



HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF COUNCIL  
MINUTES

TUESDAY 20 JUNE 2017

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

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Confirmed at the Ordinary Meeting of Council  
held on Tuesday 18 July 2017

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

Chair, Mayor Cr Sebastian Klein

# MINUTES

TUESDAY 20 JUNE 2017

Senior Citizens Room

76 Vincent Street, Daylesford

Commencing 6:00PM

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AARON VAN EGMOND  
CHIEF EXECUTIVE OFFICER  
20 JUNE 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 DjaDja 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 Fiona Robson, Cr Kate Redwood AM, Cr Don Henderson, Cr Greg May, Cr John Cottrell

### IN ATTENDANCE:

Aaron Van Egmond Chief Executive Officer, Grant Schuster General Manager Corporate Services, Kathleen Brannigan General Manager Community Services, Steve Millard Acting General Manager Infrastructure, Justin Fiddes Manager Planning, 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”



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3. APOLOGIES

Cr Neil Newitt

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4. DECLARATIONS OF CONFLICTS OF INTEREST

Mayor Sebastian Klein declared an indirect conflict due to residential amenity on item 11.2

Cr John Cottrell declared a direct conflict on item 9.2

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5. CONFIRMATION OF MINUTES

RECOMMENDATION

5.1.1. That the Minutes of the Ordinary Meeting of Council held on 16 May 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

5.1.2. That the Minutes of the Special Meeting of Council held on 6 June 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1.1. *That the Minutes of the Ordinary Meeting of Council held on 16 May 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

5.1.2. *That the Minutes of the Special Meeting of Council held on 6 June 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

## 6. NOTICES OF MOTION

Two notices of motion have been received in accordance with Local Law 1 as follows:

Who	Date	Details
Cr Kate Redwood AM	30 May 2017	Eviction of permanent residents from the Daylesford Victoria Caravan Park
Cr Don Henderson	6 June 2017	Creation of a reserve in remembrance of the late Rod May

### 6.1. NOTICE OF MOTION - EVICTION OF PERMANENT RESIDENTS FROM THE DAYLESFORD VICTORIA CARAVAN PARK

DATE: 30 MAY 2017

#### NOTICE OF MOTION

6.1.1. Council deplores the action to evict all eleven permanent residents of the Daylesford Victoria Caravan Park (soon to be renamed the Daylesford Holiday Park) by the proprietors, DVHP Pty Ltd, noting that the evictions, whilst legal, are morally and ethically reprehensible, and calls for the notices to vacate to be withdrawn by the proprietors immediately.

6.1.2. Council calls on State Government to expedite legislation that:

- Establishes and protects the rights of long term and permanent residents in caravan parks;
- Provides remedies for long term and permanent residents to respond to notices to vacate.

Not moved at the meeting

#### BACKGROUND

Eleven residents of the Daylesford Victoria Caravan Park were recently issued with a Notice to Vacate, on the grounds that their continuing presence was not consistent with the proprietors' new business model. The letter from the park manager, DVHP Pty Ltd, states that the permanent residents are being told to leave as the caravan park will be "catering only for holiday and short term visitation".

All residents state the caravan park is their home and they desperately want to stay. Of the eleven residents affected by the notices, all but one is retired, with one lady

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having just turned 91 years old. The majority are over 70 years old. The prospect of moving is devastating for the residents: packing up your life belongings and moving house when you are elderly is a huge physical and emotional challenge.

Six of the longer term residents have lived in the park for between 13 and 33 years. Five residents commenced living in the park in 2016, based on advice from the previous park manager that they could live there permanently. All were seeking to spend their retirement in Daylesford and saw their remaining years as spent in quiet enjoyment living in the park. All were up to date with rent and had never caused any disturbance in the park.

The accommodation for most residents comprises a portable cabin with an annexe attached. Moving requires the annexe to be dismantled so that the cabin can be lifted by an industrial-sized crane and placed on a flat bed truck or trailer. All footings and other evidence relating to their occupation at the site must then be removed. This process will cost each resident many thousands of dollars - money that many will struggle to afford. If permitted by the park manager, residents could try to sell their cabins on site, but many face losing thousands of dollars as the park manager will now only allow purchasers to use these cabins for less than six months each year and for no more than 45 days at a time.

Options for the residents are bleak. In Daylesford, the community that they feel so much a part of, has a waiting list of two years plus for social housing for the elderly. Private rentals are out of reach as the average weekly rent is \$400 plus.

We support Daylesford as a wonderful tourist destination, but surely not at the expense of permanent residents at the Victoria Park caravan park. The residents are too frightened to speak out on their own behalf as they fear reprisals from the caravan park proprietor who took over management of the park last December. At a time when homelessness is increasing in Victoria, it is a travesty to add eleven more homeless people, when by reversing the notice of eviction these members of our community could remain in their homes.

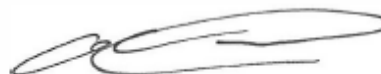
Councillor Name: Kate Redwood

Councillor Signature:



Chief Executive Officer Name: Aaron van Egmond

Chief Executive Officer Signature:





## MOTION

- 6.1.1. *Council strongly opposes the action to evict all eleven permanent residents of the Daylesford Victoria Caravan Park (soon to be renamed the Daylesford Holiday Park) by the proprietors, DVHP Pty Ltd, noting that the evictions are legal, but calls for the notices to vacate to be withdrawn by the proprietors immediately.*
- 6.1.2. *Council calls on State Government to expedite legislation that:*
- *Establishes and protects the rights of long term and permanent residents in caravan parks;*
  - *Provides remedies for long term and permanent residents to respond to notices to vacate.*

**Moved:** Cr Kate Redwood AM

## PROCEDURAL MOTION

- 6.1.3. *That Council hear an address by proprietors of the Daylesford Victoria Caravan Park, Mr Anthony and Ms Jodie Meechan.*

**Moved:** Cr John Cottrell

**Seconded:** Cr Don Henderson

**Carried**

Mr Anthony Meechan addressed Councillors

**MOTION**

- 6.1.1. *Council strongly opposes the action to evict all eleven permanent residents of the Daylesford Victoria Caravan Park (soon to be renamed the Daylesford Holiday Park) by the proprietors, DVHP Pty Ltd, noting that the evictions are legal, but calls for the notices to vacate to be withdrawn by the proprietors immediately.*
- 6.1.2. *Council calls on State Government to expedite legislation that:*
- *Establishes and protects the rights of long term and permanent residents in caravan parks;*
  - *Provides remedies for long term and permanent residents to respond to notices to vacate.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

## 6.2. CREATION OF A RESERVE IN REMEMBRANCE OF THE LATE ROD MAY

DATE: 6 JUNE 2017


### NOTICE OF MOTION

- 6.2.1. *That Council creates a reserve named the Rod May Reserve on a roadside within the Shire. The reserve will be suitably sign posted in remembrance of the late Mr Rod May and his work for the environment and people of the Shire.*
- 6.2.2. *The reserve will be an area where Mr May planted native species on roadsides mainly throughout the Creswick Ward of the Shire.*
- 6.2.3. *Such reserve will be decided upon in consultation with the May family and relevant Council officers.*

### BACKGROUND

During the 1970s and 1980's the late Mr Rod May was involved in a government funded project leading a team of unemployed persons planting trees on reserves and roadsides. Given that he was a former Councillor with Creswick Shire and later a Councillor and Mayor at Hepburn Shire, he worked nearly all his life in the protection and enhancement of the environment on a local, state and national level it is fitting that a memorial to a small part of his work be a plantation that he was a huge part of. This memorial will be a lasting reminder of the care and dedication that he not only carried himself but for those to whom he passed on his knowledge. Such a memorial will also remind many people of the work carried out and I am sure will be much appreciated by his family, many friends and those who knew him.

Councillor Name: Don Henderson

Councillor Signature: 

Chief Executive Officer Name: Aaron van Egmond

Chief Executive Officer Signature:



MOTION

- 6.2.1. *That Council creates a reserve named the Rod May Reserve on a roadside within the Shire. The reserve will be suitably sign posted in remembrance of the late Mr Rod May and his work for the environment and people of the Shire.*
- 6.2.2. *The reserve will be an area where Mr May planted native species on the roadside within the Shire.*
- 6.2.3. *Such reserve will be decided upon in consultation with the May family and relevant Council officers.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Fiona Robson

**Carried**

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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

It has been said that there is nothing more powerful than an idea whose time has come. The process of aligning the array of factors can be a mysterious and challenging one.

For changing our mentality from waste disposal to resource recovery is one such idea. And for once we have a groundswell of opinion. Driven partly by the magnificent work of plastic bag free groups, boomerang bags and of course the War on Waste on the ABC.

It is in our interests as ratepayers, as a delegated authority and as stewards of the landscape and environment to reduce the waste going to landfill and to increase the rate at which we are recovering resources from refuse.

We have at the moment a State Government who are serious about resource recovery, the prime target at the moment is Organic material – also known as putrescibles. For those of who manage the resource recovery streams from municipal waste this is a no brainer – as suggested by the word these materials putresce in land fill, producing huge quantities of the dangerous, odorous and intensely greenhouse active gas, it also produces leachate with all sorts of nasty chemicals produced as the acidic leachate moves through batteries, soiled napkins, and all of the other materials in landfill.

Of course these materials are valuable, nutrient rich and can be re-processed into valuable compost and soil-amendments. The by-product, methane if captured can be utilised, and of course if it is of high enough quality is able to be used for anything natural gas is used for.

So it was great to be able to spend two days last week in a training session with Waste Resource Recovery Groups from across the state who were examining their roles, standards of governance and looking forward to the refresh of the state waste policy later in the year.

This renewed interest and accompanying investment in waste management is a golden opportunity for us all to think big about how we want to improve the systems we use to retrieve waste.

For us at Hepburn, this is good news for our bioenergy project which is designed to make energy from food waste along with high quality compost.

It's also an opportunity to get our waste transfer stations – which are already high performing relative to others in the region in terms of waste diversion – to do even better jobs of diverting waste from landfill. It's time for us to think not just about what we can buy at the tip shop to recycle or up-cycle, but to get from tip shops to top tip

shops – saving ratepayers' money and the environment by doing a better job of waste diversion.

I also had a positive meeting with Telstra representatives detailing their plans to improve mobile coverage in the region, with the Glenlyon mobile phone tower completed two days ago and another in Leonards Hill nearing completion as well. They outlined plans to improve coverage at Eganstown, Bullarto and Lyonville as well as recent improvements to ADSL and 4G in other localities.

This morning I met with local farmers, Cr Cottrell, planning and economic development staff about a particularly nonsensical interpretation of the planning scheme that revolves around the strange definitions of extensive and intensive farming. We look forward to gaining ground on this issue as we seek to support high value, regenerative farming practices throughout the shire.

With other Councilors, the CEO and manager of planning, I attended a full day land-use-planning training day here in Hepburn with one of Victoria's preeminent planners Professor Michael Buxton. The day saw us examining the nuts and bolts of the planning scheme here in the Council Chambers before hitting the road and looking at real life examples of planning throughout the shire.

These matters were in mind as I attended with hundreds of others the moving memorial for Rod May here in the Town Hall a couple of weeks ago, and reflected on issues close to his own heart.

And while the weather has been sunny, it has been a dark winter for some of us and we note the tragic passing of Jenny Azzopardi who was a valued community member participating in a range of community groups and events including the Daylesford Neighbourhood Centre.

I was proud to attend the smoking ceremony at the Daylesford Historical Society held in partnership with the Society, Council and representatives of the DjaDjaWurrung community. It was fantastic to see this aspect of indigenous culture practices here in our shire, along with the presentation of many of the exceptional artifacts held in the collection there. I hope and suspect that this is the seed of many more exciting expressions of reconciliation here in the shire. More on that later in the meeting with the item on our Reconciliation Action Plan development.

Finally I also attended a meeting with our General Manager of Community Services, Kathleen Brannigan, and the Mayor and Recreation Officer of Macedon Ranges Shire to discuss cooperating on the development of the Hanging Rock to Daylesford Rail Trail. I was glad to be able to convey this council's firm and enthusiastic resolve to see this project to fruition.

I had a range of other meetings and events as briefly listed below:

A meeting with important people from Federation University

CEO performance review sessions

Met with a significant property owner who wanted to reduce pressure on fairness land by subdividing

National simultaneous story time at the Daylesford Library

Grampians Central West Waste Resource Recovery Group meetings – numerous inc board and Audit Committee

Met with DaylesfordSpa CountryRailway concerning the Hanging Rock to Daylesford Rail Trail

A regional Sustainability Groups meeting to discuss strategy and coordination across the whole state

Hepburn Community Radio interview

Special Council meeting to receive submissions on the budget, council plan and RMP

Carbon Free Community Conversation in Trentham

## COUNCILLOR REPORTS

### Councillor Don Henderson, Creswick Ward

This has been a quiet but sad time with the passing of Mr Rod May. The thoughts of Creswick residents go out to family and friends at this time. Another Creswick identity lost to us was an old digger Jack Stubbs who was so well known in the community for his love of working people. Jack was a hard worker in his day and was a man of huge stature both as a person and community member. He entertained us at many an ANZAC day with his mouth organ and great working class songs. One of his claims to fame was that he could lift a man on a shovel.

I also convey our thoughts to Mabel Moran who has served on our IWD committee for many years on the loss of her son Ron.

On a brighter note I attended a fundraiser for children sponsored by channel 10 at the Farmers Arms in Creswick. Tens of thousands of dollars raised for such a good cause.

We had a well attended carbon free meeting in Creswick with plenty of good ideas put forward to assist in reducing our environmental footprint.

I was the official starter for a cycling event recently that saw many visitors and competitors from other areas visit for the event. Interesting was a phone call from Queensland from a person who is shifting with his family to Creswick to hopefully

open a bike business. The power of the internet gave him the choice of Tasmania or Creswick.

People in Melbourne Road in Creswick have expressed great joy in having a new footpath and have also praised both Council staff and contractors for the way the job was carried out and the courtesy shown. I notice people every day sweeping the leaves and acorns.

Praise has also been forthcoming to council staff who have taken over cleaning of toilets.

Clearing the creek of silt has also been completed at the Davies bridge area as part of flood works.

With the passing of the budget we hope that some of the projects will bring a boost to Creswick which still has some projects from last year to start or be completed. I understand that these are in hand for some time in the future. Recent surveys show that Creswick is the most satisfied with Council so it appears that they are a patient and appreciative population.

### **Councillor Greg May, Creswick Ward**

Since my last report in April I have attended a number of different community events beginning with the Dawn Service on ANZAC day at Creswick. Later that morning I laid a wreath on behalf of Council at the Memorial in the Kingston Avenue of Honour. Michael Clark from the RSL conducted a short ceremony and noted that only a few short years ago only two people, himself and Councillor Janine Booth were in attendance at the service. This year approximately 80 people attended.

Along with other community members, I recently attended a meeting at the Newlyn Community and Sporting Complex organised by the shire to discuss a recreation reserve master plan for Newlyn.

Booktown in Clunes, the Creswick Historical Society Honour Roll Dinner and the recent Heritage Weekend held at Anderson's Mill in Smeaton were among the other community events I've attended in recent weeks.

The Creswick and District Community Bank branch recently celebrated its 10<sup>th</sup> birthday at the Doug Lindsay Recreation Reserve. I was asked to speak on behalf of Council and congratulated all those involved with the branch on being a valuable part of the local community and a great contributor to it.

Branch President Graham Mitchell informed the many people in attendance that over 90 community groups had shared in 1.3 million dollars contributed by the branch over the last 10 years.

Last week I joined my fellow councillors for a Planning session which included a bus trip to view particular places of interest within the shire.

Recent weeks have been difficult for our family with the passing of my brother Rod. There have been some wonderful tributes written about him and the contributions he made to many sectors of our community. I don't intend to add to those but would simply like to thank people for their kind wishes, condolence messages and their support during this time.

**Councillor Fiona Robson, Birch Ward**

Verbal report presented - no written report provided for minutes.

**Councillor John Cottrell, Holcombe Ward**

Since joining Council in late 2016 a primary personal objective has been a desire to better understand corporate governance in local government and operational governance of council in order to prepare for my ongoing roles as an effective Hepburn Shire Councillor.

To achieve this objective I have engaged in the following roles:

- **Member - Audit and Risk Advisory Committee (ARAC):** ARACs role is to assist Council in the effective discharge of its responsibilities by providing independent advice and recommendations to Council regarding the Council's risk, control and compliance framework and its reporting responsibilities.
- **Council Representative - Municipal Association of Victoria (MAV):** MAV is a legislated peak body for local government in Victoria. Its role includes advocating local government interests, building the capacity of Victorian councils, and initiating policy development and advice.
- **Member - MAV Professional Development Reference Group (PDRG):** The role of PRDG is to assist MAV in identifying ongoing areas of training need within local government and opportunities for professional development activity for councillors and council employees.
- **Deputy Mayor:** participating in Mayor-CEO meetings and filling in for the Mayor in council and at events when he is otherwise engaged.

In these capacities over the past month I have participated at the MAV *State Council*, the MAV *Future of Local Government Summit* and a MAV *Professional Development Reference Group* meeting. In each of the formats I have the benefit to discuss general issues surrounding local government and how other Councils manage their decision-making. Further to this latter objective I met with Mount Alexander Shire Mayor Sharon Telford to discuss various aspects of the administration of her Council.

