

**MINUTES OF THE ORDINARY MEETING OF THE CENTRAL GOLDFIELDS
SHIRE COUNCIL, HELD IN THE MARYBOROUGH TOWN HALL, 71 CLARENDON
STREET MARYBOROUGH ON WEDNESDAY 26 SEPTEMBER 2007,
COMMENCING AT 5.30PM**

PRESENT: Crs G Lovett (Mayor) C Meddows-Taylor, I Robertson, B
O'Connor & B Rinaldi.

Chief Executive Officer
Director Technical and Development Services
Director Corporate and Community Services
Manager Administration

APOLOGIES: Cr D McLeish & Cr J Gabell

Rinaldi

Robertson That the apologies be accepted and leave of absence granted.

CARRIED

OPENING PRAYER:

The prayer was read by the Mayor.

The Mayor noted the recent passing of Mr Ron Pryor and expressed condolences to the family on behalf of Council. Mr Pryor was a long serving Shire Secretary of the former Shire of Talbot & Clunes.

The Mayor noted how pleasing it was to see Cr Rinaldi in attendance after his recent health concerns.

The Mayor also expressed great disappointment at the recent announcement of the closure of Davis Poultry and assured all present that Council would continue to work tirelessly to address the situation.

CONFIRMATION OF MINUTES

O'Connor

Robertson That the minutes of the Ordinary Meeting held on 22nd August 2007, the In-Committee Meeting held on 22nd August 2007 and the Special Meeting held 5th September 2007 be taken as read and confirmed.

CARRIED

MINUTES: COUNCIL MEETING

DECLARATION OF PECUNIARY INTEREST FROM COUNCILLORS NOT PRESENT:

NIL

MATTERS CONTINUED FROM PREVIOUS MEETING:

NIL

RECEPTIONS AND READINGS OF PETITIONS, MEMORIALS, JOINT LETTER AND DEPUTATIONS:

NIL

REPORTS: CHIEF EXECUTIVE OFFICER

FINANCIAL REPORTS

50/5/1

Financial reports comprising:

- Operating Statement
- Statement of Financial Position
- Statement of Changes in Equity
- Cash Flow Statement

are provided for the year to 31 August 2007. These reports do not include results for Council's Section 86 Committees such as Tullaroop Leisure Centre, Energy Breakthrough or the Dunolly Town Hall.

Operating Statement

A surplus of \$87,231 against budget was returned for the period to the end of August 2007 (a surplus of \$837,626 for August 2007). Income is below budget (\$136,729), whilst expenditure is less than budgeted (\$223,960) for the period. Invoices estimated at \$508,880 have been ordered and are yet to be processed.

Statement of Financial Position

No comment required.

Statement of Changes in Equity

No comment required.

MINUTES: COUNCIL MEETING

Cash Flow Statement

The end of August cash is showing a balance of \$6,272,568. The net decrease in cash was \$99,415 more than budget. This is primarily due the net cash outflows from operating activities being \$321,596 more than budget, counteracted by net cash outflows from investing activities which are \$222,270 less than budget.

The overall cash position is \$4,126,200 more than expected due to a greater balance of cash at the beginning of the financial period (budget \$3,296,093 actual \$7,521,709). This is primarily due to the loan drawn down during June 2007 for the purchase of the vacated school sites, which has not yet been applied to a capital purchase.

Receivables Summary

The \$6,844,400 (2329.17%) increase in outstanding rate debtors over the same time last year is a result of the timing of the 2007/2008 rate run. The rates were not levied until 18 September in the 2006/2007 rating year, whereas the rates were levied on 24 August for the current rating year. Declared rates and charges in 2006/2007 amounted to \$6,584,451, in comparison to \$7,150,183 in 2007/2008). The rate debtor balance will be more comparable in the September financial report.

Other debtors have decreased by \$369,853 (42.26%) overall from 31 August 2006. This movement is due to the \$322,254 decrease in Sundry Debtors, which in August 2006 included the purchase of 4165 Pyrenees Highway, which was paid in the following month.

Operating and Cash Flow Budget Amounts

Council's operating budget for 2007/2008 has been broken up into monthly amounts. Whilst every attempt is made to accurately predict when income and expenditure will occur, Council should make allowances for 'ups and downs' in these monthly allocations throughout the year. The monthly operating budget amounts should be used as an indicator of how we are progressing rather than an absolute result at the end of each month.

A similar exercise has been carried out for Council's cash flows each month with the resulting monthly cash flows shown on page 4 of the report.

The monthly break-up of both operating and cash flows will be refined over the coming months as the timing of the organisation's works program is settled.

Overall

The result to the end of August indicates Council is on track to achieve a budgeted result for 2007/2008.

OFFICER'S RECOMMENDATION:

That the Financial Reports as presented be received and noted by Council.

MINUTES: COUNCIL MEETING

**Rinaldi
Meddows-Taylor** **That the Financial Reports as presented be received and noted by Council.**

CARRIED

ALGA FEDERAL ELECTION CAMPAIGN

10/14/2

'A 10-Point Plan to Reinvigorate Local Communities' was launched recently by the Australian Local Government Association (ALGA) on behalf of local government nationally.

A copy of the Plan document is attached.

The Plan was developed in consultation with the MAV and other State associations, and outlines the key priorities for local government in the lead-up to the federal election. The ALGA has asked the major parties to respond to the 10-points outlined in the document.

The MAV advises that:

"The priorities fit into our '3Fs' agenda of Fair Funding, Fair Treatment and Formal Recognition. We have added a '4th F' – Meeting Future Challenges – to include issues of concern to local councils such as climate change, broadband, urban transport and water shortages.

Local government has identified the Local Community Infrastructure Renewals Fund (LCIRF) as recommended by the PricewaterCoopers report into local government financing as one of its main priorities for 2007. We have lobbied for this to be included in the election platforms of the Australian Government and the Opposition and so far have received encouraging feedback".

The ALGA and MAV are encouraging councils to contact their local Federal MP's, Senators and candidates seeking their support for the Plan and Renewals Fund.

OFFICER'S RECOMMENDATION:

That Council strongly supports the '10-Point Plan to Reinvigorate Local Communities' document prepared by the ALGA for the upcoming federal election, with such support to include representations to the local Federal MP, Senators and federal election candidates together with media releases.

