



HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF COUNCIL  
PUBLIC MINUTES

TUESDAY 19 SEPTEMBER 2017

THE WAREHOUSE

36 FRASER STREET

CLUNES

6:00PM

Confirmed at the Ordinary Meeting of Council  
held on Tuesday 17 October 2017

A handwritten signature in blue ink, appearing to be "S. Klein", is written over a horizontal line.

Chair, Mayor Cr Sebastian Klein

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# MINUTES

TUESDAY 19 SEPTEMBER 2017

The Warehouse  
36 Fraser Street, Clunes  
Commencing 6:00PM

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AARON VAN EGMOND  
CHIEF EXECUTIVE OFFICER  
19 SEPTEMBER 2017

## 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 Sebastian Klein, Cr Greg May, Cr Fiona Robson, Cr Neil Newitt, Cr Don Henderson, Cr John Cottrell, Cr Kate Redwood AM

**IN ATTENDANCE:** Aaron Van Egmond Chief Executive Officer, Grant Schuster General Manager Corporate Services, Bruce Lucas General Manager Infrastructure, Kathleen Brannigan General Manager Community Services, Trafford Thompson Manager Finance and IT, Justin Fiddes Manager Planning, Carl Telfar Manager Strategic Project Delivery, Katherine Toom Coordinator Governance and Information

### 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

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### 4. DECLARATIONS OF CONFLICTS OF INTEREST

None noted.

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### 5. CONFIRMATION OF MINUTES

#### RECOMMENDATION

- 5.1. *That the Minutes of the Ordinary Meeting of Council held on 15 August 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Neil Newitt

**Carried**

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### 6. NOTICES OF MOTION

Nil

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### 7. ITEMS OF URGENT BUSINESS

Nil

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## 8. PRESENTATION OF COUNCILLOR REPORTS

### MAYOR'S REPORT

#### Councillor Sebastian Klein, Coliban Ward

In the past month I attended the Australian Industrial Ecology Conference where we looked at the future of industries working smarter together. We saw how local government is a critical player to Industrial Ecology – which is the co-location and collaboration of businesses using waste streams to create new products and economic opportunities. It is to some extent a case of what-is-old-is-new and waste not / want not.

The conference itself was equal measures inspiring and concerning as we looked at some of the best examples and at some of the challenges facing a sector with a range of nuances as a result of being *push* industry where contractors are paid to remove liabilities but not necessarily to ensure that they don't reach landfill, or that they are used for anything more useful.

I also attended a tour of organics facilities with the Waste Resource Recovery Group – this included a local horse stud-cum-commercial worm farm. Davo's worm farm turns food manufacturing waste into worm castings fertiliser and they are also experimenting with pyrolysis and biochar – a valuable agricultural soil amendment. We are also currently recruiting for the position of Executive Officer, meeting with other Resource Recovery Groups, developing concepts for a Waste Innovation Lab, and engaging in conversations with neighbouring shires on how we can build on our bioenergy success to deliver an innovative waste service that achieves not just diversion of stuff from landfill, but actually makes sure it gets re-used as much as possible.

Along with Councillors from across the shire and industry and policy personnel from around Australia I attended the launch at Spring Street of the Victorian Renewable Energy Target. With one of the most ambitious targets of any government in Australia, the Victorian Government is leading the way in what Government policy looks like in meeting the challenges of the future.

For us here in Hepburn, there is certainly no grass growing under our feet and beyond beginning to activate our Towards Zero Emissions strategy, which was passed at the last Council meeting, across the organisation, we have also been engaged with More Australian Solar Homes (MASH – formerly Mt Alexander Solar Homes, a not for profit foundation with community dividends set up to encourage solar uptake) and Hepburn Wind. Of particular interest is the economic opportunity, as stated in our Economic Development Plan for our community as well as the climate. Questions that were discussed included how to pursue our community's renewable energy goals, how we pursue the goal of becoming net energy exporters, all conversations which constitute a particularly profitable opportunity with the



changes to the feed in tariff in Victoria to 11 cents. One of the interesting things that I learned was that large electricity producers are actually payed by the power-infrastructure companies and the Energy Market Operator to produce energy out here in regional areas by way of reducing the inefficient losses of electricity on the way from Yallorn, supplying electricity further into constrained grids, and stabilising reliable energy supply in areas where black-outs and brown-outs are relatively common.

It seems clear that we, in Victoria, are doing the heavy lifting right here, right now, in terms of building the energy supply of the future and securing the future of electricity supply throughout the grid.

I also attended the Smeaton Bowls club 60<sup>th</sup> anniversary, where, apart from the reliably incredible spread, the other noteworthy thing that I noted was the fact that our colleague Cr May is a bit of a crack shot when it comes to throwing a few balls down the green.

I also attended a tour of Lake Daylesford with local state member Mary-Anne Thomas reviewing the prodigious amount of work that has proceeded there with the help of a grant from the State Government. It is a real credit to the team, the rate at which the work has progressed, including more than 30,000 plants, weed treatments, infrastructure renewal, landscaping and infrastructure redesign and installation. It was fantastic to see what can be achieved in concert with a community with real consultation and communication to achieve a common goal and outcome.

I attended a range of other events which will be included in my written report:

A Central Highlands Councils Victoria regional gathering of Mayors and CEOs

I spoke on a panel at the Australian Waste Resource Expo about the oncoming E-waste ban in Victoria and what expectations on Councils will be.

Organics treatment tour with WRRG – Davo's Wormfarm

The Central Highlands Regional Partnership Forum in Creswick

My final Public Art Panel meeting

Coliban Water Planning Day in Trentham

Slow meat symposium in Daylesford

## COUNCILLOR REPORTS

### Councillor Greg May, Creswick Ward

Since my last report I have a number of meetings and community events to report on beginning with the AGM of the Dean Recreation Reserve Committee.

This small but enthusiastic group is working hard to ensure the reserve is being well used for a variety of events and well maintained and improved. They are grateful for the recent budget funding for new fencing at the reserve as well as funding to assist with their Sheep Dog Trials and Kite Festival events.

In 2018 a student from the Daylesford Secondary College will hopefully be travelling to France as a result of winning the Villers- Bretonneux Scholarship which the Hepburn Shire have made available. The small rural village of Villers- Bretonneux is home to the Victoria School which was built with funds raised by Victorian school children after the devastation of the first world war. The school's hall is adorned with carvings of Australian fauna, all produced by students from the Daylesford Technical School many years ago. The winner of the scholarship should be announced soon to allow the student time to make travel arrangements for the trip next April which will be the 100th anniversary of the liberation of the township by Australian soldiers.

On the 4th of this month I attended a Slow Meat Symposium held in the Daylesford Town Hall. The symposium brought together people from all over the country who have an interest in the reform of meat production and consumption in this country. I could only attend for a short time but was interested to hear from a Tammi Jonas, a local pork producer, Grant Hilliard, a butcher and processor from Sydney as well as Melbourne chef Matt Wilkinson.

All spoke on their particular area of expertise in the meat industry including raising animals ethically and in healthy environments, the importance producer – butcher – consumer relationships and the need for consumers to have an understanding of where their meat came from and how it was produced.

On the 7th of September I attended a presentation at the Creswick Hub conducted by some impressive young community members who are taking part in a leadership program run by the Western Bulldogs Football Club. The program encourages the participants to select a community issue they are passionate about and plan, implement and deliver initiatives designed to have a positive impact on the issue. The local kids in the program chose homelessness as their community issue. Their research in the Hepburn Shire reveals some statistics which we all should be concerned about. Their initiative

Designed to have a positive impact on the issue is to put together packs of goodies which they considered a homeless person would appreciate. The packs include a beanie, gloves, toothpaste, deodorant etc. All things most of us take for granted but most welcome to someone who might be homeless. The kids ran a raffle and sought donations from local businesses to enable them to put the packs together.

Last Sunday I attended the official opening of the 2017 / 18 Bowls season at the Smeaton Bowling Club as well as 60th Anniversary celebrations of the club.

The club had humble beginnings with a small clubhouse and 7 rink green.

A community meeting decided that the construction of a green and a clubhouse couldn't commence until there were funds of 500 pounds available.

The money was soon available through donations and debentures and with almost entirely volunteer labour the facilities were built. The club now has 2 greens and facilities which are the envy of other small rural bowls clubs. The day was also attended by the mayor who spoke briefly to the crowd and also showed some promise on the green.

While I'm on the topic of sport, it probably hasn't escaped most peoples attention that the recent Central Highlands Football League senior premiership was won by Hepburn. As a long time supporter of Newlyn this isn't necessarily the outcome I would have hoped for but their achievement should be congratulated all the same. Perhaps even more importantly the Hepburn Football Netball club had both their junior football teams in the season deciders, winning the Under 18 Premiership. Although often criticised, football – netball clubs play an important role in our communities, providing our young people with recreational opportunities as well as social opportunities. They also help to foster other life skills such as leadership and inclusion and also instil a sense of community.

#### **Councillor Fiona Robson, Birch Ward**

Cr Kate Redwood AM and myself hosted a second Secure Housing & Homelessness Forum on 24 Aug. Again, it was well attended & generated useful conversation & ideas. It was great to have Malcolm Douglas from Community Housing Ltd joined us. He shared their approach to managing the community housing for Hepburn Shire and touched on new opportunities to work together to improve Housing options here. I appreciate the work that Cr Redwood put into this Forum. We are planning a third Forum for November.

Many councillors, officers and residents from Hepburn Shire attended the Central Highlands Regional Assembly in Creswick on 31 Aug. I participated in conversations regarding Health and Social Wellbeing and particularly appreciated the input of students from secondary schools across the region.

Public presentations by two student Deakin University doctors regarding their perceptions whilst working at Springs Medical Centre and their observations. They spoke about the importance of dental check ups for children to reduce the incidence of hospitalisation and explored ways to increase the rate of immunisation.

I participated in a Leading Policy Innovation workshop with Melb Uni's Policy Lab and Municipal Association of Victoria with councillors and officers from around the state. It was useful to understand the research from around the world and to consider what would be of benefit for us. An area we explored was better ways to engage and to work with members of our communities.

I enjoyed the Daylesford Secondary College's production, 'Dream On', on the final, and sell-out, night. It was wonderful to see the enthusiasm & enjoyment of the many people involved. Students were involved in the music and lighting as well as on the stage. The students expressed their gratitude to the teachers and everyone that made the production possible.

Cr Kate Redwood AM and myself held a Birch Ward meeting at the Leonard's Hill Market on Saturday 16 Aug. There was a range of interests and we were able to show people how to submit requests in our council's online customer request system (at [www.hepburn.vic.gov.au/online-customer-request](http://www.hepburn.vic.gov.au/online-customer-request)).

I am pleased to continue to assist Daylesford skaters to work toward the upgrade of the skate facilities at the Daylesford Community Park. They have taken on organising the Daylesford Community Fair with parents and friends. The fair will be on Sunday 19 Nov. Please put the date in your diary as it promises to be wonderful day. As well as celebrating & connecting our community, this year the fair will help raise money for the new skate facilities.

It is important that young people feel valued & a strong sense of belonging here. Our Council now has a youth engagement officer and the youth policy is up for review tonight. I am interested in ways we can better support young people to actively participate in making this a place that they want to be part of.

#### **Councillor John Cottrell, Holcombe Ward**

No written report provided

#### **Councillor Neil Newitt, Cameron Ward**

Late last month I met with a group of local residents keen to progress the idea of linear tracks in Clunes. You will recall this was an item included in this year's budget.

The group consisted of a number of interested people from a number of groups already involved in some form of outdoor activity in Clunes, including Clunes waterway group, Clunes Museum (who publish town walk maps), Clunes Treckers (walking group), arts community, and some individuals who have also raised the ideas of walking paths with me.

The idea was to bring these people together to hear each other's ideas. For some time I have heard ideas from individuals and this was a way for them to hear that others had similar ideas.

There was certainly a lot of enthusiasm from the group and a number of great ideas how to link key parts of the town by pathways - both for convenience and to promote



healthy activity. For example, linking the school to the Clunes to Fairview path currently being delivered by council.

They are enthusiastically waiting for council to hold a conversation with the wider community on this as was captured in this year's budget.

Meanwhile, I received news of a similar project in the Pyreneese Shire, called the Beaufort Walkability Project. Their project received federal funding through the Building Better Regions Fund grant of \$149,650 matched with ratepayers contribution to deliver the \$300,000 project.

Cr Ron Eason, the Pyrenees Shire Mayor, said the Beaufort Walkability Project would increase the movement of pedestrians across the town.

It will mean older residents can move about in a safer manner, school children can walk to school on a designated path and tourists will be able to explore the town's assets," he said. The pathways and circuits this grant will fund will benefit a wide section of the Beaufort community.

The Beaufort project seems to mirror what is envisioned for Clunes. Some of those who met with me to discuss their ideas are keen to hear more about the Beaufort project and would like council and I to arrange a meeting to hear more about the Beaufort project.

I think this would benefit council in developing not only the linear tracks project in Clunes but would also be of benefit for other similar projects as they come up across the shire.

<http://www.pyrenees.vic.gov.au/files/a1c72209-09a5-4fbf-bb24-a5af00ffdcf7/20160216 - Pyrenees Shire Beaufort Walkability Plan.pdf>

#### **Councillor Kate Redwood AM, Birch Ward**

It was a pleasure to be able to assist the LGBTI community organise their campaign to support the Yes vote on same sex marriage by setting up the public meeting at the Daylesford Hotel on 17 August. The meeting was well attended and resulted in the display of flags and posters in the Daylesford CBD and the media coverage of the local campaign. There has been a strongly positive response to Council flying the rainbow flag in Vincent Street.

The Her Place exhibition in the Warehouse Clunes continued to attract attention. Heather Mutimer and I shared a platform to speak about the Hepburn Honour Roll for Women. The International Women's Day advisory committee has distributed advertising material inviting nominations for the Honour Roll for 2018 and is working hard on arrangements for the next IWD event.

The second forum on Homelessness and Secure Housing was held on 24 August and again was well attended. The Forum received an update on the campaign for the residents subject to eviction from the Daylesford caravan park and noted that this continues to grow, with over 70 letters sent to the minister thus far. A presentation from Mal Douglas the state manager for housing from the Community Housing Ltd housing association gave a strong sense of confidence that his organisation will deliver positive benefit for the Shire. An update on the current levels of homelessness was presented by Rae Hough, and attendees put forward their thoughts as to how to find more shelter for those that have none. I organised and ran this event and look forward to Cr Robson and I running the next Forum in November.

The Daylesford and District Historical Society held their AGM and a special part of the event was the launch of the newly conserved 1861 Temperance Banner. This is one of the most significant artifacts held in the Museum. It was repaired by the people who restored the Eureka flag, who commented that it is made of the same fabric that was usually used to make miners shirts. The Temperance banner reflected the activity of women at the time in response to family violence and was a precursor of the Rechabite organisations and the early suffrage for women movement. I was honoured to be able to assist with the Temperance Banner project.

I attended a meeting of the Daylesford Macedon Ranges Tourism Board and reported on the wish of Council to receive regular briefings on DMRTB's activities with special emphasis on the west of the Shire.

The Mineral Springs Advisory Committee continues to be active and are moving into a planning phase for the next financial year. It is wonderful to see the extensive landscaping and tree planting happening at a number of the mineral springs reserves, particularly Hepburn Springs Reserve and Lake Daylesford. Well done to the Council project team who are delivering this.

Along with other councillors I attended the Regional Assembly held at the RACV Creswick.

Cr Robson and I held a ward meeting at Leonards Hill.

I attended Cr May's White Ribbon Committee meeting this morning and it is great to see the move to training of white ribbon ambassadors across the Shire.

### **Councillor Don Henderson, Creswick Ward**

During the time since the last meeting I attended the Regional Assembly held at RACV Creswick.

I took the opportunity to network with a diverse range of people and to explore how we can better the whole region. I also discussed with people from government the World heritage listing of the goldfields from Ballarat to Bendigo and the benefits that could come from the work both short and long term. I have also driven along a

proposed Buried Rivers of Gold trail taking in the major mines to the North of Creswick with Business and Tourism Creswick.

I attended an all staff meeting to see what council is doing in the operational area. I was particularly pleased to hear of progress in the area of road construction and maintenance and the fact that reactive works would largely be replaced with planned works which must if implemented deliver a better long term outcome.

A group of young people gave an inspiring presentation about their leadership experiences during the Western Bulldogs leadership program. Their theme about Homelessness brought no surprises for me but did raise the awareness of the problem of homeless youth in our shire which is hidden or ignored by most of our community. I also found some time after the event to drop into the AGM of the local Scouts but alas their main activity had finished.

I attended the opening of the Inaugural Creswick Photography Prize along with CEO van Egmond. This was well attended and the standard of entries very high according to judge MC Julie Millowick and patron Mr Geoff Moorfoot OAM. This event ran over two weekends and will be on again in a bigger form next year.

The Creswick and District Brass band held its annual AGM and presentation night and the highlight for me was the fact that the band is growing in number and stature having done very well in state titles. The number of young band members is increasing so all looks well for the future.

Not to forget the Dean Kite festival. The people at Dean always put on a good show and many children enjoyed the very windy conditions to fly a vast array of kites. The interesting thing was the attraction of people from diverse ethnic backgrounds who attended. I also attended their AGM along with Cr May.

## 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:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**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. QUESTIONS

#### Question 1 – Mr Bill McClenaghan

Today, 18/9/17 I received a two-sheet document being distributed in Daylesford by persons unknown regarding works at Daylesford Speedway. The document is unsigned but certainly is well informed about what happened last week at the Speedway and the possible role of Council in this. I am not the author.

Council is Committee of Management for the parcel of crown land leased to the Daylesford Speedway Club and recently renewed the lease of the 'The Basin Reserve' to that club. Council is also the local responsible authority for planning matters.

I recommend a site visit by Council Officer prior to the September Council Meeting.

**Did Council approve massive land clearance of native and non-native vegetation at Daylesford Speedway both as Committee of Management and responsible planning authority as the site clearance works are very extensive and would have required a Planning Permit, notification to neighbours and permission from DELWP?**

#### Answer 1 – Mayor Sebastian Klein

These concerns have been raised with Council late yesterday and are currently being investigated. We are not able to provide a full response at this stage and will take the question on notice and provide a response over the next few days when all of the details are available.



**Supplementary Question – Mr Bill McClenaghan**

Was any contact made with DELWP regarding its approval of the works and the removal of vegetation?

**Answer to Supplementary Question – Mayor Sebastian Klein**

We will take that question on notice.

**Question 2 – Mr Bill McClenaghan**

Trees on crown land are the property of the crown so if they have been removed for lumber by someone or some organisation making a profit by selling the trees or exchanging the value of the trees for works performed, what would be Council's responsibility now as Committee of Management and local responsible planning authority?

**Answer 2 – Mayor Sebastian Klein**

This question will also be considered as part of investigating the previous question and a response will be provided at the same time as the response to the previous question.

**Supplementary Question - Mr Bill McClenaghan**

Under the terms of the Lease to the Daylesford Speedway, would they be authorised to perform such works as those which have occurred?

**Answer to Supplementary Question – Mayor Sebastian Klein**

We will take that question on notice, but I do not believe it would allow this.

**9.2. REQUESTS TO ADDRESS COUNCIL**

Jade Kulesza addressed the Council in support of the petition he has submitted entitled Keep Australia Day in Hepburn Shire.

### 9.3. PETITION – KEEP AUSTRALIA DAY IN HEPBURN SHIRE

#### SUMMARY

Council has received a petition with 82 signatures which states:

#### Keep Australia Day in Hepburn Shire

'The petitioners whose names, addresses and signatures appear hereunder petition the Hepburn Shire Council as follows:

That extensive consultation of all ratepayers in the Hepburn Shire Council on their opinion to keep Australia Day as Australia Day be surveyed. The results of this plebiscite be respected by the Councillors to keep Australia Day on the 26<sup>th</sup> of January each year in the Hepburn Shire Council.

#### RECOMMENDATION

That Council:

9.3.1. Receives and tables the Petition: Keep Australia Day in Hepburn Shire

9.3.2. Notes that in accordance with section 5.10.5 of Local Law No. 1, where a petition relates to an item already on the agenda at the meeting at which the petition is tabled, the matter may be dealt with at the meeting. This matter will be considered by Council at agenda item 11.5.

9.3.3. Advises the head petitioner of the above process and any resolutions of Council at agenda item 11.5.

#### MOTION

*That Council:*

9.3.1. *Receives and tables the Petition: Keep Australia Day in Hepburn Shire*

9.3.2. *Notes that in accordance with section 5.10.5 of Local Law No. 1, where a petition relates to an item already on the agenda at the meeting at which the petition is tabled, the matter may be dealt with at the meeting. This matter will be considered by Council at agenda item 11.5.*

9.3.3. *Advises the head petitioner of the above process and any resolutions of Council at agenda item 11.5.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

## 10. STATUTORY PLANNING REPORTS

### 10.1. PLANNING APPLICATION 1549- DEVELOPMENT OF A SUPERMARKET, ASSOCIATED CARPARKING, LANDSCAPING AND BUSINESS IDENTIFICATION SIGNAGE AT 48 ALBERT STREET CRESWICK.

#### CHIEF EXECUTIVE OFFICER

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

#### PURPOSE

The purpose of this report is for Council to determine on the application PA1549 for the development of a supermarket.

#### BACKGROUND

The application site comprises five parcels of land. It is zoned Commercial One Zone with an Environmental Significance Overlay Schedule 1.

The application site has a total area of 4,620m<sup>2</sup>. The land is currently vacant undeveloped land. The land has three street frontages, to Albert Street to the West, Victoria Street to the North and Pearman Street to the East. Surrounding land use and development includes the new waterpark/skate park on the northern side of Victoria Street, CFA shed and office on the land adjoining to the South, and the Information Centre across the road on Albert Street to the West. The Creswick Creek runs parallel to the eastern boundary of the land beyond Pearman Street.

The application seeks approval to develop a supermarket on the land. The application includes provision of carparking, landscaping and indicative signage. Access to the land is proposed from Victoria Street, with the building addressing that street. The western facade on Albert Street is largely unarticulated flat clad (sheeting and brick) with a short return section of verandah on the northern end.

The application was advertised by placing a sign on the site, and by notice in the Advocate newspaper. Eight objections and one submission were received.

The application was referred to Central Highlands Water and Goulburn Murray Water as determining referral authorities under Clause 66.02-5 (application to develop land within a Special Water Supply Catchment). Both authorities consented to the proposal, with Goulburn Murray Water requiring conditions concerning erosion control and stormwater.

Advice was sought from North Central Catchment Management Authority (NCCMA) and VicRoads.

NCCMA requested conditions be placed concerning finished floor levels and flood mitigation measures to take account of the 1 in 100 flood modelling for the land.

VicRoads requested that a Transport Impact Assessment report be prepared. This was done and forwarded to VicRoads. Following consideration of this, VicRoads have requested that should a permit be issued, conditions be put in place requiring the upgrade of the intersection of Victoria Street and Albert Street. This is to include a left turn directional lane and appropriate signage, line marking and street lighting.

The application was referred internally to Council Engineering. They requested conditions addressing stormwater drainage, road upgrade to Victoria Street including intersections with Albert Street and Pearman Street, access to the land (crossovers) and design details and construction for carparking.

The land lies within an area of aboriginal cultural heritage sensitivity. A cultural heritage management plan was prepared and approved by the registered aboriginal party (Dja Dja Wurrung Clans Aboriginal Corporation)

#### ISSUE/DISCUSSION

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

##### State Planning Policy

Clause 15.01-5 Cultural Identity and Neighbourhood Character seeks to recognise and protect cultural identity, neighbourhood character and sense of place by:

- Ensuring development responds and contributes to existing sense of place and cultural identity.
- Ensuring development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
- Ensuring development responds to its context and reinforces special characteristics of local environment and place by emphasising:

*The underlying natural landscape character.*

*The heritage values and built form that reflect community identity.*

*The values, needs and aspirations of the community.*

Clause 15.03-2 Aboriginal cultural heritage seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance by:

- Ensuring that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

Clause 17.01-1 Business seeks to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Local Planning Policy Framework clause 21.07 Economic Development.



Objective 4 seeks to encourage a greater diversity of economic activity in towns.

Commercial One Zone: A permit is required for buildings and works.

The purpose of the Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The relevant decision guidelines for buildings and works are:

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

Environmental Significance Overlay Schedule 1: A permit is required under this overlay for site cuts of greater than 300m<sup>2</sup> in area. The ground preparation for the foundations of the supermarket are considered to fall under this requirement.

The environmental objective to be achieved is:

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

- To prevent pollution and increased turbidity and nutrient levels of water in natural watercourses, water bodies and storages.

Conditions on a permit to control erosion during and after construction, and for the proper drainage and treatment of stormwater ensure that the environmental objectives of the overlay are met.

Particular Provisions.

Clause 52.05 – Signage

The total area of proposed signage is 16.5m<sup>2</sup> which exceeds the maximum of 8m<sup>2</sup> for which no permit is required.

The location and scale of the fixed, non-illuminated signage is considered appropriate for such a development in a commercial area. Final details of signage (lettering etc) will not be available until the tenancy of the building is established.

Clause 52.06 - Car parking

The required number of onsite car parking spaces as per the table to clause 52.06 is 72. 76 spaces have been supplied.

The dimensions of the parking spaces and access ways meet the standards of clause 52.06-09

Clause 52.34 - Bicycle facilities.

The table to clause 52.34 sets out the requirement for 3 bicycle spaces for staff and 3 for shoppers for a shop of this floor area. Condition one plans would require this as no bicycle parks were included in the application drawings.

## KEY ISSUES

Eight objections and one submission were received which are summarised below. The matters raised are summarised below, with planning response in italics:

- Safety concerns, particularly for children, due to increased traffic on Victoria Street.

*Upgrade to Victoria Street would include requirement for a footpath connecting to the footpath on Albert Street.*

*The intersection with Albert Street to be modified for safe operation in accordance with Council Engineering and VicRoads requirements.*

*Consideration to be given to signed lower speed limit for Victoria Street.*

- No taxi rank is provided

*There is no requirement under the planning scheme to provide a taxi rank.*

*A condition requiring signage and line marking indicating a safe drop off and pick up area convenient to the main entrance to the supermarket is considered appropriate.*

- A single disability car park is insufficient.

*Provision of disability car parking is not made under the planning scheme. It is however a requirement of the building code that two disability car parks are provided for this building. It would be appropriate to require two such car parks be shown as a requirement of condition one (amended) plans.*

- Concerns about runoff to the creek.

*Engineering conditions require plan and management of stormwater drainage.*

- Potential flood concerns.

*Advice was sought from NCCMA. Requested conditions (to be included on any permit) include finished floor level 300m above 1 in 100 flood levels, buildings and works must not interfere with existing flood mitigation works along Creswick Creek, and works on waterway permit must be obtained prior to creation of new stormwater discharge points to the creek.*

- No Traffic Plan was submitted with the application.

*Following a request from VicRoads, a Transport Impact Assessment report was prepared and forwarded to VicRoads. VicRoads have considered this in preparing their response.*

- The Western elevation of the building is inappropriate – large non articulated or detailed flat panel cladding with plain brick wall face. This is not sympathetic to or respectful of the Creswick streetscape. It gives the character of the side of an industrial building rather than a true street frontage.

*Planning is broadly in agreement with this. Council planning has raised these concerns with the applicant, and reached agreement that these concerns can be addressed through condition one amended plans. The amended plans would be required to show an "active" street frontage to Albert Street, to include the continuation of the verandah to the southwest corner of the building, include articulation/design details to punctuate the flat wall presenting to Albert Street, and a schedule of colours sympathetic to the Creswick streetscape for the flat cladding and brickwork.*

- No recognition of cultural heritage in the design or details – a missed opportunity for meaningful representation.

*An Aboriginal cultural heritage management plan was prepared and approved by the registered Aboriginal party. Any recommendations of that plan are required to be followed under the relevant legislation.*

*The design is considered appropriate in the context of the post-European settlement cultural heritage of Creswick.*

*Cultural heritage recognition through representation goes beyond the ambit of planning controls.*

- The design of the development does not further the zero carbon emissions goal set by the State Government for 2050, and does not encourage sustainable outcomes.

*The building takes advantage of passive solar opportunities by facing North, with extensive windows on that facade.*

*Energy ratings for buildings are controlled through the building regulations.*

*Bicycle parking is required to be supplied.*

- Landscaping should include native vegetation.

*Submitted landscaping plans require more detail, which will be subject to and amended landscape plan requirement. This presents an opportunity to require appropriate species of locally indigenous species.*

- No community infrastructure – seating, paths, public toilets – not provided.

*A requirement for seating at the front of the supermarket in proximity to a marked drop off/pick-up area is considered appropriate. Limited further seating could be required either onsite or on Victoria Street.*

*A footpath along Victoria Street is required through engineering conditions.*

*Requirement for public toilet provision goes beyond the ambit of planning control for a supermarket of this size. Requirements for in house toilets are controlled through building regulations.*

- A commitment to sustainability is needed. This should include solar panels, a plastic bag free policy and opportunities for local traineeships.

*Planning has no powers to require these.*

- There is no pedestrian crossing to the public toilets on the West of Albert Street

*Foot traffic across Albert Street as a consequence of this development is not considered likely to be high volume. It would however contribute to a potential need for the provision of a controlled crossing. This matter goes well beyond the scope of considerations for this development application. It could be investigated by Council in conjunction with VicRoads independently from this application.*

Creswick CFA made a submission. While supportive of the proposal, they expressed some concern over safety matters. Those not already covered above were:

- Difficulty of exiting the fire station due to increased pedestrian activity. This could be worse when strike teams of up to five trucks are involved.
- Potential for traffic banking up on Albert Street to turn right into Victoria Street, impeding trucks exiting.

- Potential carparking on Pearman Street which could block access to the rear of the CFA site.

*VicRoads have requested a left turn lane on Albert Street, but did not consider a traffic management issue arising from right turning traffic.*

*No standing signs are considered appropriate on Pearman Street to ensure clear access to the rear of the CFA site*

*CFA should negotiate directly with VicRoads for advice on signage or lights on Albert Street to facilitate exit of emergency vehicles.*

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

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

### **FINANCIAL IMPLICATIONS**

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

### **RISK IMPLICATIONS**

NA

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

NA

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

### **CONCLUSION**

The proposal has been considered against the relevant provisions of the Hepburn Planning Scheme, it is recommended that the proposal be supported for the following reasons:

- The proposed development is not considered to result in any negative impacts on the safety or heritage values of the area.
- This proposal is supported by both the State and Local planning policy frameworks, and is considered to satisfy the relevant Planning Scheme provisions as demonstrated in this report.

## OFFICER'S RECOMMENDATION

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves to Issue a Notice of Decision to Grant a Permit for the development of a supermarket, associated carparking, landscaping and business identification signage in accordance with the submitted plans dated 27/4/2017 subject to the following conditions:

### 1.1.1. Amended Plans

Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed, and will then form part of the permit.

The plans must be generally in accordance with the plans submitted on 27/4/2017 but modified to show, to the satisfaction of the responsible authority:

- Alteration to the intersection of Albert Street and Victoria Street to comply with Council Engineering and VicRoads requirements
- Provision for a minimum of 2 disability parking bays
- Provision for parking for a minimum of 6 bicycles
- A designated drop off/pick up area on Victoria Street convenient to the main entrance to the supermarket building. Full details must be provided for disability access from the drop off/pick up area to the supermarket entrance.
- Carpark layout/management plan demonstrating how delivery vehicle movements are to be managed to ensure the safety of other vehicles and pedestrians using the carpark. This must include turning circles showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site.
- Amendment to the Western elevation of the building to show an "active" street frontage to Albert Street. This must include the continuation of the verandah to the southwest corner of the building, and include articulation of the flat wall presenting to Albert Street in the form of continuation of fenestration to the southwest corner. This must include the continuation of the brickwork and windows under the verandah along the entire western elevation. The windows must be frosted to the satisfaction of the Responsible Authority.
- A full schedule of materials, finishes and colours of all external surfaces of the building, including the "blank" South elevation. This schedule should take account of the recommendations of the streetscape design for Creswick which forms part of Council's Streetscape Planning and Design Project – November 2014.

### 1.1.2. Landscape Plan



Before development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. The landscape plan must show:

- The locations of all landscaping works to be provided on the land. This must include further details of the treatment of the "pedestrian" area bounded by Victoria Street, the supermarket building frontage and the carparking area. Provision should be made for seating and bins within this area.
- The locations of any trees to be retained or removed from the land (including details of species and size)
- A detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- Details of the proposed surface finishes of all outdoor areas.
- Details of any irrigation system to be used on land following completion of the landscaping works
- In choosing seating design, bin design, surface finishes and tree plantings, consideration must be given to the streetscape design for Creswick which forms part of Council's Streetscape Planning and Design Project – November 2014.

#### 1.1.3. Landscaping to be carried out

Before the building is occupied, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

#### 1.1.4. Landscaping to be maintained

All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.

#### 1.1.5. No Change

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

#### 1.1.6. Soundproofing of plant and equipment

All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the responsible authority.

1.1.7. Plant/equipment or features on roof

No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the responsible authority.

1.1.8. Control of light spill

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

1.1.9. Signage

Advertising/business identification signage is limited to the specified areas as shown on the endorsed plans, without the further approval of the responsible authority.