In addition this month I have met with the Yandoit, Clydesdale and Franklinford (YCF) Planning Group and the Drummond Hall Special Committee.

Last week together with all Councillors and the CEO I participated in a full-day training session on Land Use Planning. This was a most informative and enlightening



day involving briefings by the Manager Planning, Justin Fiddes and Professor Michael Buxton on councillor's responsibilities with respect to Victorian Planning Provisions and the complexities of Statutory Planning. This was followed by a tour of the Shire covering planning issues in Clunes, Creswick, Daylesford, Glenlyon and Trentham.

Also, last Sunday I had the pleasure of visiting an exciting new farming venture of a young couple on a property in Denver. This Australian first new venture of intensive, ethical and regenerative farming is an example of the potential for future farming methods in Hepburn Shire

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

Mr Mayor, as you would understand I have been preoccupied with the spectre of evictions from the Victoria Park Daylesford caravan park. It is outrageous that 11 permanent residents should be given eviction notices from their homes. I will continue to work with all my strength to have the residents stay in their homes in the caravan park and to continue their lives as part of this community. At a stroke of a pen the proprietors, Anthony and Jodie Meecham could end the misery that these residents are experiencing by withdrawing the eviction notices. I would hope that they will reconsider and allow the residents to stay in their homes.

Other Council commitments have included:

A ward meeting held at Franklinford, attended by 15 or so residents, along with Cr Robson and Cr Cottrell.

A meeting, along with Cr Klein, with the committee of the Daylesford Spa Tourist Railway regarding their hopes for infrastructure at Bullarto and Musk, and linking these projects to the development of the long awaited rail trail. I am optimistic that the Daylesford Macedon Ranges Tourist Board will support a package of projects. Their board meets this week.

The Reconciliation Week function held at the Daylesford Museum where I was privileged to open the event that presented aspects of DjaDjaWurung culture. Rachel you are a champion, and your presentation regarding culture and artifacts held in the Museum was spellbinding. Cr Klein was also present and I am sure would agree.

The Year 7 arts installation project at Daylesford Secondary College. I wondered at the giant insect emerging from the upper walls of the admin building, and the tree trousers knitted onto a favourite tree in the grounds.

The Mineral Springs Reserve Advisory Committee bus tour of mineral springs facilities followed by a meeting of the Advisory Committee. Commendations for the fantastic work being done by Council staff at Lake Daylesford, Hepburn Springs Reserve and Leich's Mineral Spring.

The White Ribbon Committee which is planning events with the forthcoming ambassadors and with high profile speakers. I deputised for Cr May who was absent due to his sad family bereavement.

A meeting with community reps re homelessness and what can be done to provide more affordable housing through the newly appointed community housing association.

A meeting with reps from a touring exhibition, Her Place, which will be coming to this Shire in September and celebrating some of the women on our honour roll.

The memorial service for past mayor and councillor Rod May. I felt so proud of the support provided by the Council through Michelle Dove, and also the superb job done by Cr Klein as MC. Cr May was the first speaker and spoke eloquently of his brother. Vale Rod May.

A Council tour of the Shire led by Professor Michael Buxton with regard to land use planning. The review of the Council's Municipal Strategic Statement is before us and it was great to have the advice of someone so expert in planning matters.

A variety of Council statutory meetings, briefings, and including the all staff meeting held at the Depot on a lovely sunny day. Well done Paulette Pleasance for organising such a good gathering.

## RECOMMENDATION

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

## MOTION

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

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**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 the Council, you must provide a brief synopsis of your address in writing to the Chief Executive Officer by 12 noon on the day of the Council Meeting.

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

### 9.1. PETITION

Nil

### 9.2. QUESTIONS

The following questions were received in accordance with Local Law Number 1 and were heard at the meeting.

Mayor Sebastian Klein declared an indirect conflict of interest due to residential amenity due to living next door to the proposed site of the Trentham Hub.

Mayor Sebastian Klein left the room at 6:39pm.

Cr John Cottrell took the Chair.

#### Question 1 –Mr Dennis Trehwella

Minutes of the Ordinary Meeting of Hepburn Shire Council held at Trentham on Tuesday 29 December 2016 (Confirmed 17 January 2017) record that Cr John Cottrell as Chair responded to Question 9 as follows:

"A project brief is being developed to seek Expressions of Interest to undertake full design services for Trentham Hub at 14A Victoria St, Trentham. This will be advertised in early 2017. The scope of the works includes all facilities included in the Trentham Hub Concept Plan 02."

Since it is now June 2017, please may we have an update on when such a Project Brief may be expected to be made available for perusal by the community of Trentham?

**Answered by Cr John Cottrell**

The Expression of Interest for Planning, Design and Construction Services for the Trentham Community Hub in Victoria Street is in final draft and will be advertised in July 2017.

**Question 2 – Mr John McLaren**

As my original question has already been answered in the response you gave to Mr Trehwella, I would like to take the opportunity to thank Council for their prompt action on the removal of black mould from the Trentham Mechanics Institute. This was greatly appreciated by the volunteers of the Trentham Art Show.

Cr Cottrell enquired if Mr McLaren would still like to ask his question.

Mr McLaren continued:

Noting that the decision to construct the new Hub facilities on Council land in Victoria Street Trentham was made in August last year, Coliban Ward residents are wondering about its progress.

**Is Council yet in a position to outline the schedule for the stages of construction?**

**Answered by Cr John Cottrell**

Council will not be able to outline a construction schedule for the Trentham Hub until a revised concept design has been developed and approved for the Victoria Street site. It is not anticipated that any construction will commence until 2018-19 at the earliest.

Mayor Sebastian Klein returned to the meeting and resumed the Chair at 6.42 pm

Cr John Cottrell declared a direct conflict of interest relating to the context of the next question and left the room at 6.42 pm

**Question 3 – Mr Graeme Rattray**

**Can you tell me how the main entrance of 109 Swords Road can be 200 meters down Thomas Mole Lane?**

Given the reason behind why properties are numbered the way they are, it's not right to have a sign on a tree in Thomas Mole Lane that says 109 Swords Road.

**Answered by Mayor Sebastian Klein**

The property at 109 Swords Road Glenlyon has a frontage to both Swords Road and Thomas Mole Lane. Whilst the property is officially known as 109 Swords Road, the property owner may choose the access point to their property where it has multiple road frontages.

In response to your specific question that wasn't part of your original submission, I would suggest that you discuss this issue with your neighbour and come to a resolution about the sign so as to end the confusion.

**Supplementary Question from Mr Graeme Rattray**

**Is a permit required for the attachment of such a sign to a tree on the road reserve?**

Mayor Klein took the supplementary question on notice.

Cr Cottrell returned to the meeting at 6.45 pm

**Question 4 – Mr Bill McClenaghan**

In April 2017, I asked the following question: "When will Council publish a clear plan showing the actual layout of the Hepburn Hub in its two locations?" Regarding the Hub development at The Rex.

Council answered as follows; "For the public areas, the library, cafe and tenancies in the Rex, we aim to publish these plans in early May."

The original question asked for a layout plan for whole Hub development at The Rex but the answer did not refer to the "non public areas" such as Council administration and office spaces. The original question sought to obtain a clear detailed development plan for The Rex that shows where all the public and non-public components are to be. Early May is long past and Council still has not revealed the plans for even the public areas let alone the rest of this major re-development with construction commencement now imminent.

**Please now provide clear, complete plans for The Rex re-development showing all public and non-public areas at all levels.**

**Answered by Mayor Sebastian Klein**

We had hoped to have the plans on display in May. That was not achieved due to delays with the design and building permit process. We now hope to have them displayed within the next four to six weeks at the Rex and on our website.

**Supplementary Question from Mr Bill McClenaghan**



**Will the plans on display include all public and non-public areas both upstairs and downstairs within the Rex?**

Mayor Klein took the supplementary question on notice.

**Question 5 - Mr Bill McClenaghan**

At one of Council's public consultations on the 2017-18 Budget, I inquired what the actual cost of The Rex re-development would be as it was being stated at that session as "less than one million dollars". The question was taken on notice by the CEO on the day.

**Please now provide a detailed costing for The Rex re-development, showing all cost categories and a total cost amount.**

**Answered by Mayor Sebastian Klein**

The cost estimate for the construction works is \$877,000.

The cost estimate for furniture and fit-out is \$335,000.

The cost estimate for design and project management is \$143,000.

These cost estimates combine to give a total cost of \$1.355 million. This includes Council's cinema contribution of \$105,000.

**9.3. REQUESTS TO ADDRESS COUNCIL**

Nil

## 10. STATUTORY PLANNING REPORTS

### 10.1. PLANNING APPLICATION PA1385 - DEVELOPMENT OF A DWELLING AND ATTACHED BUILDING TO BE USED FOR GROUP ACCOMMODATION, 9 WEST STREET, DAYLESFORD

#### CHIEF EXECUTIVE OFFICER

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

#### PURPOSE

The purpose of this report is for Council to determine on the application for the development of a dwelling (managers' residence) and attached building to be used for short term accommodation.

#### BACKGROUND

The land is zoned Low Density Residential Zone, is subject to an Environmental Significance Overlay – Schedules 1 & 2, a Neighbourhood Character Overlay – Schedule 1, and a Bushfire Management Overlay).

The land has an area of 4000m<sup>2</sup>. The proposed building comprises a main dwelling with three bedrooms, and four self contained guest rooms, each with kitchenette, ensuite and spa. The main dwelling is single storey at the front, with a garage beneath at the rear where the land slopes down; the accommodation units are two storeys.

The original application, which was advertised and referred, comprised two separate buildings, with five self contained accommodation units. Access was off Candlebark Court, and the large pine tree on the land was to be removed.

The application was advertised and a total of eleven objections were received. The applicant amended the proposal in consideration of the objections to its present form, which has access off West Street and retention of the pine tree, and a reduction in the scale of the proposal so that all of the uses within one building.

The amended application has been advertised by placing a notice on the site, and by sending letters to adjoining and adjacent owners and occupiers. Three additional objections were received, none of the existing objections were withdrawn, and five of the original objectors lodged supplementary objections. To date then fourteen objections have been received.

The application was referred to CFA and GMW pursuant to Clause 66 of the Hepburn Planning Scheme who have provided conditional consent to the application.

Internal referral was made to Council's engineering department, which requested conditions relevant to access provision, stormwater drainage and drainage of car parking area.

### ISSUE/DISCUSSION

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

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.

Clause 13.05 refers to Bushfire and includes in its objective and overarching strategies include:

- *To assist to strengthen community resilience to bushfire.*
- *Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*
- *Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*

The subject site is located within urban growth boundary on the Daylesford Structure Plan where infill development is encouraged (Clause 21.05 Settlement and Housing).

Clause 17.03-1 refers to Facilitating tourism and includes in its objectives and strategies:

- *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*
- *Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.*

Clause 21.01-7 refers to economic development and states:

- *Tourism is becoming an increasing component of the local economy, resulting in a growth of accommodation facilities including guesthouses, bed & breakfast establishments, niche retailing and development focussed towards lifestyle and pure indulgence pursuits.*

Low Density Residential Zone: The use of land for group accommodation is a section 2 use, requiring planning approval. 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 provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The proposed use is considered consistent with these purposes. The development of a residential building of this scale on a lot of 4000m<sup>2</sup> is considered consistent with a low density residential area.

Environmental Significance Overlay Schedules 1&2: This overlay seeks to protect the quality of catchments, and mineral springs. Potential threats are from wastewater disposal, stormwater runoff and erosion/sedimentation as a result of site cutting. The provision of reticulated sewer, appropriate treatment of stormwater, and erosion/sediment control through permit conditions ensures these environmental objectives are met.

Bushfire Management Overlay: A Bushfire Management Plan showing the measures required to mitigate against the threat from bushfire was submitted with the application. This was referred to and approved by the CFA.

Neighbourhood Character Overlay Schedule 1 (precinct 1).

The decision guidelines for the precinct require consideration of whether:

- *a landscape plan that includes substantial native trees and shrubs has been prepared to accompany an application for a new dwelling;*
- *large, established native trees and understorey are to be retained where possible and the planting of new native trees is to be provided for;*
- *proposed buildings have been designed to incorporate space for the planting of substantial vegetation (locating footings outside root zone);*
- *proposed buildings have been designed to follow the contours of the site or step down the site;*
- *existing vegetation is to be retained, especially on steeply sloping sites;*
- *proposed buildings are to be setback substantial distances from front and sideboundaries;*
- *the total building site coverage would exceed 40%;*
- *proposed carports and garages are to be located behind the line of the dwelling or in the rear yard in cases where this would not require significant excavation;*
- *access drives would follow the contours of the site and minimise sealing where possible;*
- *new buildings and extensions have been designed not to exceed the predominant tree canopy height;*

- *proposed buildings are to be sited away from ridge tops to avoid them being visible on the skyline (or whether buildings could be moved to a more appropriate position on site);*
- *timber or other non-masonry cladding materials, or earthy toned building materials and finishes, are to be used where possible;*
- *open style front and side fencing (preferably post and wire style) is to be provided, with a maximum height of 1.2 metres.*

The proposal is considered to meet these guidelines, with the exception of the boundary fence. This has been addressed through condition one plans at the permit stage requiring alternative fencing to the satisfaction of the Responsible Authority.

#### Particular Provisions

Clause 52.06 refers to car parking and Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The number of spaces required to be provided is specified in the table at Clause 52.06-5. Where a use of land is not specified in Table at Clause 52.06-5, car parking spaces must be provided to the satisfaction of the responsible authority. The application includes the provision of four designated spaces for the accommodation units. As the use is not specified in the table, (short term accommodation), Council have determined that the provision of four spaces is satisfactory. The dwelling is provided with a double garage, allowing for two carparking spaces. This meets the table's requirements for a three bedroom dwelling.

#### KEY ISSUES

Fourteen objections were received which are summarised below. Each point is addressed in italics:

- The application is for 5 dwellings. Under the zone provisions, only two can be allowed.

*The zone allows consideration of group accommodation, which is defined as a number of dwellings in one ownership used for accommodation of people away from their usual place of residence. It is the term generally used to describe "holiday rentals". "Dwelling" in this context is used in the narrow sense of a building having a kitchen, toilet, shower and laundry, used for accommodation. The meaning of "dwelling" under the zone provisions, whereby no more than two are to be allowed on the lot, is to be understood in the sense of permanent place of residence. VCAT has ruled that the provision allowing for group accommodation in the LDRZ would make no sense if multiple "dwellings" were to be understood to be prohibited.*

- Group accommodation is not supported by the Zone provisions.



*The zone allows for consideration of this use. As outlined in the report, the use is considered to be consistent with the objectives of the zone. It should be stressed that if the accommodation units did not include kitchenettes, the proposal would be for a seven bedroom house. This would not require planning approval under the zone provisions, nor would its use for bed and breakfast accommodation for up to ten guests. There is little material difference between that situation, and what is being proposed.*

- The noise and lighting impacts from the proposed use are not acceptable in a low density residential area.

*The noise levels anticipated from this site would be consistent with noise levels within a residential area. A general amenity condition would be applied to the permit should one be granted. All external lighting would be required to be baffled.*

- Increased traffic

*As above, the number of vehicular movements in and out of this site would be consistent with other dwellings in the area and Council's Engineers have not raised any concerns with the existing road network and additional traffic in this area. The traffic is to enter the site from West Street, which presents a lower impact to the area than from a single dwelling accessed off Candlebark Court.*

- Visual bulk is too great.

*The visual bulk is broken up by articulation of the building. It is not considered out of keeping with other developments in the area.*

- The proposed building is not in keeping with the character of the area.

*Assessment against the decision guidelines for the precinct do not support this objection.*

- Overlooking and privacy issues

*There are no existing or approved dwellings within 30m of the proposed building.*

## 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 use and development is considered not to result in any unreasonable impacts on the amenity 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 dwelling and attached building to be used for group accommodation in accordance with the submitted plans dated 1/3/2017 subject to the following conditions:

##### 10.1.1. Amended Plans

Prior to the commencement of the development, 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 revised plans submitted with the application (1/3/2017) but modified to show:

Boundary fencing to be open style post and wire to a maximum height of 1.2m

##### 10.1.2. Layout not altered

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

##### 10.1.3. Facility management plan

Prior to the commencement of the use, a Facility Management plan must be submitted to and approved by the responsible authority. Once approved, the plan will be endorsed, and will then form part of the permit. The plan must include house rules and details of how the responsible manager can be contacted in the event of amenity issues arising during the operation of the use.

10.1.4. Landscaping to be carried out

Prior to the commencement of the use, all landscaping works as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.

10.1.5. 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.

10.1.6. Control of erosion during construction

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority

10.1.7. Ongoing soil erosion control

All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.

10.1.8. Sewer connection

Prior to the issue of a building permit for the approved development, the owner must gain written confirmation from Central Highlands Water Authority that sewerage capacity is available in accord with Section 17(2) Agreement AK271126D registered on the title to the land.

10.1.9. General Amenity

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

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin or otherwise;

10.1.10. 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.

10.1.11. Council Engineering

Stormwater Drainage

All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Access

Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.

Vehicle access/crossing to the land is to be constructed with asphalt surfacing and in accordance with Infrastructure Design Manual Standard Drawing SD 255.

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.

