



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 15 September 2020

Virtual Meeting
via Video Conference

6:00pm

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA [COUNCIL'S FACEBOOK PAGE](#)

Confirmed at the Ordinary Meeting of Council held 1 December 2020

A handwritten signature in black ink, appearing to read "Lesley Hewitt".

Chair, Cr Lesley Hewitt, Mayor

MINUTES

Tuesday 15 September 2020

Virtual Meeting

via Video Conference

Commencing at 6:00pm

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EVAN KING

CHIEF EXECUTIVE OFFICER

TUESDAY 15 SEPTEMBER 2020

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Licia Kokocinski (Mayor), Cr Kate Redwood AM, Cr Don Henderson, Cr Fiona Robson, Cr Greg May, Cr John Cottrell, Cr Neil Newitt

OFFICERS PRESENT: Mr Evan King - Chief Executive Officer, Mr Bradley Thomas - Director Community and Corporate Services, Mr Bruce Lucas - Director Infrastructure and Development Services, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager Governance and Risk, Ms Bronwyn Southee – Manager Development and Community Safety, Mr Nathan Aikman - Coordinator Planning, Ms Alison Blacket - Senior Planning Consultant.

The meeting opened at 6:02pm.

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF
GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

MOTION

That Council approve to extend the duration of the Ordinary Meeting of 15 September 2020 for an additional 3 hours as per Council's Governance Rules.

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

3 APOLOGIES

Nil.

4 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Don Henderson declared an Indirect Interest - Impact on Residential Amenity for Item 10.4 Planning Application 2666 - 10 Hannah Street Clunes (Wesley College) due to owning a property nearby.

Cr Don Henderson declared an Indirect Interest - Close Association for Item 13.1 Local Law no. 2 - Community Reference Groups - Appointment of Members due to a close relationship with one of the members seeking appointment.

Cr Greg May declared an Indirect Interest - Close Association for Item 12.1 Pedestrian Crossing Policy due to a close relationship with the Council Officer authoring the report.

Cr Greg May declared an Indirect Interest - Close Association for Item 12.9 Awarding of Contract HEPBU.RFT2020.135 - Creswick-Lawrence Road Reconstruction Creswick North due to a close relationship with the Council Officer authoring the report.

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 18 August 2020 and the Minutes of the Special Meeting of Council held on 25 August 2020 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 18 August 2020 and the Minutes of the Special Meeting of Council held on 25 August 2020 (as previously circulated to Councillors) be confirmed.

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

6 NOTICES OF MOTION

No Notices of Motion have been received.

7 ITEMS OF URGENT BUSINESS

Nil.

8 COUNCILLOR AND CEO REPORTS

8.1 MAYOR'S REPORT

Councillor Licia Kokocinski, Coliban Ward

With council elections scheduled for 2020 and this term of council coming to close, this will be my last report as Mayor. Council goes into what is called 'caretaker' mode on 22 September. I would like therefore to wrap up the year, if I may.

I was elected in a bi-election in March/April, 2019 and then elected as Mayor in November of that year. Not in my wildest dreams did I imagine it would be such a torrid and challenging year, although I was prepared for some challenges. I am sure that my fellow Councillors would share the view about 2020 being a torrid year.

Council, by virtue that it is a government, governing for all its residents, will continue to make some difficult decisions, often on contentious issues. During the year, we have had to deal with such difficult issues as the removal of geese from our waterways, reviewing and adopting Local Laws, the Hepburn at the Rex issue and Planning continues to be a difficult and complicated areas for us to deal with. At the same time, we faced an unprecedented fire season due to climate change, with many parts of Gippsland devastated (including NSW). Here in Hepburn, we faced threats in Hepburn, Clunes and Smeaton, which all our assets and personnel pounced on. As a consequence of low summer temperatures and heavy rains late in summer, we dodged that bullet.

Then the world-wide COVID-19 virus, struck Australia. It had commenced circulating in other parts of the world, but it hit Australia some time in March/April this year. The consequence was government-mandated restrictions which impacted on every facets of our lives. By June, we thought we had it licked and we saw an influx of day trippers and tourists to our towns. But this was a false lull, and Melbourne faced a second surge, resulting in more severe restrictions. The regional areas restrictions were raised to Level 3, which remains until the State Government believes it is safe to reduce the restrictions.

It is not surprising that our annual Customer Satisfaction Rating took a dive this year. We take the lessons from that exercise and will improve our processes at all levels of the organisation. As we now have a virtually new management team, the strategic planning that is required to make sure that such challenges do not arise, is now taking place.

But there were some great wins in this Shire – we were successful in our proposal to establish Hepburn as a Hub for Premium Produce, we gained substantial funding from State Government (and we look forward to more!), the emergency management successfully and calmly swung into action when bushfires threatened and the pandemic commenced its march. The management has changed dramatically over the past two years, having a much more professional, methodical

and strategic approach to running the Council operations. I would urge all council candidates to note this statement.

We successfully managed the smooth transition to virtual meetings. A new Local Government Act is now in place, and I note that most of the elements are now in place. I congratulate Mr Evan King, our CEO, and his staff for working so hard on ensuring that those elements that have had to be in place from 1 September are now in place while at the same time as running the ordinary business of council.

There will be two Councillors not seeking renomination – Crs Kate Redwood, AM and Greg May. Cr Redwood has been Councillor for Birch Ward for 8 years, and prior to that a Melbourne City Councillor for 6 years. In her time here, she served as Mayor and Deputy Mayor. She has an outstanding reputation for advocacy and leadership within this Shire, and demonstrated exemplary leadership of numerous groups.

Cr May has been a Councillor for Creswick since 2012. He also has served as Mayor and has equally shown tenacity and commitment to his community and to the Shire. We wish them all well in the next phase of their lives. I wish all those Councillors who are seeking re-election, good luck. We should remember that the electorate never gets it wrong, even if one disagrees with the result. Additionally, our members owe us, the elected representatives, nothing.

To conclude my Report, I want to thank Mr Evan King, Mr Bradley Thomas, Mr Bruce Lucas, and all their Managers and Staff (too numerous to mention) for supporting me in my term as Mayor. Unless the Mayor has the trust and co-operation of these staff, the position of leadership is impossible. It's been a wild but personally fulfilling ride. I hope that my term has also been rewarding for residents.

8.2 COUNCILLOR REPORTS

Councillor Kate Redwood AM, Birch Ward

This is my last report as an elected Councillor for Hepburn Shire Council.

It seems appropriate to tie off some loose ends.

My report for September 2019 lists several issues that have progressed significantly in the last 12 months:

In 2019 I had called the first public meeting regarding setting up a community newspaper. As a result of this [the Wombat Post](#), a community owned and run e-news for Daylesford and Hepburn Springs, was established and has been appearing weekly for over 6 months. This is run by a community committee, and aims to provide accurate information about community happenings. Its readership is now over 1000 per week and copy from the community rolls in.

Daylesford Indoor Aquatic Committee had met and was lobbying all levels of government to obtain progress in achieving an indoor aquatic centre for Daylesford. A grant had just been applied for from the Council to state government, to undertake a strategy for aquatic facilities for the Shire. It is heartening that this project has now commenced, and the most-wished-for facility for the Daylesford community is one step closer.

The Grampians Waste Resource Recovery Forum had met. I had recently taken up the position as Council rep on this regional forum (after Cr Klein had resigned from Council) and had found it to be lots of talk and little action. Ah frustration – the Forum refused to write to state government supporting container deposit legislation. The Council was about to tender for new kerbside collection services and was looking for partners from other councils. The Minister put the tender on hold pending the announcement of the circular economy policy. 12 months later, the circular economy policy has finally been announced, and each council is to produce a transition plan. I have one last meeting of the Forum to attend by zoom. I am not expecting miracles. Waste management is such an important issue for councils. We badly need a progressive and collaborative and energetic regional strategy.

The sod turning for lowering the underpass below the railway bridge on East Street Daylesford had just happened. This project was completed on time and on budget and the resulting access to the industrial estate off East Street seems to have gone ahead without a hitch. The heavy vehicles using Stanbridge Street has reduced. Hooray! Council support for B-Double licenses is now dealt with by the officers. I think I voted against every one on principle, on the basis that these heavy vehicles wreck Council roads, and should not be allowed into residential streets and no recompense is ever received from the Regulator.

In 2019 I was in the midst of my 8th year as chair of the IWD Advisory Committee (and 10th as member). The Committee was planning the annual March event to be held in Clunes, and which I can now write with pride was a great success. At tonight's Council meeting new arrangements for Council's various affirmative programs for women, including IWD, are to be considered. I welcome this as strengthening Council's commitment and a new chapter for IWD.

12 months ago I had attended the monthly meeting between Friends of Ajax Road and Council officers. How unlikely at the time was the closure of the MRF facility which happened in April this year, and the huge disquiet about the DDO6 proposed as part of the Hepburn Shire Planning Scheme review.

Over the last month I have spent a great deal of time on phone calls, emails, and zoom meetings regarding DDO6. It is quite clear to me that a) a 'one size fits all' buffer zone taken 'off the shelf' is not going to work for residents living near the Daylesford Transfer Station, and b) the lack of any empirical risk assessment of that facility leaves a vacuum where evidence based decision-making could be. It is hoped that this issue is dealt with tonight.

The Review of the Hepburn Planning Scheme (c80 amendment) is a huge milestone in the life of this Council. The first total review of the planning scheme is a first for over 20 years and long overdue. To a great extent the draft that has been exhibited has been strongly supported. This has been overshadowed by the large number of objections for the DDO6 and the SLO. I would like to take this opportunity to acknowledge the wonderful work done by our consultants and our senior planning staff. It is a huge legacy to the Council to have a planning scheme that can be used as the basis of planning decisions and which reflects the values and expectations of the community. A year ago, we were meeting around the Shire to hear from residents the things that they liked or did not like about the Shire and what they wanted reflected in the planning scheme. The result is an achievement that we should all be very proud to support.

There has been a vast array of other issues, but not the space or time here to account for them. I would finish with some general comments that could be of use to candidates new to council.

It is essential to know what you stand for as a councillor. If you are not clear on your values and position on key issues you will be pushed from pillar to post by opposing interest groups. Remember – your every vote is public!

The term of 4 years is not very long – it takes at least 3 years to achieve anything major, so know what you want to achieve at the start of the term and get that into the Council Plan. I stood in 2012 to achieve the new pavilion in Victoria Park Daylesford. It took till year 4 of the term to see the pavilion built and open.

Understand that the budget defines what can be done. It is rarely possible to change this once adopted. However there is a midyear budget review for anomalies.

As a councillor you are part of a voting group. Learn to count up to 4, and understand that no one achieves anything alone.

Finally, it has been a great privilege to have represented constituents for a total of 14 years including 8 with Hepburn Shire Council. My thanks to many – to my fellow Councillors, to the Council officers, and to the many folk in the community with whom I continue to work. While my life as a Councillor is over, my work in the community continues.

Councillor Don Henderson, Creswick Ward

Well what can I say about my time on Council. Perhaps just to note the diversity of our residents to the extremes of our climate. Not long after I got on to Council we were manning the relief centres during the fires that swept through Musk to the devastating floods in Creswick and Clunes. I really discovered a strong feeling of goodwill and generosity that has stayed with me.

I have seen various iterations of Councillor colleagues and a number of CEO's as well as staff that seem to come and go.

For my part the community of Creswick and beyond have become a valuable part of my life journey. After being elected in 2008 I took the view that I was now a Councillor who had responsibility for all people in our Shire and not just the people of Creswick Ward. As a result there are now many folk across the Shire that have become friends.

We have not always agreed on the right path but for me it has been a fabulous chapter.

I would like to think of some of the good things that have stuck with me. People who were left only with a few sodden possessions and still had time to tell me to go home and have a sleep we will be ok. Old people shivering with cold who asked for a blanket to keep their pets warm. It was a time to reflect upon just how resilient and good people really are. Sometimes it is the little things that count and to hear from a child how much they enjoy a splash park or riding their scooters and boards and knowing that makes it really worthwhile. It is not all about bike tracks and sports ovals although they are important.

The Creswick Ward community by and large have treated me as a sort of extended family member and to be treated in this way has made my life as a councillor a very enjoyable one. Often people say to me that they do not know how I put up with things. but my experience is that I have been given a great opportunity to empower and help the community that makes up our Shire. Others say I am lucky but to all of those who take the time to stand for Council I can tell them that the harder you work the luckier you will get.

12 years seems a long time but I would have to live to a world record age to beat one Creswick Councillor John Leishman who served for no less than 58 years, must have been some person to be re elected so many times.

I would like to thank all councillors who have served on Council and also the Council staff. Our present CEO is a person who will instil confidence and trust that we all need. Without the support of our staff nothing would get done I have shared the journey with my partner and best friend Judy who has joined in and helped me beyond description.

Our shire has gone forward, both in thinking and improving infrastructure for our residents. When I look at the changes to our sporting facilities and other amenities and actions on climate change and renewable energy there is much to like about this place.

Thank you.

Councillor Greg May, Creswick Ward

This is my last meeting as Creswick Ward Councillor as I'm not standing as a candidate in the upcoming elections. To those who are, I wish you well, and very much hope that whoever might make up the incoming council will work co-operatively with the interests of the whole community at heart.

To my councillor colleagues who I have worked with over the last 8 years I thank you for your friendship and respect. Over those years we have agreed to disagree on a number of fronts but have always been prepared to listen to others opinions and shown respect for them. My thanks also to the council officers who I have worked with during those years who have largely been co-operative, respectful and prepared to listen as well as willing to keep me informed.

Council has a large number of employees but there are two who I would like to make special mention of. The first is Michelle Dove who has been the CEO's PA during my time as a councillor and responsible for keeping us councillors on track. Over the years Michelle probably became very tired of my tardy responses to some things but has always been great to deal with and a friendly voice on the other end of the phone. Councils need to be a team effort between elected councillors and council staff but there needs to be a good person in charge. Hepburn currently has such a person in Evan King the CEO. Evan knows more about local government than most and is particularly conscientious about this shire. If I was to offer any advice to the incoming councillors, it would be to do what you can to keep him here at Hepburn Shire.

In years gone by councils were relatively simple organisations run by just a few people with the main focus being roads, rates and rubbish. How things have changed with councils being made responsible for more and more and taking on roles which perhaps are those of others. My concerns are that Council loses focus on its core responsibilities in an attempt to be all things to all people. I am however pleased with the achievements made in recent years in the shires recreational facilities which has been a focus of mine. With just a couple of exceptions I believe these facilities to be as good as you'll find in most small rural shires. I will miss some aspects of councillor life and especially my involvement with the small rural community groups who have made me so welcome and been so appreciative and easy to work with.

All councils will sometimes be faced with contentious issues and Hepburn has been no exception in recent times. The most contentious off all, in my view is currently unfolding and could very adversely effect large sections of the western part of the Hepburn Shire. This is the planned Western Victorian Transmission Network Project which is obviously not a project of councils doing. Local laws will come and go, property boundary disputes will come and go and geese issues will come and go but if these monstrosities go ahead they be a blight on our landscapes for generations. Small rural shires are perhaps small players in this David and Goliath battle, but I implore the incoming council to do all that is humanly possible to stop this project as it is currently planned.

Finally, I'd like to thank my wife Marg for being very understanding over the last 8 years and who has provided me with all the support one could possibly hope for.

Greg May
Creswick Ward Councillor
2013-2020

Councillor Fiona Robson, Birch Ward

My four years of being a councillor has been a privilege. I have learnt a lot and am pleased with the progress that has been achieved for our community. I also recognise that there are many opportunities for further improvements. I value the trust that people have put in me as a community leader. There are many people to thank.

I acknowledge and appreciate my fellow councillors. Anyone that puts their hand up to be a councillor has my respect. We have endeavored to work as a team and achieved a lot together. We have not always agreed, which is a healthy sign when we are representing such a diverse community. There are a number of councillors retiring. I thank Cr Kate Redwood who has been my fellow Birch Ward Councillor and has worked hard during her terms. She knows local government well and I value what I have learnt from her along the way. I have enjoyed working with Cr Greg May who has listened well and has helped to keep a balanced perspective. Cr Neil Newitt has continually considered the perspective of his community and how best to communicate so that people can understand. I also acknowledge Cr Sebastian Klein who resigned during the term. He brought valuable views, skills and knowledge and provided useful guidance and support when I was first elected. I wish them all well.

I am very appreciative of our CEO, Evan King. He has brought great competence, commitment and care to Our Council. A strong working relationship with the CEO is vital for a healthy organisation and I ask that the next council to work in partnership with the CEO and support him to continue to develop the organisation. The CEO has brought together a strong team. I appreciate the officers who work so diligently to serve and support our community. Their role can be very challenging and are the ones that have to carry out council's decisions, which are not always popular. I encourage people to thank council officers when appropriate as it can be way to easy to criticise.

I thank our community and appreciate everyone in the Shire, particularly Birch Ward. There is a huge diversity of ideas, priorities and approaches and I very much value the energy and enthusiasm that many people bring to initiatives and issues. I have been exploring ways we can work better together and am excited about the work that is planned to enhance and structure our council's community engagement approach. I am also interested in ways to encourage a willingness for us all to listen to understand each other as well as state ideas and opinions in a clear, calm and

respectful manner - particularly when we do not agree. I think we are getting better at this.

I am particularly grateful for my family. I would not be able to do what I do without them. My two children have been patient and understanding. I often bring them along to events with me when they would prefer to be doing something else. My husband is my hero. He is the one that holds our household together. I thank him for his care and ongoing support.

I look forward to the continuing maturing of our council and the benefit it will bring to the people that live in our shire. Thank you.

Councillor John Cottrell, Holcombe Ward

On joining Council a key focus has been the function of Council - a separate and largely self-regulating cohort ultimately accountable to the community for the actions of Hepburn Shire. We do this through our only employee – the CEO – and through him with the Executive in setting policy direction for the organisation, and oversight on the delivery on those policy.

A successful outcome rests squarely on this unique relationship that is ultimately based on trust.

Since July 2018 council has been fortunate to have a CEO whose attributes underpin the Core Values established by Council in February 2018 - those of the action and behaviour of openness, honesty, ethics, and acceptance of accountability. Hepburn Shire was the first Council in Victoria to introduce a Governing Policy Framework and a set of governing policies (www.hepburn.vic.gov.au/governing-policies) – policies setting principles of desired action and behaviour across the organisation. The State Government may have looked to Hepburn Shire in drafting the principles for the new Local Government Act 2020. Joining the CEO are two well credentialed and decisive yet empathetic Directors. Collectively this is a most professional and capable group.

The Hepburn community can be immensely proud of the quality in our Executive team.

I have no hesitation in saying that the group of councillors I have collaborated with over the past four years – as the decision-making Council – have worked with a single mindedness to improve the wellbeing of the community as a whole. While we are each put into this place by constituents of our respective Wards, legislation dictates that our primary focus is to the broader community – while bringing to that deliberation our Ward community's views.

I believe that this council has performed commendably in this pursuit.

Even though our decisions are to be made in the best interests of the full municipality, this at times brings us into conflict with groups within the community

who passionately share opposing views – which are often displayed in the unregulated forum of social media. In using social media there is, unfortunately, no requirement for evidence based truth or in accordance with fact or reality, or even reasonableness. Often its use is reduced simply to the opportunity to voice – in whatever form.

It is unfortunate that our staff, as front line for this organisation, are often the subject of this disgust. It saddens me to raise this reality.

On a more positive note Madam Mayor I would like to recognise some of the people who have assisted in making my journey so rewarding.

In my roles as Mayor, Deputy Mayor, Councillor, Member of the Audit and Risk Committee and Chair of the Disability Advisory Committee I have experienced the antithesis of the above mentioned behaviour. In these roles I have met and worked with the best our community has to offer – people who unconditionally give their expertise, experience, training, and critical thinking, voluntarily to the benefit of council and our community.

In particular, involvement with both the Audit and Risk and Disability Advisory Committees brought me into a working relationship with quite remarkable people. Both groups personify participatory engagement. Some with specific training and expertise to assist council, and others with unique lived experience – that of living with a disability, who, more than any able-bodied officer, can relate to such critical actions as - entering a building; access to toilets; safely crossing a roadway; and reading or listening to life-saving messages. In both cases these people volunteer their time, expertise, and experience for the good of council and the community.

To our Executive, who are so critical to the functioning of Council and with whom I have enjoyed working.

Mr Lucas, Director Infrastructure and Development Services. In June 2018 at a time when understanding and compassion was desperately needed Council turned to Bruce - and handed him what at that time could be described as the hospital pass of interim CEO. On top of the challenge ahead Council, almost immediately, presented Bruce with a request passed from the Audit and Risk Committee to initiate an external audit of the refurbishment of The Rex project. He took the pass, headed for the try line and as of tonight Madam Mayor will, hopefully, score the touch and by mid-2021 convert for full points and deliver a magnificent Hepburn Hub at the Rex.

Mr Thomas, Director Corporate and Community Services. It is unusual for an organisation to have in its executive someone who combines the sound management and financial acumen of Bradley. While no one works in a bubble or is solely responsible for key initiatives Bradley has transformed to leading practice critical financial management and operational capabilities of the organisation. Such is the respect for these capabilities Bradley's peers across local government have elevated him to the position of President of the Local Government Finance Professionals

(FinPro) - the peak body servicing Local Government Finance Professionals in Victoria.

And Mr King, CEO – in late July 2018 Evan commenced as CEO inheriting a sad, dysfunctional, and leaderless organisation – save for the critical repair work commenced by Mr Lucas. Armed with his sound moral compass, ethical approach, financial and governance training, private and public sector experience, skilled networking and relationship management he immediately set about assessing organisational gaps and aligning the organisation with its services and employing merit based management and staff. Key to Evan’s success has been openly handing his leadership team and staff budget responsibility with authority to perform. Through his tireless work across government departments and councils Hepburn is now broadly held in high regard.

Our Council – and I say that consciously - because this decision-making group have performed to an extremely high level. Some members of our community may be alarmed by this statement – but they may take that view without the evidence of participation with a cohort that can, and does, bring forth and share differing points of view, debate, call for more information, synthesise and reach decision and consensus. And always in a respectful and amiable way. Decision-making is not easy, and does not always satisfy all parties. It has been a pleasure working with all councillors, and I would especially like to thank Crs Henderson and Redwood for their counsel over these past four years - derived from their respective extraordinary backgrounds.

Every group needs a leader and this year we have been fortunate to have the enthusiasm and drive of you, Mayor Cr Kokocinski. You have networked across all areas of government, councils and our many other and varied stakeholders, and worked closely with the CEO to enhance the performance of council.

To all council’s staff and volunteers - thank you all for your amazing talents, hard work and dedication in maintaining in the Hepburn community the many services provided by council. You have all worked under trying COVID-19 conditions throughout most of this year, and without this largely behind the scene effort the community would have suffered immeasurable stress.

My role as Holcombe Ward councillor can be problematic, as unlike our other Wards there is no central meeting place, no High Street. Instead we are a collection of villages and hamlets sparsely spread from Clydesdale, and parts of Yandoit and Franklinford and from Coomoora along the Daylesford-Malmsbury Road through Glenlyon to Drummond at the border with Malmsbury. Holcombe ward is not blessed with the infrastructure of the shire’s larger towns that attracts additional funding for new projects – although to some, further development in our region is not wanted. Funding received over the period includes improvement to many roads, refurbishment to the Drummond Hall, completion of the Coomoora-Daylesford walking/cycle path stage 1, the almost there Glenlyon Recreational Reserve Master Plan, and budget allocation for the reserve pavilion refurbishment project.

Finally, the community of Hepburn Shire. We live within a community of great diversity, talent, perspective, and opinion. From hospitality and the arts to agriculture and produce, and in many other pursuits there is passion, purpose, innovation, and entrepreneurship. Serving our community has its challenges – but engaging which our community has always been rewarding.

Thank you all for respecting the pandemic precautions and keeping us all COVID safe.

Thank you, Madam Mayor.

Councillor Neil Newitt, Cameron Ward

I too would like to take the opportunity to say a few words - this being our last Council meeting before the next elections.

I would like to take the opportunity to announce that this is my last Councillor Report, not just for this term, but for my time as a councillor.

I have decided not to seek re-election.

I have been a councillor for the Cameron Ward for the past 9 years and feel it is now time for me to explore other interests.

I have enjoyed working closely and on behalf of all in the community - from individuals, to community groups. With businesses, our events and with our volunteers. From new residents to those that have called this area home for many years. I have heard clearly from our youth to our seniors. I thank you all for your engagement and passion for the betterment of the community

I have found it rewarding to be able to take the ideals and wishes of the communities I represent, to council and to see many of these projects realised during these past 9 years.

The success of these projects have come about because of the commitment of many - in most cases they were started with community members, but their success was from the recognition by Council and officers who saw their value to the community. I would take this opportunity to thank those in council who I have worked with closely to see these ideas delivered.

Over the years there have been many projects and improvements that I have been proud to bring to council. Some small, some large but all identified by the community as being important.

Two that stand out and effectively bookend my years with council are the Clunes Warehouse - which brought a new \$3 million multi purpose facility to town. And the restoration of the Clunes Town Hall which will see the 150 year old iconic goldfields building brought back to its spender for the next 150 years.

They are both examples that signify what is important to the community - they brought new opportunities, and recognition of our history - and were driven from the heart of the community.

They were not some short term reward but will be of great service to the community for the future - and I am particularly proud to have helped delivered these. They will continue to be enjoyed and valued for many years to come - long after my term as Councillor ceases next month.

In closing I thank my community for the opportunity to serve them, to represent them - and to bring their voices - to this Council.

RECOMMENDATION

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

MOTION

That Council receives and notes the Mayor's and Councillor Reports.

Moved: Cr Fiona Robson

Seconded: Cr Don Henderson

Carried

8.3 CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

That Council receives the Chief Executive Officer's Report for September 2020.

MOTION

That Council receives the Chief Executive Officer's Report for September 2020.

Moved: Cr Neil Newitt

Seconded: Cr Kate Redwood AM

Carried

8.4 ACKNOWLEDGEMENT OF RETIRING COUNCILLORS

RECOMMENDATION

That Council acknowledges retiring Councillors and thanks them for their contribution to the Hepburn Shire Council for their respective terms.

MOTION

That Council acknowledges retiring Councillors and thanks them for their contribution to the Hepburn Shire Council for their respective terms.

Moved: Cr Don Henderson

Seconded: Cr John Cottrell

Carried

9 PUBLIC PARTICIPATION TIME

This part of the Ordinary Meeting of Council allows for the tabling of petitions by Councillors and Officers and 30 minutes for the purposes of:

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

Community members are invited to be involved in public participation time in accordance with Council's Governance Rules.

Individuals may submit written questions or requests to address Council to the Chief Executive Officer by 10:00am the day before the Council Meeting.

Some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

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

BEHAVIOUR AT COUNCIL MEETINGS

Council supports a welcoming, respectful and safe environment for members of the community to participate at Council Meetings regarding issues that are important to them. Council's Governance Rules sets out guidelines for the Mayor, Councillors, and community members on public participation in meetings. It reinforces the value of diversity in thinking, while being respectful of differing views, and the rights and reputation of others.

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

MOTION

That Council, in line with Council's Governance Rules, approve for the additional allocation of 15 minutes, totaling 45 minutes, for public participation time in the event that the questions, responses and requests to address Council exceed the allocated 30 minutes for Public Participation Time.

Moved: Cr Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

9.1 PETITIONS

9.1.1 OBJECTION TO HEPBURN PLANNING SCHEME REVIEW - DESIGN AND DEVELOPMENT OVERLAY 6 (DD06)

The Petition was received on 28 August 2020 and has 75 unique signatures. An additional 55 signatures were received on 15 September 2020.

The petition reads:

"DD06 impacts residents in the proposed area by removing/restricting existing development and land use rights, reducing property value, and raising the risk of being left with worthless land if our homes are damaged or destroyed.

DD06 Should therefore be abandoned as a consequent of Council:

- *Not meeting PEA 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 and Environment Act to act in the interests of all Victorians and recognising that DD06 is clearly not in the interests of residents.*

The design and development provision 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 residents until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that residents need to sell their property, it may not be possible due to the overlay, as has already been the recent experience of a property owner."

RECOMMENDATION

That Council:

- 1. Receives and notes the Petition;*
- 2. Refer the Petition to the Director Infrastructure and Development Services to be included with other submissions;*
- 3. Respond to the lead petitioner to advise of Council's determination on the matter.*

MOTION

That Council:

- 1. Receives and notes the Petition;*
- 2. Refer the Petition to the Director Infrastructure and Development Services to be included with other submissions;*
- 3. Respond to the lead petitioner to advise of Council's determination on the matter.*

Moved: Cr Fiona Robson

Seconded: Cr Don Henderson

Carried

9.2 PUBLIC QUESTIONS

The Chair will read out and respond to questions received in accordance with Council's Governance Rules.

Questions 1 and 2: Mr Trevor Armstrong

Has the report of the Local Government Inspectorate on the Rex project been completed? If not, when is the report expected to be completed? Has the report been received by Council? If so, when and how will it be made available to the residents of the Shire?

Response: Mayor Licia Kokocinski

A recent update provided by the Local Government Inspectorate indicated that they were about to complete interviews and investigation and are aiming for the report to be publicly released by the end of the current calendar year.

Question 3: Ms Margret Lockwood

What has been the expenditure to date for assessing the extent of lead and PAH contamination of the Glenlyon Reserve?

Response: Mayor Licia Kokocinski

Two consultants have been engaged over the last 12 months to provide a preliminary assessment and a detailed assessment to determine if there was contamination and the extent of contamination as per requirements for the Environmental Protection Authority (EPA). The cost for these assessments is \$83,258.

Question 4: Ms Margret Lockwood

In other municipalities clean-up of lead and PAH contamination has been in the order of millions of dollars. How much has been allocated for the EPA mandated clean-up of the Glenlyon Reserve?

Response: Mayor Licia Kokocinski

Future costs for any remediation at the Glenlyon Reserve will be known when a Clean-up Plan has been developed, as per EPA requirements. The Clean Up Plan is due for submission to the EPA in May 2021. Any costs for required remediation will be considered in the development of the 2021/2022 Council budget.

Question 5: Mr John Shields

Re: PA 2676, 24 Alliance Street Clunes

Disturbance to the Alliance Street mullock heap as a result of this development will permanently impact on the visual understanding of the links in the line of lode that extend from the southern town boundary, through the Victoria St and Alliance St blocks to the Port Phillip Mine on the northern edge of the town. How does Council reconcile the Approval of this sub-division when its' stated aim is to "maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics?

Response: Mayor Licia Kokocinski

As per the amended plans (attached to Council agenda) the application is not proposed to remove any part of the mullock heap and instead retain the area as a reserve as part to the subdivision. This item will be considered by Council in tonight's agenda.

Question 6: Mr John Shields

Re: PA 2676, 24 Alliance Street Clunes

The recent announcement of funding to progress the proclaiming of the Victorian Goldfields as a UNESCO World Heritage site has the potential for great impact within the village of Clunes "Victoria's First gold Town". Has Council considered how it intends to prepare itself to leverage an advantage should the proclamation occur, given that many 'Goldfields' settlements have lost their townscape to development and the traveller is hard-pressed to understand the impact that gold had within the towns and villages?

Response: Mayor Licia Kokocinski

Thirteen councils across central Victoria, including Hepburn Shire, are working together, to seek UNESCO recognition for the Victoria Goldfields. As part of this project, these Councils are working together to leverage any advantages that would be generated by the listing. Council will work with the community and businesses on these opportunities over the coming years. The Councils involved in the UNESCO listing are lobbying government for funding to leverage all opportunities that may arise from the listing.

Question 7: Dr Ross Ulman

At the 16 June 2020 Ordinary Meeting of Council, Councillors passed a motion moved by Cr Cottrell, that Council immediately moves to post on its website every Tuesday under a prominent and consistent heading of Planning Applications, a schedule detailing all planning applications received by council during the preceding calendar week. And also, on the first Tuesday of every month a schedule detailing all planning applications currently in progress.

Noting the word 'immediately' in it, why has this motion not been implemented in the three months since it was passed?

Response: Mayor Licia Kokocinski

Following the Ordinary Council Meeting on 16 June 2020, Council Officers created a new page on Council's website that detailed all applications that have been received by Council in the calendar year in addition to all applications received since 2013.

The webpage is as follows:

<https://www.hepburn.vic.gov.au/planning-building/statutory-planning/planning-register/>

There are some challenges with achieving the updates that are currently undertaken manually and officers are working to establish a system to ensure the regular updates reliably occur each Tuesday in accordance with the Council determination.

Question 8: Dr Ross Ulman

Section 55(2)(e) of the *Local Government Act 2020* specifies that resourcing is required for community engagement within the framework of Sections 55 and 56 of the Act. What is the dollar allocation in Council's 2020/2021 budget for this purpose, and how was this dollar amount derived?

Response: Mayor Licia Kokocinski

Council has included funding of \$40,000 to assist in the development of the Community Vision, Council Plan and Community Engagement Policy. The development of these keys strategic documents will guide the future Council as to the level of resourcing required to implement new ways of engaging with the community going forward as required as part of the *Local Government Act 2020* implementation.

Question 9: Mr Michael Monaghan

As Council Planning Department have previously advised that obvious zoning anomalies would be corrected as a matter of course at the next Strategic Review, why is the opportunity of Amendment c80hepb not being utilised and what are the specific reasons, or justifications, for Council not supporting correction of the zoning anomaly at 6 Golf Links Road Hepburn Springs that clearly contravenes the Hepburn Planning Scheme and Local Planning Policy Framework?

Response: Mayor Licia Kokocinski

Your concerns regarding a zoning anomaly at 6 Golf Links Road Hepburn will be considered as part of the future strategic planning work identified through the current Planning Scheme review.

The structure planning process will confirm township boundaries and will be part of the future strategic planning work required in the coming years.

Question 10: Mr Michael Monaghan

Should the correction of this obvious zoning anomaly at 6 Golf Links Road Hepburn Springs not be supported by Council what avenues are available to appeal this decision?

Response: Mayor Licia Kokocinski

The township structure planning is not being considered as part of the current Planning Scheme review process. This will be considered as part of the future strategic work identified through the current review process.

Should a submitter not agree with any decision Council makes on the current Planning Scheme review, the amendment process enables submitters to make a submission before an independent panel.

Question 11: Master Eden Clifford**Response: Mayor Licia Kokocinski**

The question asked by Master Eden Clifford contained extensive background, to assist Councillors and the community with understanding the specific question and to provide a response that answers what officers interpreted to be the intent of the question, I will not read out the preamble.

The question relates to the removal of the Social Enterprise Café originally proposed within the Hepburn Hub at the Rex project. Unfortunately, Council was not able to meet the requirements for the café grant funding and the funding was returned to the State Government. The current design for the Hepburn Hub does include a Youth space within the library.

Council will be developing a Youth Strategy over the coming 12 months and will be looking for ideas and feedback from the community, especially our youth in its development.

Question 12: Ms Dallas Kinnear on behalf of Friends of Jubilee Lake

Re: Planning application for 151 Lake Road Daylesford

I hope that the Co-Op is happy to move this shed to a site on their lease well away from the entrance to Jubilee Lake as I believe it would benefit both their business and the amenity of this iconic reserve. To avoid delay, why can't Council simply veto this site in the public interest?

Response: Mayor Licia Kokocinski

At the last Council meeting, Councillors resolved to defer the item subject to Officers undertaking further work with the Committee to determine the best location for the proposed shed. As this work has not finished and Council does have an active planning application to consider at a future meeting it is not able to 'veto' this application.

Question 13: Dallas Kinnear on behalf of Friends of Jubilee Lake

Re: Planning application for 151 Lake Road Daylesford

Is it not in the best interest of the Co-Op and Council to veto this site now so that the co-op can start to re-site their shed whilst the park is in lockdown instead of delaying a decision to the December Meeting?

Response: Mayor Licia Kokocinski

Council is the Committee of Management for the land and will need to work with the Co-Op and DELWP to reach agreement for any alternate location for the proposed shed.

Council as the Committee of Management and DELWP as the landowner will need to also give approval for any alternate location.

For these reasons, Council is not able to simply 'VETO' a planning application

Question 14: Ms Joy Durston

Under the Local Government Act (2020), all special committees were dissolved on 1 September 2020, where it states:

"Delegations made under the Local Government Act 1989 remain in force until 1 September 2020, therefore any existing committees operating under delegation will

not have the power to exercise these delegations, after this date, until new committees are established and new instruments of delegation are made.”

Given this, what is the process for the appointment of the new Section 86 Special Committee for the Glenlyon Recreation Reserve?

Response: Mayor Licia Kokocinski

On 25 August 2020 at Council’s Special Council Meeting, Council established Community Asset Committees of Council under the *Local Government Act 2020*. The Glenlyon Recreation Reserve Community Asset Committee was established by Council at the meeting on the 25 August 2020. Section 86 of the *Local Government Act 1989* has been repealed and has not been replaced, so Council cannot establish section 86 Committees. Community Asset Committees have replaced each previous s86 committee of Council.

Communication with each Community Asset Committee has been prepared and provided to the Community Asset Committees advising that their respective Instruments of Delegation will be issued to them advising of their powers and functions, in the coming weeks. Each will be executed by the Chief Executive Officer.

Under Council’s Governance Rules adopted on 25 August 2020, Public Questions are required to be submitted by 10am the day before the Council Meeting. The following questions were submitted after the deadline, but have been included in tonight’s agenda as this is the first meeting with the new deadline in place. In future, Public Questions submitted late will be deferred to the subsequent Ordinary Council Meeting.

Question 15: Ms Sarah Micklewright

It is clear from both reports that the levels of lead and PAH contaminating the Glenlyon Reserve are a result of clay target shooting. Why would the Council, after an exhaustive and costly clean up of the Reserve, even consider allowing the club that caused this pollution to return and start the whole thing all over again?

Response: Mayor Licia Kokocinski

Any resumption of shooting on site will be dependent on the intention of the Daylesford Field and Game to resume shooting, the development of an Environmental Management Plan (EMP), approval by Council, and approval by DELWP. If shooting is approved, the EMP will outline how the activity will be undertaken to manage any environmental risks, in accordance with EPA requirements.

Question 16: Mr Simon Hill

Cost of Contamination Reports at the Glenlyon Reserve:

At the last Council meeting the Mayor advised and I quote from the minutes:

"The costs incurred to date have been for investigation and have been funded by Council as there was no evidence to substantiate the source of the contamination."

The reports both prove conclusively that the source of the Lead (neurotoxin) is from lead shot used in shooting at the Reserve and the PAH (carcinogen) is from Clay Targets that are smashed by shooting at the Reserve.

Clause 2.3 of the Gun Club Licence clearly states the Gun Club are liable for "the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith."

"any costs" - includes the cost of these two contamination reports, which from my experience could easily be well into six figures. In my opinion Council's decision to bear this cost constitutes an unusual level of preferential treatment for such a small club, that includes a number of members from outside the Shire who pay no rates.

As rates are a significant cost especially in a time of economic uncertainty such as this - why has Council chosen to force the general ratepayer and all non 'Gun Club' members in the Shire to share the cost of these reports in direct contravention of the terms of the Gun Club Licence ?

Response: Mayor Licia Kokocinski

As previously stated, Council is aware of and acknowledges the content of Clause 2.3 of the license which refers to negligence and breach of statutory duty. Council will consider this clause at the time of considering clean-up costs that may be incurred.

Question 17: Mr Simon Hill

The Local Government Act 2020 states in Section 57 Public transparency policy Clause (1) A Council must adopt and maintain a public transparency policy.

In the interests of maintaining public transparency can the Council please read and include in the minutes my question 1 (above) to this meeting in September as my question to the last Council meeting in August was neither read aloud nor included in the minutes of the meeting.

This effectively represents censorship of what should be an open public hearing of the opinion of a local resident making legitimate points about the contamination of the local Glenlyon Reserve - our public park - by the 'Gun Club' - and raises more questions about the unusual treatment of this issue?

Response: Mayor Licia Kokocinski

All questions asked of Council at the August 2020 Council Meeting were included in the meeting minutes of the August 2020 Council meeting, with Council's response to each.

Due to the number of questions that were asked of Council at the meeting that were similar in nature, Officer's determined that it was appropriate for a general statement and response be provided by the Mayor to read out to respond to the themes of like questions. The Local Law only allows for 30 minutes of public participation time, with one 15-minute extension subject to resolution by Council. If the similar questions were not grouped together for a response, not all questions by the public would have been able to be read and responded to.

Question 18: Ms Kaye Powell

Is Council able to give the residents of Glenlyon and other users of the Reserve a timeline for the works needing to be carried out there?

If this can't be answered now when are we likely to get a timeline?

Response: Mayor Licia Kokocinski

Council is required to submit a Clean Up Plan to the EPA by May 2021, outlining clean up goals and timelines for remediation. Acceptance of this plan by EPA will then enable a contractor to be engaged to undertake any remediation works on an agreed timeline.

Question 19: Ms Elizabeth Swan

It appears that the Council has appointed the Reserve Committee to also manage the Glenlyon Dam. This committee has amply demonstrated its environmental credentials with the current state of pollution at the Reserve. Why would you do this without asking for other community input or interest in taking on this roll?

Response: Mayor Licia Kokocinski

The Council have not yet delegated the power to the Glenlyon Recreation Reserve Community Asset Committee for the management of the Glenlyon Dam.

Whilst a request was submitted by the Glenlyon Recreation Reserve Community Asset Committee to Council requesting management of the Dam, officers have advised that preparatory work will be undertaken, including obtaining legal advice and officers investigation of roles and responsibilities as well as an assessment of the impacts on both Council, the Glenlyon Recreation Reserve Community Asset Committee and the Community more broadly should the Glenlyon Recreation Reserve manage the Dam.

As detailed in the Officer report in the Council Agenda at item 12.10 Council will consider giving in principle support for the Glenlyon Recreation Reserve Community Asset Committee to manage the Glenlyon Dam, subject to a review by Officers to ensure responsibilities and risks are managed appropriately.

Question 20: Ms Elizabeth Swan

The Glenlyon Dam exists because two springs on adjacent private property feed the dam.

Has Council consulted with these property owners regarding the delegation of the management of the Glenlyon Dam?

Response: Mayor Licia Kokocinski

No consultation has occurred to date. Council will consider this item in tonight's agenda.

Question 21: Ms Noela Sweeney

What steps has the Hepburn Shire Council taken to bring the Glenlyon Reserve up to the standard laid out under the Firearms Act 1996, with regards to fencing and public safety?

Response: Mayor Licia Kokocinski

Any future shooting events, if approved, will need to conform to all relevant legislation and guidelines, including appropriate fencing requirements.

9.3 REQUESTS TO ADDRESS COUNCIL

Members of our community who have submitted a request in accordance with Council's Governance Rules will be heard.

Ms Helen Tobias addressed Council regarding objections to Design and Development Overlay 06 of the Hepburn Planning Scheme Review.

Mr Basil Eliades addressed Council regarding Planning Application 2562 for 151 Lake Daylesford Road, Daylesford.

Ms Helen Macdonald addressed Council on behalf of the Trentham Quarry Street Reserve Committee of Management regarding the 2019-2029 Reserve Management Plan.

10 STATUTORY PLANNING

10.1 PLANNING APPLICATION 2693 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AT RAILWAY ROAD NEWLYN DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Senior Statutory Planner, I Wallie Cron have no interests to disclose in this report.

ATTACHMENTS

1. PA 2693 - Application Documents [**10.1.1** - 138 pages]
2. PA 2693 - Objections [**10.1.2** - 21 pages]
3. PA 2693 - Response from applicant to submissions [**10.1.3** - 6 pages]
4. PA 2693 - Response from Objectors [**10.1.4** - 12 pages]
5. PA 2693 - Engineering Conditions [**10.1.5** - 2 pages]
6. PA 2693 - Goulburn Murray Water Conditions [**10.1.6** - 2 pages]
7. PA 2693 - Central Highlands Water Conditions [**10.1.7** - 2 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine on the planning application for the use and development of land for a dwelling PA 2693 at Railway Road, Newlyn known as Lot 1 TP954426E.

The application proposes to construct a dwelling on the site located 110m from the northern property boundary and 5m from the western property boundary aligned parallel to the western property boundary. Dimensioned 22m by 12m and is to be constructed of face brickwork and Colourbond iron.

The site is irregularly configured as an elongated parcel of land, approximately dimensioned 865m in length from north to south, a property frontage to Dean-Newlyn Road of 71.6m and an overall size of 5.73ha.

This site is currently occupied by remnant patches of vegetation and is occasionally utilised for grazing. Access to the land is from Dean-Newlyn Road to the north of the site and from Railway Road to the east.

The site was previously utilised as part of the Newlyn train line and has been disused for such purpose since 1976.

The use and development of land is recommended to be an acceptable planning outcome when considering the site and surrounds in which it is located being that is located within the existing settlement of Newlyn is in keeping with the character of the surrounding area and will not result in detrimental impacts on adjoining properties or in the locality generally.

The application is being brought to Council as eight (8) objections have been received.

OFFICER'S RECOMMENDATION

That Council, having caused notice of Planning Application No. PA 2693 to be given under Section 52 of the Planning and Environment Act 1987 and the planning scheme and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Hepburn Planning Scheme in respect of the land known and described as Railway Road, Newlyn VIC 3364, Lot 1 TP954426E (203669) for the use and development of land for a dwelling, subject to the following conditions:

General Conditions (Conditions 1 & 2)

1. The use and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
2. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.

