



HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF COUNCIL  
PUBLIC MINUTES

**TUESDAY 18 FEBRUARY 2020**

TOWN HALL

76 VINCENT STREET

DAYLESFORD

**6:00PM**

# MINUTES

TUESDAY 18 FEBRUARY 2020

Town Hall

76 Vincent Street, Daylesford

**Commencing 6:00PM**

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**EVAN KING**  
CHIEF EXECUTIVE OFFICER  
18 FEBRUARY 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.

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### 2. SAFETY ORIENTATION

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

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### 3. OPENING OF MEETING

**PRESENT:** Cr. Licia Kokocinski, Cr. Don Henderson, Cr Neil Newitt, Cr Greg May, Cr John Cottrell, Cr Fiona Robson and Cr. Kate Redwood AM

**IN ATTENDANCE:** Mr Evan King Chief Executive Officer, Mr Bradley Thomas Director Community and Corporate Services, Mr Bruce Lucas Director Infrastructure and Development Services, Ms Alison Blacket Senior Planning Consultant, Mr Nathan Aikman Coordinator Planning, Ms Dannielle Kraak Executive Assistant Community and Corporate Services

#### 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”

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4. **APOLOGIES**

Nil

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5. **DECLARATIONS OF CONFLICTS OF INTEREST**

Cr. Kate Redwood declared a conflict of interest for Item 12.16 Daylesford Football Netball Club Licence Agreement

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6. **CONFIRMATION OF MINUTES**

**RECOMMENDATION**

- 6.1.1. That the Minutes of the Ordinary Meeting of Council held on 18 December 2019. (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.
- 6.1.2. That the Minutes of the Special Meeting of Council held on 14 January 2020 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

**MOTION**

*6.1.1. That the Minutes of the Ordinary Meeting of Council held on 18 December 2019. (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

*6.1.2. That the Minutes of the Special Meeting of Council held on 14 January 2020 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Cr John Cottrell  
**Seconded:** Cr Don Henderson  
**Carried**

**7. NOTICES OF MOTION**

Nil

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**8. ITEMS OF URGENT BUSINESS**

Nil

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**9. PRESENTATION OF COUNCILLOR REPORTS**

**MAYOR'S REPORT**

**Councillor Licia Kokocinski, Coliban Ward**

To say that the period between the December, 2019 meeting and this one is an understatement, but given that tonight will most likely be a very long night, I will be brief.

While the Council offices went into recess between Christmas and New Years, for Councillors, it was work as usual, with constituents contacting me on a number of matters which were referred to Council officers for action during January.

The Trentham Community Hub/Centre Project Advisory Group has had two meetings, the first was to clarify the Terms of Reference and the second, was a bus trip to view how the two current hubs in Hepburn (in Clunes and Creswick) operate. The aim of this bus trip was to pick out aspects that would and wouldn't work in Trentham. By the time we meet again in March, we anticipate that a firm of architects will have been appointed by Council to really start work on the design brief for this long-awaited Centre.

I was pleased to meet residents of Hepburn Health Aged Care facility in Trentham, and spent several hours chatting to residents. It is good to see that many of the residents are locals, and also people from far away who have family in Trentham.

I am pleased that tonight we will be deliberating on several matters that are very important to the Trentham community. It has taken considerable effort by council officers, community residents and interested people, service providers and me to get to this stage. I think it should be stated publicly now that we must come to a common agreement on those matters before us tonight, especially as they relate to the Trentham and Coliban community. This has to happen before monies from funding bodies can be successfully applied for these projects. I have a strong sense, and this has been reinforced by numerous discussions with residents, that we are now getting to a point where agreement and consensus is going to happen.

**COUNCILLOR REPORTS**

**Councillor Don Henderson, Creswick Ward**

No report provided

**Councillor Greg May, Creswick Ward**

No report provided

**Councillor Fiona Robson, Birch Ward**

Given the huge content of tonight's agenda I will not speak about all the events and activities since the last council meeting even though there have been many positive and exciting things happening. Instead, I will acknowledge some people and make a request.

Christmas can be a particularly challenging time for many of us and I acknowledge the enormous amount of work and care that many people put towards supporting others over the Christmas period, particularly Hepburn regional community cheer, the 5000 Club and the good grub club. Thank you. I am pleased that our council actively supports our community to care for each other.

I also acknowledge everyone who has helped to keep people safe over the fire season. It has been an extraordinary season across the country. Our Shire has been very fortunate so far and I thank everyone who has done their part to reduce fire risk and to be prepared. Huge thanks to our volunteer fire fighters, DELWP and council staff and to our community for working together. I recognise that there can be frustrations and challenges and I thank everyone for your commitment.

Now for my request...

There have been a range of challenging conversations over the last few months. I have spoken with a broad range of people regarding some of the topics coming to council tonight, including LL2, 17 Smith St and the Rex. I have noticed a level of frustration (as well as some anger and fear). There has been behaviour that has been attacking, defensive, judgemental and blaming. Although very human, it can be quite limiting and will only get us so far. I am particularly interested in how council and community can work together better and I have been exploring different models for communication, engagement and collaboration.

I ask that we all practice the espoused values of Hepburn Shire Council, particularly respect and accountability.

Respectful behaviour has been defined as "We will accept people's differences. We will look for the best in people and value their contribution. We will treat people with respect and dignity". Accountability has been defined as "We will be responsible for our choices. We will acknowledge and learn from our mistakes".

I include myself in this with the intention of benefiting us all. I believe we all want the same thing - "for our shire to be a great place to be". There are many different opinions of how to do this and that's ok. It is healthy to have a diversity of perspectives.

What I am asking, from council and community, is that we all practise respect and accountability and listening to different opinions with curiosity.

It is important to note that councillors are responsible for setting direction and overall laws and policies. Council officers carry out our requests. Please be aware of addressing council officers with respect and in a way that would encourage great people to apply for a job with our council.

Let's endeavour to better understand each other and work together well. One of the 7 habits of highly effective people that Stephen Covey recommended decades ago was to "seek first to understand then to be understood".

**Councillor John Cottrell, Holcombe Ward**

No report provided

**Councillor Neil Newitt, Cameron Ward**

No report provided

**Councillor Kate Redwood AM, Birch Ward**

Given the very full agenda tonight I am providing a much shorter report than usual. I wish to refer to three matters.

1. The official opening of the East Street Railway underpass saw the culmination of seven years lobbying regarding exclusion of heavy vehicles from residential streets. Residents report that the B doubles using Stanbridge Street are much reduced. Traffic counting measures will confirm this. No doubt the businesses using the heavy vehicles to access the East Street industrial estate will be finding life easier without struggling up and down the steep Stanbridge Street hill.
2. Work to develop the Wombat Post – Daylesford and District's own community news – is progressing with the soft launch of the electronic version still on track for March, and we hope to have a formal launch of the hard copy in April.
3. Plans are on track for Council's International Women's Day event and announcement of this year's inductees for the Heather Mutimer Hepburn Honour Roll for Women. Please note this year the event will be held on 5 March in Clunes.

There has been a great deal of other Council work but much of it relates to items on tonight's agenda so I won't speak further.

**RECOMMENDATION**

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

**MOTION**

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

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood

**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
- Allowing 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. PETITION

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

### 10.2. 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.

### MOTION

*10.2.1 – That Council extends participation by the maximum allowable timeframe of 15 minutes.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood

**Carried**

#### **Question 1- Mara Ripani**

Why are motorbikes, semitrailers, cars, trucks, water tankers, SUVs allowed in the Daylesford CBD and not cyclists. Is discrimination allowed under Victorian State Laws?

#### **Response: Mayor Licia Kokocinski**

The Local law is being considered at tonight's meeting.

The intent of Clause 2.9.3 is to restrict the use of footpaths as Council would like to provide a safer environment and protect for all users and reduce potential hazards on the footpath for the general walking public, elderly, frail, vision and hearing impaired, animals on lead, footpath dinners etc.

Rule 252 under the Victorian Road Rules 2017 states that a rider of a bicycle must not ride on a length of road or footpath to which no bicycles sign, or no bicycle road marking, applies. As a road manager, Council may declare where wheeled toy vehicles and bicycles must not be used.

**Question 2 - Name: Mara Ripani**

When will council improve the Transfer Station (the Resource Recovery Centre) by placing shelving units that store salvaged timber, windows, doors and other building materials so that they are readily accessible to the public. When will this be done please.

**Response: Mayor Licia Kokocinski**

Daylesford and Trentham Transfer Stations currently have storage systems in place for some building materials. There are plans to investigate improving storage systems for building materials at all three Transfer Station facilities.

**Question 3 - Matthew Phelan**

Have the draft LL2 by-laws been reviewed with reference to relevant guiding documents and legislation, including the Hepburn Shire Reconciliation Plan, Hepburn Shire Declaration of a Climate Emergency and the Charter of Human Rights and Responsibilities Act 2006?

**Response: Mayor Licia Kokocinski**

A wide range of input was considered from the community and council officers in the development of the revised draft Local Law 2. Including state legislation, reconciliation Action Plan and sustainability initiatives.

The draft Local Law has been reviewed by Councils lawyers for legal compliance.

**Question 4 - Matthew Phelan**

If such reviews took place, what were the outcomes and if such reviews did not occur, why not?

**Response: Mayor Licia Kokocinski**

Council believes the revised draft Local Law 2 complies with Council strategies, policies and legislation.

The Local Law 2 will be further enhanced with the development of local policy and guidelines.

**Question 5 - Trevor Armstrong**

Why is the Shire proposing local laws which are contrary to the regulations made by the State Government relating to the riding of bicycles on footpaths?

**Response: Mayor Licia Kokocinski**

The draft Local Law 2 considers all users of public footpaths.

It does not contravene State law with respect to bicycles of footpaths.

The streets identified in the revised draft Local Law 2 are streets where Council is the responsible road authority and our intent is to enhance safety for all users including the elderly, frail, vision and hearing impaired, pedestrians with animals on a lead, footpath dinners and all general public.

**Question 6 - Patrick Jones**

Did council consult Djaara eldership and First Nations people of the shire in relation to Local Law No.2 2019?

**Response: Mayor Licia Kokocinski**

In the early stages of drafting the Local Law, Council did consider the needs of the traditional owners in the development of the Local Law, including the intention to provide an exemption for traditional owner activities.

Legal advice noted that state laws, being the *Traditional Owner Settlement Act 2010*, and the associated Recognition and Settlement Agreement, provides the necessary exemptions and therefore the need to provide an exemption was noted required.

**Question 7 - Patrick Jones**

Does council accept that Local Law No.2 is a Second Nations law and thus sits upon the legal fiction of Terra Nullius, which in turn (and once again) usurps First Nations Law that acts towards true sustainability and true people care?

**Response: Mayor Licia Kokocinski**

Council considered all policy and strategies including the reconciliation Action Plan.

Under the Reconciliation Action Plan and/ or State legislation, traditional owners are exempt for cultural activities.

**Question 8 - Per Bernard**

Will HSC consider postponing voting on LL2 tonight, appointing a facilitator and complete the LL2 draft in a timely fashion?

**Response: Mayor Licia Kokocinski**

The Local law is included on tonight's meeting agenda.

I note in the officer's report reference's seeking input from the community in the development of guidelines and local policy documents to support the implementation of the draft Local Law 2.

With respect to deferring this item Council can consider all options this evening in accordance with the *Local Government Act 1989*.

**Question 9 - Per Bernard**

Why have HSC not accepted our Community's proposal to form a working group between HSC and our Community to deliver a suitable LL2 proposal?

**Response: Mayor Licia Kokocinski**

Council has undertaken an extensive consultation and engagement process in developing the draft Local Law 2 and the process resulted in over 100 submissions being received.

An opportunity for submitters to speak to their submission was provided and Council has carefully considered all submissions.

**Question 10 - Taryn Lane**

Given the Council endorsement of a climate emergency and the community wide Hepburn Z-NET ambition of zero-net emissions by 2030, how is council going to embed these mandates across all council departments, policies and strategies in order not to have contradicting policies such as occurred with Local Laws 2?

**Response: Mayor Licia Kokocinski**

Council does not believe the draft Local Law is contradicting the declaration of a climate emergency.

Council does have a responsibility to ensure a balance between community safety along with all other areas of responsibility.

The development of guidelines and polices will further enhance this and tonight Council will consider the development of guidelines for scavenging and salvaging at Councils waste facilities and planting vegetation on roads.

### **Question 11 - Tammi and Stuart Jones**

Can you please explain the authority by which Council officers have been enforcing compliance with Local Law No. 2 given that it expired on 19 November 2019, and further, does Council believe it is good governance to commence enforcing parts of a law which had not previously been enforced in the 10 years of the law's existence (such as salvaging from the tip) during a period of review, especially given the strong community sentiments around proposed amendments or enforcement?

### **Response: Mayor Licia Kokocinski**

Since the expiration of the Local Law on 17 November 2019, no enforcement has been undertaken. Council's Authorised Officers have other powers under State Legislation, including the *Impounding Livestock Act 1994*, *Domestic Animals Act 1994* and *Environmental Protection Act 1970*. The management of the transfer station has been brought in line with Council's requirements under Work safe Legislation to ensure a safe workplace for our staff and visitors.

Council has continued to receive complaints from the community in areas such as

- Excess animals
- Unsightly land
- Vehicle repair
- Outdoor eating
- Obstructions (sea container on road)
- Camping on Council and private land

and at present have not able to action these complaints.

**Question 12 - Peter Tyndall**

Why, despite my submission to council about the following draft terms, have you made no alteration to LL2 4.3 Dangerous or unsightly land in which you employ the subjective and loop-hole terminology “unsightly”, “detriment to the appearance”, “visually repugnant” and “detriment to the general amenity”?

**Response: Mayor Licia Kokocinski**

Council considered all submissions that were received during the Section 223 process.

The term unsightly is subjective to allow officers the discretion to consider if any complaints are valid. Unsightly land in the expired local law was also subjective and historically, officers used discretion to consider if any complaints were valid.

**Question 13 - Peter Tyndall**

Following upon my forwarding to each of you last week a Radio National discussion about deliberative democracy and citizen juries, and the statement by Iain Walker “Obviously, I’m in a world of trouble if I say where it is, but somewhere in Victoria in the next couple of months you are going to see a change to the way our local decisions are made. We’ve got the support of a wonderful council and executive team”, I ask tonight : Is that wonderful council and executive team the Hepburn Shire Council?

**Response: Mayor Licia Kokocinski**

Extensive community engagement process was undertaken and included:

- Invitation for online survey / feedback form
- Community Drop in session in April 2019
- 2 x public Notices in The Advocate
- 3 x Council Community News page articles
- Shire news – Autumn 2019 edition and Summer 2019/20 edition
- Community Drop in sessions in December 2019

Council does believe our community engagement process has been comprehensive.

**Question 14 - Rod Kirby**

Could The newly appointed mayor please explain exactly what was meant by her comment in "The Advocate" prior to Christmas last year where she stated she was going to make it her mission to embed new "contemporary" local laws and on whose behalf is she doing this? Why should I, as a locally born and bred person recognise any authority claimed by those who are bringing in and enforcing the new "Local Laws" given that most of the architects of Local Law No 2 are from Melbourne or further a filed as in U.N "Agenda 21" The true source of Local Law No 2?

**Response: Mayor Licia Kokocinski**

Part 5 of the *Local Government Act 1989* gives Local Government the ability to create, administer and enforce Local Laws relevant to the municipality.

**Question 15 - Danny Kinnear**

How can there be uniform and fair administration of this local law without the right to appeal an officer's decision?

**Response: Mayor Licia Kokocinski**

Under Section 5, Cl 5.1.6 of the Proposed Local Law 2, there is an appeal mechanism for appealing a decision to refuse a permit.

With regards to appealing an infringement, these appeals are managed through the *Infringements Act 2006* and is not considered necessary to be specifically referenced in the Local Law.

**Question 16 - Sue Hauck**

**Q1.** What are, if any, the set, written guidelines/requirements in place, to ensure success in applying for and gaining a permit to extend beyond the minimum time for caravans, camping, tiny houses/etc?

**Q2.** If there are no existing guidelines, will they be developed utilising a public, community consultation process?

**Response: Mayor Licia Kokocinski**

**Q1**

Council officers will consider any application received for this purpose.

In determining on the permit application, consideration will be given to hardship, extenuating circumstances including emergency accommodation

needs, building and health regulations and support options through other agencies such as DHHS.

**Q2**

Council will consider this evening the development of two policy / guidelines to support the draft local law 2, being the development of guidelines for scavenging and salvaging at Council's waste facilities and planting vegetation on roads.

Consideration of future policy and guideline needs will be considered at a later stage.

**Question 17 - Nikki Marshall**

The right to appeal is vital. It ensures where an error of law or fact has occurred there exists the means to correct it. Will Hepburn Shire include the right to appeal in all local laws #2?

**Response: Mayor Licia Kokocinski**

Under Section 5, Cl 5.1.6 of the draft Local Law 2, there is an appeal mechanism for appealing a decision to refuse a permit.

With regards to appealing an infringement, these appeals are managed through the *Infringements Act 2006* and is not considered necessary to be specifically referenced in the Local Law.

**Question 18 - Natarsha Morgan**

The Local Laws 2 preamble asserts that "the Hepburn Shire is becoming a part of Melbourne's peri-urban fringe and this impacts how public spaces can be enjoyed".

On what basis does Council make this assertion and how does council quantify 'becoming'?

What work has been done by Hepburn Shire Council to understand and articulate the character, diversity and socio-economic demographics of the shire's constituents and visitors with regard to determining the opportunities for how "public spaces can be enjoyed"?

**Response: Mayor Licia Kokocinski**

Council geographic location means we share boundaries with peri urban Councils. In addition, The State of Victoria's planning framework such as 'Plan Melbourne' references part of Hepburn Shire as peri urban currently.

Council is also undertaking a review of our Planning Scheme which we anticipate including the development of local policies to protect our local character.

**Question 19 - Lucy Nairn**

**Q1.** I am a flower farmer, and last year in collaboration with the Daylesford Macedon Tourism Board a group of us published a flower trail map, to promote farmgate sales, roadside stalls and attract visitors to our region. This trail has been encouraged and promoted by DMTB, including via an article in the Daylesford Macedon Life Spring newspaper insert. A quick skim of the current Autumn issue found at least three mentions of roadside stalls, encouraging visitors to purchase fresh, seasonal produce from them. For example, talking about the potato season "...the roadside stalls pop up, little sheds with an honesty box where visitors can buy a bag of freshly dug spuds for a few bucks".

Roadside stalls are an integral part of our region's charm, attract visitors, and provide a simple and charming way for farmers and makers to sell their products to locals and tourists alike. Requiring a permit, whether free or not, actively discourages this practice.

Why are Hepburn Shire actively discouraging something that the DMTB have identified as a tourist drawcard?

**Q2.** In relation to my question above, and assuming that the answer will be to do with safety and liability, can Council please provide examples where roadside stalls have caused injury to people or property?

**Response: Mayor Licia Kokocinski**

**Q1**

Council encourages the use of roadside stalls to promote farmgate sales and agrees these are a part of our regions charm. In encouraging these we are wanting to ensure community safety is optimised. Importantly these are permitted without a permit inside the property line however if they are to be located on a road reservation a permit will be required.

**Q2**

The permit process is designed to ensure safety for all road users. The draft Local Law 2 is consistent in its intent with the previous Local Law 2.

Council does not have a record of current examples.

**Question 20 - Dennis Trehella**

Noting that Hepburn Shire Council is the Committee of Management for 66 High Street Trentham, and that the asphalt path along the western side of the Mechanics Hall is apparently an escape route from the Hall, please confirm Council's strategy for keeping that pathway clear of fallen leaves, branches and other hazards.

**Response: Mayor Licia Kokocinski**

As Committee of Management Council has responsibility to ensure egress is appropriate. We will refer this to our facilities team for investigation.

**Question 21 - Michael Marold**

**Q1.** Mt Lady Franklin, next to Mt Franklin. Why were there houses allowed to be built on and next to our icons.

**Q2.** Why restrict hens to 20 on large farms and 10 emus.

**Response: Mayor Licia Kokocinski**

**Q1**

Land surrounding Mount Franklin is zoned farming with the vast majority of properties being greater than 20ha in area.

In this area of the Municipality, a dwelling on a parcel of land greater than 20ha is an as of right use and planning considerations are largely restricted to considerations regarding the appropriate disposal of wastewater in accordance with the relevant EPA guidelines.

**Q2**

The numbers proposed in the draft Local Law 2 are considered appropriate for the property size, amenity and animal welfare.

The number of Hens (Poultry) on large farms is listed as unrestricted without a permit as per CI 3.1.1 under the draft Local Law 2.

### 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.

## 11. STATUTORY PLANNING REPORTS

### 11.1. PA 2504 – MULTI LOT SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION AT 17 SMITH 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.*

#### PURPOSE

The purpose of this report is for Council to consider an application for the subdivision of the land at 17 Smith Street, Daylesford into 53 lots.

#### BACKGROUND

##### *Site and Surrounds*

The site is a 4.8ha parcel of land located within the eastern most portion of the township of Daylesford.

The site is irregular in shape with a 15.24m wide access to Smith Street to west of the site that then opens to the widest portion of the site being a 380m x 300m section that slopes primarily from north to south.

The remaining portion of the site is approximately 100m x 200m and slopes from west to east.

The site contains an existing dwelling and several trees, both native and exotic.

##### *Proposal*

The application proposes to subdivide the land into 53 lots and remove vegetation from the site.

The 53 lots range from 512m<sup>2</sup> through to 979m<sup>2</sup>, with an average lot size of 671m<sup>2</sup>.

A drainage basin is located within the north eastern corner of the site being the lowest portion of the site.

The subdivision proposes a single access from Smith Street but has included provision for a future connection through a separate parcel of land that gains

access from Raglan Street. 16m road reserves are provided throughout the majority of the development with some smaller accesses proposed to cul de sac streets.

Vegetation in the form of some remnant native vegetation and other dispersed exotic vegetation is proposed/required to be removed as part of the application.

### ISSUE/DISCUSSION

#### *Relevant Planning Provisions*

Zoning:	General Residential Zone	
Overlays:	Environmental Significance Overlay Schedule 1 and 2	
Provisions	Clause 53.01 – Public Open Space Contribution and Subdivision Clause 56 – Residential Subdivision	
Relevant Provisions of the PPF	Clause 11.01-1S Settlement Clause 11.02-1S Supply of urban land Clause 14.02-1S Catchment planning and management Clause 14.02-2S Water quality Clause 15.01-3S Subdivision design Clause 15.01-5S Neighbourhood character Clause 15.03-1S Heritage conservation Clause 16.01-01S Integrated housing Clause 16.01-2S Location of residential development Clause 16.01-4S Housing affordability Clause 21.05 Settlement and Housing Clause 21.09 Environment and Heritage Clause 22.01 Catchment and Land Protection Clause 22.02 Mineral Springs Protection Clause 22.08 Daylesford Neighbourhood Character	
Under what clause(s) is a permit required?	Clause 32.08-3 (GRZ)	Subdivision
	Clause 42.01-2 (ESO2)	Subdivision

Objections ?	102
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*Zoning and response to policy direction*

The relevant policies of the State and Local Planning Policy Frameworks seek to ensure land that is suitable for urban development is appropriately utilised for such a purpose. These policies also seek to ensure that such development, including subdivisions, are designed having regard to the natural features of a site and the existing character of an area, and that new subdivisions can be appropriately serviced with infrastructure.

The site is located within the urban growth boundary of the township of Daylesford and relevant state and local policy in relation to residential development is to create and reinforce settlement boundaries (11.01-1S) and specifically to Daylesford, ‘...limit outward growth of Daylesford to minimise environmental impacts and exposure to natural hazards.’ (11.01-1R) where there is access to relevant services and transport options.

The proposed subdivision will provide a lot layout that matches the surrounding subdivision pattern in an established residential area that has proximity to the services and facilities available in Daylesford. Subject to conditions imposed, it is considered the subdivision will not adversely affect the amenity of the area. The proposed subdivision layout will provide an appropriate balance between providing an increase in available residential land within the township and allowing for development to occur that will be in-keeping with the existing and preferred character of the neighbourhood.

While no development is proposed as part of this application it is considered that the proposed subdivision will allow for any future development on the site to occur in line with the above objectives. Lots immediately to the west of the site that front Smith Street are effectively the same as the lots proposed as part of this subdivision (560m<sup>2</sup> to 722m<sup>2</sup>) and it is expected these proposed lots will develop in a similar fashion with single dwellings and ample landscaping.

*Subdivision design and site response*

The site is an irregular shaped block that is also complete with significant undulations across the breadth of the site that creates challenges in efficiently developing the site for its intended purpose.

From an access perspective, there is only a single entry and exit point to the site. This is a result of the subdivision that created the lot in 1971 along with the properties known as 7-27 Smith Street. As noted earlier, the subdivision has been designed with a provision for a future connection to Raglan Street through an adjoining lot within the south eastern portion of the site.

To enable the efficient use of the site for residential purposes as is expected for the site, a road connection through the east-west spine of the site is the only efficient way to provide access to future lots and with the portion of the site to the south west being too wide for a single cul de sac road, a loop road must be

provided. It is on this basis that the subdivision design is considered one of the more logical arrangements for the site. This is coupled with the standard of Clause 56 that seeks to ensure that lots are predominantly arranged in a largely north-south direction or east west direction (see Standard C9 of attached Clause 56 Assessment) to enable maximum solar capture for future dwellings.

The road network however does propose a small north-south walking path as opposed to a road reserve. The applicant has suggested that this is proposed to increase walkability and amenity for future residents. The result however would not allow service vehicles (eg waste disposal vehicles) to traverse in a forward direction within this area. It is considered that residential amenity will be vastly improved with a road connection through this area that is coupled with appropriate street tree planting. Footpath connections will continue through the road reserve and waste disposal vehicles will then be able to efficiently traverse through this area which is a vastly improved design outcome. A condition is recommended for any permit issued to require this change.

It is noted that land to the south east of the site that is bounded by Raglan Street and the Midland Highway is also zoned General Residential and is expected to be developed in the future.

The site also slopes from a central location on the site to the eastern boundary of the site and also to the southern boundary of the site. Lots have been arranged to enable as many lots as possible to be arranged perpendicular to these slopes which will ensure that the future development of these lots will be able to occur with less site disruption through the cut and fill required to provide a developable block. Concern is raised however with a number of lots (especially lots 41 through 46) where significant fall occurs in parallel with the long axis of the lots. A condition is recommended to be included on any permit issued to require plans be submitted to determine the design and require the future construction of retaining walls prior to the lots being titled.

The slopes throughout the site also pose difficulties to drain stormwater due to the land sloping in 3 directions from the centre of the site. The application was submitted with a stormwater strategy report that provided some initial plans for how stormwater can be appropriately discharged from the site once development however a more detailed plan will be required to be formulated, especially to determine how stormwater from the southern portion of the site can be directed to the low point of the site being the north eastern corner of the site.

#### *Vegetation Removal*

A permit is required to remove vegetation unless exempt by the planning scheme. Several exemptions exist including the removal of planted vegetation and the removal of vegetation within 10m of an existing dwelling and any vegetation for a combined maximum width of 4 metres either side of an existing fence on a boundary between properties in different ownership that was constructed before 10 September 2009.

Most of the vegetation to be removed meet one of these exemptions and therefore doesn't require planning approval for its removal.

The application was submitted with an arborist report that surveyed every tree on the site, noted its species, health and attributed a retention value. The trees on the site are predominantly located along the driveway that traverses to the existing dwelling on the site and also surrounding the dwelling. The trees along the driveway are all planted in a straight line suggesting that they are planted and not remnant examples and the trees surrounding the dwelling would also appear to be planted and associated with the existing dwelling on the site.

Other trees on the site are located along the boundaries of the site and would therefore also be exempt. 2 significant Manna Gums are located within an area approximately 100m to the east of the existing dwelling.

Clause 52.17 of the Scheme seek to ensure that there will be no net loss to biodiversity as a result of the removal of native vegetation through avoiding, minimising or offsetting native vegetation. The 2 Manna Gums have been identified as having poor and hazardous structures, fair health but have had numerous previous limb failures and are not worthy of retention within a residential setting as proposed as a consequence of the significant tree protection zones the trees possess, the expected excavations that will be required surrounding the trees and in the case of one of the trees, a relatively limited safe usable life expectancy.

In this instance it is agreed that the most appropriate outcome for the trees would be for the Manna Gums to be removed. A permit is required for the removal of these trees and the trees would be required to be offset in accordance with the requirements of Clause 52.17 of the Scheme. A condition will be included on any permit issued to require such offset.

Despite a permit not being required to remove any other vegetation it is noted that a significant Oak tree is located at the entrance to the site. The tree has significant residential amenity and the applicant has identified their desire to retain the tree if possible. This would require a detailed engineering design to be developed that would be coupled with the input of an arborist to determine how an appropriate access can be provided to the site. Such access would need to be satisfactory with regards to road safety and emergency access in addition to the access being designed to enable the continued health of the tree that has had a largely uninterrupted life since the land was subdivided to the north and south in the 1970s. A condition will be included on any permit issued to require such a design be provided to the satisfaction of Council.

*Adherence to ResCode – Clause 56*

The development complies with all the objectives and the standards of Clause 56 of the Hepburn Planning Scheme.

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

*Environmental Impact*

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

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

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

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

**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**

N/A

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

N/A

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

- Too many lots.
- Block sizes are too small
- Change in overall character of the township of Daylesford
- Traffic increases/congestion
- Single entrance and exit.
- Removal of oak tree at Smith Street entrance
- Existing dwelling has heritage significance and should be retained
- Removal of native vegetation

- Not supporting low cost housing
- Lack of small lots/small housing
- No proposed restrictions on future dwelling design
- Lack of public open space
- Emergency Access and Fire Emergency Issues

In response to these matters the following comments are provided.

*Too many lots/change in character of Daylesford*

The site is zoned General Residential that includes the purposes ‘...to encourage development that respects the neighbourhood character of the area’ and ‘to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.’

The site is provided with all relevant services and is located close to transport routes through the township. There will be some intersection upgrades required to ensure that access to Smith Street can be achieved in a safe and efficient manner however this is not an insurmountable exercise. The lot sizes that are proposed closely match those of the existing lots fronting Smith Street that were created as part of the original subdivision that created this ‘balance lot’ proposed to be subdivided as part of this application. These lots along Smith Street are provided with average sized dwellings located amongst established gardens that are reflective of the character of Daylesford. It is not expected that the lots proposed as part of this application will be developed differently to the lots along Smith Street have been developed. It is on this basis that the proposed subdivision has been designed and will allow development to occur in the future that will complement the existing and preferred character of Daylesford.

It is noted however, that the site is not affected by a Neighbourhood Character Overlay and is not located within an area (except of approximately 40m of the entrance to Smith Street) that is specifically referenced in Clause 22.08 (Daylesford Neighbourhood Character) of the Scheme. The more generic residential development policies such as Clauses 11 (Settlement), 15 (Built Environment and Heritage), 16 (Housing) and 21.05 (Settlement and Housing) must be relied on when considering relevant character policy.

*Block sizes are too small*

As above, the block sizes are commensurate to other lots present on Smith Street and have been designed to allow average sized dwellings to be

established on lots with large gardens as is the existing and preferred neighbourhood character of the area.

*Traffic increases/congestion/single entrance-exit*

The street proposed as part of the application is designed to cater for between 2000 and 3000 vehicle movements per day. Anecdotally, a dwelling can generate on average around 10 vehicle movements per day (vim) which would equate up to 530 vmd. The proposed road can cater for the traffic generated. Smith Street provides a generous road width that can cater for any additional vehicle movement generated by the subdivision in addition to the existing traffic generated by the school and residents. The application was referred to Council's engineering department who provided their consent to the application subject to conditions. One such condition required a pedestrian and traffic audit that would be required to demonstrate how the intersection of the proposed road and Smith Street can be designed to provide safe vehicular and pedestrian movements in accordance with relevant safety standards.

*Removal of oak tree at Smith Street entrance/removal of vegetation*

There is currently no permit required to remove the oak tree however it is agreed that the tree is significant, and should an engineering outcome exist that would enable the tree to be saved and traffic able to enter and exit the site while still enabling the safe passage of traffic along Smith Street, such an outcome is appropriate. Conditions will be included on any permit to require such.

Where the subdivision of land creates lots that are less than 4000m<sup>2</sup> in area, planning regulations in relation to the removal of native vegetation identify that this vegetation must be considered lost, and consequently a permit is triggered for its removal and the vegetation must be offset. The applicant has identified that the subdivision boundaries have been placed in locations that will hopefully enable future owners to retain the trees within back or front yards and still build a dwelling. It is noted however, that through the construction phase of a new subdivision significant excavation will occur impacting severely on tree health. The arborist report submitted with the application identified that the 2 Manna Gums on the site have been identified as having poor and hazardous structures, fair health but have had numerous previous limb failures and are not worthy of retention within a residential setting. This was due to the significant tree protection zones the trees possess, the expected excavations that will be required surrounding the trees and in the case of one of the trees, a relatively limited safe usable life expectancy

*Existing dwelling has heritage value*

The subdivision has been designed in such a manner that subject to several of the lots being consolidated, a lot can be created to surround the existing dwelling on the site. This is a good outcome for the site and a condition will be included on any permit issued to require this to occur.

*Emergency Access and Fire Emergency Issues*

The application was referred to both the Country Fire Authority and Councils Engineering Department who did not object to the application subject to conditions included on any permit issued relating to the provision of fire hydrants at appropriate intervals and roads being constructed according to the relevant standards

*Lack of small lots/affordable housing*

Many objections identify that the subdivision as it is proposed does not respect the existing preferred character of the township of Daylesford. The provision of additional smaller more affordable lots will increase the density of the subdivision and create lots that will be more difficult or be unable to be developed without connected built form and only low levels of vegetation. It has been suggested that an 'eco village' type development should be proposed as a more sustainable and affordable development. While such an application may have merit, the application as proposed must be considered against relevant provisions of the Scheme.

*No restrictions on future dwelling types*

There are no planning controls that seek to limit or restrict the type or design of dwellings on any future lot. The establishment of such restrictions often have the ramifications on the cost of building future dwellings on the site and discourage affordable housing and add a further layer of approval where it is not considered necessary.

*Lack of open space*

The site is located on the eastern edge of the township of Daylesford in a location that is located approximately 500m from the Wombat Hill Botanical Gardens. The Hepburn Recreation and Open Space Strategy 2016-2021 identified that throughout consultation activities associated with the formation of the policy that improvements to walking trails and the provision addition play spaces were sought. The provision of a monetary open space contribution as required by Clause 53.01 is the best way to address and improve any open space deficiencies identified within Councils Open Space Strategy.

## CONCLUSION

The application proposes the subdivision of the parcel of land that has been zoned to provide for the use of the land for residential purposes. The lots have been designed to complement the existing and preferred character of the area. Based on the above the development is considered acceptable and warrants Councils support.

## OFFICER'S RECOMMENDATION

That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a Notice of Decision to Grant a Planning Permit PA 2504 for a multi lot subdivision and the removal of native vegetation in respect of the land known as 17 Smith Street, Daylesford, subject to the following conditions:

### *Amended Plans Required (Condition 1)*

- 1) Before the Certification of the Plan of Subdivision under the *Subdivision Act* 1988, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
  - a) The consolidation of lots 26, 27 and 28 to enable the retention of the existing dwelling on the site.
  - b) The provision of an intersection and road design that includes the retention of the existing oak tree on the site.
  - c) The provision of a report from a suitably qualified arborist that confirms that the intersection and road design identified in item 1b) will enable the retention of and ensure the ongoing life of the existing oak tree at the entrance to the site.
  - d) The provision of a cul de sac at the at the end of the proposed road within the south easter corner of the site (adjoining lots 36-39)

- e) Identification of the provision of retaining walls along the boundaries of proposed lots 41-45.
- f) Extension to road reserve between lots 16 and 17 through to the northernmost road between lots 23 and 27.

Alternatively,

The provision of a cul de sac at the end of the road within the southern portion of the site (adjoining lots 14-17) and a waste management plan that demonstrates how waste can be adequately managed for lots where a 16m road reserve is not provided.

- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.

*Vegetation Offsets*

- 7) Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
- 8) To offset the removal of 2 large trees and 0.107 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below: Select General offset, Species offset or both as detailed in the NVR report. Large tree requirement can be met across any offset type
  - a) A general offset of 0.041 general habitat units:
  - b) Be located within the North Central Catchment Management Authority boundary or Hepburn Shire Council area.
  - c) Have a strategic biodiversity score of at least 0.150
- 9) Before the issue of the Statement of Compliance, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
  - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
  - c) Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
- 10) In the event that a security agreement is entered into as per condition 9, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

*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 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 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.
- 13) Construction Management
- 14) Before the development starts, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan will then be endorsed and form part of the planning permit. The Construction Management Plan must include details of:
- a) traffic management,
  - b) environmental issues,
  - c) dust control,
  - d) soil erosion,
  - e) mud on roads,
  - f) warning signs,
  - g) construction plant movement areas, and
  - h) storage areas.

Engineering requirements

*Stormwater Drainage*

15) Before the issue of a statement of compliance under the *Subdivision Act 1988*, 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.

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.

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 520.

17) Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.

18) Prior to certification, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater.

19) Drainage easements shall be created in accordance with the existing underground drainage infrastructure 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.

The Owner and the Responsible Authority shall agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant Section 181 of the Planning and Environment Act 1987.

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) Prior to the certification of the subdivision under the *Subdivision Act 1988*, the permit holder must prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.

23) Where stormwater detention is proposed on public land, including road reserve, the detention system shall be designed in such a way as to minimise the ongoing maintenance costs and maximise the public benefit of the area. No area used for stormwater detention shall be considered for the purposes of public open space.

24) 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-bpem>

*New Intersection and Road Creation*

- 25) All Roads and drainage designs and constructions shall be based on sound engineering practice following the general principles of The Planning Scheme, the Austroads Guidelines, the Co-ordination of Streetworks Code of Practice, Relevant Australian Standards, VicRoads Road Design Guidelines, Infrastructure Design Manual [IDM] and to the satisfaction of Responsible Authority.
- 26) Professionally prepared plans are to be submitted to the Responsible Authority for approval prior to construction.
- 27) Prior to the certification of the subdivision under the *Subdivision Act 1988*, a Traffic and Pedestrian Impact study shall be conducted for the new intersection and the corner of Smith Street and Raglan Street to the satisfaction of the Responsible Authority.
- 28) Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, any recommended works identified within the Traffic and Pedestrian Impact study must be designed, submitted and constructed to the satisfaction of the responsible authority unless otherwise agree in writing by the responsible authority.
- 29) New roads shall include provisions for traffic calming in accordance with section 12.6 of IDM and to the satisfaction of the responsible authority.
- 30) All internal roads within the development shall be in accordance with 'Table 2 - Urban Road/ Street Characteristics' of IDM.
- 31) Minimum width of the road reserve shall be in accordance with 'Table 2 - Urban Road/ Street Characteristics' of IDM.
- 32) The road pavement at a minimum, shall include
  - a) 200mm compacted depth class 3, 20mm FCR sub base and 100mm compacted depth class 2, 20mm FCR base pavement.
  - b) 2 coat spray seal, 10mm primer seal/7mm rubberised final seal, or 40mm Type H, 10mm asphalt
  - c) Kerb and channel
  - d) 1.5m wide concrete footpaths
  - e) Court Bowls must have a minimum radius of 12.5m
- 33) All no through traffic roads must terminate with a court bowl

- 34) The Supervising Consulting Engineer shall provide to Council a report of hold points and inspections for the construction and verification that the roads and drains have been designed and constructed in compliance with the above standards, by providing a list verifying the results of all tests undertaken and corresponding results. The minimum tests required to be provided to the Responsible Authority are:
- a) Road Sub-grade (Proof Roll)
  - b) Pavement sub-base and base (density test and proof roll)
  - c) Pavement prior to sealing or asphalt application
  - d) Drainage trench and bedding
  - e) Drainage infrastructure prior to backfill
  - f) Drainage pits

*Access*

Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.

- 35) 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) 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.

36) 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.

*Access and Mobility*

37) All footpaths shall be designed and constructed in accordance with the relevant Australian Standards, Infrastructure Design Manual [IDM] and to the satisfaction of the Responsible Authority.

38) Minimum width of the footpaths shall be 1.5m and are to be constructed in accordance with IDM Standard Drawings SD 205- Typical Footpath Detail.

39) Footpaths shall be provided along one side of newly created roads within the development site and connect to the existing Council footpath network to the satisfaction of Responsible Authority.

40) Before the issue of a Statement of Compliance under the *Subdivision Act* 1988, vehicle access/crossings to all lots are to be located and constructed and maintained to the satisfaction of the Responsible Authority.

Landscaping and Road Reserves

41) Before the plan of subdivision is certified under the *Subdivision Act* 1988, a landscaping plan for road reserves 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. This plans must comply with the Code of Practice for Management of Infrastructure in Road Reserves and shall provide following information:

- a) Plant selection, layout and planting density
- b) Landscaping design intent

42) Street tree planting shall be designed to meet approximately 40% canopy coverage of new roads and must be selected and planted by a qualified horticulturist / arborist.

43) Any existing significant trees intended to remain must be bonded for a period of 24 months.

44) Before the issue of a Statement of Compliance under the *Subdivision Act* 1988, or by any later date that is approved in writing by the Responsible Authority, the landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.

45) The landscaping is to be maintained for a period of 24 months from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

Boundary Lines

46) Where a lot has significant cross fall (e.g. lots 41-45), retaining walls and associated cut and fill shall be constructed along the lot boundary line including provisions for boundary fencing to the satisfaction of the responsible authority prior to the issue of a statement of compliance under the *Subdivision Act 1988*.

47) All structural retaining walls shall have an engineering design and approval

48) Existing adjacent property boundaries that will adjoin new road reserves shall have fences replaced with a quality sound reduction product with a minimum height of 2.1m to the satisfaction of the Responsible Authority.

Linemarking and Signage

49) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, appropriate signage and linemarking throughout the development shall be provided to the satisfaction of the responsible authority

Street lighting

50) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, energy efficient LED street lighting shall be provided in accordance with the current issue of Australian standard AS/ANZ 1158 – Lighting for Roads and Public Spaces and to the satisfaction of the Responsible Authority.

51) New lighting must be located outside the clear zones and meet the standards for category P lighting.

Development Standard

52) Prior to Statement of Compliance it is the responsibility of the development to meet the relevant requirements and standards as set out in the IDM (Infrastructure Design Manual, version 5.20) to the satisfaction of the responsible authority.