Note: The Applicant/Owner must obtain a 'Works within Road Reserve Permit' prior to construction of vehicle crossings.

Carparking

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 or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) surfaced with an all-weather surface and treated to prevent dust;
- b) drained in accordance with an approved drainage plan;
- c) provision for vehicles to pass on driveways and
- d) constructed and completed to the satisfaction of the Responsible Authority.

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

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

10.1.12. 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).

No buildings are to be constructed on any drainage lines.

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

10.1.13. Country Fire Authority

Bushfire Management Plan

The Bushfire Management Plan Figure 11 – Bushfire Management Plan (version D; dated 28/02/2017); prepared by Regional Planning & Design Pty. Ltd. must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

10.1.14. Mandatory condition - Maintenance of bushfire mitigation measures

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply, and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

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, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

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

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

#### LIST OF SPEAKERS

Ms Felicity Brown, Town Planner addressed the Council on behalf of collective objectors (a written submission was circulated to all Councillors present)

Ms Linda French spoke on her objection to the application

Mr Brad McMillan spoke on his objection to the application

Mrs Marianne McMillan spoke on her objection to the application

Ms Jannie Alday spoke on her objection to the application

Mr Simon O'Keefe requested to address Council

#### MOTION

10.1.1. *That Council hears an address from Mr Simon O'Keefe on his objection to planning application PA1385.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

Mr Simon O'Keefe spoke on his objection to the application

Mr Matt Gorman, Town Planner addressed the Council on behalf of the applicant

Mr Ron Van Ryswyk addressed the Council in support of his application

MOTION

10.1.2. *That Council, having considered all the matters required under Section 60 of the Planning & Environment Act 1987 decides to Refuse to Grant a Permit under the provisions of clause 32.03 and 43.05 of the Hepburn Planning Scheme in respect of the land known and described as 9 West Street Daylesford for the development of a Dwelling and Attached Building to be used for group Accommodation in accordance with the submitted plans, dated 1/3/2017*

*For the following reasons:*

- *The proposed development is not in keeping with the character of the area.*
- *The proposed use and development will have a detrimental effect on the residential amenity of the area.*
- *It is considered that the proposed use will not lead to orderly planning in the area.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**



**10.2. PLANNING APPLICATION 1469 – CONSTRUCTION OF A DWELLING, CREATE NEW ACCESS TO RDZ1, 58B ALBERT STREET DAYLESFORD**  
**CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Statutory Planning Officer, I Carolyn Harriott have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to determine the application to construct a dwelling and create access to Road Zone 1 (RDZ1) in the General Residential Zone (GRZ) at 58B Albert Street Daylesford.

**BACKGROUND**

An application was received at Council on 15 September 2016 to construct a single dwelling and create access to RDZ1 on a single title consisting of a land area of 361 square metres. The lot has a frontage of 9.05 metres on the north boundary with side length of 40 metres.

On 26 September 2016, the assessing officer advised the applicant that the application in its current form did not reflect the existing neighbourhood character. It was considered the proposed development was not in keeping with the built form, scale and character of the surrounding area and would not be supported. The applicant was asked to submit amended plans to satisfy the requirements of Clause 43.05 – Neighbourhood Character Overlay - Schedule 2 (Precinct 9) of the Hepburn Planning Scheme.

Further information was submitted on 08 November 2016 however the application had not substantially changed to address the external materials, colours, setback or built form of the building.

The application was advertised to adjoining neighbours and a sign was placed on the land, six objections have been received.

**Objections**

The objectors concerns raised include:

- the bulk of the building – two storeys.

*Officers do not consider this a valid objection*

- The materials (colorbond) and colours (black) of the proposed dwelling was not in keeping with the surrounding neighbourhood character of predominantly weatherboard dwellings.

*Officers agree that the colour and materials is not in keeping with the character of the area*

- The proposed reduction in the side setbacks.

*The lot does not allow for the development of a dwelling unless side setbacks are reduced. The reduction in the side setback to the western boundary will allow for off street parking*

- The possible use of the building for accommodation

*This has not been proposed*

- The potential to overlook.

*The applicant provide overlooking diagrams that detail that overshadowing is not an issue.*

Following the objections, the applicant submitted several further versions of the plans:

- On 29 November 2016 the applicant sent further plans showing overshadowing and overlooking plans in response to the objectors concerns.
- In February and April 2017 meetings were held with the applicant and owners to try and resolve outstanding issues regarding setback of the development, materials and colour of the development.
- On Friday 05 May 2017 further amended plans were submitted. The plans still do not address the concerns initially raised by the assessing officer. The applicant was advised that the amended plans would not be supported.

Final amended plans were submitted to Council on 19 May 2017 showing a change to the Colorbond cladded walls to Shadowclad walls in a black colour (domino). The amended plans were distributed to the six objectors for comments. None of the objections were withdrawn.

The applicant was again advised that the changes were still considered inappropriate and did not respect the existing neighbourhood character.

The application was referred to Councils Infrastructure Department and Vic Roads. Both gave conditional consent.

## ISSUE/DISCUSSION

### State and Local Policy

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

The application **is not** considered to meet appropriately the following policies.

### Clause 15.01 – Urban Design

Require development to respond to its context in terms of urban character, cultural heritage, natural features and surrounding landscape. To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

#### **Clause 22.08–Hepburn Planning Scheme–Daylesford Neighbourhood Character – Precinct Nine**

This local policy seeks to ensure that new development is successfully integrated into existing residential areas with minimal adverse impact on streetscape or amenity. The following are the objectives of this policy as relevant.

- *To maintain and enhance the character and amenity of residential areas in Daylesford*
- *To ensure that the siting and site coverage of new development reinforces the preferred character of residential areas in Daylesford.*
- *To ensure that all new development reflects the height, scale, building form, appearance and underlying character of surrounding residential areas.*
- *To promote the use of building materials which contribute to the preferred residential character of residential areas in Daylesford.*

The proposal in its current form does not reflect the preferred building form or appearance of the underlying character of the surrounding residential area or wider streetscape. Although modern architecture design can be encouraged, the use of materials and colours should reflect the preferred neighbourhood character and streetscape pattern.

#### **Zoning and Overlay Provisions**

##### **Hepburn Planning Scheme General Residential Zone (GRZ)**

A permit is not triggered under the provisions of this zone.

##### **Hepburn Planning Scheme Environmental Significance Overlay Schedule 1 &2 (ESO1 and ESO2)**

A permit is not triggered under the provisions of this overlay as the subject site can be serviced by reticulated water and sewer. Storm water is required to be directed to the legal point of discharge.

##### **Hepburn Planning Scheme Neighbourhood Character Schedule 2 – Precinct Nine (NCO2)**

A permit is triggered under the provisions of this overlay for construction of a dwelling and removal of three trees. The purpose of the Overlay is to identify areas of existing or preferred neighbourhood character and to ensure that development respects the neighbourhood character.

The predominant use of black in the materials and cladding is not a preferred characteristic of the area. The applicant was given the opportunity to soften the colour however has chosen not to.

Precinct Nine of the NCO2 has the following key existing characteristics:

- Setbacks are inconsistent with the exception of the Midland Highway having **standard 5-7 metre front setbacks** and spacious 3-4 metre side setbacks.
- Architecture is a mixture of mostly pre 1900 -1950's simple styles with pockets of new contemporary development;
- Building materials are mixed with predominantly iron roofs and some older style brick;

Precinct 9 Preferred Neighbourhood Character statement seeks;

- To ensure that new buildings do not dominate the streetscape and wider landscape setting.
- To use materials and finishes that harmonise with the surrounding Daylesford Township setting.
- Encourage the use of timber or other non masonry materials.

The decision guidelines for this precinct that the responsible authority must consider as appropriate are:

- The statement of neighbourhood character for the precinct including description, Existing characteristics and Preferred neighbourhood Character Statement
- The new building design reflects the dominant buildings forms in the street, including roof form.
- In streetscapes where weatherboard predominates, timber or other non masonry cladding materials are to be use or earthy toned materials and finishes are to be used.

The proposed setback of the dwelling at 14.5 metres is inconsistent within a streetscape where setbacks are generally 5-7 metres (**See attachment 2**). The proposed colour of the dwelling including the black roof with dark grey walls is discouraged and may dominate a streetscape where earthy toned and light beiges are predominant.

The built form of a single gable roof is not in keeping with the hipped roof and double gable forms that surrounds the site. The "Daylesford Neighbourhood Character Study Brochure, Planisphere in conjunction with John Curtis Pty Ltd 2002"

design guidelines *which is a reference document in the Hepburn Planning Scheme* seeks to avoid large bulky buildings with flat unarticulated front and side wall surfaces. The proposed development design is in conflict with this guideline. Within the Midland Highway, Albert Street vicinity there are no other examples of this type of built form, roof form or colours and materials and the setback is clearly contrary to the preferred character contained in the brochure.

### **Hepburn Planning Scheme Design and Development Overlay Schedule 3 – Midland Highway (DDO3)**

A permit is triggered under the provisions of this overlay for the construction of a dwelling. Design Objectives for this overlay seek to:

- maintain the characteristic design, bulk, form and exterior finishes that form the visual element of this area;
- the need to retain and enhance the urban design characteristics of the town entrance;
- to maintain and enhance the character and amenity of residential areas in Daylesford within a Daylesford Neighbourhood Character Precinct.

As mentioned previously the proposal in its current form does not reflect the character of the area and therefore contravenes the decision guidelines for this overlay.

### **Particular Provisions**

#### **Clause 54 Hepburn Planning Scheme (One dwelling on a lot)**

The purpose of the clause is to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and to ensure that the design responds to the features of the site and the surrounding area.

A clause 54 assessment has been completed. It is considered that elements of the application does not satisfy the objectives and outcomes for Clause 54, particularly the preferred setback of the dwelling from the front boundary.

#### **RDZ1 -Hepburn Planning Scheme –**

A permit is triggered under the provisions of this clause to create a new access to Road Zone Category One.

The subject site has an existing access; the proposal seeks to create a new access on to Albert Street. The application was referred to Vic Roads who require the existing access to be removed and kerb and channel reinstated and a new crossover to be constructed.

#### **Clause 65 – Decision Guidelines**

Clause 65 states that just because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

It is considered that the application would not produce acceptable outcomes in terms of the orderly planning 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 was advertised in accordance with Section 52 of the Planning and Environment Act 1987.

#### **CONCLUSION**

In conclusion, it is considered that the application does not meet the objectives and preferred characteristics of the NCO2, DDO3 of the Hepburn Planning Scheme. The proposed development is setback 14.5 metres from the Midland Highway and is not in keeping with the NCO2 or RESCODE provisions at Clause 55 of the Hepburn Planning Scheme. The proposed colours do not respect the character of the area including requiring earthy tones. The proposal would set an undesirable precedent and is recommended for refusal.

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

That Council, having caused notice of Planning Application PA 1469 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act, decides to refuse to grant a permit in respect of the land known as and described as 58B Albert Street Daylesford for the following reasons:

1.1.1. The application contravenes the preferred character, objectives and outcomes of Clause 22.08, 43.02 and 43.05 of the Hepburn Planning Scheme

1.1.2. The proposed development may set an undesirable precedent in terms of materials used, colours and preferred setback from the street frontage.

It is considered that the application would not produce acceptable outcomes in terms of the orderly planning of the area.

#### **SPEAKERS**

Mr Mark Smith addressed the Council in support of the application (photos of/from the site were circulated to Councillors).

#### **MOTION**

*10.2.1. That Council give Mr Mark Smith an additional minute to make his address in support planning application PA1469.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**

Mr Doug Wright addressed the Council outlining his objections to the application



## MOTION

*That Council, having considered all matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Permit for Planning Application PA 1469 under the provisions of Clause 43.02, 43.05 & 52.29 of the Hepburn Planning Scheme in respect of the land known and described as Lot 2 PS 743106 – 58b Albert Street Daylesford, for Buildings and works for the construction of a dwelling and create new access to RDZ1 in accordance with the endorsed plans, with the application dated 15/09/2016, subject to the following conditions:*

### *AMENDED PLANS REQUIRED*

*10.2.2. Prior to the commencement of the development revised plans must be submitted to and approved by the Responsible Authority. The plans must generally be in accordance with those submitted but altered to show:*

- The setback of the proposed dwelling to be reduced from its current setback to the average setback of the abutting dwellings from the front boundary.*
- Removal or reduction of the proposed Alfresco area at the front of the dwelling.*
- Revised colours of the proposed dwelling to the satisfaction of the Responsible Authority.*

*When submitted and approved the plans will form part of this permit.*

### *VIC ROADS CONDITIONS*

*10.2.3. The proposed crossover and driveway are to be constructed to the satisfaction and no cost to the Roads Corporation and the Responsible Authority prior to the commencement of the use hereby approved.*

*10.2.4. It must be constructed generally in accordance with the VicRoads standard drawing SD2066 (Residential Access to Rural Properties) and be treated with an all-weather seal or some other durable surface.*

*10.2.5. The redundant vehicle crossover must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.*

### *COUNCILS INFRASTRUCTURE DEPARTMENT CONDITIONS*

*Stormwater Drainage*

- 10.2.6. *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*

*Access*

- 10.2.7. *Vehicle access/crossing to the land is to be located, constructed of concrete and maintained to the satisfaction of the Responsible Authority.*
- 10.2.8. *All disused or redundant vehicle crossings must be removed and reinstated (kerb and channel) to the satisfaction of the Responsible Authority.*
- 10.2.9. *All costs incurred in complying with the above conditions shall be borne by the permit holder*

*Note: The Applicant/Owner must obtain a 'Works within Road Reserve Permit' prior to construction of vehicle crossing.*

**COMPLETION OF LANDSCAPING**

- 10.2.10. *Before the occupation of the dwelling starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.*

**LANDSCAPING MAINTENANCE**

- 10.2.11. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.*
- 10.2.12. *All construction activities must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*

**PLANNING NOTES:**

- 10.2.13. *This permit will expire if one of the following circumstances applies:*

- *The development is not started within two years of the date of this permit.*
- *The development is not completed within four years of the date of this permit.*

*The responsible authority may extend the periods referred to if a request is made in writing within six months of the expiry date for commencement or within 12 months of the expiry date for completion.*

*Rescode assessed:*

*10.2.14. Rescode has been assessed as part of this application. In relation to the building application which may require alterations to the building design and /or application for report and consent for dispensation of Rescode provisions under Part 4 of the Building Regulations. Any changes to building design from that approved on the Planning permit will require amendment to the planning permit.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 1 - AERIAL EXISTING ALLOTMENT

DRAFT MINUTES  
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ATTACHMENT 2 - PREFERRED SETBACKS FOR ALBERT STREET



DRAFT MINUTES  
ORDINARY MEETING OF COUNCIL  
20 JUNE 2017

The yellow line represents the proposed setback for the development.  
The red line represents the preferred setback along the Midland Highway.





## 11. OFFICERS' REPORTS

### 11.1. ADOPTION OF COUNCIL PLAN 2017-2021 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 adopt its Council Plan 2017-2021.

#### BACKGROUND

In accordance with S125 of the Local Government Act 1989 (the Act), Council is required to prepare and approve a Council Plan within the period of 6 months after a general election or by the next 30 June.

A Council plan must include:

- The strategic objectives of the Council
- Strategies for achieving the objectives
- Strategic indicators for monitoring the achievement of the objectives
- A strategic Resource Plan
- Any other matters which are prescribed by regulations.

#### ISSUE/DISCUSSION

The Council Plan has been developed following an extensive engagement process including a series of Community Workshops, an online 'OurSay' forum, a Community Conference, Councillor Workshops, Departmental Business Planning, Staff Development Workshops and S223 submissions.

One s223 submission was received on the Proposed Council Plan 2017-2021 which suggested the separate identification of 'Sustainable Financial Management' as an objective. It is noted that sustainable financial management is included as a key strategic activity under the 'High Performing Organisation' objective. No change is proposed.

Council has identified five strategic objectives to create a strong alignment with the needs of the Community and the Organisation Structure.

1. Active and Engaged Communities
2. Quality Community Infrastructure
3. Sustainable Environment
4. Vibrant Economy

5. High Performing Organisation

Following the extensive engagement, a range of strategic actions aligned to these objectives and Council's functions have been included in the proposed Council Plan 2017-2021. It is not possible for Council, with its finite resources, to include all ideas and suggestions submitted by the community and staff. However, the actions included do positively respond to a large number of the ideas submitted.

A copy of the proposed Council Plan 2017-2021 is included at Attachment 3.

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

In accordance with section 125 of the *Local Government Act 1989* (the Act), Council is required to prepare and approve a Council Plan within the period of 6 months after a general election or by the next 30 June.

**FINANCIAL IMPLICATIONS**

Financial implications of the Council Plan 2017-2021 have been considered in the Budget 2017/18, and Strategic Resource Plan 2017-2021.

**RISK IMPLICATIONS**

The key risks associated with the Council Plan 2017-2021 are that it is not relevant, is not achievable or is not aligned to the needs of the community. These risks have been managed through extensive community and stakeholder consultation, reference to existing strategies and plans, and robust financial analysis.

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The environmental, social and economic needs of the community and the Shire have been considered in the development of the proposed Council Plan 2017-2021.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

**Community Drop-in Sessions**

Six Community Drop-in sessions were conducted throughout the Shire in the towns of Trentham, Glenlyon, Daylesford, Creswick and Clunes attended by over 100 residents. The drop-in encouraged the community to put forward their ideas and suggestions and provided an opportunity for councillors and staff to discuss these with community members.

