes were the routes with the highest number of requests in urban areas.

The majority of the requests are for cartage of quarry products and from logging operators. Requests based on the industry type are given below:

Industry	2014/15	2015/16
Quarry products	40%	40%
Logging	36%	24%
Other	24%	36%

Please refer to Attachment 1 for details of individual permit applications.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – *Sustainable Environment and a Vibrant Economy*

Key Strategic Activity:

12. Support and develop existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shire's Economic base.

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nil

CONCLUSION

Council Received 67 requests during 2014/15 and 2015/16 (to date).

There were total of 44 new requests and 23 renewal requests.

The majority of requests have been from quarrying and logging operators (76% in 2014/15 and 64% for 2015/16 to date).

OFFICER'S RECOMMENDATION

11.8.1. That Council receives and notes the report for information.

MOTION

11.8.1. *That Council receives and notes the report for information.*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Greg May

Carried.

ATTACHMENT 12 - HEAVY VEHICLE PERMIT CONSENTS GRANTED IN
2014-2016

REGISTER OF HEAVY VEHICLE PERMIT CONSENTS - 2014/15

Request Number	Referred By	Applicant	Permit Type	Load Type	Permit Duration	Roads	Request Type
12016	NHVR	Clearwater Logging & Transport Pty Ltd	B-Double at HML	Logs	until 19/05/2015	Water St, Moore St (North), Lees St & St Georges Lake Rd in Creswick	NEW
17404	NHVR	Tringali Road Transport Pty Ltd	B-Double at HML	Quarry	until 30/07/2017	East St in Daylesford	NEW
17114	NHVR	Dunkley Cartage Pty Ltd	B-Double at HML	Quarry	until 26/08/2017	Water St in Creswick	RENEWAL
17793	NHVR	Clear Water Logging and Transport	B-Double at HML	Logs	until 28/07/2017	Basalt Road in Eganstown, Telegraph Road in Sailors Falls & Cemetery Road in Eganstown	RENEWAL
17711	NHVR	DI Richards Pty Ltd	B-Double at HML	Logs	29/08/2014 - 28/08/2017	Service Road and Codes Forest Road, Creswick	NEW
17802	NHVR	Clearwater Logging and Transport	B-Double at HML	Logs	29/08/2014 - 28/08/2017	Service Road and Codes Forest Road, Creswick	NEW
19106	NHVR	McArdle Transport Pty Ltd	HML	Quarry	29/08/2014 - 28/08/2017	Water Street in Creswick & East Street in Daylesford	NEW
19788, 19826, 19832, 19841	NHVR	Graeme McKay	HML	Quarry	29/08/2014 - 28/08/2017	East Street in Daylesford	NEW
19886, 19918	NHVR	Boral Resources Vic Pty Ltd	HML	Quarry	29/08/2014 - 28/08/2017	East Street in Daylesford	RENEWAL
19660	NHVR	Eve-trans Kyneton	HML	General Freight	29/08/2014 - 28/08/2020	Stanbridge Street and East Street in Daylesford	RENEWAL
20995	NHVR	R & M Diesel Pty Ltd	HML	Tow Truck	1/11/2014 - 31/10/2015	All roads	RENEWAL
22708	NHVR	Inroads Pty Ltd	HML	Aggregate	1/11/2014 - 31/10/2017	All roads	RENEWAL
26492	NHVR	Boral Resources Vic Pty Ltd	HML	Quarry	23/12/2014 - 22/12/2017	East Street in Daylesford	RENEWAL

