



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

TUESDAY 17 DECEMBER 2019

DOUG LINDSAY RECREATION RESERVE

LUTTET STREET

CRESWICK

6:00PM

MINUTES

TUESDAY 17 DECEMBER 2019

Doug Lindsay Recreation Reserve

Luttet Street, Creswick

Commencing 6:00PM

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EVAN KING
CHIEF EXECUTIVE OFFICER
17 DECEMBER 2019

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

2. SAFETY ORIENTATION

Emergency exits and convenience facilities at the venue to be highlighted to members of the public in attendance.

3. OPENING OF MEETING

PRESENT: Cr Licia Kokocinski, Cr Don Henderson, Cr Neil Newitt, Cr Greg May, Cr John Cottrell, Cr Fiona Robson and Cr Kate Redwood AM

IN ATTENDANCE: Mr Evan King Chief Executive Officer, Mr Bradley Thomas Director Community and Corporate Services, Mr Bruce Lucas Director Infrastructure and Development Services, Mr Nathan Aikman Coordinator Planning, Ms 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”

4. APOLOGIES

Nil

5. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Greg May declared an Indirect Interest – close association for Item 12.9 Late Rod May Memorial.

6. CONFIRMATION OF MINUTES

RECOMMENDATION

6.1.1. That the Minutes of the Statutory Meeting of Council held on 12 November 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

6.1.2. That the Minutes of the Ordinary Meeting of Council held on 19 November 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

6.1.1. *That the Minutes of the Statutory Meeting of Council held on 12 November 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

6.1.2. *That the Minutes of the Ordinary Meeting of Council held on 19 November 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Cr Don Henderson

Seconded: Cr Kate Redwood AM

Carried

7. NOTICES OF MOTION

Nil

8. ITEMS OF URGENT BUSINESS

Nil

9. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Licia Kokocinski, Coliban Ward

2019 is very near at an end. I am tempted to give a wrap up for the year, but that would be too long. So, since our last Ordinary Meeting, I am continuing to meet with parents and concerned people regarding the proposed Child Care Centre in Trentham. While it is very disappointing that the Centre cannot (at this stage) provide long day care and this will not meet the needs of many parents in the area, there will be full-time childcare provision for five days per week. Request for Tenders for the construction of the Centre have now closed, and it is with great anticipation that we await the result of the selection process.

On 22 November, on behalf of Council, I attended the annual Daylesford Show. Several Councillors attended and I was delighted to speak on behalf of Council. Mr Don Harvey and Mrs Mary Harvey are to be congratulated on their organisation of the Show. Co-ordinating the dozens of volunteers, organising the stalls, events, marshalling all the animal enclosures and competitions, is probably one of the most difficult jobs in the shire, and I give my heartiest congratulations and thanks to everyone involved in the Show. Even better, I understand that the show broke even.

I also have had several discussions with members involved with the Trentham Sports and Recreation Committee of Management and am pleased that discussions are progressing very well and we look to coming to an agreement about the Master Plan for this Reserve. The Football Club held its first meeting in preparation for the 2020 football season, and from my observation, the Club is very well managed, led and supported. Good luck to the Trentham sporting clubs, particularly the football, netball and cricket teams.

Late in November, I and other Councillors attended the Daylesford Skate Park opening and the inspection of the newly upgraded cricket pitch in Clunes. These sporting facilities are splendid, but more importantly, are well used.

There have been quite a few public events regarding public comments on the draft Local Law No. 2 held all over the Shire. This culminated in a Special Council Meeting last night in Daylesford, and Council will now gather all the submissions and carefully go through each one. We thank the various communities in Hepburn for their input, and assure everyone that all points will be taken into consideration. Council, ultimately, will need to make a final decision.

Early December, I was delighted to attend the Christmas thank you to the volunteers of the Daylesford and Trentham Visitor Information Centre volunteers. It was clear that there is a great feeling of camaraderie amongst the teams, and again, we thank them most sincerely for their work, ably led by Council staff.

I was also pleased to attend the Daylesford Highland Gathering in Daylesford. It was a grand day for the numerous Highland bands, and everyone was from the various Scottish groups turned out to celebrate Scottish and Celtic traditions.

There were quite a number of local events that I attended, such as the launch of a new CD by a local duo, Sugar and Spice, the Christmas get-together at the lovely Bullarto Community Hall, the monthly Lions Club dance, and handing out certificates for the graduation of students from Trentham Primary School. This was especially special as we saw these grade 6 young people ready to embark on the secondary education phase of their lives. I would like to conclude by advising that the first meeting of the Trentham Community Hub Project Advisory Committee met on 11 December. We discussed the parameters of our work, the tendering process, our ideas and vision for the Hub or Centre, and community consultation processes. I believe we all left the meeting feeling very enthusiastic about the future prospect for this new facility, incorporating a renovated and restored Mechanics Hall.

COUNCILLOR REPORTS

Councillor Kate Redwood AM, Birch Ward

December is the month when we are all expected to do a full month's work in three weeks and attend a whole pile of end of year functions. As we do! Each year.

I'll leave the parties out of my report but have very much appreciated the opportunity to celebrate with many groups.

International Women's Day has finished the nomination process for 2020 and the recommendations are in the papers for tonight's meeting. We had looked forward to Catherine King as our keynote speaker (and understand she was looking forward to the IWD function too) but it seems Parliament is sitting on 5 March so we go back to the drawing board.

The Cornish Hill Committee of Management held its AGM. I have retired as treasurer and wish the Committee well in its wonderful work preserving the Cornish Hill Reserve for its environmental values, historic mining heritage and passive recreation opportunities for Daylesford folk and visitors.

I have been appointed to the Central Highlands Rural Health board which now governs Hepburn Health and Kyneton Health and am delighted to be deputy chair. I will also chair the Community Advisory Committee for the amalgamated health service.

I attended the Climate Risk Financial Reporting and Disclosure presentation, held in Bendigo for the Loddon region councils. The presenter was Sarah Baker from Minters. The message was that climate change should be seen by all councils as a current and future risk. As such all services and activities should be considered prospectively in terms of risk. Failure to do so could leave councils with no insurance cover.

I attended the developers' community consultation regarding 17 Smith Street as did Cr Robson. It was an opportunity to talk with the developers and discuss a range of aspects of the project which we understand comes to Council in February.

I attended the Grampians Waste Resource and Recovery Forum where for the first time there was a presentation of comparative data on recycling between the participating councils. Hepburn came in towards the top of the rankings but behind those councils that have already put food and organic diversion programs in place. Councillors may have noted that the state government parliamentary report on recycling has been presented to state parliament and will be deferred six months – presumably to fit into the budget cycle. In the mean time opportunities are being delayed and costs are a serious factor as we move into our own budget planning cycle for 20/21.

I attended the Daylesford Indoor Aquatic Centre AGM and can report that the group and their many supporters were cautiously pleased that Council plans to undertake a shire wide review of aquatic facilities.

Like all councillors I was interviewed by the Local Government Inspectorate.

Following many approaches from members of the Birch Ward community, I held a meeting with local activists regarding the changes proposed to Council's Local Law no 2. Crs Robson and Cottrell attended too. The follow on from this meeting was a community gathering held in the town hall last week attended by 100 or so people, at which 13 or so short speeches were given regarding aspects of public space use that were of concern. Commendations to Peter O'Mara for his excellent facilitation. This meeting was attended by the Mayor Cr Kokocinski, Cr Robson and myself. And of course there was the Council meeting to receive submissions last night attended by around 80 or so members of the community. I note that it is a hard gig to get the message across to the community that local government needs to address issues of risk and that the intention of the local law is the harmonious use of public space for the peaceful enjoyment of all, and not a foray into limiting civil rights.

I attended my first Public Art Panel meeting since five years ago when I was the Council representative, when the Panel began with the public art work near Daylesford Lake. The Panel continues to be a thoughtful and expert group who continue to serve the community and Council well.

There were various Daylesford and District Community News Association meetings to appoint a committee, to incorporate and to open a bank account.

The aim is to bring out the first edition of the Daylesford and Hepburn Springs paper in March. It is to be known as The Wombat. I am now the Treasurer for the Daylesford and District Community News committee.

The VLGA held three back to back meetings in Daylesford aiming to encourage interest in women candidates for the local government elections next year. The Mayor Cr Kokocinski, Cr Robson and I attended. As I do not plan to stand for re-election next year I am motivated to encourage other women to consider standing for election and commend the VLGA for their training and information for women looking to pursue a role as councillors.

Finally, a safe and happy Xmas to all.

Councillor Greg May, Creswick Ward

No report provided.

Councillor Fiona Robson, Birch Ward

I was delighted to attend the official launch of the skate and basketball facilities at the Daylesford Community Park. This was a wonderful gathering of people from around the shire and further afield. Representatives from the Dja Dja Wurrung Aboriginal Clans Corporation performed a welcome to country and our MP, Mary-Anne Thomas, officially opened the facilities. Council officers had organised a skate competition which was well-received with many of our local skaters entering their first skate competition. I have been involved in pretty much every step of this project and am thrilled that it has been so well received. It is a great credit to our community and our council.

There were a number of events showcasing the work and talents of our young people. I was pleased to attend performances by Sprung Circus and Inside Out Dance Theatre. Unfortunately, I was not able to attend some key events, including the Daylesford Show and Highland Gathering. I thank the volunteers that put countless hours into organising these events for the benefit of our community.

The celebration of our visitor information centre volunteers is an important recognition of the valuable work that they perform in welcoming and assisting visitors to our shire. Huge thanks to everyone that volunteers with our council, including this who participate in our advisory committees.

I have the privilege of chairing the Mineral Springs Reserves Advisory Committee and being a councillor on the Disability Advisory Committee. These committees have a great diversity of knowledgeable volunteers who provide an important perspective to our council. I thank them for their time and commitment.

I have enjoyed presenting student citizenship awards at Daylesford Primary, Daylesford Dharma and St Michaels Primary Schools. These awards are a fabulous way of acknowledging and encouraging young leaders in our community. It has been a great joy to see our grade 6 students being honoured and supported in their transition to high school.

I have been involved with numerous meetings and conversations regarding the review of local law no. 2. I appreciate the interest and involvement of our community and am confident that their contributions will improve the overall result. I particularly thank those that have presented thoughtful feedback and suggestions in a respectful manner.

The Wellbeing initiative I have been working with (as part of the Central Highlands Regional Partnership) is developing a range of ideas under the working title of 'Healthy Together'. There is a great potential for this to make a significant impact on the health and wellbeing of people in our community.

This time of year can be challenging for many in our community. I thank everyone that does a little extra to assist those wanting some additional support. The Christmas Market in Daylesford has joined with a broad range of businesses, organisations and individuals to provide funds for Hepburn Regional Community Cheer, who provide vouchers, toys, hampers and Christmas lunch for many people. The 5000 Club and The Good Grub Club are offering free lunches for people wanting some extra festivities and care.

Our librarians have organised forgiving trees to allow library fines to be waived in return for donations to be provided to local charities.

I would like to thank my fellow councillors for their commitment and dedication, Our Council staff for the enormous amount of work they do and the support they provide. Thanks to everyone that contributes to our shire being the wonderful, vibrant and caring place that it is.

Councillor John Cottrell, Holcombe Ward

No written report provided.

Councillor Don Henderson, Creswick Ward

No written report provided.

Councillor Neil Newitt, Cameron Ward

No report provided.

RECOMMENDATION

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

MOTION

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

Moved: Cr John Cottrell

Seconded: Cr Neil Newitt

Carried

10. 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 purposes of:

- Tabling petitions
- Responding to questions from members of our community
- Allowing members of the community to address Council

Community members are invited to be involved in public participation time in accordance with Local Law No. 1 Meeting Procedures.

Individuals may submit written questions or requests to address Council to the Chief Executive Officer by 12 noon on the day of the Council Meeting.

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.

Questions received may be taken on notice but formal responses will be provided to the questioners directly. These responses will also be read out and included within the minutes of the next Ordinary Meeting of Council to make them publicly available to all.

BEHAVIOUR AT COUNCIL MEETINGS

Council supports a welcoming, respectful and safe environment for members of the community to participate at Council Meetings regarding issues that are important to them. Local Law No. 1 sets out guidelines for the Mayor, Councillors, and community members on public participation in meetings. It reinforces the value of diversity in thinking, while being respectful of differing views, and the rights and reputation of others.

Under the Local Law, members of the public present at a Council Meeting must not be disruptive during the meeting.

Respectful behaviour includes:

- Being courteous when addressing Council during public participation time and directing all comments through the Chair
- Being quiet during proceedings
- Being respectful towards others present and respecting their right to their own views

Inappropriate behaviour includes:

- Interjecting or taking part in the debate
- Verbal abuse or harassment of a Councillor, member of staff, ratepayer or member of the public
- Threats of violence

10.1. PETITION

No petitions have been received this month in accordance with Local Law No. 1.

10.2. QUESTIONS

The Chair will read out responses to questions taken on notice from the last ordinary meeting, and then hear and respond to new questions received in accordance with Local Law No. 1.

Question 1 – Ms Kaye Powell

Re: Daylesford Field & Game Shooting Club at Glenlyon Reserve.

I have already established the extent of debris left after each monthly shoot at the Glenlyon Reserve. I think Council has 4 choices.

1. Do nothing thus sanctioning illegal littering of a public place.
2. Kick the shooters out which would be an easy fix but not one that the shooters would appreciate, and I think council should aim to come up with something better than that.
3. If council thinks the debris is acceptable then move the Daylesford club to Victoria Park.
4. Set up a meeting with the relevant Council officer and the club to help find the club another more suitable venue - one where the shooting club is the sole user of the venue.

Which one will council choose?

Response

Council is aware of concerns and is currently working with the Committee of Management and user groups to find a solution.

It is premature to respond with one of the options you have presented until these negotiations are concluded.

Question 2 – Ms Elizabeth Swan

Re: Daylesford Field & Game Shooting Club at Glenlyon Reserve.

I attended the recent planning consultation day for the Glenlyon Reserve recently. There was no mention of the Daylesford Field and Game club nor their use of this venue.

Was this a glaring oversight or can the residents of Glenlyon look forward to the removal of the Daylesford club from Glenlyon with all its inherent antisocial aspects?

Response

Council is currently consulting on the Glenlyon Recreation Reserve Master Plan and the Shire's Play Space Strategy and welcomes all feedback as part of the consultation process.

As per my previous response, Council is in consultation with key user groups and the Committee of Management around long term uses for this reserve.

10.3. REQUESTS TO ADDRESS COUNCIL

Members of our community who have submitted a request in accordance with Local Law No. 1 will be heard.

No requests to address Council were received in accordance with Local Law No. 1.

11. STATUTORY PLANNING REPORTS

11.1. PLANNING APPLICATION 2438 - CONSTRUCTION OF TWO DWELLINGS AND A TWO LOT SUBDIVISION A 7 FRAZER STREET DAYLESFORD DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

PURPOSE

The purpose of this report is for Council to consider an application for the construction of two dwellings and a two lot subdivision at 7 Frazer Street Daylesford.

BACKGROUND

Site and Surrounds

The site is an 879m² parcel of land located the eastern side of Frazer Street

The site slopes approximately 8.5m from a west to east direction.

The site is predominantly devoid of vegetation however it is noted that some vegetation has been removed along the boundaries of the site that no planning approval was required for.

Proposal

The application proposes to construct 2 dwellings on the site and a 2 lot subdivision of the site.

The dwellings are proposed as follows:

Dwelling 1

- Double storey (6.7m maximum height)
- Central bathroom and laundry
- Double garage
- 3 bedrooms
- Open plan kitchen/living/dining area.

Dwelling 1 is proposed to match the setbacks of adjoining dwellings with a 2.5m setback. The dwelling is proposed to be cut into the site. The dwelling is proposed with a flat roof form and is to be clad predominantly in natural timber with a small portion of natural concrete render.

Dwelling 2

- Double storey (6.95m maximum height)
- Central bathroom and laundry
- Double garage

- 3 bedrooms and a study
- Open plan kitchen/living/dining area.

Dwelling 2 is proposed to the rear of the site and is also proposed to include both cut and fill to provide a building platform for the dwelling. The dwelling is proposed to be clad in a mixture of fibre cement cladding and natural concrete render. Access is proposed via a driveway along the southern boundary of the site. The dwelling design includes cantilevered sections on the upper level intersecting with the ground floor portion of the building.

ISSUE/DISCUSSION

Relevant Planning Provisions

Zoning:	General Residential Zone	
Overlays:	Environmental Significance Overlay Schedule 1 and 2 Heritage Overlay Schedule 697	
Particular Provisions	Clause 55 – Two or more dwellings on a lot Clause 56 – Residential Subdivision	
Relevant Provisions of the PPF	Clause 14.02-1S Catchment planning and management Clause 14.02-2S Water quality Clause 15.01-5S Neighbourhood character Clause 15.03-1S Heritage conservation Clause 16.01-01S Integrated housing Clause 16.01-2S Location of residential development Clause 16.01-4S Housing affordability Clause 21.05 Settlement and Housing Clause 21.09 Environment and Heritage Clause 22.01 Catchment and Land Protection Clause 22.02 Mineral Springs Protection Clause 22.08 Daylesford Neighbourhood Character	
Under what clause(s) is a permit required?	Clause 32.08-3 (GRZ)	Subdivision
	Clause 32.08-3 (GRZ)	Construction of 2 dwellings on a lot
	Clause 42.01-2 (ESO2)	Buildings and works and subdivision
	Clause 43.01-1 (HO)	Buildings and works and subdivision
Objections?	Five (5)	

Zoning and response to policy direction

The site is zoned General Residential where residential development is expected and encouraged, subject to providing an appropriate response to the existing and preferred character of the area and compliance with Clause 55 (ResCode) of the Hepburn Planning Scheme (Scheme). The site is connected to all relevant services and is surrounded by other residential development.

Albeit contemporary in appearance, the materials proposed as part of the development include natural earthy materials that are encouraged within the relevant policy. The development has also been reduced in height to minimise any incursion into view lines towards Wombat Hill from the eastern approach to the township of Daylesford.

The proposed dwellings are supported by the relevant policies in relation to the location and form of residential development.

Heritage Implications

The site is affected by Heritage Overlay HO6967 known as The Wombat Hill Gardens Heritage Precinct. The rationale for the heritage citation is identified due to '*...the key role of the Wombat Hill Gardens for their botanic and historic values and for their dominant visual role in the landscape and topography of the town of Daylesford*'.

Further, it is identified that the gardens are '*...aesthetically significant as a visual backdrop to the town of Daylesford and the way the gardens exploits the topography and views of the countryside*'.

It is considered that the proposal will not detrimentally impact on the heritage significance of the gardens as

- The dwellings have been designed despite their 2 storey construction, to be limited in their height due to being cut into the site and having a ceiling height that will sit equal of below the lower limits of the gardens themselves.
- The materials used being natural timber and concrete echo the important features of the heritage gardens being the vegetation and historic water storage buildings.
- The relatively small building footprints and the ability for future landscape to be established will help the development blend into the gardens.

General comments were provided by Council's Heritage Advisor regarding the impact of the development on Wombat Hill gardens and the surrounding environs. Concern was identified regarding the lack of a detailed landscaping plan being submitted with the application which would be a requirement should a permit be issued.

The materials and design of the buildings were deemed to be of a high standards and would sit comfortably within the heritage environs of the Wombat Hill Gardens.

Neighbourhood Character

The site is located within Precinct 15 of the Daylesford Neighbourhood Character Policy that has the objective to:

- *To strengthen the semi-rural character of the area by planting of native and exotic vegetation.*
- *To maintain the rhythm of dwelling spacing.*
- *To ensure that new buildings do not dominate the landscape. To maintain the openness of the streetscape.*

An existing dwelling is located on the property immediately to the north of this property with single dwellings located on the majority of surrounding lots with significant setbacks provided between dwellings.

The development proposed as part of this application does provide for an intensification of the building form within the area however is not considered to be to a level that would constitute an overdevelopment or something that is starkly in contrast to the existing character of the area. 4-5m setback distances are provided throughout the development that will allow for meaningful landscaping to be provided in-keeping with the character of the area.

Double storey development while not characteristic of the neighbourhood is seen in several instances within the proximity of the site. The slope of the site even where dwellings are located across just 1 storey are required to include significant wall heights to compensate for the slope of the site. The dwellings are contemporary in appearance, however the concrete finish complemented by the vertical natural timber cladding is sympathetic with existing development within proximity of the surrounds.

The development minimises site disturbance, steps down the site, provides a roof pitch and form that compliments surrounding development and provides separation between the dwellings to maintain the openness of development, reduce dominance and accommodate the provision of planting to compliment the landscape character of the surrounds.

Adherence to ResCode – Clause 55 and 56

The development complies with all the objectives and the majority of the standards of Clause 55 of the Hepburn Planning Scheme.

Only 1 standard is not met being the overlooking standard at Clause 55.04-6 – (Standard B22)

A copy of this assessment is included as an attachment to this report.

Environmental Impact

The dwelling has been designed to follow the contours of the land in order to minimise the impact on soil disturbance and the impact on waterway health.

There is not considered to be any impact as a consequence of the development that cannot be controlled through the building process.

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 is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

Nil.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and occupiers and a notice on the land. As a result, five objections have been received. The issues raised in the objections are addressed individually as follows.

- Setback to common boundary

The setbacks from all boundaries are in excess of those required by the requirements of Clause 55 of the Scheme

- Overlooking

The proposed dwellings are designed to only include upper floor windows that do not have a sill height less than 1.7m to the north of the site. Immediately to the north of the site is a currently disused dwelling (5 Frazer Street) that both proposed dwellings are included with balconies that will overlook directly into the rear yard of the existing dwelling.

While the sloping nature of the site exacerbates any potential overlooking to the north of the proposed dwellings, the provision of open space and orientating dwellings to provide their living areas on the northern side of dwellings is encouraged. Land immediately to the north of the site is owned by the same owner as the subject site and the dwellings have been designed with the knowledge of the possible overlooking. Similar to this development, should a future development be proposed on 5 Frazer Street, any dwelling would be encouraged to locate living areas to the north and service areas provided to the southern portion of the development.

A tall fence will be required surrounding the site to prevent overlooking at ground level.

- Neighbourhood Character and Heritage Values

A discussion has been provided earlier in this report that describes how the proposed development is considered to appropriately respond to the surrounding character and heritage values of the area.

- Overdevelopment of the site

The development proposes 2 dwellings on a 879m² parcel of land. While this reflects a more intensive design response than immediately surrounding the site, the relatively small building footprint, low site coverage and ability to provide additional landscaping is considered to reflect an appropriate design response opposed to an overdevelopment

- Noise while building

Any noise from construction will be required to meet relevant EPA standards

- Increase in traffic

There is anticipated to only be only a limited increase in traffic as a consequence of the 2 dwellings that Frazer Street will easily be able to cater for given that it is a fully sealed road that due to the undulations and curves already encourages a slow vehicle environment.

CONCLUSION

The application proposes the construction of two dwellings on a parcel of land that has been zoned to provide for the use of the land for residential purposes. The dwellings have been designed to complement the existing and preferred character of the area. Based on the above the development is considered acceptable and warrants Councils support.

OFFICER'S RECOMMENDATION

11.1.1. That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue Notice of Decision to Grant a Planning Permit PA 2438 for the construction of two double storey dwellings in respect of the land known as 7 Frazer Street, Daylesford, subject to the following conditions:

Amended Plans Required (Condition 1)

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:

- a. Six cubic metres of externally accessible storage provided for each dwelling in accordance with Standard B30 at Clause 55.05-6 (Storage objective) of the Hepburn Planning Scheme.
- b. A landscape plan in accordance with Condition 3 of this permit.
- c. The location, height and material of internal and external fencing throughout the site.

Layout not altered

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

Landscaping and tree protection

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

- a. the locations of all landscaping works to be provided on the land
- b. the locations of the tree to be retained or removed from the land (including details of species and size);
- c. the provision of substantial landscaping including canopy trees along the boundaries of the site to contribute the landscape character of Wombat Hill and its environs.
- d. a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant
- e. details of the proposed surface finishes of pathways and driveways
- f. details of the irrigation system to be used on land following completion of the landscaping works

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

5. 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.

Stormwater Drainage

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.

7. It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surround road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.

8. Before development starts professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans.

9. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.

10. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

11. Prior to the occupation of the dwelling or certification, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge.

12. Drainage system must be constructed and completed prior to the issue of the occupation of the dwellings or the statement of compliance.