MINUTES: COUNCIL MEETING

**Meddows-Taylor
O'Connor**

That Council strongly supports the '10-Point Plan to Reinvigorate Local Communities' document prepared by the ALGA for the upcoming federal election, with such support to include representations to the local Federal MP, Senators and federal election candidates together with media releases.

CARRIED

REPORTS: DIRECTOR CORPORATE AND COMMUNITY SERVICES

INTERNAL AUDIT ADVISORY COMMITTEE – MINUTES OF MEETINGS HELD 22 MAY AND 28 AUGUST 2007

10/5/11/12

Attached are a copy of the minutes (confirmed) of the Internal Audit Advisory Committee meeting held Tuesday 22 May 2007, and a copy of the minutes (unconfirmed) of the Internal Audit Advisory Committee meeting held Tuesday 28 August 2007.

OFFICER'S RECOMMENDATION:

That Council accept the Minutes as the report thereof, endorsing the decisions taken therein.

**Rinaldi
O'Connor**

That Council accept the Minutes as the report thereof, endorsing the decisions taken therein.

CARRIED

MINUTES: COUNCIL MEETING

CENTRAL GOLDFIELDS SHIRE COUNCIL ARTS AND CULTURE ADVISORY BODY (ACAB)

P44680.001

Attached is a copy of the (unconfirmed) Minutes of the Central Goldfields Shire Council Arts and Culture Advisory Body meeting held on Tuesday 7th August, 2007.

OFFICER'S RECOMMENDATION:

That Council note the (unconfirmed) minutes of the Central Goldfields Shire Council Arts and Culture Advisory Body meeting held on Tuesday 7th August, 2007.

Rinaldi

Meddows-Taylor

That Council note the (unconfirmed) minutes of the Central Goldfields Shire Council Arts and Culture Advisory Body meeting held on Tuesday 7th August, 2007.

CARRIED

AUSTRALASIAN MAYORS' COUNCIL FOR CLIMATE PROTECTION

20/10/2

As Councillors would no doubt be aware CGSC has for many years been participating in the Cities for Climate Protection (CCP) Australian Program.

CGS has obtained the highest level of participation possible being Milestone 5. Across Australia, there is now some 225 local governments participating in the CCP, all of varying milestone levels.

In May of 2007 ICLEI – Local Governments for Sustainability launched, the “Australasian Mayors Council for Climate Protection (AMCCP). The aim of the AMCCP is to advocate the ongoing role of Local Government in climate protection and adaptation to climate change.

As part of this advocacy, ICLEI is urging Local Government Authorities to “...write to your local Member of the House of Representatives (MHR), regardless of political party, to ensure that local greenhouse action is on their agenda in the forthcoming election”.

By way of background CCP Council's since 1997 have reported a collection saving of nearly 9 million tonnes of greenhouse gases. With the assistance of external funding CGS has reduced its greenhouse gas emissions considerably through several initiatives, such as solar heating, heat resistance/absorption painting etc. It is clear that local government is playing its part, but more could be done in partnership with other spheres of Government.

For further information please refer to the attached correspondence from ICLEI.

MINUTES: COUNCIL MEETING

Also attached is a draft letter to Mr Steve Gibbons.

OFFICER'S RECOMMENDATION:

That Council forward the correspondence attached for this report to Mr Steve Gibbons MHR, to ensure that local greenhouse action is on his political party's agenda for the forthcoming election.

**O'Connor
Rinaldi**

That Council forward the correspondence attached for this report to Mr Steve Gibbons MHR, and Liberal candidate for Bendigo, Mr Peter Kennedy to ensure that local greenhouse action is on their political party's agenda for the forthcoming election.

CARRIED

PROPOSED NEW GRAFFITI PREVENTION BILL

80/1/25

The attached correspondence from the Office of the Minister for Police and Emergency Services refers.

Given a recent spate of graffiti in Maryborough, refer attached photographs, in which it took just three hours for graffiti vandals to return, this bill should be welcomed by Councils, business, and the general community.

The new laws, expected to take effect later this year will expose graffiti artists to tough new penalties, including substantial fines of up to \$26,428, two years imprisonment, and clean up of their "work".

Council itself will receive additional powers and responsibility for enforcing the regulation of sale of spray paint cans to minors.

This report is provided to Council for information only, but is timely in terms of recent graffiti attends on public and private infrastructure.

OFFICER'S RECOMMENDATION:

For noting only.

**Meddows-Taylor
Rinaldi**

That the report be noted.

CARRIED

MINUTES: COUNCIL MEETING

REPORTS: DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

STATE GOVERNMENT WATER PLAN: CORRESPONDENCE FROM BASS COAST SHIRE COUNCIL

20/65/1

Attached is a letter from the Chief Executive Officer of Bass Coast Shire Council expressing his Council's concern with the perceived lack of community consultation in regard to the proposed development of a desalinisation plant at Wonthaggi, Victoria, as part of the State Government's broader State Water Plan.

All Victorian Local Government's have been asked to support Bass Coast Shire Council address its concerns.

OFFICER'S RECOMMENDATION:

That Council note the content of Bass Coast Shire Council's letter and determine any future actions Central Goldfields Shire Council may take on this matter.

Robertson

Meddows-Taylor

That Council note the content of Bass Coast Shire Council's letter.

CARRIED

HERITAGE ADVISORY COMMITTEE MINUTES

20/10/9

Attached are the unconfirmed minutes of the Heritage Advisory Committee Extraordinary meeting of 6th September 2007.

The meeting was held to consider planning application 89/07 – 74 Napier Street Maryborough, which is the subject of a separate agenda item.

The Committee members present discussed both the 'for' and 'against' arguments for demolition, with the Committee unresolved and 'split' on the matter with some members supporting retention of the building and other members supporting demolition.

No recommendation was made to Council at the meeting.

MINUTES: COUNCIL MEETING

OFFICER'S RECOMMENDATION:

That Council note the unconfirmed minutes of the Heritage Advisory Committee meeting of 6th September 2007.

O'Connor**Meddows-Taylor**

That Council note the unconfirmed minutes of the Heritage Advisory Committee meeting of 6th September 2007.