Engineering Conditions (Conditions 3-6)

3. Stormwater Drainage
 - a. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.
4. Access
 - a. Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
 - b. Prior to the occupation the following will be constructed for approval.
 - i. Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
 - ii. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.
 - iii. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - iv. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
 - c. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

5. All works must construct and be complete prior to commencement of use.
6. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Environmental Health Department Conditions (Conditions 7-9)

7. Before works start application to install a septic tank system must be submitted to the responsible authority.
8. The wastewater system must be an EPA approved Aerobic Wastewater Treatment System capable of achieving the 20/30 standard and must be installed in accordance with the EPA Code of Practice – onsite wastewater management July 2016 (EPA publication 891.4) unless otherwise agreed in writing by the responsible authority.
9. The wastewater management system including effluent disposal fields must be located in an area that is able to satisfy minimum setbacks identified within Table 5 of the EPA Code of Practice – onsite wastewater management July 2016 (EPA publication 891.4).

Goulburn Murray Water Conditions (Conditions 10-13)

10. All wastewater from the dwelling must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.
11. The wastewater disposal area must be at minimum setback distances of at least 100m from the nearest waterway, 60m from any dams, 20 metres from any bores and 40 metres from any drainage lines.
12. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
13. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Central Highlands Water Conditions (Conditions 14-17)

14. The dwelling and effluent disposal system must be located in accordance with the Land Capability Assessment by Archaeo-Environments Pty Ltd reference REV1 February 8th 2020.
15. The owner must install a wastewater management system that provides a secondary level of treatment of wastewater in accordance with the Code of Practice – onsite wastewater management EPA Publication 891.4.
16. Prior to a Building Permit being issued for a dwelling the owner must enter into an agreement with Central Highlands Region Water Corporation (CHW) and the

responsible authority under Sections 173 and 174 of the Planning and Environment Act 1987, requiring that:

- a. The owner must have any wastewater treatment facility and effluent disposal system for the dwelling inspected annually by a qualified environmental health officer (“the EHO”) and must provide annually to both the Council and to CHW a written report from the EHO on the condition of the wastewater treatment and effluent disposal system.
- b. The Owner must have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by the EHO and evidence of this desludging must be provided in the EHO report referred to in Clause (a) herein.
- c. The Owner must carry out any works considered necessary by the EHO to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.
- d. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.
- e. The Owner and the Council agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the Planning and Environment Act 1987.
- f. The Owner must meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c) and (d) herein and all costs of the Council in relation to stamping and registration of this Agreement.
- g. The Owner must not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (e) herein.

17. The landowners must meet all costs of preparing and recording this agreement.

Expiration Conditions (Condition 18)

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

- a. The development is not started within two years of the date of this permit.
- b. The development is not completed, and the use commenced within four years of the date of this permit.

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

Mr Andrew Lowth addressed Council in objection to the planning application.

Mr Jaime Allen addressed Council in objection to the planning application.

Ms Jenni Sewell addressed Council in objection to the planning application.

Mr Geoff Pile addressed Council in objection to the planning application.

Mr Hugh and Ms Caroline Thomson, the applicants, addressed Council in support of their application.

MOTION

That Council, having caused notice of planning application PA 2693 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to refuse to grant a planning permit for the use and development of land for a dwelling at Railway road, Newlyn for the following reasons:

- 1. The proposal is inconsistent with Clauses 14.01-15, 21.08 and 22.04 of the Hepburn Planning Scheme as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long term capacity of productive agricultural land to continue production.*
- 2. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone at Clause 35.07 of the Hepburn Planning Scheme as the proposal will fragment and existing productive rural area and will adversely affect the use of the land and surrounding area for agricultural purposes.*
- 3. The proposal is inconsistent with the purpose and decision guidelines of the Environmental Significance Overlay at Clause 42.01 of the Hepburn Planning Scheme as the land is significantly environmentally constrained and will cause detriment to the environmental values of the land and surrounding lands inconsistent with Clause 22.01 Catchment and land protection.*
- 4. The generation of noise from use will have an adverse impact on the amenity of the area, inconsistent with Clause 13.05-15.*
- 5. The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Hepburn Planning Scheme and results in a poor planning outcome for the area.*

Moved: Cr Greg May

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

Site and Surrounds

The site is irregularly configured as an elongated parcel of land, approximately dimensioned 865m in length from north to south, a property frontage to Dean-Newlyn Road of 71.6m and an overall size of 5.73ha.

This site is currently occupied by remnant patches of vegetation and is occasionally utilised for grazing. Access to the land is from Dean-Newlyn Road to the north of the site and from Railway Road to the east.

The site was previously utilised as part of the Newlyn train line and has been disused for such purpose since 1976.

Land sizes surrounding the site are generally smaller than this parcel of land, located within the Farming Zone and being occupied by dwellings.

Several parcels of land nearby to the north and east are covered by a Heritage Overlay.

Proposal

The dwelling is proposed to be located 110m from the northern property boundary and 5m from the western property boundary aligned parallel to the western property boundary. Dimensioned 22m by 12m and is to be constructed of face brickwork and Colourbond iron. To the south of this is the proposed effluent disposal field in line with the Land Capability Assessment.

Two agricultural sheds are proposed on the site, the first being a machinery shed, 18m by 12m located 20m from the eastern property boundary and the second being a hay shed 12m by 8m located 36m from the eastern property boundary.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay – Schedule 1 Heritage Overlay – HO120 Partial
Particular Provisions	NIL
Relevant Provisions of the PPF	Planning Policy Framework <ul style="list-style-type: none">• Clause 11.01-1S – Settlement• Clause 14.01-1S – Protection of agricultural land• Clause 14.02-1S - Catchment planning and management• Clause 16.01-2S – Location of residential development• Clause 16.01-3S – Housing Diversity Local Planning Policy Framework

	<ul style="list-style-type: none"> • Clause 21.05 – Settlement and Housing • Clause 21.08 – Rural land use and agriculture • Clause 22.01 – Catchment and land protection • Clause 22.02 – Rural land 	
Under what clause(s) is a permit required?	Clause 35.07 Farming Zone	Use and development of a dwelling.
	Clause 42.01 Environmental Significance Overlay	Buildings and works where onsite effluent disposal is applicable.
Objections?	Eight	

KEY ISSUES

Response to Policy Planning Policy Framework

The breadth of relevant policy including the purpose and decision guidelines of the Farming Zone and Environmental Significance Overlay seek to ensure that any application within such zone and overlay:

- Enables the retention of productive agricultural land.
- Ensures the enhancement of agricultural production.
- Strengthens sustainable land management practices.
- Assures the biodiversity of the area will not be negatively impacted by the on-site effluent disposal.

Zoning and Overlay Considerations

A planning permit is required for the use and development of land for a dwelling under Clause 35.07-1 Farming Zone as the allotment size is less than the scheduled size of 40ha.

The parcel of land is narrow and elongated over approximately 865m (lending itself to grazing utilisation rather than cropping), is orientated north to south, and shares the western property boundary with another utilised for agricultural pursuits. With this considered the pursuit for agricultural enterprises on the land is favourable, particularly where there is an enhancement of the agricultural use and retention of agricultural land.

Whilst the land size is less than the scheduled size the application documents submitted detail the enhancement and retention of agricultural land through the breeding and grazing of rams. The land size is suitable to the proposed utilisation of the land for such an agricultural pursuit by means of the implementation of the management plan.

With the proposed dwelling situated on the land it will enable a constant and consistent improved and enhanced land management practices. This in turn will not remove viable agricultural land from production or fragment agricultural land.

The development of the dwelling will not impact the existing character of the area, the surrounding land to the east and west is detailed as smaller parcels of land within the Farming Zone with dwellings occupying the land.

The bulk and appearance of the structures is appropriate and will not impact the character of the surrounds as muted materials are proposed and are situated appropriately to the land with suitable distances between what is proposed and neighbouring dwellings.

The use and development of the land is deemed appropriate regarding the decision guidelines of the zone, requirements and policy direction.

Environmental and Sustainability Issues

The development of a dwelling requires a planning permit under the Environmental Significance Overlay due to the discharge of wastewater within a potable water supply catchment area.

The application was referred under Section 55 of the Planning and Environment Act 1987 to the relevant water and catchment authorities and it has been conditionally determined that the development of the land with an on-site effluent disposal system will not negatively impact on the environmental values of the land. This being determined by Goulburn Murray Water, Central Highlands Water and Councils Environmental Health Department as the proposed system and Land Capability Assessment meets the relevant code requirements.

The stormwater discharge from the roof surface of the structures will be directed toward the legal point of discharge of which will be to the ground surface via appropriate stormwater discharge facilities of which will be enforced under the Engineering Department Conditions.

The development will not incur detrimental impacts to the ground water or domestic water supply and the overall water quality of the shire will not be detrimentally impacted.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

There are no risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, 8 objections have been received. The issues raised in the objections are addressed individually as follows.

- Impact from the proposed wastewater field
The majority of submissions to the application detailed concerns regarding the wastewater field and the potential for contamination from such wastewater field. It is the recommendation that given the conditional consent from the water and catchment authorities the proposed location and size of the wastewater field is appropriate and meets the EPA Code of Practice for onsite wastewater disposal. Central Highlands Water have required a Section 173 Agreement to be placed on title for the effluent disposal system to be inspected annually to ensure that the system is operating accordingly and reduces the potential for contamination.
- Loss of productive agricultural land
The development of a dwelling will increase the ability to manage the land and sustainably continue the proposed agricultural pursuit. As agricultural production is proposed as part of the application it is determined that there is no net loss of agricultural land.
- Inconsistent with the Farming Zone
Whilst the parcel of land is less than the scheduled 40ha the proposed use and development of land is considered to enhance the agricultural value and retains agricultural land for agricultural pursuits.
- Amenity impacts
Concerns particularly relating to the view of the dwelling on the land from neighbouring parcels has been raised, it is determined that there are no design or siting guidelines to be considered as part of this application under the zone or overlay. The siting of the dwelling was determined to be the most appropriate as it is the highest part of the land and can contain the dwelling and effluent disposal system.

- Potential for flooding
Concerns relating to the potential for increased flooding due to the increased hard stand areas has been raised. It has been recommended under the Engineering conditions that the stormwater must be managed within the land and dispersed appropriately in accordance with recommended conditions.
- Inappropriate sighting of the dwelling impacting on heritage values
The Heritage Overlay is not required to be considered as part to this application due to the area of which development is proposed is not covered by a Heritage Overlay. Additionally, all the parcels of land abutting the subject land with the exception of the parcel of land detailed as 64 Railway Road to the east is not located within the Heritage Overlay and is considered to not be impacted.
- Property value
Property value of those allotments surrounding is not a planning matter and therefore has not been considered.
- Insufficient fencing
Fencing is not required to be considered as part to this application.

CONCLUSION

The use and development of land is recommended to be an acceptable planning outcome when considering relevant Planning Policy.

The proposal is in keeping with the character of the surrounding area and will not result in detrimental impacts on adjoining properties or in the locality generally in accordance with Clause 65. The proposal constitutes proper and orderly planning.

10.2 PLANNING APPLICATION 2713 - CONSTRUCTION OF 2 DWELLINGS AND A 2 LOT SUBDIVISION AT 3 FRAZER STREET DAYLESFORD DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2713 - Application Documentation - 3 Frazer Street Daylesford [**10.2.1** - 21 pages]
2. PA 2713 - Objections - 3 Frazer Street Daylesford [**10.2.2** - 31 pages]
3. PA 2713 - Clause 55 56 Assessment Table [**10.2.3** - 21 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider an application for the construction of 2 dwellings and a 2 lot subdivision at 3 Frazer Street, Daylesford.

The application proposes the construction of two dwellings on a parcel of land that has been zoned to provide for the use of the land for residential purposes.

The application was notified and 7 objections were received.

Concerns revolved around neighbourhood character, heritage, overlooking, stormwater and traffic.

The dwellings have been designed to complement the existing and preferred character of the area. Based on the above the development is considered acceptable and warrants Councils support.

OFFICER'S RECOMMENDATION

That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue Notice of Decision to Grant a Planning Permit PA 2713 for the construction of two dwellings and a two lot subdivision in respect of the land known as 3 Frazer Street, Daylesford, subject to the following conditions:

Amended Plans

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

- a. The location of any required retaining walls along the boundaries of the property to accommodate the change in soil levels across the site.

Development in accordance with endorsed plans

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

Landscaping and tree protection

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

Stormwater Drainage

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

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

Access

12. Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
13. Prior to the occupation of the dwellings or the issue of statement of compliance the following will be constructed for approval.
 - a. Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
 - b. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.
 - c. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
14. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.
15. Prior to statement of compliance or the occupation of the dwellings it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20
16. All works must be constructed and completed prior to statement of compliance.
17. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.
 - c. The plan of subdivision is not certified within 2 years of the date of this permit;
 - d. The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

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

Mr Edward Goodwin addressed Council in objection to the planning application.

Mrs Wendy Goodwin addressed Council in objection to the planning application.

Mr Aleks Danko addressed Council in objection to the planning application.

Ms Judith Walton addressed Council in objection to the planning application.

MOTION

That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to Refusal to Grant a Planning Permit for application PA 2713 for the construction of 2 dwellings and a 2 lot subdivision at 3 Frazer Street, Daylesford, on the following grounds:

- 1. The height bulk and design of the proposal fails to adequately support the objectives and decision guidelines of the Heritage Overlay.*
- 2. The design detail, height and bulk of the development does not adequately respond to the existing and preferred neighbourhood character of the area.*
- 3. The proposal represents an over development of the site, and does not accord with the orderly planning of the area.*

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

BACKGROUND

Site and Surrounds

The site is a 968m² parcel of land located the eastern side of Frazer Street.

The site slopes in two directions across the site. The site falls away from Frazer Street in addition to falling in a south to north direction.

The site is predominantly devoid of vegetation.

Surrounding the site is residential development that predominantly includes single detached dwellings.

Proposal

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

The dwellings are proposed as follows:

Dwelling 1 (fronting Frazer Street)

- Double storey (9.05m maximum height above natural ground level)
- Central bathroom and laundry
- Double garage
- 3 bedrooms
- Open plan kitchen/living/dining area.

Dwelling 1 is proposed to be setback 5.0m from Frazer Street. A level of cut and fill is required to be provided to establish a relatively even building platform on what is a relatively sloping block. The dwelling is proposed with a flat roof form and is to be clad predominantly in natural timber.

Dwelling 2

- Double storey (6.95m maximum height)
- Central bathroom and laundry
- Double garage
- 3 bedrooms and a study
- Open plan kitchen/living/dining area.

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

Relevant Planning Ordinance applying to the site and proposal

Zoning:	General Residential Zone	
Overlays:	Environmental Significance Overlay Schedule 1 and 2 Heritage Overlay Schedule 697	
Particular Provisions	Clause 55 – Two or more dwellings on a lot Clause 56 – Residential Subdivision	
Relevant Provisions of the PPF	Clause 14.02-1S Catchment planning and management Clause 14.02-2S Water quality Clause 15.01-5S Neighbourhood character Clause 15.03-1S Heritage conservation Clause 16.01-01S Integrated housing Clause 16.01-2S Location of residential development Clause 16.01-4S Housing affordability Clause 21.05 Settlement and Housing Clause 21.09 Environment and Heritage Clause 22.01 Catchment and Land Protection Clause 22.02 Mineral Springs Protection Clause 22.08 Daylesford Neighbourhood Character	
Under what clause(s) is a permit required?	Clause 32.08-3 (GRZ)	Subdivision
	Clause 32.08-3 (GRZ)	Construction of 2 dwellings on a lot
	Clause 42.01-2 (ESO2)	Buildings and works and subdivision
	Clause 43.01-1 (HO)	Buildings and works and subdivision
Objections?	Seven (7)	

KEY ISSUES

Response to Zoning and Policy Planning Policy Framework

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

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

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

Heritage Considerations

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

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

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

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

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

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

Neighbourhood Character

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

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

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

The development proposed as part of this application does provide for an intensification of the building form within the area however is not considered to be to a level that would constitute an overdevelopment or something that is starkly in contrast to the existing character of the area. Both dwellings have been located on the southern side of the site to ensure that the maximum separation distances can be provided between the proposed and existing dwellings surrounding the site. This will help to create a separation in built forms that is characteristic of the area and will also allow for more substantial landscaping to be provided throughout the site.

Double storey development while not characteristic of the neighbourhood is seen in several instances within Neighbourhood Character Precinct 15 and the policy identifies that when exercising discretion for development within the area, that development should not exceed the predominate building height by more than 1 storey as is proposed. The dwellings are contemporary in appearance however, the natural timber cladding is sympathetic with existing development within proximity of the surrounds.

The proposal as a consequence of the sloping nature of the site will require a fair amount of site disturbance. Care has been made to step the development down the site, provide a low roof pitch and form that includes significant articulation in its design response. The development provides separation between the dwellings to maintain the openness of development, reduce dominance and accommodate the provision of planting to compliment the landscape character of the surrounds.

Adherence to ResCode

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

The following table provides a reference for the proposal's compliance/non-compliance with the Objectives and Standards of Clause 55. A detailed assessment is included as an attachment to this report.

Neighbourhood Character Clause 55.02

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

Site Layout and Building Massing Clause 55.03

Clause & Objective	Standard Met	Objectives Met
Clause 55.03-1 - Street setback objective - Standard B6	Yes	Yes
Clause 55.03-2 - Building height Objective - Standard B7	Yes – 9m max height proposed 11m maximum allowable height	Yes
Clause 55.03-3 - Site coverage objective - Standard B8	Yes – approximately 40% (60% allowed)	Yes
Clause 55.03-4 - Permeability and stormwater management objectives - Standard B9	Yes – approximately 50% permeable. 35% + garden area provided	Yes
Clause 55.03-5 - Energy efficiency objectives - Standard B10	Yes	Yes
Clause 55.03-6 - Open space objective - Standard B11	N/A	N/A
Clause 55.03-7 - Safety objective - Standard B12	Yes	Yes
Clause 55.03-8 - Landscaping objectives - Standard B13	Yes – condition to include detailed landscape plan.	Yes
Clause 55.03-9 - Access objectives - Standard B14	No	Yes
Clause 55.03-10 - Parking location objectives - Standard B15	Yes	Yes

Amenity Impacts Clause 55.04

Clause & Objective	Standard Met	Objectives Met
Clause 55.04-1 - Side and rear setbacks objective - Standard B17	No	Yes
Clause 55.04-2 - Walls on boundaries Objective - Standard B18	N/A - None	Yes
Clause 55.04-3 - Daylight to existing windows objective - Standard B19	Yes	Yes
Clause 55.04-4 - North facing windows objective - Standard B20	Yes	Yes
Clause 55.04-5 - Overshadowing open space objective - Standard B21	Yes	Yes
Clause 55.04-6 - Overlooking objective - Standard B22	Yes	Yes
Clause 55.04-7 - Internal views objective - Standard B23	Yes	Yes
Clause 55.04-8 - Noise impacts objectives - Standard B24	Yes	Yes

On-Site Amenity and Facilities Clause 55.05

Clause & Objective	Standard Met	Objectives Met
Clause 55.05-1 - Accessibility objective - Standard B25	Yes	Yes

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

Detailed Design Clause 55.06

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

A Clause 56 assessment has been provided as an attachment to this report. The development plans and assessment against Clause 55 indicates adherence to the majority of requirements of Clause 56.

Environmental and Sustainability Issues

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

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

Subdivision Layout

The layout of the associated subdivision seeks to create 2 lots in a tandem arrangement with the rear dwelling to be provided access via a battle axe type access arrangement. The subdivision boundaries reflect the development on the site and is considered appropriate.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

No risks to Council other than already were identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, 5 objections have been received. The issues raised in the objections are addressed individually as follows.

- Setback to common boundary

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

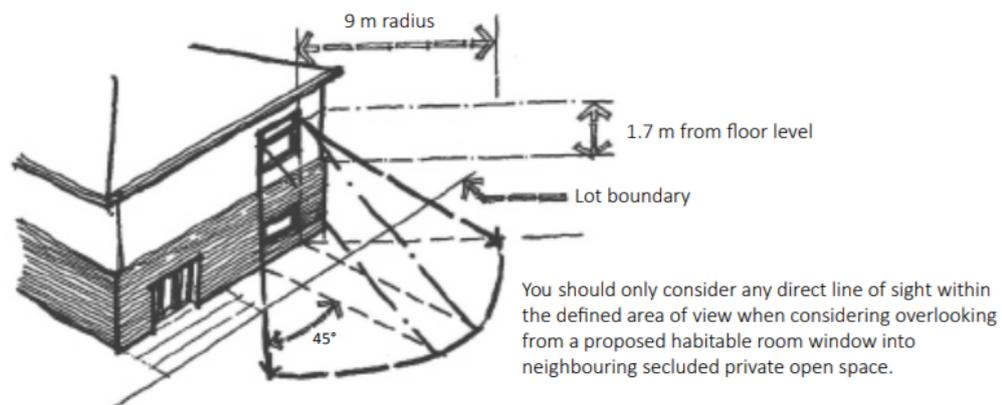
- Overlooking

The dwellings have upper level balconies within 9.0 metres of existing private open space areas of the adjacent residential properties.

Windows and/or balconies within 9m of existing adjacent secluded private open space areas are screened in accordance with the requirements of Clause 55.04-6 as described in the below diagram.

Applying the standard

Overlooking into secluded private open space



The building's height will create overlooking however the realm of consideration extends only to within nine metres of the boundary of a private lot. Whilst perceived overlooking remains, it falls outside the scope for consideration pursuant to Clause 55.04-6.

A 2.0m high paling fence will surround the site consequently no overlooking will occur within the scope able to be considered pursuant to Clause 55.04-6.

- Neighbourhood Character and Heritage Values

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

- Overdevelopment of the site

The development proposes 2 dwellings on a 968m² parcel of land. While this reflects a more intensive design response than immediately surrounding the site, the relatively small building footprint, low site coverage and ability to provide additional landscaping is considered to reflect an appropriate design response opposed to an overdevelopment

- Stormwater disposal

Councils Engineering team have reviewed the proposal and have provided their conditional consent to the application. Conditions require the submission of plans to demonstrate how stormwater can be managed post development in accordance with current best practice.

- Increase in traffic

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

10.3 PLANNING APPLICATION 2676 - STAGED 9 LOT SUBDIVISION OF LAND AT 24 ALLIANCE STREET CLUNES DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2676 - Amended Application Documents [**10.3.1** - 10 pages]
2. PA 2676 - Original Application [**10.3.2** - 113 pages]
3. PA 2676 - Objections [**10.3.3** - 37 pages]
4. PA 2676 - Applicants Response to Submissions [**10.3.4** - 5 pages]
5. PA 2676 - Response from Objectors to Amended Application [**10.3.5** - 12 pages]
6. PA 2676 - Engineering Response [**10.3.6** - 5 pages]
7. PA 2676 - Goulburn Murray Water Response [**10.3.7** - 2 pages]
8. PA 2676 - Central Highlands Water Response [**10.3.8** - 1 page]
9. PA 2676 - Ausnet Response [**10.3.9** - 1 page]
10. PA 2676 - Powercor Response [**10.3.10** - 2 pages]
11. PA 2676 - DELWP Response [**10.3.11** - 1 page]
12. PA 2676 - EPA Response [**10.3.12** - 2 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine on the planning application for the staged nine (9) lot subdivision of land PA 2676 at 24 Alliance Street Clunes known as Crown Allotment 21, Section 18, Parish and Township of Clunes.

The application is being brought to Council as thirteen (13) objections have been received.

OFFICER'S RECOMMENDATION

That Council, having caused notice of Planning Application No. PA 2676 to be given under Section 52 of the Planning and Environment Act 1987 and the planning scheme, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Hepburn Planning Scheme in respect of the land known and described as 24 Alliance Street, Clunes 3370, Crown Allotment 21, Section 18, Parish and Township of Clunes (201786) for the staged nine (9) lot subdivision of land, subject to the following conditions:

Amended Plans Required

- 1) Before the Plan of Subdivision can be certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with

dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a. The details shown on the plan of subdivision relative to lots 1-3 '*small rock piles to be moved onto the back of the existing larger heap, batter to prevent slippage*' is to be removed.
- b. Prepare and have endorsed a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment in accordance with Condition 11) a. and to the satisfaction of the Responsible Authority.

Standard Conditions

- 2) The formal plan of subdivision lodged for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.
- 3) The subdivision must proceed in order of stages shown on the endorsed plan, unless otherwise agreed in writing by the Responsible Authority.

Public Open Space Contribution

- 4) Before the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a public open space contribution of five (5) per cent of the net developable area of land in accordance with the requirements of Clause 53.01 of the Hepburn Planning Scheme and Section 18 of the Subdivision Act 1988.

Environmental Audit

- 5) Before the issue of a Statement of Compliance *for stage 1 of the subdivision* under the *Subdivision Act 1988*, the land must be remediated in accordance with any recommendations of an Environmental Site Assessment. Evidence of the remediation must be provided to the satisfaction of the Responsible Authority, in the form of either:
 - (a) a certificate of environmental audit issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - (b) a statement made by an environmental auditor appointed under the *Environment Protection Act 1970* in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for a sensitive use.

Mandatory Conditions

- 6) The owner of the land must enter into an agreement with:
 - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 7) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 8) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 9) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 10) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Amenity Conditions

- 11) The subdivision of the land and incorporated works must be managed so that the amenity of the area is not detrimentally affected, through the:
- a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise
 - d. presence of vermin

- 12) The permit holder is to ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by movement of soils and vehicles moving along the access roads does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.

Engineering Conditions

13) Stormwater Drainage

- a. Prior to Certification It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established. Unless identified differently, the stormwater shall be conveyed underground to Council's stormwater network on Alliance Street.
- b. All Stormwater shall be connected to the legal point of discharge with all connections to the satisfaction of the Responsible Authority. The applicant shall arrange for the inspection of the connections by the Responsible Authority prior to the works being covered / backfilled. All works must be constructed and completed prior to issue of the statement of compliance
- c. Prior to Statement of Compliance, all underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be constructed and completed prior to the issue of the statement of compliance.
- d. Return period for a Detention system is to be 1 in 10 years where there is overland escape path and 1 in 100 years if the failure of the detention system will cause property damage or inundation of freehold titles.
- e. All allotments shall be provided with drainage outfall (house connection) connected to the underground drainage system to the satisfaction of the Responsible Authority. House drainage connection shall be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 505.

- f. Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.
- g. Prior to Statement of Compliance, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater.
- h. Drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority.
- i. If the proposed stormwater drainage system includes any works to be undertaken during house construction stage, the Owner must enter into a Section 173 Agreement with the responsible Authority under section 173 and 174 of the Planning and Environment Act, requiring that such works shall be constructed and completed during house/building construction stage.
- j. The Owner must pay all of the costs and expenses including Responsible Authority's lawyers checking fees in relation to preparation, execution, registration, enforcement and cancellation of this Agreement including costs for obtaining necessary consents if required by the Land Titles Office before registration of this Agreement.
- k. It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines
 Note: Additional information for requirements can be found at
<https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

14) Road Upgrade

- a. Prior to issue of Statement of Compliance, Templeton Street shall be upgraded from Intersection of Alliance Street to the intersection of Victoria Street to the satisfaction of Responsible Authority. Roads at property frontage and intersections shall also be upgraded
- b. The Road and drains shall be designed based on sound engineering practice following the general principles of the Planning Scheme, the Austroads Guidelines, the Co-ordination of Streetworks Code of Practice, Relevant Australian standards, VicRoads Road Design Guidelines, Infrastructure Design Manual [IDM] and to the satisfaction of Responsible Authority.
- c. Professionally prepared plans are to be submitted to the Responsible Authority for approval prior to construction.
- d. The road, at a minimum, shall include 6.2 m wide seal pavement and 1.5m shoulders on both sides comprising;

- i. An engineered pavement design, but as a minimum 200mm compacted depth class 3, 20mm FCR sub base and 150mm compacted depth class 2, 20mm FCR base pavement.
 - ii. 2 coat spray seal, 10mm primer seal/7mm rubberised final seal.
 - iii. 1.5m wide concrete footpath along the frontage of the development
- e. The Supervising Consulting Engineer shall provide to Council a report of hold points and inspections for the construction and verification that the roads and drains have been designed and constructed in compliance with the above standards, by providing a list verifying the results of all tests undertaken and corresponding results. The minimum tests required to be provided to the Responsible Authority are:
 - i. Road Sub-grade (Proof Roll)
 - ii. Pavement sub-base and base (density test and proof roll)
 - iii. Pavement prior to sealing or asphalt application
 - iv. Drainage trench and bedding
 - v. Drainage infrastructure prior to backfill
 - vi. Drainage pits

15) Access

- a. Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- b. Prior to statement of compliance the following will be constructed for approval.
 - i. Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of Responsible Authority.
 - ii. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.
 - iii. Grades through vehicle crossing shall not exceed 1:10.
 - iv. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - v. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

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

16) Site Cut

- a. The land shall be shaped so as not to concentrate water onto adjoining properties.
- b. Slope batters associated within any site cut shall be structurally sound and shall be of a flat enough grade to enable revegetation to establish within twelve months from the time the site cut takes place.
- c. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the developer, to the specification and satisfaction of the Responsible Authority
- d. Appropriate dust suppression measures shall be implemented to ensure that a nuisance is not caused to adjoining landowners or the general public to the satisfaction of the Responsible Authority.
- e. No material shall be stored or dumped on any area not approved for filling or stockpiling
- f. All works must be undertaken in accordance with AS 3798-2007 ‘Guidelines on Earthworks for Commercial and Residential Developments’.

17) Streetlighting

- a. Prior to statement of compliance the developer must install a category P Energy efficient LED street light in the midpoint of Templeton Street between Alliance Street and Victoria Street to the satisfaction of the responsible authority.

18) Landscaping on Road Reserves

- a. Prior to statement of compliance the developer must include one street tree per lot to the satisfaction of the responsible authority.

19) Defects Maintenance and Bonds

- a. Prior to Statement of Compliance, the developer must enter into an agreement with the Responsible Authority regarding responsibilities for maintenance and correction of defects of all infrastructure works. Agreement must include the defects liability period, the amount of bond and on how the date of practical completion occurs.
- b. Prior to issue of Statement of Compliance, the developer must provide the Responsible Authority with a maintenance bond(s) of \$5,000 or 5% of the total cost of infrastructure, whichever is greater.

- c. The bond(s) shall be an unconditional bank guarantee or cash for the predetermined amount. The Responsible Authority will hold the bond(s) until any and all defects notified to the developer before and/or during the liability period have been made good to the satisfaction of the Responsible Authority. A request must be made to the Responsible Authority for the release of maintenance bond(s) after the defects maintenance period.
- d. The Defects Liability Period for civil works shall be 12 months from the date of practical completion.
- e. The Defects Liability Period for landscaping shall be 24 months from the date of acceptance.
- f. All costs incurred in complying with the above conditions shall be borne by the permit holder.

20) Plan Checking & Supervision Fee

- a. In accordance with the Subdivision Act 1989, Responsible Authority requires the following fees for works undertaken on this Subdivision.
 - i. Plan checking fee of 0.75% of the value of works
 - ii. Supervision fee of 2.50% of the value of works

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

Goulburn Murray Water Conditions

- 22) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 23) Each lot must be provided with connection to reticulated sewerage in accordance with the requirements of Central Highlands Water.
- 24) All stormwater discharged from the subdivision must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Central Highlands Water Conditions

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

- 26) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- 27) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- 28) The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- 29) If required the owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements may be required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.
- 30) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Department of Environment, Land, Water and Planning Conditions

- 31) No materials are to be left on the Crown land, including relocation of small rocks;
- 32) No structures are to encroach upon the adjoining Crown land;
- 33) No effluent or run-off is to be discharged onto the land;
- 34) Crown land is not to be utilized as defendable space to satisfy a Bushfire or Wildfire Management Overlay (BMO or WMO);
- 35) Crown land is not to be utilized as an easement or as legal access; and
- 36) Crown land is not to be used for temporary access or storage associated with the proposal.

Expiration Conditions

37) This permit will expire if one of the following circumstances applies:

- a. The plan of subdivision for the first stage of the subdivision is not certified within two years from the date of the permit.
- b. The plan of subdivision for each subsequent stage is not certified within two years of the certification of the previous stage.
- c. All stages of the subdivision have not been certified within 5 years of the date of this permit.
- d. The registration of the plan of subdivision for each stage is not completed within 5 years of certification of that stage.

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

Mr James Iles addressed Council as the applicant on behalf of the landowner in support of the planning application.

Mr Kevin Lee addressed Council in objection to the planning application.

MOTION

That Council, having caused notice of planning application PA 2676 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to refuse to grant a planning permit for the staged nine (9) lot subdivision of land at 24 Alliance Street, Clunes for the following reasons:

1. *The proposal is inconsistent with Clauses 16.01-2S and 21.05 of the Hepburn Planning Scheme as the proposal will result in the development of contaminated land being a risk to the health to site and surrounding residents.*
2. *The proposal is inconsistent with the purpose and decision guidelines of the Township Zone at Clause 32.05 and Clause 15.01-5S of the Hepburn Planning Scheme as the proposal does not respect the neighbourhood character of the area.*
3. *The proposal doesn't meet the requirements of Clause 56 Residential Subdivision of land.*

4. *The environmental assessment of the land has determined that the land is not suitable for residential purposes due to land contamination from historical uses.*
5. *The generation of noise from use will have an adverse impact on the amenity of the area, inconsistent with Clause 13.05-15.*
6. *Existing access arrangements to the site is inappropriate to cater for the expected vehicular traffic and type of vehicles accessing the site.*
7. *The subdivision of land will detrimentally impact the historical vale of the land.*
8. *The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Hepburn Planning Scheme and results in a poor planning outcome for the area.*

Moved: Cr Neil Newitt

Seconded: Cr Don Henderson

Carried

BACKGROUND

Site and Surrounds

The site is as an L shape along the roadways of Alliance and Templeton Streets with a frontage to Alliance Street of 100.60m and to Templeton Street of 141m to a total allotment size of 8065m². The southern and western site boundaries abut crown land.

This site is currently vacant of buildings and parts of the land are occupied by old mining mullock heaps abandoned on the land from historic gold mining activity.

It is noted that the South Clunes United Gold Mine Site is not listed on the Victorian Heritage Inventory or under a Heritage Overlay.

Proposal

The proposed subdivision is divided into two stages, first being of lots 6-9 and the second being of lots 1-5. The allotments range in size from 585m² to 1300m², each being able to comfortably accommodate a dwelling.

A large reserve area has been set aside of 1870m² in order to ensure that the existing large mullock heap on the land is undisturbed. Areas of lots 1-3 additionally have small mullock heaps and is proposed to distribute this to the large mullock heap to remove the contamination of the land.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Township Zone	
Overlays:	Environmental Significance Overlay	
Particular Provisions	Clause 56 Residential Subdivision	
Relevant Provisions of the PPF	PPF <ul style="list-style-type: none">• Clause 11.01-1S – Settlement• Clause 14.02-1S - Catchment planning and management• Clause 15.01-5S – Neighbourhood Character• Clause 16.01-2S – Location of Residential Development• Clause 19.03-3S – Integrated water management LPPF <ul style="list-style-type: none">• Clause 21.05 – Settlement and Housing• Clause 22.01 – Catchment and land management	
Under what	Clause 32.05-5 TZ	Subdivision of land

clause(s) is a permit required?	Clause 42.01-2 ESO	Subdivision of land
Objections?	Thirteen (13)	

KEY ISSUES

Response to Policy Planning Policy Framework

The breadth of relevant policy including the purpose and decision guidelines of the Township Zone and Environmental Significance Overlay must consider:

- *Sustainable urban form for towns by containing most future development within the urban growth boundaries shown on service town Structure Plans.*
- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

The proposal is within the Township boundaries, is located centrally to the Township of Clunes and is a parcel of residentially zoned land that is currently not used for residential purposes. The pattern of subdivision is generally that of the surrounding lands being of similar size appropriate to the potential future development of dwellings.

A planning permit is required for the subdivision of land under both the Township Zone and Environmental Significance Overlay.

Zoning Considerations

The pattern of subdivision in the immediate area to the south and west is of generally un-subdivided original parcels of land in large land holdings whereas the land to the north, north east and east is of typical residential allotments of similar size to that of the proposed. It is of consideration that the pattern of subdivision as detailed within the proposal follows that of what is existing particularly to the north and east of the subject site, thus meeting the consideration under the zone.

As the site is zoned for residential purposes it is recommended that the subdivision of land for the future potential of development of dwellings is appropriate to the land and the purpose of the zoning of the land.

Overlay Considerations

The subdivision of the land will not detrimentally impact the water catchment quality of the site and surrounds or the broader catchment due to the appropriate sewer and water services being available in this location.

Whilst in the future there will be a greater concentration of stormwater in this particular area due to the envisaged increase to roofed areas, it is determined that through appropriate measures of drainage and legal points of discharge via imposed

conditions on any permit that may be issued this can be managed appropriately to avoid any concentration of surface water leading to erosion or contamination of supplies.

Central Highlands Water and Goulburn Murray Water have provided conditional consent to the application with standard conditions.

The proposed is appropriate in this location in regard to stormwater given the above discussion.

Appropriate reports relative to the mullock heaps in the way of an archaeological survey and assessment has taken place of which included the exclusion of the large mullock heap for a reserve area.

The environmental site assessment conducted and supplied with the application has detailed that there is physical evidence of contamination or historical contaminating activities that have occurred on the land. It is detailed that in the lands current state it would prevent the development of sensitive uses being residential purposes. Such contamination has been determined to be arsenic from the mining operations conducted. However, it is determined that site remediation can take place on the land to ensure that such levels of contamination are reduced to an acceptable level or removed entirely.

The applicant has detailed that lots 1-3 have remnants of mining activity with rocks and gravel and proposes to move these to the larger pile nearby. However, with response from the Department of Environment, Land, Water and Planning (DELWP) this is not consented to as the land is under DELWP ownership. Therefore, the relocation of this will need to occur on another approved site or to the mullock heap on the land as part to the subdivision.

Residential Subdivision considerations Clause 56 ResCode/Subdivision layout

It is assessed and recommended that all relevant clauses under Clause 56 Residential Subdivision of the Hepburn Planning Scheme have been met or are able to be met via conditions that would be applied to any permit that may be issued, this as follows:

- Dimensions of the allotments are similar to that of surrounding allotments respecting the existing neighbourhood character
- Each parcel of land is able to comfortably accommodate a dwelling in excess of 10m x 15m
- Appropriate vehicle access is able to be achieved to each allotment
- Reticulated water and sewer is available to each allotment and shared trenching is able to be implemented
- Stormwater from any future development will be managed through a stormwater strategy as required by the proposed engineering conditions.

Heritage impacts

Whilst the site is not subject to any Heritage Overlay or cited under Heritage Victoria, it is understood that there is some local significance to the land due to the mining activities taken place. It is recommended that the subdivision of the land as it is configured will not negatively impact on the significance of the mullock heaps on the land as the mullock heap is proposed to not be disturbed and therefore not impact the historical aspect of the site.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

There are no risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, 13 objections have been received. The issues raised in the objections are addressed individually as follows.

Objectors Concerns

- Land contamination

Concerns have been raised relating particularly to the disturbance of the contaminated soil. Whilst it is expected that when soil is being moved there will be dust this can be managed through appropriate conditions on any permit that is issued for dust suppression.

- Subdivision layout and neighbourhood character

It is the recommendation that the subdivision layout is in line with what exists surrounding and is recommended to be appropriate in terms of the requirements of

Clause 56 Residential Subdivision and reflects the neighbourhood character layout of land as discussed above.

- Flooding

It is noted that the land can at times become quite waterlogged and lead to flooding on the site. This is an issue that would be addressed at a development stage of the development through appropriate stormwater management on the land.

Additionally, Councils Engineering Department have specified conditions relating to a stormwater strategy plan requirement prior to works to ensure that the potential for flooding or overland flows due to being water logged is managed appropriately.

- Road surface construction

It is expected that an increase to the amount of traffic utilising Alliance and Templeton Streets will occur. Through consultation with Councils Engineering Department it is appropriate that Templeton Street be upgraded to a sealed roadway, at the applicants cost. This will reduce the presence of excessive dust from the increased traffic and provide appropriate access to the allotments proposed.

Alliance Street has been assessed as being appropriate in its current state for the increased amount of traffic.

- Heritage impact

Concerns relating to the impact that the subdivision will have on the heritage of the site have been discussed whereas whilst the site is not included in a Heritage Overlay and not detailed within a citation to Heritage Victoria there is a local significance to the land. Particularly to the mullock heap on the site, initially the mullock heap was to be partially removed, however, now the applicant proposes to retain the mullock heap as a reserve. Keeping the mullock heap intact will reduce the heritage impact to the site and additionally reduce the potential for airborne contaminants.

- Amenity impacts during development

In terms of noise and light pollution this can be conditioned and will be enforceable under Environmental Protection Authority requirements.

CONCLUSION

The subdivision of land is recommended to be an acceptable planning outcome when considering relevant Planning Policy.

The proposal is in keeping with the character of the surrounding area and will not result in detrimental impacts on adjoining properties or in the locality generally in accordance with Clause 56 and 65. The proposal constitutes proper and orderly planning.

Cr Don Henderson left the meeting at 9:15pm due to a declared Conflict of Interest.

10.4 PLANNING APPLICATION 2666 - 10 HANNAH STREET CLUNES (WESLEY COLLEGE) DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Statutory Planner, I Anita Smith have no interests to disclose in this report.

ATTACHMENTS

1. PA 2666 - Advertised Plans and Traffic Report - 10 Hannah Street Clunes - Property No 13501 [**10.4.1** - 42 pages]
2. PA 2666 - Objections - 10 Hannah Street Clunes - Property 13501 [**10.4.2** - 7 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider an application for the construction of buildings and works associated with and existing school including partial demolition of buildings and the removal of vegetation at 8 and 10 Hannah Street, 47 and 49 Alliance Street and 14 Service Street Clunes (Wesley College) in Clunes.

This matter is brought before Council because of the value of the proposed development being greater than \$2 million and 5 or more objections to the application were received.

OFFICER'S RECOMMENDATION

That Council having complied with the relevant sections of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PA 2666 for the construction of buildings and works associated with and existing school including partial demolition of buildings and the removal of vegetation generally in accordance with the endorsed plans at 8 and 10 Hannah Street, 47 and 49 Alliance Street and 14 Service Street Clunes (Wesley College), subject to the following conditions:

Amended plans required

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:*
 - a) *The proposed replacement verandah to the dwelling at 10 Hannah Street extending the full length of the façade of the dwelling.*
 - b) *The proposed site plans amended to note the retention of the existing blue stone gutters in Hannah Street.*

- c) *Plans and elevations of the proposed entrance on Alliance Street including any proposed crossovers, front boundary treatment and fencing.*
- d) *The provision of a detailed landscape plan as required by condition 3 of this permit.*
- e) *The provision of a Conservation Management Plan for the existing dwelling at 10 Hannah Street in accordance with Condition 4 of this permit.*

Compliance with endorsed plans

- 2. *The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

Landscape Plan

- 3. *Before development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:*
 - a) *The locations of all landscaping works to be provided on the land.*
 - b) *The locations of any trees to be retained or removed from the land (including details of species and size).*
 - c) *A detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.*
 - d) *Details of the proposed surface finishes of pathways and driveways*
 - e) *Details of the irrigation system to be used on land following completion of the landscaping works.*
 - f) *Detail of tree protection fencing where required.*
 - g) *The replacement of planting and canopy trees taking into consideration the heritage significance of the site.*
- 4. *All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.*
- 5. *Before the works starts, tree protection fence(s) must be erected around [the tree(s) nominated for retention on the endorsed plans / insert details of particular trees to be retained on land] to define a Tree Protection Zone. The Tree Protection Zone must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk. The fence must be constructed of [star pickets/ chain mesh/ or similar] to the*

satisfaction of the Responsible Authority. The tree protection fence(s) must remain in place until the completion of the development unless otherwise agreed in writing by the Responsible Authority.

6. *No vehicular or pedestrian access, trenching, storage of materials or equipment or soil excavation is to occur within the Tree Protection Zone unless otherwise agreed in writing by the Responsible Authority.*

Heritage

7. *Before the development (including any demolition) starts, a fully detailed demolition method statement/conservation management plan (CMP) for the existing dwelling at 10 Hannah Street must be submitted to and approved by the Responsible Authority. When approved, the statement/plan will be endorsed and will then form part of the permit. The demolition method statement/conservation management plan must be prepared by a suitably qualified heritage professional and must fully describe and clearly demonstrate that the construction methods to be used on land will ensure that the building fabric required to be retained on the endorsed plans will be safeguarded during and after the demolition process has occurred, to the satisfaction of the Responsible Authority. The CMP must include (but is not limited to):*
 - a) *An existing condition audit to identify restoration works required to ensure the retention of the roof as proposed; and*
 - b) *Details about the depth of the verandah and design drawings to 1:50 or 1: 20*

Engineering Conditions

8. *A Stormwater Strategy Plan must be submitted to and approved by the Responsible Authority prior to the commencement of works. The plan must:*
 - a) *Include professionally prepared plans and computations*
 - b) *Identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment and the capacity of the existing road side stormwater network.*
 - c) *Demonstrate how to avoid adverse impact on neighbouring properties and surround road network due to the development.*
 - d) *Include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The return period for a detention system is to be 1 in 20 years where there is overland escape path and 1 in 100 years if the failure of the detention system will cause property damage or inundation of freehold titles.*

e) Ensure the development meets the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines. Note: Additional information for requirements can be found at <https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established and approved by the responsible authority.

