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Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: PSA-20-00007 - HEPB - PLANNING SCHEME AMENDMENT C80
Date: Friday, 28 August 2020 6:09:44 PM

Good afternoon

Based on the information provided, GMW has no objection to Hepburn Shire Council Planning Scheme Amendment C80 subject to the following considerations:

14.02-1L – Catchment and land protection

-
It is GMW's understanding that 14.02-1L is supplementary to 14.021S (Catchment planning and management). GMW supports further policy which seeks to protect and enhance the quality and quantity of water within special water supply catchments. However, I do have some concerns regarding dot pt 3 of the policy guidelines as some of the proposed setbacks are contrary to the current EPA Code of Practice – Onsite Wastewater Management. For instance, wastewater disposal fields can be placed upslope of dams provided they meet the required setback distance based on the type of treatment proposed. In addition wastewater disposal fields should be greater than 100m from dam and reservoirs. For primary treatment of wastewater the setback should be 300m from a dam or reservoir. This could be reduced to 150m for secondary treatment of wastewater. I believe this section of the policy should be given more consideration as it shouldn't contradict the Guidelines and could create confusion for developers/applicants.

15.01-3L – Subdivision in Hepburn Shire

It is noted that this policy applies to the subdivision of land within the boundaries of townships shown on the Strategic Framework Plan and refers to all sewerage townships apart from Glenlyon which is unsewered. GMW understands there is considerable development pressures within Glenlyon, however consideration should be given to the accumulative risks from unsewered development within the potable water supply catchment, and especially in Glenlyon given the amount of potable D&S bores. What specific strategies are being developed to manage risk to water quality, and expectations from developers, when policy supports unsewered subdivision in a high risk areas? If this is the policy direction for Glenlyon, reticulated sewer should be made available to Glenlyon.

ESO1

-
GMW has reviewed ESO1 and notes that the recommendations provided by email dated 25 March 2020 have been implemented. The amendments will reduce unnecessary planning permit referrals to GMW for development not requiring assessment from GMW on the basis of potential impacts to water quality. Upon review of clause 3, dot pt 2, the following amendment is recommended to further refine the clause:

- Construct a building or construct or carry out works for an extension to an existing dwelling that does not generate additional domestic waste water which **does not encroach upon the wastewater treatment system**, and is located more than 30 from a

waterway.

It's noted that all references to dams and the size of dams have been removed and dams will be captured for earthworks in all rural zones.

I am happy to discuss and provide further input any relations to any of the matters raised above.

Kind regards

Ranine McKenzie
Statutory Planning Partner
Business and Finance

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Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Response to proposed Hepburn Planning Scheme Amendment c80hepb - on behalf of [REDACTED],
Hepburn Springs
Date: Friday, 28 August 2020 5:53:13 PM
Attachments: [image001.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[Response to proposed Hepburn Planning Scheme Amendment c80hepb - on behalf of \[REDACTED\],
Hepburn Springs.pdf](#)

Attn: Planning Scheme Review Officer
Bronwyn Southee – Manager Development and Community Safety

Dear Madam,

RE: PROPOSED HEPBURN PLANNING SCHEME AMEDNMENT c80hepb

We act on behalf of the registered landowner [REDACTED] in respect to the affected land at [REDACTED]. We have been engaged by our client to provide the following submission in response to proposed Hepburn Planning Scheme Amendment c80hepb.

Please see attached correspondence for Council's attention.

Please contact me should you have any questions, or to discuss.

Yours Faithfully,

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

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

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TOWN PLANNERS

CLEMENT—STONE SINCE 1989

28 August 2020

Planning Scheme Review Officer
Hepburn Shire Council
Via email: planningscheme@hepburn.vic.gov.au

Attn: Bronwyn Southee – Manager Development and Community Safety

Dear Madam,

RE: PROPOSED HEPBURN PLANNING SCHEME AMEDNMENT c80hepb

We act on behalf of the registered landowner [REDACTED] in respect to the affected land at [REDACTED]. We have been engaged by our client to provide the following submission in response to proposed Hepburn Planning Scheme Amendment c80hepb.

In particular, our client objects to the proposed rezoning of his land from General Residential Zone (GRZ1) to Neighbourhood Residential Zone (NRZ3 – Hepburn Springs Neighbourhood Residential Areas – as exhibited).

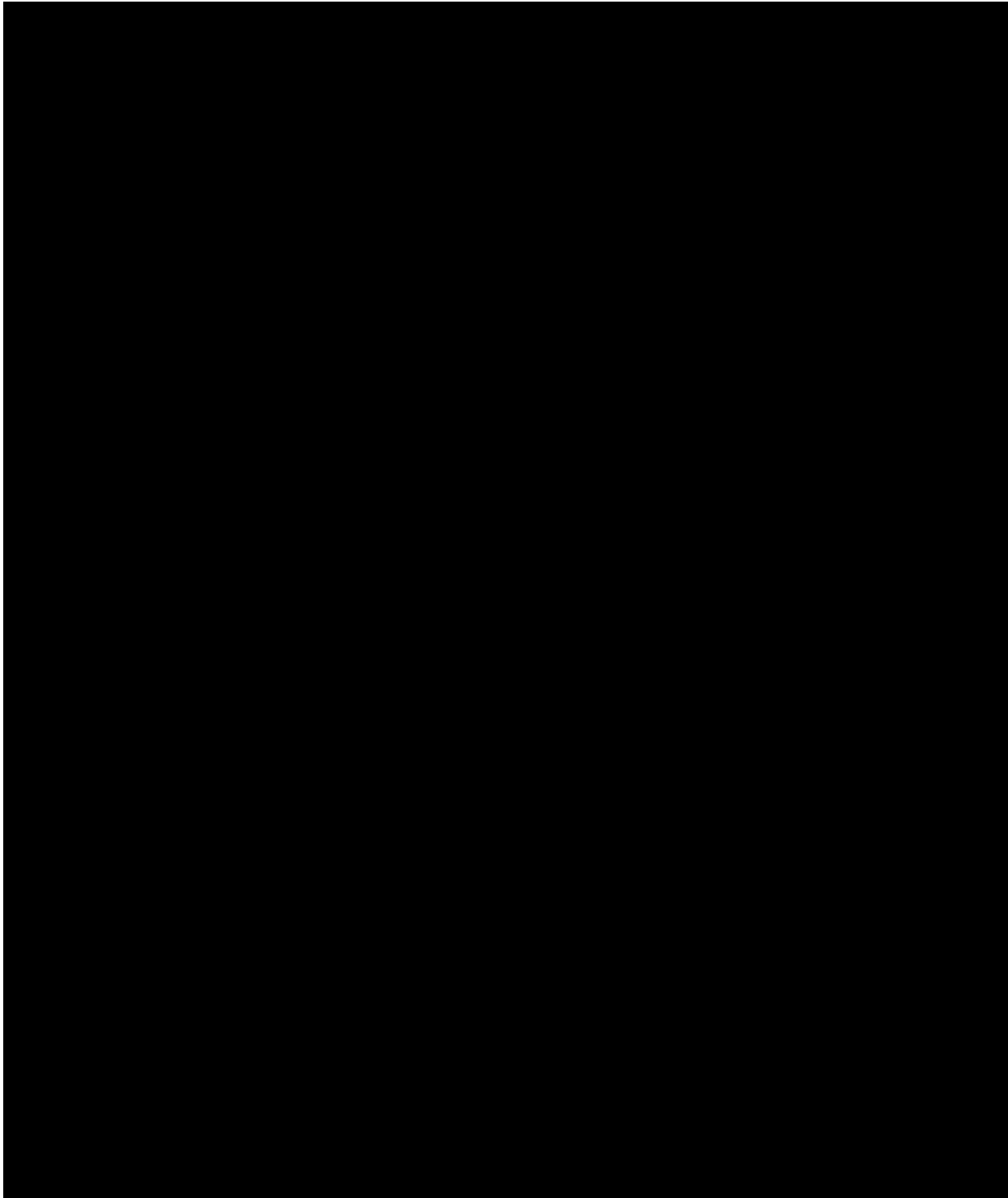
It is our view that our client's land is more suited to be rezoned to Commercial 1 Zone, and respectfully request that Council consider this proposal as part of Amendment c80hepb, for the following threshold reasons:


- The exhibited Explanatory Report for c80hepb outlines that the proposed application of the NRZ (in this case Schedule 3) to existing GRZ areas in the township of Hepburn Springs is based on the Hepburn Structure Plan Review (Planit, 2006).
- The Hepburn Structure Plan Review (2006) identifies our client's site as being located within a proposed business precinct along Main Road. Mixed-use (retail, commercial and residential) and active street frontages need to be encouraged in this proposed precinct.
- Council's existing local policy at Clause 21.05 (Settlement and Housing) also earmarks our client's site as a 'future expansion' to the existing Business Zone (i.e. C1Z) in line with the 2006 Review.
- There are no specific directions or strategies within Council's Planning Scheme Review (Plan2Place, February 2020) or exhibited documentation outlining why our client's site should be rezoned to NRZ despite its location at the heart of the Hepburn Springs township and proximity to existing C1Z areas.
- There will be no foreseeable conflicts with the abovementioned strategic documents should our client's site be rezoned to C1Z as part of c80hepb. The rezoning to C1Z aligns with the strategies and recommendations within the Hepburn Structure Plan Review (2006) which will remain as a reference document within the Hepburn Planning Scheme as part of c80hepb.

For the reasons outlined above and within these submissions, we respectfully request that Council remove our client's site from the proposed NRZ areas, and apply the C1Z in its place.

Our client's site

Our client's site ([REDACTED]) is located to the west of Main Road. The site is currently zoned General Residential Zone (GRZ1), and affected by the Environmental Significance Overlay (ESO 1 and ESO2) and Bushfire Management Overlay (BMO2). Main Road is a Road Zone Category 1 (RDZ1).





Council recently granted a planning permit for our client's site for use of part of the land for a motel, part of the land for a food and drink premises, associated buildings and works and a cafe/restaurant liquor license [REDACTED] – the development is currently finalising construction.

Existing controls

The Hepburn Structure Plan Review (2006) forms the strategic basis for the current structure plans in the Hepburn Planning Scheme including the township or urban growth boundary for each township. It is understood this report resulted in Hepburn Planning Scheme Amendment C38 which was gazetted on 17 January 2013.

Hepburn Springs is identified as a service town within this document, which is described as providing district level retail, business, employment and cultural facilities with limited comparison shopping. Hepburn Springs functions to strengthen the role of the Daylesford township¹.

The Hepburn Springs Structure Plan shows a proposed business precinct along Main Road extending north and south of the existing business zone. Mixed use (retail, commercial and residential) and active street frontages need to be encouraged in this proposed precinct. Strategic work is required prior to any planning scheme amendment to rezone land².

¹ Section 4.1 Settlement Hierarchy, Hepburn Structure Plan Review 2006, prepared by Planit on behalf of Hepburn Shire Council, pg. 6 – 7

² Ibid, pg. 9

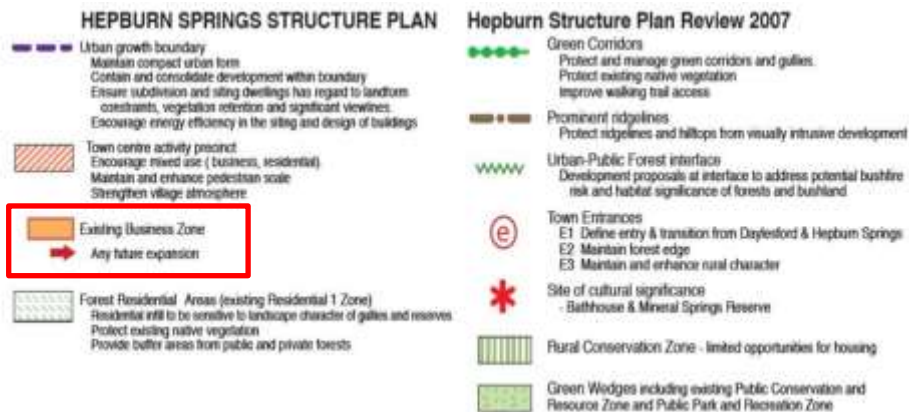


Figure 3 Extract of existing Clause 21.05 – our clients site starred

The Review recognises that the proximity to Daylesford means Hepburn Springs is able to sustain more tourism retailing than would be possible for other towns of its size.³

The Review outlined the following vision for Hepburn Springs:

*Hepburn Springs maintains its rural “village” atmosphere. This is characterized by its human scale, tree cover, safety and social diversity, its close connection with the surrounding forest and maintains its unique sense of place. The town is known as a popular tourist destination, which emphasises the natural environment and its innovative approach to environmental management. Its urban form is and will be characterised by a diversity of lots, range of accommodation options and, wide tree lined streets, slow traffic speeds, and lines of sight projecting into the rural hinterland and surrounding forest.*⁴

In particular, the Objective 5 within the Review provides: *To retain and enhance the town centre’s compact form and townscape features*, by:

- **Encourage retail, business and tourism opportunities in the Main Street business precinct identified on the Hepburn Spring Structure Plan.**
- *Ensure new buildings and works are in keeping with the townscape and heritage character of the town centre having regard to building height, bulk, form and massing.*
- *Maintain the existing pedestrian scale of the town centre.*
- *Ensure development proposals interact positively with the adjacent public spaces.*
- *Minimise the impact of vehicle traffic on the character of the town centre and encourage walking and cycling.*

(Our emphasis)

It is also noted that Objective 4 seeks to increase housing diversity including high quality medium-density development within the central township area.

Objective 7 seeks *To encourage a greater diversity of economic activity in Hepburn Springs*, by:

- **Encourage the development of employment generating activities which reflect the communities’ vision for the town and definition of sustainability.**

³ *Ibid*, Section 6.2 Hepburn Springs Township, pg. 24

⁴ *Ibid*, pg. 25-30

- Encourage the establishment of value added industry and business based on sustainable agriculture, heritage and townscape and rural town lifestyle.
- Ensure the siting and design of tourism development is sustainable and in keeping with Hepburn Springs town character.

(Our emphasis)

Importantly under Implementation, the Review acknowledged:

The Hepburn Springs Structure Plan shows land and areas suitable for future residential, and business development. In some cases land would need to be rezoned. These rezonings will need to be addressed in a subsequent planning scheme amendment.⁵

(Our emphasis)

It is clear from the Review document and subsequent Planning Scheme Amendment C38 that the intent is to ensure Hepburn Springs is appropriately zoned and managed so that growth is commensurate with its role and function within the township hierarchy.

Proposed controls

As per the exhibited documents of c80hepb, it is understood our client's site is proposed to be rezoned to NRZ3⁶.

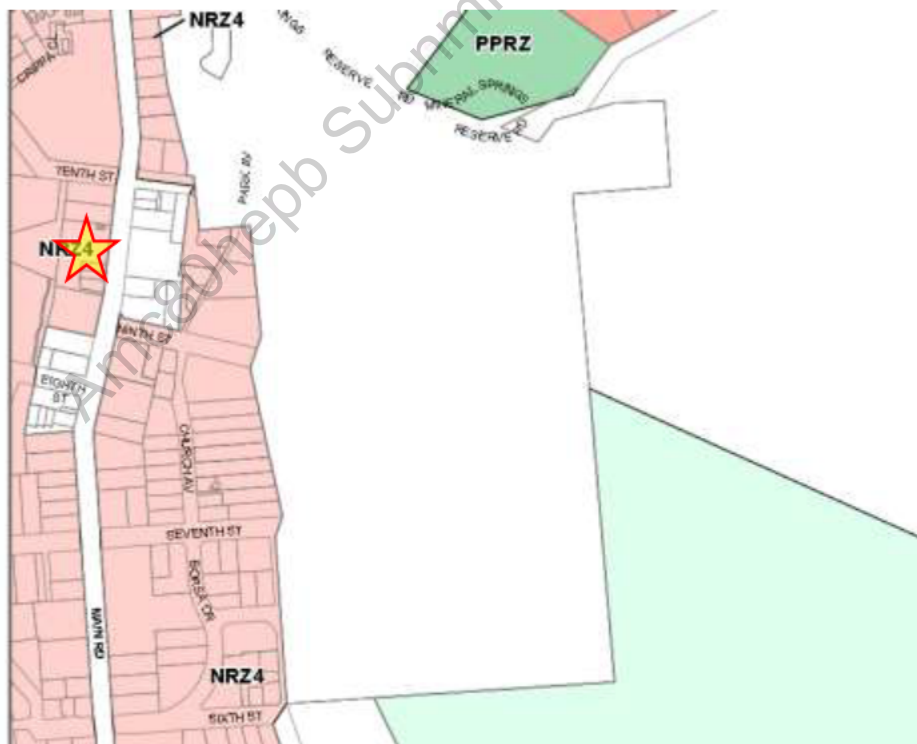


Figure 4 Extract of proposed zoning - noting clerical error (should be NRZ3) – our clients site starred

⁵ Ibid, pg. 32

⁶ Noting there is a minor clerical error on the exhibited zoning map which indicates NRZ4 (which relates to Trentham)

The Explanatory Report and Hepburn Planning Scheme Review (Feb, 2020) outlines that the rezoning is based on the recommendations of the Hepburn Structure Plan Review (2006), and the report should be retained as a reference or background document in the Hepburn Shire Planning Scheme⁷.

As outlined above, it is clear that the proposed rezoning of our client's site to NRZ **does not align** with the recommendations or the outcomes sought within the 2006 Review document. Our client's site has been earmarked for future expansion of the existing commercial zone, consistent with its main road location in the heart of the township adjacent to existing retail and mixed-use developments.

Council's recent approval for the use and development of our client's site as a mixed-use development [REDACTED] also speaks to the suitability of the site to be rezoned within the C1Z. Rezoning our client's site to C1Z adheres to the strategic direction for this area as outlined within the Review document, and ensures consistency with the existing commercial spine along Main Road as envisioned for the town centre.

In the absence of a robust strategic assessment being undertaken for our client's site and the wider town centre location, we strongly urge the Council to reconsider the blanket NRZ rezoning over this site.

It is submitted that the proposed rezoning of our client's site to NRZ is inconsistent with the existing strategic documents undertaken for this area. The blanket rezoning of the area into NRZ does not appropriately delineate between sites within proximity to the town centre (such as our client's site) and will function to inhibit the future use and development of the area.

For the foregoing reasons, we respectfully request Council remove [REDACTED] from the proposed NRZ area, and apply the C1Z in its place.

If you have any questions, please do not hesitate to contact me on [REDACTED] [REDACTED]

Yours Faithfully,



[REDACTED]
[REDACTED]

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

⁷ Planning Scheme Review: Data and Evidence Review Report (Final) - February 2020, Plan2Place, pg. 38

[REDACTED]

[REDACTED]

26 August 2020

[REDACTED]

Dear [REDACTED]

**Re: Hepburn Planning Scheme Amendment C80
DDO6**

In response to your request to provide advice regarding the introduction of a new Design and Development Overlay – 6 to the Hepburn Planning Scheme currently proposed and now on exhibition.

I have read through the proposal which affects all that land within 500m of the Daylesford Waste Management Facility. This proposal will affect all the land use within the designated area. It is designed to protect that area from any development while a new Waste Management Strategy is prepared.

There does not appear to be any timeline for completion of this new strategy, clearly it is not imminent. Therefore it is likely to be some years before any new strategy will be implemented.

In the meantime the proposed DDO6 will affect land use in the designated area. I have some concerns regarding the impact of this new DDO6 and the uncertainty of the outcome of the new Waste Management Strategy. It appears that under the proposed DDO6 subdivision, and any building or other development will be curtailed while continuation of an existing use can be under threat in the event of a loss.

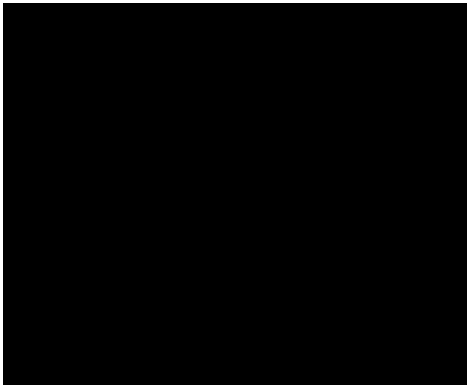
Where land use is restricted the value and marketability of that property will be negatively impacted. These proposed restrictions will significantly reduce the value and marketability of any vacant land immediately and developed properties over time.

This will have an obvious impact on the rating based and cause some reduced rating income to the Shire.

In addition a new risk rating profile will be applied to all the affected properties by lenders due to these restrictions. This will negatively impact the suitability of the affected properties for use for mortgage security purposes and potentially even make the affected land unsuitable for use for security purposes.

This is compounded by the current uncertainty as a result of the pandemic and is clearly a cause for increasing concern amongst the affected land owners.

I trust this meets your needs. [REDACTED]



[REDACTED]

[REDACTED]

28 August 2020

Planning Scheme Review
Officer
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

Dear Councillors

Hepburn Planning Scheme Amendment C80 and Proposed Design and Development Overlay Schedule 6

We continue to act on behalf of the owner of land at [REDACTED].

By letter dated 24 August 2020, we wrote direct to Councillors outlining our client's concerns regarding Hepburn Planning Scheme Amendment C80 (**Amendment C80**). A copy of this letter is **attached**.

Our client has now instructed us to write a formal submission to Council setting out their opposition to that part of Amendment C80 which seeks to implement Design and Development Overlay 6 (**DDO6**). We strongly and respectfully request that that part of Amendment C80 which proposes to implement DDO6 be abandoned entirely.

We wish to reiterate the concerns set out in our letter dated 24 August 2020, which include:

1. DDO6 lacks the strategic or evidence based justification for inclusion and has not been properly justified, particularly when considered in proportion to the impact of DDO6 on land affected. This is contrary to the requirements set out in the relevant Planning Practice Notes which clearly state that overlays must have strategic justification.
2. Required consultation and involvement of the EPA has not been obtained, in direct contravention of the requirements under Ministerial Direction No. 19.

These issues alone ought be enough for Council to determine to abandon that part of Amendment C80 which proposes to implement DDO6.

In addition, we also set out the following further issues:

1. We understand that DDO6 aims to limit the number of residents living within 500 metres of the Daylesford Material Recovery Facility (**MRF**), and limit the numbers of new residents

impacted by the operation of that facility. Council has confirmed, in its questions and answers page published on its website, that *“It is not intended to impact existing residents in existing dwellings.”*

██████████. DDO6 will prevent any development on the land until a Waste Management Strategy has been prepared by Council. The timeframes for preparation and finalisation of this Strategy are unknown and uncertain. Accordingly, until such time as the Strategy is prepared and finalised, there will remain a prohibition on our client’s ability to develop their land or sell it to a potential purchaser.

The direct impact of this will result in devaluation of our client’s land. In that regard we **attach** a letter from Alan Hives, Certified Practising Valuer of Leader Property Practice, dated 26 August 2020 which confirms, in his expert opinion, that the value and marketability of our client’s land will be negatively impacted and will act to significantly reduce the value of the land. We rely on this as evidence to support the claim that DDO6 will devalue our client’s property.

Whilst we appreciate that some Panel Reports have concluded that property devaluation is not a relevant consideration, we distinguish those findings from the current situation due to the fact that DDO6 will directly affect the capacity for our client to use and develop the land. This is particularly unreasonable, given the need for DDO6 as not been strategically tested or justified by a strategy or the like. The restriction on our client’s property rights by DDO6 mean that development of the vacant land can not take place, and will have a direct impact on their ability to sell the land to a potential purchaser. This is clearly a significant and direct impact.

2. The use of a design and development overlay is the incorrect planning control to use in this instance. The purpose of a DDO is to identify areas which are affected by specific requirements relating to the design and built form of new development. In other words it is a planning control used where land requires a specific design treatment and direction is given to the specific design and built form requirements.

For example, a DDO can be applied to residential properties in the vicinity of an oil pipeline easement. In this scenario, a DDO would be prepared by Council, with the input of relevant authorities (such as Energy Australia) to determine the specific preferred outcome in the area. A design outcome managed by a DDO may include siting of new development in reference to the pipeline location to avoid safety hazards and ensure continued access to the pipeline for maintenance.

The Council has explained that the intent of the DDO is a planning tool designed to manage the impacts of development but that it does not determine what are considered acceptable land uses. DDO6 is poorly drafted, and it is currently drafted to effectively prohibit accommodation use (which includes a dwelling). We agree that a DDO cannot govern uses. Whether this is the intention or just poor drafting is unknown. An alternative way of drafting would be to, for example, state that any buildings and works associated with a use listed below should include certain building measures to the satisfaction of Council following consultation with the EPA. That being said, this type of control would also need to be the subject of proper strategic justification and thorough consultation.

3. The buffer distance of 500 metres also forms part of our client’s objection to Amendment C80. Our client has obtained the preliminary opinion of an environmental scientist with expertise in environmental management and, in particular, appropriate amenity buffers, and has significant experience in the provision of expert evidence regarding these matters to both VCAT and Planning Panels Victoria. It is this expert’s preliminary opinion that the definition of appropriate buffers or separation distances to protect residential amenity around a facility such as Facility should take into account a number of factors, including:

- (a) EPA's separation distance guidelines (Publication 1518);
- (b) Any relevant threshold distances listed in Clause 53.10 of the planning scheme;
- (c) The nature and scale of the facility;
- (d) The exposure of potential litter sources to wind;
- (e) The location of potential litter sources within the site;
- (f) Surrounding land uses and zoning;
- (g) Compliant history; and
- (h) An assumption that the facility is well managed and subject to a high standard of maintenance and the like.

Upon consideration of these factors, it is his opinion, that the proposed 500 metre buffer around Facility:

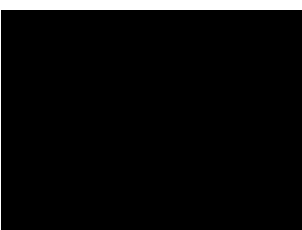
- Is contrary to EPA's recommended separation distance for transfer stations, being 250 metres.
- Is contrary to Clause 53.10 does not specify any threshold distance for transfer stations. The only reference for a similar use is for "*refuse and used material, storage, sorting and recovery in a transfer station*" which notes that "*The threshold distance is variable, dependent on the processes to be used and the materials to be processed and stored*".

In light of the above, it is his expert opinion that he cannot find any valid justification for the proposed 500 metre buffer. Further, it is worth noting that the 'buffer' distances should be measured from the potential litter sources within the Facility, not from the boundary of the site.

It is not uncommon for municipal transfer stations to be located in close proximity to residential dwellings. For example, Ivanhoe and Camberwell, within Melbourne metropolitan areas, are located less than 100 metres away from their nearest residential dwellings. Rather than attempting to implement a restrictive DDO, the Council should first be exploring other amelioration measures, such as the potential for the Facility to be upgraded to reduce any potential for windblown litter, by either partial or full enclosure of the potential sources.

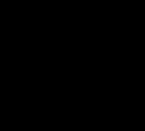

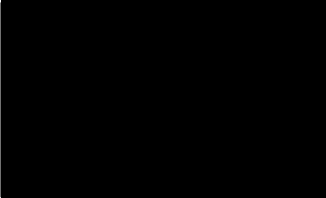
4. Further to the point that DDO6 is poorly drafted and has not been thoroughly justified and assessed, we believe that the DDO refers to the incorrect facility. We note that DDO6 refers to the "Daylesford Material Recovery Facility". This facility has closed and is no longer operating. It is unclear exactly which facility DDO6 is seeking to regulate, as it makes no mention of the Daylesford Transfer Station or the former Daylesford Landfill site. Assessment of which facility DDO6 is seeking to address is also essential to assess what the appropriate buffer distance might be.

We strongly ask that Council abandon that part of Amendment C80 which proposes to implement DDO6 into the Scheme on the basis that it is premature and cannot be said to be strategically justified. Should Council disagree and continue to progress DDO6 as part of Amendment C80 in its current form, our client feels it will have no choice but to approach the Minister for Planning on the matter



[REDACTED]
[REDACTED]
[REDACTED]

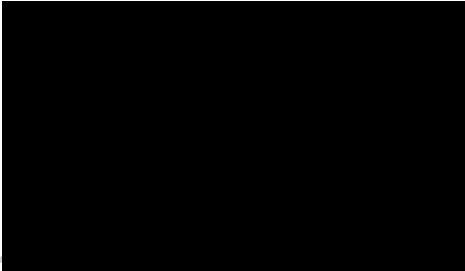
Amc80hepb Submissions received



24 August 2020

The Councillors
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

By Email Only:
Mayor Licia
Kokocinski
Deputy Mayor John
Cottrell
Cr Kate Redwood
Cr Fiona Robson
Cr Neil Newitt
Cr Don Henderson
Cr Greg May



Dear Councillors

Hepburn Planning Scheme Amendment C80 and Proposed Design and Development Overlay Schedule 6

We act on behalf of the owner of land at 136 Raglan Street, Daylesford.

We understand that Hepburn Planning Scheme Amendment C80 (**Amendment C80**) is to be discussed at tonight's Council meeting.

Our client has instructed us to write to you direct to bring the following matters to your attention in your consideration of Amendment C80, including our client's request that that part of Amendment C80 which seeks to implement DDO6 be abandoned entirely.

Proposed Design and Development Overlay Schedule 6

Amendment C80 proposes to implement a substantial amount of changes to the Hepburn Planning Scheme (**Scheme**), including changes to various local policies, zones and overlays. We understand that the key components of Amendment C80, which update the Scheme, implement the findings of the *Hepburn Planning Scheme Review*.

In particular, Amendment C80 proposes to include a Design and Development Overlay (**DDO6**). The explanatory report for Amendment C80 states that the purpose of DDO6 is to "*protect the facility from residential impacts and encroachment*", and that Council's justification for inclusion of the new DDO6 is to protect the facility from residential impacts prior to Council undertaking a review of its current *Waste Management and Resource Recovery Strategy*.

As currently drafted, DDO6 provides that:

- A permit is required to subdivide and construct a fence.
- A building used for accommodation (which includes dwelling) must not be constructed within 500 metres of the edge of the Daylesford Material Recovery Facility.

Objections

Our client opposes Amendment C80 to the extent it seeks to implement DDO6 into the Scheme for the following reasons:

1. *Inconsistency with Ministerial Guidelines and lack of consultation with the EPA*

The *Planning and Environment Act 1987* provides that councils must have regard to the Minister's Directions when preparing a planning scheme amendment.

Ministerial Direction No. 19, supported by the State Government's Planning Advisory Note 73 dated October 2018, requires that in preparing a planning scheme amendment, Council must:

- o Seek the written views of the EPA about potential impacts of the proposed amendment, including any strategies, policies, plans or reviews forming the strategic basis for the amendment; and
- o Include in the explanatory report a statement of how the proposed amendment addresses the view of the EPA.

It is our understanding that Council has failed to have regard to Ministerial Direction No. 19 given lack of necessary and relevant involvement by the EPA, and given Amendment C80 has already been prepared, including the explanatory memorandum and it does not include the required statement.

The intention of the Direction is to ensure planning authorities undertake early engagement with the EPA in strategic planning activities that have potential environmental, amenity and human health implications.

The EPA has not been properly consulted to an appropriate level in the preparation of Amendment C80.

2. *Lack of strategic justification for inclusion of DDO6 and relevant expert consultants*

The explanatory memorandum for Amendment C80 states that the amendment seeks to add new planning controls which implement additional strategic direction identified by the *Hepburn Planning Scheme Review (Review)*.

There appears to be no strategic justification for implementation of DDO6 contained within the Review.

Planning Practice Note 46, dated May 2017, states that:

- (a) The level of justification needed for a planning scheme amendment should be proportional to the impact the amendment will have.
- (b) A full assessment against the strategic considerations should be made for amendments that include the introduction of an overlay that would produce a different or new land use or development outcome.

Here, DDO6 would affectively result in new planning permit triggers and requirements that do not currently exist, and, more importantly, effectively prohibit buildings and works to construct a building used for accommodation, which would include a dwelling.

Such a prohibition of development is a substantial change to the currently planning controls applicable to the land, such that it ought to be properly and thoroughly strategically considered and supported by relevant expert consultants. Further, a DDO such as DDO6 would typically be the subject of its own planning scheme amendment to ensure that it is strategically sound and the subject of proper review as allowed for under the *Planning and Environment Act 1987*.

3. *DDO6 would result in a poor land use outcome*

To place such a restrictive DDO on the land would result in an unacceptable outcome. For example, if any of the existing dwellings within the 500 metre radius were destroyed during a bushfire, DDO6 would act to prohibit them from being rebuilt. This is an absurd planning outcome and one which is inconsistent with planning policy objectives.

Further, it is our understanding that the Facility has not been in use and covered for some 20 years, and has previously been tested by the EPA when it was used by the nearby Golf Course, with the results of those tests showing no contamination. This is inconsistent with the overly prescriptive outcome of DDO6.

The affect of DDO6, and its effective prohibition to develop on the land, would also have a significant impact on land value for those parcels of land that fall within the 500 metre radius.

4. *Lack of required exhibition*

We appreciate that COVID-19 has had an impact on the ability for Council's to follow the usual legislative requirements pertaining to exhibition of planning scheme amendments, and that *COVID-19 Omnibus (Emergency Measures) Act 2020 (Vic)* introduced changes to facilitate the electronic inspection of documents and notices held by Councils, including proposed planning scheme amendments.

That being said, we note that the council officer's report dated 16 June 2020, approving proceeding Amendment C80 to exhibition, Council outlines its community engagement process responding to social distancing requirements during the exhibition period, which include:

- (a) A "direct mail out to those residents and ratepayers who are impacted by DDO6"; and
- (b) Placing of copies of all documentation provided on Council's website.

Our client has not received any such notice from Council, and has been unable to access copies of the relevant planning scheme material on Council's website.

We strongly ask that Councillors abandon that part of Amendment C80 which proposes to implement DDO6 into the Scheme.



From: [REDACTED]
To: [Planning Scheme](#)
Subject: RE: Hepburn Planning Scheme Amendment C80 and Proposed Design and Development Overlay Schedule 6
Date: Friday, 28 August 2020 5:16:53 PM
Attachments: [image001.jpg](#)
[LT Council - submission re C80 \(28.8.2020\).pdf](#)
[LT Councillors - Amendment C80 \(24.08.2020\).pdf](#)
[16971DDO6.pdf](#)

Dear Sir/Madam

Please see **attached** submission in relation to Planning Scheme Amendment C80 including attachments.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amco Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr John Cottrell](#); [Cr Greg May](#); [Cr Don Henderson](#); [Cr Licia Kokocinski](#)
Subject: Submission to the Hepburn Planning Scheme Review, Amendment C80
Date: Friday, 28 August 2020 5:11:19 PM

Submission to the Hepburn Planning Scheme Review, Amendment C80

Dear Planning Scheme Review Officer

Firstly, it has been impossible within the tight time frame for myself and for other residents of Hepburn Shire to understand this Review. To try and comprehend what the changes imply is a large undertaking and it is inappropriate to have a tight time, and even more so because of the lockdown and the resulting difficulties to view exhibits. The consultation with residents of Hepburn Shire has been difficult and for many of the things that are proposed, as far as I know there has been almost no understanding of them or comprehensible plain language explanations.

Please can you extend the deadline for submissions to the Planning Scheme Review Amendment C80hepb.

I see that there are Significant Landscape Overlays to be placed in the west of the shire for the volcanoes, but saying the landscapes on the east are only of regional significance (not of State or of National significance) such as Mount Franklin, the Mineral Springs, Wombat hill, the entrance to Daylesford, is entirely incorrect.

In the east of Hepburn Shire there are many areas and features of wooded and superior scenic importance, including for visitors and tourism in the country from Trentham, through to Daylesford and north to Glenlyon and Mount Franklin in Holcombe Ward.

I ask that these be urgently protected with Significant Landscape Overlays, Heritage Overlays and in places, with Vegetation Protection Overlays.

This important work needs to be done before any Review can be considered appropriate or complete.

The entrances to the historical towns need a Significant Landscape Overlay, due to the amount of pressure coming for subdivision, especially now that people can work from home so much and can move away from the city. I am especially referring to protecting the rural landscape view on the west side of the Avenue of Honour along Malmsbury Road and the Midland Highway leading up to the roundabout at the north entrance of Daylesford; also on the early part of Porcupine Ridge Road; also the view on the north side along the beginning of Raglan Street, leading into the town of Daylesford.

In my opinion the cultural landscape values of park land associated with historical farming system practices, needs to be documented and protected heritage through the Planning Scheme for the benefit of all residents and visitors alike.

The early farmers of this excellent farmland surrounding the north east entrance to Daylesford and in much of the east of Hepburn Shire, had foresight in their planning and planting of the now mature and exceptional European and indigenous trees placed well for shading stock and the visual significance of what they created for future generations to admire and be inspired by.

This part of the Shire is among the most magnificent heritage views of this type in Victoria, and Australia, and I feel the visual significance of the landscape of the eastern

part of Hepburn Shire deserves to be protected for generations to come and should not ever be subdivided or developed into housing as that would be a great loss to all and a detriment to the unique value of Hepburn's tourism and heritage.

So I ask the Planning Department to undertake and set up the necessary protections with Significant Landscape Overlays and Heritage Overlays.

I ask that quality agricultural farmland in this eastern part of the shire is thoroughly and strongly protected from becoming housing sites. Even though this may be stated in the Planning Scheme the fact that it is not always enforced well is a great concern to the entirety of the shire.

This Significant Landscape Overlay is needed as the pressure is getting strong as many in Melbourne who can now work from home are moving this way, and real estate salesmen are known to try and tempt farmers to sell.

If we are serious about Hepburn Shire retaining its unique environment, and if we want to support the shire's quality food production which is a growing economy in this region especially for young people to have the opportunity this offers, this farmland cannot be sold for housing. We know that lawyers, businessmen and developers will find ways around rulings so there do need to be legal instruments of serious strength, while at the same time ensuring that farming practices can proceed without unreasonable restrictions.

I would like to say that we need to acknowledge that farmers are taking care of the land in the shire and have been for generations and it is farmers who are needed to be supported as much as possible to retain the unique environment of Hepburn Shire, in which tourists come so much to enjoy thereby supporting the wider economy.

Farmers also need to be incentivised, perhaps with very low rates as, apart from retaining the natural environment, they have the capacity to sequester a huge amount of carbon in the earth when they follow regenerative farming practices, as well as refrain from burning off. Farmers have the capacity to contribute to climate crisis solutions in this way.

Likewise I am asking the same Significant Landscape Overlay protection be given for much of the agricultural land in the eastern part of the shire that might be of lesser quality but still significant in mitigating climate change, retaining the significant environment of the shire and providing employment while supporting the growth of local food producing enterprises.

I would like to ask for protection of certain Significant Roadside Trees and Hedges - hawthorn elderberry and chestnuts providing important wildlife habitat. The Vegetation Protection Overlay that covers the Significant Tree Register needs to be updated and extended. There is no time to make many suggestions as to which and where at this point, since this is the last day permitted for this submission to be made.

However I do want to nominate specifically that the verges of Church Road, Mount Franklin need to have the protection of a Vegetation Protection Overlay.

I also want to ask council to change its practices of spraying herbicide on the verges. And concerning spraying, to enforce that spray drift on neighbouring property is illegal.

In regard to Waste Management, I would like to ask that Council undertakes a composting facility so people can bring their green waste year round, and keep it out of the landfill where it goes to producing undesirable methane greenhouse gas.

It is obviously very popular in November and many people are not managing their own composting due to perhaps being on small landholdings. It is essential that this composting facility be created so that people do not burn off piles of organic matter, thereby sending the carbon which the plants have brought down (in photosynthesis) back to the sky; instead of that the carbon goes down into the earth where it belongs. Composting is the answer to

this for urgent climate reasons and also for soil fertility and health.

Lastly and most importantly, I am particularly concerned that the protection for Mount Franklin appears to have been reduced further. Mount Franklin has a huge geological history, and along with the other volcanoes in the west of Hepburn Shire, it has National Significance.

Mount Franklin is also one of the most important and sacred Aboriginal Cultural Sites and it is unique in being historically the first place in Australia where European settlers were invited to participate in a Corroboree.

This is all aside from its obvious landscape significance, which is clear for all to see, both from afar as an exceptional view and landmark, as well as from nearby.

I don't think it could possibly be correct that council can reduce such a place of State and National Significance to merely Regional Significance. This doesn't make sense and regional significance will not give the sufficient protection from subdivision and development needed going forward.

It is shocking to see that council has given approval for a big development going up on the side of Mount Franklin now already, unfortunately, and more will be coming if this situation is not addressed promptly.

I am aware that Mount Franklin does have a Heritage Overlay, however this only protects the crater. That is not sufficient enough as there needs to be strong protection over the whole mountain, including all around on the sides. There are artefacts all over Mount Franklin, not just in the crater, and it is upsetting and sad to see this mountain side being carved into and its shared European and Aboriginal cultural heritage being ignored.

There should be a development control over this land in my opinion, a restriction of development by effective overlays for the benefit of all residents and visitors alike.

If Mount Franklin had a Heritage Overlay and a Significant Landscape Overlay over the whole mountain including the sides and Lady Franklin it would have a lot more protection and we would be able to ensure this jewel in Hepburn Shire's crown remains unspoiled for future generations to enjoy which is what we, the current inhabitants of Hepburn Shire should rightly ensure.

Thank you

Kind regards

[Redacted]

[Redacted]

[REDACTED]
[REDACTED]
[REDACTED]

28 August 2020

Hepburn Shire Council

PO Box 21

DAYLESFORD VIC 3460

Attn: Planning Review Officer Hepburn Shire Council

Dear Sir/ Madam

Submission to HEPBURN PLANNING SCHEME REVIEW - AMENDMENT C80hepb

[REDACTED]
[REDACTED]

The current drafting of the proposed SLO1 overlay, whilst well intentioned, works against the interests of farming and rural enterprise in the Smeaton area.

The Smeaton area is a renowned agricultural district of the Shire. It is submitted the current SLO1 proposal, in its current drafting, will be contrary to the preservation and development of local rural enterprise, the local economy and ultimately the future of local communities.

I identify the following key issues with what is proposed under the current drafting of SLO1 and suggest that the drafting be altered so as to allow for a practicable interrelationship between business and amenity-based priorities:

Issue # 1: Proposed SLO 1- Trees Clause 3

Permit requirement to remove dead trees:

Proposed: Any dead tree with trunk greater than 40cm dia, (not on fence line, track clearing) will need full planning permission for removal. This is unworkable and will be difficult to enforce in any case. The dimensions noted would capture the great majority of dead wood that a land manager may wish to fell.

Suggested amendment: Triage of this requirement to allow for the removal of dead trees greater than XX diameter at XX height (something more practical than what is proposed under current drafting).

Issue # 2: Permit requirement to remove live trees:

The current drafting of SLO1 seeks trigger a permit application for the removal of living trees (other than those on fences lines, track, fire prevention work etc).

It is suggested that the permit requirement could be more usefully drafted to specifically protect defined classifications of tree (i.e. define by species, size, maturity and condition etc).

Issue # 3: Proposed SLO 1 - Effected Building works (Clause 3)

To accommodate rural enterprise, I suggest that the trigger thresholds under the exemptions be expanded to something more workable (commercial):

- *Height of limit of structures 6m be shifted to 13.5 m*
- *Floor space area threshold be shifted from 100m² to 900m² (under proposed drafting, new hay sheds and nearly all farm other structures and accommodation would be subject to the decision guidelines).*
- *Mandatory of use of non-reflective materials should be defined under clear circumstances.*

It would also be worth considering providing specific carve outs for existing ‘activity centres’ to accommodate the continued development of certain established enterprise activities within the area. Examples of these sites include

- AGF Seeds site at 3487 Creswick-Newstead Rd, Smeaton
- UniGrain site at 3720 Creswick / Newstead Road, Smeaton).

Sites, such as these, are important contributors to the local economy and the agricultural future of the district.

It is my hope that Council adopts a workable approach to what has been proposed and that any changes to the Planning Scheme be also viewed through a commercial lens. The aims of amenity and economic viability are capable of working hand in hand.

Please contact me if any questions.

[Redacted signature block]

[Redacted line]

[Redacted line]

[Redacted line]

From: [REDACTED]
To: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr Licia Kokocinski](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr \[REDACTED\]](#)
Cc: [Planning Scheme](#)
Subject: FW: Submission for Hepburn Shire C80 panels - proposed SLO1 Smeaton area
Date: Friday, 28 August 2020 5:05:42 PM
Attachments: [REDACTED]

Dear Councilors

Please see attached my submission in relation to the drafting of SLO1 under the changes proposed under C80.

Have a good weekend.

Kind regards

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Friday, 28 August 2020 4:59 PM
To: planningscheme@hepburn.vic.gov.au
Subject: Submission for Hepburn Shire C80 panels - proposed SLO1 Smeaton area

Dear Sir /Madam

Pls see attached my submission re proposed C80.

Kind regards

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

DJA DJA WURRUNG CLANS ABORIGINAL CORPORATION
SUBMISSION ON THE HEPBURN SHIRE PLANNING SCHEME
C80 PLANNING SCHEME AMENDMENT
AUGUST 2020

Contents

Introduction
Natural and Cultural Heritage Obligations
The Hepburn Planning Scheme
Local Policies

Introduction

The Dja Dja Wurrung Clans Aboriginal Corporation makes this submission as the recognized Traditional Owners on behalf of the Dja Dja Wurrung traditional owner group). The *'Recognition and Settlement Agreement'* 2013 formally recognises the Dja Dja Wurrung people as the traditional owners for part of Central Victoria.¹ The Dja Dja Wurrung Clans Aboriginal Corporation is our Tradition Owner entity and each Dja Dja Wurrung Family Group has right to a Director and Alternate Director positions to govern the Corporation.²

We are the foremost conservation organisation of the Djandak Dja Dja Wurrung traditional lands. The Dja Dja Wurrung Clans Aboriginal Corporation is the Registered Aboriginal Party (RAP) over the Dja Dja Wurrung traditional lands, appointed by the Aboriginal Heritage Council, which recognizes and gives effect to their cultural rights and under s19(2) of the Victorian *Charter of Human Rights (2006)* and the rights of Traditional Owners recognized by the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*, the *Victorian Heritage Act 2017* and other relevant state, national and international law.

The Act provides for the protection and management of Victoria's Aboriginal cultural heritage, with processes linked to the Victorian planning system. The *Planning Practice Note 45, The Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018, The Planning Permit Process (June 2015)* under the *Planning and Environment Act 1987*, *Aboriginal Heritage Clause 15.03.25* of the Victorian Planning Scheme (VPP) all give effect to and support the operation of the Aboriginal Heritage Act. In addition, the *Victorian Heritage Act 2017* provides identification, assessment and management for post contact shared heritage values under the Victorian Planning Scheme.

The Dja Dja Wurrung Clans Aboriginal Corporation is affected by any diminution of the cultural heritage of a cultural heritage place, of both tangible and intangible values.

'As custodians of all Dja Dja Wurrung land, we feel a deep responsibility to heal this Country so that it can be healthy and functioning once again'.³

Aboriginal peoples of Victoria have long fought for recognition of their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional law and custom.⁴

The whole of the local government area of Hepburn Shire is within Dja Dja Wurrung traditional lands. *"All lands, waters and living resources on our Country form traditional Aboriginal landscapes and are maintained by a range of natural resource managers, including Dja Dja Wurrung people."*⁵

Our Recognition and Settlement Agreement (Native Title) 2013 is an important milestone for Dja Dja Wurrung people and the Victorian Government now recognises

¹ <https://www.justice.vic.gov.au/your-rights/native-title/dja-dja-wurrung-settlement-commences> The Victorian *Traditional Owner Settlement Act 2010* (the Act) provides for an out-of-court settlement of native title.

² <http://www.djadjawurrung.com.au/>

³ Ibid

⁴ *Second Review of the Charter of Human Rights and Responsibility Act 2006, Submission by the Victorian Aboriginal Heritage Council* (2013)

⁵ <http://www.djadjawurrung.com.au/>

us as the Traditional Owners of this Country and acknowledges the history of dispersement and dispossession that has affected our people. Our Agreement allows for continued recognition, through protocols and acknowledgements and Welcomes to Country, and signage on Dja Dja Wurrung Country. The Dja Dja Wurrung Settlement Agreement of 2013 is in addition to the Traditional Owner Settlement Act 2010.

It also provides us with some legal rights to practice culture and access and use our land and resources, and to have a say in what happens on our Country. The Agreement gives us Aboriginal title of some of our traditional lands, including the right to actively managing Country. The Agreement is an important starting point for the self-determination of Dja Dja Wurrung, and we now continue to build up the structures and processes that will enable us to make the most of these rights.

The Dja Dja Wurrung Country Plan Dhelkunya Dja 2014-2034 outlines strategic goals for managing all land and water and consultation principles for state and third parties that should be considered in planning for Dja Dja Wurrung Country.

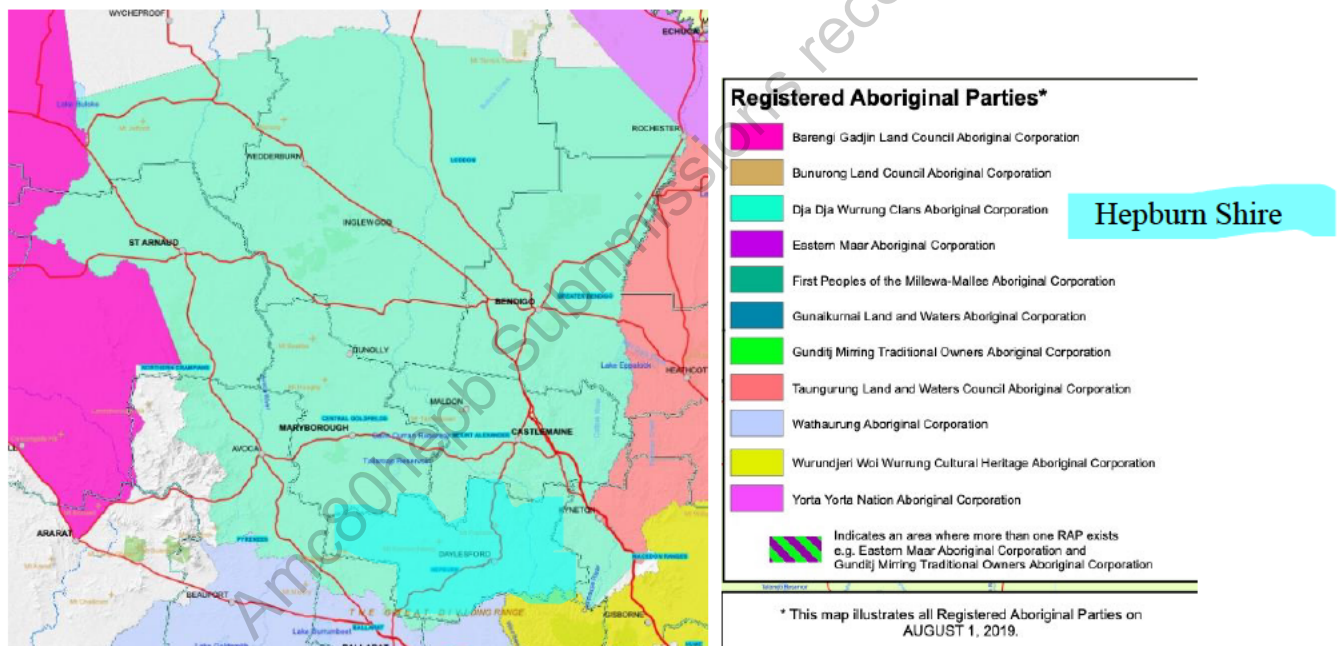


Figure 1 The darker jade green shading indicates the boundaries of Hepburn Shire in relation to the Dja Dja Wurrung Clans Aboriginal Corporation Registered Parties Traditional lands.

Today, the Dja Dja Wurrung are joint managers of six Aboriginal Title parks and reserves under the 2013 Settlement Agreement and *Traditional Owner Settlement Act 2010*.

Land use management partnerships among many others include the owners (Dja Dja Wurrung, Taungurung and Wurundjeri) and the local community, who with input from the Victorian Government, Macedon Ranges Council have recently prepared the December 2019, Statement of Planning Policy No 8 (Macedon Ranges and Surrounds) which afforded the maximum protection possible under the Distinctive Areas and Landscapes provisions of the *Planning and Environment Act 1987*. This statement sets a long term vision for the iconic Macedon Ranges.

A description of our natural and cultural heritage obligations and responsibilities include:

The laws, customs and stories that make up Dja Dja Wurrung culture guide the way we behave and the decisions we make every day.⁶ Our tangible cultural heritage is a core part of our identity and connection to Country.⁷

Our Traditional culture revolved around relationships to the land and water – relationships that hold deep physical, social, environmental, spiritual and cultural significance.

Today, the land and its waterways remain central to our cultural identity and aspirations for community and economic development.⁸ In the mid-1800s, large deposits of gold were discovered in our Country, enticing flocks of people looking to make their fortune. The miners cut down trees for firewood and building, diverted creeks and rivers and dug holes in the ground, pulling up large volumes of earth.

Since that time, mining has been constant in Dja Dja Wurrung Country. This has left a legacy of soil erosion, salinity and toxicity from contaminants such as arsenic and mercury. As custodians of all Dja Dja Wurrung land, we feel a deep responsibility to heal this Country so that it can be healthy and functioning once again.⁹

The Dja Dja Wurrung traditional lands include a large, expansive region of Victoria. The southern boundary is defined by the ridgeline of the Great Dividing Range Mountains, the aqua recharge areas of the north flowing Loddon, Campaspe, Coliban and Avoca rivers, tributaries of the Murray River. It includes the northern eruption points and volcanic plains of the Western volcanic region of Victoria. From Mount Macedon and Hanging Rock it extends west to the Pyrenees Ranges.

It includes extremely important volcanic cones such as Mt. Franklin, and Mt Kooroocheang and significant and rare volcanic wetlands including the important mineral springs of the Dissected Uplands, Red Gum Wetlands of Red Gums (*Eucalyptus camalduensis*) and Swamp Gums (primarily confined to swamps and poorly drained plains) are the only indigenous tree species on the basalt plains with sandy woodlands dominant on the fringes of these landscapes.¹⁰

Plains Grassland and Sedge Wetlands of Wallaby, Brome and Kangaroo grasses were and are particularly important for the Dja Dja Wurrung, as they feed into the broader waterway system that nourished Country.¹¹ It includes other significant mountains of Mt Beckworth, Mt Alexander (Langambook), Mt Tarangower (Djaranguwer), Mt Hooghly, Mt Kooyoora, Mt Warrenmang, among others. The northern boundaries descend to the great flood plain of the Murray River forming wetlands and irrigated country around Lake Bort.

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ https://s3-ap-southeast-2.amazonaws.com/hdp-au-prod-app-vic-engage-files/7915/8148/5356/Macedon_Ranges_Statement_Planning_Policy.pdf

¹⁰ <https://engage.vic.gov.au/macedon-ranges-localised-planning-statement>

¹¹ <https://engage.vic.gov.au/macedon-ranges-localised-planning-statement> extract

To the east of the Country areas such as the Macedon Ranges and Hanging Rock (Anneyelong) have immense value to the Dja Dja Wurrung Clans and there is evidence of semi-permanent occupation. Concentrations of archaeological artefacts, particularly around waterways, confirm that the area was a source of food and medicine, and it had many places to camp, hunt, fish, swim and conduct ceremonies.¹² These ancient archaeological and important ceremonial sites include Mt Franklin and Mt Kooroocheang, among others.

The Dja Dja Wurrung Clans Aboriginal Corporation's cultural responsibilities for land use management include both intangible and tangible cultural heritage extending over nine or ten different local government areas. Many sites such as the Castlemaine Diggings, National Park as well as Mt Franklin have shared cultural heritage values as well as geo-heritage significance at local, state, national and world heritage level of significance. There are many aspects of our expertise in Traditional knowledge and cultural practices that we bring to share with the wider community including traditional burns on country, sharing our stories and plant food knowledge, ceremonial practices for country and waterways, educational presentations among others.

The Dja Dja Wurrung Clans Aboriginal Corporation work in partnership with all local government councils located within their traditional lands.

We have developed Reconciliation Action Plans with almost all local governments in their traditional lands including Hepburn Shire, City of Greater Bendigo, Pyrenees Shire Council, Mount Alexander Shire, City of Ballarat, Loddon Shire Council, Central Goldfields Shire Council (draft June 2020), Macedon Ranges Shire Council (draft July 2020). The Shire of Northern Grampians has yet to adopt a Reconciliation Action Plan but supports the City of Horsham's Reconciliation Action Plan.

We acknowledge that local government boundaries are historic constructs that reflect the pattern of mid 19th century gold mining and latterly were changed in the late 1990s. These boundaries do not align with Dja Dja Wurrung Clans cultural heritage traditions, obligations and responsibilities.

The Dja Dja Wurrung Clans tangible and intangible cultural traditions and heritage relationships with wetlands, river systems, mountain ranges and volcanic peaks extend beyond local government boundaries. Land use management strategies and policies of one local government area may impact on the '*relationships that hold deep physical, social, environmental, spiritual and cultural significance*' of a much larger area and ecological systems that extends across several local government areas.¹³

The opportunity to make a submission on the Hepburn Planning Scheme Review is therefore very welcome. It is an opportunity to ensure consistency of approach across all local government areas within the Dja Dja Wurrung land and to enable specific responses

¹² Ibid

¹³ <http://www.djadjawurrung.com.au/>

particular to the different issues and opportunities of each area. It affords Djarra an opportunity to speak to Djandak our homelands.

Amc80hepb Submissions received

NATURAL AND CULTURAL HERITAGE OBLIGATIONS

Hepburn Shire Council's obligations in relation to natural and cultural heritage are outlined in a number of legislative documents and implemented through the Planning Scheme.

THE HEPBURN PLANNING SCHEME REVIEW

The Dja Dja Wurrung Clans Aboriginal Corporation believes that the existing and proposed Hepburn Planning Scheme Review requires strengthening in a number of areas in order to meet their natural and heritage obligations, particularly with respect to Aboriginal cultural values, shared European and Aboriginal cultural heritage values and the Hepburn Reconciliation Aboriginal Plan.

Significant Landscape Overlay Clauses and New and Reviewed SLO Mapping.

The Dja Dja Wurrung Clans hold the view that all landscapes contain the imprint of human use and that as Traditional Owners we have held connections to our Country for tens of thousands of years and continue to do so. Our cultural obligations and connections to this Country predates the end of the volcanic eruptions twenty thousand years ago.

We support a cultural landscape based approach to land management. It is based upon well acknowledged principles in Australia as evidenced by the many world heritage sites that all parts of Australia's landscape have community connection and associated values and meanings. We will never be well again unless Country can heal and become well.

A cultural landscape approach offers an opportunity to integrate natural and cultural heritage. Different kinds of inter-related values (e.g., cultural, natural, economic, political, aesthetic), are concerned with identifying and managing cultural heritage values across the landscape.

Such values-based planning is increasingly becoming a norm for the integrated land use management in many places across Victoria and Australia. We welcome's Hepburn Council's taking this initiative and wish to contribute to strengthen and enrich this process.

Studies such as the South West Landscape Assessment undertaken by Planisphere take such an approach. This Report informs the rationale for proposed changes set out in the Hepburn Planning Scheme Review with respect to the Significant Landscape Overlay over the Birch Hill volcanic group and Berry Deep Lead Mines complex on the volcanic plains.

The volcanic landscapes of Hepburn Shire have immense cultural and ceremonial value to the Dja Dja Wurrung Clans for well over twenty thousand years. The Dja Dja Wurrung Clans Aboriginal Corporation ask the fundamental questions of the Hepburn Planning Scheme Review: with regard to the proposed changes to the SLO and associated clauses:

- Whose history of the place and landscapes are represented in the proposed Hepburn Planning Scheme Review?

- Who has social attachment, aesthetic ties and historical connection to this landscape?
- What impacts will the proposed management action in the proposed Hepburn Planning Scheme Review have on the place/area of land and its cultural values?

And to each of the three questions the Dja Dja Wurrung Clans Aboriginal Corporation notes that the Traditional Owners' cultural values as the values of Country to its health, and our attachment and connections have not been included. There has been no opportunity to contribute the wealth of our cultural knowledge to this process.

The Dja Dja Wurrung Clans Aboriginal Corporation were not involved in the preparation of the South West Landscape Assessment undertaken by Planisphere or invited to participate. Neither have we until this submission, had the opportunity to inform the Hepburn Planning Scheme Review process. And where Dja Dja Wurrung Clans' sites of cultural significance are under threat and forms of desecration, we have not been able to advise on measures that might strengthen the protection of these sites and landscapes. We believe this has been a lost opportunity to contribute to such an important Planning Scheme Review. We hope this submission will enable a review of some of the matters of concern raised and afford us the right to celebrate our being.

The Dja Dja Wurrung Clans draw attention to and support the cultural landscape principle that documenting people's attachments to protected landscapes is essential, not only for the goal of integrated landscape management, but because respecting values ultimately engages people in the process of land use management. We refer to many guidelines that have been published about this process. Without undertaking talking to different stakeholders and Traditional Owners of Country, it will be unclear about what is required to manage cultural values across whole landscapes, despite the Statements of Landscape Character and Objectives that have been included in relevant clauses of the Hepburn Planning Scheme Review. These statements are not by the Traditional Owners.

The Dja Dja Wurrung Clans Aboriginal Corporation draws Hepburn Council's attention to the fact that current knowledge of cultural values as described in the South West Landscape Assessment undertaken by Planisphere is too general and lack a cultural intimacy that Djarra can bring. It is a broad brush approach and lacks scrutiny to sufficiently and effectively support planning and decision-making about cultural heritage management at a landscape scale. This is particularly the case for the protection of Dja Dja Wurrung Clans traditional country.

We believe that identification of cultural landscapes must take place at a more detailed human scale. This is a first and crucial step in the management process. It underpins all subsequent assessment, management and interpretation of cultural values. Proposed detailed development control described at the SLO Clause 12.05 and Clause 42.03.01 do not correspond to the macro level of assessment as set out in the South West Landscape Assessment Report. Many questions and anomalies arise in the South West Landscape Assessment Report that remain without adequate explanation and justification.

For example, on page 327 of the South West Landscape Assessment Report, Mt Franklin is described as an isolated volcano in the Central Goldfields Region and then again in the Uplands Regions. However, it is part of a group of 49 volcanoes with associated volcanic swamps and wetlands, an extension of the newer volcanic plains. On page 330 of the Report, Mt Franklin is grouped together with the Castlemaine Diggings National Park and described as of state significance. Yet in the final South West Landscape Assessment Executive Summary Report the area is classified as of regional significance. The landscape viewing platform is identified as the Midland Highway, yet Mt Franklin can be clearly seen on the Pyrenees Highway nearly 60 klms away near Carisbrook and Maryborough or on the Calder Highway existing Bendigo nearly 80 klms away. It is the third highest volcano in the northern volcanic plains.

These larger panoramic views of Mt Franklin and the whole groups of volcanic hills give heart to the country of the Larnibarramal (Home of the Emu). They are everyday views that all residents share with each other every day. They are common identifiers and markers of country. For Dja Dja Wurrung Clans they connect and link cultural stories across distances, ceremonial obligations and travel routes. Local people move across country.

The Dja Dja Wurrung Clans Aboriginal Corporation submit to Hepburn Council that at the heart of these critiques of significant values is the need to understand how these heritage values have been constructed, for whom they benefit or represent, particularly in the context of Aboriginal histories and identity.

