



## HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL PUBLIC MINUTES

Tuesday 17 May 2022

Daylesford Town Hall  
76 Vincent Street Daylesford

5:30PM

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

# MINUTES

Tuesday 17 May 2022

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 5:30PM

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**BRADLEY THOMAS**

CHIEF EXECUTIVE OFFICER

Tuesday 17 May 2022

## CONDUCTING HYBRID COUNCIL MEETINGS

Council continues to be guided by government directives and wants to do the right thing for the health of our community during the COVID-19 pandemic. In line with these directives, the public are able to attend this meeting in person or virtually. To protect the health and wellbeing of Councillors, Council Officers, and the community, those attending in person will need to provide evidence of vaccination or a valid medical exemption.

In the spirit of open, transparent and accountable governance, this meeting will be live-streamed on Council's Facebook page. The meeting will also be recorded and made available on Council's website as soon as practicable after the meeting.

Council's meeting will be conducted tonight in accordance with:

- The Local Government Act 2020
- The COVID-19 Omnibus (Emergency Measures) Act 2020
- The Minister's Good Practice Guideline MGPG-1: Virtual Meetings
- Council's Governance Rules; and
- The Hepburn Shire Council Councillor Code of Conduct.

## 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age-old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving.

We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.

## 2 SAFETY ORIENTATION

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

## 3 OPENING OF MEETING

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

**OFFICERS PRESENT:** Mr Bradley Thomas - Chief Executive Officer, Mr Andrew Burgess - Director Organisational Services, Mr Bruce Lucas - Director Infrastructure and Delivery, Ms Leigh McCallum - Director Community and Development, Mr Chris Whyte – Manager Information and Communication Technology, Ms Rebecca Smith - Manager Governance and Risk, Ms Alison Blacket – Acting Manager Planning and Building and Ms Pauline Maltzis - Senior Statutory Planner

The meeting opened at 5:30 pm.

### STATEMENT OF COMMITMENT

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

#### 4 APOLOGIES

Councillor Tessa Halliday (Parental Leave)

#### 5 DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Lesley Hewitt declared a Material Interest for item 10.1 PA3333 Use and Development of Land for 70 Camp Street Daylesford due to a connection with the planning application process.

Councillor Juliet Simpson declared a General Interest for item 15.1 General Business due to it regarding her application for leave.

Councillor Tim Drylie declared a General Interest for item 14.4 Approval of Interstate travel due to it regarding a request for Mayor interstate Travel.

Chief Executive Officer Mr Bradley Thomas declared a General Interest for item 14.4 Approval of Interstate travel due to it regarding a request for Chief Executive Officer interstate Travel.

#### 6 CONFIRMATION OF MINUTES

##### RECOMMENDATION

*That the Minutes of the Ordinary Meeting of Council held on 20 April 2022, and the minutes of the Special Meeting of Council held on 10 May 2022 (as previously circulated to Councillors) be confirmed.*

##### MOTION

*That the Minutes of the Ordinary Meeting of Council held on 20 April 2022, and the minutes of the Special Meeting of Council held on 10 May 2022 (as previously circulated to Councillors) be confirmed.*

**Moved:** Cr Juliet Simpson

**Seconded:** Cr Don Henderson

**Carried**

#### 7 ITEMS OF URGENT BUSINESS

Nil

## 8 COUNCILLOR AND CEO REPORTS

### 8.1 MAYOR'S REPORT

#### **Councillor Tim Drylie, Creswick Ward**

It has been another busy month at Council at time when we desperately trying to regain our sense of business as usual as a shire. However, the month has been less than usual in many ways with a spike in covid cases across the state disrupting many business and family routines. Along with this, other factors such general staff shortages, but particularly in planning, rises in interest rates and construction costs, a shortage of affordable housing and rental options, and the Coronavirus have all continued to disrupt and put pressure on our people and services in Hepburn Shire. I'm proud of what we are achieving as a small rural shire given the current circumstances. We are frequently aiming to do more at a high standard with our limited pool of resources. We are also aware that there are areas that we can continue to improve on, and our increased community engagement and consultation has aimed to improve the community feedback process. We do ask for your patience during this turbulent time as we all try to make sense and gain better control of the world that is unfolding as it is.

I would like to give a special call out to the 56 households in Creswick who are still unable to return home after the January storm and flood event. For some people, life is a little less than normal than for others. I for one, am not chairing tonight's meeting because of my own personal encounter with Covid and have been recovering from its grip over the past week. I now know firsthand what a lot of other people have recently or are currently going through.

Community consultation and engagement has been an important aspect of the past month as we are working on a number of important strategies concurrently, delivered our draft budget for 22/23 for public consideration and seeking public feedback on the sale of Rex building. I was pleased to be able to attend community pop-up sessions for our Creswick Structure Plan, to chair a Municipal Recovery Committee meeting for the January 2022 Storm and Floods and catchup with the community members to discuss the controversial Western Victorian Transmission Network Project. I was also please to give an opening address and attend events at Clunes Booktown Festival, attend The Great Trentham Spudfest and several ANZAC Day services in Clunes and Kingston.

Make sure you get along to one of our online or in person Arts and Culture Strategy Sessions. Join in our webinar tomorrow evening to discuss our draft budget and listen in tonight as we deliberate on newly completed Early Years strategy. We will also soon be hearing about the results of the Sustainable Hepburn Strategy too and I look forward to working with our community and stakeholders further on our Affordable Housing Strategy. There are so many good things happening in this shire of ours and we are supported by a dedicated and talented team officers working behind the scenes to make it all happen. I am honoured to be playing my part in it all.

Today we proudly raised the rainbow flag for IDAHOBIT day which is an international day that supports the ending of homophobia, biphobia, interphobia and transphobia. Hepburn is an inclusive Shire and we are proud of Hepburn Shire's diversity. We

know that our community is enriched when we respect and support people equally, regardless of their background, ability or identity. Every person – without exception – deserves to be safe, supported and equal.

I've tabled along with this report a list of meeting and events that I have attended over the past month.

- Public Art Advisory Committee group consultation - The Rex
- MAV Rural South Central Regional Meeting
- MAV Rules Review Direction Paper – Round Table Workshop
- Special Council Meeting Draft Budget 2022/2023 for Public Exhibition
- Confidential Councillor Briefings x4
- The Great Trentham Spudfest Festival
- State Budget Lunch with Treasurer, Tim Pallas MP
- Creswick structure plan. Community surveys outside the IGA
- Meeting with John Barnes | Greens Candidate for Ballarat
- CEO Remuneration Committee Interviews x2
- Creswick Structure Plan drop in RSL and outside IGA
- Glenlyon Recreation Reserve - Interagency Community Briefing
- WVTNP Monthly Catch up
- Hepburn January 2022 Storm and Floods Municipal Recovery Committee meeting
- Launch of Booktown Festival and attend events
- Meet and greet event | Clunes Booktown Festival
- All Staff Meeting
- Councillor Only Time x2
- Clunes ANZAC Day Dawn Service and Cemetery Commemoration Service
- Kingston ANZAC Day service
- Clunes ANZAC Day March and Wreath Laying
- Meeting with Minister Thomas | Hammon Park Trail Head Update
- Mayor & CEO post Council Meeting debrief meeting
- Council Meeting

## **8.2 COUNCILLOR REPORTS**

### **Councillor Brian Hood, Coliban Ward**

It is very pleasing to report that the iconic Trentham Spudfest was successfully held on the 7 May 2022, emerging as big as ever from the fog of Covid-19. A misty day didn't deter a huge crowd of locals and visitors from enjoying an entertaining day celebrating the town's proud heritage in potato farming.

This follows similarly successful events in recent times such as the Lyonville Woodchop, the Bullarto Tractor Pull and the Blackwood Woodchop & Easter festival. All community events, exceptionally well attended, and a breath of fresh air. It was heart-warming to see so many people enjoying each other's company and the spirit of community.

The past month also marked Anzac Day and I was honoured to participate in ceremonies in Trentham and Bullarto on behalf of Council. Following the Trentham event I was motivated to write to the principal of Trentham Primary School, Arthur

Lane, commending him and the school community for the manner in which his students performed so admirably at the ceremony's proceedings. Finally, it is with relief that I can report the much-used and much-loved Domino Trail has been reopened between Trentham and Lyonville.....following the devastating June 2021 storm.....thanks to the tireless efforts of Council's storm recovery team, under the leadership of Bruce Lucas and Amanda Western, and our partners at DELWP.

**Councillor Juliet Simpson, Holcombe Ward**

The Sale of the rex survey is being conducted at the moment and I would urge everyone to do the survey. The link to the survey is:

<https://participate.hepburn.vic.gov.au/proposed-sale-rex>

The survey closes this Friday 20 May.

On 28 April I attended the all staff meeting at the Doug Lindsay Reserve in Creswick. On the 2 May I attended a land contamination meeting at the Glenlyon Reserve where DELWP, the EPA and Council Officers formed a panel for the public to ask questions.

On 7 May I attended the VIP opening of the Trentham Spud Fest

On the 10 May I attended a Special Meeting to adopt the Draft Budget. Please can everyone read the Draft Budget and provide their feedback to Council. Please note that it includes a potential new loan of \$1.5M which would add to our existing loans including the \$3M loan taken out in June 2021 to go towards the Rex project.

**Councillor Jen Bray, Birch Ward**

Tue 17 May

Earlier today Hepburn Shire raised the Rainbow Flag for IDAHOBIT day - day of visibility to take a stand against discrimination, particularly homophobia, biphobia and transphobia.

At the flag raising ceremony there was a strong turn out from the community, including members of council's new LGBTIQ+ advisory committee, the ChillOut Committee, and council staff. Max Primmer and Abby Ashmore, local community representatives, raised the flag at the community flagpole in Vincent St, Daylesford.

In my address I acknowledged that we are proud of Hepburn Shire's diversity. We know that our community is enriched when we respect and support people equally, regardless of their background, ability or identity. Every person – without exception – deserves to be safe, supported and equal. Our community will be even stronger when everyone feels included, and knows they're welcome to participate in the life of this community.

At Eurovision on the weekend, I was so proud to see Australia's own Sheldon Riley representing us on the world stage. Sheldon recently performed at the Hepburn Sound Shell as part of ChillOut's Youth event.

Sheldon was so courageous to be standing up and representing not just the rainbow community but also neuro-diversity. His song "Not the same" represents the isolation many feel from being neuro-diverse, but it also speaks to the experiences of many in our LGBTIQ+ community.

IDAHOBIT day reminds us that we are not all the same. But that we can celebrate that difference, rather than react in fear and ignorance. Flying a pride flag or wearing rainbow colours is a powerful expression of support for one day. But each of us can take responsibility every day – to be informed, and to stand up to discrimination whenever we see it.

#### **Activities during past month**

I was away for some briefing sessions this month due to being interstate on family matters.

25 April	Attended ANZAC Day services at Hepburn Springs and Daylesford
26 April	Budget Briefing
27 April & 4 May	Interviewing for independent member of CEO Remuneration and Employment committee
10 May	Attend Special Council Meeting to endorse Draft Budget
<b>Community</b>	Hearing concerns and suggestions from community members and providing advice

- various planning matters
- VicForests operations in Wombat Forest
- Sale of the Rex
- Affordable long term rental concerns
- Food Hub for local producers
- Museum and Historical Society
- Promoting:**
  - Arts and Culture Strategy
  - Hepburn Teen Squad Over the Rainbow dance
  - Have your Say on the Sale of the Rex
  - IDAHOBIT Day

#### **Councillor Lesley Hewitt, Birch Ward**

This month I was honoured to represent the council at the ANZAC Day services at Eganstown and then with Cr Bray at Daylesford. Both events had strong crowd attendance, after two years of COVID restrictions, acknowledging the importance of reflecting on the impact of wars and conflict on all, particularly meaningful given the ongoing conflict in Ukraine.

Three weeks ago I was pleased to attend the opening of the 5000 Club at Victoria Park. The 5000 Club provides free lunches for community members and has re-opened again after two years of COVID lockdown. It's appropriate in National Volunteer Week to acknowledge the work of all volunteers in our Shire and in particular Loretta Little and Tim Cansfield-Smith, inaugural volunteers of the 5000 Club.

Preventing family violence is a key focus of our Municipal Health and Well-Being Plan and I attended an Our Watch webinar examining the actions local government can take in the prevention of family violence. This month the three Council committees I chair, the Municipal Health and Well Being Committee, the Gender Equity Advisory Committee and the Disability Advisory Committee all met. All three, have as part of their focus, family violence. Statistics show that women and children in Hepburn Shire do experience violence at an unacceptable level and we know that women with



a disability experience even higher rates. Council's role can be in primary prevention supporting the whole community to address the underlying drivers of violence whilst at the same time recognising that some members of our community have a greater vulnerability to this. The Disability Advisory Committee is currently working on the new Disability Action Plan and prevention of interpersonal violence as well as access and inclusion will be part of this.

The Daylesford Hospital will be celebrating 160 years of service to the community on Sunday 22 May. An historical display will be at the Daylesford Museum from Sunday for a week. The display will be open from 10am-2pm each day, along with the Masterplan, funded by the community. I encourage everyone to have a look at the display and the Masterplan.

Below is a list of Council related activities that I have undertaken during the previous month.

I have continued to have contact with residents over a number of their concerns, including planning, disability access and the lack of affordable housing. I encourage those in Birch to contact me at [lhewitt@hepburn.vic.gov.au](mailto:lhewitt@hepburn.vic.gov.au) or on 0408793941 with any issues that they are experiencing.

**Diary Activities:**

Leonard's Hill Mechanics Institute and Free Library AGM 21/4/22

ANZAC Day Eganstown and Daylesford 25/4/22

Councillor Briefing 26/4/22

Daylesford Hospital Upgrade Committee Meeting 28/4/22

All staff Meeting 28/4/22

5000 Club 29/4/22

Community Briefing, Glenlyon Recreation Reserve 2/5/22

Councillor Briefing 3/5/22

Municipal Health and Well Being Plan – Working Group Meeting 5/5/22

Trentham Spudfest 7/5/22

Councillor Briefing 10/5/22

Special Council Meeting 10/5/22

Gender Equity Advisory Committee Meeting 11/5/22

MAV Rules Review Direction Paper Roundtable 11/5/22

Leading the Prevention of violence against women in local government webinar, LGA and Our Watch 12/5/22

Disability Advisory Committee Meeting 16/5/22

IDAHOBIT flag raising 17/5/22

**Councillor Don Henderson, Creswick Ward**

Presented a verbal report

**RECOMMENDATION**

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

**MOTION**

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

**Moved:** Cr Brian Hood

**Seconded:** Cr Lesley Hewitt  
**Carried**

### **8.3 CHIEF EXECUTIVE OFFICER'S REPORT**

The Chief Executive Officer Report informs Council and the community of current issues, initiatives and projects undertaken across Council.

- Nil

#### **CHIEF EXECUTIVE OFFICER UPDATE**

It is hard to believe we are nearly mid-way through the year.

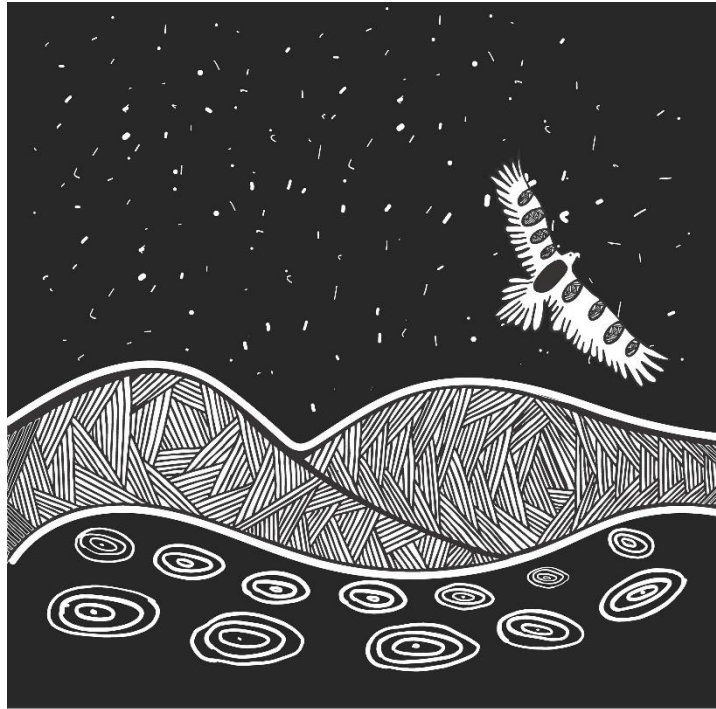
Autumn is an especially beautiful time in our Shire with the autumnal leaves on the trees. The sharp recent temperature drop has signalled that Winter is just around the corner.

At the April Council meeting, Council adopted its Aquatics Strategy outlining a 10-year priority plan to guide the future direction for aquatics facilities in the shire. The Aquatics Strategy includes a vision to provide access to sustainable, affordable year-round aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.

Council also resolved to request Geographic Names Victoria to rename the Jim Crow Creek to Larni Barramal Yaluk. We have worked closely with project partners, Mount Alexander Shire Council, North Central Catchment Management Authority and Dja Dja Wurrung Clans Aboriginal Corporation trading as DJAARA, on the proposed renaming of Jim Crow Creek for some time.

The decision to recommend the renaming has occurred in recognition of Aboriginal heritage, the importance of reinstating Dja Dja Wurrung language, and the removal of a name that is offensive and derogatory.

This outcome was made possible by the dedication of many staff (past and present), Councillors and community members. This matter is now with Geographic Names Victoria to make a final determination.



Congratulations to the latest recipients of our community grants which were awarded at the April Council meeting. During April we also opened the next round of Community Grants and Towards Zero Community Grants, I encourage you to consider an application.

Recently Council provided our draft asset plan open for community feedback. Council manages assets of a combined value and replacement cost of \$440 million and the draft Asset Plan includes information about how these will be managed including the maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning of each asset class. Asset classes include roads, kerb and channel, footpaths, bridges, storm water drainage, playgrounds, aquatic and sporting facilities and more.

The Asset Plan has a ten year outlook and addresses how we propose to manage our portfolio of assets to ensure they are developed, renewed or maintained to facilitate the delivery of Council services. It is strongly linked to the Council Plan and Financial Plan, and is critical to the service planning and delivery along with the efficient use of available resources. Thank you to everyone who took time to contribute feedback to the Asset Plan.



Some of the recent and upcoming consultation sessions being undertaken include:

- Creswick Structure Plan engagement sessions
- Wombat Hill Botanic Gardens drop-in sessions to discuss enhancing the visitor experience
- Arts and Culture Strategy workshops
- Community consultation regarding the proposed sale of the Rex building
- Glenlyon Land Contamination project
- Draft Youth Development Strategy for 2022-2030 for you to have your say.  
"ACE" is the name of our draft Youth Development Strategy, an acronym for Advocate, Celebrate and Elevate representing the key focus areas for how we plan to engage young people aged 12 to 25.
- Council Budget 2022/23

On Monday 25 April, RSL branches throughout the Shire held commemorative services which were attended by Community, Councillors and staff.









I am excited that works at the Trentham Community Hub site have commenced. The sewerage system has now been realigned and the contractor has started on site.



It was exciting to see Clunes Booktown Festival return to the events calendar this year. I attended Spudfest on the weekend, with a number of Councillors and despite the drizzly weather there was a fantastic turnout of patrons. It is fantastic to have events back in our shire.







Council continues to advocate against the Western Victoria Transmission Network Project. Council have recently written to the candidates in the forthcoming election for the Seat of Ballarat, requesting their comments on this project in terms of their party's policy position on the project if elected to Government.

On Thursday 28 April we held our quarterly All Staff Meeting at Doug Lindsay Recreation Reserve in Creswick. This was the first opportunity we've had in nearly two years for the organisation to meet in person and it was fantastic to see everyone together again.



On 10 May we held a Special Council Meeting to consider the adoption of the Draft Budget for 2022/23 for Public Exhibition. The budget details the income and expenditure for the year ahead that will assist us deliver on the Council Plan. The \$58.06M draft budget for 2022/2023, which has a total revenue increase of \$15.24M or 37 percent on the current budget due to a considerable injection of State and

Federal capital grants and stimulus project funding, along with reimbursement of the high costs related to storm recovery and includes \$21.25M of capital works - this record investment of capital works will improve, renew and create new infrastructure for our community.

Congratulations to Cr Tessa Halliday who recently welcomed her daughter to the world. We wish Cr Halliday and her daughter health and happiness.

Some of the meetings I have attended over the past month include:

- Council briefings
- Council meeting
- Draft budget workshops
- Meeting regarding the Commonwealth Games to be held in Regional Victoria
- COVID-19 meetings with various agencies
- Meetings regarding the Western Victoria Transmission Network Project (WVTNP)
- Regular and recurring meetings with Directors and direct reports
- Executive Team and Leadership Team meetings
- Meetings relating to Council's new internet site (expected to launch in June 2022)
- Loddon Campaspe Councils and Central Highlands CEO's meeting
- Local Government Professionals CEO Forum at Holding Redlich
- Regional Tourism Industry Conference
- Creswick Structure Plan Drop In session
- Loddon Campaspe Councils CEOs meeting
- Meeting with CEO & Deputy CEO of Central Highlands Rural Health Maree Cuddihy, CHRH CEO

## **RECOMMENDATION**

*That Council receives and notes the Chief Executive Officer's Report for May 2022.*

## **MOTION**

*That Council receives and notes the Chief Executive Officer's Report for May 2022.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Don Henderson

**Carried**

## 9 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

### BEHAVIOUR AT COUNCIL MEETINGS

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

## 9.1 PETITIONS

No petitions were tabled.

## 9.2 PUBLIC QUESTIONS

*Note: Council received a number of questions in relating to planning applications being considered at tonight's meeting. As per Council's Governance Rules 2020 section 54.10.9, these questions have been disallowed as they relate to a proposed development. A response will be provided to the questioners.*

The following questions were received for the May Ordinary Meeting of Council:

### **Question 1 – Lior Albeck-Ripka**

At the 23 November 2021 Council Meeting the Council resolved to:

"Request the Chief Executive Officer prepare a scope to undertake a planning project that will review possible solutions of staffing accommodation and community facilities that were to be included in the Hepburn Hub."

One of the most important community facilities which was to be included in the Hepburn Hub was the community cinema. Will the Council commit to including a space for a new community cinema in this new project?

### **Response – Cr Jen Bray**

The full scope of services to be provided within any new community facility project have not yet been determined. The full scope and services to be provided in a new facility will be considered by Council at a later date. Council determined at the Council Meeting on 23 November 2021 to work with the Daylesford Cinema group on potential temporary and permanent solutions for the community cinema.

### **Question 2 – Lior Albeck-Ripka**

With such a clearly dedicated and passionate volunteer run cinema with a clear demand from the community for a safe artistic, community entertainment and cultural asset, what are the concerns with investing in a Daylesford Cinema to become a destination for locals and tourists alike?

### **Response – Cr Jen Bray**

As the scope and services that could be provided in a new facility have not been determined, no concerns have currently been identified. A few of the considerations will include floor space available for all the identified services and how the facility may be financed.

### **Question 3 – Adam Fawcett**

I am concerned there is a lot of animosity and a lack of trust out there in the community at the moment regarding the decision to cancel the Rex project. How

does our Council plan to address this after the survey process, and what are Council's strategies to encourage people to participate in community engagement with confidence again?

**Response – Cr Jen Bray**

Council adopted its Community Engagement Policy in March 2021. The policy sets out a number of key promises to our community and Council will continue to improve and build upon its relationship with the community by implementation of the policy.

**Question 4 – Jennifer Beacham**

\$150,000 is allocated in the draft budget for the Sale of the Rex. Why are additional costs envisaged above the normal duties of Council officers?

**Response – Cr Jen Bray**

There is no new money allocated in the draft 2022/2023 budget for the Rex Project. There is \$150,000 set aside from the original project budget as part of the mid-year budget review for the community engagement regarding the proposed sale, independent property valuation, commencement of planning for a new project and essential repairs to the building and current office facilities that had been previously deferred.

**Question 5 – Julien McDonald**

Regarding The Rex Community Consultation: How will viability of ideas suggested be explored?

**Response – Cr Jen Bray**

Council will consider all of the community feedback regarding the proposed sale of the Rex building at the June or July Ordinary Meeting of Council.

If Council determines to further explore the viability of any strategies put forward as part of the community feedback, this feasibility work will proceed in accordance with Council's direction.

**Question 6 – Julien McDonald**

Preamble: Our Community is very definite in its view that there are Four (4) Essential Elements that must not be lost in either the Re-design or the Sale of the Rex Theatre.

1. HERITAGE - We cannot lose the External and Internal Heritage architectural elements of this 95-year-old iconic building in our main street; and
2. CINEMA - We cannot lose our Community Cinema - an outstandingly successful and rewarding Community Asset; and

3. COMMUNITY SPACE - we cannot accept the loss of the planned and promised Spaces that would have allowed showcasing of our Art and Products and Community Meetings and Performances; and

4. PUBLIC TOILETS: - Our Community, Our Visitors, Our Families, and particularly our Aged depended heavily on the Rex Public Toilets. We were promised their priority in returning. We cannot accept their Loss.

Will Council commit to the Heritage, the Cinema, the Community spaces, and the Public Toilets as the essential non-negotiables in the assessment of any possible sale of the Rex Theatre?

**Response – Cr Jen Bray**

Council has commenced a process to sell the Rex Building and is currently in the process of inviting community feedback on the proposed sale.

If the sale proceeds, then any future owner of the building will be required to comply with Statutory Planning and Building requirements with any proposed works. Heritage considerations will form part of evaluating any permit application for the proposed works.

In regards to the Community Cinema, Community Spaces and Public Toilets, these will need to be considered as part of developing a project scope and identifying what services may be included in any future facility in accordance with Councils determination. These will not be considered in the possible sale of the building as Council have determined not to proceed with the Hepburn Hub Project.

**Question 7 – Edwin Beacham**

How will the community be informed about the findings of the consultation on the sale of the Rex?

**Response – Cr Jen Bray**

A further report will be presented to the June or July Ordinary Meeting of Council for consideration.

**Question 8 – Richard Spence**

Will Council ensure transparency in informing the community about assessments of strategies?

**Response – Cr Jen Bray**

We assume this question is in relation the proposed sale of the Rex Building.

All of the feedback will be provided to Councillors for consideration in their decision making. The feedback will be provided to the community as far as possible without breaching the *Local Government Act 2020*.

**Question 9 – Kaye Powell**



Subject: Shooting at the Glenlyon Reserve.

On 4 May, in the interests of transparency, I requested a copy of the licence given to the Daylesford Gun Club by council on 21 August last year. I have yet to receive it and was told that advice had to be sought before it could be released.

I would like to know why this licence, a document that should be accessible to the public, is being withheld and when I might receive a copy.

**Response – Cr Jen Bray**

Council received the above request on the 8 May 2022 and an initial response was provided on 10 May 2022, advising that some further advice or direction was being sought.

This is required as the draft Licence was a confidential attachment to the council report and Section 125(1) of the *Local Government Act 2020* prohibits a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff from disclosing confidential information.

Prior to determining this request, advice is required to ensure there is no breach of the *Local Government Act 2020*.

This advice is still pending.

**Question 10 – Kaye Powell**

At the community information session at the Glenlyon Reserve it was stated that new soil test results have identified sites, different to those originally tested, where contamination is less than the original sites. These new tests were news to the objectors of shooting resuming. These test results have yet to be made public and having a copy of these new results would be appreciated. (I'll add that to the request in question 1).

Could you please, in layperson's terms, explain how areas deemed to be above legal limits of contamination are now ok?

**Response – Cr Jen Bray**

In the initial testing, Lead levels were determined to have a health risk that is low and acceptable. This was accepted by the EPA.

With regards to Polycyclic Aromatic Hydrocarbons (PAH's), this is a chemical compound that is found in many different sources or forms that show different risk levels to human health.

The PAH found in clay targets at the Glenlyon Recreation Reserve was concluded to be in a form, and on a site, that was considered to be a lower human exposure risk than the generic forms and sites that the initial PAH testing and analysis had considered and compared to.

As part of the EPA accepted Clean Up Plan process, a risk assessment was completed. Ensuring compliance with the required environmental regulations, when the new limits are legitimately and scientifically calculated, the updated test results were provided to Council. The Risk Assessment used scientific data, site data, further soil testing and analysis and follows National Standards and Guidelines to determine the updated site specific PAH limits.

The Risk Assessment was carried out using a contamination land specialist and the conclusions were verified by an EPA Accreditor Auditor who specialises in contaminated land and has past experience assessing land affected by shooting activities.

All relevant information, including test results and recommendations, have been made public and are provided as links on the [Participate Hepburn website](#).

These reports have the latest test results, the locations where further tests were taken and the final recommendations.

#### **Question 11 – Elizabeth Swan**

Subject: Shooting at Glenlyon Reserve.

The motion passed at the 21 August 2021 Council Meeting to grant a licence to the Daylesford Field and Game Club lists a number of points. One is that there will be 6 monthly updates regarding what has been done to find a new venue to ensure a future for the club.

This update is now overdue. Can council please give an update?

#### **Response – Cr Jen Bray**

Council Officers have been working with the Daylesford Field and Game Association to investigate alternative options to accommodate the continuation of the Association's clay shooting activities during their suspended use of Glenlyon Recreation Reserve. These options have included relocation to alternative sites and sharing or amalgamating with existing gun clubs within or outside the Hepburn Shire which are continuing to be explored.

Councillors have received a six-monthly progress update on the relocation of the Daylesford Field and Game Association from Glenlyon Recreation Reserve, following the 17 August 2021 Ordinary Meeting of Council.

Officers will continue to work with the group to prepare a facility development and management plan that will assist in determining future project costs and the ongoing costs associated with operating and maintaining a single purpose shooting facility.

It is to be noted that the Daylesford Field and Game Association have not formally executed their Licence with Council and as such have not re-commenced their use of the Glenlyon Recreation Reserve.

#### **Question 12 – Elizabeth Swan**



The Clunes Field and Game Club shoot every second Sunday of the month. The Daylesford Field and Game Club shoot every first Saturday of the month. The two clubs have had events where they shoot together.

The Daylesford club's equipment is all housed in two containers and a shed. One more container would make a move an easier exercise.

The Taralgon Field and Game Club share a venue with the Geelong club. The Daylesford club doesn't shoot in Daylesford at present anyway.

Why can't the Daylesford club share the Clunes venue?

**Response – Cr Jen Bray**

Council Officers have been working with the Daylesford Field and Game Association Inc. to investigate alternative options to accommodate the continuation of the Association's clay shooting activities. A number of options are being explored including opportunities where exiting facilities within the Grampians region could be shared.

**Question 13 – Anne Milton**

Regarding the Rex, how will the viability of the strategies put forward to date be assessed?

**Response – Cr Jen Bray**

Council will consider all of the community feedback regarding the proposed sale of the Rex building at the June or July Ordinary Meeting of Council.

If Council, determines to further explore the viability of any strategies put forward as part of the community feedback, this feasibility work will proceed in accordance with Councils direction.

**Question 14 – David Nicholas Moore**

Will Council ensure transparency by informing the community in detail about the reasons behind decision-making in relation to the Rex.

**Response – Cr Jen Bray**

Yes, as far as possible without breaching the *Local Government Act 2020*.

**Question 15 - Kathleen McCrae**

What weighting will be given to community benefit in assessing viability of strategies?

**Response – Cr Jen Bray**

We assume this question is in relation the proposed sale of the Rex Building.

All of the feedback will be provided to Councillors for consideration.

No 'weighting' has been applied to any specific criteria as part of inviting community feedback on the proposed sale.

### **9.3 REQUESTS TO ADDRESS COUNCIL**

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

Ms Julien McDonald addressed Council in relation to the Hepburn Hub at the Rex.

Mr Jeff Bain addressed Council in relation to the Hepburn Hub at the Rex.

Councillor Lesley Hewitt left the meeting at 6:24pm due to a conflict of interest in relation to item 10.1 PA 3333 Use and Development of the land for group accommodation at 70 Camp Street Daylesford.

## **10 STATUTORY PLANNING**

### **10.1 PA 3333 - USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMMODATION - 70 CAMP STREET DAYLESFORD DIRECTOR COMMUNITY AND DEVELOPMENT**

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

#### **ATTACHMENTS**

1. PA 3333 - Advertised Plans 1 of 2 - Camp Street DAYLESFORD - Property 200369 [**10.1.1** - 75 pages]
2. PA 3333 Advertised Plans 2 of 2 - Camp Street DAYLESFORD - Property 200369 [**10.1.2** - 81 pages]
3. PA 3333 Combined Objections - 70 Camp Street Daylesford - Property 200369 [**10.1.3** - 42 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to confirm its position on Planning Application PA 3333, an application for the use and development of the land for group accommodation and vegetation removal at 70 Camp Street Daylesford. The application seeks approval for the construction of five short term (group accommodation) dwellings on the site.

The application is being referred to Council because:

- 19 objections were received; and
- Council needs to confirm to the Victorian Civil and Administrative Appeals Tribunal (VCAT) its position on the merits of the proposal. Accordingly, as the application is currently before VCAT, Council is not in a position to make a formal determination.

Council officers have considered the application and determined that whilst the use of the land for group accommodation is considered to be acceptable, the application fails to adequately address the Planning Policy Framework, the Zoning and Overlays that affect the land in relation to, siting of vehicle access, height, visual dominance, neighbourhood character, heritage and landscape significance.

Following consideration of the relevant planning provisions, comments from referral authorities and the grounds of objection, officers recommend that a Notice of Refusal to Grant a Planning Permit be issued.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Notes that a Section 79 appeal has been lodged against Council's failure to grant a permit within the prescribed time to the Victorian Civil and Administrative Tribunal (VCAT). VCAT Reference No. P218/2022. Accordingly, Council cannot make a determination on the application. However, Council is*

*required to provide VCAT with its position on the application prior to the hearing. It is the officer recommendation that Council makes a determination on its position to allow officers to proceed with the VCAT hearing.*

2. *having caused notice of planning application PA 3333 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, that VCAT be advised that should Council have been in a position to determine the application, the decision would have been to issue a Notice of Refusal to Grant a Planning Permit at 70 Camp Street Daylesford in accordance with the following recommendation and grounds of refusal.*
- *The siting of vehicle access, excessive height, visual dominance and contemporary architectural expression of the buildings do not respect the existing or preferred neighbourhood character. The development will visually dominate and physically detract from the heritage and landscape significance, including the integrity, authenticity, interpretation, and aesthetic qualities of Cornish Hill Precinct contrary to the objectives of the following Clauses of the Hepburn Planning Scheme:*
  - a) *Clause 15.01-01S (Urban design)*
  - b) *Clause 15.01-5S (Neighbourhood character)*
  - c) *Clause 15.01-6S (Design for rural areas)*
  - d) *Clause 15.03-1S (Heritage conservation)*
  - e) *Clause 21.09 (Environment and Heritage)*

Mr Neil Haydon from Neil Haydon and Associates addressed Council in objection to the application.

Dr Leanne Howard addressed Council in objection to the application.

Mr Victor Szwed addressed Council in objection to the application.

Mr Barry Ludlow addressed Council in objection to the application.

## **MOTION**

*That Council:*

1. *Notes that a Section 79 appeal has been lodged against Council's failure to grant a permit within the prescribed time to the Victorian Civil and Administrative Tribunal (VCAT). VCAT Reference No. P218/2022. Accordingly, Council cannot make a determination on the application. However, Council is required to provide VCAT with its position on the application prior to the hearing. It is the officer recommendation that Council makes a*

*determination on its position to allow officers to proceed with the VCAT hearing.*

2. *having caused notice of planning application PA 3333 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, that VCAT be advised that should Council have been in a position to determine the application, the decision would have been to issue a Notice of Refusal to Grant a Planning Permit at 70 Camp Street Daylesford in accordance with the following recommendation and grounds of refusal.*
- *The siting of vehicle access, excessive height, visual dominance and contemporary architectural expression of the buildings do not respect the existing or preferred neighbourhood character. The development will visually dominate and physically detract from the heritage and landscape significance, including the integrity, authenticity, interpretation, and aesthetic qualities of Cornish Hill Precinct contrary to the objectives of the following Clauses of the Hepburn Planning Scheme:*
    - a) *Clause 15.01-01S (Urban design)*
    - b) *Clause 15.01-5S (Neighbourhood character)*
    - c) *Clause 15.01-6S (Design for rural areas)*
    - d) *Clause 15.03-1S (Heritage conservation)*
    - e) *Clause 21.09 (Environment and Heritage)*

**Moved:** Cr Don Henderson

**Seconded:** Cr Brian Hood

**Carried**

#### **Cr Bray called for a Division**

**For:** Cr Tim Drylie, Cr Juliet Simpson, Cr Brian Hood, Cr Jen Bray, Cr Don Henderson, Cr Lesley Hewitt.

**Against:** Nil.

## **BACKGROUND**

### *Site and Surrounds*

The title describes the subject site as Crown Allotment 8 Section 9C Township of Daylesford Parish of Wombat. The site is 3,264 square metres and has a frontage to Camp Street to the west. However, the Camp Street frontage is currently unmade road. The property also has a frontage to Houston Street.

The site is currently vacant and contains a 5 metre wide easement extending along the rear of the site accommodating a waterway. Four trees exist on site. The site has a substantial slope falling from the east to the west of the site by approximately 14 metres.

The title contains a Crown grant which reserves the right to mining on the land and allows the municipal authority to maintain the watercourse that extends through the easement.

The surrounding character is residential in nature. The land to the east is the historic Cornish Hill reserve and heritage precinct. The property to the west is currently vacant. The property to the rear (south) contains an existing single storey detached dwelling. Surrounding dwellings are generally single story detached weatherboard dwellings on large allotments with mature gardens.

#### *The relevance of AmC80hepb*

Amendment C80hepb was a major amendment to the Hepburn Planning Scheme which included changes in Daylesford from GRZ to NRZ with 9 metre height limits and specific objectives around character, design, landscape and heritage. (Note that the mandatory height limit of 9 metres does not apply to group accommodation).

August 2021. Planning application received for the proposal. Council officers make the applicant aware of the transitional arrangements.

November 2021. Director State Planning Services formally advises Council that AmC80hepb has been approved. Council officers now formally apply the new provisions, NRZ.

February 2022: AmC80hepb is formally gazetted. The GRZ no longer applies to the subject land.

#### *Proposal*

The application seeks approval for the use and development of five residential structures to be used for short term accommodation.

The buildings, known as sky barrels, are contemporary in appearance. The buildings are oval in shape, suspended on galvanised steel frames and finished in a 'Colorbond' surround with a primarily glazed front and rear. The two storey buildings include a kitchen and living room at the ground floor and a single bedroom and bathroom at the upper level.

The buildings step down the site, each having an on-site car space and range in height from 9.39 metres to 11.83 metres.

#### *Relevant Planning Ordinance applying to the site and proposal*

Zoning:	Neighbourhood Residential Zone Schedule 1 (NRZ1) General Residential Zone (GRZ1 under previous scheme)
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Overlays:	Environmental Significance Overlay Schedule 1 (ESO1) Environmental Significance Overlay Schedule 2 (ESO2) Bushfire Management Overlay (BMO) Heritage Overlay Schedule (HO 898)	
Particular Provisions	Clause 52.06 (Car Parking)	
Relevant Provisions of the PPF	<ul style="list-style-type: none"> <li>• Clause 12.03-1S River corridors, waterways, lakes and wetlands</li> <li>• Clause 12.05-1S Environmentally sensitive areas</li> <li>• Clause 13.02-1S Bushfire planning</li> <li>• Clause 14.02-1S Catchment planning and management</li> <li>• Clause 15.01-01S Urban design</li> <li>• Clause 15.01-5S Neighbourhood character</li> <li>• Clause 15.01-6S Design for rural areas</li> <li>• Clause 15.03-1S Heritage conservation</li> <li>• Clause 17.02-01S Business</li> <li>• Clause 17.04-01S Facilitating tourism</li> <li>• Clause 18.02-4S Car parking</li> <li>• Clause 21.04 Objectives - Strategies - Implementation</li> <li>• Clause 21.07 Economic Development</li> <li>• Clause 21.09 Environment and Heritage</li> <li>• Clause 22.01 Catchment and Land Protection</li> </ul>	
Under what clause(s) is a permit required?	NRZ1 - Clause 32.09-2	Use of the Land for Group Accommodation is a <i>Section 2 – Permit required</i> use
	NRZ1 - Clause 32.09-9	Buildings and works associated with a Section 2 use
	ESO2 - Clause 42.01-2	Buildings and works
	BMO - Clause 44.06-2	Buildings and works associated with accommodation

	HO 898 - Clause 43.01-1	Buildings and Works in the Heritage Overlay
Objections?	19	

## KEY ISSUES

The key issues for considerations relate to the use of the land for group accommodation, neighbourhood character and heritage, car parking, environmental considerations and the grounds of objection.

### *Use of the land for group accommodation*

The Neighbourhood Residential Zone allows the use of the land for Group Accommodation subject to a planning permit.

The provision of appropriate tourism and group accommodation facilities are encouraged by the Planning Policy Framework (PPF). Specifically, Clause 21.07 (Economic Development) of the PPF states *“Hepburn's economic base has been traditionally linked to retailing, tourism, local services and primary production. Tourism and urban-based service industries are becoming more significant contributors to the local economy and will continue to provide important local employment opportunities. The Council is also keen to support a range of local employment opportunities within both urban and rural areas of the Shire.”* In addition, the objective of Clause 17.04-01S (Facilitating tourism) is to *“Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities”*

In considering the appropriateness of the use of the land for group accommodation, Council must also consider the compatibility of the proposed use, the scale and intensity and possible amenity impacts on the neighbours.

In this instance, the application seeks approval for the construction of five accommodation units which are considered to be modest in size, catering for very small groups of people. Group accommodation serves local community needs through contributing to tourism which is an important economic driver of the Hepburn Shire. There are no additional communal facilities proposed on site that may result in larger groups to congregate on site. Therefore, the use of the land for group accommodation is considered to be compatible with the residential context.

### *Neighbourhood character and heritage*

Neighbourhood character, landscape value and protection of heritage significance, are strong themes in the planning policy framework. It is policy to ensure development is designed to respect and be sympathetic to existing and preferred neighbourhood character and the heritage significance of a site and its surrounds.



In this instance the subject site is located within heritage precinct HO 898, known as the Cornish Hill Mining Precinct, Daylesford. The statement of significance from the Daylesford and Hepburn Springs Conservation Study (Perrott et al, 1985) provides as follows.

*Presenting the appearance of a bushland park, today, close examination records evidence of the precinct's early mining history. Features noted after an initial study are shown on the figure and include the remnants of brick and concrete abutments, overburden dumps, open cut and tunnelling activities. Prominent features are the old Cornish company's workings, the Bonnard's shaft and the Argus QM Company's sites, which, in conjunction with the now mature pine plantations and bushland, create an unusual parkland setting. Forming part of the precinct are the timber cottages associated with the earliest days of mining activities. Although spread over the street grid on either side of the reefs and in particular throughout the Smiths Creek area, examples which are usually linked with the former mining area include those at Grant and Houston Streets. At Stanbridge Street, sweeping views of the precinct are obtainable, with overburden dumps and cottages clearly visible. From here, the Duke and Orford Street tracks thread their way throughout the precinct rendering access by vehicle, bicycle or foot a simple matter.*

In support of the proposal, the applicant supplied an Urban Design and Landscape Visual Impact Memo prepared by Hansen Urban Design Team dated 27 September 2021. The conclusions of the report are summarised as follows:

- The site is located in the context of other one and two storey buildings and varied open allotments
- The proposed cabins present minimal visual bulk due to the separation of the buildings
- The siting of the driveway on lower land is discrete in appearance and only visible at close range or immediately around the site.
- A landscape concept plan is required to demonstrate low order landscape around buildings (commensurate with bushfire management matters).
- The design and finish of the proposed development including the tapering of height across the site is sympathetic with the landscape.
- The design response including glazed frontages ensures good separation between the proposed buildings and neighbouring properties to the west.
- The site is moderately visible from the western Valley and Lake Daylesford. The sensitivity of the setting is high views to the site will be most prominent from the lowest reaches of the valley from the banks of Lake Daylesford. No views towards the site are available from Vincent Street in the Town Centre or from local street networks (in particular King Street). Local views uphill along Houston Street permit aspect towards rising land, however these are confined in area and substantially influenced by the thick foreground and background vegetation on Cornish Hill.

- The height and profile of two storey separated buildings on the site will not project above the vegetated skyline of Cornish Hill and will fit comfortably with the surrounds

The applicant also provided preliminary heritage advice prepared by Trethowan dated 27 July 2021. The report conclusion includes the following:

*The proposed siting, form, materials and colour palette are acceptable in their current form. The proposed new works will have no detrimental physical and visual impact of any identified heritage item of the Cornish Hill Mining Precinct and are readily identifiable as contemporary structures to the Precinct, allowing the subject site to be read as a single block when viewed from Houston Street. The proposal will have no impact to the interpretation of the Precinct as a former mining site. It is recommended that additional landscaping elements, such as native vegetation and tree plantation be introduced to the proposal, to minimise the visual impacts identified arising from the carriageway and car spaces, and to maintain the important parkland and bushland setting of the wider Precinct.*

Council officers have considered the application and determined that the height and design detail of the proposal is contrary to the decision guidelines of the Heritage Overlay and various policies contained within the planning policy framework for the following reasons:

- The contemporary appearance and design detail of the buildings is out of character with the traditional housing stock in the surrounds.
- Ensure new development is consistent with and interprets the significance of heritage places.
- The height of the buildings are excessive and contribute to the visual dominance of the development in the surrounds.
- The location of the driveway and elevated parking spaces reduces the ability of the site to accommodate meaningful landscaping that will contribute to screening the development and contributing to the landscape character of the surrounds.

The application has been referred to Council Heritage Advisor who has provided detailed advice indicating that development as proposed will adversely impact on the Heritage significance of the Cornish Hill precinct in which it is located. The following is an excerpt from the advice:

*10.1 The proposition that the subject site makes limited contribution to the ascribed cultural heritage significance of the Cornish hill Precinct is not supported, incorrect and is contrary to all historic evidence, heritage studies, statement of significance, primary source data, research projects, historic photographs and mining records. The proposed development is not in accordance with Heritage Overlay decision guidelines Clause 43.01-8, Hepburn Planning Scheme.*

*10.2 The proposal that the galvanized frames of the built form are a direct interpretation and reference mining history is questioned and not supported. It is not suitable for an overburden site, on the lower slopes of the hill. The integrity authenticity and legibility of the heritage values of Cornish Hill Mining Precinct will be adversely impacted.*

*10.3 The proposal will result in detrimental physical and visual impact on the identified heritage values and character of the Cornish Hill Mining Precinct.*

*10.4 The proposed accommodation units are too high and unnecessarily high in this visually sensitive heritage precinct. The proposal will visually and physically detract from the integrity, authenticity, interpretation, and aesthetic qualities of Cornish Hill Precinct. Each unit regardless of location should be reduced by 4 metres to an upper height limit of 8 metres, a generous two-level unit height. The development is not dependent on the proposed height. A good responsive design outcome can be achieved at height of 8 metres, thereby considerably reducing the visual impact of the proposal on the heritage values of Cornish Hill Mining Precinct.*

*10.5 The vehicular access road should be relocated to the higher side of the slope or from Camp Street, with entry behind the accommodation units. This will reduce the extensive steep driveways; limit cut and fill and reduce visual impact. In this way site excavation is limited, car parking is at the same level as the ground floor of each unit, affording universal access, a desirable goal.*

*10.6 The aim should be to view the proposed units within a parkland setting, created on the subject site. Rather than a series of steeply constructed driveways, hard surfaces and stormwater drains, reminiscent of a 20th century suburban residential development. The aim should be to set the proposed development into the landscape unobtrusively, as an integrated landform/architectural structure that has a well-established sensitive response to the exceedingly steep site and wider historic mining cultural landscape. An architect's statement should be provided to Hepburn Council to this effect.*

*10.6 A landscape plan should be submitted to Hepburn Council for approval showing proposed ground levels, contouring, site excavation and works, site drainage prepared by a professional designer with an emphasis on revegetated indigenous grasses, plants, shrubs and trees.*

*10.7 The preparation of the planning application is extensive. However, the basis for the design inspiration and clients brief is flawed. It is recognized that the applicant feels a strong emotive response for the site and Cornish Hill. These inspirational feelings and aesthetic values are also shared by local community and tourists. The historic mining cultural landscape reflects the passing of a way of life and work that resulted in a degree of alteration, and*

*intervention into the natural landscape that provokes a strong personal response. The environmental degradation and failed attempts at rehabilitation over 170 years contributes to the complexity of the heritage place.*

*10.8 The ability for future re-interpretation and scientific research of the Cornish Hill Mining Precinct is high. The steel poppet heads associated with an historic gold mine identifies where the main mining shaft was located. They were used to haul and shift material and miners in and out of the underground tunnels. They have become symbolic and iconic. A proposal to build five small steel poppets integrated with accommodation units beneath, located just below the archaeological site of the Mitchell's mine main shaft does not sensitively respond to the particular site's historic references. It does not promote an understanding of the historic character of the precinct.*

*10.9 The significance of Cornish Hill Mining Precinct is fundamental to the identity of Daylesford and its tourist image. Development within the Cornish Hill Mining precinct, a complex relic cultural landscape, requires a nuanced approach, allowing the enormity of the impact of the 19th century gold extraction enterprise to be expressed, unincumbered by prominent new development.*

#### *Car parking*

In support of the application, the applicant supplied a Transport Impact Assessment prepared by One Mile Grid Traffic Engineering dated 12 August 2021. The report concludes:

- *The proposed car parking design is considered appropriate;*
- *The proposed access design requires some modifications which can be included as a condition of permit;*
- *The proposed supply of car parking is appropriate for the proposed development;*
- *The anticipated traffic volumes generated by the development is not expected to have an impact on the operation of the Houston Street or the surrounding road network; and*
- *There are no traffic engineering reasons which would preclude a permit from being issued for this proposal.*

The application was referred to Council's Engineering Unit for consideration and comment. No objection was raised to the application subject to various conditions. Conditions of note include the requirement to upgrade of the road to Council's standards and enter into a Land Use Activity Agreement with the relevant Aboriginal Corporation. In addition, it was suggested that a Waste Management Plan be prepared and an additional on-site car space for management and other services such as cleaners be provided.

Clause 52.06 of the Hepburn Planning Scheme sets out the requirements for car parking. No specific on-site car parking requirement is prescribed for the use of the land for Group Accommodation. Therefore, the provision of car parking is to the satisfaction of Council.

Clause 52.06 provides guidance for the number of car spaces required for a dwelling, being 1 onsite car space for a one or two bedroom dwelling, or 2 on-site car spaces for a dwelling of three or more bedrooms.

In this instance, 5 onsite car spaces are provided. One for each of the accommodation units. Given the size of each of the units containing only one bedroom, this is considered to be reasonable. It is not considered necessary to require additional onsite car parking for services noting the units will generally be serviced and cleaned whilst empty. In addition, on-street car parking is available within proximity of the site.

It is considered that subject to conditions, the traffic and car parking associated with the proposal are acceptable.

#### *Environmental considerations*

No significant environmental considerations are presented by the proposal. The site is impacted by a Bushfire Management Overlay and the Environmental Significance Overlay Schedule 1 and 2 A waterway extends through the rear of the site, contained within an easement.

The application was referred to Central Highlands Water, Goulburn Murray Water, North Central Catchment Management Authority and Council's Biodiversity Officer. No objections were offered to the proposal subject to conditions.

The application proposes the removal of trees. A permit is required for the tree removal under the Heritage Overlay.

In support of the application, the applicant has supplied an Arborist Report prepared by Treecology dated 6 July 2021. The report identifies that the site contains a number of trees including:

- mature Manna Gum (*Eucalyptus viminalis*)
- senescent Silver Wattle (*Acacia dealbata*)
- three old mature Pines (*Pinus radiata*)
- deadwood
- Two small Hawthorn trees (environmental weeds)
- Several Silver Wattle trees are in the north part of the site

The report identifies that the trees will need to be removed to accommodate the development, due to declining health or their environmental weed status.

The tree removal is accepted in this instance noting no specific heritage concern was raised from Council's Biodiversity Officer or Heritage Advisor. In addition, as the site

is located within a Bushfire Management Overlay, tree removal to facilitate defensible space will be exempt from needing approval.

In relation to the Bushfire Management Overlay, the applicant has supplied a Bushfire Management Statement and Plan Prepared by Terramatrix dated August 2021. The application was referred to the Country Fire Authority (CFA) for consideration who consented to the application subject to conditions which included closure of the accommodation on days of elevated bushfire danger and the preparation of a bushfire emergency management plan.

### **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. As a result, 19 objections have been received. The issues raised in the objections are addressed individually as follows.

*Inadequacy of Huston Street (should be a Council maintained road, dirt road very narrow, construction management, sediment control, Access to emergency services)*

Council's Engineering Department have recommended conditions requiring the road to be upgraded at the cost of the land owner prior to the commandment of use.

*Out of character excessive height visual bulk*

Concerns have been raised in this report regarding character, height and visual bulk which form part of the recommended grounds of refusal.

*Traffic*



This has been discussed in detail in the main discussion of this report. The traffic and car parking as proposed are considered to be satisfactory.

*Heritage and negative impact on Cornish Hill*

This has been discussed in detail in the main discussion of this report. It is considered that the application will result in adverse impacts on the heritage precinct, reflected in the grounds of refusal.

*Inadequacy of the use in a residential zone*

This has been discussed in the main discussion of this report. The use of the land for Group Accommodation is an allowable use subject to a permit. The use is considered to be acceptable in this instance.

*Privacy*

It is acknowledged that the application will have views to surrounding properties. This is characteristic of the surrounds due to the sloped nature of the land.

The application is not required to be considered against the provisions of Clause 55 (ResCode) in relation to overlooking. The setbacks of the side and rear boundaries are 10 metres and 19.2 metres from side boundaries and minimum 9 metre setback from the rear boundary which are in excess of the setback required under the provisions of ResCode in relation to overlooking.

*Bushfire Risk*

The applicant has supplied a detailed Bushfire Management Statement and Plan which has been supported by the CFA. The proposal is considered to be acceptable in relation to the considerations required under the Bushfire Management Overlay.

*Proposal is not an acceptable or orderly planning outcome Non-compliance with Clause 71.02-3 (Integrated Decision Making)*

This concern has been addressed in the main body of this report. The use of the land is considered to be an acceptable outcome however there are concerns that the design response does not adequately respond to the opportunities and constraints of the site and is therefore not supported by Council Officers.

*Vegetation removal*

This has been discussed in the main body of the report.

Concern has been raised in relation to the lack of privacy following removal of the trees. It is acknowledged that tree removal on the site will increase visibility to the site and views from the site. However, the setbacks of the buildings are considered to be sufficient.

*Devaluation of adjoining properties*

The value of properties is not a valid planning consideration.

### *Light pollution*

The buildings are located centrally within the site. It is not considered that the accommodation will result in unreasonable off-site light pollution.


### *Behaviour of occupants / Noise*


Given the layout and size of the development, there is not anticipated to be a major concern in relation to the behaviour of occupants or noise. However, should the application have been supported consideration could be given to the inclusion of a permit condition requiring a management plan to be supplied.


Councillor Lesley Hewitt returned to the meeting at 6:47pm.

## Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

 Questions marked with an asterisk (\*) must be completed.

 If the space provided on the form is insufficient, attach a separate sheet.

 Click for further information.

Clear Form

### The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

#### Street Address \*

Unit No.:

St. No.:


St. Name: CAMP STREET

Suburb/Locality: DAYLESFORD

Postcode:

#### Formal Land Description \*


Complete either A or B.


 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.


A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.: 8			Section No.: 9C	
Parish/Township Name: TOWNSHIP OF DAYLESFORD, PARISH OF WOMBAT					

### The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


 For what use, development or other matter do you require a permit? \*

USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMODATION

 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

 Estimated cost of any development for which the permit is required \*

Cost \$ 800000

 You may be required to verify this estimate. Insert '0' if no development is proposed.




## Existing Conditions

ATTACHMENT 10.1.1

### Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

VACANT LAND


 Provide a plan of the existing conditions. Photos are also helpful.

## Title Information

### Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☒ Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site.  
The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and Owner Details

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

*Please provide at least one contact phone number \**

*Where the preferred contact person for the application is different from the applicant, provide the details of that person.*

### Owner \*

The person or organisation who owns the land


*Where the owner is different from the applicant, provide the details of that person or organisation.*

Name:			Same as applicant <input type="checkbox"/>		
Title:	First Name:	Surname:			
Organisation (if applicable):					
Postal Address:			If it is a P.O. Box, enter the details here:		
Unit No.:	St. No.:	St. Name:			
Suburb/Locality:		State:	Postcode:		
Owner's Signature (Optional):			Date:		
			day / month / year		



## Declaration

**This form must be signed by the applicant \***

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date: 12/08/2021

day / month / year

If completing this form electronically, please tick the box to the right, include a date and type your name above to serve as a declaration that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.



ATTACHMENT 10.1.1

## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

**Has there been a pre-application meeting with a council planning officer?**

☒ No

☐ Yes

If 'Yes', with whom?:

Date:

day / month / year

## Checklist

**Have you:**

Please provide invoice for payment



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site.



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).



Completed the relevant council planning permit checklist?



Signed the declaration above?

## Lodgement

**Lodge the completed and signed form, the fee and all documents with:**

Planning Department  
Hepburn Shire Council  
PO Box 21  
Daylesford VIC 3460

Customer Service Centre  
Cnr Duke & Albert Streets  
Daylesford VIC 3460

### Contact information:

Phone: (03) 5348 1577

Email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

**Deliver application in person, by post or by electronic lodgement.**

### Privacy Statement

Your application and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your application. Your application will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Councils Governance Department.

## AMENDMENT TO PLANNING APPLICATION

Pursuant to Sections 50, 50A and 57A of the Planning and Environment Act 1987

**Is this form for me?** This form is for making amendments to an application that has been lodged with Council, but which has not yet been decided.

### Planning Permit

Permit number: PA 3333

Address of the Land: Camp Street DAYLESFORD VIC 3460 (Crown Allotment 8 Section 9C)

### The Applicant

Name: Clement-Stone Town Planners

Organisation:

Postal Address: 2 Hercules Street, Tullamarine VIC

Postcode: 3043

Telephone no (Business hours): 03 9334 2060

Mobile phone no:

Email Address: as@townplanners.com.au

Fax no:

### Amendment sought

- Addition of planning permit trigger to seek removal of on-site trees that are protected under the Heritage Overlay (HO898)
- The revised preamble for the proposal is to read as follows:
- 'USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMODATION AND ASSOCIATED ON-SITE TREE REMOVAL UNDER THE HERITAGE OVERLAY (HO 898)'

*Attach a full schedule of all changes, including all changes to plans. If plans are to be amended, three full sets of amended plans are required.  
If the amendment changes the description of the use or development, please make that clear.*

Does the amendment breach a registered covenant, section 173 agreement or restriction on Title? ☒ Yes ☐ No

### Prescribed Fee

To amend an application before advertising  
To amend an application after advertising

No fee  
40% of application fee for the relevant class of permit

### Declaration

I declare that I am the applicant and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the amendment to the application.

Name: Anthony Scarpaci

Date: 7/10/21

Signature: 

*Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.*

### Lodgement

Please lodge the completed form, appropriate fee and supporting documents with:

Planning Department  
 Hepburn Shire Council  
 Duke Street  
 Daylesford VIC 3460  
 Telephone: (03) 5348 1577  
 email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

#### Please Note:

Any material submitted with an application including plans will be made available for public view and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning & Environment Act 1987.



## HOW TO AMEND AN APPLICATION FOR A PLANNING PERMIT

Applications made under section 50.3(c) must include the information required by Regulation 16 of the Planning and Environment Regulations 1988.

### **Section 50. Amendment to application at request of the applicant before notice**

- (1) An applicant may ask the responsible authority to amend an application before notice of the application is first given under section 52.
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and an amendment to any plans and other documents forming part of or accompanying the application.
- (3) A request under this section must—
  - (a) be accompanied by the prescribed fee (if any); and
  - (b) be accompanied by any information or document referred to in section 47(1)(c) to 47(1)(e) that relates to the proposed amendment to the application and that was not provided with the original application; and
  - (c) if the applicant is not the owner of the land to which the application applies, be signed by the owner or include a declaration by the applicant, that the applicant has notified the owner about the request.
- (4) Subject to sub-section (5), the responsible authority must amend the application in accordance with the request.
- (5) The responsible authority may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.
- (6) The responsible authority must make a note in the register if any amendment is made to an application under this section.
- (7) On the amendment of an application under this section, the amended application is to be taken—
  - (a) to be the application for the purposes of this Act; and
  - (b) to have been received on the day that the request for amendment was received by the responsible authority.

### **50A. Amendment of application by responsible authority before notice**

- (1) With the agreement of the applicant and after giving notice to the owner, the responsible authority may make any amendments to an application that it thinks necessary before notice of the application is first given under section 52.
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and
  - (c) an amendment to any plans and other documents forming part of or accompanying the application.
- (3) The responsible authority may require the applicant—
  - (a) to notify the owner under sub-section (1); and
  - (b) to make a declaration that that notice has been given.
- (4) The responsible authority must make a note in the register if any amendment is made to an application under this section.
- (5) On the amendment of an application under this section, the amended application is to be taken—
  - (a) to be the application for the purposes of this Act; and
  - (b) to have been received on the day that the applicant agreed to the amendment.

### **57A. Amendments to application after notice of application is given**

- (1) An applicant may ask the responsible authority to amend an application after notice of the application is given under section 52.
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and
  - (c) an amendment to any plans and other documents forming part of or accompanying the application.
- (3) A request under this section must—
  - (a) be accompanied by the prescribed fee (if any); and
  - (b) be accompanied by any information or document referred to in section 47(1)(c) to 47(1)(e) that relates to the proposed amendment to the application and that was not provided with the original application; and
  - (c) if the applicant is not the owner of the land to which the application applies, be signed by the owner or include a declaration by the applicant that the applicant has notified the owner about the request.
- (4) Subject to sub-section (5), the responsible authority must amend the application in accordance with the request.
- (5) The responsible authority may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.
- (6) The responsible authority must make a note in the register if any amendment is made to an application under this section.
- (7) On the amendment of an application under this section—
  - (a) the amended application is to be taken—
    - (i) to be the application for the purposes of this Act; and
    - (ii) to have been received on the day that the request for amendment was received by the responsible authority; and
  - (b) all objections made in relation to the original application are to be taken to be objections to the amended application.
- (8) Nothing in this section affects any right a person may have to make a request under section 87 or 89 in respect of anything done or not done in relation to the original application.
- (9) Sections 52 and 55 do not apply to an amended application.

**REMEMBER** it is against the law to give false or misleading information. You may receive a heavy fine and your permit may be cancelled.

**Send the completed form and all the documents to the Responsible Authority:**

# REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10315 FOLIO 163

Security no : 124091804679J  
Produced 12/08/2021 04:59 PM

CROWN GRANT

## LAND DESCRIPTION

Crown Allotment 8 Section 9C Township of Daylesford Parish of Wombat.

## REGISTERED PROPRIETOR

## ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU456372V 15/06/2021  
BABBL PTY LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.  
For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

## DIAGRAM LOCATION

SEE TP071347W FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AU246187M (E)	CONV PCT & NOM ECT TO LC	Completed	16/04/2021
AU255049Y (E)	TRANSFER	Registered	20/04/2021
AU453204K (E)	NOMINATION OF ECT TO LC	Completed	15/06/2021
AU456372V (E)	MORTGAGE	Registered	15/06/2021

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: CAMP STREET DAYLESFORD VIC 3460

## ADMINISTRATIVE NOTICES

NIL

eCT Control 22323Y ASSURED LEGAL SOLUTIONS  
Effective from 15/06/2021

DOCUMENT END

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Document Type	<b>Plan</b>
Document Identification	<b>TP071347W</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>12/08/2021 17:03</b>

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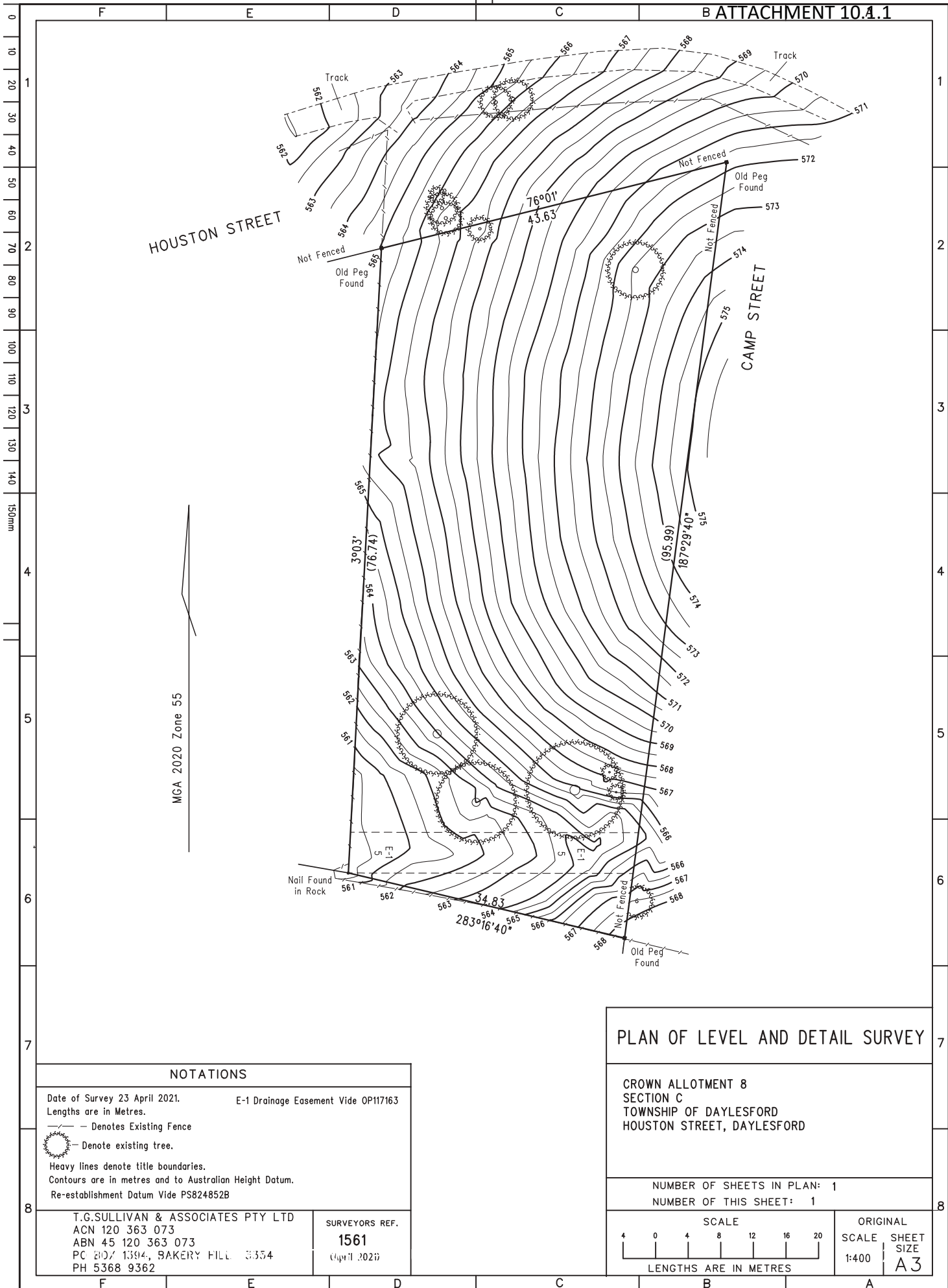
TITLE PLAN		EDITION 1	ATTACHMENT 10.1.1
<p>Location of Land</p> <p>Parish: WOMBAT  Township: DAYLESFORD  Section: 9C  Crown Allotment: 8  Crown Portion:</p> <p>Last Plan Reference:  Derived From: VOL 10315 - FOL 163  Depth Limitation: 15 m</p>		<p>Notations</p> <p>SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 10315 FOL. 163 AND NOTED ON SHEET 2 OF THIS PLAN</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>	
Description of Land / Easement Information		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 19/07/1999  VERIFIED: AD</p>	
<p>LENGTHS ARE IN METRES</p> <p>Metres = 0.3048 x Feet  Metres = 0.261189 x Links</p>		<p>Sheet 1 of 2 sheets</p>	

## LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

all that piece of land in the said State being Allotment EIGHT of Section NINE <sup>C</sup> in the Township of DAYLESFORD Parish of WOMBAT and being the land shown enclosed by continuous lines in the map hereon and identified by that allotment number

Provided that this Grant is made subject to -

- (a) the reservation to Us Our heirs and successors of -
  - (i) any minerals within the meaning of the *Mineral Resources Development Act* 1990 and petroleum within the meaning of the *Petroleum Act* 1968 (hereinafter called "the reserved minerals");
  - (ii) rights of access for the purpose of searching for and obtaining the reserved minerals in any part of the said land;
  - (iii) rights for access and for pipe-lines works and other purposes necessary for obtaining and conveying on and from the said land any of the reserved minerals which is obtained in any part of the said land;
- (b) the right to resume the said land for mining purposes pursuant to section 205 of the *Land Act* 1958;
- (c) the right of any person being a licensee under the *Mineral Resources Development Act* 1990 or any corresponding previous enactment to enter on the said land and to do work within the meaning of that Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those under which such a person has now the right to do such work in and upon Crown lands provided that compensation as prescribed by Part 8 of that Act is paid for surface damage to be done to the said land by reason of doing such work on it.
- (d) the condition that the grantees shall take the said land notwithstanding any defects arising from the past user thereof for mining purposes or from any reclamation work carried out thereon or from any other cause whatsoever and that no warranty shall be implied herein as to the fitness of the said land for any purpose.
- (e) the right of the Municipal or other Authority or body for the time being concerned with the control and management of public or municipal watercourses or drains in the vicinity of the land hereby granted and its officers agents servants contractors and workmen to cut make and construct and from time to time use maintain repair cleanse and enlarge a drain for the purpose of conveying surface and other waters from any adjoining or adjacent land upon over under and along that portion of the land hereby granted shown marked E-1 in the said map.



HOUSTON STREET

CAMP STREET

MCA 2020 Zone 55

NOTATIONS

Date of Survey 23 April 2021. E-1 Drainage Easement Vide OP117163  
Lengths are in Metres.  
--- Denotes Existing Fence  
○ Denote existing tree.  
Heavy lines denote title boundaries.  
Contours are in metres and to Australian Height Datum.  
Re-establishment Datum Vide PS824852B

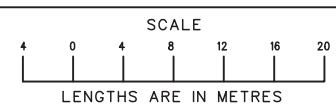
T.G.SULLIVAN & ASSOCIATES PTY LTD  
ACN 120 363 073  
ABN 45 120 363 073  
PC 80/ 1394, BAKERY HILL 3354  
PH 5368 9362

SURVEYORS REF.  
**1561**  
(April 2020)

PLAN OF LEVEL AND DETAIL SURVEY

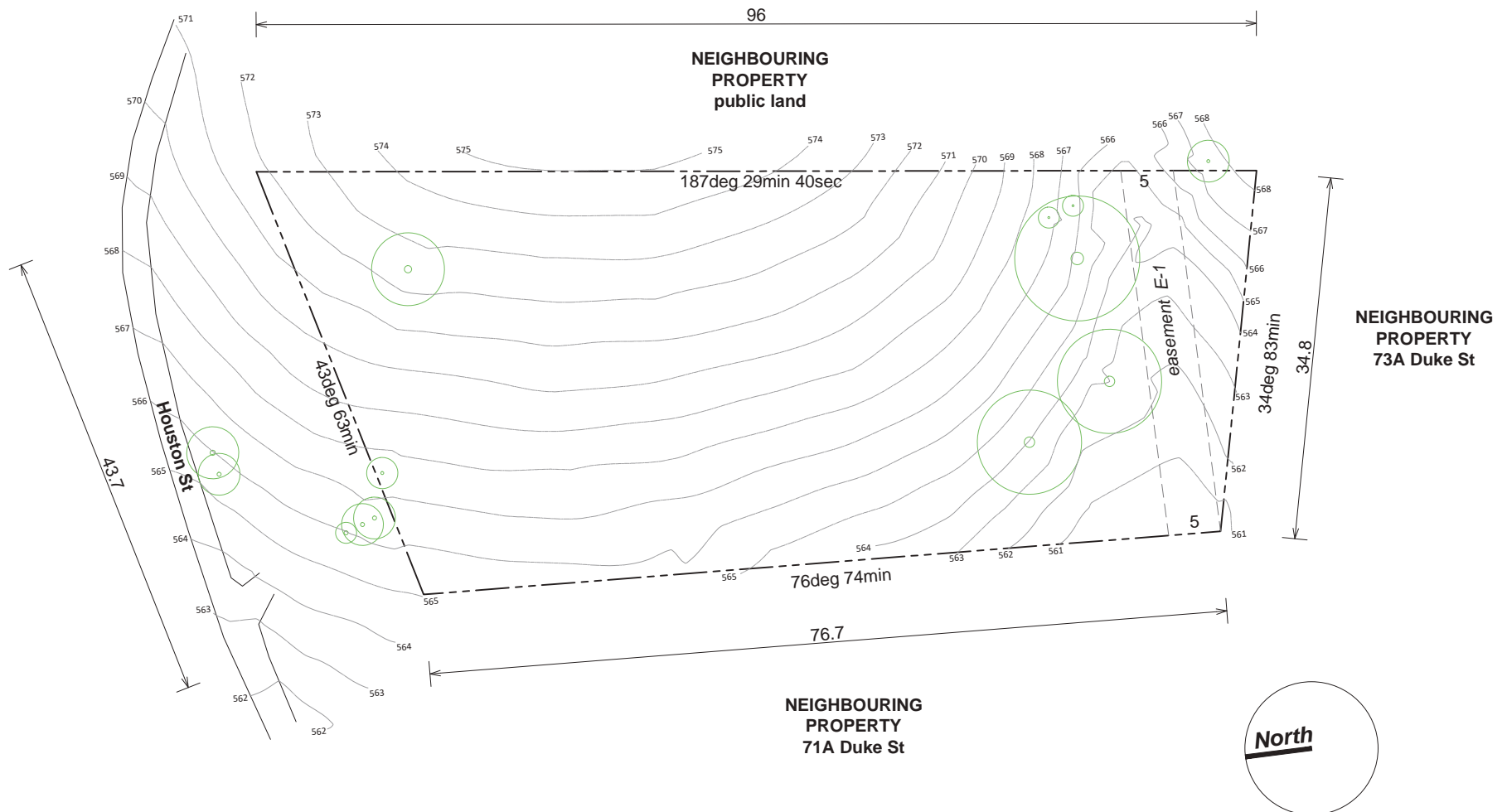
CROWN ALLOTMENT 8  
SECTION C  
TOWNSHIP OF DAYLESFORD  
HOUSTON STREET, DAYLESFORD

NUMBER OF SHEETS IN PLAN: 1  
NUMBER OF THIS SHEET: 1



ORIGINAL  
SCALE SHEET  
1:400 SIZE  
A3





**planning permit  
application drawing**  
(not for construction)

#### SITE AREAS

SUBJECT SITE: 3264 sqm

#### Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

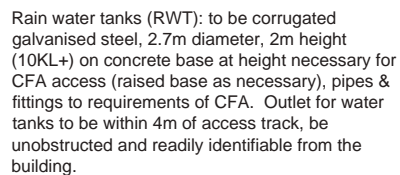
**A01**

#### Existing Site plan

SCALE: 1:400

28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



SITE AREAS	
SUBJECT SITE:	3264 sqm
Each Building:	48.5 sqm
Total Building Area:	242.5 sqm
Masonry Entry Stairs (past end of building) & Paving:	64 sqm
TOTAL SITE COVERAGE:	7%
TOTAL SITE PERMEABILITY (Excludes Buildings & Stairway):	91%
TOTAL SITE GARDEN AREA: (Excludes Buildings, Stairway & Driveway):	73%

- Accessway curves to have a minimum inner radius of 10 m
- Maximum accessway grade of no more than 1 in 5 (20%)
- Accessway dips to not be steeper than 1 in 8 (12.5%)
- Accessway to have a load limit of at least 15 tonnes and be of all-weather construction
- Accessway to provide a minimum trafficable width of 3.5 m
- Minimum accessway grade of 1 in 10 for the first 5 m of the accessway to street frontage
- Accessway crossfall no greater than 1:20
- Car park grades of 1:20 (parallel to the space) and 1:16 (crossfall)



## Proposed Group Accommodation

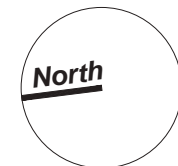
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

### Proposed Site plan

SCALE: 1:400

28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



- Accessway curves to have a minimum inner radius of 10 m
- Maximum accessway grade of no more than 1 in 5 (20%)
- Accessway dips to not be steeper than 1 in 8 (12.5%)
- Accessway to have a load limit of at least 15 tonnes and be of all-weather construction
- Accessway to provide a minimum trafficable width of 3.5 m
- Minimum accessway grade of 1 in 10 for the first 5 m of the accessway to street frontage
- Accessway crossfall no greater than 1:20
- Car park grades of 1:20 (parallel to the space) and 1:16 (crossfall)

## Proposed Group Accommodation

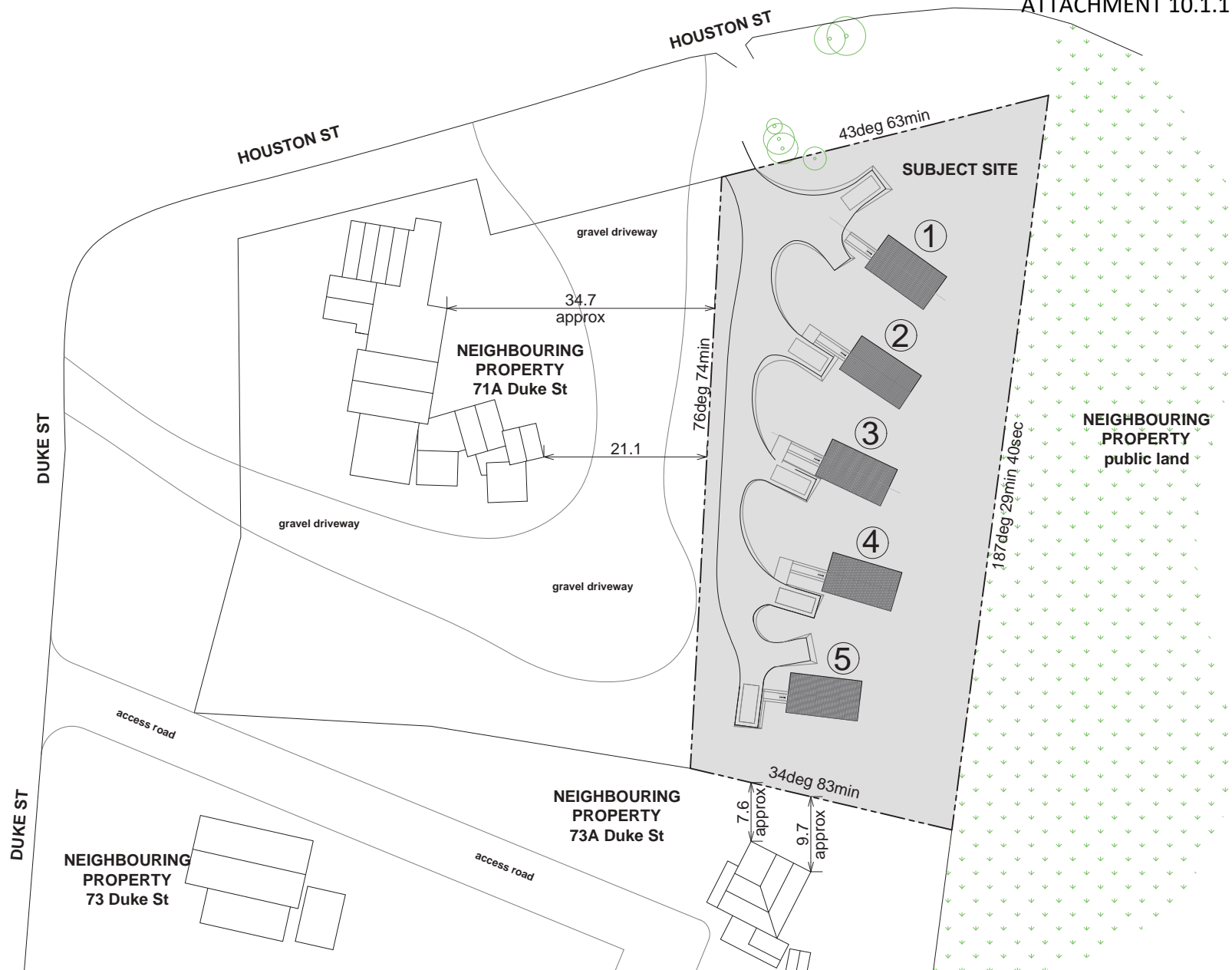
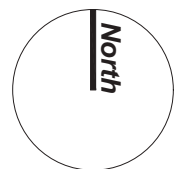
☐ Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

### Proposed Site plan: accessways

SCALE: 1:400

28.09.21

**ROBIN LARSEN DESIGN** *pty ltd*  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800

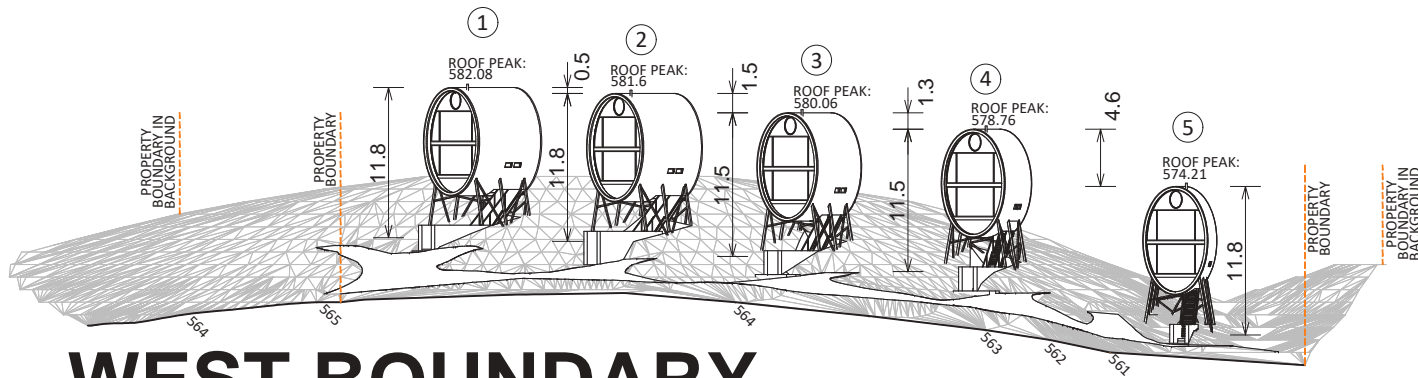


**planning permit  
application drawing**  
(not for construction)

**A02c**

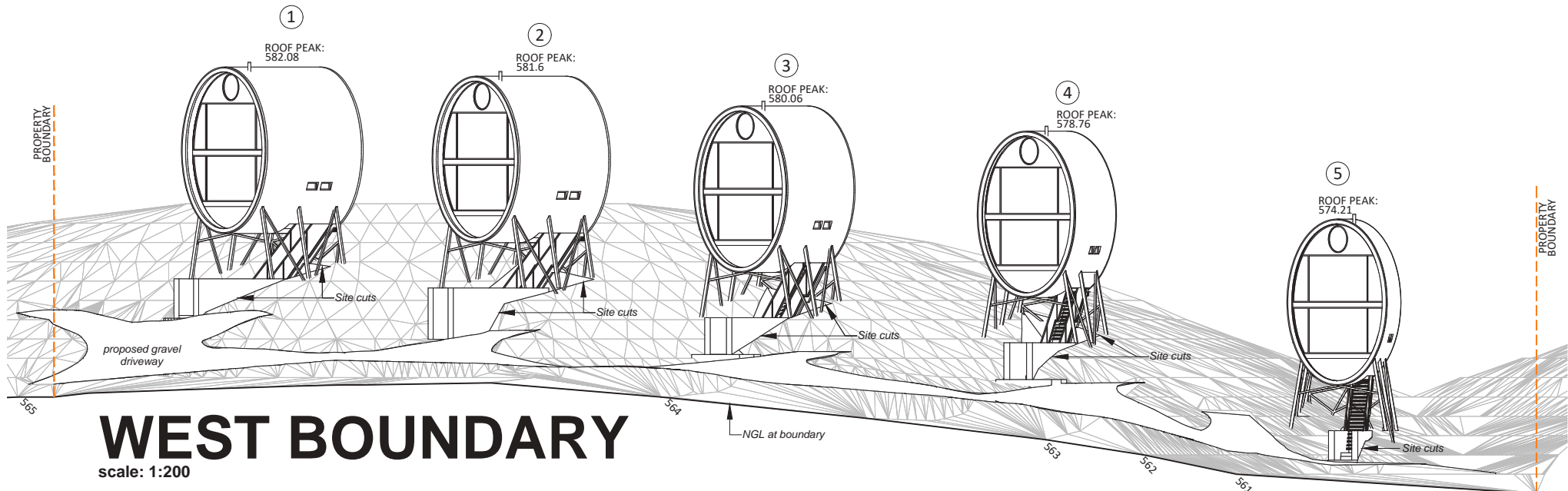
**Proposed Group  
Accommodation**  
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.  
**Proposed Site Context plan**  
SCALE: 1:500 28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



# WEST BOUNDARY

scale: 1:400



# WEST BOUNDARY

scale: 1:200

*planning permit  
application drawing*  
(not for construction)

## Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**A03**

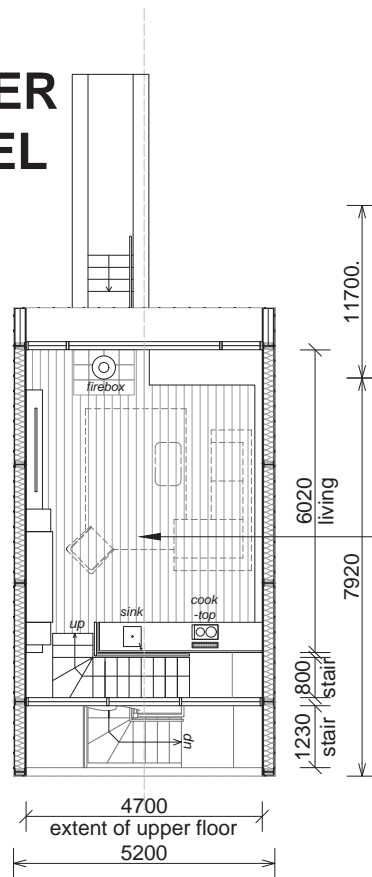
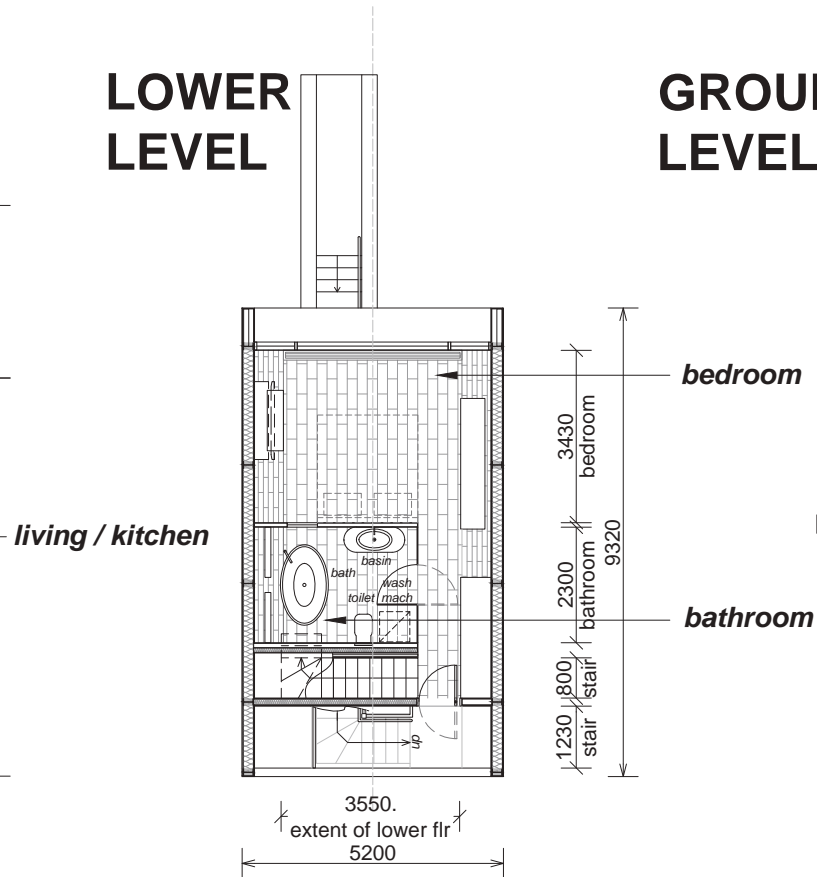
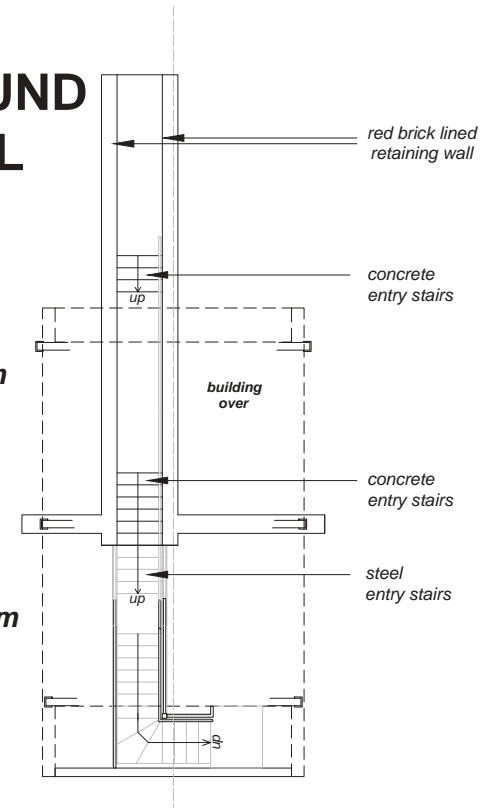
**Prop Elev's: West Compared**

SCALE: 1:400 & 1:200

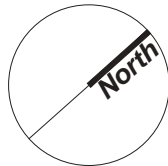
28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800

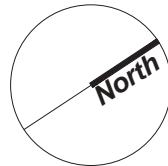


UPPER  
LEVELLOWER  
LEVELGROUND  
LEVEL

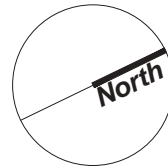
Location and direction of buildings on block vary. Refer north point for each building.