- 9. Prior to the occupation of the approved building, all underground and surface drainage works forming part of the approved Stormwater Strategy Plan must be completed to the satisfaction of the Responsible Authority.*
- 10. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*
- 11. Prior to the commencement of use, a site plan drawn to scale with dimensions must be submitted to and approved by the Responsible Authority showing:
 - a) turning circles demonstrating that all vehicles (including delivery vehicles) can manoeuvre within the site to achieve forward entry and egress to and from the site unless otherwise approved in writing by the Responsible Authority.*
 - b) demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities".**
- 12. Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) surfaced with an all-weather surface and treated to prevent dust;*
 - b) drained in accordance with an approved drainage plan;*
 - c) provision for vehicles to pass on driveways and*
 - d) constructed and completed to the satisfaction of the Responsible Authority.*
 - e) Area that is adequate for loading /unloading of recurring deliveries.**

13. *Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority.*
14. *Prior to occupation of the approved building, the owner of the land must ensure all works comply with the standards set out in the IDM (Infrastructure Design Manual) version 5.20 to the satisfaction of the Responsible Authority.*
15. *All costs incurred in complying with conditions 8 to 15 (inclusive) of this permit shall be borne by the owner of the land.*

Goulburn-Murray Water Conditions

16. *All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
17. *All wastewater from the development must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.*

Vegetation removal

18. *The extent of vegetation to be removed, [destroyed or lopped] as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

General

19. *All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.*
20. *No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.*
21. *All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.*
22. *All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.*
23. *Provision must be made on the land for the storage and collection of waste and recyclables. This area must be located to ensure no odour is created off-site,*

graded, drained and screened from public view to the satisfaction of the Responsible Authority.

Control of light spill

24. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

Non-reflective and natural finishes

25. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

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

NOTES

Note 1: Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit to determine if a building permit is required for this proposal.

Note 2: The premises may be required to be registered with Council under the Food Act 1984.

North Central Catchment Management Authority Note:

Information available at North Central CMA indicates that the location described above is not subject to flooding from any designated waterway based on a flood level that has a probability of occurrence of 1% in any one year. It would be in your best interest to contact the relevant Local Council regarding the impact of overland flows associated with the local drainage system.

Should you have any queries, please do not hesitate to contact me on (03) 5440 1896.

To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote NCCMA-F-2020-00361 in your correspondence.

Mr Robert Kelderman addressed Council on behalf of the applicant in support of the application.

MOTION

That Council having complied with the relevant sections of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PA 2666 for the construction of buildings and works associated with and existing school including partial demolition of buildings and the removal of vegetation generally in accordance with the endorsed plans at 8 and 10 Hannah Street, 47 and 49 Alliance Street and 14 Service Street Clunes (Wesley College), subject to the following conditions:

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 - d) The provision of a detailed landscape plan as required by condition 3 of this permit.*
 - e) The provision of a Conservation Management Plan for the existing dwelling at 10 Hannah Street in accordance with Condition 4 of this permit.*
 - f) Timber cladding provided to the elevations of the shipping container located within the northern portion of the site.**

Compliance with endorsed plans

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Landscape Plan

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Should you have any queries, please do not hesitate to contact me on (03) 5440 1896.

To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote NCCMA-F-2020-00361 in your correspondence.

Moved: Cr Neil Newitt

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

Site and Surrounds

The subject site forms part of the existing Wesley College campus in Clunes. The campus has a main frontage to Service Street with secondary access from Hannah and Alliance Streets.

The campus is occupied by a number of buildings supporting the school including a number of heritage listed buildings. The campus includes a number of residential buildings for the short-term accommodation of students and teachers from other campuses. It is understood that the Campus supports high school aged students who undertake a short stay (up to eight weeks) residential learning programs.

Proposal

The application seeks approval for the partial demolition of the existing dwelling at 10 Hannah Street, the construction of buildings and works associated with an existing school and the removal of vegetation.

Specifically, the application seeks approval for:

- The partial demolition of the existing dwelling at 10 Hannah Street and an extension to the dwelling to convert it into classrooms. The addition includes three buildings connected by a single roof form and separated by decking. The existing dwelling will be converted into a demonstration kitchen whilst the additional two buildings to the rear of the dwelling will be used for a general-purpose room and two art and technology rooms. The new buildings will be contemporary in appearance finished with Australian hardwood cladding and render with a neutral colorbond roof.
- The construction of two new double storey four-bedroom accommodation buildings (dwellings). The dwellings have been designed to complement the existing accommodation dwellings on-site, being contemporary in appearance with skillion colorbond roof form and mixture of timber cladding and render in neutral tones.
- The construction of single storey storage (including shipping container storage), to the rear of the existing dwelling at 8 Hannah Street.
- The removal of 17 trees.

The proposed works will be primarily located on 8 and 10 Service Street and 47 Alliance Street.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Township Zone (TZ) - Part of site Special Use Zone (SUZ) - Part of site
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Overlays:	Environmental Significance Overlay Schedule 1 (ESO1) Heritage Overlay Schedule 776 (HO 776) Heritage Overlay Schedule 776 (HO 763)	
Particular Provisions	Clause 52.06 – Car parking	
Relevant Provisions of the PPF	<ul style="list-style-type: none"> • Clause 12.01-1S Protection of biodiversity • Clause 12.05-2S Landscapes • Clause 12.05-2R Landscapes - Central Highlands • Clause 13.07-1S Land use compatibility • Clause 14.02-1S Catchment planning and management • Clause 14.02-2S Water quality • Clause 15.01-01S Urban design • Clause 15.01-04S Healthy neighbourhoods • Clause 15.01-2S Building design • Clause 15.01-5S Neighbourhood character • Clause 15.01-6S Design for rural areas • Clause 15.02-1S Energy and resource efficiency • Clause 15.03-1S Heritage conservation • Clause 18.02-4S Car parking • Clause 19.02-2S Education facilities • Clause 21.2 Key Influences • Clause 21.03 Vision and Strategic Framework • Clause 21.04 Objectives - Strategies - Implementation • Clause 21.09 Environment and Heritage • Clause 22.01 Catchment and Land Protection 	
Under what clause(s) is a permit required?	Township Zone Clause 32.05-10	Buildings and works associated with a section 2 use
	Environmental Significance Overlay 42.01-2	Buildings and works including site cut greater than 1m in depth
	Heritage Overlay Clause 43.01-1	Partial demolition, buildings and works
Objections?	Five	

KEY ISSUES

Response to Policy Planning Policy Framework

The proposal is consistent with the relevant section of the State and Local Planning Policy Framework.

The zoning of the land allows a range of non-residential uses including education centres to be located within the Township Zone where appropriate.

In this instance, the extension of the existing school campus to include housing and additional learning spaces is reasonable, and a compatible use with adjoining properties and will contribute to the ongoing viability of the education centre. The

buildings and works are sited to reduce possible off-site amenity impacts on the surrounding neighbourhood.

The application proposes the partial retention and restoration of an existing heritage listed dwelling which is encouraged, and the addition to the building is considered to be acceptable noting the additions are contemporary and clearly delineate the existing heritage fabric from the proposed additions. The architectural expression of the proposed buildings is acceptable noting that the proposed additions to the heritage listed dwelling have been designed with a contemporary skillion roof to reduce the visual bulk of the building.

The application does not raise concerns in relation to catchment planning and management or water quality noting that the application was referred to the relevant water authorities and Council's Engineering Department who have consented to the application subject to the inclusion of conditions contained in the recommendation of this report requiring appropriate stormwater management on-site. In addition, a Melbourne Water STORM Rating report has been provided which indicates that two rain water tanks accommodating 27,000 litres of water and a rain garden will be provided on site which are environmentally sustainable design (ESD) initiatives that will treat stormwater on-site before it enters the wider catchment which is encouraged.

The application proposes the removal of trees to accommodate the proposed buildings and works, however the site retains ample room for the provision of suitable replacement planting, and a condition is included in the recommendation requiring the provision of a landscape plans.

Lastly the provision of on-site carparking and traffic impacts associated with the proposal have been considered and are considered to be acceptable. This is discussed in more detail below.

Neighbourhood Character

Proposed buildings are consistent with the existing and preferred neighbourhood character noting that the site is currently an established education centre located within proximity of the Clunes commercial precinct. The school has a primary frontage to service street with various heritage listed buildings dominating the streetscape. The proposed buildings are located to the rear of the site accessed from a secondary street frontage and have been designed to minimise visual bulk as viewed from the surrounds.

The proposed accommodation buildings are detached and surrounded by landscaping. It is noted that the proposed addition the existing dwelling is substantial in size however this is acceptable given the non-residential nature of the use.

Heritage issues

The site is located within the Clunes Conservation Precinct. Council Heritage Studies describe the significance of Clunes township as one of the most intact goldfield townships in Victoria and Australia of architectural and historical significance. The precinct includes a high concentration of buildings relating to the period c. 1860-1930 and c.1965-90.

In this instance, the key considerations relating to heritage include:

- The suitability of the extent of demolition;
- The impact on the existing heritage listed dwelling at 10 Hannah Street;
- The impact of the proposal on the other existing heritage buildings on the site;
- The impact of the proposal on the wider heritage precinct; and
- The impact of tree removal on the heritage precinct

It is considered that the application presents an acceptable outcome having regard to the heritage significance of the site and surrounds, noting the following:

- The application proposes the retention, reuse and restoration of the existing cottage at 10 Hannah Street.
- The extent of demolition is considered to be acceptable and will retain a large portion of the existing heritage fabric and allow for restoration of the façade. The plans are inconsistent in relation to the proposed front verandah, therefore it is considered appropriate to require the provision of a detailed restoration plan to ensure the works are carried out to an acceptable standard and to Council's satisfaction.
- The submitted information includes an assessment of the visual bulk of the proposed building when viewed from the surrounds. The school has a main frontage to Service Street which features many of the prominent heritage buildings including the church. In this regard, the proposed works are sited to the rear of the site. Whilst the roof of the proposed school building may be visible in the wider landscape. The single storey design and skillion roof form will ensure it does not become a dominant feature of the site which is welcomed. The buildings will also be visible from the school's secondary frontage along Hannah Street, however, again, the design, siting and retention of the existing cottage ensures the buildings are cohesive with the streetscape and sympathetic to the heritage significance of the site and surrounds.
- Tree planting, including the provision of non-native trees such as fruit trees are likely to be significant to the site and history of the town. However, retention of the trees is likely to significantly restrict the development potential of the site. A detailed landscape assessment has been provided which indicates that replacement planting will be provided throughout the site. It is Council's recommendation that a detailed landscape plan be provided to ensure the proposed landscaping includes acceptable replacement planting of similar

species and canopy trees to assist in restricting the view of the proposed building in the wider landscape. This has been included as a condition in the recommendation of this report.

- A condition is also required to clarify the presentation of the proposed entrance to Alliance Street including any proposed crossovers, front boundary treatment and fencing to ensure the detail is sympathetic with the heritage significance of the site.
- Lastly, Council's Heritage Advisor has provided advice on the application and is in support of the proposal subject to the issues addressed above. Council's Heritage Advisor also recommended a condition requiring any potential road works to ensure the retention of the existing blue stone kerb and channel in Hannah Street. A condition is included in the recommendation to this effect.

Car Parking

Clause 52.06 (Car parking), of the Hepburn Planning Scheme provides guidance in relation to the required on-site car parking.

In relation to the use of the land as an education centre, the planning scheme requires the provision of 0.4 car spaces to each student. In this instance, the proposal seeks to increase the number of students from 104 to 120. A total increase of 16 additional students. If the car parking was calculated as an education centre, the additional car spaces required would be 6. The application proposes the provision of one additional on-site car space in the form of a disabled car space accessed from Hannah Street.

The documentation supporting the application includes a traffic impact report prepared by Traffix Group dated 5 February 2020. The report suggests that the planning scheme definition of the use of the land as an "education centre" is not accurate in determining the car parking rate given the site is not a typical secondary school and accommodates a large amount of residential accommodation on-site. Therefore, the suggestion is that the use is an innominate one.

The report concludes that the given there is no proposed increase in staff numbers and students are generally bussed in and will not drive to and from the site, that there is no need for any additional in-site car parking to be provided. Turning circles are also provided demonstrating that vehicles can enter the site from Hannah Street and exit in a forward direction.

In considering the requirements of the planning scheme in relation to car parking and the submitted car parking report. The on-site carparking and vehicle manoeuvrability is considered acceptable noting the following:

- The proposed increase in student numbers across the entire site is considered minimal.
- The site is located within proximity to the town centre and is therefore in walking distance of town services.

- The site accommodates secondary school students for extended periods of time who are highly unlikely to be dropped off daily or be driving to and from the site.
- The school has a frontage to three streets and the surrounding street network accommodates large amounts of on-street parking that is rarely at capacity
- The proposed on-site parking and accessways and considered to be an acceptable urban design outcome where it is policy to create safe, functional and attractive parking areas. In the event that formal parking is not created in the road reserve, it is likely to be used for informal parking into the future as the industrial estate develops and will erode over time and impact on the amenity and character of the area.
- Local traffic management in the locality of the land is not considered to be necessary given the minor increase in student numbers.
- A condition has been included in the recommendation requiring the provision of a waste storage area appropriately screened from view of the street.
- The traffic report indicates that the waste will be a private collection which is acceptable.
- The application was referred to Council's Engineering Team who raised no objections to the proposal subject to conditions contained in the recommendation of this report relating the management of stormwater and vehicle manoeuvrability on-site.

Tree Removal

The documentation supporting the application includes an Arboricultural Report prepared by John Patrick Landscape Architects Pty Ltd dated 18 November 2019.

The report assessed 26 trees located on the subject site, adjoining properties and road reserve. Of the trees assessed, 22 were exotic and 4 were native. The native trees were deemed to be planted and exempt from planning approval under Clause 52.17 (Native vegetation) of the planning scheme but continue to require approval under the Heritage Overlay.

The trees assessed were mature and semi-mature trees in fair or good condition between 2 and 12 metres in height. The report concludes as follows:

There are no trees of any substantial size or significance that justifies their retention.

Trees 1, 2, 3, 5, 6 – 18 and 21 are proposed to be removed to allow for construction. They do not require a permit under the SL01 [ESO1] and the native trees are exempt from requiring a permit under 52.17 because they have all been planted.

Other trees are not expected to be detrimentally impacted.

Neighbouring trees need to be protected in accordance with AS-4970 unless negotiated with their owners.

It is recommended that a Tree Management Plan (TMP) be prepared in accordance with AS-4970 and implemented prior to demolition to protect those trees to be retained within the site and those neighbouring.

In considering the recommendations of the report, as discussed in the heritage discussion of this report above, the removal of 17 trees is accepted subject to the submission of a landscape plan to ensure the proposed landscaping includes acceptable replacement planting of similar species and canopy trees to assist in restricting the view of the proposed building in the wider landscape. This has been included as a condition in the recommendation of this report.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

There are no risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, five objections have been received. Of the objections received, the comments suggest that there was general support for the school and its expansion. Specific concerns which will be addressed in detail include:

- Amenity impacts resulting from Hannah Street being an unsealed road and the increase in traffic volume and heavy vehicles (Request made for the road be sealed).
- Amenity impacts during construction.
- Impact on views and visual bulk from 6 Hannah Street.
- Impact on property values.

- Light spill from potential lighting into adjoining properties.

Amenity impacts resulting from Hannah Street being an unsealed road and the increase in traffic volume and heavy vehicles (Request made for the road be sealed)

Given the minor increase in student numbers associated with the application, it is not considered to be reasonable to require the developer to seal Hannah Street for its entirety. The wider ongoing issue associated with Hannah Street generating dust and being in need of repair is a separate issue that would best be addressed by Council's Engineering Department.

Amenity impacts during construction

Some amenity impacts resulting from construction will unfortunately be unavoidable, however construction will need to take place under the supervision of a building surveyor and in accordance with the Environmental Protection Authorities (EPA's) guidelines.

Impact on views and visual bulk from 6 Hannah Street

Concern has been raised in relation to the impact on views and visual bulk of the proposed shipping container storage located in the rear of 8 Hannah Street. Whilst the container spans 12.274 metres adjacent to the common boundary shared with 6 Hannah Street. The container has been setback 2 metres from the boundary which is in excess of the minimum siting requirements. In addition, the height of the container and storage is minimal and is not considered to be unreasonable in a residential setting where it is common for dwellings to contain outbuildings such as sheds or garages. Lastly, the Hepburn Planning Scheme does not specifically protect a person's right to a view. Therefore, the siting of the storage is considered to be acceptable.

Impact on property values

This is not a valid planning consideration.

Light spill from potential lighting into adjoining properties

A condition has been included in the recommendation of this report requiring lighting to be baffled to reduce potential impacts on adjoining residential properties.

Cr Don Henderson returned to the meeting at 9:28pm.

10.5 PLANNING APPLICATION 2668 - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT 10 BURMA TRACK EGANSTOWN DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2668 - Plans [**10.5.1** - 7 pages]
2. PA 2668 - Objections [**10.5.2** - 13 pages]

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a statutory assessment against the relevant provisions of the Hepburn Planning Scheme to aid in the determination of Planning Application PA 2668, an application for the use and development of a dwelling 10 Burma Track, Eganstown.

It is proposed to use and develop the site for the purpose of a dwelling that will include 4 bedrooms, 3 bathrooms, laundry, lounge room, kitchen and meals area. There is decking located around the building except on the southern side.

The dwelling is proposed to be constructed utilising three (3) separate shipping containers which all will be connected by a glazed walkway in front of the carport.

Vegetation on the site will be required to be removed to provide the required defensible space to adequately reduce the bushfire risk to an acceptable level in accordance with bushfire safety regulations.

Despite the zoning of the land being farming, the site is unable to be used for agricultural pursuits, will not be used for agricultural pursuits in the future, and surrounding land is also not used for agricultural pursuits. Based on the limited agricultural value and the existing settlement pattern that exists within the immediate and surrounding area, the bushfire mitigation risks sought to be undertaken the proposal is deemed appropriate in the context of the site and surrounds.

The application was notified and 5 objections were received.

OFFICER'S RECOMMENDATION

That Council, having complied with the relevant sections of the Planning and Environment Act 1987, issue a Planning Permit in respect of Application No. PA 2826 for the use and development of a dwelling generally in accordance with the endorsed plans at 10 Burma Track, Eganstown subject to the following conditions:

Layout must not be altered

- 1) The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

General Conditions

- 2) The development must be drained to the satisfaction of the Responsible Authority.
- 3) All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
- 4) All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
- 5) Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) inappropriate storage of any works or construction materials;
 - (c) hours of construction activity;
 - (d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and
 - (e) presence of vermin.

to the satisfaction of the Responsible Authority.

Council Engineering Conditions

- 6) Stormwater Drainage:
 - a) All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.
- 7) Access:
 - a) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
 - b) Prior to the occupation the following will be constructed for approval:
 - i) Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
 - ii) Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.

- iii) Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - iv) Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
 - c) The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.
- 8) All works must construct and complete prior to commencement of use.
- 9) All costs incurred in complying with the above conditions shall be borne by the permit holder.

Council Environmental Health

- 10) Before works start application to install a septic tank system must be submitted to the responsible authority.
- 11) The wastewater system must be an EPA approved Aerobic Wastewater Treatment System capable of achieving the 20/30 standard and must be installed in accordance with the EPA Code of Practice – onsite wastewater management July 2016 (EPA publication 891.4) unless otherwise agreed in writing by the responsible authority.
- 12) The wastewater management system including effluent disposal fields must be located in an area that is able to satisfy minimum setbacks identified within Table 5 of the EPA Code of Practice – onsite wastewater management July 2016 (EPA publication 891.4).

Goulburn Murray Water Conditions

- 13) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 14) All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

- 15) All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
- 16) The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60 m from any dams, and 20 m from any bores.
- 17) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- 18) No buildings are to be constructed within 30m of any waterways.

Country Fire Authority Conditions

Bushfire Management Plan

- 19) The Bushfire Management Plan prepared by Regional Planning & Design Pty Ltd (*Bushfire Management Statement – 10 Burma Track, Eganstown Ref No.18.248 – Report Version B, Figure 11, dated 6/09/2019*) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Bushfire Emergency Management Plan

- 20) Before the development starts, a bushfire emergency management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
 - a) Premises details
 - Describe property and business details.
 - Identify the purpose of the BEMP stating that the plan outlines procedures for:
 - i. **Closure of premises** on any day with a Fire Danger Rating of Extreme and Code Red.
 - ii. **Evacuation** (evacuation from the site to a designated safer off-site location).
 - iii. **Shelter-in-place** (remaining on-site in a designated building).
 - b) Review of the BEMP
 - Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.

- Include a *Version Control Table*.
- c) Roles & Responsibilities
 - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire. This must include assigning responsibility for the:
 - Management and oversight of emergency procedures.
 - Training of employees in emergency procedures.
 - Accounting for all persons during the emergency procedures.
- d) Emergency contact details
 - Outline organization / position / contact details for emergency services personnel.
- e) Bushfire monitoring procedures
 - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - Describe and show (include a map) the area to be monitored for potential bushfire activity (i.e. within 30 km of the site).
- f) Action Statements – trigger points for action
 - i. Prior to the Fire Danger Period
 - Describe on-site training sessions and fire equipment checks.
 - Identify maintenance of bushfire mitigation measures such as vegetation management.
 - ii. Closure of premise during forecast FDR days (i.e. Extreme and Code Red)
 - Outline guest notification procedures and details of premises closure (including timing of closure).
 - iii. Evacuation
 - Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
 - Details of the location/s of the offsite emergency assembly location.
 - Transport arrangements for staff and guests including details such as:
 - Number of vehicles required
 - Name of company providing transportation
 - Contact phone number for transport company
 - Time required before transportation is likely to be available

- Estimated travelling time to destination
 - Actions after the bushfire emergency event.
- iv. Shelter-in-place
- Show the location and describe the type of shelter-in-place.
 - Triggers for commencing the shelter-in-place option.
 - Procedures for emergency assembly in the shelter-in-place building.

Mandatory Bushfire Protection Conditions

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

Permit Expiry

22) This permit will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.
- c) The use is not started within four years of the date of this permit.
- d) The use is discontinued for a period of two years.

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

Mr James Iles addressed Council as the applicant on behalf of the landowner in support of the application.

Ms Julia Palfreyman addressed Council in objection to the application.

Mr Adam Shepherd addressed Council in objection to the application.

MOTION

That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to Refusal to Grant a Planning Permit for application PA 2668 for the use and development of a dwelling at 10 Burma Track, Eganstown, on the following grounds:

- 1. The application does not prioritise the protection of human life as required by Clause 13.02-1S by proposing a dwelling in a high bushfire risk area where the bushfire risk to the development beyond the site cannot be mitigated to an acceptable level.*
- 2. The application does not prioritise the protection of human life as required by Clause 13.02-1S as the site is not provided with adequate access to evacuate in the event of an bushfire emergency.*
- 3. The development does not adequately prioritise the protection of human life as required by Clause 71.02-3 of the Hepburn Planning Scheme.*

Moved: Cr Kate Redwood AM

Seconded: Cr Greg May

Carried

BACKGROUND

Site and Surrounds

The subject site is located on the west side of Burma Track.

The site is regular in shape with a frontage of approximately 51.42 metres to Burma Track, a northern boundary of approximately 79.64 metres, a southern boundary of approximately 77.81 metres and western boundary of approximately 51.44 metres with an overall area of approximately 4,048m².

The site currently contains an existing colourbond shed, existing concrete slab and a gravel driveway from Burma Track. There is also existing native vegetation which is mainly located on the front portion of the site.

Proposal

It is proposed to use and develop the site for the purpose of a dwelling that will include 4 bedrooms, 3 bathrooms, laundry, lounge room, kitchen and meals area. There is decking located around the building except on the southern side.

The dwelling is proposed to be constructed utilising three (3) separate shipping containers which all will be connected by a glazed walkway in front of the carport.

A new gravel driveway will provide vehicle access from Burma Track to the car parking spaces.

The building is to be setback approximately 24.0 metres from the Burma Track frontage, a 17.0 metre setback from the southern boundary, a 2.8 metre setback from the northern boundary and a 32.0 metre setback from the western boundary

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay Schedule 1 Bushfire Management Overlay
Particular Provisions	Clause 53.02 – Bushfire Protection
Relevant Provisions of the PPF	<ul style="list-style-type: none">• Clause 11.01 – Settlement• Clause 13.02-1S – Bushfire Protection• Clause 13.04-2S – Erosion and landslip• Clause 14.01-1S – Protection of agricultural land

	<ul style="list-style-type: none"> • Clause 16.01-2S – Location of residential development • Clause 21.05 – Settlement and Housing • Clause 21.08 – Rural Land Use and Agriculture • Clause 22.01 – Catchment and land protection • Clause 22.04 – Rural Land 	
Under what clause(s) is a permit required?	Clause 35.07-1	Use of the land for a dwelling
	Clause 35.07-4	Buildings and works
	Clause 42.01-2 Environmental Significance Overlay, Schedule 1	Buildings and works
	Clause 44.06-1	Buildings and works
Objections?	Five (5)	

KEY ISSUES

Policy Considerations

The relevant policy most pertinent to the suitability of this application is related to the protection of agricultural land and ensuring that residential development is located within existing settlements throughout the Municipality.

The application seeks approval to construct a single dwelling on a lot with an area well below the 40ha minimum size for which a dwelling can be established “as of right” within the Farming Zone.

Relevant policy within the Hepburn Planning Scheme (scheme) seeks to protect farmland to allow that land to continue to be used for agricultural purposes. It does this by ensuring that productive farmland is not lost through permanent land use changes. It also seeks to prevent inappropriately dispersed urban activities in rural areas, limit new housing development in rural areas through directing housing growth into existing settlements and discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.

The site is located in relatively close proximity to the settlement of Eganstown which is just some 850m to the north of the site and a large number of surrounding properties are developed with dwellings on properties containing large tracts of native vegetation that are not used for agricultural purposes.

Similarly, the site is located on a heavily vegetated parcel of land with no adjoining parcels of land that are used for agricultural production. The site is unable to be used for agricultural production as it is currently heavily vegetated.

Farming Zone and Agricultural issues

The dwelling will not be removing any land from production given that the site is heavily vegetated and is located within an area of the municipality that is identified as having only average agricultural quality.

The proposed dwelling will have no impact on adjoining agricultural pursuits as a consequence of the very limited agricultural activities conducted in the immediate area. The site is not able to be consolidated into a separate nearby farming allotment and due to the heavy vegetation cover, the return on investment to clear and attempt to improve the soil quality to enable agricultural production would not be a viable undertaking. It is on this basis that the proposal is not considered to have an adverse impact on agricultural production.

Environmental Considerations

The application has been submitted with a Land Capability Assessment that demonstrated that the disposal of wastewater from the site can be treated and dispersed on the site via a wastewater system in accordance with the relevant legislation.

The application and the land capability assessment was referred to the relevant water catchment department who advised that there would not be any adverse impact on water quality within the catchment as a consequence of the proposed use and development subject to complying with their standard type conditions in relation to the disposal of waste water.

Bushfire Safety

The application was submitted with a Bushfire Management Statement that provided an accurate response to all of the requirements of Clause 53.02 of the Scheme.

The application was referred to the CFA who provided their conditional consent to the application advising that subject to complying the required conditions, would result in an appropriate outcome in relation to bushfire safety.

It is noted that the site is located within an area that has an extreme risk of being impacted by a bushfire due to the long fire runs that could occur especially from the north. However due to the very small distance to reach the Midland Highway and the nearby towns of Daylesford and beyond the risk is deemed to be appropriate when coupled with the on-site bushfire mitigation measures through the BAL-29 construction standards and the defensible space to be provided.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

No risks to Council other than already were identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, 5 objections have been received. The issues raised in the objections are addressed individually as follows.

- Poor design methodology

The site is not affected by any overlays that specifically seek to direct design and built form. The dwelling while may not resembling a more generic house design is still considered to be able to fit comfortably within the context of the site and surrounds.

- Vegetation removal and impact on flora and fauna

The protection of human life is an overarching requirement when considering an application within an area subject to bushfire risk and while the application will require the removal of vegetation to provide an appropriate defensible space for the dwelling it is not considered to be to a level that would adversely affect the biodiversity of the site and surrounds

- Proximity to boundaries

While in proximity to a number of boundaries of the adjoining properties this is still considered to provide sufficient openness between properties to not adversely affect the amenity of the area.

- Increased noise / dust / traffic

The establishment of just 1 additional dwelling is not considered to have an adverse impact as a result of vehicle movements.

- Fire risk

Fire risk has been discussed previously and is shared by all existing properties. The mitigation measures and proximity to Midland Highway are mitigating factors that are considered to deem the development appropriate.

MOTION

That standing orders be suspend.

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

Standing orders were suspended at 10:09pm.

MOTION

That the ordinary meeting be resumed

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

Standing orders were resumed at 10:14pm.

11 STRATEGIC PLANNING

11.1 HEPBURN PLANNING SCHEME AMENDMENT C80HEPB. REVIEW OF SUBMISSIONS AND NEXT STEPS DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Senior Planning Consultant, I Alison Blackett have no interests to disclose in this report.

ATTACHMENTS

1. Submissions to the Hepburn Planning Scheme Review [11.1.1 - 34 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider

- (i) submissions received from the exhibition of Amendment c80hepb;
- (ii) whether to refer all submissions (along with recommended updates to clauses) to an independent panel appointed by the Minister for Planning; or
- (iii) next steps for the progression of the amendment.

Key matters

(i) An out-of-date scheme

Amendment c80hepb is a major amendment to the Hepburn Planning Scheme for Council. Submissions from authorities have commended Council on undertaking this substantive and long-awaited initiative. The current Hepburn Planning Scheme has not been sufficiently reviewed for nearly two decades and as a result parts of the existing scheme are:

- out of date;
- contain duplicated and/ or confusing planning controls;
- lacking some controls (such as the protection of Aboriginal and post contact heritage and landscapes and managing conflicting land uses in Daylesford); and
- needing to be brought up to date to meet a range of Ministerial Directions.

(ii) The planning scheme review is central to the basis of Amendment c80hepb

Council has been proactive in undertaking a very detailed planning scheme review in late 2019. The Review provided:

- A detailed technical review of the current scheme and a review of data and evidence;
- A comprehensive community engagement process; and
- A recommendations report and action plan.

At the February 2020 meeting cycle, Council adopted the above and accordingly the Review findings form the basis for Amendment c80hepb.

(iii) Exhibition submissions

At the June 2020 meeting cycle, Council resolved to place Amendment C80hepb on exhibition. The six-week exhibition period ran from the 16 July to the 29 August 2020. It included a range of initiatives to reach out to the community during the Covid-19 lock down period including 5,268 letters mailed to landlords and householders (of those impacted by changing planning scheme controls) and 9,953 A3 sized flyers distributed to every household in the Shire. All aspects of Council's engagement approach are expanded in the Community and Stakeholder Engagement section of this report including Council's response to the Covid-19 lockdown.

Two hundred and sixty-seven submissions were received (Attachment 1). The submissions are well informed and demonstrate a good grasp of the matters at hand. Submissions from Authorities and peak bodies have commended Council on leading the Review and placing this major Amendment on exhibition. Whilst there is substantial support for large parts of the amendment, many submissions oppose the expansion of the Significant Landscape Overlay (SLO1), the introduction of the Significant Landscape Overlay (SLO2) and the Design and Development Overlay (DDO6). Accordingly, Council engaged with the community both during and after the exhibition period to understand concerns and develop alternative clauses to the DDO6 and the SLO1 and 2.

(iv) Next steps

Should Council resolve to refer submissions to an Independent Panel appointed by the Minister for Planning, Council officers will continue to engage with key stakeholders to refine matters of detail. Importantly this Amendment sets a sound 'platform' for much needed future work such as structure planning for townships, heritage protection (both post contact and Aboriginal) and biodiversity and landscape protection.

OFFICER'S RECOMMENDATION

That Council, having prepared and exhibited Amendment C80hepb to the Hepburn Planning Scheme under section 19 of the Planning and Environment Act 1987, and having received and considered all written submissions made in response to Amendment C80hepb:

- 1. Requests that the Minister for Planning appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider all submissions to Amendment C80hepb;*
- 2. On the basis of submissions received, and to enable additional community and stakeholder consultation and further technical work to be undertaken by Council, advise the Panel that the following parts of the Amendment have been abandoned by the planning authority:*
 - Clause 43.02 Design and Development Overlay Schedule 6 until further technical work has been completed on the amenity impacts of the*

- transfer station, to determine the extent of the buffer and to confirm revisions made to the proposed DDO6 Schedule which respond appropriately to submissions received;*
- *Clauses 42.03 Significant Landscape Overlay Schedules 1 and 2 until further work has been completed to review and confirm the mapping boundaries and revisions made to the proposed SLO 1 and 2 Schedules which respond appropriately to submissions received;*
3. *Refers all submissions to the Panel to be appointed by the Minister for Planning, including any late submissions;*
 4. *Endorses the following to form the basis of Council's submission to the Panel:*
 - *response to all relevant submissions (as included as Attachment 1) except those related to Clause 43.02 and 42.03 outlined in part (ii) above;*
 - *minor content revisions (as included in Attachment 1) to the Municipal Planning Strategy, local policies, Schedule 1 to the ESO and any administrative provisions;*
 5. *Authorises the Manager Development and Community Safety to consider any late submissions before referring them to the Panel;*
 6. *Advises all submitters of this resolution and of next steps; and*
 7. *Notes the importance for Council to consider in its mid-year 2020/2021 budget the following priorities:*
 - *The protection of additional sites of significance to the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) in the Hepburn Planning Scheme including Lalgambook (Mt Franklin) and surrounds;*
 - *Preparation of a technical report on the amenity impacts, land use conflicts and environmental risks associated with the Daylesford Transfer Station to confirm the extent of the buffer required and revised DDO6 Clause.*
 - *Preparation of a technical report on the environmental and amenity impacts, land use conflicts and environmental risks associated with the former Daylesford landfill site to inform what future planning and environmental management approaches may be required.*
 - *Preparation of plans to support Restructure Overlays for Drummond and Sailors Falls; and*
 - *Preparation of fact sheets to assist the community in understanding the planning scheme and where a permit is required.*

MOTION

That Council, having prepared and exhibited Amendment C80hepb to the Hepburn Planning Scheme under section 19 of the Planning and Environment Act 1987, and having received and considered all written submissions made in response to Amendment C80hepb:

- 1. Requests that the Minister for Planning appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider all submissions to Amendment C80hepb;*
- 2. On the basis of submissions received, and to enable additional community and stakeholder consultation and further technical work to be undertaken by Council, advise the Panel that the following parts of the Amendment have been abandoned by the planning authority:*
 - Clause 43.02 Design and Development Overlay Schedule 6 until further technical work has been completed on the amenity impacts of the transfer station, to determine the extent of the buffer and to confirm revisions made to the proposed DDO6 Schedule which respond appropriately to submissions received;*
 - Clauses 42.03 Significant Landscape Overlay Schedules 1 and 2 until further work has been completed to review and confirm the mapping boundaries and revisions made to the proposed SLO 1 and 2 Schedules which respond appropriately to submissions received;*
- 3. Refers all submissions to the Panel to be appointed by the Minister for Planning, including any late submissions;*
- 4. Endorses the following to form the basis of Council's submission to the Panel:*
 - response to all relevant submissions (as included as Attachment 1) except those related to Clause 43.02 and 42.03 outlined in part (ii) above;*
 - minor content revisions (as included in Attachment 1) to the Municipal Planning Strategy, local policies, Schedule 1 to the ESO and any administrative provisions;*
- 5. Authorises the Manager Development and Community Safety to consider any late submissions before referring them to the Panel;*
- 6. Advises all submitters of this resolution and of next steps; and*
- 7. Notes the importance for Council to consider in its mid-year 2020/2021 budget the following priorities:*
 - The protection of additional sites of significance to the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) in the Hepburn Planning Scheme including Lalgambook (Mt Franklin) and surrounds;*
 - Preparation of a technical report on the amenity impacts, land use conflicts and environmental risks associated with the Daylesford*

Transfer Station to confirm the extent of the buffer required and revised DD06 Clause.

- *Preparation of a technical report on the environmental and amenity impacts, land use conflicts and environmental risks associated with the former Daylesford landfill site to inform what future planning and environmental management approaches may be required.*
- *Preparation of plans to support Restructure Overlays for Drummond and Sailors Falls; and*
- *Preparation of fact sheets to assist the community in understanding the planning scheme and where a permit is required.*

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

BACKGROUND

At its meeting of the 16 June 2020, Council resolved:

“That Council:

11.2.1. notes the key components of the Amendment C80hepb which update the Hepburn Planning Scheme and implement the findings of the Hepburn Planning Scheme Review

11.2.2. resolves to proceed with Amendment C80hepb by requesting authorisation from the Minister for Planning and following authorisation, commence exhibition for a period of six weeks; and

11.2.3. adopts the shire wide community engagement program which considers ‘social distancing COVID-19’ requirements.”

Key findings from the exhibition period

Since the above Council resolution the exhibition period has been completed. The components of the engagement strategy are summarised in later sections of this report: ‘Community and Stakeholder Engagement’. Two hundred and sixty seven submissions were received and have been collated. Each submission has been acknowledged by either email or letter and redacted versions are now available on Council’s website. Additional internal submissions have also been received.

Submissions have provided valuable feedback on the amendment.

In summary:

Submitter	Key matters the submissions raise
267 community submissions	Objections to the introduction of the Design and Development Overlay 6 (DDO6) around the transfer station Objections to the introduction of the Significant Landscape Overlay (SLO) Objections to the change in residential zones from General Residential Zone to Neighbourhood Residential Zone Seeks to remove the Restructure Overlay from Drummond and Sailors Falls Seeks to rezone nominated land parcels.
6 authorities	<u>Regional Roads Victoria</u> : supports the amendment (correction of zoning anomalies in Trentham) <u>Environment Protection Authority</u> : Supports the application of the DDO6 around the Daylesford transfer station <u>DELWP Land</u> : Supports the amendment and provides refined comments on the local policies <u>Water authorities (Goulburn-Murray Water, Coliban Water, Central Highlands</u>

	<p><u>Water</u>): Supports the amendment and provides refined comments on addition to the ESO schedule, Clauses 14.02 and 66.04</p> <p><u>Country Fire Authority</u>: Supports the amendment given that it supports risk to bushfire and community safety.</p>
3 peak bodies	<p><u>National Trust of Australia (Victoria)</u>: Supports the clearer application requirements for the heritage overlay (HO). Supports the use of the SLO around Mt.Beckworth. Supports the protection of the Potato Huts in the HO, recommends that the Shire establish a heritage advisory committee. Supports the protection of dry stone walls.</p> <p><u>Victorian Farmers Federation</u>: Concerns about the size of the amendment, lack of direct notice to land owners and Covid-19 restrictions. Request an agricultural working group, Suggests changes to the clauses in the amendment.</p> <p><u>Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC)</u>: Provides a detailed submission on how the scheme can strengthen protection of significant sites and bring to the forefront the importance of the Dja Dja Wurrung in the history and the future of the shire.</p> <p><u>Riding for the Disabled</u>: Has concerns about the DDO6 and the impact on land values.</p>
Internal submissions	<p><u>Council officers, advisors and Committee reps</u>: Seek to strengthen the protection of significant sites and bring to the forefront the importance of the Dja Dja Wurrung in the history and the future of the shire.</p>

Alignment with the 2020 Hepburn Planning Scheme Review

The above submissions are expanded below in the context of the Key Issues. Where relevant, the key findings of the Hepburn Planning Scheme Review ('The Review') are noted. The Review (adopted by Council in February 2020) was informed by detailed community consultation and stakeholder engagement undertaken in late 2019 along with a comprehensive technical and policy review. The Review also integrated the requirements of the Ministerial Direction of the 'Form and Content of Planning Schemes'. The findings of the Review have been central to the basis and intent of Amendment C80hepb.

KEY ISSUES

A summary of the key issues and the Council officer's response is outlined below.

(i) The amendment documentation was complex and technical. Many people contacted Council saying that it was difficult to find information on the DELWP website.

Council officer response:

The State Government determine the process for the exhibition of planning scheme amendment documentation through the DELWP website. This provides one point to access information and Council acknowledges the challenges for the community in accessing this information. To help address these issues, Council had a dedicated planning officer who responded to queries and provided assistance to access information.

Despite the complexity of the amendment, 268 submissions were received. Many contained detailed responses that demonstrate a solid appreciation of the issues. Council can provide feedback to DELWP and the Minister on the challenges faced by the Hepburn community in accessing the amendment documents.

(ii) Some members of the community were not aware of the amendment and learned about it from neighbours. The Covid-19 environment made communication difficult.

Council officer response:

It has been a challenging time for Council and the community in the Covid-19 environment. Council's obligations to ensure that not only the requirements of the Planning and Environment Act 1987 and Covid-19 were met, but using all resources available to Council so that the community were informed of the Amendment.

All households and landowners in the Shire were letter-box-dropped with an easy to read A3 sized flyer that outlined the key messages and where to obtain more detailed information. This included signage on street bins, notices in newspapers every week and Facebook and website updates over a six week period.

All ratepayers and householders impacted by a zone or overlay change were directly notified by mail explaining how the new provisions would affect them and directed people about where to find more detail about the actual provision changes. (Direct mail outs encompassed households and absentee landowners impacted by the DDO6, SLO1 and 2, HO, removal of DPO 1,2 and 3 and residential zone changes).

Council held two rounds of 'Zoom' meetings which were promoted online and focused on the DDO6 and the SLOs. These meetings were well attended with over 70 attendees.

(iii) Many of the key components of the amendment were generally supported by the community.

What the Hepburn Planning Scheme Review said:

- The Review identified that Hepburn has low growth projections with valued heritage and neighbourhood character in its townships that are not clearly articulated in the planning scheme.
- Some planning controls are duplicated and unclear, such as for Daylesford. For greater clarity, the Neighbourhood Residential zone accurately reflects the low scale vision whilst the General Residential Zone is at odds with the existing policy and overlay controls (except for in Creswick)
- The need for the Hepburn Planning Scheme to meet the standards of the Ministerial Direction, ‘The Form and Content of Planning Schemes’. Accordingly, a suite of 19 new policies along with an updated Municipal Planning Strategy were central to the amendment.
- The need to correct zoning anomalies and inaccuracies
- The ongoing need to continuously add sites to the Heritage Overlay

Council officer response:

Councils’ appreciation of what ‘general support’ means is that either (i) no commentary was provided or (ii) support was confirmed in the submission. Components of the amendment where this applies include:

- New Municipal Planning Strategy;
- Nineteen new local planning policies (Some submissions suggested refinements and modified content to some policies. Further details are provided below);
- Transition from the General Residential to the Neighbourhood Residential Zone for Clunes, Daylesford, Hepburn Springs and Trentham;
- Minor rezoning changes for public land at the Lost Children Memorial Reserve and Hepburn Mineral Springs Reserve;
- New Heritage Overlay application requirements, dry stone wall controls and HO988 (Potato Huts); and
- Update of planning scheme provisions based on the State Ministerial Directions and Guidelines. Many of these are ‘policy neutral’ and involve updated formatting and section changes to the scheme.

(iv) The Design and Development Overlay 6 (which proposes a development density around the Daylesford Transfer Station) is not supported in its current form.

What the Hepburn Planning Scheme Review said:

Community engagement undertaken as part of The Review identified land use and amenity conflicts between the Daylesford transfer station and the adjacent residential areas and recommended the application of a DDO until such time as Council undertakes further strategic work. The Review was also informed by advice from the EPA that emphasised that in the future Council will need to further consider environment risks in the shire in the context of forthcoming EPA framework and current legislation and policy settings. Accordingly, Council has applied these policy settings (CI 53.10) in the application of the Overlay.

What the community told us:

Concerns over:

- Loss of property values, property rights and inability to sell properties
- Proposed control is unfair and will impact on enjoyment of residential properties
- Concerns about fencing, balcony and landscaping restrictions which are not in keeping with character, heritage, mineral springs and tourism aspects of the area
- Unable to rebuild houses in event of bushfire or similar type of disaster
- Inability to develop and further subdivide properties
- Council hasn't undertaken required strategic work, questioning purpose and strategic basis for DDO6
- Detrimental impacts from unlimited development rights on transfer station and health impacts on residents
- Residential land further away is not impacted by transfer station operations: remove from DDO6 map
- Council should undertake waste management strategy first with the community
- Want to see the recycling operation return to the transfer station
- Council should acquire properties in buffer area if they are concerned about transfer station operations
- Doesn't meet EPA guidelines or provide a risk assessment and due diligence related to Grampians Central West Waste and Resource Recovery Implementation Plan 2017 or the P&E Act 1987
- DDO6 is flawed and should be abandoned
- Many submissions were concerned about the lack of community consultation. This matter is addressed above in (ii).

It its submission the amendment, the EPA supported the application of the DDO6.

Council officer response:

The DDO6 control is consistent with Ministerial Direction No 19. Its strategic basis is underpinned by Clause 19.03-5S and 53.10 of the Hepburn Planning Scheme.

Council's approach to applying the DDO6 was authorised by DELWP and supported by the Environment Protection Authority. A submission from the EPA supports the introduction of the overlay.