CARRIED

Planning Permit Application:	89/07
Applicant:	Craig Steel Building Design for A & L McKnight
Land:	74 Napier Street, Maryborough
Zoning:	Residential 2 Heritage Overlay - HO206 Land Subject to Inundation Overlay
Proposal:	Demolition of a Edwardian weatherboard residence of local (heritage) significance and Construction of a new Georgian-style residence

1.0 Context:

1. The Planning Scheme matters and Council's Responsible Authority role that present in this application are quite complex.
2. The main issues specific to this application are:
 - the preservation of a building noted to be of local (heritage) significance;
 - the integrity of a heritage precinct and streetscape;
 - a sympathetic in-fill proposal within a heritage precinct, and
 - Council's statutory responsibilities under the Central Goldfields Planning Scheme, including those pertaining to Land subject to Inundation.
3. Issues of precedent may also pertain.

MINUTES: COUNCIL MEETING

2.0 Why is a Planning Permit Required?

4. A permit is required as the subject land:
 - i. currently accommodates a **building** listed as being of local significance in Council's two most recent Heritage Studies;
 - ii. is located within a Heritage Overlay **precinct** in the Central Goldfields Planning Scheme, and
 - iii. is located within a Land Subject to Inundation Overlay area.

These matters are discussed in further detail in Sections 5.0 and 6.0 below.

3.0 What tools does Council have available to it to inform its decision?

5. Council has a range of tools available to it to ensure that it reaches the best decision by it being fully informed. These tools include:
 - i. The application (*refer Section 4.0 below*);
 - ii. The existing provisions of the Central Goldfields Planning Scheme (*refer Section 5.0 below*);
 - iii. Heritage Studies of 1992 and 2005 (*refer Section 6.0 below*);
 - iv. Advice provided by Council's own Heritage Advisory Committee (*refer Section 7.0 below*); and
 - v. The public advertisement process undertaken (*refer Section 8.0 below*).

Again, these matters are discussed in further detail below.

4.0 The Application:

6. The proposal is to demolish a 1920's Edwardian five-roomed weatherboard dwelling in need of restoration at 74 Napier Street, Maryborough and replace it with a new nine-roomed residence (*refer aerial photograph for location*).
7. The proposed "The St James" residence is Georgian in style and is sited to occupy almost the entire frontage of 74 Napier Street, less ~1.6 metres to the western corner of the building. (*refer Attachment 1 and particularly Attachment 1/3*).

5.0 Provisions of the Central Goldfields Planning Scheme:

8. Municipal Strategic Statement – Clause 21.10

The Central Goldfields Municipal Strategic Statement (MSS) provides the strategic and policy directions for the economic, social and physical development of the Shire. The MSS assists Council decision making by providing guidance for land use and development planning in the shire.

- i. As such, Council must consider the detail of the MSS when it considers heritage matters.

MINUTES: COUNCIL MEETING

- ii. MSS Clause 21.10 (heritage) is extracted below.

9. Local Planning Policies – Clause 22.03

This policy applies to all buildings, sites, places and landscapes identified as being of cultural heritage significance in the Shire, including those listed in the schedule to the Heritage Overlay.

- i. As such, Council must consider the detail of its policies when it considers heritage matters.
- ii. Local Planning Policy - Clause 22.03 (heritage) is extracted below.

CENTRAL GOLDFIELDS PLANNING SCHEME

21.1019/01/2006
VC37**HERITAGE****Overview**

Pastoral settlement occurred at Carisbrook in the 1840's, although gold mining, in various forms, was the initial reason for the region's development and set the land use and settlement patterns that are evident in the shire today. Gold is proudly the origin of the Shire's name.

Heritage buildings, streetscapes and places provide the Shire and its towns with their distinctive identity and image. Heritage is also the foundation of the Shire's tourism industry.

Heritage of the shire has been documented in several studies including the City of Maryborough Heritage Study (1992), Shire of Bet Bet Conservation Study (1987), Talbot and Clunes Conservation Study (1987) and the Tullaroop District Heritage Study - Stage One (1999).

Whilst there are currently 11 buildings on the State Heritage Register a further sixty-one (61) buildings, objects, historic sites, mine sites and structures are proposed for the Victorian Heritage Register. Included is a cluster of heritage buildings in the civic precinct area of Maryborough and various buildings in the townships of Talbot and Dunolly. A total of sixty-four (64) new entries are similarly proposed for the Register of National Estate (some being different sites to the State Register proposals).

Issues

- Significant heritage streetscapes, buildings and precincts exist in Maryborough, Dunolly and Talbot.
- Maryborough Railway Station has become a heritage and tourism icon for the shire.
- Further heritage identification and subsequent protection in the planning scheme is required for buildings, streetscapes and places located in the Shire's urban centres.
- Cultural tourism in Central Goldfields is closely associated with the shire's heritage assets.
- Interpretation and awareness of the Shire's heritage would be improved by better interpretative signage and heritage brochures.
- Evidence of pastoral cultural settlement (eg homesteads, infrastructure) that needs to be protected.
- Deep lead mines located in proximity to former settlements are a significant part of larger cultural landscape.
- Significant aboriginal heritage sites are located in the shire (middens, scarred trees aboriginal rock wells and ceremonial site).
- Many heritage places in the Shire, which are in a ruinous condition, need to be documented to raise community awareness and attract funds for restoration works.

Objective 1

Conserve and enhance those buildings, works, streetscapes, areas, precincts, objects, trees and sites in the Shire which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural or social value.

CENTRAL GOLDFIELDS PLANNING SCHEME

Strategies

- Continue to identify and protect places of heritage, natural or cultural value.
- Promote recycling and the re-use of heritage buildings for compatible new uses.
- Promote the protection and management of Aboriginal cultural heritage sites and values.
- Utilise the Heritage Restoration Fund to assist in funding appropriate heritage restoration projects, in consultation with the Heritage Adviser.
- Continue to joint fund, with the Department of Infrastructure, a Heritage Advisory Service in the Shire to assist with expert advice on a broad range of heritage matters including heritage education and promotion initiatives.

Objective 2

Protect the shire's heritage from intrusive and unsympathetic development.

Strategies

- Promote sympathetic design and construction in respect to new "in-fill" developments in the vicinity of listed buildings and in heritage precincts and areas.

Implementation

These strategies will be implemented by:

- Include in a Heritage Overlay schedule those places listed on the Australian Heritage Commission's Register of the National Estate and classified by the National Trust of Australia (Victoria).
- Include in the Heritage Overlay schedule the recommendations of the various heritage/conservation studies undertaken within the Shire including Maryborough, Bet Bet, Talbot and Tullaroop studies.
- Use of the Aboriginal cultural resource management grid map and guidelines provided by Aboriginal Affairs Victoria as a reference document in the assessment of land use and development applications with potential to affect sites of aboriginal cultural significance.
- Use of a Heritage local policy to guide decision making in the assessment of proposed developments that have heritage value or proposed developments that have the potential to have a visual impact on adjacent heritage buildings or places
- Use of an Urban Design local policy in the assessment of development proposals to protect the heritage identity and image of urban areas in the shire.