1.1.10. Signage design details

Final design and layout of the approved signage as shown on the endorsed plans is to be to the further written approval of the responsible authority.

Council Engineering

1.1.11. Stormwater Drainage

- All underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction.
- The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.
- No stormwater shall drain or discharge from the land to adjoining properties.
- The drainage system must be completed prior to commencement of use.
- Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.

1.1.12. Road Upgrade Work

- Before the use begins and/or the building(s) is/are occupied, the developer must upgrade:
  - a) the Victoria Street, from Albert Street to Pearman Street;
  - b) Albert Street – Victoria Street Intersection and;
  - c) Victoria Street – Pearman Street Intersectionto the satisfaction of Responsible Authority.

- The Road, intersection and drains designs shall be based on sound engineering practice following the Austroads Guidelines, the Co-ordination of Streetworks Code of Practice, Relevant Australian standards, VicRoads Road Design Guidelines and Infrastructure Design Manual [IDM].
- All roads and intersections design shall incorporate the relevant Creswick streetscape design principles and concepts.
- Left turn deceleration lane shall be designed to ensure the safety of proposed pedestrian crossing across Albert Street to the satisfaction of the responsible authority.
- Prior to construction, professionally prepared plans are to be submitted to the Responsible Authority.
- The road upgrade works at a minimum shall include:
  - a) asphalt pavement with kerb and channel and vehicular crossings
  - b) underground drainage;
  - c) footpaths;
  - d) street trees;
  - e) appropriate intersection and traffic measures;
  - f) appropriate street lighting, signage and linemarking
- All works must construct and complete prior to commencement of use.

1.1.13. Access

- Vehicle access/crossings to the development are to be located and constructed of concrete/asphalt to the satisfaction of the Responsible Authority.
- Prior to construction, plans showing following shall be submitted to the Responsible Authority for approval.
- Vehicle access/crossings to the development are to be constructed in compliance with Infrastructure Design Manual Standard drawing SD 250.
- All vehicle entry to and egress from the site shall be in a forward direction.
- A site plan with turning circles shall be submitted showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site.
- Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
- Any proposed vehicular crossing shall have satisfactory clearance to any side entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in

accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

- All works must construct and complete prior to commencement of use.

1.1.14. 14. Car Parking

- Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.
- Before the use of the development starts, the area(s) set aside for parking of vehicles, access lanes and driveways as shown on the endorsed plans must be:
  - surfaced with asphalt/concrete with kerb and channel and wheel stoppers
  - drained in accordance with an approved drainage plan;
  - line-marked to indicate each car space and all access lanes;
  - Provisioned with traffic control signage and or structures as required;
  - properly illuminated with lighting and
  - constructed and completed to the satisfaction of the Responsibility Authority.

1.1.15. 15. VicRoads

- Before the building is occupied, the following road works on Albert Street/Victoria Street intersection must be completed at no cost to and to the satisfaction of the Roads Corporation:
  - i. The existing intersection must be upgraded
  - ii. A left turn deceleration lane must be installed
  - iii. Appropriate street lighting must be installed
  - iv. Appropriate road signs and line marking must be installed
- Prior to the works on Albert Street/Victoria Street commencing, the applicant must enter into a Works Agreement with VicRoads, confirming design plans and works approvals process, including the determination of fees and the level of VicRoads' service obligations.

NOTE

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- o The existing intersection upgrade
- o Left turn deceleration lane
- o Street lighting, road signs and line marking

1.1.16. 16. Goulburn Murray Water

- All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- Infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority. All stormwater discharged from the site must meet urban water quality run-off objectives.
- All wastewater from proposed buildings must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

1.1.17. 17. North Central Catchment Management Authority

- The finished floor level of the proposed dwelling must be constructed a minimum of 300 millimetres above the 1% AEP flood level of 417.0 metres AHD, i.e. no lower than 417.3 metres AHD.
- The new development must not interfere with the existing flood mitigation infrastructure along Creswick Creek.
- Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, the proposed development must not reduce the available flood storage on the site.
- Stormwater runoff arising from the site must be treated to best practice standards prior to discharging to the waterway. The number of new stormwater connections to the waterway must be limited and prior to the commencement of drainage works, a separate "Works on Waterway" permit must be obtained directly from North Central CMA. Please contact North Central CMA on (03) 5440 1896 to obtain a full understanding of the Authority's requirements.
- All buildings and works must be set back an appropriate distance from the toe of the levee along Creswick Creek. The minimum setback distance must be determined in consultation with Hepburn Shire Council.

END OF CONDITIONS

NOTE: Expiry of permit

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date.

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

- Within six months afterwards if the development has not been started.
- Within twelve months afterwards if the development started lawfully before the permit expired.

Mr Nathan Ryan addressed the Council as representative of the applicant.

Objectors Mr Kenneth and Mr Ian Kronberger addressed the Council.

#### MOTION

That Council, *having considered all the matters required under Section 60 of the Planning and Environment Act 1987* resolves to ***Issue a Notice of Decision to Grant a Permit*** for the development of a supermarket, associated carparking, landscaping and business identification signage in accordance with the submitted plans dated 27/4/2017 subject to the following conditions:

##### 10.1.1. Amended Plans

*Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed, and will then form part of the permit.*

*The plans must be generally in accordance with the plans submitted on 27/4/2017 but modified to show, to the satisfaction of the responsible authority:*

- *Alteration to the intersection of Albert Street and Victoria Street to comply with Council Engineering and VicRoads requirements*
- *Provision for a minimum of 2 disability parking bays*
- *Provision for parking for a minimum of 6 bicycles*
- *A designated drop off/pick up area on Victoria Street convenient to the main entrance to the supermarket building. Full details must be provided for disability access from the drop off/pick up area to the supermarket entrance.*
- *Carpark layout/management plan demonstrating how delivery vehicle movements are to be managed to ensure the safety of*



pedestrians and vehicles using the carpark. The plan must include turning circles showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site. The plan must include pedestrian crossing areas and signage to provide for the safe movement of pedestrians throughout the carpark. When delivery vehicles enter the site before reversing to the unloading bay the plan must include measures to delineate the unloading area from the car park (such as moveable bollards or other) to the satisfaction of the responsible authority.

- Amendment to the Western elevation of the building to show an "active" street frontage to Albert Street. This must include the continuation of the verandah to the southwest corner of the building, and include articulation of the flat wall presenting to Albert Street in the form of continuation of fenestration to the southwest corner. This must include the continuation of the brickwork and windows under the verandah along the entire western elevation. The windows must be frosted to the satisfaction of the Responsible Authority.
- A full schedule of materials, finishes and colours of all external surfaces of the building, including the "blank" South elevation. This schedule should take account of the recommendations of the streetscape design for Creswick which forms part of Council's Streetscape Planning and Design Project – November 2014.
- Reduction in the height of the southern elevation tilt slab wall from Albert Street towards Pearman Street. The wall height must be reduced in height to the satisfaction of the Responsible Authority for a length at least half way to Pearman Street.

#### 10.1.2. Landscape Plan

Before development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. The landscape plan must show:

- The locations of all landscaping works to be provided on the land. This must include further details of the treatment of the

*"pedestrian" area bounded by Victoria Street, the supermarket building frontage and the carparking area. Provision should be made for seating and bins within this area.*

- *The locations of any trees to be retained or removed from the land (including details of species and size)*
- *A detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.*
- *Details of the proposed surface finishes of all outdoor areas.*
- *Details of any irrigation system to be used on land following completion of the landscaping works*
- *In choosing seating design, bin design, surface finishes and tree plantings, consideration must be given to the streetscape design for Creswick which forms part of Council's Streetscape Planning and Design Project – November 2014.*

10.1.3. *Landscaping to be carried out*

*Before the building is occupied, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.*

10.1.4. *Landscaping to be maintained*

*All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.*

10.1.5. *No Change*

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

10.1.6. *Soundproofing of plant and equipment*

*All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the responsible authority.*

10.1.7. *Plant/equipment or features on roof*

*No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the responsible authority.*

10.1.8. *Control of light spill*

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

10.1.9. *Signage*

*Advertising/business identification signage is limited to the specified areas as shown on the endorsed plans, without the further approval of the responsible authority.*

10.1.10. *Signage design details*

*Final design and layout of the approved signage as shown on the endorsed plans is to be to the further written approval of the responsible authority.*

**Council Engineering**

10.1.11. *Stormwater Drainage*

- *All underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction.*
- *The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.*

- *No stormwater shall drain or discharge from the land to adjoining properties.*
- *The drainage system must be completed prior to commencement of use.*
- *Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.*

10.1.12. Road Upgrade Work

- *Before the use begins and/or the building(s) is/are occupied, the developer must upgrade:*
  - a) the Victoria Street, from Albert Street to Pearman Street;
  - b) Albert Street – Victoria Street Intersection and;
  - c) Victoria Street – Pearman Street Intersectionto the satisfaction of Responsible Authority.
- *The Road, intersection and drains designs shall be based on sound engineering practice following the Austroads Guidelines, the Co-ordination of Streetworks Code of Practice, Relevant Australian standards, VicRoads Road Design Guidelines and Infrastructure Design Manual [IDM].*
- *All roads and intersections design shall incorporate the relevant Creswick streetscape design principles and concepts.*
- *Left turn deceleration lane shall be designed to ensure the safety of proposed pedestrian crossing across Albert Street to the satisfaction of the responsible authority.*
- *Prior to construction, professionally prepared plans are to be submitted to the Responsible Authority.*
- *The road upgrade works at a minimum shall include:*
  - a) asphalt pavement with kerb and channel and vehicular crossings
  - b) underground drainage;
  - c) footpaths;

d) street trees;

e) appropriate intersection and traffic measures;

f) appropriate street lighting, signage and linemarking

- All works must be constructed and completed prior to commencement of use.

#### 10.1.13. Access

- Vehicle access/crossings to the development are to be located and constructed of concrete/asphalt to the satisfaction of the Responsible Authority.
- Prior to construction, plans showing the following shall be submitted to the Responsible Authority for approval.
- Vehicle access/crossings to the development are to be constructed in compliance with Infrastructure Design Manual Standard drawing SD 250.
- All vehicle entry to and egress from the site shall be in a forward direction.
- A site plan with turning circles shall be submitted showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site.
- Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
- Any proposed vehicular crossing shall have satisfactory clearance to any side entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- All works must be constructed and completed prior to commencement of use.

#### 10.1.14. Car Parking

- *Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.*
- *Before the use of the development starts, the area(s) set aside for parking of vehicles, access lanes and driveways as shown on the endorsed plans must be:*
- *surfaced with asphalt/concrete with kerb and channel and wheel stoppers*
- *drained in accordance with an approved drainage plan;*
- *line-marked to indicate each car space and all access lanes;*
- *Provisioned with traffic control signage and or structures as required;*
- *properly illuminated with lighting and*
- *constructed and completed to the satisfaction of the Responsibility Authority.*

10.1.15. VicRoads

- *Before the building is occupied, the following road works on Albert Street/Victoria Street intersection must be completed at no cost to and to the satisfaction of the Roads Corporation:*
  - i. *The existing intersection must be upgraded*
  - ii. *A left turn deceleration lane must be installed*
  - iii. *Appropriate street lighting must be installed*
  - iv. *Appropriate road signs and line marking must be installed*
- *Prior to the works on Albert Street/Victoria Street commencing, the applicant must enter into a Works Agreement with VicRoads,*



*confirming design plans and works approvals process, including the determination of fees and the level of VicRoads' service obligations.*

**NOTE**

*Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:*

- o The existing intersection upgrade*
- o Left turn deceleration lane*
- o Street lighting, road signs and line marking*

**10.1.16. Goulburn Murray Water**

- All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
- Infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority. All stormwater discharged from the site must meet urban water quality run-off objectives.*
- All wastewater from proposed buildings must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.*

**10.1.17. North Central Catchment Management Authority**

- The finished floor level of the proposed dwelling must be constructed a minimum of 300 millimetres above the 1% AEP flood level of 417.0 metres AHD, i.e. no lower than 417.3 metres AHD.*
- The new development must not interfere with the existing flood mitigation infrastructure along Creswick Creek.*
- Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, the proposed development must not reduce the available flood storage on the site.*
- Stormwater runoff arising from the site must be treated to best practice standards prior to discharging to the waterway. The*

*number of new stormwater connections to the waterway must be limited and prior to the commencement of drainage works, a separate "Works on Waterway" permit must be obtained directly from North Central CMA. Please contact North Central CMA on (03) 5440 1896 to obtain a full understanding of the Authority's requirements.*

- *All buildings and works must be set back an appropriate distance from the toe of the levee along Creswick Creek. The minimum setback distance must be determined in consultation with Hepburn Shire Council*

#### END OF CONDITIONS

##### NOTE: Expiry of permit

*This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date.*

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

- *Within six months afterwards if the development has not been started.*
- *Within twelve months afterwards if the development started lawfully before the permit expired.*

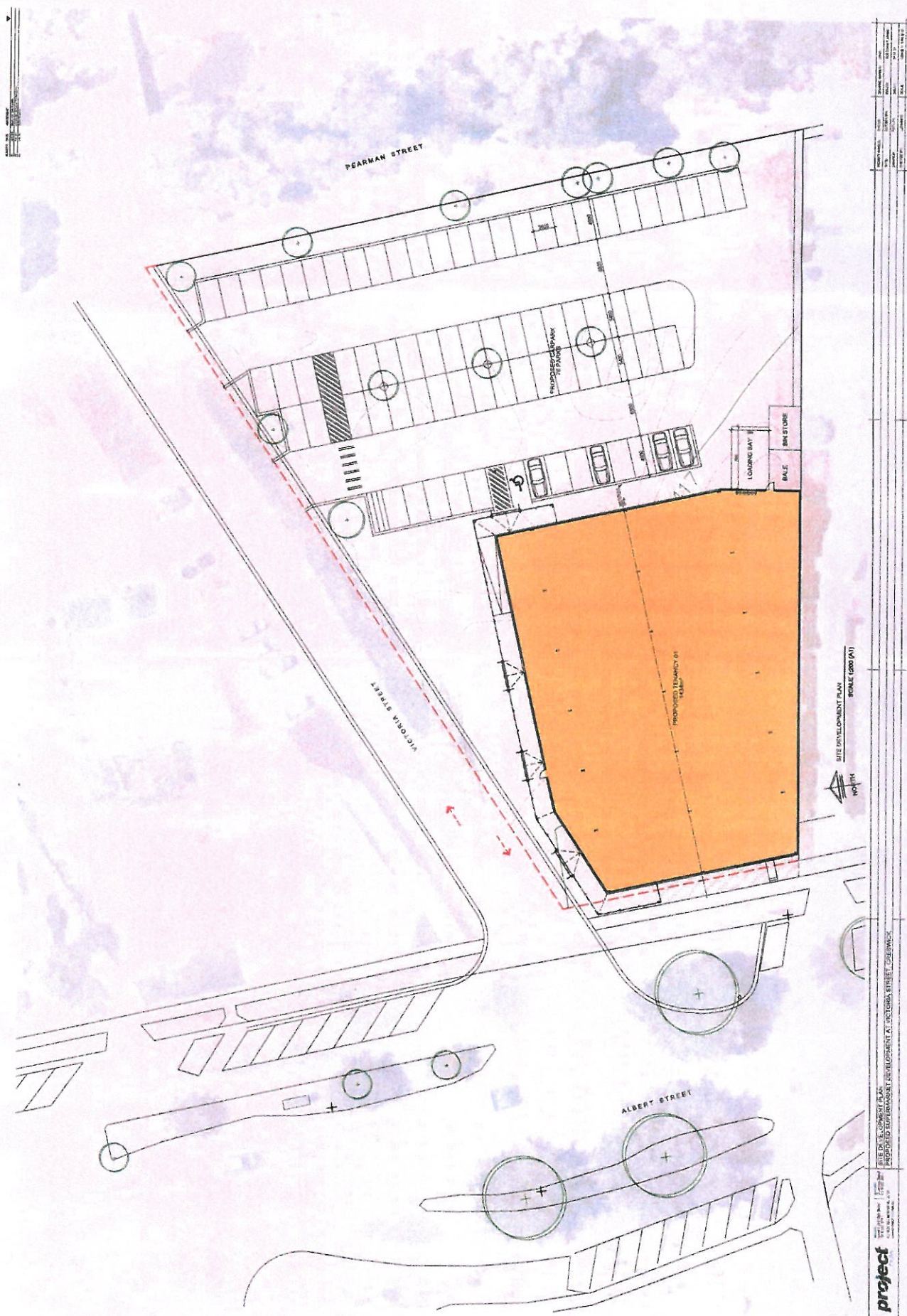
**Moved:** Cr John Cottrell

**Seconded:** Cr Neil Newitt

**Carried**

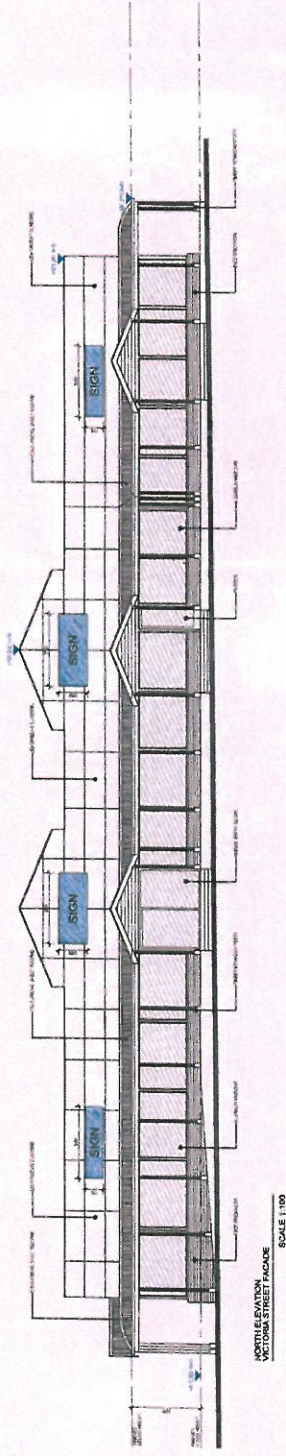
ATTACHMENT 1 - PLANS AND ELEVATIONS



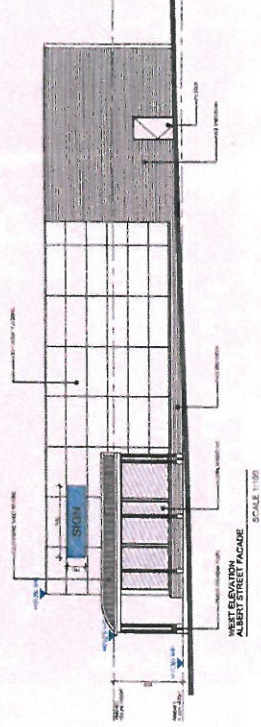




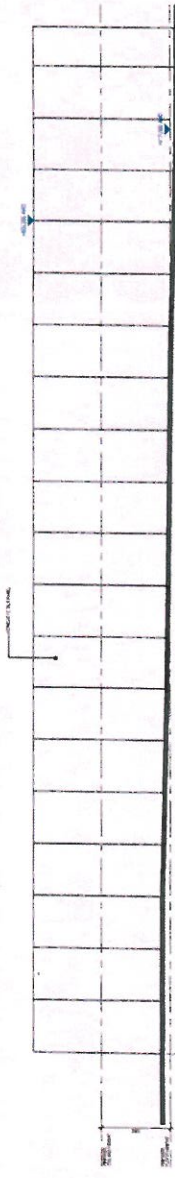
DATE	10/10/2018
BY	10/10/2018
PROJECT	10/10/2018
REVISION	10/10/2018



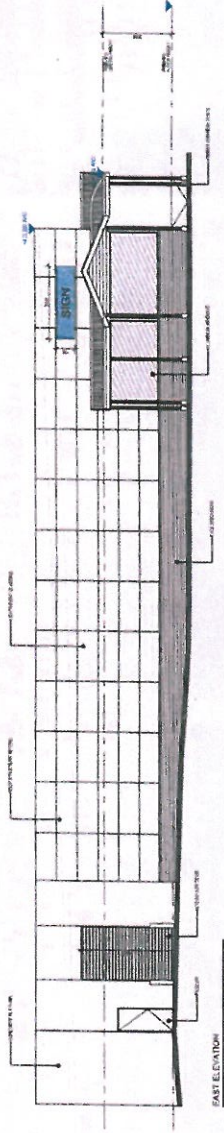
NORTH ELEVATION  
VICTORIA STREET FACADE  
SCALE 1/100



WEST ELEVATION  
ALBERT STREET FACADE  
SCALE 1/100



SOUTH ELEVATION  
SCALE 1/100

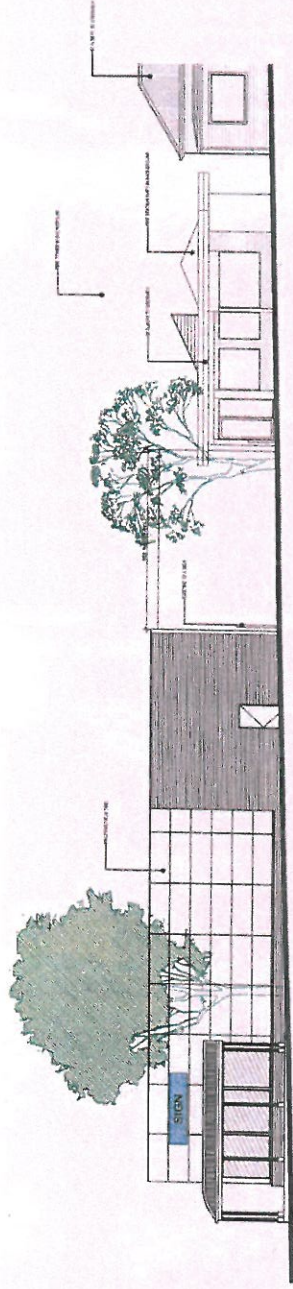


EAST ELEVATION  
SCALE 1/100

project	ELEVATION	VICTORIA STREET FACADE / ALBERT STREET FACADE	
		DATE	10/10/2018
10/10/2018	10/10/2018	PROJECT	10/10/2018
		REVISION	10/10/2018
10/10/2018		10/10/2018	10/10/2018



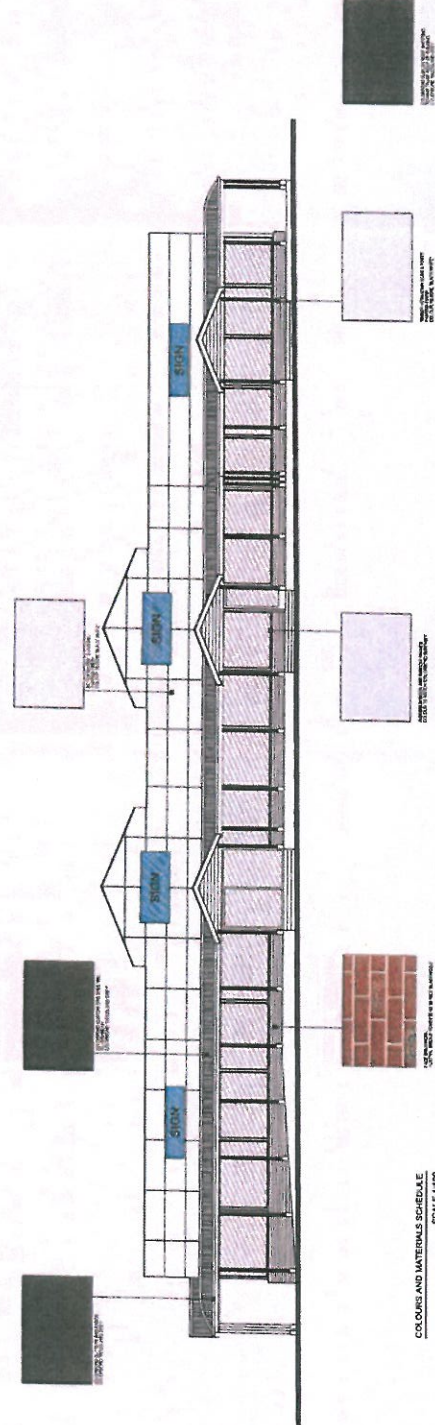
DATE	20/01/2019	BY	ALB
REVISION		BY	ALB
		BY	ALB



ALBERT STREET STREETScape  
SCALE 1:100



SECTION AA  
SCALE 1:100



COLOURS AND MATERIALS SCHEDULE  
SCALE 1:100

EXTERNAL FINISHING SCHEDULE	
ITEM	DESCRIPTION
1	EXTERNAL FINISHING SCHEDULE
2	EXTERNAL FINISHING SCHEDULE
3	EXTERNAL FINISHING SCHEDULE
4	EXTERNAL FINISHING SCHEDULE
5	EXTERNAL FINISHING SCHEDULE
6	EXTERNAL FINISHING SCHEDULE
7	EXTERNAL FINISHING SCHEDULE
8	EXTERNAL FINISHING SCHEDULE
9	EXTERNAL FINISHING SCHEDULE
10	EXTERNAL FINISHING SCHEDULE



10.2. **PLANNING APPLICATION 1649- USE AND DEVELOPMENT OF A DWELLING AT  
409 ROTHES ROAD, TRENTHAM**  
**CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Coordinator Planning, I Nathan Aikman have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to determine the application for the use and development of a dwelling and shed at 409 Rothes Road, Trentham.

**BACKGROUND**

The subject site is approximately a 16ha parcel of land with a street frontage to Coliban Road approximately 337m to the east of the subject site. There is an unmade road reserve to the southern boundary, the northern and western boundaries of the site adjoin with other farming properties.

The site contains a dam within the south western corner of the site and another within a north central location of the site. Two watercourses traverse through the property in a north south direction a small amount of remnant vegetation is present in proximity to both of the dams.

Surrounding properties are used for agricultural purposes with a subdivision pattern providing land parcels predominantly within the range of 20-30ha with a smaller number of parcels within the range of 5-7ha. The site and surrounding land is identified as being of high agricultural land quality. (Agricultural Land in the Hepburn Shire, Enplan Strategic Assessment, 2007).

The site is zoned Farming pursuant to Clause 35.07 of the Hepburn Planning Scheme (Scheme) and is affected by the Environmental Significance Overlay Schedule 1 pursuant to Clause 42.01 of the Scheme.

The dwelling is proposed to be located within the south eastern corner of the site, 40m from the eastern boundary and approximately 55m from the southern boundary. The dwelling is proposed to be approximately 22m x 15m in size and contain 3 bedrooms, on with ensuite, central bathroom and laundry and an open plan kitchen/living/dining area. The dwelling includes a verandah the wraps around the majority of the dwelling with an extended deck to the northern elevation of the dwelling. The dwelling will be clad in weatherboard and include a Colorbond roof. A detached double garage is proposed to the west of the dwelling.

A 12m x 30m shed is proposed to the south of the dwelling with a setback of approximately 20m from the southern boundary of the site. 210,000L water tanks are provided on either end of the shed.

The applicant has advised that the dwelling is required to support a proposed truffle farm in addition to the growing of heirloom vegetable and herbs.

The application was notified to surrounding properties pursuant to Section 52 of the Planning and Environment Act 1987, no objections were received.

The application was referred to Goulburn-Murray Water (GMW), Coliban Water and council's engineering and environmental health departments. All referrals gave conditional consent to the proposed application

## ISSUE/DISCUSSION

### Relevant State and Local Planning Policy Framework

The following clauses of the SPPF and LPPF are considered relevant to this application	
Clause 11.07-1 – Regional Planning	This clause is relevant and includes the following objective:  <i>To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable</i>
Clause 11.08-7 - Environmental assets	This clause is relevant and has the following objective:  <i>To manage, protect and enhance the region's land, soil, water and biodiversity.</i>
Clause 11.08-8 – Agricultural Productivity	This clause is relevant and has the following objective:  <i>To support long-term agricultural productivity.</i>
Clause 12.04-1 - Environmentally sensitive area	This clause is relevant and has the following objective:  <i>To protect and conserve environmentally sensitive areas.</i>
Clause 14.01-1 – Protection of Agricultural Land	This clause is relevant and has the following objective:  <i>To protect productive farmland which is of strategic significance in the local or regional context.</i>
Clause 14.02-1 - Catchment planning and management	This clause is relevant and has the following objective:

	<i>To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.</i>
Clause 14.02-2 - Water quality	This clause is relevant and has the following objective:  <i>To protect water quality</i>
Clause 16.01-2 – Location of Residential Development	This clause is relevant and has the following objective:  <i>To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.</i>
Clause 21.08 – Rural Land Use and Agriculture	This clause is relevant and includes the following objectives: <ul style="list-style-type: none"> <li><i>To protect areas of high–very high quality agricultural land and areas with demonstrated potential for productive agricultural activity from non-complementary land uses.</i></li> <li><i>To ensure that development in rural areas address important local environmental and landscape issues.</i></li> </ul>
Clause 22.01 – Catchment and Land Protection	This clause is relevant and includes the following objective headings: <ul style="list-style-type: none"> <li><i>To ensure the sustainable use of natural resources including soil and water in water catchment areas.</i></li> <li><i>To promote the maintenance of significant habitat and habitat diversity.</i></li> <li><i>To ensure that the use and development of land and water is undertaken with consideration of impacts on long term resource quality and quantity.</i></li> <li><i>To promote consistency with regional catchment strategies and other regional land and water management plans.</i></li> <li><i>To manage the accumulative effect of unsewered development in water supply catchments</i></li> </ul>
Clause 22.04 – Rural Land	This clause is relevant and includes the following objective headings: <ul style="list-style-type: none"> <li>Agricultural Uses and Development</li> <li>Rural Amenity</li> <li>Dwellings in Rural Zones</li> </ul>

*Rural Issues*

The application seeks approval to construct a single dwelling on a small lot within the Farming Zone. The breadth of relevant policy seeks to protect farmland by ensuring that productive farmland is not lost through permanent land use changes. Providing specific guidance in relation to this *Clauses 11.07-1 (Regional planning) and Clause 14.01-1 (Protection of agricultural land)* includes strategies that seek to prevent inappropriately dispersed urban activities in rural areas, limit new housing development in rural areas through directing housing growth into existing settlements and discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses. The subject site is not located within an existing settlement and is located approximately 7km to the north of the township of Trentham.

A Farm Management Plan has been submitted with the application that describes how it is proposed to establish a truffle farm on the subject site that will be complimented through the growing of heirloom vegetables. While a being an agricultural land use, it is noted that any trees to be planted on the site would take a significant period of time to establish themselves before any truffle would form underneath such trees. It is on this basis that it is considered that at this point in time, a dwelling is not required for the proposed agricultural undertaking at this time. Given the proximity of the site to the township of Trentham and other settlements in proximity to the site it is considered that commuting to and from the property is achievable in managing an agricultural land use on the site.

Any decision on an application for a dwelling in the Farming Zone must be balanced between whether a net benefit to agricultural production exists and whether any application would be detrimental to the site and any surrounding land. There are not a large number of dwellings on surrounding properties and where there are dwellings, they are generally on larger parcels of land with an agricultural land use present on the site. Concern is raised that without an existing and justifiable agricultural pursuit occurring on the land there is a potential for the land to be further sold with a permit which would artificially inflate the value of the land to that much greater than its agricultural value and also possibly result in a future concentration of dwellings being established on surrounding land. It is considered that the application does not implement the relevant provisions of the SPPF and LPPF and does not adequately respond to the purpose and decision guidelines of the Farming Zone.

#### *Environmental Significance Consideration*

A permit is also required for the dwelling under the provisions of the Environmental Significance Overlay Schedule 1 as the dwelling is not connected to reticulated sewerage. Coliban Water has advised that subject to conditions a dwelling should not adversely impact on the relevant water catchment.

#### *Design and Built Form Issues*

The siting of the dwelling is considered to be appropriate given that it has been located within the south eastern corner of the site which should minimise the amount of agricultural land removed as a consequence of the establishment of a dwelling on the subject site.

The design of the dwelling and shed are relatively modest and should not detract from the rural amenity of the area.

#### **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**

N/A

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

N/A

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

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and occupiers and a notice on the land. As a result, no objections have been received.

#### **CONCLUSION**

The proposed development does not support the objectives of the State and Local Planning Policy, the Municipal Strategic Statement (MSS) or the Farming Zone.

The planning policy framework is clear and contains strong objectives to ensure that new dwellings on small lots (in this case, lots less than 20ha where permits are triggered

for use) do not result in loss or fragmentation of farming land and activity or are to be discouraged from locations that are separated from settlements and services. This policy framework requires a high benchmark to be satisfied for any new dwelling. It is considered that the proposed dwelling would make it difficult for the site to be used for agricultural activity. Furthermore, the proposal will result in unnecessary fragmentation of prime agricultural land as such, a refusal is recommended.

The on-site impacts of the proposal relating to the Environmental Significance Overlay do not form part of the refusal.