13. It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines

Note: Additional information for requirements can be found at <https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

Access

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

15. Prior to the occupation of the dwellings the following will be constructed for approval.

a. Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.

b. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.

c. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.

d. 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.

e. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

16. Prior to statement of compliance it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20

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

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

Permit Expiry

19. This permit will expire if one of the following circumstances applies:

a. The development is not started within two years of the date of this permit.

b. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

Mr Neil Hayden spoke as a representative of the applicant in support of the application.

Mr Aleks Danko spoke in objection to the application.

Dr Jude Walton spoke in objection to the application.

Mr Edward Goodwin spoke in objection to the application.

Mrs Robyn Clark spoke in objection to the application.

Mr Jason Clark spoke in objection to the application.

Mrs Wendy Goodwin spoke in objection to the application.

MOTION

11.1.1. That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue Notice of Decision to Grant a Planning Permit PA 2438 for a two lot subdivision and the construction of two double storey dwellings in respect of the land known as 7 Frazer Street, Daylesford, subject to the following conditions:

Amended Plans Required (Condition 1)

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
 - a. Six cubic metres of externally accessible storage provided for each dwelling in accordance with Standard B30 at Clause 55.05-6 (Storage objective) of the Hepburn Planning Scheme.*
 - b. A landscape plan in accordance with Condition 3 of this permit.*
 - c. The location, height and material of internal and external fencing throughout the site.**

Layout not altered

- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Landscaping and tree protection

3. *Before development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:*
 - a. *the locations of all landscaping works to be provided on the land*
 - b. *the locations of the tree to be retained or removed from the land (including details of species and size);*
 - c. *the provision of substantial landscaping including canopy trees along the boundaries of the site to contribute the landscape character of Wombat Hill and its environs.*
 - d. *a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant*
 - e. *details of the proposed surface finishes of pathways and driveways*
 - f. *details of the irrigation system to be used on land following completion of the landscaping works*
4. *Before the dwelling is occupied, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.*
5. *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.*

Stormwater Drainage

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.*
7. *It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surround road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.*
8. *Before development starts professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans.*
9. *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.*
10. *No concentrated stormwater shall drain or discharge from the land to adjoining properties.*
11. *Prior to the occupation of the dwelling or certification, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge.*

12. *Drainage system must be constructed and completed prior to the issue of the occupation of the dwellings or the statement of compliance.*

13. *It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines*

Note: Additional information for requirements can be found at <https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

Access

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

15. *Prior to the occupation of the dwellings the following will be constructed for approval.*

- a. *Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.*
- b. *Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.*
- c. *Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.*
- d. *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.*
- e. *The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a*

“Consent to Work within the Road Reserve”, prior to the undertaking of works.

16. *Prior to statement of compliance it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20*
17. *All works must construct and complete prior to commencement of use.*
18. *All costs incurred in complying with the above conditions shall be borne by the permit holder.*

Permit Expiry

19. *This permit will expire if one of the following circumstances applies:*
 - a. *The development is not started within two years of the date of this permit.*
 - b. *The development is not completed within four years of the date of this permit.*

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

Moved: Cr Neil Newitt

Seconded: Cr Don Henderson

Carried

ATTACHMENT 1 - PA 2438 – 7 FRAZER STREET DAYLESFORD - RESCODE ASSESSMENTS

Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

Refer to Clause 55 of the Planning Scheme for decision guidelines.

The following table provides a reference for the proposal's compliance/non-compliance with the Objectives and Standards of Clause 55. Refer to the main body of the report for a detailed assessment against of the key elements of Clause 55 as they relate to the proposal.

Neighbourhood Character Clause 55.02

Clause & Objective	Standard Met	Objectives Met
Clause 55.02-1 - Neighbourhood character objectives - Standard B1	Yes	Yes
Clause 55.02-2 - Residential policy objectives -Standard B2	Yes	Yes
Clause 55.02-3 - Dwelling diversity objective - Standard B3	N/A	N/A
Clause 55.02-4 - Infrastructure objectives - Standard B4	Yes	Yes
Clause 55.02-5 - Integration with the street objective Standard B5	Yes	Yes

Site Layout and Building Massing Clause 55.03

Clause & Objective	Standard Met	Objectives Met
Clause 55.03-1 - Street setback objective - Standard B6	Yes	Yes
Clause 55.03-2 - Building height Objective - Standard B7	Yes – 7m max height proposed 11m maximum allowable height	Yes
Clause 55.03-3 - Site coverage objective - Standard B8	Yes – approximately 30% (60% allowed)	Yes
Clause 55.03-4 - Permeability and stormwater management objectives - Standard B9	Yes – approximately 50% permeable. 35% garden area provided – 20% required.	Yes
Clause 55.03-5 - Energy efficiency objectives - Standard B10	Yes	Yes
Clause 55.03-6 - Open space objective - Standard B11	N/A	N/A
Clause 55.03-7 - Safety objective - Standard B12	Yes	Yes
Clause 55.03-8 - Landscaping objectives - Standard B13	Yes – condition to include detailed landscape plan.	Yes
Clause 55.03-9 - Access objectives - Standard B14	Yes	Yes
Clause 55.03-10 - Parking location objectives - Standard B15	Yes	Yes

Amenity Impacts Clause 55.04

Clause & Objective	Standard Met	Objectives Met
Clause 55.04-1 - Side and rear setbacks objective - Standard B17	Yes	Yes
Clause 55.04-2 - Walls on boundaries Objective - Standard B18	N/A - None	Yes
Clause 55.04-3 - Daylight to existing windows objective - Standard B19	Yes	Yes
Clause 55.04-4 - North facing windows objective - Standard B20	Yes	Yes
Clause 55.04-5 - Overshadowing open space objective - Standard B21	Yes	Yes
Clause 55.04-6 - Overlooking objective - Standard B22	Variation required to north and east	Yes
Clause 55.04-7 - Internal views objective - Standard B23	Yes	Yes
Clause 55.04-8 - Noise impacts objectives - Standard B24	Yes	Yes

On-Site Amenity and Facilities Clause 55.05

Clause & Objective	Standard Met	Objectives Met
Clause 55.05-1 - Accessibility objective - Standard B25	Yes	Yes
Clause 55.05-2 - Dwelling entry objective - Standard B26	Yes	Yes
Clause 55.05-3 - Daylight to new windows objective - Standard B27	Yes	Yes
Clause 55.05-4 - Private open space objective - Standard B28	Yes	Yes
Clause 55.05-5 - Solar access to open space objective – Standard B29	Yes	Yes
Clause 55.05-6 - Storage objective - Standard B30	Yes - Subject to condition	Yes

Detailed Design Clause 55.06

Clause & Objective	Standard Met	Objectives Met
Clause 55.06-1 - Design detail objective - Standard B31	Yes	Yes
Clause 55.06-2 - Front fences objective - Standard B32	Yes	Yes
Clause 55.06-3 - Common property objectives - Standard B33	N/A	Yes
Clause 55.06-4 - Site services objectives - Standard B34	Yes	Yes

**ATTACHMENT 2 - PA 2438 – 7 FRAZER STREET DAYLESFORD –
PLANS (ISSUED UNDER SEPARATE COVER)**

**ATTACHMENT 3 - CONFIDENTIAL - PA 2438 – 7 FRAZER STREET
DAYLESFORD – OBJECTIONS (ISSUED TO COUNCILLORS UNDER
SEPARATE COVER)**

**11.2. PLANNING APPLICATION 2295 - TWO LOT SUBDIVISION AT 119 RICHARDS ROAD BLAMPIED
DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

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

PURPOSE

The purpose of this report is for Council to determine the planning application (PA 2295) for the two lot subdivision (dwelling excision) at 119 Richards Road, Blampied known as Lot 1 LP115000.

The application is recommended for refusal.

BACKGROUND

Site and Surrounds

The subject site is a relatively rectangular parcel of land that has a total area of 49.13ha. The site is currently used for agricultural purposes and has direct vehicle access to Richards Road. A registered waterway traverses the land along two land depressions of which verges together toward the northern aspect of the land. 2 dams present on the site fed by the watercourses. The north eastern portion of the site rises significantly to a peak as part of a remnant volcanic cone.

A single dwelling and several ancillary outbuildings are located toward the south eastern corner of the land.

This property is one of the larger allotments in the immediate area. The centre of the Blampied settlement is located approximately 1.5km to the south west.

The site and surrounding land is identified as having a mixture of low, average (considered to be due to the steep rise on the land) and very high agricultural land quality. (Agricultural Land in the Hepburn Shire, Enplan Strategic Assessment, 2007).

Proposal

The application is for a two-lot subdivision that proposes a 9 hectare lot in the south eastern corner of the allotment and a 40.13 hectare lot being the balance of the subdivision.

A dwelling and several ancillary outbuildings will remain on the 9 hectare lot with the 40.13 hectare lot being vacant.

The minimum subdivision area permitted within the Farming Zone within this part of the Municipality is 40 hectares.

This subdivision will result in a lot that is less than the minimum permitted lot size being 40 hectares.

The applicant has supplied a land management plan and farm management plan with the application that seeks to justify the subdivision.

ISSUE/DISCUSSION

Zoning:	Farming Zone (FZ)	
Overlays:	Environmental Significance Overlay Schedule 1 (ESO1) Erosion Management Overlay (EMO) Bushfire Management Overlay (BMO)	
Particular Provisions	Clause 53.02 – Bushfire Planning	
Relevant Provisions of the PPF	Planning Policy Framework <ul style="list-style-type: none"> • Clause 12.03-1 – River corridors, waterways, lakes and wetlands. • Clause 13.02-1S – Bushfire planning • Clause 13.04-2S – Erosion and landslip • Clause 14.01-1S – Protection of agricultural land • Clause 14.01-2S – Sustainable agricultural land use • Clause 16.01-2S – Location of residential development • Clause 16.01-5S – Rural residential development • Clause 17.01-1S – diversified economy Local Planning Policy Framework <ul style="list-style-type: none"> • Clause 21.05 – Settlement and Housing • Clause 21.07 – Economic Development • Clause 21.08 – Rural Land Use and Agriculture • Clause 21.10 – Monitoring and review • Clause 22.01 – Catchment and land protection • Clause 22.04 – Rural Land 	
Under what clause(s) is a permit required?	Clause 35.07-3 - FZ	Subdivision
	Clause 42.01-2 – ESO1	Subdivision
	Clause 44.01-5 – EMO	Subdivision
	Clause 44.06-2 – BMO	Subdivision
Objections?	Nil	

Agricultural issues

A planning permit is required to subdivide land zoned farming and each lot must be at least 40 hectares. A permit may be granted to create a lot smaller than 40 hectares where the subdivision is to create a lot for an existing dwelling; this must be a two lot subdivision.

The breadth of relevant policy including the purpose and decision guidelines of the Farming Zone seek to ensure that any application within land zoned Farming:

- Protects agriculture by ensuring that productive and high quality land is not lost through permanent land use changes and fragmentation.
- Demonstrates a net benefit to agricultural production.

- Limits the subdivision of land that will be incompatible with the future use of the land for agricultural production.

The information provided with the application details several prospective uses that are not necessarily primary production activities. The purpose of the Farming Zone primarily seeks to protect and encourage productive agriculture and to ensure non-agricultural uses do not adversely affect the use of the land for agriculture. It is considered that the intention of the subdivision is not solely for agricultural pursuits creating significant concerns for the subject site and those surrounding that may be impacted by the intentions of the use of the land.

The application has been submitted with a Farm Management Plan that identifies the following envisioned future uses and activities within 24 months:

- Small scale cropping and harvesting
- Rotational grazing of 6 cattle, 100 chickens, 7 alpacas and 20 ducks
- Market garden
- Planting of native and fruit trees

The Operation and Business Plan details that the long-term intention is to expand the use of the land to bee-keeping, agro-forestry, and the development of a restaurant, construction and sale of 'Tiny houses' and catering trailers. The applicant identifies that the current use of the land for agriculture has out grown the existing 3ha that the applicant leases, whilst upon site inspection a large portion of the land as part of the excision was highly underutilised. The wide range of pursuits proposed to occur in the future, some of which that not have a direct link to agricultural pursuits, create a level of uncertainty as to what is to occur in the future on the excised lot.

The proposed subdivision is also not considered to adequately response to the purpose and decision guidelines of the Farming Zone as it incorporates an area of land of which is not considered to be a viable area for future agricultural pursuits exacerbated by the area of land that will be utilised solely for infrastructure not associated with the agricultural pursuit.

The site is in an area of the Municipality that is predominantly identified as being of very high agricultural land quality derived from the September 2007 study, *Review of Agricultural Land and Rural Land Use in the Hepburn Shire*. It is detailed that a small portion of low-quality land is present on the site, however, this is considered to be due to the steep rise on the land due to the volcanic plans surrounding. Inevitably the land is comprised of high-quality volcanic soils prime for agricultural use.

The permit application details conflicting advice to the above study and indicates the land as being of a low to very low classification under the applicants own assessment and is not productive agricultural land. This in the applicant's opinion is the base against the argument of fragmentation of the

land whilst the entire land holding is currently being utilised for cattle grazing under a separate agistment.

In response to the information submitted with the application the following comments are made:

- The subdivision of land and the configuration of the lots is inappropriate and does not ensure retention of agricultural land of the minimum land size in accordance with the Farming Zone. This will cause fragmentation of agricultural land in direct contradiction of the PPF, LPPF and FZ.
- The subdivision will result in a reduction in the size of an existing agricultural holding creating a less viable unit of agricultural land of high quality soils being a direct loss of productive agricultural land.
- The Farm Management Plan does not contain an appropriate response to support and enhance agricultural production or to the fragmentation of prime agricultural land.
- The business management plan details the prospective of land uses other than agricultural pursuits.

Given the details submitted with the application it is determined that the proposal will not support the agricultural production of the land or enhance agricultural productivity and will lead to fragmentation. The proposed subdivision does not meet the decision guidelines of Clause 35.07-6 as the proposed subdivision will not enhance, protect or support agriculture.

Environmental Significance and Erosion Management Overlays

A Land Capability Assessment was provided for each proposed lot dated July 2019 completed by Ballarat Soil Testing.

Goulburn-Murray Water, Central Highlands Water and Council's Environmental Health team have advised that subject to conditions, including an upgrade of the existing system (to be located on the proposed Lot 1), the proposed subdivision will not adversely impact on the relevant water catchment.

The proposed subdivision does not include any proposal for vegetation removal, site cut or fill and will therefore have limited or no impact on erosion.

Bushfire Management Overlays

A Bushfire Management Statement and Plan was provided for each proposed lot. Country Fire Authority have advised that the Bushfire Management Statement and Plan are appropriate and the threat to life from fire has been minimised to an appropriate level.

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 is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

N/A

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

N/A

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

The two-lot subdivision is not considered to be an acceptable planning outcome when considering relevant Planning Policy.

It is considered that proposal will lead to further fragmentation of land, through subdivision, is not a desired or appropriate planning outcome and is not in line with the purpose of the Farming Zone or the Planning Policy Framework or Local Planning Policy Framework.

OFFICER'S RECOMMENDATION

11.2.1. That Council having caused notice of the planning application PA 2072 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 determines to issue a Refusal to Grant Planning Permit for the two lot subdivision at 119 Richards Road, Blampied, for the following reasons:

1. The application fails to implement the objectives and is inconsistent with the Planning Policy Framework and the Local Planning Policy Framework.
2. The proposal is inconsistent with Clause 14.01-1S of the Hepburn Planning Scheme as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long-term capacity of productive agricultural land to continue production.

3. The proposal is inconsistent with Clause 21.08 of the Hepburn Planning Scheme as the proposal:
 - a. Fails to retain productive land for agricultural purposes;
 - b. Changes the traditional agricultural potential of large rural areas of the Shire and leading to fragmentation of productive agricultural land;
 - c. Fails to protect the area of high–very high quality agricultural land.
4. The proposal is inconsistent with Clause 22.04 of the Hepburn Planning Scheme as the proposal will not reduce the amount of new rural-residential development in farming areas and fragments rural land.
5. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone at Clause 35.07 of the Hepburn Planning Scheme as the proposal will fragment existing productive rural area and will adversely affect the use of the land for agricultural purpose.
6. The application results in an allotment smaller than the minimum lot size permitted within the Farming Zone as detailed within the Schedule to the Farming Zone Clause 35.07.
7. The application, if approved, would create a precedent for further incremental subdivision within the Farming Zone.
8. The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Hepburn Planning Scheme and results in a negative planning outcome for the area.

Mr Scott Kinnear (owner) addressed Council in support of the application.

Mr Danny Kinnear (applicant) spoke in support of the application.

MOTION

11.2.1. That Council having caused notice of the planning application PA 2295 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 determines to issue a Notice of Decision to Grant a Planning Permit PA 2295 for a Two-lot subdivision (dwelling excision) at 119 Richards Road, Blampied, subject to the following conditions:

No Alteration to plans

- 1. The formal plan of subdivision lodged for certification must be in accordance with the endorsed plan and must not be modified*

except to comply with statutory requirements or with the written consent of the responsible authority.

Mandatory Conditions

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

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

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

Land Management

5. The existing waterways which traverse the property must be fenced to an appropriate standard to prevent access by stock to the satisfaction of the Responsible Authority.

6. Fencing and vegetation works must be completed within 3 months of the issue of the Statement of Compliance hereby approved and maintained thereafter to the satisfaction of the Responsible Authority.

7. No native vegetation may be removed without the further consent of the Responsible Authority.

8. No vegetation may be planted within 10m of the existing waterways which traverse the site without the prior consent of the North Central Catchment Management Authority.

Section 173 Agreement

9. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 and the agreement must be

registered on the title/s to the land under Section 181 of the Act.
The agreement must provide that:

- a. Each lot created by this subdivision must not be further subdivided unless the subdivision is a resubdivision and the number lots is not increased.

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

Before the issue of the Statement of Compliance, a copy of the Titles Office registration number (dealing number) for the Section 173 Agreement must be provided to Council as proof of registration.

Engineering Department Conditions

10. Stormwater Drainage

- a. 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.
- b. Each lot requires a separate point of discharge.
- c. It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines

Note: Additional information for requirements can be found at

<https://www.epa.vic.gov.au/business-and-industry/guidelines/waterguidance/urban-stormwater-bpemg>

11. Access

- a. Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- b. Prior to statement of compliance the following will be constructed for approval.
 - i. Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design

Manual Standard Drawing SD 255 or to approval of Responsible Authority.

ii. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.

iii. 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.

iv. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

12. Prior to statement of compliance it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20.

13. All works must be constructed and completed prior to statement of compliance.

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

Environmental Health Department Conditions

15. Lot 1

a. An application to "alter" the septic tank system must be submitted to Council's Environmental Health Department prior to any works commencing.

b. All fixtures from the dwelling must be connected into the existing septic tank system.

c. *No further additions or alterations will be permitted to be made to the system without prior approval.*

16. *Lot 2*

a. *An application to install a septic tank system must be submitted prior to any works commencing (for new dwelling).*

b. *An EPA approved Septic Tank System must be installed in accordance with the Code of Practice: Onsite Wastewater Management 2016.*

c. *The effluent disposal field must be located in an area that is able to satisfy minimum setbacks from dams and waterways. A 60m setback must be satisfied from any proposed or existing dams and 100m from declared waterways.*

Country Fire Authority Conditions

17. *The Bushfire Management Plan prepared by Regional Planning & Design (Bushfire Management Statement – 19 Richards Road, Blampied Ref No. 19.120 – Report Version B, Figure 11, dated 1/05/2019) 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.*

Mandatory Bushfire Management Overlay Conditions

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

a. *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Hepburn Shire Planning Scheme.*

b. *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*

c. *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement*

must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

Goulburn Murray Water Conditions

20. Any Plan of Subdivision lodged for certification must be referred to Goulburn- Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

21. All wastewater from the existing dwelling and kitchen must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.

22. Where the following features are present in proximity to the subject land, the wastewater disposal area must be located:

- a. Above the 1 in 100 year flood level*
- b. At least 100 metres from any waterways*
- c. At least 40 metres from the nearest drainage line*
- d. At least 60 metres from any dams*
- e. At least 20 metres from any bores.*

23. The wastewater disposal area must be kept free of all infrastructure including buildings, driveways tanks and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

24. The on-site wastewater treatment and disposal systems for proposed new lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.

Central Highlands Water Conditions

25. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

Expiration Conditions

26. This permit will expire if one of the following circumstances applies:

a. The plan of subdivision is not certified within two (2) years of the date of this permit.

b. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

In accordance with section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Moved: Cr Kate Redwood AM

Seconded: Cr Greg May

Carried

**ATTACHMENT 4 - PA 2295 – 119 RICHARDS ROAD BLAMPIED – PLAN
OF SUBDIVISION**

**ATTACHMENT 5 - CONFIDENTIAL - PA 2295 – 119 RICHARDS ROAD
BLAMPIED – BUSINESS AND FARM MANAGEMENT PLAN (ISSUED
TO COUNCILLORS UNDER SEPARATE COVER)**

12. OFFICERS' REPORTS

12.1. CHIEF EXECUTIVE OFFICER'S REPORT

OFFICER'S RECOMMENDATION

12.1.1. That Council receives the Chief Executive Officer's Report for December 2019.

MOTION

12.1.1. That Council receives the Chief Executive Officer's Report for December 2019.

Moved: Cr Greg May

Seconded: Cr Don Henderson

Carried

**ATTACHMENT 6 - CHIEF EXECUTIVE OFFICERS REPORT FOR
DECEMBER 2019**

CHIEF EXECUTIVE OFFICER REPORT

Presented at the Ordinary Meeting
of Council on 17 December 2019

The CEO Report is a monthly report to inform Council and the community of current issues, initiatives and projects undertaken across Council.

CEO Update

WEEK ENDING 24 NOVEMBER 2019

On Tuesday I started the day with a presentation to our latest team members as part of their induction programme. The Directors and I also had the opportunity to have a more informal discussion with these new starters. For the remainder of the day I was involved in pre-Council meetings, and that night I attended the Council meeting.

On Wednesday and Thursday, I participated in a Project Governance programme in Melbourne. On Thursday evening I attended the Committee for Ballarat Round Table discussion at which Carly Findlay was the guest speaker.

On Friday the Directors and I spent half the day meeting with Regional Development Victoria regarding the new way of working between Local Government and Regional Development Victoria, and project prioritisation.

Later that day I met with Mary-Anne Thomas, Member for Macedon, and Justin Burney, Project Director - Regional Tourism Review, from the Department of Jobs, Precincts and Regions.

On Saturday I attended the Ballarat Cup as a guest of the City of Ballarat.

WEEK ENDING 01 DECEMBER 2019

I started the week with an early morning meeting with Michael Poulton, CEO of Committee for Ballarat, to discuss renewable energy and micro-grids.

Upon my return to the office that morning, I had a CEO Unit catch-up meeting to review diaries for the upcoming weeks and spent the remainder of the day in an Audit Risk & Advisory Committee meeting.

On Tuesday I had my first one-on-one CEO and Mayor fortnightly meeting with the newly elected Mayor, Cr Licia Kokocinski. Following this I attended a “Hepburn Hub at the Rex” Project Control Group meeting, followed by a capital works four year forecast planning workshop, a meeting with Cr Neil Newitt, a meeting with the Clunes Neighbourhood House Coordinator, and a Community Listening Post meeting in Glenlyon.

On Wednesday I met with the CEO of Women’s Health Grampians, Marianne Hendron, in Ballarat to work on a presentation "Not in my workplace". On Wednesday afternoon I attended our weekly Executive Team meeting with the two Directors and the Manager of People & Culture. On Wednesday night I was the guest speaker at the Daylesford Community Theatre Annual General Meeting along with Bruce MacIsaac – Hepburn Hub Project Manager. Bruce MacIsaac and I provided a presentation and an update on the Hepburn Hub at the Rex project.

On Thursday morning I attended two meetings in Ballarat. The first meeting was with the Central Highlands Regional Partnership Agriculture Working Group meeting, followed by a half yearly Central Highlands Region Integrated Water Management meeting. I then drove to Melbourne to attend the Municipal Association of Victoria (MAV) CEO forum. As part of this forum, the MAV ran an insurance workshop on the Liability Mutual Insurance (LMI) scheme for public liability and professional indemnity insurance. The other presentation was a Local Government industry update.

On Friday morning I attended a farewell morning tea, two internal meetings with direct reports, and that evening I attended a UNESCO Creative City of Gastronomy meeting in Bendigo.

▶ CEO REPORT

On Saturday I attended the official opening of the Daylesford Skate Park. It was a beautiful sunny day as we were welcomed to Country at the Skate Park. It was great to see so many community members there, particularly those involved in getting the project delivered. Thanks to Mary-Anne Thomas MP for opening the park and for the State Government contribution to this project.



