

Hepburn

SHIRE COUNCIL

Confirmed at the Ordinary Meeting of Council held 16 February 2021



Chair, Cr Lesley Hewitt, Mayor

HEPBURN SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL

PUBLIC MINUTES

Tuesday 22 December 2020

Daylesford Town Hall
76 Vincent Street Daylesford

6:00PM

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

The meeting will be conducted in person, but members of the public will not be able to attend in person due to the COVID-19 Pandemic restrictions.

MINUTES

Tuesday 22 December 2020

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 6:00PM

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EVAN KING

CHIEF EXECUTIVE OFFICER

Tuesday 22 December 2020

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie

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

The meeting opened at 6:02pm.

STATEMENT OF COMMITMENT

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

3 APOLOGIES

Nil.

4 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Tessa Halliday declared a material interest for item 10.1, Planning Application 2865, as she is a consultant to the land owner.

Cr Tim Drylie declared a general interest for item 13.2, Community Grants Program 2020/2021, as he is an employee of the Creswick Neighbourhood Centre.

Cr Brian Hood declared a general interest for item 13.2, Community Grants Program 2020/2021, and confidential item 1.2, Australia Day Award Nominations, as he is the chair of the Trentham Neighbourhood Centre Committee of Management.

Cr Don Henderson declared a general interest for confidential item 1.1, International Women's Day Nominations, as his partner put forward a nomination.

Cr Lesley Hewitt declared a general interest for confidential item 1.2, Australia Day Award Nominations, as she is the president of the Daylesford and District Horticultural Society.

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 1 December 2020 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 1 December 2020 (as previously circulated to Councillors) be confirmed.

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

6 NOTICES OF MOTION

No Notices of Motion have been received in accordance with Council's Governance Rules.

7 ITEMS OF URGENT BUSINESS

MOTION

That Council resolves to admit the items relating to Mary-Anne Thomas MP and social and affordable housing into urgent business in accordance with Council's Governance Rules Division 3, item 20 as the items:

- *relate to or arises out of a matter which has arisen since distribution of the agenda; and*
- *cannot safely or conveniently be deferred until the next Council meeting.*

Moved: Cr Jen Bray

Seconded: Cr Tessa Halliday

Carried

MOTION

That Council congratulates Mary-Anne Thomas MP on her appointment to the ministry of the Andrew's Government.

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

MOTION

That Council

1. *Expedites the development of a "high level" affordable housing policy;*
2. *That the policy be brought to the April 2021 Council Meeting for adoption;*
3. *Undertakes further strategic work to strengthen this policy, to provide best outcomes for those in need locally and the general community more broadly. This work will include engaging the community to consider how affordable housing best fits within the Council Plan and 2021/2022 Budget;*
4. *Considers changes to zones and overlays as part of future strategic planning work to assist the development of social and affordable housing.*

Moved: Cr Tim Drylie

Seconded: Cr Jen Bray

Carried

8 COUNCILLOR AND CEO REPORTS

8.1 MAYOR'S REPORT

Councillor Lesley Hewitt, Birch Ward

No written report was presented.

8.2 COUNCILLOR REPORTS

Councillor Tim Drylie, Creswick Ward

The last few weeks has seen the continuation of the Council induction process and the beginnings of my Councillor role as a representative for my local community. Our Council briefings have included information on planning permit procedures, procurement policy, emergency management, waste management strategies and we spent another day workshopping our forthcoming community engagement policy. The tendering for the lease of the Creswick Caravan Park and Creswick Trails project were two matters up for discussion that relate to the Creswick Ward. Several local planning matters were up for consideration too at our final Council meeting for the year.

Last week I attended online the Grampians Central West Local Government Waste Forum Meeting. The major announcement to come out of this was the application of the Victoria Government's newly released Recycled First policy to major road and rail projects. Recycled First is an initiative which will see the increase in the use of recycled materials in major infrastructure projects, as well as increase demand for recycled products and promote innovative business models.

On a more local level, I was invited to present the Hepburn Shire Council Student Citizenship Award at Creswick North Primary. I was pleased to be able to present the award to Aiden Morrow for his consideration and respect for others, teamwork, friendliness, positive attitude and doing his personal best (even with a broken leg). I also followed up on a few local constituent issues relating to drains, gorse and the sealing of a road.

I was also involved with other Councillors in the formation of an urgent matter of business relating to a motion to develop a 'high level' Affordable Housing policy to be presented to our April 2021 Council meeting. Finally, we have been having productive discussions about how to expediate the start of the Community Reference group process as a result of two vacancies created by members being elected to Council.

Councillor Tessa Halliday, Cameron Ward

No written report was presented.

Councillor Don Henderson, Creswick Ward

It is with sadness that I note the passing of a former councillor on the Shire of Creswick Mr Jack Sewell AM. Mr Sewell was also a past Shire President which is the

equivalent of Mayor today. Jack also served on the Creswick Museum Special Committee. Jack was also a returned serviceman.

Councillor Brian Hood, Coliban Ward

In the past month it has been my pleasure to interact with a large number of constituents and represent their interests across a wide range of matters. Perhaps the most rewarding and satisfying duty I have undertaken in that time was to present Student Citizenship Awards at both Bullarto Primary and Trentham Primary schools. While natural disasters and a worldwide pandemic have consigned the year 2020 to the dustbin of history we have witnessed examples of resilience and adaptation. Students have persevered through a disrupted year, missed their friends, endured home schooling and learned remotely. Their resilience is a lesson for us all and it was delightful to see them end their school year on high, surrounded by their classmates.

Councillor Juliet Simpson, Holcombe Ward

On Saturday 12 September I attended the Woodduck Community Fireguard Group's meeting in Wheatsheaf where Janet Quilty, the group's coordinator, was awarded an "Australian Government Certificate of Appreciation for Australian Volunteers 2020".

On Saturday 19 December I attended the Drummond Hall Christmas BBQ where I was shown the recent renovations of the Hall which included a new Kitchen, the exterior painted, a new iron roof plus gutters and the restumping of the building. This is a result of John Cottrell's work as a Councillor.

The Wooden floor boards need to be polished plus sealed, the interior needs painting, a sign saying "Drummond Hall" written on the front of the building needs to be done and foam insulation needs to be installed under the floor boards to finish off the renovations.

Councillor Jen Bray, Birch Ward

2 Dec Attended Regional Development Victoria Briefing

8 Dec Full day Planning Briefing

9 Dec Councillor coffee catch up

Projectura Community Engagement briefing

10 Dec Met with community members to discuss the history and future of the Hepburn Pool, and its significance as a sacred site to the Dja Dja Wurrung.

11 Dec Attended All Staff gathering – Christmas break up on zoom

12 Dec Met with residents of Elevated Plains to hear an update on the VCAT hearing regarding the Glamping application.

14 Dec Attended Western Vic Transmission Lines meeting with CEO, staff and leaders of community alliance groups to hear an update of information and work out action points.

15 Dec Full day Council Briefing

16 Dec Met with Planning officer, Bronwyn, Evan and Cr Halliday to discuss the inadequacies of the community engagement for the Hepburn Planning Scheme

Review. Cr Halliday and I appreciated the time officers gave to hear the concerns of the community that this process was severely hampered by COVID lockdown and therefore delivered a poor engagement result. We are hoping the upcoming Community Engagement Policy which the community will have input into, will help to address these concerns.

We discussed what stage the Hepburn Planning scheme review is at and look forward to seeing the DELWP panel's recommendations early in Jan.

16 Dec Promoting Rex Tours on Facebook

17 Dec Meeting with Friends of Lake Daylesford Group to discuss the ongoing relationship between the group and council to achieve best possible outcomes for care and maintenance of the Lake Precinct.

I believe our Friends Groups are a great way for council and community to interact to care for our beloved assets such as parks, gardens and facilities.

18 Dec Last Friday I helped take 3 tour groups through the REX, with project manager Bruce MacIsaac. Councillors had requested that the Rex be opened up for the community to come inside and see for themselves what work has been done and not done. And for them to get a sense of the plans for the new development that is about to begin. I helped promote the tours on Facebook and received over 200 comments. This was a good way to judge community sentiment. There is a lot of frustration about the process, and also a lot of grief over the damage that has been done to this heritage building in the past by previous developers. It was good to be able to encourage people to share their memories of the Rex in its heyday and previous incarnations as a Luxury Cinema, a supermarket, and even a \$2 shop. There was good attendance on the tours with 40 plus people coming through. The community asked great questions, and expressed their concerns, and also their hopes for the building. Overall I think it was a very positive exercise for both community and council.

21 Dec Zoom meeting with Bronwyn and Nathan re: concerned residents 7 Park Ave development.

21 Dec Met with a number of community members who had put in submissions to the Hepburn Planning Scheme review and spoken at the DELWP hearing to debrief with them on the huge process that has taken a whole year, through very difficult COVID conditions. I thanked them for the huge contribution they had given - of their time and attention to detail to ensure that the local knowledge and local values can be considered as part of the detail of the scheme.

RECOMMENDATION

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

MOTION

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

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

8.3 CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

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

No report was tabled as the CEO report was received at the 1 December Ordinary Meeting of Council. No motion was put.

9 PUBLIC PARTICIPATION TIME

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

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

Community members are invited to be involved in public participation time in accordance with 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

9.1 PETITIONS

No petitions have been received this month in accordance with Council's Governance Rules.

9.2 PUBLIC QUESTIONS

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

Question 1 – Ms Jesse Tyrrell

Last year at the swimming season beginning the public made it very clear we were not in favour of the minimum temperature closure rule for the swimming pool. With weather being based on Ballarat next day forecast and just all round unpredictable., it means the pool is closed more often than not and often times on days when it should definitely be open for use!

We asked when this could be changed and Council told us it wasn't possible as it was too late to review it (crazy I know, but that's what they replied with).

Now at the commencement of this year's swimming season, nothing has been done regarding it, the public have again been ignored and we still have this ridiculous rule in place.

In light of recent time, closures, mental health issues, it would be wonderful if Council could scrap this rule and return the pool to, open every day of summer season, which would give a much better idea of patronage over the swimming season, as well as create more employment. Officer more jobs locally to those in need of work?!

I hope this can be addressed at this upcoming meeting and be resolved/scrapped not shelved like in the past.

Response – Mayor Lesley Hewitt

Pool closures based on a temperature limit is a standard operating procedure for public pools, and preliminary benchmarking of the level at which we close our pools against our neighbouring local government areas demonstrates that our temperature threshold is quite low at 21 degrees. For example, Mount Alexander is 23 degrees, Central Goldfields is 25 degrees and Macedon Ranges is 26 degrees.

As you may be aware, Council is currently undertaking an Aquatic Strategy that will see the development of a 10-year plan to guide the future strategic direction, infrastructure development priorities, asset management and activation of aquatic

facilities throughout Hepburn Shire. Work on the strategy and community consultation will be undertaken in 2021 and this will form recommendations surrounding Council's Pool Weather Policy.

9.3 REQUESTS TO ADDRESS COUNCIL

Members of our community who have submitted a request to address Council in accordance with the Governance Rules will be heard.

Cr Tessa Halliday left the meeting at 6:30pm due to a conflict of interest for item 10.1.

10 STATUTORY PLANNING

10.1 PLANNING APPLICATION 2865 - 4 LOT SUBDIVISION AT 21-23 HAMMON STREET CRESWICK

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2865 - Plans - 21-23 Hammon Street CRESWICK [**10.1.1** - 4 pages]
2. PA 2865 - All Objections - 21-23 Hammon Street CRESWICK [**10.1.2** - 41 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine planning application PA 2865 for the 4 lot subdivision of land at 21-23 Hammon Street Creswick, known as Lot 3 on Plan of Subdivision 813143U, and Lot 4 on Plan of Subdivision 813143U.

It is proposed to subdivide the two existing lots into 4 lots, with one lot fronting Orr Street , one lot being at the corner of Hammon and Orr Streets, and two lots fronting Hammon Street. Two of the proposed lots will be vacant, with the other two developed with existing single dwellings.

A Heritage Overlay covers the entire site and relates to one of the existing dwellings on the land. There stands to be a heritage impact resulting from the proposed subdivision as the existing heritage building has a significant front setback from Hammon Street, and future development upon one of the proposed adjoining lots will see a much smaller front setback resulting in significant visual interruption of the heritage dwelling from the street.

The application was notified and 15 objections were received.

OFFICER'S RECOMMENDATION

That Council, having caused notice of planning application PA 2865 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to refuse to grant a planning permit for the 4 lot subdivision at 21-23 Hammon Street CRESWICK for the following reasons:

1. *The proposal is inconsistent with the decision guidelines of Clause 43.01-8 – Heritage Overlay by standing to impact upon the significance, character, and appearance of the heritage place.*

2. *The proposal does not align with the objective and strategies of Clause 15.03-1S – Heritage Conservation by standing to impact upon the setting and context of the heritage place, and will limit the value of any efforts for conservation or restoration by disconnecting the heritage dwelling visually from the streetscape.*
3. *The proposal does not meet Standards C7 and C9 of the Residential Subdivision provisions at Clause 56 of the Hepburn Planning Scheme.*
4. *The proposal does not meet the objectives of Clause 56.04-1 – Lot diversity and distribution objectives and Clause 56.04-3 – Solar orientation of lots objective.*
5. *The proposal is inconsistent with the decision guidelines of Clause 65.01 of the Hepburn Planning Scheme as it stands to result in disorderly planning of the area, and an effect on the amenity of the area.*
6. *The proposal is inconsistent with the decision guidelines of Clause 65.02 of the Hepburn Planning Scheme as is stands to result in an inappropriate increase in density relative to the surrounding area.*

Mr Kevin Keen addressed Council in objection to the application.

MOTION

That Council accepts the applicants request for a deferral of consideration of the planning permit.

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Lost

MOTION

That Council, having caused notice of planning application PA 2865 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to refuse to grant a planning permit for the 4 lot subdivision at 21-23 Hammon Street CRESWICK for the following reasons:

1. *The proposal is inconsistent with the decision guidelines of Clause 43.01-8 – Heritage Overlay by standing to impact upon the significance, character, and appearance of the heritage place.*
2. *The proposal does not align with the objective and strategies of Clause 15.03-1S – Heritage Conservation by standing to impact upon the setting and*

context of the heritage place, and will limit the value of any efforts for conservation or restoration by disconnecting the heritage dwelling visually from the streetscape.

- 3. The proposal does not meet Standards C7 and C9 of the Residential Subdivision provisions at Clause 56 of the Hepburn Planning Scheme.*
- 4. The proposal does not meet the objectives of Clause 56.04-1 – Lot diversity and distribution objectives and Clause 56.04-3 – Solar orientation of lots objective.*
- 5. The proposal is inconsistent with the decision guidelines of Clause 65.01 of the Hepburn Planning Scheme as it stands to result in disorderly planning of the area, and an effect on the amenity of the area.*
- 6. The proposal is inconsistent with the decision guidelines of Clause 65.02 of the Hepburn Planning Scheme as it stands to result in an inappropriate increase in density relative to the surrounding area.*

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

BACKGROUND

Site and Surrounds

The subject site consists of two allotments, is relatively square in shape, totalling 1,732sq m in size. The site is located at the corner of Hammon and Orr Streets, and is approximately 900m from the CBD of Creswick.

Lot 3 has a single dwelling currently being developed on it, with a proposed crossover to Hammon Street, an existing corrugated iron shed, and is cleared of vegetation. Lot 4 has an existing dwelling on it with managed gardens. The subject site slopes down to the north east.

The subject site is located within the General Residential Zone and is subject to an Environmental Significance Overlay – Schedule 1, Heritage Overlay, and Bushfire Management Overlay.

The land surrounding the site is predominately zoned General Residential Zone, with some land to the south-west of the property zoned Low Density Residential Zone. The Environmental Significance Overlay – Schedule 1 covers all surrounding land, with the Bushfire Management Overlay covering land to the south-west through to the east of the subject site due to proximity to dense vegetation of Crown land to the south through south-east.

Most surrounding lots are developed with single dwellings, and some with outbuildings. Lot sizes vary from approximately 260sq m to 4,900sq m in size,

generally increasing in size across the developed area as the lots become closer to the Crown land beyond the development of Orr Street to the south. This land beyond Orr street to the south contains Ballarat-Creswick Regional Park, and is zoned Public Conservation and Resource Zone. This is Crown land and is reasonably heavily vegetated

Proposal

The application proposes the 4 lot subdivision of the existing 2 lots that make up the site.

Lot 3 is proposed to be subdivided into 2 lots – Lot 1 of 340sq m and Lot 2 of 363sq m. Lot 1 will have a frontage to Orr Street to the south-east and will be burdened with a restriction limiting development of any dwelling to a single storey. Lot 2 will be at the corner of Orr and Hammon Streets.

Lot 4 is proposed to be subdivided into 2 lots – Lot 1 of 500sq m and Lot 2 of 529sq m. Both lots will have a frontage to Hammon Street, and Lot 1 will be burdened with a restriction limiting development of any dwelling to a single storey.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	32.08 General Residential Zone – Schedule 1 (GRZ1)
Overlays:	42.01 Environmental Significance Overlay – Schedule 1 (ESO1) 43.01 Heritage Overlay (HO 549) 44.06 Bushfire Management Overlay (BMO)
Particular Provisions	53.02 Bushfire Planning 56 Residential Subdivision
Relevant Provisions of the PPF	11.01-1S Settlement 11.01-1R Settlement – Central Highlands 11.02-1S Supply of urban land 15.01-3S Subdivision design 15.01-5S Neighbourhood character 15.03-1S Heritage conservation 16.01-1S Housing supply 16.01-2S Housing affordability 18.02-1S Sustainable personal transport 18.02-3S Road system 21.01 Municipal Profile 21.03 Vision and Strategic Framework 21.05 Settlement and Housing

	21.06 Infrastructure Planning, Design and Construction, and Transport 21.09 Environment and Heritage 22.01 Catchment and Land Protection	
Under what clause(s) is a permit required?	32.08-3 – GRZ1	A permit is required to subdivide land
	42.01-2 – ESO1	A permit is required to subdivide land
	53.01-1 – HO 549	A permit is required to subdivide land
	44.06-2 – BMO	A permit is required to subdivide land
Covenants/A greements?	Covenant PS813147L – 01/08/2018 Section 173 Agreement AR180889S – 28/06/2018	
Objections?	Fifteen (15)	

KEY ISSUES

Settlement planning, housing supply, and access

The proposal seeks to create two additional lots for residential development within the township of Creswick, aligning with regional strategies to direct growth to well serviced areas with good access to Ballarat, and ensure sufficient supply of land to meet forecast demands. The proposed lot sizes are varied and seek to provide for diversity in housing, housing affordability, and to meet the changing needs of the population. The jobs, services, and community facilities of Creswick CBD are approx. 1.4km by road to the north of the site and Ballarat is accessible in approx. 20min by car and 55min by bus.

Pedestrian and bicycle access to nearby public transport, services, and amenities is somewhat compromised due to the nature of the road network and the topography of the surrounding area. This is explored further in the Clause 56 assessment attached to this report and the Residential Subdivision summary later in this report.

The proposal largely accords with the relevant aspects of the planning scheme relating to settlement planning; however some concerns have been identified regarding pedestrian and bicycle access.

General Residential Zone

The proposed subdivision will allow for development that respects the neighbourhood character of the area, and through providing a range of lot sizes will encourage the development of a diversity of housing types. The proposed pattern of

subdivision is somewhat respectful of existing development, however there are some concerns relating to the effect on the spacing of buildings. This will be further explored in the assessment under the Heritage Overlay later in this report.

There is some precedent for lots of the proposed size in reasonably close proximity to the subject site on Bell Street, these lots are granted access via common property and a single crossover. The proposed subdivision design will allow for future development upon the lots that will differ from that of the smaller subdivision close by on Bell Street, therefore an apt comparison cannot be drawn. All other lots in the surrounding area developed with single dwellings with their own accessway are at least 500sq m in size.

The proposal somewhat accords with the decision guidelines of the General Residential Zone, however issues surrounding subdivision pattern and spacing of future development have been identified.

Environmental Significance Overlay

Due to the availability of water, sewerage, and drainage infrastructure, it is not foreseen that the proposed subdivision will impact upon water quality at a local or regional level, nor will there be any inducement of erosion or impact on soils. Stormwater will be able to be appropriately drained to prevent concentration or inappropriate diversion across the land.

The application was referred to GMW and CHW in accordance with the requirements of the Hepburn Planning Scheme and the *Planning and Environment Act 1987*. GMW responded with conditional consent to the issuing of a planning permit, with conditions relating to construction and ongoing activities and sediment control principles. CHW responded with conditional consent to the issuing of a planning permit, with conditions relating to referral to the authority any plan lodged for certification, provision of reticulated sewerage and water services to each lot to the satisfaction of CHW, and provision of easements to the satisfaction of CHW.

The proposal accords with the decision guidelines of the Environmental Significance Overlay.

Heritage Overlay and other heritage considerations

It is noted that the statement of significance for the site identifies the existing dwelling on the lot as “an important element of the heritage of Creswick as it retains the form, and much of the materials and detail of the original structures that contribute to the character of Creswick”. Given the nature of the proposal the application was referred to Council’s Heritage Officer for comment. Their assessment concluded that the proposed lots are sufficiently large that the existing heritage listed house will be protected and retained. However, concerns have been raised around the loss of visual connection between the street and the heritage house that will result from future development upon proposed Lot 1 at 21 Hammon Street.

Conditions were recommended to amend the proposed lots at 21 Hammon Street by removing the “kink” in the proposed boundary, and for the frontages of the lots to be relatively equal in size. These modifications however would result in an outcome where frontage of the lot 1 will be further reduced and increasing the perception of a much more intensive development form adjacent to the heritage place and still not provide a sufficient connection between the heritage place and the existing streetscape.

The proposed subdivision has not provided an appropriate design response that considers the future relationship between the existing heritage place, the existing character of the area and how dwelling present to the existing streetscape. In achieving the applicable residential setback standards any future development that may result from the proposed subdivision stands to adversely affect the character and appearance of the heritage place by resulting in a significant loss of visual connection between the street and the heritage house. Together with the existing development at the corner of Orr and Hammon Streets, a dwelling on proposed Lot 1 at 21 Hammon Street will significantly disconnect the rather deeply setback heritage house. Considering this, it is further argued that should the heritage dwelling be inappropriately visually disconnected from the streetscape, strategies to encourage the conservation and restoration of the heritage place will be of limited value as the heritage place will no longer contribute to the character of the area in the way it currently does.

It is for the above reasons that it is considered that the proposal does not accord with the decision guidelines of the Heritage Overlay, nor does it accord with the objectives and strategies for heritage conservation.

Bushfire Management Overlay and other bushfire planning considerations

Submitted with the application is a Bushfire Management Statement (incl. Bushfire Management Plan) that addresses the applicable bushfire planning controls of the planning scheme. The Bushfire Management Statement correctly outlines the bushfire risks relative to the subject site and provides justification for the bushfire protection measures proposed to be implemented and maintained as part of the proposal.

