

Hepburn

SHIRE COUNCIL

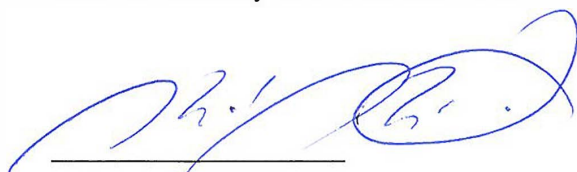
HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

TUESDAY 20 OCTOBER 2015

DOUG LINDSAY RECREATION RESERVE
VICTORIA STREET, CRESWICK
6:00PM

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Confirmed at the Ordinary Meeting of Council
held on Tuesday 17 November 2015



Chair, Mayor Cr Neil Newitt

MINUTES

TUESDAY 20 OCTOBER 2015

Doug Lindsay Recreation Reserve
Victoria Street, Creswick
Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
20 OCTOBER 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 Kate Redwood AM, Deputy Mayor Councillor Neil Newitt, Birch Ward Councillor Pierre Niclas, Creswick Ward Councillor Greg May, Holcombe Ward Councillor Bill McClenaghan, Creswick Councillor Don Henderson, Coliban Ward Councillor Sebastian Klein

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Grant Schuster, General Manager Community Services Kathleen Brannigan, General Manager Infrastructure Bruce Lucas, 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

Nil

4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Greg May noted that he has a conflict with item 11.5.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

5.1. That the Minutes of the Ordinary Meeting of Council held on 15 September 2015 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1. *That the Minutes of the Ordinary Meeting of Council held on 15 September 2015 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Neil Newitt

Carried

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Councillor Henderson asked that an item of urgent business be heard so that he can request Council to grant him leave for the Statutory Council Meeting in November.

MOTION

7.1. *That Council hears an item of urgent business.*

Moved: Councillor Greg May

Seconded: Councillor Sebastian Klein

Carried

Councillor Don Henderson explained that he will be unable to attend the Statutory Council Meeting on 10 November 2015, due to a clash with an Annual General Meeting for a private company of which he is a director and major shareholder.

MOTION

7.2. *That Council grants Councillor Don Henderson leave for the Statutory Council Meeting on 10 November 2015.*

Moved: Councillor Don Henderson

Seconded: Councillor Bill McClenaghan

Carried

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Kate Redwood AM, Birch Ward

This is my last report to Council as Mayor and so I contemplated my list of 50 or so Council activities over the last month and decided to report on the highlights under the headings:

1. Projects in the Shire coming to Fruition,
2. Projects moving Forward, and
3. Significant Representational Events

Projects coming to Fruition

At the top of the list is the Sod Turning for the Vic Park community facilities. This was certainly a moment to remember, given the years that so many have worked to have a new building. The contractors, Fairweather were already on site, and as we speak are organising the slab. So far the project is on time and on budget, with an expected date of completion, second week of April 2016. It was pleasing that there was a strong roll up of Councillors including Crs Newitt, Niclas, McClenaghan, and Henderson, and from the administration, our CEO Aaron van Egmond, GM Kathleen Brannigan, Project Manager Adam McSwain, and Communications Officer Maria Abate, and also quite a few community members who have been behind this project.

The launch of our first work under the Council's public art program was also cause for celebration. The work, Cottage, by Jason Waterhouse reflects the history of the area, and will be enjoyed by locals and visitors alike. Cr Niclas and myself were pleased to join around 50 supporting our arts initiatives at the launch.

The reopening of St George's Lake Creswick, after the rebuilding of the dam wall and adjacent recreation and picnic area was also a great celebration. Cr Henderson was commended for his lobbying for various improvements including the sandy beach areas.

Projects Moving Forward

With work moving ahead on the detailed design of the Hepburn Hub, the convening of the Heritage Advisory Committee to work through all the important aspects of heritage that must be respected, was an important step, and one that is delivering confidence that we can manage this complex project while preserving and enhancing heritage elements. The committee brings together a depth of experience from architecture, heritage, history, and local knowledge.

Andrew Laidlaw, landscape and horticultural expert reported to the working group on his broad proposals regarding the masterplan for the Wombat Hill Botanic Gardens. This was inspirational. He will brief the full Council on this project in December.

A meeting with Telstra regarding the consultation with residents at locations approved for new Telstra mobile phone towers was encouraging in providing an opportunity to discuss their priorities and constraints and the process for moving ahead on improving mobile phone coverage for the Shire. It is good to see the Council and Telstra officers working effectively on this important project.

Representational Roles

There has been a number of significant events over the month at which I represented the Council.

These included:

- The MAV Regional meeting of Mayors, CEOs and representatives, attended by Cr McClenaghan, CEO Aaron van Egmond and myself. The major issue on the agenda here was rate capping, and its expected impact on rural councils.
- The Central Highlands Mayors and CEOs meeting – a monthly event, attended by our CEO, Aaron van Egmond and myself, which looks to lobby state and federal governments as a group on funding for the region and for individual councils.
- A reception at Parliament House for Mayors, hosted by the Minister for Local Government
- The Launch of a conference held across Mt Alexander Shire and Hepburn Shire on Global and Local environmental initiatives, undertaken jointly by myself and the mayor of Mt Alexander, Cr Christine Henderson,
- The presentation of the 20 year service awards for Creswick VIC volunteers, also attended by Cr Henderson, and The Hepburn Shire Council all staff meeting at which I presented, along with Cr McClenaghan, the service awards for staff.

Finally, it has been a privilege to serve as Mayor of Hepburn Shire Council. I thank you all for your support.

COUNCILLOR REPORTS

Councillor Sebastian Klein, Coliban Ward

This month the first event, and the cream of a Councillor's role, was the Lyonville Cake Bakeoff. It was a fantastic example, both in the event and the renovated town hall, of what a community working together can achieve.

I held a Ward meeting at the Bullarto hall and attended a Trentham Hub Community Reference Group Meeting. I was proud to present to the Minister's Mayoral Advisory Panel on the topic of Deliberative Democracy with particular focus on online consultations Hepburn has conducted in concert with OurSay for our Council Plan among others.

I also presented on behalf of the Victorian Local Governance Association (VLGA), the READY Awards in Youth Services - congratulations to the St Kilda PCYC and the Maroondah City Council who were our winners of the awards. These awards recognise services that often go under the radar in communities and councils, work that ensures that young people, vulnerable people, who don't always have the privilege of the best start or the easiest start, to get the best start they can possibly get.

Finally I also presented at the Local Lives - Global Matters conference in Castlemaine on the topic of Saving the Village, namely how do we retain the spirit and essence of our small towns, our villages in the context of a country with a growing population.

I also attended a range of other events including the following:

- VLGA - Meet with Minister Hutchins
- VLGA - Councillor Leadership Dinner
- VLGA - RFSC X 2
- VLGA - Ratecapping task force
- VLGA - Board Meeting

Councillor Greg May, Creswick Ward

Since my last Councillor Report I have been unable to attend a number of events but still have a few to report on.

One of the events I missed was the turning of the first sod at Victoria Park Daylesford for the construction of the new multi-purpose facility. This project has been a high recreational priority for some years and it's great to see it finally underway. A recently upgraded St. Georges Lake in Creswick will also be something for locals to enjoy for many years into the future.

The opening of the Creswick Hub recently was one event I did attend. Along with other Councillors, Council Staff and members of the public I viewed the vastly improved facilities for both staff and ratepayers, especially the much improved library facilities.

Also recently the Dean Recreation Reserve played host to both the annual Kite Festival and Dog Trials. There was no shortage of wind for the kite festival and kids needed to be careful to construct their kites carefully in order to withstand it. There were kites of all shapes and sizes providing a great spectacle and good simple fun for the families involved. Recreation Reserve President Brian Maher contacted me about the recent Sheep Dog Trials where 46 dogs competed on the day and came from all over Victoria as well as some interstate visitors. Brian had previously been on the popular ABC radio program 'Australia All Over' and spoken to the host Macca

to advertise the event and as a result there were visitors from far and wide, many of whom had never been to a sheep dog trial before.

Two weeks ago, along with Cr. Newitt, I braved the dangers of Frazer Street Clunes to see the making of the TV series 'Tomorrow When the War Began'. Frazer Street was filled with actors, film crew, armoured personnel carriers, upturned cars and even palm trees for the making of the show. The finished product will be on ABC television in coming months.

I was also interested to read an article recently in the Creswick District News about Pat Gilchrist and Carol Pearce and the recognition they had received from Tennis Victoria. Pat and Carol were for many years the heart and soul of junior tennis in the Creswick area and thoroughly deserve the recognition they received.

Councillor Bill McClenaghan, Holcombe Ward

Straight after the September Council Meeting, I attended an all staff meeting on Wednesday morning, together with the Mayor. We both had the pleasure of presenting staff long service awards. We certainly have some stars.

On 21st September, I attended the first sod turning at the site of the new Victoria Park pavilion in Daylesford. The old asbestos ridden buildings were already gone as were some old trees that were in the way. Many sods had been turned already but this was the official one with state government and local stakeholder participation.

Monday 12th October saw the Mayor and CEO and me as MAV rep attend the MAV Rural South Central Forum in Ballarat at the Town Hall. These forums are for exchanging information about what our Shires are doing.

On Wednesday 14 October, I attended what was to be the AGM of the Glenlyon Recreation Reserve Special Committee that is now to occur prior to Christmas. It's pleasing to note that a cricket club from Trentham is now a user group at Glenlyon. The new big shed is now practically completed and fully wired up for use. This has overcome major storage issues of user group equipment at this reserve.

There are currently two projects being planned in Holcombe Ward. First is Glenlyon Shire Hall restoration and associated streetscape works. There has been a delay in securing RDV funding for this. Second is a rotunda for the Clydesdale Hall. Council has funded two rotundas this year for \$15,000 each at Clydesdale and Smeaton. The Smeaton structure will keep the wooden statue of Captain Hepburn (pronounced "Heburn") dry and out of the weather. Both communities are now working co-operatively seeking quotes for construction using the Clydesdale plans.

Councillor Pierre Niclas, Birch Ward

Madam Mayor, I am very pleased to be able to report to you and my fellow Councillors that Hepburn Shire Council has begun to reap the huge benefits associated with maintaining a strong financial focus over the past 3 years. The final F14/15 Annual Report along with the 1st Qtr. F15/16 results clearly indicates that this Shire is heading in the right financial direction. This is made even more pleasing when viewed through the lens of a Financial Risk evaluation, in the space of only 3 Yrs, Hepburn Shire Council has successfully improved its Financial risk evaluation by VAGO from a "High" risk Council to one that is "Low" risk - a massive step to ensuring this Council is well placed to both manage and even flourish under the new rates capping model.

Events attended / duties covered off.

- Victoria Park Sod Turning - the Mayor was very happy to the point where she placed a Daylesford FC scarf on me - something very tough for a Hepburn supporter - oh well, it was a worthwhile cause.
- Annual Financial Report & Annual Performance Statements signing.
- Central Springs Art Installation.
- Daylesford U3A AGM.
- MSRAC meeting.
- Birch Ward meeting.
- Numerous 1on1 / F2F meetings with ratepayers and residents.

I realise we often acknowledge the good work that our individual volunteers and volunteer groups do in and around all our towns / hamlets etc. however I would just like to take a moment to mention, make note of a few recent highlights;

1. I recently attended the Daylesford U3A AGM in the old Senior Citizens rooms at the Daylesford Town Hall where the now ex-President of U3A Daylesford - Mr. David Hall was recognised / acknowledged in the 2015 Victorian Seniors of the Year event with an Achiever Award - one of only ten awarded in Victoria. Although David was very humble when talking about this award, everyone acknowledged that the award was well warranted due to the many years of dedicated service David had provided to both the Daylesford U3A group and those individuals in need.

It's also worth noting that at the AGM, the Member for Ballarat - Ms. Catherine King also officially attended this meeting to help launch a new publication by Keira Lockyer and fellow U3A authors called "Reflections", this is a special book which comprehensively covers the past 15 years of Hepburn Springs and surrounds. It is full of local knowledge and colourful characters that have helped form the area and is excellent value at \$35.00 per copy, it is

available at the Book Barn at Lake Daylesford. Please avail yourselves of this fantastic read.

2. The 2015 Swiss Italian Festa opens tomorrow, as is always the case it is full of exciting events, all of which are there to help celebrate the wonderful Italian & Swiss history / heritage of Hepburn and surrounds.

Please take a moment to look through the events register as I am sure theirs will be something there that will bring a smile to your face. My congratulations go to the Swiss & Italian Committee for preparing another exciting event and hopefully I'll see you all at this years Grand Parade down Main Rd Hepburn starts 10.30am this Saturday morning.

Can I quickly also mention Jim Neville - who's Jim Neville you ask ? Jim Neville is the apprentice butcher at Albert St Meats and was just awarded the Australian Meat Industry Council's Victorian Apprentice of the Year Award. Congratulations to Jim and to Albert St Meats and if your in Daylesford any time soon, please drop by wish them both the best - and buy some great quality meat while your there.

Councillor Neil Newitt, Cameron Ward

Councillors, Cameron Ward grew to include a new community this month– with the addition of Wirrawee to Clunes.

The week of 5-9 October saw Clunes transformed into the seaside setting of fictional village Wirrawee as the main film location for the joint ABC/BBC mini-series of the John Marsden novel "Tomorrow When the War Began".

Filming required Fraser Street to be closed for the week and turned into a war zone with cars alight, armoured vehicles and an invading force taking over the town. As exciting as it was, due consideration and effort was given to resolving the impact on locals and traders around how to facilitate this with the minimum of disruption to the community.

Thanks to Council Officers - particularly Events Co-ordinator Rebecca Pedretti who attended the set each day, liaising with the community and the production team to minimize concerns of residents.

Any issues raised will be factored into future requests for filming – not just in Clunes, but across our Shire.

More than 100 crew and cast came to Clunes for filming. Some 40 locals also took part as extras.

Extras received around \$18,000 in payment, local accommodation was largely booked out, community groups received generous donations from the production and businesses affected were compensated. It is suggested around \$80,000 directly

came into the community from the week's filming, apart from the cost of the production for the week.

Cr May, Council Officers and myself had a tour of the set during the filming, and I spoke with some of the production team after filming wrapped up on Friday. They were very appreciative of the way the community had embraced the filming, and signalled they would look forward to future opportunities to film in and around Clunes.

And there is a connect to regional growth, with the news that a couple of the production crew are now interested in property around Clunes with the wish to make the town their home.

Finally, congratulations to Cr Kate Redwood on her term as Mayor. You will hear from Councillors and Mayor Redwood at the Special Council Meeting to be held on 10 November. As we have a large gallery here tonight, you are all welcome to come along to the special meeting.

Councillor Don Henderson, Creswick Ward

This coming weekend will see the AGM of the Miners and Prospectors held at Creswick, 250 delegates and their families will be here and staff are to be commended for working closely with them to make this happen, they will utilise Hammon Park as an area for camper trailers.

As reported by Cr May people came to Dean for the sheepdog trials with 46 dogs. They came from all areas and as far as NSW. Credit must go to Brian Maher for all his work in setting up and pulling down pens.

The newly completed St Georges Lake works were an example of community consultation working well, despite early ideas not to consult much, the project was well received with few complaints.

It should be noted that David Preston from GDP Transport who have their depot just over the back of this reserve has been inducted into the Transport Hall of Fame.

The saga of the Victoria Park project is nearing an end and the previous council and this one worked hard to achieve this outcome. The significant trees that were removed will come to Creswick to be processed and incorporated into the building.

Unfortunately streetscape works will not start in Creswick until November but it is important to wait to get a better result.

I have been working with scouts to help them get to the Jamboree and I note that the La Gerche venturers are here with us tonight.

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 Bill McClenaghan

Seconded: Councillor Pierre Niclas

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. PETITION – REQUEST FOR AN ENVIRONMENT EFFECTS STATEMENT FOR CLUNES

SUMMARY

Council has received a Petition with 212 signatures which states:

“We the undersigned, ask Hepburn Shire to request the Planning Minister to instruct Mt Rommel Mining Ltd, or any other body which seeks to conduct mining in Clunes, to produce an Environment Effects Statement.

An Environment Effects Statement is a summarised assessment of the environmental impacts of a proposed development.

71% of respondents of a short survey returned at the Clunes Goldmine Information Night on 31st Aug 2015, indicated they did not want a mine to proceed in Clunes. The residents of Clunes have expressed their severe reservations about the construction and operation of a gold mine in the centre of their small rural township.

Concerns include:

- health risks, particularly to children, those with low immunity and breathing difficulties from submicron dust from ore processing,
- accidental spillage from transport and storage of toxic chemicals,
- leaching of heavy metals into Creswick Creek and surrounding environment,
- toxic flows downstream affecting farmers,
- increased dust and noise pollution,
- damage to heritage buildings and houses by underground blasting,
- and dropping property values.

Therefore, we believe an Environment Effects Statement is vital for the Clunes community."

In addition to the submitted petition, an online petition on the same topic had 282 signatures as at 15 October 2015 . See: <https://www.communityrun.org/petitions/an-environment-effects-statement-for-clunes-2>

OFFICER'S RECOMMENDATION

That Council:

- 9.1.1. Receives the Petition requesting Council to request the Planning Minister to instruct Mt Rommel Mining Ltd, or any other body which seeks to conduct mining in Clunes, to produce an Environment Effects Statement, and notes that the petition lay on the table for one month.
- 9.1.2. Refers the petition to the Manager Strategic Asset Management for preparation of a report for consideration at the November 2015 Council Meeting.
- 9.1.3. Advises the head petitioner of the above process.

MOTION

That Council:

- 9.1.1. *Receives the Petition requesting Council to request the Planning Minister to instruct Mt Rommel Mining Ltd, or any other body which seeks to conduct mining in Clunes, to produce an Environment Effects Statement, and notes that the petition lay on the table for one month.*
- 9.1.2. *Refers the petition to the Manager Strategic Asset Management for preparation of a report for consideration at the November 2015 Council Meeting.*
- 9.1.3. *Advises the head petitioner of the above process.*

Moved: Councillor Neil Newitt

Seconded: Councillor Don Henderson

Carried

9.2. PETITION – PROPOSED LOCATION OF THE NEW TELSTRA TOWER FOR BULLARTO

SUMMARY

Council has received a Petition with 61 signatures from residents of Bullarto North, Bullarto South and nearby areas which states:

“We the undersigned residents of Bullarto North, Bullarto South and nearby areas oppose the proposed location of a new 35 metre Telstra tower at the Brunts Rd exchange in North Bullarto.

It is literally in the very LOWEST location possible in Bullarto, an area that is known to flood and is located at the northern most extremity of residences that extend several kilometres to the south. At this location it will also be highly obtrusive to adjacent properties and residences.

We believe there are far superior sites for both coverage and aesthetics to the south in farmland or on wide road reserves where there is readily available access, power and reasonable proximity to optic fibre cable.

There are various sites that could be considered that are at least 20 metres higher in elevation and that are much more central to the many residences of Bullarto South.

We ask Telstra and Council to thoroughly explore these alternative options.”

OFFICER’S RECOMMENDATION

That Council:

- 9.2.1. Receives the Petition requesting Telstra and Council to thoroughly explore alternative options for a new Telstra tower in the Bullarto area and notes that the petition lay on the table for one month.
- 9.2.2. Refers the petition to the General Manager Community Services for preparation of a report for consideration at the November 2015 Council Meeting.
- 9.2.3. Advises the head petitioner of the above process.

MOTION

That Council:

- 9.2.1. *Receives the Petition requesting Telstra and Council to thoroughly explore alternative options for a new Telstra tower in the Bullarto area and notes that the petition lay on the table for one month.*
- 9.2.2. *Refers the petition to the General Manager Community Services for preparation of a report for consideration at the November 2015 Council Meeting.*
- 9.2.3. *Advises the head petitioner of the above process.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Pierre Niclas

Carried

9.3. QUESTIONS

Question 1: From Ms Liz Burns

How much does Council spend on roadside maintenance each year?