▶ CEO REPORT

Following the opening of the Daylesford Skate Park, I attended the official opening of the Clunes Recreation Reserve Turf Cricket Wicket upgrade which was also opened by Mary-Anne Thomas MP, and Cr Licia Kokocinski (Mayor). This project upgrade involved the construction of four new turf cricket wicket tables and associated irrigation upgrades (\$57K State Government & \$27K Council funding). Council worked closely with the Clunes Cricket Club in the delivery of this project.



WEEK ENDING 08 DECEMBER 2019

First thing on Monday morning I had my CEO Unit team meeting and caught up on some administration tasks for the remainder of the morning. That afternoon I met with David Hall and 'Safe Place' to discuss community housing in Trentham. My last appointment of the day was an interview with the Local Government Inspectorate.

On Tuesday I attended the Council briefing all day. That night I attended the Local Laws No. 2 review meeting. Unfortunately, this meeting had to be terminated early due to members of the public treating staff with aggression and hostility. Aggressive behaviour toward staff will not be tolerated and I have a legislated responsibility to provide a safe workplace for my staff. Unfortunately, members of the public who attended the session wishing to express their views in a respectful way did not get that opportunity at the meeting.

On Wednesday I participated in a teleconference with the Central Regional Partnership regarding the selection of top 5 priorities for Victorian Government funding. I then participated in a meeting with City of Greater Bendigo, City of Ballarat and Regional Development Victoria regarding our World Heritage Goldfields bid.

That afternoon I had the great privilege of presenting at "Not in My Workplace", a forum focused on eliminating sexual discrimination and harassment in the workplace. This forum was held at Sovereign Hill and was coordinated by Women's Health Grampians and Commerce Ballarat and was well attended with more than 100 attendees.

On Thursday morning I was interviewed by WIN news at the Clunes Newsagency about the roving Economic Development Officer initiative to support small business around the Shire. The Clunes Newsagency was used as an example to demonstrate how Council assisted to get them back in action following an attempted ATM theft at their shop earlier in the year which destroyed the heritage shopfront.

That afternoon I attended the end of year celebratory lunch for the Creswick and Clunes Volunteers and Museum staff.

Following the Volunteers event, that night I attended the Local Law 2 review community drop in session in Creswick.

On Friday morning I attended a meeting with staff at the Department of Water, Land, Environment and Planning in Ballarat to discuss Committee of Management reserves within Hepburn Shire.

That afternoon I attended a Central Highlands Regional Partnership Strategic meeting, followed by a Central Highlands Councils Victoria (CHCV) CEO's meeting, both of which were in Ballarat.

WEEK ENDING 15 DECEMBER 2019

On Monday morning I attended my weekly CEO Unit team meeting.

On Tuesday morning the Mayor, Deputy Mayor and I had our fortnightly CEO and Mayor's meeting prior to an all-day Council briefing.

That night I had a walking meeting around Lake Wendouree with Jennifer Ganske, Marketing Director for Sovereign Hill, to discuss the Goldfields World Heritage listing.

On Wednesday I attended a toolbox meeting at the Daylesford Depot. Following this I spent some much-needed time in the office, and attended the Executive Team meeting that afternoon. That evening I attended the Creswick Trails Community meeting in the Creswick Town Hill.

On Thursday morning the Minister for Energy, Environment and Climate Change, Lily D'Ambrosio, visited the Biodigester project at the Creswick Transfer Station. Following the visit to the Biodigester, the Minister, the Mayor, and staff from Sustainability Victoria and Hepburn Wind attended a meeting at the Creswick Hub to discuss the Z-Net project.

That afternoon I had my regular catch up with the Director of Infrastructure & Development Services, Bruce Lucas.

On Thursday evening the Councillors and Executive team attended an end of year function in Creswick.

On Friday morning Council were advised that we had been successful in securing \$60,588 in funding for the Creswick and District preschool accessibility upgrade.

The Parliamentary Secretary for Early Childhood and Member for Carrum, Sonya Kilkenny MP, joined the Mayor, Cr Don Henderson and I to make this announcement on Friday morning. This project will deliver upgrades including the widening of doorways and relevant transitions through entryways to enable accessibility to the second classroom directly from the playground.

On Friday afternoon we had our staff end of year function in Musk.

As there is no Council meeting in January 2020, my next report will be presented at the February Council meeting.

12.2. CUSTOMER REQUESTS UPDATE

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Director Community and Corporate Services, I Bradley Thomas have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide Council an update on customer requests received and responded to through the Closing the Loop system, for the period ended 30 November 2019.

BACKGROUND

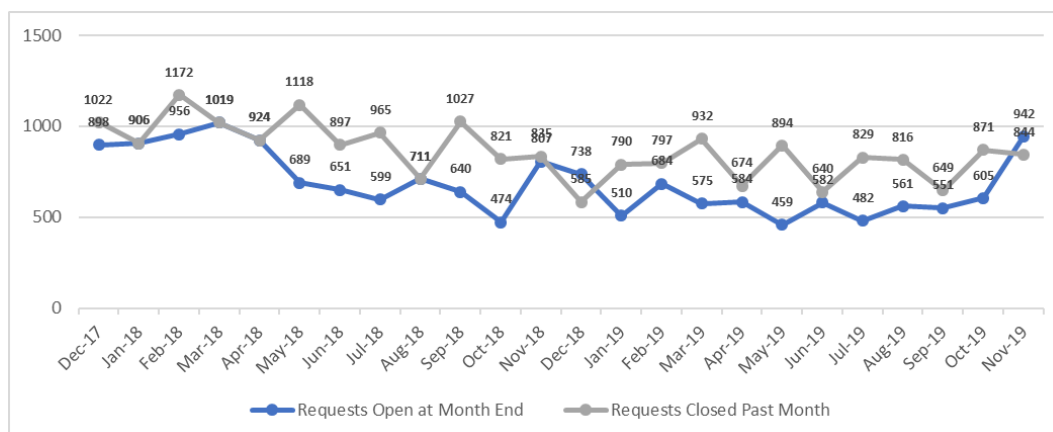
Council uses a Customer Request System *Closing the Loop* to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

In using the system, the organisation is focussed on the importance of contact with customers to close the loop on all requests and recording details of actions taken.

ISSUE/DISCUSSION

The following data provides the key indicators for the customer requests in *Closing the Loop*.

Total Requests Open and Closed Each Month

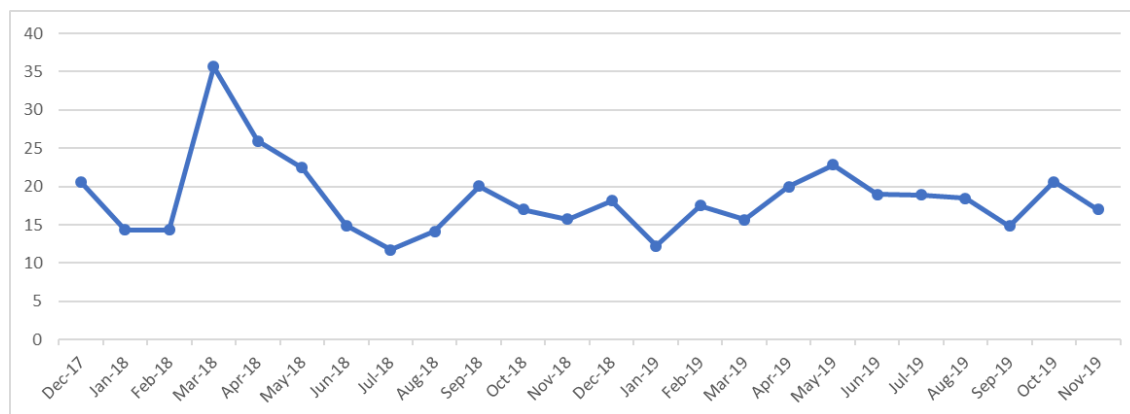


There was a spike in the number of requests in November 2019 due to requests, particularly tree repairs and roads works associated with the weather events of 21 November 2019.

Each request is allocated a category as the type of request, with the following detailing the top categories of open requests for the last six months:

Category	June	July	August	Sept	Oct	Nov
Call back	166	174	220	216	242	334
Roads and Footpaths	68	50	60	60	64	132
Parks and Open Space	25	23	29	30	41	88
Information Technology (internal)	50	41	57	55	76	91
Development - Planning, Building and Septics	42	46	48	45	45	51
Other	231	128	147	145	137	246
Total	582	482	561	551	605	942

Average Days to Close Requests

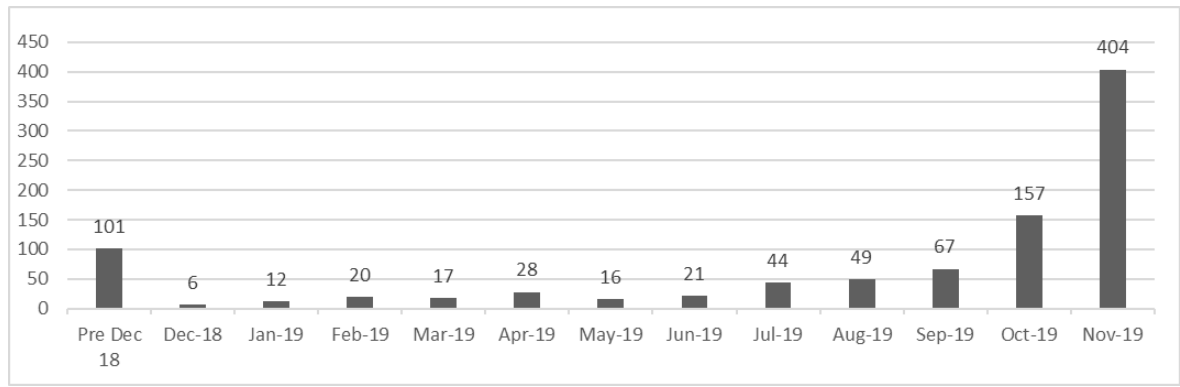


There was a spike in October 2019, however the number of requests closed during that month also spiked slightly with a number of long term requests completed.

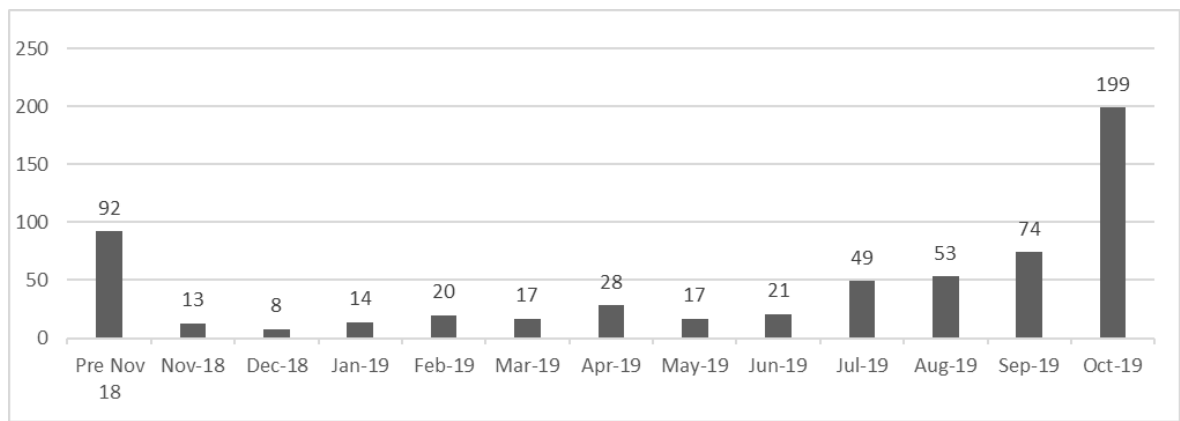
Over the last 12 months the average days to closed has ranged between 12.23 and 22.83 – with an average of 17.93.

Open Requests by Month Received

Current



Last Month



COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017-2021:

Strategic Objective: High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver Excellent Customer Service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.

Action: 12.06 Set improvement targets for timeframes for responding to customer inquiries and requests.

Key Strategic Indicator: Average Days to Close External Customer Requests

FINANCIAL IMPLICATIONS

Responding to customer requests is managed within the annual budget.

RISK IMPLICATIONS

Customer requests relate to a range of different matters and risks. Effective processes for managing and responding to requests is an important part of Council's control framework.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No specific matters noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Customer requests are an important mechanism to engage on a range of matters. This report enables Council to inform the community on the volumes of received and processed requests.

CONCLUSION

Council manages and responds to customer requests using the Closing the Loop system, including a focus on actively closing the loop with contacting customers. The above summary information has been provided for Council's information.

OFFICER'S RECOMMENDATION

12.2.1. That Council notes the update on customer requests for November 2019.

MOTION

12.2.1. That Council notes the update on customer requests for November 2019.

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

12.3. DEVELOPMENT AND COMMUNITY SAFETY REPORT

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Manager Development and Community Safety, I Alison Blacket have no interests to disclose in this report.

PURPOSE

The purpose of this report is to update Council on the activities of the Building, Environmental Health, Community Safety and the Planning units of Council.

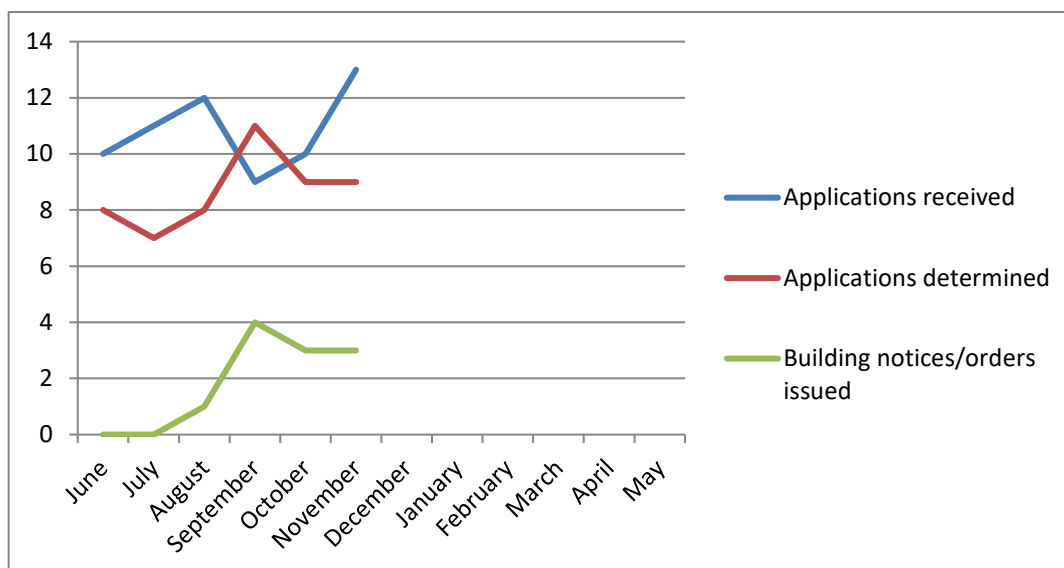
ISSUE/DISCUSSION

Building

The building activity report for November 2019 is summarised below:

Building Activity	Total
Building applications received	13
Building applications determined	9
Building notices/orders issued	3
Total development cost	\$522,010

The following graph indicates building statistics and activity for the 2019/2020 financial year. (June 2019 included):

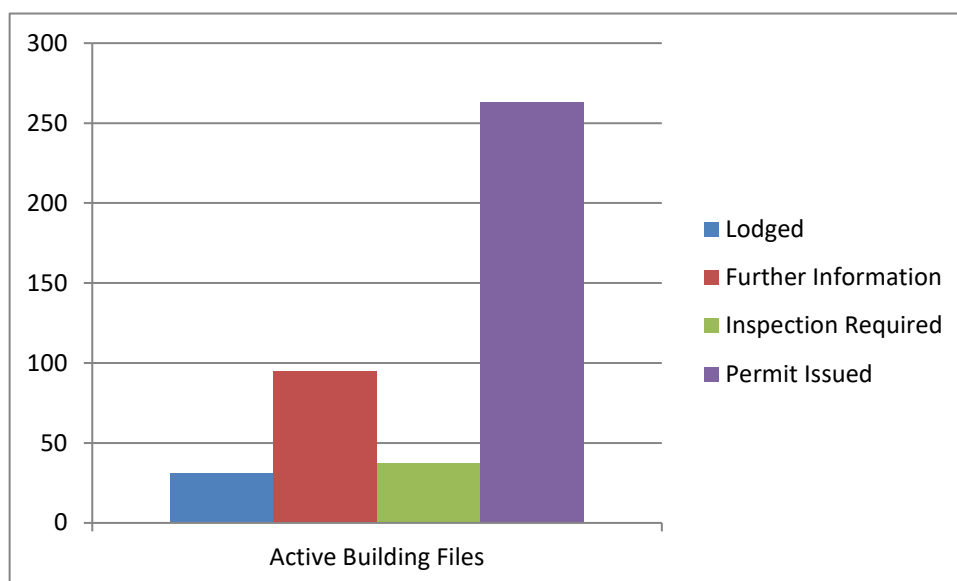


The total value of development for all Council approved building permits for the 2019/2020 financial year is \$3,508,047.00

Active Building Files

The building department has had 426 active building files over the month of November as summarised below:

Active Building Files	Total
Lodged	31
Further Information	95
Inspection Required	37
Permit Issued	263

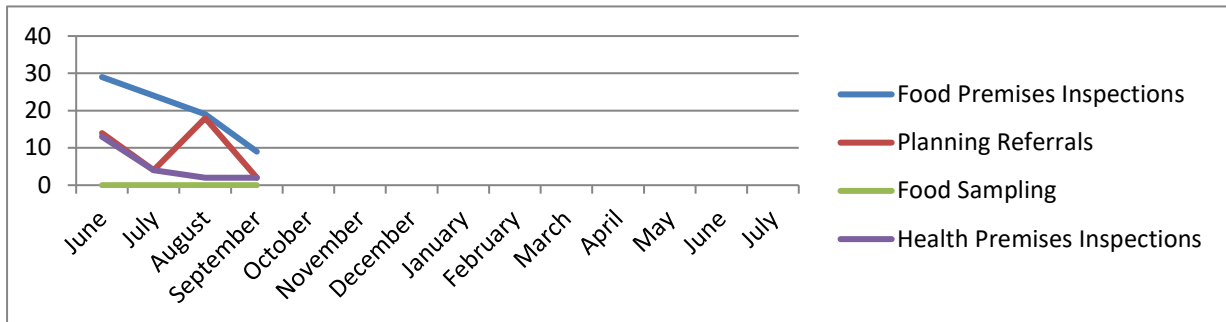


Environmental Health

The Environmental Health activity report for November 2019 is summarised below:

Environmental Health Activity	Total
Food Premises Inspections	9
Planning Referrals	2
Food Sampling	0
Health Premises Inspections	2

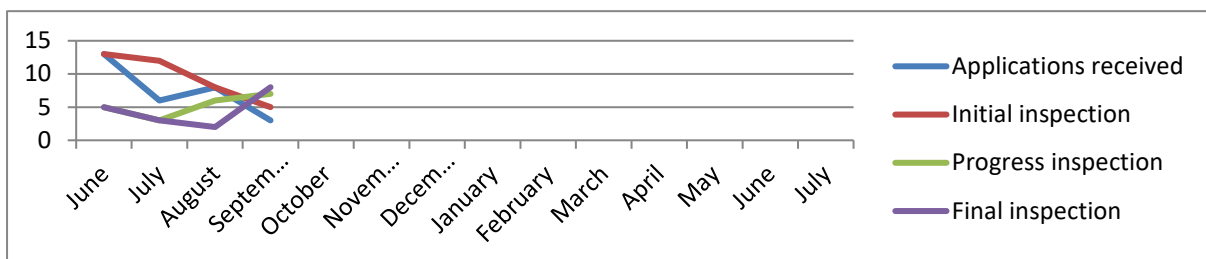
The following graph indicates environmental health statistics and activity for the 2019/2020 financial year (June 2019 included):



The Environmental Health septic tank application/inspection activity report for November 2019 is summarised below:

Septic Tank applications/inspections	Total
Applications	3
Initial inspection	5
Progress inspection	7
Final inspection	8

The following graph indicates environmental health septic tank application/inspection statistics and activity for the 2019/2020 financial year (June included):



Community Safety

The Community Safety team activity report for November 2019 is summarised below:

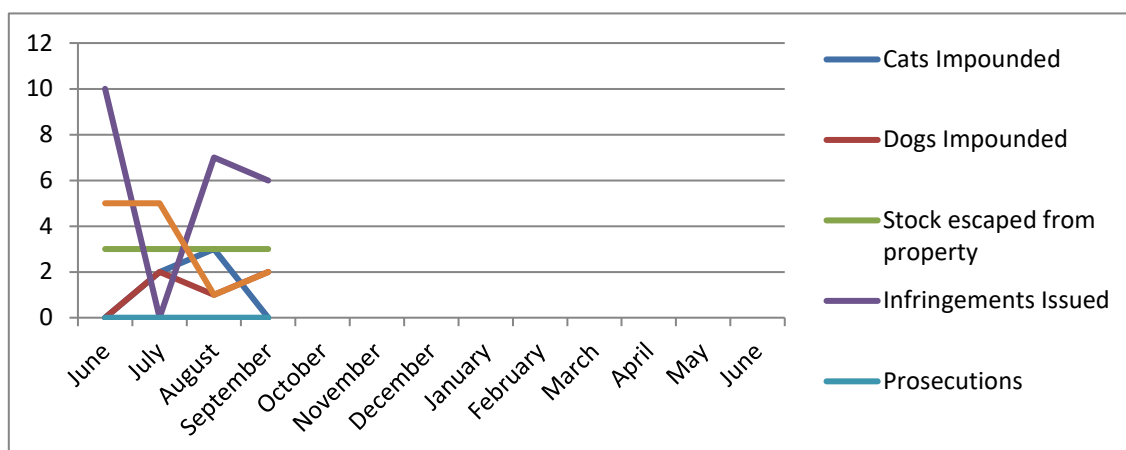
Local Laws Activity	Total
Cats Impounded	0
Dogs Impounded	2
Stock escaped from property	3
Infringements Issued	6
Prosecutions	0
Dog Attacks	1
Declarations of Menacing Dogs	1
Declarations of Dangerous Dogs	0

The reported dog attack in November did not warrant further actions as insufficient evidence could be obtained to prove an offence.