#### OFFICER'S RECOMMENDATION

That Council, having considered all the matters required under Section 60 of the Act resolves to issue a Refusal to Grant a Permit under the provisions of Clause 35.07 (Farming Zone) and Clause 42.01 (Environmental Significance Overlay Schedule 1) of the Hepburn Planning Scheme in respect of the land known and described as 409 Rothes Road, Trentham for the use and development of a dwelling and shed for the following reasons:

- 1.1.1. The proposal fails to respond appropriately to Clauses 11.07-1 (Regional Planning), 16.01-2 (Location of residential development) as the application proposes to use the land for the purpose of a dwelling outside of an existing settlement upon productive agricultural land that may impact on the 'right to farm' of adjoining agricultural land uses and may inadvertently artificially inflate that value of land impacting on the ability of surrounding farms to expand their holdings.
- 1.1.2. The proposal fails to respond to Clauses 11.08-8 (Agricultural productivity), Clause 14.01-1 (Protection of agricultural land), Clause 21.08-8 (Rural Land Use and Agriculture) and 22.04 (Rural Land) as the application proposes the use and development of the land for a dwelling without adequately demonstrating how the agricultural activities upon the subject site necessitate the requirement for a dwelling to be established upon the subject site and it is asserted that a dwelling will have a negative impact on the continuation of the surrounding land to be used for agricultural purposes.
- 1.1.3. The proposal is contrary to the purpose and decision guidelines of Clause 35.07 (Farming Zone) of the Hepburn Planning Scheme as it does not provide for the use of land for agriculture or encourage the retention of productive agricultural land and fails to ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- 1.1.4. The proposal does not respond to the decision guidelines at Clause 65 of the Hepburn Planning Scheme and does not constitute the proper and orderly planning of the area.

Ms Amelia Keogh addressed the Council in support of the application.

Ms Vicki Sundblom addressed the Council in support of the application.

#### MOTION

*That Council, having considered all the matters required under Section 60 of the Act resolves to issue a Refusal to Grant a Permit under the provisions of Clause 35.07 (Farming Zone) and Clause 42.01 (Environmental Significance Overlay Schedule 1) of the Hepburn Planning Scheme in respect of the land known and described as 409 Rothes Road, Trentham for the use and development of a dwelling and shed for the following reasons:*

- 10.2.1. The proposal fails to respond appropriately to Clauses 11.07-1 (Regional Planning), 16.01-2 (Location of residential development) as the application proposes to use the land for the purpose of a dwelling outside of an existing settlement upon productive agricultural land that may impact on the 'right to farm' of adjoining agricultural land uses and may inadvertently artificially inflate that value of land impacting on the ability of surrounding farms to expand their holdings.*
- 10.2.2. The proposal fails to respond to Clauses 11.08-8 (Agricultural productivity), Clause 14.01-1 (Protection of agricultural land), Clause 21.08-8 (Rural Land Use and Agriculture) and 22.04 (Rural Land) as the application proposes the use and development of the land for a dwelling without adequately demonstrating how the agricultural activities upon the subject site necessitate the requirement for a dwelling to be established upon the subject site and it is asserted that a dwelling will have a negative impact on the continuation of the surrounding land to be used for agricultural purposes.*
- 10.2.3. The proposal is contrary to the purpose and decision guidelines of Clause 35.07 (Farming Zone) of the Hepburn Planning Scheme as it does not provide for the use of land for agriculture or encourage the retention of productive agricultural land and fails to ensure that non-agricultural*



*uses, particularly dwellings, do not adversely affect the use of land for agriculture.*

10.2.4. *The proposal does not respond to the decision guidelines at Clause 65 of the Hepburn Planning Scheme and does not constitute the proper and orderly planning of the area.*

**Moved:** Cr Neil Newitt

**Seconded:** Cr John Cottrell

**Carried**

ATTACHMENT 2 - PLANS – 409 ROTHES ROAD TRENTHAM

# area analysis

plot area	51190.4m <sup>2</sup>
residence	315m <sup>2</sup>
garage	62m <sup>2</sup>
shed	360m <sup>2</sup>
total non permeable area	737m <sup>2</sup>
	(1.4% of plot area)

## notes:

### 1 site classification

site classified as Class: M  
refer to site classification report 7929A  
by provincial geotechnical pty ltd

design wind classification N1/N2

### 2 climate zone

climate zone for thermal design / thermal  
performance assessment : C23

### 3 stormwater

stormwater shall be connected to the  
legal point of discharge and shall not  
be discharged to the land to adjoining  
properties

### 4 BAL notes

construction is to be in accordance with  
AS3959\_2009 for BAL 12.5 and CFA guidelines

all affected council assets shall be  
reinstated to a condition prior to works or  
better to the satisfaction of the Council.

it is the responsibility of permit holder to  
protect and reinstate all other services  
to the satisfaction of the relevant  
authority, if damaged

any liability to a person and/or property  
due to this work shall be the  
responsibility of the permit holder

a building permit is required prior to the  
commencement of these works. the release of  
these documents is conditional to the owner  
obtaining the required building permit.



**measured  
design studio**

2 quarry street  
trentham  
vic 3458  
0429 188 751  
steve@measured.net.au

DP-AD 43442

### new residence

409 rothes rd trentham  
for georgie and marty patterson  
drawn sk

### site plan

scale 1:1250 @ A3

### planning permit preliminary R1

not for construction

15/02/2017

site plan proposed  
scale 1:1250

01/05





# CFA guidelines

## landscaped garden in accordance with CFA recommendations:

grass must be short cropped and maintained during the declared fire danger period. all leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.

within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.

plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.

shrubs must not be located under the canopy of trees.

at least 5 metres. Clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.

the canopy of trees must not overhang or touch any elements of the building.

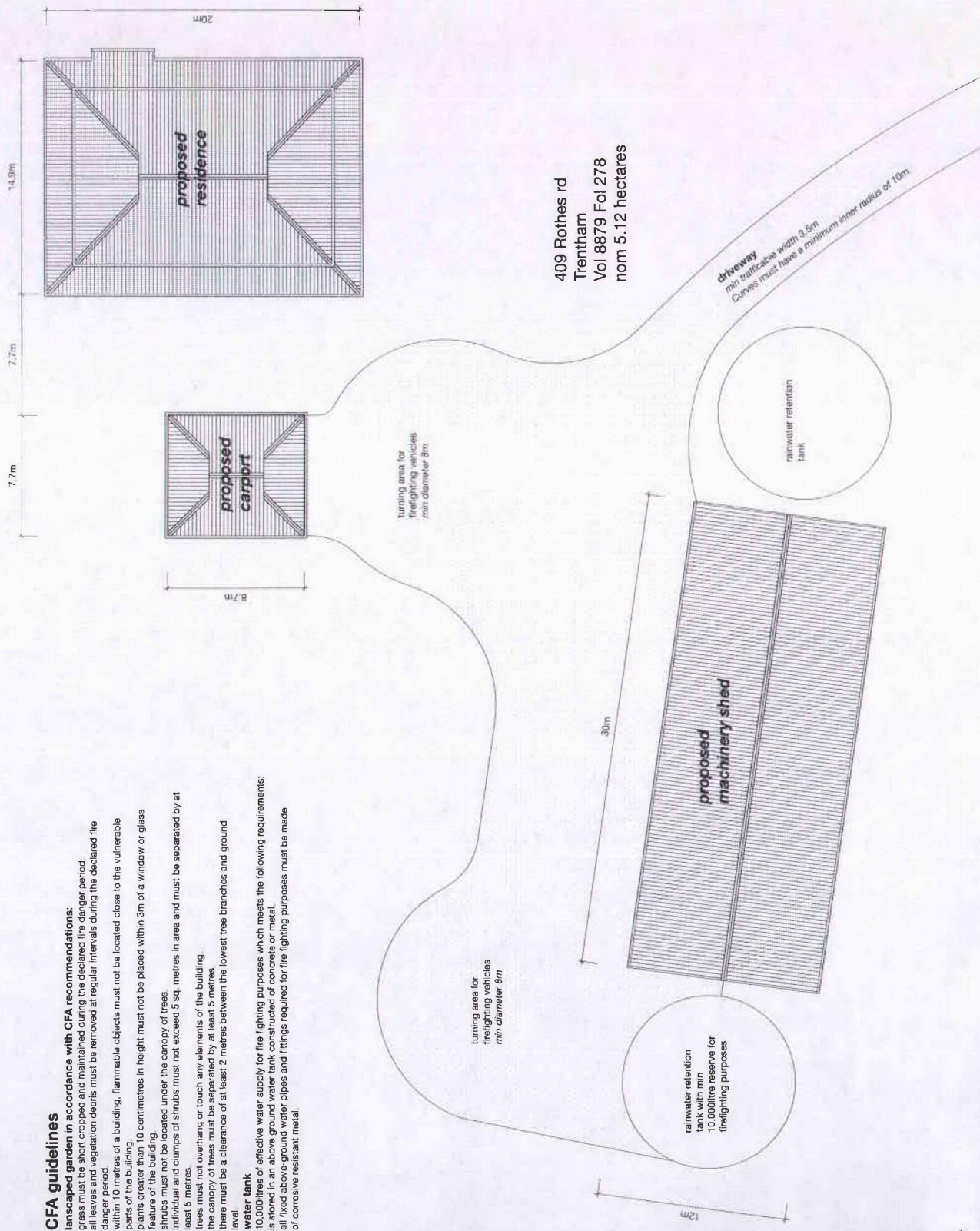
there must be a clearance of at least 2 metres between the lowest tree branches and ground level.

## water tank

10,000litres of effective water supply for fire fighting purposes which meets the following requirements:

is stored in an above ground water tank constructed of concrete or metal.

all fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.



409 Rothes rd  
Trentham  
Vol 8879 Fol 278  
nom 5.12 hectares

## area analysis

plot area	51190.4m <sup>2</sup>
residence	315m <sup>2</sup>
garage	62m <sup>2</sup>
shed	360m <sup>2</sup>
total non permeable area	737m <sup>2</sup>
	(1.4% of plot area)

## notes:

**1 site classification**  
site classified as Class: M  
refer to site classification report 7923A  
by provincial geotechnical pty ltd  
design wind classification N1/N2  
building tie-downs to be provided  
in accordance with AS1684-2010  
wind classification of N1/N2  
(subject to confirmation on site by  
relevant building surveyor at 1st inspection)  
refer to AS1684 for construction  
requirements.

## 2 climate zone

climate zone for thermal design / thermal  
performance assessment : C23

## 3 stormwater

stormwater shall be connected to the  
legal point of discharge  
no concentrated stormwater shall drain  
or discharge from the land to adjoining  
properties.

## 4 BAL notes

construction is to be in accordance with  
AS3959, 2009 for BAL 12.5  
and in accordance with CFA guidelines

**5 a building permit** is required prior to the  
commencement of these works. the release of  
these documents is conditional to the owner  
obtaining the required building permit.



**measured**  
**design studio**  
2 quarry street  
trentham  
vic 3458  
0429 188 751  
steve@measured.net.au  
DP-AD 43442

**new residence**  
**at**  
409 rothes rd trentham  
**for**  
georgie and marty patterson  
**drawn**  
sk

**site plan**  
scale 1:1250 @ A3

**planning permit preliminary R1**  
not for construction

site plan\_proposed building area  
scale 1:1250

02/05

15/02/2017



notes:

The ground beneath suspended floors must be graded so that the area beneath the building is above the adjacent external finished ground level and surface water is prevented from ponding under the building

provides min 150mm clearance to ground level from underside of beams in accordance with BCA 3.4.1.2

provide subfloor ventilation in accordance with BCA 3.4.1 climate zone 7

concrete slumps:  
up to 1400mm long to be 100mm x 100mm (1 No. H.D. Wire)

Step sizes (other than for spiral stairs) to be:  
Risers (R) 190mm maximum and 115mm minimum  
Going (G) 355mm maximum and 240mm minimum  
2R + 1G = 700mm maximum and 550mm minimum with less than 125mm gap between open treads.

general notes:

1 all materials and work practices shall comply with, but not limited to the building regulations 2006, national construction code series 2016 building code of australia Vol 2 and all relevant current Australian standards (as amended) refer to therein.

2 these drawings shall be read in conjunction with all relevant structural and all other consultants' drawings/ details and with any other written instructions issued in the course of the contract.

3 site plan measurements in metres – all other measurements in millimetres unless otherwise.

4 figured dimensions take precedence over scaled dimensions.

5 the builder shall take all steps necessary to ensure the stability and general water tightness of all new structures during all works.

6 the builder and subcontractors shall check and verify all dimensions, setbacks, levels and specifications and all relevant documentation prior to the commencement of any works. report all discrepancies to this office for clarification.

7 installation of all services shall comply with the respective supply authority requirements.

8 construction is to be in accordance with AS3959\_200 for BAL 12.5

9 a building permit is required prior to the commencement of these works. the release of these documents is conditional to the owner obtaining the required building permit.



**measured design studio**  
2 quarry street  
trentham  
vic 3458  
0429 188 751  
steve@measured.net.au  
DP-AD 43442

**new residence**  
409 rothes rd trentham  
for george and marty patterson  
drawn sk

**floor plan**  
scale 1:100 @ A3

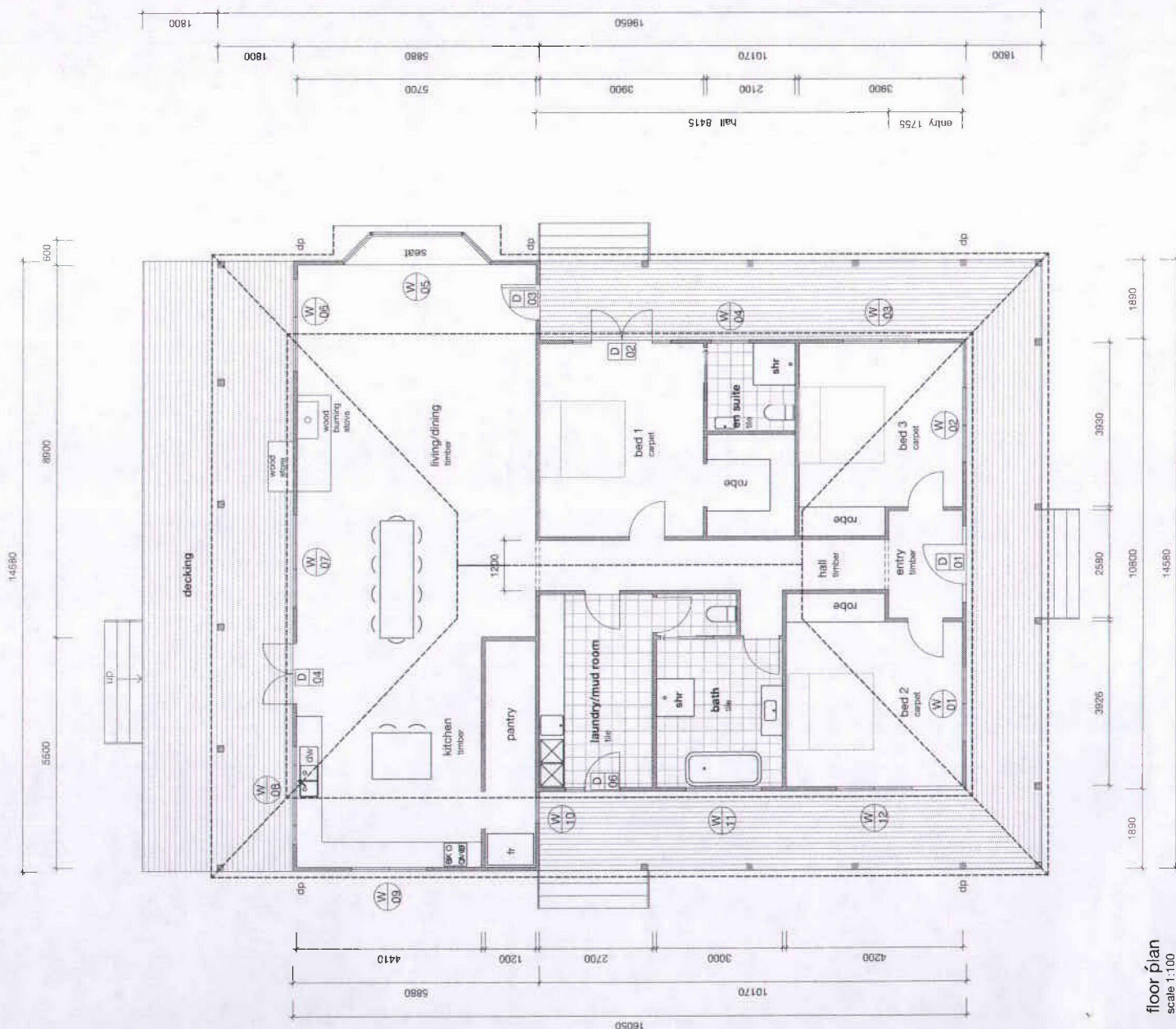
**planning permit preliminary R1**  
not for construction

15/02/2017

03/05

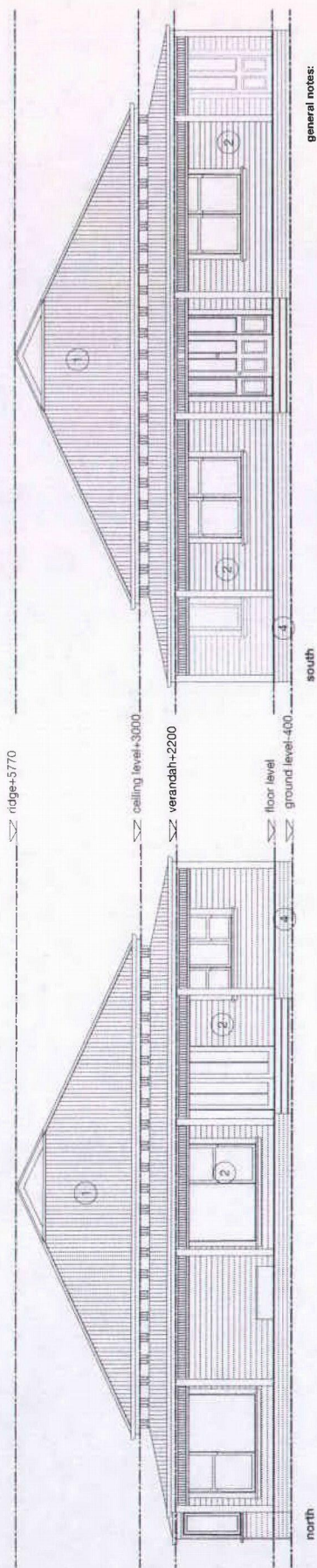
legend

- ch central heating
- dp down pipe
- dw dishwasher
- ex extractor
- fr fridge
- fg fixed glazing
- hws hot water service
- shr shower



floor plan  
scale 1:100

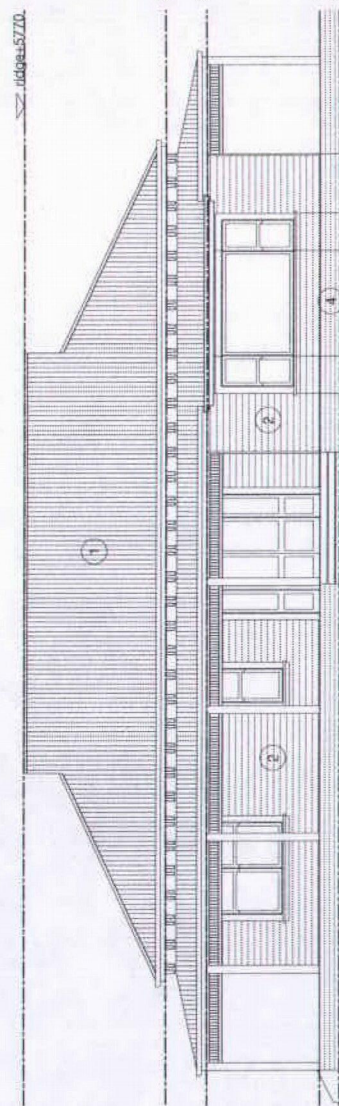




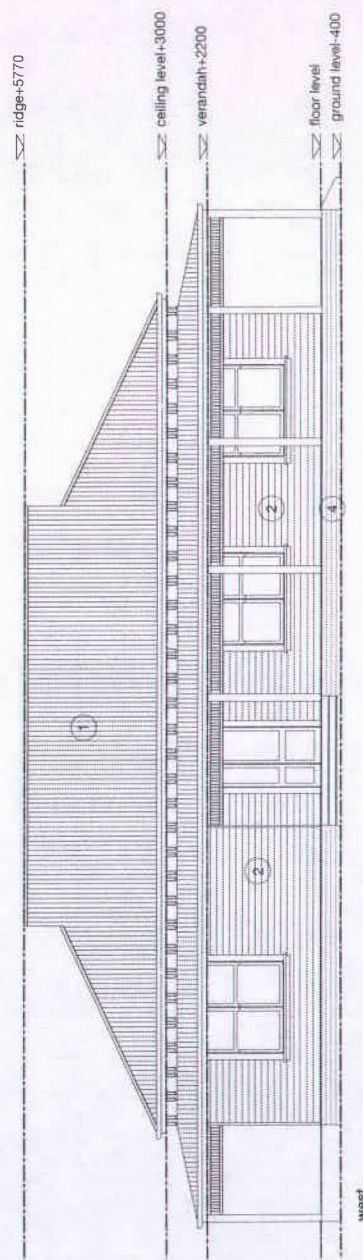
#### legend

- ① corrugated steel roofing galvanised finish
- ② weatherboards in accordance with AS3959-2009 5.4.1c
- ③ merbau decking
- ④ merbau decking as plinth lining

**windows and doors**  
timber frame to **BAL 12.5** with paint finish double glazing



east



west

**elevations**  
scale 1:100

#### general notes:

- 1 all materials and work practices shall comply with, but not limited to the building regulations 2006, national construction code series 2016 building code of australia Vol. 2 and all relevant current Australian standards (as amended) referred to therein.
- 2 these drawings shall be read in conjunction with all relevant structural and all other consultants' drawings/ details and with any other written instructions issued in the course of the contract.
- 3 site plan measurements in metres - all other measurements in millimetres unless noted otherwise.
- 4 figured dimensions take precedence over scaled dimensions.
- 5 the builder shall take all steps necessary to ensure the stability and general watertightness of all new structures during all works.
- 6 the builder and subcontractors shall check and verify dimensions, setbacks, levels and specifications and all other relevant documentation prior to the commencement of any works. report all discrepancies to this office for clarification.
- 7 installation of all services shall comply with the respect supply authority requirements.
- 8 construction is to be in accordance with AS9559 201 for **BAL 12.5**
- 9 a building permit is required prior to the commencement of these works. the release of these documents is conditional to the owner obtaining the required building permit.



**measured  
design studio**

2 quarry street  
trentham  
vic 3458  
0429 188 751  
steve@measured.net.au  
DP-AD 43442

**new residence**  
at  
409 rothes rd trentham  
for  
georgia and marty patterson  
drawn  
sk

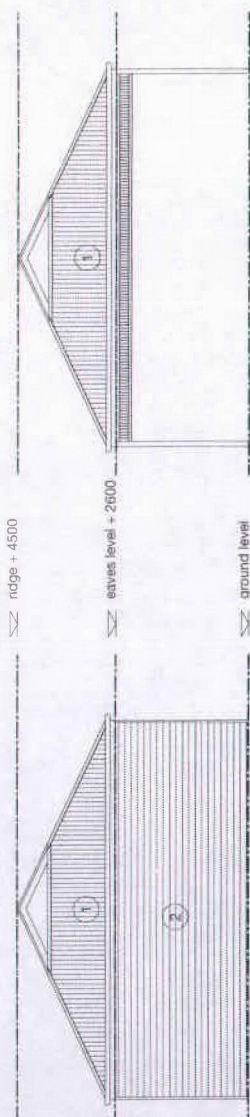
**elevations**  
scale 1:100 @ A3

**planning permit preliminary R1**  
not for construction

15/02/2017

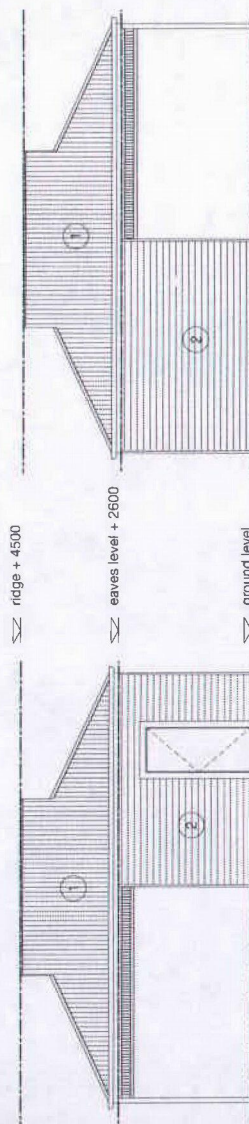
**04/05**





north

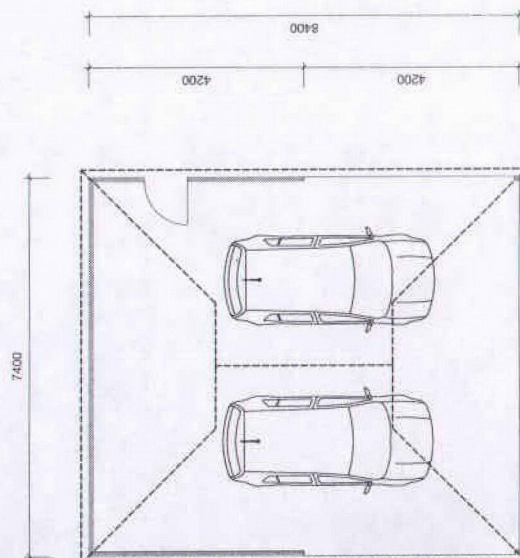
south



east

west

elevations\_car port  
scale 1:100



legend

- 1 corrugated steel roofing galvanised finish
- 2 weatherboards in accordance with AS3959-2009 5.4.1c

windows and doors  
timber frame to BAL 12.5 with paint finish double glazing

# general notes:

- 1 all materials and work practices shall comply with, but not limited to the building regulations 2006 national construction code series 2016 building code of australia Vol 2 and all relevant current Australian standards (as amended) referred to therein.
- 2 these drawings shall be read in conjunction with all relevant structural and all other consultants' drawings/ details and with any other written instructions issued in the course of the contract.
- 3 site plan measurements in metres - all other measurements in millimetres unless noted otherwise.
- 4 figured dimensions take precedence over scaled dimensions.
- 5 the builder shall take all steps necessary to ensure the stability and general water tightness of all new structures during all works.
- 6 the builder and subcontractors shall check and verify all dimensions, setbacks, levels and specifications and all other relevant documentation prior to the commencement of any works. report all discrepancies to this office for clarification.
- 7 installation of all services shall comply with the respective supply authority requirements.
- 8 construction is to be in accordance with AS3959-2009 for BAL 12.5
- 9 a building permit is required prior to the commencement of these works. the release of these documents is conditional to the owner obtaining the required building permit.



measured  
design studio

2 quarry street  
trentham  
vic 3458  
0429 186 751  
steve@measured.net.au DP-AD 43442

new residence  
at  
409 rothes rd trentham  
for  
georgie and marty patterson  
drawn  
sk

carport floor plan and elevations  
scale 1:100 @ A3

planning permit preliminary R1  
not for construction

15/02/2017

05/05

floor plan\_carport  
scale 1:100



10.3. **PLANNING APPLICATION 1694- USE AND DEVELOPMENT OF A DWELLING  
TO BE UNDERTAKEN AT 130A CHURCH ROAD MOUNT FRANKLIN VIC 3461  
CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Statutory Planner, I Katy Baker have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to determine the application for the use and development of a dwelling to be undertaken at 130A Church Road, Mount Franklin.

**BACKGROUND**

130A Church Road, Mount Franklin comprises of four allotments. The application is for Crown Allotment 7G, Parish of Holcombe and Crown Allotment 7R, Parish of Holcombe.

Crown Allotment 7G, Parish of Holcombe has an area of 8.0047ha and currently contains two dams and a number of trees, is vacant of buildings and not connected to any public roads. Crown Allotment 7R, Parish of Holcombe has an area of 0.6559ha, containing a number of trees, is vacant of buildings and borders Leslies Road. Both lots are located to the north east of Hepburn Springs.

The other allotments associated with the address are used in the following ways:

- Crown Allotment 20D has a total area of 7.991 ha and adjoins a Public Conservation and Resource Zone that contains a vegetation corridor. The vegetation corridor runs the full length of the eastern boundary. The lot is not connected to any public roads and contains a dwelling, a large dam and a number of trees.
- Crown Allotment 7K1 has a total area of 4.1405ha and is not connected to any public roads. The lot contains a number of sheds and trees.

The proposal seeks to construct a single storey dwelling with access from Leslies Road through Crown Allotment 7R with the dwelling to be located on Crown Allotment 7G, 100m from the south boundary. The proposed dwelling will be constructed with a wrap around verandah, lounge/dining and kitchen area, with three bedrooms, a separate play room, two bathrooms and a laundry.

While not requiring approval, the applicant has advised that it is proposed to consolidate CA 7R and 79 should approval be granted.

**ISSUE/DISCUSSION**

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 relevant Clauses are considered below.

Clause 11 (Settlement) refers to Settlement and seeks to respond to the needs of existing and future communities through provision of land for housing that amongst other things is to contribute towards a high standard of urban design and amenity. The proposed development is not located within a settlement or a major transport corridor. It is also noted that a sufficient supply of land is provided within Mt Franklin, which is located 2.8km to the east of the subject site in accordance with Clause 11.02-1 to meet forecasted population increases and associated development. The proposal is not considered to be orderly development of the subject site as it is located outside designated township zones.

Clause 14 seeks to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. In particular, Clause 14.01-1 refers to the protection of farmland which is of strategies significance in the local or regional context. The subject site is prime agricultural land. Furthermore, Clause 14.01-2 seeks to encourage sustainable agricultural land use, the proposed construction of a dwelling is not in line with this objective.

Clause 16 (Housing) refers to Housing and seeks to provide for a diversity of housing that has access to services and to be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space. The proposed dwelling is not considered to be within a walkable distance to services and public amenities.

Clause 21.02 (Key Influences) refers to the preparation and development of the Hepburn Planning Scheme in response to Council assessment and response to a range of critical land use planning and natural resources. It is noted that settlement and housing in some rural areas is restricted in terms of future growth potential due to servicing constraints and access to rural settlements. Mt Franklin is one of five areas of high quality of agricultural land that is considered an area in which rural living lots should be discouraged to reduce fragmentation of productive rural land supply and increased development density.

As a dwelling already exists on the property, it is considered an inappropriate increase to the dwelling density on the subject land and unnecessary fragmentation of prime agricultural land.

Clause 21.03 (Vision and Strategic Framework) sets out the objectives of the Shire of Hepburn Corporate Plan 1999-2002 which reiterates the importance of the land around Mt Franklin as prime agricultural land. The vision for the Shire will be achieved by

maintaining productive agricultural land and supporting development in townships. The proposal does not meet the key land use themes.

Clause 21.05 (Settlement & Housing) considers the key issues associated with continued growth and development. While Clause 21.05 takes into consideration that lifestyle and housing choice will result in growth beyond traditional urban and townships areas, the first objective is to contain most future development within urban growth boundaries through infill and consolidation. The proposal does not meet the strategies objective 1.

Clause 21.08 (Rural Land Use & Agriculture) considers the key issues of the significant areas of high and very high quality agricultural land that needs to be further protected from further encroachment from unplanned urban expansion. The proposed development is not considered to maintain the high quality agricultural area or ensure that development in rural areas addresses the significance of the land, water management and resources needed.

Clause 22.04 (Rural land) as per Clause 21.08, this clause addresses the policy basis for protection of prime agricultural land. The development is not seen to meet the objectives.

Clause 35.07 (Farming Zone – Schedule 1) seeks to encourage the retention of productive land for agricultural uses and ensure that non-agricultural uses do not adversely affect the continued use of the land for agricultural uses. As the proposed dwelling does not meet the condition for dwelling it is considered a Section 2 use. The particular lot is below the Area 2 minimum area for which no permit is required for a dwelling which is 20ha, even if both lots were consolidated. This is considered a substantial variation to the minimum area and would detrimentally impact on the use of the land for agricultural uses and is considered to lead to a concentration of dwellings within the area.

Clause 42.01 (Environmental Significance Overlay – Schedule 1) seeks to identify areas where the development of land may be affected by environmental constraints. A Land Capability Assessment was prepared as part of the application and referred to Goulburn-Murray Water Corporation who offered no objection subject to conditions.

Clause 44.06 (Bushfire Management Overlay) seeks to ensure that development of the land prioritises the protection of human life and identifies areas where bushfire hazards warrants bushfire protection measures to ensure that development is only permitted where the risk to life and property from the bushfire can be reduced to an acceptable level. The application was referred to the Country Fire Authority who offered no objection, subject to conditions.

#### **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**

N/A

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

N/A

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

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and occupiers and a notice on the land. As a result, no objections have been received.

#### **CONCLUSION**

The proposed development does not support the objectives of the State and Local Planning Policy, the Municipal Strategic Statement (MSS) or the Farming Zone.

The planning policy framework is clear and contains strong objectives to ensure that new dwellings on small lots (in this case, lots less than 20ha where permits are triggered for use) do not result in loss or fragmentation of farming land and activity or are to be discouraged from locations that are separated from settlements and services. This policy framework requires a high benchmark to be satisfied for any new dwelling. It is considered that the proposed dwelling would make it difficult for the site to be used for agricultural activity. Furthermore, the proposal will result in unnecessary fragmentation of prime agricultural land as such, a refusal is recommended.