The application was referred to the CFA in accordance with the requirements of the Hepburn Planning Scheme and the *Planning and Environment Act 1987*. The CFA responded with conditional consent to the issuing of a planning permit, with conditions relating to the endorsement of the Bushfire Management Plan, and its inclusion as an annexure to the Section 173 agreement prepared to give effect to Clause 44.06-5 of the Hepburn Planning Scheme.

The proposal accords with the decision guidelines of the Bushfire Management Overlay and other applicable objectives and strategies relating to bushfire planning.

Residential Subdivision

A complete Clause 56 assessment is attached to this report. A summary is provided below:

The proposal has a reasonable degree of compliance with the residential subdivision standards of Clause 56 of the planning scheme, however Standards C7 and C9 are not met. The site is further from nearby bus stops and railway stations than the standard specifies, and walkability throughout the surrounding neighbourhood towards the nearest public transport is compromised by the lack of footpaths, pedestrian separation from vehicular traffic, and the topography of the area. The orientation of the proposed lots does not provide for ideal solar access, and due to the adjacent heritage dwelling to proposed Lot 1 at 21 Hammon Street, and the relatively small lot size of proposed Lot 1 at 23 Hammon Street, it is not believed appropriate building orientation can be achieved to rectify non-compliance.

The proposal does not fully meet the relevant standards, nor does it meet all of the relevant objectives of Clause 56.

Orderly planning and amenity considerations

Whilst the width of the road formation along Hammon and Orr Streets close to the proposed subdivision can somewhat accommodate existing levels of traffic, as density increases throughout the surrounding area it is not unreasonable to conclude that the generation of additional traffic and on-street parking will exacerbate any potential road safety issues. Clauses 65.01 and 65.02 of the *Hepburn Planning Scheme* allow for consideration of impacts to the orderly planning of the area, amenity of the area, and the density of proposed development, to which the above concerns relate.

The proposal is seen to be inconsistent with the orderly planning, amenity and density considerations of Clauses 65.01 and 65.02.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

No risks to Council other than already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners. As a result 15 objections have been received. The issues raised in the objections are addressed as follows.

- Overdevelopment and reduction in property values

There is limited scope within the applicable planning controls to assess the impact overdevelopment will have on residential property values. Overdevelopment has been considered in relation to whether the proposed plan of subdivision is responsive to the existing pattern or a preferred pattern of subdivision and development, density of development, amenity, and the orderly planning of the area. This has been appropriately discussed earlier in this report and within the attached Clause 56 – Residential Subdivision assessment.

- Out of character

The character of the proposed subdivision has been appropriately assessed under the relevant planning controls. The proposal is for lots that are generally smaller in size than those directly surrounding the property. There is some precedent for lots of the proposed size in reasonably close proximity to the subject site on Bell Street, however these lots are granted access via common property and a single crossover. Due to the proposed subdivision the future development upon the lots will likely differ from that of the smaller subdivision close by on Bell Street, therefore an apt comparison cannot be drawn. All other lots in the surrounding area developed with single dwellings with their own accessway are at least 500sq m in size.

- Road safety impacts (increased traffic and on-street parking)

There is limited scope within the applicable planning controls to assess the impact of any inducement of traffic and on street parking. Applicable planning controls relating to traffic in this context are generally strategic in nature and encumber very little upon the applicant under these circumstances. Planning controls relating to car parking are not applicable to this application.

Many of the objections have highlighted current traffic and on-street parking issues relating to the newly developed dwelling at the corner of Orr and Hammon Streets, however as these objections are related to an existing development they are outside the purview of the assessment of this proposal. However, proposed subdivision

within the area does have to account for how likely development will impact upon the area and this has been appropriately considered under the provisions of Clauses 56, 65.01 and 65.02.

- Emergency access and fire safety

Emergency access relating to bushfire risk has been appropriately addressed by the submitted bushfire management statement, which was referred to the CFA who in turn offered conditional consent to the issuing of a planning permit.

- General amenity impacts

Concerns regarding general amenity primarily relate to noise impacts and the “unknown” nature of what future development will look like and who will inhabit the dwellings. Consideration of the likely future development upon the proposed lots has been appropriately assessed under the provisions of Clause 56 – Residential Subdivision, and Clauses 65.01 and 65.02.

- Heritage impacts

The heritage impacts of the proposal have been appropriately addressed earlier in this report.

- Inaccuracies in submission

Whilst there are several inaccuracies in the planning submission, these did not impact on or influence the assessment of the application, and were directly addressed by the applicant in their response to the objectors.

Cr Tessa Halliday returned to the meeting at 6:44pm.

10.2 PLANNING APPLICATION 2159 - AMENDMENT TO EXISTING PERMIT FOR THE USE, DEVELOPMENT AND PARTIAL DEMOLITION OF THE LAND FOR A COMMUNITY FACILITY AT 49-51 VINCENT STREET DAYLESFORD

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2159 - Application Documentation - 49-51 Vincent Street, Daylesford
[10.2.1 - 48 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider an application to amend Planning Permit PA 2159 for the use and development of a community facility and reduction in car parking provision at 49-53 Vincent Street, Daylesford also known as 'The Hepburn Hub at the Rex'.

The application seeks to amend the layout of the development approved by the original permit. The principal layout of the main heritage structure continues to remain generally unchanged from a structural perspective with the revised layout. The amendments sought remove the café and associated kitchen facilities component of the proposal in lieu of a new children's area and public computing facilities. There are also some minor changes to the office layout of the building and projector room on the upper floors as well as the removal of a terrace area within south east of the site.

The amendments sought as part of the application were notified to surrounding properties and notification signs were displayed on the land. No objections to the amendments have been received. The amendments sought are considered to be relatively minor in scope considering the original approval that was granted and continues to be an appropriate planning outcome for the site.

OFFICER'S RECOMMENDATION

That Council having caused notice of the planning application PA 2159 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act determines to issue a planning permit for a the Use and Development of the land for a community facility, partial demolition, internal and external alterations & external painting and waiver of car parking in accordance with the endorsed plans subject to the following conditions:

Development in accordance with the endorsed plans

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

General amenity conditions

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

To the satisfaction of the responsible authority.

3. Construction activities must be managed so that the amenity of the area is not detrimentally affected through the
 - a. transport of materials, goods or commodities to or from the land;
 - b. inappropriate storage of any works or construction materials;
 - c. hours of construction activity;
 - d. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and
 - e. presence of vermin.

to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority

Noise restrictions

5. Noise emanating from the land must comply with the requirements of the Environment Protection Authority's Noise from Industry in Regional Victoria

(Publication 1411, October 2011) to the satisfaction of the Responsible Authority

6. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority

Waste management conditions

7. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
8. All waste material not required for further onsite processing must be regularly removed from the land.
9. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

Lighting to be baffled

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

Delivery restrictions

11. Deliveries to or from the land must only occur between the hours of 7.00 am and 8.00 pm, unless otherwise agreed in writing by the Responsible Authority.

Car parking areas

12. Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.

13. Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority
14. Before the use starts the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. fully constructed
 - b. properly formed to such levels that may be used in accordance with the plans
 - c. surfaced with an all weather surface or seal coat (as appropriate)
 - d. drained and maintained in a continuously usable condition
 - e. line marked to indicate each car space, loading bay and/or access lane
 - f. clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority.
15. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
16. No fewer than 16 bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
17. The loading and unloading of goods from vehicles must only be carried out on the land or within designated car parking spaces within Vincent Street and must not disrupt the circulation and parking of vehicles on the land.
18. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.

Expiry Condition

19. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within five years of the date of this permit.
 - b. The development is not completed within seven years of the date of this permit.
 - c. The use is not started within seven years of the date of this permit.

- d. The use is discontinued for a period of two years.

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

MOTION

That Council having caused notice of the planning application PA 2159 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act determines to issue a planning permit for a the Use and Development of the land for a community facility, partial demolition, internal and external alterations & external painting and waiver of car parking in accordance with the endorsed plans subject to the following conditions:

Development in accordance with the endorsed plans

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

General amenity conditions

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

To the satisfaction of the responsible authority.

3. Construction activities must be managed so that the amenity of the area is not detrimentally affected through the
 - a. transport of materials, goods or commodities to or from the land;
 - b. inappropriate storage of any works or construction materials;
 - c. hours of construction activity;

- d. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and
- e. presence of vermin.

to the satisfaction of the Responsible Authority.

- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority

Noise restrictions

- 5. Noise emanating from the land must comply with the requirements of the Environment Protection Authority's Noise from Industry in Regional Victoria (Publication 1411, October 2011) to the satisfaction of the Responsible Authority
- 6. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority

Waste management conditions

- 7. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- 8. All waste material not required for further onsite processing must be regularly removed from the land.
- 9. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

Lighting to be baffled

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

Delivery restrictions

11. Deliveries to or from the land must only occur between the hours of 7.00 am and 8.00 pm, unless otherwise agreed in writing by the Responsible Authority.

Car parking areas

12. Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.
13. Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority
14. Before the use starts the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. fully constructed
 - b. properly formed to such levels that may be used in accordance with the plans
 - c. surfaced with an all weather surface or seal coat (as appropriate)
 - d. drained and maintained in a continuously usable condition
 - e. line marked to indicate each car space, loading bay and/or access lane
 - f. clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority.

15. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
16. No fewer than 16 bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
17. The loading and unloading of goods from vehicles must only be carried out on the land or within designated car parking spaces within Vincent Street and must not disrupt the circulation and parking of vehicles on the land.
18. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.

Expiry Condition

19. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within five years of the date of this permit.
 - b. The development is not completed within seven years of the date of this permit.
 - c. The use is not started within seven years of the date of this permit.
 - d. The use is discontinued for a period of two years.

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

Moved: Cr Brian Hood

Seconded: Cr Jen Bray

Carried

BACKGROUND

Site and Surrounds

The site is comprised of one parcel formally described as Plan of Consolidation 375031J. A gas easement extends along the northern boundary of the site from the Duke Street alignment to approximately the centre of the property, where the easement then alters its alignment to the south and is registered as a restrictive covenant on the land.

The land contains two frontages: one to Vincent Street and the other to Duke Street. Vehicle access to the site is provided from Duke Street.

The subject site is irregular in shape, with a frontage of 20.3 metres to Vincent Street and 30.45 metres to Duke Street and a total site area of approximately 2558 square metres. At present, the site is occupied by a building known as 'The Rex', which was most recently occupied by a retail development and prior to that was a theatre. The building is vacant at present, apart from two retail premises that front onto Vincent Street. A car parking area exists at the rear of the site providing 42 spaces. The land at 8 Duke Street (forming part of the site) is occupied by an existing dwelling, which is also vacant at present.

To the south of 49 Vincent Street is an existing single-storey shop at 55 Vincent Street, which is currently occupied by a liquor store (Cellarbrations). The site comprises a car park at the rear, which abuts the western boundary of 8 Duke Street. To the south of 8 Duke Street is a single-storey weatherboard Victorian building with corrugated iron pitched roof, as well as windows facing Duke Street. The building is occupied for the purpose of an art studio, being the Sister George Productions.

Proposal

The application seeks to amend the layout of the development approved by the original permit.

The principal layout of the main heritage structure continues to remain generally unchanged from a structural perspective with the revised layout sought as part of the amendment café use and associated kitchen facilities in lieu of a new children's play area and public computing facilities. There are also some minor changes to the office layout of the building and projector room on the upper floors.

In addition to the changes to the internal rearrangements, the amendment proposes a slightly revised treatment to the Vincent Street entrance of the building, a modified car parking layout including redesigned lightwells and also seeks to reduce the scope of development to remove the proposed terraced outdoor area within the south eastern portion of the site.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Commercial 1 Zone	
Overlays:	Environmental Significance Overlay Schedule 1 Environmental Significance Overlay Schedule 2 Heritage Overlay Schedules (HO670, HO674, HO696)	
Particular Provisions	Clause 52.06 – Car parking Clause 52.29 – Land Adjacent to a Road Zone, Category 1 Clause 52.34 – Bicycle Facilities	
Relevant Provisions of the PPF	13.05-1S – Noise abatement 13.07-1S – Land use compatibility 15.01-1S – Urban design 15.01-2S – Building design 15.03-1S – Heritage conservation 17.01-1R – Diversified economy – Central Highlands 17.01-1S – Diversified economy 17.02-1S – Business 19.02-2S – Education facilities 21.07 – Economic development 21.09 – Environment and heritage 22.01 – Catchment and land protection 22.02 – Mineral springs protection	
Under what clause(s) is a permit required?	Clause 34.01-1 (C1Z)	Use of the land for a ‘community facility’
	Clause 34.01-4 (C1Z)	Construct a building or to construct or carry out works
	Clause 42.01-2 (ESO1 & 2)	The undertaking of works with a depth greater than 1.0m.
	Clause 43.01-1 (HO)	Demolition, buildings and works, internal alterations and external painting.
Objections?	0	

KEY ISSUES

Scope of assessment

An application to amend a permit, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit including the requirements for giving notice and referral. However, the assessment for an application to amend a permit focuses only on the amendment itself and avoids reopening all the issues associated with the approved use or development.

Response to Policy Planning Policy Framework

The proposed amendments continue to provide for the redevelopment of an existing building to establish a Community Facility incorporating a Council Customer Service Centre, Library, retail premises and re-establishes a cinema on the site.

Despite requiring a permit to use the land, the nature of the use continues to provide for service based use that sits comfortably within the commercial precinct that it is located. The proposed use will provide a community focal point within a significant building that has not been used to its greatest potential for a significant period of time. The amendment does seek to increase the area set aside for community use and remove a portion of the previously included café however this is not considered to be at odds with the policy direction of encouraging developments that meet the communities need for retail, entertainment, office and commercial services within existing commercial centres.

Zoning and Overlay Considerations'

As above, the amended development continues to provide for a commercial use within a commercial area providing a community use within an underutilised building central to the Vincent Street commercial precinct.

The majority of the internal alterations including demolition involve the removal of previous 'modern' additions that formed separate retail tenancies within the building that hold no heritage value. The application was referred to Councils Heritage Advisor for comment who supported the proposed works and advised that the works would not adversely impact on the heritage significance of the building. The alterations do not seek to make any significant changes to any of the original fabric of the building that will detract from the heritage significance of the building.

Car Parking

The revised car parking layout continues to provide a total of 28 car parking spaces with dimensions and a layout that meets the requirements of Clause 52.06 of the Hepburn Planning Scheme. No reduction in the number of car parking spaces from that originally approved are proposed as part of the amendment therefore considered appropriate as part of the amended proposal.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. No objections have been received.

10.3 PLANNING APPLICATION 2604 - USE AND DEVELOPMENT OF THE LAND FOR A MINOR UTILITY INSTALLATION AND THE REMOVAL OF NATIVE VEGETATION AT SOUTH AJAX ROAD DAYLESFORD

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2604 - Plans for CHW Pipeline - South Ajax Road [**10.3.1** - 23 pages]
2. PA 2604 - Supporting Information for CHW Pipeline - South Ajax Road [**10.3.2** - 43 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider an application for the use and development of land for a minor utility installation including the removal of native vegetation.

The application seeks approval (where required) for the use and development of a minor utility installation and associated works and the removal of native vegetation. The application involves the construction of a 14km long pipeline connecting the Goldfields Superpipe to the Daylesford raw water supply network to prevent and minimise possible water shortage during periods of dry weather. A total of 1.967ha of native vegetation will be required to be removed as part of the project (not including any large trees) across 30 patches of the project breadth.

The application was notified to surrounding properties along the 14km long breadth of the pipeline and referred to all relevant referral authorities with no objections received and the conditional consent of authorities received.

The application is considered to on balance provide a net community benefit and is generally well supported by relevant planning policy and warrants Council support.

OFFICER'S RECOMMENDATION

That Council having caused notice of the planning application PA 2604 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act determines to issue a planning permit for the use and development of the land for a minor utility installation, associated works and removal of native vegetation generally in accordance with the endorsed plans subject to the following conditions:

Use and development in accordance with plans endorsed with the permit

- 1) *The layout of the use and the development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*
- 2) *The extent of vegetation to be removed, as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

Construction amenity

- 3) *Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:*

- (a) *transport of materials, goods or commodities to or from the land;*
- (b) *inappropriate storage of any works or construction materials;*
- (c) *hours of construction activity;*
- (d) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and*
- (e) *presence of vermin.*

to the satisfaction of the Responsible Authority.

- 4) Any roads, or other infrastructure adjacent to the land damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movement of vehicle and the likes), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.

DELWP Requirements

Construction management

- 5) Only those activities specified in the planning permit are to be undertaken on Crown land.
- 6) On expiration of the planning permit, or if the nature of the permitted use or development changes, renewed landowner consent must be sought.

- 7) All future costs associated with the management, maintenance and (where appropriate) replacement of the proposed development is to be met by the proponent.
- 8) *Before removal of native vegetation and commencement of the installation of the water infrastructure, the proponent must prepare a Construction Environmental Management Plan (CEMP) which includes installation techniques, soil management, soil hygiene, vegetation management, cultural heritage management, fire and emergency measures, provision for liaison with the land managers and works monitoring by the proponent. CEMP must be prepared to the satisfaction of DELWP and Parks Victoria and approved by Hepburn Shire Council. When approved, the plans will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.*
- 9) *The CEMP must include:*
 - a) *a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.*
 - b) *a site plan, drawn to scale with dimensions and geo references (such as VicGrid94 co-ordinates), that clearly shows:*
 - i) *the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land*
 - ii) *the location and area of all native vegetation present that are permitted to be removed under this permit*
 - iii) *all areas of native vegetation to be retained*
 - c) *except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:*
 - i) *vehicular or pedestrian access*
 - ii) *trenching or soil excavation*
 - iii) *storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products*

- iv) *entry and exit pits for the provision of underground services*
 - v) *any other actions or activities that may result in adverse impacts to retained native vegetation.*
- 10) *All affected Crown land parcels are within the Dja Dja Wurrung Recognition and Settlement Agreement area under the Traditional Owner Settlement Act 2010. An assessment of the proposed works is required and should be completed by the proponent along with any advisory, negotiation or agreement notifications. Works cannot commence until the assessment and associated notifications under the Land Use Activity Agreement are satisfied. Please contact Megan Heap on 0438 327 378 for more information.*
- 11) *The proponent must contact Hepburn Shire Council and the Cornish Hill Committee of Management directly as the land managers of the affected land to determine their requirements for this use and development.*
- 12) *All works to be completed to the satisfaction of the Regional Director DELWP Grampians Region.*

Native vegetation removal

- 13) *The native vegetation permitted to be removed, destroyed or lopped under this permit is 1.976 hectares of native vegetation with an average strategic biodiversity value score of 0.608.*
- 14) *To offset the removal of 1.976 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets:*
- a) *A general offset of 0.838 general habitat units:*
 - i) *located within the North Central Catchment Management Authority or Hepburn Shire Council*
 - ii) *with a minimum strategic biodiversity value score of at least 0.486*
- 15) *Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Hepburn Shire Council. This evidence must be 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.*
- 16) A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Ballarat regional office.
- 17) *Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals*

Regional Roads Victoria

- 18) *Confirmation of offset for the removal of native vegetation from RDZ1 (to the satisfaction of DELWP) must be provided to DoT prior to commencement of development.*
- 19) *Consent for works within the road reserve and the specifications of these works is required under the Road Management Act (contact: nriw.western@roads.vic.gov.au). For the purposes of this application the works will include:*
- i) *Excavation of the road reserve (including vegetation removal)*
 - ii) *Provision of temporary access crossovers to the road reserve*

Permit expiry

- 20) *This permit will expire if one of the following circumstances applies:*
- a) *The development is not started within two years of the date of this permit.*
 - b) *The development is not completed within four years of the date of this permit.*
 - c) *The use is not started within four years of the date of this permit.*
 - d) *The use is discontinued for a period of two years.*

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

The Chair stated that standing orders were suspended at 6:54pm due to technical issues. No formal motion was moved.

The Chair stated that standing orders resumed at 6:57pm once technical issues had been resolved. No formal motion was moved.

Mr Neil Hordern addressed Council as the applicant.

MOTION

That Council having caused notice of the planning application PA 2604 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act determines to issue a planning permit for the use and development of the land for a minor utility installation, associated works and removal of native vegetation generally in accordance with the endorsed plans subject to the following conditions:

Use and development in accordance with plans endorsed with the permit

- 1) *The layout of the use and the development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*
- 2) *The extent of vegetation to be removed, as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

Construction amenity

- 3) *Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:*
 - (a) *transport of materials, goods or commodities to or from the land;*
 - (b) *inappropriate storage of any works or construction materials;*
 - (c) *hours of construction activity;*

- (d) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and*
- (e) *presence of vermin.*

to the satisfaction of the Responsible Authority.

- 4) Any roads, or other infrastructure adjacent to the land damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movement of vehicle and the likes), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.

DELWP Requirements

Construction management

- 5) Only those activities specified in the planning permit are to be undertaken on Crown land.
- 6) On expiration of the planning permit, or if the nature of the permitted use or development changes, renewed landowner consent must be sought.
- 7) All future costs associated with the management, maintenance and (where appropriate) replacement of the proposed development is to be met by the proponent.
- 8) *Before removal of native vegetation and commencement of the installation of the water infrastructure, the proponent must prepare a Construction Environmental Management Plan (CEMP) which includes installation techniques, soil management, soil hygiene, vegetation management, cultural heritage management, fire and emergency measures, provision for liaison with the land managers and works monitoring by the proponent. CEMP must be prepared to the satisfaction of DELWP and Parks Victoria and approved by Hepburn Shire Council. When approved, the plans will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.*
- 9) *The CEMP must include:*
 - a) *a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include*

the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.

- b) a site plan, drawn to scale with dimensions and geo references (such as VicGrid94 co-ordinates), that clearly shows:
 - i) the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land*
 - ii) the location and area of all native vegetation present that are permitted to be removed under this permit*
 - iii) all areas of native vegetation to be retained**
 - c) except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - i) vehicular or pedestrian access*
 - ii) trenching or soil excavation*
 - iii) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products*
 - iv) entry and exit pits for the provision of underground services*
 - v) any other actions or activities that may result in adverse impacts to retained native vegetation.**
- 10) All affected Crown land parcels are within the Dja Dja Wurrung Recognition and Settlement Agreement area under the Traditional Owner Settlement Act 2010. An assessment of the proposed works is required and should be completed by the proponent along with any advisory, negotiation or agreement notifications. Works cannot commence until the assessment and associated notifications under the Land Use Activity Agreement are satisfied. Please contact Megan Heap on 0438 327 378 for more information.*
- 11) The proponent must contact Hepburn Shire Council and the Cornish Hill Committee of Management directly as the land managers of the affected land to determine their requirements for this use and development.*

- 12) *All works to be completed to the satisfaction of the Regional Director DELWP Grampians Region.*

Native vegetation removal

- 13) *The native vegetation permitted to be removed, destroyed or lopped under this permit is 1.976 hectares of native vegetation with an average strategic biodiversity value score of 0.608.*
- 14) *To offset the removal of 1.976 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets:*
- a) A general offset of 0.838 general habitat units:*
 - i) located within the North Central Catchment Management Authority or Hepburn Shire Council*
 - ii) with a minimum strategic biodiversity value score of at least 0.486*
- 15) *Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Hepburn Shire Council. This evidence must be 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.*
- 16) *A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Ballarat regional office.*
- 17) *Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals*

Regional Roads Victoria

- 18) *Confirmation of offset for the removal of native vegetation from RDZ1 (to the satisfaction of DELWP) must be provided to DoT prior to commencement of development.*
- 19) *Consent for works within the road reserve and the specifications of these works is required under the Road Management Act (contact: nriw.western@roads.vic.gov.au). For the purposes of this application the works will include:*
- i) Excavation of the road reserve (including vegetation removal)*
 - ii) Provision of temporary access crossovers to the road reserve*

Permit expiry

- 20) *This permit will expire if one of the following circumstances applies:*
- a) The development is not started within two years of the date of this permit.*
 - b) The development is not completed within four years of the date of this permit.*
 - c) The use is not started within four years of the date of this permit.*
 - d) The use is discontinued for a period of two years.*

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

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

BACKGROUND

Site and Surrounds

The subject land comprises of road reserves and 6 Crown land parcels and 5 freehold land parcels.