Breakdown of Infringements issued in November 2019:

Infringements	Total
Parking	5
Local Law	0
Food	0
Animal	1
Fire	0

The following graph indicates local laws statistics and activity for the 2018/2019 financial year (June 2019 included)

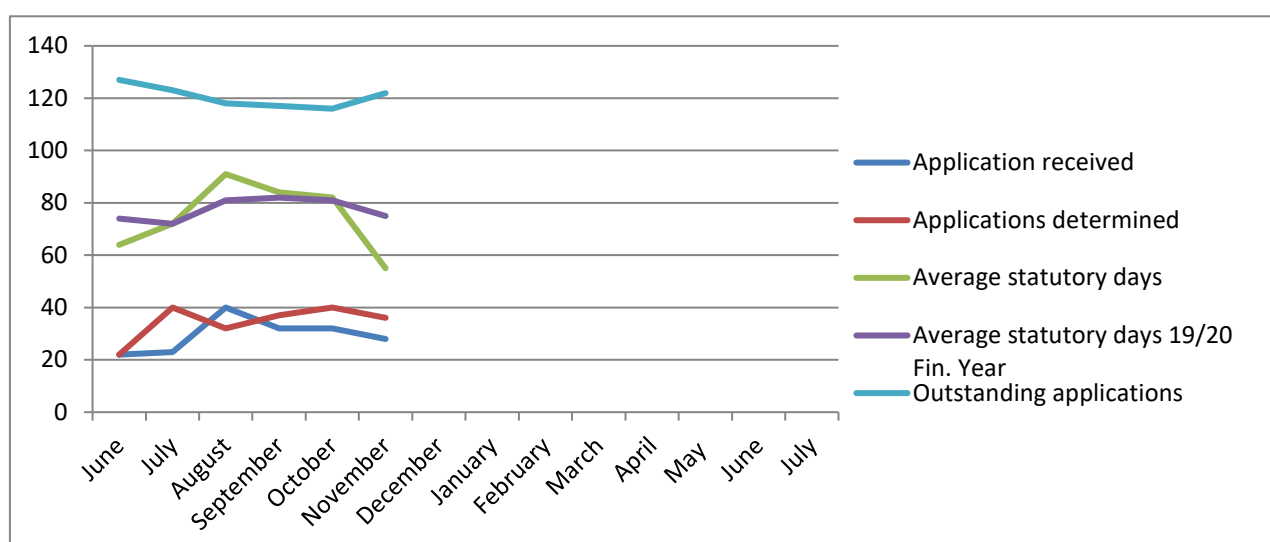


Planning

The Planning activity report for November 2019 is summarised below:

Planning Activity	Total
Applications received	28
Applications determined	36
Average statutory days for month	55
Average statutory days 19/20 financial year	75
Average statutory days 18/19 financial year	74
Outstanding applications	122

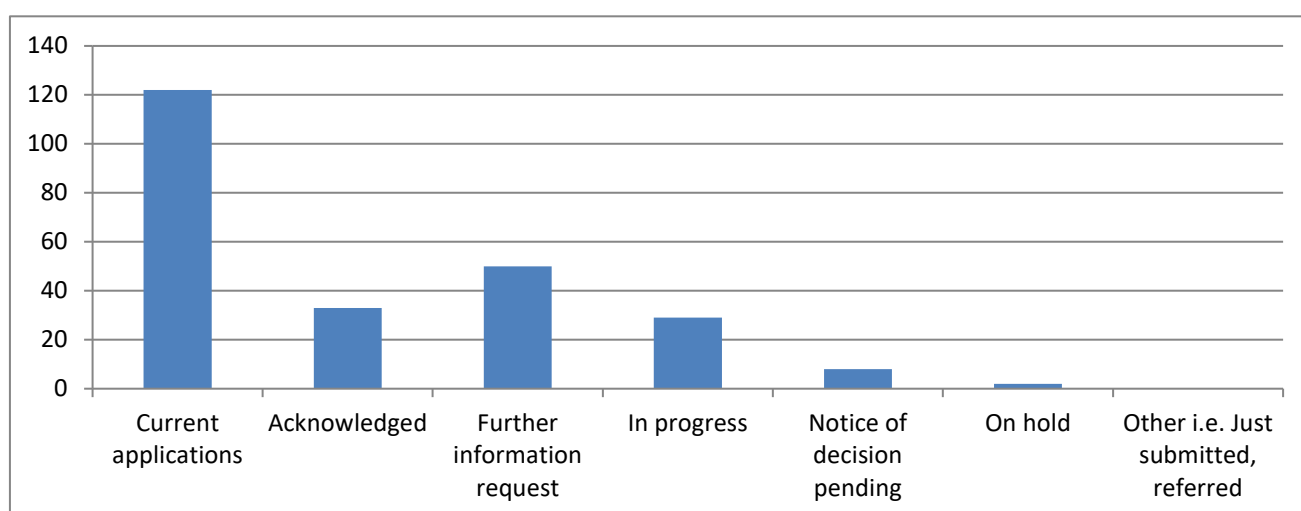
The following graph represents planning activity for the 2019/2020 financial year (June 2019 included):



The average assessment time in statutory days has dipped below the average statutory 60 day target. With a lot less historical permits being issued this month the average statutory days reflects more closely the actual number. An average number of new applications were lodged in November and the total number of outstanding applications continues to gradually fall.

The status of all active applications as at November 2019 is summarised below:

Status of all active applications as at November 2019	
Current applications	122
Acknowledged	33
Further information request	50
In progress	29
Notice of decision pending	8
On hold	2
Other i.e. Just submitted, referred	0



Applications determined in November 2019 under delegation

A list of applications issued under delegation is included as an attachment. The breakdown of permits issued under delegation by category is listed in the table below, this includes those applications deemed as not required or withdrawn by the delegated officer.

Permits Issued by Delegated Officers	23
Notice of Decision by officer	6
Withdrawn etc.	3
Refused by Council	0

OFFICER'S RECOMMENDATION

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

MOTION

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

Moved: Cr Neil Newitt

Seconded: Cr Greg May

Carried

**ATTACHMENT 7 - PLANNING PERMITS ISSUED UNDER DELEGATION
IN NOVEMBER 2019**

Planning Permits issued under delegation - November 2019

Application ID	Primary Property	Full Details	Decision
PlnPA002218.01	520 Leslies Road, PORCUPINE RIDGE VIC 3461	Alter house, location, design, size, add carport; Buildings and works to construct a dwelling	Permit Issued
PlnPA002579	12 School Road, MUSK VIC 3461	Construction of an outbuilding	Referred to VCAT
PlnPA002584	71 Church Road, MOUNT FRANKLIN VIC 3461	Construction of a shed	Permit Issued
PlnPA002530	2 Ruthven Street, DAYLESFORD VIC 3460	Construction of a dwelling	Lapsed
PlnPA002564	22 Nowland Track, EGANSTOWN VIC 3461	development of land for a domestic storage shed	Permit Issued
PlnPA002590	659 Vaughan Springs Road, DRUMMOND NORTH VIC 3446	Construction Of A Carport & Walkway	Permit Issued
PlnPA002595	37 Leslies Road, MOUNT FRANKLIN VIC 3461	Construction of 3 Farm Sheds.	Permit Issued
PlnPA002589	25 Mossops Road, BULLARTO VIC 3461	Construction of an outbuilding (shed) and associated works	Permit Issued
PlnPA002593	2A Swiss Mount Avenue, HEPBURN SPRINGS VIC 3461	Erection of double carport	Permit Issued
PlnPA002576	505 Daylesford-Malmsbury Road, WHEATSHEAF VIC 3461	Construction of a carport	Permit Issued
PlnPA002552	57 Leitches Creek Road, DAYLESFORD VIC 3460	Use for storage/warehouse for food products	Permit Issued
PlnPA001392.01	195 Old Ballarat Road, SAILORS HILL VIC 3461	Construction of a dwelling. Amendment to original plans submitted for Planning Permit 1392 issued 18/10/2016.	Withdrawn
PlnPA002536	143A Vincent Street, DAYLESFORD VIC 3460	Construction of an extension to an existing shop storage area	Refused
PlnPA002400	2453 Ballan-Daylesford Road, SAILORS FALLS VIC 3461	Construction of a shed	Permit Issued
PlnPA002512	21 Augusta Drive, CRESWICK VIC 3363	Use and development of a dwelling, site cut in excess of 1m in depth and associated works	Permit Issued
PlnPA002566	2 Barkas Street, DAYLESFORD VIC 3460	Addition to existing dwelling and site cut over 1m in depth	Notice of Decision
PlnPA002534	8 School Road, CLUNES VIC 3370	Variation of restriction	Permit Issued
PlnPA002543	52 Clunes Road, CRESWICK VIC 3363	Two lot subdivision (resubdivision)	Permit Issued
PlnPA002392	352 Daylesford-Trentham Road, DAYLESFORD VIC 3460	Construction of a dwelling and studio	Refused
PlnPA002485	Giacomettis Lane, COOMOORA VIC 3461	Two lot subdivision, construction of a dwelling	Notice of Decision
PlnPA002464	32 Augusta Drive, CRESWICK VIC 3363	Use and construction of a dwelling and associated works	Permit Issued
PlnPA002520	125 Beckworth Court Road, CLUNES VIC 3370	Two lot subdivision (re-subdivision)	Permit Issued
PlnPA002511	15 Service Street, CLUNES VIC 3370	Alterations and additions to existing dwelling	Permit Issued
PlnPA002229.01	6 Blackmores Road, CLUNES VIC 3370	Change of dwelling plans; Buildings and works for the construction of a dwelling including cut greater than one metre in depth	Permit Issued
PlnPA002515	1 Napier Street, CRESWICK VIC 3363	Development of land for the partial demolition of an existing building and construction of an extension to an existing hospital (addition of 13 beds)	Permit Issued
PlnPA002480	17 West Street, CLUNES VIC 3370	Three lot subdivision	Permit Issued
PlnPA002483	12 South Lyonville Road, LYONVILLE VIC 3461	Two lot subdivision and construction of a dwelling	Notice of Decision
PlnPA001670.01	1460 Daylesford-Clunes Road, SMEATON VIC 3364	Construction of a dwelling and associated works (Amendment: Amended dwelling design and location)	Permit Issued
PlnPA001812.01	270 Ascot Road, CRESWICK VIC 3363	Construction of an extension to an existing dining hall associated with an existing camp site	Permit Issued
PlnPA002453	59 Vincent Street, DAYLESFORD VIC 3460	The sale and consumption of liquor, increase of patronage to 75 (from 45) and waiver of car parking requirements in association with a restaurant	Permit Issued
PlnPA002517	33 Main Street, LYONVILLE VIC 3461	Construction of storage shed	Withdrawn
PlnPA002491	21 Main Street, LYONVILLE VIC 3461	Two lot subdivision	Refused
PlnPA002380	31 Elizabeth Road, CRESWICK VIC 3363	Seventeen lot subdivision including the removal of native vegetation and the removal of covenant PS536573L	Notice of Decision
PlnPA002487	5 Trehwella Avenue, DAYLESFORD VIC 3460	Demolition of existing dwelling and outbuilding, vegetation removal and development of land for a dwelling including site cut in excess of 1m	Permit Issued
PlnPA002492	11 Feeleys Lane, TRENTHAM VIC 3458	Two lot subdivision	Notice of Decision
PlnPA002219	3565 Ballarat-Maryborough Road, CLUNES VIC 3370	Use of the land for dog breeding (5 dogs)	Notice of Decision

12.4. RESPONSE TO PETITION REGARDING A PEDESTRIAN CROSSING BETWEEN THE SKATE PARK AND THE SPLASH PARK AND THE VISITOR INFORMATION CENTRE IN CRESWICK

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Project Engineer - Infrastructure, I Paul O'Leary have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to respond to the petition tabled at the November Council Meeting regarding the installation of a Pedestrian Crossing between the Creswick Community Park and the Visitor Information Centre in Creswick.

The primary request of the petition is the immediate installation of a Zebra Crossing or a Pelican Crossing (Pedestrian Light Control) on Albert Street Creswick, at the location of the pedestrian island between the Community Park and the Visitor Information Centre.

BACKGROUND

The existing pedestrian crossing island was constructed by Council with extensive consultation and a co-funding from VicRoads (now Regional Roads Victoria (RRV)) in the 2017/2018 financial year. One of the considerations for the original crossing was giving access to the toilets at the Visitor Information Centre and removing the need to replicate facilities in close proximity to each other.

Albert Street is an arterial road in the RRV network and is not under the control of Council.

The options for a zebra crossing were considered and rejected at the design stage as not compliant to Australia standards to AS1742.10-2009.

The option for signalised pelican crossing was not pursued at design stage due to the high cost compared to the relatively low volumes of pedestrian traffic.

The petition also included Appendix A (previous correspondence on the issue) and Appendix B (an extract of the traffic data on Albert Street Creswick) as supplementary information to the petition. These form Attachment 1 to this report.

The cover letter supplied with the petition also suggests as other considerations:

- cementing the dirt road behind the supermarket to create another exit point;
- move the bus stop to an alternative location; and
- put another set of toilets in the splash park.

For the purposes of this report it is assumed cementing of Pearman St is considered upgrading the existing narrow unsealed road to bituminous seal.

Traffic Conditions

As per the Appendix B from the petition the most appropriate traffic count location is the Castlemaine Road between Midland Highway and Albert Street.

This indicates an average traffic volume of 3,300 vehicles per day in each direction with peak vehicles usage of 317 vehicles per hour East bound and 306 vehicles West bound.

Please see Attachment 2 for full details of the traffic volumes at this location.

Zebra Crossing

A demarcated zebra crossing at this location is considered not compliant to AS1742.10-2009 section 6.3 as Albert Street is classified as an arterial Road.

The alternative treatments suggested in the standards are either a pedestrian actuated traffic signal or, as constructed, a pedestrian refuge without zebra lines.

6.3 Requirements for installation

Requirements and options for the installation of pedestrian crossings (zebra) are as follows:

- (a) *Mid-block crossing* The following shall apply:
- (i) No more than one lane of moving traffic in any one direction shall be encountered by a pedestrian using a crossing.
 - (ii) There shall be adequate sight distance between approaching vehicles and pedestrians about to use the crossing for the former to be able to stop in time to give way to the latter. This shall be achieved primarily by means of parking restrictions near the crossing (see Figure 1). Kerb extensions (Clause 9.3) may also be required to achieve this sight distance where kerbside parking is frequent.
 - (iii) The speed limit on approach to the crossing shall be 50 km/h or lower and the 85th percentile speed shall not exceed 60 km/h.
 - (iv) Crossings shall not be used on arterial roads.

If any of these requirements are not met, pedestrian actuated traffic signals (mid-block) or a pedestrian refuge without zebra markings may be more appropriate.

NOTE: The above are requirements which need to be met before a crossing is installed. They are not warrants for the provisions of crossings. Road authorities may have pedestrian or combined pedestrian/vehicle volume warrants for mid-block pedestrian crossings (zebra).

Pelican Crossing (Pedestrian Light Control)

A Pelican Crossing was considered and eliminated at design stage as the cost did not meet the available budget and RRV did not feel the pedestrian traffic was sufficiently heavy to require signalised crossing and an existing signalised pedestrian crossing is within 200m of the proposed site.

Council correspondence with RRV on this issue more recently indicate that RRV do not feel any upgrade to the crossing is necessary at this time.

Additional items in the cover letter

1) Pearman St Upgrade

Council acknowledges that it does not necessarily have the financial resources or to meet all community expectations for all upgrade of roads and community infrastructure.

As per previous correspondence on this issue, Council continues to monitor and maintain, as required, the sections of Pearman St and Victoria St as per the standards of Council's Road Management Plan.

At this time there is insufficient data, since the opening of the supermarket, to quantify the benefits of an upgrade to Pearman Street however Council is investigating the need to undertake this road upgrade.

2) Bus stop Relocation

The location and the line of sight of the bus stop were considered when selecting the location of the now completed crossing. Whilst there is some minor restriction to vision when a bus is in the bus stop it is not believed to be significant enough to warrant relocation. There is no other suitable location in the close vicinity to move the stop too without introducing other hazards and removing parking bays in the centre of Creswick.

3) Construction of a second toilet block in Community Park.

A second toilet block at this location, while feasible, does not form part of any current program of toilet block expansion or upgrade and would involve significant new capital investment. The original crossing was also suggested, by members of the community, as a means to access the existing public toilets.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2020

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

1.2 Implement a program of road safety and amenity improvements, including sealing and widening roads, on priority Council managed roads and advocate to VicRoads for improvements on arterial roads.

FINANCIAL IMPLICATIONS

Zebra lines are not compliant Australian Standard AS1742.10-2009 and have not been quantified.

A pelican crossing has been priced, at approximately \$500,000 dollars as the site would require sets of traffic lights on Albert Street, the Victoria Street intersection from the supermarket and the two Albert Street service roads,

plus 2-4 pedestrian crossing lights including all the underground signalling and power requirements.

A rough guide to implementing pedestrian crossing can be found at the following website: http://www.victoriawalks.org.au/Crossing_the_road/

Pearman Street is currently maintained to the requirements of Council's Road Management Plan. It would be estimated that it would cost in the region of 220K to upgrade and seal the road as there are significant earthworks, stormwater and kerb and channel requirements. Such a project will also require significant design work and community consultation as part of the planning and scoping.

Relocation the bus stop is unnecessary and has not been priced as there is not a suitable alternative location in the close vicinity.

The estimated cost to construct a second set of public toilets in the Community Park is estimated at \$200-250k and would require approval in future years budgets. There would also be ongoing maintenance costs associates with another facility.

RISK IMPLICATIONS

Council does not take lightly the issue of road safety and actively works with other agencies to develop and implement road safety programs based on priorities. Although studies show that signalised pedestrian crossings are a lower risk to pedestrians, the current installation of pedestrian refuges is consistent with standards and RRV recommendations and has also reduced the risk for pedestrians compared to the previous arrangements.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Any potential impacts have not been assessed as part of the response to this submission.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The matter was discussed with RRV's Western Region which indicated they support the current installation. No additional community engagement has been undertaken.

CONCLUSION

Council officers acknowledge the concerns raised and that installation of a signalised pedestrian crossing may further reduce the risk to pedestrians, however the petitions has not identified any compelling reason to pursue further upgrade works at this location at this time outside of the current parameters of the design standards.

Council officers consider pedestrian safety measures already completed at this location are adequate and do not recommend pursuing the matter any further with RRV, unless new information comes to light.

The use of Pearman Street and its potential upgrade based on increased use and adjacent development does have some merit and Council is investigating this demand for further consideration.

OFFICER'S RECOMMENDATION

That Council:

12.4.1. Acknowledge the petition requesting a Pedestrian Crossing between the Skate and Splash Park and the Visitor Information Centre including the appendices and other proposals from the cover letter.

12.4.2. Acknowledge the change in traffic conditions, since the construction of the new supermarket and commit to undertaking further investigations on both Victoria Street and Pearman Street.

12.4.3. Write to the head petitioner informing them of the outcome.

MOTION

That Council:

12.4.1. Acknowledge the petition requesting a Pedestrian Crossing between the Skate and Splash Park and the Visitor Information Centre including the appendices and other proposals from the cover letter.

12.4.2. Acknowledge the change in traffic conditions, since the construction of the new supermarket and commit to undertaking further investigations on both Victoria Street and Pearman Street.

12.4.3. Write to the head petitioner informing them of the outcome.

Moved: Cr Don Henderson

Seconded: Cr Kate Redwood AM

Carried

**ATTACHMENT 8 - RESPONSE TO PETITIONER REGARDING
PEDESTRIAN CROSSING IN CRESWICK**

HEPBURN SHIRE COUNCIL

File No: F04/19/163

Rec'd Date: 30 SEP 2019

Rec'd By: MRC

Action By: P: Pleasance

Reg No:

24/09/2019

Mr. Bruce Lucas

Director Infrastructure and Development Services

Hepburn Shire Council

P.O. Box 21, DAYLESFORD 3460

Dear Mr. Lucas,

Thank you for your response to my letter regarding my concern for the need of a Pedestrian Crossing in Creswick.

(Your reference Fol/19/163 29th of July 2019)

I still believe there is a need for a crossing and with the new supermarket now open this has become a more complex area for people to navigate, whether that be pedestrians or motorists.

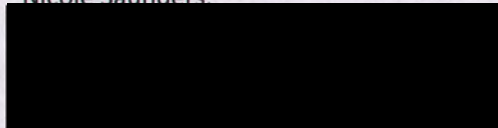
I began a petition on the 20th of September 2019 to invite members of the general public to sign. Residents and visitors of Creswick are petitioning the Hepburn Shire Council for a Pedestrian Crossing.

I will present this to the Hepburn Shire Council upon completion.

Thank again for your time.

Yours faithfully,

Nicole Saunders



9/09/2019

My name is Nicole Saunders and I am a resident of Creswick. I have two young boys that I frequently take to the local skate and splash park. On numerous occasions I have been witness to the near-collision of children and youth darting out on their scooters into oncoming traffic, with car horns beeping and thankfully a collision avoided. I also see senior citizens using mobility aids crossing the road to and from these parks and the visitor information centre, along with other members of the general public. VicRoads records show that they predict a steady increase from approximately 7,100 vehicles per day, (both directions), in 2014, to 7,700 vehicles per day in 2017. I believe there needs to be better safety measures for pedestrians and motorists in this area.

I wrote to the Hepburn Shire Council on the 26th of October 2018 and received a response from Mr Bruce Lucas, the Director of Infrastructure and Development Services on the 10th of January 2019. The Shire did not see the need for further development at that time. I then wrote to Louise Staley the local member for Ripon, who again brought the matter to the attention of the Hepburn Shire Council. The Shire's response (from Mr Lucas dated 20th of May 2019) was that the Shire was still unwilling to make any improvements to this area.

It has since come to my attention that the new bus shelter and pullover on the south-bound lane of the Highway beside the skate park, potentially compromises the ability of south-bound drivers to clearly see pedestrians during actual bus occupancy. If there is a bus parked here any pedestrian wanting to cross from the skate park side toward the public toilets, is virtually invisible to the Victoria Street driver. This adds to the already compromised view of the crossing when turning right onto the Midland Highway from the Western section of Victoria Street. A more formal crossing requires good visibility and signage from all approaches to the crossing.

With the opening of the new IGA Supermarket adjacent to the Splash and Skate Park, there is now a significant increase in vehicle traffic turning right from the northbound lane of the Midlands Highway into the eastern section of Victoria Street (i.e. between the Park and the Supermarket) just short of the crossing, thereby adding to the traffic complexity which drivers and pedestrians are now required to navigate.

This petition, provided it is well supported, will ensure that the safety concerns of Creswick residents are formally presented to the Hepburn Shire Council before a serious accident, injury or death occurs at this location.

Thank you for your time.

Nicole Saunders.

5128 0.00 KM - 0.39 KM 15217 ALBERT RD SW BD BTWN KINGS WAY & LAKESIDE DRIVE 5,400 (350**)

ALBERT ROAD (BEECHWORTH)

SRRS	CHAINAGE	HF	LOCATION	2017
5466	0.00 KM - 0.51 KM	2786	ALBERT ROAD (BEECHWORTH)	2,300* (150*)
5466	8.76 KM - 9.27 KM	10637	ALBERT ROAD NWBd btwn KERFERD ROAD & FORD STREET	2,300* (120*)
5466	0.51 KM - 2.00 KM	3711	ALBERT ROAD (BEECHWORTH)	1,500** (90**)
5466	7.27 KM - 8.76 KM	10089	HODGE STREET W Bd btwn STANLEY ROAD & ALBERT ROAD	1,500** (90**)

ALBERT ROAD (MELBOURNE)

SRRS	CHAINAGE	HF	LOCATION	2017
5128	0.75 KM - 0.93 KM	16055	ALBERT ROAD (MELBOURNE)	12,000 (830**)
5128	0.39 KM - 0.58 KM	15598	ALBERT RD SW BD BTWN LAKESIDE DRIVE & MORAY ST	12,000 (820**)

ALBERT ROAD (SOUTH MELBOURNE)

SRRS	CHAINAGE	HF	LOCATION	2017
5128	0.26 KM - 0.51 KM	2394	ALBERT ROAD (SOUTH MELBOURNE)	7,400 (480**)
5128	0.82 KM - 1.07 KM	8714	ALBERT RD SW BD BTWN CLARENDON ST & CECIL ST	8,200 (530**)
5128	0.51 KM - 0.75 KM	2581	ALBERT ROAD (SOUTH MELBOURNE)	10,000 (680**)
5128	0.58 KM - 0.82 KM	8713	ALBERT RD SW BD BTWN MORAY ST & CLARENDON ST	10,000 (660**)

ALBERT STREET (BEAUFORT)

SRRS	CHAINAGE	HF	LOCATION	2017
5240	0.00 KM - 1.46 KM	9937	ALBERT STREET (BEAUFORT)	870* (70*)
5240	23.10 KM - 24.56 KM	2479	LAWRENCE STREET SWBd btwn ALBERT STREET & NEIL STREET	570* (40*)

ALBERT STREET (CRESWICK)

SRRS	CHAINAGE	HF	LOCATION	2017
2590	103.42 KM - 104.32 KM	13215	ALBERT STREET (CRESWICK)	4,400* (360*)
2590	347.34 KM - 348.24 KM	5383	ALBERT STREET S Bd btwn CASTLEMAINE ROAD & MELBOURNE ROAD	4,500* (340*)
2590	104.32 KM - 105.09 KM	12653	ALBERT STREET (CRESWICK)	3,300** (350**)
2590	346.57 KM - 347.34 KM	5910	CASTLEMAINE ROAD W Bd btwn MIDLAND HIGHWAY & ALBERT STREET	3,300** (270**)

ALBERT STREET (DAYLESFORD)