These community sessions were also complemented by hard copy idea submission forms at our offices and libraries. A number of community members submitted ideas via these forms or via email submissions.

**OurSay Online Forum**

Hepburn Shire Council partnered with OurSay to encourage greater participation from the Community. The Online Forum was utilised to engage with members of the Community who were unable to attend the Community Workshops and to encourage a broader level of Community discussion. Council seeded 40 ideas which were identified from existing strategies and business plans to encourage discussion. A total of 116 further ideas were submitted by 114 members of the community, demonstrating the wide reach of the process.

In addition to the ideas submitted, there were 228 community members engaged or involved in the online forum. Each participant on the online forum was able to up-vote or down-vote every other idea. A total of 1584 votes were submitted (96% up-votes), as well as 152 comments on the ideas.

Beyond the actively engaged community members, the online forum had 6,651 unique visitors and 11,514 page views.

### **Community Conference**

On 22 March 2017, Councillors, Staff and the Community came together for a Community Conference. The top ideas and themes coming from the OurSay Forum and other engagement sessions were presented by Community members and Council staff. Each of the top ideas and themes were then discussed by the attendees of the Conference with the aim to identify actions for the community and for Council in delivering on the aspirations identified.

### **Section 223 Submissions**

Council endorsed for public submission the Proposed Council Plan 2017-2021 at its Ordinary Meeting of Council held on the 18 April 2017. Submissions were open for 28 days in accordance with S223 of the Act. Those submitters that indicated they wished to speak to their submissions were given the opportunity at a Special Meeting of Council held on the 6 June 2017.

Through the submission process and a public meeting to hear submissions on 6 June 2017, Council has now considered all submissions received.

### **CONCLUSION**

The Council Plan 2017-2021 has clear links to the needs and expectations of the community. These links have been developed through an extensive community engagement program. The Council Plan 2017-2021 presents a fair balance between delivering improvements in our services to our community and the resources available to Council.

### **OFFICER'S RECOMMENDATION**

That Council:

1.1.1. Having complied with the Local Government Act 1989 regarding the method of preparation and content of the Council Plan 2017-2021, determines that the Council Plan 2017-2021 as presented to this meeting be adopted.

Determine that the person who made a submission be responded to thanking him for his comments and advising him of the outcomes.

#### MOTION

*That Council:*

*11.1.1. Having complied with the Local Government Act 1989 regarding the method of preparation and content of the Council Plan 2017-2021, determines that the Council Plan 2017-2021 as presented to this meeting be adopted.*

*11.1.2. Determine that the person who made a submission be responded to thanking him for his comments and advising him of the outcomes.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 3 - COUNCIL PLAN 2017-2021  
(ISSUED UNDER SEPARATE COVER)

**11.2. ADOPTION OF BUDGET 2017/2018 AND STRATEGIC RESOURCE PLAN 2017-2021**

**GENERAL MANAGER CORPORATE SERVICES**

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

**PURPOSE**

The purpose of this report is to present the Budget 2017/2018 and Strategic Resource Plan 2017-2021 for Council's consideration and adoption.

**BACKGROUND**

In accordance with the *Local Government Act 1989*, Council is required to prepare a Budget and Strategic Resource Plan for each financial year. At the Ordinary Meeting of Council on 18 April 2017, the Proposed Budget 2017/2018, including the Strategic Resource Plan elements, was endorsed for public advertising to seek submissions. The advertising and submission process has been completed. The Budget 2017/2018 and Strategic Resource Plan 2017-2021 now requires formal adoption.

**ISSUE/DISCUSSION**

The budget seeks to maintain and improve services and infrastructure as well as deliver projects and services that are valued by our community, and do this within the rate increase mandated by the State Government.

The recommendations below are the formal resolutions to be passed by Council to finalise and adopt the Budget 2017/2018 and Strategic Resource Plan 2017-2021.

Minor changes have been made to the budget since the proposed budget was publicly advertised. The changes are as follows:

- Update of Mayor's introduction to remove reference to proposed budget and submissions;
- Update of Fees and Charges for those fees calculated as fee unit values.

A copy of the Budget 2017/2018 is included as Attachment 4, issued under separate cover.

**Budget Summary**

The 2017/2018 Budget has rates income increasing by 2.0% or \$319,000 plus a 1.9% or \$297,000 increase in revenue from 2016/2017 supplementary rates. The 1.9% increase in revenue from supplementary valuations, which arises predominantly from the rating of new buildings for the first time in 2016/2017, represents the growth in Council's rate base. In addition, \$90,000 is forecast for supplementary rates to be charged in 2017/2018. This results in total revenue from rates of \$16.67 million. In

addition, \$2.50 million will be raised from the waste management charge and kerbside collection charges.

The budgeted operating result for the 2017/2018 year is a surplus of \$3.76 million, compared to a forecast surplus of \$2.91 million in 2016/2017.

The adjusted underlying result for the 2017/2018 year is a surplus of \$2.33 million which is an increase of \$1.82 million from the 2016/2017 year. The adjusted underlying result is a measure of financial sustainability and Council's ability to achieve its service delivery objectives as it is not impacted by once off capital income items which can often mask the operating result.

Total cash and investments are forecast to decrease by \$2.97 million to \$7.84 million as at 30 June 2018. The primary driver for this decrease is the funding of capital projects including projects being carried forward to 2017/2018 and projects funded out of the open space, mineral springs and waste financial reserves.

The Proposed Budget 2017/2018 includes a significant number of operational and capital projects to implement key Council strategies and plans, including:

- Walking and Cycling Strategy
- Sustainability Strategy
- Waste and Resource Recovery Strategy
- Community Planning Strategy
- Events Strategy
- Youth Strategy (in development)
- Economic Development Strategy (in development)
- Community Hub projects

Total capital works included in 2017/2018 is \$12.83 million. This includes carry forward expenditure of \$3.00 million for incomplete capital projects.

#### **Carry Forward from 2016/2017**

Funding has been included in the 2017/2018 budget for projects currently included in the 2016/2017 budget but which are anticipated to be unexpended as at 30 June 2017. These funds include all sources of allocated revenue received prior to 30 June 2017. The reason for identifying and including the required carry forward funds is to provide a complete picture of the initiatives and major initiatives that will be undertaken during 2017/2108.

#### **Differential Rates**

Rate differentials have been set in the proposed budget in accordance with the Rating Strategy.

The rate differentials that will be applied are as follows:



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Type or class of land	2016/17		2017/18		Change
	\$/ \$ CIV	Differential	\$/ \$ CIV	Differential	
General Rate	0.003978	100%	0.0040575	100%	2.0%
Farm Rate	0.002586	65%	0.002637	65%	2.0%
Commercial Rate	0.004614	116%	0.004707	116%	2.0%
Industrial Rate	0.004614	116%	0.004707	116%	2.0%
Mixed Use Rate	0.004614	116%	0.004707	116%	2.0%
Vacant Land Rate - Township	0.004973	125%	0.005072	125%	2.0%
Vacant Land Rate - Other	0.003978	100%	0.004058	100%	2.0%
Trust for Nature Rate	0.001989	50%	0.002029	50%	2.0%
Recreational Rate	0.001989	50%	0.002029	50%	2.0%

Each class of land has increased in line with the cap imposed by the Minister for Local Government.

### Charges

The annual service charges to be applied are as follows:

Type of Charge	Per Rateable Property	Per Rateable Property	Change
	2016/17 \$	2017/18 \$	
Kerbside collection (Garbage) Existing Weekly	126.00	128.00	1.6%
Kerbside collection (Garbage) New Fortnightly	106.00	108.00	1.9%
Kerbside collection (Recycling) Fortnightly	45.00	46.00	2.2%
Commercial Garbage Charge	280.00	290.00	3.6%
Waste management improved charge	109.00	118.00	8.3%
Waste management Unimproved Charge	109.00	118.00	8.3%

The kerbside collection charge and commercial garbage collection charge are service charges and only those who are provided with the service are charged.

Council also has a waste management charge which covers the costs of transfer stations and other costs associated with keeping the Shire clean and tidy. This includes street cleaning and street litter bin collection. Council considers it equitable that this charge applies to all properties.

The 8.3% increase in the waste management levies is as a result of capital works required to comply with a pollution abatement notice issued by the Environmental Protection Authority for the old Creswick landfill site.

### Capital Works Program

Council's proposed capital works program for 2017/2018 is \$12.83 million. Highlights of the capital works program are listed below. Some of these projects are subject to receiving funding from other Government sources.

- Asset Renewal Programs comprising building and structures, road resealing and resheeting, road reconstruction, road safety improvements, bridge, footpath, and kerb and channel renewals \$4.77 million

- Upgrade of Dairy Flat Road Musk \$350,000
- Fleet, plant and equipment renewal \$523,000
- Streetscape implementation in Glenlyon, Hepburn Springs, Trentham and Clunes \$665,000
- Daylesford Pool Upgrade \$530,000
- Daylesford Town Hall Community Hub works \$450,000
- The Rex Community Hub works incorporating Hepburn Shire Council services, Daylesford Library and Community Cinema \$1.32 million
- Mineral Springs Reserve improvement works \$125,000
- Towards Zero Sustainability Strategy Implementation - Council Facilities \$150,000
- Daylesford community park skate park design \$30,000
- Tennis Court surface renewals \$57,000
- Creswick mountain bike trail head and pump track \$140,000
- Daylesford soccer rooms refurbishment \$160,000
- Lake Daylesford improvements \$150,000
- Walking and cycling footpath and trail implementation \$210,000

New operational initiatives total \$2.404 million and include the following projects. Some of these projects are subject to receiving funding from other Government sources.

- Creswick Trails Master Plan implementation \$1.3 million
- 100% community renewable energy plan Carbon Free Communities \$15,000
- Implementation of youth strategy \$780,000
- Towards Zero Sustainability Strategy Implementation - Community Facilities \$25,000
- Community planning implementation fund \$40,000
- White ribbon actions \$6,000
- Spray minimisation plan (herbicide for weed management \$20,000
- Reconciliation action plan delivery \$12,000
- New Trentham Netball facility \$209,000
- Implement biodiversity strategy actions \$50,000
- Female participation strategy \$25,000
- Landscape of Clunes and Park Lake Caravan Parks \$50,000

## COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Under Section 127 (1) of the *Local Government Act 1989*, Council has a statutory responsibility to prepare a budget each financial year. In addition, under S.130 (3) of the Act, Council must adopt the budget by 30 June each year.

Under Section 126 (3) (b) of the *Local Government Act 1989*, Council must adopt the Strategic Resource Plan not later than 30 June each year.

The budget and strategic resource plan contains the necessary statutory information required under the Local Government Act and Local Government (Planning and Reporting) Regulations 2014.

### FINANCIAL IMPLICATIONS

Key financial information of the Budget 2017/2018 is included above.

The budget setting process is necessary to ensure that funds are set aside to achieve the most important objectives as prioritised by Council after consulting the community. Financial implications of the budget have been considered in the Strategic Resource Plan 2017/2018.

The declaring of rates and charges will have a financial implication on each ratepayer and the capacity for Council to deliver services to the community.

### RISK IMPLICATIONS

The annual budget process is a key control in mitigating and controlling financial risk.

### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council appreciates the varying demographics of our Shire and has sought to keep the increase of revenue to be raised from rates and charges as low as possible, without compromising service.

Council recognises that if sufficient funds are not allocated to asset renewal then the condition of those assets will decline, along with the capacity to deliver services to the community.

### COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Proposed Budget 2017/18 has been prepared by considering all the strategies and plans that Council has previously developed in consultation with the community. In addition, the budget has been prepared in conjunction with the new Council Plan 2017-2021.

The proposed Budget 2017/2018 and prescribed information was publicly advertised in the local newspaper seeking submissions from interested parties in accordance with Section 223 of the *Local Government Act 1989*.

The Proposed Budget 2017/18 was available for inspection for 28 days at Council offices in Daylesford, Creswick and Clunes, at all Hepburn Library branches and from Council's website [www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)

Community budget information sessions were conducted in each of the five wards of the Shire.

Any person was able to make a submission to Council on any proposal contained in the budget. There were six submissions received by Council during the Section 223 public exhibition period. A Special Council Meeting was held on Tuesday 6 June 2017 to hear the submissions received and all submissions were considered in Council's decision to adopt the budget. No amendments to the budget have been made following the submissions received.

The final Budget 2017/2018 will be placed on Council's website and copies will be made available for viewing at Council's administration offices.

## CONCLUSION

The Budget 2017/2018 and Strategic Resource Plan 2017-2021 include financial statements that are financially responsible and sustainable, which seek to deliver on Council's strategic objectives.

## OFFICER'S RECOMMENDATION

That Council, having complied with the requirements in the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014 regarding the preparation and content of the Budget for the 2017/2018 financial year and the Strategic Resource Plan 2017-2021:

11.2.1. Determines that the Budget 2017/2018, as presented to this meeting, be adopted.

11.2.2 Determines that the Strategic Resource Plan 2017-2021, as included in the Council Plan 2017-2021 and presented to this meeting, be adopted.

11.2.3. Makes the following declarations in relation to the Budget 2017/2018, which commences 1 July 2017:

- Council intends to raise an amount of \$19,176,696 by general rates, and annual service charges as described within this recommendation.
- It is further declared that the general rates will be raised by the application of differential rates.
- It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.
- Council resolves the following rate in the dollar for each type of rate to be levied for the period 1 July 2017 to 30 June 2018.

Type or class of land 2017/2018

Type or class of land	2017/2018 \$/\$ CIV
General Rate	0.0040575

Farm Rate	0.002637
Commercial Rate	0.004707
Industrial Rate	0.004707
Mixed Use Rate	0.004707
Vacant Land Rate - Township	0.005072
Vacant Land Rate - Other	0.004058
Trust for Nature Rate	0.002029
Recreational Rate	0.002029

- Council intends to raise \$16,672,264 from the differential general rates by multiplying the capital improved value of the rateable land by the applicable rate in the dollar.
- Council resolves to levy a Waste Management Charge of \$118 for the period 1 July 2017 to 30 June 2018 on all properties. Owners of farm rated properties will only pay one charge per 'single farm enterprise'. The intended amount to be raised by this charge is \$1,258,942.
- Council resolves to levy a Kerbside Collection (Garbage) Weekly Service charge of \$128 on those residential, farm, mixed use and trust for nature properties included in the service areas for the period 1 July 2017 to 30 June 2018. The intended amount to be raised by this charge is \$664,232
- Council resolves to levy a Kerbside Collection (Garbage) Fortnightly Service charge of \$108 on those residential, farm, mixed use and trust for nature properties included in the service areas, excluding approved properties that have elected to opt-out, for the period 1 July 2017 to 30 June 2018. The intended amount to be raised by this charge is \$186,404.
- Council resolves to levy a Commercial Garbage Collection Service charge of \$290 on those properties receiving the service for the period 1 July 2016 to 30 June 2017. The intended amount to be raised by this charge is \$65,540.
- Council resolves to levy a Kerbside Collection (Recycling) Fortnightly Service charge of \$46 on those residential, farm, mixed use and trust for nature properties included in the service areas and those other properties receiving a service, excluding approved properties that have elected to opt-out, for the period 1 July 2017 to 30 June 2018. The intended amount to be raised by this charge is \$329,314.

11.2.4. Determines that interest be charged on all overdue rates and charges in accordance with section 172 (2) of the Local Government Act 1989.

11.2.5. That pursuant to section 167 (1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration be payable in four instalments on the dates fixed by the Minister under section 167 (2).

11.2.6. Gives public notice of the decision to adopt the Budget 2017/2018.

11.2.7. Determines that a copy of the adopted Budget 2017/2018 be submitted to the Minister by 30 June 2017, in accordance with section 130 (4) of the Local Government Act 1989.

Cr Don Henderson asked a question of the officer about the Trentham Hub

Mayor Sebastian Klein declared he had an indirect conflict of interest due to residential amenity.

Mayor Sebastian Klein left the room at 8.03 pm

Cr John Cottrell took the Chair

Mr Grant Schuster General Manager Corporate Services responded to the question on the Trentham Hub funding

Mayor Sebastian Klein returned to the room and resumed the Chair at 8.06 pm

## MOTION

*That Council, having complied with the requirements in the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014 regarding the preparation and content of the Budget for the 2017/2018 financial year and the Strategic Resource Plan 2017-2021:*

11.2.1. *Determines that the Budget 2017/2018, as presented to this meeting, be adopted.*

11.2.2. *Determines that the Strategic Resource Plan 2017-2021, as included in the Council Plan 2017-2021 and presented to this meeting, be adopted.*

11.2.3. *Makes the following declarations in relation to the Budget 2017/2018, which commences 1 July 2017:*

- *Council intends to raise an amount of \$19,176,696 by general rates, and annual service charges as described within this recommendation.*
- *It is further declared that the general rates will be raised by the application of differential rates.*
- *It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential*



rate are those defined in the schedule to this recommendation.

- Council resolves the following rate in the dollar for each type of rate to be levied for the period 1 July 2017 to 30 June 2018.