Undertake further strategic work

- Complete the Shire's heritage studies including Stage Two of Tullaroop Heritage Study.
- Pursue funding to assist in preservation and protection of heritage buildings and sites.

CENTRAL GOLDFIELDS PLANNING SCHEME

22.0319/01/2006
VC37**HERITAGE**

This policy applies to all buildings, sites, places and landscapes identified as being of cultural heritage significance in the Shire, including those listed in the schedule to the Heritage Overlay.

Policy Basis

Nineteenth century heritage buildings and streetscapes are an integral element of the built form of the shire's urban settlements. Conservation, protection and maintenance of this heritage are of community, economic and cultural significance to the Shire. This policy builds on the MSS objectives in Clauses 21.10 and 21.11 relating to the conservation and enhancement of heritage places and the development of the Shire's tourist potential.

Objectives

- To encourage sympathetic design and construction of "in-fill" developments in the vicinity of listed buildings and heritage precincts and areas.
- To protect and enhance the cultural significance and visual character of heritage buildings, site and places.
- To protect and manage Aboriginal cultural heritage values.

Policy*Exercising discretion*

Where a permit is required for development, it is policy to:

- Encourage new development to be sited and designed having regard to the heritage character and values of adjacent sites, buildings, places and landscapes.
- Encourage proposals for new development to demonstrate how the design of the proposed development, including building mass, scale and bulk, retains and/or enhances the heritage character and context of a locality.

Decision guidelines

It is policy that the responsible authority will consider as appropriate:

- The current Aboriginal heritage study document for the municipality.
- The Aboriginal cultural resource management grid map and guidelines provided by Aboriginal Affairs Victoria.
- Where applicants are proposing to develop land in areas where there is a known site or a potential Aboriginal archaeological site, a report from a suitably qualified archaeologist demonstrating that the impact of proposed developments on Aboriginal cultural heritage values has been addressed.

Reference documents

The following reference documents may be considered in the assessment of planning applications:

Shire of Bet Bet Conservation Study 1987.

Talbot & Clunes Conservation Study 1987.

MINUTES: COUNCIL MEETING

CENTRAL GOLDFIELDS PLANNING SCHEME

→ City of Maryborough Heritage Study, 1992.

→ Tullaroop District Heritage Study - Stage One – 1999.

→ Maryborough - A Social History 1854-1904, B Osborne and T Du Borg.

→ Against the Odds, Maryborough 1905-1961 Maryborough; B Osborne (1995).

MINUTES: COUNCIL MEETING

10. Heritage Overlay – Clauses 43.01 and associated Schedule
 - i. The subject land is located within Heritage Overlay area HO206, which requires a permit to both demolish and construct a building.
 - ii. As such, Council must consider the detail of Clause 43.01 when it considers this matter and apply the decision guidelines specified in Clauses 43.01-4 and the general decision guidelines of Clause 65.
 - iii. Heritage Overlay - Clause 43.01 (heritage), Clause 65 and the relevant page of the Schedule to the Overlay are extracted below.

43.0117/09/2007
VC45**HERITAGE OVERLAY**

Shown on the planning scheme map as **HO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

43.01-130/08/2006
VC40**Permit requirement**

A permit is required to:

- Subdivide or consolidate land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A domestic rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - A fence.
 - Road works and street furniture other than traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating.
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay identifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay identifies the heritage place as one where internal alteration controls apply.
- Carry out repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.

- Remove, destroy, prune or lop a tree if the schedule to this overlay identifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
 - If the tree presents an immediate risk of personal injury or damage to property.

43.01-2 No permit required

30/08/2006
VC40

No permit is required:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the Cemeteries and Crematoria Act 2003
- To develop a heritage place which is included on the Victorian Heritage Register if either:
 - A permit for the development has been granted under the Heritage Act 1995.
 - The development is exempt under Section 66 of the Heritage Act 1995.

43.01-3 Exemption from notice and review

30/08/2006
VC40

An application under this overlay for any of the following classes of development is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, shed or similar structure) unless the outbuilding is identified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is identified in the schedule to this overlay.
- External alteration of a building if the alteration does not adversely affect the natural or cultural significance of the heritage place.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, shed or similar structure.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a domestic rainwater tank.
- Construction or display of a sign.
- Pruning of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.

43.01-4 Decision guidelines09/10/2006
VC42

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision or consolidation will adversely affect the significance of the heritage place.
- Whether the proposed subdivision or consolidation may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the pruning, lopping or development will adversely affect the health, appearance or significance of the tree.

43.01-5 Use of a heritage place30/08/2006
VC40

A permit may be granted to use a heritage place for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay identifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The views of the Heritage Council if the heritage place is included on the Victorian Heritage Register and is subject to the requirements of the Heritage Act 1995.
- The effect of the use on the amenity of the area.

43.01-6 Aboriginal heritage places17/09/2007
VC45

A heritage place identified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the Aboriginal Heritage Act 2006.

6519/01/2006
VC37**DECISION GUIDELINES**

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

65.0119/01/2006
VC37**Approval of an application or plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

65.0219/01/2006
VC37**Approval of an application to subdivide land**

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

MINUTES: COUNCIL MEETING

- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewerred and no provision has been made for the land to be sewerred, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

MINUTES: COUNCIL MEETING

CENTRAL GOLDFIELDS PLANNING SCHEME									
PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO115	Gibraltar Deep Lead Mine, Majorca Road Majorca	No	No	No	No	No	No		No
HO102	Former Post Office, Queen Street, Majorca	No	No	No	No	No	No		No
HO97	Bucknall Family Memorial Church, Rodborough Road Majorca	No	No	No	No	No	No		No
HO116	Kong Meng Mine, Rodborough Road Majorca	No	No	No	No	No	No		No
HO94	Former London Chartered Bank Talbot Street, Majorca	No	No	No	No	No	No		No
HO96	Town Hall Talbot Street Majorca	No	No	No	No	No	No		No
	MARYBOROUGH								
HO206	Maryborough Area	No	No	No	No	No	No		No
HO170	Phillips Gardens, Alma Street Maryborough	No	No	Yes	No	No	No		No
HO121	Blucher's Reef Tailsman Mine, Bluchers Road Maryborough	No	No	No	No	No	No		No
HO133	Maryborough Court House, 67 Clarendon Street, Maryborough	-	-	-	-	Yes Ref No H1475	No		No
HO146	Post Office, Clarendon Street, Maryborough	-	-	-	-	Yes Ref No H1754	No		No
HO158	Main Drain and Bridge, between Tullaroop Road and Harkness Street, Maryborough	No	No	No	No	No	No		No
HO172	Maryborough Swimming Pool, 2 Darling Street	--	--		--	Yes Ref No	No		No