Prior to Construction

53) Before the plan of subdivision is certified under the *Subdivision Act 1988* or any works start, the following items must be satisfied.

a) Approval of the constructions plans by the Responsible Authority

- b) a pre-construction meeting shall be held with the Responsible Authority, the Contractor and the Developer/Developer's Consultant Engineer to discuss and agree on hold point inspections, roadside management, traffic management and any other construction related matters.

#### Completion of Construction Works

- 54) Before the issue of a Statement of Compliance under the *Subdivision Act* 1988, the developer must construct and complete road works, drainage and other civil works in accordance with endorsed plans and specifications approved by the Responsible Authority and in accordance with Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:
  - i) street and drainage in accordance with the approved construction drawings
  - ii) road reserve landscaping in accordance with the approved landscape plans
  - iii) construction of footpaths
  - iv) underground drainage
  - v) intersection and traffic control/mitigation measures
  - vi) street lighting
  - vii) signage and linemarking; and
  - viii) high stability permanent survey marks
  - ix) Lot access

#### As Constructed Plans

- 55) Before the issue of a Statement of Compliance under the *Subdivision Act* 1988 the Developer must provide as-constructed plans for all infrastructure created by this development and vested to the ownership and control of the Responsible Authority. Such plans shall be prepared by a registered surveyor and/or qualified Engineer and endorsed by the Developer's Consultant Engineer and the Contractor.
- 56) As-Constructed plans shall include:
  - a) An asset statement of each street including costs
  - b) as constructed' information for the entire work in each development stage detailing information as listed in the Infrastructure Design Manual

Information must be presented in pdf. and dwg. formats, unless otherwise agreed in writing by the Responsible Authority.

*Defects Maintenance and Bond*

- 57) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the developer must enter into an agreement with the Responsible Authority regarding responsibilities for maintenance and correction of defects of all infrastructure works. Agreement must include the defects liability period, the amount of bond and on how the date of practical completion occurs.
- 58) Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the developer must provide the Responsible Authority with a maintenance bond(s) of \$5,000 or 5% of the total cost of infrastructure, whichever is greater.
- The bond(s) shall be an unconditional bank guarantee or cash for the predetermined amount. The Responsible Authority will hold the bond(s) until any and all defects notified to the developer before and/or during the liability period have been made good to the satisfaction of the Responsible Authority. A request must be made to the Responsible Authority for the release of maintenance bond(s) after the defects maintenance period.
- 59) The Defects Liability Period for civil works shall be 12 months from the date of practical completion.
- 60) The Defects Liability Period for landscaping shall be 24 months from the date of acceptance at a minimum bond of \$400 per tree.
- 61) 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
- 62) All costs incurred in complying with the above conditions shall be borne by the permit holder.

Central Highlands Water Conditions

- 63) 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.
- 64) 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.
- 65) 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.
- 66) 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.
- 67) If required the owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements may be required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.
- 68) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Goulburn Murray Water Conditions

- 69) All works within the subdivision must be done in accordance with EPA Publication 960 *“Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”*, September 2004.
- 70) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

71) 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

*Hydrants*

- 72) 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*

- 73) 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

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

76) 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

77) The application shall, when required by the Distributor, set aside areas within the subdivision for the purposes of establishing a substation or substations.

78) The applicant shall establish easement on the subdivision, for all existing Distributor electric lines where easement have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning of existing easements.

Permit expiry

79) 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](http://www.cfa.vic.gov.au))

**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 2504 for a multi lot subdivision and the removal of native vegetation in respect of the land known as 17 Smith Street, Daylesford, subject to the following conditions:

*Amended Plans Required (Condition 1)*

- 1) Before the Certification of the Plan of Subdivision under the *Subdivision Act* 1988, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
  - A) The consolidation of lots 26, 27 and 28 to enable the retention of the existing dwelling on the site.
  - B) The provision of an intersection and road design that includes the retention of the existing oak tree on the site.
  - C) The provision of a report from a suitably qualified arborist that confirms that the intersection and road design identified in item 1b) will enable the retention of and ensure the ongoing life of the existing oak tree at the entrance to the site.
  - D) The provision of a cul de sac at the at the end of the proposed road within the south easter corner of the site (adjoining lots 36-39)
  - E) Identification of the provision of retaining walls along the boundaries of proposed lots 41-45.
  - F) Extension to road reserve between lots 16 and 17 through to the northernmost road between lots 23 and 27.

Alternatively, the provision of a cul de sac at the end of the road within the southern portion of the site (adjoining lots 14-17) and a waste management plan that demonstrates how waste can be adequately managed for lots where a 16m road reserve is not provided.

- 2) 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.

- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.

*Vegetation Offsets*

- 7) Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
- 8) To offset the removal of 2 large trees and 0.107 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:  
Select General offset, Species offset or both as detailed in the NVR report. Large tree requirement can be met across any offset type
  - A) A general offset of 0.041 general habitat units:
  - B) Be located within the North Central Catchment Management Authority boundary or Hepburn Shire Council area.
  - C) Have a strategic biodiversity score of at least 0.150
- 9) Before the issue of the Statement of Compliance, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
  - A) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
  - B) credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this

permit.

- C) Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
- 10) In the event that a security agreement is entered into as per condition 9, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

*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 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 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) 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.

13) Construction Management

14) Before the development starts, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan will then be endorsed and form part of the planning permit. The Construction Management Plan must include details of:

- A) traffic management,
- B) environmental issues,
- C) dust control,
- D) soil erosion,
- E) mud on roads,
- F) warning signs,
- G) construction plant movement areas, and
- H) storage areas.

Engineering requirements

*Stormwater Drainage*

15) Before the issue of a statement of compliance under the Subdivision Act 1988, 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. 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.

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 520.

- 17) Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.
- 18) Prior to certification, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater.
- 19) Drainage easements shall be created in accordance with the existing underground drainage infrastructure 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 and the Responsible Authority shall agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant Section 181 of the Planning and Environment Act 1987.
- 22) 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.
- 23) Prior to the certification of the subdivision under the Subdivision Act 1988, the permit holder must prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.

24) 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>

*New Intersection and Road Creation*

- 25) All Roads and drainage designs and constructions shall be based on sound engineering practice following the general principles of The Planning Scheme, the Austroads Guidelines, the Co-ordination of Streetworks Code of Practice, Relevant Australian Standards, VicRoads Road Design Guidelines, Infrastructure Design Manual [IDM] and to the satisfaction of Responsible Authority.
- 26) Professionally prepared plans are to be submitted to the Responsible Authority for approval prior to construction.
- 27) Prior to the certification of the subdivision under the Subdivision Act 1988, a Traffic and Pedestrian Impact study shall be conducted for the new intersection and the corner of Smith Street and Raglan Street to the satisfaction of the Responsible Authority.
- 28) Prior to the issue of Statement of Compliance under the Subdivision Act 1988, any recommended works identified within the Traffic and Pedestrian Impact study must be designed, submitted and constructed to the satisfaction of the responsible authority unless otherwise agree in writing by the responsible authority.
- 29) New roads shall include provisions for traffic calming in accordance with section 12.6 of IDM and to the satisfaction of the responsible authority.
- 30) All internal roads within the development shall be in accordance with 'Table 2 - Urban Road/ Street Characteristics' of IDM.
- 31) Minimum width of the road reserve shall be in accordance with 'Table 2 - Urban Road/ Street Characteristics' of IDM.

32) The road pavement at a minimum, shall include

- A) 200mm compacted depth class 3, 20mm FCR sub base and 100mm compacted depth class 2, 20mm FCR base pavement.
- B) 2 coat spray seal, 10mm primer seal/7mm rubberised final seal, or 40mm Type H, 10mm asphalt
- C) Kerb and channel
- D) 1.5m wide concrete footpaths
- E) Court Bowls must have a minimum radius of 12.5m

33) All no through traffic roads must terminate with a court bowl

34) The Supervising Consulting Engineer shall provide to Council a report of hold points and inspections for the construction and verification that the roads and drains have been designed and constructed in compliance with the above standards, by providing a list verifying the results of all tests undertaken and corresponding results. The minimum tests required to be provided to the Responsible Authority are:

- A) Road Sub-grade (Proof Roll)
- B) Pavement sub-base and base (density test and proof roll)
- C) Pavement prior to sealing or asphalt application
- D) Drainage trench and bedding
- E) Drainage infrastructure prior to backfill
- F) Drainage pits

#### Access

Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.

35) 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) 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.

36) 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.

*Access and Mobility*

37) All footpaths shall be designed and constructed in accordance with the relevant Australian Standards, Infrastructure Design Manual [IDM] and to the satisfaction of the Responsible Authority.

38) Minimum width of the footpaths shall be 1.5m and are to be constructed in accordance with IDM Standard Drawings SD 205- Typical Footpath Detail.

39) Footpaths shall be provided along one side of newly created roads within the development site and connect to the existing Council footpath network to the satisfaction of Responsible Authority.

40) Before the issue of a Statement of Compliance under the Subdivision Act 1988, vehicle access/crossings to all lots are to be located and constructed and maintained to the satisfaction of the Responsible Authority.

*Landscaping and Road Reserves*

41) Before the plan of subdivision is certified under the Subdivision Act 1988, a landscaping plan for road reserves 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. This plans must comply with the Code of Practice for Management of Infrastructure in Road Reserves and shall provide following information:

- A) Plant selection, layout and planting density
- B) Landscaping design intent

57) Street tree planting shall be designed to meet approximately 40% canopy coverage of new roads and must be selected and planted by a qualified horticulturist / arborist.

- 58) Any existing significant trees intended to remain must be bonded for a period of 24 months.
- 59) Before the issue of a Statement of Compliance under the Subdivision Act 1988, or by any later date that is approved in writing by the Responsible Authority, the landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 60) The landscaping is to be maintained for a period of 24 months from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

*Boundary Lines*

- 61) Where a lot has significant cross fall (e.g. lots 41-45), retaining walls and associated cut and fill shall be constructed along the lot boundary line including provisions for boundary fencing to the satisfaction of the responsible authority prior to the issue of a statement of compliance under the Subdivision Act 1988.
- 62) All structural retaining walls shall have an engineering design and approval
- 63) Existing adjacent property boundaries that will adjoin new road reserves shall have fences replaced with a quality sound reduction product with a minimum height of 2.1m to the satisfaction of the Responsible Authority.

*Linemarking and Signage*

- 64) Before the issue of a Statement of Compliance under the Subdivision Act 1988, appropriate signage and linemarking throughout the development shall be provided to the satisfaction of the responsible authority

*Street lighting*

- 65) Before the issue of a Statement of Compliance under the Subdivision Act 1988, energy efficient LED street lighting shall be provided in accordance with the current issue of Australian standard AS/ANZ 1158 – Lighting for Roads and Public Spaces and to the satisfaction of the Responsible Authority.
- 66) New lighting must be located outside the clear zones and meet the standards for category P lighting.

*Development Standard*

- 67) Prior to Statement of Compliance it is the responsibility of the development to meet the relevant requirements and standards as set out in the IDM (Infrastructure Design Manual, version 5.20) to the satisfaction of the responsible authority.

*Prior to Construction*

68) Before the plan of subdivision is certified under the Subdivision Act 1988 or any works start, the following items must be satisfied.

- A) Approval of the constructions plans by the Responsible Authority
- B) a pre-construction meeting shall be held with the Responsible Authority, the Contractor and the Developer/Developer's Consultant Engineer to discuss and agree on hold point inspections, roadside management, traffic management and any other construction related matters.

69) Before the issue of a Statement of Compliance under the Subdivision Act 1988, the developer must construct and complete road works, drainage and other civil works in accordance with endorsed plans and specifications approved by the Responsible Authority and in accordance with Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:

- i) street and drainage in accordance with the approved construction drawings
- ii) road reserve landscaping in accordance with the approved landscape plans
- iii) construction of footpaths
- iv) underground drainage
- v) intersection and traffic control/mitigation measures
- vi) street lighting
- vii) signage and linemarking; and
- viii) high stability permanent survey marks
- ix) lot access

*As Constructed Plans*

55) Before the issue of a Statement of Compliance under the Subdivision Act 1988 the Developer must provide as-constructed plans for all infrastructure created by this development and vested to the ownership and control of the Responsible Authority. Such plans shall be prepared by a registered surveyor and/or qualified Engineer and endorsed by the Developer's Consultant Engineer and the Contractor.

56) As-Constructed plans shall include:

- A) An asset statement of each street including costs
- B) as constructed' information for the entire work in each development stage detailing information as listed in the Infrastructure Design Manualx)

Defects Maintenance and Bond

57) Before the issue of a Statement of Compliance under the Subdivision Act 1988, the developer must enter into an agreement with the Responsible Authority regarding responsibilities for maintenance and correction of defects of all infrastructure works. Agreement must include the defects liability period, the amount of bond and on how the date of practical completion occurs.

58) Before the issue of a Statement of Compliance under the Subdivision Act 1988, the developer must provide the Responsible Authority with a maintenance bond(s) of \$5,000 or 5% of the total cost of infrastructure, whichever is greater.

The bond(s) shall be an unconditional bank guarantee or cash for the predetermined amount. The Responsible Authority will hold the bond(s) until any and all defects notified to the developer before and/or during the liability period have been made good to the satisfaction of the Responsible Authority. A request must be made to the Responsible Authority for the release of maintenance bond(s) after the defects maintenance period.

59) The Defects Liability Period for civil works shall be 12 months from the date of practical completion.

60) The Defects Liability Period for landscaping shall be 24 months from the date of acceptance at a minimum bond of \$400 per tree.

61) 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

62) All costs incurred in complying with the above conditions shall be borne by the permit holder.

*Central Highlands Water Conditions*

63) 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.

64) 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.

65) 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.

66) 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.

67) If required the owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements may be required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.

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

*Goulburn Murray Water Conditions*

69) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.

70) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

71) 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*

*Hydrants*

72) 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*

73) 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*

74) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

75) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards

- 76) applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules
- 77) The application shall, when required by the Distributor, set aside areas within the subdivision for the purposes of establishing a substation or substations.
- 78) The applicant shall establish easement on the subdivision, for all existing Distributor electric lines where easement have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning of existing easements.
- 79) Permit expiry
- 80) 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.
- 81) 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](http://www.cfa.vic.gov.au))

**Moved:** Cr. Don Henderson

**Seconded:** Cr John Cottrell

**LOST**

**Councillor Don Henderson called a division:**

**Favour:** Cr Don Henderson, Cr John Cottrell, Cr Licia Kokocinski.

**Against:** Cr Kate Redwood, Cr Fiona Robson, Cr Neil Newitt, Cr Greg May.

**The motion was LOST**

RESCODE ASSESSMENT

**Assessment Table – 16-59 Lot Subdivision (Clause 56)**

Refer to Clause 56 of the Planning Scheme for objectives, decision guidelines and a full description of standards.

Neighbourhood Site Description  
56.01

Clause

Title & Objective	
<p><b>Subdivision site and context description</b></p> <p>The site and context description may use a site plan, photographs or other techniques and must accurately describe:</p>	<ul style="list-style-type: none"> <li>• In relation to the site:                             <ul style="list-style-type: none"> <li>○ Site shape, size, dimensions and orientation.</li> <li>○ Levels and contours of the site.</li> <li>○ Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.</li> <li>○ The siting and use of existing buildings and structures.</li> <li>○ Street frontage features such as poles, street trees and kerb crossovers.</li> <li>○ Access points.</li> <li>○ Location of drainage and other utilities.</li> <li>○ Easements.</li> <li>○ Any identified natural or cultural features of the site.</li> <li>○ Significant views to and from the site.</li> <li>○ Noise and odour sources or other external influences.</li> <li>○ Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.</li> <li>○ Any other notable features or characteristics of the site.</li> <li>○ Adjacent uses.</li> <li>○ Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.</li> </ul> </li> <li>• An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:                             <ul style="list-style-type: none"> <li>○ The pattern of subdivision.</li> <li>○ Existing land uses.</li> <li>○ The location and use of existing buildings on adjacent land.</li> <li>○ Abutting street and path widths, materials and detailing.</li> <li>○ The location and type of significant vegetation.</li> </ul> </li> </ul> <p style="text-align: center;">✓ <b>Complies</b></p> <p><b>Comments: -</b> <b>The applicant has supplied a NSD that accurately describes the surrounding area.</b></p>
<p><b>Subdivision design response</b></p> <p>The design response must explain how the proposed design:</p>	<p>Derives from and responds to the site and context description.</p> <ul style="list-style-type: none"> <li>• Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.</li> <li>• Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.</li> <li>• Meets the relevant objectives of Clause 56.</li> </ul> <p>The design response must include a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area.</p> <p>If in the opinion of the responsible authority this requirement is not relevant to the assessment of an application, it may waive or reduce the requirement.</p>

Title & Objective	
	<p>✓ <b>Complies</b></p> <p><b>Comments:</b></p> <p>The design response appropriately responds to the surrounding area.</p>

Policy Implementation

Clause 56.02

Title & Objective	
<p><b>C1</b></p> <p><b>Strategic implementation objective</b></p>	<p>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <hr/> <p>✓ <b>Complies</b></p> <p><b>Comment:</b></p> <p>The character of the area is made up of a mix of single dwellings on large allotments and some infill residential development on small lots.</p> <p>This application proposes to create lots of a size that on balance provide a for the development of future dwellings that will fit comfortably within the context of the character of the surrounding area.</p>

Livable and Sustainable Communities

Clause 56.03

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C5</b></p> <p><b>Built environment objective</b></p> <p>To create urban places with identity and character.</p>	<p>The built environment should:</p> <ul style="list-style-type: none"> <li>• Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.</li> <li>• Provide living and working environments that are functional, safe and attractive.</li> <li>• Provide an integrated layout, built form and urban landscape.</li> <li>• Contribute to a sense of place and cultural identity.</li> </ul> <p>An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</p>	<p>✓ <b>Complies</b></p>
<p><b>Comments:</b></p> <p><b>The application has been supplied with a description of how the application responds to the surrounding area.</b></p>		

Lot Design

Clause 56.04

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C7</b></p> <p><b>Lot diversity and distribution objectives</b></p> <p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<p>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</p> <p>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</p> <p>A range and mix of lot sizes should be provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> <li>• Single dwellings.</li> <li>• Two dwellings or more.</li> <li>• Higher density housing.</li> <li>• Residential buildings and Retirement villages.</li> </ul> <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p> <p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>	
	<p>✓ <b>Complies</b></p> <p><b>Comment:</b> <b>A variety of lot sizes are proposed as part of the subdivision that will allow for a diversity in housing form.</b></p>	
<p><b>C8</b></p> <p><b>Lot area and building envelopes objective</b></p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a</p>	<p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>• That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>• That a dwelling may be constructed on each lot in accordance with the requirements of this scheme of this standard.</li> </ul>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>dwelling, solar access, private openspace, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.infrastructure and services.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>Contain a building envelope that is consistent with a development of the lot approved under this scheme, <b>or</b></li> <li>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> </ul> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p>✓ <b>Complies</b></p>
	<p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</p>	<p>✓ <b>Complies</b></p>
	<p><b>Comment:</b> <b>All lots are proposed to be greater than 400m<sup>2</sup> and therefore meet Garden Area requirements.</b></p>	
<p><b>C9 Solar orientation of lots objective</b></p>	<p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p>1. The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</p>	<p>✓ <b>Complies</b></p>
	<p>2. Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north</p>	<p>✓ <b>Complies</b></p>
	<p>3. Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</p>	<p>✓ <b>Complies</b></p>
	<p><b>Comment:</b></p> <p><b>Lots are appropriately orientated to provide access to solar.</b></p>	
<p><b>C10 Street orientation objective</b></p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p>	
	<ul style="list-style-type: none"> <li>Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</li> </ul>	<p>✓ <b>Complies</b></p>
	<ul style="list-style-type: none"> <li>Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> </ul>	<p><b>N/A</b></p>
	<ul style="list-style-type: none"> <li>Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> </ul>	<p>✓ <b>Complies</b></p>
	<ul style="list-style-type: none"> <li>Providing roads and streets along public open space boundaries.</li> </ul>	<p>✓ <b>Complies</b></p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<p><b>Comment:</b> Dwellings are proposed to front streets.</p>	
<p><b>C11 Common area objectives</b></p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> <li>• The common area to be owned by the body corporate, including any streets and open space.</li> <li>• The reasons why the area should be commonly held.</li> <li>• Lots participating in the body corporate.</li> <li>• The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments:</b></p> <p><b>No common area is proposed.</b></p>

Urban Landscape

Clause 56.05

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C12</b> <b>Lot access objective</b></p> <p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p> <p>The landscape design should:</p> <ul style="list-style-type: none"> <li>• Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</li> <li>• Create attractive landscapes that visually emphasise streets and public open spaces.</li> <li>• Respond to the site and context description for the site and surrounding area.</li> <li>• Maintain significant vegetation where possible within an urban context.</li> <li>• Take account of the physical features of the land including landform, soil and climate.</li> <li>• Protect and enhance any significant natural and cultural features.</li> <li>• Protect and link areas of significant local habitat where appropriate.</li> <li>• Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.</li> <li>• Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</li> <li>• Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</li> <li>• Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</li> <li>• Provide for walking and cycling networks that link with community facilities.</li> <li>• Provide appropriate pathways, signage, fencing, public lighting and street furniture.</li> <li>• Create low maintenance, durable landscapes that are capable of a long life.</li> </ul> <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p>	<p>✓ <b>Complies</b></p> <p><b>Comment:</b> <b>A streetscape plan is required to be submitted to the satisfaction of the responsible authority</b></p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C13</b> <b>Public open space provision objectives</b></p> <ul style="list-style-type: none"> <li>· To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.</li> <li>· To provide a network of public open space that caters for a broad range of users.</li> <li>· To encourage healthy and active communities.</li> <li>· To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.</li> <li>· To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.</li> </ul>	<p>The provision of public open space should:</p> <ul style="list-style-type: none"> <li>· Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.</li> <li>· Provide a network of well-distributed neighbourhood public open space that includes: <ul style="list-style-type: none"> <li>· Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.</li> <li>· Additional small local parks or public squares in activity centres and higher density residential areas.</li> <li>· Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is: <ul style="list-style-type: none"> <li>· Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space</li> <li>· Sufficient to incorporate two football/cricket ovals</li> <li>· Appropriate for the intended use in terms of quality and orientation</li> <li>· Located on flat land (which can be cost effectively graded)</li> <li>· Located with access to, or making provision for, a recycled or sustainable water supply</li> <li>· Adjoin schools and other community facilities where practical</li> <li>· Designed to achieve sharing of space between sports.</li> </ul> </li> <li>· Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comment:</b></p> <p>Due to the relatively small nature of the subdivision, the limited catchment of residents to the subdivision and the limited connectivity an area of open space is not appropriate. A condition will therefore be included on any permit issued to require a 5% cash contribution be made</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<p>Public open space should:</p> <ul style="list-style-type: none"> <li>· Be provided along foreshores, streams and permanent water bodies.</li> <li>· Be linked to existing or proposed future public open spaces where appropriate.</li> <li>· Be integrated with floodways and encumbered land that is accessible for public recreation.</li> <li>· Be suitable for the intended use.</li> <li>· Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences.</li> <li>· Maximise passive surveillance.</li> <li>· Be integrated with urban water management systems, waterways and other water bodies.</li> <li>· Incorporate natural and cultural features where appropriate.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comment:</b></p> <p>Due to the relatively small nature of the subdivision, the limited catchment of residents to the subdivision and the limited connectivity an area of open space is not appropriate. A condition will therefore be included on any permit issued to require a 5% cash contribution be made.</p>

Access and Mobility Management

Clause 56.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C15 Walking and cycling network objectives</b></p> <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> <li>• Link to any existing pedestrian and cycling networks.</li> <li>• Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>• Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.</li> <li>• Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>• Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>• Provide an appropriate level of priority for pedestrians and</li> <li>• Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>• Be accessible to people with disabilities.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comment:</b> <b>A condition will be included on any permit issued to require a plan to be submitted to the satisfaction of the responsible authority</b></p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C17 Neighbourhood street network objective</b></p> <p>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> <li>• Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.</li> <li>• Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> <li>• Comply with the Roads Corporation's arterial road access management policies.</li> <li>• Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.</li> <li>• Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> <li>• Provide safe and efficient access to all lots for service and emergency vehicles.</li> <li>• Provide safe movement for all vehicles.</li> <li>• Incorporate any necessary traffic control measures and traffic management infrastructure.</li> </ul> <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant transport strategy, plan or policy for the area set out in this scheme.</li> <li>• Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.</li> <li>• Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.</li> <li>• Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.</li> <li>• Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.</li> <li>• Provide an appropriate level of local traffic dispersal.</li> <li>• Indicate the appropriate street type.</li> <li>• Provide a speed environment that is appropriate to the street type.</li> <li>• Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>• Encourage appropriate and safe pedestrian, cyclist and driver behaviour.</li> <li>• Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> <li>• Minimise the provision of culs-de-sac.</li> <li>• Provide for service and emergency vehicles to safely turn at the end of a dead-end street.</li> <li>• Facilitate solar orientation of lots.</li> <li>• Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.</li> <li>• Contribute to the area's character and identity.</li> <li>• Take account of any identified significant features.</li> </ul>	
	<p>✓ <b>Complies</b></p> <p><b>Comment:</b> <b>A condition will be included on any permit issued to require a plan to be submitted to the satisfaction of the responsible authority</b></p>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C18</b></p> <p><b>Walking and cycling network detail objectives</b></p> <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> <li>• Be part of a comprehensive design of the road or street reservation.</li> <li>• Be continuous and connect.</li> <li>• Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> </ul> <p>Accommodate projected user volumes and mix.</p> <ul style="list-style-type: none"> <li>• Meet the requirements of Table C1.</li> <li>• Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.</li> <li>• Provide appropriate signage.</li> <li>• Be constructed to allow access to lots without damage to the footpath or shared path surfaces.</li> <li>• Be constructed with a durable, non-skid surface.</li> <li>• Be of a quality and durability to ensure:</li> <li>• Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> <li>• Discharge of urban run-off.</li> <li>• Preservation of all-weather access.</li> <li>• Maintenance of a reasonable, comfortable riding quality.</li> <li>• A minimum 20 year life span.</li> <li>• Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.</li> </ul>	
	<p>✓ <b>Complies</b></p> <p><b>Comment:</b> <b>A condition will be included on any permit issued to require a plan to be submitted to the satisfaction of the responsible authority</b></p>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C19</b></p> <p><b>Public transport network detail objectives</b></p> <p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</p> <p>To provide public transport stops that are accessible to people with disabilities.</p>	<p>Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.</p> <p>Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</p> <p>The design of public transport stops should not impede the movement of pedestrians.</p> <p>Bus and tram stops should have:</p> <ul style="list-style-type: none"> <li>· Surveillance from streets and adjacent lots.</li> <li>· Safe street crossing conditions for pedestrians and cyclists.</li> <li>· Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.</li> <li>· Continuous hard pavement from the footpath to the kerb.</li> <li>· Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.</li> <li>· Appropriate signage.</li> </ul> <p>Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.</p>	<p><b>N/A</b></p> <p><b>Comment:</b> <b>The need for public transport is not triggered as a consequence of this subdivision.</b></p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C20</b></p> <p><b>Neighbourhood street network detail objective</b></p> <p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.</li> <li>• Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.</li> <li>• Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.</li> <li>• Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> <li>• Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.</li> <li>• Provide a safe environment for all street users applying speed control measures where appropriate.</li> <li>• Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.</li> <li>• Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.</li> <li>• Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> <li>◦ Enable the carriage of vehicles.</li> <li>◦ Avoid damage by construction vehicles and equipment.</li> </ul> </li> <li>• Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> <li>◦ Safe passage of pedestrians, cyclists and vehicles.</li> <li>◦ Discharge of urban run-off.</li> <li>◦ Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> </ul> </li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> <li>◦ Perform the required integrated water management functions.</li> <li>◦ Delineate the edge of the carriageway for all street users.</li> <li>◦ Contribute to streetscape design.</li> </ul> </li> <li>• Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>• Be accessible to people with disabilities.</li> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.</li> </ul> <p>A street detail plan should be prepared that shows, as appropriate:</p> <ul style="list-style-type: none"> <li>• The street hierarchy and typical cross-sections for all street types.</li> <li>• Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>• Water sensitive urban design features.</li> <li>• Location and species of proposed street trees and other vegetation.</li> <li>• Location of existing vegetation to be retained and proposed treatment to ensure its health.</li> <li>• Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</li> </ul>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<p>✓ <b>Complies</b></p> <p><b>Comment:</b> A condition will be included on any permit issued to require a detailed road network plan to be provided to the satisfaction of Council Engineers.</p>	
<p><b>C21</b></p> <p><b>Lot access objective</b></p> <p>To provide for safe vehicle access between roads and lots.</p>	<p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p>	<p>✓ <b>Complies</b></p>
	<p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p>	<p>✓ <b>Complies</b></p>
	<p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>✓ <b>Complies</b></p>
	<p><b>Comments:</b></p> <p>Conditions will be included on any permit issued to require that a plan clearly identifying how access will be provided to each proposed lot will be provided to the satisfaction of the responsible authority.</p>	

Integrated Water Management

Clause 56.07

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C22</b> <b>Drinking water objective</b></p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	<p>✓ <b>Complies</b></p>
	<p><b>Comments:</b> <b>Drinking water will be required to be provided to the satisfaction of Central Highlands Water.</b></p>	
<p><b>C23</b> <b>Reused and recycled water objective</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>Reused and recycled water supply systems must be:</p>	
	<p>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</p>	<p><b>Not applicable</b></p>
	<p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><b>Not applicable</b></p>
	<p><b>Comments:</b> <b>Recycled water is not yet available in this area</b></p>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C24</b> <b>Waste water management objective</b></p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>Consistent with any relevant approved domestic waste water management plan.</li> </ul> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>✓ <b>Complies</b></p>
<p><b>Comment</b></p> <p><b>Waste water disposal will be to the satisfaction of the relevant water authority.</b></p>		
<p><b>C25</b> <b>Urban run-off management objectives</b></p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> <li>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> </ul>	<p>✓ <b>Complies</b></p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p><b>Comment:</b></p> <p><b>Stormwater will be designed and disposed of to the satisfaction of Council Engineers including a requirement for post development flows to not exceed pre development flows.</b></p>	

**Site Management**

**Clause 56.08**

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C26</b> <b>Site management objectives</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment.</li> <li>• Dust.</li> <li>• Run-off.</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> <li>• Vegetation and natural features planned for retention.</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p> <p><b>Comment:</b></p> <p><b>A construction management plan will be required as part of a condition on any permit issued to the satisfaction of the responsible authority.</b></p>	<p>✓ <b>Complies</b></p>

Utilities

Clause 56.09

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C27</b> <b>Shared trenching objectives</b></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimize construction costs and land allocation for underground services.</p>	<p>✓ <b>Complies</b></p>
<p><b>Comments:</b></p> <p><b>Shared trenching will be utilised were possible to the satisfaction of the relevant authority.</b></p>		

<p><b>C28</b> <b>Electricity, telecommunications and gas objectives</b></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology.</p> <p>The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	<p>✓ <b>Complies</b></p>
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Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<p><b>Comments:</b> <b>All to the satisfaction of the relevant authority and the relevant authority who have all provided their conditional consent to the application.</b></p>	
<p><b>C29</b> <b>Fire hydrants objective</b></p> <p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	<p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> <li>• A maximum distance of 120 metres from the rear of the each lot.</li> <li>• No more than 200 metres apart.</li> <li>• Hydrants and fire plugs must be compatible with the relevant fire service equipment.</li> </ul> <p>Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p>✓ <b>Complies</b></p>
	<p><b>Comments:</b> <b>The CFA have consented to the application subject to the inclusion of an additional hydrant in the street frontage.</b></p>	

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>C30</b></p> <p><b>Public lighting objective</b></p> <p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p>- N/A</p>
	<p><b>Comments:</b></p> <p><b>A condition will be included on any permit issued requiring that appropriate street lighting be provided in accordance with current best practice to the satisfaction of the responsible authority.</b></p>	

**ATTACHMENT 1 - PA 2504 SUBDIVISION PLAN – 17 SMITH STREET  
DAYLESFORD (ISSUED UNDER SEPARATE COVER)**

**ATTACHMENT 2 - PA 2504 VEGETATION REMOVAL – 17 SMITH  
STREET DAYLESFORD (ISSUED UNDER SEPARATE COVER)**

**ATTACHMENT 3 - PA 2504 – 17 SMITH STREET DAYLESFORD -  
PROPOSED OBJECTIONS (ISSUED UNDER SEPARATE COVER)**

## 12. OFFICERS' REPORTS

### 12.1. GENERAL LOCAL LAW NO. 2 OF 2019 – COMMUNITY AMENITY AND MUNICIPAL PLACES

#### DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

*In providing this advice to Council as the Coordinator Community Safety, I David George have no interests to disclose in this report.*

#### PURPOSE

The purpose of this report is for Council to consider the adoption of the Hepburn Shire Council General Local Law No. 2 of 2019 – Community Amenity and Municipal Places

#### BACKGROUND

Part 5 of the *Local Government Act 1989* (the Act), gives Local Government the ability to create, administer and enforce local laws relevant to the municipality. Section 122 of the Act determines that all Local Laws sunset after 10 years to ensure that local laws remain relevant and appropriate. Council's General Local Law No. 2 – Community Amenity and Municipal Places commenced on 17 November 2009 and ceased to operate on 17 November 2019.

The review of General Local Law No. 2 began in early 2019 and has been informed by Councillor workshops, community input and forums and targeted stakeholder engagement. This has then been used to prepare the Draft Hepburn Shire Council General Local Law No. 2 – Community Amenity and Municipal Places 2019. At the Ordinary Council Meeting on 17 September 2019, Council endorsed the draft Local Law for public submission.

A Special Council Meeting was held on 16 December 2019 to hear from those who elected to be heard in relation to their submission in accordance with section 223 of the Local Government Act 1989.

#### ISSUE/DISCUSSION

The draft Local Law 2 is designed to ensure that the actions of an individual or group do not have an adverse impact on the rest of the community and has been prepared with feedback from community and stakeholders.

Following Council making the draft Local Law available for public inspection council has provide an extended period for community submissions to be received. Throughout the advertising period of the proposed Local Law, Council received 119 submissions relating to a range of different topics. Many

submissions were concerned with the negative impact the local law will have on Council's recent Climate Emergency Declaration.

The community raised concerns about a number of clauses and definitions in the proposed Local Law. A summary of the submissions and key items is documented in the table below.

Council Officers have considered all submissions and is recommending amendments where appropriate. The table below details the officer recommendations with explanations around the decision.

Item	Submission No.	Summary of Submissions	Officer Recommendations
1	1, 92	Ban the use of Roundup and other herbicides by Council and Locals on all roads and Park reserves	Not supported for inclusion in the Local Law.  Enforcement of the use of Roundup or other chemical sprays would be extremely difficult.  Council use of chemicals is being managed under Council's Spray Minimisation Project.
2	2	<b>CI 3.1 – Keeping of Animals and Birds</b>  Opposed to the restriction of horses in small residential lots and wondering if horses can be used to assist with weed and grass control.	Supported.  The Draft Local Law under CI 3.1.2(c) already permits farm animals on all land for the purpose of fire prevention and weed management purposes. The permitted period has been increased from 1 month to 3 months
3	3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22,	<b>CI 2.18 – Firewood collection</b>  Opposed to the clause banning the picking of	Fruit picking – Supported.  Remove restriction on fruit picking. Activity is low impact and the same as a

	23, 25, 26, 27, 31, 32, 34, 35, 36, 38, 39, 40, 41, 43, 48, 54, 56, 57, 58, 59, 60, 63, 64, 65, 67, 68, 69, 70, 72, 73, 74, 76, 78, 82, 83, 84, 85, 87, 88, 91, 92, 94, 96, 101, 103, 104, 106, 107, 108, 109, 111, 116	<p>fruit, plants and firewood from road reserves.</p> <p>Recommend that the law should focus on the activity being undertaken safely and allowed unless signposted otherwise.</p> <p>Clause poses greater bushfire risks to people and homes and encourages food waste. It diminishes behavioural adaptation and removes such culturally and environmentally appropriate activities. It also restricts people from maintaining the road reserve around their property</p>	<p>person walking along a nature strip.</p> <p>Flowers and plants – Supported.</p> <p>State legislation regulates the removal of protected species. Clause 2.1(c) regulates the protection of Council plants.</p> <p>Firewood Collection - Not Supported.</p> <p>Permit required to ensure biodiversity is upheld and safety of all road users in accordance with the Road management Act.</p> <p>Council can choose to not charge for these permits. Council can designate specific areas where firewood can be collected as noted in this clause.</p>
4	3, 5, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 26, 27, 31, 33, 34, 36, 38, 39, 45, 54, 56, 58, 60, 64, 67, 70, 71, 73, 80, 83, 84, 87, 92, 96, 98, 103, 106, 107	<p><b>CI 2.21 – Planting vegetation on roads</b></p> <p>Planned guidelines welcomed but do not want more red tape and forms. Further consultation required on guidelines</p> <p>Opposed to the need for permits for planting on public road reserves and nature strips.</p> <p>Opposed to the restriction of planting vegetation on road reserves and nature</p>	<p>Not Supported.</p> <p>Policy Guidelines will be developed to ensure the appropriate vegetation is planted and thus ensure the risks to traffic, powerlines and pedestrians is managed. If there is no control and inappropriate plantings are left until they become an issue to powerlines or traffic / pedestrian hazards, the community will bear the cost, through rates or utility prices or litigation.</p>

		strips. Council should be encouraging the activity. Will current plantings need a permit?	These guidelines will provide clarification on what and where a permit may be needed.  Current plantings will not need a permit.
5	6	Increase in unnecessary red tape Supports submission 7 Private use of public land should be encouraged but subject to a few factors. Council should support local residents to creatively use and manage public land.	Many clauses in the Draft Local Law have been transferred over to the new Local Law. Many of the same permits have been required for the last 10 years so there are little changes.
6	7, 9, 13, 14, 15, 16, 17, 19, 21, 22, 26, 38	<b>CI 2.2 – Damaging or interfering with roads or Council land</b>  Opposed to the use of “public place”	Supported.  Amended to state “Municipal Place” as other land is under management responsibility of other agencies or groups. Council should regulate the use of its land to ensure good governance. Council can work with the community in order to allow activities on Council managed land.
7	7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 26, 60, 64, 84	<b>CI 2.4 – Use of vehicles in a municipal place</b>  Opposed to the term bicycle being included and Council should be encouraging bicycle use, including along bush tracks. Recommended to	Supported.  Term Bicycle removed from the clause  No change recommended regarding Electric bicycles as they are considered the same as a bicycle

		also remove other vehicles from clause as it restricts electric bicycles.	
8	7, 9, 10, 13, 14, 15, 16, 17, 19, 21, 22, 26, 58, 65, 84, 87, 92	<p><b>CI 2.12 – Outdoor eating facilities</b></p> <p>Opposed to this clause as it negates young people’s motivations to be enterprising.</p> <p>Opposed as we should be encouraging the activity.</p> <p>Opposed as it could prevent community garden activities and existing roadside stalls.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and necessary to provide for good regulation and community safety on Council managed land.</p> <p>This clause enables businesses to have alfresco dining outside their shop and also ensures the activity does not cause a nuisance to the community</p>
9	7, 9, 13, 14, 15, 16, 17, 19, 21, 22, 26, 60, 111	<p><b>CI 2.13 – Occupation of roads, footpaths and Council land</b></p> <p>Opposed to this clause as temporary grazing and browsing animals should be encouraged to reduce fuel loads organically and without fossil fuels.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and is necessary to protect biodiversity, road safety and appropriately control Council managed land.</p> <p>Allowing residents to fence off the land temporarily could result in an unsafe environment for pedestrians or motorists.</p>
10	7, 9, 13, 14, 15, 16, 17, 19, 21, 22, 26, 27, 63, 72, 74, 83, 84, 91, 92, 96, 107	<p><b>CI 2.15 – Trading in a public place</b></p> <p>Opposed as it diminishes initiatives and enterprise of young people.</p> <p>Opposed as it restricts holding garage sales.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and necessary to provide for good regulation of Council managed land.</p>

		<p>Opposed as it could prevent community garden activities and existing roadside stalls.</p>	<p>Some trading activities may require Food Permits. A Trading permit ensures that the goods being sold are safe for use and consumption.</p> <p>Garage sales should be undertaken on private property and not create a hazard on Council land.</p> <p>Roadside stalls should be placed inside the private property where a local laws permit is not required and it can still be accessed easily and does not create a risk to users of public land.</p> <p>An amendment of the Public Place definition will remove the restrictions on land not managed by Council such as roads managed by Vic Roads. Public Place has been replaced by Municipal Place</p>
11	7, 9, 10, 13, 14, 15, 16, 17, 19, 21, 22, 25, 26, 50, 63, 84, 107	<p><b>CI 2.20 – Obstructions to the safe use of a road</b></p> <p>Opposed as enforcement could cease the positive use of road verges and nature strips.</p> <p>Recommended to remove ‘public place ‘ from clause.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and necessary to provide for good regulation of Council managed land.</p> <p>This clause ensures that the public have free and unimpeded use of roads, nature strips and public land, especially at night</p>

			when trees, signs etc may not be seen.
12	7, 9, 10, 12, 13, 14, 15, 16, 17, 19, 21, 22, 25, 26, 34, 36, 59, 60, 87, 92, 103, 109, 116	<p><b>CI 3.1 – Keeping of Animals and Birds</b></p> <p>Opposed to the numbers of animals allowed as they are too limiting and inflexible. Eg. Number of chickens on 2 hectares is too low, especially in Rural Residential zones. Recommend that an exemption around seasonal variations ie. Breeding cycles</p> <p>Opposed to the timeframe permitted under CI 3.1.2 (1 month for fire prevention and weed management purposes)</p>	<p>Supported.</p> <p>Chicken numbers amended for larger properties.</p> <p>Exemption provided for seasonal variances for poultry. Exemptions for farm animals were considered but it is believed that allowing an exemption would be unenforceable as Council Officers would not be able to identify the age of the farm animals. Permits can be issued for this type of scenario.</p> <p>Timeframe for fire and weed management extended to 3 months.</p>
13	7, 9, 10, 13, 14, 15, 16, 17, 19, 21, 22, 26, 59, 60	<p><b>CI 3.5 – Livestock control</b></p> <p>Opposed as laws are already in place and it restricts people’s ability to cope with climate related or other crises such as drought. Livestock can manage the fire risk by reducing grasses and weeds.</p> <p>Recommend removal of clause 3.5.1</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and necessary to provide for good regulation over Council managed land. A permit can be issued for the activity.</p> <p>Impounding of Livestock Act 1994 states that an authorised officer can impound livestock found trespassing on land under management of Council.</p>