The pipeline commences at the Goldfields Superpipe tap in point along Daylesford-Clunes Road in Blampied, running along the northern road reserve east to the Midland

Highway. The pipeline then runs along the road reserve of the Midland Highway to Old Main Road, Eganstown, before running along road reserve on Old Main Road and re-joining the Midland Highway to Pescias Hill Road. The alignment then runs along the length of Pescias Hill Road, crosses the Midland Highway and runs east along a powerline easement to Hills Lane. The alignment follows Hills Lane to Ridge Road and continues along Ridge Road to Stony Creek Road, running north east along the road reserve of Stony Creek Road to the Ballan-Daylesford Road. The pipeline then follows the road reserve along South Ajax Road before again following a power line easement east to Hallenstein Street, where it terminates at a tap in point east of the intersection with East Street.

Proposal

Central Highlands Water (CHW) is proposing to construct a new raw water pipeline connecting the Goldfields Superpipe to the Daylesford raw water supply network. The purpose of this pipeline is to augment the existing raw water supply to Daylesford township to prevent and minimise possible water shortages during periods of dry weather.

The proposed pipeline is approximately 14km long and is to be installed through a combination of open trenching and trenchless technology to minimise disturbance to residents, damage to roads, and impacts to watercourses and native vegetation. The pipeline primarily traverses through road reserves, however it also crosses through six (6) Crown land parcels and 5 freehold land parcels.

A total of 1.967ha of native vegetation will be required to be removed as part of the project (not including any large trees) across 30 patches across the protect breadth.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Road Zone – Category 1 (RDZ1) Road Zone – Category 2 (RDZ2) Farming Zone (FZ) Public Conservation and Resource Zone (PCRZ) Low Density Residential Zone (LDRZ) Public Park and Recreation Zone (PPRZ)
Overlays:	Environmental Significance Overlay – Schedule 1 (ESO1) Environmental Significance Overlay – Schedule 2 (ESO2) Design and Development Overlay – Schedule 2 (DDO2) Erosion Management Overlay (EMO) Bushfire Management Overlay (BMO)
Particular Provisions	Clause 52.17 (Native Vegetation)

Relevant Provisions of the PPF	Clause 12.01-1S – Protection of Biodiversity Clause 12.01-2S – Native Vegetation Management Clause 13.01-2S – Bushfire Planning Clause 13.04-2S – Erosion and Landslip Clause 14.02-1S – Catchment Management and Planning Clause 14.02-2S – Water Quality Clause 21.06 - Infrastructure and Transport Clause 22.01 - Catchment and Land Protection	
Under what clause(s) is a permit required?	Clause 36.03-1	Use of the land for a minor utility installation
	Clause 36.03-2	Buildings and works
	Clause 42.01-2	Vegetation Removal
	Clause 44.04-3	Vegetation Removal
	Clause 52.17	Vegetation Removal
Objections?	0	

KEY ISSUES

Response to Policy Planning Policy Framework

The key issues relate to whether the proposed use and development in providing for the efficient provision of infrastructure that will ensure the safe and effective supply of drinking water to the residents of Daylesford is appropriate considering the vegetation removal required to supply such infrastructure.

The planning policy framework seeks relevant to this proposal to ensure the existing and planned settlements are provided with services that provide enough capacity for existing and future residents. Further, policy seeks to plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.

With respect to environmental matters including vegetation removal, it is policy that where a development requires the removal of vegetation, that avoiding, minimising and then as a last resort offsetting the vegetation removal is considered.

The alignment of the pipeline has been designed to follow for the most part road reserves and areas that have been disturbed like powerline easements. Where possible the removal of native vegetation has been avoided and minimised through using trenchless excavation techniques. Despite the significant attempts to avoid and

minimise the removal of native vegetation a total of 1.976ha is still required to be removed and is sought to be offset in accordance with the requirements of the Scheme and to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP). The importance of the provision of water supply infrastructure in conjunction with the measures taken to minimise and avoid the removal of vegetation is considered to adequately respond and is supported by the relevant policy of the Scheme.

Zoning and Overlay Considerations'

A permit is required to use and develop the land for minor utility installation within just one portion of the site being that zoned Public Conservation and Resource Zone. It is exempt in all other zones. Following construction, there is not expected to be any ongoing amenity impact as a consequence of the use and development and will not impact on the ability of the land to continue to be used for recreation and conservation purposes.

The vegetation removal considerations of the relevant overlays have been touched on above and will also be expanded on below.

Environmental and Sustainability Issues including vegetation removal

The proposed alignment traverses largely along road reserves that are subject to varying degrees of disturbance, ranging from almost 100% exotic pasture grass cover to areas dominated by native vegetation. In order to minimise the impacts on native vegetation, sections of the pipeline will be constructed using trenchless excavation, particularly minimising impacts to large trees and 'patch' quality vegetation. Sections of the alignment traverse through areas of remnant vegetation (including through the Hepburn Regional Park), however in order to minimise impacts on native vegetation, previously disturbed power line easements have been selected for use along the route. While these measures have been employed to minimize vegetation removal, impacts to some native vegetation is unavoidable due to the location and surrounding environment.

Native vegetation removal associated with the proposed pipeline requires a planning permit under Clause 52.17 of the Hepburn Planning Scheme. The total area of native vegetation requiring a permit under Clause 52.17 proposed for removal for the project is 1.976ha, and the location category of the proposed removal is Location 2. As such, the assessment pathway for a planning permit is via the Detailed Assessment Pathway. All of the relevant information required to be supplied in response to Clause 52.17 has been supplied and the application has been referred to DELWP who have provided their conditional consent for the proposed pipeline and the amount of vegetation being removed and supporting the efforts made to minimise and avoid vegetation removal.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. No objections were received.

10.4 PLANNING APPLICATION 2805 - STAGED MULTI LOT SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION AT 15 GUNYAH DRIVE TRENTHAM
DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 2805 - Plan of Subdivision - 15 Gunyah Drive Trentham [**10.4.1** - 2 pages]
2. PA 2805 - Supporting Documentation - 15 Gunyah Drive Trentham [**10.4.2** - 97 pages]
3. PA 2805 - All Objections - 15 Gunyah Drive Trentham [**10.4.3** - 36 pages]

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of a planning application for a staged multi lot subdivision and the removal of native vegetation at 15 Gunyah Drive, Trentham. The site is located within the Low Density Residential Zone (LDRZ) and is affected by the Environmental Significance Overlay Schedule 1 (ESO1). The minimum subdivision area for a site located within the LDRZ and connected to reticulated sewerage such as this is 2000m².

The site is 4.055ha in area, includes an existing dwelling and ancillary shedding and is not encumbered by any covenants or agreements that seek to restrict development or subdivision any further than that identified within the Hepburn Planning Scheme (the scheme). Land surrounding the area is predominantly 4000m² to 5000m².

The application proposes subdivision of the land into 12 lots and vegetation removal. The proposed lots include a large 1ha lot that will encompass the existing dwelling on the site with the remaining 11 lots ranging between approximately 2000m² and 3600m².

The application was notified to surrounding properties and a total of 11 objections have been received.

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

OFFICER'S RECOMMENDATION

That Council, having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a Notice of Decision to Grant a Planning Permit PA 2682 for a staged multi lot subdivision and the removal of native vegetation in respect of the land known as 15 Gunyah Drive, Trentham, subject to the following conditions:

Amended Plans

- 1) Before the Certification of the Plan of Subdivision under the *Subdivision Act* 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
 - a) *An amended lot layout that provide a building envelope of a sufficient size to accommodate a dwelling on each proposed lot.*
 - b) *A building exclusion zone within 30m of the drainage easement that traverses through the property*

General requirements

- 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) Before the issue of a Statement of Compliance *for stage 2* under the *Subdivision Act* 1988, the permit holder must pay to the Responsible Authority a cash payment equivalent to *5 percent* 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.
- 4) The subdivision of the land must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.
- 5) 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.

- 6) 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.
- 7) The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act

Telecommunication Requirements

- 8) The owner of the land must enter into an agreement with:
 - a) telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 9) 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.

Vegetation Removal Conditions

- 10) To offset the removal of 0.027 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the

removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets:

- a) A general offset of 0.018 general habitat units:
 - i) located within the North Central Catchment Management Authority or Hepburn Shire Council
 - ii) with a minimum strategic biodiversity value score of at least 0.432.
- 11) Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Hepburn Shire Council. This evidence must be 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.
- 12) A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Ballarat regional office.
- 13) Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals

Watercourse improvements

- 14) Before certification of stage 2 of the subdivision, a detailed landscape plan for land within 30m of the drainage line/ watercourse to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:
 - a) the locations of all landscaping works to be provided on the land
 - b) the locations of any trees to be retained or removed from the land (including details of species and size)

- c) a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant
 - d) details of the proposed surface finishes of pathways and driveways
 - e) details of the irrigation system to be used on land following completion of the landscaping works
- 15) Before the issue of statement of compliance under the Subdivision Act 1988, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.
- 16) All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.

Engineering requirements

Drainage Requirements

- 17) Prior to Statement of Compliance, all underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be constructed and completed prior to the issue of the statement of compliance.
- 18) Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.

- 19) It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment, not just the immediate development, including any new infrastructure that may be required to convey stormwater to a registered waterway. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.
- 20) All allotments shall be provided with drainage outfall (house connection) connected to a formalised stormwater drainage system to the satisfaction of the Responsible Authority. House drainage connection shall be constructed in accordance with one of the Infrastructure Design Manual Standard Drawings SD 500 – SD 520.
- 21) Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.
- 22) Prior to Statement of Compliance, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater.
- 23) Drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority.
- 24) 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.
- 25) 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.

- 26) 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

- 27) Common Property as a primary access is not permitted
- 28) 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.
- 29) Professionally prepared plans designed by a suitably qualified engineer based on site tests are to be submitted to the Responsible Authority for approval prior to construction.
- 30) A Traffic and Pedestrian Impact study shall be conducted on all proposed intersections, namely intersection with Gunyah Drive, to the satisfaction of the Responsible Authority.
- 31) All internal roads within the development shall be in accordance with 'Table 2 – Urban Road / Street Characteristics' of IDM.
- 32) Minimum width of the road reserve shall be in accordance with 'Table 2 – Urban Road / Street Characteristics' of IDM, being a minimum access street 16m wide.
- 33) The road pavement shall be designed by a suitably qualified engineer based on site tests but 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) Court Bowls must have a minimum trafficable radius of 12.5m and be surfaced with 40mm deep, Type H, 10mm asphalt on a primed base course.
- 34) Roadways over waterways (drainage easements) shall have single cell box culverts of a minimum 1.2m wide with endwalls
- 35) 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:
- Road Sub-grade (Proof Roll)
 - Pavement sub-base and base (density tests and proof roll)
 - Pavement prior to sealing or asphalt application
 - Drainage trench and bedding
 - Drainage infrastructure prior to backfill
 - Drainage pits

Access

- 36) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- 37) Prior to statement of compliance the following will be constructed for approval.
- Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 260 or to approval of Responsible Authority.
 - 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'.
 - Grades through vehicle crossing shall not exceed 1:10.

- Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - 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.
- 38) 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.

Landscaping on Road Reserves

- 39) Prior to construction, the Developer is to prepare and submit a landscaping plan for road reserves to the satisfaction of Responsible Authority for review and approval. These plans are to 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
 - c) Interactions with services, drainage and lighting fixtures
- 40) 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.
- 41) The landscaping plan shall provide for the provision of a feature dry stone wall at the entrance to stage two of the development

Linemarking and Signage

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

Street lighting

- 43) 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.

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

Development Standard

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

Prior to Construction

- 46) Before any road, drainage and infrastructure associated with each stage of the subdivision start following items must be satisfied.
- Approval of the constructions plans by the Responsible Authority
 - Approval of all design inputs, models and strategies
 - 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.

Approval of plans does not relieve the developer of any errors, omissions or oversights in the approved plans.

Completion of Construction Works

- 47) Prior to the issue of the Statement of Compliance for the relevant stage of the subdivision 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:
- a) street and drainage in accordance with the approved construction drawings
 - b) underground and above ground drainage
 - c) intersection and traffic control/mitigation measures
 - d) signage and linemarking; and
 - e) high stability permanent survey marks

- f) lot access

Prior to Construction

- 48) Before any road, drainage and/or landscaping works associated with the subdivision start following items must be satisfied.
- a) Approval of the constructions plans by the Responsible Authority (per stage)
 - 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

- 49) Prior to the issue of the Statement of Compliance for the relevant stage of the subdivision 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:
- a) street and drainage in accordance with the approved construction drawings
 - b) road reserve landscaping in accordance with the approved landscape plans
 - c) underground drainage
 - d) intersection and traffic control/mitigation measures
 - e) street lighting
 - f) signage and linemarking; and
 - g) high stability permanent survey marks
 - h) lot access

As Constructed Drawings

- 50) Prior to issue of statement of compliance, 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.

- 51) 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
- 52) Information to be presented in pdf. and dwg. formats, unless otherwise agreed in writing by the Responsible Authority.

Defects Maintenance and Bonds

- 53) Prior to Statement of Compliance, the developer must enter into an agreement with the Responsible Authority regarding responsibilities for maintenance and correction of defects of all infrastructure works. Agreement must include the defects liability period, the amount of bond and on how the date of practical completion occurs.
- 54) Prior to issue of Statement of Compliance, the developer must provide the Responsible Authority with a maintenance bond(s) of \$5,000 or 5% of the total cost of infrastructure, whichever is greater.
- 55) 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.
- 56) The Defects Liability Period for civil works shall be 12 months from the date of practical completion.
- 57) The Defects Liability Period for WSUD works shall be 24 months from the date of acceptance.
- 58) The Defects Liability Period for landscaping shall be 24 months from the date of acceptance.

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

Plan Checking & Supervision Fee

- 60) 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

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

Coliban Water Requirements

- 62) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.

- 63) Services are to be provided and where necessary existing services may require amending in accordance with our specifications.

- 64) A pressure sewer mains extension, if required to provide sewerage services to each of the proposed lots within this subdivision, must be located within the road reserve and must be designed and constructed compliant with the requirements of the WSA 07-2007 Pressure Sewerage Code of Australia and in accordance with Coliban Water's Developer Installed Works process.

- 65) Prior to the issue of the Statement of Compliance, the owner shall enter into an agreement with the Responsible Authority and Coliban Water under Section 173 of the Planning and Environment Act, for the creation of a Section 173 Agreement, which is to be registered on the parent title and ultimately applies to all lots within the subdivision connected to a pressure sewer mains extension.

This is to ensure that any future owner is aware of the specific requirements for sewerage to the particular lot.

The land owner's solicitor may prepare the agreement and liaise with Coliban Water regarding the specific wording.

Mr Nathan Dean can be contacted on (03) 5434 1226 or via email Nathan.Dean@coliban.com.au

- 66) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- 67) All registered easements are required to be a minimum of 2.5 metres and if a shared easement, the minimum width is 3.0 metres.

Goulburn Murray Water Requirements

- 68) Any plan of subdivision submitted for certification must show a 30m no build zone adjacent to the waterway affecting the southern area of the subject land. Where the waterway is located entirely within the subject land (proposed Lots 11 & 12), the 30m zone must be applied to both sides of the waterway.
- 69) Each lot of the subdivision must be provided with connection to the reticulated sewerage system in accordance with the requirements of Coliban Water.
- 70) Prior to the Statement of Compliance being issued, the existing dwelling on proposed Lot 10 must be connected to the reticulated sewerage system and any on-site wastewater systems must be decommissioned to the satisfaction of council's Environmental Health Department.
- 71) All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority. Stormwater discharged from the subdivision must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions.
- 72) 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.

Powercor Requirements

- 73) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

- 74) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
- 75) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
- 76) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
- 77) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Permit Expiry

- 78) This permit as it relates to subdivision 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*

- 79) This permit as it relates to native vegetation removal will expire if one of the following circumstances applies:
 - a) The removal is not started within two years of the date of this permit.
 - b) The removal is not completed within four years of the date this permit.The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Ms Denise Nakis, the applicant, addressed Council in support of the application.

Ms Natalie Cursio addressed Council in objection to the application.

Ms Blair Lingard addressed Council in objection to the application.

Ms Christine Heazlewood addressed Council in objection to the application.

Mr Ian Munro addressed Council in objection to the application.

MOTION

That Council, having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a Notice of Decision to Grant a Planning Permit PA 2682 for a staged multi lot subdivision and the removal of native vegetation in respect of the land known as 15 Gunyah Drive, Trentham, subject to the following conditions:

Amended Plans

80) Before the Certification of the Plan of Subdivision under the *Subdivision Act* 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:

- a) An amended lot layout that provide a building envelope of a sufficient size to accommodate a dwelling on each proposed lot.
- b) A building exclusion zone within 30m of the drainage easement that traverses through the property
- c) The provision of a new road that provides access from Sideshow Close.
- d) The removal of the proposed road from Gunyah Drive.
- e) The provision of a pedestrian access within the land with direct access to and from Gunyah Drive. Such access to be suitable to accommodate emergency vehicles.
- f) The number of lots reduced to 9 with each lot increased in size as close as practicable to 4000m²
- g) Rural type post and wire fencing provided to each lot.

General requirements

81) 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

82) Before the issue of a Statement of Compliance *for stage 2* under the *Subdivision Act* 1988, the permit holder must pay to the Responsible Authority a cash

payment equivalent to 5 percent 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.

83) The subdivision of the land must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

84) 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.

85) 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.

86) The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act

Telecommunication Requirements

87) The owner of the land must enter into an agreement with:

- a) telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

88) 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.

Design Guidelines

89) Before the plan of subdivision is certified under the *Subdivision Act 1988*, Housing Design Guidelines must be submitted to and approved by the Responsible Authority. Once approved, the Housing Design Guidelines must be secured as a restriction on the Plan of Subdivision that is registered on the title to the land. The Housing Design Guidelines must apply to all lots and must include the following information to the satisfaction of the Responsible Authority:

- (a) No dwelling is to exceed 1 storey in height
- (b) Roofing material must be constructed with metal materials
- (c) Lot are prohibited from being further subdivided

Requirements other than those identified in this condition may be included within the Housing Design Guidelines however any additional requirements must not prevent or impede the use of sustainable energy technologies such as visible solar energy collectors on roofs or water tanks and must be to the satisfaction of the Responsible Authority.

Fencing provision

90) Before the issue of statement of compliance under the *Subdivision Act 1988*, boundary fencing to each lot must be completed to the satisfaction of the responsible authority.

Vegetation Removal Conditions

91) To offset the removal of 0.027 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets:

- a) A general offset of 0.018 general habitat units:
 - i) located within the North Central Catchment Management Authority or Hepburn Shire Council
 - ii) with a minimum strategic biodiversity value score of at least 0.432.

92) Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Hepburn Shire Council. This evidence must be 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.

93) A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Ballarat regional office.

94) Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals

Watercourse improvements

95) Before certification of stage 2 of the subdivision, a detailed landscape plan for land within 30m of the drainage line/ watercourse to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:

- a) the locations of all landscaping works to be provided on the land
- b) the locations of any trees to be retained or removed from the land (including details of species and size)
- c) a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant
- d) details of the proposed surface finishes of pathways and driveways
- e) details of the irrigation system to be used on land following completion of the landscaping works

96) Before the issue of statement of compliance under the Subdivision Act 1988, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

97) All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.

Engineering requirements

Drainage Requirements

98) Prior to Statement of Compliance, all underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be constructed and completed prior to the issue of the statement of compliance.

99) Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.

100) It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment, not just the immediate development, including any new infrastructure that may be required to convey stormwater to a registered waterway. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.

101) All allotments shall be provided with drainage outfall (house connection) connected to a formalised stormwater drainage system to the satisfaction of the Responsible Authority. House drainage connection shall be constructed in accordance with one of the Infrastructure Design Manual Standard Drawings SD 500 – SD 520.

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

103) Prior to Statement of Compliance, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and

facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater.

104) Drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority.

105) 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.

106) 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.

107) 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

108) Common Property as a primary access is not permitted

109) 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.

110) Professionally prepared plans designed by a suitably qualified engineer based on site tests are to be submitted to the Responsible Authority for approval prior to construction.

111) A Traffic and Pedestrian Impact study shall be conducted on all proposed intersections, namely intersection with Gunyah Drive and Sideshow Close, to the satisfaction of the Responsible Authority.

112) All internal roads within the development shall be in accordance with 'Table 2 – Urban Road / Street Characteristics' of IDM.

113) Minimum width of the road reserve shall be in accordance with 'Table 2 – Urban Road / Street Characteristics' of IDM, being a minimum access street 16m wide.

114) The road pavement shall be designed by a suitably qualified engineer based on site tests but 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) Court Bowls must have a minimum trafficable radius of 12.5m and be surfaced with 40mm deep, Type H, 10mm asphalt on a primed base course.

115) Roadways over waterways (drainage easements) shall have single cell box culverts of a minimum 1.2m wide with endwalls

116) 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:

- Road Sub-grade (Proof Roll)
- Pavement sub-base and base (density tests and proof roll)
- Pavement prior to sealing or asphalt application
- Drainage trench and bedding
- Drainage infrastructure prior to backfill
- Drainage pits

Access

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

118) Prior to statement of compliance the following will be constructed for approval.

- Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 260 or to approval of Responsible Authority.

- 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'.

- Grades through vehicle crossing shall not exceed 1:10.

- Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.

- 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.

119) 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.

Landscaping on Road Reserves

120) Prior to construction, the Developer is to prepare and submit a landscaping plan for road reserves to the satisfaction of Responsible Authority for review and approval. These plans are to 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
- c) Interactions with services, drainage and lighting fixtures

121) 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.

122) The landscaping plan shall provide for the provision of a feature dry stone wall at the entrance to stage two of the development

Linemarking and Signage

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

Street lighting

124) 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.