The intent of the control is to limit development within a buffer of the Daylesford transfer station. The control is concerned with amenity and not environmental impacts or land use. If not introduced, land use conflicts will be exacerbated and may even increase, creating potential risks to both the public and Council. The facility is a key community asset for Council.

Its introduction ought not result in a decline in property values and this is not a relevant consideration for a planning scheme amendment.

If abandoned, the existing status quo will remain and the existing land use tensions will continue. Council can expect to process more applications for subdivisions and additional dwellings in the DDO6 area.

Options to address community concerns

Council can consider providing additional planning permit exemptions and adjustments to the clause for those impacted by the proposed DDO6. These include:

- Refining the purpose of the overlay to protect the transfer station
- Removing reference to the 500 metre area from the schedule with reliance on the mapped area of the DDO6 to determine the land affected.
- Further technical advice on the DDO6 has been requested by the EPA but was not a requirement of the exhibition process. This additional work can be completed before panel. A full environmental assessment of the closed landfill is not a requirement at this stage.

Additional planning exemptions for:

- Fencing, a balcony and landscaping.
- Existing development.
- Existing subdivisions.
- Allowing rebuilding of existing houses and buildings damaged by fire or any other means.
- Include steps, paths and retaining walls of 1 metre high into minor works exemption.
- Adjust controls to enable consideration of existing vegetation or topography in mitigating amenity impacts on residential development and to reflect the facility's role as a transfer station (not MRF).

It is recommended that Council undertake a risk assessment on amenity of land within the proposed 500 metre buffer area and consider any mapping changes. This

risk assessment can support Council's submission to the Panel and can also confirm the mapping extent of the DDO6 buffer. The refinement of the buffer area is an important consideration as many submitters said that they weren't impacted by the transfer station or its offsite amenity impacts.

Council can undertake further work on the environmental impacts around the closed landfill with the EPA and local community. (This can be noted in 74.02: Further Strategic Work).

(v) The SLO (which proposes permit requirements to manage inappropriate development and vegetation removal) is not supported in its current form.

What the Hepburn Planning Scheme Review said:

Community engagement undertaken as part of the Review identified the high importance of protecting the Shire's significant landscapes.

What the community told us:

Concerns that planning controls will be onerous. Key areas of concern include:

- The height of structures;
- Colour requirements;
- Fencing;
- Vegetation removal;
- Limits on primary production;
- Costs of future planning applications; and
- Extent of the overlay, with some wanting the proposed extent of the SLO reduced

Many submissions were concerned about the lack of community consultation. This matter is addressed above in (ii).

Other submissions (such as the National Trust of Australia Victoria) supported the overlay and wanted expansion of the SLO to other areas of the Shire such as Lalgambook (Mt Franklin) and other key Dja Dja Wurrung sites. Submitters were concerned that the amendment does not signal that these landscapes are important and should be protected. This was a key message from the community and identified in the engagement undertaken in the Review.

Council officer response:

The SLO implements the *South-West Victoria Landscape Assessment Study, 2013*. This study was adopted by Council and was been funded and led by the State Government in conjunction with neighbouring Shires.

Council acknowledges that the study does not fully embrace significant sites to the DDWCAC and that it should have been broader in its methodology. However, as an adopted and completed study its content cannot be changed at this time. As a result,

the Amendment does not have the capacity to address matters of detail such as the extent of mapping and the addition of key Dja Dja Wurrung sites.

Should Council resolve to not introduce the SLO1 and SLO2, Council will have limited tools to control inappropriate development. The intent of the controls is not to manage the Shire's responsible citizens and farmers but rather to set clear parameters for new landowners in the future. (For example, the community have expressed concern in the past about inappropriate development at the foothills of Lalgambook (Mt Franklin).

Options to address community concerns

Council can consider providing additional planning permit exemptions and adjustments to the clause for farmers impacted by the proposed SLO. These include:

- Height of structures to be increased to 8 metres to enable storing of hay bales, machinery, etc.
- Silos, all farm irrigation equipment and structures
- Relaxing of muted materials and colours to enable reflective zincalume materials
- Fencing: temporary fencing structures
- Solid fencing directly around dwellings and existing farm sheds/structures.
- Gardens around farm dwellings (1-2 hectare area)
- Allow exotic vegetation removal
- Allow plantations planted by landowners to be removed
- Allow dead trees to be removed
- Allow vegetation for orchards and horticulture to be removed
- Allow for all environmental improvements and Landcare type management

Council should also:

- consider a review of the mapped boundaries of the SLO1 and SLO2 and whether they are appropriate;
- develop a Fact sheet or check list to assist the community with the controls; and
- allocate appropriate resources to ensure significant sites are identified and to enable future planning scheme amendments to protect significant sites.

(vi) The amendment should place greater importance on the protection of significant sites and bring to the forefront the importance of the Dja Dja Wurrung Clans Aboriginal Corporation in the history and the future of the shire.

What the Hepburn Planning Scheme Review said:

The Review identified that Aboriginal heritage in the Shire was very important and should be protected.

What the DDWCAC and other submissions told us:

Key areas of concern centre on the need for more significant sites to be added to the Hepburn Planning Scheme. It should centre on:

- greater protection of aboriginal cultural heritage in the planning scheme through an Aboriginal Sensitivity Overlay (no such overlay exists in the VPP);
- Updating Clause 15.03-2S (Aboriginal Cultural Heritage) to reflect the correct name: Dja Dja Wurrung;
- recommending that the Shire be declared as a 'Distinctive area and Landscape';
- Undertake further work to support protection of cultural heritage; and
- Protect Lalgambook (Mt Franklin) and Mt. Kooroocheang;
- Has concerns that the South West Victoria Landscape study (which supports the SLO) needed to engage more with the Dja Dja Wurrung and that further work can build on the basis of the report; and
- That the Schedule to the Heritage Overlay should be ticked to note all aboriginal sites in the Shire.

Council officer response:

Council supports the inclusion of sites significant to the DDWCAC in the Planning Scheme.

In relation to Cl 15.03-2S Council is not able to make changes to a State provision but has proposed a local policy. Initially, Council was advised not to use the words Dja Dja Wurrung in the policy, but these changes can be incorporated in the revised amendment.

The suggestion to declare the Shire a 'Distinctive area and Landscape'; under Part 3AAB of the Act will require more detailed consideration of Council's responsibilities and the additional planning permit restrictions that would apply should Council proceed with this initiative. The declaration cannot be made by Council and is the responsibility of the Victorian Government.

Options to address DDWCAC and community concerns

Council can work with the DDWCAC, Council's advisory committee, Aboriginal Reconciliation officer and heritage advisor to develop a work program that responds to the above issues with the ultimate intention of preparing a planning scheme amendment to address 'gaps' in heritage protection. Council should allocate additional substantial funds to ensure places of significance to the DDWCAC are included in the Hepburn Planning Scheme.

(vii) The water authorities support the ESO1 with changes

What the Hepburn Planning Scheme Review said:

The Review recommended:

- a new local policy based on catchment management plans;
- remove Dams and Public Infrastructure Area local policies from the scheme;

- revise ESO1/2 to meet the Ministerial Directions;
- review the above by working with the water authorities and DELWP.

What the water authorities and other submissions told us:

Submissions received from Coliban Water, Goulburn Murray Water and Central Highlands Water centre on the need for:

- Minor rewording of the policy objective, strategies and guidelines in Clause 14.02-1L ;
- Include specific strategies to manage risk to water quality when policy supports unsewered subdivision. (This applies in high risk areas such as the option to provide reticulated sewage to Glenlyon);
- Include additional words into the ESO1 permit exemptions to construct buildings and works “which does not encroach upon the wastewater treatment system”;
- Reworded application requirements and decision guidelines in ESO1;
- Include additional strategic work for ESOs around wastewater treatment plants at Clause 74.02; and
- Reword referral authority requirements at Clause 66.04 for kinds of applications at ESO1

Council officer response:

Council can recommend the following changes to the amendment that encompasses:

- Minor rewording of Clause 14.02-1L policy objective and strategies around the wording “restoration”;
- Rewording of Clause 14.02-1L policy guidelines for primary and secondary wastewater treatment;
- Include additional words into the ESO1 permit exemptions to construct buildings and works “which does not encroach upon the wastewater treatment system”.
- Rewording of some application requirements and decision guidelines in ESO1; and
- Reword referral authority requirements at Clause 66.04 for ESO1 applications

Options to address stakeholder concerns

Council officers can continue to refine the ESO1 and clause 14.02-1L by working with the water authorities prior to the panel hearing.

(viii) Remove the Restructure Overlay and/or develop a Plan

What the Hepburn Planning Scheme Review said:

The Review recommended that Council prepare Restructure Overlay (RO) plans for Drummond and Sailors Falls to support the overlay. The control must be retained due to increased bushfire risks.

What the community told us:

The submitters identified the need to prepare plans to support the overlay to provide clarity around development options. Some submitters also requested the removal of the RO as they intended to build or sell their land.

Council officer response

In 2015 Council requested authorisation from DELWP to place an amendment on exhibition. Its intent was to remove the Restructure Overlay.

The request was not approved by DELWP due to bushfire risk.

Options to address stakeholder concerns

Council should progress with preparing the RO plans as a matter of priority. This will provide the community with greater clarity, parameters around development and consolidation and better protect the community

(ix) Ensure agricultural land policies are best practice

What the Hepburn Planning Scheme Review said:

The community identified that it was important to protect agricultural land.

What the community and the Victorian Farmers Federation (VFF) told us:

The submitters recommended:

- Changes to wording of policies;
- Desire to subdivide land; and
- Promote regenerative farming practices.

Council officer response

Council can work with peak bodies such as the VFF and farmers to refine planning scheme clauses and to ensure alignment with the Victorian Government's Agricultural land review and The Review's recommendations.

Options to address stakeholder concerns

Council officers can continue to refine the amendment by working with the farmer and peak bodies prior to the panel hearing.

(x) Correct zoning anomalies

What the Hepburn Planning Scheme Review said:

The Review provided the basis for how rezonings should be considered. It noted that they should be undertaken via structure plans whilst also referring to the Victorian Government's agricultural land review. This planning scheme amendment includes zoning anomalies that are considered 'policy neutral'

What submitters told us:

The submitters identified that some properties in the Shire are incorrectly zoned and should be rezoned to reflect current land uses.

Council officer response

For the sites in submissions identified above the following responses are provided:

Site	Response
6 Golflinks Road, Hepburn Springs	Not supported: subdivision for land fronting Main Road has been approved and the zoning of the land at 6 Golflinks Road can be considered in future structure planning for the Hepburn Springs township.
116 Hepburn-Newstead Road, Elevated Plains	Not supported: is subject to Farming Zone, Bushfire Management Overlay and Environmental Significance Overlay – Schedule 1 with inadequate strategic basis to justify rezoning to Rural Living Zone.
191 Lagoon Road, North Blackwood (Trentham Waste Water Treatment Plant)	Supported: This change should be considered by the Panel for rezoning as a public land zone should be applied to the waste water treatment plant. Council will request that Coliban Water notify adjacent landowners of this request and provide details of the Panel process if they would like to make a submission for consideration by the Panel.
217 Ascot Road, Creswick	Supported: a public land zone should not be applied to private land and this could be considered further by the Panel.
36 Johns Road, Creswick	Not supported: is subject to Rural Living Zone with 8 hectare minimum lot size, outside the Creswick township boundary with inadequate strategic basis to justify rezoning to another zone but could be considered in future structure planning for the Creswick township.
Broomfield Rural Living Zone Land	Not supported: is subject to Rural Living Zone with 8 hectare minimum lot size and outside the Broomfield settlement boundary where the Township Zone is applied. Inadequate strategic basis to justify rezoning to another zone with significant constraints from the Bushfire Management Overlay.
114 Main Street, Hepburn Springs	Supported (in part): is zoned General Residential Zone and subject to potential Neighbourhood Residential Zone. Is within Hepburn Township and identified for potential commercial area expansion in the township. Inadequate strategic basis to currently justify rezoning to a Commercial 1 Zone at this stage but could be considered through future structure planning for the Hepburn Springs township and when outcomes of the municipal wide Industrial, Commercial and Residential Land Demand Study are undertaken to inform structure planning for the townships, ensuring an adequate supply of zoned land as listed in Clause 74.02 – Future Strategic Work.
3535 Midland Highway, Blampied	Not supported: is subject to Farming Zone with a 40 hectare minimum lot size and outside any defined township or settlements. Inadequate strategic basis to justify rezoning to a Rural Living Zone of a 2 - 8

	hectare minimum lot size with significant constraints from the Bushfire Management Overlay on approximately half the land.
Sites in Clunes should be zoned RLZ from LDRZ	Supported –(in part) Low Density Residential Zone Land: is subject to Low Density Residential Zone (LDRZ) with 0.4 hectare minimum lot size (for unsewered lots), outside the Clunes township boundary. Some LDRZ land exists within the township and there is inadequate strategic basis at this time to justify rezoning to another zone but could be considered in future structure planning for the Clunes township.

Options to address stakeholder concerns

Council officers can further consider the above rezoning requests through further work identified in the Hepburn Planning Scheme Review over the short and medium term. Council is awaiting State direction in relation to agricultural land in late 2020/early 2021.

A summary of all submissions received and a recommended Council response further to what is provided above are detailed in **Attachment 1**.

POLICY AND STATUTORY IMPLICATIONS

This report responds to the following Sections of the Planning and Environment Act 1987 (The Act) that Council are required to meet:

Section	What the Act requires
Section 22 (1)	Requires Council to consider submissions made during the exhibition period of an amendment.
Section 22(2)	Enables Council to consider late submissions.
Section 23(1)	Directs that after considering a submission which requests a change to the amendment, Council must <i>“(a) change the amendment in the manner requested; or (b) refer the submission to a panel appointed under Part 8; or (c) abandon the amendment or part of the amendment.”</i>
Section 24	Directs that an independent panel must consider all submissions and provide the opportunity to be heard any person who has made a submission. This includes the planning authority (Council).

Central Highlands Regional Growth Plan

The amendment is consistent with the ‘Central Highlands Regional Growth Plan’ which seeks to deliver a “productive, sustainable and liveable region for its people”.

Council Plan 2017-2021

Strategic Objective – Vibrant Economy

Key Strategic Activity:

Implementing progressive planning scheme updates and strategic land use changes to support the economy, address social issues as availability of housing and appropriate land zoning for development.

Strategic Objective – High Performing Organisation

Key Strategic Activity:

Deliver good governance and integrity in all our actions and take steps to improve organisational efficiency including regular process improvements

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Amendment C80hepb supports sustainability in the Shire through improved sustainability of the following:

- Environment: new and improved local policies, updated schedules to zones and overlays and ongoing research in biodiversity, significant landscapes, heritage and neighbourhood character;
- Social: supporting social housing, identifying opportunities for community infrastructure through structure planning and improved local policies; and
- Economic: streamlining the planning application process, clarifying land use provisions and development outcomes.

FINANCIAL IMPLICATIONS

Amendment C80hepb has been included in Council's Development and Community Safety operations team budget for the 2020/2021 budget. Funds are needed to meet the costs associated with a panel hearing and ongoing administration.

Should Amendment C80hepb progress, it will provide the following benefits for Council's planning services:

- clearer identification of when a permit is required (and what is required) will reduce the number of applications that don't require a permit;
- there will not be significant increases in planning applications as a result of the zone and overlay changes;
- after an initial familiarisation phase with the new local policies, there will be a streamlined administering of local policy content.

RISK IMPLICATIONS

Should Council not resolve to refer submissions to a panel (by either abandoning all or parts of the amendment) Council faces the following risks:

Risk	Response
<p>DELWP will proceed with the translation of the Hepburn Planning Scheme into the PPF format if the scheme amendment in totality is abandoned.</p>	<p>Council has led this amendment based on the need to add more local policies and clauses and at the same time translate the scheme into the PPF. Should Council abandon the amendment, DELWP will be obliged to proceed with the translation, placing at risk some of the well resolved, and widely supported local content.</p>
<p>Council may defer the DDO6 until further work is undertaken.</p>	<p>A new planning scheme amendment process may need to be established if parts of the amendment are set aside. This will impact on time frames and costs to Council. To ensure the work to date undertaken isn't lost Council would need to guide the deferral by allocating timeframe expectations and budget commitments.</p> <p>Further work for the DDO6 has been requested by the EPA but was not a requirement of the exhibition process. This additional work can be completed before panel. A full environmental assessment of the closed landfill is not a requirement at this stage.</p>
<p>Increasing residential densities in close proximity to the Daylesford Transfer Station should the DDO6 be abandoned.</p>	<p>One of the key drivers for Council to undertake this work is due to the already established land use conflict between the transfer station and surrounding residential encroachment.</p> <p>Prior to exhibition, the EPA identified the need to manage sensitive uses around the transfer station. The EPA also made a submission in response to the Amendment advising that the DDO6 was an appropriate mechanism to limit the risk to the community.</p> <p>To not proceed with the amendment at this stage would put the community and the transfer station at risk and open Council up to liability should a conflict occur. In addition to this, as there is no formalisation of the recommended 500m buffer there is the risk of further subdivision and residential growth around the transfer station as the scheme does not have the ability to control. By Council abandoning this section of the scheme review or deferring it Council is acknowledging and accepting this risk/liability.</p>
<p>A detrimental impact on significant landscapes in the shire should the SLO be abandoned</p>	<p>Landscape controls in the shire are currently inadequate. Due to inadequate controls inappropriate subdivision and development will occur. A detrimental impact on significant landscapes in the shire brought about by removal of significant trees, poor siting of large structure and little to no control for state and national infrastructure projects such as the Western Victoria Transmission Project. Some submitters such as the National Trust of Australia (Victoria) support the SLO and want more sites added that are of</p>

importance to the Dja Dja Wurrung.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council undertook a comprehensive approach to community engagement during the exhibition period that responded to social distancing requirements.

5268 letters mailed to landlords and householders of those impacted changing by planning scheme controls and 9953 A3 sized flyers distributed to every household in the Shire.

Key aspects of community engagement encompassed:

Key aspect	What Council did
Availability of amendment documentation	<ul style="list-style-type: none"> • six-week exhibition period (longer than the required one-month period) • provided in plain English including a simple FAQ page and advice on how to make a submission • Hard copies made available in all of the Shire's libraries • Electronic copies available via Council's website to the DELWP amendment website.
Notification to the community	<ul style="list-style-type: none"> • Letter box drop to 9953 residents and ratepayers with simple A3 FAQ flyer attached; • The same A3 FAQ flyer mailed to those outside the Shire; • Direct mail out to 5268 residents and ratepayers who are impacted by: <ul style="list-style-type: none"> • (i) DDO6: Daylesford waste transfer station; • (ii) Significant landscape Overlay • (iii) Residential zone changes; • (iv) three Development Plan Overlays to be removed; • (v) the proposed Heritage Overlay (Potato huts) • weekly notices in the local newspapers throughout the six week exhibition period; • A notice in the Government Gazette; • Detailed updates on Council's website and Facebook; and • Signage placed in the main streets of Daylesford, Clunes, Creswick, Glenlyon and Trentham.
Notification to prescribed ministers, public authorities and	Notification via email was provided to public authorities and prescribed Ministers of the of the amendment. Peak bodies include the DDWCAC and the National Trust of Australia (Victoria).

peak bodies	
How Council tried to improve accessibility during Covid-19 'lock down'	<p>Council's website provided:</p> <ul style="list-style-type: none"> (i) a webinar that explained what the amendment does and how to make a submission. (ii) a portal to survey monkey with prompts; (iii) a link to the DELWP website which included all amendment documentation (iv) Facebook updates and regular posts; (v) Zoom Meetings (with large attendances) and one-on-one conversations; (vi) Direct phone contact details to a dedicated council officer.

Council has met Section 19 of the Act by:

- a notice appeared in the Victorian Government Gazette on the 16 July 2020 noting the closing date for submissions as the 28 August 2020;
- at least a week prior to the 16 July 2020, Council undertook the following: the amendment was available for inspection on the DELWP website; notices appeared in local papers; signage appeared in main streets; letters were mailed out to property owners and residents; correspondence was emailed to prescribed Ministers and authorities and brochures were letter box dropped.

At the completion of the exhibition period, the 267 submissions were collated and provided to Councillors for consideration. Copies of submissions (with personal details redacted) are now available on Council's website. These will remain until the amendment is gazetted.

On receiving the written submissions Council acknowledged each submission by either return email or if the submission was provided in hard copy, by return mail. All submitters were notified of the date of the September Council meeting, it's proceedings and of the next steps.

A summary of community responses and feedback is provided above in the 'Key Issues' section of this report. Further detail is appended.

CONCLUSION

Council can consider the following options:

- (a) proceed with Amendment C80hepburn and accordingly request an Independent Planning Panel to consider the amendment, all submissions and any changes that Council considers are warranted on the basis of submissions; or
- (b) proceed with parts of the amendment and abandon other parts; or
- (c) not proceed with the amendment at this stage.

Should Council resolve to proceed with the amendment by referring it to an independent panel appointed by the Minister for Planning, the following time frames are anticipated:

2020/2021 Date	Activity
Late September 2020	Council writes to the Minister requesting the appointment of an independent panel. The panel's role will be to consider submissions and prepare a report containing recommendations to Council
October/ Late 2020	Possible time frame for a directions hearing (Any person who wishes to appear before the panel should attend this)
Late 2020/ Early 2021	Likely time frame for a panel hearing (Any person who wishes to appear before the panel will attend this)
Mid 2021	6 weeks after the last day of the panel hearing, the panel will provide its report to council containing recommendations for each component of the amendment.
Mid 2021	At its Ordinary Council meeting, Council will consider the panel's recommendations and can decide its position on the amendment before informing the Minister for Planning of its final decision.

12 QUALITY COMMUNITY INFRASTRUCTURE

Cr Greg May left the meeting at 10:35pm due to a declared Conflict of Interest.

12.1 PEDESTRIAN CROSSING POLICY DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Manager Operations, I Tristan May have no interests to disclose in this report.

ATTACHMENTS

1. Pedestrian Crossing Policy [12.1.1 - 9 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present the Final Pedestrian Crossing Policy for Council adoption.

At Council's February 2020 Ordinary Meeting, Council resolved to accept the Disability Advisory Committee (DAC) meeting recommendation, which details:

Council will adopt a policy position requiring pedestrian crossings that meet the needs of persons of all abilities be installed in the townships of Clunes, Creswick, Daylesford and Trentham, and such pedestrian crossings be centrally located in the primary retail precincts of each township and near to accessible toilets.

This policy captures the DAC recommendation along with providing some guiding principles for assessing future pedestrian crossings throughout the municipality.

OFFICER'S RECOMMENDATION

That Council:

1. *Adopts the Pedestrian Crossing Policy as presented; and,*
2. *Refers to the 2021/2022 budget process, a project to investigate and develop design plans for pedestrian crossings in the nominated townships.*

MOTION

That Council:

1. *Adopts the Pedestrian Crossing Policy as presented; and,*
2. *Refers to the 2021/2022 budget process, a project to investigate and develop design plans for pedestrian crossings in the nominated townships.*

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

Council's Disability Advisory Committee have been advocating for the development of a Pedestrian Crossing Policy which caters for people of all abilities.

At the February 2020 Ordinary Meeting of Council, Council resolved:

That council accept the following DAC recommendation from the 9 December 2019 Meeting, namely that:

- *Council adopt a policy position requiring pedestrian crossings that meet the needs of persons of all abilities be installed in the townships of Clunes, Creswick, Daylesford and Trentham, and such pedestrian crossings be centrally located in the primary retail precincts of each township and near to accessible toilets;*
- *Council accept the advice of the DAC that the existing pedestrian crossings located in Albert Street, Creswick and Vincent Street, Daylesford satisfy these requirements.*

The policy incorporates the above direction along with additional principles and key considerations to enable appropriate assessment of any prospective pedestrian crossings.

KEY ISSUES

1. Pedestrian crossings requests must consider a vast range of factors to determine if a crossing is appropriate for a nominated site and if so, what specific type of crossing is suitable.
2. Regional Roads Victoria (formerly VicRoads) consider any new road crossing which gives the priority to pedestrians a Major Traffic Control item, with this item requiring their approval.
3. Any new crossing would need to be included in Council's budget bid process for consideration in future years capital infrastructure delivery programs.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This policy provides a framework for council to achieve improved pedestrian access and establishes council's commitment to improving pedestrian permeability in our townships.

A community engagement process will be undertaken on individual crossing designs as they are investigated, and concepts developed.

There has not been any formal community engagement undertaken in the development of this policy.

Cr Greg May returned to the meeting at 10:43pm.

12.2 HAMMON PARK TRAILHEAD - COMMUNITY AND YOUTH HUB MASTER PLAN ADOPTION
DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Project Manager - Creswick Trails, I Alison Breach have no interests to disclose in this report.

ATTACHMENTS

1. Hammon Park Trailhead - Community and Youth Hub Master Plan [12.2.1 - 27 pages]
2. Community Engagement Report - Hammon Park Master Plan Values Principles and Uses [12.2.2 - 27 pages]

EXECUTIVE SUMMARY

Hammon Park, Creswick is proposed as the sole trailhead for the Creswick Trails. In addition to public amenities, a parking area and wayfinding maps, Hammon Park has the potential to be a key recreation and social asset for the local and regional community. To realise this potential, a master plan has been developed to guide and streamline implementation and activities for the reserve.

Thorough community consultation on the draft master plan for Hammon Park generally indicated strong positive support for the master plan.

The Hammon Park Trailhead has been designed with the community and families in mind and has a variety of activities to cater to individuals with a variety of interests. While the overall theme of the park is cycling, accessibility, flexibility and providing space for community-based events features in the design of the recreation facility.

Implementation of the master plan can be realised in a single build or as a series of prioritised smaller projects.

OFFICER'S RECOMMENDATION

That Council:

1. *Adopt the Hammon Park Trailhead – Community and Youth Hub master plan;*
2. *Formally release the Hammon Park Trailhead – Community and Youth Hub master plan to the community;*
3. *Fund the detailed design and construction documentation of the Hammon Park Trailhead – Community and Youth Hub master plan as part of Council's commitment to the Creswick Trails Project; and,*
4. *Consider funding the implementation of the master plan as part of the annual capital works budget cycle in subsequent financial years and as grant funding opportunities present.*

MOTION

That Council:

1. *Adopt the Hammon Park Trailhead – Community and Youth Hub master plan;*
2. *Formally release the Hammon Park Trailhead – Community and Youth Hub master plan to the community;*
3. *Fund the detailed design and construction documentation of the Hammon Park Trailhead – Community and Youth Hub master plan as part of Council's commitment to the Creswick Trails Project; and,*
4. *Consider funding the implementation of the master plan as part of the annual capital works budget cycle in subsequent financial years and as grant funding opportunities present.*

Moved: Cr Don Henderson

Seconded: Cr Greg May

Carried

BACKGROUND

Hammon Park is a community park located on Moore Street, Creswick. Currently, Hammon Park is home to a pump track, gravel car park, cricket oval as well as an older style public toilet block and community pavilion. Hammon Park is the sole trailhead for the Creswick Trails, a proposed network of 100 kilometres of mountain bike trails housed within the Creswick Regional Park and surrounds.

The Hammon Park Trailhead – Community and Youth Hub (Hammon Park Trailhead) Master Plan proposes a highly accessible, regionally significant outdoor recreation facility for the residents of Creswick, Hepburn Shire and the region.

Mountain biking is one of the fastest growing areas of unstructured recreation in Australia and around the world. Mountain biking has a proven history of stimulating regional and urban economies through growing local use and a rapidly expanding adventure tourism sector. Establishing the Hammon Park Trailhead will facilitate future opportunities to boost current economic conditions through the creation of employment, increasing local tourism and provide opportunities for business development.

A copy of the Hammon Park Trailhead – Community and Youth Hub Master Plan is included an attachment to this report.

KEY ISSUES

Activities Proposed by the Hammon Park Trailhead – Community and Youth Hub

As the starting point for the wider proposed Creswick Trails network, the focus for activity at Hammon Park is planned to support cycling as a sport and a hobby with facilities to include a pump track, jump lines, skills area and a beginner green loop trail. These features will create a hub of activity at Hammon Park and allow riders to develop skills and hone their technique prior to riding the wider network. The pump track will also cater for riders seeking opportunity for freestyle style riding, complementing the recently constructed skate park in the main street of Creswick.

A nature play space, BBQ and picnic facilities will make the park suitable for all ages and family groups. The plan also includes naturalised areas with suitable plantings including trees for natural shade and garden beds delineating different activities.

The Hammon Park Masterplan cycling elements include:

- Cyclocross trials and jumps area
- Skills Track – A sampling of the types of ride experience offered by the Creswick Trails Network for young riders to get a taste of the mountain bike experience building skills and comfort as they grow.
- Skills Loop & Safety Track – A learn to ride circuit and dedicated to build skills and experience riding in a safe and exciting space.

- Bike Playground – Elements and infrastructure for riders of all abilities to play and develop their riding skills. Caters to multiple age groups to allow for families and mentoring to take place.
- Nature Playground – designed to mimic the natural works encouraging imaginative play in nature. Caters to toddlers and young children.
- Community viewing and gathering areas with a BBQ, seating, shade and seating for community events, birthday parties and a comfortable place for parents to supervise their children.
- Landscaped areas, shade tree planting, seating and water bubbler.
- Event space to host local, state and national events.
- Accessible paths, amenities block and seating.

Accessibility and Hammon Park Trailhead

Accessibility is a key feature of the Creswick Trails Network and the Hammon Park Trailhead with continuous paths, parking, toilets, play equipment and signage designed to be accessible. Adding to this, the Creswick Trails is proposed to feature approximately 30 kilometres of adaptive mountain bike trail. Adaptive trail is designed to be used by riders using hand cycles.

In addition to an accessible public toilet, a Changing Places toilet is included in the master plan. A Changing Place offers the highest level of accessibility with a secure facility, hoist, adult change table, shower and space for a carer to comfortably assist.

Taken together, the Hammon Park Trailhead and the Creswick Trails network offer a tourism destination for individuals with a disability. According to Tourism Research Australia, a branch of the Australian Government, accessible tourism accounts for an annual tourism spend of \$680 million dollars in Victoria each year.

Events and Hammon Park Trailhead – Community and Youth Hub

One of the opportunities created by the Hammon Park Trailhead is an event space to host local, state and national events both of a community focus and through VOGA, the local cycling club. VOGA have hosted events like the Brackenbury Challenge successfully at Hammon Park for several years. The infrastructure proposed by the Hammon Park Trailhead will broaden the possibilities for a variety of events and festivals and have the potential to create an increased tourism draw for the area. All events will be subject to approvals as appropriate under Council's events management plans and policies.

Related Projects

Hammon Park Public Toilet – The existing public toilet at Hammon Park has reached the end of its useful life expectancy. Funding is available to replace the toilet block in financial year 2020/2021. Pending potential delays due to the global pandemic and contractor availability, it is anticipated that a contract for this project will be awarded in December 2020 / January 2021.

Review of the existing buildings – The change in use and activity at Hammon Park will mean that the existing community building requires a review and needs assessment to understand if the current building meets the needs of the community. Funding for a feasibility study and needs assessment is included in the budget for 2020/2021.

Traditional Owners

Preliminary engagement with the Dja Dja Wurrung has concluded that, due to the length of time that Hammon Park has been in use as a recreational facility, a Cultural Heritage Management Plan (CHMP) and Land Use Activity Agreement (LUAA) may be a voluntary process. This will be interrogated in more detail at the implementation stage.

Land Management

DELWP is the land manager for Hammon Park with Council serving as Committee of Management. DELWP has given their in-principle support for the implementation of the master plan.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, roads and building assets.
2. Provide great community Parks and Open Spaces by greening our streets, managing tree safety and improving our town entrances, sporting ovals, botanic gardens and passive recreation spaces.

Active and Engaged Communities

4. Improve community amenity and accessibility in all public spaces, through effective local laws review and enforcement implementation of Access and Inclusion Plan actions and monitoring property owner's compliance with the planning scheme and heritage requirements.
5. Take action to encourage improved health and wellbeing to residents and to reduce the risks associated with obesity and poor nutrition. This includes the provision, development and promotion of passive and active recreation facilities and options, and working with clubs and other agencies on planning for future developments and encouraging increased activity.

Vibrant Economy

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

Cycling provides significant social benefits to communities and is an outdoor recreational pursuit embraced by all ages, genders and demographics. Adaptive use trails, inclusive play spaces and facilities are included, opening active recreation participation opportunities for people with disabilities.

The facility will be freely available at no cost to the community and therefore removing barriers for those socio-economically disadvantaged. The project will develop a social and inclusive sporting facility that encourages group riding, companionship and the development of new friendships. This will extend to school groups who are already embracing mountain bike facilities as components in the school sporting programs.

Accessibility is a key feature of the Creswick Trails Network and Hammon Park with paths, parking, toilets, play equipment and signage is designed to be accessible for all abilities. It will complement a series of accessible trails designed and constructed specifically for riders who have limitations riding a standard, up-right, leg powered bike. These adaptive trails will be the first of their kind in Victoria.

There are a number of existing businesses in the Creswick area that would benefit from the proposed development, across a range of areas, including food and beverage, accommodation and retail areas. Existing businesses in the area will have a significant opportunity to capitalise on the influx of mountain bike tourists and may include retrofitting premises to accommodate bike storage/ workshop areas in cafes.

New business opportunities will be created for cycle retailers, adventure tour operators, fitness instruction, cycling training and Cycle Repairs.

Events provide an opportunity to connect and invigorate our communities, attract visitors, increase business for event related suppliers and performers and encourage visitor expenditure.

SUSTAINABILITY IMPLICATIONS

Opportunities for regeneration of the creek ecosystem will be investigated as part of ongoing maintenance of Hammon Park Trailhead.

FINANCIAL IMPLICATIONS

In June 2020, Council submitted a grant application to Sports and Recreation Victoria (SRV) for a grant to implement the Hammon Park Trailhead – Community and Youth Hub. This grant requested funding to construct the Hammon Park Trailhead in its entirety.

It is estimated that construction of the Hammon Park Trailhead – Community and Youth Hub Funding will cost:

- \$1,850,000 for capital construction
- \$44,000 for planning and professional advice
- \$138,750 for project management
- \$185,000 for contingency and escalation allowances
- \$262,000 for other expenses to include the Changing Places toilet, community engagement and 12 months maintenance on soft landscaping.

This amount is proposed to be sourced as follows:

- \$2,100,000 – SRV Grant (outcome pending)
- \$129,750 – Hepburn Shire Council capital
- \$250,000 – Bendigo Bank, Community Bank of Creswick.

Should Council not be successful in its application for the SRV grant funding, the Hammon Park Trailhead has been designed as a series of independent projects that can be implemented over time.

RISK IMPLICATIONS

Upon adoption and inception as a project, a detailed risk analysis will be undertaken for the construction and function of Hammon Park Trailhead – Community and Youth Hub.

High level risks include:

Funding - Council may not be successful in receiving the SRV Grant.

Mitigation – Hammon Park Trailhead has been designed as a series of standalone projects that can be implemented over time or as grant funding becomes available.

Permissions – Permissions will be required from DELWP as land manager.

Mitigation – As part of the design process, DELWP has given in principle support for the Hammon Park Trailhead.

Unknown Fees and Charges – As part of the implementation process, investigation will be undertaken to understand if there are any monetary responsibilities for items such as a Land Use Activity Agreement (LUAA) and Native Vegetation Removal.

Mitigation – As part of the design process, preliminary conversations were held with DELWP and the Dja Dja Wurrung. While, formal advice has not been provided, initial investigations indicate that because Hammon Park has been in use as a recreational

facility for a number of years, significant damage has already been done to the natural and cultural heritage. This means that a LUAA is likely a voluntary process. Because construction is proposed in an area where there is little or no existing native vegetation, these costs will be nil or very low.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Because of the opportunity posed by the development of Hammon Park, an internal working group was established in March 2020 to manage, guide and direct the multiple projects and works being undertaken in and around Hammon Park. This working group contains membership across several Council working groups. This group will remain active throughout the implementation of the Hammon Park Trailhead – Community and Youth Hub.

Community engagement on an early draft of the Hammon Park Trailhead – Community and Youth Hub Master Plan took place from 25 November 2019 to 29 January 2020. Community members, interest groups, Traditional Owners, project partners, land managers and tourists were among the many contributors.

The purpose of the engagement was to share information and progress toward developing a formal master plan for Hammon Park and create opportunities for the community and stakeholders to provide feedback and ask questions. It was anticipated that their input would provide further insight into how users wanted to use Hammon Park and gauge support for certain types of activities. Community engagement for the Hammon Park Master Plan was undertaken in parallel to engagement on the Concept Trail Alignments for the Creswick Trails Project. Hammon Park will be the sole trailhead for the Creswick Trails.

Some of the ways that community members and stakeholders contributed to the consultation were:

- 110 people attended the listening posts
- 78 people completed the online survey
- 60 emailed queries were received
- 55 project posts were shared on Facebook
- 1,564 visits to the Creswick Trails website.

For the purposes of analysis, it is assumed that the demographic information is the same for the two engagement processes. Ninety-eight percent of the survey participants visit, live or work in Creswick or in Hepburn Shire. Eighty percent of the survey respondents identified as mountain bikers. Respondents indicated that they are likely to engage economically when visiting ride destinations and will often stay for multiple days. Cafes, restaurants and local produce outlets were the top business types visitors patronised. There was an expressed preference for engaging in local cultural and recreational activities. This result reinforces the project's goal to boost localised tourism, job opportunities and strengthen the business economy.

An online survey featured as part of the community engagement. Results from this survey showed a clear connection between mountain bike riders and a desire to visit Creswick once the trails are open. Eighty percent of survey respondents are mountain bike riders, and seven percent have a family member that is a mountain bike rider. Eighty seven percent of respondents said that Creswick Trails and associated infrastructure like the Hammon Park Trailhead would encourage them to visit Creswick. The survey also enquired about what other activities riders like to engage in when they visit a town for mountain biking. Seventy one percent of respondents identified that they patronise restaurants and other food vendors within Creswick.

Across all the engagement activities, the response to the Hammon Park Master Plan has been overwhelmingly positive, with a high degree of excitement for the project. Respondents generally felt that there was a diversity of offerings proposed at Hammon Park and that park improvements would benefit local tourism and the experience for locals.

The feedback collected from the Hammon Park engagement has been used to revise the draft Hammon Park Master Plan.

A full Community Engagement Report: Hammon Park Master Plan Values, Principles & Uses June 2020 is included as an attachment to this report.

The support has been extremely positive and there is much anticipation of the such a great investment in the community. Support for this project has been received by the main project partners:

- VOGA - Creswick Cycling Club
- Bendigo Community Bank
- RACV Goldfields Resort
- Daylesford Macedon Tourism
- Dja Dja Wurrung Aboriginal Corporation
- Regional Development Victoria.

12.3 FINAL DRAFT DOUG LINDSAY RECREATION RESERVE MASTERPLAN DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Sport and Active Recreation Projects Officer, I Kathie Schnur have no interests to disclose in this report.

ATTACHMENTS

1. Final Draft Doug Lindsay Recreation Reserve Masterplan [**12.3.1** - 7 pages]

EXECUTIVE SUMMARY

The final draft Doug Lindsay Recreation Reserve Masterplan (attached) will provide the basis for staging future development opportunities, informing future budget considerations and external funding opportunities.

A final round of public consultation was undertaken through a two-week public exhibition period in August 2020. One submission was received. The matters raised were specific to the detailed planning and design of prioritised sports infrastructure projects and have not required the Masterplan to be amended. This submission was responded to by Council Officers.

Once adopted the Doug Lindsay Recreation Reserve Masterplan future development opportunities will be prioritised to inform Council's sport and active recreation infrastructure pipeline and be referenced in Council's Long-Term Financial Plan, to be adopted by Council by 30 June 2021 as part of the new Local Government Act.

Year One priority projects will be undertaken within the 2020/2021 Financial Year along with projects that have been successfully nominated to be funded through the Australia Government's Local Roads and Community Infrastructure funding program. Works on these projects are anticipated to commence in December 2020.

The Masterplan is presented to Council's Ordinary Meeting for consideration of adoption.

OFFICER'S RECOMMENDATION

That Council adopt the Doug Lindsay Recreation Reserve Masterplan.

MOTION

That Council adopts the Doug Lindsay Recreation Reserve Masterplan.

Moved: Cr Don Henderson

Seconded: Cr Greg May

Carried

BACKGROUND

The Doug Lindsay Recreation Reserve is an active recreation reserve accommodating:

- Australian Rules Football, Netball, Cricket, Soccer (World Football) and Lawn Bowls training and competition.
- Informal active recreation opportunities such as walking, play and fitness training.
- Community events.

The final draft Masterplan forms the basis for staging future development opportunities, informing future budget considerations and external funding opportunities.

The Masterplan aims to increase the use and enjoyment of the reserve by a range of users and ensure appropriate reserve infrastructure is provided to support a healthy, active, engaged and safe community.

The key objectives of the masterplan include:

- Enhance the capacity of the Doug Lindsay Recreation Reserve (Reserve) to be used for active, structured and unstructured sports and improve the quality of the sports infrastructure.
- Enhance the role of the community, improve the user experience and safety in the Reserve by promoting higher levels of use and surveillance.
- Explore and support a diverse range of public open space experiences through other community or sporting uses of the Reserve.
- Provide passive recreation opportunities at the Reserve including walking, cycling, running, playing, picnicking and nature-based recreation opportunities by providing better linkages to and through the Reserve via a path network.
- Improve and control vehicle movement and car parking.
- Improve the appearance, shade and biodiversity values by tree and other vegetation planting along the creek and throughout the Reserve.

KEY ISSUES

The Masterplan considers the entire site (approximately 16 hectares) including the creek to the north and west and open space to the north and east of the sports infrastructure (adjoining Elizabeth Road and Luttet Street).

The Draft Masterplan proposes solutions to the following issues:

- Definition of vehicle and pedestrian access and entries.
- Definition of car-parking areas.
- Improvements to the use of the reserve primarily via passive recreation opportunities such as walking, running, cycling.

- Improvements to sports oval drainage.
- Sustainability initiatives such as potable water substitution (irrigation), revegetation and tree planting for habitat, shade and carbon capture.
- Location of new sports facilities (such as the second bowling green, change rooms, cricket nets) with allowance for future facilities to be located on-site.
- Improvements to clubroom / change-room facilities / multi-purpose facility to support several sport and non-sport uses.
- Improvements to the appearance and landscaping of the reserve.

The final draft Doug Lindsay Recreation Reserve Masterplan contains recommended improvement projects which the timing of delivery will depend upon further evidence base, financial business case development, budget development and external funding availability.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

2. Provide great community Parks and Open Spaces by greening our streets, managing tree safety and improving our town entrances, sporting ovals, botanic gardens and passive recreation spaces.

Active and Engaged Communities

5. Take action to encourage improved health and wellbeing to residents and to reduce the risks associated with obesity and poor nutrition. This includes the provision, development and promotion of passive and active recreation facilities and options and working with clubs and other agencies on planning for future developments and encouraging increased activity.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Council's provision of relevant and high-quality community places and spaces has positive impacts to the environmental, social and economic sustainability of a local community through the development of essential health and wellbeing outcomes.

FINANCIAL IMPLICATIONS

The Masterplan's development projects will be referenced in Council's Long-Term Financial Plan, which is to be adopted by Council by 30 June 2021 as part of the new Local Government Act.

Council Officers have commenced planning for the implementation of key Year One priority projects resulting from the Masterplan development within the 2020/2021 Financial Year including the:

- Planning and design to improve sportsground drainage and provision of water harvesting options.
- Design and delivery of Stage One Car Parking and Traffic Management implementation
- Provision of a central circuit shared pathway, landscaping, security lighting and increased CCTV installations within the reserve.

The drainage and water harvest design and the delivery of stage one car parking and traffic management infrastructure projects have endorsed 2020/2021 Budget allocations.

A project to deliver the provision of a central circuit shared pathway, landscaping, security lighting and increased CCTV installations has been successfully nominated to be undertaken through Council's funding allocation of \$280,000 received through the Australia Government's Local Roads and Community Infrastructure funding program.

The 2020/2021 program of works at Doug Lindsay Reserve is anticipated to commence in December 2020.

RISK IMPLICATIONS

To mitigate the risk of delaying the delivery of key future reserve development opportunities, it is crucial to progress the final draft Doug Lindsay Recreation Reserve Masterplan to build a basis for the future development of the reserve and, support the 2020/2021 commencement of key projects such as the upgrade of sportsground drainage, stage one car parking and traffic management and further enhancing informal active recreation opportunities within the Reserve.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The final draft Doug Lindsay Recreation Reserve Masterplan has undergone a comprehensive consultation by key stakeholders and relevant Council officers to confirm key functional and spatial issues.

The final draft Masterplan was released for a two-week public exhibition period during August 2020. The consultation was promoted several times throughout the consultation period through Council's Facebook Page (including sharing Council's posts with local community Facebook pages where permitted); and through a paid advertisement in The Local and a media release to local media outlets.

One submission from the Creswick Soccer Club was received. The matters raised by the Club were specific to the detailed planning and design of prioritised sports

infrastructure projects listed within the Masterplan and have not required the Masterplan to be amended.

Council Officers have responded to the Club and noted that their items raised will further inform the planning and delivery of sports infrastructure when these projects are undertaken.

12.4 ADOPTION OF TRENTHAM SPORTSGROUND MASTERPLAN 2020 DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Sport and Active Recreation Projects Officer, I Kathie Schnur have no interests to disclose in this report.