Please give breakdown in labour, inputs such as chemicals & fuel & Capital equipment

Answered by Mayor Councillor Kate Redwood AM

Council undertakes a range of roadside maintenance works including tree pruning, drain cleaning and maintenance, shoulder grading, mowing and weed control. Our road management budget and recording of costs does not separate out maintenance of the various tasks.

We understand you have been working with our Works Coordinator in considering weed management practices and alternative treatment options. As part of these discussions, we can provide further information to support changing work methods where appropriate.

Question 2: From Ms Liz Burns

How many km of road does Council manage?

Answered by Mayor Councillor Kate Redwood AM

Council manages and maintains 590 kilometres of sealed road and 833 kilometres of unsealed roads throughout the Shire.

Question 3: From Ms Saskia Post

What definitive evidence of community support for the current "New Mechanics" proposal does council have other than the 96 people who voted in the "What's in a name Survey?", that is the names of individual members of the community groups represented, and those of individual residents that are not members of the community groups that make up the 'Trentham Hub Community Reference Group' to endorse this document which purports to represent the Trentham Community.

Answered by Mayor Councillor Kate Redwood AM

Broad community consultation occurred through development of the Trentham Community Facilities Review. Following this, a Community Reference Group was established with members representing a variety of community groups. During development and refinement of the designs, there was further public community consultation and all feedback was considered.

Question 4: From Ms Saskia Post

Preamble: The current Mechanic's Hall will be completely torn down to build the "New Mechanics". The perceived community support is currently a contentious point, as there is a large percentage of the community that does not want the hall destroyed. The Hall holds, cultural, historical, and social significance for Trentham, and is a vast part of a Hall network within Victoria, both as artistic and social centres of the community that have been used for over 120 years.

Is it then not a possibility that Council considers using their legal power to rescind their motion to build the Trentham Hub on the Mechanics site and make a legal decision, that protects their reputation, by building the Trentham Hub on the land of 14A Victoria Street?

Answered by Mayor Councillor Kate Redwood AM

Council's previous resolution on 16 September 2014 was to endorse the draft concept design, proposed governance model and business plan for the Trentham Community Hub. At the same meeting it noted that Officers will commence applying for external funding for the capital cost of the Trentham Community Hub.

The draft concept design is on the Trentham Mechanics Institute site.

9.4. REQUESTS TO ADDRESS COUNCIL

1. Mr Peter Rice, representing the Clunes Mine Action Group, spoke in opposition to mining exploration or other mining activity in Clunes.

2. Ms Gayle Osborne, representing Wombat Forestcare, spoken in opposition to mining exploration or other mining activity in Clunes.

3. Mr David Stephens, representing Wombat Forestcare, spoke in relation to issues being heard by State Government (Department of Environment Land Water and Planning) on environmental matters with mining applications. Mr Stephens requested that Council reinstates its Sustainability Advisory Committee to deal with issues facing Council as a planning authority in mining applications.

4. Ms Barbara Curzon-Siggers, spoke in opposition to mining exploration or other mining activity in Clunes.

5. **Ms Prue Simmons**, spoke in opposition to mining exploration or other mining activity in Clunes.

6. **Ms Cate Evans**, spoke in relation to concerns with the Trentham Hub Community Reference Group and site selection.

7. **Ms Suzie Spence**, Chairperson of the Trentham Hub Community Reference Group, spoke in relation to the proposed agreement between Council and the Trentham Community.

10. STATUTORY PLANNING REPORTS

10.1. SUBDIVISION OF THE LAND INTO TWO LOTS AND REMOVAL OF ONE NATIVE TREE AT 41 HYDE PARK ROAD, CRESWICK (PA 791) CHIEF EXECUTIVE OFFICER

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

PURPOSE

The purpose of this report is to assist Council in making a determination regarding the application for a two lot subdivision and removal of one native tree at 41 Hyde Park Road Creswick.

BACKGROUND

The application was received on the 12/03/2015 for the subdivision of the land into 2 lots and native vegetation removal. The subject site is an irregular shape having a 70.4m frontage to Hyde Park Road and a total area of 5074sqm. The land is developed with an existing dwelling.

The land is zoned Low Density Residential Zone (LDRZ) and is subject to an Environmental Significance Overlay - Schedule 1 (ESO1) and a Bushfire Management Overlay (BMO).

The application was advertised and 6 objections have been received.

The application was referred to the Country Fire Authority (CFA) pursuant to Clause 66 of the Hepburn Planning Scheme. CFA have given conditional consent to the proposed subdivision.

ISSUE/DISCUSSION

State and Local Policy

State and Local Planning Policy encourages new development within township areas where infrastructure and services are available. The Municipal Strategic Statement (MSS) seeks to consolidate development in existing urban areas while ensuring new development contributes to the neighbourhood character.

The subject site is located within urban growth boundary on the Creswick Structure Plan. The subdivision has been designed to minimise native vegetation removal from the site and would maintain the existing built form in this section of Hyde Park Road.

The site is located close to the Creswick Commercial Centre and is serviced by a sealed roadway.

Clause 13.05 of the State Planning Policy Provisions refers to Bushfire and includes in its strategies to:

- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire and;
- Ensure the risk to existing residents, property and community infrastructure from bushfire will not increase as a result of future land use and development.

The applicant submitted a Bushfire Management Statement which demonstrated compliance with the requirements of the BMO.

Zoning and Overlay Provisions

The purpose of the LDRZ is to provide for low density residential development. Clause 32.03-3 of the LDRZ allows for subdivision down to 2000 sq metres where lots can be connected to reticulated sewerage. Both lots would be connected to reticulated sewerage and water.

The proposal will meet the objectives of the Environmental Significance Overlay - schedule one (ESO1) which relates to water protection within the catchment. The site will be connected to reticulated water and sewerage and has minimised the removal of vegetation.

The proposal will meet the objectives of the BMO. The applicant submitted a Bushfire Management Statement that satisfied objectives of the BMO. The CFA has given conditional consent to the subdivision.

Hepburn Planning Scheme Particular Provisions - Native Vegetation

Native vegetation removal is required pursuant to Clause 52.17 of the Hepburn Planning Scheme. The lots have been designed to avoid and minimise native vegetation removal in accordance with Clauses 12.01-1 'Protection of Biodiversity' and Clause 12.01-2 'Native Vegetation Management'.

The proposal includes the removal of one acacia melanoxyon tree located within the proposed building envelope as designated within the Bush Fire Management Statement. No referral is triggered to the Department of Environment, Land, Water and Planning (DELWP). A condition will be included requiring appropriate offsets in accordance with state planning provisions - Clause 12.01-2 Native Vegetation Management.

Hepburn Planning Scheme Particular Provisions – Subdivision and Public Open Space Contribution.

Under the provisions of clause 52.01-1 a subdivision is exempt from a public open space requirement if it is a two lot subdivision and council considers it unlikely that each lot will be further subdivided.

The minimum lot size for subdivision in the LDRZ is 2000m². As the proposed lots are 2275m² and 2799m², it is considered unlikely that they will be further subdivided. This qualifies the subdivision for the exemption from a public open space contribution.

KEY ISSUES

The application has been advertised by sending notices to adjoining and adjacent owners and occupiers. As a result, 6 objections have been received which can be summarised below. Each point is addressed in italics:

- The density of lots is too high and the subdivision does not reflect or respect the neighbourhood character and amenity of the area.

The proposed subdivision meets the minimum lot size in the LDRZ. There are a mixture of lot sizes in the area and the lots sizes proposed are reflective of these.

- Rural residential development should be located in areas to avoid or minimise any adverse impact on the environment, native vegetation and biodiversity of an area

Limited vegetation removal has been proposed and ample opportunity exists for landscaping within the set back areas that can further contribute to the amenity of the subject site.

- The access is not adequate and will cause traffic issues for my dwelling having the driveway access along my boundary line.

The access provisions for the site achieve Council's requirements for a minimum 5m wide access way.

- The proposal would result in lowering of property values

Property valuation is not a planning consideration .

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

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 subdivision supports the objectives and outcomes of infill development as stated in the State and Local policies of the Hepburn Planning Scheme. The subject site is located within the defined urban growth boundary on the Creswick Structure Plan where development is encouraged. The subdivision layout would maintain the prevailing subdivision pattern in this area.

The proposed lot 2 has been shown to be capable of being developed with a dwelling to meet the relevant bushfire safety objectives.

Native vegetation removal is minimal (one tree). The offset required meets the objective of maintaining the stock of native vegetation.

OFFICER'S RECOMMENDATION

That Council having caused notice of planning application PA 791 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 32.03, 44.06 and 52.17 of the Hepburn Planning Scheme in respect of the land known and described as 41 Hyde Park Road, Creswick, for the two lot subdivision and removal of native vegetation with the application dated 12/03/2015 subject to the following conditions:

10.1.1. LAYOUT NOT ALTERED

The subdivision as shown on the endorsed plans must not be altered without the further consent from the Responsible Authority.

10.1.2. STANDARD SERVICING CONDITIONS (2 lot subdivision)

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

10.1.3. ENGINEERING CONDITIONS

All stormwater discharged from the subject land shall be conveyed to a legal point of discharge to the satisfaction of the responsible authority. No stormwater shall drain or discharge from the land to adjoining properties.

Vehicle access/crossing to the land must to be located and constructed of material to the satisfaction of the responsible authority.

All costs incurred in complying with the above conditions shall be borne by the applicant/owner.

10.1.4. NATIVE VEGETATION OFFSET

In order to offset the removal of 0.074Ha of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the native vegetation gain scoring manual (DEPI 2013)

The offset must:

- Contribute gain of 0.003 general biodiversity equivalence units;
- Be located within the North Central Catchment Management Authority boundary or Hepburn Shire; and
- Have a strategic biodiversity score of at least 0.080

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority.

This evidence must take the form of:

- A recognised agreement with the responsible authority, supported by legislation, that includes an onsite management plan

OR

- Evidence of a secured third party offset, such as an allocated credit register extract from the native vegetation credit register

OR

- Any other form specified in Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013)

10.1.5. MANDATORY CONDITION SUBDIVISION IN BMO

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987.

The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Hepburn Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

10.1.6. COUNTRY FIRE AUTHORITY

Amended Bushfire Management Plan required

Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement. The BMP must be substantially in accordance with the Bushfire Management Plan (figure 9) by Regional Planning & Design Pty. Ltd., dated 5/3/2015 and must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Construction standards

Nominate a minimum Bushfire Attack Level of BAL 29 that the future buildings on the lot 2 will be designed and constructed.

10.1.7. NOTE: PERMIT EXPIRY

This permit will expire if the plan of subdivision is not certified within two years of the date of this permit.

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

Under section 7 of the Subdivision Act 1988, the plan of subdivision must be registered within five years of the date of certification.

MOTION

That Council having caused notice of planning application PA 791 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 32.03, 44.06 and 52.17 of the Hepburn Planning Scheme in respect of the land known and described as 41 Hyde Park Road, Creswick, for the two lot subdivision and removal of native vegetation with the application dated 12/03/2015 subject to the following conditions:

10.1.1. **LAYOUT NOT ALTERED**

The subdivision as shown on the endorsed plans must not be altered without the further consent from the Responsible Authority.

10.1.2. **STANDARD SERVICING CONDITIONS (2 lot subdivision)**

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation the time; and
- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National

Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

10.1.3. ENGINEERING CONDITIONS

All stormwater discharged from the subject land shall be conveyed to a legal point of discharge to the satisfaction of the responsible authority. No stormwater shall drain or discharge from the land to adjoining properties.

Vehicle access/crossing to the land must be located and constructed to a bitumen sealed surface to the satisfaction of the responsible authority.

All costs incurred in complying with the above conditions shall be borne by the applicant/owner.

10.1.4. LANDSCAPE PLAN REQUIRED

Prior to the commencement of the development, a landscape plan must be prepared and submitted to the Responsible Authority for approval. The plan must show:

- *landscaping (screen planting) along the western boundary of the driveway of lot 2; and*
- *landscaping (screen planting) along the south-eastern and northern*

boundary of lot 2 immediately adjoining the lot to the north.

All vegetation must be locally indigenous to the area and maintained to the satisfaction of the Responsible Authority including that any dead vegetation is replaced in accordance with the landscape plan.

No vegetation other than that proposed to be removed as identified in the Native Vegetation Removal report dated 27/04/2015 can be removed without the further consent of the Responsible Authority.

10.1.5. NATIVE VEGETATION OFFSET

In order to offset the removal of 0.074Ha of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the native vegetation gain scoring manual (DEPI 2013)

The offset must:

- *Contribute gain of 0.003 general biodiversity equivalence units;*
- *Be located within the North Central Catchment Management Authority boundary or Hepburn Shire; and*
- *Have a strategic biodiversity score of at least 0.080*

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority.

This evidence must take the form of:

- *A recognised agreement with the responsible authority, supported by legislation, that includes an onsite management plan*

OR

- *Evidence of a secured third party offset, such as an allocated credit register extract from the native vegetation credit register*

OR

- *Any other form specified in Permitted clearing of native vegetation –*

Biodiversity assessment guidelines (DEPI 2013)

10.1.6. **MANDATORY CONDITION SUBDIVISION IN BMO**

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987.

The agreement must:

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Hepburn Planning Scheme.*
- *Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

10.1.7. **COUNTRY FIRE AUTHORITY**

Amended Bushfire Management Plan required

Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement. The BMP must be substantially in accordance with the Bushfire Management Plan (figure 9) by Regional Planning & Design Pty. Ltd., dated 5/3/2015 and must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Construction standards

Nominate a minimum Bushfire Attack Level of BAL 29 that the future buildings on the lot 2 will be designed and constructed.

10.1.8. **NOTE: PERMIT EXPIRY**

This permit will expire if the plan of subdivision is not certified within two years of the date of this permit.

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

Under section 7 of the Subdivision Act 1988, the plan of subdivision must be registered within five years of the date of certification.

Moved: Councillor Neil Newitt

Seconded: Councillor Sebastian Klein

Carried

ATTACHMENT 1 - PLANNING APPLICATION PA791 – SITE PLAN

SITE CONTEXT & PROPOSED PLAN OF SUBDIVISION



NOTATIONS

Levels are to an arbitrary datum
Contour interval is 0.2m

LEGEND

- ELECTRICITY PIT
- ⊙ ELECTRICITY POLE
- TELSTRA PIT
- ◇ WATER METER
- SEWER PIT
- ⊗ TREE

LEVEL AND FEATURE PLAN

42 HYDE PARK ROAD, CRESWICK
LOT 1 ON LP 88195

MARCH 2015

CWALSHOBBS
LAND SURVEYORS
2A DUKE STREET, PO BOX 77
DAYLESFORD, 3460 T&F 5348 3833

ORIGINAL	SURVEYORS REF.
SCALE	2808
1:500	
SHEET SIZE	SHEET 1 OF 1
A3	

**10.2. HEPBURN PLANNING SCHEME – AMENDMENT C62 – COMBINED PLANNING SCHEME AMENDMENT TO AMEND CLAUSE 52.03 (SPECIFIC SITES AND EXCLUSIONS) AND PLANNING PERMIT APPLICATION TO SUBDIVIDE LAND INTO THREE (3) RESIDENTIAL LOTS – 96 LAKE ROAD, DAYLESFORD
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 to recommend for Council to abandon Planning Scheme Amendment C62, the combined planning scheme amendment to amend Clause 52.03 and planning permit application to subdivide land into three residential lots at 96 Lake Road, Daylesford.

BACKGROUND

A request was received from PS Planning on behalf of Mr Justin Thomson (ATF Thomson Trust) in 2013 for a combined planning scheme amendment and permit pursuant to Section 96A of the *Planning & Environment Act 1987* (the Act) to amend Clause 52.03 (Specific Sites and Exclusions). The purpose of the amendment is to allow the subdivision of an existing residential building into three lots in the Low Density Residential Zone (LDRZ) which would be prohibited.

The amendment documents were submitted to Department of Environment, Land, Water and Planning (DELWP) in January 2014 and authorisation was granted by the department on the 17 February 2014. The planning application was referred in January 2014, to all authorities in accordance with section 19 of the Act.

At a meeting in June 2015, DELWP highlighted concerns with the amendment stating that there were similar parallels with a another amendment which had recently been refused to create a two lot subdivision of existing dwellings. The refusal was based on:

- the amendment not being an appropriate application of the Victorian Planning Provisions. The amendment does not achieve the purpose of the zone; and
- the lack of strategic direction for the change in lot density, which would result in an inconsistent application of planning policy.

It was clear at this meeting that DELWP were unlikely to support the amendment. DELWP advised of the need for caution and advised it was up to Council whether they wish to proceed with the amendment. Council advised the owner that the amendment should not proceed and that a recommendation would be made to Council to abandon the amendment. In light of this information, the owner has stated that they wish to proceed with the combine amendment and permit.

ISSUE/DISCUSSION

Assessment of the proposal suggests that the amendment is unlikely to receive the Department's support as it lacks strategic justification. The minimum subdivision size for a lot in the LDRZ must be no less than 0.4ha. LDRZ is the only zone with no opportunity to schedule out a smaller lot size than the specified minimum.

The amendment proposed would allow for a lot size down to 743 square metres with the largest lot being 1321 square metres in area. The LDRZ states that any lot size must be at least 0.4 hectare (4000 square metres), therefore the proposal to have the schedule to Clause 52.03 of the Hepburn Planning Scheme amended to allow the subdivision of the subject site is not consistent with the Victorian Planning Provisions. The reason is that it is in direct conflict with the provisions of the LDRZ. DELWP has indicated that the proposal is unlikely to receive support given it's not an appropriate application of the Victorian Planning Provisions and it lacks strategic direction for the change in lot density.

The site is within the urban growth boundary however it is outside the area identified as preferred minimum lot size of 1- 2ha. The area is unlikely to be considered for a rezoning to a General Residential Zone in the short to medium term. The argument that the amendment would result in 'no material change or impact to the surrounding area' is insufficient to warrant an amendment to the planning scheme.

Unlike a permit application made under the Planning Scheme, Council may refuse to consider a proposal to amend its Planning Scheme. There are no appeal rights against Council if it chooses to abandon a planning scheme amendment.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This report has been prepared in accordance with Part 3 & 4 (amendments) of the *Planning and Environment Act 1987*.

Pursuant to Section 12(2) of the Act, a planning authority must have regard to the Ministerial Directions and the Victorian Planning Provisions. The proposed amendment is considered to be inconsistent with the above provisions.

FINANCIAL IMPLICATIONS

Not applicable

RISK IMPLICATIONS

Not applicable

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The planning application was informally referred to the relevant water/fire authority who raised no concerns with the application.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As part of any amendment process, a one month public exhibition period would have been undertaken in accordance with the *Planning and Environment Act 1987*. Such public exhibition would have included notices to all the prescribed Ministers, relevant service authorities and a notice of the amendment in the local newspapers circulating in the shire, as well as a notice in the government gazette.

CONCLUSION

It is considered that the continuation of planning scheme amendment C62 to the Hepburn Planning Scheme cannot be supported based as:

- the amendment lacks strategic justification and is not an appropriate application of the Victorian Planning Provisions;
- the amendment does not achieve the purposes of the zone; which allows for Low Density Residential Living in accordance with the provisions of the zone;
- the lack of strategic justification for the change in lot density, which would result in an inconsistent application of planning policy and;
- DELWP has indicated that it is unlikely to support the amendment.

OFFICER'S RECOMMENDATION

That Council:

- 10.2.1. Abandons Amendment C62 - Combined Planning Scheme Amendment to Clause 52.03 (Specific sites and exclusions) and planning permit application to subdivide the land into three residential lots - 96 Lake Road, Daylesford and writes to the Minister of Planning to advise of its decision.
- 10.2.2. Writes to the proponent advising of its decision to abandon Amendment C62 - Combined Planning Scheme Amendment to Clause 52.03 (Specific sites and exclusions) and planning permit application to subdivide the land into three residential lots - 96 Lake Road, Daylesford.