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

Development Standard

126) Prior to Statement of Compliance it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20

Prior to Construction

127) Before any road, drainage and infrastructure associated with each stage of the subdivision start following items must be satisfied.

- Approval of the constructions plans by the Responsible Authority
- Approval of all design inputs, models and strategies
- 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.

Approval of plans does not relieve the developer of any errors, omissions or oversights in the approved plans.

Completion of Construction Works

128) Prior to the issue of the Statement of Compliance for the relevant stage of the subdivision 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:

- a) street and drainage in accordance with the approved construction drawings
- b) underground and above ground drainage
- c) intersection and traffic control/mitigation measures
- d) signage and linemarking; and

- e) high stability permanent survey marks
- f) lot access

Prior to Construction

129) Before any road, drainage and/or landscaping works associated with the subdivision start following items must be satisfied.

- a) Approval of the constructions plans by the Responsible Authority (per stage)
- 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

130) Prior to the issue of the Statement of Compliance for the relevant stage of the subdivision 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:

- a) street and drainage in accordance with the approved construction drawings
- b) road reserve landscaping in accordance with the approved landscape plans
- c) underground drainage
- d) intersection and traffic control/mitigation measures
- e) street lighting
- f) signage and linemarking; and
- g) high stability permanent survey marks
- h) lot access

As Constructed Drawings

131) Prior to issue of statement of compliance, 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.

132) 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

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

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135) Prior to issue of Statement of Compliance, the developer must provide the Responsible Authority with a maintenance bond(s) of \$5,000 or 5% of the total cost of infrastructure, whichever is greater.

136) 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.

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

138) The Defects Liability Period for WSUD works shall be 24 months from the date of acceptance.

139) The Defects Liability Period for landscaping shall be 24 months from the date of acceptance.

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

Plan Checking & Supervision Fee

141) 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

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Coliban Water Requirements

143) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.

144) Services are to be provided and where necessary existing services may require amending in accordance with our specifications.

145) A pressure sewer mains extension, if required to provide sewerage services to each of the proposed lots within this subdivision, must be located within the road reserve and must be designed and constructed compliant with the requirements of the WSA 07-2007 Pressure Sewerage Code of Australia and in accordance with Coliban Water's Developer Installed Works process.

146) Prior to the issue of the Statement of Compliance, the owner shall enter into an agreement with the Responsible Authority and Coliban Water under Section 173 of the Planning and Environment Act, for the creation of a Section 173 Agreement, which is to be registered on the parent title and ultimately applies to all lots within the subdivision connected to a pressure sewer mains extension.

This is to ensure that any future owner is aware of the specific requirements for sewerage to the particular lot.

The land owner's solicitor may prepare the agreement and liaise with Coliban Water regarding the specific wording.

Mr Nathan Dean can be contacted on (03) 5434 1226 or via email

Nathan.Dean@coliban.com.au

147) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.

148) All registered easements are required to be a minimum of 2.5 metres and if a shared easement, the minimum width is 3.0 metres.

Goulburn Murray Water Requirements

149) Any plan of subdivision submitted for certification must show a 30m no build zone adjacent to the waterway affecting the southern area of the subject land.

Where the waterway is located entirely within the subject land (proposed Lots 11 & 12), the 30m zone must be applied to both sides of the waterway.

150) Each lot of the subdivision must be provided with connection to the reticulated sewerage system in accordance with the requirements of Coliban Water.

151) Prior to the Statement of Compliance being issued, the existing dwelling on proposed Lot 10 must be connected to the reticulated sewerage system and any on-site wastewater systems must be decommissioned to the satisfaction of council's Environmental Health Department.

152) All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority. Stormwater discharged from the subdivision must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions.

153) 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.

Powercor Requirements

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

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

157) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

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

Permit Expiry

159) This permit as it relates to subdivision will expire if one of the following circumstances applies:

- c) The plan of subdivision is not certified within 2 years of the date of this permit;
- d) The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

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

160) This permit as it relates to native vegetation removal will expire if one of the following circumstances applies:

- a) The removal is not started within two years of the date of this permit.
 - b) The removal is not completed within four years of the date this permit.
- The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Moved: Cr Brian Hood

Seconded: Cr Jen Bray

Carried

BACKGROUND

Site and Surrounds

The site is approximately 420m northeast of the Gunyah Drive and Kyneton-Trentham Road intersection.

The site is formally described as 15 Gunyah Drive, Trentham (Lot C PS814527):

The land comprises a total site area of approximately 4.055ha.

The land has a 22m frontage to Gunyah Drive. The property also has frontage to the court-bowl in Sideshow Close.

The northern boundary of Lot C adjoins VicTrack owned land previously used for the Karlsruhe to Daylesford railway. To the south, east and west the land abuts neighbouring properties.

The site contains a dwelling and a number of outbuildings and sheds and internal fencing.

A dam is located to the northwest of the site. Trees are scattered throughout the site and three hedgerows are located adjacent to the dwelling and internal paddocks.

The land falls from the northeast to the southwest by approximately 5m.

A watercourse traverses the subject land from a large dam to the northwest to another large dam located to the rear of 20 Tressider Court, southeast of the site.

Proposal

The application proposes for the subdivision of the land into 12 lots and vegetation removal.

The proposed lots include a large 1ha lot that will encompass the existing dwelling on the site with the remaining 11 lots ranging between approximately 2000m² and 3600m²

An internal north/south road will provide access to Lots 1-10 from Gunyah Drive.

Lot 10 contains the existing dwelling. Access to Lot 12 will be from Sideshow Close.

Access to Lots 10 and 11 will be via the carriageway easement on the adjoining land to the west.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Low Density Residential Zone	
Overlays:	Environmental Significance Overlay Schedule 1	
Particular Provisions	Clause 52.17 – Native Vegetation	
Relevant Provisions of the PPF	Clause 14.02-1S Catchment planning and management Clause 14.02-2S Water quality Clause 15.01-5S Neighbourhood character Clause 15.03-1S Heritage conservation Clause 16.01-01S Integrated housing Clause 16.01-2S Location of residential development Clause 16.01-4S Housing affordability Clause 21.05 Settlement and Housing Clause 21.09 Environment and Heritage Clause 22.01 Catchment and Land Protection Clause 22.02 Mineral Springs Protection	
Under what clause(s) is a permit required?	Clause 32.03-3 (LDRZ)	Subdivision
	Clause 42.01-2 (ESO1)	Subdivision
	Clause 52.17	Removal of native vegetation
Objections?	Eleven	

KEY ISSUES

Response to Policy Framework and zoning provisions

The application proposes to subdivide the land into 12 parcels. The site is located within the urban growth boundary of the township and is within an existing established area of the township and is connected to all relevant services.

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

The Central Highlands Regional Growth Plan identifies that despite Trentham being a small town, it has the potential to grow considerably larger as a result of its proximity to Melbourne and Ballarat and the availability of public transport to these centres. It is policy to establish growth boundaries to avoid urban sprawl and protect agricultural land and environmental assets, and to enhance the character, identity, attractiveness and amenity of peri-urban towns. The site is located just 950m (1.2km by road) from the main commercial centre of the township demonstrating its accessible nature.

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

Environmental and Sustainability Issues

The site is connected to all relevant services and the proposal disturbances within the land will predominantly be limited to road construction and site preparations for future dwellings.

A portion of the site is low lying and subject to overland stormwater flows during moderate to heavy rainfall events and it is noted that a stormwater easement is present through the site. The application was submitted with a flood risk report that identified that subject to bringing soil in an rising the ground level of portions lots that are proposal along the drainage easement that the impact from any large stormwater events would be limited. However, in their response to the application,

GMW have sought to restrict any development within 30m of the drainage line/watercourse.

In requiring this setback, proposed lots 1, 9, 11 and 12 all will be largely be undevelopable as a consequence of the dimensions of the lots and the required 30m building exclusion area. A condition will be included on any permit issued that requires the identification of the required building envelope and remain open the possibility of a subdivision of the land to be considered subject to some minor adjustments such as the consolidation of a number of lots and/or a minor adjustment to the layout of the lots. To protect and enhance the watercourse in the future, a landscaping plan will be required to be prepared to the satisfaction of council.

Subdivision Layout

The proposed subdivision layout provides 11 large lots that provide sufficient space to establish a dwelling with a significant area being able to remain available for open gardens that will continue the character within land to the south of the site.

Access to the majority of the lots is provided from Gunyah Drive via a proposed Council managed road reserve. This road extends in a northerly direction from Gunyah Drive and ends in a cul-de-sac arrangement. The location of the existing dwelling on the lot and the drainage easement that traverses through the site along the southern boundary does place some limits on the design of any proposed subdivision of the land.

The application has been submitted with a flood risk report and an ecological report that have both provided a greater level of technological background to demonstrate how the subdivision responds to the site and surrounds. Despite this however and has been discussed previously, the requirement for a 30m building exclusion zone along the does limit the ability to develop a number of the proposed lots. Conditions to demonstrate how this can be achieved is not considered to be fatal to the application as it is still considered that the site is suitable for some form of subdivision. The subdivision layout will be required to be modified slightly to adhere with this requirement. Subject to some minor adjustments, this is considered to be able to be accommodated through conditions on any permit issued.

Traffic

The application proposes a new cul de sac road to be designed and constructed to Council standards. Currently 9 lots are proposed with access via this road that will join up with the existing road network via Gunyah Drive. Gunyah Drive includes a 7.4m wide carriageway that is relative short before reaching a further intersection. The wide carriageway coupled with the relatively short distances between intersections encourage a slow vehicular speed which will not be changed by the proposed subdivision and any anticipated increase in vehicular movements will easily

be able to be accommodated and will not have any meaningful impact on traffic volumes that the existing road network can accommodate.

Vegetation removal

The application proposes the removal of a small portion of native vegetation within the site. The vegetation removal relates to an implied removal as a consequence of the subdivision proposing lots that are less than 4000m² in this area on the site. The removal of the vegetation is not considered to result in an inappropriate loss in the biodiversity of the area and subject to appropriate offsets being made, the vegetation removal is considered to be appropriate.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

No risks to Council other than this already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

- Subdivision is out of character with the area due to lot sizes

While the subdivision does create lots that are smaller than those within the surrounding area however this in itself is not a determining factor as to the subdivision being out of character with the surrounding area. The low density residential zone, and the Trentham Structure Plan both identify and encourage residential development within the township boundaries. The site will be accessed from a small road that is an offshoot of the existing road network and given its cul de

sac arrangement, will only generally be accessed by future residents. The creation of lots greater than 2000m² will continue to allow for the land to be developed in a low density arrangement as is the case within the surrounding area.

The subdivision arrangement and lot sizes are consistent with two recent VCAT decisions for the subdivision of land within the township of Trentham being *Staite v Hepburn SC* [2015] VCAT 466 (15 April 2015) and *Summers v Hepburn SC* [2019] VCAT 793.

- Landscaping Design has not been provided

Conditions have been recommended to be included on any permit issued to require a landscaping plan for along the watercourse in addition to within streetscapes

- Traffic implications including increase in traffic and the shared use of carriageways due to no footpaths being present

Anecdotally, a dwelling will generate on average up to 10 vehicle movements per day. The application currently proposes 11 additional lots which is not expected to generate a meaningful increase in traffic within the area that is unable to be accommodated within the existing street network. The short road lengths and heavily vegetated road verges will continue to provide for a relatively slow traffic environment that is not expected to change as a result of the application.

- Impact from flooding and impact on watercourse

The concerns in relation to flooding and the protection of the watercourse have been considered as part of the application and conditions have been recommended to be included on any permit issued to protect and enhance the watercourse.

- Stormwater disposal has not been fully considered

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

- Vegetation removal and impact on habitat.

The application will require the removal of a small amount of native vegetation in addition to exotic vegetation. The removal of weed species such as willow trees is considered to be a positive outcome for the site. It is acknowledged that the existing cypress trees have been present on the site for a significant period of time, there are no specific protections in place for their retention. Further, being a bushfire prone area, their removal would also be required for ongoing bushfire protection measures.

- Bushfire Risk

The site is not located within an area that is affected by the Bushfire Management Overlay therefore is considered to be at the lower end of bushfire risk within the Municipality. It is not to say the site cannot or would not ever be affected by bushfire just that the risk is relatively low by comparison. The site is well connected to the road network and future dwelling will be required to meet the bushfire protection requirements of the Building Regulations.

CONCLUSION

The application proposes a multi-lot subdivision on a parcel of land that has been zoned to provide for the use of the land for residential purposes.

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

11 STRATEGIC PLANNING

11.1 HEPBURN PLANNING SCHEME AMENDMENT C77HEPB. REVIEW OF SUBMISSIONS AND NEXT STEPS

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. C77 Information Brochure [**11.1.1** - 4 pages]
2. C77 Submissions [**11.1.2** - 85 pages]
3. C77 Council Submission Responses [**11.1.3** - 3 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider submissions received in relation to Amendment C77hepb and to consider referring these to an independent panel appointed by the Minister for Planning.

The amendment has been informed by updated mapping received from the North Central Catchment Management Authority (NCCMA) and two technical reports. The NCCMA play a key role in planning matters in the Shire as they are a determining referral authority under Section 55 of the *Planning and Environment Act 1987* (The Act).

The amendment proposes three new schedules to the Land Subject to Inundation Overlay (LSIO) in the Hepburn planning scheme. The updated mapping and clauses will ensure that the revised LSIO will adequately respond to flood risk by ensuring, for example, that floor levels are established at required levels and that built form that might impede natural water flow will be avoided.

The amendment has been exhibited in accordance with Part 3 Division 1 of The Act between the 13 August 2020 and the 11 September 2020. Six submissions have been received, three of which have raised concerns over matters such as the extent of coverage of the overlay, permit requirements and the risks associated with polluted flood waters from the former transfer station site impacting on the nearby community. The remaining three submissions were in support/ did not oppose the amendment.

Since submissions were received, Council officers have liaised with submitters (via Zoom and phone calls) to hear more about their concerns and to further explain the amendment process outlined in this report.

OFFICER'S RECOMMENDATION

That Council, in conjunction with North Central Catchment Management Authority, having prepared and exhibited Amendment C77hepb to the Hepburn Planning Scheme under section 19 of the Planning and Environment Act 1987, and having received and considered all written submissions made in response to Amendment C77hepb:

- 1. Requests that the Minister for Planning appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider all submissions to Amendment C77hepb;*
- 2. Refers all submissions to the Panel to be appointed by the Minister for Planning, including any late submissions;*
- 3. Endorses the Council officer's response to all submissions to form the basis of Council's submission to the Panel (as included as Attachment);*
- 4. Authorises the Manager Development and Community Safety to consider any late submissions before referring them to the Panel; and*
- 5. Advises all submitters of this resolution and of next steps.*

MOTION

That Council, in conjunction with North Central Catchment Management Authority, having prepared and exhibited Amendment C77hepb to the Hepburn Planning Scheme under section 19 of the Planning and Environment Act 1987, and having received and considered all written submissions made in response to Amendment C77hepb:

- 1. Requests that the Minister for Planning appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider all submissions to Amendment C77hepb;*
- 2. Refers all submissions to the Panel to be appointed by the Minister for Planning, including any late submissions;*
- 3. Endorses the Council officer's response to all submissions to form the basis of Council's submission to the Panel (as included as Attachment);*
- 4. Authorises the Manager Development and Community Safety to consider any late submissions before referring them to the Panel; and*
- 5. Advises all submitters of this resolution and of next steps.*

Moved: Cr Tessa Halliday

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

Amendment C77hepb updates an older amendment, C64 which was resolved to be exhibited at the Ordinary Meeting of Council (OCM) dated 19 April 2016. However, due to a change of scope and updated mapping subsequently provided by the North Central Catchment Management Authority (NCCMA), AmC64 was abandoned at the OCM of the 19 March 2019 where Council resolved:

“That Council:

11.1.1 Resolves to seek to abandon Planning Scheme Amendment C64.

11.1.2 Resolves to seek a new Planning Scheme Amendment number from the Minister for Planning.

11.1.3 Resolves to seek authorisation from the Minister for Planning to prepare the Planning Scheme Amendment to the Hepburn Planning Scheme to revise the Land Subject to Inundation Overlay Schedules and Mapping.

11.1.4 Subject to Ministerial approval, resolves to place the amendment on exhibition for a period of one month.

11.1.5 Conducts a community consultation session between and Clunes Community, North Central Catchment Management Authority and Council to discuss the Clunes flood plan and what it means for the community

Justification for applying the LSIO

The Creswick and Clunes community and outlying rural properties experienced three separate flooding events during late 2010 and early 2011 causing significant property damage and hardship to residents. In response, the NCCMA and Hepburn Shire Council worked with consultants, ‘Water Technology’ to undertake the *Creswick Flood Mitigation and Urban Drainage Plan*, February 2012 and the *Clunes Flood Mitigation and Urban Drainage Plan*, June 2013. (These studies are available on Council’s website and are also attached)

The studies found that:

- the existing LSIO within Hepburn Shire is insufficient to manage flood risk;
- there are currently no controls to manage development within flood-prone areas within Creswick; and
- that some flood-prone areas within Clunes are not covered by the existing LSIO. The flood studies also recommended updates to the existing planning controls in the Hepburn Planning Scheme based on the flood data and flood modelling be undertaken. These updates are now included in this amendment.

Further detail to this amendment is provided in the attached brochure that was included in notification correspondence to owners and occupiers.

KEY ISSUES

What the amendment does

Planning Scheme Amendment C77hepb proposes to apply the LSIO to properties that are likely to be inundated in the 1% flood event such as waterways and open drainage systems.

The Amendment affects the following flood-prone land in the Shire:

Locality	What the amendment does
Clunes	The amendment applies new Land Subject to Inundation Overlay controls (LSIO1 and LSIO2) to 105 properties and deletes the existing LSIO from 17 properties
Creswick	The amendment applies a new LSIO1 and LSIO2 to 174 properties.
Rural localities and small settlements	The amendment deletes the existing LSIO and applies a new schedule LSIO3 to these same properties. (The localities include Coomoora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford.)

Whilst a planning permit will be required for specified works and subdivisions, the proposed three Schedules to the LSIO will introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth. The following new planning permit requirements are proposed:

Overlay	Definition	Planning permit requirements
LSIO1 Flooding from waterways (depths up to and including 350 mm)	Land affected by creek flooding up to 350mm depth for 1% Average Exceedance Probability (AEP) flood in the localities of Clunes and Creswick	Permit required for buildings and works and subdivision. Exemption for minor works including upper storey extensions if there is no increase to the ground floor footprint, extensions less than 40m ² , replacement dwellings and fences, agricultural buildings with permanent openings, sheds & rainwater tanks
LSIO2 Flooding from waterways (depths greater than 350 mm)	Land affected by creek flooding over 350mm depth for 1% Average Exceedance Probability (AEP) flood in the localities of Clunes and Creswick	Permit required for buildings and works and subdivision. Exemption for minor works including extensions less than 20m ² , replacement dwellings, agricultural buildings with permanent openings, open fences.
LSIO3	Remaining rural areas currently covered by the existing LSIO controls that are liable to inundation. (These localities	Provides permit exemptions for buildings and works including a replacement single dwelling if it is constructed to at least 300 millimetres above the 1 per cent AEP (Annual Exceedance

	include Coomoora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford)	Probability) flood level and the original building footprint is not increased by 20 square metres in area.
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Key findings from the exhibition period and Council officer response

A total of six submissions were received. Of these three raised concerns about the amendment and are summarised below. The remaining three from authorities were in support / did not object to the amendment. (Copies of submissions are attached along with a detailed summary of the Council officer response to matters raised)

Matters raised by submitters for Council to consider are:

Issue	Council officer response
There has been no flooding in years. The overlay is not needed. The current conditions do not pose a threat to the current local economy or the lives of local residents.	NCCMA notes that it cannot be assumed that flooding will not occur simply because there are no recollections of previous flooding at a particular property. The Overlays are based upon the 1% AEP Average Exceedance Probability (AEP) flood extent, which means the flood level each year has a 1% chance of occurring (this was previously referred to as a 1-in-100 year flood). This is a standard used across the industry for flood planning and management. The 1% AEP has been determined through the <i>Creswick Flood Mitigation and Urban Drainage Plan 2011</i> .
The revised flooding risk will translate into onerous planning permit conditions impacting on the viability of businesses and property values.	The Flood Overlay does not cause or change the likelihood of flooding but recognises the existing condition of land. If a property has been identified as having a flood risk, the real flood risks on a property have not changed.
Recent capital works have solved the flooding problem at (i) St. George's Lake and (ii) the widening of the Creswick Creek.	The flood mitigation works that have been built protect townships from flood events up to the 2% AEP flood event (which is a flood similar in size to the January 2011 flood). However, the design standard for floods in Victoria apply the 1% AEP flood: although this is a very rare flood event it is important that new development is built to reduce the future risk of flooding.
Submitters were not notified of the amendment.	Residents and property owners impacted by the existing or proposed LSIO were directly notified by mail of the amendment. The broader community were notified by local newspaper advertisement and Council's website. Amendment notification procedures met the requirements of the Act.
The existing Creswick transfer station and other potentially contaminated land uses pose an	The <i>Creswick Flood Mitigation and Urban Drainage Plan</i> includes the transfer station site within the investigation area. Figure 5.3, page 38 of the report does not identify the transfer

environmental risk if contaminated floodwaters reach land uses downstream.	station site as being vulnerable to flooding. To limit the risk of flooding of adjacent sites to the transfer station a section of deepened channel is proposed as a flood mitigation option. Anecdotal evidence of historical flooding in these areas can be further investigated through the future Creswick township structure planning process.
Flood mitigation plans should be included as incorporated documents in the Hepburn Planning Scheme and updated regularly.	The amendment proposes that the <i>Creswick Flood Mitigation and Urban Drainage Plan, February 2012</i> and the <i>Clunes Flood Mitigation and Urban Drainage Plan, June 2013</i> be included as reference documents in the planning scheme. This enables the document to undergo minor updates if required. Incorporated documents are not able to be updated unless a planning scheme amendment process is undertaken which is a time consuming and expensive process.
There are broader flooding management issues that are not addressed. These include bushfire risk caused by gorse in creek corridors and the need to protect the growling grass frog habitat.	The planning scheme does take into account environment and bushfire matters even though they do not form part of this amendment. For example: Clause 44.04 which seeks to ensure that <i>'development maintains or improves river and wetland health, waterway protection and flood plain health'</i> . Decision guidelines include the need to consider <i>'The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.'</i> Clause 21.09, Environment and Heritage; Clause 42.01: Environment Significance; and Clause 44.06: Bushfire Management overlays.
The updated mapping should include the rural parts of Creswick.	The extent of the investigation areas was based on identifying the core parts of the Shire's townships that would be subject to major risk to property, the environment and human life. The report identifies the core study area. Council acknowledges that further work in other parts of the Shire will be needed in the future.
There should be no permit exemptions due to the importance of the overlay and its important role in environmental management.	The proposed permit exemptions have been developed by appropriately qualified engineers and technical advisors based on acceptable performance standards in flood prone areas. Accordingly, these works are considered low risk to the environment should flood waters become elevated.