ATTACHMENTS

1. Final Draft Trentham Sportsground Master Plan [**12.4.1** - 36 pages]

EXECUTIVE SUMMARY

The Trentham Sportsground Masterplan (attached) provides a future direction and long-term planning framework to complement existing and anticipated future use of the Reserve.

The draft Masterplan was endorsed at the February 2020 Ordinary Meeting of Council for a final public exhibition period.

A final round of public consultation was undertaken through a two-week public exhibition period during August 2020. Three community submissions were received relating to the final consultation process and property matters and have not required any amendments to the final draft Master Plan. All three submitters have been responded to by Council Officers.

Once the Masterplan is adopted, a future priorities plan will be prepared and will be referenced in Council's Long Term Financial Plan, which is to be adopted by Council by 30 June 2021 as part of the new Local Government Act. Future priorities planning of the Masterplan will also support advocacy for future external funding opportunities.

The final draft Trentham Sportsground Masterplan is presented to the Ordinary Council Meeting for consideration to adopt the Masterplan.

OFFICER'S RECOMMENDATION

That Council adopts the Trentham Sportsground Masterplan 2020.

MOTION

That Council adopts the Trentham Sportsground Masterplan 2020.

Moved: Cr Fiona Robson

Seconded: Cr Don Henderson

Carried

BACKGROUND

Trentham Sportsground is a 5.2ha active reserve which comprises an Australian Rules football/cricket oval with a synthetic wicket, main sports pavilion, player gym building, separate player change and umpires' rooms, playground, netball clubrooms (completed 2019), court and shelters, scoreboard building, cricket practice nets and carpark areas.

The Trentham Sportsground is used for local netball, football and cricket Training and competition activities. The Sportsground is an important location for local Trentham emergency management and in the event of any emergencies, it is used as a staging area and as a landing site for helicopters. The Sportsground also supports some local horse-riding activities. It is regularly used for unloading horses and provides a temporary yarding area for horse floats. The Sportsground is also occasionally used as a temporary camping site.

The draft Trentham Sportsground Masterplan has been developed to provide a future direction and long-term planning framework to ensure that any development opportunities complement the existing and any anticipated future use of the site.

KEY ISSUES

The implementation of Trentham Sportsground Masterplan will achieve the following objectives:

- Enhance the capacity of the Sportsground to be used for active sport.
- Enhance the appearance and safety of the site.
- Increase the scope and quality of residents' passive recreation experiences such as walking, cycling, running, playing, relaxing etc.
- Enhance pedestrian movement through and within the site.

The Masterplan's key development opportunities include:

- Provision of improved pavilion facilities and sports infrastructure.
- Enhancement of entry and traffic movement within the site.
- Provision of improved walking connection between key facilities within the site.
- Landscaping and significant tree management.

During consultation with key stakeholders some additional potential development opportunities were proposed, including the relocation of the Trentham Bowling Club into the Trentham Sportsground and land expansion to accommodate proposed additional netball, Australian rules football and cricket playing fields. Whilst the draft masterplan has not detailed any specific actions for these development opportunities, they have been detailed within the document for future exploration and consideration.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

2. Provide great community Parks and Open Spaces by greening our streets, managing tree safety and improving our town entrances, sporting ovals, botanic gardens and passive recreation spaces.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Council's provision of relevant and quality community places and spaces has a positive impact to the environmental, social and economic sustainability of a local community through essential health and wellbeing outcomes.

FINANCIAL IMPLICATIONS

On the adoption of the final draft Trentham Sportsground Masterplan, a future priorities plan will be prepared to inform Sport and Active Recreation's Infrastructure Pipeline and will be referenced in Council's Long Term Financial Plan, which is to be adopted by Council by 30 June 2021 as part of the new Local Government Act.

The identification of Masterplan priorities will be embedded within the overall project planning pipeline for the Sport and Active Recreation team and this will support advocacy for external funding opportunities.

In June 2020, Council supported the redevelopment of the Trentham Sportsground Main Pavilion (a key priority outcome of the Masterplan) to be submitted under Sport and Recreation Victoria's (SRV) Community Infrastructure Stimulus Funding Program. In August 2020, Council was informed that the funding submission was unsuccessful, however SRV commented in their funding outcomes correspondence, that this project was thought to have merit and may be further considered for future funding by the Victorian Government should the opportunity arise.

RISK IMPLICATIONS

To mitigate the risk of delaying the delivery of key future development opportunities of the Trentham Sportsground Masterplan, it is crucial to progress the adoption of the Masterplan to build an overarching basis for the future development of the site and to strategically support key projects such as the redevelopment of the existing main sports pavilion and public amenities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

An extensive collaborative process involving user groups, residents, Council Officers and other relevant stakeholders has been undertaken throughout the development of the final draft Trentham Sportsground Masterplan.

The draft Masterplan was endorsed at the February 2020 Ordinary Meeting of Council for a final public exhibition period.

The final draft Masterplan was placed on Council's website for a two-week period in August 2020. The consultation was promoted several times throughout the consultation period through Council's Facebook Page (including sharing Council's posts with local community Facebook pages where permitted); through a paid advertisement in The Local, and a media release to local media outlets.

Three community submissions were received including a submission in relation to the two-week length of the public exhibition period; a submission relating to specific property maintenance matters of the adjoining perimeter fencing and existing trees; and, a submission requesting consideration of the use of European tree species when undertake the landscape development elements of the proposed Masterplan.

The feedback received has not required any amendments to the final draft Masterplan and all three submitters have been responded to by Council Officers to work toward a resolution to their matters of concern.

Once the Trentham Sportsground Masterplan is adopted it will be placed on Council's website with hardcopies made available to those residents that may not have access to the internet.

The adoption of the Masterplan will be promoted through local media outlets and Council's social media platforms.

12.5 TRENTHAM SPORTSGROUND PAVILION REDEVELOPMENT PROJECT DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Sport and Active Recreation Projects Officer, I Kathie Schnur have no interests to disclose in this report.

ATTACHMENTS

1. Trentham Sportsground Pavilion Redevelopment Schematic Design [**12.5.1** - 5 pages]

EXECUTIVE SUMMARY

A concept design for The Trentham Sportsground Pavilion Redevelopment Project was endorsed for community consultation at the February 2020 Council Ordinary Meeting. Consultation was subsequently undertaken for a two-week period in August 2020, with one community response received in relation to the insufficient length of the consultation period. This submission was responded to by Council Officers.

The Trentham Sportsground Committee of Management and tenant Sports Clubs are supportive of the final draft design of the pavilion.

In June 2020, the project was submitted for funding consideration through Sport and Recreation Victoria's (SRV) Community Infrastructure Stimulus Funding Program. Consequently, the pavilion design was developed to meet SRV's best practice community sports facility design criteria which ensures that the pavilion is an inclusive, functional and welcoming sports pavilion that will accommodate sports club operations and broader community use.

A Quantity Surveyor's cost estimate has valued the project at \$2.38M (inclusive of a 20% project management and contingency allowance). Council has endorsed a \$200,000, 2020/2021 budget allocation to undertake the detailed design phase of this project.

This report is presented to the September 2020 Council Meeting seeking endorsement of the Trentham Sportsground Pavilion Redevelopment Design with the next step being progression of the design to a delivery ('shovel') ready package. This will inform consideration by Council of future funding opportunities for the project and support advocacy for external funding opportunities.

OFFICER'S RECOMMENDATION

That Council endorses the Trentham Sportsground Pavilion Redevelopment Project to progress the design to a delivery ready design package.

MOTION

That Council endorses the Trentham Sportsground Pavilion Redevelopment Project to progress the design to a delivery ready design package.

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

BACKGROUND

Through the development of the Draft Trentham Sportsground Masterplan it was identified that the existing main sports pavilion and public amenities inadequately supported the future growth and development of the tenant sports clubs.

The existing aging facility fails to provide suitable inclusive and gender equitable player, umpires and public amenities. The existing pavilion was also seen to limit club operations and their potential to fundraise through social events and the revenue gained through hiring the facility for local community functions and activities.

At the February 2020 Ordinary Meeting of Council, the concept design for the redevelopment of the Trentham Sportsground Pavilion was endorsed for a final phase of community consultation.

KEY ISSUES

In June 2020, an opportunity became available for the project to be considered for external funding through Sport and Recreation Victoria's (SRV) Community Infrastructure Stimulus Funding Program.

Consequently, the pavilion redevelopment design was further developed to ensure it would best:

- Meet SRV's funding criteria design expectations.
- Meet AFL Victoria's and Cricket Australia's Facility Standards.
- Improve universal design throughout the pavilion.
- Provide gender inclusive player, umpire and public amenities.
- Improve the internal lay-out of the pavilion to accommodate club operations and use for broader community activities and events.

In August 2020, Council was informed that the SRV funding had been unsuccessful, however the funding outcome correspondence received from SRV stated that Council's funding submission was considered to have merit and should the opportunity arise in the future may be further considered by the Victorian Government.

The design presented to Council includes:

- Multipurpose community room
- Home, Away and Umpire changerooms
- Public amenities
- Kitchen/Kiosk/Bar
- Meeting rooms, First Aid and Storage

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Council's provision of relevant and high-quality community places and spaces has positive implications to the environmental, social and economic features of a local community to continuously develop essential health and wellbeing outcomes.

FINANCIAL IMPLICATIONS

A cost estimate undertaken by a qualified Quantity Surveyor has indicatively valued the project at \$2.38M (inclusive of a 20% project management and contingency allowance).

Council has endorsed a \$200,000, 2020/2021 budget allocation to progress the detailed design phase of this project. As the project design progresses to detailed design, Officers will investigate the most affordable delivery options without detriment to delivering high-quality and relevant community infrastructure.

At this time external funding has not been secured for this project, however officers will continue to explore relevant external funding opportunities that may become available to support the future delivery of this project. Significant government funding would be critical to the development of this proposal.

RISK IMPLICATIONS

The endorsement of the Draft Trentham Sportsground Masterplan is crucial to this project to ensure that the redevelopment of the pavilion is formally identified as a priority project and is informed by the overarching development principles of the reserve.

Consideration to adopt the Draft Trentham Sportsground Masterplan is also to be presented at the September 2020 Ordinary Council Meeting, to build on connective planning outcomes.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Trentham Sportsground pavilion redevelopment project has been developed through a collaborative process involving the sportsground tenant sports clubs and Committee of Management.

Further community consultation on the project was undertaken for a two (2) week period in August 2020 through making the draft pavilion design available on Council's website for comment.

The consultation was promoted several times throughout the consultation period through Council's Facebook Page (including sharing Council's posts with local community Facebook pages where permitted); and through a paid advertisement The Local and media release to local media outlets.

One community response was received providing feedback on the insufficient length of the consultation period. At the time of the consultation, Council's SRV funding submission was pending an outcome. If SRV had funded this project, a 12-month delivery period would have been required and therefore, it would have been necessary to continue to progress the project to meet these funding requirements. Officers have responded to the community member on this matter.

The Trentham Sportsground Committee of Management and tenant Sports Clubs are supportive of the final draft design of the pavilion.

12.6 HEPBURN HUB AT THE REX PROJECT - SEPTEMBER UPDATE DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Project Manager – Hepburn Hub, I Bruce MacIsaac have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The purpose of this report is:

- To provide an appropriate level of information to allow Council to properly monitor the progress of the project against the Project Plan endorsed on the 18 February 2020.
- To acquit Council's resolution that management provide periodic reporting to Council in the progress of the Hepburn Hub at the Rex.

OFFICER'S RECOMMENDATION

That Council:

1. *Notes the report;*
2. *Endorses the amended project budget of \$7.130M from \$6.390M;*
3. *Refers the funding shortfall of \$740,000, including \$221,040 for the additional tender options, for consideration in the Mid-Year Budget review; and,*
4. *Endorses the amended project program with a Date for Practical Completion of construction 14 June 2021.*

MOTION

That Council:

1. *Notes the report;*
2. *Endorses the amended project budget of \$7.130M from \$6.390M;*
3. *Refers the funding shortfall of \$740,000, including \$221,040 for the additional tender options, for consideration in the Mid-Year Budget review; and,*
4. *Endorses the amended project program with a Date for Practical Completion of construction 14 June 2021;*
5. *Recognise the advice of the Director Corporate and Community Services that:*
 - *The valuation of the Hepburn Hub for the 2019/2020 financial year is the purchase price and the cost of current works (Works in Progress, WIP).*

- *WIP will be the valuation of the asset until the project is completed.*
- *Following completion of the project, a qualified, independent valuer will be appointed to undertake a valuation as part of the year-end audit process.*
- *That valuation will review all factors but would be likely to value the asset based on the Capitalisation of Net Income approach to be the most appropriate valuation methodology for fair value.*
- *That valuation amount, and associated calculation of the capitalisation rate and all associated variables, will be presented to a) The Audit and Risk Committee and b) Council as part of the year-end financial statement process.*

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

On the 18 February 2020 Council endorsed the Project Plan for the Hepburn Hub at the Rex setting out the governance for the project. This included the project scope, budget, funding, program and management.

In summary, the Project Scope includes a library, community auditorium, coworking space, customer service and council offices. The Project Budget was \$6.390M and it was scheduled to be completed by the 8 April 2021 with occupation following on the 21 April.

Further, in terms of management and reporting Council resolved the following:

“Endorses the Project Control Group (PCG) to administer the project in accordance with the project plan. The PCG be chaired by the Chief Executive Officer and progress reports be provided to Council at each quarterly meeting at Council.”

This report represents the acquittal of this resolution of Council

KEY ISSUES

As at the end of August the Project Control Group advises that: the project scope remains 2,052 Sqm of enclosed space as previously endorsed by Council; the expenditure budget has been adjusted to \$7.130M and; the Date for Practical Completion of construction has been amended to 14 June 2021. (Refer **Table 1** below).

Table 1 Project Plan Summary

Project Metric	Current Endorsed Metric	Current Forecast Outcome	Current Forecast Variance
Project Scope (Enclosed Area)	2,166 Sqm	2,052Sqm	-114 Sqm
Project Budget (Estimate Cost)	\$6.390M	\$7.130M	\$0.740M
Project Program (Date for PC)	08/04/21	14/06/21	9 Weeks

Project Scope

The current forecast functional areas have been endorsed by Council at the June 2020 meeting.

Although there has been no change to these areas, within this overall constraint there has been significant amendments to the quality of the design. These additions

have been balanced against identified savings so that that they have been accommodated within the overall project budget.

In addition to these changes, two tender options shall be considered to ensure the building remains watertight:

- the replacement of the metal roof to the frontage, located behind the parapet to ensure it is watertight;
- works required to obtain certification of the tanking to the rear carpark forming the roof of the office are.

These additions are being assessed by Council as part of the tender considerations.

The current forecast areas endorsed by Council are outlined in the table below. (Refer **Table 2** below). Further to the table is an outline of the risks associated with the Project Scope.

Table 2 Project Scope Summary

Scope Element	18/02/20 Endorsed Area Sqm	Current Endorsed Area Sqm	Current Forecast Area Sqm	Current Forecast Variance Sqm
Council Offices	1,055	944	944	-111
Customer Services	-	122	122	+122
Library	300	348	348	+48
Community Auditorium	100	106	106	+6
Tenancies 1, 2 & 3	130	111	111	-19
Tenancies 4*	136	136	136	NIL
Entry & Amenities	445	285	285	NIL
Enclosed Area	2,166	2,052	2,052	-114
Carpark*	1,344	1,298	1,298	-46
Open Space	120	120	120	NIL
External Space	1,464	1,418	1,418	-46

Total	3,630	3,470	3,470	-160
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*Roof areas requiring replacement

Scope Risks

The scope remains substantially the same as that endorsed by Council in February subject to the value management process completed over the past months to ensure the facility is fit for purpose. These variances were endorsed at July Council meeting.

The stakeholder engagement process has sought to identify all the significant stakeholder issues to ensure these are now included within the design issued for tender. This process has been undertaken to ensure the facility is fit for purpose and to manage Acceptance Risk.

Further engagement has been completed with council staff and a variety of stakeholders in a series of virtual presentations. There remain a small number of queries from Disability Advisory Committee which currently require further consideration. The Daylesford Community Cinema have also raised some final issues which require a response. Any resultant changes to scope will not have a significant impact on the project cost.

Project Budget

The forecast cost to complete the project has increased from \$6.390M to \$7.130M (refer **Table 3** below).

During the design process over \$1.25M in changes were made to the design overcoming many of its identified deficiencies. These were funded with savings on non-essential design elements resulting in no change to the project budget.

However, concerns regarding the existing roof were confirmed by tenderers during their site inspections. These works were not included in the 2017 Building Permit but in response two tender options were sought to rectify the issue. Firstly, it is proposed that the metal roof to the Vincent Street frontage be replaced. Further, that the tanking of the concrete carpark deck be resealed as this is the roof of the office area below. Overall this has added \$221,040 to the budget.

The major cost adjustment is in response to the extra over costs associated with the procurement methodology used to construct the existing works or Stage 1. It has now been identified that these works have incurred an extra/over cost of \$1.083M.

This has been ameliorated by a proposal to identify \$300,000 of further savings in the Stage 2 construction works and by the reduction of \$200,000 in the estimated costs for consultants, loose furniture and other non-construction items.

Table 3 Project Budget Summary

Budget Element	18/02/20 Endorsed Budget \$M	Current Endorsed Budget \$M	Current Forecast Cost \$M	Current Forecast Variance \$M
Construction Stage 1		\$0.718	*\$1.801	\$1.083
Consultants Stage 1		\$0.221	*\$0.221	(\$NIL)
Total Stage 1	\$0.939	\$0.939	\$2.022	\$1.083
Construction Stage 2		\$4.399	**\$4.683	\$0.284
Consultants Stage 2		\$0.650	\$0.450	(\$0.200)
FFE/ICT	\$0.402	\$0.402	\$NIL	(\$0.402)
Total Stage 2	\$5.451	\$5.451	\$5.133	(\$0.318)
Sundry			(\$0.025)	\$0.25M
Total Project Budget	\$6.390	\$6.390	\$7.130	(\$0.740)

*estimated

** includes FFE and Tender options

Budget Risks

The tenders received have confirmed that the budget for Stage 2 is accurate with the tender prices aligned with the cost plan estimate.

The acceptance risk associated with the scope including in the 2017 Building Permit has now been ameliorated through the design process with \$1.25M of additions provided. These include the internal perimeter walls, ceilings, cooling, digital co working space and a functional project room among other things. These additions have been balanced against savings on non-essential items so that they can be delivered within the endorsed budget envelop.

The proposed addition of \$221,040 of roof works will ensure the building remains fit for purpose over the long term.

It is estimated that procurement methodology associated with Stage 1 incurred an extra over cost penalty of \$1.083M. This has been reduced to \$583K through the identification of \$300,000 of savings in Stage 2 construction and by a further \$200k in savings in non-construction elements including FFE and consultants costs. This is further offset by the addition of \$97,500 of grant funding associated with the Digital Coworking Space. (refer **Table 4** below).

Table 4 Extra and savings Reconciliation

Budget Element	18/02/20 Endorsed Budget \$M	Current Endorsed Budget \$M	Current Forecast Cost \$M	Current Forecast Variance \$M
Extra Over Stage 1				\$1.083
Tender Options Stage 2				\$0.221
Additional Costs				\$1.304
Additional Grant				(\$0.098)
Construction Savings St 2				(\$0.300)
Consultant savings St 2				(\$0.200)
Sundry				\$0.034
Total Project Budget	\$6.390	\$6.390	\$7.130	\$0.740

Project Program

The endorsed Date for Practical Completion is 8 April 2021. It is proposed this be amended to reflect the tender responses and the possibility that the planning amendment will require advertising. It is proposed to amend this date to 14 June 2020. (Refer **Table 5** below).

Table 5 Project Program Summary

Project Stage	W	18/02/20 Endorsed Start Date	18/02/20 Endorsed End Date	Current End Date	Current Variance Weeks
Endorsement			17/12/19	18/02/20	8 Weeks
Documentation	12	07/01/20	30/03/20	3/05/20	8 Weeks
Tender	12	30/03/20	16/06/20	15/09/20	12 Weeks
Planning Amend.		15/09/20	15/12/20	15/12/20	
Mobilisation	4	16/06/20	14/07/20	11/01/21	26 Weeks
Construction	42	14/07/20	08/04/21	14/06/21	9 Weeks
Occupation	1	08/04/21	15/04/21	21/06/21	9 Weeks
	71				

Program Risks

The risks associated with the program are that:

- the tender is not accepted by Council prior to the caretaker period on Tuesday 22 September 2020 delaying acceptance until after its completion on Saturday 24 October 2020.
- the planning permit amendment process is longer than anticipated, delaying the commencement of construction.

These risks shall be monitored and reported to Council monthly.

NEXT STEPS

Foreshadowed activities over the next quarter include:

- Consideration by Council of the Stage 2 tenders
- Stage 1 Building works continue to: rectify the non-conforming issues identified in the Building Notice; to achieve certification from key contractors and; to obtain a Certificate of Final Inspection.
- Finalisation of an amended Building Permit for the Stage 1 works.

- Preparation of a Planning Permit Amendment for submission to the Planning Authority.
- Finalisation of Building Permit for the proposed Stage 2 works.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

Strategic Objective – Vibrant Economy

Key Strategic Activity:

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

Strategic Objective – High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver excellent customer service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.
14. Develop our staff to enhance their work experience and enable them to deliver great outcomes to our community. Through a focus on their careers and developing new skills, we will build a positive culture and develop new leaders of the future.

15. Make Occupational, Health, Safety and Wellbeing an embedded part of our culture and the number one focus every day. We will continuously improve our systems and actions to make sure people go home safe and well every day.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

The proposed facility will comply with contemporary standards of environmental design and improve the sustainability of Council operations.

FINANCIAL IMPLICATIONS

The contract will be funded from the approved Council Budget and the 2020/2021 Capital Program.

In addition to the scope outlined in the tender documents, a number of additional tender options were sought to ensure the building is watertight. If progressed, these works will add \$221,040 to the project cost. A further shortfall of \$518,960 has been identified to fund all the works now required, including those works which have been already completed on site and the works included in this tender. It is proposed that the total short fall of \$740,000 be referred to the Mid-Year Budget review should council award a contract for the Stage 2 works.

RISK IMPLICATIONS

Due to the value of the contract, and in accordance with Council's Procurement Policy, the preferred tenderer was subject to an independent financial check. On behalf of Hepburn Shire Council, Equifax Australasia Credit Ratings Pty Limited was engaged to provide a Financial Viability Assessment on the recommended tenderer in relation to the Hepburn Hub at the Rex Stage 2 Works. This assessment is based on the most recent audited financial statements and more recent management accounting reports. The report indicated that the builder has achieved a score indicating a *Strong Financial* capacity to undertake the contract in question.

Construction related risks shall be addressed in the builder's Construction Management Plan and pre-commencement site meetings. The builder will be required to confirm that the risks have been addressed and respond to appropriately. This will include managing the work site safely and providing Traffic Management Plan in accordance with AS 1742.3.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Stakeholders have been consulted during the design process with regular updates provided to the community. Council's decision shall be communicated in a media release and regular updates on progress shall be made during the works. Directly

affected property owners and adjacent businesses will be informed prior to construction.

**12.7 AWARDING OF CONTRACT HEPBU.RFT2020.102 - HEPBURN HUB AT THE REX - STAGE 2 BUILDING WORKS
DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

In providing this advice to Council as the Project Manager – Hepburn Hub, I Bruce MacIsaac have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - HEPBU.RFT2020.102 - Tender Evaluation Report - Hepburn Hub [12.7.1 - 7 pages]
2. CONFIDENTIAL - HEPBU.RFT2020.102 - Tender Evaluation Matrix - Hepburn Hub [12.7.2 - 1 page]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider awarding contract HEPBU.RFT2020.102 – Hepburn Hub at the Rex - Stage 2 Building Works. This contract is for alterations and additions to the existing Rex building located in Vincent Street, Daylesford for the purpose of a library, community auditorium and offices.

Tenders for these works were invited via public advertisement on Council's website and in newspapers. Eight responses were received and evaluated by the tender evaluation panel in accordance with Council's Procurement Policy.

In addition to the agreed scope outlined in the tender documents, a number of additional tender options were sought to ensure the building remains watertight. This has added \$221,040 to the project cost. A further shortfall of \$518,960 has been identified to fund all the works envisaged, including those works which have been already completed on site and the works included in this tender. It is proposed that the total short fall of \$740,000 be referred to the Mid-Year Budget review.

OFFICER'S RECOMMENDATION

That Council:

1. *Awards contract number HEPBU.RFT2020.102 for the fixed lump sum of \$4,682,826 exclusive of GST to J Hutchinson Pty Ltd including:*
 - *\$4,461,786 exclusive of GST for the main works*
 - *\$19,040 exclusive of GST for Tender Options 1A*
 - *\$202,000 exclusive of GST for Tender Option 2;*
2. *Refers the shortfall of \$740,000, including \$221,040 for the additional tender options, for consideration in the Mid-Year Budget review;*

3. *Endorses the administration of the value management savings and the construction contingency by the Project Control Group (PCG) within the overall contract sum and the Project Scope previously endorsed;*
4. *Authorises Council Officers to make variations to the Contract, in excess of the awarded contract value, within Officer Delegations and approved expenditure;*
5. *Approves the signing and sealing the contract documents; and*
6. *Resolves that the confidential evaluation report remain confidential and that the Minutes record the successful tenderer and the accepted tender price.*

MOTION

That Council:

1. *Awards contract number HEPBU.RFT2020.102 for the fixed lump sum of \$4,682,826 exclusive of GST to J Hutchinson Pty Ltd including:*
 - *\$4,461,786 exclusive of GST for the main works*
 - *\$19,040 exclusive of GST for Tender Options 1A;*
 - *\$202,000 exclusive of GST for Tender Option 2;*
2. *Refers the shortfall of \$740,000, including \$221,040 for the additional tender options, for consideration in the Mid-Year Budget review;*
3. *Endorses the administration of the value management savings and the construction contingency by the Project Control Group (PCG) within the overall contract sum and the Project Scope previously endorsed;*
4. *Authorises Council Officers to make variations to the Contract, in excess of the awarded contract value, within Officer Delegations and approved expenditure;*
5. *Approves the signing and sealing the contract documents; and*
6. *Resolves that the confidential evaluation report remain confidential and that the Minutes record the successful tenderer and the accepted tender price.*

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

BACKGROUND

On the 18 February 2020 Council endorsed the Hepburn Hub at the Rex Project Plan which, among other things, divided the project into two stages. Stage 1 Early Works was essentially the works that had been completed on site by Council. Stage 2 Main Works included all the remaining works to successfully deliver the scope of the project.

Since then the design of Stage 2 has been completed, tender documents prepared and the works tendered. This report outlines the result of that tender process so that a builder can be appointed and the works completed.

KEY ISSUES

Tenders for the Building and Associated Works at the Hepburn Hub at the Rex were invited via public advertisement on Council's website, in The Courier and The Bendigo Advertiser on 11 July 2020. Submissions were received from eight (8) tenderers.

Tenderer
BLR Provincial Construction Pty Ltd
Bowden Corporation
Built Pty Ltd
Colbrico Pty Ltd trading as Searle Bros Building Contractors
Harris HMC Interiors Pty Ltd
Hutchinson Builders
H.Troon
Rork Projects Pty Ltd

The tender submissions were evaluated by a panel consisting of:

Name	Title
Chair: Bruce Lucas	Director Infrastructure & Development Services
Ben Grounds	Manager Major Projects
Julian Kosloff	Director Kosloff Architecture
Paul Brumby	Independent Financial Member

Bruce MacIsaac	Project Manager
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In addition, the evaluation panel had an independent procurement officer observe and facilitate the assessment to ensure process and probity compliance.

All the tenders received were high quality submissions from experienced commercial builders.

A comprehensive evaluation process was undertaken. All tenders underwent an initial tender evaluation and a short list were requested to respond to a number of queries and clarifications in relation to their submission. A number of interviews were also undertaken with short listed tenderers, allowing the panel to investigate the quality of these preferred submissions.

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

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

Strategic Objective – Vibrant Economy

Key Strategic Activity:

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

Strategic Objective – High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver excellent customer service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.
14. Develop our staff to enhance their work experience and enable them to deliver great outcomes to our community. Through a focus on their careers and developing new skills, we will build a positive culture and develop new leaders of the future.
15. Make Occupational, Health, Safety and Wellbeing an embedded part of our culture and the number one focus every day. We will continuously improve our systems and actions to make sure people go home safe and well every day.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

The proposed facility will comply with contemporary standards of environmental design and improve the sustainability of Council operations.

FINANCIAL IMPLICATIONS

The contract will be funded from the approved Council Budget and the 2020/2021 Capital Program.

In addition to the scope outlined in the tender documents, a number of additional tender options were sought to ensure the building is watertight. This has added \$221,040 to the project cost. A further shortfall of \$518,960 has been identified to fund all the works now required, including those works which have been already completed on site and the works included in this tender. It is proposed that the total short fall of \$740,000 be referred to the Mid-Year Budget review.

RISK IMPLICATIONS

Due to the value of the contract, and in accordance with Council's Procurement Policy, the preferred tenderer was subject to an independent financial check. On behalf of Hepburn Shire Council, Equifax Australasia Credit Ratings Pty Limited was engaged to provide a Financial Viability Assessment on the recommended tenderer in relation to the Hepburn Hub at the Rex Stage 2 Works. This assessment is based on the most recent audited financial statements and more recent management

accounting reports. The report indicated that the builder has achieved a score indicating a *Strong Financial* capacity to undertake the contract in question.

Construction related risks shall be addressed in the builder's Construction Management Plan and pre-commencement site meetings. The builder will be required to confirm that the risks have been addressed and respond to appropriately. This will include managing the work site safely and providing Traffic Management Plan in accordance with AS 1742.3.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Stakeholders have been consulted during the design process with regular updates provided to the community. Council's decision shall be communicated in a media release and regular updates on progress shall be made during the works. Directly affected property owners and adjacent businesses will be informed prior to construction.

12.8 AWARDING OF CONTRACT HEPBU.RFT2020.135 - CRESWICK-LAWRENCE ROAD RECONSTRUCTION CRESWICK NORTH DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - HEPBU.RFT 2020.135 - Tender Evaluation [**12.8.1** - 9 pages]
2. CONFIDENTIAL - HEPBU.RFT 2020.135 - Pricing Summary [**12.8.2** - 1 page]
3. CONFIDENTIAL - HEPBU.RFT 2020.135 - Conflict of Interest and Confidentiality Declaration Forms [**12.8.3** - 6 pages]
4. CONFIDENTIAL - HEPBU.RFT 2020.135 - Scoring Summary [**12.8.4** - 3 pages]
5. CONFIDENTIAL - HEPBU.RFT 2020.135 - Schedule Summary [**12.8.5** - 1 page]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider awarding contract HEPBU.RFT2020.135 - Creswick-Lawrence Road Reconstruction, Creswick North.

This contract is for the reconstruction of approximately 2.2km of Creswick-Lawrence Road, Creswick North.

Tenders for these works were invited via public advertisement on Council's website and have been evaluated by the tender evaluation panel in accordance with Council's Procurement Policy.

Although fully funded in Council's adopted budget, this project is also awaiting an outcome of an alternative funding opportunity through the Federal Government's Heavy Vehicle Safety and Productivity Program. If successful, the grant will fund approximately half the project cost.

OFFICER'S RECOMMENDATION

That Council:

1. *Award Contract Number HEPBU.RFT2020.135 – Creswick-Lawrence Road Reconstruction, Creswick North for the fixed lump sum of \$634,916.23 exclusive of GST to Fulton Hogan Industries Pty Ltd;*
2. *Notes that the Federal Government's Heavy Vehicle Safety and Productivity Program grant outcome is pending, and the contract execution date will be actualised after the grant outcome is announced;*
3. *Authorise the CEO to sign and seal the contract documents;*

4. *Authorise Council Officers to make variations and additions to the Contract, in excess of the awarded contract value, within Officer Delegation and approved budgets; and,*
5. *Resolve that the tender evaluation report remain confidential.*

MOTION

That Council:

1. *Award Contract Number HEPBU.RFT2020.135 – Creswick-Lawrence Road Reconstruction, Creswick North for the fixed lump sum of \$634,916.23 exclusive of GST to Fulton Hogan Industries Pty Ltd;*
2. *Notes that the Federal Government's Heavy Vehicle Safety and Productivity Program grant outcome is pending, and the contract execution date will be actualised after the grant outcome is announced;*
3. *Authorise the CEO to sign and seal the contract documents;*
4. *Authorise Council Officers to make variations and additions to the Contract, in excess of the awarded contract value, within Officer Delegation and approved budgets; and,*
5. *Resolve that the tender evaluation report remain confidential.*

Moved: Cr Greg May

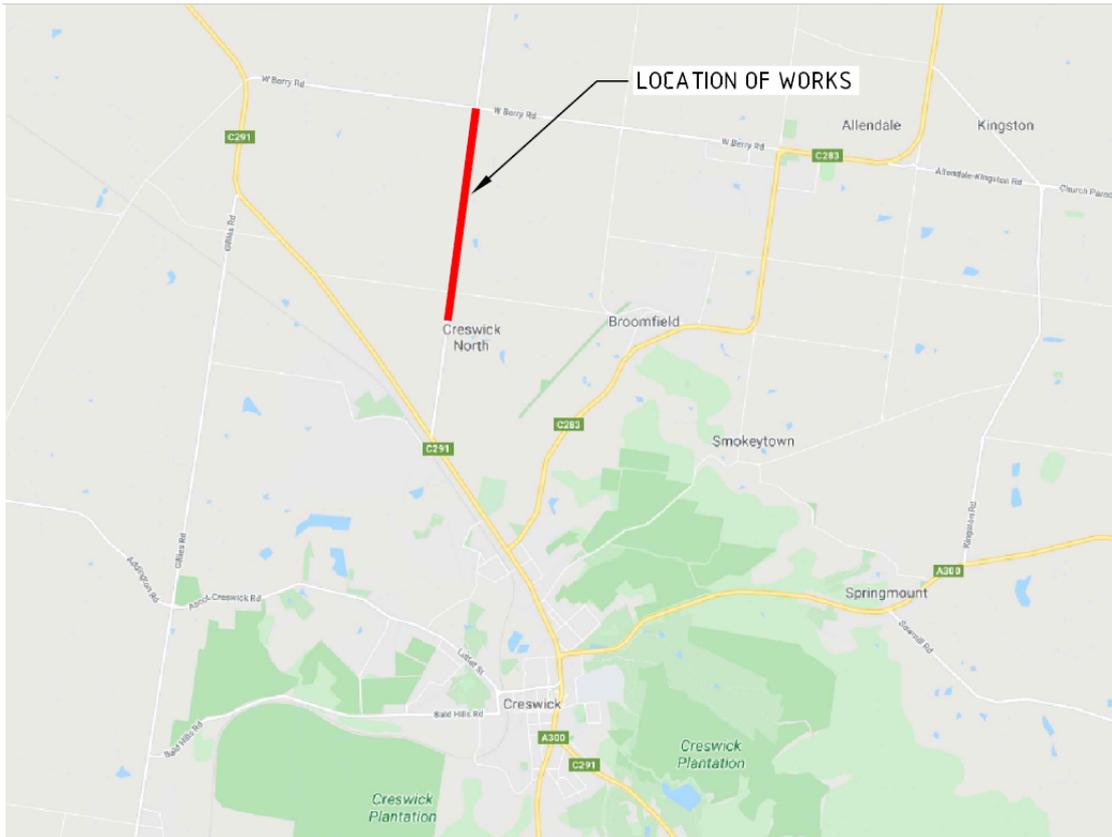
Seconded: Cr Neil Newitt

Carried

BACKGROUND

Council invited tenders for contract HEPBU.RFT2020.135 – Creswick-Lawrence Road Reconstruction, Creswick North.

The works involve reconstruction and widening of approximately 2.2km of Creswick-Lawrence Road, Creswick North, between Wrigleys Road and West Berry Road.



LOCAL AREA PLAN

N.T.S



KEY ISSUES

Tenders for HEPBU.RFT2020.135 - Creswick-Lawrence Road Reconstruction, Creswick North were invited via public advertisement on Council's website and on tenders.net on 17 August 2020 and appeared in the Ballarat Courier on the 22 August 2020. Tenders were received from fourteen (14) tenderers.

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

Name	Title
Chair: Tim Powell	Coordinator Engineering
Paul O'Leary	Project Engineer
Fernando Carrillo	Procurement Specialist

The Evaluation Panel evaluated the tenders received against the following criteria

Criteria	Weighting
----------	-----------

Budget Hurdle (\$680,000)	Pass/Fail
Price	50%
Response to Specifications	10%
Risk/OHS/Quality Management	10%
Experience and Qualifications	10%
Business and Financial Capacity	10%
Local content	5%
Sustainability	5%
TOTAL	100%

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

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no negative sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no negative financial implications associated with this report. The contract is expected to be delivered within approved Council budgets and the 2020/2021 infrastructure Program.

Subsequent to the Council annual budget process, Council officers also applied for the Federal Government's Round 7 of the Heavy Vehicle Safety and Productivity

Program for this project. If successful, the grant funding will cover approximately half the project cost. The department of Infrastructure's website states that announcement of funding is 'expected shortly'. Previous correspondence had suggested an announcement in September 2020. In line with the funding agreement, the contract cannot be executed until the funding agreement has been implemented. Thus, it is not proposed to sign the awarded contract until the funding outcome is known.

If Council is successful in its Round 7 – *Heavy Vehicle and Safety Improvement Program* grant application there will be unallocated funds within the infrastructure budget, detail of which will be reported at the mid-year budget review.

RISK IMPLICATIONS

There are minimal risk implications associated with this report. The expected construction related risks shall be addressed in pre-commencement site meetings and mitigated by managing the work site and providing traffic management in accordance with AS 1742.3.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

Directly affected property owners will be informed prior to construction.

Cr Greg May left the meeting at 11:45pm due to a declared Conflict of Interest.

12.9 AWARDING OF CONTRACT HEPBU.RFT2020.144 - ANNUAL SUPPLY CRS 170/60 EMULSION DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Manager Operations, I Tristan May have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - HEPBU.RFT 2020.144 - Tender Evaluation Report [**12.9.1** - 6 pages]
2. CONFIDENTIAL - HEPBU.RFT 2020.144 - Scoring Summary [**12.9.2** - 1 page]
3. CONFIDENTIAL - HEPBU.RFT 2020.144 - Conflict of interest forms [**12.9.3** - 6 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to award contract HEPBU.RFT2020.144 - Annual Supply of CRS170/60 Emulsion.

Council operational maintenance activities use a regular supply of Emulsion to maintain the Council's sealed road network. CRS170/60 Emulsion is a bitumen-based product widely used in sealed road maintenance activities, such as patching potholes, repairing sealed edge breaks and minor sealing works.

This contract will enable officers to have greater certainty in product supply and product quality for the life of the 2-year contract, with an option to extend for a further 1 + 1 years.

The tender for this supply was invited via public advertisement on Council's website and has been evaluated by the tender evaluation panel in accordance with Councils Procurement Policy.

Council received three (3) submissions for this tender with officer's recommendation outlined below.

OFFICER'S RECOMMENDATION

That Council:

1. *Award Contract Number HEPBU.RFT2020.144 – Annual Supply CRS60/170 Emulsion for a scheduled rate of \$0.99/litre exclusive of GST to Fulton Hogan Industries Pty Ltd;*
2. *Authorise the CEO to sign and seal the contract documents;*
3. *Authorise Council Officers to make variations and additions to the Contract, in excess of the awarded contract value, within Officer Delegation and approved budgets;*

4. *Resolve that the tender evaluation report remain confidential; and,*
5. *Authorise Director Infrastructure and Development Services to exercise the contract extension options, pending internal contract performance reviews*

MOTION

That Council:

1. *Award Contract Number HEPBU.RFT2020.144 – Annual Supply CRS60/170 Emulsion for a scheduled rate of {resolution}.99/litre exclusive of GST to Fulton Hogan Industries Pty Ltd;*
2. *Authorise the CEO to sign and seal the contract documents;*
3. *Authorise Council Officers to make variations and additions to the Contract, in excess of the awarded contract value, within Officer Delegation and approved budgets;*
4. *Resolve that the tender evaluation report remain confidential; and,*
5. *Authorise Director Infrastructure and Development Services to exercise the contract extension options, pending internal contract performance reviews*

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

BACKGROUND

In order to maintain Council's sealed road network, Council officers use in the order of 100,000 litres of emulsion annually. CRS170/60 Emulsion is a specific but common blend of Emulsion used widely throughout municipal maintenance departments.

Officers predominately use this emulsion product for maintenance practices including:

- Sealed road pothole patching
- Sealed road edge sealing
- Small scale sealing of minor civil construction projects.

Establishing this contract will provide certainty of product and supply for Council officers for a minimum 2 years with an option for 2 extra years subject to the supplier performance. Historically, Council officers procure emulsion supply through annual contracts and therefore this contract will allow better use of officer time in planning and delivering works.

KEY ISSUES

Tenders for the Annual Supply CRS 170/60 Emulsion were invited via public advertisement on Council's website and on tenders.net on 8 August 2020. Tenders were received from three (03) tenderers.

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

Name	Title
Chair: Paul Healy	Coordinator Works Department
Phillip Naylor	Team leader – Daylesford Works Department
Tristan May	Manager Operations

The Evaluation Panel evaluated the tenders received against the following criteria

Criteria	Weighting
Price	50%
Risk/OHS/Quality Management	10%
Local content	10%
Response to Specifications	10%
Experience and Qualifications	10%
Business and Financial Capacity	5%
Sustainability	5%
TOTAL	100%

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

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities

that meet community expectations such as hubs, streetscapes, roads and building assets.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

Council continue to be open to and investigate as required new technologies to maintain our road network in sustainable ways.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Council's operation unit use a consistent quantity of emulsion annually which is allowed for in operational budgets.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report as this is an operational item not directly influencing the community.

Cr Greg May returned to the meeting at 11:47pm.

12.10 GLENLYON RECREATION RESERVE COMMUNITY ASSET COMMITTEE - REQUEST TO MANAGE OF GLENLYON DAM AND SURROUNDS DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Letter - Glenlyon Recreation Reserve - Request to Manage Glenlyon Dam - 17 August 2020 [12.10.1 - 1 page]

EXECUTIVE SUMMARY

Council's Community Asset Committees were established via a resolution of Council on 25 August 2020 at Council's Special Council Meeting under section 65 of the *Local Government Act 2020*.

The Glenlyon Recreation Reserve Community Asset Committee formally wrote to Council and the Chief Executive Officer and requested to be granted responsibility for the management of the Glenlyon Dam and surrounds and for this to be reflected in their instrument of delegation, to be executed by the Chief Executive Officer.

Officers are seeking "in principle" support from Council to include Glenlyon Dam in the Committee Instrument of Delegation in the future, acknowledging that additional work needs to be undertaken to define responsibilities and assess the risks.

OFFICER'S RECOMMENDATION

That Council provides "in principle" support for the Glenlyon Recreation Reserve Community Asset Committee to assume management of the Glenlyon Dam, subject to a review by Officers to ensure responsibilities and risks are managed appropriately.

MOTION

That Council transfers management of the Glenlyon Dam and Surrounds to the Glenlyon Recreation Reserve Community Asset Committee, and requests the CEO to determine and execute with the Glenlyon Recreation Reserve Community Asset Committee all responsibilities, delegations, and reporting requirements appropriate to the management of the Glenlyon Dam.

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

It is proposed that the current Instrument of Delegation be authorised by the CEO as soon as possible, without the management of the Glenlyon Dam included, to ensure the Committee has appropriate delegations to continue its work at the Glenlyon Recreation Reserve. Officers will work with the committee in the coming weeks to assess the risks and responsibilities in the management of the Glenlyon Dam.

KEY ISSUES

Further work will be undertaken to establish delineation of responsibilities and associated risks prior to including the asset as part of the Committee's responsibilities.

This report is brought to Council to gain 'in principle' support given Council Officers are currently drafting the Committee's Instrument of Delegation and therefore the review of responsibilities and risks associated is timely to undertake in the short time frame.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Advice has been sought from Council's solicitors Maddocks regarding community management of the site and further work will be done to ensure clear delineation of responsibilities in the Instrument of Delegation to the Committee to mitigate risk.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The request was received from the Glenlyon Recreation Reserve Community Asset Committee, which includes a number of community representatives.

MOTION

That Council, as per Council's Governance Rules, adjourn the Ordinary Council Meeting of 15 September 2020 until 12:10am on Wednesday 16 September 2020 to continue to be held via the virtual means.

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

The Meeting was adjourned at 12:01am.

MOTION

That the meeting of the Ordinary Council Meeting that was adjourned to 16 September 2020 be resumed at 12.10am on Wednesday 16 September 2020 to continue to transact the council business as listed in the Ordinary Council Meeting agenda for the 15 September 2020.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

The meeting resumed at 12:10am.

Cr Don Henderson left the meeting at 12:12am due to a declared Conflict of Interest.

13 ACTIVE AND ENGAGED COMMUNITIES

13.1 LOCAL LAW NO. 2 - COMMUNITY REFERENCE GROUPS - APPOINTMENT OF MEMBERS

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - Local Law no. 2 Community Reference Groups - Summary of Expressions of Interest [**13.1.1** - 9 pages]

EXECUTIVE SUMMARY

This report provides Council with the nominations received for the Local Law No. 2 Community Reference Groups and the recommended Local Law no. 2 Community Reference Groups membership.