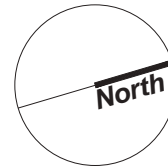
1



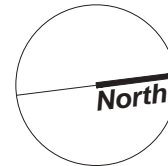
2



3



4



5

**planning permit  
application drawing**

(not for construction)

### Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**A04**

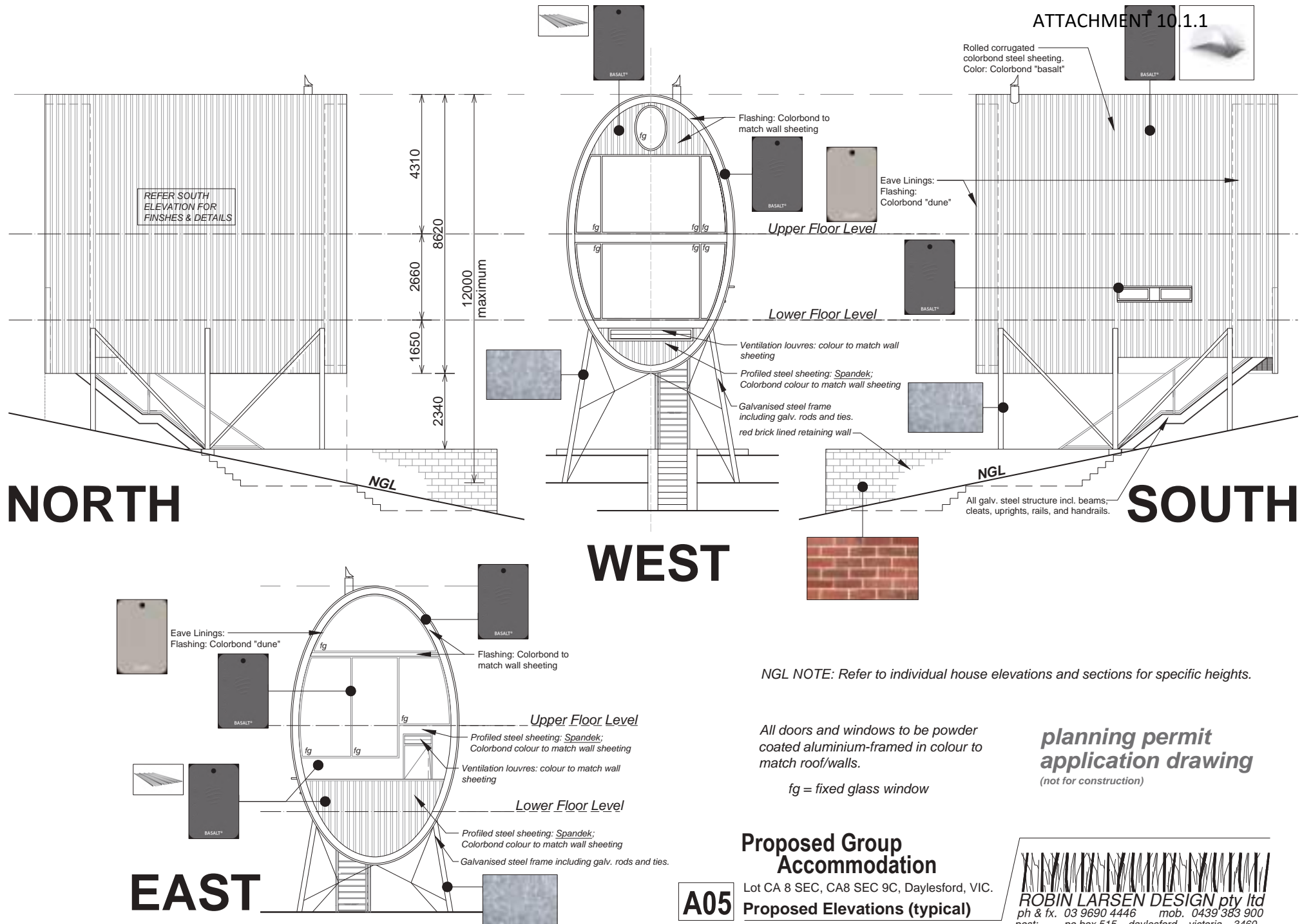
### Proposed Floor Plans (typical)

SCALE: 1:100

28.09.21

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NGL NOTE: Refer to individual house elevations and sections for specific heights.

All doors and windows to be powder coated aluminium-framed in colour to match roof/walls.

fg = fixed glass window

**planning permit  
application drawing**  
(not for construction)

## Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

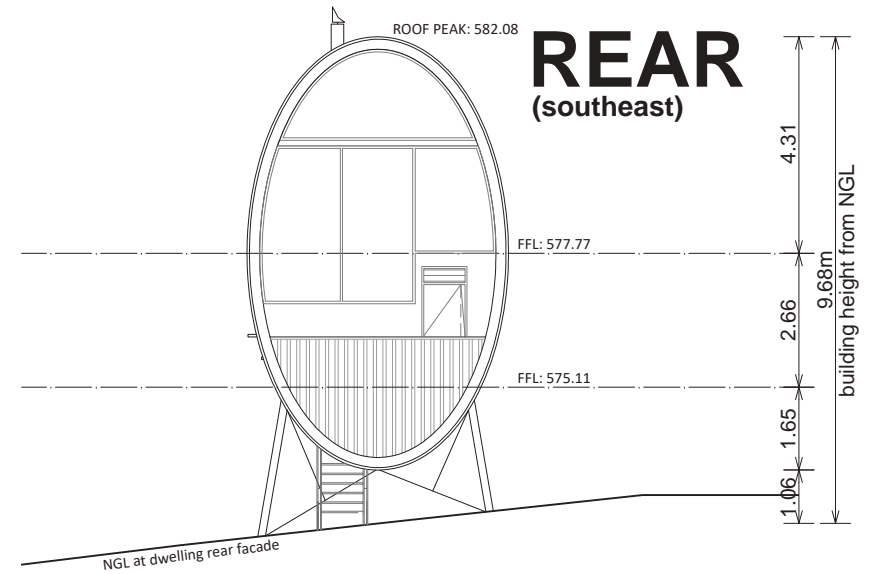
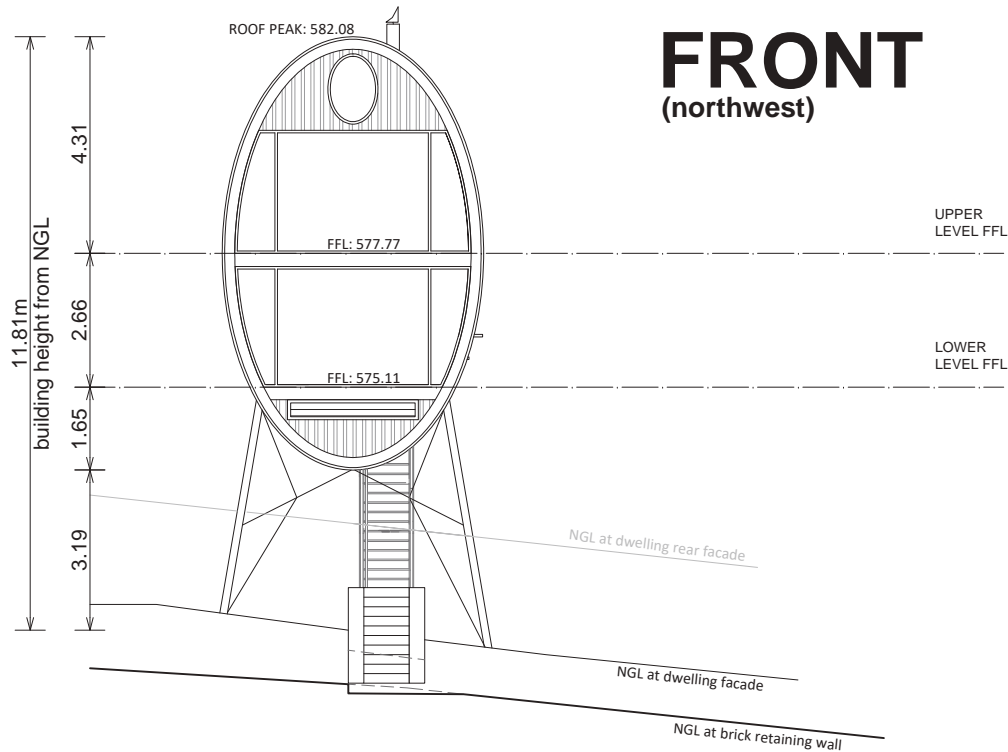
**Proposed Elevations (typical)**

SCALE: 1:100

28.09.21

**A05**

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ph & fx. 03 9690 4446 mob. 0439 383 900  
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email: robin@treearc.com.au arbv reg no. 16800



*planning permit  
application drawing*  
(not for construction)

**HOUSE #1**

**A06**

**Proposed Group  
Accommodation**

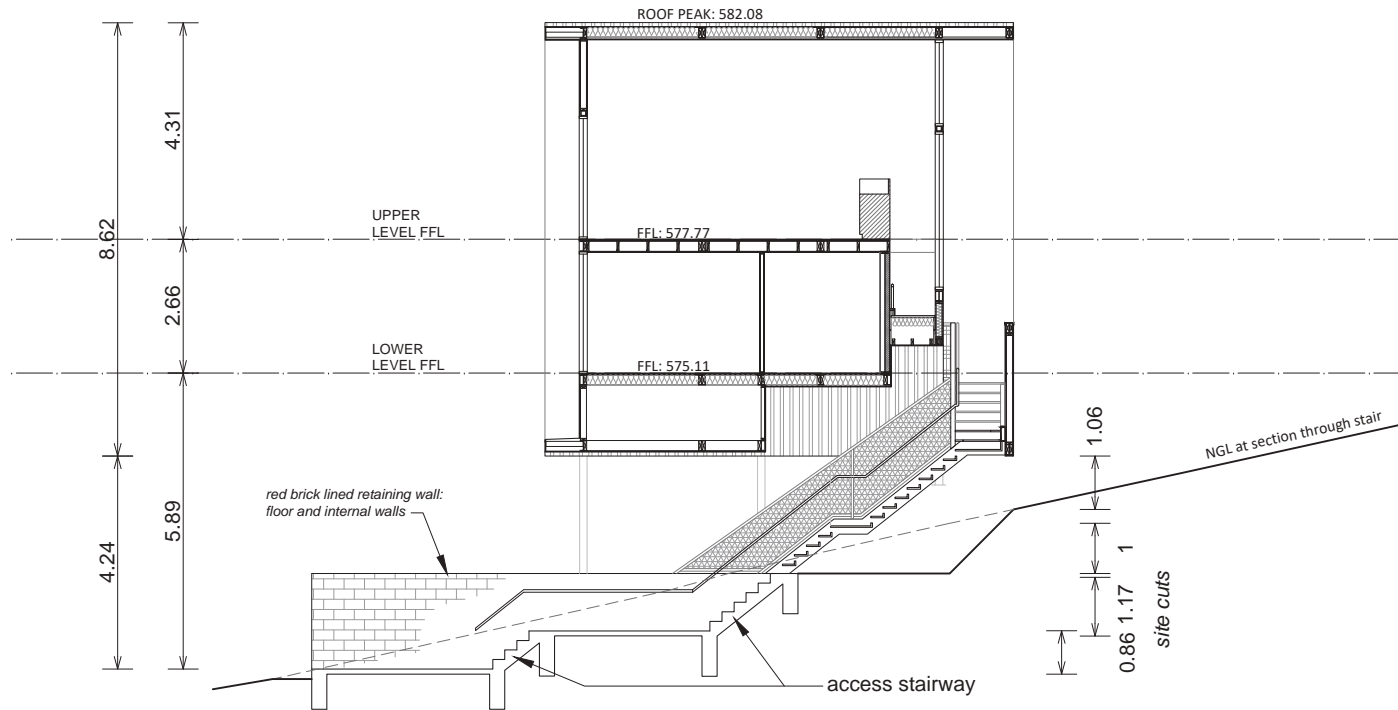
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**Proposed Elevations: House 1**

SCALE: 1:100

28.09.21

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post: po box 515, daylesford, victoria, 3460  
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**planning permit  
application drawing**  
(not for construction)

# HOUSE #1

**A07**

**Proposed Group  
Accommodation**

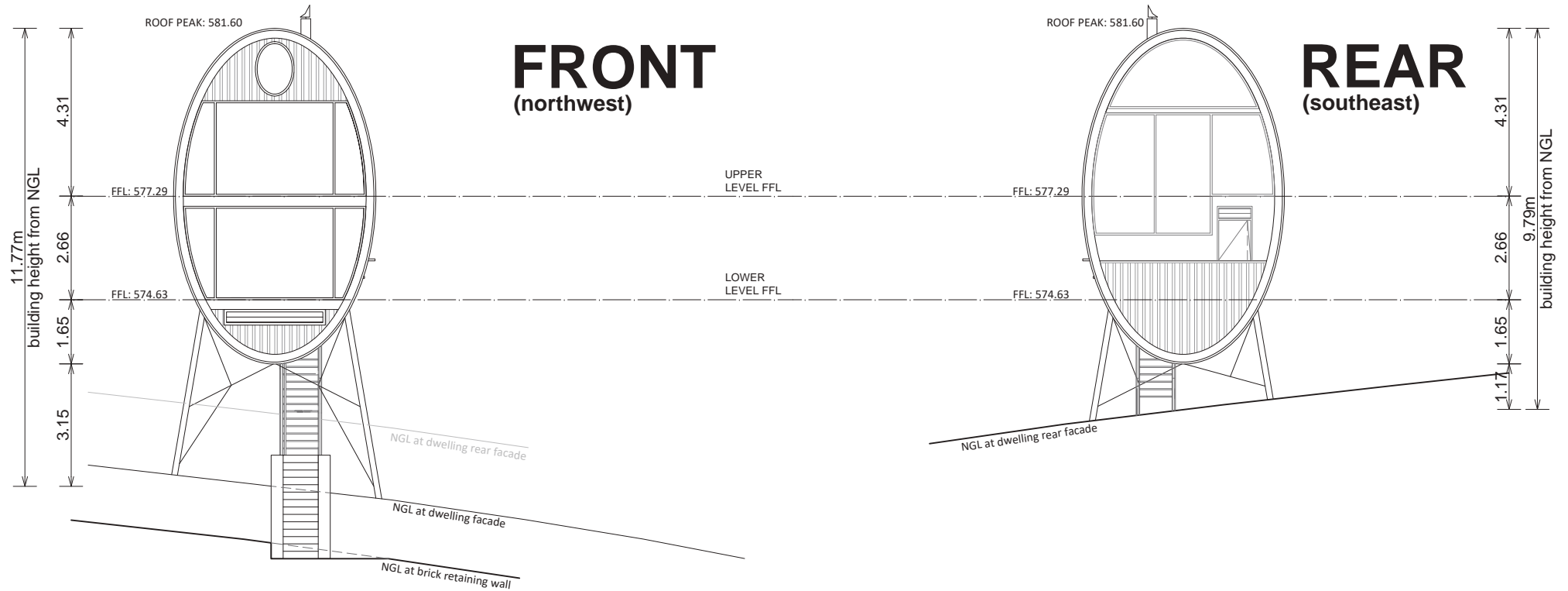
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**Proposed Section: House 1**

SCALE: 1:100

28.09.21

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post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



**planning permit  
application drawing**  
(not for construction)

# HOUSE #2

**A08**

## Proposed Group Accommodation

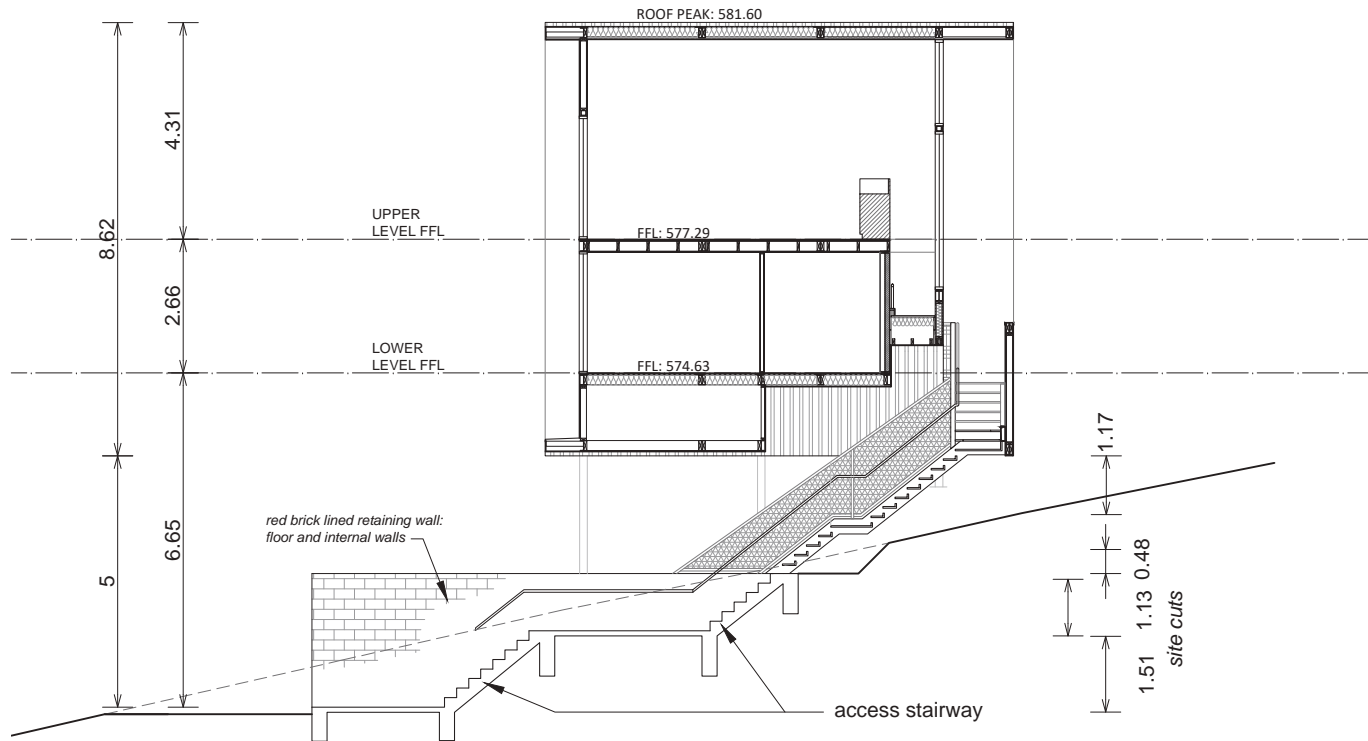
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**Proposed Elevations: House 2**

SCALE: 1:100

28.09.21

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ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



**planning permit  
application drawing**  
(not for construction)

# HOUSE #2

**A09**

## Proposed Group Accommodation

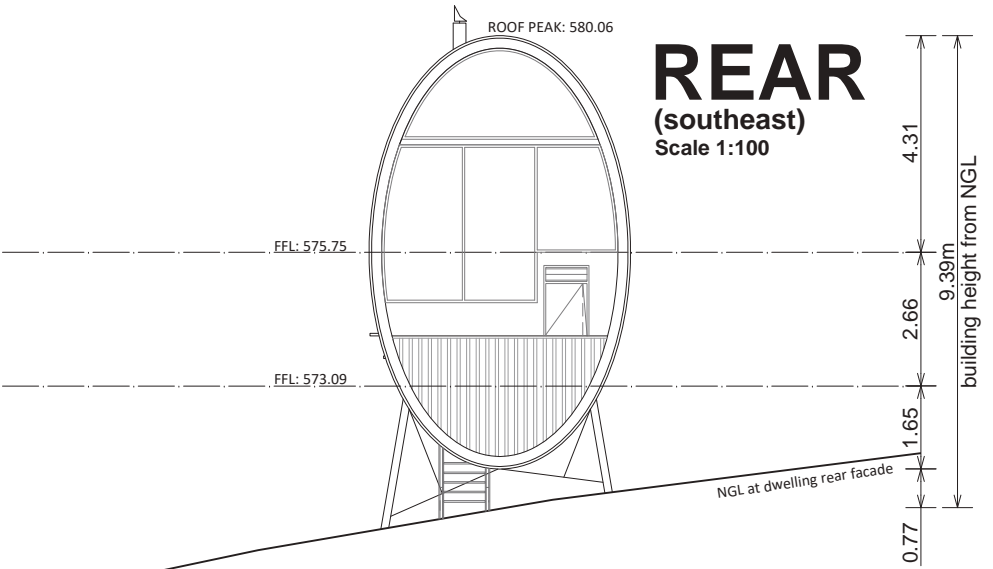
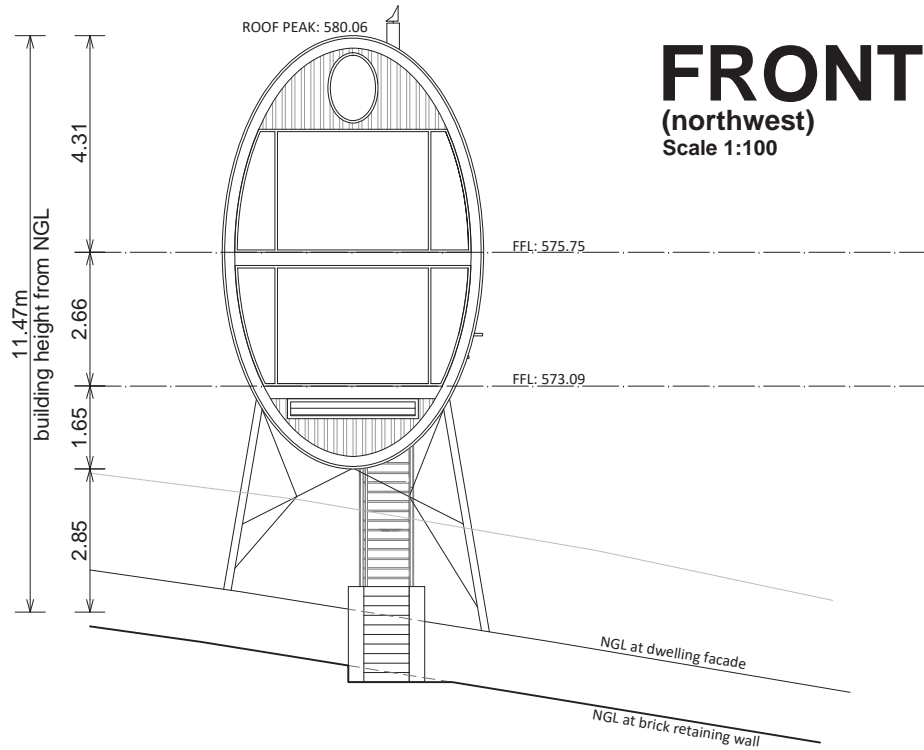
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

### Proposed Section: House 2

SCALE: 1:100

28.09.21

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ph & fx. 03 9690 4446 mob. 0439 383 900  
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email: robin@treearc.com.au arbv reg no. 16800



*planning permit  
application drawing*  
(not for construction)

**HOUSE #3**

**A10**

**Proposed Group  
Accommodation**

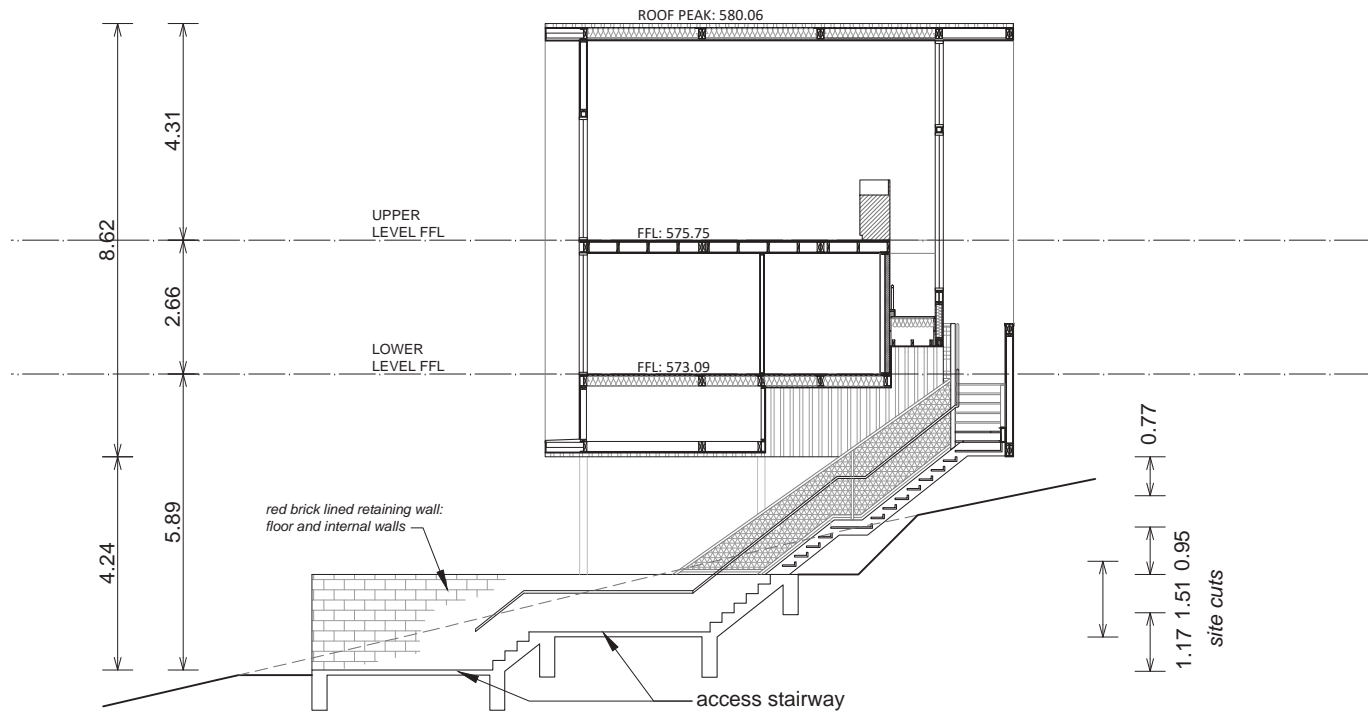
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**Proposed Elevations: House 3**

SCALE: 1:100 & 1:200 28.09.21

**ROBIN LARSEN DESIGN** *pty ltd*  
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post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800





**planning permit  
application drawing**  
(not for construction)

# HOUSE #3

**A11**

## Proposed Group Accommodation

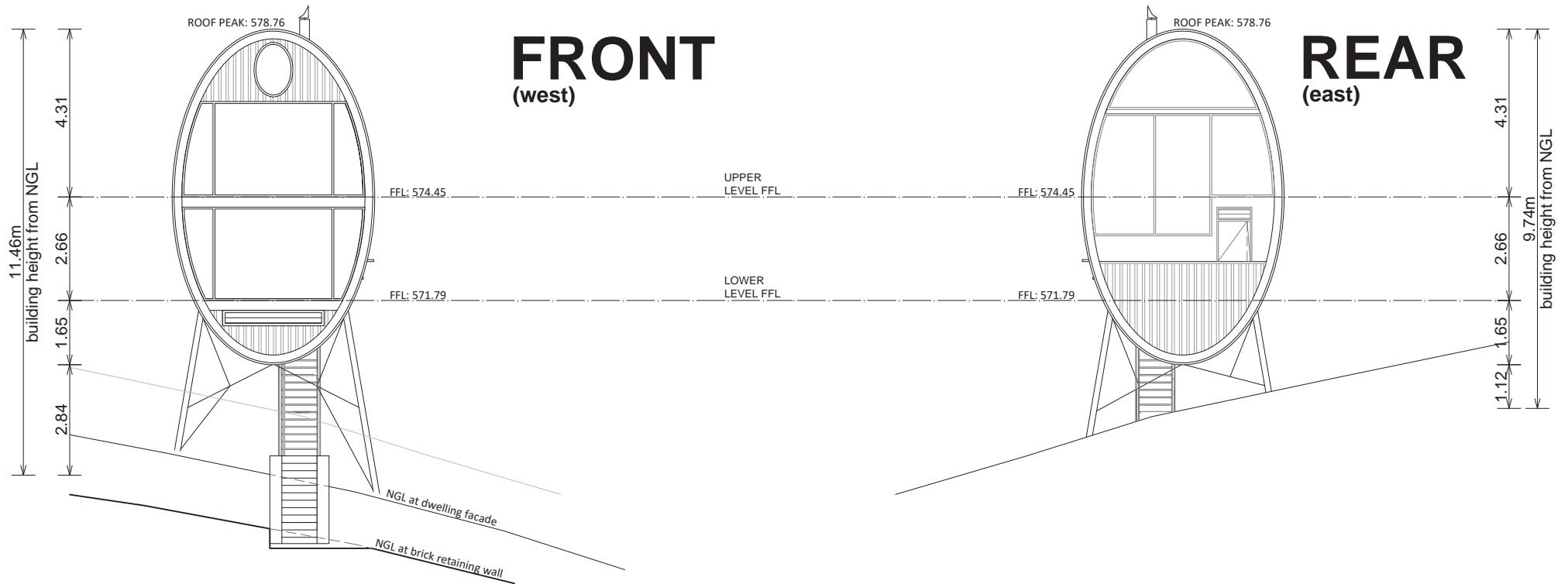
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

### Proposed Section: House 3

SCALE: 1:100

28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



**planning permit  
application drawing**  
(not for construction)

# HOUSE #4

**A12**

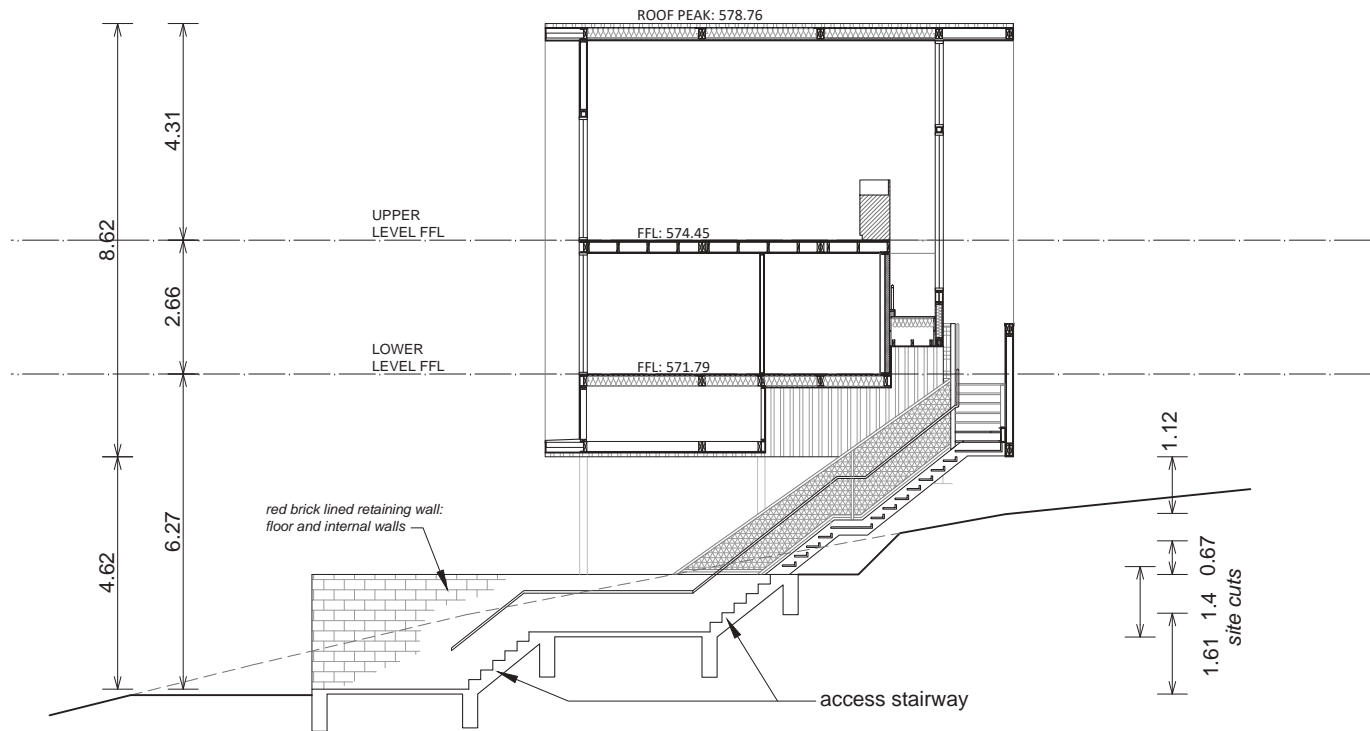
## Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

### Proposed Elevations: House 4

SCALE: 1:100 & 1:200 28.09.21

**ROBIN LARSEN DESIGN** pty ltd  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



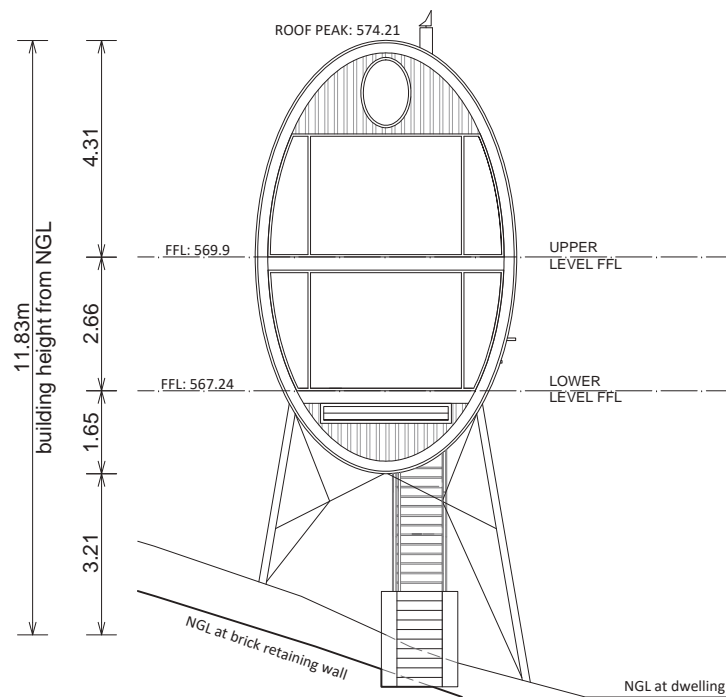
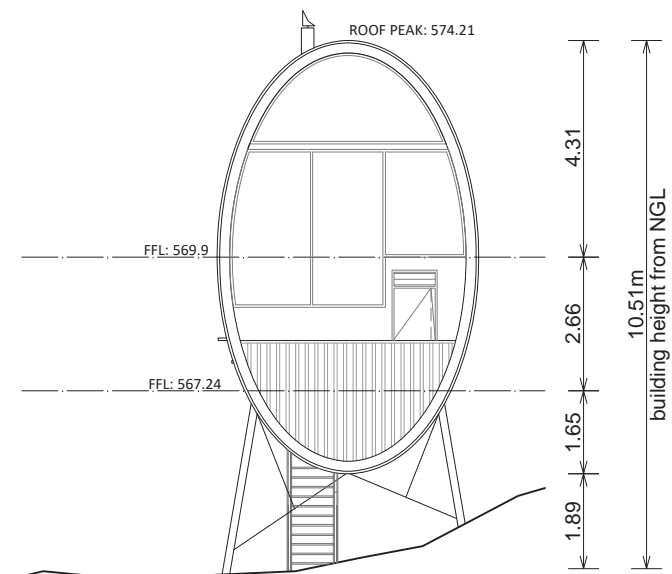
**planning permit  
application drawing**  
(not for construction)

# HOUSE #4

**A13**

**Proposed Group  
Accommodation**  
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.  
**Proposed Section: House 4**  
SCALE: 1:100 28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800

**FRONT****(west)**  
Scale 1:100**REAR****(east)**  
Scale 1:100

**planning permit  
application drawing**  
(not for construction)

**HOUSE #5****A14****Proposed Group  
Accommodation**

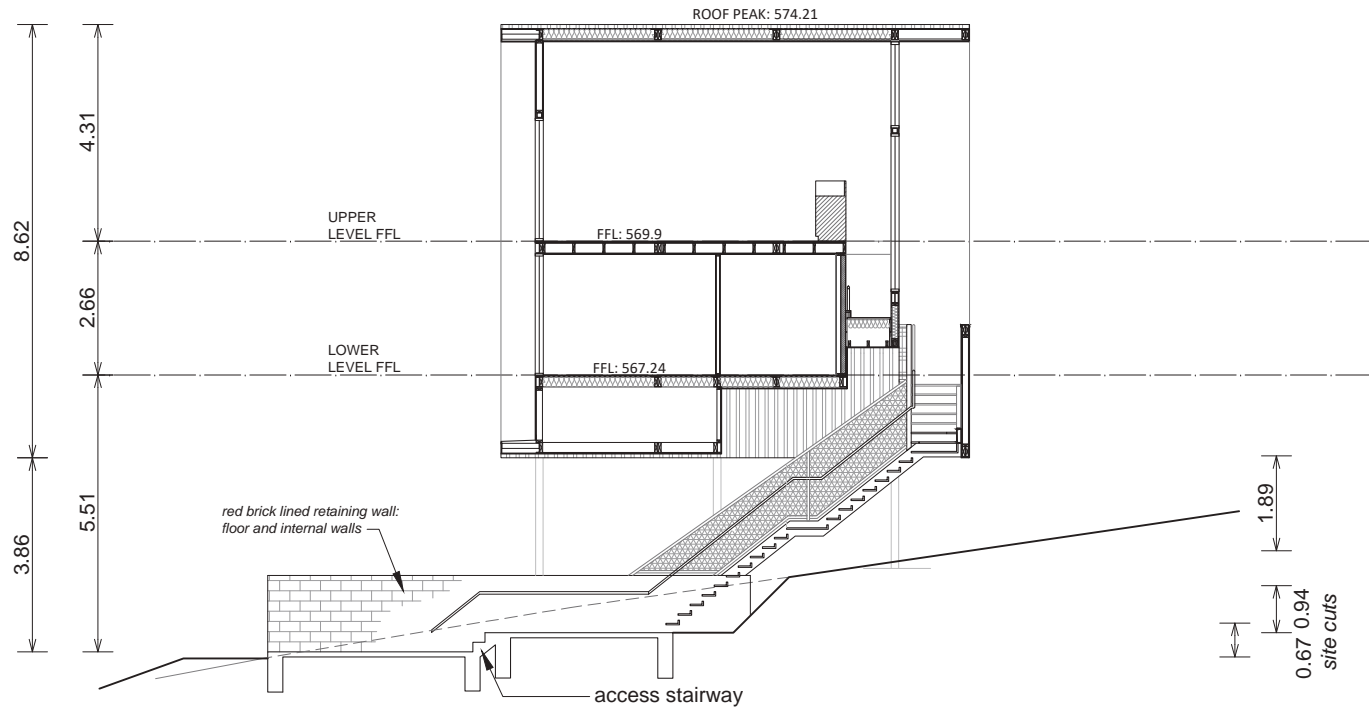
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

**Proposed Elevations: House 5**

SCALE: 1:100

28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



**planning permit  
application drawing**  
(not for construction)

# HOUSE #5

**A15**

## Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

### Proposed Section: House 5

SCALE: 1:100

28.09.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800

7 October 2021

Planning Manager  
Hepburn Shire Council  
via email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

**Attention: Anita Smith (Senior Planner) and Katy Baker (Planning Coordinator)**

Dear Anita and Katy,

**PLANNING PERMIT APPLICATION NO: PA 3333**

Crown Allotment 8 Section 9C Township of Daylesford Parish of Wombat  
CAMP STREET DAYLESFORD VIC 3460

***SECTION 54 RESPONSE***

We continue to act on behalf of the permit applicant with respect to the above-mentioned planning permit application and advise as follows.

In response to the request for further information issued under Section 54 of the *Planning and Environment Act 1987* (dated 14 September 2021), we now enclose a copy of the following information to assist with Council's assessment of the application:

- Updated Town Planning Drawings (RFI Plans dated 28/09/2021) in response to Items 1-3 of the required further information
- Urban Design and Landscape Visual Impact Memo (Hansen Urban Design Team dated 27/09/2021) in response to Item 4 of the required further information
- Written response describing how the use will be managed (including any potential off-site amenity impacts) in response to Item 5 of the required further information
- Written response and confirmation that the owner intends on connecting the site to reticulated sewerage in response to Item 6 of the required further information

A Section 50 form is also provided as part of this RFI response to include the proposed tree removal under the Heritage Overlay.

We believe the enclosed development plans and above-mentioned information satisfies Council's further information request made under Section 54 of the *Planning and Environment Act 1987*.

Perceived issues have also been identified during the preliminary assessment of the application. The applicant responds as follows.



## Neighbourhood Character (Urban Design and Heritage considerations)

Council have raised concern that the siting, location, appearance of the proposed development is inconsistent with the purpose of the General Residential Zone (in respecting the neighbourhood character of the area), and that the development will contrast with the existing housing stock and architecture of the surrounding area.

It is important to note that the plans have gone through numerous iterations since the proposal's inception with the input of multiple experts (urban design and visual assessment, heritage, bushfire management and traffic). It is the view of these experts that the proposal as currently constituted provides an acceptable response to the Planning Policy Framework of the Hepburn Planning Scheme.

The GRZ requires new development to respect the neighbourhood character of the area, however the question of whether the proposed design is sympathetic with the existing architecture extends further to whether the buildings will replicate the base housing stock in the area.

Neighbourhood character is best measured by how a proposal responds to the specific features and identified characteristics of the site and area.

We rely on the expert opinion of the *Hansen Urban Design Team* (Urban Design and Landscape Visual Impact) and *Trethowan Architecture* (Heritage) as we outline the following aspects of the proposal's response to the relevant planning controls and neighbourhood character considerations.

- The heritage significance of the site and area revolves around its association with mining activities during the mid-nineteenth and early twentieth centuries. The subject site was not subject to any major mining activities with no significant heritage items located within the subject site, and therefore makes limited contribution to the ascribed cultural heritage significance to the Cornish Hill Mining Precinct.
- The galvanised steel frames of the built form are proposed in a manner that emulates the old gold mining headframes. This is a direct interpretation and reference to the mining history and industrial activities within the wider precinct.
- The proposed new works are not considered to result in a detrimental physical or visual impact to any of the identified heritage aspects within the Cornish Hill Mining Precinct, and the contemporary design is readily identifiable as a later addition to the heritage precinct.
- The site is isolated from other dwellings in the immediate area, providing a direct interface with only the adjacent land to the west where viewable from the street. The

existing built form to the west is 35 m from the common boundary and approx. 65 from the proposed built form of Building no. 1, which ensures that the proposed built form will not detract from the heritage significance of the dwelling at 71 Duke Street (an individually listed weatherboard cottage (HO 661)).

- The two-storey form (tapering as it rises with the land) and low site coverage (7%) is of a low visual impact, and the relationship between the proposed buildings and natural topography is commensurate with other local domestic form.
- Appropriate spacing between the buildings allows for an integrated design with 'views through' the site toward the rising land and established forest to the east of the site.
- The driveway is sited on the lower land to the west which ensures that it is only visible at close range.
- The proposed siting and natural topography of the land provides separation (with ground level landscaping opportunity) between the proposed buildings and neighbouring site to the west, and the glazed outlook of the proposed buildings ensures that outlook and long views across the valley are available (not downward to neighbours).
- There is clear scope for new landscaping to be provided through the site given the very low site coverage. A landscape concept plan that demonstrates infill of low-order planting around the buildings and accessway (commensurate with the bushfire management overlay) can readily be provided by way of condition of approval.
- Despite contrasting with the more orthogonal arrangement of the base housing stock, the organic shape, design and finish of the proposed buildings is considered to be commendable and in harmony with the landscape (in the opinion of the project urban design and landscape expert).

We note that Hansen have undertaken a preliminary viewshed analysis that outlines the potential for views to the site from the western valley and from Lake Daylesford. Noting the high sensitivity of this setting, we are advised that the proposal's exposure is acceptable with the impact limited to the immediate western valley.

Where the site is most visible (point 1 and point 2 of the preliminary viewshed analysis), the proposed built form has been assessed to not dominate the skyline with the views of the existing dwellings and vegetation (foreground) and dense vegetation (background) assisting to soften the visibility of the proposed built form.

Hansen conclude that the proposed development represents a modest visual impact within the panorama, and that the height and profile of the two storey buildings on the site will not project above the vegetated skyline of Cornish Hill and will coalesce with other domestic buildings on sloping land.

In the absence of any contrary expert heritage and urban design advice from Council, and in the context of the generic character concerns raised within the RFI, it is considered that the proposal represents in an acceptable response to the neighbourhood character of the site and area for the reasons outlined above.

### **Maximum height provisions**

The site is within the GRZ, which outlines a maximum height requirement of 11 m (or 12 m for sloping sites such as the subject site) for dwelling and residential buildings.

While the maximum building height requirements do not apply to the proposed Group Accommodation units (as Group Accommodation is not considered a 'dwelling' or 'residential building' pursuant to Clause 73.03 of the Hepburn Planning Scheme), the proposal has been designed to adhere to the height controls.

This view is supported by the findings of *Maclean v Yarra CC [2021] VCAT 614*, in which consideration of a proposed group accommodation use in the NRZ was adjudicated on.

As per paragraphs 18 and 58 of the written reasons, Deputy President Bisucci agreed with Council and the permit applicant (respondent in this case) that the maximum height requirement did not apply to the application for planning permit because the proposed use of the subject land was neither a dwelling nor a residential building.

We are of the view that the findings of this case are directly transferable to the current application before Council.

### **Other matters**

#### **Considerations of the proposed use**

In respect to the proposed operational considerations of the group accommodation use, we are advised the following:

- Reception staff are to be available by phone from 9 am – 10 pm
- The duty manager can be contacted at any time (24-hour contact)
- Guests will be accommodated on the site on all days except for total fire ban days with a rating of code red, extreme or severe
- The site will operate under a Bushfire Emergency Management Plan in which staff and guests are to be familiar with

- Activities and behaviours that may cause a risk, noise or disturbance to other guests and/or neighbouring sites/the community will be specifically prohibited under the booking policy
- All guests must complete an online site induction brief that details the rules and environmental considerations of the site (Cultural Heritage and environmental sensitivity, fire safety and emergency evacuation procedures)
- Guests are expected to check in and out of the site within standard business hours (9 am – 5 pm)
- The business operates under a dynamic complaint regime whereby management will proactively change its policies and terms (where possible) to put in place measures aimed at preventing future incidents that may lead to complaints
- A dedicated 24-hour mobile phone contact will be made available for members of the immediate local community who wish to contact the business with any concerns as they relate to the operations and use of the site

A copy of the site's Operations Management Plan can be provided by way of condition, which will address any concerns as it relates to on and off-site safety, amenity and impacts.

### **Connection to reticulated sewerage**

We confirm that the owner intends on connecting the site to reticulated sewerage, which would obviate the need for a Land Capability Assessment (LCA).

We are of the view that any requirements relating to this can be addressed by way of condition, and will await any referral comments from the relevant water management authority that details any specific requirements.

### **Referral comments**

It is understood that the application has been referred to internal departments and external authorities (Fire Rescue Victoria and Goulburn Murray Water). We respectfully request a copy of the referral comments to review and respond to accordingly.

### **Conclusion**

We continue to maintain that the proposal is reflective of the objectives and strategic direction outlined within the Hepburn Planning Scheme, and rely on the expert opinion of the *Hansen Urban Design Team* and *Trethowan Architecture* in concluding that the proposal appropriately responds to the neighbourhood character requirements with respect to all Urban Design and Heritage considerations.

We believe the enclosed development plans and above-mentioned information satisfies the further information requested pursuant to Section 54 of the *Act*, and request the application proceed to public notification at Council's earliest convenience.

Should the above-mentioned and enclosed not satisfy Council please regard this as a request for a 30 day extension of time (**6 November 2021**) to respond to the *Section 54* request and notify our office in writing.

If you have any questions, please do not hesitate to contact me on 9334 2060 or at [as@townplanners.com.au](mailto:as@townplanners.com.au)

Yours Faithfully,



**Anthony Scarpaci** BUrban&RegPlan (Hons), MPIA, MVPELA  
Associate

**TOWN PLANNERS**  
CLEMENT-STONE SINCE 1989

# Urban Design/LVIA Memo

To:	David Penman	Date:	27/09/2021
Company:	Clifftop at Hepburn Pty Ltd	From:	Hansen Urban Design Team
Re:	<b>Camp Street, Daylesford</b>		

This Urban Design and Landscape Visual Impact Memo has been prepared by Hansen Partnership as part of a planning application for 5 proposed 2 storey elliptical accommodation pods on a parcel of land at **Lot CA8 SEC9 Camp Street, Daylesford**. Details of the proposed development are outlined on the architectural plans prepared by Robin Larsen Design Pty Ltd dated 4<sup>th</sup> August 2021. Following our site inspection, we have reviewed the relevant background, drawing upon Planning Policy, analysis of the urban context and on our own intimate knowledge of Hepburn. Our assessment in relation to landscape and visual impact matters, including a view shed and key vantage point analysis, are set down below.

## Site and context

The subject site is bound by Houston Street to the north and crown land associated with the former Cornish Hill Mining Precinct to the east. The western and southern edges are bound by rural residential allotments within the General Residential Zone - Schedule 1 (GRZ1).

The subject site is sloped with an approximate cross fall of 14m from the north-eastern edge to the south-west corner of the allotment. The subject site is an irregular shaped parcel with a total lot size of approximately 3,264m<sup>2</sup>. The sites northern boundary has an approximate 46m frontage to Houston Street and its eastern abuttal to crown land is approximately 97m. The sites southern boundary interfacing with 73a Duke Street is approximately 36m and the sites western boundary interfacing with 71a Duke Street is approximately 77m.

The site is currently vacant and effectively cleared with presence of some scattered vegetation particularly to the northern edge of the allotment. The site is encumbered by a 5m wide E-1 drainage easement that traverses the sites southern boundary and broadly aligns with a notable gully.



*Aerial of site and site context, Nearnmap*



The site has the following interfaces:

- To the immediate **north** is Houston Street a 20m wide gravel road reserve permitting traffic in each direction. The road provides vehicle access to the sites primary frontage and connects to King Street further the west, a primary north-south arterial road connecting to the greater Daylesford township to the north. Opposite the street is the Duke Street Daylesford section of the Cornish Hill Reserve, which is public land located within the PPRZ. Further north, approximately 700m from the subject site is the Daylesford town centre.
- To the immediate **west** the subject site abuts a vacant lot at 71a Duke Street, the site is an irregular 'J' shaped parcel with two vehicle access points from Duke Street to the west and Houston Street to the north. Abutting the vacant property at 71 Duke Street is a single storey detached dwelling including series of shed structures to the south-east of the primary residence. Further west is Duke Street which is a 33m wide road reserve permitting traffic in each direction and providing access to the residential allotments within the GRZ1. Further west, is a residential subdivision that forms the southern edge of the Daylesford township, comprising a series of predominantly single storey detached weatherboard dwellings on lot sizes between approximately 320m<sup>2</sup> and 1,200m<sup>2</sup>. Further west, land slopes drastically down towards Lake Daylesford.
- To the immediate **east** the site abuts the Cornish Hill Reserve which is crown land associated with the former Cornish Hill Mining Precinct. The reserve land rises significantly to the east from the subject site comprising Thomas' Lookout approximately 240m to the north-east allowing key views to the Daylesford township beyond. It also comprises significant native canopy coverage, Smiths Creek and a number of walking trails including the Lerderderg Track.
- To the immediate **south** the subject site abuts a residential property at 73a Duke Street within the GRZ1. The site comprises a single storey detached dwelling with a pitched roof and a secondary single storey building structure to the south-west corner of the allotment. The two buildings are separated by a private vehicle access road that links to Duke Street to the west. Further south comprises a series of single storey detached dwellings of similar lot sizes.
- In the wider context this site is positioned to the southern edge of the Daylesford Township, a regional town formed on a dominant hillscape within Victoria's Central Highland Region. The region is a prominent tourist destination characterised by scenic landscape features including greenbelts, nature reserves, bushland and lakes. Tourism has also performed an important role in the development of the town resulting a number of hotels, cottages and bed and breakfast accommodation particularly to the south of the township in close proximity to the subject site.



*Subject site – CA8 SEC9 Camp Street, Daylesford – looking west*



*View of subject site from 71a Duke Street - looking east*



*View from the subject site looking east towards Cornish Hill Reserve*



*73a Duke Street – looking south*



*View of the subject site and surrounding properties from Lake Daylesford – looking east*

## Planning Context

The subject site is located within the **General Residential Zone (GRZ1)**. The purpose of the GRZ is:

- To implement the *Municipal Planning Strategy and the Planning Policy Framework*.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in location offering good access to transport and services.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The subject site is affected by the **Environmental Significance Overlay – Schedule 1 & Schedule 2 (ES01 & ES02)**. The purpose of the ESO is:

- To implement the *Municipal Planning Strategy and the Planning Policy Framework*.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The subject site is also affected by the **Heritage Overlay – Schedule 898 (H0898)** and the **Bush Management Overlay (BMO)**

The following State and Local planning policies are considered relevant:

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 16 - Housing
- Clause 21.01 – Municipal Profile
- Clause 21.03 – Vision and Strategic Framework
- Clause 21.05 – Settlement and Housing
- Clause 21.09 – Environment and Heritage
- Clause 22.08 – Daylesford Neighbourhood Character
- Clause 22.18 – Daylesford Neighbourhood Character Precinct 18

Other relevant documents:

- Daylesford Neighbourhood Character Study (2002);
- Urban Design Guidelines for Victoria (2017); and
- Victorian Urban Design Charter (2010).



Zone Map – Site within GRZ1



Environmental Significance Overlay – site within ES01 & ES02

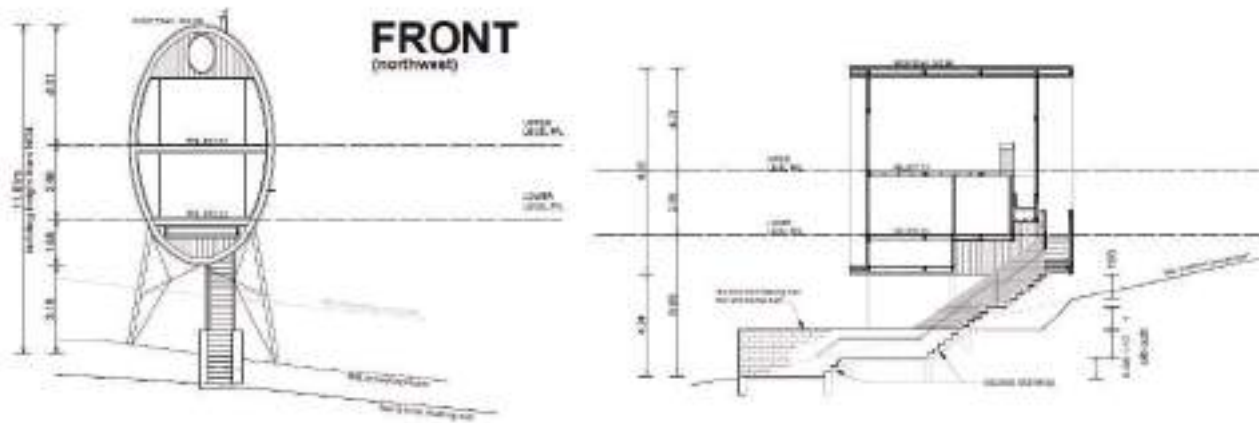


Heritage Overlay – site within H0898

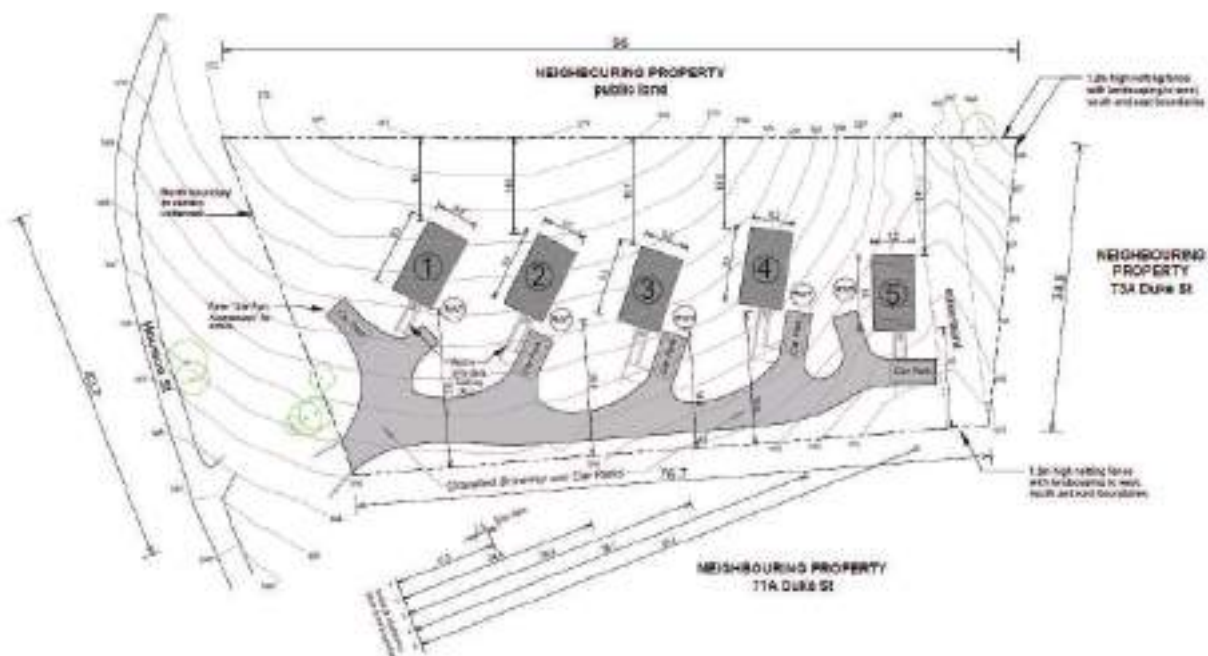
## The Proposal

The proposal seeks to provide a series of unique 2 storey elevated elliptical accommodation pods. Specifically, the proposed includes:

- Five elevated elliptical accommodation pods.
- Each pod is a unique 2 storey oval form elevated from the ground offering scenic vistas across the township and public reserve.
- Each pod comprises 1 bedroom.
- Each pod comprises 1 car parking space.
- Each pod comprises an access stairway.
- Each pod comprises 1 rain water tank.
- A shared gravelled driveway along the sites western boundary providing vehicular access to the site via Houston Street.
- Material palette comprising corrugated colorbond steel wall sheeting, galvanised steel frame and red brick lined retaining walls.



Extract of front elevation and section of 'House #1'



Extract of proposed site plan

## Preliminary Urban Design & Landscape & Visual Impact Comments

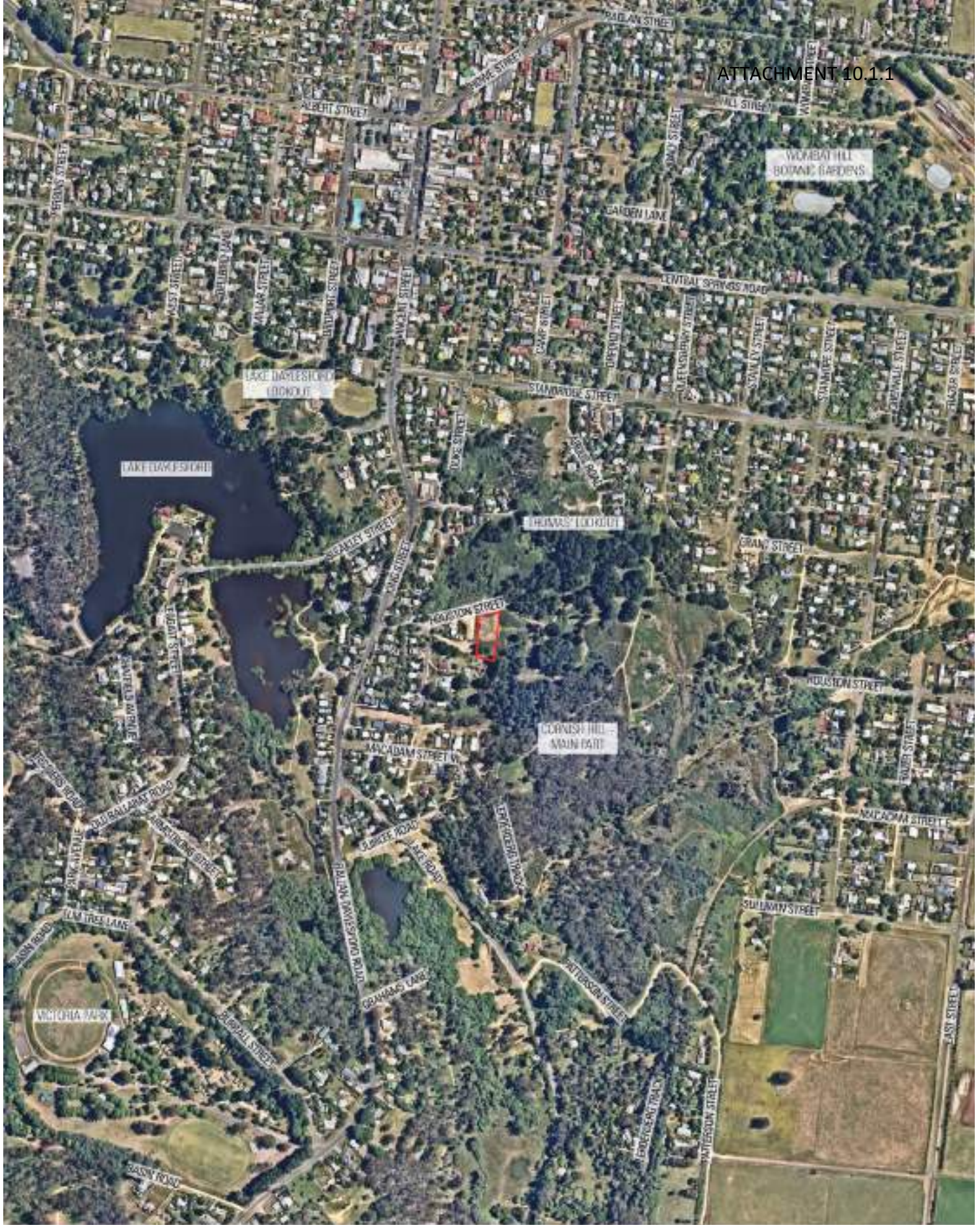
The proposal represents an appropriate urban design and landscape outcome on the land, based on our indicative appraisal of the site's policy and physical context and a measurement against the relevant planning scheme controls. While the proposal represents unorthodox domestic infill, its profile, site planning and design is not in our opinion adverse to local ambitions (or detrimental) when compared to conventional residential (one or two storey) dwellings on the sloping allotment. The discrete profile of the proposed 5 cabins and notable separation between them, with rising topography behind to an intermediate ridge (with the thickly vegetated Cornish Hill rising further behind) ensures that a collection of discrete buildings will not be prominent in the landscape setting. We make the following comments:

- a) The site is located in the context of other one and two storey buildings and varied open allotments, some of which have rising pitched roofs that are noticeable within the panorama. While the land rises to the east and has an elevated profile, the relationship between the proposed buildings and natural topography is commensurate with other local domestic form. It is therefore supportable.
- b) The proposed cabins are located in a spacious array on the horizontal contour towards the lower part of the site, with rising topography to Cornish Hill above – which accommodates for notable exotic established forest defining the skyline. Due to the open vertical gaps between the cabins, any sense of visual bulk will be mitigated, allowing for an integrated design with 'views through' the site.
- c) The siting of the driveway on lower land ensures that infrastructure associated with the proposed development is discrete in appearance and only visible at close range or immediately around the site. Long range of views towards the proposal will be to 5 separate forms and associated landscape. To this end, it is important that a landscape concept plan with the program, demonstrating infill of low order landscape around buildings (commensurate with bushfire management matters).
- d) The design and finish of the proposed cabin development is in our view commendable. The organic shape of the forms contrasts with the more orthogonal arrangement of local buildings but is in harmony with the landscape. The height of the proposed structures tapers as it rises with elevation above natural ground (on structural supports) ensuring that they are perceived as floating elements.
- e) The site planning of the project ensures that good separation (with ground level landscape opportunity) between the proposed buildings and neighbouring properties to the west. This ensures privacy and spatial gaps are integral to the project. The glazed frontages of cabins with outlook are aided by slope, ensuring long views across the valley are available (not downward to neighbours)
- f) Preliminary viewshed analysis shows potential for views to the site from the western Valley and Lake Daylesford. No views are available from the heavily vegetated Cornish Hill reservation. We have undertaken fieldwork to investigate aspect towards the site from a series of public vantage points (including main roads, parklands and major recreation nodes). While the sensitivity of the setting is high, the proposal's exposure is moderate and impact limited to the immediate western valley
- g) This analysis (refer Appendix) demonstrates that views to the site will be most prominent from the lowest reaches of the valley from the banks of Lake Daylesford, including walkways on the west side of the lake and nodes to the east. No views towards the site are available from Vincent Street in the Town Centre or from local street networks (in particular King Street). Local views uphill along Houston Street permit aspect towards rising land, however these are confined in area and substantially influenced by the thick foreground and background vegetation on Cornish Hill.
- h) Photomontages of the proposed development cannot as yet be progressed (due to site access limitations in Victoria), however we assert that the proposed development represents a modest visual impact within the panorama. Our preliminary analysis indicates that the height and profile of two storey separated buildings on the site will not project above the vegetated skyline of Cornish Hill and will coalesce with other domestic buildings on sloping land. Further detailed inspection of montages taken from key vantage points identified in appendix can reinforce this opinion.

Yours faithfully

**Hansen Partnership Pty Ltd**





CAB SECS Camp  
Street, Daylesford  
Aerial

**DRAFT**

**Legend**

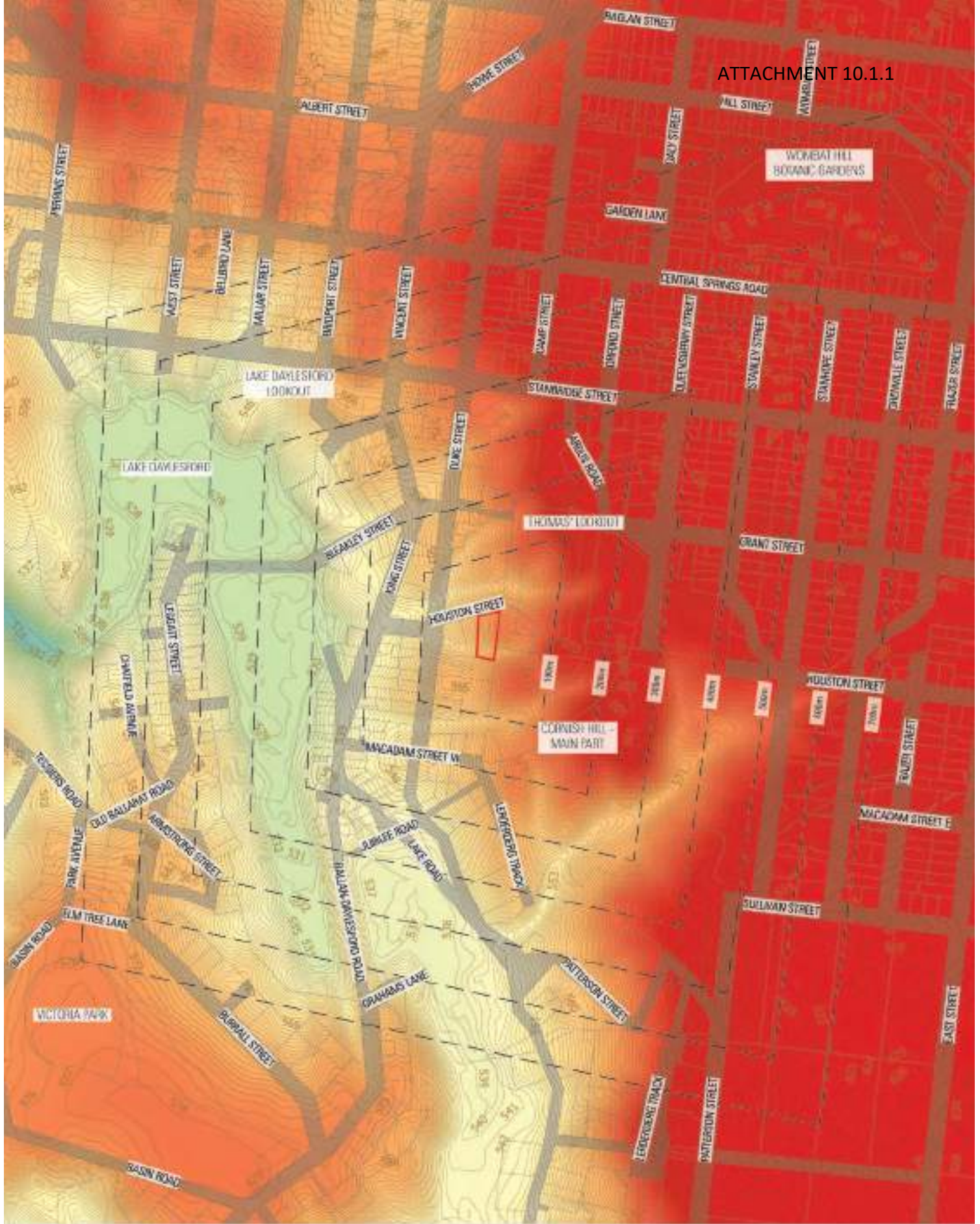
Site boundary

Point Ref: 2021.8296  
Drawing: LVIA-1  
Scale: 1:8700 GDA  
Date: 21/07/2021  
Revision: 0

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CAB SECS Camp  
Street, Daylesford  
Elevation Map

DRAFT

Legend

- Site boundary
- Major roads
- Minor roads

Elevation Colour Range Classification:



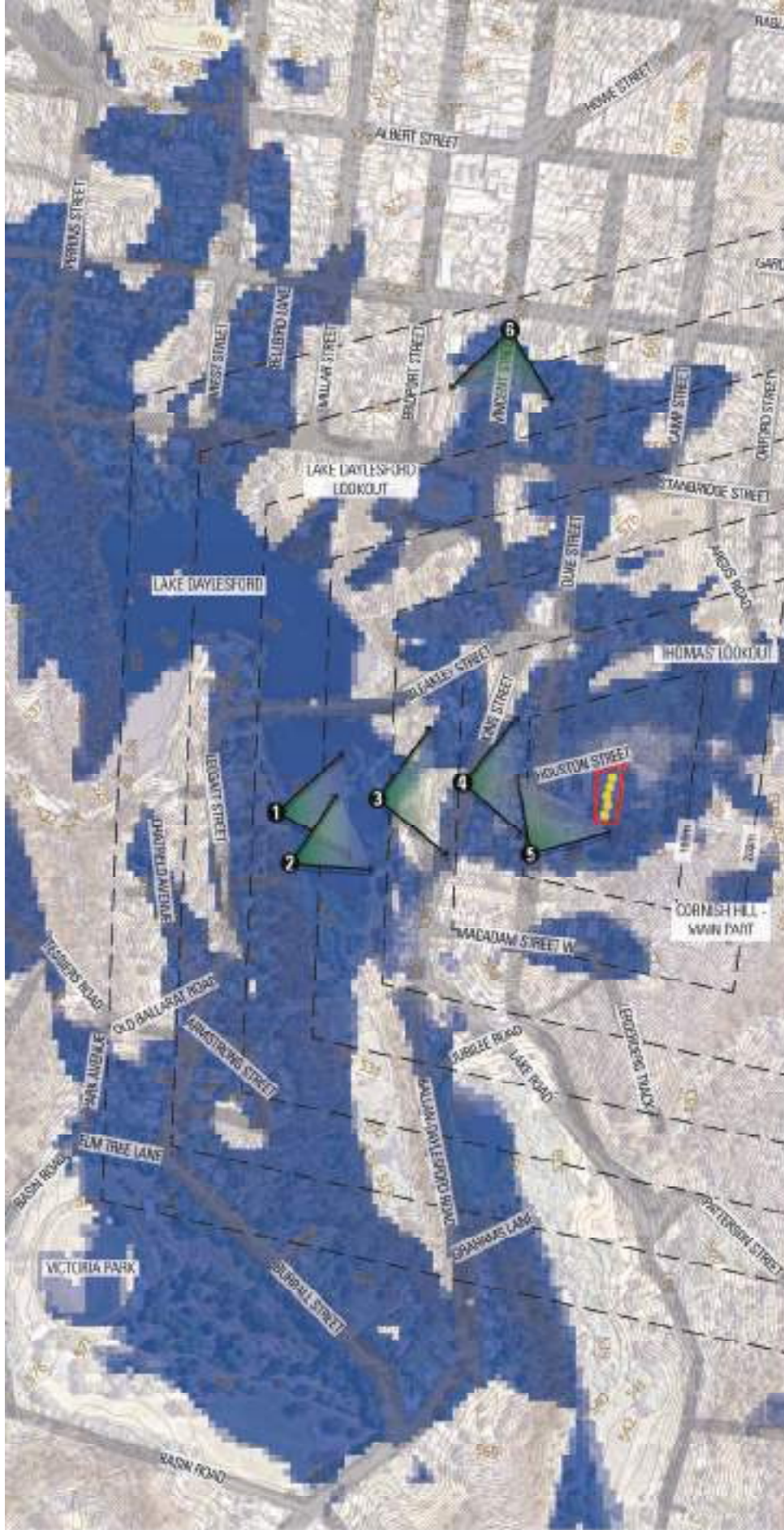
Project Ref: 2021.0286  
 Drawing: VIA-2  
 Scale: 1:1000 (A3)  
 Date: 21/07/2021  
 Revision: P  
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# ATTACHMENT 10.1.1



1 Subject site visible but worst scenario the existing screened given the visibility of existing dwellings and dense vegetation surrounding the site



2 Subject site visible from this vantage point, visibility softened by scattered vegetation in the foreground and dense vegetation in the background.



3 Subject site partially visible, existing dwellings and canopy vegetation filtering viewshed



4 Street lined canopy trees and residential dwellings in the background and canopy visibility to the subject site.



5 Subject site concealed by dense vegetation and dwelling at 73 Duke Street as land rises towards the site.



6 Buildings on the western side of Vincent Street inhibit views towards the subject site limiting visibility within the 'main street' condition



CAB SEC9 Camp Street, Daylesford  
Key Viewpoints

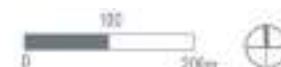
## Legend

- Site boundary
- Major roads
- Viewing direction (at roof edge height)

- Key viewpoints
- Existing contours (1m intervals)

## Potential Visual Exposure

- Very High
- High
- Visual
- Low
- None



Project No: 3307.1280  
Draw No: JNA-081  
Scale: 1:800 (1:43)  
Date: 20.05.2021  
Revision: F1

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# **TOWN PLANNERS**

**CLEMENT—STONE      SINCE 1989**

ATTACHMENT 10.1.1

<b>APPLICATION FOR PLANNING PERMIT:</b>	<b>USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMODATION</b>
<b>AT:</b>	<b>CAMP STREET DAYLESFORD VIC 3460 (CA 8 SECTION 9C)</b>
<b>PREPARED ON BEHALF OF:</b>	<b>CAMP ST DAYLESFORD PTY LTD</b>
<b>BY:</b>	<b>ANTHONY SCARPACI</b> BUrb&RegPlan (Hons), MPIA, MVPELA <b>ASSOCIATE</b>
<b>DATE OF REPORT:</b>	<b>AUGUST 2021</b>

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## **THE PROPOSAL**

Clement-Stone Town Planners act on behalf of the Camp St Daylesford Pty Ltd in relation to the land at Camp Street, Daylesford (known otherwise as Crown Allotment 8 Section 9c).

We have been engaged to consider the proposed use and development of the land for Group Accommodation against the relevant State and Local Planning Policy Framework.

The project team for the application will consist of:

- Clement-Stone Town Planners (Town Planning)
- Robin Larsen Design (Architect)
- T.G. Sullivan & Associates (Surveying)
- Provincial Geotechnical Pty Ltd (Geotechnical)
- Terramatrix (Bushfire Management)
- Trethowan Architecture (Heritage)
- One Mile Grid (Traffic)
- Treecology (Arborist)
- Hansen Partnership (Urban Design)

This report will outline the relevant planning controls, policies and decision guidelines, and outline the merits of the proposal having regard to the relevant objectives of the Hepburn Planning Scheme.

**THE SUBJECT SITE AND LOCALITY**

The subject site is located at Crown Allotment 8 Section 9c to the south of Houston Street.

The parcel of land is irregularly shaped, comprising a frontage width of 46 m (north), a rear width of 36 m (south), and side boundary lengths of 97 m (east) and 77 m (west). The total area of the site is approximately 3,400 sqm.

The land is vacant and devoid of built form, with several trees located on or within proximity of the site.

The site is encumbered by an easement (E-1) that runs east-west near the southern boundary of the site, and is not within an area of cultural heritage significance.

Vehicle access is provided via an unmade crossover from Houston Street to the north.

The site generally falls from the east to the west in line with the adjoining Cornish Hill, from a maximum height of approximately 575 AHD (eastern boundary) to minimum height of approximately 561 AHD (south-western corner).



*Figure 1 Aerial view of subject site*

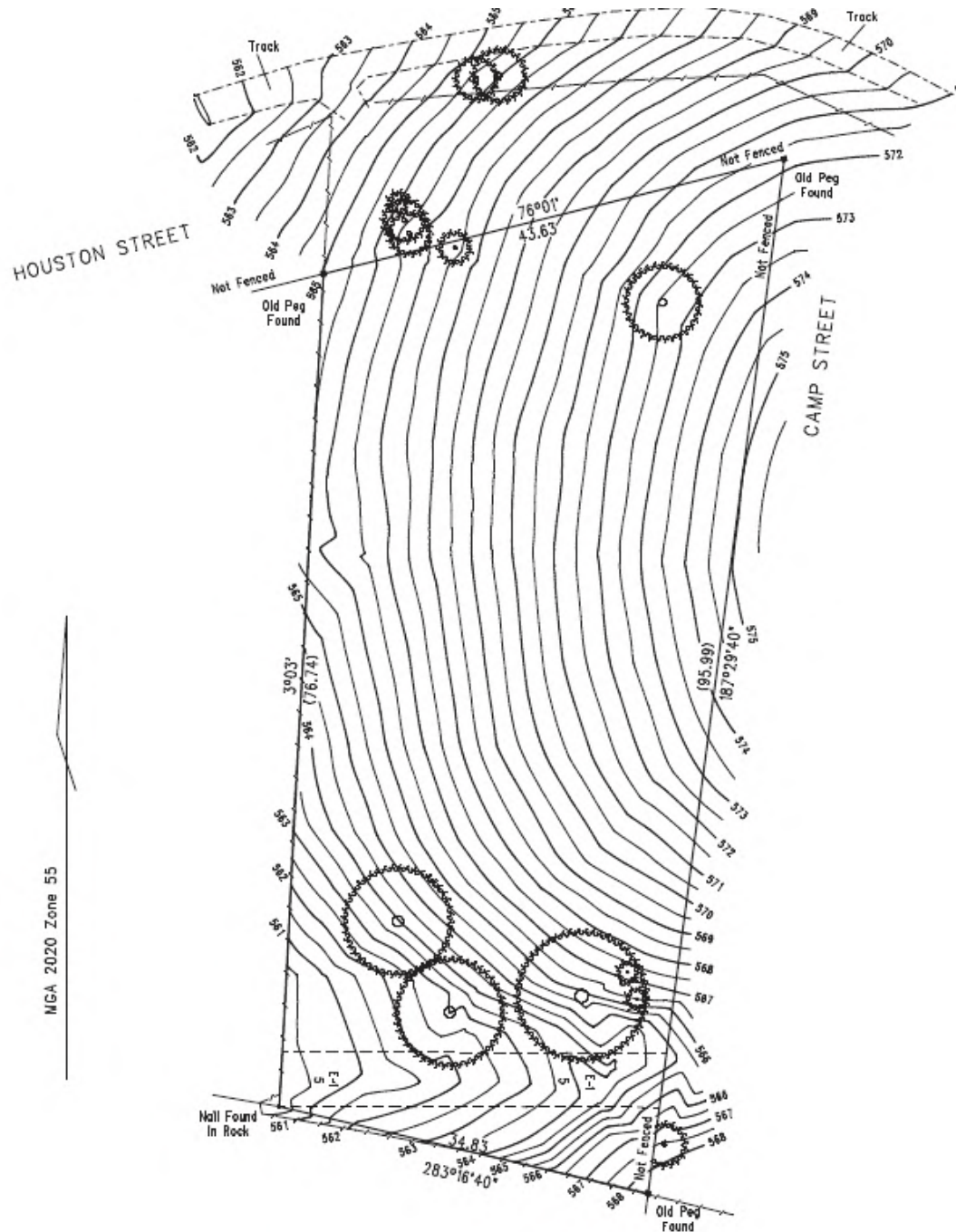


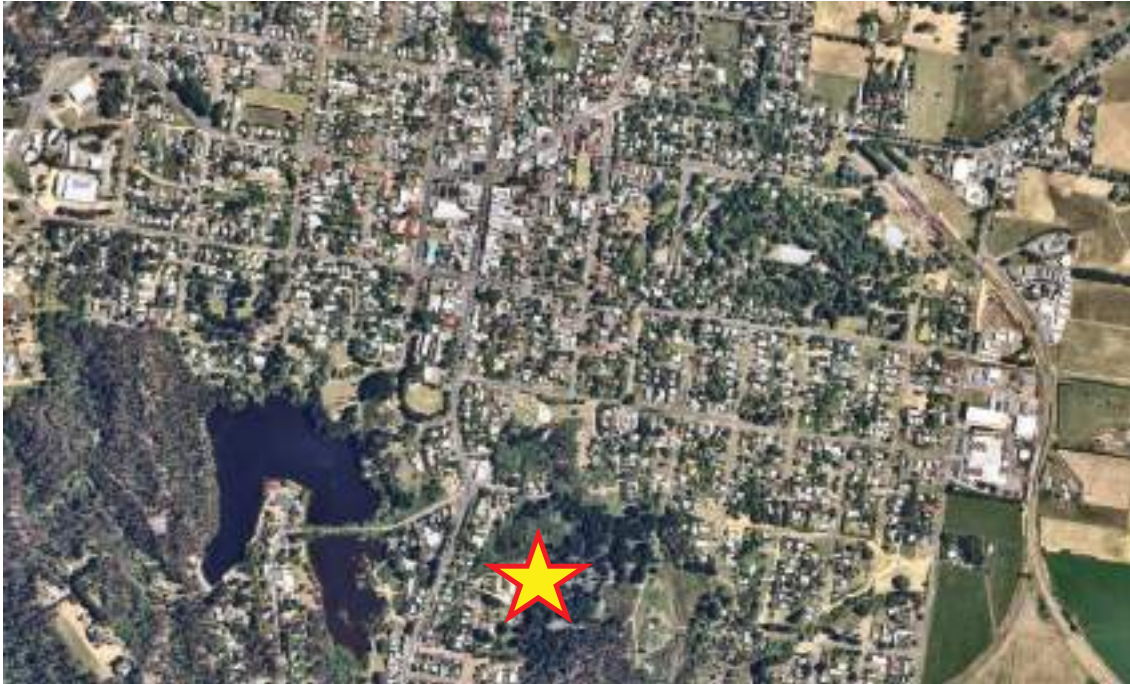
Figure 2 Existing site features plan

Treecology have identified ten (10) trees on or within close proximity of the site. That advice forms part of this application, with the removal of all on-site trees to be conducted in accordance with the arboricultural advice. All on-site trees are considered to be of a moderate-low retention value and a limited useful life, with Trees 6-9 considered environmental weeds.