The on-site impacts of the proposal relating to the Environmental Significance Overlay and the Bushfire Management Overlay do not form part of the refusal.

#### OFFICER'S RECOMMENDATION

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves to issue a Refuse to Grant a Permit under the provisions of Clause 35.07 (Farming Zone) of the Hepburn Planning Scheme in respect of the land known and described as 130A Church Road, Mount Franklin, for the use and development of a dwelling for the following reasons:

- 10.3.1. The application fails to implement the objectives of the State Planning Policy Framework and the Local Planning Policy Framework, in particular, Clause 35.07 (Farming Zone).
- 10.3.2. The application, if approved, would create a precedent for further incremental development within the Farming Zone.

Mr Sam Thompson of Regional Planning & Design Pty Ltd addressed the Council on behalf of the applicant.

#### MOTION

*10.3.1. That Council permit Mr Sam Thompson to continue his address in support of the application for a further two minutes.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**

**MOTION**

*That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves to issue a Refuse to Grant a Permit under the provisions of Clause 35.07 (Farming Zone) of the Hepburn Planning Scheme in respect of the land known and described as 130A Church Road, Mount Franklin, for the use and development of a dwelling for the following reasons:*

- 10.3.2. The application fails to implement the objectives of the State Planning Policy Framework and the Local Planning Policy Framework, in particular, Clause 35.07 (Farming Zone).*
- 10.3.3. The application, if approved, would create a precedent for further incremental development within the Farming Zone.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

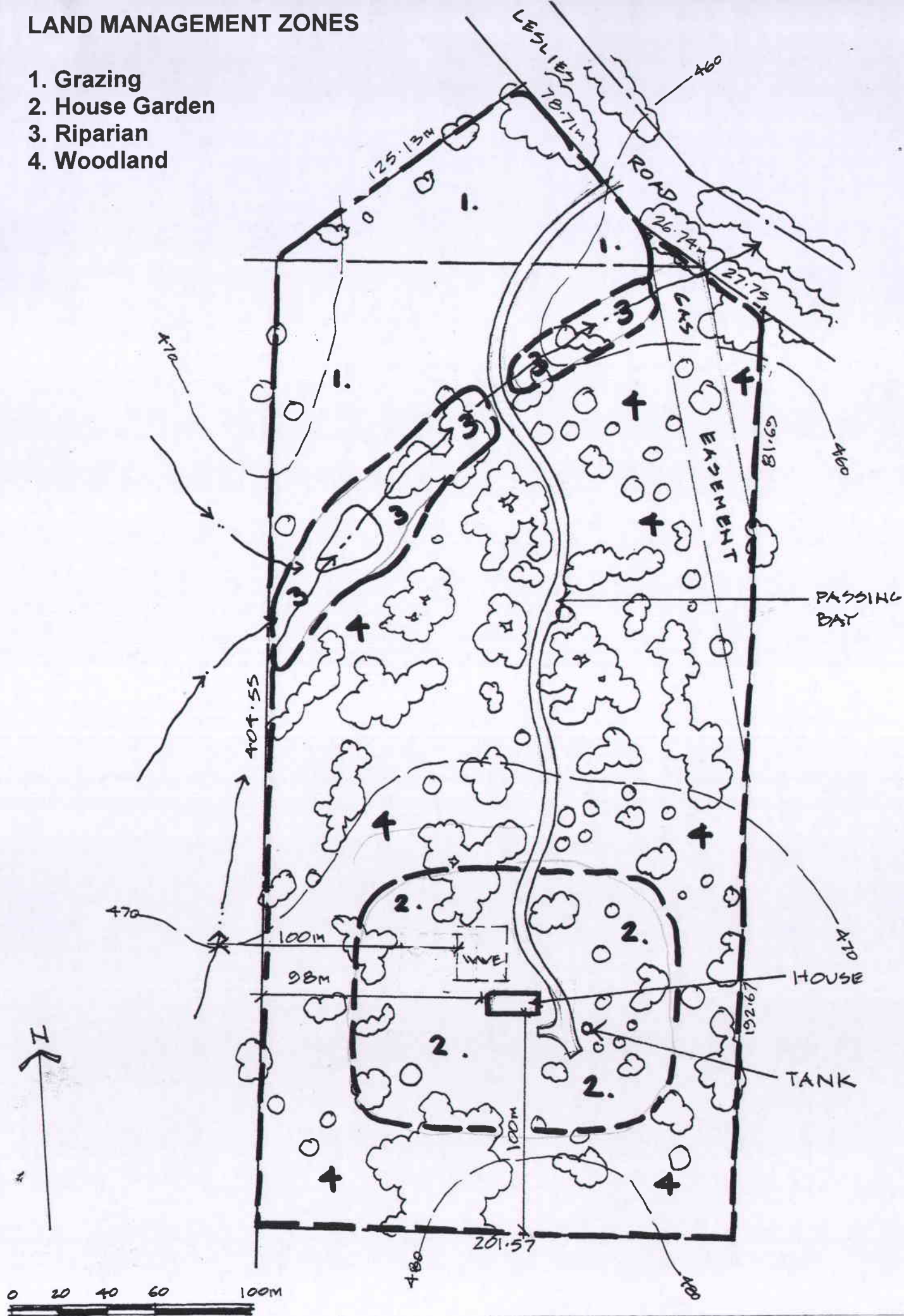
**Carried**

ATTACHMENT 3 - 130A CHURCH ROAD MOUNT FRANKLIN - PLANS



# LAND MANAGEMENT ZONES

1. Grazing
2. House Garden
3. Riparian
4. Woodland

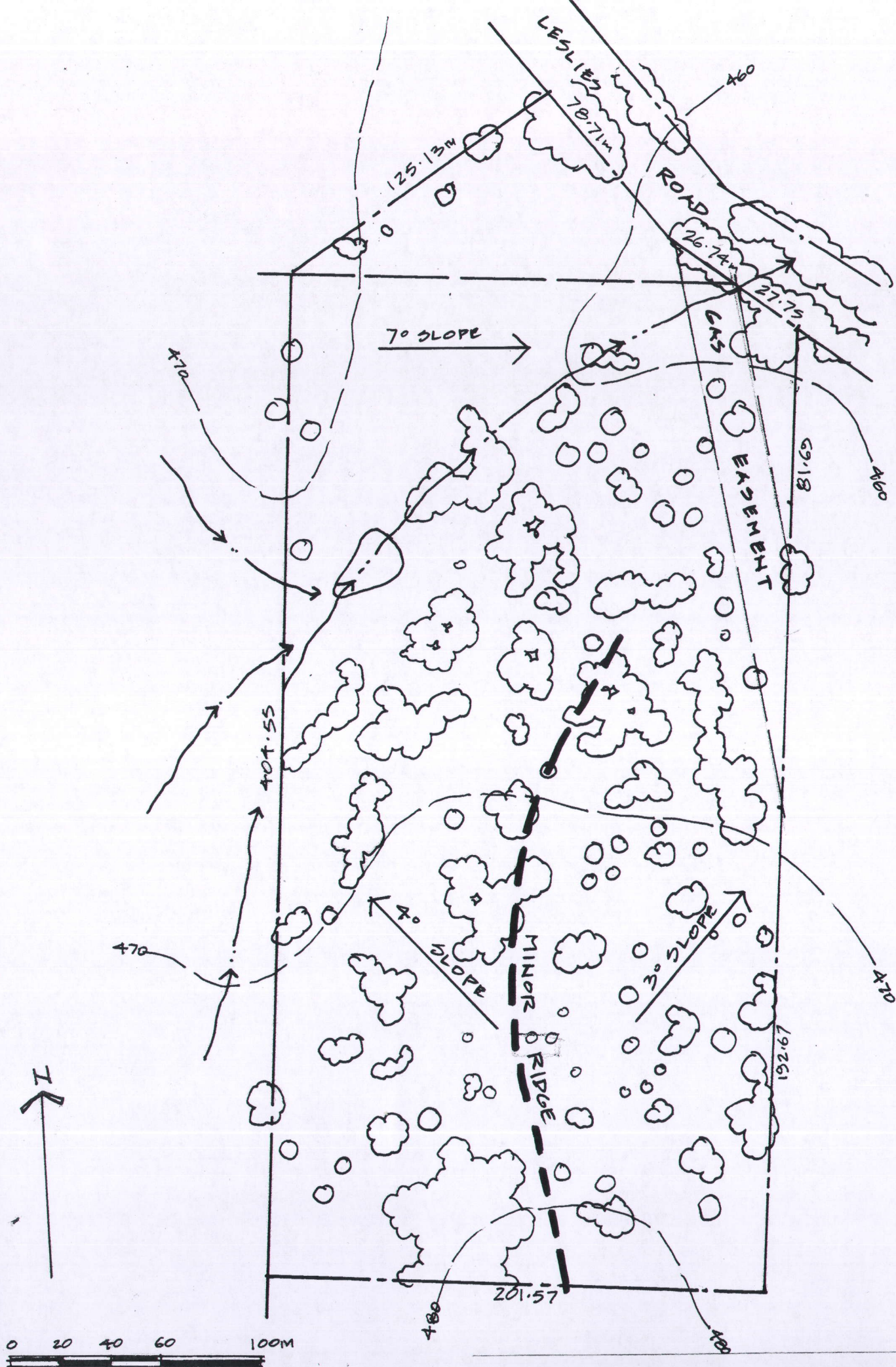


**FIGURE 3 LAND MANAGEMENT PLAN**

Lots 7R and 7 G Leslie Road Mt.Franklin

Ref No 17 106 June 2017 1 : 2000



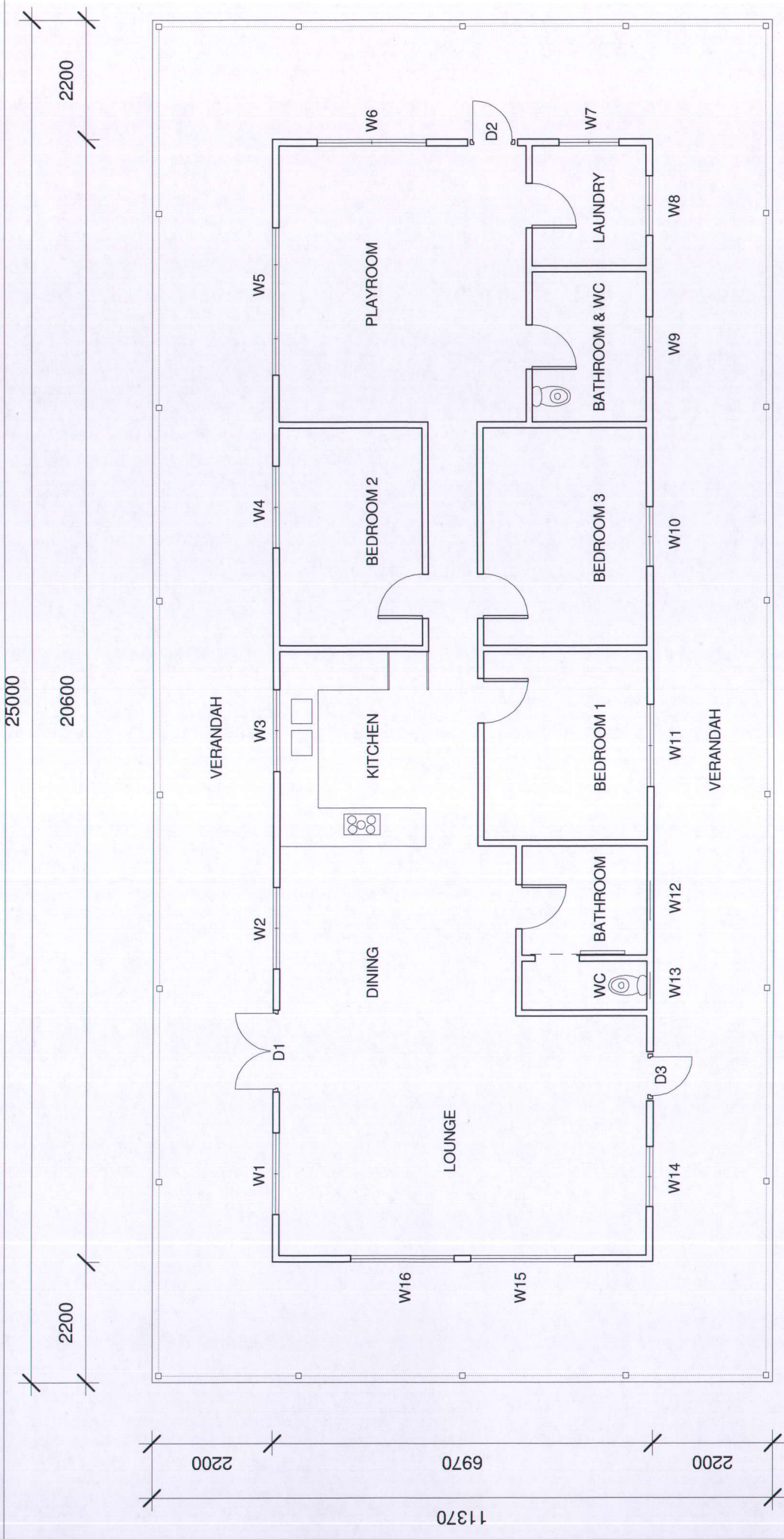


**FIGURE 1 EXISTING CONDITIONS PLAN**  
 Lots 7 R and 7 G Leslie Road Mt. Franklin  
 Def No 17/106 May 2017 1:2000










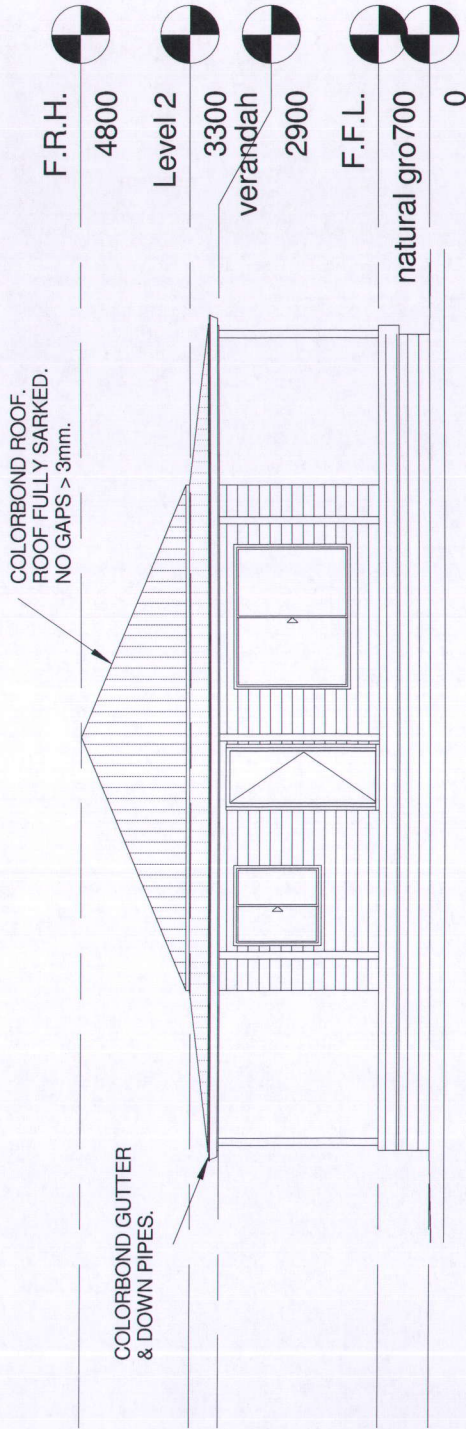
FLOOR PLAN

1

1 : 100

Sam Thompson Regional Planning & Design Pty Ltd 64 Pine Court, Porcupine Ridge 3461 s.thompsondesign@bigpond.com 03 5348 1285      0447 073 107	Client's Name  <b>John McDonald</b>			Drg. No.  <b>3</b>
	Project Address  <b>7 Leslies Road Mt. Franklin</b>			Date
				Scale <b>1 : 100</b>
PROPOSED FLOOR PLAN				



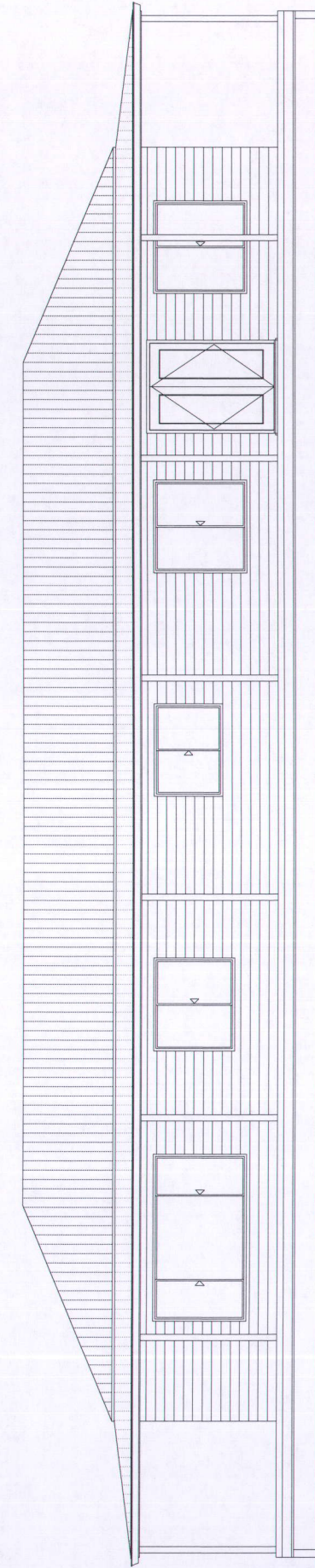


## EAST ELEVATION

2

1 : 100

4100  
2200  
1500  
400



## NORTH ELEVATION

1

1 : 100

Sam Thompson  
Regional Planning & Design Pty Ltd  
64 Pine Court, Porcupine Ridge 3461  
s.thompsondesign@bigpond.com  
03 5348 1285 0447 073 107

Client's Name

John McDonald

Project Address

7 Leslies Road Mt. Franklin

Drg. No.

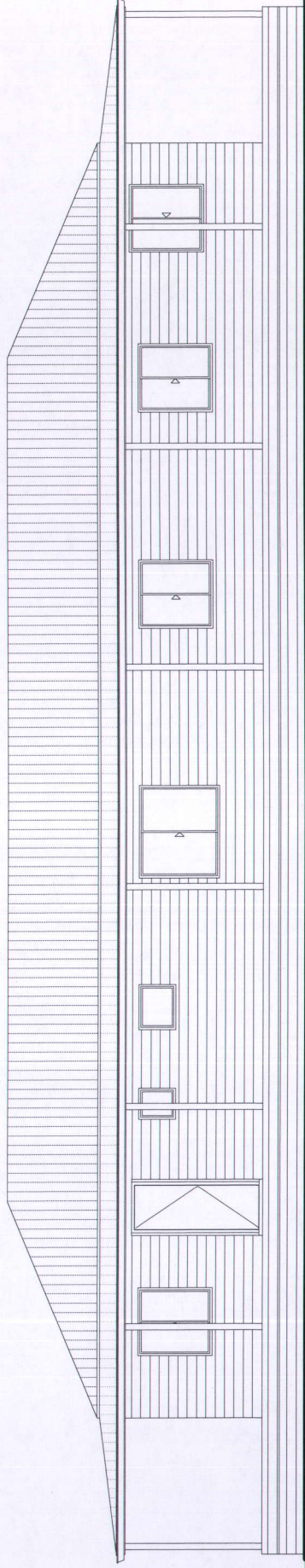
4

Date

Scale 1 : 100

ELEVATIONS NORTH & EAST

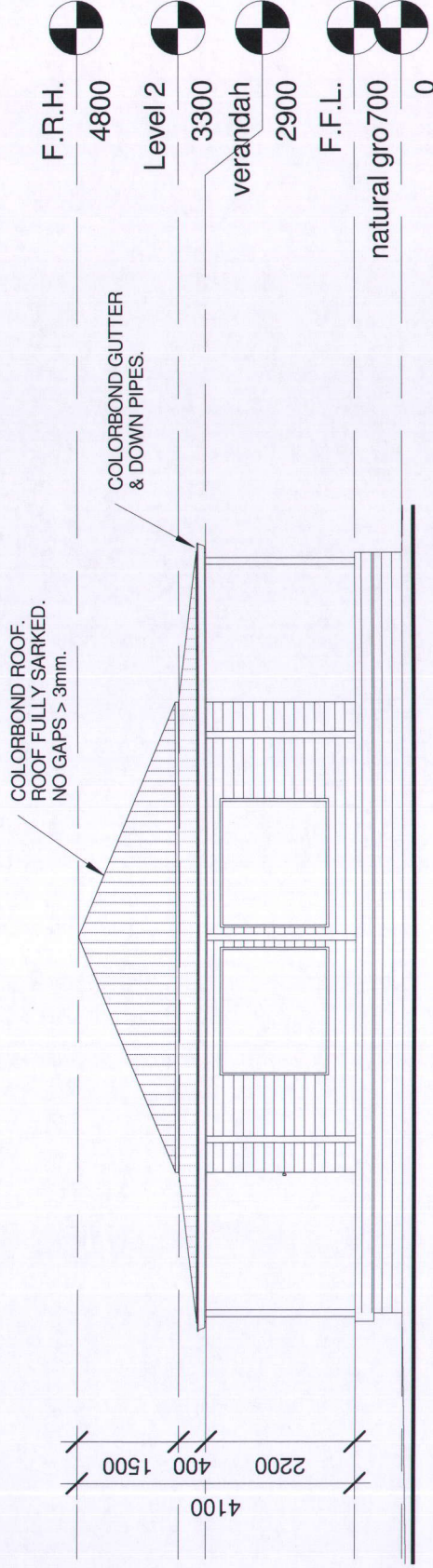




## SOUTH ELEVATION

1

1 : 100



## WEST ELEVATION

2

1 : 100

Sam Thompson

Regional Planning & Design Pty Ltd

64 Pine Court, Porcupine Ridge 3461

s.thompsondesign@bigpond.com

03 5348 1285

0447 073 107

Client's Name

John McDonald

Project Address

7 Leslies Road Mt. Franklin

ELEVATIONS SOUTH & WEST

Drg. No.

5

Date

Scale 1 : 100

10.4. **PLANNING APPLICATION 1670- USE AND DEVELOPMENT OF A DWELLING AND THE CONSTRUCTION OF A DOMESTIC SWIMMING POOL AND ASSOCIATED MECHANICAL AND SAFETY EQUIPMENT TO BE UNDERTAKEN AT 1460 DAYLESFORD-CLUNES ROAD SMEATON VICTORIA 3364.**

**CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Statutory Planner, I Katy Baker have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to determine the application for the use and development of a dwelling and the construction of a domestic swimming pool and associated mechanical and safety equipment to be undertaken at 1460 Daylesford-Clunes Road, Smeaton.

**BACKGROUND**

1460 Daylesford-Clunes Road, Smeaton comprises of four allotments. The application is for the smallest allotment, being Crown Allotment 59, Section A, Parish of Smeaton.

Crown Allotment 59, Section A has a total area of 11.6849ha and is currently undeveloped. The subject site is located within the Farming Zone, to the north-west of the Smeaton township and is currently used for grazing.

The other allotments associated with the address are used in the following ways:

- Crown Allotment 60, Section A, has a total area of 18.0992ha. CA 60 is located to the west of the subject site is used for grazing. A planning permit, PA 876.01 was amended on 24 August 2015 to 'relocate and refurbish a church to the site and associated works and to use the building as a place of assembly for wedding ceremonies for up to 80 patrons'. PA 876.01 included CA 59 and CA 60. The applicant advised in writing on 7 March 2016 that PA 876.01 would not be enacted.
- Crown Allotment 57, has a total area of 58.6437ha. PA 10478 was amended in February 2011 to allow the 'construction of dwelling and sheds'. The permit is associated to CA 59 and 57, however, the buildings and works are located entirely within CA 57.
- Crown Allotment 56, has a total area of 40.0408ha. The site is currently used for grazing.

The proposal seeks to construct a dwelling in two stages, with the final stage resulting in a rectangular house, located 410 metres from the Daylesford-Clunes Road and 30 metres from the creek that creates the south title boundary.

The proposed dwelling is to include a south-east facing verandah with a store located to the west end and a pool located on the east end. The house itself will be rectangular with the central section including an entrance way. The east section of the dwelling will contain a kitchen/living space, bathroom and one bedroom with the east end including two bedrooms and two bathrooms. The dwelling will be constructed with a flat roof in metal sheeting with shadow clad (black plywood) walls and black powder coated aluminium windows with a timber pergola. The proposed pool fencing will be glass with steel black balustrade and the store to be built from a shipping container painted black. Three uncovered car parking spaces are proposed.

### ISSUE/DISCUSSION

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 relevant Clauses are considered below.

Clause 11 (Settlement) refers to Settlement and seeks to respond to the needs of existing and future communities through provision of land for housing that amongst other things is to contribute towards a high standard of urban design and amenity. The proposed development is not located within a settlement or a major transport corridor. It is also noted that a sufficient supply of land is provided within Smeaton, which is located 2.8km to the east of the subject site in accordance with Clause 11.02-1 to meet forecasted population increases and associated development. The proposal is not considered to be orderly development of the subject site as it is located outside designated township zones.

Clause 14 seeks to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. In particular, Clause 14.01-1 refers to the protection of farmland which is of strategic significance in the local or regional context. The subject site is prime agricultural land. Furthermore, Clause 14.01-2 seeks to encourage sustainable agricultural land use; the proposed construction of a dwelling is not in line with this objective.

Clause 16 (Housing) refers to Housing and seeks to provide for a diversity of housing that has access to services and to be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space. The proposed dwelling is not considered to be within a walkable distance to services and public amenities in accordance with Clause 16.01-2.

Clause 21.02 (Key Influences) refers to the preparation and development of the Hepburn Planning Scheme in response to Council assessment and response to a range



of critical land use planning and natural resources. It is noted that settlement and housing in some rural areas is restricted in terms of future growth potential due to servicing constraints and access to rural settlements. Smeaton is one of five areas of high quality of agricultural land that is considered an area in which rural living lots should be discouraged to reduce fragmentation of productive rural land supply and increased development density. As a dwelling has previously been approved for 1460 Daylesford-Clunes Road, it is considered an inappropriate increase to the dwelling density on the subject land and unnecessary fragmentation of prime agricultural land.

Clause 21.03 (Vision and Strategic Framework) sets out the objectives of the Shire of Hepburn Corporate Plan 1999-2002 which reiterates the importance of the land around Smeaton as prime agricultural land. The vision for the Shire will be achieved by maintaining productive agricultural land and supporting development in townships. The proposal does not meet the key land use themes.

Clause 21.05 (Settlement & Housing) considers the key issues associated with continued growth and development. While Clause 21.05 takes into consideration that lifestyle and housing choice will result in growth beyond traditional urban and townships areas, the first objective is to contain most future development within urban growth boundaries through infill and consolidation. The proposal does not meet the strategies objective 1.

Clause 21.08 (Rural Land Use & Agriculture) considers the key issues of the significant areas of high and very high quality agricultural land that needs to be further protected from further encroachment from unplanned urban expansion. The proposed development is not considered to maintain the high quality agricultural area or ensure that development in rural areas addresses the significance of the land, water management and resources needed.

Clause 22.04 (Rural land) as per Clause 21.08, this clause addresses the policy basis for protection of prime agricultural land. The development is not seen to meet the objectives.

Clause 35.07 (Farming Zone – Schedule 1) seeks to encourage the retention of productive land for agricultural uses and ensure that non-agricultural uses do not adversely affect the use of the land for agricultural uses. As the proposed dwelling does not meet the condition for dwelling it is considered a Section 2 use. The particular lot is below the Area 2 minimum area for which no permit is required for a dwelling (40ha) by 21.9ha. This is considered a substantial variation to the minimum area and would detrimentally impact on the use of the land for agricultural uses and is considered to add to a concentration of dwellings within the area.

Clause 42.01 (Environmental Significance Overlay – Schedule 1) seeks to identify areas where the development of land may be affected by environmental constraints. A Land

Capability Assessment was prepared as part of the application and referred to Central Highland Water Corporation who offered no objection subject to conditions.

#### **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**

N/A

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

N/A

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

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and occupiers and a notice on the land. As a result, no objections have been received.

#### **CONCLUSION**

The proposed development does not support the objectives of the State and Local Planning Policy, the Municipal Strategic Statement (MSS) or the Farming Zone.

The planning policy framework is clear and contains strong objectives to ensure that new dwellings on small lots (in this case, lots less than 40ha where permits are triggered for use) do not result in loss or fragmentation of farming land and activity or are to be discouraged from locations that are separated from settlements and services. This policy framework requires a high benchmark to be satisfied for any new dwelling. It is considered that the proposed dwelling would make it difficult for the site to be used for agricultural activity. Furthermore, the proposal will result in unnecessary fragmentation of prime agricultural land as such, a refusal is recommended.

The on-site impacts of the proposal relating to the Environmental Significance Overlay have been assessed by the Land Capability Assessment Report and the on-site impacts do not form part of the refusal.



#### OFFICER'S RECOMMENDATION

That Council, having caused notice of the planning application PA 1670 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 Planning and Environment Act 1987 resolves to Refuse to Grant a Permit under the provisions of Clause 35.07 (Farming Zone) of the Hepburn Planning Scheme in respect of the land known and described as 1460 Daylesford-Clunes Road Smeaton for the use and development of a dwelling and domestic swimming pool and associated mechanical equipment and safety equipment for the following reasons:

- 1.1.1. The application fails to implement the objectives of the State Planning Policy Framework and the Local Planning Policy Framework in particular, Clause 35.07 (Farming Zone).
- 1.1.2. The application, if approved, would create a precedent for further incremental development within the Farming Zone.
- 1.1.3. The proposal does not respond to the decision guidelines at Clause 65 of the Hepburn Planning Scheme and does not constitute the proper and orderly planning of the area.

#### MOTION

- 10.4.1. *That Council, having been advised that a permit for a dwelling can now be granted "as of right" refers the application back to officers, to assess the planning application under delegation and against the relevant provisions of the Hepburn Planning Scheme.*

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

ATTACHMENT 4 - 1460 DAYLESFORD-CLUNES ROAD SMEATON -  
PROPERTY 10809 - PLANS



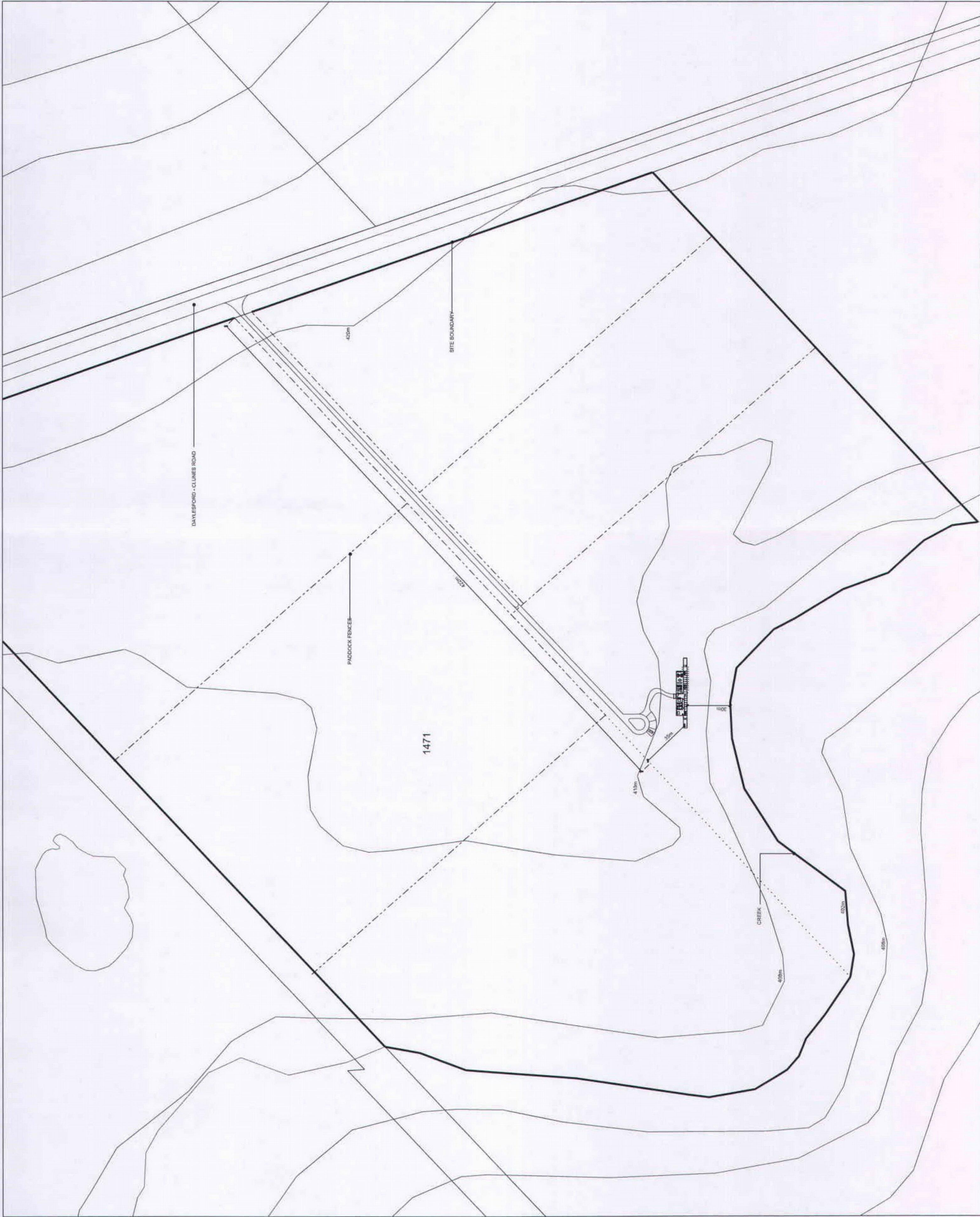
KEY



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NOTES:

1. ALL MEASUREMENTS TO THE CORNER OF THE HOUSE OR THE CORNER OF THE LOT. ALL MEASUREMENTS TO THE CORNER OF THE LOT. ALL MEASUREMENTS TO THE CORNER OF THE LOT. ALL MEASUREMENTS TO THE CORNER OF THE LOT.