			<p>Therefore, Council Local Law, permits the activity.</p> <p>Removing this clause will result in farmers not being able to move or graze livestock on Councils roads. By obtaining a permit, the owner of the livestock will have insurance that will protect them from any civil proceedings if their stock escapes and is hit by a car.</p>
14	7, 9, 13, 14, 15, 16, 17, 19, 21, 22, 26	<p><b>CI 4.1 – Incinerators and Open Fires</b></p> <p>Add a restriction on using fireworks after 9pm</p>	<p>Not supported.</p> <p>The use of Fireworks, including on private and public land, is governed by State Legislation.</p> <p>Clause 2.1 restricts the use of fireworks in a municipal place or public place without a permit.</p>
15	7, 9, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 58, 59, 65, 70, 80, 82, 85, 96, 109	<p><b>CI 4.2 – Camping and Caravan Occupation</b></p> <p>Opposed to the clause as it impacts those most at risk (low socio-economic status, tiny house movement, during constructions and future climate refugees)</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and enforcement guidelines will detail how Council will manage those most at risk, such as climate refugees and homeless).</p> <p>The inclusion of 4.2.2 provides land owners with their entitled right to camp on their own land but also protects neighbouring property from environmental health risks.</p>

			<p>The activity could result in tent cities or similar if it was unregulated. This could result in environmental health risks due to unmanaged waste.</p> <p>Tiny houses are currently not an approved dwelling under State Legislation. As such, Council cannot permit this type of permanent habitation.</p>
16	7, 9, 13, 14, 15, 16, 17, 19, 21, 22, 26, 60, 84, 107f	<p><b>CI 4.4 – Damage or nuisance caused by trees or plants</b></p> <p>Opposed as it potentially diminishes the capacity for localised food-security and plant-based air cooling on nature strips and other public places in a climate changing era.</p> <p>Remove hinder obstruct as it is ambiguous</p>	<p>Not supported.</p> <p>Council needs to protect its assets, including drains and footpaths from plants. This clause puts the liability and cost of damage on the owner of the plants, thus ensuring rate payers don't pay for damage or nuisances caused by others.</p> <p>Council also needs to provide safe and free access of footpaths and nature strips.</p>
17	7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 26, 34, 39, 49, 50, 52, 53, 54, 58, 59, 60, 61, 63, 64,	<p><b>CI 4.7 – Scavenging</b></p> <p>Opposed to the clause as it goes against Councils recent climate emergency declaration. Council should be encouraging the activity to be done safely.</p>	<p>Not supported. This is a regulation under the previous Local Law.</p> <p>A transfer station is a worksite under Worksafe legislation and therefore Council needs to regulate the activities on the site to</p>

	65, 68, 70, 72, 74, 76, 79, 80, 84, 87, 88, 90, 91, 92, 94, 96, 106, 107, 108, 114, 116	<p>The term scavenging is not appropriate as the goods are being reused or salvaged.</p> <p>Recommend the term be changed to salvaging</p> <p>If it is too remain, develop guidelines for safe salvaging</p>	<p>ensure safety for all persons within the site.</p> <p>If the clause is removed, Council could be liable for allowing the activity if a person is injured whilst scavenging.</p> <p>Council does support and is committed to recycling and diverting materials from landfill and will work to develop local policies and guidelines to enable the repurposing of identified items.</p> <p>‘Scavenging’ is not defined in the Local Law. As such, the definition reverts to the Collins Dictionary which states <i>“the act of searching for things among discarded material”</i>. It is believed that this term is appropriate for the context of the Local Law.</p> <p>Salvaging has been added to the clause as an additional term.</p>
18	7, 9, 10, 13, 14, 15, 16, 17, 19, 21, 22, 26, 28, 59, 109	<p><b>CI 3.2 – Animal Excrement</b></p> <p>Opposed to the clause as livestock manure provides benefit to the land and it is impractical to remove horse manure</p>	<p>Not supported.</p> <p>Council needs to regulate the activity to ensure the safe and accessible use of public land. This provision provides for maintaining local community amenity and responsible pet ownership.</p>

			<p>Allowing animal excrement, to remain on footpaths, as an example, may restrict access to all, including those in wheelchairs. People should be able to walk through or along public areas including at night, and not risk stepping in animal excrement. This also relates to ensuring local amenity is maintained.</p>
19	8, 74	<p><b>CI 3.1 – Keeping of Animals and Birds</b></p> <p>Concerned about the change to two cats only. It does not account for those who have cats completely contained and those with more than two cats already.</p>	<p>Not supported.</p> <p>Clause 3.1 allows more than two cats with a permit. Those with more than two cats already will not have to remove the extra cats from their property. They will receive a permit.</p>
20	10, 58, 59, 90, 92, 108, 116	<p><b>CI 2.9 – Use of toy wheeled vehicles</b></p> <p>Opposed to restriction on skateboards</p> <p>Opposed as we should encourage the use of wheeled toy vehicles and supervised use would be reasonable.</p> <p>Definition of toy vehicle needs to be clarified and include bicycles</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law. The declared areas are high pedestrian traffic zones and Council needs the ability to regulate the activities for community safety.</p> <p>This clause does not restrict the use of skateboards except within declared areas.</p> <p>Bicycles to be included in the definition.</p>

21	10, 18, 28, 51, 58, 64, 75, 90, 92, 96, 101, 111	<p><b>CI 2.11 – Vehicle repair</b></p> <p>Opposed as the clause prohibits changing tyres and removes the common sense element to undertake repairs if the vehicle breaks down.</p>	<p>Supported.</p> <p>Amend this clause to permit emergency repairs.</p>
22	10, 28, 111	<p><b>CI 2.14 – Collections</b></p> <p>Opposed as it obstructs local volunteers from fund raising for local services.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and Council regularly issues permits without a fee to charity groups as an example.</p>
23	10, 90, 111	<p><b>CI 2.16 – Soliciting trade and similar activities</b></p> <p>Opposed as it stops the community being informed about events and performances. It also stops the tradition of raising money.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law. Council needs to provide good regulation of its land.</p> <p>If the activity was left unregulated, businesses could create a public nuisance through spruiking. The regulation ensures the public are not harassed by business owners.</p>
24	10, 18, 64, 65, 90, 107	<p><b>CI 2.17 – Advertising signs</b></p> <p>Opposed as signs should be allowed to be placed to let passers-by know about community performances, events, garage sales and meetings. They are a necessary part of event promotion. Guidelines should be developed to</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law and the activity is permitted with a permit. Council needs to ensure community safety, traffic safety and local amenity is maintained for Council managed land.</p>

		state where a sign is to be placed.	Policy 19 provides conditions for the locations signs can be placed.
25	10, 59	<b>CI 3.3 – Poultry</b> Definition of appropriate enclosure not provided. Free range chickens are better off.	Supported. Definition of an appropriate enclosure developed and included in accordance with Code of Practice.
26	10, 58, 59, 107, 109, 111	<b>CI 4.3.1 – Unsightly Land</b> Opposed to the restriction of second-hand timber or building materials being stored on land. Opposed to graffiti being unsightly.	Second hand timber - Supported. Updated to note that it is unconstrained materials that makes the property unsightly. Enforcement guidelines will be prepared to ensure a consistent approach that is available to all stakeholders. Graffiti – not supported. Definition in the Local Law explains why graffiti it is unsightly.
27	10	<b>CI 4.3.1 – Unsightly Land</b> Questioning who decides if the property is visually repugnant.	Council’s Authorised Officers will decide if a property is unsightly. Enforcement guidelines will be prepared to ensure a consistent approach that is available to all stakeholders. Owners of property can appeal an officers opinion through normal complaints within Council or they can challenge any notice in Court or VCAT.

28	10, 18, 64, 54, 59, 60, 84, 96	<p><b>CI 4.9.2 (f) Waste of any kind</b></p> <p>Clarification of this clause required as it does not make sense</p>	<p>This clause was incorrectly written as the word 'Trade' was left out. It has been updated to note "Trade Waste of any kind".</p>
29	12, 65, 73	<p><b>CI 2.2, 2.13, 2.18, 2.12. 2.21</b></p> <p>They are all problematic in the following regards:</p> <ul style="list-style-type: none"> <li>- that they discourage people from managing public land for public benefits</li> <li>- rely on Council resources to conduct weed control, verge plantings, mowing and other maintenance activities</li> <li>- put an unreasonable, and unrealistic level of onus on officers regarding enforcement and compliance.</li> </ul>	<p>Not supported. Refer recommendations within this table.</p> <p>Council can still work with the community to manage public land.</p> <p>The Local Law is created to regulate activities that are not approved by Council.</p>
30	25	<p><b>CI 2.13 – Occupation of Roads</b></p> <p><b>CI 2.15 – Trading in a Public Place</b></p> <p>Opposed as it restricts people from holding garage sales.</p>	<p>Not supported.</p> <p>This is a regulation under the previous Local Law.</p> <p>Council needs to provide good regulation of its land.</p> <p>Garage sales can be held within private property and do not need to occupy Council land.</p>
31	18, 20, 64, 108	<p><b>Public Place Definition</b></p>	<p>Supported.</p> <p>Public Place throughout the Local Law has been</p>

		Opposed as the definition is not clearly defined making this deceptive.	replaced by Municipal Place. Public place definition as such, only includes Council managed land.
32	18, 64, 65, 75, 107	<p><b>CI 2.2 – Damaging or interfering with roads or council land</b></p> <p>Opposed as the wording is un-necessarily strict. The word public place should be removed and the public should be empowered to change or remove things from a public place or roadway when there is an immediate danger to others.</p>	<p>Supported.</p> <p>Public Place removed and changed to Municipal Place. Other legislation manages damage to land not under Council’s control.</p> <p>It would not be in the interest of Council or reasonable to enforce against urgent actions to provide a safe environment.</p>
33	18, 64	<p><b>CI 4.3 – Dangerous or Unightly Land</b></p> <p>Opposed as all building sites are unsightly and it is unfair and subject to double standards. Council should encourage the use of secondhand materials for construction.</p>	Not supported. This clause does not relate to building sites. Building and Planning legislation regulates building sites and the materials a person can construct with.
34	18, 64, 74, 77	<p><b>CI 4.2 – Camping and Caravan Occupation</b></p> <p>Opposed as the law seems unjust and discriminatory. Refusing a permit discriminates against those in difficult financial situations or who chose to live more frugally.</p>	<p>Not supported.</p> <p>This clause is in the previous Local Law. Permitting the activity may result in Environmental Health impacts as waste water is not managed appropriately. Tiny Houses are not an approved dwelling under State</p>

		<p>Opposed to restriction of camping in public place as it includes land under state management.</p>	<p>legislation. 'Tent cities' or Tiny Houses being used may impact the amenity of the area.</p> <p>Allowing the activity may result in agencies being unaware of the need to evacuate people during an emergency.</p> <p>Support removal of public place and changed to Municipal Place or similar.</p>
35	18, 58, 64, 65, 74, 76, 91	<p><b>CI 2.5 – Festival, carnivals, circuses</b></p> <p>Opposed as the definition of event suggests that children's birthday parties or family reunions etc require a permit.</p>	<p>Supported.</p> <p>Definition of event has been amended to note that an event does not include a kids birthday party with small numbers of people attending.</p> <p>The definition of event states that events also tend to require effective management of potential detrimental impacts on the community. A children's birthday party or family reunion, in most cases, would not be seen as detrimental and it would not be in the interest of Council to enforce against such an event.</p>
36	18, 64	<p><b>CI 4.5 – Wasp nests</b></p> <p>Opposed and make <i>council</i> responsible for the removal of European wasps.</p>	<p>Not supported. This is in the previous Local Law.</p> <p>Land owners have a responsibility to manage their land and the pest species on their land.</p>

37	20	<b>Local Law requires too much unnecessary interaction with Council to obtain permits</b>	Not supported. Guidelines and other documents can be developed by Council to reduce the time required to issue a permit.  The previous Local Law requires permits to be issued for the majority of items and this does not currently impact workload.
38	23	<b>Barbeque in clause 2.1 should be spelt "Barbecue"</b>	Term change to correct spelling
39	21, 76	<b>CI 4.2.1(2) Camping and Caravan Occupation</b>  Opposed as it limits the use of our own land for visitors or the need to accommodate a family member or relative for a period of time.	Not supported. This is a regulation in the previous Local Law.  Short stays are permitted under the Local Law to allow visitors or assistance to family or friends in need.
40	22	<b>CI 2.18 – Firewood Collection on Council Land</b>  The title is misleading as it also talks about other items	Supported.  Fruit and flower picking recommended to be removed
41	23	<b>CI 2.3 – Drains and Storm water discharge</b>  Wording relates to damage from discharge not to a legal point of discharge	Not supported.  A legal point of discharge is managed by other legislation.
42	23	<b>Public Place definition</b>	State Legislation overrides Local Laws and any contravention would be

		What are the implications if the Local Law contravenes crown land management policies or documents	managed through the higher law. Public Place within the local law replaced with Municipal Place.
43	24	<p><b>Potential conflict with other statutes</b></p> <ul style="list-style-type: none"> <li>- <b>Does burning off preclude cooking food?</b></li> <li>- <b>Should wood fire pizza installations be better managed</b></li> <li>- <b>BBQs or fire pits used for food will be outlawed</b></li> </ul>	<p>Not supported.</p> <p>Burning off does not preclude cooking food. There is no reference to burning off in the Local Law, only fires in the open air.</p> <p>Wood fire pizza installations are considered the same as a BBQ under definition.</p> <p>BBQs or fire pits used for food on Council land is prohibited on Council land under CI 2.1 but permitted on private land.</p>
44	27	<p><b>Clause 3.1 – Animal Numbers</b></p> <p>Local Law greatly limits animals from which meat, produce or fibre can be sourced. This restrict people’s ability to source food and fibre from their own animals and does not allow any flex in the event of breeding animals.</p>	<p>Supported.</p> <p>Exemption provided for seasonal variances for poultry. Exemptions for farm animals were considered but it is believed that allowing an exemption would be unenforceable as Council Officers would not be able to identify the age of the farm animals. Permits can be issued for this type of scenario.</p>
45	28	<b>Riding Horses on Reservations</b>	Supported.

		Removes the right to ride horses in a country environment	Clause deleted and a new clause created permitting horse riding as long as it does not create a nuisance.
46	28, 58, 59, 96	<b>CI 2.7 – Busking</b> Opposed as it is part of our culture and a way for children to raise money. It should not be hindered	Not Supported. Busking is encouraged by Council but in order to ensure that the activity is undertaken in a safe and respectful manner, i.e. not blocking pedestrians or too loud, buskers need a permit which stipulates conditions of the activity.
47	28, 107	<b>CI 2.5 – Festivals, carnivals and circuses</b> Opposed as it means you cannot protest, climate marches or have street parties	Supported. Right to protest is a human right. A permit is not required to protest and an exemption will be added to state that protests are not captured by this clause.
48	29	Oppose to a number of clauses as it impacts the rural lifestyle many choose to live, including horse riding, fossicking, foraging and keeping animals. It is utterly ridiculous to impose a city mindset on a rural shire.	Many of the clauses in the local law are being continued from the last 10 years, such as horse riding. The information in this table notes what officers support and do not support.
49	30	<b>CI 3.1 – Animal Numbers</b> Opposed as it can affect peoples mental state if they are required to rehome or put to sleep	Supported. Persons who currently own more than the approved number of animals will not require a paid permit. They will be approved under

		their beloved pets. Numbers do not reflect good welfare for animals.	prior use rights. Those known to Council will be issued a permit on the implementation of the local law once adopted.
50	33	<b>CI 2.2 – Damaging or interfering with roads or Council land</b>  Clarification is required as to whether the term ‘road’ encompasses a footpath	Road is defined under CI 1.6 and has the same meaning as the Local Government Act.
51	34	<b>CI 2.15 – Trading in a public place.</b>  Public Place Definition should be abandoned and the existing legislation reviewed to ensure none infringes on the rights or peasants and other people working in rural areas to trade freely in community-based commercialization systems	Supported.  Public Place throughout the local law replaced with Municipal Place.
52	34	<b>CI 4.1 – Incinerators and Open Air Fires</b>  Create an exemption for the creation of biochar and bonechar. The local law bans burning food waste which is in opposition of promoting good practices of closed loop farming and homesteading	Supported.  Exemption included in local law permitting burning of food in an incinerator for the purpose of creating bonechar or biochar.
53	36	<b>Public Place Definition</b>	Supported.

		Definition creates an enormous overreach as the definition includes areas such as churches.	Definition amended to only include lands under management of Council.
54	37	Prepare new clearer version of the major changes	Implementation of the Local Law once adopted will include education noting the changes to the current practices.
55	37	Consideration of the proposed amendment and the underlying health problems, i.e. unsightly properties	Enforcement guidelines will be used to managed matters involving health problems, i.e. unsightly land.  Officers can and will only enforce where it is reasonable to do so. Enforcement Guidelines will be generated to support this and to be transparent with our community.
56	43	<b>CI 4.3 – Unsightly Land</b> Disused vehicles and machinery warrant specific mention	Supported.  Clause to be reconsidered to incorporate this. However, it is difficult to identify how it is unsightly. Enforcement guidelines will be developed to capture this.
57	44	<b>CI 2.2 – Damaging or interfering with roads</b> Enables contractors to perform work	Contractors are engaged by Council and as such permitted to undertake works.
58	44	<b>CI 2.21 – Planting vegetation on roads</b>	Not supported.

		Badly worded clause. Perhaps change to verge as no one will plant on a road	The term road is defined under CI 1.6 and states what a road incorporates.
59	44	<b>CI 4.3 – Unsightly land</b> Subjective and difficult to enact. Will Council be proactive or expect neighbours to do in each other	Council currently operates on a reactive basis following complaints about a property. This may change subject to the future concerns of the community.
60	46	Reconsider the whole process and engage local young people.	Council has undertaken an extensive engagement process in the development of the draft local law.
61	47	Laws are draconian and unaustralian with unreasonable fines and permit costs.	Not Supported Fines are less than the previous local law. Current permit costs are far less than many other local governments.
62	48	Contents of the Local Law do not meet the purpose in CI 1.2	Not Supported Community consultation has proven that there is a greater interest in sustainable practices and Climate Emergencies. The purpose of this Local Law does not restrict the communities intent. The Local Law enables a number of activities in a controlled way that would otherwise be restricted, such as roadside grazing.

63	48, 78, 90	<p><b>CI 4.2 – Camping and Caravan Occupation</b></p> <p>Opposed as private landholder's should have the right to camp on their land</p>	<p>Not Supported.</p> <p>State Legislation, such as the Residential Amenities Act and Planning and Environment Act, prohibits persons living in caravans for extended period of time. Council's Local Law enables this activity for temporary periods.</p>
64	54	<p><b>CI 2.15 – Trading in a Public Place</b></p> <p>Opposed as it appears to be an introduction to simply make a profit through permits</p>	<p>Not Supported</p> <p>Trading in a Public Place has been part of the last Local Law. This clause ensure that businesses and individuals do not operate in a manner that causes a nuisance and makes an area unsafe. It also ensures that certain activities have the appropriate public liability insurance or other required permits (Environmental Health).</p>
65	55	<p><b>Management of Domestic Cats</b></p> <p>24 hour cat curfews and contained to property</p>	<p>Cat Curfews are not a matter for a Local Law. Cat Curfews have been identified for consideration in our Domestic Animal management Plan and will be considered by Council at a later date.</p>
66	58, 61, 65, 111	<p><b>CI 2.15 – Trading in a Public Place</b></p> <p>Opposed as roadside produce is a part of country life and</p>	<p>Not Supported.</p> <p>Roadside Stalls, if placed in inappropriate locations, may cause an unsafe road environment. Council has a</p>

		something the state government supports	responsibility to ensure its roads are safe for all users.  Property owners selling produce can sell the goods from private property subject to compliance with other legislative requirements.
67	59	<b>CI 2.1(a) – interfere with reasonable use and enjoyment of place</b>  The draft local law does exactly what this clause states	Not Supported.
68	59, 92	<b>CI 2.1(e) – light a fire unless in a BBQ</b>  A small safe fire is vital to prevent fatal exposure to the elements  People have the right to light fires in a safe trench of 30cm	Not Supported.  Council must ensure safety on its land. Those needing a fire to keep warm should be doing so within private property or Crown Land where fires are permitted.
69	59	<b>CI 3.1 – Animal Numbers</b>  Not addressing the cat issue is an abrogation of Councils responsibilities	Cat numbers have been introduced and cat curfews will be handled under separate cover at a later date. Cat curfews are not a Local Law matter, they are a Domestic Animals Act matter.
70	60, 84, 208	<b>CI 4.10 – Recycling and Waste Reduction</b>  Impacts the recycling of newsprint and cardboard.	Supported.  Clause regarding newsprint to be amended or removed.
71	60, 84	<b>CI 2.5 – Festivals, carnivals and circuses</b>	Supported.

		Remove clause 2.5.2 as it is superfluous to clause 2.5.1 which should cover the event permit	Remove festival from CI 2.5.2 as it is included in 2.5.1
72	61, 70, 72, 75, 92, 96, 103	<b>Definition of Event and Public Place</b> Redefine these definitions as they are broad and all encompassing	Supported. Event definition updated Public place throughout the local law replaced with Municipal Place
73	66	<b>Include laws relating to drone flying</b>	Supported. CI 2.9 included the use of drones. The definition of wheeled toy vehicles include remote control aircraft i.e. drone
74	67	<b>CI 2.3 – Drains and Stormwater discharge</b> Too broad and seems to capture any one cleaning or even weeding drain or storm water discharge. Should not restrict the public removing noxious weeds etc as interference	Not supported. CI 2.3 does not capture maintenance of grasses, weeds etc. Maintaining this does not create an offence as they are clearing the drain.
75	70	<b>CI 4.3 – Incinerators and Open Fires</b> Should not need permits or permission	Permits are not required for fires except for fires during the fire danger period. These permits are required under the CFA Act.
76	71	<b>Absence of a Cat Curfew</b>	Cat Curfews are not a matter for Local Laws. They are a Domestic Animals Act matter and identified in Councils Domestic Animal Management Plan and will

			be considered by Council at a later date.
77	72	<p><b>CI 3.1 – Animal Numbers</b></p> <p>Limits on animals kept in non-residential areas contradicts the planning scheme. There should be no maximum limit for poultry</p>	<p>Supported.</p> <p>Limits on the numbers of poultry permitted in non-residential zones amended to No Permit Required</p>
78	73	<p><b>Burning leaves and pruning's should be banned</b></p> <p>They are best laid down as mulch or composted</p>	<p>Not supported.</p> <p>This would be an unenforceable law.</p> <p>Council however can encourage the activity through other practices such as education and improved waste management practices.</p>
79	75	<p><b>CI 2.1 puts a blanket ban on all fires on public land and does not even allow for application for a permit</b></p> <p>This means Committee of Managements will not be able to burn vegetation. Smoking ceremonies will also not been permitted.</p>	<p>Supported.</p> <p>Amending public place to municipal place will remove the foreseen impact this activity will have on Committee's of Management.</p>
80	75	<p><b>CI 2.4 – Use of vehicles in a municipal place</b></p> <p>Clause means no more Bullarto Tractor Pull. Cannot apply for a permit whereas the old local law allowed for a permit</p>	<p>Supported</p> <p>Bullarto Tractor Pull would be seen as an event so an event permit would authorise the activity.</p>

			However, to remove any confusion recommend including “without a permit”.
81	75	<p><b>CI 2.7 – Busking</b></p> <p>New Local Law defines busking much more broadly and includes with or without collecting money.</p>	<p>Not supported.</p> <p>Council needs to regulate this activity to ensure fairness for all buskers. Busking, if unmanaged, can also cause a disturbance for business. As such, Council needs to regulate the activity to ensure there is no impact on the community and business.</p>
82	90	<p><b>Definition of Sell</b></p> <p>Includes barter but the term barter does not mean sell, it means trade for things other than money</p>	<p>This submission relates to the old Local Law. The term Sell is not defined in the new Local Law.</p>
83	90	<p><b>CI 3.3 – Games and Sport</b></p> <p>Playing a family game of football or cricket requires a permit</p>	<p>CI 3.3 is part of the old Local Law. It has been removed from the proposed Local Law. The old CI 3.3 refers to undertaking games which may interfere with the use enjoyment and safety of the surrounding area.</p> <p>This clause is now covered under CI 2.1(a) Behaviour in Municipal Places</p>
84	90	<p><b>CI 4.3 – Unsightly Land</b></p> <p>Opposed as property owners should be able to</p>	<p>Not Supported.</p> <p>Whilst a person owns their land, Council has a responsibility to ensure the</p>

		do what they want on their own land	health and safety of the community and protect local amenity in its municipality. Unsightly land can harbour vermin, snakes etc. It can also be connected with other social and mental health issues.
85	90	<b>CI 4.4 – Damage or nuisance caused by trees or plants</b>  Does not make sense	Not supported.  Submission was made in relation to the old local law. The new Local Law has a clearer clauses.
86	90	<b>CI 3.1 – Animal Numbers</b>  Opposed as property owners should be able to do what they want on their own land	Not supported.  Hepburn Shire has been the highest per capita municipality for reported animal welfare 3 out of the last 4 years. Council Local Law has allowed this as it, for example, permitted cows to be on residential properties.
87	90, 92, 107, 111	<b>CI 2.10 – Sale of Vehicles</b>  Opposed as it means a person can't drive a car and park it at the Lake whilst they go for a walk if it has a for sale sign on it, Will I be able to advertise a car for sale inside my property?	Not Supported.  CI 2.10 states "for the purposes of promoting the vehicle for sale" This means the vehicle needs to be parked for extended periods of time (days/weeks) and/or with a large sign displaying 'for sale'. A car being driven around with a sign is not seen as an offence.

			Vehicles can also be parked on private property advertising 'for sale'.
88	92	Include laws regarding the disturbance caused by whipper snippers, leaf blowers etc.	Not Supported. State Legislation (EPA Act) manages the nuisances caused by household equipment and noise.
89	92	<b>CI 2.19 Consumption of Alcohol</b> Opposed as should be able to visit places as a responsible adult and have a glass of wine	Not Supported. This clause does not ban the consumption of alcohol in all public places, only those declared by Council. Public Places are open for use to all. Permitting the use of alcohol in all places may result in intoxicated people in areas frequented by families.
90	93	<b>Cat curfews are required</b>	Cat Curfews are not a matter for Local Laws. They are a Domestic Animals Act matter and identified in Councils Domestic Animal Management Plan to be considered by Council at a later date.
91	99	<b>Review of Local Law should consider the National Disaster Risk Reduction Framework</b>	Not Supported. Disaster Risk Reduction is managed through Council Emergency Management Activities, Planning Scheme and other Council Strategies.

			The local law does reduce risks for Council and its community.
92	100	<b>Introduces a host of new permits and unmeasured penalties up to 20 penalty units and no infringement appeal rights are specified in the local law</b>	Permits are required under the old local law for most of the clauses.  The reference to 20 Penalty Units relates to a court imposed penalty.  Infringements under this Local Law are for 2 penalty units only which equates to \$200 as per the definition.
93	107	<b>CI 2.8 – Vehicle Crossings</b>  On rural properties, there are various gate openings. Does this prohibit such openings?	Vehicle crossings may be allowed in all areas but the construction must be approved by Council to ensure road safety requirements and appropriate functioning of roadside drains are maintained for all road users.  CI 2.8 states that a Procedure for Vehicles Crossing will document how a crossing is to be constructed.
94	108	<b>CI 3.1 – Animal Numbers</b>  Unclear as to whether a rescuer or carer of orphaned or injured animals can get a permit	Rescuers and Carers of wildlife require a permit through State legislation. They are not a matter for Local Laws.
95	108, 111	<b>CI 3.6 – Riding Horses</b>	Supported.

		Provided persons leading a horse have full control, then I do not think this activity needs to be banned.	New clause created permitting horse riding as long as it does not create a nuisance.
96	108	<b>CI 4.1 – Incinerators and Open Fires</b> Use of incinerators in a built up area should be banned.	Not Supported. Conditions of burning off are listed in CI 4.1 which is expected to reduce the nuisances caused. For example, burning green vegetation and wet materials will create thick smoke. CI 4.1 restricts this activity.
97	110	<b>CI 4.1 – Incinerators and Open Fires</b> Opposed as it appears that apiarist smokers will be banned unless a permit is obtained	Clarification will be provided that is consistent with CFA requirements. Apiarist smokers are not likely to be seen as incinerator or open fire.
98	111	<b>Laws about the use of drones, hot air balloons and helicopters need to be introduced to protect horses</b>	Laws are already in place under the Civil Aviation Safety Authority that manages all aircraft and their activities.
99	115	<b>Unightly Term</b> Unightly is in the eye of the beholder. What is unsightly to one is not unsightly to the other	Enforcement Guidelines will be prepared to ensure that any interpretation of what is unsightly is considered prior to enforcement. These guidelines will also provide owners of property believed to be unsightly with the right to object to

			<p>any unsightly land allegations.</p> <p>State Legislation also allows a landowner to challenge the allegation in Court or VCAT.</p>
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Key changes to the draft Local Law as a result of the public exhibition and consideration of submissions as listed in the above table are:

- Definitions:
  - Public Place definition remains but it only relates to the land under the control of Council. Public Place throughout the Local Law has been replaced with Municipal Place.
  - Event definition amended to note that the activity does not include a social gathering where there would be no disruption to the use of the municipal place by other persons. For example, a kids birthday party with approximately 30 people would not be seen to cause a disruption
  - Wheel Toy Vehicles – term bicycle added
  - Livestock – does not include bees
- CI 2.2 – term public place replaced by municipal place
- CI 2.4 – Use of Vehicles – term bicycle removed
- CI 2.9 – Wheeled Toy Vehicles – term bicycle added
- CI 2.11 – Vehicle repair – amended to allow necessary works for the removal of the vehicle eg flat tyre.
- CI 2.18 – Firewood Collection – terms fruit, flowers and other vegetation has been removed.
- CI 3.1.1 – Keeping Animals – poultry numbers for non-residential land changed to ‘no permit required’
- CI 3.1.2(c) – exemption for fire and weed management increased from 1 month to 3 months
- CI 3.1.3 – term poultry added to allow for seasonal variations
- CI 3.3 – Poultry- to be kept in accordance with the applicable Code of Practice.
- CI 3.6.1 – Riding horses – clause deleted and replaced with a clause allowing horse riding as long as the activity does not cause a nuisance

- CI 4.1 – Incinerators and Open Fires – exemption included to allow burning food waste in an incinerator for the purpose of creating biochar
- CI 4.3 – Unightly land – unregistered vehicles and parts of vehicles added to Note
- CI 4.3 – Unightly land – Note: - term unconstrained added (b) to read “unconstrained second hand timber”
- CI 4.7 – term ‘salvaging’ added
  - Words ‘without a permit’ removed. The ability to obtain a permit is not seen as appropriate.
  - Clause amended to state ‘A person must not search through or remove any articles of rubbish, recyclables or items:
    - (a) from a transfer station, unless in compliance with any Council signage displayed at the transfer station
  - Council will create safe options for the community to collect salvage items from the transfer stations
- CI 4.9.2 (f) – corrected to read ‘trade waste of any kind’

In addition, Enforcement Guidelines, Good Practice Guidelines and local Policies will be developed after the adoption of this local law. These guidelines will guide and inform the way Council operates and administers the Local Law and provide clear expectations for the community and Authorised Officers.

Council is committed to completing these guidelines and local policy documents to support the Local Law. It is intended that this will begin with the development of guidelines for:

- Scavenging and salvaging at Councils waste facilities; and
- Planting vegetation on roads

Council will seek input from the community in the development of these documents.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

Improve community amenity and accessibility in all public spaces, through effective local laws review and enforcement implementation of

Access and Inclusion Plan actions and monitoring property owner's compliance with the planning scheme and heritage requirements.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK IMPLICATIONS**

Council previous Local Law ceased to operate on 17 November 2019.

Council has developed the draft Local Law in accordance with the correct procedure for making the local law in accordance with Section 119 of the Local Government Act 1989.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The *Community Amenity and Municipal Places Local Law* is intended to protect and enhance the public health, safety and amenity of the Hepburn community comprising its residents, workers, businesses and visitors. The Local Law is designed to ensure that the actions of an individual or group do not have an adverse impact on the rest of the community. The absence of a suitable Local Law for any extended period may have a number of social implications such as:

- Council managed land being unsafe through unauthorised and unmanaged activities
- Local amenity could be impacted with unsightly properties and excess animals
- Unmanaged street trading, busking, and outdoor dining which may restrict accessibility.
- Unmanaged alcohol use with persons allowed to drink in public places.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

A range of stakeholders and organisations were engaged with and contributed to the review of councils Local Law 2 and had the opportunity to raise emerging issues, workshop ideas and identify where processes could be improved or simplified to reduce regulatory burden. This was achieved through:

- invitation for online feedback - February 2019,
- Community drop in sessions - April 2019
- various Public Notices in print media
- various promotions in council community news page
- Shire News – Autumn addition

- Community Drop in sessions – December 2019

Public submissions were sought in accordance with the requirements of the *Local Government Act 1989*. A summary of all submissions is included in this report.

One hundred and nineteen (119) written submissions were received in response to the exhibition of the draft Local Law. All submissions were carefully considered and a number of changes, as noted in this report, have been included in the review of the draft Local Law 2.

## CONCLUSION

The Local Government Act 1989 authorises Victorian Councils to make local laws to assist with the performance of their various functions in their communities. Hepburn Shire Council has prepared the Community Amenity and Municipal Places Local Law to protect and enhance the public health, safety and amenity of the Hepburn community comprising its residents, workers, businesses and visitors. The Local Law is designed to ensure that the actions of an individual or group do not have an adverse impact on the rest of the community. Specified documents have been incorporated into the Local Law to give helpful and practical guidance to affected persons.

General Local Law No. 2 of 2019 – Community Amenity and Municipal Places is an appropriate framework to provide a safe and healthy environment for our community. The adoption and implementation of the Local Law will provide for preservation of local amenity and a safe and healthy environment.

A Community Impact Statement (Attachment 5) for the Hepburn Shire Council General Local Law No. 2 of 2019 – Community Amenity and Municipal Places was prepared for the community.

Council is committed to the development of guidelines and policies that provide clear guidance to authorised officers and the community for certain activities. Where possible, the community will be consulted to ensure that the guidelines and policies meet the needs of the community.

Council is also committed to sustainability as per the 2019 climate emergency declaration. Whilst the Local Law restricts a number of activities, it does not stop activities from occurring with the appropriate authorisation. The Local Law is a guiding document to ensure that unmanaged activities do not occur on Council land. By regulating certain activities, Council can ensure that any

work or activity on Council land, is not detrimental to the environment or our broader community.

#### OFFICER'S RECOMMENDATION

That Council:

- 12.1.1. Make the Hepburn Shire Council General Local Law No. 2 of 2019 – Community Amenity and Municipal Places, to come into operation on Monday, 2 March 2020;
- 12.1.2. Publish a notice in the Government Gazette and a public notice in the Advocate and Ballarat Courier and on Council's website, in accordance with section 119(3) of the Local Government Act 1989, specifying:
  - The title of the local law; and
  - The purpose and general purport of the local law; and
  - That a copy of the local law may be inspected at the Council office;
- 12.1.3. Send a copy of the Hepburn Shire Council General Local Law No. 2 – Community Amenity and Municipal Places to the Minister;
- 12.1.4. Notify in writing each person who has made a submission, of this decision and the reasons for the decision;
- 12.1.5. Develop and implement an education program to ensure a smooth implementation of General Local Law No. 2 of 2019 – Community Amenity and Municipal Places; and
- 12.1.6. Commit to engaging with the community in the development of guidelines and policies associated with the implementation of General Local Law No. 2 of 2019 – Community Amenity and Municipal Places.

**MOTION**

*12.1.1 That Council rewords 2.9.3 in the current draft local law as follows: The following designated footpaths are declared areas where toy vehicles and bicycles must not be ridden at any time – Vincent Street between Albert Street and Central Springs Road, Daylesford*

*12.1.2. Make the Hepburn Shire Council General Local Law No. 2 of 2019 – Community Amenity and Municipal Places, to come into operation on Monday, 2 March 2020;*

*12.1.3. Publish a notice in the Government Gazette and a public notice in the Advocate and Ballarat Courier and on Council's website, in accordance with section 119(3) of the Local Government Act 1989, specifying: • The title of the local law; and • The purpose and general purport of the local law; and • That a copy of the local law may be inspected at the Council office;*

*12.1.4. Send a copy of the Hepburn Shire Council General Local Law No. 2 – Community Amenity and Municipal Places to the Minister;*

*12.1.5. Notify in writing each person who has made a submission, of this decision and the reasons for the decision;*

*12.1.6. Develop and implement an education program to ensure a smooth implementation of General Local Law No. 2 of 2019 – Community Amenity and Municipal Places;*

*12.1.7. Commit to engaging with the community in the development of guidelines and policies associated with the implementation of General Local Law No. 2 of 2019 – Community Amenity and Municipal Places. commencing as soon as possible, with working groups to be set up on*  
*\* firewood collection*  
*\* savaging at the transfer stations*  
*\* planting on verges*

*12.1.8 – Council develops an appeal process that is relevant to Local Law 2.*

**Moved:** Cr Kate Redwood

**Seconded:** Cr Don Henderson

**Carried**

**Councillor Neil Newitt called for a division:**

**Division:**

**For:** Cr Kate Redwood, Cr Don Henderson, Cr Licia Kokocinski, Cr John Cottrell, Cr Greg May,

**Against:** Cr Fiona Robson, Cr Neil Newitt

**Carried**

**ATTACHMENT 4 - LOCAL LAW 2 - PREAMBLE (ISSUED UNDER  
SEPARATE COVER)**

**ATTACHMENT 5 - GENERAL LOCAL LAW NO.2 OF 2019- COMMUNITY  
AMENITY AND MUNICIPAL PLACES (ISSUED UNDER SEPARATE  
COVER)**

**12.2. CHIEF EXECUTIVE OFFICER'S REPORT  
CHIEF EXECUTIVE OFFICER**

**OFFICERS RECOMMENDATION**

12.2.1. That Council receives the Chief Executive Officer's report for February 2020.

**MOTION**

*12.2.1. That Council receives the Chief Executive Officer's report for February 2020.*

**Moved:** Cr Kate Redwood  
**Seconded:** Cr Neil Newitt  
**Carried**

**12.3. CHIEF EXECUTIVE OFFICER – QUARTER 2 JANUARY 2020  
PERFORMANCE REVIEW  
CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Chief Executive Officer, I Evan King have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to receive the Quarter 2 Performance Appraisal for the Chief Executive Officer for the 2019-2020 year.

**BACKGROUND**

The Chief Executive Officer's Performance Evaluation is conducted by Council on a quarterly and annual basis. The performance evaluation reviews the performance of the Chief Executive Officer against pre-determined assessment criteria and the progress towards meeting these criteria. The quarterly and annual review is reported to Council for formal consideration. Further, the Council, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas.

The objective of the process is to provide a forum for authentic dialogue with the Chief Executive Officer on overall performance and to establish as early as possible annual Key Result Areas.

This process is documented and adopted by Council to ensure a consistent approach to the Hepburn Shire Council Chief Executive Officer review. The review process is a collaborative, constructive process that is designed to enhance performance and provide guidance for the Chief Executive Officer, using the Council Plan and/or other Strategic Documents. Councillors take a corporate view of this process. The performance review process is regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Hepburn Shire Council.

## ISSUE/DISCUSSION

### Annual Review – 2019-2020

The CEO Performance Plan is divided into two components:

1. Regular Quarterly Performance Indicator presentations to Councillors on key aspects of the organisation, and
2. A Year-end performance review based on specific key qualitative and quantitative indicators



Quarterly Performance Indicators enable Council and the CEO to determine a flexible running program of key organisational, development and capability indicators.

### **2019 – 2020 Indicators**

The quarter 2 performance appraisal of the Chief Executive Officer was conducted on the 4<sup>th</sup> February 2020.

The quarter 2 performance appraisal focused on the quarterly performance areas:

- 2019-2020 Half Year Budget Review
- Community Planning
- Organisational realignment & Culture
- Planning Scheme Review
- Economic Development

- Annual Plan

### **2019-20 Half Year Budget Review**

Financial & Service Performance

- Mid-year review has been undertaken and will be presented at the February 2020 Ordinary Meeting of Council.

### **Core Initiatives**

#### Community Planning

- A full review was completed by the Community Development Officer of the Community Planning process in Hepburn Shire and was presented with recommendations to Council during their October 2019 meeting

#### Organisational Realignment & Culture

Stage two of the organisational realignment was developed during the past quarter and is in the process of being implemented. Focus areas were:

- Community Care
- Community & Economic Development
- People & Culture
- Governance & Risk
- Financial Services
- Parks and Open Space
- Works
- Environment & Waste
- Development & Community Safety

#### Planning Scheme Review

The following actions have occurred to date:

- **Comprehensive community consultation:**  
Drop in sessions and formal meetings at Daylesford, Trentham, Clunes, Creswick and Glenlyon. Facebook page with up to date ongoing information. Additional community meeting with special interest groups such as Ajax Road, the Coomoora community, referral authorities, the National Trust of Victoria and multiple meeting with Council officers including a PCG.  
The result of this work was provided in a detailed Stakeholder and community consultation report in late 2019.

- **A review of all documentation** including a detailed review of the effectiveness the current planning scheme, demographic data, state and local government policies, mapping and key findings from all current. The result of this work was provided in a detailed data and evidence report in late 2019.
- **Councillor briefings** to ensure the Councillors are kept informed about consultation and have input into the review.
- **Draft Planning scheme review** report provided to Council early this year and presented at a PCG. We have provided detailed tracked changes to the report. This report is being presented to February Council Meeting.

#### Economic Development

Economic Development Strategy review has been undertaken with a detailed work plan presented to Council in February 2020 includes:

- Event strategy review commenced – due for completion June 2020
- Visit Victoria Tourism Submission collated and submitted
- Economic Development Newsletter established and distributed
- Business support network events established for Trentham / Clunes
- Hub for Premium Produce – Artisanal Agriculture Specialist Facilitator role recruited and commenced.
- Economic Development Officer rotation commenced (Creswick, Clunes, Trentham & Daylesford)
- Project Lead for the Building Better Approvals Project
- Completed Clunes Community Housing Project – official opening March 2020
- Established Visit Victoria Events Fund program
- Supported Glenlyon New Year's Event
- Event support for in excess of 40 events
- Liaison with Regional Development Victoria on Institute of Gastronomy Business Case Feedback and progression
- Participation in Goldfields Track Control Group
- Participation in Daylesford Macedon Tourism Advisory Board
- Participation in Daylesford Macedon Rail Trail joint working group
- Scoping commenced on Daylesford Macedon Rail Trail Feasibility Study
- Developed Shire Business Awards Program – to be presented to Council February 2020 and will run in June 2020

#### Annual Plan

- Annual Plan Q2 Review is currently being undertaken and coordinated by DCCS.

