

- 2005 Agricultural Assessment: Readymix Mt Shamrock Quarry Proposed Extension: Readymix Holdings Pty Ltd.
- 2005 Irrigation management report for the Bacchus Marsh Wastewater Treatment Plant, Parwon South: Western Water via Beca Australia.
- 2005 Irrigation Feasibility of different sites, Brimbank Recycled Water Project: City of Brimbank via Parsons Brinckerhoff.
- 2005 Horticultural characteristics of the Keilor Irrigation District: City of Brimbank via Parsons Brinckerhoff
- 2005 Farm Management Analysis, VCAH Dookie Estate, Melbourne University;
- 2004-05 Geelong Bypass Study: Assessment of agricultural land and anticipated Bypass impacts: VicRoads.
- 2003 Structural adjustment of farming enterprises within NSW and Victoria through reduced water allocations from the Murray system, Department of Sustainability and Environment.
- 2003 Rural Industries Strategy: Shire of Yarra Ranges.
- 2002 Intensive Animal Industries Management and Location: Barwon Region Municipalities.
- 2002 A Review of Irrigation Practices in the Werribee Irrigation District: Southern Rural Water.
- 2002 Organic Farming Opportunities in the Cardinia Region: Shire of Cardinia.
- 2001-02 Agricultural Impact Assessment: The Bass Gas Project: Origin Energy Resources Ltd;
- 2000-02 Survey of Business, Tourism and Agricultural Impacts: Yarra Glen Bypass Planning Study: VicRoads.

PROFESSIONAL ASSOCIATIONS

- Corporate Member Australian Association of Agricultural Consultants
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TRANSCRIPT OF PROCEEDINGS

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[REDACTED]

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

MELBOURNE

PLANNING & ENVIRONMENT LIST

MONDAY 25 JULY 2016

BEFORE MR M. DEIDUN, MEMBER

[REDACTED]

Applicant

- and -

HEPBURN SHIRE COUNCIL

Respondent

[REDACTED]

[REDACTED]

[REDACTED]

1 MEMBER: Good afternoon, ladies and gentlemen. My name is
2 Michael Deidun, I'm the tribunal member appointed to hear
3 this matter, being Application for review P285/16,
4 concerning a slice of Hepburn Newstead Road in Elevated
5 Plains. Let's confirm the appearances. For the council
6 there's Mr Todd. Good afternoon.

7 MR TODD: Good afternoon.

8 MEMBER: And for the applicant, Mr Cicero.

9 MR CICERO: Good afternoon.

10 MEMBER: Good afternoon. All right. I presume that both of
11 you are familiar with how this hearing will run, so you
12 don't need me to go through my usual introductory spiel.
13 We can head straight to preliminary matters, if there's
14 anything that either party wishes to raise?

15 MR CICERO: Not from us, sir.

16 MEMBER: Mr Todd, we're ready for council's submission.

17 MR TODD: So turning to council's introduction. "The matter
18 relates to an appeal under ... (reads) ... the
19 application process as is customary."

20 And I don't wish to try the patience of the
21 tribunal, I'll try and keep this as - - -

22 MEMBER: It looks a brief submission, so you're welcome to read
23 it.

24 MR TODD: "The subject land and surrounding land. The parcel
25 of ... (reads) ... to all this land in the one
26 ownership." The black line surrounding all the titles in
27 the one ownership - indeed a small triangular title.
28 Where the current dwellings stand within that triangular
29 title, the proposed third dwelling is to - and that
30 clearly shows the access from the main road crossing the
31 other parcels.

1 "The land itself comprises an elevated section of
2 clear ... (reads) ... at the junction of Spring and
3 (indistinct) Creek." It's within our statement of
4 significance for the site, sir, just to clarify that it's
5 not within this application.

6 MEMBER: Right.

7 MR TODD: "The land in the vicinity, known as Elevated Flat
8 Plains ... (reads) ... underlying geomorphic unit, the
9 under basalt." Now, I've included this because there was
10 some dispute about the actual quality of the land, and
11 this is a geomorphic view on the chart, and that circled
12 site is Elevated Plains. It's my understanding that
13 that's the basis on which (indistinct).

14 "The plateau itself is zoned farming zone, and is
15 generally ... (reads) ... connects to the main house and
16 the road." I assume you should have a copy of these in
17 the things I gave you.

18 MEMBER: I have.

19 MR TODD: I turn to the Planning Scheme provisions, to the
20 policy framework. These are what we consider the
21 relevant State and local planning policies applying to
22 this. "Clause 13.05(1) Bush fire planning, strategies
23 and ... (reads) ... if it conflicts with this aim." And
24 I've listed the four principal clauses that relate to
25 rural land use and agriculture within the shire.

26 "The statutory framework, including the permit
27 triggers ... (reads) ... use of land for a dwelling or
28 dwellings." And it states the things - the requirements
29 that must be met in a lot used for a dwelling. "Access
30 must be provided ... (reads) ... and submitted by the
31 applicant."

1 There is also a heritage overlay which we've
2 mentioned already, and highlighted that all the
3 proposed development lies outside the area actually
4 covered by this overlay, so nothing more needs to
5 be said on that.

6 Moving to particular provisions. The significant
7 one is Clause 52.47, Planning For a Bush Fire. "The bush
8 fire management overlay ... (reads) ... safety objectives
9 of this clause." I don't think we need to go through
10 them one by one.

11 "General provision applicable. The decision
12 guidelines ... (reads) ... Goulburn Murray Water under
13 these provisions."

14 I'll now turn to the application process. "The
15 application was lodged ... (reads) ... in accordance with
16 CFA Condition 10." It was never in fact endorsed, an
17 administrative oversight. It's a simple matter to
18 actually endorse the plan at a later stage, but I thought
19 it probably unwise to endorse it the day before this
20 hearing. We have a copy of the bushfire management plan
21 as submitted by the applicant, and this is the plan which
22 went to the CFA, and which they require us to endorse.
23 That will, I think, add some significance to our case
24 shortly.

25 I will now move on to council's response to the
26 statement of grounds for appeal. "Statement of grounds,
27 including ... (reads) ... a permit for use and
28 development."

29 MEMBER: I don't quite follow that argument, Mr Todd. In that
30 you say that because in your view the consolidation will
31 achieve a good planning outcome, that it's therefore

1 related to the permit. Is that what the council's
2 submission is?

3 MR TODD: This is to do with relevance to permission granted.
4 It possibly moves more into the achieving a planning
5 purpose. I think I might have slightly - I think that
6 might have crossed over towards achieving the planning
7 purpose.

8 MEMBER: All right. Well, let's put that to one side. I see
9 you've got more submissions to make about that.

10 MR TODD: Yes.

11 MEMBER: I'm just trying to follow how it relates to
12 agricultural land. I mean I understand if you're wanting
13 to build a dwelling and you need to justify that - that
14 the dwelling is needed to house people to participate in
15 the agricultural production - then you've got to tie that
16 dwelling to the agricultural parcel, which has been part
17 of production, and that may require consolidation of
18 lots.

19 MR TODD: Yes.

20 MEMBER: But in this case it's a dwelling to house tourists.
21 So I don't see how that then links to the council's
22 desire to consolidate these lands on an agricultural
23 basis.

24 MR TODD: I mightn't have phrased it very well. I think what
25 I'm trying to get at is this notion that in giving a
26 permission, we're looking for an overall positive
27 planning outcome. And in terms of the zoning of the
28 land, giving permission for an extra dwelling for a group
29 accommodation is not a positive planning contribution.
30 It's pretty much neutral. So that the consolidation of
31 the land to further secure the ongoing agricultural use

1 of the land into the future, is a positive contribution.

2 MEMBER: I'm just not sure then how that links to the
3 permission that's actually been granted for tourist
4 accommodation. I'm not sure where the nexus is. Because
5 this is an application that's got nothing to do with
6 agriculture.

7 MR TODD: That's right.

8 MEMBER: So where's the link to achieve an agricultural outcome
9 by the consolidation condition, and the permission that's
10 been granted for tourist accommodation?

11 MR TODD: I see what you're getting at.

12 MEMBER: Where's the link?

13 MR TODD: I guess we were just looking for a positive planning
14 outcome. It could be considered opportunistic, it could
15 be.

16 MEMBER: Right.

17 MR TODD: But I would argue - and I guess that's what I've
18 tried to argue, and you won't necessarily agree with me,
19 but I've tried to argue that that is a valid thing to
20 achieve a positive planning outcome.

21 MEMBER: I don't mean to debate things with you, I'm just
22 putting questions to you so I better understand the case.

23 MR TODD: No, it's a reasonable question. I think I can see
24 where that will go.

25 MEMBER: Yes, all right, thank you. Please continue.

26 MR TODD: "The achievement for planning purpose. It's been
27 shown ... (reads) ... for agriculture by avoiding
28 fragmentation." And in this I guess - there's
29 fragmentation in terms of (indistinct) on a title,
30 because there's nothing to say that 1000 acres can't be
31 farmed just as efficiently if it's in 1000 titles, as it

1 is in one title. The issue arises - if it is in 1000
2 titles, each of them can be separately disposed of, and
3 therefore really fragment the land rather than just lines
4 on the map.

5 So the precaution against further fragmentation is
6 a precaution against further development applications on,
7 you know, separate on sales and development applications
8 for these lots, keeping it as one - or requiring it to be
9 one farm as a whole, which in our view does achieve a
10 planning purpose of preventing further fragmentation. I
11 think that's the one I might struggle with, but it's in
12 there as part of our case.

13 MEMBER: Well, I've observed in previous decisions that
14 fragmentation of rural land really occurs when you start
15 to approve multiple dwellings, rather than necessarily
16 the lines on a subdivision plan. Because as you
17 observed, they could be all in one ownership or they
18 could be in multiple ownership.

19 MR TODD: Yes.

20 MEMBER: So as I understood the background you've presented, a
21 permit is required on lots less than 20 hectares for a
22 dwelling. So would that mean that if the remainder of
23 the parcels were sold off to another party, and they
24 wanted to build a dwelling as a separate parcel, that
25 would be under the 20 hectare site?

26 MR TODD: Yes, it would. And it would require approval. "So
27 in conclusion, the ... (reads) ... rejects the request to
28 remove Condition 3 from the permit."

29 MEMBER: Thank you. Mr Cicero?

30 MR CICERO: Mr Chairman, it's only been made clear today,
31 because when you read the officer report, it's difficult

1 to understand why the condition was imposed. We surmised
2 that the position was imposed because of the last point
3 being made by the council, and about somehow what the
4 council thought was a link between the permission sought
5 and the permission granted by it - either as a nexus or
6 to achieve planning policy.

7 But it seems clear from the way that the council
8 has predominantly put its case - on the standing that
9 it's still sought to provide this link between the
10 proposed use and agricultural policy outcomes - is one of
11 access. Be it physical access to the lot in question and
12 the development proposed, or be it access for fire
13 fighting purposes. And in that regard you will have seen
14 the response from the CFA, which do not require as a
15 condition of its approval, any consolidation of the
16 lots.

17 You have a copy of the aerial photograph, sir, and
18 I've got a wider copy here. The existing state of
19 affairs is that access to the existing dwelling where my
20 clients reside and the existing dwelling that provides
21 the group accommodation, is from a road from Hepburn-
22 Newstead Road, across land that they currently own, and
23 access their dwelling and the other dwelling used for
24 holiday letting.

25 The parcel does have a legal right of access to a
26 government road, but that government road is
27 unconstructed. You will see it on the map.

28 MEMBER: Yes, I've got it here.

29 MR CICERO: So it has got a legal right of access, but

30 traditionally the way that the property has been accessed
31 is via what you can see on the aerial photograph as a

1 road through private lands that at this point in time of
2 course are owned by my clients.

3 If it was an issue about access, that the condition
4 - that the council thought, "Well, we need to consolidate
5 to secure access", what we would've said to the council
6 and what we say to the tribunal is that there are other
7 ways of securing that access without requiring a
8 consolidation of titles.

9 For example, there could be a requirement for a
10 s.173 agreement that unless otherwise approved by the
11 council, access to the new development would be through
12 or across the existing access. Because at the moment of
13 course, that is the only access that's available to the
14 clients' dwelling and to the dwelling that's used for
15 group accommodation.

16 What that means is that if one day the clients were
17 to dispose of that part of the land through which the
18 road goes, then they will have to either secure access
19 rights over the land that they disposed - which could be
20 via carriageway easement, or whatever arrangement they
21 enter into with the new purchaser; or alternatively use
22 the government road and construct the government road to
23 provide a new point of access to the dwelling.

24 So there are ways in which this access can be
25 secured other than requiring a consolidation of titles.
26 And had the council said to us, "Well, really the real
27 reason why we want to - or one of the reasons as to why
28 we want the condition requiring the consolidation of
29 titles is to secure access" - we could've then worked out
30 with the council, hopefully, a way of doing that without
31 requiring a consolidation of titles.

1 I mean it almost goes without saying that clearly
2 if that is the access point, and we are going to dispose
3 of that land, we're not going to cut off our legal - our
4 access without securing an alternative form of access or
5 being prepared to create an alternative form of access
6 through the existing government road.

7 So it almost goes without saying that of course we
8 would do it in the event that we were to dispose of the
9 balance of our holding. So council, don't really worry
10 about it, because our commercial interests are such that
11 we would be doing that in any event.

12 But if the council wanted some comfort to say,
13 "Make sure that you don't land lock yourself", we will
14 give them that comfort. As I said, through a s.173
15 agreement that requires access to be across the existing
16 point of access unless council otherwise approves some
17 other means of access. And that would be the easiest,
18 fairest way to give the council comfort that we're not
19 going to do something stupid like land locking ourselves
20 in the event that we disposed of the balance of our
21 holding.

22 MEMBER: I would imagine that probably doesn't even need a 173
23 agreement.

24 MR CICERO: A condition in the permit would probably suffice.

25 MEMBER: It would probably suffice. Noticing that there's
26 already the mandatory condition, being Condition 11,
27 which requires access to be maintained to the
28 satisfaction of council and the relevant fire authority.

29 MR CICERO: Yes, indeed, you're quite right. I mean the
30 section would really be a belts and braces, the
31 combination of the condition would ensure that that would

1 be secure. So that's the way that we believe that the
2 issue of access can and should be secured.

3 And this really leaves then the issue of the link
4 that's sought to be made between what we propose and the
5 agricultural policies and objectives under the Planning
6 Scheme. And we would propose to call Mr Phillips to seek
7 to persuade you that the council's - if that's the raison
8 d'etre, all of that condition, then it's misconceived.

9 MEMBER: Are you intending to put questions to Mr Phillips?

10 MR CICERO:

11 MR TODD: I have no questions for Mr Phillips.

12 MEMBER: Right. Because I've read Mr Phillips' report, and I
13 don't have questions for him. If you want to call him to
14 adopt his evidence, I'm happy - - -

15 MR CICERO: No, no, I'm happy to tender it as his evidence.

16 MEMBER: I just want to clarify. You've got no intention of
17 asking Mr Phillips any questions?

18 MR CICERO: No.

19 MEMBER: All right.

20 MR CICERO: I'll just walk you through the submission,
21 Mr Chairman, because given the way that the case has been
22 put on behalf of the council, I think we can dispose of
23 the issues relatively straightforward.

24 On p.2 at paragraph 8, we do refer to the offer of
25 compromise that was made. Now, what we were trying to do
26 was to say to the council, "Look, we don't agree with
27 your Condition 3, but we don't really want to go to VCAT,
28 and here's an opportunity - here's a way that you might
29 be able to change your position", and avoid today's
30 hearing. And that was the reason for the revised offer
31 of consolidation. But our primary position is that a

1 condition is not required.

2 So that's what I say on p.2, and continue on p.3.
3 And Attachment A, Chairman - if I can just take you to
4 that. The offer of compromise that was put to the
5 council which they have rejected. So unfortunately we
6 couldn't avoid the appearance today.

7 You've heard about the zone and the overlay
8 controls, I don't want to go any further into that.
9 You've been given a description of the physical contours
10 of the site. What we've done in Attachment C is provide
11 you with a cadastral to show that - and I think it's a
12 fair description of what happens in and around the
13 subject site - really in this area of the municipality
14 there's very few, if any, serious agricultural pursuits.
15 And I think that's been acknowledged by the council, that
16 at best there are hobby farms. But in the main what is
17 there, is essentially rural living with some terraced
18 uses such as on my clients' site.

19 You can see there the proximity to the rural living
20 zone, and indeed the proximity to the township of
21 Hepburn. So that's the physical context. I don't think
22 I need to go any further into that.

23 At paragraph 25 we acknowledge that these
24 proceedings are not the appropriate forum in which to
25 change the appropriateness of the zone of the subject
26 land. We simply say from a contextual point of view, the
27 next time that council does its review of rural areas, it
28 really needs to have a good look at this area to see
29 whether or not the farming zone is in fact the best fit
30 for what is happening there, and what is likely to happen
31 into the future.

1 On p.6 we then refer to the agricultural potential
2 of the land. We just recite some of the evidence of
3 Mr Phillips, and we don't propose to say any further
4 about that. On p.7 we refer to the officer report, and
5 I've already made comment about that. It was difficult
6 to discern from the officer report the reason behind the
7 position of that condition, and we thought to surmise
8 that it had to do with this endeavour to create a nexus
9 between what was proposed and the agricultural use of the
10 land and the locality more generally. For what it's
11 worth, at the moment my clients have two pet steers on
12 the land.

13 In relation to conditions that may be put on
14 permits - again I've given you the relevant provisions of
15 s.62(2), some decisions - and I don't think that - I
16 think Mr Todd has referred to a couple of others, and I
17 think the principle of what constitutes a valid condition
18 has been fairly well documented in a number of decisions
19 of this tribunal, and I don't need to speak anything more
20 about that.

21 Now, our primary submission of course is at
22 paragraph 36, in relation to the issue of nexus. "It is
23 submitted on behalf ... (reads) ... policies relevant to
24 the application." And we would submit that this is not
25 the case, and we go through some of the provisions of the
26 purpose of the farming zone, the decision guidelines -
27 which I won't read out, you're familiar with those.

28 We conclude at paragraph 41: "The decision
29 guidelines do not require ... (reads) ... any possible
30 future agricultural use." We then look at some of the
31 planning policies. You've been referred to some of those

1 at 21.08, 22.04, and State policy and other local
2 policies.

3 At paragraph 44 we set out some of the policies at
4 Clause 22.02 in respect of general land use, and also for
5 dwellings in the rural zones. I won't read those. On
6 p.12 we then look at the matters to be taken into account
7 in exercising discretion. And at p.13, paragraph 47, we
8 say: "The decision guidelines of Clause 22.04 include
9 that ... (reads) ... adjoining or adjacent surrounding
10 land." That's really the focus of what the policies are
11 looking at. "What are you doing relative to your own
12 land, and how might that impact upon any adjoining or
13 adjacent surrounding land?".

14 We then refer to the distinction between high to
15 very high quality, and we rely on Mr Phillips' assessment
16 of that. We say at paragraph 49: "It is submitted that
17 the relevant ... (reads) ... to achieve the purposes of
18 the proposal."

19 Attachment D is a decision of Member Tremeno in
20 (indistinct) v Hepburn Shire Council, and that was: "A
21 proposal for use and development ... (reads) ... and
22 concluded at paragraph 55." Which I won't read out. But
23 essentially found that it would not have the impact of
24 offending any of the policies that applied in relation to
25 the protection of agricultural land.

26 We say at paragraph 54: "Similarly, is one where
27 the specific circumstances ... (reads) ... Condition 3 of
28 the permit ought be deleted."

29 We have raised, Mr Chairman, the issue of costs.
30 One of the things that we've tried to do in our offer of
31 compromise in May was to provide with the council an

1 opportunity to revisit the situation. To say really is
2 this what you want. And the whole purpose was to try and
3 avoid having to proceed further with this hearing, even
4 though our offer of compromise was not our primary
5 position. But we just wanted to give the council
6 something to slide on, basically, to change its position
7 so as to avoid the hearing.

8 I'm familiar with the rule that applies in s.109
9 and the difficulties in securing any order for costs
10 against a public authority in the position of the
11 council, but we did raise it in our issue, in our letter
12 - as you will see from the council, that we did say that
13 we were going to rely upon it, in relation to the issue
14 of costs depending upon the decision of the tribunal.

15 So they're the matters that we wanted to raise with
16 you, sir, for your consideration.

17 MEMBER: All right. I'll return to the costs application in a
18 moment. Firstly, at the outset of your submission you
19 talked about the possibility of there being another
20 condition to deal with the access, to ensure that there's
21 always an access provided to the group accommodation.

22 MR CICERO: Yes.

23 MEMBER: So be it, and getting your thoughts in terms of the
24 wording of that condition.

25 MR CICERO: Yes.

26 MEMBER: So I'm not sure if you'd like to have some time where
27 you might have some discussion and see if you can draft a
28 condition.

29 MR CICERO: Yes, certainly.

30 MEMBER: And then in terms of your costs application, I'm not
31 clear whether you are actually seeking costs.

1 MR CICERO: I am.

2 MEMBER: And also what the amount is. And do you want to make
3 a submission now as to the reasons for that costs
4 application, or do you want to do so on the papers?

5 MR CICERO: I think we do it on the papers, Mr Chairman,
6 because I think we need - in fairness to the council,
7 they probably want the opportunity to respond on the
8 papers, and we can then work out what the amount is, and
9 council's got the opportunity to respond in due course.

10 MEMBER: Right.

11 MR CICERO: I think that's the fairest way of proceeding.

12 MEMBER: All right. So before we go to a break, let's sort
13 that out. So how long would you like to put in your
14 application on costs?

15 MR CICERO: Within seven days.

16 MEMBER: Within seven days. So Mr Todd, just to make sure you
17 follow - so within seven days, Mr Cicero's saying he's
18 going to make an application for costs, setting out the
19 reasons for that application, and then the amount of
20 costs that is sought. So you will receive that within
21 seven days. How long would you like to - an opportunity
22 to view that and respond to it? Or would you like an
23 opportunity? I presume you'd like an opportunity to
24 respond to the submission on the costs?

25 MR TODD: Of course, of course. I can't really answer for how
26 the organisation will deal with this, because I'm almost
27 certain that I won't be given that job. It will probably
28 be somebody else.

29 MEMBER: All right, so would you maybe like an opportunity to
30 call someone from the council and ask them what do you
31 think an appropriate time is to respond to that

1 application?

2 MR TODD: I could reasonably say a fortnight.

3 MEMBER: So 14 days after the seven days?

4 MR TODD: Is that a fairly normal time?

5 MEMBER: That is a fairly normal time, yes.

6 MR TODD: I've never had a costs application against me before.

7 MEMBER: Well, it's not against you, it's against the council.

8 So we'll provide for that. And then once those

9 submissions are received, then I'll make a decision on

10 the costs application. But for now I'm interested in the

11 wording of that condition.

12 MR CICERO: Yes.

13 MEMBER: So how about I stand the matter down for ten minutes?

14 MR CICERO: Yes, that's fine.

15 MEMBER: And that will give the two of you an opportunity to

16 have a discussion about - - -

17 MR TODD: Could I seek some clarification? We're not just

18 talking about access, we're talking about ongoing

19 management of defensible space.

20 MEMBER: Well, that's a submission that you've made. What I've

21 pointed out is that on one view the maintenance of that

22 defensible space is covered by Condition 11 already, so

23 Mr Cicero put to me in submissions that there would be

24 potential for a condition to ensure that access is always

25 maintained to the three dwellings.

26 MR TODD: So it's just the access we're - - -

27 MEMBER: Well, that was the offer. And so what I've asked

28 Mr Cicero to do is to draft a condition which doesn't

29 require a 173 agreement, but which by other means -

30 simply by way of a condition - ensures that access is

31 always provided. So that's the task I've set him, and I

1 want him to give you an opportunity to view that, and see
2 if there's an agreement in terms of how that condition
3 might be worded, in terms of a way going forward. All
4 right?

5 MR TODD: Yes.

6 MEMBER: Excellent. All right, so I'll stand the matter down
7 for ten minutes and then return.

8 (Short adjournment.)

9 MR CICERO: I'll just read it out, Mr Chairman: "Unless other
10 arrangements ... (reads) ... endorsed under Condition
11 10." So it immediately links in - you'll recall that
12 Mr Todd said that there was a bush fire management plan
13 that was yet to be endorsed, and that comes from the
14 report that we've prepared on behalf of my clients. So
15 that will immediately link the two together.

16 MEMBER: So Condition 10 is the condition that requires the
17 bush fire management plan?

18 MR CICERO: Yes, it is. "The bushfire management plan, Exhibit
19 10, ... (reads) ... CFA and the responsible authority."

20 MEMBER: Right, okay. So my one observation is where it says,
21 "Unless other arrangements to the satisfaction of the RA
22 are approved by it", rather than "it", I insert "By the
23 RA".

24 MR CICERO: Yes.

25 MEMBER: Anything else you want to say by way of submission,
26 Mr Cicero?

27 MR CICERO: No, no, thank you.

28 MEMBER: Mr Todd, anything you want to say in terms of right of
29 reply?

30 MR TODD: I just pick up a couple of observations. They seemed
31 to be suggesting at one stage that council's only reason

1 for imposing this condition was to achieve an
2 agricultural purpose. We did certainly meet with the
3 owners, with the management of planning and myself, to
4 discuss possible options for achieve the planning
5 purposes we thought should be achieved. And at that time
6 questions of access and bush fire safety were certainly
7 raised. So they weren't brought on like cavalry at the
8 last minute, it had been part of our consideration from
9 earlier on in the piece.

10 I guess in conclusion I still would have to stand
11 by council's submission on primarily three grounds. The
12 securing access, the ongoing securing of bush fire safety
13 provisions, and we have made a case for the positive
14 plans for a consolidation of the lots under the
15 considerations for agricultural land - both under local
16 and State policy, and under the zone provisions. And I
17 guess it's up to the tribunal to come to a view on that.

18 MEMBER: Sure, all right, thank you. Well, in the break I've
19 been able to come to a view, so what I'll do now is I'll
20 hand down an oral decision with oral reasoning for the
21 decision. So as is the practice in this Planning and
22 Environment list, a written decision comes out containing
23 the reasons that I'm about to say orally.

24 So if people want to take note of the reasons, I'll
25 attempt to speak slowly. That's something that sometimes
26 I struggle with, as I do talk too quickly for people to
27 keep up with note taking. Please let me know.

28 Firstly, for the benefit of the recording, this is
29 an oral decision in the matter of P285/16 concerning a
30 slice of 116 Hepburn-Newstead Road in Elevated Plains.
31 It's an application for review under s.80 of the Planning

1 and Environment Act where the Hepburn Shire Council has
2 granted a permit to allow the construction of a third
3 dwelling on the site for the purpose of group
4 accommodation, for tourist accommodation, and dwelling
5 commissions have sought to impose - requires a
6 consolidation of six lots that make up the parcel of
7 land.

8 I've heard from the parties consisting of the
9 council and the applicant. So as I've observed, there
10 are currently two dwellings on the land - I understand
11 that's one main dwelling and one tourist accommodation
12 place, and this is proposed to add a third dwelling, also
13 to be used for tourist accommodation. But the three
14 dwellings are all contained on the one lot. However the
15 driveway access that provides vehicle access to the three
16 dwellings then passes through two or three other lots in
17 the same ownership to gain access to the road.

18 The council put forward three reasons in support of
19 Condition 3, and I'll address each of those reasons in
20 turn. Firstly, council submits that consolidation will
21 achieve a positive outcome in respect of the
22 considerations under the farming zone, and as
23 agricultural policies, and will stop future fragmentation
24 of the land.

25 They make the submission, despite making a number
26 of concessions at p.5 of their written submission, where
27 they say: "The application would accord with the
28 decision guidelines at Clause 35.107-6 as" - and I'll
29 just read directly from the submission: "The land would
30 be able accommodate the development, including the
31 disposal of effluent within the site. The use and

1 development is compatible with adjoining agricultural
2 uses, the development would not remove land from
3 agricultural production; the development would not limit
4 the operation and expansion of adjoining and nearby
5 agricultural uses; and the dwellings will not result in
6 the loss of fragmentation of productive agricultural
7 land."

8 So I consider these matters really do address some
9 of the key issues in that submission. I also consider
10 that there's no real nexus between the approval that has
11 been granted by the council and with the condition that
12 is now sought to be imposed.

13 I compare it to the scenario where you might have
14 an application or permit for a second dwelling based on
15 justification that a second dwelling is required in order
16 to reasonably conduct the agricultural production of the
17 land. That would be the type of approval which would
18 have a clear and demonstrated nexus to this type of
19 condition.

20 However here we have on the one hand, a permit
21 which allows tourists to come on and stay on the land in
22 short term accommodation; and on the other hand, a
23 condition which tries to achieve something in terms of
24 preventing agricultural fragmentation. And the two
25 simply don't align in my finding.

26 As part of the submission around this point, the
27 council talked about trying to achieve a good planning
28 outcome, which I interpret to mean a net community
29 benefit. And while there is good policy reason to try to
30 reduce fragmentation of agricultural land, I have not
31 been persuaded that the condition is required to achieve

1 a net community benefit. This is a community that draws
2 significant economic benefit from the tourism industry,
3 and the provision of a well-designed tourist
4 accommodation which broadens the options for tourists, is
5 a net community benefit of itself.

6 The second reason put by council is that the
7 application was for all six lots, with titles included of
8 all six lots. I consider that only to be an indication
9 of a complete application, and not justification of
10 itself to require then the consolidation of all six
11 lots.

12 The third reason revolves around the issue of
13 access, and with a bush fire safety; the maintaining of
14 buffer zone around that access. I consider that there
15 are already conditions on the permit which ensures that
16 the buffer zone is maintained around an access. However
17 I consider it reasonable that council seeks to ensure
18 that an access is always provided and is secured.

19 Often that would simply be achieved through the
20 endorsement of plans, however in this case the endorsed
21 plans don't depict the length of the access way or the
22 access point to the road.

23 So I agree with the council that there is a need
24 for a condition to address the matter, but I consider
25 that the condition that's been drafted to require
26 consolidation of the lots is a bit of a sledgehammer
27 approach to that issue. The outcomes sought by council
28 can be achieved by way of a simple condition, and a
29 condition has been discussed during the course of the
30 hearing; one that I intend to give effect to.

31 So therefore it follows that I will vary the

1 council's decision and require Condition 3 to be amended
2 to read: "Unless other arrangements to the satisfaction
3 of the responsible authority are approved by the
4 responsible authority, access to the dwellings shall be
5 from Hepburn-Newstead Road along the access shown on the
6 bush fire management planning endorsed under Condition
7 10."

8 That then brings me to the issue of costs. I'll
9 just break out of giving my oral reasons and oral
10 decision at this stage, and just observe, Mr Cicero, that
11 I have found there to be a reason for a condition that
12 the council has put. It's not the condition that they
13 drafted, but it is a reason that I find that there is a
14 need to be a condition, and on that basis I wonder
15 whether you still want to pursue your costs application.

16 MR CICERO: My advice to the client will be not to.

17 MEMBER: So you're happy to withdraw your costs application?

18 MR CICERO: Yes.

19 MEMBER: So in that case I'll make no - - -

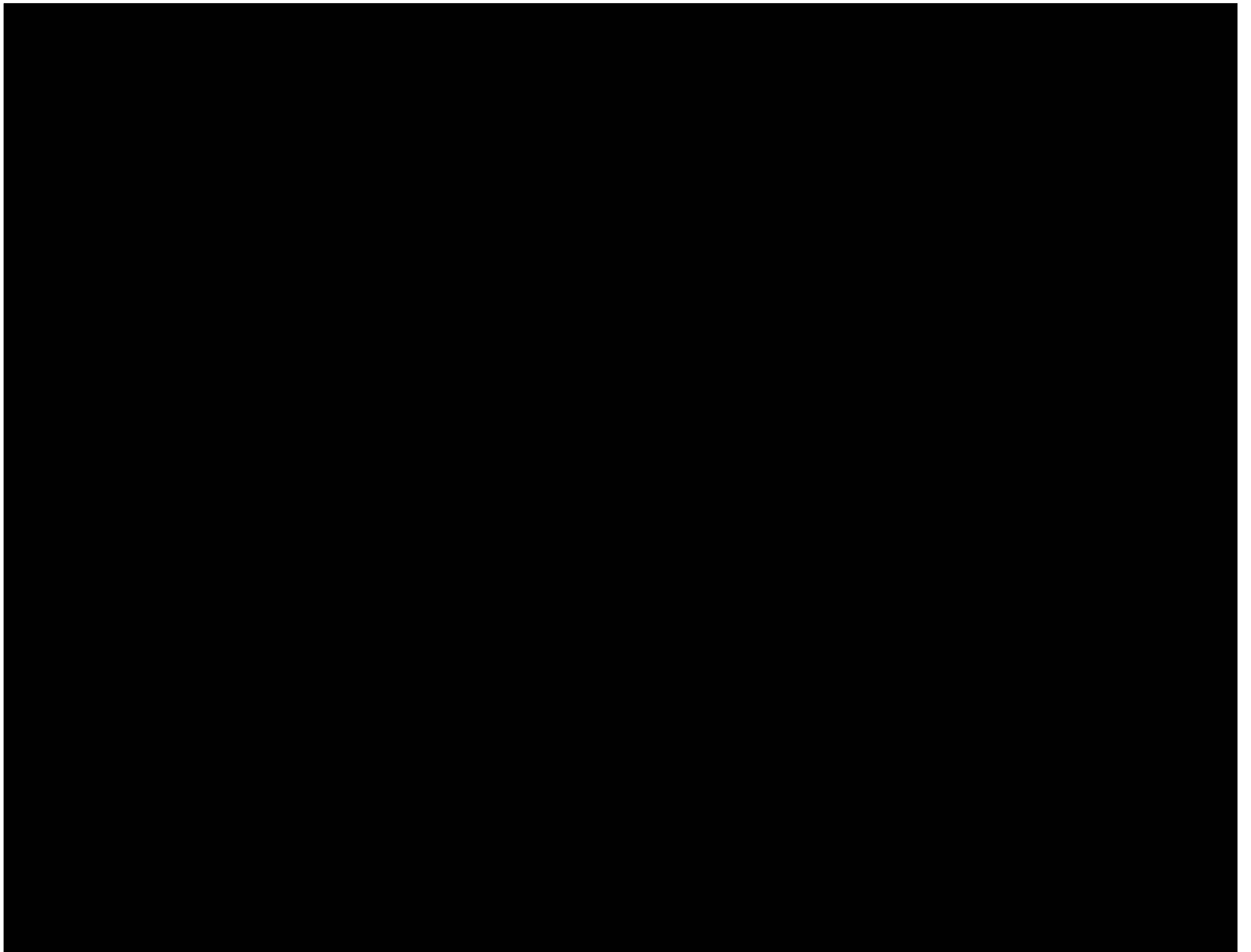
20 MR CICERO: No need for you to make any orders.

21 MEMBER: I'll note that's been withdrawn, and there's no need
22 to give directions about further submissions. So I'd
23 like to thank each of you for your submissions and
24 conduct with the proceeding. And that concludes the
25 hearing, and I'll attempt to get that order out today.

26 MR CICERO: Thank you.

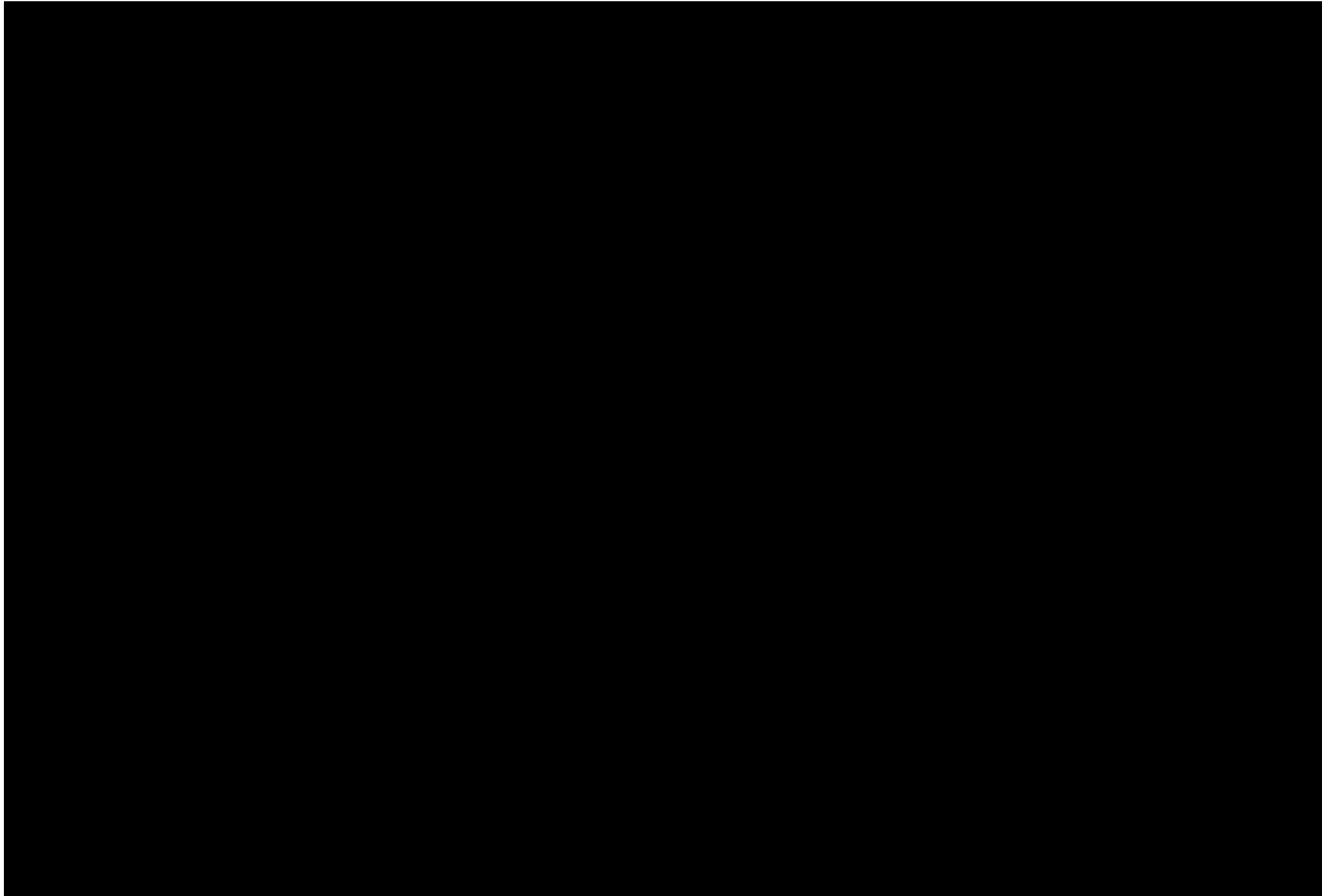
27 MEMBER: Thank you.

28 - - -











From: [REDACTED]
To: [Planning Scheme](#)
Subject: Council 27thAug.pdf
Date: Thursday, 27 August 2020 1:59:01 PM
Attachments: [Council 27thAug.pdf](#)

Further to our original submission, we would like to add, see attached.
Kind regards

[REDACTED]

Sent from my iPad

Amc80hepb Submissions received

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if our home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the **Grampians Central West Waste and Resource Recovery Implementation Plan “Land Use Planning Project FINAL REPORT, September 2018**
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for us, until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

We look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyones needs.

--

Kind regards

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: objection to DDO6
Date: Monday, 24 August 2020 7:05:59 PM

[REDACTED]
Schedule 6 to clause 43.02 design and development (DDO6)
impacts me as follows

I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident. I would be left with a practically unsalable block of land I lose some of my existing rights of use of my property ,including with respect to open space areas, landscaping and fencing

My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station in Ajax rd

[REDACTED]
[REDACTED]



[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Planning scheme Feedback
Date: Tuesday, 25 August 2020 12:45:26 PM
Attachments: [REDACTED]

Hello I would like to submit the attached documentation in response to the proposed amendment

[REDACTED]

Amc80hepb Submissions received

I would like to respond to the amendment C80 that Hepburn is undertaking with the following items.

The planning amendment seeks to change the scheme to bring items into the 21st century and that they will promote

Clause 14.01-1L

Policy application; to avoid changes and that council is looking at developing a rural land strategy may it be poignant to add in Rural Activity Zone to this section.

Objective

In relation to this policy I would like to see more clarity in relation to productive agricultural land (Objective of clause) as it stands now there is no definition in the planning and environment act and is subject to personal interpretation.

Comment:

Clearly a more professional response would be inline with recent works by the Department of Agriculture and Deakin University in their final report "Assessment of Agricultural land capability in Melbourne's Green Wedge and Peri-urban areas-Final Report Oct 2018"

Which states the following:

"This report assesses Land Capability for higher-value agriculture production, rather than a focus on commodity-specific suitability. Prime determinants are soil and landscape, with consideration given to groundwater resources and climate. This approach considers both productivity and sustainability factors (including landscape, soil quality, groundwater availability and quality and land degradation risk). In developing the approach to this assessment, consideration has been given to approaches used in other Australian states (e.g. WA, NSW, Queensland) to determine high-value agricultural land. Land capability analysis is based on available soil and landscape mapping and data which varies in scale and quality across the study area. It provides an indication of likely capability based on existing information and a useful basis for further finer-scale assessments. A detailed on-site assessment of the soil and landscape should be carried out prior to any proposed development taking place. P.8"

This would mean that Agriculture is assessed based on current methodology and would ensure that scheme is up to date as recommended below

The Amendment implements the recommendations of the *Hepburn Planning Scheme Review 2020* which Council adopted at its meeting of February 2020. The Review found the need to ensure that the Scheme is up to date and addresses key issues that our municipality is experiencing now and in the future;

Source: <https://www.hepburn.vic.gov.au/planning-building/hepburn-planning-scheme-review/>

A very clear well written response on this local clause can be seen in the Loddon Shire https://planning-schemes.delwp.vic.gov.au/schemes/vpps/14_01-01S.pdf

Strategies:

“Prevent the subdivision of lots that will result in a concentration of lots smaller than the minimum subdivision size of the relevant zone”

Comment:

How does this work in relation to house lot excisions in Agricultural zones? This would be counterintuitive to Farm planning whereby the farmer wishes to reside in the area but to excise of the remaining land to be used for Agriculture. This is likely to cause confusion in relation to this ability. In addition to this council does not have a policy on this requirement as is typical of other councils in this clause.

The addition of a clear strategy in this area would provide clear guidance in this area rather than individual interpretation and would mean a more streamline response

A clear and well written response to this need can be seen in the Loddon Shire

https://planning-schemes.delwp.vic.gov.au/schemes/loddon/ordinance/22_lpp05_lodd.pdf

Such as the following:

“Excisions In considering an application for subdivision to create a lot for an existing dwelling council must be satisfied that the balance lot will be retained in productive agricultural use. The responsible authority will support an application for a house lot excision where: The benefit from the removal of the dwelling from the land clearly and significantly outweighs the risk of having a residential land use adjoining a farming property in terms of supporting the growth and ongoing viability of agriculture in the Shire. The purpose of the house lot excision is to facilitate property

consolidation. House lot excisions will not be approved where they are for capital raising only as this is not a long term land use planning outcome. There is a significant risk that the property will be lost to agriculture while it still contains a dwelling (ie. The whole property will become a rural living property as the farmer cannot compete with other land purchasers for the property). The dwelling is a significant encumbrance on the property due to its quality and value (ie. Poor quality, older houses will not add substantially to the value of the property and will generally not be considered to be a significant encumbrance.) Dwellings excised under the Farming Zone provisions are to be considered to be in a habitable condition as defined by and comply with the Building Code of Australia. It is clear that a dwelling is not required for the farming use of the property It can be demonstrated that it is likely that farming can be continued on the balance unhindered. The minimum area is taken out of the balance property. The house and immediate surrounds should only be excised. A rural living / hobby farm should not be created. The dwelling and therefore excised lot is on the frontage of the property. Long narrow lots or battle axe lots should be avoided as the additional boundary increases the risk of land use conflict and increases the amount of land lost to agriculture. The dwelling is serviced by a sealed road or a rural gravel access road. An application for a house lot excision must be advertised to surrounding land owners / occupiers. It is preferred that a house lot excision be in the form of a boundary restructure, not the creation of an additional lot. The balance lot should meet the minimum size for the zone. Subdivision that is likely to lead to such a concentration of lots as to change the general use and character of a rural area, and is not consistent with the purposes of the zone, will be strongly discouraged An application for subdivision pursuant to this clause may be referred to the Department of Environment, Land, Water and Planning pursuant to Section 52 of the Planning and Environment Act (1987), for advice about the agricultural and environmental sustainability of the proposal.

Strategies: Allow a dwelling on a rural lot that either:

Great to see Agricultural production maximized to be implemented that allows sites to increase capacity and or diversify- clearly a great step forward

There will be no loss of productive agricultural land- this means that even if the area is a Class 1,2 or 3 with water productive soil that the house would not be allowed- can this be discretionary?