MOTION

That Council:

- 10.2.1. *Abandons Amendment C62 - Combined Planning Scheme Amendment to Clause 52.03 (Specific sites and exclusions) and planning permit application to subdivide the land into three residential lots - 96 Lake Road, Daylesford and writes to the Minister of Planning to advise of its decision.*
- 10.2.2. *Writes to the proponent advising of its decision to abandon Amendment C62 - Combined Planning Scheme Amendment to Clause 52.03 (Specific sites and exclusions) and planning permit application to subdivide the land into three residential lots - 96 Lake Road, Daylesford.*

Moved: Councillor Don Henderson

Seconded: Councillor Pierre Niclas

Carried

11. OFFICERS' REPORTS

11.1. REQUEST FROM MT ROMMEL MINING LTD TO ACCESS COUNCIL OWNED FREEHOLD LAND FOR EXPLORATORY DRILLING - SCENIC DRIVE, CLUNES 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 for Council to consider a request from Mt Rommel Mining Ltd ('Mt Rommel') for consent to access Council owned freehold land (portion of Crown allotment 2, Section A, Parish of Clunes) at Scenic Drive, Clunes for the purpose of exploratory drilling under its Mineral Exploration Licence no. EL5492.

BACKGROUND

Mt Rommel has been undertaking exploratory geotechnical works in Clunes for some time, principally utilising boring machines located on its land on the west side of Scenic Drive. These works have been undertaken pursuant to its Mining Exploration Licence which includes both its land, surrounding Crown and privately owned land.

Mt Rommel wishes to undertake similar works on Council's freehold land located on the east side of Scenic Drive. A map showing both the Mt Rommel land and Council's land is attached. The area of land where access is requested by Mt Rommel is highlighted.

On 19 June 2015, Mt Rommel sought consent to use Council's land for these purposes pursuant to the *Mineral Resources (Sustainable Development) Act, 1990* ('Act') and the *Code of Practice for Mineral Exploration* ('Code').

ISSUE/DISCUSSION

In seeking Council's consent to use Council's land for exploratory drilling, Mt Rommel submitted a proposal to conduct works over a site area of approximately 20 metres x 12 metres in two stages consisting of:

- Removal of existing vegetation cover (Blue Periwinkle) to establish the ground conditions. Works would either be done using brush-cutters or a small excavator. A small excavator would be required to remove basalt boulders. Removed vegetation was proposed to be heaped and burnt on site; and
- If, following vegetation removal, the site is suitable as a drilling site, a heavier excavator would be engaged to level/bench the area in order to site a drilling rig.

Mt Rommel has provided details in relation to site safety for both contractors and members of the public during operations and has also proposed noise mitigation measures by ensuring that machinery is banded/shrouded wherever possible.

As the proposed works would be within 200 metres of a waterway (Creswick Creek), the works do not fall within the definition of 'low impact works' under the Act. Therefore, Mt Rommel would be required to prepare and submit a Work Plan to the Department of Economic Development, Jobs, Transport and Resources ('Department') under the Act. The Department has the option of either approving the Work Plan as submitted or imposing additional conditions following consultation with a range of other stakeholders (which would include Council).

Prior to Mt Rommel submitting a Work Plan to the Department, it must have all required landowner consents in place.

Council officers advised Mt Rommel on 17 July 2015 that Council would not further consider the issue of landowner consent unless Mt Rommel undertook further community consultation in relation to its proposed activities. Section 39A of the Act provides for the licensee to undertake community consultation (Council has no legislative obligation to undertake community consultation in relation to exploratory activities).

Growing community concerns being communicated to Council were considered to be an indicator that the community had not been provided with sufficient information about Mt Rommel's proposed exploratory activities and what impacts those activities would have upon the amenity of the Clunes township. Council considered that further community consultation undertaken by Mt Rommel may alleviate a number of community concerns that full-scale mining activity was imminent by virtue of Council consenting to the use of its land for exploratory drilling.

On 23 July 2015, Mt Rommel requested the Mining Warden (an independent statutory office holder established under section 96 of the Act) to convene a meeting between representatives of Council and Mt Rommel to attempt to settle or arbitrate the matter of landowner consent under section 97 of the Act. At the hearing conducted by the Mining Warden on 14 August 2015, the Mining Warden reinforced that owners of freehold land have limited ability under the Act to refuse consent and that if consent is refused, a licensee may apply to VCAT for a review. The Mining Warden also suggested Council may be better placed to conduct community consultation. This may help inform the community of Council's role in exploration/mining processes and for Council to assess the community's view in relation to the proposed exploration activity on Council's land.

An independently moderated public information evening organised by a group of concerned Clunes residents took place on 31 August 2015 and was attended by Councillor Neil Newitt, Council officers and a representative from the Department.

Council officers took the opportunity to answer questions and to reinforce that:-

The only matter currently before Council is that of landowner consent to access Council owned freehold land for the purpose of exploratory drilling under the Mineral Exploration Licence; and

There is currently no proposal to commence a mining operation upon Council's land and that there are a number of significant steps that any licensee would need to take before that could occur (e.g. granting of a mining licence, planning permit application, Environmental Effects Statement).

The participation by Council officers and the Department in an information-sharing capacity for interested residents substantially satisfied Council's desire for further community consultation (as was requested of Mt Rommel by Council on 17 July 2015) and the recommendation of the Mining Warden.

Although invited to attend the public information evening, representatives from Mt Rommel and other authorities did not attend. Approximately 90 residents were in attendance.

The Mining Warden convened a further hearing on 28 September 2015 to permit Mt Rommel to make any further representations to Council in relation to landholder consent and for both parties to raise or clarify any other relevant matters. At this hearing, the Mining Warden confirmed that Council had the right to issue a conditional consent. Conditions that Council could consider include limitations on the duration/days/times during which works could be undertaken, noise limitations and emissions (e.g. dust).

In short, the options available to Council in relation to landholder consent are:

- Option 1 - Refuse consent, including the grounds upon which refusal is based; or
- Option 2 - Provide conditional consent; or
- Option 3 - Provide unconditional consent.

In the event that Council refuses landowner consent as requested, Mt Rommel may refer the matter to VCAT for review. Legal advice obtained by Council officers is that VCAT is highly unlikely to overturn Council's decision. However, the Act provides for VCAT to establish a Compensation Agreement between the parties which, in addition to setting the quantum of compensation payable to the landowner, acts as de facto consent for access to the land.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Nil Council Plan implications. The *Mineral Resources (Sustainable Development) Act, 1990* is the relevant legislation controlling mineral exploration and mining activities in Victoria.

FINANCIAL IMPLICATIONS

In the event that Council refuses landowner consent and Mt Rommel refers the matter to VCAT for review, Council's legal costs may range from \$5,000 to \$40,000 depending on the level of representation required by Council and the number of days set aside for the hearing of the review.

Compensation Agreements imposed as a result of VCAT review generally provide for very low monetary sums payable to a landowner (less than \$500).

RISK IMPLICATIONS

It is considered that there are significant risks associated with the proposal with limited controls available to mitigate these risks.

Whilst a Work Plan will be required to be submitted by Mt Rommel and approved by the Department, the aim of which will be to identify and mitigate certain risks, the following are considered to be inherent risks:

- The proposed work site, located approximately 75 metres upslope of the Creswick Creek, will be accessed by heavy earthmoving and drilling machinery. Creswick Creek is within a Declared Water Supply Catchment under Schedule 5 of the *Catchment and Land Protection Act, 1994*. Creswick Creek flows to Tullaroop Reservoir which in turn provides a potable water supply to Maryborough and surrounding towns;
- As the proposed work site is central to Clunes township, drilling activity will generate significant noise and dust issues for residents and tourists; and
- On site burning of removed vegetation.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The land is an important recreational area for the Clunes community due to its central location and abuttal with Creswick Creek. In addition to the risk implications considered above, it is likely that mineral exploration activity will:

- Result in similar noise and dust complaints to both Council and the Ward Councillor for Clunes to those that resulted from previous exploration operations by Mt Rommel; and
- Have a negative impact upon tourism and the flow-on economic prosperity of the town.

In the event that exploratory activities lead to the establishment of future mining activities, there will be opportunities for local employment growth (currently unquantifiable), with flow-on economic benefits to the township and surrounds.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As evidenced by the documented concerns and personal representations of Clunes residents to Council, it is considered that Mt Rommel has not conducted adequate community consultation as required by the Act and the Code.

Council, as with any other private landowner that may be affected by a similar request for consent, does not have a direct responsibility to undertake community consultation under the Act. However, as Council effectively holds its land as a trustee

for its ratepayers, Council participated in the public information evening on 31 August 2015 in an attempt to inform the community of its role in the mining process.

CONCLUSION

An application for landowner consent to access Council owned freehold land for mineral exploration purposes has been received from Mt Rommel and Council officers have fully considered the implications of the request and the options available to Council.

OFFICER'S RECOMMENDATION

That Council:

11.1.1. Resolves to refuse consent for Mt Rommel Mining Ltd to access Council owned freehold land comprising portion of Crown allotment 2, section A, Parish of Clunes and situated at Scenic Drive, Clunes for mineral exploration purposes upon the following grounds:

- The land is an important recreational area for the Clunes community due to its central location and its abuttal with Creswick Creek;
- Creswick Creek is within a Declared Water Supply Catchment which flows to Tullaroop Reservoir which in turn provides a potable water supply to Maryborough and surrounding towns;
- The activity will pose a heightened environmental risk to the Creswick Creek from heavy earthmoving and drilling machinery operating approximately 75 metres upslope of the creek;
- The activity is likely to generate significant noise and dust issues for residents and tourists;
- Mt Rommel has been unable to identify when access would be required;
- Exploration activity in this location will likely impact negatively on tourism and in turn the economic prosperity of the township;
- Burning of removed vegetation on site creates an unacceptable fire risk during the Fire Danger Period;
- Previous mineral exploration activities by Mt Rommel Mining Ltd on adjacent land resulted in numerous noise and dust complaints;

- Council considers that Mt Rommel has not conducted adequate community consultation as required by the Act and the Code;
- Mt Rommel Mining Ltd has indicated that as a result of its current knowledge of the ore body, the further exploration activities could be conducted from its own land.

MOTION

That Council:

11.1.1. *Resolves to refuse consent for Mt Rommel Mining Ltd to access Council owned freehold land comprising portion of Crown allotment 2, section A, Parish of Clunes and situated at Scenic Drive, Clunes for mineral exploration purposes upon the following grounds:*

- The land is an important recreational area for the Clunes community due to its central location and its abuttal with Creswick Creek;*
- Creswick Creek is within a Declared Water Supply Catchment which flows to Tullaroop Reservoir which in turn provides a potable water supply to Maryborough and surrounding towns;*
- The activity will pose a heightened environmental risk to the Creswick Creek from heavy earthmoving and drilling machinery operating approximately 75 metres upslope of the creek;*
- The activity is likely to generate significant noise and dust issues for residents and tourists;*
- Mt Rommel has been unable to identify when access would be required;*
- Exploration activity in this location will likely impact negatively on tourism and in turn the economic prosperity of the township;*
- Burning of removed vegetation on site creates an unacceptable fire risk during the Fire Danger Period;*
- Previous mineral exploration activities by Mt Rommel Mining Ltd on adjacent land resulted in numerous noise and dust complaints;*
- Council considers that Mt Rommel has not conducted adequate community consultation as required by the Act and the Code;*
- Mt Rommel Mining Ltd has indicated that as a result of its current knowledge of the ore body, the further exploration activities could be conducted from its own land.*

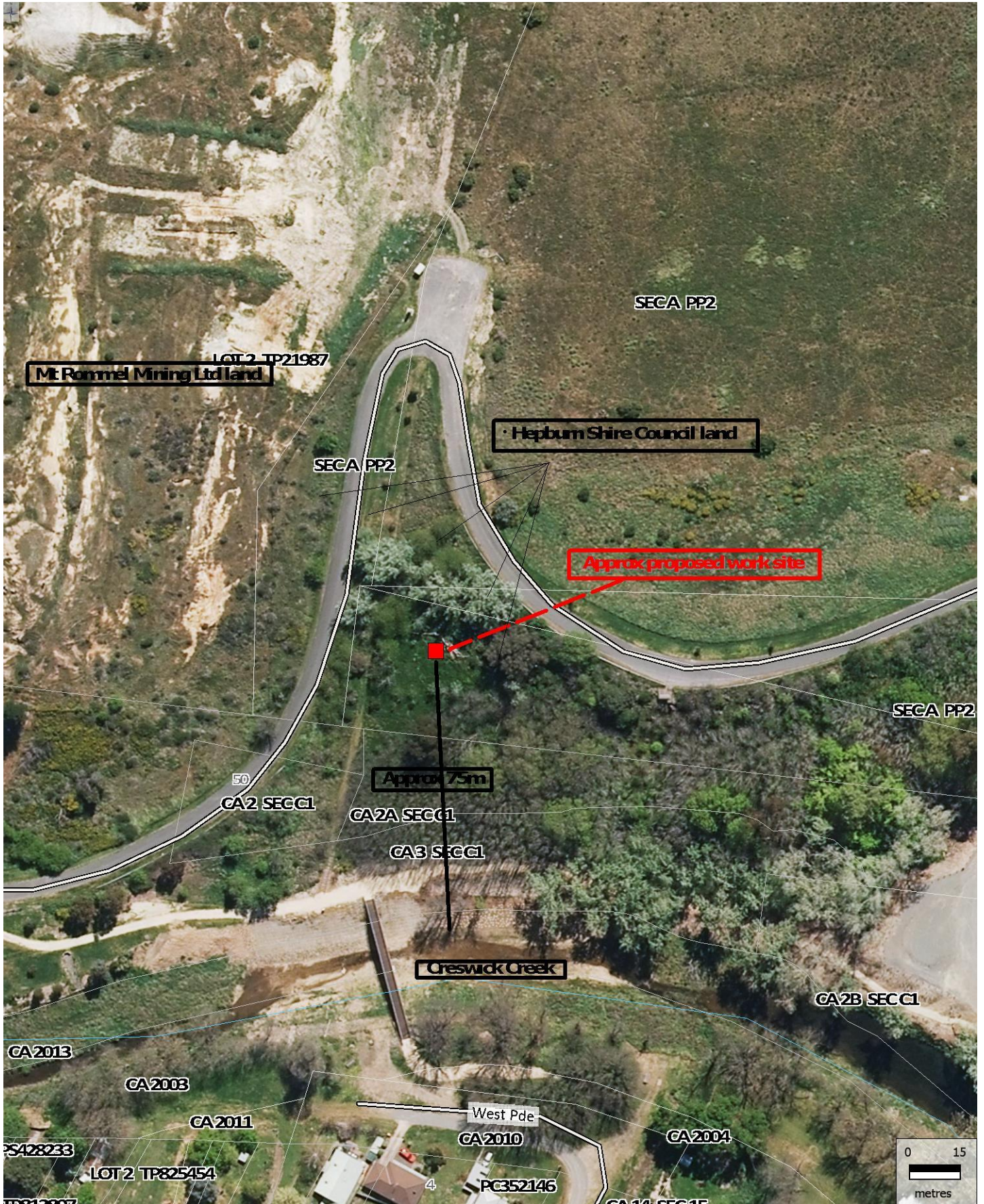
Moved: Councillor Neil Newitt

Seconded: Councillor Pierre Niclas

Carried

ATTACHMENT 2 - SCENIC DRIVE, CLUNES – PLAN

Attachment 1 - Mt Rommel Mining Ltd - Scenic Drive, Clunes



Hepburn
SHIRE COUNCIL

Created By :
 Date : Friday, 9 October 2015
 Projection : MGA Zone 55, GDA 1994
 Map Scale : 1:1,481

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

11.2. 2014/15 ANNUAL REPORT

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 receive and note the 2014/15 Annual Report.

BACKGROUND

Under the *Local Government Act 1989* (the Act), Council is required to receive the Annual Report at a meeting of Council as soon as practicable after the Council has sent the Annual Report to the Minister for Local Government (s134). The 2014/15 Annual Report was sent to the Minister on 29 September 2015, as required under the Act.

ISSUE/DISCUSSION

The 2014/15 Annual Report contains the following information as required by the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations):

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

The audited performance statement and financial statements were adopted in principle by Council at its Ordinary Meeting held on Tuesday 15 September 2015.

Key elements of the Annual Report are as follows:

- Review of performance against the Council Plan;
- Major changes that have taken place during the year;
- Other major operations, achievements and future directions;
- Legislative, economic or other factors which have had an impact on the Council's performance;
- Major policy initiatives undertaken by the Council;
- Major works undertaken or completed;
- List of names of all Councillors and their dates of election and retirement;
- Names of senior staff (executive) with brief description of their area of responsibility;
- Organisation Chart;
- Audited Performance Statement;
- Contact details of Council offices;

- Places where prescribed information can be inspected and copied;
- Victorian Local Government Performance Reporting Indicators;
- Freedom of Information;
- Information Privacy;
- Compliance with the National Competition Policy;
- Protected disclosures compliance;
- All local laws current at end of financial year;
- Number, classification and types of jobs of members of Council staff; and
- Statement in relation to equal opportunity program.

The 2014/15 Annual Report will be available for viewing at Council's offices, Hubs, Libraries and on its website once received by Council.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The requirements to prepare an Annual Report are contained in Section 131 of the Act and Part 4 of the Regulations.

FINANCIAL IMPLICATIONS

There are no unbudgeted financial implications applicable to this report.

RISK IMPLICATIONS

As lodgement has occurred within required timeframes, the legislative risks have been managed.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The public availability of the Annual Report ensures transparency and allows the public to evaluate how Council is progressing towards the objectives identified in its 2013 – 2017 Council Plan and the financial results of Council for the year ended 30 June 2015.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As required by the Act, a public notice has been placed in The Advocate and The Courier advertising Council's intention to consider the 2014/15 Annual Report at the Ordinary Meeting of Council in October.

CONCLUSION

Having met the legislative requirements for the 2014/15 Annual Report, it is presented for Council to receive it.

OFFICER'S RECOMMENDATION

That Council:

- 11.2.1. Receives and notes the Hepburn Shire Council 2014/15 Annual Report.
- 11.2.2. Makes the 2014/15 Annual Report available on Council's website and at Council's offices, hubs and libraries.

MOTION

That Council:

- 11.2.1. Receives and notes the Hepburn Shire Council 2014/15 Annual Report.*
- 11.2.2. Makes the 2014/15 Annual Report available on Council's website and at Council's offices, hubs and libraries.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Sebastian Klein

Carried

ATTACHMENT 3 - HEPBURN SHIRE COUNCIL 2014/15 ANNUAL REPORT
(ISSUED UNDER SEPARATE COVER)

11.3. FINANCIAL REPORT - AS AT 30 SEPTEMBER 2015

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager Finance and Information Technology, I Trafford Thompson have no interests to disclose in this report.

PURPOSE

The purpose of this report is to present a summary of Council's financial performance for the 2015/16 financial year up to 30 September 2015.

BACKGROUND

This report provides information on Council's operating performance for the period 1 July 2015 to 30 September 2015 and compares it to the budget adopted by Council in June 2015. The format of the report has been amended from that previously reported to provide greater consistency between quarterly and annual report formats.

ISSUE/DISCUSSION

Income Statement

The year-to-date (YTD) operating result is a \$14.2 million surplus. This surplus is \$0.2 million greater than the YTD budget.

This favourable variance is comprised of \$0.86 million unfavourable revenue variance and \$1.04 million favourable expenditure variance.

The unfavourable variance within revenue includes garbage and recycling charges down \$94k on budget due to ratepayers opting out of the extended kerbside collection, unfavourable timing variances from supplementary rates \$95k, Victorian Grants Commission payment being received in the previous financial year and the capital grant for Victoria Park Daylesford multipurpose facility not yet received.

\$1.0 million YTD favourable expenditure variance is composed of employee benefits \$0.2 million and materials and services \$0.8 million. The material and services variance is a combination of contract payments behind budget and various operating projects not progressed in line with budget.

Please refer to the Income Statement (Attachment 3) for full details.

Balance Sheet

Cash at 30 September 2015 totals \$14.7 million including \$2.3m classified as other financial assets comprising term deposits with an initial term of 4 months or greater.

Total debtors are \$17.2 million comprising \$14.5 million in rates, \$1.7 million in Fire Services Property Levy and \$1.4 million in non-rate debtors.