Type or class of land	2017/2018 \$/ \$ CIV
General Rate	0.0040575
Farm Rate	0.002637
Commercial Rate	0.004707
Industrial Rate	0.004707
Mixed Use Rate	0.004707
Vacant Land Rate - Township	0.005072
Vacant Land Rate - Other	0.004058
Trust for Nature Rate	0.002029
Recreational Rate	0.002029

- Council intends to raise \$16,672,264 from the differential general rates by multiplying the capital improved value of the rateable land by the applicable rate in the dollar.
- Council resolves to levy a Waste Management Charge of \$118 for the period 1 July 2017 to 30 June 2018 on all properties. Owners of farm rated properties will only pay one charge per 'single farm enterprise'. The intended amount to be raised by this charge is \$1,258,942.
- Council resolves to levy a Kerbside Collection (Garbage) Weekly Service charge of \$128 on those residential, farm, mixed use and trust for nature properties included in the service areas for the period 1 July 2017 to 30 June 2018. The intended amount to be raised by this charge is \$664,232
- Council resolves to levy a Kerbside Collection (Garbage) Fortnightly Service charge of \$108 on those residential, farm, mixed use and trust for nature properties included in the service areas, excluding approved properties that have elected to opt-out, for the period 1 July 2017 to 30 June 2018. The intended amount to be raised by this charge is \$186,404.
- Council resolves to levy a Commercial Garbage Collection Service charge of \$290 on those properties receiving the service for the period 1 July 2016 to 30 June 2017. The intended amount to be raised by this charge is \$65,540.
- Council resolves to levy a Kerbside Collection (Recycling) Fortnightly Service charge of \$46 on those residential, farm, mixed use and trust for



*nature properties included in the service areas and those other properties receiving a service, excluding approved properties that have elected to opt-out, for the period 1 July 2017 to 30 June 2018. The intended amount to be raised by this charge is \$329,314.*

11.2.4. *Determines that interest be charged on all overdue rates and charges in accordance with section 172 (2) of the Local Government Act 1989.*

11.2.5. *That pursuant to section 167 (1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration be payable in four instalments on the dates fixed by the Minister under section 167 (2).*

11.2.6. *Gives public notice of the decision to adopt the Budget 2017/2018.*

11.2.7. *Determines that a copy of the adopted Budget 2017/2018 be submitted to the Minister by 30 June 2017, in accordance with section 130 (4) of the Local Government Act 1989.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 4 - DRAFT HEPBURN SHIRE COUNCIL BUDGET 2017/2018  
(ISSUED UNDER SEPARATE COVER)

### 11.3. ADOPTION OF ROAD MANAGEMENT PLAN ACTING GENERAL MANAGER INFRASTRUCTURE

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

#### PURPOSE

The purpose of this report is for Council to consider the adoption of the revised Road Management Plan - Version 5, in accordance with the Road Management Act 2004 and the Road Management (General) Regulations 2016.

#### BACKGROUND

The Victorian Road Management Act came into effect in July 2004. The purpose of the Road Management Act 2004 is to:

- Set out the powers, duties and functions of road authorities in relation to the inspection, maintenance and repair of roads;
- Establish the legal framework for the management of roads and define the rights, powers and duties of road authorities and other persons or bodies (such as utilities) which install, maintain or operate infrastructure on roads or carry out such works on roads; and
- Enable authorities to develop and publish management plans incorporating the performance of their duties in relation to the inspection, maintenance and repair of roads, having regard to the type of road, the resources available to the authority and its budgetary and policy priorities.

The legislation establishes a statutory framework for road asset management including:

- enabling road authorities to develop road management plans;
- setting policies and priorities and the use of available resources; and
- clarifying the basis of civil liability for road management, having regard to authorities' individual asset management plans.

Council is required to review its Road Management Plan every 4 years and the review must be finalised by the 30 June following a general Council election.

Council resolved to put the revised Road Management Plan out for public exhibition in accordance with the Road Management Act 2004 and Section 223 of the Local Government Act 1989 at its meeting of 18 April 2017.

#### ISSUE/DISCUSSION

The current Hepburn Shire Council Road Management Plan (version 4) was formally adopted by Council at its meeting of 15 October 2013.

A working group made up of various members of the Infrastructure Department was formed to review the current plan and what service levels are able to be achieved within current constraints.

The most critical aspects of the review are to ensure that information is up to date and accurate and importantly that the maintenance service levels are reasonable and in keeping with Council's capacity to respond to and rectify identified defects. It is crucial that the standards within the Road Management Plan are achievable and compliance must be capable of being demonstrated under the scrutiny of litigation.

Following our review, a number of changes have been proposed and the more significant changes are summarised as follows:

- The Introduction has been expanded to provide an overview of Council's road network and the annual maintenance resources applied to the network.
- The RMP has been expanded to include reference to Non-Maintained Roads to ensure the community is informed of Council's role and responsibility in relation to this class of asset.
- The programmed and reactive maintenance procedures have been clarified and updated to take into account the current operational practices and management systems.
- The use of temporary measures has been clarified.
- A section on vegetation management has been added.
- The process and time limits associated with the forces majeure provisions have been clarified.
- Some variance to response times is included based on ability to achieve and benchmarking of other councils.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2013:2017:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

9. Improve sealed and unsealed local roads through the delivery of maintenance and improvement works.

Action: Review the Council's Road Management Plan

## **FINANCIAL IMPLICATIONS**

It is expected that there will be minimal financial implications as a result of the proposed amendments to the Road Management Plan.

## **RISK IMPLICATIONS**

It is expected that the proposed amendments will enable Council to better manage its risk profile by ensuring the currently funded road management practices are reflected within its approved Road Management Plan.

### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Positive social and economic outcomes are expected as the Community and road users will be informed about Council's management of safety concerns and defects in our road network.

### COMMUNITY AND STAKEHOLDER ENGAGEMENT

A public notice inviting submissions on the draft RMP (Version 5) was placed in The Advocate and Council's website on 26 April and Victorian Government Gazette on 4 May in accordance with the Road Management Act 2004 and Section 223 of the Local Government Act 1989.

No submissions have been received.

### CONCLUSION

A review of Council's Road Management Plan has identified the need to make certain changes to the existing Road Management Plan. The proposed changes and improved clarification provided in the revised Road Management Plan have been advertised and submissions invited on the proposed changes.

With no submissions received, the final stage in the review process is for Council to adopt the RMP (Version 5) and place a notice in the Victorian Government Gazette advising of Council's adoption of the new RMP.

### OFFICER'S RECOMMENDATION

That Council:

- 11.3.1. Adopts the Hepburn Shire Council Road Management Plan (Version 5).
- 11.3.2. Gives notice via advertisement in the Victorian Government Gazette of Council's adoption of the Road Management Plan (Version 5).
- 11.3.3. Makes the Hepburn Shire Council Road Management Plan (Version 5) available for public inspection on Council's Website and at Customer Service Centres.

**MOTION**

*That Council:*

- 11.3.1. Adopts the Hepburn Shire Council Road Management Plan (Version 5).*
- 11.3.2. Gives notice via advertisement in the Victorian Government Gazette of Council's adoption of the Road Management Plan (Version 5).*
- 11.3.3. Makes the Hepburn Shire Council Road Management Plan (Version 5) available for public inspection on Council's Website and at Customer Service Centres.*

**Moved:** Cr John Cottrell

**Seconded:** Cr Greg May

**Carried**

**11.4. EFFICIENCY SAVINGS 2016/17 AND DEBT MANAGEMENT RESERVE CONTRIBUTION**

**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 consider an allocation to the Debt Management discretionary financial reserve from savings and extra income achieved in the 2016/17 financial year.

**BACKGROUND**

Through prudent fiscal management and a focus on efficiency both internally and in what we procure, Council has achieved significant operational savings each year of the Council Plan 2013-2017.

In both June 2014 and June 2015 Council resolved to allocate savings to make additional debt reduction payments.

In June 2016 Council resolved to allocate savings to a Debt Management discretionary financial reserve to reduce future borrowings.

**ISSUE/DISCUSSION**

Sustainable Financial Management and Innovative Corporate Systems is a Strategic Objective of the Council Plan 2013-2017. Through the implementation of sustainable financial practices and policies, Council can ensure the long term financial sustainability of the Shire. Using debt to fund projects has the benefit of spreading the cost over multiple years and increasing inter-generational equity. However, inefficient debt and cash use can result in unnecessary costs. Minimising debt drawn down helps to minimise the costs. Putting aside money regularly into a Debt Management reserve is a useful mechanism to assist this.

As our Local Government Funding Vehicle loan for the Defined Benefits Superannuation call is an interest only loan, it is prudent to put aside \$200,000 a year. This year, the Revised Budget 2016/17 proposed contributing an additional \$200,000 to the Debt Management Reserve for this purpose.

In addition, savings have been identified this year with the goal to use these savings to improve Council's financial position and reduce financing costs over the long-term. From review of Council's current debt portfolio, which is all fixed rate loans, there is no saving to be made from paying down existing debt early. Alternatively, using these funds in future budgets to reduce new borrowings will reduce costs to Council. This can be achieved through putting the funds aside in the Debt



Management discretionary financial reserve that can be drawn on by Council as an alternative to future loans.

Operational savings and increased revenue achieved during the 2016/17 year are as follows:

<b>Saving</b>	<b>Value (\$s)</b>
Extra income in Planning, Building and Environmental Health	\$140,500
Efficient delivery of Domestic Wastewater Management Plan audits	\$15,000
Savings from joint procurement of GIS photography with DELWP	\$10,500
Reduced recruitment costs	\$10,000
Less election costs than original estimate from VEC	\$20,000
More income for non-voting residents than original estimate from VEC	\$37,000
State Revenue Office reimbursement for 2016 received this year and not included in budget	\$83,000
Supplementary rates being greater than budget	\$34,000
Savings in developing Council Plan 2017-21	\$20,000
Employee cost savings from maternity leave taken being less than forecast	\$10,000
Unused casual relief budget in Records team	\$12,000
<b>Total</b>	<b>\$392,000</b>

Therefore, it is proposed to specifically set aside \$392,000 in the Debt Management Reserve in our financial statements for 2016/17 to reduce future borrowings.

## COUNCIL PLAN/LEGISLATIVE COMPLIANCE

*Council Plan 2013-2017:*

Strategic Objective – Sustainable financial management and innovative corporate systems

Key Strategic Activity:

19. Implement sustainable financial practices and policies that guide the future financial direction of Council and ensure long term financial stability.

## FINANCIAL IMPLICATIONS

Funds that are in the Debt Management financial reserve can be allocated to capital projects that are planned to utilise new loans to fund them. As a result, future loan repayments will be reduced and the overall cost to Council minimised.

The Debt Management financial reserve is also used to identify funds set aside (\$200,000 per year) to repay the Local Government Funding Vehicle Defined Benefits Scheme loan of \$1.4 million when it becomes due in 2021/22.

#### RISK IMPLICATIONS

If the financial reserve is greater than forecast future loan needs then Council could be inefficiently using its cash resources. The Debt Management financial reserve is not expected to reach this point over the four years of Council's Strategic Resource Plan.

#### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None of note.

#### COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal engagement has occurred to achieve and confirm operational savings and additional income achieved.

#### CONCLUSION

By putting aside \$392,000 from operational savings, Council can reduce its future debt raising requirements, and therefore will save on future interest payments.

#### OFFICER'S RECOMMENDATION

11.4.1. That Council resolves to set aside the operational savings from 2016/17 of \$392,000 in its discretionary financial reserve for Debt Management to be used to reduce the amount of new loans on future projects, in addition to the \$200,000 per year set aside to repay the Local Government Funding Vehicle loan principle in 2021/22.

#### MOTION

11.4.1. *That Council resolves to set aside the operational savings from 2016/17 of \$392,000 in its discretionary financial reserve for Debt Management to be used to reduce the amount of new loans on future projects, in addition to the \$200,000 per year set aside to repay the Local Government Funding Vehicle loan principle in 2021/22.*

**Moved:** Cr John Cottrell

**Seconded:** Cr Kate Redwood

**Carried**

**11.5. ADOPTION OF TERMS OF REFERENCE - 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 adopt the Terms of Reference for a Community Reference Group to assist in the development of Council's first Reconciliation Action Plan (RAP).

**BACKGROUND**

Hepburn Shire Council committed to developing a RAP in 2016-17. The project is a response to the Traditional Owner Settlement Act Agreement (the Agreement) made between the State of Victoria and DjaDja Wurrung Clans Aboriginal Corporation in March 2013 (Attachment 5).

The Agreement includes a Local Government Engagement Strategy comprising 12 actions to be progressed by local councils. One action is to develop a RAP.

**ISSUE/DISCUSSION**

It is proposed to establish a Community Reference Group to provide input into the development of the RAP. The aim is to understand which recognition and reconciliation activities are important to the Indigenous community.

The Community Reference Group's role, detailed in Section 2 of 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. A copy of the draft Terms of Reference are attached (Attachment 6).

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

A Hepburn Shire Councillor will chair the Community Reference Group and will be an ex officio, non-voting member of the committee. The Councillor will be appointed by Council.

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.
- DjaDja Wurrung or other Aboriginal and Torres Strait Islander background.

- Hold positions of leadership and influence in businesses or organisations within the Shire.

### **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 DjaDja 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 proposed 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 Councils' 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 will be publicly advertised and circulated through numerous community networks including: Shire-based Neighbourhood Houses, the DjaDja Wurrung Aboriginal Clans Corporation (DDWCAC), local and regional newspapers, and local reconciliation networks.

### **CONCLUSION**

It is recommended that Council adopt the Terms of Reference for the Reconciliation Action Plan Community Reference Group. The Terms of Reference outline that the RAP Community Reference Group will function to provide a forum for Council to consult key stakeholders and seek input with regard to the process, development and implementation of the RAP.

### **OFFICER'S RECOMMENDATION**

11.5.1. That Council adopt the Terms of Reference for the Reconciliation Action Plan Community Reference Group.

**MOTION**

11.5.1. *That Council adopt the Terms of Reference for the Reconciliation Action Plan Community Reference Group.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr John Cottrell

**Carried**

ATTACHMENT 5 - TRADITIONAL OWNERS SETTLEMENT ACT AGREEMENT



# Recognition and Settlement Agreement between the Dja Dja Wurrung People and State of Victoria



Dja Dja Wurrung Clans  
Aboriginal Corporation



1. Scared tree, Lake Boort,  
Drew Berick, private collection,  
2010
2. Trentham Falls, Ben Wurm,  
private collection, 2011
3. Emu feathers and eggs  
Aunt Linda Ford, Dja Dja Wurrung  
Elder and photographer, 2011
4. Melville South Rock Shelter,  
Kooypoora State Park, Office of  
Aboriginal Affairs Victoria
5. Dja Dja Wurrung shield and  
rush basket, Avoca, collected in  
1855, Anthony Webster, *Imagine  
Pictures*, 2010
6. Tullaroop Creek, near Carisbrook,  
Ben Wurm, private collection,  
2010
7. Segment of stone arrangement,  
Mount Barker, Gerry Gill, LaTrobe  
University, 2010

1



77

2

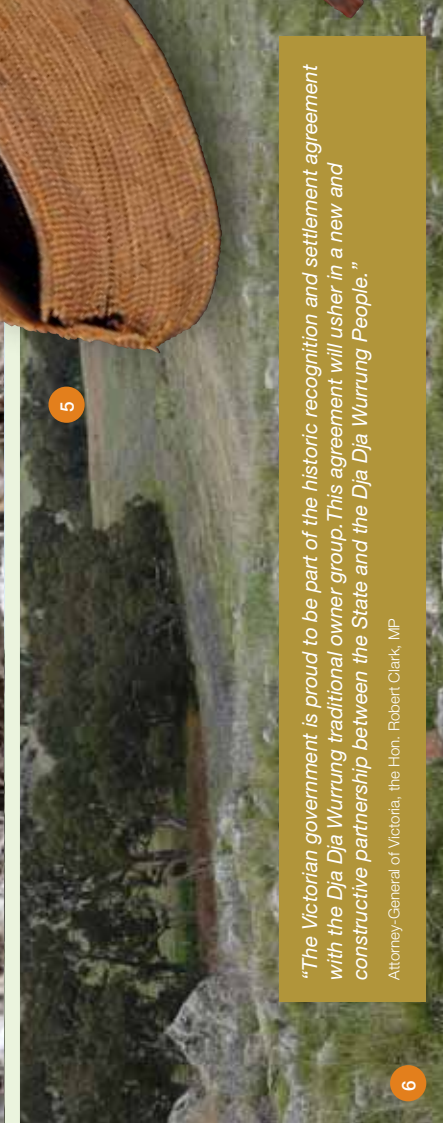




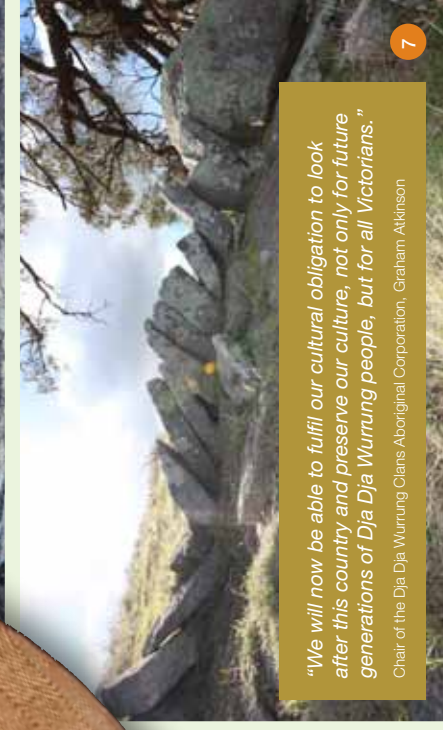
3



4



5



6

"The Victorian government is proud to be part of the historic recognition and settlement agreement with the Dja Dja Wurrung traditional owner group. This agreement will usher in a new and constructive partnership between the State and the Dja Dja Wurrung People."