Submissions of support / no objection were received from:

- Goulburn Murray Water
- Central Highlands Water
- The Environment Protection Authority

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

The amendment will facilitate safe development in key parts of the municipality prone to flooding. The amendment responds to climate change risks and flooding by applying technical data prepared by NCCMA's flood modelling consultants.

FINANCIAL IMPLICATIONS

Amendment C77hepb has been included in Council's Development and Community Safety operations team budget for the 2020/2021 budget. Funds are needed to meet the costs associated with a panel hearing and ongoing administration.

RISK IMPLICATIONS

Should Amendment C77hepb progress, it will ensure future development is not at risk due to the threat of flood waters.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council undertook comprehensive community engagement in accordance with Part 3 Division 1 of The Act including:

Notification requirement	How Council met this requirement
Copies of the amendment to be given to certain persons.	Notification via email was provided to public authorities and prescribed Ministers of the of the amendment. These include the Dja Dja Wurrung Clans Aboriginal Council, the Victoria Police, Regional Roads Victoria, the water authorities, the power authorities, the Country Fire Authority, DELWP, VicTrack and Parks Victoria
Availability of the amendment.	one month exhibition period provided in plain English including a simple FAQ page and advice on how to make a submission Electronic copies available via Council's website to the DELWP amendment website. Available free of charge
Time frames for notice.	Notice appeared in the Victorian Government Gazette on the 13 August 2020 noting the closing date for submissions as the 11

	<p>September 2020;</p> <p>At least a week prior to the 13 August 2020, Council undertook the following:</p> <p>the amendment was available for inspection on the DELWP website;</p> <p>notices appeared in local papers;</p> <p>letters with 'plain English' brochures were directly mailed out to property owners and residents. In summary this included 996 letters of which 612 owned or lived in a property in the impacted area and 384 owners who did not reside in the impacted area; and</p> <p>correspondence was emailed to prescribed Ministers and authorities.</p>
<p>How Council tried to improve accessibility during Covid-19 'lock down.</p>	<p>Council's website provided a link to the DELWP website which included all amendment documentation and Facebook posts.</p> <p>Council officers also held zoom meetings on the 27 August 2020 with NCCMA, Councillors and interested members of the community. Five community members attended.</p> <p>A dedicated council officer was available to answer any queries on the amendment throughout the exhibition period.</p>

Copies of submissions (with personal details redacted) are now available on Council's website. These will remain until the amendment is gazetted. On receiving the written submissions Council acknowledged each submission by either return email or if the submission was provided in hard copy, by return mail. All submitters will be notified of the date of the December Council meeting, it's proceedings and of the next steps.

CONCLUSION

Council can consider the following options:

- (a) proceed with Amendment C77hepb and accordingly request an Independent Planning Panel to consider the amendment, all submissions and any changes that Council considers are warranted on the basis of submissions; or
- (b) proceed with parts of the amendment and abandon other parts; or
- (c) not proceed with the amendment at this stage.

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

2020/2021 Date	Activity
Late 2020 / Early 2021	Council writes to the Minister requesting the appointment of an independent panel. The panel's role will be to consider submissions and prepare a report containing recommendations to Council.

February 2021	Possible time frame for a directions hearing (Any person who wishes to appear before the panel should attend this).
March 2021	Likely time frame for a panel hearing (Any person who wishes to appear before the panel will attend this).
May/June 2021	6 weeks after the last day of the panel hearing, the panel will provide its report to council containing recommendations for each component of the amendment.
May/June 2021	At its Ordinary Council meeting, Council will consider the panel's recommendations and can decide its position on the amendment before informing the Minister for Planning of its final decision.

12 QUALITY COMMUNITY INFRASTRUCTURE

12.1 AWARD OF CONTRACT HEPBU.RFT2020.192 - HEPBURN FOOTBALL PAVILION - UNISEX CHANGEROOM PROJECT

DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - Report - Confidential Tender Evaluation HEPBU RFT2020 192 HFNC Pavilion [12.1.1 - 5 pages]

EXECUTIVE SUMMARY

The construction of construction of Hepburn Football Pavilion Unisex Changeroom has been included in the 2020/2021 Annual Budget. Council have sought a suitably qualified and experienced commercial builder to execute this build in line with detailed design and documentation via a public tender.

A total of 5 companies have provided tender submissions for the construction of these works, and following a detailed evaluation in accordance with Councils Procurement Policy this report is presented to Council for consideration of awarding the contract.

OFFICER'S RECOMMENDATION

That Council:

1. *Awards Contract Number HEPBU.RFT2020.192 for the fixed lump sum of \$494,315 exclusive of GST to Q Construction Pty Ltd;*
2. *Delegates the Chief Executive Officer to sign and seal contract documents on behalf of Council;*
3. *Authorises officers to approve contract variations within financial delegations, to a cumulative total of up to 20% of the contract lump sum amount.*

MOTION

That Council:

1. *Awards Contract Number HEPBU.RFT2020.192 for the fixed lump sum of \$494,315 exclusive of GST to Q Construction Pty Ltd;*
2. *Delegates the Chief Executive Officer to sign and seal contract documents on behalf of Council;*

3. *Authorises officers to approve contract variations within financial delegations, to a cumulative total of up to 20% of the contract lump sum amount.*

Moved: Cr Juliet Simpson

Seconded: Cr Brian Hood

Carried

BACKGROUND

This project is funded as part of the Victorian Government Country Football Netball Program 2019/2020, and Councils capital works annual budget to provide more inclusive football facilities for players and umpires of both genders.

In line with Sport and Recreation Victoria (SRV)'s Female Friendly Sports Infrastructure Guidelines and compliance with the AFL Preferred Facility Guidelines, the Hepburn Football Netball Club is expanding its facilities to maximize participation potential for people of all genders. The AFL preferred facility guidelines specify design considerations for inclusive facilities and following these guidelines closely will greatly benefit the Hepburn Football Netball Club and the community who use its facilities.

Council have sought a suitably qualified and experienced commercial builder to execute this build in line with detailed design and documentation. The new building is an addition providing new changerooms, amenities, umpires rooms, duty room, DDA public toilet and a storeroom.

Council has sought tenders for the construction of HEPBU.RFT2020.192 - Hepburn Football Pavilion Unisex Changeroom. Tenders for the Hepburn Football Pavilion Unisex Changerooms Project were invited via public advertisement on Council's website and in the Local on 9 November 2020.

A total of 5 companies have provided tender submissions for the construction of these works. Following a detailed evaluation, it is considered that the tender submission of Q Constructions Pty Ltd is preferred.

The tender submissions were evaluated by a panel consisting representatives of the following departments:

- Major Project
- Community and Economic Development (Sport and Active Recreation)
- Financial Services

Tender submissions were assessed against the following criteria:

Criteria	Weighting
Price	35%

Risk/OHS/Quality Management	10%
Local Content	5%
Response to specification	15%
Experience & Qualifications	20%
Business & Financial Capacity	5%
Sustainability	5%
Timeline	5%
COVID	PASS/FAIL
	100%

Recommended contractor Q Constructions were selected as they are within budget, have efficient timelines and a quality submission. Unsuccessful tenders were scored lower primarily due to price.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

The funding for this project will be drawn from an approved budget allocation of \$574,000.

Hepburn Shire Contribution \$374,000

HFNC Contribution \$100,000

SRV Contribution \$100,000

Total Project Budget Allocation	\$574,000
Actual Expenditure - To: 7/12/2020	\$16,100 (Design)
Recommended Tender Amount	\$494,315
Proposed Project Manager and other costs	\$63,585
Total Estimated Expenditure Against Project	\$574,000
Surplus/Shortfall on Project	\$0
Funding Source if Shortfall Exists	N/A

RISK IMPLICATIONS

A soil report has shown an incidence of shallow rock in the build envelope, risk of latent conditions, and subsequent impact to the budget and timeline, has been minimised by raising the new building's finished floor level in favour of a cut and fill design. Difference in heights between the existing and proposed facility have been mitigated with a DDA ramp and stairs.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This project has been successfully developed in partnership with Hepburn Shire Council, Hepburn Football Netball Club and the State Government of Victoria, and has been endorsed by the Reserve Committee of Management and Cricket Club.

12.2 CRESWICK TRAILS - PROJECT PROGRESS UPDATE

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a progress update on the Creswick Trails Project and propose a change in delivery methodology in order to respond to key risks in the project. The Detailed Design Alignments, proposed path, for the Creswick Trails as well as the suite of background reports and assessments are complete.

The feedback from the previous engagement, as well as further in-depth assessments of the project area, have indicated the need for a new delivery methodology that responds to the project's timelines, complexity and the community's input.

The delivery methodology proposed is to divide the project's 100 kilometres of trail into two stages:

- Stage One - 60 kilometres of trail north of Melbourne Road which is ready to progress to planning permit application, and
- Stage Two - 40 kilometres of trail to the south of Melbourne Road which requires more design, engagement and investigation before it proceeds.

The recommended approach will achieve the original objectives of the project and is not expected to impact the project's external funding.

OFFICER'S RECOMMENDATION

That Council:

- 1. Acknowledges the collaborative work of community, land managers and stakeholders that has gone into progressing the Detailed Design Alignments, the constructable path of the Creswick Trails;*
- 2. Seeks the required approval for a variation to the funding agreement through Regional Development Victoria (RDV) to reflect the staged approach for the project;*
- 3. Supports the progression of Stage One of the Creswick Trails to community engagement and a planning permit application pending an approved RDV variation.*

MOTION

That Council:

- 1. Acknowledges the collaborative work of community, land managers and stakeholders that has gone into progressing the Detailed Design Alignments, the constructable path of the Creswick Trails;*
- 2. Seeks the required approval for a variation to the funding agreement through Regional Development Victoria (RDV) to reflect the staged approach for the project;*
- 3. Supports the progression of Stage One of the Creswick Trails to community engagement and a planning permit application pending an approved RDV variation.*

Moved: Cr Don Henderson

Seconded: Cr Jen Bray

Carried

BACKGROUND

The Creswick Trails Project was formally launched on 21 February 2018 with an announcement on the project's website, www.creswicktrails.com. This launch closely followed the announcement that the project had been successful in receiving significant grant monies through Regional Development Victoria's (RDV) Regional Tourism Infrastructure Fund (RTIF). In addition to providing a high-quality outdoor recreation outcome for Creswick, the Shire and the region, one of the project's principle goals is to create a tourism destination that will lead to an increase in overnight stays in Creswick.

The original project scope proposed 100 kilometres of purpose-built mountain bike trails located within the Creswick Regional Park, Creswick State Forest, Creswick Central Highlands Water catchment and HVP Plantation lands. The network included up to 30% adaptive, or hand cycle suitable, trails and was geared to beginner and intermediate skill levels appealing to families and adaptive riders.

Since the project's launch, Council has been working closely with land managers Parks Victoria, DELWP, Central Highlands Water and HVP Plantations as well as the Traditional Owners, Dja Dja Wurrung to collaboratively design the Creswick Trail Network to offer an exciting and diverse ride experience while minimising impact to the landscape.

Through a process of community engagement as well as an in-depth site investigation and analysis, the design for the Creswick Trails Network has evolved to

achieve its goals while responding to the feedback from the community and stakeholders. There are some changes from the original scope, but the resulting network and the analysis that informs it have progressed to a stage of clarity and design where formal permissions – including a planning permit - can be sought.

The expected benefits of the project are creation of business opportunities, increased tourism and the increase in opportunities for physical activity for Shire residents and the region.

KEY ISSUES

Project Origins

The Creswick Trails Network began as a grass roots proposal from a community group. The initiative progressed to a conceptual master plan and feasibility study Trail Master Plan - Creswick (2016). This high-level study showed that a trail network of considerable scale was possible close to Creswick and supported a funding application to Regional Development Victoria's (RDV) Regional Tourism Infrastructure Fund (RTIF) in 2017. The application was successful and in January 2018, the funding agreement was signed awarding \$2.56M to the project. Council contributed \$1.52M to the project for a total budget of \$4.08M.

The project's strategic goals are to:

- create a high-quality network of mountain bike trails for Creswick, the Shire and the region
- showcase the unique offerings of Creswick and the Goldfields Region
- create a drawcard for tourism to Creswick and the region that will increase the number of overnight stays in the area.

Detailed Design Alignments – From Concept to Detail

The Detailed Design Alignments represent the current, constructable path proposed for the Creswick Trails. The Detailed Design Alignments (DDA) supersede other draft alignments for the Creswick Trails. They have been developed through a collaborative engagement and co-design process with land managers, State Government, Traditional Owners, service providers, emergency services, community members, community groups and stakeholders. They incorporate engagement feedback received as part of a ten-week community and stakeholder engagement process on the Concept Trail Alignments (CTA) and a draft of the proposed trail alignments, in January 2020.

The Detail Design Alignments have also been scrutinised against a suite of background documents and confirmed on-ground by a team of experts looking at the cultural, historical and ecological impacts that construction and use of the trail may have. Using the documents and the results of the targeted assessments, the design

for the trails alignments has been fine-tuned to avoid and minimise the impact while offering an exciting recreation asset for the Shire and the region.

The Detailed Design Alignments have been collaboratively workshopped with all land managers as well as the project's historian, cultural historian, ecologist, arborist and trail design team. They represent the culmination of nearly two years of research, investigation, assessment, testing, engagement, collaboration and design. Land managers have given in-principle support for the Detailed Design Alignments.

Engagement with the Dja Dja Wurrung Clans Aboriginal Corporation

The Dja Dja Wurrung have been involved as a major stakeholder in the project and have been engaged as part of the design progression for the trail's alignments. Dja Dja Wurrung's officers have undertaken site inspections as part of the documentation of the Cultural Heritage Management Plan (CHMP). The CHMP has been discussed with the Dja Dja Wurrung who are supportive of the draft.

Negotiation of a Land Use Activity Agreement (LUAA) is a requirement of the planning permit process and is being undertaken in parallel to the trails design process. This is active and ongoing.

Licence Agreement & Trails Maintenance

Upon a planning permit being issued, Council will negotiate licence agreements with each land manager. The licence agreements will set maintenance standards, roles and responsibilities standards and will give Council the authority to manage and maintain the Creswick Trails.

The proposed licence agreement will give Council the authority to manage and maintain the trail corridor up to 10 meters either side of the agreed trail alignment. Discussions to date have indicated willingness from all parties for a long-term licence agreement.

Community Engagement – Concept Trail Alignments December 2019 – January 2020

A ten-week period of community engagement on the Concept Trail Alignments, a draft of where the Creswick Trails are proposed to go, began in late 2019. The purpose of this engagement was to provide the community with an update on project progress and, more importantly, provide the community the opportunity to offer feedback on the trails network and insight into any specific locations of significant cultural, historic or ecological heritage.

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

- 110 people attended the three listening posts
- 107 people completed the online survey

- 60 emailed queries were received
- 55 project posts were shared on Facebook
- 1,564 individual visits to the Creswick Trails website.

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

Across all of the engagement activities, the response was overwhelmingly positive, with a high degree of excitement for the project. When asked in the online survey if there was anything extra participants would like to share, nearly half said that they would like the project to move ahead as soon as possible. A small number of respondents raised concern about environmental, experiential or cultural considerations. Common requests were for clear trail and amenity signage; for trails to accommodate different users and abilities; and for acknowledgement of and information about the Dja Dja Wurrung. A full report on the community engagement is live on the Creswick Trails website www.creswicktrails.com/progress.

Background Reports and Draft Detailed Design Alignments

Results of the community engagement on the Concept Trails Alignments and the findings of preliminary desktop and on ground assessments have been used to undertake detailed, on ground assessments along the nominated trail corridor. The results of this body of work have been compiled into a suite of reports. These reports have been used to inform progression of the detailed design alignments.

Each report has been reviewed through a series of collaborative workshops including membership of the Project Working Group, Project Control Group and officers from each agency. In each workshop, the content of a single report is discussed, changes agreed, actions identified and changes to the trail alignments discussed. These documents are also a mandatory part of the planning permit application.

Planning Permit Application

A planning permit is required to construct the Creswick Trails. The application will consist of:

- A covering report prepared by Hansen Partnership, an independent planning firm
- Creswick Trail Detail Design Alignments and Trails Development Plan detailing the design and construction methodology for the trails

- Creswick Mountain Bike Trails, Victoria: Historic Survey Report
- Arborist Report: Assessment of Trees and proposed Construction Methodology for Creswick Trails Project
- Biodiversity constraints assessment – Creswick Mountain Bike Trails (Flora and Fauna Report)
- Bushfire Management Statement for the proposed Creswick Trails
- Creswick Mountain Bike Trail Cultural Heritage Management Plan
- Creswick Trails Construction Environmental Management Plan
- Creswick Trails – Emergency Management Plan
- Evidence of negotiation of a Land Use Activity Agreement with the Dja Dja Wurrung Aboriginal Clans Corporation
- Evidence of engagement with Heritage Victoria
- Evidence of community engagement.

All of these documents will be publicly available as part of the next phase of community engagement on the Detailed Design Alignments.

Community Engagement – Detailed Design Alignments

In addition to the statutory engagement required as part of the planning process, the Creswick Trails project will progress the Detailed Design Alignments and suite background reports to a fulsome engagement process.

The focus of the engagement in this phase of the project will be the:

- release of the Detailed Design Alignments for the Creswick Trails (Stage One)
- release the suite of background documentation for the Creswick Trails
- release of a series of FAQs to provide clear and transparent information for the community. (FAQs have been prepared in response to common questions asked and information specific to this phase of the project.)
- discussion of the path, ride experience and community benefit of the trail network
- acknowledgement of the feedback from the previous stage of engagement and provide a response to show how it was used to progress the design of the network
- discussion of how the concerns raised about the trail have led to changes in the delivery methodology and design of the network
- advertisement of the planning permit process
- promotion of the Hammon Park Trailhead – Community and Youth Hub master plan
- gathering information about how the community would like to see the pavilion at Hammon Park improved
- Promotion of the different ways to have a say on this phase of the project.

Targeted Assessments – North of Melbourne Road

In response to feedback from earlier stages of community engagement and as part of the planning and approvals process, a targeted on-ground assessment was undertaken for all trails associated with the proposed Stage One. The targeted assessments were undertaken by a team consisting of a trail designer, arborist and ecologist. This team critically analysed, GPS tagged and catalogued the flora and fauna as well as any cultural or historical artifacts. This information has been used to reroute the trail to avoid and minimise impact to the lands associated with the project area. During this assessment, nearly 20,000 trees were catalogued.

The targeted assessments were undertaken in early and mid-spring to take into account many of the native plants bloom time.

Change of Land Management Team - Central Highlands Water

Due to the ecological significance of the land on the Central Highlands Water tenure as a vegetation offset area, all trails were removed from the area around Cosgraves Reservoir.

Central Highlands Water is no longer a land manager for the project as the trails on their land have been removed from the network. This change has been accepted by the PCG.

Accessibility and the Creswick Trails Network

Hammon Park and the Creswick Trails Network have been designed to offer as accessible an experience as possible showcasing an integrated network of adaptive suitable trails and accessible infrastructure. Adaptive mountain bike trails are designed and built with riders who choose to use hand cycles. The Creswick Trails Network includes 30% adaptive suitable trails in a usable network beginning and terminating at Hammon Park.

The Hammon Park Trailhead Master Plan proposes accessible toilets, a changing place toilet (highest level of accessibility possible), accessible path network, all abilities play network and accessible parking. An integrated network of this size purposefully designed with equitable use and access in mind from the start, is unique in Victoria.

Target Audience – Beginner and Intermediate Ride Experience

A majority of the trails in the Creswick Trails Network are designed as Green (beginner) or Blue (Intermediate) level to cater to the broadest range of users including school groups, new riders and families. The Trails Network features a skills park close to the town of Creswick where new riders can build their confidence before heading out to the more challenging parts of the network.

Safety and the Creswick Trails Network

Emergency Services including police, ambulance and 000 Dispatch have been involved in the early stages of the design of the Creswick Trails Network to ensure that access and safety have been considered as part of the final outcome.

The trail network has been designed to include wayfinding, directional, location and behavioural signage as well as maps at decision points. Mobile reception is good throughout the project area allowing for reliable use of phones and GPS devices. All road or trail crossings will be clearly signposted allowing for informed, safe use of the network.

An Emergency Management Plan (EMP) will clearly lay out the process, roles and responsibility for managing all manner of possible scenarios as part of the ongoing trails management. The EMP is currently in development in collaboration with DELWP and Parks Victoria. The EMP will be approved and tested before the trails are open.

The Creswick Trails will be closed on days of Total Fire Ban or Extreme Bushfire Risk in line with the management of the Regional Park and State forest by DELWP and Parks Victoria.

Delivery Options – Staged Delivery

As the planning and design of the Creswick Trails Network has progressed, two distinct sections of trail have emerged – one section of 60 kilometres in length to the north of Melbourne Road, primarily in State Forest and pine plantation, and the other a length of 40 kilometres of trail to the south of Melbourne Road mainly in Regional Park. While mountain bike trails are an appropriate use of all three land types, there is a higher degree of land manager scrutiny and public concern around trails located in the Regional Park than on any other land tenure. Because of this, the detailed design process for trails north of the highway have progressed more quickly and to a greater degree of resolution than those to the south. Further, the emerging costs for vegetation offset and other permits for a bulk of 100 kilometres of trails are more than originally estimated putting a strain on the project's budget.

To mitigate these risks, a strategy of delivering the project in two stages is proposed. The first stage will consist of the trail to the north of Melbourne Road and the second stage the trails to the south of Melbourne Road. With that in mind, it is important to understand that 60 kilometres of trails in Creswick is enough to achieve the project's goal of creating a regionally significant attraction for multi-day and overnight stays.

The second stage would progress when external funding became available.

Stage One trails as a tourism draw

Based on advice from Common Ground, an industry leading trail design and building firm, there are several factors that influence a mountain bike trail network's potential to draw tourism– the amount of trail, ride experience, location of trail and co-location of other attractions.

Stage one of the Creswick Trails proposes a trail length of 60 kilometres. According to Common Ground, a benchmark of 20km per day of riding is often used to measure what the typical rider will achieve on a daily basis. This benchmark accounts for repeat use of favoured trails both when visiting a network for the first time, or as a repeat visitor. Given that it is reasonable to conclude a 60km trail network provides for up to three days of riding.

The ride experience offered by the Creswick Trails is diverse with cross country, gravity trails, wood coop, beginner loops as well as scenery and vistas that take in a forest with mining heritage and a peaceful, pleasing aesthetic. The trail network is designed as a series of loops that feed into a central spine. These 'stacked loops' provide the opportunity for riders to session or repeat ride sections of trail. The diversity of ride experience provides variety. To add to this, the Creswick Trails Network will offer an integrated network of adaptive suitable mountain bike trails to reach out to those travellers requiring an increased level of accessibility.