OFFICER'S RECOMMENDATION

That Council appoints the following community members to the Local Law No. 2 Community Reference Groups:

1. *Salvaging at Transfer Stations*
 - *Mara Ripani*
 - *Stuart Jonas*
 - *Jennifer Beecham*
 - *Tim Drylie*
 - *Ian McBean*
 - *Nikki Marshall*
 - *Marie Grenfell*
 - *Judith Henderson*
2. *Planting on Nature strips*
 - *Jen Bray*
 - *Deny Christian*
 - *Maia Irell*
 - *Brayden Crutchfield*
 - *Rebecca Faulkner*
 - *Meyer Eidelson*
 - *Gillian Trebilcock*
3. *Collection of Firewood*
 - *Tim Gauci*
 - *Per Bernard*
 - *Pat Connor*
 - *Julie Lee*
 - *Ian Tinetti*

- *Alan Hives*
- *Stan Faloon*
- *Don McMahon*

MOTION

That Council appoints the following community members to the Local Law No. 2 Community Reference Groups:

1. Salvaging at Transfer Stations

- *Mara Ripani*
- *Stuart Jonas*
- *Jennifer Beecham*
- *Tim Drylie*
- *Ian McBean*
- *Nikki Marshall*
- *Marie Grenfell*
- *Judith Henderson*

2. Planting on Nature strips

- *Jen Bray*
- *Deny Christian*
- *Maia Irell*
- *Brayden Crutchfield*
- *Rebecca Faulkner*
- *Meyer Eidelson*
- *Gillian Trebilcock*

3. Collection of Firewood

- *Tim Gauci*
- *Per Bernard*
- *Pat Connor*
- *Julie Lee*
- *Ian Tinetti*
- *Alan Hives*
- *Stan Faloon*
- *Don McMahon*

Moved: Cr Kate Redwood AM

Seconded: Cr Greg May

Carried

BACKGROUND

At Council's Ordinary Meeting held in February 2020 Council resolved in part:

12.1.7. Commit to engaging with the community in the development of guidelines and policies associated with the implementation of General Local Law no. 2 of 2019 – Community Amenity and Municipal Places. commencing as soon as possible, with working groups to be set up on:

- *firewood collection*
- *salvaging at the transfer stations*
- *planting on verges*

At the July 2020 Ordinary Council Meeting, Council resolved:

12.5.1. Endorse the Terms of Reference for the General Local Law No.2 Community Reference Groups relating to the following:

- *Firewood collection on Council land*
- *Salvaging at Council managed transfer stations*
- *Planting on nature strips*

12.5.2. Approves the expressions of interest selection criteria as detailed in the above report.

12.5.3. Agrees to invite expressions of interest from members of the community to be part of the Community Reference Groups through a public process.

KEY ISSUES

Following the July Council meeting, Expressions of Interest were invited from the community to join the Local Law no. 2 community reference groups. The Expression of Interest was promoted as follows:

- The Local
- Community Newsletters
- Hepburn Shire Facebook
- Hepburn Shire website
- Emails to all those who made submissions regarding Local Law no. 2

The adopted terms of reference sought 8 community members for each group.

As a low number of expressions were received by 10 August, the expression of interest was extended until 25 August 2020 and again promoted through social media, Council's website, emails and local community newsletters.

All EOIs have now been evaluated against the approved selection criteria.

The breadth of experience and interest across the nominations is positive and will provide Council with a great platform for the development of the guidelines, in partnership with the community, to support the implementation of Local Law No 2.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

4. Improve community amenity and accessibility in all public spaces, through effective local laws review and enforcement implementation of Access and Inclusion Plan actions and monitoring property owner's compliance with the planning scheme and heritage requirements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The appointment of members to the Community Reference Groups will assist Council in collaborating with the community in order to develop guidelines to assist with the implementation of Local Law no. 2.

Cr Don Henderson returned to the meeting at 12:17am.

13.2 ADOPTION OF THE HEPBURN SHIRE PLAYSPACE STRATEGY 2020-2030, PLAY IS FOR EVERYONE
DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Sport and Active Recreation Projects Officer, I Kathie Schnur have no interests to disclose in this report.

ATTACHMENTS

1. Hepburn Shire Playspace Strategy 2020-2030 [13.2.1 - 40 pages]

EXECUTIVE SUMMARY

The development of Hepburn Shire's Playspace Strategy 2020-2030, 'Play is for Everyone' (The Strategy) (attached) has reviewed the current provision of play through the Shire's existing facilities (including playgrounds, skate, BMX and scoot facilities, outdoor adult fitness spaces, water play and dog parks) in terms of quality, quantity, location and suitability.

The '**Play is for Everyone**' Strategy Vision is for Hepburn Shire to have a network of engaging, inclusive and sustainable playspaces that are reflective of our people and our places.

Making play for 'everyone' in Hepburn Shire is a complex task and will require good partnerships between Council and community. The municipality encompasses a range of small to medium towns and villages, Council acknowledges that not all villages are specifically named within the Strategy however the Strategy supports Councils commitment to working with existing committees and friends of groups to advocate for and activate play in our local community.

A final round of public consultation was undertaken through a three-week public exhibition period between July and August 2020. Seven public responses and detailed feedback on The Strategy from Sport and Recreation Victoria's (SRV) Grampian Regional Officers were received. Feedback identified widespread support for improvements to Shire playspaces to create safer, cleaner, more appealing spaces, and to combine natural, organic play areas as well as conventional playground equipment. Several respondents addressed dogs in playspaces at Daylesford and Clunes whilst other suggestions included playspace development in the Drummond Hall area, Glenlyon Recreation Reserve and Victoria Park Daylesford. Water-based playspaces were also requested, including at the Glenlyon Dam and clarity requested on whether this would be included in the aquatic infrastructure review.

Submissions were responded to by Officers and The Strategy has been updated to incorporate relevant feedback.

The Strategy and an abridged 'plan on a page' version will be placed on Council's Website and hard copies made available to residents that don't have internet access.

OFFICER'S RECOMMENDATION

That Council adopt the Hepburn Shire Playspace Strategy 2020–2030, Play is for Everyone and note the inclusion of an annual review process that will ensure that the evolution of playspace within the Shire is identified throughout the life of The Strategy.

MOTION

That Council adopt the Hepburn Shire Playspace Strategy 2020–2030, Play is for Everyone and note the inclusion of an annual review process that will ensure that the evolution of playspace within the Shire is identified throughout the life of The Strategy.

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

BACKGROUND

In November 2019, Council supported the commencement of the development of a shire-wide playspace strategy.

Council Officers engaged Consultants, Conversation Caravan in partnership with Bricolage Design to develop the Draft Strategy.

The consultants have undertaken significant community consultation, asset audits, industry research and benchmarking to develop The Strategy.

The development of The Strategy has reviewed the current provision of play through the Shire's existing facilities (including playgrounds, skate, BMX and scoot facilities, outdoor adult fitness spaces, water play and dog parks) in terms of quality, quantity, location and suitability.

Council's vision to have a network of engaging, inclusive and sustainable playspaces that are reflective of our people and our places along with eight guiding principles (as detailed in the Key Issues section of this report), provides the overarching premise for the future strategic direction for the provision of playspaces throughout the Shire over the next 10 years.

The Strategy proposes a 10-year future plan for the provision of playspaces throughout the Shire to guide the development, asset management, and activation of playspaces.

KEY ISSUES

The Strategy has proposed the following Vision and eight Guiding Principles to guide the development, asset management and activation of playspaces throughout the Hepburn Shire:

Vision

Hepburn Shire will have a network of engaging, inclusive and sustainable playspaces that are reflective of our people and our places.

Guiding Principles:

1. Strategic: Ensure that our actions arising from the Playspace Strategy are aligned with our Council Plan and relevant policies and strategies.
2. Activated: Demonstrate that all our actions not only activate play and physical activity for children and young people, but also provide a place for 'real' social connection supported by our local community.
3. Multifunctional: Demonstrate that all actions have a built-in flexibility or range of purpose that support the needs of our 'whole' community, in particular diversity of age among children and young people.
4. Well-Maintained: Demonstrate that all of our actions are practical, are relatively simple to implement and easy to maintain routinely; and exhibit a quality of design and construction that is durable and long-lasting.
5. Inclusive: Ensure all actions contribute towards the playspace being 'welcoming' to everyone in our community, in terms of diversity of ages, abilities and culture.
6. Economically Viable: Ensure that appropriate and realistic budgets are provided for the development, maintenance and decommissioning of playspaces. Demonstrate that all actions are cost-effective not only in terms of implementation, but throughout the life-cycle of a playspace.
7. Environmentally sound: our playspaces reflect the natural environment in which they are located, preferencing sustainably sourced materials and use of natural resources.
8. Shire wide: Demonstrate that all actions are well-considered in terms of their benefit to our local communities.

Key directions of The Strategy include:

- The development, asset management and activation of a network of playspaces throughout the Hepburn Shire.
- Explore funding opportunities for the activation of playspaces.
- Align the development of playspaces (where applicable) with the funding criteria and timelines of potential external funding bodies to increase chances of partner funding opportunities.
- Explore opportunities for additional nature-based playspaces in Daylesford and Creswick.

- Explore opportunities for outdoor fitness focused spaces throughout the Shire.
- Use the principles for good design to create a checklist when planning and maintaining playspaces to ensure a thorough approach to the development, asset management and activation of playspaces.
- Streamline processes to ensure playspaces are developed and managed in a professional and efficient manner, articulating which Council department is responsible for each stage of the project.
- Consider annual budgets for playspace development and asset management, in-line with the above key direction.
- Improve community engagement, communication and activation methods of playspaces through the Shire.

Asset Management and Development planning:

- An Asset Management Process has been designed to assist Council’s internal operations and more clearly define roles and responsibilities in the relevant and effective asset management of play experiences across the Shire.

Activation:

- Create a comprehensive online directory of playspaces across the Shire.
- Develop consistent signage (within existing or future corporate signage) for each playspace.
- Improve promotion of playspaces utilising a variety of tools to provide information about accessibility, age suitability, context and features of individual playspaces.

Alternate play:

- Consider the provision of play opportunities within existing community facilities such as libraries and/or community centres.
- Work with local cafes to include play elements within their venues such as a toy box or interesting features to provide indoor play opportunities.
- Consider installing WiFi in playspaces to increase use of spaces

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

2. Provide great community Parks and Open Spaces by greening our streets, managing tree safety and improving our town entrances, sporting ovals, botanic gardens and passive recreation spaces.

Active and Engaged Communities

5. Take action to encourage improved health and wellbeing to residents and to reduce the risks associated with obesity and poor nutrition. This includes the provision, development and promotion of passive and active recreation facilities and options, and working with clubs and other agencies on planning for future developments and encouraging increased activity.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

The environmental, social and economic impact of playspace provision has been a key consideration in the development of The Strategy and are further addressed through the strategic direction and proposed key directions The Strategy.

FINANCIAL IMPLICATIONS

Council's total investment in the future development of playspaces over 10 years is estimated at \$5.3 million, subject to Councils Annual Budget process and government funding submissions.

Once adopted the Playspace Strategy will be referenced in Council's Long Term Financial Plan, which is to be adopted by Council by 30 June 2021 as part of the new Local Government Act.

In Council's 2019/2020 Annual Budget, a dedicated annual operational allocation of \$40,000 was established to undertake the maintenance of playspaces throughout the Shire. Based on sector lifecycle benchmarking of playspace maintenance requirements and costs, The Strategy proposes the future consideration of an increase to the operational budget to \$70,000, which would better meet the requirements to maintain the existing and future playspaces to a high standard. This will be referred to the mid-year budget review 2020/2021 for consideration.

RISK IMPLICATIONS

Key risk implications associated with the implementation of The Strategy is identifying the evolution of playspace provision and maintaining the relevance of the strategic direction over the 10-year implementation period.

To mitigate these risks, The Strategy includes an annual review process and any proposed works will be fully scoped, costed and presented to Councillors for consideration through the annual budget decision making process.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The following engagement activities have been undertaken as part of this project and were open to both the local community and visitors to the Shire:

- Online engagement through OurSay.
- Delivery of six community and school pop up consultation sessions.
- Interviews with individuals or community groups with a higher level of involvement and understanding of the provision of play experiences across the Hepburn Shire.
- Establishment of an internal Project Working Group including representation from the Parks and Open Space, Engineering Services, Project Management, Community Partnerships and Sport and Active Recreation Teams.
- A round of final consultation through a three-week public exhibition period during August 2020 has been undertaken.

Seven public responses and detailed feedback on the Strategy from Sport and Recreation Victoria's Grampian Regional Officers were received through the final consultation stage.

Whilst, the community feedback received on additional locations for new playspace developments within the Shire have not been included in the final draft Strategy at this stage, these locations will be further explored and considered in the annual review process of The Strategy.

The Strategy has been updated and marginally reformatted to incorporate most of the consultation feedback received through Sport and Recreation Victoria including:

- The use of 'active Council' language throughout The Strategy to better demonstrate Council's ownership of The Strategy.
- Enhanced commentary throughout The Strategy on the broader principles of destination play experiences to reflect Hepburn Shire's significance as a visitor destination.
- The bulk of the commentary within the body of The Strategy relating to the Asset Management and Development of playspaces has been moved to become Appendix 2 - 'Principles of good planning and design'.

13.3 INTERNATIONAL WOMEN'S DAY HEATHER MUTIMER HONOUR ROLL ASSESSMENT PANEL DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Events Officer, I Bridgette O'Brien have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Hepburn Shire Council currently have a White Ribbon Committee, International Women's Day Committee, an Act@Work Action Plan, *Active Women and Girls Strategy* and a Prevention of Violence against Women and Children Leadership statement. All these address positive messages of gender equality, nonviolence and empowering Women and Girls which are key priorities for Council.

The Heather Mutimer International Women's Day (IWD) Honour Roll and event is an important part of Council's civic event calendar. With Council's increasingly important role in promoting Gender Equity, there is an opportunity to conduct a review of Council's advisory committees, whilst continuing to undertake the nomination process and event planning for the IWD event for 2021.

Officers are progressing IWD event planning and Honour Roll nominations opened to the community on Friday 21 August 2020. Nominations will close on Wednesday 4 November 2020.

As the current IWD committee member appointments are now expired, in order to progress the IWD event, Officers propose that an interim selection panel is formed to assess the International Women's Day Nominations. Panel to include two former IWD committee members, Sue Craven and Robyn Rodgers and two Councillors to be determined at the November Council Meeting.

OFFICER'S RECOMMENDATION

That Council:

- *Notes the process to progress the 2021 Heather Mutimer International Women's Day (IWD) Honour Roll nomination and event;*
- *Appoints an interim selection panel, of two former International Women Day committee members, Sue Craven and Robyn Rodgers, plus two Councillors to be determined at the November Statutory Council Meeting;*
- *Agrees that the appointed panel recommends to Council at a subsequent Council Meeting, inductees to the Heather Mutimer International Women's Day (IWD) Honour Roll 2021; and*

- *Notes that Council Officers will conduct a review of the International Women's Day Committee and other associated gender equality initiatives (including White Ribbon Committee) and propose a structure moving forward.*

MOTION

That Council:

- *Notes the process to progress the 2021 Heather Mutimer International Women's Day (IWD) Honour Roll nomination and event;*
- *Appoints an interim selection panel, of two former International Women Day committee members, Sue Craven and Robyn Rodgers, plus two Councillors to be determined at the November Statutory Council Meeting;*
- *Agrees that the appointed panel recommends to Council at a subsequent Council Meeting, inductees to the Heather Mutimer International Women's Day (IWD) Honour Roll 2021; and*
- *Notes that Council Officers will conduct a review of the International Women's Day Committee and other associated gender equality initiatives (including White Ribbon Committee) and propose a structure moving forward.*

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

BACKGROUND

Council launched the International Women's Day Honour Roll on International Women's Day in 2005. It was the initiative of Cr. Heather Mutimer with support from Cr Warren Maloney and many local women. The IWD committee provide advice to assist Hepburn Shire Council to organise the International Women's Day- Women's Honour Roll function and induct recipients into the 'Heather Mutimer Women's Honour Roll' each year. The honour roll and event recognise and celebrate inspiring women and pays tribute to those in the Shire whose contributions, courage and examples have led to significant social change for women. The event takes place each year during the week of International Women's Day which is held annually on 8 March.

Hepburn Shire Council currently have a White Ribbon Committee, International Women's Day Committee, an Act@Work Action Plan and a Prevention of Violence against Women and Children Leadership' statement. All these address positive messages of gender equality, nonviolence and empowering Women and Girls which are key priorities for Council.

KEY ISSUES

Reviewing and ensuring compliance with recent changes relating to committees in the Local Government Act, uncertainty and delays due to COVID-19 and Councils increased involvement in advocating for gender equality have highlighted a clear common overlap of various Council committees and action plans relating to gender equality. Council Officers believe due to all the reasons listed above this would be an opportune time to conduct review of the committees and their role. All IWD committee member appointments have recently expired.

This year Council Officers opened the Honour Roll for nominations from the community on Friday 21 August and underpinned this with a communication campaign. The nominations for the Honour Roll close on 4 November 2020.

Two previous committee members, Ms Robyn Rodgers and Ms Sue Craven have expressed interest in continuing their involvement with the International Women's Day Committee. To ensure that this process continues and isn't delayed, officers are proposing that Ms Rodgers and Ms Craven be part of the assessment panel for the Honour Roll nominations along with two Councillors. The Events Officer will continue to plan the annual IWD event with two possible scenarios in mind, a physical event and a potential virtual event, depending on COVID-19 restrictions.

Council Officers recognise the Honour Roll and IWD event to be very important to the community and believe it should continue, and stress that this review is about ensuring Council have the most efficient and effective structure to deliver this key message of Gender Equality to the community.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Vibrant Economy

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. The cost of the running the event is included in Council's operating budget.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

IWD Committee Members to be advised of actions.

Honour Roll nominations from the community opened on Friday 21 August and promotion to the broader community is underpinned with a Shire wide communication campaign. The nominations for the Honour Roll close on 4 November 2020.

**13.4 GLENLYON PUBLIC ART PROJECT - PUBLIC ART ADVISORY COMMITTEE
RECOMMENDATION
DIRECTOR COMMUNITY AND CORPORATE SERVICES**

In providing this recommendation to Council as the Arts, Culture and Reconciliation Officer, I Donna Spiller have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Hepburn Shire has a range of art in public places and is committed to enhancing the region through a robust Public Art program. Public Art works have previously been commissioned for Shire communities including Creswick, Daylesford, Trentham and Clunes with project recently being commissioned by Council for Public Art Works at the Hepburn Hub at the Rex.

The Glenlyon community has been identified as the next community to receive a Public Artwork commissioned by Council.

As part of Council's 2019-2020 Public Art Program an expression of interest was advertised nationally from 13 May 2020 until 10 June 2020 for an artist to conceive and construct a new public artwork in Glenlyon.

At its meeting on 18 June Council's Public Art Advisory Committee recommended four artists be shortlisted to develop their concepts for a permanent public artwork. On 29 June the short-listed artists met with Council Officers at Glenlyon to view potential sites for the Commission.

On 10 August 2020 the four short listed artists presented their concepts via zoom to the Public Art Advisory Committee.

On 13 August 2020 the Public Art Advisory Committee met and assessed each concept and selected artist Yu Fang Chi's concept, 'Drop'. A 2.5-meter high reflective stainless-steel sculpture in the form of a giant water droplet which alludes to the water element of the Glenlyon dam and pays homage to the beauty of nature and our relationship to water. The concept was presented with two options for materials and site and the concept drawing is attached.

The Advisory Committee further considered alternative options for materials and site choice prior to finalising their recommendation that Council award the Glenlyon Public Art Commission to Yu Fang Chi to create the sculpture at the Glenlyon Dam.

OFFICER'S RECOMMENDATION

That Council endorses the Public Art Advisory Committees recommendation to award the Glenlyon Public Art Commission totalling \$30,000 to artist Yu Fang Chi to produce and install the 'Drop' public art sculpture at the Glenlyon Dam.

MOTION

That Council endorses the Public Art Advisory Committees recommendation to award the Glenlyon Public Art Commission totalling \$30,000 to artist Yu Fang Chi to produce and install the 'Drop' public art sculpture at the Glenlyon Dam.

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

Hepburn Shire Council adopted the Public Art Policy 40 (c) in December 2017.

The purpose of this policy is to provide a framework to assist the Hepburn Shire Council to make considered decisions on public art, its funding, commissioning, installation, maintenance and de-accessioning. It also assists Council in response to requests, proposals and offers of donation of works of art in public places.

Council's decisions on public art projects will be informed by advice from an independent Public Art Advisory Committee. The Public Art Advisory Committee comprises community members with a wide range of professional and community art expertise, especially in the area of public art, art curatorship, architecture and design.

As part of Council's 2019/2020 Public Art Program an expression of interest was advertised nationally from 13 May 2020 until 10 June 2020 for an artist to conceive and construct a new public artwork in Glenlyon. At its meeting on 18 June Council's Public Art Advisory Committee recommended four artists be shortlisted to develop their concepts for a permanent public artwork. On 29 June the short-listed artists met with Council Officers at Glenlyon to view the potential sites for the Commission.

Concepts were presented via zoom to the Public Art Advisory Committee on 10 August. The committee presented their scores and recommendation at their meeting on 13 August 2020.

KEY ISSUES

The table below provides a brief description of the concepts proposed by each short-listed artist.

Artist and Description:

Artist	Description of concept
Yu Fang Chi	Drop - A 2.5-meter high reflective stainless-steel sculpture in the form of a giant water droplet alludes to the water element of the Glenlyon dam and pays homage to the beauty of nature and our relationship to water. The concept was presented with

	two options for materials and sites.
Josh Bowes	Sunken Shack - A stone shack sunken amongst the flood plain. A solid stone constructed sculpture built with local stone and nestled into the landscape on an acute angle. Reminiscent of the settlement remnants found in the landscape.
Kathy Holowko	Fruiting Bodies - A minimum of 12 'fruiting bodies' (fungi) placed along the Loddon River walking path at Glenlyon. Capturing the fungi within the local forests. Ranging in height from 1 – 1.8 metres, painted gold.
Petrus Spronk	Poetry in Motion - A small group (3) of running figures. Representing the spirit of the human body in the natural world, our physicality and our endurance over millennia. Approximately 2 metres high in cut out steel.

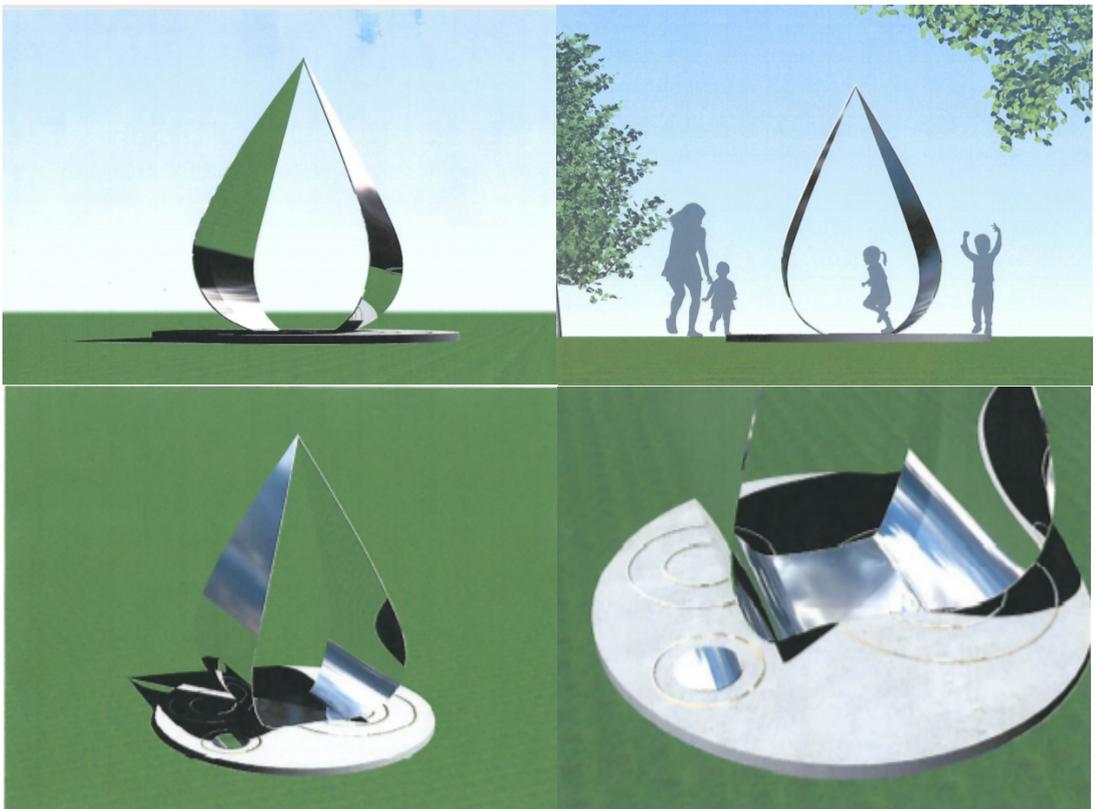
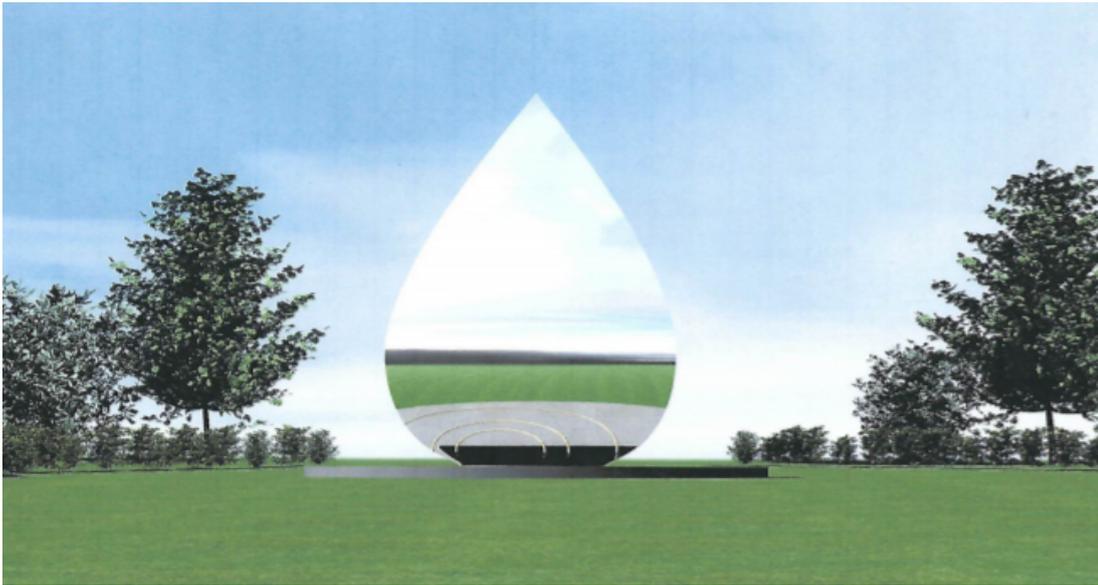
The short-listed artists presented their developed concepts to the Public Art Advisory Committee on 10 August. Following the presentations and in accordance with Council's Public Art Policy, the Public Art Advisory Committee assessed the concepts against the following selection criteria:

- Quality of the artwork proposed
- Artwork materiality and durability
- Safety and suitability
- Relevance to Hepburn Shire
- Represents value for use of public funds

Following this assessment and scoring by each committee member, the Public Art Advisory Committee recommended that Yu Fang Chi be awarded the Glenlyon Public Art Commission proposed at the Glenlyon Dam site, in stainless steel materials. This was based on:

- The artist's concept (below) connected on many levels; the environment, climate change, community interaction with the dam, springs and river, the Jaara people and the overall importance of water to our community.
- The artist's project plan included community engagement, public workshop, artist talk and a website of the project along with QR code link at sculpture.
- The mirrored surface of the stainless-steel material relates well to water and particularly the dam site.
- The hollow design allows the public to look through and walk in the droplet. The artist has considered the safety elements and discussed with a relevant consultant.
- The dam was a favourable choice for a reflective sculptural material and has the potential to activate the space further and become a catalyst to expand works at the dam site.

- The sculpture can be achieved within the projected time frame and represents good value for public funds.



POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

3. Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Art and Culture, Events and Community Grants. Monitor emerging social issues impacting the

community and demonstrate leadership in advocating to government and other agencies to support the community.

Hepburn Shire Council Public Art Policy 40 (c) – December 2017

The purpose of this policy is to provide a framework to assist the Hepburn Shire Council to make considered decisions on public art, its funding, commissioning, installation, maintenance and de-accessioning. It also assists Council in response to requests, proposals and offers of donation of works of art in public places.

Council's decisions on public art projects will be informed by advice from an independent Public Art Advisory Committee. The Public Art Advisory Committee comprises community members with a wide range of professional and community art expertise, especially in the area of public art, art curatorship, architecture and design.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

The 2019/2020 (carry-forward to 2020/2021) Public Art and Maintenance Fund will provide funding for the total cost of the artist commission.

The short-listed artists received a \$1,000 fee and travel expenses to develop their design concept. The artist appointed by Council will receive \$30,000 to produce a permanent artwork (including materials).

There is a moderate amount of maintenance identified for Council in the future and artwork has a life span of over 20 years.

RISK IMPLICATIONS

Risks such as budget, delivery, safety and environmental impact have been identified and addressed by the recommended artist. A concrete footing and plinth with mesh support has been included in the budget.

The recommended artist has over three years' experience in delivery of public art, has developed a detailed budget and there will be minimal site disturbance.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council has appointed various community members to the Public Art Advisory Committee based on their expertise to recommend an appropriate art piece against the advertised criteria.

An information session for the Glenlyon Community was held prior to opening the EOI to inform the community of potential sites and the commission process.

13.5 REVIEW OF THE AUSTRALIA DAY EVENT 2021 AND AWARDS DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Australia Day Awards 2021 - Guidance Document and Assessment Scorecard [13.5.1 - 6 pages]

EXECUTIVE SUMMARY

The Hepburn Shire Australia Day Awards, particularly nominations for Citizen of the Year, are prestigious and attract community attention and interest. After reviewing the process to date with respect to Hepburn Shire Council Australia Day Award nominations, Officers recommend changes to improve the integrity and good governance of the process.

As has been the practice in past years, it is planned that the Awards will be announced at the Australia Day Eve Civic Ceremony. Given that it is not known what COVID-19 restrictions will be in place at the time, a recommendation will be put to Council at the December Ordinary Meeting to decide if the event can go ahead.

OFFICER'S RECOMMENDATION

That Council:

1. *Adopts the Australia Day Awards Guidance Document;*
2. *Authorises the Australia Day Awards 2021 to open for nominations from 26 October 2020 to 22 November 2020;*
3. *Agrees to consider Australia Day Award nominations at the December Ordinary Meeting of Council; and*
4. *Agrees to make a determination regarding the holding of the Australia Day Eve Civic Ceremony at the December Ordinary Meeting of Council, in line with COVID-19 restrictions in place at that time.*

MOTION

That Council:

1. *Adopts the Australia Day Awards Guidance Document;*
2. *Authorises the Australia Day Awards 2021 to open for nominations from 26 October 2020 to 22 November 2020;*
3. *Agrees to consider Australia Day Award nominations at the December Ordinary Meeting of Council; and*
4. *Agrees to make a determination regarding the holding of the Australia Day Eve Civic Ceremony at the December Ordinary Meeting of Council, in line with COVID-19 restrictions in place at that time.*

Moved: Cr Greg May

Seconded: Cr John Cottrell

Carried

BACKGROUND

Hepburn Shire Council has, for at least 14 years, held an Australia Day Eve civic event at the Daylesford Town Hall on 25 January (Australia Day Eve). This event in recent years has included speeches, a citizenship ceremony, citizen of the year awards. Hosting the civic event on 25 January gives Councillors the opportunity to attend community celebrations within their own wards on 26 January.

Council resolved at its Ordinary Council Meeting on 19 September 2017 to keep the civic event, inclusive of citizenship ceremony, on Australia Day Eve and to continue to support the community groups in the arrangement of local celebrations on Australia Day itself.

KEY ISSUES

For 2021, it is recommended that the event follow a similar format as the 2020 event, pending restrictions under COVID-19. There will be opportunity for the newly formed Council to review arrangements for the 2022, and onwards event.

Award Nominations and criteria and process

Officers have completed some benchmarking against other Councils to establish best practice for the eligibility and assessment of nominations to ensure that a robust process is followed.

It is proposed that the awards Guidance document and nomination form be revised to:

- Improve clarity on and alignment with assessment criteria;
- Specify that agreement from the nominee may be provided electronically;
- Give Councillors (all Councillors as a group) the option to make a nomination, in the event that no nominations are received for any category;
- Specify an assessment panel with membership of no less than three people, who will score nominations independently and provide a collective recommendation to Council;
- Nominate the Mayor, Deputy Mayor and a Council Officer from the appropriate work area as the assessment panel.

Officers suggest an amendment to the eligibility criteria to specify that a nominee cannot be a direct relative of a sitting Councillor. While we recognise that this removes valuable community members from contention, this approach is in the best interest of Council to avoid the perception of favouritism.

It is recommended that the nominations for the Australia Day Awards be open from the 26 October to 22 November 2020, immediately after the Election Caretaker Period. The assessment panel would meet to finalise recommendations during the

week of the 30 November, with recommendations presented to Councillors for discussion at the Briefing on 14 December 2020 and put to Council at the 22 December Ordinary Meeting to decide Award recipients.

Officers believe this process will ensure that a robust governance process has been followed in deciding Award recipients.

Given the restrictions in place for much of 2020, it is likely that few nominees will be received in the Event of the Year category. Under the Guidance Document for the Awards (attached) and assessment Panel and Council have the option not to issue this Award, as they have for all other Awards.

COVID-19

The January event may need to be cancelled or adapted depending on restrictions in place at the time. Due to the planning involved for this event, Officers recommend that a cut-off date be set, at which point the decision can be made on whether a physical event can be held. Officers recommend that this decision be put to the December Ordinary Meeting of Council, if required.

Should the physical event not be able to proceed, the Awards would still be announced virtually, and citizens conferred via virtual ceremonies.

Requirements under the Australian Citizenship Ceremonies Code (2019)

The Australian Citizenship Ceremonies Code states:

“Local government councils must hold a citizenship ceremony on 26 January as part of their Australia Day celebrations. Councils that conferred citizenship on less than 20 people in the previous year are exempt from this requirement.”

So far in 2020, Council has conferred citizenship on 10 people, and only 1 remains on the waiting list at the time of writing. It is likely that we will not exceed the 20-person limit and will therefore be able to hold a Citizenship Ceremony on a date other than January 26.

Participation by the Dja Dja Wurrung Clan Aboriginal Corporation

The Dja Dja Wurrung Clans Corporation attended and conducted a Welcome to Country at the 2020 Event. Officers will invite the Corporation to attend the 2021 event.

Participation by the Federal and State MPs

The current Australia Day Eve Civic Event is well attended by federal and state MPs, who are rarely available on Australia Day itself given the number of events that occur on 26 January.

Events run by community groups around the Shire

Community groups in Glenlyon, Trentham, Clunes and Creswick are provided with Council funds to hold their own local celebrations on 26 January. These events are well supported in their respective communities and it is not proposed that these arrangements change.

POLICY AND STATUTORY IMPLICATIONS

Nil.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report as the awards and the Civic event can be supported through existing Council resources.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nominations for the Australia Day Awards will be promoted widely once the Election caretaker period has concluded.

13.6 MINUTES OF ADVISORY COMMITTEES DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - Minutes - Reconciliation Action Plan Advisory Committee - 8 July 2020 [**13.6.1** - 5 pages]
2. CONFIDENTIAL - Minutes - Mineral Springs Reserve Advisory Committee - 10 August 2020 [**13.6.2** - 3 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

OFFICER'S RECOMMENDATION

That Council receives and notes the minutes of the following Advisory Committees which have been issued to Councillors under separate cover:

- *Reconciliation Action Plan Advisory Committee – 8 July 2020*
- *Mineral Springs Reserve Advisory Committee – 10 August 2020*

MOTION

That Council receives and notes the minutes of the following Advisory Committees which have been issued to Councillors under separate cover:

- *Reconciliation Action Plan Advisory Committee – 8 July 2020*
- *Mineral Springs Reserve Advisory Committee – 10 August 2020*

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

KEY ISSUES

Please see listed below the minutes and other reports from Advisory Committees:

- Reconciliation Action Plan Advisory Committee – 8 July 2020
- Mineral Springs Reserve Advisory Committee – 10 August 2020

These minutes have been provided to Councillors under separate cover.

POLICY AND STATUTORY IMPLICATIONS

There are no policy or statutory implications associated with this report.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

14 SUSTAINABLE ENVIRONMENT

14.1 WESTERN VICTORIAN TRANSMISSION NETWORK PROJECT CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Chief Executive Officer, I Evan King have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider determining a position on the Western Victoria Transmission Network Project.

Hepburn Shire Council is very supportive of Renewable Energy and understands the need to be able to transmit renewable energy into the electricity grid. Hepburn Shire Council believes there has not been sufficient consideration of undergrounding the transmission line.

OFFICER'S RECOMMENDATION

That Council:

- 1. supports renewable energy and the need to access it;*
- 2. demands the undergrounding of the Western Victorian Transmission Network Project;*
- 3. continues to work with other municipalities to convince Federal and State Government of the importance of undergrounding the power line and demands honest and transparent community engagement;*
- 4. continues to work with community groups to get a clear and definite plan of the intended route of the proposed line;*
- 5. makes it known to AEMO, Ausnet/Mondo and Governments the potential damage to the significant landscapes and heritage sites within Hepburn Shire as well as the damage to the rights to productively farm;*
- 6. takes all steps deemed necessary to put a strong submission regarding the Environmental Effects Statement; and*
- 7. states that Hepburn Shire Council fully supports renewable energy in ways that do not cause damage to the Hepburn Shire and residents.*

MOTION

That Council:

- 1. supports renewable energy and the need to access it;*
- 2. demands the undergrounding of the Western Victorian Transmission Network Project;*
- 3. continues to work with other municipalities to convince Federal and State Government of the importance of undergrounding the power line and demands honest and transparent community engagement;*
- 4. continues to work with community groups to get a clear and definite plan of the intended route of the proposed line;*
- 5. makes it known to AEMO, Ausnet/Mondo and Governments the potential damage to the significant landscapes and heritage sites within Hepburn Shire as well as the damage to the rights to productively farm;*
- 6. takes all steps deemed necessary to put a strong submission regarding the Environmental Effects Statement; and*
- 7. states that Hepburn Shire Council fully supports renewable energy in ways that do not cause damage to the Hepburn Shire and residents.*

Moved: Cr Greg May

Seconded: Cr Don Henderson

Carried

BACKGROUND

The Western Victorian Transmission Upgrade project (WestVic) includes a new Transmission line running from Sydenham to Bulgana. A 500,000 volts (500kV) line will run west from Sydenham and potentially enter Hepburn Shire somewhere near Dean. It will connect into a new Terminal Station, which will be used to step the voltage down from 500kV to 220kV. The 220kV line will then continue westward, potentially around Creswick and Clunes. The Shire already has some 220 kV infrastructure (55m high, 12m wide), however it has no Terminal Station or 500kV lines (72m high, 16m wide) currently.

AEMO first met with Council Officers about this project in early 2019. At that time and throughout the project, concerns have been raised about the proposed route, impact on community, environment, heritage and bushfire. Because the RIT-T process only looks at economic and technical viability, these concerns have been met with responses along the lines of “that is not being looked at right now”, “those concerns can be addressed in later project stages”, “a more detailed map cannot be provided because a route is not yet known”. Council officers are concerned that the project has now progressed so rapidly and beyond the point where these issues can be adequately addressed. Further, none of these project specifics have been made available to the Council or public.

The RIT-T process had [3 stages](#) – a [consultation report](#) , a [draft report](#) , and a [conclusions report](#). The first 2 stages went out to public consultation and all 3 are publicly available. The project then went to tender and a contractor was appointed, which was Ausnet Services (Mondo is the commercial arm of Ausnet).

KEY ISSUES

Ausnet have been engaged to deliver the Western Victoria Transmission Network Project, but it must now be delivered within the constraints of the tender specification and Ausnet’s expectations and costings. This means that the other project aspects (location, community benefit, environmental impact) which were promised to be addressed in later stages, must now be looked at through a lens of what Ausnet are happy to do and what they have quoted to deliver. Anything beyond their initial considerations can arguably be considered ‘out of scope’ (this has already been the response to several questions), and so this risks less than desirable outcomes for local communities.

Serious concerns have been raised regarding community and visual amenity, impacts on farming practices and cultural heritage.

Repeated requests have been made to understand why undergrounding the project was not considered or if it was considered why it was not selected as the most appropriate construction methodology.

The WestVic project is progressing rapidly and Council officers are working with stakeholders to understand exactly what will be proposed.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Strategic Objective – High Performing Organisation

Key Strategic Activity:

1. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Should the Western Victoria Transmission Network Project be constructed as planned there is potential for environmental, social and economic impacts on the Hepburn Shire Community.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Should the Western Victoria Transmission Network Project be constructed as planned there is risk associated with bushfire, community amenity, farming practices, flora and fauna and cultural heritage.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community and Stakeholder engagement by AEMO and Ausnet (Mondo) has been restricted and constrained by a technical process that does not allow for genuine discussion on alternatives. COVID-19 has also impacted on community and stakeholder engagement.

Engagement to date has been predominantly with landholders, not the community at large causing tension in the community. Communications have not been open and transparent.

15 VIBRANT ECONOMY

15.1 AMENDMENT TO FEES AND CHARGES - FOOD, HEALTH AND ACCOMMODATION DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Nil

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 21 July 2020, Council adopted the Annual Budget for 2020/2021. Part of the Annual Budget includes the adoption of Councils Fees and Charges Schedule for the year which details the specific fee to be charged for a change of services. The Annual Budget was prepared on a “business as usual” basis without any major adjustment for the impact of the current global COVID-19 pandemic.

Officers proposed that the fees for some charges under Food Act 1984, and the Public Health and Wellbeing Act 2008, for 2020/2021 be adjusted to reflect the impacts of COVID-19. An automatic 50% discount on the renewal of these fees is proposed.

This will provide some relief to food, health, accommodation businesses within the Shire.

OFFICER’S RECOMMENDATION

That Council:

1. *Provide a 50% discount to fees and charges as detailed in the Adopted Budget 2020/2021, under the Food Act 1984 and Public Health and Wellbeing Act, for the renewal of registrations.*

MOTION

That Council:

1. *Provide a 50% discount to fees and charges as detailed in the Adopted Budget 2020/2021, under the Food Act 1984 and Public Health and Wellbeing Act, for the renewal of registrations; and*
2. *Provide a 100% waiver for the following fees and charges for 2020/2021 to assist businesses in the transition to predominantly outdoor seated service as part of Regional Victoria's roadmap for reopening:*

- a. *A-Frame signage,*
- b. *Table and two chairs,*
- c. *Goods for display or sale,*
- d. *Wind barriers.*

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

BACKGROUND

At the Ordinary Meeting of Council on 21 July 2020, Council adopted the Annual Budget for 2020/2021. Part of the Annual Budget includes the adoption of Councils Fees and Charges Schedule for the year which details the specific fee to be charged for a change of services.

The Annual Budget was prepared on a “business as usual” basis without any major adjustment for the impact of the current global COVID-19 pandemic, which has escalated as the budget process has been finalised. It was noted that over the coming months, as the full extent of the COVID-19 pandemic becomes clearer, Council would undertake a reforecast of the year and may release mid-year adjustment to the budget or make further adjustments.

It is recognised that our business community, especially within the Hospitality and Accommodation sectors, have been significantly impacted. The recent announcement of Victoria’s roadmap for reopening demonstrated that the impacts will continue for some months.

KEY ISSUES

The Annual Budget includes the following charges under the Food Act 1984, and the Public Health and Wellbeing Act 2008.