Attorney-General of Victoria, the Hon. Robert Clark, MP

"We will now be able to fulfil our cultural obligation to look after this country and preserve our culture, not only for future generations of Dja Dja Wurrung people, but for all Victorians."

Chair of the Dja Dja Wurrung Clans Aboriginal Corporation, Graham Atkinson



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9



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8. Chair of Dja Dja Wurrung Clans Aboriginal Corporation, Graham Atkinson, with Attorney-General of Victoria, the Hon Robert Clark, MP, after the signing of the agreements in Bendigo, 28 March 2013

9. Youranduk rock wells, Crown land, Charlton West, Office of Aboriginal Affairs Victoria

10. Dja Dja Wurrung traditional owners and NTSV staff, with the Attorney-General of Victoria, Minister for Environment and Climate Change, Minister for Aboriginal Affairs and Parliamentary Secretary for Regional Development, after the signing of the agreements in Bendigo, 28 March 2013



# Recognition and Settlement Agreement between the Dja Dja Wurrung People and State of Victoria



## Recognition and Settlement Agreement

On 28 March 2013, the State of Victoria and the Dja Dja Wurrung People signed a Recognition and Settlement Agreement under the *Traditional Owner Settlement Act 2010* (Vic) to settle the Dja Dja Wurrung native title claims.

With the commencement of the agreement, a new and permanent relationship begins between the Dja Dja Wurrung People and the State of Victoria.

## Who are the Dja Dja Wurrung People?

The traditional owner group is comprised of the descendants of 18 Dja Dja Wurrung apical ancestors who have a traditional and cultural association with the Agreement area, who have activated rights as Dja Dja Wurrung and are recognised and accepted by other Dja Dja Wurrung people.

## The Agreement Area (Djandak)

.....In the Dja Dja Wurrung worldview, dreaming stories of Djandak (country) and Dja Dja Wurrung date back to the creation of these lands and all within them. Djandak has been shaped and nurtured by the traditional way of life of the Dja Dja Wurrung People and their ancestors, reflecting principles embedded in kinship, language, spirituality and Bunjil's Law .....

(Recognition Statement, RSA)

The Agreement applies to all Crown land (shaded black) within the boundaries shown on the map on the left (about 266,500 hectares).



### Legend

External boundary of area subject to Recognition and Settlement Agreement under Traditional Owner Settlement Act 2010 (Vic) and Indigenous Land Use Agreement under Native Title Act 1993 (Cth)

Crown land

Water body

Main watercourses

## The Dja Dja Wurrung struggle for recognition and rights

... The State recognises that the arrival of Europeans in Victoria caused a rupture in the spiritual, environmental, political and economic order of Dja Dja Wurrung People. Unrecorded numbers of Dja Dja Wurrung ancestors had their lives taken in their fight for Djandak and Maringa Kullinga Murrup (Ancestral Spirits)....

(Recognition Statement, RSA)

- 1837** Formal British colonisation of Dja Dja Wurrung country began.
- 1841** The Crown established the Loddon Aboriginal Protectorate at Franklinford.
- 1851** The discovery of gold at Bendigo Creek triggered a massive influx of settlers into Dja Dja Wurrung country and Victoria more broadly.
- 1993** The passage of the *Native Title Act 1993* (Cth) created for the first time a statutory land claims process for Victorian traditional owners.
- 1998** The Dja Dja Wurrung lodged their first native title determination application.
- 2010** Victorian Parliament passed the *Traditional Owner Settlement Act 2010* (Vic). This enabled the State of Victoria and the Dja Dja Wurrung to enter into the agreement.



Pictures Collection, State Library of Victoria, accession no H84.167/25, "Aboriginals' farm near Mount Franklin", Fauchery-Daintree collection, ca 1858.

... The State acknowledges that over time, the policies and practices of successive governments, their agencies, other organisations and individuals substantially obstructed the ability of Dja Dja Wurrung ancestors to practice their traditional law and customs and to access their country and its resources. The dispossession of the Dja Dja Wurrung People and their ancestors from their traditional country prevented Dja Dja Wurrung People from maintaining well-being and from generating and passing down wealth from that country across the generations....

(Recognition Statement, RSA)

## What is the settlement package?

The settlement package comprises:

### Dja Dja Wurrung undertakings to the State

- withdrawal of existing native title claims
- agreement not to make further claims under the Native Title Act
- that the settlement package is full and final settlement of the State's compensation liabilities under the Native Title Act
- validation of all activities on Crown land, including under the Land Use Activity Agreement

### Cultural recognition measures

- a 'Recognition Statement' acknowledging past injustices and looking to the future partnership
- legal recognition of the Dja Dja Wurrung People as the "traditional owner group" for the agreement area, their country
- recognition of traditional owner rights
- a protocol on acknowledgements and welcomes to country
- a Local Government Engagement Strategy
- a protocol on interpretative information relating to the Dja Dja Wurrung People

### Transfer of land

- historically and culturally-significant land at Franklinford and Carisbrook to be transferred
- six parks and reserves (approximately 47,000 hectares) to be transferred as "Aboriginal title" and jointly managed in perpetuity

.... This Recognition and Settlement Agreement binds the State of Victoria and the Dja Dja Wurrung People to a meaningful partnership founded on mutual respect. It is a means by which Dja Dja Wurrung culture and traditional practices and the unique relationship of Dja Dja Wurrung People to their traditional country are recognised, strengthened, protected and promoted, for the benefit of all Victorians, now and into the future.

(Recognition Statement, RSA)

### Joint management of parks and reserves

- creation of the Dja Dja Wurrung-majority Dhekunya Dja Land Management Board to jointly manage the following parks and reserves:
  - o Hepburn Regional Park
  - o Greater Bendigo National Park
  - o Kooyooro State Park
  - o Wehla Nature Conservation Reserve
  - o Paddy's Ranges State Park
  - o Kara Kara National Park (the part that falls within the Agreement Area)
- ongoing employment in joint management for three Dja Dja Wurrung persons

### Natural resource management and access

- access by the Dja Dja Wurrung People to flora and fauna, game, forest products, water, inland fisheries and camping on Crown land
- strategies to promote greater Dja Dja Wurrung participation in natural resource management

### Land Use Activity Agreement

- the Dja Dja Wurrung People have a say when the State considers proposed activities on Crown land in the agreement area. For more information visit the Register of Land Use Activity Agreements on the Department of Justice website

### Funding and economic development

- grant-funding of \$900,000 over four years to assist the Dja Dja Wurrung Clans Aboriginal Corporation's operations and the implementation of their settlement obligations
- deposit of \$5 million in the Victorian Traditional Owners Trust to generate a minimum \$250,000 annuity over at least 20 years for the Corporation
- funding of \$3.25 million for investment in economic development initiatives of the Dja Dja Wurrung People
- State purchase of environmental services (such as natural resource management) to the value of \$500,000 over three years from Dja Dja Wurrung Enterprises Pty Ltd

## Indigenous Land Corporation contribution

In July 2012, the ILC released its new policy for providing land acquisition and/or land management assistance where a proposed native title settlement will facilitate a full and final resolution of claims and improve the quality outcomes for Indigenous parties.

Under its policy, the ILC agreed to fund the purchase of culturally-significant land at Mount Barker, contribute funding to acquisition of a works depot for Dja Dja Wurrung Enterprises and to provide land management assistance for activities on land owned by the Dja Dja Wurrung People.



Tullaroop Creek, near Carisbrook, Ben Wurm, private collection, 2010

## Dja Dja Wurrung Clans Aboriginal Corporation

In 2004, the Dja Dja Wurrung People set up the Dja Dja Wurrung Clans Aboriginal Corporation.

In 2010, the Victorian Government provided funding for the corporation's core operations for three years. The Dja Dja Wurrung People nominated the corporation as the 'traditional owner group entity' for the 2013 agreement. The corporation is now the official office for all dealings with the Dja Dja Wurrung traditional owner group.

Dja Dja Wurrung Enterprises is the corporation's commercial arm. It is developing a business strategy that includes the delivery of land and natural resource management services in the agreement area.

## No impact on the rights of the general public

The agreement applies only to Crown land. There will be no impact on private (freehold) land. All existing interests in Crown land are unaffected. Public access to existing parks and reserves will continue in accordance with applicable legislation.



Bunjil symbolizes power, wisdom and knowledge. In our mythology, Bunjil is the creator spirit of the Dja Dja Wurrung People. Bunjil lives in the sky and his name is given to the planet Jupiter which our people believe is Bunjil's campfire. Corporate logo designed by Uncle Clive Atkinson, Dja Dja Wurrung elder and artist.

## Do you need more information?

### For matters concerning the Dja Dja Wurrung People

Dja Dja Wurrung Clans Aboriginal Corporation  
PO Box 1026  
Bendigo VIC 3552  
Ph: (03) 5444 2888  
[www.djadjawurrung.com.au](http://www.djadjawurrung.com.au)

### For information relating to, and to view, the Agreement

Department of Justice (Native Title Unit)  
GPO Box 4356  
Melbourne VIC 3001  
Ph: (03) 8684 7522  
[nativetitle@justice.vic.gov.au](mailto:nativetitle@justice.vic.gov.au)  
[www.justice.vic.gov.au](http://www.justice.vic.gov.au)

### For matters relating to Crown land administration, joint management or natural resources in the Agreement area

Department of Environment and Primary Industries  
Corner Midland Highway and Taylor Street  
Epsom VIC 3551  
Ph: 136 186 or (03) 5430 4445  
Email: [customer.service@dse.vic.gov.au](mailto:customer.service@dse.vic.gov.au)  
[www.depi.vic.gov.au/forestry-and-land-use/management-land/indigenous-land-management](http://www.depi.vic.gov.au/forestry-and-land-use/management-land/indigenous-land-management)

### For general information relating to native title matters in Victoria

Native Title Services Victoria Limited  
PO Box 431  
North Melbourne VIC 3051  
Toll Free: 1800 791 779  
[www.ntsv.com.au](http://www.ntsv.com.au)

ATTACHMENT 6 - RECONCILIATION ACTION PLAN COMMUNITY  
REFERENCE GROUP - TERMS OF REFERENCE

RECONCILIATION ACTION PLAN

COMMUNITY  
REFERENCE GROUP

TERMS OF REFERENCE

JUNE 2017

Hepburn Shire Council acknowledges that our municipality is located on Jaara people country, of which members and elders of the Dja Dja Wurrung Clans 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 the Dja Dja Wurrung living culture and the unique role it plays in the life of this region.



## 1. Project Background

Hepburn Shire Council is developing a Reconciliation Action Plan (RAP). A RAP is a three year business plan organisations undertake that seeks to improve the well-being of Aboriginal and Torres-Strait Islander peoples throughout Australia and in relevant communities. The term "reconciliation" is broadly defined by Council as improving relations between non-Indigenous Australians and Indigenous Australians within the Shire.

Hepburn Shire Council committed to developing a RAP in 2016-17. The project is a response from community feedback and to the State of Victoria signing an agreement with the Dja Dja Wurrung Clans in March 2013 under the Traditional Owner Settlement Act. The Agreement includes a Local Government Engagement Strategy (Clause 2.6) comprising 12 actions to be progressed by local councils. One action is to work with local communities to complete a RAP.

The purpose of Council's RAP project is to work with our Indigenous stakeholders (Traditional Owners and local Indigenous residents) to develop an action plan to:

- recognise Dja Dja Wurrung culture locally
- create opportunities for reconciliation in the Hepburn Shire
- improve Hepburn Shire Council business processes to create a culturally safe work place
- ensure Council officers are trained to meet obligations for maintaining Indigenous heritage locally

## 2. Role of the Community Reference Group

The Hepburn Shire Council RAP Community Reference Group will provide a temporary consultation forum comprising non-indigenous and Aboriginal and Torres Strait Islander participants to assist the development of Hepburn Shire Council's first Reconciliation Action Plan. The draft RAP will be presented to Council for adoption. The Community Reference Group's role is:

- To represent Aboriginal and Torres Strait Islander community and provide input on the interests, needs and experiences identified by the Aboriginal and Torres Strait Islander community.
- To provide feedback on the methodology and research processes involved in developing the RAP.
- To support and assist with research and community consultations.
- To represent their respective organisations, sectors or groups.
- To communicate feedback on the RAP development between organisations, the community and Council
- To promote a shared knowledge and understanding of the Shire's commitment to reconciliation.

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► CONTACT

**Nate Perry - Reconciliation Action Plan Project Officer**  
03 5321 6439  
nperry@hepburn.vic.gov.au



- To discuss issues and concerns and recommend ways forward.
- To provide advice and comment on the RAP framework and priorities identified by Council for the Plan.
- To provide feedback on the draft Plan.
- To provide ideas on the launch of the RAP and the design elements of the final document.

### 3. Community Reference Group Function

The RAP Community Reference Group provides a forum for the Hepburn Shire to consult key stakeholders and seek input with regard to the process, development and implementation of the RAP. The RAP is a three year internal organisational business plan that focuses on what Hepburn Shire can do within its spheres of influence to contribute to the reconciliation movement. The RAP outlines practical actions the organisation will take to build strong relationships and enhanced respect between Aboriginal and Torres Strait Islander peoples and other Australians. The RAP program is a framework based around three key areas: respect, relationships and opportunities.

The Community Reference Group will function to:

Provide input and feedback throughout the development of the Plan.

#### 3.1 Ideas

The Group members will draw on their connections and experience from within their respective areas of expertise for how the Project can be most effectively carried out.

#### 3.2. Advocacy

The Group members will actively support the project and act as advocates for its intent and outcomes.

#### 3.3. Review

The Group will provide input and comment on the RAP development.

### Community Reference Group Operations

#### 4.1. Term

The Reference Group will operate for the duration of the project, which is anticipated to conclude in 2018 subject to Council and Reconciliation Australia endorsement.

#### 4.2. Meetings

It is expected that the Reference Group will meet at least four times at key project milestones and further if required.

### 4.3. Venue

Meetings will be held at Hepburn Shire offices or Community Halls unless otherwise arranged.

### 4.4. Time Involvement

Approximately two hours per meeting will be required of members.

### 4.5. Disclosure of Conflict of Interest

Members have a responsibility to disclose any direct or indirect conflict of interest or potential conflict between their business or professional interests, and their roles as members of the Community Reference Group. If a conflict of interest is disclosed, the conflicted member must take the following steps:

1. Tell the committee you have a conflict of interest.
2. Tell the chair you are leaving the meeting.
3. Leave the room until the matter has concluded.

Where the Community Reference Group discusses the Dja Dja Wurrung Corporation in its role as the Traditional Owner group entity under the Recognition and Settlement Agreement, no conflict of interest will apply.

### 4.6. Agenda

The Hepburn Shire project officer is responsible for the preparation and circulation of meeting agendas and attachments. The agenda and attachments will be distributed at least five working days prior to the next scheduled meeting. Agenda items must be forwarded to the project officer by the close of business, seven working days prior to the next scheduled meeting. Members may raise an item under "Other Business" if necessary and as time permits, at the discretion of the Chair.

Agendas will generally be structured as follows:

- Attendance (members present and apologies)
- Actions arising from previous meeting and their outcomes
- Project Status Update
- Items for discussion
- Other Business
- Next Meeting details and review of actions

## 4.7. Meeting Minutes

The project officer will be responsible for supporting the meeting. A minute taker will be provided by the officer; Previous meeting minutes will be circulated at least five working days prior to a meeting and emailed to Group members.

## 4.8. Chairperson

A Hepburn Shire Councillor will chair the Community Reference Group. The Councillor will be appointed by Council.

## 4.9. Reporting Requirements

The Group is not a decision making body but rather a reference group providing advice and expertise: all feedback will considered by Council.

## 5. Membership

The group will consist of at least five members and a maximum of ten members in addition to one Hepburn Shire Councillor. The Councillor will be appointed by Council, perform the role of Chair and be an ex officio member of the committee without voting rights.

Council will appoint membership to the Community Reference Group 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 within the 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.

### 5.1. Membership Recruitment

An invitation for expressions of interest will be publicly advertised and circulated through numerous community networks including: Shire-based Neighbourhood Houses, the Dja Dja Wurrung Aboriginal Clans Corporation (DDWCAC), local and regional newspapers, and local reconciliation networks. Membership will be sought from the Dja Dja Wurrung Aboriginal Clans Corporation (DDWCAC) and other identified Aboriginal representatives and community agencies who express an interest in participating. The recruitment process will occur as such:

- a. Invitation for Expressions of Interest circulated
- b. Expressions of Interest received by Council
- c. Prospective member invited to the RAP Community Reference Group meeting
- d. RAP Community Reference Group agrees to Terms of Reference

## 5.2. Term of Members

Membership is for the duration of the development and launch of the RAP (anticipated to be completed in 2018).

