



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 18 August 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 15 September 2020


Chair, Cr Licia Kokocinski, Mayor

MINUTES

Tuesday 18 August 2020

Virtual Meeting

via Video Conference

Commencing at 6:00pm

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EVAN KING

CHIEF EXECUTIVE OFFICER

Tuesday 18 August 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 SAFETY ORIENTATION

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

3 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

The meeting opened at 06:01 pm.

STATEMENT OF COMMITMENT

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

4 APOLOGIES

Nil.

5 DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 21 July 2020 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 21 July 2020 (as previously circulated to Councillors) be confirmed.

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

7 NOTICES OF MOTION

Nil.

8 ITEMS OF URGENT BUSINESS

Nil.

9 COUNCILLOR AND CEO REPORTS

9.1 MAYOR'S REPORT

Councillor Licia Kokocinski, Coliban Ward

No report was presented.

9.2 COUNCILLOR REPORTS

Councillor Neil Newitt, Cameron Ward

No report was presented.

Councillor Kate Redwood AM, Birch Ward

No report was presented.

Councillor Don Henderson, Creswick Ward

No report was presented.

Councillor Greg May, Creswick Ward

No report was presented.

Councillor Fiona Robson, Birch Ward

Victoria is back in lockdown. This is impacting us all and is a very challenging time for many of us. It is very important that we look after ourselves and each other. I appreciate the enormous amount of work that many individuals, organisations and businesses as doing to work together and help others. It is a great time to support local businesses as much as possible so that they are better placed to rebound well.

Take care and stay well.

Councillor John Cottrell, Holcombe Ward

No report was presented.

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 Greg May

Seconded: Cr Neil Newitt

Carried

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

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

MOTION

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

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

10 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

10.1 PETITIONS

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

10.2 PUBLIC QUESTIONS

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

Questions 1 and 2 were submitted for the 21 July 2020 Ordinary Meeting of Council. Due to an administrative error, the subject of the questions was incorrectly recorded so both questions will be reread in full.

Question 1: Ms Noela Sweeney

RE: Waste breaches Glenlyon Reserve

Glenlyon residents have photographed and cleaned up shotgun wads and clay target waste left by the Daylesford Field and Game Club at the Glenlyon Reserve over the period of 2016-2019.

This failure of the club to remove its waste is a breach of their licence conditions granted by the Hepburn Shire Council under the Crown Land (Reserves) Act 1978, Section 17 (2), Clause 2.5.

This failure is also a breach of Special Condition 16.7 added by the council in that, for the enjoyment of other users of the Reserve, all waste and debris is to be removed from the site after use.

This same waste deposit is also a breach of the Environmental Protection Act 1970 regarding littering on public land and is subject to penalties.

Question:

During July 2016 to July 2019 did the Hepburn Shire Council issue any request, warning or default notice to the Daylesford Field and Game Club regarding these breaches?

Response: Mayor Licia Kokocinski

No breaches have been issued.

Question 2: Ms Noela Sweeney

The Hepburn Shire Council renewed the Daylesford Field and Game Club's licence in July 2019; when did the Club remedy these waste breaches?

Response: Mayor Licia Kokocinski

No breaches have been issued.

Public Questions related to the Glenlyon Recreation Reserve

We have received nine separate questions in relation to the land contamination at Glenlyon Recreation Reserve, with questions from the following people.

Simon Hill

Elizabeth Swan
Marion Oke
Sarah Micklewright
Robert Whalley
Kaye Powell
Samantha McKean

I acknowledge all the questions received. Rather than reading each question, some of which are lengthy and responding individually I would like to make a general statement in relation to those questions – which will provide answers to the themes of the questions. We will also provide a response to each question in writing as part of our normal process.

I was pleased to hear that the Community Briefing on Saturday 8 August 2020 was well attended by Glenlyon residents and reserve users. It is a much-loved reserve with a strong history of events and activities.

As discussed at that briefing, Council contracted qualified and experienced consultants to complete a Preliminary Soil Assessment and an Environmental Site Assessment to determine the extent of land contamination at the reserve.

The preliminary assessment used handheld technology and some soil sampling to conclude that levels of lead (from gunshot) and Polycyclic Aromatic Hydrocarbons or PAH (from clay targets) were above national health guidelines.

The more detailed Environmental Site Assessment confirmed that lead levels at the reserve were reported below the National Environmental Protection Measure (NEPM) Health Investigation Level applicable for recreation areas, but that levels of PAH (or Polycyclic Aromatic Hydrocarbons) were found above NEPM levels in some areas. The assessment was undertaken by qualified and experienced consultants following the NEPM process in accordance with EPA requirements. Both assessment reports were considered by Council and are available on Council's website.

Any risk to public health and the environment is currently being managed by precautionary measures on site including fencing and signage.

Any remediation required on site to remove contamination that presents a risk to public health and the environment will be undertaken at the advice of the EPA and suitably qualified consultants as part of a Clean Up Plan for the site.

As you will be aware, shooting activities at the reserve were suspended in late 2019. The resumption of shooting events at the reserve has not yet been determined. Any future proposal for shooting activities to return to the site will be required to be in accordance with EPA guidelines and will require approval from Council and DELWP.

It is safe to visit the reserve, for example to walk your dog, with precautionary measures in place. If you are within the fenced off area, stay on heavily grassed

areas, do not ingest soil, remove dust and soils from pets and clothing, remove shoes when entering homes, and wash hands following your visit. Please refer to signage on the site.

I can confirm that no breaches have been issued to Daylesford Field and Game in relation to littering following shooting events.

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. Council is aware of and acknowledges the content of license with the Gun Club which refers to negligence and breach of statutory duty. Council will consider this clause at the time of considering any clean-up costs that may be incurred.

We are committed to continuing to work through the contamination issue and optimising the use of public parks and reserves for our communities. As we work with our community, user groups, DELWP and the EPA, we want to reassure our community that we will keep you informed in an open and transparent way.

Again, we will provide a formal written response to each of the specific questions received.

All remaining Public Questions

Question 12: Ms Gina Lyons

I note that the Council update on this project states (Hepburn Hub): "a planning permit amendment will now be required to accommodate the recent minor changes in the design." Please outline the steps in the planning permit amendment process including timeframes for each step and an estimated date of completion.

Response: Mayor Licia Kokocinski

Due to the design changes made to the proposed development, a planning permit amendment is required. This amendment application is being prepared and will be submitted for consideration by the planning authority (Council).

The application to amend the permit will be assessed by council's planning officers.

The time between the application and Council's decision is dependent on the nature of the application and governed by various provisions set out in the *Planning and Environment Act*.

It may depend on several factors such as: the requirement to provide further information; the requirement to notify the public of the application or receipt of notification from referral authorities.

There may also be provisions for objections through the Victorian Civil Administrative Tribunal (VCAT).

With the variables referenced above it is not possible to place a timeframe on these steps however given the Council caretaker period, it is expected that the application may not be determined until the December Council meeting following the Local Government Elections scheduled for 24 October 2020.

Question 13: Ms Gina Lyons

Is the planning permit amendment process required to be completed before construction on Stage 2 Main Works (Hepburn Hub) can begin?

Response: Mayor Licia Kokocinski

The Stage 2 Main Works are required to be in accordance with planning permit requirements.

Given the design changes it is necessary to have the planning permit amendment in place prior to the Stage 2 works commencing.

The Stage 1 works can proceed and are also required to be completed prior to the Stage 2 main works commencing.

Question 14: Mr Rod Sewell

Hepburn Shire is subject to Stage 3 COVID-19 restrictions. There are only four valid reasons to leave your home – letter drop is not one of them. Will Hepburn Shire Council be taking action against members of the Glenlyon Progress Association supported lobby group seeking the removal of the gun club from the Glenlyon Recreational Reserve and reporting this to relevant authorities given:

- a) their illegal actions in participating in a letter drop around the Glenlyon township over the past weekend is an outrageous breach of Stage 3 conditions
- b) the potential for COVID-19 infected persons participating in the preparation and distribution of letters for the drop to spread infection across our community

Response: Mayor Licia Kokocinski

Council continues to promote being COVID safe and following the stage 3 lockdown restrictions as imposed by the State of Victoria.

Council is not authorised or empowered to undertake any enforcement activities under these restrictions, and the matter should be referred to the Victorian Police by the questioner.

Question 15: Mr Rod Sewell

The recent August edition of the Glenlyon Progress Association financed “The Glenlyon District News” continues its entrenched Council bashing and misinformation and under the anonymous “Fake News” suggests to the community that much of a proposed \$1 million capital works budget for the Glenlyon Recreational Reserve is simply ‘wishful thinking’.

Will Council confirm that it has an allocated forward budget item of \$1 million for work at the Glenlyon Recreational Reserve and outline how such a project is to be funded.

Response: Mayor Licia Kokocinski

\$121,000 has been included in the 2020/2021 Annual Budget to complete the detailed design for the pavilion at the Glenlyon Recreation Reserve, this will allow

Council to proceed to request for tender. Construction of the facility will be subject to securing grant funding to co-fund with Council. Future allocations will be subject to Council budgets with current estimates of the project cost estimated at \$980,000.

Question 16: Ms Marion Oke

Why does Council not provide an alternative platform for accessing virtual meetings for those of us not on Facebook.

Response: Mayor Licia Kokocinski

Facebook is a stable, accessible medium which is widely available via smart phone, tablet and PC. It is being used by a number of Victorian Councils to live stream meetings under COVID-19 restrictions. You do not need to have a Facebook account to watch the live stream of the virtual meeting.

Question 17: Ms Dallas Kinnear

Could Council defer any decision on this shed (at 151 Lake Road Daylesford) until the question of the future of the present ill-sited cafe, which was built without any permit or public consultation, and which blocks the beautiful view down to the Lake, is resolved, thus leaving open the possibility that in future a new and attractive cafe could instead be placed on the old maintenance shed site at the entrance?

Response: Mayor Licia Kokocinski

It is important to recognise that the *Planning and Environment Act* requires that these two matters are considered independently.

Accordingly, Council will consider the appropriateness of an application for a planning permit for a shed at 151 Lake Road Daylesford later in the agenda of tonight's Council Meeting.

With respect to the compliance issue of the cafe, Council's Building Inspector and Planning officers continue to investigate the compliance concern raised. We will obtain an update from Council's Development Services team on the status of this compliance matter and provide a detailed response to you.

Question 18: Ms Dallas Kinnear

Or, to shorten the application process, instead of deferring, would Council agree tonight to the shed being re-sited up on the caravan lease area instead, so that this prominent site at the entrance to one of Daylesford's four prime tourist attractions, can be retained and later used to enhance both the Co-Op's business bottom line and to boost the town and the Shire's tourism economy?

Response: Mayor Licia Kokocinski

Council will consider the appropriateness of an application for a planning permit for a shed at 151 Lake Road, Daylesford at tonight's Council Meeting.

Question 19: Mr Basil Eliades

Everything is context. We request that Council defer this shed application so that Councillors can see for themselves where the shed is proposed to be sited and Council, the Co-Op and the Friends of Jubilee Lake can discuss the issues of the cafe, the film shed, the metal cage on the foreshore and the commercial signage.

These outstanding issues need to be resolved first to keep all options open for the future use of this site. Isn't that a reasonable path forward?

Response: Mayor Licia Kokocinski

It is important to recognise that the *Planning and Environment Act* requires that these two matters are considered independently. Council is separately reviewing entrance signage and the concern relating to the 'cafe' structure following previous discussions between community representatives and council officers.

Council will consider the appropriateness of an application for a planning permit for a shed at 151 Lake Road Daylesford at tonight's Council Meeting.

Question 20: Mr Basil Eliades

Maintenance sheds at other Shire Reserves are not placed at the entrance to these reserves where they are highly visible to visitors. They are sited in the maintenance areas and hidden well away from where visitors can see them. Planting to screen it is not a satisfactory solution. It would not be allowed at Lake Daylesford. Why then is this huge ugly commercial shed being sited right at the entrance to the much-loved Jubilee Lake Reserve instead of on the Caravan Park lease area well out of sight of visitors to the Reserve?

Response: Mayor Licia Kokocinski

Council will consider the appropriateness of an application for a planning permit for a shed at 151 Lake Road Daylesford at tonight's Council Meeting.

Question 21: Ms Cathy Walker

Recent times have proven disruptive in many ways. The ability to access affordable nutritious food being one of them. What policies does Council have to address Food Security in the region, for residents and for the local primary producers?

Response: Mayor Licia Kokocinski

Council does not have a specific policy in relation to Food Security. However, included as part of a number of projects undertaken by Council food security is referred to. Council is undertaking a number of sustainability programs and projects, implementing actions from Councils Economic Development Strategy and the Hub for Premium Produce which is a 3-year program focused on connecting and actively working with the premium produce enterprises in the Hepburn Shire and surrounding region to navigate processes, unlock opportunities, and build the ongoing capacity and skills of the sector to collectively grow and thrive.

Question 22 and 23 – Council has received two questions from Ms Noela Sweeney. I have determined these do not meet the requirements of *Local Law no. 1*. Council officers will work with Ms Sweeney to reframe the questions for a future Council Meeting.

The following questions were received in relation to the Glenlyon Recreation Reserve. These questions were not read at the Meeting, but have been included for completeness.

Question 3: Mr Simon Hill

Glenlyon Reserve Lead and PAH contamination:

The 570 page Kleinfelder (Attachment-12) and 173 page Beveridge Williams Reports (Attachment-11), and the associated onsite investigations must have been undertaken at great cost.

According to the Kleinfelder report and I quote from Page 4 Paragraph 8: "Based on the findings of the investigations completed at the Site, the lead and PAH compound contamination are considered likely to be associated with clay target shooting activities."

Under the Council Licence for the 'Gun Club': (refer to Public Council Meeting 19 July 2016 Attachment 6) Clause 2.3 Indemnity - states that the Licensee – Daylesford Field and Game Association Inc ('Gun Club') is liable for costs of "the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith."

Therefore is the 'Gun Club' paying for these extensive reports and site investigations and any remedial action as required under Clause 2.3 of their licence - and if not who is paying?

Response

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

Question 4: Mr Simon Hill

Relocation of the 'Gun Club' away from the Glenlyon Reserve:

From a Public Health and Safety and Environmental Risk Management perspective: as a result of this site investigation conclusion that:

"the lead and PAH compound contamination are considered likely to be associated with clay target shooting activities."

Is it not in the interest of the general public and ratepayers of Hepburn Shire that this "clay target shooting" activity is required to be relocated away from the Glenlyon Reserve and to for example private land, where it can be properly isolated and monitored without posing a risk to the general public and ratepayers of the shire and

more specifically to the regular local users of this public recreational reserve area in Glenlyon?

Response

Questions relating to the intentions of the Daylesford Field and Game should be directed to them. Council understands that the resumption of shooting at the Reserve will be dependent on the intention of the Daylesford Field and Game to resume shooting, the development of an Environmental Management Plan, approval by Council, and approval by DELWP. Council understands that EPA guidelines for shooting events is tenure blind and applies to both private and public land.