HERITAGE OVERLAY - SCHEDULE

PAGE 6 OF 9

6. 0 Heritage Studies:

11. The residence at 74 Napier Street, Maryborough was considered by Council's heritage consultants to be of local significance in both the City of Maryborough Heritage Study of 1992 and the Central Goldfields Heritage Review of 2005. Extracts from these studies are summarised below.
12. City of Maryborough Heritage Study 1992 undertaken by David Bick and others (*refer Attachment 2 for full report*)
 - Built: 1990
 - Themes illustrated by this place: Private building – interwar years
 - Degree of significance: Local significance
 - Extent of significance: Entire building, front fence and site
 - Recommendations: Local Planning Protection
Conservation Area: Phillips Gardens
 - Key matters of significance:
 - Historical because one of a line of weatherboard and brick residences of various styles and dates in Napier Street, between Inkerman and Napier Streets;
 - Forms part of an important streetscape and setting for Phillips Gardens;
 - Exterior design of interest – as being behind the times;
 - Front fence is a later addition;
 - Features are two gabled rooms, one projecting forward;

MINUTES: COUNCIL MEETING

→ Also timber decorated verandah and window-hoods.

13. Central Goldfields Shire Heritage Review 2005 undertaken by Dr David Rowe & Ms Wendy Jacobs (*refer Attachment 3 for relevant extracts of the full report*)

- Key matters of significance:
 - Phillips Gardens is proposed to be included on both the state and national registers of heritage places. The “significance” of the general area is therefore important;
 - the properties facing Napier Street, between Inkerman and Nolan streets, including the subject land, are proposed to be included in the Phillips Gardens heritage area, including to the rear boundaries of these properties;
 - the dwelling accommodated on the subject site is noted as being of local significance, within the proposed Phillips Garden heritage area;
 - it is stated that “dwellings in Napier Street reflect often better than average quality erected adjacent to botanical gardens and public parks throughout Victoria’s history”.

7.0 Heritage Advisory Committee:

14. The Committee was advised of a likely application in this matter at its scheduled meeting of 15th August 2007 and more recently at an extraordinary meeting that was held on Thursday 6th September 2007 on the subject site.
15. The Committee was unable to form a view in this matter due to divided opinion on both the restoration prospects of the existing dwelling and the replacement built-form proposed. (*Refer to previous agenda item*).

8.0 Public Advertising process:

16. The proposal was advertised through press & site notices and letters were mailed to adjoining and nearby neighbours.
17. Submissions Received: Two formal objections were received from:
- i. Mrs D Smith of Broadford, the owner of 82 Napier Street, Maryborough. (*refer Attachment 4*); and
 - ii. Mr J Tully of Dunolly, an individual member of Council’s Heritage Advisory Committee (*refer Attachment 5*).
18. No formal submissions were received from adjoining or other nearby property owners. Council Officers have previously sighted documents that indicate the adjoining property owners of 72 and 76 Napier Street support the proposal, but the applicant has not formally lodged this evidence.
19. Other correspondence, by way of e-mail, was circulated between individual members of Council’s Heritage Advisory Committee, namely Marie Kau, Cr. Chris Meddows-Taylor, Alex Stoneman and John Tully.

MINUTES: COUNCIL MEETING

- As all e-mails/submissions included comment on the HAC process, copies of the emails have **not** been included as attachments, but provided for the information of Councillors under separate cover.
- However, where specific comments were made on the application, the individual submissions/comments related to the proposal have been extracted and are summarised below:
 - Oppose demolition of the existing building (MK; JT)
 - Need for building surveyor report on the existing building (AS)
 - Oppose the proposed new building (MK)
 - Concern with potential non-adherence to Heritage Overlay guidelines (MK; AS)
 - Replacement buildings must be in keeping with Heritage area (JT; AS)

9.0 Considerations:

20. This matter demonstrates the complexities inherent in the implementation of the Central Goldfields Planning Scheme, particularly in regard to heritage matters. This is further underscored by Council's own Heritage Advisory Committee being unable to recommend on the application.

21. In considering the matter, the following questions are posed:

- i. Is the property within an **existing Heritage Overlay** area, under Council's Planning Scheme?
Yes – HO206
- ii. Is the property **proposed** for inclusion in a **heritage area of State Significance**?
Yes – Phillips Gardens Heritage Area – recommended in Council's Heritage Review of 2005, adopted by Council in June 2005, but not yet included in the Planning Scheme as it is yet to be tested to the rigours of an independent Planning Panel review.
- iii. Is the property recommended for **local (heritage) significance** listing?
Yes – but not yet included in the Planning Scheme as it is yet to be tested to the rigours of an independent Planning Panel review.
- iv. Do any of these listings, if and when implemented, afford absolute **protection** to the property and streetscape?
No – the Central Goldfields (and all other) Planning Schemes allow a permit for demolition and new, replacement construction to be considered on their individual merits by the relevant Council, as Responsible Authority under the Planning & Environment Act.
N.B. Even buildings on the Victorian Heritage Register are not afforded this level of protection.
- v. Is the existing dwelling worthy of **retention**?

MINUTES: COUNCIL MEETING

Yes – according to the two Heritage Studies commissioned and adopted by Council.

- vi. Should the existing dwelling be retained for **cultural / historic** reasons?

Yes – according to the two Heritage Studies commissioned and adopted by Council.

- vii. Does the existing dwelling add to the Napier **streetscape**?

Yes – the various heritage buildings to the south of Phillips Gardens are “heritage precinct/streetscape elements that combined together are examples of early housing stock dating from ©1890 to ©1935”. (Bick 1992)

- viii. Is the existing dwelling able to be **restored**?