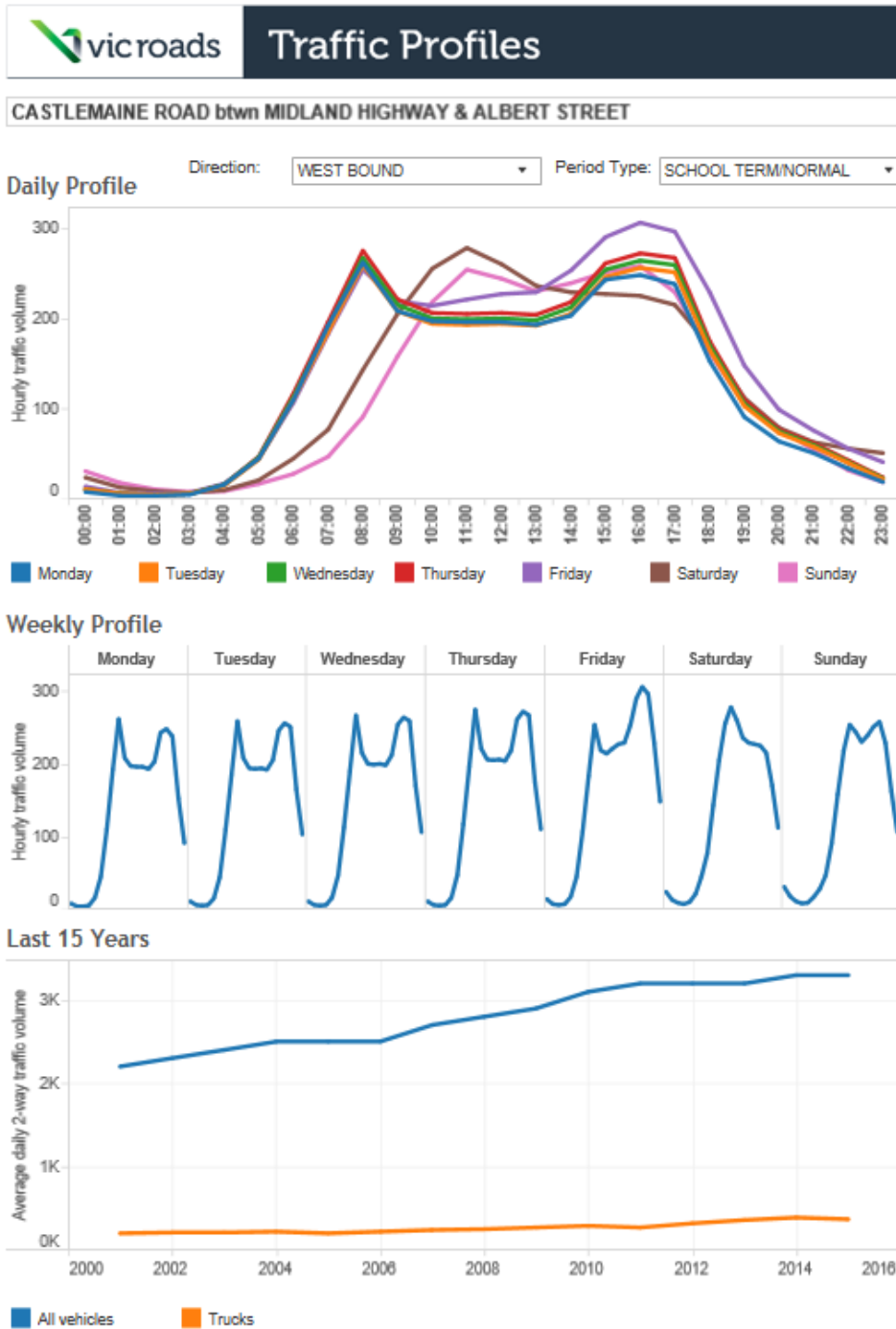
SRRS	CHAINAGE	HF	LOCATION	2017
2590	130.83 KM - 130.96 KM	12852	ALBERT STREET (DAYLESFORD)	3,200** (440**)
2590	320.70 KM - 320.83 KM	5908	ALBERT STREET W Bd btwn HOWE STREET & BRIDPORT STREET	3,200** (580**)
2590	130.96 KM - 132.19 KM	13216	ALBERT STREET (DAYLESFORD)	3,800* (560*)
2590	319.47 KM - 320.70 KM	5907	RAGLAN STREET W Bd btwn MIDLAND HIGHWAY & ALBERT STREET	3,700* (610*)

ALBERT STREET (FAIRFIELD)

SRRS	CHAINAGE	HF	LOCATION	2017
5860	2.00 KM - 3.23 KM	11507	ALBERT STREET (FAIRFIELD)	16,000 (1,000**)
5860	0.80 KM - 2.03 KM	3640	STATION ST S BD BTWN DUNDAS ST & DAREBIN RD	15,000 (1,000**)

ALBERT STREET (PRESTON)

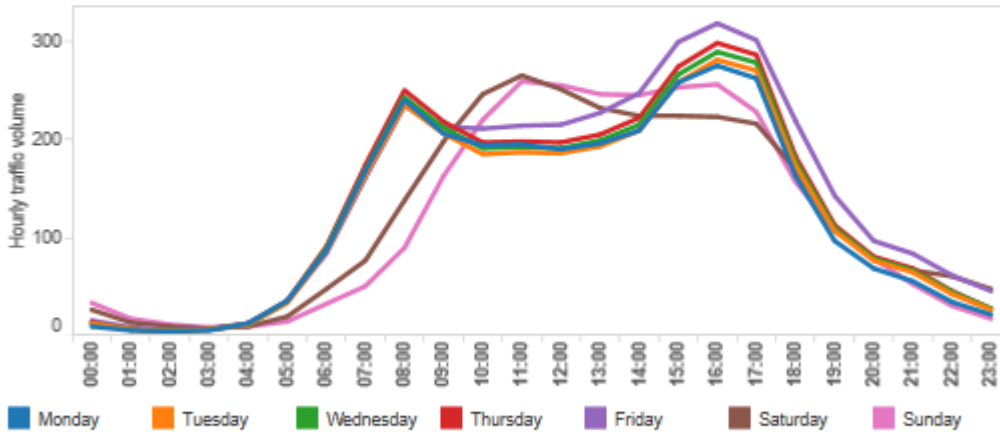
ATTACHMENT 9 - VICROADS TRAFFIC PROFILES EAST AND WEST SIDE EXTRACTED FROM VICROADS OPEN DATA WEBSITE



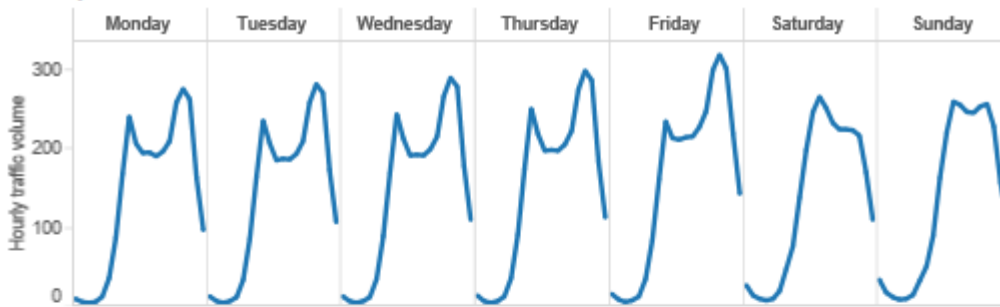
CASTLEMAINE ROAD btwn MIDLAND HIGHWAY & ALBERT STREET

Direction: Period Type:

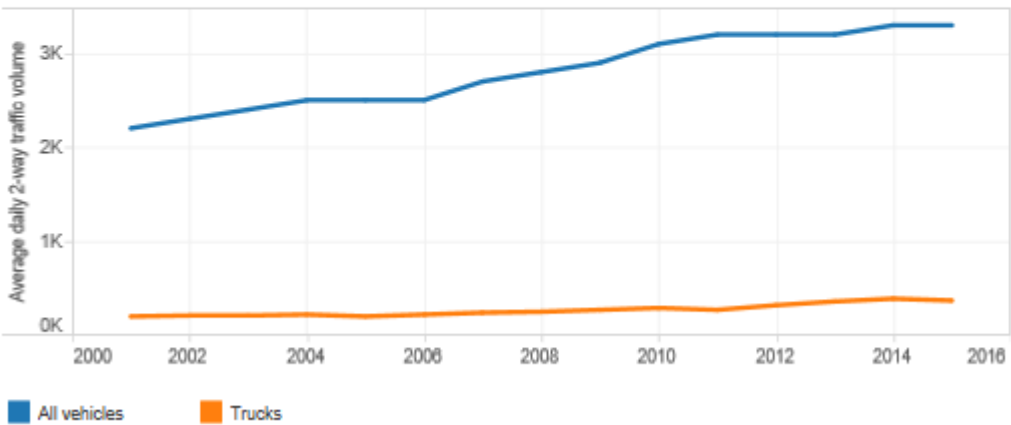
Daily Profile



Weekly Profile



Last 15 Years



12.5. RESPONSE TO PETITION FOR A COMMUNITY FLOCK FOR LAKE DAYLESFORD

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as Manager Environment and Waste, I David Watson have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to respond to the petition to allow the establishment of a community flock of domestic geese on Lake Daylesford as tabled at the November 2019 Ordinary meeting of Council.

BACKGROUND

Council received the petition which contains approximately 370 signatures, of which approximately 65% provided an address located in the Hepburn Shire.

The petition states:

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

Since the removal of the geese, Lake Daylesford has been lifeless. That was to be expected because the geese were a vital part of the ecosystem of the Lake, they were the protectors of other waterbirds, particularly from foxes, and the removal of the geese has resulted in the departure of other birds.

We have a community garden, a community cinema – why not a community flock?

We ask that the Hepburn Shire Council agree to a small community flock (10/11 geese) to bring back the diversity of waterbirds to the Lake, and to restore the creatures who gave such delight to locals and visitors alike.

ISSUE/DISCUSSION

At the July 2019 ordinary meeting, Council considered a report titled “Relocation of Domestic Waterfowl from Lake Daylesford” and determined:

That Council:

- *Acknowledges the community concerns and the impact of the domestic waterfowl on the ecological function of the lake.*
- *Approves the removal and re-homing of the domestic geese and waterfowl from Lake Daylesford and the proposed community engagement plan.*
- *Approves the installation of signage at Lake Daylesford to reinforce the messages and encourage responsible animal ownership.*

Whilst there were several reasons supporting the report, the primary objectives of the relocation were: the welfare of the geese, to allow Lake

Daylesford to support a diversity of local wild birds and natural vegetation, to avoid impairing water quality, and increasing the amenity and ecological function of the Lake.

It was also consistent with supporting the objectives of the *Prevention of Cruelty to Animals Act 1986*, where abandonment of domestic animals is an offence.

Recent surveys on the lake do not support the premise of the petition that “*since the removal of the geese, Lake Daylesford has been lifeless*”. Compared to a prior survey, all other recorded species are still present, 23 additional bird species have been recorded, Pacific Black Duck and Australian Wood Duck have shown a strong increase in numbers, and the rare Freckled Duck has been sighted at the lake for the first time. These surveys have been lodged with Birdlife Australia ‘Birdata’ website and are available for public access.

The reintroduction of geese to the lake would breach the *Prevention of Cruelty to Animals Act 1986* and would also be expected to bring back negative impacts on lake biodiversity, water quality and public amenity and the risk to animal welfare.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Sustainable Environment

Key Strategic Activity:

- Take proactive steps to protect, maintain and enhance biodiversity, including rare/endangered species and wildlife corridors, and reduction of weeds on Council land while minimising herbicide use. Partner with other stakeholders to achieve greater weed management outcomes shire-wide.
- Meet requirements of the *Prevention of Cruelty to Animals Act 1986*

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report.

RISK IMPLICATIONS

There are no risk implications resulting from this report

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The aim of the recommendation includes the retention of environmental and animal welfare improvements achieved by the previous rehoming of domestic waterfowl from the Lake.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community and stakeholder engagement was largely predetermined by legislative responsibilities. There was some engagement prior to Council considering the rehoming and at the time of the Council meeting agenda being published in July. Further consultation was considered inappropriate in this situation where there is no expectation that feedback can influence the decision to rehome the domestic waterfowl.

During implementation of this Council decision, there were discussions with key stakeholders, community information was available on social media and through Customer Service Officers, staff were on site to answer queries during the re-homing of the geese, and post relocation information of the geese in their new surrounds was provided.

Council has received significant correspondence and comment on this decision in succeeding months, both in support of and objecting to the decision and has invested significant resources to ensure that responses have been provided to all correspondence on this issue.

There has not been any further community engagement in the preparation of this report.

CONCLUSION

Council understands the attachment and affection some members of our community have for these birds.

However, the Council does not agree to the petition request for a community flock to be established on Lake Daylesford (or other Council managed waterbodies), in line with Council's responsibility to avoid being a party to an illegal act, to avoid increasing risk to animal welfare, and to protect and enhance biodiversity.

OFFICER'S RECOMMENDATION

That Council:

12.5.1. Acknowledges the attachment and affection some members of our community have for these birds.

12.5.2. Writes to the head petitioner to confirm the basis of Council's decision and that the Council will not agree to having a community flock established on Lake Daylesford in fulfilment of Council's legal obligations, its obligations to biodiversity protection and animal welfare.

MOTION

That Council:

12.5.1. Acknowledges the attachment and affection some members of our community have for these birds.

12.5.2. Writes to the head petitioner to confirm the basis of Council's decision and that the Council will not agree to having a community flock established on Lake Daylesford in fulfilment of Council's legal obligations, its obligations to biodiversity protection and animal welfare.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

12.6. DAYLESFORD AQUATIC AND CIVIC PLAZA PRECINCT PROJECT DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Community and Economic Development, I Andrew Burgess have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council endorsement to refer to the 2020/2021 budget \$520,000 additional funding to construct the Daylesford Aquatic and Civic Plaza Precinct Project. Council's funding contribution is subject to a successful application for \$500,000 being secured from Regional Development Victoria, Regional Infrastructure Fund to deliver the project.

BACKGROUND

The Daylesford Pool Upgrade Project originally formed part of the larger 'Hepburn Hub' project which was to be located on the current grounds of the Daylesford Town Hall Senior Citizens and Pool area. This first stage will develop the existing outdated and underutilised Daylesford pool and create a revitalised aquatic facility adjoining a newly developed Civic Plaza. The Civic Plaza will provide green space in the Daylesford CBD and be available for year round use.

The project has been subject to a number of interactions, and significant community consultation, particularly during 2018. This project's key components include:

- Kiosk
- Family Friendly Change Amenities
- Landscaping
- Plant room
- New toddler pool beach access and play
- Access to 50M Pool (Pod)
- Solar heating
- Power meters consolidation

Council at the 19 June 2018 Ordinary Meeting passed the following motion:

That Council endorses the Concept Plans for the Daylesford Town Hall and Pool Upgrade project; and notes that detailed design process will now commence.

ISSUE/DISCUSSION

Officers have undertaken a comprehensive review of the Daylesford Aquatic and Civic Plaza Precinct Project, to clarify scope, budget and explore options

to progress the delivery of the project and establish a detailed cost analysis to determine the current budget implications.

In 2015 the 'swimming pool area' scope and cost estimate outlining components as specified in the Council report (21 July 2015) and subsequent grant applications totalled \$1,032,500.

In the 2017/2018 budget Council allocated funding of \$350,000 towards the projects, in addition to \$200,000 of funding to be received from Sport and Recreation Victoria.

Following the detailed review recently undertaken by officers that included a full review of the design files and costing previously provided, engagement of a consultant to review previous designs and updated concept designs a revised costing is provided. The revised costing for delivery of the project is estimated at \$1,532,992.

The increased estimated cost of the project is as a result of the project progressing to detailed costing stages, increased construction costs since the previous estimate and the project estimate now reflecting contingency and project management costs. Updated concept plans are included as an attachment.

Officers have been advised of an additional external partner funding opportunity under Regional Development Victoria's 2020/2021 Regional Infrastructure Fund to support the delivery of the civic plaza and associated facility amenities of the project. An application for \$500,000 funding through the Regional Infrastructure Fund to deliver the project is proposed, to deliver key components of the Civic Plaza.

The project of \$1,532,992 would be funded through:

- \$200,000 Confirmed SRV Funding
- \$500,000 Proposed RDV Funding
- \$312,965 Remaining Council Funding
- \$520,027 Proposed Council Funding (2020/2021)

The next stages of the project are the preparation of construction documentation, and subsequent public tender for awarding of a construction contract. Outcome of the application for funding through the Regional Infrastructure Fund is expected in February 2020. Construction timeframes would be confirmed following the appointment of construction contractor. Appropriate public engagement will be undertaken throughout 2020.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

- Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, roads and building assets.

FINANCIAL IMPLICATIONS

Following the detailed review recently undertaken by officers that included a full review of the design files and costing previously provided, engagement of a consultant to review previous designs and updated concept designs a revised costing is provided. The revised costing for delivery of the project is estimated at \$1,532,992. The project would be funded through:

- \$200,000 Confirmed SRV Funding
- \$500,000 Proposed RDV Funding
- \$312,965 Confirmed and remaining Council Funding
- \$520,027 Proposed Council Funding (2020/2021)

RISK IMPLICATIONS

That Council has insufficient budget to deliver project. Construction costs will continue to escalate if the project is further this is delayed.

A contingency of 15% has been included in the costings due to site challenges including but not limited to age of pool and infrastructure, access to site and unknown latent conditions.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The delivered project will have a positive impact to the economic, health and wellbeing of the community through the environmental and social design inclusions of the project.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This project has significant community visibility with public consultation occurring on multiple occasions over the past 3 years. Community expectation around the outcome of this project includes delivery of upgraded change facilities, improved disability access, new toddler pool and generally enhanced amenity at the site.

CONCLUSION

Over the past months Council Officers have undertaken a full review of the Daylesford Pool upgrade project. The review included clarifying the scope of works, budget, associated site issues and options to progress the project to

establish an accurate cost estimate for all proposed works in accordance with the original scope.

The review has been comprehensive and provides a detailed cost analysis for Council to determine the current budget implications in accordance with direction given at the June 2018 Council meeting.

Council contribution of \$520,027 subject to successfully securing \$500,000 through the Regional Development Victoria, Regional Infrastructure Fund.

OFFICER'S RECOMMENDATION

That Council:

12.6.1. Submit a funding application to Regional Development Victoria requesting funding of \$500,000 through the Regional Infrastructure Fund to assist in the construction of the Daylesford Aquatic and Civic Plaza Precinct Project.

12.6.2. Refer to the 2020/2021 budget, additional Council funding of \$520,000, subject to the successful funding of \$500,000 through the Regional Development Victoria, Regional Infrastructure Fund to construct the Daylesford Aquatic and Civic Plaza Precinct Project.

MOTION

That Council:

12.6.1. Submit a funding application to Regional Development Victoria requesting funding of \$500,000 through the Regional Infrastructure Fund to assist in the construction of the Daylesford Aquatic and Civic Plaza Precinct Project.

12.6.2. Refer to the 2020/2021 budget, additional Council funding of \$520,000, subject to the successful funding of \$500,000 through the Regional Development Victoria, Regional Infrastructure Fund to construct the Daylesford Aquatic and Civic Plaza Precinct Project.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

**ATTACHMENT 10 - AQUATIC AND CIVIC PLAZA PRECINCT UPDATED
LANDSCAPE LAYOUT AND LOOK (ISSUED UNDERSEPARATE
COVER)**

12.7. HEPBURN SHIRE LOCAL TRANSPORT BENCHMARKING STUDY DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Coordinator Community Partnerships, I Rachel Palmer have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider adoption of the final version of the Hepburn Shire Local Transport Benchmarking Study.

BACKGROUND

In early 2018 a pilot local transport forum was held in Trentham. The pilot included a community meeting and online survey, the result of which identified key issues including:

- Lack of community awareness of transport services available;
- Gaps in transport services; and
- Transport problems and possible solutions.

In November 2018, following on from this pilot, Council received funding of \$20,000 from Regional Development Victoria for the purposes of undertaking municipal wide research and stakeholder engagement to establish a baseline of what local and public transport services currently exist in Hepburn Shire.

Key Definitions referred to in the report:

Local Transport:

- is provided by the community, business or government at low or no cost
- may be on-demand and may not have set routes
- meets the needs of the community where traditional public transport cannot be provided
- is not public transport (e.g.: V/Line coaches or trains or PTV local buses)

Public Transport:

- is provided by the government and formal public transport operators
- runs to a published schedule along set routes
- meets the needs of the wider region, often running hundreds of kilometres
- is not local transport

ISSUE/DISCUSSION

The Hepburn Shire Local Transport Benchmarking Study reports on local transport services and the issues, gaps and opportunities that currently exist. The purpose of the study is to; *“Develop a local transport benchmarking strategy for the Hepburn municipality.....to undertake stakeholder engagement and research to establish a baseline of what local and public transport services currently exist in Hepburn Shire.... prepare a report that documents the findings of the study for consideration by Department of Transport in line with the Regional Network Development Plan.”*

Local transport is the focus of the study, but public transport and walking/cycling issues have also become evident.

The study identified 11 Key Findings, although there are many other insights and valuable pieces of information throughout the study that will be able to be drawn upon in the future. The 11 key findings have been classified as either:

- i) Local Transport,
- ii) Transport Advocacy or
- iii) General Mobility

LOCAL TRANSPORT – KEY FINDINGS

1. There is a need in the night-time economy for people to have transport options to help them get home safely from entertainment, events, restaurants etc. beyond the existing courtesy bus services. This is particularly prevalent between Daylesford, Hepburn and Hepburn Springs.
2. Existing community buses currently have significant “down-time” and a user-base limited to eligibility for a certain service or program. These transport assets have significant potential that could be unlocked to service a larger proportion of the community. A model to share existing local transport assets across Hepburn Shire could open services to more people, resources and destinations.
3. Clunes and Glenlyon do not have a community bus. There is a need to connect people in these communities with public transport services and other transport services.
4. Young people in Hepburn Shire may experience isolation without transport options to increase social connection and participation; including attending after-school activities, social events and getting home after working late. A community bus exists to support social outings for older people but not one focused on the needs of young people.

5. Communication and education about what local transport is, what is available and how the local community can develop, support and use these services is an opportunity. Social media is listed in the report as “extremely important” for informing casual transport users. In addition to social media, supporting promotional materials that can be agile and updated over time to accommodate service changes could be developed.

TRANSPORT ADVOCACY – KEY FINDINGS

6. Communication about school zoning and the DET School Bus Program Policy that guide the service provision of school bus services from Ballan and Creswick to Daylesford College is required. Development of a local transport solution could support students to attend Daylesford College from these locations in addition to the School Bus Program.
7. Support for the following Department of Transport (DoT) service improvements;
 - 7a. MYKI machines on board buses
 - 7b. Implementation of accessible vehicles for all abilitiesFurther support to fast-track improvements for the following services;
 - 7c. Daylesford <-> Trentham <-> Woodend
 - 7d. Daylesford <-> Ballan
8. Support for Department of Transport (DoT) improvements to the scheduling of bus services along the following routes:
 - 8a. Ballarat <-> Daylesford: more daytime and evening services
 - 8b. Ballan <-> Daylesford: more services that meet trains
 - 8c. Creswick <-> Daylesford: more peak and daytime services.

GENERAL MOBILITY – KEY FINDINGS

9. There is an opportunity to develop and trial easy to understand maps of the comprehensive transport networks in Creswick and Daylesford to promote awareness of transport options, including active transport, local transport, and public transport. As per Key Finding 5, this could include developing supporting promotional materials that can be agile and updated over time to accommodate service changes.
10. Opportunities for safe cycling infrastructure improvements, filling gaps in the network, and investigating promotional programs for

E-bikes as a legitimate transport option exist throughout Hepburn Shire.

11. Programs and capital improvements that deliver walking for transport in towns, promote the use of pedestrian networks and encourage walking are an opportunity, in particular;

- 11a. Walking connections to Clunes and Creswick railway stations from township areas

- 11b. Walking connections between township areas and major bus stops in all locations

- 11c. Improved pedestrian amenity between Hepburn and Daylesford.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Fertile Ground Economic Development Strategy 2016 – 2021 Transport and Movement

Undertake a complete public transport analysis throughout the Shire. Identify gaps and opportunities for improvement that will improve liveability, tourism and trade. Develop a prioritised business case that can be used to lobby various State Government bodies for better transport connections annually.

FINANCIAL IMPLICATIONS

In November 2018 Council received funding of \$20,000 from Regional Development Victoria for the purposes of undertaking municipal wide research and stakeholder engagement to establish a baseline of what local and public transport services currently exist in Hepburn Shire. Council provided in-kind project management and logistical support to the project.

There are no direct financial implications for Council from the adoption of the Study. This piece of research is to support advocacy toward relevant State Government departments and other stakeholders for transport improvements by Council and community.

Any local transport initiatives or projects that emerge in the future in the Hepburn Shire would be assessed by Council as to the level of support, involvement or financial contribution Council may make. This would be based on Council's role and the budgeting process.

RISK IMPLICATIONS

In order to minimise any risks associated with developing this study, a Project Control Group (PCG) incorporating delegates from Regional Development Victoria, Department of Transport and Hepburn Shire Council developed and agreed a project scope and developed a project plan.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Hepburn Shire Local Transport Benchmarking Study reports on local transport services and the issues, gaps and opportunities that currently exist.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The study was conducted through over 150 engagements and analysis of thousands of pieces data using the following research methods:

- Stakeholder interviews (face to face and over the phone) 53 interviews conducted April-June 2019
- Online survey 76 responses received
- Community workshops 32 attendees across Creswick, Clunes, Daylesford, Trentham and Glenlyon.
- Statistical data review Australian Bureau of Statistics (ABS) Census Data 2016 and Victorian Integrated Survey of Travel & Activity (VISTA) Data
- Literature review of relevant documents

Broad public consultation of the draft study was undertaken for three weeks (24 October – 14 November). Two pieces of formal feedback were received;

- 1) Confirming information already included in the Study. No changes were required.
- 2) The second piece of feedback related to the Daylesford Spa Country Railway, which has been incorporated with further commentary into the Study.