“Native vegetation be retained and managed”- Clearly this is an opportunity to improve biodiversity, catchment and land management with an amended response to read:

Native vegetation that is of high local or strategic biodiversity be retained and managed via an approved land management plan

This would result in more direction and clarity and ensure that a land management plan is completed for the site. This also ensures that the site is managed to a level that is inline with current strategies and to a level that is adequate to ensure ongoing protection.

Clause 12.01-1L Native vegetation and habitat protection.

Strategies: Would be more beneficial if it this covers not only those habitats and remnant vegetation other than those under the EPBC Act that are listed as Critically Endangered

Which is defined as **“Critically Endangered:** A taxon is Critically Endangered when it is facing an extremely high risk of extinction in the wild in the immediate future.

To be inclusive of future planning as below

The Amendment implements the recommendations of the *Hepburn Planning Scheme Review 2020* which Council adopted at its meeting of February 2020. The Review found the need to ensure that the Scheme is up to date and addresses key issues that our municipality is experiencing now and in the future;

Source: <https://www.hepburn.vic.gov.au/planning-building/hepburn-planning-scheme-review/>

Why is this important aspect only dealing with remnant vegetation that is at or near extinction and not being progressive enough with classifications that are near or in the medium term under threat of extinction? To be responsible for biodiversity it would be more appropriate that this clause be responding to the current State policy of Protecting Victoria's Environment – Biodiversity 2037 which states the following:
What is the current condition of Victoria's biodiversity? •

- There are more than 5,000 plants and 1,200 vertebrate animals native to Victoria. Over a third of these species are of conservation concern (classified as rare, threatened or near-threatened).
- There is a continued decline in the quality and extent of habitat of native species. •Threats to biodiversity include habitat loss, weeds, pest animals and changed fire and water regimes – all of which will be exacerbated by the effects of climate change.
- Biodiversity has been historically under-valued and is not accounted for in the economy, yet it provides enormous benefits to society

To allow for native vegetation and habitat protection council would need to ensure that it amends this clause to reflect current state policy. It would be more appropriate to not only deal with critically endangered but to Endangered and Vulnerable as well as defined below

Endangered: A taxon is Endangered when it is not critically endangered but is facing a very high risk of extinction in the wild in the near future.

Vulnerable: A taxon is Vulnerable when it is not critically endangered or endangered but is facing a high risk of extinction in the wild in the medium-term future.

Strategies: Enhance linkages between habitat on private land, roadsides, waterways and public land for wildlife and plant dispersal.

Comment.

Would be more clearly defined as Enhance and promote unfragmentation/biolinks/linkages between all-natural habitats to allow for the ability for natural areas to retain genetic biodiversity, habitat and for translocation of species. This is especially important for waterways and roadside vegetation as often these are the only intact areas of quality vegetation in some areas.

Strategies: Enhance revegetation and restoration in areas of significant remnant areas.

Comment: Revegetation and restoration must be via a land management plan that demonstrates current policies and that the revegetation and restoration is managed

effectively in perpetuity. This should also involve the land being protected in perpetuity via a conservation agreement with DELWP or Trust for nature.

Strategies: Plains Woodland or Forest

- Spiny rice flower

Comment:

The listed flora is found in other areas than listed on the *Native Vegetation and habitat protection map*.

Current policy is to refer to plant communities not as their names on the EPBC Act but to their EVC and Bioregion. This would also give the planning team and understanding of what communities these flora species occur in.

Strategies: Retain native vegetation and habitat significant to the survival of the threatened fauna species...

Comment: Only detailed pathway will require an assessment of threatened species is there any trigger for this on lower risk pathways that could still be habitat for these species?

Table.1 List of Bioregion Indigenous vegetation

Cassinia aculeata

Comment: Which Bioregion does this refer to? *Cassinia aculeata* is listed on Arthur Ryall Institute of Advisory list of Environmental Weeds.- can this be removed as it creates unwanted pest habitat and increased elevated fuels adding in a potential increase of 5-8t/ha

Strategies: Encourage land owners to protect and enhance local biodiversity through.... Environmental Weeds in Victoria

Comment: Could council look at community education in this area and produce booklets for land owners.

Strategies: Encourage the maintenance and enhancement of habitat corridors in new and existing residential areas and along township watercourses and open space corridors.

Comment: Could this point reflect bushfire issues and human safety in response to clauses such as in Clause 13; otherwise it is counterintuitive. It must also ensure that no increase of risk is placed on any adjacent lots as well as the site itself.

Policy documents:

Can we add in

Protecting Victoria's Environment – Biodiversity 2037

Clause 14.02-1L Catchment and land Protection

Strategies: Can we add the following.

Encourage best practice for Integrated Land Management to ensure that the land is management risks can be safely mitigated to reduce impact on waterways and other natural resources.

Minimise impacts to soils that are shown to be dispersive and on land that is subject to very shallow ground water and areas of salinity.

Policy guidelines

Consider as relevant:

Avoid locating development in areas where there is a risk of erosion or salinity.

Avoid locating development where loss of native vegetation is required on slopes over 20 degrees

The availability and suitability of alternative siting based on the geology and land degradation potential risk on site

Clause 11.01-1I Township and settlements

Strategies: Locate new dwellings and residential subdivision within township boundaries.

Comment: does this then exclude areas set up for a higher density such as Low Density Residential that are located outside township boundaries. Such as the LDRZ

in Clunes along McDonalds and Fairview Rd's, Clunes? Areas of growth are expected in zones such as Low Density Residential and this comment is counterintuitive to this strategy.

Strategies: Restructure settlement and subdivision patterns in areas such as Wheatsheaf..... insufficient infrastructure services.

Comment: Why are Hepburn and Daylesford not mentioned in this list as they are in parts subject to extreme risk of bushfire.

Clunes Township Map

In regard to the providing for economic development in these towns why is there no allowance for an industrial zone or Commercial zone in the Map for Clunes. These zones allow for suitably placed development that it is integral to providing sources of employment.

Schedule to Clause 52.17 Native Vegetation

Comment: Can we have *Cassinia arculeata* added here for the purpose of removal for fire safety. Or to Clause 52.12-Schedule

Schedule 2 to Clause 35.07 Farming Zone

Comment: Can we have a response in farming zone for a more site responsive outcome rather than a blanket response for Farming Zone.

Julie Lee Town Planner (MPIA), Post grad.Dip Planning, Post grad Dip Bushfire Planning, Management. Dip Conservation and Land Management, Coastal/Water Management and Cert.Horticulture

Director of NRLinks Town Planning Pty Ltd

54 Fraser Street, Clunes

www.nrlinks.com.au

0406 459 522

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Design & development Overlay DDO6.
Date: Thursday, 27 August 2020 1:18:45 PM

Dear Sir / Madam,

[REDACTED]
[REDACTED]. However, I now feel that Schedule 6 to Clause 43.02 (DDO6) may impact me as follows:

1. I understand from speaking with Katie yesterday, that If 51% of the building (my home) is damaged or burns down, it can be reconstructed as it is a dwelling (somewhat reassuring as this is a bushfire prone area).
2. However, when I am deceased my children will inherit the property and if put up for sale, DDO6 may prevent some potential buyers from purchasing.
3. Whilst the transfer station and MRF in Ajax Road, is close to my home, it has never been a problem. However the potential unrestricted development of both of these may significantly impact my right to quietly enjoy my home as I do now.

Thanking you for your consideration of the above,

Yours faithfully,

[REDACTED]
[REDACTED]

Ambulance Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: formal submission to amendment C80
Date: Thursday, 27 August 2020 1:01:00 PM

Please find my formal submission below:

Regarding the Restructure Overlay in Liza Drive Drummond:

I'd like to make two recommendations:

1. Council submits a request to the Planning Minister to remove the Restructure Overlay, and allow planning permits to be assessed on their merits by the council for further dwellings. This has not been attempted since 2015, when it failed to succeed. Much has changed since then in terms of defensible space, building technologies and regulations. There are only four allotments with no buildings on them in Liza Drive, and the overlay is not valid in preventing the number of dwellings illegal or legal.

In 2015, at a council meeting, the following was concluded by the Hepburn Shire planning Officer. "Both State Government and Council officers now suggest that an alternative resolution to the current planning impasse is to remove the Restructure Overlays."

[REDACTED]

Carried"

This is still the case, the restructure overlay should be removed and the council should pursue this as the most useful and productive option, as nearly all of the blocks have dwellings, and are non-compliant with the BMO codes. Infact, they are mostly sheds, with no permits, and are very dangerous. A restructuring plan would not fix this, as the illegal dwellings will remain. Only removal of the overlay would allow for planning permits to be assessed, and legal dwellings to be safe.

2. If removal of the overlay is attempted again by Council and does not succeed at the State government level, then a restructure plan is the only remaining option, which would specify which lots need to be amalgamated for a planning permit to proceed. This option should have been done years ago, and is well well overdue. However, it won't work in most cases, due to a large number of dwellings already, and only 4 vacant lots remaining with no structures.

The council is liable for this, as they have put people in the situation, where they purchased the allotments to build on, now they cannot build, so they have no choice in some cases, but to live there, or be homeless. It is not a wealthy area historically, there are battlers.

I'd highly recommend that council consider another attempt at removing the overlay in 2020/2021, for the safety of everyone in the area and the fairness

of the planning system to function and assess each application on its merits.

kind regards

[Redacted signature]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re: DD06
Date: Thursday, 27 August 2020 1:10:30 PM
Attachments: [page1image1701616.png](#)
[page1image1701824.png](#)
[page1image1702032.png](#)
[page1image1702240.png](#)
[page1image1702448.png](#)
[page1image1702656.png](#)
[page2image3680416.png](#)

[REDACTED], submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6

because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

--

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]		
[REDACTED]			

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06 Objection
Date: Thursday, 27 August 2020 1:00:45 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

I have expressed my concerns in writing directly to my ward Councillors and the Mayor.

Communication on this Proposal has been very poor. I do not recall receiving the 'householder' communication however it came at a very difficult time. The first I knew of it was a Facebook Post on the local Grapevine. The credibility of posts should always be challenged. The map which I thought to be generated by the author of the post had my property dissected by the Southern border of the DD06 zone. Checking a map, I estimated my property to be 750 m from the existing tip so I rang the Planning department.

When my call was returned, the Planning Officer agreed. If I had not received their communication and I was 750 m from the Tip entrance – I was in the clear. I was relieved but still had empathy for those involved.

The following day I received a copy of the proposal in the mail from a concerned resident of the proposed Ghetto.

My neighbour had a similar history with regard to communication. She could not recall the Planning circular and emailed the Planning Officer, I followed her lead just in case.

To my horror I received the bad news from Alison Blacket with attached documents I should have received.

On reading these documents and the proposal I am still challenged to understand the issues involved. Given the impact on my asset why does the proposal fail to state the Hazard or Level of Risk. Hazard identification is essential. The documents must exist. The controls on planning, fences, zones do not make sense without this information. The primary target on Safety is to eliminate the Hazard.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to **risk assessment** of the Shire's transfer stations
- Not completing **due diligence** in response to the Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT, September 2018
- Not completing the **due diligence** necessary to determine the qualitative

and quantitative effects on residents of DD06

- **Not meeting requirements** of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

Kind regards

████████████████████

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr Licia Kokocinski](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr John Cottrell](#)
Subject: Objection to proposed changes to Hepburn planning scheme.
Date: Thursday, 27 August 2020 12:06:15 PM

Dear Hepburn Shire Council,

[REDACTED]

I wish to raise my objection to the Expanded Significant Landscape Overlays within the Hepburn Shire as they impact me as a resident, farmer, business owner and a landowner. I have serious concerns about many of the amendments Council want to make and below I have listed the areas that are of importance to me.

Lack of community consultation.

The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.

The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.

The permit application process is too onerous.

Unnecessary conditions and bureaucracy placed on farmers.

Commercial farming is a continuously changing industry and the future uses are unknown.

SLO's should not affect non-indigenous vegetation and planted vegetation.

Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue. We are a food bowl for the state.

Restrictions on use of galvanised or zincalume should be withdrawn.

House blocks that fall within SLO's should be fully exempt.

The Size of the Proposed SLO1 Extension.

Please give serious consideration to my objections and I look forward to hearing from you.

Thank you for attention.

[REDACTED]

Sent from my iPad

From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: DDO6
Date: Thursday, 27 August 2020 11:51:13 AM
Attachments: [IMG_2909.jpg](#)

To The Planning Scheme Review Officer,

I, Nina Aburrow of 4 Fulcher St, Daylesford submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with greatly devalued land.



My first email objecting to DDO6 was emailed on 21st August 2020 at 4.22pm. I trust this second email can be attached to the first and so incorporating my objection to, and abandonment of DDO6.

[REDACTED]

Sent from my iPad

Amc80hepb Submissions received

[REDACTED]
From: [REDACTED]
To: [Planning Scheme, Nathan Aikman](#)
Cc: [REDACTED]
Subject: Re: Concerned Property Owners regarding Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Thursday, 27 August 2020 11:45:43 AM

[REDACTED] Daylesford submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

Kind Regards,

[REDACTED]

To whom it may concern,

I hope this email finds you well,

I am emailing you in relation to my concerns surrounding Schedule 6 to Clause 43.02 Design and Development Overlay (DD06).

[REDACTED]

We were lucky enough to purchase our first home earlier this year, 131 Raglan Street Daylesford. It is a perfect cottage and we will live here for many, many years to come. As first-time property owners, it is our dream is to renovate and extend our home, which is why this the Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts us greatly.

We will not be able to build or rebuild on our property, which would be significantly devalued. If our existing house is destroyed by accident, we would be left with a practically unsaleable block of land.

We will lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

We will lose some of my exiting rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.

Our property and our rights to quite enjoyment of our property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax road.

[REDACTED]

I sincerely plead to you to reconsider and please keep me informed on the status of this proposal.

Looking forward to your response,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DDO6 Submission 2
Date: Thursday, 27 August 2020 11:39:27 AM

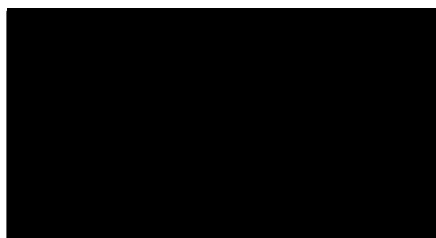
[REDACTED] submit that Amendment C80 hep, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP. Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel. Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.



Sent from my iPhone

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to DD06
Date: Thursday, 27 August 2020 10:56:11 AM

[REDACTED]
submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DDO6 Objection
Date: Thursday, 27 August 2020 10:46:41 AM

[REDACTED]
Daylesford submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6 severely affects us. *Please add this to our previous objection, submitted on 24th August 2020.*

We are impacted by DDO6 because our existing development and land use rights are removed/restricted, our property's resale value is reduced, and if our home is damaged or destroyed, then we are left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for us until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that we need to sell our property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

We look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]


From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Residents Impacted by DDO6](#)
Subject: [REDACTED]
Date: Thursday, 27 August 2020 10:09:55 AM
Attachments: [Further submission on C80hepb.docx](#)

Additional submission as per attachment.

Thank you.

[REDACTED]

Amc80hepb Submissions received



Having 'attended via Zoom' the information session given by Council on 24 Aug 2020, I wish to make this additional submission.

Arguments for the restrictions imposed by DD06 on property owners and residents has not been explained beyond 'minimise land use impacts' within 500m of the MRF. There is a perception that the proposed 500m buffer is because of the adjacent capped landfill.

A 500m buffer for the capped landfill does not make sense. Although such a buffer is specified in the EPA Guidelines for the control of unintended gas and leachate seepage and leakage, the Guidelines do not include a prohibition on development. Rather, any development within such a buffer is recommended to be subject to limitations according to the landfill characteristics and the proposed development, including subdivision. I believe it would be entirely feasible to propose developments and subdivision within our property (and many others) in accordance with the EPA Guideline recommendations, so blanket prohibition is inappropriate. I also believe imposing limitations on works, landscaping and fences is inappropriate with respect to the landfill. Until a risk assessment of the capped landfill is completed it is inappropriate and quite unreasonable to impose very substantial prohibitions and limitations on ourselves and on a significant number of other property owners and occupiers.

A buffer zone for the MRF and the Transfer Station may be appropriate, but I believe a blanket 500m is excessive for our property (and for many others captured by such a buffer). Our property has no line-of-sight with those facilities, which are across the valley and over the hilltop. Activities within the Transfer Station can be heard at times, but to us this has never been unreasonable. The levels of sound are no more than are normally experienced in a typical suburban setting. There may be plans to further develop the MRF and Transfer Station, but I believe such plans should ensure that any impacts beyond the boundaries of those sites are managed to a proper and reasonable level, rather than imposing an excessive buffer with prohibitions and limitations on a significant number of property owners and occupiers. There are very many properties throughout Victoria within close proximity to MRFs and Transfer Stations which do not have prohibitive planning restrictions.

If a buffer is deemed to be justified and necessary, I believe it should be specified in accordance with the Government planning policy and strategy for buffer and separation distances. This includes the six principles of best practice, accessible and visible, transparent and evidence based, consistent, proportional, and balanced. I believe the proposed buffer does not meet those principles, particularly if the future development and potential impacts of the facilities has not yet been determined and assessed.

For the above reasons, I urge the Council to abandon or withhold DD06 until future development and potential impacts have been determined and assessed, and the community can be properly informed and consulted on such developments. Abandoning or withholding DD06 would avoid the high potential for any costly and time-consuming appeal to VCAT from impacted property owners.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6
Date: Thursday, 27 August 2020 9:59:25 AM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
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DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

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Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission for abandonment of DDO6
Date: Thursday, 27 August 2020 9:46:14 AM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
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DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

Relocation of the DMRF is the most economically viable solution.

If council or state require buffer zones. Testing of land and water in the surrounding buffer zones should be mandatory. And appropriate compensation if such tests show any dangerous levels of contamination.

If buffer zones are the issue. The problem is solved by moving the DMRF.

AND KEEPING THE ENTRANCE TO DAYLESFORD BEAUTIFUL.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

--

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission for abandonment of DDO6
Date: Thursday, 27 August 2020 9:46:14 AM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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If buffer zones are the issue. The problem is solved by moving the DMRF.

AND KEEPING THE ENTRANCE TO DAYLESFORD BEAUTIFUL.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

--

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DDO6, TIP and Nature Strips
Date: Thursday, 27 August 2020 9:42:40 AM
Attachments: [Ksig.jpg](#)

[REDACTED]
[REDACTED] and I am concerned for their health and well being as the councils planning objectives will greatly affect the freedom for them to make choices and the also the value of their property.
Also, I would like to be in the loop as to what councils intentions are in relation to use of the tip and vegetation on front nature strips.

Yours Sincerely

[REDACTED]

Amc80hepb Submissions received

.....
To: [Planning Scheme](#)
Subject: Amendment C80hepb
Date: Thursday, 27 August 2020 9:33:58 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[\(OUT\) CHW response Amendment C80hepb Hepburn Planning Scheme.pdf](#)

Hi

Attached is CHW's submission to the above.

Regards



Stephen Carter

Team Leader Key Customer Accounts and Planning

Central Highlands Water

PO Box 152 Ballarat VIC 3353

M: 0419 899 411

D: 03 5320 3123

E: stephen.carter@chw.net.au



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27th August 2020

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford, Vic, 3460

Dear Sir/Madam,

Amendment C80hepb to Hepburn Planning Scheme

Central Highlands Water (CHW) acknowledges the significant undertaking by Council, through the above Amendment process, to instigate a major review of the Hepburn Planning Scheme including aligning the scheme with Ministerial direction on form and content.

Background

Under the Water Act 1989 CHW is responsible for the provision of reticulated water and sewerage services to a significant area within the Central Highlands of Victoria that includes within the Hepburn Shire the townships of Daylesford, Hepburn Springs, Creswick and Clunes. Other townships supplied with reticulated water only include Newlyn, Kingston, Smeaton, Allendale and Dean.

Also located within the municipality are drinking water catchments that are declared under the Catchments and Land Protection Act from which CHW, along with several groundwater bores, harvests drinking water for townships within and outside of the Shire.

As the infrastructure installed for water and sewerage networks generally has a 50-100 year life cycle and is the result of a considerable investment by water authorities on behalf of their customers, it is essential that planning decisions are made with a long-term perspective. This is reinforced through the objectives set out in the Planning and Environment Act 1987 which provide that the development of land be undertaken in a way that is fair, economic and sustainable. Further objectives within the Act provide for the protection of public utilities and to enable the orderly provision and coordination of utility services.

Settlement

CHW notes and supports the general direction of the proposed Settlement strategy at Clause 02.03-1 that seeks to concentrate or consolidate growth within existing townships that are already provided with reticulated water and sewerage services.

We also note the proposal at the Schedule to Clause 74.02 'Further Strategic Work' to undertake a residential land demand study to ensure an adequate supply of zoned land for a variety of residential and other purposes and to inform structure planning for the townships.

To help identify land that that can be developed in an orderly, economic and coordinated way, with public health and the environment front of mind, CHW would welcome the opportunity to provide input to the land demand study, noting that significant lead times are generally required where new significant capital works are needed to support development.

Clause 22.03 'Dams'

Relevant to CHW, located within the Hepburn Shire, are several reservoirs and 'special water supply catchments' that supply drinking water to around 100,000 people either within the shire or within Ballarat and Maryborough and their surrounds. The proliferation of privately owned dams within these catchments can significantly impact on the quantity of water available to these communities particularly during drier/drought periods, and this is expected to be more relevant as a result of 'climate change'.

We note that Amendment C80hepb provides for the removal of Clause 22.03, a policy that has an objective to guarantee water supply for domestic and stock purposes through the assessment of the impacts of any proposals for new dams.

CHW notes that Clause 66.02-5 and Schedule 66.04 provide for the Referral of all Applications for Dams ("Works"), within a 'special water supply catchment area' and the ESO1, to the relevant Water Authority as a Determining Authority with permits being triggered through several Schedules including to the Farming and Rural Living Zones and ESO1 - Special Water Supply Catchment Protection.

Providing these Application triggers and Referral provisions are retained, in relation to Applications for a Dam, CHW does not object to the removal of the policy at Clause 22.03.

Central Highlands Water reminds Council that it is the 'relevant water authority', along with Goulburn-Murray Water for the catchments supplying the Tullaroop and Newlyn Reservoirs, the Ballarat Catchments and Bullarto, Wombat, Dean, Hepburn, Cosgrave and Russells Reservoirs. Further that CHW does wish to receive Referrals in relation to any Application for a new Dam within these catchments.

Clause 22.06 'Public Infrastructure Area'

CHW operates wastewater treatment plants at Clunes and Daylesford that are important strategic assets for supporting the current communities and providing for a level of future urban growth. Their ongoing efficient operation is essential for meeting the community's and the EPA's expectations, such as for minimising odour and noise impacts in the areas around the plants. Should there be incompatible uses established within the buffers of the wastewater treatment plants there is a risk that amenity related complaints could lead to pressure for CHW to invest heavily in mitigation measures such as plant upgrades or relocation with associated community costs.

We note that Amendment C80hepb provides for the removal of Clause 22.06 a policy that aims to discourage activities within EPA recommended buffer distances, for wastewater treatment plants, that may have an adverse impact on the current or future operation of these facilities. In support of removing the policy Council's 'Hepburn Planning Scheme Audit and Review Report (12 February 2020)' states that Council is prepared to consider the application of an ESO and or other suitable control around the treatment plants to ensure incompatible uses are not located adjacent to the facilities.

CHW notes it has ESO's and associated Schedules in place for other wastewater treatment plants within the broader region, and acknowledges that this is a suitable means to identify odour buffers and prevent encroachment from undesirable use and development. CHW would support the removal of Clause 22.06 if Council is prepared to make a commitment at Schedule 74.02-1 to implementing a suitable ESO for wastewater treatment plants within the Hepburn Planning Scheme after any necessary odour studies have been completed in accordance with EPA guidelines. Alternatively the Policy at 22.06 should remain in place until a new overlay has been agreed and implemented within the Hepburn Planning Scheme.

Schedule to Clause 66.04

In respect to the Kind of Application required to be referred under Schedule 66.04 for Clause 42.01-Schedule 1 we wish to suggest that to improve clarity, the current wording could be replaced with "All applications that are not exempt under clause 3.0 of Clause 42.01 – Schedule 1.

CHW commends Council for undertaking this review, and in its current form (subject to our submissions above) we offer our support to Amendment C80hepb and wish Council every success with its implementation.

Should you have any queries in relation to our submission please contact me on ph: (03) 5320 3123 or email stephen.carter@chw.net.au.

Yours faithfully,



Stephen Carter
Team Leader Key Customer Accounts and Planning

Amc80hepb Submissions received

[REDACTED]

I am **strongly objecting** to the proposed above overlay for the following reasons:

1. I will be catastrophically financially impacted by the proposed overlay. Currently I have existing and legitimate residential development rights to build on and to subdivide this land. If this overlay is introduced it will manifestly unfairly and unjustly not only strip me of my current subdivision rights but also stop any building whatsoever on the land. This will devalue my property disastrously, rendering my land virtually unsaleable and largely worthless. Unfortunately, Council has not completed the due diligence necessary to determine the qualitative and quantitative effects on residents affected by this overlay.
2. Over many years and whilst the tip was in operation, Council has allowed Langdon Court to be subdivided. When Langdon Court was developed in 1987 the open landfill was in full operation. Council allowed the initial development. It has over succeeding years, including recently, allowed subdivision development within the area. To now furtively stop all development by proposing this overlay is a significant miscarriage of justice against any landowner who has not yet chosen to subdivide or build on their land. It strips not only me, but all within the 500 meter 'buffer' zone of current development rights and devalues our land significantly. The design and development provisions in the planning scheme cannot be used to control land use, therefore DD06 as drafted is flawed and does not meet legal requirements.
3. One stated aim and objective of the overlay is to limit residential development and subdivision surrounding the Daylesford Material Recovery Facility. This comes 25 years too late. As the attached site analysis reveals over 83% (69 allotments) of the affected land is already developed with residential development and there is only 17% (12 allotments) not yet developed.
4. The intent of the buffer appears to be to 'protect' surrounding landowners from possible impacts from the Daylesford Material Recovery Facility. The real problem in question, as I see it, is the position and operation of the Daylesford Material Recovery Facility and its management by Council. What sort of investigation has Council undertaken to assess whether it has a problem at the landfill? Have gas emissions been monitored at the closed landfill? If there is a problem at the landfill, are the workers at the Daylesford Material Recovery Facility in danger? They are closer than the nearby residents. Council are not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations. Surely the reasonable and logical way forward is to **first** complete a review of the current Waste Management and Resource Recovery Strategy, then once that review has been completed, and with full and open ratepayer input, to address the issues it raises.

Imposing dramatic controls onto existing and potential residents and landowners without doing the research first is inappropriate.

5. The creation of a buffer around the DMRF appears not to be a mandatory requirement by the EPA. It is unclear whether the Daylesford site is even currently licensed by the EPA. Council planning officers have drafted the proposed DD06 buffer overlay relying on Victorian Planning Provision Clause 53.10. However, these buffer requirements appear to relate to the creation of NEW waste facilities, not existing ones. The waste transfer facility in Ajax Road is an existing facility. If the buffer is not a mandatory requirement, then this makes it easier for the council to withdraw it from the proposed amendment.
6. Unfortunately, the wording of DD06 is poorly articulated. It is flawed and ambiguous therefore causing enormous confusion and anxiety to residents and landowners. In clause 2.0 Buildings and works it states “a building used for accommodation must not be constructed” but in clause 6.0 Decision Guidelines it states that one of the guidelines will be whether a building is to be used for accommodation and the impacts it may have on the residents of the accommodation and the operation of the DMR facility. This is contradictory.
7. Moreover, there is no mention anywhere that the overlay is in place only until Council has undertaken its review of its current Waste Management and Resource Recovery Strategy. Could it be left on indefinitely? This leaves affected residents extremely vulnerable. The planner I finally spoke to in the Hepburn Town Planning department on 30th July was not even aware that the overlay was only meant to be in place until the review of the Waste Management and Resource Recovery Strategy was completed. This is extremely troubling. If DD06 is not abandoned entirely now then affected residents will be facing months, potentially years of stress and anxiety while the issue is resolved by a panel.
8. Affected residents were misled about what the amendment would mean for them. It has taken enormous time and research from residents and landowners to realize that rather than as stated in the Proposed Changes to the Hepburn Planning Scheme brochure that the aim is “**to minimize** land use impacts until a new Waste Management Strategy can be prepared” or the general letter sent on 10th July to householders that states “this proposal **will limit** development density” the actual wording of the amendment says “a building used for accommodation **must not be constructed** within 500 meters of the edge of the Daylesford Material Recovery Facility”. We have been misled and not given correct information about this proposed amendment. A copy of the actual wording of the amendment and an accompanying map **should** have been forwarded to all affected ratepayers. This would have been a logical first step to open up discussion between ratepayers and Council. Rather, it was up to the individual ratepayer to find both buried very deeply in the Department of Environment, Land, Water and Planning website. I challenge anyone to find it on this complex website.
9. Covid 19 has impacted significantly on this process. It is undemocratic to proceed with this proposed, flawed overlay when

- gatherings of people cannot be assembled to discuss the impacts of DD06
- the impacts of such an overlay have not been clearly communicated to residents through other means
- the community Zoom meeting held on 24th August is a clear demonstration of how extremely difficult it is to hold meaningful dialogue with Council representatives in these unprecedented times.

Conclusion:

The Hepburn Shire states that “natural justice and transparency are important parts of the Planning Scheme Amendment process”. If this truly is the case then the Hepburn Shire needs to abandon their proposed DD06 overlay now. It would be acting in an unconscionable way if it were to proceed with it.

This overlay has created large and serious breaches of trust within the local community. It is unfair and unjust. If adopted, it will create enormous financial loss for some residents and landowners. It could place the shire in an unenviable litigious position.

Rather, the Council should first complete a review of the current Waste Management and Resource Recovery Strategy and then, with open and full community input, address the issues it raises.

Above all, the Hepburn Shire needs to be fair and equitable to its ratepayers.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Residents Impacted by DDO6](#)
Subject: objection to schedule 6 clause 43.02 design and development overlay ddo6
Date: Thursday, 27 August 2020 9:22:40 AM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting the council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: supplementary submission
Date: Thursday, 27 August 2020 9:07:24 AM

[REDACTED]
submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, are impacted by DDO6 because existing development and land use rights are removed/restricted, our property's resale value is reduced, and if our home is damaged or destroyed, then we are left with worthless land.

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- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Alison Blacket](#)
Subject: [REDACTED]
Date: Thursday, 27 August 2020 9:11:54 AM
Attachments: [REDACTED]
Importance: High

Please find attached submission for the planning scheme review.
Can you please acknowledge receipt.

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

[Redacted]

[Redacted]

[Redacted]

- 1 [Redacted]
- 2 [Redacted]
- 3 [Redacted]
- 4 [Redacted]

[Redacted]

[Redacted]

- 1 [Redacted]
- 2 [Redacted]
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- 6 [Redacted]
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Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
[REDACTED] DD06
Date: Thursday, 27 August 2020 5:40:03 AM

Dear Sir/Madam.

[REDACTED] Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts me as follows:

1. I will not be able to build or rebuild on my property which would be significantly devalued if the house is accidentally destroyed. I would be left with a valueless and unsaleable block of land. I would be homeless.
2. I love some of the existing rights of use of my property including balconies, open space areas and fencing.
3. My property and my rights to quiet enjoyment thereof may be significantly impacted by the potential unrestricted development of the existing transfer station and Materials Recovery Facility in Ajax Road.

How will these changes effect my mortgage, my insurance and more significantly to Hepburn Shire Council my rates assessment?

Yours faithfully

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Cc:
Subject: DD06
Date: Wednesday, 26 August 2020 11:01:24 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan - Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

--

[REDACTED]

[REDACTED]
From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: DD06
Date: Wednesday, 26 August 2020 11:01:24 PM

[REDACTED] submit

that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Thursday, 27 August 2020 5:21:03 AM

[REDACTED]

I'd like to make the following addition to my submission:

Mental Health Impacts

The stress that is being experienced by people being threatened with loss of basic freedoms and massive devaluation of their asset bases - for reasons that will deliver very marginal gains and could have been far better addressed through a less heavy-handed approach - is outrageous.

It has the potential to result in significant mental health consequences.

People understand and feel injustice, it's a major cause of morbidity and this is a clear example of such.

Flawed risk management

An appropriate risk management assessment has not been done.

Whilst discussions may have taken place in some way with the EPA, a comprehensive piece of advice that balances all the issues has not been obtained.

I wonder whether people in the planning section think they are effectively managing their own professional risk by not allowing any development in this zone. If so, they are taking a very narrow view of risk. It's a more complex thing than that.

NO-ONE IN COUNCIL IS WILLING TO ACKNOWLEDGE THAT THE ACTUAL RISKS HERE ARE VERY LOW. Yes, there is an old landfill, but the amount of organic matter capable of producing gas emissions is very small compared to other sites because of the duration of operation and the size of the town. The risk is negligible. Otherwise, a transfer station can be effectively managed to minimise impact in harmony with residents. This is the right approach. We can do this. The proposed response is disproportionate to the issue.

Suggested next steps

With respect, please acknowledge the flaws with the process and the content of this proposal. Don't delude yourself that tinkering around the edges will represent consultation and responsiveness. Abandon this proposal and start again in the right way - with a process embedded within a clear strategic and policy framework, appropriately informed by expert opinion, in consultation with residents and given an appropriate timeframe for consideration and debate. If you engage with residents in a collaborative and positive way, I believe you will be impressed with the calibre of people you are dealing with and the result will be much better than the one you think you will obtain through DDO6.

Regards

[REDACTED]

On Sun, Aug 16, 2020 at 7:19 PM Planning Scheme
<planningscheme@hepburn.vic.gov.au> wrote:

Thank you Jeff.

Regards,

Alison Blacekt

From: [REDACTED]
Sent: Sunday, 16 August 2020 2:15 PM
To: Planning Scheme <planningscheme@hepburn.vic.gov.au>
Subject: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay

Dear Hepburn Shire Council

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay impacts me as follows:

- [REDACTED]
- [REDACTED]
- Loss of rights regarding landscaping, fencing, balconies, open space areas.
- The potential for unrestricted development of the Daylesford Material Recovery Facility to reduce my enjoyment of my land and impact my health (currently there is no impact on either).
- The potential devaluation of my property significantly affects my options and those of my children moving forward.

If the purpose of the document is to effectively operate the Daylesford Material Recovery Facility (and reduce its amenity impacts), then is this proposal linked to any plans or guidelines regarding best practice operation and planning of the facility? Why is all the focus on reducing residents rights and none on council's responsibility to strike an appropriate balance?

What is the basis of the 500m radius? Is there any scientific basis for this proposal and its details?

Why has there been no consultation with residents regarding this matter? It's interesting that in the same week I get a carefully worded letter from the council about the pruning of a conifer tree down the road from me, I hear through secondary sources about a proposal to change the Design and Development Overlay related to my property. This seems incongruous to me.

I await council's response.

Regards

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Supplementary submission regarding DD06
Date: Wednesday, 26 August 2020 10:48:24 PM

Dear Councillors and Officers of the Hepburn Shire Planning Department
Further to my earlier submission on DD06,

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

Yours sincerely

[REDACTED]

From:

To:

[Planning Scheme](#)

Subject:

Objection to shedule 6 to clause 43.02 design and development overlay DDO6

Date:

Wednesday, 26 August 2020 9:47:22 PM

[REDACTED]

Your
unconscionable scheme proposal will significantly reduce our house and property value making it, I believe, unsellable. Also if our house was destroyed I will not be able to rebuild and I would be left without a house to sell and land that is worthless.

1.5 mtr high fencing in a bush environment is idiocy. Apart from looking ridiculous in a bush setting it would cause immense problems for the wildlife in the area.

This proposal will infringe our rights and I believe it is unlawful in a democracy. At best you would have to buy everyone out and I doubt you would want to do that which would explain the secrecy and underhanded tactics displayed thus far. As elected council members you have lost your way and are no longer serving the shire residents and are unfit to be in council.

You have not explained why you feel this DDO6 overlay is needed apart from some very generic utterances but obvious to residents something bad is afoot - something stinks. To initiate this during the pandemic in secrecy without due representation from residents is a crime of itself and as such it must not happen.

Amc80hepb3 (Permissions) received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to schedule 6 to clause 43.02 Design and development overlay DDO6
Date: Wednesday, 26 August 2020 9:31:21 PM

[REDACTED]
and I Object to schedule 6 to clause 43.02 Design and development overlay DDO6

[REDACTED]. Your unconscionable scheme proposal will significantly reduce my home and property value making it, I believe, unsellable. I also wish to subdivide my block to help retirement funding and this would not be possible. On top of that if my home was destroyed I will not be able to rebuild and I would be left without a home or funds to buy elsewhere as insurance would be unlikely to be available for such a position as this.

1.5 mtr high fencing in a bush environment is idiocy. Apart from looking ridiculous in a bush setting it would cause immense problems for the wildlife in the area.

This proposal will infringe my rights and I believe it is unlawful in a democracy. At best you would have to buy everyone out and I doubt you would want to do that which would explain the secrecy and underhanded tactics displayed thus far. As elected council members you have lost your way and are no longer serving the shire residents and are unfit to be in council.

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[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to shedule 6 to clause 43.02 design and development overlay DDO6
Date: Wednesday, 26 August 2020 9:47:22 PM

[REDACTED] and I Object to schedule 6 to clause 43.02 Design and development overlay DDO6

[REDACTED]. Your
unconscionable scheme proposal will significantly reduce our house and property value making it, I believe, unsellable. Also if our house was destroyed I will not be able to rebuild and I would be left without a house to sell and land that is worthless.

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Amc80hepb3missionsreceived

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Residents Impacted by DDO6](#)
Subject: supplementary submission on DDO6
Date: Wednesday, 26 August 2020 8:29:35 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
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Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme; Residents Impacted by DDO6](#)
Subject: Jo Kidd's Supplementary submission DD06
Date: Wednesday, 26 August 2020 8:18:05 PM

[REDACTED] submit that Amendment C80 nepp, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

--
[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: Concerns over DDO6 - Submission amendment
Date: Wednesday, 26 August 2020 8:02:34 PM

[REDACTED] daylesford, submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, I am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DDO6
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs

Regards,

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overl
Date: Wednesday, 26 August 2020 8:02:19 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Additional submission: Hepburn Planning Scheme Review - Design and Development Overlay 6 (DDO6)
Date: Wednesday, 26 August 2020 7:35:49 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Additional Objection submitted to Hepburn Shire Council on Design and Development Overlay (DDO6)
Date: Wednesday, 26 August 2020 7:15:18 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

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I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

FYI - I have submitted via the HSC web site the following objection to DD06.

Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) is of great concern to me. This proposed overlay DD06 seems ill conceived and certainly a brutal and arrogant attempt to disrupt the amenity of residents over a fairly broad area. It looks like it has been inserted into Amendment C80Hepburn as an innocuous part of a broad scheme with around 19 separate segments. However, the impact on residents is far from innocuous.

The lack of clarity around the real purpose and reasons for the overlay and the ability to develop the Daylesford Material Recovery Facility with no public scrutiny or approval process are cause for alarm bells to be activated.

All this is pre-emptive of a yet to be developed Waste Management and Resource Recovery

Strategy, which one would have thought would be the driver for any proposed change. Presumably, one option in such a strategy would be to re-locate the DMRF to a more remote area. It is hard to think that there is not a plan inside council about how this site may be used and it is disingenuous to be silent about these options.

I am obviously concerned at any effect that this overlay will have on property prices, the ability to renovate or modify my house, fencing requirements (which seem completely at odds with the Daylesford environment) and most importantly the potential detriment to resident amenity from the unknown development of the DMRF.

I submit that DD06 be withdrawn from this broader amendment process and be considered only after the foreshadowed Waste Management and Resource Recovery Strategy is finalised, hopefully after an exhaustive and detailed public consultation process.

I also make the point that accessing relevant information through the Hepburn Shire web site is challenging and the design objectives poorly defined. The emphasis on protecting the DMRF from residential development seems at odds with protecting the rights of residents and reflects poorly on the Council, its officers and the elected Councillors.

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Wednesday, 26 August 2020 5:10:30 PM
Attachments: [26.8.20 Letter to Hepburn Shire.docx](#)

[REDACTED]

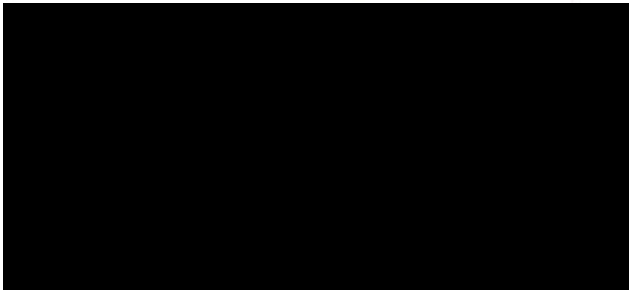
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

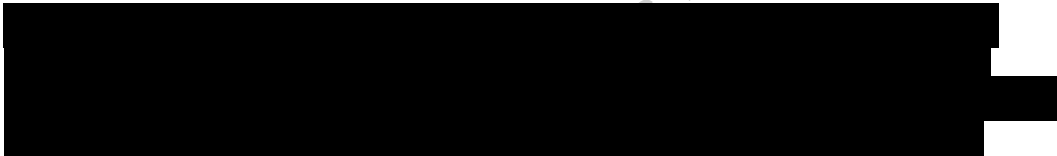


26th August 2020

To: The Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford Victoria 3460
By email: planningscheme@Hepburn.Vic.Gov.Au

To: The Planning Officer as directed and to the Hepburn Shire Councillors,

Re: *The Hepburn Shire Council, the Hepburn Planning Scheme Review – 2019 to 2020.*

1. I set out hereunder comments and submissions made in respect of the Hepburn Planning Scheme Review 2019/2020 proposals.
2. 
3. I refer you to the publication headed “The Hepburn Planning Scheme Review 2019/2020” and the details set out therein – “What is a Planning Scheme? Why is this important? Why a review and rewriting of the Planning Scheme etc?”
4. I note that you had engaged Plan2Place Consulting to work with the community to review and rewrite the Hepburn Planning Scheme over the next twelve to eighteen months. This publication is undated, but contains within it various other details and headings, including drop-in sessions, consultation and that the survey process will be open until the 29th of September 2019. No details of the outcomes from that process have been provided.
5. ***The balance of this publication, a brief resume of what is the review process, the next steps, etc.*** The publication provides further details on various headings and including growth and development, township character, the environment and sustainability, landscape protection, agricultural land, tourism, and again, what you consider you have heard from the general public.
6. The key information, accompanying detail and photographs, etc., have been most helpful, but in a number of instances, very difficult to reconcile.
7. I also refer to the publication of the proposed changes to the Hepburn Planning Scheme, dated the 17th of July 2020, and the further publication in the newspaper, dated the 17th of August 2020, providing notice of the preparation of an Amendment C80 Hepburn and including nineteen items and stating that all land within the Shire of Hepburn is affected by that amendment. This was signed by the Chief Executive Officer and invited details from submitters to be lodged on/or by Friday the 28th August 2020.



8. It is apparent from the main document, The Hepburn Planning Scheme Review 2019 and 2020, that there has been very little communication or attendance to the wider community and particularly relating to farm and primary production usage within the Shire.
9. On the 17th of August last I listened to a discussion by a number of property owners affected by the Amendment C80, and none of them had had any formal approach or detailed discussion of their use and farming practices and their occupation of their land despite the Council's engagement of Plan2Place Consulting and the preparation of the review documentation.
10. It appears inconsistent with sound planning processes to move from a review of a Planning Scheme, as set out in the documents, and then the publication in July which says the Council has resolved to exhibit Amendment C80. Yet the engagement of the Consultants and the work done needs to be explained as to the purpose of the review, the process and the outcomes.
11. I am interested in how this originated, how it has been carried through and that it should now have reached the stage, without contact to a wide range of Rate Payers within Hepburn Shire, of an amendment to the Planning Scheme. That proposal appears not to take into account submissions and feedback of possible responses, and predates the closing of submissions as requested in the documentation on/or by Friday the 28th August 2020 next.
12. You will be aware that since the declaration of the Pandemic in February 2020 by the Federal Government, the economic, social, business, employment and health of many Australians has lead to self-isolation and a lockdown process within Stages 3 and 4. Thus, the initial desire of the Shire and their notice of the review process has proved to be overcome by the pandemic.
13. The Shire may not have anticipated the eventual impact and dysfunction of the virus and its impact on the Planning Review and target dates. There should be no undue haste in the review process, and in any event, there are good reasons to extend the timelines, and for those directly involved at a Council level and our wider community, particularly Rate Payers and those affected by the Review.
14. While a proactive approach with practical solutions and tangible outcomes should eventuate from the planning review, it is important that with the process and the administration of the process, the Council takes a liberal and well-informed approach, for the study of aerial photography is no substitute for on the ground site inspections of existing conditions and usage and therefore more soundly-based than the application of planning principles by PLAN2PLACE ?
15. With particular regard to Amendment C80, as proposed, there is very little engagement with the rural/primary producers in terms of information regarding the Planning Review Process, the basis and detail and the likely effects and the scope of the application, and thus the rights of individual owners in terms of their occupation, usage and other impacts affecting their property and livelihood.