Not determined - The condition of the house and its prospects for a restoration effort are divided opinion issues and has not been tested in the property market.

There are conflicting opinions as to the dwelling's integrity.

- ix. Are there **features** of the existing dwelling which make the property important to the streetscape and individually?

Yes – the streetscape comprises a mix of housing which is reflective of development stages in Maryborough's history; the house exhibits unusual features in terms of the gabled front rooms; window hoods and verandah timber work.

- x. Should Council allow **demolition** of the existing dwelling with or without endorsing the new proposal?

No – in light of Council's own Local Heritage Policy, as detailed in Clause 22.03 of the Central Goldfields Planning Scheme. (*refer Section 5.0 above*).

- xi. Is the proposed dwelling in heritage character and context with this important Phillips Gardens heritage precinct? Does it respect and enhance the heritage character of the area? Does it reflect the streetscape qualities that cause the Napier streetscape to be recommended for inclusion into the proposed Phillips Gardens heritage area? What elements of the proposed dwelling, if any, add to the streetscape and which, if any, detract from the streetscape?

No - scale and mass is in contrast to its more modest neighbours. It would read as an 18th early and 19th Century Georgian style, conflicting with a more harmonious row of existing late 19th and early 20th Century heritage buildings with their attendant landscaping and siting character.

- xii. Would the issues of a demolition permit for the existing dwelling and a permit for the proposed new dwelling be a precedent, separately and jointly, create a precedent?

Yes - for other future demolition of heritage buildings both in the immediate Phillips Garden heritage area and more generally in Maryborough - particularly for buildings in need of repair and restoration in the heritage precincts of Maryborough.

MINUTES: COUNCIL MEETING

22. Note: While the above questions establish a consideration framework for Council, the Central Goldfields Planning Scheme also provides a discretionary permit process, as a tool in ensuring that all matters are considered in their full regard for 'not-of right' uses or developments in heritage overlay areas.

10.0 Conclusion:

23. The demolition of the dwelling at 74 Napier Street would be contrary to:
- the heritage provisions of the MSS, Clause 21-10 relating to heritage and the number 1 objective of conservation and enhancement of Heritage Buildings (*refer section 5.0*);
 - the Local Planning Policy 22.03 that aims at protecting heritage buildings;
 - most of the purposes and decision guidelines of the Heritage Overlay (Clause 43.01); and
 - contrary to the findings of the two expert Heritage Studies/Reviews, which have been previously formally adopted by Council.
24. For these reasons, it is recommended that the application to demolish the existing residence of 94 Napier Street Maryborough and its replacement with the proposed dwelling, detailed in the detailed plans submitted, be Refused.
25. A Refusal of the application would preserve and protect the outlook, heritage character and appearance of the highly significant, Phillips Gardens and its attendant residential precinct, from inappropriate, new development.
26. As there were objections to the proposal should Council propose to grant a planning permit in respect to the application, a Notice of Decision (and VCAT Appeal rights) would pertain.

11.0 Recommendation:

27. In view of the complexity of this application, two alternate recommendations are put forward.

MINUTES: COUNCIL MEETING**RECOMMENDATION: ALTERNATE 1****OFFICER'S RECOMMENDATION:**

That Council having considered the objections received and the report in the matter resolves to issue a Refusal of Permit for the demolition of an historic dwelling at Number 74 Napier Street, Maryborough in order to replace it with a new nine-room Georgian-style residence with garages and fencing in accordance with detailed plans submitted with the application on the grounds that:

- 1. The demolition of a locally significant heritage dwelling would be contrary to the protecting of the cultural heritage of Maryborough;*
- 2. The demolition of the dwelling would be a first intrusion of new development into a row of late 19th Century and early 20th Century heritage buildings in the Phillips Gardens heritage area;*
- 3. The demolition of the dwelling and the removal of its garden and construction of a new residence would be out of character with and be detrimental to the cultural heritage amenity and appearance of the adjoining Phillips Gardens (HO170) and its attendant heritage overlay area (HO206);*
- 4. The new residence would be contrary to the Heritage Provisions and Policy of the Central Goldfields Planning Scheme; and.*
- 5. The proposed demolition and new residence would be contrary to orderly and proper heritage planning and would set an undesirable precedent in Heritage matters in Maryborough and the broader Shire.*

RECOMMENDATION: ALTERNATE 2**OFFICER'S RECOMMENDATION:**

That Council having considered the report of Council officers discuss and determine an alternate resolution.

Meddows-Taylor

That Council having considered the objections received and the report in the matter resolves to issue a Refusal of Permit for the demolition of an historic dwelling at Number 74 Napier Street, Maryborough in order to replace it with a new nine-room Georgian-style residence with garages and fencing in accordance with detailed plans submitted with the application on the grounds that:

- 1. The demolition of a locally significant heritage dwelling would be contrary to the protecting of the cultural heritage of Maryborough;**

MINUTES: COUNCIL MEETING

2. The demolition of the dwelling would be a first intrusion of new development into a row of late 19th Century and early 20th Century heritage buildings in the Phillips Gardens heritage area;
3. The demolition of the dwelling and the removal of its garden and construction of a new residence would be out of character with and be detrimental to the cultural heritage amenity and appearance of the adjoining Phillips Gardens (HO170) and its attendant heritage overlay area (HO206);
4. The new residence would be contrary to the Heritage Provisions and Policy of the Central Goldfields Planning Scheme; and.
5. The proposed demolition and new residence would be contrary to orderly and proper heritage planning and would set an undesirable precedent in Heritage matters in Maryborough and the broader Shire.

The MOTION lapsed due to the want of a seconder.

Rinaldi
Robertson

That Council having considered the objections received and the report in the matter resolves to issue a Permit for the demolition of a dwelling at Number 74 Napier Street, Maryborough and replacement with a new Georgian-style residence with garages and fencing in accordance with detailed plans submitted with the application.

CARRIED

VACATED SCHOOL SITES – LISTINGS ON VICTORIAN HERITAGE REGISTER

40/1/2/6

Background:

1. Earlier this year, a local resident lodged an application with Heritage Victoria requesting consideration of the inclusion of the former school sites onto the Victorian Heritage Register.