REGISTER OF HEAVY VEHICLE PERMIT CONSENTS - 2014/15

Request Number	Referred By	Applicant	Permit Type	Load Type	Permit Duration	Roads	Request Type
22113, 27729, 29404	NHVR	Mentone Premix Pty Ltd	HML	Quarry	27/01/2015 - 27/01/2018	Wrigleys Rd, Creswick-Lawrence Rd	NEW
V12016	VicRoads	Ahrens Group Pty Ltd	Oversize	Grain Silo	30/01/2015 - 30/01/2016	Creswick-Lawrence Rd, Beaconsfield Rd, McLean St, Calder St, Daylesford-Clunes Rd	NEW
28082	NHVR	Graeme McKay	HML	Quarry	27/01/2015 - 27/01/2018	East St & Mink St in Daylesford	RENEWAL
30581	NHVR	Hillview Transport	B-Double at HML	Livestock	27/01/2015 - 27/01/2018	Telegraph Rd, Blampied-Mollongghip Rd, Dean-Mollongghip Rd, Blampied-Kooroocheang Rd & Daylesford-Clunes Rd	NEW
V12061	VicRoads	B&M Dorrington Pty Ltd	HML	Mobile Crane	27/01/2015 - 27/01/2016	Stanbridge St and East St in Daylesford	NEW
31887	NHVR	MT & C Hanrahan Pty Ltd	HML	General	26/03/2015 - 26/03/2018	Local roads in Dean, Mollongghip and Newlyn localities	NEW
33327	NHVR	Clear Water Logging & Transport	B-Double at HML	Logging	24/03/2015 - 24/03/2018	Cabbage Tree Road, Codes Forest Road, Spring Gully Road, Spring Gully Alternative Road, Mosquito Road, Ascot Road, Reed Street, Temple Road, Pollards Road, Water Street, Moore Street, Lees Street, Brackenbury Road, Miner's Gully Road, St Georges Lake Road, Blue Gum Road	NEW
33388	NHVR	Venmoore Pty Ltd	B-Double at HML	Logs	24/03/2015 - 24/03/2018	Burma Rd, Telegraph Rd, Cemetery Rd, Old Midland Hwy, Cabbage Tree Rd, Codes Forest Rd, King Street, Alfred Street, Bridge Street, Smokeytown Rd, Spring Gully Rd, Spring Gully Alternative Rd, Mosquito Rd, Bald Hills, Ascot Rd, Bald Hills, Reed Street, Ellis Rd, Temple Rd, Pollards Rd, Water Street, Moore St, Lees St, Brackenbury Rd, Miner Gully Rd, St Georges Lake Rd, Blue Gum Rd, Slade Rd Mount	NEW
V14541	VicRoads	Harbrew Pty Ltd	HML	Indivisible Load	24/03/2015 - 24/03/2016	West St and Victoria St in Clunes	NEW

REGISTER OF HEAVY VEHICLE PERMIT CONSENTS - 2014/15

Request Number	Referred By	Applicant	Permit Type	Load Type	Permit Duration	Roads	Request Type
36754, 36760, 36853, 36858, 36866, 36874, 37298, 37308	NHVR	DT Richards Pty Ltd	HML	Logs	26/05/2015 - 25/05/2018	Ascot-Creswick Road, Wild Orchid Road, Pollards Lane, Ellis Street, Luttet Street, Reed Street and Bald Hills Road in Creswick Cemetery Road, Burma Track and Telegraph Road Water Street, Moore Street, Lee Street, St Georges Lake Road, Hillclimb Road and Brackenbury Road in Creswick Geddes Street, Alfred Street, Bowen Street, Bridge Street, North Parade, Clunes Road, King Street, Frenchmans Road and Smokeytown Road Fulcher Street and Ajax Road in Daylesford	NEW
37429	NHVR	Wheelie Waste Pty Ltd	B-Double	Recyclables	23/04/2015 – 13/04/2018	West St & Victoria St in Clunes	NEW
V16555	VICROADS	Doolans Heavy Haulage P/L	HML	Tanks	06/08/2015 – 06/05/2016	East Street in Daylesford	RENEWAL
37058, 37077, 37136	NHVR	Shannon Trial Pty Ltd	HML	Quarry material	22/05/2015 – 21/05/2018	Burma Track, Telegraph Road, Cemetery Road, Cabbage Tree Rd, Codes Forest Road, King Street, Alfred Street, Bridge Street, Frenchmans Road, Smokeytown Road, Spring Gully Road, Mosquito Road Bald Hills Road, Ascot-Creswick Road, Reed Street, Luttet Street, Temple Road, Pollards Lane, Water Street, Moore Street, Lees Street, Brackenbury Road, St Georges Lake Road	NEW
40318	NHVR	Venmoore Pty Ltd	HML	Logs	23/06/2015 - 22/06/2018		