Description of Charge	Fee/Charge 2019/20 (Inc GST)	Fee/Charge 2020/21 (Inc GST)
ENVIRONMENTAL HEALTH		
Food Act 1984		
CLASS 1: High risk unpackaged food supplied to vulnerable people Premises include: Child Care, Kindergartens, Aged Care and Nursing Homes	\$486.00	\$496.00
CLASS 2: Handling unpackaged high risk potentially hazardous foods		
2(A) Premises include: Large function centres, Manufacturers, Supermarkets, and restaurants employing more than 20 staff	\$523.00	\$534.00
2(B) Premises include: Restaurants, cafes, caterers, supermarkets, home based manufacturer, takeaway outlets employing less than 20 staff	\$429.00	\$438.00
2(C) Premises include: Prep and cooking of potentially hazardous foods for immediate consumption at accommodation and getaway premises.	\$355.00	\$363.00
2(D) Premises include: Community groups, sporting clubs serving full meals	\$178.00	\$182.00
CLASS 3: Handling and supplying low risk unpackaged foods		
3(A) Milk Bars, Convenience Stores, Fruit Stall, Pre-packaged and home based manufacturer.	\$262.00	\$268.00
3(B) Seasonal Kiosks, Community Groups, Sporting Clubs (½ Annual Fee of Class 3(A))	\$131.00	\$134.00
CLASS 4: Low risk to public health packaged food (Includes Newsagents, Pharmacies, Video Stores)	Fee Exempt	Fee Exempt
Streettrader (Temporary and Mobile Premises)		
Class 2 Food Vehicle or Stall (business)	\$373.00	\$381.00
Class 2 Food Vehicle or Stall (community group)	\$170.00	\$174.00
Class 3 Food Vehicle or Stall (business)	\$250.00	\$255.00
Class 3 Food Vehicle or Stall (community group)	\$125.00	\$128.00
Business (1 event for no more than 2 consecutive days)	\$88.00	\$90.00
Inspection Fee for non-compliant food premises - Class 2	\$130.00	\$133.00
Inspection Fee for non-compliant food premises - Class 3	\$80.00	\$82.00
Community Group/Fundraiser (1 event for no more than 2 consecutive days)	\$44.00	\$45.00
Other Fees		
New Business Registration	150% of annual registration fee	150% of annual registration fee
Transfer of Registration of Food Business	50% of annual registration fee	50% of annual registration fee
Late Fee - applicable to renewal of registration if the renewal fee is not received within 14 days of the due date	50% of the annual registration fee	50% of annual registration fee
Public Health and Wellbeing Act 2008		
Beauty premises, day spa, nails and hair removal premises *	\$158.00	\$162.00
Skin Penetration - tattooing and piercing *	\$309.00	\$316.00
Prescribed Accommodation – hotels/motels, recreation camps, B&Bs (NOT self contained or exclusive use of Units,		
6 to 10 persons*	\$267.00	\$273.00
Over 10 persons*	\$330.00	\$337.00
New Hair Dresser registration	\$142.00	\$145.00
New Business Registration	150% of annual registration fee	150% of annual registration fee
Transfer of Registration of Public Health and Wellbeing Premises	50% of annual registration fee	50% of annual registration fee
Late Fee - applicable to renewal of registration if the renewal fee is not received within 14 days of the due date	50% of the annual registration fee	50% of the annual registration fee

Officers proposed that the fees for 2020/2021 be adjusted to reflect the impacts of COVID-19. An automatic 50% discount on the renewal of all fees detailed in the above table is proposed.

The true impacts of COVID-19 on our local communities, businesses and Council's own operations are not yet fully known, however the above discount will provide some assistance to a number of businesses across our Shire.

The above support is in addition to other support provided to our business community, which includes:

- providing all ratepayers with a two-month extension on the due dates for the 1st rates instalment, now due 30 November 2020.

- there will be no interest charged on outstanding rates balances for the 2019/2020 and 2020/2021 financial year. This applies to all property types, for payments made before 30 January 2021.
- enacted the emergency clause of our current hardship policy, as a result of this, any ratepayers who are suffering financial hardship can make an application for deferment of payment of rates and charges. This applies to all property types - <https://www.hepburn.vic.gov.au/rates-hardship-form/>.
- processing supplier payments weekly to support them with improved cash-flow.
- Dedicated COVID-19 business support page on Council's website with links to Federal and State Government programs (<https://www.hepburn.vic.gov.au/covid-19-business-information-links/>)
- Access to dedicated business support officer within Council for local businesses to receive individual assistance - contact them on 5321 6122 or 5321 6105 or email business@hepburn.vic.gov.au
- Council will continue budgeted capital works as scheduled to maximise local business and employment opportunities.
- Launched the 'Go Local First' campaign to remind everyone to shop locally as much as possible.
- Creation of a Business Response and Recovery Taskforce.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Vibrant Economy

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

The proposed discount of 50% will reduce Councils revenue by approximately \$65,000, this will be formally adjusted through Councils 2020/2021 Mid-Year Budget Review.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. The proposed changes are not material to Council's Budget and can be adopted without readvertising of the budget.

Businesses will receive their renewal notice with the 50% discount already applied.

15.2 SIGNATURE EVENTS MEMORANDUM OF UNDERSTANDING (MOU) AGREEMENTS DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Events Officer, I Bridgette O'Brien have no interests to disclose in this report.

ATTACHMENTS

1. Example Memorandum of Understanding - 2020/2021 [15.2.1 - 11 pages]

EXECUTIVE SUMMARY

Councils Event Strategy 2020-2025 outlines a 5-year plan to increase visitation, length of stay and expenditure within the region to position Hepburn Shire to be the Premier Regional Victoria Events destination.

A key pillar in the strategy is to provide event funding and operational support through Councils event funding framework. The Event funding framework identifies specific event categories, criteria and level of council support. The categories are: Signature/Iconic Events, Regional Events and Local Community Events. Memorandums of Understanding (MOU's) between Council and Event Organisers are required for all Signature/Iconic Events.

Clunes Booktown, the Great Trentham Spudfest and ChillOut, are all classified as Signature/Iconic events. MOU's for these events expire in 2020 and organisers are seeking to negotiate new agreements with Council.

OFFICER'S RECOMMENDATION

The Council authorises the Chief Executive Officer to enter into Memorandums of Understanding (MOU's), based on this report, with the following Signature/Iconic events:

- *ChillOut Festival*
- *Clunes Booktown*
- *Great Trentham Spudfest*

MOTION

The Council authorises the Chief Executive Officer to enter into Memorandums of Understanding (MOU's), based on this report, with the following Signature/Iconic events:

- *ChillOut Festival*
- *Clunes Booktown*
- *Great Trentham Spudfest*

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

BACKGROUND

Council's Event Strategy acknowledges that events play a significant role in supporting the visitor economy and community wellbeing. In Hepburn Shire, events annually deliver \$15M in visitor expenditure, 128,000 overnight stays, 62 event days and 27 separate tourism events.

The Signature/Iconic Event criteria includes established events of significant scale that:

- Attract more than 5000 attendees
- Have the capacity to attract intrastate and interstate visitation
- Have the capacity to drive overnight stays and/or increase visitor spend in the region
- Are part of the character and culture of the Hepburn Shire
- Must be reinvigorating itself and/or continually improving/enhancing the event

Events which fall within this category are eligible to receive financial support between \$5,000-\$20,000 and operational support to a maximum value of \$10,000. The maximum length of funding agreement is 5 years.

KEY ISSUES

Three events meet the Signature/Iconic Event criteria.

Clunes Booktown

- Clunes Booktown transforms the picturesque township of Clunes celebrating all things books: author talks, panel discussions, the largest collection of rare, out-of-print and collectible books in Australia. The festival's international reputation attracts thousands of visitors to Clunes and the region.
- It has a demonstrated record of driving overnight stays and increasing visitor spend in the region.
- Over 15,000 people attended this event in 2019 and Clunes Booktown continually look to grow their event by introducing new elements like the BookClub Hub.
- Due to COVID-19 Clunes Booktown had to cancel this year's event, which would have been the 13th consecutive year of the festival.

The Great Trentham Spudfest

- Spudfest is a unique event, held in line with the local potato season and the commencement of harvest-time. It is a festival that shines the 'Spudlight' on Trentham and involves a wide variety of activities.
- The event has operated for 12 years and has shown significant growth over that period. The 2019 event attracted over 6,000 attendees.

- It has a demonstrated record of driving overnight stays and increasing visitor spend in the region.
- The committee are in the process of putting together a request for quote for a consultant to develop a 3-year strategic plan for the event, to enable it to grow into a multiday event and to increase intrastate marketing.
- Due to COVID-19 Spudfest had to cancel this year's event, which would have been the 13th consecutive year of the festival.

ChillOut Festival

- ChillOut Festival is Australia's longest-running and largest regional LGBTQ+ Pride festival. This is a culturally important and nationally significant event celebrated in the heart of Daylesford.
- The 2020 festival marked ChillOut's twenty third year and over 18,000 people attended and 83.6% of attendees were visitors to the region.
- ChillOut is on a growth trajectory which has seen it grow in the last 3 years from holding a major event on one weekend a year, to holding numerous events across the calendar and growing the major March event by both days and by number of offerings across the weekend.
- It has a demonstrated record of driving overnight stays and increasing visitor spend in the region.
- It should be noted that while ChillOut did go ahead this year, it was timed when there had been significant bushfire activity in other parts of the Country and right before the oncoming COVID-19 epidemic and these issues are likely to have impacted visitation numbers to this year's event, which is normally in excess of 20,000.

Each event has previously had a 3-year MOU with Council and all expire this year and organisers are seeking to negotiate a new 5-year MOU. A 5-year approach gives organisers and Council officers greater certainty for strategic planning.

COMPARISON OF ECONOMIC BENEFIT FOR EACH EVENT

The table below explains the economic value of each event, which supports Council Officer's recommendation of different levels of funding and in-kind support for each event. The data pertaining to event attendance numbers and the proportion of which were day-trippers verses overnight stays, is provided to Council officers by the events themselves. They get this information through their ticket sales and event surveys. Council officers then input these figures into an economic modelling tool provided by REPLAN Economy, which calculates the economic impact of each event as follows:

EVENT	EVENT LENGTH	NUMBER OF ATTENDEES	VISITORS & OVERNIGHT STAYS	ECONOMIC BENEFIT OF VISITATION	MARKETING EXPOSURE
Chillout Festival	Program runs across 5 days	18,000 +	83% were visitors to Daylesford 70% of these visitors stayed for minimum of 3 nights	14,940 visitors, Of that 10,458 overnight X \$215 X 3 = \$6,745,410 And 4,482 day trippers X \$94 = \$421,308 TOTAL \$7,166,718	Extensive media coverage incl: multiple national activities
Clunes Booktown	Program runs across 2 days with a plan to extend to 3	15,000	49% were visitors from Melbourne 43% stayed in region over weekend	7,350 visitors, Of that 3,160.50 overnight X \$215 X 2 nights = \$1,359,015 And 4,189.50 day trippers X \$94 = \$393,813 TOTAL \$1,752, 828	Significant intrastate media coverage and some national
The Great Trentham Spudfest	One day event	6,000	Mainly day-trippers from Regional Victoria and Melbourne	3,500 visitors, of that 350 overnight X \$215 X 1 night =	Regional and intrastate media coverage

				\$75,250 And 3,150 day trippers X \$94 = \$296,100 TOTAL \$371,350 *Estimated numbers don't have specific data	
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It should be noted that all three events engage heavily with both the community and local businesses in the town before, during and after the event.

Council Officers have had on-going discussions with event organisers about future MOU agreements and below is an overview of each events request in renewing their MOU with Council:

CLUNES BOOKTOWN MOU

PREVIOUS MOU SUPPORT FROM 2018-2020	OFFICER MOU SUPPORT RECOMMENDATION FROM 2021-2025	DIFFERENCE
3-year agreement \$13,000 funding per year \$7,200 operational support · Waste Management · Traffic Management · Waiver Venue Hire · Toilet Cleaning	5-year agreement \$14,500 funding year 1 \$15,000 funding year 2 \$15,500 funding year 3 \$16,000 funding year 4 & 5 \$7,500 operational support inc: · Waste Management · Traffic Management · Waiver Venue Hire · Toilet Cleaning	Agreement requested is 2 years longer \$1,500 additional funding year 1 and increase of \$500 per year until year 4. \$300 additional operational support per year

Clunes Booktown have requested an increase in support for the following reasons:

- Extending the funding period from 3–5 years provides a base level of financial stability for the event and allows organisers to take a more strategic approach to evolving their festival with a medium rather than short term focus.

- Additional funds will be used to create a greater focus on children and youth activities leading up to and as part of the event.
- Booktown intend to establish a much greater online presence, live streaming and/or recording author talk/panel sessions for greater engagement.
- Booktown requested a funding increase from \$13,000 to \$16,000 – officers recommend a gradual increase in funding (subject to meeting KPIs and demonstrating growth) to allow them to continue to grow the children and youth focus each year.

THE GREAT TRENTHAM SPUDFEST MOU

PREVIOUS MOU SUPPORT FROM 2018-2020	OFFICER MOU SUPPORT RECOMMENDATION FROM 2021-2025	DIFFERENCE
3-year agreement \$10,000 funding per year \$2,500 operational support <ul style="list-style-type: none"> · Waste Management · Traffic Management · Equipment ie: bollards · Toilet Cleaning 	5-year agreement \$10,000 funding per year \$2,500 operational support inc: <ul style="list-style-type: none"> · Waste Management · Traffic Management · Equipment ie: bollards · Toilet Cleaning 	Agreement requested is 2 years longer No change in funding No change in operational support

Extending the funding period from 3 to 5 years provides a base level of financial stability for the event and allows organisers to take a more strategic approach to evolving their festival with a medium rather than short term focus.

CHILLOUT FESTIVAL MOU

PREVIOUS MOU SUPPORT FROM 2018-2020	OFFICER MOU SUPPORT RECOMMENDATION FROM 2021-2025	DIFFERENCE
3-year agreement \$20,000 funding per year \$10,000 operational	5-year agreement \$20,000 funding per year \$10,000 operational support	Agreement requested is 2 years longer

support <ul style="list-style-type: none"> · Waste Management · Traffic Management · Waiver Venue Hire Fees · Site Establishment · Toilet Cleaning 	inc: <ul style="list-style-type: none"> · Waste Management · Traffic Management · Waiver Venue Hire Fees · Temporary Fencing · Toilet Cleaning 	No change in funding No change in operational support
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Extending the funding period from 3 to 5 years provides a base level of financial stability for the event and allows organisers to take a more strategic approach to evolving their festival with a medium rather than short term focus.

KEY PERFORMANCE INDICATOR (KPIs)

All three events must aim to meet the following KPIs:

- Increase the number of attendees, particularly focusing on the intrastate and interstate markets
- Increase the percentage of overnight visitors, the length of stay and daily visitor expenditure
- Attract media coverage from intrastate, interstate and/or international media
- Continue significant engagement of local community groups and business
- Strengthen the brand of the event and the Hepburn Shire by building on partnerships with Daylesford Macedon Tourism and Visit Victoria.
- Continue to align with the character and culture of the Hepburn Shire and the relevant strategies ie: Council’s Event Strategy
- Year on year continue to reinvigorate, improve, grow and/or enhance the event
- Produce a business plan incorporating an event marketing strategy demonstrating that the event support and drives year round visitation
- Produce an annual report incorporating a financial profit & loss statement for the event
- Participate in an annual review with Council Officers

To support and deliver on other actions outlined in Council’s Event Strategy, we will be adding the following requirements to this MOU:

- Measures must be put in place to ensure each event is welcoming, inclusive and accessible to all (by referring to Council’s Accessible Events Guide).

- Ensure that measures are put in place to minimise the impact each event has on the environment (for example, providing alternatives to single use plastics).
- Acknowledge the Dja Dja Wurrung, traditional owners of the land by including an Acknowledgement of Country or Welcome to Country into the event schedule.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Vibrant Economy

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

It will be a requirement of each event to put measures in place to minimise the impact your event has on the environment (for example: providing alternatives to single use plastics).

FINANCIAL IMPLICATIONS

These requests can all be delivered out of the existing events budget, given that there will be savings this year due to COVID-19.

Event	Cash Contribution	Operational/In-kind Contribution	Total
Clunes Booktown	\$14,500	\$7,500	\$23,500
Trentham Spudfest	\$10,000	\$2,500	\$15,000
ChillOut	\$20,000	\$10,000	\$30,000

RISK IMPLICATIONS

With the COVID-19 pandemic changing daily, it is unknown what the impact will be on future events. Officers are working with Visit Victoria, Daylesford Macedon Tourism and operators to identify opportunities to support, evolve and deliver quality events within the Shire. At this time Officers anticipate events will be able to progress in 2021 however acknowledge that it is possible that these Signature/Iconic

event organisers may need to reshape or change their event, which will mean that they may be challenged to meet their KPIs. If this occurs event organisers will be required to apply for an amendment to their MOU and Council Officers will bring each individual amendment request back to Council for consideration.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council Officers have worked directly with the event organisers of all three events in development of the MOU details outlined above. Discussion has also occurred with Visit Victoria and Daylesford Macedon Ranges Tourism.

15.3 DAYLESFORD MACEDON TOURISM 2020/2021 PARTNERSHIP AGREEMENT DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Council and Daylesford Macedon Tourism Partnership Agreement 2019/2020 Review [15.3.1 - 15 pages]
2. Council and Daylesford Macedon Tourism Partnership Agreement 2020/2021 (DRAFT) [15.3.2 - 13 pages]

EXECUTIVE SUMMARY

The 2020/2021 Partnership Agreement between Hepburn Shire Council and Daylesford Macedon Tourism Ltd. (DMT), (attached) recognises the relationship that exists between the two entities.

Its purpose is to define the level of agreed support to be provided to Council by DMT, in line with Council strategies and operational objectives and sets out in specific and measurable terms, support provided, delivery roles, activities, responsibilities, fees, duration and administration of the agreement.

A review of the 2019/2020 Partnership Agreement has been undertaken. Overall DMT performed strongly during the reporting period and is in a financially sound position, with stronger industry relationships and an effective strategic and operational relationship with Council.

2019/2020 was a 'year of two halves'. July to December 2019 being a period of strong visitation growth, a high level of industry engagement and significant progress made against strategic objectives. Whilst January to June 2020 was significantly more challenging. The January 2020 bushfires did not have an adverse effect on the region however the sudden emergence of COVID-19 had a dramatic impact on the industry.

DMT fulfilled a critical role in working with Council to inform and support the industry during the unprecedented downturn.

The purpose of this report is to present the 2019/2020 Partnership Agreement Results report and the 2020/2021 Partnership Agreement between Council and Daylesford Macedon Tourism Ltd., to Council.

OFFICER'S RECOMMENDATION

That Council:

1. *Receives and notes the 2019/2020 Partnership Agreement Results report, and;*
2. *Adopts the 2020/2021 Partnership Agreement between Council and Daylesford Macedon Tourism.*

MOTION

That Council:

- 1. Receives and notes the 2019/2020 Partnership Agreement Results report; and,*
- 2. Adopts the 2020/2021 Partnership Agreement between Council and Daylesford Macedon Tourism.*

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

BACKGROUND

At the Ordinary Meeting of Council in October 2019 Council:

- adopted a 12-month Partnership Agreement between Council and Daylesford Macedon Tourism Ltd., and
- received the Hepburn Shire Council submission to the Regional Tourism Review submitted 30 August 2019

As at September 2020 State Government has not provided a public response to consultation undertaken and submissions received as part of the Regional Tourism Review.

KEY ISSUES

A review of the 2019/2020 Partnership Agreement between Council and DMT has been undertaken. A 'Partnership Agreement Results - Financial Year 20' report outlining DMT performance against agreed objectives is attached.

Overall DMT performed strongly during the reporting period and is in a financially sound position, with stronger industry relationships and an effective strategic and operational relationship with Council.

The 2019/2020 partnership approach included agreement at Advisory Board level, as to the key strategic pillars required to grow visitation, promote the region, strengthen industry, and improve the regional product offering. Under each pillar, operational actions were agreed, with measures in place to assess performance against objectives the majority of which were met by DMT.

2019/2020 Key Achievements included;

- Developed and agreed Brand Pillars for Region with Council
- Strong Corporate Governance model implemented for DMT Board
- Enhanced relationship with Hepburn Shire Council with DMT EO presenting directly to Council on 3 occasions during the funding period. DMT Chair also attending 1 briefing

- Alignment of HSC product plans with DMT product development plan
- Strong visitation growth recorded for region
- 7 Marketing Campaigns undertaken promoting region
- DMT participating operators (partner Growth) up 30%
- Regional Conference delivered with 100 plus attendees
- Regional advocacy to State Government Departments including Visit Victoria and other key Departments

Objectives of note that were not met and supporting explanation have been included in Table 1 below.

Table 1:

Action:	Develop content and social media strategy to support each of the brand pillars	Comment:
Measure:	Facebook growth – target from 40,000 to 60,000 by Dec 31	Target overly ambitious. Significant growth achieved given Bushfire emergency impacting State and Pandemic Impact. Target amended for 2020/2021.
Result:	Growth to 43,293 at mid June 2020	
Action:	Collaborate with Council EcoDev/Tourism team to deliver a seamless customer journey, from planning to booking to visiting phases.	Comment:
Measure:	Visitor servicing plan in place by June 2020, with clear responsibilities articulated (note that this is dependent upon the state-wide Visitor Servicing Review being produced by Visit Victoria – expected to be produced January 2020)	The release of this document by Visit Victoria has been delayed and is yet to be released. As such, this action was not achieved, however, it is a key focus area for DMT and both Hepburn and Macedon Councils in FY21 dependent on the outcome of the Regional Tourism Review and direction from Visit Victoria.
Result:	One of the key Regional Tourism Review pillars was improved governance arrangements and role clarity between RTBs and LGAs. The move to improve the visitor journey and clarify roles was delayed, pending the release of the recommendations.	
Action:	Work with LGAs to coordinate the development of a region-wide Tourism Crisis Management Plan. Incorporate crisis management training into Regional Tourism Conference.	Comment
Measure:	Tourism Crisis Management Plan developed by March 2020.	Regional Tourism Conference postponed due to impact of
Result	Plan not developed	

		<p>pandemic.</p> <p>Industry webinar training implemented including 'Gap Hunter Series'.</p> <p>Crisis management plan prioritised for delivery in FY21</p>
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Given the overall strong performance of DMT in 2019/2020 Officers are proposing that Council continue the Partnership for 2020/2021.

The 2020/2021 agreement defines the level of agreed support to be provided to Council by DMT, in line with Council strategies and operational objectives and sets out in specific and measurable terms, support provided, delivery roles, activities, responsibilities, fees, duration and administration of the agreement.

The Agreement retains a quarterly payment schedule in advance to allow Council to mitigate risk of funding an organisation and subject to review.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Strategic Objective – Vibrant Economy

Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

Fertile Ground Economic Development Strategy

The five pillars for growth identified within the strategy include Produce, Trade, Live, Grow and Visit. The Visit pillar identifies Councils intention to invite the world to experience Hepburn Shire and all it has to offer.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

On signing of the Partnership Agreement by both parties, DMT will invoice Hepburn Shire Council quarterly in advance for the cost of the agreed services. Payment terms quarterly in advance as follows:

- \$20k plus GST 1 July 2020
- \$20k plus GST 1 October 2020
- \$20k plus GST 1 January 2021
- \$20k plus GST 1 April 2021

This funding is included in Council's 2020/2021 budget.

RISK IMPLICATIONS

A response from Government to the Regional Tourism Review is due. Adoption of the quarterly payment schedule will allow Council to mitigate risk of funding an organisation and sector subject of review. Council reserve the right to terminate the existing partnership agreement and renegotiate a new agreement at their discretion pending the outcome of the Regional Tourism Review.

The sector has been significantly impacted by COVID-19 and may inhibit DMT's ability to deliver aspects of the agreement ie: Regional Brand promotions. DMT is required to provide a written half year and end of year report to Council detailing outcomes of the agreed service.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The 2019/2020 results review was completed with DMT. Agreement negotiations were undertaken in collaboration with DMT for the 2020/2021 financial year.

16 HIGH PERFORMING ORGANISATION

16.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2020 CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Chief Executive Officer, I Evan King have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - 2019/2020 Quarter 4 Performance Appraisal [**16.1.1** - 10 pages]
2. CONFIDENTIAL - 2019/2020 Annual Key Performance Indicators [**16.1.2** - 10 pages]
3. 2020/2021 Quarterly Indicators [**16.1.3** - 1 page]
4. 2020/2021 Annual Key Performance Indicators [**16.1.4** - 6 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to endorse the Annual Performance Appraisal for the Chief Executive Officer for the 2019/2020 year and set the key performance indicators for the 2020/2021 year. The following documents have been used and developed for the performance appraisal process:

- 2019/2020 Quarter 4 Performance appraisal document
- 2019/2020 Annual Key Performance Indicators document
- 2020/2021 Quarterly Indicators
- 2020/2021 Annual Key Performance Indicators

The performance review of the Chief Executive Officer is undertaken through quarterly and annual reviews against pre-determined assessment criteria and the progress towards meeting these criteria. The quarterly and annual review is reported to Council for formal consideration. Further, the Council, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas.

OFFICER'S RECOMMENDATION

That Council:

1. *Endorses the 2019/2020 quarter 4 performance appraisal of the Chief Executive Officer;*
2. *Endorses the 2019/2020 annual key performance indicators for the Chief Executive Officer;*
3. *Approves the 2020/2021 quarterly indicators for the Chief Executive Officer;*
and

4. *Approves the 2020/2021 annual key performance indicators for the Chief Executive Officer*

MOTION

That Council:

1. *Endorses the 2019/2020 quarter 4 performance appraisal of the Chief Executive Officer;*
2. *Endorses the 2019/2020 annual key performance indicators for the Chief Executive Officer;*
3. *Approves the 2020/2021 quarterly indicators for the Chief Executive Officer;*
4. *Approves the 2020/2021 annual key performance indicators for the Chief Executive Officer;*
5. *Approves the request by the Chief Executive Officer for annual leave for the period 21 September 2020 to Friday 2 October 2020 inclusive; and*
6. *Appoints Director Infrastructure and Development Services - Mr Bruce Lucas - to be the Acting Chief Executive Officer for the period 21 September 2020 to Friday 2 October 2020 inclusive.*

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

The Chief Executive Officer's Performance Evaluation is conducted by Council on a quarterly and annual basis. The performance evaluation reviews the performance of the Chief Executive Officer against pre-determined assessment criteria and the progress towards meeting these criteria. The quarterly and annual review is reported to Council for formal consideration. Further, the Council, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas.

The objective of the process is to provide a forum for authentic dialogue with the Chief Executive Officer on overall performance and to establish as early as possible annual Key Result Areas.

This process is documented and adopted by Council to ensure a consistent approach to the Hepburn Shire Council Chief Executive Officer review. The review process is a

collaborative, constructive process that is designed to enhance performance and provide guidance for the Chief Executive Officer, using the Council Plan and/or other Strategic Documents. Councillors take a corporate view of this process. The performance review process is regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Hepburn Shire Council.

KEY ISSUES

Annual Review – 2019/2020

The CEO Performance Plan is divided into two components:

1. Regular Quarterly Performance Indicator presentations to Councillors on key aspects of the organisation, and
2. A Year-end performance review based on specific key qualitative and quantitative indicators



Quarterly Performance Indicators enable Council and the CEO to determine a flexible running program of key organisational, development and capability indicators.

2019/2020 Indicators

The quarter 4 performance appraisal incorporating the annual review of the Chief Executive Officer was conducted on the 1 September 2020.

The quarter 4 and annual performance appraisal focused on the annual performance comparing outcomes against pre-determined key performance indicators and quarterly indicators. The focus areas for the quarter 4 appraisal were:

- Financial Sustainability
 - 10 Year Financial Plan (Development)
 - Strategic Resource Plan (Review)
- Core Initiatives
 - Community Planning
 - Organisational Realignment & Culture
 - Planning Scheme Review
 - Economic Development
 - Annual Plan

Development of the 2020/2021 Quarterly Performance Indicators and Annual Key Performance Indicators

Quarterly Performance Indicators

The 2020/2021 quarterly indicators focus on financial sustainability, core initiatives and fundamental initiatives.



A full set of annual key performance indicators has also been developed for the annual performance appraisal.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The presentation of this report provides transparency to the community on the quarterly performance review process undertaken by Councillors with the Chief Executive Officer.

16.2 CUSTOMER REQUESTS UPDATE - AUGUST 2020 DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on customer requests received and responded to through the Closing the Loop system, for the period ended 31 August 2020.

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

OFFICER'S RECOMMENDATION

That Council notes the update on customer requests for August 2020.

MOTION

That Council notes the update on customer requests for August 2020.

Moved: Cr Greg May

Seconded: Cr Fiona Robson

Carried

BACKGROUND

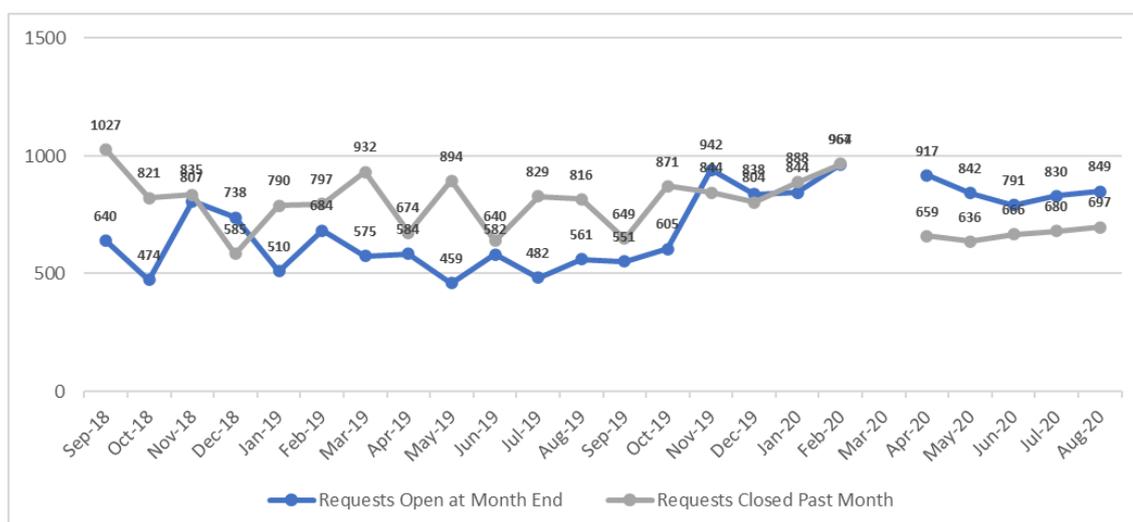
Council uses a Customer Request System Closing the Loop to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

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

KEY ISSUES

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

Total Requests Open and Closed Each Month

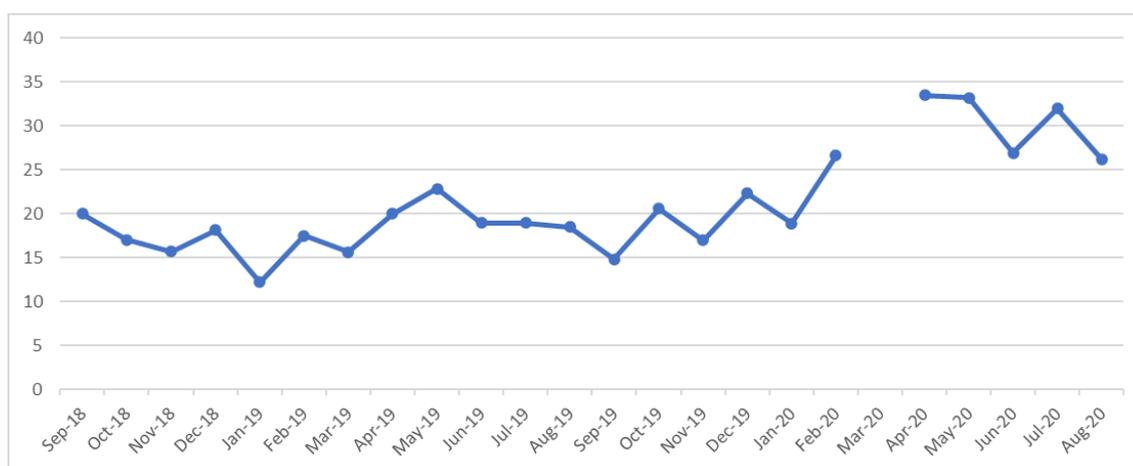


- There was a spike in the number of requests in November 2019 due to requests, particularly tree repairs and roads works associated with the weather events of 21 November.
- COVID-19 data was not collected for the month of March 2020.
- Over the last 24 months the average requests open at the end of the month has been 699. Council had 849 customer requests outstanding at month-end.
- Over the last 24 months the average requests closed during the month has been 783. Council closed had 697 customer requests during the month.

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

Category	Mar	Apr	May	June	July	August
Call back		380	365	360	373	364
Roads and Footpaths		81	81	80	59	76
Parks and Open Space		79	54	49	55	68
Information Technology (internal)		85	89	81	72	69
Development - Planning, Building and Septics		80	76	56	53	77
Other		210	177	165	219	195
Total		915	842	791	831	849

Average Days to Close Requests



Over the last 12 months the average days to closed has ranged between 14.85 and 33.47 – with an average of 24.74. August result was 26.24.

We have seen a spike in April and July, this is likely due to a number of long term requests being closed, as a result of staff able to ‘clean’ data and finalise requests while working from home due to COVID-19. This will be monitored by management.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

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

Key Strategic Indicator: Average Days to Close External Customer Requests

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Responding to customer requests is managed within the annual budget.

RISK IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

**16.3 DEVELOPMENT AND COMMUNITY SAFETY REPORT
DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

In providing this advice to Council as the Manger Development and Community Safety, I Bronwyn Southee have no interests to disclose in this report.

ATTACHMENTS

1. Planning Permits Issued in August 2020 [16.3.1 - 1 page]

EXECUTIVE SUMMARY

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

The report details progress statistics on the activity of the Development and Community Safety team for information purposes.

OFFICER'S RECOMMENDATION

That Council receives and notes the Development and Community Safety Report for information.

MOTION

That Council receives and notes the Development and Community Safety Report for information.

Moved: Cr Greg May

Seconded: Cr Neil Newitt

Carried

BACKGROUND

Each month relevant statistics are collated from the Development Services departments and presented in this report for the information of Councillors.

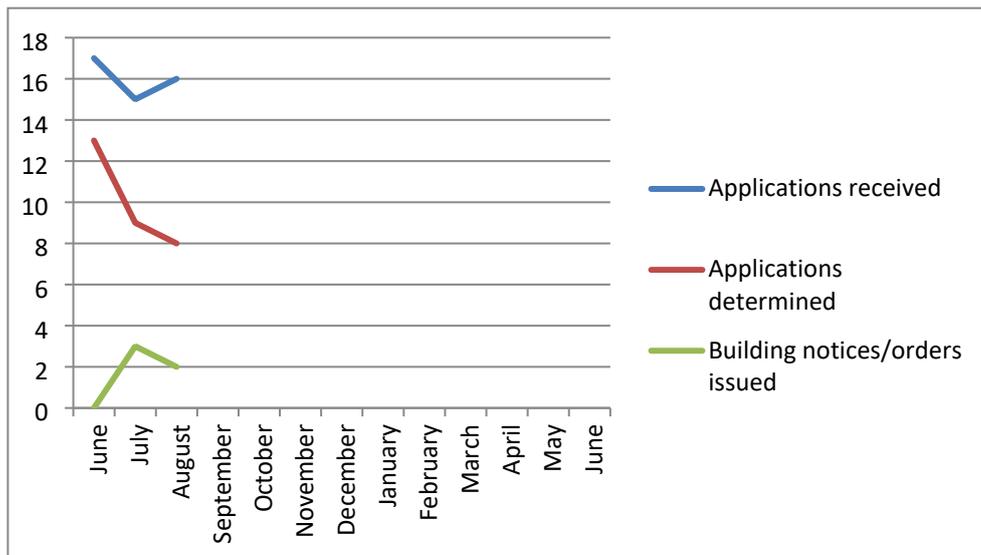
KEY ISSUES

Building

The building activity report for August 2020 is summarised below:

Building Activity	Total
Building applications received	16
Building applications determined	8
Building notices/orders issued	2
Total development cost	\$761,220

The following graph indicates building statistics and activity for the 2020/2021 financial year. (June 2020 included):



The total value of development for all Council approved building permits for the 2020/2021 financial year is \$1,920,573.

Active Building Files

The building department has had 490 active building files over the month of August as summarised below:

Active Building Files	Total
Lodged	34
Further Information	122
Inspection Required	38
Permit Issued	296

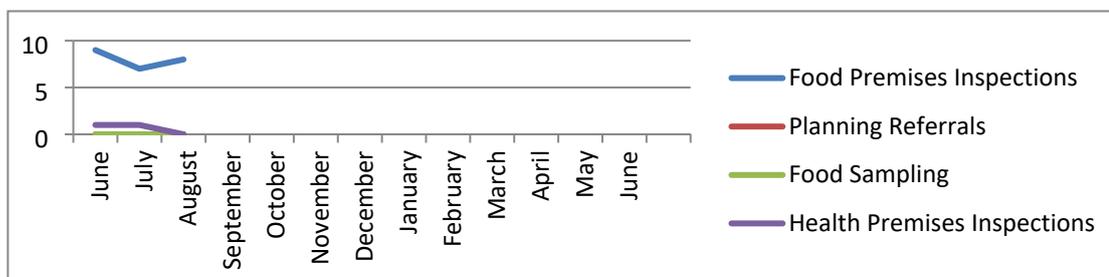
Environmental Health

It should be noted that Councils Environmental Health Officers continue to be heavily engaged in Councils response to the Pandemic and State of Emergency throughout August. This has included but not limited to time reviewing Councils Pandemic Plan, liaison with State Government Agencies, stakeholders, and extensive communication with businesses to assist them in complying with the COVID-19 guidelines. Whilst the team has been working hard in this area to support our community, it has impacted other responsibilities. Some additional resourcing is being sought to aid progression of normal business demands.

The Environmental Health activity report for August 2020 is summarised below:

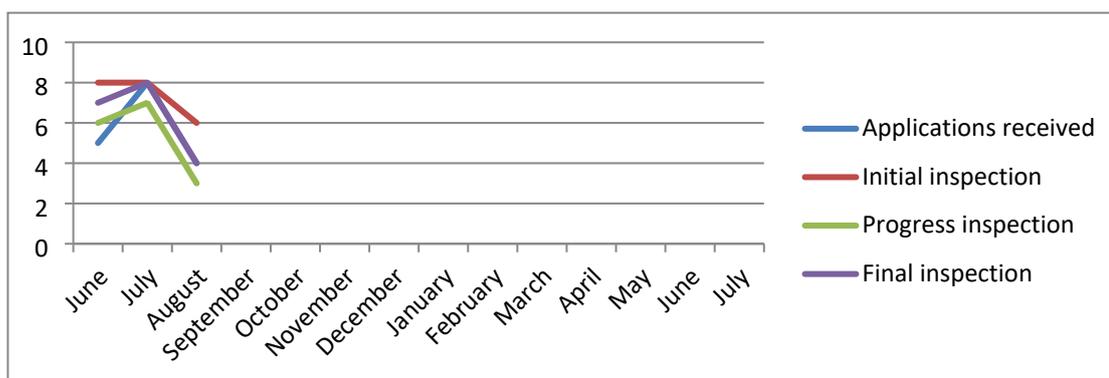
Environmental Health Activity	Total
Food Premises Inspections	8
Planning Referrals	0
Food Sampling	0
Health Premises Inspections	0

The following graph indicates environmental health statistics and activity for the 2020/2021 financial year (June 2020 included):



The Environmental Health septic tank application/inspection activity report for August 2020 is summarised below:

Septic Tank applications/inspections	Total
Applications	4
Initial inspection	6
Progress inspection	3
Final inspection	4



Community Safety

Councils Community Safety Officers also continue to be heavily engaged in Councils response to the Pandemic and State of Emergency throughout August. Whilst the team has been working hard in this area to support our community, it has impacted other responsibilities. Some additional resourcing has been secured through the Working for Victoria program to assist with the emergency response and planning which will support some additional time on core activities in the Community safety team.

Dog Attacks

Officers have analysed the dog attacks reports received in recent years to understand the trends. In summary, Council has received less dog attack reports in recent years, noting that zero dog attacks is the objective.

A review of the reports received in the last 6 months compared to the same period in 2019 and 2018 (Jan – August) has shown in the previous 2 years we received more reports.

Stats for reported dog attacks as below:

- Jan-Jul 2020 = 11
- Jan-Jul 2019 = 20 (24 full year)
- Jan-Jul 2018 = 25 (41 full year)

In addition, our current Domestic Animal Management Plan notes the annual dog attack reports from 2014/2015 – 2016/2017, as follows:

2016/2017 = 39

2015/2016 = 40

2014/2015 = 16

Officers continue undertaking patrols around the municipality and in recent weeks have focused on areas in Trentham, Creswick, Clunes and Daylesford. No offences have been observed during these patrols.

Cat Control

Overpopulation of cats and unowned community cats continue to be an issue in the shire and are priority area for council to address.

There is a large unchecked wild cat population which creates a serious problem of uncontrolled breeding. Council assists property owners with cat trapping to remove unwanted and unowned cats. The damage to native fauna from wild cats is considered to be significant, together with problems of nuisance, disease and parasites.

Cat trapping in various areas throughout the Shire has resulted in many feral, unowned or unidentified cats/kittens being captured. Unfortunately, many of these cats/kittens are suffering from contagious diseases such as influenza (cat flu), immunodeficiency virus (AIDS) and leukaemia (FeLV).

Statistics for cats impounded / trapped in the municipality are reported monthly in the Ordinary Council Meeting. In summary, the number of cats impounded since reporting are as follows:

- 2018: 70* including 60 feral cats from a single property (*these statistics only include the 2nd half of the year from reported statistics)
- 2019: 114 including 86 feral cats from a single property
- 2020: 7* (*due to COVID, limited traps have been hired due to Council Offices being closed)

The majority of these cats have been feral and diseased. As such, they have been destroyed as they are not suitable for rehoming. Feral cats have cost Council \$14,962 in veterinary charges alone.

In 2017/2018, Council implemented a cat desexing program where the desexing fees were subsidise by Council. There was limited uptake from the community with this program with only 11 applications made.

The following table details the actions identified in the Domestic Animal Management Plan 2017-2021. In review of the activities detailed in the DAMP, more actions could be taken to educate and work with the community on feral cat control.

Activity	Comments
Investigate discounted registration fees for de-sexed cats	Free 1 st year desexed cat registration has been introduced
Review de-sexing subsidy	Due to limited take up, this program was not continued.
Promote benefits of de-sexing	There has been limited promotion over the period of the DAMP
Liaise with other Councils to identify opportunities for improvement	Regular liaison with other Local Governments agencies occurs
Review of Local Law No 2	Cat numbers allowed reduced to 2 across the Shire as part of the Local Law 2 introduced earlier this year.
Investigate cat curfew/containment and mandatory de-sexing for cats	Initial discussion has commenced with Council and the community. There is an appetite for cat curfews to be introduced and work to implement will need to be undertaken in 2021
Implement 'Who's for cats?' education program	This is an action for 2021 and is yet to be implemented
Continue offering cat trapping program	This is ongoing as per the statistics above
Investigate opportunities to work with animal shelters, Parks Vic and Vets on cat trapping program	This is an action for 2021 and is yet to be implemented

The Community Safety team activity report for August 2020 is summarised below:

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

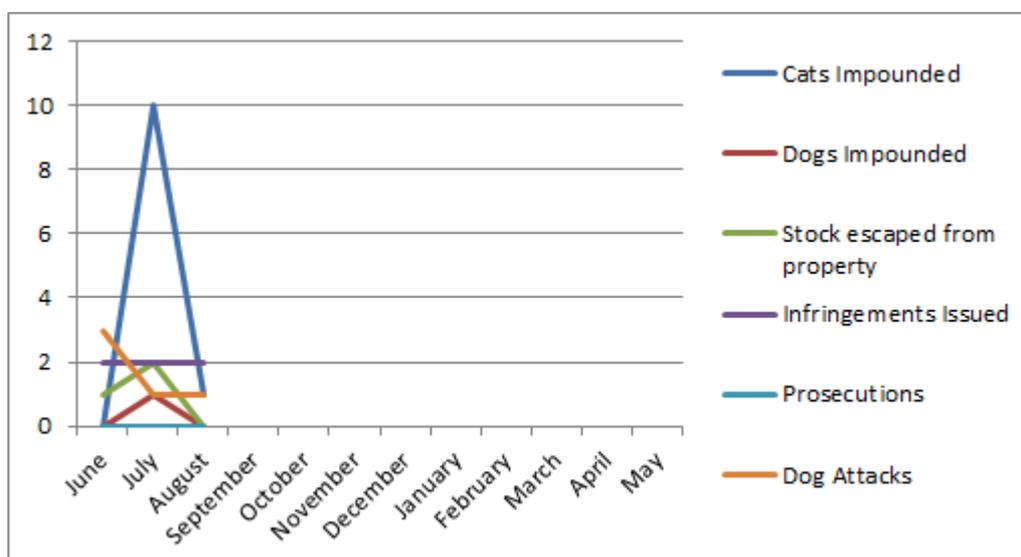
There was insufficient evidence to be able to investigate the reported dog attack further.

Breakdown of Infringements issued in August 2020:

Infringements	Total
Parking	0
Local Law	0
Food	0
Animal	2
Fire	0

Two infringements were issued for failing to register animals.