Council's loan balances year on year have reduced by \$1.1 million and are down to a total of \$3.0 million. This change includes the additional \$650,000 in loan repayments that Council made from savings in the 2014/15 financial year.

Please refer to the Balance Sheet (Attachment 3) for full details.

Statement of Capital Works

To date, \$0.3 million of the \$12.1 million capital works budget for 2015/16 has been spent. In addition, \$1.5 million has been committed to be spent via the purchasing process. Refer to the Statement of Capital Works (Attachment 4) for details.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

The report on the financial performance of Council for the three months from 1 July 2015 to 30 September 2015 is presented.

OFFICER'S RECOMMENDATION

11.3.1. That Council receives and notes the Financial Report for the three months from 1 July 2015 to 30 September 2015.

MOTION

11.3.1. *That Council receives and notes the Financial Report for the three months from 1 July 2015 to 30 September 2015.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Sebastian Klein

Carried

ATTACHMENT 4 - FINANCIAL REPORT AS AT 31 SEPTEMBER 2015

Hepburn Shire Council

Comprehensive Income Statement

For the Period Ended 30 September 2015

	<i>YTD Budget</i> 2015/16	<i>YTD Actual</i> 2015/16	<i>YTD Variance</i>		
	\$'000	\$'000	\$'000	%	
Income					
Rates and charges	18,019	17,833	(186)	-1%	1
Statutory fees and fines	79	113	34	43%	2
User fees	199	151	(48)	-24%	3
Grants - operating	1,442	1,213	(229)	-16%	4
Grants - capital	1,348	785	(563)	-42%	5
Contributions - monetary	66	-	(66)	-100%	6
Contributions - non monetary	-	-	-	100%	
Net gain/(loss) on disposal of assets	(14)	-	14	-100%	
Other income	368	549	181	49%	7
Total income	<u>21,508</u>	<u>20,644</u>	<u>(864)</u>	<u>-4%</u>	
Expenses					
Employee costs	2,988	2,762	226	8%	
Materials and services	2,385	1,582	802	34%	8
Bad and doubtful debts	1	82	(81)	-999%	9
Depreciation and amortisation	1,729	1,729	-	0%	
Borrowing costs	76	63	13	17%	10
Other expenses	292	211	81	28%	11
Total expenses	<u>7,471</u>	<u>6,430</u>	<u>1,041</u>	<u>14%</u>	
Surplus/(deficit) for the year	<u>14,037</u>	<u>14,214</u>	<u>177</u>		

- 1 Garbage and recycling charges down \$94K on budget and supplementary rates down \$95K.
- 2 Town planning fees up \$25K on YTD budget.
- 3 Aged services fees billed in arrears, two months actual invoicing compared against 3 months budget. Transfer station income for the quarter ending 30 September will be paid in October.
- 4 Operating grants lower due to 2015/16 grant from Victorian Grants Commission received in prior financial year.
- 5 Capital grants lower due to 2015/16 grant from Victorian Grants Commission received in prior financial year and initial milestone payments for Victoria Park Daylesford multipurpose facility not received.
- 6 No public open space contributions received to date.
- 7 Bin sales for extended kerbside collection \$60K plus rent invoiced in advance \$124K.
- 8 Several contract payments behind YTD budget including waste management \$300K and maternal and child health \$86K, plus various projects behind YTD budget.
- 9 Continue to charge 10% on turnover at the Bathhouse with 3% recorded as doubtful debt.
- 10 Borrowing costs are down due to additional loan payment made in June.
- 11 Community Grants not yet paid, including \$40K for Trentham sportsground playground replacement.

Hepburn Shire Council

Balance Sheet

As at 30 September 2015

	<i>Current Year</i>	<i>Prior Year</i>	<i>Variance Year on Year</i>		
	<i>Actual</i>	<i>Actual</i>	<i>\$'000</i>	<i>%</i>	
	<i>\$'000</i>	<i>\$'000</i>			
Assets					
Current assets					
Cash and cash equivalents	12,375	14,869	(2,494)	-20%	1
Trade and other receivables	17,224	16,263	961	6%	
Other financial assets	2,313	-	2,313	100%	1
Inventories	14	21	(7)	-50%	
Other assets	0	8	(8)	-999%	
Total current assets	31,926	31,161	765	2%	
Non-current assets					
Property, infrastructure, plant and equipment	213,497	211,781	1,716	1%	
Intangible assets	703	798	(94)	-13%	
Total non-current assets	214,200	212,579	1,622	1%	
Total assets	246,127	243,740	2,387	1%	
Liabilities					
Current liabilities					
Trade and other payables	250	1,491	1,241	497%	2
Trust funds and deposits	2,992	2,874	(118)	-4%	
Provisions	1,982	1,916	(66)	-3%	
Interest-bearing loans and borrowings	249	1,724	1,475	591%	3
Other Liabilities	18		(18)	-100%	
Total current liabilities	5,491	8,005	2,514	46%	
Non-current liabilities					
Provisions	500	496	(4)	-1%	
Interest-bearing loans and borrowings	2,717	2,293	(424)	-16%	3
Other Liabilities	134	152	18	13%	
Total non-current liabilities	3,350	2,941	(409)	-12%	
Total liabilities	8,841	10,946	2,105	24%	
Net assets	237,286	232,794	4,492	2%	
Equity					
Accumulated surplus	151,281	147,403	3,878	3%	
Reserves	86,004	85,391	613	1%	
Total Equity	237,286	232,794	4,492	2%	

1 Term deposits with an original maturity date of 4 months or greater are required to be classified as Other Financial Assets, previously recorded as cash and cash equivalents.

2 Prior year included \$990K accrued expense for the refund of national disaster funding.

3 Refinancing of loan for defined benefits liability from current to non-current through LGFV, \$1.4M.

ATTACHMENT 5 - STATEMENT OF CAPITAL WORKS AS AT 31 SEPTEMBER
2015

Hepburn Shire Council Statement of Capital Works as at 30 September 2015

Project Number	Project Name	New / Renew / Upgrade	Full Year Budget	2015/16 Expenditure		Commitments	YTD Actual + Commit.	% Spent YTD	% Spent YTD Incl Commit.	Progress Comments
				YTD Actual	YTD Actual					
PROPERTY										
Land improvements										
000472	Creswick Landfill PAINs Response (CAPITAL)	Upgrade	20,000	-	-	-	-	0%	0%	Additional monitoring required. New scope of works has been prepared. EPA to draft further Pollution Abatement Notices to provide for further monitoring works. Concept design complete, to be presented at Councilor briefing.
000549	Town and Shire Road Signage	Upgrade	100,000	1,500	-	-	1,500	2%	2%	
Buildings										
000465	Multi Purpose Facility - Victoria Park, Daylesford	Upgrade	1,880,000	1,786	1,420,543	1,422,329	1,422,329	76%	76%	Demolition of buildings complete, construction commenced
000497	Trentham Community Hub	New	500,000	-	-	-	-	0%	0%	Funding application submitted to National Stronger Regions Fund Round 2
000514	Creswick Hub	Upgrade	40,000	42,848	1,930	44,778	44,778	107%	112%	Work complete, Creswick Hub opened 24 August 2015. Working through defects with builder
000516	Newlyn Netball Facilities	Upgrade	99,725	1,064	15,405	16,469	16,469	1%	17%	Meeting with committee on 17 Sept to confirm schedule of works and fit out standards as per contract
000550	Clunes RV dump point	New	10,000	-	-	-	-	0%	0%	Site selection in progress
000551	Hepburn Shire Council Services & Community Hub Construction	Upgrade	250,000	-	5,455	5,455	5,455	0%	2%	Detailed design underway and planning permit application being prepared
000581	Clunes Town Hall & Court House Project	Renew	-	-	-	-	-	100%	100%	Project scope being finalised and underpinning procurement underway
Building improvements										
000287	Building and Structures Renewal Program	Renew	509,450	118,764	77,806	196,570	196,570	23%	39%	Glenlyon Recreation Reserve toilet and wastewater treatment works in progress. Planning underway for Jubilee Lake sewer pump station.
000466	Basin Reserve Facility Improvements - LGIF	Renew	90,000	14,204	1,200	15,404	15,404	16%	17%	Planning Permit submitted.
000483	Bullarto Community Facilities	Renew	-	-	14,959	14,959	14,959	100%	100%	Building Permit process underway.
000502	Waste - Social Enterprise	Upgrade	50,000	-	-	-	-	0%	0%	Shed planning underway.
000552	Creswick library fit out	Renew	40,000	10,011	(19,779)	(9,768)	(9,768)	25%	-24%	Front reading room furniture delivered mid September.
000553	Sustainability Strategy - Towards Zero - Council Assets	Renew	150,000	-	-	-	-	0%	0%	Sites for solar installations have been identified. 11.5 kW Solar system has been installed on Clunes Warehouse. VicRoads shared lights upgraded.
000554	Creswick Honour Roll New Display Wall	Upgrade	2,500	-	-	-	-	0%	0%	Planning underway
000555	Smeaton Community Centre / Bowls Club Deck	Upgrade	70,000	-	-	-	-	0%	0%	Not started
TOTAL PROPERTY			3,811,675	190,177	1,517,518	1,707,695		5%	45%	
PLANT AND EQUIPMENT										
Plant, machinery and equipment										
000130	Works Plant And Equipment (CAPITAL)	Renew	695,400	25,760	-	25,760	25,760	4%	4%	Underway
000131	Passenger And Commercial Fleet (CAPITAL)	Renew	154,600	43,611	-	43,611	43,611	28%	28%	Underway
Computers and telecommunications										
000495	Portable Inspection Devices	New	25,000	-	675	675	675	0%	3%	Mobile devices utilised for DWMP audit and food premises inspections. Systems being trialled for request and tree inspections in the field.
000556	Daylesford and Trentham library IT improvements	New	10,000	-	-	-	-	0%	0%	Quotes received and being reviewed.
000557	IT Hardware / Technology Renewal Program	Renew	130,000	25,862	-	25,862	25,862	20%	20%	Replacement hardware for expiring leases has been purchased and is being rolled out.
000558	IT Application / Software Upgrades	Upgrade	40,000	-	-	-	-	0%	0%	Not started
Library books										
000423	Library Collection Renewal	Renew	53,000	1,220	1,421	2,641	2,641	2%	5%	Not started
TOTAL PLANT AND EQUIPMENT			1,108,000	96,453	2,095	98,548		9%	9%	

Hepburn Shire Council

Statement of Capital Works as at 30 September 2015

Project Number	Project Name	New / Renew / Upgrade	Full Year Budget	2015/16 Expenditure		Commitments	YTD Actual + Commit.	% Spent YTD	% Spent YTD Incl Commit.	Progress Comments
				YTD Actual	2015/16 Expenditure					
INFRASTRUCTURE										
Roads										
000100	Reseals (CAPITAL)	Renew	1,250,000	4,150	-	-	4,150	0%	0%	Roads reseal program confirmed and works scheduled for February 2016
000102	Reseal Preparation (CAPITAL)	Renew	85,000	844	-	-	844	1%	1%	Program confirmed
000103	Gravel Resheets (CAPITAL)	Renew	600,000	517	-	-	517	0%	0%	Program confirmed with works to commence in October.
000411	Pavement Rehabilitation, Formation & Drainage	Renew	1,840,000	14,109	-	-	14,109	1%	1%	Contract awarded for Main Road, Hepburn Springs and Daylesford-Clunes Rd, Smeaton. Works scheduled to commence in October.
000463	Road Safety Improvements	Renew	60,000	9,719	-	-	9,719	16%	16%	Sealed road widening sections and intersections identified.
000559	East St Railway Bridge Underpass	Upgrade	750,000	-	-	-	-	0%	0%	Application for funding submitted, detailed design underway.
Bridges										
000110	Bridge Replacement Design - Wheelers Bridge	Renew	-	175	-	-	175	100%	100%	Seeking proposals for detailed design for Wheelers Bridge.
000114	Bridge Renewal	Renew	180,000	7,261	-	-	7,261	4%	4%	Quotes and designs received for the Kingston-Werrona culverts.
Footpaths and cycleways										
000112	Footpath Improvement and Renewal	Renew	130,000	-	-	-	-	0%	0%	Preliminary scope identified. Inviting for Tenders mid October.
000471	Footpath Expansion Program	New	125,000	-	-	-	-	0%	0%	Scope identified. Expecting to invite for tenders by mid October.
Drainage										
000410	Kerb & Channel Rehabilitation (CAPITAL)	Renew	150,000	3,112	-	-	3,112	2%	2%	Project planned & detailed scope finalised.
Recreational, leisure and community facilities										
000122	Playground Equipment Replacement Program (CAPITAL)	Renew	50,000	-	-	-	-	0%	0%	Contract awarded for works at Jubilee Lake, expecting to complete installation in November.
000311	Hepburn Netball Court Upgrade	Renew	6,649	-	-	90	90	0%	1%	Works completed, final funding amount to be received on acquittal with Sport and Recreation Victoria
000414	Hard-court Annual Renewal Program	Renew	50,000	-	-	-	-	0%	0%	Planning underway.
000470	Netball Court Resurfacing - Creswick - LGIF (CAPITAL)	Renew	70,614	-	-	-	-	0%	0%	Contractor appointed.
000509	Crickit Pitch Renewal Program	Renew	20,000	-	-	-	-	0%	0%	Planning underway.
000560	Splash Park in Creswick	New	125,000	-	-	-	-	0%	0%	Tender evaluation in progress.
Parks, open space and streetscapes										
000429	Streetscapes Revital/Planning-Creswick/Hepburn(CAPITAL)	Upgrade	-	1,520	2,000	-	3,520	100%	100%	Project complete
000493	Implementation of Streetscape Plans Creswick	Upgrade	483,000	7,360	-	-	7,360	2%	2%	Proposal evaluation in progress for Albert St footpath works. Proposals for other works being sought.
000543	Trentham Streetscape Implementation	Upgrade	160,000	-	-	-	-	0%	0%	Draft funding application complete. Meetings held with stakeholders.
000544	Implementation of Streetscape Plans Clunes	Upgrade	180,000	-	-	-	-	0%	0%	Engineering survey completed. Scope and estimates being finalised.
000561	Daylesford Community Park - Improve Shade and infrastructure	Upgrade	40,000	-	-	-	-	0%	0%	Planning being undertaken to install shade sail, paths and improvements to existing paths.
000562	Glenlyon Streetscape construction	Upgrade	90,000	-	-	-	-	0%	0%	Draft funding application complete. Meetings held with stakeholders.
000563	Hepburn Streetscape construction	Upgrade	150,000	-	-	-	-	0%	0%	Draft funding application complete. Meetings held with stakeholders.
000564	Lake Daylesford Improvements	Upgrade	500,000	-	-	-	-	0%	0%	Funding application has been submitted and work proposals developed.
Other infrastructure										
000504	H.S. Public Art Appropriation, Maintenance & Replacement	New	50,000	10,007	3,114	-	13,120	20%	26%	Daylesford artwork installed and opening held. EOI advertised for Creswick art.
TOTAL INFRASTRUCTURE			7,145,263	58,772	5,204	63,976	1,870,219	1%	1%	
TOTAL CAPITAL WORKS			12,064,938	345,402	1,524,817	1,872,219	16%	16%		
Represented by:										
	New asset expenditure	New	845,000	10,757	4,178	-	14,935	1%	2%	
	Asset renewal expenditure	Renew	6,314,713	272,488	70,696	-	343,184	4%	5%	
	Asset upgrade/expansion expenditure	Upgrade	4,905,225	63,728	1,450,373	-	1,514,100	1%	31%	
	Total capital works expenditure		12,064,938	346,972	1,525,247	1,872,219	16%	16%		

11.4. CUSTOMER SERVICE MODEL FOR DAYLESFORD GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager People & Performance, I Kerrie Addison have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the transition to one service centre in Daylesford to improve service delivery and enhance the customers' experience when dealing with Council.

BACKGROUND

Hepburn Shire Council currently operates two Customer Service Centres in Daylesford and this report seeks to provide an option for consolidating to one Customer Service Centre. This model supports the transition to the Hepburn Hub in Daylesford, while also providing improved customer service.

ISSUE/DISCUSSION

The intention for the transition to one centre in Daylesford would be to operate the primary service centre from the current Duke Street office.

The key issues with operating two customer services centres in Daylesford include:

- challenges with resourcing to provide continuity and consistent information to the public as well as inefficiencies that impact cost,
- security and lack of privacy in the physical space when dealing with customer information,
- challenges with current telecommunication and technology systems.

The benefits that will be achieved through the implementation of one customer service centre in Daylesford include:

- providing consistent information and improved customer service through first point resolution,
- enhanced technology and telecommunications systems to improve the customer experience, and link customers attending service centres in Creswick and Clunes with officers in Daylesford,
- improved physical space when dealing with confidential transactions,
- systems that will support prompt and responsive service, and improve the customer experience.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Sustainable Financial Management and Innovative Corporate Systems

Key Strategic Activity:

8. Create and maintain a customer service culture throughout the organisation that ensures the delivery of consistent and quality customer focused services whereby our customers are dealt with promptly, courteously, efficiently and effectively at all times.

FINANCIAL IMPLICATIONS

A change to one customer service centre in Daylesford provides process and resource efficiencies which will positively impact financial outcomes.

RISK IMPLICATIONS

Nil identified with this report.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil identified with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A comprehensive communication strategy will be developed to ensure extensive communication of changes to the current service centres, and will be carried out over the coming months with a view to commencing the proposed model in early 2016.

CONCLUSION

Moving to one service centre in Daylesford at the Duke Street office will improve service delivery and enhance the customers' experience when dealing with Council.

OFFICER'S RECOMMENDATION

11.4.1. That Council approves the transition to one service centre in Daylesford at the Duke St office.

MOTION

11.4.1. *That Council approves the transition to one service centre in Daylesford at the Duke St office.*

Moved: Councillor Don Henderson

Seconded: Councillor Neil Newitt

Carried

There was a comfort break from 8:27pm to 8:33pm

Councillor Greg May left the meeting at 8:33pm noting a direct conflict of interest in item 11.5 as a committee member of the Newlyn Community and Sporting Complex Incorporated.

**11.5. 2016/17 COMMUNITY SPORTS INFRASTRUCTURE FUND APPLICATIONS
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 approve the submission of three funding applications to the 2016-17 Sport and Recreation Victoria Community Sport Infrastructure Fund

BACKGROUND

The 2016/17 Community Sports Infrastructure Fund opened on Tuesday 21 July. The fund contains a number of programs for Councils to apply for funding for sporting projects. At the August Council meeting, Council approved the submission of an application for the Daylesford Pool Redevelopment under the Small Aquatic Program.

Council is now also able to submit applications under the following categories:

- Minor Facilities - Up to \$100,000 in grant funding. This funding is provided on a 2:1 basis. It is for projects that encourage participation in sport and recreation through innovative facility initiatives.
- Cricket Facilities - Up to \$100,000 in grant funding. This funding is provided on a 2:1 basis. It is to support the development of sustainable cricket facilities
- Female Friendly Facilities - Up to \$100,000 in grant funding. This funding is provided on a 2:1 basis. It supports increasing access, equality and opportunities for female participants and officials in sport and recreation.
- Planning - Up to \$30,000 in grant funding. This funding is provided on a 2:1 basis. It is for developing integrated recreation planning e.g. feasibility studies, regional planning.

Applications for the above categories are due to be submitted by Thursday 29 October. Council can apply for the maximum grant amount for up to three (3) projects from the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories with a maximum of two (2) applications from any single category

ISSUE/DISCUSSION

It is proposed that the following funding applications are submitted under the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories:

1. Creswick Soccer Club Lighting

Grant amount - \$100,000

Council contribution - \$40,000

Club contribution - \$20,000 (\$10,000 of which is in-kind)

Total Project Cost - \$160,000

Project includes:

- Training standard lighting for the two soccer pitches at Doug Lindsay Reserve, Creswick (there is currently no lighting)
- Six lighting poles for pitch
- Lighting to an approved training standard

Supporting information: The Soccer Pitches at Doug Lindsay Reserve, Creswick are the only sportsground in the Shire where a regular competition standard of sport is played that has no lighting to support training requirements.