REGISTER OF HEAVY VEHICLE PERMIT CONSENTS - 2015/16

Request Number	Referred By	Applicant	Permit Type	Load Type	Permit Duration	Roads	Request Type
N/A	N/A	Daylesford & Hepburn Mineral Springs Co	Semi Trailers under GML	Water tanker	28/07/2015 – 28/07/2016	Stanbridge Street in Daylesford	RENEWAL
43407	NHVR	Tringali Road Transport Pty Ltd	HML	Quarry products	28/08/2015 – 27/08/2018	East Street in Daylesford	NEW
43385, 43462	NHVR	Venmoore Pty Ltd	HML	Logs	06/07/2015 – 12/05/2018	Golf Course Road and Codes Forest Road in Creswick	RENEWAL
43756, 43812	NHVR	DT Richards Pty Ltd	B-Double at HML	Logs	27/10/2015 - 26/08/2018	Codes Forest Road in Creswick	RENEWAL
44997	NHVR	Uno Consulting Pty Ltd	HML	Quarry and Bulk	27/10/2015 - 26/08/2018	Water Street in Creswick & East Street in Daylesford	RENEWAL
45227	NHVR	Clearwater Logging & Transport	B-Double at HML	Logs	31/07/2015 - 30/07/2018	Basalt Road, Eganstown, Telegraph Road, Sailors Falls Cemetery Road, Eganstown	RENEWAL
45895	NHVR	Clearwater Logging & Transport	B-Double at HML	Logs	6/08/2015 - 5/08/2018	Old Midland Hwy, Creswick Golf-course Road, Creswick	NEW
46973, 46988	NHVR	Boral Resources Pty Ltd	HML	Quarry products	02/09/2015 - 1/09/2018	East Street in Daylesford	RENEWAL
49085, 49088, 49092	NHVR	Porter Excavations Pty Ltd	HML	Quarry & bulk	27/10/2015 - 26/10/2018	Beaconsfield Road, Creswick-Lawrence Road, West Berry Road, Wrigleys Road	NEW
50449	NHVR	Environmental Vegetation Management Unit Trust	HML	Indivisible load/Special Purpose	27/10/2015 - 26/10/2016	Stoney Rises Road and Williams Road in Smeaton	NEW
49730	NHVR	Toose DLM & T	HML	Grain & fertiliser	27/10/2015 - 26/10/2018	Daylesford-Clunes Road, Cowies Road, Cemetery Road, Lawrence-Glengower Road, Central Leeds Road, Beaconsfield Road	RENEWAL
49999, 50015, 50836	NHVR	Graeme McKay	HML	Quarry material	27/10/2015 - 26/10/2018	East Street in Daylesford	RENEWAL

REGISTER OF HEAVY VEHICLE PERMIT CONSENTS - 2015/16

Request Number	Referred By	Applicant	Permit Type	Load Type	Permit Duration	Roads	Request Type
52921	NHVR	R & M Diesel Pty Ltd	HML/ Tow Truck	Disabled or broken down heavy vehicles	23/11/2015 - 22/11/2016	All roads	RENEWAL
53231	NHVR	Primal Surfacing Pty Ltd	HML	Aggregate	23/11/2015 - 22/11/2018	All roads	RENEWAL
53803, 53778, 53760	NHVR	Porter Excavations Pty Ltd	HML	General freight	23/11/2015 - 22/11/2018	West Berry Road	WITHDRAWN
52307	NHVR	Inroads Pty Ltd	HML	Aggregate	23/11/2015 - 22/11/2018	West Berry Road	RENEWAL

11.9. REQUESTS FOR APPROVAL TO OPERATE HIGHER MASS LIMIT VEHICLES ON LOCAL COUNCIL ROADS

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Project Engineer, I Inoka Sanjeevanie have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider a request for renewal of a permit to use Higher Mass Limit [HML] vehicles on local roads.

BACKGROUND

The following requests for permit renewal has been received from the National Heavy Vehicle Regulator (NHVR).

Ref	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)
Renewal Requests						
54660	Graeme McKay	PBS 3-axle Truck & 4-axle Dog Trailer at HML	East Street & Mink Street in Daylesford	Quarry and Bulk	04/12/2015 - 05/12/2018	varies

ISSUE/DISCUSSION

Council officers have assessed the applications considering the following:

- Community Safety
- Local Amenity
- Physical Limitations of the network
- Economic benefits
- Alternative access
- Cost implications to Council.

The results of the assessment are provided below along with any recommended conditions to be applied to any consent granted by Council.

RENEWAL REQUESTS

a) Graeme McKay (Road Manager Request Number 54660)

Graeme McKay requested Council to renew its existing permit to use a PBS 3-axle Truck and 4-axle Dog Trailer on East Street and Mink Street in Daylesford, for a period three years.



It is recommended that Council approves Graeme McKay to use a PBS 3-axle Truck and 4-axle Dog Trailer on East Street and Street for a period of three years subject to following conditions:

- Must not travel beneath a bridge or overhead structure which has a restricted clearance if the height of the vehicle is equal to or greater than the clearance shown on the sign.
- Must not travel beneath any bridges, overhead structures, cables, wires or trees unless there is adequate safe clearance to the highest point of the vehicle.
- It is the responsibility of the permit holder to pay attention to:

- o Overhead cables
- o Overhanging trees
- o Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- The use of compression brakes is to be avoided.
- Hours of Operation shall be 7:00am to 6:00pm.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – *Sustainable Environment and a Vibrant Economy*

Key Strategic Activity:

12. Support and develop existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shire's economic base.

FINANCIAL IMPLICATIONS

There are no expected financial implications of granting approval to the above operator to use heavy vehicles on subject Council maintained roads.

RISK IMPLICATIONS

There are no expected specific risk implications of granting approval to the above operator to use heavy vehicles on subject Council maintained roads.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are expected to be economic benefits for local business and economic development through granting of consents for access.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No external engagement was undertaken in relation to this request. Relevant internal road staff has been involved in assessing this request.

CONCLUSION

Council has received a request from the National Heavy Vehicle Regulator for consent to renewal of an existing permit to operate Higher Mass Limit vehicles on local roads.