There are numerous codified values and assessment methods and guidelines. These are established in the *Aboriginal Heritage Act 2006*, *Planning and Environment Act, 1987*, *Victorian Heritage Act 2017*, *The International Union for Conservation of Nature, Australian Natural Heritage Charter for the Conservation of Places of Natural Heritage Significance*, among many others. The *Burra Charter Ethics of Co-existence in Conserving Significant Places* aimed to establish the principle that competing or incommensurate values need not be resolved by heritage management, but should be respected and allowed to coexist

The aesthetic rating system established in the South West Landscape Assessment Report is euro-centric based with a strong bias towards visual assessment with Imperial connotations of 'prospect' for development, acquiring and defending territories and 'wrong ways of living' such as stated in the South West Landscape Assessment Report which recommends planning controls for 'untidy agricultural practices'. Questions of citizenship and the body, subjectification and objectification are fraught in the aesthetic methodology. We suggest that desire for preservation is an expression of 20th century modernism and the philosophy of moral geography.

As quoted in the South West Landscape Assessment Report:

Historic Values: Historic value encompasses the history of the landscape both pre and post contact, and often underpins other cultural landscape values. It may be that the landscape is associated with an important historical event, figure or theme in history, and evidence of that historic value may or may not be visible. For the purposes of this study, no primary research was undertaken to determine historic

value. Rather, it was concluded from existing documentation or secondary sources such as the Aboriginal Affairs Victoria Register, the Victorian Heritage Register, the National Heritage List, the existence of Heritage Overlays in local planning schemes, and other material such as historic photographs and maps etc.

The Dja Dja Wurrung Clans Aboriginal Corporation suggest that with regard to the *Report Black Deaths in Custody* and numerous other reports, the above approach can be improved. We recommend that in order to build upon and strengthen the positive aspects of the Hepburn Planning Scheme Review, and provide for a more inclusive approach, a 'Values, Interest and Priorities Cultural Mapping' is undertaken with the Dja Dja Wurrung Clans prior to introducing the Significant Landscape Overlays among other things.

A more inclusive approach that includes the Dja Dja Wurrung Clans, the Traditional Owners, as well as Aboriginal and Shared Aboriginal cultural heritage inclusive of aesthetic values, in association with local stakeholders will achieve an immensely more diverse and inclusive document to guide land use planning. We suggest that the intention of the South West Landscape Assessment Report was only as a background study. We hold that some claims in the Report have never been comprehensively reviewed by Traditional Owners or other local stakeholders. We urge the Hepburn Shire to adapt, build upon and improved upon this Report so that with more cultural knowledge the Planning Scheme Review can best serve the local community and Traditional Owners jointly and in partnership we can manage this Country into the future.

In this, we support Hepburn Council's commitment to undertaking further gap heritage studies to include Aboriginal cultural heritage sites. We suggest that this study should be as discussed above take the form of a 'Values, Interest and Priorities Cultural Mapping' undertaken in partnership with the Dja Dja Wurrung Clans.

We recommend that all heritage overlay sites which currently are included in the Clause 43.03.1 Heritage Overlay Schedules and have already been identified as having shared or Aboriginal heritage significance be ticked under the last column 'is this an Aboriginal Heritage Place'.

We recommended that in all Local Policies inclusive of Significant Landscape Overlays, Heritage, Aboriginal Heritage, Vegetation Protection, Environmental Significant Overlays, Statements of Character and Objectives should reference the Dja Dja Wurrung Clans and shared cultural values. Both the Victoria Heritage Act 2017 and Aboriginal Heritage Act 2006 should be a reference document.

We request further strengthening of planning protection for Mt Franklin and Mt Kooroocheang. These ancient archaeological and important ceremonial sites have immense cultural heritage value to the Dja Dja Wurrung people. Mt Franklin and Mt Kooroocheang are culturally linked. This relationships holds deep physical, social, environmental, spiritual and cultural significance for the Dja Dja Wurrung people, they should be afforded the same protection under the planning scheme.

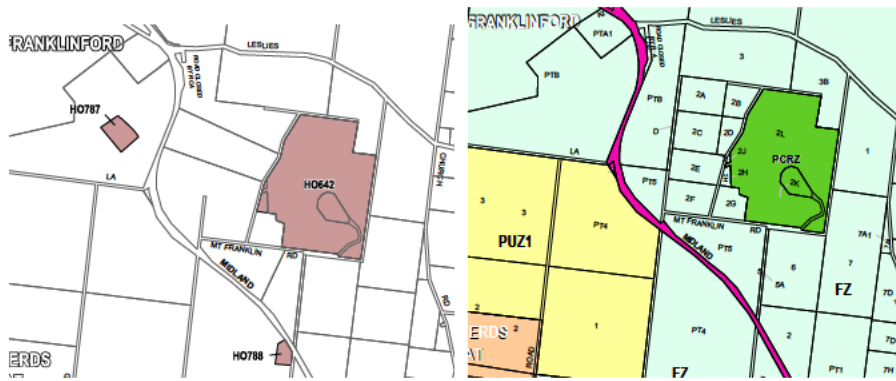
As mentioned in *Eruption Points of the Newer Volcanic Province of Victoria* by Neville Rosengren, 1994, the greater part of the volcanic region is privately owned and is not subject to controls that are designed to protect scientific, geological or morphological values. Nearly 95% of pre-European vegetation has been removed and fauna habitat severely altered. Volcanic features can be masked by buildings, roadworks, wetlands infilled, drained or excavated, slopes modified and substantial changes to the soil structure, exotic plants and forests established obscuring volcanic hills and surface features, stones removed by agricultural practices and residential development covering whole volcanos.

For example, despite the high cultural heritage significance of Mt Franklin as set out below, recent subdivision and building development on the steep slopes of Mt Franklin did not trigger a planning referral to the Dja Dja Wurrung Clans Corporation or the requirement for a Cultural Heritage Management Plan under the Aboriginal Act 2006, these can be seen as increasing wounds across landscape never to heal but becomes scars. Ground disturbance at such scale is cause for great concern for the Dja Dja Wurrung Clans Corporation and impacts on our cultural obligations. The current Planning Scheme Review offers no further protection for the place.

The Dja Dja Wurrung Clans Corporation urges Hepburn Council to take immediate action to protect the considerable geo-heritage, impressive landforms, the scenic values of the two highest volcanoes in Hepburn shire, Mt Franklin and Mt Kooroocheang, their shared heritage values and Dja Dja Wurrung spiritual and cultural heritage connections to the Country.

We recommend that in partnership with Council, an application is made to the State Government to prepare a Statement of Planning Policy and declare Mt Franklin and Mt Kooroocheang a distinctive area and landscape under Part 3AAB – Distinctive areas and landscapes, Section 46AO of the Planning and Environment Act 1987. In similar manner to other distinctive area and landscapes the Statement of Planning Policy provides a framework to ensure the outstanding landscapes, layers of settlement history, and diverse natural environment of Mt Franklin and Mt Kooroocheang are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and the Dja Dja Wurrung Clans and other Aboriginal Victorians.

The Dja Dja Wurrung Clans Corporation recommends to Hepburn Council that the existing heritage overlay over the summit of Mt Franklin should be extended to the whole of the volcanic as indicated in the statement of significance and Schedule to the Heritage Overlay. We suggest that the present extent of mapping is an error, was never intended just to include the volcano crater and should be corrected immediately.



Hepburn Planning Scheme Map 16 showing recent subdivisions and building development on Mt Franklin.

The whole of Mt Franklin is a place listed in the Victorian Aboriginal Sites Register being Site No 12.9-20. There is also a cultural sensitivity mapping overlay over the entire volcano. The summit a volcanic breached scoria cone has a Heritage Overlay (HO642 described in the Schedule as Aboriginal Protectorate Station and Mount Franklin Aboriginal Reserve, Mount Franklin Reserve, Mount Franklin) but the Schedule to the overlay makes no mention of the Aboriginal Heritage Registered Site.

The shared cultural heritage significance of the Aboriginal Protectorate Station and Mount Franklin Aboriginal Reserve is set out in *'An historical and Archaeological Investigation of the Loddon Aboriginal Protectorate Station and Mount Franklin Aboriginal Reserve'* 1995, David Rhodes for the Victorian Archaeological Survey, now Aboriginal Victoria.

The Loddon Protectorate Station functioned as an Aboriginal station for an 8.5 year period between 1841-1849. It was later used as an Aboriginal school between 1850-1862. A second temporary Aboriginal Reserve of 640 acres was also established at Mount Franklin in 1852, the Mount Franklin station, near the former Protectorate Station. The Reserve was occupied by Aboriginal farmers and the former Assistant Protector of Aboriginals for the Loddon District, E.S. Parker. (Rhodes 1995)

The Victoria and Administrative Tribunal VCAT (Reference No 2466/2004) Decision Order, 9 June 2005, [2005VCAT 1099] given by Jane Monk, Senior Member and Nick Hadjigeorgiou, Member, upheld Council's refusal to grant a Permit No 2004/7908 to construct and carry works for a telecommunications base station including a mobile phone tower on land near to the summit of Mt Franklin. The Decision (VCAT Reference NO P2466/2004) states at page 11 of the Rhode's report the following observations are made:

Mt Franklin and the surrounding area appears to have been of considerable religious significance to Aboriginal people. Both ethnographic and archaeological evidence indicates that frequent large ceremonial gatherings took place within and around the study area.

The basalt ridge connecting Mt Franklin with the Larnabarramul Swamp was once a resource rich wetland before contact and may have been a route of movement between different campsites in the area. The Larnabarramul Swamp appears to have been an important Aboriginal camp site before and after the founding of the

protectorate station. Rex Morgan (pers. com.) has suggested that the swamp may have been a major camping site for clans en-route to Melbourne for ceremonial gatherings.

At page 72, Rhodes suggests that the farms run by the Aboriginal farmers Yerrebullah and Beernbanin represent possibly the '*first independent European style farming venture in Victoria by Aboriginal people.*' Later, Rhodes provides the following assessment of the representativeness and significance of the Protectorate Station and later Aboriginal Reserve within which Mount Franklin is located:

Aside from their association with people who played a role in the early history of the district, the Loddon Protectorate Station and the 1852-64 Aboriginal reserve influenced contemporary and later 19th Century white settlement and land use in the local district. These sites were also places where considerable interaction between invading white settlers and Aboriginal people took place until circa 1864 and as such they can be regarded as being of considerable historical significance to the local area.

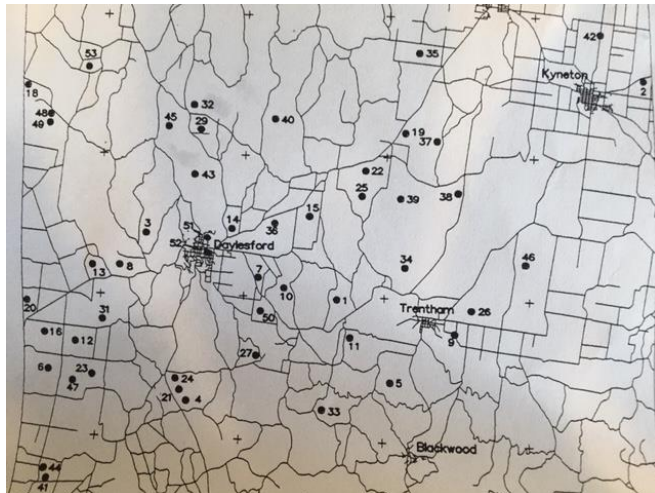
The Loddon Protectorate Station site must also be regarded as being historically significant at a Statewide level, reflecting the themes of contact and disposition of Aboriginal land and as one of the places where the foundations of European attempts to institutionalise Aboriginal people in Australia were laid down. The pattern of bureaucratic enforcement of cultural change and Aboriginal resistance to these attempts to destroy their culture which began on this and other early Aboriginal stations is one which has continued to the end of this century.

The Dja Dja Wurrung Clans Aboriginal Corporation commend the Hepburn Council for protecting the Birch Hill volcanic complex with the application of a Significant Landscape Overlay (SLO). The *Eruption Points of the Newer Volcanic Province of Victoria* by Neville Rosengren, 1994, has assessed the Birch Hill volcanic complex Berry Deep Leads as of international significance.

The same Report recommends that Mt Franklin and Mt Kooroocheang be protected due to their state level of significance and that these two volcanic hills supplement the international significance of the Birch Hill complex. The Dja Dja Wurrung Clans Aboriginal Corporation urge Council as a matter of critical importance to strengthen the protection of both Mt Franklin and Mt Kooroocheang under the planning scheme.

The Dja Dja Wurrung Clans Aboriginal Corporation draws Council's attention to the fact that contrary to the recommendations made in South West Landscape Assessment Report, main report, page 330, the Landscape Management Plan in the Planning Scheme Review has downgraded Mt Franklin to a place of regional significance without any substantiating evidence. The Dja Dja Wurrung Clans Aboriginal Corporation recommends to Hepburn Council that the Landscape Management Plan within the Planning Scheme Review be amended to show Mt Franklin as being of state level of significance as recommended in the Main Report of the *South West Landscape Assessment Report*.

The *South West Landscape Assessment Report, 2013*, is a referenced document and was used as the basis for the Hepburn Planning Scheme Review, however this reference is only the Executive Summary Review 2013. The relevant sections of the main report are quite different and is excluded from the Executive Summary and should also be included in the Planning Scheme as a reference document.



7723 Castlemaine Mapsheet

Volcanic cones numbering 1-49 located in the eastern section of Hepburn Shire, in the Western Dissected Uplands.

Mt Franklin, Mt Kooroocheang, Mt Greenock, state significance in defining geological and geomorphological character and history of Victoria. They supplement international and national sites as recommended by Rosengren.

Extract from *Newer Volcanic Province of Victoria* by Neville Rosengren, 1994

The Dja Dja Wurrung Clans Aboriginal Corporation is affected by any diminution of the cultural heritage of a cultural heritage place, of both tangible and intangible values.

With this regard we recommend the *Eruption Points of the Newer Volcanic Province of Victoria* by Neville Rosengren, 1994, prepared for the National Trust of Australia (Victoria) and the Geological Society of Australia (Victorian Division) be included as a reference documents in the revised SLO Clause. Geo-heritage is a heritage criteria of importance both for the Traditional Owners and is a recommended assessment criterion. It underpins landscape form and morphology and provides important planning information about every single volcanic hill in Hepburn Shire.

Birch Creek Volcanic Complex and Berry Deep Lead¹⁴

The area enclosed by this large site includes several large named scoria hills and cones, ([Birch Hill](#), [Mount Moorookyle](#), [Powlett Hill](#), [Stewart Hill](#) & [Kelly Hill](#), [Clover Hill](#), [Woodhouse Hill](#), Cattle Station Hill) and two unnamed volcanoes. It is selected as representative of the numerous smooth, steep, domal hills that are typical of the Central Hills and Plains lava fields between Creswick and Maryborough. The area lies adjacent to Mount Kooroocheang (formerly Smeaton Hill) which is treated as a separate site. This region has the highest concentration of scoria volcanoes in the Newer Volcanics Province and comprises a geological and geomorphological unit

¹⁴ Victorian Resources Online: *Newer Volcanic Province of Victoria*, Neville Rosengren, 1994, http://vro.agriculture.vic.gov.au/dpi/vro/nthcenregn.nsf/pages/nc_eruption_points_mt-franklin

unique in Australia. The selected area lies over a deep lead system and there are strong visible reminders of nineteenth century mining endeavours in the form of shafts, mine head structures, pump houses and mine tailings (dumps). This type of mining activity was a direct consequence of the volcanism as the gold-bearing alluvial gravels had been buried by lava flows and volcanic ejecta.

National:

It is not widely appreciated that the highest concentration of volcanic vents lies in the Creswick-Clunes area of the Central Highlands rather than the Western District Plains. This area is a clear illustration of the intensity of volcanic activity and in many ways is more obviously volcanic than much of the Western District Plains where eruption points are widely spaced or inconspicuous. In addition, the extensive remnants of mining activity are a clear indication of the role of volcanicity in burying a former landscape (here a river system) and the resources it contains (gold).

Mount Kooroocheang

Composite scoria cone overlying lava flows. 676 m; 230 m

This is a large composite volcano of scoria and lava with over 200 m of local relief. The summit of dome-shaped without a major crater. It is reported that a small open spatter vent 8 m deep with a 1 m wide entrance occurs at the summit. There are two prominent parasitic vents - the larger at the southwestern base of the mountain and a smaller one on the northeastern flank. Lava interbedded with the scoria outcrops on the western slopes and there are extensive lava flows to the north. Blocks of Ordovician country rock occur in the ejecta. Perfect augite crystals up to 1 cm in length have been collected from the volcanic ash of this volcano. The slopes of this mountain have an established radial gully network. Deeper and broader gullies may have been initiated by avalanching on Oversteepened scoria slopes during eruptions. One small scoria pit on the lower southeastern slope operates intermittently with small production.

State:

This is one of the largest eruption points in the Central Highlands of Victoria. It is an excellent example of a complex eruption point with lava flows and scoria and a very clear example of a parasitic cone. The open spatter vent is a rare feature of eruption points in Victoria. It is a major site for collection of large, high temperature megacrysts of augite. This site is one of the most eroded of the scoria cones of the Newer Volcanics Province and shows the classical mode of early radial dissection predicted for such cones. The site has considerable potential for field teaching in geology

Mt Franklin

Scoria cone with breached crater. 635 m; 185 m

Mount Franklin is a prominent, conical scoria cone with deep crater open via a narrow breach in the rim on the southeastern side. The breached rim is probably a result of a late-stage lava flow breaking through the lower part of the cone. Earlier

flows extend to the north and west. The coarse ejecta exposed around the summit includes red and green olivine and megacrysts of high-temperature and orthoclase (to 7 cm long) and augite (over 9 cm long). Lumps of Ordovician sedimentary and granitic bedrock also occur in the ejecta and small basalt blocks contain cores of crazed quartz. On the western slope is the parasitic scoria mound known as Lady Franklin (Unnamed CN5).

State:

This is a large and very obvious example of a breached scoria cone. The crater is one of the deepest in the Central Highlands area. It is a major megacryst site with some of the largest known Victorian examples of megacrysts of augite and an orthoclase. The small parasitic mound of Lady Franklin on the western flanks adds to the geological interest of the site.

The Clause 15.03.2S Aboriginal heritage ¹⁵

We recommend that the following inclusions in Clause 15.03.2S, the proposed new version 2020:-

Objective

To recognize, protect, conserve and enhance places of Aboriginal cultural and spiritual heritage values in partnership with the Traditional Owners in caring for Country.

Strategies

With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans; and as a basis for inclusion in the Planning Scheme.

With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

- 1) **Policy guidelines** Change reference to 'indigenous people' to 'Dja Dja Wurrung Clans' and include as below.

¹⁵ <http://www.maggoAction.lee.org.au/land-use-planning-and-cultural-heritage/engaging-aboriginal-people-in-land-use-planning/> and Planning Practice Note 45.

2) Include as follows:-

Policy guidelines

Consider as relevant:

The findings and recommendations of the Aboriginal Heritage Council.

The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

Policy documents

Consider as relevant:

Aboriginal Heritage Act 2006

Victorian Heritage Act 2017

Amc80hepb Submissions received

HEPBURN PLANNING SCHEME

15.03-2S
31/07/2018
VC148

Aboriginal cultural heritage

Objective

to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.

Strategies

- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.

Policy guidelines

- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.

Policy documents

- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- Aboriginal Heritage Act 2006

Existing Clause 15.03.2S

HEPBURN PLANNING SCHEME

15.03-2L

Proposed C80hepb

Aboriginal cultural heritage

Strategies

- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.

Policy guidelines

- to identify, protect and enhance the Aboriginal cultural heritage of the Shire of Hepburn.
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Proposed Changes to Clause 15.03.2S

DJA DJA WURRUNG CLANS ABORIGINAL CORPORATION
SUBMISSION ON THE HEPBURN SHIRE PLANNING SCHEME
C80 PLANNING SCHEME AMENDMENT
AUGUST 2020

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Introduction
Natural and Cultural Heritage Obligations
The Hepburn Planning Scheme
Local Policies

Introduction

The Dja Dja Wurrung Clans Aboriginal Corporation makes this submission as the recognized Traditional Owners on behalf of the Dja Dja Wurrung traditional owner group). The *'Recognition and Settlement Agreement'* 2013 formally recognises the Dja Dja Wurrung people as the traditional owners for part of Central Victoria.¹ The Dja Dja Wurrung Clans Aboriginal Corporation is our Tradition Owner entity and each Dja Dja Wurrung Family Group has right to a Director and Alternate Director positions to govern the Corporation.²

We are the foremost conservation organisation of the Djandak Dja Dja Wurrung traditional lands. The Dja Dja Wurrung Clans Aboriginal Corporation is the Registered Aboriginal Party (RAP) over the Dja Dja Wurrung traditional lands, appointed by the Aboriginal Heritage Council, which recognizes and gives effect to their cultural rights and under s19(2) of the Victorian *Charter of Human Rights (2006)* and the rights of Traditional Owners recognized by the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*, the *Victorian Heritage Act 2017* and other relevant state, national and international law.

The Act provides for the protection and management of Victoria's Aboriginal cultural heritage, with processes linked to the Victorian planning system. The *Planning Practice Note 45, The Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018, The Planning Permit Process (June 2015)* under the *Planning and Environment Act 1987*, *Aboriginal Heritage Clause 15.03.2S* of the Victorian Planning Scheme (VPP) all give effect to and support the operation of the Aboriginal Heritage Act. In addition, the *Victorian Heritage Act 2017* provides identification, assessment and management for post contact shared heritage values under the Victorian Planning Scheme.

The Dja Dja Wurrung Clans Aboriginal Corporation is affected by any diminution of the cultural heritage of a cultural heritage place, of both tangible and intangible values.

'As custodians of all Dja Dja Wurrung land, we feel a deep responsibility to heal this Country so that it can be healthy and functioning once again'.³

Aboriginal peoples of Victoria have long fought for recognition of their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional law and custom.⁴

The whole of the local government area of Hepburn Shire is within Dja Dja Wurrung traditional lands. *"All lands, waters and living resources on our Country form traditional Aboriginal landscapes and are maintained by a range of natural resource managers, including Dja Dja Wurrung people."*⁵

Our Recognition and Settlement Agreement (Native Title) 2013 is an important milestone for Dja Dja Wurrung people and the Victorian Government now recognises

¹ <https://www.justice.vic.gov.au/your-rights/native-title/dja-dja-wurrung-settlement-commences> The Victorian *Traditional Owner Settlement Act 2010* (the Act) provides for an out-of-court settlement of native title.

² <http://www.djadjawurrung.com.au/>

³ Ibid

⁴ *Second Review of the Charter of Human Rights and Responsibility Act 2006, Submission by the Victorian Aboriginal Heritage Council* (2013)

⁵ <http://www.djadjawurrung.com.au/>

us as the Traditional Owners of this Country and acknowledges the history of dispersement and dispossession that has affected our people. Our Agreement allows for continued recognition, through protocols and acknowledgements and Welcomes to Country, and signage on Dja Dja Wurrung Country. The Dja Dja Wurrung Settlement Agreement of 2013 is in addition to the Traditional Owner Settlement Act 2010.

It also provides us with some legal rights to practice culture and access and use our land and resources, and to have a say in what happens on our Country. The Agreement gives us Aboriginal title of some of our traditional lands, including the right to actively managing Country. The Agreement is an important starting point for the self-determination of Dja Dja Wurrung, and we now continue to build up the structures and processes that will enable us to make the most of these rights.

The Dja Dja Wurrung Country Plan Dhelkunya Dja 2014-2034 outlines strategic goals for managing all land and water and consultation principles for state and third parties that should be considered in planning for Dja Dja Wurrung Country.

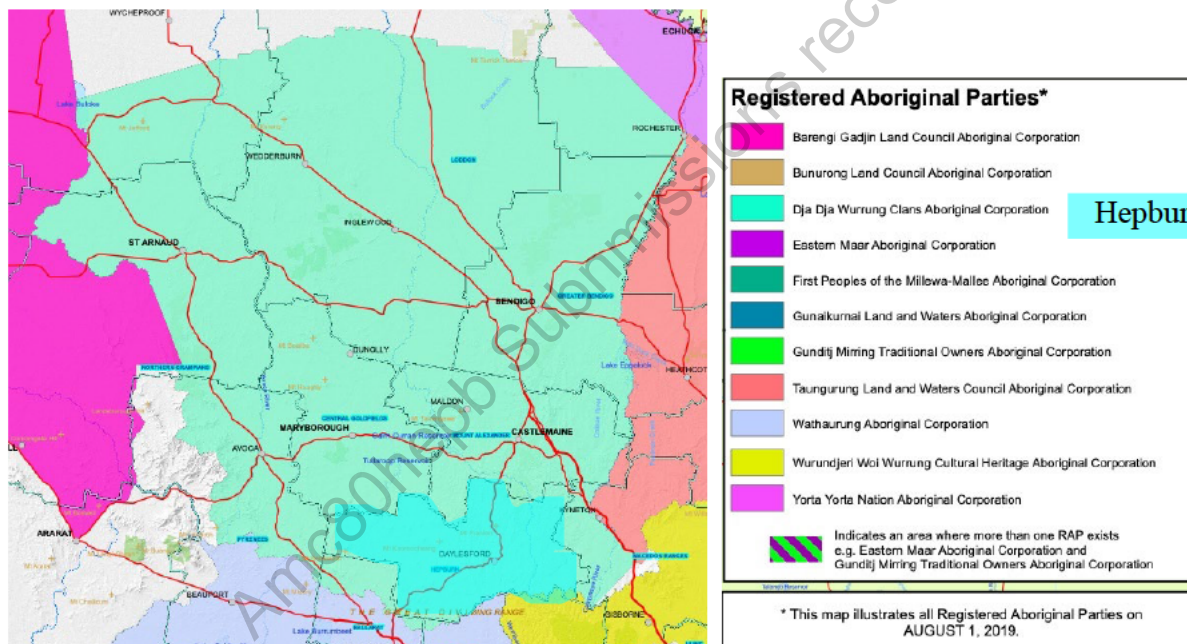


Figure 1 The darker jade green shading indicates the boundaries of Hepburn Shire in relation to the Dja Dja Wurrung Clans Aboriginal Corporation Registered Parties Traditional lands.

Today, the Dja Dja Wurrung are joint managers of six Aboriginal Title parks and reserves under the 2013 Settlement Agreement and *Traditional Owner Settlement Act 2010*.

Land use management partnerships among many others include the owners (Dja Dja Wurrung, Taungurung and Wurundjeri) and the local community, who with input from the Victorian Government, Macedon Ranges Council have recently prepared the December 2019, Statement of Planning Policy No 8 (Macedon Ranges and Surrounds) which afforded the maximum protection possible under the Distinctive Areas and Landscapes provisions of the *Planning and Environment Act 1987*. This statement sets a long term vision for the iconic Macedon Ranges.

A description of our natural and cultural heritage obligations and responsibilities include:

The laws, customs and stories that make up Dja Dja Wurrung culture guide the way we behave and the decisions we make every day.⁶ Our tangible cultural heritage is a core part of our identity and connection to Country.⁷

Our Traditional culture revolved around relationships to the land and water – relationships that hold deep physical, social, environmental, spiritual and cultural significance.

Today, the land and its waterways remain central to our cultural identity and aspirations for community and economic development.⁸ In the mid-1800s, large deposits of gold were discovered in our Country, enticing flocks of people looking to make their fortune. The miners cut down trees for firewood and building, diverted creeks and rivers and dug holes in the ground, pulling up large volumes of earth.

Since that time, mining has been constant in Dja Dja Wurrung Country. This has left a legacy of soil erosion, salinity and toxicity from contaminants such as arsenic and mercury. As custodians of all Dja Dja Wurrung land, we feel a deep responsibility to heal this Country so that it can be healthy and functioning once again.⁹

The Dja Dja Wurrung traditional lands include a large, expansive region of Victoria. The southern boundary is defined by the ridgeline of the Great Dividing Range Mountains, the aqua recharge areas of the north flowing Loddon, Campaspe, Coliban and Avoca rivers, tributaries of the Murray River. It includes the northern eruption points and volcanic plains of the Western volcanic region of Victoria. From Mount Macedon and Hanging Rock it extends west to the Pyrenees Ranges.

It includes extremely important volcanic cones such as Mt. Franklin, and Mt Kooroocheang and significant and rare volcanic wetlands including the important mineral springs of the Dissected Uplands, Red Gum Wetlands of Red Gums (*Eucalyptus camalduensis*) and Swamp Gums (primarily confined to swamps and poorly drained plains) are the only indigenous tree species on the basalt plains with sandy woodlands dominant on the fringes of these landscapes.¹⁰

Plains Grassland and Sedge Wetlands of Wallaby, Brome and Kangaroo grasses were and are particularly important for the Dja Dja Wurrung, as they feed into the broader waterway system that nourished Country.¹¹ It includes other significant mountains of Mt Beckworth, Mt Alexander (Langambook), Mt Tarangower (Djaranguwer), Mt Hooghly, Mt Kooyoora, Mt Warrenmang, among others. The northern boundaries descend to the great flood plain of the Murray River forming wetlands and irrigated country around Lake Bort.

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/7915/8148/5356/Macedon_Ranges_Statement_Planning_Policy.pdf

¹⁰ <https://engage.vic.gov.au/macedon-ranges-localised-planning-statement>

¹¹ <https://engage.vic.gov.au/macedon-ranges-localised-planning-statement> extract

To the east of the Country areas such as the Macedon Ranges and Hanging Rock (Anneyelong) have immense value to the Dja Dja Wurrung Clans and there is evidence of semi-permanent occupation. Concentrations of archaeological artefacts, particularly around waterways, confirm that the area was a source of food and medicine, and it had many places to camp, hunt, fish, swim and conduct ceremonies.¹² These ancient archaeological and important ceremonial sites include Mt Franklin and Mt Kooroocheang, among others.

The Dja Dja Wurrung Clans Aboriginal Corporation's cultural responsibilities for land use management include both intangible and tangible cultural heritage extending over nine or ten different local government areas. Many sites such as the Castlemaine Diggings, National Park as well as Mt Franklin have shared cultural heritage values as well as geo-heritage significance at local, state, national and world heritage level of significance. There are many aspects of our expertise in Traditional knowledge and cultural practices that we bring to share with the wider community including traditional burns on country, sharing our stories and plant food knowledge, ceremonial practices for country and waterways, educational presentations among others.

The Dja Dja Wurrung Clans Aboriginal Corporation work in partnership with all local government councils located within their traditional lands.

We have developed Reconciliation Action Plans with almost all local governments in their traditional lands including Hepburn Shire, City of Greater Bendigo, Pyrenees Shire Council, Mount Alexander Shire, City of Ballarat, Loddon Shire Council, Central Goldfields Shire Council (draft June 2020), Macedon Ranges Shire Council (draft July 2020). The Shire of Northern Grampians has yet to adopt a Reconciliation Action Plan but supports the City of Horsham's Reconciliation Action Plan.

We acknowledge that local government boundaries are historic constructs that reflect the pattern of mid 19th century gold mining and latterly were changed in the late 1990s. These boundaries do not align with Dja Dja Wurrung Clans cultural heritage traditions, obligations and responsibilities.

The Dja Dja Wurrung Clans tangible and intangible cultural traditions and heritage relationships with wetlands, river systems, mountain ranges and volcanic peaks extend beyond local government boundaries. Land use management strategies and policies of one local government area may impact on the '*relationships that hold deep physical, social, environmental, spiritual and cultural significance*' of a much larger area and ecological systems that extends across several local government areas.¹³

The opportunity to make a submission on the Hepburn Planning Scheme Review is therefore very welcome. It is an opportunity to ensure consistency of approach across all local government areas within the Dja Dja Wurrung land and to enable specific responses

¹² Ibid

¹³ <http://www.djadjawurrung.com.au/>

particular to the different issues and opportunities of each area. It affords Djarra an opportunity to speak to Djandak our homelands.

Amc80hepb Submissions received

NATURAL AND CULTURAL HERITAGE OBLIGATIONS

Hepburn Shire Council's obligations in relation to natural and cultural heritage are outlined in a number of legislative documents and implemented through the Planning Scheme.

THE HEPBURN PLANNING SCHEME REVIEW

The Dja Dja Wurrung Clans Aboriginal Corporation believes that the existing and proposed Hepburn Planning Scheme Review requires strengthening in a number of areas in order to meet their natural and heritage obligations, particularly with respect to Aboriginal cultural values, shared European and Aboriginal cultural heritage values and the Hepburn Reconciliation Aboriginal Plan.

Significant Landscape Overlay Clauses and New and Reviewed SLO Mapping.

The Dja Dja Wurrung Clans hold the view that all landscapes contain the imprint of human use and that as Traditional Owners we have held connections to our Country for tens of thousands of years and continue to do so. Our cultural obligations and connections to this Country predates the end of the volcanic eruptions twenty thousand years ago.

We support a cultural landscape based approach to land management. It is based upon well acknowledged principles in Australia as evidenced by the many world heritage sites that all parts of Australia's landscape have community connection and associated values and meanings. We will never be well again unless Country can heal and become well.

A cultural landscape approach offers an opportunity to integrate natural and cultural heritage. Different kinds of inter-related values (e.g., cultural, natural, economic, political, aesthetic), are concerned with identifying and managing cultural heritage values across the landscape.

Such values-based planning is increasingly becoming a norm for the integrated land use management in many places across Victoria and Australia. We welcome's Hepburn Council's taking this initiative and wish to contribute to strengthen and enrich this process.

Studies such as the South West Landscape Assessment undertaken by Planisphere take such an approach. This Report informs the rationale for proposed changes set out in the Hepburn Planning Scheme Review with respect to the Significant Landscape Overlay over the Birch Hill volcanic group and Berry Deep Lead Mines complex on the volcanic plains.

The volcanic landscapes of Hepburn Shire have immense cultural and ceremonial value to the Dja Dja Wurrung Clans for well over twenty thousand years. The Dja Dja Wurrung Clans Aboriginal Corporation ask the fundamental questions of the Hepburn Planning Scheme Review: with regard to the proposed changes to the SLO and associated clauses:

- Whose history of the place and landscapes are represented in the proposed Hepburn Planning Scheme Review?

- Who has social attachment, aesthetic ties and historical connection to this landscape?
- What impacts will the proposed management action in the proposed Hepburn Planning Scheme Review have on the place/area of land and its cultural values?

And to each of the three questions the Dja Dja Wurrung Clans Aboriginal Corporation notes that the Traditional Owners' cultural values as the values of Country to its health, and our attachment and connections have not been included. There has been no opportunity to contribute the wealth of our cultural knowledge to this process.

The Dja Dja Wurrung Clans Aboriginal Corporation were not involved in the preparation of the South West Landscape Assessment undertaken by Planisphere or invited to participate. Neither have we until this submission, had the opportunity to inform the Hepburn Planning Scheme Review process. And where Dja Dja Wurrung Clans' sites of cultural significance are under threat and forms of desecration, we have not been able to advise on measures that might strengthen the protection of these sites and landscapes. We believe this has been a lost opportunity to contribute to such an important Planning Scheme Review. We hope this submission will enable a review of some of the matters of concern raised and afford us the right to celebrate our being.

The Dja Dja Wurrung Clans draw attention to and support the cultural landscape principle that documenting people's attachments to protected landscapes is essential, not only for the goal of integrated landscape management, but because respecting values ultimately engages people in the process of land use management. We refer to many guidelines that have been published about this process. Without undertaking talking to different stakeholders and Traditional Owners of Country, it will be unclear about what is required to manage cultural values across whole landscapes, despite the Statements of Landscape Character and Objectives that have been included in relevant clauses of the Hepburn Planning Scheme Review. These statements are not by the Traditional Owners.

The Dja Dja Wurrung Clans Aboriginal Corporation draws Hepburn Council's attention to the fact that current knowledge of cultural values as described in the South West Landscape Assessment undertaken by Planisphere is too general and lack a cultural intimacy that Djarra can bring. It is a broad brush approach and lacks scrutiny to sufficiently and effectively support planning and decision-making about cultural heritage management at a landscape scale. This is particularly the case for the protection of Dja Dja Wurrung Clans traditional country.

We believe that identification of cultural landscapes must take place at a more detailed human scale. This is a first and crucial step in the management process. It underpins all subsequent assessment, management and interpretation of cultural values. Proposed detailed development control described at the SLO Clause 12.05 and Clause 42.03.01 do not correspond to the macro level of assessment as set out in the South West Landscape Assessment Report. Many questions and anomalies arise in the South West Landscape Assessment Report that remain without adequate explanation and justification.

For example, on page 327 of the South West Landscape Assessment Report, Mt Franklin is described as an isolated volcano in the Central Goldfields Region and then again in the Uplands Regions. However, it is part of a group of 49 volcanoes with associated volcanic swamps and wetlands, an extension of the newer volcanic plains. On page 330 of the Report, Mt Franklin is grouped together with the Castlemaine Diggings National Park and described as of state significance. Yet in the final South West Landscape Assessment Executive Summary Report the area is classified as of regional significance. The landscape viewing platform is identified as the Midland Highway, yet Mt Franklin can be clearly seen on the Pyrenees Highway nearly 60 klms away near Carisbrook and Maryborough or on the Calder Highway existing Bendigo nearly 80 klms away. It is the third highest volcano in the northern volcanic plains.

These larger panoramic views of Mt Franklin and the whole groups of volcanic hills give heart to the country of the Larnibarramal (Home of the Emu). They are everyday views that all residents share with each other every day. They are common identifiers and markers of country. For Dja Dja Wurrung Clans they connect and link cultural stories across distances, ceremonial obligations and travel routes. Local people move across country.

The Dja Dja Wurrung Clans Aboriginal Corporation submit to Hepburn Council that at the heart of these critiques of significant values is the need to understand how these heritage values have been constructed, for whom they benefit or represent, particularly in the context of Aboriginal histories and identity.

There are numerous codified values and assessment methods and guidelines. These are established in the *Aboriginal Heritage Act 2006*, *Planning and Environment Act, 1987*, *Victorian Heritage Act 2017*, *The International Union for Conservation of Nature, Australian Natural Heritage Charter for the Conservation of Places of Natural Heritage Significance*, among many others. The *Burra Charter Ethics of Co-existence in Conserving Significant Places* aimed to establish the principle that competing or incommensurate values need not be resolved by heritage management, but should be respected and allowed to coexist

The aesthetic rating system established in the South West Landscape Assessment Report is euro-centric based with a strong bias towards visual assessment with Imperial connotations of 'prospect' for development, acquiring and defending territories and 'wrong ways of living' such as stated in the South West Landscape Assessment Report which recommends planning controls for 'untidy agricultural practices'. Questions of citizenship and the body, subjectification and objectification are fraught in the aesthetic methodology. We suggest that desire for preservation is an expression of 20th century modernism and the philosophy of moral geography.

As quoted in the South West Landscape Assessment Report:

Historic Values: Historic value encompasses the history of the landscape both pre and post contact, and often underpins other cultural landscape values. It may be that the landscape is associated with an important historical event, figure or theme in history, and evidence of that historic value may or may not be visible. For the purposes of this study, no primary research was undertaken to determine historic

value. Rather, it was concluded from existing documentation or secondary sources such as the Aboriginal Affairs Victoria Register, the Victorian Heritage Register, the National Heritage List, the existence of Heritage Overlays in local planning schemes, and other material such as historic photographs and maps etc.

The Dja Dja Wurrung Clans Aboriginal Corporation suggest that with regard to the *Report Black Deaths in Custody* and numerous other reports, the above approach can be improved. We recommend that in order to build upon and strengthen the positive aspects of the Hepburn Planning Scheme Review, and provide for a more inclusive approach, a 'Values, Interest and Priorities Cultural Mapping' is undertaken with the Dja Dja Wurrung Clans prior to introducing the Significant Landscape Overlays among other things.

A more inclusive approach that includes the Dja Dja Wurrung Clans, the Traditional Owners, as well as Aboriginal and Shared Aboriginal cultural heritage inclusive of aesthetic values, in association with local stakeholders will achieve an immensely more diverse and inclusive document to guide land use planning. We suggest that the intention of the South West Landscape Assessment Report was only as a background study. We hold that some claims in the Report have never been comprehensively reviewed by Traditional Owners or other local stakeholders. We urge the Hepburn Shire to adapt, build upon and improved upon this Report so that with more cultural knowledge the Planning Scheme Review can best serve the local community and Traditional Owners jointly and in partnership we can manage this Country into the future.

In this, we support Hepburn Council's commitment to undertaking further gap heritage studies to include Aboriginal cultural heritage sites. We suggest that this study should be as discussed above take the form of a 'Values, Interest and Priorities Cultural Mapping' undertaken in partnership with the Dja Dja Wurrung Clans.

We recommend that all heritage overlay sites which currently are included in the Clause 43.03.1 Heritage Overlay Schedules and have already been identified as having shared or Aboriginal heritage significance be ticked under the last column 'is this an Aboriginal Heritage Place'.

We recommended that in all Local Policies inclusive of Significant Landscape Overlays, Heritage, Aboriginal Heritage, Vegetation Protection, Environmental Significant Overlays, Statements of Character and Objectives should reference the Dja Dja Wurrung Clans and shared cultural values. Both the Victoria Heritage Act 2017 and Aboriginal Heritage Act 2006 should be a reference document.

We request further strengthening of planning protection for Mt Franklin and Mt Kooroocheang. These ancient archaeological and important ceremonial sites have immense cultural heritage value to the Dja Dja Wurrung people. Mt Franklin and Mt Kooroocheang are culturally linked. This relationships holds deep physical, social, environmental, spiritual and cultural significance for the Dja Dja Wurrung people, they should be afforded the same protection under the planning scheme.

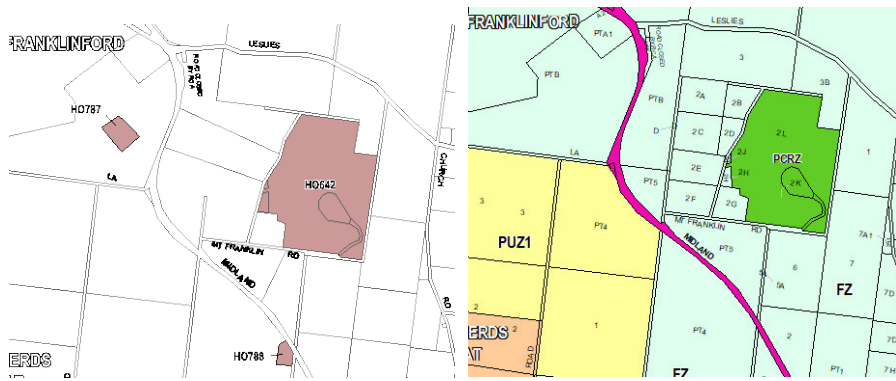
As mentioned in *Eruption Points of the Newer Volcanic Province of Victoria* by Neville Rosengren, 1994, the greater part of the volcanic region is privately owned and is not subject to controls that are designed to protect scientific, geological or morphological values. Nearly 95% of pre-European vegetation has been removed and fauna habitat severely altered. Volcanic features can be masked by buildings, roadworks, wetlands infilled, drained or excavated, slopes modified and substantial changes to the soil structure, exotic plants and forests established obscuring volcanic hills and surface features, stones removed by agricultural practices and residential development covering whole volcanos.

For example, despite the high cultural heritage significance of Mt Franklin as set out below, recent subdivision and building development on the steep slopes of Mt Franklin did not trigger a planning referral to the Dja Dja Wurrung Clans Corporation or the requirement for a Cultural Heritage Management Plan under the Aboriginal Act 2006, these can be seen as increasing wounds across landscape never to heal but becomes scars. Ground disturbance at such scale is cause for great concern for the Dja Dja Wurrung Clans Corporation and impacts on our cultural obligations. The current Planning Scheme Review offers no further protection for the place.

The Dja Dja Wurrung Clans Corporation urges Hepburn Council to take immediate action to protect the considerable geo-heritage, impressive landforms, the scenic values of the two highest volcanoes in Hepburn shire, Mt Franklin and Mt Kooroocheang, their shared heritage values and Dja Dja Wurrung spiritual and cultural heritage connections to the Country.

We recommend that in partnership with Council, an application is made to the State Government to prepare a Statement of Planning Policy and declare Mt Franklin and Mt Kooroocheang a distinctive area and landscape under Part 3AAB – Distinctive areas and landscapes, Section 46AO of the Planning and Environment Act 1987. In similar manner to other distinctive area and landscapes the Statement of Planning Policy provides a framework to ensure the outstanding landscapes, layers of settlement history, and diverse natural environment of Mt Franklin and Mt Kooroocheang are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and the Dja Dja Wurrung Clans and other Aboriginal Victorians.

The Dja Dja Wurrung Clans Corporation recommends to Hepburn Council that the existing heritage overlay over the summit of Mt Franklin should be extended to the whole of the volcanic as indicated in the statement of significance and Schedule to the Heritage Overlay. We suggest that the present extent of mapping is an error, was never intended just to include the volcano crater and should be corrected immediately.



Hepburn Planning Scheme Map 16 showing recent subdivisions and building development on Mt Franklin.

The whole of Mt Franklin is a place listed in the Victorian Aboriginal Sites Register being Site No 12.9-20. There is also a cultural sensitivity mapping overlay over the entire volcano. The summit a volcanic breached scoria cone has a Heritage Overlay (HO642, described in the Schedule as Aboriginal Protectorate Station and Mount Franklin Aboriginal Reserve, Mount Franklin Reserve, Mount Franklin) but the Schedule to the overlay makes no mention of the Aboriginal Heritage Registered Site.

The shared cultural heritage significance of the Aboriginal Protectorate Station and Mount Franklin Aboriginal Reserve is set out in *'An historical and Archaeological Investigation of the Loddon Aboriginal Protectorate Station and Mount Franklin Aboriginal Reserve'* 1995, David Rhodes for the Victorian Archaeological Survey, now Aboriginal Victoria.

The Loddon Protectorate Station functioned as an Aboriginal station for an 8.5 year period between 1841-1849. It was later used as an Aboriginal school between 1850-1862. A second temporary Aboriginal Reserve of 640 acres was also established at Mount Franklin in 1852, the Mount Franklin station, near the former Protectorate Station. The Reserve was occupied by Aboriginal farmers and the former Assistant Protector of Aboriginals for the Loddon District, E.S. Parker. (Rhodes 1995)

The Victoria and Administrative Tribunal VCAT (Reference No 2466/2004) Decision Order, 9 June 2005, [2005VCAT 1099] given by Jane Monk, Senior Member and Nick Hadjigeorgiou, Member, upheld Council's refusal to grant a Permit No 2004/7908 to construct and carry works for a telecommunications base station including a mobile phone tower on land near to the summit of Mt Franklin. The Decision (VCAT Reference NO P2466/2004) states at page 11 of the Rhode's report the following observations are made:

Mt Franklin and the surrounding area appears to have been of considerable religious significance to Aboriginal people. Both ethnographic and archaeological evidence indicates that frequent large ceremonial gatherings took place within and around the study area.

The basalt ridge connecting Mt Franklin with the Larnabarramul Swamp was once a resource rich wetland before contact and may have been a route of movement between different campsites in the area. The Larnabarramul Swamp appears to have been an important Aboriginal camp site before and after the founding of the

protectorate station. Rex Morgan (pers. com.) has suggested that the swamp may have been a major camping site for clans en-route to Melbourne for ceremonial gatherings.

At page 72, Rhodes suggests that the farms run by the Aboriginal farmers Yerrebullah and Beernbanin represent possibly the '*first independent European style farming venture in Victoria by Aboriginal people.*' Later, Rhodes provides the following assessment of the representativeness and significance of the Protectorate Station and later Aboriginal Reserve within which Mount Franklin is located:

Aside from their association with people who played a role in the early history of the district, the Loddon Protectorate Station and the 1852-64 Aboriginal reserve influenced contemporary and later 19th Century white settlement and land use in the local district. These sites were also places where considerable interaction between invading white settlers and Aboriginal people took place until circa 1864 and as such they can be regarded as being of considerable historical significance to the local area.

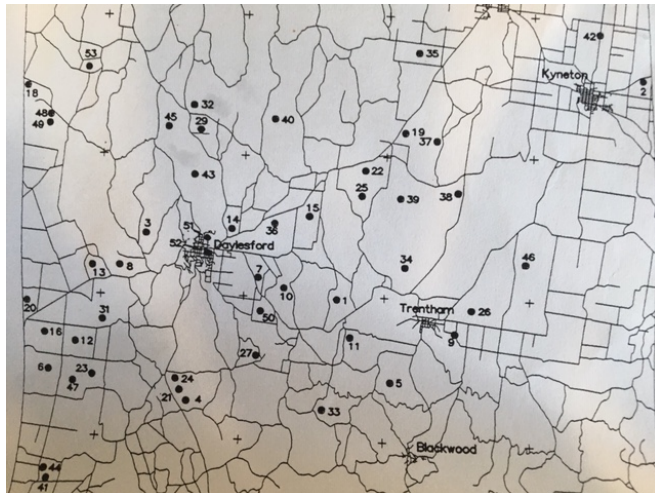
The Loddon Protectorate Station site must also be regarded as being historically significant at a Statewide level, reflecting the themes of contact and disposition of Aboriginal land and as one of the places where the foundations of European attempts to institutionalise Aboriginal people in Australia were laid down. The pattern of bureaucratic enforcement of cultural change and Aboriginal resistance to these attempts to destroy their culture which began on this and other early Aboriginal stations is one which has continued to the end of this century.

The Dja Dja Wurrung Clans Aboriginal Corporation commend the Hepburn Council for protecting the Birch Hill volcanic complex with the application of a Significant Landscape Overlay (SLO). The *Eruption Points of the Newer Volcanic Province of Victoria* by Neville Rosengren, 1994, has assessed the Birch Hill volcanic complex Berry Deep Leads as of international significance.

The same Report recommends that Mt Franklin and Mt Kooroocheang be protected due to their state level of significance and that these two volcanic hills supplement the international significance of the Birch Hill complex. The Dja Dja Wurrung Clans Aboriginal Corporation urge Council as a matter of critical importance to strengthen the protection of both Mt Franklin and Mt Kooroocheang under the planning scheme.

The Dja Dja Wurrung Clans Aboriginal Corporation draws Council's attention to the fact that contrary to the recommendations made in South West Landscape Assessment Report, main report, page 330, the Landscape Management Plan in the Planning Scheme Review has downgraded Mt Franklin to a place of regional significance without any substantiating evidence. The Dja Dja Wurrung Clans Aboriginal Corporation recommends to Hepburn Council that the Landscape Management Plan within the Planning Scheme Review be amended to show Mt Franklin as being of state level of significance as recommended in the Main Report of the *South West Landscape Assessment Report*.

The *South West Landscape Assessment Report, 2013*, is a referenced document and was used as the basis for the Hepburn Planning Scheme Review, however this reference is only the Executive Summary Review 2013. The relevant sections of the main report are quite different and is excluded from the Executive Summary and should also be included in the Planning Scheme as a reference document.



7723 Castlemaine Mapsheet

Volcanic cones numbering 1-49 located in the eastern section of Hepburn Shire, in the Western Dissected Uplands.

Mt Franklin, Mt Kooroocheang, Mt Greenock, state significance in defining geological and geomorphological character and history of Victoria. They supplement international and national sites as recommended by Rosengren.

Extract from *Newer Volcanic Province of Victoria* by Neville Rosengren, 1994

The Dja Dja Wurrung Clans Aboriginal Corporation is affected by any diminution of the cultural heritage of a cultural heritage place, of both tangible and intangible values.

With this regard we recommend the *Eruption Points of the Newer Volcanic Province of Victoria* by Neville Rosengren, 1994, prepared for the National Trust of Australia (Victoria) and the Geological Society of Australia (Victorian Division) be included as a reference documents in the revised SLO Clause. Geo-heritage is a heritage criteria of importance both for the Traditional Owners and is a recommended assessment criterion. It underpins landscape form and morphology and provides important planning information about every single volcanic hill in Hepburn Shire.

Birch Creek Volcanic Complex and Berry Deep Lead¹⁴

The area enclosed by this large site includes several large named scoria hills and cones, ([Birch Hill](#), [Mount Moorookyle](#), [Powlett Hill](#), [Stewart Hill](#) & [Kelly Hill](#), [Clover Hill](#), [Woodhouse Hill](#), Cattle Station Hill) and two unnamed volcanoes. It is selected as representative of the numerous smooth, steep, domal hills that are typical of the Central Hills and Plains lava fields between Creswick and Maryborough. The area lies adjacent to Mount Kooroocheang (formerly Smeaton Hill) which is treated as a separate site. This region has the highest concentration of scoria volcanoes in the Newer Volcanics Province and comprises a geological and geomorphological unit

¹⁴ Victorian Resources Online: *Newer Volcanic Province of Victoria*, Neville Rosengren, 1994, http://vro.agriculture.vic.gov.au/dpi/vro/nthcenregn.nsf/pages/nc_eruption_points_mt-franklin

unique in Australia. The selected area lies over a deep lead system and there are strong visible reminders of nineteenth century mining endeavours in the form of shafts, mine head structures, pump houses and mine tailings (dumps). This type of mining activity was a direct consequence of the volcanism as the gold-bearing alluvial gravels had been buried by lava flows and volcanic ejecta.

National:

It is not widely appreciated that the highest concentration of volcanic vents lies in the Creswick-Clunes area of the Central Highlands rather than the Western District Plains. This area is a clear illustration of the intensity of volcanic activity and in many ways is more obviously volcanic than much of the Western District Plains where eruption points are widely spaced or inconspicuous. In addition, the extensive remnants of mining activity are a clear indication of the role of volcanicity in burying a former landscape (here a river system) and the resources it contains (gold).

Mount Kooroocheang

Composite scoria cone overlying lava flows. 676 m; 230 m

This is a large composite volcano of scoria and lava with over 200 m of local relief. The summit of dome-shaped without a major crater. It is reported that a small open spatter vent 8 m deep with a 1 m wide entrance occurs at the summit. There are two prominent parasitic vents - the larger at the southwestern base of the mountain and a smaller one on the northeastern flank. Lava interbedded with the scoria outcrops on the western slopes and there are extensive lava flows to the north. Blocks of Ordovician country rock occur in the ejecta. Perfect augite crystals up to 1 cm in length have been collected from the volcanic ash of this volcano. The slopes of this mountain have an established radial gully network. Deeper and broader gullies may have been initiated by avalanching on Oversteepened scoria slopes during eruptions. One small scoria pit on the lower southeastern slope operates intermittently with small production.

State:

This is one of the largest eruption points in the Central Highlands of Victoria. It is an excellent example of a complex eruption point with lava flows and scoria and a very clear example of a parasitic cone. The open spatter vent is a rare feature of eruption points in Victoria. It is a major site for collection of large, high temperature megacrysts of augite. This site is one of the most eroded of the scoria cones of the Newer Volcanics Province and shows the classical mode of early radial dissection predicted for such cones. The site has considerable potential for field teaching in geology

Mt Franklin

Scoria cone with breached crater. 635 m; 185 m

Mount Franklin is a prominent, conical scoria cone with deep crater open via a narrow breach in the rim on the southeastern side. The breached rim is probably a result of a late-stage lava flow breaking through the lower part of the cone. Earlier

flows extend to the north and west. The coarse ejecta exposed around the summit includes red and green olivine and megacrysts of high-temperature and orthoclase (to 7 cm long) and augite (over 9 cm long). Lumps of Ordovician sedimentary and granitic bedrock also occur in the ejecta and small basalt blocks contain cores of crazed quartz. On the western slope is the parasitic scoria mound known as Lady Franklin (Unnamed CN5).

State:

This is a large and very obvious example of a breached scoria cone. The crater is one of the deepest in the Central Highlands area. It is a major megacryst site with some of the largest known Victorian examples of megacrysts of augite and an orthoclase. The small parasitic mound of Lady Franklin on the western flanks adds to the geological interest of the site.

The Clause 15.03.2S Aboriginal heritage ¹⁵

We recommend that the following inclusions in Clause 15.03.2S, the proposed new version 2020:-

Objective

To recognize, protect, conserve and enhance places of Aboriginal cultural and spiritual heritage values in partnership with the Traditional Owners in caring for Country.

Strategies

With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans; and as a basis for inclusion in the Planning Scheme.

With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

- 1) **Policy guidelines** Change reference to 'indigenous people' to 'Dja Dja Wurrung Clans' and include as below.

¹⁵ <http://www.maggoAction.lee.org.au/land-use-planning-and-cultural-heritage/engaging-aboriginal-people-in-land-use-planning/> and Planning Practice Note 45.

2) Include as follows:-

Policy guidelines

Consider as relevant:

The findings and recommendations of the Aboriginal Heritage Council.

The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

Policy documents

Consider as relevant:

Aboriginal Heritage Act 2006

Victorian Heritage Act 2017

Amc80hepb Submissions received

HEPBURN PLANNING SCHEME

15.03-2S
31/07/2019
VC140

Aboriginal cultural heritage

Objective

to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.

Strategies

to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006 and to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.

Policy guidelines

- to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.
- to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.

Policy documents

- to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.

Existing Clause 15.03.2S

HEPBURN PLANNING SCHEME

15.03-2L

Proposed C80hepb

Aboriginal cultural heritage

Strategies

to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006 and to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.

Policy guidelines

- to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.
- to ensure that the planning scheme gives effect to the objectives of the Aboriginal Heritage Act 2006.

Proposed Changes to Clause 15.03.2S

From: [Rodney Carter](#)
To: [Planning Scheme](#)
Cc: [Dja Dja Wurrung Executive](#); [Davina Wijesinghe](#); [Jon Marshallsay](#)
Subject: Hepburn Planning Scheme Exhibition: Submission by DDWCAC
Date: Friday, 28 August 2020 5:03:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[Hepburn Planning Scheme Review DDWCAC 20200828.pdf](#)
[Hepburn Planning Scheme Review DDWCAC 20200828.docx](#)

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21 Daylesford 3460 Victoria
C/O planningscheme@hepburn.vic.gov.au.

Dear Officer,

The Dja Dja Wurrung respectfully provide this document as our contribution and as a submission to the review of the Hepburn Planning scheme.

Should you require further information please liaise with our staff Jim Brooks Executive Team Manager at executive@djadjawurrung.com.au

Please note we are including a word version and saving as a pdf, corrupts final pages with inserts.

--

Regards,

Rodney Carter

Group Chief Executive Officer

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signature_727775606



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Amc80hepb Submissions received

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

Our Property

Our entire property has been selected as subject to the Significant Landscape Overlay (SLO).

We are both astounded and disappointed that throughout this entire process we were not directly contacted to discuss the proposal or its direct implications for us, our children who hold this property and district dearly in their hearts, and the future.

Our Commitment

We actively farm the land to supplement our retirement income. We are confident that we have totally transformed this property from a run-down dairy farm with limited biodiversity over those to a vibrant attractive home and farm supporting wildlife, particularly extensive birdlife and improved riparian zones. Any comparison of aerial views will confirm that transformation. For us it is an ongoing process.

actively working on improving soil carbon and health. We are not alone in this community in our active commitment to this district.

We value the volcanic cones in this area for their beauty and as a reminder of the ancient history of this land. The late Don McKinnon and John conversed on Beaconsfield Rd a few years ago on our pleasure of living in this landscape. Don said "in all my life I've never tired of looking at these hills. I see something different every time". We agree!

Summary

To be clear:

- We support SLOs as part of the Hepburn and State Planning Schemes
- We do not support the massive extension of the SLO areas across the entire area
- We do not support the draft amendment of Schedule 1 to Section 42.03 as it:
 - Does not consider the full landscape which includes rural living and agriculture
 - Takes no appreciation of day-to-day living in this landscape
 - Imposes substantial bureaucracy, time and expense to conduct routine and justifiable activities in the landscape
 - Runs risk of causing substantial non-compliance by landholders
 - If fully complied with, would result in substantially increased processing workload for the Shire with consequent increase in rates.
- We consider that Section 42.03 which is not proposed to be amended should at some time also be reviewed.

We simply do not understand why our entire property should be under the SLO possibly to allow a passer-by on the Daylesford Clunes Road to enjoy a fleeting view or a brief stop. Any short side trip would reveal the extensive nature of the attraction and beauty of this area. With the SLOs currently

in place those cones are protected and given the height of the cones those views remain. We understand that some expansion of the SLO zones would be reasonable

The Statement

We do not understand why the cones and historic mining vistas rate are part of the *Statement of nature and key elements of landscape* yet agriculture, homesteads and various swamps, etc are not included. Those elements are integral to the overall view and sense of this land. Agriculture is clearly the largest use of this landscape and in our years here has substantially advanced with a focus on striving to achieve sustainability. The area is otherwise predominantly marked as a Farming Zone FZ1 subject to 40 Ha minimum holdings with the majority well beyond that size. In our time here, the views have not been destroyed and in fact have improved with a massive improvement in the treescape.

The Objectives

We reject the unclear and generalised drafting on this section. We wish to see:

- A clearer definition of the viewing zones and corridors
- How the 'base' of a volcanic cone is defined
- Recognition that rural living, agriculture, farming houses / buildings / clusters and settlements are also part of the significant landscape with potential to exclude from the permit requirements
- Account taken of the historic and other values of the non-indigenous plantings in the area notably introduced elms and pines which have a place in this landscape.
- Guidance on what constitutes a *'high standard of design'*.

Permit Requirements

After reading and researching the huge base of documents in State and Shire Planning Schemes and the amendments our view is that a permit is required to conduct many activities which are routine and will not affect SLO objectives. For example:

- We have an orchard and a garden. A permit will be required simply to prune a tree or to remove one (usually replaced) in that zone.
- We have plantations, some as old as 40 years ranging to one that is just 4 days old which we planted for windbreaks, shelter, visual value, and firewood. We trim those plantations where they impede fences or tractor/vehicle access – it seems that is allowed. However, even though we only harvest dead, dangerous or fallen trees, it seems that we will need permits to cut a fallen live tree, to trim the fallen parts of a live tree and to cut a dead tree over 40 cm diameter at a height of 1.4 metres. We have dead Tasmanian Blue Gums over 35 years old that easily exceed that measure which we are using for firewood. A permit will be required apparently on a tree by tree basis as we have rarely taken more than one at a time – quite impractical.

We do not accept the muted colours requirement where corrugated iron and zincalume are part of the landscape, fade over a relatively short time and can be ameliorated by strategic plantings.

We have read the Schedule and associated Schedules such as Section 59.06 *Remove, Destroy or Lop a Tree*, In our opinion. That section imposes further complex requirements on an applicant and the assessor. Given it is unchanged that increases the importance of correctly drafting the amendments.

Permit Costs

Given the potentially onerous permit requirements we have been advised of the potential costs in contracting consultants to prepare reports and applications. That could easily exceed \$4000 not including Shire permit fees and any follow-up costs for clarifications, negotiations, etc. We propose substantially improved definition and inclusions and exemptions so that only complex cases require that level of detail. The majority should be either not required or simply applied at low cost to the landholder and Shire.

Decision Guidelines

In our view the guidelines are broadly written and in association with the statement, objectives and permit requirements are open to substantial interpretation. While we appreciate it is not a simple task to draft these matters, we wish to minimise subjectivity and maximise objectivity in a bid to protect our district.

We look forward to your consideration of these matters

████████████████████

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Neil Newitt](#)
Subject: SUBMISSION TO HEPBURN SHIRE RE PLANNING SCHEME REVIEW 2020
Date: Friday, 28 August 2020 1:02:06 PM
Attachments: [REDACTED]

To The Planning Scheme Review Officer

Please accept the attached submission regarding the proposed amendments to SLOs.