- The Q2 review will detail progress and comment on the Annual Plan Actions as at 31 December.
- The timetable is to present at February Council Meeting.
- We have completed 8 actions, 22 are on track and 9 actions are not currently on track.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Strategic Objective – High Performing Organisation

Key Strategic Activity:

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report

### **RISK IMPLICATIONS**

There are no risk implications associated with this report

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are no environmental, social or economic implications associated with this report.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The presentation of this report provides transparency to the community on the quarterly performance review process undertaken by Councillors with the Chief Executive Officer.

### **CONCLUSION**

The performance review of the Chief Executive Officer is undertaken through quarterly and annual reviews against pre-determined assessment criteria and the progress towards meeting these criteria. The quarterly and annual review is reported to Council for formal consideration. Further, the Council, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas.

**OFFICER'S RECOMMENDATION**

*That Council:*

*12.3.1 Receives the 2019-20 quarter 2 performance appraisal of the Chief Executive Officer*

**MOTION**

*That Council:*

*12.3.1 Receives the 2019-20 quarter 2 performance appraisal of the Chief Executive Officer*

**Moved:** Cr Kate Redwood  
**Seconded:** Cr John Cottrell  
**Carried**

**ATTACHMENT 6 - CONFIDENTIAL 2019-20 QUARTER 2 PERFORMANCE  
APPRAISAL (ISSUED UNDER SEPARATE COVER)**

**12.4. CUSTOMER REQUESTS UPDATE – DECEMBER 2019**  
**DIRECTOR COMMUNITY & CORPORATE SERVICES**

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

**PURPOSE**

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 December 2019.

**BACKGROUND**

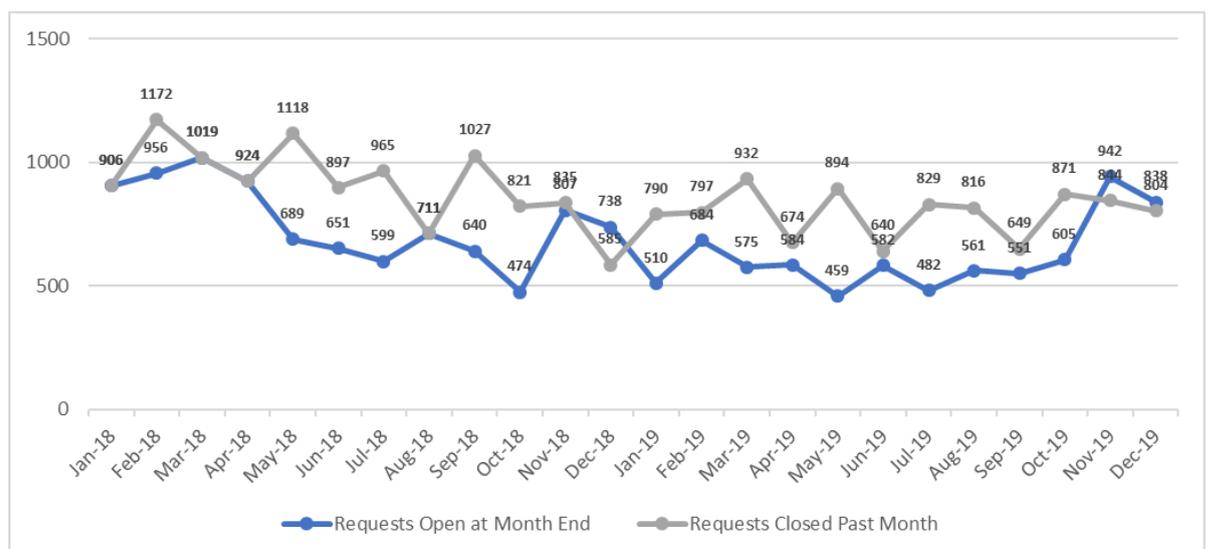
Council uses a Customer Request System *Closing the Loop* to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

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.

**ISSUE/DISCUSSION**

The following data provides the key indicators for the customer requests in *Closing the Loop*.

**Total Requests Open and Closed Each Month**

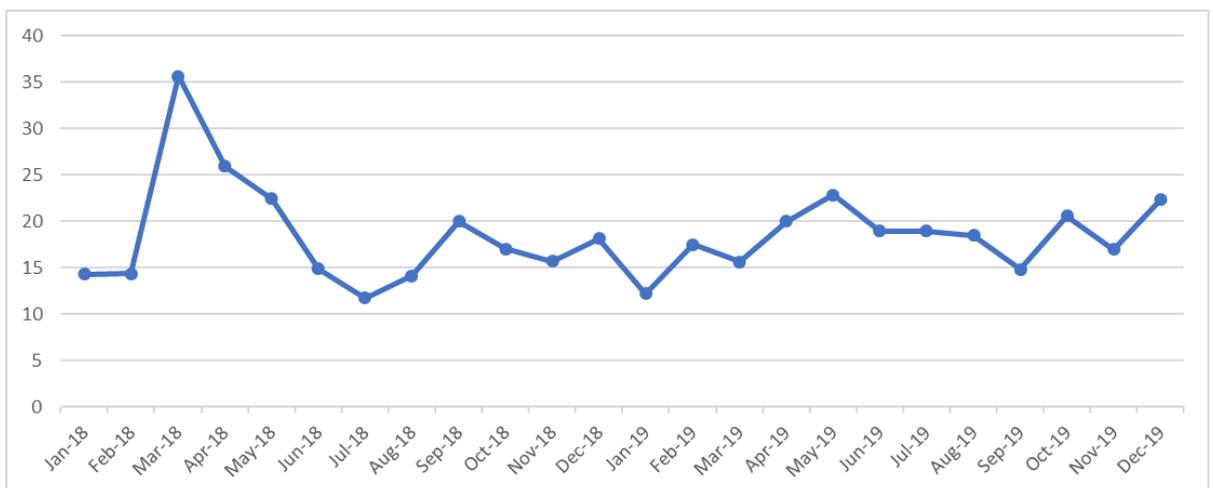


There was a spike in the number of requests in November 2019 due to requests, particularly tree repairs and roads works associated with the weather events of the 21<sup>st</sup> November.

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	July	August	Sept	Oct	Nov	Dec
Call back	174	220	216	242	334	321
Roads and Footpaths	50	60	60	64	132	93
Parks and Open Space	23	29	30	41	88	62
Information Technology (internal)	41	57	55	76	91	68
Development - Planning, Building and Septics	46	48	45	45	51	48
Other	128	147	145	137	246	246
<b>Total</b>	<b>482</b>	<b>561</b>	<b>551</b>	<b>605</b>	<b>942</b>	<b>838</b>

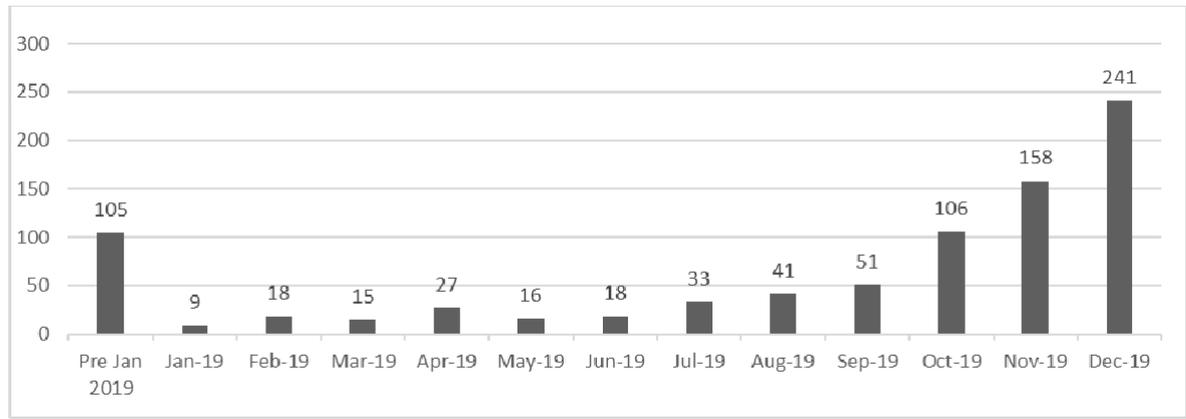
### Average Days to Close Requests



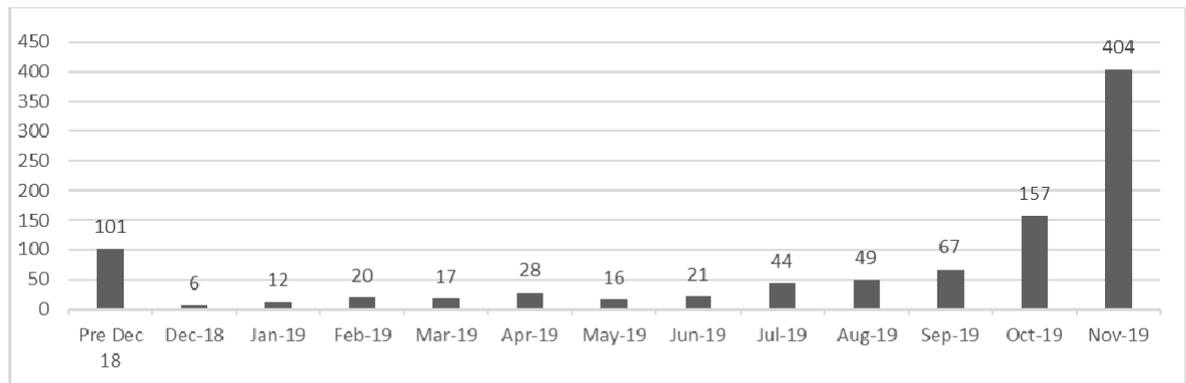
Over the last 12 months the average days to close has ranged between 12.23 and 22.83 – with an average of 18.28.

## Open Requests by Month Received

### Current



### Last Month



## COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017-2021:

Strategic Objective: High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver Excellent Customer Service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.

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

### **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.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

No specific matters noted.

### **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.

### **CONCLUSION**

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**

12.4.1 That Council notes the update on customer requests for December 2019.

### **MOTION**

*12.4.1 That Council notes the update on customer requests for December 2019.*

**Moved:** Cr Fiona Robson  
**Seconded:** Cr John Cottrell  
**Carried**

**12.5. CUSTOMER REQUESTS UPDATE – JANUARY 2020**  
**DIRECTOR COMMUNITY & CORPORATE SERVICES**

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

**PURPOSE**

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 January 2020.

**BACKGROUND**

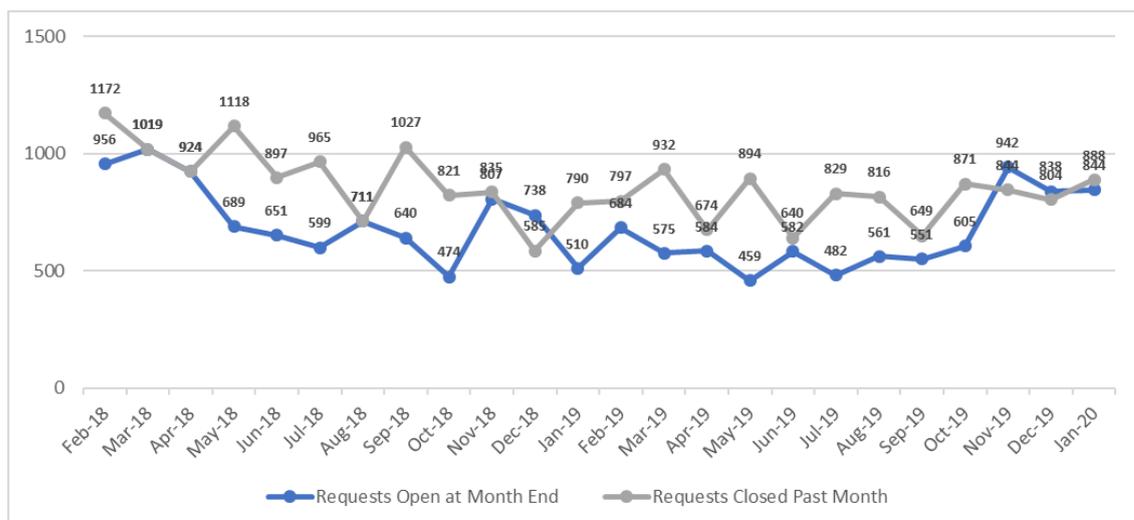
Council uses a Customer Request System *Closing the Loop* to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

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.

**ISSUE/DISCUSSION**

The following data provides the key indicators for the customer requests in *Closing the Loop*.

**Total Requests Open and Closed Each Month**

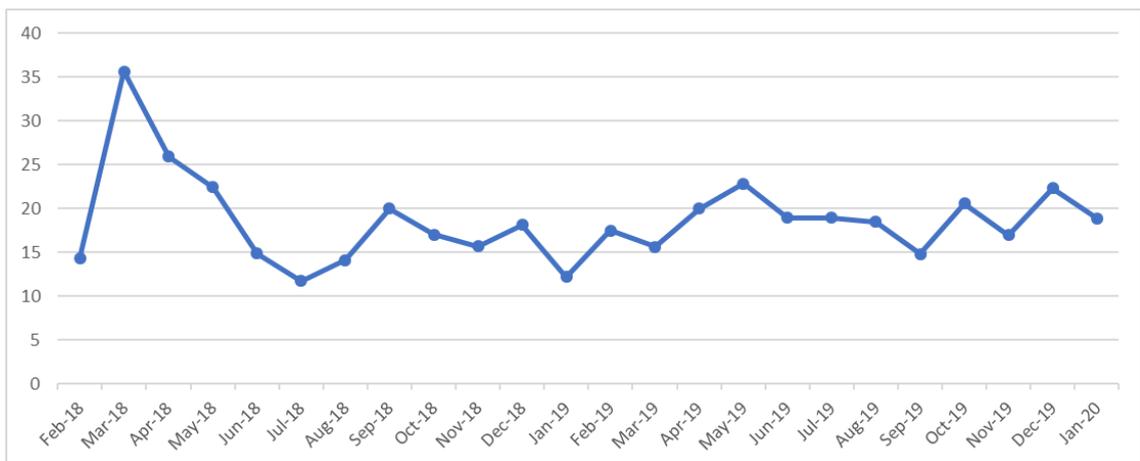


There was a spike in the number of requests in November 2019 due to requests, particularly tree repairs and roads works associated with the weather events of the 21<sup>st</sup> November.

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	August	Sept	Oct	Nov	Dec	Jan
Call back	220	216	242	334	321	404
Roads and Footpaths	60	60	64	132	93	107
Parks and Open Space	29	30	41	88	62	65
Information Technology (internal)	57	55	76	91	68	83
Development - Planning, Building and Septics	48	45	45	51	48	69
Other	147	145	137	246	246	247
<b>Total</b>	<b>561</b>	<b>551</b>	<b>605</b>	<b>942</b>	<b>838</b>	<b>975</b>

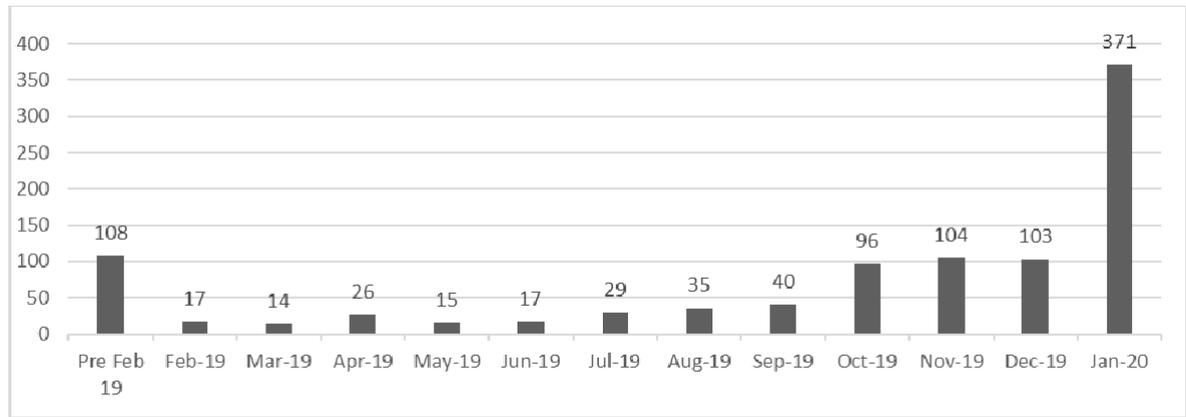
### Average Days to Close Requests



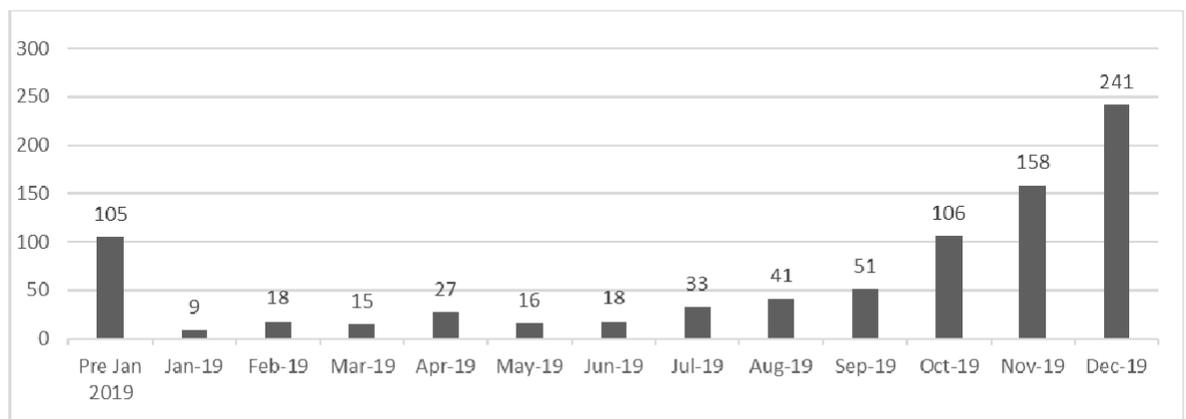
Over the last 12 months the average days to close has ranged between 14.85 and 22.83 – with an average of 18.84.

### Open Requests by Month Received

#### Current



#### Last Month



### COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017-2021:

Strategic Objective: High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver Excellent Customer Service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.

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

### **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.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

No specific matters noted.

### **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.

### **CONCLUSION**

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**

12.5.1 That Council notes the update on customer requests for January 2020.

### **MOTION**

*12.5.1 That Council notes the update on customer requests for January 2020.*

**Moved:** Cr Fiona Robson  
**Seconded:** Cr Neil Newitt  
**Carried**

**12.6. DEVELOPMENT AND COMMUNITY SAFETY REPORT**  
**DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

*In providing this advice to Council as the Manager Development and Community Safety, I Bronwyn Southee have no interests to disclose in this report.*

**PURPOSE**

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.

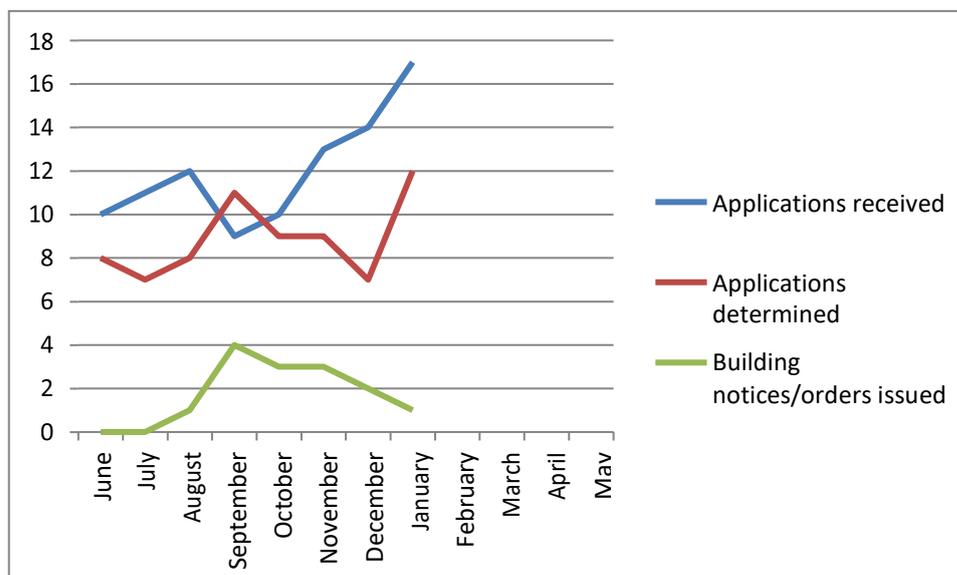
**ISSUE/DISCUSSION**

**Building**

The building activity report for January 2020 is summarised below:

Building Activity	Total
Building applications received	17
Building applications determined	12
Building notices/orders issued	1
Total development cost	\$904,479

The following graph indicates building statistics and activity for the 2019/2020 financial year. (June 2019 included):

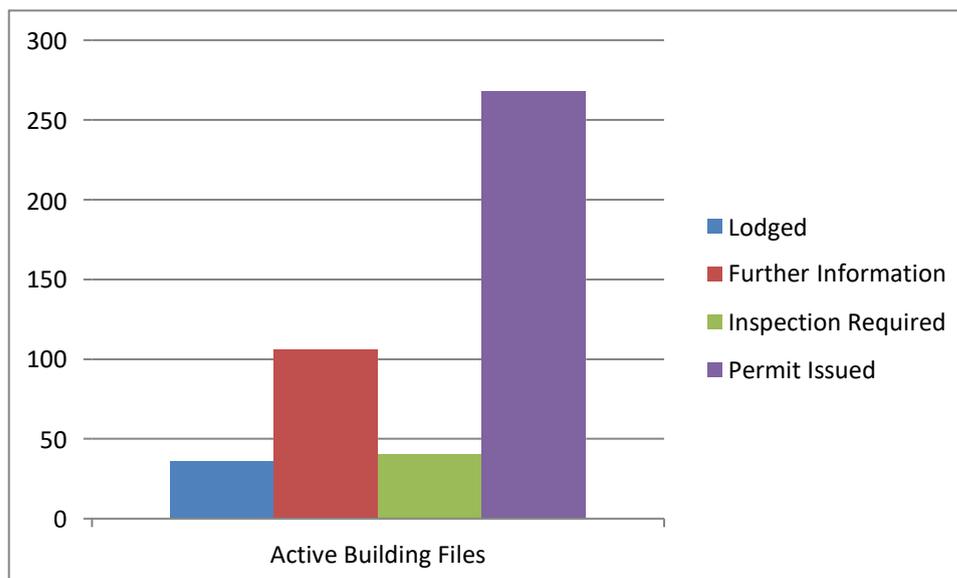


The total value of development for all Council approved building permits for the 2019/2020 financial year is \$4,565,576.00

### Active Building Files

The building department has had 450 active building files over the month of November as summarised below:

Active Building Files	Total
Lodged	36
Further Information	106
Inspection Required	40
Permit Issued	268

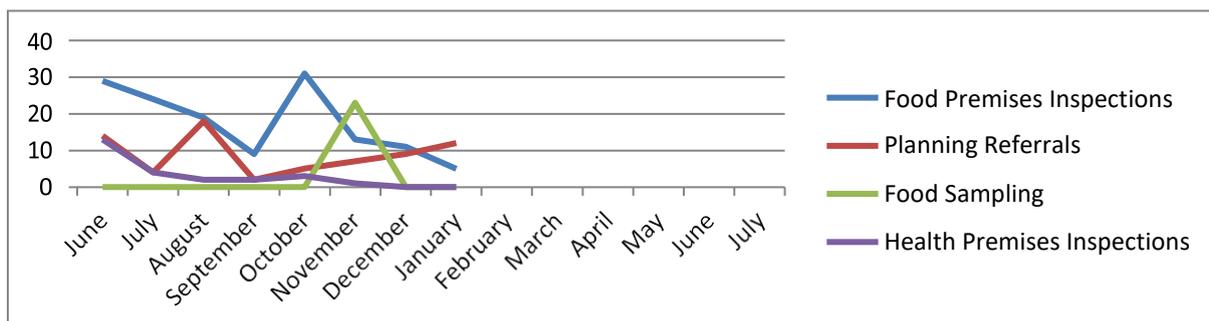


**Environmental Health**

The Environmental Health activity report for January 2020 is summarised below:

Environmental Health Activity	Total
Food Premises Inspections	5
Planning Referrals	12
Food Sampling	0
Health Premises Inspections	0

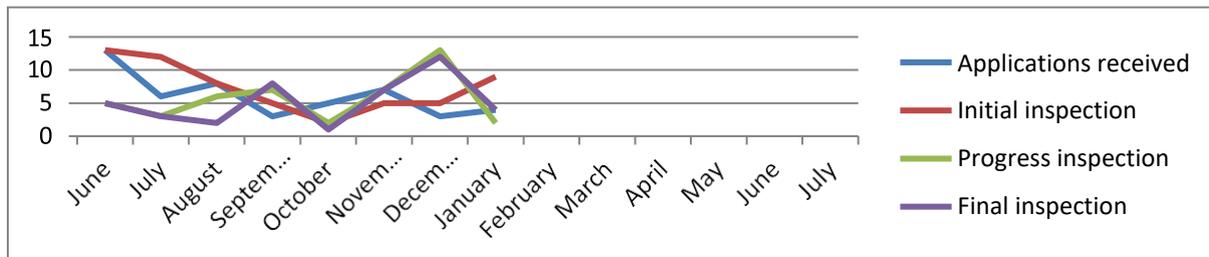
The following graph indicates environmental health statistics and activity for the 2019/2020 financial year (June 2019 included):



The Environmental Health septic tank application/inspection activity report for January 2020 is summarised below:

Septic Tank applications/inspections	Total
Applications	4
Initial inspection	9
Progress inspection	2
Final inspection	4

The following graph indicates environmental health septic tank application/inspection statistics and activity for the 2019/2020 financial year (June included):



### **Community Safety**

The Community Safety team activity report for December 2019 / January 2020 is summarised below:

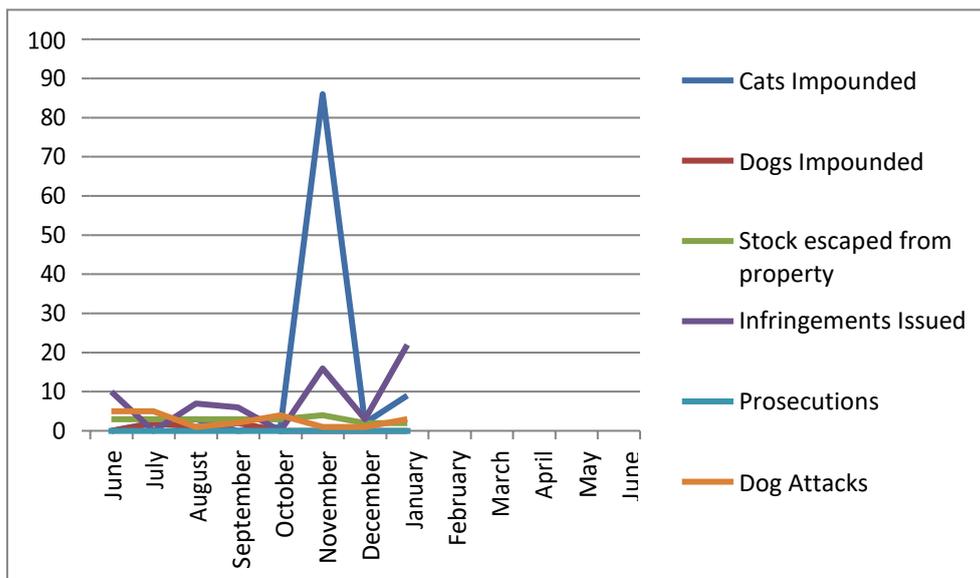
Local Laws Activity	Total
Cats Impounded	11
Dogs Impounded	0
Stock escaped from property	2
Infringements Issued	25
Prosecutions	0
Dog Attacks	4
Declarations of Menacing Dogs	0
Declarations of Dangerous Dogs	0

One dog was surrendered to Council in the reporting period following a dog attack. Insufficient evidence was available for all other reports to proceed further with the investigations.

Breakdown of Infringements issued in December 2019 / January 2020:

Infringements	Total
Parking	0
Local Law	0
Food	0
Animal	7
Fire	18

The following graph indicates local laws statistics and activity for the 2018/2019 financial year (June 2019 included)

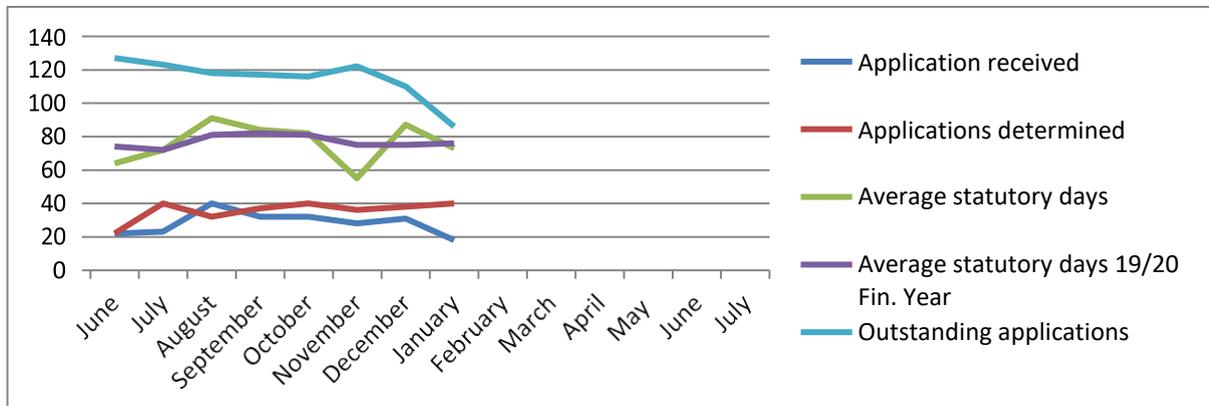


**Planning**

The Planning activity report for January 2020 is summarised below:

Planning Activity	Total
Applications received	18
Applications determined	40
Average statutory days for month	73
Average statutory days 19/20 financial year	76
Average statutory days 18/19 financial year	74
Outstanding applications	86

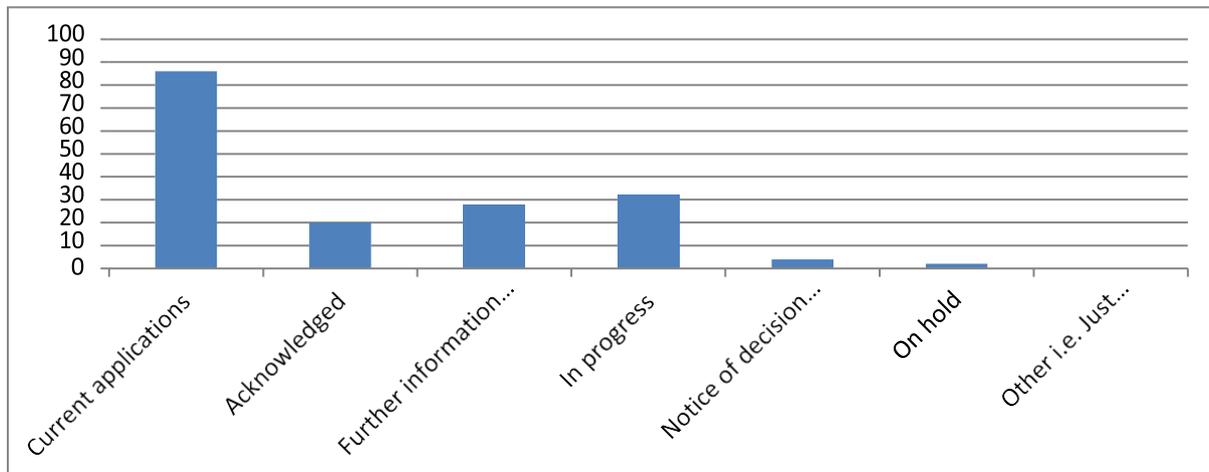
The following graph represents planning activity for the 2019/2020 financial year (June 2019 included):



A sustained effort in determining applications for planning permits coupled with a reducing number of applications received has seen a significant drop in the number of outstanding applications to currently 86. Efforts will continue to keep this number low which will over the coming month help to reduce average statutory days.

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

Status of all active applications as at January 2020	
Current applications	86
Acknowledged	20
Further information request	28
In progress	32
Notice of decision pending	4
On hold	2
Other i.e. Just submitted, referred	0



### Applications determined in January 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	35
Notice of Decision by officer	1
Withdrawn etc.	3
Refused by Council	0

### OFFICER'S RECOMMENDATION

12.6.1. That Council receives and notes the report for information.

### MOTION

12.6.1. That Council receives and notes the report for information.

**Moved:** Cr Don Henderson  
**Seconded:** Cr Fiona Robson  
**Carried**

**ATTACHMENT 7 - PLANNING PERMITS ISSUED UNDER DELEGATION  
IN JANUARY 2020**

Planning Permits issued under delegation - January 2020

Application ID	Primary Property	Full Details	Decision
PlnPA002440	81 Blue Mount Road, TRENTHAM VIC 3458	Removal of Covenant PS 529673W	Permit
PlnPA001582.01	31 Tipperary Springs Road, DAYLESFORD VIC 3460	Amendment to the endorsed plans to include the design of the proposed dwelling (including site cut greater than 1 metre in depth), an	Refused
PlnPA002519	59 Western Avenue, DAYLESFORD VIC 3460	Alterations and additions to existing dwelling	Permit
PlnPA001936.01	409 Rothes Road, TRENTHAM VIC 3458	Alter dwelling design and elevations; Construction of a dwelling and associated outbuilding and works.	Permit
PlnPA002510	140 Pollards Lane, CRESWICK VIC 3363	Development and associated work to an extension to dwelling	Permit
PlnPA002542	42 Service Street, CLUNES VIC 3370	Partial demolition of an existing dwelling and alterations and additions to existing dwelling	Permit
PlnPA002544	34 Stanbridge Street, DAYLESFORD VIC 3460	Two lot subdivision, demolition of ancillary buildings	Permit
PlnPA002492	11 Feeleys Lane, TRENTHAM VIC 3458	Two lot subdivision	Permit
PlnPA002380	31 Elizabeth Road, CRESWICK VIC 3363	Seventeen lot subdivision including the removal of native vegetation and the removal of covenant PS536573L	Permit
PlnPA002550	36 Vincent Street North, DAYLESFORD VIC 3460	Two lot subdivision	Permit
PlnPA002560	6A Park Avenue, DAYLESFORD VIC 3460	Development and associated works for a dwelling.	Permit
PlnPA002551	220 Fairview Drive, CLUNES VIC 3370	Construction of a dwelling	Permit
PlnPA002571	39 East Street, DAYLESFORD VIC 3460	Use of land for a restricted recreation facility	Permit
PlnPA002580	56 Stanbridge Street, DAYLESFORD VIC 3460	Two Lot Subdivision	Permit
PlnPA002582	1 Church Lane, TRENTHAM VIC 3458	2 lot subdivision	Permit
PlnPA002569	125 Slaughteryard Road, CLUNES VIC 3370	Use and development of land for a dwelling and ancillary outbuildings	Permit
PlnPA002439	65 Andersons Road, COOMOORA VIC 3461	Use and development of the land with a dwelling generally in accordance with the endorsed plans	Permit
PlnPA002588	10 Morton Street, GLENLYON VIC 3461	Two lot subdivision and development of land for a dwelling	Permit
PlnPA002540	221 Ridge Road, SAILORS HILL VIC 3461	Two lot subdivision	Permit
PlnPA002535	1500 Midland Highway, CRESWICK VIC 3363	Construction of pergola	Permit
PlnPA002535	1500 Midland Highway, CRESWICK VIC 3363	Construction of pergola	Permit
PlnPA002533	17 West Street, DAYLESFORD VIC 3460	Demolition of the existing dwelling and construction of a new single storey dwelling	Permit
PlnPA002573	3 Albert Street, CLUNES VIC 3370	Earthworks for site cut greater and 1m in depth and 300m2, native vegetation removal and development of fencing.	Permit
PlnPA002598	19 Stanbridge Street, DAYLESFORD VIC 3460	Construction of an extension to an existing dwelling	Permit
PlnPA002603	10 Cranneys Lane, TRENTHAM VIC 3458	Two (2) lot subdivision	Permit
PlnPA002611	3580 Ballarat-Maryborough Road, CLUNES VIC 3370	Construction of a shed	Permit
PlnPA002566	2 Barkas Street, DAYLESFORD VIC 3460	Addition to existing dwelling and site cut over 1m in depth	Permit
PlnPA002600	18 High Street, LYONVILLE VIC 3461	Development of land for a dwelling and ancillary outbuilding	Permit
PlnPA002488	3971 Ballarat-Maryborough Road, CLUNES VIC 3370	Use and development of land for the construction of a dwelling	Permit
PlnPA002616	824 Porcupine Ridge Road, PORCUPINE RIDGE VIC 3461	Development of land for a dwelling	Permit
PlnPA002034.01	37 Leslies Road, MOUNT FRANKLIN VIC 3461	Construction of Dwelling in accordance with endorsed plans	Permit
PlnPA002057.02	26 Hill Street, DAYLESFORD VIC 3460	Alterations and Additions to Existing Dwelling, amended to include demolition and reconstruction of the existing dwelling structure.	Permit
PlnPA002631	1 Service Street, CLUNES VIC 3370	Installation of roller shutters to existing windows	Permit
PlnPA002636	22A Angus Street, CLUNES VIC 3370	Construction of an outbuilding	Permit
PlnPA002637	22A Angus Street, CLUNES VIC 3370	To relocate a 40ft container on site at the Clunes Recreation Reserve. Container to be located next to the fence of the adjoining property at 20 A	Withdrawn
PlnPA002585	3 Arthur Street, SMEATON VIC 3364	Buildings and works for the development of a dwelling.	Refused
PlnPA002315	626 Daylesford-Malmsbury Road, WHEATSHEAF VIC 3461	Use and development of a function centre, construction and display of business identification signage and the alteration of access to a Road Zone	Notice of Decision

**12.7. HEPBURN HUB AT THE REX – PROPOSED PROJECT PLAN  
DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES**

In providing this advice to Council as the Project Manager, I Bruce MacIsaac have no interests to disclose in this report.

**PURPOSE**

The development of the Hepburn Hub at The Rex (the project) has been suspended by Council pending resolution of several regulatory, financial and technical issues. The purpose of this report is to provide a clear proposal of what requires resolution so the project can be successfully completed.

This report outlines the development of the Hepburn Hub at The Rex project, its current status and options for its completion with a view to endorsing a project plan. This plan is intended to provide appropriate guidance for the delivery of the project including: a governance structure; parameters within which decisions can be made by management and; the provision of periodic reporting to Council with an appropriate level of information.

**BACKGROUND**

In mid 2016 Council determined to purchase 47-53 Vincent Street (The Rex) to develop it into a library and council offices with a development budget of \$1.250M. In early 2017 Council agreed to include a community auditorium, provided a further \$105K for its construction and granted a license for its use by the Daylesford Cinema.

In mid 2017, a presentation was made to councillors outlining the development of the plans over the previous year. It also reconfirmed the budget of \$1.355M and that construction would be completed by the end of the year.

This estimate has proved to be significantly less than the cost plan prepared by an independent quantity surveyor based on 2017 documents. This is due to the significant increase in the scope of works between 2016 and 2017 associated with the requirements of both the stakeholders and to obtain a building permit. The scope was beyond that envisaged when the site was purchased but unfortunately the project budget was not similarly increased to match these works.

Works commenced once the building permit was granted in late 2017 but were then suspended in mid 2018, in response to the requirement to obtain a planning permit. Since this time further delays have been incurred associated with the confirmation of which services are to be accommodated within the

facility; the extent of works completed on site, a calculation of the total project cost and; a timeline for completion.

## **DISCUSSION**

In preparing to recommence works on site, several issues have been identified which require resolution to ensure the project's success.

In response, resolution is sought to confirm the scope, budget and timeline of the project. Further it is proposed that the current governance structure be endorsed to ensure:

- the project objectives are delivered within these expectations and;
- closer monitoring of progress.

### Facility Name

The facility has been referenced by a number of names historically and since Council's acquisition. These include The Rex, the Hepburn Hub and the Hepburn Hub at The Rex.

The purpose of the facility is to provide shire wide services and benefits to our entire community. Formally agreeing to a facility name will enable the project to be correctly referenced and enable Council and the community to correctly identify with the building as we work towards the successful delivery of the project.

It is recommended that council formally recognise the facility as 'Hepburn Hub at The Rex' which acknowledges the services proposed to be housed within the facility servicing the whole Hepburn Shire and the historically recognised building name (The Rex).

### Project Governance

Project governance is how a project is managed to deliver its desired outcomes.

Although a governance structure was presented by management to councillors in mid-2017, it was not formally endorsed by Council. This has resulted in significant amendment to the project scope and the consequential costs associated with these additional works. Further, limited reporting reduced Council's ability to monitor progress.

To prevent a reoccurrence of these issues, it is proposed to strengthen the governance structure and clarify roles and responsibilities. It is proposed that

the governance structure be amended to include the following participants and that they each focus on their role in ensuring the project is successfully delivered:

- Council – endorse project parameters, appoint management & review progress
- Project Control Group – administer project parameters, appoint project director, monitor & report periodically to Council
- Project Team – procure project, coordinate participants & report to the Project Control Group
- Stakeholder Groups – clarify requirements, provide advice & distribute information to participants

#### Project Scope

The Project Scope outlines the project deliverables. The Project Scope is one of the parameters provided by Council to the PCG for its governance.

The current scope of the project is now well defined, summarized below and further in *Appendix 2*. It is proposed that it be endorsed formally, in principle, to provide a benchmark of expectations and to guide the PCG in managing the change process within the budget envelope.