Following a review of the request, conditional consent is recommended for the operators as detailed.

OFFICER'S RECOMMENDATION

That Council:

- 11.9.1. Approves Graeme McKay to use PBS 3-axle Truck and 4-axle Dog Trailer on East Street and Mink Street Daylesford for a period of three years commencing 17 December 2015 and expiring on 16 December 2018, subject to following conditions:
- Must not travel beneath a bridge or overhead structure which has a restricted clearance if the height of the vehicle is equal to or greater than the clearance shown on the sign.
 - Must not travel beneath any bridges, overhead structures, cables, wires or trees unless there is adequate safe clearance to the highest point of the vehicle.
 - It is the responsibility of the permit holder to pay attention to:
 - Overhead cables
 - Overhanging trees
 - Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - The use of compression brakes is to be avoided.
 - Hours of Operation shall be 7:00am to 6:00pm.

MOTION

That Council:

- 11.9.1. *Approves Graeme McKay to use PBS 3-axle Truck and 4-axle Dog Trailer on East Street and Mink Street Daylesford for a period of three years commencing 17 December 2015 and expiring on 16 December 2018, subject to following conditions:*
- *Must not travel beneath a bridge or overhead structure which has a restricted clearance if the height of the vehicle is equal to or greater than the clearance shown on the sign.*
 - *Must not travel beneath any bridges, overhead structures, cables, wires or trees unless there is adequate safe clearance to the highest point of the vehicle.*

- *It is the responsibility of the permit holder to pay attention to:*
 - *Overhead cables*
 - *Overhanging trees*
 - *Steep inclines/declines, tight corners and narrow roads.*
- *Must not trim or remove any trees without all approvals being obtained.*
- *The use of compression brakes is to be avoided.*
- *Hours of Operation shall be 7:00am to 6:00pm.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Greg May

Carried.

**11.10. RECORD OF ASSEMBLIES OF COUNCILLORS
GENERAL MANAGER CORPORATE SERVICES**

In providing this advice to Council as the Administration Support Officer, I Tracye Sutton have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to receive and note Assemblies of Councillors.

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.

ISSUE / DISCUSSION

The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be:

1. reported at an Ordinary Meeting of the Council; and
2. incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Assemblies of Councillors		
Date	Location	Committee Name
17 November 2015	Clydesdale Hall	Councillor/CEO Meeting
17 November 2015	Clydesdale Hall	Pre-Council Meeting
9 November 2015	Council Chamber	Mineral Springs Reserve Advisory Committee
4 November 2015	Council Chamber	Councillor Briefing
20 October 2015	Doug Lindsay Recreation Reserve	Councillor/CEO 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

11.10.1. That Council receives and notes the Records of Assemblies of Councillors for the 17 November 2015, 9 November 2015, 4 November and 20 October 2015.

11.10.1. *That Council receives and notes the Records of Assemblies of Councillors for the 17 November 2015, 9 November 2015, 4 November and 20 October 2015.*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Bill McClenaghan

Carried.

ATTACHMENT 13 - RECORDS OF ASSEMBLIES OF COUNCILLORS

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor/CEO Meeting
 Date: Tuesday 17 November 2015
 Time: 2:00 pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – Clydesdale Hall

Councillors present:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

COUNCILLOR & CEO MEETING

Tuesday 17 November 2015

Clydesdale Hall, Clydesdale

2:00PM

PRESENT: Councillors Kate Redwood AM, Neil Newitt, Don Henderson, Pierre Niclas, Greg May, Bill McClenaghan, CEO Aaron van Egmond, Sebastian Klein

CHAIR: Councillor Neil Newitt

APOLOGIES: Nil

No.	Time	Agenda Item	Presenter
1.	2:00PM	Councillor/ Executive Christmas party	Cr Kate Redwood AM
2.		Flag protocols	Cr Bill McClenaghan
3.		MEMPC - Councillor Representation & Terms of Reference	Aaron van Egmond
4.		Planning Matters	Cr Newitt

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Pre-Council Meeting Briefing
Date: Tuesday 17 November 2015
Time: 3:30pm – 5:00pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) - Clydesdale Hall

Councillors present:

Cr Don Henderson
 Cr Kate Redwood AM
 Cr Sebastian Klein
 Cr Bill McClenaghan
 Cr Greg May
 Cr Neil Newitt
 Cr Pierre Niclas

Members of Council Staff present:

CEO Aaron van Egmond
 GM Corporate Services Grant Schuster
 GM Community Services Kathleen Brannigan
 GM Infrastructure Bruce Lucas
 Other, please specify:

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Councillor Greg May	4:15 - 4:20 pm
Councillor Bill McClenaghan	4:25 - 4:28 pm