Question 5: Ms Elizabeth Swan

As, when the Daylesford gun club first started at the Glenlyon Reserve in the 1970's there were seven houses in the area between Dysart Street, Barkly Street and Collins Road and there are now 21 houses with more development planned, how can the Council justify an activity that creates noise pollution as well as lead and PAH pollution in a rapidly developing township zone?

Response

Shooting events at the Reserve were suspended in December 2019. Council understands that the 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, approval by Council, and approval by DELWP.

Question 6: Ms Marion Oke

Why would Council consider allowing the Daylesford Field and Game Club to return to the Glenlyon Reserve when over many years they have not honoured their commitment to remove all debris after each shoot?

Response

Any resumption of shooting events at the reserve will be in accordance with EPA guidelines and will require approval from Council and DELWP. This will include the development of, and compliance to, an approved Environmental Management Plan. It is expected that this plan will include compliance responsibilities for the club, the committee, Council and EPA

Question 7: Ms Sarah Micklewright

Lead is known to be highly damaging to the neurological development of children, the recent reports have confirmed that the lead and PAH contamination at the Glenlyon reserve is a result of clay target shooting, if the 'Gun Club' is allowed to

continue shooting at the reserve will the Council indemnify families against adverse health outcomes as a result of their children playing at the reserve?

Response

The Environmental Site Assessment confirmed that lead levels at the reserve were reported below the National Environmental Protection Measure (NEPM) Health Investigation Level applicable for recreation areas, but that levels of PAH (or Polycyclic Aromatic Hydrocarbons) were found above NEPM levels in some areas. Shooting events at the Reserve were suspended in December 2019 and since that time, precautionary measures have been implemented on site including signage and fencing to manage any risks to public health and the environment. Any remediation required on site to remove contamination that presents a risk to public health and the environment will be undertaken at the advice of the EPA and suitably qualified consultants as part of a Clean Up Plan. Any resumption of shooting events at the reserve will be in accordance with EPA guidelines and will require approval from Council and DELWP.

Question 8: Robert Whalley

Given that there exists right now a risk to children and the public from Pb and contaminants on the ground at the Glenlyon Reserve, the council in response has commissioned in-depth testing to 1 metre depth but not surface testing when surface testing has been scientifically established on other Australian investigations as the prime criteria for the protection of children from Pb deposits from aerial contamination deposits.

Is the Council therefore ignoring the risk of poisoning our children at the reserve in favour of producing artificially diluted testing to enable the return of the gun club?

Response

The Environmental Site Assessment confirmed that lead levels at the reserve were reported below the National Environmental Protection Measure (NEPM) Health Investigation Level applicable for recreation areas, but that levels of PAH (or Polycyclic Aromatic Hydrocarbons) were found above NEPM levels in some areas. The assessment was undertaken by qualified and experienced consultants following the NEPM process in accordance with EPA requirements. Any risk to public health and the environment is currently being managed by precautionary measures on site including fencing and signage. Any remediation required on site to remove contamination that presents a risk to public health and the environment will be undertaken at the advice of the EPA and suitably qualified consultants as part of a Clean Up Plan. Any resumption of shooting events at the reserve will be in accordance with EPA guidelines and will require approval from Council and DELWP.

Question 9: Robert Whalley

Why has a Risk Assessment not been done for the contamination at the Glenlyon Reserve to inform the public of the nature of the hazard and the health risks associated with gun club activity at the Reserve?

Response

Any risk to public health and the environment is being managed by precautionary measures on site including fencing and signage. Any remediation required on site to remove contamination that presents a risk to public health and the environment will be undertaken at the advice of the EPA and suitably qualified consultants as part of a Clean Up Plan. Any resumption of shooting events at the reserve will be in accordance with EPA guidelines and will require approval from Council and DELWP.

Question 10: Kaye Powell

Attached is an article from the Ballarat Courier. It outlines the requirements for a shooting range as set out by the now closed Sebastopol gun club.

These requirements have very little in common with the Glenlyon Reserve, a natural amphitheatre with wetlands, slopes, large trees, horse jumps, close residences and a river running through it. An area used by several community groups and daily walkers.

Given these differences how could Council justify the return of the gun club to Glenlyon Reserve?

Response

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. Although not developed, the EMP will address how risks to public health and the environment will be managed, including compliance obligations for users, the Committee and Council.

Question 11: Ms Samantha McKean

I would like to know if it's safe to walk my dog at the Glenlyon Reserve?

Response

It is safe to walk your dog at the reserve with precautionary measures in place. If walking within the fenced off area, stay on heavily grassed areas, do not ingest soil, remove dust and soils from pets and clothing, remove shoes when entering homes, and wash hands following your visit. Please refer to signage on site.

10.3 REQUESTS TO ADDRESS COUNCIL

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

Ms Tessa Halliday addressed Council regarding the process for community consultation for *Local Law No. 2*.

11 STATUTORY PLANNING

11.1 PLANNING APPLICATION 2682 - 2 LOT SUBDIVISION AT 7 GUNYAH DRIVE TRENTHAM

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. CONFIDENTIAL - PA 2682 - Objections - 7 Gunyah Drive Trentham - 2 Lot Subdivision [**11.1.1** - 19 pages]
2. PA 2682 - Plans - 7 Gunyah Drive Trentham - 2 Lot Subdivision [**11.1.2** - 2 pages]

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of a planning application for a 2 lot subdivision at 7 Gunyah Drive, Trentham. The site is located within the Low Density Residential Zone (LDRZ) and is affected by the Environmental Significance Overlay Schedule 1 (ESO1). The minimum subdivision area for a site located within the LDRZ and connected to reticulated sewerage such as this is 2000m².

The site is 1.6ha in area, includes an existing dwelling and ancillary shedding and is not encumbered by any covenants or agreements that seek to restrict development or subdivision any further than that identified within the Hepburn Planning Scheme (the scheme). Land surrounding the area is predominantly 4000m² to 5000m².

The application proposes to subdivide the land into 2 lots. Lot 1 is proposed to be 5635m² and contain the existing dwelling with lot 2 proposed to be 1.1ha that includes a 5m access to Gunyah Drive traversing along the southern portion of the site before opening up to a developable area behind the existing dwelling on the site.

The application was notified to surrounding properties and a total of 5 objections have been received.

The subdivision proposes lots that are greater than the minimum subdivision area allowed within the Scheme and does not seek to subdivide the land in a fashion that is at odds with the character of the area. The lots will be connected to all reticulated services available within the area and will provide an additional opportunity surplus residential land to be developed as is expected by the Scheme.

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 a Notice of Decision to Grant a

Planning Permit PA 2682 for a 2 lot subdivision in respect of the land known as 7 Gunyah Drive, Trentham, subject to the following conditions:

Amended Plans Required

- 1) Before the Certification of the Plan of Subdivision under the *Subdivision Act* 1988, 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) A building envelope on proposed lot 2
 - b) A landscape plan that provides the provision of landscaping in the form of a minimum of small trees along the driveway portion of proposed lot 2
 - c)
- 2) Before the issue of a statement of compliance all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.

Tree protection requirements

- 3) Where any portion of the proposed crossover to proposed lot 2 extends into the tree protection zone of any street trees, as defined within AS 4970 – 2007 – Trees on development sites, the construction methodology for the driveway must be undertaken in accordance with the requirements of AS 4970 – 2007 to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.
- 4) Any underground services should be installed outside the recommended Tree Protection Zone of the existing street tree to the satisfaction of the responsible authority. If this is not possible, trenches within the Tree Protection Zone should be hand dug with minimum root severance or may be bored under root plate (approx.1.2m deep).

General requirements

- 5) The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority
- 6) 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.

- 7) 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.
- 8) 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

Telecommunication Requirements

- 9) The owner of the land must enter into an agreement with:
 - 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.
- c)
- 10) 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.

Engineering requirements

Drainage Requirements

- 11) 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.

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

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

Access

- 14) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- 15) Prior to 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.
 - d) Any proposed vehicular crossing shall have satisfactory clearance to any side- entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
 - e)
- 16) 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.
- 17) Prior to commencement of use 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
- 18) All works must be constructed and completed prior to statement of compliance.
- 19) All costs incurred in complying with the above conditions shall be borne by the permit holder

Permit Expiry Subdivision

- 20) This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within 2 years of the date of this permit;
 - b) 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 Stephen Watson addressed Council in support of the application as the applicant.

Ms Helen Benson addressed Council in Objection to the application.

Mr Wal Chandler 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 issue a Notice of Decision to Grant a Planning Permit PA 2682 for a 2 lot subdivision in respect of the land known as 7 Gonyah Drive, Trentham, subject to the following conditions:

Amended Plans Required

- 1) Before the Certification of the Plan of Subdivision under the *Subdivision Act 1988*, 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) A building envelope on proposed lot 2
 - b) A landscape plan that provides the provision of landscaping in the form of a minimum of small trees along the driveway portion of proposed lot 2

- 2) Before the issue of a statement of compliance all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.

Tree protection requirements

- 3) Where any portion of the proposed crossover to proposed lot 2 extends into the tree protection zone of any street trees, as defined within AS 4970 – 2007 – Trees on development sites, the construction methodology for the driveway must be undertaken in accordance with the requirements of AS 4970 – 2007 to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.
- 4) Any underground services should be installed outside the recommended Tree Protection Zone of the existing street tree to the satisfaction of the responsible authority. If this is not possible, trenches within the Tree Protection Zone should be hand dug with minimum root severance or may be bored under root plate (approx.1.2m deep).

General requirements

- 5) The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority
- 6) 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.
- 7) 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.
- 8) 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

Telecommunication Requirements

- 9) The owner of the land must enter into an agreement with:
 - 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.

- 10) 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.

Engineering requirements

Drainage Requirements

- 11) 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.
- 12) Each lot requires a separate point of discharge.
- 13) It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BP EM (Best Practice Environmental Management) Guidelines

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

Access

- 14) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- 15) Prior to 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.
 - d) Any proposed vehicular crossing shall have satisfactory clearance to any side- entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- 16) 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.
- 17) Prior to commencement of use 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
- 18) All works must be constructed and completed prior to statement of compliance.
- 19) All costs incurred in complying with the above conditions shall be borne by the permit holder

Permit Expiry Subdivision

- 20) This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within 2 years of the date of this permit;
 - b) 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*

Moved: Cr John Cottrell

Seconded: Cr Greg May

Carried

BACKGROUND

Site and Surrounds

The site is approximately 1000m north east of the main commercial centre of the township of Trentham. The site includes an existing dwelling and outbuildings within eastern portion of the site closest to Gunyah Drive.

The site is rectangular in shape and is approximately 1.6ha in size. Access to the site is from Gunyah Drive. The site falls away from Gunyah Drive to the west and a small dam exists where a drainage easement is present. All services are available, power, water, sewage and telecommunications.

Surrounding land uses are residential and consists of weather board, brick and modern style dwellings. Lots along Gunyah Drive are predominantly between 4000m² and 5000m² apart from the properties at 5 and 7 Gunyah Drive that are 1.60ha and 1.56ha respectively.

Proposal

The application proposes to subdivide the land into 2 lots.

Lot 1 is proposed to be 5635m² and include the existing dwelling and outbuildings.

Lot 2 is proposed to be 1.1ha that includes a 5m wide access along the southern portion of the site that extends for 90m before opening up exposing the balance of the lot. The lot arrangement is referred to a battle axe subdivision.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Low Density Residential Zone
Overlays:	Environmental Significance Overlay Schedule 1
Particular Provisions	None relevant
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

Under what clause(s) is a permit required?	Clause 32.03-3 (LDRZ)	Subdivision
	Clause 42.01-2 (ESO1)	Subdivision
Objections?	Five (5)	

KEY ISSUES

Response to Policy Framework and zoning provisions

The application proposes to subdivide the land into 2 parcels. The site is located within the urban growth boundary of the township and is within an existing established area of the township and is connected to all relevant services.

The layout of the proposed subdivision provides appropriately sized allotments that provide sufficient area for the establishment of a new dwelling on the land in the future. It is on this basis that the proposed subdivision is considered to respond appropriately to the existing character of the area and will provide a variation in urban form and help housing affordability within the township and increase housing choice.

There will be limited change to the streetscape along Gunyah Drive. While the subdivision will greatly increase the chance that additional development will be located in an open grassed area that has existed for an extended period of time it does not alter that fact that the site is zoned for residential purposes and is anticipated in the Hepburn Planning Scheme as being used for low density residential purpose. The site is connected to reticulated sewerage and is therefore allowed to be subdivided down to 2000m² which continues to allow development to occur in a low density scale as anticipated by the Scheme.

Environmental and Sustainability Issues

The site is connected to all relevant services and there is no proposed soil disturbance proposed as part of this application. It is on this basis that there will be no impact on the special water catchment that the site is located within. A portion of the site is low lying and subject to overland stormwater flows during moderate to heavy rainfall events and it is noted that a stormwater easement is present to the rear of the site.

Due to the size of proposed lot 2 and that a portion of the site remains relatively high in comparison to the low lying area to the rear of the site it is considered that there is more than sufficient area on the site for an addition dwelling to be established and not affecting or being affected by existing stormwater flows.

Subdivision Layout

The proposed subdivision layout provides 2 large lots that provide sufficient space surrounding the existing dwelling and sufficient area for an additional dwelling.

While there are a limited number of battle axe subdivision layouts within the immediate area such as Rocke Court and within Gunyah Court, this does not necessarily mean that the application should fail. The accessway to proposed lot 2 is approximately 5m wide and will allow for vehicular access be provided in addition to a small strip of landscaping that will help to soften the area and also help to complement the existing landscaped and open nature of the area.

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 this 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, 5 objections have been received. The issues raised in the objections are addressed individually as follows.

- Effect on existing views

Although impact upon views can be considered amongst the amenity impacts of a proposal, there is however no specific requirement to protect, or an individual right to any particular view within the Hepburn Planning Scheme with respect to this area. In the absence of particular planning controls which might require the protection of, or sharing of views, the loss or change to an existing view enjoyed from a property

would be required to be afforded very limited weight. This is especially the case where a view is obtained across adjoining land and the views are not afforded any special consideration in a planning control. In this case the application only proposes the subdivision of land and no development is actually proposed although its acknowledged that the land is likely to be developed in the future.

Whilst it is recognised that views may form part of residential amenity, VCAT has consistently held that there is no legal entitlement to a view.

- There will be more traffic in street.

Anecdotally, a dwelling will generate on average up to 10 vehicle movements per day. The application proposes one additional lot and if developed with a dwelling in the future, this very small increase in traffic is able to be accommodated within the existing street networks and will not be such an increase to adversely impact on the amenity of the area.