The following graph indicates local laws statistics and activity for the 2020/2021 financial year (June 2020 included)

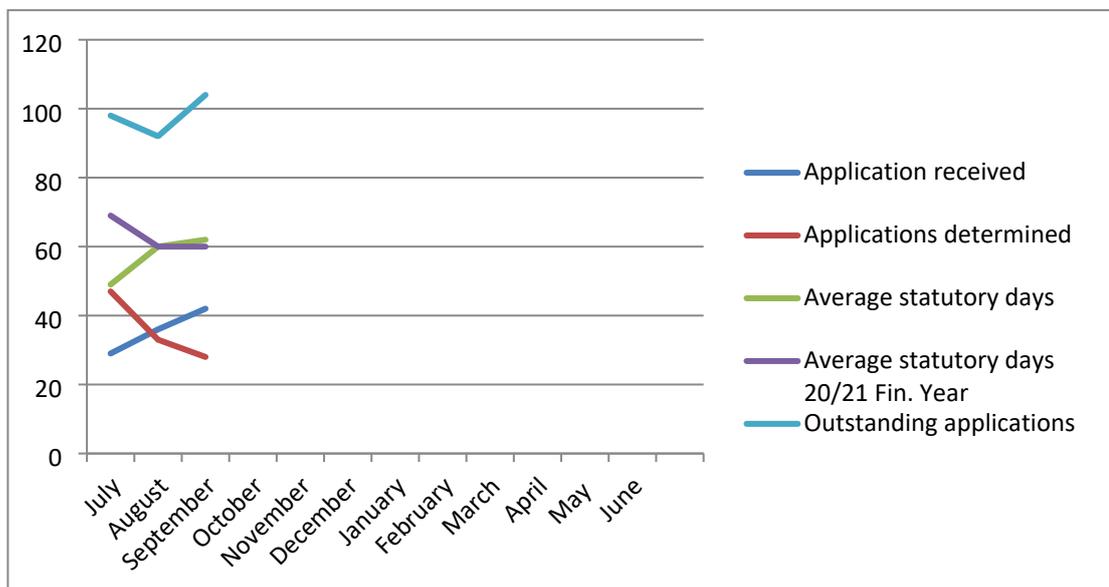


Planning

The Planning activity report for August 2020 is summarised below:

Planning Activity	Total
Applications received	42
Applications determined	28
Average statutory days for month	62
Average statutory days 2020/2021 financial year	60
Average statutory days 2019/2020 financial year	69
Outstanding applications	104

The following graph represents planning activity for the 2020/2021 financial year (June 2020 included):

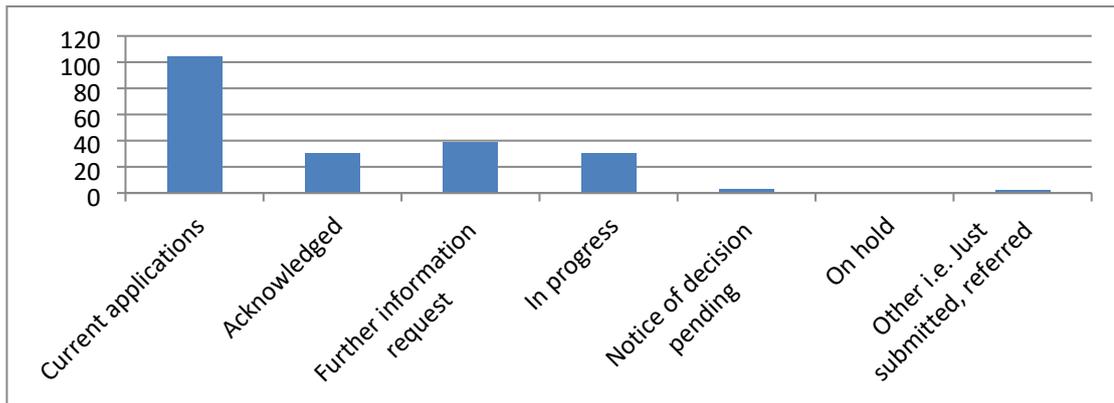


The number of applications received has significantly increased which is pleasing given COVID-19 however has increased the workload of the area. It is noted that the number of applications received remains higher than this time last year. Staffing levels were reduced during July that impacted on the number of applications being determined. Statutory days to determine applications continues to remain steady.

The status of all active applications as at August 2020 is summarised below:

Status of all active applications as at August 2020

Current applications	104
Acknowledged	30
Further information request	39
In progress	30
Notice of decision pending	3
On hold	0
Other i.e. Just submitted, referred	2



Applications determined in August 2020 under delegation

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

Permits Issued by Delegated Officers	25
Notice of Decision by officer	2
Withdrawn etc.	1
Refused by Council	0

POLICY AND STATUTORY IMPLICATIONS

Not applicable

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

16.4 PUBLIC INTEREST DISCLOSURE PROCEDURES FOR HEPBURN SHIRE COUNCIL DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Governance Officer, I Fiona Macpherson have no interests to disclose in this report.

ATTACHMENTS

1. Public Interest Disclosures Procedures for Hepburn Shire Council [**16.4.1** - 30 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present the Public Interest Disclosures Procedures for the Hepburn Shire Council. This document will replace Hepburn Shire Council's Protected Disclosures Policy and Protected Disclosures Procedures, in line with revised legislation.

The *Public Interest Disclosures Act 2012*, formally the *Protected Disclosures Act 2012*, provides protections for people who make disclosures about improper conduct in the public sector. The revised procedures have been developed in accordance with the *Public Interest Disclosure Act 2012* and the guidelines published by the Independent Broad-based Anticorruption Commission (IBAC).

OFFICER'S RECOMMENDATION

That Council adopts the Public Interest Disclosure Procedures for Hepburn Shire Council.

MOTION

That Council adopts the Public Interest Disclosure Procedures for Hepburn Shire Council.

Moved: Cr Fiona Robson

Seconded: Cr Neil Newitt

Carried

BACKGROUND

Victoria's Public Interest Disclosures Scheme ensures that people who report improper conduct and corruption in the Victorian Public Sector (Discloser) can do so in the knowledge that they will be protected. Protections include keeping the identity of the person report improper conduct confidential and protecting them from reprisals including bullying, harassment or legal action.

The new legislated arrangements aim to improve access for those making Public Interest Disclosures and flexibility for agencies investigating Public Interest Disclosures.

Overall, the new Public Interest Disclosures scheme will provide a lower threshold for making Public Interest Disclosures to IBAC, a 'no wrong door' principle for handling PIDs made to a receiving agency, and increased flexibility and alternative pathways for how investigating agencies handle Public Interest Disclosures (and public interest complaints).

The legislation has established a new parliamentary oversight committee, the Integrity and Oversight Committee (IOC), consolidating the oversight of a number of Victorian integrity agencies, including the Independent Broad-based Anticorruption Commission (IBAC).

KEY ISSUES

The Public Interest Disclosure Procedures:

- Explains what a Public Interest Disclosure is.
- Describes how people can make Public Interest Disclosures
- Describes how we receives, handle and assess disclosures
- Details how we notify and liaise with IBAC
- How we protect the welfare of disclosers from detrimental harm
- How we maintain the confidentiality of disclosures

Key changes in relation to public interest disclosures are:

- *Protected Disclosure Act 2012* has been renamed to be the *Public Interest Disclosures Act 2012*
- The terms 'Protected Disclosure' has been updated to 'Public Interest Disclosure'.
- Once a Public Interest Disclosure has been assessed and is determined to be a Public Interest Disclosure, additional rules apply, for example restricting when and to whom the matter can be referred and other altered confidentiality and notification requirements.
- The definition of 'improper conduct' has been revised.
- The list bodies that can receive, access, investigate and make determinations has been updated.

- The legislation provides a new ‘no wrong door’ provision. This allows for a Public Interest Disclosure made to the wrong receiving entity to be redirected to another receiving entity, without the discloser losing the protections of the PID scheme.
- A new class of disclosure is created for ‘external disclosures’
- Detrimental action – defence test lowered
- Confidentiality obligations have been revised.

The Public Interest Disclosure Procedures will be promoted to the community by updating Council’s website to reflect the Procedures and supporting information. This will detail who the Public Interest Coordinator is, avenues of disclosure – through Council’s Public Interest Disclosure Coordinator directly, or through the IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee.

When IBAC receives a public interest disclosure it will either:

- investigate it, or
- refer it to a more appropriate body such as the Victorian Ombudsman, the Chief Municipal Inspector, the Victorian Inspectorate, Victoria Police or in some instances the Racing Integrity Commissioner or the Information Commissioner

With the consent of the person who made the complaint, IBAC may also refer the complaint to another public entity to deal with.

A dedicated webpage will be updated and maintained on Councils website.

The Public Interest Disclosures Procedure will be implemented throughout Council and culture and awareness process in assisting the organisation, officers and managers the public interest disclosure process and legislation.

As part of the continued implementation of the Procedures, education and training will be provided to staff and Councillors.

POLICY AND STATUTORY IMPLICATIONS

The Procedures meets Council’s obligations under the *Public Interest Disclosures Act 2012*. Under section 45 of the Act, it is an offence to take detrimental action against a person in reprisal for the making of a public interest disclosure. A person who commits such an offence may receive a penalty of up to two years imprisonment or a fine of up to 240 penalty units, or both.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There is no community or stakeholder engagement implications associated with this report.

16.5 DRAFT 2019/2020 FINANCIAL AND PERFORMANCE STATEMENTS DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Acting Manager of Financial Services I Robert Ellis have no interests to disclose in this report.

ATTACHMENTS

1. Draft Annual Financial Report 2019/2020 [**16.5.1** - 48 pages]
2. Draft Performance Statement 2019/2020 [**16.5.2** - 12 pages]

EXECUTIVE SUMMARY

This report aims to present to Council the draft Annual Financial Report and Performance Statement for in principle approval.

The financial and performance statement are still subject to audit clearance however, the draft statements are presented for Councillor consideration.

Details are included in this report's key issues section that detail Council's performance during the 2019/2020 financial year.

Once the final statements have been certified by the nominated Councillors and the independent auditors report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 November 2020.

OFFICER'S RECOMMENDATION

That Council:

1. *Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2020.*
2. *Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Councillors Licia Kokocinski and John Cottrell to certify the 2019/2020 annual financial report and performance statement in their final forms after any changes recommended, or agreed to, by the auditors have been made.*
3. *Note that once the final statements have been certified by the nominated Councillors and the independent auditors report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 November 2020.*

MOTION

That Council:

1. *Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2020.*
2. *Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Councillors Licia Kokocinski and John Cottrell to certify the*

2019/2020 annual financial report and performance statement in their final forms after any changes recommended, or agreed to, by the auditors have been made.

3. *Note that once the final statements have been certified by the nominated Councillors and the independent auditors report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 November 2020.*

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

Audit

Council Officers prepared an initial draft set of statements for the year ended 30 June 2020. The Victorian Auditor-General's Office (VAGO), as Council's appointed external auditors, undertook an audit of the accounts during 10-14 August 2020. Due to a number of factors, including the remote nature of the audit process and Finance staff having to work remotely the audit has been delayed.

The Finance and Performance Statements were presented to the Audit and Risk Committee at their meeting on the 14th September. The Statements were presented by Officers and VAGO representatives spoke to the audit process, including that an unqualified audit opinion would be issued. The Audit and Risk Committee passed the following recommendation:

That that Audit Risk and Advisory Committee:

- *recommends that Council authorises two Councillors to approve the 2019/2020 Financial Statements and Performance Statements in their final form after any changes recommended or agreed to by the auditor have been made.*
- *notes that the Draft Closing Report and Management Letter were discussed by VAGO representatives and that the final versions will be presented to the next Audit and Risk Committee meeting.*

Statements

The Annual Financial Report has been prepared in accordance with the Local Government Better Practice Guide, Model Financial Report and the Local Government Better Practice Guide - Performance Reporting template. The following statements are contained in the report:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Statements
- Performance Statement

The financial statements provide information on current and prior year balances and information as required by accounting standards, the Local Government Act and Regulations.

The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures as

developed by the Victorian Government under the new performance reporting framework. This is the sixth year for reporting in this manner and as such comparative data from 2015/2016 are also reported with commentary on variations.

These two statements will be presented and discussed at the Audit and Risk Committee meeting on 14 September 2020 seeking the ARC to recommend that Council authorises two Councillors to approve the Annual Financial Statement and Performance Statement in their form after any changes recommended or agreed to by the auditor have been made.

KEY ISSUES

Financial Statements

Council is experiencing a challenging fiscal environment due to the COVID-19 pandemic and the associated economic impacts within the community. The Shire remains in a stable financial position, but like many businesses will need to closely monitor its financial position and performance over the coming years to ensure it remains in a financially and sustainable position.

A summary of some key aspects of the Council's financial position is below, with greater detail in the Financial and Performance Statements.

The true impact of the COVID-19 pandemic has not yet fully impacted Council's financials. There has been and will continue to be negative impacts through reduced revenue (rentals, rates interest waived) and additional costs to respond to the pandemic. There will also be a cash flow impact to 30 June, with increased receivables at year end. The impacts of these items will be closely monitored by management during the year.

Surplus/Deficit

The operating result for 2019/2020 was a surplus of \$1.87 million.

It is not unusual for Councils to report surpluses, however, it does sometimes not reflect the 'true' financial performance and cash position of Council. The underlying surplus can be a better measure of Council's surplus as it removes several one-off items. The calculation of the underlying surplus (deficit) for 2019/20 is detailed below which demonstrates that Council generated a small surplus. A surplus is required to ensure adequate cash is generated from operations to assist in funding capital works and borrowing repayments.

	2020
	\$'000
Reported Surplus	1,874
Less: Non-recurrent capital grants	(1,847)
Add: Loss / (Profit) on sale of assets	542
Underlying Surplus	569

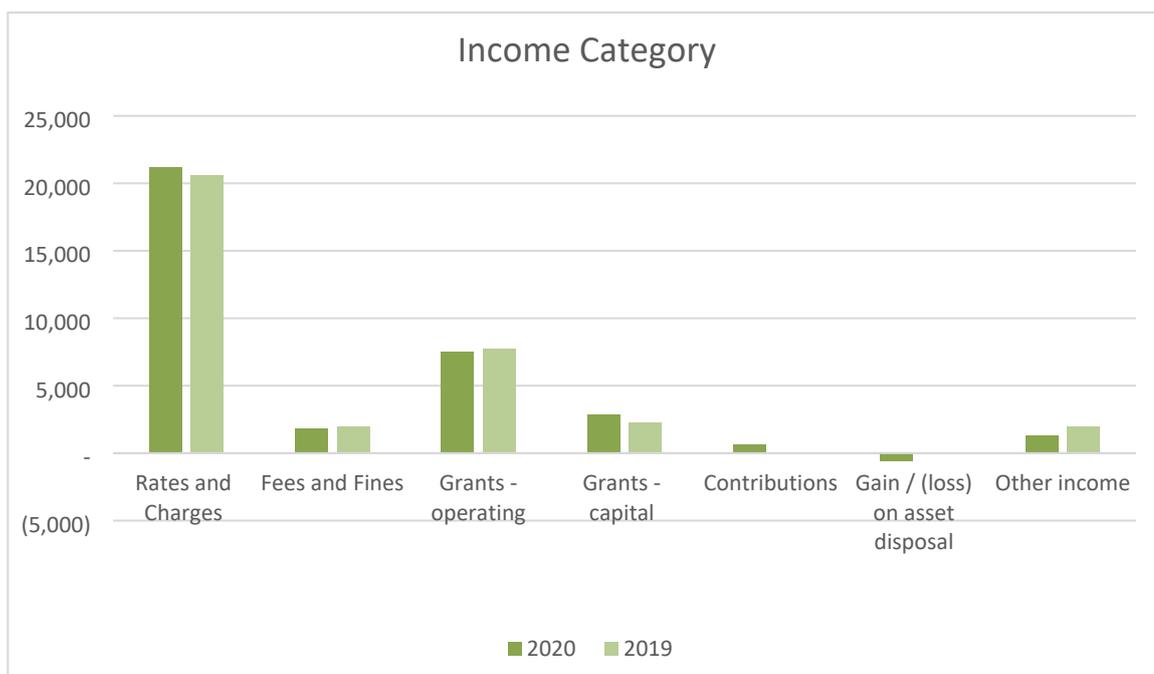
Income

Council receives income from a wide range of sources, including rates, user fees, fines, grants, contributions and other income. The total income for 2019/2020 was \$34.63M (\$34.99M in 2018/2019), a reduction of \$366,000 or 1%.

Traditional income categories of rates, fees, fines, grants and other income has remained fairly stable during the year, with note 3 of the financial statements providing detailed breakdown. Explanation of some movements include:

- Rates and charges increased \$581k (2.8%) which is in line with the State Government rate cap, growth and increases in waste charges
- Fees and fines decreased by \$180k (9.1%) predominately due to Council implementing free entry to swimming pools (\$47k) and a reduction in aged and community care services (\$48k).
- Grants reduced by \$341k (3.4%) reflecting the timing of grants being received due to no milestone payments for the Creswick Trails received during the year and reduced roads funding offset by increases in general grant funding and one-off applications.
- Other income decreased \$673k (34%) predominately due to a reduction in reimbursements and rental income raised. Reimbursements reduced as Council no longer received reimbursement for the cost of general valuations (\$112k) as these are paid directly by the Valuer General, and as a result of the COVID-19 situation reduced debt collection follow-up on outstanding rates (\$62k). Rental income also reduced due to the impact of COVID-19 as a number of agreements are based on a percentage of turnover and businesses suffered significant reduction in their turnover.

The below graph provides the income categories with a comparison of the current and previous financial year.



Council’s income (excluding disposal of assets) of \$35.17M was \$296,000 (0.8%) above budget, which was predominately due to increased grants. Council invested in a Grants and Project Officer during the year, who has worked with officers to improve the quality of grant applications. Council has been successful in obtaining a number of government grants which will assist in delivering projects and programs to the community. Note 1.1 provides an analysis of performance against budget.

Since the pandemic began, Council has been focused on identifying a range of initiatives to support our community and businesses that are impacted by COVID-19, including easing the financial strain by enabling deferral of a range of payments and charges. Specific hardship measures to support community members, including the ability for those experiencing financial hardship to defer payments and all rate payers able to defer some instalments.

Expenses

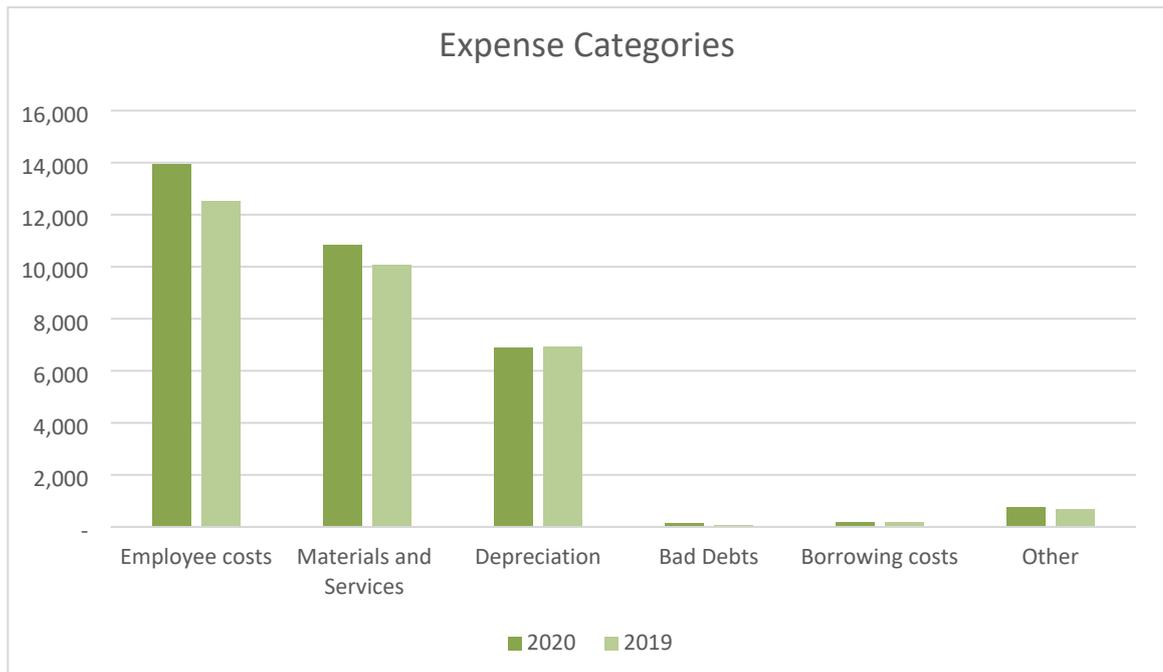
Council’s total operational expenditure including depreciation for 2019/20 was \$32.75M. Expenditure relates to the ongoing or operational costs to deliver services that benefit the community. Expenditure categories summarised below include employee costs, depreciation and other expenses.

Total operational expenditure has increased slightly from the prior year (\$30.41M), an increase of \$2.35M or 7.7%, reflecting increased expenditure on salaries, materials, contracts and services, with further details outlined in note 4.

Increases relate to an increase in employee costs as a result of an organisation realignment to address current business requirements and increased costs due to the inclusion of cleaners, transfer station and pool staff as shire staff where these were previously provided by a third party.

Council also incurred additional costs for in service deliver such as ICT costs, insurance premiums and additional \$230,000 in payments associated with our waste services contracts as costs within the waste sector have increased state-wide. Depreciation, borrowing costs and other expenses remained similar while bad debts increased as Council provides for a likely reduction in revenue from commercial rentals due to the COVID-19 pandemic.

Total operational expenditure was \$888,000 (2.8%) above budget, which reflected that a number of projects in progress as at 30 June 2019 and therefore were 'carry-forward' and completed during the 2019/2020 financial year.



Asset Accounting

During the year Council completed a review of its asset data for a several asset classes. As a result, Council had to 'bring to account' a number of assets that weren't previously recorded in the Councils asset system, which amounted to \$13.36M in 2019/2020. Also, Council had a number of assets that were historically incorrectly recorded in the asset system and they were required to be disposed of (\$5.0M in 2019/2020). These are non-cash adjustments, as data was recorded historically incorrect in the asset system, and have been recorded as an adjustment to the opening balance of equity in the Statement of Changes in Equity.

Recording of Council's physical infrastructure assets (including roads, buildings, drainage, footpaths) can be sometimes be difficult given the large number of assets and past record keeping. As computerised asset systems and GIS systems improve Council begins to have an improved understanding of all its assets. The Asset Management and Finance teams continue to work together to improve our asset recording and accounting.

Capital works expenditure

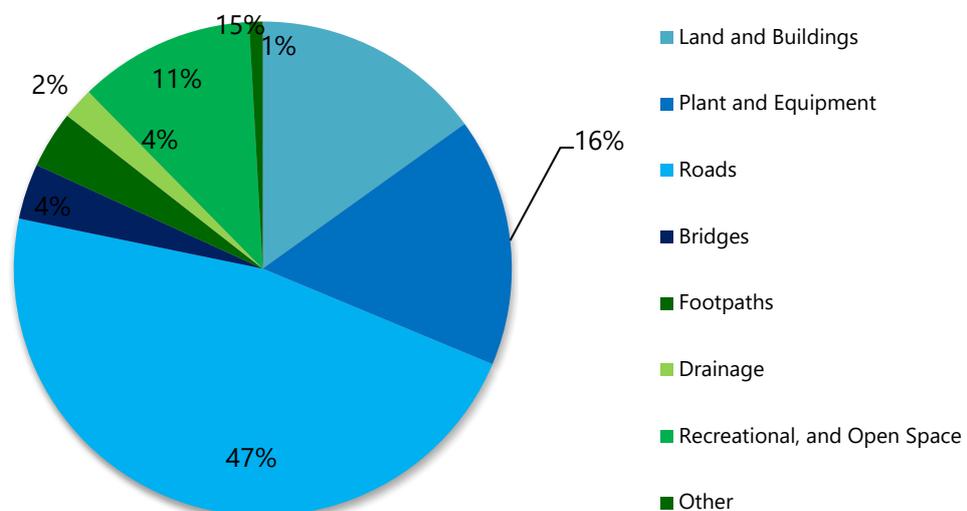
Council delivered \$9.39M of capital works throughout the financial year (\$7.99M in 2018/2019), with the most significant areas of capital investment on buildings and roads.

The \$9.43 million compares well, when compared to the two previous financial years where \$7.99M and \$7.89M were delivered. Therefore a 19% increase in the amount of capital works expenditure occurred, when compared against the average of those past two years.

The \$9.43 million of expenditure is 49.6% of the total capital works budget for 2019/2020. Although it should be noted that the total budget of \$19.03 million is distorted by multi-year projects, and unbudgeted grant funded projects received during the financial year. \$9.24 million of carry-forward expenditure (\$9.54 million in prior year) and \$905,000 of carry-forward income was reported at 30 June.

During the year, Council were working on the delivery of 136 capital work projects, which is a significant number of projects for a small rural council. 51 projects were fully completed, these have been delivered under budget, at 92% of the allocated budget. Projects not completed will be 'carry-forward' and delivered in 2020/2021.

Capital works by type (19/20)



Financial sustainability

In 2019/2020 the Victorian Government capped overall rate increases at 2.5 per cent. Council elected not to apply for an exemption to this cap and continues to review operations throughout the year to ensure delivery of important services and best value for money for the community. As part of the implementation of new requirements required under the Local Government Act 2020, a 10-year Long Term Financial Plan will be developed and adopted during 2020/2021.

Reduced revenue and increasing other costs mean that it is vital that efforts continue to identify efficiencies and alternative funding opportunities to reduce the reliance on rate revenue. Council relies heavily on support from State and Federal Governments to deliver key infrastructure projects and provide support for other important programs.

Key Sustainability Indicators

The Victorian Audit General (VAGO) issued a number of financial sustainability indicators and compares all 79 Councils. The below table provides Councils indicators for 2019/2020, these indicators should be considered collectively and are more useful when assessed over time as part of a trend analysis. Council remains mainly in the 'low' risk category.

Indicator	Result	Risk Rating ¹	Formula
Net Result (%)	23.7%	LOW	Net result/Total revenue
Net Result (%) excluding non-cash transactions	6.8%	LOW	
Adjusted Underlying Result (%)	1.7%	LOW	Adjusted underlying surplus (or deficit)/ Adjusted underlying revenue
Liquidity (Ratio)	3.31:1	LOW	Current assets/ Current liabilities
Internal Financing (%)	124%	LOW	Net operating cashflow/Net capital expenditure
Indebtedness (%)	20.8%	LOW	Non-current liabilities/Own-sourced revenue
Capital Replacement (Ratio)	130%	MEDIUM	Cash outflows for the addition of new infrastructure, property, plant and equipment/ Depreciation
Renewal Gap (Ratio)	125%	LOW	Renewal and upgrade expenditure/Depreciation

¹ Rating per VAGO's risk matrix

Balance Sheet

Council operates a strong balance sheet as detailed in the above VAGO indicators. Many of the balance sheet line items remained similar to the prior year, with major changes explained below:

- Cash and other financial assets (term deposits) totalled \$20.3M as at 30 June 2020, which was an increase of \$1.4M from the previous year. The increase reflected a number of grants paid late in June 2020 for projects to be completed in 2020/2021 as well as funding for carry-forward projects. Further detailed is provided in relation to Council's unrestricted cash assets.
- Receivables increased from \$4.04M to \$4.47M which reflected higher outstanding rates and charges as due to the COVID-19 pandemic. Council offered an extension to instalments due to assist with ratepayers' finances.
- Non-current assets (property, plant and infrastructure) increased \$24.98M to a total valuation of \$294.3M due to a combination of capital work expenditure and revaluation of.
- Trade and other payables increased by \$1.1M to a total of \$3.85M, this was due to a change in the accounting standards that now requires grants that have been paid but the works (obligations) that Council must undertake to still be completed, be recorded as a liability (rather than income).
- Reserves increased \$25.1M to a total of \$145.6M. Most of this movement (\$24.2M) was due to the revaluation of key asset classes, this is a non-cash transaction. Other reserves increased from \$2.53M to \$3.34M and reflect cash backed reserves such as a debt management reserve, open space reserve and the mineral springs reserves which is allocation of funding for future works.

Unrestricted cash assets – Council has cash and other financial assets (term deposits) that total \$20.3M, however it is important to note that the majority of these funds have intended allocations which is detailed below:

Note 5 Our financial position		2020	2019
5.1 Financial assets		\$'000	\$'000
(a) Cash and cash equivalents			
Cash on hand		5	5
Cash at bank		19,093	8,653
Term deposits		43	4,102
Total cash and cash equivalents		19,141	12,759
(b) Other financial assets			
Term deposits - current		1,192	6,133
Total other financial assets		1,192	6,133
Total financial assets		20,333	18,892
Councils cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:			
- Trust funds and deposits (Note 5.3)			
		1,194	950
- Statutory reserves (Note 9.1(b))			
		1,102	530
Total restricted funds		2,296	1,480
Total unrestricted cash and cash equivalents		16,844	11,280
Intended allocations			
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:			
- cash held to fund carried forward works			
		10,320	7,670
- Unexpended grants received			
		4,157	4,011
- Discretionary reserves (Note 9.1(b))			
		2,244	1,997
Total funds subject to intended allocations		16,721	13,678
Total unrestricted cash, cash equivalents and other financial assets		1,316	3,735

With unrestricted cash of \$1.32M, this will need to be carefully managed over coming years. Council will be preparing and adopting a Long Term Financial Plan (10-years) during 2020/2021 as part of the implementation of the new local government act and that review will look at the long-term unrestricted cash balances.

Performance Statement

Attached is the current performance statement.

The majority of indicators have remained fairly similar to previous years. Some items of interest include:

- Expenses indicators when compared to population or assessments have increased given increasing resources to deliver a large program of projects. It is anticipated that Hepburn will remain a low cost Council when compared to other similar sized Councils (small rural).
- You see the impact of free entry to swimming pools – utilisation of aquatic facilities has more than doubled.
- Some indicators have had minor impacts as a result of COVID-19 – this might be expected to continue in some form for 2020/2021.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

13. Deliver sustainable financial management, supported by effective long term financial planning (10 Years), cost savings and efficient purchasing, and developing additional income streams beyond rates revenue.

Under Section 131 of the *Local Government Act 1989*:

- 1) A Council must prepare an annual report in respect of each financial year.
- 2) An annual report must contain the following, in respect of the financial year reported on -
 - a) a report of operations of the Council;
 - b) an audited performance statement;
 - c) audited financial statements;
 - d) a copy of the auditor's report on the performance statement, prepared under section 132;
 - e) a copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*;
 - f) any other matter required by the regulations.

Under Section 132 of the *Local Government Act 1989*;

- 5) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—
 - a) 2 Councillors authorised by the Council for the purposes of this subsection

Under Section 133 of the *Local Government Act 1989*;

- 1) A Council must submit the annual report to the Minister—
 - a) within 3 months after the end of the financial year reported on

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report, rather this report presents Council's performance and position.

RISK IMPLICATIONS

There are no risk implications associated with this report. The Finance and Performance Statements were presented to the Audit and Risk Committee at their meeting on the 14th September. The Statements were presented by Officers and

VAGO representatives spoke to the audit process, including that an unqualified audit opinion would be issued.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Once the final statements have been certified by the nominated Councillors and the independent auditors report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 November 2020. After the annual report has been submitted to the Minister, Council must give public notice that the annual report has been prepared and can be inspected at the Council offices and on Council's website.

**16.6 CARRY-FORWARD PROPOSED PROJECTS
DIRECTOR COMMUNITY AND CORPORATE SERVICES**

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

ATTACHMENTS

1. Proposed Project Carry-forwards 2019/2020 [**16.6.1** - 8 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider adopting the proposed carry-forward projects both operational and capital projects to the carry-forward budget for 2020-2021.

Carry-forwards projects are those that have not been completed during the year, but funding will be 'carry-forward' and these projects will be delivered in the new financial year (2020/2021). This report sets out those items that are required to be carried forward to the 2020/2021 Budget from the previous financial year.

OFFICER'S RECOMMENDATION

That Council approves the capital works, non-recurrent operational projects and operational projects as listed in the report's attachment and commenced in the 2019/2020 financial year, as carry-forward projects to be delivered in 2020/2021.

MOTION

That Council approves the capital works, non-recurrent operational projects and operational projects as listed in the report's attachment and commenced in the 2019/2020 financial year, as carry-forward projects to be delivered in 2020/2021.

Moved: Cr Fiona Robson

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

Council adopted the 2020/2021 Budget at the Ordinary Council Meeting held on 21 July 2020.

Each year, following the completion of the audited financial reports an evaluation of operating and capital projects is undertaken. Projects are evaluated on their status, and updates are provided by officers regarding their completion. A number of projects will remain uncompleted, the level of completion may be relating to grant funding which has not been received and is required for project completion, project activities from the current or previous years and new or changed priorities that Council has been required to address.

KEY ISSUES

The following table provides a summary of the proposed carry-forward projects.

Proposed carry-forward expenditure

Non-Recurrent Operational Projects	\$3,159,184
Operational Projects	\$571,515
Capital Projects	\$9,241,060

Proposed carry-forward income

Non-Recurrent Operational Projects	\$2,438,890
Capital Projects	\$905,182

Net carry-forward projects **\$9,627,687**

For additional details of the specific projects, refer to Attachment.

Capital Works

For the 2019/2020 financial year Council delivered \$9.43 million of capital works.

The \$9.43 million compares well, when compared to the two previous financial years where \$7.99M and \$7.89M were delivered. Therefore a 19% increase in the amount of capital works expenditure occurred, when compared against the average of those two past years.

\$9.24 million of carry-forward expenditure (\$9.54 million in prior year) and \$905,000 of carry-forward income is expected.

An analysis of projects throughout the year provides the following:

- 136 capital projects were budgeted for during the year, 136 projects is a significant number of projects for a small rural council.

- Of the 51 projects completed, these have been delivered under budget. At 92% of the allocated budget.
- Multi-year projects can distort the \$ value of carry-forwards. Eight of the 69 projects that require carry-forwards were related to receiving grants, and therefore were delayed in starting the projects. The majority of the \$\$ carry-forward fall into the multi-year category, with projects such as:

Daylesford Pool and Civic Plaza	\$479k	Tender documents being prepared
Hepburn Hub at the Rex	\$1.21M	Tender advertised
Daylesford Town Hall	\$412k	Advocacy for funding continuing
Clunes Town Hall	\$716k	Contract awarded and works started.

- Many of the projects requiring carry-forwards are well underway, many will be finished in the first quarter of 2020/2021.
- Of the 69 other projects requiring carry-forward the major projects include:

Trentham Early Learning Centre	\$413k	Under construction
Old Ballarat Road, Daylesford reconstruction	\$700k	Contract award at June meeting
Stage 2 Clunes Community Liveability Project (road works)	\$200k	New project, approved by Council at July Meeting
Back Glenlyon Road (road construction)	\$269k	Contract in place, delayed due to weather, will finish in September.
Biodigester Project	\$603k	Review of pilot project being undertaken.
Public Toilet Program	\$945	Project Manager appointed for delivery in 2020/2021.

- The 10 projects identified in the two tables above account for \$5.49M of the carry-forward or 60%.

Non-Recurrent Operational Projects

- Council delivered \$2.16M of project expenditure against a budget of \$5.65M (38%). \$3.16M of expenditure and \$2.44M of income is expected to be carry-forward.
- The major contributing project is the construction of the Creswick Trails. The Trails is a multi-year project that is currently nearing the end of the detailed design phase. Completion of this phase will see agreement from land managers and the PCG on the trail alignment and background reports required to submit a planning permit.

- When excluding the Trails project carry-forward proposed are \$985,000 expenditure and \$800,890 income.
- A number of the operational projects have been impacted by the COVID-19 Pandemic. Officer resources have been allocated to the response, and a number of community consultation and other projects have not been possible given the restrictions. It should be noted that work continues by officers to deliver these projects as soon as possible.

Operational Projects

- \$571,515 of operational projects are proposed to be carry-forward.
- These projects are either grant funded, or expenditure has been committed.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

13. Deliver sustainable financial management, supported by effective long-term financial planning (10 Years), cost savings and efficient purchasing, and developing additional income streams beyond rates revenue.

A project budget review supports Council's compliance with Section 136, Principles of sound financial management, in particular 136 (2d) to ensure full, accurate and timely disclosure of financial information relating to Council.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

The project budget review incorporates changes to Council's 2020/2021 Budget to identify the consolidated financial implications of all known and reported variations.

Council has a commitment to those projects where an existing funding allocation has been made in 2019/2020 will be carried forward to allow the completion of the projects in the 2020/2021 budget year.

Reporting of progress of these carry-forward projects will form part of the 2020/2021 budget, and quarterly reporting provide to Council.

RISK IMPLICATIONS

The budget review is required to assist in decision making, project management and to mitigate the risk of budget allocations being exceeded.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The budget review has been completed with input from officers and Councillors.

**16.7 RECOMMENDATIONS FROM THE AUDIT AND RISK ADVISORY COMMITTEE MEETING HELD ON 27 JULY 2020
DIRECTOR COMMUNITY AND CORPORATE SERVICES**

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

ATTACHMENTS

1. Public Minutes - Audit and Risk Advisory Committee - 27 July 2020 [16.7.1 - 13 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider advice from the Audit and Risk Advisory Committee meeting that was held on 27 July 2020.

The Audit and Risk Advisory Committee met in an out of session meeting on 27 July 2020 to consider the *Local Government Act 2020* and impacts of the legislative reform on the current Audit and Risk Committee.

OFFICER'S RECOMMENDATION

That Council:

1. *Receives the draft minutes of the Audit and Risk Advisory Committee Meeting that was held on the 27 July 2020; and*
2. *Notes the recommendations and resolutions of the Audit and Risk Advisory Committee that were moved at the meeting on 27 July 2020 and that are detailed in the body of this Council report.*

MOTION

That Council:

1. *Receives the draft minutes of the Audit and Risk Advisory Committee Meeting that was held on the 27 July 2020; and*
2. *Notes the recommendations and resolutions of the Audit and Risk Advisory Committee that were moved at the meeting on 27 July 2020 and that are detailed in the body of this Council report.*

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

The Audit and Risk Advisory Committee held an out-of-session Meeting on 27 July 2020 to consider the impacts of the *Local Government Act 2020* on audit and risk committees, and for officers to provide advice to the Audit and Risk Committee with respect to the necessary changes that need to occur in order for Council to meet its statutory obligations by 1 September 2020.

The Committee passed a number of resolutions for consideration by the Council.

The resolutions and recommendations to Council are as follows:

4.1.1. Receive and note the report detailing Council's implementation plan of the Local Government Act 2020; and

4.1.2. Receive and note the high-level summary of the impacts the Local Government Act 2020 has on Council's Audit and Risk Committee.

4.2.1. Note the proposed way forward for Council to establish the Audit and Risk Committee as came into effect on 1 May and required to be undertaken by 1 September 2020;

4.2.2. Note the proposed way forward for the appointment of members to the Audit and Risk committee for Councillor consideration and Council adoption;

4.2.3 Note that the Council expenses policy (as to be adopted by 01 September by Council under the Act (Section 40, subsection 2) provides for the details of all reimbursements under this section to the Audit and Risk Committee and that this policy will be shared with the Audit and Risk Committee once adopted.

4.2.4 Note that Officers will undertake a redraft of presented Charter and Workplan following feedback from Committee members at this meeting, and that Officers will circulate this to Committee members for feedback out of session prior to presentation to Council for adoption.

KEY ISSUES

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

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

16.8 COUNCIL OFFICE CLOSURES DURING THE CHRISTMAS AND NEW YEAR PERIOD CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Manager People and Culture, I Sharon Link have an interest to disclose in this report, as I will benefit from the office closure.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of the proposal to close Hepburn Shire Council offices during the Christmas holiday period 2020/2021.

The report also seeks endorsement of the early closure of the Shire offices on Friday 11 December 2020 to facilitate a staff end of year celebration, pending COVID-19 restrictions.

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves the closure of the Hepburn Shire Council offices, depots and libraries from 3:00pm on Thursday 24 December 2020 and reopening on Monday 4 January 2021;*
- 2. Approves the closure of the Hepburn Shire Council offices, depots and libraries from 1:00pm on Friday 11 December 2020 to facilitate a staff end of year function, pending the current COVID-19 restrictions;*
- 3. Approves the Chief Executive Officer to reschedule the date of the staff end of year function if required under COVID-19 restrictions, and advertise the new closure date; and*
- 4. Authorises Council officers to place advertisements advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2020/2021 holiday period.*

Cr Licia Kokocinski, Mr Evan King and Mr Bradley Thomas left the meeting at 1:28am due to technical issues.

Cr Licia Kokocinski, Mr Evan King and Mr Bradley Thomas returned to the meeting at 1:31am.

MOTION

That Council:

1. *Approves the closure of the Hepburn Shire Council offices, depots and libraries from 3:00pm on Thursday 24 December 2020 and reopening on Monday 4 January 2021;*
2. *Approves the closure of the Hepburn Shire Council offices, depots and libraries from 1:00pm on Friday 11 December 2020 to facilitate a staff end of year function, pending the current COVID-19 restrictions;*
3. *Approves the Chief Executive Officer to reschedule the date of the staff end of year function if required under COVID-19 restrictions, and advertise the new closure date; and*
4. *Authorises Council officers to place advertisements advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2020/2021 holiday period.*

Moved: Cr Don Henderson

Seconded: Cr John Cottrell

Carried

BACKGROUND

It has been the practice of Hepburn Shire Council to close during the holiday period.

The holiday period closure enables staff to take a break with very little impact on service delivery and at the same time provides the opportunity for staff to reduce outstanding annual leave and rostered day off balances. This has been the practice over the past few years as there is limited demand placed on municipal services over this period and the closure is generally accepted by the community.

KEY ISSUES

It is proposed that the Hepburn Shire municipal offices, depots and libraries close from 1:00pm on Friday 11 December 2020 for the staff end of year celebration.

It is also proposed that the Hepburn Shire municipal offices, depots and libraries be closed from 3:00pm on Thursday 24 December 2020 and reopen on Monday 4 January 2021.

The period comprises three workdays and three public holidays. Public holidays have been assigned, under the *Public Holidays Act 1993*, to Thursday 25 December 2020, Monday 28 December 2020 (in lieu of Boxing Day on Saturday 26 December), Friday 1 January 2021. It is proposed that the three work days (Tuesday 29 December, Wednesday 30 December, and Thursday 31 December) will be taken by staff as leave during this period.

A skeleton staff will continue to operate during the closure period to ensure that essential services continue, including Community Care staff members, Maintenance staff members and the Daylesford and Creswick Visitors Centres staff members.

Council's Emergency Management Team will remain on call during this period to respond to any emergency events that occur and maintain response arrangements due to the COVID-19 pandemic.

POLICY AND STATUTORY IMPLICATIONS

Not applicable.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There is no financial impact as a result of closing the offices and depots between Christmas and New Year. The closure provides the organisation with the opportunity to decrease its annual leave liability.

RISK IMPLICATIONS

Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with the Emergency Management procedures and arrangements put in place due to the COVID-19 pandemic.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

It is proposed that the office and depot closures will be advertised. Public advertisements will indicate the arrangements for service provision and emergency response over the Christmas/New Year period as well as the early closure of offices on 11 December 2020.

16.9 RECORDS OF ASSEMBLY OF COUNCILLORS DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Record of Assembly - Public Art Advisory Committee - 18 June 2020 [**16.9.1** - 4 pages]
2. Record of Assembly - Reconciliation Action Plan Advisory Committee - 8 July 2020 [**16.9.2** - 4 pages]
3. Record of Assembly - Mineral Springs Reserve Advisory Committee - 10 August 2020 [**16.9.3** - 2 pages]
4. Record of Assembly - Public Art Advisory Panel - 10 August 2020 [**16.9.4** - 4 pages]
5. Record of Assembly - Public Art Advisory Committee - 13 August 2020 [**16.9.5** - 3 pages]
6. Record of Assembly - Councillor Briefing - 18 August 2020 [**16.9.6** - 4 pages]
7. Record of Assembly - Pre-Council Meeting Briefing - 18 August 2020 [**16.9.7** - 1 page]
8. Record of Assembly - Councillor Briefing - 25 August 2020 [**16.9.8** - 4 pages]
9. Record of Assembly - Councillor Briefing - 1 September 2020 [**16.9.9** - 6 pages]
10. Record of Assembly - Councillor Briefing - 3 September 2020 [**16.9.10** - 3 pages]
11. Record of Assembly - Councillor Briefing - 8 September 2020 [**16.9.11** - 1 page]

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

That Council receives and notes the Records of Assemblies of Councillors

MOTION

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

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

BACKGROUND

The *Local Government Act 1989* defines Assembly of Councillors as:

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

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

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

KEY ISSUES

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

- Reported at an Ordinary Meeting of the Council; and
- incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Date	Committee Name	Location
18 June 2020	Public Art Advisory Committee	Via video conference
8 July 2020	Reconciliation Action Plan Advisory Committee	Via video conference
10 August 2020	Mineral Springs Reserve Advisory Committee	Via video conference
10 August 2020	Public Art Advisory Committee	Via video conference
13 August 2020	Public Art Advisory Committee	Via video conference
18 August 2020	Councillor Briefing	Via video conference
18 August 2020	Pre-Council Meeting Briefing	Via video conference
25 August 2020	Councillor Briefing	Via video conference
1 September 2020	Councillor Briefing	Via video conference
3 September 2020	Councillor Briefing	Via video conference
8 September 2020	Councillor Briefing	Via video conference

POLICY AND STATUTORY IMPLICATIONS

Local Government Act 1989, Section 80A.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

17 CONFIDENTIAL ITEMS

17.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

RECOMMENDATION

That Council resolves to close the Ordinary Council Meeting to the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential matters. The information is determined to be confidential pursuant to section 3(1) of the Local Government Act 2020, specifically as it is:

- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
 - o Chief Executive Officer Annual Performance Appraisal 2020*

MOTION

That Council resolves to close the Ordinary Council Meeting to the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential matters. The information is determined to be confidential pursuant to section 3(1) of the Local Government Act 2020, specifically as it is:

- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
 - o Chief Executive Officer Annual Performance Appraisal 2020*

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

The meeting was closed to the public at 1:34am.

18 **CLOSE OF MEETING**

The Meeting closed at 1:44am.