Kind regards
[REDACTED]

Amc80hepb Submissions received

From: [Robyn Lawrence](#)
To: [Planning Scheme](#)
Subject: DDO6 Objection from Laurelle Lewis
Date: Friday, 28 August 2020 1:02:53 PM
Attachments: [image001.gif](#)
[DDO6 Objection Laurell Lewis .pdf](#)

Forwarding attached objection to DDO6 proposal on behalf of [REDACTED]

[REDACTED]

Amc80hepb Submissions received

27TH AUGUST 2020

TO : HEPBURN SHIRE COUNCIL
REF: D006 PROPOSAL

DEAR COUNCILLORS

OBJECTION

AFTER CONSIDERING YOUR 'D006 PROPOSAL' FOR SOME TIME, I HAVE COME TO THE CONCLUSION THIS PROPOSAL SHOULD BE SCRAPPED IN ITS ENTIRETY. IT HAS THREATENING OVERTONES AND THIS DOES NOT SIT WELL WITH ME.

WE ARE IN THE MIDDLE OF A PANDEMIC, MANY PEOPLE'S LIVES ARE IN CHAOS THERE IS A SERIOUS FEELING OF HOPELESSNESS AND UNCERTAINTY IN THE COMMUNITY AND OUR COUNCILLORS HAVE PUT TOGETHER A PROPOSAL WHICH INFLAMES AN ALREADY UNEASY PUBLIC MOOD.

PERSONALLY I HAVE ANXIOUS THOUGHTS WITH THE BUSHFIRE SEASON ALMOST HERE, THE TRANSFER STATION WITH THE STENCH, THE RODENT AND FLY PROBLEMS, EXACERBATED WITH THE HOT SUMMER MONTHS ALMOST HERE. THE VISUAL LOOK OF THE REX ARCADE STILL BOARDED UP, SADLY REFLECTS ~~THE~~ A LACK OF PLANNING IN THIS SHIRE.

THERE IS MUCH TO BE ACHIEVED IN THIS BEAUTIFUL AREA, A BIG RESPONSIBILITY FOR OUR COUNCIL PLANNERS TO GET IT RIGHT, NOT JUST FOR THE PRESENT BUT FOR THE FUTURE, A FUTURE WITH HOPE NOT HOPELESSNESS IN THESE THREATENING TIMES

YOURS FAITHFULLY,

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 SLO1 in Hepburn Shire
Date: Friday, 28 August 2020 1:03:21 PM
Attachments: [Hepburn Shire SLO 20200828_12512323.pdf](#)

Attached is my objection letter to the SLO1 in the Hepburn Shire

Regards

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

Amc80hepb Submissions received

28/08/2020

Objection to Significant Landscape Overlay

object to Significant Landscape Overlay (SLO) planned for the Hepburn Shire. I am a landowner in the Hepburn Shire on a family farm.

I object to the SLO as follows

- Lack of community involvement and knowledge of what is expected of landowners
- 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.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to Expanded Significant Landscape Overlays
Date: Friday, 28 August 2020 1:07:51 PM
Attachments: [Submission re proposed changes to Hepburn Planning Scheme.docx](#)

Planning Scheme Review Officer, Hepburn Shire Council

Dear Sir.

Please find attached, my "Objection to Expanded Significant Landscape Overlays within the Hepburn Shire."

[REDACTED]

Amc80hepb Submissions received

Submission re proposed changes to the Hepburn Planning Scheme



Before addressing a few specific concerns we would like to make two more general observations.

1: We, along with many others who were part of the two recent Zoom meetings, (one for the affected community and one with representatives of Hepburn Shire) feel strongly that there was not enough time allowed for this process. An extension was requested but apparently fell on deaf ears. In the current period of restrictions due to COVID 19, home schooling of children, and all the pressures and difficulties around the circumstances of lockdown it seems rather unfair of Council to proceed at full pace ignoring requests for more time. Zoom meetings fall well short of what is needed when we don't all have satisfactory connection and can't hear or be heard some or all of the time. Even Council reps were affected in this way during the recent Zoom meeting with Council reps. This is not good enough. More time is needed.

2. We are concerned that Council may think that only those who make submissions are unhappy. We find completing formal submissions to be daunting and overwhelming. Many farmers/landholders are similarly uncomfortable with submissions and often end up not completing the paperwork.

We understand that Alison Blackitt commented that "these submissions are critical for Council to receive, to gauge the voice of the community. If we don't receive submissions, then we assume farmers/landowners are happy with the amendment". Nothing could be further from the truth and we ask of Council that they **please, please, please** recognise the reluctance that many people have to submit formal documents. The opposition to the proposed changes was very apparent at both Zoom meetings. In fact we felt it was **unanimous**. The Council representatives were part of this week's meeting and we would ask why they can't use the Zoom meeting along with submissions to measure the extent of community disquiet. We believe there was not a single voice raised in support of the planned changes.

Some of our more specific concerns include:

- 1) Much of the affected land has been held by farming families for generations. They have nurtured their land and have respected the environment and surely should be trusted to continue to do so. They don't need the imposition of stressful over-regulation.
- 2) The cost of compliance for farmers will be a burden on landholders in a time when so many struggle to stay afloat. And the complexity of the permit application process is likely to be onerous. If a permit is required it should be at no cost.
- 3) Commercial farming is a continuously changing industry. Council is legislating for an unknown future.
- 4) Climate change will undoubtedly affect decisions about suitable vegetation in the future. Plants that are indigenous to this district may well prove to be unsuitable in the future. SLOs should not affect non-indigenous vegetation and planted vegetation. It seems to us extraordinary that landholders can't be trusted to make wise decisions around vegetation and that bureaucracy is stepping in again, creating stress, cost and unnecessary paperwork for landholders.
- 5) House blocks that fall within SLOs should be fully exempt.

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: SUBMISSION OPPOSING PROPOSED PLANNING AMENDMENT TO SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY EXPANSION
Date: Friday, 28 August 2020 1:09:21 PM
Attachments: [SLO Letter 2020.pdf](#)

To the Planning Scheme Review Officer

Please find attached letter of submission opposing the proposed planning amendment to Schedule 1 Clause 42.03 Significant Landscape Overlay expansion.

Kindly acknowledge receipt of this email.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

28 August 2020

The Planning Scheme Review Officer
Hepburn Shire Council
Po Box 21
DAYLESFORD VICTORIA 3460

Dear Sir/Madam

**SUBMISSION OPPOSING PROPOSED PLANNING AMENDMENT TO SCHEDULE 1 TO
CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY EXPANSION**

[REDACTED]

While I support the existing Significant Landscape Overlay (SLO) as fulfilling an important role in protecting the historic and unique landscape values of Kangaroo Hills, I believe that the proposed extension to the existing SLO represents a large, arbitrary and unnecessary expansion that can not be justified.

Furthermore, it is my understanding that the expanded SLO has been the result of a 'one size fits all' calculation across the whole of the region, with no input from our local Shire Planning Officers or local community.

The proposed level of control that this SLO would exert over routine farming operations would provide an overly onerous burden on landholders and would likely result in landholder noncompliance with Planning Scheme regulations.

I strongly recommend to Council that this significant expansion of the SLO not be adopted in its current proposed form, and that a robust and extensive public consultation is initiated to ensure that landholders have an opportunity to engage meaningfully on this issue.

[REDACTED]

[REDACTED]

[REDACTED]

From: [Brian Rowe](#)
To: [Planning Scheme](#)
Subject: Objection Hepburn Planning Scheme
Date: Friday, 28 August 2020 1:37:07 PM

Hepburn Planning Scheme Amendments 2020.

[REDACTED] that will be impacted by the proposed amendment and lodge a formal objection to the proposed revised Schedule 1 specifically to Clause 42.03 Significant Landscape Overview.

The proposed amendment will derogate our use of the land by Council imposing unnecessary additional conditions that will hinder our current unfettered right to farm the land.

We have aged large pine trees (circa 70 years old) that are deteriorating and will eventually need removal and as I understand under this proposal, we will need to meet the application requirements of detailed reports.

I have information that those reports provided by external providers, could cost up to \$5k so I see this as unrealistic, cost prohibitive and for no distinguishable reason.

We have planted many plantations with the aim of achieving future fire wood and this will be inhibited by the proposed SLO.

The proposed viewing opportunities distances in the SLO have been extracted from the earlier studies, and in the report, it refers to using only administrative boundaries and not actually ground testing it.

Council should take a physical look at what is proposed as I see the proposed viewing areas are too large and should be reduced back to only take in the slope of the historic volcanic cones. A more realistic viewing opportunities distances should reduce the size of the SLO area.

I request that my personal details are not disclosed to the public.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission re Schedule 6 to Clause 43.02 Design and Development Overlay (DD06)
Date: Friday, 28 August 2020 2:01:23 PM
Attachments: [Schedule 6 to Clause 43.02 Design and Development Overlay \(DD06\) Submission.pdf](#)

To the Planning Scheme Review Officer,

Please find attached our submission regarding Schedule 6 to Clause 43.02 Design and Development Overlay (DD06)

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

Amc80hepb Submissions received

29/8/20

To the Planning Scheme Review Officer,

[REDACTED] and are ratepayers of the Hepburn Shire, are very concerned for the residents who will be directly affected by Schedule 6 to Clause 43.02 Design and Development Overlay (DD06).

These are residents and ratepayers of the Hepburn Shire, some of whom have owned their properties and lived in the 500m radius of the Material Recovery Centre (previously known as the Tip) for more than 30 years.

We refer to the concerns of some of the residents impacted by Schedule 6 to Clause 43.02 Design and Development Overlay (DD06), [REDACTED], in that: -

- 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 and unrestricted development of the existing Transfer station and Material Recovery Facility in Ajax Road.

We have several concerns that we would like to be noted and hopefully addressed.

- What is the Hepburn Shire planning to do to address the above issues of the properties affected by these proposed changes to the Planning Scheme?
- Will the Hepburn Shire be then able to increase the 500m radius in future years to include even more residential properties, as there will be a precedence?
- Have all concerned residents who will be directly affected by Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) been notified directly?
We know of several Planning Applications, whereby the adjoining property owners were not contacted directly of proposed changes and therefore not afforded the designated time to object. There have also been several applications over the 40 years we have lived at Mount Franklin, that adjoining property owners did not find out the appropriate information until the process was actually completed.

Yours Sincerely

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Planning Scheme Submission
Date: Friday, 28 August 2020 2:05:52 PM

To whom it may concern,

Thank you for the opportunity to respond to the proposed changes to the planning scheme. I have grave concerns that due to Covid-19 and the inaccessible way the amendments have been presented on the DWELP website that many in our community have been unable to view the proposed changes to such an important document and therefore I submit that there should be an extension for submissions until next year to allow for the disruption that the pandemic has caused.

My other concerns are as follows:

Agriculture Clause 14.01-2L

States its intention is to "Discourage the use and development of rural land for accommodation, food and drink premises, place of assembly or shop, except for a dwelling in the Rural Living Zone."

To further support innovation and diversification of agricultural enterprises the following amendment should be made:

"Discourage the use and development of rural land for accommodation, food and drink premises, place of assembly or shop, *except for when these are directly related to an agricultural enterprise and* except for a dwelling in the Rural Living Zone."

SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE

This clause states the minimum lot sizes for which a permit is not required to construct a dwelling across the different farming zones. The intention of this clause is to reduce fragmentation of prime agricultural land into smaller hobby farms not used for agricultural production. However this has the unintended consequence of locking younger farmers or those with lower capital out of owning land and farming where they live. It is also an arbitrary figure as there are many viable farms across the shire that operate on much smaller blocks of land than the specified 40 or 20 ha. Instead of having an arbitrary figure all new subdivisions in the farming zone should require a section 173 agreement that binds the buyer into running an agricultural enterprise on the land with a minimum turnover requirement to be determined. This will ensure that agricultural land remains in production and will also allow younger farmers to gain a foothold in an area where farm real estate value and agricultural value are not comparable.

Significant Landscape Overlay Clause 42.03

I also have general concerns as to how the SLO will adversely affect farmers within the extended zones specifically surrounding the added cost of consultants and complicated red tape that may accompany this change and permits required. Will a permit be required to slash blackberries or mow hay as this would be essentially removing vegetation?

I ask that the western side of Richards Rd in Blampied be excluded from this overlay as the landscape on that side of the road is separate from the Eastern Hill Volcano and an existing road instead of property boundaries is a more logical choice. And that a similar strategy be used to implement the overlay around the shire.

I have more concerns but the deadline is fast approaching so I'll finish up here.

Sincerely,

[REDACTED]



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: OBJECTION to amendment C80 hepb
Date: Friday, 28 August 2020 2:17:07 PM

To the Hepburn Shire planning officer,

I write to you in regards to the matter of the proposed planning scheme amendments, (C80 hepb) being considered by council and the current period of community engagement that has been pursued. [REDACTED], I wish to express my concern and dissatisfaction at what I believe to be a lack of genuine community engagement and more so genuine and realistic time periods for such engagement (given the restrictions on movement and availability of people directly impacted by COVID-19). Given the materiality of the changes that I understand are being proposed I would urge council to consider continuing to receive due feedback and responses from the community noting that many individuals such as migrants, those vulnerable and particularly the aged are significantly disadvantaged. I am not of the view that all parties impacted by your proposed amendments are fully appreciative of the likely barriers, costs and loss of owner rights that are being pursued by the Shire. It would be a fairer outcome to wait until restrictions are lifted so that everyone has the opportunity to attend a meeting or access more information.

Added to this I have reviewed the report produced by Wayfare consulting which I understand was engaged by the Shire to capture statistical information on the communities appetite for these proposed overlays and duly believe on what has been reported that the data sets, modelling and statistical insights seem very unsophisticated, immature and contestable. This further adds to my objection. I would ask that the shire make this data available for review and interrogation from data scientists that we are looking to engage.

As a micro farmer within the shire I am currently looking at purchasing land that will be affected by the proposed significant land overlay amendment. I am objecting to this amendment on the following basis:

1. Lack of information available, poor transparency and non-existent explanations.
2. Lack of reporting on costs associated with these changes, including penalties for non-compliance.
3. Implications on complicated and slow applications residing with council when farming is a dynamic profession that requires quick decision making based on many factors, such as weather, market forces and farm emergencies.
4. Restrictions on galvanised and zincalume materials used by the farming community to build structures for the past century.
5. No table of exemptions has been provided, or made available.

6. No descriptions or decision guidelines have been made available.

Finally, the lack of information made available to the public, has allowed for confusion and discomfort within the community. Your persistence in pursuing your plans within such a difficult time in global history is arrogant and insensitive. I would ask that I am given all relevant information pursuing to my objections above and that I am given the opportunity to discuss this amendment in due course with the relevant member of parliament.

Best wishes

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLIO1 objection
Date: Friday, 28 August 2020 2:29:43 PM

To Whom It May Concern,

[REDACTED]
strongly object to this city centric SLIO1 proposed scheme.

Of all the stated clauses, there is not one mention of permit fee costs or time it takes for judgment and fines.

All of this just spooks progress.

I may agree, if the whole shire was under the same crazy blanket scheme, including commercial and industrial zones.

At present, your thinking is unfair and unjust, city centric over rural and regional (double standards).

Believe it or not, we strive to nurture this land and next generation, to survive here and feed our country's citizens.

Your shire receives \$10,000.00 from this farm per year.

This farm still lives off the sheep's back.

The last 6 months, our wool prices have halved.

Fat lamb prices are down 30%

If shire rates fluctuated the same as above, what would you be thinking?

Please, may this shire control its spending.

May common sense prevail.

Yours Truly,

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

[REDACTED]

From: [REDACTED]
To: [Planning Scheme; Hepburn Shire Mailbox](#)
Subject: Hepburn Planning Scheme Review submission
Date: Friday, 28 August 2020 2:31:38 PM
Attachments: [REDACTED]

Planning Scheme Review Officer,
Hepburn Shire Council
PO Box 21 Daylesford 3460 Victoria
planningscheme@hepburn.vic.gov.au

To the Planning Scheme Review Officer

Please find attached PDF of my submission.

Thank you for the opportunity to participate in this review.

regards

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

Submission to Hepburn Planning Scheme Review

AMENDMENT C80HEPB Hepburn Planning Scheme

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

28 August 2020

In my submission I have outlined a core objection and also some areas for consideration.

Objection

The main concern for residents is that the Exhibition phase is being rushed through while the community are not in a position to be able to access it clearly. COVID-19 restrictions have made face to face contact impossible and the normal practice of having pop-up info sessions, and one-to-one discussions on the implications of this very important document have been thwarted.

As a result the community have had to try and negotiate the complex pathway to DELWP documents, and try and work out which are relevant without any guidance from staff. Also, the lack of a comparative document ie: the previous plan, makes understanding what has been changed next to impossible.

Once again, it is with frustration and disappointment, that I have to point out, council have failed in their duty to “ facilitate effective communication between the Council and the community” as required by the Local Government Act.

I, along with many others request that this stage of the Review be delayed until the community can participate in a genuine consultation process.

I am also unsure if correct procedure has been carried out with regard to the Amendment.

I believe the review is for:

- improving the performance of the planning scheme and strengthening its strategic objectives to satisfy the requirements of section 12B of the Act
- streamlining planning processes
- reducing the complexity of processes
- identifying unnecessary permit requirements
- complying with Best Value reporting.

Shouldn't any proposed improvements to the planning scheme that flow from this review be carried out as planning scheme amendments separate to the review? And therefore shouldn't they require separate adequate community consultation?

Areas for Consideration.

Lalgambook (Mt Franklin) is a significant place for the Djadja Wurrung people.

We need to protect it from any further development on its hillside. The fact that two houses have already been built there is of great concern.

Mt Franklin is a sacred site to our indigenous custodians, and should be regarded as a significant geographical feature of beauty in its own right. Buildings of any kind on this iconic and significant landmark are destroying the uniqueness of this landscape that we value, and that attracts tourists to our shire.

A Significant Landscape Overlay as well as a Heritage Overlay is needed. But if this is not sufficient to prevent further development then council should investigate further restrictive measures.

14.01 AGRICULTURE

Priorities to consider

- ensuring fertile land across the shire is kept for food growing;
- consideration of smaller blocks of land, incorporating living quarters, for farming zone;
- considering new intensive or micro farming models which can maximise smaller land size. Subdivisions of farming land for farming purposes only.
- willingness to pilot experimental zones for cooperative, regenerative and bio-diverse farming/food growing;
- piloting community management of common land;
- Agricultural land for consideration should not just lie outside town borders. If highly productive soil is within the townscape it should still be prioritised over development. Especially Daylesford which was built on the foot hills of a volcano and has rich volcanic soil. Consider re-zoning 17 Smith Street back to agricultural land.

14.02 WATER

Underground water

Protect underground, spring and creek water. Prioritised for local use, and especially for food growing, rather than for private bottling;

Storm water and run-off

Include consideration in this section about the design of sealed roads in urban areas. Straight roads up steep inclines create increase in water run off causing flooding and sediment to properties at the base of the hill.

In new developments insist that roads follow contours of the topography, and do not run directly down/up hill at steep gradients. Diagonal slopes reduce the steepness of the gradient, allow for slower water runoff are more sympathetic visual aesthetic in the landscape and are also safer for traffic.

Grid pattern design is only suitable on flat ground. Contour roads are more conducive to sloping landscapes.

Example 1 – Erosion. See the damage done to the landscape with erosion caused by straight vertical road at number 40 Smith St. Large amounts of sediment have been deposited into neighbouring paddock after rain.



Example 2 – Straight vertical roads are also inappropriate for Traffic safety. Central Springs road ends at East street in an extremely steep decent/incline. It was so dangerous for cars driving uphill the road signs recently had to be changed to allow uphill traffic the right of way.

Future developments should take into consideration topography and gradient, not just nearby grid pattern development.

Swayle drains

This document should emphasise consideration of sustainable water conservation method of dealing with storm water. Illustrated in this link:

https://duckduckgo.com/?q=swale+drainage+design+&t=iphone&iar=images&ia=images&fbclid=IwAR2PdA0sVFAYi3480SfTn39X1a8eMTe6zE2JEusZ0DmVCYf3V7hhogBkk7o&iax=image_s

ENVIRONMENTAL SIGNIFICANCE OVERLAY
ESO1 PROCLAIMED CATCHMENT PROTECTION

What protection from development across existing waterways/winter creeks does this new scheme actually provide. On the current scheme Council recently permitted the 17 Smith St development that showed housing to be constructed across an ESO1 mapped area. Can this new scheme actually protect catchment and enforce any of these requirements?

Mature Trees

C80 Hepb *“Ensure new subdivisions are designed to protect and maintain habitat corridors, natural landscape features, large trees and visual amenity values of adjacent forests, and connect to walking trails.”*

“Precinct 4 strategies

Contribute to the preferred neighbourhood character by encouraging:

The retention of large, established canopy trees.

The planting of exotic and indigenous trees wherever possible.”

There needs to be effective rulings that actually protect mature trees both exotic and native from development, subdivision, or building extensions.

Consider creating Large Tree overlays across all townships restricting their removal, and buildings within 4 metres. Put in place stringent permits and fines for breaching rulings.

How will council ensure that these are being adhered to? Once a mature tree comes down you can't put it back up.

Mature trees are crucial for our neighbourhood character, historical significance, shade, cooling and reducing our carbon footprint to 0 by 2030 as is council's overall goal.

Interpretation of Hepburn Planning Scheme

My objection is not in the language of the new planning scheme which is on the whole, very supportive of protecting our existing natural environment and built heritage.

My concern is:

What is in place in this document to hold planning officers to account in their interpretation?

The wording of the text *seems* to protect the natural environment over inappropriate development. However, it comes down to the interpretation of the planning officer whether a proposed development “aligns”.

The recent Smith St development was approved by council because it “more or less aligns” according to the planning officer's report to council. (I am quoting the officer's answer to a councillor's question at the meeting at which the application was approved, March 2020). However, VCAT have now determined that the community have a case to show that it does not necessarily align. Clearly there is a difference in interpretation of the scheme between the planning officer and the community's view point.

How can the Hepburn Planning Scheme have genuine power to restrict inappropriate development?

Approvals seem to be recommended at the whim of a planning officer who is either “overworked” as your Planning supervisor told me, not thorough enough, or actively pro-development for some reason.

Does the Hepburn Planning Scheme actually have any real power to fulfil its mission statement?

02.02--/--/----Proposed C80hepb

VISION

Council's mission for the Shire is the following:

'Hepburn Shire will maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance. We will strive to gain maximum advantage for our community by protecting and enhancing our natural and built environment.'

Thank you for the opportunity to participate in this review. I look forward to hearing about what happens next.

Regards

[Redacted signature block]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Jack Walker](#)
Subject: Submission in relation to Schedule 6, Clause 43.02 DDO6
Date: Friday, 28 August 2020 2:50:38 PM
Attachments: [Submission to Hepburn Shire Council_Final.docx](#)

Good afternoon.

Please find attached our submission in relation to the proposal to add a new schedule (Schedule 6) to clause 43.02 Design and Development Overlay (DDO6).

Should you have any questions in relation to this submission [REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

Submission to Hepburn Shire Council

In response to the proposed DDO6 Overlay

We are writing to voice our concerns over the proposed DDO6 overlay, and the impacts that the current version will have on existing properties. Notwithstanding the need to be compliant with EPA requirements it seems that no consideration has been given to the existence of a significant number of dwellings within 500 metres of the Materials Recovery Facility boundary, all of which will be negatively impacted by the introduction of this overlay. Our concerns in relation to the proposed overlay are as follows:

Section 2 : Buildings and Works

A building used for accommodation must not be constructed within 500 metres of the edge of the Daylesford Materials Recovery Facility.

It is not clear from the proposed Schedule 6 how the above statement applies to existing dwellings / land on which buildings already exist. While the above requirement may be appropriate for new developments clarification is required as to how it will be applied to existing dwellings/buildings before the overlay should be considered. For example, how would existing properties be impacted in the case of a bushfire going through the area? Where do dwelling owners stand if they wish to demolish a dwelling and then rebuild on their property? Does the proposed change mean that dwelling owners can no longer modify their existing dwelling through extensions etc? And what happens if land has already been purchased for the purpose of building a family residence? The current wording of Schedule 6 suggests that no work could be carried out in any of these scenarios. While this may not have been Council's intent the requirements for existing properties must be set out in the Schedule to provide confidence and surety for existing land owners.

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 Materials Recovery Facility.

It would appear that this requirement applies to existing dwellings only as, under the proposed Schedule 6, *a building used for accommodation must not be constructed within 500 metres of the Materials Recovery Facility* – if you can't build a new building then you certainly can't build a balcony or a private open space area for accommodation. Is Council suggesting that all existing dwellings will need to be modified to remove any existing outdoor areas which face towards to the Materials Recovery Facility? It is difficult to see how this requirement would be practically applied to existing buildings, many of which face towards the Materials Recovery Facility (although the facility cannot be seen from the majority of these buildings).

Fencing that is constructed must be solid or 50% transparent to a minimum height of 1.5 metres with screen landscaping within 500 metres of the edge of the Daylesford Materials Recovery Facility.

It is not clear in the proposed Schedule 6 whether this fencing requirement applies to all land within the 500 metre area or just to new developments – will all current landowners now be required to replace existing fencing with fencing that meets the new requirement? The area that falls within 500 metres from the edge of the Materials Recovery Facility covers a range of land types, ranging from bush blocks to residential sites and existing fencing is generally consistent with the land type. The need to construct fencing that is at least 1.5 metres in height, and that is either solid or 50% transparent, would have a negative impact on the amenity of existing properties as this type of fencing would be totally out of character with existing fencing. The issue of cost, should current

landowners be required to construct fencing which meets the new requirements, also needs to be taken into consideration. To prevent future confusion, and to ensure that the rights of existing residents are protected, greater detail is required in relation to how and when this requirement should be applied.

Other concerns:

There has been considerable commentary around the impact the implementation of this overlay will have on property values in the area covered by DDO6. At best Council representatives are being disingenuous when suggesting that there will be no impact; at worst these representatives are being driven by a desire to push this overlay through with no thought to the impact on those residents on whom it impacts. There can be no doubt that, if the conditions presented in the new Schedule 6 are applied to all properties within 500 metres from the edge of the Materials Recovery Facility, property owners will suffer significant financial loss – who would want to buy a property within the overlay area given the conditions attached? And, while it is nice to think that this might be possible, having Council purchase these properties at their rateable value (rather than the greatly reduced value which will apply should this overlay be implemented) is not a financially feasible option. If property owners cannot develop their properties (*a building used for accommodation must not be constructed within 500 metres of the edge of the Materials Recovery Facility*) what is the real value of their property?

Reading of the document suggests that Council officers have taken the requirements of the EPA changes and applied them to the Materials Recovery Facility without giving due consideration to the actual areas which will be impacted by its introduction. Property types within the 500 metres of the Materials Recovery Facility range from rural dwellings through to suburban blocks; these existing properties do not seem to have been taken into account when drafting DDO6. Interestingly, there are NO restrictions on what the Council can do on the DMRF site. This raises the question as to why property owners within 500 metres of the Materials Recovery Facility are having all their rights removed through the proposed overlay when there are no corresponding restrictions on what can be done on the Materials Recovery Facility site.

Our strong view is that the DDO6 overlay not be presented to Council for consideration until the impact on existing properties is properly researched and addressed. The new Schedule 6 clause should include advice in relation to existing properties so that there is complete clarity in relation to what development can happen on existing properties. Property owners, who have religiously paid their rates in good faith each year, deserve nothing less.

We therefore respectfully request that the motion to add Schedule 6 to Clause 43.02 be withdrawn, and that further work be undertaken to ensure that the rights of all stakeholders are protected in any future Design and Development Overlays to be applied to the area surrounding the Materials Recovery Facility.

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Additional Objection submitted to Hepburn Shire Council on Design and Development Overlay (DDO6)
Date: Friday, 28 August 2020 2:59:23 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]
[REDACTED]
[REDACTED]

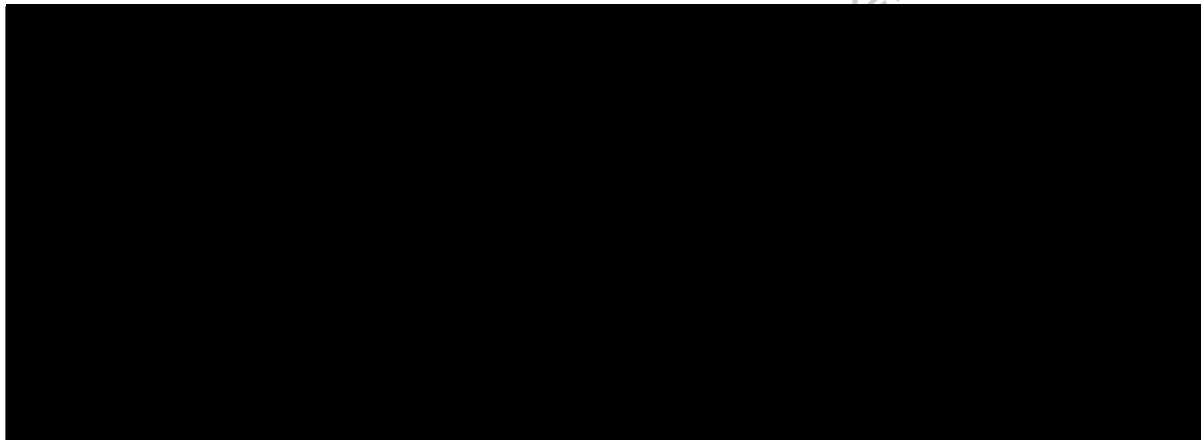
From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Alison Blacket](#); [REDACTED]
Subject: Submission on Amendment C80 (Specifically ESO1 and clauses 14.02 and 66.04) from Coliban Water [HR-MEL.FID1019272]
Date: Friday, 28 August 2020 3:13:24 PM
Attachments: [image001.gif](#)
[image002.png](#)
[image003.png](#)
[20200828 - Coliban Water Submission on Hepburn Amendment C80 - ESO \(Submitted\) \(12330520_4\).PDF](#)

Dear Sir/Madam,

We act on behalf of Coliban Water. Please refer to the attached submission in relation to the Proposed Hepburn Planning Scheme Amendment C80.

Please contact us if you have any queries in relation to this submission.

Regards,



28 August 2020

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
DAYLESFORD 3460 VIC

[REDACTED]

By email planningscheme@hepburn.vic.gov.au

Dear Sir/Madam

Amendment C80 Hepburn Shire Planning Scheme - Submission

We act on behalf of Coliban Water in respect to providing a submission to the proposed planning scheme Amendment C80.

This submission is limited to comments on matters pertaining to changes to the Clause 14.02-1L – Catchment and land protection, Clause 15.02-1L – Environmentally sustainable development, Environmental Significance Overlay Schedule 1 and Clause 66.04. Coliban Water will be providing a separate submission in respect to the proposed Amendment C80 in its entirety.

Overall, Coliban Water support the changes proposed in:

- (a) Clause 14.02-1L – Catchment and land protection;
- (b) Clause 15.02-1L – Environmentally sustainable development;
- (c) Environmental Significance Overlay Schedule 1; and
- (d) Clause 66.04,

subject to minor amendment recommendations herein listed in this submission.

Minor amendment recommendations

1.1 Clause 14.02-1L – Catchment and land protection

- (a) Amend the Objective to read (underlining and highlighting to show proposed changes):

To ensure that all use and development in a special water supply catchment protects, restores and enhances the quality and quantity of the natural resources and environmental systems for the long term supply of quality water for future generations.

[REDACTED]

[REDACTED]

- The inclusion of the word “restores” in the objective seeks to align the proposed objective with the objective stated in clause 14.02-1S which is about the “*protection and restoration of catchments*”.
 - The inclusion of the word “all” seeks to act as a prompt to ensure that all use and development, regardless of whether a permit is required or not, considers the quality and quantity of the natural resources and environmental systems.
- (b) Amend the following strategies in the manner shown (underlining and highlighting to show proposed changes):

Ensure that use and development incorporates measures to protect, restore and enhance the natural resources and environmental systems, including waterways in special water supply catchments.

Encourage best practice approaches for all effluent disposal systems, effluent fields, ~~and~~ irrigation fields and stormwater disposal.

Minimise and reduce the impact of use and development on the ~~existing condition~~, health and capacity of natural resources and environment systems including waterways, soil types, soil structure, soil condition, vegetation and aquatic and terrestrial habitats.

- The inclusion of the word “restore” seeks to align the strategies with the suggested change to the objective.
 - The inclusion of the words “*and stormwater disposal*” seeks to ensure that best practice is considered for stormwater disposal as well as effluent disposal.
 - The inclusion of the words “*and reduce*” and deletion of the words “*existing condition*” is proposed in order to promote improvements to the health and capacity of natural systems as opposed to accepting the existing condition and not making it any worse.
- (c) The first bullet point under policy guidelines should be amended as follows (underlining and highlighting to show proposed changes):

Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994, or Water Act 1989.

- (d) Coliban Water often will have relevant strategies and plans approved under the *Water Act 1989* and as such the *Water Act 1989* should be referenced to capture any additional and relevant strategies and policy relevant to any special water supply catchment.

1.2 Clause 15.02-1L – Environmentally sustainable development

- (a) Coliban Water support the inclusion of matters listed under the heading “Integrated water management”.

1.3 Environmental Significance Overlay Schedule 1

- (a) Amend the third paragraph of the “*Statement of environmental significance*” as follows (underlining and highlighting to show proposed changes):

The protection, preservation ~~restoration~~ and enhancement of all waterways (as defined by section 3 of the Water Act 1989) within the catchment is an essential component in ensuring the continued availability of ~~enhancing the~~ water quantity and quality, while also protecting the health of the natural resources and environmental systems within the catchment.

- The suggested change of deletion of the word “*preservation*” and inclusion of the word “*restoration*” is to align the statement with the objective in clause 14.02-1S and our suggested change to clause 14.02-1L.
- The suggested change of deleting the words “*enhancing the*” and replacing with the words “*ensuring the continued availability of*” removes the repetition caused by the use of the “*enhancement*”.

(b) Amend the Objective to read (underlining and highlighting to show proposed changes):

To ensure that all development is undertaken in a manner that protects, restores and enhances natural resources and environmental systems and seeks to eliminate detrimental impacts on the quality and quantity of water in the catchments, to ensure the long term plentiful supply of quality water ~~within the special water supply~~ catchments.

- The inclusion of the word “*restores*” in the objective seeks to align the proposed objective with the objective stated in clause 14.02-1S and our suggested change to clause 14.02-1L.
- The deletion of the words “*within the special water supply catchments*” is because the words are redundant. The ESO1 applies only to special water supply catchment so this does not need to be specified again.
- The deletion of the “*s*” at the end of “*catchment*” is for simplicity of the objective.

(c) Under clause 3.0 we suggest the following amendments:

(i) Changes to third bullet point:

- (A) Insert the words “*that are located more than 30 metres from a waterway,*” after the words “*or carry out works*”, it would read as follows (underlining and highlighting to show proposed changes):

Construct a building or construct or carry out works that are located more than 30 metres from a waterway, if all of the following are met:

- (B) Delete the first sub point under bullet point three. Having this requirement effectively means that all works not connected to a reticulated sewerage system require a permit. The 30 metre requirement has been shifted to apply in all considerations.

(C) Include two new sub points that read:

“- No effluent is discharged within 100 metres from a waterway.”

“- No stormwater is discharged within 100 metres from a waterway unless into an legal point of discharge.”

Coliban water consider that the third bullet point should be aimed at exemptions for general building and works and the suggested changes are to facilitate more exemptions for minor matters that are unlikely to significantly impact the waterways.

- (ii) Coliban water suggest the inclusion of a new bullet point after the third bullet point. The bullet point would read *“Construct or carry out works for a sign.”* Coliban Water consider that having an exemption for signs will reduce the need to consider basic sign applications made on their own, as the long term impacts on the waterways are considered negligible for a sign within the catchment. Besides initial excavation of post holes, there is unlikely to be any detrimental long term impacts on quantity and quality of water.
- (iii) The fifth bullet point should be deleted and replaced with the following:

“Remove, destroy, or lop vegetation including dead vegetation unless the removal, destruction or lopping involves any native vegetation on land within 30 metres of a waterway.”

Coliban water and principally concerned with the loss of native vegetation within 30m of a waterway. There seems no practical reasons for an area restriction as well. If the area restriction is retained it needs to be clarified whether it is on a total land area less than 1 hectare or clearance totalling less than 1 hectare.

- (iv) If our recommended change is adopted for the fifth bullet point, the sixth bullet point could be deleted as it becomes redundant.
- (v) In the seventh bullet point the words *“located more than 30 metres from a waterway”* are not necessary.
- (vi) Coliban Water suggest the all items under bullet point nine, starting with the words *“A permit must”* should be removed from clause 3.0. This submission is made because it is understood that these items do not belong in clause 3.0 according to the *“Ministerial Direction on the Form and Content of Planning Schemes”*. The bullet point list could be relocated to clause 5.0 as decision guidelines (refer to comments on clause 5.0 below). We are lead to believe that a schedule cannot provide for an exemption from notice and review unless the *“Ministerial Direction on the Form and Content of Planning Schemes”* makes provision for such exemption.
- (vii) Under clause 4.0, application requirements, Coliban Water suggest the deletion of bullet points three, four and five and replacement with the following:
- *A geotechnical report and land capability assessment prepared by a suitably qualified person(s) demonstrating:*
 - *details of degree and direction of slope, soil type, vegetation and drainage systems on the site;*
 - *that the land is capable of absorbing effluent generated on the lot; and*
 - *the likely impact of any on-site wastewater treatment system on surface and ground water resources and how such impact is to be mitigated.*
 - *A land management or environmental management plan to be implemented as part of the proposal, outlining the restoration and enhancements of land or waterways.*
 - *An onsite wastewater and stormwater treatment and management plan.*

When assessing a referral, Coliban Water would be assisted by this information as relevant. The change is because the third bullet point proposed in the Hepburn's C80 ESO1 clause 4.0 is information that would be expected to be provided generally under the first bullet point, but with more specific detail only when a geotechnical report or land capability assessment is also being prepared. The suggested amendment is considered to aid applicants in the interpretation and understanding of the application requirements being requested within the geotechnical report or land capability assessment.

- (viii) Acknowledging that Coliban Water has previously provided comments on a draft of the Hepburn C80 proposed ESO1, Coliban Water has had the benefit of additional time and has since undertaken further refinement of a set of suggested decision guidelines and Coliban Water requests the deletion of the proposed decision guidelines and the complete replacement with the following:
- *The proximity of the development to waterways, drainage lines and water supply reservoirs in the catchment.*
 - *The possible impact and effect of the development on the quantity and quality of water in waterways, drainage lines, water supply reservoirs and springs.*
 - *The need to and measures to:*
 - *provide buffers for or separation from waterways, drainage lines, gullies, property boundaries and any existing disposal areas or systems;*
 - *minimise and reduce nutrient loads, turbidity and siltation in waterways, drainage lines and water supply reservoirs;*
 - *decrease or reduce the velocity of stormwater into waterways, drainage lines and water supply reservoirs;*
 - *prevent erosion of natural features, including banks, streambeds and adjoining land;*
 - *improve filtration and infiltration of water; and*
 - *retain and increase native vegetation to prevent or limit adverse effects on waterways, drainage lines and water supply reservoirs.*
 - *The means of treatment and disposal of all sewage, sullage, stormwater and other wastes on site which is consistent with a geotechnical report or land capability report having regard to the slope, soil type and other environmental factors including the potential for pollution of waterways and ground water.*
 - *Whether the development is to be undertaken in accordance with:*
 - *Any relevant catchment management plan, policy or strategy adopted by a relevant Water Authority or any relevant Ministerial Direction.*
 - *The Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016).*
 - *The Planning Permit Applications in Open, Potable Water Supply Catchment Areas (Department of Sustainability and Environment, 2012).*
 - *The Construction Techniques for Sediment Pollution Control (Environment Protection Authority, May 1991).*
 - *The Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
 - *The Domestic Wastewater Management Plan (Hepburn Shire Council, June 2014).*

1.4 Clause 66.04 – Referral under local provisions

- (a) Coliban Water support the inclusion in clause 66.04 for the referral under Schedule 1 of ESO1. Coliban Water suggest an amendment as follows (underlining and highlighting to show proposed changes):

Clause	Kind of application	Referral authority	Referral authority type
42.01 – Schedule 1	All applications that are not exempt under clause 3.0 of Schedule 1 to Clause 42.01 Construct a building or construct or carry out works, including removal of vegetation within 30m of a waterway or greater than 1 hectare in area	Relevant water authority	Determining referral authority
42.01 – Schedule 1	Subdivide land	Relevant water authority	Determining referral authority

Coliban Water would prefer to see all applications that are not exempt under Clause 3.0 of Schedule 1 to the ESO. Coliban Water have given consideration to matter that are at this stage considered to not cause significant concern in the catchment. These matters are the matters listed for exemption. Accordingly, Coliban Water would prefer to review all other applications. The way that the referral is drafted, Coliban water would be excluded from considering most of the applications requiring a permit under the provisions of clause 42.01.

This change is not anticipated to increase the workload of the Council because under clause 62.02-5 of the Hepburn Planning Scheme most applications are required to be referred to Coliban Water as a determining referral authority anyway. Referral under clause 66.04 gives the ability to ensure that referrals have the application requirements that enable effective and timely processing of the referral and regard is given to the proposed objective under ESO1.

Coliban Water thank Hepburn Shire for the updates to the ESO1 and welcome the adoption of a modified Amendment C80, taking into consideration the comments and suggestions outlined in this submission.

If a panel is requested, Coliban Water would welcome the opportunity to make submissions as appropriate to support amendment subject to the changes suggested being considered and adopted.

Coliban Water would also welcome the opportunity to engage with Council and any other submitters on ESO1 to see if a consensus can be reached on the suggested changes. Please note that the changes suggested are to ensure consistency with Coliban Water's request for amendment of the ESO4 to the

Macedon Ranges Planning Scheme. We can provide a copy of the request for amendment to Macedon Ranges if requested.

Please contact Nick Sissons if you require any additional clarification.

[REDACTED]

Amc80hepb Submissions received

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Evan King](#)
Subject: VFF Submission to Hepburn Planning Scheme Review
Date: Friday, 28 August 2020 3:19:12 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[SB20200827LG-Hepburn-PSR\(hepburnshire\)sent.pdf](#)
[Attachment Hepburn Planning Scheme track changes - VFF-sent.pdf](#)

Please find attached a submission from the [REDACTED] to the Hepburn Planning Scheme Review.

We have had significant interest and concerns raised by our members over the past week. We do note that given the size of the amendment, the current covid restrictions, and the lack of direct notice that this submission may be expanded on in the future.

[REDACTED]

[REDACTED]



SUBMISSION

Hepburn Planning Scheme Review

28 August 2020

Amc80hepb Submissions received



OUR POSITION - SUMMARY

Agriculture is a key primary industry in Victoria and is a major economic driver for the Victorian economy. It is critical that all planning policy for non farming uses in farming and green wedge zones give proper consideration to impacts on agriculture. This is even more important in Hepburn – a Shire with high quality volcanic soils, high rainfall and access to irrigation water (bore and direct licence), and proximity to processing and markets / distribution networks.

VFF supports a planning system that protects primary industries, enables their growth and adaptation and avoids duplication or conflict between other regulatory systems – such as licences and works approvals.

VFF believes there is an existing imbalance in planning policy in relation to primary industries, especially agriculture. Unlike mining and extractive industries, the planning system fails to recognise agriculture as an important economic development driver. This then leads to a distorted strategic assessment of various land uses and development proposals. Strengthening PPF content for agriculture is critical to the proper operation of this proposal.

As the planning system and its controls are often developed with ‘urban’ settings in mind, it is critical that Hepburn Shire critically assesses all generic studies – such as landscape controls – for perverse outcomes when applied to agriculture. Protecting a ‘rural view’ should be secondary to protecting the production for which the land is zoned and sheds, shelterbelts, crop structures etc which are critical to the ongoing use of the land for farming should be understood to therefore be a critical element of a ‘rural view’.

Productive agricultural land, such as in Hepburn, often has ‘landscape’ values which make it desirable to many. It is critical that Council is both strategic and strong in resisting those who wish to use the land for non agricultural uses. The planning scheme should provide the appropriate zoned land for rural living, for places of assembly, for tourist accommodation. Just as you would not approve a panel beaters in the middle of a residential zone due to the agricultural sector and what are the ‘right to farm’ issues inherent in many land use proposals. The VFF Right to Farm Policy is attached for your reference.

The planning scheme review was a chance to strengthen local policy for agriculture and to review all current and proposed scheme controls in regards to whether they are ‘fit for purpose’ in regards to not only protecting agriculture but providing the conditions for it to grow.

Providing the right conditions to grow can even relate to wider use of schedules and policy to:

- ensure notification of proposals that do lead to land use conflict- such as subdivision, dwellings and all non farming secondary uses – so that the surrounding farmers can say how the proposal might impact on their right to farm;
- utilise the overlay and particular provision schedules to remove planning permit triggers that apply to ‘business as usual’ farming – for example construction of sheds, vegetation planting / removal for agricultural purposes, crop protection structures etc;
- ensure an expedited technical assessment when permit triggers are not scheduled out – for example 52.17, considering as per the letter from the Minister for Planning and Minister for Environment, the need for notice when this is a technical assessment.

For many years the VFF has called for exemption from notice and review for removal of native vegetation in the Farming Zone. This exemption is common throughout the VPPs, as well as in circumstances where a provision implements a permit control on a section 1 use – such as agriculture in the farming zone, and that permit trigger is a technical assessment issue. Council has the ability to consider these factors in the review.

Council should be aware of the Strategic Agricultural Land Project, the issues addressed in the consultation report on Phase 1, and the likely directions of Phase 2. The planning scheme review fails to be proactive in considering these issues and an example of opportunities to improve the strategic intent and technical drafting of the controls have been provided to illustrate these issues.

However, due to the magnitude of the amendment, the brevity of direct consideration of the social, economic and environmental impacts and justifications of the changes to agriculture in the explanatory report, the failure of council to directly notify farmers of the proposed changes and their likely impacts, the timing of the review and exhibition during 'covid' impacting on the ability to meet with council and the short time period for exhibition given the complexity of the amendment and the circumstances, this submission is only a very narrow look at the review. The VFF would welcome the opportunity to discuss these issues in detail with Council.

As a planning scheme review is generally within the first year of a council term, as Council will soon be entering care taker mode, and the challenges of covid has had in regards to land holder engagement, the VFF recommends that Council establishes an agriculture working group, with VFF, Agriculture Victoria and DELWP Planning (agriculture) to review the planning scheme changes and that the proposed planning panel dates be deferred to mid 2021 to allow this to occur.

Central to this should be a detailed study to review and increase the minimum subdivision and dwelling sizes in the farming zone. The Study undertaken by Campaspe, Greater Shepparton and Moira should be used as a guide to the type of study that leads to constructive planning scheme outcomes to facilitate agriculture.

REQUESTED CHANGES TO THE AMENDMENT

Clause 12.05-2L – Landscape Management

- An additional objective should be included – to ensure ongoing use and development of agricultural land
- Rewrite the content to ensure that statements such as “maintain rural landscape character” and “productive landscape character” apply to non agricultural uses, and ensure that the controls do not lead to additional burden / regulation of agricultural production. Agriculture underpins the regional economy and, where allowed to diversify and implement modern production methods developed through industry research and development, is less exposed to the boom and bust cycles of tourism. Productive agriculture is the use for which the land is zoned and should not be secondary to the desire to provide a postcard view for tourists.
- Ensure that agricultural buildings and works and structures are exempted in ESO, VPO and SLO controls.

Clause 14.01 -1L – Protection of Agricultural Land

Make changes to Clause 14.01 -1L as outlined in the attached track changes document.

14.01-2L Sustainable agricultural enterprises

Make changes to Clause 14.01 -2L as outlined in the attached track changes document.

14.02-1L catchment and land protection

Make changes to Clause 14.02 -1L as outlined in the attached track changes document.

15.02-1L Environmentally sustainable development

Make changes to Clause 15.02 -1L as outlined in the attached track changes document.

Farming Zone

The '20ha' schedule should be removed as it is not an appropriate lot size to sustain modern agriculture and leads to a proliferation of 'rural living' style development in the farming zone.

42.01 – both schedules

Add an exemption for agricultural structures.

42.03– both schedules

Add an exemption for agricultural structures to both schedules. Clarify does not apply to ploughing, shelter belts etc

66.04

Consider the referral of certain decisions in the farming zone, including all decisions not relating to agriculture, to Agriculture Victoria – or its expert panel.

59-15 Vicsmart

Consider the ability to add classes of development to facilitate growth of agricultural production.

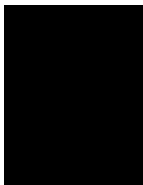
SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

Make changes to the schedule to Clause 74.01 as outlined in the attached track changes document.

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

Make changes to the schedule to Clause 74.02 as outlined in the attached track changes document.

[Redacted]



The Victorian Farmers Federation

Victoria's agricultural production accounts for over \$13 billion of Victoria's economy and over 25 per cent of the State's exports per annum. Victoria's farmers produce high quality food and fibre, produced to high standards of safety, with little taxpayer support, and to some of the strictest environmental and highest animal welfare controls in the world.

The Victorian Farmers Federation (VFF) represents a farming community which creates a profitable, sustainable and socially responsible agriculture sector connecting with consumers.

We have a proud history representing Victoria's farm businesses since 1979 – primarily family farms that produce the eggs, grain, fruit and vegetables, meat, and milk that help to feed Victoria's six million people, and the bigger global community, every day.

The VFF consists of commodity groups: dairy (United Dairyfarmers of Victoria), grains, horticulture (including Flowers Victoria), intensives (chicken meat, eggs and pigs), and livestock – and expert committees representing; water, land management, agricultural and veterinarian chemicals, farm business and rural development, and workplace relations.

Our purpose is to make Victorian farmer's lives better; enhancing Victoria's future.

Our mission is to ensure a community of farmers creating a profitable, sustainable and socially responsible agricultural industry connecting with all Victorians.

Amc80hepb Submissions received



Victorian
Farmers
Federation

Our place in Victoria



What we do



- Victoria's **20,775 farms** cover **10.6 million hectares**
- We are **24.2%** of Australian farmers
- **91%** family operated, with only **2%** foreign owned



- We employ **87,800** people mostly in regional areas
- **\$4730** of food consumed each year by every Australian
- As a net exporter we have long term food surity



- Our annual production is **\$13.16 billion**, **3.5%** of Victoria's economy
- **27.8%** of Victoria's exports are agricultural product valued at **\$11.9 billion**

How we do it



- Farmers invest **\$80 million** in R&D

- Every R&D **\$1** converts to **\$12** in farmer generated impact

- **2.7%** productivity growth through innovative efficiency gains

- Farmers receive less than **1.5%** in government support



- **63%** reduction in greenhouse gas emissions between 1996-2016

- Water consumption reduced by **7%** from 2014-2015

- Land conservation has increased to **18%** of total land mass.

- Farmers spend **\$20,000** annually on feral animals and pest weeds



- **3.5 million** beef cattle

- **140 million** chickens

- **1.1 million** dairy cows producing **6.186 billion** litres of milk

- **65,992** sows

- **13.1 million** breeding ewes and a fleece clip of **66,100 tonnes**

- **6.5 million** tonnes of grain

- **\$2.35 billion** in horticultural production

Clause 14.01 -1L – Protection of Agricultural Land

Make the following changes to Clause 14.01 -1L

Protection of agricultural land

Policy application

This policy applies to the Farming Zone, Rural Conservation Zone and Rural Living Zone.

Commented [LG1]: Should RLZ be a separate section?

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Objective

To protect:

- ~~the all agricultural land in the Shire from land use conflict;~~
- To direct any dwellings on small rural lots to the Rural Living Zone to allow for farm expansion and minimize land use conflict;
- To avoid commercial, industrial and tourism developments which are not in conjunction with and clearly secondary to the agricultural use of the land;
- To facilitate growth in agricultural output by ensuring the planning scheme both minimizes land use conflict and ensures overlays to not constrain investment in production systems – including structures and the safe operation of GPS agriculture.

~~Shire's high quality productive agricultural land from the encroachment of incompatible use and development.~~

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Strategies

Retain existing Farming Zone land and discourage land fragmentation from residential use and development.

~~Prevent the subdivision of land for a new dwelling on rural land. To ensure the minimum lot sizes or subdivision and dwellings in the Farming Zone and Rural Conservation Zone are raised to recognise the scale of land holdings to justify the need to live on site.~~

~~To strongly discourage subdivision and dwellings below the minima in the Farming Zone and Rural Conservation Zone.~~

~~To encourage small lot agriculture and hobby farms to locate in the Rural Living Zone.~~

~~that does not meet the minimum subdivision area of the relevant rural zone.~~

~~Prevent the subdivision of lots that will result in a concentration of lots smaller than the minimum subdivision size of the relevant rural zone.~~

Prevent the subdivision of tenements in single ownership and encourage the consolidation of lots. Allow a dwelling on a rural lot that either:

Meets the minimum subdivision area of the relevant rural zone.

Is directly associated and is required / justified given the ~~with a~~ rural enterprise

~~where undertaken. For example where the dwelling is required for animal~~

~~husbandry~~

~~— Agricultural production will be maximised.~~

~~— The land has low agricultural value.~~

~~— There will be no loss of productive agricultural land.~~

~~— Native vegetation will be retained and managed.~~

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~~As modern agriculture needs land to expand production and as this land does not need to be proximate to the main holding any loss of agricultural land, including by the construction of a dwelling (making the land unaffordable for agriculture, regardless of soil quality, will be avoided.~~

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~~Any application for a dwelling, or any other non agricultural use in the Farming Zone or Rural Living Zone~~

should be notified to all farming land holders for a 2 km radius.

Any dwelling approved should be sited to have minimum impact on the orderly production on the site and surrounding properties.

Any dwelling in the Rural Living Zone should:

also be located away from any adjacent land the in the Farming or Rural Conservation zoned land. Ensure if a new dwelling is approved that:

- includes ~~a~~ separation distance and landscape screening is provided around the dwelling.

- The building height, scale, setback and bulk responds positively to the landscape values, cultural heritage values and characteristics of the rural area.

It continues to ~~operate~~ in a habitable condition and meet the requirements of the Building Code of Australia.

Minimise the adverse impacts that a new dwelling, accommodation use or subdivision may have upon water quality and quantity and the ~~associated~~ productivity and operation of agricultural land.

Restructure inappropriate subdivisions that adversely affect productive agricultural land, biodiversity or natural hazard areas.

14.01-2L

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Proposed C80hepb

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Amc80hepb Submissions received

Sustainable agricultural enterprises

Policy application

This policy applies to the use and development of land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

Strategies

Ensure that ~~all agricultural areas~~ ~~areas of high to very high agricultural land~~ ~~are protected from encroachment of non agricultural uses and are utilised or~~ remain available for agricultural production ~~and intensification of production.~~

Identify areas of high quality soils and intensive production and ensure that planning policy and controls support the diversification of production and adaptation of modern farming methods / technology.

Support agricultural enterprises through local value-adding and processing opportunities in surrounding townships.

~~investment, innovation, diversification and employment that have a limited impact on the natural landscape and its amenity.~~

Protect clusters of agricultural activity which support secondary processing.

~~and other rural related enterprises.~~

Ensure that rural land use, development and amenity are not adversely affected by land uses and developments that are more appropriately located within townships.

Encourage and facilitate intensive agriculture uses and investment in GPS enabled agriculture.

~~and rural related activities with access to major transport routes.~~

~~Protect resource, natural heritage, significant historic landscapes and environmental values that support agricultural enterprises.~~

Discourage the use and development of rural land for accommodation, food and drink premises, place of assembly or shop in the Farming and Rural Conservation Zones.

Discourage the use and development of rural land for accommodation food and drink premises place of assembly or shop except for a dwelling in the Rural Living Zone.

Support small agricultural enterprises in the Rural Living Zone.

14.02-1L

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Catchment and land protection

Objective

To ensure that non agricultural use and development in a special water supply catchment protects and enhances the quality and quantity of the natural resources and environmental systems for the long term supply of quality water for future generations.

Strategies

Ensure that non agricultural use and development incorporates measures to protect and enhance the natural resources and environmental systems, including waterways in special water supply catchments.

Provide for the effective control of stormwater drainage and wastewater disposal in a manner that prevents any detrimental impacts to the natural resources and environmental systems.

Manage the cumulative effects of unsewered residential and industrial development by ensuring land can accommodate effective on-site treatment of all wastewater generated from the land.

Encourage best practice approaches for all effluent disposal systems, effluent fields and irrigation fields.

Minimise the impact of non agricultural use and development on the existing condition, health and capacity of natural resources and environment systems including waterways, soil types, soil structure, soil condition, vegetation and aquatic and terrestrial habitats.

Maximise, maintain and enhance riparian edges and vegetation cover all year round.

Policy guidelines

Consider as relevant:

The 'precautionary principle' when assessing the likelihood of impact of an application for non agricultural use and development on natural resources and environmental systems.

The ability and suitability of the land capability to accommodate the impacts of the non agricultural use or development.

Avoid locating any non agricultural use and development that includes a wastewater treatment and disposal system:

- On any overland flow path or in any land depression.
- Upstream of any dam used for domestic or stock supply.
- Within 100 metres of the edge of a waterway, dam or reservoir.
- Within 200 metres of any wastewater treatment and disposal system on any neighbouring or adjoining land.

The availability and suitability

of alternative effluent and waste water disposal systems.

15.02-1L

Proposed C80hepb

Environmentally sustainable development

Policy application

Add a new section under Strategy headed "Agriculture"

Ensure that agriculture can adopt production methods and practices developed by industry research and development. For example adoption of tools outlined in the NFF / CEFC document

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Diversified economy

Policy application

This policy applies to all development within the Industrial 1 Zone, the Farming Zone and the Rural Conservation Zone.

Strategies

Support industrial development in existing industrial areas and provide opportunities for expansion of value-added industry and business that supports the strengths of the region's agriculture, education, heritage, lifestyle and tourism features.

Facilitate a diversity of industrial use and development that complements and supports the rural economy and adds to economic development and vitality.

Support diversification and intensification of agricultural production through:

- Avoiding land use conflict through approvals of use and development not linked to agricultural production;

- Reducing development controls which impact on adoption of new production methods / technology

- Ensuring a triple bottom line assessment is made to assess any use or development triggers in the Farming Zone or Rural Conservation Zone for applications to utilize climate / environmentally friendly production methods / technology development trigger – for example removal of vegetation to use GPS enabled tractors.

SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

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Amc80hepb Submission received

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Proposed C80hepb

Amc80hepb Submissions received

Application of zones, overlays and provisions

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

Settlement objectives at 02.03-1 and 11.01-1L through the use of the General Residential Zone, Township Zone, Low Density Residential Zone and Neighbourhood Residential Zone within townships and settlements and the Low Density Residential Zone and Rural Living Zone on the edge and outside of townships and settlements.

Environment and landscape values objectives at 02.03-2, 12.01-1L and 12.05-5L through the use of the Public Park and Recreation Zone, Public Conservation and Resource Zone, and Rural Conservation Zone, the application of the Significant Landscape Overlay to State Significant Landscapes and the Vegetation Protection Overlay to areas of significant native and exotic vegetation with schedules that exempt from permits development and works relating to agricultural land uses.

Environmental risks and amenity at 02.03-3 through the use of the Bushfire Management Overlay to land in the municipality that may be subject to extreme bushfire risk, Land Subject to Inundation Overlay to recognise and protect floodprone areas, the Erosion Management Overlay to areas subject to significant soil erosion and Restructure Overlays to Sailors Falls and Drummond North to facilitate the restructure of old and inappropriate subdivisions.

Natural resource management at 02.03-4, 14.01-1L, 14.02-1L, 14.01-2L and 15.02-1L through the use of the Farming Zone ~~and the~~ Through the application of the Environmental Significance Overlay Schedule 1 over the entire municipality to special water supply catchments and the

Environmental Significance Overlay Schedule 2 over Mineral Springs areas with schedules that exempt from permits development and works relating to agricultural land uses.

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Built environment and heritage at 02.03-5, 15.01-1L, 15.01-5L and 15.01-6L through the use of the Heritage Overlay to heritage places incorporating sites, buildings, objects, landmarks, gardens, and trees of identified heritage significance, the use of the Design and Development Overlay Schedules 1-5 to protect town entrances and boulevards in Hepburn Springs and Daylesford, Design and Development Overlay 6 to minimise impacts on the Daylesford Material Recovery Facility, and the Neighbourhood Character Overlay over Neighbourhood Character Precincts 1, 2, 5, 9, 13 and 14 in Daylesford.

Housing objectives at 02.03-6 and 16.01-4L through the use of a range of residential zones outlined for Settlement to encourage a diversity of housing types across the municipality.

Economic development objectives at 02.03-7 and 17.03-2L and the use of the Industrial 1 Zone over land for industrial use in Daylesford, Creswick and Trentham, the Commercial 1 Zone over town centres to create vibrant mixed use commercial centres for retail, office, business, entertainment, community uses and residential uses, and the Special Use Zone over the municipality's golf courses and lawn tennis facilities. Through ensuring agricultural uses are able to diversify, intensify, expand and utilize new technology.

Transport objectives at 02.03-8 through the use of the Road Zone Category 1 and Category 2 to identify significant roads.

Infrastructure objectives at 02.03-9 through the use of Public Use Zones to protect public land used for public utility and infrastructure and community services and facilities.

1.0

Proposed C80hepb

Further strategic work

Undertake a municipality wide Industrial, Commercial and Residential Land Demand Study to inform structure planning for the townships and ensure an adequate supply of zoned land.

Undertake structure planning for the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

Prepare a waste management plan to guide the future land use and management of the municipality's waste management facilities and land use and development on and around the Daylesford Material Recovery Facility.

Undertake ongoing heritage studies across the Shire based on Council's thematic environmental history commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon. Update the Schedule to the Heritage Overlay and other planning scheme provisions with study findings as appropriate, including incorporating statements of significance for identified heritage places.

Undertake flora and fauna assessments across the municipality to update biodiversity controls commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

Prepare restructure plans for Drummond North and Sailors Falls to underpin the application of Restructure Overlays in the scheme.

Undertake an agricultural land study to determine the future agricultural needs and requirements in the municipality and ensure agricultural land is adequately protected and that the planning scheme supports diversification and expansion of agricultural production. This should include reviewing minima and recommendations for removal of development triggers which impact on uptake of modern production methods.

Prepare a rural settlement strategy to better understand the risks and challenges posed in the Shire's settlements to guide development consistent with protecting agricultural production from land use conflict, the municipality's inherent rural character and other attributes.

Amc80hepb Submitted for Review Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to proposed DDO6
Date: Friday, 28 August 2020 3:20:39 PM

[REDACTED]

This property is just within the proposed range of being within 500m of the edge of Daylesford Material Recovery Facility.

I would like to register my opposition to the proposed overlay DDO6, as has been included in the proposed amendment C80hepb to the Hepburn Planning Scheme. My reasons for the opposition are outlined below.

PROPOSED CHANGES

[REDACTED]

At the time, I went through the council provisions with a lawyer, and purchased it with this information in mind. Amongst other changes, Paragraph 2 of the proposed Schedule 6 states, in part, that a building for accommodation must not be constructed within 500m of the edge of the Daylesford Material Recovery Facility. If the proposed DDO6 is implemented with this clause, I will be severely restricted in what I can use with my property, and how I can enjoy it, including building or rebuilding if needed. These restrictions would also be very likely to have a significant impact [REDACTED]

CONSULTATION PROCESS

The consultation process for these proposed changes to the planning scheme have been at best poor, more worryingly Sly and underhand.

This is a hugely significant change to be trying to make at a time where some homeowners cannot even access their property, and everyone's ability to engage in the consultation process is limited. Because of the current lockdown in metropolitan Melbourne, I can't go to my house in Daylesford.

The effects of the proposed schedule (DDO6) has been poorly explained, and the reasons that have been provided for its purpose are at times, inconsistent.

It seems unreasonable to be pushing through a significant change to the planning scheme for this area when there is ambiguity as to its purpose. The Hepburn Shire Council Governing Policy - Community Engagement states that 'inadequate public participation can alienate sections of the community and undermine trust, and is more likely to result in poorly informed decisions.'