**SURROUNDING AREA**

The subject site is on the southern outskirts of Daylesford and located within 1 km of the town centre.



*Figure 3 Aerial map of subject site and surrounds – subject site starred*

The site and surrounding area to the west is residentially zoned (General Residential Zone), with the Cornish Hill precinct (Public Park and Recreation Zone) adjoining the site to the east and north.



*Figure 4 Extract of zoning map – subject site starred*



Details of the immediate interfaces are as follows:

- North and East: 32 Houston Street, Daylesford – densely vegetated public land associated with Cornish Hill (Public Park and Recreation Zone)
- South: 73 A Duke Street, Daylesford – single-storey dwelling on a battle-axe block. Located approximately 10 m from common boundary with the subject site.
- West: 71 & 71A Duke Street, Daylesford – single-storey dwelling that is located approximately 35 m from the common boundary with the subject site. Numerous outbuildings adjoin the main dwelling to the south and east, and it appears that the site is used as Group Accommodation/Bed and Breakfast (Goldmine Cottage Daylesford). The eastern portion of the site has recently been cleared and benched in preparation of future development (there is an live planning application for multiple dwellings on the site). The site is included within the Heritage Overlay (HO661 – Cottage, Houston Street, Daylesford).

As per the existing Daylesford Structure Plan (Clause 21.05), the site is within the Urban Growth Boundary, with no other strategic policy for future development on the site.



Figure 5 Extract of Daylesford Structure Plan (Clause 21.05) – subject site starred

The site forms part of Heritage Overlay 898 which relates to the Cornish Hill Mining Precinct, Daylesford.

Analysis of the proposed development with regard to HO898 is provided within the Heritage Overlay assessment section of this report.



*Figure 6 Extract of Heritage Overlay — subject site starred (note that the mapping shows all HO sites – not only HO898)*

## THE PROPOSAL

The development proposes the construction of five (5) double-storey buildings, with the site proposed to accommodate a maximum of 10 persons at any one time (2 per building) under the group accommodation use.

Convenient car parking is to be provided for guests in the form of one (1) car space per building. The on-site parking is considered to be appropriate in the expert opinion of the project traffic engineer, and complies with the relevant requirements of Clause 52.06.

A total of five (5) water tanks will be provided on site (in proximity to both the buildings and accessway/car spaces) as per the expert opinion of the project bushfire management consultant.

The proposed siting and layout of the buildings have been formulated to respond to the opportunities and constraints of the site, and have been developed in accordance with the expert opinion of the numerous project consultants (bushfire, traffic, arboricultural, heritage and urban design).

The proposal exhibits the following key characteristics:

- Centrally positioned buildings on the site to ensure adequate separation of the proposed built form to boundaries
- Curved accessway leading to individual car spaces that is setback from the eastern boundary to allow for low-level landscaping (within confines of what is allowable under the Bushfire Management Overlay)
- Construction of contemporary and innovatively designed 'Sky Barrel' units of predominately corrugated iron materials
- Galvanised steel frames proposed in a manner that emulates the old gold mining headframes in interpretation and to reference the Cornish Hill Mining precinct

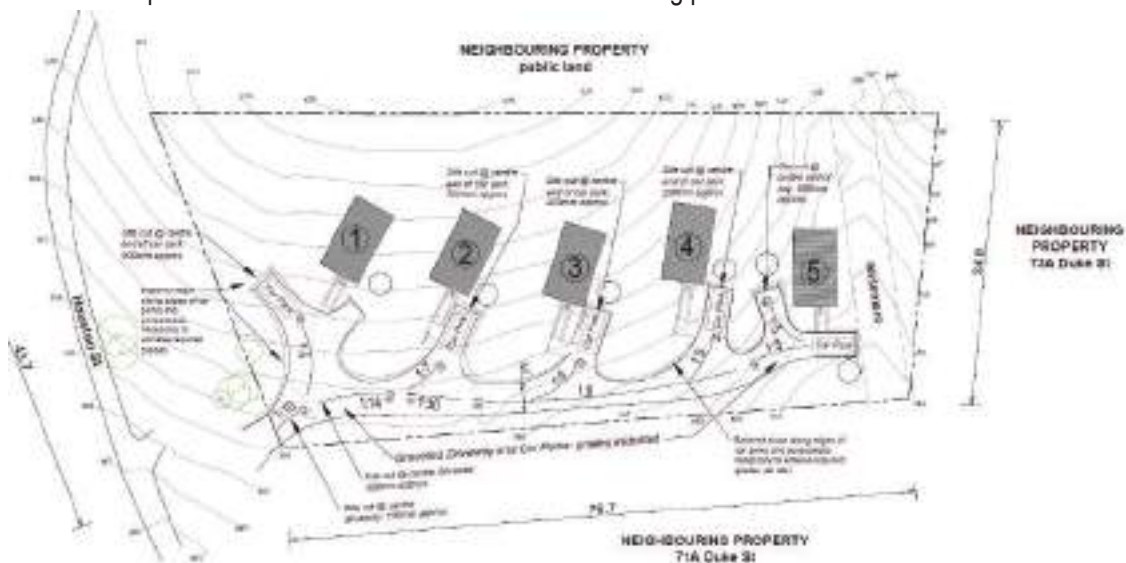


Figure 7 Proposed site plan (Sheet 2)



Figure 9 Development Analysis table (Sheet 3)

These design aspects result in only limited (and clearly acceptable) visibility from the public realm (Houston Street), and it is considered that the design provides a negligible (and acceptable) visual impact to the streetscape and the wider precinct.



## EAST BOUNDARY

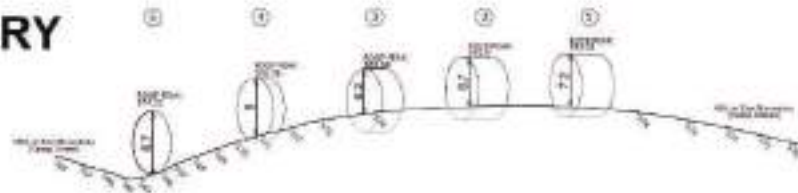


Figure 10 East elevation – max heights from NGL shown (Sheet 4)

## WEST BOUNDARY

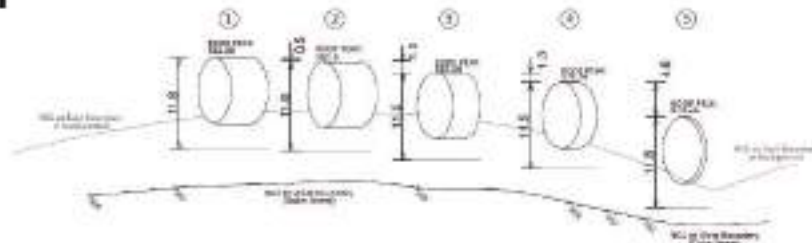


Figure 11 West elevation – max heights from NGL shown (Sheet 4)

The built form is unashamedly contemporary, and whilst clearly identifiable as a later addition to the Heritage precinct, it draws from the existing heritage fabric within the area in its emulation of the old gold mining headframes.

The proposal provides dark and muted colours to assist with the subservient presentation of the built forms within the natural landscaped setting (especially as the Cornish Hill rises to the west of the site).

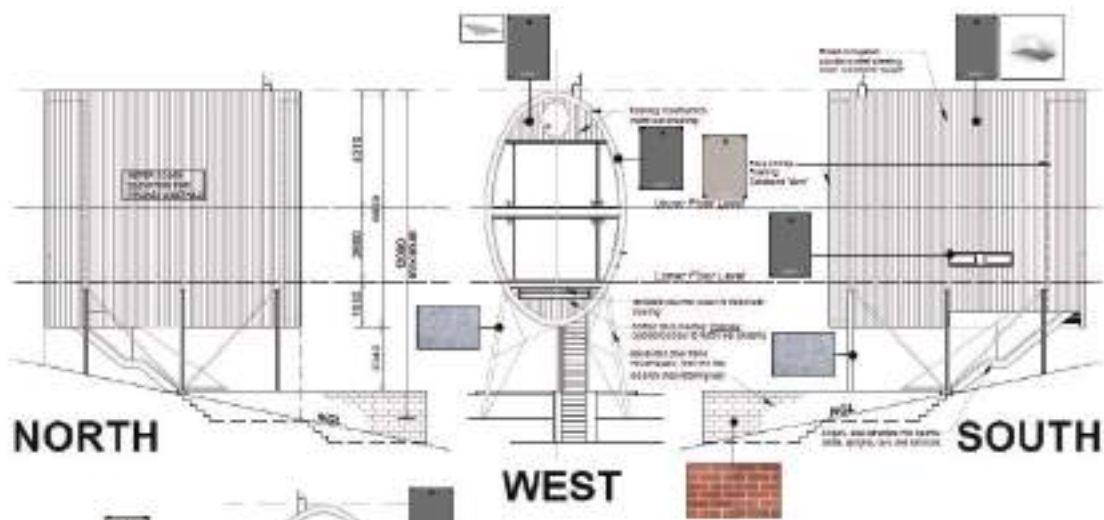


Figure 12 Proposed building elevations and materials (Sheet 6)

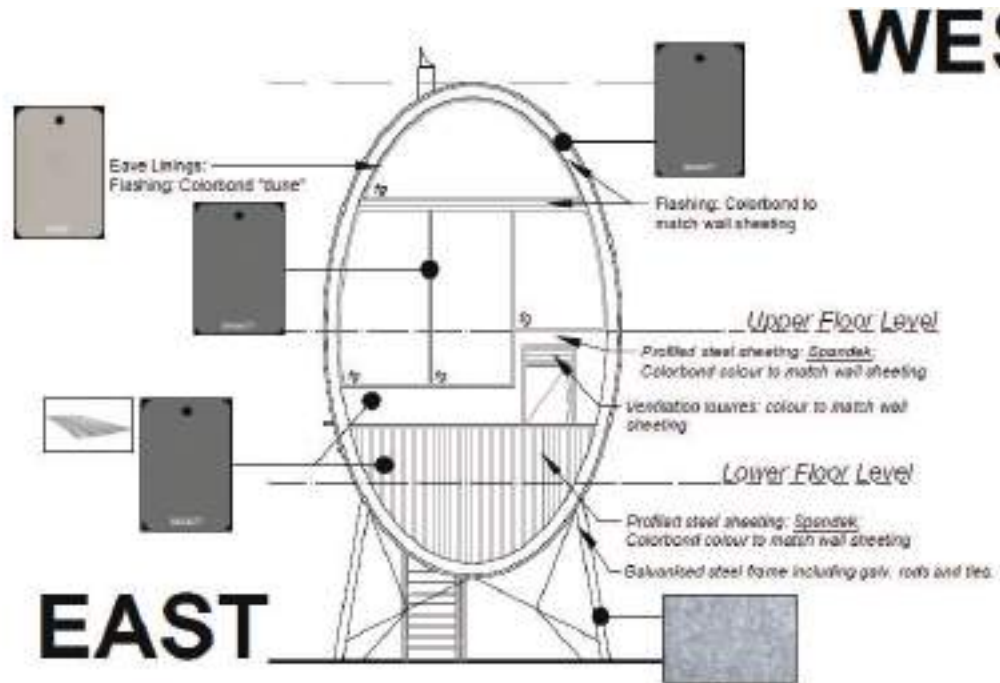


Figure 13 Proposed building elevations and materials (Sheet 6)

Each building is proposed with two internal levels. The upper level will comprise an open plan living area and kitchen, and the lower level will include a bedroom and bathroom.

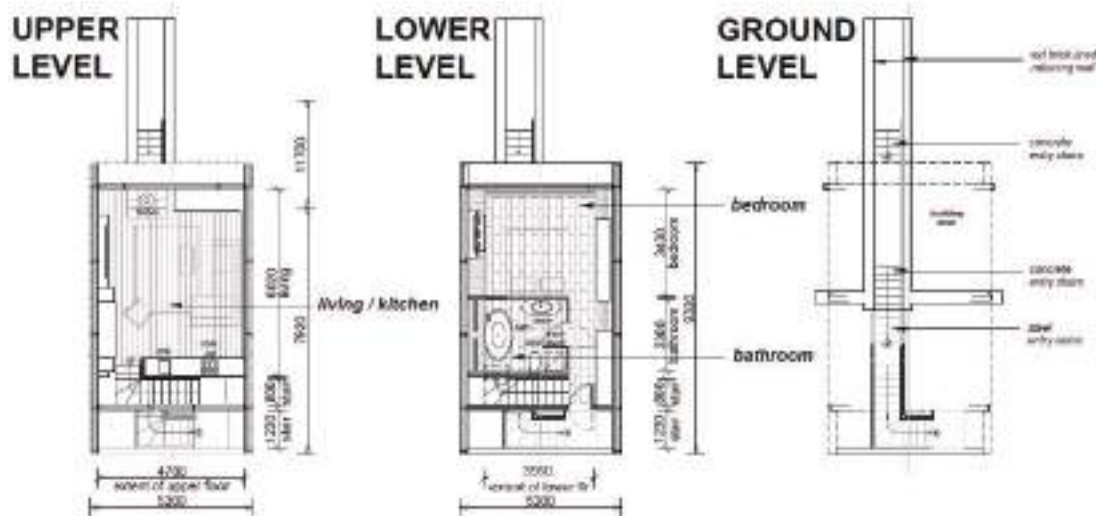


Figure 14 Proposed floor plans (Sheet 5)

The internal finishes and fittings will be of a high quality that is in keeping with the luxury standard of accommodation that is intended to be provided.

The proposal will make a positive contribution to tourism accommodation options in Daylesford and the wider Hepburn area, without causing unreasonable amenity impacts for adjoining properties or unreasonably impacting on the valued heritage and landscape qualities of the area.

**PLANNING PERMIT REQUIREMENT**

Pursuant to **Clause 32.08-2**, a Group Accommodation use (nested under the broader Accommodation use) is a Section 2 use. A planning permit is therefore required for the use under the General Residential Zone.

Pursuant to **Clause 32.08-9**, a planning permit is required to construct a building or construct or carry out works for a use in Section 2. A planning permit is therefore required for the development of the land associated with a Group Accommodation use under the General Residential Zone.

Pursuant to **Clause 42.01-2**, a planning permit is required to construct a building or construct or carry out works under the Environmental Significance Overlay. Schedule 1 and Schedule 2 to the ESO does not provide planning permit exemptions for buildings and works.

Pursuant to **Clause 43.01-1**, a planning permit is required to construct a building or construct or carry out works under the Heritage Overlay.

Pursuant to **Clause 44.06-2**, a planning permit is required for buildings and works associated with an Accommodation use.

As assessed against the relevant provisions, a planning permit is required for:

*Use and Development of the land for Group Accommodation*



## **RELEVANT PLANNING POLICIES**

In deciding an application, the Responsible Authority must consider the following planning policy frameworks and incorporated documentation as they are relevant within the Hepburn Planning Scheme:

### **PLANNING POLICY FRAMEWORK**

Clause 11.01-1S	Settlement
Clause 12.01-2S	Native vegetation management
Clause 12.05-2R	Landscapes – Central Highlands
Clause 13.02-1S	Bushfire planning
Clause 13.07-1S	Land use compatibility
Clause 14.02-1S	Catchment planning and management
Clause 15.01-2S	Building design
Clause 17.01-1S	Diversified economy
Clause 17.01-1R	Diversified economy – Central Highlands
Clause 17.02-1S	Business
Clause 17.04-1S	Facilitating tourism

### **MUNICIPAL STRATEGIC STATEMENT**

Clause 21.03	Vision and Strategic Framework
Clause 21.05	Settlement and Housing
Clause 21.07	Economic Development
Clause 21.09	Environment and Heritage

### **LOCAL PLANNING POLICIES**

Clause 22.01	Catchment and land protection
Clause 22.02	Mineral Springs Protection
Clause 22.08	Daylesford Neighborhood Character
Clause 22.18	Daylesford Neighborhood Character Precinct 18

### **ZONE**

Clause 32.08	General Residential Zone Schedule 1 to the GRZ (GRZ1)
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### **OVERLAYS**

Clause 42.01	Environmental Significance Overlay Schedule 1 to the ESO (ESO1) Schedule 1 to the ESO (ESO1)
Clause 43.01	Heritage Overlay Schedule 898 to the HO (HO898)
Clause 44.06	Bushfire Management Overlay

### **PARTICULAR PROVISIONS**

Clause 52.06	Car Parking
Clause 52.12	Bushfire Protection: Exemptions
Clause 53.02	Bushfire Planning
Clause 53.18	Stormwater Management in Urban Development

## **ASSESSMENT**

### **PLANNING POLICY FRAMEWORK**

The proposal responds to the following key PPF objectives:

- *Ensure regions and their settlements are planned in accordance with their relevant regional growth plan (Clause 11.01-1S)*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided (Clause 12.01-2S)*
- *Provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements (Clause 12.05-2R)*
- *Prioritising the protection of human life over all other policy considerations (Clause 13.02-1S)*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process (Clause 13.02-1S)*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures (Clause 13.07-1S)*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater (Clause 14.02-1S)*
- *Ensure development responds and contributes to the strategic and cultural context of its location (Clause 15.01-2S)*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment (Clause 15.01-2S)*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas (Clause 15.01-2S)*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region (Clause 17.01-1S)*
- *Support greater economic self-sufficiency for the region (Clause 17.01-1R)*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure (Clause 17.02-1S)*
- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities (Clause 17.04-1S)*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions (Clause 17.04-1S)*
- *Create innovative tourism experiences (Clause 17.04-1S)*
- *Encourage investment that meets demand and supports growth in tourism (Clause 17.04-1S)*

The Planning Policy Framework and the Central Highlands Regional Growth Plan seeks to strengthen and diversify the region's economy through supporting the development of tourism in the region. Policy specifically seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

It is considered that the proposal is aligned with this overarching policy via the use of a high-quality and locally appropriate group accommodation use that will provide a net community benefit to Daylesford, the Central Highlands region and the state of Victoria.

## MUNICIPAL STRATEGIC STATEMENT

**Clause 21.03** (Vision and Strategic Framework) contains key policy that provide Hepburn's vision for future land use planning and development.

**Clause 21.03-1** outlines policy relating to the *Hepburn Shire Corporate Plan 1999-2002*, whereby the unique social, cultural, environmental and heritage characteristics of the Shire are to be maintained and enhanced. Advantages for the community from tourism are sought to be maximised.

**Clause 21.03-2** provides a key objective of building a community based on the strength and character of the individual and valued lifestyle aspects of the towns, small communities, and rural areas of the Shire.

Importantly, it is policy to support local tourism-recreation opportunities that add to the local economic base and ensure long term sustainability of natural resources.

The formulation of a group accommodation use in this part of Daylesford is clearly supported by Council's vision at Clause 21.03, and it is considered that the proposal protects, manages and enhances the rural and urban environment and amenity of the area.

**Clause 21.05** (Settlement and Housing) relates to the ways in which growth will be managed in the municipality in the next 5 – 10 years.

The objectives of relevance to the proposal are as follows:

- *Objective 1: To achieve a sustainable urban form for towns by containing most future development within the urban growth boundaries shown on service town Structure Plans*
- *Objective 3: To protect and enhance the heritage, landscape and townscape character of towns*
- *Objective 5: Protect and promote local biodiversity*

The proposal responds to the above as follows:

- The proposal provides development within the urban growth boundary as shown on the Daylesford Structure Plan (objective 1)
- The built form is appropriately sited adjacent to ensure that there are no adverse impacts on the visual amenity of the rural hinterland (objective 1)
- The proposal will not interfere with the habitat, landscape and visual amenity values of adjacent forests (objective 1)
- The built form is sited to protect and enhance significant views, prominent hilltops, ridges lines, vistas and landmarks (Cornish Hill and Daylesford Lake) that contribute to the townscape character of towns (objective 3) – see *Hansen Partnership* Urban Design assessment for further details
- The built form is in keeping with the heritage, landscape and neighbourhood character of towns, having particular regard to building height, setback, bulk, form and mass and existing vegetation (objective 3) – see *Trethowan Architecture* Heritage assessment for further details

- The proposal protects and is located proximate areas of local biodiversity, which will promote the Shire's natural resources and beauty (objective 5)

The proposal is appropriate with respect to the policy outlined under Clause 21.05.

**Clause 21.07** (Economic Development) outlines that tourism and urban-based service industries are significant contributors to the local economy and will continue to provide important local employment opportunities. A key issue for the Shire is the understanding of the requirements of the tourism industry, and the potential for land use conflict in rural and urban areas.

The objectives of relevance to the proposal are as follows:

- *To improve local prosperity and quality of local environments within the Shire as identified in the MSS and other strategic reports (objective 3)*
- *Encourage a greater diversity of economic activity in towns (objective 4)*

The proposal responds to the above as follows:

- The proposal is an exemplary example of a high-quality and locally appropriate commercial and tourism development (objective 3)
- The siting and development of the built form is a sustainable response to the site that complements the significant rural landscape (objective 3)
- The proposal is a high-quality development in a residential area where local off-site amenity impacts have been adequately addressed (objective 3)
- The proposal will result in the establishment of value-added industry and business in Daylesford based on the important agriculture, heritage and lifestyle qualities of the town (objective 4)

The proposal is appropriate with respect to the policy outlined under Clause 21.07.

**Clause 21.09** (Environment and Heritage) provides various objectives for long term management of areas of environmental and heritage significance.

The objectives of relevance to the proposal are as follows:

- *To protect the cultural heritage of Hepburn, while promoting appropriate development opportunities for areas and sites of cultural heritage significance and neighbourhoods of strong residential character (objective 1)*
- *To protect surface and groundwater quality at a local and region level (objective 2)*
- *To manage development where significant landscapes and landscape features could be adversely affected (objective 4)*
- *To manage development where bushfire behaviour is likely to pose a threat to life and property (objective 5)*

- *To encourage water and energy efficiency in all development, including subdivision, construction of buildings and infrastructure (objective 6)*

The proposal responds to the above as follows:

- The proposed built form is sympathetic to the heritage character of the area and does not detract from the significance and character of heritage places (objective 1) – see *Trethowan Architecture* Heritage assessment for further details
- The proposal will ensure that surface and groundwater quality will not be impacted (objective 2)
- The siting of the buildings has regard for the landscape value and neighbourhood character values of the area having regard to ridgelines, hilltops and other significant landscape features (objective 4) – see *Hansen Partnership* Urban Design assessment for further details
- The proposal does not result in the loss of any significant trees (objective 4) – see *Treecology* arboricultural assessment for further details
- The proposal details the fire protection outcomes and guidelines that will assist in the protection of life, property and the environment from the threat of bushfire (objective 5) – see *Terramatrix* bushfire management assessment for further details
- The proposal provides individual water tanks per building, and drainage infiltration, water re use and water wise local native plantings can be provided by way of conditions (objective 6)

The proposal is appropriate with respect to the policy outlined under Clause 21.09.

## LOCAL PLANNING POLICY FRAMEWORK

**Clause 22.01 (Catchment and Land Protection)** applies to all land in the Hepburn Planning Scheme and provides the following objectives as relevant to the proposal:

- *To ensure the sustainable use of natural resources including soil and water in water catchment areas*
- *To ensure that the use and development of land and water is undertaken with consideration of impacts on long term resource quality and quantity*
- *To promote consistency with regional catchment strategies and other regional land and water management plans*
- *To manage the accumulative effect of unsewered development in water supply catchments.*

The topographical conditions on the site allow for development that will not result in unreasonable amenity impacts toward nearby reserves and public open space areas.

The proposal effectively responds to the requirements of this clause with the capability of providing water sensitive urban design elements and drainage infrastructure protected from sedimentation and contamination. The built form is compact (site coverage of 7% of the site) and does not significantly increase the use intensity on the site.

**Clause 22.02 (Mineral Springs Protection)** applies to all ESO2 in the Hepburn Planning Scheme and provides the following objectives as relevant to the proposal:

- *To ensure that new development does not compromise the integrity of the aquifer*
- *To ensure that all use and development is compatible with the underlying character of surrounding built areas*
- *To ensure that all use and development is compatible with the characteristics and integrity of individual mineral springs*

The proposal will incorporate measures to protect and enhance the quality of natural resources in the area, and it is considered that the compact built form (site coverage of 7% of the site) will allow for a suitable on-site effluent disposal system (or similar) to be provided.

**Clause 22.08** (Daylesford Neighbourhood Character) applies to all land within the Daylesford Neighbourhood Character Study

The objectives of Clause 22.08-2 seek to:

- *To maintain and enhance the character and amenity of residential areas in Daylesford.*
- *To increase the retention and use of local native plants and, in appropriate locations, exotic plants to reinforce the preferred character of residential areas in Daylesford.*
- *To discourage the use of plants which are invasive environmental weeds.*
- *To promote the integration of new development into the topography and landform of its neighbourhood character area.*
- *To ensure that the siting and site coverage of new development and alterations to existing development reinforces the preferred character of residential areas in Daylesford.*
- *To ensure that the provision for vehicle access and storage does not compromise the character and amenity of residential areas in Daylesford.*
- *To ensure that all new development reflects the height, scale, building form, appearance and underlying character of surrounding residential areas.*
- *To protect and enhance vistas, views and landmarks and, where possible and appropriate, to create new vistas, views and landmarks within the residential areas of Daylesford.*
- *To promote the use of building materials which contribute to the preferred residential character of residential areas in Daylesford.*  
*To ensure that streetscapes and private gardens strengthen the visual and physical connections between private built development, the public realm and their underlying neighbourhood landscape character.*
- *To encourage the use of appropriate fence types and heights compatible with the character and amenity of residential areas in Daylesford.*

The subject site is identified within **Precinct 18**, pursuant to the *Daylesford Neighbourhood Character Study 2002*. and Clause 22.18.





Figure 15 Extract of Daylesford Neighbourhood Character Study map - subject site starred

**Clause 22.18** provides the following preferred neighbourhood character statement:

*The open feel to the area will be retained and the cohesiveness of the area with the remainder of the town will be enhanced by:*

- *Ensuring buildings are sited to respect the wider landscape setting.*
- *Encouraging the use of timber, and other non-masonry materials where possible.*
- *Encouraging the planting of street trees.*
- *Retaining the informal street treatment.*

The proposal responds to the preferred neighbourhood character statement as well as the policy objectives of the cause as follows:

- The site coverage is only 7% which will allow for the built form to be interspersed into a garden setting
- The built form is appropriately spaced from boundaries (and internally)
- The built form is sited to be cut into the site to reduce the prominence of views from important landmarks such as the Daylesford Lake (as per *Hansen Partnership* Urban Design assessment)
- The built form is to be finished in a material/colour palette that is innovative, sustainable and appropriate when considered the surrounding built form and landscape character

It is considered that the proposal provides a contemporary and innovative response to Precinct 18.



## ZONE

### Clause 32.08 General Residential Zone (GRZ1 – Schedule 1)



Figure 16 Zone Map (GRZ1)

The purpose of **Clause 32.08** provides:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-2, a Group Accommodation use (nested under the broader Accommodation use) is a Section 2 use. A planning permit is therefore required for the use under the General Residential Zone.

Pursuant to Clause 32.08-9, a planning permit is required to construct a building or construct or carry out works for a use in Section 2. A planning permit is therefore required for the development of the land associated with a Group Accommodation use under the General Residential Zone.

The mandatory garden area and height requirements of the zone (Clause 32.08-4 and Clause 32.08-10) do not apply for a Group Accommodation use.

The proposal demonstrates a high level of compliance with the purposes and decision guidelines of Clause 32.08 on the following basis:

- The proposal respects the neighbourhood character of the area and is compatible with the adjoining use land uses
- The proposal allows for a non-residential use that will serve community needs in an appropriate location

- The design, height, setback and appearance of the proposed buildings are appropriate with respect to the adjoining neighbourhood, landscape and heritage character of the area (as per heritage and visual design assessment)
- There is ample space for new landscaping to be provided through the site
- All traffic, parking and transport matters have been assessed as appropriate (as per traffic and bushfire management assessment)

In the context of the proposal's compliance with state and local policy that encourages innovative uses that will stimulate the local and broader tourist economy, there can be no doubt that a Group Accommodation use on land within the GRZ (and within the Urban Growth Boundary of Daylesford) is appropriate.

With the architecturally designed and sensitively sited built form, the proposal will ensure that there are no detrimental amenity impacts toward any areas of the public or private realm, and it is our view that the application will reinvigorate a barren site that is earmarked for development (as per its designation within the GRZ).

The proposal is an appropriate response to the General Residential Zone.

## OVERLAYS

### Clause 42.01 Environmental Significance Overlay (ESO1 – Schedule 1)



Figure 17 Overlay Map (ESO1)

The purpose of the ESO1 (Proclaimed Catchment Management) provides:

- To protect the quality of domestic water supplies within the Shire and the broader region.
- To maintain and where practicable enhance the quality and quantity of water within watercourses.
- To prevent increased runoff or concentration of surface water leading to erosion or siltation of watercourses.
- To prevent erosion of banks, streambeds adjoining land and siltation of watercourses, drains and other features.
- To prevent pollution and increased turbidity and nutrient levels of water in natural watercourses, water bodies and storages.

As per Clause 3.0 of the ESO1, it is mandatory that all on-site wastewater must be treated and disposed of in accordance with the relevant EPA Code of Practice – On Site Wastewater Management.

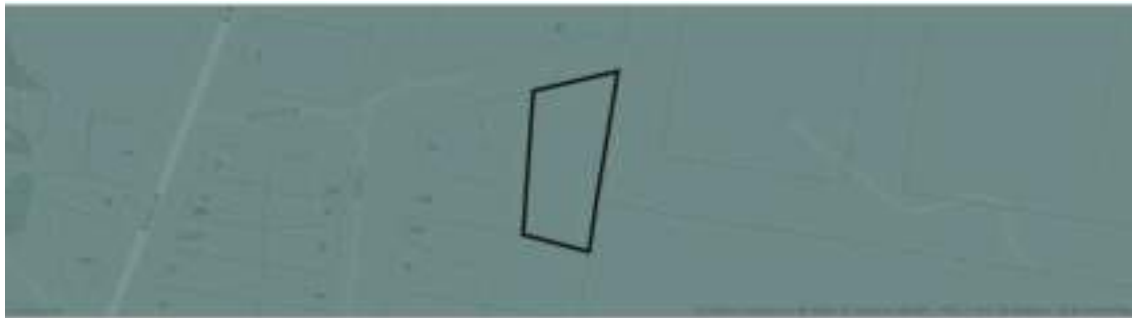
As per Clause 4.0 of the ESO1, a planning permit is required given that the site is not presently connected to reticulated sewerage.

As the site is not presently connected to reticulated sewerage, a Land Capability Assessment (or similar) will be provided to Council through the process in anticipation of the referral to the water authority, which will ensure that there are no detrimental impacts to the environment as a result of the proposed development.

As per Clause 4.0 of the ESO1, a planning permit is not required for the removal of any vegetation from the site as the total area of the site is under 1 hectare and is not within 30 m of a waterway.

The proposal is an appropriate response to the Environmental Significance Overlay Schedule 1 (Proclaimed Catchment Management).

**Clause 42.01 Environmental Significance Overlay (Schedule 2)**



■ ESO2 - Environmental Significance Overlay Schedule 2

Figure 18 Overlay Map (ESO2)

The purpose of the ESO2 (Mineral Springs and Groundwater Protection) provides:

- *To protect the mineral springs, their aquifers and their environs from the impacts of effluent and drainage.*
- *To protect water bores that provide town water supply.*

A planning permit is required given that the exemption criteria under Clause 3.0 of the ESO2 is not satisfied by the proposal.

As per the ESO1, a Land Capability Assessment will be provided to Council through the process in anticipation of the referral to the water authority.

As the site is not presently connected to reticulated sewerage, a Land Capability Assessment (or similar) will be provided to Council through the process in anticipation of the referral to the water authority, which will ensure that the springs, their aquifers and their environs are protected from the impacts of waste disposal and drainage.

Whilst there are no exemptions that would preclude the proposal from requiring a planning permit to remove vegetation under the parent ESO clause, it is noted that the removal of vegetation from the site is of little consequence when considering the purpose of the ESO2, and the site's location within the Bushfire Management Overlay allows for reasonable exemptions to create defensible space under Clause 52.12-5 (discussed within planning report at Particular Provisions Assessment section).

The proposal is an appropriate response to the Environmental Significance Overlay Schedule 2 (Mineral Springs and Groundwater Protection).

**Clause 43.01 Heritage Overlay (HO898 – Cornish Hill Mining Precinct)**



Figure 19 Overlay Map (HO898)

The purpose of **Clause 43.01** provides:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Pursuant to Clause 43.01-1 (Heritage Overlay), a permit is required to construct a building or construct or carry out works.

Whilst there are no exemptions that would preclude the proposal from requiring a planning permit to remove vegetation under the parent HO clause (and the HO898 includes tree removal controls), the site's location within the Bushfire Management Overlay provides it reasonable exemptions to create defensible space under Clause 52.12-5 (discussed at Particular Provisions Assessment section).

The Heritage Overlay (Schedule 898) relates to the Cornish Hill Mining Precinct, with the following statement of significance.

*Presenting the appearance of a bushland park, today, close examination records evidence of the precinct's early mining history. Features noted after an initial study are shown on the figure and include the remnants of brick and concrete abutments, overburden dumps, open cut and tunnelling activities. Prominent features are the old Cornish company's workings, the Bonnard's shaft and the Argus QM Company's sites, which, in conjunction with the now mature pine plantations and bushland, create an unusual parkland setting.*

*Forming part of the precinct are the timber cottages associated with the earliest days of mining activities. Although spread over the street grid on either side of the reefs and in particular throughout the Smiths Creek area, examples which are usually linked with the former mining area include those at Grant and Houston Streets.*

*At Stanbridge Street, sweeping views of the precinct are obtainable, with overburden dumps and cottages clearly visible. From here, the Duke and Orford Street tracks thread their way throughout the precinct rendering access by vehicle, bicycle or foot a simple matter.*

Figure 20 HO898 Statement of Significance – LCC Melbourne District Review (1985) Shire of Daylesford and Glenlyon Parish of Wombat

As per the above, the Cornish Hill Mining Precinct is of heritage significance due to the historic mining uses within the area and the landscape setting that this operated in, rather than a specific type of housing or other built form characteristic.

Importantly, as per the assessment of the expert Heritage Advisor, the subject site has not been identified or was subject to any major mining activities, and no significant heritage items have been located within the subject site. As such, it is the view of the Heritage Advisor that the subject site makes little contribution to the ascribed cultural heritage significance to the Cornish Hill Mining Precinct<sup>1</sup>.

The proposed development fulfils the purpose of the HO and meets State and Local Planning Policy Frameworks (including the Municipal Strategic Statement).

The proposal responds to the purpose of Clause 43.01 as follows:

- The proposal does not have a detrimental impact on the elements which contribute to the significance of heritage place
- The built form conserves and enhances the important elements of the heritage place in its emulation of the old gold mining headframes
- The proposal appropriately responds to the elements of the important landscape aspects of the heritage area
- The proposal responds to the applicable statement of significance

The proposal responds to the decision guidelines of Clause 43.01 as follows:

- The site is devoid of built form or significant vegetation – there is nothing to preserve on the site
- The built form and landscape response draws from the informal nature (lack of lot uniformity, dirt roads, overgrown vegetation)
- The proposed form and appearance of built form will not adversely affect the heritage significance of the area
- The built form is innovative and unashamedly contemporary, which will clearly be viewed as a later addition to the heritage precinct
- Although not a requirement under the Heritage Overlay, the proposal performs well when assessed against the requirements of Clause 55, which demonstrates that all off-site amenity impacts have been considered and appropriately managed
- No subdivision is proposed
- No signs are proposed to be displayed

We rely on the expert opinion of *Trethowan Architecture* with regard to all heritage considerations, and support their view that the proposal is an acceptable response to the Heritage Overlay.

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<sup>1</sup> *Heritage Report, Section 4 (Analysis of significance), Trethowan Architecture*



## Clause 44.06 Bushfire Management Overlay

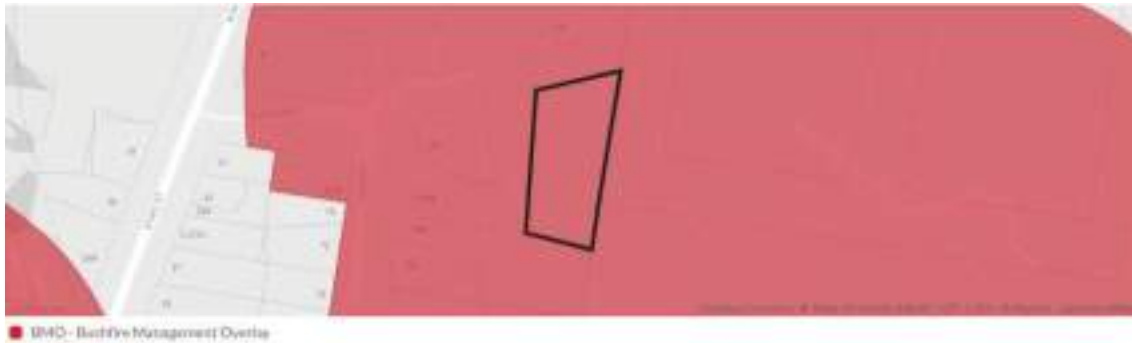


Figure 21 Overlay Map (BMO)

The purpose of **Clause 44.06** provides:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to Clause 44.06-2, a permit is required to construct a building or carry out works associated with accommodation.

Clause 44.06-3, Clause 44.06-4 and Clause 44.06-5 contains the mandatory application requirements and conditions that must be imposed on a planning permit under the overlay.

This application is accompanied by a Bushfire Hazard Site Assessment & Bushfire Management Statement (Terramatrix). The proposed development has been formulated in conjunction with the findings and recommendations of this report, in order to meet the requirements of the overlay and ensure best practice bushfire management on site.

The proposed development responds to the requirements of Clause 44.06 with the creation of a cohesive plan for bushfire management on site, and it is considered that the objective of Clause 13.02-1S Bushfire Planning (to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life) has been met by the proposal.

We rely on the expert opinion of *Terramatrix* with regard to all bushfire management considerations, and support their view that the proposal is an acceptable response to the Bushfire Management Overlay.

## **PARTICULAR PROVISIONS**

### **Clause 52.06 Car Parking**

Pursuant to Clause 52.06-5 and Clause 52.06-6, a Group Accommodation use is not a defined use with a specific carparking rate, and therefore car parking for any new use on the land must be provided to the satisfaction of the responsible authority.

When considering the group accommodation use and proposed operation of the site (accommodation of a maximum of 10 persons at any one time – 2 per building), it is considered that an appropriate number of car spaces (5 spaces – 1 per unit) is provided on the site.

It is also considered that the parking and access arrangements meet the design standards provided under Clause 52.06-9 (and even exceeded given the mandatory requirements of the Bushfire Management Overlay), with the accessway and car spaces designed to comply with the relevant tests to ensure that vehicles can safely enter, exit and manoeuvre the site.

We rely on the expert opinion of *One Mile Grid* with regard to all traffic and car parking considerations, and support their view that the proposal is an acceptable response to Clause 52.06 of the Hepburn Planning Scheme.

### **Clause 52.12 Bushfire Protection: Exemptions**

Pursuant to Clause 52.12-5, the planning permit requirements for tree removal do not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling to create its defensible space.

Whilst the proposal seeks permission for group accommodation, it is considered that the underlying objective of facilitating the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire can apply to this use, and it is therefore considered appropriate that the exemption criteria under Clause 52.12 is applied to the application.

As per the expert opinion of *Terramatrix*, all trees that are proximate to the proposed built form as considered as appropriate for removal in order to prioritise the safety of human life on the site.

It is also noted that the majority of trees set for removal are weed species that do not contribute to the landscape character of the area, and it is considered that replacement planting with suitable species can take place (within confines of what is allowable under the BMO) to result in an improved landscaping outcome on the site.

### **Clause 53.02 Bushfire Planning**

We rely on the expert opinion of *Terramatrix* in relation to the proposal's compliance with Clause 53.02.

**Clause 53.18 Stormwater Management in Urban Development**

The objective of Clause 53.18 is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Pursuant to Clause 53.18-5, the stormwater management objectives for buildings and works are:

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

Pursuant to Clause 53.18-6, the objectives for site management are:

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.*

The proposal effectively responds to the requirements of this clause with its usage of water sensitive urban design elements (including individual water tanks per dwelling).

A STORM report can be provided to Council through the process (should this be deemed necessary) to demonstrate sufficient implementation of stormwater treatments on site.

**PLANNING SCHEME AMENDMENT C80hepb**

Planning Scheme Amendment c80hepb prepared by Hepburn Shire Council proposes to:

- Translate the LPPF to PPF format
- Implement the Hepburn Planning Scheme Review (February 2020) which includes amendments to zoning schedules and application of the Neighbourhood Residential Zone (NRZ) to all existing General Residential Zone (GRZ) land within the townships
- Implement the recent reforms to the Victorian Planning Provisions (VPP) and the Ministerial Direction on the Form and Content of Planning Schemes into the Hepburn Shire Planning Scheme

As relevant to the subject site, Amendment c80hepb proposes to rezone the subject site to Neighbourhood Residential Zone – Schedule 4 (NRZ1) Daylesford Neighbourhood Residential Areas.



Figure 22 Extract of exhibited c80hepb zoning map – subject site starred

The amendment proceeded to an independent Panel Hearing from 23-27 November 2020.

The Panel Report (dated 17 February 2021) made the following recommendation pursuant to Recommendation 8:

**8. Abandon the proposal to rezone land in Clunes, Daylesford, Hepburn Springs and Trentham to the Neighbourhood Residential Zone until a settlement strategy for the Shire has been completed.**

The Panel formed the above view on the following basis, as summarised:

*Council has drawn on previous studies and structure planning exercises to inform the Amendment. **Unfortunately, some of these studies are outdated and were not prepared in the context of current State planning policy...***

*The Panel accepts the principles behind a policy neutral review, but sees a danger that outdated policy might be seen as having been ‘refreshed’ because it has been part of a recent Amendment...*

*Where zoning changes are proposed, many of these changes are based on structure planning work completed in 2006. **The Panel considers that much of this work is out of date and prepared at a time when policy priorities were different from the current State policy. Consequently, the Panel does not support rezoning of land to the Neighbourhood Residential Zone as part of the Amendment.***

*Some of the rezoning proposals appear to pre-empt critical strategic work and may limit the Council's ability to deliver its stated policy objectives.*

*The Panel considers that it is critical that future strategic work is conducted in a timely manner and is appropriately resourced by Council...*

*The Panel considers it would be premature to rezone existing townships to NRZ on the basis of structure planning work conducted in 2006. This work predated the existing residential zones, policy changes in relation to bushfire and peri-urban planning issues. It is not considered current. Furthermore, **it would not be appropriate for Council to cherry pick some parts of the previous strategic work (for example, to justify the NRZ) while ignoring other parts of the same work** (for example, to justify more intense zones in commercial areas).*

Further to the Council Meeting on Monday 29 March 2021, it is understood Council resolved to proceed with the amendment without adopting the Panel's above recommendation to abandon the proposed rezoning of the townships into the NRZ.

The proposal must be assessed against the Planning Scheme and policies as it currently exists. While the Planning Scheme Amendment has been through an independent review, it is noted Council resolved to not adopt the Panel's recommendations in respect to the NRZ rezoning. The proposed rezoning cannot be considered as 'seriously entertained' and it would be inappropriate for Council to assess this proposal against the NRZ provisions unless and until a decision has been made on the amendment by the Planning Minister.

Notwithstanding the above, it is noted that the development as currently proposed complies with the relevant zone requirements (noting that maximum building height and garden area do not apply for a group accommodation use) under the proposed NRZ, should the amendment ultimately be gazetted into the Planning Scheme in its current form.

## **GENERAL PROVISIONS**

### **Clause 65 Decision Guidelines**

The proposal complies with the decision guidelines of **Clause 65** as follows:

- The State Planning Policy Framework and Local Planning Policy Framework, including MSS and local policies have been complied with.
- The Zone, Overlay, or provision objectives have been complied with and matters required to be considered have been appropriately addressed.
- There will be no unreasonable impact upon the amenity of the area.
- There will be no land degradation or impacts upon salinity or reduced water quality.
- There will be no impact on the stormwater within and exiting the site.
- There will be no loss of significant vegetation and landscaping can be undertaken.



**CONCLUSION**

In the overall analysis, the proposed use and development of the site is worthy of support for the following reasons:

- The proposed use and the development of land is in accordance with the General Residential Zone and the Daylesford Structure Plan
- The Group Accommodation use will provide a significant benefit to the community through the provision of short-stay tourism accommodation which will provide various economic benefits to Daylesford and the wider region
- There are no adverse impacts to the natural environmental as a result of the use or development of the site
- Human safety is prioritised above all other considerations as per the requirements of the Bushfire Management Overlay
- The proposal will not result in unreasonable off-site amenity impacts – including the siting of the built form, car parking arrangements, traffic management, and general operational considerations
- All relevant provisions and design requirements have been considered and met, and the proposal satisfies Local and State policy outcomes

We believe the proposal is reflective of the objectives and strategic directions outlined within the Hepburn Planning Scheme and subsequently recommend the Council support and approve the planning permit application.

Should you have any queries, please contact me on 9334 2060 or at [as@townplanners.com.au](mailto:as@townplanners.com.au).

Yours Faithfully,



**Anthony Scarpaci** BUrb&RegPlan (Hons), MPiA, MVPELA  
**Associate**





*Lot CA8 SEC9 Camp Street, Daylesford*  
Transport Impact Assessment

210334TIA001B-F

12 August 2021

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## DOCUMENT INFORMATION

Prepared for	Clement-Stone Town Planners		
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# 1 INTRODUCTION

one-mile-grid has been requested by Clement-Stone Town Planners to undertake a Transport Impact Assessment of the proposed group accommodation dwellings at Lot CA8 SEC9 Camp Street, Daylesford.

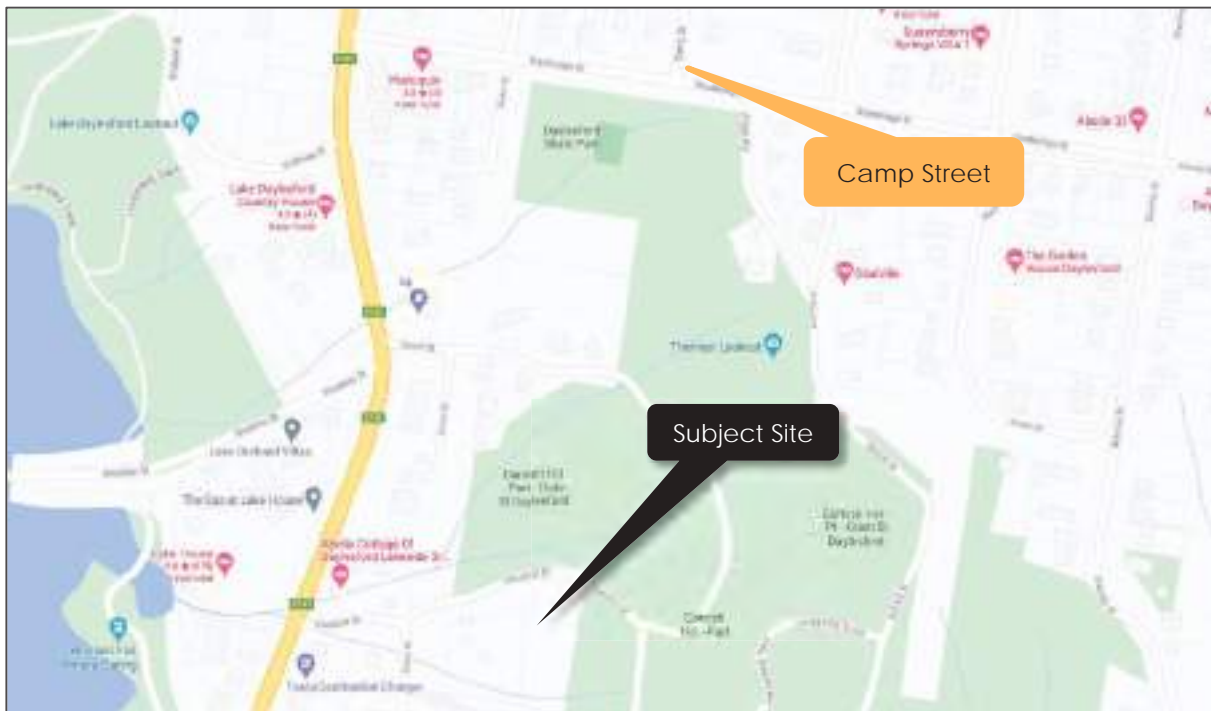
As part of this assessment the subject site has been inspected with due consideration of the development proposal, traffic and parking data has been sourced and relevant background reports have been reviewed.

## 2 EXISTING CONDITIONS

### 2.1 Site Location

The subject site is located on the south side of Houston Street and is addressed as Lot CA8 SEC9 Camp Street, Daylesford. The site is irregularly shaped and has an abuttal to Houston Street in the north and the reservation for Camp Street to the east. Access is currently available via Houston Street toward the north western corner of the site.

Figure 1 Site Location



Copyright Google Maps

The site is currently vacant, and only contains odd trees and an easement passing in close proximity to the southern boundary.

Land use in the immediate vicinity of the site is generally mixed in nature and includes residential uses to the west of the site, and public reserve uses to the east.

An aerial view of the subject site is provided in Figure 2.

Figure 2 Site Context (14 December 2020)



Copyright Nearmap

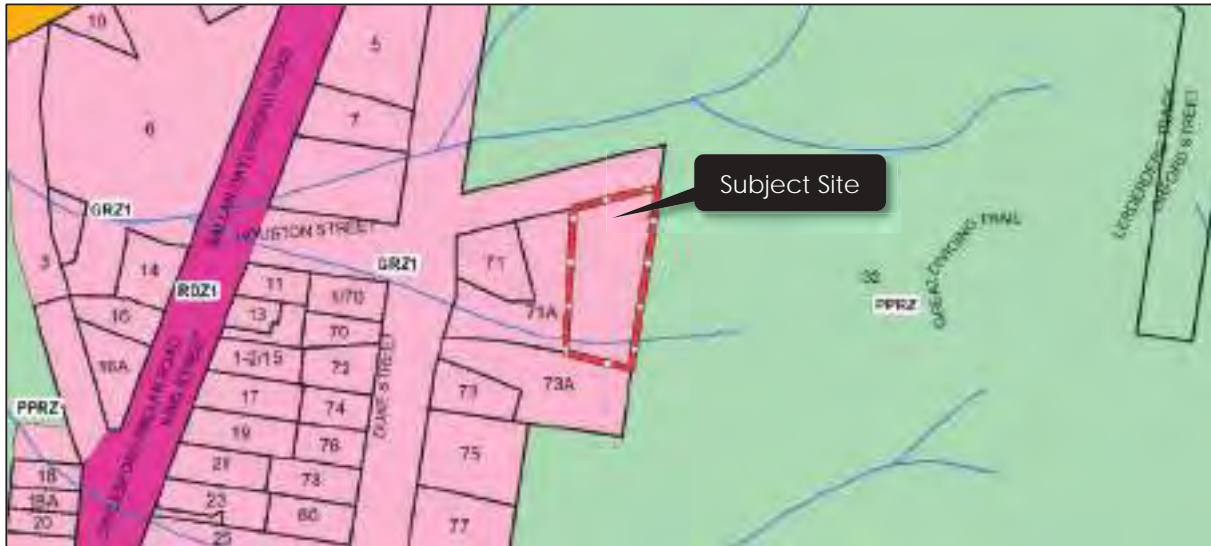
## 2.2 Planning Zones and Overlays

It is shown in Figure 3 that the site is located within a General Residential Zone (GRZ), for which the permitted uses are listed in Clause 32.08 of the Hepburn Planning Scheme.

The site is subject to the following Overlays:

- Environmental Significance Overlay – Schedule 1 (ESO1);
- Heritage Overlay – Schedule (HO898); and
- Bushfire Management Overlay (BMO).

**Figure 3 Planning Scheme Zones**



## 2.3 Road Network

**Houston Street** is a local road generally aligned east-west, running between Ballan-Daylesford Road in the west, and East Street in the east although does not provide for a direct connection with Cornish Hill and associated public space separating the two sections of Houston Street. The site is located on the western side of Houston Street which can only be accessed via Ballan-Daylesford Road. Houston Street operates with a gravel pavement that facilitates two-movements.

### 3 DEVELOPMENT PROPOSAL

#### 3.1 General

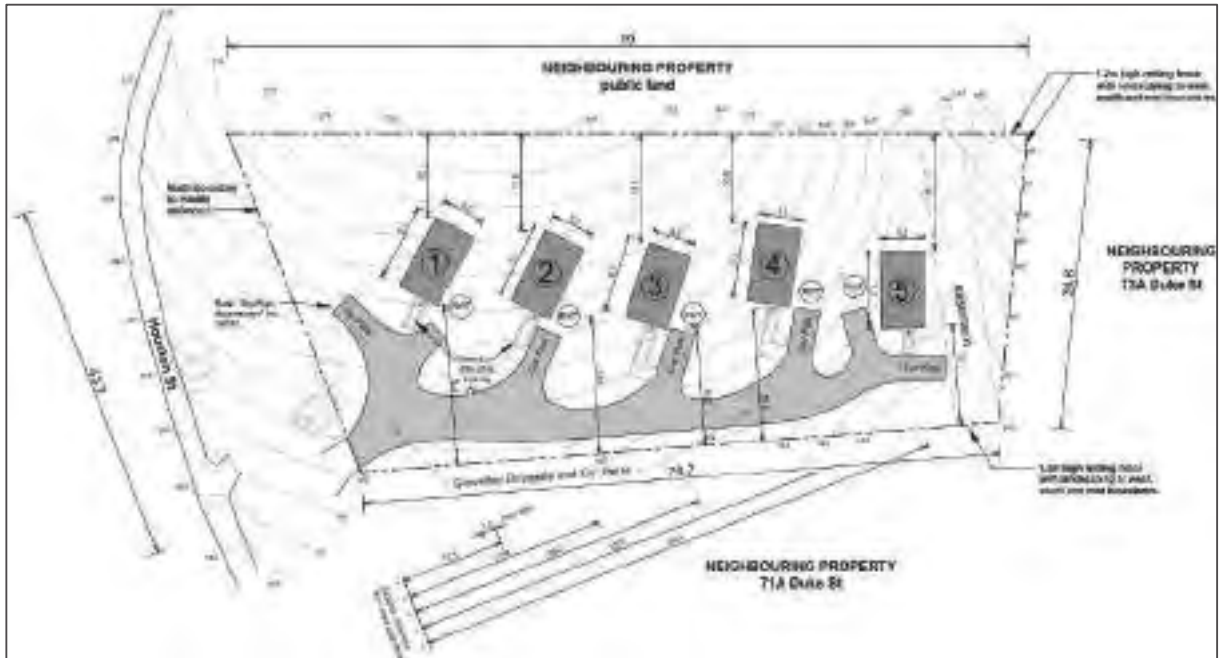
It is proposed to develop the subject site for the purposes of a group accommodation development comprising of 5 'skybarrel' accommodation units, as shown in Figure 4.

All skybarrels are proposed as one-bedroom units, containing two floors, and an access stairway providing access up into each building from the ground level. Each unit is supplied one car parking space, provided at the bottom of the access stairways.

Access to the site is proposed from the existing point in the southwest corner of the site which will lead to a gravel driveway that runs along the western boundary of the site. Each unit has a separate driveway which 'shoots' off the main driveway to the unit. Due to the slope of the site, the driveway and 'offshoot' drives are all graded to reach the required levels.

Each unit includes an external rainwater tank which has been designed in line with the CFA requirements should it be required in an emergency situation. The water tank outlets are to be within 4 metres of the accessway.

Figure 4 Proposed Site Plan



## 4 DESIGN ASSESSMENT

### 4.1 Hepburn Planning Scheme – Clause 52.06

onemilegrid has undertaken an assessment of the car parking layout and access for the proposed development with due consideration of the Design Standards detailed within Clause 52.06-9 of the Planning Scheme. A review of those relevant Design Standards is provided in the following section.

#### 4.1.1 Design Standard 1 – Accessways

A summary of the assessment for Design Standard 1 is provided in Table 1.

**Table 1** Clause 52.06-9 Design Assessment – Design Standard 1

<i>Requirement</i>	<i>Comments</i>
Be at least 3 metres wide	Satisfied
Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide	N/a – no change in direction along accessway
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre	N/a – private car park, however satisfied
Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres	Satisfied – a minimum height clearance of 2.2 metres is achieved
If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction	Satisfied
Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone	N/a – does not connect to a road zone & does not serve more than ten spaces
Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.	N/a as there is no footpath on the frontage road, however the element is satisfied.
If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	N/a – does not connect to a road zone



## 4.1.2 Design Standard 2 – Car Parking Spaces

All car spaces on-site are proposed with a width of 3.0 metres, length of 4.9 metres and are accessed from aisles of no less than 6.4 metres. In this regard, the proposed car spaces have been designed in accordance with the Planning Scheme.

## 4.1.3 Design Standard 3 – Gradients

A summary of the assessment for Design standard 3 is provided in Table 2.

**Table 2** Clause 52.06-9 Design Assessment – Design Standard 3

<i>Requirement</i>	<i>Comments</i>
Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.	Satisfied – A maximum grade of 1:10 is proposed for the first 5 metres from the property boundary
Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 (of Design standard 3) and be designed for vehicles travelling in a forward direction.	Satisfied – a maximum grade of 1:5 (20%) is proposed
Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.	Not Satisfied – grade changes in excess of this requirement exist across the site. It is recommended that as a condition of permit, all grades are designed to satisfy this requirement or to the satisfaction of Council.

As noted above, the majority of these items are satisfied with the exception of some of the grades up to dwellings. It is recommended that transitions are provided between the 1:5 grades to ensure that vehicles do not bottom out and furthermore are parked on a suitable grade.

## 4.2 Emergency Vehicle Access

The site is subject to a Bushfire Management Overlay (BMO), which requires appropriate bushfire protection measures be implemented for new developments, including the vehicle access design and construction requirements for the Country Fire Authority (CFA) detailed within Table 5 of Clause 53.02.

Noting that the accessway to the water tanks is between 30 and 100 metres length, the following design requirements apply:

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) with a maximum grade of no more than 1 in 5 (20%) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) entry and exit angle.
- A load limit of at least 15 tonnes.
- All-weather construction.
- A minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.

The requirements mentioned above have been met with the current design.

## 5 BICYCLE PARKING CONSIDERATIONS

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Clause 52.34 of the Hepburn Planning Scheme does not specify bicycle parking provision requirements for specifically for group accommodation, however bicycles can be stored at the bottom of the access stairways, if necessary.

## 6 CAR PARKING CONSIDERATIONS

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### 6.1 Statutory Car Parking Requirements

Clause 52.06 of the Hepburn Planning Scheme sets out the car parking requirements for the various land uses, however group accommodation is not one of the uses defined in the table for calculating a requirement. In such cases, Clause 52.06-6 states that:

*'Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.'*

It is proposed to provide a total of 5 car parking spaces on-site, one for each unit.

An assessment of the likely parking demands and the appropriateness of the car parking provision is set out below.

### 6.2 Car Parking Demand Assessment

In order to establish a suitable provision of parking for the use, I have undertaken a first-principles assessment of the demands likely to be generated, which follows.

The use is anticipated to primarily attract couples sharing a unit especially considering only 1 bedroom is provided for each. Noting the location of the site, it is expected that couples visiting the site and taking up accommodation will drive to the site together thus generating a demand for 5 car spaces.

Check-out and check-in times are likely to be staggered such that any guests who are scheduled to depart and arrive on the same day do not both require car parking on-site. Therefore, there will be no overlap in guests parking demands.

### 6.3 Review of Car Parking Provision

Based on the above assessment it is projected that the 5 units will generate a demand for 5 spaces which is satisfied by the provision of parking on-site.

## 7 TRAFFIC CONSIDERATIONS

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Typical dwellings in this location would generate up to 8 vehicle movements per day associated with work, school and shopping trips.

Due to the nature of the proposed accommodation, it is expected that traffic generation will be considerably lower as there will be no work or school trips required for the accommodation units.

In this regard, it will be assumed that each unit generated 4 vehicle movements per day with 10% occurring during the peak hours which equates to 20 movements per day and 2 during the peak hours.

This level of traffic is low and not expected to impact on the operation of the surrounding road network. Of note, at peak times (which is not expected to coincide with the network peak), a maximum of 2 vehicle movements are expected which is equivalent to one vehicle trip every 30 minutes which will be imperceptible to existing users.

## 8 CONCLUSIONS

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It is proposed to develop the subject site for the purposes of 5 group accommodation units with the provision of 5 car parking spaces, one for each unit.

Considering the analysis presented above, it is concluded that:

- The proposed car parking design is considered appropriate;
- The proposed access design requires some modifications which can be included as a condition of permit.
- The proposed supply of car parking is appropriate for the proposed development;
- The anticipated traffic volumes generated by the development is not expected to have an impact on the operation of the Houston Street or the surrounding road network; and
- There are no traffic engineering reasons which would preclude a permit from being issued for this proposal.

27 July 2021

David Penman  
C/- Anthony Scarpaci  
Clement Stone Town Planners  
2 Hercules Street  
Tullamarine VIC 3043

**Subject of Letter** Crown Allotment 8, Section 9C, Township of Daylesford

Dear David,

The following preliminary heritage advice has been prepared with regards to the assessment of the proposal to construct five double-storey residences to the property at Crown Allotment 8, Section 9C, Township of Daylesford, as per our fee agreement dated 2nd June, 2021.

## 1 Introduction

This advice summarises the appraisal of the proposed development at the site of Crown Allotment 8, Section 9C, Township of Daylesford – hereafter referred to as the subject site. The following is based on the drawing set prepared by Robin Larsen Design Pty Ltd on the 18<sup>th</sup> February 2021, historical research, a review of relevant planning policies and good heritage practice.



Figure 1: Aerial view shows the subject site (indicated with red). Source: Vic Plan 2021.

## 2 Statutory Heritage Controls

### 2.1 National Heritage List

The subject site is not included on the National Heritage List.

### 2.2 Victorian Heritage Register

The subject site is not included on the Victorian Heritage Register.



### 2.3 Victorian Heritage Act 2017 – Victorian Heritage Inventory (VHI)

The subject site is not covered by an entry into the VHI



Figure 2: Extract of Vic Plan shows the subject site (indicated with an arrow), with identified heritage inventories being denoted with light blue. The subject site is not covered by any heritage inventory. Source: Vic Plan 2021.

### 2.4 Hepburn Planning Scheme

The subject site is located within HO 898 *Cornish Hill Mining Precinct*. Hereafter referred to as the Precinct. The Precinct is included on the *Schedule to the Heritage Overlay* (HO) of the Hepburn Planning Scheme. Tree and external paint controls apply to the Precinct.

To the west of the subject site is 71 Duke Street, which is covered by a site-specific Heritage Overlay HO 661, *Cottage, Houston Street, Daylesford*. The cottage is included in the Overlay as 'it is likely that it was built for persons associated with the Cornish Hill workings'.<sup>1</sup>



Figure 3: Extract of 33HO shows the extent of HO898. The subject site is indicated with an arrow. Note No 71 Duke Street (located to the west of the subject site) is included in a site-specific heritage overlay HO 661, *Cottage, Houston Street, Daylesford*. Source: Hepburn Planning Scheme.

<sup>1</sup> Heritage Victoria Hermes Database, entry no 121166.





### 2.4.1 Statement of Significance

The following Statement of Significance of the Cornish Hill Mining Precinct is extracted from LCC *Melbourne District Review (1985) Shire of Daylesford and Glenlyon Parish of Wombat*, with the relevant sections underlined:

*Presenting the appearance of a bushland park, today, close examination records evidence of the precinct's early mining history. Features noted after an initial study are shown on the figure and include the remnants of brick and concrete abutments, overburden dumps, open cut and tunnelling activities. Prominent features are the old Cornish company's workings, the Bonnard's shaft and the Argus QM Company's sites, which, in conjunction with the now mature pine plantations and bushland, create an unusual parkland setting.*

*Forming part of the precinct are the timber cottages associated with the earliest days of mining activities. Although spread over the street grid on either side of the reefs and in articular throughout the Smiths Creek area, examples which are usually linked with the former mining area include those at Grant and Houston Streets.*

*At Stanbridge Street, sweeping views of the precinct are obtainable, with overburden dumps and cottages clearly visible. From here, the Duke and Orford Street tracks thread their way throughout the precinct rendering access by vehicle, bicycle or foot a simple matter.*

Other significant built forms, as identified in the Statement of Significance include:

- 53 Grant Street
- 51 Duke Street (burned)
- 55 Duke Street
- Cottage at Fenston Street
- 13 Ballan Road



Figure 4: Extract from the Mining Department plan shows the environs of the subject site (indicated with red). Source: LCC *Melbourne District Review (1985) Shire of Daylesford and Glenlyon Parish of Wombat*.



Figure 5: Extract from the Mining Department plan shows the environs of the subject site (indicated with red). Source: *LCC Melbourne District Review (1985) Shire of Daylesford and Glenlyon Parish of Wombat*.

### 3 History & Site Description

#### 3.1 History

The following history is extracted from *LCC Melbourne District Review (1985) Shire of Daylesford and Glenlyon Parish of Wombat*.

The subject site is located at the edge of the Cornish Hill area, which was the centre of alluvial mining activities in Daylesford as early as the 1850s, leading to the exposure of the Cornish Reefs in 1854. It was not until the early 1860s that individual claims were replaced by registered companies. The first three companies to register were the Old Cornish, the Argus and the Fear Not Company. These companies conducted large-scale mining activities in the Cornish Hill area. Structures associated with the Old Cornish and Argus, including an overburden dump, remain a central feature of the Precinct. Other smaller companies also conducted their own mining activities at the same time. Their mining sites were located further north of the subject site, such as the Crown reef along the Queensberry Street alignment and the Cornish reef along the Orford Street alignment.

In 1899, the Cornish Hill area became the mining site of the North Cornish Company. After the company dissolved in 1895, mining activities of a smaller scale were still conducted on the northern section of the subject site, whereas the area located to the south of Stanbridge Street was mostly abandoned. The entire mining site was revived in 1903-23 under the policy of Donald McLeod, then Minister of Mines. McLeod encouraged the reopening of local mining sites and brought about a second mining boom to Daylesford. This boom lasted until the early 1920s, when it was no longer economical to extract Victorian gold and the mining booms in Western Australia lured away most of the local miners.<sup>2</sup>

The subject site appears to have been an empty block at least since the 1946, as indicated in the aerial photo (Figure 7). It remains inconclusive whether the subject site had ever been the location of major mining activities or been the home of any significant mining structures. Throughout the twentieth century, the site remained part of Section 9C, which was Crown Land bounded by Houston and Duke Streets, as shown in a 1959 plan (Figure 8) (Figure 9). In the 1980s and 90s, the northern portion of Section 9C was subdivided into smaller lots of various sizes and shapes. These lots were granted to private landowners (Figure 9). In 1997, the subject site, in its current trapezoid shape, was granted to Elizabeth Lee and Gary Overall of 71 Duke Street on the 5<sup>th</sup> of June, 1997.<sup>3</sup>

<sup>2</sup> Daylesford Museum, 2019, *A short history of Daylesford*, available via <https://visitthepburnshire.com.au/wp-content/uploads/2019/12/Short-History-of-Daylesford-Updated-Dec-2019.pdf>

<sup>3</sup> Certificate of Title Vol 10315 Fol 163.



Figure 6: Extract of geological survey map, dated 1922. The approximate location of the subject site is indicated with red. Source: State Library Victoria.



Figure 7: Extract of aerial photo map No 827A4, dated 1946, shows the environs of the subject site. The approximate location of the site is denoted with red. Houston Street is indicated with an arrow. Source: Historical aerial photo collection, Department of Environment, Land, Water and Planning, Victoria.





Figure 8: Extract of a Township of Dayleford plan, prepared by Department of Crown Lands and Survey shows the subject site as part of Section 9C in 1959. The subject site is indicated with red. The northern portion of Section 9C remained predominantly unsubdivided Crown Land. Note the street layout does not reflect the land form of the area. Source: State Library Victoria.



Figure 9: Extract of the Township plan of Daylesford (plan no 5231) shows the subject site as a trapezoid block that borders Houston Street on the north (indicated with an arrow). Note the street layout does not fully reflect the land form within the immediate site context. Later annotation indicates the northern portion of Section 9 C was subdivided and granted to individual landowners from 1980s to 90s. The site was granted to E Lee and G Overall in 1997. Source: PROV, VPRS 16171/ P1, Daylesford Township Plan, Imperial Measure 5231.



### 3.2 Site and Context Description

The subject site is a sizeable rectangular block that is located on the south side of Houston Street. The site remains cleared and elevates to the south. The streetscape of Houston Street comprises single and double-storey residences, which are eclectic in terms of style and period. Adjoining development typically consists of rectangular and gabled roof forms. Mature trees and native vegetation dominate the streetscape of this area. It is noted that contemporary built forms and materials are also visible within the *Cornish Hill Mining Precinct*, such as the contemporary residences seen at 9 and 11 Orford Street (Figure 12 and Figure 13).

The subject site is bordered to the west by the weatherboard cottage at 71 Duke Street, which is included in the individual Heritage Overlay - HO 661 *Cottage, Houston Street, Daylesford*. To the east, the subject site is bounded by Cornish Hill, a public park that is dominated by mature trees and vegetation. The site slopes upwards towards the south.



Figure 10 and Figure 11 show the streetscape of Houston and Duke Streets. Note the rectangular shape and gabled roof form of these residences. Street. Source: Google Street view, 2021.



Figure 12: The contemporary built form at 9 Orford Street, which is within the broader *Cornish Hill Mining Precinct*. Note its contemporary roof form. Source: Google Street View, 2021.



Figure 13: The contemporary built form at 11 Orford Street, which is also located within the *Cornish Hill Mining Precinct*. Note its contemporary building materials. Source: realestate.com.au, c 2006.

## 4 Analysis of significance

The subject site is located on the periphery of the Precinct, whose ascribed cultural heritage significance lays in its association with mining activities during the mid-nineteenth and early twentieth centuries. As identified by the Statement of Significance, the significant elements of the Precinct include

- Remnants of brick and concrete abutments, overburden dumps, open cut and tunnels that are associated with the mining activities from the 1850s to the early 1920s;
- The existing parkland setting, including its mature pine plantations and bushland;
- Significant built forms located on the other sections of the wider Precinct, as outlined in Section 2.4.1.

In addition, the subject site also borders 71 Duke Street on the west, which is an individual Heritage Overlay HO 661, *Cottage, Houston Street, Daylesford* for its likely association with the Cornish Hill activities. Nonetheless, the subject site has not been identified or subject to any major mining activities, and no significant heritage items have been located within the subject site. As such, the subject site makes little contribution to the ascribed cultural heritage significance to the *Cornish Hill Mining Precinct*.



## 5 Proposal

The proposal involves the following:

- Construction of five contemporary double-storey residences and car spaces. The residences will be elevated from the ground level by galvanised steel beams and structures, which will in turn be supported by red brick retaining walls. The total height of the proposal will be 12m. The proposed built form is cyclical in shape and consists mostly of contemporary metal cladding, with dark matte finishes (Colorbond basalt).
- Creation of a carriageway along the west boundary of the subject site.

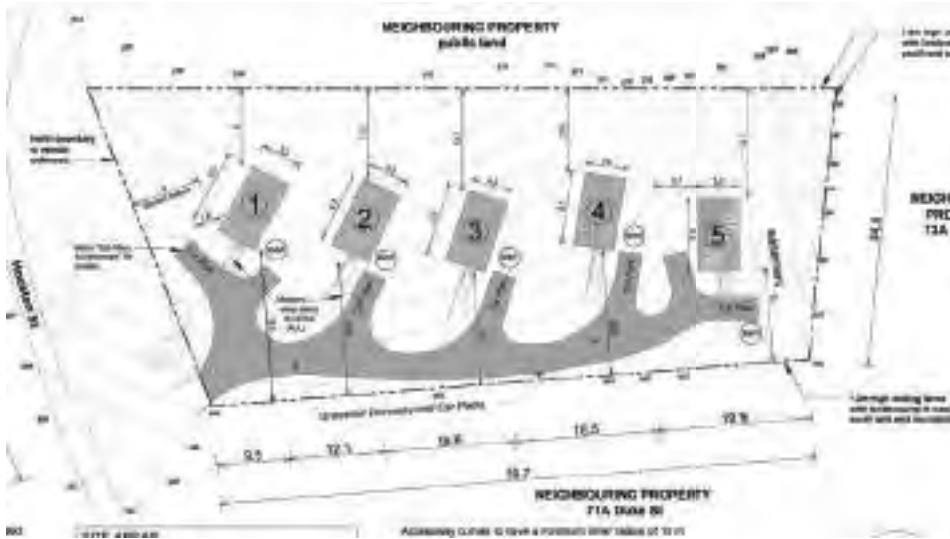


Figure 14: Extract of A02 shows the siting of the proposed residences of the subject site. North is located on the left. Source: Robin Larsen Design Pty Ltd, 2021.

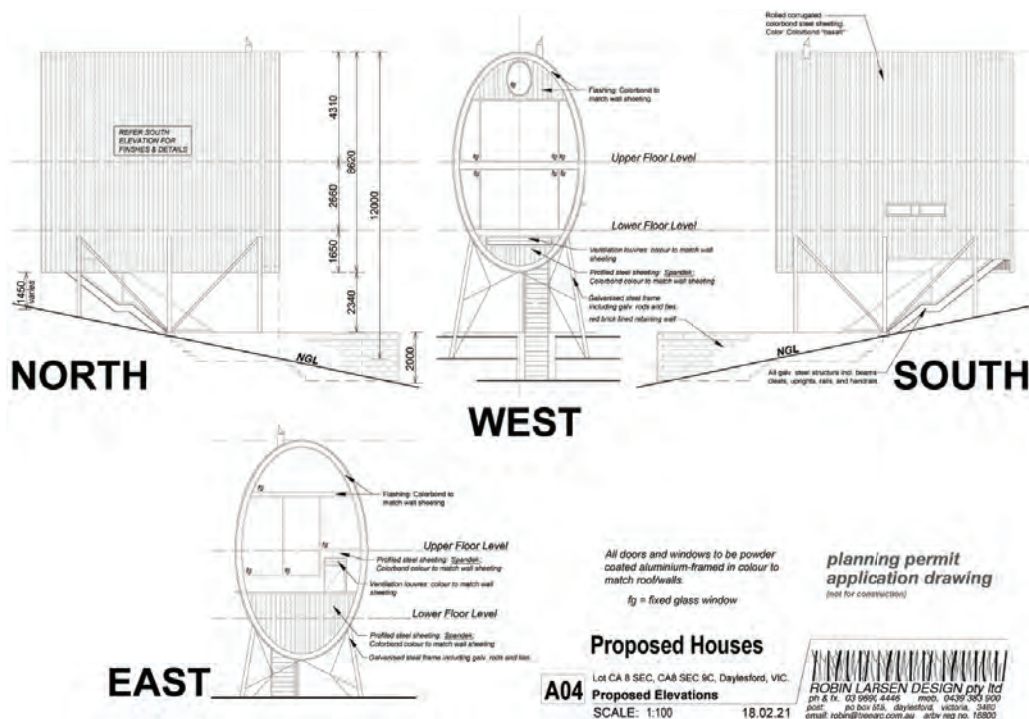


Figure 15: extract of A04 shows the proposed built form. Source: Robin Larsen Design Pty Ltd, 2021.



## 6 Review of the Proposal, planning scheme/ guidelines & recommendations

The following analysis refers to policies in the Hepburn Planning Scheme, including Clause 15 *Built environment and Heritage*, Clause 15.03 *Heritage*, Clause 15.03-1S *Heritage conservation*, Clause 43 *Heritage and built form overlays*, Clause 43.01 *Heritage Overlay* and clause 59.07 *application under heritage overlay*. In addition, *The Australia ICOMOs Charter for the Conservation of Places of Cultural Significance (Burra Charter)* and good heritage practice have also been applied.

### 6.1 New Work

Clause 43.01-1 explicitly states that any proposal involving the construction of new buildings should be submitted for further assessment. Further policy directions are provided by Article 22 of the *Burra Charter*, which clearly states that *new work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation*. In addition, *new work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place*.

#### *Siting and Layout*

The proposed siting of the new work is generally acceptable. The proposal is located in the periphery of a large Precinct and is not in close proximity or impacts upon any of the identified heritage items, as outlined in Section 4.

The proposal is set away (9m approx.) from the *significant* built form at 71 Duke Street, which is located to the west of the subject site, and as a result will provide sufficient separation to maintain a setting of the cottage. This provision of a setting to both properties ensures there is no dominating or detrimental visual impact on *significant* fabric or impact to the understanding of the wider Precinct as a former mining area.

With regards to the siting of the individual residences, Residence No 1, which is located on the north section of the subject site, will be set back from the Houston Street boundary by at least 9m. This approach allows the proposed contemporary built form to be subservient when seen from the street. To its south, the remaining four residences are located behind one another, with Residence No 2 being set back from the Houston Street boundary by approx.20m. This allows the remaining four residences Nos 2-5 to also present as subservient forms and have limited visibility from Houston Street. This will result in a negligible visual impact to the streetscape and the wider Precinct.

#### *Carriageway and outdoor carpark*

The proposal seeks to construct a carriageway along the west boundary of the subject site, which provides access to the individual residences. Given the length and straight character of this carriageway, the feature will be prominent within the site and will sit at odds within the Precinct. To remove any impact this causes, the carriageway should be softened through native plantings – see recommendation below.

While there are other hard landscaping elements seen in the proposal such as car spaces, these are generally acceptable from a heritage perspective because the majority of them will be obscured from public view by Residence No 1. The proposed car space within Residence No 1 will only be partially visible to Houston Street, resulting in negligible visual impacts only.

Overall, the proposal is acceptable, subject to the following recommendation:

### **Recommendation**

As outlined in Section 4, the parkland setting, including mature pine tree plantation and bushland setting, forms a significant part of the *Cornish Hill Mining Precinct*. On this basis, it is recommended that native vegetation and trees be introduced along the proposed carriageway and in-between the individual residences. This approach will assist in softening the proposed hard landscaping elements and in further concealing the contemporary built forms. This approach will also assist in maintaining the bushland setting of the Precinct.



### *Form and Materials*

It is acknowledged that the proposed form is unusual within the immediate site context. Nonetheless, it is understood that precedence of contemporary built form and materials have already been set within the broader Precinct, as demonstrated by the examples located at Nos 9 and 11 Orford Street. It is also interpreted that the proposed built form and materials make reference to the mining history and industrial activities within the Precinct and can therefore be considered to contribute to the character of the area and the other eclectic forms. Any visual impacts arising from the proposed forms are mitigated by the proposed setbacks and the additional landscaping recommendation made above. On this basis, the proposed built forms will not have a detracting or detrimental impact on the understanding of the historic values of the Precinct and is acceptable from a heritage perspective.

With regards to the material palette and colour schedule, the proposal comprises mostly steel frame in its original finish, metal cladding in dark, matte finishes and brick retaining wall. These choices of materials allow the built forms to be readily identifiable as a later addition to the Precinct and plays on the existing fabric within the Precinct, such as those used at 9 and 11 Orford Street. The dark muted colours also assist with the subservient presentation of the forms within the setting. This results in no detrimental impact to any identified heritage items, allowing the wider Precinct to be interpreted as a former mining site.

## **7 Conclusion**

The subject site is located within HO 898 *Cornish Hill Mining Precinct* of the Hepburn Planning Scheme. Tree and external paint controls apply to the Precinct. The cultural heritage significance of this Precinct lays in its association with the mining activities from the mid- nineteenth to the early- twentieth centuries. No significant heritage items have been located within the site.

The proposed siting, form, materials and colour palette are acceptable in their current form. The proposed new works will have no detrimental physical and visual impact of any identified heritage item of the *Cornish Hill Mining Precinct* and are readily identifiable as contemporary structures to the Precinct, allowing the subject site to be read as a single block when viewed from Houston Street. The proposal will have no impact to the interpretation of the Precinct as a former mining site. It is recommended that additional landscaping elements, such as native vegetation and tree plantation be introduced to the proposal, to minimise the visual impacts identified arising from the carriageway and car spaces, and to maintain the important parkland and bushland setting of the wider Precinct.

Should you wish to clarify any aspect of this letter please do not hesitate to contact the undersigned.

Yours sincerely,

Brian Tseng  
**Trethowan Architecture**



## SITE CLASSIFICATION REPORT

### *COMMISSION:*

Site Classification to AS2870-2011: Residential slabs and footings.

Site Address: CA 8, Sec 9 Camp Street  
DAYLESFORD VICTORIA

Client: CLIFFTOP AT HEPBURN  
110 Webb Road  
BONSHAW VICTORIA

Date: 5<sup>th</sup> February 2021

File No: 16119A

Author: Andrew P Redman

Contact: admin@pgvic.com.au



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## APPENDICES

- i. Photographic Evidence
- ii. Test Site Location Plan
- iii. Borelog Descriptions

## 1. INTRODUCTION

Provincial Geotechnical Pty Ltd has been commissioned to provide a Site Classification pursuant to AS2870-2011 Residential slabs and footings for a proposed commercial development at the nominated address.

At the time of this report we understand that 5 no. cabins on a concrete slab on ground or strips/stump footings is proposed.

The site classification hereby reported has been carried out with regard to the information supplied to us by our client or client's agents at the date of our commission. Should the client or his agent have omitted to supply us with relevant information or make significant changes to the building type, building envelope, or site our report may be irrelevant and/or inappropriate. No responsibility will be accepted by us for the consequences of such action.

The client should acknowledge that this is a Site Classification report specifically prepared for the proposed building development at the identified location and does not extend beyond that brief.





## 1. INTRODUCTION CONTINUED:

Specifically, this report does not address retention of vertical batters (retaining walls) or any other structures requiring footings unless nominated in the report brief. This also includes pavements. Where proposed, the designing engineer is advised to commission further investigation for defined design parameters.

All site works related to the building project must be undertaken to comply with the relevant Codes and Standards and must not potentially adversely impact upon the building envelope or nearby infrastructure. Provincial Geotechnical Pty Ltd accepts no liability or responsibility for any site works outside of our specific commission.

The conclusions and recommendations contained in this report are based on:-

- (i) the building specifications and site treatment indicated to us by the client;
- (ii) the results of our investigation at the nominated Test Site Locations;
- (iii) the present "state of the art" in both testing and design.

## 2. CLASSIFICATION: AS2870-2011: RESIDENTIAL SLABS AND FOOTINGS

### CLASS S (Slightly Reactive Clay)

This classification is appropriate for the site pursuant to the site and soil conditions encountered at the time of our investigation.

Classification is based upon Section 2 Clauses 2.2 of AS2870 - 2011. The methods adopted for clay sites includes 2.2.1 (a) and Clause 2.2.1 (b), classification based on site reactivity and classification by characteristic surface movement respectively.

The following soil and site characteristics may or will lead to footing design in excess of the standard minimum requirements within AS2870-2011: Residential Slabs and Footings.

## 3. SOIL CHARACTERISTICS

### SOIL TYPES:

NATURAL: Silty clays overlying siltstone bedrock, typical of area's geology.

FILLING: None encountered.

### GEOLOGY:

#### Ordovician Sediments

Identification assisted by reference to appropriate geological survey maps. This report may contain a geology map obtained from the Department of Natural Resources Geovic website including the site under investigation. It is provided as a guide to mapping of the local geology only and not to be used as a basis for design.

Clays derived from the above sedimentary origin are generally considered slightly-moderately reactive.



### 3. SOIL CHARACTERISTICS CONTINUED:

#### UNSUITABLE FOUNDATION CONDITIONS:

Top soil at time of testing was in a satisfactory condition for proposed footing system. Beam deepening to the underlying clay may be required if the integrity of these soils cannot be maintained.

#### PERCHED WATER INFLUENCE:

The installation of suitable site drainage should ensure that destabilisation of the foundation soils does not occur.

#### GROUND WATER:

None encountered.

#### BEDROCK:

Present but inconsequential to proposed footing system/site works.

#### FLOATERS:

Present but inconsequential to proposed footing system/site works.

### 4. SITE CHARACTERISTICS

1. LOCATION: South side of Houston Street.
2. SLOPE: Moderate gradient over building envelope to the north west.
3. DRAINAGE: SURFACE: Good  
SUB-SURFACE: Good.
4. SITE FILLING: None encountered.
5. SITE CUTS: EXISTING: None present.  
PROPOSED: None proposed at time of testing.

Substantial site cutting can alter a Site Classification and potentially increase surface movement. A maximum site cut of 500mm may be excavated within the building envelope without reconsideration of the Site Classification.

Where site cuts in excess of 500mm are undertaken within the building envelope an increased classification must be reconsidered by the designing engineer.

6. CLIMATIC ZONE: CZ 3

#### 7. VEGETATION WITHIN OR IN PROXIMITY TO BUILDING ENVELOPE:

GRASSES: Yes. Thick.  
SHRUBS: None present within or in proximity to building envelope.  
TREES: None present within or in proximity to building envelope.

Grub holes should be clear of all significant vegetation and organic matter then be back-filled with suitable material to the proper degree of compaction.

8. INFRASTRUCTURE WITHIN OR IN PROXIMITY TO BUILDING ENVELOPE: No.



#### **4. SITE CHARACTERISTICS CONTINUED:**

##### **9. ABNORMAL MOISTURE CONDITIONS:**

Not applicable.

NOTE: The designing engineer should review available aerial mapping data and/or available site context information to assess the current or pre-existing conditions in respect to design considerations for Abnormal Moisture Condition's.

This report may provide photographic evidence of either existing or pre-existing site context (Refer to Appendix i).

##### **10. SITE REACTIVITY (NATURAL): Low.**

##### **11. CHARACTERISTIC SURFACE MOVEMENT (ys): <20mm.**

NOTE: The above values are only provided as a guide for a natural classification of sites that are not problematic – ie subject to filling, abnormal moisture conditions or any other feature that negates a natural classification.

Where sites are problematic the designing engineer should consider the above values as a minimum design requirement.