2. Trentham Netball Facility

Grant amount - \$100,000

Council contribution - \$40,000

Club contribution - \$30,000

Total Project Cost - \$170,000

Project includes:

- Construction of female change rooms at the Trentham Sportsground

Supporting information: Of the six sportsgrounds where regional standard football and netball are played, only the Trentham Sportsground and Hepburn sportsground do not have netball change rooms (Netball change rooms at Newlyn are currently funded and under development). Last year Council supported an application from the Hepburn Football Netball Club for a second netball court as this was their No. 1 priority project. It is recommended that this year Council support an application from the Trentham Sportsground for netball change rooms as this is their No. 1 priority project. The application fits the female friendly facility category.

3. Sportsground Irrigation Upgrades

Grant amount - \$100,000

Council contribution - \$60,000

Estimated Total Project Cost - \$160,000 (investigations still underway for finalised quotes to complete this project)

Project includes

- Installing automatic irrigation systems at Sportsgrounds

Supporting information: Upgrading of sportsground irrigation to automatic systems provides a more effective and efficient means for watering. Currently Newlyn, Trentham and Oval/Pitch No. 2 at Victoria Park, Daylesford are the only ovals/pitches in the municipality without automatic systems. Given an application is proposed for new netball Change rooms at Trentham Sportsground, it is recommended that an application seeking funding to upgrade irrigation on the Newlyn sportsground and Oval/Pitch No. 2 at Victoria Park, Daylesford is submitted.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

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

FINANCIAL IMPLICATIONS

It is proposed that Council contribute a total of \$140,000 to leverage \$300,000 in State Government funding for these projects. This funding would need to be allocated in the 2016/17 annual budget, but would only be required if the grant applications are successful.

As a comparison in the current 2015/16 annual budget Council has \$575,000 funding allocated to 'one-off' recreation projects (Victoria Park, Daylesford, Smeaton Bowls Club deck, Creswick Splash Park and Daylesford Community Park).

Upgrading of irrigation systems at the Newlyn Sportsground and Daylesford Victoria Park Oval No. 2 is expected to deliver a reduced cost to Council to irrigate these ovals.

RISK IMPLICATIONS

Preliminary work assessing each of the proposed applications has taken place. This has included discussing the projects with the respective user groups, getting quotes

and price estimates for the proposed works and discussing the applications with staff at Sport and Recreation Victoria.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Sport plays an important social and economic role in all communities. By supporting and enhancing the infrastructure available within Hepburn Shire, Council plays a key role in promoting and increasing participation in sport and health and wellbeing activities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

User groups have been consulted with at each of the facilities where projects have been identified. Council is commencing the development of a new Recreation and Open Space Strategy for Hepburn Shire. Through the development of this strategy broad consultation will take place with sport and recreation groups and participants. This consultation will focus on identifying priority projects for future funding through this program and others as applicable.

CONCLUSION

Community sport and recreation plays an integral role in all of the local communities across Hepburn Shire. By supporting the submission of the three projects proposed, Council is helping to increase participation in sport and recreation and in turn help to improve the wellbeing of Hepburn Shire residents.

OFFICER'S RECOMMENDATION

That Council:

- 11.5.1. Submits the following three funding applications to the 2016/17 Community Sports Infrastructure Fund:
 - Creswick Soccer Club Lighting
 - Trentham Netball Facility
 - Sportsground Irrigation Upgrades (Newlyn Sportsground and Victoria Park, Daylesford Oval No. 2)
- 11.5.2 Resolves to allocate \$140,000 in the 2016/17 budget as a matching contribution for the projects.

OFFICER'S RECOMMENDATION

That Council:

11.5.1. *Submits the following three funding applications to the 2016/17 Community Sports Infrastructure Fund:*

- *Creswick Soccer Club Lighting*
- *Trentham Netball Facility*
- *Sportsground Irrigation Upgrades (Newlyn Sportsground and Victoria Park, Daylesford Oval No. 2)*

11.5.2. *Resolves to allocate \$140,000 in the 2016/17 budget as a matching contribution for the projects.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Don Henderson

Carried

Councillor Greg May returned to the meeting at 8:39pm

11.6. COUNCIL POLICY 79 (C) - COMMUNITY ENGAGEMENT POLICY
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 adoption of the draft Community Engagement Policy.

BACKGROUND

In August 2010 Council adopted a Community Engagement Framework (2010-13) which incorporated Council's commitment to community engagement and principles underpinning its approach to community engagement.

ISSUE/DISCUSSION

Council is vested with the responsibility for decision making. The Community Engagement Policy will be used to guide how community engagement is undertaken and assist Council to make decisions that best meet community needs and expectations.

The new policy (Attachment 5) is a whole of Council commitment to:

- Providing opportunities for community members to be informed and participate in decision making processes.
- Promoting the opportunities for community participation in a timely way.
- Developing our skills and capacity to undertake effective engagement with our diverse community.

This policy applies to the whole of Council including daily operations, minor and major capital projects and other initiatives.

Consistent with the previous Framework and informed by International Association of Public Participation's (IAP2's) model the policy provides for five levels of community engagement.

Inform: when we will provide information in an unbiased, neutral manner

Consult: when we will listen to issues, concerns and ideas

Involve: when we will listen and advise how ideas have been incorporated (or not) into decisions.

Collaborate: when we actively work with the community in developing solutions.

Empower: when we actively develop mechanisms that will enable individuals or groups to make decisions, and accepting those decisions.

The policy sets out the following principles which will be used when planning, undertaking and evaluating community engagement activities:

Inclusive and Accessible - We will proactively engage with the community on issues that affect them. We will consider barriers to participation and remove them, if possible.

Diverse and Innovative - We will provide multiple ways for people to participate and seek innovative and creative methods to engage with the community. We will adapt our engagement strategies and activities in line with the type and scope of the project and/or activity.

Effective and Issues Focussed - We will be clear about the purpose and scope of the engagement. We will plan engagement activities to maximise opportunities for participation and avoid duplication of processes.

Good Communication - We will provide relevant and timely information and a variety of ways for people to contribute. We will provide a range of ways to provide feedback and accept it in any form. We will acknowledge the input of community members.

Timeliness - We will provide adequate timeframes for participation and feedback. We will provide information about outcomes and/or decisions to participants and the community within specified timeframes.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The Local Government Amendment (Performance Reporting and Accountability) Act 2014 requires Council must report on whether it has a Community Engagement Policy as well as Guidelines for staff on engaging with the community.

FINANCIAL IMPLICATIONS

Nil identified.

RISK IMPLICATIONS

Nil identified with adoption of the policy.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Hepburn Shire Council's Community Engagement Policy has been developed to give residents an opportunity to participate in decision making that will affect their lives.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The policy has been developed by a working group of Council staff and has been informed by a review of contemporary approaches to community engagement.

CONCLUSION

The new Community Engagement Policy sets out Council's objectives, principles and position about the range of ways Council will engage with the community. It clearly sets out what the community can expect from Council in relation to community engagement and a framework for Council.

OFFICER'S RECOMMENDATION

11.6.1. That Council adopts Policy 79(C) –Community Engagement Policy , and makes it available for public inspection on Council's website and at Council's offices.

MOTION

11.6.1. That Council adopts Policy 79(C) –Community Engagement Policy , and makes it available for public inspection on Council's website and at Council's offices.

Moved: Councillor Sebastian Klein

Seconded: Councillor Neil Newitt

Carried

ATTACHMENT 6 - COUNCIL POLICY 79(C) – COMMUNITY ENGAGEMENT
POLICY

► COMMUNITY ENGAGEMENT POLICY

POLICY NUMBER:	79 (C)
NAME OF POLICY:	COMMUNITY ENGAGEMENT POLICY
DATE OF NEXT REVIEW:	October 2019
DATE APPROVED:	<Insert date adopted by Council>
RESPONSIBLE OFFICER:	General Manager, Community Services
REFERENCES:	Local Government Amendment (Performance Reporting and Accountability) Act 2014. Hepburn Shire Council Plan 2013:17

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.

► COMMUNITY ENGAGEMENT POLICY

INTRODUCTION

Hepburn Shire Council's Community Engagement Policy has been adopted to give residents an opportunity to participate in decision making that will affect their lives.

This Community Engagement Policy operates within our local community context and is also responsive to a increased desire expressed across Australia to participation in direct democracy. Community engagement and public participation in Australia has been driven since the 1970s by an increased expectation that the community will be involved in decision making.

Community engagement is more than a single activity, it is a way of working. It is about inclusion, involvement and influence. Hepburn Shire Council recognises that engaging also comes with a need for responsibility, accountability and a willingness to collaborate to reach common goals.

SCOPE

This policy applies to the whole of Council including daily operations, minor and major capital projects and other initiatives.

At a minimum Council will undertake community consultation prescribed under the Local Government Act 1989.

POLICY

Hepburn Shire Council will:

1. Provide opportunities for community members to be informed and participate in decision making processes.
2. Promote the opportunities for community participation in a timely way.
3. Develop our skills and capacity to undertake effective engagement with our diverse community.

Our community engagement processes are informed by the International Association of Public Participation's (IAP2's) model for community engagement, which includes five levels of engagement:

Inform: when we will provide information in an unbiased, neutral manner

Consult: when we will listen to issues, concerns and ideas

► COMMUNITY ENGAGEMENT POLICY

Involve: when we will listen and advise how ideas have been incorporated (or not) into decisions.

Collaborate: when we actively work with the community in developing solutions.

Empower: when we actively develop mechanisms that will enable individuals or groups to make decisions, and accepting those decisions.

Principles

The following principles will be used in developing community engagement strategies and activities.

Inclusive and Accessible - We will proactively engage with the community on issues that affect them. We will consider barriers to participation and remove them, if possible.

Diverse and Innovative - We will provide multiple ways for people to participate and seek innovate and creative methods to engage with the community. We will adapt our engagement strategies and activities, in line with the type and scope of the project and/or activity.

Effective and Issues Focussed - We will be clear about the purpose and scope of the engagement. We will plan engagement activities to maximise opportunities for participation and avoid duplication of processes.

Good Communication - We will provide relevant and timely information and a variety of ways for people to contribute. We will provide a range of ways to provide feedback and accept it in any form. We will acknowledge the input of community members.

Timeliness - We will provide adequate timeframes for participation and feedback. We will provide information about outcomes and/or decisions to participants and the community within specified timeframes.

Evaluation - We will review and evaluate the effectiveness of our engagement strategies and processes.

► COMMUNITY ENGAGEMENT POLICY

DEFINITIONS

The following terms are referred to in the policy.

Term	Definition
Council	Hepburn Shire Council
Council Staff	Includes permanent and temporary full-time and part-time council employees, and contractors and consultants while engaged by Council.

FURTHER INFORMATION

Any enquiries about the Community Engagement Policy should be directed to Council's General Manager, Community Services or Communications Officer.

IMPLEMENTATION

This policy will be implemented through staff training and guidelines for community engagement. Tools and training will be provided to support staff to undertake effective community engagement relevant to their role.

The Community Engagement Policy will also be included within all staff inductions.

REVIEW

The Community Engagement 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, Community Services.

**11.7. COUNCIL POLICY 78 (C) - VEGETATION EXEMPTION PROTECTION POLICY
CHIEF EXECUTIVE OFFICER**

In providing this advice to Council as the Manager Planning, I Justin Fiddes have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council adoption of the revised Policy 78(C) - Vegetation Exemption Protection Policy.

BACKGROUND

Council adopted the Vegetation Exemption Protection Policy at the Ordinary Meeting of Council in June 2014. The policy provides guidance to Council, developers, public agencies, landowners/occupiers and the general community when seeking to remove trees/vegetation, specifically when an exemption from the planning scheme requirements is being sought.

ISSUE/DISCUSSION

Changes to the revised Vegetation Exemptions Protection Policy include:

- An Arboricultural Vegetation Risk Assessment checklist must be submitted to Council when seeking to remove vegetation in conjunction with Policy Number 78.
- Qualified Arborists or similar must complete and sign the declaration when undertaking and submitting the AVRA checklist. Previously only a licensed Quantified Tree Risk Assessor submitting a report would be accepted. This was an onerous and unnecessary requirement.

The Vegetation Exemption Protection Policy (revised) and Arboricultural Vegetation Risk Assessment checklist is attached (Attachment 6).

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Vegetation removal exemptions - Hepburn Planning Scheme.

FINANCIAL IMPLICATIONS

Nil. All costs of the ATRA are to be borne by the landowner/occupier or other person(s).

RISK IMPLICATIONS

Any requests to use a planning scheme exemption must be supported by a ATRA. Any recommendations by a qualified ATRA assessor should be accepted by council to reduce any risks to Council in relation to the possibility of personal injury or damage to property.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council seeks to protect vegetation from unplanned loss and encourages the retention of vegetation in the Shire. The Shire is known for its landscape character, part of which is a draw card for tourism.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The policy and Council report are made publicly available on the Thursday prior to the Ordinary Meeting of Council. Any person may seek to comment or speak at the Ordinary Meeting of Council prior to any Council decision on the matter.

CONCLUSION

Council should have clear policies to provide guidance. The amended policy and inclusion of a checklist will be publicly available to clarify Council's requirements when seeking to remove vegetation using an exemption in the planning scheme.

OFFICER'S RECOMMENDATION

11.7.1. That Council adopts the revised Policy 78(C) - Vegetation Exemption Protection Policy, and makes it available for public inspection on Council's website and at Council's offices

MOTION OFFICER'S RECOMMENDATION

11.7.1. That Council adopts the revised Policy 78(C) - Vegetation Exemption Protection Policy, and makes it available for public inspection on Council's website and at Council's offices.

Moved: Councillor Sebastian Klein

Seconded: Councillor Neil Newitt

Carried

ATTACHMENT 7 - COUNCIL POLICY 78(C) – VEGETATION EXEMPTION
PROTECTION POLICY

POLICY NUMBER:	78
NAME OF POLICY:	VEGETATION EXEMPTIONS PROTECTION
DATE AMENDED:	June 2014
DATE OF NEXT REVIEW:	June 2018
DATE ADOPTED:	17 June 2014
RESPONSIBLE OFFICER:	Manager Planning

REFERENCES:

In dealing with requests to remove vegetation in Hepburn Shire where the tree/vegetation presents an immediate risk or personal injury or damage to property, Council will defer to the information and provisions of the following documents.

- *Planning and Environment Act 1987.*
- The Hepburn Shire Planning Scheme, Clause 43.01-1, Heritage Overlay if the tree presents an immediate risk of personal injury or damage to property.
- The Hepburn Shire Planning Scheme, Clause 43.05-2, Neighbourhood Character Overlay if the tree presents an immediate risk of personal injury or damage to property.
- The Hepburn Shire Planning Scheme, Clause 52.17-7, Native Vegetation list of exemptions.
- The Hepburn Shire Planning Scheme, Clause 42.02-3, Vegetation Protection Overlay list of exemptions.
- The Hepburn Shire Planning Scheme, Clause 42.01-3, Environmental Significance Overlay list of exemptions.
- The Hepburn Shire Planning Scheme, Clause 44.01-3, Erosion Management Overlay list of exemptions.
- Attachment 1 - Aboricultural Risk Assessment Checklist

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.

Background

Council encourages the retention of vegetation within the shire. This is captured in the protection that trees/vegetation is offered in the Hepburn Planning Scheme. Certain exemptions to protection are contained in the Hepburn Planning Scheme, to allow under certain circumstances, the removal of trees/vegetation, which, is exempt from planning permission.

Purpose

The Policy is intended:

- to provide guidance to Council, developers, public agencies, landowners/occupiers and the general community with guidance when seeking to remove trees/vegetation, specifically when an exemption is being used to remove the trees/vegetation under a planning scheme exemption, particularly where the tree presents an immediate risk of injury or damage to property.

Policy Objectives

It will be Council's policy to:

- to ensure the removal/lopping of trees/vegetation allowed under any exemption is to the minimum extent necessary.
- to provide certainty to Council and residents that trees/vegetation removed under any planning scheme exemption is independently assessed and monitored to the satisfaction of Council.

Council's Role

Council will:

- Advise any person(s) that any removal of trees/vegetation using a planning scheme exemption must be accompanied by an independent risk assessment, known as a Arboricultural Vegetation Risk Assessment (AVRA). The report must be completed by a qualified arborist.
- Advise that any damage thought to be occurring to a building must be evidenced in the form of a structural engineers report.
- Write to the landowner/occupier or other person(s) advising if the AVRA is accepted.
- Seek to work with the landowner/occupier or person(s) (seeking to remove the vegetation) to monitor the removal of vegetation if approval is given to remove the vegetation through a planning scheme exemption.

Arboricultural Vegetation Risk Assessment (AVRA)

For a tree failure hazard to exist, there must be a potential for failure of the tree/vegetation and potential injury or damage to result. The assessment must consider the likelihood of a combination of tree failure, to harm people and property, and the likely level of harm.

The AVRA must contain:

- Target;
- Impact potential and;
- Probability of failure.

The combination of these three factors produces the risk of significant harm and will advise whether the vegetation should be removed, lopped, managed or a combination of all of these outcomes.

The attached Arboricultural Vegetation Assessment Checklist must form the basis of the AVRA and must be submitted to Council.

Attachment 1 - Aborigicultural Risk Assessment Checklist

ARBORICULTURAL VEGETATION RISK ASSESSMENT

Please note this form must only be completed by a qualified arborist or similar.
Council bears no liability for the accuracy of content of this risk assessment.

Arborist details

Name	
Qualifications	
Date of inspection	
Phone	

Tree inspection checklist

Tree Number	
Location	
Genus, Species	
DBH	
Height and Radial Spread	

Site factors and past history

Inspections	Observations
Intensity of use	
Soil condition	<input type="checkbox"/> compaction <input type="checkbox"/> paving <input type="checkbox"/> grade changes <input type="checkbox"/> other
Prevailing winds	
Exposure	
Previous mistreatments	
Construction injury	
Incorrect planting	

Target

Inspections	Observations
Buildings	
Other structures	
High/low pedestrian	

use	
High/low vehicle use	
Proximity to power lines	

Decay

Inspections	Observations
Cavities	
Holes	
Cankers	
Branch stubs	
Fruiting structures of decay organisms	
Stem bulge	
Stem swelling	
Amount of sound wood %	

Pest and Disease

Inspections	Observations
Termites	
Other insects	
Vines or creepers	
Nutrient deficiencies	
Viral	
Fungal	
Canopy status	

Overall health (refer to appendix 1 for definitions)

Dead
Poor
Stressed
Good
Excellent

Environmental features/assessment of significance

Inspections	Observations
Presence of hollows	
Is the tree large or very old?	
Connectivity to adjacent native vegetation	

Additional Notes:

Structure

Inspections	Observations
Form	
Bifurcations	
Included Bark	
Wound wood present	

Structural defects

Inspections	Observations
Branch attachment	
Epicormic	
Included bark	
Open cracks	
Decay	
Leaning	
Soil lifting/mounding	
Soil movement/cracks	
Compressed or buckled fibres at base on compression side	
Horizontal tension cracks on tension side	
Severed roots	
Cracks	
Extent of compromise to branch or stem	
Association with other defect	
Mould or cankers	
Dead wood	
Hangers	

Management options

Inspections	Observations
Can horticultural pruning be undertaken to retain the tree?	
Can target asset or the threatened audience be diverted away from the tree?	

Can nest boxes be inserted to offset loss of habitat hollows?	
Can offset planting be undertaken with indigenous plants?	

Risk assessment (refer to appendix 2)

Inspections	Observations
Assessment of likelihood	
Assessment of consequence	

Risk level

Severe
 Very High
 High
 Medium
 Low

State reason for selection:

Recommendation (i.e. Remove immediately, prune, monitor, no action):

Additional recommendations:

Declaration

This must be completed before assessment will be considered.

I, _____ declare that the information described in this assessment is true and accurate.

Signature: _____

Date: _____

Appendix 1 - Health description

0 – DEAD: Tree is completely dead, non-functional crown (no green leaves), stem cambium completely dead, no evidence of root suckers or lignotuberous sprouts.