16. Thus, as the process currently sits, it is not possible to directly respond to a number of the measures proposed within their review, dealing with C80, until there has been more consultation and information provided by the consultants and the Council itself.
17. If one is to change the level of detail and further necessary enquiry incorporated within the Hepburn Shire document under "agricultural land", there is no explanation or summary dealing with the Planning Scheme as it currently exists and which has been subject to the Review Process. The further section dealing with the Planning Scheme Review leaves the process for that, where the consultants state they are keen to understand our views.
18. This level of understanding and knowledge should now be handled following the closing of submissions to the date as suggested and allowing further time by the Council to direct the Planning Consultants to provide the necessary attendance, consideration and proper review of the public documents as discussed herein and the further benefit and knowledge of rural and primary produces, and those particularly close to urban boundaries and settlement.
19. With the benefit of this information and clarity that it will bring, the Council can then more carefully consider the review documentation, its form and structure, and then if necessary proceed to a substantial amended planning process. I look forward to a further and better consultation with affected rate payers and particularly those within the rural and farming areas.
20. As members of the Ullina Landcare Group, we have enjoyed since 1994 the interchange of information and assistance from neighbours and others, together with the Department of Agriculture, other land care groups and farming consultants. The landscape resulting from our activities is substantially changed and improved since that date in the hands of owners who care about their farming venture and its continuance.
21. I would like to have the opportunity of being provided a detailed presentation of the Review Process and under Agricultural land, Growth and Development, Environment and Sustainability, the Landscape Protection and the Character of Townships and their Future.
22. I recently experienced the views of some thirty people involved in farming within the Shire and none of these people had been approached or had detailed discussions with the Planning Consultants.
23. Please acknowledge receipt of this Submission, and I look forward to our further discussions and hopefully the opportunity of meeting with Plan2Place with "plan in place" and Council Officers and our Shire Councillors. It is interesting and instructive to consider statements of planning policy - "the strengthening of the local government structures to enable them to better meet their role in the planning process and outcomes on behalf of their rate payers".



From: [REDACTED]
To: [Planning Scheme](#)
Subject: Rezoning of Johns road, Creswick.
Date: Wednesday, 26 August 2020 3:53:59 PM

To whom it may concern,

I'd like to make a submission about our current zoning.

[REDACTED]
When purchasing this property 12 years ago we were informed that within 10 years time we'd be allowed to subdivide.

Subdivision and extension to our current house has always been in our future plans.

We are a family of 4 soon to be 5, and have out grown our current house, so the plan is to sell only 1 acre off so we can afford to extend our current property without taking any more loans out.

We enjoy the quiet space so we would like to stay and not have to build elsewhere, we have said that as soon as we set our eyes on this property 12 years ago. This area its a great property to bring kids up on & realistically what place would you find these days with 3 acres.

So my problem is our current zoning of the area, which is zoned rural living. Now I've been informed not far from our current residence is the zoning of low density living, where you can subdivide a minimum of 1 acre so I am told.

Now I am lead to believe that councilor Don Henderson and planning were recently in our area. As they would of seen or anyone that visits the area would see that the current zoning "Rural living" is actually not a vaild zoning for our current area. Maybe 15 years ago yes but at the present time it would be more like low density living. In the last 5-6 years we have seen that many developments of houses go up in our area. [REDACTED]

[REDACTED]. Most properties are only a few acres. There is no longer any big amounts of acreage in the area unless your at the end of Carmody drive.

Now I believe there had been recent subdivisions in the area but upon speaking to the planning department, Callum, I was informed that no recent subdivisions had happened they were all from some time ago. So my question is, if they could subdivide back 10- 20 years ago then what has changed for the current times? [REDACTED]

Which brings me to our property, we are not asking for the shire to rezone our area so that there's a million new developments/ apartments, that would be just down grading to our current area. Its a beautiful spot that isn't jam packed with heaps of houses. No one in the area would want that but subdividing with the minimum of no less than 1 acre would mean that residences can subdivide .4 of a hectare if they needed like ourselves.

If you could please take into consideration all of the above about the current zoning of our area, would be greatly appreciated.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Nicholas Jansen](#)
Subject: Proposed Changes to the Hepburn Planing Scheme
Date: Wednesday, 26 August 2020 3:45:14 PM
Attachments: [Sharpes Ln Wheatsheaf PSA response let-signed.pdf](#)

Good Afternoon,


Please refer to our attached submission on the "Proposed Changes to the Hepburn Planning Scheme".

We make this submission as co-owners of land affected by the proposed changes.

We would appreciate a confirmation receipt of the attached

[REDACTED]

Amc80hepb Submissions received



The Planning Scheme Review Officer
Hepburn Shire Council
Delivered via email

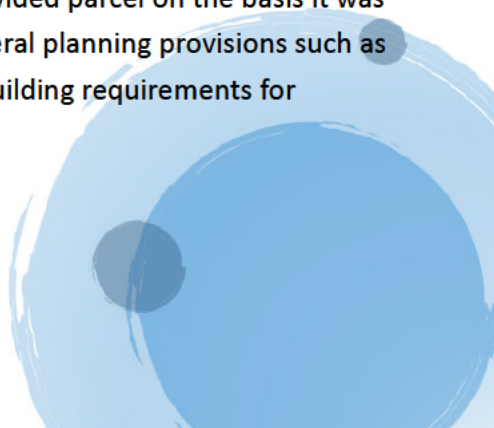
RE: Proposed Planning Scheme Amendment impacts on Sharpes Lane Wheatsheaf

Dear Officer,

Thank-you for your advice on the 17th July 2020 in respect to the “Proposed Changes to the Hepburn Planning Scheme” to which this submission relates. Our review of the provided documentation is in respect to the specific impacts and interpretations the exhibited documents will have on our use and enjoyment of [REDACTED]

We are generally supportive of the amendment recognizing the biodiversity of the adjacent land and the biodiversity values that Council are seeking to adopt. However, we would also submit that the sustainability of the regions rich biodiversity values, that are heavily impacted by regional settlement patterns and land use, requires landowner custodianship and appropriate land management of private titles to ensure these values are not compromised further. Effective implementation of these outcomes at this location requires occupation.

Our support of the amendment and the changes are on the basis the planning revision will not jeopardize our future enjoyment and custodianship of the land that was purchased in January 2020, relying upon Hepburn Shire Council Officer advice and the Planning Ordinance at the time. Specifically that the land could be subdivided into two parcels and that each parcel had a right to clear 1 ha of vegetation and construct single dwellings on each subdivided parcel on the basis it was a minimum of 20Ha in size. This of course being subject to other general planning provisions such as meeting access requirements for emergency vehicles and requisite building requirements for bushfire risk, wastewater etc.

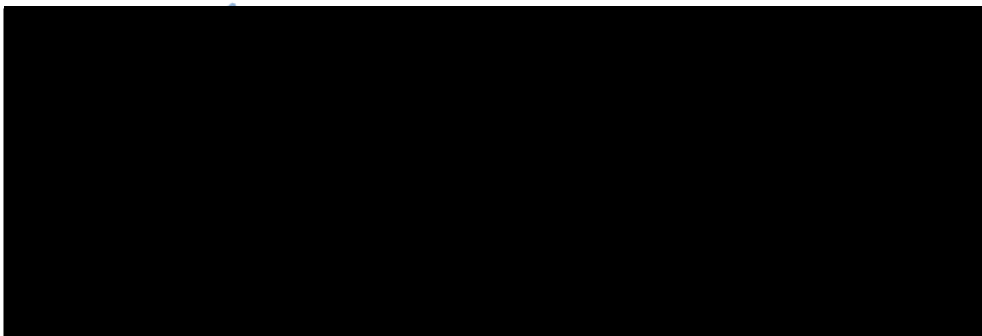


In context of what we interpret as generally consistent land use permissions under the amendment, we seek clarity on the below items to enable a full appreciation of how Council will attend to a future application under the proposed Planning Scheme that may impact current PSA drafting:

1. That our interpretation of the amendment will continue to allow for the subdivision of the land into a minimum of 20 Ha parcels and an as of right use for single dwellings on each parcel.
2. The Amendment lacks clarity on how waterway boundaries are determined for the purpose of proposing and locating onsite wastewater treatment systems (OWTS). Our title boundary coincides with the Loddon River central invert and river banks in multiple locations and is offset in others. Definition of this measurement could result in a material encumbrance on the land that is presently unqualified and unable to be assessed.
3. Lastly we note the incorporation of the "Native Vegetation and Habitat Protection" Plan. Unlike other plans that you are seeking to incorporate, which are readable so that impacts can be understood, this map is not. We would seek for you to provide a readable version of the "Native Vegetation and Habitat Protection" Plan referenced under Clause 12.01.1L so that we can ascertain whether there are impacts arising from the new provisions. I note we had previously requested this as part of early engagement (*email correspondence with Hepburn Shires, Nathan Aikman on 10/6/20*) who advised at the time the plan was only reference material at that stage. Now that this is proposed to be an incorporated plan, upon which any future applications will be measured against, we advise Council that the information exhibited is unsatisfactory as the implications coming from the revision are unable to be assessed.

Despite the above considerations we are supportive of the amendment and ascribed values for the Hepburn Shire and look forward to your response and clarifications that we can continue to enjoy and occupy the property as intended

Yours Sincerely



From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to expanded SLO
Date: Wednesday, 26 August 2020 1:28:10 PM

To who it may concern,

[REDACTED]

We wish to Object to the Expanded Significant Landscape Overlay within the Hepburn Shire.

We believe that farmers are the largest rate payers in this Shire and deserve to be consulted on these changes, we are also disappointed there has been no community engagement and that these changes will affect the farming community the most.

* The cost for compliance for Farmers is unknown, its seems making people get permits for the simple removable of a tree is just another revenue raising exercise.

*There will be unnecessary conditions and bureaucracy placed on farmers.

*The permit application process is to onerous.

*Restrictions on the use of galvanised or zincalume should be withdrawn.

*Structures over 6 metres on farming land should be permitted without a permit

*We object to the size of the proposed SLO1 extension.

*House blocks that fall within the SLO's should be fully exempt.

*SLO's should not affect non-indigenous vegetation or planted vegetation.

We expect our submission of objection to be considered and used in the process for more practical decisions and outcomes for the Farming community.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [Planning Scheme](#)
Subject: FW: Amendment C80 to the Hepburn Planning Scheme for Property at [REDACTED], Daylesford
Date: Thursday, 27 August 2020 3:42:33 PM
Attachments: [REDACTED]

Attention The Honorable Planning Minister Mr Richard Wynne

Please see attached a copy of my planning submission to the Shire of Hepburn Council in relation to the current Amendment C80 to the Hepburn Planning Scheme.

Best Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, August 27, 2020 3:21 PM
To: 'planningscheme@hepburn.vic.gov.au'
Cc: 'shire@hepburn.vic.gov.au'
Subject: Amendment C80 to the Hepburn Planning Scheme for Property at [REDACTED]
[REDACTED]

Attention Planning Scheme Review Officer

In relation to the above mentioned property please find attached a copy of my submission against the current Amendment C80 to the Hepburn Planning Scheme as it relates to the above mentioned property.

Please keep me updated on all matters going regarding the progress of this planning scheme amendment process C80.

Best Regards

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

20 August 2020

**To The Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21,
Daylesford, Victoria 3460**

Dear Sir/Madam,

**RE: Submission against the proposed zoning changes as proposed by Shire of
Hepburn Council pursuant to Amendment C80 to the Hepburn Planning Scheme**

Planning Scheme Amend C80 to the Hepburn Planning Scheme

Municipal Authority Shire of Hepburn Council –

I refer to the current Hepburn Planning Scheme Amendment C80 and zoning changes proposed by the Shire of Hepburn Council as it relates to the above mentioned property.

The subject site is presently zoned General Residential Zone – Scheduled 1 and has been zoned since the introduction of the new Hepburn Planning scheme in June 2000.

The current planning scheme overlays applicable to this property are also the Bushfire Management Overlay - Schedule 1, the Environmental Significance Overlay – Schedules 1 and 2, and also the Neighbourhood Character Overlay – Schedule 1.

Further, the subject site is located within the Road Zone Category 1 as it is located along a main road known as King Street and or Daylesford - Ballan Main Road.

Further, the introduction of both the Daylesford Neighbourhood Character Study 2002 and also the Daylesford Structure Plan 2006 had neither recommended nor it resulted in the changes to the current General Residential Zone for the subject property by way of any subsequent planning scheme amendments by the local Council.

The present amendment C80 to the Hepburn Planning Scheme now proposes to change the current General Residential Zone – Schedule 1, to a Neighbourhood Residential Zone, which is quite foreign to the whole Daylesford Township Urban Area.

The Council has to date presented no strategic justification nor any current State Planning Policy to either support or justify this request in the current neighbourhood residential zoning of this subject property. Both the two (2) most relevant local strategic studies being the Daylesford Neighbourhood Character Study 2002 and also the Daylesford Structure Plan 2006 have not been updated since then or even as part of this current strategic amendment process and yet Council is seeking to refer to them as still relevant where they are clearly outdated and purely reflect to a Daylesford Township some twenty years (20) ago now.

It is also interesting to keep in mind that even the Daylesford Streetscape Study, Prepared by Chris Dance Land Design Pty Ltd which is widely referenced in the Daylesford Neighbourhood Character Study (which forms Council's current strategic basis for the change from a General Residential Zone to a Neighbourhood Residential Zone) is in fact dated September 1996.

If the Shire of Hepburn Council is to be taken seriously in this current exhibition of such an important strategic process than surely it is about time that they first attempted to review and update all of these historical studies which only have relevance to a Daylesford Township some more than twenty (20) years ago now and certainly cannot be taken seriously as part of this strategic process.

The local neighbourhood area along King Street and Lake Daylesford Precinct is presently quite vibrant and with a very diversified character in terms topography and built form, pattern of residential design and development and subdivision pattern, building heights ranging from single storey to three storey high, building density, plot ratio analysis, main road streetscape presentation, external building materials, roof profiles and many other similar considerations.

There is very little and in fact no supportive analysis or any justifications or recommendations to support a neighbourhood residential zone for this property and the surrounding areas around King Street and the Lake Daylesford Precinct given that the Daylesford Character Study is dated way back in 2002 and certainly cannot be legally used to support either this current strategic exhibition process or even to facilitate any further residential development for the next 10 to 20 years into the future.

The Shire of Hepburn Council has also not included a current or even up to date as required Daylesford Housing Strategy as part of this amendment process in justification to introducing a Neighbourhood Residential Zone for the subject site and also the Urban Daylesford Township Precinct.

In fact there is no discussion or even any such recommendation contained within the Daylesford Neighbourhood Character Study – October 2002 which refers to any part of the Daylesford Township being rezoned from General Residential Zone to Neighbourhood Residential Zone. A detailed and comprehensive Daylesford Housing Strategy would also be of great assistance to all parties in justification to such significant zoning change for the as proposed by the Shire of Hepburn Council for the Township of Daylesford.

The local Council is encouraged at the very least in the absence of such critical strategic studies that the current General Residential Zone remain for the subject property and for the surrounding area until such time into the future when all of these required proper strategic policies studies are undertaken and appropriately implemented as part of the Hepburn Planning Scheme.

I am professionally very surprised and in fact quite disappointed to see the local Shire of Hepburn Council wait so long to undertake such an important and most critical strategic study where it has been long overdue by at least twelve (12) years and attempt to refer to outdated local studies which have little to no relevance in 2020 and beyond as part of this current Amendment C80 process.

It is further submitted that if the entire Daylesford Township was to be rezoned to Neighbourhood Residential Zone it would also certainly reduce the level of additional housing supply, reduce employment opportunities in the building industry and will have a negative impact in the local economy of Hepburn Shire due to demand and supply factors.

I am very sure that the Shire of Hepburn Council can in fact do a lot better in regards to this most vital strategic policy direction review process and more importantly the whole community of Daylesford deserve a lot better from its elected Council.

There is no doubt that getting the local Council planning scheme right is a vital component of the entire local economy and it is certainly the centre piece for the whole local community of the Hepburn Shire as a municipality.

Finally, I would find it extremely disturbing that the current Planning and Housing Minister the Honourable Richard Wynne would in fact contemplate in approving this proposed Amendment C80 to the Hepburn Planning Scheme in its current and proposed form as exhibited to the public.

Looking forward in hearing from you in regards to the progress of this Amendment C80 to the Hepburn Planning Scheme and for any further queries regarding any of the above matters, [REDACTED]

Yours Sincerely

[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [Redacted]
To: [Redacted]
Subject: Proposed DD06
Date: Thursday, 27 August 2020 3:45:49 PM

Dear All,

I believe DDO6 in the proposed amendments to the planning scheme is unfair and will have devastating impacts on the values of homes and properties within the buffer zone. I would like it to be removed from the planning scheme. A review of Waste Management should be done as soon as possible

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: OObjection to Significant Overlay
Date: Thursday, 27 August 2020 3:37:03 PM
Attachments: [image001.jpg](#)

Hepburn Planning Scheme.

I tried to do this on your other application but found it difficult, however hopefully this is acceptable to you.

[REDACTED]
[REDACTED].

I have obtained a planning and building permit during the past couple of years . I was satisfied with the procedures and what I was required to do to be able to get those permits.

I am in a farming zone and I do in fact farm my land. I understand I am covered by planning overlays, a Environmental significance overlay (ESO), a Environmental significance overlay Schedule 1 (ESO1), Heritage overlays (HO) , (HO45) and a (HO963) as well as an area of cultural heritage sensitivity.

I believe **I am well covered and restricted in what I can do now without being subjected to yet another overlay.** I am very sensitive in what I do on my property in regard to the environment and land.

In regard to your suggestion regarding vegetation, I do not agree with the permit procedure in order to be able to remove a tree. **My thoughts are if such a permit must be obtained it should only be for trees native to Australia, then the permit must be very simple not complex or expensive.** Should I need to remove a fruit tree, a pine tree a vine or even prune such ornamental plants I do not believe I should need to obtain a permit, dead or alive. Any tree which dies or has been removed from my property and especially over the past 30 years has been replaced by many others. I would guess **I have planted close to 2000 native trees on my 60 hectare property.** Having said that my long term plan has to been to become self sufficient in my own personal firewood use, I am afraid one day soon the Government will stop the collection of fire wood within state forests. **Growing and collecting my own firewood on my property for my personal use should not involve obtaining a permit.**

Any dead tree whether it is under or over 40 centimetres at the 1.4 metre height or not should be removed for safety purposes. I would fear a danger either to myself, my family or others as well as to my livestock should a dead tree remain standing. A permit should not required in these circumstances. The same safety concerns should also apply to a living tree.

I would also suggest **the Shire its self should not have to obtain a permit to remove any dead tree on its lands or roadway, in regard to roadways the same should apply even if the tree is alive and be seen a hazard to the safety of others.**

In my own circumstance in regard to the 4 metres determination regarding removal of trees on a fence line, **I suggest, the 4 metre limit is unworkable in some circumstances and should be at**

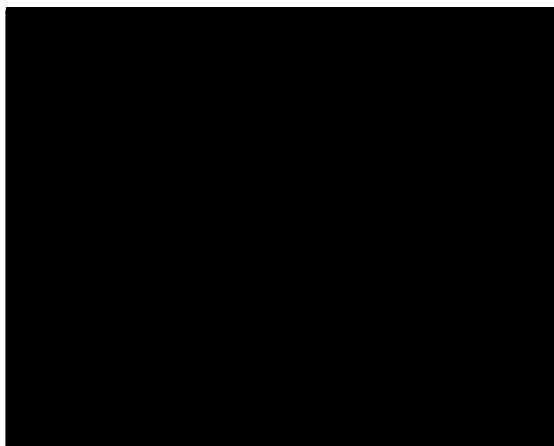
least 8 metres in order to allow the movement of a tractor and fencing implement such as a post driver or post hole digger to be manoeuvred between obstacles such as gutters, trees, building etc. (commonly a tractor with a front end load and a driver or digger attached would be at least 6 metres long and allow a couple more to manoeuvre)

In regard to visas including the volcanic hills and outcrops and old mine sites. I suggest more must be done to preserve the mine sites from being completely removed like what is happening now and over the past 20 years, a lot of the mine sites including mullock heaps, quartz and gravel heaps have been totally removed (by a industry working in the district). Some of those sites remain unsightly and are environmentally unfriendly.

I am very concerned with the requirement of needing a detailed site evaluation, a landscape plan and a visual impact assessment in order to obtain a permit under this SLO , **in some circumstance where a major project is planned such as a wind farm, solar farm factory a mining site, a huge farm shedding development I would expect the Shire to demand these addition requirements and maybe more but certainly not for the removal of a tree or the construction of a reasonable size shed or building. Common sense must prevail.**

I am also concerned with what cost a permit maybe. I would suggest any small project should only involve a permission and not a permit and fee.

I remain sure the Council will work co-operatively with landowners who are affected by this overlay and will operate with a common sense approach.



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission re proposed planning overlay DDO6
Date: Thursday, 27 August 2020 3:28:33 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, are impacted because our property's resale value will be reduced if DDO6 goes ahead.

We are within metres of this boundary and as property values of our neighbours fall, there will likely be a flow-on effect to our property.

We would also like to support the residents of the affected area as this will cause untold stress, with the uncertainty of what will happen to their properties in the future.

Therefore DDO6 should be abandoned as a consequence of Council:

- * Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations.
- * Not completing due diligence in response to the Grampians Central West Waste and Resource Recovery Implementation Plan-Land Use Planning Project FINAL REPORT, September 2018.
- * Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DDO6.
- * Not meeting requirements of The Planning and Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted, is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for all affected residents until the issue is resolved by a panel.

We look forward to supporting Council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Cc: [Planning Scheme](#)
daylesfordresidents@gmail.com
Subject: Amendment C80 hepb, Schedule 6 to Clause 43.02 Design
Date: Thursday, 27 August 2020 3:34:19 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design is flawed.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for some residents until the issue is resolved by a panel.

I look forward to supporting council reviewing the Waste Management Strategy to come up with an alternative plan that meets everyone's needs.

[REDACTED]



[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission on Amendment C80 by Anna Szwed
Date: Wednesday, 26 August 2020 12:37:38 PM
Attachments: [Anna objection to DDO6.docx](#)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

Objection to Amendment C80 relating to the component. In particular, Schedule 6 to Clause 43.02 DESIGN AND DEVELOPEMNT OVERLAY. (DD06)

My name is [REDACTED] and [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This Amendment is flawed on many levels.

CONCLUSION

1. DD06 is **flawed** on many levels.
2. Council has NOT been transparent with the **detail** of this Amendment and has adopted a blanket approach.
3. My property will definitely be devalued by the proposed measures and as such I am reserving my right to take **legal action against the Council should DD06 not be abandoned.**
4. I am concerned about the timing of this Amendment where it is being pushed during a Pandemic and notification & explanation of the "**detail**" of DD06 has been minimal to non existent to those properties **affected**. On the insistence of the residents some zoom meetings have been held but Council has failed to address the resident's concerns. This, is at the eleventh hour, is unsatisfactory and has caused more angst amongst the residents. As stated by Council "there is no room for negotiation"
5. **Notification of DD06 has not conformed with the requirements of the Planning Environment Act and Regulations. !!!**
6. **Council has failed to comply with its own Community Engagement Policy.**
7. Submissions are due in by 28th August 2020. There is a Council meeting on Tuesday 15TH of September. This is a concern as council officers will need to collate, analyze and consider all objections and submissions for the **entire** Amendment. This includes the **whole** shire all within this brief period (1.5 weeks)

and before the caretaker period begins with the upcoming elections. I believe this is unfair and will be **rushed** and will be pushed to go to a Panel hearing next year for consideration to the detriment of the residents.

8. The residents do not want to go to a Panel.

THIS IS A DENIAL OF NATURAL JUSTICE.

9. The 500 metre boundary is arbitrary and is unfair as the Tip has been closed for 20 years and has been rehabilitated over those years. The Transfer Station has been operating for approximately 20 years. This is **NOT** a **NEW** facility... Professional advice received is that the EPA guidelines are only a guideline and not mandatory and specifically relate to **NEW** facilities.
10. Clause 53.10 in the Planning Scheme relates to proposals to establish **new** industrial activities such as a Transfer Station. The transfer station is existing and does not cause a problem to the residents. Why has Trentham or Creswick transfer stations not been included within this amendment?
11. The report to Council in June 2020 also did not mention Clause 53.10 (500 metre maximum buffer) nor did it give a time limit for this Overlay. It only says that the control will only be in place **UNTIL** Council has undertaken its review of its current Waste Management and Resource Recovery Strategy. When will this happen? If and when an assessment is **ever** done (Council has had time to do one so far) the residents will once again be subjected to **ANOTHER** Amendment process. This is unfair.
12. The report in June also says that land affected by the DD06 will require a permit for a building, subdivision and fencing. This is not what is said in the **DETAIL** of the Clause to DD06. It is worded to **PROHIBIT** Accommodation ie. you can't even apply for a permit. It is contradictory, confusing & misleading. **Council & the community were misled.**
13. A minimum 1 hectare figure has been proposed for subdivision for this Amendment. Where is the analysis and why 1 hectare? **NO explanation.**
14. It is unfair to impose such measures on the existing residents within the neighbourhood **BEFORE** the Council has done a proper assessment of the Waste Facility; To me this is irresponsible and unfair.
15. Council as the Responsible Authority is lacking in its duty of care to the residents by putting all the onus on the residents whilst the Council has not even done the Assessment for the Waste Facility. This is also irresponsible and unfair.
16. Council has failed to consider the financial and other **Risks** of DD06 at the June Council meeting.
17. The Council has failed to provide adequate information/answers to the above questions and the Clauses subject to DD06.
18. This "process" has been distressing and is affecting my health.

I am **pleading** with the councillors to abandon DD06 from the Amendment C80 as the detail is unfair and detrimental to the local residents.

My objections in summary are:-

1. RISK

At the council meeting in June the report prepared by Council officers resolved to put Amendment C80 on exhibition. The report failed to incorporate or discuss Risk and/or financial implications to Council such as legal action by affected residents. This is a standard requirement for Council reports but was not considered. **Why?**

At the Council meeting in June this Amendment was approved to be exhibited. However, contrary to normal practice the Amendment itself was not an attachment to the Council business paper and report. Consequently any member of the public who viewed the report to Council did not have ready access to the **detail**. This has been confirmed by Council saying it was "too big".

2. LACK OF PROPER NOTIFICATION to AFFECTED PROPERTIES

I found out about THE DETAIL of this Amendment by accident with a phone call from a neighbour asking whether I was aware of the **detail** of the proposal. This was on the 15th August 2020 which is more than half way through the exhibition period ie 2 weeks before the end of exhibition. I did receive in the mail a four page flyer but it related to the entire shire and only a very brief description was relating to DD06 with no real explanation. Why would I be concerned? In addition a letter was received dated 10 July 2020 to the "Dear Householder" stating that there is a proposed Amendment. It states "Land affected by the DD06 will require a permit for a building, subdivision and fencing. THIS PROPOSAL WILL LIMIT DEVELOPMENT DENSITY IN THE AREA until Council has undertaken its review of its current Waste Management and Resource Recovery Strategy".

This paragraph is totally misleading.

It is clearly insufficient detail provided to affected properties particularly as we are in the middle of a pandemic and resident's abilities to "inspect" the detail on line (only option) was very problematic and difficult (as was confirmed by Council officers in a zoom meeting). In addition, the pandemic limits the resident's abilities to communicate with Councillors and other residents etc.

Once the affected residents realized the **enormity of the detail** of DDD06 they formed a committee.

A one hour zoom meeting was held on 24 August with about 58 participants and left the residents with more questions than answers. A lot of time within the allocated hour was wasted by the facilitator (who admitted she was not a town planner). I believe the meeting was only to "be seen" to be communicating with the residents at the 11th hour and only since the residents were starting to find out the detail. This being four days before the closing date for any submissions. The zoom meetings happened only on the insistence of the residents. Council has made it very clear that there is NO room for negotiation and the residents had no real chance to voice their concerns. This is unacceptable. Only submissions will be considered. Once exhibition closes, the Council will have 1.5 weeks (to meet the council meeting deadline) to collate all the submissions for the entire Amendment. This is NOT fair. It will be rushed. I do not accept the Council's response that "they" have been working on this for 18 months. We are also being told this the "Proper Process". I disagree.

Council has failed to even comply with its own adopted Community Engagement Policy. The Amendment and DD06 is treating the affected residents with contempt.

3. 500 METRE BUFFER

██████████ **WHY** have we been included within these provisions of this clause.???. As council have included the maximum 500 metre buffer guidelines of the EPA I have received professional advice that these "GUIDELINES" are purely that ie. Guidelines for any **PROPOSED/NEW** waste facility.

This is critical. The tip has been closed for 20 years and treatment works have been undertaken to rehabilitate the site. I believe it is an arbitrary knee jerk reaction. I am aware that some residents of Langdon Court have complained to the Council in the past regarding the Transfer Station for the last couple of years. Council has cleaned up the site and the residents have been very pleased with the progress. **This Amendment is totally relating to different issues.**

What originated from residents in **ONE** (1) street meeting with council has now progressed to **17** Seventeen Streets (**around 100 properties**) being constrained with the proposed buffer without adequate notice. **Why?**

I draw your attention to the report "Grampians Central West Waste and Resource Recovery Implementation Plan-Land Use Planning Project (Final Report). This document is dated September 2018 and Hepburn Shire Council is part of this. Specifically relating to **this site** the outcomes on page 70 state that there be **NO Change to the Zones or Overlays**. It also states:- "There have been no complaints from residents about the transfer station use, only security/management related issues". Also in this document on Page 67 it recommended to Hepburn Council that it develop **appropriate** buffers for Creswick, Trentham and Daylesford Transfer Stations.

Two years later Council has still **not** conducted its reviews of the three facilities but has singled out Daylesford without a proper review.

- A. I ask the questions:-Are there problems at this site and HAS COUNCIL DONE ANY MONITORING OR ASSESSMENT ON THE SITE TO JUSTIFY SUCH EXTREME MEASURES BEING PLACED ON THE RESIDENTS WITHIN THE AREA?
- B. If as Council officers state (at the resident's meeting) that Clause 53.10 in the Planning Scheme relating to the Buffer applies in this instance then WHY is not the other Transfer Stations in the Shire ie. Creswick and Trentham included within this Amendment? The residents were told by planning staff at the zoom meeting that this supposedly applies across Victoria. When questioned on this point there was NO reply.

Also, if Clause 53.10 applies to this site (as stated by the planning staff at the zoom meeting) I ask the question why is there NO reference to this Clause which the Planners claim they relied on in any of the Planning Reports to Council?

In the February Consultant's report it recommended Council to implement the Overlay on the "RECOMMENDED" buffers by the EPA. There is no mention or explanation of this in the Council report.

4. DETAIL OF Schedule 6 to Clause 43.02 DESIGN AND DEVELOPMENT OVERLAY

DESIGN OBJECTIVES

"To reduce the amenity impacts on surrounding land from the Daylesford Material Recovery Facility including adjacent residential areas..."

This objective is reasonable but I feel that the wording of the Clause is ambiguous and puts the onus on the residents without any ASSESSMENT being done by Council to justify such measures. I do not consider that my property which is located half a kilometre away as "adjacent".

This Clause IMPACTS on my property by the following clauses:-

2.0 BUILDINGS AND WORKS

1. ...This clause **PROHIBITS** "Accommodation" within 500 metres from the edge of the DMRF. **WHY?** "Accommodation" in the Hepburn Planning Scheme includes a residential dwelling and other residential uses.

(This is unfair and unreasonable as my property is located half a kilometre from the site). There are houses all around my property. This is fundamentally unfair!

2. ...A balcony or private open space area for accommodation must not directly face towards or be located within 500 metres from the edge of the DMRF

(This seems totally absurd to me and has no justification). We are half a kilometre away and cannot build a balcony?

3. A permit is NOT required for "Buildings and works, fencing and landscaping on the DMRF land. The land is located in a Public Use Zone-Local Government. Whilst I am aware the Responsible Authority is exempt from requiring permit and effectively can do as they wish.

(it seems to me that the residents are being imposed with extreme constraints and the local Authority is being formally absolved of any).

3. SUBDIVISION

"The minimum subdivision area of land must be a minimum of 1 hectare. **WHY?**

Where is the analysis for this figure?

(This prohibits ANY of the properties existing from any future potential subdivision) even though Council has only recently approved a three lot subdivision fairly close to the facility. **What has so dramatically changed?**

The Design Guidelines state:-

"Whether the operations of the DMRF will potentially be unreasonably affected by residential development on land within 500 metres of the edge of the Facility"

This is fundamentally unfair as it is all about the DMRF and not about the amenity for the residents many of whom have been living there since before the Transfer Station was established. It is worded to gear in favour of the Responsible Authority.

I am **pleading** with the councillors to **abandon** DD06 from the Amendment C80 as the detail is unfair and detrimental to the local residents.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25 August 2020

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection letter
Date: Thursday, 27 August 2020 5:46:52 PM
Attachments: [IMG_8486.jpg](#)
[ATT00001.txt](#)

Objection letter - Hepburn shire - Significant Landscape Overlay

>>

Amc80hepb Submissions received

Hepburn Shire Council – Revised Planning Scheme – Objection to Significant Landscape Overlay

I object to the SLO as follows

- Lack of community involvement and knowledge of what is expected of landowners if this proceeds
- I think that the decision should be postponed until after the COVID-19 pandemic, as the community hasn't been well informed of the changes and the increased costs to the landowner for developing and improving on their properties.
- There is no clarification as to the costs involved in applying for a permit, - this cost should not come at the cost of the farmers.
- Farming is a continuing changing industry, with many factors already incumbering our development, this SLO will only add another layer of unneeded mental strain.
- Agriculture has been operating for over 100 years in this region and should be allowed to continue without unnecessary restrictions.
- Restriction on the use of galvanised or zincalume should be withdrawn.
- The removal and rebuilding of damaged structures should not require permit application, and detailed site plans, site evaluations, visual impact statements and a landscape plan

Please stop the proposed extension to the significant landscape overlay.

Regards

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr Licia Kokocinski](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr John Cottrell](#)
Subject: Amendment C80 Hepburn
Date: Thursday, 27 August 2020 2:28:06 PM
Attachments: [Broomfield Report copy 2.pdf](#)
[Image.pdf](#)

Planning Scheme Review Officer Hepburn Shire Council
Hepburn Shire Council
Amendment C80 Hepburn

To Whom it May Concern,

We the undersigned submit to your office the Submission, as attached, for consideration.

It pertains to our request for the rezoning of a small cluster of land parcels surrounded by McMillan Road, Acacia Road and Carter Street Broomfield, from RLZ1 to LDRZ.

We appreciate your attention and look forward, in the near future, to further communication and consultation.

Your Sincerely

[REDACTED]

Amc80hepb Submissions received

Broomfield Overview

Broomfield residents surrounded by McMillan Rd to the north, Acacia Road to the west and Carter Street to the south, are a small cluster of land owners who are wanting to comment on the impact of the Hepburn Planning Scheme Audit and Review Report (Final) dated 12th Feb 2020

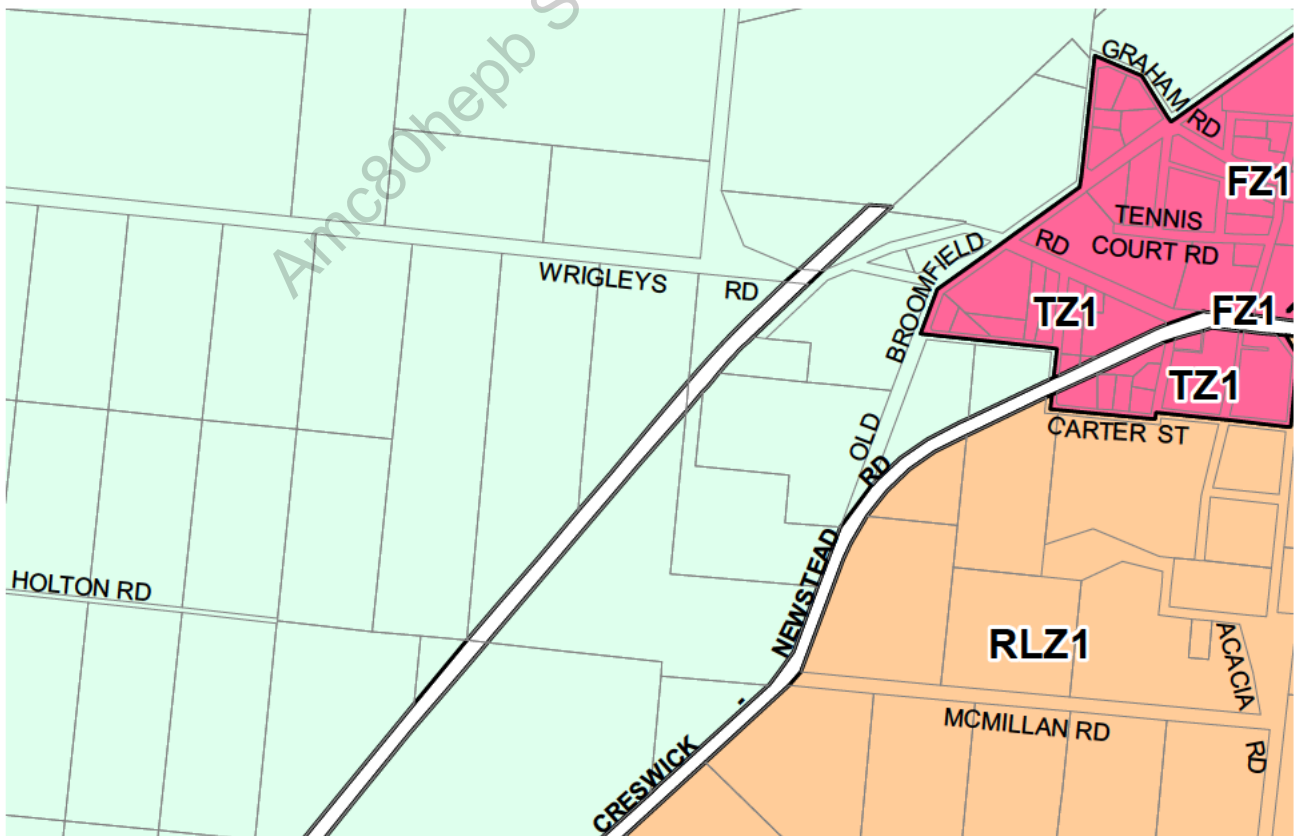
Hepburn Planning Scheme Audit and Review Report (Final) 12th Feb 2020 has not in their view addressed the,

“Plan for development and facilities shared around clusters of linked settlements, particularly for groups of small settlements”

As per The Central Highlands Regional Strategic Plan 2014 to which Hepburn Shire Council is a contributor/signatory to.

Broomfield is a rural village and former mining town 3 km north-east of Creswick, immediately north of the Creswick State Forest.

To the north of Creswick-Newstead Road is zoned TZ1 and south one block TZ1 abutting RLZ1 as per map



Requesting Change

The residents in question surrounded are a small cluster who are requesting a zoning change from Rural Living Zone1 to Low Density Residential Zone.

Hepburn Planning Scheme Audit and Review Report (Final) 12th Feb 2020 page 44
Key Issues consulted on and possible responses.

"A number of requests were made in the consultation to rezone land adjacent to township boundaries on land described as 'poor agricultural land'. The land may not be currently suitable for agriculture but it would be irresponsible to rezone the land to residential given the constraints identified in this chapter and strong community values. Structure planning should be used as the process to determine township boundaries"

Hepburn Planning Scheme Audit and Review Report (Final) 12th Feb 2020 page 44
Key Issues consulted on and possible responses.

A number of Broomfield residents over the past 4-5 years have lobbied council, councillors and the planning minister for a zoning change with little, to no response. Strong community values as stated above could also be challenged as the uptake of community consultation for this review has been very low. It could be assumed that generalised assumption have come into play.

Community Consultation (Wayfarer Consultancy)

"In excess of 350 people were engaged via online survey, face to face sessions, meetings and telephone interviews with key stakeholders and written submissions."

Page 3 Hepburn Shire Planning Scheme Review S
takeholder and Community Engagement Report Attachment 2

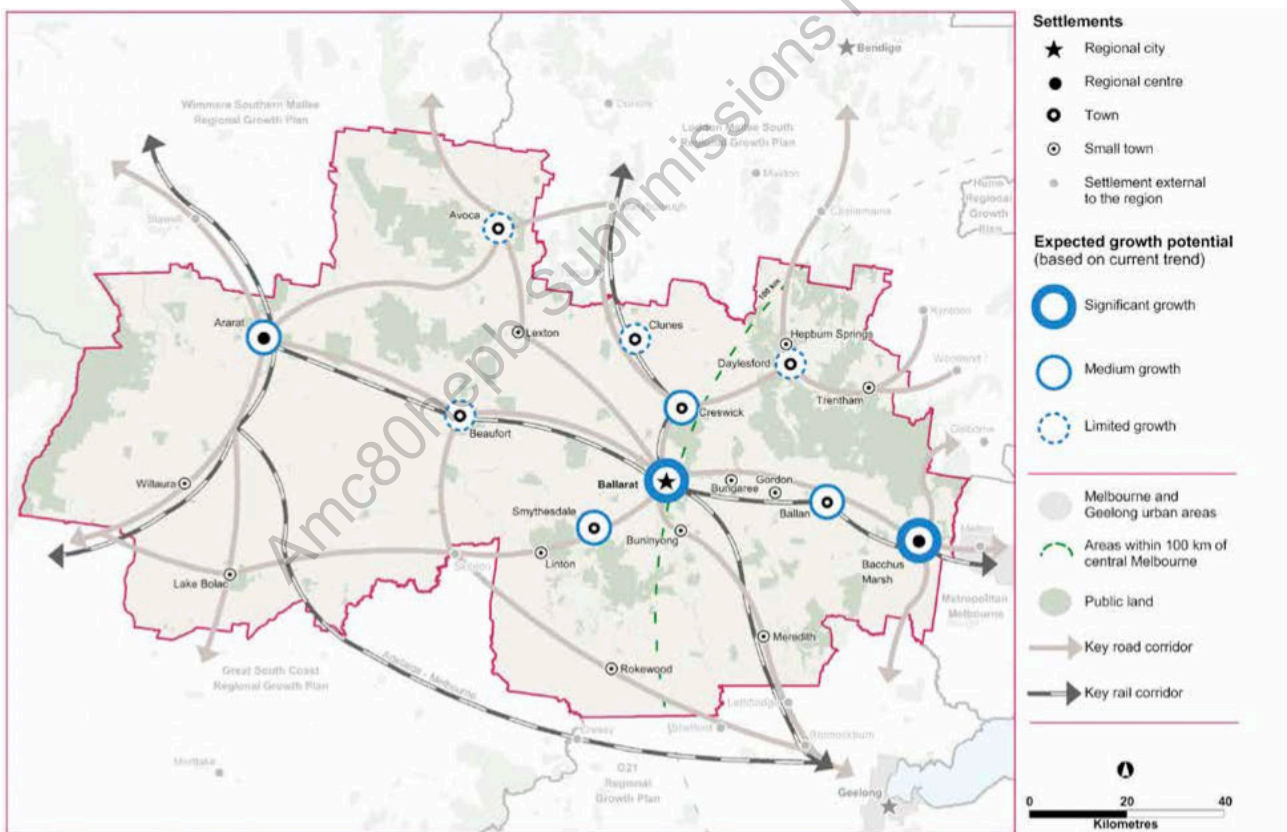
This equates to approximately 2.1% of the population of Hepburn Shire.

The Central Highlands Regional Strategic Plan

The Central Highlands Region Strategic Plan has a vision for the Central Highlands region towards 2030 and beyond, to provide a productive, sustainable and liveable region for its people. Hepburn Shire Council shares the same vision and has incorporated it into their planning scheme.

Creswick has been identified as a growth area with a corridor that goes from Creswick to Clunes and Daylesford. Broomfield sits within that corridor

Central Highlands Regional Strategic Growth Plan as part of Hepburn Shire Council Planning Scheme. Page 11 of 951 Hepburn Shire Council Planning Scheme



The Central Highlands Regional Strategic Plan cont

Page 61 The Central Highlands Regional Strategic Growth Plan

Future directions

- *Plan for rural residential development on a regional basis to ensure it is directed to locations where it will most benefit the region*

The Central Highlands Regional Strategic Plan 2014 has been the over-arching document for the region however during the six year window there has been no review/study into growth for the Hepburn region namely Creswick and its surrounds.

- *Continue to provide areas for rural residential development in appropriate locations to offer residents lifestyle choice and attract new residents to the region*

This can be achieved by rezoning the area. Lifestyle blocks will attract residents to the regions thus creating a bigger rate base for Hepburn Shire Council.