## 5.3. Condition of Members

The Chair is responsible for ensuring the Community Reference Group operates efficiently, effectively and according to the Terms of Reference. The Chair will act to enable all members have equal opportunity to contribute. In the event of the absence of the Chair from a meeting, members present have the authority to appoint one of their members to act as a Chair.

The following qualities are expected of members:

- To be supportive of the process
- To read information provided prior to the meeting
- To provide apologies

## 5.4. Apologies

Members are required to inform the project officer if they are unable to attend a meeting.

**11.6. REVIEW OF AUDIT AND RISK ADVISORY COMMITTEE CHARTER  
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 to recommend that Council adopts the revised Audit and Risk Advisory Committee Charter.

**BACKGROUND**

As an advisory committee to Council, the Audit and Risk Advisory Committee ('the Committee') is required to function pursuant to a charter that includes a 'purpose' and 'terms of reference'.

Council has an existing Audit and Risk Advisory Committee Charter which is due for review in accordance with the Committee's Standing Rotational Agenda.

**ISSUE/DISCUSSION**

A copy of the revised Audit and Risk Advisory Committee Charter is attached and incorporates feedback from Committee members. The Charter was reviewed by the Committee at its May 2017 meeting and feedback received.

A range of updates have been made in the areas of responsibilities, scope and remuneration to reflect current practices and to clarify the functions of the committee.

An additional remuneration amount is recommended for external independent members who attend the annual briefing with Councillors.

In addition to revising the Charter, two members of the committee have expiring terms. A call for new external independent members will be advertised after revising the Charter.

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

The contribution of the Audit and Risk Advisory Committee is a key component of the Council's governance framework in accordance with Part 7 of the *Local Government Act, 1989* (Financial Management).

**FINANCIAL IMPLICATIONS**

The costs associated with the Audit and Risk Advisory Committee, including independent member remuneration, are covered in the recurrent budget.

### RISK IMPLICATIONS

The Audit and Risk Advisory Committee assists council with oversight in the areas of risk, governance and compliance.

### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

### COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are four independent external community members on the committee.

### CONCLUSION

The revised Audit and Risk Advisory Committee Charter further clarifies the role of the committee and will allow it to continue to support Council with oversight in key audit and risk areas.

### OFFICER'S RECOMMENDATION

That Council:

- 11.6.1. Adopts the revised Audit and Risk Advisory Committee Charter as presented.
- 11.6.2. Calls for nominations for two new external independent members to be appointed to the Audit and Risk Advisory Committee for a period of four years.
- 11.6.3. Writes to thank the expiring members (Ms Rachelle Tippet and Mr Robert Tommasini) for their contributions to the Audit and Risk Advisory Committee and invite them to reapply if they are interested.

### MOTION

*That Council:*

- 11.6.1. Adopts the revised Audit and Risk Advisory Committee Charter as presented.*
- 11.6.2. Calls for nominations for two external independent members to be appointed to the Audit and Risk Advisory Committee for a period of four years.*
- 11.6.3. Writes to thank the expiring members (Ms Rachelle Tippet and Mr Robert Tommasini) for their contributions to the Audit and Risk Advisory Committee and invite them to reapply if they are interested.*

DRAFT MINUTES  
▶ ORDINARY MEETING OF COUNCIL  
20 JUNE 2017

**Moved:** Cr Greg May

**Seconded:** Cr John Cottrell

**Carried**



ATTACHMENT 7 - REVISED AUDIT AND RISK ADVISORY COMMITTEE  
CHARTER  
(ISSUED UNDER SEPARATE COVER)

**11.7. LIABILITY MUTUAL INSURANCE SCHEME (PUBLIC AND PRODUCTS LIABILITY INSURANCE AND PROFESSIONAL INDEMNITY INSURANCE) RENEWAL 2017-2018**

**GENERAL MANAGER INFRASTRUCTURE**

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

**PURPOSE**

The purpose of this report is for Council to approve the renewal of Council's Liability Mutual Insurance for 2017-2018 through MAV Insurance.

**BACKGROUND**

Under section 76A of the *Local Government Act 1989* ('Act'), Council is required to hold both public and products liability insurance and professional indemnity insurance. Council complies with this requirement by participating in the Liability Mutual Insurance Scheme approved by the Minister for Local Government (section 76A (2) of the Act) administered by MAV Insurance.

Broadly, these insurances cover Council in the event of claims by third parties for injury (including death), damages or other losses that may be suffered as a result of Council's negligence or breach of its duty of care.

**ISSUE/DISCUSSION**

Council has received a Renewal Proposal from MAV Insurance for 2017-2018. Proposal documentation has been completed and returned to MAV Insurance in order to determine premiums.

Under the Scheme, all participating councils are covered for \$400m public and products liability and \$300m for professional indemnity.

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

As the Minister for Local Government has approved participation by Victorian councils in a mutual liability scheme, Council is not required to tender for this service under section 186 of the Act even though the premium will exceed \$150,000.

**FINANCIAL IMPLICATIONS**

The premium for these classes of insurance for 2017-2018 has not yet been determined by MAV Insurance. However, based on Council's claims history for 2016-2017, preliminary advice received from MAV Insurance indicates that Council's anticipated premium increase over its 2016-2017 premium will be approximately 1-2%. This level of increase will be in line with the overall Scheme movements for all

members. Council's 2016-2017 premium was \$164,307 (excluding GST). A 1-2% increase will equate to an annual premium for 2017-2018 of between \$165,950 and \$167,593 (excluding GST).

However, as major claims prior to 30 June by Scheme members can have an immediate impact on premiums for the ensuing year, it is recommended that Council approves payment up to a 5% increase (\$172,500 excluding GST).

Council officers will advise Councillors by email of the final premium once MAV Insurance has determined same.

### **RISK IMPLICATIONS**

Insurance is considered to be essential for the prudent management of Council's affairs and is a primary control in relation to the mitigation of many risk items on Council's Risk Register.

Major claims under these classes of insurance may run to several millions of dollars.

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

No environmental/social/economic implications noted.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

No community or stakeholder engagement required nor undertaken.

### **CONCLUSION**

It is a statutory requirement for all Victorian councils to take out and maintain public and products liability insurance and professional indemnity insurance in order to protect the financial interests of the community.

### **OFFICER'S RECOMMENDATION**

That Council resolves to authorise the Chief Executive Officer to:

- 11.7.1. Place Council's public and products insurance and public liability insurance with MAV Insurance for the period 2017-2018; and
- 11.7.2. Approve payment of the premium for public and products liability insurance and professional indemnity insurance for 2017-2018 for an amount up to \$172,500 excluding GST.

**MOTION**

*That Council resolves to authorise the Chief Executive Officer to:*

- 11.7.1. Place Council's public and products insurance and public liability insurance with MAV Insurance for the period 2017-2018; and*
- 11.7.2. Approve payment of the premium for public and products liability insurance and professional indemnity insurance for 2017-2018 for an amount up to \$172,500 excluding GST.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

**11.8. CHANGING THE DATE FOR THE STATUTORY COUNCIL MEETING TO ELECT THE MAYOR**

**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 consider changing the date of the Statutory Council meeting for electing the Mayor.

**BACKGROUND**

At the Ordinary Council meeting on 20 December 2016 the dates of the Council meetings for 2017 were adopted by Council, with the Statutory Council Meeting to be held on 7 November 2017. Due to this falling on the Melbourne Cup Public Holiday for parts of the Shire, it is proposed that this meeting be moved to a different date.

**ISSUE/DISCUSSION**

It is proposed to move the 2017 Statutory Council Meeting from Tuesday 7 November 2017 to Wednesday 8 November 2017 commencing at 6:00pm.

**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**

The change of dates for Council's Statutory Meeting will see the minimal financial repercussions to the Council's operating budget.

**RISK IMPLICATIONS**

Nil

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The amended Council meeting location will be advertised in local newspapers. The timetable will also be updated on Council's website

## CONCLUSION

The change of date to the 2017 Statutory Council meeting from Tuesday 7 November to Wednesday 8 November will ensure that there are no disruptions to public holidays or the added expense of penalty rates to Council Staff.

## OFFICER'S RECOMMENDATION

That Council:

- 11.8.1. Changes the date of the of the November Statutory Council Meeting from Tuesday 7 November 2017 to Wednesday 8 November 2017 commencing at 6:00pm.
- 11.8.2. Places a public notice in local newspapers to advertise the amended date of the 2017 Statutory Council Meeting from Tuesday 7 November to Wednesday 8 November 2017, in accordance with section 89(4) of the Local Government Act 1989.
- 11.8.3. Updates the Statutory Council meeting date from Tuesday 7 November to Wednesday 8 November 2017 commencing at 6:00pm, on the website.

## MOTION

*That Council:*

- 11.8.1. *Changes the date of the of the November Statutory Council Meeting from Tuesday 7 November 2017 to Wednesday 8 November 2017 commencing at 6:00pm.*
- 11.8.2. *Places a public notice in local newspapers to advertise the amended date of the 2017 Statutory Council Meeting from Tuesday 7 November to Wednesday 8 November 2017, in accordance with section 89(4) of the Local Government Act 1989.*
- 11.8.3. *Updates the Statutory Council meeting date from Tuesday 7 November to Wednesday 8 November 2017 commencing at 6:00pm, on the website.*

**Moved:** Cr Greg May

**Seconded:** Cr Kate Redwood AM

**Carried**

**11.9. PUBLIC ART PANEL TERMS OF REFERENCE REVISION  
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 consider adopting revised Terms of Reference for the Public Art Panel.

**BACKGROUND**

In December 2013, Council adopted the Public Art Policy to develop public art within Hepburn Shire. In May 2014, Council then resolved to establish the Public Art Panel to provide independent advice regarding public art projects and adopted the Public Art Panel Terms of Reference. The current Terms of Reference are attached (Attachment 8).

Regarding conflict of interest the Terms of Reference state:

*Panel members will declare to Council officers any conflicts of interest, either financial or personal, that relates to a Public Art Panel meeting agenda item. The onus to determine whether a conflict of interest rests entirely with the individual Panel member.*

In relation to the role of the Councillor on the Panel, the Terms of Reference (Section 2.2.4) state:

*The Panel will consist of 10 members (in addition to a Hepburn Shire Councillor).*  
and (Section 4.1.2):

*Where available, a Hepburn Shire Councillor will participate in Public Art Panel meetings.*

**ISSUE/DISCUSSION**

While the current Terms of Reference for the Public Art Panel require Panel members to declare any conflict of interest, there is no guidance on what action Panel members should take if they have a conflict of interest.

The Conflict of Interest Guide (Department of Planning and Community Development - October 2012) is attached (Attachment 9). In the section on Advisory Committees (p.5) the Guide states that while advisory committees are not subject to the same conflict of interest rules as special committees, Council may still require you to disclose conflicts of interest. Advisory committees provide advice to Council and have not "been delegated a power or duty by the Council." In relation to Public Art



commissions, Council holds the final decision and only receives recommendations from the Public Art Panel advisory committee.

It is proposed that the conflict of interest section of the Terms of Reference for the Public Art Panel be amended to require that Panel members disclose conflicts of interest in the same way as Special Committees:

1. Tell the committee you have a conflict of interest.
2. Tell the chair you are leaving the meeting.
3. Leave the room until the matter has concluded.

The role of the Councillor is not defined in the current Terms of Reference. It is proposed to amend the Terms of Reference to define the role of the Councillor to be an "ex officio," non-voting member of the Panel to provide a direct conduit back to Council regarding Panel discussions.

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

Council Plan 2013:2017:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

1. Work with and support communities and residents to implement community driven projects through community planning, provision of advice, information and community grants, acknowledging the significant contribution made by community volunteers.

Action: Develop and implement Council's Public Art Policy.

#### **FINANCIAL IMPLICATIONS**

There are no specific financial implications resulting from this report.

#### **RISK IMPLICATIONS**

The revised Terms of Reference requiring Panel members to leave the room if they have a conflict of interest with a Public Art Panel agenda item. This risks Panel members with expertise in public art may not be able to participate in meetings that involve short listing and recommendations of artists to Council.

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

Council's Public Art Policy recognises that public art will further increase liveability for present and future residents, and enhance Hepburn Shire as an attractive visitor destination.

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

Not applicable.

## CONCLUSION

In May 2014, Council resolved to establish the Public Art Panel as an advisory committee to provide independent advice to Council regarding public art projects and adopted the Public Art Panel Terms of Reference.

It was identified in May 2017 that the Public Art Panel Terms of Reference did not clarify what action a member should take if a conflict of interest arises. The Terms of Reference do not define the role of the Councillor on the Panel.

The revised Public Art Panel Terms of Reference clarifies that Panel members disclose a conflict of interest and then leave the room for the duration of the relevant discussion.

The role of the Councillor on the Panel is revised to clarify the Councillor is a non-voting member of the Panel to provide a direct conduit regarding Panel discussions back to Council.

## OFFICER'S RECOMMENDATION

That Council:

11.9.1. Adopts the revised public art panel terms of reference making the following key changes:

- To require Public Art Panel members to leave the meeting area upon disclosing a conflict of interest related to a Public Art Panel meeting agenda item
- To clarify the Councillor's role on the Public Art Panel as solely an observer or ex officio, with non-voting rights.

## MOTION

*That Council:*

*11.9.1. Adopts the revised public art panel terms of reference making the following key changes:*

- *To require Public Art Panel members to leave the meeting area upon disclosing a conflict of interest related to a Public Art Panel meeting agenda item*
- *To clarify the Councillor's role on the Public Art Panel as solely an observer or ex officio, with non-voting rights.*

DRAFT MINUTES  
▶ ORDINARY MEETING OF COUNCIL  
20 JUNE 2017

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr John Cottrell

**Carried**

ATTACHMENT 8 - REVISED PUBLIC ART PANEL TERMS OF REFERENCE

## PUBLIC ART PANEL

### TERMS OF REFERENCE MARCH 2017

#### 1. Purpose

The Public Art Panel will provide advice to assist Hepburn Shire Council make decisions about public art projects and acquisitions.

#### 2. The Panel

##### 2.1. Role and Responsibilities

2.1.1. The Panel will be conversant with Hepburn Shire Council's Public Art Policy 40 (C) in order to advise Hepburn Shire Council on selection of public art based on the following criteria, as set out in the policy:

- Quality of the artwork and artist
- Durability of work
- Safety and suitability
- Relevance to Hepburn Shire
- Artwork materiality

2.1.2. The Panel will act as advocates/voices in the community about public art, and assist to keep the community informed about proposed public art projects.

##### 2.2. Conflict of Interest

2.2.1. Panel members will disclose to Council officers any conflicts of interest, either direct or indirect, that relates to a Public Art Panel meeting agenda item. The onus to determine whether a conflict of interest exists rests entirely with the individual Panel member. Once a conflict of interest is identified, the Panel member must take the following steps:

1. Tell the Panel you have a conflict of interest.
2. Tell the chair you are leaving the meeting.
3. Leave the room until the matter has concluded.

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#### ► CONTACT

Nate Perry  
03 5321 6439 or 0417 004 983  
[nperry@hepburn.vic.gov.au](mailto:nperry@hepburn.vic.gov.au)

2.3. Selection criteria and panel appointments

2.3.1. The Public Art Panel will be selected based on the following criteria:

- Professional and/or community art expertise;
- Knowledge of contemporary public art applications and issues;
- Experience in art, art curatorship, art policy, architecture and/or design;
- Proven ability to work cooperatively in advisory groups or selection panels.

2.3.2. The selection of the Panel will be determined by Council. Selection will be based on relevant expertise as described in the selection criteria; geographic representation across the Shire; and diversity of culture, gender and age.

2.3.3. Public Art Panel positions will be publicly advertised and appointed through applications to Council.

2.3.4. The Panel will consist of up to 10 members (in addition to a Hepburn Shire Councillor). Additional short-term members may be selected from communities or groups involved with a special project, or to provide special expertise for a project where required.

2.3.5. The Hepburn Shire Councillor's role on the Panel is an ex officio member of the committee as a non-voting member.

2.3.6. Non Hepburn Shire residents who demonstrate exceptional skills in the area of public art may be appointed to the Panel.

2.3.7. Other members may be sought where particular skills are required or as new partnership opportunities are identified. This may be for a short or long term period depending upon the requirements of the project.

2.4. Non-panel participants

2.4.1. Relevant Council officers such as engineers, planning, heritage, arts and tourism will be co-opted as required, but without voting rights.

3. Hepburn Shire Council

3.1. Role and Responsibilities

3.1.1. Council will have overall accountability for the development and implementation of public art in the Shire while recognising that the advice, liaison, discussion and involvement of the Public Art Panel are essential.

3.1.2. Council will make officers available to provide advice to the Public Art Panel on proposed public art projects where required.

3.1.3. Council Officers are responsible for calling meetings, circulating minutes and written material for the Public Art Panel.

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► CONTACT

Nate Perry  
03 5321 6439 or 0417 004 983  
nperry@hepburn.vic.gov.au

#### 4. Administration and Co-ordination

##### 4.1. Administration

- 4.1.1. The Public Art Panel will be chaired by an elected Chair. The election of the Chair will be on an annual basis or as required and will be amongst Panel members.
- 4.1.2. Where available, a Hepburn Shire Councillor will participate in Public Art Panel meetings to provide a direct conduit back to Council.
- 4.1.3. The Public Art Panel will be administered and supported by Hepburn Shire Council. Council will be responsible for calling meetings, circulating minutes and written material as required.
- 4.1.4. Meetings of the Public Art Panel will be held as needed.
- 4.1.5. This document will be reviewed after the first year to determine whether the Terms of Reference remain current and relevant.
- 4.1.6. Hepburn Shire Council will be responsible for determining if the Public Art Panel is no longer required.