#### **5. TESTING PROGRAMME**

Four (4) test sites were established and excavated using a 100mm direct drive drilling rig at the approximate locations shown on the appended Test Site Location Plan (Appendix ii).

Where soil conditions dictated, investigation was assisted by the use of a penetrometer to confirm profile depth and condition. Where penetrometer testing is not undertaken the soil profile depths and conditions may be extrapolated from our knowledge of the geology and soils in this area.

Disturbed samples were collected and hand classified.

A vane shear apparatus was used to determine the strength of all cohesive soils in conjunction with tactile assessment when deemed necessary.

Site history: The client is advised that site classification can be altered by past activities on this site not known at the time of our site investigation and report preparation. The client is advised that failure to investigate and report past history may invalidate the report.

#### **6. FINDINGS**

The soil profiles encountered are shown on the appended borelog sheet (Appendix iii).

The cohesion value obtained is quoted on the log sheet.

The sedimentary nature of the Ordovician aged soils and the close proximity to weathered bedrock indicates a low soil reactivity and seasonal heave potential.



## 6. FINDINGS CONTINUED

The client should recognise that the soil profiles encountered during our testing are deemed representative of the building envelope for the purpose of classifications. The client should be aware however that in some cases soil conditions can change dramatically over short distances and although all effort is made to determine possible soil profile variations, no responsibility is taken for any undetected variations. The most careful exploration programme may not locate all soil profile variations due to time and economic restraints.

If foundation excavations reveal soil conditions differing from those shown on the log sheet in this report, we recommend that Provincial Geotechnical be contacted immediately to carry out further testing to confirm or revise our conclusions and recommendations.

## 7. CONCLUSIONS AND RECOMMENDATIONS

### 1. SLAB ON GROUND:

We have classified this site as CLASS S (Slightly Reactive Clay) for a slab-on-ground in accordance with AS2870-2011 – Residential slabs and footings.

We are of the opinion that this classification is best suited to the site and soil conditions observed at the time of our investigation.

This natural classification is provided on the basis that Abnormal Moisture Condition's are not present on this site at the time of reporting. To ensure a future long term stable soil moisture regime the client should consider the location of future planting and removal of any proximate existing immature vegetation that may generate Abnormal Moisture Condition's in the future.

### SLAB-ON-GROUND RECOMMENDATIONS:

Edge and load-bearing beams should be founded in natural bearing material of firm consistency or better. They must penetrate through any fill material or soft soils and founded at least 100mm into the recommended founding material.

**The recommended foundation material is any of the natural undisturbed soils that underlay any filling that may exist on site.**

At the above recommended foundation depths and deeper the minimum Allowable Bearing Pressure required by AS2870 of 50kPa may be used (Section 2.3.5). However, a maximum Allowable Bearing Pressure of 100kPa may be used at a depth of 100mm into the natural recommended founding material.

Slab panels and non load-bearing internal beams can be founded in the natural soil profile or in compacted surface filling. Compacted filling used to raise levels beneath panels must be placed and compacted as per specifications for Controlled or Rolled fill in accordance with section 6.4.2 AS2870-2011. Total fill depths beneath slab panels and internal stiffening (including any existing filling on site) must not exceed that specified in clause 6.4.2 AS 2870-2011.



## WAFFLE RAFT RECOMMENDATIONS:

A waffle footing system appropriate to a CLASS S (Slightly Reactive Clay) site classification may be appropriate for this site. (Refer AS – 2870 Fig 3.4.).

We recommend that the waffle raft slab be designed by a suitable qualified and experienced engineer fully familiar with the soil and site condition present.

## THE FOLLOWING MINIMUM FOUNDATION CONDITIONS ARE REQUIRED:

- |      |   |   |                              |
|------|---|---|------------------------------|
| i.   | Minimum Allowable Bearing Pressure                    | - | 50kPa.                       |
| ii.  | Minimum Foundation Depth below finished Surface Level | - | 100mm.                       |
| iii. | Recommended Foundation Soil                           | - | natural<br>undisturbed soil. |

Waffle slab construction may be founded on controlled or rolled filled placed as part of site preparation works in accordance with AS2870.

Where fill or soft soil is encountered, bored piles or backhoe slot piers supporting the Waffle Raft should be founded a minimum of 200mm into the underlying natural undisturbed soil where an Allowable Bearing Pressure of 200kPa is available.

All relevant design requirements and appendices of AS2870.1 should be adopted by the designer and/or builder. Owners must recognise their responsibilities as per the - C.S.I.R.O. document BTF 18-2011 Foundation Maintenance and Footing Performance: A Home Owners Guide.

## NOTE:

As the site may be cut considerably which may result in the exposure of weathered bedrock, footing excavations within the cut area may be difficult.

Where rock foundation exists the classification may be reduced to CLASS A (Stable on Rock) with the inclusion of articulation where the foundation rock/soil interface occurs.

Provincial Geotechnical Pty Ltd should be contacted for further inspection if there are any queries as to the nature of the soils encountered.

## 2. STRIPS/STUMP FOOTINGS:

At the recommended foundation depths we have classified this site as CLASS S (Slightly Reactive Clay) for strip and/or pad footings.

These footings should be founded a minimum of 200mm into the natural undisturbed soil which is the recommended foundation material on this site or at the standard CLASS S (Slightly Reactive Clay) depths - **WHICHEVER IS DEEPER.**

The client should note that to provide a suitable foundation it may be necessary to excavate beyond the minimum foundation depths supplied in AS2870 for this sites classification.





### STRIPS/STUMP FOOTINGS CONTINUED:

All relevant design requirements and appendices of AS2870.1 should be adopted by the designer and/or builder. Owners must recognise their responsibilities as per the supplied document C.S.I.R.O. BTF 18-2011 Foundation Maintenance and Footing Performance: A Home Owners Guide, the compliance of which is recommended.

During our investigation a suitable foundation level was found at the following depths:

SITE	FOUNDATION DEPTH	FOUNDATION MATERIAL	ALLOWABLE BEARING PRESSURE
1	400mm	Natural undisturbed soil	100kPa
2	400mm	Natural undisturbed soil	100kPa
3	400mm	Natural undisturbed soil	100kPa
4	400mm	Natural undisturbed soil	100kPa

### **IMPORTANT ADVICE RELEVANT TO THIS SITE:**

If footing excavations reveal soil conditions differing from those shown on the appended bore logs in this report, we recommend that Provincial Geotechnical be contacted immediately to carry out further testing to confirm or revise our conclusions and recommendations.

Excavations beyond those depths recommended in this report are the responsibility of the owner and /or builder and may impact upon the integrity of the footing design.

### **8. DRAINAGE**

Clients must ensure that close attention is given to site drainage. Excessive build up of water under footings can create a moisture differential in clay soils which in turn can cause heave or settlement in the footing system. Cracked brickwork and/or structural damage of the dwelling may be the result of such movement.

On cut and filled sites, sealed open surface drains should be used to divert water from the house site. Dish drains may be required on the high side of the batter if the face is likely to scour.

On some sloping sites where permeable topsoils overly impermeable clays a perched water table can develop adjacent to the footing on the high side of the site. This moisture build up can create localised swelling of the clay which in turn may cause footing movement with cracked brickwork and/or structural damage resulting.

Where this occurs it is recommended that an agricultural drain be installed to divert the flow of water around the house site. Any such drain should penetrate the impermeable clay by approximately 200mm. Further discussion of site drainage maintenance is contained in the C.S.I.R.O. Information Sheet BTF 18-2011.



## **9. ARTICULATION**

Although the weight and stiffness of solid masonry buildings reduces expansive clay movement, the sensitivity of this form of construction to small distortions can create special problems.

It is recommended on REACTIVE CLAY SOILS that structures be articulated to allow flexibility of the building in response to footing movements that may occur.

Provision for wall articulation (control joints) should be considered during the design stage of dwellings and from aesthetic viewpoint clients should consult architects and/or building designers.

It is recommended that the client consult the Cement and Concrete Association of Australia; Construction Note TN61 titled, "Articulated Walling", 1992. This leaflet provides a comprehensive discussion of the necessity of articulation on reactive site.

## **10. SERVICE TRENCHES**

Past investigations of distressed dwellings indicates that incorrectly backfilled service trenches within proximity to a building can cause substantial foundation soil movement. Loose clay backfill can become inundated resulting in localised soil swelling and heave.

All service trenches should be properly backfilled with the excavated soils at the optimum moisture content to ensure that sub-surface inundation does not occur. On reactive clay sites, effort should be made to locate service trenches away from the building to eliminate the potential of movement that can be caused by surface trench inundation.

## **11. ANGLE OF REPOSE**

Notwithstanding the recommendations made in this report, we also recommend that wherever footings are close to an excavation or easement and are founded in soil, they should be deepened so that the projection from the underside of the excavation to the underside of the footings makes an angle not exceeding 40 degrees to the horizontal. We do not recommend using a steeper angle unless sufficient testing is carried out to indicate otherwise or unless the footings in that area are founded on competent rock. Service excavations adjacent to the existing footings must also comply with the above guideline.

## **12. SITE MAINTENANCE**

Clients are advised to obtain and refer to both the C.S.I.R.O. Information Service Leaflet BTF 18-2011; "Foundation Maintenance and Footing Performance: A Home Owners Guide" and the Victorian Building Authority (VBA) "Minimising foundation movement and damage to your house, Issued August 2015. Copies of these leaflets can be obtained online from relevant building agencies. All parties must recognise that these publications are to be regarded as an integral part of AS2870 and the recommendations are to be applied to all sites investigated where relevant.



### 13. SITE CONSTRAINTS

#### **EXCAVATION/CONSTRUCTION DIFFICULTIES**

SITE VEHICLE ACCESS: Fair.

SITE VEHICLE MANEUVERABILITY: Fair. Site may become boggy/slippy.

EXISTING STRUCTURES AROUND CONSTRUCTION AREA: No.

VEGETATION AROUND CONSTRUCTION AREA: No.

WET WEATHER IMPACT: Possible.

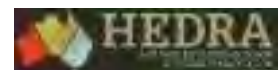
Sites without good natural or installed drainage can be adversely impacted upon during construction. The client should be aware that the following impacts can occur after wet weather, especially during winter and in spring seasons.

- \* Site may become slippery and boggy.
- \* Permeable topsoils may become inundated and unworkable which could lead to their required removal and replacement with granular fill.
- \* Site drainage or additional site drainage may need to be installed.
- \* Site may need to be abandoned for a period to allow natural drainage to occur.
- \* Deeper footings or additional earthworks may be required.
- \* Footing design may need to be altered.

ANDREW REDMAN BSc.  
GEOLOGIST.  
AR: ar



Geological Society  
of Australia





## **APPENDICES**

- i. Photographic Evidence
- ii. Test Site Location Plan
- iii. Borelog Descriptions



APPENDIX i

## AERIAL PHOTOGRAPH

(Approximate Location)

**Client:** CLIFFTOP AT HEPBURN  
**File No:** 16119A  
**Date:** 19/01/2021  
**Site:** CA 8, Sec 9 Camp Street, DAYLESFORD VICTORIA



Approximate location of subject site



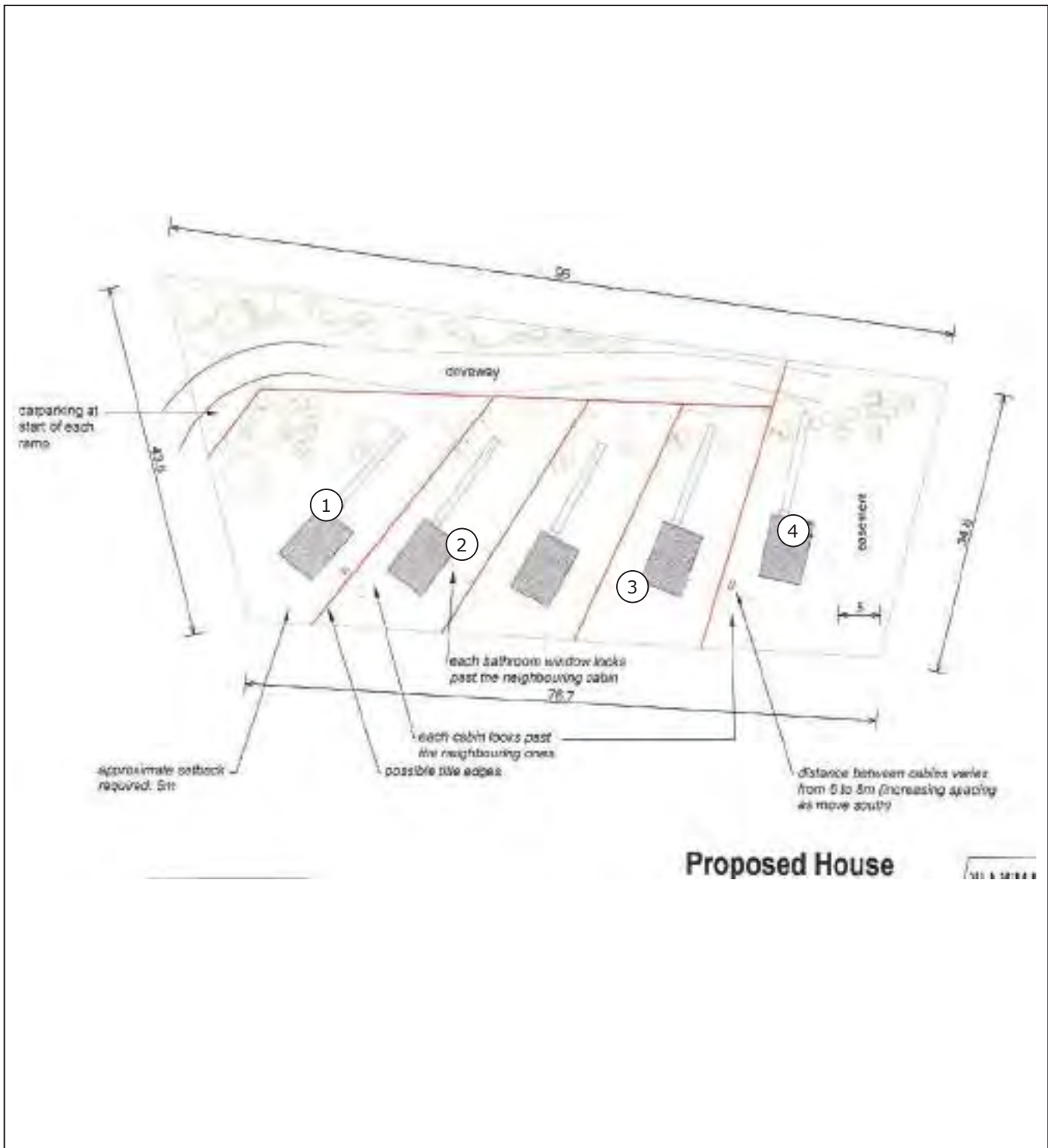


APPENDIX ii

## TEST SITE LOCATION PLAN

○ - Approximate borehole locations

**Client:** CLIFFTOP AT HEPBURN  
**File No:** 16119A  
**Date:** 19/01/2021  
**Site:** CA 8, Sec 9 Camp Street, DAYLESFORD VICTORIA



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## APPENDIX iii

<b>CLIENT:</b> CLIFFTOP AT HEPBURN				<b>REFERENCE NUMBER:</b> 16119A									
<b>PROJECT ADDRESS:</b> CA 8, Sec 9 Camp Street DAYLESFORD VICTORIA				<b>DATE:</b> 19/01/2021									
				<b>GEOLOGIST:</b> Andrew Redman									
TEST SITE 1				TEST SITE 2									
EXCAVATION METHOD: HYDRAULIC DRILLING RIG				EXCAVATION METHOD: HYDRAULIC DRILLING RIG									
Depth mm	FILL	SOIL PROFILE	"C"	ABP	Depth mm	FILL	SOIL PROFILE	"C"	ABP				
100		<b>SILTY CLAY</b> <b>brown</b> <b>dry; firm</b> <b>light brown</b>		<b>100</b>	100		<b>SILTY CLAY</b> <b>brown</b> <b>dry; firm</b> <b>light brown</b>		<b>100</b>				
200					200								
300					300								
400					400								
500		<b>SILTSTONE</b> <b>light brown</b> <b>extremely weathered</b>			500		<b>SILTSTONE</b> <b>light brown</b> <b>extremely weathered</b>						
600					600								
700					700								
800					800								
900		<b>moderately weathered</b>			900		<b>moderately weathered</b>						
1000					1000								
1100					1100					<b>END BOREHOLE</b>			
1200					1200								
1300	1300												
1400	1400												
1500	1500												
1600	1600												
1700	1700												
1800	1800												
1900	1900												
2000	2000												
2100	2100												
2200	2200												
2300	2300												
2400	2400												
2500	2500												
2600	2600												
2700	2700												
ABP = Allowable Bearing Pressure				"C" = Cohesion (V.S.T)									
				ATTACHMENT 10.									

# PROVINCIAL GEOTECHNICAL PTY. LTD.

## APPENDIX iii

CLIENT: CLIFFTOP AT HEPBURN				REFERENCE NUMBER: 16119A										
PROJECT ADDRESS: CA 8, Sec 9 Camp Street DAYLESFORD VICTORIA				DATE: 19/01/2021 GEOLOGIST: Andrew Redman										
TEST SITE 4														
EXCAVATION METHOD: HYDRAULIC DRILLING RIG														
Depth mm	FILL	SOIL PROFILE	"C"	ABP	Depth mm	FILL	SOIL PROFILE	"C"	ABP	Depth mm	FILL	SOIL PROFILE	"C"	ABP
100		SILTY CLAY brown dry; firm light brown		100	100					100				
200			200											
300			300											
400			400											
500			500											
600		SILTSTONE light brown extremely weathered			600					600				
700			700											
800			800											
900			900											
1000			1000											
1100		moderately weathered  END BOREHOLE			1100					1100				
1200			1200											
1300			1300											
1400			1400											
1500			1500											
1600			1600											
1700			1700											
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2400			2400											
2500			2500											
2600			2600											
2700			2700											
ABP = Allowable Bearing Pressure			"C" = Cohesion (V.S.T)					ATTACHMENT 10.						

ATTACHMENT 10.1.2



## **Bushfire Management Statement**

for the development of  
five tourist accommodation units  
at Allot. 8 Sec. 9C Camp Street  
Daylesford VIC 3460

Prepared for  
Clifftop At Hepburn Pty Ltd

August 2021

[WWW.TERRAMATRIX.COM.AU](http://WWW.TERRAMATRIX.COM.AU)

Terramatrix project: ClifftopAtHepburnPtyLtd-2021-03 BMO\_P3-Daylesford

Cover image: Looking west from the site.

**Terramatrix Pty. Ltd.**

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**Version Control**

Version	Date	Comments	Name
0.1	30/07/2021	Analysis, mapping and report compilation	Hamish Allan Manager, Bushfire Planning and Design
0.1	30/07/2021	Peer review	Jon Boura Managing Director
1.0	30/07/2021	Bushfire Management Statement (BMS)	To client
1.1	6/08/2021	Amended BMS	To client

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## 1 Introduction

This Bushfire Management Statement (BMS) has been prepared on behalf of Clifftop At Hepburn Pty Ltd, to show how the development of five tourist accommodation units at Allot. 8 Sec. 9C Camp Street, Daylesford VIC 3460 can comply with the Victorian planning and building controls that relate to bushfire, specifically the requirements of Clause 13.02-1S *Bushfire Planning*, Clause 44.06 *Bushfire Management Overlay* (BMO) and associated Clause 53.02 *Bushfire Planning* in the Hepburn Planning Scheme.

The site is in the General Residential Zone - Schedule 1 (GRZ1). The development proposal is to construct five tourist accommodation units as 'group accommodation' on the site. Accordingly, this report follows the BMO pathway 2, to demonstrate how the development responds to the relevant objectives of Clause 53.02-4 *Bushfire Planning* (Hepburn Planning Scheme, 2020).

The site is within a declared Bushfire Prone Area (BPA) and is covered by the BMO. In accordance with the application requirements of Clause 44.06-03 (Hepburn Planning Scheme, 2018a), this report includes:

- A *Bushfire hazard site assessment*, including a plan that describes the bushfire hazard within 150m of the site in accordance with the site assessment methodology of AS 3959-2018 *Construction of buildings in bushfire-prone areas* as appropriate;
- A *Bushfire hazard landscape assessment*, including a plan that describes the bushfire hazard of the general locality more than 150m from the site; and
- A *BMO compliance* section, detailing how the development responds to the bushfire risk and the requirements and objectives of Clauses 44.06 and 53.02.

This report also includes a Bushfire Management Plan (BMP) consistent with the CFA's standard permit conditions and BMP guidance (CFA, 2017).

This report has been prepared consistent with guidance provided in the technical guide *Planning Permit Applications – Bushfire Management Overlay* (DELWP, 2017).

## 1.1 Site summary

<b>Address:</b>	Allot. 8 Sec. 9C Camp Street, Daylesford VIC 3460
<b>Property size:</b>	3,264m <sup>2</sup>
<b>Local Government Area:</b>	Hepburn Shire Council
<b>Zone/s</b>	General Residential Zone - Schedule 1 (GRZ1)
<b>Overlay/s</b>	Bushfire Management Overlay (BMO) Environmental Significance Overlay – Schedules 1 & 2 (ESO1 & ESO2) Heritage Overlay – Schedule (HO898)
<b>Directory reference:</b>	Vic Roads 582 E11
<b>Site assessment date:</b>	24/03/2021
<b>Assessed by:</b>	Hamish Allan

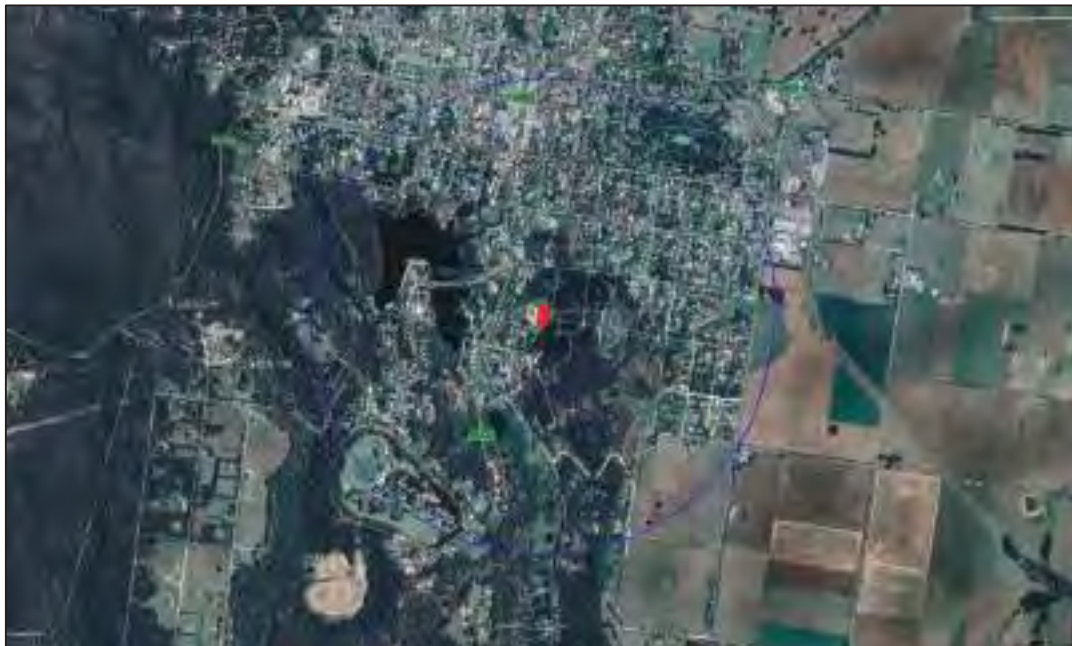


Figure 1 - Site location (site shown in red fill, 1km buffer of site in blue outline; ©2021 Google, Image ©2021 CNES/Airbus, Imagery date: 2021-02-19).

## 2 Bushfire hazard site assessment

### 2.1 Classified vegetation

Vegetation within the 150m assessment zone around the site has been classified in accordance with the BMO/AS 3959 methodology. Classified vegetation is vegetation that is deemed hazardous from a bushfire perspective.

The classification system is not directly analogous to Ecological Vegetation Classes (EVCs) but uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No. 7 - Native Vegetation) classification system. The classification is based on the mature state of the vegetation and the likely fire behaviour that it will generate.

Classifiable vegetation is largely confined to the north and east of the site and comprises a complex and variable assemblage of exotic trees and shrubs, remnant native vegetation, grasses, bracken and weeds such as gorse, blackberry and broom. It is all substantially modified from its presumed 'natural' state and from a fire behaviour perspective has been differentiated into four main classifications.

#### 2.1.1 Forest

Patches of treed vegetation with a canopy dominated by Pine trees, best accord with the Forest group of AS 3959-2018. Forest vegetation comprises areas with trees to 30m high or taller at maturity, typically dominated by eucalypts, with 30–70% foliage cover (may include understorey ranging from rainforest species and tree ferns to sclerophyllous low trees or shrubs). Includes pine and eucalypt plantations (Standards Australia, 2020). The patches of Forest occur to the north and east of the site (see Map 1).

#### 2.1.2 Shrubland

Two patches of weedy grass and shrubs to the east of the site, best accord with the Shrubland group of AS 3959-2018. Shrubland comprises areas with shrubs that are on average less than 2m tall, typically with greater than 30% foliage cover. Understorey may contain grasses (Standards Australia, 2020).

#### 2.1.3 Grassland

Grassland, which is defined as all forms of vegetation<sup>1</sup>, including situations with shrubs and trees, if overstorey foliage cover is less than 10%, occurs immediately north of the site, either side of

---

<sup>1</sup> except Tussock Moorlands

tracks to the east of the site and abutting the eastern boundary amongst the patches of Shrubland.

Grassland vegetation is considered hazardous and therefore classifiable, when it is not managed in a minimal fuel condition. Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (e.g. short-cropped grass, to a nominal height of 100 mm) (Standards Australia, 2020).

In the BMO, Grassland areas are assumed to be unmanaged and classifiable unless there is 'reasonable assurance' that they will be managed in perpetuity, in a low threat state, no more than, for example, 100mm high. It is possible, perhaps even likely, that the grassy areas will be slashed during the Fire Danger Period but it is not certain, so for the purposes of this assessment they have been classified.

#### **2.1.4 Modified vegetation**

*'Modified vegetation is vegetation that doesn't fit into the vegetation classifications in AS 3959-2018 (sic) Construction of buildings in bushfire prone areas (the standard) because it:*

- *has been modified, altered or is managed due to urban development, or gardening,*
- *has different fuel loads from those assumed in the standard,*
- *has limited or no understorey vegetation, or*
- *is not low-threat or low-risk vegetation as defined in the standard'* (Hepburn Planning Scheme, 2018b).

Large areas of mainly weedy, exotic vegetation have been classified as Modified vegetation. This type of vegetation may occur where fuel loads are higher than typical residential gardens and therefore the vegetation cannot be excluded as low threat. However, because of the amount of disturbance and modification that has occurred and/or the pattern and configuration of the vegetation (e.g. small, fragmented patches and/or reduced or no understorey/surface vegetation), the fuel load and anticipated fire behaviour is likely to be different from that presumed in the BMO/AS 3959 methodology.

This type of vegetation may not produce a 100m wide fire front moving at a quasi-steady state rate of forward spread, as presumed in the BMO/AS 3959 methodology, but may generate radiant heat and localised flame contact that needs to be fully considered (DELWP, 2017).

The vegetation is considered to be Modified due largely to the extent of exotic, less flammable species it contains (e.g. smaller deciduous trees and exotic, weedy shrubs) and also the partially modified structure of some areas (e.g. to the south where an area is at least partially 'managed'). Generally, it lacks an overstorey of trees and comprises exotic species forming a structure akin to a tall Scrub, 3m-6m high.





Figure 2 – Looking east at Grassland and Shrubland above the site, towards Forest in rear of image.



Figure 3 – Shrubland patch to the east of the site, with Forest in rear of image.



Figure 4 – Forest and Grassland east and south of the site.



Figure 5 – Forest (and Grassland) to the north of the site





Figure 6 – Forest on the steep slope above (east) of the site.



Figure 7 – Forest northeast of the site.



Figure 8 - Modified vegetation in and beyond the gully to the northwest of the site.



Figure 9 – Looking south at the gully running through the southern end of the site, and the low threat property beyond it.

## 2.2 Excluded vegetation and non-vegetated areas

Areas of low threat vegetation and non-vegetated areas can be excluded from classification in accordance with Section 2.2.3.2 of AS 3959-2018, if they meet one or more of the following criteria:

- i. *'Vegetation of any type that is more than 100m<sup>2</sup> from the site.*
- ii. *Single areas of vegetation less than 1 ha in area and not within 100m of other areas of vegetation being classified vegetation.*
- iii. *Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other, or of other areas of vegetation being classified vegetation.*
- iv. *Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified vegetation.*
- v. *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
- vi. *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition<sup>3</sup>, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks' (Standards Australia, 2020).*

For the purposes of this report, it is assumed that all vegetation on the site will be managed in a low threat state (i.e. as defensible space), therefore Map 1 does not show any classified vegetation on the site.

Low-threat areas excluded from classification include the managed gardens of the surrounding properties. Non-vegetated areas include the roads, driveways and structures within the 150m site assessment zone (see Map 1).

## 2.3 Topography

The BMO/AS 3959 methodology requires that the 'effective slope' be identified to determine the BAL and applicable defensible space or vegetation setback distances. This is the slope of land under the classified vegetation that will most significantly influence the bushfire attack on a building. Two broad types apply:

- Flat and/or Upslope - land that is flat or on which a bushfire will be burning downhill in relation to the development. Fires burning downhill (i.e. on an upslope) will generally be moving more slowly with a reduced intensity.

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<sup>2</sup> This distance extends to 150m in BMO areas.

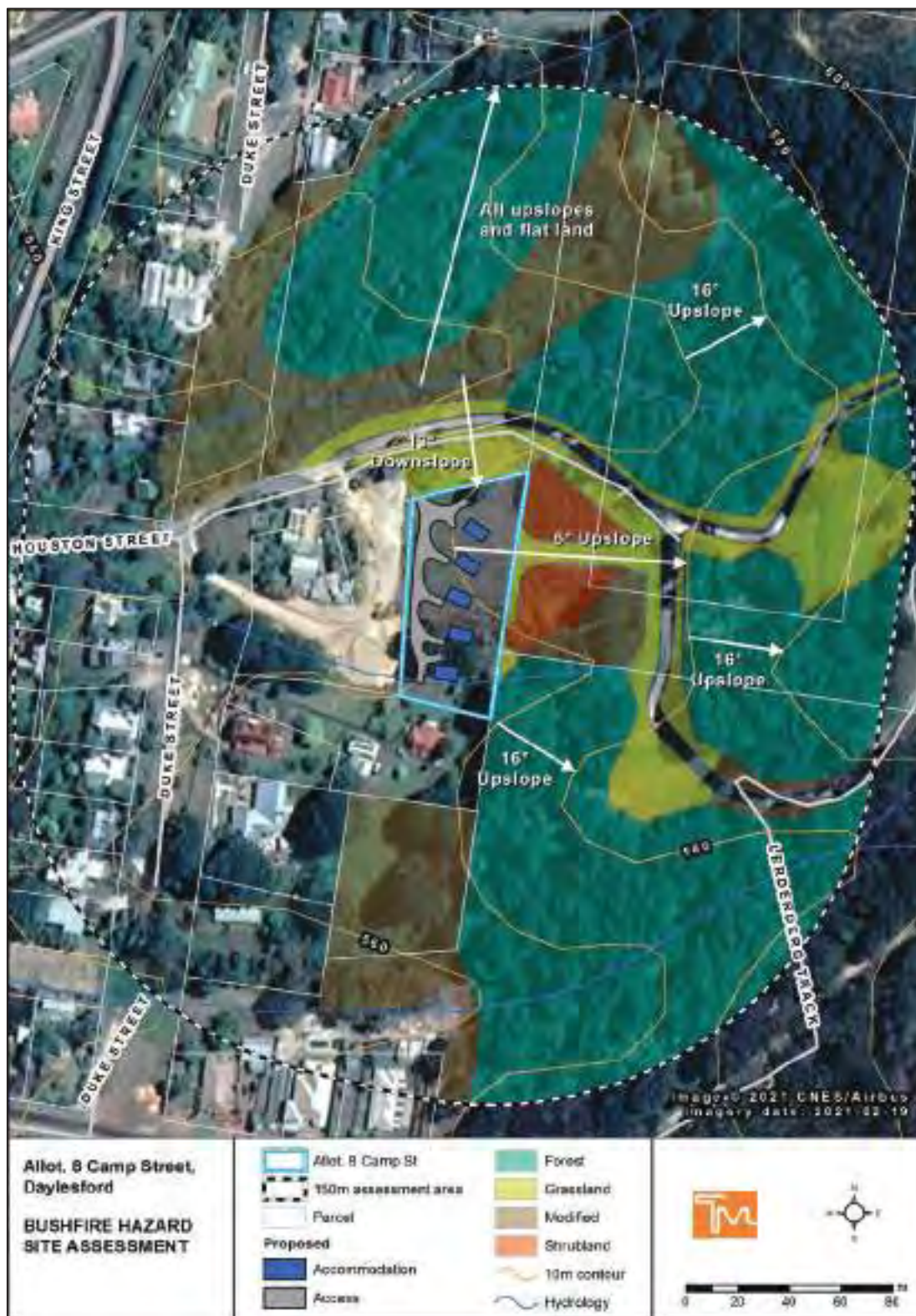
<sup>3</sup> Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack, recognisable as short-cropped grass for example, to a nominal height of 100mm (Standards Australia, 2020).



- Downslope - land under the classified vegetation on which a bushfire will be burning uphill in relation to the development. As the rate of spread of a bushfire burning on a downslope (i.e. burning uphill towards a development) is significantly influenced by increases in slope, downslopes are grouped into five classes in 5° increments from 0° up to 20°.

The topography on and around the site within the 150m assessment zone is somewhat complex and variable. The site occupies a minor ridgeline or spur, sloping relatively steeply up (up to approx. 16°) from west to east, with gullies draining east to west to the north and through the southern end of the site (see Map 1).

To determine the BAL and defensible space, the Method 2 of AS 3959 has been used, with an effective upslope of 15° applied in relation to an area of Pine Forest to the southeast of the site and a 5° upslope in relation to Shrubland/grassland to the east. A short slope up from the gully to the north of the site is in the 'Downslope >10°-15°' slope class (see Map 1).



**Map 1 – Bushfire Hazard Site Assessment Plan.**

### 3 Bushfire Hazard Landscape Assessment

#### 3.1 Location characteristics

Daylesford is located in an inherently flammable landscape, surrounded by large areas of forest extending from Maldon and Castlemaine more than 30km to the north of Daylesford, to the outskirts of Bacchus Marsh approximately 40km to the southeast and to Mount Macedon more than 40km to the east. Topography under much of the forest is complex with steep slopes. Beyond the forest are large tracts of dry land farming susceptible to fast moving grass fires under elevated fire weather conditions.

The forest comes close to the western and southern edges of the town and borders the linear development of Hepburn Springs to the north. To the east the town is abutted by grassland (see Map 2).

The site is near the southeast outskirts of the Daylesford township, however it is only just over 500m from the centre of the township. Classified vegetation to the east and north is in a Crown Land Historic and Cultural Features Reserve. Further south, and west beyond the Daylesford Lake Reserve, is the Hepburn Regional Park (see Map 2 and Figure 10).

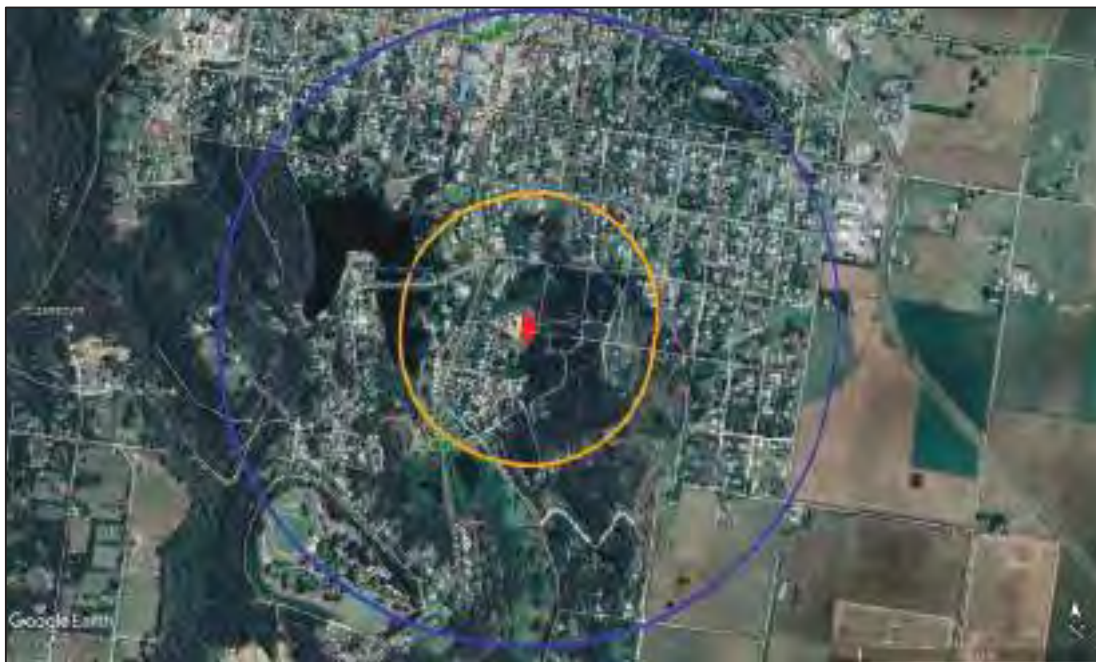


Figure 10 – 1km local assessment area (blue outline) and 400m neighbourhood assessment area (orange outline) around the site (in red fill).

Hazardous vegetation to the north, south and west is largely modified and fragmented by roads, areas of low threat or non-vegetated land, including the curtilage of dwellings. The site is,

therefore, somewhat protected from a large 'BMO-scale' bushfire approaching from the north, south or west. An easterly approach is possible, however the vegetation in this direction is also modified, fragmented and lacks connectivity with large areas of high hazard vegetation. Additionally, an approach from the east is unlikely to coincide with severe or higher fire weather conditions (Long, 2006).

### **3.2 Landscape risk**

Clause 13.02-1S of the Planning Policy Framework prioritises the protection of human life over all other policy considerations. Clause 13.02-1S stipulates that development must properly assess bushfire risk, including consideration of the hazard (and the resultant risk) beyond the site level (Hepburn Planning Scheme, 2018c). BMO applications under Clause 53-02-4, must also have regard to the nature of the bushfire risk arising from the surrounding landscape (Hepburn Planning Scheme, 2020).

To assist in defining the risk beyond the site scale, four 'broader landscape types' are described in the DELWP technical guide *Planning Applications Bushfire Management Overlay*. They represent different landscape risk levels and are intended to streamline decision-making and support more consistent decisions based on the landscape risk (DELWP, 2017).

The four types range from low risk landscapes where there is little hazardous vegetation beyond 150m of the site and extreme bushfire behaviour is not credible, to extreme risk landscapes with limited or no evacuation options and where fire behaviour could exceed BMO presumptions.

The broader surrounding landscape around Daylesford, best accords with Broader Landscape Type 3. However, the landscape risk within the 1km local area around the site moderates, due to the pattern of development amongst relatively small areas of Modified vegetation and the siting towards the southeast corner of the township (see Table 1).

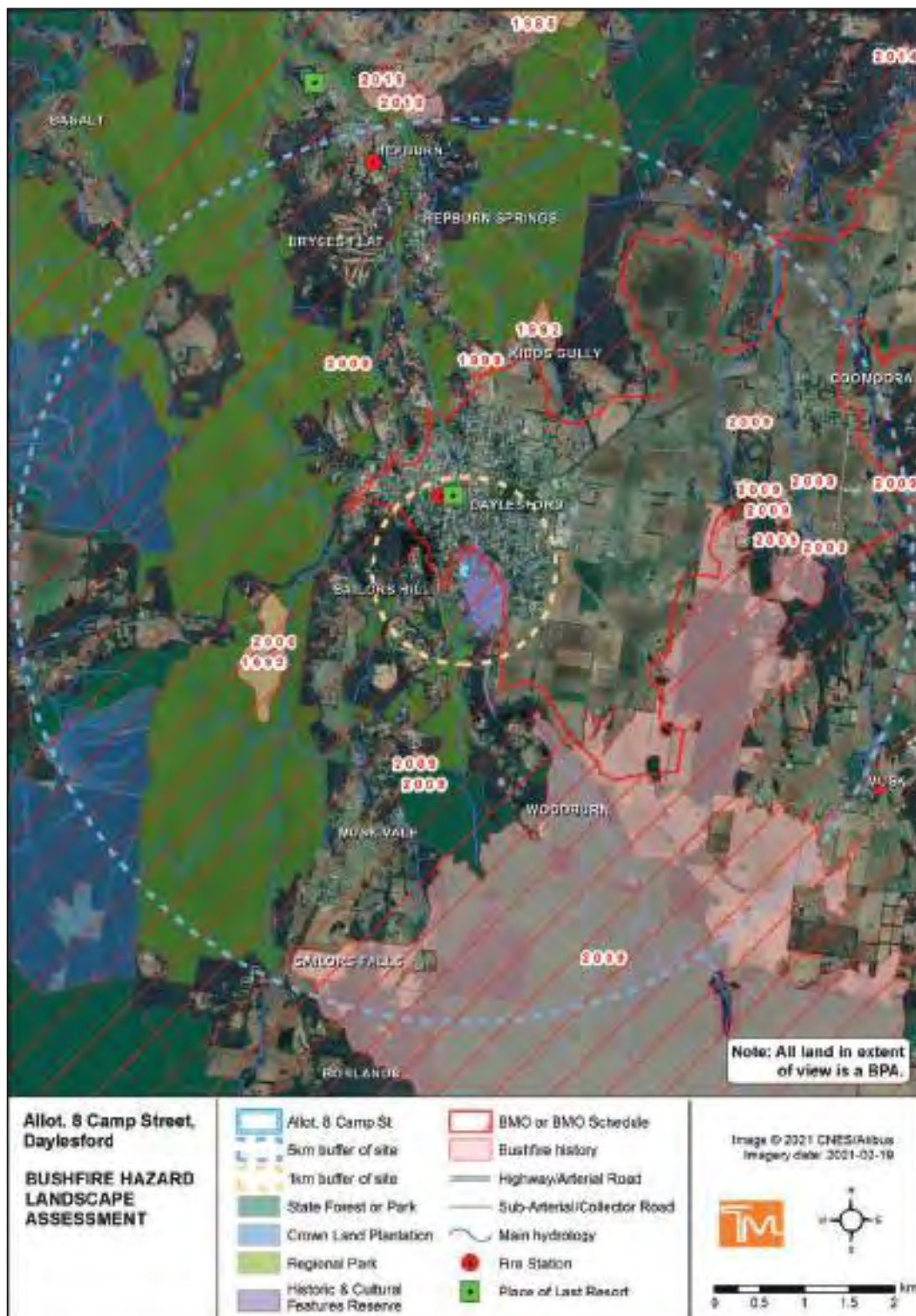
Whilst the possibility of a high intensity, landscape scale fire impacting the site can't be ruled out, the most likely bushfire scenario is a local bushfire around the site, ignited either from ember(s) associated with a larger fire around Daylesford, or an accidental or deliberate ignition. Such a scenario may not develop into the size and intensity of bushfire anticipated in the BMO model.



Table 1 - Landscape risk typologies (from DELWP, 2018a).

Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
<ul style="list-style-type: none"> <li>• There is little vegetation beyond 150 metres of the site (except grasslands and low-threat vegetation).</li> <li>• Extreme bushfire behaviour is not possible.</li> <li>• The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.</li> <li>• Immediate access is available to a place that provides shelter from bushfire.</li> </ul>	<ul style="list-style-type: none"> <li>• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</li> <li>• Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.</li> <li>• Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.</li> </ul>	<ul style="list-style-type: none"> <li>• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</li> <li>• Bushfire can approach from more than one aspect.</li> <li>• The site is located in an area that is not managed in a minimum fuel condition.</li> <li>• Access to an appropriate place that provides shelter from bushfire is not certain.</li> </ul>	<ul style="list-style-type: none"> <li>• The broader landscape presents an extreme risk.</li> <li>• Fires have hours or days to grow and develop before impacting.</li> <li>• Evacuation options are limited or not available.</li> </ul>
<div> <div>INCREASING RISK</div> <div></div> </div>			





Map 2 - Bushfire Hazard Landscape Assessment Plan.

## 4 BMO compliance

This section identifies how the proposed development responds to the bushfire risk and the requirements of Clause 44.06 and associated Clause 53.02 of the Hepburn Planning Scheme.

### 4.1 Landscape, siting and design objectives

*'Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.*

*Development is sited to minimise the risk from bushfire.*

*Development is sited to provide safe access for vehicles, including emergency vehicles.*

*Building design minimises vulnerability to bushfire attack' (Hepburn Planning Scheme, 2020).*

Compliance with these objectives at Clause 53.02-4.1 can be achieved via the following approved measures.

#### 4.1.1 Approved measure 2.1 Landscape

*'The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level' (Hepburn Planning Scheme, 2020).*

As identified in Section 3, the landscape is not one of extreme bushfire risk. Bushfire behaviour is likely to be within BMO expectations and design parameters.

Accordingly, it is proposed that the risk can be mitigated to an acceptable level by applying a combination of approved and specified alternative measures to meet the BMO objectives.

#### 4.1.2 Approved measure 2.2 Siting

*'A building is sited to ensure the site best achieves the following:*

- *The maximum separation distance between the building and the bushfire hazard.*
- *The building is in close proximity to a public road.*
- *Access can be provided to the building for emergency service vehicles' (Hepburn Planning Scheme, 2020).*

The siting and layout maximises the setback from the hazard (i.e. unmanaged vegetation) as far as practicable given the topography. The proposed development is close to the road and access and egress can comply with the requirements for emergency vehicles.

#### **4.1.3 Approved measure 2.3 Design**

*'A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building'* (Hepburn Planning Scheme, 2020).

The units will be designed and constructed to a minimum BAL-29 construction standard to provide higher levels of resilience to bushfire attack. All BAL construction standards above BAL-Low are 'deemed to satisfy' the National Construction Code requirement that applicable buildings be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the:

- (a) *'potential for ignition caused by burning embers, radiant heat or fame generated by a bushfire; and*
- (b) *intensity of the bushfire attack on the building'* (ABCB, 2020).

An additional safety feature is that all external building elements will be of non-combustible materials, providing greater protection from radiant heat and potential ignition from embers or burning debris.

## **4.2 Defendable space and construction objective**

*'Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings'* (Hepburn Planning Scheme, 2020).

This objective will be met by alternative measure (AltM) 3.6, in conjunction with AltM 3.4.

### **4.2.1 Alternative measure 3.6**

*'A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:*

- *An integrated approach to risk management has been adopted that considers:*
  - *The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.*
  - *The intended frequency and nature of occupation.*
  - *The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.*

*Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment'* (Hepburn Planning Scheme, 2020).

The development cannot achieve defendable space within the site boundaries in accordance with Table 3 to Clause 53.02-5, which is the approved measure. Accordingly, given the lesser landscape risk identified in Section 3, the use of AltM 3.6 is considered justified. It can be

supported by the development of a Bushfire Emergency Management Plan (BEMP), which would ensure the site is closed and not occupied on days of significantly elevated fire danger, such as days with a forecast or actual Code Red Fire Danger Rating. It is anticipated a BEMP will be developed and approved to the satisfaction of the CFA and the responsible authority via conditional consent.

#### **4.2.2 Alternative measure 3.4**

*'Defendable space and the bushfire attack level is determined using Method 2 of AS 3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority' (Hepburn Planning Scheme, 2020).*

Given the small site area and proximity of complex vegetation and topography, Method 2 of AS 3959 has been used to identify an appropriate combination of construction standard and defendable space. The analysis is shown in Map 3 and a summary of the input and outputs to the calculations is presented in Table 2.

Based on the setbacks shown, the results show the five buildings can be constructed to a minimum BAL-29 standard, with defendable space to the site boundaries to ensure Radiant Heat Flux (RHF) will not exceed 29kW/m<sup>2</sup>. This is based on four modelled scenarios.

1. The closest Forest is to the southeast on an upslope of 16°. With the maximum upslope threshold for Method 2, of 15° applied, both of the closest units to the south are at least 15m away from the Forest, enabling BAL-29 (see Scenario 1 in Table 2). The next closest patch of Forest is 62m to the northeast (see Map 3), such that all units are far enough away for a BAL-29 outcome.
2. A 5° upslope value was applied to calculate RHF exposure from Shrubland and Grassland to the east of the site. As a precaution, the shrub height was increased from the default 1.5m to 2m (see for example the height of shrubs in Figure 3). Calculations for both Shrubland (see Scenario 2 in Table 2) and;
3. Grassland (see Scenario 3 in Table 2) show the 10m setback enables a BAL-29 outcome (see Map 3).
4. The small area of Grassland between the northern boundary of the site and the gully to the north is on a Downslope of approximately 13° (see Map 3). Scenario 4 shows the 12.5m setback of the northernmost unit from this Grassland, is sufficient to enable BAL-29.

The four modelled scenarios assume the setbacks from areas of Modified vegetation are also adequate to justify the BAL-29 construction standard with defendable space to the property boundary.

It is considered that the modelling is appropriately conservative and precautionary, as it assumes a 'fully developed' 100m wide fire front moving directly at the buildings at a 'quasi-steady state'

rate of forward spread, which may not eventuate given the local landscape risk context identified in Section 3. Additionally, all buildings will be beyond the calculated flame lengths and the 'worst case' elevation and flame angles have been applied. Also note the 'enhanced' BAL-29 construction proposes non-combustible materials on all external building elements, as additional protection from the mechanisms of bushfire attack.

The defensible space on the property can meet the vegetation management requirements stipulated in Table 6 at Clause 53.02-5, as detailed in Appendix A of this report. This is detailed in the Bushfire Management Plan provided as Map 4.





Map 3 – Method 2 analysis map.

Table 2 - Summary of the Method 2 calculations.

Attribute	Scenario 1	Scenario 2	Scenario 3	Scenario 4
<b>Input</b>				
Vegetation	Forest	Shrubland	Grassland	Grassland
FFDI	100	n/a	n/a	n/a
GFDI	n/a	n/a	130	130
Flame temp (K)	1090			
Flame emissivity	0.95			
Flame width (m)	100			
Heat of combustion (kJ/kg)	18,600			
Average vegetation height (m)	n/a	2.0	n/a	n/a
Wind speed (km/h)	n/a	45	45	45
Surface fuel load (t/ha)	25	n/a	n/a	n/a
Overall fuel load (t/ha)	35	15	4.5	4.5
Effective slope (°)	-15	-5	-5	13
Site slope (°)	-15	-5	-5	13
Elevation of receiver (m)	Calculated			
<b>Building-vegetation setback distance (m)</b>	<b>15</b>	<b>10</b>	<b>10</b>	<b>12.5</b>
<b>Output</b>				
'Steady state' rate of spread (km/h)	1.1	2.4	12.0	41.4
Flame length (m)	11.1	7.1	6.3	11.7
Elevation of receiver (m)	8.5	4.1	3.8	2.8
Flame angle (°)	54.0	64.0	67	75.0
<b>Radiant heat at building-vegetation setback distance (kW/m<sup>2</sup>)</b>	<b>27.0</b>	<b>24.2</b>	<b>21.3</b>	<b>28.3</b>

### 4.3 Water supply and access objectives

'A static water supply is provided to assist in protecting the property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire' (Hepburn Planning Scheme, 2020).

These objectives can be met via approved measure 4.1.

#### 4.3.1 Approved measure 4.2

'A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

- *An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.*

*The water supply may be in the same tank as other water supplies' (Hepburn Planning Scheme, 2020).*

It is proposed to provide each building with a minimum 10,000L capacity static water supply for fire fighting, located in an above ground, non-combustible tank/s. This provides a total static supply dedicated for fire fighting of 50,000L.

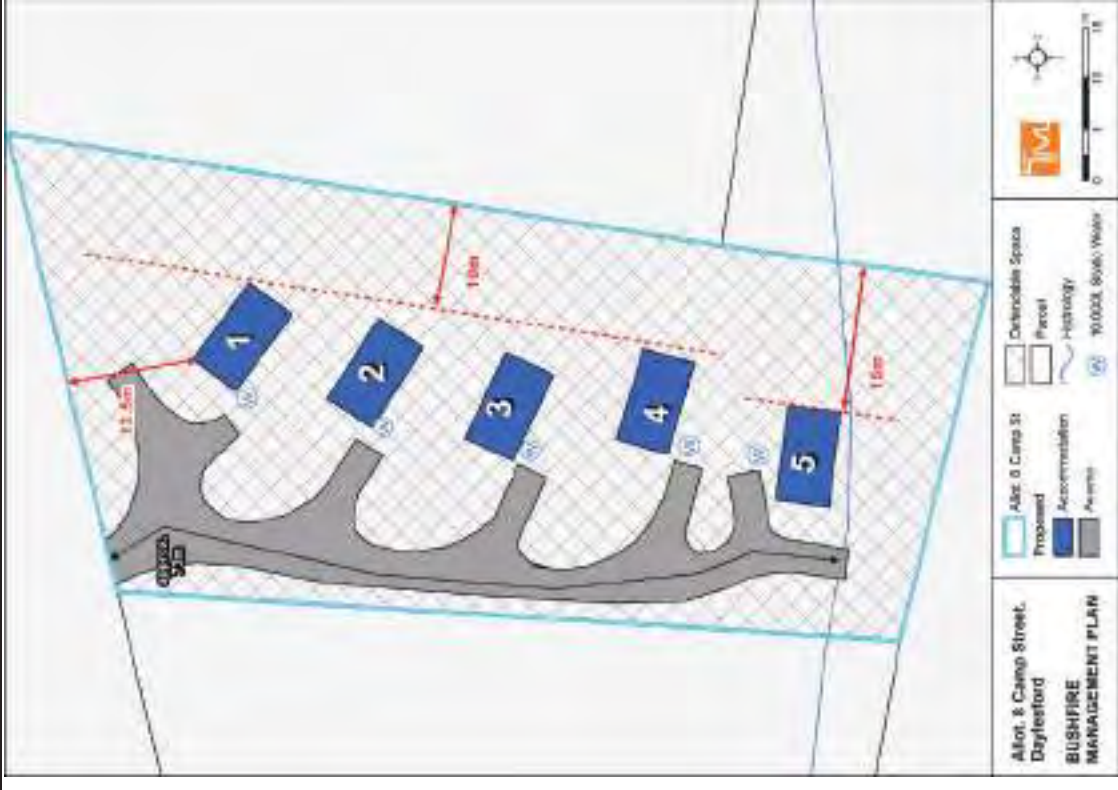
The tank/s will be located within 60m of the outer edge of the buildings and will be provided with a CFA compliant outlet and fittings. The tank and locations shown in Map 4 are indicative only and can be varied, provided they comply with all the applicable specifications for signage, fittings and access as detailed in Appendix B of this report.

#### **Access**

As the driveway will be between 30m-100m long, and access to the water supply is required, specific design and construction requirements apply.

The driveway and water outlet access will, therefore, be designed and constructed in accordance with the specifications provided in Table 5 to Clause 53.02-5, as detailed in Appendix C of this report.

Map 4 following, comprises a Bushfire Management Plan (BMP), detailing all of the required bushfire protection measures for the development, consistent with the CFA's standard permit conditions and BMP guidance (CFA, 2017).



Map 4 - Bushfire Management Plan.

**Construction Standard**

The buildings must be designed and constructed to a minimum BAL-29 standard.

**Water Supply**

A minimum 10,000L of effective water supply for fire fighting purposes must be provided for each building in accordance with the following requirements:

- Be stored in an above ground water tank/s constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
- Include a separate outlet for site occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank/s must be within 4m of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

**Vehicle Access**

Vehicle access to the buildings and the water supply outlet must be provided in accordance with the following requirements:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

**Defendable Space Management**

Defendable space must be provided around all buildings, extending to all of the property boundaries, and be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5m<sup>2</sup> in area and must be separated by at least 5m.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5m.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.



## 5 Conclusion

The proposed development of five tourist accommodation units at Allot. 8 Sec. 9C Camp Street, Daylesford, was assessed for compliance with Clause 44.06 and Clause 53.02 of the Hepburn Planning Scheme. The site is in the General Residential Zone - Schedule 1 (GRZ1) and requires use of pathway 2 at Clause 53.02-4.

The development is exposed to a mix of Forest, Shrubland, Grassland and Modified vegetation over complex topography. However, the landscape risk is moderate, which contributes to justifying the use of alternative measures for meeting the defensible space and construction objective.

Given the small site area and proximity of complex vegetation and topography, Method 2 of AS 3959 has been used to determine that a BAL-29 construction standard with defensible space to the site boundaries can be applied. The Method 2 calculations are considered appropriately conservative and precautionary, as they assume a 'fully developed' 100m wide fire front moving directly at the buildings at a 'quasi-steady state' rate of forward spread, which may not eventuate given the lesser local landscape risk context. Additionally, all buildings will be beyond the calculated flame lengths and the 'worst case' elevation and flame angles have been applied. Also note that an 'enhanced' BAL-29 construction proposes non-combustible materials on all external building elements, as additional protection from the mechanisms of bushfire attack.

The defensible space can meet the vegetation management requirements stipulated in Table 6 at Clause 53.02-5.

Water supply and access will meet BMO requirements, including tanks of 10,000L for each building, with compliant CFA access and fittings.

It is anticipated a BEMP will be developed and approved to the satisfaction of the CFA and the responsible authority via conditional consent, which will provide further certainty that the protection of human life is prioritised and that the bushfire protection measures detailed in this report can be deemed to provide acceptable safety.

Accordingly, it is considered that the objective of Clause 13.02-1S *Bushfire Planning*, which is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Hepburn Planning Scheme, 2018c), has also been met.

*Please Note: The bushfire protection measures proposed in this document do not guarantee survival of the building or the occupants in the event of a bushfire. The client is strongly encouraged to develop and practice a bushfire survival plan including determining triggers for leaving early on days of severe or higher, fire danger. Information and assistance including a template for a Bushfire Survival Plan is provided on the CFA website at <<http://www.cfa.vic.gov.au/plan-prepare/>>.*



## 6 Appendices

### 6.1 Appendix A: Vegetation management requirements

**As per Table 6 to Clause 53.02-5:**

*'Defendable space is provided and is managed in accordance with the following requirements:*

- *Grass must be short cropped and maintained during the declared fire danger period.*
- *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- *Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- *Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- *Shrubs must not be located under the canopy of trees.*
- *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- *Trees must not overhang or touch any elements of the building.*
- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level*

*Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority' (Hepburn Planning Scheme, 2018b).*

## 6.2 Appendix B: Water supply requirements

**Table 4 from Clause 53.02-5- Capacity, fittings and access** (Hepburn Planning Scheme, 2018b)

Capacity, fittings and access			
Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

*Note 1: A hydrant is available if it is located within 120 metres of the rear of the building*

### Fire Authority Requirements

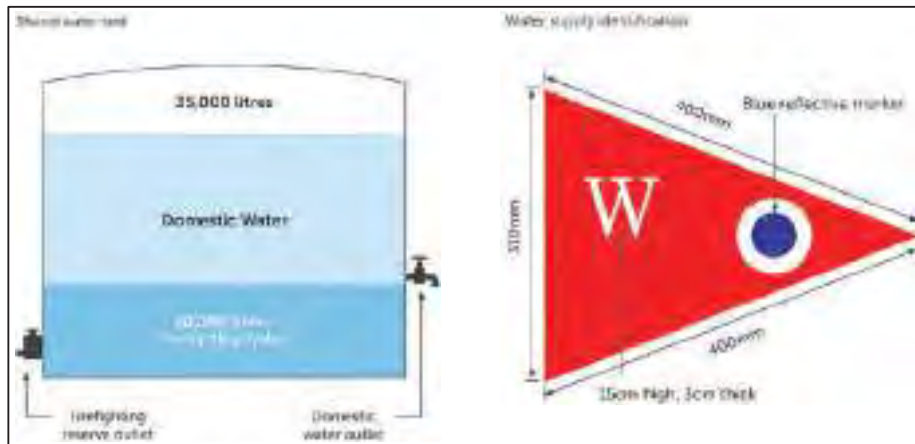
*'Unless otherwise agreed in writing by the relevant fire authority, the water supply must:*

- Be stored in an above ground water tank constructed of concrete or metal.*
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
- Include a separate outlet for occupant use.*

*Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:*

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.*
- Be located within 60 metres of the outer edge of the approved building.*
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.*
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).*
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)' (Hepburn Planning Scheme, 2018b).*

The water supply may be provided in the same water tank as other water supplies, provided they are separated with different outlets. See figure below illustrating signage and an example of outlets where fire fighting water will be in the same tank as water for other use.



(DELWP, 2017)

#### CFA Fittings (CFA, 2014)

*'If specified within Table 4 to Clause 53.02-5(if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.*

*65 mm BSP (British Standard Pipe) is the most common size available. A 65 mm fitting is equivalent to the old 2 1/2 inch. A 65 mm BSP (2 1/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.*

*The diagram below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65 mm tank outlet, two 65 mm ball or gate valves with a 65 mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'.*



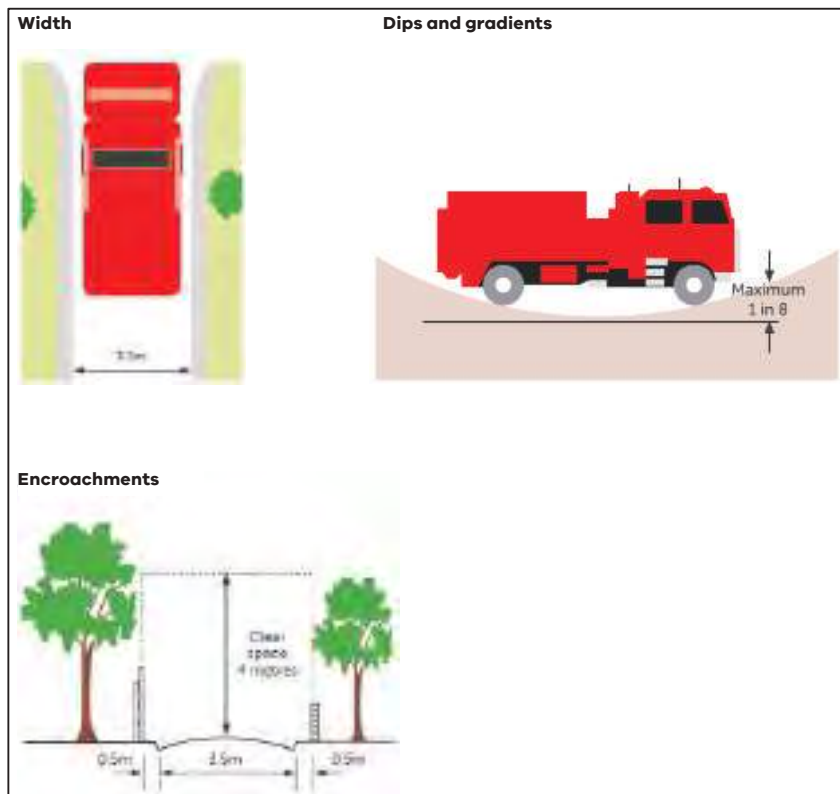
### 6.3 Appendix C: Access requirements

**Driveways less than 30m long have no specific requirements unless access to the water supply outlet is required, in which case the following apply as appropriate.**

#### **Access between 30m and 100m in length**

Where the length of access is greater than 30 metres the following design and construction requirements apply (*the length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer* (Hepburn Planning Scheme, 2018b)):

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

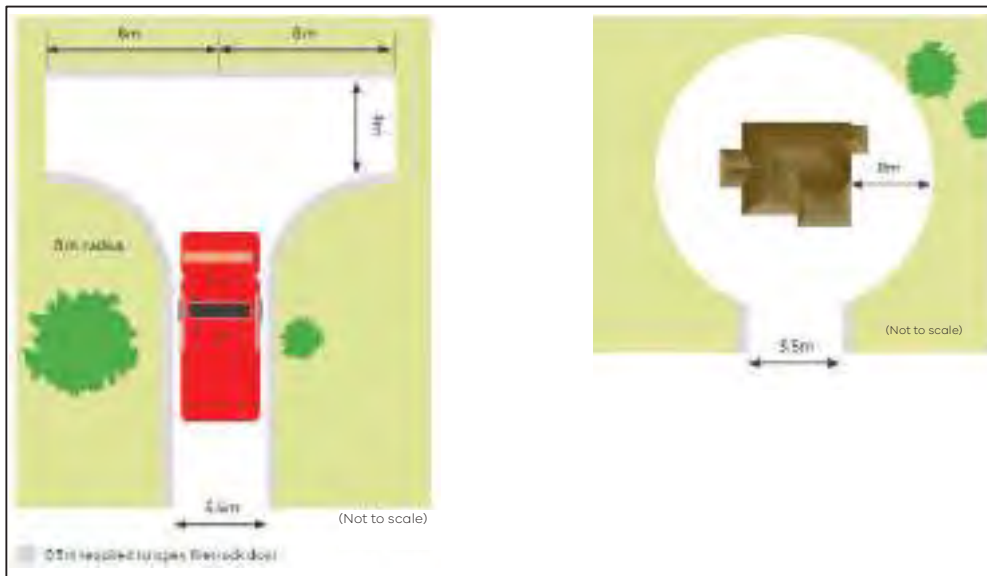


(DELWP, 2017)

### Access between 100m and 200m in length

In addition to the 30m-100m requirements above, a turning area for fire fighting vehicles must be provided close to the building by one of the following:

- a turning circle with a minimum radius of 8 metres
- a driveway encircling the dwelling
- other vehicle turning heads such as a T or Y head which meet the specification of Austroad Design for an 8.8 metre service vehicle.

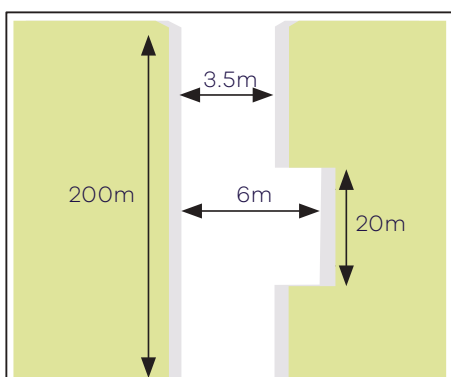


(DELWP, 2017)

### Access greater than 200m in length

In addition to the requirements above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.



(DELWP, 2017)



## 7 References

ABCB (2020) Building Code of Australia, Volumes 1 and 2 of the National Construction Code (NCC), Australian Building Codes Board (ABCB). Available at <<http://abcb.gov.au/ncc-online/>>.

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# Arborist's Report

ASSESSMENT OF EXISTING TREES and  
ARBORICULTURAL IMPACT OF PROPOSED HOUSES at

**Lot CA 8 SEC & CA 8 SEC 9C, Houston Street  
DAYLESFORD**



*Prepared for*

Anthony Scarpaci  
**CLEMENT-STONE**  
TOWN PLANNERS

6 July 2021

### **Executive summary**

Planning permission is sought from Hepburn Shire Council for five single storey houses, each with a single vehicle parking/turnaround area on five lots created within Lot CA 8 SEC & CA 8 SEC 9C Camp Street in Daylesford.

The proposed building envelopes are elevated above a shared carriageway that is proposed near the west boundary.

Recently the adjoining property to the west has been cleared and benched in preparation for future development.

Tree controls apply under Heritage Overlay – Schedule 898 (HO898) covering the Cornish Hill Mining Precinct, Daylesford.

All trees within the subject site are proposed for removal because they directly conflict with earthworks and/or structures. The majority of these trees are in decline or have a limited useful life.

Larger trees within the site consist of:

- Tree 1 - mature Manna Gum *Eucalyptus viminalis* within proposed Lot 1. This tree has a canopy bias north-west, a rock shelf impeding root growth to the east, and is in an elevated location on the site.
- Tree group 4 - senescent Silver Wattle *Acacia dealbata* at the north-west entry from Houston Street.
- Tree 6 – old mature Monterey Pine *Pinus radiata* on the proposed boundary of Lots 4 & 5
- Tree 7 and 8 – old mature Monterey Pines within proposed Lot 5; Tree 8 has extensive deadwood

Tree 9 is two small Hawthorn trees (environmental weeds) adjacent to senescent Tree 8.

Several Silver Wattle trees are in the north part of the site and adjoining area. Declining Tree group 4 is on the north boundary, while Tree group 2 and Tree 3 are in the Houston Street verge.



Tree 5 is in neighbouring 71A Duke Street where excavation within this property is close to this Silver Wattle.

**Figure 1** Aerial image with approximate boundaries shown and tree number/locations.

## 1 Procedure

This report has been prepared by Susan Luke - Grad. Cert. Arboriculture, University of Melbourne (AQF Level 8) with 35 years of arboricultural industry experience including 26 years as a consulting arborist.

Tree locations are indicated on a survey plan provided, and additional trees observed were plotted by the writer. Tree protection setbacks are based on data collected at a site inspection on 27 April 2021.

Tree vitality and condition was assessed using the VTA (Visual Tree Assessment)<sup>1</sup> method. No aerial, underground or internal investigations were undertaken. The trunk diameter of accessible trees was measured with a forestry diameter tape; tree height and canopy spread were estimated. This report provides tree data that includes retention ratings, and tree protection zone (TPZ) and structural root zone (SRZ) setbacks to assist in determining where low impact works are required near retained trees.

Tree protection guidelines (Appendix 1) in this report are based on Australian Standard AS 4970-2009 *Protection of trees on development sites* (refer Appendix 1).

Incursion percentages are calculated using the Treetec calculator at [http://www.treetec.net.au/TPZ\\_SRZ\\_DBH\\_calculator.php#incursion\\_calc](http://www.treetec.net.au/TPZ_SRZ_DBH_calculator.php#incursion_calc)

Planning overlays were investigated at <https://mapshare.maps.vic.gov.au/vicplan/>.

## 2 Findings

### 2.1 Land use and topography

The property has a westerly aspect, with a steep gradient from the east (575m AHD) to the west boundary (565m AHD) across the centre of the site.

### 2.2 Planning considerations

The subject site is within a General Residential Zone – Schedule 1 (GRZ1).

A Public Park and Recreation zone adjoins to the east. Much of this adjoining area is vegetated with shrubby weed species, particularly Gorse *Ulex europaeus* and various Broom *Cytisus* sp.

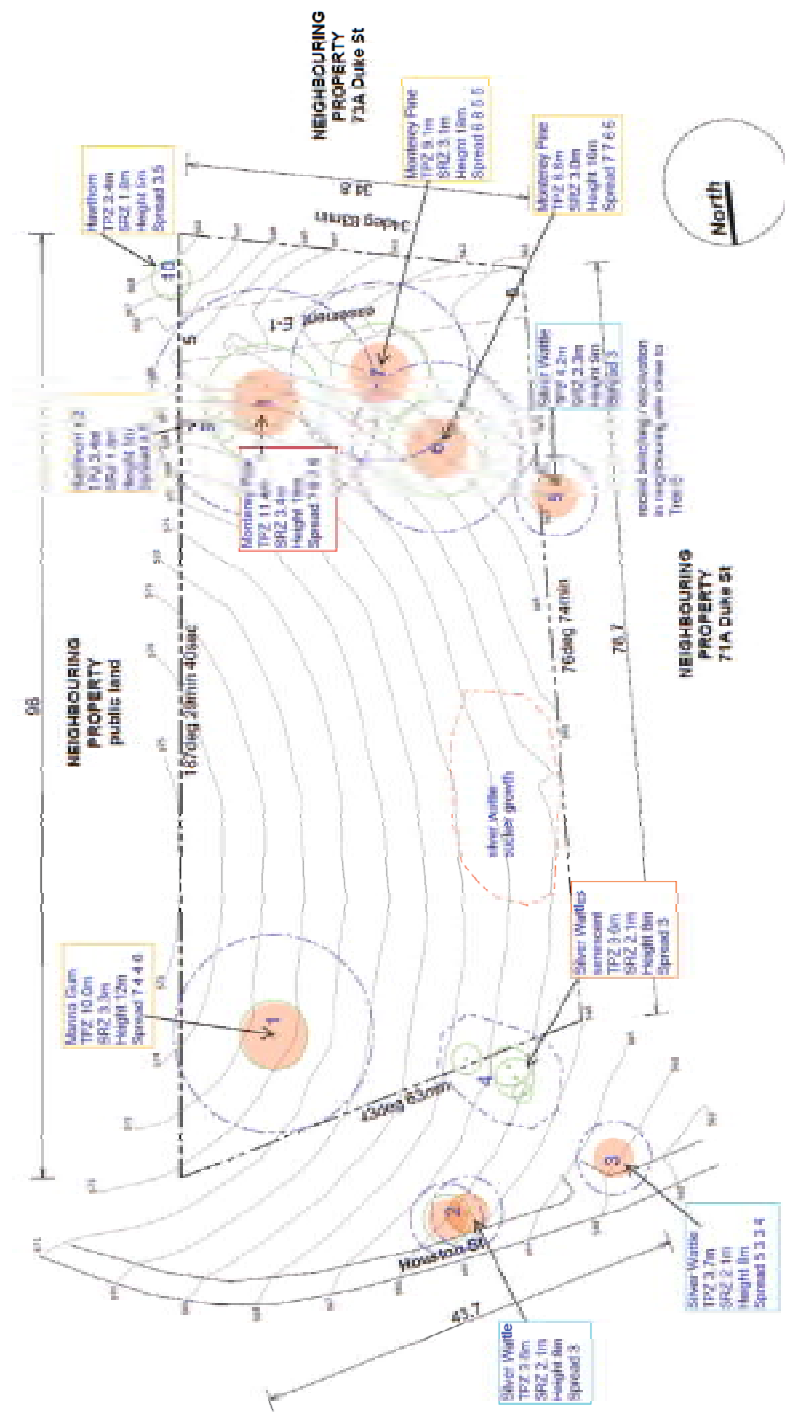
State planning overlays affecting vegetation on the property:

- Heritage Overlay – Schedule 898 (HO898) - tree controls apply to the Cornish Hill Mining Precinct, Daylesford.
- Environmental Significance Overlay – Schedule 1 and 2 (ESO1) regarding vegetation that protects and maintains the quality of groundwater.
- Bushfire Management Overlay (BMO)

<sup>1</sup> Mattheck & Breloer *The body language of trees – a handbook for failure analysis*, The Stationery Office 1994 pg 98-110

2.3 Tree location plan

Tree details are noted below and in Appendix 2.

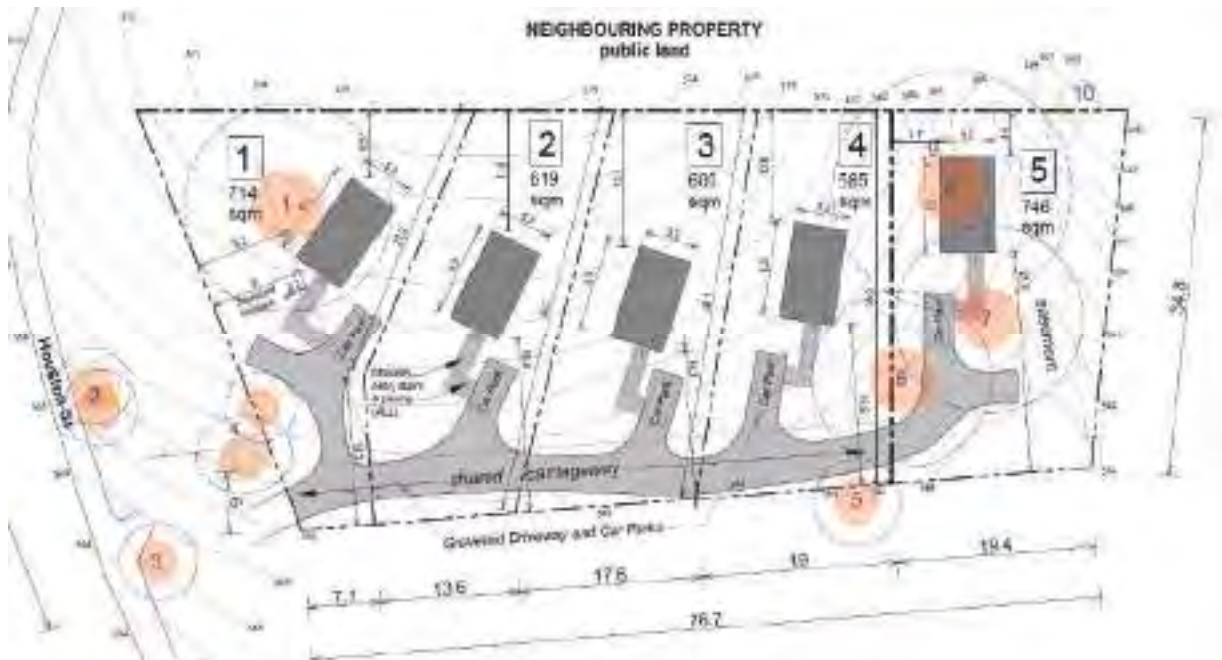


**Figure 2**  
Tree numbers/locations are indicated above. Tree details are tabled in Appendix 2.  
Tree retention value codes are BLUE – neighbouring, GREEN – high, ORANGE – moderate and RED – low.  
The calculated tree protection zone (TPZ) and structural root zone (SRZ) is shown.



### 3 Proposed works and tree impact

#### 3.1 Proposed layout and existing trees



**Figure 3** The proposed site plan with the TPZ and SRZ of existing trees shown.

#### 3.2 Anticipated tree impact

##### 3.2.1 Subject site

All trees within the subject site require removal because the proposal will have significant encroachment into their calculated protection zones. The gradient of the site has additional impact by increasing the rate of soil water drainage, particularly near soil level changes.

Most of the trees assessed have a limited useful life and/or are unsuitable to retain because of:

- canopy bias NW with uneven root distribution (Tree 1) because of a rock shelf to the east
- senescence with associated large deadwood and limited live crown volume (Tree group 4, Tree 8)
- weed status (Trees 6, 7, 8, 9)

##### 3.2.2 Third party trees

Impact from the proposal to adjoining trees and public and private land is noted, as follows:

- Tree group 2 – 2 x Silver Wattle at the edge of Houston Street has adequate setback from crossover if excavation footprint is minimised. Young mature specimens. Species tends to form suckers from disturbed roots.
- Tree 3 – Tree not indicated on survey but plotted on to site plan by the writer. Sparse canopy, near existing road/crossover and unlikely to tolerate additional excavation.
- Tree 5 – a Silver Wattle with recent excavation within its TPZ that is expected to significantly limit the future viability of this young mature tree. Root suckering is likely.
- Tree 10 – Small Hawthorn (weed species) clear of proposed site disturbance. Can retain.

## 3.3 Tree images



**Figure 4 – left**  
Silver Wattles at the frontage. Additional Wattles are east (right of frame).

**Figure 6 – centre right**  
Tree 1 has a canopy bias to the north-west. Cabin 1 is proposed immediately adjacent to this tree.



**Figure 5 – lower left**  
Monterey Pines – Trees 6, 7 and 8. Tree 8 is senescent. Trees 6 and 7 are old mature specimens. Mature Pines generally have a low tolerance to site disturbance. Site levelling within the adjacent property is visible to the right of Tree 6.

## 4 Conclusion/Recommendations

The trees within the subject site have moderate-low retention value and a limited useful life.

A permit for tree removal will be required as controls apply under Heritage Overlay – Schedule 898 (HO898) covering the Cornish Hill Mining Precinct, Daylesford.

Additional comments and recommendations are noted below.

**Tree 1** is a native species with a canopy bias north-west. Its trunk diameter is 83cm at 1.4m above ground level and under AS4970 the protection zone of this tree is 10 metres radius. The physical constraints of the site – an adjacent rock shelf to the north-east and the elevated location of the tree – combined with the proposed earthworks to the west are expected to significantly reduce the future viability of this tree.

### **Recommendation**

*Remove Tree 1 but provide new native plantings along the east area of the property. This will also assist in suppressing weedy shrubs such as Gorse and Broom within the adjoining reserve.*

The Monterey Pines (**Trees 6, 7 and 8**) and Hawthorn (**Tree group 9**) are environmental weed species. Old Pines are particularly intolerant of changes to their growing environment.

**Tree 6** is shown on plan as retained but the proposed excavation will cause major root impact so the removal of this tree will be required.

### **Recommendation**

*Remove all 3 Monterey Pines (Trees 6, 7 and 8) and the 2 small Hawthorn (Tree group 9). Native species are to be planted in future landscaping of the proposed development.*

The Silver Wattles (**Trees 2, 3, 4 and 5**) will naturally have a limited lifespan in these conditions, being more suited to soils with good water availability.

**Tree 3** shows signs of early decline. **Tree group 4** is in advanced decline. **Tree 5** has been impacted by excavation within the neighbouring site.

**Tree group 2** can be successfully retained if protected from site activity throughout all works, including site clearing. These trees are immediately adjacent to unformed Houston Street.

### **Recommendation**

*Exclude site activity within the calculated TPZ of **Tree group 2** during all works by erecting protective fencing within the verge at a 4 metre setback. Install ground protection if access is needed within 4 metres from the trunks of these trees (refer Appendix 1 for details).*

*Remove **Tree group 4** and replant with a range of native species that will provide an improved screening function and visual interest at the entry area.*

#### 4.1 General tree protection requirements

- Avoid trenching excavation for underground services within the TPZ of any retained tree. Low-impact methods such as underground boring, hand excavation or AirKnife™/dry suction must be used, ensuring that tree roots greater than 30mm diameter are retained and undamaged.
- Seek advice from a suitably experienced Consulting/Project Arborist (AQF Level 5 or higher) when tree roots greater than 30mm diameter are encountered during approved excavation near retained trees.
- Within the tree protection zone of retained trees, pruning and tree removal must be undertaken by a qualified and experienced Level 3 Arborist (minimum) in accordance with AS 4373 – 2007 *Pruning of amenity trees*.



**Susan Luke VTIO**

Consulting Arborist, Landscape Designer, Conservation & Land Manager

Graduate Certificate in Arboriculture AQF Level 8  
 Diploma Conservation & Land Management  
 Associate Diploma Applied Science (Landscape)  
 Advanced Certificate Urban Parks Operations  
 Certificate of Tree Surgery (1990)  
 Certificate of Horticulture (1985)

Melbourne University  
 BRIT  
 NSIT  
 NMIT  
 Holmesglen TAFE  
 VCAH Burnley

## APPENDIX 1 TREE PROTECTION INFORMATION

### Tree protection zones

The Australian Standard AS 49970-2009 *Protection of trees on development sites* provides guidelines for preventing or minimising development impact on retained trees.

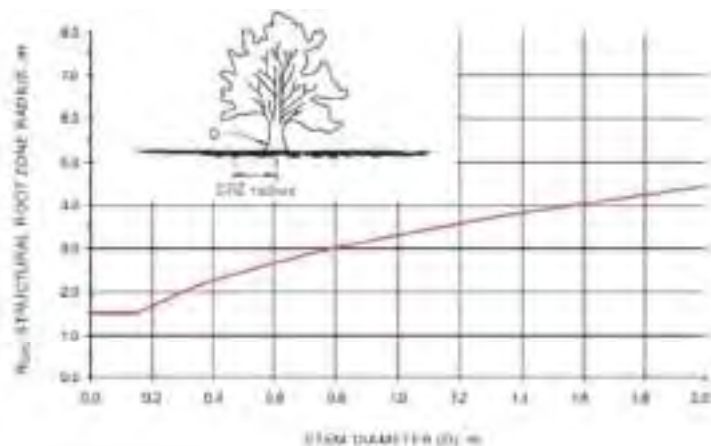
A tree protection zone (TPZ) is established to preserve most structural and fine absorbing tree roots necessary for maintaining tree health. The TPZ radius is 12 x trunk diameter at 1.4m above ground level. If the canopy of the tree is low and extends past the TPZ then the TPZ should be increased in this area to accommodate the crown.

Within the TPZ any disturbance such as changes in level, soil compaction and the use of impermeable surfaces is to be avoided. Encroachment into the TPZ may be unavoidable however damage to trees can be minimised by installing ground protection measures and adopting low impact building methods.

If the TPZ is reduced by up to 10% then a compensatory contiguous area should be added to the TPZ. If the TPZ is encroached by more than 10% then the project arborist needs to demonstrate that the tree/s will remain viable. This may involve non-destructive root mapping, consideration of the site soil characteristics, building methods used, tree age, tree vigour, and species tolerance to disturbance, among other factors.

### Structural root zones

The structural root zone (SRZ) is the setback required to avoid damage to stabilising structural roots and requires a minimum setback of 1.5 metres from excavation. The loss of roots within the SRZ must be avoided. The SRZ is determined by applying the formula or graph noted below. The extent of the SRZ could be affected by other factors that include gradient, tree lean, soil conditions and existing structures.



The curve can be represented by the following formula:  
 $R_{min} = (D \times 50)^{0.6} + 0.84$

#### NOTES

1.  $R_{min}$  is the calculated structural root zone radius (SRZ) value.
2. D is the stem diameter measured immediately above root location.
3. Use  $R_{min}$  for trees less than 6.11m diameter < 1.5m.
4. The  $R_{min}$  formula and graph does not apply to palms, other monocots, cycads and tree ferns.
5. SRZ does not apply to trees with an asymmetrical root plate.

Image above – *Structural Root Zone calculations* (from AS4970-2009)



## Ground and trunk/branch protection

### 4.5.2 Trunk and branch protection

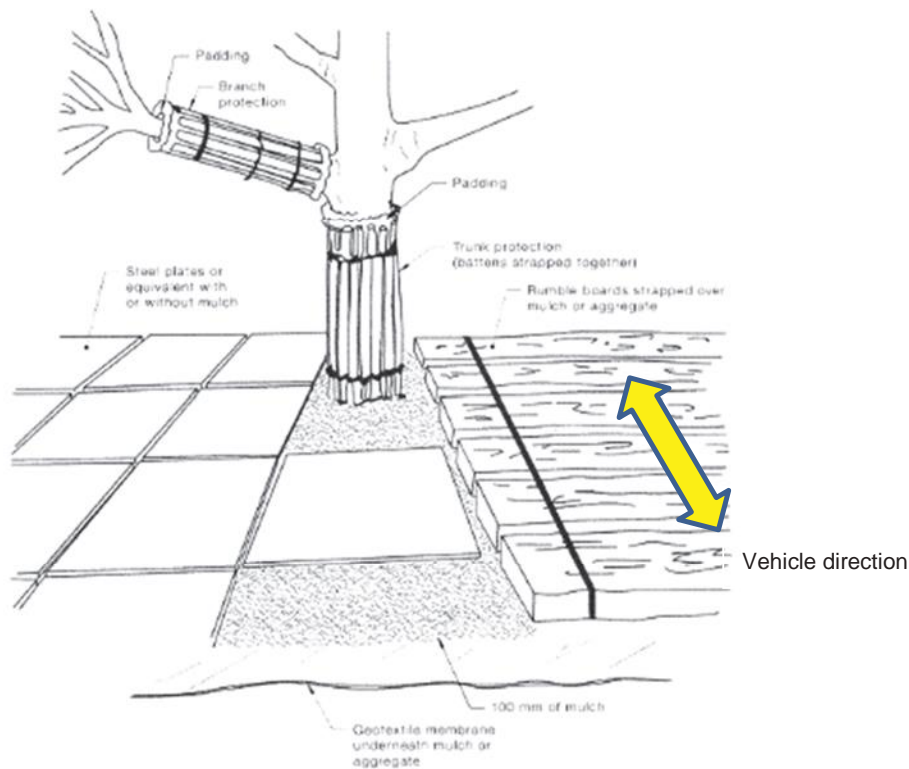
Where necessary, install protection to the trunk and branches of trees as shown in Figure 4. The materials and positioning of protection are to be specified by the project arborist. A minimum height of 2 m is recommended.