- *Consolidate rural residential development in well-planned locations that support existing settlements, provide investment in infrastructure and services, are safe for residents and are consistent with the environmental, social and economic directions of this plan*

This area abuts TZ1 and RCZ. Infrastructure is already there with linkages to services ie power and waste management.

Ensure that new houses in farming areas support agricultural activities and do not impact on farming practices in the future or lead to the permanent loss of land from agricultural production.

This area has a low agricultural production value due to poor soils and in the past mined for gold. The whole area in question has had the top soil stripped and taken away as part of alluvial mining.

The area is primarily scrubby bushland with minimal value other than lifestyle blocks.

Population Growth

Victoria in Future 2016-2056 has predicted a .6% growth for our region.

[https://www.planning.vic.gov.au/data/assets/pdf_file/0032/332996/](https://www.planning.vic.gov.au/data/assets/pdf_file/0032/332996/Victoria_in_Future_2019.pdf)

Victoria_in_Future_2019.pdf

Anecdotal evidence is suggesting that Creswick population growth is a lot higher as indicated below from the real estates agents in the area over the last five years.

Real Estate Agents comments -

"Can't get enough of houses and land within Creswick area. Lifestyle blocks are sought after especially 2-5 acres for tree changes".

"5-10- acres that can be built on are sought after, tree changes, Ballarat people, small business owners wanting to come to the area".

'As fast as I'm listing they are selling. Land, houses and lifestyle blocks are sought after'

"There is extensive land fragmentation in the Shire's rural areas. This has significant implications for natural resource use, food production, environmental quality, and important social and economic costs. Analysis of rural land outside of the Shire's townships shows that there are approximately 1,054 lots between 20 and 40 hectares, 466 lots of between 40 and 80 hectares and 80 lots greater than 80 hectares. There are approximately 8,552 lots of between 1 and 20 hectares, indicating that the Shire does not require further subdivision in rural areas below 20 hectares."

Hepburn Planning Scheme Audit and Review Report (Final) 12th Feb 2020 page 44 Key Issues consulted on and possible responses.

This is contradictory to The Central Highlands Strategic Plan which is wanting to attract people to the region by offering well planned lifestyle block choices. The above paragraph didn't mention how many of the 8,552 lots are part of larger lots but on separate tiles.

“Continue to provide areas for rural residential development in appropriate locations to offer residents lifestyle choice and attract new residents to the region.

Plan for rural residential development on a regional basis to ensure it is directed to locations where it will most benefit the region

Rural residential development is important for offering lifestyle choice to new and existing residents. The ‘tree change’ phenomenon will continue to attract people to the region to live in rural areas over the next 30 years, particularly to those areas with high amenity value and good accessibility to Melbourne, Geelong and Ballarat. Areas with these characteristics include land within, and in proximity to, the Western Highway corridor between Bacchus Marsh and Ballarat. ”

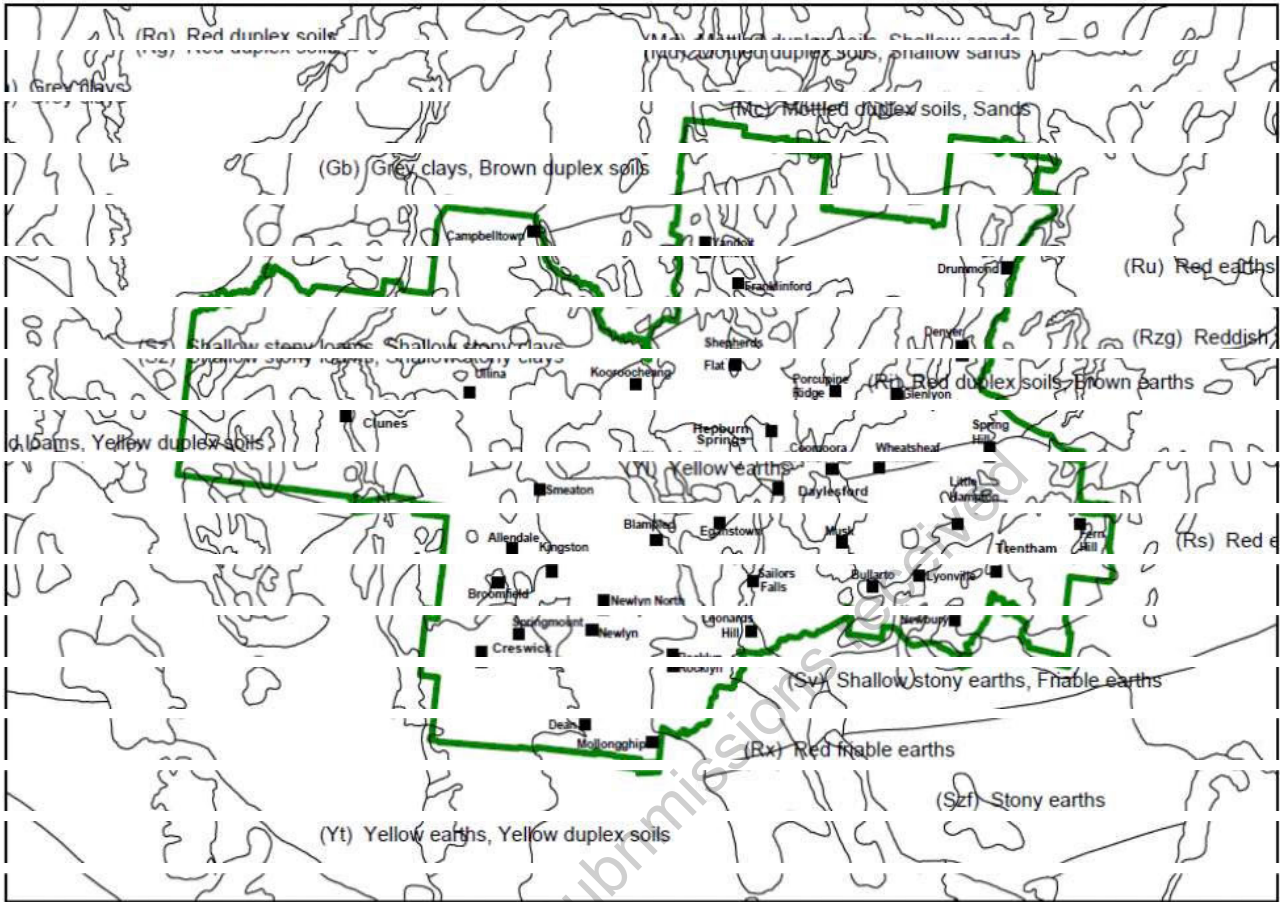
The Central Highlands Regional Strategic Plan , page 61

Domestic Waste Water

Page 33 Central Highlands Regional Strategic Growth Plan states,

Direct settlement growth and development to areas where it will avoid impacting on high value environmental assets, including designated water supply catchment areas, strategically important terrestrial habitat, soil health, waterways and wetlands

We don’t believe this area has a high environmental value and to minimise impacts on water catchments and soil health “The Hepburn Shire Council Domestic Wastewater Management Plan (DWMP) ” can be implemented.

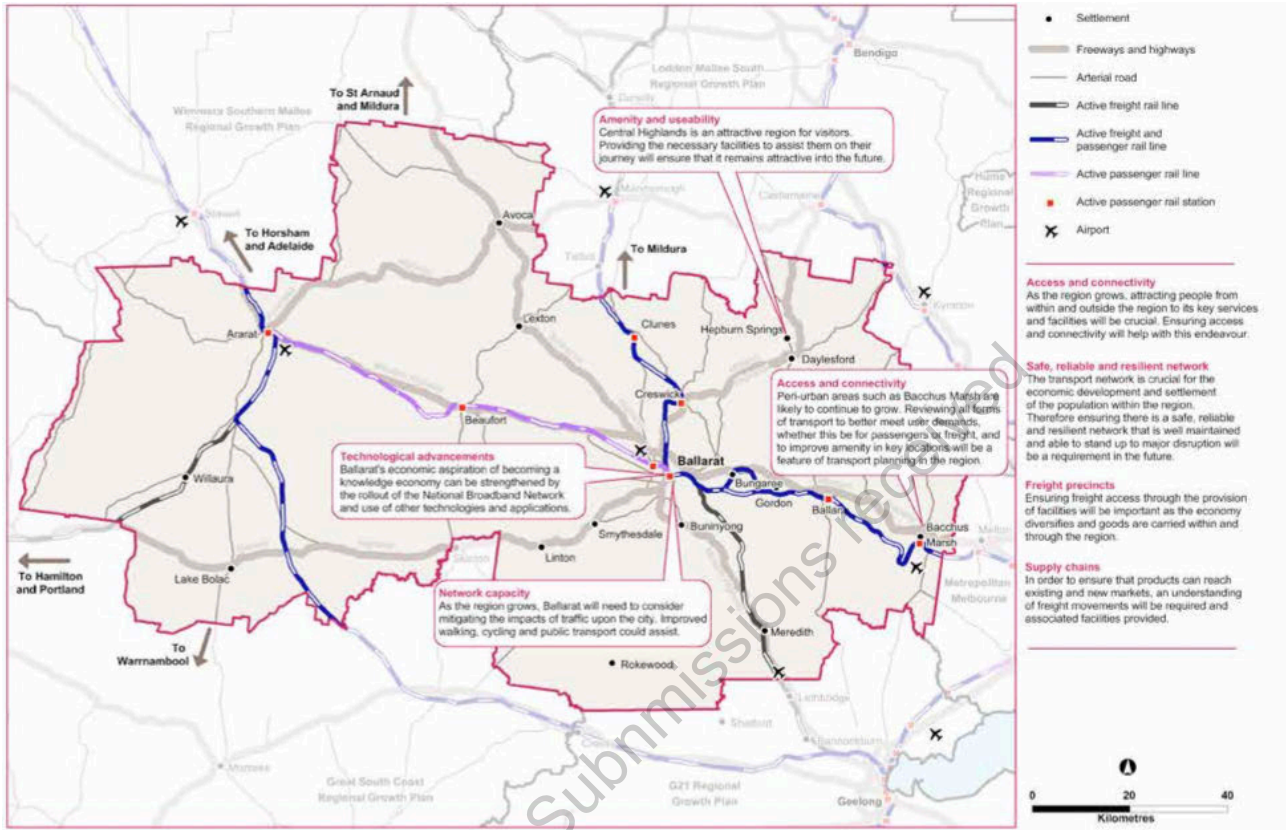


Soil Health can be implemented by Section 173 agreement which is a legislative tool to ensure compliance with septic permit conditions.

"A register will be maintained by Council's Planning Investigation Officer. Council's Planning Investigation Officer will ensure that any Section 173 agreements relating to OWTS Permit conditions are enforced. Compliance with this register will be reported to Council and other key stakeholders annually and is contained in Section 8 of this DWMP.

Linkages with Transport

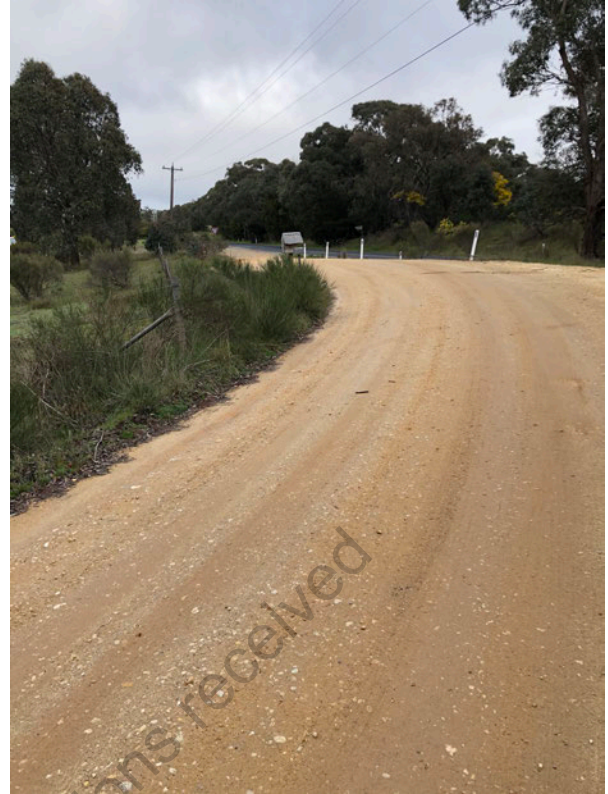
Broomfield is 3 Kms from Creswick and is serviced by Creswick-Newstead Road. This is a bituminised road and is classified as an Arterial Road



Map 11: Future directions for transport-Central Highlands Regional Strategic Growth Plan



A



B



C

Image A.

Mc Millan Road looking east is a well maintained dirt road with garbage collection weekly.

Image B.

Mc Millan Road intersection with Creswick-Newstead Road looking north west.

Image C.

Acacia Road to the south, connects with Creswick-Newstead Road where school buses stop.

Summary

The residents in question are requesting rezoning from RLZ1 to LDRZ in the areas indicated

"Tree Changes" are seeking 5-10 acres and there is very little stock available as demonstrated by the real estate agents

It is our belief that assumptions have been made in the Hepburn Planning Scheme Audit and Review Report with very little local community consultation

Language used has been emotive and could have possibly persuaded outcomes in the Hepburn Planning Scheme Audit and Review Report.

The review report has shown bias against LDRZ and RLC zoning

Locking up Hepburn Shire region and adding extra overlays to some areas making it harder for land owners/farmers to go about their business is the direct opposite to the Central Highlands Strategic Growth Plan.

Conclusion

We the signatory believe that:

If Hepburn Shire Council does not consider rezoning marginal areas such as the proposed area, where there is demonstrated;

- Local support
- Existing infrastructure
- Access to services which include medical, hospital, age care, education, early childhood services, rail / bus services

then it will miss valuable opportunities to develop existing small settlements and to support a growth plan for our region which is consistent with the "Central Highlands Strategic Growth Plan" which Hepburn Shire Council is a contributor and signatory to.

Signatures

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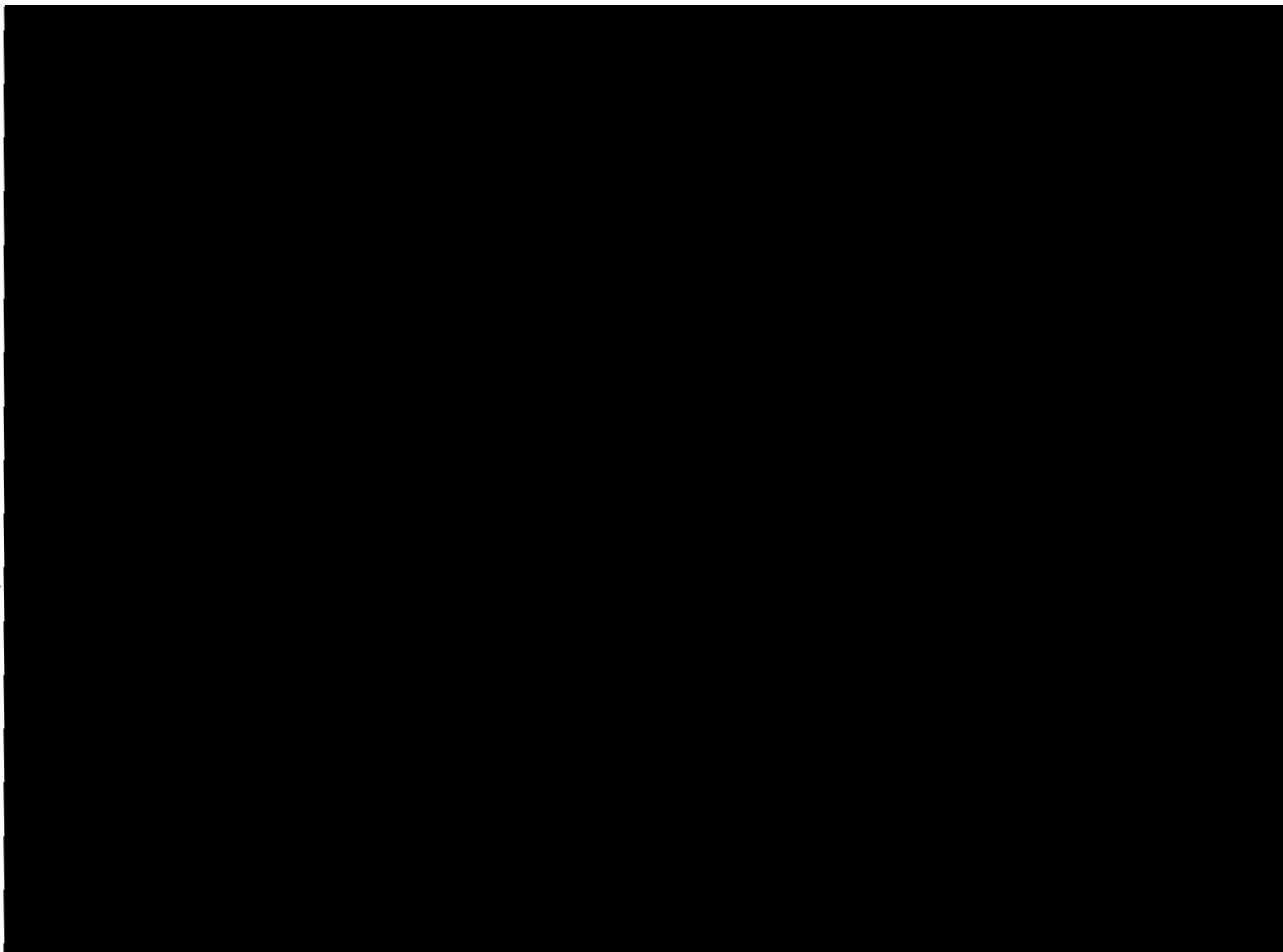
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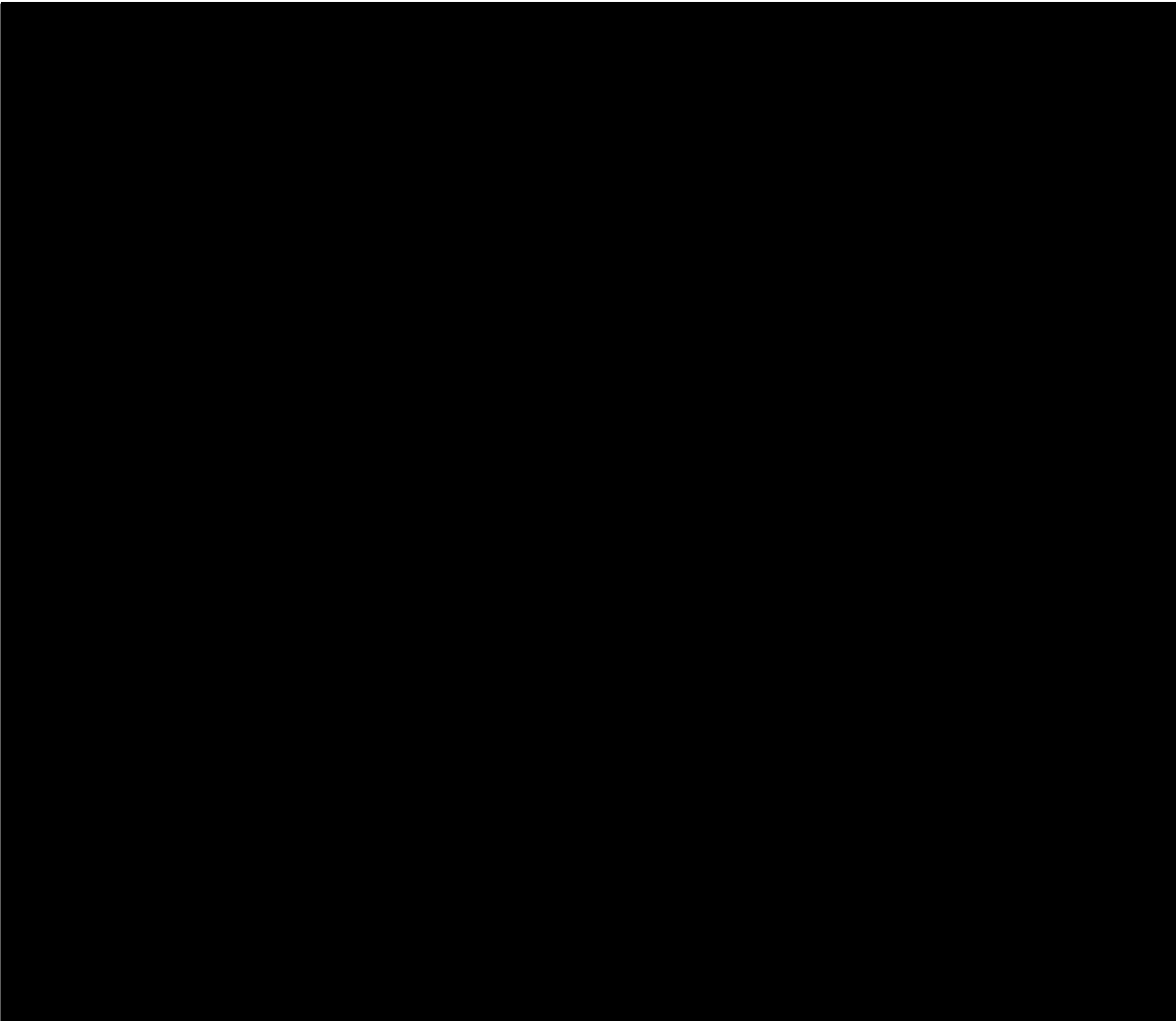
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hepb Submissions received

Signatures:

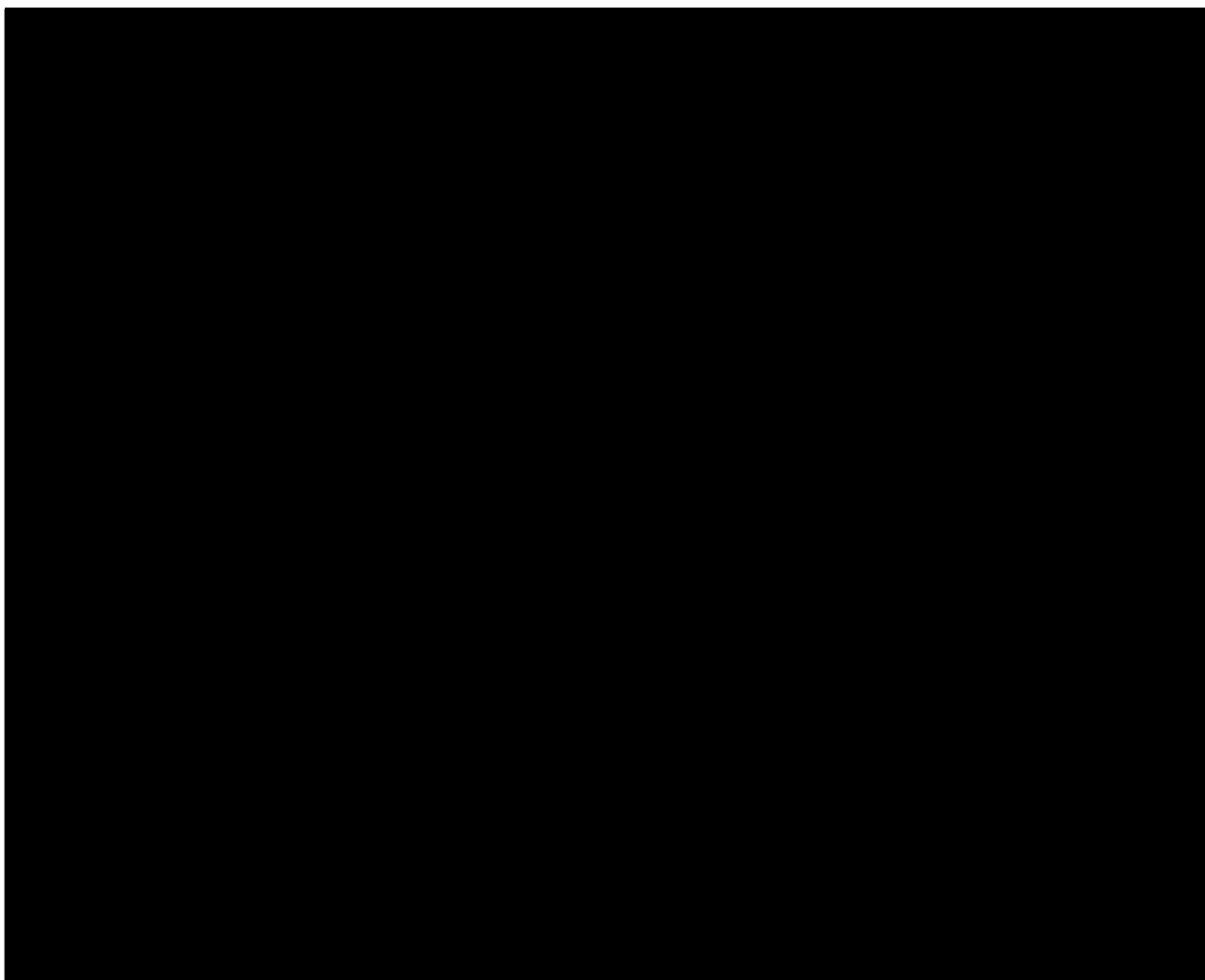


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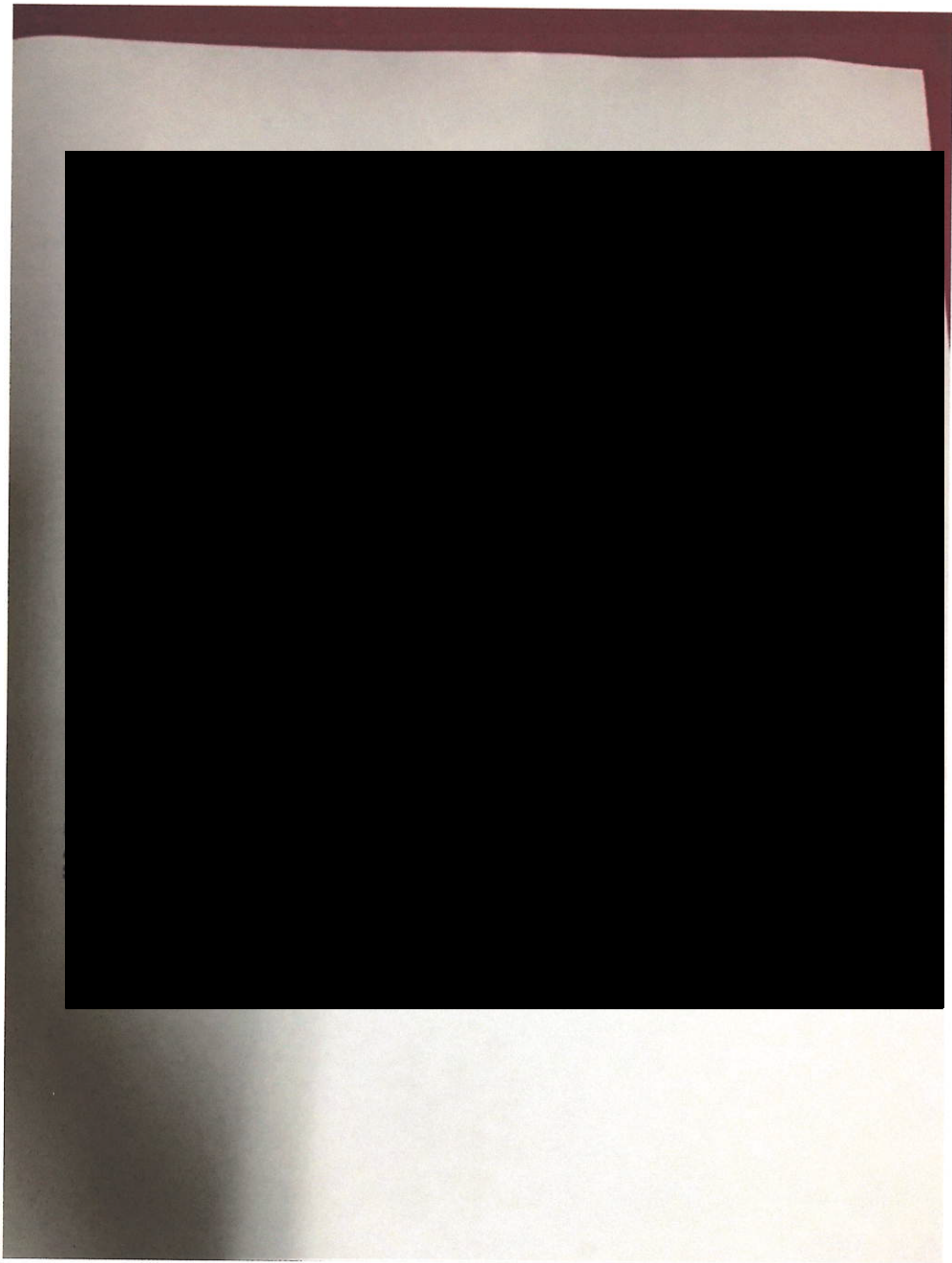


Amc80h

Signatures:



A



From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06: concerned resident
Date: Thursday, 27 August 2020 2:28:07 PM

To the Planning Scheme Review Officer

Re: Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

[REDACTED]
Design and Development Overlay (DDO6).

I wholeheartedly agree with the following concerns/objections outlined by concerned residents impacted by DDO6 and Friends of Ajax Rd:

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
- I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

In addition to the above, I am also concerned about the following:

Local Wildlife (-their health, safety & wellbeing) and Fencing:

Introducing mandatory fencing will impede the ability of wildlife to access our properties and affect their health, safety and wellbeing.

Local resident kangaroos, wallabies and joeys have their pathways all throughout this area of Tipperary Springs. Every day, they traverse our properties, because we have little or no fencing. They are able to access food, and have safe, protected pathways to raise and care for their young, away from the danger of cars and roads. Echidnas and other local wildlife are also able to visit and feed.

I wish for my property to remain a land for wildlife.

I wish to continue landscaping this property to return it to its natural former beauty, to return native plant species that once belonged to this area.

I do not want this area to be a suburbia of hard high fences that dissect and push out, adversely affecting our native fauna as well as destroying the natural beauty of this area. We live here because we love living close to our natural environment. Daylesford's tourism is also built upon this natural beauty.

Environmentally Sustainable Living:

[REDACTED] In the near future, I wish to renovate and extend, so that I can add solar passive design features, for a healthier and more environmentally sustainable home. The DD06, as far as I understand, will prevent me from building and making these changes to my home.

Your sincerely

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DDD06 document
Date: Wednesday, 26 August 2020 11:03:52 AM

[REDACTED] 6
to clause 43.02 design and Development Overlay DDD06 impacts me as follows.

1. I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
2. I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
3. I lose my existing rights of use of my property, including , open space areas, landscaping and fencing.
4. My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road..
5. The impact will be a massive financially impact as my house market price will drop by half.
6. So we are not for this DDD06 Overlay the outcome would hurt us financially.

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: Submission to the Planning review DD06 Transfer Station
Date: Friday, 28 August 2020 3:06:09 PM

I write to express my horror at the 500m proposal around the Daylesford Transfer Station. This proposal destroys the value of the properties and impacts greatly on the lives of the owners of the included properties.

The sudden devaluation of their properties by the sudden decision of Council, without due consideration to the rights of the established owners who have purchased their properties without this devastating restriction, is deplorable.

The plan seems to have been executed without public disclosure on the problems leading to it.

To abruptly declare that no building can be replaced on a piece of land is not acceptable. It is abhorrent to those who have owned their properties for many years and is outrageous for those who have bought in more recent years and who may have borrowed much of the equity for their land.

The ramifications are also enormous for the rest of the ratepayers in Hepburn Shire. I would be outraged that my rates would be going to over legal challenges or property compensation relating to this stroke of a pen.

The requirement for all property owners to erect such fences is equally abhorrent. It is a rural landscape, not a suburb. The fences do not take into account the roaming of wildlife. Do you want kangaroos being channeled into using the roadways and smaller wildlife being killed as they too have only the roadways to move around the land searching for food and mates.

If this proposal goes through, the cost to the Shire will be far greater to the rate payers than it would be to enclose and make safe the Transfer Station. I have seen the improvement to the waste station since 1996. There is no reason any problems can not be addressed without the 500m exclusion zone.

Please withdraw this proposed amendment and renew attempts to make the Transfer Station clean and safe for all of us.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: C80hepb Planning Amendment
Date: Wednesday, 26 August 2020 11:42:52 AM
Attachments: [Planning Sub Part 2.pdf](#)

To - Planning Scheme Review Officer

Please find a supplementary objection to Planning Amendment C80hepb

for

[REDACTED]

Amc80hepb Submissions received

To: Planning Scheme Review Officer, Hepburn Shire Council

Re: Hepburn Shire Council (HSC) Planning Amendment C80hepb.

[REDACTED]

We wish to add further concerns to our recent objection to planning submission C80hepb.

[REDACTED]

[REDACTED]

[REDACTED] Wildlife regularly cross through our property from the forest to the open paddocks, creek gullies etc in this vicinity. We have grave fears for this wildlife being blocked by your proposed new 1.5m high, semi transparent fencing guidelines. Wildlife will be funneled onto road reserves and the risk of vehicle accidents and animal fatalities will be heightened. How does your proposal consider the adverse implications on local bio diversity?

The Country Fire Brigade visited all properties in our area before and after the 2009 bushfire. We and others were encouraged to join a fire guard group. We have a large dam on our property and the CFA stated that in an emergency they would cut our fencing to access our site. How will they safely and efficiently do this with the more substantial fencing you are recommending?

The waste facility has recently had a fire event. It highlighted the risk created by the facility so close to residential properties. See photo.



The CFA and SES were required to pull the walls open to access the fire source.

There is further fire risk at the Waste Facility due to the large stockpile of green waste. Council has tried to reduce this pile only recently after our ongoing complaints at this risk.

We have engaged with the Planning Department and their Consultant Planners in two recent Zoom sessions and want to highlight the inadequacies of such as a satisfactory process for consultation. It is quite clear from the last Zoom that the residents are in a complete state of shock, they are totally stressed. They find no comfort in the feedback given - inferring that the amendment as written is not really what you meant.

We reiterate there has been no empathy or consideration for residents in this process. Council is aware of the impacts of critical events such as bushfire and floods, both recent events in Hepburn Shire. Council participated in community recovery processes, events and projects to help the community cope with the physical and mental impacts of these events. Surely in this COVID period these same personal impacts are impacting and will emerge and Council **must not** be adding to this stress.

The idea of a 500 m buffer was discussed some time ago to demonstrate how ridiculous it is to consider such a process, it is Council who have jeopardised the waste facility not residents.

The obligation is on Council to remove the risks to our community and not to transfer the risk to residents.

Other issues that have been clarified since our initial submission have highlighted that Council has failed to follow any process of investigation to meet EPA guidelines relating to risk assessment of the Shire's transfer stations; not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018, not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06, not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

████████████████████

██

████████████████████

████████████████████

From: [REDACTED]
To: [Planning Scheme](#); [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Licia Kokocinski](#); [Cr Neil Newitt](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr John Cottrell](#)
Subject: DDO6 submission Hepburn Planning Scheme
Date: Wednesday, 26 August 2020 12:11:26 PM
Attachments: [Submission #2 Hepburn Shire Planning Scheme 200824.pdf](#)

[REDACTED]

Amc80hepb Submissions received

[REDACTED], submit that Amendment
plan, shown on the planning
scheme map as DDO6 should be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DDO6
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.
- Not informing and correctly advising Councillors in the report from officers in June as to the implications to affected property owners in the DDO6 area so therefore the resolution to submit the overall scheme to Exhibition was flawed.

We moved into town from Mt Franklin late last year and are seriously regretting this move. It was a move designed to support our retirement funding. We can see this diminishing with the proposed DDO6. The stress over the last 3 weeks in trying to see our way through what this DDO6 means and its implications has been beyond measure. Not abandoning the DDO6, with the prospect of going to a panel, will continue to place undue stress on us and all those affected in the zone for months.

We would rather look forward to supporting council in reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs into the future openly, fairly and with goodwill.

•

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Thursday, 27 August 2020 5:21:03 AM

[REDACTED]

I'd like to make the following addition to my submission:

Mental Health Impacts

The stress that is being experienced by people being threatened with loss of basic freedoms and massive devaluation of their asset bases - for reasons that will deliver very marginal gains and could have been far better addressed through a less heavy-handed approach - is outrageous.

It has the potential to result in significant mental health consequences.

People understand and feel injustice, it's a major cause of morbidity and this is a clear example of such.

Flawed risk management

An appropriate risk management assessment has not been done.

Whilst discussions may have taken place in some way with the EPA, a comprehensive piece of advice that balances all the issues has not been obtained.

I wonder whether people in the planning section think they are effectively managing their own professional risk by not allowing any development in this zone. If so, they are taking a very narrow view of risk. It's a more complex thing than that.

NO-ONE IN COUNCIL IS WILLING TO ACKNOWLEDGE THAT THE ACTUAL RISKS HERE ARE VERY LOW. Yes, there is an old landfill, but the amount of organic matter capable of producing gas emissions is very small compared to other sites because of the duration of operation and the size of the town. The risk is negligible. Otherwise, a transfer station can be effectively managed to minimise impact in harmony with residents. This is the right approach. We can do this. The proposed response is disproportionate to the issue.

Suggested next steps

With respect, please acknowledge the flaws with the process and the content of this proposal. Don't delude yourself that tinkering around the edges will represent consultation and responsiveness. Abandon this proposal and start again in the right way - with a process embedded within a clear strategic and policy framework, appropriately informed by expert opinion, in consultation with residents and given an appropriate timeframe for consideration and debate. If you engage with residents in a collaborative and positive way, I believe you will be impressed with the calibre of people you are dealing with and the result will be much better than the one you think you will obtain through DDO6.

Regards

[REDACTED]

On Sun, Aug 16, 2020 at 7:19 PM Planning Scheme
<planningscheme@hepburn.vic.gov.au> wrote:

Thank you Jeff.

Regards,

Alison Blacekt

From: [REDACTED]
Sent: Sunday, 16 August 2020 2:15 PM
To: Planning Scheme <planningscheme@hepburn.vic.gov.au>
Subject: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay

Dear Hepburn Shire Council

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay impacts me as follows:

- [REDACTED]
- [REDACTED]
- Loss of rights regarding landscaping, fencing, balconies, open space areas.
- The potential for unrestricted development of the Daylesford Material Recovery Facility to reduce my enjoyment of my land and impact my health (currently there is no impact on either).
- The potential devaluation of my property significantly affects my options and those of my children moving forward.

If the purpose of the document is to effectively operate the Daylesford Material Recovery Facility (and reduce its amenity impacts), then is this proposal linked to any plans or guidelines regarding best practice operation and planning of the facility? Why is all the focus on reducing residents rights and none on council's responsibility to strike an appropriate balance?

What is the basis of the 500m radius? Is there any scientific basis for this proposal and its details?

Why has there been no consultation with residents regarding this matter? It's interesting that in the same week I get a carefully worded letter from the council about the pruning of a conifer tree down the road from me, I hear through secondary sources about a proposal to change the Design and Development Overlay related to my property. This seems incongruous to me.

I await council's response.

Regards

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: DD06
Date: Thursday, 27 August 2020 5:40:03 AM

Dear Sir/Madam.

[REDACTED] Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts me as follows:

1. I will not be able to build or rebuild on my property which would be significantly devalued if the house is accidentally destroyed. I would be left with a valueless and unsaleable block of land. I would be homeless.
2. I love some of the existing rights of use of my property including balconies, open space areas and fencing.
3. My property and my rights to quiet enjoyment thereof may be significantly impacted by the potential unrestricted development of the existing transfer station and Materials Recovery Facility in Ajax Road.

How will these changes effect my mortgage, my insurance and more significantly to Hepburn Shire Council my rates assessment?

[REDACTED].

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Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: supplementary submission
Date: Thursday, 27 August 2020 9:07:24 AM

[REDACTED]
submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, are impacted by DDO6 because existing development and land use rights are removed/restricted, our property's resale value is reduced, and if our home is damaged or destroyed, then we are left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[REDACTED]

Amendment C80hepb does not propose changes to purposes of the Rural Conservation Zoning as contained in the Hepburn Planning Scheme.

[REDACTED]:

1. Anomaly previously recognised by the council with confirmation correction would be undertaken at next Strategic Review.
2. The RCZ on this site conflicts with the Hepburn Planning Scheme and Local Planning Policy Framework in that:
 - Clause 21.05 directs that Rural Conservation Zoning will only apply to “land well-outside of Urban Growth Boundary”.
3. The purposes of Rural Conservation Zone are:
 - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To conserve the values specified in the schedule to this zone.
 - To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
 - To protect and enhance natural resources and the biodiversity of the area.
 - to encourage development and use of the land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
 - to provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
 - To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes
4. The schedule to the Rural Conservation Zone identifies the conservation values as:
 - To protect domestic water supply quality and to prevent vegetation loss and environmental weed invasion of public land forests.
5. It is **not** proposed to vary the following existing overlays that apply to this 2,591m² of land:
 - The Bushfire Management Overlay (BMO) - any future development would need to address defensible space and BAL ratings
 - Environmental Significance Overlay Schedule 1 (ESO1) - Proclaimed Catchment Protection. We acknowledge that any future development on this site would be need to address water quality and note that the site has access to existing reticulated sewerage system.
 - Environmental Significance Overlay Schedule 2 (ESO2) - Mineral Spring and Ground Water Protection - the relevant Objective of this Clause is to *protect the mineral springs, their aquifers and their environs from the impacts of effluent and drainage*. We acknowledge that any future development would need to maintain stormwater quality and note that the designated land has access to the existing reticulated sewerage and storm water drainage systems designed for this purpose.
6. Correction of the anomaly meets the State Planning Policy Framework and Local Planning Policy Framework emphasis on urban in-fill opportunities that utilise existing infrastructure.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Alison Blacket](#)
Subject: Hepburn Planning Scheme Review 2020 - amendment C80hepb. Zoning anomaly 6 Golf Links Road Hepburn Springs
Date: Thursday, 27 August 2020 9:11:54 AM
Attachments: [REDACTED]
Importance: High

Please find attached submission for the planning scheme review.
Can you please acknowledge receipt.

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [Stephen Carter](#)
To: [Planning Scheme](#)
Subject: Amendment C80hepb
Date: Thursday, 27 August 2020 9:33:58 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[\(OUT\) CHW response Amendment C80hepb Hepburn Planning Scheme.pdf](#)

Hi

Attached is CHW's submission to the above.

Regards



[Stephen Carter](#)

Team Leader Key Customer Accounts and Planning

[Central Highlands Water](#)

PO Box 152 Ballarat VIC 3353

M: 0419 899 411

D: 03 5320 3123

E: stephen.carter@chw.net.au



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27th August 2020

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford, Vic, 3460

Dear Sir/Madam,

Amendment C80hepb to Hepburn Planning Scheme

Central Highlands Water (CHW) acknowledges the significant undertaking by Council, through the above Amendment process, to instigate a major review of the Hepburn Planning Scheme including aligning the scheme with Ministerial direction on form and content.

Background

Under the Water Act 1989 CHW is responsible for the provision of reticulated water and sewerage services to a significant area within the Central Highlands of Victoria that includes within the Hepburn Shire the townships of Daylesford, Hepburn Springs, Creswick and Clunes. Other townships supplied with reticulated water only include Newlyn, Kingston, Smeaton, Allendale and Dean.

Also located within the municipality are drinking water catchments that are declared under the Catchments and Land Protection Act from which CHW, along with several groundwater bores, harvests drinking water for townships within and outside of the Shire.

As the infrastructure installed for water and sewerage networks generally has a 50-100 year life cycle and is the result of a considerable investment by water authorities on behalf of their customers, it is essential that planning decisions are made with a long-term perspective. This is reinforced through the objectives set out in the Planning and Environment Act 1987 which provide that the development of land be undertaken in a way that is fair, economic and sustainable. Further objectives within the Act provide for the protection of public utilities and to enable the orderly provision and coordination of utility services.

Settlement

CHW notes and supports the general direction of the proposed Settlement strategy at Clause 02.03-1 that seeks to concentrate or consolidate growth within existing townships that are already provided with reticulated water and sewerage services.

We also note the proposal at the Schedule to Clause 74.02 'Further Strategic Work' to undertake a residential land demand study to ensure an adequate supply of zoned land for a variety of residential and other purposes and to inform structure planning for the townships.

To help identify land that that can be developed in an orderly, economic and coordinated way, with public health and the environment front of mind, CHW would welcome the opportunity to provide input to the land demand study, noting that significant lead times are generally required where new significant capital works are needed to support development.

Clause 22.03 'Dams'

Relevant to CHW, located within the Hepburn Shire, are several reservoirs and 'special water supply catchments' that supply drinking water to around 100,000 people either within the shire or within Ballarat and Maryborough and their surrounds. The proliferation of privately owned dams within these catchments can significantly impact on the quantity of water available to these communities particularly during drier/drought periods, and this is expected to be more relevant as a result of 'climate change'.

We note that Amendment C80hepb provides for the removal of Clause 22.03, a policy that has an objective to guarantee water supply for domestic and stock purposes through the assessment of the impacts of any proposals for new dams.