010.01: SITE LOCATION

0 12.5 25 50 125m

125m

LOCATION OF HOUSE: UPDATED

19.01.17 22.01.17

CLIENT ISSUE

CLIENT ISSUE

CLIENT ISSUE

CLIENT ISSUE

CLIENT ISSUE

CLIENT ISSUE

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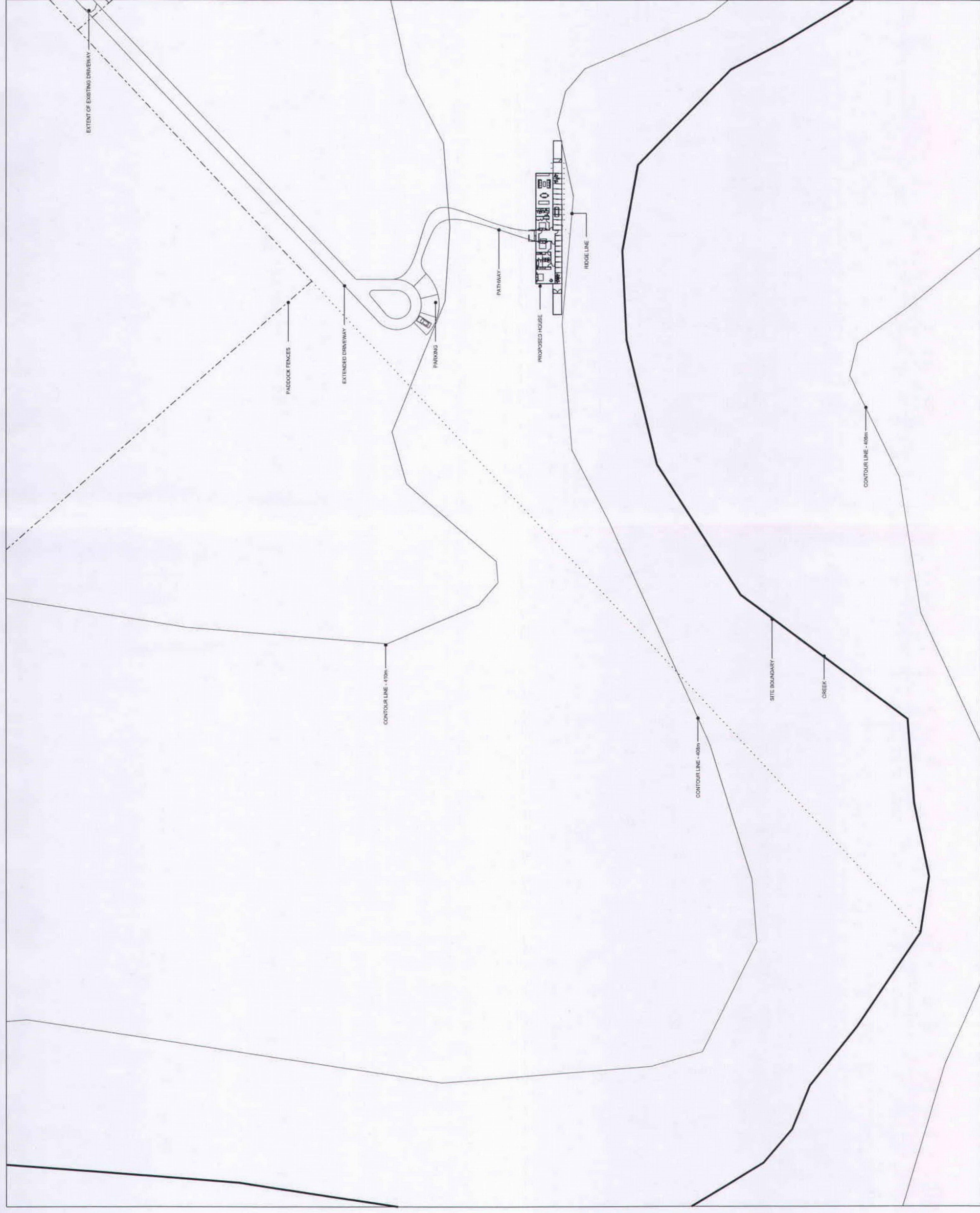
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010

BOARD GROVE ARCHITECTS

www.boardgrovearchitects.com  
hello@boardgrovearchitects.com  
131 B-13 Whitehall St - Footscray 3011





011.01: SITE LOCATION (EXTRACT)

75	10	6	0
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REVISION	DATE	CLIENT ISSUE
A	22.03.17	CLIENT ISSUE
/	20.03.17	CLIENT ISSUE
		AMENDMENT

DATE	2021-10-20
ULLINE HOUSE 1471 DAVENPORT - CLINES ROAD	
STARTING INFO	STARTING NO
STARTING INFO	011
SITE LOCATION (EXTRACT)	A
SCALE	SCALE
PLANNING	1:1000 @ A3

**BOARD  
GROVE**  
ARCHITECTS

www.boardgrovearchitects.com  
hello@boardgrovearchitects.com  
1318-19 Whitehall St. Eosocray 301



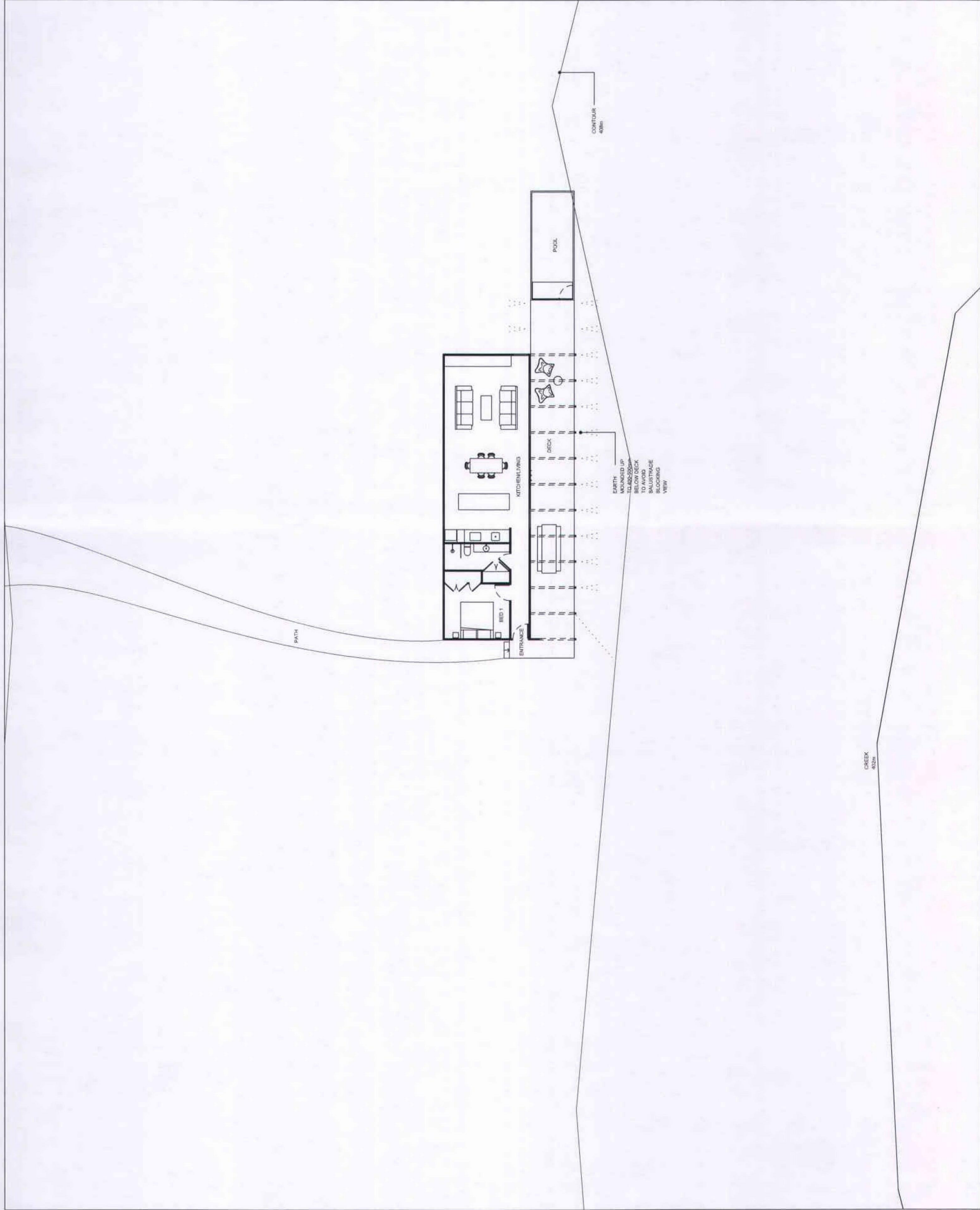
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NOTES:  
NORTHERN WING OF HOUSE PLAN BY PREBUILT HOUSING SOLUTIONS

250117	CUBIT E85E				
7	W/EN	DATE	W/EN	W/EN	W/EN
2018	2018	2018	2018	2018	2018
ULINA HOUSE	ULINA HOUSE	ULINA HOUSE	ULINA HOUSE	ULINA HOUSE	ULINA HOUSE
CLUMES ROAD	CLUMES ROAD	CLUMES ROAD	CLUMES ROAD	CLUMES ROAD	CLUMES ROAD
STAGE 1 WORKS	STAGE 1 WORKS	STAGE 1 WORKS	STAGE 1 WORKS	STAGE 1 WORKS	STAGE 1 WORKS
SK003 /	SK003 /	SK003 /	SK003 /	SK003 /	SK003 /
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**BOARD  
GROVE**  
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SK003: PROPOSED GROUND PLAN - STAGE 1 WORKS

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0	1	25	5	10m



DO NOT SCALE FROM THIS DRAWING  
ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR  
NOTIFY ALL DRAWING ERRORS AND OMISSIONS TO THE ARCHITECT  
ALL DIMENSIONS IN MILLIMETERS UNLESS NOTED OTHERWISE  
\* IN DOLBY ARCHITECT ADMINISTRATION  
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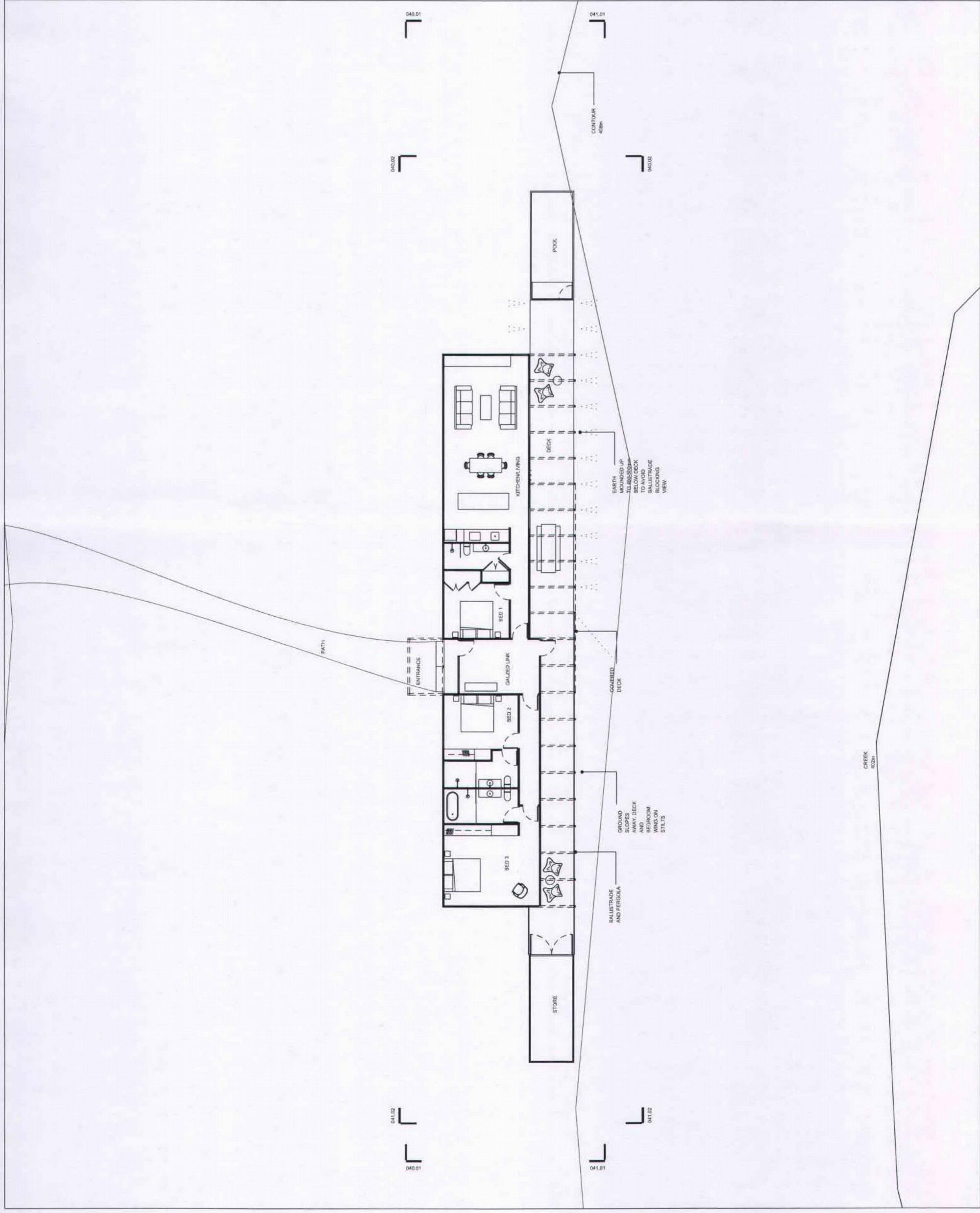
**NOTES:**  
NORTHERN WING OF HOUSE PLAN BY PREBUILT HOUSING SOLUTIONS

ISSUE	DATE	AMOUNT	C-IENT
ISSUE	22.03.17		C
DRAFT	11.03.17		B
DRAFT	08.03.17		A
DRAFT	02.03.17		/

2018 年 11 月	2018 年 11 月	A030	
ULTRA HOUSE 1471 DAVENPORT -- CLINES ROAD		drawing no	revision
	PROPOSED GROUND PLAN	020	C
2018 年 11 月	2018 年 11 月	A3	
PLANNING			

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**A020.01: PROPOSED GROUND PLAN**



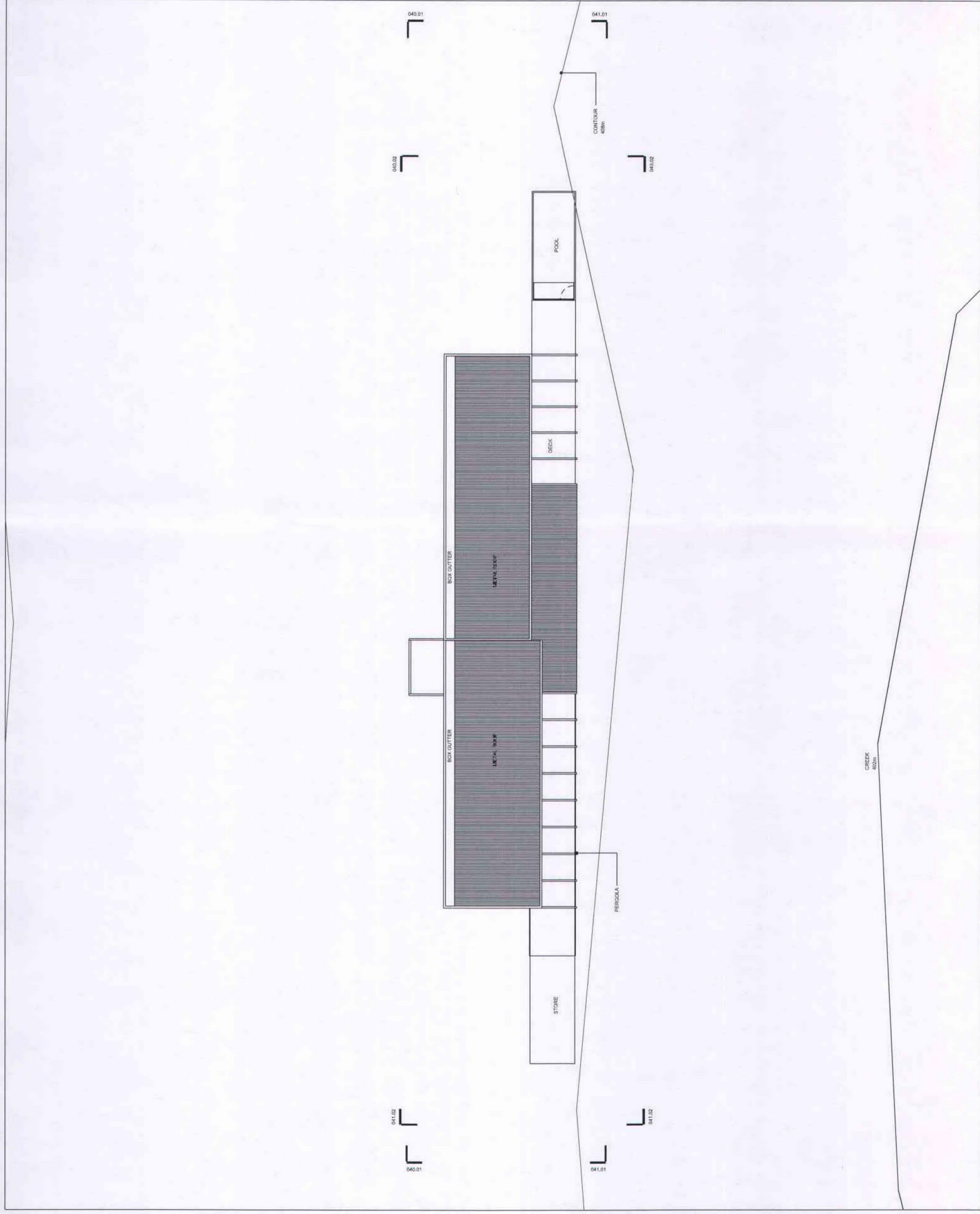
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NOTES:  
NORTHERN WING OF HOUSE PLAN BY PREBUILT HOUSING SOLUTIONS  
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CLIENT ISSUE	22/01/17	DATE	1
REASON	1	REASON	1
PROJECT NO	1000	PROJECT NO	1000
PROJECT NAME	1000	PROJECT NAME	1000
PROJECT TYPE	1000	PROJECT TYPE	1000
PROJECT STATUS	1000	PROJECT STATUS	1000
PROJECT DESCRIPTION	1000	PROJECT DESCRIPTION	1000
PROJECT LOCATION	1000	PROJECT LOCATION	1000
PROJECT CONTACT	1000	PROJECT CONTACT	1000
PROJECT COMMENTS	1000	PROJECT COMMENTS	1000
PROJECT HISTORY	1000	PROJECT HISTORY	1000
PROJECT NOTES	1000	PROJECT NOTES	1000
PROJECT ATTACHMENTS	1000	PROJECT ATTACHMENTS	1000
PROJECT REFERENCES	1000	PROJECT REFERENCES	1000
PROJECT RELATED PROJECTS	1000	PROJECT RELATED PROJECTS	1000
PROJECT RELATED DOCUMENTS	1000	PROJECT RELATED DOCUMENTS	1000
PROJECT RELATED PERSONNEL	1000	PROJECT RELATED PERSONNEL	1000
PROJECT RELATED MATERIALS	1000	PROJECT RELATED MATERIALS	1000
PROJECT RELATED EQUIPMENT	1000	PROJECT RELATED EQUIPMENT	1000
PROJECT RELATED TOOLS	1000	PROJECT RELATED TOOLS	1000
PROJECT RELATED SUPPLIES	1000	PROJECT RELATED SUPPLIES	1000
PROJECT RELATED SERVICES	1000	PROJECT RELATED SERVICES	1000
PROJECT RELATED CONTRACTS	1000	PROJECT RELATED CONTRACTS	1000
PROJECT RELATED AGREEMENTS	1000	PROJECT RELATED AGREEMENTS	1000
PROJECT RELATED WARRANTIES	1000	PROJECT RELATED WARRANTIES	1000
PROJECT RELATED GUARANTEES	1000	PROJECT RELATED GUARANTEES	1000
PROJECT RELATED INSURANCES	1000	PROJECT RELATED INSURANCES	1000
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PROJECT RELATED FEES	1000	PROJECT RELATED FEES	1000
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PROJECT RELATED RISKS	1000	PROJECT RELATED RISKS	1000
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PROJECT RELATED CHALLENGES	1000	PROJECT RELATED CHALLENGES	1000
PROJECT RELATED SOLUTIONS	1000	PROJECT RELATED SOLUTIONS	1000
PROJECT RELATED DECISIONS	1000	PROJECT RELATED DECISIONS	1000
PROJECT RELATED ACTIONS	1000	PROJECT RELATED ACTIONS	1000
PROJECT RELATED RESULTS	1000	PROJECT RELATED RESULTS	1000
PROJECT RELATED IMPACTS	1000	PROJECT RELATED IMPACTS	1000
PROJECT RELATED BENEFITS	1000	PROJECT RELATED BENEFITS	1000
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PROJECT RELATED CONSEQUENCES	1000	PROJECT RELATED CONSEQUENCES	1000
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**A021.01: PROPOSED ROOF PLAN**



KEY

4. A FURTHER "CONTRACT" BETWEEN SUBJECTIVE ARCHITECTS SETS CLIPPING IN THE DESIGN.

NOTES:

55

Architectural elevation drawing of a building facade. The drawing shows a long, low structure with a series of rectangular windows and a central entrance. The facade is composed of horizontal lines, indicating a specific material or finish. Callouts point to various materials used in the design:

- SHADOWCLAD (BLACK, BLACK PLYWOOD)
- BLACK POWDER COATED ALUMINUM WINDOWS
- THAMES PERGOLA
- STORE (BLACK PAINTED SHIPPING CONTAINER)
- POOL

040.02: NORTH ELEVATION

		CLEINT ISSUE
	H	DONWT ISSUE
	A	DWMT ISSUE
	/	

unit no.	unit no.	unit no.
ILLINA HOUSE 1417 DAVENPORT - CLURE ROAD, STANLEY	A030	040 B
standing title	standing title	standing title
NORTH AND EAST ELEVATIONS		
section	section	section
PLAN 002	PLAN 003	PLAN 004

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www.bcdgrouparchitects.com  
hello@bcdgrouparchitects.com  
17 | 18 19 Whitehall St. - October, 2012

040.01: EAST ELEVATION



KEY



DO NOT SCALE FROM THIS DRAWING. THE ARCHITECT HAS PROVIDED DIMENSIONS TO THE ARCHITECT'S RECORD SET. DIMENSIONS TO THE ARCHITECT'S RECORD SET SHALL BE USED FOR CONSTRUCTION. DIMENSIONS TO THE ARCHITECT'S RECORD SET SHALL BE USED FOR CONSTRUCTION. DIMENSIONS TO THE ARCHITECT'S RECORD SET SHALL BE USED FOR CONSTRUCTION.

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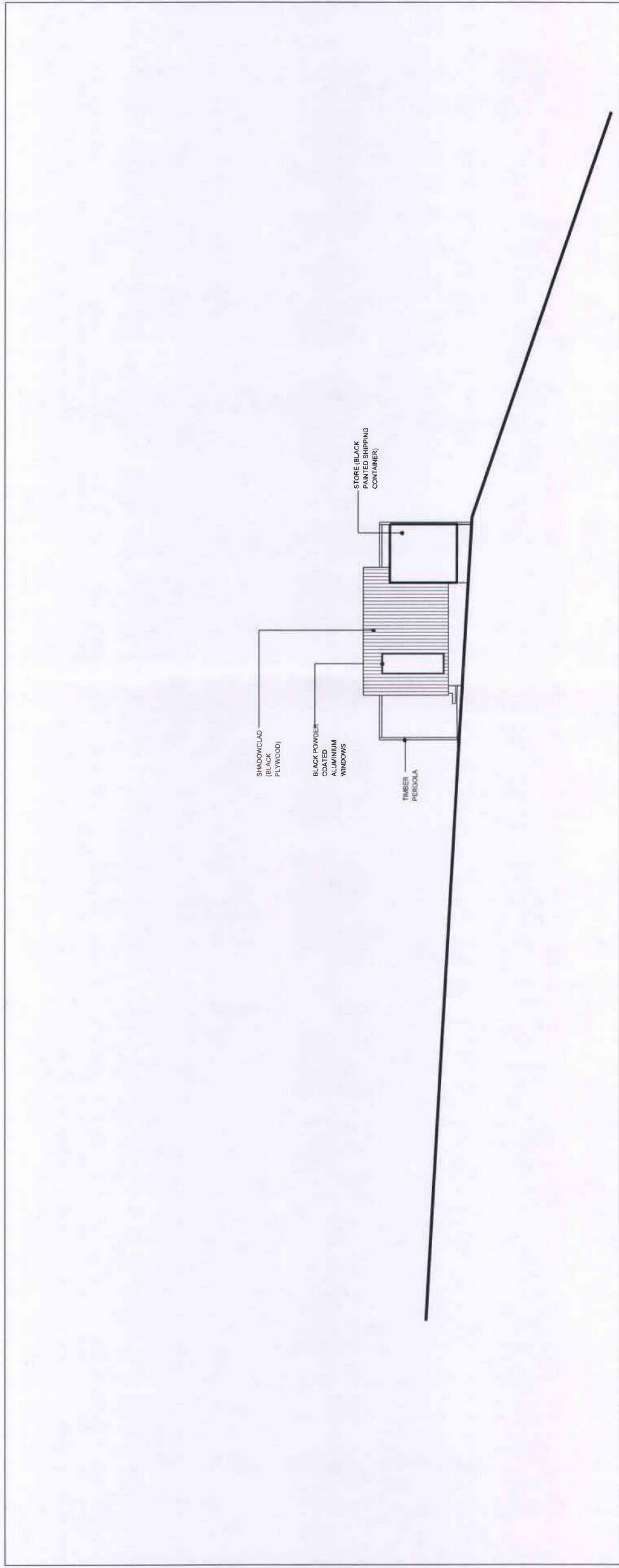
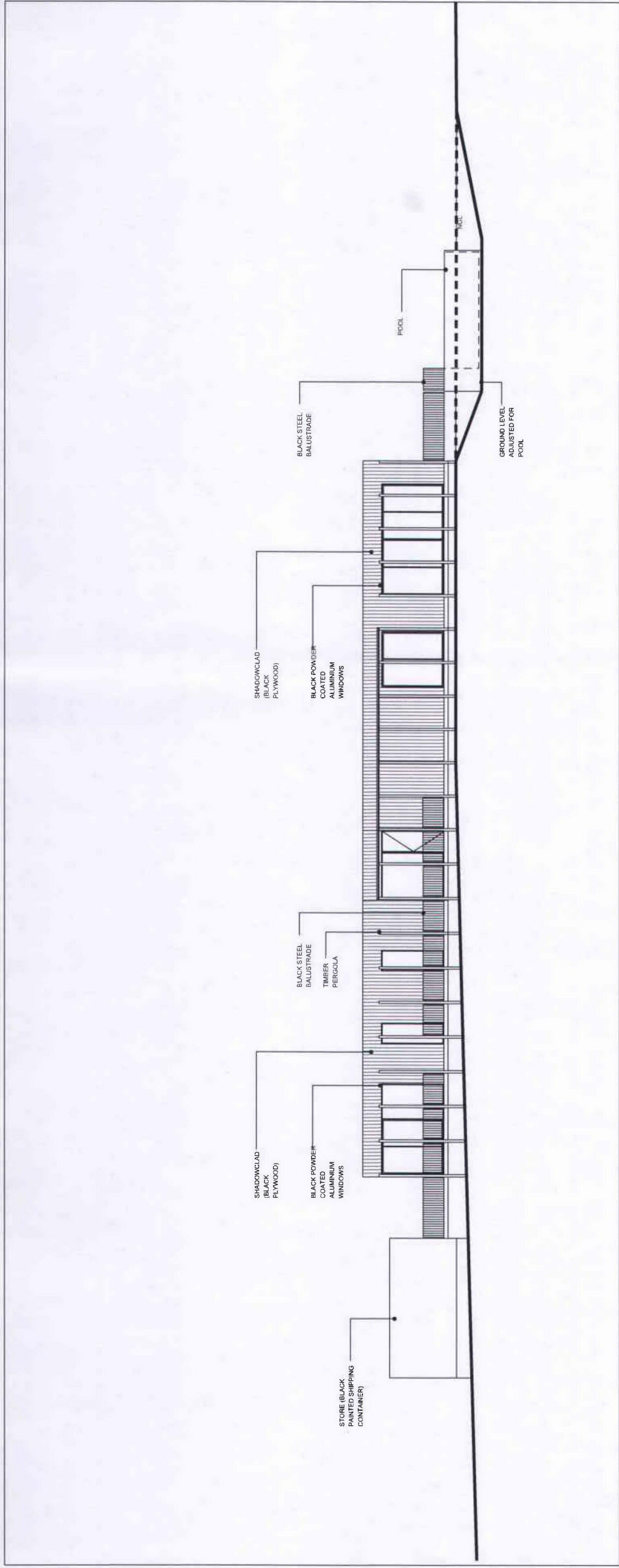
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

041.02: SOUTH ELEVATION



041.01: WEST ELEVATION

NO.	DATE	DESCRIPTION
1	27/03/17	CLIENT ISSUE
2	19/03/17	DRAFT ISSUE
3	02/03/17	DRAFT ISSUE

PROJECT NAME	CLUNES ROAD
PROJECT NO.	041
PROJECT TYPE	HOUSE
PROJECT LOCATION	CLUNES ROAD
PROJECT STATUS	PLANNING
PROJECT SCALE	1:100 @ A1:1000 @ A3

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## 11. OFFICERS' REPORTS

### 11.1. RESPONSE TO PETITION - INDEPENDENT REGIONAL MOTHERS OF VICTORIA PROPOSE A STATUE OF MOTHER AND CHILD.

#### 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 its response to a petition: *To promote public awareness, Independent Regional Mothers of Victoria propose a statue of mother and child.*

#### BACKGROUND

The petition was received by Council on 17 July 2017, and contains over 20 valid signatures from community members in accordance with Local Law 1. The petition references Recommendation 9 of the Senate Community Affairs References Committee's report – *The Commonwealth Contribution to Former Forced Adoption Policies and Practices* (Tabled in the Australian Parliamentary Senate on February 29, 2012.)

Recommendation 9 of the report states:

The committee recommends that the Commonwealth fund peer-support groups that assist people affected by former forced adoption policies and practices to deliver services in the areas of:

- promoting public awareness of the issues;
- documenting evidence;
- assisting with information searches; and
- organising memorial events.

And that this funding be provided according to transparent application criteria.

The Australian Government's response to Recommendation 9 was:

*The Australian Government agrees in principle with this recommendation.*

*All states and territories currently fund some level of services to support those affected by forced adoption policies and practices. The Australian Government will work with state and territory governments to undertake a scoping study of the services currently available and gaps in the service system for those affected by forced adoption practices.*



*The findings of the scoping study will inform governments' considerations of how to best integrate and complement the Australian Government \$10 million support package and existing Australian, state and territory government peer support services.*

The petition proposes a statue of mother and child within the Hepburn Shire to promote public awareness of the issue of forced adoption. Forced adoption policies and practices were widespread throughout Australia particularly during the period from the 1950s to the early 1970s. An estimated 140,000 to 150,000 adoptions occurred in Australia between 1951 and 1975.<sup>1</sup> Further information is available on the National Australian Archives website <http://forcedadoptions.naa.gov.au/>

Central to the Australian Government's response to the Committee's report was the national apology to the people affected by forced adoption. The apology was delivered by the Prime Minister on behalf of the nation on 21 March, 2013.