In addition, informal complimentary feedback on the draft study was received via social media.

CONCLUSION

The Study has enhanced understanding of known themes relating to local and public transport in the Shire and has served to underline recurring themes from work over the last two years such as the Trentham Local Transport Forum (2018), Department of Transport's (DoT) Regional Network Development Plan (2018) and the Hepburn Shire Economic Development Strategy (2016-2021) Fertile Ground.

The Study provides a strong research basis to support advocacy toward relevant State Government departments and other stakeholders for transport improvements by Council and community.

OFFICER'S RECOMMENDATION

12.7.1. That Council adopts the Hepburn Shire Local Transport Benchmarking Study.

MOTION

12.7.1. That Council adopts the Hepburn Shire Local Transport Benchmarking Study.

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

**ATTACHMENT 11 - FINAL DRAFT - HEPBURN SHIRE LOCAL
TRANSPORT BENCHMARKING STUDY (ISSUED UNDER SEPARATE
COVER)**

12.8. WELCOME TO NEW RESIDENTS SESSION DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Community Development Officer, I Inga Hamilton have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the recommended changes to the Welcome to New Resident's Sessions.

BACKGROUND

After a number of years of partnering with Neighbourhood Houses to deliver 'Welcome to' New Resident's sessions, in 2017 Council asked for expression of interest from not for profit community groups to conduct 'Welcome To' New Resident's sessions in Clunes, Creswick, Daylesford and Trentham in order to cover the whole municipality.

Successful applicants for 2017 and 2018:

Trentham	Trentham Neighbourhood House
Clunes	Clunes Neighbourhood House
Daylesford	Daylesford Neighbourhood House
Creswick	Creswick Railway Workshop in partnership with U3A

ISSUE/DISCUSSION

As part of the review process the Community Development Officer contacted each participating Community Group for the 2018/2019 program to gather feedback on the strengths and weaknesses of the program and detailed in the attachment.

Based on this feedback and further analysis conducted by the Community Development Officer, below is a summary of the information provided by Community Groups addressing program outcomes:

- Overall a very positive initiative by Council which led to new community members feeling included.
- Some Community groups committed a large amount of in-kind support to plan the sessions which may not be sustainable.
- Funding is not always used equitably.
- Connections with Real Estates and sporting groups require further development by some community groups.
- Current funding model is standard across the four townships however, the number of new residents is not equal. This funding approach could be reviewed.

Based on the review findings Council Officers recommend the following:

- Funding for the New resident's sessions will form part of the Community Grants funding program, under the category Active and Engaged Communities.
- Additional funding of \$3,000 will be allocated to Community Grants program, from the current operational budget.
- This will allow community groups to apply for more funding than the current \$1,000, if they wish to hold in their communities. Applicants will request the amount of funds needed up to \$2,500 and will need to include how their funding will be spent.
- Application for a 'welcome to' session by a community group, will not preclude that group from applying for another community grant.
- Council Officers to continue with the development of, and printing of the new 'welcome too' booklet.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

FINANCIAL IMPLICATIONS

\$3,000 of funding for program will be rolled over to Community Grants. \$3,000 will remain with program for the cost of printing the booklets.

RISK IMPLICATIONS

All applicants are required to identify how project risk and safety issues will be managed and this will form part of the assessment process. All successful applicants are required to sign grant terms and conditions prior to receiving their allocation. There is a system in place for Council officers to monitor receipt of acquittals and follow up any outstanding acquittals.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Welcome to New Resident's Sessions provide the community with the opportunity to welcome new residents to the Shire. The opportunity for

Community Groups to work together to create, promote and implement this program through the community grants process further strengthen the benefits of welcoming new residents to the shire.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Acquittals were received from each Community group and the program was also discussed with each Community group. Feedback was collated and analysed to provide a broad and supportive outcome for the whole Shire.

CONCLUSION

The recommended changes will result in the continued support of 'Welcome To' sessions, however this will be administered through the Community Grants program to streamline the funding. The proposed changes will also allow groups to develop a session that is of most benefit to the local community.

OFFICER'S RECOMMENDATION

That Council:

12.8.1. Notes that funding for the New resident's sessions will form part of the Community Grants funding program, under the category Active and Engaged Communities; and

12.8.2. Allocates additional funding of \$3,000 to Community Grants program, from the current operational budget.

MOTION

That Council:

12.8.1. Notes that funding for the New resident's sessions will form part of the Community Grants funding program, under the category Active and Engaged Communities; and

12.8.2. Allocates additional funding of \$3,000 to Community Grants program, from the current operational budget.

Moved: Cr Neil Newitt

Seconded: Cr John Cottrell

Carried

Cr Henderson called for a division:

Those voting in favour: Cr John Cottrell, Cr Kate Redwood AM, Cr Neil Newitt, Cr Greg May.

Those voting against: Cr Fiona Robson, Cr Don Henderson, Cr Licia Kokocinski.

Carried

Cr Greg May declared an Indirect Interest – close association for Item 12.9.

Cr May left the meeting at 8:12pm.

12.9. LATE ROD MAY MEMORIAL

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Project Officer, I Kathie Schnur have no interests to disclose in this report.

PURPOSE

The purpose of this report is to endorse an amendment to resolution 6.2 at the Ordinary Meeting of Council on 6 June 2017: “to create a memorial reserve for the Late Rod May”.

BACKGROUND

Council resolved at the Ordinary Meeting of Council on 6 June 2017 to create a reserve in remembrance of the Late Rod May:

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.

Council Officers have undertaken consultation with the May Family and through these discussions it was indicated that their wish is to create a memorial that best reflects the Late Rod May’s love of the Hepburn Shire and community.

ISSUE/DISCUSSION

As a result of the consultation undertaken with the May Family, a variation from the 6 June 2017 Council resolution is proposed. The Family’s preferred concept is to install a memorial within the Lake Daylesford Reserve, incorporating a bench seat with commemorative plaque inscribed “*In Loving Memory of the Late Cr Rod May – Tickle the Soil*”; and, a new mature oak tree. (Please refer to the attached proposed concept for the Late Road May Memorial).

Key representatives of the Friends of Lake Daylesford Group support’s the location in principle, however they have requested that the Group’s Facebook page followers be more broadly informed of the project.

A review of the 2010 Lake Daylesford Management Plan indicates that the memorial site will not impact on any proposed future works resulting from the Plan.

The ongoing asset management requirements of the site will be undertaken by Council's Parks and Gardens Unit through Council's operational works program.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The proposed Late Rod May Memorial aligns with Council's Policy 60 (C) – Plaques and Memorials on Public Land and Buildings.

FINANCIAL IMPLICATIONS

Council has an endorsed 2019/2020 budget allocation of \$4000 to undertake this project.

RISK IMPLICATIONS

This project has no risk implications.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

This project has no environmental, social or economic implications.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Officers have undertaken consultation with the May Family; key representatives of the Friends of Lake Daylesford; and, relevant Council Officers to inform the development of this project.

The Late Rod May Memorial concept, if supported, will be posted for a seven (7) day period through Council's and the Friends of Lake Daylesford social media platforms.

Pending community support being confirmed through Council and Friends of Lake Daylesford Facebook groups Officers will progress delivery for the project.

Alternatively, should the project receive a significant adverse reaction in second stage consultation, Officer's would undertake further consultation with the May Family to explore alternative project options and report back to Council in February 2020.

CONCLUSION

Council resolved at the Ordinary meeting of Council on 6 June 2017 to create a reserve in remembrance of the Late Rod May:

Through consultation with the May Family, the proposed design and location of a memorial for the Late Cr Rod May is a variation from the 6 June 2017, Council Resolution.

As a result, it would be required for the proposed amended concept of the Late Rod May memorial to be formally endorsed by Council and subsequently released to the community to inform of the amended project.

Should the project receive an unfavourable reaction, Officer's would undertake further consultation with the May Family to explore alternative project options and report back to Council in February 2020 for direction.

Pending community support being confirmed through Council and Friends of Lake Daylesford Facebook groups Officers will progress delivery for the project.

OFFICER'S RECOMMENDATION

That Council:

12.9.1. Sets aside resolution 6.2.1, 6.2.2 and 6.2.3 of the Ordinary Meeting of Council held on 6 June 2017;

12.9.2. Establishes a memorial to the late Cr Rod May to be located in Lake Daylesford Reserve and consist of a bench seat with commemorative plaque and mature oak tree;

12.9.3. That the proposed memorial concept plan be released to the public for a period of seven (7) days to inform the community of the amended project.

MOTION

That Council:

12.9.1. Sets aside resolution 6.2.1, 6.2.2 and 6.2.3 of the Ordinary Meeting of Council held on 6 June 2017;

12.9.2. Establishes a memorial to the late Cr Rod May to be located in Lake Daylesford Reserve and consist of a bench seat with commemorative plaque and mature oak tree;

12.9.3. That the proposed memorial concept plan be released to the public for a period of seven (7) days to inform the community of the amended project.

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

Cr May returned to the meeting at 8:17pm.

**ATTACHMENT 12 - PROPOSED CONCEPT FOR THE LATE ROD MAY
MEMORIAL SITE**

ATTACHMENT - Proposed Concept for the Late Rod May Memorial

Preferred Location - Lake Daylesford



Preferred Design Concept



12.10. COMMUNITY GRANTS PROGRAM – ROUND 2 2019/2020

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Community Programs Officer, I Rachel Murphy have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the recommended allocation of Round 2 funding of the 2019/2020 Community Grants Program.

BACKGROUND

In July 2019 Council adopted the 2019/2020 Hepburn Shire Council Community Grants Program. Within this program, there are five categories. These include:

- A. Active and Engaged Communities (up to \$2,500)
- B. Quality Community Infrastructure (up to \$2,500)
- C. Sustainable Environments (up to \$2,000)
- D. Children's Programs (\$2,500)
- E. Charitable Purposes (\$2,000)

Categories A – D will be assessed and awarded on a quarterly basis. Category E will be assessed and awarded on an annual basis during this round (December 2019).

ISSUE/DISCUSSION

Ten applications are recommended for Round 2. Six are recommended to receive funding through the Community Grants Program 2019/2020 budget, two through the Children's Program Fund, and two through the Mayor and CEO Ball Fund.

The recommendations for Round 2 are:

Category	Project Name	Community Group	Description	Grant Amount Requested	Total Project Amount	Recommendation
A	New uniform equipment for the Daylesford Community Brass Band	Daylesford Community Brass Band	Supplementing existing uniform stock with smaller sizes.	\$2,500	\$3,000	Recommended
B	Clunes Showground Defibrillator Project	Clunes and District Agricultural Society Inc.	Defibrillator for Clunes Showgrounds	\$2,500	\$2,550	Recommended

Category	Project Name	Community Group	Description	Grant Amount Requested	Total Project Amount	Recommendation
B	Lerderderg Track Trailhead Display Signs	Great Dividing Trail Association	Design, production and installation of trailhead panels.	\$2,500	\$11,695	Recommended
B	Clunes Bowling Club Green Care Project	Clunes Bowling Club	Equipment purchase to maintain greens.	\$2,072.50	\$2,072.50	Recommended
B	A Window into Daylesford's History	Bendigo Diocesan Trust Corporation – Christ Church Daylesford (Anglican Parish)	Database to record and preserve artefacts at Daylesford churches.	\$1,946	\$7,556	Recommended
B	Smeaton Bowling Club Equipment	Smeaton Bowling Club	Purchase of equipment to attract new members.	\$2,170	\$4,620	Recommended
D	Tom Curtain Anti-Bullying Talk	Trentham District Primary School	Anti-bullying talk to students.	\$692	\$825	Recommended
D	Tank Team	Creswick Neighbourhood House	Children's art program to paint mural on water tank.	\$2,500	\$3,700	Recommended
E	Trentham Lions Club – Firewood for the Needy	Trentham Lions Club	Supply firewood to vulnerable people in winter.	\$2,000	\$5,445	Recommended
E	The 5000 Club Weekly Community Luncheons	The 5000 Club Inc.	Free weekly luncheon to community.	\$2,000	\$68,100	Recommended
Total amount recommended: Category A-C				\$13,688.50		
Total amount recommended: Category D				\$3,192		
Total amount recommended: Category E				\$4,000		

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

FINANCIAL IMPLICATIONS

Category	Total Funds Recommended		Annual Budget	Available Funds
A) Active and Engaged Communities	\$2,500.00	\$13,688.50	\$42,000	\$28,851
B) Quality Community Infrastructure (including small equipment)	\$11,188.50			
C) Sustainable Environment	\$0			
D) Children's Program	\$3,192.00		\$10,000	\$7,500
E) Charitable Purposes	\$4,000.00		\$10,000	\$10,000

RISK IMPLICATIONS

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

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council Officers again offered a 'Community Grant Drop-In Session' this Round in Trentham. This Round we scheduled appointments with interested community members. These sessions continue to offer valuable one-on-one guidance to community groups. The next session will be held in Daylesford for Round 3.

CONCLUSION

The recommended project supports the objectives of the current Community Grants Program.

OFFICER'S RECOMMENDATION

12.10.1. That Council awards the following application from the 2019/2020 Community Grants Program to:

Project Name	Community Organisation	Amount
New uniform equipment for the Daylesford Community Brass Band	Daylesford Community Brass Band	\$2,500
Clunes Showground Defibrillator Project	Clunes and District Agricultural Society Inc.	\$2,500
Lerderberg Track Trailhead Display Signs	Great Dividing Trail Associations	\$2,500
Clunes Bowling Club Green Care Project	Clunes Bowling Club	\$2,072.50
A Window into Daylesford's History	Bendigo Diocesan Trust Corporation – Christ Church Daylesford (Anglican Parish)	\$1,946
Smeaton Bowling Club Equipment	Smeaton Bowling Club	\$2,170
Tom Curtain Anti-Bullying Talk	Trentham District Primary School	\$692
Tank Team	Creswick Neighbourhood Centre	\$2,500

Trentham Lions Club – Firewood for the Needy	Trentham Lions Club	\$2,000
The 5000 Club Weekly Community Luncheons	The 5000 Club Inc.	\$2,000
TOTAL		\$20,880.50

MOTION

12.10.1. *That Council awards the following application from the 2019/2020 Community Grants Program to:*

Project Name	Community Organisation	Amount
New uniform equipment for the Daylesford Community Brass Band	Daylesford Community Brass Band	\$2,500
Clunes Showground Defibrillator Project	Clunes and District Agricultural Society Inc.	\$2,500
Lerderberg Track Trailhead Display Signs	Great Dividing Trail Associations	\$2,500
Clunes Bowling Club Green Care Project	Clunes Bowling Club	\$2,072.50
A Window into Daylesford's History	Bendigo Diocesan Trust Corporation – Christ Church Daylesford (Anglican Parish)	\$1,946
Smeaton Bowling Club Equipment	Smeaton Bowling Club	\$2,170
Tom Curtain Anti-Bullying Talk	Trentham District Primary School	\$692
Tank Team	Creswick Neighbourhood Centre	\$2,500

Trentham Lions Club – Firewood for the Needy	Trentham Lions Club	\$2,000
The 5000 Club Weekly Community Luncheons	The 5000 Club Inc.	\$2,000
TOTAL		\$20,880.50

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

12.11. POLICY REVIEWS – PROCUREMENT POLICY

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Director Community and Corporate Services, I Bradley Thomas have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the approval to Policy 46 (C) – Procurement Policy.

BACKGROUND

Council's procurement policy sets out Council's contracting, purchasing and contract management activities and compliance obligations under the Section 186 of the *Local Government Act, 1989 (Act)*. Section 186A of the Act requires Council to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review the current procurement policy and amend the procurement policy. The policy was last reviewed by Council in May 2019. The procurement policy is the only policy that Council must have in place under legislation.

ISSUE/DISCUSSION

Council's procurement policy has been developed with reference to the 2013 Local Government Best Practice Procurement Guidelines.

In addition to this policy, a suite of documents is available to staff, providing procedural guidelines which step through the necessary and optional requirements for procurement at Council.

Officers have undertaken a review of the current Procurement Policy and proposed a number of changes, that are either of an administrative nature or are recommended to be included to streamline processes and improve transparency. The key policy changes are:

Page	Clause (if applicable)	Description of Changes
1	Not applicable	Removal of the following folder or documents as these are internal documents only: CEO Instrument of Delegation to Staff – Purchasing FOL/15/851 Procurement - Guidance FOL/15/852 Procurement - Templates TechOne - Purchasing Procedure – DOC/12/4903 OHS Purchasing Goods Guidelines DOC/18/47742
4	Clause 1	Change to paragraph 1, line 1 - change "contracting" to "procurement"

Page	Clause (if applicable)	Description of Changes
5	Clause 2	Addition of points to Expenditure not applicable to this policy: Local, State and Federal Governments where funds are requested for shared good, services of works. Dja Dja Wurrung Clans Aboriginal Corporation for Cultural related activities up to \$50,000 (Note: Local Government Act Public Cumulative spend applies) Including easement - to Purchase of Land or an interest in land
7	Clause 5	Addition of term and definition Cumulative or Aggregated spend Is the spend limits with a single supplier over a 2-year period (previous and current financial year period) that triggers the requirement under the Act to undertake a request for tender or expression of interest process
14	Clause 7.2	Removed "The subsequent use of quotes on a job-by-job basis further promotes competition and value for money." Updated Using the schedule of rates submitted in their tender and availability, or requested a quote (up to \$50,000); or Requesting quotes (over \$50,000). Includes availability and Up to and Over \$50,000 If all members of the panel are offering a similar service, the contractor offering the lowest price may be the best option and is available; Includes availability Changes made to utilising the panels by direct appointment and when to obtain quotes
15	Clause 7.3	Addition (all criteria required has a minimum of 5% weighting for evaluation) The criteria have been defined. Addition Minimum number of panel members on the panel
16	Clause 7.4.1.1	Wording added "(generally used for high risk or high responding tenders)"

Page	Clause (if applicable)	Description of Changes
17	Clause 7.4.1.2	Wording change from 21 calendar days to 15 business days
18	Clause 7.4.1.4	Addition "All quotations (over \$50,000) must remain open for a minimum period of 3 Business days, unless prior approval has been given by the Chief Executive Officer, or Director."
20	Clause 7.4.1.6	Word "hourly" removed from "hourly rates" or changed to cost Addition "All collaborative arrangements through MAV, PA or the State Government are to be sign off by the CEO. If these arrangements are utilised and spend exceeds the relevant threshold \$150,000 for goods or services or exceeds \$200,000 for works, a report is to be presented to Council for adoption to utilise these contracts." Wording removed Existing Council supply arrangements or panels provide a convenient method to identify potential suppliers to seek the number of quotes And If an existing supply arrangement was not established, or a panelled supplier was not selected through a public tender and/or expression of interest process, then the annual spend with that supplier cannot exceed \$150,000 for goods and services, or \$200,000 for works. If the spend is forecast to exceed these thresholds, then a compliant public process must be undertaken.
21	Clause 7.4.1.6	Removed "For support on understanding or access to these available supply facilities, Council Staff can contact the Manager Governance, Compliance and Risk."
21	Clause 7.4.1.8	Addition 2 year period "previous and current financial year period"

Page	Clause (if applicable)	Description of Changes
22	Clause 8.2	<p>Addition</p> <p>"• Cumulative variations to be approved by an officer with the relevant delegation up to the budget. If the variation exceeds the CEO's delegation, Council will be required to approve the variation amount."</p>
24	Clause 9.2	<p>Wording changed from</p> <p>"Council's standard Purchase Order Terms and Conditions are contained in. Due to the widely varying nature of goods, services and works procurement, these terms and conditions will often not be relevant. In these instances, relevant contract documentation must be used. Standard contract documentation can be found in FOL/15/852. Where no suitable contract documentation is available, contract documentation should be drafted by Council's solicitors."</p> <p>To</p> <p>"Council's standard Purchase Order Terms and Conditions are issued when a Purchase Order is raised for goods, services or works and can be found on Council's website. Due to the widely varying nature of goods, services and works procurement, these terms and conditions will often not be relevant. In these instances, relevant contract documentation must be used. Standard contract documentation will be issued on release of tender or quotation documentation."</p>

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The principles of good governance require that organisations have a suite of relevant policies that are reviewed regularly, section 186A of the *Local Government Act, 1989* requires Council to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review its procurement policy.

FINANCIAL IMPLICATIONS

The Procurement Policy support Council's objective to obtain value for money in its purchasing activities.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultation with departments across Council has assisted in the review of these policies. The policies will be available to the public via Council's website and will also be available for inspection in Council offices.

CONCLUSION

The review of these policies supports and reinforces Council's commitment to the principles of good governance and legislative compliance.

OFFICER'S RECOMMENDATION

That Council:

- 12.11.1. Adopts Policy 46 (C) – Procurement Policy
- 12.11.2. Directs Council officers to make the policies available for public inspection on Council's website and at Council's offices.

MOTION

That Council:

12.11.1. Adopts Policy 46 (C) – Procurement Policy

12.11.2. Directs Council officers to make the policies available for public inspection on Council's website and at Council's offices.

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

**ATTACHMENT 13 - POLICY 46 (C) – DRAFT PROCUREMENT POLICY
(ISSUED UNDER SEPARATE COVER)**

12.12. ELECTION PERIOD (CARETAKER) POLICY

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Tracy Spiteri have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider adopting a revised Election Period (Caretaker) Policy.

The Policy is a legislative requirement and is put in place to ensure that the ordinary business of local government continues throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established caretaker conventions.

BACKGROUND

Councils must comply with special arrangements during Council elections to ensure the probity of the election process and to safeguard the authority of the incoming Council.

These include statutory requirements relating to decision making and Council publications.

ISSUE/DISCUSSION

The attached, updated caretaker policy commits Council to:

- avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

The *Local Government Act 1989* Section 3(1) defines the election period to be the 32-day period that:

- starts on the last day on which nominations for that election can be received; and
- ends at 6:00pm on election day.

For the 2020 Council elections, this means that the mandatory election period will be:

- from the commencement of 22 September 2020
- until 6pm on Saturday 24 October 2020.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council's are required to review and adopt an Election Period Policy no later than 12 months before the commencement of each general election period. This must be conducted in accordance with section 93B of the *Local Government Act 1989*. The review of the Policy was delayed until the status of the 2019 Local Government Bill was known, however the Bill is not expected to be enacted now until February 2020.

FINANCIAL IMPLICATIONS

Although there are significant costs associated with the general election, there are no financial implications resulting from this policy.

RISK IMPLICATIONS

This policy contributes to managing Council's legislative and reputational risks associated with the general election caretaker period.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Election Period (Caretaker) Policy will provide assurance to the Community that Council is committed to good governance and to fair and democratic elections.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This information will be made available to the public via the minutes published on the Council's website. The Policy, once approved, will be available for inspection of the Council's website.

CONCLUSION

The revised policy will enable Council to be well prepared for managing the election caretaker policy.

OFFICER'S RECOMMENDATION

That Council:

- 12.12.1. Adopt the Election Period (Caretaker) Policy
- 12.12.2. Place the policy on Council's website for public information.

MOTION

That Council:

12.12.1. *Adopt the Election Period (Caretaker) Policy*

12.12.2. *Place the policy on Council's website for public information.*

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

**ATTACHMENT 14 - DRAFT ELECTION CARETAKER PERIOD POLICY
2019**

► ELECTION PERIOD (CARETAKER) POLICY

POLICY NUMBER: 66 (C)

NAME OF POLICY: ELECTION PERIOD (CARETAKER) POLICY

DATE OF NEXT REVIEW: 30 September 2023

DATE APPROVED: 17 December 2019

RESPONSIBLE OFFICER: Director Community and Corporate Services

REFERENCES: *Local Government Act 1989*

Best Value Principles

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

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

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

▶ ELECTION PERIOD (CARETAKER) POLICY

INTRODUCTION

Hepburn Shire Council is committed to good governance and to fair and democratic elections. The purpose of Council's caretaker policy is to ensure that the ordinary business of local government at Hepburn Shire Council continues throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established caretaker conventions. The policy sets out how Council will:

- avoid making decisions which would affect voting in the election or could reasonably be made after the election;
- not use resources inappropriately during the election period prior to the election;
- limit public consultation and the scheduling of Council events;
- ensure that access to information held by Council is made equally available and accessible to all candidates during the election.