#### Tenancies

Presently there are four (4) commercial tenancies within the project. Two shops are currently leased to a real estate agency and the other shopfront on Vincent Street leased to a restaurant. The fourth tenancy is located on the upper level fronting Vincent Street, is currently untenanted and provides an opportunity to support a community purpose.

#### Library, Café & Tenancy 4

Council has successfully obtained significant contributions from the State Government for the project. This includes:

- a \$500,000 grant received under the Living Libraries program and;
- a \$50,000 grant associated with the proposed Youth Enterprise Café.

An analysis of the areas included in the current plans indicates that the area provided for the library is insufficient to meet council's obligations under the Living Libraries funding agreement. On this basis, it is proposed that the community café be removed from the project scope and this area reallocated to the library.

It is proposed that Council seek to have the \$50,000 government grant for the community café applied to another community purpose, such as a shared office facility or a business incubator. It is envisaged that this can be located within Tenancy 4.

#### *Council Offices*

The proposed area allocated to the council offices is 1,050 Sqm. This scheme will provide accommodation for council's current staff and allow for some future growth.

It is envisaged that staff currently located at various sites including: The Town Hall; Duke Street; the Depot and; behind the Visitor Information Centre can be accommodated together in one location conveniently accessible to the public.

#### *Community Auditorium*

The upper area above the library is occupied by a community auditorium which Council has agreed to licence to the Daylesford Community Theatre for the use of a cinema on a non-exclusive basis.

In addition, there has been an unresolved matter relating to fitting out the community auditorium with fixed seating. With the review of the project scope, it is recommended that this component of the project be included within Councils agreed project scope and the cost for this included in Councils agreed project budget

#### *Project Program*

The Project Program is the estimate of time required to deliver the project scope and is one of the parameters provided by Council to the PCG for its governance.

The original 2016 proposal implied the project was to be completed by 30 June 2017. In July 2017 this was amended to December 2017 to allow for the delays associated with resolving the location of the Cinema and then subsequently to the 30 June 2018

The project was not completed by the 30 June 2018 and at that point was suspended as it was deemed to require a planning permit. Subsequently, several briefing, design, procurement, construction and cost issues were identified which are being resolved prior to recommencement of works on site.

A new program to complete the project is outlined in *Table 1* below. This program allows to redocument, tender and complete the works.

It is proposed to complete the works in two stages: early works which have been substantially completed by council; and the main works to be completed by a builder contractor. This approach will allow the completed works to be certified prior to the commencement of works by a building contractor. It is intended these early works be completed prior to the acceptance of the tender.

*Table 1 Project Program*

Stage	Weeks	Start	End
Council Endorsement of Project Plan			18/02/20
Documentation	12	07/01/20	30/03/20
Tender	12	30/03/20	16/06/20
Mobilisation	4	16/06/20	14/07/20
Construction	42	14/07/20	08/04/21
Occupation	1	08/04/21	15/04/21
	<b>71</b>		

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

A survey of the project has reconfirmed its alignment with the strategic objectives outlined in the Council Plan, in particular:

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Action:

- 1.8 *“Implement the Hepburn Hub at The Rex and Daylesford Town Hall to deliver improved community spaces including theatre, swimming pool, library, meeting rooms and council services.”*

### **FINANCIAL IMPLICATIONS**

It has been identified that the current residual budget is insufficient to deliver the current scope of works. To determine the appropriate level of funding the advice of a quantity surveyor has been sought to prepare an independent estimate of the project’s construction cost.

*Project Budget*

The Project Budget is an estimate of the total end cost or investment required to deliver the Project Scope. The Project Budget is one of the parameters provided by Council to the PCG for its governance.

Often for projects of this size and importance, the services of a quantity surveyor (construction cost estimator) are utilised to develop a Cost Plan. This ensures that the budget is more accurate and has the benefit of providing independent and objective advice.

Once the project is initiated the documents are usually developed in stages such as schematic design, design development and contract documentation. This provides an opportunity to develop a Cost Plan associated with each stage known as Cost Plan A, B and C with detailed Pre-tender Estimate developed where required.

A quantity surveyor has been engaged and has completed a cost plan for the project. This is based on the complete documents endorsed in the Building Permit dated 12 September 2017. The estimate of \$5.99M allows for construction costs, contingencies, consultants and inflation. (Refer *Attachment*).

In addition, it is recommended that council make an allowance of \$40,000 for the purchase and installation of appropriate seating in the community auditorium as referenced which to date has not been included in the project budget. It should be noted that the Cost Plan does not allow for other costs associated with loose furniture and equipment or IT costs which are estimated to be \$360K.

This results in a total project budget for the Hepburn Hub at The Rex of \$6.390M excluding land costs (*refer Table 1 below*). This is significantly more than the \$1.25M envisaged in the 2016 Council feasibility report and the funding already committed of \$3.378M. (*refer Table 2 below*).

*Table 1 Estimated Project Budget*

Estimated Project Budget	Budget \$
Construction (Cost Plan estimate) and addition of Community auditorium seating	\$6,030,000
Other (ICT/FFE)	\$360,000

<b>Total Project Budget</b>	<b>\$6,390,000</b>
-----------------------------	--------------------

It is envisaged that this estimate will be confirmed once a commercial price is obtained through the proposed public tender process.

#### *Project Funding*

The Project Funding equals the Project Budget and is often represented by several funding sources.

The current approved Project Funding is \$3,378,112 is set out in *Table 3* below. This includes the current cost of works of \$1,695,372 valued at 30 June 2019 and the residual amount of funding available for the project of \$1,682,740. In addition, \$47,450 of funds have been expended on library furniture and equipment which do not form part of the work in progress.

*Table 3 Current Funding*

<b>Current Project Budget</b>	<b>Actual Expend \$</b>	<b>Residual Budget \$</b>	<b>Allocated Budget \$</b>
Construction	\$1,526,368	1,682,740	\$3,209,108
Sustainability	\$169,004	\$NIL	\$169,004
Library	\$NIL	\$NIL	\$NIL
Other (ICT/FFE)	\$NIL	\$NIL	\$NIL
<b>Total</b>	<b>\$1,695.372</b>	<b>\$1,682,740</b>	<b>\$3,378,112</b>

These funds were endorsed by Council over a number of years through the budget, mid year and end of year carry forward processes as outlined below (refer *Appendix 3*).

The estimated Project Budget \$6.390M is significantly more than the funding of \$3.378M currently available. The balance of funding required to successfully complete the project is \$3.012M.

*Table 4 Proposed Project Funding*

<b>Estimated Project Budget</b>	<b>Allocated Budget \$</b>
---------------------------------	--------------------------------

Current Funding	\$3,378,112
Additional Funding	\$3,011,888
<b>Total</b>	<b>\$6,390,000</b>

It is proposed that the funding gap be financed by Council through a \$3.012M loan facility. This approach will allow for the:

- continuation of council's planned capital program;
- amortisation of the project's cost to match the projects benefits over a longer period and;
- opportunity to take advantage of the current low interest rate environment.

The sustainable management of large community assets is a constant challenge for small municipalities and the acquisition and investment in this project is significant.

In order to sustainably manage Councils asset portfolio and manage Councils debt it is intended at the completion of the project to undertake a review of Council assets to identify surplus assets that can be sold and the proceeds used to pay down Councils loan borrowings. This approach will optimise Councils sustainable management of assets and debt management in a responsible way.

### **RISK IMPLICATIONS**

There is a financial risk relating to the public tender process however it is envisaged that the financial estimate will be confirmed once a commercial price is obtained through the proposed public tender process.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The successful delivery of the project will provide social and economic benefits for Council and our wider community. This will be realised with consolidation of services leading to improved community spaces and access to council services, improved library services, provision of a shared office facility or a business incubator.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

During the review of the project Council has continued to work with and liaise with key stakeholders such as the funding bodies, Daylesford Community Cinema, Council officers and user groups.

### **CONCLUSION**

The development of the Hepburn Hub at The Rex has been suspended by Council pending resolution of several regulatory, financial and technical issues.

In response to a comprehensive review of all aspects of the project, resolution is sought to confirm the scope, budget and timeline of the project. Further it is proposed that the current governance structure be endorsed to ensure:

- the project objectives are delivered within these expectations and;
- closer monitoring of progress.

## OFFICER'S RECOMMENDATIONS

That Council:

12.7.1 Notes the report.

12.7.2 Endorses the facility name as Hepburn Hub at The Rex.

12.7.3 Endorses an alternative community use to be provided in Tenancy 4 in lieu of the community café and authorises an application to vary the grant deed.

12.7.4 Endorses the project plan including the project scope, budget, funding and program outlined above.

12.7.5 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 least quarterly.

12.7.6 Notes the quantity surveyor's estimate of \$5.99M for the 2017 building permit works be noted.

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.

12.7.11 Requests a future report to be presented to Council, at the completion of the current project, that identifies assets deemed surplus to councils requirements that can be sold to fund the borrowings required to complete this project.

## MOTION

*That Council:*

*12.7.1 Notes the report.*

*12.7.2 Endorses the facility name as Hepburn Hub at The Rex.*

*12.7.3 Endorses an alternative community use to be provided in Tenancy 4 in lieu of the community café and authorises an application to vary the grant deed.*

*12.7.4 Endorses the project plan including the project scope, budget, funding and program outlined above.*

*12.7.5 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 least quarterly.*

*12.7.6 Notes the quantity surveyor's estimate of \$5.99M for the 2017 building permit works be noted.*

*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.*

*12.7.11 Requests a future report to be presented to Council, at the completion of the current project, that identifies assets deemed surplus to councils requirements that can be sold to fund the borrowings required to complete this project.*

**Moved:** Cr Kate Redwood  
**Seconded:** Cr Neil Newitt  
Carried

**Councillor Fiona Robson called for a division:**

**Favour:** Cr Kate Redwood, Cr Greg May, Cr Neil Newitt, Cr John Cottrell, Cr Don Henderson, Cr Licia Kokocinski

**Against:** Cr Fiona Robson

**CARRIED**

**Appendix 1: Project Background – Hepburn Hub at Town Hall/The Rex**

On the 19 July 2016 Council determined to obtain an option to purchase 47-53 Vincent Street, Daylesford (The Rex) subject to completing further community consultation.

On the 16 August 2016, Council resolved to purchase 47-53 Vincent Street and 8 Duke Street, Daylesford (The Rex) and to refer \$1.25M in capital funds for renovations. These renovations were intended to retain some commercial tenancies on the ground floor of the original theatre, a library on the upper level dress circle and council offices located at the rear under the existing carpark. The transaction was settled on 26 September 2016.

On the 21 February 2017, in response to concerns identified by the community consultation process, Council agreed to include a community auditorium within the scope of the project. An additional \$105K was allocated to the budget for the cost of construction. Further, it was resolved to make the space available for the Daylesford Cinema under a licence arrangement. It was proposed to locate the auditorium on the upper level dress circle and to relocate the library to the ground floor, reducing the extent of commercial tenancies to those possessing Vincent Street frontage.

A community café was added to the scope adjacent the library and the budget was divided into two parts: a works budget of \$877,000 and a non works budget of \$478,000.

Based on an assessment of the works budget, it was determined that a planning permit was not required as they were valued at less than \$1.0M. However, a building permit was obtained on the 12 September 2017 prior to construction commencing.

It was decided to construct the works utilising a construction management methodology rather than a public tender process. A construction manager was engaged directly by council who then commenced the procurement of contractors on a sequential basis to complete the works.

In July 2018 it was determined that a Planning Permit was, in fact, required for two reasons: the level of expenditure had exceeded \$1.0M and; a determination the proposed library was in fact a *place of assembly*. On this basis, the works were suspended until a Planning Permit could be obtained.

On 20 December 2018 a planning permit was granted and a report provided to Council providing an update on the project. In response, Council resolved to provide an additional \$1.631M in the 2018/19 budget to fund identified changes.

**Appendix 2: Proposed Project Scope**

*Approximate areas of the proposed functional brief:*

Functional Areas	Ground Sqm	Mez. Sqm	Level 1 Sqm	Level 2 Sqm	Total Sqm
Council Offices	915	140			1,055
Library	300				300
Youth Cafe	NIL				NIL
Community Cinema			100		100
Tenancies 1, 2 & 3	130				130
Tenancies 4			136		136
Carpark				1,344	1,344
Entry & Amenities	245	16	116	68	445
Open Space	60			60	120
<b>Total Constructed</b>	<b>1,650</b>	<b>156</b>	<b>352</b>	<b>1,472</b>	<b>3,630</b>
Unoccupied area	390				
<b>Land Area (20.3 x 100.6)</b>	<b>2,040</b>				

**Appendix 3: Council Budget Summary**

Year	Budget \$M	Midyear \$M	Actual \$M	Balance \$M	Carry Forw \$M
2015-16	\$250,000		\$3,468	\$246,532	\$NIL
2016-17	\$2,250,000	(\$2,145,000)	\$164,921	(\$59,921)	\$NIL
2017-18	\$1,325,000		\$1,020,535	\$304,465	\$304,465
2018-19	\$65,000	\$1,680,633	\$337,444	\$1,408,189	\$1,408,189
<i>Sundry</i>					(\$29,914)
	<b>\$3,890,000</b>	<b>(\$464,367)</b>	<b>\$1,526,368</b>	<b>\$1,899,265</b>	<b>\$1,682,740</b>
000553	\$169,004		\$169,004	\$NIL	\$NIL
	<b>\$4,059,004</b>	<b>(\$464,367)</b>	<b>\$1,695,372</b>	<b>\$1,899,265</b>	<b>\$1,682,740</b>

**ATTACHMENT 9 - 200204 PERMIT DOCUMENTATION COST PLAN  
SUMMARY LETTER HEPBURN HUB**

4th February, 2020

Mr. Bruce Maclsaac  
Project Director  
Hepburn Shire Council  
P O Box 21  
**DAYLESFORD VIC 3460**

**SENT BY EMAIL**

Dear Bruce,

**HEPBURN HUB – THE REX  
PERMIT DOCUMENTATION COST PLAN**

Further to your request, we confirm our Permit Documentation Cost Plan dated 17<sup>th</sup> December 2019, includes an estimated total project cost in the order of \$ 5,988,297 excluding GST. This includes allowances for construction costs, construction contingency, professional fees and cost escalation.

The cost plan estimate is based on the following:-

- The approved Permit Documentation.
- A traditional fixed lump sum competitive tender.
- A construction tender date before July 2020.

The cost plan estimate excludes the following:-

- Loose furniture and equipment.
- IT and AV Equipment.
- Window furnishings and blinds.
- Authorities' fees.

Refer to cost plan for further details including all notes and exclusions.

Should you have any questions or require further information, please do not hesitate to contact me.

Yours faithfully,  
**Wilde and Woollard**



**Michael P. Bennett**  
Director

**12.8. ANNUAL PLAN 2019/2020 – QUARTER 2 PROGRESS REPORT  
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.*

**PURPOSE**

The purpose of this report is for Council to note the Annual Plan 2019/2020 (Quarter 2) Progress Report.

**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.

**ISSUE/DISCUSSION**

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.

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.

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council has adopted a Council Plan for 2017-2021 and Budget 2019/2020 in accordance with the Local Government Act 1989 (the Act).

The Annual Plan is prepared each year and progress in delivering projects is reported to Councillors and the community each quarter in accordance with the Act

**FINANCIAL IMPLICATIONS**

Projects and initiatives contained in the Annual Plan are fully funded in the Budget 2019/2020. 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**

Nil.

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Individual projects within the Annual Plan involve community consultation or consultation with relevant stakeholders.

**CONCLUSION**

The Annual Plan 2019/2020 Quarter 2 Progress Report provides Council and the community with an update on the progress of projects included in the Annual Plan for the period ended 31 December 2019.

**OFFICER'S RECOMMENDATION**

*That Council:*

12.8.1 note the Annual Plan 2019/2020 (Quarter 2) Progress Report; and make it available on Council's website.

**MOTION**

*That Council:*

*12.8.1 note the Annual Plan 2019/2020 (Quarter 2) Progress Report; and make it available on Council's website.*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Fiona Robson

**Carried**

**ATTACHMENT 11 - ANNUAL PLAN 2019/2020 PROJECT UPDATES –  
QUARTER 2**

Project Name	Description	Budget 2019/2020	Completion Target Date	Business Unit	Progress Comment Quarter 2
Hepburn Hub at The Rex	Complete construction at The Rex to deliver improved Community Spaces	C/F	March 2020	Major Projects	Extensive works have occurred to assess the works completed, the remaining project scope, project timelines and budget.  A detailed report is scheduled to be presented to the 18 February 2020 Council meeting.
Fixing Country Roads	Partner with VicRoads to undertake round 2 of the fixing country roads program	\$2.46 Million	June 2020	Infrastructure	Telegraph Road – Construction works were completed in November 2019.  Trentham Urban road package – Construction works commenced in December 2019. All road and drainage works are complete with minor miscellaneous work to be finalised in early 2020 to complete the project.  Dairy Flat Road – The contract has been awarded, works are to commence in January and anticipated to be finalised in March 2020.  Back Glenlyon Road – Construction works are anticipated to commence in March and finalised in May 2020.  School Road – The contract has been awarded, works are to commence in March and anticipated to be finalised in May 2020.
Gravel Resheeting Program	Undertake 14KMS of gravel resheeting across the Shire	\$571,000	February 2020	Infrastructure	This program is now complete with Council resheeting 14km of gravel roads throughout the municipality.
Daylesford Skate Park	Redevelopment of Daylesford Skate Park	\$383,000	November 2019	Economic and Community Development	The project is substantially complete, with minor signage to be finalised and installed. The facility was open for public use on 11 <sup>th</sup> October, ahead of schedule and on budget, and was officially opened by State Government on 30 <sup>th</sup> November.

Project Name	Description	Budget 2019/2020		Business Unit	
Aquatic Facilities Maintenance	Repair current facilities	\$97,000	December 2019	Economic and Community Development	This project is complete. A contract for Aquatics Maintenance was awarded in October. Maintenance works were undertaken prior to the pool season, and ongoing works will be undertaken during, and post swimming season.
East Street Bridge	Clearance improvement works	C/F	November 2019	Infrastructure	Construction works are complete with East Street back open to traffic as of 19 <sup>th</sup> December 2019. Minor remedial works are to be finalised in January 2020 such as repainting the brick abutments and minor drainage works.
	Central Highlands Water partnership for Integrated Water Management (IWM)	\$40,000	May 2020	Parks and open space	Council is partnering with Central Highlands Water to deliver two projects following a presentation to Councillors by Central Highlands Water.  Daylesford IWM Plan - \$25,000  CHW & HSC officers are currently evaluating consultancy submissions with the preferred consultant anticipated to commence the project in February 2020.  Newlyn Recreation Reserve irrigation - \$15,0000  Preliminary exploratory works are expected to commence in January 2020. CHW are project managing these works in close consultation with Council.
Vincent Street Parklet	Construction of 'parklet'	\$45,000	January 2020	Parks and open space	Preliminary concepts have been developed. The project will be delivered in parallel with the Hepburn Hub project at The Rex.
Community Planning Policy	Review and update the Community Planning policy	Operational	February 2020	Economic and Community Development	Project Complete – officers undertook a full review of the Community Planning Process. This report was presented to Council at the October 2019 meeting, and the outcome of the Community Planning Process review will inform the update of the Community Planning Policy.
Early Years Plan	Adopt a Municipal Early Years Plan	Operational	May 2020	Community Care	Council will undertake the recruitment of an Early Years Coordinator early in 2020. This role will facilitate the Early Years Network and the development and implementation of the new Early Years Plan.
Reconciliation Action Plan	Review and update the current Reconciliation Action Plan in consultation with the local indigenous community.	\$15,000	December 2019	Economic and Community Development	The Reflect Reconciliation Action Plan (RAP) is in the second year of implementation. Progress is being made in tracking deliverables, establishing and meeting with the Internal Working Group, increased naming and acknowledgement, expanding suppliers, and preparing for Reconciliation week 2020. Liaison continuing with Dja Dja Wurrung on actions and deliverables identified in the RAP.

Project Name	Description	Budget 2019/2020		Business Unit	
parking facilities	Upgrade and make on-street accessible parking (12 spaces across shire)	\$52,000	June 2020	Infrastructure	Project design and procurement documents scheduled to be developed in January with works expected to commence in May 2020.
Review of Local Law No.2	In consultation with the community finalise the review and adopt a new Local Law No.2	Operational	November 2019	Development and Community Safety	<p>Submissions for the Draft Local Law closed on 13th December 2019 and a total of 118 submissions were received. A range of topics were raised as part of the submissions, including the public place definition and planting vegetation on nature strips.</p> <p>On 16th December 2019, a Special Council Meeting was held by Council to hear from those submitters who elected to have their submissions heard in accordance with S223 of the Local Government Act. 22 submitters elected to talk to their submissions.</p> <p>The Draft Local Law is intended to be presented to Council at its ordinary meeting in February for its formal endorsement. It is also understood that there is a desire from the community and Councillors for officers to prepare guidelines to clarify areas of discretion within the local laws to provide further transparency between Council decision making and its impacts on the community. This is intended to be undertaken following the adoption of the Local Law.</p>
Health and Wellbeing Plan	Adopt an action plan for 2019/2020 to achieve strategies included in the Municipal Public Health and Wellbeing plan	\$4,000	October 2019	Economic and Community Development	An internal working group has identified draft priorities for 2020. The next steps are to engage external stakeholders who have a role to play in regard to the implementation of the plan, and to adopt the draft action plan.
Management Models	Complete a study to review the current management models of Community Recreation Facilities	\$30,000	June 2020	Economic and Community Development	This project has commenced and a PCG established. A consultant was appointed, who has undertaken consultation with key users. A draft stage 1 report was presented in late December to the PCG, with further public consultation to now be undertaken. The project is on schedule.
Masterplans	Work with community groups to undertake and adopt masterplans for Glenlyon, Trentham, Doug Lindsay and Clunes Recreation Facilities	\$70,000	March 2020	Economic and Community Development	<p>The draft Glenlyon Recreation Reserve Masterplan was presented to Council at the September Council meeting and approval secured to progress to second phase community consultation. This includes Council hosting community forums and engagement with a view to update the Masterplan and present to Council for adoption in early 2020.</p> <p>Clunes Recreation Facilities (Clunes Recreation Reserve and Community Park) Masterplans development will be undertaken together and to commence in February 2020.</p>

Project Name	Description	Budget 2019/2020		Business Unit	
					<p>In September 2019, the Trentham Masterplan returned from the Committee of Management. Officers are reviewing the proposed changes and will present to Council for consideration in February or March 2020.</p> <p>Doug Lindsay Reserve – A successful meeting was held with Committee of Management and clubs in September 2019. A draft masterplan will be presented to Council at the February meeting for confirmation before progressing to community consultation.</p>
Active Women and Girls Alliance	Create an Active Women and Girls Alliance, inclusive of community groups, that will assist with implementation of the strategy.	\$10,000	March 2020	Economic and Community Development	An alliance has been created and an inaugural meeting held 4 September 2019. The alliance includes numerous State Sporting Associations, Health and Community representatives from across the Shire. Commitment has been secured for the group to progress actions aimed at progressing the strategy. A progress review meeting is scheduled for 6 <sup>th</sup> January 2020. This project is on schedule.
Aged Care Reforms	Undertake a project to review and establish a position on Council provided aged, disability and community care services in response to Government aged care reform changes	Operational	March 2020	Community Care	This project has commenced, with several workshops with the Executive Team and Councillors. A further Council workshop has been planned to occur in the new year.
Waste Management Service Contract	Undertake a review of waste services and conduct a public tender for kerbside collection of waste.	Operational	March 2020	Waste and Environment	Ministerial Exemption to engage a kerbside collection contractor from April 2020 to June 2021 has been received. A collaborative procurement process will re-start early in 2020 to secure long term contracts from July 2021.
Waste to Energy	Construct a plant and expand the waste to energy project to full scale (pending the outcome of the current pilot project)	\$300,000	June 2020	Waste and Environment	Project ongoing. Currently reviewing the Funding Agreement to better reflect the current and future state of the project. Will require the new Waste Strategy to be developed in parallel to determine what is occurring and what is possible within our waste collection and EPA requirements.
Waste Reduction Program	Undertake resource recovery education	\$20,000	June 2020	Waste and Environment	Some community education programs have already been delivered, such as composting workshops. Subsidised compost bins, worm farms and bokashi bins have also been offered to Hepburn Shire residents.

Project Name	Description	Budget 2019/2020		Business Unit	
	programs and initiatives across the Shire.				This successful program will be reviewed to understand what can be offered for the remainder of the year.
	Continue implementation of the towards Zero Emissions Roadmap by upgrading 133 Street lights as part of the 'Major Road Lighting' Project.	\$90,000	June 2020	Waste and Environment	Currently, we are planning to upgrade lights in the first half of 2020.
Weed Minimisation	Present to Council findings of the Weed Minimisation Project to review the effectiveness of various weeding techniques and products	Operational	September 2019	Infrastructure	Final report presented to Council and is now available via Councils website. Officer are currently developing a high-level Annual Weed Management Plan.
Biodiversity Strategy	Implement the 2019/2020 actions (16) of the Biodiversity Strategy 2018-2021	\$85,766	June 2020	Waste and Environment	Project on-going including: Roadside safety exemption (exempting permit requirements for certain vegetation clearance) agreement signed and process for conducting assessments established. Three workshops on weed control conducted in partnership with Victorian Blackberry Taskforce, Upper Loddon and Avoca Landcare and with Agriculture Victoria. Participation and input for Planning Scheme Review process. Ongoing support for community group recipients of Biodiversity Grants and community-led local Gardens for Wildlife program.
Roadside Weeds	Undertake annual Roadside Weed and Pest Management Program	\$80,000	June 2020	Works	Implementation of the approved plan will begin in February 2020 with works anticipated to be finalised by June 30. The works are planned in Trentham and Little Hampton areas.
Hub for Premium Produce	Implementation of a localised program to focus on connecting and actively working with Premium Produce enterprises, including the	\$236,666	December 2019	Economic and Community Development	Artisanal Ag Facilitation Specialist Role advertised November 2019. Interviews conducted December 2019. Offer to successful applicant and role scheduled to commence February 2020.

Project Name	Description	Budget 2019/2020		Business Unit	
	employment of an Agribusiness Officer.				
Creswick Trails Project	Undertake a tender process and begin construction on the Creswick Trails.	\$753,815	June 2021	Major Projects	<p>Council has worked in collaboration with Land Managers (DELWP, Parks Victoria, Central Highland Water and Hancock Victoria Plantations) to reach agreement on Concept Trail Alignments for the full 100KM trail network. These Concept Trail Alignments have been presented to the public as part of a community consultation and engagement process, feedback from this public consultation process will help formulate a Final Trail Alignment.</p> <p>Additional to the above-mentioned consultation process, Council continue to undertake Cultural, Historical and Ecological assessments, detailed trail development and compiling a suite of complimentary operational documents that will form part of the planning application process.</p> <p>It is anticipated the project will submit a planning permit application in early to mid-2020 pending community consultation. Tendering for construction can begin pending planning approval.</p>
Events Strategy Review	Undertake a review of the Event Strategy to ensure the Hepburn Shire continues to be a premier regional Victoria events destination.	\$5,000	December 2019	Economic and Community Development	The review has commenced. A Councillor briefing and workshop was completed in September 2019. Electronic and Community and Stakeholder surveys were made available. Feedback is being collated and the strategy will be presented to Council for consideration in early 2020. Delay is due to the rollout of the \$100,000 grant funding for new and extended events in the Shire.
Planning Scheme Review	Undertake a review of the Hepburn Planning Scheme, including data review and community consultation.	\$120,000	June 2020	Development and Community Safety	A draft planning scheme review report will be provided the February Council Meeting.
Daylesford Library Service	Complete the construction and transition of the Daylesford Library to the Hepburn Hub at the Rex.	Operational	March 2020	Economic and Community Development	<p>Project Control Group initiated with Hub project management team.</p> <p>Operational model review to be completed for presentation to Executive Team in first quarter 2020.</p>
ICT Strategy	Purchase of Hardware, Software and accessories as part of the annual ICT Capital Budget to	\$278,000	May 2020	ICT	Purchases have been made in this quarter around VDI, meeting room presentation systems, laptops, phones and other equipment. This will continue throughout the financial year.

Project Name	Description	Budget 2019/2020		Business Unit	
	improve functionality of software provided to staff.				
Our way of Working	An internal group of staff to meet on a regular basis to assist the move of all Staff to the Hepburn Hub. The group will focus on new ways of working with a continued focus on delivering great customer service.	Operational	On-Going	Executive Team	An internal group of officers continues to meet monthly and is implementing a number of initiatives and software changes to improve how the organisation operates. These include new Virtual Desktop Infrastructure, review of core software, rollout of Office 365 and a review of bottlenecks within the organisation.
Long Term Financial Plan	Develop a long term financial plan (10 Year) for adoption by Council as part of the 2020/2021 budget process	Operational	June 2020	Financial Services	Data and analysis is currently being implemented to produce a draft 10 Year Financial Plan, to be considered as part of the Budget 2010/2021.
Grant Funding	Employment of Grants Officer to work across the organisation to pursue recurrent funding and strategic capital funding aligned with Council Plan objectives.	Operational	July 2019	Corporate and Community	A Grants and Project Officer has been employed by the organisation and is working on the development of a number of procedures. A number of grant applications have been made that would not have been possible without this resource. Funding applications of \$1.46M for projects worth \$3.05M have been submitted, and Council has received \$543,000 in funding and awaiting outcomes on a further \$700,000.
Leadership Success Coaching Program	Each co-ordinator to participate in an evaluation of management skills and knowledge and undertake one-on-one coaching program.	Operational	December 2019	People and Culture	This development program is well underway with most Coordinators completing their first or second coaching session. Areas of development selected by Coordinators include self-management, time management, managing teams/teamwork, performance management, communication, leadership, managing change and conflict management.
Pulse (Engagement) Survey	Undertake a 'quick snapshot' survey to	Operational	February 2020	People and Culture	The second Pulse Survey was completed in early December 2019. This time we had less responses, 84 in total. Feedback sessions will be arranged in early 2020.

Project Name	Description	Budget 2019/2020	Completion Target Date	Business Unit	Progress Comment Quarter 2
	understand staff level of satisfaction.				
Contractor Management	Continue the training and development of staff skills in relation to Contractor Management, including the rollout of an online induction system for contractors	Operational	March 2020	People and Culture	At this stage the online induction system for contractors is currently on hold. The online training of 'one size fits all' approach is not considered appropriate. Therefore, the Safety Systems Facilitator will be working with stakeholders to create suitable safety inductions for all classifications of contractors.
Local Government Act	Implement changes (as required) due to the adoption of an updated Local Government Act.	Operational	June 2020	Governance, Risk and Compliance	The proposed Local Government Act has not been legislated in Parliament (excepted in February 2020). If the Act is passed by Parliament, Council officers will develop an implementation plan to deliver on the provisions.
Governance Software	Purchase, install and implement software to manager and enhance Council's risk and incident management reporting including management of Council delegations	\$10,000	October 2019	Governance, Risk and Compliance	Current software options are being considered, including partnering with other Councils. We expect to procure a solution in early 2020.

**12.9. AWARD OF TENDER HEPBU.2019.156 TRENTHAM COMMUNITY HUB DESIGN**

**DIRECTOR, COMMUNITY AND CORPORATE SERVICES**

*In providing this advice to Council as the Acting Manager, Major Projects, I Ben Grounds have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to consider awarding contract HEPBU.2019.156 – Trentham Community Hub Design.

**BACKGROUND**

Council have committed to developing a new Trentham Community Hub, at the site of the Trentham Mechanics Institute, and incorporating the original parts of the Trentham Mechanics Hall.

This contract will complete the concept and detailed design phases, in order for Council to seek external funding to progress to the construction phase of the project.

**ISSUE/DISCUSSION**

Tenders for the Trentham Community Hub Design were invited via public advertisement on Council's website and in the Midland Express on 18 November 2019, and submissions closed on the 19 December 2019. Tenders were received from twenty-four (24) tenderers.

All tenders were evaluated and shortlisted by the evaluation panel, consisting of Director Community and Corporate Services, Manager Community and Economic Development, and Acting Manager Major Projects.

The Evaluation Panel evaluated the tenders against the following criteria:

- Risk/OHS/Quality management
- Business and Financial Capacity
- Price
- Local Content
- Response to Specification
- Experience and Qualifications
- Sustainability

Four (4) tenderers were shortlisted. Interviews were conducted with all four shortlisted tenderers.

The attached Confidential Tender Evaluation Report contains the details of the tender evaluation, with a recommendation for the award of the contract to the preferred supplier.

The award of this tender will progress the design work required to fulfil Council's commitment to developing the Trentham Community Hub. This design work will include high quality consultation with the Project Advisory Group, current and future users, and broader community (as well as Council service managers) in the first six months of the contract, to develop an agreed concept design. This will allow Council to pursue external funding opportunities for the project. The second half of the project will involve further design development, the completion of which will place Council in a position to procure the construction of the Trentham Community Hub, when funding becomes available.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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.

### **FINANCIAL IMPLICATIONS**

Council adopted a 2019/20 project budget of \$54,084. Council have committed a total project contribution of \$800,000. The additional required budget will be subject to a recommended project allocation in the 2020/21 Council Budget.

### **RISK IMPLICATIONS**

The recommendations of this report address the current project risks of delivery timeframes, seeking external funding, and community expectations.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are no environmental, social or economic implications associated with this report.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

The recommended tenderer demonstrated an excellent approach to community engagement that will help meet the engagement requirements of the project.

## CONCLUSION

Following a formal tender process and detailed evaluation of received tenders, the preferred tenderer has been identified as per the Confidential Tender Evaluation Report.

## OFFICER'S RECOMMENDATION

*That Council:*

- 12.9.1 Award contract number HEPBU.2019.156 Trentham Community Hub Design for the fixed lump sum amount of .....
- 12.9.2. Authorise the Chief Executive Officer to sign and seal the contract documents
- 12.9.3. Delegate the approval of contract variations to the total of 10% of the contract sum to Council Officers with appropriate financial delegation for each variation amount, and within budget.
- 12.9.4. *Refer the additional budget requirement to the 2020/21 budget.*

## MOTION

*That Council:*

- 12.9.1 Award contract number HEPBU.2019.156 Trentham Community Hub Design for the fixed lump sum amount of \$187,290 (excluding GST) to Perkins Architects.
- 12.9.5. Authorise the Chief Executive Officer to sign and seal the contract documents
- 12.9.6. Delegate the approval of contract variations to the total of 10% of the contract sum to Council Officers with appropriate financial delegation for each variation amount, and within budget.
- 12.9.7. Refer the additional budget requirement to the 2020/21 budget.

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood

**Carried**

**ATTACHMENT 12 -Confidential – Tender evaluation report  
HEPBU.2019.156 Trentham Community Hub Design**

## **12.10. AWARD OF TENDER HEPBU.2019.175 STREETScape UPGRADES IN TRENTHAM**

### **DIRECTOR, INFRASTRUCTURE AND DEVELOPMENT**

*In providing this advice to Council as the Acting Manager Major Projects, I Ben Grounds have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is for Council to consider awarding contract HEPBU.2019.175 Streetscape Upgrades in Trentham.

### **BACKGROUND**

The Hepburn Shire Streetscape Planning and Design for streetscape designs were finalised in 2014 after significant community consultation. This project is part of a program that has delivered significant streetscape upgrades in five towns in Hepburn Shire, based on the streetscape plans.

This contract will deliver improvements to key areas and functionality in Trentham, including improving pedestrian safety and amenity through upgrades of the footpath at the intersection of High and Market Streets, as well as increasing footpath area in that location. The contract will also improve parking on Albert Street, through formalising and beautifying parking spaces that are well used by residents and visitor to access the central commercial area of Trentham.

### **ISSUE/DISCUSSION**

Tenders for the Streetscapes Upgrades in Trentham were invited via public advertisement on Council's website and in the Midland Express on 5 December 2019, and submissions closed on the 9 January 2020. A tender was received from one tenderer.

The tender submission was evaluated by the evaluation panel, consisting of Manager Major Projects, Project Manager, and Project Engineer, against the following criteria:

- Risk/OHS/Quality management
- Business and Financial Capacity
- Price
- Local Content
- Response to Specification
- Experience and Qualifications

- Sustainability

As there was only one tender submission, officers – in order to ensure the tendered price provided value for Council – assessed the tendered price against previous cost estimates for the project. The price is in the range of predicted costs based on prior cost estimates, and is considered to provide value for Council.

For budget management purposes, the proposed scope of works under the contract are:

- High St/Market St Intersection works
- High St/Market St Intersection works – option (accessible parking space)
- Albert Street Parking Works Stage 1

The attached confidential Tender Evaluation Report contains the details of the tender evaluation.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

## **FINANCIAL IMPLICATIONS**

Council adopted a 2019/20 budget allocation of \$221,991. The recommended contract will require greater expenditure than the adopted budget. This is proposed to be offset by savings in the infrastructure capital works program.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The recommendations of this report address the current project risks of delivery timeframes and community expectations.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The streetscape plans were adopted after considerable community engagement and input. Targeted consultation has been undertaken with traders directly affected by the proposed works. Broader information will be provided to inform the community about the works prior to works commencing.

### **CONCLUSION**

Following a formal tender process and detailed evaluation of received tender, the preferred tenderer has been identified as per the Confidential Tender Evaluation Report.

### **OFFICER'S RECOMMENDATION**

*That Council:*

12.10.1 Award contract number HEPBU.2019.175 Streetscape Upgrades in Trentham for the fixed lump sum amount of \$..... to .....

12.10.2 Authorise the Chief Executive Officer to sign and seal the contract documents

12.10.3 Delegate the approval of contract variations to the total of 10% of the contract sum to Council Officers with appropriate financial delegation for each variation amount.

**MOTION**

That Council:

12.10.1 Award contract number HEPBU.2019.175 Streetscape Upgrades in

Trentham for the fixed lump sum amount of \$263,000 (exclu.GST) to Enoch Civil P/L

12.10.2 Authorise the Chief Executive Officer to sign and seal the contract documents

12.10.3 Delegate the approval of contract variations to the total of 10% of the contract sum to Council Officers with appropriate financial delegation for each variation amount.

**Moved:** Cr Don Henderson

**Seconded:** Cr Fiona Robson

**Carried**

**ATTACHMENT 13 - CONFIDENTIAL – TENDER EVALUATION REPORT –  
HEPBU.2019.175 TRENTHAM STREETScape UPGRADES**

**12.11. AWARD OF TENDER HEPBU.201.114 TRENTHAM INTEGRATED  
CHILDRENS FACILITY CONSTRUCTION  
DIRECTOR COMMUNITY AND CORPORATE SERVICES**

*In providing this advice to Council as the Acting Manager Major Projects, I  
Ben Grounds have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to consider awarding contract HEPBU.2019.114 Trentham Integrated Children's Facility Construction.

**BACKGROUND**

Council funded the development of a child care facility at Trentham in conjunction with the Victorian Department of Education and Training, following the identification of a need for such a facility in the area.

The upgraded facility will provide additional early learning services in Trentham and the broader Coliban ward area, to reflect the needs for such services identified by the community.

The design process was rigorous to ensure maximum operability and flexibility of the new facility, and integration with the existing kindergarten.

Following design of the facility, a Request For Tender (RFT) process was undertaken

**ISSUE/DISCUSSION**

Tenders for the Trentham Integrated Children's Facility construction were invited through a public tender process via public advertisement on Council's website and through tenders.net on 5 December 2019, and submissions closed on the 2 January 2020.

Four (4) submissions were received in response to the RFT. The tender was evaluated by an internal staff panel, utilising the process consistent with Council's Procurement Policy.

The Evaluation Panel evaluated the tenders against the following criteria:

- 12.10.1.1 Risk/OHS/Quality management
- 12.10.1.2 Business and Financial Capacity
- 12.10.1.3 Price
- 12.10.1.4 Local Content
- 12.10.1.5 Response to Specification
- 12.10.1.6 Experience and Qualifications
- 12.10.1.7 Sustainability

Two tenderers were shortlisted, and interviews were conducted with these shortlisted tenderers.

The attached Confidential Tender Evaluation Report contains the details of the tender evaluation, with a recommendation for the award of the contract to the preferred supplier.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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.

### **FINANCIAL IMPLICATIONS**

Council adopted a project budget of \$560,649, which includes Victorian Government funding of \$305,000.

The additional budget required for the total project cost will be subject to a recommended project allocation in the 2020/21 Council Budget.

### **RISK IMPLICATIONS**

The recommendations of this report address the current project risks of delivery timeframes, and community expectations.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are no environmental, or economic implications associated with this report. The delivery of this project will have a positive social impact for families and children by better meeting community needs for early learning services.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

### **CONCLUSION**

Following a formal tender process and detailed valuation of received tenders, the preferred tenderer has been identified as per the Confidential Tender Evaluation Report.

### **OFFICER'S RECOMMENDATION**

*That Council:*

- |         |  |
|---------|--|
| 12.11.1 | Award contract number HEPBU.2019.114 Trentham Integrated Children's Facility Construction for the fixed lump sum amount of \$..... (excl. GST) to .....                                      |
| 12.11.2 | Authorise the Chief Executive Officer to sign and seal the contract documents  |
| 12.11.3 | Delegate the approval of contract variations to the total of 10% of the contract sum to Council Officers with appropriate financial delegation for each variation amount, and within budget. |
| 12.11.4 | <i>Refer the additional budget requirement to the 2020/21 budget.</i>  |

**MOTION**

That Council:

- 12.11.1 Award contract number HEPBU.2019.114 Trentham Integrated Children's Facility Construction for the fixed lump sum amount of \$566,709 (excl. GST) to 4 Front Construction
- 12.11.2 Authorise the Chief Executive Officer to sign and seal the contract documents
- 12.11.3 Delegate the approval of contract variations to the total of 10% of the contract sum to Council Officers with appropriate financial delegation for each variation amount, and within budget.
- 12.11.4 Refer the additional budget requirement to the 2020/21 budget.

**Moved:** Cr Kate Redwood

**Seconded:** Cr John Cottrell

**Carried**

**ATTACHMENT 14 - CONFIDENTIAL – TENDER EVALUATION REPORT –  
HEPBU.2019.114 TRENTHAM INTEGRATED CHILDRENS FACILITY  
CONSTRUCTION**

## 12.12. COMMUNITY GRANTS ASSESSMENT PANEL

### DIRECTOR CORPORATE AND COMMUNITY SERVICES

*In providing this advice to Council as the Community Programs Officer, I Rachel Palmer have no interests to disclose in this report.*

### PURPOSE

The purpose of this report is for Council to appoint the Community Grants Assessment Panel.