This is a time of significant uncertainty and difficulty. To try and make changes in the complex planning scheme while Victorians are making monumental sacrifices for the sake of others' safety and well-being, is unreasonable and unfair, and would definitely be considered 'inadequate public participation.' The consultation period for this change should be, at the least, greatly extended to allow for genuine informed community engagement, in line with the democratic values contained in the Hepburn Shire Council Governing Policy - Community Engagement.

I will be taking this further with my lawyer to see the next legal steps to proceed with, and will urge others to do so if this amendment is attempting to proceed.

Sincerely

[REDACTED]

Sent from my iPad

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission to Amendment C80hepb
Date: Friday, 28 August 2020 3:22:54 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Dear Sir/Madam,

Tract Consultants acts on behalf of the [REDACTED] Please find attached our submission to Amendment C80 on behalf of [REDACTED]

[REDACTED] commends the Hepburn Shire Council for completing the significant task of translating the local planning policy section of the Hepburn Planning Scheme into the new format Planning Policy Framework as part of Amendment C80hepb. This work will provide greater clarity to community members and decision makers as to the future growth and development of the Shire and will play a critical role in ensuring that the Shire maintains its unique country feel, whilst sustaining a vibrant and diverse local economy.

We thank Council for the opportunity to provide input into this important planning process. The [REDACTED] would be pleased to meet with Council to elaborate on this submission or to make further submissions as part this process.

Kind regards,



Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460
via email: planningscheme@hepburn.vic.gov.au

28 August 2020

Dear Sir/Madam

Submission to Amendment C80hepb

[REDACTED] commends the Hepburn Shire Council for completing the significant task of translating the local planning policy section of the Hepburn Planning Scheme into the new format Planning Policy Framework as part of Amendment C80hepb. This work will provide greater clarity to community members and decision makers as to the future growth and development of the Shire and will play a critical role in ensuring that the Shire maintains its unique country feel, whilst sustaining a vibrant and diverse local economy.

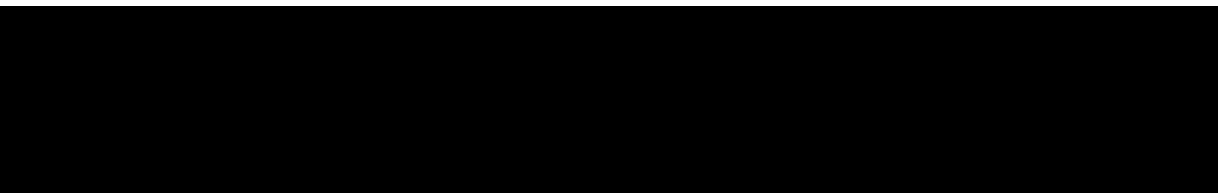
The amendment also implements the recommendations arising from Council's four-yearly planning scheme review as required under Section 12B of the *Planning and Environment Act 1987*. The recommendations are informed by the *Hepburn Planning Scheme Audit and Review Report* prepared for the Shire in collaboration with *Plan to Place* and adopted by Council at their meeting of 16 June 2020.

Amongst other changes, Amendment C80hepb proposes to remove the Development Plan Overlay that currently applies the RACV Goldfields Resort and delete Development Plan Overlay Schedule 3 from the Planning Scheme.

The RACV has reviewed the Amendment C80hepb and makes the following comments:

- Development Plan Overlay – Schedule 3 (DPO3) should not be removed from the Hepburn Planning Scheme as it plays an important role in guiding decision-making for the site.
- Given the policy directions that support housing diversity (including to cater for an aging population) further consideration should be given to enabling residential development opportunities that address this need, in strategic locations, even if outside of township boundaries.
- The RACV supports policy provisions contained in the revised PPF to recognise and support local tourism opportunities and investment.

Each of these matters is expanded upon in this submission.



Background

[REDACTED]

The Resort is a major established accommodation and recreational facility in Creswick. It provides an important component of the current tourism and hospitality offering within the local area of Creswick and the Shire more broadly. It is a significant local employer with approximately 120 staff and is a purchaser and promoter of a wide variety of local produce, including meats, fruits, vegetables, and wines.

The Resort is a multi-purpose operation and delivers a range of facilities beyond just tourist activities. It offers day-to-day food and beverage services, gym and golf facilities to Creswick residents and members of the Hepburn Shire more broadly. The conferencing facilities at the Resort also provide a role in showcasing the region to more than 5,000 interstate, intrastate, and international visitors every year, while the Resort hosts over 56,000 overnight guests per annum. RACV has ambitions to further develop the tourism offering on the site.

The Resort is an important financial contributor to a number of local schools, community groups, sporting clubs and charity organisations, including the Creswick Business Community, Creswick Football Club, Clunes Booktown, Hepburn Health, Creswick Primary School and the Newlyn Primary School among many others.

As Council further refines and develops Amendment C80hepb, it is important that the Hepburn Planning Scheme retains appropriate policy to guide decision making, but does not unfairly remove the RACV's existing development opportunities for the land. These development opportunities are an important part of the RACV's long-term financial operating model for the Resort and are vital to ensuring that the Resort can continue to deliver a range of economic and social benefits for RACV members and for the Creswick community.

Schedule 3 to the Development Plan Overlay (DPO3)

Development Plan Overlay Schedule 3 [DPO3] applies to the whole of the RACV Goldfields Resort including the golf course at 1500 Midland Highway, Creswick. The overlay provides requirements for a Development Plan for the site to be prepared and approved before a permit may be granted for most forms of use and development. A development plan for the site was approved by Council on 5 May 2003. An extract from the approved Development Plan has been obtained and the balance of the approved Development Plan is being sought via a request to Council.

The approved Development Plan allows for the following facilities:

- *'Residential Hotel and licensed premises (including a range of specified aligned facilities including:*
 - *Restaurants, café, spike bar, reception*
 - *Health Club / Gym*
 - *Gaming Room*
 - *Golf Pro Shop / Convenience Store*
 - *Swimming Pool / Spa / Massage*
 - *Reception/ Security*
 - *Golf Academy Facility*
 - *Child minding facility*

- Conference rooms
- Communal facilities: tennis court
- Non-surgical, general and health medical centre
- 144 single room or 63 suite guest lodge resort hotel. Basement carparking and service area, conference / restaurant / reception rooms, level 2 and 3 rooms and suites / attic 5 penthouse suites
- Dwellings and / or residential hotel buildings on the condo drive, lots 1, 2, 3, 6, 7, 8 and 12 approx. lots adjacent to lake south-east of site
- Chapel and stand-alone restaurant
- Retail facilities
- Public Car parks and vehicle compounds
- Life style village, dwellings or residential (retirement units)
- Approximately 148 dwelling sites including some interconnecting lake systems.



Figure 1: Development Plan (extract)

To our knowledge, there is no specified expiry date for the Development Plan.

Planning Permit No. 2013/7362

Permits for the development of residential lots were issued by Council following approval of the Development Plan and to date, 73 of the residential dwelling sites have delivered.

Planning Permit No. 2013/7362 was issued by Council on 19 August 2003. The Permit allows for:

Residential hotel, Licensed premises, Convention centre and Restaurant with associated facilities and car parking.

We note that an extension of time for the Permit was granted on 17 July 2005, with a subsequent extension of time being granted on 21 July 2006.

The plans endorsed under the Permit were prepared by *Peter J Thompson and Associates Architects* and are dated 8 July 2003. The endorsed plan includes a locality plan which shows future subdivision of the land to the south-west and north-east of the primary residential hotel. This is consistent with the layout provided in the approved Development Plan.

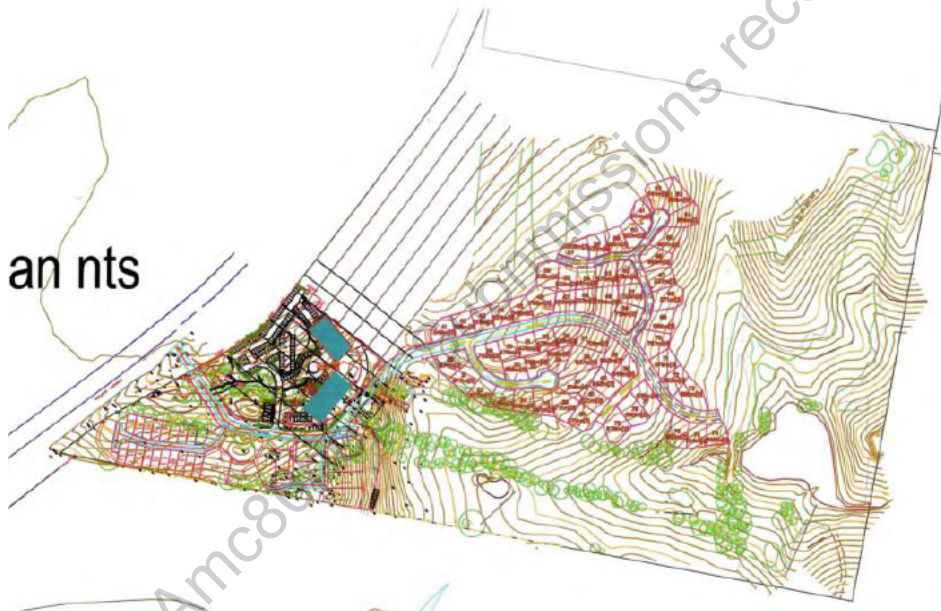


Figure 2: Extract from plans endorsed under Planning Permit 2013/7362

Issue 1: Retention of DPO3

Amendment C80hepb proposes to remove the Development Plan Overlay from three sites in the Shire, described as follows in the Explanatory Report:

- *Deleting Clause 43.04 (Development Plan Overlay) and Schedules 1, 2 and 3 and associated mapping to remove the Development Plan Overlay from land at: the former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford; WD Seeds at Creswick-Newstead Road, Smeaton; and Creswick Golf Course Resort at 1500 Midland Highway, Creswick.*

This is based on a recommendation contained in the *Hepburn Planning Scheme Audit and Review Report* for DPO3 to either 'revise content to provide appropriate clarity and guidance for decision-making' or 'remove Schedule if development outcome has been implemented' (refer extract below).

Table 11: Review of Development Plan Overlay

Control	Description	Recommendation
DPO – Schedule 1	Requires translation to new schedule template.	Although the abattoir is no longer operating, the role of this DPO needs careful consideration based on the ongoing commercial interest in new abattoir operations in the Shire. Council could consider removal of Schedule subject to better understanding of land owner intentions and the long term planning response.
DPO – Schedule 2	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making. Remove Schedule if development outcome has been implemented.
DPO – Schedule 3	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making. Remove Schedule if development outcome has been implemented.

Figure 3: Extract from Hepburn Planning Scheme Audit and Review Report, page 38

For the reasons outlined below, the RACV seeks to retain the Development Plan Overlay.

1. **The development and subdivision approved under the Development Plan has not yet been completed.**

The approved Development Plan includes areas designated for future residential subdivision and development of dwellings, a lifestyle village or retirement units that have not yet been delivered. As noted above Page 38 of the Planning Review recommends with respect to DPO3 to either 'revise content to provide appropriate clarity and guidance for decision-making' or 'remove Schedule if development outcome has been implemented.' On this basis, as the development outcome has not yet been implemented it is appropriate to retain the schedule, and revise content as appropriate. RACV would welcome the opportunity to work with the Shire to revise the content of the DPO3 to ensure it is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

2. **The Development Plan Overlay is the appropriate planning tool to guide development of the site.**

Irrespective of the status of the approved planning permit, the Development Plan Overlay remains the most appropriate planning control to guide future development on the Site. The Special Use Zone Schedule 2 (SUZ2) that applies to the land contains minimal guidance regarding future development or subdivision on the land. The removal of the Development Plan Overlay would therefore result in a policy vacuum that would result in an inappropriate lack of certainty for both the RACV and the community as to future development outcomes on the Site.

For the reasons outlined above the RACV strongly objects to the removal of DPO3 from the Hepburn Planning Scheme as proposed under Amendment C80hepb. The RACV would be willing to work with the Shire to update the schedule to provide improved policy guidance for the site, in line with current state and regional policy directions.

Issue 2: Achieving housing diversity in strategic locations

As noted above we commend Council for the significant work completed in reviewing and translating the existing local policy provisions of the Hepburn Planning Scheme into the new format Planning Policy Framework (PPF).

The revised PPF is clear in its objective to achieve *'a sustainable urban form for townships and settlements by containing future development within the township boundaries'*. This is supported by Council's strategic directions for settlement which include:

- *'Concentrate development into defensible parts of existing township boundaries and settlements to mitigate bushfire risk, protect agricultural land, and limit natural and environment risks.'*
- *Facilitate growth in Creswick and Clunes within the designated township boundaries.*
- *Support residential development in settlements within existing residentially zoned boundaries.*
- *Prevent residential and commercial development between settlements along major roads.*
- *Direct rural residential development that is not associated with rural enterprises into established townships and settlements.'*

The PPF also recognises the range of housing needs of the Hepburn Shire community. Clause 02.03-6 notes the following relevant strategic direction with respect to housing:

- *'Promote and facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation.'*

This is expanded upon in Section 8.2 of the Planning Review, which notes that *'growth in the ageing of the population which will lead to requirements for different types of, and more affordable, housing.'*

As noted above, the approved Development Plan includes a component of retirement housing that offers a unique lifestyle opportunity, connected to facilities and services and proximate to the Creswick township. Given the identified need for retirement other housing products that cater for an ageing demographic, policy should allow for greater flexibility to achieve this.

In particular, policy should enable the consideration of specialised residential development that provides housing diversity in appropriate locations such as the RACV Goldfields Resort, even if they are outside of township boundaries. Guided by appropriate siting and design policy, moderately-scaled retirement housing could be delivered in locations outside township boundaries in a manner that would meet Council's housing objectives. Consideration of what constitutes an appropriate location would require careful consideration of specific criteria including environmental and landscape character, the presence of any bushfire, flood or other environmental risks, and the availability of appropriate infrastructure to support future development.

Accordingly, the RACV submits that Clause 02.03-6 should expressly acknowledge the potential for RACV Goldfields to deliver on Council's policy objectives for housing diversity.

Issue 3: Support for tourism in the Shire

[REDACTED] commends Council for incorporating policy provisions in the revised PPF to recognise and support local tourism opportunities and investment.

Specifically, the RACV supports the inclusion of provisions at Clause 02.-03-7 that further expand on the benefits of tourism for the Shire, noting tourism *'has positive economic benefits in other business activities and infrastructure and is a major driver of the accommodation, café, restaurant and retail sectors'* and that *'to maintain this market, the attractions and features of the Shire must be protected and enhanced.'*

[REDACTED] support Council's strategic directions for economic development, including to (*inter alia*):

- *'Enhance the Shire's existing tourism offer through the development of a more diverse tourism product centred around the natural environment, bike trails, arts and culture, food and environmental sustainability.'*

[REDACTED] are committed to continuing to deliver a diverse tourism product and its associated economic benefits to the Creswick Community. However, as previously discussed retaining the existing development rights accrued on the land is an important element of the operating model for the Resort, the loss of which may inhibit further investment and economic opportunities.

We thank Council for the opportunity to provide input into this important planning process. [REDACTED] would be pleased to meet with Council to elaborate on this submission or to make further submissions as part this process.



From: [Matt Ciavarella](#)
To: [Planning Scheme](#)
Cc: [Chris Dunlop](#); [Jan-Maree Fraser](#)
Subject: Department of Transport submission in response to Amendment C80Hepb
Date: Friday, 28 August 2020 3:23:54 PM
Attachments: [image001.png](#)
[DoT - Response to proposed changes to RDZ1 within Hepburn Planning Scheme.pdf](#)

Please find attached, the Department of Transport's submission in response to the exhibition of Hepburn Shire Council's Planning Scheme Amendment C80Hepb.

Please feel free to contact me if you have any questions regarding this submission and I will get back to you as soon as I can.

Matt Ciavarella

Graduate Planning Development Engineer - Integrated Transport & Land Use - Western Region
Regional Roads Victoria

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Wendouree VIC 3355
T 03 8391 7269 | M 0437 666 297
matt.ciavarella@roads.vic.gov.au
regionalroads.vic.gov.au

Part of the Department of Transport



I acknowledge the Traditional Aboriginal Owners of Country throughout Victoria and pay my respect to Elders past and present and emerging and to the ongoing living culture of Aboriginal people.

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Department of Transport

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DX 201292

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

26/08/2020

Dear Planning Scheme Review Officer,

HEPBURN PLANNING SCHEME AMENDMENT C80

I refer to Hepburn Shire Council's proposed Planning Scheme Amendment C80.

The Department of Transport (DoT) has reviewed the proposed Amendment and notes the intent to include several declared arterial roads in Road Zone Category 1 (RDZ1) including Daylesford-Trentham Road, Myrniong-Trentham Road and Kyneton-Trentham Road.

These changes are consistent with discussions between Hepburn Shire Council and DoT and, as such, DoT supports these changes.

Should you have any enquiries regarding this matter, please contact Christian Lynch on (03) 9854 2404 or Christian.Lynch@roads.vic.gov.au.

Yours sincerely

Chris Dunlop

Chris Dunlop
Manager Development – Western Region
Department of Transport
Under delegation from the Head, Transport for Victoria

From: [JO-ANNA WOOD](#)
To: [Planning Scheme](#)
Cc: [Residents Ddo6](#)
Subject: DD06
Date: Friday, 28 August 2020 3:28:24 PM

I, Jo-Anna Wood of 102 Ajax Rd, Hepburn 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.
- Not communicating adequately with residents about this proposal

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

Jo-Anna Wood

[0421998185](tel:0421998185) | joanna.wood@me.com

From: [Paul & Jo Admin](#)
To: [Planning Scheme](#)
Cc: [Residents Ddo6](#)
Subject: DD06
Date: Friday, 28 August 2020 3:30:26 PM

I, Paul Burke of 102 Ajax Rd, Hepburn 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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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

Dr Paul Burke
0450404401

From: [REDACTED]
To: [Planning Scheme](#); [Evan King](#)
Cc: [Cr Kate Redwood](#); [Cr Licia Kokocinski](#); [Cr Greg May](#); [Cr Don Henderson](#); [Cr Neil Newitt](#); [Cr Fiona Robson](#); [Cr John Cottrell](#); [Alison Blacket](#)
Subject: AMENDMENT C80 SUBMISSION
Date: Friday, 28 August 2020 3:30:27 PM
Attachments: [C80 DDO6 Submission.docx](#)

Dear Council,

My submission is attached.

Regards,

[REDACTED]

Amc80hepb Submissions received

Submission on DDO6 of Amendment C80 to Hepburn Planning Scheme

- DDO6 should be abandoned to allow a proper consultative process to be conducted to assess an appropriate buffer for the Daylesford Transfer Station. The Concerned Residents' Group supports this and has offered to participate.
- DDO6 only refers to the "Daylesford Material Recovery Facility" which has closed. DDO6 does not relate to the Transfer Station or Landfill site both of which are defined separately. Clause 53.10 states that for a Resource Recovery or Recycling Operation the Threshold distance is "None specified". EPA Publication 1518 states "Case by case".
- If Council is not prepared to abandon DDO6 then it should reduce the extent of the buffer as provided for in the guidelines to 250 metres or less. Development of residential accommodation buildings should be discretionary so as to allow appropriate design considerations to be incorporated such as noise insulation, siting and ensuring the dwellings do not look towards the Transfer Station. This would be consistent with the intention of DDO's.

Key Reasons to Abandon DDO6 or Substantially Modify the Provisions:

1. DDO6 only refers to the “Daylesford Materials Recovery Facility” which was the subject of complaints from Langdon Court residents and has closed. That facility is fenced off and clearly operated as a separate facility.

A “Transfer Station” is defined separately as are “Landfill” and “Materials Recovery and Recycling” uses or activities. They are also listed as **separate uses** in Clause 53.10

Council has stated that it relied on Cluse 53.10 and EPA Publication 1642.

The closed Landfill is not included as part of this DDO nor is the Transfer Station. Only the closed Material Recovery Facility is included.

Clause 53.10 states that the threshold distance for Resource recovery or recycling operations is “None specified”. EPA Publication 1518 states that the recommended separation distance for a Materials Recovery and recycling facility is “(Case by case)”. In other words based on a site specific assessment.

2. The Design and Development Overlay DDO6 and associated controls are flawed, confusing, and contradictory. The use of a DDO to attempt to control land uses such as residential uses is contradictory to the Purpose of the Design and Development Overlay as set out in the Planning Scheme and also in the State Government’s Practitioner’s Guide to Victorian Planning Schemes page 129.
https://www.planning.vic.gov.au/data/assets/pdf_file/0022/463072/A-Practitioners-Guide-to-Victorian-Planning-Schemes-1.4.pdf

A DDO could be used to control the design and siting of residential buildings to ensure that they are not adversely impacted on by the Transfer Station operations.

3. The reliance on Clause 53.10 “Uses and Activities with Potential Adverse Impacts” and Ministerial Statement No.19 is flawed as that relates to proposals for new industries not those lawfully established many years ago. **Nevertheless, that and EPA Publication 1642 allow for a lesser buffer distance where impacts do not extend 500 metres away, as is the case here. EPA Publication 1518 provides for a 250 metre buffer for a Transfer Station.** There are numerous Transfer Stations around Victoria which are much less than 500 metres from sensitive uses and operating satisfactorily.
4. DDO6 would dramatically and unnecessarily affect the economic and personal wellbeing of residents and landowners during a most stressful time of COVID-19.

Referring DDO6 to a Panel will continue the mental stress for a further 12 months or so. Around 100 properties are affected.

5. Most of the homes within 500 metres of the Transfer Station were built lawfully with Council approvals between 20 and 40 years ago. They preceded the Transfer Station, also built lawfully around 2004. Subdivisions have progressively been approved by Council including Langdon Court in 1987. The residential Zonings were implemented by Council to provide development expectations and rights to owners. Council is acting irresponsibly in attempting to take away those long-standing expectations and rights. The Transfer Station does not cause impacts 500m, 400m, or even 300m away.
6. In relation to DDO6, Council has failed to comply with its own Community Engagement Policy 79(C). Council admits that it only consulted with several residents from Langdon Court in 2019 and January 2020. More than ninety per cent of affected residents and landowners were not consulted at any stage about the use of a DDO to severely restrict their rights. The C80 notification was poorly worded and failed to advise that it seeks to prohibit rather than just limit.

Further Details on the Key Reasons:

2. The Design and Development Overlay and associated controls contradict the Planning Scheme provisions.

Clause 43.02 of the Hepburn Planning Scheme provides the basis for utilising a DDO. The Purpose and clause details make it clear that it relates “to the design and built form of new development.”

The State Government provides guidance through “A Practitioners Guide to Victorian Planning Schemes”. On page 129 that also makes it clear that a DDO relates to the “need to control built form and the built environment, using performance based rather than prescriptive controls”. Nowhere does it provide the ability or authorisation for a DDO to control uses such as residential uses.

DDO6 contradicts the DDO provisions as it seeks to introduce prescriptive controls which control or prohibit accommodation. Accommodation

includes: dwellings, residences, group accommodation and other residential type activities.

3. Council's reliance on Clause 53.10 "***Uses and Activities with Potential Adverse Impacts***" is misguided and flawed.

The heading, Purpose and written details of Clause 53.10 clearly relate to proposed industrial type activities which have the potential to cause adverse impacts to the neighbourhood. They then provide a basis to assess proposals for **new industries such as a new Transfer Station to assess if that might cause adverse impacts.**

Council Offices and Planners have implied that Clause 53.10 can be used in reverse - as if the residential activity will cause adverse impacts on an existing transfer station. Clearly an industry causes adverse impacts not the reverse. Common sense needs to prevail rather than attempting to penalise legally established homes and allotments.

Planning Advisory Note 92 dated May 2020 provides guidance in relation to Clause 53.10. On page 3 the Note deals with "*Clause 53.10 operation*" and states that "*Clause 53.10 sets out threshold distances for different types of uses and activities with potential adverse impacts.*" It also states: "*a use or activity that does not meet the threshold distance is not necessarily prohibited but is subject to further assessment to determine its appropriateness.*"

The Note continues to reinforce that it applies to a new industrial use such as a Transfer Station, whether that will require a planning permit or not and referral to the EPA. It also provides factors for assessing the industrial use.

Nowhere does it talk about restricting or prohibiting residential development.

On page 5 of the Note it specifically gives the example of a **Transfer Station** and explains that if the 500 metre buffer to sensitive uses cannot

be met then the Planning application must be referred to the EPA for an appropriate assessment to determine whether a lesser buffer is sufficient!

Council's reliance on Ministerial Statement No. 19 is also flawed and fails. The Ministerial Statement states under Part 2. Application that it applies to the review and preparation of planning schemes... that may:

- *Allow the use or development of land within a buffer ... for an industry engaged in materials recycling, refuse disposal, transfer station*

Amendment C80 does not propose to "Allow the use or development of land within a buffer" it actually proposes to do the opposite to prohibit or regulate existing use rights rather than proposed. MS 19 would apply if Council proposed to rezone additional residential land within a buffer not existing residentially zoned land.

Under part 4. Requirements to be met **Council must:**

"For a planning scheme amendment, include in the explanatory report a statement of how the proposed amendment addresses the views of the EPA." Council has admitted that it had only received preliminary advice from the EPA and as of late August was awaiting detailed advice. Specific advice should have been obtained on the DDO6 provisions and buffer before exhibiting.

4 . DDO6 would dramatically and unnecessarily affect the economic and personal wellbeing of residents.

Alan Hives Certified Practising Valuer has confirmed in writing that DDO6 *"will significantly reduce the value and marketability of any vacant land immediately and developed properties over time."* It will also negatively impact on people's ability to have a mortgage. That letter has been submitted to Council by Les Faulkhead.

Belle Property (hockingstuart) state in their letter to Council dated 22nd August that DDO6 will severely affect property prices and ability to sell even existing homes.

During a time of COVID-19 restrictions and personal stresses the 100 or so property owners are being subjected to sever additional stresses by Council for no apparent logical reason.

5. Most of the homes and vacant allotments within the 500 metre distance were lawfully established with Council approval before the Transfer Station was built. The Transfer Station was also lawfully established. Yet Council is attempting to take away the residents' and landowners' rights and ability to enjoy their lives. Council has got its priorities back-to-front.

Common sense needs to prevail rather than a bureaucratic approach. The Transfer Station clearly does not affect residents 500m, 400m or even 300m away. **Yet an arbitrary buffer based on guidelines only is being imposed to severely punish residents who were never consulted!**

6. Council has failed to comply with its own Community Engagement Policy and the principles of the Planning and Environment Act and Regulations in relation to DDO6.

No reference was made to Council's Policy, nor were Councillors advised in the June report that more than 90% of people to be affected by DDO6 had not been consulted with.

The notification to landowners states that:

"Land affected by DDO6 will require a permit for a building, subdivision and fencing. This new control will limit development density in the area until Council has undertaken its review of its current Waste Management and Resource Recovery Strategy."

Requiring a permit to build indicates you can apply. Limiting development density implies that increasing the density of development such as through additional subdivision or building multiple units or group accommodation will be limited. It does not indicate that Council would prohibit any new homes being built or rebuilt.

The notification was misleading. Victorian Planning Schemes use the term “Prohibited” if a use is not to be allowed at all. The term “Restrict” is not used to indicate prohibition and is misleading.

The vast majority of landowners were not aware of the impacts and severity of DDO6 until two weeks or even less before submissions closed. This reinforces that Council’s notification was flawed and failed to adequately notify people.

Schedule 6 to Clause 43.02 has the second Design objective:

“To reduce the amenity impacts on surrounding land from the Daylesford Materials Recovery Facility including adjacent residential areas and public forest areas.”

Yet the Clause has no reference to how it **reduces the impacts** of the facility onto residential areas. This clause fails the second objective.

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SUBMISSION - [REDACTED] re Amendment
C80hepb Hepburn Planning Scheme - Schedule DDO6 to Clause 43.02
Date: Friday, 28 August 2020 3:30:54 PM
Attachments: [REDACTED]

**To the Planning Scheme Review Officer
Hepburn Shire Council**

Please find attached our detailed SUBMISSION in respect to the above Amendment and the DDO6 in particular, that's sets out how this proposed DDO6 will impact us, and the grounds upon which we oppose the inclusion of DDO6.

Please acknowledge receipt.

Sincerely

[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

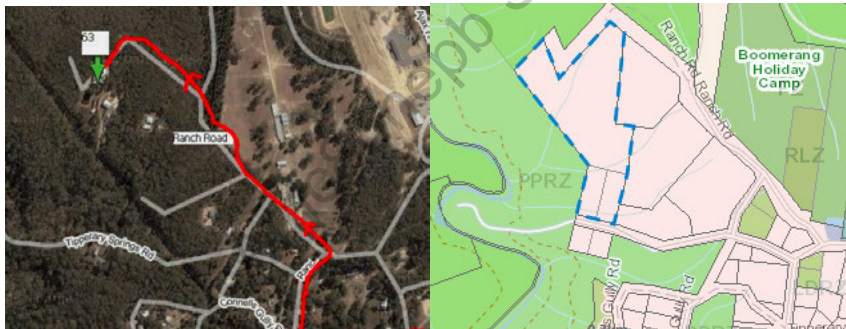
[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, are severely impacted by the proposed DDO6 because the existing development and land use rights are removed/restricted, the property's resale value is reduced; if our home is damaged, destroyed, then we are left with worthless land; and if we wish to rebuild we cannot. There are other consequences and issues that we also submit are relevant to our ultimate recommendation.

CONTENTS OF OUR SUBMISSION:

1. Introduction and background
2. Impact on our property and existing land use on quiet enjoyment rights in consequence of the proposed DDO6.
3. Other issues – including flawed communications and consultative process
4. Final position and recommendation

1. INTRODUCTION AND BACKGROUND

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

There is absolutely no line of sight to the Daylesford Waste facility – and we cannot even hear any activity from that facility; our property is on a much lower elevation than the facility with forested areas and the Boomerang Ranch in between.

The first we knew about the proposed overlay was when we received the Council 4 page coloured flyer dated 17 July 2020 in our mailbox (received at a somewhat later date); and subsequently the letter dated 10 July 2020 together with the same 4 page flyer dated 17 July 2020 mailed to our registered mailing address/Post Office Box- again not received until about the end of July.

One of us had previously attended a drop in session regarding the Planning Scheme in 2019.

Based on the Flyer– We were not immediately concerned about the proposed overlay as Council stated the overlay was to “minimise land use impacts until a new Waste Management Strategy can be prepared” –We did not consider (“reasonable person test”) that would impact the existing use of our property and did not realise that our property was within 500 metres of the Daylesford Material Recycle Facility – which we presumed was the “tip”. No details were provided in the flyer of the reference number of the DDO.

When we then received the subsequent letter (with the same flyer) we noted that Council advised that the DDO was actually numbered DDO6; and that the proposal “ will limit development density in the area until the Council has undertaken its review of its current Waste Management and Resource Recovery Strategy” – again no reason why it raised a potential issue for us.

Though we did wonder why the letter referred to *“limit development density”* and what the *“resource Recovery strategy”* meant.

There seemed to be a difference in intent between the flyer and the letter– was it to minimise land use or to limit development density?

The letter also noted that “Land affected by the DDO6 will require a permit for a building, subdivision and fencing” – this seemed to be “business as usual” and so we didn’t really worry about it.

No details were provided of the actual DDO6.

It was not until we saw the posters going up around town in early August that we started to look at the Council and DELWP websites to try and locate the details of this DDO.

Failing to readily locate the DDO6 within the myriad of folders and zip files we emailed the planningscheme@hepburn.vic.gov.au on 2 August as follows:-

“Can you please let us know by return where we can download the detailed information and boundary maps for the proposed Design and Development Overlay on land within 500m of the Daylesford Material Recovery Facility.

It’s unclear from the Councils website or the State Planning scheme website where we can find this document, and we are concerned given our proximity to the Ajax Road facility”.

Later that day we noted a poster on the Community Notice Board regarding the Scheme that gave Alison Blacket as the contact point with her email – so we forwarded the email to her.

It was only when she replied by email and provided the link to download the proposed DD06 and the map showing the “buffer zone” that we realised that the zone directly impacted our property, and we were in a position to read the actual DDO6 with all its consequences for our property.

We have included the chain of emails between ourselves and the Planning Department in the Annexure to this submission – and advise that the statements made therein be taken into account as an integral part of this submission.

They reveal the gradual realisation that this DDO6 was going to have a **substantial negative impact** on our existing rights, land use, and quiet enjoyment of our property.

The emails also revealed additional inconsistencies between what was said in the letter and the flyer – with references to gas emissions from the closed landfill (the reason why a 1.5metre solid fence was to be required); and the confirmation that a permit could not be issued to replace the existing house; deal with a major destruction of the house; rebuild a balcony or even have a private space.

None of this could have been gleaned from the preceding communications from Council as the DD06 prohibits permits for a building for accommodation; balconies and private spaces from existing within the buffer zone; and introduces specifications for fencing.

2. IMPACT ON OUR PROPERTY AND EXISTING LAND USE ON QUIET ENJOYMENT RIGHTS IN CONSEQUENCE OF THE PROPOSED DDO6.

- Our house, gardens and private spaces, together with a workshop (approved by Council in November 2001), shedding, water tanks and septic system are all located within the proposed DDO6 overlay (which essentially splits the overall land in 2 parts- that part of the 9 acre title which is impacted by DDO6, and the remaining part of the 9 acres, and the 2 1 acre titles that are not)



- The Planning Officer confirmed by phone in response to our email of 10 August 2020 that our understanding as set out therein was correct that, inter alia
 - Even though there is an existing house that is within the proposed new DDO if we (or a new owner in due course) wanted to demolish and rebuild to a new design within its existing footplate this new overlay **would prohibit it** and somehow we would have to abandon all existing services/landscaping/ views etc and try to apply for a new permit to rebuild on other parts of the property (with all the existing Zoning and overlays) including removing substantial vegetation and trees etc;
 - If the house were impacted or destroyed by a bushfire, **we would be able** to rebuild on the same site due to the provisions of the Bushfire overlay (subject to meeting the fire protection ratings etc);
 - That Council does not intend to consider any assessment to vary (reduce) any of the 500 metre EPA recommended zone, notwithstanding that it could undertake a Risk assessment
 - This proposed overlay has no “sunset clause” that would be activated 30 years after the landfill site had been closed (what date was that?), or once Council has determined what it intends to do with the site.
- The Planning officer suggested by a later email of 10 August that:
 - “The new DDO6 means that you will not be able to establish a new house within the DDO area due to the presence of the former tip.
 - Are there other parts of your land where a new house could be built? (Your lot seems quite large)”

Our response to that suggestion – by email was that:

- We may be restricted in building (subject to permits) on the balance of the land due to the existing overlays, the lie of the land, domestic powerlines running across our land to the south of the existing house; gullies etc.

And by phone later that day to the Planning Officer that we noted we would:

- lose all the amenities and investment on the existing site
- have to deforest a substantial portion of the remaining land which rather defeats the objective of a rural bush property

And in response to the need to build a 1.5m solid fence on the frontage of the property (if we wanted to construct a fence) was:

- hardly compatible with the rural bush environs
- not prevent gas leakage from the closed tip coming into our property – albeit that the tip has been closed for 20 years and this has never been identified by Council as a current risk issue.

In summary therefore the impacts on us of the proposed DD06 are life changing, with substantial detrimental financial, emotional, physical and mental health impacts given that:

- We cannot get a permit to rebuild our house/verandah and private space on the existing site (whether it's destroyed by accidental fire or accident) or to a new design – (we may be able to rebuild after a bushfire but are uncertain)
- If we require a fence it must be a 1.5m sold fence with screening
- The value of our land will be substantially reduced – and even further so, should we be unable to secure a permit to build on a new location on the balance of the land (especially given the Planning Zone, steep slopes, terrain, powerlines, existing creeks flowing to Tipperary Springs Mineral springs area etc) and even if we could -there would be all the attendant additional costs and stress, including negotiations with Council, CFA, Central Highlands Water; and the impact of the destruction of forest/bush on our land .
- Our quiet enjoyment of our property is destroyed
- Our family's continued use of the home (including extension/rebuilding as may be desired) and the overall property as a financial asset into the future is put at risk
- The processes around the finalisation of the overall planning scheme amendment (of which DDO6 is but one part) may take a year or more to complete – with no certainty as to outcome but immediate negative impact on the value of the property and heightened emotional stress.

3. OTHER ISSUES – INCLUDING FLAWED COMMUNICATIONS AND CONSULTATIVE PROCESS

In section 1 above we highlighted the numerous inconsistencies between the various Council communications; and areas that were misleading to Residents receiving the communications e.g. stating a permit will be required to build when building is actually prohibited within the 500 metre zone.

We consider other key flaws are that:

- There was no consultation on the proposed DD06 with any directly impacted residents until after the June Council meeting which approved the amendment for exhibition – a denial of natural justice.
- The subsequent communications to residents generally and to also to specific properties impacted by the DDO6 buffer zone were misleading as to the impact of the proposed DDO6; and did not provide a copy of the actual DDO6 itself nor the map showing the

proposed 500 metre zone – leaving residents potentially unaware of the significant impact of the proposal.

- The DDO6 contains internal inconsistencies, for example:
 - “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.”
 - *If we cannot locate a balcony or private space within the 500 metres, then it doesn't really matter which direction it faces!*
- If there is a strategic reason for this proposed overlay it is not made clear:
 - Is it due to the closed landfill?
 - Or the waste facility?
 - Why now?
- Despite requests directly to Planning Officers (including at the 1st dedicated DDO6 “Consultation” with impacted residents on 24 August) no response has been provided as of 3pm 28 August 2020 as to whether in proposing DDO6 Council **intended** to prohibit building/rebuilding of existing homes on existing sites; building on vacant land, building/rebuilding of balconies and creating/developing private open spaces - and if that was the intent – how does that relate to the stated objective of DDO6 – to limit development intensity or minimise land use impacts (depending on which Council document one reads)?
- The 1 hour Zoom DDO6 impacted residents Consultation on 24 August was too short; too late – and did not allow any meaningful time for Verbal questions from residents or full responses to all the queries from residents in Zoom Chat
- Absent landowners were not invited to the 1 hour zoom session by Council and could not receive the flyer produced by residents together with the DDO6 Schedule and the map – which had to be mailed by local impacted residents, at their cost, to those local properties identified by residents from the DDO6 overlay map (without being personally addressed) that appeared to be impacted.
- COVID -19 has restricted the opportunity for residents to meet and engage; to door knock other residents to explain the issues and to have meaningful discussions with Council officers and Councillors within 3-4 short weeks before Submissions are due on 28th August 2020.
- Whilst the Council says it is responding to EPA requirement – we understand that the EPA have advised they are yet to fully consider the proposal or receive requested information from the Council.
- Further, the Planning officers have advised Residents at the Zoom session (and in other interaction) that the amendment (including DDO6) has gone through many checks and balances already by both DELWP and the Minister for Planning; that it is expected that any flaws will have been ‘ironed out’ by now so that the community can comment on a legitimate document. Except the Minister’s office has provided a response to Concerned Residents to say that , in effect, they have only satisfied themselves that the form of the documents is in order – not the substantive clauses themselves. For Council to say otherwise is misleading to “lay” residents who do not have planning experience.
- The DDO6 gives Council potential unrestricted development of the existing transfer and Material Recovery facility without the need for permits for any buildings and works, fencing and landscaping

Concerned Residents impacted by DDO6 prepared a **short PowerPoint video** on each clause of the proposed DDO6 and explaining the impacts on Residents' properties and rights, submitted to the CEO, Planning officers and Councillors on 18 August 2020 and is available here- <https://www.dropbox.com/s/95o64iczg4ia9jr/DDO6%20Quick%20Ref%20Guide.mp4?dl=0> It is relevant to note that the explanations contained therein have not been challenged by Officers.

4. FINAL POSITION AND RECOMMENDATION

Whilst we hear that there is now some suggestion emerging from Council that in respect to the issues raised to date by Residents in the numerous submissions on DDO6 received to date, Officers are potentially considering some exceptions that could be built into the proposed DDO6 for Council to consider recommending to the Planning Panel, that still places us as Residents in the awful situation of waiting to see what these exceptions are and whether they fully and satisfactorily address ALL the concerns expressed by ALL Residents.

For both of us, the key issues include those that impact on our property as stated in 2. above and the potential loss of value; existing rights and quiet enjoyment. – as well as the emotional stress and angst, and impact on mental health.

Furthermore, we have been told by Planning Officers that their Report in response to the submissions will not be publicly available on-line (as part of the Agenda papers for the Council virtual meeting on 15 September) until the Friday prior- giving residents almost no time (given COVID-19) to engage with Officers; Councillors or other impacted residents, before Council determines the recommendations to the Planning Panel for hearing.

In the meantime the continued negative impact on the value of our property, existing rights and quiet enjoyment, and mental health/emotional stress will continue whilst the amendment goes through a Panel hearing and then back to a newly elected Council – all of which could take a year or more.

This current position in which Residents have been placed fails the reasonableness test of community consultation about a significant alteration of existing property rights.

Given the concerns we have expressed regarding the flawed process and communications, and absence of any risk-assessments in respect to the Facility (to Council and to residents) the reasonableness of a blanket 500 metres buffer and the yet to be completed Council Waste Management Strategy, and other matters noted below, we submit that **DDO6 should therefore be abandoned by Council at its 15 September meeting:-**

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.

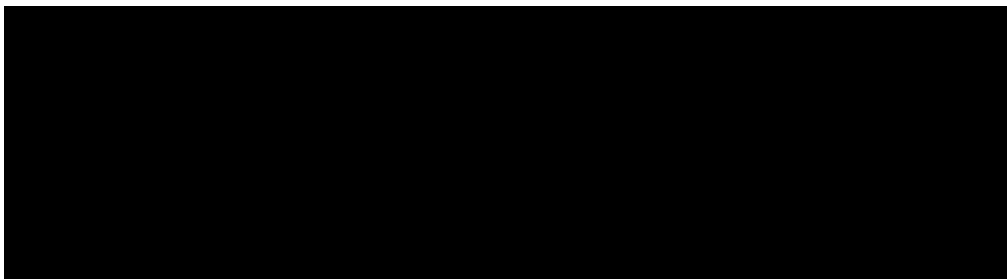
And importantly, it appears that the design and development provisions in the planning scheme **cannot be used to control land use**, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

That Councillors:

- Begin a collaborative process for moving forward; one that balances the need to meet site specific and relevant ministerial and EPA requirements for transfer stations (after the relevant risk assessments and impacts have been undertaken), against the need to act in the interests of all Victorians, as required by the Planning & Environment Act.
- Direct officers to complete the risk assessment work required by the EPA to:
 - inform the waste management strategy review; which in turn would then
 - inform appropriate responses to transfer station issues, including any overlay requirements; while
 - undertaking the due diligence expected from legislative and resident perspectives.

The Guiding principles for this recommendation as impacted Residents and property owners in the proposed DD06 zone:

- We do not consider that any deterioration in existing resident amenity and rights is acceptable.
- We would prefer to act collaboratively with our Councillors and Council Officers.
- We believe 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.
- We consider that it is totally unacceptable to retain DDO6 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.
- We prefer communities to work together, within the context of the current waste management strategy review and expect 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.



Lodged by email at 3.20pm on 28 August 2020 to planningscheme@hepburn.vic.gov.au

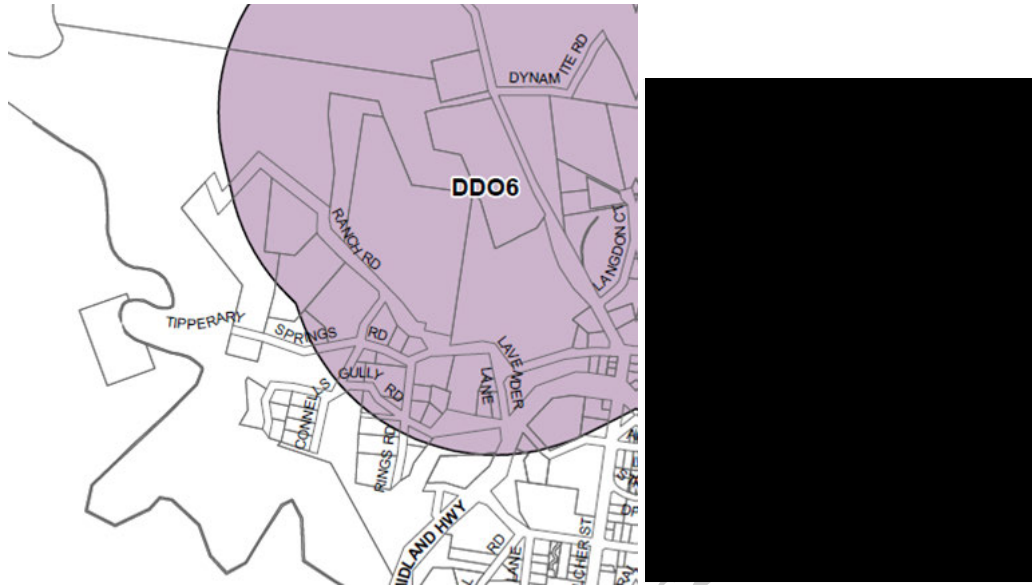
Annexure² – Copies of emails with Hepburn Shire Council regarding our information requests

From: Alison Blacket <ablacket@hepburn.vic.gov.au>

Subject: FW: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.

Date: 10 August 2020 at 1:33:54 pm AEST

[REDACTED]



Hi Robert

The new DDO6 means that you will not be able to establish a new house within the DDO area due to the presence of the former tip.

Are there other parts of your land where a new house could be built? (Your lot seems quite large)

Alison Blacket

From: [REDACTED] **Sent:** Monday, 10 August 2020 1:14 PM **To:** Alison Blacket <ablacket@hepburn.vic.gov.au> **Subject:** Re: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.

Hi Allison

The one in red was an additional 1 acre block purchased at the same time as the one immediately to the right - It was titled to (Fifth Vamoose) after an adverse possession process 10 years or more ago

Those 2 blocks have separate titles - its just that Council "bundled them " altogether with the original title for the 9 acres for rating purposes - but they have never legally been consolidated into 1 title - so effectively our property comprises the 3 separate titles.

[REDACTED]

² To be read in conjunction with and an essential part of the submission

[REDACTED]

On 10 Aug 2020, at 12:42 pm, Alison Blacket <ablacket@hepburn.vic.gov.au> wrote:

Hi Robert

Is this your property, outlined in red?

Also are you the owners of the property or is the property held in a different name to yours?

Alison

<image001.png>

[REDACTED] **Sent:** Monday, 10 August 2020 11:45 AM **To:** Alison Blacket <ablacket@hepburn.vic.gov.au> **Cc:** Bronwyn Southee <bsouthee@hepburn.vic.gov.au> **Subject:** Re: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.

Hi Allison

Thanks for forwarding this info - The EPA notes in 4.2 that the default buffer distance can be reduced (subject to items 4.2.1. And 4.2.2). I assume Council does not intend to undertake that risk assessment/review?

How long does this proposed overlay need to be mandated? - when was the landfill closed? - the EPA refers to 30 years?

Can you still respond to our questions in 2.1 (which is really important for us as that concerns the existing site of our house within the proposed overlay) and 2.3 (as we'd like to meet with others whose land is impacted) of our email.

Thanks
Robert

On 10 Aug 2020, at 11:19 am, Alison Blacket <ablacket@hepburn.vic.gov.au> wrote:

Hi Robert

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>

In response to your query below, should you home be destroyed by bushfire then it would be able to be rebuilt.

With kind regards,

Alison Blacket

[REDACTED] **Sent:** Monday, 10 August 2020 10:12 AM **To:** Alison Blacket <ablacket@hepburn.vic.gov.au> **Subject:** Re: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.

Hi Alison

Just wondered whether you'll get a chance to reply soon to the email we sent last week.

Cheers

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Hi Alison

Thanks so much for your time yesterday morning and the background you provided me with. Much appreciated!

I realise that you will be incredibly busy at present given the Public meetings scheduled for this week and so just wondered if at some point later this week you could respond to :

1. Confirm my take outs from our telephone call that:

1. It was the EPA that initiated and required the determined the fixed 500 metre boundary for this new overlay

2. Were our existing home (including the verandah that "faces" the DMR even though its not at all visible from it due to the contours of the land and forest) ,that is **within** the 500 metre overlay, impacted/destroyed by a bushfire, then subject to meeting the Bushfire regulations re rebuilding, this new Design overlay would not prevent us from rebuilding on the same building foot plate including the location of the verandah.

2. Clarify for us some residual queries:

1. Whether if for some reason we, or a purchaser of our property at a later stage, wished to demolish the existing house and rebuild to a new design - would that be prevented because of this new Design Overlay such the new building would have to be placed to a new site on the land title outside of the Overlay - this is a major issue for us given the impact on the amenity of our land; the extent of the new overlay; limited ability to place a new building on the residual land given land contours/gullies; deforestation it would require; etc

2. Whether the correspondence/documents from the EPA as to its requirements as to a fixed 500 metre boundary (ie one that does not have regard to variable alignments individual existing property locations etc) is public available to ratepayers.

3. Could you give us a contact name/number/email for any of the residents who were involved in the consultations about the facility so that we could touch base with them - as I explained, we were totally unaware of this prospective new overlay until we got the July Council Flyer a week ago (and I now see it was mentioned in the Planning Scheme Report at the June 2020 Council meeting). You mentioned that this group were mainly from the area in Ajax Road immediately opposite the facility.

Thanks for your assistance to date.

[REDACTED]
[REDACTED]
[REDACTED]

On 3 Aug 2020, at 9:03 am, Alison Blacket <ablacket@hepburn.vic.gov.au> wrote:

[REDACTED].

Please find below a few updated points to your queries:

- The purpose of the overlay is to limit ongoing subdivision of land for residential purposes and to limit future residential densities in the area shaded on the map
- There is no requirement to fence (although you may have already fenced your title boundaries as you would normally do)
- If you wish to rebuild you will need a permit. Does your house lie in the shaded area?
- Council has been working with a group of residents in the area over the last year on the operation of the recycling facility. (Meeting monthly)

With kind regards,

Alison Blacket

[REDACTED] **Sent:** Monday, 3 August 2020 8:54 AM
To: Alison Blacket <ablacket@hepburn.vic.gov.au> **Subject:** Re: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford Material Recovery Facility.

Many thanks for your quick response Alison

Would it be possible to speak with you to get a better understanding of what this means.

The overlay boundary cuts right through our forest property (and includes our existing house). We can't even see the Waste Recovery Facility from our land due to the contours, distance, forest and Boomerang Ranch.

The concept of fencing within the forest area to meet the overlay standard seems unworkable.

There has been no foreshadowing of this proposed Overlay with impacted land owners.

What does this mean for existing properties? Or if a property has to be rebuilt or the owner wishes to rebuild?

Anyway. Could we speak with you this week.

One of us had already registered for the online meeting in Daylesford tomorrow evening but that will cover the whole amendment we assume.

Cheers

[REDACTED]
[REDACTED]
[REDACTED]

On 2 Aug 2020, at 8:40 pm, Alison Blacket <ablacket@hepburn.vic.gov.au> wrote:

<https://www.hepburn.vic.gov.au/wp-content/uploads/2020/07/Flyer-to-all-households.pdf>

Hi [REDACTED]
Please find attached draft maps and draft clause plus a link to the general information.

With kind regards,

Alison Blacket

From: [REDACTED] **Sent:** Sunday, 2 August 2020 4:09 PM
To: Alison Blacket <ablacket@hepburn.vic.gov.au> **Subject:** Fwd: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford Material Recovery Facility.

Hi Alison

Just seen your name as the contact for this draft Planning Scheme amendment in a notice on the community board at Coles.

Not sure if our email to the generic email would get to you directly so am forwarding to you in case not.

Thanks
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford Material Recovery Facility.
Date: 2 August 2020 at 12:43:57 pm AEST
To: planningscheme@hepburn.vic.gov.au

Hi Can you please let us know by return where we can download the detailed information and boundary maps for the proposed Design and Development Overlay on land within 500m of the Daylesford Material Recovery Facility. Its unclear from the Councils website or the State Planning scheme website where we can find this document, and we are concerned given our proximity to the Ajax Road facility. Thanks [REDACTED]
[REDACTED]

<Hepburn C80hepb 001ddoMaps30_31 Exhibition Gazetted.pdf>
<Hepburn C80hepb 43_02s06_hepb Exhibition Gazetted.pdf>

From: Alison Blacket <ablacket@hepburn.vic.gov.au>
Subject: FW: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.
Date: 18 August 2020 at 12:28:44 pm AEST
To: [REDACTED]

Hi Robert
I have a minor update for this email below
The correct publication number is EPA1642.
(The extract that I provided below however is accurate)

Apologies for any confusion

Alison

From: Alison Blacket Sent: Monday, 10 August 2020 11:19 AM To: [REDACTED]
[REDACTED] Cc: Bronwyn Southee <bsouthee@hepburn.vic.gov.au> Subject: RE: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.

Hi Robert
The 500 metre radius applies the following EPA standards:. (We note that the landfill is closed)

EPA Publication 1618:

Assessing planning proposals within the buffer of a landfill

4. What does the Landfill BPEM advise planners?

The Landfill BPEM is EPA's primary publication on landfills. It advises planning and responsible authorities on buffers for operating landfills (section 5.1.5) and closed landfills (sections 8.2.1 and 8.2.2). The advice, summarised below, is similar for both.

4.1. Default buffer distances

Table 2 below summarises the default buffer requirements in the Landfill BPEM for different types of landfills. The default distances are the same for both operating and closed landfills, although the buffer for operating landfills is to manage the risk of landfill gas and amenity impacts, while the buffer for closed landfills is to manage the risk of landfill gas impacts only. It typically takes at least 30 years for a closed landfill to stabilise to the point where the potential for harmful landfill gas migration ceases.

Note that landfills accepting Category C Prescribed Industrial Waste (PIW) are not within the scope of this guideline. It is recommended that the planning authority refer the application to EPA for site specific advice given the variable gas generation risk of PIW.

Table 2: Landfill buffer distances

Landfill type	Distance from buildings and structures
Landfill accepting municipal (putrescible) waste	500 metres
Landfill accepting solid inert waste	200 metres

4.2. Varying the default buffer distances

The Landfill BPEM allows for the default buffer distance to be reduced based on:

1. a risk assessment that considers design and operational measures; and
2. evaluation demonstrating the environment would be protected and amenity not adversely affected.

And also the following Clause applying to planning schemes across Victoria

53.10 - Transfer station receiving organic waste buffer distance:

Waste, recycling and resource recovery	
Chemical or oil recycling	1,000
Combustion, treatment or bio-reaction of waste to produce energy	None specified
Composting and other organic materials recycling	None specified
Hazardous waste storage or treatment	1,000
Landfill	None specified
Other resource recovery or recycling operations	None specified
Soil conditioning or blending	None specified
Transfer station:	
• accepting organic wastes	500
• other	200
Used plastics treatment or processing	500

In response to your query below, should your home be destroyed by bushfire then it would be able to be rebuilt.

With kind regards,

Alison Blacket

From: [REDACTED] **Sent:** Monday, 10 August 2020 10:12 AM **To:** Alison Blacket <ablacket@hepburn.vic.gov.au> **Subject:** Re: URGENT request - re proposed Design and Development Overlay on land within 500m of the Daylesford MaFy.

Hi Alison

Just wondered whether you'll get a chance to reply soon to the email we sent last week.

Cheers

[REDACTED]

[REDACTED]
[REDACTED]

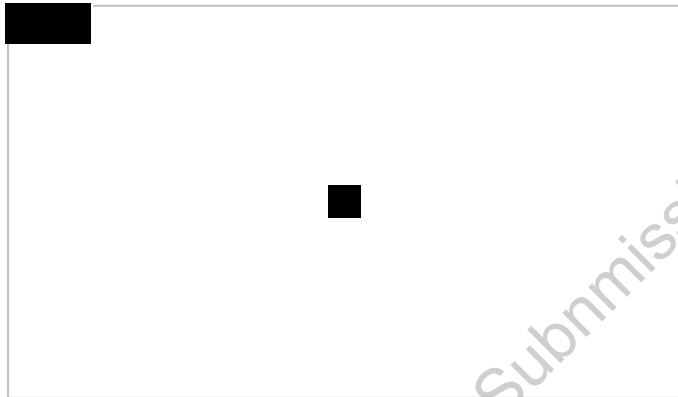
Sent from my iPad

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Planning scheme changes
Date: Friday, 28 August 2020 5:01:13 PM
Attachments: [image001.jpg](#)
[HEPBURN SHIRE COUNCIL.docx](#)
Importance: High

To whom it may concern regarding changes to the planning scheme.

Regards

[REDACTED]




Amc80hepb Submissions received

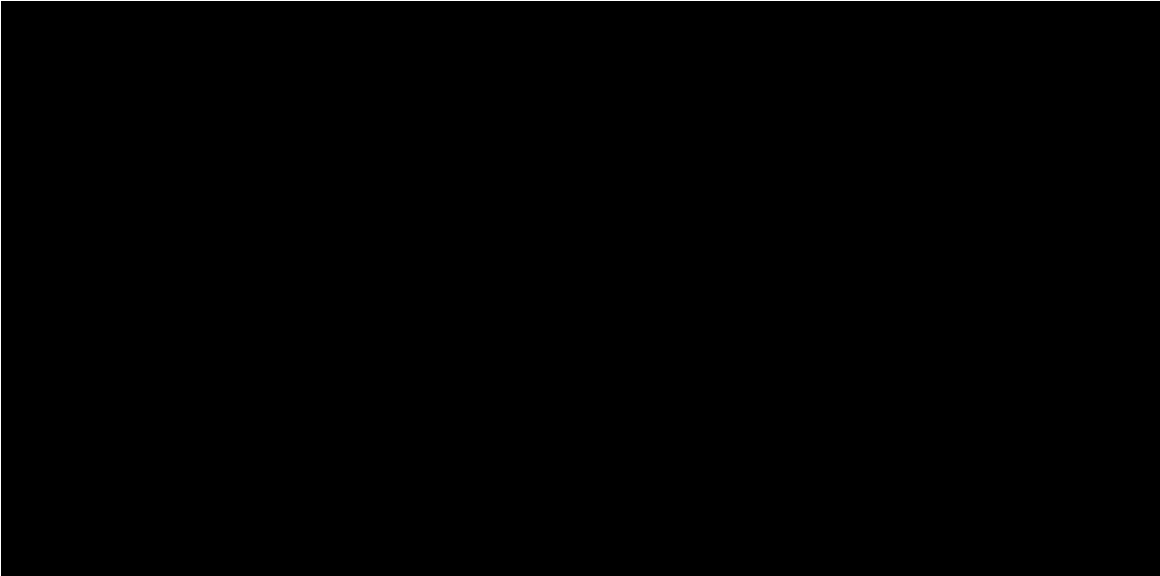
HEPBURN SHIRE COUNCIL

28.8.2020

To whom it may concern

I am writing to formally ask council for consideration of the planning scheme within my area.

Currently 



Current photo of our property is lined in blue, a scatter of a few trees.



We currently cannot live off the land, the land is zoned farming but has poor soil content of grey soil, not rich red soil that is on farmland further toward Ballarat. We currently have 5 cows which is the max amount we can use for grazing as any more and we would have to buy feed to keep.

The North / West side of the property consist of white quartz, through the soil which is unable to be used for any planting or agricultural development.

We also have a water that runs through to our dam and continues on, which we maintain to protect.

I believe there is a strong need for agriculture and farming, but should not be just placed over properties near this area, when our property is too small to farm off or live off the land, we would like it to be rezoned to rural.

Rural development does not mean housing estate but property owners to be able to live on land without having it farm and with a smaller lot size to build and maintain.

With Review

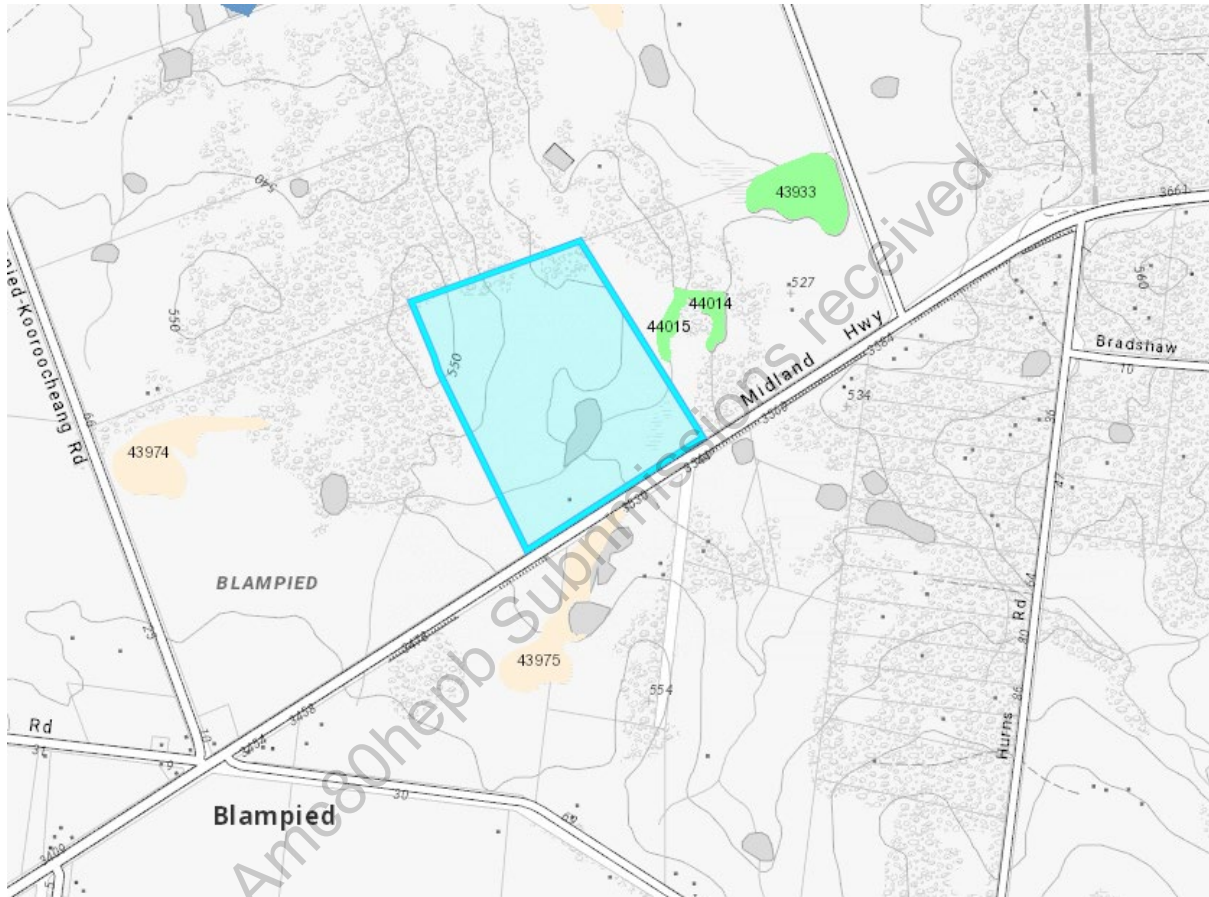
The potential actions relating to agricultural land were:

Recommend further work be undertaken to better understand the requirements for the future needs of agricultural land and how this is reflected in lots sizes. Decrease the minimum lot size for

subdivision or a dwelling to enable land subdivision and more dwellings with minimum lots of 5 acres.

Properties within our settlement have rural properties just across the road which provide properties subdivision of 5 acres in Rural Zones. The do have bush properties, only on study of our property and the trees that line it does not give us any good soil or agricultural land.