CHW notes that Clause 66.02-5 and Schedule 66.04 provide for the Referral of all Applications for Dams ("Works"), within a 'special water supply catchment area' and the ESO1, to the relevant Water Authority as a Determining Authority with permits being triggered through several Schedules including to the Farming and Rural Living Zones and ESO1 - Special Water Supply Catchment Protection.

Providing these Application triggers and Referral provisions are retained, in relation to Applications for a Dam, CHW does not object to the removal of the policy at Clause 22.03.

Central Highlands Water reminds Council that it is the 'relevant water authority', along with Goulburn-Murray Water for the catchments supplying the Tullaroop and Newlyn Reservoirs, the Ballarat Catchments and Bullarto, Wombat, Dean, Hepburn, Cosgrave and Russells Reservoirs. Further that CHW does wish to receive Referrals in relation to any Application for a new Dam within these catchments.

Clause 22.06 'Public Infrastructure Area'

CHW operates wastewater treatment plants at Clunes and Daylesford that are important strategic assets for supporting the current communities and providing for a level of future urban growth. Their ongoing efficient operation is essential for meeting the community's and the EPA's expectations, such as for minimising odour and noise impacts in the areas around the plants. Should there be incompatible uses established within the buffers of the wastewater treatment plants there is a risk that amenity related complaints could lead to pressure for CHW to invest heavily in mitigation measures such as plant upgrades or relocation with associated community costs.

We note that Amendment C80hepb provides for the removal of Clause 22.06 a policy that aims to discourage activities within EPA recommended buffer distances, for wastewater treatment plants, that may have an adverse impact on the current or future operation of these facilities. In support of removing the policy Council's 'Hepburn Planning Scheme Audit and Review Report (12 February 2020)' states that Council is prepared to consider the application of an ESO and or other suitable control around the treatment plants to ensure incompatible uses are not located adjacent to the facilities.

CHW notes it has ESO's and associated Schedules in place for other wastewater treatment plants within the broader region, and acknowledges that this is a suitable means to identify odour buffers and prevent encroachment from undesirable use and development. CHW would support the removal of Clause 22.06 if Council is prepared to make a commitment at Schedule 74.02-1 to implementing a suitable ESO for wastewater treatment plants within the Hepburn Planning Scheme after any necessary odour studies have been completed in accordance with EPA guidelines. Alternatively the Policy at 22.06 should remain in place until a new overlay has been agreed and implemented within the Hepburn Planning Scheme.

Schedule to Clause 66.04

In respect to the Kind of Application required to be referred under Schedule 66.04 for Clause 42.01-Schedule 1 we wish to suggest that to improve clarity, the current wording could be replaced with "All applications that are not exempt under clause 3.0 of Clause 42.01 – Schedule 1.

CHW commends Council for undertaking this review, and in its current form (subject to our submissions above) we offer our support to Amendment C80hepb and wish Council every success with its implementation.

Should you have any queries in relation to our submission please contact me on ph: (03) 5320 3123 or email stephen.carter@chw.net.au.

Yours faithfully,



Stephen Carter
Team Leader Key Customer Accounts and Planning

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Fwd: DD06 ~ Attention Planning scheme Officer
Date: Thursday, 27 August 2020 2:46:17 PM
Attachments: [DD06-2.pdf](#)

Sorry resending, speller on original email address :(

[REDACTED]

Greetings Alison,

Since the recent Community meeting, 24th August, I have some further issues that came to light from the meeting, that I would like to add to my original submission.

kind regards

[REDACTED]

Amc80hepb Submissions received

submit that Amendment C80 hep, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06. My land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with land that I can no longer build on. According to the recent 'Community' meeting, 24th August 2018 a Councillor admitted that it was a planning error placing the Waste Facility there in the first place, back 2004. Why are Council compounding this issue by including this DD06 overlay. It would make sense to move the whole Waste facility away from already occupied residential land.

Also at the meeting as confirmed by [REDACTED], this DD06 has been ongoing for 18 months & that all Residents effected have been contacted by mail, however this is not true, most of the Residents impacted by the DD06 are only now becoming aware of this, in the last few weeks. Council & Planning have not been open and collaborative with the DD06 & impacted Residents, until now.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the **Grampians Central West Waste and Resource Recovery Implementation Plan " Land Use Planning Project FINAL REPORT, September 2018**
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for all the residents effected, until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

Going forward Council needs to be open & transparent as to what is being planned for the area and be in consultation with main stakeholders & Residents together, not one and exclusion of the other. I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

your sincerely

[Redacted signature block]

Amc80hepb Submissions received

From: [Redacted]
To: [Planning Scheme](#)
Cc: [Hepburn Shire Mailbox](#)
Subject: Amendment C80 to the Hepburn Planning Scheme for Property at 15 King Street, Daylesford
Date: Thursday, 27 August 2020 3:20:48 PM
Attachments: [Redacted]

Attention Planning Scheme Review Officer

In relation to the above mentioned property please find attached a copy of my submission against the current Amendment C80 to the Hepburn Planning Scheme as it relates to the above mentioned property.

Please keep me updated on all matters going regarding the progress of this planning scheme amendment process C80.

Best Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Amco/hepb Submissions received

20 August 2020

**To The Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21,
Daylesford, Victoria 3460**

Dear Sir/Madam,

**RE: Submission against the proposed zoning changes as proposed by Shire of
Hepburn Council pursuant to Amendment C80 to the Hepburn Planning Scheme**

Planning Scheme Amend C80 to the Hepburn Planning Scheme

Municipal Authority Shire of Hepburn Council –

I refer to the current Hepburn Planning Scheme Amendment C80 and zoning changes proposed by the Shire of Hepburn Council as it relates to the above mentioned property.

The subject site is presently zoned General Residential Zone – Scheduled 1 and has been zoned since the introduction of the new Hepburn Planning scheme in June 2000.

The current planning scheme overlays applicable to this property are also the Bushfire Management Overlay - Schedule 1, the Environmental Significance Overlay – Schedules 1 and 2, and also the Neighbourhood Character Overlay – Schedule 1.

[REDACTED]

Further, the introduction of both the Daylesford Neighbourhood Character Study 2002 and also the Daylesford Structure Plan 2006 had neither recommended nor it resulted in the changes to the current General Residential Zone for the subject property by way of any subsequent planning scheme amendments by the local Council.

The present amendment C80 to the Hepburn Planning Scheme now proposes to change the current General Residential Zone – Schedule 1, to a Neighbourhood Residential Zone, which is quite foreign to the whole Daylesford Township Urban Area.

The Council has to date presented no strategic justification nor any current State Planning Policy to either support or justify this request in the current neighbourhood residential zoning of this subject property. Both the two (2) most relevant local strategic studies being the Daylesford Neighbourhood Character Study 2002 and also the Daylesford Structure Plan 2006 have not been updated since then or even as part of this current strategic amendment process and yet Council is seeking to refer to them as still relevant where they are clearly outdated and purely reflect to a Daylesford Township some twenty years (20) ago now.

It is also interesting to keep in mind that even the Daylesford Streetscape Study, Prepared by Chris Dance Land Design Pty Ltd which is widely referenced in the Daylesford Neighbourhood Character Study (which forms Council's current strategic basis for the change from a General Residential Zone to a Neighbourhood Residential Zone) is in fact dated September 1996.

If the Shire of Hepburn Council is to be taken seriously in this current exhibition of such an important strategic process than surely it is about time that they first attempted to review and update all of these historical studies which only have relevance to a Daylesford Township some more than twenty (20) years ago now and certainly cannot be taken seriously as part of this strategic process.

The local neighbourhood area along King Street and Lake Daylesford Precinct is presently quite vibrant and with a very diversified character in terms topography and built form, pattern of residential design and development and subdivision pattern, building heights ranging from single storey to three storey high, building density, plot ratio analysis, main road streetscape presentation, external building materials, roof profiles and many other similar considerations.

There is very little and in fact no supportive analysis or any justifications or recommendations to support a neighbourhood residential zone for this property and the surrounding areas around King Street and the Lake Daylesford Precinct given that the Daylesford Character Study is dated way back in 2002 and certainly cannot be legally used to support either this current strategic exhibition process or even to facilitate any further residential development for the next 10 to 20 years into the future.

The Shire of Hepburn Council has also not included a current or even up to date as required Daylesford Housing Strategy as part of this amendment process in justification to introducing a Neighbourhood Residential Zone for the subject site and also the Urban Daylesford Township Precinct.

In fact there is no discussion or even any such recommendation contained within the Daylesford Neighbourhood Character Study – October 2002 which refers to any part of the Daylesford Township being rezoned from General Residential Zone to Neighbourhood Residential Zone. A detailed and comprehensive Daylesford Housing Strategy would also be of great assistance to all parties in justification to such significant zoning change for the as proposed by the Shire of Hepburn Council for the Township of Daylesford.

The local Council is encouraged at the very least in the absence of such critical strategic studies that the current General Residential Zone remain for the subject property and for the surrounding area until such time into the future when all of these required proper strategic policies studies are undertaken and appropriately implemented as part of the Hepburn Planning Scheme.

I am professionally very surprised and in fact quite disappointed to see the local Shire of Hepburn Council wait so long to undertake such an important and most critical strategic study where it has been long overdue by at least twelve (12) years and attempt to refer to outdated local studies which have little to no relevance in 2020 and beyond as part of this current Amendment C80 process.

It is further submitted that if the entire Daylesford Township was to be rezoned to Neighbourhood Residential Zone it would also certainly reduce the level of additional housing supply, reduce employment opportunities in the building industry and will have a negative impact in the local economy of Hepburn Shire due to demand and supply factors.

I am very sure that the Shire of Hepburn Council can in fact do a lot better in regards to this most vital strategic policy direction review process and more importantly the whole community of Daylesford deserve a lot better from its elected Council.

There is no doubt that getting the local Council planning scheme right is a vital component of the entire local economy and it is certainly the centre piece for the whole local community of the Hepburn Shire as a municipality.

Finally, I would find it extremely disturbing that the current Planning and Housing Minister the Honourable Richard Wynne would in fact contemplate in approving this proposed Amendment C80 to the Hepburn Planning Scheme in its current and proposed form as exhibited to the public.

Looking forward in hearing from you in regards to the progress of this Amendment C80 to the Hepburn Planning Scheme and for any further queries regarding any of the above matters, [REDACTED]

Yours Sincerely

[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Hepburn Shire Mailbox](#)
Subject: CM: Amendment C80 to the Hepburn Planning Scheme for Property at 15 King Street, Daylesford
Date: Thursday, 27 August 2020 3:20:48 PM
Attachments: [REDACTED]

Attention Planning Scheme Review Officer

In relation to the above mentioned property please find attached a copy of my submission against the current Amendment C80 to the Hepburn Planning Scheme as it relates to the above mentioned property.

Please keep me updated on all matters going regarding the progress of this planning scheme amendment process C80.

Best Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amco/hepb Submissions received

20 August 2020

**To The Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21,
Daylesford, Victoria 3460**

Dear Sir/Madam,

**RE: Submission against the proposed zoning changes as proposed by Shire of
Hepburn Council pursuant to Amendment C80 to the Hepburn Planning Scheme**

Planning Scheme Amend C80 to the Hepburn Planning Scheme

Municipal Authority Shire of Hepburn Council – [REDACTED]

I refer to the current Hepburn Planning Scheme Amendment C80 and zoning changes proposed by the Shire of Hepburn Council as it relates to the above mentioned property.

The subject site is presently zoned General Residential Zone – Scheduled 1 and has been zoned since the introduction of the new Hepburn Planning scheme in June 2000.

The current planning scheme overlays applicable to this property are also the Bushfire Management Overlay - Schedule 1, the Environmental Significance Overlay – Schedules 1 and 2, and also the Neighbourhood Character Overlay – Schedule 1.

██
██

Further, the introduction of both the Daylesford Neighbourhood Character Study 2002 and also the Daylesford Structure Plan 2006 had neither recommended nor it resulted in the changes to the current General Residential Zone for the subject property by way of any subsequent planning scheme amendments by the local Council.

The present amendment C80 to the Hepburn Planning Scheme now proposes to change the current General Residential Zone – Schedule 1, to a Neighbourhood Residential Zone, which is quite foreign to the whole Daylesford Township Urban Area.

The Council has to date presented no strategic justification nor any current State Planning Policy to either support or justify this request in the current neighbourhood residential zoning of this subject property. Both the two (2) most relevant local strategic studies being the Daylesford Neighbourhood Character Study 2002 and also the Daylesford Structure Plan 2006 have not been updated since then or even as part of this current strategic amendment process and yet Council is seeking to refer to them as still relevant where they are clearly outdated and purely reflect to a Daylesford Township some twenty years (20) ago now.

It is also interesting to keep in mind that even the Daylesford Streetscape Study, Prepared by Chris Dance Land Design Pty Ltd which is widely referenced in the Daylesford Neighbourhood Character Study (which forms Council's current strategic basis for the change from a General Residential Zone to a Neighbourhood Residential Zone) is in fact dated September 1996.

If the Shire of Hepburn Council is to be taken seriously in this current exhibition of such an important strategic process than surely it is about time that they first attempted to review and update all of these historical studies which only have relevance to a Daylesford Township some more than twenty (20) years ago now and certainly cannot be taken seriously as part of this strategic process.

The local neighbourhood area along King Street and Lake Daylesford Precinct is presently quite vibrant and with a very diversified character in terms topography and built form, pattern of residential design and development and subdivision pattern, building heights ranging from single storey to three storey high, building density, plot ratio analysis, main road streetscape presentation, external building materials, roof profiles and many other similar considerations.

There is very little and in fact no supportive analysis or any justifications or recommendations to support a neighbourhood residential zone for this property and the surrounding areas around King Street and the Lake Daylesford Precinct given that the Daylesford Character Study is dated way back in 2002 and certainly cannot be legally used to support either this current strategic exhibition process or even to facilitate any further residential development for the next 10 to 20 years into the future.

The Shire of Hepburn Council has also not included a current or even up to date as required Daylesford Housing Strategy as part of this amendment process in justification to introducing a Neighbourhood Residential Zone for the subject site and also the Urban Daylesford Township Precinct.

In fact there is no discussion or even any such recommendation contained within the Daylesford Neighbourhood Character Study – October 2002 which refers to any part of the Daylesford Township being rezoned from General Residential Zone to Neighbourhood Residential Zone. A detailed and comprehensive Daylesford Housing Strategy would also be of great assistance to all parties in justification to such significant zoning change for the as proposed by the Shire of Hepburn Council for the Township of Daylesford.

The local Council is encouraged at the very least in the absence of such critical strategic studies that the current General Residential Zone remain for the subject property and for the surrounding area until such time into the future when all of these required proper strategic policies studies are undertaken and appropriately implemented as part of the Hepburn Planning Scheme.

I am professionally very surprised and in fact quite disappointed to see the local Shire of Hepburn Council wait so long to undertake such an important and most critical strategic study where it has been long overdue by at least twelve (12) years and attempt to refer to outdated local studies which have little to no relevance in 2020 and beyond as part of this current Amendment C80 process.

It is further submitted that if the entire Daylesford Township was to be rezoned to Neighbourhood Residential Zone it would also certainly reduce the level of additional housing supply, reduce employment opportunities in the building industry and will have a negative impact in the local economy of Hepburn Shire due to demand and supply factors.

I am very sure that the Shire of Hepburn Council can in fact do a lot better in regards to this most vital strategic policy direction review process and more importantly the whole community of Daylesford deserve a lot better from its elected Council.

There is no doubt that getting the local Council planning scheme right is a vital component of the entire local economy and it is certainly the centre piece for the whole local community of the Hepburn Shire as a municipality.

Finally, I would find it extremely disturbing that the current Planning and Housing Minister the Honourable Richard Wynne would in fact contemplate in approving this proposed Amendment C80 to the Hepburn Planning Scheme in its current and proposed form as exhibited to the public.

Looking forward in hearing from you in regards to the progress of this Amendment C80 to the Hepburn Planning Scheme and for any further queries regarding any of the above matters, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DDO6 submission
Date: Thursday, 27 August 2020 4:12:49 PM

To whom it may concern;

[REDACTED]

I am writing in support of those property owners, whose properties will be negatively affected by the proposed amendment to the Hepburn Planning Scheme via schedule 6 clause 43:02 Design and Development Overlay (DDO6).

[REDACTED]

[REDACTED]. Pending the contracts being prepared, we were made aware of DDO6 by the owner in early August (the first time they had been notified) and subsequently by the residents in the area as to the ramifications of the proposed amendments, namely:

1. That if we purchase the block of land, DDO6 would prohibit us from building on the land entirely.
2. That if we purchase the block of land, we will not be able to subdivide the block, despite it being a large parcel of residentially zoned land in the heart of Daylesford.

These two prohibitions, coupled with the various other restrictions proposed meant that we had no choice but to withdraw our offer to purchase as the proposed DDO6 would render our purchase of the land valueless and negate the intention for which we wished to buy the land. We would also face the prospect of months if not years of uncertainty pending resolution of this DDO6 within the planning scheme, for which we cannot afford to have.

Without a definitive statement from Council as to the future of the Waste Management Facility, such as that the Facility will be relocated to an alternative site, removed from an area that is already significantly populated by residential development, there will remain great uncertainty that such an amendment as proposed in DDO6 and its negative impacts will linger for the many years to come for all property owners in its vicinity.

There is too much unknown and for a prospective purchaser of a property in the area such as ourselves, this is a big deterrent, both as to the value of the property but also the environmental impacts of living within concerns as to the impacts of the Waste Management Facility. It is an area to be avoided when options come with so much unknown.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

[REDACTED] submit that Amendment C80 hep, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Thursday, 27 August 2020 7:01:08 PM
Attachments: [REDACTED]

Please see enclosed submission to council in relation to proposed amendment DD06

Amc80hepb Submissions received

27th August 2020

PREPARED FOR: Hepburn Shire Council
REGARDING: Hepburn Planning Scheme Review
PURPOSE: This letter a formal submission in response to the Hepburn Planning Scheme Review, Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6).

[REDACTED]

Dear Councillors,

I am writing this submission to formally object the Hepburn Planning Scheme Review, Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

[REDACTED]

I cannot express how extremely disappointed in and how much I strongly object to council's proposal Hepburn Planning Scheme Review, Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6).

For the second time in my life the decisions of council are set to impact my financial situation dramatically.

[REDACTED]

Now, council's proposal Hepburn Planning Scheme Review proposed, Amendment is set to have yet another devastating financial impact on me, this time the value of my own home, something I have worked hard for all my life.

I reject this proposed amendment for the following reasons:

- **Improper consultation**

I do not feel council has undertaken proper consultation; the materials summarising the impacts to me a resident / made available to me did not clearly explain in simple terms what the real-world impacts are. The meeting on held on the 24th August at 6pm to discuss my concerns was the first time I had a chance to meet with a councillor following me becoming aware of the real-world impacts resulting from the proposed amendment. In this meeting we were asked not to speak, only to chat. This is unacceptable. In a once in a 100-year pandemic, council has insisted on pushing ahead to its timeline despite mine and other residents' concerns and the many questions we still have. This is unconscionable and makes me question whether councillors are fit for purpose to hold their positions as our elected representatives.

- **Decline in property value**
Under the proposed amendment I will be unable to subdivide my own land for development, which will result in a reduction in the value of my property. I do not accept council's assertion that this is not the case.
- **Unable to rebuild my property**
Under the proposed amendment as I understand it, I will not be able to rebuild my property in the event it was destroyed by bushfire or other means. This would leave me without a home on a vacant block of land in this case.
- **Restriction on developing my property**
Under the proposed amendment I will be unable to subdivide my own land for development, which will result in a reduction in the value of my property. I do not accept council's assertion that this is not the case.
- **Lack of data to make an informed decision**
I reject the overall distance council applied in the amendment. Council has failed to obtain the proper Environmental Protection Agency Data when mandating the overall zone. I am still unclear as to whether there is any real health risk to me as a resident with methane gas from the adjacent council amenity's these overlays apply to
- **Determine impact on my lifestyle**
Should this amendment go ahead in its current form, the outcome for me would mean a detrimental lifestyle change for in my later years when I sell my property and moved into an aged care setting. It will result in me putting a significant financial burden on my children through the reduction in the sale value of my property which I plan to use to fund my late year in an aged care setting.
- **Insufficient alternatives considered**
Council has not undertaken any alternative assessment, business casing, costing or feasibility study to move the waste transfer station. Council seems hell bent on addressing the distance between the council amenities and houses but not at its own cost.

This amendment has caused me a significant amount of personal stress. I have lost sleep and my health has deteriorated with the worry that this has caused me.

I request council withdraw the proposed amendment for all the above reason mentioned. I will continue to work with residents that would be impacted by the proposed amendment using all financial, legal and community influence possible until the amendment in its current form is withdrawn.

Regards,

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From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection Against DD06 plan.
Date: Thursday, 27 August 2020 7:15:38 PM

[REDACTED] submit that Amendment C80 hepburn, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

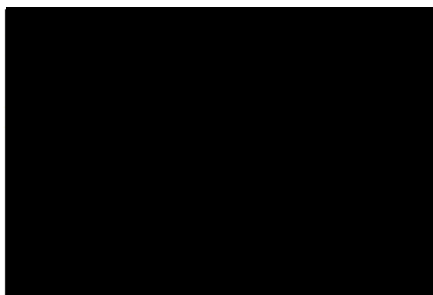
- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.



From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06 submissions
Date: Thursday, 27 August 2020 7:17:08 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting the council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission - Lynn Nicholson (DD06)
Date: Thursday, 27 August 2020 7:02:53 PM
Attachments: [REDACTED]

Please see enclosed submission to council in relation to proposed amendment DD06

Amc80hepb Submissions received

27th August 2020

PREPARED FOR: Hepburn Shire Council
REGARDING: Hepburn Planning Scheme Review
PURPOSE: This letter a formal submission in response to the Hepburn Planning Scheme Review, Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6).

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Councillors,

I am writing this submission to formally object the Hepburn Planning Scheme Review, Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

[REDACTED]
[REDACTED]

I am extremely upset and strongly object to council's proposal Hepburn Planning Scheme Review, Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6).

I reject this proposed amendment for the following reasons:

- **Improper consultation**
I do not feel council has undertaken proper consultation; the materials summarising the impacts to me a resident / made available to me did not clearly explain in simple terms what the real-world impacts are. The meeting on held on the 24th August at 6pm to discuss my concerns was the first time I had a chance to meet with a councillor following me becoming aware of the real-world impacts resulting from the proposed amendment. In this meeting we were asked not to speak, only to chat. This is unacceptable. In a once in a 100-year pandemic, council has insisted on pushing ahead to its timeline despite mine and other residents' concerns and the many questions we still have. This is unconscionable and makes me question whether councillors are fit for purpose to hold their positions as our elected representatives.
- **Decline in property value**
Under the proposed amendment I will be unable to subdivide my own land for development, which will result in a reduction in the value of my property. I do not accept council's assertion that this is not the case.
- **Unable to rebuild my property**
Under the proposed amendment as I understand it, I will not be able to rebuild my property in the event it was destroyed by bushfire or other means. This would leave me without a home on a vacant block of land in this case.

- **Restriction on developing my property**

Under the proposed amendment I will be unable to subdivide my own land for development, which will result in a reduction in the value of my property. I do not accept council's assertion that this is not the case.

- **Lack of data to make an informed decision**

I reject the overall distance council applied in the amendment. Council has failed to obtain the proper Environmental Protection Agency Data when mandating the overall zone. I am still unclear as to whether there is any real health risk to me as a resident with methane gas leaking from the adjacent council amenity's that these proposed overlays apply to

- **Determine impact on my lifestyle**

Should this amendment go ahead in its current form, the outcome for me would mean a detrimental lifestyle change for in my later years when I sell my property and moved into an aged care setting. It will result in me putting a significant financial burden on my children through the reduction in the sale value of my property which I plan to use to fund my late year in an aged care setting.

- **Insufficient alternatives considered**

Council has not undertaken any alternative assessment, business casing, costing or feasibility study to move the waste transfer station. Council seems hell bent on addressing the distance between the council amenities and houses but not at its own cost.

I request council withdraw the proposed amendment for all the above reason mentioned. I will continue to work with residents that would be impacted by the proposed amendment using all financial, legal and community influence possible until the amendment in its current form is withdrawn.

Regards,

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Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Thursday, 27 August 2020 8:20:25 PM
Attachments: [RDA](#) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Amc80hepb Submissions received

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford 3460

27th August 2020

Re: Schedule 6 to Clause 43.02 Design and Development Overlay (DD06)

[Redacted]

Boomerang Ranch is an accommodation and horse riding facility. In order to remain a viable accommodation business (including various school camps) the buildings need to have the capacity to be renovated and rebuilt as required. The proposed amendment threatens this.

If the Boomerang Ranch property is devalued and/or unable to rebuilt/renovate or build then the business becomes unviable. This has fatal consequences for Riding for the Disabled. Since 2008 Riding for Disabled has provided a sport and recreational activity for adults and children throughout the Hepburn Shire. In that time 2008 we have provided these opportunities for Hepburn Shire residents aged between 3-74 years. We currently have 16 participants. Without a viable business at Boomerang Ranch, RDA Daylesford would be unable to continue.

Currently Boomerang Ranch provide free adjustment for our two horses, look after the horses' welfare and also hire us the other horses we need to run the program at a very favorable rate. We would be unable to replicate this support anywhere else in the Hepburn Shire and so the likelihood is that RDA Daylesford would close down.

[Redacted]



Furthermore it is our understanding that the basis for the proposed amendment DD06 is flawed.

RDA Daylesford is currently shut due to COVID 19 restrictions. The uncertainty about when the current restrictions will be lifted is causing considerable stress to our volunteers, riders, their families and carers. The uncertainty now, caused by this proposed amendment, about the long term viability of RDA Daylesford at Boomerang Ranch, has just added another level of stress.

We request that this proposed amendment be abandoned.

When restrictions are lifted we invite Council officers and Councilors to come and view our Centre to increase the Shire's understanding of both the health and social benefits that we provide to Hepburn Shire residents (children and adults) with a disability.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: Objection of DDO6
Date: Thursday, 27 August 2020 9:21:27 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property and my business resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

To the Planning Review Officer Hepburn Shire Council,

I am writing today to strongly oppose the proposed amendment of the Significant landscape overlays to the proposed Hepburn Shire region.

[REDACTED]

My enterprise consists of cropping, beef cattle, and fat lambs and with the introduction of this new amendment this would severely limit and impact the way that decisions, improvements and changes to the farmland would be made greatly.

Impact on proposed:

- Removal of vegetation. This includes the old and dangerous Cyprus trees that surround the area.
- Construction of fencing.
- Building of sheds, silos and outbuildings, replacing sheep and cattle yards
- Use of Zinc and galvanised iron which has been used on roofs and silos since the 1800s.
- Points of change are unclear.

This proposal has only recently been brought to our attention and as the majority of the land is within this overlay that we farm, it is very concerning for the future of farming in this area if this proposal goes through both for me and for future generations to come.

It is disappointing that this is being proposed at a time like this when Covid 19 is clearly a much more important issue.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr Licia Kokocinski](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr John Cottrell](#)
Subject: Proposed SLO overlay - Smeaton area - objection
Date: Thursday, 27 August 2020 9:40:14 PM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. Lack of justification for the extension of the existing SLO area and lack of clarity regarding the inclusion of individual properties and exclusion of other properties

We gather from the background to the scheme and also from the information supplied by Council officers (via Zoom meeting on Monday 24th August) that the proposal has arisen from a survey conducted several years ago which assessed individual viewpoints regarding the significance of the local volcanic landscape and opinions as to the scenic amenity of the landscape. It was apparently evident from the survey results that the reactions to the landscape in this area were overwhelmingly positive, i.e. that many people valued it in its current state.

To us, this strongly suggests that the custodians of this land, in the form of local farmers and residents, have been doing an excellent job in terms of maintaining its agricultural character, planting appropriate treelines which also have the benefit of erosion control, and maintaining its unique heritage features. Coupled with the existing planning controls and the current SLO which protects the tops of the volcanic cones, we would propose that this ongoing care and maintenance by the existing custodians of this agricultural landscape is already doing an excellent job of preserving it. As such the grounds for an extension of the SLO are extremely weak.

We also note that, despite the explanations offered by Council that one of the key functions of the SLO is to preserve view lines, that the proposed area seems to be defined by title areas and fencelines, resulting in some properties being included, despite not including any volcanic foothills or mine sites (such as ours), and others excluded. We would propose that definition of any SLO area by title maps is absurd, and that the incorporation of land contours or sight lines would seem to be a far more effective delineation of the area to be included.

2. Lack of community consultation

In the light of recent community consultation processes (with the recent Local Laws 2 being a prime example), we should not be surprised by the inept nature of this consultation process to date, nor by the Council's apparent desire to push this through quickly during the period of Covid-19 restrictions, when the ability to meet and discuss the proposal is obviously severely limited.

We were however very alarmed to discover during Monday night's Zoom call that this process is apparently considered by Council to be nearing its end, after an extensive process of

consultation and development.

To be utterly clear:

- The most important people within this consultation process are the affected landowners
- The first time that the majority of landowners heard about this was when they received a flyer in the post from Hepburn Shire, suggesting that this process was a fait accompli and providing some very vague guidelines as to the ramifications of the new SLO for landowners and businesses
- Receipt of a letter and flyer does not constitute appropriate community consultation, nor does a link on a website or a sticker placed on a bin. The vast majority of affected landowners are people with business interests, agricultural and otherwise, and to be frank do not have time to wander around local townships looking at bins or perusing the more obscure pages of the Council website.
- A poorly facilitated Zoom meeting call where the Council officers cannot speak due to poor internet connections and appear ill-informed throughout, is also not appropriate consultation. We were extremely disturbed to observe that the staff participating appeared to think that this constituted effective dialogue.

We strongly suggest that this process needs to work through a far more rigorous process of consultation with affected landowners, in person at properly convened meetings which provide sufficient opportunity for all participants to be heard. This is essential in order to provide much-needed clarity regarding the scheme and also to obtain necessary feedback from those most affected by these changes.

3. Lack of clarity regarding State vs Council requirements, particularly in relation to vegetation removal, and lack of consistency of approach

It would appear that some of the items listed for inclusion within the proposed SLO planning scheme, in relation to non-indigenous or planted vegetation, contravene the State legislations – an example was highlighted during the Zoom meeting on Monday 24th August. Furthermore, it became clear during the course of this meeting that Council staff were unsure as to how some of the items would be interpreted and whether existing or new guidelines would apply.

This would appear to be a case of both poor policy and extremely poor implementation, with a concerning lack of clarity surrounding the requirements for landowners, which needs to be rectified before the proposal proceeds any further.

It is also extremely disturbing that on the one hand, Council wishes to inflict an expanded SLO with more onerous requirements upon local landholders, whilst sitting to the side and avoiding involvement with AusNet's plan to build large overground powerlines across the south-western corner of the Shire – crossing some of the most aesthetically valuable and productive farmland within the region and erecting some of the most visually intrusive infrastructure imaginable.

4. Onerous processes and costs of permit applications – implications for landowners and scheme compliance

From correspondence and communication on this topic to date, it has become clear that applications for permits which would be required within the SLO area will require considerable supporting information, photographs, descriptions of environmental/aesthetic impact and in many cases reports prepared by external service advisors at considerable cost.

For a small enterprise such as our own, a total application cost of circa 5k (including typical professional service provider fees and council permit fees) represents a substantial portion of our turnover. To be forced to comply with this process in order to simply remove a dead pine

tree or to erect some temporary stockyards in a paddock is frankly unviable. For larger farming businesses, the cost may be substantial if they are forced to apply for multiple permits per year to enable normal business processes (for example erection of multiple silos or sets of yards). Furthermore, the time which would be required to administer these processes and deal with the Council's planning department would be prohibitive for most business owners.

Given that Council representatives have admitted that their resources to police an expanded SLO area are extremely limited, there is a strong possibility that some business owners will elect to ignore the requirements and proceed with the erection of necessary farm infrastructure, taking the risk that they may need to pay a fine if discovered. The cost of ultimately paying fines and obtaining retrospective permits are still likely to be lower than the immediate costs to their businesses caused by delays in assessment of applications and issuing of permits. Most businesses need to make and implement decisions within a short timeframe, far shorter than the time typically taken by Hepburn Shire's planning department to process planning applications.

5. Concerning inability to understand commercial agriculture and potential impact upon farm viability

The recent Zoom meeting with Council representatives also revealed a concerning lack of knowledge regarding commercial farm practices amongst planning officers.

In particular, staff appeared unable to comprehend that "farmland" does not simply consist of ploughed paddocks, it also encompasses grazing paddocks, laneways, stockyards, silos, haysheds, machinery sheds, water tanks and other infrastructure, as well as housing. A discussion centred around materials for silo construction and what constitutes a temporary fence did not exactly fill the assembled landowners with confidence that any future permit applications would be assessed by people with any basic knowledge or understanding of commercial agricultural practices.

We would suggest that areas surrounding existing farm houses, yards and shedding should be exempted from the SLO requirements, given the impractical nature of the published guidelines and lack of compatibility with existing farm practices and materials, such as galvanised iron, zincalume etc.

There was also a concerning lack of recognition that some of the requirements and restrictions of an expanded SLO could have serious implications for residents' livelihoods. Council staff need to understand that the affected area encompass a wide range of land users, including a substantial number of long-established commercial businesses supporting multiple family generations. Unlike many of the "artisan enterprises" promoted within Hepburn Shire, these people do not have alternative income streams to subsidise their enterprises, instead they are 100% reliant upon commercial farming activities for their income and have every intention of remaining in business within our highly productive landscape for the long-term. Commercial agriculture and related businesses are major sources of employment and business activity within Hepburn Shire, and have been the most significant economic activity within the potential SLO overlay area for well over a century. We would also recommend that some Council staff may need to upskill themselves in order to effectively communicate with landowners of this scale, and also to gain some understanding of their commercial imperatives.



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: J'accuse!
Date: Thursday, 27 August 2020 9:42:57 PM

[REDACTED]
Daylesford, submit that Amendment C80 hep, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, would affect me because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

This follows a lifetime of work which led to my partner and I fulfilling a long-held dream of living in Daylesford. Having moved here in October, less than a year ago, we now stand to lose the very reason for moving here – a view onto the beautiful natural environment. This is a high cost for relocating from Melbourne. We bought this property believing we could build a beautiful garden in the spacious block (this work has started), including at least one outdoor eating area. The Amendment would mean no more open fences, but instead solid 1.5m fences on all sides, and prohibition of outside eating areas. We have paid for renovations to allow an Airbnb – yet who would want to stay in an area clearly signposted as potentially noxious?

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DDO6
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months

and potentially years of stress and anxiety for me and my family until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner. Biggins Scott advised us that there is no doubt our property value would be affected by such an Amendment. Who would knowingly buy a property with such deleterious impacts on lifestyle and financial viability?

My entire neighbourhood will change, both aesthetically and in terms of seeing kangaroos follow their usual path across our front garden onto our neighbours garden and through to the back forested block. The change will be ever more depressing, as landholders treated so thoughtlessly and unfairly by council lose any interest in caring for a potentially worthless property.

I feel unsupported by Council. Only permanent abandonment of this flawed and unjust Amendment will begin to restore my faith in Daylesford.

Yours faithfully,

████████████████████

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Objection
Date: Thursday, 27 August 2020 10:16:58 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

My right to natural justice has been denied as Council sought to hide the nature of this amendment. The correspondence I received some weeks ago was deceptive in that it suggested permits would be required for extensions, fencing, rebuilding and sub-division. Believing this to be the expected arrangement, I was not concerned until approximately two weeks ago when other residents alerted me to the fact that permits would not be granted for any of these. The lack of transparency of Hepburn Shire Council is tantamount to deceit, and in complete opposition to the role of local Shire Councils, which is to meet the needs of the local community.

Furthermore, I object to the Hepburn Shire Council attempting to shift the financial cost of their own planning mistakes on to a select group of property owners. The most logical move is for Hepburn Shire Council to admit its mistakes, accept the financial implications, and move the Daylesford Transfer Station and Landfill.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel. The past three weeks has been characterised by sleeplessness and disbelief that I am suddenly in such a precarious financial situation. I fervently wish I had chosen to move to an area where Council treated their residents with fairness. The people of Daylesford deserve better from Council. If this Amendment is passed, I can only imagine the shifting perception of Daylesford in the eyes of Victoria and Australia, from progressive, forward thinking and a place where health and wellbeing is valued, to one where social justice and fairness do not exist. Worse, for its

brand and image, one equated with the fear of noxious gases escaping from landfill close to tourist accommodations, the Mill Market and Tipperary Springs nature walks.

The logic of the urban planners who came up with this DD06 amendments is questionable to say the least. It overrides both the character of Daylesford as it is widely perceived, and the great Australian dream of home ownership and security. In fact, I feel I have lost half the financial security I brought to Daylesford less than a year ago, and a great deal of faith in this town as providing a sense of community and wellbeing.

I urge the complete abandonment of this Amendment, which punishes residents for the Hepburn Shire Council's lack of forward planning and errors in approving the Transfer Station and Landfill so close to existing residential areas.

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re;Significant Landscape Overlay -Hepburn Gold Mines and Volcanic Dsitric
Date: Thursday, 27 August 2020 10:31:30 PM
Attachments: [Hepburn Shire SLO.docx](#)

Please find attached my submission on proposed changes to the Significant Landscape Overlay.
May I request an email of confirmation of the receipt of this submission?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

[REDACTED]

[REDACTED] so have a deep understanding of environmental issues. I have a life-long interest in the history of the goldfields and was [REDACTED]. For sixteen years I have been undertaking intensive research with the intention of publishing a history of the district.

1. STATEMENT OF NATURE AND KEY ELEMENTS OF LANDSCAPE.

I question some of the terms used in this section. The volcanic cones, particularly Mount Kooroocheang and Mount Moorookyle, are surely more than mere mounds on the landscape and all the so-called rounded volcanic rises have been "exposed to weathering" for considerably more than "over a century" by thousands and thousands of centuries.

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Re: Objection to Expanded Significant Landscape Overlays within the Hepburn Shire
Date: Thursday, 27 August 2020 10:31:32 PM
Attachments: [Objection Hepburn Hire SLO1 LW270820.docx](#)

Ref: SLO Overlay objection Hepburn Shire 27/08/20

Thursday, 27 August 2020

Hepburn Shire Council,
PO Box 21 Daylesford
VIC 3460

planningscheme@hepburn.vic.gov.au

Dear Review Officer,

Re: Objection to Expanded Significant Landscape Overlays within the Hepburn Shire

[REDACTED]

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

1. Lack of public communication and consultation.
2. The Hepburn Shire Planning Scheme Amendments is being put forward at a time of crises and should be postponed until after the COVID-19 Pandemic.
3. The cost of compliance for farmers is not clearly stated - if a permit is required it should be at no cost and ability to process on line.
4. Carbon offset requirements should be clearly stated and what triggers these and the cost associated to farmers and residents within this SLO.
5. The triggers for constructing a building or carrying out works should be clearly stated as currently it is extremely vague, where nothing states the following will not require a permit:
 - a. 200-liter water tank
 - b. 2m² deck
 - c. 10m² pergola
6. Clause 42.03-2 states a permit is not required to carry out agricultural activities including ploughing and fencing. Is this to assume that these activities are the only to be exempt by farmers. A broader scope of "agricultural activities" must be added.
7. Report lacks any empathy to farmers and no connection to people they are representative of farmers
8. Commercial farming is a continuously changing industry and the future uses are unknown.
9. Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue. Why do we need change?
10. Restrictions on use of galvanized or zinalume should be withdrawn.

11. The Size of the Proposed SLO1 Extension.

I hope this list is clear and if you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely,

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

Thursday, 27 August 2020

Hepburn Shire Council,
PO Box 21 Daylesford
VIC 3460

planningscheme@hepburn.vic.gov.au

Dear Review Officer,

Re: Objection to Expanded Significant Landscape Overlays within the Hepburn Shire

[REDACTED]

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

1. Lack of public communication and consultation.
2. The Hepburn Shire Planning Scheme Amendments is being put forward at a time of crises and should be postponed until after the COVID-19 Pandemic.
3. The cost of compliance for farmers is not clearly stated - if a permit is required it should be at no cost and ability to process on line.
4. Carbon offset requirements should be clearly stated and what triggers these and the cost associated to farmers and residents within this SLO.
5. The triggers for constructing a building or carrying out works should be clearly stated as currently it is extremely vague, where nothing states the following will not require a permit:
 - a. 200-liter water tank
 - b. 2m² deck
 - c. 10m² pergola
6. Clause 42.03-2 states a permit is not required to carry out agricultural activities including ploughing and fencing. Is this to assume that these activities are the only to be exempt by farmers. A broader scope of "agricultural activities" must be added.
7. Report lacks any empathy to farmers and no connection to people they are representative of farmers
8. Commercial farming is a continuously changing industry and the future uses are unknown.

9. Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue. Why do we need change?

10. Restrictions on use of galvanized or zincalume should be withdrawn.

11. The Size of the Proposed SLO1 Extension.

I hope this list is clear and if you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely,

A black rectangular redaction box covering the signature area.

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Complete a survey
Date: Thursday, 27 August 2020 10:45:14 PM

<https://oursay.org/survey/QRRWL3Xg>

Sent from my iPad

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme; daylesfordresidents@gmail.com](mailto:daylesfordresidents@gmail.com)
Subject: Residents Impacted by DDO6
Date: Thursday, 27 August 2020 10:53:29 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DDO6
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06 supplementary submission
Date: Friday, 28 August 2020 7:34:41 AM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DD06 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DD06 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DD06 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Objection to the proposed DD06
Date: Friday, 28 August 2020 7:36:00 AM
Attachments: [image001.jpg](#)

Dear Councillors and council staff,

[REDACTED]

[REDACTED]

must say that the proposed DD06 information was difficult to find unless you had previous experience in navigating the process. I understand that there has been numerous objects so I would go into further detail however I wonder how council plans to deal with the financial consequences to residences if the DD06 is subsequently approved.

We support the following recommendation that has been distributed by the concerned residents.

Recommendation for Councillors from *Impacted Residents of DD06*

It is recommended that Councillors:

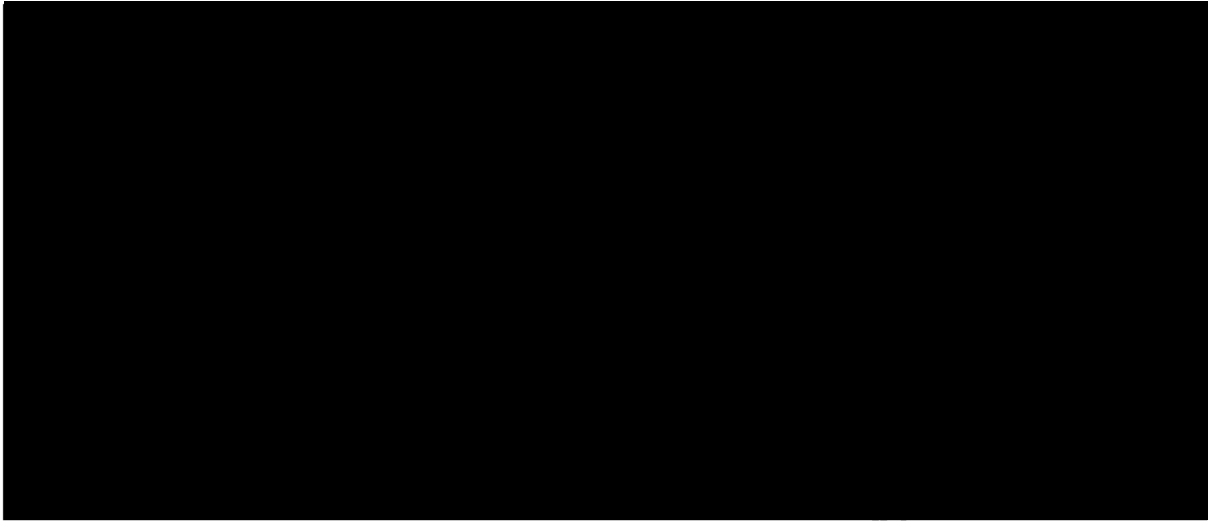
1. Place a moratorium on DD06.
2. Vote at the September council meeting to abandon DD06 from Amendment c80hepb.
3. Begin a collaborative process for moving forward; one that balances the need to meet ministerial and EPA requirements for transfer stations, against the need to act in the interests of all Victorians, as required by the Planning & Environment Act.
4. Direct officers to complete the risk assessment work required by the EPA to:
 - o inform the waste management strategy review; which in turn would then
 - o inform appropriate responses to transfer station issues, including any overlay requirements; while
 - o undertaking the due diligence expected from legislative and resident perspectives.