### BACKGROUND

The Community Grants Program provides funding annually to community groups and organisations to enable events, activities and programs to occur that have benefit to the Hepburn Shire community.

To ensure independent, impartial assessment of Community Grants applications, a Community Assessment Panel is appointed. Members assess all applications, providing feedback to Council Officers to assist informing recommendations that are made to Council on a quarterly basis.

The Community Assessment Panel was last appointed by Council in September 2014. These Community Assessment Panel Members were appointed for a term of two years. Since 2016 these Members have continued to act as the Community Assessment Panel Members.

### ISSUE/DISCUSSION

Nominations for the Community Grants Assessment Panel were open from 18 December 2019 to 15 January 2020. The opportunity was advertised thoroughly through Council communication channels including Facebook, The Advocate and media releases to other outlets.

Additionally, previous Assessment Panel members were contacted directly with the option of expressing their interest through an online nomination form.

Three nominations were received from:

- Ian Head – Past member of the assessment panel. Career experience in large corporations in the areas of arts sponsorships, community relations, indigenous affairs, high level strategic advice, media strategy, government affairs and shareholder relationships.
- Elizabeth Hak – Past member of the assessment panel. Skills and experience in the areas of farm management, land management and sustainability, including formal qualifications.

- Susan Craven – Significant community group experience; keen patron of local artists and events; and extensive experience in managing community expectations from period on the ACT House of Assembly (1982-86).

All nominees are well qualified for appointment to the Assessment Panel with a range of skills covering arts and culture, events, sustainability, land management and community development.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017-2021:

Strategic Objective:

Active & Engaged Communities

Key Strategic Activity:

Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Arts 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.

Action:

Continue to provide community grants to support community projects, events and initiatives.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications with the appointment of the Community Grants Assessment Panel. Indirectly, the Community Grants Assessment Panel will provide independent, impartial assessment of community grant applications that will inform the recommendations of Community Grants funding.

### **RISK IMPLICATIONS**

For every Community Grant Application, each member of the Community Grants Assessment Panel will be required to declare any conflict of interest. This process is to mitigate any risk associated with potential unfairness, should the Assessment Panel member have an association with the applicant and/or project.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Having independent members on the Community Grants Assessment Panel ensures impartial, measured feedback to inform Council recommendations. This ensures a fair and transparent process for our community.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Call for nominations to the Community Grants Assessment Panel was open for four weeks. This opportunity was promoted through Council's media channels.

### **CONCLUSION**

Appointing three Community Grants Assessment Panel members will ensure the ongoing independent, impartial assessment of the Community Grants Program, providing valuable funding to community groups.

### **OFFICER'S RECOMMENDATION**

12.12.1 That Council:

Appoints:

- Ian Head;
- Elizabeth Hak, and;
- Susan Craven

to the Community Grants Assessment Panel for a term of two years, commencing for Round 3 of the 2019-2020 Community Grants Program.

**MOTION**

12.12.1 That Council:

Appoints:

- Ian Head;
- Elizabeth Hak, and;
- Susan Craven

to the Community Grants Assessment Panel for a term of two years, commencing for Round 3 of the 2019-2020 Community Grants Program.

**Moved:** Cr Kate Redwood

**Seconded:** Cr Don Henderson

**Carried**

## 12.13. ADOPTION OF THE HEPBURN PLANNING SCHEME REVIEW REPORT AND NEXT STEPS

### DIRECTOR INFRASTRUCTURE AND DEVELOPMENT

*In providing this advice to Council as the Acting Manager Development and Community Safety, I Alison Blacket have no interests to disclose in this report.*

### PURPOSE

The purpose of this report is:

- to inform Council of the key findings of the Planning Scheme Review (the Review);
- for Council to consider adopting the Review and to report its findings to the Minister for Planning;
- to inform the community of the outcomes of the Review and of Council's decision; and
- for Council to authorise officers to commence drafting a fully revised Hepburn Planning Scheme.

### BACKGROUND

In mid 2019 Council engaged planning consultants to undertake a review of the Hepburn Planning Scheme and to make recommendations to Council that would enable better planning outcomes for the Shire.

For the last two decades there have been very few Council initiated amendments to the scheme and as a result the Planning Scheme is lacking in important local content to guide use and development in the shire.

#### ***What is required of a Planning Scheme review?***

All Councils are required to undertake a Planning Scheme Review under Section 12B of the Planning and Environment Act (1987) (*The Act*) within twelve months of adoption of the Council Plan. The findings of the Review must then be provided to the Minister for Planning without delay.

The Review is required to evaluate whether the Scheme is relevant, cohesive and aligned to state and local policy directions.

The Review must be undertaken in accordance with the following documents:

- (i) Planning Practice Note 32 – Review of Planning Schemes (June 2015)
- (ii) Continuous Improvement Review Kit; (2006) and
- (iii) the more recent Ministerial Direction, 'The Form and Content of Planning Schemes'.

Item (iii) above directs a significant shift in the structure of Victorian planning schemes. It influences the scope of changes now needed to the Hepburn

planning scheme which are intended to be enabled by a Council initiated planning scheme amendment. Aside from 'policy neutral' mapping and wording corrections Council also has the opportunity to add new and/or updated local policies and zone and overlay schedules to the amendment.

### ***Project governance***

An internal Project Control Group (PCG) has guided the Review process with representation from the following departments of Council:

- Director Infrastructure and Development Services
- Manager Development and Community Safety;
- Manager Environment and Waste;
- Manager Community Care;
- Coordinator Statutory Planning;
- Coordinator Community Partnerships;
- Coordinator Economic Development;
- Biodiversity officer; and
- Council's planning consultants, 'Plan2Place'.

To ensure consistency with Victorian government requirements, the Department of Environment, Land, Water and Planning are also represented on the PCG.

PCG meetings were minuted and held at key stages of the project (roughly monthly).

### ***How was the Review undertaken?***

The Review was undertaken in late 2019 and early 2020 by applying a three-step process. Each step has a detailed report that is appended to this report. Specifically:

- (i) Community engagement (Attachment 15)
- (ii) Data and evidence review (Attachment 16)
- (iii) Planning scheme audit and review (Attachment 17)

Each of the three steps and the key outcomes are summarised below.

### ***Step 1: Community engagement***

In late 2019, Council's planning consultants led a two-phase shire wide engagement process that sought feedback from:

The Hepburn community involving:

- direct engagement either at workshops or drop in sessions held at Trentham, Clunes, Creswick, Glenlyon and Daylesford;
- online feedback on Council's Facebook page and website;
- an online survey;
- individual meetings with key community groups and committees including the Friends of Ajax Road, Friends of Jubilee lake and the Dja Dja Wurrung community.

Key government stakeholders (at workshops and individual meetings) included:

- the Department of Environment, Land, Water and Planning (DELWP);
- the department of Jobs, Precincts and Regions;
- Regional Roads Victoria;
- Regional Development Victoria;
- the Country Fire Authority;
- the National Trust of Australia (Victoria);
- catchment management authorities;
- water authorities; and
- Heritage Victoria.

Hepburn Shire Council officers (at workshops and individual meetings) with the following specialisations included:

- planning;
- environmental health;
- environment and waste management including biodiversity;
- project management;
- community partnerships;
- engineering;
- community care; and
- economic development.

***The land use and development themes used for engagement***

Eight key themes were used as a basis for engagement:

1. Agricultural land
2. Growth and development
3. Township character
4. Landscape protection
5. Environment and Sustainability
6. Tourism
7. Infrastructure and transport
8. Planning

These eight themes were also responded to in the final Review report (Refer also Chapter 8 of Attachment 17).

### ***Community engagement findings***

The findings of the community engagement are detailed in Attachment 1.

In summary, the Hepburn community value the:

- *“rural feel;*
- *history and heritage;*
- *landscape;*
- *look and feel of the townships; and*
- *farming and agricultural heritage.”<sup>1</sup>*

and the Hepburn community want the following from the planning scheme:

- *“protection of the current landscape*
- *options for allowing some development, but not too much and not too much and not too fast, within current town boundaries and in keeping with the local area;*
- *a protection of agricultural land but flexibility over what constitutes agriculture;*
- *protection of the environment including soil, water, fauna, flora and landscapes;*
- *the maintenance of current townships’ heritage while providing access to services and affordable housing;*
- *management of tourism to mitigate against the pressure on housing, services and infrastructure;*
- *a clear and consistent planning scheme; and*
- *better transport connections.”<sup>2</sup>*

### ***Step 2: Data and evidence review***

In late 2019 Council’s planning consultants undertook a detailed review of all policies and data that underpin the planning scheme. This encompassed:

- state government policies and strategies such as PlanMelbourne 2017- 2050 and the Central Highlands Regional Growth Plan;

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<sup>1</sup> Hepburn Shire Council, Planning Scheme Review. “Stakeholder and Community Engagement Report”: Wayfarer Consulting in conjunction with Plan2Place Consulting. 2019.

<sup>2</sup> Hepburn Shire Council, Planning Scheme Review. “Stakeholder and Community Engagement Report”: Wayfarer Consulting in conjunction with Plan2Place Consulting. 2019.

- local adopted policies such as Council Plan 2017-2021; “Fertile Ground: Hepburn Shire Economic Development Strategy 2016-2021” and “Hepburn Open Space Strategy 2017-2021”;
- local incorporated or background documents to the scheme;
- demographic and land use data including a review of land area by zone and township.

The consultants then identified implications for each document or data set to the Hepburn Planning Scheme. For example, some documents required updating, others were obsolete or were superseded by other more relevant policies and a small number were robust enough to be useful in the short to medium term.

### ***Data and evidence review findings***

The findings of the data and evidence review are detailed in Attachment 16.

The data and evidence review identified the following directions to improve the planning scheme. (Many relate to technical and policy ‘gaps’):

- *“strengthening township boundaries and growth;*
- *supporting the rural economy and agricultural, horticultural and farming land production;*
- *improving significant landscape recognition and vegetation protection;*
- *reducing threats to people and property from natural hazards such as bushfire, flooding and reduced water quality;*
- *preventing rural land fragmentation on productive land;*
- *improving heritage protection;*
- *strengthening the relationship of all these factors to regional and local tourism and economic development.”<sup>3</sup>*

These directions form a segue to Step 3 (Planning Scheme Review report) recommendations outlined below.

### ***Step 3: Planning scheme audit and review***

In the final step of the Review process Council’s planning consultants used the findings from the community engagement (Step 1) and the data and evidence review (Step 2) to develop a targeted suite of ‘upgrades’ to the

Hepburn Planning Scheme. These ‘upgrades’ are assessed in the final report against the required Ministerial criteria<sup>4</sup>.

The ‘Planning Scheme Audit and Review’ also includes a detailed analysis of:

- all zones and their schedules, overlays and their schedules and provisions to assess where the ‘gaps’ in planning controls lie;
- the outgoing ‘Municipal Strategic Statement’ and the issues needed to be addressed in the incoming ‘Municipal Planning Statement’;
- local policies;
- and any other matter that influences the efficiency and success of the planning scheme. For example, VCAT and Independent Planning Panel findings.

***Planning scheme audit and review findings***

The findings of the Planning Scheme Audit and Review’ are detailed in Attachment 17, Section 10, Recommendations.

The Recommendations are programmed as immediate, short, medium and ongoing actions and are summarised in Table 1 below:

***Table 1: Key findings of the Planning Scheme Review. Synopsis***

<b>Timing</b>	<b>Action</b>
Immediate (2020)	<p>Forward the Review to the Minister for Planning (Section 12B of the Act)</p> <p><u>Prepare a fully revised Hepburn planning scheme</u></p> <p>An immediate (major) planning scheme amendment to bring the scheme up to current Ministerial standards.</p> <p>The planning scheme amendment will include necessary corrections and refinements and include a suite of ten new local policies to ‘fill policy gaps’ until more detailed structure planning work for each major township is undertaken.</p> <p>The ten local policies are:</p> <ol style="list-style-type: none"> <li>1. Neighbourhood character</li> <li>2. Heritage</li> </ol>

<sup>4</sup> Ministerial Direction, “The Form and Content of Planning Schemes”.

Timing	Action
	<ul style="list-style-type: none"> <li>3. Rural enterprises</li> <li>4. Urban design</li> <li>5. Affordable housing</li> <li>6. Dwellings in rural areas</li> <li>7. Environmentally sustainable development</li> <li>8. Landscape protection</li> <li>9. Lake Daylesford and Jubilee Lake environs</li> <li>10. Vegetation and habitat protection</li> </ul>
Short	<p><u>Structure plans for each major township</u></p> <p>Undertake a detailed review of land supply in the Shire.</p> <p>Prepare a Shire wide waste management plan (including the Ajax Road site)</p> <p>Commence township planning for Trentham, Glenlyon, Daylesford, Clunes and Creswick that considers biodiversity, heritage, township boundaries, neighbourhood character, infrastructure and any other matter.</p> <p>Undertake planning scheme amendments to incorporate the findings into the Hepburn Planning Scheme</p>
Medium	<p><u>Rural</u></p> <p>Complete the shire wide biodiversity review</p> <p>Undertake reviews of the restructure overlay.</p> <p>Complete agricultural land and rural settlement strategies</p> <p>Undertake planning scheme amendments to incorporate the findings into the Hepburn Planning Scheme</p>
Ongoing	<p>Add places to the heritage overlay to reduce 'gaps' in heritage protection</p> <p>Undertake 4 yearly reviews of the planning scheme within one year of completing the Council Plan.</p>

## DISCUSSION

The Hepburn Planning Scheme Review is an advisory document to Council that provides discussion on key issues and an action plan) for future work.

The Review is not intended to pre-empt future policy or planning scheme amendment outcomes. The detailed merits of each individual policy change or amendment will be individually considered by Council at the appropriate time. (For example, when Council considers placing the fully revised scheme on exhibition in coming months.)

Table 2 below links the key actions listed in Table 1 above with the recommendation for Council to now consider. (Highlighted in grey)

**Table 2: Recommendations for Council to consider**

Timing	Action	Recommendation for Council to consider
Immediate	<u>A new planning scheme</u>	Council needs to consider (and adopt) the findings of the Hepburn Planning Scheme Review in order to then commence with preparing a fully revised Hepburn Planning Scheme.  Section 12B (5) of the Act requires Council to forward the findings of the Review to the Minister for Planning.  Council also needs to respond to the community and inform them of the Review outcomes and of its decision. The Review should also be made publicly available
Short	<u>Structure plans for each major township</u>	No resources needed or actions required by Council at this point in time.  These matters can be responded to in 2021 and beyond.
Medium	<u>Rural</u>	
Ongoing	Ongoing	These matters will be addressed in Council's day to day operations on an annual basis.

## COUNCIL PLAN/LEGISLATIVE COMPLIANCE

### **Council Plan 2017:2021:**

Strategic Objective – Vibrant Economy

**Key Strategic Activity:**

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

**Strategic Objective – High Performing Organisation**

**Key Strategic Activity:**

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

**FINANCIAL IMPLICATIONS**

The Hepburn Planning Scheme Review has been included in Council's Development and Community Safety operations team budget for 2019-2020.

For each of the new initiatives/ actions identified for future financial years (including the planning scheme amendment programmed for 2020-2021FY) more detailed scoping of required resources will be reported to Council as part of developing future budgets.

**RISK IMPLICATIONS**

The Review report is an advisory report to Council and as such, does not inherently carry risk.

Section 12B (5) of the Act requires that Councils must, without delay, report the findings of the report to the Minister. This is for information only and does not imply that Council has committed all resources to delivering the report's recommendations.

Any future projects and initiatives in the 'Further strategic work plan' (Table 12 of Attachment 3) can be further scoped in alignment with future Council Plan actions.

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The Review report proposes improvements to the planning scheme that will improve:

- environmental outcomes through better managing biodiversity, significant landscapes, heritage and neighbourhood character through new and improved local policies, updated schedules to zones and overlays and ongoing research;

- social outcomes through supporting social housing, identifying opportunities for community infrastructure through structure planning and improved local policies; and
- economic outcomes through streamlining the planning application process, clarifying land use provisions and development outcomes.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

A shire wide, two step engagement process was undertaken in late 2019. (Refer Attachment 15) Further detail is provided above in the body of this report under 'Step 1: Community engagement'.

It is intended to undertake further community engagement in early 2020.

### **CONCLUSION**

The Hepburn Planning Scheme Review report has evaluated the Planning Scheme to ensure it remains relevant, cohesive and aligned to State and Local policy directions and responds to the Ministerial Direction<sup>5</sup>.

The Review report also incorporates insights and findings from:

- (i) engaging with the Hepburn community in late 2019; and
- (ii) undertaking a comprehensive audit of policies and strategies currently used to assess planning applications.

In order to progress with updating the Hepburn Planning Scheme Council now need to consider adopting the findings of the Review with the intention of then:

- forwarding it to the Minister for Planning;
- authorising officers to commence with preparing a fully revised Hepburn Planning Scheme as a matter of urgency and with the intention of exhibiting the revised scheme in mid to late 2020;
- responding to submitters by advising them of the key findings of the Review and of Council's decision; and
- placing the Review report on Council's website along with a time line of actions to be undertaken in 2020.

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<sup>5</sup> Ministerial Direction. "The Form and Content of Planning Schemes".

### OFFICER'S RECOMMENDATION

*That Council:*

- 12.13.1 Adopt the Hepburn Planning Scheme Review;
- 12.13.2 Authorises officers to forward the Review to the Minister for Planning;
- 12.13.3 Advises submitters of the key findings of the Planning Scheme review and of Council's decision;
- 12.13.4 Authorise officers to proceed with drafting a revised and updated Hepburn Planning Scheme with the intention of exhibiting the revised scheme in 2020; and
- 12.13.5 place the Review report on Council's website along with a time line of actions to be undertaken in 2020.

**MOTION**

*That Council:*

- 12.13.1 Adopt the Hepburn Planning Scheme Review;
- 12.14.2 Authorises officers to forward the Review to the Minister for Planning;
- 12.14.3 Advises submitters of the key findings of the Planning Scheme review and of Council's decision;
- 12.14.4 Authorise officers to proceed with drafting a revised and updated Hepburn Planning Scheme with the intention of exhibiting the revised scheme in 2020; and
- 12.14.5 Provide regular and frequent updates to Council on the development of the revision and updating of the Hepburn Planning Scheme.
- 12.14.6 Place the review report on Council's Website along with time line of actions to be undertaken in 2020

**Moved:** Cr Kate Redwood

**Seconded:** Cr Don Henderson

**Carried**

**ATTACHMENT 15 -  
HEPBURN PLANNING SCHEME REVIEW  
STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (ISSUED  
UNDER SEPARATE COVER)**

**ATTACHMENT 16 -HEPBURN PLANNING SCHEME REVIEW  
DATA AND EVIDENCE REPORT (ISSUED UNDER SEPARATE COVER)**

**ATTACHMENT 17 - HEPBURN PLANNING SCHEME REVIEW  
AUDIT AND REVIEW REPORT (ISSUED UNDER SEPARATE COVER)**

**12.14. CONTRACT HEPBU.RFT2019.169 REQUEST FOR TENDER FOR SUPPLY  
& DELIVERY OF PERSONAL PROTECTION EQUIPMENT (PPE)  
DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES**

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

**PURPOSE**

The purpose of this report is for Council to consider awarding a panel contract HEPBU.RFT2019.169 for the supply and delivery of Personal Protection Equipment (PPE) for Council officers to a panel of approved suppliers for a period of two (02) years, with two additional one (01) year options for extension by mutual agreement, (with annual price increase).

**BACKGROUND**

Council's 'Outdoor Employees Uniform and Dress Policy 74 (O)' acknowledges and promotes workplace health and safety for all Hepburn Shire Council outdoor employees by providing uniform and protective equipment that is appropriate for the duties being carried out. It complies with all legislative requirements and relevant Australian Standards

Council previously had a contract with a single supplier which could occasionally cause issues with availability of stock or price fluctuations. Council is therefore seeking to establish a panel of approved and suitable suppliers to give certainty of goods and services offered.

Council's Operations department will be the predominate user of the panel contract typically sourcing items such as Hi-Vis Clothing, Protective Hats and Steel Cap Boots. Other Council departments may utilise the panel contract sporadically as required.

**ISSUE/DISCUSSION**

Tenders were invited via public advertisement on Council's e-tender portal and The Courier (Ballarat) on Monday December 2nd, 2019 in accordance with Council's Procurement Policy.

The closing date for acceptance of submissions was Friday December 13<sup>th</sup>, 2019.

Seven (07) tender submissions were received.

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

- Melanie Quinn - Administration Assistant
- Paul O'Leary - Project Engineer

- Paul Healy - Works Coordinator
- Mark Young-Harvey - Safety Systems Officer

The Evaluation Panel evaluated the tenders received against the following criteria:

- Price
- Adherence to specification
- Local Content
- Ability to deliver

The outcome of the Tender evaluation is detailed in the attached Confidential Tender Evaluation Report.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – High Performing Organisation

Key Strategic Activity:

*Make Occupational, Health, Safety and Wellbeing an embedded part of our culture and the number one focus every day. We will continuously improve our systems and actions to make sure people go home safe and well every day.*

### **FINANCIAL IMPLICATIONS**

All anticipated expenditure will be in accordance with the approved departmental budgets.

The use of an approved panel of suppliers will help to ensure equipment is available when required along with best value for money to Council.

Use of an approved panel of suppliers does not exclude sourcing specialised equipment from other sources through a separate procurement process which will be considered on a as needs basis.

### **RISK IMPLICATIONS**

There are no risk implications associated with this report.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are no environmental, social or economic implications associated with this report.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

## CONCLUSION

Following a formal tender process and detailed evaluation of received tenders, it is recommended that council appoints two (02) tenderers to an approved Personal Protective Equipment Supplier Panel.

The acceptance to the panel does not necessarily guarantee purchases with any specific supplier and that orders will be raised on an “as required” basis.

Unsuccessful letters will be sent to the five (05) unsuccessful tenderers.

## OFFICER'S RECOMMENDATION

That Council:

*12.14.1 Appoint to the Personal Protective Equipment Supplier Panel (Contract HEPBU.RFT2019.169):*

- .....
- .....

*12.14.2 Provide a letter of acceptance to the appointed panel members confirming:*

- *That the submission, as supplied, has been accepted for a period of two (02) years with two options to extend for a further one (01) year by mutual agreement;*
- *There is no guarantee of minimum works being issued to them; and*
- *Outline the form of Contract.*

*12.14.3 Authorise Council officers to approve individual purchase orders, within Officer delegation and within approved budgets, as required, to an approved panel of suppliers.*

*12.14.4 Authorise Director Infrastructure and Development Services to exercise the contract extension options, pending internal contract performance reviews*

## MOTION

That Council:

*12.14.1 Appoint to the Personal Protective Equipment Supplier Panel (Contract HEPBU.RFT2019.169):*

- *Ballarat Safety Pty Ltd*
- *Hip Pocket Work Wear Pty Ltd*

*12.14.2 Provide a letter of acceptance to the appointed panel members confirming:*

- *That the submission, as supplied, has been accepted for a period of two (02) years with two options to extend for a further one (01) year by mutual agreement;*
- *There is no guarantee of minimum works being issued to them; and*
- *Outline the form of Contract.*

*12.14.3 Authorise Council officers to approve individual purchase orders, within Officer delegation and within approved budgets, as required, to an approved panel of suppliers.*

*12.14.4 Authorise Director Infrastructure and Development Services to exercise the contract extension options, pending internal contract performance reviews*

**Moved:** Cr Greg May

**Seconded:** Cr Fiona Robson

**Carried**

**ATTACHMENT 18 - CONFIDENTIAL TENDER EVALUATION REPORT**

## 12.15. CONTRACT HEPBU.RFT2019.179 RECONSTRUCTION OF BACK GLENLYON ROAD COOMOORA

### DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES

*In providing this advice to Council as the Coordinator Engineering, I Tim Powell have no interests to disclose in this report.*

### PURPOSE

The purpose of this report is for Council to consider awarding Contract HEPBU.RFT2019.179 Reconstruction of Back Glenlyon Road Coomoora.

### BACKGROUND

This contract forms part of Council's 2019/2020 Infrastructure program. The project is co-funded by Council and the State Government's Fixing Country Roads Program on a 1:2 ratio. The scope of works involves the reconstruction and widening of approximately 1.36km of Back Glenlyon Road from Daylesford-Malmsbury Road, Coomoora.



### ISSUE/DISCUSSION

The tender was publicly available through Council's Tenders.net portal from Tuesday 7th of January 2020. The closing date for acceptance of submissions was Friday 24th of January 2020 and four (04) tender submissions were

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

<b>Name</b>	<b>Title</b>
Chair: Tim Powell	Coordinator Engineering
Mark Young-Harvey	Safety Systems Facilitator
Carlin Gyorffy	Engineering Student

The Evaluation Panel evaluated the tenders received against the following criteria:

<b>Criteria</b>	<b>Weighting</b>
Price	50%
OHS Management and Quality Systems	15%
Confidence in ability to deliver the project, Previous Experience and Subcontracted Works	20%
Key Staff and Resources Available	10%
Local Content	5%
<b>Total</b>	<b>100%</b>

The outcome of the tender evaluation is detailed in the attached Confidential Tender Evaluation Report.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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.

### **FINANCIAL IMPLICATIONS**

The funding for this project will be drawn from the 2019/2020 Infrastructure program. This project is co-funded by Council and the State Government's Fixing Country Road Program Stage 2 on a 1:2 ratio.

All anticipated expenditure is within the approved 2019/2020 Council Infrastructure Budget of \$647,745 assigned to this project.

The financial review of this tender is detailed in the attached Confidential Tender Evaluation Report.

### **RISK IMPLICATIONS**

There are no expected risk implications. 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.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The preferred Contractor proposes to close the road to through traffic in order to facilitate a timely execution of the works. Through traffic will be detoured down Daylesford-Malmsbury Road for approximately 4 weeks during the works.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Directly affected property owners will be informed prior to construction.

Visual Message Boards will be installed prior to works to alert drivers to future disturbances

### **CONCLUSION**

Following a formal tender process and detailed evaluation of received tenders, the preferred tender has been identified as per the Confidential Tender Evaluation Report.

### OFFICER'S RECOMMENDATION

*That Council:*

- 12.15.1** Award Contract HEPBURFT2019.179 Reconstruction of Back Glenlyon Road Coomoora to..... for the value of ..... including GST
- 12.15.2** Delegate Council Officers to authorise variations and additions to the Contract within Officer financial delegation and approved budgets.
- 12.15.3** Authorise the Chief Executive Officer to sign the and seal the contract documents.

### MOTION

*That Council:*

- 12.15.1** Award Contract HEPBURFT2019.179 Reconstruction of Back Glenlyon Road Coomoora to Avard Civil Pty Ltd for the value of \$478,801.60 including GST
- 12.15.2** Delegate Council Officers to authorise variations and additions to the Contract within Officer financial delegation and approved budgets.
- 12.15.3** Authorise the Chief Executive Officer to sign the and seal the contract documents.

**Moved:** Cr John Cottrell

**Seconded:** Cr Fiona Robson

**Carried**

**ATTACHMENT 20 - CONFIDENTIAL TENDER EVALUATION REPORT  
HEPBU.RFT2019.179 - Reconstruction of Back Glenlyon Road  
Coomoora - Confidential Tender Evaluation (ISSUED UNDER  
SEPARATE COVER)**

## **12.16. DAYLESFORD FOOTBALL NETBALL CLUB INC. - LICENCE AGREEMENT**

### **DIRECTOR COMMUNITY AND COMMUNITY SERVICES**

*In providing this advice to Council as the Community Programs Officer, I Rachel Murphy have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to present to Councillors the licence for the Daylesford Football Netball Club Inc.

### **BACKGROUND**

The Daylesford Football Netball Club (DFNC) have been a long-term user of Victoria Park. The current licence with DFNC is currently in holding-over period. The Club would like to update their licence to ensure both Council and the Club have a clear understanding of facility usage, roles and responsibilities. This will allow the Club to meet key aspects in their constitution, and to ensure that the facilities are utilised in the betterment for the community.

User-group and Club bookings of Victoria Park Daylesford are managed by Council's Customer Service team. Council's Facilities team clean and maintain the pavilion and other building facilities, and the upkeep of the grounds and oval is undertaken by Council's Parks and Open Spaces department. The demand from the community to use the reserve for casual bookings is growing.

Council has engaged a consultant to determine the most appropriate, fair and equitable management model for a range of recreation facilities and reserves within the Shire into the future. The Victoria Park site has been included in this projects scope. This project is expected to be completed by June 2020 with a recommendation for future management made to Council.

Providing the Club with an interim licence will allow enough time for the recreation management model project to be completed and for any recommendations that are adopted to be implemented after this initial licence term.

### **ISSUE/DISCUSSION**

The proposed licence outlines a large number of special conditions. These include (but are not limited to) the following:

- Specific times of usage for a range of facilities at the reserve (i.e. Pavilion, kitchen, oval, netball court, storage, netball and football change rooms)

- Booking requirements/considerations
- Cleanliness and security of the facility
- Insurance and policy/procedure requirements

The proposed licence also asks for the Licensee to provide an Emergency Management Plan, Risk Management Plan and submit Club Membership and Participation reporting data to Council.

The licence is backdated to 1 July 2019, and will cease on 30 June 2020.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

### **FINANCIAL IMPLICATIONS**

Since the Pavilion upgrade at Victoria Park Daylesford in 2016, the DNFC has paid a \$5,000 licence fee to Council per financial year. Therefore it is proposed that the Club once again pays a \$5,000 fee to Council to utilise Victoria Park.

### **RISK IMPLICATIONS**

There is the risk that the Sport and Recreation Management Model Project will not be completed by June 2020. If this is the case, the licence can be extended until the end of the 2020 football netball season and Officers can look to implement any proposed management model changes.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

A licence preamble has been added into the proposed licence. This preamble was agreed upon by both Council Officers and the Club and highlights how both parties will work in partnership. Key points of this preamble include:

- The DNFC and Council have agreed to work in a spirit of mutual cooperation and sense of partnership in agreeing to the terms of this licence

- The DFNC commits to working cooperatively with Council and other users for the mutual benefit of all parties in the application of this licence
- Council acknowledges the DFNC exists to “promote, advance, foster and cultivate the games of Australian Football and Netball in the Daylesford region” and “to assist the educational advancement of the community by the means of the development of a sense of fair play and love of sports...” (DFNC Constitution). The Shire acknowledges that this licence is intended to assist the DFNC achieve these stated aims.
- The Shire and the DFNC both acknowledge a shared commitment to ensuring that Victoria Park is utilised to betterment of all users.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council Officers have worked closely with the DNFC to progress the proposed licence and have also been cognisant of other user groups. Many other relevant Council Officers have contributed to this licence and are satisfied with its contents.

### **CONCLUSION**

The adoption of the licence agreement with the DFNC will allow for both parties to understand one another’s roles and responsibilities, that will ultimately allow for increased community sport and active recreation usage at Victoria Park Daylesford.

### **OFFICER’S RECOMMENDATION**

*That Council:*

12.16.1 Adopt the proposed licence for the Daylesford Football Netball Club Inc.; and

12.16.2 Authorise the Chief Executive Officer to enter into an extension of the lease for up to two years, if required, to allow implementation of the new Recreation Management Model.

**Conflict of Interest Disclosed:**

Cr Kate Redwood declared a conflict of interest at item 12.16 pursuant to section 78B of the *Local Government Act 1989* and left the Chamber at 8.26pm prior to consideration and vote on the item.

**MOTION**

That Council:

12.16.1 Adopt the proposed licence for the Daylesford Football Netball Club Inc.; and

12.16.2 Authorise the Chief Executive Officer to enter into an extension of the lease for up to two years, if required, to allow implementation of the new Recreation Management Model.

**Moved:** Cr Don Henderson

**Seconded:** Cr John Cottrell

**Carried**

Cr Kate Redwood returned to the Chamber at 8.31pm once the motion was carried and resumed her seat.

**ATTACHMENT 22 -DRAFT LICENCE – DAYLESFORD FOOTBALL  
NETBALL CLUB (ISSUED UNDER SEPARATE COVER)**

**12.17. CLUNES FOOTBALL NETBALL CLUB INC. - LICENCE AGREEMENT  
DIRECTOR COMMUNITY AND COMMUNITY SERVICES**

*In providing this advice to Council as the Community Programs Officer, I Rachel Murphy have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is to present to Council the licence for the Clunes Football Netball Club, for consideration.

**BACKGROUND**

The Clunes Football Netball Club (CFNC) have been a long-term user of Bull Milgate Reserve. The Club would like to update their licence to ensure both Council and the Club have a clear understanding of facility usage, roles and responsibilities. This will allow for both parties to work more collaboratively, and to ultimately promote community usage and participation.

User-group and Club bookings of Bull Milgate Reserve Clunes are managed by Council's Customer Service team based at The Warehouse-Clunes. Council's Facilities team clean and maintain the stadium facilities, and the upkeep of the grounds and oval is undertaken by Council's Parks and Open Spaces team.

Council has engaged a consultant to determine the most appropriate, fair and equitable management model for a range of recreation facilities and reserves within the Shire into the future. The Bull Milgate Reserve site has been included in this project's scope. This project is expected to be completed by June 2020 and a recommendation for future management will be presented to Council.

Providing the Club with an interim licence will allow enough time for the recreation management model project to be completed and recommendations to be considered for implementation by Council.

**ISSUE/DISCUSSION**

The proposed licence outlines a many special conditions. These include (but are not limited to) the following:

- Specific times of usage for a range of facilities at the reserve (i.e. pavilion, kitchen, oval, netball court, storage, netball and football change rooms)
- Booking requirements/considerations
- Cleanliness and security of the facility
- Insurance and policy/procedure requirements

The proposed licence also asks for the Licensee to provide an Emergency Management Plan, Risk Management Plan and submit Club Membership and Participation reporting data to Council.

### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

### **FINANCIAL IMPLICATIONS**

To date no user groups have paid a fee for the use of the facilities at Bull Milgate Reserve, therefore it is proposed that this agreement continues until the Sport and Recreation Management Model project is complete. Future fees and charges will be based on the proposed management model of this site.

### **RISK IMPLICATIONS**

There is the risk that the Sport and Recreation Management Model Project will not be completed by June 2020. However, the licence with the CFNC for a 12-month term commencing January 1st, 2020. Council Officers will therefore have sufficient time to implement any agreed management model changes prior to the start of the 2021 season.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are multiple user groups who use the facilities at Bull Milgate Reserve who activate the facility every day of the week. Council Officers have noted that these stakeholders have positive working relationships and coordinate their activities with respect to one another. The adoption of the proposed licence will strengthen Council's working relationship with the CFNC and will allow for greater outcomes for the local community.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council Officers have worked closely with the CFNC to progress the proposed licence and have also been cognisant of other user groups. Many other

relevant Council Officers have contributed to this licence and are satisfied with its contents.

### CONCLUSION

The adoption of the licence agreement with the CFNC will allow for both parties to understand one another's roles and responsibilities, which will ultimately allow for increased community sport and active recreation usage at Bull Milgate Reserve in Clunes.

### OFFICER'S RECOMMENDATION

*That Council:*

12.17.1 Adopt the proposed licence for the Clunes Football Netball Club; and

12.17.2 Authorise the Chief Executive Officer to enter into an extension of the lease for up to two years, if required, to allow implementation of the new Recreation Management Model.

### MOTION

*That Council:*

*12.17.1 Adopt the proposed licence for the Clunes Football Netball Club; and*

*12.17.2 Authorise the Chief Executive Officer to enter into an extension of the lease for up to two years, if required, to allow implementation of the new Recreation Management Model.*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Fiona Robson

### Amended Motion

12.17.3 That Council puts in place a fee structure after financial year June 30.

**Moved:** Cr Don Henderson

**Seconded:** Cr John Cottrell

The amended motion was put to vote and LOST.

**MOTION**

*That Council:*

*12.17.1 Adopt the proposed licence for the Clunes Football Netball Club; and*

*12.17.2 Authorise the Chief Executive Officer to enter into an extension of the lease for up to two years, if required, to allow implementation of the new Recreation Management Model.*

The original motion was put to vote and CARRIED.  
Cr Henderson called for a Division.

**DIVISION:**

**Favour:** Cr Licia Kokocinski, Cr Neil Newitt, Cr Fiona Robson, Cr Kate Redwood

**Against:** Cr Don Henderson, Cr Greg May, Cr John Cottrell

**Carried**

**ATTACHMENT 23 -CLUNES FOOTBALL NETBALL CLUB LICENCE  
AGREEMENT (ISSUED UNDER SEPARATE COVER)**

## **12.18. SPORT AND RECREATION VICTORIA, 2020/2021 LOCAL SPORTS INFRASTRUCTURE FUND**

### **DIRECTOR COMMUNITY AND CORPORATE SERVICES**

*In providing this advice to Council as the Project Officer, I Kathie Schnur have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to seek endorsement to refer to the 2020/2021 budget, additional funding required to undertake the Calemben Park Change Facilities Redevelopment and Hepburn Shire Aquatics Strategy Projects. Delivery of these projects is pending successful submissions to Sport and Recreation Victoria's (SRV), 2020/2021 Local Sports Infrastructure Fund (2020/21 LSIF).

### **BACKGROUND**

SRV's 2020/21 LSIF is an annual Victorian Government investment program that funds high-quality, accessible sport and active recreation infrastructure. It is an annual program, that often has a particular focus or focuses, linking to State policy priorities. The 2020/21 LSIF includes several streams of funding opportunities including planning, female friendly, community facilities, strategic facilities and aquatic centres.

The assessment funding submissions is based on criteria that can show how projects:

- Increase and diversify participation in local sport and active recreation opportunities.
- Meet relevant design standards including female friendly, universal access, environmentally sustainable and community safety design considerations.
- Supports planning and the strategic significance of State and Local Governments.
- Planning is significantly progressed and delivery ready (projects must be 'shovel ready').

Council is required to co-fund projects in accordance with the LSIF funding ratio. The ratio for rural Councils is SRV \$2 – Local \$1.

### **ISSUE/DISCUSSION**

The following projects are considered to be Council's best opportunity for successful funding submissions as they meet the required funding

assessment criteria and are at a stage where they can be delivered within SRV's required timeframes for project delivery:

- Calembeen Park Change Facilities Redevelopment Project

The Calembeen Park Change Facilities Redevelopment Project combines the redevelopment of the existing public amenities, shared pathway and landscaping to provide unisex change facilities and improve universal access for users of the Council owned and managed toddlers pool, lake and public open space areas for unstructured active recreation opportunities.

- Aquatics Strategy Development

The development of an Aquatics Strategy for the Hepburn Shire will explore opportunities for the development and activation of a network of aquatics provision throughout the Shire. The proposed project will engage suitably qualified consultants to consider the existing aquatics provision and emerging issues to aquatics infrastructure, activation and business planning opportunities over a 10-year period.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

### FINANCIAL IMPLICATIONS

LSIF Stream	Project	Total Project Cost	LSIF Grant Sought	2020/21 Net Cost to Council
Community Facilities SRV funding available up to \$250,000	Calembeen Park Change Facilities Redevelopment Project.	\$257,400	\$171,600	\$85,800 \$72,194 funding from 2019/20 carry-forward projects. \$13,606 shortfall required in the 2020/21 budget.

LSIF Stream	Project	Total Project Cost	LSIF Grant Sought	2020/21 Net Cost to Council
Local Planning SRV funding available up to \$30,000	Hepburn Shire Aquatics Strategy	\$80,000	\$30,000	\$50,000 \$13,000 funding from 2019/20 carry-forward projects.

				\$37,000 funding will be required in the 2020/21 budget.
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**RISK IMPLICATIONS**

That Council has insufficient budget to deliver the projects. Project costs will continue to escalate if the projects are delayed, a contingency of 10% has been included in the costings due to site challenges including but not limited to age of pool and infrastructure, access to site and unknown latent conditions.

**ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

The projects will have a positive impact to the economic, health and wellbeing of the community through the delivery of relevant and high quality community infrastructure and planning to further enhance the provision of community sport and active recreation opportunities.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council Officers have met with SRV’s Grampians Region Team to discuss Council’s proposed projects and recreation pipeline. The proposed projects are considered to be Council’s best opportunity for successful funding submissions as they meet the required funding assessment criteria and are at the planning stage where they can be delivered within SRV’s timeframes for project delivery:

**CONCLUSION**

Over the past months Council Officers have worked closely with SRV’s Grampians Region team to consider Council’s best opportunities for funding community infrastructure and planning projects under SRV’s, 2020/2021 LSIF.

The Calembeen Park Change Facilities Redevelopment and Hepburn Shire Aquatics Strategy Development projects are considered to be Council’s best opportunities for funding as they meet SRV’s funding program’s required assessment criteria and delivery timeframes.

Council’s contribution towards the Calembeen Park Change Facilities Redevelopment and Hepburn Shire Aquatics Strategy, is subject to successfully securing funding through SRV’s, 2020/2021 LSIF.

## OFFICER'S RECOMMENDATION

*That Council:*

- 12.18.1 Note a funding submission for the Calembeen Park Change Facilities Redevelopment (\$171,000) and Hepburn Shire Aquatics Strategy (\$30,000) to Sport and Recreation Victoria's, 2020/2021 Local Sports Infrastructure Fund to assist with the delivery of the projects, has been made.
- 12.18.2 Refer to the 2020/2021 budget, additional Council funding for the Calembeen Park Change Facilities Redevelopment (\$13,606) and Hepburn Shire Aquatics Strategy (\$37,000), subject to the successful funding of these projects through Sport and Recreation Victoria's, 2020/2021 Local Sports Infrastructure Fund.

## MOTION

*That Council:*

- 12.18.1 Note a funding submission for the Calembeen Park Change Facilities Redevelopment (\$171,000) and Hepburn Shire Aquatics Strategy (\$30,000) to Sport and Recreation Victoria's, 2020/2021 Local Sports Infrastructure Fund to assist with the delivery of the projects, has been made.
- 12.18.2 Refer to the 2020/2021 budget, additional Council funding for the Calembeen Park Change Facilities Redevelopment (\$13,606) and Hepburn Shire Aquatics Strategy (\$37,000), subject to the successful funding of these projects through Sport and Recreation Victoria's, 2020/2021 Local Sports Infrastructure Fund.

**Moved:** Cr Don Henderson  
**Seconded:** Cr Kate Redwood  
**Carried**

## 12.19. MID-YEAR BUDGET REVIEW 2019-20

### DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Financial Services Manager, I Danielle How have no interests to disclose in this report.