- Battle-Axe subdivision arrangement will impact on character of the area

It is acknowledged that the provision of an additional crossover in such close proximity to an existing crossover is not an ideal outcome but it is not considered to adversely impact to ultimately result in the failure of the application. Subject to the provision of additional landscaping along the proposed access way to the developable portion of lot 2 in addition to a condition that prohibits the removal of any street trees the result is considered to be acceptable.

- No Building Envelopes Shown

While no building envelopes have been shown on the submitted plans, it is noted that the site is a significant site and to ensure that any building envelope will not generate an unduly onerous restriction by including an overly small envelope when such a significant area remains available for the development of a house. Nonetheless to provide some form of clarity on where development will occur on the future lot a requirement for such an envelope to be shown on a plan will be included as a recommended permit condition.

- Removal of street tree

The location of the proposed access to lot 2 as well as the existing access to proposed lot 1 should not necessitate the removal of any street trees. A condition will be included to ensure that any proposed works do not disrupt existing street trees in accordance with the relevant Australian Standard.

- Stormwater disposal has not been fully considered

The application was referred to Council Engineering Department who did not raise any specific concern in relation to stormwater however have included conditions requiring a stormwater drainage plans being prepared and supplied to Council as part of the subdivision process.

CONCLUSION

The application proposes the subdivision of land into 2 lots on a parcel of land that has been zoned to provide for the use of the land for residential purposes.

The lot sizes are significant and will allow future development to be undertaken in a low density scale as is intended by the zone. Based on the above, the development is considered acceptable and warrants Councils support.

11.2 PLANNING APPLICATION 2692 - CONSTRUCTION OF 7 DWELLINGS AND A 7 LOT SUBDIVISION AT 39 JAMIESON 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. CONFIDENTIAL - PA 2692 - Objections - 39 Jamieson Street Daylesford [**11.2.1** - 13 pages]
2. PA 2692 - Plans - 39 Jamieson Street Daylesford - Please see separate attachment for full plans [**11.2.2** - 1 page]
3. PA 2692 - Assessment Table Clause 55 and Clause 56 - 39 Jamieson Street Daylesford [**11.2.3** - 32 pages]

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of a planning application for the construction of 7 dwellings and a 7 lot subdivision at 39 Jamieson Street, Daylesford.

The site is zoned General Residential and is affected by the Environmental Significance Overlay Schedule 1. The site is a 3166m² parcel of land that is arranged in a 'T' shape, contains an existing dwelling and a number of outbuildings all of which are proposed to be removed as part of this development.

Each of the proposed dwellings will be established across 2 storeys, will contain either 3 or 4 bedrooms and be provided with a double car garage. Access will be provided via a common property driveway from Jamieson Street. The proposed dwellings will be constructed using a range of materials including reclaimed face brickwork, standing seam Colourbond cladding, vertical shiplap timber cladding and painted scion linea FC 'weatherboard sheet cladding.

Each dwelling has been designed to have direct access from the main living area, to external secluded private open space areas and first floor balcony areas.

The application was referred to all relevant referral authorities with each authority offering no objection and their conditional consent to the application.

The application was notified to surrounding properties and a total of 5 objections were received. The points of objection are included later in this report.

Following consideration of the points of objections, the relevant planning policy pertaining to the application including the zoning of the land and the overlay that affect the site, it is recommended that the a notice of decision to grant a planning permit be issued subject to the conditions included within the below recommendation.

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 2692 for the construction of 7 dwellings and a 7 lot subdivision in respect of the land known as 39 Jamieson Street, Daylesford, subject to the following conditions:

Development in accordance with plans endorsed with the permit

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

Section 173 Agreement

- 2) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* and the agreement must be registered on the title/s to the land under Section 181 of the Act. The agreement must provide that:
 - a) each lot must only be developed in accordance with the development approved under planning permit PA 2692 unless otherwise agreed in writing by the Responsible Authority
 - b) the agreement will cease to apply to any lot at a period of 12 months after the issue of an occupancy certificate for the *dwelling* on that lot

This requirement may be waived should construction be completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

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

- 3) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, a copy of the Titles Office registration number (dealing number) for the Section 173 Agreement must be provided to the Responsible Authority as proof of registration.

Landscaping Requirements

- 4) 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)
- 5) Before the dwellings are occupied, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.
 - 6) 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.
 - 7) Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay to the Responsible Authority a cash payment equivalent to 5 per cent of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.

General subdivision requirements

- 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.

Telecommunications

- 11) The owner of the land must enter into an agreement with:
 - a) telecommunications network or service provider for the provision of telecommunication services to all lots as 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 all lots as 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.
 - c)
- 12) 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.

Engineering requirements

Stormwater Drainage

- 13) Prior to certification, 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.

- 14) Return period for a Detention system is to be 1 in 5 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.
- 15) 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, not just the immediate development, including any new infrastructure that may be required to convey stormwater to a registered waterway. 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.
- 16) 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.
- 17) Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.
- 18) 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.
- 19) Drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority.
- 20) 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.

- 21) 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.
- 22) 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

- 23) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- 24) Prior to 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 240 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) Grades through vehicle crossing shall not exceed 1:10.
 - d) Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - e) 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.
 - f) 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.
 - g) All vehicle entry to and egress from the property shall be in a forward motion. Vehicle turn around must be provided within the property.
 - h)

- 25) Prior to construction a plan showing turning circles shall be submitted to the Responsible Authority for approval.

Carparking

- 26) Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and 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.
- 27) 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 constructed and completed to the satisfaction of the Responsible Authority.
 - d) Area that is adequate for loading /unloading of recurring deliveries.

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

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

Waste Management

- 29) A private waste collection shall be required to service the development. It is the responsibility of the developer to prepare a waste management strategy, to the satisfaction of the Responsible Authority, which demonstrates:
- a) Collection arrangement
 - b) Maximum waste collection vehicle dimension
 - c) Adequacy and safety of the access roads
 - d) Compliance with Environment Protection Authority noise standards

Linemarking and Signage

- 30) Appropriate signage and linemarking shall be provided to the satisfaction of the responsible authority

Plan Checking & Supervision Fee

- 31) In accordance with the Subdivision Act 1989, Responsible Authority requires the following fees for works undertaken on this Subdivision.
 - a) Plan checking fee of 0.75% of the value of works
 - b) Supervision fee of 2.50% of the value of works
 - c)
- 32) All works must be constructed and completed prior to statement of compliance.

Central Highlands Water Conditions

- 33) 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.
- 34) 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.
- 35) 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.
- 36) 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.
- 37) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Goulburn Murray Water Conditions

- 38) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 39) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 40) All stormwater discharged from the site 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

Country Fire Authority Conditions

Subdivision plan not to be altered

- 41) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA

Hydrants

- 42) Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

- 43) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b) Curves must have a minimum inner radius of 10 metres.
 - c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives

Powercor Conditions

- 44) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- 45) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

- 46) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR)

Permit expiry

- 47) This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within 2 years of the date of this permit;
 - b) 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*.

NOTES

CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Mr Neil Haydon addressed Council on behalf of the applicant in support of the application.

Ms Ruth Bray addressed Council in objection to the application.

Mr Andrew Maher 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 issue Notice of Decision to Grant a Planning Permit PA 2692 for the construction of 7 dwellings and a 7 lot subdivision in respect of the land known as 39 Jamieson Street, Daylesford, subject to the following conditions:

Development in accordance with plans endorsed with the permit

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

Section 173 Agreement

- 2) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* and the agreement must be registered on the title/s to the land under Section 181 of the Act. The agreement must provide that:
 - a) each lot must only be developed in accordance with the development approved under planning permit *PA 2692* unless otherwise agreed in writing by the Responsible Authority
 - b) the agreement will cease to apply to any lot at a period of 12 months after the issue of an occupancy certificate for the *dwelling* on that lot

This requirement may be waived should construction be completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

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

- 3) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, a copy of the Titles Office registration number (dealing number) for the Section 173 Agreement must be provided to the Responsible Authority as proof of registration.

Landscaping Requirements

- 4) 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
- 5) Before the dwellings are occupied, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the

Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

- 6) 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.
- 7) Before the issue of a Statement of Compliance under the Subdivision Act 1988, the permit holder must pay to the Responsible Authority a cash payment equivalent to 5 per cent of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.

General subdivision requirements

- 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.

Telecommunications

- 11) The owner of the land must enter into an agreement with:
 - a) telecommunications network or service provider for the provision of telecommunication services to all lots as 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 all lots as 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.

- 12) 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.

Engineering requirements

Stormwater Drainage

- 13) Prior to certification, 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.
- 14) Return period for a Detention system is to be 1 in 5 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.
- 15) 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, not just the immediate development, including any new infrastructure that may be required to convey

stormwater to a registered waterway. 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.

- 16) 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.
- 17) Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.
- 18) 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.
- 19) Drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority.
- 20) 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.
- 21) 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.
- 22) 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

- 23) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- 24) Prior to 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 240 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) Grades through vehicle crossing shall not exceed 1:10.
 - d) Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - e) 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.
 - f) 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.
 - g) All vehicle entry to and egress from the property shall be in a forward motion. Vehicle turn around must be provided within the property.
- 25) Prior to construction a plan showing turning circles shall be submitted to the Responsible Authority for approval.

Carparking

- 26) Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and 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.
- 27) 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 constructed and completed to the satisfaction of the Responsible Authority.
- d) Area that is adequate for loading /unloading of recurring deliveries.

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

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

Waste Management

- 29) A private waste collection shall be required to service the development. It is the responsibility of the developer to prepare a waste management strategy, to the satisfaction of the Responsible Authority, which demonstrates:
 - a) Collection arrangement
 - b) Maximum waste collection vehicle dimension
 - c) Adequacy and safety of the access roads
 - d) Compliance with Environment Protection Authority noise standards

Linemarking and Signage

- 30) Appropriate signage and linemarking shall be provided to the satisfaction of the responsible authority

Plan Checking & Supervision Fee

- 31) In accordance with the Subdivision Act 1989, Responsible Authority requires the following fees for works undertaken on this Subdivision.
 - a) Plan checking fee of 0.75% of the value of works
 - b) Supervision fee of 2.50% of the value of works
- 32) All works must be constructed and completed prior to statement of compliance.

Central Highlands Water Conditions

- 33) 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.
- 34) 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.

- 35) 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.
- 36) 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.
- 37) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Goulburn Murray Water Conditions

- 38) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 39) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 40) All stormwater discharged from the site 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

Country Fire Authority Conditions

Subdivision plan not to be altered

- 41) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA

Hydrants

- 42) Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
 - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots)

must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

- 43) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b) Curves must have a minimum inner radius of 10 metres.
 - c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives

Powercor Conditions

- 44) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- 45) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
- 46) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR)

Permit expiry

- 47) This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within 2 years of the date of this permit;
 - b) 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*.

NOTES

CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

Site and Surrounds

The site is a 3166m² parcel of land that is arranged in a 'T' shape.

The site contains an existing dwelling and a number of smaller outbuildings. The dwelling is located close to the Jamieson Street frontage with the remaining portion of the site being vacant. The site slopes generally from the eastern boundary of the site down to the western (Jamieson Street) boundary of the site. The fall is approximately 10m across the approximate 90m depth of the site. There is no significant vegetation on the site.

Land surrounding the site is used for residential purposes with the majority of the built form consisting of single detached dwellings on lots that range between 350m² to 1200m². The vast majority of the lots around the 900m² size.

Proposal

The application proposes to construct 7 dwellings on the site and undertake a 7 lot subdivision of the site. Each dwelling is proposed across 2 storeys

Lot/Dwelling No.	Lot Size	Number of Bedrooms	Open Space
1	380m ²	3	130m ²
2	284m ²	4	125m ²
3	285m ²	4	125m ²
4	454m ²	4	253m ²
5	279m ²	3	93m ²
6	284m ²	3	80m ²
7	470m ²	4	253m ²

The proposed dwellings will be constructed using a range of materials including reclaimed face brickwork, standing seam colourbond cladding, vertical shiplap timber cladding and painted scion linea FC 'weatherboard sheet cladding.

Each dwelling has been designed to have direct access from the main living area, to external secluded private open space areas and first floor balcony areas.

Access to each of the proposed dwellings will be via a common property driveway which is proposed to run along the northern property boundary.

Two visitor car parking spaces are to be provided.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	General Residential Zone	
Overlays:	Environmental Significance Overlay Schedule 1 and 2	
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 Clause 22.10 Daylesford Neighbourhood Character Precinct 6	
Under what clause(s) is a permit required?	Clause 32.08-3 (GRZ)	Subdivision
	Clause 32.08-6 (GRZ)	Construction of 2 dwellings or more on a lot
	Clause 42.01-2 (ESO1 and 2)	Buildings and works and subdivision
Objections?	Five (5)	

KEY ISSUES

Response to Policy Planning Policy Framework

Zoning and response to policy direction

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

Albeit contemporary in appearance, the materials proposed as part of the development include natural earthy materials that are encouraged within the relevant policy.

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

Neighbourhood Character

The site is located within Precinct 5 of the Daylesford Neighbourhood Character Policy that has the objective to:

- *To strengthen the landscape dominated streetscapes*
- *To maintain the rhythm of dwelling spacing.*
- *To ensure that buildings do not dominate the streetscape and wider landscape setting*
- *To use materials and finishes that harmonise with the surrounding Daylesford Township setting.*
- *To maintain the openness of the streetscape.*

Further, at Clause 22.12-4, the policy identifies that where a permit is required for development it is policy to:

- *Encourage landscaping that includes substantial shrubs and trees.*
- *Retain large, established trees and understorey and to provide new trees where possible.*
- *Encourage buildings that use low pitched roof forms.*
- *Articulate front and side facades to reflect building forms in the street.*
- *Use timber or other non-masonry cladding materials where possible, or earthy toned building materials and finishes.*
- *Ensure that buildings do not exceed by more than one storey the predominant building height in the street and of nearby properties.*

The existing frontage includes an existing raised single storey dwelling with a setback of approximately 4m and a setback from the northern boundary also of approximately 4m. This is proposed to be replaced with a modern double storey dwelling with a 4.9m setback from Jamieson Street and a setback from the northern boundary of 7m. Landscaping will be provided along the northern boundary.

The remaining 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 and establishing character of the area. Dwellings 4-7 are provided with a minimum setback of 2m at ground floor level while dwellings 1-3 are either connected or only separated by 1m at ground level. It is at the upper level however where there is a much more significant separation in built form that will help to limit any perceived bulk of the buildings. Due to the 2 storey built for the

development have been able to maximise the amount of area available for private open space and the provision of landscaping. Natural timber or timber like weatherboard products are used

Double storey development while not characteristic of the neighbourhood is seen in several instances within the proximity of the site. The slope of the site even where dwellings are located across just 1 storey are required to include significant wall heights to compensate for the slope of the site. The dwellings are contemporary in appearance, however the mixed use of natural timber, timber like boards, recycled brick with only accents of dark metal cladding will provide interest and reflect materials used within the surrounding built form.