#### ISSUE/DISCUSSION

The vision of Independent Regional Mothers Victoria is:

*To engage with the community, service providers and governments to promote and enhance education on validation of our motherhood – late 1950's – early 1970's – new modern medical outlook policies relating to young unmarried pregnant girls introduced in Victoria May 1958.*

A mother and child memorial sculpture "Monument of Cherished Mother and Child" has been installed in Sale: *It commemorates the cruel act of illegal unlawful and forced separation from their newly born son or daughter by the medical profession at public and private maternity Hospitals.*<sup>2</sup>

While there is no requirement for Council to act in relation to forced adoption it may be appropriate to consider an acknowledgement to promote public awareness of the issue. This could be a minimal approach – a tree, seat and plaque in a reserve or the commission of a mother and child statue. If a commissioned statue is the preferred option funding will need to be considered as part of the mid-year budget review or for the 2018-19 budget.

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<sup>1</sup> Australian Government response to the Senate Community Affairs References Committee Report: Commonwealth Contribution to Former Forced Adoption Policies and Practices

<sup>2</sup> Independent Regional Mothers of Victoria website

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

3. Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Art and Culture, Events and Community Grants. Monitor emerging social issues impacting the community and demonstrate leadership in advocating to government and other agencies to support the community.

## **FINANCIAL IMPLICATIONS**

There is no allocation for any forced adoption memorial in the 2017-18 budget.

## **RISK IMPLICATIONS**

Council has an opportunity to demonstrate leadership around the issue of forced adoption and choosing to do nothing may harm its reputation.

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

A memorial of some sort will promote public awareness of the issue of forced adoption and its impact.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

This report has been prepared in response to a petition of 244 signatories. The head petitioner addressed Council on 15 August 2017.

## **CONCLUSION**

While Council is not required to act on the issue of forced adoption it would be reasonable to acknowledge and promote public awareness of the issue with planting a tree along with installation of a plaque and seat.

## **OFFICER'S RECOMMENDATION**

That Council:

11.1.1. Resolves to plant a weeping cherry tree, install a plaque and seat in a suitable location as a memorial to raise awareness of past forced adoption policy and practices.

**MOTION**

11.1.1. *That Council resolves to plant a weeping cherry tree, install a plaque and seat in a suitable location as a memorial to raise awareness of past forced adoption policy and practices.*

**Moved:** Cr Kate Redwood

**Seconded:** Cr Don Henderson

**Carried**



11.2. **ANNUAL FINANCIAL REPORT AND PERFORMANCE STATEMENT FOR THE  
YEAR ENDED 30 JUNE 2017 – ADOPTION IN PRINCIPLE  
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.*

**INTRODUCTION**

The purpose of this report is for Council to give in principle approval of the Financial Report and Performance Statement for the year ended 30 June 2017 and authorise two Councillors to certify them once they are finalised.

**BACKGROUND**

Council has prepared an initial draft set of statements for the year ended 30 June 2017. The Victorian Auditor-General's Office (VAGO), as Council's appointed external auditors undertook the audit of the accounts at the Daylesford Town Hall during the week of 21-25 August 2017.

The draft annual financial report, performance statement and VAGO's closing report were tabled at Hepburn Shire Council's Audit and Risk Advisory Committee meeting on 11 September 2017. The Committee's recommendation to Council was as follows:

- 9.2.1. *That the Audit Risk and Advisory Committee notes the Victorian Auditor-Generals Office Closing report;*
- 9.2.2. *That the Audit Risk and Advisory Committee recommends that Council authorises two Councillors to approve the Financial Statements and Performance Statements in their final form after any changes recommended, or agreed to by the auditor have been made in accordance with the Act.*
- 9.2.3. *Following updates are to be made:*
  - *Notes to be included within the statements relating to flood works as relevant,*
  - *Landfill provisions to be included*
  - *KMP remuneration data to be included*
  - *Reserve movement for debt management reserve to be \$450,000.*

**ISSUE / DISCUSSION**

The Annual Financial Report has been prepared in accordance with the Local Government Better Practice Guide, Model Financial Report and the Local Government Better Practice Guide - Performance Reporting template. The following statements are contained in the report:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Statements
- Performance Statement

The financial statements provide information on current and prior year balances and information as required by accounting standards, the Local Government Act and Regulations.

The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures as developed by the Victorian Government under the new performance reporting framework. This is the third year for reporting in this manner and as such comparative data for 2014/2015 and 2015/2016 are also reported with commentary on variations.

The financial statements show that for the 2016/17 Financial Year, Council had:

- a surplus for the year of \$4.6 million (2015/16; \$5.1 million) against an original budget of \$5.6 million. The surplus includes capital grants of \$4.6 million (2015/16; \$6.0 million) and non-monetary contributions, "gifted assets", of \$0.2 million (2015/16; \$1.1 million).
- revenue of \$43.8 million (2015/16; \$32.5 million) including Natural Disaster Financial Assistance of \$9.6 million (2015/16; \$0.2 million) with 43% coming from rates and charges (2015/16; 55%).
- operating expenditure of \$39.2 million (2015/16; \$27.3 million), with 29% attributable to employee costs (2015/16; 41%) and 49% attributable to materials and services (2015/16; 31%). Operating expenditure includes Flood restoration works of \$10.2 million (2015/16; Nil).
- \$232.2 million in capital assets (at written down value), providing community facilities, roads, bridges and other infrastructure (2015/16; \$223.4 million).
- cash, cash equivalent and other financial assets (term deposits with an initial term greater than 90 days) of \$10.0 million (2015/16; \$13.3 million), which after excluding external restrictions and internal allocations, provides revised cash, cash equivalent and other financial assets of \$0.2 million (2015/16; \$6.7 million). Of note here is that \$5.9 million is included in Trade

and other receivables due from Government grants of which \$5.3 million has since been paid.

- \$5.6 million in loans and borrowings (2015/16; \$2.7 million), reflecting the additional \$3.4 million borrowed during the year for The Rex acquisition.

The performance statement indicators identified several material variations to comparison results including:

Indicator / Measure	2015	2016	2017	Comments
<b>Population</b> Expenses per head of municipal population	\$1,814	\$1,842	\$2,478	\$10.2 (\$658 per head) expended on flood restoration works
<b>Recurrent grants</b> Recurrent grants per head of municipal population	\$621	\$407	\$621	Variance is due to fluctuations in the timing of general recurrent grant receipts
<b>Roads</b> Satisfaction with sealed local roads	43	43	37	Decrease from last year reflects flood damage incurred on both Council and VicRoads' managed sealed roads in September 2016. Most repair work occurred later in 2017 after the satisfaction survey was conducted.
<b>Decision making</b> Council planning decisions upheld at VCAT	86%	40%	100%	No Council decisions were set aside by VCAT
<b>Liquidity</b> Unrestricted cash compared to current liabilities	133%	159%	30%	This result is caused by \$10.2 million expended on flood restoration, with \$5.7 million yet to be reimbursed. This amount represents 99% of current liabilities. Had this financial assistance been received the revised result would have been 129%.
<b>Asset renewal</b> Asset renewal compared to depreciation	105%	103%	74%	Due to the September floods, some asset renewal capital works was not required as this was carried out under flood restoration. A significant \$10.2 million has been expended on flood restoration works
<b>Loans and borrowings</b> Loans and borrowings compared to rates	18%	15%	30%	Representative of the new \$3.4 million loan drawn down for the Rex acquisition, as identified in the Revised Budget 2016/2017
<b>Indebtedness</b> Non-current liabilities compared to own source revenue	16%	14%	25%	Non-current liabilities increased due to additional borrowings in 2016/17 for The Rex

In addition to the items specified above, other extraordinary events that have occurred this year include:

- Adoption of the Revised Budget 2016/2017 to declare additional borrowings of \$3.4 million, increased capital expenditure for purchase of The Rex and reduced capital expenditure for Hepburn Hub.
- Purchase of The Rex



- Flood restoration expenditure of \$10.2 million included within the performance statement, offset by \$9.6 natural disaster financial assistance grant income
- Commitment to sell two properties surplus to Council's requirements, requiring one property to be transferred to recorded in the financial statements as a current asset, as it is ready for resale. The second property requires restoration works by Council before it is ready to sell, so therefore does not meet the accounting standards to be recorded as a current asset and remains as a non-current asset under land.

Following their audit visit, VAGO has provided their Closing Report, which has been provided as attachments to this report. VAGO will attend the committee meeting to discuss their closing report as required.

The attached financial statements have been updated in accordance with the Audit and Risk Advisory Committee's recommendation to Council.

### COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Under Section 131 of the *Local Government Act 1989*:

- 1) A Council must prepare an annual report in respect of each financial year.
  - 2) An annual report must contain the following, in respect of the financial year reported on -
    - a) a report of operations of the Council;
    - b) an audited performance statement;
    - c) audited financial statements;
    - d) a copy of the auditor's report on the performance statement, prepared under section 132;
    - e) a copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*;
    - f) any other matter required by the regulations.
- Under Section 132 of the *Local Government Act 1989*;
    - 5) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—
      - a) 2 Councillors authorised by the Council for the purposes of this subsection
  - Under Section 133 of the *Local Government Act 1989*;
    - 1) A Council must submit the annual report to the Minister—
      - a) within 3 months after the end of the financial year reported on

### FINANCIAL IMPLICATIONS

Not applicable to this report

#### **RISK IMPLICATIONS**

None noted

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

None noted

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

A draft financial and performance report was referred to a meeting of Council's Audit Risk and Advisory Committee which has recommended approval of the statements to Council. Once the final statements have been prepared and certified by the nominated Councillors, they will form part of Council's annual report which will be forwarded to the Minister by 30 September 2017. After the annual report has been submitted to the Minister, Council must give public notice that the annual report has been prepared and can be inspected at the Council offices and on Council's website.

#### **CONCLUSION**

'In principle' approval of the statements at this Meeting and authorisation of Councillors to certify the final copy will enable the statements to be finalised and lodged with the Minister within the required timeframe.

#### **OFFICER'S RECOMMENDATION**

That Council:

11.2.1. Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2017.

11.2.2. Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Councillors (name).....and (name).....to certify the 2016/17 financial statements and performance statement in its final form after any changes recommended, or agreed to, by the auditors have been made.

**MOTION**

*That Council:*

- 11.2.1. Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2017.*
- 11.2.2. Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Councillors Don Henderson and John Cottrell to certify the 2016/17 financial statements and performance statement in its final form after any changes recommended, or agreed to, by the auditors have been made.*

**Moved: Cr Neil Newitt**

**Seconded: Cr Kate Redwood**

**Carried**



ATTACHMENT 5 - ANNUAL FINANCIAL REPORT AND PERFORMANCE  
STATEMENT  
(ISSUED UNDER SEPARATE COVER)

ATTACHMENT 6 - VICTORIAN AUDITOR-GENERAL'S OFFICE CLOSING  
REPORT  
(ISSUED UNDER SEPARATE COVER)

11.3. DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021  
GENERAL MANAGER INFRASTRUCTURE

*In providing this advice to Council as the Coordinator Community Safety, I David George have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to resolve to advertise the Draft Domestic Animal Management Plan (DAMP) 2017-2021 in accordance with the Domestic Animals Act 1994.

**BACKGROUND**

Council is required to review the Domestic Animals Management Plan (DAMP) and endorse a new plan by 3 November 2017, as per the statutory requirements of the Domestic Animals Act 1994. The final endorsed DAMP is then sent to the Secretary of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

**ISSUE/DISCUSSION**

The DAMP describes how Council will meet its responsibilities under the Domestic Animals Act 1994 and aims to support improvements in responsible pet ownership and animal welfare by focussing on seven key focus areas, being:

- *Officer training*
- *Registration & identification of domestic animals*
- *Nuisance animals*
- *Dog attacks*
- *Dangerous, menacing and restricted breed dogs*
- *Over population & high euthanasia*
- *Domestic animal businesses*

Under each key area, a clear action plan outlines how objectives will be achieved against each key area.

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

4. Improve community amenity and accessibility in all public places, through effective local laws review and enforcement, implementation of Access and



Inclusion Plan actions and monitoring property owner's compliance with planning scheme and heritage requirements.

#### **FINANCIAL IMPLICATIONS**

There are no additional financial implications attached to the advertisement of the Draft DAMP by Council. Hepburn Shire Council currently meets its obligations under the Act through the provision of local laws staff within the Community Safety team. All of the actions outlined within the DAMP will fall within the existing recurrent budget allocation utilised by Compliance.

#### **RISK IMPLICATIONS**

There are no risk implications attached to the advertisement of the Draft DAMP by Council. The DAMP itself will assist in mitigating risk for Council, as it demonstrates a clear framework and initiatives for Council's Community Safety team to operate.

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

Adopting the DAMP is expected to have a positive impact on environmental, social and economic measures as the plan outlines a series of objectives and actions that provide a simple and easy to understand strategic framework that aims to improve Council's performance against the seven key areas of the plan.

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

Following Council resolution to advertise the Draft Domestic Animal Management Plan, a public notice inviting submissions on the Draft Domestic Animal Management Plan will be issued.

#### **CONCLUSION**

The draft DAMP 2017-2021 outlines a clear framework to support improvements in responsible pet ownership. Adopting the plan will not only ensure Council is compliant with legislation under the Domestic Animal Act 1994, but will also assist in improving service delivery of our community safety team.

#### **OFFICER'S RECOMMENDATION**

That Council:

- 11.3.1. Gives public notice of the Draft Domestic Animal Management Plan.
- 11.3.2. Invites public submissions to the Draft Animal Management Plan in accordance with the Local Government Act 1989.
- 11.3.3. Following conclusion of the public advertising period, receive a further report summarising the public comments and recommendation to adopt Domestic Animal Management Plan 2017-2021.

**MOTION**

*That Council:*

- 11.3.1. *Gives public notice of the Draft Domestic Animal Management Plan.*
- 11.3.2. *Invites public submissions to the Draft Animal Management Plan in accordance with the Local Government Act 1989.*
- 11.3.3. *Following conclusion of the public advertising period, receive a further report summarising the public comments and recommendation to adopt Domestic Animal Management Plan 2017-2021.*

**Moved:** Cr Kate Redwood

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 7 - DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2017-  
2021 (ISSUED UNDER SEPARATE COVER)

11.4. **APPOINTMENT OF MEMBERS TO RECONCILIATION ACTION PLAN  
COMMUNITY REFERENCE GROUP  
GENERAL MANAGER COMMUNITY SERVICES**

*In providing this advice to Council as the Community and Cultural Development Officer, I Nate Perry have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to appoint members to the Reconciliation Action Plan Community Reference Group.

**BACKGROUND**

Hepburn Shire Council committed to developing a Reconciliation Action Plan (RAP) in 2016-17. The project is a response to the Traditional Owner Settlement Act Agreement made between the State of Victoria and Dja Dja Wurrung Clans Aboriginal Corporation in March 2013.

Council adopted the Terms of Reference for the Reconciliation Action Plan Community Reference Group in June. The Community Reference Group's will assist in the development of Council's first RAP.

**ISSUE/DISCUSSION**

The Community Reference Group's role, detailed in the Terms of Reference, is to represent the Aboriginal and Torres Strait Islander community's interests, needs and experiences in the development of the RAP.

Between five and ten members will make up the Community Reference Group in addition to a Hepburn Shire Councillor.

Members of the Community Reference Group will be appointed based on one or more of the following attributes:

- Knowledge, understanding and expertise in reconciliation and a general comprehension and interest in Aboriginal and Torres Strait Islander history and culture, particularly in Hepburn Shire.
- Dja Dja Wurrung or other Aboriginal and Torres Strait Islander background.
- Hold positions of leadership and influence in businesses or organisations within the Shire.

Officers advertised for Expressions of Interests for the Community Reference Group from 30 June to 4 August. Nominations were received and represent diverse backgrounds and experience, and align with the attributes set out in the Terms of Reference. Atkinson Consulting Group, the collaborative partner for the RAP project, recommends the current nominations.



## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Under the Local Government Engagement Strategy of the Traditional Owner Settlement Act Agreement (2013) between the State of Victoria and the Dja Dja Wurrung Clans Aboriginal Corporation, one action for local Councils to undertake is to develop a RAP.

## **FINANCIAL IMPLICATIONS**

There is an allocation in the 2017-18 budget for implementing the RAP.

## **RISK IMPLICATIONS**

Nil identified.

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

The RAP will create opportunities for reconciliation with the Traditional Owners of the Shire, improve Hepburn Shire Council's processes to create culturally safe work places and ensure Council officers are trained to meet obligations for maintaining Indigenous heritage locally.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

An Expression of Interest for members was publicly advertised and circulated through numerous community networks including: the Dja Dja Wurrung Aboriginal Clans Corporation (DDWCAC), local and regional newspapers, and local reconciliation networks.

## **CONCLUSION**

It is recommended to appoint members to the Reconciliation Action Plan Community Reference Group in addition to the Mayor who will chair and act as an ex officio member. The Community Reference Group will function to provide a forum for Council to consult key stakeholders and seek input for the process, development and implementation of the RAP.

## **OFFICER'S RECOMMENDATION**

That Council:

11.4.1. Appoints the following members to the Reconciliation Action Plan Community Reference Group:

- Professor Barry Golding
- Ms Kylie Mookhoek
- Ms Anne E Stewart
- Mr Gary Lawrence

- Mr Rod Poxon
- Mr Peter Sago
- Mr Nathan McGuire

11.4.2. Appoints the Mayor to chair and act as an ex officio member of the Community Reference Group.

#### MOTION

*That Council:*

11.4.1. *Appoints the following members to the Reconciliation Action Plan Community Reference Group:*

- *Professor Barry Golding*
- *Ms Kylie Mookhoek*
- *Ms Anne E Stewart*
- *Mr Gary Lawrence*
- *Mr Rod Poxon*
- *Mr Peter Sago*
- *Mr Nathan McGuire*

11.4.2. *Appoints the Mayor to chair and act as an ex officio member of the Community Reference Group.*

Moved: Cr Fiona Robson

Seconded: Cr Kate Redwood AM

Carried

11.5. REVIEW OF AUSTRALIA DAY EVENT ARRANGEMENTS  
GENERAL MANAGER CORPORATE SERVICES

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

**PURPOSE**

The purpose of this report is for Council to review its arrangements for the 2018 Australia Day Eve civic event and to reconfirm its support for other Australia Day events in the Shire.

**BACKGROUND**

Hepburn Shire Council holds an Australia Day Eve civic event at the Daylesford Town Hall on 25 January. This event in recent years has included speeches, a citizenship ceremony, citizen of the year awards and Rotary business of the year awards.

Council also provides funding to community groups/volunteers in Glenlyon, Trentham, Creswick and Clunes to support them with costs (e.g. food and drinks) for local events on Australia Day, which are also attended by Councillors. These events do not have citizenship ceremonies.

Council resolved at its ordinary meeting on 21 February 2017 to review the arrangements for its Australia Day celebrations in response to feedback received. Most notably is the negative impact that commemoration of this day has on a number in our indigenous community. In addition, a range of suggestions were received from members of the public following recent events.

The full resolution from the 21 February 2017 ordinary council meeting was:

*That Council review its arrangements for celebrating Australia Day:*

*6.1.1. by considering the purpose of the Australia Day event and its components and the date of celebration and bringing a report to Council on this; and*

*6.1.2 by referring the event to the Hepburn Shire Reconciliation Action Plan process for advice as to the best date to celebrate as Australia Day, and how this might best be done to be inclusive of all Australians*

**ISSUE/DISCUSSION**

The Hepburn Shire Reconciliation Action Plan process is underway and is forecast to be completed in 2018. Part 6.1.2 of the 21 February 2017 resolution will be completed then.

It is important to note that Hepburn Shire Council does not set the date for Australia Day or other public holidays. It is not within Council's powers to 'change the date'. Within Council's powers is what events it runs or supports at any time of the year.

This report then is just considering incremental changes to the Australia Day Eve event that is within Council's control.

There are no proposed changes to Council's financial support and involvement in community run Australia Day events in Creswick, Clunes, Trentham and Glenlyon. Council will continue to provide support for these community run events as per previous years.

Separate to the Reconciliation Action Plan process, the following items have been raised for review.

Matter	Planned Response
1. Involvement of our traditional owners the Dja Dja Wurrung in our Australia Day Eve event	Pursue discussions with the Dja Dja Wurrung to potentially include Welcome to Country and/or address from traditional owner representative at the Australia Day Eve event
2. Rotary business awards and whether the Australia Day Eve event is the most suitable time to present these	Discuss with Rotary option of having business awards at a different event in accordance with our Economic Development Strategy
3. Prominence of the Hepburn Citizen of the Year Awards and not having any clear role throughout the year	Involve Citizen of the Year in New Residents Welcomes Include Citizen of the Year in assessment panel for following year
4. The assessment panel for Citizen of the Year Awards is not consistent or formally approved by Council	Formalise that the panel comprise the Mayor, Deputy Mayor and the prior year's Citizen of the Year
5. Revising the assessment criteria for Citizens of the Year to recognise inclusion and diversity	Add a new assessment criterion to assess the citizen's contributions to community inclusion and celebrating diversity
6. Order of proceedings at the event do not highlight the Citizen of the Year awards	Put more prominence on the Citizen of the Year awards by having them at the end of the event, and mentioning the importance of them during the event

## COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017-21

Key Strategic Activity: 3 Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community



Planning, Art and Culture, Events and Community Grants. Monitor emerging social issues impacting the community and demonstrate leadership in advocating to government and other agencies to support the community.

#### **FINANCIAL IMPLICATIONS**

No impacts from the proposed changes.

Council funds and organises the Australia Day Eve event itself, including the citizenship ceremony.

#### **RISK IMPLICATIONS**

The proposed changes are considered minor are expected to enhance the Australia Day Eve event.

Changes to Australia Day events must not be seen to be 'politicising citizenship ceremonies' or the Federal Government may revoke the delegation to conduct citizenship ceremonies. Citizenship ceremonies will still occur, but they will not be organised and run by the council involved.

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

The Australia Day Eve and Australia Day events are attended by a number of residents and community members each year. Many find these events a valuable celebration on or before the public holiday.

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

Following media mentioning Council's planned review, approximately eighteen written letters/emails have been received from members of the public. As expected, some are strongly in support of Hepburn not running events that celebrate Australia Day like Yarra and Darebin, while others are strongly opposed to any changes.

Some residents have called for a 'survey' of all residents to change Australia Day arrangements. This may partly be due to residents thinking Council may change or remove the public holiday, which it does not have the power to do.

Community consultation as part of the Reconciliation Action Plan is the proposed mechanism to consider options for changes to Australia Day celebrations to assist with reconciliation. A survey of all residents is not recommended.

#### **CONCLUSION**

Hepburn Shire Council's Reconciliation Action Plan is still being developed, and it will consider how we might change Australia Day celebrations in the shire to assist with reconciliation. Some other suggestions have been considered and minor changes are proposed to improve the current Australia Day Eve event in 2018.

#### OFFICER'S RECOMMENDATION

That Council:

- 11.5.1. Notes the update on the review of Australia Day arrangements, including aspects that have not yet been completed as they are part of the Reconciliation Action Plan process.
- 11.5.2. Reconfirms its ongoing support for the community run Australia Day events in the Shire.

#### MOTION

*That Council:*

- 11.5.1. Notes the update on the review of Australia Day arrangements.*
- 11.5.2. Reconfirms its ongoing support for the community run Australia Day events in the Shire.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**

11.6. **COMMUNITY GRANTS – SEPTEMBER 2017**  
**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 recommend the allocation of the 2017-2018 Community Grants Program for September 2017.

**BACKGROUND**

The Community Grants Program allows Council to directly support the work of community groups and organisations as well as provide the chance for innovation across Hepburn Shire. The program funds applications in a number of categories including:

- Sustainable Environment and Vibrant Economy
- Active and Engaged Communities
- Quality Community Infrastructure (including small equipment)

**ISSUE/DISCUSSION**

A total of eight applications were received for September. The Panel recommends funding four applications in September. Two applications are recommended subject to meeting certain conditions - Hepburn Cricket Club Reformation is subject to being accepted into the Castlemaine Cricket League and the Creswick Heritage Walk subject to confirmation that it will not conflict with the Creswick Mountain Bike Trails project. One application was not eligible.

The grant applications were assessed by Council's Community Grant Assessment Team. This team is made up of Community Grants Project Support Officer, the relevant Council Officer to the application (for example Events Coordinator for event applications) and a community member with skills and experience in arts and culture, community development and events.

Grant applications were assessed against the following criteria, contained in the Guidelines:

- Description of the Project.
- What will the Project achieve and how will it be implemented?
- Risk Assessment
- Budget.

To be successfully recommended to Council, the application must meet all Guidelines to the satisfaction of all three Assessment Team members. The

Community Grant Project Support Officer and relevant Council Officers continue to work with unsuccessful applicants to meet the Guidelines.

The two applications for Christmas activities are also recommended following receipt of further information and discussion with a Council officer.

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

Council Plan 2017-2021:

Strategic Objective:

Active & Engaged Communities

Key Strategic Activity:

3. Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Arts and Culture, Events and Community Grants. Monitor emerging social issues impacting the community and demonstrate leadership in advocating to government and other agencies to support the community.

Action:

3.4 Continue to provide community grants to support community projects, events and initiatives.

### **FINANCIAL IMPLICATIONS**

Council has allocated \$32,000 for Community Grants in the 2017-2018 budget.

To date a total of \$8,842 has been allocated from the 2017 -18 Community Grants Program.

The recommended funding for September is \$6,811, leaving a 2017-2018 Community Grants Program funding balance of \$16,347.

### **RISK IMPLICATIONS**

All applicants are required to identify how project risk and safety issues will be managed, and this formed part of the assessment process. Insurance and not-for-profit status is checked for all applications. All successful applicants are required to sign grant terms and conditions prior to receiving the grant allocation. There is a system in place for Council officers to monitor receipt of acquittals and follow up of any outstanding acquittals.

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

The Community Grants Program supports projects by volunteer community groups. The focus of these projects is to strengthen community resilience and connection, promote sustainability and to assist in the implementation of community priorities



## COMMUNITY AND STAKEHOLDER ENGAGEMENT

The request for applications for the Community Grants Program was advertised through Council social media, community networks and on Council's webpage. Officer's worked on a one on one basis with applicants.

## CONCLUSION

The recommended projects support the objectives of the Community Grant Program Guidelines.

## OFFICER'S RECOMMENDATION

That Council:

That Council:

11.6.1. Awards the following six applications for the Community Grants Program for September 2017 to:

Project Name	Community Organisation	Amount
Christmas Parade	Clunes Neighbourhood House	\$1,000
Trentham Public Reserves Equipment	Friends of Trentham Creeks and Reserves	\$500
Hepburn Cricket Club Reformation	Sports Central	\$2,000
Christmas in Creswick	Creswick Neighbourhood Centre	\$1,000
Safe Access for All	Creswick Neighbourhood Centre	\$311
Creswick Heritage Walk	Great Dividing Trail Association Inc	\$2,000

**MOTION**

*That Council:*

*11.6.1. Awards the following six applications for the Community Grants Program for September 2017 to:*

Project Name	Community Organisation	Amount
Christmas Parade	Clunes Neighbourhood House	\$1,000
Trentham Public Reserves Equipment	Friends of Trentham Creeks and Reserves	\$500
Hepburn Cricket Club Reformation	Sports Central	\$2,000
Christmas in Creswick	Creswick Neighbourhood Centre	\$1,000
Safe Access for All	Creswick Neighbourhood Centre	\$311
Creswick Heritage Walk	Great Dividing Trail Association Inc	\$2,000

**Moved:** Cr Greg May

**Seconded:** Cr Fiona Robson

**Carried**

## 11.7. YOUTH 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 adopt a new Youth Policy.

### BACKGROUND

Council's existing Youth Policy was due for review in June 2013 however it was agreed to defer the review until a new Youth Strategy was completed. The Hepburn Shire Youth Strategy was adopted at the July 2016 Council Meeting. The Strategy built on the ideas and themes identified by young people during Hepburn Youth Engagement Strategy process conducted in 2015.

### ISSUE/DISCUSSION

A draft Youth Policy has been developed with key points drawn from the objectives and principles contained in the Youth Strategy (2016-2021) and is at Attachment 4.

The policy states Council's commitment to creating communities where young people can participate in education, learning, recreation, social activities and community life.

To do this Council will:

- Facilitate participation by young people;
- Collaborate with organisations and the community; and,
- Provide opportunities for young people in projects and programs

The policy sets out the following principles to guide the way Council will work with young people:

- Encourage opportunities for learning and participation;
- Ensure we are providing a safe environment in our activities and events;
- Provide access to information and technology;
- Be mindful of transport issues that young people in Hepburn Shire face; and,
- Promote fairness and acknowledge diversity of young people.

### COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Art and Culture, Events and Community Grants.

#### FINANCIAL IMPLICATIONS

Council has allocated funding in its 2017-18 budget for implementation of the Youth Strategy.

#### RISK IMPLICATIONS

Nil identified

#### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Providing opportunities for young people to participate in education, learning, recreation, social activities and community life enhances community and economic development.

#### COMMUNITY AND STAKEHOLDER ENGAGEMENT

There was extensive and rich engagement with young people and other community members in development of the Hepburn Shire Youth Strategy (2016-21).

#### CONCLUSION

The adoption of a new Youth Policy demonstrates Council's commitment to the participation of young people in community life and sets out how Council will work with young people.

#### OFFICER'S RECOMMENDATION

11.7.1. That Council adopts the updated Policy 43(C) Youth Policy.

#### MOTION

11.7.1. That Council adopts the updated Policy 43(C) Youth Policy.

**Moved:** Cr Kate Redwood

**Seconded:** Cr Fiona Robson

**Carried**



ATTACHMENT 8 - UPDATED YOUTH POLICY

POLICY NUMBER: 43 (C)

NAME OF POLICY: Youth Policy

DATE OF NEXT REVIEW: August 2021

DATE APPROVED: [Click here to enter a date.](#)

RESPONSIBLE OFFICER: Manager, Community and Economic Development

REFERENCES: Hepburn Youth Engagement Strategy 2015  
Hepburn Shire Youth Strategy 2016-2021  
Hepburn Shire Council Plan 2017-2021

Version History			
Change/Review details	Author / reviewer	Date of Release	Approver
First Approved Release	Youth Development Coordinator	August 2005	Victor Szwed
Details of changes made	Jane Barclay/Youth Development Coordinator	June 2011	Kaylene Conrick
Details of changes made	Ellie Beer/Library & Visitor Service Coordinator	September 2017	

## INTRODUCTION

In 2015, Hepburn Shire Council undertook an engaged with young people in order to more fully understand their needs and wants. Their views have informed Council's Youth Strategy (2016-2021) and this Youth Policy.

The 2016 Census identifies 2, 058 people aged 10-24 in the Hepburn Shire. Young people aged 15-19 make up 8% of Hepburn's total population.

## SCOPE

This policy applies to the whole of Hepburn Shire Council.

## DEFINITIONS

Council defines 'young people' as any person aged between 12 and 24 years.

## POLICY

Hepburn Shire Council is committed to create communities where young people can and want to work, be part of social and recreation activities, learn and be involved in community life.

Hepburn Shire Council will:

- Facilitate participation that is meaningful to young people
- Collaborate with organisations and the community
- Provide opportunities for young people in projects and programs.

We will do this:

- Through the facilitation of events that are planned and delivered by young people , for young people ;
- By listening to what young people in Hepburn Shire want and need , and acting on it;
- By acknowledging the challenges and seeking solutions;
- Through providing and supporting initiatives and programs that provide local employment and training for young people; and,
- By facilitating access to safe and free spaces for young people to meet, relax and enjoy self directed activities.

In working with young people we will be guided by the following principles:

- Encourage opportunities for learning and participation
- Ensure we are providing a safe environment in our activities and events
- Provide access to information and technology
- Be mindful of the transport issues that young people face in Hepburn Shire
- Promote fairness and acknowledge diversity in young people

### **FURTHER INFORMATION**

Any enquiries about the Youth Policy should be directed to Council's Manager Community and Economic Development.

### **IMPLEMENTATION**

This policy will be implemented through the delivery of Hepburn Shire Youth Strategy 2016-2021 and Action Plan.

The policy will be made available on Council's website, alongside the Youth Strategy.

### **REVIEW**

The Youth Policy will be reviewed in 2021 in line with the Youth Strategy, or sooner if required by legislation or organisational changes.

The officer responsible for the review of this policy is the Manager, Community and Economic Development.



**11.8. COUNCIL INSTRUMENT OF DELEGATION REVIEW  
GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the Coordinator Governance and Information, I Katherine Toom have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to review and adopt the delegations of Council to the Chief Executive Officer (CEO) and staff.

**BACKGROUND**

A Council may, by instrument of delegation, delegate to a member of its staff or special committee any power, duty or function of a Council under the Local Government Act (1989) or any other Act other than:

- The power of delegation
- The power to declare a rate or charge
- The power to borrow money
- The power to approve any expenditure not contained in a budget approved by the Council
- Any power, duty or function of the Council under section 223 (Right to make submission)

The CEO may, by instrument of delegation, delegate to a member of the Council staff any power, duty or function of his or her office other than the power of delegation.

**ISSUE/DISCUSSION**

Delegations are reviewed at varying intervals depending on the nature of the delegation. As stated above, all delegations must be reviewed within twelve months of a Council general election.

Current delegations for consideration at this meeting include:

S5 – Instrument of Delegation from Council to CEO

S6 – Instrument of Delegation from Council to other members of Council staff

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

As required by the Local Government Act (1989), a review of officer delegations has been undertaken and is presented to Council for review and adoption at this meeting.

Council must review all delegations to staff, CEO and Special Committees within twelve months of a Council general election.

#### **FINANCIAL IMPLICATIONS**

None noted.