Matters Considered: Council Meeting Agenda – Tuesday 17 November 2015

Agenda Attached

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond
 GM Corporate Services Grant Schuster
 GM Community Services Kathleen Brannigan
 GM Infrastructure Bruce Lucas
 Other, please specify:

Signature: Grant Schuster

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor GREG MAY hereby disclose
a conflict of interest in the following matter MOU- ANDERSON'S MILL FESTIVAL

This matter is being considered at a meeting of

- Council Meeting
- Councillor Briefing
- Special Committee
- Audit and Risk Advisory Committee
- Assembly of Councillors PRE COUNCIL MEETING BRIEFING

on 17/11/2015

The class of the interest is (tick appropriate box)

- a direct interest
- OR
- an indirect interest (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78)
- Indirect financial interest (section 78A)
- Indirect interest – conflicting duty (section 78B)
- Indirect interest – applicable gift(s) (section 78C)
- Indirect interest – party to matter (civil proceedings) (section 78D)
- Indirect interest – impact on residential amenity (section 78E)

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

MEMBER OF THE ORGANISING COMMITTEE FOR THE
ANDERSON'S MILL FESTIVAL

Print Name: GREG MAY
Signed: Greg May
Date: 17/11/2015

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor BILL McCLENAGHAN hereby disclose
a conflict of interest in the following matter A COUNCILLOR'S QUESTION
ON FUNDING FOR THE EAST ST DAYLETFORD
RAILWAY BRIDGE UNDERPASS.

This matter is being considered at a meeting of

- Council Meeting
- Councillor Briefing
- Special Committee
- Audit and Risk Advisory Committee
- Assembly of Councillors

on TUE 17 NOV 15

The class of the interest is (tick appropriate box)

- a direct interest
- OR
- an indirect interest (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78)
- Indirect financial interest (section 78A)
- Indirect interest – conflicting duty (section 78B)
- Indirect interest – applicable gift(s) (section 78C)
- Indirect interest – party to matter (civil proceedings) (section 78D)
- Indirect interest – impact on residential amenity (section 78E)

NB All references to sections are references to sections in the Local Government Act 1989.

The nature of the interest is as follows:

THE EAST ST DAYLETFORD RAILWAY
BRIDGE IS PART OF VIC TRACK'S PROPERTY
LEASED TO THE CENTRAL HIGHLANDS
TOURIST RAILWAY ON WHICH I AM A DIRECTOR.

Print Name: BILL McCLENAGHAN

Signed: [Signature]

Date: 17 Nov 15

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Mineral Springs Reserve Advisory Committee
 Date: Monday 9 November 2015
 Time: 5.30pm to 7.30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|--|--|
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Greg May |
| <input type="checkbox"/> Cr Kate Redwood AM | <input type="checkbox"/> Cr Neil Newitt |
| <input type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|---|--|
| <input type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | <i>Nil</i> |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
<i>Nil</i>	

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: 

Note: This form **MUST** be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

Mineral Springs Reserve Advisory Committee

Monday 9 November 2015

Council Chambers

5.30pm – 7.00pm

Attendees: Cr Pierre Niclas, Bruce Lucas, Mitchell Hogg, Gary Lawrence, Sissy Austin, Lisa Rodier, Victor Szwed, Andrew Shugg, Bill Guest

Apologies:

Item No	Time	Agenda Item	Presenter
1	5.30pm	Welcome and Apologies	Cr Pierre Niclas
2	5.35pm	Adoption of Minutes – 12 October 2015	Cr Pierre Niclas
3	5.40pm	Review of Action Register Items	Cr Pierre Niclas
4	5.50pm	1. Prioritisation of Works / Maintenance Program 2. Budget Bids and Priorities	Bruce
5	6.20pm	Future Use of Caretakers Cottage	Cr Pierre Niclas
6	6.40pm	2016 Meeting Dates	All
7	6.50pm	Next Meeting Agenda Items <ul style="list-style-type: none"> • Lake Daylesford - Ben Shoo Report • . • . • . • . 	Bruce
	7.00pm	Meeting Close	
Next meeting – TBC			

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Council Briefing
Date: Tuesday 4 November 2015
Time: 9:00am - 4:45pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – *Doug Lindsay Reserve Community Facility, Creswick*

Councillors present:

<input checked="" type="checkbox"/> Cr Don Henderson	<input checked="" type="checkbox"/> Cr Greg May
<input checked="" type="checkbox"/> Cr Kate Redwood AM	<input checked="" type="checkbox"/> Cr Neil Newitt
<input checked="" type="checkbox"/> Cr Sebastian Klein	<input checked="" type="checkbox"/> Cr Pierre Niclas
<input checked="" type="checkbox"/> Cr Bill McClenaghan	

Members of Council Staff present:

<input checked="" type="checkbox"/> CEO Aaron van Egmond	<input checked="" type="checkbox"/> Other, please specify:
<input checked="" type="checkbox"/> GM Corporate Services Grant Schuster	Acting GM Infrastructure Steve Millard,
<input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan	Manager Planning Justin Fiddes,
<input type="checkbox"/> GM Infrastructure Bruce Lucas	Events Officers Rebecca Pedretti
	Coordinator Community and Economic
	Development Projects Michael Hynes

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Cr Greg May	3:26pm - 3:45pm

Matters Considered:

Council Briefing Agenda – Wednesday 4 November 2015

Agenda Attached

Name and title of Officer responsible for this written record:

<input type="checkbox"/> CEO Aaron van Egmond	<input type="checkbox"/> Other, please specify:
<input checked="" type="checkbox"/> GM Corporate Services Grant Schuster	
<input type="checkbox"/> GM Community Services Kathleen Brannigan	
<input type="checkbox"/> GM Infrastructure Bruce Lucas	

Signature: _____



Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

Wednesday 4 November 2015
 Council Chamber, Daylesford Town Hall
 9:00am – 4:45pm

PRESENT:

Councillors	Kate Redwood AM, Don Henderson, Sebastian Klein, Greg May, Bill McClenaghan, Neil Newitt, Pierre Niclas
Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, acting General Manager Infrastructure, and other officers as required

CHAIR: Mayor Cr Kate Redwood AM

APOLOGIES: General Manager Infrastructure

No	Time	Agenda Item		Presenter	No
1.	9:00am	Verbal Presentation	Performance Reporting System	GM Corporate Services	Page 5
			Attachment 1 – Issued Under Separate Cover - Performance Reporting System – Summary October 2015		Page 6
2.	9:15am	Discussion	Shovel Ready Projects Update	GM Corporate Services	Page 7
			Attachment 2 – Shovel Ready Projects October 2015		Page 8
3.	9:30am	Report	Request to Extend Outside Camping Area at Jubilee Lake Caravan Park	Manager Strategic Asset Management	Page 11
			Attachment 3 – Letter – Request to Extend Overflow Camping Area at Dad’s Gully	Property Officer	Page 15

No	Time	Agenda Item		Presenter	No
4.	9:45am	Report	Proposed Asset Exchange (Wombat Hill Botanic Gardens Lookout Tower And Lake Jubilee Sewer Pump Station) And Committee Of Management Boundary Realignment – Wombat Hill Botanic Gardens	Manager Strategic Asset Management	Page 17
			Attachment 4 – Map – Wombat Hill Botanic Gardens		Page 20
5.	10:00am	Verbal Presentation	CEO Contract Renewal	CEO	Page 22
	11.00am	Break			
6.	11:15am	Discussion	International Council for Local Environmental Initiatives – letter regarding Paris Climate Conference	CEO	Page 23
			Attachment 5 – Letter Regarding Paris Climate Conference		Page 24
7.	11.30am	Report	Clunes Town Hall And Future Use By Wesley College	Manager Strategic Asset Management	Page 27
8.	12:00pm	Report	Community Grants – Round 1 - 2015/16	Coordinator Community & Economic Development	Page 29
			Attachment 6 – Community Grants		Page 31

	12:30pm	Lunch Break Lunch will be provided			
9.	1:00pm	Report	Daylesford Transfer Station Infrastructure Upgrade	Manager Strategic Asset Management	Page 35
10.	1:15pm	Report	Revised Heritage Policy Attachment 7 – Draft – Heritage Policy 16 (C)	Manager Planning	Page 36 Page 38
11.	1:45pm	Report	Councillor Representation on Committees and Other Bodies Attachment 8 – Councillor Representation and Other Bodies	GM Corporate Services	Page 50 Page 51
12.	2:00pm	Report	Council Meeting Dates 2016	GM Corporate Services	Page 54
13.	2:15pm	Demonstration	New Customer Request Management System and Frequently Asked Questions	GM Corporate Services	Page 57
14.	2:45pm	Report	Film Policy Review Attachment 9 – Draft Film Policy 2015 Attachment 10 – Victorian Film Friendly Guidelines	Events Coordinator	Page 58 Page 60 Page 67
	3:00pm	Break			
15.	3:15pm	Report	Memorandum Of Understanding - Andersons Mill Festival Attachment 11 – Draft – MOU between Council and Andersons Mill Festival Committee	Events Coordinator	Page 100 Page 102