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

The development proposes areas within both the proposed common property driveway in addition to the areas of private open space for the provision of landscaping. The areas available for landscaping are of a size that will allow for meaningful landscaping to be provided that would allow medium sized trees to be established to further soften the development and retain the landscapes character expected by the neighbourhood character policy.

Adherence to ResCode – Clause 55 and 56

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

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

Environmental Impact

The dwellings have 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.

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 those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

- **Overlooking**

The proposed dwellings are designed to only include upper floor windows that do not have a sill height less than 1.7m to the north of the site, the setback is greater than 9m or a 1.80m high fence obscures direct views all in accordance with the requirements of Clause 55.

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

- **Neighbourhood Character and overdevelopment**

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.

- **Noise while building**

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

- **Increase in traffic**

Anecdotally, a dwelling will generate on average up to 10 vehicle movements per day. The application proposes 6 additional dwellings that is considered to be a relatively small increase in traffic. The additional traffic is considered to be able to be accommodated within the existing street networks and will not be such an increase to adversely impact on the amenity of the area.

- **Impact on possible future solar panels on adjoining property**

Overshadowing diagrams have been provided that demonstrate that there will be limited impact of overshadowing of existing properties to the south of the site.

Further the upper levels of the dwellings step back to a degree that will further limit

the impact of overshadowing at the autumn and spring solstices as required by the Hepburn Planning Scheme.

**11.3 PLANNING APPLICATION 2562 - DEVELOPMENT OF LAND FOR A MAINTENANCE SHED 151 LAKE ROAD DAYLESFORD
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. CONFIDENTIAL - PA 2562 - Objections - 151 Lake Road Daylesford [**11.3.1** - 14 pages]
2. PA 2562 - Plans - 151 Lake Road Daylesford [**11.3.2** - 12 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine the planning application (PA 2562) for the development of land for a maintenance shed at 151 Lake Road, Daylesford, known as Crown Allotment 3A, Section 14A, Parish of Wombat.

The application is recommended for approval on the basis that it is a replacement of a currently unsafe and dilapidated building in the same location and size. The use of the building will remain as existing.

OFFICER'S RECOMMENDATION

That Council, having caused notice of Planning Application No. PA 2562 to be given under Section 52 of the Planning and Environment Act 1987 and / or 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 151 Lake Road, DAYLESFORD VIC 3460, Crown Allotment 3A, Section 14A, Parish of Wombat (200380) for the development of land for a maintenance shed, subject to the following conditions:

Amended Plans (condition 1 inclusive)

1. Before the commencement of the use and/or development, amended plans 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 plans submitted with the application, but modified to show:
 - a. A landscape plan showing the following details:
 - i. The appropriate screening of the southern and western sides of the proposed structure to a height of no more than 2.4m from natural ground level.
 - ii. A planting schedule of all proposed trees, including botanical names, common names, sizes at maturity, and quantities of each plant.

Note:

The Plan must not include the use of any environmental or declared noxious weeds. All species selected must be native to the Australian ecology and to the satisfaction of the Responsible Authority.

Standard Conditions (conditions 2-3 inclusive)

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

Vegetation Screening (conditions 4-6 inclusive)

4. Within 3 months of the completion of the development or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
5. The landscaping must be provided with an adequate water supply and mulching to ensure the health and continued growth of the vegetation to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority for a period of 5 years and within this time if any plants die, become diseased or damaged they are to be replaced with a similar species to the satisfaction of the Responsible Authority.
6. The vegetation screening in accordance with the endorsed plans must be maintained to a height of no more than 2.4m to the satisfaction of the Responsible Authority.

Engineering Department Conditions (conditions 7-11 inclusive)

Stormwater Drainage

7. 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.
8. Prior to commencement of use 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.
9. All works must construct and complete prior to commencement of use.

10. All costs incurred in complying with the above conditions shall be borne by the permit holder.
11. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Expiration Conditions (condition 12 inclusive)

12. 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.

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.

Ms Dallas Kinnear addressed Council in objection to the application.

MOTION

That the item be deferred to the September 2020 Ordinary Meeting of Council.

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

BACKGROUND

Site and Surrounds

The site is known as Jubilee Lake which is one of Hepburn Shires public park areas that includes the Jubilee Park Caravan Park. The immediate site area is currently occupied by an office and kiosk, shelter, BBQ area, amenities block, carpark, oval and general recreation space.

Native and exotic vegetation is present throughout the area.

No covenants or agreements are currently on the land restricting any development.

The land is located within the Public Park and Recreation Zone and is partially subject to the Heritage Overlay (whilst not covering the specific area of development) and Bushfire Management Overlay (whilst not covering the specific area of development) and is covered by an Environmental Significance Overlay - Schedule 1 & 2.

Bounding this area is predominately residential land with scattered dwellings.

Proposal

The development of the land is to construct a maintenance shed to replace an existing structure that has become dilapidated and not fit for purpose.

The structure will be dimensioned 11m by 7m with an overall floor area of 77m².

Overall height of the structure is approximately 2.8m with a gable roof and a single roller door is located to the western elevation and a pa door to the northern elevation.

Situated 6m from the southern side of the existing office and kiosk on the land and 19.6m from the existing carpark to the south. This will be in line with the western wall of the office vertically.

General materials will consist of Colorbond corrugated iron for the wall and roof cladding, being Colorbond shale grey for the roof and Colorbond classic cream for the walls. Such colours will be of muted tones blending in with the landscape.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Public Park and Recreation Zone (PPRZ)
Overlays:	Environmental Significance Overlay Schedule 1 (ESO1) Environmental Significance Overlay Schedule 2 (ESO2) Heritage Overlay (HO) Bushfire Management Overlay (BMO)
Particular Provisions	NIL
Relevant Provisions of the PPF	Planning Policy Framework <ul style="list-style-type: none">• Clause 11.03-5 – Distinctive areas and landscapes

	<ul style="list-style-type: none"> • Clause 12 – Environmental and landscape values. • Clause 12.01-1S – Protection of biodiversity. • Clause 12.03-1 – River corridors, waterways, lakes and wetlands. • Clause 15.01-2S – Building design. • Clause 17.01-1S – diversified economy. • Clause 19.02-6 Open space. <p>Local Planning Policy Framework</p> <ul style="list-style-type: none"> • Clause 21.07 – Economic Development • Clause 21.10 – Monitoring and review • Clause 22.01 – Catchment and land protection 	
Under what clause(s) is a permit required?	Clause 36.02-2 PPRZ	Buildings and works
Objections?	Six	

KEY ISSUES

Response to Policy Planning Policy Framework

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

- Protects the environment from unnecessary or damaging development.
- Limits the removal of vegetation.
- Demonstrates a net benefit to for recreational use.

Zoning and Overlay Considerations

A planning permit is required for the development of land for a shed under Clause 36.02 Public Park and Recreation Zone being buildings and works.

The development appropriately responds to the decision guidelines of the zone and policy as the location of the structure shares the same footprint of an existing storage shed reduces the impact on the environment and negates the need for any form of vegetation removal. Being that the existing dilapidated structure will be replaced this will not remove any further land area for recreation purposes, and therefore will not adversely affect the site or surrounding lands in terms of the recreation purpose of the area.

The bulk and appearance of the structure itself is appropriate and will not impact the character of the surrounds. Vegetation screening would be appropriate along the southern and eastern walls of the structure to integrate into the natural setting of the public place further and if a permit was to be issued this would be conditioned.

The development of the new structure would allow the increased maintenance of the recreation area and enable safer and more secure facilitation of the maintenance of the land.

The new structure will not impact on the water quality as the stormwater runoff will be appropriately managed to the legal point of discharge with sediment control measures in place.

Given the details submitted with the application it is determined that the proposal will support the maintenance of the land and will not interrupt the environmental values of the area. The development meets the decision guidelines of Clause 36.02 and is considered to be appropriate.

Environmental and Sustainability Issues

No permit trigger exists to consider the Environmental Significance Overlay as part of this application.

Amenity Considerations

It is determined that no amenity impacts will occur from the development of a new maintenance building

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, 6 objections

have been received. The issues raised in the objections are addressed individually as follows.

Objectors Concerns

- Incompatible with the aesthetics of the area
Concerns have been raised in relation to the impact that the new structure would have on the area visually. It is the recommendation that due to the proposed structure being located in the same footprint as one that is dilapidated will improve the characteristics of the immediate area. The bulk of the structure is what would be appropriate in terms of the use for maintenance purposes of the area. There are no design or siting guidelines to be considered as part of this application. During the consultation process it was considered that vegetation screening would be appropriate to screen the southern and eastern sides of the structure as to not overwhelm the area and integrate it with the natural setting. The colours of the materials will also match those of the surrounding buildings and help to blend the building with the existing surrounding built form.
- Lack of consideration for the Jubilee Lake Reserve Development Plan
Whilst it is acknowledged that there was a previous plan for the area the Jubilee Lake Development Plan is not a reference document within the Hepburn Planning Scheme. It is noted however that with regards to structures the Jubilee Lake Reserve Development Plan suggests that buildings should generally be cream in colour and any vegetation should be Australian Natives. The development as proposed meets both of these suggestions.
- Lack of advertisement
Whilst the concern of lack of advertisement was raised the application was advertised to all adjoining property owners as required under Section 52 of the Planning and Environment Act 1987.

CONCLUSION

The 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 any detrimental impacts on adjoining properties or in the locality generally in accordance with Clause 65. The proposal constitutes proper and orderly planning and it is therefore an appropriate decision that a planning permit be granted subject to conditions.

Based on the above, and subject to the conditions contained in the recommendation of this report, the development is considered acceptable and warrants Councils support.

12 QUALITY COMMUNITY INFRASTRUCTURE

12.1 SALE OF LAND - OLD CAMPBELLTOWN SCHOOL SITE DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - CA 6a Barry Road Campbelltown - Valuation Report dated 20 May 2019 [**12.1.1** - 13 pages]
2. Letter from the Hon. Tom Austin Member for Ripon - Campbelltown School Site [**12.1.2** - 1 page]

EXECUTIVE SUMMARY

The old school site is located on the corner of Barry Street and Wilkinson Street, Campbelltown.

In 1989 the Government declared the land to be 'unsuitable for retention as public land' and the community of Campbelltown approached Council (formally Shire of Creswick) to purchase the site for \$5,000 on behalf of the local community.

Crown Allotment 6a, Section 1D Township of Campbelltown is 100.58 x 100.58 metres (1.012 Hectares) and Certificate of Title Vol 9921 Folio 054

The land is zoned Farming with Environmental Significance overlay and a Bushfire Prone Area

The Campbelltown community have now approached Council requesting consideration for sale of the property.

OFFICER'S RECOMMENDATION

That Council;

1. Is satisfied that the old Campbelltown School Site at lot 6 Barry Road Campbelltown is no longer required, nor is it necessary or desirable to use the land for municipal purpose, therefore it is surplus to Councils needs and may be sold.
2. Proceeds to advertise its intention to sell the land by a public process in accordance with S189 of the *Local Government Act 1989* and invites *community submissions on the proposal.*

MOTION

That Council:

1. *Is satisfied that the old Campbelltown School Site at lot 6 Barry Road Campbelltown is no longer required, nor is it necessary or desirable to*

use the land for municipal purpose, therefore it is surplus to Council's needs and may be sold.

2. *Proceeds to advertise its intention to sell the land by a public process in accordance with S189 of the Local Government Act 1989 and invites community submissions on the proposal.*

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

BACKGROUND

The old school site is located on the corner of Barry Street and Wilkinson Street, Campbelltown and provided education from 1869 to 1983. The site has little remaining historical relics except for play equipment and foundations where buildings once stood (see photos Attachment 1).

In 1989 the Government declared the land to be 'unsuitable for retention as public land'. At the time, the community of Campbelltown, unhappy that the site was to be sold and the potential loss of historical significance, approached Council (formally Shire of Creswick) to purchase the site for \$5,000. This received support from the Hon. Tom Austin, then Member for Ripon, (Attachment 2). Through this process the Campbelltown School Ground Committee was formed.

The intention was for the Committee to raise the full \$5,000 to repay Council and have the title transferred to the Committee. In 1995 Council acknowledged the Committee had reimbursed all costs associated with the purchase but to date the title still remains vested in the Shire of Creswick. Officers suspect this is due to the inability for the Committee to meet the requirements of an owner/proprietor to which the Title could be transferred.

In October 1999 the Committee was established as a Special Committee under Section 86 of the Local Government Act and continued until it was revoked in July 2013. This further diminished the ability for the Committee to be registered on the Title as they were delegated functions by Council, as proprietor of the land, under the Act.

KEY ISSUES

While there is no longer a functioning Committee managing the site, there are former Committee members who represent the interests of the site. These remaining Committee members no longer consider the site to represent the historical importance it once did with the community and have proposed for the site to be sold.

If Council decides that the site is surplus to requirements, the process can commence to sell the property under the *Local Government Act 1989*. A further report will be brought to Council outlining any community submissions received.

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

The Valuation Report (Attachment 1) shows that the property is valued at \$35,000 plus GST. It is expected that Council would need to pay legal and other costs associated with the sale of the land should it proceed, estimated to be in the order of \$5,000. It would be appropriate to reinvest these proceeds back into the Campbelltown community and one option to do this may be to consider funds be made available to the local community via a grant process to community groups in Campbelltown. These options will be further explored and presented to Council should the sale proceed. Officers will also consider seeking community input on this through the community submission process.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

While there has already been Community and Stakeholder Engagement with the remaining members of the Old Campbelltown School Committee, pursuant to Section 189 of the *Local Government Act 1989* (the Act), Council must ensure the public notice of the intention to sell is given at least 4 weeks prior to selling the land. The community will then have the opportunity to make a submission regarding the proposal to sell the property and a further report will be presented to Council.

12.2 HEPBU.RFT2020.107 - FOOTPATH EXPANSION AND RENEWAL IN CLUNES DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - HEPBU.RFT2020.107 - Tender Evaluation Report [**12.2.1** - 8 pages]
2. CONFIDENTIAL - HEPBU.RFT2020.107 - Compliance Check [**12.2.2** - 1 page]
3. CONFIDENTIAL - HEPBU.RFT2020.107 - Price Comparison [**12.2.3** - 4 pages]
4. CONFIDENTIAL - HEPBU.RFT2020.107 - Scoring Summary [**12.2.4** - 3 pages]
5. CONFIDENTIAL - HEPBU.RFT2020.107 - Conflict of Interests forms [**12.2.5** - 6 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to award contract **HEPBU.RFT2020.107 - Footpath Expansion and Renewal in Clunes 2020/2021.**

This initial package of footpath works forms part of Councils Footpath renewal and footpath expansion programs and the recently endorsed Local Roads and community Infrastructure Program.

The tender for these works were invited via public advertisement on Council's website and have been evaluated by the tender evaluation panel in accordance with Councils Procurement Policy.