### PURPOSE

The purpose of this report is for Council to conduct a mid-year budget review and adopt the forecast budget for 2019/20, which includes carry forward projects from 2018/19, and proposed amendments as part of the mid-year review.

### ISSUES/DISCUSSION

Council adopted the 2019/20 Budget at the Ordinary Council Meeting held on 18<sup>th</sup> June 2019.

Each year analysis of the adopted budget occurs mid-year to quantify changes to income and expenditure forecasts. These changes may be as a result of additional grants received, formal advice of budgeted grant allocations, or project activities reflecting priorities that Council has responded to as the result of events or information obtained after the budget is adopted. This is prudent financial practice.

A revised set of financial reports incorporating the income statement, balance sheet, statement of cash flows, a statement of capital works and statement of operational projects are attachments to this report.

#### **Carry-forward**

Carry-forward projects (both capital works and non-recurrent) were discussed and approved at the Council Meeting 15 October 2019. A list of the Capital Projects including any proposed adjustments is included.

#### **Mid-Year Review**

The reports attached have been compiled using the actual timing of entries into the budget ledger. Subsequent to the original budget being adopted, the following has occurred in this order:

- (a) Carry forward project budgets have been finalised for 2018/19 and added to the 2019/20 budget and the adjusted budgets can be seen in the attached Capital Projects Report.

- (b) The final audited position for 2018/19 has been reported and the applicable balance sheet adjustments have been processed to record this in the budget ledger which has impacted the budgeted Cash Flow Position and Balance Sheet for the 2019/20 year and can be seen in the attached.
- (c) A review of the first 6 months of 2019/20 has been undertaken and changes in the expected financial performance have been included in the revised budget and a summary of the operational impacts is contained in the Mid-Year Budget Adjustment Summary -Recurrent table below.
- (d) A review of the operating and capital projects has also been made and is contained in the Mid-Year Adjustment Summary – Projects table below. There are additional projects, additional grant funding received and reductions in capital spending as the project managers have achieved some savings to the original budget.

**Mid-Year Budget Adjustment Summary - Recurrent**

Budget Adjustments	Budget Adjustment (P&L Impact)
Staff changes following the implementation of the second stage of the organisational realignment, including procurement, planning, grants, various community services specialists and additional parks resources.	\$430,698
Budgeted expense adjustments as a result of staff vacancies and the use of contract staff in place of permanent employees and staff savings in the works and parks teams	-\$102,464
Budgeted expense adjustments required for the direct employment of transfer station and cleaning staff	\$191,000
Budgeted expense adjustments as identified at council brief for the Shire pool facilities direct recruitment of staff and the removal of admission fees for the 19/20 season	\$196,602
Adjustment to budgeted income from Commonwealth and State grants and additional income from profit on the sale of an asset and open space levies	-\$518,796
Additional unbudgeted expenses for recruitment of additional staff as well as the direct recruitment of roles previously performed by MomentumOne at transfer stations, cleaning and pools, as well as councils contribution for goal post at Doug Lindsay and planning consulting	\$67,050
Adjustments to waste expenses as these are higher than those budgeted due to market changes. The additional costs are associated with kerbside collections, green waste, site cleanup and teleloader and hooklift charges	\$114,000
Unbudgeted IT costs including the licensing of previously unlicensed software and the increase of virtual desktops and additional software licenses for existing software for all additional staff as a result of the direct recruitment and organisational realignment	\$120,000
Total Recurrent Budget Adjustments	\$498,089

\*\*Positive figures reflect additional cash expense and negative is a saving

**Mid- Year Adjustment Summary - Projects**

CAPITAL PROJECTS		2019-20	
Project Name	Comment	Income	Expenditure
Hepburn Kinder Extension	New Project - Grant Funding received	\$90,071	\$15,000
Creswick Kinder Accessibility	New Project - Grant Funding received	\$30,294	\$8,000
Daylesford Community Childcare Centre Refurbishment	New Project - Grant Funding received	\$63,000	\$8,000
Hepburn Sports Pavilion	New Project - Grant Funding received	\$90,000	\$30,000
Bridge Renewal - Lakeside Drive	Existing project - Grant Income received, budgeted project cost reduced	\$169,774	-\$10,226
Various	Account for overrun on 5 recently completed bridge projects.	\$0	\$36,131
Gravel Road Resheet Program	Program will be completed under the original budget estimate		-\$137,000
Drummond Hall Refurbishment	As per Council Resolution		\$80,000
Glenlyon Rec Res Land Remediation	New project - First phase costs of this project		\$133,000
Waste To Energy Implementation Strategy	Identified as a duplicate budget item (National Flagship Bioenergy facility)	-\$175,000	-\$475,000
Vehicle and Plant Replacement	Revision of replacement requirements for current financial year	\$0	-\$70,000
Additional Asphalt works	Existing project - Budgeted project cost increased		\$32,000
<b>TOTAL</b>		<b>\$268,139</b>	<b>-\$350,095</b>

Capital Budget adjustment impact                      **-\$618,234.00**      Cash Savings

OPERATING PROJECTS		2019-20	
Project No.	Project Name	Income	Expenditure
	Electoral Representation Review		\$40,000
	Pride Brigayed 2020 (Youth Project)	\$8,500	\$8,500
	Installation of free Public WiFi - Creswick and Clunes	\$15,450	\$36,000
	This Girl Can Marketing and Promotion	\$15,000	\$15,000
	Aboriginal Peoples Memorial Avenue		\$5,000
	Wildlife Protection Increasing Capacity	\$14,500	\$14,500
	Storm Damage Clean Up - 21.11.2019		\$150,000
<b>TOTAL</b>		<b>\$53,450</b>	<b>\$269,000</b>

Operational Projects adjustment impact                      \$215,550      Cash required

Impact of changes:

1. Overspend of recurrent and project budgets has been relatively minor, There are some additional salary and related cost has been incurred due to short-term staffing requirements and IT licences and waste charges are the other major drivers.
2. The revised budget assumes all projects are to be delivered by 30 June 2020. If they are not, these funds would be carry-forward to ensure the projects are delivered.
3. The total cash impact of \$95,405 additional requirements for the Mid-year Budget Review, which officers believe is affordable to the organisation.

498,089.00	Recurrent Budget
215,550.00	Operating Projects
- 268,139.00	Additional Capex Income
<b>445,500.00</b>	Reduction in Operating Surplus
350,095.00	Capex expenditure savings
<b>95,405.00</b>	Net decrease in cash

**COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – High Performing Organisation

Key Strategic Activity:

Deliver sustainable financial management, supported by effective long term financial planning (10 Years), cost savings and efficient purchasing, and developing additional income streams beyond rates revenue.

A mid-year budget review also supports Council's compliance with Section 136 (Local Government Act), Principles of sound financial management, in particular 136 (2d) ensure full, accurate and timely disclosure of financial information relating to Council.

**FINANCIAL IMPLICATIONS**

The mid-year budget review incorporates changes to Council's 2019/20 Budget to identify the consolidated financial implications of all known and reported variations.

### **RISK IMPLICATIONS**

The mid-year review is required to assist in decision making, project management and to mitigate the risk of budget allocations being exceeded.

### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are no significant implications as a result of this budget forecast.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The mid -year budget review has been completed with input from officers and Councillors. The forecast budget will be available to the public via the minutes published on Council's website, no further public consultation is required as the proposed amendments are immaterial.

### **CONCLUSION**

The mid-year budget review has been completed which provides Council with improved clarity and confidence in the 2019/20 operational and project budgets

### **OFFICER'S RECOMMENDATION**

12.19.1 That Council approves and adopts the mid-year budget adjustments for the financial year 2019/20.

### **MOTION**

12.19.1 That Council approves and adopts the mid-year budget adjustments for the financial year 2019/20.

**Moved:** Cr Kate Redwood  
**Seconded:** Cr John Cottrell  
**Carried**

*The Ordinary Council Meeting was suspended at 8.46pm.*

**PROCEDURAL MOTION – Resumption of Standing Orders**

**MOTION**

That the standing orders of the Ordinary Council Meeting be resumed.

**Moved:** Cr John Cottrell

**Seconded:** Cr Don Henderson

**Carried**

*The Ordinary Council Meeting was resumed at 8.51pm with all Councillors present.*

**ATTACHMENT 24 - CAPITAL PROJECTS REPORT 2019/20**

Hepburn Shire Council  
Statement of Capital Works as at 30 June 2020

Project Number	Project Name	New / Renew / Upgrade	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget
2019/20 Expenditure							2019/20 Income			
<b>CEO SERVICES</b>										
Total CEO			-	-	-	-	-	-	-	-
Total Governance, Compliance and Risk			-	-	-	-	-	-	-	-
Total People & Culture			-	-	-	-	-	-	-	-
<b>TOTAL CEO SERVICES</b>			<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>COMMUNITY &amp; CORPORATE SERVICES</b>										
Corporate Services										
000497	Trentham Community Hub Design & Construct	New	-	54,084	-	54,084	-	-	-	-
000733	Trentham Child Care Construction for In-Venue Family DayCa	Renew	36,545	524,104	-	560,649	-	305,000	-	305,000
Total Coporate Services			<u>36,545</u>	<u>578,188</u>	<u>-</u>	<u>614,733</u>	<u>-</u>	<u>305,000</u>	<u>-</u>	<u>305,000</u>
Community Care										
000964	Hepburn Kinder Extension	Upgrade	-	-	15,000	15,000	-	-	90,071	90,071
000965	Creswick Kinder Accessibility	Upgrade	-	-	8,000	8,000	-	-	30,294	30,294
000972	Daylesford Community Childcare Centre Refurbishment	Upgrade	-	-	8,000	8,000	-	-	63,000	63,000
Total Community Care			<u>-</u>	<u>-</u>	<u>31,000</u>	<u>31,000</u>	<u>-</u>	<u>-</u>	<u>183,365</u>	<u>183,365</u>
Total Financial Services			<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Information Technology										
000557	IT Hardware / Technology Renewal Program	Renew	267,950	162,535	-	430,485	-	-	-	-
000895	Software Upgrade - Advent Manager	Upgrade	10,000	-	-	10,000	-	-	-	-
000924	Hearing Loops	New	4,000	-	-	4,000	-	-	-	-
000926	Software Upgrade -TechnologyOne	Upgrade	80,000	-	-	80,000	-	-	-	-
Total ICT			<u>361,950</u>	<u>162,535</u>	<u>-</u>	<u>524,485</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Community and Economic Development										
Buildings										
000609	Daylesford Pool Upgrades (CSIF)	Renew	-	538,935	-	538,935	-	80,000	-	80,000
000762	Reserve Facility Renewal and Upgrade Program	Renew	-	15,000	-	15,000	-	-	-	-
000911	Hepburn Football Changerooms Scope	Renew	10,000	-	-	10,000	-	-	-	-
000970	Hepburn Sports Pavilion	Upgrade	-	-	30,000	30,000	-	-	90,000	90,000
Off Street Car parks										
000769	Doug Lindsay Carpark and Traffic Management	Upgrade	-	115,601	-	115,601	-	-	-	-
000864	Newlyn Recreation Reserve carpark linemarking	Renew	20,000	-	-	20,000	-	-	-	-
000914	Daylesford Community Park Carparking	Renew	60,000	-	-	60,000	-	-	-	-
000917	Recreation Facilities Accessible Carpark & Pathways	Upgrade	27,000	-	-	27,000	-	-	-	-
Computer Equipment										
000784	Library Equipment	Renew	-	-	-	-	-	-	-	-

Hepburn Shire Council  
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Project Number	Project Name	New / Renew / Upgrade	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget
2019/20 Expenditure							2019/20 Income			
000838	Walking+Cycling - Clunes Walkability Project - Planning	New	-	3,278	-	3,278	-	-	-	-
000903	Clunes Walkability Plan Implementation	New	20,000	-	-	20,000	-	-	-	-
000912	Calembreen Park Accessible Path	New	35,000	-	(5,000)	30,000	-	-	-	-
Land Improvements										
000646	Gateway signage - permanent market sign in each town	New	-	9,400	-	9,400	-	-	-	-
000870	Creswick Bowling Greens	Upgrade	-	25,440	-	25,440	-	-	-	-
000915	Daylesford Community Park Masterplan	Upgrade	20,000	-	-	20,000	-	-	-	-
Library Collection										
000423	Library Collection Renewal	Renew	59,766	-	-	59,766	-	-	-	-
Other Infrastructure										
000504	H.S. Public Art Appropriation, Maintenance & Replacement	New	40,000	40,570	-	80,570	-	-	-	-
Parks, Open Space and Streetscapes										
000871	Daylesford Skate Park Redevelopment	Upgrade	383,000	-	-	383,000	240,000	(229,791)	-	10,209
000898	Playspace Strategy Implementation	New	50,000	-	-	50,000	-	-	-	-
000905	Rod May Reserve	Upgrade	4,000	-	-	4,000	-	-	-	-
000908	Clunes Community Park Masterplan	Upgrade	10,000	-	-	10,000	-	-	-	-
000928	Glenlyon Reserve Works Post Masterplan	New	50,000	-	-	50,000	-	-	-	-
Recreational, Leisure and Community Facilities										
000414	Hard-court Annual Renewal Program	Renew	15,000	2,500	-	17,500	-	-	-	-
000605	Swimming Pool Consultation and Scoping Creswick	Upgrade	-	13,290	-	13,290	-	-	-	-
000765	Newlyn Netball Court Upgrades	Upgrade	-	-	-	-	-	25,125	-	25,125
000766	Reserve Benches and Tables Renewal and Expansion Program	Renew	38,600	35,400	-	74,000	-	-	-	-
000772	Clunes Turf Wicket Replacement	Renew	-	-	-	-	-	-	-	-
000896	Reserve Entry Enhancement Program	Upgrade	33,000	3,000	-	36,000	-	-	-	-
000897	Newlyn Cricket Nets	New	1,260	-	-	1,260	-	-	-	-
000899	Hepburn Cricket Nets	New	120,000	-	-	120,000	60,000	-	-	60,000
000904	Outdoor Fitness Spaces	New	40,500	39,949	-	80,449	-	-	-	-
000906	Magic Pudding Playground Development	Renew	20,000	-	-	20,000	10,000	-	(0)	10,000
000909	Doug Lindsay Stage 1	Upgrade	58,628	-	-	58,628	-	-	-	-
000910	Doug Lindsay Stage 2 - Masterplan	Upgrade	40,000	-	-	40,000	-	-	-	-
000913	Clunes Recreation Reserve Masterplan	Upgrade	30,000	-	-	30,000	-	-	-	-
000916	Newlyn Netball Courts various works	Upgrade	80,969	146,518	-	227,487	-	-	-	-
000920	Fencing Glenlyon Recreation Reserve	Upgrade	20,000	-	-	20,000	-	-	-	-
000923	Netball Court Hepburn	Upgrade	18,000	-	-	18,000	-	-	-	-
000927	Lighting Drummond Tennis Court	New	15,000	-	-	15,000	-	-	-	-
000960	Calembreen Park Aquatic Place Project	New	-	-	5,000	5,000	-	-	-	-
Total Community & Economic Development			<u>1,319,723</u>	<u>988,881</u>	<u>30,000</u>	<u>2,338,604</u>	<u>310,000</u>	<u>(124,666)</u>	<u>90,000</u>	<u>275,334</u>
TOTAL COMMUNITY & CORPORATE SERVICES			<u>1,718,218</u>	<u>1,729,604</u>	<u>61,000</u>	<u>3,508,822</u>	<u>310,000</u>	<u>180,334</u>	<u>273,365</u>	<u>763,699</u>
INFRASTRUCTURE AND DEVELOPMENT										
Infrastructure and Development Services										
000551	Hepburn Shire Council Services & Community Hub Construct	New	-	1,682,740	-	1,682,740	-	-	-	-
Total Infrastructure and Development Services			<u>-</u>	<u>1,682,740</u>	<u>-</u>	<u>1,682,740</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Development and Community Safety			<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Hepburn Shire Council  
Statement of Capital Works as at 30 June 2020

Project Number	Project Name	New / Renew / Upgrade	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget
2019/20 Expenditure						2019/20 Income				
<b>Major projects</b>										
Building Improvements										
000653	Trentham Mechanics Institute upgrades	Upgrade	-	25,000	-	25,000	-	-	-	-
000662	Daylesford Town Hall Community Hub	Renew	-	676,441	-	676,441	-	250,000	-	250,000
000853	Hammon Park toilet upgrade	Renew	200,000	-	-	200,000	-	-	-	-
Land Improvements										
000549	Town and Shire Road Signage	Upgrade	-	13,749	-	13,749	-	-	-	-
000606	Interpretive Signage at calembeen Park	New	-	4,999	-	4,999	-	-	-	-
<b>Total Major Projects</b>			<u>200,000</u>	<u>720,189</u>	<u>-</u>	<u>920,189</u>	<u>-</u>	<u>250,000</u>	<u>-</u>	<u>250,000</u>
<b>Operations</b>										
Bridges										
000714	Bridge Renewal - Beaconsfield Rd	Renew	-	23,005	165	23,170	-	-	-	-
000715	Bridge Renewal - Hepburn Newstead	Renew	-	22,355	11,045	33,400	-	-	-	-
000717	Bridge Renewal - Yandoit Creek Rd	Renew	-	20,355	7,215	27,570	-	-	-	-
000718	Bridge Renewal - Turkey Hill Rd	Renew	-	22,355	4,516	26,871	-	-	-	-
000753	Bridge Renewal - Wheelers Bridge	Renew	30,000	18,125	-	48,125	-	-	-	-
000803	Bridge Renewal - Drummond Lauriston Rd Drummond	Renew	-	70,000	-	70,000	-	-	-	-
000804	Bridge Renewal - Matheson St Trentham	Renew	-	12,000	-	12,000	-	-	-	-
000818	Bridge Renewal - Lawrence Glengower Rd	Renew	-	26,405	13,190	39,595	-	-	-	-
000956	Bridge Renewal - Lakeside Drive	Renew	180,000	-	(10,226)	169,774	-	-	169,774	169,774
000957	Bridge Renewal - Newstead Road	Renew	40,000	-	-	40,000	-	-	-	-
Building Improvements										
000735	Howe Street retaining wall replacement	Renew	-	24,580	-	24,580	-	-	-	-
000821	Central Springs Master Plan and Cafe works	Renew	-	150,000	30,000	180,000	-	-	-	-
Off Street Car parks										
000907	Accessible Parking Improvement Program	Upgrade	52,000	-	-	52,000	-	-	-	-
Drainage										
000410	Kerb & Channel Rehabilitation Program	Renew	151,640	-	-	151,640	-	-	-	-
000651	Drainage condition assessment and renewal/upgrade progra	Renew	75,000	-	-	75,000	-	-	-	-
000722	Kerb and Channel - Duke Street Daylesford	Renew	-	-	-	-	-	-	-	-
000843	Drainage Renew - Central springs Road Daylesford	Renew	-	8,000	-	8,000	-	-	-	-
000845	Drainage Renew - Intersection May & Jefferies Road Blampie	Renew	-	-	-	-	-	-	-	-
000846	Drainage Renew - Intersection Blue Mount / High St Trentha	Renew	-	5,000	-	5,000	-	-	-	-
000921	Drainage Renewal & Upgrade	Renew	-	-	-	-	-	-	-	-
Footpaths and Cycleways										
000112	Footpath Renewal Program	Renew	226,925	-	-	226,925	-	-	-	-
000321	Extension of Domino Trail	New	-	14,517	-	14,517	-	-	-	-
000743	Walking+ Cycling - Bleakley St Daylesford	New	-	-	-	-	-	-	-	-
000744	Walking+ Cycling - Fairview Estate Clunes	New	-	60,850	-	60,850	-	-	-	-
000795	Footpath Renewal - High St Trentham	Renew	-	-	-	-	-	-	-	-
000796	Footpath Renewal - Water St Creswick	Renew	-	5,325	-	5,325	-	-	-	-
000797	Footpath Renewal - South St Creswick	Renew	-	3,950	-	3,950	-	-	-	-
000832	Walking+ Cycling - Melbourne Road Creswick	New	-	31,000	-	31,000	-	-	-	-
000835	Walking+ Cycling - Bath Street Trentham	New	-	-	-	-	-	-	-	-
000836	Walking+ Cycling - Daylesford to Coomoora Trail (Stage1)	New	-	220,018	-	220,018	-	-	-	-
000839	Walking+ Cycling - Wombat Track Trentham	New	-	19,300	-	19,300	-	-	-	-
000958	Fairview Trail Alfred Street Clunes	Renew	110,000	-	-	110,000	-	-	-	-
Land Improvements										

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Project Number	Project Name	New / Renew / Upgrade	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget
				2019/20 Expenditure				2019/20 Income		
000931	Central Springs	Upgrade	30,000	-	(30,000)	-	-	-	-	-
	Parks, Open Space and Streetscapes									
000543	Trentham Streetscape Implementation	Upgrade	-	221,911	-	221,911	-	-	-	-
000563	Hepburn Streetscape construction	Upgrade	-	62,582	-	62,582	-	-	-	-
000595	Mineral Springs Imp Works	Renew	-	38,274	-	38,274	-	-	-	-
000596	WHBG Stage 1 Works	Renew	-	48,451	-	48,451	-	-	-	-
000649	Additional street trees and Parklet prototype	Renew	45,000	8,826	-	53,826	-	-	-	-
000775	Jubilee Lake Remedial Works	Renew	-	50,629	-	50,629	-	-	-	-
000785	Sutton Springs Landscape	Upgrade	-	9,177	-	9,177	-	-	-	-
000925	Jubilee Lake Revegetation	Upgrade	34,800	-	-	34,800	-	-	-	-
000939	Clunes Dog Park	Renew	30,000	-	-	30,000	-	-	-	-
	Recreational, Leisure and Community Facilities									
000929	Drinking Fountain Queens Park	New	5,500	-	-	5,500	-	-	-	-
	Roads									
000100	Road Reseals Program	Renew	772,171	-	-	772,171	-	-	-	-
000102	Road Reseal Preparation	Renew	235,000	-	-	235,000	-	-	-	-
000103	Gravel Road Resheet Program	Renew	570,750	-	(137,000)	433,750	-	-	-	-
000411	Road Reconstruction Program	Renew	-	-	-	-	2,297,019	-	-	2,297,019
000463	Road Safety Improvements	Renew	60,000	-	-	60,000	-	-	-	-
000559	East St Railway Bridge Underpass	Upgrade	-	677,893	-	677,893	-	80,000	-	80,000
000645	Upgrade of Dairy Flat Road Musk	Upgrade	208,000	350,000	-	558,000	-	200,000	-	200,000
000652	Redesign Jamieson-Raglan St Intersection	Renew	-	-	-	-	-	-	-	-
000701	Road Reconstruct - Forward Design Program	Renew	110,000	-	-	110,000	-	-	-	-
000706	Road Reconstruct - Fifth Street Hepburn Springs	Renew	-	-	-	-	-	-	-	-
000751	Bleakly Street Barrier	Renew	-	-	-	-	-	-	-	-
000826	Road Reconstruct - Chanter Lane Fern Hill	Renew	-	-	-	-	-	-	-	-
000827	Road Reconstruct - Daylesford-Clunes Rd Ullina	Renew	-	-	-	-	-	-	-	-
000831	Road Reconstruct - Raglan St Creswick	Renew	-	74,490	-	74,490	-	-	-	-
000865	Pedestrian Crossing - Victoria Street, Trentham	Renew	-	-	-	-	-	-	-	-
000867	Road Reconstruct - Daylesford Clunes Rd Ullina Stage Two	Renew	-	-	-	-	-	-	-	-
000868	Road Reconstruct - Bleakley St	Renew	-	-	-	-	-	-	-	-
000932	Trentham Urban Roads Upgrades	Upgrade	435,515	-	-	435,515	-	-	-	-
000951	Road Reconstruct - Telegraph Road Newlyn North	Renew	403,186	-	-	403,186	-	-	-	-
000952	Road Reconstruct - Back Glenlyon Road Coomoora	Renew	647,745	-	-	647,745	-	-	-	-
000953	Road Reconstruct - Old Ballarat Road Daylesford	Renew	799,056	-	-	799,056	-	-	-	-
000954	Road Reconstruct - Maric Court Coomoora	Renew	78,120	-	-	78,120	-	-	-	-
000955	Road Reconstruct - Clunes Community Liveability Project	Renew	416,375	-	-	416,375	-	-	-	-
	Total Operations		<u>5,746,782</u>	<u>2,299,373</u>	<u>(111,095)</u>	<u>7,935,061</u>	<u>2,297,019</u>	<u>280,000</u>	<u>169,774</u>	<u>2,746,793</u>
	Waste and Environment									
	Buildings									
000608	Waste Management Facility Construction	New	-	35,159	-	35,159	-	-	-	-
000848	E-waste Infrastructure - Creswick Transfer Station	Upgrade	-	26,888	-	26,888	-	62,125	-	62,125
000849	E-waste Infrastructure - Daylesford Transfer Station	Upgrade	-	88,606	-	88,606	-	62,125	-	62,125
000873	Holiday Park Daylesford Structures	New	-	-	-	-	-	40,000	-	40,000
	Building Improvements									
000287	Building and Structures Renewal Program	Renew	60,000	-	-	60,000	-	-	-	-
000553	Sustainability Strategy - Towards Zero - Council Assets	Renew	-	240,153	-	240,153	-	-	-	-
000725	Swimming Pool Painting Program	Renew	40,000	-	-	40,000	-	-	-	-

Hepburn Shire Council  
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Project Number	Project Name	New / Renew / Upgrade	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget
						2019/20 Expenditure	2019/20 Income			
000726	Building Essential Safety Measures (ESM)	Renew	20,000	-	-	20,000	-	-	-	-
000727	Drummond Hall Refurbishment	Renew	-	80,393	80,000	160,393	-	-	-	-
000729	Lee Medlyn - Building conditionupgrade	Renew	150,000	18,470	-	168,470	-	-	-	-
000731	Clunes Victoria Park Toilets	Renew	-	129,501	-	129,501	-	-	-	-
000737	Lee Medlyn Toilet Replacement	Renew	-	154,966	-	154,966	-	-	-	-
000738	Creswick Town Hall building conditionupgrade	Renew	-	27,267	-	27,267	-	-	-	-
000739	Quarry St Reserve Shelter & Toilet	Renew	150,000	99,200	-	249,200	-	-	-	-
000740	Glenlyon Hall Public Toilets	Renew	-	93,106	-	93,106	-	-	-	-
000741	Calembeen Park Toilets	Renew	-	38,818	-	38,818	-	-	-	-
000820	Building Painting program	Renew	40,000	35,000	-	75,000	-	-	-	-
000823	Pavilion Cafe floor Repairs	Renew	100,000	6,180	-	106,180	-	-	-	-
000824	Smeaton Recreation Reserve PublicToilets	Renew	-	2,000	-	2,000	-	-	-	-
000825	Vic Park toilet (Netball/Table Tennis)	Renew	-	159,575	-	159,575	-	-	-	-
000850	Clunes Town Hall Renovation	Renew	200,000	562,422	-	762,422	-	-	-	-
000855	Park Lake Caretakers Cottagerenovation	Renew	82,000	-	-	82,000	-	-	-	-
000945	Keying Systems Replacement	Renew	20,000	-	-	20,000	-	-	-	-
000946	Market Street Toilet Removal	Renew	2,000	-	-	2,000	-	-	-	-
000947	Wombat Hill Glasshouses	Renew	25,000	-	-	25,000	-	-	-	-
000948	Creswick Transfer Station - Refurbishment Works	Renew	70,000	-	-	70,000	-	-	-	-
000949	Trentham Transfer Station - Scoping works	Renew	8,000	-	-	8,000	-	-	-	-
000950	Creswick Mechanics Institute - Condition Survey	Renew	20,000	-	-	20,000	-	-	-	-
Land Improvements										
000963	Glenlyon Rec Res LandRemediation	Renew	-	-	133,000	133,000	-	-	-	-
Other Infrastructure										
000919	Waste To Energy ImplementationStrategy	New	475,000	-	(475,000)	0	175,000	-	(175,000)	0
Plant and Machinery										
000131	Vehicle and Plant Replacement	Renew	705,000	505,000	(70,000)	1,140,000	64,000	40,000	-	104,000
000599	National Flagship BioenergyFacility	New	-	747,093	-	747,093	-	375,000	-	375,000
000660	Portable stage - collapsible	New	10,000	-	-	10,000	-	-	-	-
000777	Transfer Stations CCTV	New	-	5,736	-	5,736	-	-	-	-
Recreational, Leisure and CommunityFacilities										
000643	Climate Resilient Recreation Facilities	New	-	47,774	-	47,774	-	-	-	-
Total Waste and Environment			<u>2,177,000</u>	<u>3,103,307</u>	<u>(332,000)</u>	<u>4,948,307</u>	<u>239,000</u>	<u>579,250</u>	<u>(175,000)</u>	<u>643,250</u>
TOTAL INFRASTRUCTURE			<u>8,123,782</u>	<u>7,805,609</u>	<u>(443,094)</u>	<u>15,486,297</u>	<u>2,536,019</u>	<u>1,109,250</u>	<u>(5,226)</u>	<u>3,640,043</u>
TOTAL CAPITAL WORKS			<u>9,842,000</u>	<u>9,535,213</u>	<u>(382,094)</u>	<u>18,995,119</u>	<u>2,846,019</u>	<u>1,289,584</u>	<u>268,139</u>	<u>4,403,742</u>
Represented by:										
New asset expenditure		New	866,260	3,016,467	(475,000)	3,407,727	235,000	415,000	(175,000)	475,000
Asset renewal expenditure		Renew	7,400,828	4,739,091	61,905	12,201,825	2,371,019	675,000	169,774	3,215,793
Asset upgrade/expansion expenditure		Upgrade	1,574,912	1,779,655	31,000	3,385,567	240,000	199,584	273,365	712,949
Total capital works expenditure			<u>9,842,000</u>	<u>9,535,213</u>	<u>(382,094)</u>	<u>18,995,119</u>	<u>2,846,019</u>	<u>1,289,584</u>	<u>268,139</u>	<u>4,403,742</u>

**ATTACHMENT 25 - FINANCIAL STATEMENTS BUDGET COMPARITIVE**

# Hepburn Shire Council

## Comprehensive Income Statement

### For the Period Ended 30 June 2020

	Note	FY Original Budget 2019/20	CFWD Budget 2019/20	Revised Budget 2019/20	Overall Variance	Notes
		\$'000	\$'000	\$'000		
Income						
Rates and charges	3	21,306	21,306	21,306	-	
Statutory fees and fines	4	890	890	890	-	
User fees	5	1,047	1,047	1,002	(45)	
Grants - operating	6	7,146	8,377	8,662	1,516	1
Grants - capital	6	2,712	3,856	4,125	1,413	1
Contributions - monetary	7	155	210	470	315	2
Contributions - non monetary	7	-	-	-	-	
Net gain/(loss) on disposal of assets	8	11	43	97	86	
Other income	9	1,617	1,617	1,598	(19)	
Total income		<u>34,885</u>	<u>37,346</u>	<u>38,150</u>	<u>3,265</u>	
Expenses						
Employee costs	10	12,936	12,951	13,617	680	3
Materials and services	11	10,731	13,298	13,863	3,131	4
Bad and doubtful debts	12	18	18	18	-	
Depreciation and amortisation	13	7,190	7,190	7,190	-	
Borrowing costs	14	187	187	187	-	
Other expenses	15	804	885	885	81	
Total expenses		<u>31,866</u>	<u>34,529</u>	<u>35,758</u>	<u>3,893</u>	
Surplus/(deficit) for the year		<u>3,019</u>	<u>2,817</u>	<u>2,392</u>	<u>(627)</u>	

1. Combination of additional Grants Commission funding (\$231K), carryforward projects (\$2.376million) and new project grants submissions submitted during the first half of the year (\$322K).
2. Additional Open Space income (\$260K), project related external contributions (\$55K).
3. Increase in employee costs as explained in the main briefing document.
4. Attributable to carry forward projects (\$2.566million) and Mid-year review (\$435k). Mid year review items predominantly relates to new projects.

# Hepburn Shire Council

## Balance Sheet As at 30 June 2020

	Note	FY Original Budget 2019/20 \$'000	CFWD Budget 2019/20 \$'000	Revised Budget 2019/20 \$'000	Overall Variance	
<b>Assets</b>						
<b>Current assets</b>						
Cash and cash equivalents	17	4,297	4,186	4,609	311	
Trade and other receivables	18	2,541	4,095	4,095	1,554	5
Other financial assets	19	5,933	6,133	5,933	0	
Inventories	20	12	6	6	(6)	
Non-current assets classified as held for sale	21	-	-	-	-	
Other assets	22	<u>228</u>	<u>86</u>	<u>86</u>	<u>(142)</u>	
<b>Total current assets</b>		<u>13,011</u>	<u>14,506</u>	<u>14,729</u>	<u>1,718</u>	
<b>Non-current assets</b>						
Property, infrastructure, plant and equipment	23	259,605	272,334	271,683	12,078	6
Intangible assets	25	<u>365</u>	<u>415</u>	<u>415</u>	<u>49</u>	
<b>Total non-current assets</b>		<u>259,970</u>	<u>272,749</u>	<u>272,098</u>	<u>12,128</u>	
<b>Total assets</b>		<u>272,981</u>	<u>287,255</u>	<u>286,827</u>	<u>13,846</u>	
<b>Liabilities</b>						
<b>Current liabilities</b>						
Trade and other payables	26	2,167	2,196	2,196	29	
Trust funds and deposits	27	1,073	962	962	(112)	
Provisions	28	1,922	2,107	2,107	185	
Interest-bearing loans and borrowings	29	412	243	243	(169)	
Other Liabilities	29	<u>216</u>	<u>528</u>	<u>528</u>	<u>312</u>	
<b>Total current liabilities</b>		<u>5,791</u>	<u>6,036</u>	<u>6,036</u>	<u>245</u>	
<b>Non-current liabilities</b>						
Provisions	28	424		442	18	
Interest-bearing loans and borrowings	29	3,568	3,576	3,576	8	
Other Liabilities	29	<u>80</u>	<u>63</u>	<u>63</u>	<u>(18)</u>	
<b>Total non-current liabilities</b>		<u>4,072</u>	<u>3,639</u>	<u>4,081</u>	<u>8</u>	
<b>Total liabilities</b>		<u>9,863</u>	<u>9,675</u>	<u>10,116</u>	<u>253</u>	
<b>Net assets</b>		<u>263,118</u>	<u>277,580</u>	<u>276,711</u>	<u>13,592</u>	
<b>Equity</b>						
Accumulated surplus		155,353	152,839	155,203	(150)	
Reserves	30	<u>107,765</u>	<u>121,479</u>	<u>121,507</u>	<u>13,742</u>	7
<b>Total Equity</b>		<u>263,118</u>	<u>274,318</u>	<u>276,711</u>	<u>13,592</u>	

5. The original trade receivables budget was set too low. This was rectified when the original budget was adjusted to reflect the final 2018-19 financial position.

6. Increases as a result of the carry forward project budgets.

7. Includes the revaluation to road assets at the end of the 2018-19 year (\$13.094million), this was not included in the original budget.

Hepburn Shire Council  
Statement of Cash Flows  
For the Period Ended 30 June 2020

	FY Original Budget 2019/20	CFWD Budget 2019/20	Revised Budget 2019/20	Overall Variance
	Inflows/ (Outflows) \$'000	Inflows/ (Outflows) \$'000	Inflows/ (Outflows) \$'000	
Cash flows from operating activities				
Rates and charges	21,107	21,107	21,107	-
Statutory fees and fines	873	873	873	-
User fees	1,047	1,047	1,001	(45)
Grants - operating	7,146	8,377	8,662	1,516
Grants - capital	2,712	3,856	4,125	1,413
Contributions - monetary	155	210	470	315
Reimbursements				-
Interest received	419	419	419	-
Rent received	1,124	1,124	1,105	(19)
Trust funds and deposits taken	12	12	12	-
Rents (inclusive of GST)				-
Other receipts	219	219	219	-
Net GST refund/payment	-	-	-	-
Employee costs	(12,936)	(12,951)	(13,617)	(680)
Materials and services	(10,732)	(13,298)	(13,863)	(3,131)
Trust funds and deposits repaid				-
Revaluation / Impairment	-		-	
Less Gifted Assets	-		-	
Add back Disposed WDV	(53)		(7)	
Payments for property, infrastructure, plant and equi	(9,842)		(17,294)	
Payments for property, infrastructure, plant and equipment	(9,895)	(17,692)	(17,301)	(7,406)
Proceeds from sale of property, infrastructure, plant and equipment	64	64	104	40
Payments for investments	-	-	200	200
Proceeds from sale of investments	-	-	-	-
Loans and advances made				
Payments of loans and advances				
Net cash provided by/(used in) investing activities	(9,831)	(17,628)	(16,997)	(7,166)
Cash flows from financing activities				
Finance costs	(187)	(187)	(187)	-
Proceeds from disposal of financial assets				
Proceeds from borrowings				-
Repayment of borrowings	(596)	(596)	(596)	
Net Proceeds from & Repayment of Borrowings	(596)	(596)	(596)	
Net cash provided by/(used in) financing activities	(783)	(783)	(783)	-
Net increase (decrease) in cash and cash equivalents	(271)	(8,301)	(8,151)	(7,879)
Cash and cash equivalents at the beginning of the fin	4,569	12,487	12,759	8,191
Cash and cash equivalents at the end of the period	4,297	4,186	4,609	311

## 12.20. FINANCIAL REPORT AS AT 31 DECEMBER 2019

### DIRECTOR OF COMMUNITY AND CORPORATE SERVICES

*In providing this advice to Council as the Manager of Financial Services, I Danielle How have no interests to disclose in this report.*

#### PURPOSE

The purpose of this report is to present to Council a summary of Council's financial performance for the 2019/20 financial year up to 31 December 2019.

#### BACKGROUND

This report provides information on Council's operating performance for the period 1 July 2019 to 31 December 2019 and compares the Income Statement to the revised budget, which includes operating projects carried forward from 2018/19, and the Balance Sheet and Statement of Cash Flows to last year. The budgeted figures are based on the proposed mid-year budget changes, which is being considered at the February Council Meeting.

#### ISSUE/DISCUSSION

##### Income Statement

### Hepburn Shire Council Comprehensive Income Statement For the Period Ended 31 December 2019

	YTD Budget 2019/20	YTD Actual 2019/20	YTD Variance	
	\$'000	\$'000	\$'000	%
<b>Income</b>				
Rates and charges	21,104	21,152	47	0%
Statutory fees and fines	452	417	(34)	-8%
User fees	472	403	(68)	-15%
Grants - operating	2,768	2,721	(47)	-2%
Grants - capital	985	691	(295)	-30%
Contributions - monetary	270	278	8	3%
Contributions - non monetary	-	-	-	
Net gain/(loss) on disposal of assets	92	192	100	109%
Other income	863	766	(97)	-11%
<b>Total income</b>	<b>27,006</b>	<b>26,620</b>	<b>(386)</b>	<b>-1%</b>
<b>Expenses</b>				
Employee costs	6,744	6,794	(50)	-1%
Materials and services	5,140	4,541	599	12%
Bad and doubtful debts	9	1	7	83%
Depreciation and amortisation	3,595	3,595	-	0%
Borrowing costs	96	95	2	2%
Other expenses	471	353	118	25%
<b>Total expenses</b>	<b>16,055</b>	<b>15,379</b>	<b>676</b>	<b>4%</b>
<b>Surplus/(deficit) for the year</b>	<b>10,950</b>	<b>11,241</b>	<b>290</b>	

## **Income Statement – Income**

**Note 1** – User fees income is down compared to budget by \$68K with waste service fees down by \$9K and Aged Care fees down by \$58k. Invoicing for both services was delayed in October and November, and this was resolved in January 2020.

**Note 2** – Grants Capital income is less than budget year to date due to timing of receipt compared to budget. Project schedules impact the receipt of grants as they often require acquittal of projects before final grant payments are received.

**Note 3** – This can be attributed, in the main, to the timing of vehicle sales compared to the budget.

**Note 4** – Other income is lower than budget by \$97K. The majority relates to a decrease of interest received by \$30K due to low interest rates, and rent down by \$59K in relation to commercial turnover rent not invoiced for October and November as turnover figures were not supplied by the tenant in a timely manner, but corrected in 2020.

## **Income Statement – Expenses**

**Note 5** – Materials and services are below budget by \$599K. This is due mainly to some under expenditure in operating projects to date, including building maintenance, Municipal Fire Emergency, Youth Strategy and Bio-diversity. These are expected to return to budget by 30 June 2020.

**Note 6** - Other expenses are less than budget by \$118K. This variance to budget is mainly due to a timing difference in the payment of community grants compared to budget, which will correct in Q3, 2019/20.

## BALANCE SHEET

### Hepburn Shire Council Balance Sheet As at 31 December 2019

	Current Year	Prior Year	Variance Year on Year		
	Actual	Actual	\$'000	%	
	\$'000	\$'000			
<b>Assets</b>					
<b>Current assets</b>					
Cash and cash equivalents	18,607	6,038	12,569	68%	1
Trade and other receivables	13,962	13,378	584	4%	
Other financial assets	1,133	10,933	(9,800)	-865%	2
Inventories	7	7	(0)	-6%	
Non-current assets classified as held for sale	-	545			
Other assets	12	144	(132)	-1121%	3
<b>Total current assets</b>	<b>33,721</b>	<b>31,045</b>	<b>2,675</b>	<b>8%</b>	
<b>Non-current assets</b>					
Property, infrastructure, plant and equipment	261,020	245,693	15,327	6%	
Intangible assets	382	426	(45)	-12%	
<b>Total non-current assets</b>	<b>261,402</b>	<b>246,119</b>	<b>15,283</b>	<b>6%</b>	
<b>Total assets</b>	<b>295,123</b>	<b>277,164</b>	<b>17,958</b>	<b>6%</b>	
<b>Liabilities</b>					
<b>Current liabilities</b>					
Trade and other payables	282	237	(45)	-16%	4
Trust funds and deposits	2,079	1,946	(133)	-6%	
Provisions	2,213	1,872	(341)	-15%	5
Interest-bearing loans and borrowings	427	596	169	40%	6
Other Liabilities	254	18	(236)	-93%	7
<b>Total current liabilities</b>	<b>5,255</b>	<b>4,670</b>	<b>(585)</b>	<b>-11%</b>	
<b>Non-current liabilities</b>					
Provisions	442	447	5	1%	
Interest-bearing loans and borrowings	3,803	3,975	173	5%	8
Other Liabilities	63	80	18	29%	9
<b>Total non-current liabilities</b>	<b>4,308</b>	<b>4,503</b>	<b>195</b>	<b>5%</b>	
<b>Total liabilities</b>	<b>9,563</b>	<b>9,173</b>	<b>(390)</b>	<b>-4%</b>	
<b>Net assets</b>	<b>285,559</b>	<b>267,991</b>	<b>17,568</b>	<b>6%</b>	
<b>Equity</b>					
Accumulated surplus	165,008	161,111	3,898	2%	
Reserves	120,551	106,881	13,670	11%	10
<b>Total Equity</b>	<b>285,559</b>	<b>267,991</b>	<b>17,568</b>	<b>6%</b>	

## **Balance Sheet**

**Note 1** - Cash and Cash Equivalents are higher than last year due to more cash being held in short term deposits rather than long term investments because of low interest rates. We are also holding unspent capital grant expenditure.