Do not attach temporary powerlines, stays, guys and the like to the tree. Do not drive nails into the trunks or branches.

### 4.5.3 Ground protection

If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards as per Figure 4.

These measures may be applied to root zones beyond the TPZ.



#### NOTES:

- 1 For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
- 2 Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.

Image above – *Ground protection and trunk/branch protection measures* (from AS4970-2009)

Links to alternative methods for temporary/permanent permeable ground protection are at:

[www.ecoraster.com.au](http://www.ecoraster.com.au)

<http://terram.com/products/geocells/tree-root-protection-geocell.html>

APPENDIX 2 Tree Schedule Legend to Tree Schedule is at the end of the table.

Tree no.	Type	Age class	DBH (cm) at 1.4mH	TPZ radius (m)	DAB (cm)	SRZ (m)	Height (m)	Spread (m) radius n s e w	Vitality	Structure	ULE	Ret. value	Comments	ORIGINS
1	Manna Gum <i>Eucalyptus viminalis</i> subsp. <i>viminalis</i>	M	83	10.0	97	3.3	12	7 4 4 5	G	F	10	M	Lower dw north and south. CB North and West. Rock reef north east	V
2	2 x Silver Wattle <i>Acacia dealbata</i>	M	30	3.6	33	2.1	8	3	G	G	10	N	Suckers are nearby, located at wire fence near Houston Street	V
3	Silver Wattle	M	31	3.7	35	2.1	8	5 3 3 4	F	F	5	N	plf, sparse canopy, lower branches require lift prune, dw	V
4	4 x Silver Wattle	OM	20-32	3.7	35	2.1	7	3	P/F	P/F	0	N/L	Smallest tree is within subject site. Third party trees - 2 are in advanced decline, 1 is a dead stump	V
5	Silver Wattle	M	35	4.2	40	2.3	9	3	F/G	?	?	N	Recent benching and earthworks expected to have affected roots and reduced tree longevity	V
6	Monterey Pine <i>Pinus radiata</i>	LM	72	8.6	80	3.0	16	7 7 6 5	G	G	15	M	Large diameter surface roots extend north. Site levels drop south of trunk	E W
7	Monterey Pine	LM	76	9.1	85	3.1	18	6 8 5 5	G	F	10-15	M	Trunk lean south	E W
8	Monterey Pine	OM	95	11.4	105	3.4	18	7 9 7 6	F/P	P	<5	L	Extensive deadwood	E W

Tree no.	Type	Age class	DBH (cm) at 1.4mH	TPZ radius (m)	DAB (cm)	SRZ (m) radius	Height (m)	Spread (m) radius s e w	Vitality	Structure	ULE	Ret. value	Comments	ORIGINS
9	2 x Hawthorn <i>Crataegus monogyna</i>	SM	14	2.0	15	1.5	5	3	F	F	10	N	Environmental weed species	E W
10	Hawthorn	SM	14	2.0	15	1.5	5	3	F	F	10	N	Environmental weed species	E W

Legend to Tree Schedule

**Age class** J – juvenile, SM – semi-mature, YM – young mature, M – mature, LM – late mature, OM - overmature  
**DBH** Trunk diameter at breast height (1.4m above ground level) **DAB** Stem diameter at base  
**Vigour/structure** E excellent, G good, F fair, P poor **Retention value** L – low M – medium H – high N - neighbouring  
**TPZ** The tree protection zone (radius = 12 x DBH to comply with AS4970 Tree protection on development sites) for protection of the root system. Multiple stem trees calculated as per Appendix 1, AS4970. **SRZ** Structural root zone (required for stability) - refer Section 4  
**Origins** N Australian native V Victorian native E exotic W weed species  
**ULE** Useful Life Expectancy – considers the tree's location and management issues associated with its species characteristics, and the individual tree's structural condition and vitality  
**BI** bark inclusion **CD** codominant stems **CB** canopy bias **DW** Large & deadwood **dw** small & deadwood **ep** epicormic growth **LL** loaded laterals **PLF** previous limb failure  
**SA** shared branch attachment **SR** surface roots **TL** trunk lean **TW** trunk wound

From: [REDACTED]  
 Sent: Monday, 13 December 2021 10:48 AM  
 To: Hepburn Shire Mailbox  
 Subject: Fwd: 70 Camp street...PinPA003333 [REDACTED]

Categories: [REDACTED]

Please find below my objection to Planning permit PA 03333. My concerns relate to the inadequacy of the road (Houston St) if the planning permit is approved. It is a narrow, dirt road that will not handle two cars passing. One car already had gone off in the gully and I had to assist the driver to get out. My concerns are detailed below- it is a narrow dirt road and also the impact during construction.

Kind regards,  
 Liza Lee

----- Forwarded message -----

From: [REDACTED]  
 Date: Fri, Dec 10, 2021 at 4:33 PM  
 Subject: 70 Camp street...PinPA003333 [REDACTED]  
 To: [REDACTED]

Hi

Regarding the 70 camp st ,proposal application.

My concern is

The access road to this development is very narrow all the way up from Duke st going up to the bush along the Houston st to 70 Camp st. also it is a dirt road and very narrow. Two cars cannot enter at same time. It is an impossibility. One will end up in gully , especially in wet weather..has occurred in the past to a tourist.

Five round units and future 71a Duke st buildings will access this road and my opp. the road is inadequate and being only dirt will be very inadequate.

I have concerns over construction management sediment control during construction. also traffic on road.

Also drainage problems now created by fill elevating block of 71a duke st...

The road should be transferred to council to maintain as there will be extra buildings using this road and commercial interest

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, 10 December 2021 3:44 PM  
**To:** Hepburn Shire Mailbox  
**Subject:** Objection to planning dept. [REDACTED]

**Categories:** [REDACTED]

I am sending an email of my concern.

The access road to this development is very narrow all the way up from Duke st going up to the bush on Houston st.... also it is only a dirt road... and more than 2 cars cannot enter at one time .. its impossible for the end in the gully especially in wet conditions. Which has occurred in the past...by a tourist.

As there is proposal for 5 units plus in future 71a. DUKE ST. developing.... also will access...the access road, it is inadequate.

I have concerns over the construction management sediment control during construction along with being impacted by this already from...71a bringing in soil fill constantly.

The road should be transferred to council to maintain as there will be extra buildings from the 70 Camp and (future 71a)....using this road and commercial interest.

[REDACTED]



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 14 December 2021 11:31 AM  
**To:** Hepburn Shire Mailbox  
**Subject:** OBJECTION TO PLANNING APPLICATION PA 3333  
**Categories:** [REDACTED]

I write to object to planning application PA 3333 Sky barrel erection at Cornish Hill by applicant David Pearson.

I object to this development because:

1. Architecture and car park inconsistent with heritage environment of Daylesford
2. Adverse impacts on surrounding residents of increased traffic and noise.
3. Adverse impact on natural heritage of surrounding area including Cornish Hill Reserve.

[REDACTED]

Please use black letters

 Recd: ☒   
 Ackd: ☐   
 Regd: ☐

Planning &amp; Environment Act 1987

**WHO IS OBJECTING:**

Name/s: ...

Property address: ...

Postal Address (if different to above) ...

Tel: ...

Email: ...

**WHAT APPLICATION DO YOU OBJECT TO?**Permit application no: P1003333Proposal: USE + DEVELOPMENT OF A LAND FOR GROUP ACCOMMODATION + RESTAURANT + RETAILWho has applied for the permit: CLEMENT-STONE TOWN PLANNERS**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

1. DEVELOPMENT OF A BUSINESS IN A RESIDENTIAL ZONE
2. BUILDINGS WILL DIRECTLY IMPACT ON MY PRIVACY
3. REMOVAL OF EXISTING VEGETATION WILL IMPACT DIRECTLY ON MY PRIVACY
4. TOO MANY INAPPROPRIATE STRUCTURES ON THE SITE
5. STRUCTURES DESIGN HAS NO MERIT RELATING TO THE EXISTING NEIGHBORHOOD CHARACTER + INCLUDES OUR HERITAGE + THAT OF CORNISH HILL + ITS REGENERATION
6. INCREASED TRAFFIC WILL BE A BURDEN ON EXISTING NEIGHBORHOOD
7. DEVELOPMENT WILL DEVALUE MY PROPERTY

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

1. BUILDINGS WILL DIRECTLY + NEGATIVELY AFFECT MY PRIVACY
2. REMOVAL OF TREES WILL DIRECTLY + NEGATIVELY AFFECT MY PRIVACY + WELLNESS REDUCING MY LIFE QUALITY
3. INCREASED TRAFFIC, NOISE, POLLUTION, LIGHT POLLUTION WILL DIRECTLY IMPACT ON MY PRIVACY + NEGATIVELY AFFECT MY WELLNESS
4. BUSINESS WILL NEGATIVELY IMPACT MY PROPERTY + MY NEIGHBORHOOD, ITS CHARACTER + HERITAGE



5. BUSINESS DEVELOPMENT WILL REDUCE MY  
RESIDENTIAL PROPERTY VALUES.  
6. MY CURRENT WELLNESS, QUALITY OF LIFE  
& MENTAL HEALTH WILL SUFFER GREATLY  
IF THIS TOTALLY INAPPROPRIATE DEVELOPMENT IS APPROVED.

*If insufficient space, please attach separate sheet*

### Privacy Collection Notice

Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Council's Governance Department.

Signature

Or Tick Box



Date

2/12/21

### IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and (page 1) with the Responsible Authority as shown on the Public Notice - Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Please use block letters

Planning & Environment Act 1987

### WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

### WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3333

Proposal: Skybarrel erection at Cornish Hill

Who has applied for the permit: David Pearson

### WHAT ARE THE REASONS FOR YOUR OBJECTION?

Rehabilitation of the surrounding precinct by Friends of Cornish Hill and the Committee of Management is ongoing and meticulous, albeit at a significantly reduced capacity; without support by the developers; this rehabilitation will be put at significant risk.

### HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

The Cornish Hill reserve already suffers from incursion of numerous weed plants and trees. Disturbance of the adjacent environment that will be caused by the development will further exacerbate this problem, unless assistance is obtained in mitigating the risk on an ongoing basis.



*If insufficient space, please attach separate sheet*

#### Privacy Collection Notice

Your objection and the personal information on this form is collected by Hepburn Shire Council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act).

If you do not provide your name and address, Hepburn Shire Council will not be able to consider your objection.

Your objection will be available at the Hepburn Shire Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.

Signature: ..... Or Tick Box ☒ Date: 12 December 2021

#### IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under this Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
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Please use block letters

Planning &amp; Environment Act 1987

**WHO IS OBJECTING:**

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED]

Email: [HEPBURN-SHIRE-COUNCIL](mailto:HEPBURN-SHIRE-COUNCIL@GMAIL.COM)**WHAT APPLICATION DO YOU OBJECT TO?**Permit application no. PIN PA003333 24 DEC 2021Proposal: SKY BARRELS [REDACTED]Who has applied for the permit: HILLTOP TOP [REDACTED]**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

OVERPOWERING STRUCTURE, NOT IN CHARACTER WITH ENVIRONMENT. AN EYE SORE, FEEL LIKE NO PRIVACY IN 71 DUKE ST. INADEQUATE AREA ON ROAD (HOUSTON ST) TWO CARS CANNOT TRAVEL FIRETRUCK DIFFICULTY IN CASE OF FIRE THE STRUCTURE WILL SPOIL THE OVERLOOK OF THE AREA AS ITS USED FOR WALKS AND HAS A PEACEFUL FEEL PRESENTLY. THE BARRELS WILL SPOIL WHAT DAYLESFORD IS SUPPOSED TO REPRESENT - ~~as~~ a place to rest and connect to nature

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

A lot of traffic NOISE FROM HOLIDAY PEOPLE especially when they get DRUNK. Have had police come here as had worrying situations happen. Lack of privacy, people looking into my property at 71 DUKE ST Traffic congestion and dirt road affected by continual traffic, especially inexperienced cars trying to get uphill and stirring up the road in their panic.



*If insufficient space, please attach separate sheet*

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Signature: 

Or Tick Box ☐

Date:

23/12/21.

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Please use block letters

Planning &amp; Environment Act 1987

**WHO IS OBJECTING:**

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

**WHAT APPLICATION DO YOU OBJECT TO?**

HEPBURN SHIRE COUNCIL

Permit application no. PIN PA 00.3333

Tel No: [REDACTED]

Proposal: SKY BARRELS

Rec'd Date: 24 DEC 2021

Who has applied for the permit: HILLTOP TOP.

Rec'd By: [REDACTED]

Action By: [REDACTED]

Final By: [REDACTED]

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

- INCREASE IN TRAFFIC VOLUME
- EXCESSIVE BUILDING HEIGHT
- REMOVAL OF TREES SEEMS UNNECESSARY
- SITING OF STRUCTURES WILL OVERLOOK MY PROPERTY AND INVADE MY PRIVACY
- DESIGN IS NOT IN KEEPING WITH NEIGHBOURHOOD CHARACTER

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

THE PROPOSED TOURIST RESIDENCES WILL CREATE A LOT OF DISTURBANCE AROUND MY PROPERTY IN TERMS OF TRAFFIC VOLUME, AND NOISE. THE HEIGHT AND VISUAL OUTLOOK FROM THE STRUCTURES IS A HUGE INVASION OF THE PRIVACY OF PARTICULAR MINE, BUT ALSO NEIGHBOURING RESIDENCES. THE VISUAL IMPACT ON THE VIEW OF THE



NATURAL BEAUTY OF THE LANDSCAPE IS BIG  
AND NOT IN ALIGNMENT WITH NEIGHBOUR  
HOOD CHARACTER

*If insufficient space, please attach separate sheet*

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Signature: 

Or Tick Box ☐

Date:

23/12/2021

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Please use block letters

Planning & Environment Act 1987

### WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

### WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA3333

Proposal: Use and development of the land for group accommodation and removal of vegetation

Who has applied for the permit: Clement - Stone Town Planners

### WHAT ARE THE REASONS FOR YOUR OBJECTION?

See attached grounds of objection, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



*If insufficient space, please attach separate sheet*

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Signature: 

Or Tick Box ☒

Date: 23 December 2021

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Planning Permit Application No. PA3333 – Use and Development of the land for Group Accommodation and Removal of Vegetation  
(‘the proposal’)

Camp Street, Daylesford 3460  
(Crown Allotment 8 Section 9C Township of Daylesford Parish of Wombat)  
(‘the subject land’)

## Grounds of Objection

In relation to the application, we rely upon the following grounds of objection:

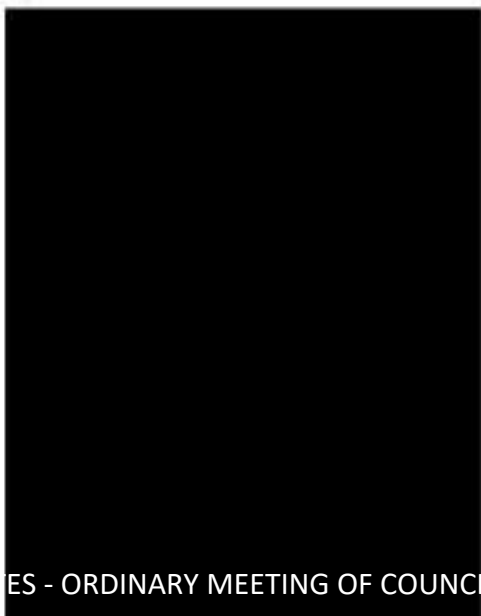
1. The proposal represents a non-residential (commercial) land use that is incompatible with nearby residential land use and is therefore at odds with the purpose of the General Residential Zone – Schedule 1;
2. The proposal represents a development (buildings and works) that is not respectful of the prevailing neighbourhood character of the area;
3. At three (3) stories in height, the built form of the proposal does not respond appropriately to both the physical and planning context in which the subject land finds itself;
4. The built form (form and height) of the proposal will have a dominating, overpowering and unreasonable impact on the amenity of the adjoining property known as 73A Duke Street, Daylesford;
5. When viewed from various vantage points within the broader township of Daylesford, the built form of the proposal will have unacceptable impact on the public realm and valued view lines;
6. As designed, the proposal does not appropriately respect or respond to its landscape setting situated on this elevated site;
7. The proposal is at odds with the heritage values, which are sought to be protected for the Cornish Hill Mining Precinct (HO898). To draw a connection between the proposed built form structures and the former gold mining head frames is mis-guided;
8. Given that the subject land is situated within a very high-risk bushfire setting, the proposal is at odds with the strategies, which are sought to be achieved by Clause 13.02-1S Bushfire Planning of the Hepburn Planning Scheme;
9. Access grades to and within the development are excessively steep for safe and functional use by customers, service vehicles and emergency services;

10. The proposal does not represent an acceptable or orderly planning outcome; and

11. On balance, the proposal does not achieve a planning outcome that is consistent with the operational requirements of the Planning Policy Framework and in particular, Clause 71.02-3 (Integrated Decision Making) of the Planning Scheme, which requires the decision maker to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.



Date: 23 December 2021

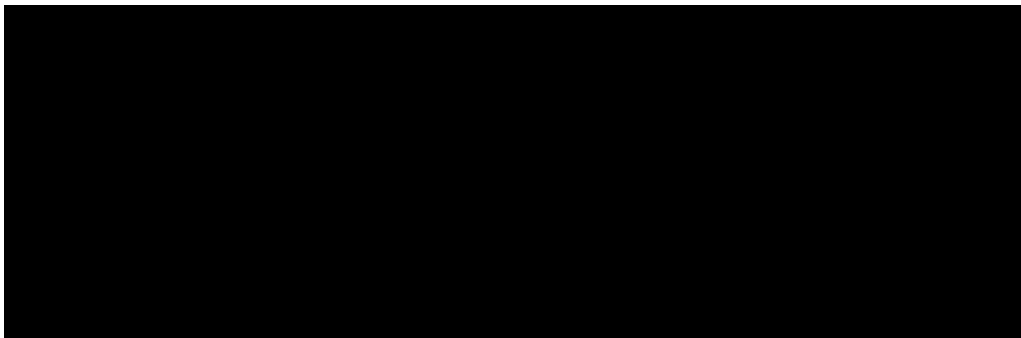


**OBJECTION TO TOWN PLANNING APPLICATION PA3333 CAMP STREET  
DAYLESFORD      shire@hepburn.vic.gov.au**

**DEVELOPMENT AND USE OF THE LAND FOR GROUP ACCOMMODATION**

1. Access to the property is inadequate. There is an existing dirt track providing access to the site. The track has a width enough for one car only. Inadequate information has been given on the access to the property. In winter the existing track will be unusable and becomes very muddy with ruts.
2. The proposal is totally not in keeping with the character of housing within the vicinity or the neighbourhood. It will be an eyesore with galvanized steel frames. The height of the proposal is totally inappropriate and not in keeping with the scale of existing housing. In effect, the proposed accommodation will be the height of 3 storey buildings/structures. No attempt has been made to 'blend in' to the surrounding area. Quite the reverse, it seems the proposal has just been designed with no regard for the abutting or surrounding properties or the area in general.
3. The submission states that it adheres to the height controls. The barrels are located on the upper part of the subject land where clearly they are only positioned to maximize the views.
4. The application acknowledges that the proposal will be visible. I would argue that the proposal will be **HIGHLY** visible from the Lake and surrounding area as the site has fairly steep contours and the height of the proposal accentuates the development.
5. This will set a precedent for other inappropriate developments within our Shire
6. The car parking provision and standard of parking is inadequate. In addition a gravel driveway within the development is totally unacceptable.
7. No landscaping has been indicated on the submitted plans. The applicant has indicated that there is existing vegetation around the site. The application is incomplete.
8. The subject land is surrounded by a very high fire risk area.
9. The 'barrels' will have glass frontages. They each will be facing west and during the summer months will provide significant glare towards the lake and surrounding area.

10. What are the economic benefits to the town other than personal interests and profits?
11. There are similarities with this application to the proposal at Buninyong which was refused by Ballarat Council (City of Ballarat PLP 2020/332 VCAT P1818/2020). The decision by the Tribunal to not support such a development is relevant to this proposal.
12. The proposal does not satisfy the objectives of the Zoning.
13. The information in the application fails to address quite a number of important issues.
14. The information provided with the proposal is inadequate and the application is incomplete. All important issues should be addressed **NOW** to allow proper consideration of the proposal.
15. The application should be refused.
16. As someone who regularly walks around Lake Daylesford, Cornish Hill and other parts of Daylesford, I will see this development if it proceeds and will be impacted by it. I believe such a proposal will set a precedent for other inappropriate developments changing the character of my town.





[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 22 December 2021 11:45 AM  
**To:** Hepburn Shire Mailbox  
**Subject:** objection - 70 Camp St Daylesford CA 8 SEC 9C TSH TDF  
**Categories:** [REDACTED]

Hi There

I'd like my objection recorded for the planning permit for 70 Camp St Daylesford.

These plans do not fit with the nature of the land and/or aesthetics of the landscape / houses in surrounds

The dirt road poses safety risks to the site.

Anything further needed from me please let me know.

[REDACTED]

[REDACTED]

in e f

Making life easier for people and brands everywhere through trusted copywriting. 

Please use block letters

Planning &amp; Environment Act 1987

**WHO IS OBJECTING:**

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

**WHAT APPLICATION DO YOU OBJECT TO?**

Permit application no. PA 3333

Proposal: Group Accom and tree removal under heritage (HO898)

Who has applied for the permit: Clement-Stone Town Planners

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

Too many parking bays because of too many dwellings.

Removal of three established trees for 5th Pod

Excessive number of pods to create more wealth for owner

Lack of respect for Cornish Hill vistas

Lack of respect for biodiversity and flora (trees).

Dismissiveness of importance of trees for Daylesford's beauty.

Proximity of 5th Pod to 73 A. PLEASE SEE ATTACHED FOR MORE DETAILS.

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

Loss of trees for native habitat. Loss of canopy for Cornish Hill.

Overuse of building/ reminder that tourists take precedence here.

Reminder that money talks regardless of land destruction.

Loss of privacy for myself and neighbours. You cannot tell me that visitor's only look across a view and not down to neighbours.

Loss of tree vistas.

Noise issues as sound travels/sounds louder from high up. Echo chamber situation.

Proximity of 5th pod to 73A building.

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*If insufficient space, please attach separate sheet*

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Signature: \_\_\_\_\_ Or Tick Box ☒ (Date: 23rd Dec 21)

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\_\_\_\_\_
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.  
\_\_\_\_\_

submitted by [REDACTED] Clause 21.05 (page 16)

**Objective 3: To protect and enhance the heritage, landscape and townscape character of towns**

**Objective 5: Protect and promote local biodiversity**

The proposal does not fulfill the above objectives for the following reasons...

The proposal purports there will be 'no adverse impacts on the visual amenity of the rural hinterland'.

The proposal purports it 'will not interfere with the habitat, landscape and visual amenity values of adjacent forests'.

I object to what will be an adverse impact on visual amenity. The removal of 3 spruce trees on southern end of site (on slope to gully) are currently integral to vistas within and of Cornish Hill and surrounds. Are not spruce trees, amongst others, particular to what Daylesford is all about?

The 'No 5 building is excessive to site/purely for more income, at expense of trees, wildlife habitat and vistas. I object to the building of No 5.

Why, if 'on-site trees are protected under the Heritage Overlay (HO898),' they are to be cut down??

These 3 trees play a part preventing erosion and run off on this side of the gully.

I object to the proposal's reasoning of Treecology's 'expert advice' that all on site trees (have) a 'limited useful life'. The trees are living. They have a life.

page 17

*The proposal protects and is located proximate areas of local biodiversity, which will promote the Shire's natural resources and beauty (objective 5)*

'The proposal protects ...local biodiversity'. I don't think so. I object to the proposal's notion of protection, given the proposal will cut down established trees, destroy forest vistas and local biodiverse habitats.

I object strongly to 'information' given through the visual exhibits 1-6. (Photos). These views show more sky and lake than any clarity of what would be seen naturally. What is called for are closeups of evidential views. I could provide these if requested.

*Pursuant to Clause 52.12-5, the planning permit requirements for tree removal do not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling to create its defensible space.*

This proposal goes against this idea and lops trees for a dwelling. I object to lopping.

**From:** [REDACTED]  
**To:** [Hepburn Shire Mailbox](#)  
**Subject:** OBJECTION TO PLANNING APPLICATION PA3333 CAMP STREET DAYLESFORD  
**Date:** Sunday, 26 December 2021 8:30:50 AM

---

OBJECTION TO TOWN PLANNING APPLICATION PA3333 CAMP STREET DAYLESFORD  
DEVELOPMENT AND USE OF THE LAND FOR GROUP ACCOMMODATION

I am writing to register my strong objection to this proposed development.

As the owner/occupier of a home at 76 Duke street, I believe my living amenity would be substantially impacted by this development. I am very concerned that the proposed structures would be totally out of character with the surrounding residential properties . The size and dominance of them would have a negative visual impact on the view up from the lake and surrounding areas, and seem totally inappropriate at one of the entries to the Cornish Hill area.

The access to the proposed properties is also on an already quite narrow and dangerous corner, with a tight turn, where the gravel and dirt sections are already hazardous in wet or icy weather.

I sincerely believe this proposal should be rejected.

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

Sent from my iPhone



Hepburn Shire Council  
shire@hepburn.vic.gov.au

December 24, 2021.

**Re: Permit application No. PA3333 – 70 Camp Street, Daylesford.**

I write in objection to the proposal covered by PA3333.

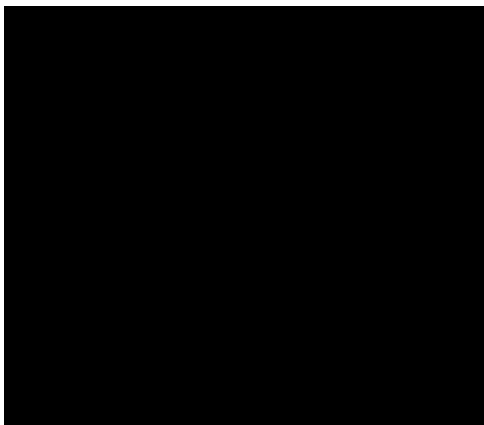
The proposal is seemingly identical to one that has already been rejected by VCAT on the grounds that the built form is unacceptable. In *Clifftop at Hepburn Pty Ltd v Ballarat CC [2021] VCAT 910*, the determinative issue was 'the impact of the proposal on environmental and landscape values.' If it was found to be inappropriate on farmland on Mt Buninyong then surely it is all the more so in a mining heritage precinct where the local groups have worked hard to preserve the industrial heritage.

The applicant claims that the galvanised steel frames might emulate the old gold mining headframes. This claim is ludicrous. The proposed development will be visually jarring and will detract from the amenity of the entire lake area.

I am concerned that the proposed 'skybarrels' will detract from the Cornish Hill heritage precinct as well as from the lake precinct and that their approval would set an ugly precedent for Daylesford. It will forever change the character of the lake area of Daylesford.

No doubt tourism is the lifeblood of Daylesford but I strongly believe that developments designed to accommodate tourists need to be of an appropriate form that is in keeping with their surroundings. Jarring developments like this are not what tourists are coming to Daylesford to see.

I do not believe that approval of this development proposal could be regarded as an orderly planning outcome for Daylesford.



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 21 December 2021 10:53 AM  
**To:** Hepburn Shire Mailbox  
**Cc:** [REDACTED]  
**Subject:** Objection to planning application for Lot CA8 SEC9 Camp Street, Daylesford  
**Categories:** [REDACTED]

Dear Hepburn Shire Council

*Re. PLANNING APPLICATION for 70 CAMP STREET; USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMMODATION*

Please find set out below our objection to the above planning application for your consideration.

We have lived at [REDACTED] for nearly 16 years in a home occupied by one family in a residential street. On a daily basis, one or more of our family walks/exercises both the area around the Cornish Hill reserve and also Lake Daylesford.

#### **HOW WE WILL BE IMPACTED BY THE PROPOSED DEVELOPMENT**

We strongly object to the proposed development of "5 x sky barrel group accommodation" for a few reasons, the strongest one being its highly negative visual impact, with theme-park "novelty" designed buildings squarely aimed at capturing lake and Cornish Hill views to the detriment of the surrounds. There is NO architectural equivalent in this town, and its presence would significantly diminish Daylesford's reputation as a growing design destination (on top of its existing reputation for wellbeing, food and wine tourism and natural beauty).

We believe it will negatively impact the many users of Cornish Hill Reserve and also be highly visible as a garish design anomaly easily spotted by locals and tourists alike from the west side of the smaller and larger Lake Daylesford. We are also concerned it is likely to be visible from the well frequented Cornish Hill Thomas's Lookout in Orford St (to the south) and detract significantly from the relatively harmonious look and feel of the existing built and natural environment.

Walking Lake Daylesford is an essential 'must do' activity enjoyed by literally hundreds of thousands of visitors to Daylesford each year. Lake Daylesford has an arguably national reputation as an iconic feature of this area and a walk around the smaller and larger lake provides users with sweeping views of the largely charming built homes nestled in the pretty natural surrounds of Wombat and Cornish Hills. We remain deeply concerned that the visual amenity will be significantly damaged with the arrival of these theme-parked, novelty sky barrels, serving as a dreadful distraction and unsightly blemish.

We feel that the Hepburn Shire Council (HSC) should not support the introduction of clear architectural oddities - that will appear as spaceships from the west side of the lake, in order to protect Daylesford's reputation. This sort of garish and self-indulgent design is, in our view, unsightly and tasteless and best kept for the novelty pockets of crass, commercially opportunistic design seen, for example, on the Gold Coast. We are concerned the growing reputation of Daylesford as an architectural and design area of excellence

will not be taken seriously if this style of accommodation is built here, and urge HSC to reject this application (see [domain.com.au](https://www.domain.com.au) article this year “ **ATTACHMENT 10.13** ~~As World Moves: How Daylesford became Victoria’s design capital”~~ 18/9/2021).

We feel the applicant’s planning submission fails to acknowledge or address the ghastly visual impact to be seen from the lake. There is no precedent for this. It appears to us that this proposal is an attempt to achieve - in the cheapest design/build way, by basically placing a pod on stilts - views of the lake. It is an example of one developer's attempt to gain commercial income at the expense of countless locals and tourists current visual amenity.

A few more detailed comments about our concerns are set out below, in response to the planning submission:

#### *Traffic and Car parking:*

6.2 and 6.3 and 7

- In relation to points raised under the above sections, there is no evidence / data to draw conclusions as to speculation around possible number of cars used per unit - eg a couple might arrive in two cars (not the one suggested). There is no evidence or basis to conclude how many exit/entry times visitors may go up and down the access road to undertake tourist related activities - eg spas; beauty services; markets; restaurants etc etc, nor at what time of the day/evening. The access road is currently not a properly marked, two way road and is unsealed. The additional load on the road will generate far greater dust and noise. There will be much greater impact on the number of times a day cars exit Houston Street onto the increasingly busy Daylesford-Ballan road. There are false assumptions as to standard arrival and departure times for accommodation sites. There is no provision for second or guest cars to the area.
- It is false to suggest the in/out and transiting of AT LEAST 5 and possibly 10 or more cars on a fully occupied time will cause “**imperceptible**” differences to those living there.
- The proposed car parking is inadequate. The proposed access is poor. The increased traffic will certainly have a negative impact exiting Houston Street onto the Daylesford-Ballan Road.

#### *Design and impact:*

- The site will deleteriously impact, and is inconsistent with, the cottage near it.
- The design and height of the proposal is inconsistent with the design and spirit of the Cornish Hill Mining Precinct. The 12 metre height will cause unreasonable shadowing across the reserve and (as the sun travels from east - west) to neighbouring properties.

#### *Forms and Materials:*

- **The applicant’s submission notes: “It is acknowledged that the form is unusual within the immediate site context”.** Number 11 (our home) and 9 Orford Street are used as a false example of a similar style. In no way do Numbers 11 and 9 Orford St in anyway resemble 5 x sky barrel / UFO designs. This proposal is HIGHLY UNUSUAL within the whole town - there is no comparable group accommodation example anywhere in this area, and is merely an ambitious attempt to take advantage of both lake views and reserve views by building as cheaply as possibly “up”. This proposal is a design blemish in this town and has no design-sensitive place in this precinct.

- ATTACHMENT 10.1.3
- Our house (no. 11) is a ONE family home, in a built up residential street - it is not on the accommodation market for multiple users / cars. It is not on the border and periphery of Cornish Hill and DOES NOT impede the serenity and vista for multiple purpose users of the Crown Land area around Cornish Hill. It should NOT be cited as a similar proposition for a "5 x dwelling sky barrel group accommodation".
  - The image shown in the document for 9 Orford Street is FALSE - that is the property called "Eagle's Nest" which is on Stanbridge St. So its inclusion is irrelevant and reference to its flat roof - irrelevant in relation to curved barrels.
  - The 12 metre height x 5 with unusual barrel or "UFO" style building has NO COMPARABLE design anywhere in the area. These will be very visible from the Cornish Hill Reserve and also the Western walkways on both the small and larger parts of Lake Daylesford. These would be visually odd and incongruous compared to any other properties elsewhere in the area, and overall extremely inconsistent with the residential design enjoyed in Daylesford and the heritage overlay.
  - There will be a significant, negative visual impact to the east and west. From the reserve and lake side. The proposal is inconsistent with the Cornish Hill Mining Precinct.
  - Carriageway and outdoor car parks will be very visible by the many users of Cornish Hill nature reserve - residents; other tourists, bushwalkers etc. and it detracts from the vista of the reserve.

We would like the opportunity to speak to our objection at the relevant HSC meeting. We urge HSC to reject this application and protect the visual amenity of the area for all to enjoy, not just one commercial development to spoil and profit from.

Yours sincerely

[Redacted signature block]

**TO HEPBURN SHIRE COUNCIL** [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

**OBJECTION TO TOWN PLANNING APPLICATION  
PA3333 CAMP STREET DAYLESFORD**

**DEVELOPMENT AND USE OF THE LAND FOR GROUP  
ACCOMMODATION**

I wish to object to this proposal on a number of grounds. In summary, I consider that the proposal should be refused as:

1. The proposed buildings in the shape of five identical barrels are inconsistent with the character and built form of the neighbourhood.
2. The proposal does not satisfy the decision objectives of the zone and information submitted on a number of issues is very inadequate.
3. The use of galvanised steel frames does not emulate the gold heritage of the area.
4. The proposed development is out of character with Cornish Hill both present and past.
5. The buildings will be visible from a number of surrounding locations including parts of Cornish Hill Reserve. Five identical, barrel shaped buildings are out of character and would be an eyesore. Landscaping and other factors will not alleviate this.
6. The buildings, being 10-12 metres in height, are effectively 3 storey buildings rather than 2 storey and are much higher than the general built form in the area.
7. The access to the site (Houston Street) is unsatisfactory and will be even worse/hazardous during the wetter months.
8. The carparking provision, access and use of crushed rock are inadequate.
9. The fire risks are severe, not only on the site but throughout the surrounding area and the proposed fire management proposal is, in my opinion, inadequate.
10. There are no significant environmental or economic benefits.
11. How will barrel shaped buildings allow rainwater to be collected to the tanks? This does not appear to have been addressed.
12. There are a number of similarities of this application with the proposal at Buninyong (City of Ballarat PLP/2020/332 VCAT P1818/2020). It is



submitted that the decisions by the City of Ballarat and VCAT have relevance to this application.

**Further explanation of my objections:**

1. *The proposed buildings in the shape of five identical barrels are inconsistent with the character and built form of the neighbourhood.*

The surrounding area consists mainly of buildings that are rectangular and square in form and mostly single storey. The proposed barrel designs are visually and architecturally, dramatically different.

2. *The proposal does not satisfy the decision objectives of the zone and information submitted on a number of issues is very inadequate.*

The application does not provide a landscaping plan and a site management proposal. The site and surrounding lands are highly infested with gorse, blackberries and other weeds that are very difficult to manage. The assessment of visibility of the development is only partly addressed. Buildings that are around 10 to 12 metres high on the side of a hill will be visible from most directions yet little analysis has been provided. The application does not address how rainwater will be collected from the barrel shapes. Is the water supply in the area adequate? Is the sewerage system readily available? How does the applicant intend to address the poor access to the site? How will the environmental considerations be addressed such as the large glass windows facing west.

3. *The use of galvanised steel frames does not emulate the gold heritage of the area.*

4. *The proposed development is out of character with Cornish Hill both present and past.*

Cornish Hill contains a number of mullock heaps including Thomas's Lookout together with few building remnants. There are numerous walking and maintenance tracks. The Friends of Cornish Hill have done a remarkable effort in cleaning up many areas, developing tracks and improving heritage interpretation. I would argue that not only are galvanised steel frames out of character with the present and past, but more importantly, the barrel shaped

buildings are highly insensitive and out of character. The design does not compliment or support the heritage of Cornish Hill and the surrounding area.

5. *The buildings will be visible from a number of surrounding locations including Cornish Hill Reserve. Five identical, barrel shaped buildings are out of character and would be an eyesore. Landscaping and other factors will not alleviate this.*
6. *The buildings being 10-12 metres in height are effectively 3 storey buildings rather than 2 storey and are much higher than the general built form in the area.*

The application acknowledges that the barrel buildings are likely to be visible from Lake Daylesford and the Western Valley. I submit that the visual impacts and analysis are inadequate and that the impacts would be greater than that suggested in the application. While the heights may be just within the maximum height for the zone, that does not mean that the heights are acceptable or appropriate. It appears that they are designed to be so high and effectively three storeys, so as to gain maximum advantage of views. This in turn increases the visual impacts of the barrel buildings. Landscaping is unlikely to reduce the visual impacts. Site inspection and analysis of the plans shows that the buildings will be clearly visible from parts of the Cornish Hill reserve. At 10 to 12 metres in height, barrels 1,2 and 3 will be around 5 to 8 metres higher than the highest point of the property. Barrels 4 and 5 are on the side of the hill and the contours indicate that almost the whole of each building will be very visible from within the Cornish Hill reserve and properties to the south and west. The gorse, blackberries and other weeds at the top of the property currently provide some limited screening from the east but these weeds will need to be removed and that limited screening will be gone.

7. *The access to the site (Houston Street) is unsatisfactory and will be even worse/hazardous during the wetter months.*

Houston Street starts as a sealed road off King Street becoming a narrow gravel road and then a rutted dirt track to the subject land.

The gravel and rutted dirt sections are too narrow and two vehicles cannot pass each other safely or comfortably. Daylesford has a relatively high level of rainfall averaging around 876.9mm each year. May to October is the six month “wet period” with monthly rainfall averaging from 79mm to 106mm.

8. *The carparking provision, access and use of crushed rock are inadequate.*

While the buildings are each designed for two people, sometimes people arrive in separate cars at tourist accommodation for a variety of reasons. Also, guests in accommodation sometimes have friends drop in. If the management staff are accessible at all times then there needs to be parking for their visits or when there are other issues such tradies being called in to fix a problem. If this application were to be approved, then it is recommended that two additional car spaces be required. Use of gravel on steeply sloping land with high rainfall and poor soil conditions is a serious concern. The proposal does not address these concerns nor the poor quality of Houston Street and the vehicle cross-over.

9. *The fire risks are severe, not only on the site but throughout the surrounding area and the proposed fire management proposal is, in my opinion, inadequate.*

During the time this application was being advertised the site was heavily overgrown with grass, weeds, gorse and blackberries. Four inspections during 16<sup>th</sup> to 22<sup>st</sup> December observed that while we were already in the Summer period and conditions had dried out significantly, resulting in much higher fire risk, no effort had been made on-site to get the property fire-ready. Grass and weeds were up to a metre high and more. The application claims that there will be a number of management processes in place to cover fire risks and any problems from site occupancy by visitors. Council is asked to further investigate these issues if it intends to approve the application. The area around the subject land is considered to be a high fire risk even when there are not total fire ban days. Even if the subject land was maintained at a high standard that would not

address the very high fire risks surrounding it. The application has failed to address site management.

*10. The are no significant environmental or economic benefits.*

There are many types of accommodation experiences already available not only in Daylesford but also in the surrounding region. This proposal does not present any significant economic and tourism benefits that justify a barrel design being approved which conflicts with the neighbourhood character. The development proposed does not appear to provide any significant environmental benefits. The use of large areas of glass reduces energy efficiency, particularly as those windows face west and will experience the strong afternoon sun. The application does not address how the overall site will be managed and there are serious fire and weed issues present that would be very challenging to manage. The application suggests that this could be covered via permit conditions. **The onus should be on the applicant to adequately address all such issues up front to allow proper consideration of all of the important issues. I consider that the application is inadequate and incomplete.**

*11. How will barrel shaped buildings allow rainwater to be collected to the tanks?*

This concern was raised at the Buninyong appeal and it does not appear to have been addressed. The application now claims that connection to the sewerage system is proposed. Is that system accessible and have adequate capacity? Is the reticulated water supply adequate in the locality to serve the proposal? Will the water supply also be suitable for firefighting purposes considering this is a very high fire risk area? These issues should have been properly addressed.

*12. There are a number of similarities of this application with the proposal at Buninyong (City of Ballarat PLP/2020/332 VCAT*

*P1818/2020). It is submitted that the decisions by the City of Ballarat and VCAT have relevance to this application*

I have had a close association with Daylesford for almost 27 years including living here for almost 18 years. I regularly walk through Cornish Hill and have membership in the Friends of Cornish Hill. I also am a member of the Daylesford Bushwalking Group which hosts walks on Friday mornings including through Cornish Hill and various parts of Daylesford such as Lake Daylesford. I regularly walk around Lake Daylesford separately to these connections. If this proposal proceeded then I would be impacted by it and it would send an undesirable precedent.

[REDACTED]

[REDACTED]

[REDACTED]

21<sup>st</sup> December 2021



Wednesday, 22 December 2021

**TO HEPBURN SHIRE COUNCIL [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)**

**OBJECTION TO TOWN PLANNING APPLICATION  
PA3333 CAMP STREET DAYLESFORD  
DEVELOPMENT AND USE OF THE LAND FOR GROUP  
ACCOMMODATION**

We wish to jointly object to this proposal on many grounds.

We are the Owners/Occupiers of Residential Land at [REDACTED]  
[REDACTED] and are substantially impacted by this proposed  
development.

We have had direct experience in building our architect-designed home in 2004 and know very well the restrictions in height, character, building materials, sympathetic design, vehicle access, street appearance, utilities access, trees and vegetation controls that were imposed on us at the time for building in this heritage overlay area with views to and from Lake Daylesford. We have had further experience of the strictness imposed when we contemplated flat roof solar panels in 2020.

As a former Hepburn Shire Council Mayor 2003-2004, Warren was also responsible for ensuring the standards of Town Planning that allowed our Structural, Historic and Cultural Heritage to be considered in all Planning Permits. We can only hope that those standards are still being enforced.

It is therefore inconceivable to us that permission could be given for this Project.

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

In summary, We consider that the proposal should be refused as:

1. The proposed buildings in the shape of five identical barrels are totally inconsistent with the character and built form of the neighbourhood and the heritage of the adjacent sites; and

2. The proposal does not satisfy the decision objectives of the zone and information submitted on a number of issues is very inadequate.

Plus - The application does not provide a landscaping plan and a site management proposal. The site and surrounding lands are highly infested with gorse, blackberries and other weeds that are very difficult to manage.

Plus - The assessment of visibility of the development is only partly addressed. Buildings that are around 10 to 12 metres high on the side of a hill will be visible from most directions, yet little analysis has been provided.

Plus - The application does not address how rainwater will be collected from the barrel shapes. Is the water supply in the area adequate? Is the sewerage system readily available? How does the applicant intend to address the poor access to the site? How will the environmental considerations be addressed such as the large glass windows facing west; and

3. The use of galvanised steel frames does not emulate the gold mining heritage of the area.

The proposed development is a direct assault on the character with Cornish Hill both present and past. The surrounding area consists mainly of buildings that are rectangular and square in form and mostly single storey. The proposed barrel designs are visually and architecturally,

[REDACTED]

dramatically different. Cornish Hill contains many mullock heaps including Thomas's Lookout together with few building remnants. There are significant walking and maintenance tracks. The Friends of Cornish Hill have done a remarkable effort in cleaning up areas, developing tracks and improving heritage interpretation. We would argue that not only are galvanised steel frames out of character with the present and past, but more importantly, the barrel shaped buildings are highly insensitive and out of character. The design does not compliment or support the heritage of Cornish Hill and the surrounding area. Past Council decisions on design on the Hill have been very insistent on preserving the character; and

5. The buildings will be visible from most surrounding locations including parts of Cornish Hill Reserve, Lake Daylesford, and Duke Street. Five identical, barrel shaped buildings are out of character and would be an eyesore. Landscaping and other factors will not alleviate this; and

6. The buildings, being 10-12 metres in height, are effectively 3-storey buildings rather than 2-storey and are much higher than the general built form in the area. In 2004 we were expressly limited to 9m height. There are no other buildings of 3-storeys and 12m in the area. The visual impacts and analysis are inadequate and that the impacts would be greater than that suggested in the application. While the heights may, by ignoring the positioning, be just within the maximum height for the zone, that does not mean that the heights are acceptable or appropriate. They are out of keeping with previous decisions in this area by Council. It appears that they are designed to be so high and effectively three storeys, so as to gain maximum advantage of views. This in turn increases the visual impacts of the barrel buildings. Landscaping is unlikely to reduce the visual impacts.

[REDACTED]

Site inspection and analysis of the plans shows that the buildings will be clearly visible from parts of the Cornish Hill reserve.

At 10 to 12 metres in height, barrels 1,2 and 3 will be around 5 to 8 metres higher than the highest point of the property.

Barrels 4 and 5 are on the side of the hill and the contours indicate that almost the whole of each building will be very visible from within the Cornish Hill reserve and properties to the south and west.

The gorse, blackberries and other weeds at the top of the property currently provide some limited screening from the east but these weeds will need to be removed and that limited screening will be gone; and

7. The access to the site via the unmade and completely undeveloped Houston Street is unsatisfactory and will be even worse/hazardous during the wetter months. We already suffer road and drainage problems from the drainage from this unmade area. There is no Storm Water drain in this area or at our end of the Hill. We had to develop pits and tanks (incl. pumping), as well as selected fruit trees, to contain storm water on our property. Daylesford has a relatively high level of rainfall averaging around 876.9mm each year. May to October is the six month "wet period" with monthly rainfall averaging from 79mm to 106mm. Houston Street starts as a sealed road off King Street becoming a narrow gravel road and then a rutted dirt track to the subject land.

The gravel and rutted dirt sections are too narrow and two vehicles cannot pass each other safely or comfortably. Emergency vehicles would be dangerously inhibited.

[REDACTED]

Duke Street off Houston Street is a No Through Road and it meets the proposed Barrels' traffic (5-10 cars) at a dangerous point which will also need to be re-designed and developed.

We would suggest that the Property is unable to be serviced by the 2 Garbage trucks currently servicing Duke street or by the Parcel delivery services currently using this area; and

8. The carparking provision, access and use of crushed rock are inadequate. While the buildings are each designed for two people, more than often from our experience short term stayers arrive in separate cars at tourist accommodation for a variety of reasons.

Also, guests in accommodation often have friends drop in.

If the management staff are accessible at all times, then there needs to be parking for their visits or when there are other issues such trades persons being called in to fix a problem.

If this application were to be approved, then it is recommended that five additional car spaces are essential.

Use of gravel on steeply sloping land with high rainfall and poor soil conditions is a serious concern. Our experience and the advice of the then Shire Engineer meant that we had to change to concreting the driveway and integrating the flow-offs into our tank system.

The proposal does not address these concerns nor the poor quality of Houston Street and the vehicle cross-over; and

9. The fire risks are severe, not only on the site but throughout the surrounding area and the proposed fire management proposal is, in our opinion, inadequate. This is a major problem and was evidenced in the 2009 Fire threat.

As there is only one entry/exit possible this is a major concern.

The area around the subject land is considered to be a high fire risk even when there are not total fire ban days. Even if the subject land was

[REDACTED]



maintained at a high standard that would not address the very high fire risks. We would submit that these Barrels as designed are indefensible against fire from North, East, and South because of access, exposure, and lack of back-up water security. Adding the poor access makes them in our opinion a “death trap” for inexperienced users; and

10. There are no significant environmental or economic benefits to justify this development. This proposal does not present any significant economic and tourism benefits that justify a barrel design being approved which conflicts with the neighbourhood character.

The development proposed does not appear to provide any significant environmental benefits.

The use of large areas of glass reduces energy efficiency, particularly as those windows face west and will experience the strong afternoon sun.

Our own experience shows that the Western exposure is severe and requires not only double glazing but carefully designed coverings and shadings.

The application does not address how the overall site will be managed and there are serious fire and weed issues present that would be very ; and

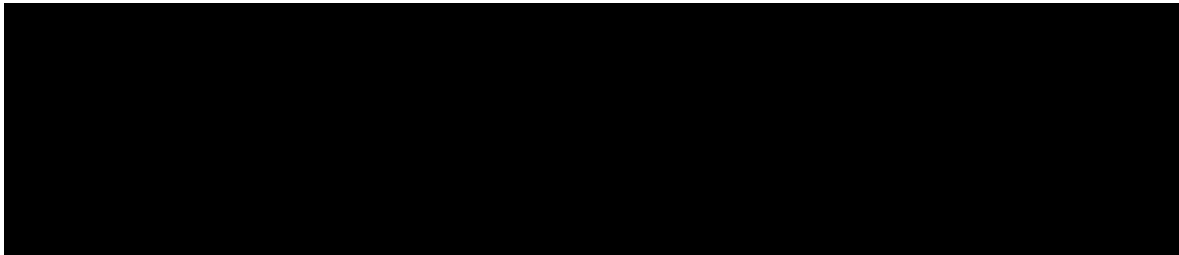
11. How will barrel shaped buildings allow rainwater to be collected to the tanks? This does not appear to have been addressed. See our comments on what we had to do in 2004; and

12. There are many similarities of this application with the proposal at Buninyong (City of Ballarat PLP/2020/332 VCAT P1818/2020). It is submitted that the decisions by the City of Ballarat and VCAT have relevance to this application and have significant precedent value

[REDACTED]

We have been through so many of these issues with our own development as well as having Leadership experience in the 2009 Fire scenario.

We truly believe that this development is dangerous, poorly designed, lacking in understanding of the threats and impacts, and, if approved, would throw the heritage controls and aspirations completely out.



[Redacted text block containing multiple lines of text, all obscured by black bars.]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, 17 December 2021 3:53 PM  
**To:** [REDACTED]  
**Subject:** RE: Sky Barrels for Cornish Hill PA 3333

Hello [REDACTED],

I have tracked down the number of the planning application to which I wish to object. It is PA 3333. I haven't actually checked on the Council website but have seen this number quoted elsewhere so hope it is correct.

I have to say that I find it very disturbing that Council may be put to considerable expense in any attempt to oppose the application. It seems that the applicant is quite litigious having taken the Ballarat Council to VCAT over a similar proposal rejected by it. What can be done to reduce these unnecessary costs....is it something that the combined Councils (via the Local Government Act) can perhaps address?

With kind regards

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 14 December 2021 9:50 AM  
**To:** [REDACTED]  
**Subject:** RE: Sky Barrels for Cornish Hill

Good morning [REDACTED]

Are you able to provide a Planning Application number that this is related to?

With thanks and kind regards,



## Allicia Cooper-Wallis

Administration Support Statutory Planning

Phone: 0353216102 • Email: [acooperwallis@hepburn.vic.gov.au](mailto:acooperwallis@hepburn.vic.gov.au)  
PO Box 21, Daylesford, Victoria, 3460

Hepburn Shire Council is on Dja Dja Wurrung Country.  
We are an inclusive workplace that embraces diversity in all its forms.

[hepburn.vic.gov.au](http://hepburn.vic.gov.au)



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**From:** [REDACTED]  
**Sent:** Friday, 10 December 2021 4:46 PM  
**To:** Hepburn Shire Mailbox <[Shire@hepburn.vic.gov.au](mailto:Shire@hepburn.vic.gov.au)>  
**Subject:** Sky Barrels for Cornish Hill

I wish to object to the very ugly proposal to install 'Sky Barrels' on Cornish Hill.

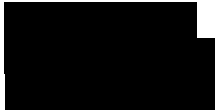
Said to be a tourist attraction/accommodation, I cannot imagine a less attractive proposal. They are an absolute eyesore and it is hard to see how they could possibly add to the Daylesford amenity.

Cornish Hill is a part of Daylesford which has much potential for building on its natural advantages with walking paths, weed removal and generally receiving a bit more care and attention when funds can be found.

The addition of the sky barrels would be extraordinarily ugly addition to the landscape and it is hard to see how anyone interested in enhancing tourism in Daylesford would come up with such a wild and unattractive idea.

I hope that the Hepburn Shire will follow Ballarat and VCAT's example and dismiss the application with no further ado. Clearly the proposal has received far more attention and has cost the Victorian community far more in time and money than it merits already.

Regards

A black rectangular redaction box covering the signature of the sender.

Sent from [Mail](#) for Windows



## **10.2 PA 3335 – USE AND DEVELOPMENT OF LAND AT 153 CHARLIES ROAD, ELEVATED PLAINS**

### **DIRECTOR COMMUNITY AND DEVELOPMENT**

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

#### **ATTACHMENTS**

1. 153 Charlies Road, Elevated Plains - 01- Application- Form-for-a- Planning- Permit [**10.2.1** - 6 pages]
2. 153 Charlies Road, Elevated Plains - Planning Report - V 2 [**10.2.2** - 33 pages]
3. Bushfire Development Report for 153 Charlies Road Elevated Plains v 2.1 [**10.2.3** - 44 pages]
4. Charlies Road Elevated Plains TP Pack - Lodgement [**10.2.4** - 13 pages]
5. Clifftop At Hepburn- Elevated Plain- Draft BEMP v 2.1 [**10.2.5** - 23 pages]
6. Revised LCA for 153 Charlies Road Elevated Plains [**10.2.6** - 35 pages]
7. PA 3335 Objections Charlies Rd [**10.2.7** - 90 pages]

#### **EXECUTIVE SUMMARY**

This application seeks to use and develop 153 Charlies Road, Elevated Plains as a “glamping” camping and caravan park. The site is located within the Farming Zone (FZ) and is subject to the Bushfire Management Overlay (BMO) and Environmental Significance Overlay (ESO).

Planning application PA 2703 was considered and refused by Council in 2020. This decision was appealed to VCAT (*Clifftop at Hepburn v Hepburn SC [2021] VCAT 546*) who determined that the refusal should be upheld. The basis for this decision directly related to bushfire risk, in particular the proposed use of in-ground bunkers was not supported as the Shelter in Place, lack of a building for this purpose and no on-site manager.

The Tribunal found that all other aspects of the application were generally compatible with the objectives of the Farming Zone.

This application includes a draft Bushfire Emergency Management Plan prepared by Terramatrix, August 2021. The Country Fire Authority (CFA) did not object to the application subject to conditions, including the requirement for a Bushfire Management Plan to be submitted and endorsed by the Responsible Authority.

All concerns as raised by Victorian Civil and Administrative Appeals Tribunal (VCAT) have been addressed in this application.

A total of 24 objections have been received, raising concerns including risk to life; conflict with farming uses; inappropriate use of this road; amenity impacts.

It is recommended that a Notice of Decision to Grant a Permit be issued with conditions for the Use and Development of a Camping and Caravan Park and one associated business identification sign.

## OFFICER'S RECOMMENDATION

*That Council:*

1. *Makes a determination to issue a Notice of Decision to Grant a Permit for the use and development of a Camping and Caravan Park and display of a business identification sign at 153 Charlies Road, Elevated Plains subject to the following conditions:*
  - a. *The layout of the use and the development as shown on the endorsed plans and associated endorsed reports must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*
  - b. *Before the development starts, a landscape plan is required to the satisfaction of the Responsible Authority. Once approved the landscape plan will be endorsed forming part of this permit. This landscape plan must show:*
    - i. *pathways from each accommodation unit to the Shelter in Place;*
    - ii. *all space between the accommodation and SIP as a defendable area*
    - iii. *Any landscaping to be appropriate for a high risk fire area.*
  - c. *Before the use begins, 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.*
  - d. *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.*
  - e. *Before the use begins, a Land Management Plan must be submitted stipulating how the area subject to the approved CHMP will be managed to the satisfaction of the Responsible Authority. Once approved this plan will be endorsed forming part of this permit.*
  - f. *The location and details of the sign, including their materials and structure as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*
  - g. *No more than 30 persons may be permitted on the land at any one time unless otherwise agreed in writing by the Responsible Authority.*
  - h. *All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.*
  - i. *The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition*

*continues to have force and effect after the development authorised by this permit has been completed.*

### **Amenity**

- j. The use must be managed so that the amenity of the area is not detrimentally affected though the:*

- i. transport of materials, goods or commodities to or from the land;*
- ii. appearance of any buildings, works or materials;*
- iii. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and*
- iv. the presence of vermin.*

*to the satisfaction of the Responsible Authority.*

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

- i. Transport of materials, goods or commodities to or from the land;*
- ii. inappropriate storage of any works or construction materials;*
- iii. hours of construction activity;*
- iv. 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*
- v. presence of vermin.*

*to the satisfaction of the Responsible Authority.*

- l. No amplified music, announcements or broadcasts are to be audible beyond the property boundary of the land.*

- m. All security alarms must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority.*

### **Waste storage areas to be provided**

- n. 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.*
- o. All waste material not required for further onsite processing must be regularly removed from the land. 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.*

### **Engineering**

#### **Stormwater**

- p. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*

### **Road upgrade works**

- q. It is the responsibility of this permit holder(s) to construct and maintain the unmaintained/unmade Charlies Road from a maintained road network (i.e. from 143 Charlies Road) to the subject land to the satisfaction of Responsible Authority.*
- r. Prior to the commencement of use, the road shall be formed, drained and surfaced in accordance with detailed plans and specifications prepared by the land owner and approved by the Responsible Authority.*
- s. The road shall be designed and constructed to relevant Australian and VicRoads standards and in accordance with the requirements of Infrastructure Design Manual (IDM) and IDM standard drawing SD600.*
- t. The road must comprise of;*
  - i. 4.0m pavement width comprising;*
    - o Minimum 200mm compacted depth class 3 20mm FCR sub-base;*
    - o Minimum 100mm compacted depth class 2 20mm FCR base;*
  - Or*
    - o 300mm compacted depth approved gravel sub base*
  - ii. Table drains and culverts including pipe culverts at road intersections as required.*
- u. The developer shall prepare all documents required for obtaining approval from Dja Dja Wurrung Clans Aboriginal Corporation for road works and submitted to the Responsible Authority for forwarding them to the Dja Dja Wurrung Clans Aboriginal Corporation. All costs incurred in complying with the Dja Dja Wurrung Clans Aboriginal Corporation requirements shall be borne by the developer.*

### **Access**

- 2. Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.*
- 3. Prior to statement of compliance the following will be constructed for approval by the Responsible Authority:*
  - a. Vehicle access/crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.*
  - b. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.*
  - c. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.*

- d. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.*
- 4. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.*
- 5. Appropriate signage and linemarking shall be provided to the satisfaction of the Responsible Authority.*

#### ***Carparking***

- 6. 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.*
- 7. Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:*
  - a. surfaced with an all-weather surface and treated to prevent dust;*
  - b. drained in accordance with an approved drainage plan;*
  - c. provision for vehicles to pass on driveways and*
  - d. constructed and completed to the satisfaction of the Responsible Authority.*
  - e. Area that is adequate for loading /unloading of recurring deliveries.*
  - f.*



8. *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.*
9. *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.*
10. *All works must be constructed and completed prior to commencement of use.*
11. *All costs incurred in complying with the conditions of this permit shall be borne by the permit holder.*

#### **CFA**

12. *Before the development starts, a Bushfire Management Plan (separate to the Bushfire Management Statement) must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with Map 4- Bushfire Management Plan (pages 1 to 3) incorporated at pages 37 to 39 of the Bushfire Management Statement prepared by Terramatrix, dated March 2022 but modified to replace the conditions for Outer Zone Defendable Space with:*
  - *Grass must be short cropped and maintained during the declared fire danger period.*
  - *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
  - *Individual and clumps of shrubs must not exceed 5m<sup>2</sup> in area, must be separated by at least 5m and must not be located under trees.*
  - *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*
13. *Before the development starts, the site plan: Fire Safety must be amended to the satisfaction of CFA and then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance*

*with the site plan: Fire Safety, prepared by Robin Larsen Design, dated 20/04/2022 but modified to show suitable fire vehicle access being provided to a hydrant compliant with AS 2419.1:2021 that is within 120m of all yurts, domes and caravans.*

*14. Before the development is occupied, the shelter in place building (SIP) shown on the endorsed plan must be constructed on the land. The designed and construction of the SIP must:*

- a. have regard to it's purpose as a place of shelter during a bushfire, including the number of likely occupants, tenability within the building for that number of occupants during a bushfire, and the likely level of exposure to the building from a bushfire; and*
- b. be certified by a suitably qualified 'fire safety engineer'.*

*15. Before the development starts, an amended Bushfire Emergency Management Plan to the satisfaction of CFA must be submitted to and endorsed by the Responsible Authority. The plan must be generally in accordance with the Preliminary Draft: Bushfire Emergency Management Plan prepared by Terramatrix, dated March 2022 but modified to:*

- c. Be clear that prior to any evacuation of the site, the location of any bushfires relative to egress routes and the ability to safely travel those egress routes is considered.*
- d. Once endorsed, the plan must not be amended or altered unless otherwise agreed in writing by CFA. This does not apply to minor administrative updates such as contact details, people, agency names that enable the plan to remain current.*

*16. Before the development is occupied, the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:*

- The premises must be managed at all times in accordance with the following plans endorsed as part of Planning Permit 3335, or as per an approved amendment of any such plan to the satisfaction of the Responsible Authority:*
  - o Bushfire Management Plan.*
  - o Bushfire Emergency Management Plan.*
  - o site plan: Fire Safety.*

17. *The shelter in place building constructed on the land must be maintained on an ongoing basis in a standard that enables it to fulfil its purpose.*

**Goulburn Murray Water**

18. *All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
19. *All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.*
20. *The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy of the site including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.*
21. *The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.*
22. *The wastewater disposal area must be kept free of stock, buildings, driveways, pedestrian access, recreational use and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.*
23. *No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.*

**North Central Catchment Management Authority**

24. *All buildings and works must be setback a minimum of 30 metres from the top of bank of the waterway that traverses the property.*

**Permit Expiry**

*25. 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.*

#### **Notes**

Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit on 5734 6230 to determine if a building permit is required for this proposal.

Ms Louise Cass addressed Council in objection to the application.

Mr Paul Carney addressed Council in objection to the application.

Mr John Stockfeld addressed Council in objection to the application.

Mr Ken Mansell addressed Council in objection to the application.

Mr Jeremy Whitehead addressed Council in objection to the application.

Ms Carolyn Whitehead addressed Council in objection to the application.

Ms Debra Rauber addressed Council in objection to the application.

Ms Linda Hancock addressed Council in objection to the application.

Mr Tino Gerali addressed Council in objection to the application.

Mr Mark Considine 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 (the Act) to be given, and having considered all the matters required under Section 60 of the Act decides to issue a Refusal to Grant a Planning Permit PA 3335 for the use and development of a Camping and Caravan Park and display of a business identification sign in respect of the land known as 153 Charlies Road, Elevated Plains on the following grounds:*

- 1. The proposal is inconsistent with Clause 14.01-1L of the Hepburn Planning Scheme 'Protection of agricultural land' as the proposal does not minimise the adverse impact that an accommodation use will have on the productivity and operation of agricultural land.*
- 2. The proposal will fragment an existing productive rural area and is therefore inconsistent with the purpose and decision guidelines of the Farming Zone at Clause 35.07 of the Hepburn Planning Scheme.*

3. *The proposal is inconsistent with Clause 13.02-1S Bushfire planning and the purpose and decision guidelines of Clause 44.06, Bushfire Management Overlay of the Hepburn Planning Scheme as it has not been adequately demonstrated that the proposal and bushfire response would not pose an unacceptable risk to human life.*
4. *The proposal is inconsistent with the Decision Guidelines at Clause 65.01 of the Hepburn Planning Scheme and does not result in the orderly planning of the area nor does it respond to the degree of fire hazard associated with the location of the land and the proposed use.*
5. *Existing access arrangement to the site are inappropriate to cater for an increase in vehicular traffic and types of vehicles accessing the site including fire trucks.*
6. *The proposal is inconsistent with Decision Guidelines of Clause 65 of the Hepburn Planning Scheme and results in a poor planning outcome for the area.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Don Henderson

**Carried**

**Cr Bray called for a Division:**

**For:** Cr Don Henderson, Cr Lesley Hewitt, Cr Brian Hood, Cr Juliet Simpson, Cr Tim Bray, Cr Jen Bray

**Against:** Nil

## **BACKGROUND**

### *Site and Surrounds*

153 Charlies Road, Elevated Plains has a total area of 7.99ha and is located at the eastern end of Charlies Road, being an unmade and unsealed road extending from Hepburn-Newstead Road, approximately 1.5km to the west of the subject site. Hepburn Springs township is located approximately 2km south, accessed via the Hepburn-Newstead Road.

The site abuts the Wombat State Forest to the north and the east. Land to the west and south of the subject site is used for farming purposes including olive groves and grazing.

The site is currently undeveloped with native vegetation on the north and eastern portions of the site while the southern area is cleared. The site has a slope of 30m southwest to northeast.

A northern section of the site is within an area of cultural heritage sensitivity. The application proposes to develop to the south of this defined area. The unaffected portion of this land provides 4.79ha of developable space.



### *Proposal*

It is proposed to use and develop the land as a “camping and caravan park”. The proposal includes the development of 11 permanent structures including four Yurts; three Dome tents and four Caravans that can accommodate up to a total of 26 persons. A stand-alone communal deck is proposed for the use of occupants with views to the forest.

It is proposed that the accommodation will not allow persons under the age of eighteen years and that a total of four staff will be on site at any one time.

A designated car parking area is to be provided toward the southwest of the site, closest to the access point to Charlies Road and is dimensioned to accommodate twelve vehicles.

A Shelter in Place Building is proposed to the north of the carparking area and three water tanks are proposed to be located in the southwest corner adjacent to the carpark.

One business identification sign is proposed, measuring 530mm x 7500mm to be located at the front driveway entrance. The sign is to be constructed of steel and set on steel rails 550mm above ground.

An approved CHMP accompanies the application.

### *Relevant Planning Ordinance applying to the site and proposal*

Zoning:	Farming Zone, Schedule 2 (FZ2)
Overlays:	Environmental Significance Overlay, Schedule 1 (ESO1) Bushfire Management Overlay (BMO)
Particular Provisions	Clause 52.05 – Signage Clause 52.06 – Car parking Clause 52.12 – Bushfire Protection: Exemptions Clause 53.02 – Bushfire
Relevant Provisions of the PPF	Clause 02.04 Strategic Directions Clause 11.01-1R Settlement - Central Highlands Clause 13.02-1S Bushfire Protection Clause 13.07-1S Land use compatibility Clause 14.01-01L Protection of agricultural land Clause 14.02-1L Catchment and land protection Clause 14.02-2S Water quality

	Clause 15.01-5L-02 Neighbourhood character in townships and settlements Clause 15.01-6S Design for rural areas Clause 65 Decision Guidelines Clause 71.02-3 Integrated decision making	
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4	Section 2 Use Construct or carry out works associated with a Section 2 Use
	Clause 42.01-2	Construct a building not connected to reticulated sewerage Site cut exceeds a depth of 1m
	Clause 44.06 – BMO	Construct a building associated with all forms of accommodation
Objections?	24	
Referrals – Internal	Engineering – no objection subject to conditions	
Referrals – External under Section 55 of the P&E Act	All authorities as listed below advise no objection to the proposed subdivision subject to conditions: Goulburn Murray Water; CFA; Central Highlands Water; NCCMA	

## KEY ISSUES

### *Previous VCAT Decision*

A previous planning application, PA 2703, for the use and development of this site for a Camping and Caravan Park was considered by Hepburn Shire Council at its meeting on 21 July 2020 where it was determined to refuse the application.

The Notice of Decision to Refuse an Application was appealed to VCAT and heard as *Clifftop at Hepburn Pty Ltd vs Hepburn SC [2021] VCAT 546*. The Tribunal determined in May 2021 that the Council decision is upheld and concluded that”

*While there are many aspects of this proposal that are favourable, this was a proceeding which turned on the question of the layered bushfire solution for this land use. I was not satisfied that the proposal in its current form would reduce the risk to human life to an acceptable level.*

The policies relevant to this application include those relating to the rural use of farming land and the impact of development on bushfire risk, as well as water management.

The Farming Zone, Schedule 2 was added through Amendment C80hepb to the Hepburn Planning Scheme. This was an adopted document when the matter was considered.

Of relevance to this application the Tribunal determined:

- The orientation of the Yurts must ensure no conflict with the agricultural use, including spraying of the olive grove, of abutting properties. Yurts 1 and 2 in this application have been revised to face east and away from any spray drift that may result. This is satisfactory.
- The impacts on the amenity of surrounding properties would be acceptable. This is maintained through the current application.
- The closest dwellings to the subject site were well setback and that there is no need for a patron management plan. No additional dwellings have since been constructed on abutting properties.
- The access to the subject site is acceptable. The Tribunal member personally visited the site and concluded that:

*Due to the nature of the road, traffic should not be moving at high speeds and would not necessarily coincide with peak periods. While there will be an increase in traffic, including larger vehicles using the road that will be noticeable within this rural environment, I consider that the overall rural amenity will not be significantly affected.*

- The intersection with Hepburn-Newstead Road is acceptable, with low-speed vehicles and existing vehicle measurements. There has been no further changes to this intersection.
- Wastewater is sufficiently located. Goulburn Murray Water have advised of no objection to the application subject to conditions.
- The forested area to the north of the property, subject to an approved Cultural Heritage Management Plan (CHMP is to be fenced off. The Tribunal suggested that a Land Management Plan would be appropriate to resolve how this area may be fenced and whether access is appropriate. It is appropriate to require this as a condition of permit.

In its 2020 decision, the Tribunal determined that the proposal “...is generally compatible with the policies for agriculture and the objectives of the Farming Zone...”

The Tribunal determined that the proposed use of this site for Camping and Caravan Park is “generally compatible with the policies for agriculture and the objectives of the Farming Zone...”

No new policy was introduced through Amendment C80 to the Hepburn Planning Scheme that may alter this decision.

### *Future Agriculture Use*

The Tribunal agreed that the rocky nature of the 4ha of usable space on the subject site made it difficult to use for agricultural purposes.

This application includes a Land Capability Report by EWS Environmental and dated 30 August 2021 and demonstrates the condition of the subject site.

The nature of the use and development includes elevated structures, lessening any impact on the soil beneath. The land will be managed through its use as an eco-tourism development. The site could be restored to agricultural land if the use and development is no longer operational.

### *Bushfire Risk*

The Tribunal found that the key concerns of PA 2703 regarded bushfire risk to human life was not acceptable. The Tribunal did not support the previous choice of in-ground bunkers as Shelter in Place. In addition, the Tribunal determined that the future defendable space associated with the Shelter in Place facility should include all the land between the accommodation units and the shelter.

This application (PA3335) proposes a single Shelter in Place building that is accessible for people of all abilities, including 48sqm of internal space to accommodate 30 persons.

The Shelter in Place building is a 3m high building with an external area of 72sqm, constructed of steel sheeting to a minimum Bushfire Attack Level 29 (BAL29) and is proposed to be located to the north of the car parking area, being 90m from the edge of the forest within the same title and includes 30m of defendable space from the west and the south.

The steel will be designed in Colorbond “Monument” which will result in a muted finish.

The use of a single building will ensure all abilities can be marshalled to this point in the event of an emergency.

The revised plans that form this application do not include a landscaping plan. A permit condition should be included to show appropriate surface types to assist all abilities to access the Shelter in Place from each accommodation unit.

It is appropriate that a landscaping plan be prepared through a permit condition, specifying species that are compatible to the area and bushfire risk.

The Shelter in Place must be to the satisfaction of the Country Fire Authority (CFA), as per their required conditions.

### **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. Any appeal lodged is likely to be heard under the principles of a Repeat Appeal.

## **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. As a result, 24 objections have been received.

Council acknowledged all objections on 27 October 2021.

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

### *Farming Zone conflict*

The land is largely covered with native vegetation with the remaining area classified as “High” agricultural land. The Tribunal found that this is not the case on the ground given the rocky outcrops, soil type and slope of the land.

Activities including spraying of the neighbouring olive grove was previously acknowledged by VCAT. All accommodation should be orientated so to not be directly affected by spray drift.

The density of accommodation sought is not to be considered in the same way as a permanent residence, with seasonal capacities and limited equipment onsite.

### *Contrary to Planning Policy*

The Tribunal found that the eco-tourism use is generally compatible with the policies for agricultural and the Farming Zone. The changes required through Amendment C80 are policy neutral.

### *Caravan Park Regulations*

The proposed development satisfies the definition of Camping and Caravan Park as provided within the Hepburn Planning Scheme, specifically, “Land used to allow accommodation in caravans, cabins, tents or the like”.



### *Bushfire Risk*

A Bushfire Management Statement has been provided with the application.

The CFA have no objection to the proposed accommodation with a permanent Shelter in Place building and fire management plan including the presence of a fire warden on days of Very High Fire Danger, subject to conditions. It is noted that the mandatory conditions of the BMO do not apply to this application.

A single Shelter in Place (SIP) is provided close to the water tanks and carpark. No pathway is shown from any accommodation to the SIP and could be required as a permit condition.

No detail is provided for the wood fire heating systems and this will be a matter for consideration at the building permit stage.

VCAT recommended that the yurts should be placed to minimise the relationship with the trees on site, to a minimum of 30m. This has been achieved.

### *Environment*

The camping and caravan park as proposed will have a limited impact on the surrounding flora and fauna. The vehicle access to the site is established and the quality of the road is such that driving will be slow, thus minimising threat to animals.

### *Waste water*

The Goulburn Murray Water Authority do not object to the application subject to conditions. The Tribunal was previously satisfied that the waste water area was appropriately located. The location is not altered.

### *Visual Amenity*

Each accommodation unit is located to ensure no unreasonable overlooking will occur. Private views are not protected by the planning scheme.

### *Noise*

Dwellings on surrounding properties are well set back from the subject site and will not be unreasonably affected by noise from the accommodation.

### *No Net Community Benefit*

The eco-tourism accommodation will bring visitors to the area as encouraged through Council's Tourism Policy.

### *Traffic on Charlies Road / Condition of Charlies Road*

The Tribunal previously considered the condition of Charlies Road and expert evidence regarding the use of the road. It was determined that as the road is unsealed, traffic movements will be slow and cause less concern than otherwise. The number and type of additional vehicles was considered acceptable and "that the

overall rural amenity will not be significantly affected” (para97). This remains relevant.

*Cost of Development*

Council relies on the permit applicant to provide an honest appraisal of cost of development as a signed statutory declaration.

## Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.



Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.



Questions marked with an asterisk (\*) must be completed.



If the space provided on the form is insufficient, attach a separate sheet.



Click for further information.

Clear Form

### The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

#### Street Address \*

Unit No.:

St. No.: 153

St. Name: CHARLIES ROAD

Suburb/Locality: ELEVATED PLAINS

Postcode: 3461

#### Formal Land Description \*

Complete either A or B.



This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A

Lot No.:

☐ Lodged Plan

☐ Title Plan

☐ Plan of Subdivision

No.:

OR

B

Crown Allotment No.: B8

Section No.: 3

Parish/Township Name: Parish of Franklin

### The Proposal



You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.



For what use, development or other matter do you require a permit? \*

USE AND DEVELOPMENT OF THE LAND FOR A CAMPING AND CARAVAN PARK (COMPRISING 4 YURTS, 3 DOME TENTS 4 AIRSTREAM CARAVANS), AND ONE ASSOCIATED BUSINESS IDENTIFICATION SIGNAGE



Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.



Estimated cost of any development for which the permit is required \*

Cost \$500,000



You may be required to verify this estimate. Insert '0' if no development is proposed.


## Existing Conditions

ATTACHMENT 10.2.1

### Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

VACANT


 Provide a plan of the existing conditions. Photos are also helpful.

## Title Information

### Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☒ Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and Owner Details

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title:

First Name:

Surname:

Organisation (if applicable): CLIFFTOP AT HEPBURN C/O- CLEMENT-STONE TOWN PLANNERS

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.: 2

St. Name: HERCULES STREET

Suburb/Locality: TULLAMARINE

State: VIC

Postcode: 3043

### Contact information for applicant OR contact person below

Business phone: (03) 9334 2060

Email: AM@TOWNPLANNERS.COM.AU

Mobile phone:

Fax:

### Contact person's details\*

Same as applicant ☐

Name:

Title: MS

First Name: ANGELA

Surname: MOK

Organisation (if applicable): CLEMENT-STONE TOWN PLANNERS

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.: 2

St. Name: HERCULES STREET

Suburb/Locality: TULLAMARINE

State: VIC

Postcode: 3043

Name:

Same as applicant ☐

Title:

First Name:

Surname:

Organisation (if applicable): PENMAN FAMILY INVESTMENTS PTY LTD

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.: 133

St. Name: SUNRAYSIA DRIVE

Suburb/Locality: MITCHELL PARK

State: VIC

Postcode: 3355


Owner's Signature (Optional):

Date:

day / month / year

## Declaration

**This form must be signed by the applicant \***

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date: 16/08/2021

day / month / year

If completing this form electronically, please tick the box to the right, include a date and type your name above to serve as a declaration that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.



## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

**Has there been a pre-application meeting with a council planning officer?**

☒ No

☐ Yes

If 'Yes', with whom?:

Date:

day / month / year

## Checklist

**Have you:**



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site.



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).



Completed the relevant council planning permit checklist?



Signed the declaration above?

## Lodgement

**Lodge the completed and signed form, the fee and all documents with:**

Planning Department  
Hepburn Shire Council  
PO Box 21  
Daylesford VIC 3460

Customer Service Centre  
Cnr Duke & Albert Streets  
Daylesford VIC 3460

### Contact information:

Phone: (03) 5348 1577

Email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

**Deliver application in person, by post or by electronic lodgement.**

### Privacy Statement

Your application and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your application. Your application will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Councils Governance Department.



### The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

#### How is land identified?


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description – the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

### The Proposal

#### Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

#### How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting the Planning Schemes Online section of the department's website <http://planning-schemes.delwp.vic.gov.au>

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting [www.landata.vic.gov.au](http://www.landata.vic.gov.au). Contact your local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


#### Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

 Contact the Council to determine the appropriate fee. Go to [planning.vic.gov.au](http://planning.vic.gov.au) to view a summary of fees in the Planning and Environment (Fees) Regulations.

### Existing Conditions

#### How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

### Title Information

#### What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

#### What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

#### What about caveats and notices?


A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

#### What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

 You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

### Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

### What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

⚠ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

### Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

⚠ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; [www.landata.vic.gov.au](http://www.landata.vic.gov.au) – go direct to "titles & property certificates".

## Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between Council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

## Declaration

### ATTACHMENT 10.2.1

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

⚠ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

## Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

## Checklist

### What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

⚠ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

## Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

⚠ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

Example 1

### The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

**Street Address \***

Unit No.: 4

St. No.: 26

St. Name: Planmore Avenue

Suburb/Locality: HAWTHORN

Postcode: 3122

**Formal Land Description \***  
Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A 

Lot No.: 2

☐ Lodged Plan ☐ Title Plan ☒ Plan of Subdivision 

No.: LP93562

OR

B 

Crown Allotment No.:

Section No.:

Parish/Township Name:

Example 2

**For what use, development or other matter do you require a permit? \***

Construction of two, double-storey dwellings and construction of two new crossovers.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Example 3

### Existing Conditions

**Describe how the land is used and developed now \***

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

Provide a plan of the existing conditions. Photos are also helpful.

Example 4

### Applicant and Owner Details

Provide details of the applicant and the owner of the land.

**Applicant \***

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

**Owner \***

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title: Mr

First Name: Len

Surname: Browning

Organisation (if applicable): Responsible Developers P/L

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: 4

St. No.: 12

St. Name: Ardour Lane

Suburb/Locality: Wycheproof

State: Vic

Postcode: 3527

**Contact information for applicant OR contact person below**

Business phone: 9123 4567

Email: tcpl@bigpond.net.au

Mobile phone: 0412 345 678

Fax: 9123 4567

**Contact person's details\*** ☐ Same as applicant

Name:

Title: Mr

First Name: Andrew

Surname: Hodge

Organisation (if applicable): Town Planning Consultants

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name: PO Box 111

Suburb/Locality: Parkdale

State: Vic

Postcode: 3194

☒ Same as applicant

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:

Owner's Signature (Optional):

Date: 

day / month / year

Application for a Planning Permit | Regional Council

Addendum

**PLANNING PERMIT APPLICATION:**

**USE AND DEVELOPMENT OF THE LAND FOR A  
CAMPING AND CARAVAN PARK (COMPRISING 4  
YURTS, 3 DOME TENTS 4 AIRSTREAM  
CARAVANS), AND ONE ASSOCIATED BUSINESS  
IDENTIFICATION SIGNAGE**

***“WOODSTOCK”***

**AT:**

**153 CHARLIES ROAD,  
ELEVATED PLAINS VIC 3461**

**PREPARED ON BEHALF OF:**

**CLIFFTOP AT HEPBURN PTY LTD**

**BY:**

**ANGELA MOK** BEnvS (UrbDesign&Plan), MPIA, MVPELA  
**PRINCIPAL PLANNER**

**DATE OF REPORT:**

**AUGUST 2021**

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## THE PROPOSAL

Clement-Stone Town Planners act on behalf of the registered landowner in regard to the proposed development at 153 Charlies Road, Elevated Plains. We have been engaged to consider the proposed planning permit application for *‘the use and development of the land for a camping and caravan park (comprising 4 yurts, 3 dome tents and 4 airstream caravans), and one associated business identification signage’* and provide an assessment of the proposal against the relevant Planning Policy Framework and Local Planning Policy Framework.

## Planning Permit History

The permit applicant previously filed a similar proposal with Hepburn Shire Council (PA 2703) for the use and development of the land for tourist accommodation (later amended at the Tribunal to “camping and caravan park”). That application was ultimately refused by the Council at a Council Meeting on 21 July 2020, against the recommendation of the planning officer.

The permit applicant appealed Council’s decision at VCAT (*Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546*) in which the Tribunal found the following:

**[6] I have found that the glamping facility nestled within the natural environs of this site would meet many of the objectives of the planning scheme.** However, I have not been persuaded that the proposed use of in-ground bunkers as the shelter in place solution is appropriate given the nature of the land use proposed, particularly in the absence of a building that can serve as a marshalling post or an on-site manager. I have found that **the risk from bushfire has not been reduced to an acceptable level.**

**[19] Having inspected the review site and surrounds I find that... the land is not high agricultural quality...** I am not persuaded by Council’s proposition that full soil sampling was necessary **given the notable rocky outcrops observed on my inspection.**

**[20] In this context, I find that the proposal is generally compatible with the policies for agriculture and the objectives of the Farming Zone...**

**[112] While there are many aspects of this proposal that are favourable, this was a proceeding which turned on the question of the layered bushfire solution for this land use.** I was not satisfied that the proposal in its current form would reduce the risk to human life to an acceptable level.

This application seeks to address the confined failings identified within the Tribunal decision by providing an improved bushfire approach to ensure the proposal reduces the risk to human life to an acceptable level.

Amongst other changes, the design response provides for a purpose-built Shelter in Place Building (in lieu of underground bunkers) as part of a layered bushfire solution, reorientates Yurts 1 and 2 to avoid land use conflicts between the subject site and adjoining olive grove to the west, relocates Yurts 3 and 4 to maximise the retention of native canopies and minimised reflectivity of the Airstream caravans.

The permit applicant has also obtained advice from a suitably qualified cultural heritage management consultant (Westvic Heritage) and representatives of the Dja Dja Wurrung who have confirmed that no items of Aboriginal cultural heritage significance have been discovered on the site. A copy of the CHMP forms part of these submissions.

The project team consists of:

- Clement-Stone Town Planners (planning)
- Robin Larsen Design Pty Ltd (architect)
- Terramatrix (bushfire)
- Westvic Heritage Management (CHMP)
- T.G. Sullivan & Associates Pty Ltd (land surveyor)
- John Lawrey T/A EWS Environmental (LCA)

This report will provide recommendations following our assessment regarding the performance of the use and development against the relevant Planning Scheme requirements.

## THE SUBJECT SITE AND SURROUNDS

The subject site is located towards the north of Charlies Road (unmade road), approximately 2 kilometres from the Hepburn Springs township.

The site is irregular in shape and has a total area of 7.99 hectares. The topography slopes significantly from the south-western corner of the land, and the land is heavily vegetated to the north and east.

The northern part of the land is located within an area of **Aboriginal Cultural Heritage Sensitivity**. The balance of the land is 4.79 hectares.

The subject site is located within the **Farming Zone (FZ)** within the *Hepburn Shire Planning Scheme*. A **Bushfire Management Overlay (BMO)** and **Environmental Significance Overlay – Schedule 1 (ESO)** currently affects the site.



Figure 1 Zoning map (VicPlan, 2021)

The purpose of the Farming Zone pursuant to **Clause 35.07** is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*



Figure 2 Extract of BMO map (VicPlan, 2021)

The purpose of the Bushfire Management Overlay pursuant to **Clause 44.06** is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*



Figure 3 Extract of ESO map (VicPlan, 2021)

The purpose of the Environmental Significance Overlay pursuant to **Clause 42.01** is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*



- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The site is currently devoid of built-form and is supplied with electricity but has no connections to water or sewerage.

Existing rainwater tanks (manually filled) are located near the entry to the site.