The third factor to consider when understanding the potential of a mountain bike trail network to attract overnight visitation is the location of a trail network. In Common Ground's advice they state that a regionally significant network should have facilities within 20 kilometres and have an obvious trail or town centre and nationally significant locations having a primary trails hub and facilities within a 30-minute drive. The Creswick Trails Network will begin at the Hammon Park Trailhead: Community and Youth and Hub. When complete, the trailhead will contain public toilets, community space, nature playground, jumps course, cyclocross track, learn to ride course as well as a pavilion able to house local events and clubs. In addition to this, the town centre of Creswick is a few minutes drive from the trailhead where visitors can find meals, shopping and accommodation. Ballarat, a major regional city, is within a 30-minute drive meeting the requirements for a regional and national destination.

The town of Creswick and the wider region offer a further diversity of activities that cater to families, couples, groups and singles. Co-located in Creswick are a Skate and Splash Park; nearby hiking trails in the Regional Park and State Forest; access to St Georges Lake for swimming and fishing as well as proximity to regional food and wine. Creswick is located 20 minutes from Ballarat, 30 minutes from Daylesford, 1.5 hours from Bendigo and 1.5 hours from Melbourne making it the ideal base for a regional holiday. Creswick is also a stop for a V Line Train with direct access to

Melbourne and Ballarat and home to a satellite campus for Melbourne University making the town uniquely located to be a convenient draw for regional tourism.

All of that taken together, delivering Stage One of the Creswick Trails will provide 60 kilometres of trails set in an idyllic rural town and surrounded by a diversity of complimentary experiences. It is a reasonable understanding that delivering Stage One of the Creswick Trails will attract visitors who come to experience the trails and stay to enjoy all that the region has to offer in an overnight, weekend and extended stay capacity.

Permits, Offsets and Negotiations

In parallel to the design process, formal and high-level permissions and offsets are being progressed. Each of these processes is a requirement of the planning permit process. They include:

- negotiation of a Land Use Activity Agreement (LUAA) with the Dja Dja Wurrung
- Calculation of Native Vegetation Removal (NVR) offsets for groundcover and trees
- Permits from Heritage Victoria.

Any costs for these offsets, negotiations and permits will be included in the project's budget. These processes are active and ongoing.

Progress Timelines

The Creswick Trails Project is working through a timeline with several external dependencies in order to meet the next three major milestones:

- Submission of a planning permit
- Community engagement on the Detailed Design Alignments and background reports
- Receipt of a planning permit
- Release of a construction tender.

The project is currently on track to meet these milestones.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

Vibrant Economy

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

GOVERNANCE ISSUES

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

The Governance of this design phase of the project is comprehensively structured, with a Project Control Group and Project Working Group. This is described in more detail in the *Key Issues* section of this report.

The governance of the trails and associated assets once constructed is also covered earlier in this report. Council will have management and maintenance responsibility, most likely via a long-term licence.

SUSTAINABILITY IMPLICATIONS

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

- Establish sustainable low impact use of natural areas which in turn will have passive removal of less desirable users such as motor bike riders.
- Provide opportunities for interpretation of the natural, cultural and mining history of the area.
- Provide a social and inclusive recreation facility that encourages involvement for all ages and demographics.
- Have direct and indirect economic benefits through tourist visitation and tourist related developments.
- Provide an inclusive facility for mountain bikers, adaptive cyclists, families, trail runners and bushwalkers in Creswick.

FINANCIAL IMPLICATIONS

The current project budget for the Creswick Trails includes \$1.52M from Council and \$2.56M from RDV for a total of \$4.08M.

Full project costs will not be known until the assessment of the construction tender that will take place following the receipt of a planning permit. The budget is being carefully monitored and managed.

In September 2020, Council adopted the master plan for the Hammon Park Trailhead – Community and Youth Hub, the trailhead for the Creswick Trails. Once constructed, Hammon Park will be an attraction in its own right but will also function as the

gathering place for use of the Creswick Trails offering activities, facilities and a community use hub that will complement the trails.

Opportunities for external funding for the Hammon Park Trailhead – Community and Youth Hub, the trailhead for the Creswick Trails, will be proactively pursued as grant opportunities are announced.

RISK IMPLICATIONS

A detailed risk assessment of the Creswick Trails Project is currently a working document, key identified risks associated with this project include:

- COVID-19 - The unknown impact of COVID-19 on the project's planning and implementation.
- Timelines - Timelines for the project are subject to several external dependencies. This risk is being managed through clear and consistent communication, collaborative conversations with land managers, and robust community engagement.
- Budget – Budget is always a risk in a large and complex project such as this one. The budget for the Creswick Trails Project is being carefully monitored.
- Contractor Availability - The number of similar projects being delivered throughout Victoria, and Australia, has the potential to limit the availability of suitable contractors to undertake the scope of construction works. This may impact duration of project delivery and cost per metre for construction.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A comprehensive community engagement on the concept stage of the project showed high levels of support for the project, and satisfaction with the consultation process. A full record and report of the community engagement can be found on the Project's website, www.creswicktrails.com.

The next phase of community engagement will take place in parallel to the submission of a planning permit. The focus of the engagement will be on the Detailed Design Alignments and the suite of background reports that inform the design of the trails. This engagement will satisfy the requirements of the planning permit process. The consultation planned is explained in detail in the Key Issues section of this report.

12.3 MINUTES OF COMMUNITY ASSET COMMITTEES

DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - Minutes of General Meeting - The Lee Medlyn Home of Bottles - 28-09-2020 [**12.3.1** - 2 pages]
2. CONFIDENTIAL - Minutes of General Meeting - The Lee Medlyn Home of Bottles - 19-10-2020 [**12.3.2** - 2 pages]
3. CONFIDENTIAL - Minutes of Special Meeting - The Lee Medlyn Home of Bottles - 2-11-2020 [**12.3.3** - 2 pages]
4. CONFIDENTIAL - Minutes of Annual General Meeting - The Lee Medlyn Home of Bottles - 16-11-2020 [**12.3.4** - 6 pages]
5. CONFIDENTIAL - Minutes of General Meeting - The Lee Medlyn Home of Bottles - 16-11-2020 [**12.3.5** - 2 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the minutes and recommendations from Council's Community Asset Committees.

OFFICER'S RECOMMENDATION

That Council receives and notes the minutes of the Community Asset Committees which have been distributed to Councillors:

- *Lee Medlyn Home of Bottles – General Meeting - 28 September 2020*
- *Lee Medlyn Home of Bottles – General Meeting - 19 October 2020*
- *Lee Medlyn Home of Bottles - Special Meeting – 2 November 2020*
- *Lee Medlyn Home of Bottles - General Meeting – 16 November 2020*
- *Lee Medlyn Home of Bottles – Annual General Meeting – 16 November 2020*

MOTION

That Council receives and notes the minutes of the Community Asset Committees which have been distributed to Councillors:

- *Lee Medlyn Home of Bottles – General Meeting - 28 September 2020*
- *Lee Medlyn Home of Bottles – General Meeting - 19 October 2020*
- *Lee Medlyn Home of Bottles - Special Meeting – 2 November 2020*
- *Lee Medlyn Home of Bottles - General Meeting – 16 November 2020*

- *Lee Medlyn Home of Bottles – Annual General Meeting – 16 November 2020*

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

Community Asset Committees are established by Council under section 65 of the *Local Government Act 2020* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments of Delegation, committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council.

Council has the following Community Asset Committees:

- Dean Recreation Reserve and Tennis Courts Community Asset Committee
- Drummond Hall Community Asset Committee
- Creswick Museum Community Asset Committee
- Glenlyon Recreation Reserve Community Asset Committee
- Lee Medlyn Home of Bottles Community Asset Committee
- Lyonville Hall Community Asset Committee

KEY ISSUES

Listed below are the minutes Community Asset Committees for information:

- Lee Medlyn Home of Bottles – General Meeting - 28 September 2020
- Lee Medlyn Home of Bottles – General Meeting - 19 October 2020
- Lee Medlyn Home of Bottles - Special Meeting – 2 November 2020
- Lee Medlyn Home of Bottles - General Meeting – 16 November 2020
- Lee Medlyn Home of Bottles – Annual General Meeting – 16 November 2020

These minutes have been provided confidentially to Council.

POLICY AND STATUTORY IMPLICATIONS

Community Asset Committees are established by Council under section 65 of the *Local Government Act 2020* and operate in line with their issued instrument of delegation as executed by the Chief Executive Officer.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report. The governance requirement under each instrument of delegation is for the community asset committees to submit to the Manager Governance and Risk a copy of the minutes of all meetings. Providing these to Council formally is a good governance process.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees and should be reflective of community aspirations, needs and diversity in the management and oversight of the respective asset.

13 ACTIVE AND ENGAGED COMMUNITIES

13.1 RECONCILIATION ACTION PLAN ADVISORY COMMITTEE

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Arts, Culture and Reconciliation Officer, I Donna Spiller have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Hepburn Shire adopted the Reflect Reconciliation Action Plan (RAP) in 2018 to support Council's plan for Active and Engaged Communities. The RAP includes practical actions that drive Council's contribution to reconciliation both internally, in our community and across the Traditional Owner area of the Dja Dja Wurrung.

In order to achieve these actions Council appointed a RAP Advisory Committee (RAP AC) in May 2019 to provide advice on the implementation and progress of the RAP Actions and Deliverables. The Terms of Reference for the RAP AC stipulate an 18-month term for members. The current term expires December 2020. It is the recommendation of the Officer that the term of the current Committee members be extended for an additional six months to allow for a full nomination process to be in place by 1 July where the Committee will drive development on the new RAP 2021/2022.

OFFICER'S RECOMMENDATION

That Council extends the term of appointment for the current Reconciliation Action Plan Advisory Committee members for an additional six months to 30 June 2021.

MOTION

That Council extends the term of appointment for the current Reconciliation Action Plan Advisory Committee members for an additional six months to 30 June 2021.

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

There are four RAP types (Reflect, Innovate, Stretch and Elevate). Council is in the first phase of the RAP process, Reflect RAP. The RAP policy sets out the minimum actions required from Council to build strong relationships, respect and

opportunities within our organisation and the community, to support the national reconciliation movement.

Following a community advertised Expression of Interest, Hepburn Shire Council appointed the Reconciliation Action Plan Advisory Committee according to Officer recommendation, at the Ordinary Meeting on May 2019. The RAP AC members commenced their appointment to the Committee in June 2019 according to the Terms of Reference.

The RAP AC is comprised of non-Indigenous and Aboriginal and Torres Strait Islanders members. Its functions are:

- To represent Aboriginal and Torres Strait Islander community and provide input on the interests, needs and experiences identified by the Aboriginal and Torres Strait Islander community.
- To provide feedback on the methodology and research processes involved in developing each RAP stage (Reflect, Innovate, Stretch and Elevate).
- To support and assist with research and community engagement activities.
- To represent their respective organisations, sectors or groups.
- To communicate feedback on the RAP development between organisations, the community and Council.
- To promote a shared knowledge and understanding of the Shire's commitment to reconciliation.
- To discuss issues and concerns and recommend ways forward.
- To provide advice and comment on the RAP framework and priorities identified by Council for the Plan.

The RAP AC tenure has been disrupted due to COVID-19 and Council elections, and the current Reflect RAP is incomplete. The current Committee members are best placed to review its status and advise on incomplete actions, prior to a full nomination process for appointment of members to the Committee to drive the development of the next stage of the RAP in 2021/2022.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

3. Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Art and Culture, Events and Community Grants. Monitor emerging social issues impacting the community and demonstrate leadership in advocating to government and other agencies to support the community.

Hepburn Shire Council adopted Reflect Reconciliation Action Plan July 2018-July 2019

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Extending the term of the current committee delays the opportunity for new community membership. This risk will be mitigated by a commitment to advertise Expressions of Interest within the extension period for appointment July 2021.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal collaboration with governance pertaining to extension of term for advisory committees occurred, as well as a notification on officers' intent to recommend extension of the term with the RAP AC at December Committee meeting who were supportive.

13.2 COMMUNITY GRANTS PROGRAM 2020/2021 - ROUND 2

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Community Development Officer, I Inga Hamilton have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The Community Grants Program 2020/2021 aligns with the Council Plan to support the strength and resilience of the community. Eligible community groups can access funds in four rounds annually across five categories that support a range of community needs. Round Two also includes Category E Charitable Purposes applications that are available once per year with \$2,000 allocated per ward.

Seventeen applications were received for Round Two, 2020/2021. Fifteen applications are recommended for full funding, one application is recommended for conditional full funding, and one application was withdrawn. Category E Charitable Purposes received an application from all wards, except Holcombe.

OFFICER'S RECOMMENDATION

That Council:

1. *Awards Round Two Community Grant Program funding totalling \$30,369.99 supporting community projects worth in total \$60,395.99 to applicants in the following categories:*

'Category A' Grants

Project Name	Organisation	Amount
Curbside Carnies	The Brink of Reality Inc	\$2,500
Bowls for All	Daylesford Bowling Club	\$2,250
Preserving and Future-Proofing the Trentham Trumpet	The Trentham Trumpet	\$2,500
Trentham Easter Art Show: Repurposing website for online show	Trentham Easter Art & Craft Show	\$2,500

'Category B' Grants

Project Name	Organisation	Amount
A Men's Shed safe to open	Cool Country Men's Shed Incorporated	\$1,745
Fixing the weakest link	Hepburn Wholefoods	\$2,174
Tools for community projects and fundraising initiatives	Creswick Men's Friendship Shed	\$2,489
Kingston Showgrounds Security and Safety	Kingston Agricultural Society	\$914
Outdoor Activity Equipment to Pivot	Clunes Neighbourhood House auspice for Clunes Football Netball Club	\$2,500

'Category D' Grants

Project Name	Organisation	Amount
'Creating Everyday Lifesavers' Online Water Safety and Lifesaving Series	Life Saving Victoria	\$2,297
Artist in residence	Bullarto Primary School	\$2,500

'Category E' Grants

Project Name	Organisation	Amount
Trentham Lions Wood for the Needy	Trentham Lions Club	\$2,000
Food safe summer transportation	Good Grub Club Daylesford	\$2,000 Conditional full funding pending transportation solution being confirmed.
Open House Meals – Extended	Clunes Neighbourhood House	\$2000

2. Awards Round Two Community Grant Program funding totalling \$2,500 supporting community projects worth in total \$3,300 to applicants in the following categories:

'Category B' Grants

Project Name	Organisation	Amount
Heating/Cooling Upgrade	Trentham Community Group	\$2,500

3. Awards Round Two Community Grant Program funding totalling \$2,000 supporting community projects worth in total \$2.289 to applicants in the following categories:

'Category E' Grants

Project Name	Organisation	Amount
Free Tucker Thursday	Creswick Neighbourhood Centre	\$2,000

MOTION

That Council:

1. Awards Round Two Community Grant Program funding totalling \$30,369.99 supporting community projects worth in total \$60,395.99 to applicants in the following categories:

'Category A' Grants

Project Name	Organisation	Amount
Curbside Carnies	The Brink of Reality Inc	\$2,500
Bowls for All	Daylesford Bowling Club	\$2,250
Preserving and Future-Proofing the Trentham Trumpet	The Trentham Trumpet	\$2,500
Trentham Easter Art Show: Repurposing	Trentham Easter Art & Craft Show	\$2,500

website for online show		
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'Category B' Grants

Project Name	Organisation	Amount
A Men's Shed safe to open	Cool Country Men's Shed Incorporated	\$1,745
Fixing the weakest link	Hepburn Wholefoods	\$2,174
Tools for community projects and fundraising initiatives	Creswick Men's Friendship Shed	\$2,489
Kingston Showgrounds Security and Safety	Kingston Agricultural Society	\$914
Outdoor Activity Equipment to Pivot	Clunes Neighbourhood House auspice for Clunes Football Netball Club	\$2,500

'Category D' Grants

Project Name	Organisation	Amount
'Creating Everyday Lifesavers' Online Water Safety and Lifesaving Series	Life Saving Victoria	\$2,297
Artist in residence	Bullarto Primary School	\$2,500

'Category E' Grants

Project Name	Organisation	Amount
Trentham Lions Wood for the Needy	Trentham Lions Club	\$2,000
Food safe summer transportation	Good Grub Club Daylesford	\$2,000 Conditional full funding pending transportation solution being confirmed.
Open House Meals – Extended	Clunes Neighbourhood House	\$2000

Moved: Cr Brian Hood

Seconded: Cr Juliet Simpson

Carried

Cr Brian Hood left the meeting at 8:08pm due to a conflict of interest.

MOTION

That Council:

- 2. Awards Round Two Community Grant Program funding totalling \$2,500 supporting community projects worth in total \$3,300 to applicants in the following categories:*

'Category B' Grants

Project Name	Organisation	Amount
Heating/Cooling Upgrade	Trentham Community Group	\$2,500

Moved: Cr Juliet Simpson

Seconded: Cr Brian Hood

Carried

Cr Brian Hood returned to the meeting at 8:10pm.

Cr Tim Drylie left the meeting at 8:10pm due to a conflict of interest.

MOTION

That Council:

- 3. Awards Round Two Community Grant Program funding totalling \$2,000 supporting community projects worth in total \$2.289 to applicants in the following categories:*

'Category E' Grants

Project Name	Organisation	Amount
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Free Tucker Thursday	Creswick Neighbourhood Centre	\$2,000
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Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

Cr Tim Drylie returned to the meeting at 8:12pm.

BACKGROUND

The Hepburn Shire Council Community Grants Program 2020/2021 receives applications and awards funding on a quarterly basis. Round One and Two were scheduled to accommodate the Council Caretaker period, to ensure community groups had continuity to access funds. Key Program dates are as follows:

Round 1	
Round Opens:	19 June 2020
Community Grants Webinar:	7 July 2020
Round Closes:	13 July 2020
Council Meeting:	18 August 2020
Round 2	
Round Opens:	25 October 2020
Community Grants Webinar:	29 October 2020
Round Closes:	10 November 2020
Council Meeting:	15 December 2020
Round 3	
Round Opens:	1 February 2021
Community Grants Webinar:	10 February 2021
Round Closes:	1 March 2021
Council Meeting:	April 2021
Round 4	

Round Opens:	5 April 2021
Community Grants Webinar:	12 April 2021
Round Closes:	3 May 2021
Council Meeting:	June 2021

The Community Grants program has five categories that support a range of community needs. These include:

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

The overall Program budget is \$65,000. Categories A-C are funded through the Community Grants Program Fund of \$45,000, including \$3,000 for New Resident Sessions. Category D is funded through the Children’s Program Fund of \$10,000. Category E is funded through the Charitable Purposes Fund of \$10,000, of which a maximum of \$2,000 can be awarded per Council ward.

KEY ISSUES

Officers implemented the second Community Grants Webinar for this round. The webinar’s purpose is to engage with our community in online platforms for Community Grants Program support.

Consideration for the delivery of projects in the evolving Coronavirus (COVID-19) pandemic was given by the Assessment Panel.

Applications opened on 25 October 2020 and closed on 10 November 2020. During this time Council Officers promoted the opportunity to community groups across the Shire and advertised in both printed and digital platforms.

An assessment of the applications was conducted by an evaluation panel consisting of three Community Assessment Panel members, Council’s Community Partnerships Coordinator, Community Development Officer, Arts Culture and Reconciliation Officer, Grants Officer and Sports and Active Recreation Officer.

Funding Distribution Model

Seventeen applications were received in Round Two of the 2020/2021 Community Grants Program. Fifteen applications are recommended for full funding with one application conditionally recommended upon receipt of additional information. One application was withdrawn.

Table 1

Category	Project Name	Community Group	Description	Grant Amount Requested	Total Project Amount	Recommendation
A	Curbside Carnies	The Brink of Reality Inc	Contactless circus shows	\$2,500	\$2,835	Recommended for full funding
A	Bowls for All	Daylesford Bowling Club	Learn to Bowl for people with disabilities	\$2,250	\$3,330	Recommended for full funding
A	Preserving and Future-Proofing the Trentham Trumpet (monthly Trentham Community Newspaper)	The Trentham Trumpet	Improve website and online access to future proof the publication	\$2,500	\$4,700	Recommended for full funding
A	Trentham Easter Art Show: Repurposing Website for Online Show	Trentham Easter Art & Craft Show	Develop website for online exhibition, sale and competition	\$2,500	\$11,624	Recommended for full funding
B	Heating/Cooling upgrade	Trentham Community Group	Air conditioner for community space	\$2,500	\$3,300	Recommended for full funding
B	A Men's Shed safe to open	Cool Country Men's Shed Incorporated	Necessary infrastructure to enable shed to open safely	\$1,745	\$2111.70	Recommended for full funding
B	Fixing the weakest link	Hepburn Wholefoods	Digital hardware to support online and in-person operations	\$2,174	\$4,248	Recommended for full funding
B	Tools for community projects and fundraising initiatives	Creswick Men's Friendship Shed	Equipment – table saw, laser engraver, router table	\$2,489	\$2,489	Recommended for full funding

B	Kingston Showgrounds Security and Safety	Kingston Agricultural Society	Padlock & Key replacement	\$914	\$914	Recommended for full funding
B	Outdoor Activity – Equipment to Pivot	Clunes Neighbourhood House auspice for Clunes Football Netball Club	Marquees – to be accessed by all sporting groups which use the Clunes Rec Reserve	\$2,500	\$3,563	Recommended for full funding
D	'Creating Everyday Lifesavers' Online Water Safety and Lifesaving Series	Life Saving Victoria	Aquatic safety, first aid and CPR skills for young people across the Shire	\$2,297	\$6,056	Recommended for full funding
D	Artist in residence	Bullarto Primary School	Expose and engage children in four different types of arts during 2021 school year	\$2,500	\$8,880	Recommended for full funding
E	Free Tucker Thursday	Creswick Neighbourhood Centre	Free weekly community lunch, access to register for food assistance, social engagement	\$2,000	\$2,289	Recommended for full funding
E	Trentham Lions Wood for the Needy	Trentham Lions Club	Provision of firewood for the needy	\$2,000	\$5,345	Recommended for full funding
E	Food safe summer transportation	Good Grub Club Daylesford	Chilled transportation solutions	\$2,000	\$2,000	Conditional full funding – Transportation solutions yet to be determined.
E	Open House Meals - Extended	Clunes Neighbourhood House	Safe meal delivery with portable fridge	\$2,000	\$2,299	Recommended for full funding
Total amount eligible requested: Category A-C				\$22,072.99		
Total amount requested: Category D				\$4,797		

Total amount requested: Category E \$8,000

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

3. Support the strength and resilience of the community through delivering actions in areas such as Youth, Libraries, Early Years, Community Planning, Art and Culture, Events and Community Grants. Monitor emerging social issues impacting the community and demonstrate leadership in advocating to government and other agencies to support the community.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Category	Total Eligible Funds Requested	Annual Budget	Available Funds
A. Active and Engaged Communities	\$9,750	\$45,000	\$36,766
B. Quality Community Infrastructure	\$12,322.99		
C. Sustainable Environments	Nil		
D. Children's Program	\$4,797	\$10,000	\$10,000
E. Charitable Purposes	\$8,000	\$10,000	\$10,000

Total funding to be approved A - C	\$22,072.99	Remaining funds to be allocated in the 2020/2021 year	\$14,693.01
Total funding to be approved D	\$4,797	Remaining funds to be allocated in the 2020/2021 year	\$5,203
Total funding to be approved E	\$8,000	Remaining funds	\$2,000

Funds Remaining for Rounds 3 & 4 total: \$21,896.01

RISK IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

14 HIGH PERFORMING ORGANISATION

14.1 CUSTOMER REQUESTS UPDATE - NOVEMBER 2020

DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on customer requests received and responded to through the Closing the Loop system, for the period ended 30 November 2020.