Heritage Victoria Assessment:

2. Heritage Victoria promptly assessed the cultural heritage significance of the school sites and has recommended the following to the Heritage Council:

MINUTES: COUNCIL MEETING

Site	Foremost Reason(s) for Inclusion	Area proposed for Inclusion
Former Maryborough East Primary School (2828)	<ul style="list-style-type: none"> • Fine and intact example of a gothic primary school • Reflection of the economic boom in Victoria in the 1880s 	Whole site
Former Maryborough High School	<ul style="list-style-type: none"> • Amongst the earliest state high schools built in Victoria 	Part of site
Former Maryborough Technical School	<ul style="list-style-type: none"> • A reflection of the gold mining era 	Part of site

Note: The former Maryborough Primary School (404) has not been recommended for inclusion on the Victorian Heritage Register as the site has been assessed as not being of sufficient significance to warrant inclusion because the buildings are not of an outstanding type or style and there are 60 other primary schools on the Register.

3. A copy of the assessment by Heritage Victoria outlining the proposed statement of cultural significance for each site, the extent of the listing, permit policy and permit exemptions is attached.
4. Interested parties may make submissions to the Heritage Council by 16th November 2007, after which time the Heritage Council will make its final decision.

Comment:

5. Council's own heritage studies recommend that all the former school sites be included in the Central Goldfields Planning Scheme, but did not recommend State listing of any of the sites. However, the inclusion of the sites on the Heritage Register will further ensure the heritage elements of the sites are safe guarded.
6. Any future sale and development of the sites will remain subject to urban design, heritage and environmental considerations.

Conclusion:

7. The proposed inclusion of the school sites on the Victorian Heritage Register further emphasizes the significance of the sites to Maryborough and the importance of the sites being developed in a manner sympathetic to their historic value.

MINUTES: COUNCIL MEETING

OFFICER'S RECOMMENDATION:

That Council having considered the recommendations of Heritage Victoria

- 1. strongly support the proposed inclusion of the former Maryborough East Primary School, Maryborough High School and Maryborough Technical School sites, on the Victorian Heritage Register, in accordance with Heritage Victoria's assessment and correspondence of 13th September 2007; and*
- 2. Work in cooperation with Heritage Victoria in assessing the future development of the former school sites, when formally listed by the Heritage Council.*

Cr O'Connor declared a pecuniary interest in this item as he is a board member of Havilah Hostel Inc.

**Meddows-Taylor
Rinaldi**

That Council having considered the recommendations of Heritage Victoria

- 1. strongly support the proposed inclusion of the former Maryborough East Primary School, Maryborough High School and Maryborough Technical School sites, on the Victorian Heritage Register, in accordance with Heritage Victoria's assessment and correspondence of 13th September 2007; and**
- 2. Work in cooperation with Heritage Victoria in assessing the future development of the former school sites, when formally listed by the Heritage Council.**

CARRIED

Cr O'Connor left the meeting immediately prior to the vote being taken and returned immediately thereafter.

TALBOT URBAN DESIGN FRAMEWORK – PROPOSED PROCESS

30/160/190

1. Council has received a grant from the Department of Planning & Community Development (DP&CD) to undertake a Talbot Urban Design Framework (TUDF).
2. The project is to be undertaken by an urban design consultant appointed by Council, in conjunction with Council officers, DP&CD officers and community members.

MINUTES: COUNCIL MEETING

3. Council policy and the DP&CD both require that the urban design consultant be selected as a result of a tender process. It is proposed that the tender process be handled by Council's Contracts Unit.
4. It is also proposed that Council advertise for interested individuals of the Talbot community to form part of the advisory committee. A copy of the proposed Terms of Reference for the advisory committee is attached (*Attachment 1*).

OFFICER'S RECOMMENDATION:

That Council, having accepted a grant from the Department of Planning & Community Development resolve to:

- 1. Adopt the attached Terms of Reference for the Talbot Urban Design Framework Advisory Committee;*
- 2. Advertise for and appoint community members to the Talbot Urban Design Framework Advisory Committee; and*
- 3. Tender for and appoint an urban design consultant to undertake the development of the UDF, with such appointment having input from the Talbot Urban Design Framework Advisory Committee.*

**Rinaldi
Meddows-Taylor**

That Council, having accepted a grant from the Department of Planning & Community Development resolve to:

- 1. Adopt the attached Terms of Reference for the Talbot Urban Design Framework Advisory Committee;**
- 2. Advertise for and appoint community members to the Talbot Urban Design Framework Advisory Committee; and**
- 3. Tender for and appoint an urban design consultant to undertake the development of the UDF, with such appointment having input from the Talbot Urban Design Framework Advisory Committee.**

CARRIED

MINUTES: COUNCIL MEETING

Planning Permit Conditions:	93/07
Applicant:	Ross Chandler
Land:	Park Hotel, 195 High Street, Maryborough
Zoning:	Residential 2 Zone Heritage Overlay No HO206
Proposal:	Extension to existing licensed hotel area

Report:

This application is required under the Central Goldfields Planning Scheme and also under the Liquor License Act, for an extension to the area to which the liquor license applies and where people may consume alcohol.

The proposal is to extend the license as indicated on the attached plan marked "Proposed Red Line".

There is no town planning objection to the proposal and to the issue of a Planning Permit.

OFFICER'S RECOMMENDATION:

That Council issue a planning permit for the extension of the Liquor Licence at the Park Hotel, 195 High Street Maryborough to incorporate the front street corner as a seating area and the creation of an open area to the east of the existing lounge in accordance with the plan submitted with the application subject to the conditions that:

- 1. The 'proposed red line plan' not be altered without Councils consent, and*
- 2. The activities within the extended red line area do not cause any detriment or amenity nuisance to the neighbourhood.*

Cr O'Connor declared a pecuniary interest in this item as he is an adjacent property owner.

Cr O'Connor moved the MOTION, took part in discussion, however did not vote.

MINUTES: COUNCIL MEETING

O'Connor
Rinaldi

That Council issue a planning permit for the extension of the Liquor Licence at the Park Hotel, 195 High Street Maryborough to incorporate the front street corner as a seating area and the creation of an open area to the east of the existing lounge in accordance with the plan submitted with the application subject to the conditions that:

1. The ' proposed red line plan' not be altered without Councils consent, and
2. The activities within the extended red line area do not cause any detriment or amenity nuisance to the neighbourhood.
3. Appropriate screening being provided at the Southern end of the proposed red line area.