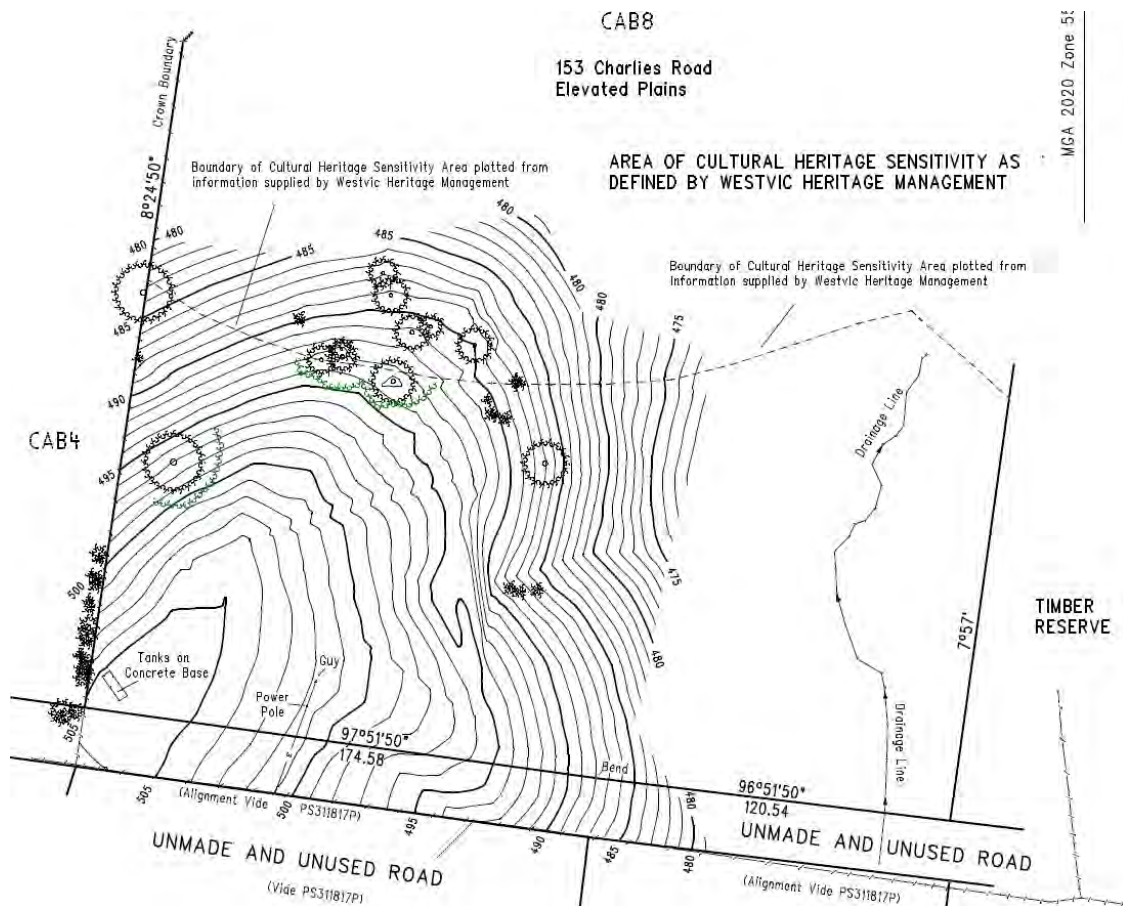


Figure 4 Extract of feature and level survey (T.G. Sullivan & Associates Pty Ltd, dated 27 January 2021)





*Figure 5 Aerial map of subject site and immediate surrounds (Nearmap, 2021)*



*Figure 6 Subject site looking north at Charles Road frontage*





*Figure 7 Subject site looking north-west (approx. location of proposed Yurts)*



*Figure 8 Subject site looking north-east (approx. location of proposed dome tents)*





*Figure 9 Subject site looking east (approx. location of proposed Airstream caravans)*



*Figure 10 Looking north towards the subject site from Mannings Road*



The site abuts the Wombat State Forest to the north and east (Public Conservation and Resource Zone – PCRZ).

To the west is developed with a dwelling, worker accommodation and/or outbuilding and olive grove at 143 Charlies Road.

Land to the south is used for grazing and is associated with the properties at 110 Mannings Road and 160 Mannings Road.

While the subject site and surrounding land is generally located within the Farming Zone, there are a number of similar land uses (tourism and/or accommodation) within the proximity to the subject site as shown in the below figure:

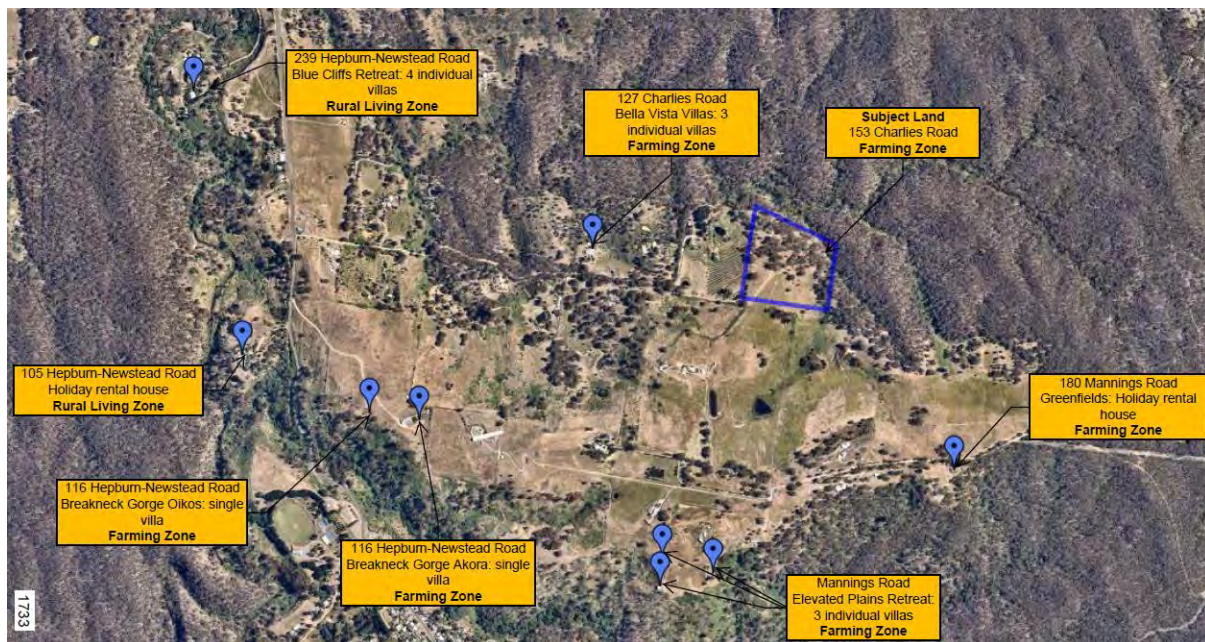


Figure 11 Extract of nearby tourism/accommodation uses (ref. Tab 69 of Tribunal Book prepared by Maddocks Lawyers circulated as part of P1209/2020)

## THE PROPOSAL

This application seeks to use and develop of the land for a camping and caravan park ("Woodstock Glamping"). The applicant is the operator of *Clifftop at Hepburn*, an award-winning facility within the Hepburn township, and the proposal is to provide a new form of accommodation offering for the area.

The proposal seeks to accommodate a maximum of 26 visitors (adults only, no children/infants permitted) and 4 staff (**total 30 persons**) on site at any one time, and will comprise of the following accommodation:

- 4 x Yurts:
  - o Max. 5 metre high at the centre apex with a 10 metre diameter
  - o Each Yurt will contain 1 x bedroom, kitchen/dining, living area and bathroom
  - o Each Yurt will also be provided with an entry deck
- 3 x Dome tents:
  - o Max. 5 metres in height at the centre apex with a 10 metre diameter
  - o Each Dome tent will be provided with 1 x bedroom, kitchenette, living area and bathroom
  - o Each Dome tent will also be provided with an entry deck
- 4 x Airstream caravans:
  - o Airstream caravans are 6.6 metres (length) x 2.2 metres (width) x 2.7 metres (height)
  - o Each caravan will include 1 x bedroom, kitchen/dining space and bathroom
  - o Each caravan will be located on a platform

A designated car parking area (5 metres deep x 2.8 metres wide) located towards the Charlies Road frontage is proposed to accommodate 12 vehicles. A post and chain fence is proposed to delineate the extent of the car parking area.

A communal outdoor deck (8.3 metres x 5 metres, elevated up to 3 metres above NGL) is proposed between the Dome tents and Airstream caravans for visitors to enjoy views onto the undulating landscape and nearby Wombat State Forest.

A purpose-built Shelter in Place Building (12 metres length x 6 meters width x 3 metres high) is proposed to the south-west corner of the subject site, located between the carpark and Yurts. The building is to be constructed to a minimum of BAL-29 requirements with non-



combustible external materials and have a total internal area of 72 square metres to accommodate **a maximum of 30 persons** (26 adult visitors and 4 staff).

The site will be **closed** on Severe, Extreme and Code Red Fire Danger Rating (FDR) days. A Fire Warden will be on site **from midnight to midnight** when the FDR is Very High. A Fire Warden will also attend the site when there is a fire event **within 20 km** of the subject site.

A full Bushfire Management Plan, Bushfire Management Statement (BMP/BMS) and Bushfire Emergency Management Plan (BEMP) prepared by Terramatrix forms part of this application.

One business identification sign (2.7 metres x 0.53 metres) is proposed towards the rainwater tanks, and will comprise of steel lettering "Woodstock".

The three existing galvanised steel water tanks (each with 25,000 litre capacity) will support the proposed use. Two of the tanks are dedicated for firefighting purposes.

On-site staff include 1x Site Manager, 1x Duty Manager, 1 x Fire Warden and 1 x admin support (daily operations will typically involve 1 x Site Manager only). Professional cleaners and grounds staff will attend the site for cleaning as required.

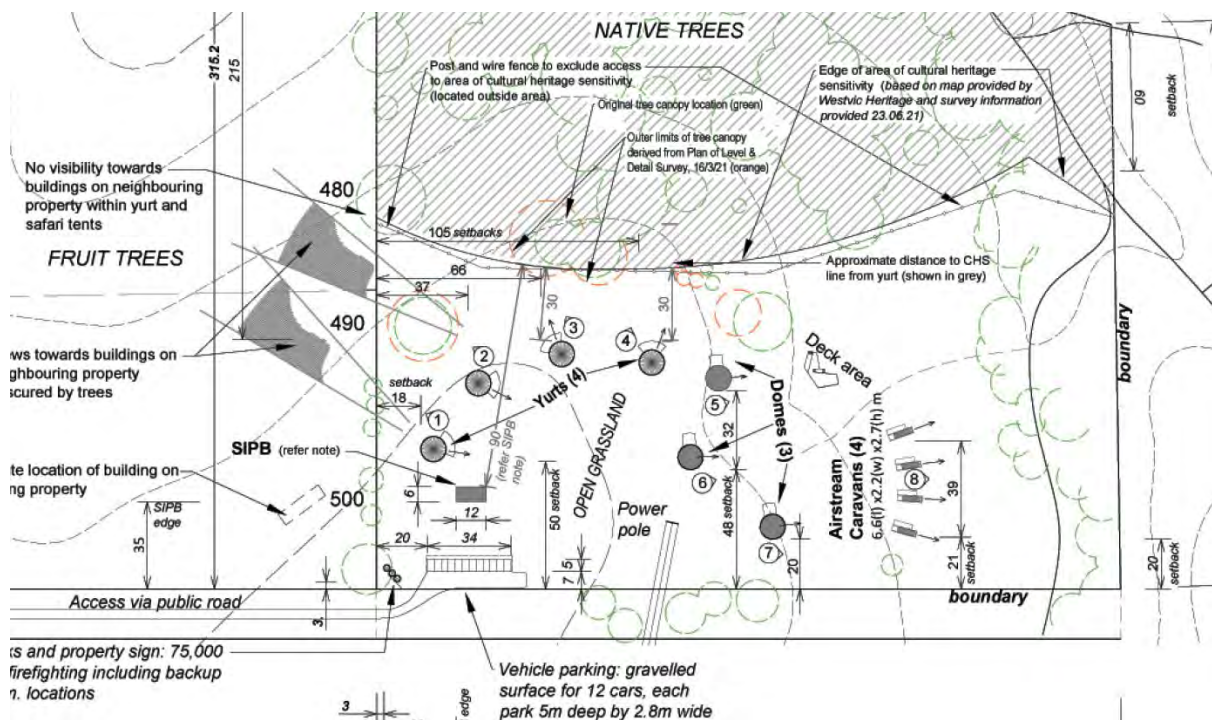


Figure 12 Extract of proposed site plan

## PLANNING PERMIT REQUIREMENT

Pursuant to Clause 35.07-1 (Farming Zone), a permit **is required** to use land for a Camping and Caravan Park (Section 2 Use).

Clause 35.07-4 states that a permit **is required** to construct or carry out works associated with a Section 2 Use.

Clause 35.07-7 identifies the land within Category 4 for signage requirements, pursuant to Clause 52.05.

Clause 42.01-2 (Environmental Significance Overlay – Schedule 1: Proclaimed Catchment Protection) states that a permit **is required** to:

- Construct a building or construct or carry out works for buildings not connected to reticulated sewerage
- Site cuts exceeding a depth of 1 metre

Clause 44.06-2 (Bushfire Management Overlay) states that a permit **is required** to construct a building or construct or carry out works associated with all forms of accommodation. Clause 53.02 (Bushfire Planning) applies to the site.

Clause 52.05 (Signs) states that a permit **is required** to install one business identification sign on the site (total area not to exceed 3 sqm).

As assessed against the relevant provisions, a planning permit is required for:

*“Use and development of the land for a Camping and Caravan Park (comprising 4 Yurts, 3 Dome tents, 4 Airstream caravans) and one (1) associated business identification sign”*

## **RELEVANT PLANNING POLICIES**

In deciding an application, the Responsible Authority must consider the following planning policy frameworks and incorporated documentation as they are relevant within the Hepburn Shire Planning Scheme:

### **Planning Policy Framework (PPF)**

- **Clause 11.01-1S**      **Settlement**
- **Clause 11.01-1R**      **Settlement – Central Highlands**
- **Clause 12.05-2S**      **Landscapes**
- **Clause 12.05-2R**      **Landscapes – Central Highlands**
- **Clause 13.02-1S**      **Bushfire planning**
- **Clause 13.07-1S**      **Land use compatibility**
- **Clause 14.01-1S**      **Protection of agricultural land**
- **Clause 15.01-1S**      **Urban design**
- **Clause 15.01-6S**      **Design for rural areas**
- **Clause 15.03-2S**      **Aboriginal cultural heritage**
- **Clause 17.01-1S**      **Diversified economy**
- **Clause 17.01-1R**      **Diversified economy – Central Highlands**
- **Clause 17.04-1S**      **Facilitating tourism**

### **Local Planning Policy Framework (LPPF)**

- **Clause 21.03**      **Vision and strategic framework plan**
- **Clause 21.07**      **Economic development**
- **Clause 21.08**      **Rural land use and agriculture**
- **Clause 21.09**      **Environment and heritage**
- **Clause 22.01**      **Catchment and Land Protection**
- **Clause 22.04**      **Rural land**

### **Zones**

- **Clause 35.07**      **Farming Zone**

### **Overlays**

- **Clause 42.01**      **Environmental Significance Overlay**
  - o 43.02      **Schedule 1 to the ESO**
- **Clause 44.06**      **Bushfire Management Overlay**

### **Particular Provisions**

- **Clause 52.05**      **Signs**
- **Clause 52.06**      **Car Parking**
- **Clause 52.12**      **Bushfire Protection: Exemptions**
- **Clause 53.02**      **Bushfire Planning**

### **General Provisions**

- **Clause 65**      **Decision guidelines**

## ASSESSMENT

### PLANNING POLICY FRAMEWORK (PPF)

**Clause 11.01-1S** and **Clause 11.01-1R** seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements via the following strategies, as relevant:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:*
  - o *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
  - o *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Provide local and sub-regional services at Avoca, Ballan, Beaufort, Clunes, Creswick, Daylesford and Smythesdale to support ongoing growth, particularly closer to Melbourne and Ballarat where towns will provide a key opportunity to target growth pressure.*

The proposal provides for an “eco-tourism” use and development in an area proximate to the Hepburn Springs Township. The use is consistent with existing similar uses (tourist accommodation and Bed and Breakfasts) within the area.

**Clause 12.05-2S** and **Clause 12.05-2R** seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments via the following strategies, as relevant:

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Ensure important natural features are protected and enhanced.*
- *Provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements.*

The proposal is appropriately sited, with minimal groundworks proposed (due to the temporary/moveable nature of the proposed accommodation units), and will not detract from the rural landscape features of the area.

**Clause 13.02-1S** seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life via the following strategies, as relevant:

- *Give priority to the protection of human life by:*
  - o *Prioritising the protection of human life over all other policy considerations.*
  - o *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
  - o *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

The proposal has appropriately responded to the overarching Planning Scheme objectives of prioritising the protection of human life, and balancing those objectives over all other policy considerations.

This proposal seeks to address the failings identified in *Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546* ("*Clifftop*") via the provision of a purpose-built Shelter in Place (SIP) Building (constructed to minimum BAL-29 standards) in lieu of the underground private bushfire shelters previously proposed. A revised Bushfire Management Report (incorporating a Bushfire Management Statement and Plan) and a draft Bushfire Emergency Management Plan (BEMP) prepared by Terramatrix provides for an appropriate 'layers of resilience' approach, summarised as follows:

- The provision of a purpose-built SIP Building addresses the Tribunal's concerns in *Clifftop* of the potential difficulties/aversions of visitors and staff using an underground private bushfire shelter. The SIP Building also minimises concerns associated with the physical and mental capabilities of visitors and staff utilising the shelter in an emergency (at ground SIP building in lieu of accessing an underground bunker using a ladder).
- No children/infants are permitted on the site, which further minimises potential difficulties of marshalling and sheltering in place in an emergency.
- The SIP Building will be purpose-built, constructed to minimum BAL-29 requirements with additional features of non-combustible external materials, and equipped with the necessary supplies such as bottled water and long-life snack foods, first aid kit, fire protective clothing etc., as outlined within the draft BEMP.



- The SIP Building achieves the requisite area (2 sqm per person) and defensible space setbacks, as outlined within the BMS and BMP. The permit applicant has consulted with the Dja Dja Wurrung and WestVic Heritage (with a Cultural Heritage Management Plan currently being prepared) who have advised that the Cultural Heritage Sensitivity Area to the northern part of the site can be mown or slashed during the fire danger period for defensible space purposes.
- The site will be closed on Severe, Extreme and Code Red Fire Danger Rating (FDR) days.
- A trained Fire Warden will attend the site from midnight to midnight (24 hours) on Very High FDR days. A Fire Warden will also attend the site should a bushfire occur within 20km of the site, which was considered to be acceptable by the Tribunal in *Clifftop* in terms of providing a greater on-site presence to ensure the approved responses can be implemented in a practical way

**Clause 13.07-1S** seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts via the following strategies, as relevant:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*

In *Clifftop* it was found by the Tribunal that the proposed use and development would not result in unreasonable off-site amenity impacts and/or land-use compatibility issues, summarised as follows:

- The Tribunal adopted the view that the subject site is of low agricultural quality and unlikely to be used for farming and/or grazing activities.
- The proposed accommodation units are not permanent structures, and the land can be reinstated for farming activities at any time.
- There will be limited views onto the subject site from the public realm. Distant views from Mannings Road will not be unreasonable given the existing variety of man-made structures (including dwellings and larger galvanised iron rural outbuildings) already penetrating the rural landscape. In response to the Tribunal's concerns regarding the reflectivity of the Airstream caravans, the caravans are now proposed in a low-reflectivity material to ensure no unreasonable visual intrusion will be caused to the surrounding area.
- The Tribunal also found there would be no unreasonable visual intrusion onto the adjoining property to the west. This is primarily due to the generous setbacks of the

yurts/domes from the western interface, and the seasonal nature of the adjoining use (Olive Grove) and workers accommodation.

- The Tribunal also found that the provision of an outdoor communal deck (noting no use after 9pm) would not cause any undue impact to adjoining properties. The Tribunal also found that an Operational Management Plan, which can reasonably be addressed by way of condition on any permit that may issue, can effectively manage any concerns around patron management and noise.

**Clause 14.01-1S** seeks to protect the state's agricultural base by preserving productive farmland via the following strategies, as relevant:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*

As outlined in *Clifftop*, the proposed 'eco-tourism' use and glamping facility nestled within the natural environs was deemed to meet many of the objectives within the Hepburn Shire Planning Scheme.

In particular, the site was found to have low agricultural quality and unlikely to be used as supplementary land for other farmers such as additional grazing of any intensity.

The Tribunal also agreed that the proposed use would not result in a permanent removal of the land from agricultural activity (given the moveable nature of the development).

**Clause 15.01-1S** and **Clause 15.01-6S** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity and to ensure development respects valued areas of rural character.

The proposed yurts and domes will be generally muted in colour and nestle within the rural environs of the area. The Airstream caravans have been revised to ensure the external material is of low reflectivity to ensure no undue visual amenity impacts are caused to the

surrounding area. The accommodation units are generously setback from the site boundaries, and will have minimal visual impact when viewed from the public realm.

**Clause 15.03-2S** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

The northern portion of the site is located within an area of Aboriginal Cultural Heritage Sensitivity.

The permit applicant has retained WestVic Heritage to prepare a Cultural Heritage Management Plan (CHMP) for the site.

Initial consultations and site inspection with the Dja Dja Wurrung have confirmed that no articles of heritage significance was located on the site. The Dja Dja Wurrung also confirmed that the Cultural Heritage Sensitivity area to the northern part of the site can be mown or slashed during the fire danger period for defensible space purposes.

The CHMP is currently being finalised, and will be provided to Council in due course.

**Clause 17.01-1S** and **Clause 17.01-1R** seeks to strengthen and diversify the economy.

Further, **Clause 17.04-1S** seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

The proposal will facilitate for an “eco-tourism” use that will attract visitors to the area and contribute to the strengthening of the local economy. The proposed use and development will sit comfortably within existing tourism accommodation uses and Bed & Breakfast type developments in the area.

## **MUNICIPAL STRATEGIC STATEMENT (MSS)**

**Clause 21.03 (Vision and Strategic Framework)** contains key policy that provide Hepburn’s vision for future land use planning and development.

**Clause 21.03-1** outlines policy relating to the *Hepburn Shire Corporate Plan 1999-2002*, whereby the unique social, cultural, environmental and heritage characteristics of the Shire are to be maintained and enhanced. Advantages for the community from tourism are sought to be maximised.

**Clause 21.03-2** provides a key objective of building a community based on the strength and character of the individual and valued lifestyle aspects of the towns, small communities, and rural areas of the Shire.

Policy supports local tourism-recreation opportunities that add to the local economic base and ensure long term sustainability of natural resources.

The subject site is not designated in an area of high agricultural productivity in the Strategic Framework Plan. As per *Clifftop*, the Tribunal agreed with the agricultural expert evidence of John Gallienne (John Gallienne & Co Pty Ltd) that:

- The natural physical nature of the soil on this property is not compatible with modern commercial farming techniques in dryland cropping, horticulture and pasture grazing i.e. impact on agricultural machinery and harvesting equipment, application of nutrient and pest management treatments (Includes Certified Organic farming methods).
- **The property can be fairly placed within Class 5 (Very low).**
- There is a very small area near the south-west corner that could fit the Class 4 (Low) classification. As a further check on its classification an attempt was made to dig into the surface, this was unsuccessful because of the shallow stones and rocks level with the surface. The size of this area is approximately 0.9 hectare and any attempt to commence any form of commercial agricultural or horticultural production on the area would be futile.

The Tribunal further remarked:

*[19] Having inspected the review site and surrounds I find that the evidence of Mr Gallienne that the land is not high agricultural quality “on the ground” is persuasive taking into account his assessment of the soil type, pasture and the slope of the land. I am not persuaded by Council’s proposition that full soil sampling was necessary given the notable rocky outcrops observed on my inspection.*

*(Our emphasis)*

The proposed development associated with the “eco-tourism” use is supported by Council’s vision at Clause 21.03, and it is considered that the proposal protects, manages and enhances the rural and urban environment and amenity of the area by being nestled into the natural environs.

**Clause 21.07 (Economic Development)** outlines that tourism and urban-based service industries are significant contributors to the local economy and will continue to provide important local employment opportunities. A key issue for the Shire is the understanding of the requirements of the tourism industry, and the potential for land use conflict in rural and urban areas.

The objectives of relevance to the proposal are as follows:

- **Objective 2** – *To promote traditional and new rural enterprises that provide for local value-adding opportunities while recognising the need to support existing enterprises.*
- **Objective 3** – *To improve local prosperity and quality of local environments within the Shire as identified in the MSS and other strategic reports.*

The proposal responds to the above as follows:

- The proposed “eco-tourism” use and development responds positively to the above objectives which recognises tourism in rural areas and is consistent with the surrounding tourism accommodation and Bed & Breakfast type uses within the Elevated Plains community.
- The proposed use will attract visitors to the community and contribute to locally appropriate commercial and tourism development.
- The siting and low-scale moveable form of the development (‘glamping’) will have minimal impact to the natural environs, and facilitates for a high-quality tourism development that adheres to the tourism values of the community.
- As established in *Clifftop*, the proposal has been determined to have minimal off-site amenity impacts to adjoining properties and the public realm.

**Clause 21.08 (Rural Land Use & Agriculture)** contains objectives and strategies to protect rural landscapes and high-quality agricultural land. The relevant objectives are as follows:

- **Objective 1** – *To protect areas of high–very high quality agricultural land and areas with demonstrated potential for productive agricultural activity from non-complementary land uses.*
- **Objective 2** – *To ensure that development in rural areas address important local environmental and landscape issues.*

Having regard to the relevant strategies, the proposal achieves the above objectives as follows:



- As determined in *Clifftop*, the subject site is not considered to be high-quality agricultural land.
- The subject site is relatively small in size (by rural standards).
- An 'on the ground' assessment indicates that there are limited examples of agricultural activity within proximity to the subject site. The majority of land uses are generally rural-lifestyle developments with low-scale hobby farm type activities commensurate with the predominantly residential uses. This is exemplified by the seasonal Olive Grove to the west of the subject site.
- There are a number of existing tourism accommodation and Bed & Breakfast type developments within vicinity to the subject site, which provides context for the proposed use and development.
- The 'glamping' type facility does not result in the permanent loss of agricultural land, and the land can be reverted to an agricultural use at any time.
- Rural based tourism development is recognised and encouraged within the Planning Scheme.
- As established in *Clifftop*, the proposed yurts, dome tents and airstream caravans will cause minimal visual intrusion to the surrounding rural landscape, and will not appear incongruous within the existing built-form in the area.

**Clause 21.09** (Environment and Heritage) he provides various objectives for long term management of areas of environmental and heritage significance.

The objectives of relevance to the proposal are as follows:

- **Objective 1** – *To protect the cultural heritage of Hepburn, while promoting appropriate development opportunities for areas and sites of cultural heritage significance and neighbourhoods of strong residential character.*
- **Objective 2** – *To protect surface and groundwater quality at a local and region level.*
- **Objective 3** – *To protect remnant vegetation and habitat from unplanned loss, while enhancing linkages between habitat areas.*
- **Objective 4** – *To manage development where significant landscapes and landscape features could be adversely affected.*
- **Objective 5** – *To manage development where bushfire behaviour is likely to pose a threat to life and property.*
- **Objective 6** – *To encourage water and energy efficiency in all development, including subdivision, construction of buildings and infrastructure.*

The proposal responds to the above as follows:

- The proposed use and development adequately protect the identified Cultural Heritage Sensitivity area to the northern portion of the site and will not detract from its significance. The permit applicant has consulted with WestVic Heritage and the Dja Dja Wurrung who confirmed that no culturally significant materials were found on the site. A CHMP is currently being prepared which will effectively manage ongoing access and maintenance of this portion of the site.
- The proposal will ensure that surface and groundwater quality will not be impacted, and that sustainable onsite wastewater management is feasible with appropriate mitigation measures (ref. John Lawrey T/A EWS Environmental – Land Capability Assessment). The Tribunal in *Clifftop* was satisfied by the proposed wastewater treatment measures proposed.
- The proposal has been sited to minimise the loss of any significant trees. Vegetation will only be cleared to provide defensible space as required by the BMO. In response to *Clifftop*, a greater setback of Yurts 3 and 4 have been provided to minimise encroachment onto native trees.
- The proposal details the fire protection outcomes and guidelines that will assist in the protection of life, property and the environment from the threat of bushfire (ref. Terramatrix – Bushfire Management Plan and Statement).
- The three existing galvanised steel water tanks (each with 25,000 litre capacity) will support the proposed use. Two of the tanks are dedicated for firefighting purposes.

## **LOCAL PLANNING POLICY FRAMEWORK (LPPF)**

**Clause 22.01 (Catchment and Land Protection)** applies to all land in the Hepburn Planning Scheme and provides the following objectives as relevant to the proposal:

- *To ensure the sustainable use of natural resources including soil and water in water catchment areas*
- *To promote the maintenance of significant habitat and habitat diversity.*
- *To ensure that the use and development of land and water is undertaken with consideration of impacts on long term resource quality and quantity*
- *To promote consistency with regional catchment strategies and other regional land and water management plans*
- *To manage the accumulative effect of unsewered development in water supply catchments.*

The topographical conditions on the site allow for development that will not result in unreasonable amenity impacts onto the surrounding natural landscape.

The proposal effectively responds to the requirements of this clause with the capability of providing water sensitive urban design elements and drainage infrastructure protected from sedimentation and contamination.

**Clause 22.04 (Rural Land)** applies to all land in the Farming, Rural Conservation and Rural Living Zones with the following objectives:

- *To promote the long-term sustainable use of high and very high quality agricultural land and the maintenance of clusters of agricultural activity in these areas.*
- ***To support local employment and value adding opportunities in rural areas.***
- *To protect the natural and physical resources upon which agricultural industries rely.*
- *To promote agricultural industries which are ecologically sustainable and incorporate best management practices.*
- *To prevent the unsustainable use of agricultural land which results in the loss of the quantity and quality of natural resources and limits the realisation of its full productive potential.*
- *To limit subdivision of land that will be incompatible with the utilisation of land for sustainable resource use.*

*(Our emphasis)*

As determined in *Clifftop*, the Tribunal agreed with the agricultural expert evidence of John Gallienne (John Gallienne & Co Pty Ltd) and found:

*[19] Having inspected the review site and surrounds I find that the evidence of Mr Gallienne that the land is not high agricultural quality “on the ground” is persuasive taking into account his assessment of the soil type, pasture and the slope of the land. I am not persuaded by Council’s proposition that full soil sampling was necessary given the notable rocky outcrops observed on my inspection.*

*(Our emphasis)*

The subject site is not considered to be high-quality agricultural land and is not currently being used for agricultural purposes. The surrounding land uses are also predominantly residential/hobby farm-type uses, with a number of existing tourist accommodation and Bed & Breakfasts in the area.

Notwithstanding, the proposed ‘glamping’ facility is comprised of temporary/moveable structures and the land can be reinstated for agricultural purposes at any time. The proposed use and development will not result in a permanent loss or fragmentation of agricultural land.

As established in *Clifftop*, the proposed use and development will not result in any unreasonable off-site amenity impacts in respect to visual intrusion, noise, wastewater management or traffic impacts to the surrounding area.

The proposal accords with the objectives and strategies of Clause 22.04 by facilitating an “eco-tourism” use to the area which value adds opportunities to the rural area.

### **PLANNING SCHEME AMENDMENT C80hepb**

Planning Scheme Amendment c80hepb prepared by Hepburn Shire Council proposes to:

- Translate the LPPF to PPF format
- Implement the Hepburn Planning Scheme Review (February 2020) which includes amendments to zoning schedules and application of the Neighbourhood Residential Zone (NRZ) to all existing General Residential Zone (GRZ) land within the townships
- Implement the recent reforms to the Victorian Planning Provisions (VPP) and the Ministerial Direction on the Form and Content of Planning Schemes into the Hepburn Shire Planning Scheme

As relevant to the subject site, Amendment C80 proposes to rezone the subject site to Farming Zone Schedule 2 (**FZ2**).

The amendment proceeded to an independent Panel Hearing from 23-27 November 2020.

The recommendations of the Panel (**Recommendation 9**) in respect to the Farming Zone do not affect the proposal as no subdivision is proposed as part of this application.

Notwithstanding, in *Clifftop*, the Tribunal found that the land is not considered to be high-quality agricultural land (see above assessment).

The proposal must be assessed against the Planning Scheme and policies as it currently exists. While the Planning Scheme Amendment has been through an independent review, it is noted Council resolved to not adopt the Panel’s recommendations in respect to the minimum lot sizes within the FZ.

No decision has been made on the amendment by the Planning Minister at this time of lodgement of this application.

## **ZONE**

### **Clause 35.07 Farming Zone**

Pursuant to Clause 35.07-1 (Farming Zone), a permit **is required** to use land for a Camping and Caravan Park (Section 2 Use).

Clause 35.07-4 states that a permit **is required** to construct or carry out works associated with a Section 2 Use.

Clause 35.07-7 identifies the land within Category 4 for signage requirements, pursuant to Clause 52.05.

The subject site has been established in *Clifftop* as not being high-quality agricultural land. The proposed use and development responds appropriately to the existing land uses within the area (tourist accommodation) and will not detract from the natural landscape or result in any adverse amenity impacts.

In particular, the proposal responds well to the purpose of the FZ by facilitating tourism to the area which will support the local rural economy and provide for local employment opportunities.

## **OVERLAYS**

### **Clause 42.01 Environmental Significance Overlay (Schedule 1)**

Clause 42.01-2 (Environmental Significance Overlay – Schedule 1: Proclaimed Catchment Protection) states that a permit **is required** to:

- Construct a building or construct or carry out works for buildings not connected to reticulated sewerage
- Site cuts exceeding a depth of 1 metre

The proposal is accompanied by a Land Capability Assessment (LCA) prepared by John Lawrey T/A EWS Environmental which ensures that surface and groundwater quality will not be impacted, and that sustainable onsite wastewater management is feasible with appropriate mitigation measures. The Tribunal in *Clifftop* was satisfied by the proposed wastewater treatment measures proposed.

### **Clause 44.06 Bushfire Management Overlay**

Clause 44.06-2 (Bushfire Management Overlay) states that a permit **is required** to construct a building or construct or carry out works associated with all forms of accommodation. Clause 53.02 (Bushfire Planning) applies to the site.

Pursuant to **Clause 44.06-4**, the following application requirements apply:

*“Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:*



- **A bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- **A bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- **A bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

*If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.*

This application is accompanied by a Bushfire Management Statement and Plan (BMP/BMS) by Terramatrix.

This proposal seeks to address the failings identified in *Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546* (“Clifftop”) via the provision of a purpose-built Shelter in Place (SIP) Building (constructed to minimum BAL-29 standards) in lieu of the underground private bushfire shelters previously proposed.

The proposal has appropriately responded to the overarching Planning Scheme objectives of prioritising the protection of human life, and balancing those objectives over all other policy considerations.

The application is also accompanied by a draft Bushfire Emergency Management Plan (BEMP) prepared by Terramatrix provides for an appropriate ‘layers of resilience’ approach, summarised as follows:

- The provision of a purpose-built SIP Building addresses the Tribunal’s concerns in *Clifftop* of the potential difficulties/aversions of visitors and staff using an underground private bushfire shelter. The SIP Building also minimises concerns associated with the physical and mental capabilities of visitors and staff utilising the shelter in an

emergency (at ground SIP building in lieu of accessing an underground bunker using a ladder).

- No children/infants are permitted on the site, which further minimises potential difficulties of marshalling and sheltering in place in an emergency.
- The SIP Building will be purpose-built, constructed to minimum BAL-29 requirements with additional features of non-combustible external materials, and equipped with the necessary supplies such as bottled water and long-life snack foods, first aid kit, fire protective clothing etc., as outlined within the draft BEMP.
- The SIP Building achieves the requisite area (2 sqm per person) and defensible space setbacks, as outlined within the BMS and BMP. The permit applicant has consulted with the Dja Dja Wurrung and WestVic Heritage (with a Cultural Heritage Management Plan currently being prepared) who have advised that the Cultural Heritage Sensitivity Area to the northern part of the site can be mown or slashed during the fire danger period for defensible space purposes.
- The site will be closed on Severe, Extreme and Code Red Fire Danger Rating (FDR) days.
- A trained Fire Warden will attend the site from midnight to midnight (24 hours) on Very High FDR days. A Fire Warden will also attend the site should a bushfire occur within 20km of the site, which was considered to be acceptable by the Tribunal in *Cliffstop* in terms of providing a greater on-site presence to ensure the approved responses can be implemented in a practical way.

The proposed development responds well to the requirements of Clause 44.06, creating a cohesive plan for bushfire management on site, in addition to a well-designed design response which incorporates a number of effective techniques for bushfire management.

## PARTICULAR PROVISIONS

### Clause 52.05 Signs

Clause 52.05 (Signs) states that a permit **is required** to install one business identification sign on the site (total area not to exceed 3 sqm).

One business identification sign (2.7 metres x 0.53 metres) is proposed towards the rainwater tanks, and will comprise of steel lettering "Woodstock".

### Clause 52.06 Car Parking

Pursuant to **Clause 52.06-5**, car parking for a Camping and Caravan Park is provided to the satisfaction of the responsible authority.

A designated car parking area (5 metres deep x 2.8 metres wide) located towards the Charlies Road frontage is proposed to accommodate 12 vehicles. A post and chain fence is proposed to delineate the extent of the car parking area.

In *Clifftop*, the Tribunal deemed parking and access to be acceptable – this was not disputed by the Council or parties.

Further, the Tribunal agreed with the traffic expert evidence of Valentine Gnanakone (One Mile Grid) and found:

*[94] The evidence of Mr Gnanakone is that the road is a public road and of suitable construction to accommodate the traffic associated with the proposed use. The proposal is a rural access road with a pavement width that varies along its length and some areas where passing is more difficult. Mr Gnanakone did not identify any specific traffic safety issues along the road.*

*[95] I find that access to the review site is acceptable. I accept the evidence of Mr Gnanakone that even if there were double the movements than allowed for in the evidence, the number of movements for this standard of road is still low and within the safety standards. Due to the nature of the road, traffic should not be moving at high speeds and would not necessarily coincide with peak periods. **While there will be an increase in traffic, including larger vehicles using the road that will be noticeable within this rural environment, I consider that the overall rural amenity will not be significantly affected.***

*(Our emphasis)*

It is therefore submitted that the Permit Applicant should not be required to remake this section of Charlies Road, nor bear the cost of such task.

## **Clause 52.12 Bushfire Protection: Exemption**

Clause 52.12-5 exempts any permit requirement for the removal, destruction or lopping of vegetation to enable the construction of a dwelling and to create its defensible space.

Vegetation will only be removed where required for defensible space, in accordance with the accompanying BMS and BMP.

The permit applicant has also consulted with the Dja Dja Wurrung and WestVic Heritage (with a Cultural Heritage Management Plan currently being prepared) who have advised that the Cultural Heritage Sensitivity Area to the northern part of the site can be mown or slashed during the fire danger period for defensible space purposes.

## **Clause 53.02 Bushfire Planning**

The purpose of Clause 53.02 provides;

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

The proposed development measures well against the purpose and objectives of **Clause 53.02**, providing for a development that effectively prioritises the protection and preservation of human life through design detail, location, siting and access. Defensible space, water tanks, safe vehicular access, and vegetation management are all committed to as per the BMS, BMP and draft BEMP prepared by Terramatrix.

## **GENERAL PROVISIONS – CLAUSE 65 (DECISION GUIDELINES)**

### **Clause 65 Decision Guidelines**

The proposal complies with the decision guidelines of **Clause 65** as follows:

- The State Planning Policy Framework and Local Planning Policy Framework, including MSS and local policies have been complied with.
- The Zone, Overlay, or provision objectives have been complied with and matters required to be considered have been appropriately addressed.
- There will be no unreasonable impact upon the amenity of the area.
- There will be no land degradation or impacts upon salinity or reduced water quality.
- There will be no impact on the stormwater within and exiting the site.
- There will be no loss of significant vegetation and landscaping can be undertaken.

## PRINCIPLES OF REPEAT APPEALS

While this planning permit application is not a 'repeat appeal' in the sense that the application is not being appealed before the Tribunal, the principles of repeat appeals can be applied to its assessment.

The principles of repeat appeals are long established within the Planning and Environment List division of the Tribunal. Whilst it is a matter for the later decision maker to determine what weight should be given to the previous decision in a repeat appeal application<sup>1</sup> and consideration of the new application must be undertaken on its merits, weight should be given to the previous decision<sup>2</sup>.

Considerations that may influence the assessment of a repeat appeal include significant changes in the application itself, changes in the circumstances of the land and its surrounds, changes in planning policy, and/or changes in the interpretation of the facts or law relevant to the Tribunal's consideration<sup>3</sup>.

It is submitted the revised proposal would align with the principles of a *correcting repeat appeal* on the basis of a genuine attempt to remedy the flaws identified in the previous decision.

In *Clifftop*, the Tribunal determined that while there are many aspects of this proposal that are favourable, this was a proceeding which turned on the question of the layered bushfire solution for this land use. The revised proposal has sought to address this failing by providing an improved layered bushfire management response that appropriately reduces the risk to human life to an acceptable level.

## CONCLUSION

In the overall analysis the proposed development is worthy of support for the following reasons:

- The proposed use and the development of land is in accordance with the Farming Zone
- The Camping and Caravan use will provide a significant benefit to the community through the provision of short-stay tourism accommodation which will provide various economic benefits to the rural community of Elevated Plains and the wider Hepburn region

---

<sup>1</sup> *Zumpano v Banyule City Council* [2016] VSC 420 at [29]

<sup>2</sup> *Sprut v Stonnington CC* VCAT [2012] 1675

<sup>3</sup> *Reichert v Banyule City Council* P86/2205, unreported and cited with approval in subsequent Tribunal decisions



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- The proposed use and development is consistent with existing uses in the area, and responds favourably to overarching policies encouraging and facilitating tourism
- There are no adverse impacts to the natural environment as a result of the use or development of the site
- Human safety is prioritised above all other considerations as per the requirements of the Bushfire Management Overlay. The proposal provides an improved bushfire management response, which seeks to address the failings identified in *Clifftop*
- The proposal will not result in unreasonable off-site amenity impacts – including the siting, visual amenity, noise, wastewater management, traffic management, and general operational considerations
- All relevant provisions and design requirements have been considered and met, and the proposal satisfies Local and State policy outcomes

We believe the proposal is reflective of the density, built form and siting objectives outlined within the Hepburn Shire Planning Scheme and subsequently recommend the Council support and approve the planning permit application.



**Angela Mok** BEnvS (UrbDesign&Plan), MPIA, MVPELA  
**Principal Planner**

**TOWN PLANNERS**  
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## **Bushfire Development Report**

for the use and development of  
a camping and caravan park  
at 153 Charlies Road,  
Elevated Plains VIC 3461

Prepared by Hamish Allan for  
Clifftop at Hepburn Pty Ltd

August 2021

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Terramatrix project: ClifftopAtHepburnPtyLtd-2021-04 BMO\_P2-Elevated Plains

Cover image: Looking northwest towards the site of the Yurts and Deck area.

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Version	Date	Comments	Name
0.1	4/02/2021	Analysis, mapping and report compilation	Hamish Allan Manager, Bushfire Planning and Design
0.1	4/02/2021	Peer review	Jon Boura Managing Director
1.0	5/02/2021	Bushfire Development Report (BDR)	To client
2.0	29/07/2021	Amended BDR with revised development plan	To client
2.1	4/08/2021	Amended BDR with minor client corrections	To client

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## 1 Introduction

This Bushfire Development Report (BDR) has been prepared for Clifftop at Hepburn Pty Ltd, to show how the use and development of a camping and caravan park at 153 Charlies Road, Elevated Plains VIC 3461, responds to the Victorian planning and building controls that relate to bushfire, specifically the requirements of Clause 13.02 *Bushfire*, Clause 44.06 *Bushfire Management Overlay* (BMO) and associated Clause 53.02 *Bushfire Planning* in the Hepburn Planning Scheme.

The site is in the Farming Zone and Schedule (FZ). The development proposal is to construct Yurts, Domes, Caravans and associated infrastructure on the site. Accordingly, this report follows the BMO pathway 2, to demonstrate how the use and development of the site responds to the relevant objectives of Clause 53.02-4 *Bushfire Planning*.

This BDR v2.0 is based on the most recent development proposal for the site (Robyn Larsen Design, 2021) and incorporates changes made following a VCAT decision on a previous version of the proposal. This includes providing a minimum BAL-29 building (enhanced to have non-combustible materials on all external elements of the building) as a viable shelter-in-place location for all site occupants, to ensure life safety. The Bushfire Emergency Management Plan (BEMP) that has been prepared for the site now includes closure and non-occupancy of the site on days with an actual or forecast Fire Danger Rating (FDR) of Severe, Extreme or Code Red and monitoring of conditions on other days of elevated fire danger, including having a trained fire warden onsite on days with a Very High FDR and/or when a bushfire occurs within 20km of the site.

The site is within a declared Bushfire Prone Area (BPA) and is covered by the BMO. In accordance with the application requirements of Clause 44.06 (Hepburn Planning Scheme, 2018a), this report includes:

- A *Bushfire hazard site assessment*, including a plan that describes the bushfire hazard within 150m of the site in accordance with the site assessment methodology of AS 3959-2018 *Construction of buildings in bushfire-prone areas* as appropriate;
- A *Bushfire hazard landscape assessment*, including a plan that describes the bushfire hazard of the general locality more than 150m from the site; and
- A Planning and Building Compliance section, detailing how the use and development responds to the bushfire risk and the objectives, strategies and requirements of Clauses 13.02, 44.06 and 53.02. This section includes a *Bushfire Management Statement* in accordance with the application requirements of Clause 44.06 BMO.

This report also includes a Bushfire Management Plan (BMP) consistent with the CFA's standard permit conditions and BMP guidance (CFA, 2017).

This report has been prepared consistent with guidance for assessing and responding to bushfire risk provided in the technical guide *Planning Permit Applications – Bushfire Management Overlay* (DELWP, 2017a) and Planning Advisory Note 68 *Bushfire State Planning Policy Amendment VC140* (DELWP, 2018a).

## 1.1 Site summary

<b>Address:</b>	153 Charlies Road, Elevated Plains VIC 3461
<b>Property size:</b>	8.1ha
<b>Local Government Area:</b>	Hepburn Shire Council
<b>Zone/s</b>	Farming Zone and Schedule (FZ)
<b>Overlay/s</b>	Bushfire Management Overlay (BMO) Environmental Significance Overlay – Schedule 1 (ESO1)
<b>Directory reference:</b>	Vic Roads 59 D6
<b>Site assessment date:</b>	20/01/2021
<b>Assessed by:</b>	Hamish Allan

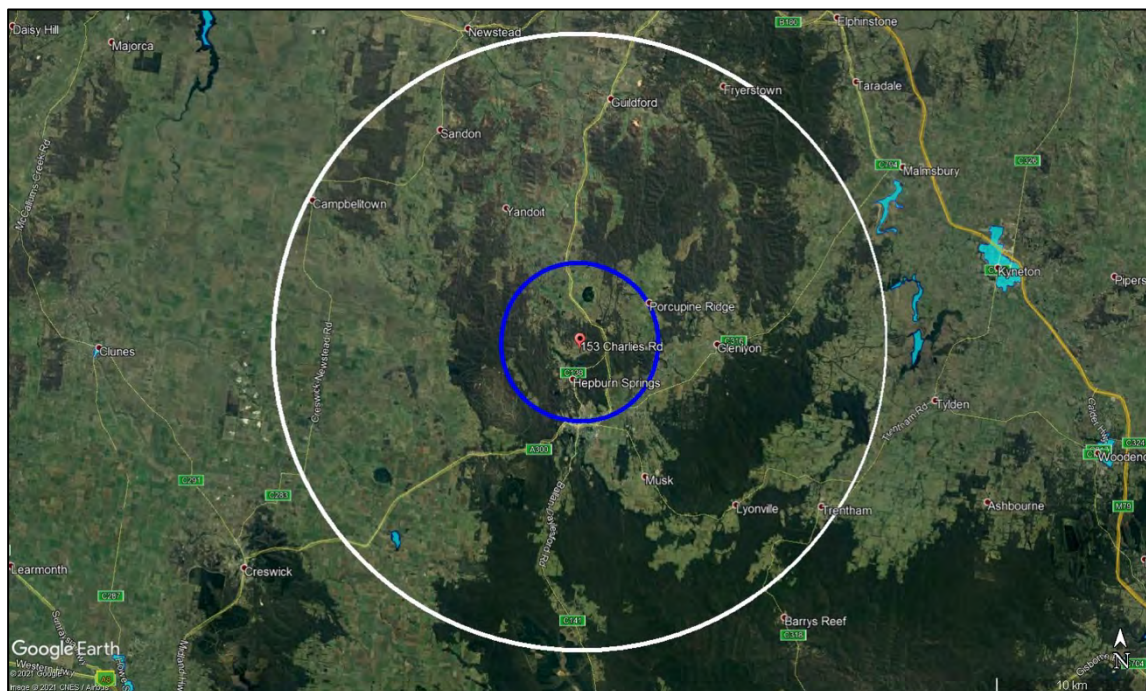


Figure 1 - Site location (site shown by red pin, 5km buffer of site in blue outline, 20km buffer in white outline; ©2021 Google, Image 2021 ©CNES/Airbus). BAL-LOW areas (i.e. land not designated as Bushfire Prone) are shown in light blue shading.

## 2 Bushfire planning and building controls

This section summarises the applicable planning and building controls that relate to bushfire.

### 2.1 Clause 13 Environmental risks and amenity

This clause in the Planning Policy Framework (PPF) has two key provisions pertinent to bushfire.

#### 2.1.1 Clause 13.01-1S Natural hazards and climate change

The objective of this Clause is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. Specified strategies to achieve the objective are:

- *‘Consider the risks associated with climate change in planning and management decision making processes.*
- *Identify at risk areas using the best available data and climate change science.*
- *Integrate strategic land use planning with emergency management decision making.*
- *Direct population growth and development to low risk locations.*
- *Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.*
- *Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.*
- *Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards’ (Hepburn Planning Scheme, 2018b).*

Especially in southern and eastern Australia, since the 1950’s there has been an increase in the length of the fire weather season and a greater number of higher risk days associated with climate change (CSIRO/BOM, 2020). The Australasian Fire and Emergency Service Authorities Council (AFAC) identify that a failure of building codes and land use planning to adequately adapt to climate change is a significant risk (AFAC, 2018).

This clause in the PPF supports the adoption of a precautionary and conservative approach to assessing and responding to bushfire risk.

#### 2.1.2 Clause 13.02-1S Bushfire planning

Clause 13.02-1S has the objective *‘To strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life’* (Hepburn Planning Scheme, 2018c). The policy must be applied to all planning and decision making under the Planning and Environment Act 1987, relating to land which is:

- Within a designated BPA;
- Subject to a BMO; or

- Proposed to be used or developed in a way that may create a bushfire hazard.

Priority must be given to the protection of human life by:

- *‘Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through consideration of bushfire risk in decision-making at all stages of the planning process’* (Hepburn Planning Scheme, 2018c).

Key strategies are stipulated that require strategic planning documents, planning scheme amendments and development plan approvals to properly assess bushfire risk and include appropriate bushfire protection measures. This also applies to planning permit applications for:

- Subdivisions of more than 10 lots;
- Accommodation;
- Child care centre;
- Education centre;
- Emergency services facility;
- Hospital;
- Indoor recreation facility;
- Major sports and recreation facility;
- Place of assembly; and
- Any application for development that will result in people congregating in large numbers.

Development should not be approved where *‘...a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented’* (Hepburn Planning Scheme, 2018c).

Analysis of how the use and development responds to the applicable strategies of Clause 13.02-1S is provided in Section 5.1.

## **2.2 Clause 21 Municipal Strategic Statement**

The Municipal Strategic Statement<sup>1</sup> (MSS) in the Municipal overview at Clause 21.01-3 notes that Hepburn contains a range of spectacular bushland (and cultural) landscapes and that the potential for wildfire is a significant threat (Hepburn Planning Scheme, 2013).

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<sup>1</sup> It is noted that the Local Planning Policy Framework including the MSS, will be translated into the PPF as the Municipal Planning Strategy, as provided for by VC148 (DELWP, 2018b) and Amendment C80hepb. However, at the time of preparing this report the LPPF and MSS are components of the Hepburn Planning Scheme.

Clause 21.09 Environment and Heritage identifies that one of the key issues for the Shire is: *‘Protecting people, assets and the environment from the threat of wild fire’*. Objective 5 of this Clause is *‘To manage development where bushfire behaviour is likely to pose a threat to life and property’* (Hepburn Planning Scheme, 2016).

## 2.3 Clause 44.06 Bushfire Management Overlay (BMO)

The purposes of the BMO, which applies to the whole site and most of the surrounding landscape (see Map 2 and Map 3), are:

- *‘To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level’* (Hepburn Planning Scheme, 2018a).

The BMO largely applies to patches of treed vegetation greater than 4ha in size, where head fire intensity has been modelled to be 30,000kW/m or more. It also extends over land 150m around those areas, based on research into house loss from bushfires which has found that 92% of house loss occurs within 150m of the bushfire hazard (DTPLI, 2013).

Clause 53.02 *Bushfire Planning* applies to BMO applications and contains:

- **‘Objectives:** *An objective describes the outcome that must be achieved in a completed development.*
- **Approved measures (AM):** *An approved measure meets the objective.*
- **Alternative measures (AltM):** *An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.*
- **Decision guidelines:** *The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate’* (Hepburn Planning Scheme, 2018d).

Section 5.2 identifies how the development can respond to the BMO and the applicable objectives of Clause 53.02.

## 2.4 Clause 71.02-3 Integrated Decision Making

Clause 71.02-3 states that planning and responsible authorities should endeavour to integrate policies and balance conflicting objectives in favour of net community benefit and sustainable development. However, in bushfire affected areas, the protection of human life must be prioritised over all other policy considerations (Hepburn Planning Scheme, 2018e).



## 2.5 Bushfire Prone Area (BPA)

The site, and virtually all of the surrounding landscape for at least 20km, is in a BPA (see Figure 1). BPAs are those areas subject to or likely to be subject to bushfire, as determined by the Minister for Planning. Those areas of highest bushfire risk within the BPA are designated as BMO areas.

In a BPA, the Building Act 1993 and associated Building Regulations 2018, through application of the National Construction Code (NCC), require bushfire protection standards for class 1, 2 and 3<sup>2</sup> buildings, 'Specific Use Bushfire Protected Buildings'<sup>3</sup> and associated class 10A buildings<sup>4</sup> or decks. The applicable performance requirement in the NCC is:

*'A building that is constructed in a designated bushfire prone area must, to the degree necessary, be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the —*

- (a) potential for ignition caused by burning embers, radiant heat or flame generated by a bushfire; and*
- (b) intensity of the bushfire attack on the building' (ABCB, 2020).*

Compliance with AS 3959-2018 *Construction of buildings in bushfire prone areas* (Standards Australia, 2020) is 'deemed-to-satisfy' the performance requirement<sup>5</sup>.

The Victorian building regulations require that applicable buildings be constructed to a minimum Bushfire Attack Level (BAL)-12.5, or higher, as determined by a site assessment or planning scheme requirement. A BAL is a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. There are six BALs defined in AS 3959-2018, which range from BAL-LOW, which has no bushfire construction requirements to BAL-FZ (Flame Zone) where flame contact with a building is expected.

Larger developments and certain vulnerable uses (including accommodation) in a BPA are also required by Clause 13.02-1S *Bushfire Planning* to:

- *'Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts' (Hepburn Planning Scheme, 2018c).*

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<sup>2</sup> Class 1, 2 and 3 buildings are defined in the Building Code of Australia (BCA), and are generally those used for residential accommodation, including houses and other dwellings, apartments, hotels and other buildings with a similar function or use.

<sup>3</sup> Specific Use Bushfire Protected Buildings are defined in the Victorian *Building Regulations 2018*, they generally comprise 'vulnerable' uses and include schools, kindergartens, childcare facilities, aged care facilities and hospitals.

<sup>4</sup> Class 10a buildings are defined in the BCA as non-habitable buildings including sheds, carports, and private garages.

<sup>5</sup> For Class 1 and associated Class 10a buildings, the *NASH Standard for Steel Framed Construction in Bushfire Areas* is also deemed to satisfy the performance requirement.

## 2.6 Other development controls

### 2.6.1 Zoning

The FZ does not have significant implications for bushfire safety and compliance. It is noted that a lot used for a dwelling in the FZ must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes (Hepburn Planning Scheme, 2006).

### 2.6.2 Overlays

The ESO1 that applies in addition to the BMO, does not have any implications for bushfire risk, although it is noted that one of the decision guidelines of the ESO1 parent provision is:

- *‘The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property’* (Hepburn Planning Scheme, 2018f).

### 3 Bushfire hazard site assessment

#### 3.1 Classified vegetation

Vegetation within the 150m assessment zone around the site has been classified in accordance with the BMO/AS 3959 methodology. Classified vegetation is vegetation that is deemed hazardous from a bushfire perspective.

The classification system is not directly analogous to Ecological Vegetation Classes (EVCs) but uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No. 7 - Native Vegetation) classification system. The classification is based on the mature state of the vegetation and the likely fire behaviour that it will generate.

##### 3.1.1 Forest

Treed vegetation to the north, northwest and east of the development site, best accords with the Forest group of AS 3959-2018. Forest vegetation comprises areas with trees to 30m high or taller at maturity, typically dominated by eucalypts, with 30–70% foliage cover (may include understorey ranging from rainforest species and tree ferns to sclerophyllous low trees or shrubs). Includes pine and eucalypt plantations (Standards Australia, 2020).

At the time of the site assessment, vegetation north of the development site and within the property was largely low threat and non-classifiable, due to the managed, slashed understorey. The area shown as a fenced area of 'Native Trees' is also defined as an '*area of cultural heritage sensitivity*' (CHS area) in the revised Proposed Site Plan, dated 22.06.21 (Robin Larson Design Pty Ltd, 2021) (see Map 1).

A very precautionary and conservative approach has been adopted by classifying this CHS area as Forest. This is because discussions with the proponent, WestVic heritage consultants and Dja Dja Wurrung representatives, have confirmed that the CHS area can be slashed and/or mown during the fire danger period, and therefore, would be in a low threat state.

Note that a Forest classification for other areas of remnant vegetation is also somewhat conservative, due to the total fuel loads and hazard posed by the vegetation being, in many places, more commensurate with the lesser hazard Woodland classification (see Figures 2 and 3). Notwithstanding, as a precaution, the Forest classification has been uniformly adopted for all areas of remnant treed vegetation.

##### 3.1.2 Grassland

Open areas of vegetation to the south and west of the property where remnant tree canopy cover does not exceed 10%, has been classified as Grassland (see Map 1). Grassland is defined as

all forms of vegetation (except Tussock Moorlands) including situations with shrubs and trees, if overstorey foliage cover is less than 10%. Includes pasture and cropland (Standards Australia, 2020).

Grassland vegetation is considered hazardous and therefore classifiable, when it is not managed in a minimal fuel condition. Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (e.g. short-cropped grass, to a nominal height of 100 mm) (Standards Australia, 2020). In the BMO, Grassland areas are assumed to be unmanaged and classifiable unless there is 'reasonable assurance' that they will be managed in perpetuity, in a low threat state, no more than 100mm high.

Note that the horticultural/orchard area to the west of the site may be able to be considered low threat in accordance with the definitions for low threat vegetation in AS 3959-2018 (see Section 3.2), however as a precaution it is assumed it will comprise hazardous Grassland.

### 3.2 Excluded vegetation and non-vegetated areas

Areas of low threat vegetation and non-vegetated areas can be excluded from classification in accordance with Section 2.2.3.2 of AS 3959-2018, if they meet one or more of the following criteria:

- i. *'Vegetation of any type that is more than 100m<sup>6</sup> from the site.*
- ii. *Single areas of vegetation less than 1 ha in area and not within 100m of other areas of vegetation being classified vegetation.*
- iii. *Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other, or of other areas of vegetation being classified vegetation.*
- iv. *Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified vegetation.*
- v. *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
- vi. *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition<sup>7</sup>, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks' (Standards Australia, 2020).*

Non-vegetated areas will include the roads, car park area, and structures within the 150m site assessment zone.

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<sup>6</sup> This distance extends to 150m in BMO areas.

<sup>7</sup> Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack, recognisable as short-cropped grass for example, to a nominal height of 100mm (Standards Australia, 2020).

### 3.3 Topography

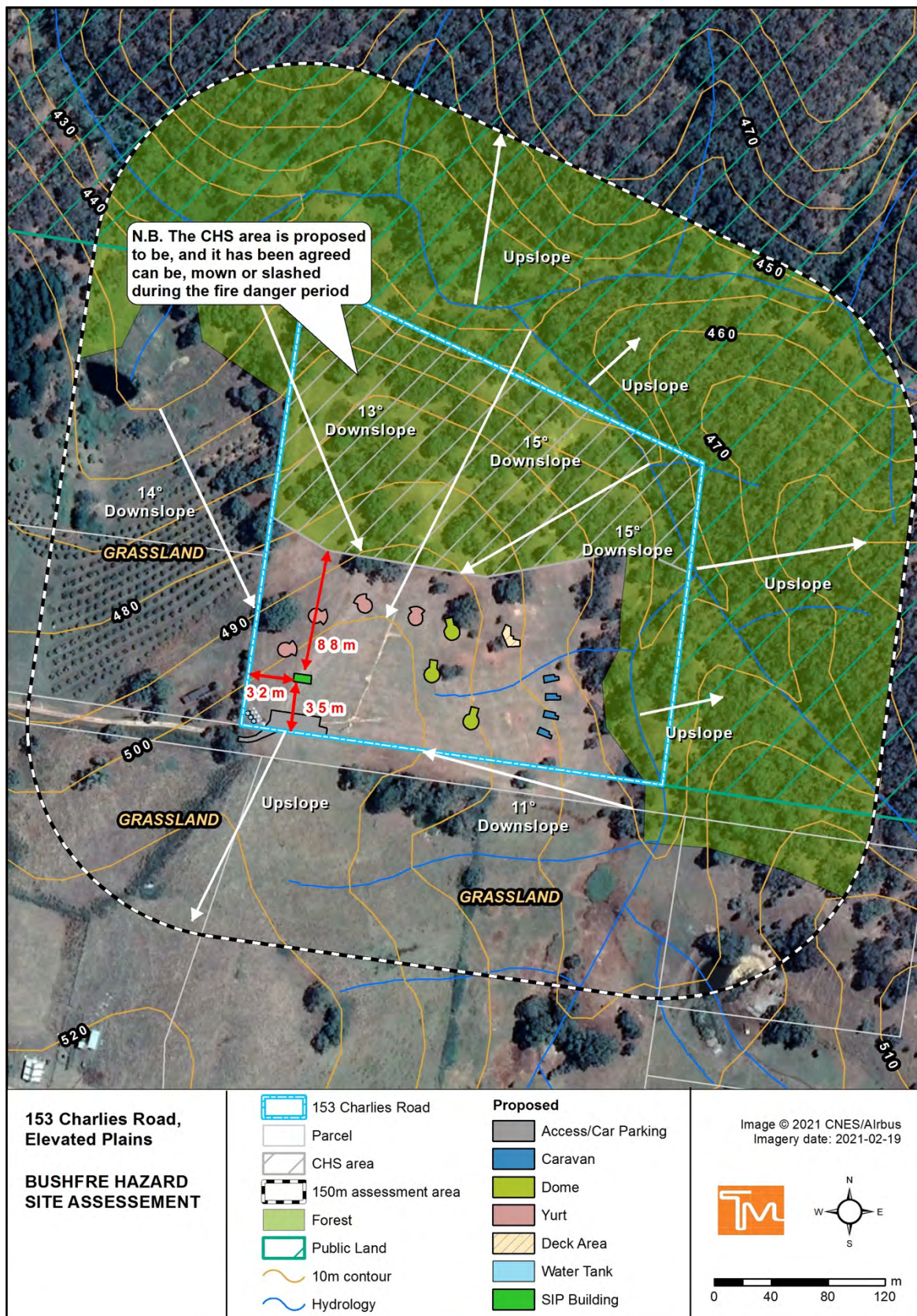
The BMO/AS 3959 methodology requires that the 'effective slope' be identified to determine the BAL and applicable defendable space or vegetation setback distances. This is the slope of land under the classified vegetation that will most significantly influence the bushfire attack on a building. Two broad types apply:

- Flat and/or Upslope - land that is flat or on which a bushfire will be burning downhill in relation to the development. Fires burning downhill (i.e. on an upslope) will generally be moving more slowly with a reduced intensity.
- Downslope - land under the classified vegetation on which a bushfire will be burning uphill in relation to the development. As the rate of spread of a bushfire burning on a downslope (i.e. burning uphill towards a development) is significantly influenced by increases in slope, downslopes are grouped into five classes in 5° increments from 0° up to 20°.

The topography on and around the site within the 150m assessment zone is variable and undulating, with some steep slopes. However, except for the area of cultural heritage sensitivity, most areas of Forest vegetation are flat or upslope in relation to the development. Areas of Grassland to the south and west include downslopes exceeding 10° (see Map 1).

For the purposes of determining BALs and defendable space, the applicable slope class is 'Downslope >10° to 15°' under the Forest to the north, in the area of cultural heritage sensitivity (see Map 1). To the south and west in response to the Grassland, the 'Downslopes >10° to 15°' class applies.





Map 1 – Bushfire Hazard Site Assessment Plan.





Figure 2 - Vegetation to the north of the site.

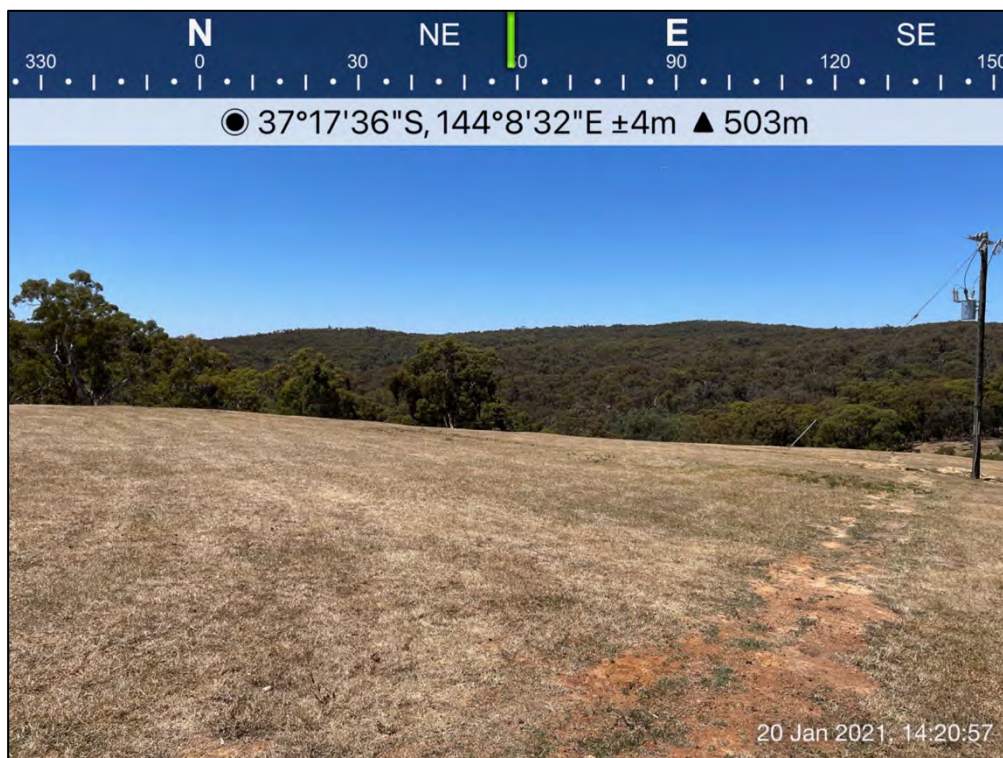


Figure 3 – Vegetation to the west of the site.





**Figure 4 – Looking south beyond the southern site boundary.**



**Figure 5 – Looking north across the site of the proposed Shelter-In-Place building.**





Figure 6 – Looking north-northwest across the site of the proposed caravans and domes.



Figure 7 – Grassland to the south-southeast of the site.

## 4 Bushfire Hazard Landscape Assessment

### 4.1 Location description

The site comprises 8.1 hectares of undeveloped Farming Zone land in the rural locality of Elevated Plains. The property abuts the Hepburn Regional Park along its northern and eastern boundaries. To the west, the site abuts a similar size property developed with a dwelling, accommodation, a dam and orchards. To the south are farming properties comprising Grassland.

The site is only approximately 5km or 10 mins away by road from the town centre of Hepburn and Hepburn Springs to the south. Hepburn Springs is one of five '*key urban areas*' in the Shire and provides '*...district level retail, business, employment and cultural facilities with limited comparison shopping*' (Hepburn Planning Scheme, 2013). The township is broadly a linear, northwest-southeast oriented residential settlement, which is largely surrounded by the Hepburn Regional Park.

The larger township of Daylesford is located approximately 10km or 15 mins away by road to the south.

### 4.2 Landscape risk

Clause 13.02 of the Planning Policy Framework prioritises the protection of human life over all other policy considerations. Clause 13.02 stipulates that developments must properly assess bushfire risk, including consideration of the hazard (and the resultant risk) beyond the site level (Hepburn Planning Scheme, 2018c). BMO applications under Clause 53-02-4, must also have regard to the nature of the bushfire risk arising from the surrounding landscape (Hepburn Planning Scheme, 2020).

To assist in defining the risk beyond the site scale, four 'broader landscape types' are described in the DELWP technical guide *Planning Applications Bushfire Management Overlay*. They represent different landscape risk levels and are intended to streamline decision-making and support more consistent decisions based on the landscape risk (DELWP, 2017a).

The four types range from low risk landscapes where there is little hazardous vegetation beyond 150m of the site and extreme bushfire behaviour is not credible, to extreme risk landscapes with limited or no evacuation options and where fire behaviour could exceed BMO presumptions.

Overall, it is considered that the surrounding landscape comprises a very high bushfire risk that best accords with Broader Landscape Type 3 (see Table 1).

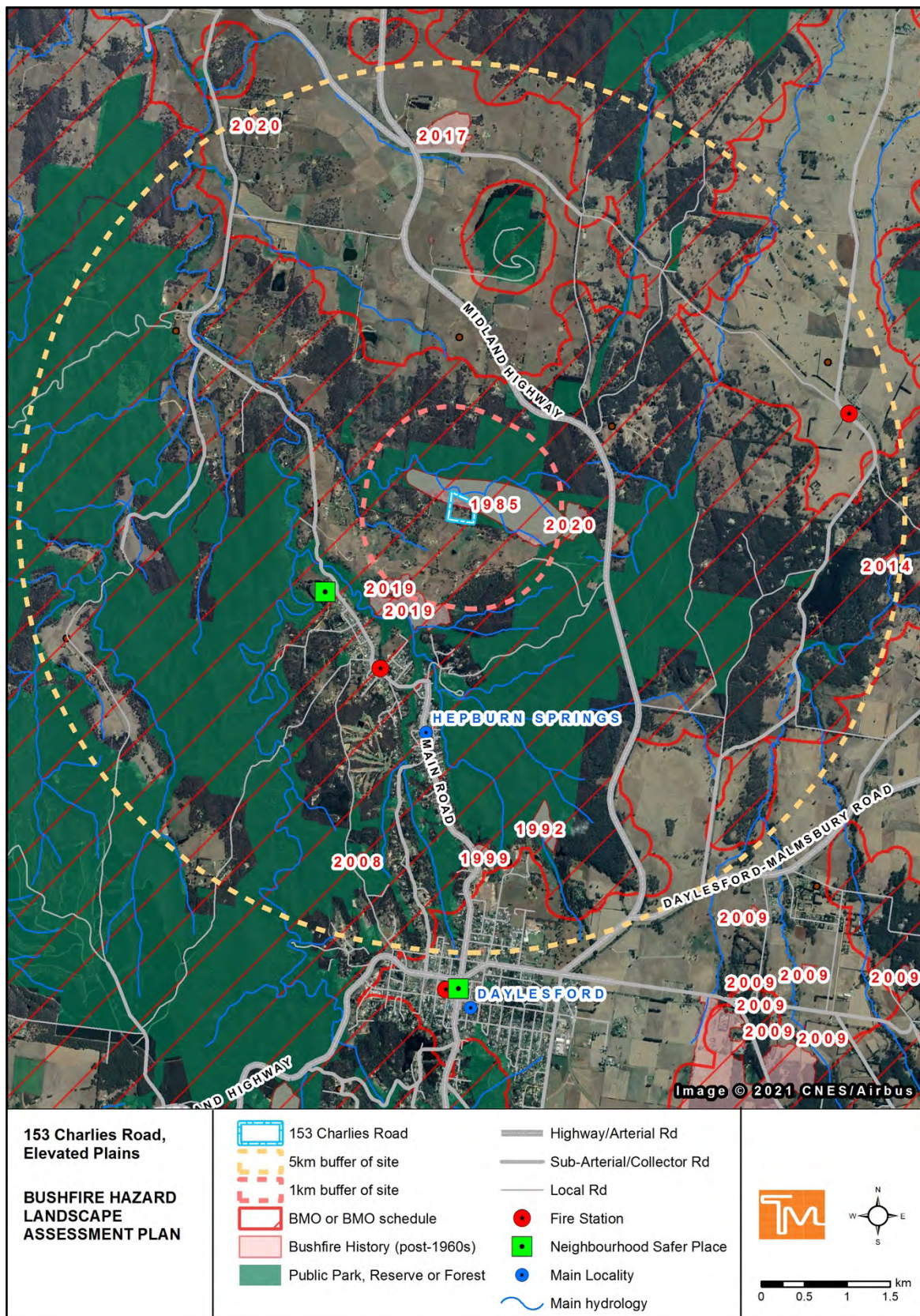


**Table 1 - Landscape risk typologies (from DELWP, 2017a).**

Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
<ul style="list-style-type: none"> <li>• There is little vegetation beyond 150 metres of the site (except grasslands and low-threat vegetation).</li> <li>• Extreme bushfire behaviour is not possible.</li> <li>• The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.</li> <li>• Immediate access is available to a place that provides shelter from bushfire.</li> </ul>	<ul style="list-style-type: none"> <li>• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</li> <li>• Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.</li> <li>• Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.</li> </ul>	<ul style="list-style-type: none"> <li>• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</li> <li>• Bushfire can approach from more than one aspect.</li> <li>• The site is located in an area that is not managed in a minimum fuel condition.</li> <li>• Access to an appropriate place that provides shelter from bushfire is not certain.</li> </ul>	<ul style="list-style-type: none"> <li>• The broader landscape presents an extreme risk.</li> <li>• Fires have hours or days to grow and develop before impacting.</li> <li>• Evacuation options are limited or not available.</li> </ul>
			

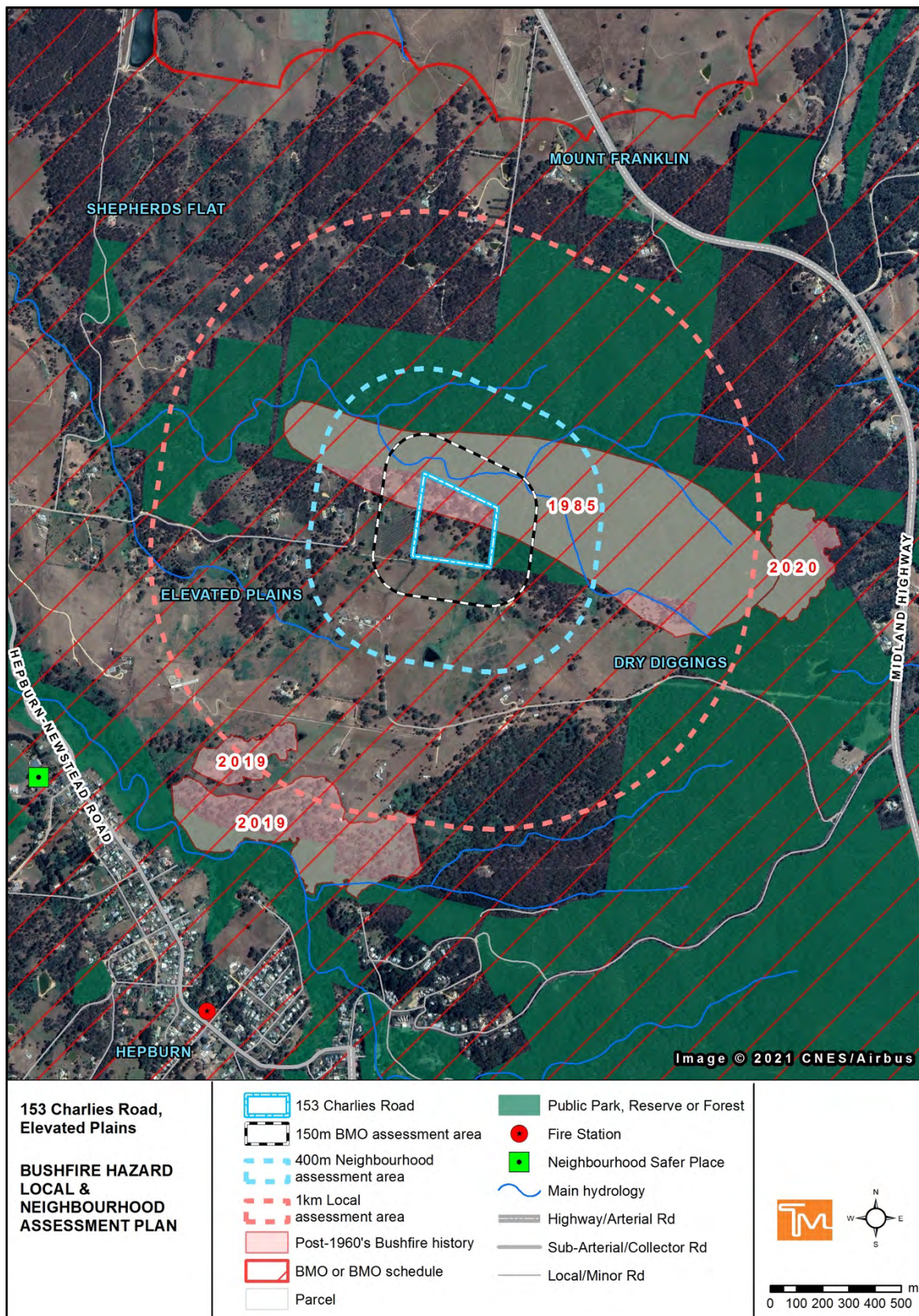
Daylesford and Hepburn are in relatively close proximity to the site, have designated Neighbourhood Safer Places (NSPs)/Places of Last Resort, and offer the nearest locations of relative safety. However, there are limited routes to these destinations and travel would not be low risk due to the windy nature of the roads and exposure to hazardous vegetation.

Virtually all of the land for at least 20km around the site is designated as a BPA (see Figure 1), with much of it, at least within 5km, designated as a higher hazard area as indicated by the BMO coverage (see Map 2 and Map 3). The fire history for crown land surrounding the area, including recent fires in relatively close proximity to the site, reflects the very high fire risk.



Map 2 - Bushfire Hazard Landscape Assessment Plan.





Map 3 – Local and Neighbourhood Assessment.

## 5 Planning and building compliance

This section identifies how the use and development of the site responds to and can comply with the applicable planning and building controls that relate to bushfire.

### 5.1 Clause 13.02 Bushfire

The following sections provide a response about how the development responds to the applicable objectives and strategies for bushfire safety in the PPF at Clause 13.02. Clause 13.02 has the objective '*To strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life*' (Hepburn Planning Scheme, 2018c). The policy must be applied to all planning and decision making under the Planning and Environment Act 1987, relating to land which is:

- Within a designated BPA;
- Subject to a BMO; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Not all of the strategies in Clause 13.02 are relevant to the proposal as it does not comprise settlement growth or planning. Strategies considered applicable are identified below and a development response provided.

#### 5.1.1 Protection of human life strategies

Clause 13.02 requires that the priority be given to protection of human life.

##### **Prioritising the protection of human life over all other policy considerations**

As identified in Section 4, the site is in a very high bushfire risk location. Protection of human life can be prioritised by implementing the measures in Section 5.2 to comply with the BMO objectives, including providing a minimum BAL-29 standard 'Shelter-In-Place (SIP) building' (enhanced to have non-combustible materials on all external elements of the building) as a viable shelter-in-place location to ensure life safety. The Bushfire Emergency Management Plan (BEMP) that has been prepared for the site includes closure and non-occupancy of the site on days with an actual or forecast Fire Danger Rating (FDR) of Severe, Extreme or Code Red and monitoring of conditions on other days of elevated fire danger (see Section 6), including having a trained fire warden onsite on days with a Very High FDR and/or when a bushfire occurs within 20km of the site.

##### **Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.**

The use and development does not comprise settlement growth and will not result in population growth. Whilst there will be increased numbers of people in a bushfire prone



area, including potentially on days of elevated fire danger, the risk is proposed to be mitigated through BMO compliance and appropriate emergency management planning. Hepburn Springs and Daylesford are in relatively close proximity to the site and offer places of relative safety. The SIP building will provide an alternative location to protect human life.

**Reducing the vulnerability of communities to bushfire through consideration of bushfire risk in decision-making at all stages of the planning process**

This report provides the basis for incorporating bushfire risk into decision making associated with planning for the development.

**5.1.2 Bushfire hazard identification and assessment strategies**

The bushfire hazard must be identified and an appropriate risk assessment be undertaken.

**Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.**

This report identifies the hazard in accordance with the commonly accepted methodologies of the BMO and AS 3959-2018 and, as appropriate, additional guidance provided in *Planning Advisory Note 68 Bushfire State Planning Policy Amendment VC140* (DELWP, 2018a).

The type and extent of (hazardous) vegetation within, and up to 150m around the property, has been identified and classified into BMO/AS 3959-2018 vegetation groups. Classification was very conservative, based on the potential long-term state of the vegetation, EVC mapping, aerial imagery, site assessment, published guidance on vegetation assessment for bushfire purposes and experience with the fuel hazard posed by the vegetation types that occur within the region.

GIS analysis of publicly available 10m contour data for the area was undertaken, supported by site assessment to determine effective slopes.

In relation to climatic conditions and fire weather, the BMO/AS 3959-2018 default FFDI 100/GFDI 130 benchmark used in the Victorian planning and building system, has been applied in accordance with the BMO methodology.

**Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.**

The extent of BPA coverage has been considered (see Figure 1). This is based on the most recent BPA mapping, which was gazetted 6<sup>th</sup> July 2021.



**Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard.**

As identified in Section 4, the entire site and much of the surrounding landscape for at least 5km is covered by the BMO (see Map 2). This is considered appropriate and reflects statewide BMO mapping introduced into the Hepburn Planning Scheme by amendment GC13, which was gazetted on 3<sup>rd</sup> October 2017.

**Considering and assessing the bushfire hazard on the basis of:**

- **Landscape conditions** - meaning the conditions in the landscape within 20 kilometres and potentially up to 75 kilometres from a site;
- **Local conditions** - meaning conditions in the area within approximately 1 kilometre from a site;
- **Neighbourhood conditions** - meaning conditions in the area within 400 metres of a site; and
- **The site for the development.**

The hazard has been assessed at a range of scales (see Sections 3 and 4).

At the site and local scale, the assessment follows the AS 3959-2018 methodology applied in a BPA, of classifying vegetation and topography within 150m of a building, with consideration out to 400m around the site (see Map 1 and Map 3).

At the landscape scale, a 20km, 5km and 1km radius of the site has been applied (see Figure 1, Map 2 and Map 3) in accordance with guidance about assessing risk in the technical guide *Planning Permit Applications – Bushfire Management Overlay* (DELWP, 2017a) and Planning Advisory Note 68 (DEWLP, 2018).

**Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.**

CFA received the planning referral and provided conditional consent for the development on 4<sup>th</sup> June 2020 (CFA, 2020a). Subsequently, in an Amended Statement of Grounds, CFA made some further recommendations (CFA, 2020b), which this report considers and responds to (see Section 6).

**Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.**

DELWP advisory and practice notes, Clause 13.02, and the building regulations invoked by the BPA coverage, including the bushfire hazard landscape assessment, specify the general requirements and standards for assessing the risk. These have been used in this report as appropriate and bushfire protection measures have been identified commensurate with the risk.

**Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.**

It is considered that the objectives and strategies of Clause 13.02 can be met and, if the bushfire protection measures to satisfy BMO objectives can be implemented as discussed in this report, then the risk can be deemed to be acceptably mitigated such that development can proceed.

### **5.1.3 Use and development control in a Bushfire Prone Area**

Clause 13.02 requires that *'In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:*

- *Subdivisions of more than 10 lots.*
- *Accommodation.*
- *Child care centre.*
- *Education centre.*
- *Emergency services facility.*
- *Hospital.*
- *Indoor recreation facility.*
- *Major sports and recreation facility.*
- *Place of assembly.*
- *Any application for development that will result in people congregating in large numbers'* (Hepburn Planning Scheme, 2018c).

It further states that:

*'When assessing a planning permit application for the above uses and development:*

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts'* (Hepburn Planning Scheme, 2018c).

This report identifies and considers the risk. BMO compliance and a Bushfire Emergency Management Plan and procedures are proposed to mitigate the risk to an acceptable level.

## **5.2 Clause 44.06 Bushfire Management Overlay**

This section comprises a Bushfire Management Statement in accordance with one of the application requirements of Clause 44.06 (Hepburn Planning Scheme, 2018a). It identifies how the proposed use and development can respond to and satisfy the relevant objectives of associated Clause 53.02.

### **5.2.1 Landscape, siting and design objectives**

*'Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.*

*Development is sited to minimise the risk from bushfire.*

*Development is sited to provide safe access for vehicles, including emergency vehicles.*

*Building design minimises vulnerability to bushfire attack' (Hepburn Planning Scheme, 2020).*

Compliance with these objectives at Clause 53.02-4.1 is able to be achieved via the following approved measures.

#### **AM 2.1 Landscape**

*'The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level' (Hepburn Planning Scheme, 2020).*

As identified in Section 3, the landscape is one of very high bushfire risk. However, this level of risk is typical of most 'Type 3' BMO landscapes where BMO compliance is usually deemed to provide acceptable risk mitigation.

Accordingly, a combination of approved and alternative measures is proposed to meet the BMO objectives, including provision of a Shelter-In-Place (SIP) building with capacity for the total number of people that may be onsite at any one time. The SIP building will be constructed to a minimum BAL-29 standard, with enhanced construction to improve resilience to bushfire attack including non-combustible materials on all external building elements. Most of the site will also be managed as defendable space, a large, compliant water supply for fire fighting is provided, and access and egress is available for visitors and emergency services. Additionally, an appropriate bushfire emergency management plan has been prepared.