Council manages and responds to customer requests using the Closing the Loop system, including a focus on actively closing the loop with contacting customers. The above summary information has been provided for Council's information.

OFFICER'S RECOMMENDATION

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

MOTION

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

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

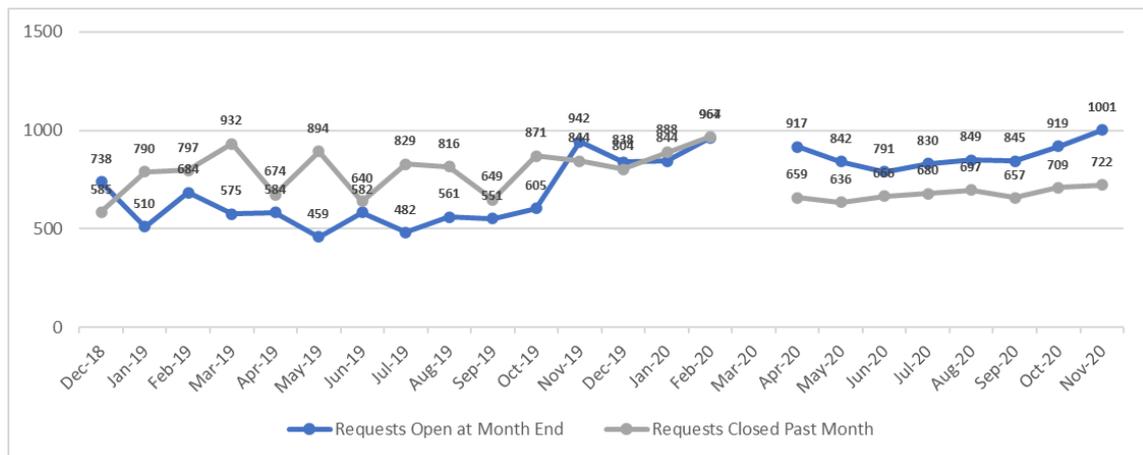
Council uses a Customer Request System Closing the Loop to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

In using the system, the organisation is focussed on the importance of contact with customers to close the loop on all requests and recording details of actions taken.

KEY ISSUES

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

Total Requests Open and Closed Each Month

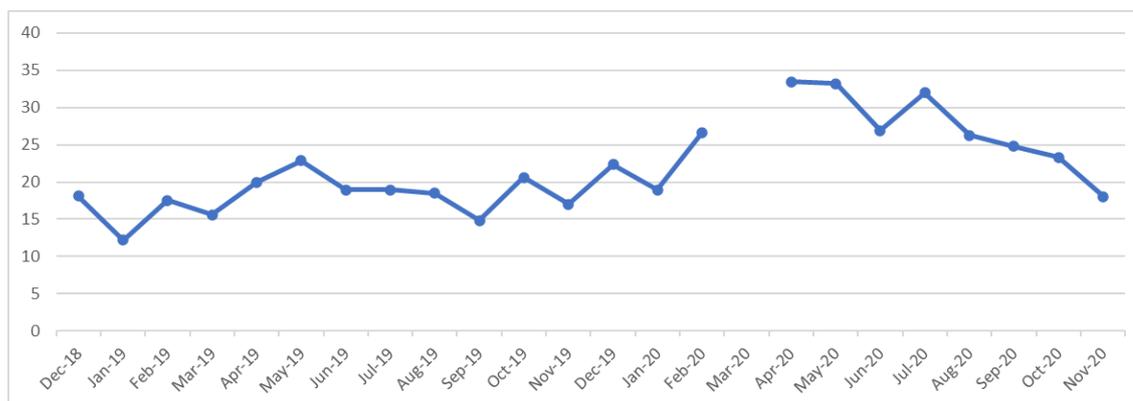


- COVID-19 data was not collected for the month of March 2020.
- Over the last 24 months the average requests open at the end of the month has been 735. Council had 1,001 customer requests outstanding at month-end.
- Over the last 24 months the average requests closed during the month has been 757. Council closed had 722 customer requests during the month.

Each request is allocated a category as the type of request, with the following detailing the top categories of open requests for the last six months:

Category	June	July	August	September	October	November
Call back	360	373	364	359	369	403
Roads and Footpaths	80	59	76	59	76	89
Parks and Open Space	49	55	68	62	79	91
Information Technology (Internal)	81	72	69	58	72	70
Development - Planning, Building and Septics	56	53	77	79	81	80
Other	165	219	195	228	242	268
Total	791	831	849	845	919	1001

Average Days to Close Requests



Over the last 12 months the average days to closed has ranged between 18.07 and 33.47 – with an average of 25.99. November result was 18.07, the lowest of the last 12 months.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

Action: 12.06 Set improvement targets for timeframes for responding to customer inquiries and requests.

Key Strategic Indicator: Average Days to Close External Customer Requests

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Responding to customer requests is managed within the annual budget.

RISK IMPLICATIONS

Customer requests relate to a range of different matters and risks. Effective processes for managing and responding to requests is an important part of Council's control framework.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Customer requests are an important mechanism to engage on a range of matters. This report enables Council to inform the community on the volumes of received and processed requests.

14.2 REVIEW OF POLICY 46 (C) - PROCUREMENT POLICY DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Procurement Specialist, I Fernando Carrillo have no interests to disclose in this report.

ATTACHMENTS

1. Draft Policy 46 (C) Procurement Policy [14.2.1 - 24 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present the draft Procurement Policy 2020 for consideration of adoption by Council.

Under the *Local Government Act 1989*, which is still in force for procurement activities, a council's Procurement Policy should be reviewed at least once a year. The previous review was undertaken in December 2019.

Provisions within the *Local Government Act 1989* regarding procurement activities as defined in section 186 scheduled to be repealed in July 2021, and the Council will be required to prepare and adopt a new procurement policy in accordance with the *Local Government Act 2020*. Because of this, the present review includes mainly minor changes. The most relevant changes include: the definition of Best Value Principles; statements about procurement approach to Ethics and Probity, Disability and Discrimination, and detailed definition of contract variations.

OFFICER'S RECOMMENDATION

That Council:

1. *Adopts the Procurement Policy 2020*
2. *Approves for the Policy to be made available for public inspection on both Council's website and at Council's offices.*

Cr Don Henderson raised a point of order that the motion be put without further debate.

The Chair ruled that the motion be put without further debate.

MOTION

That Council:

1. *Adopts the Procurement Policy 2020 with a increase to the Standard Evaluation Criteria that is applied to all purchases above \$50,000 to reflect 10% weighting for sustainability and 10% weighting for local content criteria.*

2. Approves for the Policy to be made available for public inspection on both Council's website and at Council's offices.

Moved: Cr Tessa Halliday

Seconded: Cr Jen Bray

Lost

MOTION

That Council:

- 1. Adopts the Procurement Policy 2020*
- 2. Approves for the Policy to be made available for public inspection on both Council's website and at Council's offices.*

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

Council's Procurement Policy sets out Council's contracting, purchasing and contract management activities and compliance obligations under the Section 186 of the *Local Government Act, 1989* (Act). Section 186A of the Act requires Council to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review the current procurement policy and amend the procurement policy. The Policy was last reviewed by Council in December 2019.

The provisions under the 2020 Act pertaining to procurement come into operation on 1 July 2021. The Council has a transition period up to 6 months (1 July 2021 to 31 December 2021) to adopt new a procurement policy in accordance with the new framework. A new review is proposed for December 2021.

KEY ISSUES

Council's Procurement Policy has been developed based on the 2013 Local Government Best Practice Procurement Guidelines.

The Best Practice Procurement Guidelines 2013 will for the transition time remain applicable as will the publication of any parts or all of the NEW guidelines 2020. Councils deciding to continue under the Local government Act 1989 procurement provisions are advised to continue to use the Best Practice Procurement Guidelines 2013. The NEW Guidelines 2020 will entirely replace the Best Practice Procurement Guidelines 2013 as of 1 January 2022 or as otherwise advised.

The Policy should include special considerations concerning the above transition period, while a new review of the policy is made in 2021.

In addition to this policy, a suite of documents is available to staff, providing procedural guidelines which step through the necessary and optional requirements for procurement at Council. This suite of documents has been also reviewed under the above transition considerations.

Officers have undertaken a review of the current Procurement Policy and proposed some changes, that are either of an administrative nature or are recommended to streamline processes and improve transparency. Key policy changes are:

Item	Page	Clause (if applicable)	Description of Changes
1	Page 1	REFERENCES	Addition: "Local Government Act 2020" Update: "Policy 51 (O) Acceptance of Gifts, Hospitality, and Other Gratuities by Employees"

			<p>Update: “Policy 57 (O) Employee Code of Conduct”</p> <p>Update:</p> <p>“Procedure Manual and related documents – Procurement”</p> <p>“Procedure Manual and related documents – Contract Management”</p> <p>Instead of:</p> <p>“Procurement – Guidance”</p> <p>“Procurement – Templates”</p> <p>Addition: "Disability Access and Inclusion Plan 2018 – 2022”</p> <p>Addition: “Council Best Practice Procurement Guidelines 2020”</p>
2	Page 4	Clause 1, first dot point	Addition: “fair competition”
3	Page 5	Clause 2 Second paragraph Last paragraph	<p>Addition: “and to the Council’s Best Practice Procurement Guidelines 2020.”</p> <p>Addition: “fair competition”</p>
4	Page 6	Clause 4	<p>Addition: “BEST VALUE PRINCIPLES” Clause</p> <p><i>Reason: It is important to note that the Best Value Principle (208B of the Local Government Act 1989) will be repealed on 1 July 2021. Consequently, councils that choose to adopt their new procurement policy after 1 July 2021 will no longer be able to refer to this principle in their decision making, unless they have named, defined and covered it in their pre-existing procurement policy.</i></p> <p><i>Since the review of the policy is planned to December 2021. Between July 2021 and December 2021, we won’t be able to refer the Best value principles to the Act 1989, and they must be defined within the policy.</i></p>
5	Page 7	Clause 6	Addition of several definitions after consulting with Council staff, including:

			<p>Contract management</p> <p>Emergency</p> <p>Expression of interest process (EOI)</p> <p>GST</p> <p>Quotation</p> <p>Request for tender process (RFT)</p> <p>Addition: “(i.e. Ararat, Pyrenees, Ballarat, Moorabool, and Golden Plains), and neighbouring municipalities.” To the definition of Local supply.</p>
6	Page 9	Clause 7.1	<p>Addition:</p> <p>“Council staff must always act according to Council’s codes of conduct, policy 57 (O) and 47 (C), values and standards.</p> <p>The probity advisor or auditor is required only for projects above \$3 million (normally as part of a probity plan), and it is recommended for any other case when the Procurement Owner considers the project is high-risk or there are probity risks.</p> <p>Also, the probity auditor or advisor takes no part in the decision-making process of the tender evaluation panel but will assist the panel on probity matters. The role is more generally confined to reviewing all processes and documentation throughout the tender process and reporting to the Council or the CEO.”</p>
7	Page 10	Clause 7.4	<p>Addition: “(i.e. Council’s Procurement and Contract Management Procedure Manuals)”</p>
8	Page 10	Clause 7.5, fourth paragraph	<p>Addition: “(or the absence of them)” and “and using the Conflict Of Interest and Confidentiality Declaration Form.”</p>
9	Page 10	<p>Clause 7.6, first paragraph</p> <p>Last paragraph</p>	<p>Removed repeated paragraph:</p> <p>“Following the declaration of a potential conflict of interest by a staff member, that staff member's supervisor or a member of the Leadership Team needs to determine how the conflict will be managed (may include exclusion from the procurement process or making a determination that no conflict exists)”</p> <p>Wording changed from:</p> <p>“Confidentiality of information provided by existing and prospective suppliers must be treated as Commercial in Confidence at all times”</p>

			<p>To:</p> <p>“Confidentiality of information provided by existing and prospective suppliers must always be treated as Commercial in Confidence. This is, it must not be disclosed and must be stored in a secure location.”</p>
10	Page 11	Clause 7.7	<p>Addition: “, Content Manager (CM).”</p>
11	Page 11	Clause 7.8, first paragraph	<p>Update name of the policy:</p> <p>“Acceptance of Gifts, Hospitality and Other Gratuities by Employees Policy 51(O)”</p> <p>Update section of the Act 1989 by new section in the Act 2020 (gifts threshold remains the same):</p> <p>“128(4)”</p>
12	Page 13 and 14	Clause 8.3	<p>Update: clauses numbering</p> <p>From 7.3.1. to 8.3.1.</p> <p>From 7.3.2. to 8.3.2</p> <p>From 7.3.3. to 8.3.3.</p>
13	Page 13	Clause 8.3.1. First paragraph First dot point	<p>Addition:</p> <p>“, except for price as define below”</p> <p>“Price – Contractors are to respond the price (as unit prices, sum price, or rates, etc. as required in the specification) for which they are willing to undertake the scope of the goods/services/works. This criterion should have a weighting between 10% and 50%. Values below or above this gap are against the best value principles.”</p> <p><i>Reason: A higher value would overweight the other criteria and goes against the best value principles. Similarly, a lower value cannot guarantee best value for the Council. Also, it is a common/standard practice.</i></p>
14	Page 14	Clause 8.3.2.	<p>Addition:</p> <p>“Additional criteria can be included according to specific circumstances or requirements. All criteria must be disclosed along with the tender documents, but not necessarily their weighting. The evaluation panel may change weighting only until tender submission period closes.”</p>

15	Page 14	Clause 8.4.1.1, first paragraph	<p>Addition:</p> <p>“The Act (1989), regarding these thresholds, will be repealed on 1 of July 2021, and according to the Act 2020, after that date, the thresholds should be set by the Council's policy. Council's thresholds will remain unchanged until the next policy review in December 2021.”</p> <p><i>Reason: After July 1, these thresholds won't be defined by the Act 1989 anymore, but by our policy only.</i></p>
16	Page 16	Clause 8.4.1.4. Thresholds table	Three references to HPRM (old system) were changed to CM (current system) in the table.
17	Page 16	Clause 8.4.1.4. third paragraph	Update: clause number from 7.4.1.1. to 8.4.1.1
18	Page 17	Clause 8.4.1.5, Fifth paragraph Last paragraph	<p>Addition:</p> <p>“The only transparent means of demonstrating that multiple suppliers do not exist is to place the required public notice. If that action demonstrates that there is only one supplier, then the Council is free to enter into a contract with that supplier (mindful of its obligation to obtain value for money).”</p> <p>“A procurement exemption should not be used if the procurement will exceed any aggregate/cumulative spend limits with a single supplier over a 2-year period (previous and current financial year period) that triggers the requirement under the Act to undertake a request for tender or expression of interest process.”</p>
19	Page 19	Clause 9.1, fourth paragraph	<p>Update name of the policy:</p> <p>“S5 Instrument of Delegation to Chief Executive Officer” and “Instrument of Delegation - Purchasing”</p>
20	Page 19	Clause 9.2	<p>Removed</p> <p>“The total contract price plus the contract variation amount is within the approver's financial delegation;”</p> <p><i>Reason: this clause was included in the variation limits for Managers and General Managers. See item 22 below.</i></p>
21	Page 20	Clause 9.2, second dot point	Update: clause number from 7.4.1. to 8.4.1
22	Page	Clause 9.1,	Addition –

	20	third dot point	<p>“or the below limits.”</p> <p>“o Managers: may approve variations to contracts up to the lesser of these two options; 20% of the original contract value or a maximum of \$5,000. The total contract price plus the contract variation amount is within the approver’s financial delegation. Where the aggregate of all variations exceeds 20%, is greater than \$5,000, or the total contract price (including variations) exceeds the financial delegation threshold, they must be referred to General Managers for authorisation.</p> <p>o General Managers: may approve variations to contracts up to the lesser of these two options; 20% of the original contract value or a maximum of \$10,000. The total contract price plus the contract variation amount is within the approver’s financial delegation. Where the aggregate of all variations exceeds 20%, is greater than \$10,000, or the total contract price (including variations) exceeds the financial delegation threshold, they must be referred to the CEO for authorisation.</p> <p>o CEO: may approve variations to contracts up to and within their delegation from Council. Where the aggregate of all variations is greater than their delegation, they must be referred to the Council for authorisation.</p> <ul style="list-style-type: none"> • In the case of large projects, General Managers could seek special CEO delegation to increase from the maximum variation limits above. • Once delegate approval has been obtained the Superintendent will issue the approval letter to the Contractor.”
23	Page 21	Clause 10 Last paragraph	<p>Addition:</p> <p>“Detailed procedures for Risk Assessment and Contingency Planning are provided in the Procurement Procedure Manual, the Contract Management Procedure Manual, and the Council’s Best Practice Guidelines documents.”</p>
24	Page 21 and 22	Clause 10.4 First paragraph Last paragraph	<p>Addition:</p> <p>“(i.e. contract manager, or superintendent)”</p> <p>“Detailed procedures for contract management are provided in the Contract Management Procedure Manual and the Council’s Best Practice Guidelines documents.”</p>
25	Page 23	Clause 12.3 Last	<p>Removed -</p>

		paragraph, first line	"Where relevant for a purchase being made, the"
26	Page 24	Clause 12.5	Addition - "12.5.1"
27	Page 24	Clause 12.5	Addition – "12.5.2. Procurement processes and decisions should not directly and/or indirectly discriminate against people with a disability. Under the Council's Disability Access and Inclusion Plan 2018 – 2022, Council should provide services and facilities that are accessible to all people who live, work in or visit the Municipality. This includes procurement processes and their outcomes."
28	Page 24	Clause 13	Addition: ", and once the sections 108 and 109 of the Act 2020 comes into effect, Council will review this Policy at least once every four years."

POLICY AND STATUTORY IMPLICATIONS

The principles of good governance require that organisations have a suite of relevant policies that are reviewed regularly, section 186A of the *Local Government Act 1989* requires the Council to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review its procurement policy.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report. Sustainability considerations are made during the procurement process through specifications.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report apart from the Officer time in preparation of the report.

RISK IMPLICATIONS

The risk implications to this report would be that Council do not adopt the Policy, and therefore Council would not be compliant with required obligations bestowed upon it.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultation with departments across Council has assisted in the review of this policies. The policies will be available to the public via Council's website and will also be available for inspection at Council offices, however it would not be usual to conduct further community engagement on the policy.

14.3 2020/2021 FINANCE REPORT - SEPTEMBER QUARTER

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to the Council as the Manager Financial Services, I Hannah White have no interests to disclose in this report.

ATTACHMENTS

1. Operating Projects - October 2020 [**14.3.1** - 4 pages]
2. Capital Projects - October 2020 [**14.3.2** - 6 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to review a summary of Council's financial performance and position for the 2020/2021 financial year up to 30 September 2020, and also a summary of operational and capital projects as at 31 October 2020.

OFFICER'S RECOMMENDATION

That Council:

1. *Approves the financial position and performance for the three months ending 30 September 2020;*
2. *Notes the operating and capital works project reports effective 31 October 2020; and*
3. *Notes that the project reports will be placed on Council's website.*

MOTION

That Council:

1. *Approves the financial position and performance for the three months ending 30 September 2020;*
2. *Notes the operating and capital works project reports effective 31 October 2020; and*
3. *Notes that the project reports will be placed on Council's website.*

Moved: Cr Jen Bray

Seconded: Cr Brian Hood

Carried

BACKGROUND

This report provides information on Council's financial performance for the period 1 July 2020 to 30 September 2020 and compares the Income Statement to the revised budget, which includes operating projects carried forward from 2019/2020 and the Balance Sheet and Statement of Cash Flows to last year.

The results in the first financial quarter have been impacted by the supports that Council has put in place in response to the COVID-19 pandemic which are in addition to those that strict restrictions have had on the operations of the Council itself. These impacts will continue to be felt and reflected in future reports during the 2020/2021 financial year.

KEY ISSUES

Financial statements are included below which detail the year to date (YTD) actual position and associated variances. Explanations of variances greater than \$100,000 or 10% are provided.

Income Statement

Hepburn Shire Council Comprehensive Income Statement For the Period Ended 30 September 2020

	YTD Budget 2020/21	YTD Actual 2020/21	YTD Variance	
	\$'000	\$'000	\$'000	%
Income				
Rates and charges	22,039	21,946	(92)	0%
Statutory fees and fines	193	146	(46)	-24%
User fees	214	191	(23)	-11%
Grants - operating	1,665	1,746	81	5%
Grants - capital	1,240	985	(255)	-21%
Contributions - monetary	72	-	(72)	-100%
Contributions - non monetary	-	-	-	100%
Net gain/(loss) on disposal of assets	420	719	300	71%
Other income	452	246	(206)	-46%
Total Income	26,294	25,979	(315)	-1%
Expenses				
Employee costs	3,817	3,572	245	6%
Materials and services	3,128	2,368	760	24%
Bad and doubtful debts	4	7	(2)	-49%
Depreciation and amortisation	1,817	1,817	-	0%
Borrowing costs	24	24	(1)	-2%
Other expenses	208	190	17	8%
Total Expenses	8,997	7,978	1,020	11%
Surplus/(Deficit) for the year	17,297	18,002	705	

Note 1 – Statutory Fees and Fines income is behind budget by \$46K. The decision by Council to waive fees relating to Environment Health Registration and Local Laws compliance due to COVID has resulted in a decrease in these fees by \$38K against budget (these will be funded by the State Governments grant of \$250,000 to assist with outdoor dining).

Note 2 – User Fees is behind budget by \$23K. The main variance is in Aged Care fees, which are \$17K below budget. This service has been impacted significantly by the COVID pandemic, with clients reducing services to reduce contact.

Note 3 – Capital grant income is behind budget by \$255K. The timing of grants received can be difficult to determine, particularly regarding those that relate to project milestone or completion payments. Payment of these grants are still anticipated, however they will occur later than originally planned.

Note 4 – Other monetary contributions are behind budget by \$72K. The timing of public open space contributions received during the year financial year can be difficult to determine, so the budget is phased across the entire year. Funds received are transferred to the Open Space Reserve to contribute towards future year projects.

Note 5 – Proceeds from the disposal of assets are favourable to budget by \$299K. This has been impacted by the timing of sales of plant and fleet and also a parcel of

land. Disposal entries for these assets will occur at year end, when all asset accounting entries are finalised.