#### **RISK IMPLICATIONS**

The review and setting of officer delegations provides clear direction to officers on their level of authority and is in line with the Council Plan commitment to good governance.

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

None noted.

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

An internal communication program will be implemented to ensure all staff are aware of their delegated authority.

#### **CONCLUSION**

As required by the Local Government Act 1989, a review of officer delegations has been undertaken and is presented to Council for adoption.

#### **OFFICER'S RECOMMENDATION**

That Council:

- 11.8.1. Exercises its powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation.
- 11.8.2. Delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and function set out in the attached S5 Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument.
- 11.8.3. Notes that the Instrument of Delegation to the Chief Executive Officer includes a power of delegation to members of Council Staff in accordance with section 98(3) of the Act.
- 11.8.4. Delegates to the members of Council staff holding the position, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument
- 11.8.5. Adopts the attached Instruments of Delegation and resolves that the delegations:

- Come into force immediately as the common seal of Council is affixed to the instruments.
- On coming into force of the instruments, all previous versions of these delegations to the Chief Executive Officer and members of Council staff are revoked.
- Must be exercised in accordance with any guidelines or policies which Council, from time to time, may adopt.
- Authorises the Chief Executive Officer and the Mayor to sign and seal the Instruments of Delegation.

## MOTION

*That Council:*

- 11.8.1. Exercises its powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation.*
- 11.8.2. Delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and function set out in the attached S5 Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument.*
- 11.8.3. Notes that the Instrument of Delegation to the Chief Executive Officer includes a power of delegation to members of Council Staff in accordance with section 98(3) of the Act.*
- 11.8.4. Delegates to the members of Council staff holding the position, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument*
- 11.8.5. Adopts the attached Instruments of Delegation and resolves that the delegations:*
  - Come into force immediately as the common seal of Council is affixed to the instruments.*
  - On coming into force of the instruments, all previous versions of these delegations to the Chief Executive Officer and members of Council staff are revoked.*
  - Must be exercised in accordance with any guidelines or policies which Council, from time to time, may adopt.*
  - Authorises the Chief Executive Officer and the Mayor to sign and seal the Instruments of Delegation.*

**Moved:** Cr John Cottrell

**Seconded:** Cr Kate Redwood AM



**Carried**

While Cr John Cottrell was speaking in support of the motion, the Mayor noted that he had reached the allowed three minutes to speak.

**MOTION**

11.8.6. *That Council extend the time for Cr Cottrell to speak in support of the motion for a further two minutes.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Neil Newitt

**Carried**

ATTACHMENT 9 - S5 - INSTRUMENT OF DELEGATION FROM COUNCIL TO  
CEO

*S5. Instrument of Delegation to Chief Executive Officer*

Hepburn Shire Council

Instrument of Delegation

to

The Chief Executive Officer

19 September 2017

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, the Hepburn Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 19 September 2017;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The COMMON SEAL of the  
HEPBURN SHIRE COUNCIL  
Was affixed on this  
29th day of September 2017  
On the authority of the Council and signed by

.....  
Mayor Sebastian Klein

.....  
Chief Executive Officer Aaron van Egmond



## SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 awarding a contract exceeding the value of \$150,000 for goods and services or \$200,000 for works under contract;
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under s.125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 7.1 policy; or
  - 7.2 strategy adopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

ATTACHMENT 10 - S6 – INSTRUMENT OF DELEGATION FROM COUNCIL TO  
OTHER MEMBERS OF COUNCIL STAFF  
(ISSUED UNDER SEPARATE COVER)

11.9. CLUNES BOOKTOWN MEMORANDUM OF UNDERSTANDING  
GENERAL MANAGER COMMUNITY SERVICES

*In providing this advice to Council as the Events Coordinator, I Rebecca Pedretti have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is to recommend that Council enters into a new three year Memorandum of Understanding (MOU) with Creative Clunes for the Clunes Booktown event.

**BACKGROUND**

The 2017 Clunes Booktown Festival was the eleventh Annual Booktown Festival. Clunes Booktown includes author talks, panel discussions and literary luncheons, and the largest collection of rare, out-of-print and collectable books in Australia.

Since 2010 Council has had a Memorandum of Understanding with Creative Clunes (Booktown organisers). This MOU has clarified the support Council will provide to the event and the requirements Booktown must meet. The last three year MOU adopted by Council in October 2014 has expired.

Clunes Booktown is one of the Shire's key major events, and enjoyed another successful event in 2017.

As reported in the '2017 Clunes Booktown Festival Review' key successes for the organisation this year included:

- a renewed three year MOU with Federation University
- a funding agreement with Creative Victoria for \$60,000 annually for four years.
- a funding agreement with Visit Victoria for \$7,500 annually, however Clunes Booktown and DMR Tourism are currently working together to try and increase this to \$20,000

Clunes Booktown has also been awarded \$46,000 through a Federal Anzac Arts and Culture Grant for the specific purpose of an Anzac themed event which will focus on the 100th anniversary of the signing of the armistice at the end of World War One.

The 2017 event enjoyed a more consolidated footprint of the festival to Fraser Street, which was extremely well received. The event also presented ticketed author talks and panel discussions in the Town Hall and other venues.

Independent surveying of the event completed by Federation University showed the following key results:

- 18% of respondents to the Exit Survey stayed overnight in the region – extrapolating to all visitors, that equates to at least 3,200 room nights.



- 44% of respondents to the Online Survey stayed one or more nights in the region
- 90% of respondents to the online survey rated the entrance fee (\$10) as fair, cheapish or a bargain.
- 95% of online respondents would definitely or maybe attend the 2018 Festival
- 80% of online respondents would definitely encourage friends and family to attend the 2018 Festival

### ISSUE/DISCUSSION

The 2018 Clunes Booktown Festival will be hosting the International Organisation of Booktowns, therefore there will be a greater onus on organisers to present a viable, attractive and internationally relevant Festival. This will also mean an increased demand of Booktowns existing budget.

Utilising the assessment criteria in Council's Events Strategy, Clunes Booktown is categorised as a major event which is eligible for funding up to \$20,000.

Previously Booktown received \$10,000 annually and \$4,200 in operational support from Council. Given that Booktown has not received any increases in funding from Council for more than 4 years and keeping up with increased costs associated with running an event, it is proposed that Council enter into a new 3 year MOU with Creative Clunes for annual funding of \$13,000 and increased operational support of up to \$7,200.

Booktown also receives further operational support through the booking of The Warehouse Clunes for their 10 Sunday Author talks throughout the year. This event is sponsored by Hepburn Libraries at The Warehouse – Clunes as it is the type of event that Libraries would run free of charge at other libraries on a regular basis.

The cost to Council is minimal (\$285 income foregone) as Creative Clunes organise this and The Warehouse – Clunes Visitor Information is operated by volunteers from 11am-3pm on Sunday's.

A set of KPIs will be included in the MOU focusing on continued growth, attracting additional overnight visitors, enhancing its economic impact and attracting national media coverage and significant local community engagement. Creative Clunes will also be required to submit an evaluation report to Council within 8 weeks of the conclusion of the event.

### 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**

For the term of this MOU the following funding arrangements are proposed:

2018 event: \$13,000 funding and up to \$7,200 operational support

2019 event: \$13,000 funding and up to \$7,200 operational support

2020 event: \$13,000 funding and up to \$7,200 operational support

Council officers will work with Creative Clunes to help source other potential funding avenues for expanded events throughout the rest of the calendar year as well.

Neither the increase in funding nor the increase in operational support has been accounted for in the 2017/18 Council budget, which will mean that figures will need to be readjusted in the mid-year budget review.

#### **RISK IMPLICATIONS**

As part of the MOU agreement, Creative Clunes is required to provide Council with a event business/strategic plan, annual risk management plan and emergency management plan. Additionally, Creative Clunes is required to provide to Council copies of its public liability insurance prior to the event.

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

Anecdotal evidence suggests that Booktown's overall attendance numbers sit at 18,000 annually, bringing over \$3million to the local economy.

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

Creative Clunes has been involved in the development of this MOU, through a series of meetings with Council officers where feedback was sought.

#### **CONCLUSION**

Clunes Booktown is a very successful event that brings visitors to the region and generates significant economic benefits in excess of \$3 million annually. The proposed MOU helps to secure the financial sustainability of this event and ensures that the event continues to grow over the length of the MOU by providing annual KPIs for the event to meet.

#### **OFFICER'S RECOMMENDATION**

That Council:

- 11.9.1. Authorises the Chief Executive Officer to sign the 2018 - 2020 Memorandum of Understanding between Creative Clunes and Hepburn Shire Council.

**MOTION**

11.9.1. *That Council seek to defer the proposed actions on this item for one month while further information is discussed with the Committee.*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Kate Redwood

**Carried**

ATTACHMENT 11 - MEMORANDUM OF UNDERSTANDING – CLUNES  
BOOKTOWN



## **Memorandum of Understanding**

**between**

**Hepburn Shire Council and Creative Clunes Inc**

**Purpose:** The Memorandum of Understanding (MOU) is intended to clarify the roles and responsibilities and to create a working relationship between Hepburn Shire Council and Creative Clunes Inc, to ensure the future sustainability and growth of the Booktown events in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between Hepburn Shire Council and Creative Clunes Inc.

**Term:** This MOU is for a 3 year period (2018, 2019 and 2020 Festivals) to be reviewed on an annual basis.

**Parties:** Booktown - refers to Creative Clunes Inc  
Council – refers to Hepburn Shire Council

### **Hepburn Shire Sponsorship Support**

Council will provide an annual sponsorship sum of \$10,000 (funding) for the 2018, 2019, 2020 events. Council will also provide an annual organisational contribution of up to \$7,200 each year subject to the requirements and provisions of this Memorandum of Understanding (MOU).

The funding will be provided by Council to assist Booktown in conducting a safe, accessible and professionally run event.

Subject to the receipt of a tax invoice from Booktown at least 14 days prior to the due date, Council will make the following sponsorship payments across the term of this MOU:

2017/18: Payment – of \$10,000 (100%) (Plus GST) to be paid within 2 weeks of the signing of this MOU

2018/19: Payment – of \$10,000 (100%) (Plus GST) to be paid within 2 weeks of the signing of this MOU

2019/2020: Payment – of \$10,000 (100%) (Plus GST) to be paid within 2 weeks of the signing of this MOU

## **2. Operational Support provided by Council**

The Hepburn Shire Council will provide the following operational support and services (summarised maximum costings detailed in Appendix A) for the term of the MOU, subject to the outcome of annual evaluations and reviews.

### **2.1 Waste Management**

Booktown will develop a Waste Management Plan in conjunction with Council, outlining the type and amount of wastes generated, waste management strategies and responsibilities for each of its events.

- a. Council will provide up to 50 bins (combination of rubbish and recycling) for the Booktown weekend in May. The bins will be delivered to Clunes on the Friday prior to the event and collected on the Monday following the event. The bins will be delivered to a site negotiated between Hepburn Shire Council and Booktown.
- b. Booktown agrees to work with Council to conduct Waste Wise events in Clunes.
- c. Council will fund and supply four rubbish skips for use during the event. Booktown must ensure waste from the smaller bins is emptied into the skips throughout the event.
- d. Booktown is responsible to ensure all event locations are left in a clean and tidy condition including Fraser Street. All straw (including loose debris) must be cleaned -up by event organisers.
- e. A review of the Waste Management Plan will be conducted annually within 8 weeks of the conclusion of each event.

### **2.2 Traffic, Parking, Signage, Pedestrian and Transport Management Plans**

- a. Booktown is responsible for developing a Traffic Management Plan (TMP) incorporating parking, pedestrian management and the road closures required for all events.
- b. Booktown must participate in event planning meetings including with Council and relevant external authorities to assist in reviewing and developing the plan. Planning must commence

at least three months prior to each event to ensure timely and sufficient notice of traffic management requirements, the Traffic Management Plan is to be completed at least 6 weeks prior to each event.

- c. Road closure signs and equipment for the road closures will be provided by Council (or contactor engaged by Council), including their installation, delivery and collection in accordance with the time schedule as outlined in the TMP's.
- d. Suitably qualified and experienced personnel (including Traffic Controllers where indicated in the TMP) to assist in implementing and maintaining the TMP throughout the events must be provided by Booktown. All event marshals and traffic controllers must be qualified and familiar with the TMP and implement it in accordance with the Plan and instructions from relevant authorities (including Victoria Police).
- e. Booktown must develop a Parking and Pedestrian Plan. It is Booktown's responsibility to provide suitably qualified and experienced personnel to implement the Parking and Pedestrian Plans. Council will provide advice to Booktown in the development of the Plans.
- f. Council will provide and deliver agreed signage (portable parking signs including disabled parking) for each event. Directional and other signs required for the Parking Plan will be provided by Booktown (or Council where available and negotiated in advance).

### **2.3 Venue and Venue Infrastructure**

- a. Booktown will provide adequate toilet and wash room facilities (including accessible toilets) in accordance with the requirements of the relevant section of Council (Environmental Health and/or Building). The following toilet facilities are available and maintained (cleaned and restocked with toilet paper) throughout the two day event in May:
  - Public Toilets in Collins Place
  - Town Hall Toilets
  - Public Toilets in the Warehouse - Clunes
  - Mobile Unit /portaloo – hired and maintained by Booktown
- b. Bookings for Clunes Town Hall/Court House will be arranged through the Team Leader at The Warehouse - Clunes.
- c. Bookings for The Warehouse - Clunes will be arranged with the Team Leader, which will include completion of hire agreement form and payment of a refundable bond.

- d. Clunes Senior Citizens key and booking to be secured through Senior Citizens Secretary. Out of Hours access to the Hall will be negotiated with the Senior Citizens.

#### **2.4 Marketing and Communications**

- a. Council will provide promotion of Booktown events at its four Visitor Information Centres located in Daylesford, Creswick, Clunes and Trentham, as well as on Councils websites and social media accounts. Display space will also be allocated at the Daylesford Regional Visitor Information Centre, as agreed by Councils Visitor Services Officers.
- b. Council will allocate Booktown the events signage frames at key entry points to Clunes from the 1<sup>st</sup> of April to the first Monday after Booktown event. Booktown will supply, install and remove the signs during the approved period.
- c. Council will provide links to Booktown's website on Councils website and will include Booktown events in event calendar listings.
- d. Where possible, Council will support the marketing activities of Booktown events.
- e. Booktown agrees to provide recognition to Council via the following mechanisms:
  - Recognition of the Hepburn Shire Council as a Major and/or Government Partner (or equivalent) in all information relating to Booktown events including their website, marketing material, media releases and communications. The usage of Council's logo must be in accordance with the directions provided by Council.
  - Provide Councillors and Council officer's invitations to official Booktown functions, events and launches, according to Council protocol. Invitations must be provided at least one month prior to each event.
  - Provision of a stall at Booktown events if required. At least two months notice prior to each event must be given.
  - Half page advertisement in the event guide/program for each event, if a guide is produced (art work to be supplied by Council at its expense according to production deadlines and graphical standards).

#### **3. Occupational Health and Safety, Risk and Compliance**

- a. Booktown must comply with all of Council and other authority's requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and



the conditions of use as outlined in facility booking forms.

- b. Booktown must obtain and pay all fees associated with all the necessary permits, permissions and licenses required to conduct the event from Council and other authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.
- c. Booktown must participate in Councils Event Management Planning process including risk and safety planning meetings with Council and other authorities, and provide a detailed Risk, Safety and Emergency Management Plan to Council in accordance with Council guidelines and pro-forma plans where available, at least 6 weeks prior to each event. Plans must be updated continuously as the event date nears, and must be reviewed as soon as practical following the event.
- d. Booktown must notify the Council in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

#### **4. Indemnity and Insurance**

- a. Booktown must indemnify and keep indemnified and hold harmless the Hepburn Shire Council, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of Booktown events.
- b. Booktown must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$20 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided at least one month in advance of each event date. Stallholders and contractors involved with the event should also have Public Liability Insurance.
- c. Booktown agrees that if there is any loss or damage to Council land or property as a result of each event, Booktown will immediately notify Council by making contact with the Events Coordinator (or other Council officer if Events Coordinator is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. Booktown agrees to maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981 or another suitably status.

**5. Strategic and Business Planning**

- a. Booktown agrees to develop a Business Plan and an operational Event Management Plan to be reviewed and updated annually. The Business Plan will include the key objectives for the events and specific performance indicators. It must be provided to Council at least four months prior to each event date.

**6. Key Performance Indicators**

Booktown must aim to meet the following KPI's, which have a focus on developing tourism and economic impacts within Hepburn Shire:

- Strengthen partnerships with Daylesford Macedon Ranges Regional Tourism Board and Visit Victoria (or other state government department) to enhance their support and investment in the event
- Attract state and national media coverage to encourage visitation from inter and intra state visitors to ensure over 50% of visitors are from outside the region;
- Increase the percentage of overnight visitors attending the event and length of stay
- Continue significant engagement of local community groups and business

**7. Review and Evaluation**

- a. Council will assess the achievements against the outcomes within this MOU, and the key objectives contained in Booktown's Business Plan with input from Booktown.
- b. Booktown will attend a post event evaluation meeting with Council and other authorities (if necessary) following the conduct of each event.
- c. Booktown will provide a preliminary report to Council within 8 weeks of the conclusion of each event using a template provided by Council, detailing the following information:
  - i. Attendance numbers for event
  - ii. Details of the origin and estimated length of stay of visitors to the event
  - iii. Estimates of the economic impact of the festival applying a jointly agreed methodology used to produce results.
  - iv. Impact assessment on the Clunes community (positive and negative impacts).
  - v. Media and marketing obtained for the Hepburn Shire region as a result of the event.

- vi. Detailed event budget, including estimates of direct spend and fundraising contribution to the local community.
- vii. Details of specific event operational and other issues associated with the event including recommendations for improvements in future years.

#### **8. Dispute resolution**

- a. In the event of a dispute arising out of a failure to meet any of the obligations required by this MOU, either party may give the other party written notice specifying the details of the dispute. Within 7 days, a representative of both parties will agree to meet to resolve the issue.
- b. If a dispute occurs within two weeks of the event date, both parties will agree to meet to resolve the issue within 2 working days of the notice.
- c. If the dispute is unable to be resolved, the matter will be referred to any form of alternative dispute resolution procedure on which the parties agree. Where a mediator is involved, the parties must agree to comply with the mediators instructions.
- d. The charges for the mediation will be paid equally by the parties.
- e. Council will not enter into a dispute resolution procedure for the following issues:
  - 1. The level of Council's financial and in-kind contribution
  - 2. The requirement for Booktown to comply with Council's local laws, and other regulations and legislation relating to the conduct of the event.

#### **9. Termination of MOU**

- a. If Booktown is unable to deliver the outcomes specified in this MOU, Council may review the level of sponsorship and in-kind support provided to the event.
- b. If Council or Booktown is in breach of the terms of this MOU this MOU may be terminated in writing by the Chief Executive Officer of Council.

Memorandum of Understanding between Hepburn Shire Council and Creative Clunes Inc.



▶ MEMORANDUM OF UNDERSTANDING

Signed for and on behalf of the Hepburn Shire Council:

_____	_____	_____
Signature of CEO	Print Name	Date

_____	_____	_____
Witness signature	Witness Name	Date

Signed for and on behalf of Creative Clunes Inc

_____	_____	_____
Signature of President	Print Name	Date

_____	_____	_____
Witness Signature	Witness Name	Date

### Appendix A: Estimate of Hepburn Shire Council's Operational Support

Support provided	Details	Estimated Cost to Council
Waste Management	Hire and transportation of 4 skips Supply, delivery, collection of rubbish bins –locations to be in waste management plan	\$1,500
Road Closures	Provision of qualified Traffic Management	\$4,000
Council Buildings	Clunes Town Hall & Court House Clunes Senior Citizens Centre The Warehouse - Clunes	\$800
Visitor Services	Provision of Visitor Information Centre Cube display	\$300
Cleaning	Contractor to clean public toilets in Clunes throughout weekend	\$600
	<b>Total estimated in-kind support value</b>	<b>\$7,200</b>

Additional in-kind support provided by Council's Events Coordinator, Council's Manager Community & Economic Development and other officers (details below). The value of this support has not been costed.

▶ MEMORANDUM OF UNDERSTANDING

- Advice on development of event memorandum of understanding
- Advice on development of Traffic Management Plan for Road Closures
- Advice on development of Risk Management Plan for Event
- Advice on development of an Emergency Management Plan
- Inspection on Saturday of event by an Environmental Health Officer to ensure all temporary food premises have relevant permits

11.10. REQUEST FOR APPROVAL TO OPERATE HIGHER MASS LIMIT AND B-DOUBLE  
VEHICLES ON LOCAL COUNCIL ROADS  
GENERAL MANAGER INFRASTRUCTURE

*In providing this advice to Council as the Property & Assets Coordinator, I Mahmud Kaiser have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to consider new and renewal requests to use Higher Mass Limit (HML) and B-Double vehicles on local roads.

**BACKGROUND**

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

Ref	Permit Type	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)
a) 117824	New	Altec Australia Holdings Pty Ltd	Pole Borer/auger/crane	All Local Authority controlled roads	Wooden or Concrete Power Poles	20/09/2017-21/09/2018	When required to perform maintenance/emergency works on power lines associated with Powercor.

**ISSUE/DISCUSSION**

Council officers have assessed the application 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.

**CONSENT REQUESTS**



**a) Altec Australia Holdings Pty Ltd (Road Manager Request Number 117824):**

Altec Australia Holdings Pty Ltd requests that Council grant consent for all Council controlled roads. Altec Australia Holdings Pty Ltd requires access for the performance of maintenance/emergency works on power lines and Powercor assets as required by Powercor. Access would be subject to the Standard Conditions.

**STANDARD 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 in residential areas
- Hours of Operation shall be 7:00am to 6:00pm
- Obey the Load Limit Signs for roads and bridges when appropriate

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

*The Heavy Vehicle National Law (HVNL) came into effect on 10 February 2014 which requires Council to consider and provide consent for heavy vehicles to travel along roads under its control. Where consent is not provided, grounds for refusing to grant consent need to be provided.*

**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 these requests. Relevant internal maintenance 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 permits to operate HML vehicles on local roads. Following a review of the requests, conditional consent is recommended for the operators as detailed.

## OFFICER'S RECOMMENDATION

That Council:

11.10.1. Approves Altec Australia Holdings Pty Ltd to use Pole Borer/auger/crane for the period of 12 months commencing 20 September 2017 and expiring 21 September 2018 on all Council controlled roads, subject to the below conditions:

11.10.2. Provides the above approvals subject to the following conditions:

It is the responsibility of all the above permit holders 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 in residential areas.
- Hours of Operation shall be 7:00am to 6:00pm.
- Obey the Load Limit Sign for roads and bridges when appropriate.

**MOTION**

*That Council:*

*11.10.1. Approves Altec Australia Holdings Pty Ltd to use Pole Borer/auger/crane for the period of 12 months commencing 20 September 2017 and expiring 21 September 2018 on all Council controlled roads, subject to the below conditions:*

*11.10.2. Provides the above approvals subject to the following conditions:*

*It is the responsibility of all the above permit holders 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 in residential areas.*
- *Hours of Operation shall be 7:00am to 6:00pm unless emergency conditions exist.*
- *Obey the Load Limit Sign for roads and bridges when appropriate.*

**Moved:** Cr Greg May

**Seconded:** Cr Fiona Robson

**Carried**

#### 11.11. EVENT FUNDING AGREEMENTS

##### GENERAL MANAGER COMMUNITY SERVICES

*In providing this advice to Council as the Events Coordinator, I Rebecca Pedretti have no interests to disclose in this report.*

##### PURPOSE

The purpose of this report is to recommend that Council enters into a new three year Memorandum of Understanding/Funding Agreement with the following three events:

- Creswick Garden Lovers Weekend
- Dean Recreation Reserve, and
- Daylesford Highland Gathering

##### BACKGROUND

Council has recently committed \$5,000 in the 2017/18 budget for the Creswick Garden Lovers Weekend, and \$2,000 for events held at the Dean Recreation Reserve. The Daylesford Highland Gathering has historically received significant operational support from Council each year to the value of \$6,710.

The Creswick Garden Lovers event stretches across a full weekend in November and incorporates a number of open gardens (both private and commercial), Creswick Garden Club's Flower Show and a number of workshops.

The Dean Recreation Reserve Committee holds an annual Kite Festival event and an annual Sheep Dog trail event. These events are generally well attended, but could be further assisted with funds for marketing and promotion. These events are a great example of a local community group activating the space that they manage.

The Daylesford Highland Gathering is one of the Shire's longest running events, and is held on the first Saturday of December each year. This event attracts approximately 3,000 visitors and includes a street parade, piping competitions, highland dancing competitions, massed bands, the Clan village along with Celtic food tents and memorabilia. Each year Council provides significant operational support to this event. Due to increasing costs and increased demands to Council, there is a need to formalise an agreement with the group around the level of support that can be provided.

##### ISSUE/DISCUSSION

Funding cannot be provided to these groups without the need for a formalised funding agreement. These MOU's are intended to clarify the roles and

responsibilities and to create a working relationship between Hepburn Shire Council and each of these three groups.

Given the level of funding, a set of KPIs will be included in the MOU for the Creswick Garden Lovers Weekend event focusing on continued growth, attracting additional overnight visitors, enhancing its economic impact and attracting media coverage and significant local community engagement. This group will also be required to provide an evaluation report to Council after their event.

The funding agreement for the Dean Recreation Reserve will be a basic funding agreement, with an acquittal/evaluation report required within 6 weeks of their final event.

The Daylesford Highland Gathering requires an MOU to clearly outline Council's support, which includes traffic management for the parade, waste management, facility use/hire, promotional support, extra cleaning of public amenities at Victoria Park Daylesford, and personnel and equipment for set-up/pack-down of dancing platforms. This operational support is valued at \$6,710.

In previous years Council has also hosted a civic breakfast/morning tea in the Council Chambers for the dignitaries of this event before the procession. This has been done as a matter of course, but has become increasingly costly and difficult to facilitate. There are also accessibility concerns hosting such a function in Chambers for the demographic in attendance. Council officers recommend that rather than continuing to host this, that \$500 is provided to the Committee so that they can organise their own official morning tea, to be held after the procession at Victoria Park.

## 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

For the term of MOU's/funding agreements the following funding arrangements are proposed:

Creswick Garden Lovers

- \$5,000 each year for 3 years (to be reviewed annually)

Dean Recreation Reserve

- \$2,000 for the 2017/18 financial year



#### Daylesford Highland Gathering

- \$500 for morning tea function
- \$6,710 operational support for the life of the agreement.

#### RISK IMPLICATIONS

Each of the three agreements will be reviewed annually, to mitigate any risk of funding an event that is not performing/discontinued.

Each event will be required to submit a risk management plan and emergency management plan.

#### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Events drive visitation to the region, therefore providing positive economic benefits. Events also deliver social benefits to rural communities, at both an individual and community level. Physical, learning and developing, and affective networks and interactions occur as a result of community events.

#### COMMUNITY AND STAKEHOLDER ENGAGEMENT

Each of the event organising committees have been involved in the development of these agreements.

#### CONCLUSION

Events in Hepburn Shire provide a significant boost to the local economy by increasing visitation, raising the profile of the area and attracting positive media attention. Existing events already have significant networks and community support in place along with a positive brand and reputation. By supporting and retaining our current events Council can also signal to potential new events that they may also be supported in Hepburn Shire.

These MOU's will clarify the roles and responsibilities of each group and create a clear working relationship with Hepburn Shire Council.

#### OFFICER'S RECOMMENDATION

That Council:

- 11.11.1. Authorises the Chief Executive Officer to sign the drafted Memorandum of Understanding between Business and Tourism Creswick for Garden Lovers event; Dean Recreation Reserve Committee of Management; and the Daylesford Highland Gathering Committee and Hepburn Shire Council.

**MOTION**

*That Council:*

- 11.11.1. Authorises the Chief Executive Officer to sign the drafted Memorandum of Understanding between Business and Tourism Creswick for Garden Lovers event; Dean Recreation Reserve Committee of Management; and the Daylesford Highland Gathering Committee and Hepburn Shire Council.*
- 11.11.2. Requests that an amendment is made to the Memorandum of Understanding with the Highland Gathering prior to signing to correct a mistake identified on the last page.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

ATTACHMENT 12 - CRESWICK GARDEN LOVERS MOU

## Memorandum of Understanding

between

Hepburn Shire Council and Business and Tourism Creswick Inc

**Purpose:** The Memorandum of Understanding is intended to clarify the roles and responsibilities and to create a working relationship between Hepburn Shire Council and Business & Tourism Creswick Inc, to ensure the future sustainability of the Creswick Garden Lovers Weekend event in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between Hepburn Shire Council and the Business & Tourism Creswick Inc

**Term:** This MOU is for a 3 year period (2017, 2018 and 2019 events) to be reviewed on an annual basis.

### Hepburn Shire Sponsorship Support

The Hepburn Shire Council will provide the following operational support and services (summarised maximum costings detailed in Appendix A) for the term of the MOU, subject to the outcome of annual evaluations and reviews.

Council's sponsorship is provided to assist Business & Tourism Inc in conducting a safe and accessible event.

## 1. Marketing and Communications

- a. Council will provide promotion of the Creswick Garden Lovers Weekend at its four Visitor Information Centres located in Daylesford, Creswick, Clunes and Trentham, as well as on Council's websites and social media accounts..
- b. Council will allocate four signage frames at key entry points to Creswick, for 4 weeks prior to the event. Business & Tourism Creswick Inc will supply, install and remove the signs during the approved period.
- c. The Business & Tourism Creswick Inc agrees to provide recognition to Council via the following mechanisms:
  - Recognition of the Hepburn Shire Council as key supporter of the event in all information relating to the Creswick Garden Lovers Weekend including their website, marketing material, media releases and communications. The usage of Council's logo must be in accordance with the directions provided by Council.
  - Provide Councillors and Council officer's invitations to official Creswick Garden Lovers Weekend functions, events and launches, according to Council protocol. Invitations must be provided at least 4 weeks prior to each event.

## 2. Occupational Health and Safety, Risk and Compliance

- a. Business & Tourism Creswick Inc must comply with all of Council and other authority's requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and the conditions of use as outlined in facility booking forms.
- b. Business & Tourism Creswick Inc must obtain and pay all fees associated with all the necessary permits, permissions and licenses required to conduct the event from Council and other authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.
- c. Business & Tourism Creswick Inc must participate in Council's Event Management Planning process including risk and safety planning meetings with Council and other authorities, and provide a detailed Risk, Safety and Emergency Management Plan to Council in accordance with Council guidelines and pro-forma plans where available, at least 6 weeks prior to each event. Plans must be updated continuously as the



event date nears, and must be reviewed as soon as practical following the event.

- d. Business & Tourism Creswick Inc must notify the Council in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

### 3. Indemnity and Insurance

- a. Business & Tourism Creswick Inc must indemnify and keep indemnified and hold harmless the Hepburn Shire Council, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of the event.
- b. Business & Tourism Creswick Inc must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$20 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided at least one month in advance of each event date. Stallholders and contractors involved with the event should also have Public Liability Insurance.
- c. Business & Tourism Creswick Inc agrees that if there is any loss or damage to Council land or property as a result of each event, Business & Tourism Creswick Inc will immediately notify Council by making contact with the Events Coordinator (or other Council officer if Events Coordinator is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. Business & Tourism Creswick Inc agrees to maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981 or another suitably status.

### 4. Review and Evaluation

- a. Business & Tourism Creswick Inc will attend a post event evaluation meeting with Council and other authorities (if necessary) following the conduct of each event and provide Council with an evaluation report.

### 5. Key Performance Indicators

Creswick Garden Lovers Weekend must aim to meet the following KPI's, which have a focus on developing tourism and economic impacts within Hepburn Shire:

- Strengthen partnerships with Daylesford Macedon Ranges Regional Tourism Board, Visit Ballarat and Visit Victoria to enhance their support in the event
- Attract local and state media coverage to encourage visitation from inter and intra state visitors
- A renewed focus of overnight visitors attending the event and length of stay
- Conduct surveys, obtaining data relating to numbers of people attending event, length of stay in area, estimated spend, usual place of residence
- Continue significant engagement of local community groups and business

## 6. Dispute resolution

- a. In the event of a dispute arising out of a failure to meet any of the obligations required by this MOU, either party may give the other party written notice specifying the details of the dispute. Within 7 days, a representative of both parties will agree to meet to resolve the issue.
- b. If a dispute occurs within two weeks of the event date, both parties will agree to meet to resolve the issue within 2 working days of the notice.
- c. If the dispute is unable to be resolved, the matter will be referred to any form of alternative dispute resolution procedure on which the parties agree. Where a mediator is involved, the parties must agree to comply with the mediators instructions.
- d. The charges for the mediation will be paid equally by the parties.
- e. Council will not enter into a dispute resolution procedure for the following issues:
  1. The level of Council's financial/ in-kind contribution
  2. The requirement for Business & Tourism Creswick Inc to comply with Council's local laws, and other regulations and legislation relating to the conduct of the event.

## 9. Termination of MOU

- a. If the Business & Tourism Creswick Inc is unable to deliver the outcomes specified in this MOU, Council may review the level of sponsorship support provided to the event.
- b. If Council or Business & Tourism Creswick Inc is in breach of the terms of this MOU, this MOU may be terminated in writing by the Chief Executive Officer of Council.