SCOPE

This policy applies to Hepburn Shire Council councillors, 2020 general election candidates and all employees of Hepburn Shire Council (whether permanent, temporary, casual, part-time or contract) up to and during the election period.

POLICY

1. Election Period

The Local Government Act 1989 ("the Act") Section 3(1) defines the election period to be the period that:

- starts on the last day on which nominations for that election can be received; and
- ends at 6.00 pm on election day.

For the 2020 general election, the election period will be:

- from the commencement of Tuesday, 22 September 2020
- until 6.00pm on Saturday, 24 October 2020

2. Decision Making

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making significant decisions that bind an incoming Council. This includes a commitment to comply with the requirements of section 93A of the Act relating to “major policy decisions”, as well as not making decisions which could affect the election or could be made after the election period.

a. Major Policy Decisions

Section 93A of the Act prohibits the Council, a Special Committee or a person acting under delegation from the making of major policy decisions during an election period for a general election.

‘Major Policy Decisions’ are defined in the Act to be decisions:

1. relating to the employment or remuneration of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer;
2. to terminate the appointment of a Chief Executive Officer under section 94 of the Act;
3. to enter into a contract the total value of which exceeds whichever is the greater of:
 - a) \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1)¹; or
 - b) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
4. to exercise any power under section 193 of the Act if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$150,000 for goods and services contracts, \$200,000 for works contracts or 1% of the Council's revenue from rates and charges in the preceding financial year.

¹ Chief Executive Officer approval for expenditure up to \$150,000 for goods and services and \$200,000 for works contracts as detailed in Council Policy 46 (C) – Procurement Policy

► ELECTION PERIOD (CARETAKER) POLICY

For the purposes of the 2020 election period, 1% of rates and charges revenue is \$205,950, therefore the greater value is \$205,950 for goods, services and works.

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular major policy decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 93A(2) of the Act.

b. Significant Decisions

In addition to major policy decisions specified in section 93A of the Act, Council will avoid making decisions during an election period that are of a significant nature.

Significant Decisions are defined as decisions that:

- may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and
- may have an irrevocable and/or significant impact on the municipality or a significant section of the community.

Council may decide to deal with a matter considered a significant decision and which would unnecessarily bind an incoming Council, unless:

- the delay in making a 'significant' decision would have a negative impact on the Council, the municipality or the local community
- result in a breach of a statutory timeframes within which a matter is to be considered and resolved upon
- where the disadvantage of not making the decision exceed the benefits of complying with the principle.

c. Inappropriate Decisions

Most Council decisions are not made at Council meetings. Significant decision-making power is formally delegated to staff and the decision of a delegate is 'deemed' to be a decision by Council.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of Council business during the election period, the delegate must

► ELECTION PERIOD (CARETAKER) POLICY

satisfy themselves beforehand that the decision is not a major policy decision, significant decision or an inappropriate decision.

Inappropriate decisions during an election period include:

- a. any decision that would affect voting in an election or
- b. any decision(s) that could reasonably be made after an election.

The following matters may be considered inappropriate decisions during the election period:

- allocation of community grants or other direct funding to community organisations
- allocation of discretionary funding
- major planning scheme amendments
- changes to strategic objective and strategies in the Council Plan
- sale or discontinuance of roads
- sale or exchange of land
- leasing of land.

3. Prohibition of publishing materials during the election period

The Council will ensure that it complies with section 55D of the Act which requires that a Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer.

The Chief Executive Officer must not intentionally or recklessly certify a publication that contains electoral matter, unless the material only contains information about the election process.

4. Council Publications

Section 55D of the Act imposes limitations on Council publications during the election period. This is to ensure that the Council does not publish material with public funds that may influence or be seen to influence people's voting decisions.

► ELECTION PERIOD (CARETAKER) POLICY

5. Certification Process

Relevant Council publications (newsletters, pamphlets, advertisements, advertorials, website and media releases) must be certified by the Chief Executive Officer before they may be printed, published or distributed during the election period, whether distributed by the Council or by anyone acting for the Council.

To achieve this objective during an election period, all publications will be reviewed and scrutinised to ensure they do not contain electoral material (refer to Attachment 1). Any publications which the Chief Executive Officer considers contain electoral material, will be modified, suspended, or withdrawn from display and/or distribution during the election period.

The Council website will be checked at the commencement of the electoral period to ensure that information displayed could not be regarded as electoral material. This check will be undertaken by the Communications Officer and offending material removed.

The Chief Executive Officer's certification must be in writing and cannot be delegated to anyone else.

The following words will be used over the Chief Executive Officer's signature:

"Certified by the Chief Executive Officer in accordance with section 55D of the Local Government Act 1989"

Note that the certification does not need to be printed on published copies of a document. Copies of all certifications and certified documents must be retained in Council's Record Management System.

6. Council Agendas and Reports – 'Caretake Statement'

Information and briefing material prepared by staff for councillors during the election period will relate only to factual matters or to existing Council policies and services.

Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

▶ ELECTION PERIOD (CARETAKER) POLICY

During the election period, the Chief Executive Officer will ensure that a 'caretaker statement' is included in every report submitted to the Council or a Special Committee for a decision.

The 'Caretaker Statement' will specify one or more of the following:

- (1) *'The recommended decision is not a 'Major Policy Decision' or 'Inappropriate Decision' or 'Significant Decision' within the meaning of Council's Election Period (Caretaker) Policy.'*
- (2) *'The recommended decision is not a 'Major Policy Decision' as defined in Council's Election Period (Caretaker) Policy. The recommended decision is a 'Significant Decision' within the meaning of the Council's Election Period (Caretaker) Policy but an exception should be made for the following reasons (insert reasons for making an exception).....'*
- (3) *'The recommended decision is to seek an exemption from the Minister because the matter is a 'Major Policy Decision' as defined in section 93A of the Local Government Act 1989.'*
- (4) *'The recommended decision is a 'Major Policy Decision' as defined in section 93A of the Local Government Act 1989, but an extraordinary circumstances exemption was granted by the Minister for Local Government on (insert date).'*

During an election period, the Council will not make a decision on any matter or report that does not include one of the caretaker statements.

7. Council and Special Committee Meetings

Agenda papers and minutes of Council and Committee meetings do not require certification by the Chief Executive Officer unless they are printed and published for wider distribution than normal.

Newspaper notices giving dates, times and locations of Council and Committee meetings are not regarded as electoral matter and do not require certification.

8. Public Participation at Council or Committee Meetings

Public participation time at Council meetings will be suspended during the Election Period.

9. Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2019/2020 Annual Report will be published by the Chief Executive Officer during the election period. The Annual Report will not contain any material regarded as overt electioneering or that inappropriately promotes individual councillors.

The Annual Report does not require certification by the Chief Executive Officer however, any publication of an extract or summary of the Annual Report will require certification.

10. Public Consultation

Public consultation is to be avoided where possible during the election period. Whilst some public consultation activities may be necessary during the election² period to facilitate the day to day business of Council such consultation will avoid express or implicit links to the election.

All public consultation will avoid any express or implied links to the election and will only be undertaken with the Chief Executive Officer's prior approval.

11. Attendance at Functions and Events

a. Public events staged by external bodies

Councillors may continue to attend events and functions during the election period.

b. Council Functions and Events

Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council. This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.

² Public consultation required under the Planning and Environment Act 1987 and matters subject to section 223 of the Act.

► ELECTION PERIOD (CARETAKER) POLICY

c. Speeches and Keynote addresses

Councillors may make speeches at Council organised or sponsored events and functions during the election period subject to approval of the Chief Executive Officer.

12. Media and Communications

a. Restriction on Services

During the election period, Council resources must not be used in any way that might promote a councillor as an election candidate.

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

b. Media Releases/Spokespersons

Media releases during the election period will minimise references to specific councillors and will not identify any councillor in a manner that could promote a councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his delegate will be consulted.

Media releases will require certification by the Chief Executive Officer.

c. Speeches

Speeches for councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication.

d. Council Website

Material published on Council's website before the election period is not subject to certification, however existing material will be reviewed and consideration given to its removal if it would be considered electoral matter, if it were published during the election period.

Councillor contact information will be available on Council's website during the caretaker period, but all councillor profiles will be removed.

► ELECTION PERIOD (CARETAKER) POLICY

Any material published on Council's website during the election period must be certified by the Chief Executive Officer.

e. Social Media

Council auspiced social media must not be used for election campaigning.

Social media accounts that allow third party generated content to be disabled must disable that functionality for the election period. Where this is not possible, *prohibited content* published by third parties must be deleted as soon as practical, and consideration made to the temporary suspension of the social media account during the election period

Any content published on Council social media sites during the election period must be certified by the Chief Executive Officer.

f. Councillors

The Election Period (Caretaker) Policy does not restrict the ability of councillors to issue media releases or make media comment in their own name and using their own resources.

Councillors must not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention during the election period in support of an election campaign.

g. Council Employees

During the election period no Council employee may make any public statement that relates to an election issue unless prior approval from the Chief Executive Officer has been obtained.

13. Council Resources

Public resources must not be used in a way that would influence the way people vote in elections, except in regard to supporting the actual election process.

a. Support Services

Prior to the election period, the Chief Executive Officer will ensure that all members of Council staff are advised regarding the application of the Election Period (Caretaker) Policy.

► ELECTION PERIOD (CARETAKER) POLICY

- Council Management will ensure that action on requests for service will continue to be based on established methods of setting priorities and from existing budget allocations with no bias to requests from councillors or election candidates.
- Council staff will not undertake an activity or assist councillors in a way that could create a perception that they are being used for electoral purposes, or which may affect voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer.
- Council staff will not be asked to undertake any tasks connected directly or indirectly with electioneering.
- Any Council staff member who considers that a particular use of Council resources may influence voting in the election must obtain approval as outlined in this policy before authorising, using or allocating the resource.

b. Equipment, Stationery and Facilities

In accordance with current Council policy and practice, Council resources, including office and hospitality facilities, support staff, equipment/services, merchandise and stationery are provided or made available to councillors for normal Council business and are therefore not to be used in connection with any electoral activities.

- No Council logos or letterheads, Hepburn Shire Council branding or Council provided photographs will be used for, or linked in anyway to, a candidates election campaign.
- Where councillors have a Council funded mobile phones, land lines, internet connections, printers/scanners or copier machines, and where it is impractical for councillors to discontinue their use of those services during the election period, councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage level and could be perceived as supporting or being connected with a candidates election campaign.
- Council supplied computers, iPads/tablets and stationery must not be used for or in support of a candidates election campaign.

► ELECTION PERIOD (CARETAKER) POLICY

- Reimbursement of councillors 'out-of-pocket expenses' during an election period will only apply to costs that have been incurred in the performance of normal official Council duties and not for expenses that could be perceived as supporting or connected with a candidate's election campaign.

c. Council Business

As councillors must continue to perform their elected role during an election period, they will, as a matter of course, receive all necessary information for them to fulfill that role. Information to be provided to councillors will include:

- Information that is publicly and freely available such as Council Plans, Annual Reports, strategies, policies and the like.
- Information and advice provided by Council's Management, as part of Council Meeting agendas.
- Briefing Papers in relation to matters to be decided upon at forthcoming Council Meetings

It is likely that the briefing information provided to councillors during an election period will be of a more routine nature than normal, given the restriction on decision making during the election period.

14. Candidates in an election

There are a number of prohibitions in relation to how a candidate conducts himself/herself during an election campaign and penalties apply. The majority of these are covered in sections 52 to 62B of the Act.

a. Council Staff

Upon becoming a candidate in the Hepburn Shire Council election, the Council staff member must:

- inform the Chief Executive Officer
- take leave from their duties at least for the duration of the election period in accordance with the Act
- return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period

► ELECTION PERIOD (CARETAKER) POLICY

- if elected, immediately resign from their employed position at Council in accordance with the Act.

b. Member of Council Advisory Committee or other Committees

Upon becoming a candidate, any person who is a member of one of Council's advisory or other committees is expected to:

- comply with this policy
- inform the Chief Executive Officer
- take leave from the Advisory Committee or other Committee
- return any Council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period
- if elected, immediately resign from the Advisory Committee or other Committee.

15. Candidate access to Information

Requests for access to information held by Council is equally available and accessible to all candidates during the election. Council will respond to requests for information from candidates as though all candidates have made the same request.

While it is important that sitting councillors continue to receive information that is necessary to fulfil their existing elected roles, neither councillors nor candidates will be provided information or advice from Council that might be perceived to support and advise them during the election period.

All election related enquiries from candidates or prospective candidates will be referred to the Returning Officer appointed to conduct the election.

Applications for information under Freedom of Information legislation will be dealt with in the normal manner.

There will be complete transparency in the provision of all information and advice during the election period.

16. Information Request Register

The Governance Department will maintain an Information Request Register during the election period (Attachment 2). This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by councillors and candidates and the responses given to those requests.

17. Election Signage

The content of election signage must meet the requirements for electoral material under section 56 of the Act. Council's Local Law No. 2 outlines the requirements for advertising signage including election signs displayed on private land, public land and road reserves.

18. Breaches

Sections 76D and 76E of the Act prohibits councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment. Allegations of breaches of the *Local Government Act* are independently received and investigated by the Local Government Inspectorate.

19. Councillor Code of Conduct

Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures in the Hepburn Shire Council – Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period (Caretaker) Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures in the Hepburn Shire Council – Councillor Code of Conduct including, where necessary, the appointment of an external arbiter.

▶ ELECTION PERIOD (CARETAKER) POLICY

DEFINITIONS

The following terms are referred to in the policy.

Term	Definition
Caretaker Period	has the same meaning as 'Election Period'
Council	means Hepburn Shire Council
Council information	means any means any communication or material containing facts, data or material about the Council and its products, services, processes or functions.
Council resources	means human, material and financial resources of Council, including but not limited to, Council office and works spaces, staff (fulltime, part time, casual, contract) and volunteers, hospitality services, equipment and stationery used exclusively for normal Council business.
Delegation	means the giving of decision-making power(s) by instrument of a function, duty or power under any Act, where such delegation is allowed by law.
Electoral advertisement, handbill, pamphlet or notice	As per Section 3(1) of the Act means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

▶ ELECTION PERIOD (CARETAKER) POLICY

Term	Definition
Electoral matter	<p>As per Section 3(1A) of the Act means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of 'electoral matter', matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—</p> <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election.
Event	<p>means gatherings of internal and/or external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue that is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls</p>
Function	<p>has the same meaning as 'Event' as defined in this policy.</p>

▶ ELECTION PERIOD (CARETAKER) POLICY

Term	Definition
Publications	<p>means:</p> <ul style="list-style-type: none"> • brochures, pamphlets, handbills, flyers, magazines and books • reports (other than Agenda papers and Minutes) • advertisements and notices, except newspaper notices of meetings • new website material • social media publications • emails with multiple addresses, used for broad communication with the community • bulk mail outs or identical letters sent to a large number of people by or on behalf of Council • media releases • material to publicise a function or event • councillor speeches.
Public consultation	<p>means a process that involves inviting stakeholders (individuals, groups, organisations or the public generally) to comment on an issue or proposed action or proposed policy, and which includes discussion of the matter with the public.</p>
Publish	<p>As per Section 3(1) of the Act means publish by any means including by publication on the Internet.</p>
Social media	<p>Includes, but is not limited to: Facebook, Twitter, YouTube, Flickr, LinkedIn, Pinterest, Snapchat, Instagram accounts but does not include the private and individual social media accounts of any candidate or Chief Executive Officer or employee.</p>
The Act	<p>Local Government Act 1989</p>

▶ ELECTION PERIOD (CARETAKER) POLICY

FURTHER INFORMATION

Any enquiries about the Election Period (Caretaker) Policy should be directed to Council's Director Community and Corporate Services.

IMPLEMENTATION

A copy of this policy will:

- a) be given to each councillor as soon as practicable after it is adopted; and
- b) be available for inspection by the public at Council's customer service centres in Daylesford, Creswick and Clunes; and
- c) be published on the Council's Internet website maintained under section 82A.

The policy and the related certification processes will be communicated to all Council staff in the lead up to the election period.

REVIEW

The Election Period (Caretaker) Policy will be formally reviewed and updated at least one year prior to each Hepburn Shire general election in accordance with the Act, or as required by legislative changes.

The officer responsible for the review of this policy is the Director Community and Corporate Services.

► ELECTION PERIOD (CARETAKER) POLICY

Attachment 1

Request for certification of a publication during the election period

1 Author to complete

<i>Document description (attached)</i>	
<i>Intended distribution channel</i>	

I declare that this material contained in the attached document has been checked by me and to the best of my knowledge does not contain any electoral matter.

Name and Title	
Signature	
Date	

2. Manager to complete

- I have reviewed the material contained in the attached document and have returned the document to the author as I am of the view it contains electoral material.
- I have reviewed the material contained in the attached document and advise that to the best of my knowledge it does not contain any electoral matter.

Name and Title	
Signature	
Date	

3. Chief Executive Officer (CEO) to complete

- I have reviewed the material contain in the attached document and do not certify that it be printed, published or distributed during the election period on behalf of Hepburn Shire Council.
- I have reviewed the material contained in the attached document and declare that it is:

'Certified by the Chief Executive Officer in accordance with section 55D of the Local Government Act 1989"

Chief Executive Officer

Attachment 1

Name and Title

Signature

Date

12.13. ROAD SAFETY ACT 1986 PROVISION FOR PARKING PENALTIES DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

PURPOSE

The purpose of this report is for Council to consider approval to set parking fines with a prescribed penalty in accordance with the new *Road Safety (General) Regulations 2019*.

BACKGROUND

The *Road Safety Act 1986 (the Act)* allows a municipal Council to set the penalty for parking offences within a prescribed range. The *Road Safety (General) Regulations 2019* prescribe the penalty between 0.2 of a penalty unit up to 0.5 of a penalty unit.

Council is currently applying the maximum penalty amount (0.5 of a penalty unit) to the relevant parking offences.

As the *Road Safety (General) Regulations 2009* were revoked on 27 September 2019, Council is required to set the prescribed penalty amount that will be applicable to certain parking offences.

ISSUE/DISCUSSION

It is recommended that Council maintain the current penalty amount for the parking offences which is 0.5 of a penalty unit.

Some examples of the parking offences affected are:

- parked for period longer than indicated
- parked contrary to requirement of parking area
- parked not completely within a parking bay
- stopped in a "No Parking" area

There are a number of options for available to Council in considering this matter which include:

- Continue to have the relevant parking penalties set at 0.5 of a penalty unit in accordance with section 87(4) of the Act.
 - a. This is consistent with our current arrangements.
 - b. Imposing this penalty (\$83.00) acts as a deterrent to commit the above offences.
 - c. Businesses will appreciate Council assisting with the turnover of vehicles in timed parking as the higher penalty will be seen as a greater deterrent to over stay permitted limits.

- d. In a high tourism location, applying the higher penalty assists with the turnover of high traffic to ensure all visitors are able to enjoy all parts of the Shire equally.
- e. The community may see the higher penalty as revenue raising and unfair
- f. Recent benchmarking indicates that Moorabool, Ballarat and Mount Alexander have all adopted the 0.5 penalty unit
- Adopt the prescribed penalty amount at 0.2 of a penalty unit.
 - a. Imposing the minimum penalty (\$33) would not be seen as an adequate deterrent to many people and they may consider parking illegally.
 - b. Businesses could be impacted by people parking for longer than permitted as a \$33 fine would not be a deterrent.
 - c. Recent benchmarking indicates that Golden Plains and Central Goldfields Shire apply this lower penalty.
 - d. The lower penalty may not provide for cost recovery with parking enforcement activities.
- Set the penalty at any amount between 0.2 and 0.5 of a penalty unit.
 - a. As noted above, imposing anything less than the maximum may not be an adequate deterrent.
 - b. Setting a penalty less than the maximum would be a reduction from the current penalty imposed.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Section 87(3) of the Act allows Council to set the penalty within a prescribed range. The Road Safety (General) Regulations 2019 prescribe the range of penalty amounts.

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Applying the maximum penalty acts as a deterrent to parking offences and may encourage less car usage which has environmental benefits.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Not applicable

CONCLUSION

The *Road Safety Act 1986* allows a municipal Council to set the penalty for parking offences and Council currently applies the maximum penalty amount (0.5 of a penalty unit) to the relevant parking offences under the Act.

OFFICER'S RECOMMENDATION

12.13.1. That Council resolves to set the prescribed penalty applicable to parking offences at 0.5 of a penalty unit effective from 17 December 2019 in accordance with the provisions of the Road Safety Act 1986 and Road Safety (General) Regulations 2019.

MOTION

12.13.1. That Council resolves to set the prescribed penalty applicable to parking offences at 0.5 of a penalty unit effective from 17 December 2019 in accordance with the provisions of the Road Safety Act 1986 and Road Safety (General) Regulations 2019.

Moved: Cr Don Henderson

Seconded: Cr Greg May

Carried

12.14. CONTRACT HEPBU.RFT2019.165 DAIRY FLAT ROAD UPGRADE MUSK DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as Coordinator Engineering, I Tim Powell have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider awarding Contract HEPBU.RFT2019.165 Dairy Flat Road Upgrade Musk

BACKGROUND

This contract forms part of Council's 2018/2019 Infrastructure program, conditional upon securing grant funding. In 2019/2020 the project was co-funded by the State Government's Fixing Country Roads Program. Rijk Zwaan Australia PTY Ltd is also making a financial contribution to the works.

The scope of work involves the upgrade and bituminous sealing of Dairy Flat Road from Daylesford-Trentham Road to Chainage 940m.



ISSUE/DISCUSSION

Tenders were invited via public advertisement on Council's e-tender portal and The Courier (Ballarat) on 30 November 2019 in accordance with Council's Procurement Policy.

The closing date for acceptance of submissions was Thursday 5 December 2019 and five (05) tender submissions were received.

The tender submissions were evaluated by an evaluation panel consisting of:

Name	Title
Tim Powell - Chair	Coordinator Engineering
Paul O'Leary	Project Engineer Infrastructure
Tristan May	Manager Operations

The Evaluation Panel evaluated the tenders received against the following criteria:

Criteria	Weighting
Price	50%
OHS Management and Quality Systems	15%
Confidence in ability to deliver the project, Previous Experience and Subcontracted Works	20%
Key Staff and Resources Available	10%
Local Content	5%
Total	100%

The outcome of the tender evaluation is detailed in the attached Confidential Tender Evaluation Report.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2020

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

Implement a program of road safety and amenity improvements, including sealing and widening roads, on priority Council managed roads and advocate to VicRoads for improvement on arterial roads.

FINANCIAL IMPLICATIONS

The funding for this project will be drawn from the 2018/2019 carry forward Infrastructure program co-funded by Council, Rijk Zwaan Australia PTY Ltd and the State Government's Fixing Country Road Program Stage 2.

The budget allocated for this project is \$558,000 (ex GST).

The funding shortfall can be covered by savings in other Fixing Country Road projects where savings in the order of \$110,000 are expected.

The financial review of this tender is detailed in the attached Confidential Tender Evaluation Report.

RISK IMPLICATIONS

There are no expected risk implications. The expected construction related risks shall be addressed in pre-commencement site meetings and mitigated by managing the work site and providing traffic management in accordance with AS 1742.3.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no anticipated negative environmental, social or economic implications in awarding the contract.

The project will benefit, amongst others, Rijk Zwaan Australia PTY Ltd who is a major employer in the Shire. Road upgrades will ensure that growth to the business will not adversely affect the amenity of the area.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council officers have been in communication with the CFA, Rijk Zwaan Australia PTY Ltd and the affected local residents.

A variable message board will be installed prior to works commencing to inform other road users.

CONCLUSION

Following a formal tender process and detailed evaluation of received tenders, the preferred tender has been identified as per the Confidential Tender Evaluation Report.

In addition, it is recommended that Council authorise Council Officers to approve financial variations and additions to the Contract within Officer Financial Delegation and approved budgets.

OFFICER'S RECOMMENDATION

That Council:

12.14.1. Award Contract HEPBURFT2019.165 Dairy Flat Road Upgrade Musk to Fulton Hogan Industries Pty Ltd for the value of \$582,912.88 excluding GST.

12.14.2. Delegate Council Officers to authorise variations and additions to the Contract within Officer financial delegation and approved budgets.

12.14.3. Authorise the Chief Executive Officer to sign the and seal the contract documents.

MOTION

That Council:

12.14.1. Award Contract HEPBURFT2019.165 Dairy Flat Road Upgrade Musk to Fulton Hogan Industries Pty Ltd for the value of \$582,912.88 excluding GST.

12.14.2. Delegate Council Officers to authorise variations and additions to the Contract within Officer financial delegation and approved budgets.