OFFICER'S RECOMMENDATION

That Council:

1. *Award Contract Number **HEPBU.RFT2020.107 – Footpath Expansion and Renewal in Clunes 2020/2021** for the fixed lump sum of **\$185,363.25** exclusive of GST to **Streebson PTY LTD trading as Ballarat Excavations and Transport***
2. *Authorise Council Officers to make variations and additions to the Contract, in excess of the awarded contract value, within Officer Delegation and approved budgets.*
3. *Sign and seal the contract documents.*
4. *Resolve that this tender evaluation report remain confidential and that the Minutes record the successful tenderer and the accepted tender price*

MOTION

That Council:

1. Award Contract Number **HEPBU.RFT2020.107 – Footpath Expansion and Renewal in Clunes 2020/2021** for the fixed lump sum of **\$185,363.25** exclusive of GST to **Streebson PTY LTD trading as Ballarat Excavations and Transport**
2. Authorise Council Officers to make variations and additions to the Contract, in excess of the awarded contract value, within Officer Delegation and approved budgets.
3. Sign and seal the contract documents.
4. Resolve that this tender evaluation report remain confidential and that the Minutes record the successful tenderer and the accepted tender price

Moved: Cr Neil Newitt

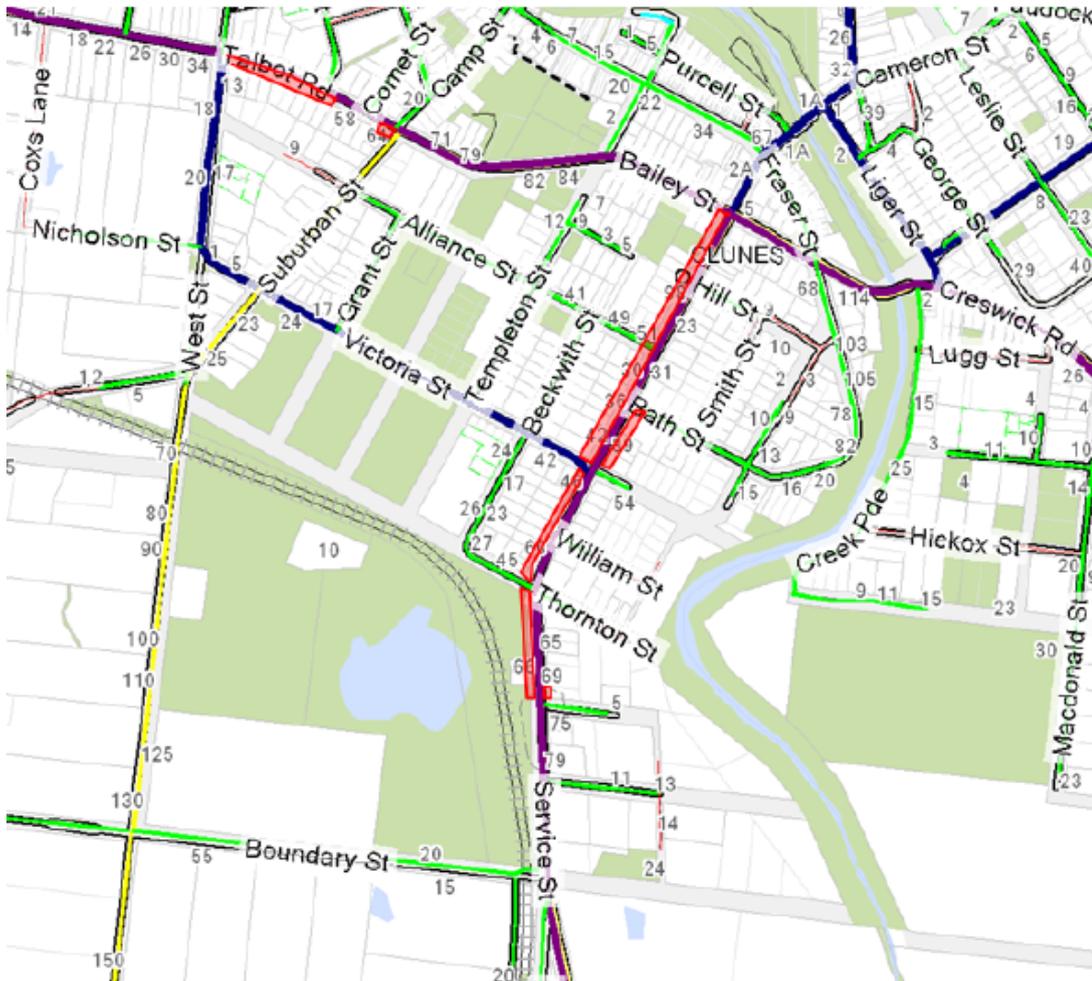
Seconded: Cr Don Henderson

Carried

BACKGROUND

Council has sought tenders for the construction of **HEPBU.RFT2020.107 - Footpath Expansion and Renewal in Clunes 2020/2021**

This contract includes footpath works from 3 budget sources, the Footpath Expansion Program, the Footpath Renewal Program and the Local Roads and Community Infrastructure Program. All the works in this contract are within the Clunes township.



KEY ISSUES

Tenders for **Footpath Expansion and Renewal in Clunes 2020/2021** were invited via public advertisement on Council's website and on tenders.net on 16 July 2020 and appeared in the Ballarat Courier on the 18 July 2020. Tenders were received from nine (09) tenderers.

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

Name	Title
Chair: Paul O’Leary	Project Engineer- Infrastructure
Tim Powell	Coordinator Engineering
Fernando Carrillo	Procurement Specialist

The Evaluation Panel evaluated the tenders received against the following criteria

Criteria	Weighting
Price	50%
Budget Hurdle (\$193,500)	Pass/Fail
Response to Specifications	Pass/Fail
Risk/OHS/Quality Management	15%
Experience and Qualifications: Confidence in ability to Deliver the Project	15%
Experience and Qualifications: Key Staff and Resources Available	5%
Business and Financial Capacity	5%
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.

Key Strategic Activity:

1.12 – Deliver walking and cycling priority projects, including asset renewal works and expansion of footpaths and multi-use trails.

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.

Where possible, Council Officers will look at substitution of fine crushed rock with recycled materials.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. The contract is expected to be delivered within approved Council budgets and the 2020/2021 infrastructure Program.

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.

12.3 HEPBU.RFT2020.81 - REQUEST FOR TENDER FOR SUPPLY OF QUARRY MATERIALS, GRAVEL AND RECYCLED CONSTRUCTION MATERIALS DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - HEPBU.RFT2020.81 - Tender Evaluation Report [**12.3.1** - 7 pages]
2. CONFIDENTIAL - HEPBU.RFT2020.81 - Compliance Check [**12.3.2** - 1 page]
3. CONFIDENTIAL - HEPBU.RFT2020.81 - Scoring Summary [**12.3.3** - 2 pages]
4. CONFIDENTIAL - HEPBU.RFT2020.81 - Conflict of Interest Forms [**12.3.4** - 8 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to award material supplier panel contract HEPBU.RFT2020.81 Request for Tender for Supply of Quarry Materials, Gravel and Recycled Construction Materials in Hepburn Shire.

The supply of these materials is required throughout the year for asset maintenance and renewal projects in accordance with Councils capital works and maintenance programs.

The tender for Supply of Quarry Materials, Gravel and Recycled Construction Materials in Hepburn Shire were invited via public advertisement on Council's website and on tenders.net and evaluated by tender evaluation panel in accordance with councils Procurement Policy.

OFFICER'S RECOMMENDATION

That Council:

1. *Accept all tender submissions to panel contract - Contract Number **HEPBU.RFT 2020.81***
2. *Provide a letter of acceptance to each tenderer confirming:*
 - *Rates as supplied have been accepted.*
 - *There are one (01) of ten (10) members on the contract panel.*
 - *There is no guarantee a purchase order will be issued to each tenderer*
 - *Should Council decide to obtain goods, a contract in the form of a purchase order will be issued.*

3. *Authorise Council officers to issue standing orders and purchase orders within officer delegation, as required to the approved panel of suppliers.*

MOTION

That Council:

1. *Accept all tender submissions to panel contract -
Contract Number **HEPBU.RFT 2020.81***
2. *Provide a letter of acceptance to each tenderer confirming:*
 - *Rates as supplied have been accepted.*
 - *There are one (01) of ten (10) members on the contract panel.*
 - *There is no guarantee a purchase order will be issued to each tenderer*
 - *Should Council decide to obtain goods, a contract in the form of a purchase order will be issued.*
3. *Authorise Council officers to issue standing orders and purchase orders within officer delegation, as required to the approved panel of suppliers.*

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

BACKGROUND

HEPBU.RFT2020.81 Request for Tender for Supply of Quarry Materials, Gravel and Recycled Construction Materials in Hepburn Shire is intended to replace Council's existing quarry material supply panel **HEPBU.RFT2018.68 Request for Tender for supply of Supply of Quarry Material in Hepburn Shire** which expired on 30 June 2020.

KEY ISSUES

Tenders for **HEPBU.RFT2020.81 Request for Tender for Supply of Quarry Materials, Gravel and Recycled Construction Materials in Hepburn Shire** were invited via public advertisement on Council's website and on tenders.net on 12 June 2020 and appeared in the Ballarat Courier on the 21 June 2020. The RFT was extended by two weeks, to allow for extra submission and closes of the 14 July. Submissions were received from the following ten (10) tenderers.

Tenderer
A&K Tucker Excavations
Allstone Quarries Pty Ltd
Butler Excavations Pty Ltd
CAB
Central Highland Excavations
Fulton Hogan Quarries
Hanson Construction Materials
McClure Resources Pty Ltd
Taterocks Pty Ltd
Barfold Quarries Pty Ltd

Following a detail tender review, it was recommended to accept all 10 suppliers to the panel.

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. Where possible Council will make sustainably material selections choices by using recycled materials and minimising haulage distances.

FINANCIAL IMPLICATIONS

There are no negative financial implications associated with this report. This panel will allow Council to meet the requirement of Council's Procurement Policy and The Local Government Act 2020 in the procurement of Quarry Materials, Gravel and Recycled Construction Materials on capital and operational programs in accordance with council budget allocations.

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.

12.4 HEPBURN HUB AT THE REX PROJECT 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

1. 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 on the progress of the Hepburn Hub at the Rex.

The Project Scope includes a library, community auditorium, coworking space, customer service and council offices. The Project Budget is \$6.390M and it is scheduled to be completed by the 8 April 2021 with occupation following on the 21 April.

The project scope remains 2,052 Sqm of enclosed space as previously endorsed by Council; the budget remains \$6.390M and; the Date for Practical Completion of construction remains at the 8 April 2021.

OFFICER'S RECOMMENDATION

That Council note the Hepburn Hub at the Rex Hub Project Update report.

MOTION

That Council note the Hepburn Hub at the Rex Hub Project Update report.

Moved: Cr Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

BACKGROUND

The development of the Hepburn Hub at the Rex (the project) has recommenced under the administration of the Project Control Group (PCG) in accordance with the resolutions of the 18 February 2020.

In summary, the total project scope, budget and program remain unchanged from those approved by Council. The management of the program and budget within the parameters provided by Council is a key risk that is being managed.

The works have been divided into two stages

- The first stage, known as Early Works, includes resolving the issues identified by the Relevant Building Surveyor as outlined in the Building Notice received by council on the 10 March 2020.
- The second stage, known as Main Works, includes the preparation of documents so that the works can be tendered and constructed.

Stage 1

The principal consultant is resolving the building permit issues associated with Stage 1. It is intended this stage shall be resolved prior to the commencement of Stage 2. Any works required shall be procured in accordance with Council's Procurement Policy.

Stage 2 Design and Tender

In terms of Stage 2, the tender documents have been issued and the tender is scheduled to close on Friday 14 August 2020. There has been a positive response from the market with several contractors completing inspections of the site.

Currently, four (4) weeks have been allowed for tender responses to be received so at this stage it is likely that the procurement process shall be completed and a recommendation presented to Council for decision at the September meeting. This is one month later than originally envisaged.

Scope and Budget

In terms of the overall budget there are two key risks being managed.

- The first is the value of the existing Work in Progress associated with Stage 1 as it may impact the cost of the Stage 2 works required to complete the project.
- The second is the costs associated with changes required in the scope from those works outlined in the 2017 Building Permit. These changes are required to ensure the design is fit for purpose.

In terms of Stage 2, the recent cost estimate provided by the quantity surveyor indicates that the value management process has been successful in incorporating the required changes to the scope within the overall budget. A further cost estimate

is being completed based on the tender documents to assist in the tender assessment process.

Some additional technical issues with the existing building have been identified through the design process which were not included in the 2017 Building Permit documents. These are associated with the performance of the current roof including the metal roof to the Vincent Street frontage and the tanking of the rear concrete carpark. A request to address these issues has been included in the tender package, as tender options, so that they can be evaluated and assessed separately by Council.

In terms of Stage 1, a high-level estimate of the value of the works have been completed and it is envisaged that a market value shall be confirmed upon the receipt of the tenders.

Authorities

The issues identified by the building surveyor with the current works are now being attended to by the consultant team and addressed as required on the site. It is envisaged that a Certificate of Final Completion shall be obtained before the Stage 2 works are commenced, closing off these issues.

A separate building permit is being obtained for Stage 2 Main Works. As part of this process the design is required to demonstrate its compliance not only with the building code but with accessibility requirements.

In addition, an amendment to the planning permit is required to accommodate the recent changes in the design. This application is currently being prepared and shall be submitted for assessment.

KEY ISSUES

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 is \$6.390M and it is 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.

As at the end of July the Project Control Group advises that: the project scope remains 2,052 Sqm of enclosed space as previously endorsed by Council; the budget remains \$6.390M and; the Date for Practical Completion of construction remains at the 8 April 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	\$6.390M	NIL \$M
Project Program (Date for PC)	08/04/21	08/04/21	NIL 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, a number of options have now been identified and included in the tender documents particularly to allow for:

- 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.
- The replacement of the perimeter screens to the roof carpark.

Theses addition shall be assessed by Council once the tender assessment process has been completed.

The current forecast areas endorsed by Council are outlined in the table below. (Refer **Table 2** below).

Table 2 Project Scope Summary

Project 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 (Council Office)	-	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

Approximate areas based on the functional brief.

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 as a whole in a series of virtual presentations. The response was generally positive with some important but minor issues identified. Any resultant changes to scope will not be have a significant impact on the cost.

In addition, a presentation was been made to the Disability Advisory Committee who closely evaluated the design from an accessibility perspective. Overall the relocation of all council services to a central and more convenient location in Vincent Street is intended to make them more accessible to the whole community. It was noted that the design has been evaluated by an accessibility specialist as part of the Building Permit process. There are a small number of queries which were raised by the committee which are currently being responded to.

There remain some technical issues that are likely to require a response, particularly to ensure the existing structure is watertight. This was not included in the scope of the 2017 building permit upon which the budget was based. To address this risk tender options have been included in the Request for Tender to ensure a market price is obtained to respond to these issues. It is intended the response and an assessment by officers shall be submitted to Council for decision as part of the tender process.