We would like you to consider as per the review a flexibility over what constitutes agriculture. We love the country life and don't want that changed into a big housing estate but would like to be a rural property.



We would like to propose to subdivide the land into two parcels. When we purchased the land we were advised by council just over 11 years ago that subdividing a farm house off would be an option and then build further back from the property.

As time goes by so do requirements and amendments, to which we not currently can not do with our property being too small to develop agriculture and also too small to subdivide.



In an article wrote by The Standard, the move that has been welcomed in the south-west, the state government yesterday announced more flexible rules for development in farming zone. I would like council to consider this option in our area.

The reforms are aimed at promoting the growth of agricultural activity and will give councils greater flexibility to adapt planning requirements to local circumstances.

The often controversial 40-hectare minimum lot size in the farming zone has prevented many people from subdividing off smaller parcels of land to build a new home, particularly around rural townships. (Which we have at Blampied / on the edge of Eganstown)

Under the new rules, councils will be encouraged to vary it to match individual conditions such as climate, topography and land settlement patterns.

The default minimum lot size in the rural living zone will also be reduced from eight to two hectares.

Planning Minister Matthew Guy said the proposed reforms would make it much easier for farmers to operate. "Farmers need to live on their land. We need more flexibility for farmers to live where they are working"

This is not an option on our property, we cannot live off the land and are in a settlement zone with rural properties around us.

I hope that our submission will be considered and our property will be under consideration for a change to our zone from Farming to Rural Residential within our settlement of Blampied.

Within our area that is part of bush lined properties that are Rural there is no farming activity. The property has no land productivity.

We also have not water to be able to sustain a farm property with a bore on the property with too much mineral content and not for any human consumption. We live off tank water and a small dam for the 5 cattle.

This water cannot be even used on a small vegetable garden without burning the plants, which I hope would support our claim for rezoning.

As a building designer I do have a great deal of work within the Hepburn Shire Council and the area and zones and believe that working with property owners on these change would not affect any agriculture in the area and would strengthen our settlement at Blampied.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Don Henderson](#); [Cr Greg May](#); [REDACTED]
Subject: Submission - Queries & Objections regarding Significant Landscape Overlay Hepburn Shire
Date: Friday, 28 August 2020 5:00:30 PM
Attachments: [Objection Hepburn Shire SLO1 280820.pdf](#)

To Whom it May Concern,

Please find attached our submission regarding our queries and objections in relation to the proposed expansion of the Significant Landscape Overlay 1 within the Hepburn Shire.

Kind Regards,

[REDACTED]

Amc80hepb Submissions received

28 August 2020

Hepburn Shire Council
PO Box 21 Daylesford
VIC 3460

planningscheme@hepburn.vic.gov.au

Dear Review Officer,

Re: Queries & Objections Regarding the Expanded Significant Landscape Overlays within the Hepburn Shire

[REDACTED] have the following concerns and queries regarding the proposed expansion of the Significant Landscape Overlay (SLO1) within the Hepburn Shire:

1. Lack of public communication and consultation. We have not to our knowledge received any communication regarding this proposal & only found out via local word of mouth. This is despite our farm being directly impacted by the proposed SLO1 expansion. We request an opportunity for further consultation, having missed all previous forums or communication avenues that may have existed due to not having been sufficiently informed.
2. We understand the expansion of the SLO1 if a desired outcome is to protect the area from unsightly development by large utility companies, like the Western Victorian Transmission Network Project currently being undertaken by Ausnet. We applaud the Shire for any efforts made to ensure this type of development does not proceed on our pristine and productive landscape. However it is our understanding that the current proposed restrictions for the expanded SLO1 will also be to the detriment of local farmers in undertaking necessary agricultural development on their properties. We therefore request a review of the restrictions so as not to inhibit farming operations as significantly.
3. Other than for the purpose of protecting the area from large scale utility development, we query as to why the current SLO1 needs to be expanded beyond its current boundary? In particular, why does it need to be expanded to incorporate land that is beyond the base of the volcanic mounds and is at the same elevation as further outlying land and townships which are not within the proposed expansion? The development of land for agricultural purposes (e.g. sheds) or the removal of vegetation (e.g. aged trees) on land beyond the base should not be treated any differently to other farmland, particularly where it has little to no impact on volcanic vistas. In our view, this is just imposing an unfair restriction on some select farmers. We request that the area of the SLO1 be restricted, ending at the base of the volcanic hills.

4. Agriculture contributes significantly to the local economy. Limiting farming operations by restricting necessary development or requiring possibly time consuming and costly permit processes in order to undertake development will have negative implications on the productivity of the farming area.

This area, with its fertile land and proximity to Melbourne, has great potential for further vegetable production in the future, which will require the likes of large storage sheds. If they are proposed to be developed on low lying ground that does not disrupt volcanic views and cannot be seen from the likes of the Midland Highway, it is unfair that additional permits must be sought.

5. Any permit requirements that are implemented must have clear guidelines, be at no cost to farmers, be simple and efficient to complete and have a fast approval time to minimise any negative impact on farmers.

I hope the above is clear and if you have any queries, please do not hesitate to contact me.

Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted address line 1]

[Redacted address line 2]

[Redacted address line 3]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission for Hepburn Shire C80 panels - proposed SL01 Smeaton area
Date: Friday, 28 August 2020 4:59:27 PM
Attachments: [REDACTED]

Dear Sir /Madam

Pls see attached my submission re proposed C80.

Kind regards

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

[REDACTED]
[REDACTED]
[REDACTED]

28 August 2020

Hepburn Shire Council

PO Box 21

DAYLESFORD VIC 3460

Attn: Planning Review Officer Hepburn Shire Council

Dear Sir/ Madam

Submission to HEPBURN PLANNING SCHEME REVIEW - AMENDMENT C80hepb

[REDACTED]
[REDACTED]

The current drafting of the proposed SLO1 overlay, whilst well intentioned, works against the interests of farming and rural enterprise in the Smeaton area.

The Smeaton area is a renowned agricultural district of the Shire. It is submitted the current SLO1 proposal, in its current drafting, will be contrary to the preservation and development of local rural enterprise, the local economy and ultimately the future of local communities.

I identify the following key issues with what is proposed under the current drafting of SLO1 and suggest that the drafting be altered so as to allow for a practicable interrelationship between business and amenity-based priorities:

Issue # 1: Proposed SLO 1- Trees Clause 3

Permit requirement to remove dead trees:

Proposed: Any dead tree with trunk greater than 40cm dia, (not on fence line, track clearing) will need full planning permission for removal. This is unworkable and will be difficult to enforce in any case. The dimensions noted would capture the great majority of dead wood that a land manager may wish to fell.

Suggested amendment: Triage of this requirement to allow for the removal of dead trees greater than XX diameter at XX height (something more practical than what is proposed under current drafting).

Issue # 2: Permit requirement to remove live trees:

The current drafting of SLO1 seeks trigger a permit application for the removal of living trees (other than those on fences lines, track, fire prevention work etc).

It is suggested that the permit requirement could be more usefully drafted to specifically protect defined classifications of tree (i.e. define by species, size, maturity and condition etc).

Issue # 3: Proposed SLO 1 - Effected Building works (Clause 3)

To accommodate rural enterprise, I suggest that the trigger thresholds under the exemptions be expanded to something more workable (commercial):

- *Height of limit of structures 6m be shifted to 13.5 m*
- *Floor space area threshold be shifted from 100m² to 900m² (under proposed drafting, new hay sheds and nearly all farm other structures and accommodation would be subject to the decision guidelines).*
- *Mandatory of use of non-reflective materials should be defined under clear circumstances.*

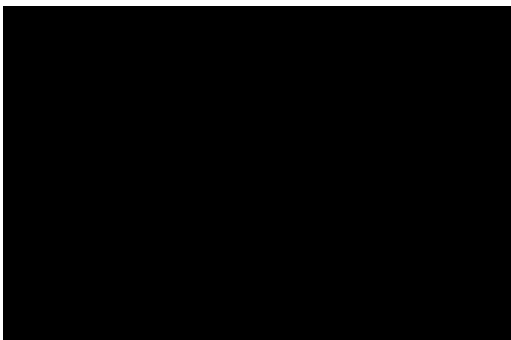
It would also be worth considering providing specific carve outs for existing 'activity centres' to accommodate the continued development of certain established enterprise activities within the area. Examples of these sites include

- AGF Seeds site at 3487 Creswick-Newstead Rd, Smeaton
- UniGrain site at 3720 Creswick / Newstead Road, Smeaton).

Sites, such as these, are important contributors to the local economy and the agricultural future of the district.

It is my hope that Council adopts a workable approach to what has been proposed and that any changes to the Planning Scheme be also viewed through a commercial lens. The aims of amenity and economic viability are capable of working hand in hand.

Please contact me if any questions.



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission: Proposed changes to the Hepburn Planning Scheme (DDO6)
Date: Friday, 28 August 2020 4:57:27 PM

Dear Sir/Madam

Submission: Proposed changes to the Hepburn Planning Scheme (DDO6)

[REDACTED], [REDACTED]
[REDACTED]. Please accept my submission set out below.

I have discovered that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6 may potentially affect properties beyond Ajax Road, [REDACTED].

I submit that DD06 should be abandoned, or at the very least delayed, until proper consultation and disclosure can take place after covid19 lockdown restrictions have been relaxed, for the following reasons:

- The objectives of DDO6 have not been fully disclosed to residents. What is the objective of placing a blanket ban on land use until an indeterminate time in the future? Is that legal, and what is the specific purpose of this ban?
- The properties potentially affected by DDO6 have not been identified. A shaded circle on a map is not sufficient. Some properties are half shaded, while other properties, including [REDACTED] are not even on Ajax Road or even face the recovery facility. How can property owners properly consider the proposal when the only guidance is a shaded circle on a map, where some properties are only partially shaded on the map? A full list of potentially affected properties should have been provided, including specific notification to these property owners.
- My partner's property does not front the recovery facility, and nor is the property on Ajax Road, and there are several properties between the recovery facility and [REDACTED]. I am not even sure if [REDACTED] was intended to be included in the overlay, due to a vague shaded circle on a town map.

I further submit that DDO6 should be abandoned based on research done by other residents which indicates that the Hepburn Shire Council has:

- failed to meet EPA guidelines relating to risk assessment of the Shire's transfer stations
- failed to complete due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL Report*, September 2018
- failed to complete the due diligence necessary to determine the qualitative and quantitative effects on residents as a result of DDO6
- failed to meet 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
- tried to use design and development provisions to control land use, which indicates that the drafting of DDO6 is flawed, and does not meet legal requirements as confirmed to residents by DELWP.

Many thanks for your consideration
Siobhan McHale

[Redacted]

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr John Cottrell](#); [Cr Greg May](#); [Cr Don Henderson](#)
Subject: Hepburn Planning Scheme Review, Amendment C80hepb. Submission
Date: Friday, 28 August 2020 4:56:27 PM

Dear Sir / Madam

I would like to submit my concern to the topic of Hepburn Planning Scheme Review, Amendment C80 to changes, particularly the proposed changes that have come to my attention regarding Mount Franklin and its surroundings (where I live).

Although of enormous national geological and cultural significance particularly to the Dja Dja Wurrung people as well to all residents and visitors of Hepburn Shire, the important landscape feature that is Mount Franklin is not protected, as it should be with a Heritage Overlay.

I would like to see the current protection of just the volcano's cone be extended to the greater area around the sides of Mount Franklin, including Lady Franklin, under a new Heritage Overlay and a Significant Landscape Overlay. This would ensure that subdivision and development for house sites would be controlled going into the future.

This Hepburn Planning Scheme Review should not go forward until the above Overlays are attended to and active to offer the correct guidance to planning.

Another matter of my concern is that I would like to echo Dr. David Holmgren's view that residents of the Hepburn Shire (and not businesses and corporations) should be given the rights to do more or less what they want on public land as long it does not interfere with other peoples' freedom and that corporations and businesses should be prevented from taking advantage of this freedom. I'm sure that in your wisdom you will be able to come up with a law that will offer freedom to Hepburn Shire's residents, while giving council less to police and curbing those who would take undue advantage of such freedoms.

I would prefer if there was no spraying on the verges of the council roads of Hepburn Shire and also that spray drift (which is an undesirable toxin) should be controlled.

Lastly I would like to ask that the very appealing eastern part of Hepburn Shire countryside be protected strongly from inappropriate subdivision with Significant Landscape Overlays. And in the same way I want significant trees and roadside vegetation, like hawthorn hedges, to be urgently protected with a Vegetation Protection Overlay. In particular Church Road, Mount Franklin, to protect the trees of this exceptional indigenous avenue.

Yours sincerely

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to DDO6
Date: Friday, 28 August 2020 4:55:57 PM

28th August 2020

[REDACTED]

[REDACTED]

I am impacted by DDO6 because my existing development and land use rights will be removed or restricted and my property's resale value reduced. It was my dearest hope that when I die, my house may be sold and the income from that sale be divided amongst my loved ones. I have made a will with those instructions. I would be very sad if there be nothing much to give them, as would be the case if the house cannot be altered, extended or rebuilt following accidental damage.

Right now I am very anxious that, if my home is damaged or destroyed, then I would be left with worthless land on which I would be prohibited from rebuilding.

Schedule 6 (DDO6) is unjust to me and other residents and contains seemingly pointless restrictions and sections that contradict themselves. I demand that **this schedule be abandoned entirely**, 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. As explained above I already suffer from an acute anxiety disorder.

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 already been the recent experience of another property owner within the affected zone.

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

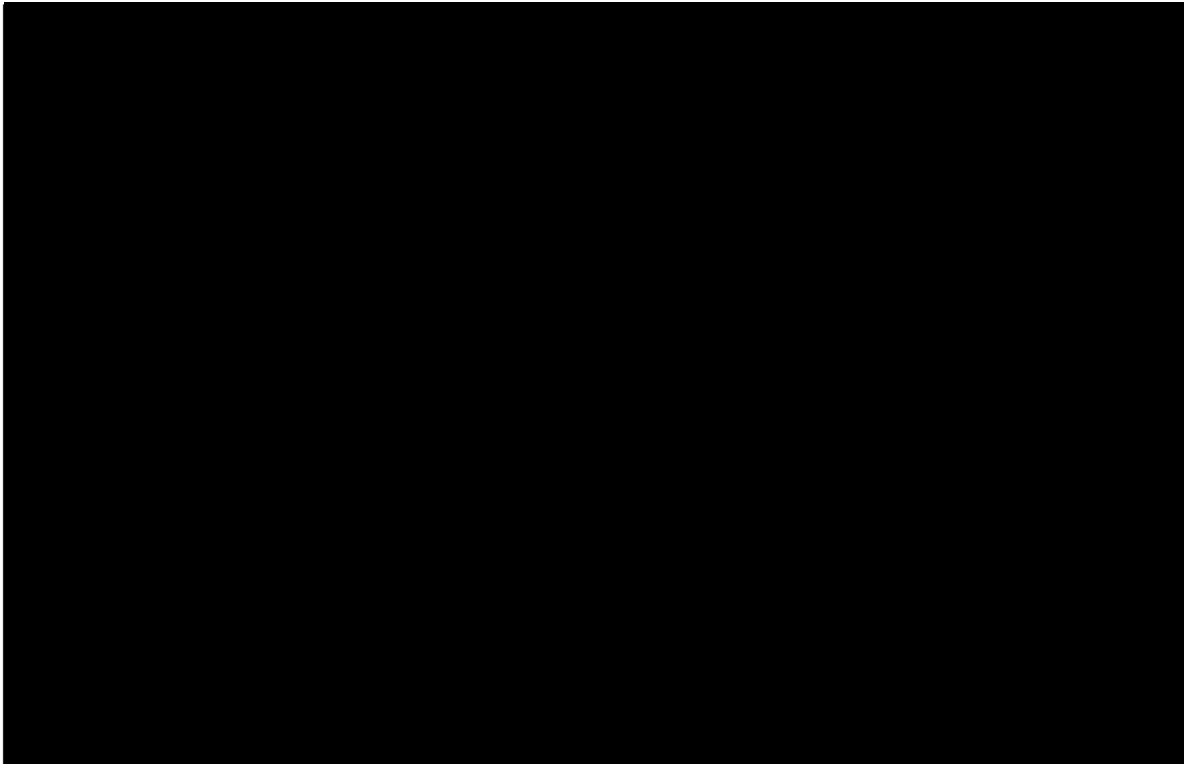


Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission to Hepburn Shire Planning Scheme Review
Date: Friday, 28 August 2020 4:49:56 PM
Attachments: [200828_Hepburn Shire Planning Amendment submission.pdf](#)

Please see our submission attached.

Sincerely,



"I awake each morning torn between a desire to save the world and a desire to savour the world. This makes it hard to plan the day." E. B. White

Amc8017/bb

Submission to the Hepburn Planning Scheme Review

28 August 2020

Submitted to:

Planning Scheme Review Officer
planningscheme@hepburn.vic.gov.au

Submitted by:

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

Below are our responses to specific proposed amendments:

14.01 Agriculture

We find the revisions positive, enshrining the protection of agricultural land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

We support the careful review of proposed subdivisions, while noting there should be provision for subdivision where larger landholdings are divided into separate farming enterprises. There is a rise in small-scale agriculture in our shire and nationally, and this should be encouraged. We recommend ensuring this amendment does not become a barrier to access land for small-scale commercial production.

The requirement that dwellings should only be built on larger tracts of land or where the dwelling is directly associated with a rural enterprise where 'agricultural production will be maximised, **the land has low agricultural value**, there will be no loss of productive agricultural land and native vegetation will be retained and managed' is misguided. Why should a dwelling directly associated with the farming of that land be on land of 'low agricultural value'? We propose that planning provisions should support American agrarian intellectual Wendell Berry's famous call for 'more eyes per acre' to ensure close observation of the land for the most ecologically-sound outcomes. We recommend striking the clause regarding low value agricultural land.

There are proposed separation distances and landscape screening obligations, rules about the dwelling fitting in with the landscape values, and the dwelling must continue 'to operate in a habitable condition'. We suggest this is overreach and should be omitted. Where there are sensitive landscapes, they should be protected by the region's many SLOs.

We welcome the new section on 'Sustainable agricultural enterprises', which acknowledges the existence of many activities that are classified as rural industry and should be supported, such as farm gate shops. **We recommend** that support for small-scale artisanal agriculture enterprises should be extended across all of FZ, RCZ and RLZ, and that the paragraph should read 'except for a dwelling in the RLZ, **and farm gate sales across all of FZ, RCZ and RLZ**'.

12.01 Biodiversity

We believe this section is positive overall, with a new section to protect and enhance the Shire's native vegetation. We posit that biodiversity includes introduced species that co-mingle with native vegetation in positive as well as negative ways. We also believe there is scope in the planning provisions to promote greater biodiversity in agriculture, and acknowledge the damage monocultures cause to ecosystems.

We recommend that inclusion of recognition of the role of biodiversity more broadly than only native vegetation – including agricultural biodiversity – would strengthen the intent and impact of the planning scheme requirements.

12.05 - Significant Environments and Landscapes

Significant Landscape Overlays are proposed which will require permits for buildings/works/vegetation removal. We understand that SLOs are applied because the site is considered an environmentally-, culturally-, or aesthetically-sensitive area and the planning provisions will require it to be protected "from development that would diminish its environmental conservation or recreational values". We note that new proposed provisions propose to support development though requirements for screening, visual impact, view retention, etc. We are supportive of these measures, and acknowledge that they should not be a barrier to farming on high value agricultural land that is also subject to an SLO.

14.02 – Water

New provisions on protecting the quality and volume of mineral springs water in the face of development are to be commended. We hope that these provisions might be used to prohibit large corporations such as Coca Cola from tapping the region's mineral water and selling it.

15.01 – Built Environment

Design objectives such as low fences, native vegetation have their place to protect environment and amenity. **We recommend** the inclusion of provisions around the encouragement of planting edibles on nature strips.

15.02 – Sustainable Development

We support the new provisions around environmentally sustainable development. **We recommend** inclusion of provisions for building with salvaged materials.

43_04s01 – Daylesford Abattoir

We seek clarification on whether the removal of the Development Plan Overlay for the Daylesford abattoir will impact on its current use.

Community Engagement

Finally, we note that the process of consultation regarding the review has been poorly handled, with insufficient efforts on behalf of Council to ensure the community was made

aware of the proposed amendment in plain language, and given sufficient time and opportunity to participate.

While we were consulted in the first stage of the review, we do not believe that opportunity was widely offered to the community. The information sessions in this second stage were also very poorly advertised – as stakeholders who were engaged in the process from early on, we only learned of them after they had concluded – they were not mentioned in the shire-wide mail out of the preparation of the amendment.

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission: Proposed changes to the Hepburn Planning Scheme (DDO6)
Date: Friday, 28 August 2020 4:45:56 PM

Dear Sir/Madam

[REDACTED]

[REDACTED]

I submit that DDO6 should be abandoned, or at the very least delayed, until proper consultation and disclosure can take place after covid19 lockdown restrictions have been relaxed, for the following reasons:

- The objectives of DDO6 have not been fully disclosed to residents. What is the objective of placing a blanket ban on land use until an indeterminate time in the future? Is that legal, and what is the specific purpose of this ban?
- The properties potentially affected by DDO6 have not been identified. A shaded circle on a map is not sufficient. Some properties are half shaded, while other properties, including 1/130 Raglan Street are not even on Ajax Road or even face the recovery facility. How can property owners properly consider the proposal when the only guidance is a shaded circle on a map, where some properties are only partially shaded on the map? A full list of potentially affected properties should have been provided, including specific notification to these property owners.
- My property does not front the recovery facility, and nor is my property on Ajax Road, and there are several properties between the recovery facility and my property. I am not even sure if my property was intended to be included in the overlay, due to a vague shaded circle on a town map.

I further submit that DDO6 should be abandoned based on research done by other residents which indicates that the Hepburn Shire Council has:

- failed to meet EPA guidelines relating to risk assessment of the Shire's transfer stations
 - failed to complete due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL Report*, September 2018
 - failed to complete the due diligence necessary to determine the qualitative and quantitative effects on residents as a result of DDO6
 - failed to meet 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
 - tried to use design and development provisions to control land use, which indicates that the drafting of DDO6 is flawed, and does not meet legal requirements as confirmed to residents by DELWP.
- [REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Proposed Amendment to HPS
Date: Friday, 28 August 2020 4:41:12 PM

SUBMISSION

[REDACTED]

From what I've read, the proposed amendment does not address concerns raised during the consultation process re changing some LDRZ zoning in the Clunes district in particular as well as other similar land use areas within the Shire.

I raised this concern at the consult in Clunes last year. My concern is that there are parts of the LDRZ precinct in Clunes which should be rezoned RLZ to make subdivision less likely. For example, LDRZ properties in the Roses Lane, Clunes precinct [REDACTED] are 8 acre plus blocks and are too easy to subdivide as LDRZ titles. These blocks have been intact since the land was first surveyed and sold in the late 1850s and early 1860s. They should be retained, not subdivided indiscriminately, as they have proven their value and ongoing popularity for rural and semi-rural uses.

Without this change, there will be the inevitable subdivision applications and objections. If subdivisions are approved, it will be to the long term detriment of the area and whether they are approved or not, valuable time and effort will be wasted to stop something inherently undesirable in terms of planning goals.

The consultant I spoke to at the Clunes consult said this concern had been raised at other consultations in the Shire. From what I've read it has not been addressed. It should be as part of the Review process. I am happy to provide more detail re which parts of the LDRZ precinct in Clunes should be rezoned as RLZ.

Sent from my iPad

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Date: Friday, 28 August 2020 4:40:56 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.

[REDACTED]

From: [REDACTED]
To: [Alison Blacket; Planning Scheme](#)
Cc: [REDACTED]
Subject: Hepburn Planning Scheme Review
Date: Friday, 28 August 2020 4:38:12 PM
Attachments: [AEB41402-0963-4636-9FF7-75FE41897C19.jpeg](#)

Hi there,

[REDACTED]
[REDACTED] I speak on behalf of those who have not yet said their piece .

I myself have already provided feedback throughout the process of our Hepburn Planning Scheme Review, however this last stage has been fraught with difficulties in accessing the exhibited changes.

But first , an introduction

DAYLESFORD is a heritage country town. It is picturesque and peaceful, and a haven for those seeking solace from the busy rat race. It is full of hidden nooks, magnificent old trees and buildings straight out of fairytales. It inspires artists and foodies alike who both flock here in appreciation of its charm & cuisine, and for the fact it is not a replica of any other suburb.

We are concerned that current developments in Daylesford, sanctioned by our current Planning Scheme, detracts from it's character. We would like the new scheme to do it's utmost to prevent this. Any new development , replete with all the fittings of a modern suburb, is totally inappropriate in a heritage town that depends upon and prides itself on its high profile tourist industry. When all the modern urban standards of subdivisions are adopted, unless stipulated otherwise, roads, footpaths, gutters, kerbs, bright street lighting will be modern and new therefore totally out of keeping with our heritage town. We have bluestone gutters, time worn paths, mood street lighting, overhanging vines, wide overflowing nature strips and verges. The stuff of Daylesford's character – this is the character that we want to protect.

We feel our Scheme also does not show enough respect for Dja Dja Wurrung country. Our town forms part an important catchment area for groundwater and the Loddon River. Aboriginal Lore states one must not sully the water upstream, and that those upstream must do things "right way" or "proper way". Our town contains many natural drainage lines, ephemeral tributaries that form part of the headwaters of the Loddon. We would like that any new developments truly honour the Dja Dja Wurrung by showing better regard for the ecology of the land and water ways .

I would just like to make a series of general points and queries with my understanding being we just say WHAT is important to us and that we would like protected and it is for the planners to work out the HOW to best legally do this.

With regard to **neighbourhood character in Daylesford,**

- how is “preferred” character identified, and who identifies it ?
- what happens if there is a conflict? Many locals are concerned by the increased urbanisation of our picturesque historic rural town and want it to be clear that it being so is our preferred vision

I'd like to see such points included under

heritage ...

Policy application

- Apply policy to ALL land in the Shire, in recognition that there are grave omissions in identification of heritage places and landscapes
- Requirement for a Heritage assessment on site prior to major works , including large subdivisions , regardless of heritage overlay or not
- Place heritage overlays when land is identified as being of /having heritage significance

Aboriginal cultural heritage: please include

Objectives :

- To ensure the protection and conservation of places of importance to Aboriginal People
- To require that large subdivision developments (all) conduct a Heritage study by appropriate Aboriginal Person according to Aboriginal Lore and Customs

Strategies:

- To acknowledge that registered places of Aboriginal Cultural Heritage Significance represent a small proportion of the totality of such places, and to recognise this when assessing permit applications

- Practice increasing awareness of the euro-centric nature of our systems and commit to greater understanding of indigenous culture and practices and learn from them
- Seek guidance from the First Nations People as to best practices in land and environment management.

Consider as relevant :

- Oral history and information about country as articulated by our First Nations People
- Respect traditional wisdom in managing water ways and apply basic principles to their management. Eg : “don’t piss up stream “ means those upstream have a responsibility to keep the headwaters clean , common sense basically

Heritage

- List “the Aboriginal Spiritual Place” (aka Hepburn pool) as place of Aboriginal Significance
- Protect WHOLE of sacred Mt Franklin from development
- List sandstone cottage, built by widow of first mayor of Daylesford , (17 Smith st) , and old oak trees as places of Heritage significance

urban design, open space, landscape values

- Encourage community stewardship of public lands
- Encourage creation of productive gardens, on private and public land
- Prevent private property encroaching in public land
- Respect the spacious nature of Daylesford as a rural town to ensure outbuildings & new builds are not done up on the neighbouring fence line
- Ensure protection of established and significant trees by prioritising their place within any new development

- Ensure building heights are in keeping with surrounding heights
- Encourage minimal hard surfaces in new developments, by smaller building envelopes and greater percentage of lots for green space
- Encourage privacy, sound vegetation and wild life corridor buffers between properties in infill development
- Avoid bright high level illumination of properties via outdoor sensor lights, to reduce impact on amenity of surrounding properties and maintain county feel
- To encourage neighbourhood design with an understanding of 'the big picture' that large subdivisions create communities. This must be done to high and conscious standards

Lake Environs

- Prevent private property encroaching in public land
- Ensure the ecology and water quality of the lake environs is not compromised by development
- to maintain the Jubilee Lake environs as being a peaceful place of contemplation and continue to prohibit motor boating
- Prioritise ancient tree retention to allow significant trees to die gracefully and be retained as important habitat trees.
- To provide locals with adequate notice , should large trees have to be removed so they can say goodbye. This is a compassionate act that acknowledges the importance of our trees to us

Environment, water, ecology

- Respect drainage lines as ephemeral watercourses and ensure development does not encroach upon them....Set them aside for restorative revegetation and return them to public ownership,
- Enforce Integrated Water Management principles in new developments to reduce

detrimental effects on water (overland infiltration rather than underground pipes,

- Support non-toxic weed removal for the health and safety of the environment and forms of life
- Prohibit weed removal via toxic means around water courses and bodies.
- Encourage community participation in regenerative clearing of blackberry infested waterways

Environment effects statement

- To conduct timely assessments of the environmental effects of developments capable of having a significant effect on the environment
- Insist that proposed works follow principles and objectives of ecologically sustainable development.

Significant land and vegetation overlays to

- protect the wooded east beautiful part of the shire from subdivision.
- protect prime agricultural farmland in this east of the shire from becoming housing sites
- to protect certain significant roadside trees urgently, old hedges - hawthorn and elderberry, chestnuts, apple, peach and plum trees, rosehip , wild fennel patches ...,

Mineral spring heritage protection

- To restore and rejuvenate historic Spinks as opposed to concreteing them over

Water mining

- Support monitoring of water mining and conduct research into effect of increasing water extraction on the Shire's environment .
- To acknowledge the effect of water freight on the amenity if the town and do

something about it

Transport

- To continue to facilitate horse riding as a means of transport across the shire by provision of drinking troughs, right of way for horses, safety signage

Zoning

- If high quality soil is identified in land zoned for housing, either encourage productive food growing lot sizes, rezone land to farming or create another appropriate zone like Productive Residential Zone or some such

It is our understanding that strong legal mechanisms are needed to formalise what we wish , so we are placing our faith in you as planners to do this for us . Please ensure the protection of our town, Thankyou



Amc80hepb Submissions received



Pre-proof submissions received

Friday 28th August 2020

Planning Scheme Review Officer
Hepburn Shire Council
Po Box 21
Daylesford VIC 3460

To Whom it May Concern

[REDACTED] I wish to Object to the Significant Landscape Overlay within the Hepburn Shire.

[REDACTED] During this time farming practice has change significantly. As farming practices changed so did the way the land is used. But one thing as remained the same, that is the respect and care farmers have for the land.

Under this expanded Significant Landscape Overlay, ever piece of our land will be covered by these new restrictions.

Why is it, that the Hepburn Shire Council's futures, visions and priorities for the shire, is to eradicate agricultural land?

As stated, the purpose Significant Landscape Overlay is to conserve and enhance the characters of significant landscape features. What about the people and generations of families who have successfully been conserving the landscape for hundreds of years? I believe this expanded Significant Landscape Overlay will significantly restrict our ability to operate our agricultural business. To the point I can see many businesses will quickly be made extinct. Leaving the landscape un managed and overgrown.

Why are the residents of the Hepburn Shire Council less important than the landscape?

This Significant Landscape Overlay is looking at Hills, Mountains, and Mullock Heaps. Why doesn't it take into consideration the families who have maintained these landscape features for multiple generations?

Why do the Hepburn Shire Council think their Planning Department have the qualification to manage all agricultural businesses in the shire?

This expanded Significant Landscape Overlay is a prime example, that the council staff given the role of making decisions on permits, will have no understanding on how agricultural businesses operate.

These expanded Significant Landscape Overlay changes will, effect and impact my family business are,

- Vegetation removal restrictions
- Fencing with height restrictions of 1.8m
- Carrying out works at less than 6metres in height and not more than 100 square metres, in muted, natural and non-reflective colours and materials.
- Permit application requirements and cost associated with each new permit.
- Landscape objective to be achieved – increase planting in heavily cleared areas.

We as farmers live off the land, for both business and many use their land to be self-sufficient. These restriction and permit requirements take away farmers ability to use their land efficiently.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: daylesfordresidents@gmail.com
Subject: DD06 submission
Date: Friday, 28 August 2020 4:15:43 PM

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DD06, as it will have adverse impacts on: residents' existing development and land use rights; their property's resale value; and if their home is damaged or destroyed, they may be 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 impacted residents until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that impacted residents need to sell their property, it may not be possible due to the overlay, as I understand it 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: Daylesford waste area
Date: Friday, 28 August 2020 4:13:55 PM

To whom it may concern

- where is pivot point for selected area
- How was radius determined
- Can buildings be rebuilt after destruction
- Why is this plan necessary at this time

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Planning scheme objections
Date: Friday, 28 August 2020 4:10:25 PM

To whom it may concern.

We are writing in regards to the proposed changes to the Hepburn Planning scheme.

Whilst we are in support of the many changes, there is one item in particular that we oppose. The GRZ and NRZ to the various towns and suburbs within the shire, particular note of the 9m height limits being imposed- we object to. This will directly affect us as we have plans in the process of amending that include a dwellings/s over 9m in height. We know that Victorian Building Regulations supersede these limitations when a block has a significant slope. However we believe that 9m in height isn't practical for various structures, regardless of slope of the land.

Design landscape, character and heritage amendments- what is currently in place is sufficient but we would like the shire to be transparent with any possible changes. We applaud the current character overlay as it is great to experience the true Daylesford and surrounds though sight by enjoying various building around the shire. We wouldn't like to see changes that differ too much to what is currently in place.

In terms of having two dwellings on a single block i.e townhouses- we are unsure if any amendments would affect this but we would have to object if there are. This could potentially affect us.

Speaking briefly to James from planning, he is going to provide some further information for us to look through regarding what points could affect us, as we only received a general "Notice of the Preparations of Amendment C80hepb". I have tried to contact Nathan to discuss our concerns pertaining to our submitted plan and questions for further changes, as we would like to change the dwelling to 2 townhouses (with no subdivision wanted), but I have just been informed he is on leave, so they have remained unanswered.

We can be contacted on the details below to discuss any of our objections.

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

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission -Amendment C80 Hepburn
Date: Friday, 28 August 2020 4:03:10 PM
Attachments: [Hepburn Planning Scheme.pdf](#)

To the Planning Scheme Review Officer,

Please find attached our submission regarding AmendmentC80 Hepburn

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

Amc80hepb Submissions received

28/8/20

Re Hepburn Shire Planning Scheme Amendment C80Hepburn

To the Planning Scheme Review Officer,

We believe that it is important to introduce clearer application requirements to all properties affected by the Heritage Overlay; if indeed not ALL Overlays in the Hepburn Shire.

To avoid confusion and aid transparency, all properties adjoining a planning application in the Hepburn Shire should be notified by registered mail (at the Applicant's cost) . In that way, Council Officers can prove that they have contacted all neighbouring property owners and property owners can trust that they will receive notifications.

At the same time, all planning applications must be posted clearly at the properties' main entrance (gate or fence) by a Council Officer and not the Applicant, to ensure that the Planning Application can be accessed by all rate payers of the Hepburn Shire.

Yours Sincerely

A large black rectangular redaction box covering the signature area.

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Friday, 28 August 2020 3:59:27 PM
Attachments: [FawcettPowlett Hill submission 2020.pdf](#)

Please find attached the signed SLO submission for [REDACTED], residents of Hepburn Shire and manager of [REDACTED]

If any issues with seeing this document please make contact with us.

Regards

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

Ref: SLO Overlay objection Hepburn Shire 26/08/20

Friday, 26 August 2020

Hepburn Shire Council,
PO Box 21 Daylesford
VIC 3460

planningscheme@hepburn.vic.gov.au

Dear Review Officer,

Re: Expanded Significant Landscape Overlays within the Hepburn Shire



Significant Landscape Overlays are an integral component of local governments capacity to protect the social and environmental values we all cherish.

As a fifth generation farmer, our values are a combination of a desire to maintain sustained agricultural production into the future that is derived from the health of the landscape.

In addition, the landscape of the eruption points and basalt plains holds numerous less obvious components that when intertwined create the fabric of the anthropogenic landscape we hold dear. This area maintained an indigenous culture for thousands of years, provided the gold that kicked started central Victoria within the European context, the soil that grows our food and landscape provides the esthetics of today that draw people as tourists.

None of these components can be viewed independent of each other in determining how best to preserve the landscape moving forward. A holistic framework and context would offer a good way to manage the complexity's of these component's. Our Farm "Powlett Hill Pty Ltd" has a holistic context that out lines our vision for this land over the next 200 year as we have farmed this land for 155 years you may appreciate the deep connection we have, our vision

of this land is more certainly not a polluted, run down, unproductive piece of land, far from it. So I ask the question WHO are you wanting to protecting this land from? As your scheme sits at the moment I feel I'm protecting it from you. I think we should be protecting it together.

So we ask for the opportunity to help the shire to finalise the SLO, such that the broader community (especially the landholders directly affected) can buy into the process and ultimately ownership across the objectives and goals. In order to achieve this mutual ownership we have some queries and question that we would appreciate a response to and discussion of.

- We are aware that the majority of landholders directly affected by the proposed SLO feel that a general lack in consultation that occurred prior to SLO release. We appreciate that during this time of C19, the normal channels of communication and consultation are less than ideal. However, successful communication that allows for the integration of ideas and views is integral component of successful planning. Is the shire open for more dialogue and as such time to work through existing concerns and issues? It would be an interesting exercise to present the stakeholders examples of what activities that would lead for the need for an assessment in the first place and indeed what the rating criteria is for how application are deemed appropriate or not. As it stands, the existing criteria require additional information / explanation to make clear and not contain ambiguous meanings.
- During these uncertain times with economic down turn it is less than ideal to introduce a potential increase in costs to running agricultural enterprises. We seek that the shire is open to discuss the development of a template based proforma, that details the data, imagery and assessment required such that a proponent is given the opportunity to populate and asses the requirements at their own cost, without the initial need to pay consultation fees.
- We seek clarification of what is the drive for the SLO. Does the shire have case studies and or examples of current activities in the SLO area that are a deduction of the values we seek to protect and or other shire areas where landscape planning has led to the diminishment of landscape values? We ask this, because as it stand the landscape is significant because of the current landholder management, affectively reaching a significant status without the need for an overlay.
- We also seek to understand the shires vision for the landscape. Planning

tools, such as landscape overlays need to be underpinned by a vision of what a landscape will be into the future. We welcome the chance to hear the shires vision, as this landscape has gone through significant change over the last 150 years and future change to some degree is inevitable. How will future challengers, that will drive change be incorporated in to the vision, such as

- Climate change – renewable energy
- Water management
- Wildlife corridors, native vegetation remediation
- Agriculture production diversity
- Essential infrastructure
- Population growth

From a financial and business perspective the proposed changes to the SLO bring up interest consideration's around cost of preparing and submitting a permit. This could be seen as a disincentive to a buyer of SLO covered land, leading to potential decreases in land values. After consultation with a land valuer and our bank manager our concern's where validated. We hope that the shire would take these concern's on board. Our farm, Powlett Hill Pty Ltd, has considerable amount of land covered by the new SLO over 450 Ha. Some smaller farms have the whole of there property covered by proposed new changes.

Some points raised by out bank manager Darrin Findlay branch manger Rabobank Ballarat.

- Revaluation will be required to understand impact to current use against proposed changes.
- Deterioration in Bank Valuations.
 - Would change bank's risk and therefore incur review of margin to reflect higher risk, therefore higher margin.
 - Capacity to support at the heightened levels will be reviewed as risk parameters may fall outside bank (these are reported to external regulator).
 - Increased Amortisation to reduce debt to sustainable level of risk for the bank and ourselves.

Lastly I hope this letter finds you in a positive manure that it is intended and that we as a community can work forward and bring the best out come for all parties. If you have any queries in regard to the above please do hesitate to contact us.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Fraser family SLO submission.
Date: Friday, 28 August 2020 3:56:56 PM
Attachments: [REDACTED]

Please find attached the signed SLO submission for [REDACTED].

Amc80hepb Submissions received

Friday, 26 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

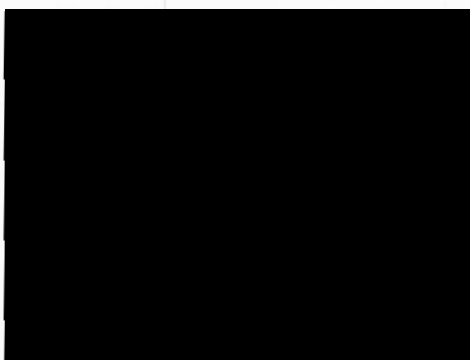
Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

- Lack of community consultation.
- 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.
- The cost of compliance for farmers is not clearly stated - if a permit is required it should be at no cost.
- Carbon offset requirements should be clearly stated and what triggers these and the cost associated to farmers and residents within this SLO.
- The triggers for constructing a building or carrying out works should be clearly stated as currently it is extremely vague.
- 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.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- Ordinary farm items like water tanks, silos and stock yards not being exempt from this.
- The Size of the Proposed SLO1 extension.
- To any planted vegetation being exempt from this.
- To the lack of evidence as to why we need this overlay
- To the possible devaluation of the effected land.

Lastly, we have farmed in the Hepburn shire for over 150 years and we object strongly to unnecessary bureaucratic interference. If you like the look of the landscape now, why do you think it us the farmers that need regulating? I know the tourist dollar is important but as we are seeing, can it be relied upon. Additional unnecessary expense is not the way forward to improve our agricultural sector.

I hope this letter is clear and if you have any queries in regard to the above, please do not hesitate to contact me.

Yours sincerely,



Amc80hepb Submissions received

From: [Barry Floyd](#)
To: [Planning Scheme](#)
Cc: [Alison Blacket](#)
Subject: Submission on Amendment C80 from Coliban Water
Date: Friday, 28 August 2020 3:54:25 PM
Attachments: [2020_08_28 CW Hepburn C80 submission.pdf](#)

Dear Sir/Madam

Thank you for the opportunity to provide a submission to the Hepburn C80 amendment.

Please see attached a brief Coliban Water submission for consideration.

Kind regards

Barry

Barry Floyd | Water Catchment & Land Use Planning Coordinator

p 03 4408 5411

Coliban Water | coliban.com.au

Amc80hepb Submissions received

Your ref. AMC80

Our ref. PAA 20787

Contact: Barry Floyd 03 4408 5411

28 August 2020

Planning Scheme Review Officer
Hepburn Shire Council
P.O. Box 21
DAYLESFORD, 3460

Email: planningscheme@hepburn.vic.gov.au

Dear Sir/Madam,

Hepburn Shire Council Planning Scheme Amendment C80

Thank for the opportunity to comment on the Hepburn amendment C80 received on 13 July 2020, implementing the key findings of the Hepburn Planning Scheme Review 2020.

Coliban Water provides drinking water and wastewater services to central and northern Victorian communities. We maintain and operate over 50 reservoirs and water storage basins, and associated infrastructure, in order to deliver raw water for drinking water supplies, and provide water to customers for irrigation, commercial, domestic and stock purposes. This infrastructure services approximately 160,000 customers across 16,500sq km of Victoria.

Coliban Water is supportive of the amendment C80 and does not have any substantial comments to make. We note that Holding Redlich are also making a submission on our behalf to C80 in specific relation to changes to the Clause 14.02-1L – Catchment and land protection, Clause 15.02-1L – Environmentally sustainable development, Environmental Significance Overlay Schedule 1 and Clause 66.04.

The current Schedule 2 to Clause 35.07 Farming Zone Shown on the planning scheme map as FZ2 would appear to be inconsistent with the general policy theme, particularly:

- 02.03-4 Natural resource management Protect high quality productive agricultural land for agricultural uses over the long term. Protect rural land for agricultural uses and compatible rural uses.
- 02.04 Strategic Framework Plan and Economic development plan identifies High to Very High agricultural Land.
- 14.01-1L Protection of agricultural land.

Therefore, we request the consideration of removing Schedule 2 To Clause 35.07 Farming Zone Shown on the planning scheme map as FZ2.

Coliban Water has also identified a zoning anomaly regarding the Trentham Water Treatment Plant and ask that the issue be considered by the panel and provide a recommendation.

- The Trentham WTP has a split zoning with 2 of the 3 land parcels zoned PUZ-1, the other one FZ. Land at CA pt103A1, Allotment Res1\PS530950 Land 1899 at Bergs Lane Blackwood North is part of the Trentham Water Treatment Plant (WTP).
- Coliban Water considers all 3 parcels of land making up the Trentham Water Treatment Plant would be better suited as PUZ-1.

As always, Coliban Water is committed to assisting the Hepburn Shire Council in the implementation of its planning processes and we look forward to future opportunities to assist Council to meet its objectives.

If you have any questions regarding this matter, please contact our case manager Barry Floyd on (03) 4408 5411 or email at barry.floyd@coliban.com.au.

Regards



Casey O'Toole
Senior Development Services Coordinator

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: FW: Amendment C80Hepb to Hepburn planning Scheme
Date: Friday, 28 August 2020 3:38:24 PM

Planning Scheme Review Officer, Hepburn Shire Council.

It's extremely disappointing that Council has not taken the opportunity in this proposed amendment C80Hepb to remove the Restructure Overlay covering Liza Drive and Bushmans Crescent in Drummond.

(Note:- this overlay is not in Drummond North, 3446 but Drummond, 3461)

This Restructure Overlay was the subject of a report commissioned by Council in 2012/13. The report was reviewed in 2015 and Council voted to seek removal of the overlay on the grounds that removal of the Restructure Overlay would enable development proposals to be assessed on their merits against the ESO1 and BMO. There have been several changes to the provisions of the BMO and other planning controls over the years, and these changes impact upon the ability of the existing lots to meet the requirements of the overlay. Future advances in technology pertaining to building materials in bushfire prone areas and domestic wastewater management may also influence the viability of the vacant sites to be used for the construction of a dwelling. Both The CFA and GMW confirmed their support for the proposal in writing.

Both reports made the point that a restructure plan was not going to deliver substantial benefits owing to the number of existing dwellings and no impetus for existing home owners to acquire vacant adjoining land.

This is probably the reason Council have not developed and implemented a Restructure Plan.

Since the Restructure Overlay was introduced no planning applications have been allowed to be considered which has considerably lowered the market value of existing vacant lots and resulted in many illegal dwellings being constructed and lived in. This development would be a lot easier for Council to control if the Restructure Overlay was removed enabling both planning and building permits to be obtained and therefore ensuring the requirements of the BMO and the ESO1 for a Rural Living Zone are complied with.

The future result of allowing legal development on the remaining vacant blocks would lead to arguably improved environmental outcomes and some reduction of bushfire risk due to the increase in removing vegetation to enable defensible space as per the BMO amendments since the 2013 report.

[REDACTED]



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Resident submission to proposed Schedule 6 (Clause 43.02) DDO6
Date: Friday, 28 August 2020 3:45:34 PM
Attachments: [Council.docx](#)

Planning Scheme Review officer:

Please find below and attached our preliminary submission in relation to Schedule 6 Clause 43.02 (DDo6)

Regards

[REDACTED]

28 August 2020

2 West Street
[REDACTED]

[REDACTED]

At no stage have we received a letter from council advising of potential changes to our property. We discovered the information through Facebook around 15 August 2020. We live here fulltime and check our mail daily. On 16 August, [REDACTED] wrote via email to Alison Blacket for some clarifications and has not received a response.

We attended an unsatisfactory Zoom meeting on 24 August 2020 where participants were not permitted to ask questions verbally until a change of heart towards the end. At this meeting, the facilitator said that they were still looking into whether affected properties would be allowed to rebuild after a bushfire. This felt cruel, during a pandemic, when many people in Daylesford are also losing money through lack of tourism. When a participant asked if the overall decision could be delayed until people could meet face-to-face to gain proper understanding, the facilitator insisted this was not possible.

The facilitator also indicated that not all our objections would be sent to councillors. We request that our objection is sent to councillors which we believe to be right and proper.

Our objection:

Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts us as follows:

- We may not be able to build or rebuild on our property, which significantly devalues our main asset. If our existing house is destroyed by accident or bushfire, we would be left with a practically unsaleable block of land and nowhere to live This is not hypothetical – two years ago we were on a 'Pack, ready to evacuate' alert from Emergency Victoria when the bushfire neared Hepburn Springs

- We lose the benefits of potentially subdividing the property, and building on any new lot would be prohibited
- We lose some existing and reasonable rights of use of our property, including choice of balconies, open space areas, landscaping and fencing.
- The 500 metre overlay is a random line through the middle of our property. It makes no sense.
- Our property and our rights to quiet enjoyment of our property will be significantly impacted by ongoing and unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

The meeting left several critical questions unanswered. To better understand the rationale behind Councils planning proposal we have spoken to officers from both DELWP and EPA.

This is our understanding from those conversations. Neither agency have mandated a 500 metre boundary. They act as advisory bodies providing advice and recommendations. Council is ultimately responsible for this decision. The EPA indicated that boundary recommendations vary from as little as 300 metres depending on the amenity. Their advice to Council is in relation to both the Transfer Station and what was the old open tip. Of importance is the potential for gases emanating from the old tip. This would be a factor in determining the boundary distance. From my understanding the EPA has not conducted any tests to determine this, rendering the proposed boundary arbitrary.

The transfer station was built around 17 years ago. Hepburn Shire Council chose to build the facility within 500 metres of existing properties. Hepburn Shire Council should not impose retrospective and draconian measures on residents as a result of poor planning by Council.

In Schedule 6 to Clause 43.02, a design objective clearly states that council wishes:

- to reduce the amenity impacts on surrounding land from the Daylesford Material Recovery Facility including adjacent **residential areas** and public forested areas.

Our property is approximately 100 years old located in West Street. It is not in line of sight of the transfer station and is not impacted by the amenity. In fact, there is a steep bushed gully between us and the tip which includes a creek, government owned dams and fire tracks for CFA access.

We fail to see how Council can approve this overlay schedule that impacts so many residents without supporting evidence.

--



28 August 2020

[REDACTED]

[REDACTED]

At no stage have we received a letter from council advising of potential changes to our property. We discovered the information through Facebook around 15 August 2020. We live here fulltime and check our mail daily. On 16 August, Ros wrote via email to Alison Blacket for some clarifications and has not received a response.

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We fail to see how Council can approve this overlay schedule that impacts so many residents without supporting evidence.



Amc80hepb Submissions received

HEPBURN SHIRE COUNCIL

25.08.2020

To Review officer,

We take this opportunity to provide this response Hepburn Shire Expanded SLO,

Significant Landscape Overlays are an integral component of local governments capacity to protect the social and environmental values we all cherish.

[REDACTED], my values are a combination of a desire to maintain sustained agricultural production into the future that is derived from the health of the landscape.

In addition, the landscape of the eruption points and basalt plains holds numerous less obvious components that when intertwined create the fabric of the anthropogenic landscape we hold dear.

This area maintained an indigenous culture for thousands of years, provided the gold that kicked started central Victoria within the European context, the soil that grows our food and landscape provides the esthetics of today that draw people as tourists.

None of these components can be viewed independent of each other in determining how best to preserve the landscape moving forward.

We ask for the opportunity to help the shire to finalize the SLO, such that the broader community (especially the landholders directly affected) have buy into the process and ultimately ownership across the objectives and goals

In order to achieve this mutual ownership we have some queries and question that we would appreciate a response to and discussion of.

We are aware that the majority of landholders directly affected by the proposed SLO feel that a general lack in consultation that occurred prior to SLO release. We appreciate that during this time of C19, the normal channels of communication and consultation are less than ideal.

However, successful communication that allows for the integration of ideas and views is integral component of successful planning. Is the shire open for more dialogue and as such time to work through existing concerns and issues.

It would be an interesting exercise to present the stakeholders examples of what activities that would lead for the need for an assessment in the first place and indeed what the rating criteria is for how application are deemed appropriate or not. As it stand the existing criteria require additional information / explanation to make clear and not contain ambiguous meanings.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Hepburn Planning Scheme Review Submission re DDO6
Date: Friday, 28 August 2020 3:47:40 PM

[REDACTED]
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 will have a combined devaluation of the 80 plus residents properties of well over \$10 million. A class action will bankrupt the Council.

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]

--/--/---
Proposed C80hepb

SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ2**.

CRESWICK GOLF COURSE

Purpose

To provide for the use and development of the Creswick golf course and associated uses.

1.0

--/--/---
Proposed C80hepb

Table of uses

Section 1 - Permit not required

Use	Condition
Informal outdoor recreation	
Outdoor sports ground	
Outdoor recreation facility (excluding Paintball games facility)	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Car park	
Dwelling	
Food and drink premises	
Function centre	
Gambling premises	
Hairdresser	
Leisure and recreation (other than Informal outdoor recreation, Outdoor sports ground and Outdoor recreation facility)	
Residential hotel	
Residential village	
Restaurant	
Restricted place of assembly	
Shop (other than Hairdresser)	Must be for the sale of golfing equipment, apparel or associated goods.
Transfer station	
Utility installation (other than Minor utility installation)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use

Accommodation (other than Dwelling, Residential hotel and Residential village)

Brothel

Industry (other than Transfer station)

Office

Place of assembly (other than Function centre and Restricted place of assembly)

Retail premises (other than Food and drink premises, Gambling premises, Market and Shop)

Warehouse

2.0

Proposed C80hepb

Use of land

The use of land must be generally in accordance with the Creswick Golf Course Development Plan and any associated Section 173 Agreement.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
 - The siting and use of buildings.
 - Areas not required for immediate use.
 - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, and emissions to land and water.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The requirements of the Creswick Golf Course Development Plan and any associated Section 173 Agreement.
- Whether the use is compatible with adjoining and nearby land uses.
- Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The interim use of those parts of the land not required for the proposed use.

3.0

--/--/---
Proposed C80hepb

Subdivision

The subdivision of land must be generally in accordance with the Creswick Golf Course Development Plan and any associated Section 173 Agreement.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The pattern of subdivision of the surrounding area.
 - Easements.
 - Location of drainage and other utilities.
 - Street frontage features such as poles, street trees and kerb crossovers.
 - Access points.
 - Any natural features.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The requirements of the Creswick Golf Course Development Plan and any associated Section 173 Agreement.
- The pattern of subdivision and its effect on the spacing of buildings.
- The effect of the subdivision on vegetation located on the land and on adjacent land.

4.0

--/--/---
Proposed C80hepb

Buildings and works

Buildings and works on the land must be generally in accordance with the Creswick Golf Course Development Plan and any associated Section 173 Agreement.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and buildings and works on adjoining land.
 - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
 - Any contaminated soils and filled areas, where known.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking, loading, access and pedestrian areas.

HEPBURN PLANNING SCHEME

- Existing vegetation and proposed landscape areas.
- All external storage and waste treatment areas.
- The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
 - The building form and scale.
 - Setbacks to property boundaries.
 - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- A schedule of finishes, materials and colours for the proposed development.
- An assessment of the characteristics of the area including:
 - Any environmental features such as vegetation, topography and significant views.
 - Streetscape, landscape and the public realm.
 - The pattern of development including building form, scale and rhythm.
 - Any significant noise, odour, fume and vibration sources from the development.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- Construction details of drainage works, driveways, vehicle parking and loading areas.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The requirements of the Creswick Golf Course Development Plan and any associated Section 173 Agreement.
- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The relationship between the proposed building and the public realm, including the streetscape and areas of landscaping and vegetation.
- The treatment of the fronts and backs of buildings and their appurtenances and the illumination of buildings or their immediate spaces.
- The interface with land in adjoining zones.
- The storage of rubbish and materials for recycling.

5.0

---/---
Proposed C80hepb

Signs

None specified.

01/11/2001

DATED
HEPBURN SHIRE COUNCIL
MEETING 22/01/02
ON 6.2.2
ATTACH 1 PAGES 9

HEPBURN SHIRE COUNCIL ("the Council")

- and -

THE FOREST RESORT ("the Owner")

AGREEMENT

BEST HOOPER
Solicitors
563 Little Lonsdale Street
MELBOURNE 3000

Tel: 9670 8951
Fax: 9670 2954
Ref: JDC:LP:01.0958

THIS AGREEMENT is made the 28th day of December 2001

BETWEEN:

HEPBURN SHIRE COUNCIL of Vincent Street, Daylesford in the State of Victoria ("the Council") of the first part

- and -

THE FOREST RESORT PTY LTD ACN 096 280 901 of 239 Scott Parade, Ballarat in the said State ("the Owner") of the second part.

WHEREAS:

- A. The Council is the Planning Authority under the Hepburn Planning Scheme ("the Planning Scheme") for the purposes of administering the provisions thereof.
- B. The Owner is the registered proprietor of the land comprised in Certificates of Title Volume 8712 Folio 637 and Volume 859 Folio 769.
- C. The Council has prepared Amendment C2 to the Planning Scheme ("the Amendment").
- D. The Amendment affects land at:-
1. Lot 2 PS 348170.
 2. Crown Allotment 1, Section S, Parish of Creswick.
 3. Crown Allotment 1H, Section T, Parish of Creswick.
 4. State forest to the south and east of the Creswick Golf Club being an area of Crown Allotment 5B Section S parish of Creswick.
 5. Crown Allotment 1M Section T Parish of Creswick.
- E. The Amendment proposes to change the Planning Scheme by:-
1. Rezoning land to the east and south of the existing Creswick Golf Course from Public Conservation and Resource Zone to Special Use Zone 2.
 2. Rezoning the Creswick Golf Course from Special use Zone 1 and Rural Living Zone to Special Use Zone 2.

3. Inserting a new schedule to the Development Plan Overlay relating to the Creswick Golf Course.

F. Clause 1 of Schedule 3 to the Development Plan Overlay as proposed by the Amendment requires that a Section 173 Agreement be entered into between the Owner and the Council. This Agreement is entered into pursuant to that clause.

NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

Interpretation

- 1.1 Words importing the singular shall include the plural and words importing the masculine gender shall include the female and if applicable a corporation.
- 1.2 This Agreement shall be governed and construed in accordance with the laws for the time being of the State of Victoria.
- 1.3 Any notice shall be given or served by delivery of any party at the address in the State or Territory shown in this Agreement for that party or at such other address as any party may nominate in writing to the other party or by being posted to that address and if served by post shall be deemed to be duly served at the expiration of five days after the time of posting unless in the meantime the letter is returned unopened.
- 1.4 Any notice to be given by any of the parties may be executed under common seal, by the attorney or attorneys of that party or by the manager, director, secretary or solicitors for the time being of the party.
- 1.5 In any case where one or more of the terms, conditions or provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remaining terms, conditions and provisions shall nevertheless remain in full force and effect.
- 1.6 Time shall be of the essence of the Agreement.
- 1.7 Headings in this Agreement are for convenience only and shall not effect the interpretation or construction hereof. All schedules and annexures to this Agreement are incorporated in and form part of this Agreement.

- 1.8 Any reference to any Act of Parliament shall be deemed to include any amendment, replacement or re-enactment of that Act for the time being in force and to include any by-laws, local laws, licences, statutory instruments, rules and regulations, orders, notices and directions, consents or permission made under it and any condition attaching to it.
- 1.9 The expression "the Owner" shall be deemed to be The Forest Resort Pty. Ltd. including its successors, assigns and transferees and the obligations imposed upon and assumed by the Owner (to the extent relevant, having regard to the portion of the land owned and the obligation to be complied with) shall be binding on its successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.
- 1.10 Without limiting the operation or effect which this Agreement otherwise has, the parties hereto acknowledge that this Agreement is made pursuant to the provisions of Section 173 of the Act.
- 1.11 This Agreement commences on publication in the Victorian Government Gazette of Notice of Approval of the Amendment and approval by the Council of the Code referred to in Clause 6 in this Agreement.

Owners Covenants

- 2.1 The Owner shall at its own cost construct a bicycle path commencing from White Hills Road, Creswick to the Golf Course main entrance generally along the alignment shown on the Plan attached to this Agreement as schedule A ("the bicycle path") in accordance with the following provisions subject to Planning Approval.
- 2.2 Within six months after the settlement of the sale of the 40th lot on any plan or plans of subdivision of the Land, the Owner shall form the bicycle path and finish it with a gravel surface to the satisfaction of the Council subject to maximum expenditure for such works not exceeding \$40,000 as may be adjusted in accordance with Clause 2.4 ("Stage 1 base maximum expenditure")
- 2.3 Within six months after the settlement of the sale of the 80th lot on any plan or plans of subdivision of the Land the Owner shall seal the bicycle path to the satisfaction of

the Council subject to the maximum expenditure of such works not exceeding \$40,000 as may be adjusted in accordance with Clause 2.4 ("Stage 2 base maximum expenditure")

- 2.4 Both the Stage 1 base maximum expenditure and Stage 2 base maximum expenditure shall be increased on each anniversary of the date of commencement of the Agreement by an amount which represents an increase of 5% of the base maximum expenditure for the immediate past year.
- 2.5 The covenants imposed upon the Owner in this Clause shall not apply to the Owner of any of the lots created on any plan of subdivision of the Land.

The Golf Course

- 3.1 The Owner covenants and agrees that the Golf Course Land shall only be used for the purpose of a public golf course which shall be maintained to the satisfaction of the Council to a standard which will enable it at all times to be used or capable of being used for the purpose of playing golf.
- 3.2 For the purpose of this Clause, the "Golf Course Land" shall mean that part of the land shaded in red on the plan used as an 18 hole golf course and attached as schedule B ("the schedule B plan and any part of such golf course that may be relocated on to any adjoining land to the satisfaction of the Council).

Use of Golf Course Land during Development

4. During any development of the Land, the Owner covenants and agrees that a minimum of 15 holes of the Golf Course shall at all times be made available for the playing of golf by any member of the public.

Staging

- 5.1 The Owner shall undertake development of the Land in accordance with the following permit timetable:-

	No. Dwellings / Allotments	Guesthouses	Retirement Units	Stage
Y1	40			1.1
Y2	25			1.1
Y3	20	10	10	1.1 / 1.2
Y4	20	20	20	1.1 / 1.2
Y5	20	10	20	1.2
Y6	10	10	10	1.2
Y7	17	30	10	1.2
Y8	8		10	1.2
Y9	10		10	2.0
Y10	8		10	2.0
TOTAL	168	80	100	

- 5.2 The Owner may, if reasonably required in order to provide for the effective and efficient development of the Land and with the consent of the Council, vary the staging as set out in the preceding clause.

Creswick Golf Club Architectural Review Committee

- 6.1 The Owner shall to the satisfaction of the Council, prior to the issue of any planning approval for any building on the Land, establish a committee to be known as The Creswick Golf Club Architectural Review Committee ("the Committee"). The Committee shall comprise a representative of the Owner, two representatives of the Council and an architect appointed by agreement between the Owner and the Council and at no cost to the Council. The Committee shall prepare and maintain to the satisfaction of the Council the Creswick Golf Club Design Code ("the Code"). The Code shall establish appropriate architectural standards for all buildings and works on the Land.

- 6.2 Matters contained in the Code shall be provided to all prospective purchasers of any part of the Land.
- 6.3 The Code may be varied from time to time as may be required to maintain and enhance the quality of development on the Land to the satisfaction of the Council.
- 6.4 The Owner shall maintain representation on the Committee and continue to fund the appointment of an architect referred to in Clause 6.1.
- 6.5 The Owner acknowledges that the Council shall assess any application for a dwelling on a lot created by a subdivision of the Land having regard to the provision of the Code in addition to the relevant provisions in the planning scheme with the objective that buildings and works shall be designed and carried out to meet the objectives and standards as set out in the Code. The covenants imposed upon the Owner under Clause 6.1 hereof shall not apply to the Owner of any of the lots created on any part of subdivision of the Land.