12.14.3. Authorise the Chief Executive Officer to sign the and seal the contract documents.

Moved: Cr Greg May

Seconded: Cr Don Henderson

Carried

**ATTACHMENT 15 - CONFIDENTIAL TENDER EVALUATION REPORT -
HEPBU.RFT2019.165 – DAIRY FLAT ROAD UPGRADE MUSK (ISSUED
TO COUNCILLORS UNDER SEPARATE COVER)**

12.15. RECORD OF ASSEMBLIES OF COUNCILLORS

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Officer I Rebecca Smith have no interests to disclose in this report.

PURPOSE

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

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as ...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or*
- subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –*

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

ISSUE/DISCUSSION

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

- 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	Committee Name	Location
14 November 2019	Public Art Advisory Committee	Glenlyon Shire Hall
19 November 2019	Councillor/CEO Meeting	Daylesford Town Hall
19 November 2019	Pre-council Meeting Briefing	Daylesford Town Hall
3 December 2019	Councillor Briefing	Daylesford Town Hall

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

12.15.1. That Council receives and notes the Records of Assemblies of Councillors

MOTION

12.15.1. That Council receives and notes the Records of Assemblies of Councillors

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

ATTACHMENT 16 - RECORDS OF ASSEMBLIES OF COUNCILLORS

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Public Art Advisory Committee

Date: 14 November 2019

Time: 9am

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

Councillors present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input type="checkbox"/> Cr Greg May |
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Neil Newitt |
| <input type="checkbox"/> Cr Kate Redwood AM | <input type="checkbox"/> Cr Fiona Robson |
| <input type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|--|---|
| <input type="checkbox"/> CEO Evan King | <input checked="" type="checkbox"/> Other, please specify: Arts, Culture and Reconciliation Officer Donna Spiller |
| <input type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | |
| <input type="checkbox"/> Director Infrastructure and Development
Services Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|--|
| <input type="checkbox"/> CEO Evan King | <input checked="" type="checkbox"/> Other, please specify: Donna Spiller; Arts, Culture and Reconciliation Officer |
| <input type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | |
| <input type="checkbox"/> Director Infrastructure and Development
Services Bruce Lucas | |

RECORD OF ASSEMBLY OF COUNCILLORS

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

Signature: _____ *Donna Spiller* _____

Public Art Advisory Committee (PAAC) Thursday 14 November 2019

Meeting Room, Glenlyon Hall

Invitees: Dr Sue Walker, Dr Tess Brady, Ian Head, Rebecca Russell, Craig Barrett, Brad Hooper, Kim Percy, Cr John Cottrell (Chairperson), Donna Spiller (Arts, Culture and Reconciliation; Minutes)

Item	Time	Agenda Item	Presenter
1 Actions and Outcomes from Previous Meeting	10:00am	<ul style="list-style-type: none"> Acknowledgement of Country Welcome, apologies and introductions Brief outline for Members not present at last meeting	Chair Donna
2 Glenlyon Project	10:10	Discuss outline of tasks to be completed to produce an EOI <ul style="list-style-type: none"> Site Options (to view at end of meeting) Community Consultation Who/how/what Time lines Consider Hub Project timelines 	Committee
3 The EOI document	11:10	Format Content relating to Glenlyon Community/history - how the community identifies itself (to artist).	Donna Committee Recommendations

▶ MEETING AGENDA

		- Should this be part of community consultation - Can some of this information come from the Glenlyon Community Development Plan?	
4 Other Business	11.40		
5 Next Meeting and Review of actions	11.45	December 5 Mayors Room – Hub/Rex Shortlist NOTE: Change of Venue <u>Meetings for the new year</u> Regarding Hub/Rex Feb 4 – Developed concepts submitted/presented to PAAC Feb __? – Meet RE final selection (Council briefing 3/3) (Council Meeting 17/3)	
6	11.55	Meeting Closed Committee to view potential sites if possible	

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Councillor/CEO Meeting
 Date: 19 November 2019
 Time: 2:00 – 3:30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other – Trentham Neighbourhood Centre

Councillors present:

Cr John Cottrell
 Cr Don Henderson
 Cr Kate Redwood AM
 Cr Licia Kokocinski
 Cr Greg May
 Cr Neil Newitt
 Cr Fiona Robson

Members of Council Staff present:

CEO - Evan King
 Director Infrastructure & Development Services - Bruce Lucas
 Director Community & Corporate Services - Bradley Thomas
 Other, please specify:

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

CEO Evan King
 Director Infrastructure & Development Services - Bruce Lucas
 Director Community & Corporate Services - Bradley Thomas
 Other, please specify:

Signature:

Evan King

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

COUNCILLOR & CEO MEETING

Tuesday 19-11-2019

Council Chambers, Daylesford Town Hall

2:00 - 3:30PM

PRESENT: Councillors Licia Kokocinski, John Cottrell, Don Henderson, Kate Redwood AM, Neil Newitt, Fiona Robson, CEO Evan King

CHAIR: Mayor Licia Kokocinski

APOLOGIES: Cr Greg May

No.	Time	Agenda Item	Presenter
1.	2:00pm	Relevant items for discussion following Councillor only time.	Mayor Licia Kokocinski
2.		Report on the earlier presentation from Spa Country Rail indicating a preference to relocate historical VicRail rail carriages to an operational line from Trentham to Daylesford.	Mayor Licia Kokocinski
3.		Next step in the Hub for Premium Produce.	Mayor Licia Kokocinski
4.		Objectives to strive for with regard to out posting of Eco. Dev. Unit staff to Clunes, Creswick and Trentham.	Mayor Licia Kokocinski
5.		the Rex both as to our approach to project management and the adjusted timelines.	Cr Kate Redwood AM
6.		Project updates for i) the Rex, ii) planning review, & iii) waste/recycling - including their progress, issues and risks.	Cr Fiona Robson
7.		Key council risks & progress regarding our risk management.	Cr Fiona Robson

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Pre-Council Meeting Briefing
Date: Tuesday, 19 November 2019
Time: 3:30pm – 5:00pm

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

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Evan King | <input type="checkbox"/> Other, please specify: Manager |
| <input checked="" type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | Governance Compliance and Risk, Coordinator |
| <input checked="" type="checkbox"/> Director Infrastructure & Development
Services Bruce Lucas | Governance |


Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered: Tuesday, 19 November 2019 **Agenda of Council Meeting**
Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input type="checkbox"/> CEO Evan King | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | |
| <input type="checkbox"/> Director Infrastructure & Development
Services Bruce Lucas | |

Signature: 

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

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Councillor Briefing
Date: Tuesday, 3 December 2019
Time: 9:00am – 5.00pm

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

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CEO Evan King | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> Director Infrastructure and Development Services Bruce Lucas | Coordinator Panning – Nathan Aikman, Statutory Planner - Wallie Cron, Coordinator Community Safety – David George, Manager Community Care – Fran Fogarty, Project Officer - Bruce Maclsaac, Manager Major Projects – Carl Telfar, Project Manager – Alison Breach, Manager Community and Economic Development – Andrew Burgess, Coordinator Community Partnerships – Rachel Palmer, Community Development Officer – Inga Hamilton, Coordinator Economic Development – Rebecca Pedretti, Project Officer – Kathie Schnur, Sustainability Officer – Dominic Murphy, |
| <input checked="" type="checkbox"/> Director Community & Corporate Services Bradley Thomas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Cr Don Henderson	2.41pm / 2.46pm

Matters Considered: Tuesday, 3 December 2019 Agenda Attached

Matters Councillors not present

Councillor Name	Item
Cr Don Henderson	12

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

RECORD OF ASSEMBLY OF COUNCILLORS

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

Name and title of Officer responsible for this written record:

- CEO Evan King Other, please specify:
 Director Community & Corporate Services
Bradley Thomas
 Director Infrastructure & Development
Services Bruce Lucas

Signature:  _____

Tuesday 3 December 2019
 Council Chamber, Daylesford Town Hall
 9:00 am – 5:00 pm

The reports, and referenced attachments, are designated as confidential by the Chief Executive Officer under Section 89(2)(h) of the Local Government Act 1989.

INVITED:

Councillors	Councillor Licia Kokocinski Councillor Don Henderson Councillor Fiona Robson Councillor Greg May Councillor John Cottrell Councillor Kate Redwood AM Councillor Neil Newitt
Officers	Evan King – Chief Executive Officer Bradley Thomas – Director Community and Corporate Services Bruce Lucas – Director Infrastructure and Development Services
CHAIR:	Mayor Licia Kokocinski Evan King – Chief Executive Officer

APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1.	9:00am	Report	PA 2438 –Construction of 2 Dwellings and a 2 Lot Subdivision at 7 Frazer Street Daylesford	Coordinator Planning	4
2.	9:15am	Report	PA 2295 – Planning Application for the Two Lot Subdivision at 119 Richards Road Blampied	Coordinator Planning	8

No	Time	Type	Agenda Item	Presenter	Page No
3.	9:30am	Report	Road Safety Act 1986 – Provision for Parking Penalties	Coordinator Community Safety	12
4.	9:45am	Report	Findings from the Aged and Disability Strategic Analysis Project	Mr Craig Kenny	14
	10:45am		Break		
5.	11:00am	Discussion	Findings from the Aged and Disability Strategic Analysis Project – Councillor Discussion	Councillors	100
6.	11:10am	Presentation	Update on Hepburn Hub at the Rex	Project Manager – The Rex	101
7.	12:00am	Report	Creswick Trails Project Community Engagement on Concept Trail Alignments	Project Manager	102
	12.30pm		Lunch		
8.	1:00pm	Report	Community Grants Program – 2019/2020	Community Programs Officer	140
9.	1:15pm	Report	Community Grants Program Update	Community Programs Officer	145
10.	1:30pm	Report	Draft Hepburn Shire Local Transport Benchmarking Study	Coordinator Community Partnerships	156
11.	2:00pm	Report	Welcome to New Residents Sessions Review	Community Development Officer	229
12.	2:30pm	Report	Heather Mutimer Women's Honour Roll Inductees 2020	Events Officer	238

No	Time	Type	Agenda Item	Presenter	Page No
13.	2:45pm	Report	The Late Cr Rod May Memorial	Project Officer	240
	3:00pm		Break		
14.	3:15pm	Report	Trentham Football Changerooms, Function Area and Toilets Design	Project Officer	244
15.	4:00pm	Deputation	Daylesford Secondary College Students	Ms Eirinn Taylor (teacher), Ms Tash Robinson (student) and Ms Alice Dennis (student)	287
16.	4:15pm	Discussion	Deputation – Councillor Discussion	Councillors	288
17.	4:25pm	Discussion	External Committees Update	CEO	289
18.	4:35pm	Discussion	Executive Issues Update	CEO	290
19.	4:45pm	Discussion	Councillor 'Burning Issues' Discussion	CEO	291
	5:00pm		CLOSE OF MEETING		

13. COUNCIL SPECIAL COMMITTEES (SECTION 86)

13.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Officer I Rebecca Smith 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 – 4 November 2019
- Lee Medlyn Home of Bottles Special Committee – 18 November 2019
- Lyonville Hall Special Committee – Ordinary Meeting – 19 November 2019
- Lyonville Hall Special Committee – Annual General Meeting – 19 November 2019
- Drummond Hall Special Committee – 28 November 2019

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

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

- Creswick Museum Special Committee – 4 November 2019
- Lee Medlyn Home of Bottles Special Committee – 18 November 2019
- Lyonville Hall Special Committee – Ordinary Meeting – 19 November 2019
- Lyonville Hall Special Committee – Annual General Meeting – 19 November 2019
- Drummond Hall Special Committee – 28 November 2019

MOTION

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

- *Creswick Museum Special Committee – 4 November 2019*
- *Lee Medlyn Home of Bottles Special Committee – 18 November 2019*
- *Lyonville Hall Special Committee – Ordinary Meeting – 19 November 2019*
- *Lyonville Hall Special Committee – Annual General Meeting – 19 November 2019*
- *Drummond Hall Special Committee – 28 November 2019*

Moved: Cr Neil Newitt

Seconded: Cr Don Henderson

Carried

14. COUNCIL ADVISORY COMMITTEES

14.1. AUDIT AND RISK ADVISORY COMMITTEE – APPOINTMENT OF EXTERNAL INDEPENDENT MEMBERS DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Acting Manager Governance and Risk, I Tracy Spiteri have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to appoint two external independent members to the Audit and Risk Advisory Committee (the Committee).

BACKGROUND

At the Ordinary meeting held 15 October 2019, Council adopted a revised Audit and Risk Advisory Committee Charter (the Charter). The Charter states that the Committee is to be comprised of six members – two Councillors and four external independent members. The term of two current independent members will end on 31 December 2019.

Council publicly advertised for applications from members of the public to be appointed as external independent members of the Committee. Nominations for the Audit and Risk Advisory Committee closed on 8 December 2019.

The Charter states that the appointment of external members shall be made by Council after public advertisement and be for a term of four years. The terms of members should be arranged to allow the orderly rotation of members and continuity of membership. This process is separate to the appointment of the two Councillor members which occurs annually on a calendar year basis.

ISSUE/DISCUSSION

Appointment of External Members

Council received five applications by the due date, as detailed in the confidential Attachment.

The Audit and Risk Advisory Committee selection criteria, as included in the Audit and Risk Advisory Committee Charter, are:

- Professional expertise – senior business or financial management/reporting knowledge and experience including risk management, governance and compliance;
- Analytical and strategic management skills; understanding of the role of local government
- Proven effective communication and ability to work cooperatively with wide range of individuals and organisations.
- Demonstrated commitment to local communities.

The nominations received were assessed against the criteria by Councillor members of the Audit and Risk Advisory Committee, Cr Licia Kokocinski, Cr John Cottrell and the Chief Executive Officer, Mr Evan King.

A good range of experience, knowledge and relevant skills for the Audit and Risk Advisory Committee was represented in the nominations.

Following an assessment of all nominations the panel has made a recommendation as detailed in the confidential Attachment.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – High Performing Organisation

Key Strategic Activity:

- Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

Local Government Act 1989 – S139 – Audit Committee

Hepburn Shire Council's Audit and Risk Advisory Committee Charter

FINANCIAL IMPLICATIONS

In accordance with the Audit and Risk Advisory Committee Charter, independent members appointed to the Committee will be remunerated in accordance with those provisions within the Charter upon commencement.

RISK IMPLICATIONS

In the interests of good governance, it is important that we update the members of the committee in line with the timeframes in the Audit and Risk Advisory Committee Charter.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No change to current arrangements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Committee nominations were advertised in local newspapers during November and December 2019 and on Council's website and Facebook page.

CONCLUSION

The appointment of four external independent members to the Audit and Risk Advisory Committee meets the membership requirements outlined in the revised Audit and Risk Advisory Committee Charter.

OFFICER'S RECOMMENDATION

That Council:

14.1.1. Appoints the following external independent representatives of the general community for a period of four years ending 31 December 2023:

- _____
- _____

14.1.2. Writes to the unsuccessful applicants and thanks them for their nomination.

MOTION

That Council:

14.1.1. Appoints the following external independent representatives of the general community to serve on the Audit and Risk Advisory Committee for a period of four years ending 31 December 2023:

- *Mr Robert Taylor*
- *Ms Carol Pagnon*

14.1.2. Writes to the unsuccessful applicants and thanks them for their nomination.

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

**ATTACHMENT 17 - CONFIDENTIAL – ASSESSMENT OF NOMINATIONS
(ISSUED TO COUNCILLORS UNDER SEPARATE COVER)**

14.2. RECOMMENDATIONS FROM AUDIT AND RISK ADVISORY COMMITTEE TO COUNCIL

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Acting Manager Governance and Risk, I Tracy Spiteri have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider advice from the last meeting of the Audit and Risk Advisory Committee held on 25 November 2019.

BACKGROUND

At the quarterly meeting of the Audit and Risk Advisory Committee held on 25 November 2019, the Committee passed a number of resolutions for consideration by the Council.

ISSUE/DISCUSSION

On 25 November 2019, the Committee held their quarterly meeting and passed the following resolutions for Council consideration:

6.1.1. That the Minutes of the Audit and Risk Advisory Committee held on 9 September 2019 (as previously circulated to committee members under separate cover) be confirmed.

8.6.1. That the Audit and Risk Advisory Committee notes the risk update for November 2019.

8.7.1. That the Audit and Risk Advisory Committee received a presentation on the Hepburn Hub at the Rex development and governance processes now in place.

8.7.2. Notes that a report will be provided to Council in December 2019 or early 2020.

8.8.1. That the report on the progress on the Trentham Community Hub be noted for information.

8.9.1. That the Audit and Risk Advisory Committee notes the report on the progress of the Creswick Trails Major Project.

8.9.2. Endorses the project governance group controls put in place.

That the Audit and Risk Advisory Committee:

9.1.1. Acknowledges that the old register has now been replaced with the recommendations of the Internal Audit Project – Outstanding Items – September 2019.

9.1.2. Recommends that officers continue to implement the open recommendations contained in the register.

10.1.1. *That that Audit Risk and Advisory Committee notes the Final Management Letter received from the Victorian Auditor General's Office including management responses.*

10.2.1. *That the Audit and Risk Advisory Committee notes the report provided by the Victorian Auditor Generals Office on recent audits within the sector.*

10.3.1. *That the Audit and Risk Advisory Committee notes the report provided on the Central Goldfields Audit.*

10.4.1. *That the Audit and Risk Advisory Committee notes the report provided on the findings of the audit into the Geelong City Council.*

That the Audit and Risk Advisory Committee notes:

11.1.1. *Councillor allowances for 2018/2019.*

11.1.2. *Councillor allowances and expenses for the period 1 July 2018 to 30 June 2019.*

11.1.3. *Requests that officers correct the data and recirculate with the committee out of session.*

11.2.1. *That the Audit and Risk Advisory Committee receives and notes the Financial Report for the three months from 1 July 2019 to 30 September 2019.*

11.3.1. *That the Audit and Risk Advisory Committee notes the update on Council's Project Report as at September 2019 and the explanation of management regarding the progress indicators.*

11.4.1. *That the committee receives the report on agenda items that have been before Council in September, October and November 2019.*

12.1.1. *That the Audit and Risk Advisory Committee notes the update on Compliance Obligations as provided to Council in November 2019.*

12.1.2. *Recommends that this schedule be provided to the committee for review periodically and added to the committee's rotational agenda for November.*

12.2.1. *That the Audit and Risk Advisory Committee notes the report provided on the Organisational Risk on Overdue Policies.*

12.2.2. *Endorses the prioritisation process that management has applied to the scheduling of the policy overdue reviews.*

12.3.1. *That the Audit and Risk Advisory Committee notes the update provided on Occupational Health and Safety for November 2019*

That the Audit and Risk Advisory Committee:

13.1.1. *Notes the suggested process for the evaluation of the performance of Council's Internal Auditor, HLB Mann Judd (Vic) Pty Ltd, for the period to November 2019.*

13.1.2. *Notes that evaluation forms are to be returned by Monday 9 December 2019.*

That the Audit and Risk Advisory Committee:

13.1.3. *Notes that two independent members terms expire on 31 December 2019 and that advertising is underway for expressions of interest or renewal.*

13.1.4. *Notes that any member leaving the committee will be kept informed of developments regarding the LG Inspectorate investigation for the period of time that they served on the committee and that directors and officers indemnity coverage for the period still applies to those members.*

13.1.5. *Notes that appropriate actions and protections will be in place for the assistance of those members should they be requested or required to participate.*

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The Audit and Risk Advisory Committee is established under section 139 of the *Local Government Act 1989* and is a key component of the Council's governance framework.

FINANCIAL IMPLICATIONS

None noted

RISK IMPLICATIONS

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

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are four independent external community members on the committee. The draft public minutes of the last committee meeting are provided to promote transparency and confidence in the management of Council operations. The full confidential minutes of the meeting are provided to Councillors out of session.

CONCLUSION

The Audit and Risk Advisory Committee has made a number of recommendations for the consideration of Council.

OFFICER'S RECOMMENDATION

That Council:

14.2.1. Receives the draft minutes of the Audit and Risk Advisory Committee Meeting of 25 November 2019.

14.2.2. Notes the recommendations and resolutions of the Audit and Risk Advisory Committee that were moved at the meeting on 25 November 2019.

MOTION

That Council:

14.2.1. Receives the draft minutes of the Audit and Risk Advisory Committee Meeting of 25 November 2019.

14.2.2. Notes the recommendations and resolutions of the Audit and Risk Advisory Committee that were moved at the meeting on 25 November 2019 and to report back to the Committee as required by officers.

Moved: Cr John Cottrell

Seconded: Cr Fiona Robson

Carried

**ATTACHMENT 18 - COVER NOTE FROM AUDIT AND RISK ADVISORY
COMMITTEE CHAIR – 9 DECEMBER 2019**

SUMMARY NOTES – Audit and Risk Advisory Committee meeting held on Monday 25 November 2019

At the 25 November 2019 Audit & Risk Advisory Committee meeting, the significant items that were discussed are noted below.

1. Business Arising – Item 8.6.10 – Risk appetite/risk register

It was noted that the Strategic Risk Workshop was conducted on 4/6/2019 and outputs were yet to be updated to the Strategic Risk Register, Risk Appetite Statement and Risk Framework. There was some concern expressed about the time being taken to do this (the workshop was conducted 5 months ago) and that we do not have an overarching risk register.

2. Business Arising – Item 7.1.2 – Crowe Horwath report on the Rex Project

It was noted that completion of the Crowe Horwath report on the Rex Project had been put on hold pending completion of the Local Government Inspectorate investigation. The CEO briefed the Committee on the progress of the investigation noting that the members of the investigation team were continuing to interview staff and collect information and that no end date had been signaled.

3. Item 8.7 – Hepburn Hub at the Rex

Mr Bruce Maclsaac, Project Manager, presented to the Committee on the Hepburn Hub at the Rex project.

Key points going forward;

- Cost/quality and timing were being re-forecast
- It appears likely that cost will significantly exceed the current budget. Current budget \$/m² is well below industry comparatives
- Timing to completion unknown (read this as completion will go well beyond the current estimated completion date)
- Available office space has been over-estimated - there will insufficient space to house the activities originally planned
- Some aspects of work done to date will need to be “undone”
- Some materials/consumables which have been purchased are unlikely to be used (e.g. lighting)

4. Item 11.3 – Project performance

The Committee noted the project performance reports. There was discussion as to the presentation style of these reports. They are difficult to read and appear to be a “dump” of information. It would be more helpful to see only those projects which are likely to be significantly over budget or over time.

5. Item 12.1 – Compliance Obligations

The Committee was pleased to receive Attachment 11, which was a summary of Council’s statutory compliance obligations and to be advised by the Director Corporate and Community Services that Council is compliant with its obligations.

6. Item 12.3 - OCCUPATIONAL HEALTH AND SAFETY UPDATE 2019

Ms Green and Mr Young-Harvey reported on progress with implementation of an Occupational Health and Safety system. The Committee noted that while sufficient work had been done to obtain compliance with the MAV self-insurance system, further work was being done to deepen and imbue a safety management culture within Council. The Committee endorsed this approach.

Trevor Shard

Chair – Audit and Risk committee

11 December 2019

**ATTACHMENT 19 - DRAFT PUBLIC MINUTES – AUDIT AND RISK
ADVISORY COMMITTEE MEETING – 25 NOVEMBER 2019 (ISSUED
UNDER SEPARATE COVER)**

14.3. MINUTES OF ADVISORY COMMITTEES DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Officer I, Rebecca Smith, have no interests to disclose in this report.

PURPOSE

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

BACKGROUND

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

ISSUE/DISCUSSION

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees:

- Disability Advisory Committee – 1 October 2019
- Public Art Advisory Committee – 14 November 2019

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes have been provided for noting.

OFFICER'S RECOMMENDATION

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

- Disability Advisory Committee – 1 October 2019
- Public Art Advisory Committee – 14 November 2019

MOTION

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

- *Disability Advisory Committee – 7 October 2019*
- *Public Art Advisory Committee – 14 November 2019*

Moved: Cr Don Henderson

Seconded: Cr John Cottrell

Carried

15. CONFIDENTIAL ITEMS

15.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

RECOMMENDATION

15.1.1. That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:

- 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- Visit Victoria Event Funding
- International Women's Day Heather Mutimer Women's Honour Roll Inductees 2020

MOTION

15.1.1. That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:

- *89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person;*
 - Visit Victoria Event Funding
 - International Women's Day Heather Mutimer Women's Honour Roll Inductees 2020

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

The meeting was closed to the public at 8:39pm.

16. REOPENING OF MEETING TO PUBLIC

RECOMMENDATION

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

MOTION

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

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

The meeting was reopened to the public at 8:43pm.

17. CLOSE OF MEETING

Meeting closed at 8:45pm.