Guiding principles for this recommendation:

Impacted Residents of DD06:

- Does not accept that any deterioration in existing resident amenity and rights is acceptable.
- Would prefer to act collaboratively with our Councillors and Council Officers.
- Believes that practical solutions can be developed, agreed and implemented outside of the current Planning Scheme Review without the pressures of the Planning Scheme Review's protracted, bureaucratic process.
- Considers that it is totally unacceptable to retain DD06 within Amendment c80hepb as the uncertainty over an estimated 12 months or more while Panels review submissions and make recommendations will be detrimental to residents from health, economic, social and quality of life perspectives; it expects that both Council and residents will continue to experience stress associated with the impacts outlined in residents' submissions.

- Prefers communities to work together. Within the context of the current waste management strategy review, it expects a practical approach that meets all requirements can be achieved. This would include a full assessment of risks around the shire's transfer stations and **appropriate** responses to those risks.



Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Subject: Objection to SLO
Date: Friday, 28 August 2020 7:49:59 AM
Attachments: [image001.jpg](#)

Dear Councillors & Council staff,

[REDACTED] we write in regard to the Proposed Planning Amendment to Schedule 1 to Clause 42.03 Significant Landscape Overlay due to the;

- Size of the Overlay and lack of information distribution to Hepburn Shire Farmers during COVID-19 lockdown.
- The implication for Vegetation Removal - Including Indigenous and Non-Indigenous
- Implications for Structures, including homes, shed and the height limitations

Our main concern is the cost to farmers and landowners for the permit process which is costly and complicated. The application requirements that will apply to an application for a permit under Clause 42.03 and specified elsewhere in the scheme requiring:

- A detailed site evaluation which considers the existing landscape context including topography, vegetation (species, location and character) and views to the site from roads, settlement, publicly accessible waterways and recreation and tourism locations.
- A landscape plan that promises the use of locally appropriate species (eg indigenous or non invasive native/exotic plant that are a feature of the charter of the area) and how the affected area will be remediated after the development.
- A visual impact assessment of the proposal from major viewing corridors and identified significant viewing locations.
- These requirements will also be required to be supplemented by the requirements outlined in 42.03-1 Landscape Character and Objectives of the Significant Landscape Overlay: A statement of the nature and key elements of the landscape and The landscape character objectives to be achieved.

There has been little consultation with the farmers in regard to the proposed extension to the SLO and they will find the process difficult and expensive.



From: [REDACTED]
To: [REDACTED]
Subject: DDOC proposed amendments
Date: Friday, 28 August 2020 8:38:31 AM
Attachments: [image001.png](#)

Dear Councillors

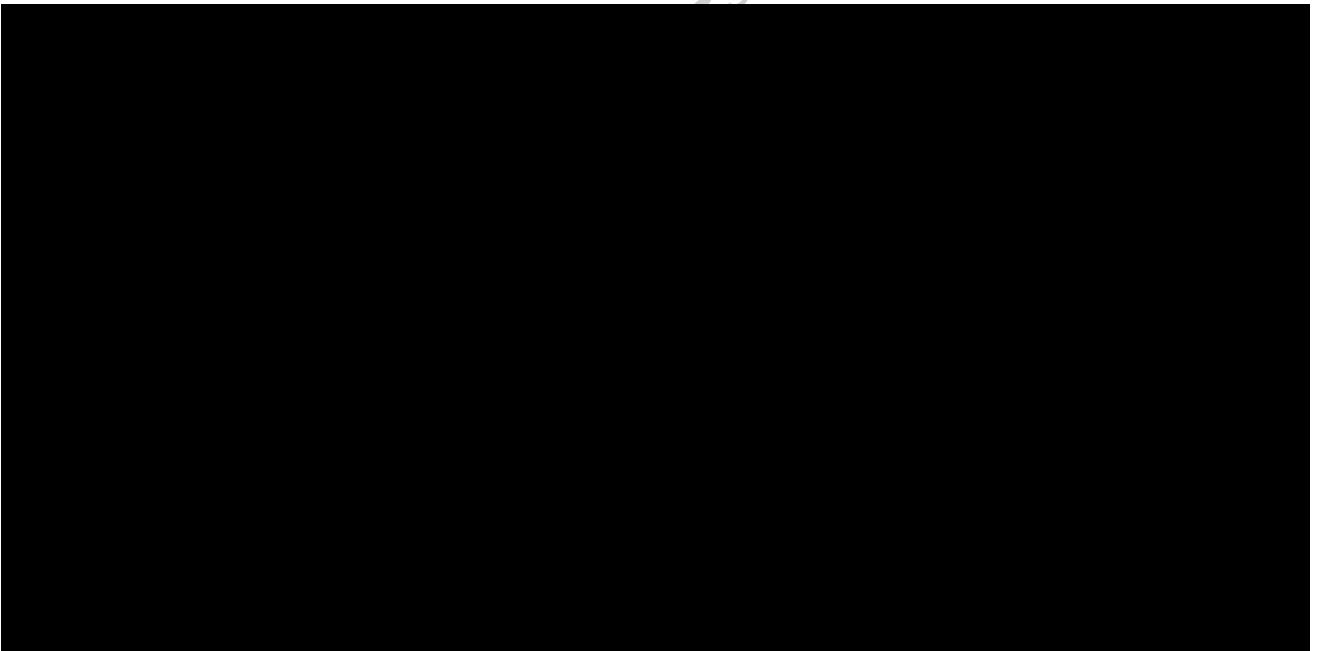
[REDACTED] who has major concerns over the proposed DD06 amendments scheme which many of us deem unfair and excessive as they will have devastating effects on the value of the properties with limiting any potential extensions, rebuild unless bushfire and other items.

These home owners bought their properties in good faith at the time that they had autonomy to do as they wished, subject to council current planning permit schemes.

Additionally, the timing of these proposed amendments has totally disregarded that many of the home owners would be affected with Covid-19 (from loss of jobs, income, businesses to no family or friend gatherings, is challenging to all) and to throw this in the mix at a time when face to face meetings cannot be held can be deemed unconscionable conduct.

Based on the above concerns I strongly urge you to remove this DD06 proposed amendments from the planning scheme.

Sincerely



From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Friday, 28 August 2020 8:46:58 AM

Hi Alison

One more addition.

If council decides that I can never build on my vacant block, will I still need to pay rates?

If so, what will I be receiving for these?

Thanks

Jeff

On Thu, Aug 27, 2020 at 3:00 PM Planning Scheme
<planningscheme@hepburn.vic.gov.au> wrote:

Thank you

Alison Blacket

From: [REDACTED]
Sent: Thursday, 27 August 2020 5:21 AM
To: Planning Scheme <planningscheme@hepburn.vic.gov.au>
Subject: Re: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay

Hi Alison

I'd like to make the following addition to my submission:

Mental Health Impacts

The stress that is being experienced by people being threatened with loss of basic freedoms and massive devaluation of their asset bases - for reasons that will deliver very marginal gains and could have been far better addressed through a less heavy-handed approach - is outrageous.

It has the potential to result in significant mental health consequences.

People understand and feel injustice, it's a major cause of morbidity and this is a clear example of such.

Flawed risk management

An appropriate risk management assessment has not been done.

Whilst discussions may have taken place in some way with the EPA, a comprehensive piece of advice that balances all the issues has not been obtained.

I wonder whether people in the planning section think they are effectively managing their own professional risk by not allowing any development in this zone. If so, they are taking a very narrow view of risk. It's a more complex thing than that.

NO-ONE IN COUNCIL IS WILLING TO ACKNOWLEDGE THAT THE ACTUAL RISKS HERE ARE VERY LOW. Yes, there is an old landfill, but the amount of organic matter capable of producing gas emissions is very small compared to other sites because of the duration of operation and the size of the town. The risk is negligible. Otherwise, a transfer station can be effectively managed to minimise impact in harmony with residents. This is the right approach. We can do this. The proposed response is disproportionate to the issue.

Suggested next steps

With respect, please acknowledge the flaws with the process and the content of this proposal. Don't delude yourself that tinkering around the edges will represent consultation and responsiveness. Abandon this proposal and start again in the right way - with a process embedded within a clear strategic and policy framework, appropriately informed by expert opinion, in consultation with residents and given an appropriate timeframe for consideration and debate. If you engage with residents in a collaborative and positive way, I believe you will be impressed with the calibre of people you are dealing with and the result will be much better than the one you think you will obtain through DDO6.

Regards

Jeff Brownscombe

On Sun, Aug 16, 2020 at 7:19 PM Planning Scheme
<planningscheme@hepburn.vic.gov.au> wrote:

Thank you Jeff.

Regards,

Alison Blacekt

From: Jeff Brownscombe <jeff.brownscombe@gmail.com>

Sent: Sunday, 16 August 2020 2:15 PM

To: Planning Scheme <planningscheme@hepburn.vic.gov.au>

Subject: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay

Dear Hepburn Shire Council

I [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- Loss of rights regarding landscaping, fencing, balconies, open space areas.
- The potential for unrestricted development of the Daylesford Material Recovery Facility to reduce my enjoyment of my land and impact my health (currently there is no impact on either).
- The potential devaluation of my property significantly affects my options and those of my children moving forward.

If the purpose of the document is to effectively operate the Daylesford Material Recovery Facility (and reduce its amenity impacts), then is this proposal linked to any plans or guidelines regarding best practice operation and planning of the facility? Why is all the focus on reducing residents rights and none on council's responsibility to strike an appropriate balance?

What is the basis of the 500m radius? Is there any scientific basis for this proposal and its details?

Why has there been no consultation with residents regarding this matter? It's interesting that in the same week I get a carefully worded letter from the council about the pruning of a conifer tree down the road from me, I hear through secondary sources about a proposal to change the Design and Development Overlay related to my property. This seems incongruous to me.

I await council's response.

Regards

Jeff Brownscombe

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to Proposed C80hepb Schedule 1 Clause 42.03
Date: Friday, 28 August 2020 8:51:59 AM
Attachments: [REDACTED]

Attached is my objection as a Ratepayer and Farmer in the Smeaton area.

Yours

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

[REDACTED]

[REDACTED]

Objection to Proposed Planning Amendment to Schedule 1 to Clause 42.03 by Hepburn Shire Council.

[REDACTED]

I am objecting to the proposed approval for two reasons.

1. **POOR PLANNING PROCESSES.** Despite claims by council officers that the proposed changes have been through the process and extensive engagement has taken place the evidence suggests otherwise. This includes failure to recognise:
 - a. The period of Covid shutdown. It is unbelievable that this could be ignored. With disruption to mail services and the inability of people to readily meet and discuss the issues this claim is absurd.
 - b. The short time lines in the planning process. For example, the Virtual Information session in Creswick scheduled for August 3 2020 was only some 3 weeks ago. This time frame was inadequate and compounded by the fact that many ratepayers are unable to participate in such a forum.
 - c. The inadequate communication with ratepayers impacted on by the proposal. I received no notification at all.

- d. The fact that some 40 odd ratepayers participated in the last-minute organised council-based Zoom meeting of August 24.

2. PROPOSED CHANGES HAVING MAJOR IMPACT ON FARMING BUSINESS OPERATIONS.

- a. The nature of the changes is not at all clear and examples of how they might be applied are vague. However, it is clear that farming operations will be made much more difficult because any new or replacement farm buildings will need to have additional paperwork submitted and meet additional requirements. Given the whole of our farm is in the shaded area this is a problem. It seems likely that approval may be near to impossible for structures such as haysheds for example. The council has not clearly indicated that approval will be granted with such examples including new residences and so on.
- b. The areas shaded represent a huge increase in restrictions on the prior situation. In other shires the changes are very very small. As a ratepayer in the Golden Plains shire I can make this comparison. This is another reason for Hepburn to undertake more engagement.
- c. The proposed changes will make establishing different farming enterprises more difficult. For example, smaller farm enterprise operations with more infrastructure on smaller areas will be very difficult. This is the trend in many farming areas where more intense agriculture operations are encouraged.
- d. The proposed guideline may prohibit the planting of even indigenous trees. Actual tree plantations would require planning approval and be difficult to design and justify under the proposed guidelines.

For all these reasons Council needs to carefully consider how it moves forward and implements the proposed plan.

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Date: Friday, 28 August 2020 8:52:28 AM
Attachments: [IMG_3665.jpg](#)
[IMG_3668.jpg](#)

Supplementary Objection

[REDACTED], make this supplementary submission that Amendment C80 hep, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

Further to my Objection sent 27 August at 10.18am, please see the email trail below as a supplementary Objection.

I have heard that there has been a huge amount of work go into the details of the proposed DD06, yet the responsible and accountable Council staff are unable or unwilling to answer the most basic questions in relation to DD06. **It should therefore be abandoned.**

Hi Alison,

Thank you for your reply. Unfortunately David is not replying.

I need to clarify that I understanding Council's responses to my questions to inform my objection and subsequent actions. Please look at the blue highlighted parts after your yellow highlighted answers and confirm my understanding. (See email towards the bottom.)

I don't mind if you or David do this, but it is important that someone from Council is able to answer these basic and highly relevant questions so that I can submit an informed objection by Friday.

With thanks,

From: Alison Blackett <ablackett@hepburn.vic.gov.au>

Sent: Tuesday, 25 August 2020 9:38 AM

To: [REDACTED]

Subject: RE: Enquiry regarding DDO6 and building proximate to landfill site

Hi Debra

As your questions relate to matters that are not central to the amendment or the DDO6 I will have to leave it to David to answer these.

The closing dates of the exhibition period cannot be changed as they have been gazetted for that window of time. The amendment has been on exhibition for 6 weeks now.

With kind regards

Alison Blacket

From: [REDACTED]
Sent: Tuesday, 25 August 2020 8:14 AM
To: [REDACTED] Alison Blacket
<ablacket@hepburn.vic.gov.au>
Subject: FW: Enquiry regarding DDO6 and building proximate to landfill site
Importance: High

[REDACTED]
I have not yet received a reply to my email from Friday morning. The council meeting was last night, and objections due on Friday so there is both a lost opportunity, and an urgent need for some answers.

Can you please respond today, or if there is not enough time, extend the short and hasty timeline that Council has imposed for this process.

With thanks,

[REDACTED]
From: [REDACTED]
Sent: Friday, 21 August 2020 11:40 AM
To: [REDACTED]
Subject: Enquiry regarding DDO6 and building proximate to landfill site
Importance: High

Dear David,

Alison Blacket gave me your name and suggested I contact you in regard to my questions below.

Can you please provide the answers suggested by Alison?

Any further information on the other points would be appreciated, as the answers given by Alison do not provide the evidence need to show a 500 metre barriers is, in fact, needed for this specific site in Daylesford. Instead, it refers to a general guidelines. It is also not clear from the answers below whether this is a requirement or a recommendation, and whether council can decide whether it is to applied specifically to the Daylesford site.

As objections are due next Friday, can you please reply as soon as possible?

With thanks and best wishes,

[REDACTED]
From: Alison Blacket <ablacket@hepburn.vic.gov.au>
Sent: Friday, 21 August 2020 10:32 AM
To: [REDACTED]
Subject: RE: Enquiry regarding DDO6 and building proximate to landfill site

[REDACTED]
I have responded to your queries below in yellow

Alison

From: [REDACTED]

Sent: Thursday, 20 August 2020 9:33 PM

To: Alison Blackett <ablackett@hepburn.vic.gov.au>

Subject: Re: Enquiry regarding DDO6 and building proximate to landfill site

Hi Alison,

Thank you for sending the links. I had seen these.

Could you answer the specific questions that relate to the Daylesford Waste Transfer Station?

Thanks so much.

[REDACTED]

Sent from my iPhone

On 20 Aug 2020, at 8:58 pm, Alison Blackett <ablackett@hepburn.vic.gov.au> wrote:

[REDACTED]

Thank you for your email.

This summary may help you to understand the details of the amendment:

As you are aware the DDO6 is proposed to be applied as a 500 metre buffer around the Daylesford Waste Transfer Station. The intention of the overlay is to limit the intensification of residential development in close proximity to the site which includes the transfer station and closed land fill. The basis of the proposed DDO6 is the EPA Publication, 1642 and Clause 53.10 – 'Transfer station receiving organic waste buffer distance' the latter applying to planning schemes across Victoria.

Please find below links that might assist you further:

<https://www.epa.vic.gov.au/about-epa/publications/1642>

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_10.pdf

With kind regards

Alison Blackett

From: [REDACTED]

Sent: Wednesday, 19 August 2020 10:38 AM

To: James McInnes <jmcinnes@hepburn.vic.gov.au>

Subject: RE: Enquiry regarding DDO6 and building proximate to landfill site

Hi James,

Thank you for sending this through. In order to inform my objection, please advise on the following:

- It appears the EPA has recommended this, rather than this being legislated. Is that correct? The basis for the amendment is this clause (which is underpinned by the EPA processes).
- https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_10.pdf

This answer should be read as YES, it is a recommendation, and not a legislative requirement. Is that right?

- Is the Hepburn Shire council compelled to impose a 500 radius around the Recycling Centre?

Council is concerned about increasing residential development around the transfer station, the potential risk to human health and the need to identify the transfer station as an existing use

This answer should be read as NO, council is not compelled to impose a 500 metre radius. Is that right?

- Has an environmental risk assessment of IREAs been completed that demonstrates a variation is justified?

I am not sure of the status of this. It is not key to the amendment. Please contact David Watson at Council who may know the answer to this question

This answer is 'Council doesn't know.' Is that right?

How is not key to the amendment? Is 'safety' not the ostensible reason for this amendment? David Watson has not replied.

- Is the 500 m recommendation the correct one, given that the landfill has now closed? The landfill is closed. Further work is needed to confirm its footprint and (if any offsite) environmental impacts.

This answer is 'Council doesn't know.' Is that right?

Why is this amendment going ahead when further work is needed to confirm environmental impacts?

- Are there health risks from the former landfill site that cannot be addressed, e.g. through soil removal?

The landfill is a former tip. Your question above needs to be assessed

This answer is 'Council doesn't know.' Is that right?

Why is this amendment going ahead when further work is needed to confirm environmental impacts?

- What is the evidence that 500m is evidence-based? If so, please forward this.

Clause 53.10 recommends a 500 metre buffer

This answer is 'There is no specific evidence.' Is that right?

- A more reasonable approach would be to move the Recycling Centre to a more remote location. Has this been considered by Council, and if so, what were the conclusions? If not, why not and can this be considered now?

Council will be undertaking a review of its transfer stations. Please contact David Watson at Council to discuss this

This answer is 'No, this option has not been considered by Council'. Is that right?

Why is this amendment going ahead when further work is needed?

has not replied.

- Is such retrospective rezoning with financial, business and lifestyle implications for rate-payers legal? If so, what are the appeal avenues if this proposal is passed? Have there

been precedents of legal challenges that Hepburn Shire council has identified as part of its risk management?

The processes associated with the proposed DDO6, now on exhibition, is a process ingrained in the Planning and Environment Act 1987. The amendment has gone through many checks and balances already by both DELWP and the Minister for Planning. It is expected that any flaws will have been 'ironed out' by now so that the community can comment on a legitimate document.

This answer is 'We have ironed out procedural flaws'. This was not my question. It also appears from last night's meeting that even on the basis of process, there are flaws as many did not receive notification, and those that did received misleading information.

With best wishes,

[REDACTED]

From: James McInnes <jmcinnes@hepburn.vic.gov.au>

Sent: Tuesday, 18 August 2020 3:55 PM

To: [REDACTED]

Subject: Enquiry regarding DDO6 and building proximate to landfill site

Hi Deborah,

Below is some background to the proposed changes and information you may find useful:

The 500m radius has come from standards from the EPA. Here they are below along with a (state level) standard that is currently in our planning scheme

The 500 metre radius applies the following EPA standards:. (We note that the landfill is closed)

EPA Publication 1618:

<image001.png>

And also the following Clause applying to planning schemes across Victoria

53.10 - Transfer station receiving organic waste buffer distance:

<image002.png>

Below is a link to where you can find some more general information about the Planning Scheme Review, and towards the bottom of the page there is a link to where any person who may be affected by the amendment may make a submission about the proposed amendments.

<https://www.hepburn.vic.gov.au/hepburn-planning-scheme-exhibition/>

I hope this is helpful.

Kind regards

<image004.jpg>

<image005.gif> **James McInnes**
Statutory Planner

Hepburn Shire Council

PO Box 21 Daylesford Victoria 3460

T: 03 5321 6417

Hepburn Shire Council is on Dja Dja Wurrung Country. We're an inclusive workplace that embraces diversity in all its forms.

hepburn.vic.gov.au

<image006.gif>

[like](#) us on Facebook

<image007.jpg>

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Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: submission on Amendment C80hepb
Date: Friday, 28 August 2020 8:56:59 AM
Attachments: [C80hepb submission Stockfeld.docx](#)

Please find the attached submission on Amendment C80hepb.

R [REDACTED]
[REDACTED]

[REDACTED]

Amc80hepb Submissions received

The Planning Scheme Review Officer,
Hepburn Shire Council
By Email: planningscheme@hepburn.vic.gov.au

August 27, 2020.

Re: submission on Amendment C80hepb

My submission concerns what I perceive to be a loophole in the existing Planning Scheme which the proposed amendments do not address. I believe this loophole is one which will be exploited by developers and has the potential to leave the communities on the fringes of Daylesford and Hepburn vulnerable to inappropriate developments in their midst.

Clause 15.02-1 *Environmentally sustainable development* has the stated objective ‘to achieve best practice in environmentally sustainable development from the design stage through to construction and operation’ and the stated strategy to ‘facilitate development that minimises environmental impacts’. The sustainable design assessment is stated as a requirement not just for dwellings but for buildings other than dwellings used for accommodation.

I believe the loophole arises here in the definition of a building. Developers may seek to exploit the fact that a demountable structure is not classed as a building and is therefore exempt from the requirements of the Building Code. This allows them to erect structures for the purposes of tourist accommodation that are exempt from the requirements of the Clause 15.02-1 if it can be demonstrated that those structures are demountable. Yet those same structures might be erected on an ongoing arrangement that becomes permanent, and let to paying clients on a continuous basis. The environmental sustainability objective of Clause 15.02-1 is seriously undermined if these poorly regulated and poorly insulated demountable structures include heating and bathrooms.

The implications of this loophole flow on to communities on farmland surrounding major tourist centres such as in Hepburn Shire, where residents may see inappropriate developments arising within their midst with the express purpose of making money from accommodation which has incurred a minimal establishment cost. The developments I have in mind in particular are luxury camping facilities, so-called ‘glamping’, which are registered as caravan parks and where a degree of luxury (including wood heating and conveniences such as hot water and bathrooms) is installed in a demountable structure. A luxury camping experience is sold to the tourist market where the intention is in fact to reap the benefits of the tourism market with minimal outlay on construction.

I believe a solution to this lies in shifting the emphasis from the question of what constitutes a building, to the way it is used. This question was addressed by the Victorian Civil and Administrative Tribunal in the case *Furness v South Gippsland SC* [2011] VCAT 192, VCAT Reference Nos. P3019/2010 & P3391/2010. Here it was noted that the definition of ‘building’ in s3 of the Planning and Environment Act 1987 is an inclusive rather than exhaustive definition, and therefore open to some interpretation. Moreover, that while the definition of a ‘residential building’ excludes a caravan and camping park, this is because single caravans on rural land are commonly regarded as a *temporary* use. The question of the *use* of the premises is the pivotal point, as demonstrated in the case *Armato v Hepburn Shire Council* [2007], VCAT 603. In this case the

Tribunal was concerned with the *use* of the premises rather than solely being concerned with the physical structures, finding that the use of land for planning purposes is not determined by the *style* of development but the *purpose* for which the land is actually used.

My recommendation is that a rigid definition of a building leaves a loophole in the Planning Scheme that invites exploitation, and that this can be addressed by shifting the emphasis to the intended use of a structure and thereby allowing for some interpretation that may enable some regulatory control over ostensibly temporary structures that are in fact intended to be used on a permanent basis. In this way I believe the revised planning scheme will be better able to fulfil its stated objective of encouraging sustainable buildings design and subdivision to complement the National Construction Code.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO 1 Submission
Date: Friday, 28 August 2020 9:22:59 AM
Attachments: [REDACTED]

Planning,

Please find attached an updates to our objections to the SLO1 Changes.

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

To the Planning Review Officer.

27-08 2020

[Additional Concerns listed below.](#)

We are writing to object to the SLO 1 amendment C80hepb. As farmers with a long family history in this region whose care of the land is paramount to our farming future, we would like to make you aware of the following points.

- The broad scale of the proposed amendment affects massive areas of prime agricultural land as compared to the existing SLO which now exists over the volcanic cones. We feel the existing legislation has worked well and can continue to protect these landscapes.
- The presented “glossy brochure” does not give any background to the following points. This makes it unbelievably difficult for councilors and landowners to understand the ramifications of this change.
 - No Impact statement has been done with regards to the effect on local landowners. This should include financial, administrative and mental health.
 - No costings have been presented.
 - No recognition for landowners’ efforts.
 - No gathering of legislation so councilors and farmers can see what is required and what they can and can’t do
- The requirements for obtaining Permits under this scheme are far too onerous for the local landowners particularly for the normal management of their farming enterprises. Listed below are some concerns
 - The Time taken to apply for a permit
 - The cost of the Permit
 - Time and cost to prepare a ‘Detailed Site Evaluation’
 - Time and cost to prepare a “Landscape Plan”
 - Time and cost to prepare a “Visual Impact Assessment”
 - Assessment time by the relevant authority
 - The Landowner is at the mercy of an assessor that probably does not understand the land as well as the landowner.
 -
- Some simple examples, (As best that we understand the proposed legislation)
 - Landowners may not remove dead or dying pine trees without a permit.
 - Landowners may not lop, prune or remove any vegetation over 1.4 metres high without a permit. Some exclusions apply.

- Collect Firewood without a permit
 - Too many more here to mention.
- In the short term we think that during this time of Covid it is difficult to consult widely with landowners within this region. Therefore, at a minimum this amendment should be delayed until a proper consultative process can be agreed upon giving all landowners a practical forum to ask questions.

We believe that this amendment to SLO1 should be rejected completely and the current SLO remain. To change this legislation would have a major impact on local farmers, to the degree that local farmers may ignore this legislation and open themselves up to legal prosecution. It is poor legislation that encourages good people to break the law.

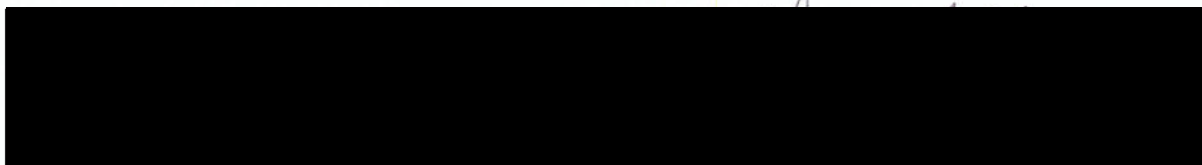
We have spent a number of days trying to understand and find the various clauses involved in these changes. This has taken us to many different government authorities, and we are still not convinced we understand all the obligations. Therefore, for all the reasons above we request that this amendment is rejected.

In addition to the above points we would like to express our concerns re the size of constructions or works that can be done.

- The height restrictions re silos where a silo over 6 meters high would require a permit and need to be made of muted, natural and non-reflective colours. This is extremely onerous and indeed we are not sure these are available. The additional cost would be substantial.
- The size of a building for example a hay shed would also incur a permit with onerous planning requirements, including colours etc. that would make the construction of a hayshed considerably dearer and indeed obtaining a permit left in the hands of a planner whose subjective assessment may be impractical and unreasonable.
- These are examples of everyday infrastructure used by average farmers.

We would like to take this opportunity to reaffirm that the proposed extension of the SLO does not suit the expansive region it covers. It changes the purpose of the region from Farming Zone where the shire is compelled to support agricultural endeavours to an SLO that is more focused on the Vista. This change is inappropriate and not fit for purpose.

We have done many hours of work trying to understand this and have had contact with many many locals and to this point not one has been in support of the amendment. I ask the planning authority to listen to the locals who work and care for the land on a daily basis and withdraw this SLO1 amendment.



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: SUBMISSION TO HEPBURN SHIRE RE PLANNING SCHEME REVIEW 2020
Date: Friday, 28 August 2020 9:56:46 AM
Attachments: [REDACTED]

To The Planning Scheme Review Officer

Please accept this submission on behalf of the membership of [REDACTED].

[REDACTED]

Amc80hepb Submissions received

ULLINA LANDCARE GROUP



Established 1994

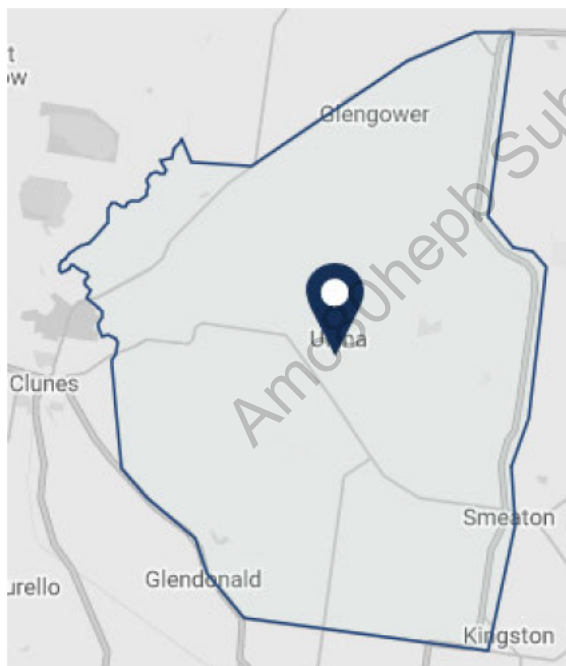
SUBMISSION TO HEPBURN SHIRE RE PLANNING SCHEME REVIEW 2020

By email (planningscheme@hepburn.vic.gov.au) to The Planning Scheme Review Officer, Hepburn Shire Council, PO Box 21, Daylesford VIC 3460

This response is submitted by the committee of the Ullina Landcare Group on behalf of our members.

Ullina Landcare Group Perspective

Ullina Landcare Group formed in 1994 to connect local landholders with a common interest in caring for the land and engaging in the Landcare movement. The group supports the 'act local' approach to caring for the land and takes the opportunity to support community and communication in the area. We have a membership of 35 families being 54 members representing landholders of all types in our area.



We have run projects for 26 years in our area which encompasses a large proportion of the proposed SLO area. We continue to engage in projects supporting biodiversity and land management in the area with the support of the Shire, DELWP and NCCMA. The Group is incorporated as a member of Landcare Victoria Inc.

The Ullina Landcare Group area includes approximately 185 sq. km of land in the Hepburn Shire from Smeaton to west of Kingston to Glendonald to east of Clunes to Glengower and Campbelltown.

Image: Ullina Landcare Group zone. Source: Landcare Victoria Inc.

Summary of This Submission

Details has been provided regarding the following summary points. We:

1. Are proud of our locality and want to engage with the Shire to produce highly workable documents and processes

2. Intend to be as constructive as possible
3. Wish to be certain of the precedence of documents
4. Perceive financial and other impacts on ratepayers and the Shire that could be mitigated
5. Consider that the proposed boundaries need review and further detail such as locations of bases and views
6. Note that the landscape character objectives are over-generalised, and do not include agriculture which is the dominant use in the SLO zone
7. Conclude that specifically applying all the Planning Scheme permit requirements is complex and expensive and there are opportunities to make that easier and effective
8. Believe that consulting and preparation of permits will be expensive, aside from Shire permit charges, and time consuming
9. Consider the decision guidelines should be revised to reduce subjectivity.

Purpose of the Amendments

At this point we understand the process requires that planning schemes must be regularly reviewed. However, we wish to understand this review and work with the Shire to make a positive difference:

- Why is this change required?
- What is the problem we need to solve?
- Have the members of our community been doing something incorrectly?
- How will we adapt the scheme to the changing face of agriculture, climate change and other challenges?

The Process

We have been advised that COVID-19 waylaid the consultation process which was to occur in March 2020. Since then, to the best of our knowledge there has been limited contact with landholders who are directly affected by the proposed amendments. We have been advised that councillors intended that consultation would be widespread.

Understanding and responding to the amendments presents a massive undertaking for possibly hundreds of individuals, families, and businesses. It is particularly taxing for those who have no internet access.

We have collectively read many documents, attended information sessions and attended public meetings. We researched for probably hundreds of hours in an attempt to understand every document that forms the basis of these amendments, including those not changing and the State provisions. We also attended the 24 August Additional information Session.

We believe the following matters need to be clarified for our members.

Precedence

We are seeking to confirm the (legal) precedence of documents¹:

1. State Planning Scheme
2. Hepburn Shire Scheme
3. Between the many sections in the schemes such as:
 - a. 14.01 Agriculture

¹ This was partially clarified at the Additional Zoom Meeting held on 24/8/20

- b. 21.07 Economic Development
- c. 21.08 Rural Land Use & Agriculture
- d. 22.04 Rural Land
- e. 42.02 Vegetation Protection Overlay
- f. 42.03 Significant Landscape Overlay
- g. And numerous other sections in the schemes

The Significant Landscape Overlay (SLO)

We accept that there is an existing SLO and that it is reviewed from time to time. We are proud of our land and appreciate the volcanic cones. We also recognise that the health of our landscape sustains agricultural production. We believe we need:

- Understandable, and clearly interrelated documents
- Workable planning scheme and permit application documents with:
 - Low cost to users
 - Low cost to the Shire
 - Minimal timeframes to apply, review and close
 - Commitment by the Shire to turnaround times and regular meaningful feedback on progress for any extended application.

Financial Impacts

We perceive substantial financial impacts which are further discussed in this submission:

- Increased management costs to landholders both in cost of applications and time expended on reviewing requirements, preparing submissions, responding to queries and resubmissions and possible escalations.
- Increased management costs to the Hepburn Shire both for staff and the councillors
- Devaluation of property within the SLO.

Significant Landscape Overlay Maps

On comparison, the amended maps expand by at least 10 times the areas currently under SLO. We see the focus on volcanic cones and some historic views. We do not understand:

- boundaries that extend well beyond the cones and historic views
- the inclusion of whole homes, homesteads, small landholdings, and entire farms.
- the boundaries that constitute the 'base' of a volcanic dome
- inclusion of some properties that with visual inspection will in our view have no significant impact on the SLO zone.

We are concerned that this expansion will directly impact land values as prospective landholders of all types are concerned with the overheads imposed by the requirements.

Schedule 1 to 42.03

1.0 Statement of nature and key elements of landscape

Overall, we believe we understand the statement although it is quite general. We note:

1. The section is sweeping and not well defined. We believe this could be refined to give a stronger indication of the nature and key elements

2. *Daylesford* is spelt incorrectly²
3. *Further east* should be *further west*
4. The viewing platforms are specific locations that should be defined³.
5. The traditional country statement uses the term '*are likely to*'. This should be clarified as there are sites in the district that are significant.
6. There is no reference to agriculture, yet this is a particularly significant component of the landscape, recognised in other sections of the planning scheme.
7. There is no recognition of the smaller landholdings which also form part of the landscape
8. Many of the mullock heaps are being slowly removed. Some have been eliminated in past years.

2.0 Landscape character objectives to be achieved

If the document is to be ratified, we propose that this section be redrafted to:

- Provide a clearer definition of the viewing zones and corridors to enable anyone to understand which part of the landscape is in focus. i.e. provide locations, angles, and altitudes
- Define '*base*' of each volcanic cone⁴
- Clarify precisely what is meant by keeping '*mullock heaps free from development*'
- Recognise that existing agricultural, farming houses / buildings / clusters and settlements are also part of the significant landscape with potential to exclude from the permit requirements
- Take account of the historic and other values of the non-indigenous plantings in the area
- Provide guidance on what constitutes a '*high standard of design*'
- Define '*identified landscape character*'

3.0 Permit requirement

We propose that this section be reviewed to take account of the many variations and permit requirements that are likely to arise. We appreciate the intent of the Shire is not to generate a substantial volume of applications and processing. However, careful review of the documents in our view reveals many situations that would require permits. For example:

- Lopping a single dead tree over 40 cm diameter vs multiple removals
- Construction of a simple building in a low impact part of the area vs a larger project in a high impact area
- Placement of a silo which are part of the agricultural landscape, not available in muted colours and over 6 metres tall
- Siting of haysheds and machinery sheds more than 100 sqm and over 6 metres tall
- Harvesting personal firewood reserves.

We would like to aim for a non-arduous approach, maybe check-listed and as simple as possible to the point where it could be online and connects to a 'yes, you need a permit / no you don't / you need to discuss this' outcome, followed by a structured approach commensurate with the location and size of each request.

² 2nd paragraph

³ Discussed in the following section

⁴ May require marking bases on the maps

From discussion with our membership we find that the Schedule 1 is not easy to understand and appears not to take account of the landscape:

1. Many farms and smaller holdings have established plantations for personal harvesting of firewood. This should be an exemption
2. On our reading, pruning of a fruit tree or garden shrub or tree within the SLO is not permitted. This should be an exemption
3. The clause re lopping dead trees 40 cm diameter or less at a height of 1.4 metres is not readily understood. Most read it and believe the requirement was to be under 40 cm diameter and under 1.4 metres high. We propose that it be redrafted perhaps with examples. In our view 40 cm is too small, as an aged dead gum tree can easily exceed that size. Cypress and pines are larger again. 60 cm may be more appropriate
4. The 4-metre limitation inside farm fencing is impractical in plantations. We suggest 6 metres to permit equipment access
5. Muted colours are specifically noted but not defined in the exemptions. We believe this is not always in keeping with the historic landscape and buildings of which many use corrugated iron. Zinalume has replaced that material for durability but also loses its shine within a few years. Colorbond is in the order of 10% more expensive than zinalume.
6. Natural materials are also specifically mentioned in the exemptions. This requires clarification as it may conflict with fire provisions.

Cost of a Permit

Our investigations reliably suggest that using a consultant to prepare an application could be in the order of \$4000 upwards in addition to Shire permit costs. This supports our view that a simple approach should be applied with only the most complex cases requiring the higher level of detail. We believe the detailed site evaluation, landscape plan, and visual impact assessment could be simplified for the majority of cases enabling landholders to prepare their own applications.

5.0 Decision Guidelines

Our view of the decision guidelines is that we understand the high-level concepts behind the points. However, almost all the points are not specific either within the section or because other parts of the document do not provide sufficient detail. This leaves both submissions and decisions open to wide interpretation. For example:

1. *The visible impact of building or works* on viewing corridors and the two viewing points. No specific information has been provided on locations, angles of view, altitudes, etc.
2. Whether the building or works are sited:
 - a. *To maximise clustering of new buildings with existing buildings where possible.* This is understood but provides no sense of reasonable range and building use.
 - b. *Among established vegetation and/or screened with substantial landscaping of locally appropriate species.* This should be cognisant of the historic landscape, which in many cases was only ever lightly treed (refer early survey maps), take account of the fire issues and provide points of reference for 'locally appropriate species'. Our Group has found that due to climate change 'locally appropriate' has begun to eliminate some species and now includes species typically found north of the area.
 - c. *To be set back sufficient distances from roads to minimise visual intrusion.* There is a practical cost to this for both access and services and a dependence on location.

- d. *Away from visually prominent locations such as volcanic cones, including their base, ridgelines, prominent hill faces and mullock heaps, and landscape features. We need definitions of 'base', ridgelines, etc, to reduce subjectivity.*
- e. *The scale of a building and its impact on its surroundings, including its relationship to the existing or future tree canopy height. Better definition is required to remove subjectivity.*
- f. *The effect of removing vegetation on the landscape character and significance values and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with native vegetation that will grow to a similar size. Application of this requirement would be aided by clearer drafting of the preceding sections*

Related Documents

We considered Section 42.03 which is not being reviewed. That section excludes permits for example for agricultural purposes. It would helpful if those exclusions were referenced in this Schedule 1.

We referred to the requirements of Section 59.06 *Remove, Destroy or Lop a Tree* which appear to apply to applications. That section requires that an application includes 'as appropriate'⁵:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned, with 4 detailed location requirements
- A written statement with 5 detailed description requirements.
- A photograph of the tree to be removed, destroyed or lopped.

We accept that trees are significant, important to flora and fauna, support wildlife corridors and are a critical element as our climate changes. However, the linkage of all the above requirements within the context of required permits and at least ten times larger than SLO area and limited exclusions presents an onerous and expensive task, restrictive of practical living and working in the landscape.

⁵ 'As appropriate' is not defined. We suspect it refers to the selection of subclauses.

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Objection to Expanded Significant Landscape Overlays
Date: Friday, 28 August 2020 10:04:17 AM

[REDACTED]

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension.

Regards,

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to DD06
Date: Friday, 28 August 2020 10:05:17 AM

[REDACTED] Schedule 6 to clause 43.02 Design and Development Overlay (DD06) negatively impacts me as follows:

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
- I lose some of my existing rights to my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and material recovery facility in Ajax Road.

Please review this proposal earnestly.

[REDACTED]



Virus-free. www.avast.com

Amc80hepb Submissions received



Fire Safety Referrals

Fire & Emergency Management

Email: firesafetyreferrals@cfa.vic.gov.au

Telephone: 03 9262 8578

Our Ref: 15000-70062-101486
Telephone: 9262 8578
Council Ref: AMENDMENT C80HEPB
TRAX Ref: slup_psa_submission

28 August 2020

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

Dear Planning Scheme Review Officer

SUBMISSION TO PLANNING SCHEME AMENDMENT C80

Proposal: C80HEPB
Location: Applies To all Land within the Hepburn Shire

Thank you for providing CFA notice of C80hepb in accordance with section 19 of the *Planning and Environment Act 1987*

CFA has reviewed the proposed planning scheme amendment and would like to make the following submission.

Bushfire Hazard

The amendment is not expected to result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire with life as the priority. The Amendment proposes to meet the objective and give effect to the strategies to address bushfire risk in the PPF by:

- Addressing bushfire risk in the MPS as a key land use theme for the municipality and providing a brief overview and stronger strategic directions than the current Hepburn Planning Scheme at Clause 21.
- Retaining a settlement strategy that promotes development within existing urban growth boundaries in the townships of Creswick, Clunes, Daylesford, Hepburn Springs and Trentham where bushfire risks are already identified.
- Limiting development in settlements that are not identified for restructuring.
- Reinforcing the restructuring of settlements that are subject to the greatest risk from environmental hazards such as bushfire.



Fire Safety Referrals

Fire & Emergency Management

Email: firesafetyreferrals@cfa.vic.gov.au

Telephone: 03 9262 8578

- The expansion and addition of Significant Landscape Overlays in Farming and Rural Conservation Zones in the Shire's west aims to protect State significant landscapes and the important scenic views, vistas and view lines to these natural topographic conditions and cultural features. The focus of the controls will not exacerbate bushfire risk as it relates to the siting of buildings and works within the landscape and the removal of existing vegetation, not on the planting of new vegetation.
- Retaining existing township urban growth boundaries as currently identified in Clause 21.05 and retaining identified environmental hazard controls and their application to land such as through Clause 44.06 (Bushfire Management Overlay).

Conclusion

CFA supports the amendment in its current form.

If you wish to discuss this matter in more detail, please do not hesitate to contact me on 0419 489 491.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Boatman', written in a cursive style.

Michael Boatman

Acting Deputy Chief Officer

Regional Director

CFA West Region

From: [Michael Boatman](#)
To: [Planning Scheme](#)
Subject: CFA submission to Hepburn PSA C80
Date: Friday, 28 August 2020 10:40:46 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[CFA_PSA_SUBMISSION_HepburnC80.pdf](#)

Good morning,

Please find attached CFA submission to Amendment C80.

Regards,

Michael



Michael Boatman | Deputy Chief Officer
Regional Director

West Region | Districts 15, 16 & 17

19 Learmonth Road, (PO Box 242) Wendouree Vic 3355

T: 03 5329 5501 M: 0419 489 491 E: m.boatman@cfa.vic.gov.au

Protecting lives and property



cfa.vic.gov.au




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Amc80h... Submissions received

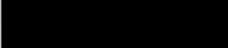
From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection Letter - Planning scheme
Date: Friday, 28 August 2020 10:50:17 AM
Attachments: [Objection Letter \(SLO\).pdf](#)
[ATT00001.htm](#)

Please find attached objection letter for the Hepburn Shire Council - Planning Scheme - Proposed Significant Landscape Overlay
Regards
[REDACTED]

Amc80hepb Submissions received



Hepburn Shire Council – Objection to Significant Landscape Overlay

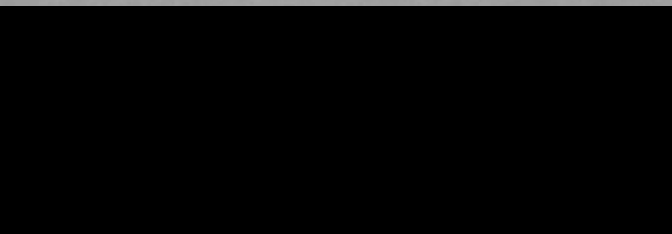


am a resident of the Hepburn Shire Council and reside in the area where the Significant Landscape Overlay is proposed. My mothers and fathers families have been farming in the Hepburn Shire region for 5 generations on both sides.