General

7. The Owner warrants and covenants that:
- 7.1 it is the registered proprietor of the Land or entitled to be the registered proprietor of the Land;
- 7.2 there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land and not disclosed by the usual titles searches; and
- 7.3 the Land or any part of it is not subject to any rights obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 43 of the *Transfer of Land Act 1958*.
8. The Owner shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part thereof without further providing to its successors a copy of this Agreement.

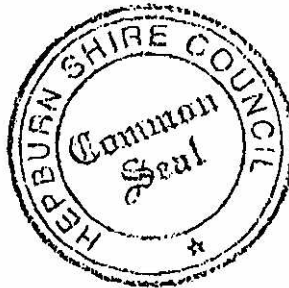
9. The Council and Owner shall do all things necessary (including signing any further agreement, acknowledgment or document) to give full effect to the terms of this Agreement and to enable the Council to enter a memorandum of this Agreement on the certificate of title or titles to the Land in accordance with section 181 of the Act.
10. No plan of subdivision of Land or any part of it or any Instrument of Transfer of the Land or any part of it may be lodged at the Land Titles Office for registration or approval until this section 173 agreement and the section 181 memorandum have been lodged by or on behalf of the Council and entered on the certificate of title or titles to the Land, unless the Council otherwise consents in writing.
11. Without limiting the operation or effect which this Agreement has apart from this sub-clause, the Owner shall ensure that its successors:
- 11.1 give effect to and do all acts and sign all documents as to require them to give effect to this Agreement; and
 - 11.2 execute under seal a deed agreeing to be bound by the terms of this Agreement and thereupon this Agreement shall continue as if executed by such successors as well as by the parties hereto and if the successors' names appeared in each clause for which the name of the Owner appears and additional to the name of the Owner.

Resolution of Disputes

12. Any dispute between the Council and the Owner concerning any matter contained in this Agreement shall be determined where possible pursuant to Division 5 of Part 6 of the Act and otherwise the Council and the Owner agree to submit the dispute to the determination of a person nominated by the President for the time being of the Law Institute of Victoria acting as an expert and not an arbitrator whose decision shall be final and binding on the Council and the Owner.

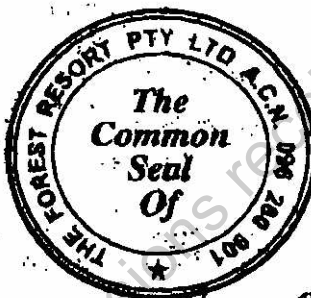
IN WITNESS WHERE OF the parties hereunto have set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of HEPBURN SHIRE COUNCIL was affixed hereto in accordance with delegated authority dated 28/12/2001 in the presence:



[Signature] Alan Chief Executive Officer

THE COMMON SEAL of THE FOREST RESORT PTY LTD was hereunto affixed in accordance with its Articles of Association in the presence of:



[Signature] Director

[Signature] Director

[Signature] Name

John Walsby Name

[Signature] Address

[Signature] Address

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: FW: HEPBURN PLANNING SCHEME Notice of the Preparation of Amendment C80hepb.
Date: Friday, 28 August 2020 3:50:26 PM
Attachments: [Section 173 Agreement.pdf](#)
[Hepburn C80hepb 37_01s02_hepb Exhibition Gazetted.pdf](#)

Tuesday, 18th. August, 2010.

ATTENTION: Planning Scheme Review Officer, Hepburn Shire Council.

Re: Your correspondence dated 10th. July, 2020.

Planning and Environment Act 1987.

HEPBURN PLANNING SCHEME Notice of the preparation Amendment C80hepb.

[REDACTED]

I note your opening statement that.... "Hepburn Shire Council has prepared amendment C80hepb to the Hepburn Planning Scheme. All land within the Shire of Hepburn is affected by the amendment."

In light of the above, and wishing to have the possible complexities of Planning matters further explained, I am asking the Council to assure owners that in no way, do any of these proposed amendments have an impact, or disadvantage residents and lot owners in anyway whatsoever, by same.

Your Planning Department is aware that a Section 173 Agreement is applicable to this site. The Section 173 Agreement was duly executed on 28th. December, 2001. (refer attached copy).

A copy of the Section 173 Agreement is on file at the Council's archives office, and is referred to in the original Planning Overlay relating to the redevelopment of the Creswick Golf Club site.

Hepburn Shire Council has acknowledged the validity and enforceability of the Section 173 Agreement and the conditions it imposed on all the relevant parties to the Agreement, particularly in that it "travels with the land" and binds all owners, that is the original developer, current and future owners to the conditions and requirements of this Agreement.

Given the above I am requesting clarification on the impact/s Amendment C80hepb may have on same, if any.

That being :-

- **Does this Planned Amendment, at any time, or under any circumstances, in anyway place the validity, or enforceability of the existing Section 173 Agreement at risk,**

particularly in terms of the requirements it places upon the parties to same?

- **Do all of the requirements that apply to the Section 173 Agreement remain ongoing without any variation, or amendments and continue to remain intact in particular, those conditions that apply to the enforceability, validity and intent and the procedures that are required to stay, amend, or to seek to extinguish the Section 173 Agreement under the Planning and Environment Act 1987?**
- **The Section 173 Agreement clearly delineates the responsibility of the parties to the Agreement, do these amendments in anyway compromise any of the conditions contained in the Agreement?**

I note in the above attachment "**Hepburn C80hepb Exhibition Gazetted. pdf**" in relation to the Section 173 Agreement, the use of the words "**.....any associated Section 173 Agreement**".

May I respectfully suggest that the terminology be amended to read "**....the Section 173 Agreement**". It is my understanding from Council that there is no doubt as to the validity and enforceability of the Section 173 Agreement, and therefore reasonable to expect that any person perusing the documentation should be left in no doubt as to the existence of the Section 173 Agreement in relation to its disclosure in SCHEDULE 3 TO THE DEVELOPMENT PLAN OVERLAY shown on the planning scheme map as DPO 3 Creswick Golf Course Development Plan.

In support of the above it should be further noted.....

- There is promotional documentation available from the time when lots were initially offered for sale that was used by Forest Resort/The Walsh Family from about 2002/2003 onward, that states a Section 173 Agreement had been entered into with The Hepburn Shire Council.
- A copy of Section 173 Agreement was attached to my Contract of Sale documents when I purchased my lot in 2003. This documentation was forwarded to my Solicitor from the vendors Solicitor's, Messrs Heinz & Partners, North Ballarat.

I trust Council will clarify the issues outlined above, and give serious consideration to the suggestions I think worthy of adoption by the Planning Department.

As a matter of formality, it would be appreciated if you would acknowledge receipt of this email.

Regards,

██████████

██████████

28 August 2020

To the Planning Department

Hepburn Shire Council

(planningscheme@hepburn.vic.gov.au)

Re: Hepburn Shire Planning Scheme

Design and Development overlay, Clause 43.02 Schedule 6

[REDACTED]

My properties appear to be adjacent to the 500 metre radius circle proposed by this DD06.

As a ratepayer, I object to this proposal as it imposes drastic new restrictions on properties within that zone, which were not in place when they purchased and developed their properties.

This new overlay will greatly affect the value of properties within the zone and the ability to develop these properties further, even small changes.

The radius of 500 metres from the Daylesford Transfer Facility seems to me to be an arbitrary number. I am also concerned that if the council get the 500 metres radius through, then if they wish to extend the radius to 550 or any larger number, then both of my properties would be subject to this DD06. My retirement property and investment in Daylesford would be greatly impacted.

I am unaware of why the shire is wishing to implement this DD06, unless there are plans in future which may detrimentally affect the properties in the area.

[REDACTED]

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection
Date: Friday, 28 August 2020 3:52:55 PM

To whom it may concern

As farmers and landowners in the Hepburn Shire we object to the changes proposed for the planning scheme.

This will deeply impact us as rate payers and business owners.

There has been no community briefing regarding this matter and our property is zoned farming and is agricultural land. [REDACTED]

[REDACTED]. We have groundwater for irrigation, what will happen if and when we would like to develop our business and upgrade some of our infrastructure? Some notice and consideration would be appreciated. We should be exempt from these changes and further meetings, clarification and discussions are needed.

Thanks

[REDACTED]

Amc80hepb Submissions received

From: [Evan King](#)
To: [Alison Blacket](#)
Subject: FW: Your scanned document
Date: Tuesday, 1 September 2020 7:29:26 AM
Attachments: [Scan Document eking- 2020-08-31.pdf](#)

Alison,

The Attached submission was received at the Creswick Library within the prescribed time. Could you please include with submissions.

Regards

Evan

From: Evan King <eking@hepburn.vic.gov.au>
Sent: Monday, 31 August 2020 7:49 PM
To: Evan King <eking@hepburn.vic.gov.au>
Subject: Your scanned document

The document scanned by Evan King on 2020-08-31 is attached in this e-mail.

Amc80hepb Submissions received

HEPBURN PLANNING SCHEME

AMENDMENTS

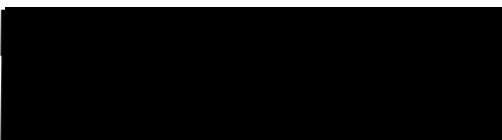
ERO HEPS

COMMENT ON REVIEW

FROM



Amc80hepb Submissions



Amc80hepb Submissions received

To /

THE PLANNING SCHEME REVIEW OFFICER
HERBERT COUWEN
P.O. BOX 21
DARLINGTON
VIC
3460



27th AUGUST 2020

FIRSTLY WOULD LIKE TO THANK COUNCIL FOR THE OPPORTUNITY TO MAKE SUBMISSION TO THE HERBERT PLANNING SCHEME

AMENDMENT
CSO HERB

SECONDLY I WOULD LIKE TO THANK MR KING HERBERTS SHIRE CEO AND MR HENDERSON COUNCILLOR FOR MAKING IT POSSIBLE TO RESPOND TO THIS DOCUMENT ONLY FINDING OUT ABOUT IT IN THE COUNCIL NEWSLETTER - AND NOT HAVING A COMPUTER I RECEIVED THIS INFORMATION LAST WEEK. I HAVE HAD LITTLE TIME TO REVIEW THIS, GIVEN COVID 19 RESTRICTIONS AND DID NOT COMPLETE MY COMMENT. ALTHOUGH BELIEVE IT WOULD BE RELEVANT

- SO I ENCLOSE THAT, THAT I HAVE REVIEWED
- I HAVE FOUND OVER 65 MAPS INCOMPLETE AND OUT OF CONTEXT - CONFUSING
- THIS REVIEW WAS TO MAKE THE SCHEME CLEARER; MORE USER FRIENDLY FOR BOTH APPLICANT AND COUNCIL
- I DO NOT BELIEVE THIS HAS MET THE CRITERIA OF THE PTE ACT 1987 OR CONTEXT OF REVIEW REQUESTED BY THE MINISTER
- IT SEEKS TO AMELIORATE THE RIGHTS OF REVIEW
- ADD HERITAGE THAT COULD BE OTHERWISE CLASSIFIED AND LESS ENCLUMBERED.
- I AGREE WITH THE PROTECTION OF THE VOLCANIC LANDSCAPE AND VISTS
- I AGREE WITH THE PROTECTION OF GOLD AREA NORTH OF CRESWICK, MOURICK HEAPS AND DEER LEAD GOLD HERITAGE AND LANDSCAPE VISTS
- I AGREE WITH THE PROTECTION OF SPUD STEPS - TRENKHAM IMPORTANT TO THE FABRIC OF HERITAGE OF AGRICULTURE WITH FEW INTNG EXAMPLES FROM 1800'S LEFT; HOWEVER HERITAGE VICTORIA IS USUALLY THE VEHICLE FOR THIS PROTECTION WITH PLANNING SCHEME ADJUNCT.
- I AM CONCERNED ABOUT AMENDMENTS AND DELETIONS TO SCHEDULES AND AMOUNT OF SUCH FROM EXISTING SCHEME; AND WOULD LIKE TO ADDRESS THESE.

I THANK YOU FOR YOUR TIME
YOURS SINCERELY



HEPBURN PLANNING SCHEME

AMENDMENT C80 HEPB.

COMMENT.

02.02 VISION

I DO NOT BELIEVE THAT COUNCIL'S MISSION OR VISION HAS BEEN ACHIEVED WITH THESE AMENDMENTS. ALTHOUGH SOME ARE MINISTERIALLY NECESSARY AND THERE IS MORE DIRECTIVE CONTENT CONTAINED HERE IN ALSO. BUT IT SHOULD ALSO BE SEEN TO ACHIEVE THE SPP OF THE PTE ACT 1997. SOMETHING THE HSPS HAS NEVER ACHIEVED. INCOMPLETE AT TIME OF CARETAKER AMALGAMATION THE MINISTER HAS ALWAYS SOUGHT AMENDMENT

HOWEVER NO VICTORIAN PERSONS SHOULD BE DISADVANTAGED DUE TO POOR GOVERNANCE. OUR ORIGINAL PLANNING SCHEME HAD NO MASS; AND ONE STRUCTURE PLAN. SO WE ADVANCE IN THE FUTURE OF PROTECTING OUR COMMUNITY; INFRASTRUCTURE; ASSETS - CULT AND NATURAL FOR GENERATIONS TO COME. WITH A PLANNING SCHEME THAT IS SPECIFIC ALONG WITH BEING FLEXIBLE WITH A BREADTH OF INTERPRETATION.

I SUBMIT THE FOLLOWING COMMENT.

02.03. STRATEGIC DIRECTION

02.03.1 SETTLEMENT.

- CRESWICK DEVELOPMENT CAPACITY IS LIMITED
- CONTRADICTS BUSHFIRE OVERLAYS AND CONCERNS - CRESWICK HIGH BUSHFIRE RISK
- FACILITATE GROWTH IN CRESWICK AND CLUNES
 - SHOULD NOT REDEFINE BOUNDARIES
 - TOWNSHIP BOUNDARIES LIMITED.
- DANLEYSFORD IS CONSOLIDATING WITHIN BOUNDARIES
- PROTECT SETTLEMENT INTERFACES - FROM RURAL - INDUSTRIAL.

02.03.2 ENVIRONMENTAL AND LANDSCAPE VALUES.

LANDSCAPE.

- OUR LANDSCAPE IS UNIQUE
- ENVIRONMENTALLY SIGNIFICANT
- WE HAVE MINERAL AND FRESHWATER AQUIFERS AND SPRINGS
- GEOLOGICAL FORMATIONS OF SIGNIFICANCE
- INTACT HISTORICAL GOLD RUSH FEATURE - NOT SEEN ANYWHERE ELSE
- CULTURAL SIGNIFICANCE OF THE DJA DJA MURUMBidgee

VEGETATION.

- SIGNIFICANT HABITAT

VEGETATION CONT.

- REMNANT GRASSLANDS
- IMPORTANT HABITAT FOR RARE AND ENDANGERED SPECIES
- ROADSIDE AREAS OF SIGNIFICANCE
- EXOTIC VEGETATION - PROTECTED. - SHOWING EUROPEAN SETTLEMENT DEVELOPMENT AND SCIENTIFIC SPECIMENS (BOTANIC GARDENS).

BIODIVERSITY

- RETAIN EXISTING HABITAT.
- REQUIRE PERMIT FOR REMOVAL OF DEAD TREES ALSO - HABITAT.
- ENCOURAGE TO MANAGE LAND AND INSTREAM - RIPARIAN - PERMITS WEEDED
- MINIMISE WHOLESALE CLEARING OF SIGNIFICANT AND ALL VEGETATION

ENVIRONMENTAL RISKS AND AMENITY.

- FUTURE DEVELOPMENT IN TOWNSHIP BOUNDARIES - FUTURE RISK INCREASED
- FLOOD
 - CATCHMENT AREAS AND CONFLUENCE AREAS REMAIN UNDEFINED
 - FLOOD PLAINS.
 - MITIGATION MAY BE IMPOSSIBLE AND EVEN NECESSARY IN THE BIODIVERSITY OF OUR ENVIRONMENT.
 - CRESWICK CREEK - HEADWATERS OF THE WOODS AND TULLAROP CATCHMENT AND RESERVOIR - POTABLE WATER MARBOURGUEH AND BERTHO
 - PROSPECT OF FURTHER EXTREME EVENTS.
 - MITIGATION UNTESTED.
 - FARMER SEWERAGE PONDS ALSO CONTRIBUTE ON FLOOD PLAIN.

◦ SOIL MANAGEMENT.

- EPA REFERENCES FOR DEVELOPMENT.
- COVERING OF BARE EARTH
- FERAL ANIMAL CONTROL.
- FLOOD CARRYING CAPACITY - UNKNOWNS.
- CONTROL OF INTRODUCED VEGETATION.
- CRESWICK HAS ORDOLICIAN GRAVELS; CLAYS; AND VOLCANIC SOILS. ALL REQUIRING DIFFERING CONTROLS.
- DRAINAGE CAUSES MOST EROSION.
- MAINTAIN PROTECTION OF WATERWAYS AND FLOODPLAINS
- DEVELOPMENT AND DESIGN CONTROLS

02-03-4

NATURAL RESOURCES MANAGEMENT:

CLIMATE CHANGE

- MANAGE EXISTING POLLUTION
 - SMOKE - WOOD FIRES
 - THROUGH SUSTAINABLE PRACTICES
- SUSTAINABLE ENERGY
 - SOLAR
- RENEWABLE ENERGY SHOULD NOT BE AT ODDS WITH ENVIRONMENTAL LANDSCAPE OBJECTIVES 02-03-2
 - OR
 - COMPROMISE 02-03-3 ENVIRONMENTAL RISKS AND AMENITY.

WATER.

THE WHOLE SHIRE PREVIOUSLY COVERED BY BLANKET ESS-1 ESSENTIALLY DIMINISHED THE IMPORTANCE OF THE HEADWATERS OF THE LODRON, COMPASSY AND OTHER IMPORTANT WATERWAYS. CRESWICK CREEK, JIM CREEK, BIRCH AND OTHERS NEED PROTECTION. CONFLUENCE AREAS ARE NOT ADEQUATELY IDENTIFIED OR PROTECTED BY THIS SCHEME.

MINERAL SPRINGS ARE NOT THE ONLY CONTRIBUTING AQUIFERS IN OUR SHIRE WE ARE ALSO HOME TO POTABLE AT QUALITY SPRINGS AND AQUIFERS. AGRICULTURE DEPEND ON THESE - CLEMENZEN PARK IS SPRING FED; HYDROGEOLOGICALLY CONNECTED TO CREEKS DREDGE. A QUALITY SPRING AT BASE OF CRESWICK LANDFILL.

A NOTE SHOULD BE MADE THAT NATIVE TITLE ALSO EXISTS ACROSS ALL WATERWAYS IN THE SHIRE, AND AS SUCH SHOULD BE INCLUDED.

RURAL

RURAL PROTECTION ALSO IMPORTANT TO MAINTAINING BIODIVERSITY - EMPLOYMENT AND TOURISM. TO DATE SPECIAL CONSIDERATIONS HAS BEEN GIVEN TO CERTAIN LANDHOLDERS FOR BUILDING. TO THAT EXTENT THE LAND HAS NOT MAINTAINED ITS RURAL INTEGRITY, SUSTAINABLE TRACTS OF FARMS DIMINISHED. MANY OF THESE LARGER HOLDINGS ARE IN FACT HISTORIC WITH THE ENTIRE REGION GROWN FROM PASTORAL HOLDINGS OF THE 1800'S. OUR RURAL AND AGRICULTURAL LAND FORMS THE VISTA AND LANDSCAPE THAT ALSO ENTICES PEOPLE TO OUR AREA. MUST BE PROTECTED FOR THE FUTURE. PROTECT THE AQUIFERS THAT MAKES THIS AGRICULTURE POSSIBLE. HAVE ADD TO PRODUCE AND LAND INCORPORATING CARBON MANAGEMENT AND IMPROVE PRACTICES TO COPE WITH CLIMATE CHANGE INTO THE FUTURE.

02.03-5 BUILT ENVIRONMENT AND HERITAGE

HERITAGE.

BEGINNING WITH INDIGENOUS PEOPLE

WE HAVE WORLD HERITAGE NATURAL LANDSCAPES THAT RELATE TO THE DREAMTIME STORIES; AND EVOLUTION OF EUROPEAN INTERVENTIONS AND LAND USE.

OUR HERITAGE CONTINUES THROUGH THE 1800'S WITH GOLD; SIGNIFICANT BUILDINGS STREETSCAPES, TREES; MINERAL SPRINGS. BUT IS ALSO SO MUCH MORE THAT IS NOT INCLUDED HERE. GIVES DIRECTION - NOT SPECIFIC.

BUILT FORM

HERITAGE OVER LAYS NEEDED TO REFLECT THIS.

LEACH TOWN IS HISTORIC. AS ABOVE

02.03-6 HOUSING

- HOUSING AND SALES CANNOT BE CONTROLLED BY THIS SCHEME
- A PLANNING SCHEME IS NOT RESPONSIBLE ADDING OR DEVALUING PROPERTY
- CARE MUST BE THE GUIDE FOR INFIRM AND AGED CARE FACILITIES AS WE

TRY TO MAINTAIN OUR HERITAGE AND BALANCE WITH MODERN'S STAFF, FIRE RATED BUILDINGS. CRESWICK AS EXAMPLE ON A COLD NIGHT SHOWS THE RELIANCE ON WOOD - BURNING FOR HEAT - THE TOWN FILLS WITH ACRID SMOKE - SUBSTANTIALLY UNSUSTAINABLE; AFFECTING OUR FOREST AND CLEAR FELLING COUPES ACCESSOR BY DWELP PERMITS BEYOND OUR BOUNDARIES. ROADSIDE PILFERING DEAD VEGETATION OTHERWISE KNOWN AS HABITAT / COULD 19 HAS ALSO HIGHLIGHTED THE POTENTIAL COST OF NOT GETTING THE BALANCE RIGHT. / AS THE FLOODS OF 2010/11 DEMONSTRATED THE UNSUSTAINABLE BUILDING ON FLOOD PLAINS - AS THIS IS MITIGATED WE HAVE NO DEMONSTRATED OR DOCUMENTED RESULTS ON THE ENVIRONMENT, LANDSCAPE OR DOWNSSTREAM AS WE HAVE NOT SINCE REACHED THOSE LEGS

WE HAVE A CORRIDOR FOR BUSHFIRE THROUGH CRESWICK AND ON ALL SIDES THE OUTCOMES OF CLIMATE CHANGE REMAIN UNCLEAR ON ALL MANNER OF PLANNING.

RURAL LAND IS NOW INCORPORATED WITHIN TOWNSHIPS; THIS DOES NOT MEAN THE LAND IS NOT VIABLE AS SUCH. AND DOES NOT NECESSARILY WARRANT INTENSE HOUSING DEVELOPMENT. AFFORDABLE IS A MATTER OF INDIVIDUAL ECONOMICS. WITH INCREASED POPULATION ENCRUCHING ON THIS LAND HAS COME THE IRRESPONSIBLE ENTITLEMENT TO HAVE UP TO AT LEAST 2 HOUNDING DOGS AND CATS. THE ECONOMIC RESULT IS THE LOSS AND DISRUPTION OF WILDLIFE CORRIDORS AND ADDED DESTRUCTION OF SUCH. RURAL LAND WAS PREVIOUSLY ZONED AS SUCH FOR THE PURPOSE AND DEFINES OUR LANDSCAPE AND FORMS THE LIFESTYLE ATTRACTIONS.

02.03-1

ECONOMIC DEVELOPMENT

RURAL

- SUPPORT VALUE ADDING - MARKETING ORGANICS - UNIQUE NICHE MARKETS AND TOURISM.
- COVID 19 HAS CHANGED THE LANDSCAPE OF TOURISM AND IS NO LONGER THE LARGEST EMPLOYMENT SECTOR
- IS IN CRISIS.

TOURISM

- GIVEN CURRENT CIRCUMSTANCES IT WILL TAKE TIME FOR THIS SECTOR TO RECOVER
- A NEED TO ADAPT AND REINVENT.

MANUFACTURING AND INDUSTRY

THE SHIRE DOES HAVE LIMITED MANUFACTURING AND INDUSTRIAL ACTIVITIES
THE RURAL AND VALUE ADDING TO PRODUCTS ARE TO BE PROMOTED AND MARKETED ENHANCING ORGANIC AND REGIONAL PRODUCE IS ALREADY AN ESTABLISHED NICHE MARKET - HOME BASED INDUSTRY.
SERVICED INDUSTRIAL LAND OPPORTUNITIES NEED TO BE AVAILABLE AND

RELEVANT TO CREATE OPPORTUNITY AND EMPLOYMENT.

BUT THESE DO NOT EXIST.

CRESWICK HAS DEVELOPED AN INDUSTRIAL AREA (BUILDING) ORIGINALLY A "RESEARCH FACILITY" FOR MELBOURNE UNIVERSITY. LOCATED IN INDUSTRIAL THE LAND IS LANDLOCKED BY CHILDREN'S CENTRE, RESIDENTIAL AND LANDFILL THAT CAN NEVER MEET BASIC BUFFER DISTANCES - 0M. AN AREA THAT HAS SEEN U.C.A.T. MORE THAN 20 TIMES
- BUILT BEYOND PERMIT - PERMIT CANCELLED - REISSUED RETROSPECTIVE PERMIT - CHANGED PERMIT AND CURRENTLY UNREGULATED RETROSPECTIVE PERMIT. NO ENFORCEMENT
DARLESFORD - INDUSTRIAL - AJAX RD - COUNCIL PERMITS ALLOWED BUILDING BEYOND BUFFER DISTANCES - NOW A PROBLEM. EAST ST - ONCE AGAIN RESIDENTIAL ENCROACHMENT
NO RESPONSIBLE TRANSPORT ACCESS BECAUSE OF RAIL BRIDGE - FORCING TRUCKS THROUGH RESIDENTIAL STREETS.
COMMERCIAL ZONING MUST ALSO BE NOTED AS ACCOMMODATING SOME INDUSTRIES BUT HAS NOT BEEN MENTIONED
MATERIALS RECYCLING ACTIVITIES SHOULD BE LOCATED ON INDUSTRIAL LAND WITH

CAPABILITY TO MANAGE ENVIRONMENTAL IMPACTS, BUFFER DISTANCES AND MINIMAL RESIDENTIAL IMPACT.

DALESFORD WAS PURPOSE BUILT FOR THIS PURPOSE - COUNCIL - EPA - APPROVED; CHOSEN BY COUNCIL BECAUSE OF LOCATION; TRANSPORT ACCESS AND MINIMAL HOUSING.

CRESWICK DID NOT AND DOES NOT COMPLY FOR THIS USE

- REJECTED BY COUNCIL OF THE DAM.
- I MAKE REFERENCE TO PLANNING PERMIT ON THIS SITE TRANSFER STATIONS ONLY.
- EPA - POLLUTION ABATEMENT ZONE - FORMER LANDFILL
- OPERATIONAL AREA AND SUBSEQUENT 21 YEAR LEASE DSE (COWELP)
- FRESH WATER SPRING
- FLOOD PLAIN
- 90 FT DAM INTERSECTING TO GROUNDWATER
- CRESWICK CREEK.
- GROWLING GRASS FROG
- LACK OF TRANSPORT CORRIDOR.

WHILE INCORPORATED IN INDUSTRIAL AREA.

CROWN LAND ALSO MAKES UP THE 35 H. OF INDUSTRIAL LAND OCCUPIED BY COUNCIL MANAGEMENT

- FORMERLY USED AS GRAVEL PIT BY COUNCIL
- HAS A REHABILITATION ORDER OVER SITE
- AN HISTORIC DREDGE HOLE
- HAS BEEN DREDGED TO DEPTH OF 90 FT.
- HAS OVER 65 OPEN MINES.
- HAS CREEK TRAVERSING.

CROWN LAND IS JUST THAT - NOT VALID INDUSTRIAL

THE REMAINDER OF INDUSTRIAL LAND IS OCCUPIED BY MYSELF AND MR PHILLIPS AND HAS BEEN THE CASE FOR OVER 20 YEARS

4 COUNCIL STUDIES AND PLANNING PANEL MEETING C38 FOUND THE CROWN LAND BETWEEN RING RD AND ANNE ST NOT SUITABLE FOR INDUSTRY. COUNCIL DID NOT INCLUDE AMENDMENT C38 OUTCOMES INTO PLANNING SCHEME

IT IS GROWLING GRASS FROG HABITAT - ENDANGERED SPECIES LEGISLATION

I HAVE BEEN INFORMED BY COUNCIL THAT UNTIL THIS LAND IS RECLASSIFIED AS UNSUITABLE FOR INDUSTRY; NO OTHER LAND CAN BE ZONED AS SUCH. I BELIEVE A STUDY AND INVESTIGATIONS WERE MADE FOR LAND IN NORTH CRESWICK - ROAD INFRASTRUCTURE POSSIBILITY OF RAIL UTILIZATION; HITTING NO IMPACT ON RESIDENTIAL AND SERVICES.

SO FORGIVE ME IF I DO NOT SUPPORT THE LAST PARAGRAPH THAT IS 'IMPARTIAL TO PROTECT INDUSTRIAL AREAS FROM ENCROACHMENT BY APPLYING "THE KENT OF CHANGE PRINCIPLE" WHICH EXTINGUISHES MY RIGHTS - UNDER THE SPP ~~STRONG~~ PLANNING AND ENVIRONMENT ACT 1987. CRESWICK HAS NO POSSIBILITY OF ESTABLISHMENT OF INDUSTRY ON THE REMAINING INDUSTRIAL LAND OR ESTABLISHMENT OF DEVELOPMENT.

I ALSO UNDERSTAND THE LAND IS BY EPA LEGISLATION IMPEDED BY THE LANDFILL - WHICH EXCEEDED ITS BOUNDARIES, OPERATIONAL AREA AND BUFFER DISTANCES. OF 500 MT. WE ATTENDED ALL EPA MEETINGS AND SEMINARS REGARDING THIS LEGISLATION. COUNCIL DID NOT.

I WOULD ASK THAT BOTH THIS LEGISLATION

- EPA LANDFILL BUFFER DISTANCES
- POLLUTION TREATMENT
- GEOTECHNICAL
- AND ANY OTHER RELEVANT STEPS

AND

ENDANGERED SPECIES LEGISLATION
GROUNDED GRASS FROG

TO BE INCLUDED AS POLICY AND REFERENCE DOCUMENTS IN THE HERBURN PLANNING SCHEME AND P.I.E ACT 1987. AND MUST REFLECT 02.02 VISION - HERBURN PLANNING SCHEME AND P.I.E ACT 1987. WITHOUT THESE INCLUSIONS I DO NOT BELIEVE IT DOES -

RETAIN AND COMMUNITY SERVICES

IDENTIFIES DAYLESFORD AND CRESWICK AS MAJOR SERVICE PROVIDERS, CRESWICK BEING THE LARGER TOWN - WITH LEAST FACILITIES AND INFRASTRUCTURE - UPGRADES FOR EXISTING FACILITIES WILL BE NEEDED NOW AND IN COMING YEARS; WITH ANTICIPATED AND CURRENT DEVELOPMENTS MAY WELL BE NEEDED ALREADY. AGED CARE AND COMMUNITY VENTURES ARE HAND IN HAND WITH THE STATE AND FEDERAL GOVS; THESE SHOULD BE NURTURED FOR POTENTIAL FUNDING - THE EXISTING COMMUNITY HOUSE (GOVT-FUNDED) SHOULD BE HELD BY COMMUNITY TO ACCOMMODATE A GROWING NEED FOR REAL AND RELEVANT TRAINING; EDUCATION AND COMMUNITY PARTICIPATION (FOR ALL); TOWARD AN ECONOMIC AND HEALTHY LIFESTYLE FOR ALL. BE A VALUABLE COMMUNITY AND ECONOMIC PLATFORM FOR ECONOMIC DEVELOPMENT; DISSEMINATION OF COMMUNITY ^{NEWS} AS A WHOLE IN A PRODUCTIVE WAY. NOT AS SOMEWHERE TO ATTACK COMMUNITY AND MUST HAVE SOME CREDIBILITY AND ACCOUNTABILITY. A NECESSITY AS CRESWICK NOW MUST REBUILD AND RESTRUCTURE KNOWN BEHAVIOUR OVER A BROAD AREA AND COMMUNITY RESPONSIBILITY WITH LIVING WITH COVID 19.

- AGRICULTURAL LAND IS AND REMAINS ESSENTIAL FOR THE FUNDAMENTAL BASIS OF PRODUCTION FOR OUR SHIRE; LIFESTYLE AND STATE OF VICTORIA AND AUSTRALIA.
AN ASSET TO BE PROTECTED AT ALL COSTS (WHAT IS LEFT OF IT)
- WITH THE GROWTH OF OUR TOWN AND OUTCOMES OF CURRENT GLOBAL POSITION SHOW SUSTAINABILITY IS AN IMPORTANT AND NECESSARY POSITION TO OBTAIN, MAINTAIN AND NURTURED. ON A SHIRE BASED SCENARIO THIS PLAN DEMONSTRATES IT IS NOT TRIVY POSSIBLE, LAND ZONED FOR INDUSTRIAL MUST EXIST; MUST BE USABLE AND ZONED APPROPRIATELY OR AS FOR CRESWICK AND DAYLESFORD; WILL STAGNATE FOR THE NEXT 20 YEARS; WITH MISSED OPPORTUNITIES. THIS ALSO APPLIES FOR COMMERCIALY ZONED LAND WITH POOR PAST PLANNING ISOLATING ALL SECTORS; WITH CRESWICK ENCRoACHING ON RESIDENTIAL AND DAYLESFORD RESIDENTIAL ENCRoACHING ON INDUSTRIAL.
- ECONOMIC AND HOME BASED BUSINESS ARE ESSENTIAL BUT NEED PROPER ASSESSMENT FROM A PLANNING PERSPECTIVE. BOTH FROM SHIRE AND THE FRANCHISE (OR SELF ASSESSED OPERATING BUSINESS). E.G. - I QUESTION THE SCALE OF SUCH LOCATED IN THE COMMUNITY; SUCH AS WITET ST. - FRONT YARD CONSTRUCTION OF STEEL MODULE BUILDINGS AND CONTAINER CONVERSION - FOKUKIT; WELDING; TRUCK MOVEMENTS AND EMPLOYEES ALSO SUPPORTING HAIRDRESSING BUSINESS. I AM NOT ANTI BUSINESS OR ENTERPRISE - BUT GIVEN STORAGE / PARKING / NOISE / OHS AND RESIDENTIAL AMENITY - ASSESSMENT IS IMPORTANT - OR MORE GLARINGLY SPACE NEEDS TO BE APPROPRIATELY LOCATED TO ACCOMMODATE THESE INITIATIVES.
VALUE ADDING ON AGRICULTURE AND RURAL LAND CAN AND IS ALSO IMPORTANT. VALUE ADDING; PRODUCTS - ENHANCING OUR SHIRE. AS WE LOOK TOWARD MORE PLANNERS - THERE MAY ALSO BE THE NEED FOR BUSINESS ADVISORY TO HELP AND NURTURE THESE ENTERPRISES TO ACCESS CAPITAL AND SUPPORT TO TAKE US TO A BROADER STATE, NATIONAL OR GLOBAL CLIENT.
- EACH TOWN HAS ESTABLISHED TOURISM DEVELOPMENT THAT RESPECTS AND REFLECTS THE SHIRE AND IN EACH CASE NATURAL ASSETS THAT ARE ALSO STATE OR NATIONALLY CONTROLLED - ALL ELSE IS DEPENDANT ON THIS DOCUMENT.
- ENSURE SHIRE QUALITY MINERAL RESOURCES AND RESERVES ARE MAINTAINED AND MANAGED AS A LONG TERM COMMUNITY AND ECONOMIC RESOURCE.
- TO DO THIS THE SHIRE, THIS PLAN AND PLANNING DECISIONS MUST CONSIDER THE NATURAL CONFERENCE AREA OF BOTH MINERAL AND FRESHWATER AQUIFERS TO MAINTAIN THEIR HIGH QUALITY VIABILITY INTO THE FUTURE.
DEEP LEAD MINING IDENTIFIED THE MAJOR ARTESIAN SYSTEMS IN AND NORTH OF CRESWICK. A RESOURCE USED BY AGRICULTURE. POTABLE HI QUALITY IS RARE AND EQUALLY AS IMPORTANT AS MINERAL AS FAR AS AQUIFERS ARE IDENTIFIED FOR WATER.
CALEMBEEN PARK IS SPRING FED - HYDROGEOLOGICALLY CONNECTED TO O'KEEFE'S DRESS OF RING RD CRESWICK. COUNCIL MUST PROTECT THIS RESERVE AS IT CONTINUES TO SOURCE WATER FROM THIS AQUIFER - RATHER THAN THAT PERMITTED BEING O'KEEFE'S DAM ON MIDLAND HWY; AS REMOVAL OF WATER CAN AFFECT THE LEVELS OF CALEMBEEN PARK.

- Most local via duct sands surface with springs under our historic PAIC BRIDGE
- FRESH WATER SPRING AT BASE OF OLD CRESWICK LANDFILL - G.P.S. LOCATED BY DUNE
- THE CONSEQUENCE FOR CRESWICK BEING ONE OF STONY HILL AND SURROUNDS. CONFLUENCE AREAS FOR AQUIFERS PRICELESS NOT WITHSTANDING CLIMATE CHANGE.
- THE ENTIRE SHIRE TOURISM IS UNIQUE AND DIVERSE AND IN SOME INSTANCES NEEDS TO BE PROTECTED FROM SOME OF THESE SUGGESTIONS STATED IN PLAN FOR FUTURE GENERATIONS. OUR TOURISM UNDER CURRENT AND FUTURE CLIMATE CONDITIONS MAY REQUIRE - RESTORED THINKING.
- SHIRES HERITAGE AND ENVIRONMENTAL TOURISM ASSETS
 - MANY HAVE BEEN PROTECTED BY OVERLAYS IN THE SCENES PREVIOUSLY AND SHOULD NOT BE LOST OR HAVE BEEN LOST THROUGH MISMANAGEMENT AND POOR PLANNING, LACK OF KNOWLEDGE OR PERSONAL OPINION. NOR HAVE THE COMMUNITY ADD EXTRA PROTECTION THROUGH HERITAGE VICTIM AS A MATTER OF PRIORITY. THE PLANNING SCHEME SHOULD ALREADY ENSURE THIS SIGNIFICANCE. WE HAVE THE MOST DIVERSE AND IMPORTANT HERITAGE IN VICTORIA BOTH NATURAL AND BUILT. WE HAVE THE MOST INTACT GOLD HERITAGE OVER OUR EASTERN SHIRE SHOWING ALL FORMS OF EXTRACTION - FROM SHALLOW ALLUVIAL TO DEEP LEAD WITH ASSOCIATED BATTERIES AND REMNANT BUILDINGS; NOT WITHSTANDING OUR MAJOR SETTLEMENTS GROWN FROM NEED AND PRESERVATION.
 - WE OWE MUCH TO OUR INDIGENOUS HISTORY AND HAVE MUCH TO LEARN FROM IT. OUR SHIRES LAND AND WATERWAYS HAVE BEEN COVERED BY NATIVE TITLE. A POSITIVE THAT ENSURES A COLLABORATIVE OUTCOME WITH PLANNING. WITH KNOWLEDGE AND DREAMTIME SENDING BACK MANY THOUSANDS OF YEARS; PERTAINING TO OUR VOLCANIC TREASURES; TRADITIONS, TRADITIONAL SITES AND PASTORAL SETTLEMENT. MANY ARTIFACTS ARE STILL FOUND ACROSS OUR SHIRE. MANY AREAS BARRY PROUDLY INDIGENOUS NAMES.
 - OUR PASTORAL HISTORY IS ALSO IMPORTANT - SHAPING THE LANDSCAPE OF AGRICULTURE, GOVERNANCE AND INNOVATION.
 - EVERYTHING MENTIONED INCLUDES PEOPLE WHO CREATED THE CULTURAL DIVERSITY REFLECTED IN OUR SHIRE FROM OUR NATIONS FIRST TO OUR AROUND THE WORLD. OUR EXPLORERS WHO DOCUMENTED OUR SHIRE WHOSE PATHS CAN BE FOLLOWED (MAJOR MITCHELL) TODAY

0.2.03-5.

TRANSPORT.

- CRESWICK, NEWLYN, BLAMPED, EGANSTOWN AND DAHLESFORD ALL EXIST ON THE MILDURA HWY. WITH THAT IN MIND HAVE ACCESS TO THE WESTERN HWY. OUR OTHER TOWNS ARE LOCATED ON MINOR ARTERIALS; ALL JUST AS IMPORTANT CLUES TO MARYBOURNE - BENDIGO - DAYLESFORD HERBORN TO CASTLEMARNE AND BENDIGO. ALL SEEING SIGNIFICANT AMOUNTS OF TRAFFIC BOTH FOR TRUCKS AND CARS; LOGISTICS OF FOOD, FARMING, WORK AND FREIGHT. ALL DEVELOPMENT MUST BE MINDFUL OF LOCATION, TRAFFIC VOLUME - INCREASE IN VOLUME, STATE OF ROADS AND SAFETY ALONG WITH ACCESS. OUR SHIRE ALREADY SUPPORTS A NUMBER OF FREIGHT

COMPANIES - SUPPORTING BOTH SEMI AND B-DOUBLES. THEIR ACCESS ROUTES ARE NOT LIMITED TO MAJOR RDS WITH MANY HAVING RESIDENTIAL ROUTES. THEY MUST BE PERMITTED, AND REGULATED. SAFETY WITH DEVELOPMENT; SAFETY IS PARAMOUNT AS LIASONS WITH VIC ROADS TO MAINTAIN OUR ROADS. A MAJOR INFRASTRUCTURE COST THAT IS NOT LIMITED TO THE STATE BUDGET. BUT RATEPAYERS ALSO. FUNDING MUST BE ONSOURCE - DEVELOPMENT AND SUBDIVISION MUST CONTRIBUTE TO THIS COST - PERHAPS ONSOURCE.

- PUBLIC TRANSPORT FACILITIES FOR COUNTRIES AND CRESTAGE EXIST BUT MUCH MORE WORK IS NEEDED FOR THEM TO BE A VIABLE AND SAFE LINK FOR EMPLOYMENT. TO BE ABLE TO LINK THE ENTIRE SHIRE FOR ECONOMIC VIABILITY - WORK HOURS, SCHOOLS AND RECREATION.
 - MUST ALSO CONSIDER - CARBON REDUCTIONS
 - CLIMATE CHANGE.
 - WE ARE A PETROL / DIESEL / GAS ORIENTATED SOURCE DEPENDANT ON PERSONAL TRANSPORT.
- HIGH DENSITY HOUSING - THAT HAS ACCESS NEEDS TO HAVE THE AVAILABLE LAND - NOT CONTRIBUTING TO LOW SOCIO ECONOMIC DEMOGRAPHICS THAT HAVE THE POTENTIAL TO BE DETRIMENTAL TO A SAFE COMMUNITY - ON OUR STREETS - OUR HOMES - TRANSPORT AS EXISTING FOOT PATHS / LIGHTING / DRAINAGE.
- WORK WITH VIC RDS AND STATE GOVT FOR FREIGHT CONNECTION.
- ACTIVE NETWORK ACCESS ACROSS SHIRE NEEDS TO BE ECONOMICALLY VIABLE - CHILDREN CURRENTLY STRUGGLE TO GET TO SCHOOL AND BACK IN OUR STREETS. ACTIVE RECREATION FACILITIES.
- CAR PARKING FACILITIES
 - LACK OF DISABLED
 - DETRIMENTAL TO USE OF TOWNSHIPS - ALONG WITH SIGNAGE KRAOTIC.
 - NEED FOR COMMUNITY EDUCATION OF RD LINAGE.
 - SAFETY FOR ALL ON MIDLAND HWY
 - ALL TOWNSHIPS SUFFER FROM VISUAL SIGNAGE KAGS CAUSING STORAGE - UNSAFE
 - BRAVADO CROSSING OF RDS - SCHOOL CHILDREN, SCOOTERS - BIKES
 - NO ENFORCEMENT OF SIGNAGE.
 - EVERYONE WANTS TO PARK IN FRONT OF BANK - POST OFFICE ETC.
 - PARKING AT BANK CREWICK - PARTICULARLY UNSAFE.
 - PARKING AROUND FAMILY HISTORY CENTRE - CREATES CARS ON WRONG SIDE OF RD. NOT CLEAR; PARKING.
 - SEMI PARKED IN CAMBRIDGE ST - BLOCK VISION
 - SEMI PARKING ON MIDLAND HWY MAKES IT IMPOSSIBLE TO HAVE LINE OF SIGHT COMING OUT OF HYDE PARK RD OR GARDINER STREET.

22.03-9

INFRASTRUCTURE

• THE PROVISION AND ADAPTION OF INFRASTRUCTURE IS ESSENTIAL FOR OUR FUTURES BUT WE MUST ALSO BE PROACTIVE AND LOOK TOWARD A CHANGING FUTURE. INCLUDING INCREASED POPULATION - PERMANENT AND TRANSIENT, CLIMATIC CHANGING CONDITIONS AND CHANGING NEEDS.

UTILITY INFRASTRUCTURE

THERE IS A NEED TO PROTECT INFRASTRUCTURE SUCH AS WASTE AND RESOURCE RECOVERY FROM ENCROACHMENT ON SENSITIVE AREAS AND VICE VERSA. OUR CURRENT SITUATION RESULTS FROM POOR BOOK COVERABLE; PLANNING PERMITS AND USE OF THE PLANNING SCHEME.

• DAYLESFORD LANDFILL IS THE STRIKES ONLY PERMITTED WASTE AND RECYCLING CENTRE. UNDERSTANDING THAT THIS WAS CREATED (1999) BY THE THEN COUNCIL; BECAUSE OF ITS LOCATION ON AJAX RD; LACK OF HOUSING AND ACCESSIBLE TRANSPORT THAT WAS NOT AVAILABLE ANYWHERE ELSE IN THE SHIRE. UNFORTUNATELY THE SITE ON AJAX RD HAS SEEN THE ENCROACHMENT OF HOUSING BY THE THEN PLANNERS AND SAME GOVERNANCE. WE MUST LEARN FROM OUR PAST AND RESPECT WHAT WAS PERMITTED BY PERMIT AND VIABLE AND APPROVED BY DSE (DWCLP) AND EPA. STATE OF THE ART PURPOSE BUILT TO SERVICE THE SHIRE INTO THE FUTURE. ALL RECYCLING WAS TO BE TRANSPORTED AND SORTED AT THIS SITE. CREATE EMPLOYMENT AND REDUCE WASTE.

• CRESWICK LANDFILL IS NOT PERMITTED FOR THESE OPERATIONS; BY DECREE AND PERMIT OF V.C.A.T. AND IS A TRANSFER STATION ONLY. TO SERVICE CRESWICK AND CLUNES. AN OPERATIONAL LEASE EXISTS B/W DSE (DWCLP) FOR A 21 YEAR TENURE - SOON TO EXPIRE BUT EXTENSIONALLY RENEWABLE AND CREDITED TO MAINTAIN COUNCILS RESPONSIBILITY FOR POLLUTION EMANATING FROM THIS SITE - FOR AN UNTOLD PERIOD OF TIME / DECADES - BEING THE LAST LANDFILL IN VICTORIA TO ACCEPT SLUDGE AND WASTE. THIS WAS ALSO APPROVED BY EPA GIVEN THE SENSITIVE NATURE OF THE SITE, FLOODPLAIN - CRESWICK CREEK - GROUND WATER AT 0.2 MTS AND POLLUTION ABATEMENT NOTICE

• CRESWICK ALSO RETAINS REMNANTS OF CRESWICK SEWERAGE TREATMENT PLANT DOWNSTREAM. CONTAINING SLUDGE AND WATER PONDS. ONCE AGAIN ON FLOODPLAIN. BUFFER DISTANCE ??

- CRESWICK IS ALSO HOME TO OTHER DISCLOSED LANDFILLS
 - CRN CRESWICK / CLUNES RD (GILVES ST) AND ASCA RD EX BALLARAT LANDFILL. - BUFFER ??
 - CHURCH STREET - ST AUGUSTINES CVAL
 - HAMMOND PARK - EX TIP / NIGHT SOIL WASTE DUMP.

ALL ON CRESWICK CREEK OR TRIBUTARIES.

RENEWABLE ENERGY

IS IMPORTANT FOR REDUCING CARBON LOADS, HOWEVER WE ALSO SEEK TO PROTECT OUR HIGHLY VALUED LANDSCAPES. THIS DOES NOT DIMINISH RENEWABLE ENERGY; THERE ARE OTHER ALTERNATIVES TO WIND AND SMALLER PERSONAL HOUSE WIND GENERATORS FOR POWER STORAGE. SOLAR IS PROVED QUALITY SYSTEM THAT CAN BE SOLD AND STORED.

COMMUNITY INFRASTRUCTURE

WITH THE GROWTH ENVISAGED FOR THE TOWNS OF CRESWICK, CLONES, TRENTHAM, DAYLESFORD AND RURAL; ALL INFRASTRUCTURE WILL BECOME DATED AND INSUFFICIENT; INFACT WE ALREADY RELY ON AREAS BEYOND OUR STILES FOR MUCH OF OUR DAILY REQUIREMENTS. THERE IS OPPORTUNITY WITH MELBOURNE UNIVERSITY CRESWICK CAMPUS; RACV RESORT, DAYLESFORD BATHOUSE AND JOHN CURTAIN (QUEEN ELIZABETH) AS EXAMPLE FOR COMBINED INFRASTRUCTURE USE AND PROJECTS TO BENEFIT OUR COMMUNITIES. OTHERWISE WE REMAIN SATELITE SUBURBS UNRELATED TO DESTINATION. [ALL THESE SUGGESTIONS HAVE HAD PRIOR DISCUSSION AND AGREEMENT AT PLANNING AND PERMIT STAGE IN THE PAST. BUT NEVER CAME TO FRUITION] THERE ARE STILL PARTNERSHIP OPPORTUNITIES TO BENEFIT ALL COMMUNITIES.

COUNCILS STRATEGIC DIRECTION WITH NATURAL RESOURCES SHOULD BARE IN MIND THAT, THAT THEY HAVE ALREADY IDENTIFIED TO PROTECT.

GREEN INFRASTRUCTURE MUST START IN BASIC PLANNING - TO ENSURE WE MEET OUR CLIMATE REDUCTION - 5 STAR, BUSHFIRE BUILDINGS, DOUBLE GLAZING; LESS RELIANT ON WOOD HEATING NORTH PACIFIC VALLES UTILISING NATURE ALONG WITH SOLAR.

- SOIL IN CRESWICK - MUCH OF THE SOIL IS ACTUALLY ORPINGTON GRAVELS, SANDS, VARIOUS CLAYS AND VOLCANIC TO THE NORTH.
- REDUCE POLLUTION - DUMPING OF TOXIC MATERIALS IN BUSH, MINES AND OVER DREDGE HOLE CLIFFS. WITH SUFFICIENT ENFORCEMENT TO DETERRENT.
- SMOKE - WOOD FIRES, BURNING AUTUMN LEAVES, GREEN WOOD - INCINERATORS
- DISPOSING OF PLASTICS PAINTED GOODS ETC.
- BON FIRES ALL MUCH LOVED IN AND AROUND CRESWICK
- SENSITIVE LOCATIONS MUST TRULY BE THAT - WITH NO ILL EFFECT ON HUMAN HABITATION BIODIVERSITY OR NATURAL ENVIRONMENT.
- ELECTRIC VEHICLES MUST BE THE WAY OF THE FUTURE TO BE SUSTAINABLE AND MEET NATIONAL GUIDELINES AND OBJECTIVES
- SUPPORT SENSITIVE AREAS FOR TRANSMISSION FACILITY OR AS CODE OF PRACTICE - CO-LOCATE - DECARBONIZATION SHOULD AND MUST ONLY COME WITH NET COMMUNITY BENEFIT AND CONSULTATIONS.
- SENSITIVE =: PARKS, RIVERS WATERWAYS
 - BUSHFIRE - EXTREME, SIGNIFICANT - REAL
 - PROXIMITY WATERWAYS
 - PUBLIC LAND
 - GREEN CORRIDORS AND WILDLIFE CORRIDORS

02.04

STRATEGIC FRAMEWORK PLANS.

REFER

CLAUSE 02.03 - SETTLEMENT.

• STRATEGIC FRAMEWORK PLAN.

IDENTIFIES CRESWICK

- FOR GROWTH
- VERY HIGH AGRICULTURE LAND
- EXTREME AND SIGNIFICANT BUSHFIRE
- SIGNIFICANT PARKS FORESTS / RESERVES PUBLIC LAND

• MAP IS AMBIGUOUS TAKING INTO ACCOUNT THE MAP LEGEND AND INTERST.

- DOES NOT SHOW CATCHMENT AREA - SPECIFIC.
- DOES NOT SHOW EXTENT OF EXTRE AND SIGNIFICANT BUSHFIRE

• SETTLEMENT PLAN

- MAP IS UNCONCLUSIVE

• ENVIRONMENTAL HAZARDS PLAN.

CRESWICK

- FLOODING NOT SHOWN FOR CRESWICK DESPITE MAJOR EVENTS 2010/11.
- FLOODING UNDERSTATED.
 - MITIGATIONS NOT YET PROVEN - UNTESTED - FROM CALUMBERRIN DOWNSTREAM
 - SHOWS NO FLOODING BELOW MITIGATION WORKS.

SHIRE

- DOES NOT SHOW CONSEQUENCE FOR FLOODING
- BUSHFIRE HAZARD EXISTS FOR ENTIRE SHIRE
 - AS EXTREME
 - GRASSLANDS NOT ACCOUNTED FOR.
- SHOWS ONLY CLONES FOR FLOODING

RINGS RD
TRANSFER STATION
FLOOD PLAINS
SEWERAGE POND
PLATS.

- EROSION REMAINS UNDERESTIMATED AND UNMAPED

• ENVIRONMENTAL AND LANDSCAPE VALUES PLAN

- ENTIRE SHIRE PROCLAIMED CATCHMENT. LOSES INTEGRITY.
- FRESHWATER AQUIFER NOT IDENTIFIED.
- SIGNIFICANT LANDSCAPES IN AND IMMEDIATELY AROUND AND NORTH OF CRESWICK NOT SUFFICIENTLY IDENTIFIED

• ECONOMIC DEVELOPMENT.

- SHOWS TOWNSHIP WITH INDUSTRIAL COMMERCIAL AND TOURISM ASSETS ?
- NO REASONS ALREADY STATED ?? FAILS TO SHOW ECONOMIC VALUES
- TOURISM - THUS FAR UNDERSTATED - NOT MENTIONED.

02. MUNICIPAL PLANNING STRATEGY

- ONLY AGAIN PAGE 1 BLANK
- REMINISCENT OF ORIGINAL HSPS.

11.01 VICTORIA

PAGE 1/1 BLANK ?

11.01 - 15

SETTLEMENT

- TO PROMOTE SUSTAINABLE GROWTH AND DEVELOPMENT AND DELIVER CHOICE FOR ALL VICTORIANS.
 - NO RELEVANT REGIONAL GROWTH PLAN HERE IN.
 - MUNICIPAL, REGIONAL CONTEXT AND FRAMEWORK
 - CREATE BOUNDARIES
 - PLAN FOR DEVELOPMENT OF FACILITIES AND SERVICES.
 - PLAN FOR DEVELOPMENT AND INVESTMENT OPPORTUNITIES ALONG EXISTING INFRASTRUCTURE
 - * CONTRARY AND AT ODDS WITH MULTIPLE OBJECTIVES
 - BALANCING STRATEGIC OBJECTIVES FOR LAND USE
 - ENSURE LAND THAT MAY BE REQUIRED FOR URBAN EXPANSION NOT COMPROMISED
 - * LAND ALREADY COMPROMISED - AT ODDS WITH VISION
- OUT OF 10 REFERENCE POLICY DOCUMENTS ONLY ONE REFERS TO REGIONAL DEVELOPMENT AND IS 6 YEARS OLD MUCH DEVELOPMENT RELATING TO THIS PLAN IS PROBABLY TO HAVE BEEN INCONSISTANT WITH OUR VALUES AND VISION FOR THE FUTURE
- VICTORIAN SETTLEMENT FRAMEWORK MAP.
 - THIS MAP DOES NOT SHOW OURSHIPS OR SETTLEMENTS

11.01 - R

SETTLEMENT CENTRAL HIGHLANDS

- PROVIDES FOR ONLY LOCAL AND REGIONAL SERVICES
 - CONTRARY TO IDENTIFYING CRESWICK AS LACKING IN INFRASTRUCTURE AND LIMITED GROWTH FOR REASONS ALREADY GIVEN. ADEQUATE LAND AND INFRASTRUCTURE IN APPROPRIATE LOCATIONS TO SUPPORT ANTICIPATED POPULATION GROWTH.
 - IMPOSSIBLE TO PROTECT LAND AGENCY

IDENTIFIED AS SIGNIFICANT / HIGH RISK BUSHFIRE AND LIMITED INFRASTRUCTURE
CENTRAL HIGHLANDS REGIONAL GROWTH PLAN.

11.01 - L

TOWNSHIP AND SETTLEMENT.

CRESWICK SHOWS NO SUBSTANTIAL EVIDENCE OF SUPPORT

POLICY APPLICATION CANNOT SUPPORT VISION AND LANDSCAPE PROTECTION

THERE IS LITTLE LAND LEFT WITHIN TOWN BOUNDARIES WITHOUT SERIOUS IMPLICATION TO THAT, THAT WE WANT TO PROTECT.

- OWNERS
- LIMITED IN INFRASTRUCTURE • LIMITED IN RESIDENTIAL LAND INFILL
- LIMITED BY HERITAGE • LIMITED BY EX LANDFILL • LIMITED BY MINING ENVIRONMENT OF THE PAST

CRESWICK TOWNSHIP MPP

- HISTORIC TOWNSHIP OVERLAY - SHOWS AREA OF PROTECTION - RAGLAN ST. ALBERT ST PRECINCT.
 - ALREADY SEEN REMOVAL OF SENSITIVE NATURAL AND BUILT FEATURES PREVIOUSLY UNDER HERITAGE OVERLAY.
 - HERITAGE NO LONGER STATION OVER CALMISENS PARK, GOLD BATTERY. AS EXAMPLE
- INFILL AREAS / DEVELOPMENT.
 - SHOWS BROOKFIELD RD ONLY.
- SENSITIVE INTERFACES
 - VAGUE AT THE VERY LEAST
- INDUSTRIAL LAND
 - 35 HA NON DESCRIBE
 - 1 PORTION PRIMARILY OWNED
 - 1 PORTION COUNCIL LEASE - PREVIOUSLY DREDGED - GRAVEL PITS DREDGE HOLE - 65' OPEN MINES - CREEK TRAVERSING UNDER DWELP REHABILITATION ORDER
 - 1 PORTION PREVIOUS LANDFILL - POLLUTION ABATEMENT ~~AND~~ EPA TRANSFER STATION - OPERATIONAL LEASE DWELP. WATER MONITORED AND METHANE MONITORED.
 - REMAINDER OF LAND OCCUPIED BY MYSELF + MR PHILLIPS.
- CROWN LAND ON THIS SITE REMAINS AS SUCH AND IS OTHERWISE ENCUMBERED
- LANDFILL MAKES LAND UNUSABLE
- IS NOT VIABLE (INFRASTRUCTURE)
- PLAN NOT TO SCALE
- POSSIBLE INTENSIFICATION AREA DOES NOT SUPPORT ONBOUND CONDITIONS - OR POSSIBILITY OF SUCH OR SENSITIVE INTERFACES THAT WOULD BE NECESSARY

CRESWICK TOWNSHIP MAP DOES NOT SHOW THE DETAIL THAT WILL SUFFICIENTLY GUIDE OUR COMMUNITY INTO THE FUTURE; NOR THE SUPPORTING DOCUMENTATION, THIS PLAN SHOULD BE SPECIFIC BUT ALSO ALLOW FOR BROADER INTERPRETATION. NOT IMPEDING TO SERVE A SPECIFIC PURPOSE.

DATHLESFORD TOWNSHIP MAP } DOES NOT SHOW DETAIL TO BE SUITABLE STRUCTURE PLANS
HEPSURN " " }

TRENKHAM TOWNSHIP MAP

- SHOWS THE MOST AMOUNT OF INFILL LAND FOR DEVELOPMENT + INDUSTRIAL POTENTIAL - ACCESS AND CLOSENESS TO MELBOURNE.

12.01

BIODIVERSITY

BLANK.

12.01.15

TO ASSIST PROTECTION AND BIODIVERSITY CONSERVATION IN VICTORIA -

ALL PLANS EXCEPT FOR CRESWICK WILDLIFE CORRIDOR (CORC) ARE IGNORED; ALREADY SHOWING CUMULATIVE IMPACTS; FRAGMENTATIONS OF HABITAT AND THE SPREAD OF PEST PLANTS AND ANIMALS AND AVOIDING DEVELOPMENT IMPACT.

- DUMPING OF RUBBISH - IN BUSI - ROADSIDES - CREEK - DREDGE - MINES.
- CATS AND DOGS.

BIODIVERSITY IS NOT JUST LIMITED TO FLORA; ALSO FAUNA AND IN CRESWICK SPECIFICALLY THE GROWING GRASS TREES AND WILDLIFE LINKS - BOTH ENDANGERED AND PROTECTED BY LEGISLATION. WE NOTE LIST OF NATIVE SPECIES - A GENERIC IDENTIFICATION DOCUMENT. OUR SCHEME NEEDS TO BE MORE SPECIFIC.

POLICY GUIDELINES

- STATE INFORMATION HELD BY DELWP

I THINK WE NEED TO BE MORE SPECIFIC

12.01.16

NATIVE VEGETATION AND HABITAT PROTECTION
LARGE OLD NATIVE TREES

- DEVELOP TREE REGISTER - WE HAVE BEEN DEVELOPING THIS FOR A DECADE?
- ENCOURAGE REVEGETATION
- MAINTAIN REMNANT VEGETATION
- ENHANCE LINKAGES BETWEEN HABITAT ON PRIVATE LAND, ROADSIDES WATERWAYS AND PUBLIC LAND FOR WILDLIFE AND PLANT DISPERSAL.

CRESWICK IS POSSIBLY THE MOST DIVERSE FEATURING UPLAND, PLAINS WOODLAND, FORESTS AND WOODLANDS, WETLANDS AND WATERWAYS HABITAT.

THE EPBC ACT APPLIES WITH MANY SPECIES THAT CAN HAVE BEEN IDENTIFIED

FOREST AND WOODLAND; WETLANDS AND PLAIN WOODLANDS AND FOREST WE ALSO SUPPORT MANY LISTED VEGETATION SPECIES OF SIGNIFICANCE ALSO IDENTIFIED.

WE CURRENTLY DO NOT MAKE THESE AND DO NOT HAVE THE KNOWLEDGE OR EXPERTISE WITH IN COUNCIL TO ACCESS ON A PERMIT BASIS. WE HAVE NOT PROTECTED THESE IN THE PAST. NOTING

PREVIOUS CRESWICK PLANNING SCHEME SUPPORTED A NATIVE VEGETATION AND WILDFLOWER O/LAY. MUCH HAS BEEN LOST WITH RECENT DEVELOPMENTS.

THE ONLY POLICY DOCUMENT HERE IS

NORTH CENTRAL REGIONAL CATCHMENT STUDY NCCMA 2013

NATIVE VEGETATION AND HABITAT PROTECTION MAP

- SHOWS FORESTS OF CENTRAL-VICTORIAN UPLANDS
- THE VERY FOREST INTERFACE TO WHICH STRUCTURE PLANS SHOW POSSIBLE IMPACT POTENTIAL ..
- RISK OF BUSHFIRE.
- FAILS TO SHOW WETLANDS FOR CRESWICK..