No	Time		Agenda Item	Presenter	No
16.	3:45pm	Report	Significant Tree Register – Amendment C54 Attachment 12 – Amendment C54 – Significant Tree Register	Strategic Planner	Page 111 Page 113
17.	4:00pm	Report	Planning Application – PA956 – Dwelling for Short Term Accommodation 22 Eighteenth Street Hepburn Attachment 13 – PA956 – Plans – 22 Eighteenth street Hepburn	Coordinator Planning	Page 121 Page 124
18.	4:15pm	Report	Planning Application – PA986 – Development of Deck and Associated Retaining Wall and Construction of Two Double French Doors- Windows – 2 Mineral Springs Crescent Hepburn Springs Attachment 14 – PA986 – 2 Mineral Springs Crescent – Hepburn Springs	Coordinator Planning	Page 128 Page 130
19.	4:30pm		Planning Update	Manager Planning	Page 135
20.	4:45pm	For Noting	Agenda Items – Next Council Meeting		Page 136
21.			CLOSE OF MEETING		Page 137

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor GREG MAY hereby disclose
a conflict of interest in the following matter MOU - ANDERSON'S MILL FESTIVAL

This matter is being considered at a meeting of

- Council Meeting
- Councillor Briefing
- Special Committee
- Audit and Risk Advisory Committee
- Assembly of Councillors

on NOVEMBER 4TH 2015

The class of the interest is (tick appropriate box)

- a direct interest
- OR
- an indirect interest (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78)
- Indirect financial interest (section 78A)
- Indirect interest – conflicting duty (section 78B)
- Indirect interest – applicable gift(s) (section 78C)
- Indirect interest – party to matter (civil proceedings) (section 78D)
- Indirect interest – impact on residential amenity (section 78E)

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

MEMBER OF THE ORGANISING COMMITTEE FOR THE
ANDERSON'S MILL FESTIVAL.

Print Name: GREG MAY

Signed: *Greg May*

Date: 4/11/2015

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor - CEO Meeting
 Date: Tuesday 20 October 2015
 Time: 2:00pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – *Doug Lindsay Reserve Community Facility, Creswick*

Councillors present:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned


Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: _____



Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

COUNCILLOR & CEO MEETING

Tuesday 20 October 2015

Doug Lindsay Recreation Reserve, Creswick

1:30PM

PRESENT: Councillors Kate Redwood AM, Neil Newitt, Don Henderson, Pierre Niclas, Greg May, Bill McClenaghan, CEO Aaron van Egmond, Sebastian Klein

CHAIR: Councillor Kate Redwood AM

APOLOGIES: Nil

No.	Time	Agenda Item	Presenter
1.	1:30PM	ICLEI Mayors Compact - Climate Change	Cr Sebastian Klein
2.		Identified funding sources and shovel ready projects in all wards	Cr Don Henderson
3.		Start date for Creswick streetscape works	Cr Don Henderson
4.		Hepburn Wind Rates	Cr Pierre Niclas
5.		CEO Contract	Aaron van Egmond
6.		Planning matter in Smeaton - Rehabilitation Centre	Cr Neil Newitt

12. COUNCIL SPECIAL COMMITTEES (SECTION 86)

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

In providing this advice to Council as the Administration Support Officer, I Tracye Sutton have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes and recommendations from Council's Special Committees (Section 86).

BACKGROUND

Special Committees are established by Council under section 86 of the *Local Government Act 1989* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments 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 Committees, as provided by the committees over the past month, for your information:

- Minutes from the Drummond Hall Special Committee – 27-11-2015
- Minutes from Creswick Museum Special Committee – 2-11-2015
- Minutes from Creswick Museum Special Committee – 5-10-2015

These minutes have been previously provided to Councillors under a 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

That Council:

12.1.1. Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:

- Minutes from the Drummond Hall Special Committee – 27-11-2015
- Minutes from Creswick Museum Special Committee – 2-11-2015
- Minutes from Creswick Museum Special Committee – 5-10-2015

MOTION

That Council:

12.1.1. Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:

- *Minutes from the Drummond Hall Special Committee – 27-11-2015*
- *Minutes from Creswick Museum Special Committee – 2-11-2015*
- *Minutes from Creswick Museum Special Committee – 5-10-2015*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

13. COUNCIL ADVISORY COMMITTEES

13.1. MINUTES OF ADVISORY COMMITTEES GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Administration Support Officer, I Tracye Sutton have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

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

- Mineral Springs Reserve Advisory Committee – 9-11-2015

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 have been provided for noting.

OFFICER'S RECOMMENDATION

13.1.1. That Council receives and notes minutes of the following Advisory Committees which have been distributed under separate cover:

- Mineral Springs Reserve Advisory Committee – 9-11-2015

MOTION

13.1.1. *That Council receives and notes minutes of the following Advisory Committees which have been distributed under separate cover:*

- *Mineral Springs Reserve Advisory Committee – 9-11-2015*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Greg May

Carried.

**13.2. COUNCILLOR REPRESENTATION ON THE MUNICIPAL EMERGENCY
MANAGEMENT PLANNING COMMITTEE
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 for Council to determine a councillor representative on the Municipal Emergency Management Planning Committee (MEMPC).