Project Budget

The forecast cost to complete the project remains unchanged at \$6.390M. This budget was based on the 2017 Building Permit documents (refer Table 3 below).

In terms of the Stage 2 documents prepared to complete the project, a value management process has now been completed by the quantity surveyor. This includes an assessment of the recent changes associated with the stakeholder engagement process. This process has confirmed that the cost associated with these required additions has been balanced against identified savings associated with the deletion of non-critical elements.

In addition, the estimated cost of loose furniture, fittings and equipment (FFE) has now been confirmed. The estimate of ICT peripherals such as terminals, photocopiers and the like is being finalised to confirm the allowance in the budget.

Table 3 Project Budget Summary

Estimated Project Budget	18/02/20 Endorsed Budget \$M	Current Endorsed Budget \$M	Current Forecast Cost \$M	Current Forecast Variance \$M
Construction Costs (including contingency)	\$5.117	\$5.117	\$5.117	\$NIL
Consultants	\$0.871	\$0.871	\$0.871	\$NIL
FFE/ICT	\$0.402	\$0.402	\$0.402	\$NIL
Total Project Budget	\$6.390	\$6.390	\$6.390	\$NIL

Budget Risks

The risks to this forecast are being managed by the PCG within the endorsed budget. They are associated with:

- the assumptions upon which the budget calculation relied
- the alignment of the Stage 2 tender prices with the cost plan estimate

It is now considered likely, due to the current competitive market conditions, that the cost plan estimates for Stage 2 will be aligned with the cost plan estimate. This will be confirmed upon the receipt of tender offers by council.

The largest budget risk remains the true value of the work in progress. A high-level review indicates that the value if the work in progress based of historic costs may be higher than the true market value. This will be clarified upon receipt of the tenders for Stage 2 and assessed at that time as part of the overall tender process.

Council will also be able to consider a number of tender options associated with ensuring the building remains watertight. These works were not part of the scope included in the 2017 building permit upon which the budget was calculated. Pricing of these tender options has been sought to take advantage of the competitive tender process to facilitate this assessment.

Project Program

The endorsed Date for Practical Completion is 8 April 2021 and remains unchanged although the delay of one month to the tender processes may affect the construction commencement and end date. (Refer Table 4 below). The other variances to the program dates have been endorsed at June Council meeting.

It should be noted that although a current approved planning permit is in place, a planning permit amendment will now be required to accommodate the recent minor changes in the design. This may have an impact on the program, however, at this stage the impact cannot be determined until the application has been assessed by the Planning Authority and the response received.

The Date for Practical Completion of the building works shall be confirmed with much more certainty once the tender responses have been received and assessed. This may affect the forecast end date below and will be provided to Council for consideration as part of the tender approval process.

Table 4 Project Program Summary

Project Stage	W	18/02/20 Endorsed Start Date	18/02/20 Endorsed End Date	Current End Date	Current Variance Weeks
<i>Council Endorsement of Project Plan</i>			17/12/19	18/02/20	8 Weeks
<i>Documentation</i>	12	07/01/20	30/03/20	3/05/20	8 Weeks
<i>Tender</i>	12	30/03/20	16/06/20	15/09/20	12 Weeks
<i>Mobilisation</i>	4	16/06/20	14/07/20	14/10/20	12 Weeks
<i>Construction</i>	42	14/07/20	08/04/21	08/04/21	NIL
<i>Occupation</i>	1	08/04/21	15/04/21	15/04/21	NIL
	71				

Program Risks

The risks associated with the program are that:

- the tender will not be presented to Council to let the contract prior to the initiation of the caretaker period on Tuesday 22 September 2020 delaying acceptance until after caretaker period on Saturday 24 October 2020.
- the construction period offered in the successful tender will be longer than the 8 months allowed in the program, delaying occupation.
- the planning amendment process will delay the commencement of construction.

These risks shall be monitored and reported to Council monthly.

NEXT STEPS

Foreshadowed activities include:

- 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.
- Outstanding contractual commitments from the earlier works to be settled and finalised prior to the Stage 2 works commencing.
- Completion of the Stage 2 tender process.
- Preparation of a Planning 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

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

The project is expected to derive a number of social, environmental and economic benefits for Council and its community. The project will:

- deliver improved Council services and community outcomes,
- be more cost efficient for Council and its ratepayers,
- be accessible to all
- demonstrate environmental sustainability initiatives.

FINANCIAL IMPLICATIONS

On the 18 December 2020 Council resolved:

12.7.7 Adopts a Project Budget of \$6.390M which is inclusive of the Community Auditorium seating.

12.7.8 Notes the current Project Funding of \$3.378M including expenditure of \$1.695M and residual funding of \$1.682M (as at the 30 June 2019).

12.7.9 Notes the required additional project funding of \$3.012M and refers this to the forward capital works plan for consideration in the 2020/21 budget process.

12.7.10 Agrees this additional funding will be financed through a loan facility.

Provided the forecast project costs remain within the project budget and funding there shall be no further financial implications for council. This risk is being managed by the Project Control Group and monitored by Council each month.

RISK IMPLICATIONS

Now the Project Plan has been endorsed the project risks are associated with deviations from the endorsed scope, budget and program.

- Scope Risk: That the scope will deviate from the endorsed scope
- Budget Risk: That the budget will deviate from the endorsed budget
- Program Risk: that the timeline will deviate from the endorsed program

These risks are being managed by the PCG and monitored by council monthly.

The other risks are associated with the procurement of the project and are associated with technical and contractual issues. These risks include among other things:

- Acceptance Risk: that the stakeholders do not accept the built facility as fit for purpose
- Design Risk: that the design does not encapsulate the scope accurately
- Procurement Risk: that the tendered prices do not reflect the construction budget.
- Construction Risk: that the building works deviate from the design documents

These risks are being managed by the PCG and monitored by council monthly.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The community has been notified of council's decision to recommence the project at the 18 February meeting.

Further, meetings have been held with all the stakeholder groups to ensure that their requirements are included in the Functional Brief.

The feedback from all the internal and community stakeholders has been positive and reflect an eagerness to see the project completed. The general arrangement drawings have now been endorsed by the PCG and issued for tender.

CONCLUSION

The Request for Tender has been issued for Stage 2 with site inspections now complete.

Once tender offers are received these shall be assessed and presented to Council for decision. This should provide the market cost of Stage 2 and also provide a market valuation of the current work in progress when assessed against the overall project budget.

A planning permit amendment application shall be made to include the recent and minor changes in the design

12.5 MINUTES OF SPECIAL COMMITTEES (S86) 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 of General Meeting - Lee Medlyn Home of Bottles - 25 June 2020 [**12.5.1** - 3 pages]
2. CONFIDENTIAL - Minutes of Special Meeting - Lee Medlyn Home of Bottles - 9 July 2020 [**12.5.2** - 2 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the minutes and recommendations from Council's Special Committees (Section 86).

OFFICER'S RECOMMENDATION

That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed to Councillors under separate cover:

- *Lee Medlyn Home of Bottles – 25 June 2020*
- *Lee Medlyn Home of Bottles – 9 July 2020*

MOTION

That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed to Councillors under separate cover:

- *Lee Medlyn Home of Bottles – 25 June 2020*
- *Lee Medlyn Home of Bottles – 9 July 2020*

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

BACKGROUND

Special Committees are established by Council under section 86 of the *Local Government Act 1989* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

The *Local Government Act 2020* received Royal Assent on 24 March 2020 and includes a number of changes to the structure of delegated Committees. The provisions of the Act impact the S86 Committees were proclaimed on 1 May 2020 and Council will work with the current s86 committees of Council over the coming months to transition to the new provisions in the Act. This transition is required to be in place by 1 September 2020. A report is scheduled to be presented to Council at a upcoming meeting regarding the transition of Councils s86 Committees in line with requirements under the *Local Government Act 2020*.

KEY ISSUES

Please see listed below the minutes and other reports of Special Committees, as provided by the committees over the past month, for your information:

- Lee Medlyn Home of Bottles – 25 June 2020
- Lee Medlyn Home of Bottles – 9 July 2020

These minutes have been provided to Councillors under separate cover.

POLICY AND STATUTORY IMPLICATIONS

Special Committees are established by Council under section 86 of the *Local Government Act 1989*.

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

Members of the community are represented on these committees.

13 ACTIVE AND ENGAGED COMMUNITIES

13.1 APPLICATIONS RECEIVED FOR THE LYONVILLE COMMUNITY PLANNING CHARTER GROUP

DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Community Planning is a forum for public participation where community members identify community vision and values, what is important to them and what they would like to see happen in their community into the future. Charter group members support the development and implementation of Community plans by assisting their community in an administrative capacity.

Five applications were received for the Lyonville Community Planning Charter Group. Officers recommend that all five applicants be endorsed as members of the Lyonville Community Planning Charter Group as outlined in the table below.

A sixth application was received after the application closure date and therefore has not been recommended by Officers.

OFFICER'S RECOMMENDATION

That Council endorse the appointment of the following community members to the Lyonville Community Planning Charter Group.

- *Vicki Jackson*
- *Shelley Bowen*
- *Greg Jones*
- *Jackie Airey*
- *Jordan Koster*

MOTION

That Council endorse the appointment of the following community members to the Lyonville Community Planning Charter Group.

- *Vicki Jackson*
- *Shelley Bowen*
- *Greg Jones*
- *Jackie Airey*
- *Jordan Koster*

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell
Carried

BACKGROUND

Council has a commitment to Community Planning through the Council Plan 2017-2021 under the Strategic Objective – Active & Engaged Communities.

Strategic Action 3.3 demonstrates Council's commitment to review Community Planning Strategy and Policy and implement actions to support communities to deliver their priorities.

In 2019 Council Officers undertook a review of community planning, and a number of recommendations were adopted by Council at the 15 October 2019 Ordinary Meeting. Those recommendations will drive Community Plan development and oversight for Hepburn Shire over the coming years.

As part of the review it was decided that during 2020 the following communities would develop their Community Plan:

- Lyonville
- Glenlyon and District
- Hepburn/Hepburn Springs

KEY ISSUES

Applications for the Lyonville Charter Group opened on 4 June 2020 and closed on 3 July 2020. During this time Council Officers promoted the opportunity to Lyonville residents via a variety of digital and print media channels. A community meeting was attended by Council's Community Development Officer at the request of the Lyonville community who had taken the proactive approach of beginning to mobilise their community around their efforts to write a community plan.

An assessment of the applications was conducted by an evaluation panel consisting of one Community Assessment Panel member (Independent), Council's Community Partnerships Coordinator and Community Development Officer.

Five applications were received via the Smarty Grants platform with a sixth application received after the closing date.

The applicant who submitted the late application is aware that Officers are unable to recommend him for inclusion in the Charter Group due to the application not being received within the allotted time frame. This does not preclude the applicant from engaging with and supporting the Charter Group in the development of the Community Plan.

Table 1

Applicant Name	Comments	Recommendation
Vicki Jackson	<ul style="list-style-type: none"> • Strong volunteer history. • Twenty years of experience as a University administrator. • Extensive skills in finance, budget management, running and supporting meetings and working with diverse people. • A committed member of the community who has engaged with Council throughout the process and organised community meeting to facilitate the Charter and Community Planning Process 	Recommended for membership
Shelley Bowen	<ul style="list-style-type: none"> • Project management and leadership • Group facilitation • Analysis • Planning, marketing, communication, and evaluation • Director of a community based not-for-profit • Social media skills will benefit the group as part of their communication strategy 	Recommended for membership
Greg Jones	<ul style="list-style-type: none"> • Strong consultation background • Worked with large teams of people • Strong leadership and team building skills • Clear business and analytical skills. 	Recommended for membership
Jackie Airey	<ul style="list-style-type: none"> • Previous Charter group experience • Strong people skills • Good organisational skills • Confident public speaker • Business owner • Applicant brings knowledge of previous community planning efforts. 	Recommended for membership
Jordan Koster	<ul style="list-style-type: none"> • Capable at organising and managing others • Ability to empathise with others • Loves Lyonville and wants to see it thrive • Strong connections with younger families in the area • Skills such as negotiation and empathy 	Recommended for membership

	which are important during community planning	
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Following Council endorsement, Charter Group members will undertake short workshop activities with Council's Community Development Officer that will include topics such as:

- Community Planning at Hepburn Shire
- Role of Council, Charter group members and the broader community
- Community engagement in the planning process
- Timeline and process
- Enacting your Community Plan including sourcing funding

Council Officers will continue to support Charter Group members in their roles, including providing induction training for the Charter Group to build their capacity to engage in community consultation.

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.

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

Once a Charter Group is appointed and a Community Plan developed and recognised by Council the Lyonville Community Plan is eligible to apply for the Community Planning Implementation Fund which is available annually to all Hepburn Shire Council recognised Community Plans.

A budget of \$2,000 has allocated to support the group to develop their plan, with Councils approved operational budget.

Once a Community Plan is completed and presented to Council, Officers will work with the community to assist in the implementation of actions identified within the plan. Some of those actions will require funding, which may be the responsibility of the community or will be considered by Council through the annual budget process.

RISK IMPLICATIONS

There is always a risk that processes like this can be influenced by members or groups with particular agendas. In an effort to mitigate this risk all, Charter Group members will undertake an induction to support their efforts to engage their community. Officers will continue to support Charter group members to ensure diverse community voices are heard and acknowledged and that the plan is representative of the broader community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A Communications Plan was implemented with both written and digital channels employed to advertise the EOI for individuals to apply for membership of the Charter Group. Council Officers spoke directly with applicants both prior to and during the application process.

13.2 COMMUNITY GRANTS PROGRAM 2020/2021 - ROUND 1 DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The Community Grants Program 2020/2021 aligns with the Council Plan to support the strength and resilience of the community. Eligible community groups can access funds in four rounds annually across five categories that support a range of community needs.

Eight applications were received for Round 1 – 2020/2021. Four applications are recommended for full funding, one is recommended for conditional full funding, two applications were assessed as ineligible and one application was withdrawn.

Officers recommend that Council award Round 1 funding totalling \$10,234 as outlined in the Table 1 below.