1 – POOR: Tree is presenting symptoms of strain, large quantities of crown dieback extending from tip dieback to major scaffold branches. Persistent infections of pathogens, borers, fungal cankers and root disease. Irreversible condition ultimately leading to premature death. Any treatments may only be seen as temporary to achieve hazard reduction prior to tree removal.

2 – STRESSED: Tree is presenting symptoms of stress that may be due to seasonal biotic or abiotic conditions, for example water stress, seasonal defoliators. The symptoms may include tip dieback (less than 25mm diameter), crown thinning, defoliation, leaf discolouration, reduced leaf and or internode length (less than 75 per cent normal average size of non-stressed specimen): up to 50 per cent of the crown is epicormic/ juvenile regrowth. These symptoms should be present over more than 25 per cent of the total tree parts concerned. The condition is reversible.

3 – GOOD: Tree is generally free of pests and disease. Symptoms of any biotic or abiotic stress should not be present over more than 25 per cent of the tree parts concerned. Internode length may be variable but generally consistent in length for the last three annual increments.

4 – EXCELLENT: Tree is virtually completely free from evidence of pest or disease organisms. Tree has no signs of abiotic stress such as tip dieback or loss of foliage. Growth is of typical colouration, size and quantity for that species at the location. Internode length is consistent or increasing in length from previous three annual increments. The tree crown appears complete and balanced.

Appendix 2 - Risk Tables and Risk Matrix

Likelihood

Level	Descriptor	Indicative faults
A	Failure certain	Unsupported failure or imminent failure of scaffold branch or equivalent deadwood. Bifurcated structure of trunk or scaffold branch with visible movement indicating imminent failure, recent tree movement as a result of structural failure or imminent visual failure of the structural root plate indicated by apparent or visible heave.
B	Failure likely	Supported failure of a scaffold branch or equivalent deadwood. Scaffold branch or equivalent deadwood protruding into (>0.5 metres) the statutory clearance code, over-weighted limbs or unbalanced tree associated with a visible structural defect, disease or pathogens apparent that have a significance effect on structure (termites, borers, decay), or history of branch failure as a result of advancing senescence.
C	Failure possible	Tree in declining–average condition showing potential for branch drop due to branch over-extension, branch collar formation or developing structural faults. Scaffold branch or equivalent deadwood or major disease symptoms pathogens apparent that may over time (12 months) affect a tree’s vigour or structure. Significant changes in growing environment such as the removal of adjacent trees (wind exposure), disease or pathogens apparent that may have effect on structure (termites, borers, decay, fungal fruiting body). Major obvious root activity (surface roots, damage asset etc).
D	Failure unlikely	Tree in average–good condition showing future potential for branch drop – due to branch over-extension, branch collar formation or developing structural faults. Through normal growth, the tree has the potential to develop over-extension of branches. Minor branch attrition collar development and deadwood (<50mm apparent) may be apparent. Minor obvious root activity.
E	No fault detected	The tree appears healthy with good open branch structure. No apparent sign of disease or damage that would lead to future failure.

Consequence

Level	Descriptor	Example detail of description
5	Catastrophic	Tree is located in close proximity to dwelling or other high use non-portable asset. Fatality and/or severe injury/major damage would result from tree failure.
4	Major	Tree is in an area likely to attract people, such as low use or non-portable structures. Major property damage or minor personal injury would result from tree failure.
3	Moderate	Tree is in an area with a reduced likelihood of attracting people or low use area. Moderate property damage or minor personal injury would result from tree failure.
2	Minor	Tree is in an area unlikely to attract people or have any significant impact on portable or non-portable assets. Minor property damage or minor personal injury would result from tree failure.
1	Insignificant	Tree is in an out-of-the-way location with no significant assets or people attracting structures in close proximity. No significant impacts would result from tree failure.

Risk matrix

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Certain)	Low	Medium	Very High	Severe	Severe
B (Likely)	Low	Medium	High	Very High	Very High
C (Possible)	Low	Low	Medium	High	High
D (Unlikely)	Low	Low	Low	Medium	Medium
E (No faults)	Low	Low	Low	Low	Medium

11.8. PROPOSED LOCAL LAW NO 3 - OPERATION AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Manager Planning, I Justin Fiddes have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to approve a new Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems and to commence advertising and consultation in accordance with the *Local Government Act 1989*.

BACKGROUND

Hepburn Shire's Domestic Wastewater Management Plan (DWMP) was adopted by Council at the 14 June 2014 Ordinary Meeting of Council.

Section 6.6.3 - Local Laws for Enforcement of the DWMP requires Council to introduce a Local Law to ensure the maintenance of Onsite Wastewater Treatment Systems.

The proposed Local Law includes the necessary information required under the Local Government Act 1989 and provides the mechanisms to allow for enforcement to ensure the maintenance of Onsite Wastewater Treatment Systems.

A copy of the proposed Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems is attached (Attachment 7).

ISSUE/DISCUSSION

Council at the 21 April 2015 Ordinary Meeting of Council moved a motion:

That Council:

- 11.4.1 *Gives public Notice of its intention to introduce new Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems, in accordance with Section 223 of the Local Government Act 1989, inviting any person to make a submission up until 5pm on Friday 12 June 2015, addressed to the Chief Executive Officer.*
- 11.4.2 *Makes the proposed Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems available for public inspection at Council offices in Daylesford and Creswick; at Hepburn Libraries in Daylesford, Creswick, Clunes and Trentham and on Council's website.*
- 11.4.3 *Receives a further report to consider any public submissions lodged following the public exhibition period.*

At the conclusion of the exhibition period of the proposed Local Law, no submissions have been received by Council.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989

The Act sets out the requirements for introducing a Local Law.

In order to implement a new Local Law, Council must

- determine the form and content of the Local Law
- advertise its intention to make a new local law
- hear any submissions received in accordance with Section 223 of the Act.

Once this process is complete, Council may resolve to adopt and confirm the Local Law which comes into operation on the date it is advertised in the Victoria Government Gazette.

FINANCIAL IMPLICATIONS

There are no financial implications involved in making the Local Law apart from advertising costs - public notice in local papers and the Victorian Government Gazette.

RISK IMPLICATIONS

There are no risk implications. Council followed the correct procedure for making the local law in accordance with Section 119 of the *Local Government Act 1989*.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Not applicable.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The statutory process provides the opportunity for public comment.

Local Law No 3 – Operation and Maintenance of Onsite Wastewater Treatment Systems was advertised in the Victoria Government Gazette and in local newspapers seeking public submissions in accordance with Section 223 of the Local Government Act 1989.

Copies of the Proposed Local Law No 3 – Operation and Maintenance of Onsite Wastewater Treatment Systems were made available for inspection at Council's offices in Daylesford and Creswick, at all Hepburn Library branches and from Council's website www.hepburn.vic.gov.au.

Following the exhibition period, no submissions were received in relation to the proposed Local Law.

CONCLUSION

Council is required to introduce a new Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems as contained in Section 6 - Compliance, Regulations and Enforcement of the DWMP June 2014. Following public notification of the proposed Local Law is it recommended that Council adopts Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems.

OFFICER'S RECOMMENDATION

That Council:

- 11.8.1. Adopts Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems, in accordance with Section 119 of the Local Government Act 1989.
- 11.8.2. Gives notice of Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems in the Government Gazette and a public notice specifying:
 - the title of the local law;
 - the purpose and general purport of the local law; and
 - that a copy of the local law may be inspected at the Council office.
- 11.8.3 Send a copy of the Local Law to the Minister for Local Government.

MOTION

That Council:

- 11.8.1. *Adopts Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems, in accordance with Section 119 of the Local Government Act 1989.*
- 11.8.2. *Gives notice of Local Law No 3 - Operation and Maintenance of Onsite Wastewater Treatment Systems in the Government Gazette and a public notice specifying:*
- *the title of the local law;*
 - *the purpose and general purport of the local law; and*
 - *that a copy of the local law may be inspected at the Council office.*
- 11.8.3. *Send a copy of the Local Law to the Minister for Local Government.*

Moved: Councillor Greg May

Seconded: Councillor Sebastian Klein

Carried

ATTACHMENT 8 - PROPOSED LOCAL LAW NO 3 – OPERATION AND
MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS

LOCAL LAW NO 3

OPERATION AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS

APRIL 2015

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1. INTRODUCTION

1.1 TITLE

This Local Law will be known as 'Local Law No 3 – Operation and Maintenance of Onsite Wastewater Treatment Systems and is referred to below as 'this Local Law'.

1.2 PURPOSE OF THIS LOCAL LAW

The purpose of this Local Law is to:

- a) provide a mechanism for Council to ensure the ongoing Operation and Maintenance of Onsite Wastewater Treatment Systems so that they do not:
 - I. cause a nuisance to other because of odour;
 - II. cause a nuisance to others because of discharge;
 - III. cause or could cause a risk of public health and;
 - IV. cause or potentially cause environmental damage.
 - b) provide a mechanism for Council to require the owner or occupier of the land on which an Onsite Wastewater Treatment System is installed to:
 - I. make the Onsite Wastewater Treatment System available for inspection by an authorised officer when requested to do so;
 - II. high risk properties as identified in the Domestic Wastewater Management Plan must provide a status report by a suitably qualified professional or servicing agent. The owner/occupier of the land must submit the report to Council within 90 days of the issue date of the initial request by Council and;
 - III. have the septic tank inspected by a suitably qualified professional or servicing agent including submission of a regular maintenance reports as required by EPA Certificates of Approval. The owner/occupier of the land must submit the report to Council within 30 days of the maintenance inspection.
 - c) provide a mechanism for Council should an authorised officer considers that an Onsite Wastewater Treatment System is operating or maintained contrary to subclause (1), the owner or occupier of the land on which the septic system is located may be required to modify the system to the standards prescribed in the EPA Code of Practice for Onsite Wastewater Management and the Australian Standard AS/NZA 1547.
-

1.3 THE POWER TO MAKE THIS LOCAL LAW

This Local Law is made under sections 91 and 111(1) of the *Local Government Act 1989*.

1.4 COMMENCEMENT DATE

This Local Law comes into operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette.

1.5 REVOCATION

This Local Law ceases to operate on the tenth anniversary of the day on which it commenced operation, unless revoked earlier.

1.6 APPLICATION OF THE LOCAL LAW

This Local Law applies throughout the whole of the *municipal district*.

2. PROCEDURAL

2.1 OPERATION AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS

Operation and Maintenance of Onsite Wastewater Treatment Systems

1. An owner or occupier of land on which an Onsite Wastewater Treatment System is located must ensure that the system operates and is maintained so that it does not:
 - a) cause a nuisance to others because of odour;
 - b) cause a nuisance to others because of discharge;
 - c) cause or could cause a risk to public health and;
 - d) cause or potentially cause environmental degradation.

2. An owner or occupier of land on which an Onsite Wastewater Treatment System is installed must:
 - a) make the Onsite Wastewater Treatment System available for inspection by an authorised officer when requested to do so;
 - b) provide for high risk properties, as identified in the Domestic Wastewater Management Plan, a status report by a suitably qualified professional or servicing agent. The owner/occupier of the land must submit the report to Council within 90 days of the issue date of the initial request by Council and;
 - c) have the septic tank inspected by a suitably qualified professional or servicing agent including submission of a regular maintenance reports as required by EPA Certificates of Approval. The owner/occupier of the land must submit the report to Council within 30 days of the maintenance inspection.

3. If an authorised officer considers that an Onsite Wastewater Treatment System is operating or maintained contrary to subclause (1), the owner or occupier of the land on which the septic system is located may be required to modify the system to the standards prescribed in the EPA Code of Practice for Onsite Wastewater Management and the Australian Standard AS/NZA 1547.

Penalty: 10 penalty units

3. OFFENCES AND PENALTIES

Council has the authority to prescribe penalties and issue infringement notices for acts in contravention of its Local Laws. This authority is conferred by sections 115 and 117 of the Act.

3.1 ENFORCEMENT

3.1.1 Without affecting any provision entitling any other *person* to do so, this local law may be enforced by an *authorised officer*.

Penalty: 10 penalty units.

3.2 SERVICE OF INFRINGEMENT NOTICE

3.2.1 As an alternative to prosecution, an *authorised officer* may serve an infringement notice on a *person* whom the *authorised officer* believes has committed an offence referred to in clause 3.1, specifying the penalty and;

3.2.2 serve or cause the infringement notice to be served on that *person*.

3.3 NOTICES TO COMPLY AND DIRECTIONS

3.3.1 The *Council* or *authorised officers* may by *Notice to Comply*, direct a *person* to comply with any clause of this local law where the *Council* or *authorised officers* believe there has been a non-compliance by that *person* or in respect to any premises, things or property of which that *person* is owner or occupier.

3.4 EXPIATION OF FINES AVOIDS PROSECUTION

3.4.1 In order to avoid prosecution, the person who is served with an infringement notice must pay the penalty to the Chief Executive Officer of the Council at the Town Hall, 76 Vincent Street, Daylesford 3460 within twenty-eight days after the date of the infringement notice.

3.5 SERVING INFRINGEMENT NOTICES

3.5.1 Without limiting Section 234 of the Act, any infringement notice to be served on a person under this local law, may be served on the person by:

- (a) delivering the notice to the person;
- (b) leaving the notice at that person's usual or last known place of residence or business with a person apparently not less than sixteen years old and apparently residing or employed at that place;

- (c) sending the document by post addressed to the person at that person's last known place of residence or business; or
- 3.5.2 Where an infringement notice is directed to a person who is the owner or occupier of premises or the proprietor of a vehicle and that person's name is not known, the notice issued under this local law may be addressed to "the owner", "the occupier" or the "person in control" as the case may be.
- 3.5.4 An authorised officer may withdraw an infringement notice within twenty-eight days after its date by sending a notice to the person on whom the infringement notice was served. The notice may be sent or given in the same way as the infringement notice was serviced.
- 3.5.5 If an infringement notice is withdrawn, after the person pays the penalty, the person is entitled to a refund of the penalty.
- 3.5.6 If the person pays the penalty within the time specified in the notice and the infringement notice is not withdrawn before a charge is laid in respect of the offence, the following provisions apply:
 - (a) further proceedings for an offence will not be taken against the person and;
 - (b) there is to be no conviction recorded against that person for the offence.
- 3.5.7 If:
 - (a) a person served with an infringement notice has not paid the penalty within the time specified in the notice; or
 - (b) an infringement notice is withdrawn;
 - (c) proceedings may be taken or continued for the offence.

3.6 EVIDENCE OF SERVICE

3.6.1 A statutory declaration by an authorised officer or a person who has served or given a notice or direction in accordance with this local law stating the manner, place, date and time the notice or direction was served or given, is evidence of the notice or direction having been served or given as described in that declaration.

3.7 COMPLIANCE WITH DIRECTIONS AND NOTICES

- 3.7.1 Where:
- (a) a Notice to Comply or other notice or direction is served or given pursuant to this local law.
 - (b) Section 225 of the Act does not apply and;
 - (c) the person served with or given the Notice to Comply or other notice or direction fails to give effect to it; the Council, or any other person with the approval of the Chief Executive Officer, may cause the obligation to be complied with.

3.7.2 The Council or the person who complies with the obligation, may recover the cost of doing so from the person who failed to do it.

3.8 DELEGATION

3.8.1 In accordance with Section 114 of the Act, the Council:

- (1) delegates to the Chief Executive Officer all the powers, discretions, authorities and considerations of Council under this local law including the powers, discretions and authority to apply guidelines or policies of Council, waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the Council and;
 - (2) delegates to the Environmental Health Officer and the Compliance Officer to, the power to exercise discretions and require additional information.
-

3.9 URGENT CIRCUMSTANCES

3.9.1 Where in the opinion of an authorised officer or a delegate, circumstances arise as a result of a failure to comply with this local law or a permit which may place a person, animal or property or thing at risk or in danger and there is not time or it is impractical to serve a Notice to Comply, then the authorised officer or delegate may take reasonable action to immediately abate or minimise the risk or danger involved.

3.9.2 As soon as practicable, the authorised officer or delegate must contact:

- (a) the person by whose fault, permission or decision the situation has arisen; or
 - (b) the owner or occupier of the premises, animal, property, thing involved; and advise them of the action taken.
-

4. CERTIFICATION OF LOCAL LAW

Local Law No 3 – Operation and Maintenance of an Onsite Wastewater Treatment System was made by resolution of the Hepburn Shire Council on 17 March 2015

The COMMON SEAL of the
HEPBURN SHIRE COUNCIL

was affixed on this

2015

on the authority of the Council and signed by:

..... Mayor

..... Chief Executive Officer

Council resolved to give notice of its intention to make this Local Law at its meeting held on 2015 and this was duly advertised as follows:

Victoria Government Gazette – 2015

The Courier, Ballarat – 2015

The Advocate – 2015

Council website – 2015

Council resolved to adopt this Local Law at its meeting held on 2015 and this was duly advertised as follows:

Victoria Government Gazette – 2015

The Courier, Ballarat – 2015

The Advocate – 2015

Council website – 2015

5. DEFINITIONS

Unless inconsistent with the subject matter, the following words and phrases having the meaning indicated:

Words	Meaning
Act	<i>Local Government Act 1989</i>
Assembly of Councillors	as defined in section 3(1) of the Act: A meeting of an Advisory Committee where at least one (1) Councillor is present; or A planned or scheduled meeting at which at least half the Councillors and at least one Officer is present, and at which matters are considered that are intended or are likely to be the subject of a Council decision or the exercise of a delegated authority.
Authorised Officer	a person appointed by Council under section 224 of the Act
Chief Executive Officer	Chief Executive Officer of Council or any person acting in that position
Clause	clause of this Local Law
Common seal	common seal of Council
Conflict of interest	direct or indirect interest of the kind described in section 77A of the Act
Council	Hepburn Shire Council
Councillor	a Councillor of Council who has taken the oath of office in accordance with section 63 of the Act
Council Meeting	Includes a meeting at which the Mayor is elected, an Ordinary Meeting and Special Meeting of Council but does not include an Assembly of Councillors
Deputy Mayor	a Councillor who has been elected to the position of Deputy Mayor to act on behalf of the Mayor in his or her absence
Mayor	the Mayor of Council and any other Councillor acting as Mayor.
Meeting	an Ordinary or Special Meeting of Council

Words	Meaning
Minister	Minister responsible for the administration of the Act.
Minutes	record of proceedings of a meeting
Motion	a proposal framed in a way that will result in the opinion of Council being expressed or a Council decision being made
Officer	employee of Council
offence	an act or default contrary to this Local Law
Penalty Unit	as prescribed in the <i>Sentencing Act 1992</i>
Statutory Meeting	a meeting of Council held for the election of the Mayor and Deputy Mayor, and where necessary, for the taking of the Oath or Affirmation of Office by Councillors
Written or in writing	includes duplicated, lithographed, photocopied, photographed, transmitted by facsimile, transmitted electronically by email, printed or typed
Onsite Wastewater Treatment System	a treatment system that generates up to 5,000 litres per day of wastewater on the allotment where it was generated
Septic Tank System	<p>A Conventional Septic Tank System is a living ecosystem contained within a concrete or plastic Tank where good bugs live and digest and treat the wastewater from your kitchen, bathroom, laundry, toilet. The purpose of the septic tank is to allow solid materials to settle, allow the good bugs to breakdown some of the waste materials, and act as a storage chamber for undigested material.</p> <p>The conventional septic tank is not a mechanical system and relies on gravity and good bugs to work so this system, when functioning well, is generally inexpensive to operate.</p>
High Risk Properties	those properties deemed high risk or in high density development areas as identified in the Domestic Wastewater Management Plan 2014
Domestic Wastewater Management Plan	Hepburn Shire Domestic Wastewater Management Plan 2014

11.9. PROPOSED AGREEMENT - TRENTHAM COMMUNITY AND HEPBURN SHIRE COUNCIL

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 endorsing the proposed agreement between the Trentham community, signified by the organisations represented on the Trentham Community Hub Community Reference Group, and Hepburn Shire Council. The Agreement for the establishment and operation of the new 'Mechanics' in Trentham commits Council and the Trentham community to work in partnership to deliver the Trentham Hub project.