Note 6 – Other income is unfavourable to budget by \$206K. This mainly relates to the following:

- Bathhouse turnover rent is below budget by \$128K
- Creswick Caravan Park turnover rent of approximately \$25K has not been raised
- Interest on cash and investments is below budget due to the reduction in the interest rate we have been able to secure

This category of income will continue to be impacted for the remainder of the year as commercial rent waivers will be agreed and credits processed against invoices raised.

Note 7 – Salaries are favourable to budget by \$245K. The use of casual staff has been significantly reduced due to closure of customer facing services. The Working for Victoria program has also contributed to the current underspend, with the employment of over 30 short term staff taking some time to coordinate. This program is now expected to be extended, allowing roles to be filled for a 6-month period. Program expenditure will be incurred later than originally budgeted and fully utilised.

Note 8 – Materials and services are favourable to budget by \$760K. A significant component of this budget line relates to Operating Project expenditure and includes carry forward budget from 2019/2020. Historically this expenditure category will be underspent, with the majority of that underspend being carried forward to the following year to complete these projects. The magnitude of the underspend this year may be impacted by COVID with some projects being delayed.

Balance Sheet

Hepburn Shire Council Balance Sheet As at 30 September 2020

	Current Year Actual	Prior Year Actual	Variance Year on Year		
	\$'000	\$'000	\$'000	%	
Assets					
Current Assets					
Cash and cash equivalents	12,070	15,106	(3,036)	-25%	1
Trade and other receivables	21,900	20,524	1,376	6%	2
Other financial assets	9,192	5,133	4,059	44%	3
Inventories	10	9	2	18%	
Non-current assets classified as held for sale	935	-			4
Other assets	5	86	(81)	-1786%	5
Total Current Assets	44,112	40,857	3,255	7%	
Non-Current assets					
Property, infrastructure, plant and equipment	293,685	268,397	25,288	9%	6
Intangible assets	391	405	(14)	-4%	
Total Non-Current Assets	294,076	268,802	25,274	9%	
TOTAL ASSETS	338,189	309,660	28,529	8%	
Liabilities					
Current liabilities					
Trade and other payables	68	627	559	821%	7
Trust funds and deposits	3,174	3,013	(161)	-5%	8
Provisions	2,399	2,089	(310)	-13%	9
Interest-bearing loans and borrowings	411	427	16	4%	
Other Liabilities	1,422	254	(1,167)	-82%	10
Total Current Liabilities	7,475	6,410	(1,064)	-14%	
Non-Current Liabilities					
Provisions	408	477	69	17%	11
Interest-bearing loans and borrowings	3,500	3,912	412	12%	12
Other Liabilities	45	63	18	40%	13
Total Non-Current Liabilities	3,952	4,452	499	13%	
TOTAL LIABILITIES	11,427	10,862	(565)	-5%	
NET ASSETS	326,761	298,798	27,964	9%	
Equity					
Accumulated surplus	181,157	178,246	2,911	2%	
Reserves	145,605	120,551	25,053	17%	14
TOTAL EQUITY	326,761	298,798	27,964	9%	

Note 1 and 3 – Cash and Cash Equivalents and Other Financial Assets are higher than this time last year, with more cash being invested in short and longer-term instruments.

Note 2 – Receivables are higher than previous year. Reflected by annual increases due to rate increases and also that Council is allowing residents to pay rate instalments later than previous years and also working with Commercial tenants regarding waivers and deferral of rental payments. Both of these initiatives are

linked to the COVID pandemic and our recovery support provided to communities. This will be rigorously monitored, as Council need to work with businesses and individuals to ensure that they can manage their outstanding debt once life returns to “normal”.

Note 4 – The asset listed as being held for sale has now been sold and will be removed from the balance sheet as part of the year-end asset accounting process.

Note 5 – The other assets held in the prior year were for prepayments and interest receivable.

Note 6 – The large increase in assets relates primarily to the revaluation of infrastructure assets (\$24M) at the end of the 2019/20 financial year.

Note 7 – Trade and Other Payables balance can vary significantly due to the timing of the creditor payment run and also month end liabilities such as superannuation. Creditors are now being paid weekly rather than fortnightly, to assist with the cash flow of our suppliers, another initiative provided to our communities during COVID recovery.

Note 8 – Trust Funds and Other Deposits have increased in comparison to last year, with additional being held for Fire Services Levy and contractor retentions.

Note 9 – Provisions have increased as a result of additional employee leave entitlements. As a result of the pandemic, leave taken has reduced significantly. Management will be monitoring and managing this as working conditions return to normal.

Note 10 – Other Liabilities have increased as a result of a change in application of accounting standards. Council now holds in the balance sheet a significant amount of grant income that has not been “earned” and is now accounted for as a liability rather than income, which was how it would have been treated previously.

Note 11 – Non-current provisions relate to Long Service Leave and Landfill Restoration requirements. Landfill Restoration provision is reducing by around \$20K per year, Long Service Leave provision has reduced due to a number of long-term employees leaving Council in the past 12 months.

Note 12 – There have been no new borrowings in the past two financial years, and therefore there has been a principal debt reduction.

Note 13 – 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 14 – An increase in the asset revaluation reserve of \$24M is a result of an inhouse revaluation of Roads (30 June 2020).

Statement of Cashflows

Hepburn Shire Council Statement of Cash Flows For the Period Ended 30 September 2020

	Current Year	Prior Year	Variance Year on Year		
	Actual	Actual			
	Inflows/ (Outflows)	Inflows/ (Outflows)	\$'000	%	
	\$'000	\$'000			
Cash flows from operating activities					
Rates and charges	5,858	5,410	(448)	-8%	1
Statutory fees and fines	150	167	17	11%	2
User fees	169	724	555	328%	3
Grants - operating	1,746	1,259	(487)	-28%	4
Grants - capital	985	56	(929)	-94%	5
Contributions - monetary	-	184	184	100%	6
Reimbursements	-	-	-	100%	
Interest received	14	83	70	509%	7
Rent received	(25)	53	77	-314%	8
Trustfunds and deposits taken	501	571	70	14%	9
Rents (inclusive of GST)	-	-	-	100%	
Other receipts	8	46	39	511%	10
Net GST refund/payment	150	80	(71)	-47%	11
Employee costs	(3,483)	(3,406)	78	-2%	
Materials and services	(4,438)	(3,451)	987	-22%	12
Trustfunds and deposits repaid	-	-	-	100%	
Other payments	(190)	(143)	48	-25%	13
Net cash provided by/(used in) operating activities	1,445	1,633	188	13%	
Cash flows from investing activities					
Payments for property, infrastructure, plant and equipment	(1,132)	(226)	-	0%	14
Proceeds from sale of property, infrastructure, plant and equipm	719	43	(676)	-94%	15
Payments for investments	(8,000)	1,000	9,000	-113%	16
Proceeds from sale of investments	-	-	-	100%	
Loans and advances made	-	-	-	100%	
Payments of loans and advances	-	-	-	100%	
Net cash provided by/(used in) investing activities	(8,413)	817	9,592	-114%	
Cash flows from financing activities					
Finance costs	(24)	(28)	(4)	15%	
Proceeds from disposal of financial assets	-	-	-	100%	
Proceeds from borrowings	-	-	-	100%	
Repayment of borrowings	(79)	(75)	4	-5%	
Net cash provided by/(used in) financing activities	(103)	(103)	(0)	0%	
Net increase (decrease) in cash and cash equivalents	(7,071)	2,347	9,418	-133%	17
Cash and cash equivalents at the beginning of the financial year	19,141	12,759	(6,381)	-33%	18
Cash and cash equivalents at the end of the period	12,070	15,106	3,036	25%	

Note 1 – Rates and charges payments have increased as compared to the previous year. Many residents who hadn't paid the 4th instalment for 2019/2020 have paid during the 1st quarter of 2020/2021.

Note 2 – Statutory fees and fines are slightly down on the previous year, in the most part impacted by the waiving of some fees by Council due to the pandemic.

Note 3 – User fees in the prior year were overstated as the result of an anomaly in the classification of invoices raised to certain government departments. The current

year inflows are more in line with expectations of cash generated and collected from this source.

Note 4 – Grant value and timing can vary significantly from year-to-year. In the current year, the Working for Victoria program has had a significant impact, with over \$1 million of additional funds being received in the first half of 2020/2021 when comparing to 2019/2020.

Note 5 – Additional capital grants have been received as a result of the government injecting funds into the economy through different infrastructure programs. A budget adjustment will be made as part of the mid-year budget review to reflect this within the Income Statement.

Note 6 – The timing of monetary contributions will vary year-on-year. No contributions were collected in the first 3 months of 2020/2021.

Note 7 – Interest rates continue to decrease, however the timing of investments maturing also impacts on the timing of interest received.

Note 8 – Rent received has been severely impacted by COVID. Council is working closely with tenants through this period.

Note 9 – Trust funds and deposit receipts vary year-on-year, items such as contractor retentions often vary in their timing throughout the year.

Note 10 – Other receipts have been impacted by the closure of several of our customer facing activities during the 1st quarter of the year.

Note 11 – The value of the GST refund or payment varies depending on the timing and nature of transactions during the previous quarter.

Note 12 – Payments for materials and services has increased significantly in comparison to the previous year. Expenditure on Capital and Operating projects is ahead of last year by approximately \$375K, insurance costs are up by around \$65K and expenditure on IT equipment is also higher than the same time last year which is mostly due to the fully funded purchases for the Working for Victoria staff.

Note 13 – Other payments are higher than at the same time last year as a result of early payments of community grants to recipients than last year.

Note 14 and 15 – Payments for property, infrastructure, plant and requirement and processed from sale relate to the purchases and sales of land, plant and fleet. 2020/2021 includes the sale of the property at 59 Main Road Hepburn, which has significantly increased these figures as compared to 2019/2020.

Note 16, 17 and 18 – Highlights the impact on cash, moving funds from cash and short-term deposits to other investments.

Statement of Capital Works

Hepburn Shire Council Statement of Capital Works as at 30 September 2020

	Forecast Budget	YTD Forecast Budget	YTD Actual	% Spent YTD
TOTAL PROPERTY	10,531,382	2,619,548	515,619	20%
TOTAL PLANT AND EQUIPMENT	2,522,337	645,404	152,733	24%
INFRASTRUCTURE				0%
Roads	4,363,557	851,937	212,650	25%
Bridges	424,019	106,005	4,180	4%
Footpaths and Cycleways	1,683,160	410,230	52,778	13%
Drainage	330,201	82,550	10,087	12%
Recreational, Leisure and community facilities	2,425,533	587,321	13,325	2%
Parks, open space and streetscapes	642,267	156,482	146,372	94%
Other Infrastructure	343,317	77,482	24,488	32%
TOTAL INFRASTRUCTURE	10,212,054	2,272,007	463,880	20%
TOTAL CAPITAL WORKS	23,265,773	5,536,959	1,132,232	20%

The Capital Works program was forecast to have a spend of approximately \$5.54 million as at the 30 September 2020. Expenditure was at 20% of the expected year-to-date schedule.

Below shows the comparison year on year for capital expenditure. We are tracking higher than the past three financial years for expenditure within the first three months of the financial year.

Financial Year	Expenditure between 1 Jul - 30 Sept
2019/20	\$817K
2018/19	\$551K
2017/18	\$639K

Over the past 18 months Council has invested in additional resources to assist in the delivery of capital projects and also reduce the backlog which has grown over the past 4 years. COVID has had some impact on project delivery in the first three (3) months of this financial year, however, as Council returns to a more “normal” operating environment, management is confident that the remainder of the year will result in the commencement and completion of a number of these projects by 30 June 2021.

Further details relating to individual operational and capital project status can be found in the attached two documents.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

13. Deliver sustainable financial management, supported by effective long term financial planning (10 Years), cost savings and efficient purchasing, and developing additional income streams beyond rates revenue.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

This report provides the opportunity for review of Council's financial position and forecasts.

A full review of Council's budget will be undertaken post 31 December 2020 and presented to Council in February as part of Council's mid-year budget review and detailed review of the timing of projects and impacts of COVID-19.

RISK IMPLICATIONS

This report assists in decision making and oversight to confirm that departments and the organisation follows budget projections.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. Project reports will be placed on Council's website.

**14.4 ANNUAL PLAN 2020/2021 PROJECTS UPDATE QUARTER 1
DIRECTOR COMMUNITY AND CORPORATE SERVICES**

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

ATTACHMENTS

1. Annual Plan 2020/2021 Q1 Projects Update [**14.4.1** - 35 pages]

EXECUTIVE SUMMARY

The attached report provides a list of the projects included in the Annual Plan 2020/2021 and a progress comment has been provided for each project by a responsible officer.

It is important to note that progress comments were made by officers in early October. Presentation to Councillors has been delayed till now given the election period.

OFFICER'S RECOMMENDATION

That Council:

1. *Notes the Annual Plan 2020/2021 Quarter 1 Updates; and*
2. *Notes that this report will be published on Council's website.*

MOTION

That Council:

1. *Notes the Annual Plan 2020/2021 Quarter 1 Updates; and*
2. *Notes that this report will be published on Council's website.*

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

BACKGROUND

The Annual Plan outlines the actions for 2020/2021 that will be implemented as priorities from the Council Plan 2017-2021 and Annual Budget 2020/2021. The Annual Plan was adopted by Council at its Ordinary Meeting on 18 August 2020.

The Annual Plan details to the organisation, Councillors and the community how Council will monitor progress towards actions in the Council Plan, and the quarterly progress report updates Councillors and the Community on the progress on the actions.

KEY ISSUES

The attached report provides a list of the projects included in the Annual Plan 2020/2021 and a progress comment has been provided for each project by a responsible officer, for the period ended 30 September 2020.

It should be noted that the Annual Plan does not include all projects to be undertaken during the year, and as it was adopted in August 2020 does not include a number of new actions and opportunities have been undertaken by Council, which were not included in the Plan.

48 projects were included in the 2020/2021 Annual Plan.

- 16 have been carried forward from 2019/20 financial year
- 6 are scheduled to commence in 2021
- 30 are in progress
- 2 items have been completed

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

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

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

13. Deliver sustainable financial management, supported by effective long term financial planning (10 Years), cost savings and efficient purchasing, and developing additional income streams beyond rates revenue.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report. Individual projects will consider sustainability implications where appropriate.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Projects have allocated projects for delivery.

RISK IMPLICATIONS

There are no risk implications associated with this report. Officers ensure that the projects included in the Annual Plan 2020/2021 are reported against with associated progress comments to demonstrate implementation of each.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. The update will be placed on Councils website.

14.5 CHIEF EXECUTIVE OFFICER'S ANNUAL LEAVE AND APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER
CHIEF EXECUTIVE OFFICER

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

ATTACHMENTS

1. Nil

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the request by the Chief Executive Officer to take annual leave, and if approved, appoint an Acting Chief Executive Officer for the period of leave.

OFFICER'S RECOMMENDATION

That Council:

1. *Approves the request by the Chief Executive Officer for annual leave for the period 25 December 2020 to 15 January 2021 inclusive; and*
2. *Appoints Director Community and Corporate Services to be the Acting Chief Executive Officer for the period 25 December 2020 to 15 January 2021 inclusive.*

MOTION

That Council:

1. *Approves the request by the Chief Executive Officer for annual leave for the period 25 December 2020 to 15 January 2021 inclusive; and*
2. *Appoints Director Community and Corporate Services to be the Acting Chief Executive Officer for the period 25 December 2020 to 15 January 2021 inclusive.*

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

The Chief Executive Officer has requested to take annual leave for the period 25 December 2020 to 15 January 2021 inclusive (13 working days and 3 Public Holidays).

During this period of leave, Council is required to appoint an Acting Chief Executive Officer.

KEY ISSUES

Under section 94 of the Local Government Act, 1989 (Act), Council appoints the Chief Executive Officer and must therefore consider and approve any requests for annual leave.

The term 'Chief Executive Officer' is defined in the Act to include an Acting Chief Executive Officer. Therefore, Council is required to also consider and approve any acting arrangements. It is appropriate that the Director Community and Corporate Services be appointed as Acting Chief Executive Officer during this period.

POLICY AND STATUTORY IMPLICATIONS

Under the Local Government Act 1989 Council must appoint a Chief Executive Officer and others in an acting capacity as and when required.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no additional cost implications as leave is budgeted and allowed for.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

14.6 INSTRUMENTS OF APPOINTMENTS TO AUTHORISED OFFICERS - PLANNING AND ENVIRONMENT ACT 1987

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Draft S11A Delegations Instrument of Appointment [**14.6.1** - 1 page]

EXECUTIVE SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks Authorisations and Delegations Service.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is done by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution.

The purpose of this report is for Council execute this Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*.

OFFICER'S RECOMMENDATION

That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147(4) of the Planning and Environment Act 1987:

1. *Appoints and Authorises the members of Council staff referred to in the Instrument of Appointment and Authorisation (Attached) as set out in the Instrument; and*
2. *Authorises that the Instrument comes into force immediately once the resolution of Council is determined, and remains in force until Council determines to vary or revoke it.*

MOTION

That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147(4) of the Planning and Environment Act 1987:

1. *Appoints and Authorises the members of Council staff referred to in the Instrument of Appointment and Authorisation (Attached) as set out in the Instrument; and*
2. *Authorises that the Instrument comes into force immediately once the resolution of Council is determined, and remains in force until Council determines to vary or revoke it.*

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

BACKGROUND

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.

The instruments have been prepared by the Governance Team after consultation with the internal departments of Council.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* will be executed by the Chief Executive Officer as per legislation.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report apart from officer time that has been spent reviewing the appointments and preparation of the associated briefing report.

RISK IMPLICATIONS

There are no risk implications associated with this report. There are risks associated with officers not appropriately appointed the powers under legislation to undertake the statutory and core duties and functions that are required for the statutory roles. Appointments are essential to the good governance framework of Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

This Instrument of Appointment and Authorisation has been prepared following feedback from Development and Community Services Department. There are no other community or stakeholder engagement implications associated with this report.

14.7 RECORDS OF COUNCILLOR ATTENDANCE

DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Record of Assembly - Pre-Council Meeting Briefing - 15 September 2020 [14.7.1 - 1 page]
2. Record of Attendance - Councillor Induction - 20 November 2020 [14.7.2 - 1 page]
3. Record of Attendance - Councillor Briefing - 24 November 2020 [14.7.3 - 4 pages]
4. Record of Attendance - Integrated Reporting and Planning Framework - 26-27 November 2020 [14.7.4 - 1 page]
5. Record of Attendance - Council Meeting run through - 1 December 2020 [14.7.5 - 1 page]
6. Record of Attendance - Pre-Council Meeting Briefing - 1 December 2020 [14.7.6 - 1 page]
7. Record of Attendance - Councillor Briefing - 8 December 2020 [14.7.7 - 4 pages]
8. Record of Attendance - Reconciliation Action Plan Advisory Committee - December 2020 [14.7.8 - 3 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive and note Records of Councillor Attendance, formerly known as Assemblies of Councillors records required to be presented under provisions of the *Local Government Act 1989*.

OFFICER'S RECOMMENDATION

That Council receives and notes the Records of Councillor Attendance

MOTION

That Council receives and notes the Records of Councillor Attendance.

Moved: Cr Tim Drylie

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

Under the *Local Government Act 1989 (1989 Act)*, Council was required to keep records of assemblies of Councillors as defined under the Act:

...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.

With this section of the 1989 Act now repealed, Council's Governance Rules, chapter 6 section 1, requires that:

If there is a meeting of Councillors that:

- 1. is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
- 2. is attended by at least one member of Council staff; and*
- 3. is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a. tabled at the next convenient Council meeting; and*
- b. recorded in the minutes of that Council meeting.*

To full-fill this requirement and promote transparency, records of councillor attendance are kept where the above definition is met and brought to Council for noting, as attached.

KEY ISSUES

The following records of Councillor attendance are reported:

Date	Committee Name	Location
15 September 2020	Pre-Council Meeting Briefing	Via video conference
20 November 2020	Councillor Induction	Daylesford Town Hall
24 November 2020	Councillor Briefing	Daylesford Town Hall

26-27 November 2020	Integrated Reporting and Planning Framework Planning	Daylesford Town Hall
1 December 2020	Council Meeting Run Through	Daylesford Town Hall
1 December 2020	Pre-Council Meeting Briefing	Daylesford Town Hall
7 December 2020	Reconciliation Action Plan Advisory Committee	Via Video Conference
8 December 2020	Councillor Briefing	Council Chamber

POLICY AND STATUTORY IMPLICATIONS

The report full fills Council's requirements under the Governance Rules.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

The inclusion of the attached records of Councillor attendance in the Council Agenda and their availability to the public will increase awareness of the activities of Council and promote community involvement in decision making at Council level.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

If records of Councillor attendance are not included in the Public Agenda at a Council Meeting, Council would be in breach of its Governance Rules as adopted on the 25 August 2020.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

15 CONFIDENTIAL ITEMS

15.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

RECOMMENDATION

That Council resolves to close the Ordinary Council Meeting to the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential matters. The information is determined to be confidential pursuant to section 3(1) of the Local Government Act 2020, specifically as it is:

- f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
 - *International Women’s Day Nominations:*
 - *The ground applies because the successful nominations to the Heather Muitmer Honour Roll detail the proposed nominee for Council approval, and if released would unfairly expose the nominees to the community and their names which is intended to be announced at the International Women’s Day Event in March 2021.*
 - *Australia Day Award Nominations:*
 - *The ground applies because if released in open council meeting the nominees for the Australia Day Awards will unfairly be released prior to Council making a decision and it is proposed that will be announced at the Australia Day Eve Civic Event on 25 January 2021.*

MOTION

That Council resolves to close the Ordinary Council Meeting to the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential matters. The information is determined to be confidential pursuant to section 3(1) of the Local Government Act 2020, specifically as it is:

f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

○ *International Women's Day Nominations:*

- *The ground applies because the successful nominations to the Heather Maitmer Honour Roll detail the proposed nominee for Council approval, and if released would unfairly expose the nominees to the community and their names which is intended to be announced at the International Women's Day Event in March 2021.*

○ *Australia Day Award Nominations:*

- *The ground applies because if released in open council meeting the nominees for the Australia Day Awards will unfairly be released prior to Council making a decision and it is proposed that will be announced at the Australia Day Eve Civic Event on 25 January 2021.*

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

16 CLOSE OF MEETING

The meeting was closed to the public at 8:53 pm to consider confidential items.

The meeting closed at 9:05pm after the consideration of confidential items.

Pursuant to section 66(5) of the Local Government Act 2020 the information that was discussed and resolved in the confidential meeting was not determined to be released in the public domain at this time and therefore not included in the public meeting minutes of this Ordinary Council Meeting dated 22 December 2020 as *pursuant to section 3(1) of the Local Government Act 2020, the information in both reports was determined to be classified as:*

f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs and the premature release prior to the International Women's Day Event in March 2021 and the Australia Day Eve Civic Event on 25 January 2021 would diminish the significance of both ceremonial events and release the successful nominees that Council resolved. Once the two events take place, the information will be available in the public domain and will no longer be confidential.