OFFICER'S RECOMMENDATION

That Council:

1. *Award funding from the 2020/2021 Community Grants Program to the following applicants:*

Project Name	Community Group	Amount
Ongoing Emergency Relief Program	Anglicare Victoria, Ballarat in partnership with Clunes Neighbourhood House	\$2,500
Reflections – The Shire & Borough of Creswick & the Great War	Creswick-Smeaton RSL Sub Branch auspiced by RSL of Australia Inc	\$2,500
Junior Goals Project	Daylesford & Hepburn United Soccer Club	\$2,500

Brush cutter purchase for large weed control	Trentham Quarry Street Reserve Committee of Management	\$734
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Providing additional relief for vulnerable persons residing in and near Creswick	St John's Creswick Emergency Relief	\$2,000
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MOTION

That Council:

- Award funding from the 2020/2021 Community Grants Program to the following applicants:*

Project Name	Community Group	Amount
Ongoing Emergency Relief Program	Anglicare Victoria, Ballarat in partnership with Clunes Neighbourhood House	\$2,500
Reflections – The Shire & Borough of Creswick & the Great War	Creswick-Smeaton RSL Sub Branch auspiced by RSL of Australia Inc	\$2,500
Junior Goals Project	Daylesford & Hepburn United Soccer Club	\$2,500
Brush cutter purchase for large weed control	Trentham Quarry Street Reserve Committee of Management	\$734
Providing additional relief for vulnerable persons residing in and near Creswick	St John's Creswick Emergency Relief	\$2,000

Moved: Cr Greg May

Seconded: Cr Don Henderson

Carried

BACKGROUND

The Hepburn Shire Council Community Grants Program 2020/2021 receives applications and awards funding on a quarterly basis. Round 1 and 2 have been scheduled to accommodate the Council Caretaker period, ensuring community groups have continuity to access funds.

Within this program, there are five Categories that support a range of community needs. These include:

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

KEY ISSUES

Officers implemented the first Community Grants Webinar for this Round. An opportunity discovered during remote working, was to engage with our community on online platforms for Community Grants Program support. Two community members attended the first webinar and provided feedback for the continual improvement of the Grants Program.

Eight applications were received in Round 1 of the 2020/2021 Community Grants Program.

Full Funding

- Four applications are recommended for full funding with a further application conditionally recommended upon receipt of additional external funding. One application was withdrawn and another two were deemed ineligible.

Project Conditionally Funded

- The Creswick Smeaton RSL Sub-branch application was recommended conditionally for full funding on the basis that additional funding is yet to be sourced and/or approved.

Projects Deemed Ineligible

- Two applications were deemed ineligible.

Project Withdrawn

- One application was withdrawn.

Officers will continue to work with groups that were unsuccessful.

Recommendations detailed in Table below:

Category	Project Name	Community Group	Grant Amount Requested	Recommendation
A	Ongoing Emergency Relief Program	Anglicare Victoria, Ballarat in partnership with Clunes Neighbourhood House	\$2,500	Recommended for full funding
A	Reflections – The Shire & Borough of Creswick & the Great War	Creswick-Smeaton RSL Sub Branch auspiced by RSL of Australia Inc	\$2,500	Conditionally recommended for full funding
B	Junior Goals Project	Daylesford & Hepburn United Soccer Club	\$2,500	Recommended for full funding
B	Brush cutter purchase for large weed control	Trentham Quarry Street Reserve Committee of Management	\$734	Recommended for full funding
B	New website build with e commerce	Trentham Easter Art & Craft Show	\$2,500	Not recommended. Ineligible for funding. Budget inconsistent, no quotes or evidence of insurance.
C	Cool Country Planting Guide	Karly Thaw auspiced by Trentham Neighbourhood Centre	\$1,128.60	Not recommended. Ineligible for funding. Applicant is an individual and project had already commenced

E	Providing additional relief for vulnerable persons residing in and near Creswick	St John's Creswick Emergency Relief	\$2,000	Recommended for full funding
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Total amount eligible requested: Category A-C \$8,234

Total amount requested: Category D \$0

Total amount requested: Category E \$2,000

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.

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

FINANCIAL IMPLICATIONS

Category	Total Eligible Funds Requested	Annual Budget	Available Funds
A. Active and Engaged Communities	\$5,000	\$45,000	\$45,000
B. Quality Community Infrastructure	\$3,243		

C. Sustainable Environments	Nil		
D. Children's Program	Nil	\$10,000	\$10,000
E. Charitable Purposes	\$2,000	\$10,000	\$10,000
Total funding to be approved A - C	\$8,243	Remaining funds to be allocated in the 2020/2021 year	\$36,757
Total funding to be approved D	\$0	Remaining funds to be allocated in the 2020/2021 year	\$10,000
Total funding to be approved E	\$2,000	Remaining funds to be allocated in the 2020/2021 year	\$8,000

RISK IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Communications Plan was implemented with Facebook posts, advertising on Council's page in The Local and via the Webinar. Council Officers also offered one-on-one phone support to a variety of groups during and post the application process.

MOTION

That Council:

- Award funding from the 2020/2021 Community Grants Program to the following applicants:*

Project Name	Community Group	Amount
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Ongoing Emergency Relief Program	Anglicare Victoria, Ballarat in partnership with Clunes Neighbourhood House	\$2,500
Reflections – The Shire & Borough of Creswick & the Great War	Creswick-Smeaton RSL Sub Branch auspiced by RSL of Australia Inc	\$2,500
Junior Goals Project	Daylesford & Hepburn United Soccer Club	\$2,500
Brush cutter purchase for large weed control	Trentham Quarry Street Reserve Committee of Management	\$734
Providing additional relief for vulnerable persons residing in and near Creswick	St John's Creswick Emergency Relief	\$2,000

Moved: Cr Greg May

Seconded: Cr Don Henderson

Carried

13.3 MINUTES OF ADVISORY COMMITTEES DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - Minutes - Reconciliation Action Plan Advisory Committee - 19 May 2020 [13.3.1 - 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 – 19 May 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 – 19 May 2020*

Moved: Cr Kate Redwood AM

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, as provided by the Committees:

- Reconciliation Action Plan Advisory Committee – 19 May 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 HIGH PERFORMING ORGANISATION

14.1 CUSTOMER REQUESTS UPDATE - JULY 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

1. Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council an update on customer requests received and responded to through the Closing the Loop system, for the period ended 31 July 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 June 2020.

MOTION

That Council notes the update on customer requests for June 2020.

Moved: Cr Greg May

Seconded: Cr Neil Newitt

Carried

BACKGROUND

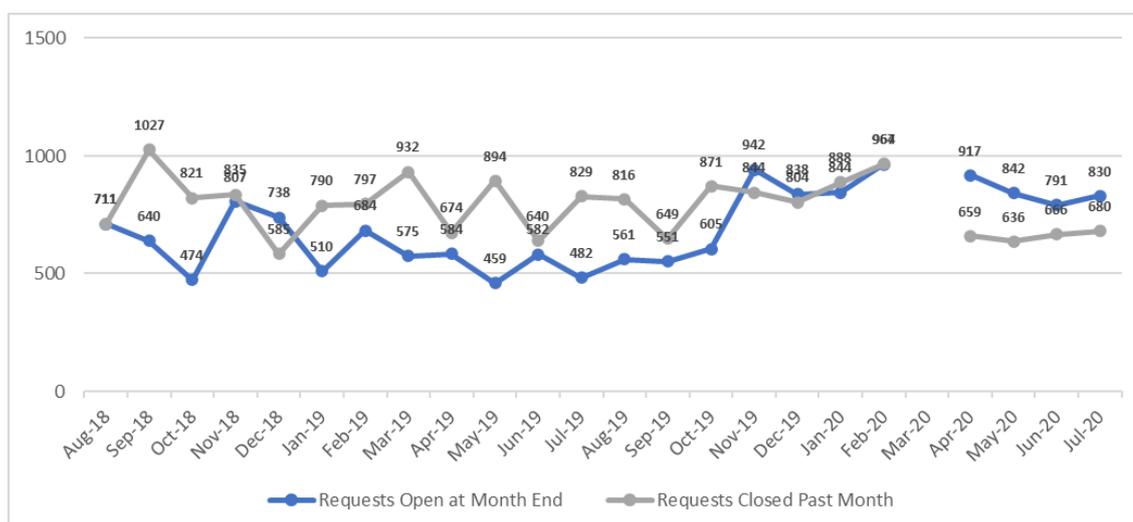
Council uses a Customer Request System Closing the Loop to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

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

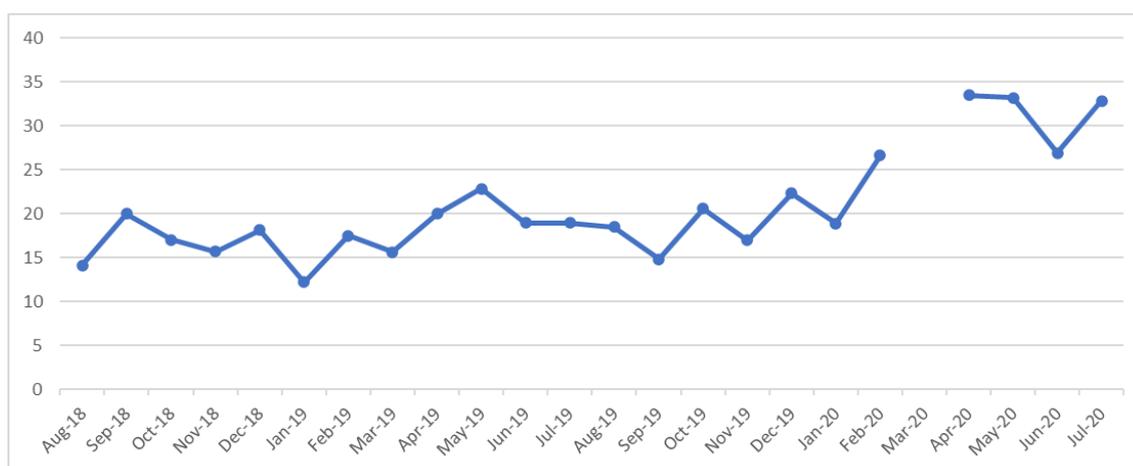


- There was a spike in the number of requests in November 2019 due to requests, particularly tree repairs and roads works associated with the weather events of 21 November.
- COVID-19 data was not collected for the month of March 2020.
- Over the last 24 months the average requests open at the end of the month has been 693. Council had 830 customer requests outstanding at month-end.
- Over the last 24 months the average requests closed during the month has been 783. Council closed had 680 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	Feb	Mar	Apr	May	June	July
Call back	413		380	365	360	373
Roads and Footpaths	84		81	81	80	59
Parks and Open Space	79		79	54	49	55
Information Technology (internal)	81		85	89	81	72
Development - Planning, Building and Septics	63		80	76	56	53
Other	244		210	177	165	219
Total	964		915	842	791	831

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 24.11.

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.

14.2 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 for July 2020 [**14.2.1** - 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 annual 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 Kate Redwood AM

Seconded: Cr Don Henderson

Carried

BACKGROUND

Each month relevant statistics are collated from the development services departments and presented in this report for the information of Councillors.

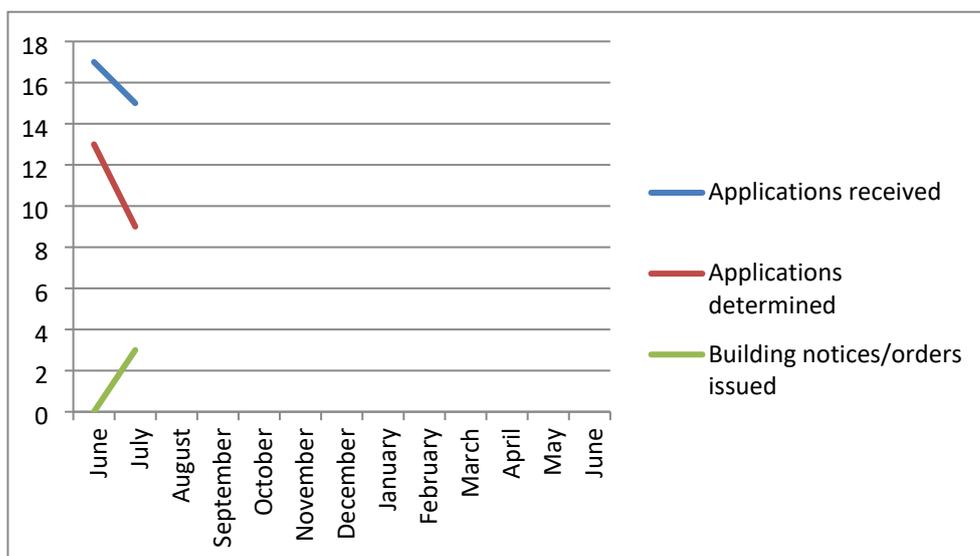
KEY ISSUES

Building

The building activity report for July 2020 is summarised below:

Building Activity	Total
Building applications received	15
Building applications determined	9
Building notices/orders issued	3
Total development cost	\$1,158,451

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 \$1,158,451.

Active Building Files

The building department has had 488 active building files over the month of July as summarised below:

Active Building Files	Total
Lodged	42
Further Information	117
Inspection Required	38
Permit Issued	291

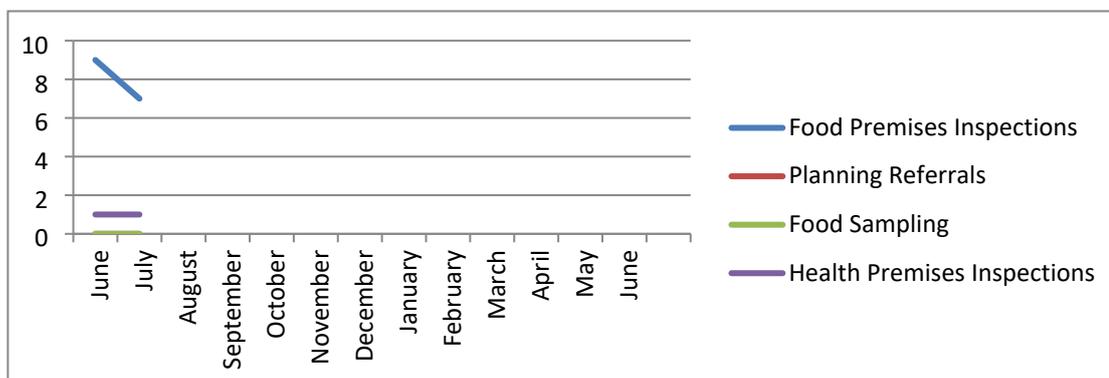
Environmental Health

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 July. 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 July 2020 is summarised below:

Environmental Health Activity	Total
Food Premises Inspections	7
Planning Referrals	0
Food Sampling	0
Health Premises Inspections	1

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 July 2020 is summarised below:

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

Community Safety

Councils Community Safety Officers also continue to be heavily engaged in Councils response to the Pandemic and State of Emergency throughout July. 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.