BACKGROUND

At its September 2014 Council meeting, Council endorsed the draft concept design, proposed governance model and business plan for the Trentham Community Hub. The Trentham Hub is to be built on the Trentham Mechanics Institute site which is Crown Land currently managed by a community Committee of Management. The in-principle governance arrangements endorsed by Council are that Council will take over as Committee of Management for the site. It is proposed that Council delegates management of the facility to a joint community and Council Special Committee.

ISSUE/DISCUSSION

The Agreement is based on the vision for the proposed Project agreed by the Community Reference Group, including Council representatives, established to guide development of the Project during 2014. The vision is to deliver: *A community-centred building that is friendly and functional, which provides the designated services efficiently and effectively, and which provides the maximum benefit to the local community into the future.* A copy of the Agreement is at Attachment 8.

Community members on the Community Reference Group representing a range of organisations developed the Agreement as a statement of intention and commitment to inform and complement the Instrument of Delegation for the proposed Special Committee.

Key points included in the Agreement are that:

1. Ownership of the land will remain with the Crown for the long-term benefit of the Trentham community;
2. The Project will operate on a not-for-profit basis – any surplus to be re-invested in the facility for the benefit of the community;

3. The Special Committee will operate within the provisions of a Council Instrument of Delegation and will have the authority to operate its own bank account;
4. Council will endorse persons nominated as representatives of the Community Groups identified as members of the Special committee;
5. The Special Committee will be responsible for developing strategic and annual plans and budgets for the Project;
6. The Special Committee may, subject to its annual plan and delegated financial authority, encourage and sponsor activities, user groups and social enterprises consistent with its goals and the ideals of the Mechanics Institute philosophy;
7. In addition to its formal reporting requirements to Council the Special committee will report annually to the Trentham community; and
8. The Project is an on-going civic, cultural and social institution within Trentham (building on the 134 years of the Trentham Mechanics Institute) and any major change to the legal and management structures and operations as outlined in this Agreement and the Instrument of Delegation will only be made following consultation with, and the agreement of, the Trentham community.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Not applicable

FINANCIAL IMPLICATIONS

Nil associated with this report. Council has committed \$500,000 towards the construction of the Trentham Hub.

RISK IMPLICATIONS

There is a reputational risk of not acting consistently with the Agreement.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Trentham Mechanics

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Agreement has been endorsed by Trentham Hub Community Reference Group representatives:

- Trentham Community Forum
- Trentham and District Historical Society
- Trentham Life Activities Club
- Trentham Mechanics Institute

CONCLUSION

The Agreement for the establishment and operation of the new 'Mechanics' Trentham (Trentham Hub) addresses community aspirations about the long term community engagement with, and ownership of the Trentham Hub project.

OFFICER'S RECOMMENDATION

That Council:

- 11.9.1. Endorses the Agreement for the establishment and operation of the new 'Mechanics' Trentham.
- 11.9.2. Authorises the Mayor and CEO to sign the Agreement for the establishment and operation of the new 'Mechanics' in Trentham.

MOTION

That Council:

- 11.9.1. *Endorses the Agreement for the establishment and operation of the new 'Mechanics' Trentham.*
- 11.9.2. *Authorises the Mayor and CEO to sign the Agreement for the establishment and operation of the new 'Mechanics' in Trentham.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Neil Newitt

Carried

Councillor Bill McClenaghan called for a division.

Councillors that voted in favour of the motion: Councillor Sebastian Klein, Councillor Neil Newitt, Councillor Pierre Niclas, Councillor Greg May, Councillor Kate Redwood

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

ATTACHMENT 9 - DRAFT AGREEMENT BETWEEN COUNCIL & COMMUNITY
FOR THE NEW MECHANICS

DRAFT AGREEMENT
between
Hepburn Shire Council and the Trentham Community
for the establishment and operation of the
The new 'Mechanics', Trentham

This Agreement is a statement of intention and commitment to deliver the new Mechanics, Trentham project (the Project). It is complementary to and informs the Council Instrument of Delegation through which the Project will be formally administered.

This Agreement has no legal status but does have the moral force of the wishes and commitments of Council and the Trentham community to work in partnership to achieve the hopes and goals of the Project for the civic, cultural and social well-being of the Trentham community for decades to come.

The Agreement recognises:

1. The major commitment by Council to providing core community facilities and services to the Trentham community and that Council carries the ultimate legal responsibility for the financial and physical aspects of the Project.
2. The ultimate success of the Project will depend on an effective and respectful working partnership between Council and the community and the sense of community 'ownership' of the Project: in very real terms, to be successful, the whole must be greater than the sum of the parts.
3. The commitment of the relevant major community groups in Trentham to cooperate for the benefit of the whole community.
4. The land bounded by High, Bath and Albert Streets is Crown Land was reserved under trust for the benefit of the community, specifically the establishment and conduct of a Mechanics Institute.
5. The civic and cultural heritage of the Trentham Mechanics Institute (established 1881) and the affection many in the community feel for the 'old Hall'.
6. The significant contribution by the community to the capital cost of the New Mechanics Project.
7. The opportunities from co-location of activities and services to create a vibrant centre for the community, and that
8. The Project is a once-in-a-generation opportunity.

The Agreement is based on the Vision for the proposed Project agreed by the Community Reference Group, including senior level Council representation, established to advise on the development of the Project during 2014:

VISION:

A community-centred building that is friendly and functional, which provides the designated services efficiently and effectively, and which provides the maximum benefit to the local community into the future.

Development of the Project was guided by the following principles:

Guiding Principles

- The new Mechanics, building on the civic and cultural heritage of the Trentham Mechanics Institute, will encourage and promote activities, groups and social enterprise consistent with the goals and ideals of the Mechanics Institute philosophy in a contemporary context which will, in turn, contribute to the long-term well-being of the Trentham community.
- Community benefit is the paramount principle for all services and activities (corollary: there should be no net disadvantage to the community – access, costs etc)

- Governance: day to day operations should be community-centred
- As far as possible the governance structure at community level should be as simple as possible, and preferably a single structure
- Decisions should be taken at the lowest competent level: responsibility & accountability should be accompanied by the appropriate authority
- Clear written guidelines and agreements for governance and for all users
- Council's primary role is to provide and maintain core community facilities and defined services to the community

Services:

Council-provided Services, including

Library
 Multi-purpose Community Hall
 Community Meeting Rooms
 Seniors Clubrooms
 Visitor Information Services
 Other Council Services

Community-driven Services & Activities

Historical Society
 Neighbourhood House
 User groups, incl: Art Show; Dance; Life Activities Club; Table Tennis etc

The Agreement

To deliver the Project in terms of the above understanding, principles and proposed activities and services and in response to community expectations it is agreed that the governance of the Project will be based on a Section 86 Committee of Council.

The Governance arrangements take account of the community contribution to the capital cost of the Project and the need for strong community engagement and 'ownership' of the resulting centre as contributing partner groups, Special Committee members and users, both individuals and groups:

1. Ownership of the land will remain with the Crown for the long-term benefit of the Trentham community;
2. The Project will operate on a not-for-profit basis – any surplus to be re-invested in the facility for the benefit of the community;
3. The Special Committee will operate within the provisions of a Council Instrument of Delegation and will have the authority to operate its own bank account;
4. Council will endorse persons nominated as representatives of the Community Groups identified as members of the Special committee;
5. The Special committee will be responsible for developing strategic and annual plans and budgets for the Project;
6. The Special Committee may, subject to its annual plan and delegated financial authority, encourage and sponsor activities, user groups and social enterprises consistent with its goals and the ideals of the Mechanics Institute philosophy;
7. In addition to its formal reporting requirements to Council the Special committee will report annually to the Trentham community; and
8. The Project is an on-going civic, cultural and social institution within Trentham (building on the 134 years of the Trentham Mechanics Institute) and any major change to the legal and management structures and operations as outlined in this Agreement and the Instrument of Delegation will only be made following consultation with, and the agreement of, the Trentham community.

Endorsed by:

Trentham Hub Community Reference Group Representatives:

Trentham Business Group

Signed :

.....

Trentham Community Forum

Signed :

.....

Signed :

.....

Name:

Trentham and District Historical Society

Signed :

.....

Trentham Life Activities Club

Signed :

.....

Trentham Mechanics Institute

Signed :

.....

Hepburn Shire Council

Signed:

.....

Mayor, Hepburn Shire Council

.....

CEO, Hepburn Shire Council

**11.10. SAFE HAVEN ENTERPRISE VISA SCHEME
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 opting in to the Safe Haven Enterprise Visa Scheme (the SHEV Scheme) for all postcodes within the Hepburn Local Government Area (LGA)

BACKGROUND

In September 2014, the Federal Government announced the creation of a new temporary protection visa, the Safe Haven Enterprise Visa (SHEV) which will be available to refugees that had arrived by boat prior to July 2013.

SHEV holders who study (or work) in regional Australia for at least 3.5 years of their 5 year visa, will be able to apply for other substantive visas, including permanent visas provided that they meet the application criteria for those visas.

Minors have access to primary and secondary education funded by the Government

ISSUE/DISCUSSION

The Department of Immigration and Border Protection (DIBP) have asked all Australian jurisdictions to opt in or out of the Safe Haven Enterprise Visa (SHEV) Scheme (the SHEV Scheme). The SHEV Scheme is to encourage asylum seekers who arrived by boat to show intent to work and/or study in regional areas, while addressing the need to develop the economic and social structure of regional Australia. It is estimated that there are currently 30,000 individuals who fit this category.

Input from local government was sought by the Office of Multicultural Affairs through the Municipal Association of Victoria (MAV) to confirm council to confirm their preference to opt in or out of the SHEV Scheme. Council can choose to opt in all or only certain postcodes or opt out the entire LGA.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

In May 2014 Council endorsed a statement to be submitted to the Mayoral forum on asylum seekers calling on the Australian Government to abandon its harsh policies and practices in dealing with onshore asylum seekers and restore Australia's international reputation and record on human rights.

The Victorian government has advised the federal government that they agree to the SHEV program in principle, subject to securing appropriate federal funds for both holders and regional areas.

FINANCIAL IMPLICATIONS

Nil identified with this report .

RISK IMPLICATIONS

Nil identified with this report.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Victorian government has advised the federal government that they agree to the SHEV Scheme in principle, subject to securing appropriate federal funds for both visa holders and regional areas.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community members and agencies in Hepburn Shire have been active in advocating for Hepburn Shire Council to opt in to the SHEV Scheme.

CONCLUSION

By opting in to the SHEV Scheme Hepburn Shire will provide the opportunity for holders of the SHEV to live and work or study in the municipality.

OFFICER'S RECOMMENDATION

11.10.1. That Council opts into the Safe Haven Enterprise Visa Scheme for all postcodes within the Hepburn Shire Local Government Area.

MOTION

11.10.1. That Council opts into the Safe Haven Enterprise Visa Scheme for all postcodes within the Hepburn Shire Local Government Area.

Moved: Councillor Sebastian Klein

Seconded: Councillor Pierre Niclas

Carried

11.11. 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 new requests for permits and renewals of existing permits to use Higher Mass Limit [HML] vehicles on local roads.

BACKGROUND

The following requests for new permits and renewal of existing permits have been received from the National Heavy Vehicle Regulator (NHVR).

Ref	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)
New Requests						
49085, 49088, 49092	Porter Excavations Pty Ltd	3-axle Truck and 4-axle Dog Trailer	Beaconsfield Road, Creswick-Lawrence Road, West Berry Road, Wrigleys Road	Quarry & bulk	14/09/2015 – 10/11/2018	Approx 10 trips per week
50449	Environmental Vegetation Management Unit Trust	Low Loader & Prime Mover	Stoney Rises Road and Williams Road in Smeaton	Indivisible load	30/09/2015 – 29/09/2016	varies
Renewal Requests						
49730	Toose DLM & T	Semi-trailer	Daylesford-Clunes Road, Cowies Road, Cemetery Road, Lawrence-Glengower Road, Central Leeds Road, Beaconsfield Road	Grain & fertiliser	20/09/2015 – 19/19/2018	20 trips per week
49999 50015 50836	Graeme McKay	3-axle Truck & 4-axle Dog Trailer	East Street in Daylesford	Quarry material	02/10/2015 – 01/10/2016	5 trips per week

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.

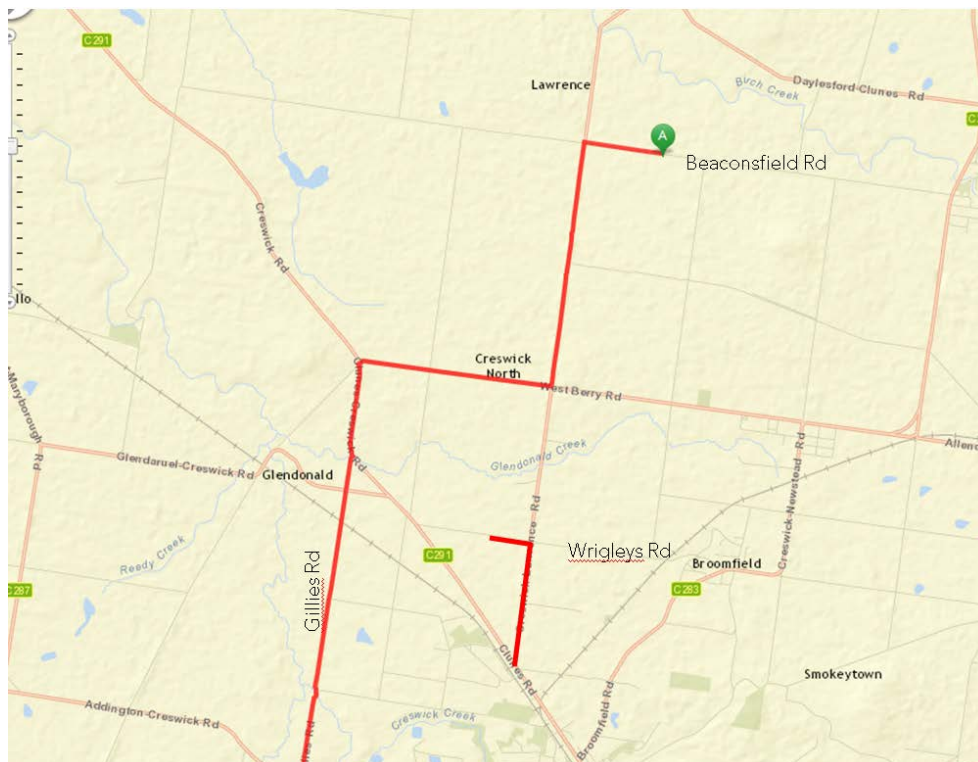
The results of the assessment are provided below along with any recommended conditions to be applied to any consent granted by Council.

NEW REQUESTS

Porter Excavations Pty Ltd (Road Manager Request Number 49085, 49088 & 49092)

Porter Excavations Pty Ltd requests Council consideration to grant permission to use 3-axle Truck and 4-axle Dog Trailer combinations at HML on Beaconsfield Road, Creswick-Lawrence Road, West Berry Road and Wrigleys Road, as marked in the plan below, for a period of three years.

Expected number of trips shall be 10 per week, generally between harvest period of December till March.



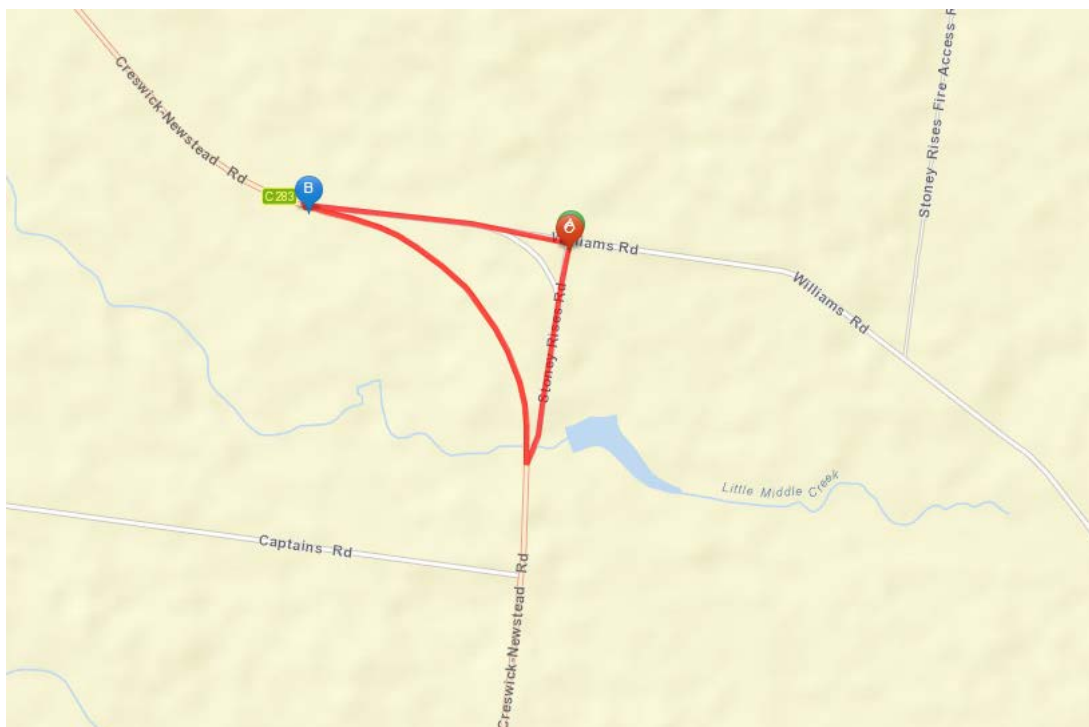
Subject roads have been assessed as suitable for use by trucks and trailers at HML.

It is recommended that Council approves Porter Excavations Pty Ltd to use 3-axle Truck and 4-axle Dog Trailer combinations at HML on Beaconsfield Road (from Creswick-Lawrence Road to 390 Beaconsfield Road, Lawrence), Creswick-Lawrence Road (between West Berry Road and Beaconsfield Road), West Berry Road (between Clunes-Creswick Road and Creswick-Lawrence Road) and Wrigleys Road (from Creswick-Lawrence Road to 94 Wrigleys Road, Creswick North), subject to the following conditions:

- 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.
- Hours of Operation shall be 7:00am to 6:00pm.

Environmental Vegetation Management Unit Trust (Road Manager Request Number 50449)

Environmental Vegetation Management Unit Trust requests Council consideration to grant permission to use low loader and prime mover combinations at HML on Stoney Rises Road and Williams Road in Smeaton, as marked in the plan below, for a period of one year.



Both Stoney Rises Road and Williams Road are capable of carrying the requested vehicles.

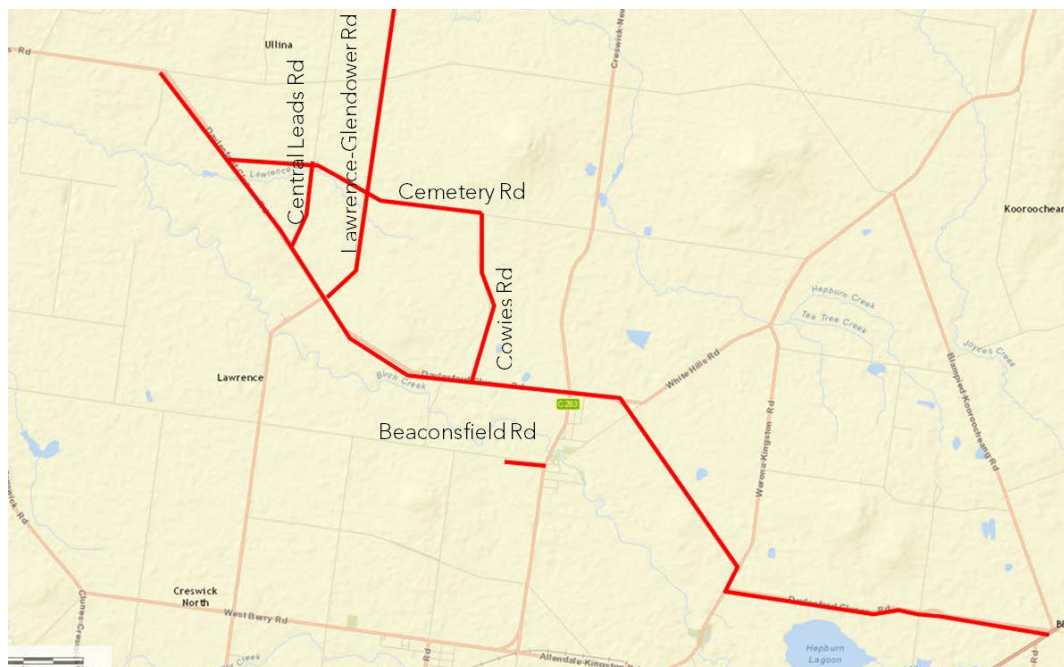
It is recommended that Council approves Environmental Vegetation Management Unit Trust to use low loader and prime mover combinations at HML on Stoney Rises Road and Williams Road (between Creswick-Newstead Road and Stoney Rises Road) Smeaton, subject to the following conditions:

- 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.
- Hours of Operation shall be 7:00am to 6:00pm.