12.01.15 - NATIVE VEGETATION MANAGEMENT

OBJECTIVE: TO ENSURE THERE IS NO LOSS OF BIODIVERSITY AS RESULT OF THE REMOVAL DESTRUCTION OR COPPING OF NATIVE (TREES) VEGETATION.

STRATEGY: TO ENSURE DECISIONS MADE OR WILL LEAD; THE REMOVAL OF NATIVE VEGETATION DESTRUCTION OR COPPING INVOLVE THE 3 STEP APPROACH

Avoid - HABITAT

MINIMISE - DISTURBED HABITAT

OFFSET - COMPENSATE - REMOVAL.

OFFSET IN THE CASE OF CRESWICK GOLF CLUB SAW PURCHASE OF LAND IN BELLIBRAND RIVER. IT WAS IMAGINED LAND WOULD COMPLIMENT CRESWICK STATE FOREST.

Policy; DEWP DOCUMENTS ONLY.

12.05 SIGNIFICANT ENVIRONMENTS AND LANDSCAPES.

BLANK

12.05.15 ENVIRONMENTALLY SENSITIVE AREAS.

OBJECTIVE: TO PROTECT AND CONSERVE ENVIRONMENTALLY SENSITIVE AREAS

STRATEGY: " " " " " " SIGNIFICANT RECREATIONAL VALUES FROM DEVELOPMENT. WHICH WOULD DIMINISH THEIR CONSERVATION OR RECREATIONAL

VALUES - WHERE IS OUR LIST - PROTECTIONS? DOES NOT RELATE TO OUR SHIRAS
 GENERIC MISPRINT?

12.05.25. LANDSCAPES

OBJECTIVE. TO PROTECT, ENHANCE SIGNIFICANT LANDSCAPE AND OPEN SPACE; THAT CONTRIBUTE TO
 IDENTITY AND SUSTAINABLE DEVELOPMENT.

STRATEGY: RECOGNISE NATURAL LANDSCAPE FOR ITS AESTHETIC VALUE AND FULLY FUNCTIONING SYSTEM.
 ENSURE IMPORTANT NATURAL FEATURES ARE PROTECTED AND ENHANCED.

THIS APPLIES TO THE VOLCANIC LANDSCAPE - FORESTS - WATER BODIES

12.05.22 LANDSCAPES CENTRAL HIGHLANDS.

PROVIDE CLEAR URBAN BOUNDARIES AND DISTINCTIVE BREATHS AND OPEN RURAL
 LANDSCAPES B/W SETTLEMENTS.

- RURAL DEVELOPMENT CAN APPEAR CONTINUOUS. WE NEED CLARITY AND
 DISTANCE

12.05.22 LANDSCAPE MANAGEMENT.

POLICY APPLIES TO LAND STOWNS ON LANDSCAPE CHARACTER AREAS AND SIGNIFICANT
 MAP.

OBJECTIVES AND MUNICIPAL WIDE OBJECTIVES SEEM TO APPLY TO RURAL AREAS
 MANY UNSUITABLE FOR CONSTRUCTION OR DEVELOPMENT. IF WE ARE TO MAINTAIN THE
 PAST FOR THE FUTURE UNABATED. THIS IS PERHAPS NOT BROAD ENOUGH AS IT FAILS
 TO SHOW STATE OR REGIONAL AREAS FOR CRESWICK; ALSO LANDSCAPE CHARACTER AREAS
 OF SIGNIFICANCE.

AUSTRALASIA 1 MINE - MULLUCK

AUSTREASIA 2 MINE - MULLUCK

CRESWICK STATE FOREST

ST GEORGES LAKE

RUSSELLS DAM

PARK LAKE

CALEDONIAN PARK

} NOT LOCATED ON RIDGES.

MAP NOT SPECIFIC.

UPLANDS STRATEGIES IMPORTANT.

WESTERN VOLCANIC PLAIN STRATEGIES FIRST DOCUMENTED BY MAJOR MITCHELL.

REMNANT VOLCANIC HISTORY - PREHISTORIC RELICS.

14.01 BLANK.

14.01.15

PROTECTION OF AGRICULTURAL LAND

- PROTECT AT ALL COSTS
- PREVENT DEVELOPMENT
- PREVENT SUBDIVISION
- LAND CAN ALWAYS BE PRODUCTIVE
- PREVENT HOUSING.

14.01 - 1L

PROTECTION OF AGRICULTURAL LAND.

- PROTECT FROM ADVERSE BIODIVERSITY IMPACTS
- AS ABOVE

14.01.25.

SUSTAINABLE AGRICULTURE LAND USE.

- ENCOURAGE SUSTAINABLE LAND USE
- NO DETRIMENTAL IMPACT ON ENVIRONMENT, SURROUNDING LAND OR AMENITY OF SURROUNDING LAND.
- OBJECT TO INTENSE CHICKEN BATTERIES - CURRENT BIO HABITAT / BIRD FEED
 - FEED LOTS

14.01.2L

SUSTAINABLE AGRICULTURE ENTERPRISES.

- OUR SHIRE PRISES ITSELF ON ORGANIC PRODUCE; VALUE ADDING; MAXIMIZING AND ONSELLING.
- ADDED SUPPORT TO CAPITALISE AND CAPTURE FUNDING TO ENSURE QUALITY EXPORTABLE PRODUCTION.
- ENCOURAGES SMALL SCALE DEVELOPMENT TO ACCOMMODATE FARM GATE SALES - FORMING FOOD TOURISM TRAILS.
- SUPPORT INNOVATIVE AGRICULTURE. - ENSURING SUSTAINABILITY.
- MONITOR AERIFER USE FOR IRRIGATION AND QUALITY OF WATER -
 - MINIMISE USE
 - ADAPT CLIMATE CONTROL (SPECIES - USING LESS WATER)
- VEGETATION FOR WINDBREAKS (OFFSET ADVERSE ANIMATE CONTRIBUTION). IMPROVE PRODUCTIVITY.

14.01 - 35

FORESTY TIMBER PRODUCTION

OBJECTIVE: SUSTAINABILITY HAS BEEN THE BASIS OF THIS DOCUMENT ALONG WITH PRESERVATION OF NATIVE SPECIES PROTECTION OF FLORA AND FAUNA; GREEN SPACES AND SHOULD BE SUITABLY NOTED HERE

- ENSURE PROTECTION OF SOIL AND WATER QUALITY WHICH CAN BE LOST DURING THE CLEAR FELLING OF A COUPE - AND ACCESS TO FIREWOOD COLLECTION COUPES DELWP PERMITS NEEDED - BUT NOT SHIRE CONCENTRIC.

OUR FORESTS ALSO ARE CARBON CREDITS; AND SHOULD BE CONSIDERED WITH THE LOSS OF SUCH. WE ALSO HAVE LOG PRIVATELY RUN PINE PLANTATIONS THAT ARE ROUTINELY CLEAR FOLDED; CAUSING WATER SHED AND EROSION ISSUES.

MARBUENE UNIVERSITY ALSO HAS PINE HOLDINGS AND IS CONSTANTLY RESEARCHING AND EXPERIMENTING ON TREES AND COUPED.

COUNCIL SHOULD REMAIN INFORMED WITH A GOOD RELATIONSHIP AND INFORMATION FROM BOTH THESE ENTITIES.

THE PINES ALSO CONSTITUTE MUCH OF OUR BUSHFIRE RISK. MITIGATION PLANS SHOULD BE APPLICABLE TO COUNCIL AS THEY CAPITALISE ON OUR COMMUNITY.

RECREATIONAL USE IS ALSO PROBLEMATIC ON REDREST RD NETWORKS WITH 4 WHEEL DRIVERS AND MOTORBIKES CAUSING EROSION AND WATER QUALITY ISSUES.

PAGE 7 OF 7

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14.02 BLANK

14.02.15 CATCHMENT PLANNING AND MANAGEMENT.
THESE STRATEGIES SHOULD ALSO APPLY TO COUNCIL AND EXISTING CONDITIONS THROUGHOUT THE SHIRE

AS ALL EX LANDFILLS IN THE SHIRE EXIST ON WATERWAYS - HEAVY METALS OF MAJOR SYSTEMS.

CRESWICK SEWERAGE PIPE - MALIGNED RUNS THE BANK OF THE CREEK.

CRESWICK NOW NON COMMISSIONED SEWERAGE PONDS STILL EXIST IN PLAINS.

LITTLE IS DONE TO MINIMISE EROSION UNLESS ORDERED BY EPA.

THE ROAD INTO THE LANDFILL AND MOST DRAINAGE SYSTEMS AROUND CRESWICK DRAIN INTO THE CREEK - WITHOUT FILTER. WE HAVE IN THE PAST HAD 2 FILTERS INSTALLED FROM MAIN STREET; EPA GRANT.

GOLD PANNING IS PROHIBITED IN CRESWICK CREEK.

MONITORING BORES EXIST AT LANDFILL

AT REAR OF SERVICE STATION TO ENSURE WATER QUALITY.

AFTER DRY SPELLS - RAIN WASHES MUCH RUBBISH, OIL AND RUBBER INTO WATERWAY.

POLICY DOCUMENTS

WE SHOULD HAVE OUR OWN POLICIES THAT ARE CONSISTANT WITH CATCHMENT AND LAND PROTECTION

MANY OF THE DOCUMENTS ARE NOT CURRENTLY VIALBLE. SEPP FROM EPA SUPERSEDE THESE; WITH DIRECTIONS.

14-02-11 CATCHMENT AND LAND PROTECTION:

POLICY GUIDELINES

I MAY TAKE BACK THE COMMENT OF USE YOUR OWN POLICY WHEN THAT APPEARS TO AMOUNT TO A PRECAUTIONARY PRINCIPLE - (MADE BY WHICH - WHAT CONTEXT).

APPROPRIATE PENALTIES FOR CLEARING CREEK VERGES AND FENCING ACROSS CRESWICK CREEK DOWNSTREAM FROM FORD. - WITH THE HOPE OF DEVELOPMENT. THE GROWLING

GRASS FROG AND OTHER SPECIES MUST BE PROTECTED. GOOSE SEED IS VIABLE IN THE GROUND FOR 25+ YEARS BULLDOZING OR PLOWING IS NOT APPROPRIATE ON OR IN CREEK THERE IS ALSO A FAILURE TO IDENTIFY ANY OTHER GRASSES OR PLANTS OF SIGNIFICANCE.

RECENT DEVELOPMENTS HAVE IGNORED BUFFERS AND SENSITIVE AREAS AT CRESWICK TRANSFER STATION - NOT WITHSTANDING PERMIT BREACH.

14.02.25 WATER QUALITY.

ENCOURAGE SITING DESIGN OPS AND REHAB OF LANDFILLS TO REDUCE IMPACT ON GROUND WATER. IDENTIFY AQUIFERS - GROUND WATER 0.2 MI CRESWICK OPERATIONAL ZONE. DISCOURAGE INCOMPATIBLE LAND USE IN FLOOD ZONES.

POLICY TO INCLUDE

EPA STEP GROUND WATER
" " SURFACE WATER

14.02 - 21

MINERAL AND FRESHWATER SPRINGS PROTECTION.

- ENSURE DEVELOPMENT DOES NOT AFFECT
 - DRAW ATTENTION TO GEOTEXTILES FOR GREEN WASTE DISPOSAL AT CRESWICK TID. EPA. - NOW DEGRADED BY DEVELOPMENT -
 - SUBSURFACE DRAIN SURROUNDING OLD TID. EPA
 - DEWLP SPRING IDENTIFICATION & P'S FRESH WATER - POTABLE A1 QUALITY - SEPARATE TO OLD WASTE OLD LANDFILL.
 - MUST CONSIDER SIL COMPOSITION FOR PROTECTION
 - ONSITE WASTE WATER TREATMENT ON SITE OF DEVELOPMENT HAS POTENTIAL FOR DETRIMENTAL OUTCOMES AND WILL AFFECT GROUND WATER UNLESS - DISPOSAL TO SEWER.

POLICY CONSIDERATIONS:

INADEQUATE - IGNORING COUNCIL BEST REQUIREMENTS

14.02 - 35

PROTECTION OF DECLARED IRRIGATION

IS NOT A NEVER ENDING RESOURCE.

PROTECT AGAINST OVER USE - DEGRADATION OF LAND - AND POTENTIAL

SALINITY ISSUES - WHAT WE PUT IN OR ABUSE WE REAP. TESTING

POLICY DOCUMENTS

FOR PROTECTION OF WATER RESERVES LOBBY FOR CONTINGENT STRATEGIES, QUANTITIES AND QUALITY FOR SUSTAINABILITY.

15.01

BUILT ENVIRONMENT -

- BLANK.

15.01-15 URBAN DESIGN

SAFE, HEALTHY FUNCTIONAL AND ENJOYABLE THAT CONTRIBUTE TO SENSE OF PLACE AND CULTURAL IDENTITY.

CURRENT DEVELOPMENTS AND INTENSIVE HOUSING IN MY AREA IN CRESWICK HAS BEEN DETRIMENTAL TO ALL OBJECTIVES

I HAVE HAD ANIMALS STOLEN; RIPPED APART AND EATEN; AND THE SAME WITH KANGAROOS, BY DEGS, ON MY LAND, IN MY Paddock. THE VERY ENVIRONMENT THAT I HAVE ATTRACTED PEOPLE TO THE AREA ARE DESTROYED BY THEM. ALONG WITH THE DISRUPTION OF DECADES OLD HABITAT ROUTES. ROAD SIGNS HAVE DOUBLED - ALONG WITH BURNOUTS. WHERE IS A BALANCE STRUCK. LOCAL KNOWLEDGE IS IMPORTANT.

15.01-12

URBAN DESIGN HAS FAILED TO IDENTIFIED THESE ASSETS ON THE STRATEGIC FRAMEWORK MAP.

LOW SCALE VEGETATED AND NATURAL IS AT ODDS WITH THE REGIONAL CONTEXT. STREETScape FEATURES - BLUESTONE HAS BEEN REMOVED - PART OF OUR HERITAGE NOW STORED AT COUNCIL DEPOT.

MOST OF CRESWICK HAS NO FOOTPATHS FOR SAFETY

DRAINAGE LINES ARE OFTEN CREEKS - ELIZABETH RD - KNOWN IN THE 1800'S AS BLOODY CREEK, BECAUSE OF THE RED CLAY PASSING GOING STARK WHITE WAY - SEEING 3 MAJOR GOLD RUSHES OF UP TO 35,000 PEOPLE. OUR CREEK - SUPPORTS ALL RUBBISH; ROAD RUNOFF FROM THAT ENCLAVE OF HOUSING.

STORAGE AT STATED MAIN STREET - VISUAL KAOS

CAR PARKING - EVERY ONE EXPECTS TO PARK OUTSIDE DESTINATION - PROMOTE WALKING INDUSTRIAL AREA STRATEGIES

THERE IS NO USEABLE INDUSTRIAL LAND IN CRESWICK 0 BUFFER DISTANCES

RESTRAINT OF LANDFILL - CHILD CARE CENTRE - CURRENT BUILDING WAS ALLOWED

AND BUILT FOR RESEARCH ONLY. THE CURRENT USE; WAS RETROSPECTIVE

OCCUPATION - COUNCIL V CAT FOR COMPLIANCE AND FOR A TOTAL OF 11 YEARS NON COMPLIANT STILL. WHERE IS COUNCIL?

PARCEL DECISION AMENDMENT C38 WAS NEVER INCORPORATED INTO THE H.S.P.S.

15.01-25

BUILDING DESIGN.

OBJECTIVES SOUND GOOD - FOR MOST PEOPLE IT HAS BEEN EASIER TO BUILD, EXTEND AND RETROSPECT IF CAUGHT. WHERE IS COUNCIL?

15.01.35

SUBDIVISION DESIGN

- FAILS TO DELIVER POSITIVE OUTCOMES.
- CLUSTER HOUSING - GENERIC BUILDINGS

FURTHER IMPACT ON FAILING INFRASTRUCTURE. WE ARE RURAL - WE DO NOT DETER USE OF VEHICLE RELIANCE.

THESE AREAS DO NOT CREATE A SAFE SENSE OF ENVIRONMENT OR PLACE
MORE CHILDREN THAT HAVE NO SENSE OR RESPECT FOR PLACE. MOTOR BIKES
BEFORE THEY HAVE MOVED TO A RURAL SPACE. DESTROYING TIMBERAT - WILDLIFE
SAFETY.

POLICY

URBAN DESIGN FOR VICTORIA. - A BROAD DOCUMENT DESIGNED
FOR SUBURBAN DENSITY.

15.01.2021 SUBDIVISION IN HERBESBEN SHIRE

NEW SUBDIVISION - ELIZABETH RD HAS NOT CONSIDERED VISUAL AMENITY
CREATES LIGHT SPILL AND DISTURBANCE. LOT SIZES ARE IDENTICAL; HOUSING
IS NOT VARIED - HOUSE BUILT UP TO BOUNDARIES.

HAVE NOT CONSIDERED WILDLIFE CORRIDORS THAT ALREADY EXISTED.
THEY SAW KANGAROOS - ATTRACTIVE LIFESTYLE. THESE KANGAROOS HAVE
DIMINISHED. MORE ON ROADWAYS - MORE SPURS AND KILLING
PLANTATIONS ARE AT REAR. HOW HAS BUSHFIRE C/LAT CONSIDERED

IN HIGH RISK; HIGH DENSITY HOUSING LITTLE TO NO VEGETATION
CLEARANCE. EXAMPLE OF ENCROACHMENT ON EXISTING USE. A BRICK HOUSE
WILL BURN. HOW CAN 'UNDEFENDABLE' BE SAFE LIVING.

15.01.2021

HEALTHY NEIGHBOURHOODS.

- MUST ADDRESS MOBILITY
- SAFETY TO TRAVERSE - CHILDREN - DISABLED
- CROSSING CREEK - WITH NO FOOTPATH VERGES (ELIZABETH RD) CROSSING
IS NOT SAFE.
- WE CURRENTLY DO NOT HAVE ALL WEATHER PHYSICAL ACTIVITIES
INFRASTRUCTURE - A RAINCOAT - UMBRELLA - HAT.
- LIMIT PETS - DOGS AND TYPE OF DOGS
- CAT - CAT WARRIORS - TO PROTECT HABIT AND SPECIES ALREADY
IDENTIFIED.

POLICY - ONCE AGAIN SUBURBAN - MELB. CONCENTRIC GUIDELINES

15.01.2021 NEIGHBOURHOOD CHARACTER

- THERE IS NO STUDY OR GUIDE FOR CRESIDICK.
- INFILL AND SUBDIVISION IS GENERIC HOUSING WITH LITTLE DIFFERENCE
- DUNLOP WAS AFFORDED SUCH A STUDY THAT OCCUPIES 7 PAGES OF THIS
DOCUMENT. DOES NOT EVEN TOWN WHICH IS HISTORIC TO ITS OWN RIGHT
DESERVE CONSIDERATIONS.

- HERITAGE VALUES HAVE NOT BEEN CONSIDERED.
- THERE IS "HERITAGE PLACES" DOCUMENT FOR CRESNICK.

THIS DOCUMENT SHOULD BE INCLUDED AS REFERENCE.

15.01 SL-62 DAVLESFOLD. DEVELOPMENT CONSIDERATION TO THIS EXTENT SHOULD BE STRIKE
LIFE.

15.02 SUSTAINABLE DEVELOPMENT

BLANK.

15.02-15 ENERGY RESOURCE EFFICIENCY

WE SUPPORT THE CONCEPT OF 5 STAR - LOW FOOTPRINT BUILDING TO INCLUDE
APPLICATION OF NEW CONCEPTS AND NOT ONLY AVOID TREES FOR SUBDIVISION; IF THERE
IS SPACE. EXISTING VEGETATION HAS BEEN REMOVED FOR SUBDIVISION
NORTH FACING BUILDINGS; DOUBLE GLAZING

15.02-14 ENVIRONMENTAL SUSTAINABLE DEVELOPMENT.

- SHOULD BE ENVIRONMENTALLY SUSTAINABLE
- BEST PRACTICE.
- SHOULD BE MANDATORY TO ACHIEVE MINIMAL ENVIRONMENTAL OUTCOMES

ENERGY PERFORMANCE

NORTH FACIN ASPECTS FOR DESIGN

BUILDING MATERIALS FOR WEATHER CONDITIONS
BUSHFIRE CONDITIONS.

LOW FOOTPRINT.

DOUBLE GLAZING FOR EFFICIENCY

ALTERNATIVE HEATING TO REDUCE POLLUTION

INTEGRATED WATER MANAGEMENT

- TANKS FOR WATER RETENTION AND REUSE

INDOOR AMENITY

- CLOSE BOUNDARIES
- NOISE REDUCTION CONSIDERATION
- PASSIVE NOISE CONTROLLED SYSTEMS

TRANSPORT

- GUIDELINES ASIDE WGS ARE A CAR DEPENDANT COMMUNITY
- NO SAFE INFRASTRUCTURE - NO FOOTPATHS - NO BIKES OR FOOTPATH
DOES NOT EXIST

BUDGET NEEDED TO SUPPLY. DOES NOT EXIST ON ESTABLISHED AREAS.

URBAN ECOLOGY.

NEW DEVELOPMENT LEAVES NO SPACE FOR THOSE INITIATIVES

WASTE MANAGEMENT - MORE RUBBISH; RECYCLING - TRUCKS USING TRANSPORT CORRIDORS

POLICY GUIDELINES

THERE ARE NONE.

RESIDENTIAL

NON RESIDENTIAL

• INDUSTRIAL

MIXED USE

ALL SHOULD BE SUBJECT SUSTAINABLE DESIGN ASSESSMENT AND PERMIT APPLICATIONS. NO EXCLUSIONS.

POLICY DOCS

MELBOURNE CONCENTRIC DOCUMENTS.

WE ARE NOT MELBOURNE.

WE HAVE REGIONAL DOCUMENTS FOR ALL METERS.

THESE LEAVE THE GATE WIDE OPEN

15.03 HERITAGE

BLANK.

15.03-15 HERITAGE CONSERVATION.

OBJECTIVE: TO ENSURE CONSERVATION

STRATEGY: MUCH WORK IS NECESSARY TO ACHIEVE THIS AND NECESSARY ENFORCEMENT

FOR DEMOLITION. NO BUILDING OR STRUCTURE SHOULD BE ALLOWED TO FALL INTO

DISREPAIR THROUGH LACK OF MAINTENANCE - PURELY FOR THE PURPOSE OF DEMOLITION

• CLESWICK HAS A HERITAGE STUDY & IT SHOULD BE INCORPORATED IN POLICY

GUIDELINES - ALONG WITH TREES OF SIGNIFICANCE - LISTED SITES OF HERITAGE

VICTORIA AND NATIONAL TRUST. OUR EXISTING SCHEME HAS A HISTORICAL O/LAT

MUCH HAS BEEN ABANDONED FOR THIS AMENDMENT.

POLICY GUIDELINES.

NOT INCLUDE DUTYING COVERAGE

15.03-12 HERITAGE

- APPLYING TO ALL LAND WITHIN HERITAGE e/act

HERITAGE IS AN IMPORTANT AND VALUABLE ASSET FOR THE STATE OF VICTORIA; OUR STATE AND OUR SHIRE IDENTITY; AND OUR CULTURAL IDENTITY.

IT IS UNFORTUNATE OUR PREVIOUS LEADERS OF GOVERNANCE AND PLANNING CHOSE TO IGNORE AND DISMISS MUCH OF CRESWICK HERITAGE STREETSCAPE - STILL STORED IN DAYLESFORD PERHAPS COULD BE REINSTATED.

• DEMOLITION + RELOCATION.

RECENTLY WE LOST A BUILDING IN CAMBRIDGE ST. SCATE ROOFED - IT CONTRIBUTED TO THE FABRIC OF THE HERITAGE STREETSCAPE SIGNIFICANTLY. AN EXAMPLE OF ALLOWING FORCED DEMOLITION. THE NEW BUILDING MAY BE WELL DESIGNED BUT DOES NOT CONTRIBUTE TO THE DESIGN HISTORICALLY OF THE STREETSCAPE

• SUBDIVISION

IMPOSSIBLE TO RETAIN THE INTENT OF HISTORIC SITE UNLESS ORDERLY SUBDIVISION AND SYMMETRIC BUILDINGS.

• PROHIBITED USE

LACKS SUBSTANTIAL DEFINITION

POLICY GUIDELINE

CONSIDERS RELEVANT - POOR REPRESENTATION OF GUIDELINE. LACK OF RELEVANT DOCUMENTS

15.03-29 ABORIGINAL CULTURAL HERITAGE

NATIVE TITLE EXISTS ACROSS OUR SHIRE - MANDATORY CONSULTATION.

15.03 26 ABORIGINAL CULTURAL HERITAGE

ALTHOUGH OUR LANDSCAPE IS DISTURBED - ARTIFACTS ARE STILL FOUND - STONE ANE - CRESWICK, OCHRES AND DOCUMENTED ACCOUNTS SHOULD ALSO BE PUT FORWARD AS APPROPRIATE. THERE IS ALSO DOCUMENTED MITTEN SITES, MIXING PLATES, SCAR TREES, BURNING TREES AND MANDATORY ABORIGINAL SETTLEMENTS.

THE HERITAGE OF OUR FIRST NATION PEOPLE SHOULD BE PARAMOUNT IN OUR SHIRE - NOT JUST SMOKING CEREMONIES AND INTRODUCTION TO LAND.

16.01. Residential Development
BLANK.

16.01.15. INTEGRATED HOUSING

HIGH QUALITY SOCIAL HOUSING MAY NOT EQUATE TO AFFORDABLE OR HEALTHY

16.01.25. LOCATION OF RESIDENTIAL DEVELOPMENT -

ENSURING RELEVANT OPPORTUNITIES WITHIN ESTABLISHED URBAN AREAS, MAY REDUCE ONE PRINCIPLE DEVELOPMENT; BUT MAY ALSO INCREASE AND ANTICIPATE HEALTHY CULTURE, SAFETY AND EXPERIENCE OF PLACE; WITH LACK OF TRANSPORT AND INFRASTRUCTURE.

16.01.35 HOUSING DIVERSITY

- INKILL AND SUBDIVISION CURRENTLY DOES NOT MEET THIS CRITERIA

16.01.45 HOUSING AFFORDABILITY

- THESE OBJECTIVES ARE BEYOND THE ABILITY OF COUNCIL TO SUPPLY OR MAINTAIN OTHER OBJECTIVES IN THIS PLAN. AFFORDABILITY IS A PERSONAL PREFERENCE.

16.01.45 AFFORDABLE HOUSING

"AS ABOVE"

16.01.55 RURAL RESIDENTIAL DEVELOPMENT

OUR SHIRE NEEDS TO BE ABLE TO AFFORD THESE INITIATIVES - WE ARE THE SMALLEST-
LARGEST SOCIO ECONOMIC SHIRE IN VICTORIA. PREVIOUS DISCUSSION HAS BEEN MAINTAINING
OUR RURAL ENVIRONMENT

16.01.65 COMMUNITY CARE ACCOMMODATION

CRESWICK HAS ACCOMMODATIVE CARE OPTIONS FOR A VARIETY OF AGE GROUPS;
DISABILITIES AND CARE NEEDS. THESE ARE ORDERLY, WELL DESIGNED AND MANAGED.
THESE AREAS SHOULD NOT BE CONFIDENTIAL, THEY SHOULD BE ACCREDITED.

16.01.75. RESIDENTIAL AGED CARE

CRESWICK ALREADY EMBRACES THIS CARE; WELL RUN AND ALREADY CATERING
NEW FOR THE COMMUNITY. GIVEN COVID 19 PANDEMIC THERE MAY WELL BE
NEW REGULATIONS AND POLICY GUIDELINES FOR NEW ACCREDITED FACILITIES
THE REST OF THE SHIRE DOES NEED TO ADDRESS THEIR COMMUNITIES AS OTHER TOWNSHIPS
ARE LACKING IN THIS AREA

17.01 EMPLOYMENT
BLANK.

17.01.15 DIVERSIFIED ECONOMY
EMPLOYMENT IS ALWAYS IMPORTANT IN A RURAL SETTING BUT MUST COMPEL WITH ALL OTHER POLICIES.

17.01.18 DIVERSIFIED ECONOMY CENTRAL HIGHLANDS.
REGIONAL EMPLOYMENT NEEDS TO BE SUPPORTED; CREATED AND LONGSTANDING.
YET BAYLURAT IS BEYOND OUR BOUNDARIES; BUT WE EMPLOY BAYLURAT AND SURROUNDING PEOPLE IN HOSPITALITY; FARMING; WOMEN MIXES; COUNCIL; RACV ROCKET MEEBOURNE UNI AND BEYOND.
COVID 19 WILL NOW NEED DIVERSITY THAT CREATES A NEW SCENED AND ECONOMIC LANDSCAPE; THA WILL PRESENT NEW CHALLENGES; CHANGE AND IMPLEMENTATION. WE WILL NEED ASSISTANCE.

17.01.16 DIVERSIFIED ECONOMY

NOT ALL INDUSTRIAL ZONING IS COMPLIANT WITH STATE PP OF PTE AT 1987.
CHILD CARE CENTRE - NO BUFFER DISTANCES - NOT ALL IS POSSIBLE;
USING TOXIC CHEMICALS THE RESEARCH FACILITY, BEGAN USING INDUSTRIAL AMOUNTS OF CHEMICALS CONTRARY TO PERMIT AND CEASED. NO BUFFERS, NO LONGER RESEARCH NOT VIABLE. USE CEASED.
THIS RESEARCH STILL CONTINUES AT UNIVERSITY CAMPUS.
RESEARCH AT THIS FACILITY UNKNOWN.

17.01.25
LANE STREET WAS CREATED AND ALLOWED AS ROACH ONLY

WE SUPPORT INDUSTRY AND ECONOMIC GROWTH; THE NEED FOR START UP OPPORTUNITIES AND SUPPORT FOR SUCH. BUT WE NEED TO BE ABLE TO SUPPORT THE APPROPRIATE INFRASTRUCTURE TO SUPPORT VIABLE OPPORTUNITIES

19.02 COMMUNITY INFRASTRUCTURE
BLANK.

19.02.015 HEALTH FACILITIES

CRISWICK IS WELL PLACED GRADUATED Aged CARE FACILITY AND EXISTING HOSPITAL
AMBULANCE STATION
INTEGRATED MEDICAL CENTRE AND PHARMACU
PSYCHOLOGY
DENTIST.

WITH IN CLOSE PROXIMITY OF BAYLURAT HOSPITALS AND FACILITIES

WE LACK REHABILITATION FACILITIES

WE LACK RECREATION FACILITIES FOR HEALTH AND WELLBEING.

19.02.25 - EDUCATION FACILITIES

INTERGRATION OF EDUCATION AND EARLY CHILDHOOD FACILITIES
ONCE AGAIN CRESWICK IS WELL PLACED

- WITH 3 PRIMARY LEVEL SCHOOLS
- 2 KINDERS 1 SUPPORTIVE CHILD CARE ALSO
- 1 UNIVERSITY CAMPUS
- 1 NEIGHBOURHOOD CENTRE
- 1 LIBRARY - CRESWICK HUB.

WITH CHANGING ENVIRONMENTS OF EDUCATION IN CURRENT CIRCUMSTANCES, RESTRUCTURE OF NEIGHBOURHOOD HOUSE (BEST FUNDED) COULD WELL PLACE OUR COMMUNITY WITH TRAINING NEEDS FOR FUTURE EMPLOYMENT.

THE UNIVERSITY NEEDS FURTHER INVESTIGATION AND ALIGNMENT WITH COMMUNITY AND OPPORTUNITY - LOCATED IN TOWN'S HISTORIC BUILDINGS, CAN CATER FOR FORESTS AND ONLINE PATHWAYS FOR FORESTER AND BEYOND.

19.02.35

CULTURAL FACILITIES

UTILISE EXISTING FACILITIES ON LOCAL LEVEL FOR CRESWICK AND SHIRE

- UNIVERSITY
- NEIGHBOURHOOD HOUSE
- JOHN CURTAIN
- HAMMOND PARK
- ELDERLY CITIZENS
- COURT HOUSE
- RAILWAY PRECINCT.
- TOWN HALL
- CRESWICK HUB
- MCGREYS HALL
- CHURCH HALL
- LINDSAY PARK FOOTBALL COMPLEX.

ALL INCLUSIVE.

19.02.45

WE ARE A SHIRE THAT CAN MAKE MUCH INFRASTRUCTURE AVAILABLE 'AS ABOVE'. I HAVE ONLY INCLUDED CRESWICK - TRANSPORT REMAINS AN OUTSTANDING WINK. IMPORTANTLY CEMETARIES AND FUTURE ACQUISITIONS NEEDS CONSIDERATION.

19.02.55

EMERGENCY SERVICES

THESE ARE MATTERS FOR THE APPROPRIATE MINISTER AND LOCATING POLICE, AMBULANCE

985, FIRE STATIONS AND HOSPITALS AND SERVICED POTENTIAL POPULATIONS:

19.02-65 GREEN SPACE

FOR SUPPLY OF WILDLIFE CORRIDORS

SUPPLY OF OPEN SPACES IN NEW DEVELOPMENTS FOR HEALTH OF COMMUNITY FOR SAFETY.

19.05- DEVELOPMENT INFRASTRUCTURE

BLANK.

19.03-18

DEVELOPMENT CONTRIBUTION PLANS

APPEARS AS UNBUDGETED WORKS THAT WILL AFFECT CERTAIN RESIDENTS TO CREATE UNKNOWN INFRASTRUCTURE

SHOULD INCLUDE PUBLIC SCRUTINY AND APPROVAL OR BE BUDGETED OR FUNDED BY GRANTS WORKING WITH ALL AGENCIES; NOT A BOD YOUR APPLICATION APPROVAL, OR ONE THAT ENCUMBERS ANOTHER.

19.03-25

INFRASTRUCTURE DESIGN AND PROVISION

NEW SUBDIVISION AND DEVELOPMENT BENEFITS A NEW COMMUNITY AND RESIDENTS

NEW AND EXTRA INFRASTRUCTURE REQUIREMENT THAT DOES NOT BENEFIT ME.

MUCH OF THIS EXPENSE SHOULD BE MADE AND MAINTAINED BY THE DEVELOPER

19.03-2L

INFRASTRUCTURE DESIGN AND PROVISION

CONSISTENCY IS NOT POSSIBLE ACROSS SHIRE - WITH DATED AND UNSAFE INFRASTRUCTURE; ANY NEW SHOULD REFLECT SPECIFIC CONDITIONS TO ENSURE HERITAGE, NEIGHBOURHOOD CHARACTER, VEGETATION AND BIODIVERSITY IS SUITABLY LOCATED

19.03-35.

INTEGRATED WATER MANAGEMENT

SUSTAINABLY MANAGE WATER SUPPLY, WATER RESOURCES, WATERSHED, WASTE AT DRAINAGE AND STORMWATER IN AN INTEGRATED MANAGEMENT APPROACH.

SOME CONTROLS BEFORE LEADING PROBLEM.

ALL TOWNSHIPS ARE LOCATED ON STREAMS, CREEKS, CONVERGENCE AREAS FOR MINERAL OR POTABLE FRESH WATER AQUIFERS. AND HEAD WATERS OF MAJOR SYSTEMS.

CATCHMENTS HAVE NOT BEEN ADEQUATELY OR EFFECTIVELY ADDRESSED IN THIS DOCUMENT

OPEN DRAINAGE

STORMWATER CONTAMINANTS NOT ADDRESSED
 CATCHMENT AND LAND SET ASIDE FOR WATER MANAGEMENT USUALLY INVOLVES A DAM.
 WHILE AESTHETICALLY PLEASING - HEALTH AND SAFETY ISSUES
 SHOULD BE MONITORED, WILL INTERSECT W/ GROUNDWATER; WILL POSSIBLY BENEFIT
 BIODIVERSITY BUT ALSO CREATE OTHER PROBLEMS.

19.03.43.

TELECOMMUNICATIONS

TELECOMMUNICATION (TOWERS) CAN IMPACT ON SENSITIVE VISUAL LANDSCAPE
 CODE OF PRACTICE INDICATES MULTI LOCATION; PLACEMENT ABOVE AND BELOW GROUND
 IS IMPORTANT.

19.03.55

WASTE AND RESOURCE RECOVERY

WE ALL PAY FOR COUNCIL NOW TO ACHIEVE THIS OBJECTIVE

- MORE CAN BE DONE
- EDUCATION / NOT TO DUMP IN BUSH / DREDDGE HOLE OR IN MINE SHAFTS NEED
HIGHER PENALTIES.
- NO ACTIVE LANDFILLS LEFT IN SHIRE - ALL DEPENDENT ON TRANSPORT.

STATEMENT.

- THERE IS ONLY ONE RECYCLING AND RECOVERY RESOURCE IN OUR SHIRE
 EX - DAYLESFORD LANDFILL.
- EX CRESNICK LANDFILL IS TRANSFER STATION ONLY - NO PERMIT / NO PERMITTED
ENVIRONMENTAL COSTS TOO GREAT.
 - FLOOD PLAIN - CREEK - NO TRANSPORT CORRIDOR - BUFFER DISTANCES
 - ALL HAVE LEACHATE PROBLEMS - PLUS MORE.
 - ECONOMIC VIABILITY OF RESOURCE RECOVERY IS IMPORTANT
 - CLIMATE CHANGE
 - SHOULD ENTAIL PUBLIC SECTOR
 - LOCATED IN APPROPRIATE, SAFELY DESIGNED, WITH TRANSPORT ROUTES
 - APPROPRIATELY SITED LOCATIONS
 - THAT MEET BUFFER DISTANCES.
 - REHABILITATION IN ACCORDANCE WITH MANAGEMENT POLICY
 - SITING DESIGN AND MANAGEMENT OF LANDFILLS - SEPP EPA
 - POLLUTION ABATEMENT POLICY - SEPP EPA.
 - MANAGEMENT OF GROUNDWATER - SEPP EPA
 - " " SURFACE WATER - SEPP EPA.

COUNCIL HAS RELIED ON DATED POLICIES DEALING WITH LANDFILLS
ALL SHIRES EX LANDFILLS HAVE POLLUTION ISSUES, ARE ON WATERWAYS, ARE NOT
COMPLIANT - NOW WITH LEGISLATED BUFFER DISTANCES.

WE ATTENDED ALL EPA SITING AND CLOSURE OF TIP MEETINGS AND SEQUINERS
RESULTING FROM CRANBOURNE. COUNCIL DID NOT.

WE DO NOT WANT MISTAKES OF THE PAST TO IMPACT OUR SHIRE
IT MUST BE SUSTAINABLE.

COMPOSTING FACILITY - NOT PERMITTED AT CRESWICK - VIABILITY REPORT?
POLICY GUIDELINES

CONSIDER TO RELEVANT - RELEVANT !!

ANY APPLICABLE RESIDENTIAL WASTE AND RESOURCES IMPLEMENTATION PLAN

FOR THE UNIQUENESS OF OUR SHIRE

RELEVANCE SHOULD BE THE KEY FACTOR

WE ALSO ASK THAT THE "CRESWICK HYDROGEOLOGICAL REPORTS 1 + 2"
BE INCORPORATED AS RELEVANT.

PAGE 9 OF 9 BLANK.

Amc80hepb Submissions received

SCHEDULE 1 TO CLAUSE 3203 LOW RESIDENTIAL ZONE.

Subdivision Requirements. PLANNING SCHEME MAP LOR 1

1.0

MINIMUM AREA. NONE SPECIFIED → NO ORDER (PLANNING)

2.0 OUTBUILDING REQUIREMENTS.

DIMENSIONS ABOVE WHICH PERMIT IS REQUIRED TO CONSTRUCT OUTBUILDING (M²)

NONE SPECIFIED. → NO ORDER → NO SENSITIVE DEVELOPMENT REQUIREMENTS

SCHEDULE 1 TO CLAUSE 3205 TOWNSHIP ZONE

SHOWN ON MAP AS T51.

1.0. NEIGHBOURHOOD CHARACTER OBJECTIVES.

HEPBURN SETTLEMENTS.

Amc80hepb Submissions received

class 52-232

62.81.

Amc80hepb Submissions received

SCHEDULE 2 TO CLAUSE 4201 ENVIRONMENT SIGNIFICANCE OVERLAYS

MAP ES02

MINERAL SPRINGS AND GROUNDWATER PROTECTION

THIS SCHEDULE IS ONLY APPLIED TO MINERAL SPRINGS.

• IT SHOULD ALSO APPLY TO FRESHWATER SPRINGS AND AQUIFERS ALSO RARE AND EQUALLY IMPORTANT; FOR ALL THE REASONS MENTIONED IN THIS SCHEDULE.

CRESWICK - NOTED - CRESWICK GEOLOGICAL REPORT 1 + 2
 CALMBURN PARK; PARK LAKE
 BLANTYRE - KINGSTON
 UJUNIER - KODJOCHEANG
 ALENDALE

A MORE COMPREHENSIVE ASSESSMENT IS REQUIRED

SCHEDULE 1 TO CLAUSE 4204 LAND SUBJECT TO INUNDATION OVERLAY
 MAP LS10P

POINTS 1 - 5 NO GUIDES - NONE SPECIFIED

1/2

To: - Planning Scheme Review Officer
 Hepburn Shire Council.

HEPBURN SHIRE COUNCIL
 File No: FSP/20/1276

Rec'd Date: 28 AUG 2020

Rec'd By: A. Blacket a.m.d.w.l
 Action By:
 Reg No:

From: -

Subject: - Schedule 6 to Clause 43.02 Design and
 Development Overlay (DDOG).

I wish to lodge my firm Objection
 to the proposed changes, including the
 proposed 500 metre Exclusion Zone.

I object to any and all changes
 to DDOG on the grounds that it impact
 my future use and Plans for my home.

I also object, and this staggers me,
 on the ground of 'lack of consultation',
 particularly, in un-precedented times.

The Council has my details on its
 Rate Data Base. Why hasn't the Council
 used this tool to communicate with
 Residents in the proposed Exclusion Zone

I have contacted both my Birch Ward
 Councillors; Kate Redwood & Fiona Robson.

2/2.

and also the Mayor, Licia Kokocinski.

I can be contacted at my residential address (see above) or by [REDACTED]

- C.C. - Mayor Licia Kokocinski
- Councillor Kate Redwood
 - Councillor Fionna Robson
 - Bronwyn Southree - Manager Developme and Community Safety Hepburn Shire.

27 August 2020

Date: 28 AUG 2020

By: KC

Signature: A. Blacket

No:

Attention: Planning Review Officer Hepburn shire Council

Re: HEPBURN PLANNING SCHEME REVIEW - AMENDMENT C80hepb

[REDACTED] My land has been included within the proposed Significant Land Overlay (SLO). I also own a property in Daylesford.

In relation to the Planning Scheme Review C80hepb I provide the following comments:

While I agree with a number of the proposed permit requirements and appreciate the overall aim of the proposed Significant Landscape Overlay SLO1, there are areas of concern for the professional farming industry that should and must be addressed.

The proposed significant landscape overlay seeks to introduce the requirement for planning permit applications for any tree pruning and clearing, construction of farm sheds and maybe other applications. This will be onerous, time consuming and unnecessarily costly for farmers. It seems there could possibly be a considerable intolerable waiting period for an outcome or no outcome as I have previously experienced with the Hepburn Shire. If a planning permit is required there should be a streamlined, process with minimal or set time frames and costs, or in some cases no cost. The process needs to be streamlined for fast tracking with minimal time delays, and costs clearly articulated.

Within the Significant Landscape overlay areas, the proposed permitted 100 sqm maximum size of a new farm shed, without a planning permit, appears out of step with rural requirements. The floor area threshold needs to be significantly larger than 100 sqm, I suggest up to approximately 300 sqm, to reasonably accommodate a useful and practical shed for a farm structure with only a building permit required.

The SLO should be more prescriptive for removal of non-indigenous vegetation and vegetation that has passed its useful life and clearly in a state of decline. Maybe a preliminary inspection to determine if any further approval process needs to be entered into instead of a costly permit application process. The exemption to remove, destroy or lop standing dead vegetation with a trunk diameter of 40 centimetres or less at 1.4m above ground level (cut off point) for dead trees, frankly seems ridiculous.

Restrictions on the use of galvanised or zincalume should be limited or withdrawn. Given time it is likely that colourbond and/or painted surfaces will not stand the test of time and deteriorate more quickly than galvanised or zincalume surfaces. This may have an undesirable or the opposite effect to what the proposed amendment seeks to achieve. Additionally, the galvanised surfaces have been a feature of the farming landscape for the past century or more.

Does the amendment seek to mandate grain silos in muted colours? If so this will inflict enormous and unnecessary cost on farmers.

The existing ESO1 is drafted to protect water quality in the catchment areas, with decision guidelines being based around the treatment of soils and vegetation in connection to water quality protection measures in the greater catchment area,

The proposed SLO1 seeks to employ a vastly different set of decision guidelines which are based on the preservation of views, site lines and vistas, with a completely different set of assessment criteria.

During the recent Council meeting, Council officers conveyed that the most development was already subject to ESO (Environmental Significant Overlay) and therefore not much would change for land owners under the proposed SLO.

It is important to note that this is not correct.

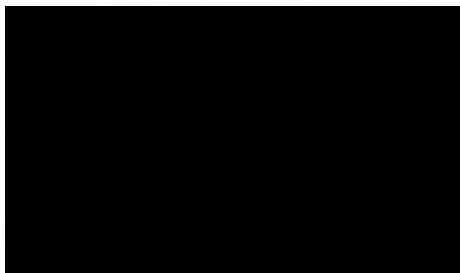
It is difficult to get a full understanding of the technicalities and finer points of the proposed SLO1 for people who are not planning professionals, and have not been involved in discussions and drafting of the amendment. It is an extremely time consuming and costly process to get a comprehensive understanding of exactly what is proposed in the reams of documentation.

As the proposed SLO1 extension takes in prime agricultural land, Council should therefore carefully consider its compatibility with farming operations. If this SLO1 is to go ahead it must not compromise important farming practices and operations or inflict onerous, time consuming and costly requirements on farmers. In its present form it has the potential to inflict an unnecessary cost burden on the rural farming community.

There has been a lack of community consultation. Apparently, there have been a number of virtual meetings and information sessions which have been poorly communicated as to when these were to take place.

I strongly object to the timing of this review and cut off date for submissions during the current Covid-19 pandemic. The current pandemic and current lock down requirements have created difficulties, often extreme and time consuming difficulties, for businesses and rate payers in maintaining normal operations. It has impacted severely on normal day to day activities with general mobility restrictions such as business interactions, face to face contact, vehicle servicing, computer IT maintenance to name a few. Navigating the Amendment C80hepb review at this particular time is an imposition and an added burden on the Shire rate payers at a worst possible time. The amendment should be postponed until after the Covid-19 pandemic.

I look forward to further discussions.



From: [McKenzie, Ranine](#)
To: [Planning Scheme](#)
Cc: [Hepburn Shire Mailbox](#); [Walls, Roey](#)
Subject: PSA-20-00007 - HEPB - PLANNING SCHEME AMENDMENT C80
Date: Friday, 28 August 2020 6:09:44 PM

Good afternoon

Based on the information provided, GMW has no objection to Hepburn Shire Council Planning Scheme Amendment C80 subject to the following considerations:

14.02-1L – Catchment and land protection

-
It is GMW's understanding that 14.02-1L is supplementary to 14.021S (Catchment planning and management). GMW supports further policy which seeks to protect and enhance the quality and quantity of water within special water supply catchments. However, I do have some concerns regarding dot pt 3 of the policy guidelines as some of the proposed setbacks are contrary to the current EPA Code of Practice – Onsite Wastewater Management. For instance, wastewater disposal fields can be placed upslope of dams provided they meet the required setback distance based on the type of treatment proposed. In addition wastewater disposal fields should be greater than 100m from dam and reservoirs. For primary treatment of wastewater the setback should be 300m from a dam or reservoir. This could be reduced to 150m for secondary treatment of wastewater. I believe this section of the policy should be given more consideration as it shouldn't contradict the Guidelines and could create confusion for developers/applicants.

15.01-3L – Subdivision in Hepburn Shire

It is noted that this policy applies to the subdivision of land within the boundaries of townships shown on the Strategic Framework Plan and refers to all sewerage townships apart from Glenlyon which is unsewered. GMW understands there is considerable development pressures within Glenlyon, however consideration should be given to the accumulative risks from unsewered development within the potable water supply catchment, and especially in Glenlyon given the amount of potable D&S bores. What specific strategies are being developed to manage risk to water quality, and expectations from developers, when policy supports unsewered subdivision in a high risk areas? If this is the policy direction for Glenlyon, reticulated sewer should be made available to Glenlyon.

ESO1

-
GMW has reviewed ESO1 and notes that the recommendations provided by email dated 25 March 2020 have been implemented. The amendments will reduce unnecessary planning permit referrals to GMW for development not requiring assessment from GMW on the basis of potential impacts to water quality. Upon review of clause 3, dot pt 2, the following amendment is recommended to further refine the clause:

- Construct a building or construct or carry out works for an extension to an existing dwelling that does not generate additional domestic waste water which **does not encroach upon the wastewater treatment system**, and is located more than 30 from a

waterway.

It's noted that all references to dams and the size of dams have been removed and dams will be captured for earthworks in all rural zones.

I am happy to discuss and provide further input any relations to any of the matters raised above.

Kind regards

Ranine McKenzie
Statutory Planning Partner
Business and Finance

GOULBURN-MURRAY WATER

40 Casey Street
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Amc80hepb Submissions received



Our Ref: 5010859

28 August 2020

Alison Blacket
Senior Planning Consultant
HEPBURN SHIRE COUNCIL
76 Vincent Street
DAYLESFORD VIC 3460

RE: HEPBURN SHIRE PLANNING SCHEME AMENDMENT C80

Thank you for the opportunity to respond to the above proposed planning scheme amendment C80.

Following further consultation on this Planning Scheme Amendment today (28/08/20), please accept this response (sent 5pm 28/08/20) as a replacement of our advice sent this morning.

This additional consultation has provided clarity on some misconceptions EPA had regarding the purpose of the amendment.

EPA would like to highlight that under the *Planning and Environment Act 1987* Section 12(2)(a) Part a containing Ministerial Direction 19 (MD19), planning authorities are required to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme amendments that could result in use or development of land that may result in significant impact on the environment, amenity and human health due to pollution or waste.

EPA has previously provided comments regarding this proposed amendment to Council's planning consultant. We understand that council have considered this feedback as meeting the requirements of MD19.

Our Understanding of the Proposal

EPA understands the amendment proposes to introduce changes to the Hepburn Planning Scheme in accordance with VC148 which will translate the current MSS and local policies into the new Planning Policy Framework (PPF).

EPA understand that there are a number of additional changes to be introduced through this amendment which extend past that of being considered 'policy neutral' and therefore require public exhibition.

Specific changes of interest to EPA are:

- The proposal to insert a new Schedule 6 to Clause 43.02 (Design and Development Overlay) and mapped area for the environs of the Daylesford Material Recovery Facility to protect the facility from residential impacts and encroachment.

Summary

EPA supports the proposal to apply the Design and Development Overlay Schedule 6 (**DDO6**), in that it is EPA's understanding that this is intended to prevent further encroachment on and

mitigate against potential amenity risks associated with the Daylesford transfer station. EPA recognises that the DDO will restrict further development of buildings to be used for accommodation and subdivision within 500m of the facility.

EPA acknowledges that while the DDO is not intended to respond to risks associated with landfill gas from the closed Daylesford Landfill, it does, inadvertently provide some level of risk mitigation in the absence of a specific assessment and control of this risk.

Assessment

EPA provides the following comments in response to the amendment:

Clause 13 Environmental Risks and Amenity

EPA notes that there are no proposed changes to this clause.

Clause 14.01-2S Protection of agricultural land

EPA supports the addition of this clause in the planning scheme. It is important to ensure productive agricultural land is protected from encroachment and incompatible use and development into the future to ensure that permitted activities can continue to operate.

Schedule 6 to Clause 43.02 Design and Development Overlay

EPA notes that the proposed Schedule seeks to protect both the ongoing operation of the Daylesford Material Recovery Facility and the amenity of the surrounding area by restricting further development of buildings to be used for accommodation and subdivision within 500m of the facility.

As the DDO will have significant implications for landowners surrounding the transfer station, Council should ensure that the appropriate technical assessment has taken place to justify the extent of the DDO6.

The Daylesford Transfer Station is located on a closed landfill site. As such, there are two inherent risks that are applicable for this site. Firstly, the amenity risks posed by the operation of the transfer station and secondly, potential landfill gas from the closed landfill. This amendment and overlay responds to the first risk.

These risks are discussed in more detail below.

Amenity risk - Transfer station

EPA notes that *Publication 1518 Recommended separation distances for industrial residual air emissions* indicates a 250m separation distance for transfer stations. However, EPA acknowledges that the revised Clause 53.10 *Uses and Activities with Potential Adverse Impacts* provides a threshold distance of 500m to Transfer Stations accepting organic wastes.

While threshold distances and separation distances have slightly different meanings and applications, the current state of knowledge supports the application of a 500m separation distance from transfer stations receiving organics to sensitive uses.

Landfill gas risk – closed landfill

Closed landfills present a landfill gas risk for at least 30 years post closure. Due to the explosive nature of landfill gas, all buildings and structures are considered sensitive and planning controls

are an important way of determining where these can occur and under what conditions (design controls).

Therefore, it is important that any future amendment considers the landfill gas risk posed by the former landfill to surrounding land use and development in order to ensure the type of development allowed by the overlay is suitable based on the landfill gas risk posed.

EPA notes that the Landfill BPEM requires a default 500m buffer to account for the risk of landfill gas for both operating and closed landfills. EPA Publication 1642 *Assessing planning proposals within the buffer of a landfill* provides a risk-based approach to assessing planning permit applications and planning scheme amendments that would lead to development within the buffer of a landfill. Further assessment of landfill gas will enable a site-specific determination of a suitable landfill gas buffer.

Clause 74.02 – Further strategic work

EPA welcomes any engagement by Council in relation to future strategic work that support compatible land uses within the municipality, specifically around the waste management sector.

Conclusion

EPA supports the proposal to apply the Design and Development Overlay Schedule 6 (**DDO6**) in that it is EPA's understanding that this is intended to prevent further encroachment on and mitigate against potential amenity risks associated with the Daylesford transfer station.

EPA recommends that Council undertake further assessment of the closed landfill in order to understand the extent of the landfill gas risk posed. EPA suggests *Publication 1642 Assessing planning proposals within the buffer of a landfill* as a first step to understanding what form of assessment is best for the proposal.

EPA supports the amendment and commends Council on their pro-active efforts to respond to amenity risks from the Transfer Station.

EPA thanks Council for the opportunity to provide input into this review and extends an invitation to meet further for discussions if required.

If you need additional information or would like to discuss this matter further, please contact Trisha Brice, Strategic Planning Team Lead on 1300 EPA VIC (1300 372 842).

Yours sincerely,



Elita Briggs
Landuse Planning Delivery Team Leader
Major Projects and Planning
EPA Victoria

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Wednesday, 19 August 2020 1:11:31 PM

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows.

Lack of community consultation

Should be postponed until after COVID-19 Pandemic

The cost of compliance for farmers unknown

Permit application process is too onerous

Unnecessary conditions and bureaucracy placed on farmers

Commercial farming is continuously changing and 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 iron or zincalume should be withdrawn

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

The Size of the Proposed SLO1 Extension

Amc80hepb Submissions received

Attention: Planning Scheme Review Officer

Re: Submission regarding better planning procedures

[REDACTED]

From many years of experience, may I offer the following suggestions to improve Council's planning procedures and, hopefully, help to minimize VCAT appeals.

1 Advertising developments

There needs to be community consultation on any developments which impact on our prime tourism assets, be they our famous Reserves, our town entrances, or our heritage streetscapes.

- a. Such developments need to be advertised in the local paper and not just digitally on the Council website and with written notice only given to adjoining owners. Every ratepayer in the shire is a stakeholder of these public assets, not just the adjoining owners and, as stakeholders, ratepayers should be given the opportunity to comment.
- b. Simpler draft plans for subdivisions need to be advertised for public comment in the early stages, i.e. before the developer has spent up big on getting detailed drawing of roads and infrastructure, etc, which then makes them loathe to make important changes when they are suggested. This happened with the Smith Street subdivision. Being on a quite steeply sloping site and in view of a major entrance to Daylesford, some residents wanted roads which followed the contours of the land and not the detailed, suburban-style square grid they were first presented with, which the developer had paid to have drawn up in detail, and thus did not want to change.

2 Mediation

- a. Major development proposals, such as subdivisions and multi-unit proposals, need to have a mediation process. The developer of the massive Smith Street subdivision next to St Michael's School told me that he had asked Council to arrange a mediation session with objectors and was knocked back. The developer then held his own open session at the Lawn Tennis Club inviting people to discuss the plans.
- b. When there are several objections, there should be a mediation process with both parties, a planner, and the Ward Councillor present. This used to be the case, but did not happen with the current shed application at Jubilee Lake, resulting in a deferment of the Council decision. Such delays are an inconvenience to any developer.

3 Endorsing consultants' plans for public reserves, etc

Plans already drawn up by consultants for our Shire's public reserves, and therefore paid for out of ratepayers' funds, need to be endorsed as official reference documents in the Planning Scheme. This means that Planners can no longer cherry pick or ignore the Report's proposals, as happened with the Shed proposal at Jubilee Lake. The Officer's Report stated that the shed colours were those suggested in the Jubilee Lake Reserve Management Plan 2009, but ignored the proposal on page 27 Section 4.5 Maintenance which states:

"Replacement and repair to built form needs to reflect the natural and historic value of the reserve."

In approving the proposal for a low-roofed, 11-metre long commercial, colourbond shed, the Officer thus could legally ignore the fact that it failed to "reflect the natural and historic value of the reserve."

4 Screening with planting

Planting should not be used as an excuse to cover up the inappropriate or poor design of a building. Buildings themselves should be in keeping with the natural setting and historical context of their surroundings. The Officer's Report on the Jubilee Lake shed proposal suggested that planting could adequately screen this long, low-roofed, colorbond commercial shed from impacting deleteriously on the reserve. The Friends of Jubilee Lake believed that it could not.

At a VCAT hearing some years ago on the proposal for 4 two-storey dwellings abutting the Slum Dam Reserve at the entrance to Daylesford, the Tribunal did not agree with the officer using planting as a solution to screen out the imposing buildings and high decks from the reserve and town entrance. The Tribunal stated that if buildings had to be screened from a public reserve by planting, then they needed to be modified to be less intrusive. She then lowered the height of the decks and, from memory, the buildings as well, and only allowed three dwellings instead of four on that site.

5 Leases

Leases for public assets, such as Jubilee Lake kiosk and its caravan park, must have clear guidelines for Lessees to know what they can and can't do on the adjacent reserves. If the consultant's reports for public reserves were endorsed as part of the Planning Scheme, then all leases could stipulate that the Lessees have to abide by the design guidelines within them. I believe that the Jubilee Lake Co-op lease may not have had sufficient guidelines on what the Lessees could and couldn't do on the Reserve land. Did the 2009 Jubilee Lake Management Plan exist when their Lease was originally drawn up? Once this Report is in place and endorsed as part of the new Planning Scheme, then renewals of the lease in future could mandate that the Report's design guidelines must be followed. This would really help the Co-op in their future planning.

6 Advisory groups of citizens to protect both aesthetics and historic character

a. Clearer design guidelines need to be drawn up for Planners to follow. A small town in Italy has an "Aesthetics Advisory Committee" set up to preserve the assets and overall historic beauty of their town. Daylesford has many artists and creative building designers. Such a Committee could keep an eye on the scale and beauty of proposed developments to ensure the long-term viability of the town's tourism and economic interests by preserving both our heritage and our natural assets. This might be a good way of preventing delays and even VCAT appeals.

b. No local Advisory Group and registration of volunteers has ever been set up for Jubilee Lake, as recommended on page 26 of the 2009 Jubilee Lake Management Plan. Such a group could assist Council in a variety of ways, as outlined on that same page.

7 Consulting with the community

Inviting community feedback on planning issues with this interested and very active community has not been a Council strong point in the past. One of the criteria for employing new officers could be their ability and willingness to consult and welcome community feedback. Research shows that emotional intelligence (EQ) with its good conciliation skills - communication and negotiation skills to encourage compromise solutions in conflict situations - is a far better predictor of a person's success in their job than the level of their expert and specialist training.

8 Staff professional development

If any currently employed officers seem resistant or hesitant to consult with community members, perhaps they could attend a workshop to develop these consulting skills and thus their confidence in this area.

9 Collaboration between planning departments

It is important that the planning and building departments work in close collaboration so that permits are carefully monitored right from the start. This will ensure that breaches of permits are picked up early enough to be corrected. For example, the garage and deck at Lake House, built many years ago, actually encroach on the Lake Daylesford Reserve, and its new horizon pool is sited about 24 centimetres over the Central Highlands Water sewer easement. One of the BnBs on the Lake Daylesford foreshore built many years ago is 1 metre above its permit height. Residents noticed and reported on this increased height, but the error was picked up too late to be corrected, as considerable infill of walls, etc, had already occurred. To this day this building is higher than the other buildings in the row fronting the Lake.

10 Protecting the public interest

This must always take priority over private economic and property interests, no matter how important the developer is to the town's economy. Council officers must only approve developments which prioritise this public interest. This has not always happened in the past, where ratepayers sometimes felt that some officers seemed to be pleasing important people or rolling over to strong private interests rather than protecting the public good.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Friday, 21 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 community 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.
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. Commercial farming is a continuously changing industry and the future uses are unknown.
8. Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.

9. Restrictions on use of galvanised or zincalume should be withdrawn.

10. The Size of the Proposed SLO1 Extension.

I hope this list is clear and if you have any queries in regard to the above, please do not hesitate to contact me.



Amc80hepb Submissions received

File No: F02/20/1276

Rec'd Date: 27 AUG 2020

Rec'd By: Duke St

Action By: A. Blacket

Reg No: _____

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.

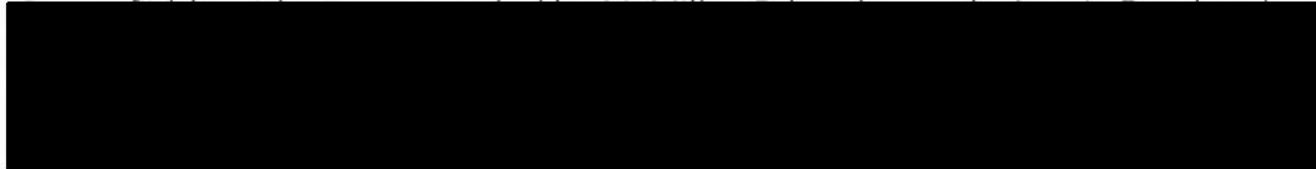
It pertains to our request for the rezoning of a small cluster of land parcels surrounded by McMillan Road, Acacia Road and Carter Street Broomfield, from RLZ1 to LDRZ.