**Note 2** – Other financial assets are less than last year, refer to note 1, as increased funds being held in short term investments because of low interest rates, in an attempt to seek improved interest rates.

**Note 3** – Other Assets are less due to the reduction of prepayments particularly MomentumOne where council deducted the prepayment of \$70K off outstanding invoices.

**Note 4** - Trade and Other Payables higher as processed payments are not paid until payment terms are due \$45K.

**Note 5** – Provisions have increased this year, and that is mainly due to an increase in long service leave provisions, several new staff have joined with prior government service.

**Note 6** – No new borrowings in the past two financial years, and therefore there has been a principal debt reduction.

**Note 7** - Other Liabilities is unspent grant income received from Department of Health Services for services, which maybe required to be repaid.

**Note 8** - No new borrowings in the past two financial years, and therefore there has been a principal debt reduction.

**Note 9** – Income received in advance for rental of Council owned premises is reducing each year as it is taken up as income in the current year.

**Note 10** – An increase in the asset revaluation reserve of \$13M as the result of an inhouse revaluation of Roads (30 June 2019).

## STATEMENT OF CASH FLOWS

### Hepburn Shire Council Statement of Cash Flows For the Period Ended 31 December 2019

	<i>Current Year Actual</i>	<i>Prior Year Actual</i>			
	Inflows/ (Outflows) \$'000	Inflows/ (Outflows) \$'000			
<b>Cash flows from operating activities</b>					
			-	100%	
Rates and charges	11,264	10,851	(413)	-4%	
Statutory fees and fines	425	485	60	14%	1
User fees	356	183	(174)	-49%	2
Grants - operating	3,209	2,428	(781)	-24%	3
Grants - capital	991	970	(21)	-2%	
Contributions - monetary	278	117	(161)	-58%	4
Reimbursements			-	100%	
Interest received	217	272	55	25%	5
Rent received	311	429	118	38%	6
Trust funds and deposits taken	202	79	(123)	-61%	
Rents (inclusive of GST)			-	100%	
Other receipts	73	146	73	100%	
Net GST refund/payment	57	94	37	64%	
Employee costs	(6,708)	(6,386)	322	-5%	
Materials and services	(6,384)	(6,023)	361	-6%	
Trust funds and deposits repaid			-	100%	
Other payments	(353)	(265)	88	-25%	
<b>Net cash provided by/(used in) operating activities</b>	<u>3,939</u>	<u>3,379</u>	<u>(560)</u>	-14%	
<b>Cash flows from investing activities</b>					
Payments for property, infrastructure, plant and equipment	(2,957)	(2,322)	-	0%	
Proceeds from sale of property, infrastructure, plant and equipment	146	44	(102)	-70%	
Payments for investments	5,000	(5,000)	(10,000)	-200%	7
Proceeds from sale of investments	-	-	-	100%	
Loans and advances made			-	100%	
Payments of loans and advances			-	100%	
<b>Net cash provided by/(used in) investing activities</b>	<u>2,189</u>	<u>(7,278)</u>	<u>(9,781)</u>	-447%	
<b>Cash flows from financing activities</b>					
Finance costs	(95)	(114)	(19)	20%	
Proceeds from disposal of financial assets			-	100%	
Proceeds from borrowings	-	-	-	100%	
Repayment of borrowings	(185)	(315)	(130)	71%	
<b>Net cash provided by/(used in) financing activities</b>	<u>(279)</u>	<u>(429)</u>	<u>(149)</u>	53%	
Net increase (decrease) in cash and cash e Cash and cash equivalents at the beginnir	5,848	(4,327)	(10,175)	-174%	
	12,759	10,365	(2,394)	-19%	
<b>Cash and cash equivalents at the end of the period</b>	<u>18,607</u>	<u>6,038</u>	<u>(12,569)</u>	-68%	

## STATEMENT OF CASH FLOWS

**Note 1** – Decrease in inflows as planning fees are down on this time last year.

**Note 2** – User fees are higher than this time last year as a result of invoices raised at the end of 2018/19 not paid until 2019/20.

**Note 3** – Grants received, are higher than this time last year and this is due to grants being invoiced at the end of 2018/19 and being received in 2019/20.

**Note 4** – Increase in inflows from contributions monetary is due to increased subdivision activity.

**Note 5** – Decrease in Inflows from interest received due to the decrease in interest rates.

**Note 6** – Decrease in inflows from the turnover component of rent charged due to the delay in rent invoices for October and November, correct in 2020.

**Note 7** – Decrease in outflows for investments as most of investments are at call.

## STATEMENT OF CAPITAL WORKS

### Hepburn Shire Council Statement of Capital Works as at 31 December 2019

	<i>Forecast Budget</i>	<i>YTD Actual</i>	<i>% Spent YTD</i>
TOTAL PROPERTY	7,099,721	545,308	8%
TOTAL PLANT AND EQUIPMENT	2,487,080	969,784	39%
INFRASTRUCTURE			
Roads	5,701,301	1,178,222	21%
Bridges	490,505	163,494	33%
Footpaths and cycleways	745,163	36,572	5%
Drainage	239,640	24,562	10%
Recreational, leisure and community facilities	829,888	133,932	16%
Parks, open space and streetscapes	1,046,650	441,371	42%
Other infrastructure	355,171	53,936	15%
TOTAL INFRASTRUCTURE	9,408,318	2,032,453	22%
TOTAL CAPITAL WORKS	18,995,119	3,547,545	19%

## STATEMENT OF CAPITAL WORKS

Expenditure is traditionally low in the early part of a financial year as projects are in design and procurement phase. The YTD spend of \$3.55million compares favourably with the amount spent to the same period in prior financial years (\$2.29million in 2018/19 and \$1.98million in 2017/18).

Detailed capital works reporting (by project) was provided to the Councillor briefing on 28 January 2020.

**Total Property** - Several building projects are behind schedule - Project plans are under development for works to be scheduled and delivered.

**Plant and Equipment** – \$192k of fleet replacements carry forward from 2018-19 have been delivered. The Bioenergy facility is in testing phase with \$115k of stage two works delivered, and a further \$80K has been committed. Purchases of fleet and heavy plant will be undertaken throughout 2019/2020.

**Roads** – Works have commenced on several the road's projects, while year-to-date expenditure is currently low there are \$1 million in committed expenditure against these projects. The remainder of the projects are in the design phase, with tenders scheduled for release between October and January.

**Bridges** – Two of the major projects are in design and specification stages, with tender release scheduled early in 2020.

**Footpaths and Cycleways** – Footpath renewal works began in January 2020. The Fairview Trail project in Clunes is in preliminary development stages, and other projects are on schedule with a December commencement.

**Drainage** – A contractor has been appointed for the delivery of the program, with works to begin by April 2020.

**Recreational, leisure & community** – There are a significant number of projects in this years' program, many are currently in preliminary phases, with the majority of works to be completed in the 1st half of 2020.

**Parks, open spaces and streetscapes** – There are a significant number of projects in this years' program, many are currently in preliminary phases, with the majority of works to be completed in the 1st half of 2020.

## COUNCIL PLAN/LEGISLATIVE COMPLIANCE

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.

## **FINANCIAL IMPLICATIONS**

The reports included provide the opportunity for review of Council's financial position and forecasts

## **RISK IMPLICATIONS**

This financial report assists in decision making and oversight to confirm that departments and the organisation follows its budget.

## **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

There are no environmental, social or economic implications associated with this report.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

This information will be made available to the public via the minutes published on the Council's website and available for viewing at Council's offices and libraries.

## **CONCLUSION**

The report on the financial performance of Council for the six months from 1 July 2019 to 31 December 2019 is presented for Council's review and noting.

## **OFFICER'S RECOMMENDATION**

*That Council:*

12.20.1 Receives and notes the Financial Report for the six months from 1 July 2019 to 31 December 2019.

## **MOTION**

*That Council:*

12.20.1 Receives and notes the Financial Report for the six months from 1 July 2019 to 31 December 2019.

**Moved:** Cr Kate Redwood

**Seconded:** Cr John Cottrell

**Carried**

## **12.21. TRENTHAM RECREATION RESERVE COMMUNITY PAVILION REDEVELOPMENT PROJECT**

### **DIRECTOR COMMUNITY AND CORPORATE SERVICES**

*In providing this advice to Council as the Project Officer, I Kathie Schnur have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is for Council to endorse the draft Trentham Recreation Reserve Community Pavilion Redevelopment Project Concept Design (attached) for community consultation.

### **BACKGROUND**

The concept design of the Trentham Recreation Reserve Community Pavilion Redevelopment has been developed to address issues and opportunities relating to the existing conditions of reserve pavilion and public amenities infrastructure arising from stakeholder consultation associated with the development of the Trentham Recreation Reserve Masterplan.

The overarching principle of the proposed pavilion redevelopment project is to deliver high quality and relevant community infrastructure that can service the operations and diversify participation opportunities associated with the Reserve's tenant sports clubs and the local community.

### **ISSUE/DISCUSSION**

Through the development of the Draft Trentham Recreation Reserve Masterplan it was identified that the existing infrastructure inadequately supported the future growth and development of the tenant sports clubs.

In particular, the existing facility inadequately provides for universal access, gender equitable player and officials changerooms and suitable public amenities. In addition, the pavilion's current design was seen to limit the potential to fundraise through social events and hiring the facility for local community events.

Officers commissioned the development of draft concept plans, where the planning process identified a number of redevelopment options. Officers consider the proposed redevelopment as the most viable option to deliver future community infrastructure that will:

- Meet AFL Victoria and Cricket Australia Facility Standards.
- Improve universal access design throughout the pavilion.
- Provide gender equitable changerooms.
- Replace the aged and inadequate public amenities.
- Improve the internal lay-out of the pavilion to accommodate club fundraising through social events and hiring the pavilion for broader community activities and events.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

## **FINANCIAL IMPLICATIONS**

Officer's preferred option for the redevelopment of the Trentham Recreation Reserve Community Pavilion has an indicative value of \$1,670,000, however cost plans for the project will evolve throughout the planning phase of this project. Officers will seek to investigate the most affordable delivery options without detriment to delivering high-quality and relevant community infrastructure.

At this time external funding has not been secured for this project, however officers will explore relevant Federal or State Government funding opportunities that may be available to support the future delivery of this project. Significant government funding would be critical to the development of this proposal.

## **RISK IMPLICATIONS**

Progressing the endorsement of the Draft Trentham Recreation Reserve Masterplan is crucial to this project to ensure that the redevelopment of the

pavilion is formally identified as a priority project and informed by the overarching development principles of the reserve.

The release of the draft Trentham Recreation Reserve Masterplan for community consultation is also to be presented at the 18 February 2020 Ordinary Council Meeting, to allow the community to be consulted on both projects and build on connective planning outcomes.

## **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Council's provision of relevant and high-quality community places and spaces has positive implications to the environmental, social and economic features of a local community to continuously develop essential health and wellbeing outcomes.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The community pavilion concept design has been developed through an extensive collaborative process involving user groups.

The Trentham Recreation Reserve Committee of Management are supportive of progressing both the finalisation of the Draft Masterplan and planning for the redevelopment of key reserve infrastructure.

Further community consultation through a community forum and making the draft concept design available on Council's website for comment will commence in March 2020, if Council support the release of the draft Trentham Recreation Reserve Community Pavilion Concept Design. Following the second phase community consultation period, a final version of the community pavilion redevelopment project will be presented to Council for consideration of adoption and future funding opportunities.

## **CONCLUSION**

The Draft Trentham Recreation Reserve Masterplan has identified the redevelopment of the community pavilion and public amenities as key priority development opportunities.

As a result, Officer engaged design consultants to undertake a concept design and options analysis of infrastructure redevelopment opportunities.

Whilst the draft concept design has been informed through consultation with the Reserve Committee of Management and sport club tenants, the broader local community is yet to have the opportunity to be consulted on draft design outcomes.

With Council's support to release the draft community pavilion concept design for further community consultation, Council Officers will develop a comprehensive community engagement plan to be delivered throughout March 2020.

Following the final phase of community consultation, the final draft Trentham Recreation Reserve Community Pavilion Redevelopment Project will be presented to Council for consideration of adoption and future funding opportunities.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

12.21.1 Endorse the Draft Trentham Recreation Reserve Community Pavilion Concept Design for community consultation.

#### **MOTION**

*That Council:*

12.21.1 Endorse the Draft Trentham Recreation Reserve Community Pavilion Concept Design for community consultation.

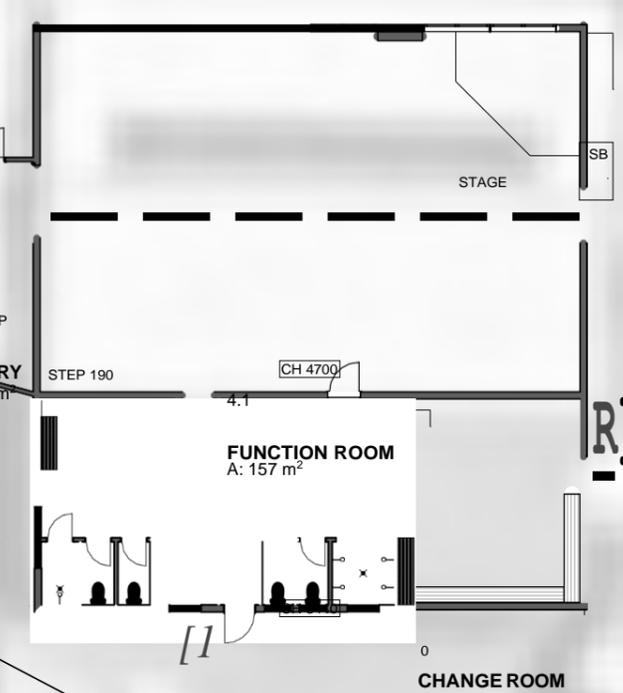
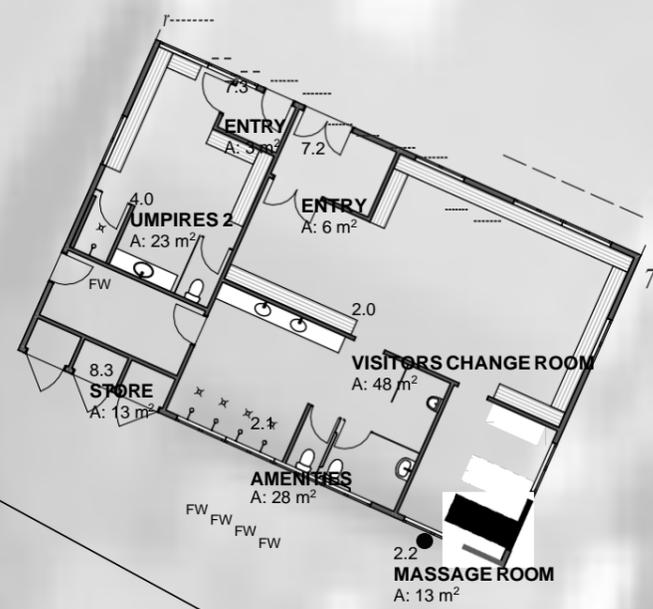
**Moved:** Cr Kate Redwood

**Seconded:** Cr Don Henderson

**Carried**

**ATTACHMENT 26 -DRAFT TRENTHAM RECREATION RESERVE  
COMMUNITY PAVILION**

t OVAL



3.1 PUBLIC WC A: 35 m<sup>2</sup>

10.0 GYM 2

A: 139 m

GYM

BUILDING D

SL19 PROJECTS 2019199925 TRENTHAM PAVILION, HERBURN SCID ARCHICAD/TRENTHAM PAVILION V4.ppt/11/20190300 PM

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HEPBURN SHIRE  
COUNCIL



TRENTHAM PAVILION

25 Falls Road Trentham VIC 3458

Status

CONCEPT DESIGN

Date generated  
7/11/2019

Project number

190925

Drawn  
CB

Approved  
RB



EXISTING FLOORPLAN

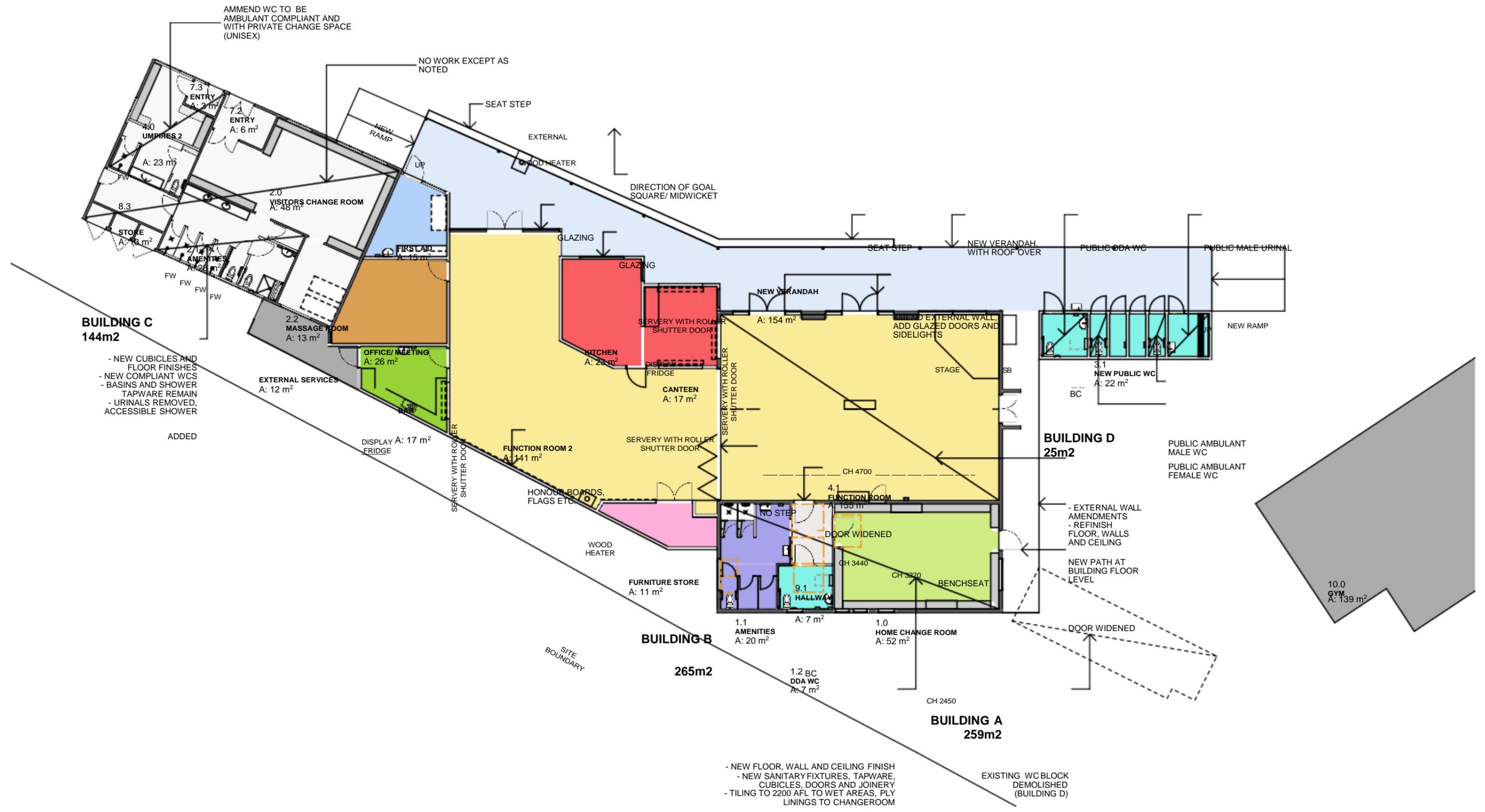
Drawing number

**1.01**

Revision

**A**

Drawing title



PROPOSED FLOORPLAN, OPTION 2 - BUILDING A + B  
Scale @ A3\_1:200

5:19 PROJECTS 2019\190925-TRENTHAM PAVILION, HEPBURN SCID ARCHICAD\TRENTHAM PAVILION\_V4.dwg/11/20190925.dwg

MELBOURNE  
LVL 1, 673 BOURKE ST  
MELBOURNE, VIC, 3000  
PH: (03) 8376 6169  
info@dock4.com.au

HOBART  
LVL 2, 100 COLLINS STREET  
HOBART TAS, 7500  
LIFE SIZE: 1.00 (1:100) 1 NO. 1/011  
PH: (03) 64210409  
info@dock4.com.au

HEPBURN SHIRE  
COUNCIL

FOR  
INFORMATION  
ONLY  
NOT FOR CONSTRUCTION  
 REVISED DOCUMENT  
REPLACE EARLIER ISSUE

TRENTHAM PAVILION

25 Falls Road Trentham VIC 3458  
Status  
CONCEPT DESIGN  
Date generated  
7/11/2019

Project number  
190925  
Drawn  
CB  
Approved  
RB

Drawing title  
PROPOSED FLOORPLAN, OPTION 2

Drawing number  
1.05  
Revision  
A



EXAMPLE : VERANDAH



EXAMPLE : TYPICAL FUNCTION ROOM INTERIOR  
OPENING INTO CHANGEROOM



OPTION 2 - EXTERNAL PERSPECTIVE



PROGRESS CENTRAL  
673BOORKEST  
MELBOURNE VIC, 3000  
PH: 03 9333 7566  
info@dock4.com.au

F-2, 100 KULLIN STREET  
HOBART, TAS, 7000  
GPO BOX 338 HOBART TAS 7001  
PH: 03 6232 1046  
info@dock4.com.au

HEPBURN SHIRE COUNCIL



TRENTHAM PAVILION

25 Falls Road Trentham  
VIC 3458

Status	Project number	
CONCEPT DESIGN	190925	
Date generated	Drawn	Approved
7/11/2019	CB	RB

Drawing title

ARCHITECTURAL

OPTION 2 - EXTERNAL PERSPECTIVE

Drawing number

Revision



## **12.22. DRAFT TRENTHAM RECREATION RESERVE MASTERPLAN DIRECTOR COMMUNITY AND CORPORATE SERVICES**

*In providing this advice to Council as the Project Officer, I Kathie Schnur have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to seek endorsement of the draft Trentham Recreation Reserve Masterplan for community consultation.

### **BACKGROUND**

Trentham Recreation Reserve is a 5.2ha active reserve which comprises a Australian Rules football/cricket oval with a synthetic wicket, gym building, public toilet block, bar, canteen, function room, changerooms, umpires' rooms, playground, netball court and shelters, scoreboard building, cricket practice nets and carpark areas.

The Reserve is used for community events and local level netball, football and cricket (both competition and training). It is used as a landing site for emergency services helicopters and a staging ground during bushfires. It also supports horse-riding activities in the area as an unloading area for horses and a temporary yarding area for horse floats. It is also occasionally used as a temporary camping site.

The draft Trentham Recreation Reserve Masterplan has been established to provide a future direction and long-term planning framework to ensure that any development opportunities complement the existing and any anticipated future use of the Reserve.

### **ISSUE/DISCUSSION**

The aim of the draft masterplan is to provide a vision for how the reserve will look and function in the long term. The implementation of masterplan will achieve the following objectives:

- Enhance the reserve's capacity to be used for active sport.
- Enhance the appearance and safety of the reserve.
- Increase the scope and quality of residents' passive recreation experiences in the reserve – walking, cycling, running, playing, relaxing etc.
- Enhance pedestrian movement through and within the reserve.

The overarching key development opportunities include:

- Provision of improved pavilion facilities and sports infrastructure.
- Enhancement of entry and traffic movement within the reserve.
- Provision of improved walking connection between key facilities within the reserve.
- Landscaping and significant tree management.

In addition, the relocation of the Trentham Bowling Club into the Trentham Recreation Reserve and a land extension were raised as potential future opportunities in the consultation with key stakeholders. Whilst the draft masterplan has not detailed any specific actions for these issues, they have been detailed within the document for future exploration and consideration.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

## **FINANCIAL IMPLICATIONS**

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

## **RISK IMPLICATIONS**

To mitigate the risk of delaying the delivery of key future reserve development opportunities, it is crucial to progress the Trentham Recreation Reserve Masterplan to build an overarching basis for the future development of the

reserve and, supporting key projects such as the redevelopment of the existing community pavilion and public amenities.

## **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Council's provision of relevant and high quality community places and spaces has positive implications to the environmental, social and economic features of a local community to continuously develop essential health and wellbeing outcomes.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Master Plan has been developed through an extensive collaborative process involving user groups, residents, Council Officers and other relevant stakeholders. Overall, the Master Plan provides a broad planning direction which user groups and Council can use to initiate future development opportunities to further enhance the Trentham Recreation Reserve for the community.

The Trentham Recreation Reserve Committee of Management are supportive of progressing the finalisation of the Draft Masterplan.

Whilst the Masterplan has undergone a comprehensive consultation with key stakeholder, it is yet to be more broadly consulted on with the local community.

Further community consultation through a community forum and making the draft master plan available on Council's website for comment will commence in March 2020, if Council support the release of the draft Trentham Recreation Reserve Masterplan. Following the second phase community consultation period, a final version of the masterplan will be presented to Council for consideration of adoption.

## **CONCLUSION**

Extensive key stakeholder consultation has driven the development of the draft Trentham Recreation Reserve Masterplan to provide a future direction and long-term planning framework to complement the existing and any anticipated future use of the Reserve.

Whilst the draft Masterplan has extensively been informed through consultation with the Reserve Committee of Management and sport club tenants, the broader local community is yet to have the opportunity to be consulted on draft Masterplan outcomes.

With Council's support to release the Draft Masterplan for further community consultation, Council Officers will develop a comprehensive community engagement plan to be delivered throughout March 2020.

Following the final phase of community consultation, the final draft Trentham Recreation Reserve Masterplan will be presented to Council for consideration of adoption.

### **OFFICER'S RECOMMENDATION**

*That Council:*

12.22.1 Endorse the Draft Trentham Recreation Reserve Masterplan for community consultation.

### **MOTION**

*That Council:*

12.22.1 Endorse the Draft Trentham Recreation Reserve Masterplan for community consultation.

**Moved:** Cr Kate Redwood

**Seconded:** Cr Greg May

**Carried**

**ATTACHMENT 27 - DRAFT TRENTHAM RECREATION RESERVE  
MASTER PLAN – JANUARY 2020 – (ISSUED UNDER SEPARATE  
COVER)**

## 12.23. RECORD OF ASSEMBLIES OF COUNCILLORS

### 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.*

#### PURPOSE

The purpose of this report is for Council to receive and note Assemblies of Councillors.

#### 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.*

#### ISSUE/DISCUSSION

The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be:

- Reported at an Ordinary Meeting of the Council; and
- incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Date	Committee Name	Location
18 December 2019	Reconciliation Action Plan Advisory Committee Meeting	Daylesford Town Hall
28 January 2020	Councillor Briefing	Daylesford Town Hall
04 February 2020	Councillor Briefing	Daylesford Town Hall
11 February 2020	Councillor Briefing	Daylesford Town Hall

#### COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

## **FINANCIAL IMPLICATIONS**

Nil

## **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.

## **ENVIRONMENTAL/SOCIAL/ECONOMIC 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.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

## **CONCLUSION**

Information provided for noting.

## **OFFICER'S RECOMMENDATION**

*12.23.1. That Council receives and notes the records of assemblies of Councillor*

## **MOTION**

*12.23.1. That Council receives and notes the records of assemblies of Councillor*

**Moved:** Cr Don Henderson

**Seconded:** Cr Greg May

**Carried**

**ATTACHMENT 28 - RECORDS OF ASSEMBLIES OF COUNCILLORS**

## RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:** Reconciliation Action Plan Advisory Committee

**Date:** 18 December 2019

**Time:** 9am

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) Mayors Room

**Councillors present:**

- |   |  |
|---|--|
| <input type="checkbox"/> Cr John Cottrell               | <input type="checkbox"/> Cr Greg May     |
| <input type="checkbox"/> Cr Don Henderson               | <input type="checkbox"/> Cr Neil Newitt  |
| <input type="checkbox"/> Cr Kate Redwood AM             | <input type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski |  |

**Members of Council Staff present:**

- |  |  |
|--|--|
| <input type="checkbox"/> CEO Evan King   | Other, please specify: Arts, Culture and |
| <input type="checkbox"/> Director Community & Corporate Services<br>Bradley Thomas       | Reconciliation Officer Donna Spiller     |
| <input type="checkbox"/> Director Infrastructure and Development<br>Services Bruce Lucas |  |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |   |
|--|---|
| <input type="checkbox"/> CEO Evan King   | Other, please specify: Donna Spiller; Arts, |
| <input type="checkbox"/> Director Community & Corporate Services<br>Bradley Thomas       | Culture and Reconciliation Officer          |
| <input type="checkbox"/> Director Infrastructure and Development<br>Services Bruce Lucas |   |

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

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Signature: \_\_\_\_\_ *Donna Spiller* \_\_\_\_\_

## Reconciliation Action Plan (RAP)

### Advisory Committee (AC)

Wednesday 18 December 2019

Mayors Room, Daylesford Town Hall

Invitees: Mayor Licia Kokocinski (Chair), Rod Poxon, Peter O'Mara, Gary Lawrence, Warren Maloney, Erica Higgins, Barry Golding, Rachel Palmer (Coordinator Community Partnerships), Donna Spiller (Arts, Culture and Reconciliation; Minutes)

Item	Time	Agenda Item	Presenter
1	9:00am	<ul style="list-style-type: none"> <li>Acknowledgement of Country</li> <li>Welcome, apologies and introductions</li> <li>Acceptance of minutes from previous meeting. Refer Below</li> <li>Correction Regarding Cultural Competency Training.</li> </ul>	Chair
	9:05am	- Introduction of a Committee member at each meeting:	Donna
2 Actions and Outcomes from Previous Minutes	9:10	Avenue of Honour – Action: to speak to Vic Roads: Outcome: Met with Claire Silwa from Vic Roads Action: Naming and Language of Avenue Outcome: Proposed name from Erica for review. Drafted email to DDWCAC	Donna Action 3



▶ MEETING AGENDA

<p>6 Review of Recommendation s From Meeting  Next meeting</p>	<p>10.30</p>	<p>February 19 2020</p>	
<p>7</p>	<p>10:35am</p>	<p>Meeting Closed</p>	

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:** Councillor Briefing  
**Date:** 28 January 2020  
**Time:** 9am – 5pm

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell    | <input checked="" type="checkbox"/> Cr Greg May     |
| <input type="checkbox"/> Cr Don Henderson               | <input checked="" type="checkbox"/> Cr Neil Newitt  |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM  | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski |   |

**Members of Council Staff present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> CEO Evan King   | <input type="checkbox"/> Other, please specify: Project Manager – |
| <input checked="" type="checkbox"/> Director Community & Corporate Services<br>adley Thomas         | Bruce Mclsaac; Coordinator Community Safety –                     |
| <input checked="" type="checkbox"/> Director Infrastructure and Development<br>Services Bruce Lucas | David George; Communications Officer – Maria<br>Abate             |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |   |   |
|---|---|
| <input type="checkbox"/> CEO Evan King  | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> Director Community & Corporate Services<br>adley Thomas |   |
| <input type="checkbox"/> Director Infrastructure and Development<br>Services Bruce Lucas    |   |

Signature:  

Tuesday 28 January 2020  
 Council Chamber, Daylesford Town Hall  
 9:00 am – 5:00 pm

*The reports, and referenced attachments, are designated as confidential by the Chief Executive Officer under Section 89(2)(h) of the Local Government Act 1989.*

INVITED:

Councillors	Councillor Licia Kokocinski Councillor Don Henderson Councillor Fiona Robson Councillor Greg May Councillor John Cottrell Councillor Kate Redwood AM Councillor Neil Newitt
Officers	Evan King – Chief Executive Officer Bradley Thomas – Director Community and Corporate Services Bruce Lucas – Director Infrastructure and Development Services

CHAIR:

Mayor Licia Kokocinski Evan King – Chief Executive Officer
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APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1.	9:00am	Report	Hepburn Hub	Bruce Lucas	3
	11:00am		Break		
2.	11:15am	Report	Local Law 2	Bruce Lucas	33
	12:15pm		Lunch		

No	Time	Type	Agenda Item	Presenter	Page No
3.	1:00pm	Report	Projects Update	Bradley Thomas	60
	2:30pm		Break		
4.	2:45pm	Briefing	Strategic Communication	Evan King	61
5.	3:45pm	Briefing	Regional Assessment Services Update	Bradley Thomas	62
	4:00pm		CLOSE OF MEETING		

## RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:** Councillor Briefing  
**Date:** 4 February 2020  
**Time:** 9am – 5pm

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

<input checked="" type="checkbox"/> Cr John Cottrell	<input checked="" type="checkbox"/> Cr Greg May
<input checked="" type="checkbox"/> Cr Don Henderson	<input checked="" type="checkbox"/> Cr Neil Newitt
<input checked="" type="checkbox"/> Cr Kate Redwood AM	<input checked="" type="checkbox"/> Cr Fiona Robson
<input checked="" type="checkbox"/> Cr Licia Kokocinski	

**Members of Council Staff present:**

<input checked="" type="checkbox"/> CEO Evan King	Development – Andrew Burgess; Coordinator
<input checked="" type="checkbox"/> Director Community & Corporate Services Bradley Thomas	Economic Development – Rebecca Pedretti;
<input checked="" type="checkbox"/> Director Infrastructure and Development Services Bruce Lucas	Economic Development Project Officer – Lianne Stanton; Events Officer – Bridgette O'Brien;
<input checked="" type="checkbox"/> Other, please specify: Communications Officer – Planning Consultant – Alison Blacket; Manager Community and Economic	Project Officer – Kathie Schnur; Sustainability Officer – Dominic Murphy; Coordinator Planning - Nathan Aikman

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:** Per agenda. Councillors Henderson and May left the briefing at 1pm. They were not presented for agenda items number 6, 8, 9 through to 15.

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

<input type="checkbox"/> CEO Evan King	<input type="checkbox"/> Other, please specify:
<input checked="" type="checkbox"/> Director Community & Corporate Services Bradley Thomas	
<input type="checkbox"/> Director Infrastructure and Development Services Bruce Lucas	

**Signature:**  \_\_\_\_\_

Tuesday 4 February 2020  
 Council Chamber, Daylesford Town Hall  
 9:00 am - 5:00 pm

*The reports, and referenced attachments, are designated as confidential by the Chief Executive Officer under Section 89(2)(h) of the Local Government Act 1989.*

INVITED:

Councillors	Councillor Neil Newitt Councillor Licia Kokocinski Councillor Fiona Robson Councillor Don Henderson Councillor John Cottrell Councillor Greg May Councillor Kate Redwood AM
Officers	Evan King - Chief Executive Officer Bradley Thomas - Director Community and Corporate Services Bruce Lucas - Director Infrastructure and Development Services

CHAIR:

Mayor Licia Kokocinski Evan King - Chief Executive Officer
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APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1	9:00am	Discussion	CEO Quarterly Performance Review	CEO	3
2.	10:00am	Presentation	Daylesford Macedon Tourism	Daylesford Macedon Tourism	4
	10:45am		Break		

No	Time	Type	Agenda Item	Presenter	Page No
3	11:00am	Report	Community Grants Assessment Panel nominations	Project Officer	7
4.	11:15am	Report	Streetlighting upgrades	Sustainability Officer	9
5.	11:30pm	Report	Multi lot subdivision (53 Lots) and removal of native vegetation at 17 Smith Street Daylesford	Coordinator Planning	11
6.	12:00pm	Report	RFT Trentham Early Learning construction contract award	Project Manager	18
	12.30pm		Lunch		
7.	1:15pm	Report	Doug Lindsay Draft Masterplan Review	Project Officer	21
8.	1:45pm	Report	Eco Dev Strategy Discussion and 12 month Plan	Project Officer	24
	2:45 pm		Break		
9.	3:00pm	Report	Aboriginal Peoples Memorial Avenue	Project Officer	28
10.	3:15pm	Report	SRV 20/21 Local Sports Infrastructure Funding Submissions	Project Officer	32
11.	3:30pm	Report	Final draft Trentham Recreation reserve masterplan	Project Officer	36
12.	4:00pm	Discussion	Councillor Burning Issues	CEO	39
13.	4:15pm	Discussion	Executive Issues Update	CEO	40
14.	4:30pm	Discussion	External Committees Update	CEO	40
15	4:45pm	Report	Solar Savers Declaration	Sustainability Officer	41
	5:00om		CLOSE OF MEETING		

## RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor Briefing  
 Date: 11 February 2020  
 Time: 9am – 5pm

Venue:  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell    | <input checked="" type="checkbox"/> Cr Greg May     |
| <input checked="" type="checkbox"/> Cr Don Henderson    | <input checked="" type="checkbox"/> Cr Neil Newitt  |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM  | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski |   |

**Members of Council Staff present:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> CEO Evan King   | <input checked="" type="checkbox"/> Other, please specify: Communications Officer – Maria Abate; Senior Planning Consultant – Alison Blacket; Manager Development and Community Safety – Bronwyn Southee; Manager Financial Services – Dan How |
| <input checked="" type="checkbox"/> Director Community & Corporate Services<br>Bradley Thomas       |  |
| <input checked="" type="checkbox"/> Director Infrastructure and Development<br>Services Bruce Lucas |  |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

Agenda Attached

**Name and title of Officer responsible for this written record:**

- |   |   |
|---|---|
| <input type="checkbox"/> CEO Evan King  | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> Director Community & Corporate Services<br>Bradley Thomas |   |
| <input type="checkbox"/> Director Infrastructure and Development<br>Services Bruce Lucas      |   |

Signature:  

Tuesday 11 February 2020  
 Council Chamber, Daylesford Town Hall  
 9:00 am – 3:00 pm

*The reports, and referenced attachments, are designated as confidential by the Chief Executive Officer under Section 89(2)(h) of the Local Government Act 1989.*

INVITED:

Councillors	Councillor Licia Kokocinski Councillor John Cottrell Councillor Fiona Robson Councillor Kate Redwood AM Councillor Don Henderson Councillor Neil Newitt Councillor Greg May
Officers	Evan King – Chief Executive Officer Bradley Thomas – Director Community and Corporate Services Bruce Lucas – Director Infrastructure and Development Services

CHAIR:

Mayor Licia Kokocinski Evan King – Chief Executive Officer
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APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1.	9:00am	Workshop	Strategic Communications	Ms Rachel Munane, – Director, Red Strategic Communications	3
	11:00am		Break		

No	Time	Type	Agenda Item	Presenter	Page No
2.	11:15am	Report	Planning Scheme Review – Review of Draft Report	Mr Paul Buxton and Ms Kellie Marks, Plan2Place	4
	12:45pm		Lunch		
3.	1:30pm	Report	Mid-Year Budget Review 2019-20	Manager Financial Services	12
	2:15pm		Break		
4.	2:30pm	Report	Financial Report as at 31 December 2019	Manager Financial Services	27
	3:00pm		CLOSE OF MEETING		

### **13. COUNCIL SPECIAL COMMITTEES (SECTION 86)**

#### **13.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) DIRECTOR COMMUNITY AND CORPORATE SERVICES**

*In providing this advice to Council as the Director of Community Corporate Services I Bradley Thomas have no interests to disclose in this report.*

##### **PURPOSE**

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

##### **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.

##### **ISSUE/DISCUSSION**

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

- Lyonville Hall Special Committee 17 December 2019
- The Lee Medlyn Home of Bottles 16 December 2019

These minutes have been previously provided to Councillors under separate cover.

##### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Nil

##### **FINANCIAL IMPLICATIONS**

Nil

##### **RISK IMPLICATIONS**

Nil

##### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil

##### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## CONCLUSION

Minutes and reports have been provided for noting.

## OFFICER'S RECOMMENDATION

*13.1.1. That Council receives and notes the minutes of the special committees (section 86) which have been distributed under separate cover:*

- Lyonville Hall Special Committee 17 December 2019
- The Lee Medlyn Home of Bottles 16 December 2019

## MOTION

*13.1.1. That Council receives and notes the minutes of the special committees (section 86) which have been distributed under separate cover:*

- Lyonville Hall Special Committee 17 December 2019
- The Lee Medlyn Home of Bottles 16 December 2019

**Moved:** Cr Neil Newitt  
**Seconded:** Cr Greg May  
**Carried**

## **14. COUNCIL ADVISORY COMMITTEES**

### **14.1. MINUTES OF ADVISORY COMMITTEES**

#### **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.*

#### **PURPOSE**

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

#### **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.

#### **ISSUE/DISCUSSION**

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees:

- Disability Advisory Committee 9 December 2019

These minutes have been provided to Councillors under separate cover.

#### **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

#### **ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS**

Nil

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

#### **CONCLUSION**

Minutes have been provided for noting.

## OFFICER'S RECOMMENDATION

14.1.1 That council receives and notes the minutes of the following advisory committees which have been distributed under separate cover:

- Disability Advisory Committee 9 December 2019

## MOTION

14.1.1. That council receives and notes the minutes of the Disability Advisory Committee of 9 December 2019

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

- Council adopt a policy position requiring pedestrian crossings that meet the needs of persons of all abilities be installed in the townships of Clunes, Creswick, Daylesford and Trentham, and such pedestrian crossings be centrally located in the primary retail precincts of each township and near to accessible toilets;
- Council accept the advice of the DAC that the existing pedestrian crossings located in Albert Street, Creswick and Vincent Street, Daylesford satisfy these requirements.
- Council refer the concept plans for a pedestrian crossing and accessible parking prepared by council engineers in June 2019 to the Clunes community for feedback for a period of 30 days and to bring a Report to Council at a future date for determination.

**Moved:** Cr John Cottrell

**Seconded:** Cr Kate Redwood

**Carried**

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**15. CLOSE OF MEETING**

Meeting closed at 9.08pm

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