I object to the extension to the Significant Landscape Overlay (SLO) for the following:

- I think it is unfair to extend this proposed SLO, without the community's involvement and consultation
- My family has farmed in this area for over 100 years, the property improvements over this time are staggering, they have been achieved with well thought-out planning and working with Landcare Groups addressing the environmental impact and sustainability and with neighbours. We have not needed council approval for these developments and improvements, and I don't see why we should start now. There are many successful farms in the area and their development would be hindered if this proposed extension to the SLO was to proceed.
- The extension of the SLO places unnecessary conditions on farming their land, not to mention the unnecessary mental and financial strain on having to provide reports for future development and infrastructure, specially when natural causes place so much pressure on farmers as it is.
- The council's purpose of the extension of the SLO is to identify significant landscapes and conserve and enhance the character of significant landscapes, the property owners of this region already do this on a daily basics. The development of the tree planting shelter belts with conjunction with Landcare, the diversity of the farming we have in the region of cereal crop production, fruit and vegetable production, meat production, and wine production is proof of that. If the council wishes to enhance the character of the region, I think it would be better to maintain the roadsides throughout the year (not just once for fire safety) to better frame the agricultural area. Have viewing points to encourage visitors to the region to safely view the area, without compromising the biosecurity of the farmers properties.
- Requiring a permit and restriction to use certain materials and colours shouldn't be applied to agricultural area, the use of galvanised or zincalume products is what is visually appealing about farm communities, they have been apart of ALL farming for centuries, to have this restriction would destroy apart of the heritage of farming.

I ask the Hepburn Shire Council to withdraw the Planning Scheme for the Significant Landscape Overlay, and hold off on making a decision between several people when it affects so many property owners and their families.



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Alison Blacket](#)
Subject: Planning review
Date: Friday, 28 August 2020 11:23:48 AM

To the planning review panel,
I am writing to express my wish to engage with the planning scheme review final submission hearings later this year.

I am a resident in Daylesford, and was involved with the consultations and public exhibition of the draft proposals in 2019.

I am wishing to express the confusing nature of this round of community consultation. In view of the extensiveness and complexity of the scheme and changes proposed, the online consultations have not been designed well. They have been difficult to navigate, and difficult to find a focus, and hence difficult to know where and how to contribute, even though many of the changes appear positive and seem to have been articulated from the first round.

My main interests are in the following areas, which I have reviewed and would wish to comment on during hearing;

- **Township character**
- **Agricultural land**
- **Environment and sustainability**, particularly housing design and development beyond energy efficiency focus to neighborhood place making guidelines. How do houses contribute to neighborhood placemaking, how do gardens, and private open spaces connect to public domains? How should they? Local policies with better definitions would be good to develop.
- **Growth and development**
- Tourism/planning/infrastructure, particularly the 'reviewing of zoning of marginal land' with the possibility of creation of new types of zones, for instance 'regenerative farming' zone or 'mixed use farming' to facilitate regenerative land practices on degraded farming land, and to allow small scale diverse farming different from broad acre extensive farming, with the creation of eco-village farming enterprises or sectors. This is important for local food autonomy and resilience in small scale farming systems. A continuous link should be maintained through between policy development and community learning about the future of farming and the experimental zones.



From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Friday, 28 August 2020 11:04:32 AM
Attachments: [Shire of Hepburn 27 Aug 2020.pdf](#)

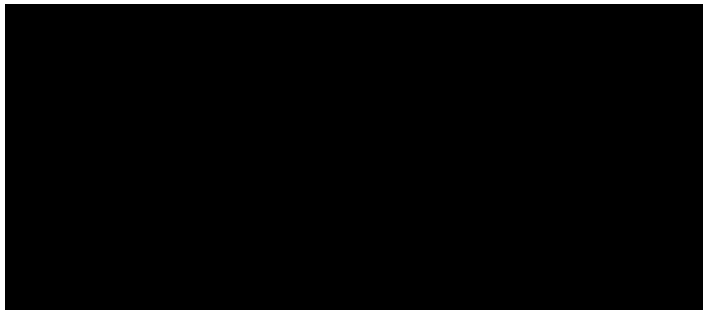
Please find attached the Company's Submission relating to Slide 10 of the Planning Scheme on the Shire's website.

Would you please acknowledge receipt of this Submission.

Thanks and regards

[REDACTED]

Amc80hepb Submissions received



27 August 2020

Planning Scheme Review Officer,
Hepburn Shire Council.

By email : planningscheme@hepburn.vic.gov.au

To the Review Officer -

This Submission is prepared by the [REDACTED]

The contact address is [REDACTED]

The Submission is lodged on behalf of –

- [REDACTED]
- [REDACTED]
- [REDACTED]

This Company has been the subject of watershed matters before a Council under persuasion by activists, at a Council meeting on 20 October, 2015. On this occasion, Council voted to refuse consent to temporary occupation of land for which Councillors are Trustees. The refusal of consent remains a point of contention to this day. The basis of refusal is set out in correspondence - see Council DOC /15/41463.

The Company view is that any study of the past history of Clunes will repeatedly confirm some 900,000 oz gold has been produced from the portion of Clunes goldfield north of Creswick's Creek. That is, at present prices for gold, that historic yield value exceeds 2.4 billion in A-dollars, a circumstance not matched anywhere else in the Shire of Hepburn. That fact explains why investigations have continued from year 1947 to the present day.

This Submission relates to Slide 10 on Exhibition, and to the Clunes area more generally.

Since November, 2015, this Company has continued its work at Clunes. The purpose of the work is one of closer investigation into the commercial potential apparent at Clunes.

Licences to do that work are issued by the State authority responsible for the Mineral Resources Sustainable Development Act, 1990.

The Company began to make changes to its licences in year 2016, to accommodate the State LUAA with the Dja Dja Wurrung Clans Corporation. The confirmed status of licences issued to the Company, or to its subsidiary, are marked as an overlay to Exhibit 10 in attached Figure 1, and attachment 1.

The subsidiary company Bonshaw Gold P/L has concluded an LUAA (Native Title) over the area described by Exhibit 10. Accordingly, it is apparent that Exhibit 10 fails to disclose to the public that much of the land between Alliance Street and the railway to Maryborough is not readily converted to "freehold", or potentially "residential".

Further, as emphasis, attached please find a copy of correspondence to this Company, dated 29th September, 2016. from the Department of Environment, Land, Water, and Planning. This letter sets out due process in respect of a specific area of land within the bounds of Exhibit 10. By including a copy of this letter, our intentions are disclosed to the Community. This is Attachment 2.

Clunes is one of the noted Goldfields of Victoria. In year 2016 a drill hole at the north end of the field (Downes Road vicinity) intersected a very substantial interval of gold mineralised ground. This event continues to provide that strong stimulus needed to sustain on-going investigations in this modern era. The Company regards procedures and/or avenues introduced through Local Government having the effect of inhibiting commercial investigations undertaken under licences issued by the State of Victoria as inappropriate, Exhibit 10 may be an example of mis-information.

Given the public may be unaware of the current developments in the investigations of this old goldfield, included are drawings to convey outcomes of current investigations. The illustrations are included to enable Company representatives to use the same material if required to appear before any future Hearing on these matters - see attachments 3 and 4.

The Company Directors are firmly of the view that over many decades past State officials have acted to preserve for future development access to rare resources as in evidence at Clunes. Councillors for the Shire of Hepburn have unusual lands in its care, as have the Dja Dja Wurrung Clans Corporation.

Yours sincerely,

[Redacted signature]

[Redacted name]
[Redacted address]

ATTACHMENTS:

1. Clunes Area Exhibit of Shire of Hepburn Planning Scheme. (FLH082004)
2. Letter from Department of Environment, Land, Water and Planning (29 Sept 2016)
3. Clunes Goldfield Plan, Work Levels Along the Field. (FLH061501)
4. Clunes Goldfield Pattern of Gold Distribution North of Creswick's Creek. (FLH082005)





Our Ref: 0614836
29 September 2016

402 406 Mair Street
Ballarat VIC 3350
Telephone: (03) 5336 6812
Facsimile: (03) 5336 6885
www.delwp.vic.gov.au

APPLICATION TO PURCHASE CROWN LAND IN THE TOWNSHIP OF CLUNES

I refer to your email of 28 September 2016 regarding your application to purchase the above area of Crown land and wish to advise the following;

On 24 October 2013 the State Government entered into a Land Use Activity Agreement (LUAA) with the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC). The LUAA recognises the rights of the DDWCAC in relation to areas of public land and sets out classes of activities that can occur on public land that may interfere with those rights. As the land is subject to the DDWCAC LUAA, the land cannot be sold without first receiving the consent of the DDWCAC.

As advised earlier, the State is responsible for payment of any community benefits that may be required by the DDWCAC as part of these negotiations. A portion of the sale price of the land will be provided to them upon completion of the sale, or a non-monetary benefit may be provided that is proportional to the amount that would otherwise have been received.

An assessment of the site will be undertaken to gauge its suitability for sale. The assessment has will identify any public land values that warrant retention of the land either in part or as a whole as part of the public estate.

Land sale processes that need to be undertaken for this particular application are:

- Field Assessment and Survey Report
- Formal survey if required
- Preparation of certified plans for Crown Grant purposes
- Formal Valuation
- Approval in principle and Final Approval to sale
- Issue of Crown Grant

The final land sale at valuation will be subject to approval from the Minister for Finance and the successful negotiation of an agreement with the Dja Dja Wurrung Clans Aboriginal

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002

Corporation must also be completed before final approval to the sale of the land can be sought from the Minister.

The following processes also needs to be undertaken for this particular application :

- the Minister for Finance will issue a notification to DDWCAC advising them of the intended sale of land
- the Minister for Finance will negotiate with the DDWCAC as to any conditions they attach to their consent for the land sale to progress
- Agreement is reached between the Minister for Finance and the DDWCAC

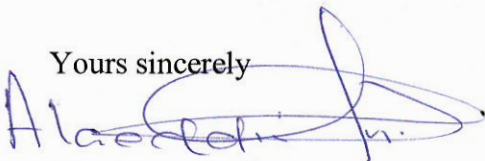
Please consider the information contained in this letter. If you are prepared to proceed with the application on the basis of this information **and on the understanding that the land will be offered for sale in public forum** (subject to approvals) , please forward written advice of your intention to proceed with the application on the basis that you will meet any costs involved in processing the sale (including survey fees, valuation fees, purchase price, Crown grant fees and other administrative charges).

Your confirmation should also be accompanied by a non-refundable payment of \$1,437.00. This payment is required to cover the costs associated with initial assessment and administration of the land subject to your application .

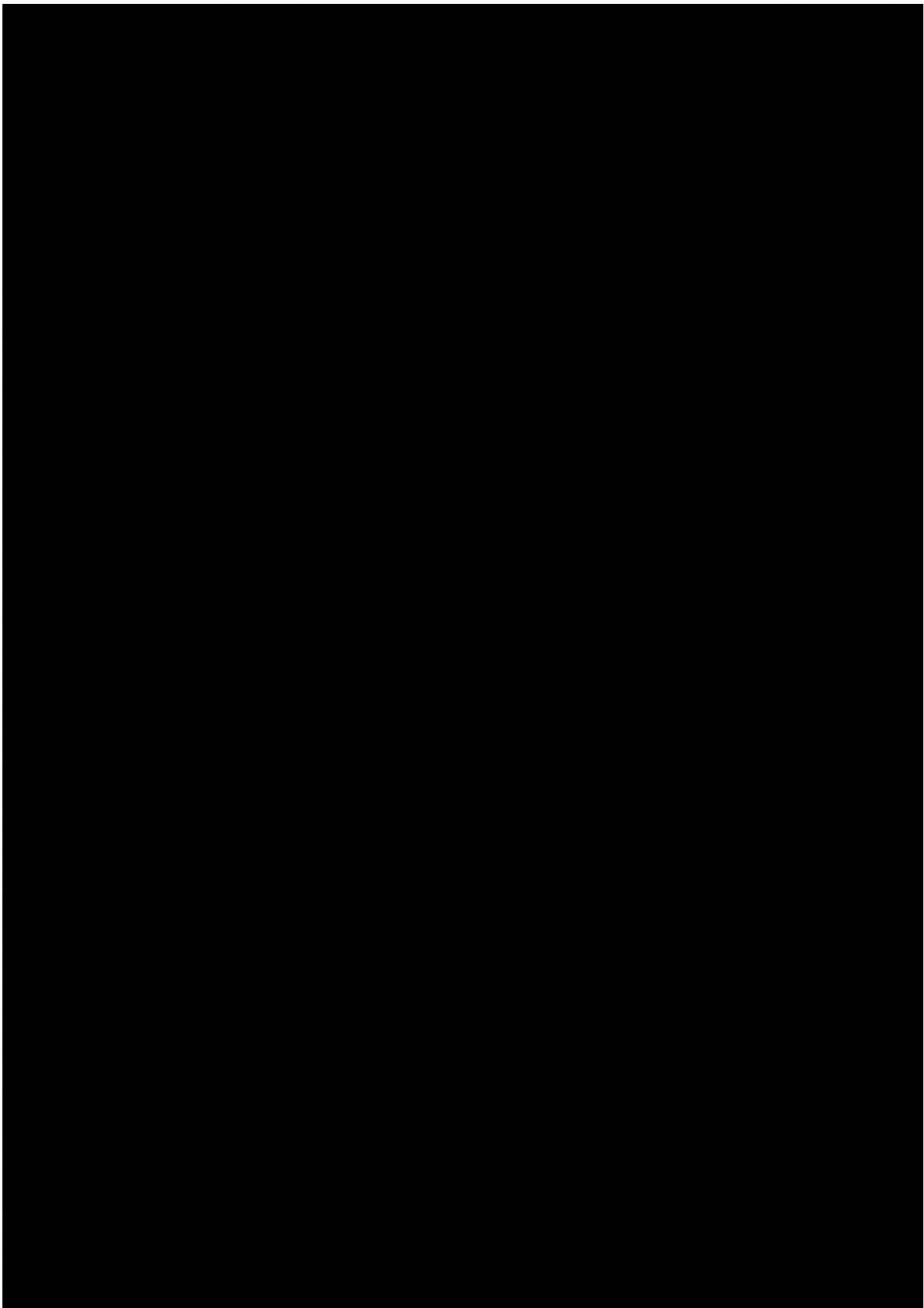
If you require more information about the settlement or a copy of the LUAA, please contact the Registrar of Land Use Activities at the Department of Justice.

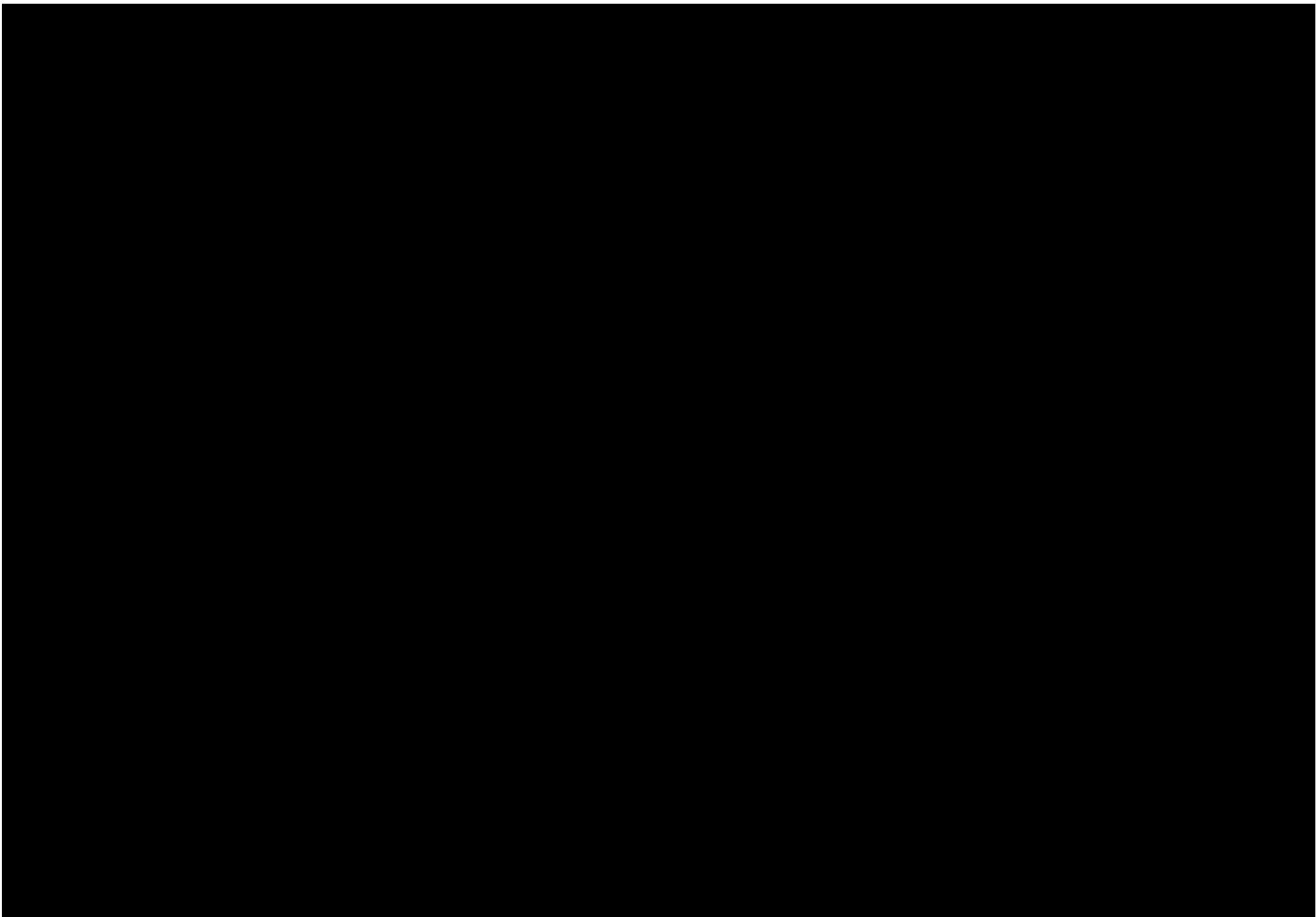
Please contact me on 53366747 if you require further information or clarification.

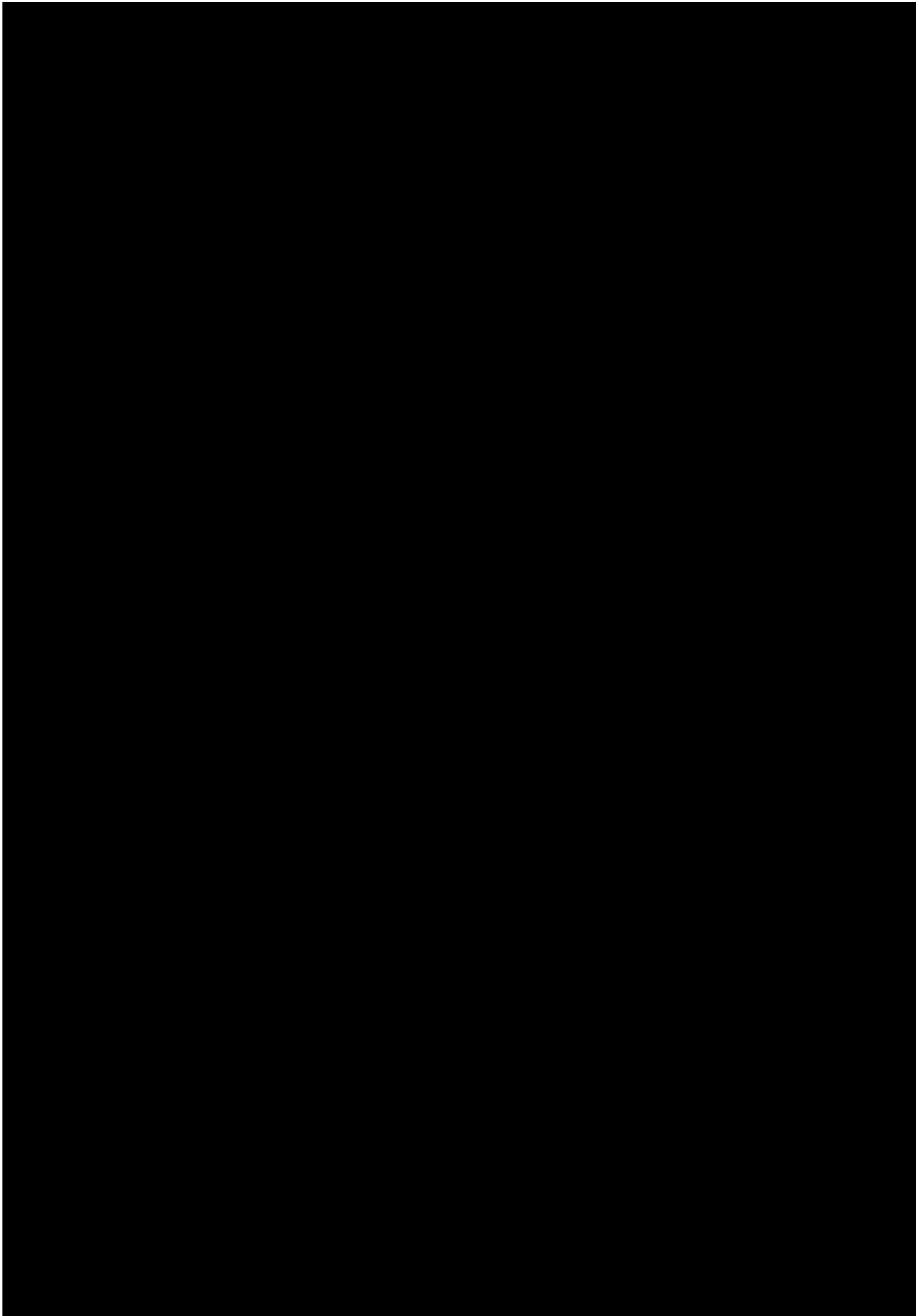
Yours sincerely



Aladdin Jamali
Property Officer
Public Land Administration-Grampians Region







From: [REDACTED]
To: [Planning Scheme](#)
Subject: Response to Planning Scheme Review
Date: Friday, 28 August 2020 11:43:03 AM
Attachments: [Hepburn PSR, Amendment C80-submission-I MacBean.docx](#)

Please find attached my submission to the current review - Amendment C80



Amc80hepb Submissions received

Hepburn Planning Scheme Review, Amendment C80

I request consideration of this Review and endorsement by the current Council be deferred pending further iterative and genuine 2-way consultation with the community.

My reasons for making this request are:

1. My **objection** to the essentially ‘top down’ and piecemeal nature of the review; and
2. My **objection** regarding the lack of / inadequate consultation during the second half of the Review process.
3. I am also **concerned** about the lack of vision driving the review – it is the vision that will create ‘ownership’ of the Planning Scheme by the residents and ratepayers. As it is presented, I don’t believe the MSS has a ‘social licence’.

To elaborate on the above matters:

1. Top-down nature of the Review

The Review is not informed by neighbourhood & town character studies (except for parts of Daylesford) or any review and renewal of Town Structure Plans. These are apparently proposed for some time in the future.

However, inclusion of various *ad hoc* Overlays into the proposed Amendment, however worthy and/or urgent, seriously challenges any claims of comprehensive, integrated planning.

The lack of character studies is of particular concern in Trentham which continues to experience rapid growth and housing development. Maintaining town character is a fundamental element for liveability and our tourism attractiveness.

Heritage protection for the Potato Diggers’ Huts is welcome but, in the absence of more substantial planning for the future of the town, it has all the flavour of knee-jerk tokenism. There is much more Hepburn Council should be doing for Trentham.

2. Lack of / inadequate consultation

As I experienced the consultation process I identify four (4) phases:

- gathering community input;
- feedback to the community via issues, graphics and possible actions;
- SurveyMonkey feedback – September 2019 & April 2020
- Amendment C80Hepburn (current consultation)

I have participated in all phases of this process and was satisfied with the first two phases, which provided real community engagement and (in the second phase) feedback and further opportunity for input.

However, in its resort to SurveyMonkey consultation (third phase), the process lost all real engagement and accountability. Furthermore, this form of survey is restrictive to the issues and options determined by the people designing the questions. The anonymous responses contribute to a ‘lazy’ form of consultation enabling push-button

compilation of responses without any assurance that considered comments, where they can be inserted, will be read or taken into account (I have had too much experience of Hepburn Council ignoring submissions on a range of consultations). Also, the technique doesn't allow for any ready copy of your own input – is this deliberate?

My experience with the September 2019 survey is instructive:

- submission was refused because I hadn't 'ticked' any *like* or *value* responses – there were 'select all' options but not for 'not applicable / none of the above';
- there were unrealistic questions asking, "*Is there anything you think should not change?*" and listing options including, 'the size of townships' (this one is particularly galling because Trentham is growing but Council does not want to admit this); and
- overall, I felt I could only choose between a 'planning as usual' range of options . . . so much for vision and the special qualities of our region.

In conclusion, SurveyMonkey is a lazy, one-way form of consultation open to selective interpretation with no accountability back to the the participant - in my opinion it isn't good enough and doesn't allow for 'the wisdom of the people', deliberating together, to be brought to bear.

Finally, with a thud, the blockbuster Amendment C80Hepburn lobs in on us – rich in its hierarchal planning structures and jargon.

To my dismay the bottom-up accountable phases 1 & 2 had transitioned via the one-way third phase into the top-down nature of the fourth phase Amendment C80 . . . and I was left to scour complex material for any notice of my previous input. (see footnote for an example of what I consider good consultation practice)

In fairness, Focus Groups were proposed and I registered my interest in these but they were subsequently changed to Zoom format, with which I had had no experience and did not proceed (my subsequent experience is that Zoom at best is only a fair replacement for face-to-face group engagement). I am aware that very polite requests were made to defer consultation until a time when groups of people could engage in person – this was refused.

Given the lengthy neglect of its planning responsibilities by successive Hepburn Councils, I have seen no convincing argument for why the Review should be rushed through in the dying days of the present Council which is, after all, only responsible for the past four years.

There is another related issue here regarding lack of and inadequate consultation and that is the number of other Council consultations running concurrently. It is arguably possible for individuals to engage in all of these but community matters and the groups to which we belong are arguably more important – if community does matter – and the 'wisdom of the people' that groups can contribute should be drawn upon. This has not been possible due to restrictions on physical proximity.

[A note of concern about the misuse of consultation: there has been a recent suggestion that because people didn't participate in a given consultation they forfeit their right to any later involvement – this is disturbing and surely a misuse of consultation (can be elaborated).]

3. Vision – and the ‘social licence’

There doesn't appear to be a ‘Vision’ statement as such although I note the Mission statement. All such statements are easily debated and criticised. Their value is in the process of their development and the extent to which they are ‘owned’ by the community.

To my knowledge, and noting my participation in all phases of the Planning Scheme Review and earlier planning exercises, the vision / mission has not been a focus of discussion in the current exercise. Why?

Council speaks of ‘the Hepburn community’ a concept which is difficult to sustain given the geographic size of the Shire – the one commonality is that we all pay rates to the same council. Hepburn is also distinctive as a rural shire wedged between the peri-urban metropolitan region and two large regional cities.

The opportunities of a review of the vision / mission should have been taken particularly in the context of town character studies and how the whole might be greater than the sum of the parts.

I understand the Planning Scheme is required under State legislation to provide the rules and guidelines ‘for the use and development of land’. While the Amendment does address the need for ‘protecting’ various uses of land it would be strengthened by a Vision statement that makes clear the values we, the citizens, hold dear.

Council's treatment of Trentham has been demonstrably unfair over many years and I have, in other contexts, argued for secession. Even so, I recognise that a fair and engaging small shire can offer more than the attractions of (possibly) better services as part of a larger municipality. Hepburn repeatedly reminds us that it is (only) ‘*a small rural council*’.

If the Review can be deferred to the responsibility of the next Council and the matter of Vision taken up as part of the new Council Plan I believe there is hope for a better Planning Scheme, supported by the residents and that Hepburn might be able to claim that it is ‘*a small collaborative rural council*’, where council and community work effectively together for the common good.

It all turns on genuine consultation.

Is this too much to ask?



Good consultation: During its development I made a submission to the Regional Growth Plan making two main recommendations. I was subsequently sent a table listing all input and the responses decided. In response to my recommendations I learnt for one: ‘Accepted – changes made’ and, for the other: ‘Not Accepted – with a brief reason why not’. I was satisfied.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO1 Objection to Expanded Significant Landscape Overlays within the Hepburn Shire
Date: Friday, 28 August 2020 11:44:18 AM
Attachments: [Document1.docx](#)

Good morning

Please find attached submission regarding the SLO1.

Thank you

[REDACTED]

Amc80hepb Submissions received

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire

- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- Lack of community consultation.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 150 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- The size of the overlay is unsuitable for this farming area.
- The local land owners know and understand this agricultural district better than the developer of the plan.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#); [REDACTED]
Subject: CM: DD06
Date: Friday, 28 August 2020 11:45:18 AM
Attachments: [REDACTED]

Hi All,

Please find attached my submission of objection for DD06.

Please contact me either via email or on [REDACTED] if you have any queries.

Regards

[REDACTED]

Amc80hepb Submissions received

[REDACTED]
Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts me in the following way:

- This takes away my rights over my property and could significantly de-value my property to the point of financial ruin. Our property is our retirement plan and these changes will have significant financial impact.
- It means we cannot build on, or rebuild our house if it was to be damaged or destroyed in the future
- It takes away our option to subdivide if we should ever want to
- Will leave us with a property that is worthless and unsellable

[REDACTED]
[REDACTED]
During those 4 years we have invested tens of thousands of our hard-earned dollars to improving and beautifying our property, not only for us but for the good of the area appeal.

To find out about Councils intentions with DD06 Overlay is heartbreaking, frustrating and leaves us unsure of our financial future. In a time of so much uncertainty, anxiety, stress and loss of work due to COVID 19 this is a further stressful blow.

Our house, like many in this area has been here for many decades. Now it seems our future is in the hands on this Council decision. A Council is supposed to be there for its people, people that pay rates, Council should work for and represent them.

A potential Overlay that was insufficiently communicated to all residents of the said 500-meter zone, a decision that has left us little time to communicate with Council or any other authorities.

The consultation period held for the DDO6 was held during September and October of 2019 with over 350 members of the shire of which the residents that are directly impacted by the overlay were not in attendance because we were not invited or indeed informed. Many of the impacted only found out between two and three weeks ago through a mail drop by other residents and some through The Grapevine.

I read the "Consultation Report" by council and nowhere was it mentioned to the participants of the consultation what this overlay would truly involve and the impact it would have on them and their properties.


Questions put to the consult group were very generic and more like a survey about the shire as a whole. See attachment for questions.





Phase 3 – Four-month public comment period

Consultation was undertaken during this period to give communities, industries and government agencies the opportunity to discuss and seek clarification on any issues before making a submission. Consultation included briefing sessions, workshops, meetings and one-on-one discussions. In total, 17 briefing and workshop sessions were conducted, including 10 in regional Victoria.



I bring to your attention Hepburn planning scheme review for councils (Healthy neighbourhoods and Land use compatability)

HEPBURN PLANNING SCHEME

Healthy neighbourhoods

Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

HEPBURN PLANNING SCHEME

Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents

It is completely unjust, unfair and totally disregards the rights of residents as home owners and councils unwillingness to follow protocols.

If your going to talk the talk then walk the walk to.

Sincerely

██████████

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Hepburn Planning Review - Amendment C80 Submission
Date: Friday, 28 August 2020 12:15:25 PM

Dear Officer,

I make this submission with little notice of the closing date for submissions to the review of the Hepburn Planning Scheme. Hence the points made are general and I seek the next opportunity to expand on this submission.

Heritage: the scheme should create strict protection for all natural and built things with the protection increasing to a prohibition of damage for things older than 80 years old.

Landscape: The Planning Scheme should create strict protection for areas with remnant vegetation with less than 60% weed cover in Spring, with stricter controls for listed communities or species.

Development: the Scheme should provide strict protection for the existing land uses and support for transition to land uses that consume less energy and create less noise and waste, and/or more physical exercise and local supply of goods and services.

Development: development should be recognised in the Planning Scheme as a process that threatens our survival. This would mean that the Council has more power to weigh this negatively with all development proposals received. Proposals should be judged by the tendencies they will promote (for example, are they sustainable/regenerative tendencies?), the resources consumed in construction and maintenance, and in removal.

Vegetation Overlays: should be enforced and policies implemented to promote natural recovery of native vegetation.

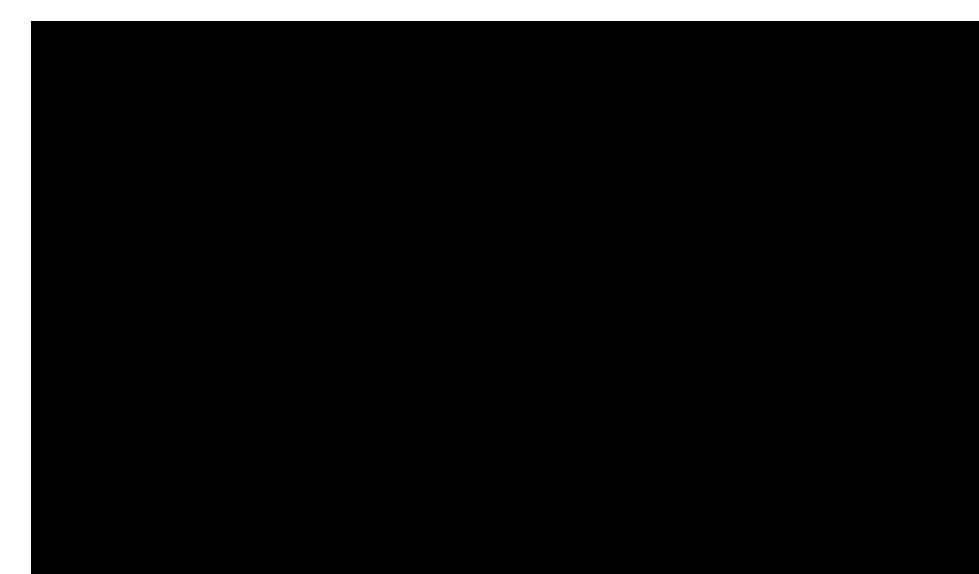
Education: The scheme should include a requirement for activities that are more than 50% more resource-intensive and energy-intensive activities compared to regenerative activities carry an obligation for the proponents and agents to inform themselves of the wide ranging consequences of their actions. Consequences includes the carbon impact relative to regenerative activities, the distance materials travel and the implications for disease transfer, the promotion of greater levels of consumption overall regardless of efficiency and the impact on habitat for wild creatures etc.

[REDACTED]

From: [REDACTED]
Subject: [Planning Scheme](#)
Date: Letter of objection - planning scheme
Friday, 28 August 2020 12:06:18 PM
Attachments: [REDACTED]

Please find attached a letter of objection in regards to amendments to the latest planning scheme. [REDACTED].

Amc80hepb Submissions received



Attention: The Planning Scheme Review Office

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire.

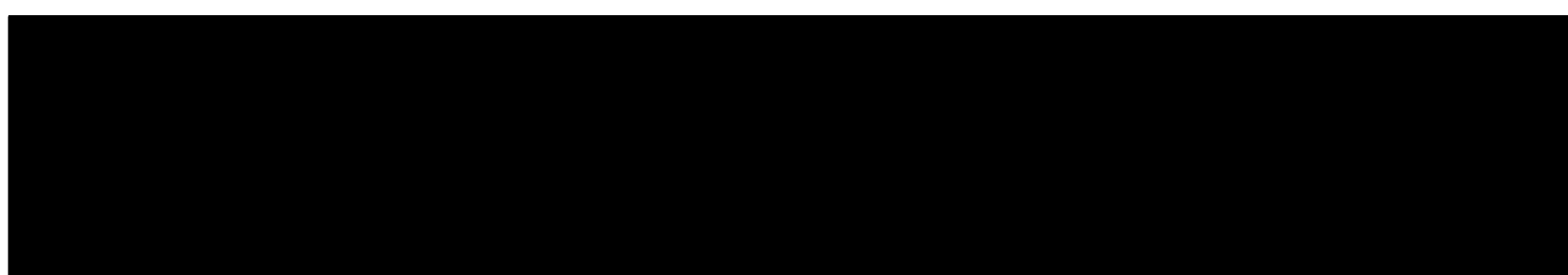
I am writing to you on behalf of myself, and my family, to express our major concerns regarding the adjustments made to the Hepburn Shire Planning Scheme.

As a sixth-generation agribusiness operation, I wish to make the following points to you:

- The brochure proposing “Changes to the Planning Scheme” has been poorly executed. I did not receive specified pamphlet, instead I was informed by a neighbour. I would of much preferred to have been informed directly.
- During the COVID-19 restrictions, potentially extended to a further date, the amendments to the Hepburn Shire Planning Scheme should be postponed to prevent further cases occurring. We must think of the community.
- Commercial farming is an unpredictable and forever changing industry. Therefore, anxiety of unknown compliance costs for farmers contributes to already existing pressures that agribusinesses face on a daily basis.
- Significant Landscape Overlays should not affect non-indigenous vegetation that is maintained by the landowner. Planted vegetation should be allowed to be harvested or removed at the landowners discretion.
- Commercial agriculture, a major portion of the Hepburn Shire, should not have to endure any more added pressures that what there is. If the farming industry struggles; tourism, harvesting produce, supporting the community, land maintenance, family farms will all face severe disadvantages.

The community and Hepburn Shire cannot afford to carry through these changes to the Planning Scheme, especially during a **pandemic**.

Yours sincerely,



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: [REDACTED]
Date: Friday, 28 August 2020 12:27:36 PM
Attachments: [REDACTED]

Dear Hepburn Shire – Planning Review Office.

Please find attached my submission to the proposed amendment (C80hepb) of a SLO.

If you require any further information – please don't hesitate to let me know.

Can you please respond so I know this document has been received.

Kind regards,

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

[REDACTED]

[REDACTED]

**ATTENTION: Hepburn Shire
Planning Review Officer**

**SUBJECT: Objection to the proposed amendment (C80hepb) of a Significant
Landscape Overlay**

I am writing to object to the expanded Significant Landscape Overlay (SLO) within the Hepburn Shire.

[REDACTED], who is striving to build a sustainable and successful farming business, I am deeply concerned with a number of aspects presented in the amendment which may impact my future farming prospects.

I object primarily based on four key components:

- i) Costs of compliance will be a significant impediment to farm business growth.
- ii) Actual requirements to landholders are not clear and the decision-making process is confusing.
- iii) Unnecessary conditions and bureaucracy are being placed on landholders.
- iv) Lack of community consultation.

I will address each of the proposed amendments regarding how they will directly affect myself and my farming business. However, there is some initial commentary I wish to include for context and discussion.

The proposed expansion of the SLO across a large proportion of high value farming land in the Shire is prohibitive to many primary production enterprises. The red and grey volcanic soils through this region are highly productive and are the foundation of many successful farming activities with the ability to produce a wide range of sustainable food and fibre products for the community. These farm enterprises and businesses also contribute significantly to the community through employment, investment, support of local business, production of consistent, high quality and sustainable food and fibres.

The South West Landscape Assessment Study (SWLAS) describes the land surrounding the Hepburn area is *'Pastoral land typical of volcanic regions of Victoria'*. This statement could not be further from reality. One of the most informative land type descriptions was published by the Victorian Department of Agriculture (B Muir 1980 *'Pastures and Fodder Crops for the Ballarat District'*) which clearly states that due to our rainfall distribution, climate and specific soil types across the region, our specific landscape is *"suitable for growing almost any temperate crop"*. There are not many other

agroclimatic regions across Australia that could support this claim as we can. On our property alone across a relatively small area (notwithstanding the diversity amongst a range of other properties in the district and including neighbouring farming enterprises), we grow a range of pasture plants for red meat production (including ryegrass, phalaris, lucerne and subterranean, balansa, red, arrowleaf. Persian clovers, etc.), but also cereal and rape crops including wheat, barley, oats and canola as well as high value horticultural crops including potatoes and pyrethrum. All these crops have a considerably higher yield potential in comparison to many other Agricultural regions of Victoria and Australia. Although the SWLAS was developed with good intentions, its scope was far too broad, and many references are flawed and should not be relied upon for these important and specific planning amendments that have a direct affect on people's livelihoods.

Agriculture is one of the only industries that can be traced back to the early known human civilisations. Ever since then it has been evolving and will continue to evolve well into the future. Let us not lose sight of the fact that this specific region currently outlined in this proposal was settled by Captain Hepburn in 1838 for the purposes of establishing a farming enterprise. Gold mining followed. Agriculture has been operating here for well over 100 years and should be allowed to continue for another 100 years without significant intervention. It is a continually changing industry and must have flexibility to adapt and change with the growing demands of our consumers and market expectations.

I question why these new amendments are being thrown upon us, and I hope the reasoning is not that we, as a farming community, are not being trusted by Council to act as custodians and stewards of the most valuable resource we have in our business – being our land. Or else, not being able to make the right decisions on how our landscape appears? It would be an embarrassment if continued regulations were placed on those landholders through this region who are actively improving the landscape and our natural resource through best practice management and adopting modern farming technologies, whereas other regions of the Shire's landholders, predominantly smaller landholdings in some very visible and picturesque areas, are not. In some cases they are abandoning their property resulting in either extensive rundown or overgrowth of vegetation, invasion of noxious weed species and pests, accumulation of 'junk' – yet I see no repercussions or policing underway as far as I'm aware to prevent or rectify this.

There has also been a significant lack of community consultation. The 'Important Information' mail out (17-July-20) flyer states in the second paragraph – *"In late 2019 Council undertook extensive consultation with the community..."* AND the note from the Mayor section on page 1 also states *"Council has listened to its community..."* It is my understanding that the Shire believes it has adequately consulted, advertised and distributed the relevant information, however I want to express that from my perspective there has been minimal to no prior consultation to any landholders who are actually directly affected by the amendments. Our property at 3113 Creswick-Newstead Rd and 3250 Creswick-Newstead Rd is fully encompassed by the new proposed SLO amendment, and along with many other neighbouring landholders, there is no one that I am aware of who was consulted in any form prior to the information being distributed via direct mail pamphlet. Further to this, the actual details of Proposed C80hepb Schedule 1 of Clause 42.03 Significant Landscape Overlay was not distributed with the pamphlet and was difficult to find online. What sectors of the community were extensively consulted?

The timing of this current proposal is also questionable given the COVID-19 crisis, which significantly limits the ability of directly affected landholders to discuss in person. These Hepburn Shire Planning Scheme amendments should be postponed until after the COVID-19 pandemic. There are already

enough stresses and concerns regarding the outlook for our own families, individual businesses, and the nation's economy both nationally and globally without having to deal with this current proposal.

The following are my specific objections and concerns to the following SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

1.0 Statement of nature and key elements of landscape

It perplexes me that the schedule specifically states from the SWLAS that the *"...volcanic rises are complimented by numerous mullock heaps left over from the era of deep lead gold mining..."* and are *"...highly picturesque and evocative reminders of the rich gold mining heritage that has shaped the landscape of the region."* It is my opinion, and one I suspect that is shared by many others, that mullock heaps are a blemish on the natural landscape and there are more appropriate reminders already collected and preserved of our rich mining heritage. I accept and agree however, that only some of these mullock heaps have historic significance to the region and should be protected through Historical significance.

My experience generally is that mullock heaps not only harbour and distribute introduced weeds of both pastures, crop and the environment, but also weeds of environmental significance (both noxious and regionally controlled – such as capebroom and gorsebush on crown land). They are also notorious habitats for fox dens and rabbits (again introduced pests to the landscape), and some have even been accumulated as rubbish dumps for the past 100 years. They should be excluded from any discussion of Significant Landscape Overlays. There has been considerable weathering and human intervention on these mullock heaps ever since they were abandoned post gold-rush era.

2.0 Landscape character objectives to be achieved

It is an incredibly disappointing that there is no acknowledgement the role agricultural activities play through these areas and the role it plays within the Shire; and the implication to individual landholders in the expansion of the SLO.

I agree that the volcanic cones (under current SLO) should be maintained and protected from development.

Does landscape 'character' include the diversity of farming practices? I would have thought generations before us ensured a 'high standard of design' in response to the landscape character and the 'significance of the surrounding environment'. They did this without requiring planning applications and expertise to tell them that certain infrastructure 'probably doesn't belong there...'

If the local landscape 'character' is to be protected – I can only expect that Council will be vehemently objecting to the development of 80 m overhead transmission powerline infrastructure that has been reported in the media to be potentially cutting through areas of this volcanic cone region. I would have thought these would NOT be a 'high standard of design' and 'do not respond to the identified landscape character and significance of the surrounding environment'.

3.0 Permit Requirement Triggers

BUILDINGS

It is already difficult enough to operate a strong farming business without the significant risk of having capital infrastructure projects to support business growth rejected in future. The amendment significantly creates a great deal of business risk and investment into several activities both on my property and I am sure across many others in the affected region.