It is noted that the CFA initially provided conditional consent (CFA, 2020a); and, subject to further measures as outlined in their Amended Statement of Grounds (CFA, 2020b), did not object to the development proceeding.

#### **Approved measure 2.2 Siting**

*'A building is sited to ensure the site best achieves the following:*

- The maximum separation distance between the building and the bushfire hazard.*
- The building is in close proximity to a public road.*
- Access can be provided to the building for emergency service vehicles' (Hepburn Planning Scheme, 2020).*

The proposed structures are well setback from the highest hazard vegetation (i.e. Forest to the north and east) by generally clustering accommodation units towards the central and southwest of the site, albeit with some separation from each other to provide privacy. Defendable space setbacks for the Shelter-in-Place building exceed those required for BAL-12.5 construction in Table 2 to Clause 53.02-5 (see Map 4).

The proposed development is close to the road and access and egress can comply with the requirements for emergency vehicles.

#### **Approved measure 2.3 Design**

*'A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building'* (Hepburn Planning Scheme, 2020).

I understand there is no requirement for a building permit for the yurts, caravans and dome accommodation units (except to do with plumbing and electrical work) as the permit application is for tourist accommodation (camping and caravan park) and the units are temporary, moveable accommodation and not a class of building that requires a BAL construction standard<sup>8</sup>.

Accordingly, bushfire design considerations are not applicable. This is considered appropriate as the function and construction of these buildings is not to withstand bushfire attack or provide protection of human life from the impacts of a bushfire.

The SIP building will, however, likely be a Class 1A building (dwelling) and will be designed to a minimum BAL-29 construction standard. Note that all BALs are deemed to satisfy the National Construction Code performance requirement that buildings requiring a BAL be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the:

- (a) *'potential for ignition caused by burning embers, radiant heat or fame generated by a bushfire; and*
- (b) *intensity of the bushfire attack on the building'* (ABCB, 2020).

Note that while the SIP building will be constructed to a minimum BAL-29 standard, it is proposed to have enhanced construction to improve resilience to bushfire attack by having non-combustible materials on all external building elements.

#### **5.2.2 Defendable space and construction objective**

*'Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings'* (Hepburn Planning Scheme, 2020).

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<sup>8</sup> Note that 'Movable dwellings' are defined in the Residential Tenancies Act as dwellings that are designed to be movable, but the definition does not include a dwelling that cannot be situated at and removed from a place within 24 hours. This includes, but is not limited to, caravans, unregistrable movable dwellings, annexes and tents (DELWP, 2017a).

The applicable approved measure for this objective is AM 3.2:

*“A building used for accommodation (other than a dwelling or dependent person’s unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:*

- Provided with defensible space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.*
- Constructed to a bushfire attack level of BAL-12.5 (Hepburn Planning Scheme, 2020).*

As identified above, the Yurts, Caravans and Dome accommodation units are not deemed a Class of building that does requires a BAL construction standard. Accordingly, they will not be provided with defensible space in accordance with Table 3 to Clause 53.02-5 and cannot satisfy AM 3.2.

Instead, an Unspecified Alternative Measure is proposed for responding to the BMO Defendable space and construction objective. *‘An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures’* (Hepburn Planning Scheme 2020).

Further, two Decision Guidelines of Clause 53.02-4 are considered especially applicable in relation to this objective:

- ‘Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.*
- If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding’* (Hepburn Planning Scheme 2020).

The Unspecified Alternative Measure proposes that a minimum 25m of defensible space, compliant with the vegetation management specifications for defensible space in Table 6 to Clause 53.02-5, is provided around the accommodation buildings. Note that 10m of defensible space and no BAL construction standard is in accordance with the BMO approach for ‘non-habitable outbuildings’. In reality the accommodation units will have substantially more defensible space as the defensible space will extend west and south to the property boundaries, north to the area of cultural heritage sensitivity and east to the forest edge within the site (see Map 4).

The SIP building will be provided with a minimum area of defensible space that exceeds that required in Table 2 Column A and Table 6 to Clause 53.02-5, which is commensurate with a BAL-12.5 construction standard. Note also, that the design and construction of the SIP building will be to an enhanced BAL-29 standard.



The proposed minimum defensible space response is summarised in Table 2 and the actual extent is shown in the Bushfire Management Plan provided as Map 4.

**Table 2 – Construction and defensible space response for buildings.**

Vegetation	Slope Class	Construction standard	Defendable Space
Accommodation buildings (Yurts, Domes and Caravans)			
Forest	Downslope >10° – 15°	n/a	Min. 25m all around the buildings <sup>9</sup>
Grassland			
SIP Building (dwelling)			
Forest	Downslope >10° – 15°	Min. BAL-29 (enhanced with all external elements being of non-combustible materials)	Min. 88m to north and east
Grassland			Min. 32m to south and west

The proposal is consistent with AltM 3.6, which states:

*‘A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:*

- *An integrated approach to risk management has been adopted that considers:*
  - *The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.*
  - *The intended frequency and nature of occupation.*
  - *The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.*
- *Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment’ (Hepburn Planning Scheme, 2020).*

All defensible space can meet the vegetation management requirements stipulated in Table 6 at Clause 53.02-5, as detailed in Appendix A of this report. The extent of the proposed defensible space areas is shown in the Bushfire Management Plan provided as Map 4 and is achieved wholly within the boundaries of the site.

### 5.2.3 Water supply and access objectives

*‘A static water supply is provided to assist in protecting the property.*

<sup>9</sup> In reality the accommodation units will have substantially more defensible space, as the defensible space will extend west and south to the property boundaries, north to the area of cultural heritage sensitivity and east to the forest edge within the site (see Map 4).

*Vehicle access is designed and constructed to enhance safety in the event of a bushfire' (Hepburn Planning Scheme, 2020).*

These objectives can be met via approved measure 4.1 which states that:

*'A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:*

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.*
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.*
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.*

*The water supply may be in the same tank as other water supplies' (Hepburn Planning Scheme, 2020).*

The total floor space of all buildings will not exceed 1,500m<sup>2</sup>. Therefore, for BMO compliance, the development will need to be provided with a minimum 10,000L capacity static water supply for fire fighting, located in an above ground, non-combustible tank/s. The supply is currently provided as three 25,000L steel tanks located near the property entrance. I am instructed that two of these tanks are dedicated for fire fighting only and have CFA compliant fittings.

I am instructed that the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020) apply, and therefore, a minimum 45,000L static water supply is required to satisfy the Caravan Park Fire Safety Guidelines (CFA & MFB, 2012). The existing total 50,000L fire fighting supply fulfils this requirement.

Access to the water supply will be designed and constructed in accordance with the specifications provided in Table 5 to Clause 53.02-5, as detailed in Appendix C of this report.

Map 4 following, comprises Page 1 of a 2 page Bushfire Management Plan (BMP), detailing the bushfire protection measures for the development, consistent with the CFA's standard permit conditions and BMP guidance (CFA, 2017).

## 6 Emergency Management Arrangements

A key bushfire protection measure is to implement a Bushfire Emergency Management Plan (BEMP) to ensure that on higher risk days, the site is closed and not occupied. Given the very high bushfire risk at the site, the BEMP will also provide for life safety on other days of elevated fire danger when there may also be potential for a fire to develop, impact the site and threaten life safety.

It is noted that under the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, an emergency management plan must be developed, in accordance with AS 3745 and AS/NZS 4360. The development also, therefore, needs to respond to the objectives of the CFA fire safety guidelines for caravan parks<sup>10</sup>, which are:

- Provide and maintain access for firefighters;
- Prevent fire spreading by separating structures;
- Provide and maintain firefighting equipment;
- Identify and manage fire hazards;
- Comply with legislative requirements, and
- Develop and Implement Emergency Management Plans (CFA & MFB, 2012).

The site will be closed on days forecast, or declared, as having a Fire Danger Rating (FDR) of Severe, Extreme or Code Red. On an FDR of Very High, a trained fire warden familiar with the site and the BEMP procedures, will be stationed onsite from 9am to midnight. The fire warden will also attend the site if a bushfire occurs within 20km of the site (refer to the BEMP submitted a part of the current application).

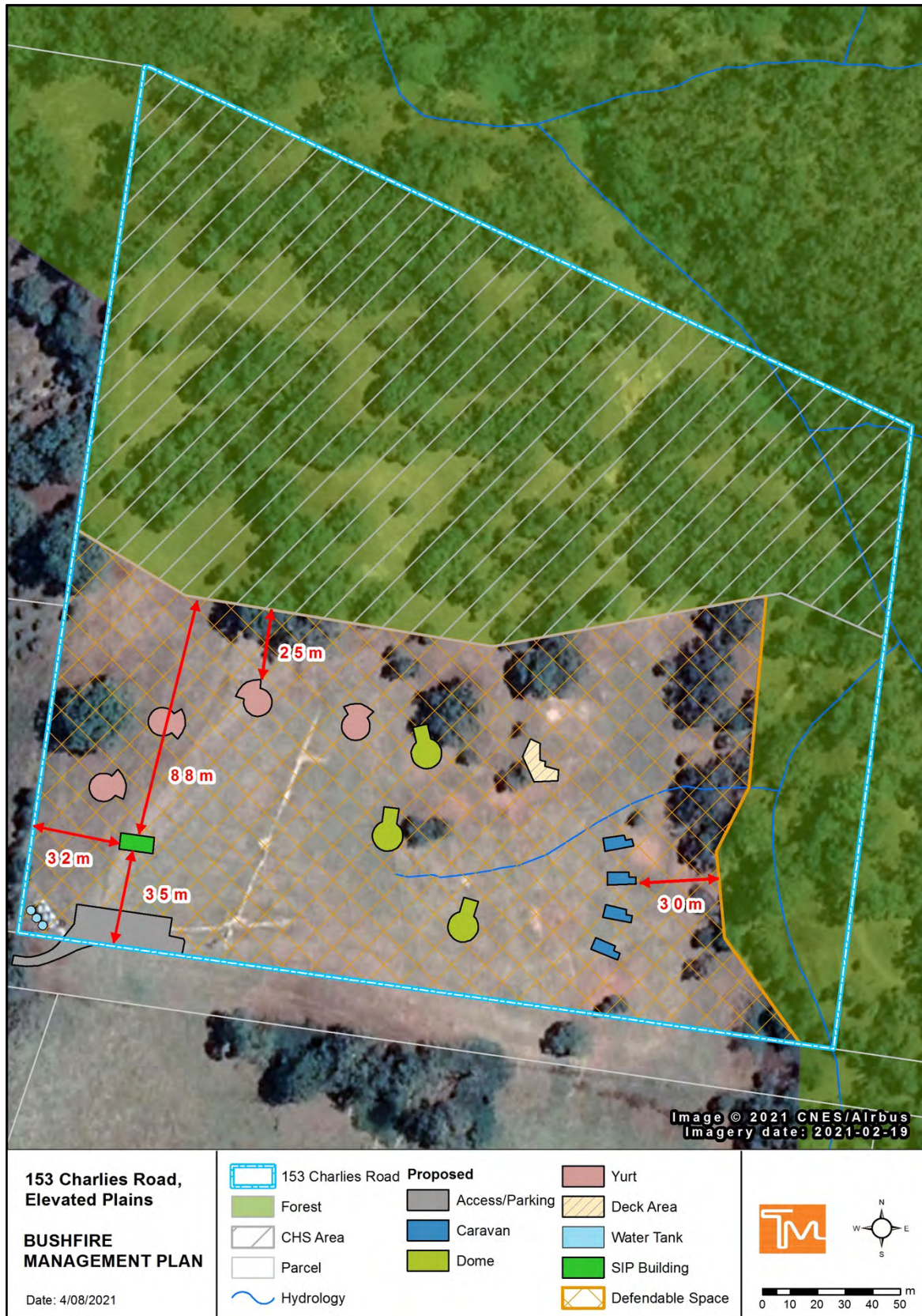
The name, contact details, role and functions of the Fire Warden will be stipulated in the BEMP and include:

- Familiarity with the BEMP and ability to use onsite fire protection equipment and procedures including use of the private bushfire shelter(s);
- Monitoring of fire conditions in the landscape around the site via local radio and emergency management apps/websites, including ensuring availability of a mobile phone to communicate with emergency services if appropriate;
- Initiating evacuation of the site should a fire develop in the wider landscape and it is considered safe to evacuate and move to a safer location(s) in a timely manner;
- If it is not safe to evacuate and move to a safer location(s) in a timely manner, initiating a 'shelter-in-place response' to gather and ensure site occupants move into the SIP building if a fire threatens to impact the site; and
- Monitor conditions whilst 'sheltering-in-place' and managing egress from the site when deemed safe to do so.

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<sup>10</sup> Note the guidelines are typically more about structural fire safety and not specifically bushfire.





Map 4 - Bushfire Management Plan (page 1 of 2).

**BUSHFIRE MANAGEMENT PLAN FOR 153 CHARLIES ROAD, ELEVATED PLAINS (Page 2 of 2)****Construction Standards**

The Shelter-In-Place (SIP) building must be designed and constructed to a minimum BAL-29 construction standard. A BAL construction standard is not applicable to the accommodation units.

**Water Supply**

A minimum 45,000L of effective water supply for fire fighting purposes must be provided in accordance with the following requirements:

- Be stored in an above ground water tank/s constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
- Include a separate outlet for site occupant use.
- Be readily identifiable with appropriate identification signage to the satisfaction of the CFA.
- Be located within 60 metres of the outer edge of the Private Bushfire Shelter(s).
- The outlet/s of the water tank/s must be within 4m of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

**Vehicle Access**

Vehicle access to the Shelter-In-Place building and the water supply outlet(s) must be provided in accordance with the following requirements:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

**Defendable Space Management**

Defendable space must be provided around all buildings, extending west and south to the property boundaries, north to the fenced edge of the Area of Cultural Heritage Sensitivity, and east to the edge of the Forest along the drainage line near the eastern boundary of the site, as shown on Page 1 of this Bushfire Management Plan, and be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5m<sup>2</sup> in area and must be separated by at least 5m.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5m.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.



## 7 Conclusion

The proposed use and development of the site for tourist accommodation at 153 Charlies Road, Elevated Plains, was assessed for compliance with the Victorian planning and building controls that relate to bushfire, specifically the requirements of Clause 13.02 *Bushfire*, Clause 44.06 *Bushfire Management Overlay* (BMO) and associated Clause 53.02 *Bushfire Planning* in the Hepburn Planning Scheme.

The site is in a Bushfire Prone Area and is covered by the BMO. At the site and neighbourhood scale, the development is exposed to Forest and Grassland vegetation in the 'Downslope >10° to 15° ' slope class.

The bushfire risk posed by the broader surrounding landscape is very high due to the often steeply undulating topography, extent of remnant vegetation mainly associated with the Hepburn Regional Park, and the limited access and egress options to safer locations.

However, the proposed siting and layout of the development maximises the setback from hazardous vegetation as far as is practicable. The development can meet the BMO objectives by a combination of approved and alternative measures, including the defensible space and construction objective via use of Alternative measure 3.6.

The accommodation buildings are deemed by a building surveyor not to be a class of building that is required to meet the National Construction Code performance requirement for bushfire (i.e. are not required to meet a BAL construction standard), therefore an unspecified alternative measure proposes a minimum 25m of defensible space around all accommodation buildings; and defensible space that exceeds the Column A to Table 2 of Clause 53.02-5, around the proposed Shelter-In-Place building. All vegetation within the defensible space can be managed in accordance with Table 6 to Clause 53.02-5.

Water supply and access can meet BMO requirements, including providing a minimum static water supply of 10,000L dedicated solely for fire fighting, with compliant CFA access and fittings. As the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 apply, the minimum static water capacity provided will be 45,000L, dedicated for fire fighting, with CFA compliant outlets.

A Bushfire Emergency Management Plan (BEMP) will include closure and non-occupancy of the site on days with an actual or forecast Fire Danger Rating (FDR) of Severe, Extreme or Code Red and monitoring of conditions on other days of elevated fire danger, including on days with an FDR of Very High, ensuring a fire warden familiar with the site and the BEMP procedures, is stationed onsite from midnight to midnight. The fire warden will also attend the site if a bushfire occurs within 20km of the site.

The bushfire protection measures detailed in this report can be deemed to provide acceptable safety, as they exceed those required for BMO compliance and prioritise life safety above all other considerations. It is considered that the objective of Clause 13.02 *Bushfire*, which is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life, will therefore, be satisfied.

## 8 Appendices

### 8.1 Appendix A: Vegetation management requirements

**As per Table 6 to Clause 53.02-5:**

*'Defendable space is provided and is managed in accordance with the following requirements:*

- *Grass must be short cropped and maintained during the declared fire danger period.*
- *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- *Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- *Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- *Shrubs must not be located under the canopy of trees.*
- *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- *Trees must not overhang or touch any elements of the building.*
- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level*

*Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority' (Hepburn Planning Scheme, 2018b).*

## 8.2 Appendix B: Water supply requirements

**Table 4 from Clause 53.02-5- Capacity, fittings and access** (Hepburn Planning Scheme, 2018b)

Capacity, fittings and access			
Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

*Note 1: A hydrant is available if it is located within 120 metres of the rear of the building*

### **Fire Authority Requirements**

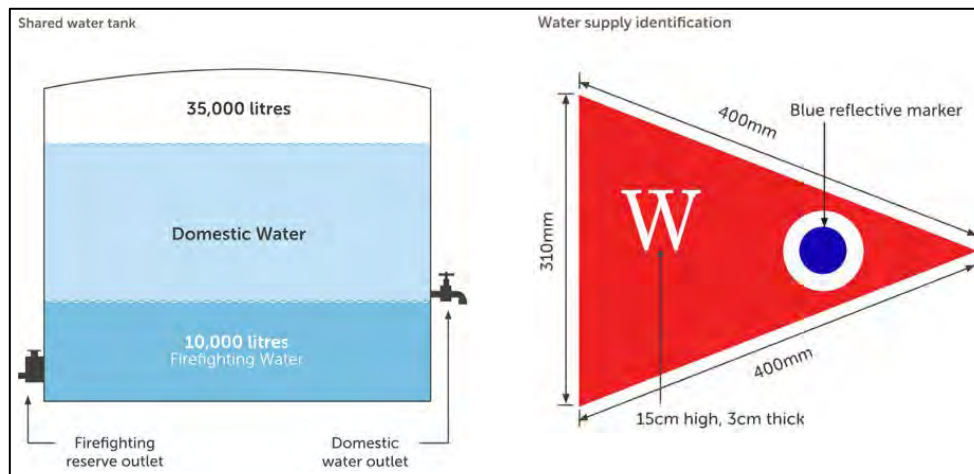
*'Unless otherwise agreed in writing by the relevant fire authority, the water supply must:*

- Be stored in an above ground water tank constructed of concrete or metal.*
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
- Include a separate outlet for occupant use.*

*Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:*

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.*
- Be located within 60 metres of the outer edge of the approved building.*
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.*
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).*
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)' (Hepburn Planning Scheme, 2018b).*

The water supply may be provided in the same water tank as other water supplies, provided they are separated with different outlets. See figure below illustrating signage and an example of outlets where fire fighting water will be in the same tank as water for other use.



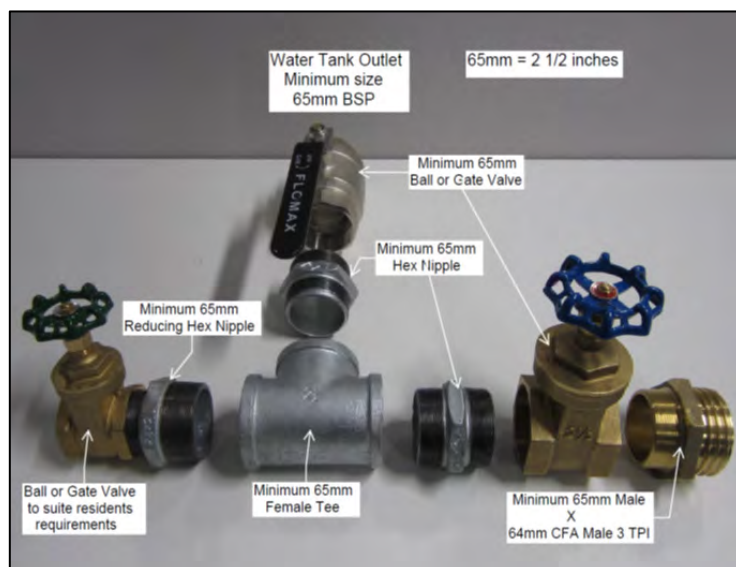
(DELWP, 2017a)

#### **CFA Fittings** (CFA, 2014)

*'If specified within Table 4 to Clause 53.02-5(if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.*

*65 mm BSP (British Standard Pipe) is the most common size available. A 65 mm fitting is equivalent to the old 2 1/2 inch. A 65 mm BSP (2 1/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.*

*The diagram below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65 mm tank outlet, two 65 mm ball or gate valves with a 65 mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'.*





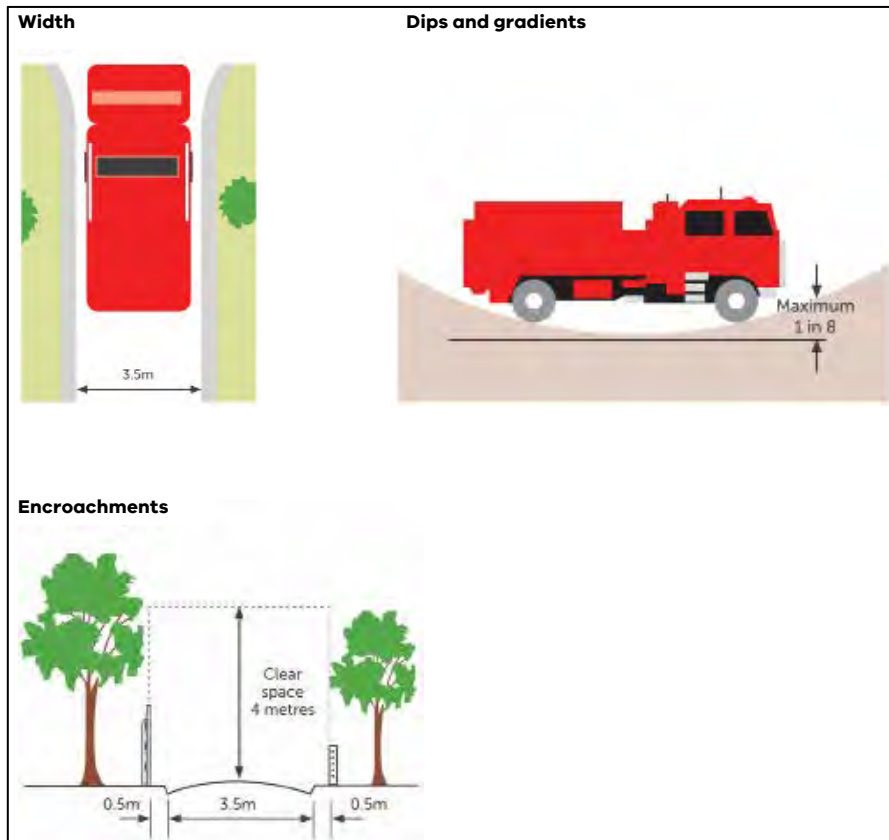
### 8.3 Appendix C: Access requirements

**Driveways less than 30m long have no specific requirements unless access to the water supply outlet is required, in which case the following apply as appropriate.**

#### **Access between 30m and 100m in length**

Where the length of access is greater than 30 metres the following design and construction requirements apply (*the length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer* (Hepburn Planning Scheme, 2018b)):

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

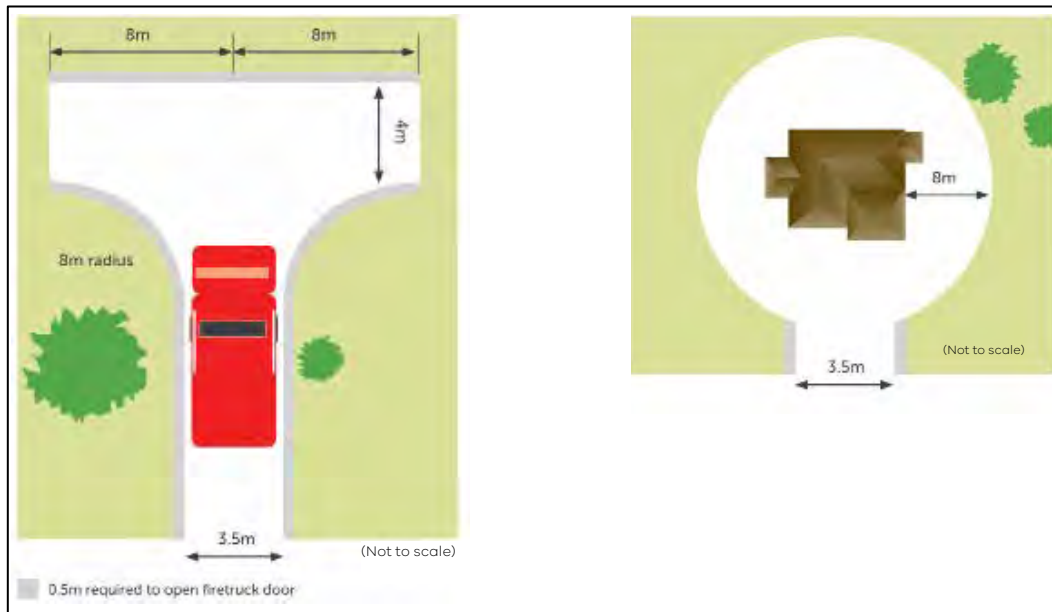


(DELWP, 2017a)

### **Access between 100m and 200m in length**

In addition to the 30m-100m requirements above, a turning area for fire fighting vehicles must be provided close to the building by one of the following:

- a turning circle with a minimum radius of 8 metres
- a driveway encircling the dwelling
- other vehicle turning heads such as a T or Y head which meet the specification of Austroad Design for an 8.8 metre service vehicle.

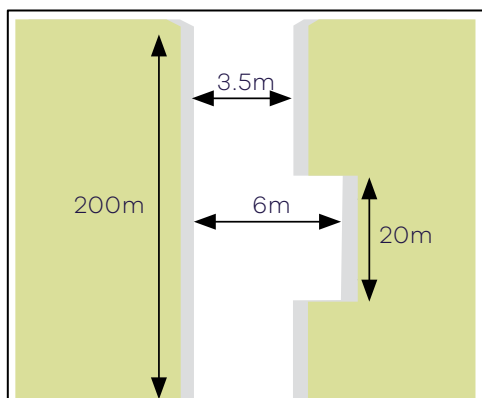


(DELWP, 2017a)

### **Access greater than 200m in length**

In addition to the requirements above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.



(DELWP, 2017a)

## 9 References

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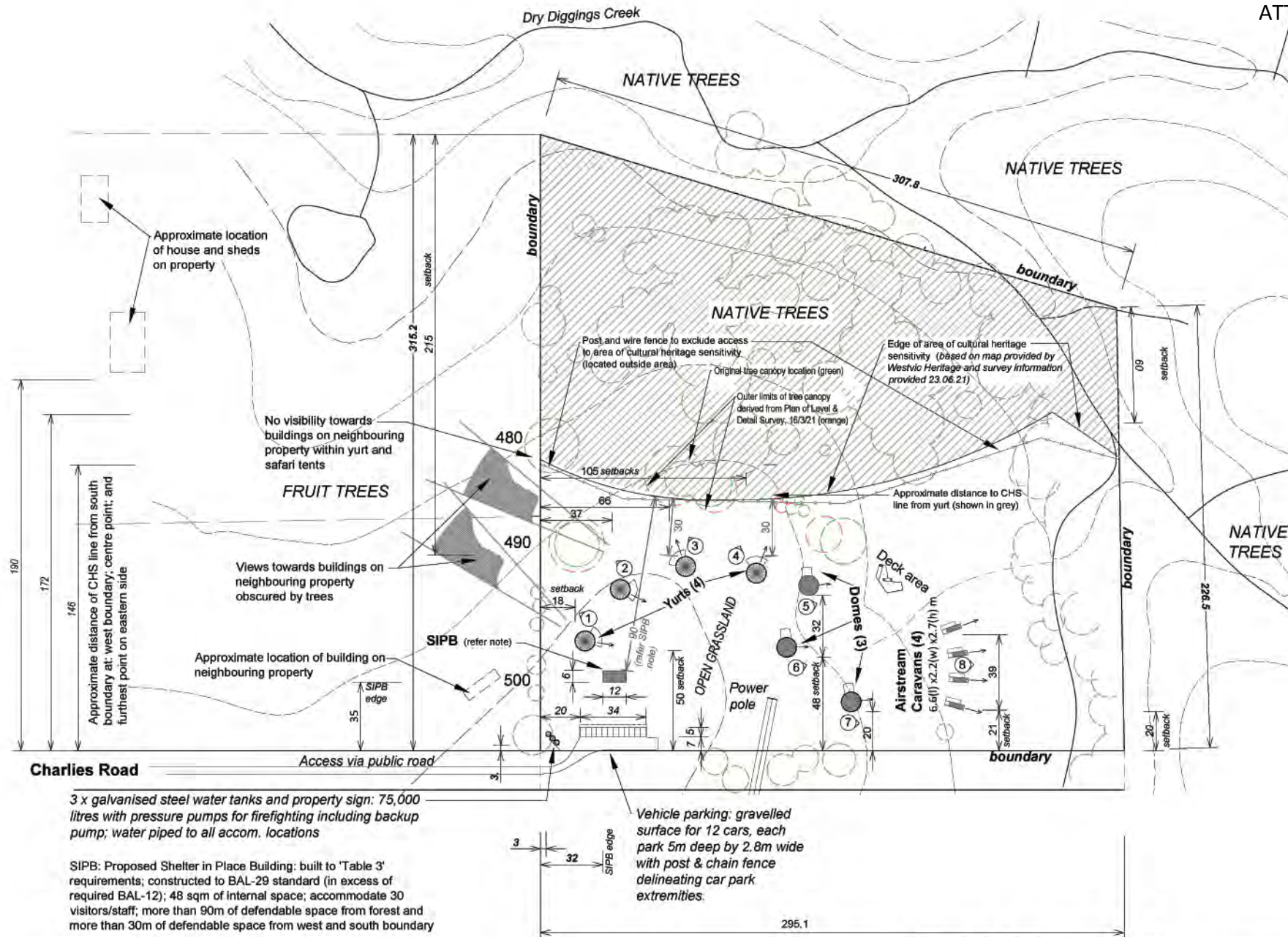
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## planning permit application drawing

(not for construction)

Rev A: 27.07.21

### Proposed accommodation:

#### Clifftop @ Hepburn:

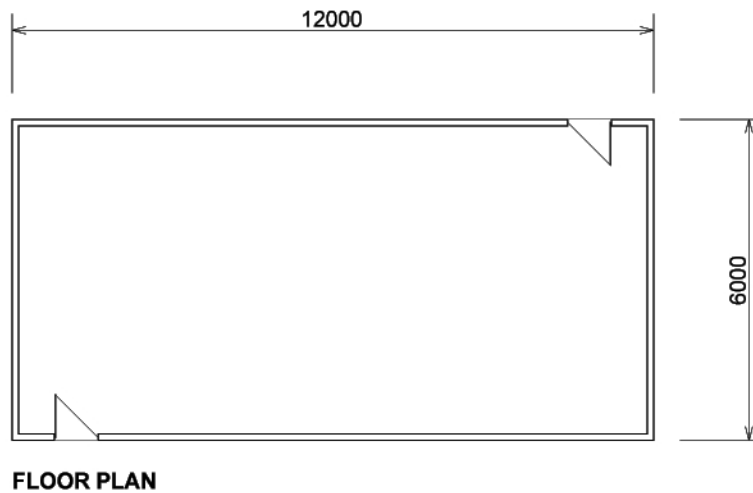
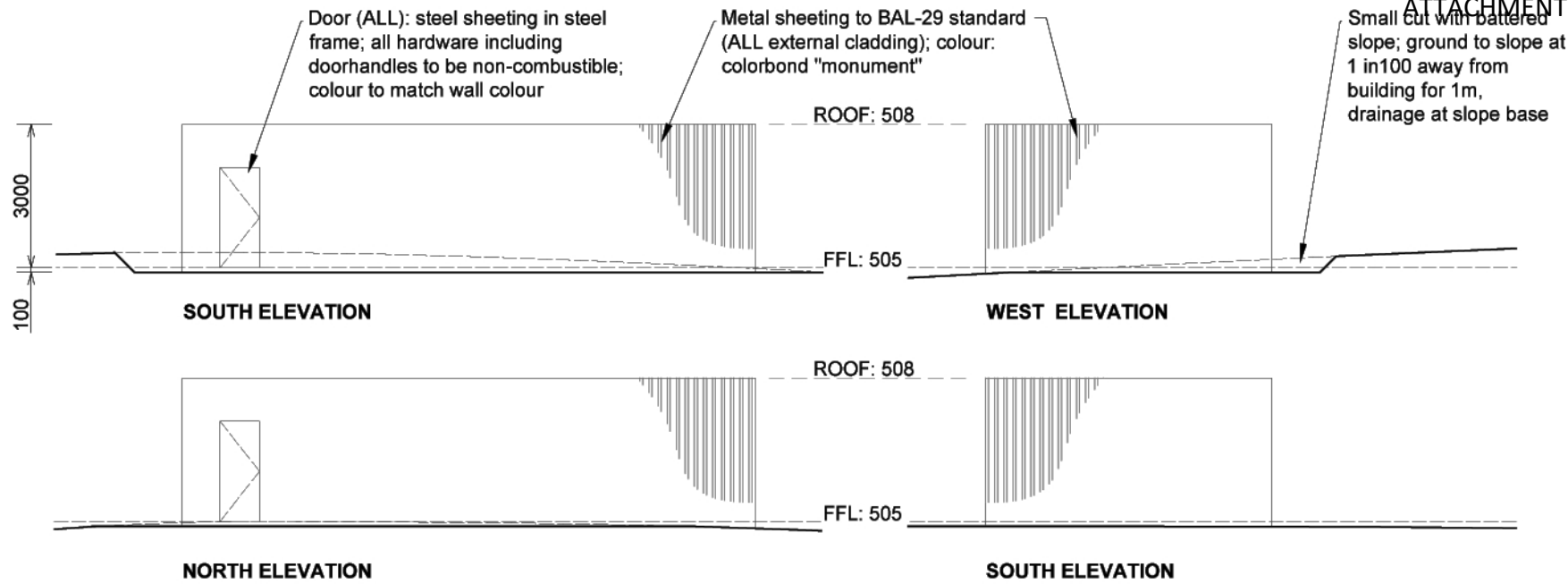
153 Charlies Road, Elevated Plains, VIC.

#### Proposed site plan

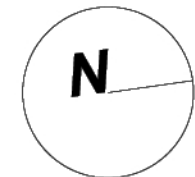
SCALE: 1:2000

29.01.21

ROBIN LARSEN DESIGN pty ltd  
ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arb reg no. 16800



NOTE: Construction of building to minimum BAL-29 standard with final design to the satisfaction of the CFA



**Proposed accommodation:**

**Clifftop @ Hepburn:**

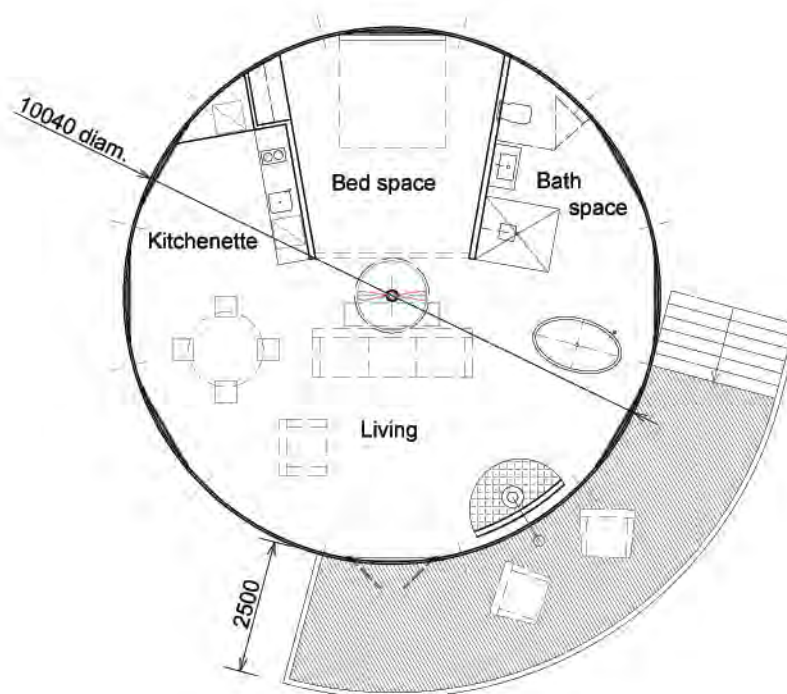
153 Charlies Road, Elevated Plains, VIC.

**Proposed Shelter-in-place Bldg**

SCALE: 1:100

27.07.21

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**PLAN** (typical)

**planning permit  
application drawing**  
(not for construction)

**Proposed accommodation:**  
**Clifftop@Hepburn:**  
153 Charlies Road, Elevated Plains, VIC.

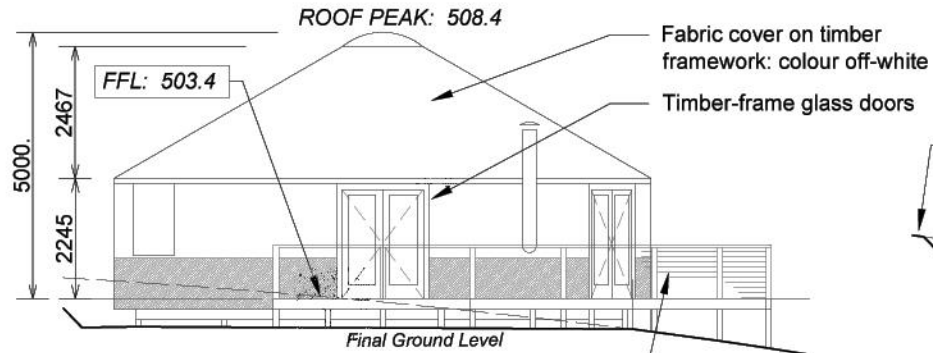
**Proposed yurt floor plans**

SCALE: 1:100

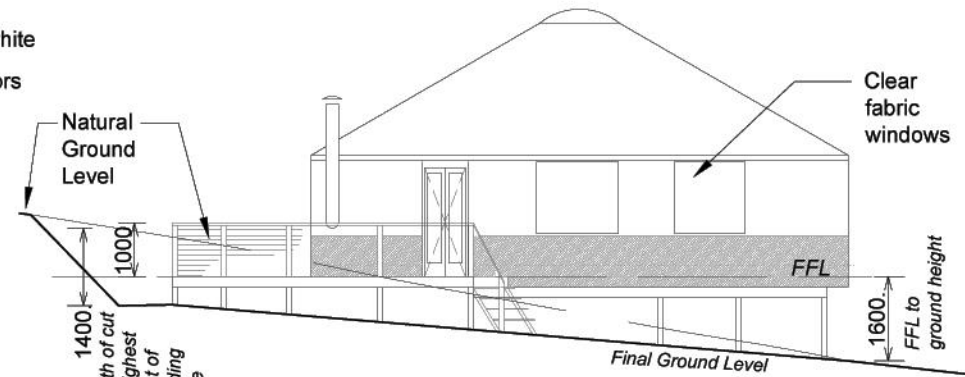
29.01.21

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## YURT 1

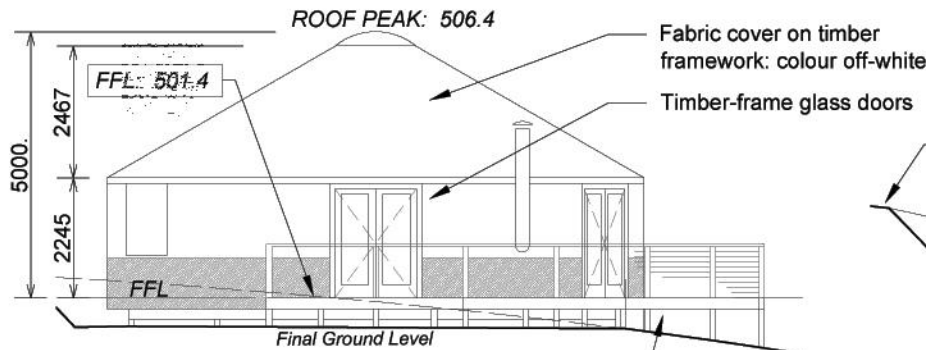


east

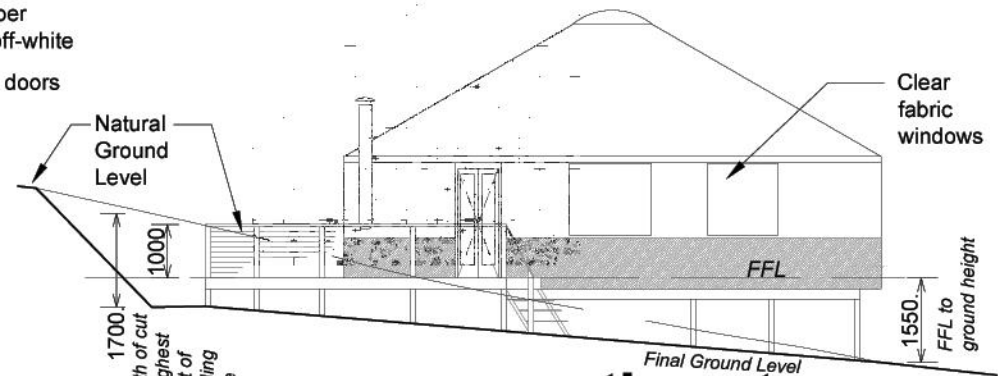


north

## YURT 2



southeast



northeast

**planning permit  
application drawing**  
(not for construction)

Rev A: 27.07.21

**Proposed accommodation:**  
**Clifftop@Hepburn:**  
153 Charles Road, Elevated Plains, VIC.  
**Proposed yurt elevations: 1 and 2**  
**SCALE: 1:100**

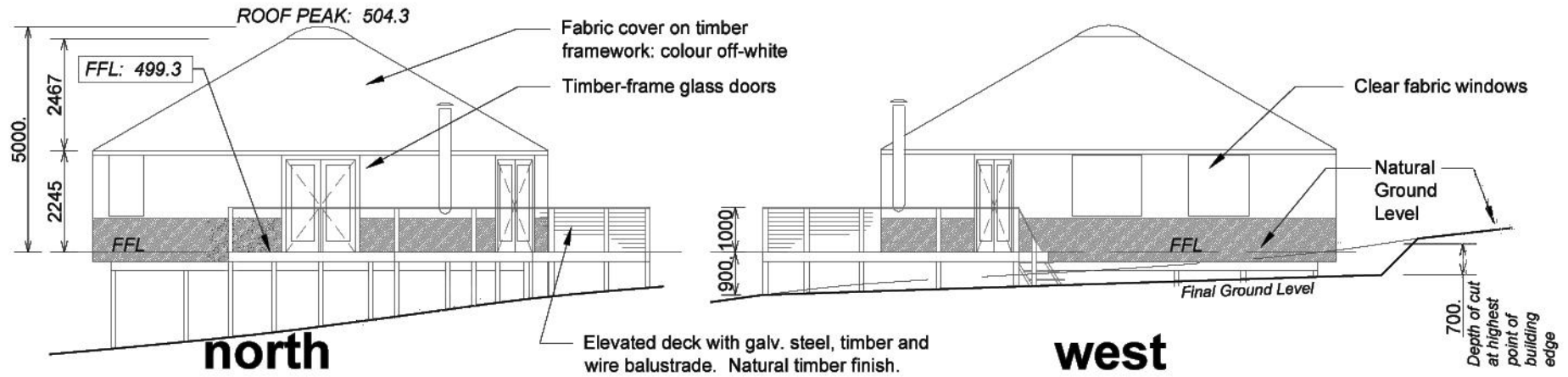
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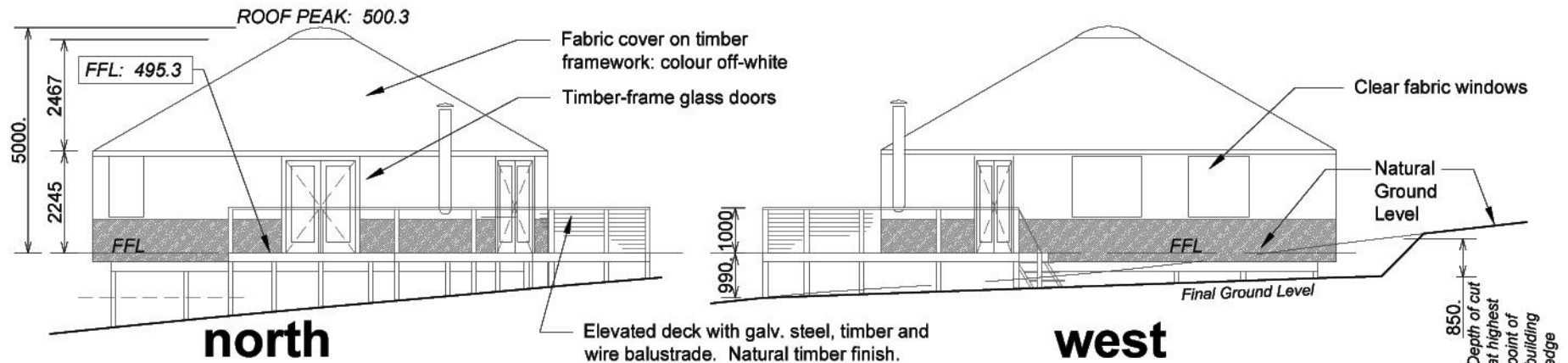


# YURT 3

ATTACHMENT 10.2.4



# YURT 4



**planning permit  
application drawing**  
(not for construction)

Rev A: 27.07.21

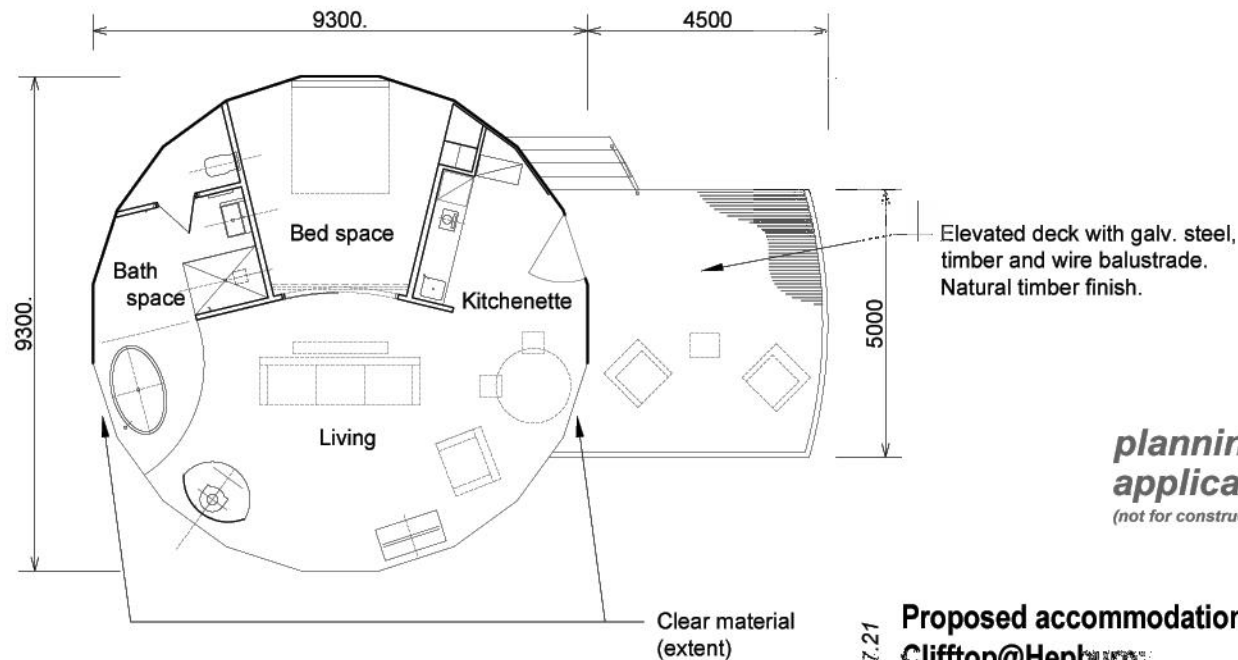
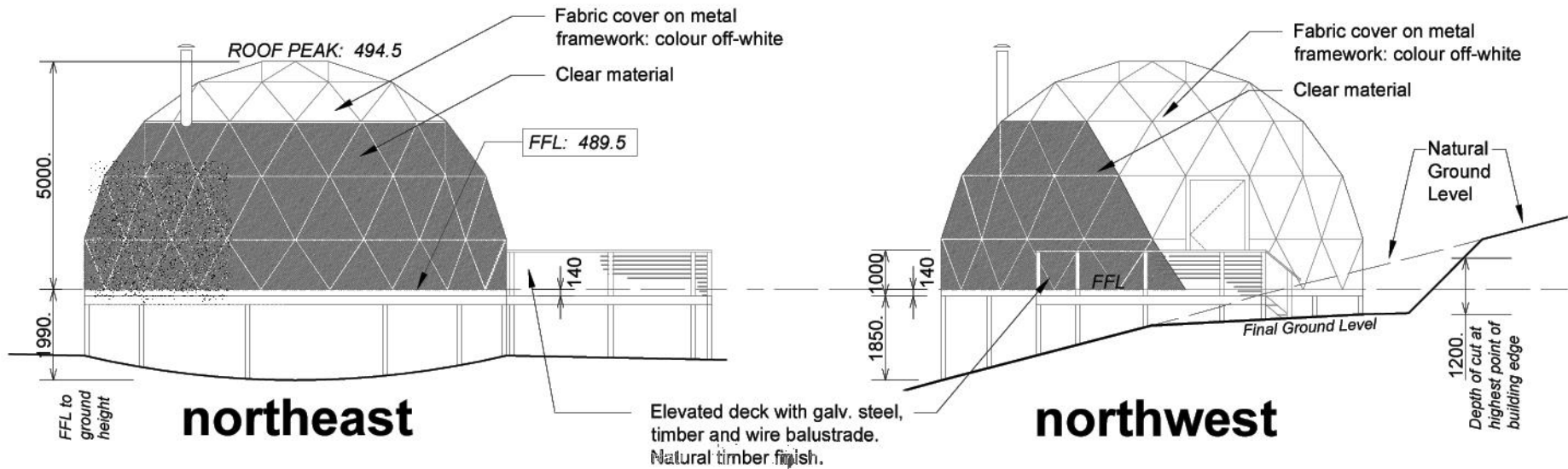
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**Clifftop@Hepburn:**  
153 Charles Road, Elevated Plains, VIC.  
**Proposed yurt elevations: 3 and 4**  
**SCALE: 1:100**

29.01.21

**ROBIN LARSEN DESIGN pty ltd**  
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# DOME 1



**PLAN** (typical)

**planning permit  
 application drawing**  
 (not for construction)

Rev A: 27.07.21

**Proposed accommodation:**

**Clifftop@Hepburn**

153 Charles Road, Elevated Plains, VIC.

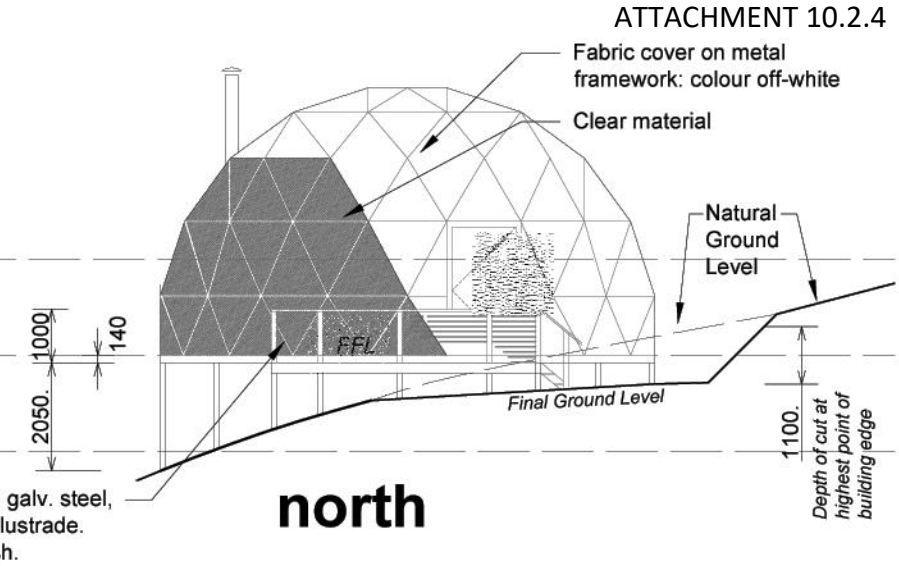
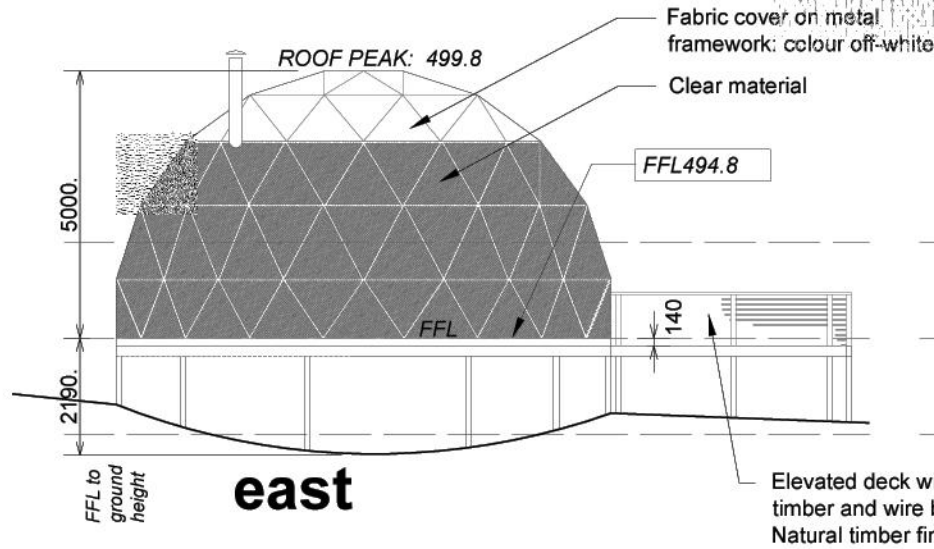
**Proposed dome floor plan & elevation dome 1**

SCALE: 1:100

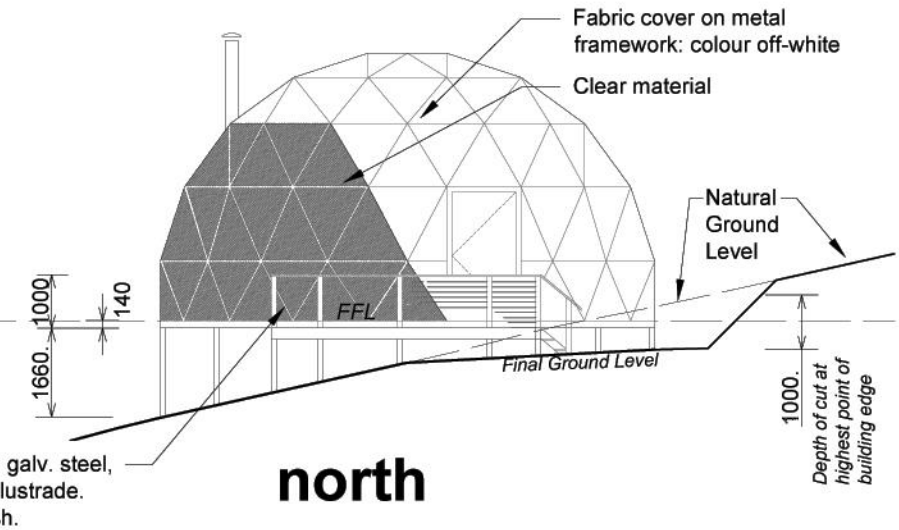
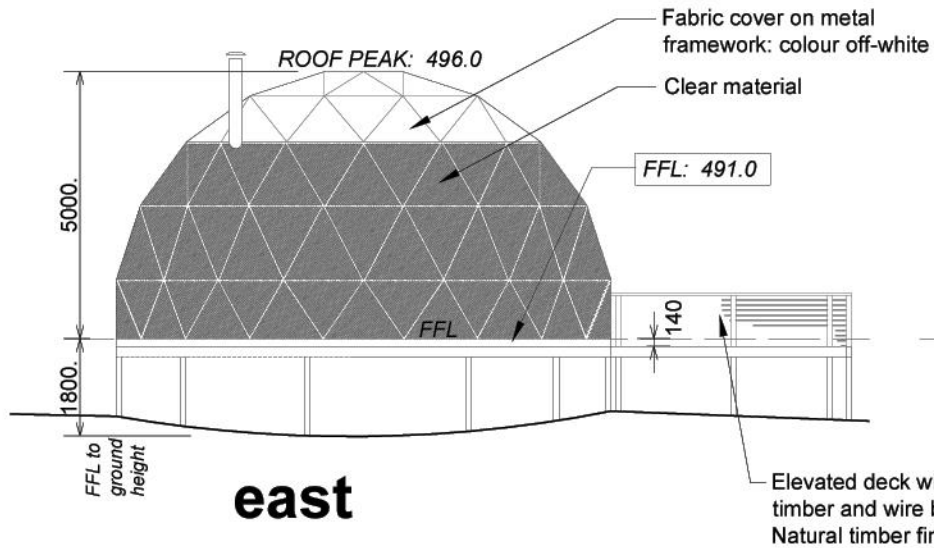
29.01.21

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# DOME 2



# DOME 3



Rev A: 27.07.21

Proposed accommodation:  
Clifftop@Hepburn:

153 Charles Road, Elevated Plains, VIC.

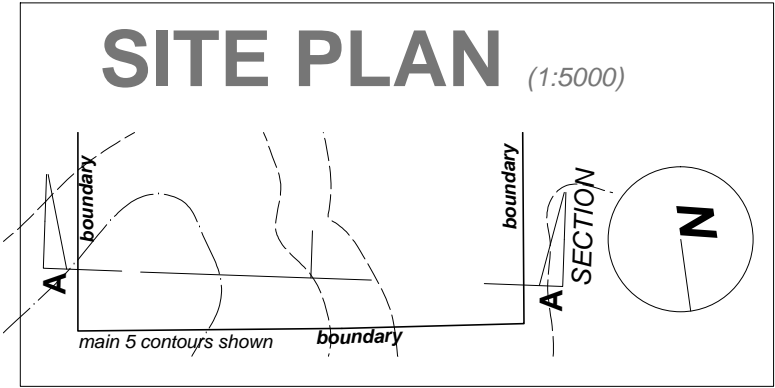
Proposed dome elevations 2 & 3

SCALE: 1:100

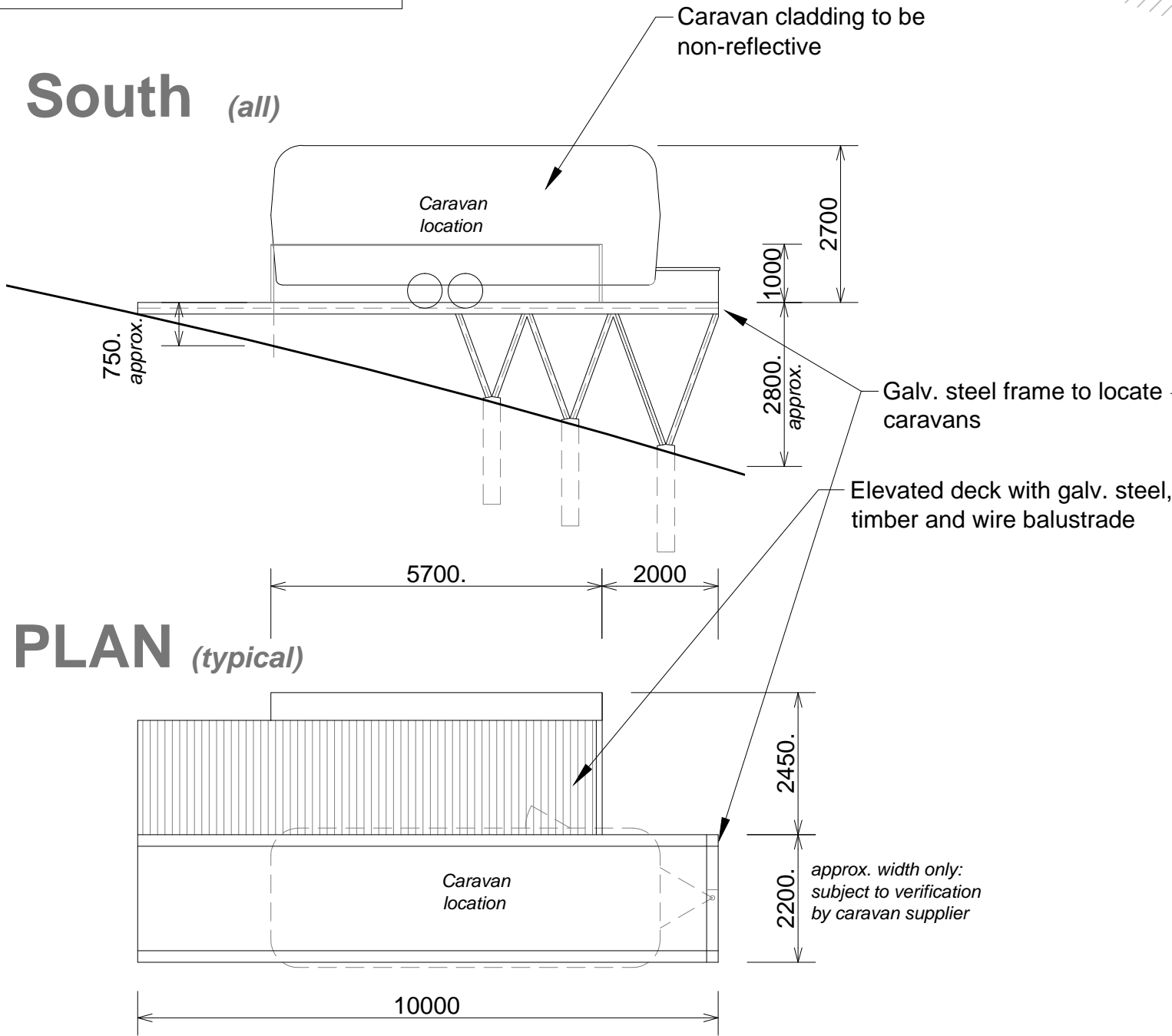
29.01.21

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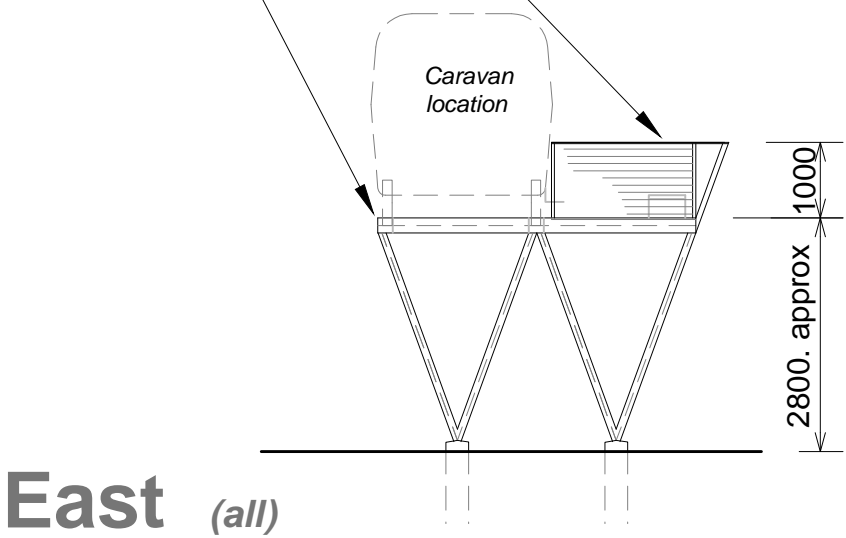
ATTACHMENT 10.2.4



**SITE SECTION A-A** (1:500)



	Caravan Frame Platform Levels	Caravan Roof Levels
<b>Caravan 1</b> (northern most)	FFL: 472.9	FFL: 475.6
<b>Caravan 2</b>	FFL: 474.8	FFL: 477.5
<b>Caravan 3</b>	FFL: 476.8	FFL: 479.5
<b>Caravan 4</b> (southern most)	FFL: 478.9	FFL: 481.6



**planning permit  
application drawing**  
(not for construction)

Rev A: 27.07.21

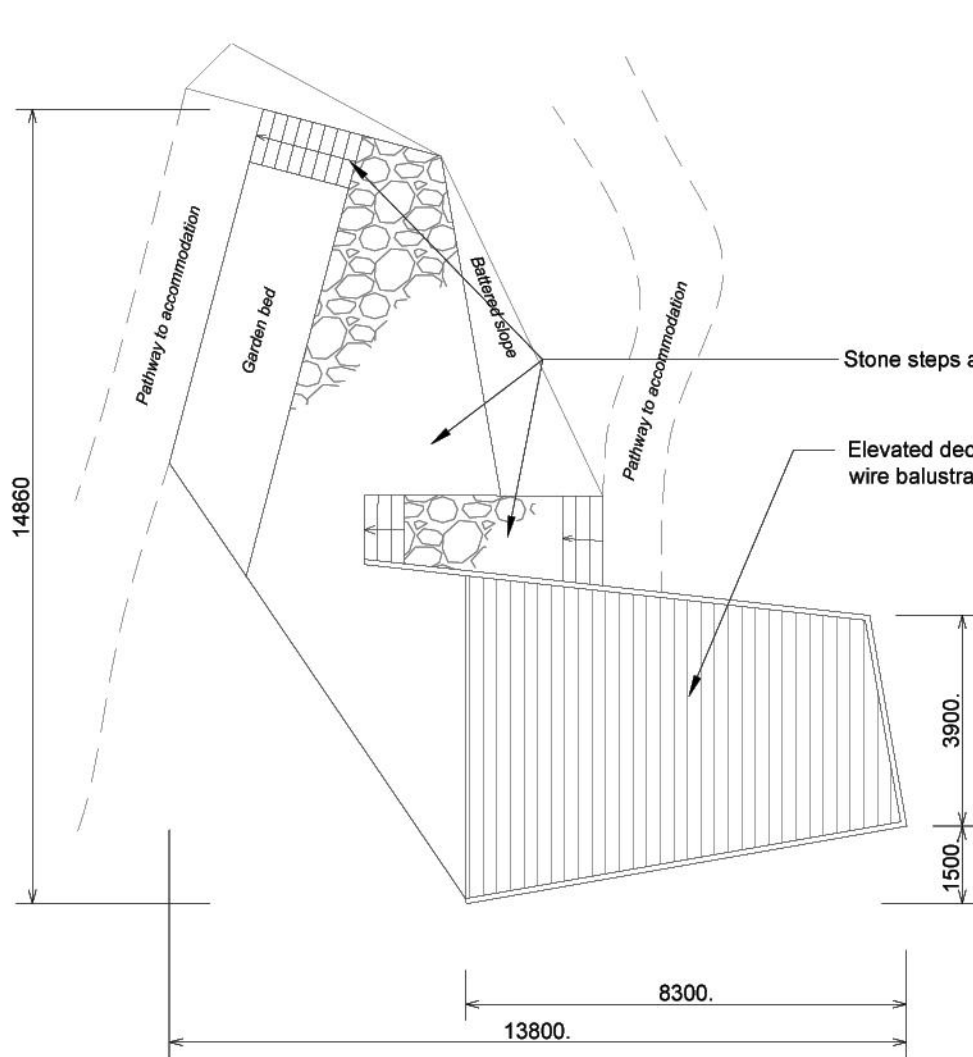
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**Clifftop@Hepburn:**

153 Charles Road, Elevated Plains, VIC.

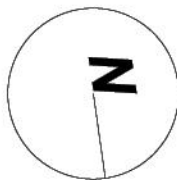
**Proposed caravans & support frame**

**SCALE:** 1:100; 1:500      29.01.20

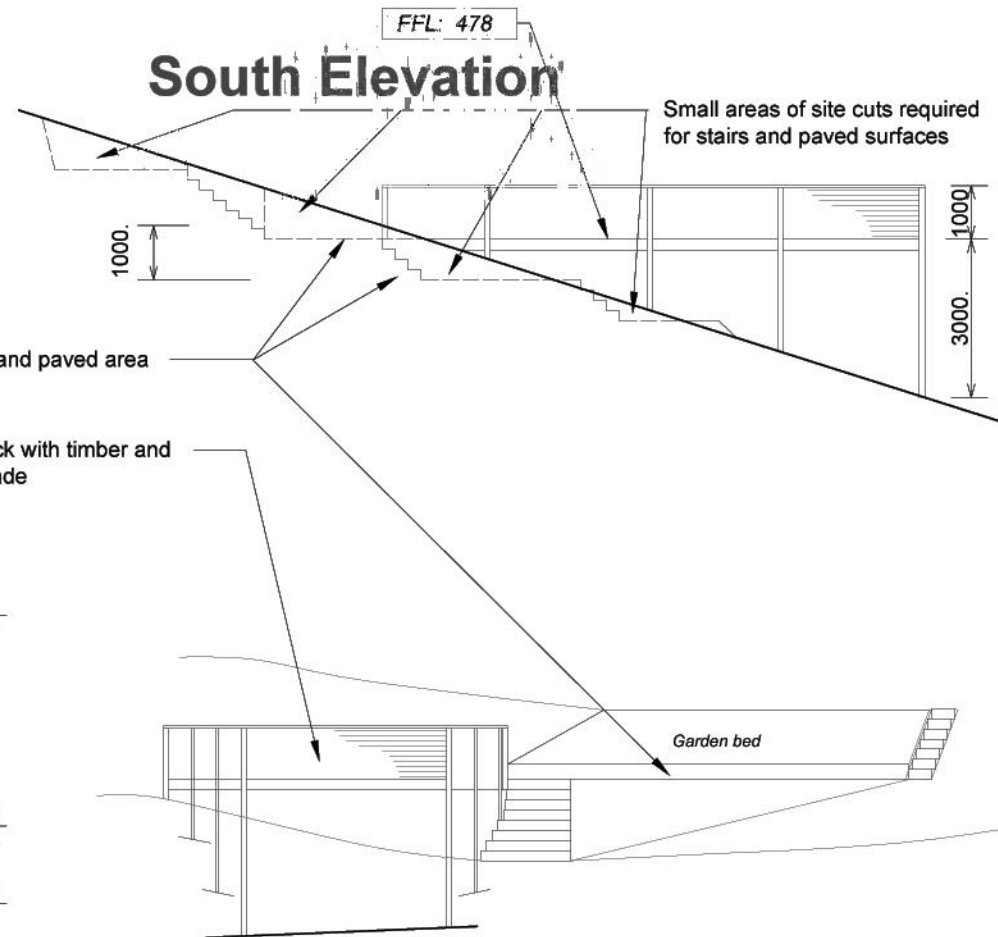
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email: robin@treearc.com.au      arbv reg no. 16800



PLAN



**planning permit  
application drawing**  
(not for construction)



East Elevation

Rev A: 27.07.21

**Proposed accommodation:**

**Clifftop @ Hepburn:**

153 Charlies Road, Elevated Plains, VIC.

**Proposed deck area**

SCALE: 1:100

29.01.21

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# Yurts

# Domes

# Caravans

*planning permit  
application drawing*  
(not for construction)

**Proposed accommodation:**

**Clifftop@Hepburn:**

153 Charlies Road, Elevated Plains, VIC.

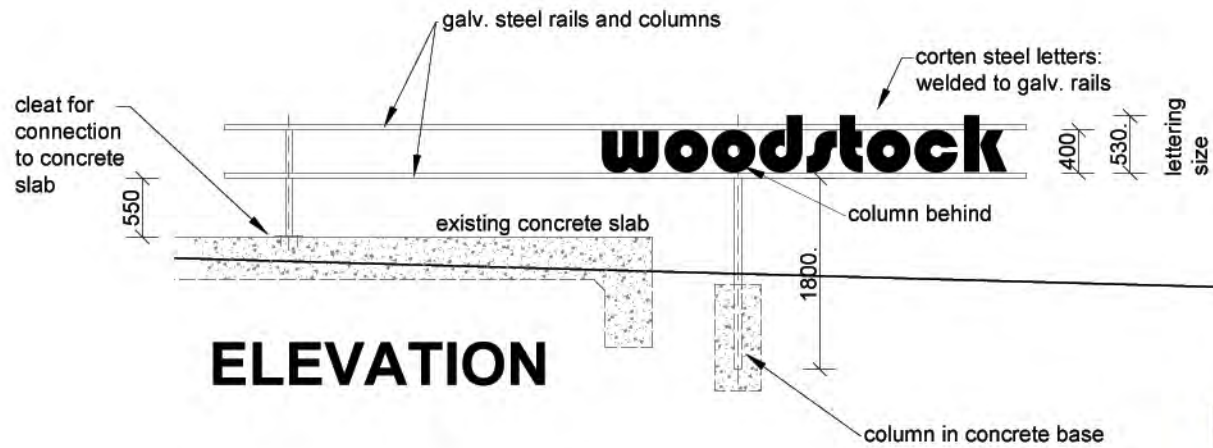
**Photos of proposed finishes & forms**

SCALE: -

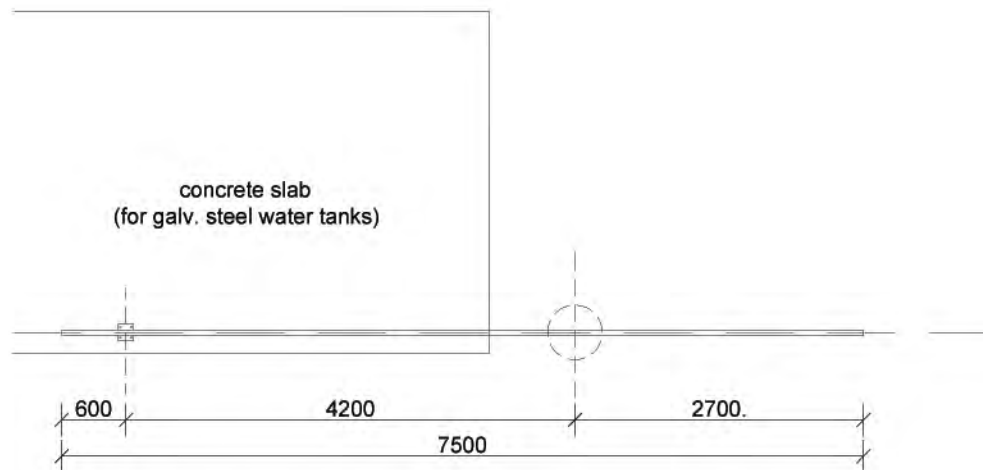
29.01.21

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ph & fx. 03 9690 4446 mob. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800





## ELEVATION



## PLAN



**Photograph: Example of a similar sign at another property developed by the same owner.**

**planning permit  
application drawing**  
(not for construction)

**Proposed accommodation:**

**Clifftop @ Hepburn:**

153 Charlies Road, Elevated Plains, VIC.

**Proposed entry sign**

SCALE: 1:50

27.07.21

**ROBIN LARSEN DESIGN pty ltd**  
ph & fx. 03 9690 4446 mod. 0439 383 900  
post: po box 515, daylesford, victoria, 3460  
email: robin@treearc.com.au arbv reg no. 16800



①



②



③



④



Photographs of views from accommodation locations. Position and direction of photographs shown on proposed site plan

**Proposed accommodation:**

**Clifftops@Hepburn:**

153 Charlies Road, Elevated Plains, VIC.

**Photographs of views 1**

SCALE: -

30.07.20

**ROBIN LARSEN DESIGN** *pty ltd*  
 ph & fx. 03 9690 4446 mob. 0439 383 900  
 post: po box 515, daylesford, victoria, 3460  
 email: robin@treearc.com.au arbv reg no. 16800



5



6



7



8



Photographs of views from accommodation locations. Position and direction of photographs shown on proposed site plan

**Proposed accommodation:**  
**Clifftops@Hepburn:**  
 153 Charlies Road, Elevated Plains, VIC.  
**Photographs of views 2**  
 SCALE: - 30.07.20

**ROBIN LARSEN DESIGN pty ltd**  
 ph & fx. 03 9690 4446 mob. 0439 383 900  
 post: po box 515, daylesford, victoria, 3460  
 email: robin@treearc.com.au arbv reg no. 16800





**PRELIMINARY DRAFT**  
**Bushfire Emergency Management Plan**

for a camping and caravan park at  
153 Charlies Road, Elevated Plains VIC 3461

Prepared by Terramatrix Pty Ltd  
for Clifftop at Hepburn Pty Ltd

August 2021

[WWW.TERRAMATRIX.COM.AU](http://WWW.TERRAMATRIX.COM.AU)

Terramatrix project code: ClifftopAtHepburnPtyLtd-2021-04 BMO\_P2-Elevated Plains

**Terramatrix Pty. Ltd.**

ACN 129 163 373

ABN 44 129 163 373

PO Box 1391, Collingwood VIC 3066

P: 03 9417 2626

www.terramatrix.com.au

**Approvals**

Date	Accountability	Name
2021-07-29	Analysis and report compilation	John Eastwood
2021-07-29	Peer review	Hamish Allan, Manager, Bushfire Planning and Design
2021-08-04	V2.1 with minor client amendments	Hamish Allan, Manager, Bushfire Planning and Design

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Spatial data was supplied by the client and State Government of Victoria. Care was taken with the creation of maps used in this report; however, the accuracy cannot be guaranteed. Users of the maps should make appropriate enquiries to ascertain the useability of this information.



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## 1 Introduction

This Bushfire Emergency Management Plan (BEMP) has been prepared by Terramatrix for Clifftop at Hepburn Pty Ltd, to address bushfire risk associated with the use of 153 Charlies Road, Hepburn as a tourist accommodation facility. The use of the site involves occupation of caravans, yurts and accommodation domes by up to 26 guests. The site will be closed and unoccupied on a day with a Fire Danger Rating (FDR) of SEVERE, EXTREME or CODE RED. A site manager acting as a Fire Warden will be onsite to manage guests on a day with a VERY HIGH FDR, and/or when there is a bushfire within 20km of the site.

This BEMP provides guidance to the Fire Warden and guests ABOUT how to monitor conditions and respond in the event of bushfire. In summary, in the event of an elevated FDR, bushfire warning or observation, the BEMP procedures are:

- In case of a **Severe, Extreme or Code Red** FDR for the Central District (forecast up to four days in advance), site is closed and guests must vacate the site by 9:00 am on the day to which the forecast applies and no one is to be onsite.
- In the event of a **Very High** FDR for the Central District, or when a bushfire occurs within 20km of the site, a Fire Warden must be onsite from midnight to midnight on the day to which the forecast applies, to monitor conditions and if necessary, evacuate the site or shelter-in-place.
- If a bushfire occurs anywhere within **10kms AND beyond 5km** of the site, or an '**Advice Warning**' is issued, advise all site occupants to either leave the site OR stay on the site and monitor emergency apps, radio, and visual observation of local conditions.
- If a bushfire occurs **anywhere within 5kms AND beyond 3km of the site**, the site should be evacuated immediately:
  - If the fire is to the north of the site people are to be directed to the south either to the Daylesford NSP or a residential/township area beyond Daylesford;
  - If the fire is to the south of the site people are to be directed to the north either to the Guildford or Glenlyon NSPs, or a residential/township area beyond.
- If a bushfire occurs **anywhere within 3km of the site (see Map 1) OR a 'Watch and Act' or 'Emergency Warning' alert for Elevated Plains, Hepburn or Hepburn Springs is issued**, alert all site occupants by use of the onsite siren, check all the accommodation units and assemble all people at the **Emergency Assembly Area/SIP Building**. **Do not** evacuate the site at this point.
  - Bushfire information sources should be monitored, and local conditions observed;
  - If directed by emergency services **OR flames are observed OR smoke obscures vision or makes breathing difficult**, Shelter-In-Place procedure to be initiated.

FIRE WARDEN	CONTACT DETAILS
David Penman	0413 929 294
Others to be nominated	

N.B. This plan is a PRELIMINARY DRAFT only, which should not be used for operational purposes.

Once planning approval has been obtained and the development has been implemented, this plan will need to be finalised to the satisfaction of the CFA, in consultation with the site occupants, appropriate staff members and other stakeholders.

This will ensure the plan is informed by expert advice and supported by the emergency services.

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## 2 Preparation

Preparation for bushfire involves readiness of both the property and people. Preparations must be made prior to and during the declared Fire Danger Period for the Central District.

### 2.1 Accommodation and shelters

The accommodation will comprise:

- Four caravans;
- Three accommodation domes;
- Four yurts;

The total guest capacity is 26 people, with up to 4 staff (i.e. total max. onsite at any time of 30). The Fire Warden must be onsite between midnight and midnight on days of Very High FDR, or when a bushfire occurs within 20km of the site.

The site is provided with a Shelter-In-Place (SIP) building with capacity to shelter all occupants based on a minimum usable floor area of 2m<sup>2</sup> per person. The SIP building is constructed to a minimum BAL-29 construction standard, however, as additional protection all external building elements will be of non-combustible materials.

***NOTE: None of the caravans, yurts or domes are designed or constructed to provide protection from bushfire – Therefore, they must not be used as shelter from bushfire and it is not anticipated that they will be defended in the event of bushfire.***

### 2.2 Vegetation management

In order to minimise the risk of ignition or spread of fire within the site, the following vegetation management will be carried out prior to and during the declared Fire Danger Period for the Central District.

Defendable space must be provided in all directions around the Shelter-In-Place (SIP) building and accommodation units. The defendable space must extend west and south to the property boundaries, north to the area of cultural heritage sensitivity and east to the forest edge within the site (see Map 3). The defendable space area must be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.

- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5m<sup>2</sup> in area and must be separated by at least 5m.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5m.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

### 2.3 Access and egress

In order to facilitate the egress of people from the accommodation units to the Emergency Assembly Area/SIP building, the following must apply:

- Pathways must be maintained from all Accommodation units with signs to the SIP building;
- Low wattage shielded night lighting must remain on outside the SIP building and illuminate the pathways from all accommodation units to the Emergency Assembly Area/SIP building on days of High and Very High Fire Danger.

In order to facilitate the safe movement of people and vehicles in the event of bushfire:

- The main entranceway, roads and pathways must be free of obstruction at all times that guests are on the property;
- The main evacuation route must be clear and direct and must be provided with signage on the front gate that indicate evacuation direction along Charlies Road.

### 2.4 Fire response facilities and equipment

The site, SIP building and accommodation units must incorporate bushfire protection features and equipment, including:

- An Emergency Assembly Area with a low wattage shielded nightlight (to be turned on on days of High and Very High Fire Danger) and appropriate signage must be provided in the vicinity of the car park and the SIP building;
- A siren capable of being heard at all accommodation units;
- Wi-fi capability for guest connectivity and emergency communication;
- Each accommodation unit must be provided with a copy of this plan and any other relevant information regarding bushfire including a plan (see Map 2) showing evacuation routes to safer places to Daylesford NSP to the south or Guildford or Glenlyon NSPs to the north;
- Each accommodation unit must be provided with a 9 litre Class A fire extinguisher;
- A 'Site Evacuated and Closed due to Bushfire' sign to be placed on or near the front gate showing outwards, when site has been closed or evacuated due to bushfire.
- A 'Sheltering-In-Place due to Bushfire' sign to be placed on or near the front gate showing outwards, when people are in the SIP building.



The SIP building must be equipped with:

- Bottled water and long-life snack foods;
- Woollen Blankets (1 per person);
- First Aid kit with burn treatment materials;
- Torches with spare batteries;
- Radio with spare batteries;
- Several pairs of large overalls, smoke masks and gloves;
- Toilet;
- 9 litre Class A fire extinguisher;
- A copy of this plan; and
- Contact details for emergency services and Daylesford Hospital.

## 2.5 Property

Actions to be taken around the site prior to and during the declared Fire Danger Period for the Central District:

Maintenance of accommodation units and SIP building
Ensure that all fire equipment (see Section 2.4) is provided and maintained in accordance with manufacturers requirements.
Store any fuels, chemicals or other flammable materials well away from the Emergency Assembly Area/SIP building and accommodation units.
Ensure LPG tanks vent away from buildings.
Ensure any woodpiles are stored at least 10m away from the buildings.
Avoid storing flammable items such as bins and garden furniture against buildings.
Ensure that all external low wattage shielded night lighting is functional.
Ensure siren is tested regularly during the declared Fire Danger Period for the Central District.
Ensure that signage is in place and in good condition.

Regular actions to be taken throughout the site:

Maintenance
Maintain defensible space within the site as per Section 2.2 and Map 3 of this Plan.

## 2.6 Fire Warden and Guests

A trained Fire Warden must be onsite from midnight to midnight on days of Very High FDR, and when a bushfire occurs within 20km of the site. Guests must be informed of rules regarding vehicle use within the site, smoking and fires (see Section 2.7), and actions to take in the event of bushfire (see Section 6).

Actions
Fire Warden to be onsite from midnight to midnight on days of FDR 'Very High' or when a bushfire is within 20km of the site. Fire Warden to have cotton overalls, leather gloves, eye protection, smoke mask and work boots.
Fire Warden to have VicEmergency App on a mobile telephone, with a 20km watch zone around the site, and ensure that there is mobile telephone reception available. Other sources of bushfire information such as radio to be monitored.
Fire Warden must be familiar with, and trained about the content and procedures of this Bushfire Emergency Management Plan including familiarity with: <ul style="list-style-type: none"> <li>• Bushfire information sources and monitoring them regularly (see Section 5).</li> <li>• The type and meaning of bushfire warnings (see Figure 1 and Figure 2).</li> <li>• Applicable trigger points and appropriate routes for departure (see Section 7).</li> <li>• Procedures and actions to move to and shelter within the SIP building</li> </ul>
All guests must be informed of the planned response to warnings and actions to take in the event of a bushfire.
All guests must be prepared to leave at short notice (see Section 8).
All guests must be informed of the appropriate directions to take and destination(s) in the event of bushfire (see Section 8).
All guests must be informed of the appropriate actions in the event a shelter-in-place response is required (see Section 9).

## 2.7 Site fire rules

- Vehicles must not be driven on unmown grass;
- Fires can only be lit in fireplaces within accommodation units;
- Smoking must only occur on the front deck of the accommodation units;
- No outside fires may be lit anywhere on the site at any time; and
- Total Fire Ban restrictions must be observed.

Note: TFB restrictions ban fires in the open including BBQs (with some exceptions, including with written permission for some organisations – see CFA website). No burning off, scaring gun use, driving vehicles on vegetation (with some exceptions– see CFA website), chainsaw or small machinery use, hot-works, incinerator use, or machinery use (with some exceptions– see CFA website).