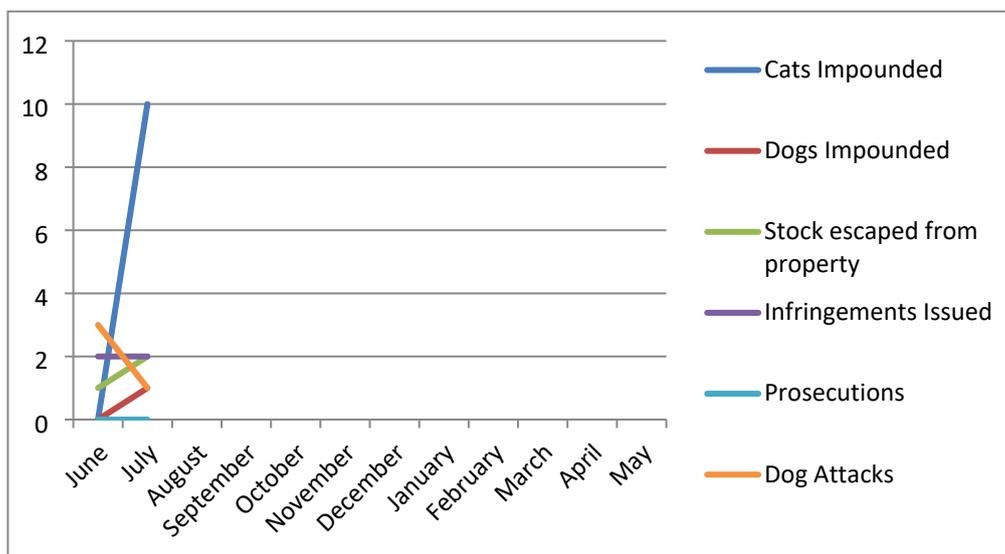
The Community Safety team activity report for July 2020 is summarised below:

Local Laws Activity	Total
Cats Impounded	10
Dogs Impounded	1
Stock escaped from property	2
Infringements Issued	2
Prosecutions	0
Dog Attacks	1
Declarations of Menacing Dogs	0
Declarations of Dangerous Dogs	0

Breakdown of Infringements issued in July 2020:

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

The following graph indicates local laws statistics and activity for the 2020/2021 financial year (June 2020 included)

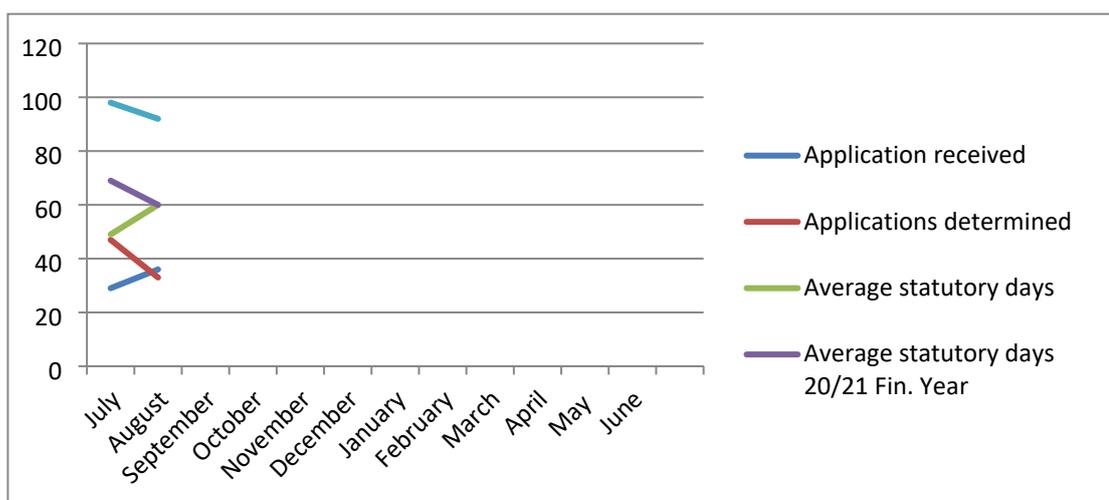


Planning

The Planning activity report for June 2020 is summarised below:

Planning Activity	Total
Applications received	36
Applications determined	33
Average statutory days for month	60
Average statutory days 2020/2021 financial year	60
Average statutory days 2019/2020 financial year	69
Outstanding applications	92

The following graph represents planning activity for the 2020/2021 financial year (June 2020 included):

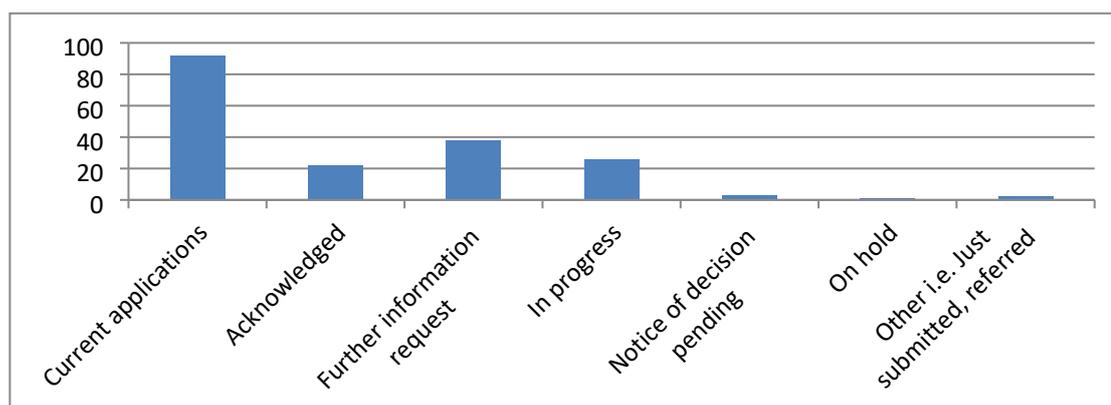


The number of applications received has fallen slightly which may be just a natural reduction or could be a sign of a continued reduction in application numbers due to Covid-19. It is noted that the number of applications received remains higher than this time last year. A significant number of applications were determined in June which has seen a reduction in overall outstanding applications. Statutory days to determine applications continues to fall.

The status of all active applications as at July 2020 is summarised below:

Status of all active applications as at July 2020

Current applications	92
Acknowledged	22
Further information request	38
In progress	26
Notice of decision pending	3
On hold	1
Other i.e. Just submitted, referred	2



Applications determined in July 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	27
Notice of Decision by officer	3
Withdrawn etc.	2
Refused by Council	1

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.

**14.3 DRAFT ANNUAL PLAN 2020/2021
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. Draft Annual Plan 2020/2021 [**14.3.1** - 14 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present to Council the Draft Annual Plan for 2020/2021 for consideration of adoption.

Council has adopted a Council Plan for 2017-2021 and Budget 2020/2021 in accordance with the Local Government Act 1989 (the Act). The Council Plan sets out the aspirations of the Council and the strategies and objectives to achieve the Council's vision for the Shire.

Previously Council had not adopted an Annual Plan. However, adopted an Annual Plan for 2019/2020 to detail to the organisation, Councillors and the Community how Council will monitor progress towards actions in the Council Plan. An Annual Plan will be developed each, and the attached outlines key activities for the 2020/2021 period.

OFFICER'S RECOMMENDATION

The Council adopt the 2020/2021 Annual Plan.

MOTION

The Council adopt the 2020/2021 Annual Plan.

Moved: Cr Fiona Robson

Seconded: Cr John Cottrell

Carried

KEY ISSUES

The Draft Annual Plan 2020/2021 contains priority projects outlined in the Budget 2020/2021, a number of other actions and projects identified in the various strategies adopted by Council and projects identified in the adopted Council Plan 2017-2021. The Annual Plan is not designed to include all programs and projects of Council.

The Annual Plan is not designed to include all programs and projects of Council, regular reporting of all capital works and major operating projects occurs on a quarterly basis to Council. Details of all projects, programs and initiatives are included in the adopted Annual Budget 2020/2021 and will form part of regular quarterly reporting to Council detailing the progress. The Annual Plan also does not include projects fully funded in 2018/2019 but not yet complete (carry-forward projects). These projects will be identified and presented at a future Ordinary Meeting of Council.

A quarterly report of the Annual Plan 2019/2020 will be presented to Council that details the progress on each of the items.

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.

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

Projects and initiatives contained in the Annual Plan are funded in the Budget 2020/2021. The majority of projects are contained within the Capital Works Program or funded as a one-off initiative. A number of programs are also funded from the Operating Budget.

RISK IMPLICATIONS

The Council Plan provides clarity on the actions to be delivered over the term of each Council. Adoption of an Annual Plan enables Council to confirm that the actions that will be delivered in the 2020/2021 financial year towards to objectives of the Council Plan.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

The Council Plan 2017-2021 was developed through an engagement process, and the Budget 2020/2021 has met all legislative engagement processes.

**14.4 ANNUAL PLAN 2019/2020 PROJECTS UPDATE
DIRECTOR COMMUNITY AND CORPORATE SERVICES**

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

ATTACHMENTS

1. Annual Plan 2019/2020 Project Updates - Quarter Progress 4 [**14.4.1** - 18 pages]

EXECUTIVE SUMMARY

The attached report provides a list of the projects included in the Annual Plan 2019/2020 and a progress comment has been provided for each project by a responsible officer.

OFFICERS RECOMMENDATION

That Council notes the Annual Plan 2019/2020 June 2020 Project Update.

MOTION

That Council notes the Annual Plan 2019/2020 June 2020 Project Update.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

BACKGROUND

The Annual Plan outlines the actions for 2019/2020 that will be implemented as priorities from the Council Plan 2017-2021 and Annual Budget 2019/2020. The Annual Plan was adopted by Council at its Ordinary Meeting on 16 July 2019.

Previously Council has not adopted an Annual Plan. The Annual Plan details to the organisation, Councillors and the community how Council will monitor progress towards actions in the Council Plan, and the quarterly progress report updates Councillors and the Community on the progress on the actions.

KEY ISSUES

The attached report provides a list of the projects included in the Annual Plan 2019/2020 and a progress comment has been provided for each project by a responsible officer, for the period ended 30 June 2020.

It should be noted that the Annual Plan does not include all projects to be undertaken during the year, and as it was adopted in July 2019 does not include a number of new actions and opportunities have been undertaken by Council, which were not included in the Plan.

Thirty-nine projects were included in the 2019/2020 Annual Plan.

- 23 have been fully completed (detailed in green within the report).
- 16 are not fully completed (detailed in yellow within the report).

These projects are in various stage of completion with some expected to be completed within weeks of the new financial year, while others will be longer term development.

Some projects have been delayed as a result of announcements of government funding, delays in project delivery or in recent months as a result of the impacts of the COVID-19 Pandemic. It should be noted that funding (if required) for these projects will be carry-forward and these projects will be delivered by Officers in the 2020/2021 financial year.

These projects will also be carry-forward into the 2020/2021 Annual Plan and therefore their progress will be continued to be monitored and presented to Council and the Community.

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.

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. The report will be presented to the August Council Meeting, being made available to the community.

14.5 2019/2020 PROJECT REPORTING - JUNE 2020
DIRECTOR OF 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. Operating Projects Report - June 2020 [**14.5.1** - 5 pages]
2. Capital Projects Report - June 2020 [**14.5.2** - 9 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present a summary of Council's financial performance, and position for the 2019/2020 financial year ending 30 June 2020, for capital and operating projects.

Council's external audit is being undertaken in the two weeks commencing 10 August, with detailed financial statement and performance to be presented at the September Councillor briefing, with financial statements being considered by the Audit and Risk Advisory Committee on 7 September 2020 and then Council at the Ordinary Meeting 18 August 2020.

OFFICER'S RECOMMENDATION

That Council notes both the Operating Projects Report, and Capital Works Project Report as at 30 June 2020, and the progress of projects.

MOTION

That Council notes both the Operating Projects Report, and Capital Works Project Report as at 30 June 2020, and the progress of projects.

Moved: Cr Fiona Robson

Seconded: Cr Don Henderson

Carried

BACKGROUND

Council is responsible for delivering Capital Works and Operational Projects as approved in the Annual Budget. As a mechanism to review the progress of these projects, both in terms of performance against budget but also in relation to the delivery of the project regular reporting is undertaken by officers.

On a quarterly basis the reporting is presented to Councillors, and a review is undertaken at a Councillor Briefing. This process has occurred during 2019/2020.

With Councils desire to increase the openness, transparency and accountability to community, the report will now be provided to an Ordinary Meeting of Council on a quarterly basis. Providing the report will also allow the community the ability to review the progress of projects.

KEY ISSUES

This report and attachments provides information on Council's financial performance for projects during the period 1 July 2019 to 30 June 2020. The report is set out to provide both the Year to Date (YTD) Budget and Actuals, and a progress comment for each project. Included in the June report, as part of Councils year-end, is the proposed carry-forward expenditure and income.

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). Carry-forwards are subject to final audit, and review of Councils financial position. The carry-forward projects listing will be presented to Council at the September Council Meeting for approval. It should be noted that work continues by officers to deliver these projects as soon as possible.

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.

The \$9.43 million of expenditure is 49.6% of the total budget. Although it should be noted that the total budget of \$19.03 million is distorted by multi-year projects, and new grant funded projects received during the financial year.

\$9.25 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 table:

	Budget	Actual	# Projects
Multi-Year Project (Carry-forward expected)	4,730,424	927,443	10
New Projects after budget adopted	209,500	127,568	6
Project requires carry-forward	8,373,146	3,096,441	69
Project Completed	5,714,048	5,278,201	51
	19,027,119	9,429,653	136

- 136 projects capital work 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. 8 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 2020/21.

- The 10 projects identified in the two tables above account for \$5.49M of the carry-forward or 60%.

Operational Projects

- Council delivered \$2.16M of project expenditure against a budget of \$5.65M (38%). Currently \$3.70M 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 \$1.69M of project expenditure was incurred against a budget of \$2.99M (56%) and carry-forward proposed are \$1.53M.
- 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.
- 75 projects are included in the listing, 15 of which were new projects, added during the year mainly due to grant income received.

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.

Local Government Act 1989

Under Section 138 of the Local Government Act 1989 a report comparing actual expenditure and revenue to budget must be presented at least quarterly to the Council in a meeting which is open to the public. This will be presented to Council in September, this report provides greater detail with a project by project analysis.

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 reports included provide the opportunity for review of Council's financial performance of each project.

RISK IMPLICATIONS

This financial report assists in decision making and oversight to confirm the performance against budget of projects.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Individual projects are subject to appropriate community and stakeholder engagement.

14.6 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 of Councillors - CEO/Councillor Meeting - 21 July 2020 [14.6.1 - 1 page]
2. Record of Assembly of Councillors - Pre-Council Meeting Briefing - 21 July 2020 [14.6.2 - 1 page]
3. Record of Assembly of Councillors - Councillor Briefing - 28 July 2020 [14.6.3 - 1 page]
4. Record of Assembly of Councillors - Councillor Briefing - 4 August 2020 [14.6.4 - 1 page]
5. Record of Assembly of Councillors - Councillor Briefing - 11 August 2020 [14.6.5 - 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
21 July 2020	Councillor/CEO Meeting	Via video conference
21 July 2020	Pre-Council Meeting Briefing	Via video conference
28 July 2020	Councillor Briefing	Via video conference
4 August 2020	Councillor Briefing	Via video conference
11 August 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.

15 **CLOSE OF MEETING**

The Meeting closed at 08:41 pm.