##### 4.2. Co-operation

- 4.2.1. All individuals involved in the Public Art Panel will be required to work in a co-operative and positive manner.
- 4.2.2. Adhering to the principle of clear and open communication is considered essential to the operation of the Public Art Panel and for the continued development of public art projects in the Shire.
- 4.2.3. Where disputes between members arise, parties will be encouraged to discuss issues openly and clearly in a respectful manner.
- 4.2.4. Where there is difficulty in resolving disputes, an independent mediator may be engaged to assist in finding resolution.



ATTACHMENT 9 - GUIDE TO CONFLICT OF INTEREST FOR COUNCIL  
COMMITTEES  
(ISSUED UNDER SEPARATE COVER)

# 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) 66854	New	Cor Transport Solutions	Rigid truck long bonnet 1-2axle, Flat top drop deck - Semitrailer 1 axle	All Local Authority controlled roads	Wooden or Concrete Power Poles	02/07/2017-30/07/2018	When required to perform maintenance /emergency works for power network
b) 66007	New	T and M Southern Cranes Pty Ltd	Rigid truck long bonnet 1-2axle, Flat top drop deck - Semitrailer 1 axle	All Local Authority controlled roads	Wooden or Concrete Power Poles	02/07/2017-30/07/2018	When required to perform maintenance /emergency works for power network
c) 105192	Renew	SDC Bulk Haulage Pty Ltd	3 axle truck and 4 axle dog	East Street, Daylesford (from Midland Highway to Boral Concrete)	Quarry Materials	14/07/2017-13/07/2020	260 Per Year

d) 106911	New	GR and Jan Williamson	Semi-Trailer combination	Glengower Road, Mooloort (between Cotswald Road and Bailey St, Clunes)	Grains (Various Types)	29/06/2017 – 28/06/2020	104 Per Year
e) 106918	Renew	Ballarat Dimensional Stone Pty Ltd	PBS - 3-axle truck 4-axle dog	Victoria Street, Creswick, Luttet Street, Creswick, Ascot-Creswick Road, Creswick	Quarry Materials	05/07/2017-04/07/2020	104 per year

### ISSUE/DISCUSSION

Council officers have assessed the applications considering the following:

- Community safety
- Local amenity
- Physical limitations of the network
- Economic benefits
- Alternative access
- Cost implications to Council.

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

### CONSENT REQUESTS

#### a) Cor Transport Solutions (Road Manager Request Number 66854):

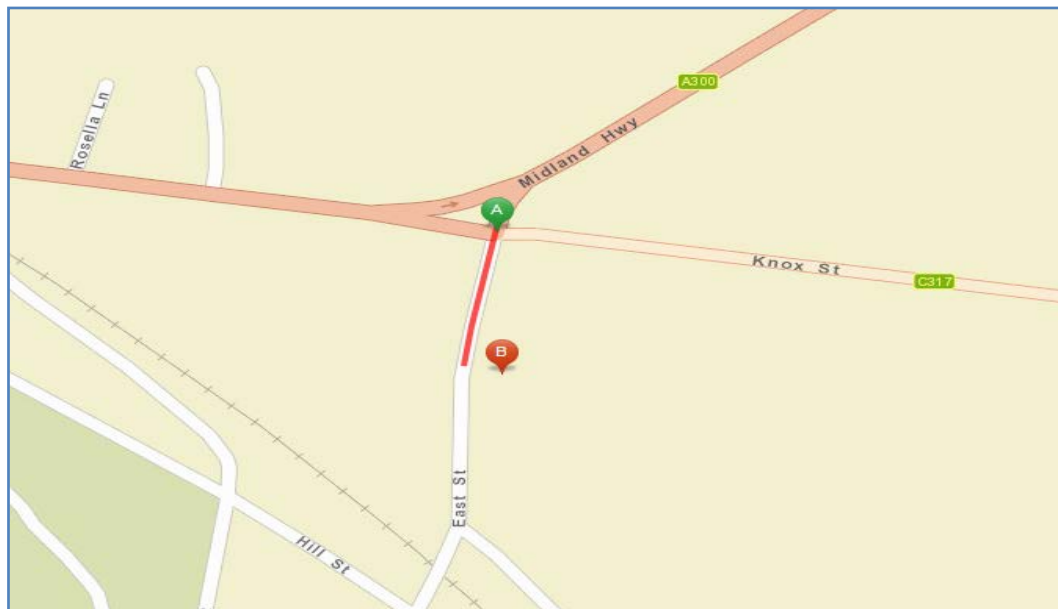
Cor Transport Solutions requests that Council grant consent for all Council controlled roads. They require access on those roads to carry wooden or concrete power poles of as a contractor to Powercor Australia Ltd for maintenance or emergency works on the power network as required. Access would be subject to the Standard Conditions.

#### b) T and M Southern Cranes Pty Ltd (Road Manager Request Number 66007):

T and M Southern Cranes Pty Ltd requests that Council grant consent for all Council controlled roads. They require access on those roads to carry wooden or concrete power poles as a contractor to Powercor Australia Ltd for maintenance or emergency works on the power network as required. Access would be subject to the Standard Conditions.

#### c) SDC Bulk Haulage Pty Ltd (Road Manager Request Number 105192):

SDC Bulk Haulage Pty Ltd requests that Council grants consent for the following route which is shown in the following map:

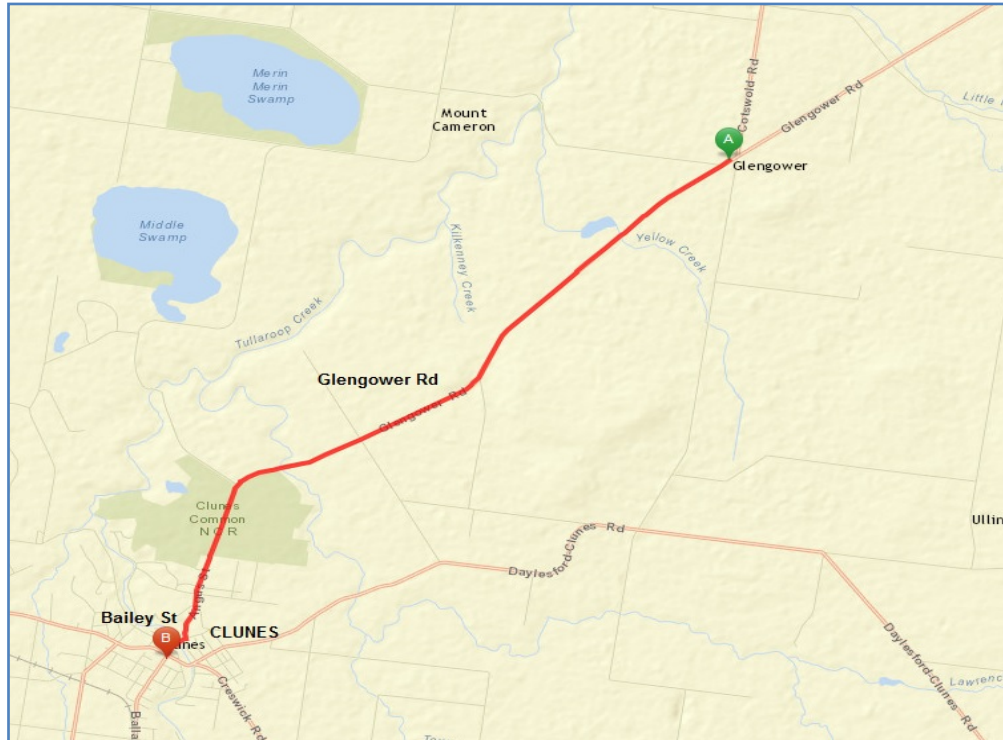


Map 1

The requested road has been assessed as being suitable for using Heavy Vehicles subject to the Standard Conditions.

**d) GR and Jan Williamson(Road Manager Request Number 106911):**

GR and Jan Williamson request that Council grants consent for the following route which is shown in the following map:

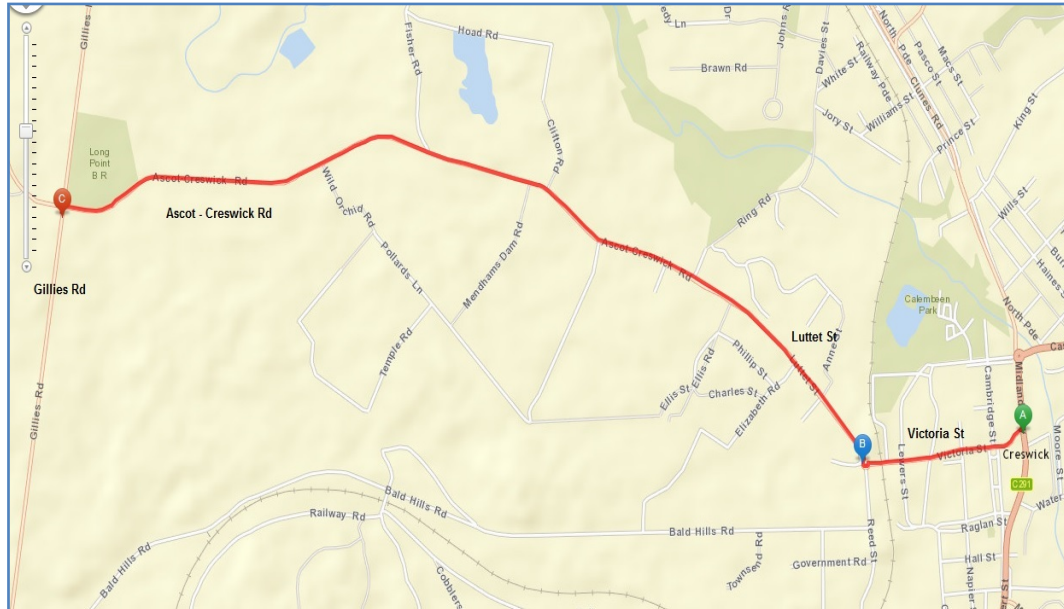


Map 2

The requested road has been assessed as being suitable for using Heavy Vehicles in accordance with the application subject to the Standard Conditions.

**e) Ballarat Dimensional Stone Pty Ltd (Road Manager Request Number 106918):**

Ballarat Dimensional Stone Pty Ltd requests that Council grants consent for the following route which is shown in the following map:



Map 3

The requested roads have been assessed as being suitable for using Heavy Vehicles in accordance with the application subject to the Standard Conditions.

### STANDARD CONDITIONS

It is the responsibility of the above 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

*Council Plan 2013:2017:*

Strategic Objective – *Sustainable Environment and a Vibrant Economy*

Key Strategic Activity:



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

#### **FINANCIAL IMPLICATIONS**

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

#### **RISK IMPLICATIONS**

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

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

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

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

No external engagement was undertaken in relation to 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:

- 1.10.1. Approves Cor Transport Solutions to use rigid truck long bonnet 1-2 axle, flat top drop deck - semitrailer 1 axle for the period of 13 months commencing 2nd of July, 2017 and expiring 30th of July, 2018 on all Council controlled roads, subject to the following conditions:

It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

1.10.2. Approves T and M Southern Cranes Pty Ltd to use rigid truck long bonnet 1-2 axle, flat top drop deck - semitrailer 1 axle for the period of 13 months commencing 2nd of July, 2017 and expiring 30th of July, 2018 on all Council controlled roads, subject to the following conditions:

It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

1.10.3. Approves SDC Bulk Haulage Pty Ltd to use 3 axle truck and 4 axle dog for the period of 36 months commencing 14th of July, 2017 and expiring 13th of July, 2020 on East Street, Daylesford (from Midland Highway to Boral Concrete), subject to the following conditions:

It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

1.10.4. Approves GR and Jan Williamson to use semi-trailer combination for the period of 36 months commencing 29th of June, 2017 and expiring 28th of June, 2020 on Glengower Road, Mooloort (between Cotswald Road and Bailey St, Clunes), subject to the following conditions:

It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

1.10.5. Approves Ballarat Dimensional Stone Pty Ltd to use PBS - 3-axle truck 4-axle dog for the period of 36 months commencing 5th of July, 2017 and expiring 4th of July, 2020 on Victoria Street, Creswick, Luttet Street, Creswick, Ascot-Creswick Road, Creswick, subject to the following conditions:

It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

## MOTION

*That Council:*

11.10.1. Approves Cor Transport Solutions to use rigid truck long bonnet 1-2 axle, flat top drop deck - semitrailer 1 axle for the period of 13 months commencing 2<sup>nd</sup> of July, 2017 and expiring 30<sup>th</sup> of July, 2018 on all Council controlled roads, subject to the following conditions:

*It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

11.10.2. Approves T and M Southern Cranes Pty Ltd to use rigid truck long bonnet 1-2 axle, flat top drop deck - semitrailer 1 axle for the period of 13 months commencing 2<sup>nd</sup> of July, 2017 and expiring 30<sup>th</sup> of July, 2018 on all Council controlled roads, subject to the following conditions:

*It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

11.10.3. Approves SDC Bulk Haulage Pty Ltd to use 3 axle truck and 4 axle dog for the period of 36 months commencing 14<sup>th</sup> of July, 2017 and expiring 13<sup>th</sup> of July, 2020 on East Street, Daylesford (from Midland Highway to Boral Concrete), subject to the following conditions:

*It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

11.10.4. Approves GR and Jan Williamson to use semi-trailer combination for the period of 36 months commencing 29<sup>th</sup> of June, 2017 and expiring 28<sup>th</sup> of June, 2020 on Glengower Road, Mooloort (between Cotswald Road and Bailey St, Clunes), subject to the following conditions:

*It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

11.10.5. Approves Ballarat Dimensional Stone Pty Ltd to use PBS - 3-axle truck 4-axle dog for the period of 36 months commencing 5<sup>th</sup> of July, 2017 and expiring 4<sup>th</sup> of July, 2020 on Victoria Street, Creswick, Luttet Street, Creswick, Ascot-Creswick Road, Creswick, subject to the following conditions:

*It is the responsibility of all the above 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 Sign for roads and bridges when appropriate.

**Moved:** Cr John Cottrell

**Seconded:** Cr Greg May

**Councillor Kate Redwood AM called for a division.**

**Councillors that voted in favour of the motion:** Cr John Cottrell, Cr Greg May, Mayor Sebastian Klein

**Councillors that voted against the motion:** Cr Kate Redwood AM and Cr Fiona Robson

**Councillors that abstained:** Cr Don Henderson

**Chair's casting vote in favour of the motion:** Mayor Sebastian Klein

**Carried**



#### 11.11. 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:*

- the subject of a decision of the Council; or*
- subject to the exercise of a function, duty or 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 or 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
02-05-2017	Council Chambers	Council Briefing
16-05-2017	The Warehouse	Pre-Council Meeting

##### COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

##### FINANCIAL IMPLICATIONS

Nil

### RISK IMPLICATIONS

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

### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

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

### COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

### CONCLUSION

Information provided for noting.

### OFFICER'S RECOMMENDATION

11.11.1. That Council receives and notes the Records of Assemblies of Councillors for the month of May 2017.

### MOTION

*11.11.1. That Council receives and notes the Records of Assemblies of Councillors for the month of May 2017.*

**Moved:** Cr Kate Redwood AM

**Carried:** Cr Greg May

**Carried**

ATTACHMENT 10 - 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- 01-05-2017
- Lee Medlyn Home of Bottles Special Committee- 17-05-2017
- Drummond Hall Special Committee- 26-05-2017

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- 01-05-2017
- Lee Medlyn Home of Bottles Special Committee- 17-05-2017
- Drummond Hall Special Committee- 26-05-2017

## 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- 01-05-2017*
- *Lee Medlyn Home of Bottles Special Committee- 17-05-2017*
- *Drummond Hall Special Committee- 26-05-2017*

**Moved:** Cr John Cottrell

**Seconded:** Cr Greg May

**Carried**

Cr John Cottrell asked the Chair for permission to address the Council regarding the Audit and Risk Advisory Committee Charter.

Cr Don Henderson called a point of order and the Chair determined that a resolution to suspend standing orders would be needed.

## MOTION

12.1.2. *That the Council suspends standing orders to allow Cr John Cottrell to address the Council regarding the Audit and Risk Advisory Committee Charter.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

**Councillor Don Henderson called for a division.**

**Councillors that voted in favour of the motion:** Cr Kate Redwood AM, Cr Fiona Robson, Cr John Cottrell, Cr Greg May and Mayor Sebastian Klein

**Councillors that voted against the motion:** Cr Don Henderson

Standing orders were suspended at 8.35 pm

Cr John Cottrell addressed the Council on the Audit and Risk Advisory Committee Charter.

## PROCEDURAL MOTION

12.1.3. *That Council return to the standing orders within the agenda*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

The meeting resumed standing orders at 8.39 pm



13. COUNCIL ADVISORY COMMITTEES

Nil

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14. CONFIDENTIAL ITEMS

Nil

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15. CLOSE OF MEETING

The meeting concluded at 8.39 pm