According to 42.03 SLO the construction of buildings such as farm buildings and silos (6m to the apex) will trigger the requirement for permits to meet regulations. Firstly, there would be truly little application for functional farm buildings (i.e. haysheds, potato processing sheds, stockyard covers etc.) with less than 6 m to the apex (i.e. ~4 m high walls). Further to this, a requirement of “muted, natural & non-reflective colours” will add significant cost to agricultural businesses and significant risk of stalling business growth.

How are solar panels included in this discussion?

- Where does this leave the requirement of solar panel installation to meet future potential farms renewable power targets under potential future agriculture greenhouse gas accounting frameworks?
- Modern infrastructure such as sheds tend to be ideal locations for solar installation, yet in my perspective solar panels are not ‘muted, natural, and non-reflective designs’?
- Will there be more guidance or permits required for these, and for how many panels?

An additional concern is what if a permit for a new structure (in my case a potential new hayshed, stockyard cover or potato processing shed) is not granted? Do you think I can afford to take the significant risk now and continue investing heavily in both time and money to build the enterprises up (i.e. employment of local people, buying supplies at local shops, supporting local clubs etc.) to a level where critical infrastructure is required, only to have these projects rejected, or even the risk of this occurring, in future? Or possibly even if it is approved, but could be significantly altered out of my control to another location which would not only be potentially impracticable, but also financially debilitating? This is how the amendment will greatly negatively impact business growth and is a key reason why Council needs to abandon any expansion of the SLO amendment and retain the current SLO and Farm Zoning over the remaining areas.

YARD COMPLEXES

The construction of fences above 1.8 m high means cattle and horse yard complexes fall in this category. This is an important component that has not been considered at all.

This point is particularly specific to my own objectives for my farm business. As many other livestock producers do, we strive to provide the best animal welfare conditions and meet the demands of consumers and community expectations (re: Social license to farm) - including providing the safest and most up-to-date modern facilities including cattle yard complexes and yard shelters and covers we can. This also means there can be multiple sites which they are located across a property or between properties to reduce movements, managing grazing, stress, mustering etc. Therefore:

- Cattle and horse yards can be temporary structures – and may move from site to site, but could be over a period of multiple years not just for 1-month (as advised on the meeting 24-Aug-20 that temporary fencing is not subject to a permit). Who decides when it becomes fixed versus temporary?

- Will a permit be required for every shift or move of these facilities OR for any upgrades? Is this considered 'minor' construction to existing buildings? What if a roof was to be erected over working yards (above 6 m)? Is this a 'major' upgrade OR new build?
- What if a permit to upgrade an existing cattle yard facility is not granted? That would mean almost immediate cessation of business operation and over 50 years of genetic selection and breeding would need to be dispersed. A horrifying scenario and outcome for any livestock business as it could not continue to operate without these facility improvements to support business growth and meet requirements.
- Cattle yards and some horse complexes are made from both galvanised and zincalume steel (both structure and cladding) which would not meet the requirements and again risk rejection. Other options are significantly more expensive. Another cost incurred by the landholder?

IRRIGATION

Construction of irrigation infrastructure is also not defined and considered from what I can see. How does this amendment affect irrigation infrastructure which is almost exclusively galvanised steel such as centre-pivot irrigators (both fixed and transportable)? Another point which has created a degree of concern from my perspective.

VEGETATION

The requirement for vegetation removal is very prohibitive. It appears that there has been little consideration or understanding of how this will affect landholders. It is my understanding that possible permits to remove a single tree (regardless of being indigenous or non-indigenous) in addition to all the other application requirements could be minimum of \$200. This is excessive and could potentially cost individuals landholders thousands of dollars. This policy requires clarification as it is very unclear as nearly every case for tree removal will be different.

Since early 1990s, my father who is also an active member of the local landcare group, has invested considerable time, energy and money into establishing several shelter belts, tree races and native vegetation refuge areas across our property with excess of 10,000 trees planted of indigenous species in keeping with the 'character' of the landscape.

It is borderline insulting that now, as landholders, we may potentially have to pay significant money and spend time meeting the conditions and bureaucratic requirements, to undertake simple and routine maintenance of plantations that we have planted and cared for - including removal of dangerous trees to humans and livestock, on our own property. Or even, potentially be restricted from harvesting our own firewood from our own plantations.

Regarding 2.0 – *"INCREASE indigenous planting in heavily cleared areas if the landscape to further emphasise natural features..."* – will this be compulsory acquisition of farmland to achieve the objective? Why is it worded in a way which refers this?

4.0 Application Requirements

Referring to some specific examples above, my concern is that for every infrastructure project of buildings and works, we will be required to conduct the following planning permits to accompany each individual application (particularly in relation to building development):

1. Detailed site evaluation
2. Landscape assessment plan
2. Visual impact assessment

I can only assume these need to be completed by qualified professionals in the relevant discipline (i.e. Landscape Architectures, Geology consultants etc.) who will be charging professional fees for this work. As a part-time consultant myself in Agricultural Science, I would only estimate that these fees maybe within the vicinity of \$150 - \$200 (excl. GST) per hour, plus travel, plus mileage (situation dependant of course). Therefore, each permit may cost anywhere between \$1,500 - \$4,000 + GST not including any issues or further work that may be required. I can only assume that the burden of these will fall on the landholder. Again. This is a significant additional cost to any infrastructure or works proposal and has potential to risk any future developments occurring at all.

5. Decision Guidelines

As much as we were assured on the recent on-line webinar (24-Aug-20) that the decision-making process and guidelines will be clear and simple for each application – it certainly does not appear clear and simple and is very confusing. I did not have any confidence from that discussion that it will be a simple process. My take home from that discussion referencing a famous scientific quote – “If you (Council) cannot explain it simply – you don’t understand it well enough...”

Unfortunately, I am also extremely concerned with the possible concept each application will be treated on a ‘case-by-case’ basis. From my experience I believe town planning is an extremely subjective area, with individuals differing greatly in their opinions and considerations of applications. Therefore, what may be acceptable on one individual’s property, an identical situation on a neighbouring property may arise the following year and suddenly it is deemed to be not acceptable. Is this a fair and just process?

I am also concerned about panel bias and even the potential of prejudice that may arise from selected individuals involved in these decision-making processes. We are unfortunately leading down a path which is almost inhibiting landholders ‘RIGHT TO FARM’. I clarify this by addressing the following from the Victorian Farmers Federation (VFF). The VFF works on behalf of members to ensure planning and environmental regulation does not adversely impact the ongoing and productive use of land for the production of food and fibre.

The position of the VFF is to ensure the Victorian state planning policy framework:

- Has regard for the impact of lost agricultural land on Australia’s ability to continue to produce food and fibre in a growing and evolving domestic and global marketplace
- Protects the Farming Zone from non-farming use
- Does not adversely impact the future growth of farming enterprises through non-agricultural land uses and subdivisions
- Delivers a strategic approach to environmental policy and controls of agricultural production in farming areas
- Provides strong direction to local councils in rural areas to ensure agricultural production takes precedence over new land uses
- Reduces compliance with inbuilt environmental and animal best practice standards

In conclusion – it is of critical importance that the Hepburn Shire Council and the planning department realise the significant contribution the local agricultural industry makes to the region and abandons any expansion of the SLO amendment and retain the current SLO and Farm Zoning over the remaining areas.

I am happy and willing to make myself available for any further discussion, clarification or consultation on this issue if further information is required.

Thank-you for your consideration of my submission and kind regards,

[Redacted signature]

[Redacted contact information]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission letter for planning committee
Date: Friday, 28 August 2020 12:53:05 PM
Attachments: [submission.pdf](#)

To the Planning Review Officer,

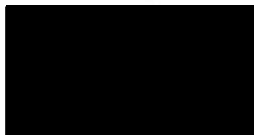
Please find submission attached.

Kind regards,

[REDACTED]

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Amc80hepb Submissions (2020)



To the Planning Review Officer,

I am concerned about the proposed changes to the planning scheme in the Hepburn Shire, specifically the amendment to the significant landscape overlays. From reading the proposed changes in C80Hep Clause 42.03 I find it difficult to see how these changes are appropriate for our farming region. The current SLO's on the hills protect the vistas of our landscape and to expand them to the level proposed would be excessive and not appropriate.

In my opinion farmers in this region do an adequate job of land management and their farms strike a good balance between productivity and protecting the biodiversity through managed tree plantations and regenerative agricultural practices. I am concerned that imposing a Significant Landscape Overlay will add significant costs, stress and risks to these landholders. In reading these amendments and the background documents I think this plan really fails to capture the actual picture of this region and where it should be heading. Please retain the current SLO's and dismiss the proposed changes. Our farmers are important members of the community and should feel supported by the local government authorities, not endangered by them.



Amc80hepb Submissions Feedback

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06 Submission for objection
Date: Friday, 28 August 2020 11:20:50 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, am impacted by DD06 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DD06 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Concerned Property Owners regarding Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Friday, 28 August 2020 10:58:20 PM

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, am impacted by DDO6 because my existing development and land use rights are removed/restricted, my property's resale value is reduced, and if my home is damaged or destroyed, then I am left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for me until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that I need to sell my property, it may not be possible due to the overlay, as has been the recent experience of another property owner.

I look forward to supporting council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

Kind Regards,

[REDACTED]

[REDACTED]

To whom it may concern,

I hope this email finds you well,

I am emailing you in relation to my concerns surrounding Schedule 6 to Clause 43.02 Design and Development Overlay (DD06).

[REDACTED]

[REDACTED]

[REDACTED], it is our dream is to renovate and extend our home, which is why this the Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts us greatly.

We will not be able to build or rebuild on our property, which would be significantly devalued. If our existing house is destroyed by accident, we would be left with a practically unsaleable block of land.

We will lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

We will lose some of my exiting rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.

Our property and our rights to quite enjoyment of our property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax road.

[REDACTED], I have CC'd you in as we have previously worked together within the Hepburn Shire Council. It was a pleasure to work with you as a part of the Disability Access Commitee and it would be very helpful if you could provide any guidance on how we can stop this proposal.

I sincerely plead to you to reconsider and please keep me informed on the status of this proposal.

Looking forward to your response,

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Negative Impact of Clause 42.03 Schedule 1 in Smeaton Area on Business Operations
Date: Friday, 28 August 2020 9:45:48 PM
Attachments: [Objection to Proposed SLO planning scheme for Smeaton area.docx](#)

Attached is my formal objection to the proposed amendment

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows 10

Amc80hepb Submissions received

Re Planning Scheme Objection - [REDACTED]

Date 28/08/20

Objection to Proposed Planning Amendment to Schedule 1 to Clause 42.03 by Hepburn Shire Council.

I am writing to object to the proposed planning amendment that will seriously adversely affect the farming operation of a farm that I jointly own with my sister Margot and my brother in law as well as some 40 hectares in my own name.

The implications of the amendment are unclear to many of us locals but it will clearly add costs and paperwork to our operations. Some of our farming operations may need to be radically changed.

I do not believe that council has consulted with our community. We have only recently become aware of it.

The whole area of the farm is covered by the proposed SLO based amendment so we are not able to have any flexibility on moving or relocating aspects of our operations.

Unfortunately, because of the poor consultation this is the most detail I can lodge in my objection.

Yours Sincerely

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Friday, 28 August 2020 9:42:03 PM
Attachments: [slo submission.pdf](#)

[REDACTED]

Amc80hepb Submissions received

SUBMISSION TO HEPBURN SHIRE PLANNING SCHEME REVIEW 2020

planningscheme@hepburn.vic.gov.au

The planning scheme review officer

HEPBURN SHIRE COUNCIL

P.O BOX 21

Daylesford Vic 3460

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

We object to the changes and the process to get to this point on the following grounds

Timing

The timing could have been better. By dumping these proposed changes during the covid19 crisis the HEPBURN SHIRE COUNCIL has created unnecessary anxiety and distress on those that are most effected. Really poor form, the process involved with implementing these changes should be delayed till a later point where the implications can be discussed and debated on a more traditional platform, especially amongst our community.

Lack of consultation

Considering that the proposed changes to the existing SLO where first outlined in the '**Southwest Victoria landscape assessment study June 2013**' the intended purpose of this study was to 'better inform Planning Scheme policy and assist planning decision making' it was 'prepared in partnership with local government and a range of stakeholders'.

We find it inadequate that during the period that this study was carried out and the subsequent 7 years since. As landholders, small business owners and residents within the area effected by these changes, so without question **major stakeholders**, to have had zero consultation. As ratepayers on the effected land our details where readily available to those preparing this study and yet **zero consultation**.

Decision guidelines to subjective

We find that the decision guidelines rely to heavily on a subjective opinion of those making the decision.

Messy lines in the sand

The area covered by the new SLO and the adjacent land not covered, in a lot of cases, appears to make no sense. One example, we can stand at one part of our property covered by the new SLO and look across the road, and in our opinion the adjacent property is much more pretty and true to the areas significant landscape however it is not covered but the new SLO. So who's opinion was it to decide what was covered and what wasn't. The locals certainly were not involved in any part of this process. Did someone from the department of planning and community development drive around our area and have a look. Where they suitably qualified to make these decisions or was it just a **warm fuzzy feeling** sort of thing.

Dull muted colours

To restrict the use of galvanized and zinc cladding, to even include this restriction in a predominantly farming area seems absurd. These sheds, farm buildings and structures are purposed to protect their contents from the weather, these structures are price sensitive and the reason the prominent cladding is zinc or gal is it tends to be the cheapest. So to impose this more expensive restriction on those within the SLO zone is to further disadvantage these businesses that operate in a perfectly competitive marketplace. I do not know of a silo manufacturer that offers a colorbond option.

Cost associated with the necessary permits

The costs involved with these new restrictions come in many ways,

- The actual cost involved with the permit process which as I understand could amount to thousands of dollars
- The opportunity cost created due to the delay in the permit process, it might be the difference between a crop being planted on time or a contracted machine sitting idle waiting for a permit.
- The opportunity cost relating to the time taken away from other work to comply with this permit process.

The extra costs to be burdened on the farmers within this area is clearly a disadvantage to those operating within the SLO zone. In already difficult trading conditions this could be considered as cruel.

We could go on but we won't

We fully understand the importance of protecting these wonderful landscapes, but at what cost to those that live and work within the zones boundaries, it appears that all of the burden for the benefit of others is absorbed by the landowner or business operator, if these landscapes are useful in luring tourists and the money they bring to the SHIRE, or improve the demeanor of the locals as they drive from one town to the next then we are all for it, but maybe the pain could be shared around and those effected compensated for the extra level of tape that is placed across the businesses and habitats effected, after all preserving these landscapes is for the benefit of all.

We wish the proposed changes were clearer on what they were trying to protect and who they were protecting it for, but they are not, so we will just have to guess.

Thank you for reading this submission

████████████████████

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission to Hepburn Planning Review. Amendment C80: Hepburn Planning Review
Date: Friday, 28 August 2020 9:30:18 PM

Attention: Planning Scheme Officer, Hepburn Shire Council

[REDACTED]

Dear Alison,

Having been out of the state for the last 6 weeks for compassionate reasons, I have only just heard about the Planning Scheme amendment process. As we have not had time to fully acquaint ourselves with all the areas being looked at we wish to make an initial broad submission of concerns.

The following are some areas that we feel we need to raise with council:

- the importance of more effective consultation with residents of the shire so residents can understand the full implications. Covid restrictions have made consultations more difficult.

With the Shire experiencing major growth as people move out from Melbourne, it highlights the need for :

- a Heritage Overlay for the whole of Mount Franklin to give greater protection from more subdivision or development

- protection for the entrances to each of the Shire's towns, from development. For example the northern entrance to Daylesford - the land of Wombat Park and surrounds has a lot of cultural significance, landscape and historical importance. It sets a wonderful tone to the whole Shire and needs to be protected from inappropriate development.

- protection of wooded areas of the Shire from subdivision & largescale clearing.

- protection of prime agricultural farmland in the east of the shire from extensive housing developments.

- urgent protection of significant roadside trees: native specimens & habitat as well as hedges - hawthorn and elderberry, chestnuts. Significant trees & vegetation needs to be included in the Vegetation Protection Overlay via extension & update of The Significance Tree Register.

I am particularly concerned that the protection for Mount Franklin seems to have been reduced. Mt Franklin has an enormous geological history and significance to Indigenous people, not to mention the landscape significance It is of National Significance, not merely Regional Significance. The Heritage Overlay only protects the cone/crater but protection needs to cover the whole mountain, to stop developers subdividing it. A Heritage Overlay (HO) gives guidance to Planners, so they know there are restrictions to look up. And if Mount Franklin had this over the whole mountain including the sides and Lady Franklin it would have a lot more protection and we might be able to keep it like it is for future generations to enjoy.

The Planning Scheme sounds good, with its vision of protecting the landscape of the Shire but we do not see any detail regarding legal tools to actually save the eastern side of the shire from subdivision, going forward. Just guidelines which seem too easy to be ignored when it comes down to it.

These are the initial concerns that have come to mind in the limited time we have had to get our mind round the scope of the amendments. With time to fully scrutinize all documents there may be further concerns & we hope there will be future opportunities to liaise with council on these amendments.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission - Hepburn Planning Scheme Amendment C80Hepb
Date: Friday, 28 August 2020 8:36:02 PM
Attachments: [28.08.2020 Hepburn Planning Amendment C80Hepb .pdf](#)

Good evening,

Please see submission attached for Hepburn Planning Scheme Amendment C80Hepb.

[REDACTED]

Amc80hepb Submissions received

Submission

Hepburn Shire Council Planning Scheme Review: Exhibition of Amendment C80Hepb

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford 3460 Victoria

Submitted via email: planningscheme@hepburn.vic.gov.au

Dear madam/sir,

Re: Hepburn Planning Scheme Amendment C80Hepb

Thank you for the opportunity to make a submission regarding this Amendment. Planning scheme amendments are a significant undertaking for councils and the ability of council residents to provide feedback during the process is critical to ensure issues are fully captured and properly addressed.

I write to oppose the restructure plans for Drummond in the Hepburn Planning Scheme Amendment C80Hepb. In particular, I oppose the inclusion of Drummond in both the 'Townships and settlements' policy (11.01-L) and 'Schedule to Clause 45.05 Restructure Overlay'. For the reasons outlined below, Amendment C80Hepb should be altered to remove Drummond as a settlement identified for restructure. I would welcome the opportunity to attend a hearing to provide further information and address these points further.

Hepburn Planning Scheme Review

The review undertaken as part of this amendment process by consulting firm Plan2Place on behalf of Hepburn Council was incomplete in its scope and failed to address a number of issues that have been used to maintain the inclusion of Drummond as a candidate for restructure in the Planning Scheme.

Both the *Data and Evidence Report* and the *Audit and Review Report* developed by Plan2Place make reference to a 2012 "Hepburn Shire Restructure Plan Report" in a timeline¹ detailing the history of the Hepburn Planning Scheme. It is assumed this report is referencing *Hepburn Shire's Restructure Plan Project Final Report* which was undertaken by planning company Meinhardt Group and published in March 2013.²

The Meinhardt report examined the potential of restructuring land in Drummond (in addition to other areas within Hepburn Council identified for potential restructure). The report concluded that "opportunities for restructure [in Drummond and Sailors Falls] would be limited given the number of

¹ See Table 1: Short History of the Development of the Hepburn Planning Scheme (State Government and Council Led Amendments), Hepburn Planning Scheme Audit and Review Report Final - February 2020, page 19. Available at <https://www.hepburn.vic.gov.au/planning-building/hepburn-planning-scheme-review/>

² Available at <https://www.hepburn.vic.gov.au/hepburn/wp-content/uploads/2015/01/20-08-2013-Attachment7-HepburnRestructurePlanFinalReport-March2013.pdf>

existing dwellings which are located within each”.³ Despite noting this in the *Data and Evidence Review Report*, Plan2Place do not address it in any substantial way and recommend Hepburn Council commit to preparation of restructure plans for Drummond and other identified areas.

Additionally, there is no reference in either of the Plan2Place reports to a subsequent Hepburn Council report tabled at the Ordinary Meeting of Council on 21 July 2015 which highlighted significant issues with existing restructure plans for Drummond and recommended the Restructure Overlay be removed from the Hepburn Planning Scheme for the following reasons:

- consideration of the proposed Restructure Plans has revealed that due to the pattern of existing development, approval of the plans will not resolve the outstanding planning issues of threat to life from bushfire and the treatment of wastewater generated onsite
- a number of vacant lots adjoin lots that contain a dwelling and there is generally no impetus for landowners with existing dwellings to acquire and consolidate adjoining vacant lots
- the RO is not an appropriate tool to determine development in areas affected by bushfire or to determine if waste generated by the development of a dwelling can be treated and retained on a lot.
- the existing controls, including the zoning and overlays - BMO and ESO1, are the most appropriate controls to consider any proposed future development on the sites.⁴

Following this council meeting, Council sought authorisation from the Minister for Planning to prepare an amendment to remove the overlay from the Planning Scheme. It appears this was preemptive as the Minister advised Council to undertake further work to address issues raised in the Meinhardt report before seeking to remove the overlay. I am not aware that this work has been undertaken to date.

I suggest it was ill-considered for Plan2Place to make recommendations to keep the restructure overlay for Drummond given the conclusion in the Meinhardt report that “opportunities for restructure would be limited given the number of existing dwellings which are located within [Drummond and Sailors Falls]”.⁵ Plan2Place’s reports also do not consider the subsequent work undertaken by Council and the recommendations made in the report tabled at the 21 July 2015 Ordinary Council Meeting that the restructure overlay be removed.

The background documents prepared by Plan2Place that underpin Amendment C80Hepb have not considered the restructure overlay issue fully and failed to make use of all the information available. An independent assessment of these issues should take place and the inclusion of Drummond as an area identified for restructure be reconsidered.

Consolidation of lots

The pattern of existing development at Liza Drive and Bushmans Cres Drummond mean that consolidation of lots will not resolve the planning issues canvassed in the Meinhardt report or identified in *11.01-L Township and settlements*.

The current pattern of development in this area (see map below) includes

- 24 lots with existing dwellings; and
- 10 vacant lots.

³ Hepburn Shire Restructure Plan Report March 2013, Meinhardt Infrastructure & Environment Pty Ltd, vi

⁴ Minutes - Ordinary Meeting of Council 21 July 2015, <https://www.hepburn.vic.gov.au/wp-content/uploads/2015/08/21-07-2015-Council-Meeting-Minutes.pdf>, from 36

⁵ Page 65



Vacant land - Drummond

Of the vacant lots, all share boundaries with lots containing existing dwellings. The 2015 Council report noted that owners of lots with dwellings have little impetus to acquire and consolidate adjoining lots.⁶

Bushfire risk

11.01-L Township and settlements identifies residential development in Drummond as “inappropriate due to the high bushfire risk...”. Liza Drive and Bushmans Cres both join Scobles Road to the east, which is a sealed road that provides good access to open areas of grassland to the east. The vast majority of lots - both vacant and those with existing dwellings - contain modified vegetation. As I understand, all lots in Hepburn Council can be inspected by the Municipal Fire Prevention Officer to ensure owners comply with the relevant laws and remove any fire hazards on their property.⁷

To my knowledge, some of the vacant lots in Drummond do not currently have good road access or water tanks with CFA compatible fittings. The inability to develop vacant lots prevent owners from

⁶ Page 27

⁷ For example, see <https://www.hepburn.vic.gov.au/fire-prevention/>.

acquiring water tanks and, despite being required to, does little to incentivise owners to maintain fuel loads on their property due to the large size of the lots (2 - 5 acres) and the resources this maintenance may require. This may increase the bushfire risk to adjoining lots containing dwellings.

Since the Restructure Overlay was put in place substantial changes to bushfire protection and planning controls have been made in Victoria including strengthening of the BMO. The State Planning Policy Framework (SPPF) outlines the broad framework for bushfire protection policy and provisions in the planning scheme and any proposed development would have to have regard for these overarching policies. Additionally, any proposed development would have to satisfy the BMO and a Bushfire Management Statement would be required with any planning application to ensure that bushfire risk was addressed.

Myself and one of my neighbours have both had our vacant lots assessed for bushfire risk and both were found capable of accommodating a dwelling and meeting relevant standards contained in clauses 53.02 (Bushfire Protection: Planning Requirements) and 44.06 (Bushfire Management Overlay). I would be happy to provide the panel with a copy of the BMS report.

Parcels of land along Scobles Road—just a few hundred metres from the lots in Drummond affected by the Restructure Overlay—are not subject to any restructure restrictions and planning permits are issued for development subject to satisfying existing overlays (including ESO, BMO). These blocks are comparable in both size and vegetation/fuel load to those in the Restructure Overlay. The bushfire risks for parcels along Scobles Road may even be greater due to being further from Daylesford-Malmbury Road via unsealed roads. I would argue that the ability of owners of the lots on Scobles Road to develop raises questions of equity given the similarities and proximity to lots in Liza Drive and Bushmans Cres.

The existing zoning and bushfire controls (including clauses 53.02 and 44.06) are appropriate controls to consider any proposed future development on the lots affected by the Restructure Overlay in Drummond. The restructure overlay is an inflexible tool that prevents owners of affected lots from having planning applications assessed against appropriate bushfire controls. Using the Restructure Overlay to address bushfire risk in Drummond should be reconsidered.

Infrastructure

11.01-L Township and settlements also notes that there is “insufficient infrastructure services” and that increased rates of residential development are therefore inappropriate.

Both Liza Drive and Bushmans Cres Drummond have power readily available at the lot boundaries with infrastructure maintained by Powercor Australia. Roadside vegetation along Liza Drive and Bushmans Cres is regularly managed so that there are no trees or build up of fuel underneath these lines.

Telecommunication infrastructure is also available in Drummond. Telstra pits are dotted along Liza Drive, Bushmans Cres and Scobles Road. This means properties could connect a phone line and broadband internet. NBN Co also indicate the affected area in Drummond has ‘service available’ on their website.

There is no water infrastructure and wastewater would need to be treated on site in line with State legislation and policy. The current overlays would require a Land Capability Assessment (LCA) to be submitted with any planning application.

Claiming that insufficient infrastructure services necessitates the restructure of settlements in Drummond is somewhat incorrect given the fact that both power and telecommunication services are readily available. I accept that lack of water services means that wastewater would need to be

carefully managed. However, given the size of the lots and the fact that lots which are already developed have been able to satisfy wastewater planning requirements it seems that proposing to restructure the lots is a heavy-handed solution to ensure proper wastewater management rather than assessing a proposal on its merits and instead.

A LCA was carried out for Lot 17 in July 2020 which assessed the capability of the land and recommended that an Aerated Water Treatment System be installed to sustainably manage wastewater within the property boundary and meet the needs of a proposed dwelling. I would be happy to provide a copy of this report to the panel. Advancements in technology also mean that new developments would be able to manage wastewater in a far more sophisticated way than existing dwellings. I would also note that this pocket of Drummond is already well developed – only 10 lots remain vacant in the affected area.

Other lots for sale within Hepburn Shire that are smaller in size to those in Drummond, are located outside major towns, are also zoned residential and have the same infrastructure available but are not included in any restructure plans.⁸ This inconsistency should be taken into account when considering the appropriateness of the Restructure Overlay for Drummond.

Conclusion

To conclude, the purpose of a Restructure Overlay in the planning scheme is to identify old and inappropriate subdivisions which are to be restructured. A fair balance must be struck between owners of vacant lots within the areas identified for restructure and the objectives and aims of Council for an orderly planning process that properly considers the land's capability for development. Liza Drive and Bushmans Cres in Drummond contain an established residential settlement with only a small proportion of vacant lots. Continuing to include Drummond in the restructure overlay does not address the issues identified by Council as part of this Planning Scheme Amendment and is preventing landowners from navigating a way forward. Amendment C80Hepb is an opportunity to find a resolution.

[REDACTED]

⁸ For example, see the proposal for 150 Daylesford Malmsbury Road, Coomoora: <https://www.realestate.com.au/property-residential+land-vic-coomoora-202651786> and <https://www.hepburn.vic.gov.au/hepburn/wp-content/uploads/2018/10/PA-2089-Application.pdf>

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Additional submission: Hepburn Planning Scheme Review - Design and Development Overlay 6 (DDO6)
Date: Friday, 28 August 2020 6:44:59 PM
Attachments: [REDACTED]

[REDACTED], submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, impacts me as outlined in the attached documents and [video](#).

Given so many issues and flaws with DDO6, **it must be abandoned.**

Regards

[REDACTED]

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[REDACTED]

Amc80hepb Submissions received



The DDO6 overlay must be abandoned. It has serious impacts on me caused by:

1. Unclear strategic purpose/intent of DDO6 – **see section 1 below**
2. Outrageous removal of my existing development and land use rights, and as a result, devastating financial impacts – **see page 3**
3. Communication and consultation failures – **see page 5**
4. Process and quality issues – **see page 7.**

1. Unclear strategic purpose/intent of DDO6

Is it about the Daylesford Material Recovery Facility? the transfer station? the closed landfill? Ministerial Statement #19? EPA guidelines? Clause 53.10?

The DDO6 document says it's about the Daylesford Material Recovery Facility, which is currently not in use.

What is the purpose/intent of the overlay? The following table demonstrates that Council has been unable to answer this question with clarity.

No.	Issues
SP1	<p>On 22 August during a residents' meeting with Council officers, Allison Blacket, Council Planning Officer, advised that the DDO6 is in response to Ministerial Statement #19. However, this ministerial statement is for future development, and is not meant to be applied retrospectively.</p> <p>Also important to point out that no overlay is proposed for Creswick Transfer Station, Trentham Transfer Station or the Council Depot. Why not if Council is relying on this ministerial statement?</p>
SP2	<p>Alison Blacket, Council Planning Officer, advised previously that the driver of the DDO6 was the closed landfill and the need to protect residents from the potential risk of gas leakage. Email evidence available.</p> <p>However, Council seems to have stepped away from that now.</p> <p>Just noting the landfill was closed in 2004. Is it leaking gas? Council wouldn't know because they haven't completed a risk assessment.</p>
SP3	<p>The DDO6 design objectives are related to operation and protection of the Daylesford Materials Recovery Facility, which is currently not operational – see the DDO6 document, clause 1.</p> <p>So that's another different statement of purpose / intent made by Council for a site that is not in use.</p>

Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

Submission from:



No.	Issues
SP4	<p>Council’s letter ‘to the householder’ states the following, which includes yet another different purpose statement.</p> <p>“Council is writing to you because the amendment also proposes to introduce the Design and Development Overlay 6 (DDO6) within a 500m radius of the Daylesford Material Recovery Facility. Land affected by the DDO6 will require a permit for a building, subdivision and fencing. This proposal will limit development density in the area until Council has undertaken its review of its current Waste Management and Resource Recovery Strategy.”</p> <p>In addition, Clause 2 of DDO6 doesn’t just limit development; it prohibits it, so the above statement is misleading. And there is no confirmation from Council as to when they will complete the waste management strategy review, so the DDO6 could remain in place for an unspecified amount of time, devaluing our properties and making them unsaleable – see section 2 for more information.</p> <p>Already I am aware of residents who have experienced sale default because of the overlay, just because a flawed proposed overlay in on exhibition.</p> <p>The overlay needs to be abandoned – if it continues as part of the Planning Scheme Review it will continue causing financial losses for residents while the protracted and bureaucratic review process continues on.</p>
SP5	<p>Council’s A3 flyer attached to the letter states the following – another different purpose statement appearing:</p> <p>“Introduces a new Design and Development Overlay over land within 500m of the Daylesford Material Recovery Facility to minimise land use impacts until a new Waste Management Strategy can be prepared.”</p>
SP6	<p>The waste management strategy review that Council plans to complete needs to be done first to identify appropriate waste mgt site locations within the shire that “Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.”</p> <p>Quoted from Amendment C80hepb, clause 19.03-5S</p> <p>When site location is confirmed, then a proper risk assessment can be completed and any required action can be taken to address identified risks.</p>

Submission from:



2. Outrageous removal of residents existing development and land use rights

No.	Issues
RR1	<p>I cannot build/extend – impacts are:</p> <ul style="list-style-type: none">• loss of my existing development rights• reduced property value and no opportunity to improve property value over time• cannot rebuild if house damaged/destroyed, resulting in significant loss of property value, and the potential of being left with an empty and worthless block of land that I can't build on – no buyer would buy it either• cannot knock down and rebuild to replace old / unsuitable dwelling
RR2	<p>While I may apply for subdivision of my land, if my application meets two conditions, namely, minimum one hectare and no access from the lot to Ajax Road, even if I was successful, I can't build on the subdivided land. So again, worthless land.</p>

Amc80hepb Submissions received

No.	Issues
RR3	<p>If I want to build a fence, I need a permit and can only build fences that are 1.5m in height, solid or 50% transparent.</p> <p>Current fences on rural properties in the area are typically post and wire which provides the benefits of:</p> <ul style="list-style-type: none"> • native wildlife being able to move around the area – something I enjoy on my land. To my knowledge no environmental impact assessment has been completed to determine the impact of DDO6 on native wildlife or flora. • fire fighters being able to easily break through fences in emergency situations such as bushfire – and I do live in a bushfire zone. <p>Consultant Paul Buxton from Plan2Place Consulting stated in a meeting held on August 24 2020 that:</p> <p>“That’s about really the visual impact of the transfer station on any residential development and the separation really. So it’s about that.”</p> <p>Almost all residents in the area don’t have a view of the transfer station – there’s hills and gullies in the way. I can see the MRF shed through the trees from my property, but then I can also see other people’s sheds from my house too. And if I built a 1.5m fence I would still be able to see the MRF shed. It wouldn’t block my view, because the MRF land is significantly higher than my land.</p> <p>The arbitrary and needless imposition of fence and balconies restrictions (see RR4 below), given the topography of the area means 95% plus of the affected residents cannot even see the MRF/transfer station. Even if additional houses were built on vacant blocks, only a small proportion would be in sight of the facility. This reinforces a view that the unstated rationale of DDO6 is to minimise complaints, not protect residents or the operation of the MRF, which is not in use.</p> <p>And again, we’re back to the purpose question. Why such inappropriate fence construction restrictions to block the view of transfer stations, when almost all residents can’t see them anyway. Solid/50% transparent fences:</p> <ul style="list-style-type: none"> • will prevent the native wildlife, like our resident kangaroos, passing through my property, as they do every day...this is their home too. Instead, they will be pushed onto roads raising concerns for their safety and the safety of drivers in the area • will create problems for fire fighters, no longer able to easily drive through bush blocks to fight fires • are not in keeping with the neighbourhood character, neither for where I live, in a low density, rural part of the proposed overlay nor for the parts of the township that are impacted.

Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

Submission from:



No.	Issues
RR4	<p>I am not able build a balcony or create private open spaces. This removes my current land use rights.</p> <p>I live in a rural area because open spaces are important to me. I enjoy the natural environment and associated neighbourhood character, so quiet enjoyment of my property is also removed.</p> <p>This issue also re-raises the issue of intent of DDO6. What purpose could be achieved by applying this restriction? Why does Council want residents indoors? Are there safety risks?</p>

3. Communications and consultation issues

No.	More information
CC1	<p>The ministerial statement was gazetted on 26 May 2020, and DDO6 was then presented without warning or consultation at the June Council meeting, just a couple of weeks later. It was therefore not 'on the table' during the Hepburn Planning Scheme Review consultation period, Sept 2019 and Jan 2020.</p> <p>There was NO consultation with the approx. 80+ residents/absentee property owners in the lead up to exhibition of the DDO6.</p>
CC2	<p>If the community had been consulted and allowed to review the DDO6 document before it was submitted for review by the Minister and DEWLP, the flaws and inconsistencies could have been identified and addressed. We're now in a situation where we're told 'the process must be followed' even though the document is flawed and inconsistent and no consultation was undertaken, and the impacts are devastating, financially and in regards lifestyle.</p>
CC3	<p>Insufficient and misleading detail was provided in the letter and A3 flyer about DDO6. For example:</p> <ul style="list-style-type: none">• Council's letter 'to the householder' says you will need a permit for building/rebuilding, but DDO6 prohibits building.• And nowhere in Council's letter or A3 flyer does it make it clear that a property owner would not be able to build a new home, replace an existing home (should it be destroyed by anything other than bushfire (I think...Council Officer, Alison Blacket did not answer my question about this, even though I asked at least twice)), or build on vacant land.
CC4	<p>It has been left to residents like me to advise impacted residents of the impacts and how to make a submission. I have spent hours and hours over the past few weeks preparing information, like the resident flyer and video for example, to ensure my neighbours know about the serious impacts to their development and land use rights, and their financial circumstances.</p>

Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

Submission from:

[REDACTED]
[REDACTED]
[REDACTED]

No.	More information
CC5	Information is missing or out of date on the Hepburn website, e.g. residents' submissions have not been made available online, as required by planning and environment regulations. The gazetted documents for exhibition are not available on the website, including the DDO6.
CC6	It is extremely difficult for residents to find Amendment c80hepb on the DEWLP site, especially for those who do not have a computer or are not very computer literate.
CC7	<p data-bbox="300 667 1318 734">At Council's February meeting, consultation with the Friends of Ajax Road group was mentioned. This is not a fair statement.</p> <p data-bbox="300 768 1430 947">The Friends of Ajax Road group, of which I have been a participant, is a small group of residents living in one street, adjacent to the Ajax Rd waste management facilities. Until COVID struck, they were meeting monthly with waste management council officers to address the impacts of living right beside the facility. It is not a representative group of the DDO6 overlay, and the Friends of Ajax Road group were not consulted about DDO6.</p>
CC8	Council states that 350 people were consulted face-to-face, via survey and phone call on the entire amendment – that's approx. 2% of the Hepburn Shire population. And the DDO6 was only added to the amendment in June 2020, so there was never any community consultation about it.
CC9	<p data-bbox="300 1171 1318 1238">The Daylesford transfer station has been in place since 2004 and Council has allowed encroachment.</p> <p data-bbox="300 1272 1414 1417">Many houses in the area pre-date its establishment, including a property that goes back to the early 1900s. There is a duty of care for Council to take accountability for transfer station encroachment and consider better options to solving the problem, than removing residents' rights and impacting their financial situations.</p>

Submission from:



4. Process and quality issues

No.	More information
PQ1	<p>Council officers, Alison Blacket, Bronwyn Southee, Evan King, and, the external planning consultant, Paul Buxton, Plan2Place, confirmed in a meeting with residents on 20 August (Zoom recording available) that Clause 53.10 had driven the need for Council to respond with the 500 metre buffer zone. However, there is no reference to this clause in any of Council’s public documents about DDO6, like agendas or supporting material.</p> <p>And in the The Local (online 23/08/2020) Council is quoted as follows: <i>“The basis of the proposed DDO6 is the EPA Publication 1618 and Clause 53.10 - Transfer Station receiving organic waste buffer distance”.</i></p> <p>But, again, there is nothing in Council documents that mention these, and Alison Blacket wrote to a resident (18 August 2020) advising she was in error referring in an email to that same resident dated 10 August that the DDO6 relied on EPA 1618. This raises the following questions:</p> <ul style="list-style-type: none"> • Is EPA 1618 the basis or not? • Why are Council officers providing conflicting and inconsistent information to residents, councillors and the media?
PQ2	<p>Council failed to follow the spirit of the EPA guidelines, i.e. they did not carry out an assessment of waste management facility impacts on residents and the environment – instead they just slapped on the maximum 500m buffer at the very last minute (June 2020). This is a lazy and unprofessional approach, with devastating resulting impact on residents.</p>
PQ3	<p>Council officers (planners) only express concern about following the Planning Scheme Review process . They express no concern nor acknowledgement that the document is flawed, instead they respond to resident concerns by saying the Minister and DEWLP approved the document for exhibition so the document cannot be flawed. Subsequently DEWLP have confirmed the minister approved the document for exhibition, but that does not mean the minister approved the actual content. And the document is definitely flawed.</p> <p>There is also no concern shown for residents experiencing the stress and anger associated with removal of development and land use rights, and high risk of financial loss.</p>
PQ4	<p>The map provided in Amendment C80 hepb paperwork is not accurate. It is therefore unclear as to exactly who is impacted.</p>

Amendment c80hepb, Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

Submission from:



No.	More information
PQ5	<p>There are poorly written clauses in DDO6. For example:</p> <p style="text-align: center;">"A balcony or a private open space area for accommodation must not directly face towards or be located within 500 metres of the edge of the Daylesford Material Recovery Facility."</p> <p>The first condition of the above statement about direction of balconies/open spaces is moot, because the second condition says you can't actually have a balcony or a private open space.</p>
PQ6	<p>Council have allowed encroachment since Daylesford transfer station establishment in 2004. Council has a duty of care to residents as a result. Instead of taking accountability, Council is damaging residents by taking away rights and impacting their financial circumstances.</p> <p>Council has an obligation to continuously improve the shire and its amenity, and, there is precedence of Council moving facilities away from residential areas to ensure this happens, e.g. the Hepburn works depot was moved away from the residential area. It can be done when proper analysis and investigation is completed.</p> <p>Removal of waste management facilities away from residents affords Council opportunity to align with the Minister's amendment, which applies to future developments.</p>
PQ7	<p>Council submitted a flawed document which was approved for exhibition, with resulting catastrophic financial and resident rights impact.</p>
PQ8	<p>The June Council Report, page 37, makes vague statements about financial and risk implications for the Hepburn Planning Scheme. Council needs to take this into account, because there could be legal action taken against Council, and there is approx. \$60m+ worth of real estate affected by the buffer if Council were to be sued.</p>
PQ9	<p>There is a risk that Councillors and Council staff may have a bias against residents living in the immediate vicinity of the Ajax Road waste management site, due to a strong and persistent stand taken by the Friends of Ajax Road in meetings over MRF. Note that the group was successful in achieving removal of unacceptable consolidated waste management practices from the site.</p>

Submission from:

The DDO6 overlay must be abandoned. Do a waste management strategy first, *then* decide how to protect whatever sites are agreed to be best practice for the shire. This would be in line with:

“Ensure waste and resource recovery facilities are **sited**, designed, built and operated so as to minimise impacts on surrounding communities and the environment.”

Quoted from Amendment C80hepb, clause 19.03-5S

When site location is confirmed and proper risk assessment is completed, then an appropriate risk management strategy can be determined.

Council’s focus is on protecting assets over residents

The planners involved in the Hepburn Planning Scheme Review seem to be about 'government process' and defending past mistakes made by councils, Ministers and government departments. No focus on the community. No compassion for the hardship they plan to place on approx.. 80+ property owners, all in the interests of protecting a Council asset, i.e. the Ajax Road waste management facilities.

Council made mistakes over the past 16 years or so (since transfer station establishment), allowing encroachment. Now they want to punish residents for those errors, rather than taking responsibility for them. It is they who have a duty of care to protect residents living near waste management facilities. Instead, they are adopting the opposite approach and protecting the waste management facilities against residents.

The Minister and DEWLP have allowed a flawed document to be put on exhibition.

Why just the Daylesford transfer station? Why not all of them?

And why apply a rule to only **one** transfer station in the shire. Why doesn't the same overlay apply to the other transfer stations in the shire that also have encroachment issues? Could one surmise Council already has a waste management strategy in mind, and the introduction of this overlay is a strategic move to support that strategy and the Daylesford transfer station?

Council officers explain the overlay is to address DEWLP’s Ministerial Statement #19, May 2020, which Council says requires that buffers are put in place around transfer stations. This begs the question why are they only meeting this requirement for the Daylesford site. **Why is Council not applying an overlay to all transfer stations in the shire?**

Council is relying on Clause 53.10, which provides guidelines about planning for the future to protect business and industry so **they** can carry on with their activities and remain profitable, without impacting residents. Transfer stations are included in this guideline. However, it is morally objectionable to use this clause to implement severe restrictions on residents within the proposed DDO6 overlay, just to protect one transfer station. And again, why not apply to all transfer stations if Council is concerned about meeting this clause.

Better to locate transfer stations in industrial areas, and apply the buffers there.

Submission from:



Waste management strategy needs to be done first

There's been no community consultation re the waste management strategy as yet. Does the Council have its own agenda for applying this highly restrictive overlay?

Let's imagine a decision has **already been made** to continue using the Ajax Road site, without any research/investigation/community consultation. The planning scheme review is the opportunity for Council to put in place restrictions that protect the site and support the strategy. Unfortunately, it also takes away the development and land use rights of residents who own properties within 500m, and, devalues their properties. No-one wants to buy a property on which you can't build, extend or rebuild. Property values therefore drop as a result of this overlay and residents can't make improvements to increase their financial portfolio. Outrageous.

Now let's imagine that Council completes proper review of waste management practices in the shire and develops a waste management strategy with a **long-term** view in the interests of the community. Such review would include investigation of the options in regards transfer site locations across the shire, ensuring residents are front of mind.

Then let's imagine, as a result of that good work, Council identified sites across the shire they could use that did not encroach on residents. They could then maintain the recommended buffers over the long term. They would meet their duty of care accountability, and residents would not be impacted – residents would be able to quietly enjoy their properties and the neighbourhood character. What a great outcome. This is the kind of Council that's truly working for its community.

Therefore, the DDO6 overlay must be abandoned. Instead, do a waste management strategy first, then decide how to protect whatever sites are agreed to be best practice for the shire.

Amc80hepb Submissions Received