Memorandum of Understanding between Hepburn Shire Council and Business & Tourism Creswick Inc

Signed for and on behalf of the Hepburn Shire Council:

_____	_____	_____
Signature of CEO	Print Name	Date

_____	_____	_____
Witness signature	Witness Name	Date

Signed for and on behalf of Business & Tourism Creswick Inc

_____	_____	_____
Signature of President	Print Name	Date

_____	_____	_____
Witness Signature	Witness Name	Date

ATTACHMENT 13 - DEAN RECREATION RESERVE FUNDING AGREEMENT



## TERMS AND CONDITIONS OF GRANT

Grant Provider:	HEPBURN SHIRE COUNCIL
Grant Recipient:	DEAN RECREATION RESERVE
Project:	DEAN KITE FESTIVAL AND DEAN SHEEP DOG TRAILS
Grant Amount:	\$2,000

The Grant is provided by The Council to The Recipient subject to the following conditions:

### GENERAL

1. The Grant must be used solely for the promotion and coordination of your events.
2. All correspondence and details of financial commitments / works must be available for perusal at any stage during event planning by prior arrangement.
3. The Recipient must acknowledge the Council in all publicity and promotion of the event, including on all promotional material and signage.
4. You are required to extend a written invitation with a minimum of 4 weeks' notice to the Mayor and Hepburn Shire Councillors to attend openings and events. Information relating to inviting the Mayor and Councillors can be found on Council website via the following link: <https://www.hepburn.vic.gov.au/inviting-the-mayorcouncillors-to-an-event/>

### VARIATIONS

5. Any variations or changes to the scope of the approved project must be discussed with the Events Coordinator or identified Council Officer and must be agreed to in writing by both parties prior to execution of any variation.

### GRANT MONIES ACQUITTAL

6. The Recipient shall acquit The Grant by completing the Evaluation and Acquittal report. The Acquittal Report will demonstrate that the events have been completed. Acquittal of Grant monies includes:
  - Project income and expenses summary sheet;
  - Record of attendance numbers
  - Publicity material.
7. The Recipient agrees that Grant monies will be returned to Council where a project does not fully comply with acquittal requirements.

### RECURRENT RESPONSIBILITIES

8. Any ongoing expenses / responsibilities / liabilities arising as a result of the event including, but not limited to, maintenance, upkeep, impact, damage, etc, is the responsibility of The Recipient.

## PROJECT COMPLETION

9. The project, all associated works, accounts and acquittals shall be completed by **1 December 2017**

## DECLARATION

I declare that I am authorised to sign on behalf of The Recipient, and The Recipient agrees to the above Terms and Conditions of Grant:

Authorised Signatory: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

- **Complete** the above section indicating agreement to these terms and conditions.
- **Please** return the signed original to Council by Close of Business **Friday 6 October 2017** and retain a copy **for your records**.
- **Signed** original to be returned to :

Rebecca Pedretti  
Events Coordinator  
Hepburn Shire Council  
PO Box 21  
DAYLESFORD VIC 3460

ATTACHMENT 14 - DAYLESFORD HIGHLAND GATHERING MOU

## Memorandum of Understanding

between

Hepburn Shire Council and Daylesford Highland Gathering

**Purpose:** The Memorandum of Understanding is intended to clarify the roles and responsibilities and to create a working relationship between Hepburn Shire Council and Daylesford Highland Gathering, to ensure the future sustainability of this event in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between Hepburn Shire Council and the Daylesford Highland Gathering Committee.

**Term:** This MOU is for a 3 year period (2017, 2018 and 2019 Festivals) to be reviewed on an annual basis.

### Hepburn Shire Sponsorship Support

The Hepburn Shire Council will provide the following operational support and services (summarised maximum costings detailed in Appendix A) for the term of the MOU, subject to the outcome of annual evaluations and reviews.

Council's sponsorship is provided to assist the Daylesford Highland Gathering Committee in conducting a safe and accessible event.

#### 1.1 Waste Management

- a. Council will provide up to 20 bins (combination of general waste and recycling) for the Daylesford Highland Gathering event in December. The bins will be delivered to Victoria Park on the Friday prior to the event and collected on the Monday following the event.

b. The Highland Gathering is responsible to ensure that Victoria Park is left in a clean and tidy condition, all rubbish is picked-up and bins are lined up in a central location after the event.

## 1.2 Sponsorship

Cash sponsorship of \$500, will be provided to the Highland Gathering Committee, to go towards a morning tea to be held at The Pavilion Victoria Park. This morning tea is to be facilitated by the Highland Gathering Committee

## 1.3 Traffic Management Plans and Parking

- a. The Highland Gathering (with the assistance of Council officers) is responsible for developing a Traffic Management Plan (TMP) and parking plan and applying to VicRoads for a road closure for the street parade.
- b. The Highland Gathering must participate in event planning meetings including with Council and relevant external authorities to assist in reviewing and developing the plan. Planning must commence at least three months prior to each event to ensure timely and sufficient notice of traffic management requirements, the Traffic Management Plan is to be completed at least 6 weeks prior to the event.
- c. Road closure signs and equipment for the road closures will be provided by Council (or contactor engaged by Council), including their installation, delivery and collection in accordance with the time schedule as outlined in the TMP's.
- d. All event marshals and traffic controllers must be qualified and familiar with the TMP and implement it in accordance with the Plan and instructions from relevant authorities (including Victoria Police).
- e. Parking areas at Victoria Park must be agreed to by both parties..

## 1.4 Venue and Venue Infrastructure

- a. Council will provide the use of Victoria Park, Oval No 1 and surrounds, and parking areas around Oval No 2 to the Highland Gathering for the length of their event, with 2 days either side of the event for bump-in/bump-out.
- b. Access to Council controlled toilets blocks at Victoria Park will be granted with extra cleaning/servicing allocated on the day.
- c. Any additional toilets required (portaloos etc) will be the responsibility of the Daylesford Highland Gathering Committee.



- d. The Pavilion will be made available for use to the Highland Gathering Committee on the day of the event and 2 days either side of the event for bump-in/bump-out. This facility must be cleaned by the Daylesford Highland Gathering Committee at the conclusion of the event.
- e. Bookings for The Pavilion will be arranged with a Customer Service officer, which will include completion of hire agreement form and payment of a refundable bond.
- f. Council will provide the Highland Gathering with the use of a storage shed at Victoria Park for secure, dry storage of Highland Gathering owned chattels.
- g. Council will assist the Highland Gathering to set-up the dancing platforms on the Thursday before the event, which will include both personnel and use of back-hoe/loader.
- h. Council will provide the use of the back-hoe/loader and one operator on the Sunday after the event to assist with the pack-up of dancing platforms.
- i. The Daylesford Town Hall must be booked by the Highland Gathering through Customer Service each year to secure it as a wet-weather alternative venue.

### 1.5 Marketing and Communications

- a. Council will provide promotion of the Highland Gathering at its four Visitor Information Centres located in Daylesford, Creswick, Clunes and Trentham, as well as on Councils websites and social media accounts. Display space will also be allocated at the Daylesford Regional Visitor Information Centre, as agreed by Councils Visitor Services Officers.
- b. Council will allocate two signage frames at key entry points to Daylesford, for 2 weeks prior to the event. The Highland gathering will supply, install and remove the signs during the approved period.
- c. Weather permitting, Council will fly the Scottish Flag on the flagpole at the top of Vincent Street for the duration of the event. The flag must be supplied by the Highland Gathering.
- d. The Highland Gathering agrees to provide recognition to Council via the following mechanisms:
  - Recognition of the Hepburn Shire Council as key supporter of the event in all information relating to the Highland gathering including their website, marketing material, media releases and communications. The usage of Council's logo must be in accordance with the directions provided by Council.

- Provide Councillors and Council officer's invitations to official Highland Gathering functions, events and launches, according to Council protocol. Invitations must be provided at least 4 weeks prior to each event.
- Provision of a stall at the event if required.

## **2. Occupational Health and Safety, Risk and Compliance**

- a. The Highland Gathering must comply with all of Council and other authority's requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and the conditions of use as outlined in facility booking forms.
- b. The Highland Gathering must obtain and pay all fees associated with all the necessary permits, permissions and licenses required to conduct the event from Council and other authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.
- c. The Highland Gathering must participate in Councils Event Management Planning process including risk and safety planning meetings with Council and other authorities, and provide a detailed Risk, Safety and Emergency Management Plan to Council in accordance with Council guidelines and pro-forma plans where available, at least 6 weeks prior to each event. Plans must be updated continuously as the event date nears, and must be reviewed as soon as practical following the event.
- d. The Highland Gathering must notify the Council in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

## **3. Indemnity and Insurance**

- a. The Highland Gathering must indemnify and keep indemnified and hold harmless the Hepburn Shire Council, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of the event.
- b. The Highland Gathering must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$20 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided at least one month in

advance of each event date. Stallholders and contractors involved with the event should also have Public Liability Insurance.

- c. The Highland Gathering agrees that if there is any loss or damage to Council land or property as a result of each event, The Highland Gathering will immediately notify Council by making contact with the Events Coordinator (or other Council officer if Events Coordinator is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. The Highland Gathering agrees to maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981 or another suitably status.

#### **4. Review and Evaluation**

- a. The Highland Gathering will attend a post event evaluation meeting with Council and other authorities (if necessary) following the conduct of each event and provide Council with an evaluation report.

#### **8. Dispute resolution**

- a. In the event of a dispute arising out of a failure to meet any of the obligations required by this MOU, either party may give the other party written notice specifying the details of the dispute. Within 7 days, a representative of both parties will agree to meet to resolve the issue.
- b. If a dispute occurs within two weeks of the event date, both parties will agree to meet to resolve the issue within 2 working days of the notice.
- c. If the dispute is unable to be resolved, the matter will be referred to any form of alternative dispute resolution procedure on which the parties agree. Where a mediator is involved, the parties must agree to comply with the mediators instructions.
- d. The charges for the mediation will be paid equally by the parties.
- e. Council will not enter into a dispute resolution procedure for the following issues:
  - 1. The level of Council's financial/ in-kind contribution

2. The requirement for The Highland Gathering to comply with Council's local laws, and other regulations and legislation relating to the conduct of the event.

#### **9. Termination of MOU**

- a. If the Highland Gathering is unable to deliver the outcomes specified in this MOU, Council may review the level of sponsorship support provided to the event.
- b. If Council or Highland Gathering is in breach of the terms of this MOU, this MOU may be terminated in writing by the Chief Executive Officer of Council.

Memorandum of Understanding between Hepburn Shire Council and Creative Clunes Inc.

Signed for and on behalf of the Hepburn Shire Council:

_____	_____	_____
Signature of CEO	Print Name	Date

_____	_____	_____
Witness signature	Witness Name	Date

Signed for and on behalf of Creative Clunes Inc

_____	_____	_____
Signature of President	Print Name	Date

_____	_____	_____
Witness Signature	Witness Name	Date



## Appendix A: Estimate of Hepburn Shire Council's Operational Support

Support provided	Details	Estimated Cost to Council
Waste Management	Hire and transportation of 20 bins	\$400
Road Closures	Provision of qualified Traffic Management	\$3,000
Council Facilities	Victoria Park Daylesford	\$400
	The Pavilion	\$210
	Daylesford Town Hall	\$250
Visitor Services	Provision of Visitor Information Centre Cube display	\$300
Cleaning	Contractor to clean public toilets at Victoria Park throughout weekend	\$250
Staffing	Set-up & Pack-up of Dancing Platforms	\$1900
	<b>Total estimated in-kind support value</b>	<b>\$6,710</b>

Additional in-kind support provided by Council's Events Coordinator, Council's Manager Community & Economic Development and other officers (details below). The value of this support has not been costed.

- Advice on development of event memorandum of understanding
- Advice on development of Traffic Management Plan for Road Closures
- Advice on development of Risk Management Plan for Event
- Advice on development of an Emergency Management Plan
- Inspection on Saturday of event by an Environmental Health Officer to ensure all temporary food premises have relevant permits

## 11.12. REINSTATEMENT OF COUNCIL MEETINGS WITHIN THE COLIBAN AND HOLCOMBE WARDS

### CHIEF EXECUTIVE OFFICER

*In providing this advice to Council as the Chief Executive Officer, I Aaron van Egmond have no interests to disclose in this report.*

### PURPOSE

The purpose of this report is for Council to consider the reinstatement of Council Meetings to both the Coliban and Holcombe wards.

### BACKGROUND

At the December 2016 Ordinary Council Meeting, Council resolved to conduct Council Meetings in the Birch, Creswick and Cameron Wards. The following motion was passed:

*That Council:*

- 11.6.1 Adopts the Council meeting dates and locations for the 2017 meetings of Council as presented in option one

PROPOSED ORDINARY MEETING DATES AND LOCATIONS 2017		
Date	Time	Location
Tuesday 17 January	6:00pm	Victoria Park Daylesford
Tuesday 21 February	6:00pm	Doug Lindsay Recreation Reserve
Tuesday 21 March	6:00pm	Victoria Park Daylesford
Tuesday 18 April	6:00pm	Senior Citizens' Daylesford
Tuesday 16 May	6:00pm	The Warehouse Clunes
Tuesday 20 June	6:00pm	Senior Citizens' Daylesford
Tuesday 18 July	6:00pm	The Warehouse Clunes
Tuesday 15 August	6:00pm	Senior Citizens' Daylesford
Tuesday 19 September	6:00pm	The Warehouse Clunes
Tuesday 17 October	6:00pm	Doug Lindsay Recreation Reserve
Tuesday 21 November	6:00pm	Doug Lindsay Recreation Reserve
Tuesday 19 December	6:00pm	Victoria Park
PROPOSED OTHER MEETINGS 2017		
Date	Time	Location

Meeting to Hear Budget Submissions - Tuesday 6 June	6:00pm	Senior Citizens' Daylesford
Statutory Meeting - Tuesday 7 November	6:00pm	Daylesford Town Hall

11.6.2 Places a public notice in local newspapers to advertise the dates and locations for meetings of Council for the 2017 calendar year in accordance with section 89(4) of the Local Government Act 1989.

11.6.3 Makes the Council meeting dates and locations for 2017 available on Council's website.

#### **ISSUE/DISCUSSION**

Following this decision Council received significant feedback from community members in the Holcombe and Coliban Wards that there was a strong desire to see the meetings reinstated.

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

In accordance with Section 89(4) of the Local Government Act 1989, at least seven days' notice must be given before Ordinary Meetings of Council.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

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

A decision to reinstate meetings in the Coliban and Holcombe Wards will improve access to Council by the entire Hepburn Shire community.

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

Strong feedback was received by the community following Council's decision to adopt its Council meeting timetable for 2017 from the December 2016 Ordinary Council Meeting.

#### **CONCLUSION**

The reinstatement of meetings in the Coliban and Holcombe wards will provide more equitable access to Council Meetings by the community.

It is proposed to conduct two meetings in Coliban Ward at the Trentham Neighbourhood Centre or the Trentham Mechanics Institute in the months of October and December 2017.

Holcombe Ward meetings will be considered as part of setting the dates and locations of Council Meetings for 2018. This will allow time for the Glenlyon Shire Hall construction works to be completed.

A report will be provided to the October 2017 Ordinary Council Meeting recommending dates and locations for the 2018 calendar year including the adoption of the motion relating to this report.

It is anticipated that the Council Meeting timetable for 2018 will provide for 2 meetings in each single Councillor ward (Cameron, Coliban and Holcombe) and 3 meetings in each dual Councillor ward (Birch and Creswick).

#### OFFICER'S RECOMMENDATION

That Council:

- 11.12.1. Reinstates two meetings per year in the Coliban and Holcombe wards in 2018.
- 11.12.2. Confirms the timetable (including dates and locations) will be presented at the October 2017 Ordinary Council Meeting.

#### MOTION

*That Council:*

*11.12.1. Reinstates two meetings per year in the Coliban and Holcombe wards in 2017.*

*11.12.2. Confirms the timetable (including dates and locations) will be presented at the October 2017 Ordinary Council Meeting.*

**Moved:** Cr Fiona Robson

**Seconded:** Cr John Cottrell

**Carried**



11.13. RECORD OF ASSEMBLIES OF COUNCILLORS  
GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the Governance Officer I Tenique Hell, 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:*

- o the subject of a decision of the Council; or*
- o 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:

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:

Date	Location	Committee Name
01-08-2017	Council Chamber	Council Briefing
14-08-2017	Council Chamber	Mineral Springs Reserve Advisory Committee
15-08-2017	Council Chamber	Councilor/CEO Meeting
15-08-2017	Council Chamber	Pre-Council Meeting Briefing

## 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

11.5.1 That Council receives and notes the Records of Assemblies of Councillors for the month of August 2017.

### MOTION

*11.5.1 That Council receives and notes the Records of Assemblies of Councillors for the month of August 2017.*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 15 - RECORDS OF ASSEMBLIES OF COUNCILLORS  
(ISSUED UNDER SEPARATE COVER)

## 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 Governance Officer I Tenique Hell 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:

- Creswick Museum Special Committee 07-08-2017
- Lee Medlyn Home of Bottles Special Committee 09-08-2017
- Drummond Hall Special Committee 25-08-2017

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:

- Creswick Museum Special Committee 07-08-2017
- Lee Medlyn Home of Bottles Special Committee 09-08-2017
- Drummond Hall Special Committee 25-08-2017

## MOTION

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

- *Creswick Museum Special Committee 07-08-2017*
- *Lee Medlyn Home of Bottles Special Committee 09-08-2017*
- *Drummond Hall Special Committee 25-08-2017*

**Moved:** Cr Neil Newitt

**Seconded:** Cr John Cottrell

**Carried**



## 12.2. RENEWAL OF INSTRUMENTS OF DELEGATION – SECTION 86 COMMITTEES GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the Coordinator Governance and Information, I Katherine Toom have no interests to disclose in this report.*

### PURPOSE

The purpose of this report is for Council to review and adopt two Instruments of Delegation to Special Committees (Section 86) of Council and to recommend the appointment of a returning Committee member.

### BACKGROUND

The following four committees have delegation expiry dates of 30 September 2017:

- Lee Medlyn Home of Bottles Special Committee
- Drummond Hall Special Committee

On 8 August 2017, Council received an application from a former member of the Glenlyon Recreation Reserve Special Committee whose term had recently expired.

### ISSUE/DISCUSSION

Regularly reviewing and updating Instruments of Delegation is a regulatory requirement and enables Council to manage any changing risks associated with the facilities or Special Committees.

The former Instruments of Delegation were sealed in 2013, and therefore a review is prudent to ensure that the Special Committees (Section 86) continue to serve the needs of both Council and the greater community. The following updates are proposed:

- All Instruments of Delegation to the Special Committees listed above have been extended for a period of four years.
- Lee Medlyn Home of Bottles – removal of the Ward Councillor as a necessary member of the Committee

In addition to the appointment of returning Special Committee members that Council appointed at the August meeting, an application was received after the closing date from a former member of the Glenlyon Recreation Reserve Special Committee seeking reappointment.

- Brenda Blackmore

At this time, we also seek to correct an error made within a previous report to Council in August which wrongly stated the dates when appointing returning members to the Glenlyon Recreation Reserve Special Committee.

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

Under the *Local Government Act 1989*, Council is required to review all delegations to special committees within 12 months of a general election.

Council has the power to appoint members to Special Committees of Council.

### **FINANCIAL IMPLICATIONS**

None identified.

### **RISK IMPLICATIONS**

Regularly reviewing and updating instruments of delegation is a regulatory requirement and enables Council to manage any changing risks associated with the facilities or special committees.

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

Special Committees comprising community members, encourage positive community involvement and engagement in managing Council owned facilities.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The hard work of committee members and volunteers has been, and will continue to be, of considerable value to our local communities and the broader Hepburn Shire.

### **CONCLUSION**

The adoption of these revised Instruments of Delegation will contribute to meeting Council's regulatory requirements for Special Committees and update the arrangements in place for managing these facilities.

### **OFFICER'S RECOMMENDATION**

That Council, in exercise of the powers conferred by Sections 86 and 87 of the *Local Government Act 1989* (the Act) resolves that:

- 12.2.1. The Instrument of Delegation for the Drummond Hall Special Committee comes into force immediately and the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until 30 September 2021.
- 12.2.2. The Instrument of Delegation for the Lee Medlyn Home of Bottles Special Committee comes into force immediately and the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until 30 September 2021.

12.2.3. Resolves to appoint the following persons as members of the Glenlyon Recreation Reserve Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:

- Ms Brenda Blackmore
- Ms Marion Christine Clare
- Mr John Cable

12.2.4. That members of each Committee are, pursuant to section 81(2A) of the Act, exempted from being required to submit a primary and ordinary return.

**MOTION**

*That Council, in exercise of the powers conferred by Sections 86 and 87 of the Local Government Act 1989 (the Act) resolves that:*

- 12.2.1. The Instrument of Delegation for the Drummond Hall Special Committee comes into force immediately and the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until 30 September 2021.*
- 12.2.2. The Instrument of Delegation for the Lee Medlyn Home of Bottles Special Committee comes into force immediately and the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until 30 September 2021.*
- 12.2.3. Council immediately contact the Lee Medlyn Home of Bottles Special Committee in person and explain the changes to the Instrument of Delegation.*
- 12.2.4. Resolves to appoint the following persons as members of the Glenlyon Recreation Reserve Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:*
  - Ms Brenda Blackmore*
  - Ms Marion Christine Clare*
  - Mr John Cable*
- 12.2.5. That members of each Committee are, pursuant to section 81(2A) of the Act, exempted from being required to submit a primary and ordinary return.*

**Moved:** Cr John Cottrell

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 16 - DRAFT INSTRUMENT OF DELEGATION – DRUMMOND  
HALL SPECIAL COMMITTEE





Hepburn Shire Council  
Instrument of Delegation  
Drummond Hall Special Committee

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on **19 September 2017** and known as the "Drummond Hall Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on **19 September 2017**;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until **30 September 2021**; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

The COMMON SEAL  
of the HEPBURN SHIRE COUNCIL  
was affixed in the presence of

..... : Mayor  
Cr Sebastian Klein

..... : Chief Executive Officer  
Mr Aaron van Egmond

This xxth day of September 2017.

## SCHEDULE

### Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the Drummond Hall, Lauriston Road, Drummond, including timber building, brick toilet block and tennis court (Council Property Number 200194; Volume 4588 Folio 593; Crown Allotment Part 8, Section 3 in the Parish of Burke) (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property; and
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

### Membership of the Committee

1. The Committee shall be comprised of at least five (5) members, comprising community representatives.
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

### Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### Rescinded Delegations

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committee:

1. Drummond Hall Committee of Management
2. Drummond Hall Special Committee

### Winding Up

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets

will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

### **Office Bearers**

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee

- Secretary
- Treasurer

### **Duties of Chairperson**

The Chairperson shall:

1. Seek to operate the Committee in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee of any changes (via email or post), no later than 14 days prior to the date of the meetings.
3. Chair the meetings of the Committee.

### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Coordinator Governance and Information within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Coordinator Governance and Information, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

### **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

### **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.

2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (7) and (8) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Coordinator Governance and Information a copy of such minutes within fourteen (14) days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.



6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contract/agreement/licence/lease is executed by the Drummond Hall Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

Committee member #1

Signed \_\_\_\_\_

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

### **Maintenance and Other Outgoings**

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Cleaning
  - Minor Maintenance
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
  - Major Maintenance (subject to priorities and budgets)
  - Electrical equipment testing
  - Annual audit fees
  - Water
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.
4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Coordinator Facilities Management by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

**END SCHEDULE**

ATTACHMENT 17 - DRAFT INSTRUMENT OF DELEGATION – LEE MEDLYN  
HOME OF BOTTLES SPECIAL COMMITTEE



**Hepburn Shire Council**  
**Instrument of Delegation**  
**Lee Medlyn Home of Bottles Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on **19 September 2017** and known as the "Lee Medlyn Home of Bottles Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on **19 September 2017**;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until **30 September 2021**; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

The COMMON SEAL  
of the HEPBURN SHIRE COUNCIL  
was affixed in the presence of

..... : Mayor  
Cr Sebastian Klein

..... : Chief Executive Officer  
Mr Aaron van Egmond

This xxx day of September 2017.

## SCHEDULE

### Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the following property (**the Stated Property**):

4. the Lee Medlyn Home of Bottles (Former School Building, Factory and Public Toilet Block at 70 Bailey Street, Clunes; Council Property Number 13338; CA 1-5, Section 31, TCL); and the
5. the Lee Medlyn Home of Bottles Collection including, but not limited to, the following:
  - 5.1 Lee Medlyn Bottle Collection;
  - 5.2 Eberhard Factory (soft drink display); and
  - 5.3 other collectables and displays currently at the Home of Bottles, and as the committee obtains;

and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (2) & (3) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for visiting, hiring or using the Stated Property, for the sale of merchandise, and for legitimate research of the Lee Medlyn Home of Bottles Collection;
6. to set the times and days the Lee Medlyn Home of Bottles will be open to the public;
7. to set the times and days when the Committee will undertake research and/or assist persons research the Lee Medlyn Home of Bottles' Collection; and
8. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

### Membership of the Committee

1. The Committee shall be comprised of at least seven members, comprising:
  - a nominated representative from the Clunes Tourism and Development Association;
  - a nominated representative from the Clunes Neighbourhood House Inc; and
  - community representatives.
2. Representatives of user groups and members of the community are to be appointed by Council upon receiving a written application or nomination.

3. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
4. All members shall be appointed by Council for a maximum duration of three years.

### **Indemnity**

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded Delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. The Lee Medlyn Home of Bottles Special Committee
2. The Lee Medlyn Home of Bottles Committee of Management
3. The Clunes Historic Medlyn Complex Committee of Management
4. The Clunes Historic Medlyn Complex Special Committee

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

4. Be responsible for all major maintenance of the property.
5. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
6. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
7. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
8. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
9. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four



weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.

10. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
11. Arrange to publicly advertise meeting and other notices when requested by the Committee.
12. Insure the Stated Property against loss or damage.
13. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
14. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
15. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
16. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

### **Office Bearers**

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Vice-President
- Secretary
- Treasurer

### **Duties of Chairperson**

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Coordinator Governance and Information within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Coordinator Governance and Information, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

9. Prepare and maintain a roster for staffing the Lee Medlyn Home of Bottles, which aims to evenly distribute the effort amongst Committee members and other volunteers.

## **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. In conjunction with other committee members, organise and arrange payment of suppliers and contractors performing work at the Premises, as approved by the Committee.
3. Keep correct accounts and books showing the financial affairs of the Committee.
4. Prepare statements of receipts and expenditure.
5. Provide a financial report to each regular meeting.
6. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
7. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
8. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 6 and 7) and associated records for audit as requested by 31 July each year.
9. Receive and manage bequests and trust funds made to the Lee Medlyn Home of Bottles.

## **Duties of Committee Members**

All Committee members shall:

1. Make themselves available to staff the Lee Medlyn Home of Bottles during opening hours for at least one day a month or equivalent, as agreed with the Secretary, while allowing for periods of absence for personal reasons.

## **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.

9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Coordinator Governance and Information a copy of such minutes within fourteen days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management, control, improvement and minor maintenance of the Stated Property.
4. Receive rent from the Clunes Neighbourhood House Ltd and spend that rent in accordance with clause (3) above.
5. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
6. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
7. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contract/agreement/licence/lease is executed by Lee Medlyn Home of Bottles Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

Committee member #1

Signed \_\_\_\_\_

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

### **Maintenance and Other Outgoings**

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Wood for Heating
  - Cleaning

- Minor Maintenance
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
    - Major Maintenance (subject to priorities and budgets)
    - Water
    - Electrical equipment testing
    - Security
    - Fire Alarm Monitoring
    - Annual audit fees
  3. Carry out all minor items of maintenance of the Stated Property and conservation of the Lee Medlyn Home of Bottles' Collection at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance and conservation refers to any activity which has a total cost of \$2,000 or where the Committee has reached the amount of \$6,000 for the financial year in expenditure on maintenance.
  4. Report to Council on other items of maintenance, either with a total cost exceeding \$2,000 for an individual activity or when \$6,000 has been expended by the Committee on maintenance activities for the financial year.
  5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
  6. Return the end of the year inspection to Council's Coordinator Facilities Management by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

### **Lee Medlyn Home of Bottles and Collection**

The Committee shall:

1. Manage the Stated Property for the enjoyment and education of the public.
2. Encourage participation in the Stated Property and include educational activities involving the buildings and the Lee Medlyn Home of Bottles Collection.
3. Ensure the displays are open to the public for a minimum period of 18 hours each week of the year, except during periods of major maintenance or renovation works.
4. Assist persons conducting research during the times set by the Committee for assisting with research of the Lee Medlyn Home of Bottles' Collection, subject to receiving fees as set by the Committee for such assistance.
5. Maintain and conserve the Lee Medlyn Home of Bottles' Collection.
6. Manage the expansion and development of the Lee Medlyn Home of Bottles' Collection, while being mindful of the impact any expansion and development will have on the future maintenance and conservation requirements of the Lee Medlyn Home of Bottles' Collection.
7. Ensure all monies, grants or bequests specifically received for the preservation, security and upkeep of the collections are utilised for the purposes for which they were given.
8. Ensure the security of the collections is of a high standard to minimise the risk of loss.
9. Maintain a catalogue of all items within the Lee Medlyn Home of Bottles' Collection.
10. Keep a record of any items made available or loaned to the Lee Medlyn Home of Bottles' Collection.



11. Obtain a written receipt when receiving or returning items on loan or made available to the Lee Medlyn Home of Bottles' Collection.
12. Approve the moving of any item, collection or part of the Lee Medlyn Home of Bottles' Collection outside the Lee Medlyn Home of Bottles or for the purposes of display or loan to another organisation for them to display.
13. Maintain a record of items, collections or part of the Lee Medlyn Home of Bottles' Collection moved to another location, including items provided to another organisation.
14. Comply with all Statutes, Regulations and Laws and will follow any reasonable guidelines in relation to the Lee Medlyn Home of Bottles' Collection, as issued by relevant authorities such as Museums of Australia or the Public Records Office.
15. Assess any items donated or bequeathed to the Lee Medlyn Home of Bottles to determine whether they are considered suitable for the collection. Items considered suitable shall be accepted and added to the catalogue.
16. Obtain written Council approval prior to disposing of any item or part of the Lee Medlyn Home of Bottles' Collection.
17. Donated or bequeathed items considered unsuitable and items from the Lee Medlyn Home of Bottles' Collection approved for disposal shall be either:
  - o moved to another Council location, if directed to do so by the Council;
  - o offered to another similar organisation (e.g. not for profit museum or gallery);
  - o returned to the donor; or
  - o sold via public auction or tender without a reserve, with all proceeds paid into the Committee's bank account.

No items are to be sold or given to a Committee member or another person, unless through a public auction or tender.

### **Use of Volunteers**

Council encourages the Committee to use the services of additional volunteers, while also recognising that there is valuable property involved and a need for people within the Lee Medlyn Home of Bottles to ensure that visitors receive a welcoming, interesting and pleasant experience that will promote the Lee Medlyn Home of Bottles and Hepburn Shire. As such, the Committee shall:

1. During times the Lee Medlyn Home of Bottles is open to the public, ensure that there is always a member of the Committee or a person authorised by the Committee present, as well as any additional volunteers rostered to staff the Lee Medlyn Home of Bottles.
2. Interview perspective volunteers to assess their suitability prior to them being taken on, including that they have people skills, friendly attitude to visitors and the ability to promote the Lee Medlyn Home of Bottles, the Region and Hepburn Shire with enthusiasm.
3. Approve all volunteers, in addition to Committee members, that are able to staff the Lee Medlyn Home of Bottles, after the proceeding clause (2) has been satisfactorily completed.
4. Keep an up-to-date list of volunteers, in addition to the Committee members, for the Lee Medlyn Home of Bottles.
5. Provide adequate training to volunteers as identified by the Committee from time to time.

### **END SCHEDULE**

### 13. COUNCIL ADVISORY COMMITTEES

#### 13.1. MINUTES OF ADVISORY COMMITTEES

##### GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the Governance Officer, I Tenique Hell, 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:

- International Women's Day Advisory Committee 17-08-2017
- Mineral Springs Reserve Advisory Committee 14-08-2017

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

That Council,

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

- International Women's Day Advisory Committee 17-08-2017
- Mineral Springs Reserve Advisory Committee 14-08-2017

## MOTION

*That Council,*

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

- *International Women's Day Advisory Committee 17-08-2017*
- *Mineral Springs Reserve Advisory Committee 14-08-2017*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Kate Redwood AM

**Carried**

## 14. CONFIDENTIAL ITEMS

### 14.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

### RECOMMENDATION

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

14.2 89(2)(d) Contractual matters;

- 94 Vincent Street, Daylesford- Lease Assignment

### MOTION

14.1.1. *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:*

14.2 89(2)(d) Contractual matters;

- *94 Vincent Street, Daylesford- Lease Assignment*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr John Cottrell

**Carried**

## 15. REOPENING OF MEETING TO PUBLIC

### RECOMMENDATION

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

### MOTION

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

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Neill Newitt

**Carried**

The meeting was reopened to the public at 8.39 pm

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## 16. CLOSE OF MEETING

The meeting closed at 8.40 pm

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