RENEWAL REQUESTS

Toose DLM & T (Road Manager Request Number 49730)

Toose DLM & T requests Council consideration to renew its existing permits to use semi-trailer combinations at HML on Daylesford-Clunes Road (between Midland Hwy and intersection of Ullina-Kooroocheang Road), Cowies Road – Smeaton, Cemetery Road - Smeaton, Lawrence-Glengower Road, Central Leeds Road, and Beaconsfield Road (between Creswick-Newstead Rd & Mullers Ln), as marked in the plan below, for a period of three years.



The subject sections of roads do not have any sensitive bridges or structures and are considered as suitable for using semi-trailers at HML.

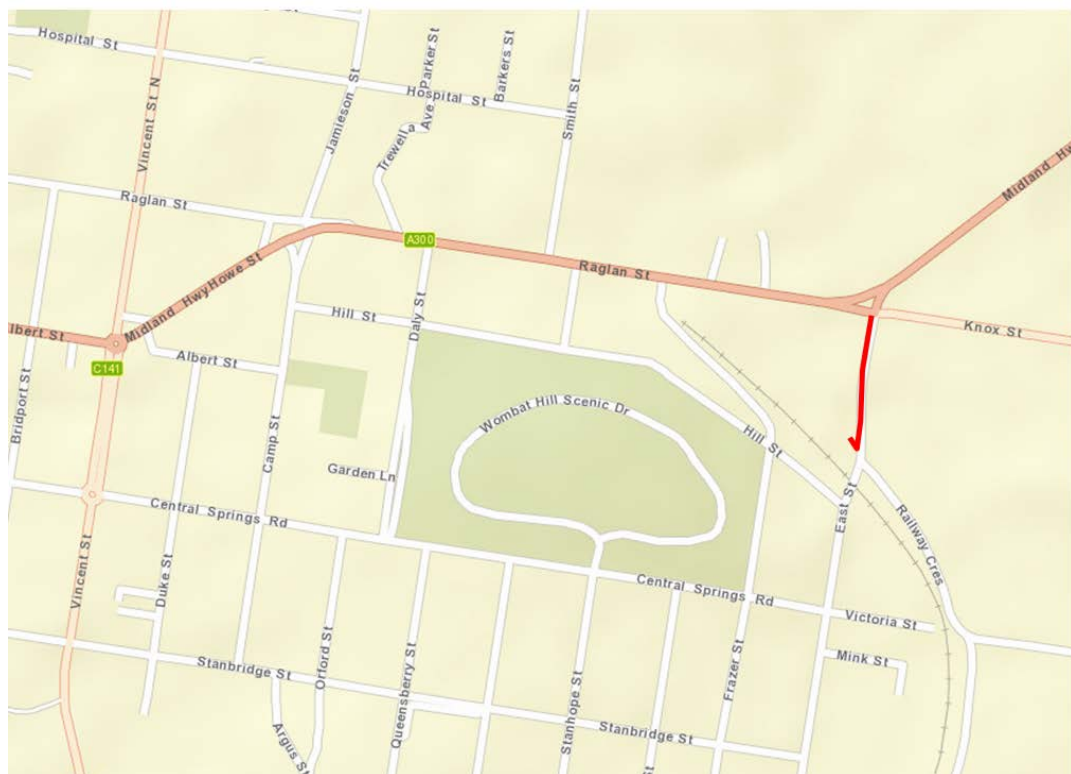
It is recommended that Council approves Toose DLM & T to use semi-trailer combinations at HML on Daylesford-Clunes Road (between Midland Hwy and intersection of Ullina-Kooroocheang Road), Cowies Road – Smeaton, Cemetery Road

- Smeaton, Lawrence-Glengower Road, Central Leeds Road, and Beaconsfield Road (between Creswick-Newstead Rd & Mullers Ln), subject to the following conditions:

- 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.
- Hours of Operation shall be 7:00am to 6:00pm.

Graeme McKay (Road Manager Request Numbers 49999, 50015 & 50836)

Graeme McKay requests Council consideration to renew its existing permits to use 3-axle Truck and 4-axle Dog Trailer combinations at HML on East Street in Daylesford (between Raglan Street and Railway Crescent), as marked in the plan below, for a period of three years.



The section of East Street under consideration is a sealed road with a pavement width of approximately 15m. It is considered that this section of East Street is capable of carrying heavy vehicles.

It is recommended that Council approves Graeme McKay to use 3-axle Truck and 4-axle Dog Trailer combinations at HML on East Street in Daylesford (between Raglan Street and Railway Crescent), subject to the following conditions:

- 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.

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 operators to use heavy vehicles on subject Council maintained roads.

RISK IMPLICATIONS

There are no expected specific risk implications of granting approval to the above operators 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 these requests.

CONCLUSION

Council has received requests from the National Heavy Vehicle Regulator for consent to the issue of new permits and renewal of existing permits to operate Higher Mass Limit vehicles on local roads.

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

OFFICER'S RECOMMENDATION

That Council:

- 11.1.1. Approves Toose DLM & T to use semi-trailer combinations at Higher Mass Limits on Daylesford-Clunes Road (between Midland Hwy and intersection of Ullina-Kooroocheang Road), Cowies Road – Smeaton, Cemetery Road - Smeaton, Lawrence-Glengower Road, Central Leeds Road, and Beaconsfield Road (between Creswick-Newstead Rd & Mullers Ln), for a period of three years commencing 27 October 2015 and expiring on 26 October 2018, subject to following conditions.
- 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
 - Hours of Operation shall be 7:00am to 6:00pm
- 11.1.2. Approves Porter Excavation Pty Ltd to use 3-axle Truck and 4-axle Dog Trailer combinations at HML on Beaconsfield Road (from Creswick-Lawrence Road to 390 Beaconsfield Road, Lawrence), Creswick-Lawrence Road (between West Berry Road and Beaconsfield Road), West Berry Road (between Clunes-Creswick Road and Creswick-Lawrence Road) and Wrigleys Road (from Creswick-Lawrence Road to 94 Wrigleys Road, Creswick North), for a period of three years commencing 27 October 2015 and expiring on 26 October 2018, subject to following conditions.
- 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
 - Hours of Operation shall be 7:00am to 6:00pm
- 11.1.3. Approves Graeme McKay to use 3-axle Trucks and 4-axle Dog Trailers at Higher Mass Limits on East Street in Daylesford (between Raglan Street and Railway Crescent) for a period of three years commencing 27 October 2015 and expiring on 26 October 2018, subject to following conditions.
- 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
- 11.1.4. Approves Environmental Vegetation Management Unit Trust to use low loader and prime mover combinations at HML on Stoney Rises Road and Williams Road (between Creswick-Newstead Road and Stoney Rises Road) for a period of one year commencing 27 October 2015 and expiring on 26 October 2016, subject to following conditions.
- 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
 - Hours of Operation shall be 7:00am to 6:00pm.

MOTION

That Council:

11.11.1. Approves Toose DLM & T to use semi-trailer combinations at Higher Mass Limits on Daylesford-Clunes Road (between Midland Hwy and intersection of Ullina-Kooroocheang Road), Cowies Road – Smeaton, Cemetery Road - Smeaton, Lawrence-Glengower Road, Central Leeds Road, and Beaconsfield Road (between Creswick-Newstead Rd & Mullers Ln), for a period of three years commencing 27 October 2015 and expiring on 26 October 2018, subject to following conditions.

- 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
- Hours of Operation shall be 7:00am to 6:00pm

11.11.2. Approves Porter Excavation Pty Ltd to use 3-axle Truck and 4-axle Dog Trailer combinations at HML on Beaconsfield Road (from Creswick-Lawrence Road to 390 Beaconsfield Road, Lawrence), Creswick-Lawrence Road (between West Berry Road and Beaconsfield Road), West Berry Road (between Clunes-Creswick Road and Creswick-Lawrence Road) and Wrigleys Road (from Creswick-Lawrence Road to 94 Wrigleys Road, Creswick North), for a period of three years commencing 27 October 2015 and expiring on 26 October 2018, subject to following conditions.

- 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

- *Hours of Operation shall be 7:00am to 6:00pm*

11.11.3. *Approves Graeme McKay to use 3-axle Trucks and 4-axle Dog Trailers at Higher Mass Limits on East Street in Daylesford (between Raglan Street and Railway Crescent) for a period of three years commencing 27 October 2015 and expiring on 26 October 2018, subject to following conditions.*

- *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*

11.11.4. *Approves Environmental Vegetation Management Unit Trust to use low loader and prime mover combinations at HML on Stoney Rises Road and Williams Road (between Creswick-Newstead Road and Stoney Rises Road) for a period of one year commencing 27 October 2015 and expiring on 26 October 2016, subject to following conditions.*

- *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*
- *Hours of Operation shall be 7:00am to 6:00pm.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Greg May

Carried

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

In providing this advice to Council as the Acting General Manager Corporate Services, I Kerrie Addison 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:

- *the subject of a decision of the Council; or*
- *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
 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
8 September 2015	Daylesford Council Chamber	Councillor Briefing
15 September 2015	Lyonville Hall	Councillor/CEO Meeting
15 September 2015	Lyonville Hall	Pre Council Meeting Briefing
25 September 2015	Creswick Hub	Public Art Panel

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

11.12.1. That Council receives and notes the Records of Assemblies of Councillors for the month of September 2015.

MOTION

11.12.1. *That Council receives and notes the Records of Assemblies of Councillors for the month of September 2015.*

Moved: Councillor Neil Newitt

Seconded: Councillor Pierre Niclas

Carried

ATTACHMENT 10 - RECORDS OF ASSEMBLIES OF COUNCILLORS
SEPTEMBER 2015

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Councillor Briefing
 Date: Tuesday 8 September 2015
 Time: 12:00pm – 5:25pm

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

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 | - Manager Community and Economic Development, Adam McSwain |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | - Events Co-ordinator, Rebecca Pedretti |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | - Manager Strategic Asset Management, Steve Millard |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | - Property Officer, Karen Ratcliffe |
| <input checked="" type="checkbox"/> Other, please specify:
Manager Finance & Information Technology
Community and Economic Development
Co-ordinator | - Manager Planning, Justin Fiddes |

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

Signature: 

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

CONFIDENTIAL
 ► COUNCILLOR BRIEFING AGENDA
 TUESDAY 8 SEPTEMBER 2015

Tuesday 8 September 2015
 Council Chamber, Daylesford Town Hall
 12:00pm – 5:25pm

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, General Manager Infrastructure and other officers as required

CHAIR: Mayor Cr Kate Redwood AM

APOLOGIES:

No	Time	Agenda Item		Presenter	No
	12:00pm	Lunch Break Lunch will be provided			
1.	12:30pm	Report	Draft Annual Financial Report 2014/15	Manager Finance and Information Technology	Page 4
			Attachment 1 – Draft Financial statements and Performance Reports 2014/15 (Issued Under Separate Cover)		Page 6
2.	1:00pm	External Discussion	Belgravia Leisure	Mr Nick Cox, Chief Executive Officer, Belgravia Leisure	Page 7
3.	1:30pm	Internal Discussion	Following external discussion with CEO of Belgravia Leisure	Chief Executive Officer	
4.	1:45pm	External Presentation	Clunes Community Plan 2015	Community and Cultural Development Officer	Page 8

No	Time	Agenda Item	Presenter	No
		Attachment 2 – Draft Clunes Community Plan 2015		Page 10
5.	2:15pm	Verbal Presentation Creswick Town Hall Kitchen Relocation	General Manager Community Services	Page 17
6.	2:30pm	Report Review of Events Policy Attachment 3 – Events Strategy – August 2014 Attachment 4 – Revised Policy 31 (C) – Events Policy	Events Coordinator	Page 18 Page 20 Page 29
7.	3:00pm	Report Licence Renewal – Trentham Public Purpose Reserve – Council as Occupier of Trentham Skate Park	Property Officer	Page 36
8.	3:15pm	Report Licence Renewal – Clunes Neighbourhood House to Occupy Part of Lee Medlyn Home of Bottles Attachment 5 – Draft Council Licence	Property Officer	Page 38 Page 40
	3:30pm	Break		
9.	3:45pm	Presentation Public Art Program – Creswick Commission Attachment 5 – Draft Expression of Interest – Creswick Public Art Project	Community and Cultural Development Officer	Page 54 Page 55
10.	4:15pm	Report Review of Policy for Placement of Fixed and Temporary Furniture, Signs and Outdoor Dining Facilities on Road Reserves	General Manager Infrastructure	Page 68

CONFIDENTIAL

► COUNCILLOR BRIEFING AGENDA
TUESDAY 8 SEPTEMBER 2015

No	Time	Agenda Item	Presenter	No
		Attachment 7 – Revised Policy 19 (C) – Placement of Fixed and Temporary Furniture, Signs and Outdoor Dining Facilities on Road Reserves		Page 70
11.	4:30pm	Report Proposed New Commercial Tenancy – First Floor, Creswick Hub – 68 Albert Street, Creswick	Manager Strategic Asset Management	Page 78
12.	4:45pm	Report Review of Revenue, Collection and Hardship Policy Attachment 8 – Revised Policy 6 (C) – Revenue, Collection and Hardship Policy	Manager Finance and Information Technology	Page 80 Page 81
13.	5:15pm	Report Planning Update Attachment 9 – VCAT Hearing List	Manager Planning	Page 89 Page 90
14.		For Noting Agenda Items – Next Council Meeting		Page 92
15.	5:25pm	CLOSE OF MEETING		Page 93

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 15 September 2015
 Time: 2:00pm

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

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May <i>Apology</i> |
| <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 15 September 2015

Lyonville Hall

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	Hepburn Wind Rates position	Cr Pierre Niclas
2.		Development of a Disability Access award.	Cr Kate Redwood AM
3.		Update on Mining meeting held in Clunes - Mt Rommel	Cr Neil Newitt
4.		ICLEI Climate Change Compact of Mayors	Cr Sebastian Klein
5.			

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 15 September 2015
 Time: 3:30pm – 5:00pm

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

Councillors present:

- Cr Don Henderson
- Cr Kate Redwood AM
- Cr Sebastian Klein
- Cr Bill McClenaghan
- ~~Cr Greg May~~ - Apology
- 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:
 Manager Finance and Information Technology,
 Trafford Thompson
 Manager Community & Economic
 Development, Adam McSwain

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Nil	

Matters Considered:

Council Meeting Agenda – Tuesday 15 September 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.

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Public Art Panel
 Date: 25-09-2015
 Time: 11am-1pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Creswick Hub Meeting Room

Councillors present:

- | | |
|---|---|
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM (until 12pm) | <input type="checkbox"/> Cr Neil Newitt |
| <input type="checkbox"/> Cr Sebastian Klein | <input type="checkbox"/> Cr Pierre Niclas |
| <input type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|---|--|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: Kate Gerritsen |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | Community and Cultural Development Officer, |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | Adam McSwain, Manager Community and |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | Economic Development |

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 type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> x Kate Gerritsen: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: ____ Kate Gerritsen

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

PUBLIC ART PANEL AGENDA

MEETING 25 SEPTEMBER 2015 – 11PM - 1PM

CRESWICK HUB, 68 ALBERT STREET, CRESWICK

Attendees: Dr Sue Walker AM (Chair), Brad Hooper, Glenn Mack, Kim Percy, Ian Head, Elizabeth Liddle, Petrus Spronk, Frances Guerin, Corey Pugh, Mayor Cr Kate Redwood AM (to 12pm), Kate Gerritsen, Adam Mc Swain (from 12pm)

Apologies: Kareena Hodgson, Dr Louiseann Zahra-King,

Item	Time	Agenda Item	Presenter
1	11.00am	Welcome & Apologies Acceptance of previous minutes 31 July 2015	Chair
2	11.10am	Conclusion of Jason Waterhouse commission (NB Standing item for commission delivery period)	Kate Gerritsen
3	11.25pm	Creswick Public Art Commission - Review EOI document and process - Confirm dates for selection Panel	All
4	12.15pm	Brief update on Hepburn Hub Project	Adam / All
5	12.30pm	Update on Public Art cataloguing and photography project	Kate/Louiseann
6	12.45pm	Panel end of year 'thank you'	Kate
7	12.55am	Conclusion and close	Chair

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 Acting General Manager Corporate Services, I Kerrie Addison 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 Creswick Museum Special Committee – General Meeting – 31/08/2015
- Minutes from the Lee Medlyn Home of Bottles Special Committee – General Meeting – 09/09/2015.
- Minutes from the Lyonville Hall Special Committee – General Meeting – 22-09-2015.

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

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

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

- Minutes from the Creswick Museum Special Committee – General Meeting – 31/08/2015
- Minutes from the Lee Medlyn Home of Bottles Special Committee – General Meeting – 09/09/2015
- Minutes from the Lyonville Hall Special Committee – General Meeting – 22/9/2015

MOTION OFFICER'S RECOMMENDATION

12.1.1. *That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed under separate cover:*

- *Minutes from the Creswick Museum Special Committee – General Meeting – 31/08/2015*
- *Minutes from the Lee Medlyn Home of Bottles Special Committee – General Meeting – 09/09/2015*
- *Minutes from the Lyonville Hall Special Committee – General Meeting – 22/9/2015*

Moved: Councillor Don Henderson

Seconded: Councillor Sebastian Klein

Carried

13. COUNCIL ADVISORY COMMITTEES

13.1. MINUTES OF ADVISORY COMMITTEES GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Acting General Manager Corporate Services, I Kerrie Addison 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 over the past month, for your information:

- Public Art Panel – Draft Minutes – 25/9/2015

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 the minutes of the following Advisory Committees which have been distributed under separate cover:

- Public Art Panel – 25/9/2015

MOTION

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

- *Public Art Panel – 25/9/2015*

Moved: Councillor Neil Newitt

Seconded: Councillor Bill McClenaghan

Carried

**13.2. RECOMMENDATION FROM THE PUBLIC ART PANEL
GENERAL MANAGER COMMUNITY SERVICES**

This recommendation to Council is based on a resolution by the Public Art Panel from its meeting on 25 September 2015.

PURPOSE

The purpose of this report is to consider a recommendation to Council from the Public Art Panel regarding the construction of a gallery space as part of the Hepburn Hub project.

BACKGROUND

The Public Art Panel received an update on the Hepburn Hub project the Manager of Community and Economic Development. The Panel were informed of further consultation to take place in October 2015 with ClarkeHopkinsClarke Architects regarding the development of detailed designs for the Hepburn Hub.

In addition to contributing to the consultations, the Public Art Panel would like to recommend the following to Council:

- That gallery space at the Hepburn Hub be used to provide local artists opportunities to showcase and sell their work
- That close consideration be paid to the construction of the space – specifically with regard to floor and ceiling weight bearing, gallery hanging systems, appropriate artwork storage space and glass ceiling window shades

ADVISORY COMMITTEE RECOMMENDATION

13.2.1. That Council considers the above recommendations with regard to development of gallery space in the Hepburn Hub.

MOTION

13.2.1. *That Council considers the above recommendations with regard to development of gallery space in the Hepburn Hub.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Sebastian Klein

Carried

14. CONFIDENTIAL ITEMS

There were no confidential items.

15. CLOSE OF MEETING

The meeting was closed at 9:35pm.