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



Amc80 Hepburn Submissions received

Broomfield Overview



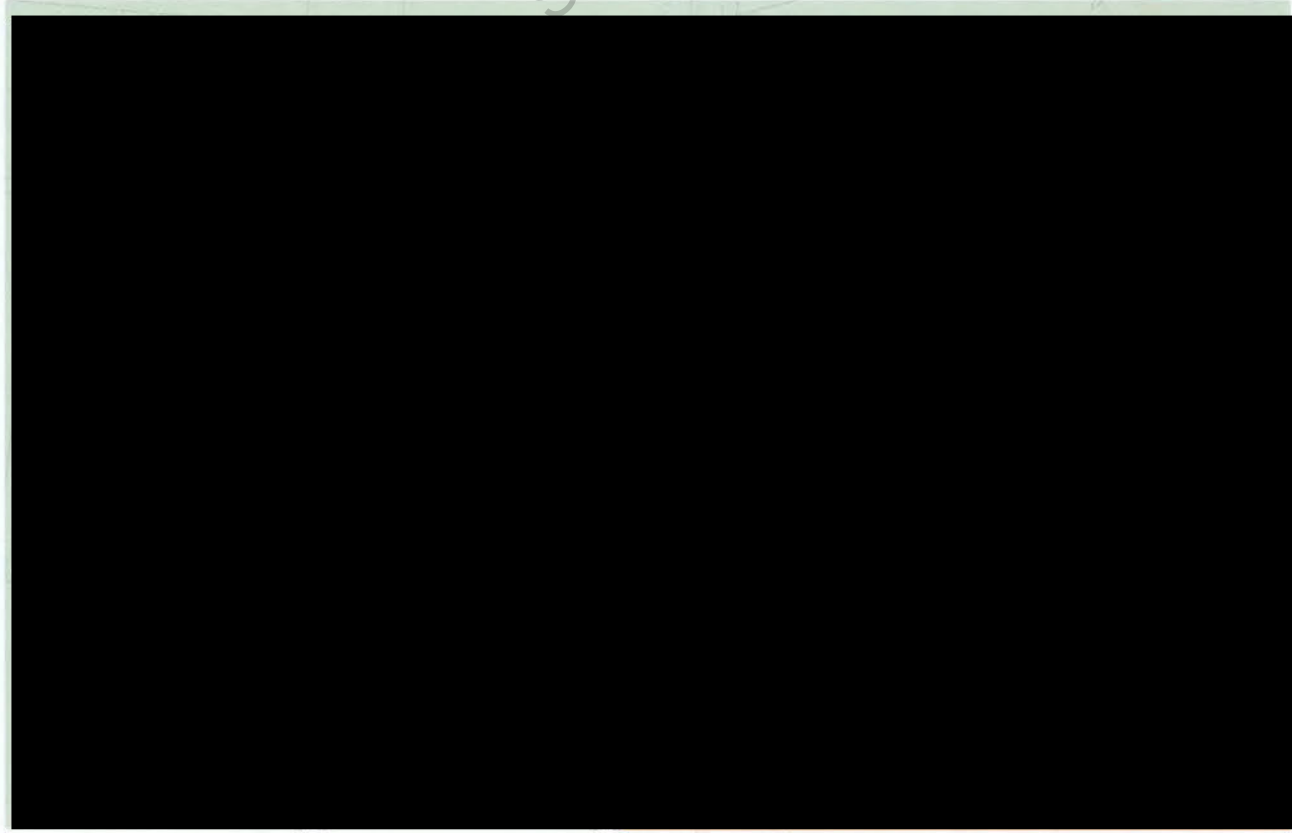
Hepburn Planning Scheme Audit and Review Report (Final) 12th Feb 2020 has not in their view addressed the,

“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



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

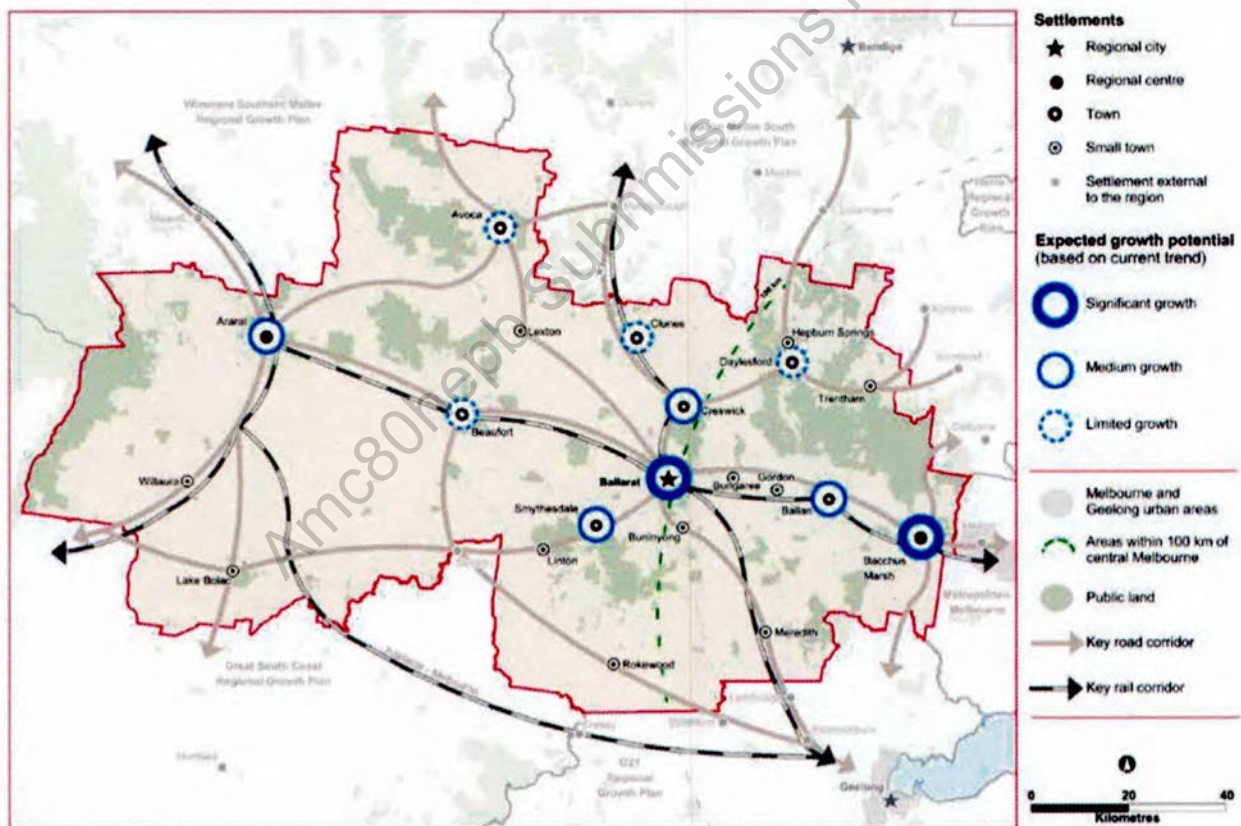
This equates to approximately 2.1% of the population of Hepburn Shire.

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/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".

Belle Property (Ange)

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

Harcourts (Jason)

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

PRD (Tash)

"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. "

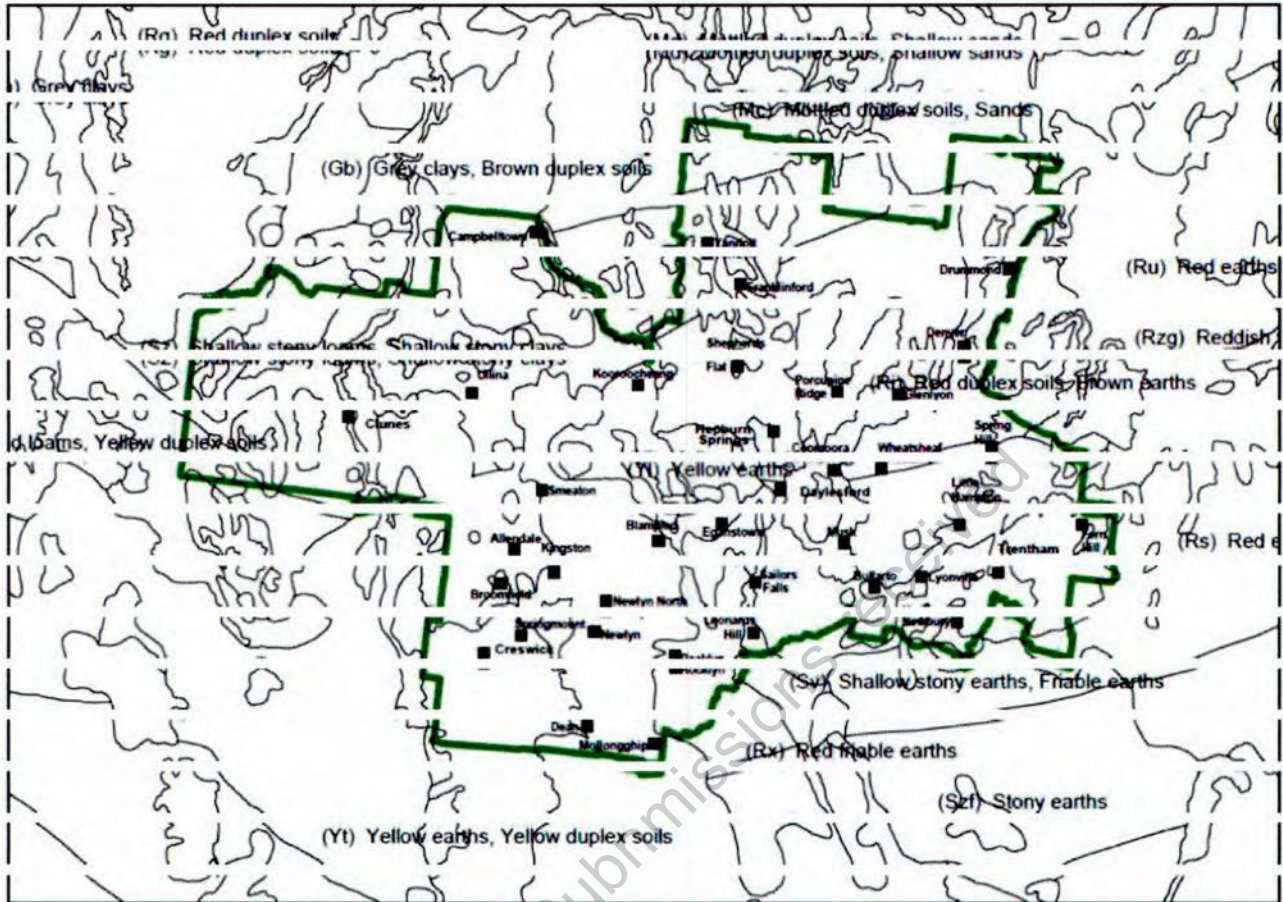
The Central Highlands Regional Strategic Plan , page 61

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.

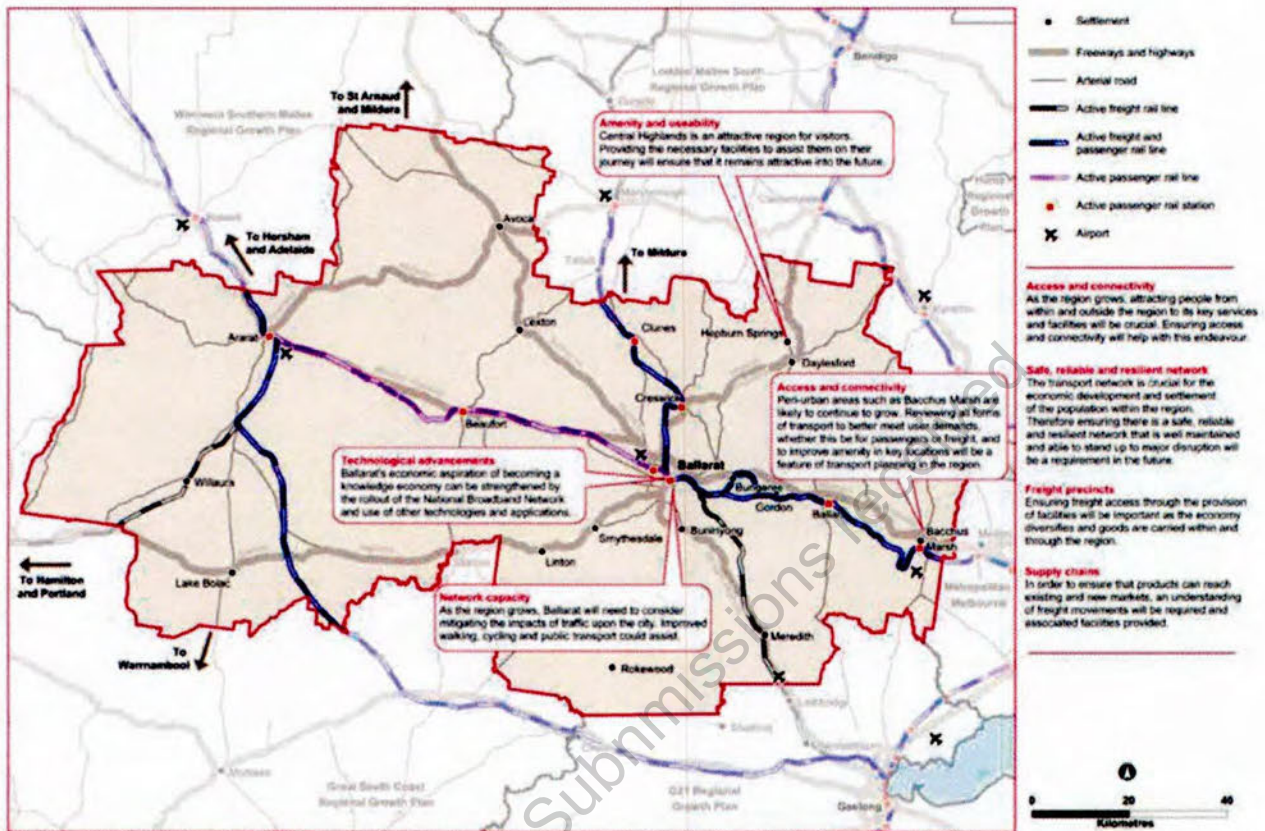


Soil Health can be implemented by Section 173 agreement which is a legislative tool to ensure compliance with septic permit conditions.

"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

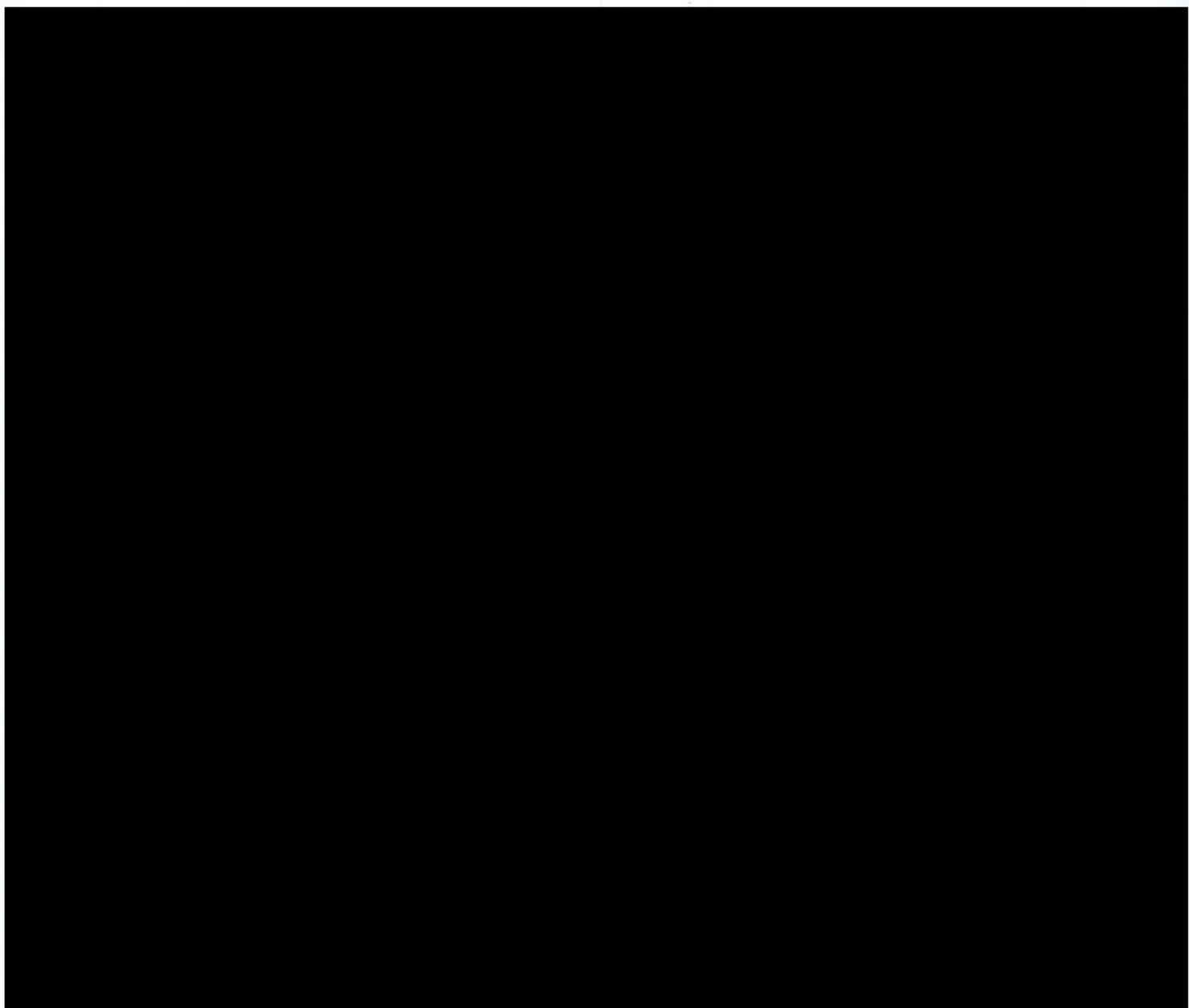
We the signatory believe that:

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.

missions received





Amc801



From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: Submission to the Planning review DDO6 Transfer Station
Date: Friday, 28 August 2020 9:31:14 AM

I write to express my deep concerns about the 500m proposal around the Daylesford Transfer Station.

This proposal is a horrifying incursion on the rights of owners of the included properties.

The sudden devaluation of their properties by a stroke of the pen in an office, without due consideration to the rights of established owners who have purchased their properties without expectation of any such draconian restrictions, is deplorable.

The plan seems to have been executed without any public discourse on the problems and issues leading to it.

There must be a way in the 21st century that the Transfer Station can coexist with neighbouring residents without requiring any restrictions to them.

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 it 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 cover 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 roamings of kangaroos - fencing them off will compel them to congregate in other smaller areas where they may become a nuisance to residents. Currently they coexist amicably.

This proposal is ruining the retirement or aged care prospects of many of the owners in the short term and is a ruinous threat to the livelihoods of younger owners. Consideration for the needs of the residents of the area has been overlooked by this proposal.

The cost to the Shire if this proposal goes ahead is far greater to rate payers than it would be to enclose and make safe the Transfer Station.

I have watched the improvements to our waste situation since 1983. There is no reason any problems can not be addressed without the 500m exclusion zone.

In the future development of Daylesford as population increases we need this land to be residential.

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

[REDACTED]



[REDACTED]
27TH AUGUST 2020

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

To:

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

Dear
HEPBURN SHIRE COUNCIL - PLANNING

RE: OBJECTION to Proposed Planning Scheme Amendment C80hepb – SLO Revisions.

Please consider the below points as my objection to proposed extension of the current Significant Land Overlay (SLO) (in its proposed form) which forms part of the above proposed planning scheme amendment.

The area covered by the proposed overlay is primarily zoned FZ Farming zone. Post closure of the deep lead mines, the area has been the continued location of many mixed farming properties, with general farming operations including, seasonal cropping, grazing sheep and cattle, and associated production of hay. The very nature of these operations plays a part in the significance of the landscape of the area, from iconic crops of canola, to paddocks stacked with round bails.

Proposed SCHEDULE 2 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY, specifically states that is only permissible without a permit in the following instance:

- To remove, destroy or lop dead vegetation if it is a standing dead shrub or tree with a trunk diameter of 40 centimetres or less at a height of 1.4 metres above ground level.
- To remove, destroy or lop vegetation to the minimum extent of vegetation removal necessary for the maintenance of existing fences to a combined maximum width of clearing for either side of the fence of 4 metres.

[REDACTED]
27TH AUGUST 2020

- For works undertaken by or on behalf of a public authority relating to watercourse management and environmental improvements.

However, the term 'vegetation' is not clearly defined within the schedule, nor is the term vegetation defined within clause 73.01 General Terms. It is assumed that the general term for 'Vegetation' be applied as per Clause 73 Meaning of Terms, as follows:

"Vegetation is defined as 'plants collectively; the plant life of a particular region considered as a whole' [REDACTED] [REDACTED] (REF: VPP Practice Note - Vegetation protection in urban areas - August 1999)

"Vegetation includes trees, shrubs, plants, grasses and wetland vegetation and their habitats. It includes native and exotic vegetation." (REF: VPP Practice Note - Vegetation protection in urban areas - August 1999)

As such, Clause 42.03 if applied in its proposed form would result in the necessity for farms / farmers to seek approval for all current general farming practices that impacts 'vegetation'. This could be anything from ploughing a paddock to harvesting a crop. The outcome would be less than favorable on the districts agricultural sector and associated communities.

Similarly, it is also anticipated that if applied in its current form, the administrative burden on Hepburn Shire would be excessive and unworkable.

As such, we request that the application of this clause be reviewed, and amended to enable current farming practices to continue, while still containing provision to protect significant established 'Native Vegetation'

[REDACTED]
[REDACTED]

**Submission to Hepburn Shire Council – Amendment C80 to the
Hepburn Planning Scheme**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Summary of Submission:

The assessment and compliance of the proposal to enable for the subject land to enable the subdivision of the existing land into four (4) separate lots, comprising of approximately 5 acres and each of the newly created lots will also consist of existing serviced residential dwellings.

The basis of this submission to Council is to request of a variation to the current schedule to the rural living zone provisions as part of the proposed Amendment C80 having regards to the proposed Rural Living Schedule 2 Clause 35.03 of the Hepburn Planning Scheme.

Date: 20 August 2020

Prepared by

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

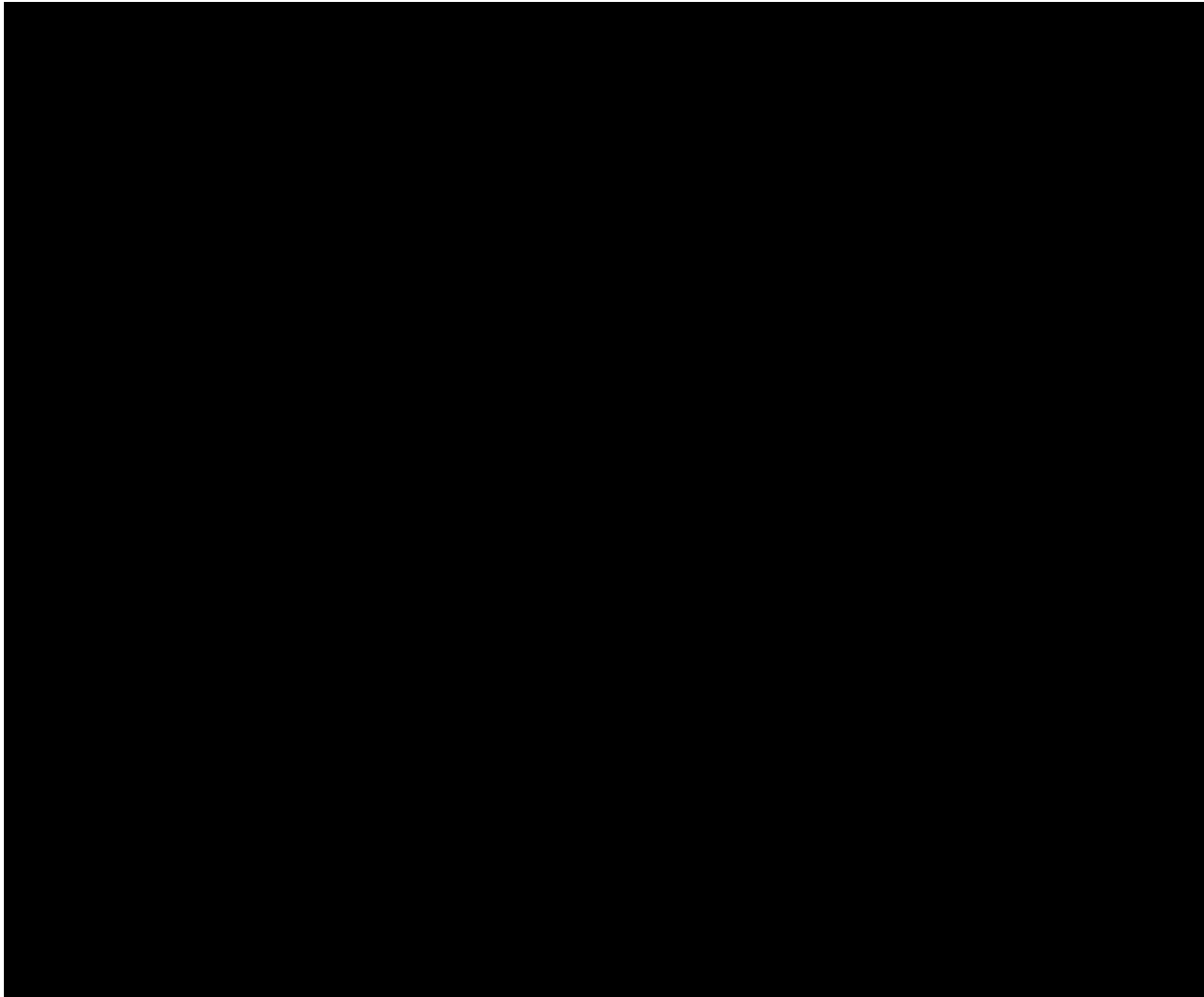
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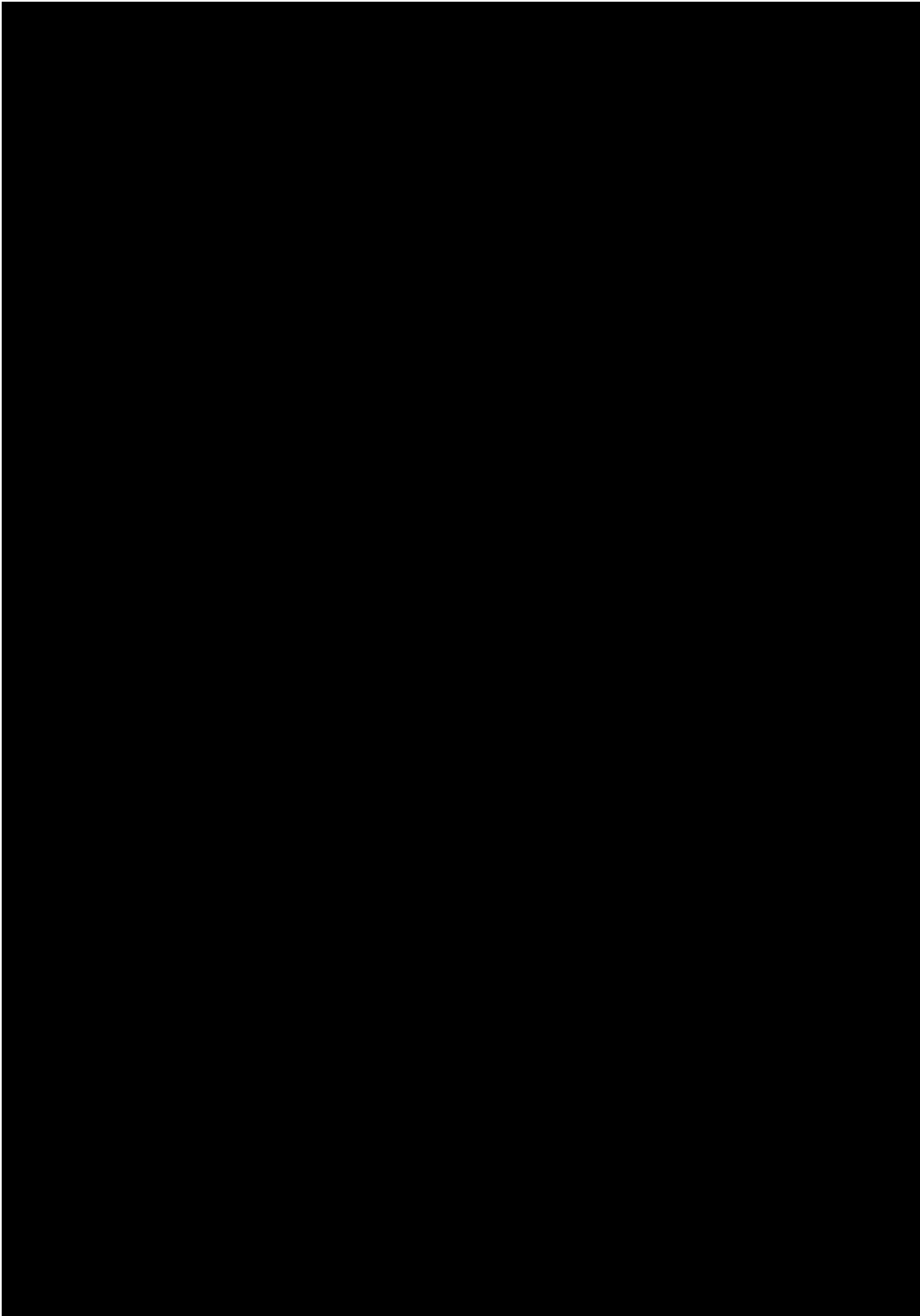
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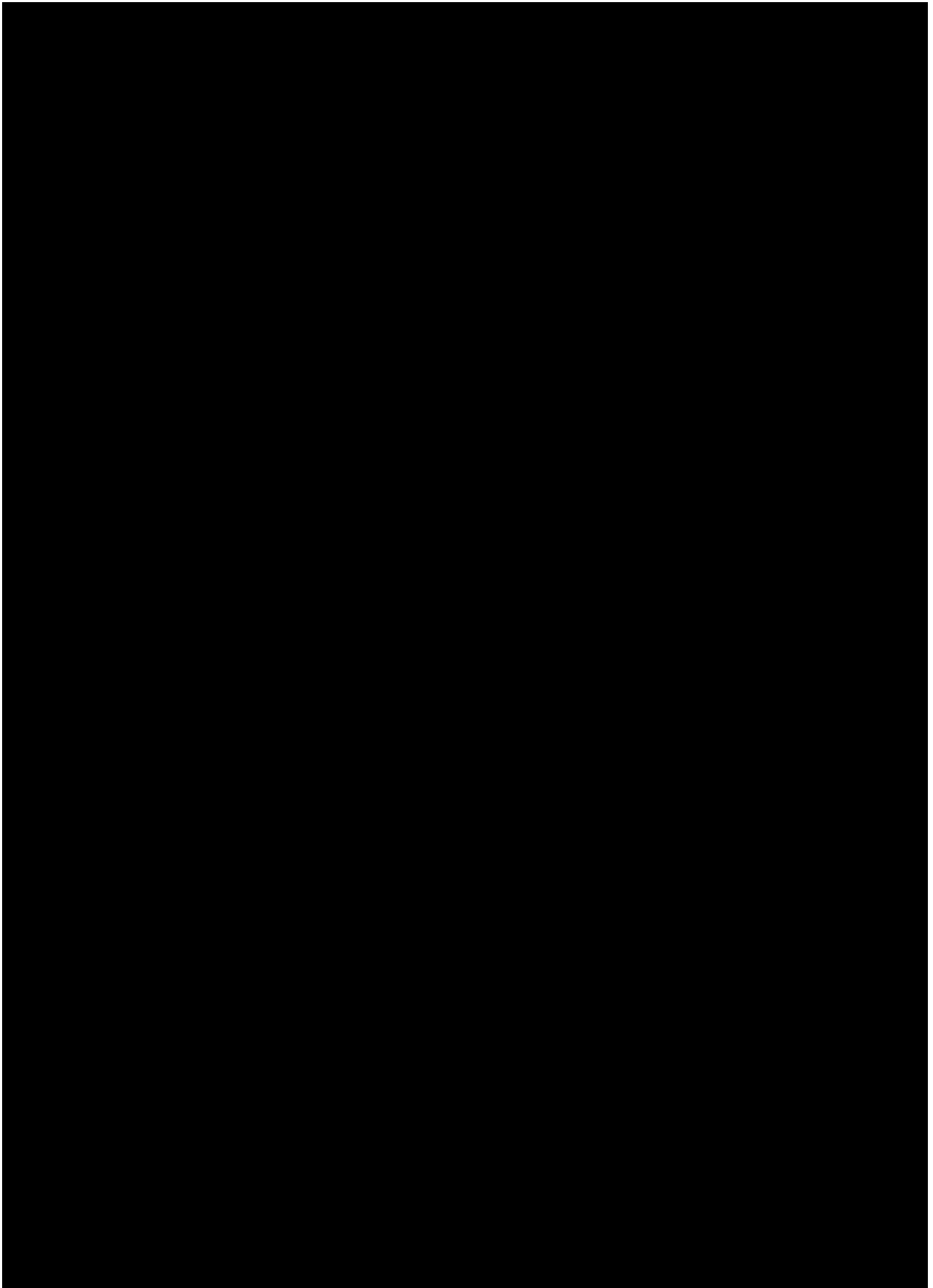
[REDACTED]

[REDACTED]



Amcc





1 INTRODUCTION

[REDACTED]

[REDACTED] It accompanies future formal request to vary the current Rural Living Schedule Provisions to the Shire of Hepburn to thus allow for the subject land to be subdivided into four (4) separate allotments and each containing a dwelling and other associated and ancillary building such as garages and storage sheds inclusive.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The basis of this submission to the Amendment C80 to the Hepburn Planning Scheme is to allow for the variation of the current Schedule 1 to the Rural Living Zone to allow a smaller Lot size to at least a 2 hectares lots.

Further, the proposed residential subdivision will result in creating lot sizes greater than some previous approved by Council subdivisions along Ajax Road and the local area of Hepburn and also Hepburn Springs local area.

The subject site and location including its local context setting is undoubtedly within a high focal basis of the Hepburn Shire Council Hepburn Springs Structure Plan and Urban Precinct Area having regards to the principles and objectives sought to achieve. The importance of complying with the appropriate town planning policies and strategic

strategies in order to achieve a high outcome but more importantly to provide a safeguard additional and sustainable diversified housing supply on the very urban edge of a serviced residential living area.

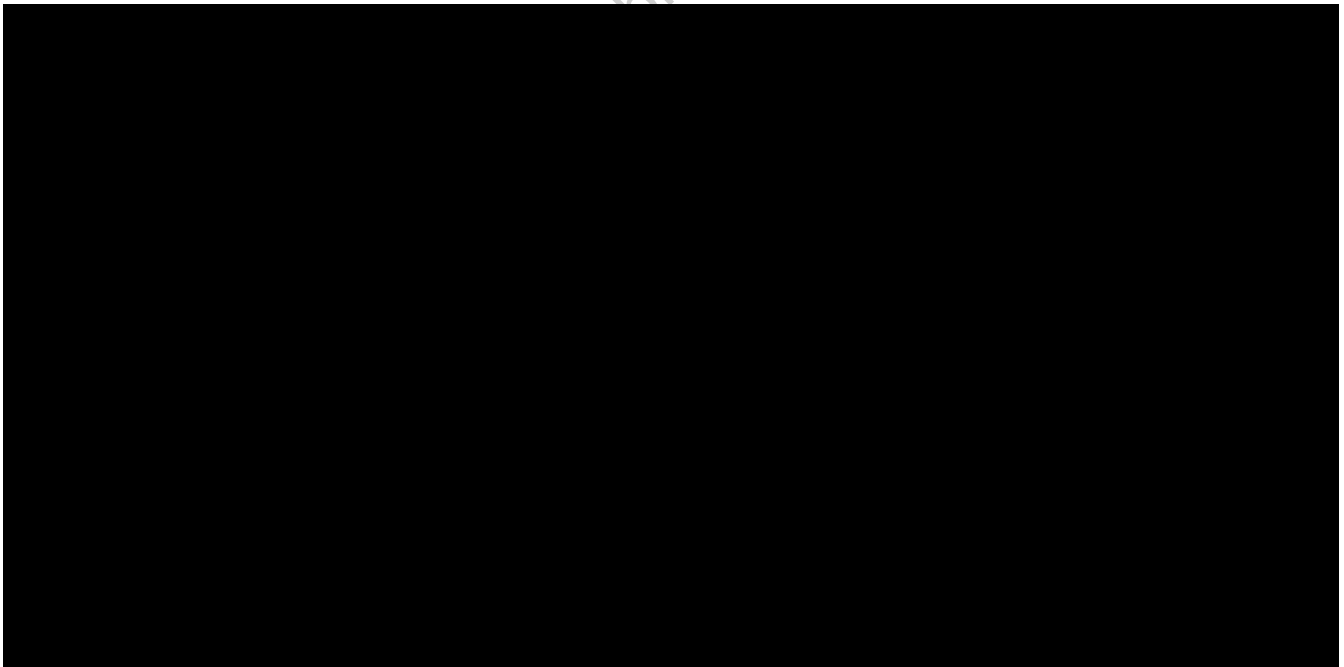
It is also very important to recognise that the native vegetation of Hepburn significantly characterises the area as it is valued by the existing community, and attracts visitors and new residents. Biodiversity has been decreasing over the decades across the Hepburn Shire due to several interacting threats. Habitat fragmentation is the breaking up of the once continuous native ecosystems into small and often isolated patches following land-use change. Restoring large areas to native ecosystems is ultimately the solution to biodiversity decline and restoration.

Finally, this proposal before Council considers important aspects of the Hepburn Springs Structure Plan taking into consideration the key features, constraints and growth opportunities and aims to positively contribute to Hepburn Shire Councils framework for current and future development opportunities.

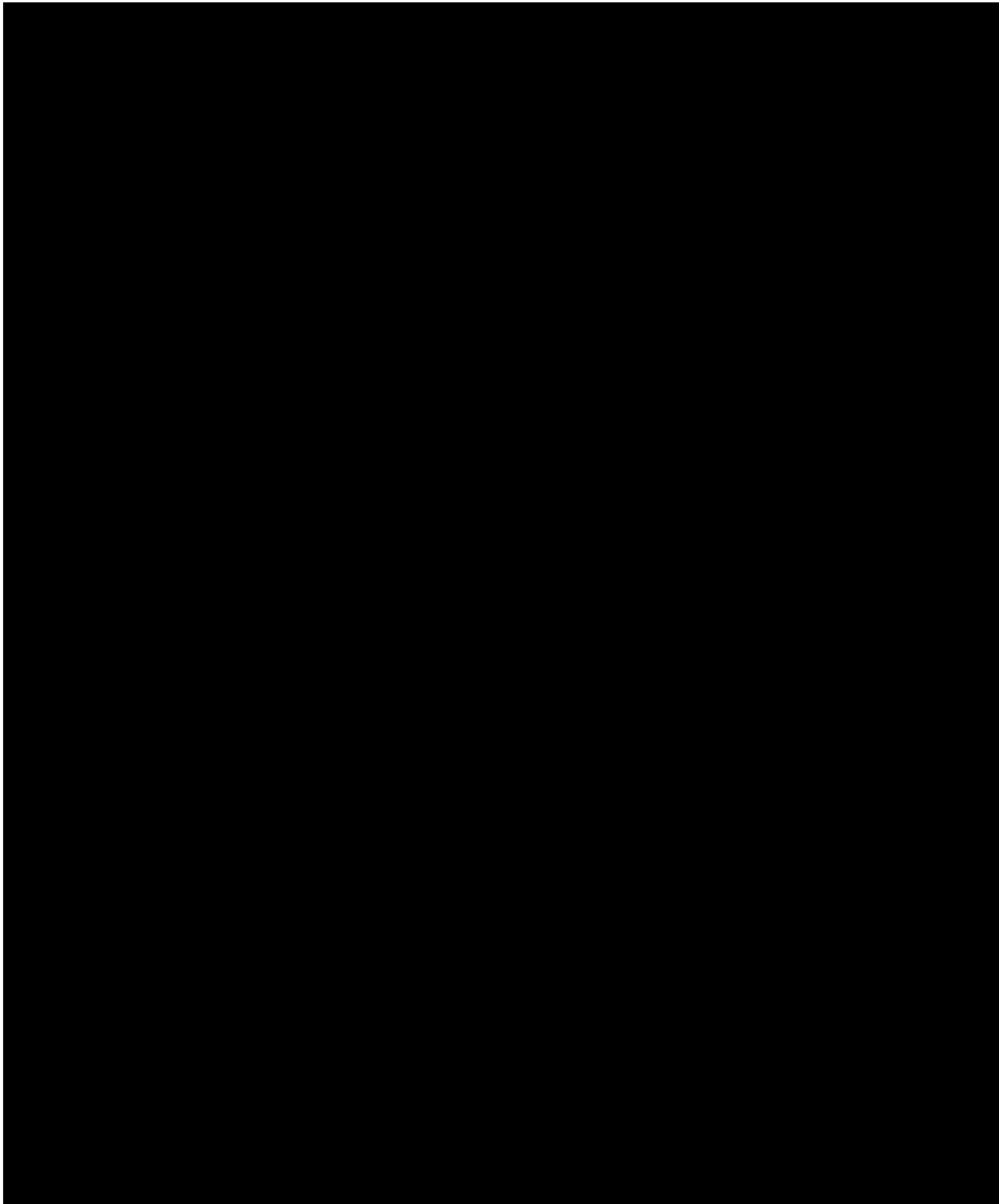
2 SITE AND SURROUNDS

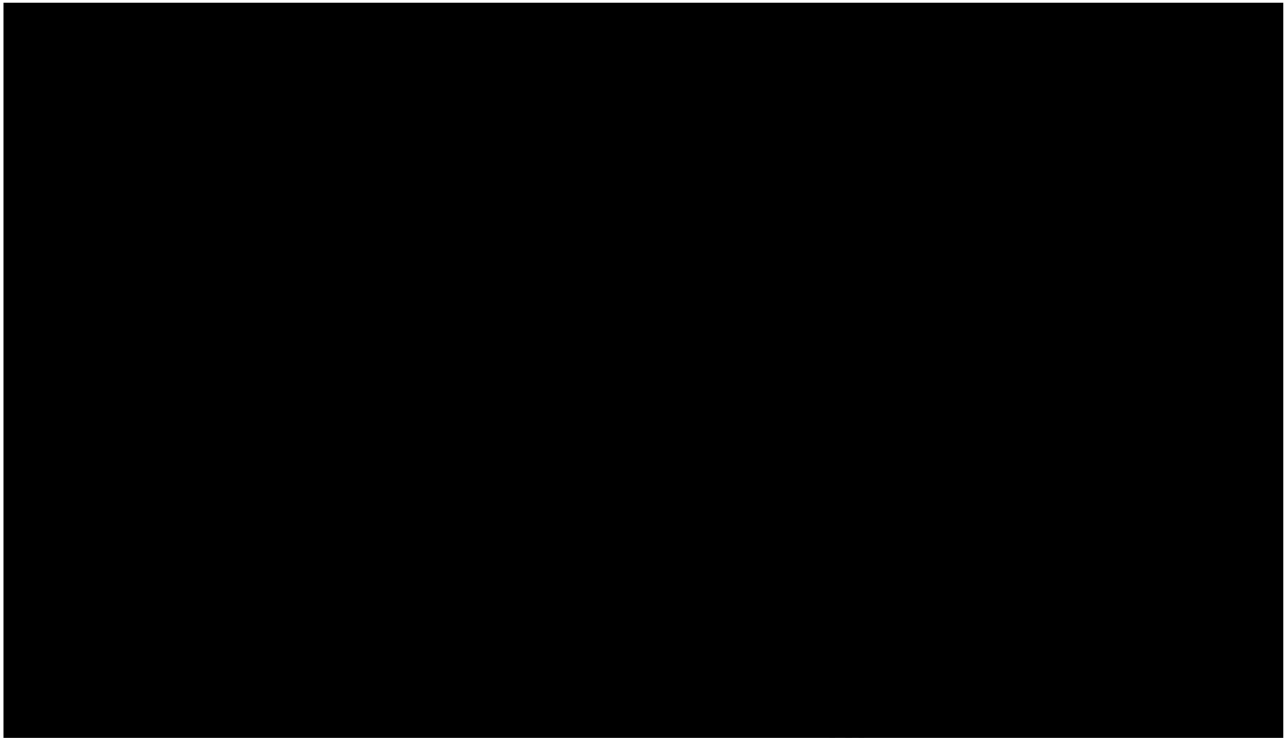
Subject site

The site is located to the west of Ajax Road and to the East of Bald Hill Road- existing entry/access points to both sections of the subject site to both government roads. The site is well located within the very edge of the urban and residential town of Hepburn Springs.



Current planning zone map for subject property





Site Characteristics

The site is quite undulating across the whole property. Built form occupies approximately less than 10 per cent of the subject site. The balance of the site is vegetated, with native trees, several mature eucalypts and managed grass and landscape garden areas. The site is fairly regular in shape. At its maximum, it is approximately 19.338 areas in lot area.



[REDACTED]
The subject site also provides for all available and current reticulated services as its excellent location and context setting being on the very edge of the residential and urban township of Hepburn Springs.

Surrounds

The character of the wider locality is quite diversified with rural residential in land use mixed with a semi-rural, forest and urban character, and typical of a small country town. Large lots, residential development, parkland and mature vegetation also dominate the locality.

North

To the immediate north are a number of private dwellings set in a beautiful natural scenic and bush forest landscape character with the General Residential Zone 1 providing for small serviced residential community living accommodation and also within a close distance of the subject site.

West

To the west is also a series of private residential lots along Bald Hill Road and also Eighteenth Street with many of these lots containing either private dwellings or tourist accommodation facilities and or small host farms and other hobby farms private business inclusive. Further to the west of the subject site sits the State Forest Reserve and precincts.

South

To the south and south east is also a series of private residential properties including the Hepburn Springs Golf Club. The existing government road reserve is quite wide and is some 20 meters wide. The road reserve is informally landscaped with grass verges and irregular street trees. It is sealed coated but there is no formal curb and channels as such. To the east and west and along the side of Ajax Road are a series of residential dwellings on assorted lot sizes with quite diverse built forms, character setting and topography.

East

To the immediate east of the subject site is the rural conservation zone along Fourteenth Street which further continues to connect to the General Residential Zoned and the Urban Township of Hepburn Springs.

3. PROPOSAL

The proposal seeks town planning approval is to vary the current rural living zone schedule via a planning scheme amendment thus allowing this 20 acres rural living lot on the very edge of the urban town of Hepburn Springs to be subdivided and

created into 4 separate lots each containing a series of existing residential dwellings, services and other available infrastructure inclusive.

The proposal to further subdivide the existing lot will provide for more flexibility to the property owners as this land abuts general residential zone precincts where all urban services and community facilities are provided inclusive.

The proposal to further subdivide this existing land will assist in further minimising potential bushfire risks and will greatly allow for more and safer management of the land.

The subdivision of this land will also assist in the local economy with more positive benefits outcomes including additional rate base to the whole municipality of Hepburn Shire Council.

The proposed subdivision of this land will allow for additional residential supply located within a close distance to the very urban edge of both the Daylesford Township and also the Hepburn Township.

The proposal will create for more diversified residential lot sizes that are quite consistent with the local residential accommodation market and will meet the demand and supply trends of the local housing and property economy in general demand and supply analysis basis.

4. PROVISIONS OF THE HEPBURN PLANNING SCHEME

The site is located in the Rural Living Zone and the provisions of Clause 35.03 apply. There are also the Bushfire Management Overlay (BMO), Environmental Significance Overlay-Schedule 1 (ESO1) and Design and Development Overlay (DDO) impact the site.

Zone Provisions

Clause 35.03 Rural Living Zone (RLZ)

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential use in a rural environment. To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Subdivision

Clause 35.03.3-Rural Living Zone (RLZ)

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone. 19/01/2006 VC37 05/09/2013 VC103 Rural Living Zone
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

Policy Framework

State Planning Policy Framework

Clause 11.02-1 Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses

Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.
- Residential land supply will be considered on a municipal basis, rather than a town by-town basis.

Planning for urban growth should consider: Opportunities for the consolidation, redevelopment and intensification of existing urban areas.

- Neighbourhood character and landscape considerations
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry

11.06-1 Planning for growth

Objective

To plan for population growth in sustainable locations throughout the region.

11.06-2 A diversified economy

Objective

To strengthen the region's economy so that it is more diversified and resilient. Strategies Support greater economic self-sufficiency for the region. Facilitate

economic development opportunities based on the emerging and existing strengths of the region.

Support growth through the development of employment opportunities in towns identified for population growth.

Support development of the region's tourism sector and build on iconic tourism precincts as 13 regional drawcards.

Clause 15 Built Environment and Heritage

- Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.
- Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.
 - Planning should achieve high quality urban design and architecture that:
 - Contributes positively to local urban character and sense of place.
 - Reflects the particular characteristics, aspirations and cultural identity of the community.
 - Enhances liveability, diversity, amenity and safety of the public realm.
 - Promotes attractiveness of towns and cities within broader strategic contexts.
 - Minimises detrimental impact on neighbouring properties.

15.01 Urban environment

15.01-1 Urban design

Objective

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Strategies

- Promote good urban design to make the environment more liveable and attractive.
- Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
 - Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
 - Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.
- Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.

16.01-1 - Integrated housing

Objective

To promote a housing market that meets community needs.

Strategies

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Encourage housing that is both water efficient and energy efficient.
- Facilitate the delivery of high quality social housing to meet the needs of Victorians.

16.01-2 Location of residential development

Objective

To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

Strategies

- Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
- Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.
 - Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

16.01-4 Housing diversity

Objective

To provide for a range of housing types to meet increasingly diverse needs.

Strategies

- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
- Encourage the development of well-designed medium-density housing which:
 - o respects the neighbourhood character.
 - o Improves housing choice.
 - o Makes better use of existing infrastructure.
 - o Improves energy efficiency of housing.
 - o Support opportunities for a wide range of income groups to choose housing in well serviced locations.
 - o Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

16.01-5 Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.
- Increase the supply of well-located affordable housing by:
 - o Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites.
 - o Ensuring the redevelopment and renewal of public housing stock better meets community needs.

18 Transport

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

18.01 Integrated Transport

18.01-1 Land use and transport Planning

Objective

To create a safe and sustainable transport system by integrating land-use and transport.

Local Planning Policy Framework

Clause 21.03 Vision and Strategic Framework

- Emphasise urban in-fill opportunities that utilise existing infrastructure.

Clause 21.03-2 - Key land use themes

- Provision for urban development and growth in Clunes, Creswick, Daylesford, Hepburn Springs and Trentham as defined in the MSS Structure Plans, with more limited development in other smaller towns and rural settlements based on land capability and performance criteria.

Clause 21.05 Settlement and Housing

- Consolidation of existing towns and residential infill opportunities.

Objective 1

- To achieve a sustainable urban form for towns by containing most future development within the urban growth boundaries shown on service town Structure Plans.

- Residential infill, with more diverse dwelling types and lot sizes is encouraged in locations within 400m walking distance of designated town centres.

Objective 3

- To protect and enhance the heritage, landscape and townscape character of towns.

Strategies

- Development in Trentham should be in keeping with its predominantly low rise rural town character, forest landscape/backdrop and rural setting.

Clause 21.06 – Infrastructure and Transport

Objective 1

- To encourage appropriate development in serviced areas, support industrial and residential growth and to encourage alternative on-site effluent disposal.

Strategies

- Encourage infill development in existing or proposed serviced urban areas and provide scope for diverse development options.

Council Policies

Hepburn Shire Structure Plan Review 2007

- Encourage residential consolidation within the UGB, including investigation of re-zoning much of the LDRZ on the west side to TZ, proposed to become R1Z, which is fully serviceable, a similar distance to the existing TZ on the east side, and a reasonable walking distance to the town centre, to maximise efficiency in use of land and infrastructure.
- To increase housing diversity and affordability.

Town Planning Assessment

The subject property at 128 Ajax Road, has now been developed for residential dwellings accommodation for a period of some 15 years now and with all of the required Council approvals.

The land is zoned rural living to reflect this natural scenic and bush setting land use character. The subject site is however well located within a very close distance to the residential areas of Hepburn Springs Township.

The residential and tourist accommodation uses have now ceased on the site. The subject land is now used for long term residential accommodation. The surrounding properties are also zoned rural living with many residential private properties being quite evident on smaller lot acres when compared to the subject site of some 20 acres.

The basis of our submission is that the subject site and the level of development contained within it will not negatively impact on the local environmental context as land to the immediate east is presently zoned General Residential Zone where many of the current lots are small in size and serviced with reticulated services inclusive. Much of the existing natural and scenic character of the land will remain as will all of the existing vegetation and trees.

The township of Hepburn Springs is quite a vibrant residential area with a strong growing population base and with all available supply of reticulated services inclusive.

6. CONCLUSION

The subject land predominately forms part of a rural residential lot which does complement its surrounding residential and open space scenic and landscape setting.

Residential land uses and housing accommodation have continued on the subject land for the past 15 years. It is considered that the variation to the current Rural Living Schedule thus allowing for the subject land to be further subdivided into four (4) separate serviced lots with continuing residential accommodation on the site (six dwellings) would not be to the detriment of all surrounding residents and potential future residential developments.

In terms of policy direction, the Hepburn Planning Scheme strongly supports existing and infill development. State Policy Frameworks mandate a continuous supply of land, housing affordability and diversity and using existing infrastructure. Local Policy Framework, through the Hepburn Shire Structure Plan Review 2007, encourages urban in-fill opportunities that utilises existing infrastructure, seeks to contain most future development within the urban growth boundaries and encourages appropriate development in serviced areas. A similar planning scheme amendment VC49 was undertaken on 15 August 2008 to the current rural living zone schedule thus allowing for smaller acre lots for around 4 hectares in the area of Trentham.

The subject site is just on the very edge of the Hepburn Springs urban growth boundary. The proposal to vary the existing rural living schedule is supported by current planning policy and good planning practice.

The rezoning and appropriate subdivision of the site, subject to a town planning permit, will improve the Ajax Road precinct and assist in providing additional housing supply with a rural living precinct and within a close distance to the residential precinct area of Hepburn Springs. The site is within a close walking distance to the main road in Hepburn Springs and is well suited for the continuation of future residential accommodation development in accordance with the current Rural Living Provisions of the Hepburn Planning Scheme.

It is submitted that the local Council has to date failed to include any of the previously approved Ministerial Directions relating to the schedule to the Rural Living Zone introduced some ten (10) years ago now.

Finally, this submission to the Hepburn Planning Scheme Amendment C80 is made in support of the primary objective that demonstrate compliance for the subject land to be further subdivided into four (4) separate certificate of titles and each containing an existing fully contained dwelling used for residential living purposes and previously approved by the local Council on the property known as 128 Ajax Road, Hepburn located on the very urban of both the Daylesford and Hepburn Springs Townships.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DAYLESFORD VIC 3460

Dear Alison,

RE: Hepburn Planning Scheme Amendment C80
4 Cobblers Lane, Daylesford

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The site is currently zoned General Residential Zone – Schedule 1 (GRZ1) and under the Table to Clause 32.08-2 it states that the use ‘Accommodation’ (the definition includes a dwelling) is a Section 1 ‘No Permit required’ use. Also, Clause 32.08-9 of the General Residential Zone states that only a planning permit is required for buildings and works for a use in Section 2 of Clause 32.08-2, and as a dwelling is a Section 1 use, no planning permit is required for the construction of a dwelling.

My client is also fully aware the site is covered by a Bushfire Management Overlay (BMO) and the Environmental Significant Overlay (ESO1 & ESO2), and both Overlays trigger the need for a planning permit for all buildings and works as well as for the removal of existing vegetation. **These Overlays do not prohibit the building of a dwelling on the land.**

The proposed Schedule 6 to the DDO under Clause 2.0 states that:

‘A building used for accommodation must not be constructed within 500 metres of the edge of the Daylesford Material Recovery Facility.’

The proposed Overlay implies that a **‘new dwelling’** or an **‘extension to an existing dwelling’** is prohibited. The Overlay also prohibits the land from being further subdivided as it proposed that a lot must only have a minimum size of 1.0 hectare. The current land area is less than 1.0 hectare. This Overlay will deny the landowner from making a planning application under the Hepburn Planning Scheme.

[REDACTED]



The landowner will be severely impacted by this Overlay, effectively making the subject land **'worthless'**. Natural justice has been denied for the landowner, [REDACTED]. If the amendment is to be approved in its current form, the landowner would potentially be entitled to seek compensation from Council for this loss.

The landowner is aware that a number of submissions have been or are to be made concerning the implications the proposed Overlay will have on land values in the immediate vicinity of the MRC and the landowners is in full support of these submissions and supports of the submission that has been prepared by the Friends of Ajax Road.

In formulating this amendment there was no prior discussion or any extensive community consultation about a proposed buffer being included around the Daylesford MRC. There was only a simple comment in the consultant's report to the February 2020 Council meeting that made reference to EPA guidelines.

The document entitled 'A Practitioners Guide to Victorian Planning Scheme Version 1.3 January 2020 details a brief summary of each Overlay in the Victorian Planning Provisions and the planning outcomes they seek to achieve. The Design and Development Overlay is to:

- ***principally intended to implement requirements based on a demonstrated need to control built form and the built environment, using performance-based rather than prescriptive controls.***

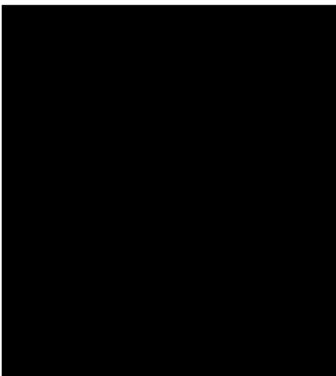
The proposed DDO6 is not the correct planning control to be used in this instance. The proposed Overlay is not based around any performance based controls, only prescriptive based controls (no development).

On this basis, it is requested Council to abandoned the Amendment referring to the proposed DDO and that a future amendment (or split the amendment) reconsider the best planning control for the Daylesford MRC.

Given the complexity of this matter, it is the appropriate opportunity for Council to explore the relocation the existing Daylesford MRC to another site that is in an area outside of the main residential areas of Daylesford so there would be less of an impact to surrounding properties.

My client wishes to have the opportunity to respond to any further changes to the amendment and any meetings that involve the issues around the proposed DDO6 in the Hepburn Planning Scheme.

If you have any issues, please don't hesitate to contact me on [REDACTED]



OBJECTIONS TO THE EXTENSION OF SIGNIFICANT LANDSCAPE OVERLAY (SLO1)

By email (planningscheme@hepburn.vic.gov.au) to The Planning Scheme Review Officer,
Hepburn Shire Council, PO Box 21, Daylesford VIC 3460

[REDACTED]

We object to the proposed extension of the existing Significant Landscape Overlay (SLO1) for the following reasons:

1. The existing SLO1, on the cone of Kelly's Hill, already covers between a third and a half of our property.
2. The proposed extension of SLO1 would cover our entire property.
3. The existing SLO1 is more than sufficient to ensure compliance with and fulfill the aims of the SLO on our property.
4. The extension of SLO1 will adversely impact the value of our property as prospective landholders will be concerned about the increased overheads imposed by the permit requirements.
5. The lack of community consultation regarding the proposed extension of SLO1. We believe the community should be consulted about and receive information regarding:
 - a. the reasons behind the proposed extension of SLO1;
 - b. how the Hepburn Shire Planning Department reconciles the significant negative impact of the proposed extension of SLO1 with the rights of landowners affected by it to conduct their normal farming operations in a productive and cost-effective manner.

We attended the Additional Information Session on 24 August 2020 and these matters were not adequately addressed.

6. The difficulty in interpretation of sections of SLO1 and the proposed Schedule 1 to Clause 42.03 Significant Landscape Overlay (Schedule 1).

For example:

- a. The words *agricultural activities* and *ploughing* in Clause 42.03-2 of SLO1 are not defined.
- b. The words *minor construction to existing buildings* and *works* in Clause 3 of Schedule 1 are not defined.

7. The unnecessary, unduly restrictive and complicated conditions in Clause 3 of Schedule 1:
 - a. The existing permit requirements of Clause 59.06 which apply to any VicSmart application to remove, destroy or lop one tree, are sufficient to achieve the aims of SLO1. The introduction of additional permit application requirements for the removal of vegetation is unnecessary, unduly restrictive and complicated.
 - b. The maximum width of clearing allowed on either side of a fence of 4 metres is inadequate for the passage of a tractor. The allowance should be increased to 6 metres.
 - c. The requirement that buildings be constructed of *muted, natural and non-reflective colours and materials* appears to exclude the use of galvanized iron or zinalume. This material has been used in construction of farm buildings for hundreds of years and buildings constructed of these materials form part of the character of the landscape which SLO1 seeks to maintain. Therefore to exclude the use of this type of material in construction is unnecessary and unduly restrictive.
 - d. In addition, on our reading, the effect of the words *that are of muted, natural and non-reflective colours and materials* in the second last paragraph of Clause 3 is that a permit will be required for *any* building constructed of galvanized iron or zinalume, regardless of whether it is less than 6 metres in height and less than 100 square metres in area, so that even a garden shed constructed of galvanised iron or zinalume would require a permit.
 - e. If this is the case, then we believe the condition is unduly restrictive and unjust, given the complicated and expensive permit application procedure proposed. Clause 3 should be redrafted to remove the restriction on the use of galvanized iron and zinalume.
8. The potential for unnecessarily complicated procedures and increased cost involved in the farming operations on our property due to extension of SLO1 and the proposed permit process:
 - a. The permit application requirements set out in Clause 4 of Schedule 1 are both expensive and confusing. The site evaluation, landscape plan and visual impact assessment required to accompany the application, would require us to engage a landscape architect and/or professional planner to complete the application at a cost of perhaps \$4,000-\$5,000.

- b. In addition the criteria required to be addressed in the visual impact assessment is confusing as the terms *major viewing corridors* and *identified significant viewing locations* are not adequately defined in Schedule 1.
 - c. In particular given the location of our property, I am unable to identify from the information provided in Schedule 1 how any normal farming operations, housing or shed construction, or vegetation lopping on our property, could have a visual impact on the significant landscape features in the area.
9. The introduction of the proposed permit application process in Schedule 1 could potentially act as a deterrent to the objectives of SLO1:
- a. Clause 42.03 of SLO1 states one of the purposes of SLO1 is *to conserve and enhance the character of significant landscapes*, and under Schedule 1, Clause 2, one of the landscape character objectives to be achieved by the extension of SLO1 is to *increase indigenous planting*.
 - b. We believe the introduction of the expensive permit application process under Schedule 1 could potentially be a deterrent to both those objectives. A landholder who might be contemplating the removal of a stand of non-indigenous trees and re-planting with indigenous species is unlikely to undertake this task when faced with the extra financial outlay involved in the permit process.

61.- Would you like to provide comment on the proposed Neighbourhood Character Overlay?	No							No		No	No		No	
62.- Please provide comment on the proposed Neighbourhood Character Overlay below.														
63.- Would you like to make comment on any other overlays?	No							No		No	No		No	
64.- Please provide your comments on any other overlays below.														
65.- PARTICULAR PROVISIONS	No							No			No			
66.- Please provide your comments on the particular provisions below.												SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS there is reference to Wombat Hill Botanic Gardens Masterplan (Carl	This survey is not very user friendly, wrt that there is no back button, and it requires a skill set regarding planning segmentation that is probably beyond	
submission date	2020/08/28 15:08:09	2020/08/28 12:49:07	2020/08/28 09:45:10	2020/08/27 15:46:04	2020/08/27 12:40:43	2020/08/26 21:22:30	2020/08/25 22:33:13	2020/08/20 15:17:03	2020/08/17 10:05:43	2020/08/12 10:12:52	2020/08/11 20:00:59	2020/08/07 12:11:08	2020/08/03 10:18:45	2020/07/20 18:16:23
actions	delete	delete	delete	delete	delete	delete	delete	delete	delete	delete	delete	delete	delete	delete

Amc80hepb Submissions received