BACKGROUND

At the 18 November 2014 ordinary council meeting, Council resolved to appoint councillors to the various committees, boards and external bodies including Cr Bill McClenaghan to the MEMPC. On an annual basis, Council reviews the representation and makes amendments where required and this was considered at the November 2015 Council meeting with the exception of the MEMPC in order to obtain clarity on the legislative requirements.

ISSUE/DISCUSSION

The Emergency Management Act 1986, Sect 21(3) states:

A municipal council must appoint a municipal emergency planning committee constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issues.

Clarification was sought from the State Emergency Service (SES) who is currently responsible for auditing Council's compliance with the Act. The SES advised that 'member' is taken to be a councillor. The SES has also advised that in the majority of MEMPCs across the state, only one councillor representative is appointed. They also recommend a councillor representative is on the committee for reporting matters to Council and to support the committee with projects and initiatives that may come forward to Council.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The Emergency Management Act 1986 requires Council to appoint a MEMPC constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issue.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Councillor representation is required to facilitate public views being considered and to allow Council support for funding, projects and other initiatives identified in planning and preparing for emergencies. Without this there is a risk that Council will not be compliant with the Emergency Management Act 1986.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Effective community engagement and discussion between response agencies provides the opportunity for Hepburn Shire to be better prepared for emergencies. This can enable the needs of all agencies to influence Council decisions. This also facilitates, where appropriate, a partnership role in the planning and implementation of those decisions.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Advice was sought from the SES in relation to this report.

CONCLUSION

Feedback from the SES recommends appointment of one councillor representative to Council's MEMPC for consistency with other councils and to meet the requirements of the Emergency Management Act 1986.

OFFICER'S RECOMMENDATION

13.2.1. That Council appoints Cras the councillor representative on the Municipal Emergency Management Planning Committee.

MOTION

13.2.1. *That Council appoints Cr Greg May as the councillor representative on the Municipal Emergency Management Planning Committee.*

Moved: Councillor Kate Redwood AM

Seconded: Councillor Sebastian Klein

Carried.

11.3 REVIEW OF POLICY 44(C) - FLAGS AND DISPLAYS ON COUNCIL PROPERTY

Council resumed consideration of item 11.3.

MOTION

That Council:

11.3.1. *Adopts the revised Policy 44 (C) - Flags and Other Displays on Council Property with the following amendments:*

Item 4. under the Policy section be amended to include four paragraphs:

1 - Events can display banners on Gateway signs on the entrances to townships by making an application to Council's Events Coordinator.

2 - Events supported by Council can display a banner on the fence alongside the front right-hand-side gate on the Daylesford Town Hall and can display special lighting on the front of the building.

3 - Temporary flags, banners and event decorations may be displayed on light pole banner mounts and on any other Council owned or managed buildings as approved by the CEO.

4 - The location of display and length of the display period shall be determined by the CEO and shall take into account the requirements of other events and causes that might wish to display a flag or banner. The CEO will take into consideration the reason for the display, the amenity impacts on public buildings and areas, potential discrimination in messages displayed and any relevant legislative provisions and planning requirements.

11.3.2 *Makes it available on Council's website and at its service centres in Daylesford, Creswick and Clunes.*

Moved: Councillor Kate Redwood AM

Lapsed due to no seconder

MOTION

11.3.1. That Council defers this item until the January meeting.

Moved: Councillor Don Henderson

Seconded: Councillor Bill McClenaghan

Carried.

14. CONFIDENTIAL ITEMS

14.1. CLOSURE OF THE MEETING TO 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

14.1.1. 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

Contract H638-2015 – Footpath Renewal and Expansion Programs 2015/16

14.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

Australia Day Award Nominations

Re-appointment of CEO

MOTION

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:

14.1.1. *89(2) (d) Contractual Matters*

Contract H638-2015 – Footpath Renewal and Expansion Programs 2015/16

14.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

Australia Day Award Nominations

Re-appointment of CEO

Moved: Councillor Kate Redwood AM

Seconded: Councillor Bill McClenaghan

Carried.

The Meeting was closed to Members of the Public at 8:50pm.

Councillor Sebastian Klein left the meeting at 8:51pm with a conflict of interest in item 14.2.

Councillor Pierre Niclas arrived at the meeting at 8:52pm.

15. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

15.1.1. That Council, having considered the confidential items, re-opens the Meeting to Members of the Public.

MOTION

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

Moved: Councillor Kate Redwood AM

Seconded: Councillor Pierre Niclas

Carried.

The Meeting was re-opened to Members of the Public at 9:26pm

In accordance with Council's resolutions, the following information is provided to the public on matter considered during the confidential section of the meeting.

14.1.1 *Awards Contract H638-2015 Footpath Renewal and Expansion Programs 2015/16 to Accurate Bricks Concrete and Landscaping for a total contract sum of \$230,150 (ex GST).*

16. CLOSE OF MEETING

The Meeting closed at 9:27pm