Cr O'Connor left the meeting

The MOTION was put to the vote and CARRIED

Cr O'Connor returned to the meeting

**BUILDING REGULATIONS: 10 LAIDLAW STREET, MARYBOROUGH –
REQUEST FOR RECONSIDERATION OF STATUTORY SETBACK PROVISIONS
P63580.51**

1. Council, at its meeting held on 27th June 2007, gave consideration to a request to vary the statutory setback from the Gearing Street (rear) boundary of 10 Laidlaw Street, Maryborough to enable the applicant to site a Colourbond garage on the rear boundary of the property. (*Refer attached report*)
2. At that meeting Council resolved:

That Council does not consent to vary the provisions of Regulation 409 of the Building Regulations 2006 and therefore not allow a garage to be constructed on the property boundary of 10 Laidlaw Street, Maryborough.
3. Further correspondence has been received from the applicant seeking Council's reconsideration of this matter (*Refer attached*), however the Building Regulations are clear in terms of street setbacks. (*Refer attached*)
4. While Council may consent to a variation to the building regulations in this matter, Council should continue to note that all properties on the eastern side of Laidlaw Street have rear boundaries to the parallel Gearing Street. In the main, these properties are around 720 square metres each, which with the available street frontage, suggests some will probably be redeveloped as dual occupancies in the future.
5. As previously advised to Council, allowing a Colourbond garage to be erected on the property boundary would set a precedent for future developments and potentially result in a line of garages facing Gearing Street, resulting in a poor urban design outcome.

MINUTES: COUNCIL MEETING

6. Should Council resolve to consent to vary the provisions of Regulation 409, a rescission motion will firstly be required to rescind the resolution of 27th June 2007. Subsequent consideration of the matter and a further motion would then be required.

OFFICER'S RECOMMENDATION:

That Council reiterate its resolution of 27th June 2007 and advise the applicant accordingly.

Rinaldi

Robertson That Council reiterate its resolution of 27th June 2007 and advise the applicant accordingly.

CARRIED

HIGHLANDS REGIONAL WASTE MANAGEMENT GROUP – MINUTES OF 3rd SEPTEMBER 2007 ORDINARY MEETING

20/70/3

Context:

1. Central Goldfields Shire Council is one of six municipalities forming the Highlands Regional Waste Management Group.
2. The group meets approximately seven times per annum to plan the implementation of state government policy related to the
 - **minimisation** of waste, and the
 - **maximization** of recycling of waste materialsas it relates to waste generated by households throughout the six municipalities.

Current Report:

3. Attached are the minutes of the Group's ordinary meeting 3rd September 2007 (unconfirmed).

OFFICER'S RECOMMENDATION:

That Council receives the minutes of the Highlands Regional Waste Management Group ordinary meeting of 3rd September 2007 (unconfirmed).

MINUTES: COUNCIL MEETING

Rinaldi

Meddows-Taylor That Council receives the minutes of the Highlands
Regional Waste Management Group ordinary meeting of
3rd September 2007 (unconfirmed).

CARRIED

LANDFILL CHARGES

20/15/36

Background:

1. Waste disposal charges at Council's four transfer stations - Carisbrook, Dunolly, Talbot and Bealiba - have remained static at \$15.00 per cubic metre since July 2005.
2. Since that time, the landfill levy has increased from \$5.00 per tonne to \$7.00 per tonne.
3. The cost of waste transport and disposal from transfer stations is subsidised by the waste management fee charge to all properties in the Shire, which also contributes to waste management administration and the provision of the 8 waste vouchers supplied to each property annually.

Proposal:

4. The increased waste disposal cost warrants a review of the existing disposal charges at the transfer stations.
5. It is recommended that:
 - the existing rate for domestic waste should be increased to \$20.00 per cubic metre;
 - Commercial & Industrial and Building & Demolition Waste up to 3 tonne (approx 9 cubic metres) per load be increased to \$25.00 per cubic metre; and
 - other itemised rates be increased in accordance with the attached spreadsheet to more closely reflect the cost of disposal.
6. The attached spreadsheet details the proposed charges for the 2007/08 year.
7. Note: The attached public notice in the Midland Express newspaper provides comparative charges from 8th September 2007 for landfills and transfer stations in Mount Alexander Shire.

MINUTES: COUNCIL MEETING**OFFICER'S RECOMMENDATION:**

That Council increase the waste disposal charge for the transfer stations at Carisbrook, Dunolly, Talbot and Bealiba to \$20.00 per cubic metre, with all other itemised waste disposal charges altered in accordance with this base rate and as indicated in the attached spreadsheet.

Rinaldi

O'Connor That Council increase the waste disposal charge for the transfer stations at Carisbrook, Dunolly, Talbot and Bealiba to \$20.00 per cubic metre, with all other itemised waste disposal charges altered in accordance with this base rate and as indicated in the attached spreadsheet.

CARRIED**3. DOCUMENTS FOR SEALING – CONFIRMATION**

3.1 Lease between CGSC and Maryborough & District Motorcycle Club Inc – Alma Recreation Reserve

3.2 Contract of Sale & Transfer of Land Documents between CGSC and ML (Maryborough) Pty Ltd - 1 O'Halloran Drive, Maryborough

O'Connor

Robertson That the above document be signed and sealed by Council.

CARRIED**4. ACCOUNTS TO BE PASSED FOR PAYMENT**

A list of payments totalling \$798,837.32 (cheque nos. 74091 - 74289) drawn for payment of various accounts owed by Council has been circulated for Council information.

Recommendation

That the accounts as shown in the cheque lists totalling \$798,837.32 (cheque nos. 74091 – 74289) be passed for payment.

Rinaldi

Meddows-Taylor That the accounts as shown in the cheque lists totalling \$798,837.32 (cheque nos. 74091 – 74289) be passed for payment.

CARRIED

MINUTES: COUNCIL MEETING

5. QUESTION TIME

Nil

6. URGENT BUSINESS OTHERWISE NOT STATED

Nil

7. NOTICE OF MOTION

Nil

8. IN-COMMITTEE REPORTS

8.1 *Prejudicial Matter*

8.2 *Developmental Matter*

O'Connor

Meddows-Taylor That Council, after adjourning for five minutes, go into committee, that is, close the meeting to the public to allow Council to consider a prejudicial matter and developmental matters.

CARRIED

Meeting adjourned at 7.41pm.

The meeting resumed at 7.52pm.

Council then considered the In-Committee matters.

Meddows-Taylor

Rinaldi

That Council come out of committee and ratify decisions taken therein.

CARRIED

The meeting closed at 9.01pm.

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CHAIRMAN