## 3 Website, booking and social media

Inform guests and potential guests of bushfire procedures and current Fire Danger Rating forecasts that may impact upon their plans.

### 3.1 Website or social media

If the accommodation facility has a website or social media presence the following information should be provided to clients at the time of booking and updated as required:

- Booking conditions with regard to bushfire and forecast Fire Danger Ratings;
- Possibility of cancellation due to Severe, Extreme or Code Red Fire Danger Rating;
- Any forecast of Severe, Extreme or Code Red Fire Danger Rating (forecast up to four days ahead).

### 3.2 Booking conditions and induction process

As part of the booking conditions, an induction process must occur to familiarise and inform guests about bushfire procedures and that bookings will be cancelled on short notice upon:

- A forecast of Severe, Extreme or Code Red Fire Danger Rating;
- An existing Watch and Act or Emergency Warning for the region; and
- A bushfire within 5km of the site.

And:

- That they may have to leave the site for a safer place upon notice of bushfire;
- That they may have to evacuate the site if it is threatened by bushfire;
- That they may have to shelter-in-place in the event of bushfire.

***Guests will be required as a condition of booking that they have:***

- ***the physical and mental capacity to be able to shelter-in-place for up to one hour.***
- ***vehicle/transport to enable self-evacuation of their party/group from the site.***

## 4 Emergency contacts

*N.B. Annually, prior to each fire danger period, these contacts and information sources should be checked and updated as appropriate.*

<b>In all emergencies</b> <b>(Police, Fire, Ambulance)</b>		<b>000</b> (install Emergency+ App on mobile phone to facilitate provision of location information to 000 operator)
In an emergency provide:		
Type of emergency	e.g. Fire, Medical, Other	
Your address	153 Charlies Road, Elevated Plains VIC 3461	
Nearest cross street	Intersection of Charlies Road and Hepburn-Newstead Road, 1.15km north of Twentieth Street in Hepburn	
Map reference	VicRoads 59 D6 (Charlies Road turnoff: Latitude/Longitude-37.29135° 144.12429°)	
‘What three words’ location	unhelpful.dismissed.letting	
Number of People	The number of people onsite and/or in your group, and any specific medical/health concerns.	

Name of organisation	Office/contact	Phone number
Victoria Police	Emergency	000
Ambulance Victoria	Emergency	000
Country Fire Authority (CFA)	Emergency	000
State Emergency Service (SES)	State Emergency contact	132 500
Local CFA	Daylesford: 26 Bridport St. Daylesford Hepburn: 149 Hepburn Road, Hepburn	000
Hepburn Shire Council Cnr. Duke and Albert streets, Daylesford	Switchboard	8:30AM – 5:00PM: (03) 5348 2306 After hours:

		0419 583 573
Daylesford District Hospital	13 Hospital Street, Daylesford	(03) 5321 6500
Springs Medical (General Practitioner)	10 Hospital Street, Daylesford	(03) 5348 2227
Nurse on call	Registered Nurse	1300 60 60 24

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## 5 Bushfire information sources

Source	Information/Details	
Onsite situational awareness	External visual inspections and monitoring	
Emergency Management Victoria (VicEmergency)	All emergencies website for emergency warnings for fire, flood, storms, power outages, hazardous material incidents and traffic incidents	<a href="http://www.emergency.vic.gov.au">www.emergency.vic.gov.au</a>  Hotline: 1800 226 226
VicEmergency communications	Landline or mobile telephone	Possible call may be received to landline or text to mobiles warning of bushfire emergency
VicEmergency App (with 20km watch zone)	Vic Emergency app for bushfire warnings and other emergencies on mobile telephone or tablet	Must be installed on mobile phones
Emergency broadcaster	Radio	ABC Local 91.1 FM, 107.9FM, 594 AM and 774 AM, Radio KLFM 96.5 FM and 106.3 FM
TV	Sky News	
CFA website	Online	<a href="http://CFA.vic.gov.au">CFA.vic.gov.au</a>
CFA Facebook page	Online	<a href="https://www.facebook.com/cfavic/">https://www.facebook.com/cfavic/</a>
SES Facebook page	Online	<a href="https://www.facebook.com/vicses/">https://www.facebook.com/vicses/</a>
VicEmergency Facebook page	Online	<a href="https://www.facebook.com/vicemergency/">https://www.facebook.com/vicemergency/</a>
Twitter	Online or mobile telephone apps	<a href="http://www.twitter.com">www.twitter.com</a>
Bureau of Meteorology	Online or mobile telephone apps	<a href="http://www.bom.gov.au">www.bom.gov.au</a>
Department of Environment, Land, Water and Planning.	Central enquiries	136 186

The Fire Warden must monitor one or more information source whilst onsite from midnight to midnight on days of Very High FDR and TFB.

## 6 Response to bushfire

The Fire Warden must be aware of the forecast Fire Danger Rating by monitoring bushfire information sources regularly, particularly in hot weather. Figure 1 below provides details of Fire Danger Ratings.

- In case of a **Severe, Extreme** or **Code Red** FDR for the Central District (forecast up to four days in advance), guests must vacate the site by 9:00 am on the day to which the forecast applies and no one is to be onsite.
- In the event of a **Very High** FDR for the Central District or a bushfire within 20kms of the site, the Fire Warden must be onsite from midnight to midnight on the day to which the forecast applies, to monitor conditions and if necessary, evacuate the site or shelter-in-place.
- If a bushfire occurs anywhere within **10kms AND beyond 5km** of the site, or an '**Advice Warning**' is issued advise all site occupants to either leave the site OR stay on the site and monitor emergency apps, radio, and visual observation of local conditions.
- If a bushfire occurs **anywhere within 5kms AND beyond 3km of the site**, the site should be evacuated immediately:
  - If the fire is to the north of the site people are to be directed to the south either to the Daylesford NSP or a residential/township area beyond Daylesford;
  - If the fire is to the south of the site people are to be directed to the north either to the Guildford or Glenlyon NSPs, or a residential/township area beyond.
- If a bushfire occurs **anywhere within 3km of the site (see Map 1) OR a 'Watch and Act' or 'Emergency Warning' alert for Elevated Plains, Hepburn or Hepburn Springs is issued**, alert all site occupants by use of the onsite siren, check all the accommodation units and assemble all people at the **Emergency Assembly Area/SIP Building**. Do not evacuate the site at this point.
  - Bushfire information sources should be monitored, and local conditions observed;
  - If directed by emergency services OR flames are observed OR smoke obscures vision or makes breathing difficult, Shelter-In-Place procedure to be initiated.

The Fire Warden must install the VicEmergency App on a mobile telephone with a 20km watch zone around the site. The App can be set to avoid notification of incidents other than bushfire.

It should be noted that the issuing of official warnings cannot be relied on (see Figure 2). Emergency incidents can start quickly and threaten within minutes. If informal warning is received or danger observed, it should be acted upon without waiting for an official warning. A bushfire can occur on lower threat days and conditions can change rapidly – awareness of fire activity is required regardless of the Fire Danger Rating.

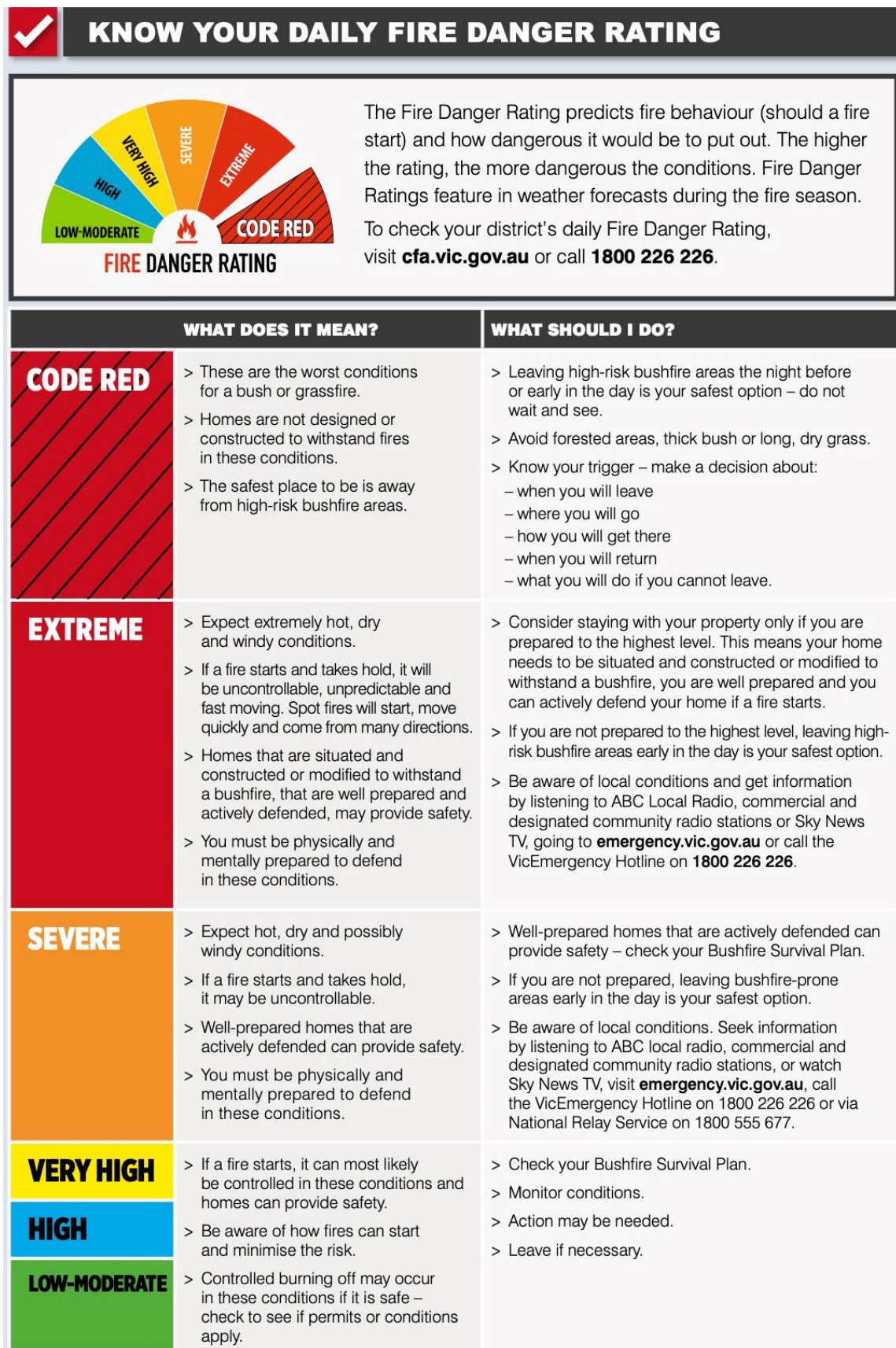


Figure 1 – Fire Danger Ratings.



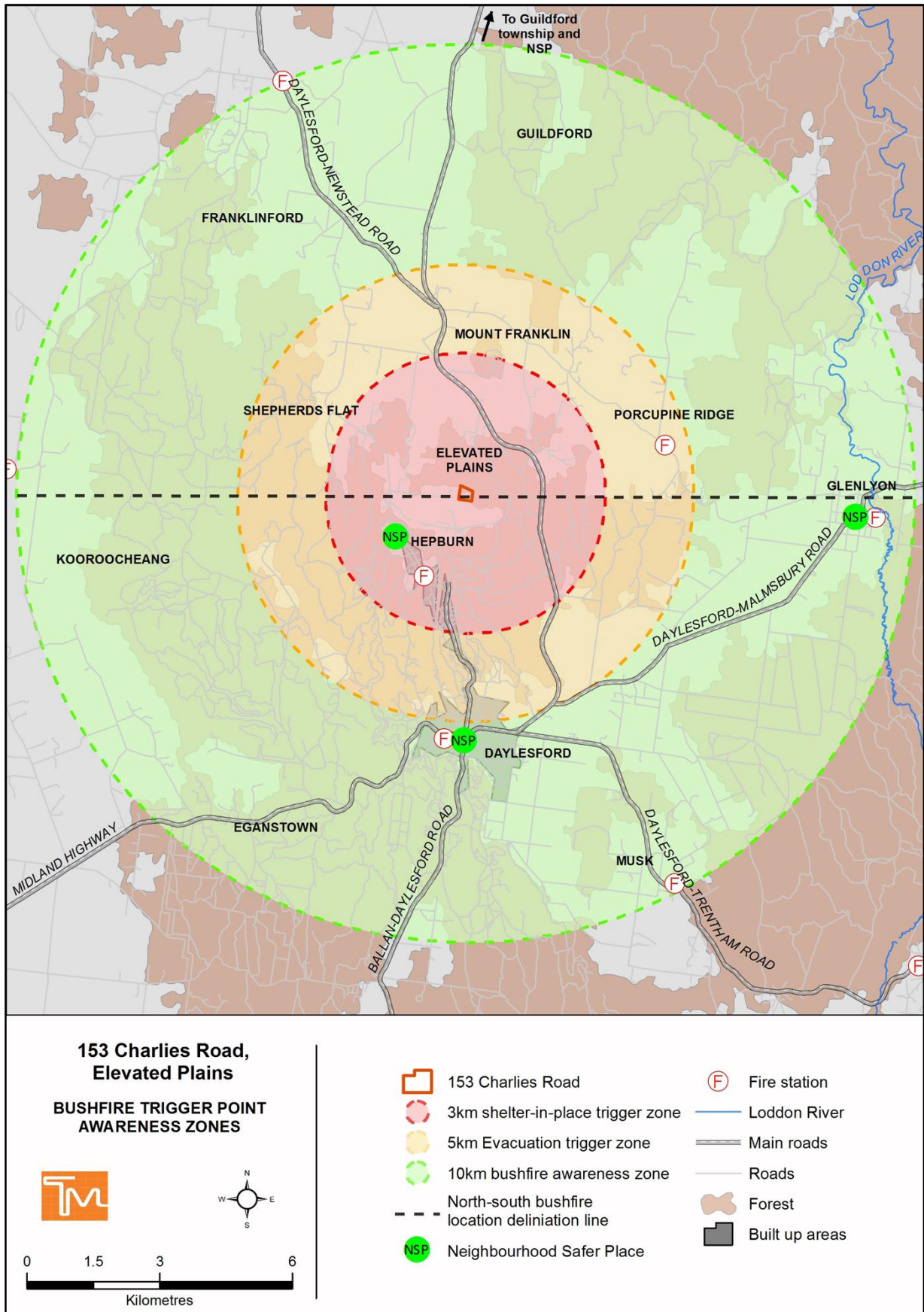
Figure 2 – Official warnings.

## 7 Decision to act

The decision to act is made more straightforward by having trigger points at which you respond to the presence of bushfire. It is better to leave as early as possible – do not wait until a bushfire is close or a warning is issued. The trigger points to act or leave are:

Trigger point	Action
Forecast of <b>SEVERE, EXTREME or CODE RED</b> Fire Danger Rating (up to four days in advance).	Site closed. Plan ahead for guests to depart the site by 9:00 am on the day to which the forecast applies.
Forecast of <b>VERY HIGH</b> Fire Danger Rating for the Central District <u>or a fire within 20km of the site</u> .	Fire Warden to be onsite from midnight to midnight and constantly monitoring conditions and be prepared to respond to bushfire.
VicEmergency App indicates bushfire in the landscape to 20km	Fire Warden to monitor fire activity and apply other triggers as necessary.
If a fire occurs between <b>5km and 10km of the site</b> OR an <b>ADVICE WARNING</b> is issued to Elevated Plains, Hepburn, Hepburn Springs, or Daylesford.	Advise all site occupants to either leave the site OR stay on the site and monitor emergency apps, radio, and visual observation of local conditions.
If a fire occurs <b>north</b> of the site AND is within <b>5km</b> of the site AND is beyond <b>3km</b> of the site (see Map 1).	Evacuate the site immediately, proceeding to the <b>SOUTH</b> either to the Daylesford NSP or a residential/township area beyond Daylesford.
If a fire occurs <b>south</b> of the site AND is within <b>5km</b> of the site AND is beyond <b>3km</b> of the site (see Map 1).	Evacuate the site immediately, proceeding to the <b>NORTH</b> either to the Guildford or Glenlyon NSPs, or a residential/township area beyond.
<b>WATCH AND ACT or EMERGENCY WARNING</b> notification for alert for Elevated Plains, Hepburn or Hepburn Springs OR if a <b>fire occurs anywhere within 3km of the site</b> (see Map 1).	Alert all people by use of onsite siren and check of all accommodation units. All people to immediately gather at Assembly Area/SIP building (see <b>Error! Reference source not found.</b> ). Monitor conditions and initiate shelter-in-place if required (see Section 9). <u>Do not</u> evacuate the site at this point.
If <b>directed by emergency services AND/OR</b> flames are observed in proximity to the site AND/OR smoke obscures vision or makes breathing difficult.	All people to SIP.





**Map 1 – Bushfire awareness trigger zones.**

## 8 Leaving

### 8.1 Preparation for leaving

If there is a bushfire within 5 to 10km, preparations to leave should be made. All guests should:

- Be advised of the best direction (north or south on Hepburn-Newstead Road) to go in response to the location of the bushfire if they choose to leave early;
- Wear appropriate clothing and footwear
- Make their own preparations to leave e.g. pack vehicles; and
- Be advised of the potential for hazards on the road e.g. emergency service vehicles, smoke, fallen trees/debris.

***N.B. Leaving early is the safest option. You should not wait and see what happens during a bushfire – Leaving late means you will be on the road when conditions are at their worst. Driving during a bushfire is extremely dangerous and can be fatal.***

Action
Fire Warden to assemble all guests at the Emergency Assembly Area and inform them of bushfire situation and need to evacuate.
The Fire Warden must ensure that all guests on the property are leaving the property for the safest location.
The Fire Warden must ensure that all guests know the intended destination and the best route there as determined in response to the location of the bushfire.
Follow the route shown on Map 2 to the lower threat areas at the appropriate NSP.

### 8.2 Destination for leaving

In advance of a forecast Fire Danger Rating of Severe, Extreme or Code Red, all guests must leave the site prior to 9:00 AM on the day to which the forecast applies.

In the event that the site has to be evacuated, all people must be directed away from the bushfire.

#### **If bushfire is to the north of the site:**

People should be directed to the Daylesford Neighbourhood Safer Place (NSP) approximately 15-20 minutes away or a residential/township area beyond Daylesford.

#### **If bushfire is to the south of the site:**

People should be directed to the either to the Guildford NSP approximately 22-25 minutes away, or Glenlyon NSP approximately 38-40 minutes away, or a residential/township area beyond.

### 8.3 Routes for leaving

Evacuation from the site should be only be undertaken if safe to do so (i.e. well in advance of the possibility of any fire impacting the site or the evacuation route) or initiated following instructions from and with the guidance of the Fire Warden. Refer to Map 2.

#### If bushfire is to the north of the site:

Head west along Charlies Road and turn **LEFT** toward Hepburn Springs and Daylesford to the **SOUTH**.

#### If bushfire is to the south of the site:

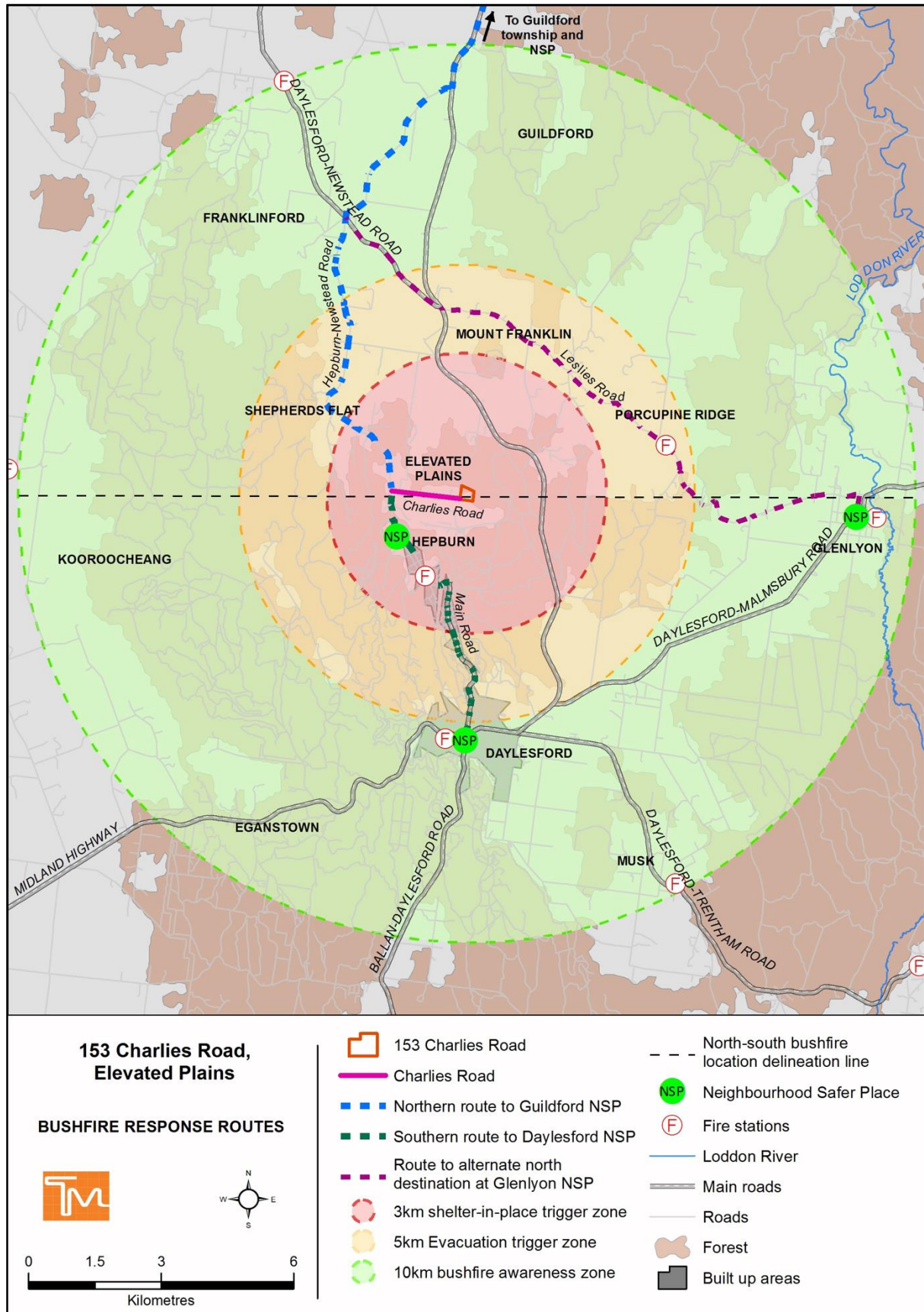
Head west along Charlies Road and turn **RIGHT** toward Guildford to the **NORTH**.

**Alternative evacuation route:** Head west along Charlies Road and turn **RIGHT** toward Guildford to the **NORTH** – divert to Glenlyon at as desired or advised – note some of this route comprises unsealed road.

### 8.4 Actions upon leaving

Action
Turn off all gas supplies
Place the 'Site Evacuated and Closed due to Bushfire' sign on or near the front gate showing outwards to advise emergency services that the site is not occupied
Leave gate in the open position.





Map 2 – Bushfire evacuation route map.

## 9 Shelter-in place

If there is a **WATCH AND ACT** or **EMERGENCY WARNING** notification for alert for Elevated Plains, Hepburn or Hepburn Springs OR if a **fire occurs anywhere within 3km of the site** (see Map 1), alert all people by use of onsite siren and check of all accommodation units.

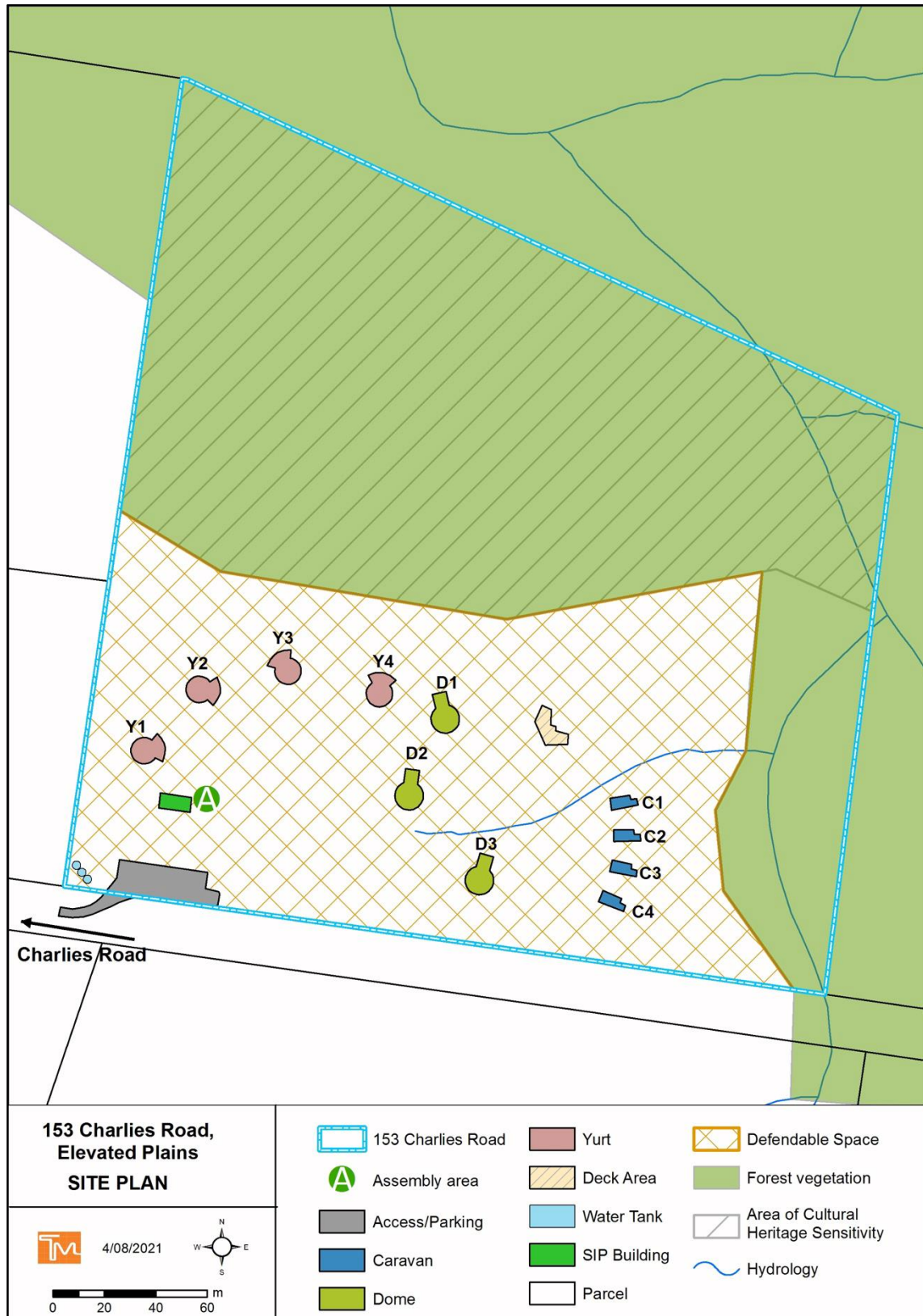
All people to immediately gather at Emergency Assembly Area/SIP building (see **Error! Reference source not found.**).

Monitor bushfire information sources (see Section 5).

If **directed by emergency services AND/OR flames are observed in proximity to the site AND/OR smoke obscures vision or makes breathing difficult**, shelter-in-place until the bushfire threat has passed.

ACTION
Combustible or flammable objects (e.g. fibre doormats, cars, outdoor furniture, shade sails, ornamental plants, packaging or rubbish etc.) should be well away from the SIP building.
Turn off gas appliances at the accommodation units.
Fire Warden to place 'Sheltering-In-Place due to Bushfire' sign near front gate showing outwards and leave gate open.
Stay informed via the VicEmergency website or App.
Fire Warden to monitor outside conditions.
Fire Warden to monitor wellbeing of people and provide reassurance.
Once the fire front has passed, the Fire Warden should patrol outside for embers





**Map 3 - Bushfire Emergency Management Plan - SITE PLAN**

# Land Capability Assessment (LCA)

## Onsite Wastewater Management System (OWMS)

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**153 Charlies Road, Elevated Plains,**  
CPN: 20885 SPI: 7-2/PP5313

Prepared for: Clifftop at Hepburn Pty Ltd



### Proposed Tourist Accommodation

Date: 30 August 2021

Reference: 210115\_B

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Prepared by: EWS Environmental

## 1. Introduction and Background

*Clifftop at Hepburn Pty Ltd wishes to update its proposed relocation of some accommodation units and address its general environmental duty.*

*The wastewater system is to be split so that only sewage waste is discharged to the existing septic / sand filter system. EPA Code Clause 2.2, states drip irrigation is not best practice for commercial system.*

### 1.1 Consultant

EWS Environmental has been engaged to revise a wastewater management plan, to support a revised application for a Council permit.

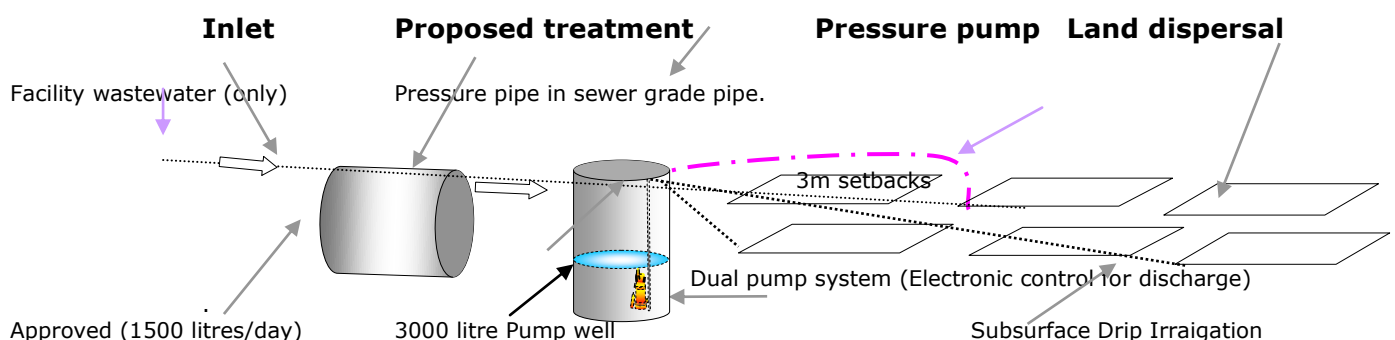
The field investigations have previously been undertaken with reports prepared by a suitably experienced consultants. EWS Environmental who has appropriate professional experience and indemnity insurance for this type of work, has revised these plans to be consistent with recent *Environment Protection Regulations 2021* effective from 1 July 2021.

### 1.2 Report Summary

This report provides information about the site and soil conditions. It also provides an assessment for the site including a conceptual design for a suitable onsite wastewater management system and recommendations for monitoring and management requirements.

A number of options were considered for both the treatment system and land application area (LAA).

This assessment and proposed installation is consistent with State Government policies and refers to adopted or incorporated matters. In this report 'Domestic wastewater' and 'sewage' are interchangeable for the purposes.



Both summer and winter loadings have a similar area requirement of 1200m<sup>2</sup>.

[Schematic diagram of wastewater treatment system](#)

### 1.3 Site Overview

#### Location

Address: **153 Charlies Road, Elevated Plains**

Map Ref: VicRoads **59 D6**

#### Land features

Slope of land dispersal area: ~ **10%** Distance to surface water > **150 m**: Flooding: > **1 in 100 years**  
 Climate: Rainfall **747 mm** Evaporation 'A' **1167 mm** Land area: **>80,000m<sup>2</sup>**

#### Soil characteristics

Soil texture: **Light CLAY** Structure: **Moderate** Permeability ( $K_{sat}$ ) **0.06-0.12 m/day**. Category: **5b**

#### Wastewater system sizing (AS/NZS 1547:2012)

Number of accommodation units: **11** Number of persons: **26** Water supply: **Tank water supply** .  
 Maximum flow onto land: = **3000** litre/day, Design Irrigation rate(DLR) **3** litres/m<sup>2</sup>.day  
 EPA approved secondary treatment and a dispersal area (LAA) including reserve : **1200(m<sup>2</sup>)**

#### Management

Annual irrigation (dispersal area) servicing: **YES** Desludging primary tank: every **3 years**  
 Quarterly servicing of treatment plant and inspection of effluent dispersal areas.

The treatment and dispersal options considered for this site and available for use currently are:

- A. Pressure compensating drip irrigation systems (SSDI); or
- B. Wick trench or evapo-transpiration trench/bed systems

A more comprehensive check list of factors to consider when selecting an onsite treatment system can be found in **EPA Code of practice-onsite wastewater management, Pub. 891.4**

Following the wastewater treatment process the effluent must be distributed onto land in a safe manner for the environment and public health.

### 1.3 Site Details

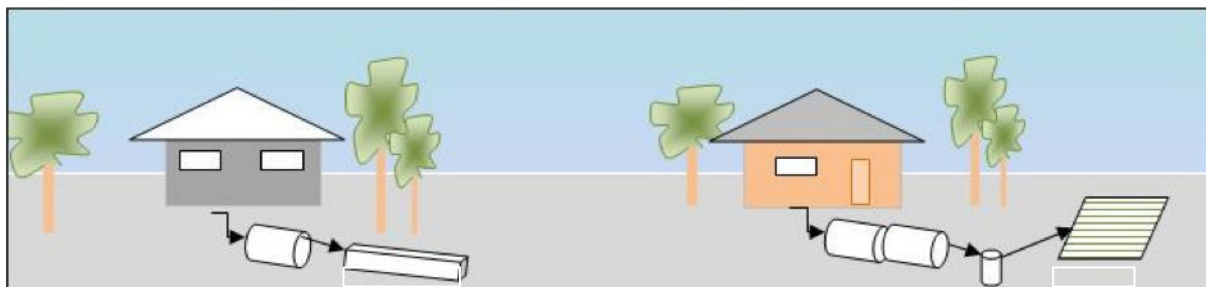
Location	
Address:	<b>153 Charlies Road, Elevated Plains</b>
Map Reference:	<b>VicRoads 59 D6</b>
Land area:	<b>&gt; 80,000 m<sup>2</sup></b>
Number of patrons:	<b>26 - 3 days per week</b>
Land Features	
Drainage: towards:	<b>Waterway shown in Figure 2.</b>
Slope of land:	<b>&lt;10%</b>
Distance to surface water:	<b>&gt; 60 m</b>
Flooding: >	<b>1 in 100 years</b>
Climate: Rainfall:	<b>762 mm</b>
Evapo-transpiration 'A'	<b>1371 mm</b>
Soil Characteristics	
Soil texture (limiting layer):	<b>Light CLAY</b>
Structure: Category:	<b>5b</b>
Permeability (K <sub>sat</sub> )	<b>&lt;0.06 m/day.</b>
Wastewater system sizing (AS/NZS 1547)	
Water supply:	<b>Tank.</b>
Number of persons:	<b>26 patrons x 3 days</b>
Daily contribution:	<b>125 ( Litres/day)</b>
Maximum flow:	<b>3000 litres, Mean monthly 2000 litres/ay</b>
Design Loading rate (DLR):	<b>3 litres/m<sup>2</sup>.day</b>
Dispersal area (LAA):	<b>1200 (m<sup>2</sup>) including reserve area</b>
Management	
Quarterly servicing:	<b>YES</b>
Pump-outs sludge tank:	<b>3 yearly</b>
Quarterly servicing of wastewater system to include primary tank and pump system as well as inspection of effluent dispersal areas (LAA).	




The nature of the site and the environmental constraints identified requires appropriate treatment by either advanced septic tank or treatment system. The treatment options listed below are deemed capable of achieving the desired level of performance.

The property owner has the responsibility for the final selection of the treatment system details of which will be included in *Application to Install **Onsite Wastewater Management System***.

The pros & cons depend on site constraints and site characteristics listed in Table 5:



**Table 5: Advantages and Disadvantages of systems**

Recommended options 			
OPTION 1		OPTION 2	
Advantages	Disadvantages	Advantages	Disadvantages
<ul style="list-style-type: none"> <li>❖ Suitable for large properties</li> <li>❖ Robust operation</li> <li>❖ Minimal maintenance</li> </ul>	<ul style="list-style-type: none"> <li>❖ Short operation life</li> <li>❖ Not suitable for some soil types</li> <li>❖ Greater setback distances</li> <li>❖ Larger footprint for dispersal</li> </ul>	<ul style="list-style-type: none"> <li>❖ Suitable for small properties</li> <li>❖ Efficient pump distribution and minimum odour</li> <li>❖ Minimal setback distances</li> <li>❖ Best practice –20/30 standard, for better water quality</li> </ul>	<ul style="list-style-type: none"> <li>❖ Higher installation and energy costs</li> <li>❖ More frequent servicing</li> </ul>
<b>Primary (1<sup>o</sup>) system -</b>  <b>Advantages</b> Suitable for large properties Robust operation Minimal maintenance  <b>Disadvantages</b> Short operating life Not suitable for some soil types Greater setback distances Larger footprint for dispersal		<b>Secondary (2<sup>o</sup>) system -</b>  Suitable for small properties Efficient pump distribution and minimum odour Minimal setback distances Best Practice –20/30 standard, for better water quality.  Higher installation & energy costs More frequent servicing	

## 2. Description of development

<b>Site Address:</b>	153 Charlies Road, Elevated Plains
<b>Owner/Developer:</b>	Clifftop at Hepburn Pty Ltd
<b>Postal Address:</b>	153 Charlies Road, Elevated Plains
<b>Council Area:</b>	Hepburn Shire Council
<b>Allotment Size:</b>	> 80,000 m <sup>2</sup>
<b>Domestic Water Supply:</b>	Onsite roof water collection assumed
<b>Forecast Wastewater Load:</b>	Maximum = 3000 L/day, Table 2, EPA Code . Mean monthly flow = 2000 Litres/day
<b>Availability of Sewer:</b>	The area is unsewered and highly unlikely to be sewerred within the next 10 years, due to low development density in the area and the considerable distance from existing sewerage services.

# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 25 August 2021 12:26 PM

## PROPERTY DETAILS

Address: **153 CHARLIES ROAD ELEVATED PLAINS 3461**

Crown Description: **Allot. B8 Sec. 3 PARISH OF FRANKLIN**


Standard Parcel Identifier (SPI): **B8-3\PP2618**

Local Government Area (Council): **HEPBURN**

Council Property Number: **104436**

Planning Scheme: **Hepburn**

Directory Reference: **Vicroads 59 D6**



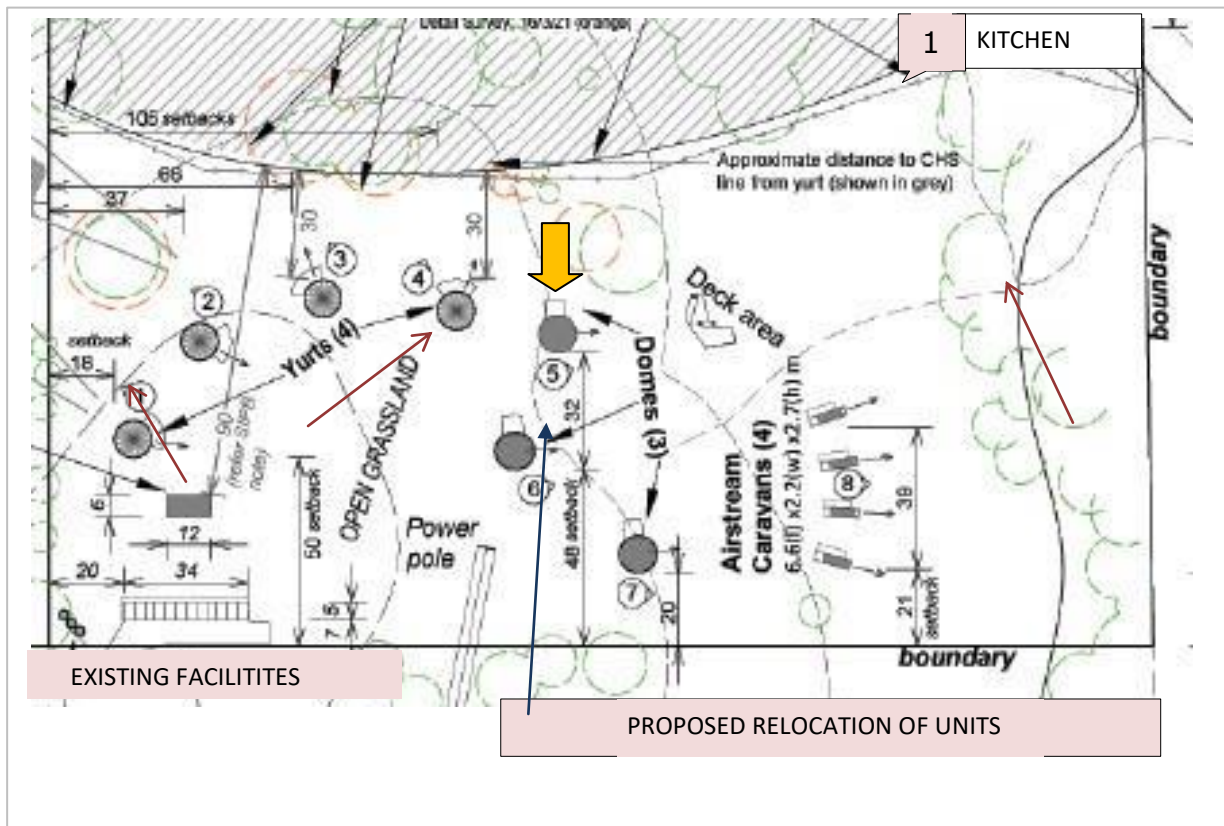
Environment,  
Land, Water  
and Planning

[www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)

[Planning Scheme - Hepburn](#)

### Property report

**Figure 1: Proposed development (revised) plan**



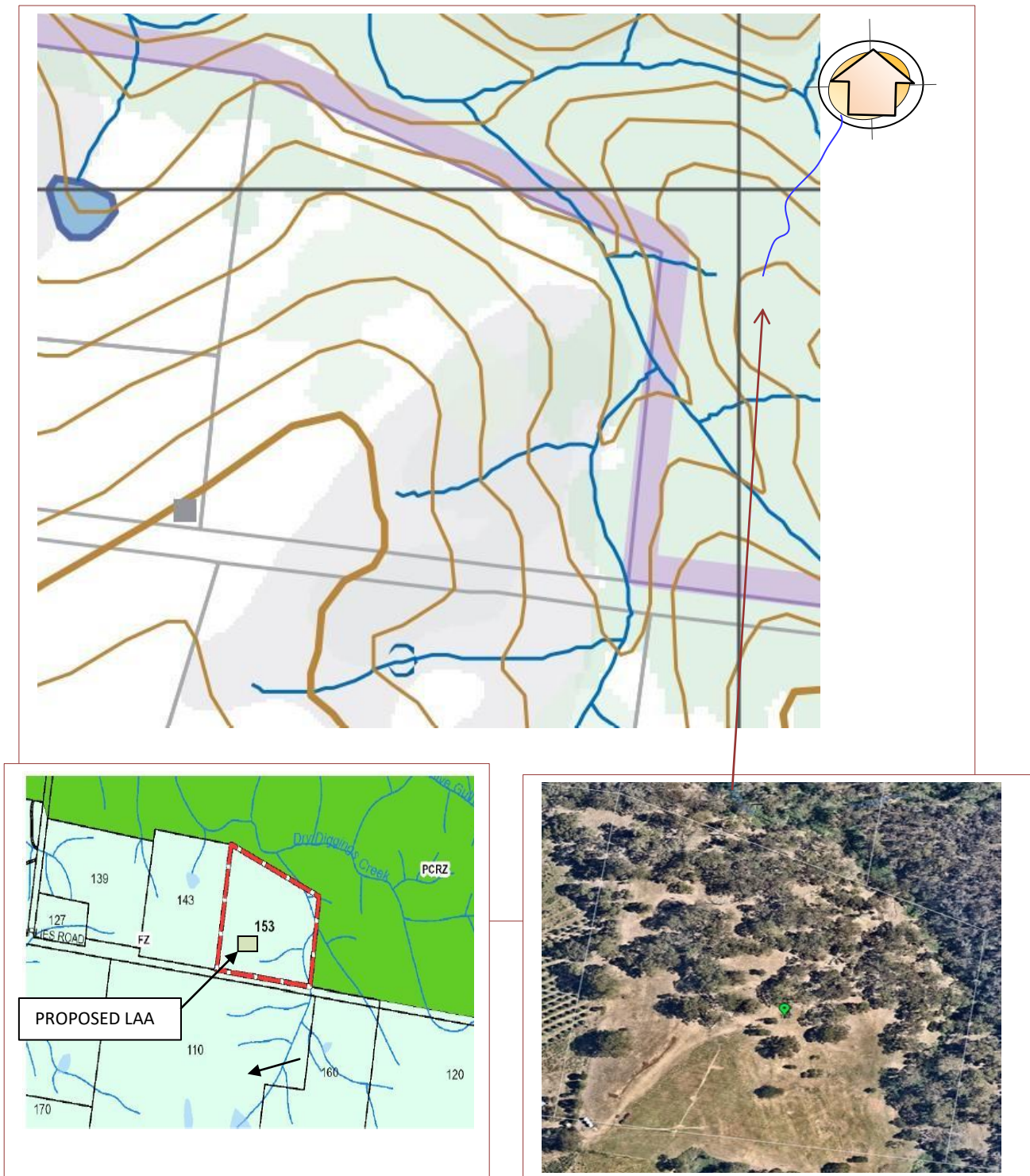
## Proposed Tourist Accommodation

The proposed tourist accommodation (camping and caravan park) at 153 Charlies Road, Elevated Plains is for occasional accommodation essentially at weekends with occasional weekday patronage. Any weekday accommodation is usually about 60-80% of the maximum and is small compared to the total weekend patronage.

The proposed patronage (occupancy) based on the applicant experience is expected to be no more than:

- 22 persons, in peak periods at weekends;
- 60 -85% during weekday period, and
- Less than 60% in the tourist low season (winter).

The area is unsewered and unlikely to be in the foreseeable future due area population density.



Waterways –topographic map 1:30,000

Aerial photo view of site

Map reference: VR 59 D6

**Figure 2: Topography and Waterways**



### 3. Site and Soil assessment

EWS Environmental undertook site investigations on the 16 January 2021.

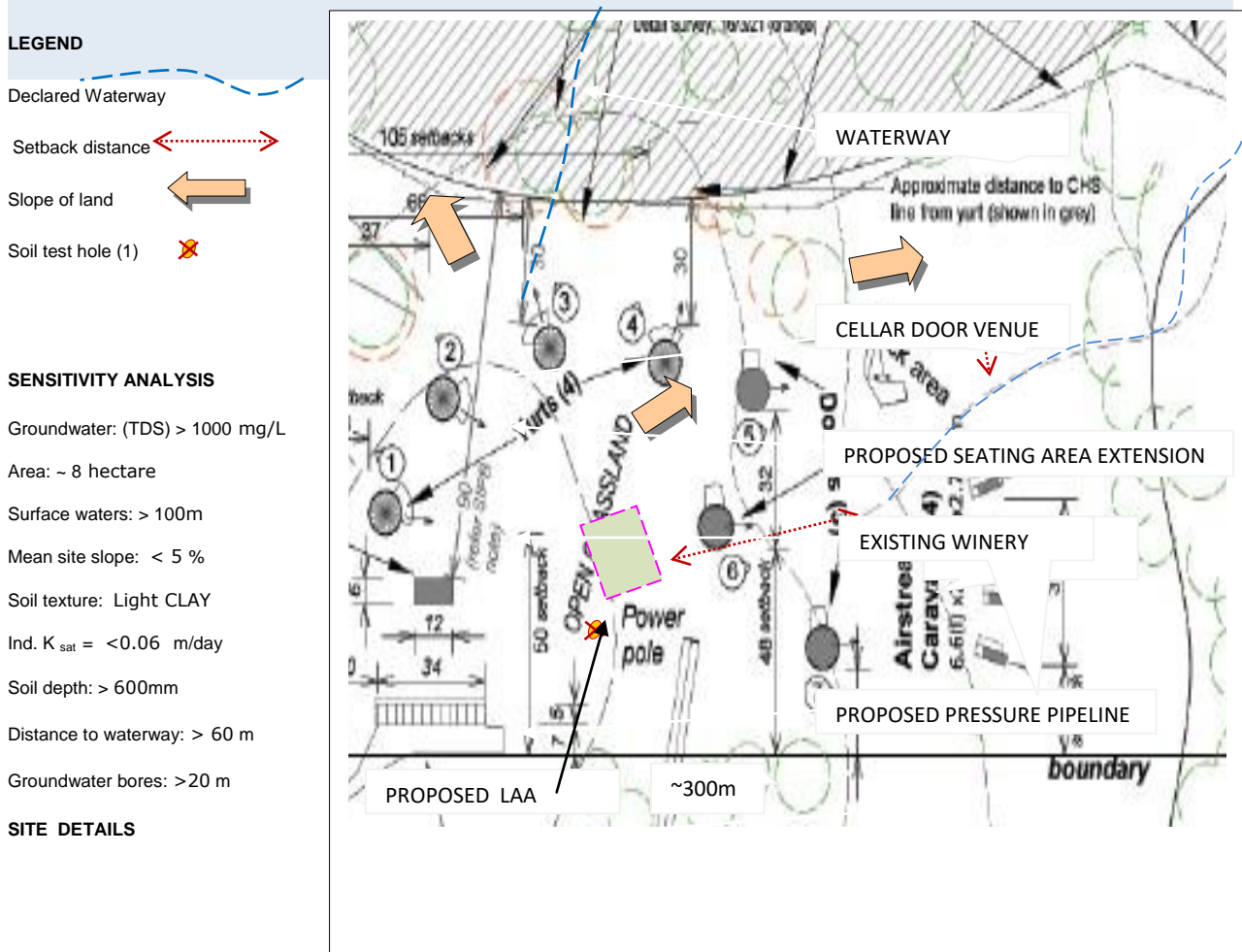
#### 3.1 Site Key Features

Any site constraints and/or need for mitigation measures are summarized in Table 1, addressing the key features of the site in relation to effluent management for the proposed site.

##### NOTE:

- The site is not in a special water supply catchment area.
- The site experiences negligible stormwater run-on.
- There is no evidence of a shallow watertable or other significant constraints, and
- The risk of effluent transport offsite is very low.

Figure 3 provides a site analysis plan describing the location of the proposed envelopes and other development works, wastewater management system components and physical site features.



Site visit: 16/01/ 2021

**Figure 3: Site analysis plan**



### 3.2 Development and Site Photographs



Driveway Entrance



Soil profile



Slope LAA

*Topsoil depth 300mm plus*

*South view of proposed LAA about 20 metres from boundaryr*

Location: 153 Charlies Road, Elevated Plains, Date: 16/01/2021

**Table 1: Site Assessment**

Feature	Description	Constraint	Measures
<b>Buffer Distances</b>	All relevant buffer distances in Table 5 of the Code (2016) are achievable.	Minor	NN*
<b>Climate</b>	Mean annual rainfall 762 mm. Mean annual pan'A' evaporation is 1371 mm.	Minor	NN
<b>Drainage</b>	No visible signs of surface dampness, spring activity or hydrophilic vegetation in the proposed effluent management area.	Moderate	Adopt low DLR
<b>Erosion &amp; Landslip</b>	No evidence of sheet or rill erosion; the erosion hazard is low. No evidence of landslip and landslip potential is low.	Minor	NN
<b>Exposure &amp; Aspect</b>	Slope aspect and wind exposure influence on LAA.	Moderate	NN
<b>Flooding</b>	The proposed effluent management area is located above the 1:100 year flood level.	Minor	NN
<b>Groundwater</b>	No signs of shallow groundwater tables to 1.5 m depth. No potential groundwater bores within 20 m of the proposed effluent area. Groundwater total dissolved solids (TDS) more than 1000 mg/L.	Minor	NN
<b>Imported Fill</b>	No imported fill material observed on the site.	Nil	NN
<b>Land Available for LAA</b>	Considering all the constraints, the site has ample suitable land for application of effluent.	Nil	NN
<b>Landform</b>	Natural drainage with no spreading over linear planar slope with no significant drainage lines intersect site.	Moderate	Locate with appropriate setbacks
<b>Rock Outcrops</b>	No evidence of surface rocks or outcrops.	Nil	NN
<b>Run-on &amp; Runoff</b>	Minor stormwater run-on and run-off hazard.	Nil	NN
<b>Slope</b>	The proposed effluent management area has a slope of less than 5 percent.	Nil	NN
<b>Surface Waters</b>	No waterways traverse the site requiring minimum setback to treatment /effluent area.	Nil	NN
<b>Vegetation</b>	Grass vegetation is adequate to control erosion and for water and nutrient uptake from the wastewater.	See Appendix A1.	NN

\***NN**: mitigation measures not needed

### 3.3 Soil Key Features

*The site's soils have been assessed for their suitability for onsite waste-water management by a soil survey and field analysis as outlined below...*

#### Site assessment criteria

This assessment has been undertaken in accordance with the EPA's *Code of Practice - Onsite Wastewater Management, July 2016* and AS/NZS 1547: *Onsite Domestic Wastewater Management*.

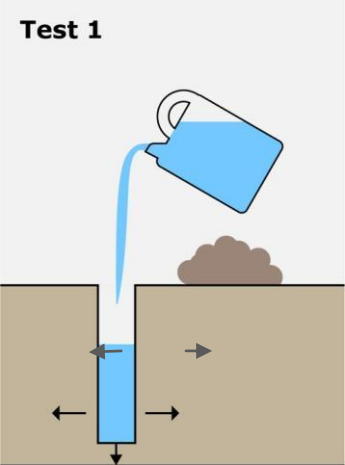
Soil assessment and design for on-site wastewater management was taken from AS/NZS 1547, where appropriate.

#### Constant Head Test

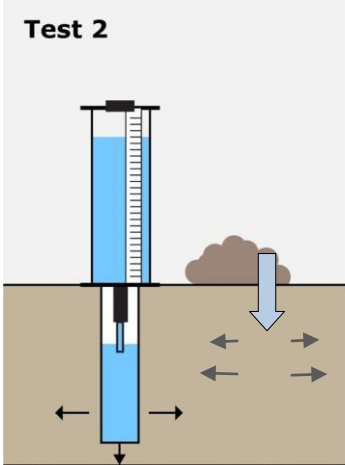
Step 1 -Pre-soaking of test holes

Step 2 – Measure rate of infiltration

**Test 1**



**Test 2**



$$K_{sat} = \frac{4.4 Q (0.5 \sinh^{-1}(H/2r) - \sqrt{(r/H)^2 + 0.25}) + r/H}{2\pi H^2}$$

Where:

$K_{sat}$  = saturated hydraulic conductivity of the soil in cm/min

4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation

$Q$  = rate of loss of water from the reservoir in cm<sup>3</sup>/min

$H$  = depth of water in the test hole in cm

$r$  = radius of the test hole in cm.

#### Textural Soil Test

Step 1 – Prepare soil bolus and assess soil category and structure



Step 2– Determine indicative permeability from Table 9, EPA Code of Practice, 2016

Step 3 – Prepare soil bolus and assess soil category and structure

## Site investigations

A key feature of the investigations is a soil permeability assessment in the landscape element or soil type area for effluent attenuation within the boundaries of the premises.

EPA's Code of Practice, Publication 891.4 (2016) permits two methods to determine the soil permeability. One based on visual and tactile estimation of indicative permeability, the other is the "constant-head" test from AS/NZS 1547 'Site and Soil Evaluation' procedures.

The physical soil analysis assessment includes soil texture, structure and a shrink /swell potential test, as a substitute for actual water based measurement of soil permeability.

The "constant -head" test, allows water to run out of an unlined test hole in to the ground which is replenished at the same rate from a reservoir, so that the head of water in the hole remains the same. The loss of water from the reservoir is measured over time and a mathematical model is used to calculate the co-efficient of permeability, known as,  $K_{sat}$  from the measurement.

Soil permeability has been determined from the critical properties of texture, structure and shrink/swell potential using the method specified in AS/NZS 1547:2012 that prescribes conservative design loading rates.

The structure and texture of the soil was such that a constant head test would not influence the final classification of and design loading rate shown below.

**Table 2: Indicative soil permeability**

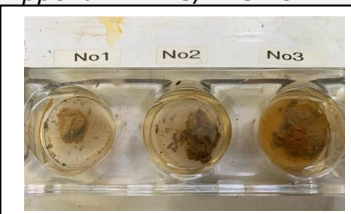
Classification	Properties	Cat	$K_{sat}$ (m/d)	WICK	SS Drip	LPED
<b>Gravel &amp; sands</b>	Very little to no coherence; cannot be moulded; single grains stick to fingers	1	> 3.0	25	5	NA
<b>Sandy LOAM</b>	Forms a cast but will not roll into coherent ball; sand grains can be seen and felt; gives a ribbon 15-25 mm long.	2	1.4 - 3.0	30	5	4
<b>LOAMS</b>	Forms a cast but not spongy, very smooth and silky; will form a very thin ribbon 25 mm long and dries rapidly.	3	0.5 - 1.5	30	4	3.5
<b>Clay LOAM</b>	Can be rolled into ball with a spongy feel; slightly plastic; smooth to manipulate; forms a ribbon 40-50 mm long.	4	0.12 - 0.5	20	3.5	3
<b>Light CLAY</b>	Smooth plastic ball that can be rolled, slight resistance to shearing between thumb and fore finger; ribbon 50-70mm.	5	0.06-0.12	10	3	2.5
<b>Medium to heavy CLAY</b>	Smooth plastic ball, handles like plasticine, can be moulded into rods without fracture; some resistance to ribboning, forms a ribbon 75mm or more.	6	< 0.06	5	2	NA

**Reference:** EPA Publication 891.4:2016, Table 9

**See attachment 'A' for all soil test results and field records.**

Design Loading/Irrigation Rates

**Table 3: Soil Assessment**

Feature	Assessment	Constraint	Comment
<b>Soil Depth</b>	Topsoil: < 300 mm		
	Subsoil: > 300 mm. Total soil depth greater than 1.5 m, no hardpans occur.	Minor Mitigation: <b>NN</b>	
<b>Soil Texture &amp; Structure</b>	Subsoil: Category <b>5b</b> Structure: <b>Weak-moderate</b>	Major Mitigation:	<i>Sub-surface dispersal preferred</i>
	as per AS/NZS/NZS 1547:2012	<b>NN</b>	
<b>Soil Permeability</b>	Limiting soil layer: (K <sub>sat</sub> ) <b>0.06</b> m/day saturated conductivity (AS/NZS1547:2012);	Minor Mitigation: <b>NN</b>	<i>More than 600mm of unsaturated soil beneath base</i>
<b>Design Loading Rates</b>	Design Loading Rate (DLR) for Subsoil <b>3</b> mm/day, saturated conductivity (K <sub>sat</sub> ) (AS/NZS1547:2012);	Minor Mitigation: <b>NN</b>	<i>Appendix R- AS/NZS 1547</i>
<b>Modified Emerson Aggregate (AS/NZS 1547)</b>	Topsoil: minor slaking - no dispersion.  Minor – No change, Moderate – Slakes with minor fret, Major – Dispersion clouding solution	Minor Mitigation: <b>NN</b>	
	Subsoil: slaking with minor dispersion	<b>NN</b>	
<b>Rock Fragments</b>	Coarse fragments less than 2% (200 mm depth). No fragments throughout remainder of profile. Minor 0 -10%, Mod. 10 -20%, Major >20% <sup>7</sup>	Minor Mitigation: <b>NN</b>	
<b>Watertable Depth</b>	Groundwater not encountered,	Minor <b>NN</b>	
<b>pH</b>	Topsoil pH is slightly acidic; subsoils slightly higher. Soil conditions not affecting plant growth.	Minor Mitigation: <b>NN</b>	<b>pH = 6</b>
<b>Electrical Conductivity</b>	EC is a measures of soil salinity Minor>800, Mod.800-2000, Major>2000	Minor	<b>Minor &lt; 100</b>
<b>Cation Exchange Capacity (CEC)</b>	Present soil conditions do not appear to be restricting plant growth. Minor>15, Mod.5 -15, Major <5 meq+/100g	Minor Mitigation: <b>NN</b>	
<b>Sodicity (ESP)</b>	Exchangeable Sodium concentrations is low with no long-term soil sodicity monitoring required. Present soil conditions not restricting plant growth.	<b>Minor</b> Mitigation: <b>NN</b>	
<b>SAR</b>	Sodium absorption ratio not a constraint. Minor < 3, Moderate < 8 & ESP > 8%, Major >3	<b>Minor</b> Mitigation: <b>NN</b>	
<b>Phosphorus adsorption capacity</b>	Phosphorus adsorption capacity not specifically tested but is expected to be moderate to high due to the extent of clay present shallow subsoil depths.	Minor Mitigation: <b>NN</b>	

**NN:** mitigation measures not needed



### 3.4 Risk management Assessment

**Table 3: Risk Assessment of Site Characteristics**

Characteristic	Level of Constraint					Level of Constraint	
	Nil or Minor		Moderate		Major		
<b>Aspect</b> (affects solar radiation received)	North / North-East / North-West		East / West / South-East / South-West		South	Minor (Full sun)	
<b>Climate</b> (difference between rainfall & evaporation)	Excess evaporation over rainfall in the wettest months		Rainfall approximates to evaporation		Excess of rainfall over evaporation in the wettest months	Minor	
<b>Erosion</b> ( potential for erosion)	Nil or minor		Moderate			Severe	Minor
<b>Exposure to sun and wind</b>	Full sun and/or high wind or minimal shading		Dappled light		Limited patches of light and little wind to heavily shaded	Minor	
<b>Imported Fill</b>	No fill or minimal fill, or fill is good quality topsoil		Moderate coverage and fill is good quality		Extensive poor quality fill and variable quality fill	Minor	
<b>Flood frequency</b> (ARI)	Less than 1 in 100 years		Between 100 and 20 years		More than 1 in 20 years	Minor	
<b>Groundwater bores</b>	No bores onsite or on neighbouring properties		Setback distance from bore complies with EPA Code 891.4		Does not comply with requirements in EPA Code 891.4	Minor	
<b>Land area available for LAA</b>	Exceeds LAA and buffer distance requirements		Meets LAA , reserve and buffer distance requirements		Insufficient area for LAA	Minor	
<b>Landslip</b> (or landslip potential)	Nil		Minor to moderate		High or Severe	Minor	
<b>Rock outcrops</b> (% of surface)	<10%		10-20%		>20%	Minor	
<b>Slope Form</b> (water shedding ability)	Convex or divergent side-slopes		Straight side-slopes			Concave / convergent side-slopes	Minor
<b>Slope gradient</b> (%) (a) trenches/ beds	<6%		6-15%			>15%	Minor
(b) subsurface drip	<10%		10-30%		>30%	Minor <5%	
<b>Soil Drainage</b> (qualitative)	No visible signs of dampness, even in wet season		Some signs or likelihood of dampness		Wet soil, moisture-loving plants, water ponding on surface	Minor	
<b>Soil Drainage</b> (Field Handbook, p151)	Rapidly drained.	Well drained.	Moderately well drained.	Imperfectly drained.	Poorly/Very poorly drained	Moderately well drained	
<b>Stormwater run-on</b>	Low likelihood of stormwater run-on				High likelihood of inundation by run-on	Minor	
<b>Surface waters - setback distance</b>	Complies with EPA Code 891.4				Does not comply with EPA Code of practice	Minor	
<b>Vegetation coverage over the site</b>	Plentiful growth & nutrient uptake		Limited variety of vegetation		Sparse vegetation or no vegetation	Minor	

### 3.4 Risk management Assessment

**Table 3: Risk Assessment of Site Characteristics**

Characteristic	Level of Constraint			Assessed Constraint
	Nil or Minor	Moderate	Major	
<b>Electrical Conductivity</b>	<0.8	0.8 - 2	>2	Minor
<b>Emerson Agg. Test</b> (Modified AS/NZS 1547)	No change to aggregate	Aggregates slake	Aggregates disperse clouding solution	Minor
<b>Gleying</b> (Munsell Soil Colour Chart)	Nil	Evidence of greenish grey / black or bluish grey / black soil	Predominant greenish grey / black, bluish grey / black colours	Minor
<b>Mottling</b> (Munsell Soil Colour Chart)	Generally uniform brownish or reddish colour mottles	Imperfectly drained soils have grey and/or yellow brown mottles	Poorly drained soils predominant yellow brown or reddish	Minor
<b>pH</b> (range for plants)	5.5 - 8 is optimum range for plants	4.5 - 5.5 suitable for acid-loving plants	<4.5, >8	Minor 6
<b>Rock Fragments</b> (size & volume %)	0 – 10%	10 – 20 %	>20%	Minor
<b>Sodicity</b> <sup>4</sup> (ESP %)	<6%	6 – 8%	>8%	Minor
<b>Soil Depth to Rock</b> or impermeable layer	>1.5 m	1.5 – 1 m	<1 m	Minor
<b>Soil Structure</b> (pedality)	Highly or moderately structured	Weakly-structured	Structureless, massive or hardpan	Moderate
<b>Soil Texture,</b> (indicative permeability)	Cat. 2b, 3a, 3b, 4a	Cat. 4b, 4c, 5a	Cat. 1, 2a, 5b, 5c, 6	Moderate
<b>Water table depth</b> below base of the LAA	>2 m	2 – 1.5 m	<1.5 m	Moderate

#### Legend:

**Nil or Minor:** If all constraints are minor, conventional/standard designs are generally satisfactory.

**Moderate:** For each moderate constraint an appropriate design modification over and above that of a standard design, should be outlined.

**Major:** Any major constraint might prove an impediment to successful on-site wastewater management, or alternatively will require in-depth investigation and incorporation of sophisticated mitigation measures in the design to permit compliant onsite wastewater management.

## 4. Wastewater Management Systems

*The following sections provide an overview of a suitable onsite wastewater management system, with sizing and design considerations and justification for its selection. Further detailed design for the system may be undertaken at the time of the application to Council.*

Although the preferred treatment and dispersal system is for pressure distribution by subsurface irrigation, large remote sites may be better served with a more simple robust system.

Any on-site wastewater application (eg. septic tank or secondary treatment system) requires a *Certificate of Conformity* and EPA approval.

Refer to the EPA website for the list of approved options that are available

<http://www.epa.vic.gov.au/en/your-environment/water/onsite-wastewater> .

Any of the treatment system options listed at the above website is deemed capable of achieving the desired level of performance. The property owner has the responsibility for the final selection of the treatment system which will be included with an *Application to Install a Septic System*.

The following sections provide an overview of a suitable onsite wastewater management system, with sizing and design considerations and justification for its selection. Detailed design for the system should be undertaken at the time of the application submitted to Council.

The pros & cons depend on site and waste characteristics listed below:

**Table 5: PROS and CONS of options for treatment of wastewater.**

TREATMENT METHOD	PROS	CONS
<b>Option A –</b> Primary settling to reduce grease and solids  <b>30% pollutant removal</b>	Minimal maintenance; Less expensive operating costs although technically problematic. Robust operation.	Design service life of <u>15 years</u> ; Must be connected to sewer immediately it become available; Not suitable for type 1 or 2 soils; Sensitive to terrain slope & setbacks to waterway; Requires a lot > 2000 m <sup>2</sup> .
<b>Option B –</b> Secondary system such as aerated systems <input checked="" type="checkbox"/> <b>90% pollutant removal</b>	Design service life of <u>30 years</u> ; Default “best practice” system Suitable for type 1 & 2 soils; Copes with higher organic and nutrient loads; Suitable for lots < 2000m <sup>2</sup> ;	Higher maintenance costs; Higher energy costs; Slightly higher installation cost;

## 4.2 Effluent Management System

*A range of possible land application systems have been considered, such as absorption trenches, evapo-transpiration / absorption (ETA) beds and subsurface irrigation.*

### Sizing the Irrigation System

To determine the irrigation area, water balance modelling has been undertaken using the method and modelling tool in the *Victorian Land Capability Assessment Framework* (2014) and EPA Codes.

### Requirements for commercial systems

#### Code of Practice Onsite Wastewater Management, EPA Publication 891.4:2016

The following clauses are regulatory requirements or approved measures relevant to a commercial system and/or any domestic system discharging more than 2000 litres per day.

**Clause 1.5** - Where a commercial premises that is used primarily at the weekend generates a peak load of more than 5,000 litres on an intermittent basis, the wastewater may be stored in large balance tanks and piped to the onsite treatment system at a rate not exceeding 5,000 L/day.

**Clause 3.3.3** - The wastewater system designer must calculate the hydraulic and organic loadings from commercial premises in accordance with EPA Publication 500: Code of Practice, *Small Wastewater Treatment Plants*, June 1997.

All treatment systems installed on commercial premises should have a **flow meter fitted** to the discharge pipe to measure the daily volume of effluent in litres. Clause 3.2 and 3.3.3.

**Clause 3.5.1** - Two complete treatment systems (i.e. two separate EPA approved systems) such as primary wet composting system and a secondary treatment system, may also be coupled together to commercial wastewater with high BOD to a 20/30 standard.

**Clause 3.7.2.1** - Where secondary treated effluent from commercial premises will be irrigated, consideration should be given to the retention of surge flows in a holding tank and timer dosing the effluent to evenly spread the dispersal over 24 hours. This will reduce the possibility of effluent surfacing during peak usage. Holding tanks/ electronic timer dosing of effluent irrigation field [EPA Code 891.3, C3.7.2.1].

#### Code of Practice Small Wastewater Treatment Plants, EPA Publication 500, 1997

The following sections are regulatory approved measures relevant to commercial systems and/or any small commercial treatment plant discharging more than 2000 litres per day.

- Design capacity of treatment plant to be consistent with daily and peak hourly criteria provided in [Section 2.2](#) -.
- Site requirements for setbacks and onsite safety to be consistent with requirements in [Section 3.2 & 3.3](#) -
- Maintenance and inspection schedule to be consistent with checklists in [Section 4 and 5](#) -
- Pump wells and pumps to be consistent with guidance provided in [Section 8](#) -
- Performance monitoring and reporting to be consistent with guidance provided in [Section 11](#) -

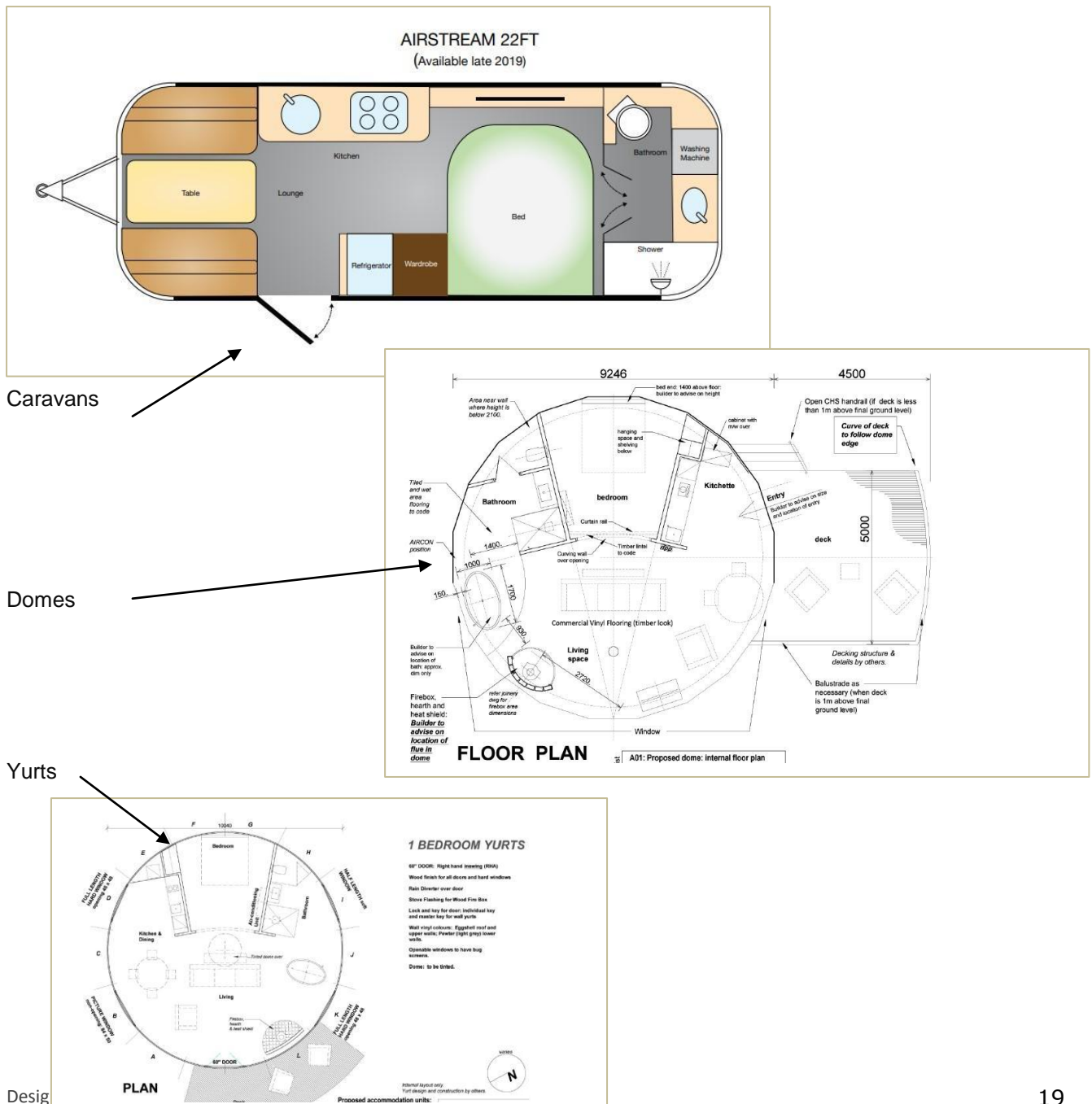
### 4.3 Sizing the effluent dispersal system

*To determine the necessary size of the irrigation area water balance modelling has been considered using the method and water balance tool from the Victorian Land Capability Assessment Framework (2014) and the EPA Code (2016).*

#### Calculation of minimum daily wastewater flow

EPA Code (891.4) clause 3.4.1, requires potential future flow rate to be based number of people who may be intending to live in the accommodation facility. Assessors should include any additional water fittings and fixtures that could be incorporated for the purposes of the calculations.

#### Floor plans of Caravans, Domes and Yurts for 2 persons per unit





### Anticipated wastewater flows

The client has provided a guide to expected occupancy rates of 90% at weekends and 60 -85% on weekdays.

From EPA Code (500) Table 2 and AS/NZS 1547 for causal camping sites a figure of 75 to 125 litres per person is provided as a guide. For the Yurts and Domes with baths a higher hydraulic figure of 150 litres/day has been adopted.

- For caravan at 2 persons per van and 125 Litre/person, daily flow is  $4 \times 2 \times 125 = 1000$  L/day,
- Yurts and Domes at  $2 \times 150$  Litre/day, daily flow is  $7 \times 2 \times 150 \times 90\% = 1890$  L/day.
- Total  $1000 + 1890 = 2890$  **say 3000** litre/day.

For summer peak organic loading (BOD) at 90% is 26 persons times 40 gBOD/person = 1040 gBOD/day. Winter limiting hydraulic loading period at 60% is 26 persons  $\times 0.6 \times 125$  L/day = 1950 say **2000** litre/day. Peak hourly flow rate for 26 persons (from EPA 500, Figure 4 is seven (7) times average hourly rate. At 3000 Litres/day divided by 24 hours times peak factor of 7 gives a peak hourly rate of 875 litre/hour.

Plant buffer setback distance for type 3 treatment systems is  $3 \times \sqrt{26} = 15$  metre.

### Water Balance

The MAV nominated area method is used to calculate the area required to balance all inputs and outputs to the water balance. The water balance can be expressed by the following equation:

$$\text{Precipitation} + \text{Effluent Applied} = \text{Evapo-transpiration} + \text{Percolation}$$

Data used in the water balance includes:

- Mean monthly rainfall and mean monthly pan evaporation;
- Average daily effluent load in litres per day (from Table 4 of the Code);
- Design application rate (DIR or DLR) in millimetres /day (from Table 9 of the EPA Code);
- Crop factor – 0.6 to 0.8; and
- Retained rainfall – 75 % with cut-off drain.

### Nitrogen balance

State environmental policy requires effluent management to prevent the transport of nutrients to surface waters or negative impacts on the groundwater's beneficial uses and vegetation.


For sustainable long-term nutrient management, when **nitrogen** is the limiting factor the annual uptake of nitrogen by vegetation is the main mechanism used to account for nutrient attenuation.


The parameters are summarised below, with calculations provided in **Appendix B**.

- Calculate the mean annual generation of the nutrient is use to establish total nitrogen loading.
- Adopt uptake of grasses @ 200 kgTN /ha.year, Ref:EPA Guidelines for Wastewater Irrigation, No.168.
- Allow 20% loss through denitrification, volatilisation, microbial attack and other processes,

The pros & cons depending on terrain, rainfall and soil conditions are listed below:

**Table 7: PROS and CONS of options for effluent dispersal.**

DISPERSAL METHOD	PROS	CONS
Option A – Pressure compensating drip irrigation  	Suitable for shallow soil sites Not restricted due to rainfall Less soil depth required to others	Higher maintenance and capital replacement costs More expensive system ops with technical matters problematic Maximum slope of 30% Generally requires more space.
Option B – Mounds	Raise level of effluent discharge Soil depth less important Minimal maintenance Suitable ground saturated sites Minimises polluted run-off risk	Sensitive to terrain slope & setback to waterways Max. 15% slope situations May increase wetness at edge Toe seepage may occur.
Option C – LPED systems	Lower energy requirement Complementary loading of system for balance flow Minimal maintenance Trench spacing up to 2m apart	Sensitive to terrain slope & setback to waterways Minimum 250mm topsoil Not suitable type 1 & 2 soils
Option D – Wick trenches	Lower energy requirement Compact system Complementary trench loading Balancing high & low flow days Minimal maintenance	Sensitive to terrain slope & setback to waterways Experienced installer required Not suitable high rainfall areas Significant capital cost
Option E – ETA evapo-transpiration trenches & beds	Compact system Complementary trench loading Balancing high & low flow days Minimal maintenance	Sensitive to terrain slope & setback to waterways Experienced installer required Benching required steep slopes Significant capital cost

 Option most likely to offer the best long-term solution; details are included in Appendices.

#### 4.4 Buffer (Setback) Distances

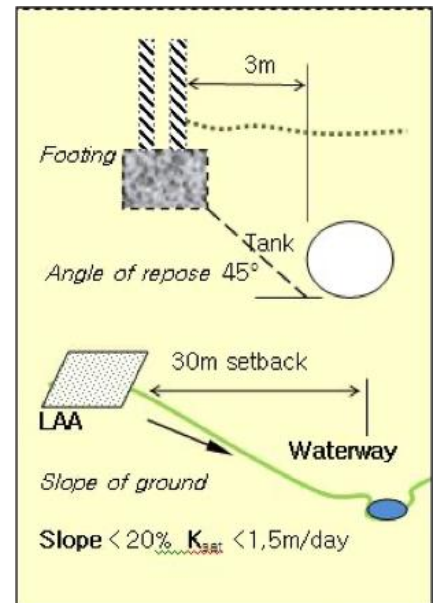
Setback distances from effluent land application areas and treatment systems are required to help prevent human contact, maintain public amenity and protect sensitive environments. The relevant buffer distances for this site are taken from Table 5 of the Code.

- 50 metre from groundwater bores in sandy soils, 20 metre in clayey soils;
- 100 metre from waterways (potable supply) and 30 m for non-potable waterways;
- 6 metre if area up-gradient and 3 metre if area down-gradient of property boundaries, swimming pools and buildings (conservative values for primary effluent).

If setback distances are outside default values, ground water modelling may determined that all nutrients, pathogens and other pollutant will not be transport beyond premises boundary.

When all pollutants are attenuated within the premises boundaries there will be no cumulative impacts on surface waters or groundwater.

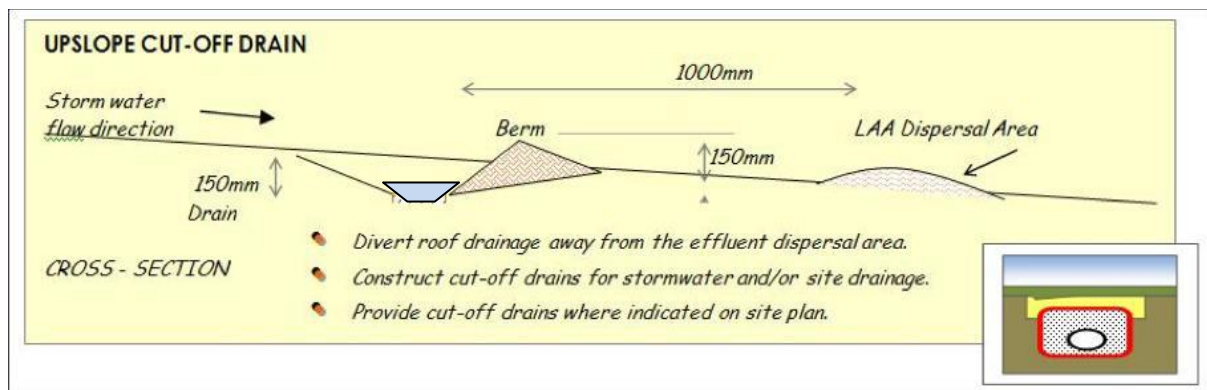
All buffer distances are achievable for this application.



#### 4.5 Stormwater Measures

Stormwater run-on is not expected to be a concern for the proposed irrigation area, due to the landform of the site and its relatively gentle slopes. However, upslope diversion berms or drains may be constructed if this is deemed to be necessary during installation of the system, or in the future.

Stormwater run-on poses a risk during significant rainstorm events. The construction and maintenance of a surface diversion drains will mitigate the limitations of site drainage.



#### 4.6 Reserve Area

A reserve area for effluent dispersal onto land for future or unforeseen contingencies is mandatory:

- in special water supply catchment areas;
- where designated on plans of subdivision, and
- when councils require a reserve area based on local experience.

A 1 m spacing of irrigation driplines may provide the reserve area, see EPA Code 891.4, Clause 3.10.2.

## 5. Monitoring, Operation and Maintenance

Maintenance should be carried out in accordance with the EPA system approval and the *Certificate of Conformity* of the selected secondary treatment system and Council's permit conditions. The treatment system will only function adequately if appropriately and regularly maintained.

### To ensure the treatment system functions adequately, residents must:

- Have a suitably qualified maintenance contractor service the wastewater system at the frequency required by Council under the approval to use;
- Use household cleaning products suitable for septic tanks;
- Keep as much fat and oil out of the system as possible;
- Don't put sanitary or hygiene products into the system,
- Do Not flush so called flushable wipes into the system,
- Ensure the septic tank is de-sludged / pump-out at least 3 years; and
- Conserve water, use 3 STAR or better WELS rated fixtures and appliances.



### To ensure the land application area (LAA) functions adequately, residents should:

- Regularly harvest (mow) vegetation within the LAA and remove this to maximise uptake of water and nutrients;
- Monitor and maintain the subsurface irrigation system following the manufacturer's recommendations;
- No structures/ paths erected over the Land application area;
- Avoid vehicle and livestock access to the LAA, to prevent compaction and damage;
- Ensure that the LAA is kept uniformly graded by filling any depressions with good quality topsoil (not clay) and
- Regularly clean any in-line filter or screen;
- Check water usage (water meter / winter water bills) to ensure discharge does not exceeding design.



### Table for recording actions undertaken

Year/month	Water leaks	Service agent	Monitor effluent	Pump-out (3 yearly)	Effluent ponding	Keep records	Comments & Remarks Date septic last pumped.....
Frequency	Regularly	As required	Annually	Every 3 years	Every year	As required	

#### Note:

- A permit condition of the Council approval will require the regular servicing of the *wastewater treatment system* in accordance with manufacturer's instructions.
- The system should be inspected annually and report prepared by a qualified person.
- The owner should require service contractor to record and electronically log all servicing with "Septic Track" or similar management system.

## 6. Service & Performance Report

Operation & maintenance of an on-site wastewater management system (**OWMS**)  
(*Environment Protection Regulations 2021*) \* (Reg. xx)

*Key regulatory elements to be included in maintenance and performance reports.*

OWNER/OCCUPIER name (EP Act 2018, Sec. 25).....

On-site wastewater management systems (OWMS) must be managed to ensure good working, appropriate maintenance and inform council of any failures (Reg. ).

ADDRESS OF OWMS: .....

Permit to INSTAL No.(Reg 25)..... (valid for up to 5 years)

Certificate to USE No. .... MUNICIPALITY:..... CONTACT:.....

An accredited service technician to carry out the servicing and inspection of the on-site wastewater management system at least four (4) times per year. Results from the maintenance inspection and condition of key components to be kept for 5 years.

TYPE OF WASTEWATER SYSTEM:

OPERATIONAL COMPONENTS OF OWMS SERVICED AS PER OPERATING MANAUL. .

No odours detected: ..... Noise level < 40dBA: ..... Remarks:.....

Laundry detergent used: Liquid or powered: ..... Brand name: .....

WATER QUALITY (Field tests): Odour free ☒... Turbidity >100mm ☒... DO .... mg/L.

LAST NATA LABORTORY ANALYSIS RESULTS: BOD mg/L, TSS mg/L, DATE: .....

IRRIGATION SYSTEM, Reg. 159(3): ☒..... WARNING SIGNS IN PLACE: .....

IRRIGATION MAINTENANCE: Screens cleaned ☒ Driplines flushed: ☒

Owner TOy clean screens and flush driplines between services to manufacturers instructions:

LAND APPLICATION AREA: No leakage or ponding ☒ .....

SLUDGE (BIOSOLIDS) DATE LAST PUMPED: .....GYPSUM spread annual if required:.....

RECORD AND ADVISE DUTY HOLDER AS APPROPRIATE OF MATTERS REQUIRING ATTENTION: .....

Agreed report back Reported by.....

DATE: ...../...../..... TIME: ..... am/pm ACTION BY: .....

OWMS INCIDENT REPORT, Reg.162(2): .....

NAME:..... PHONE or EMAIL: .....

*Accredited Service Technician Accreditation (Reg. )* .....

This record of service or sludge pump outs must be must be kept for 5 years. Reg.162(1).

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## 7. Conclusions

As a result of the investigations it is concluded that sustainable onsite wastewater management is feasible with appropriate mitigation measures, as outlined, for the proposed tourist accommodation at 153 Charlies Road, Elevated Plains.

As a result of this design response it is concluded that sustainable onsite wastewater management is feasible with appropriate mitigation measures, as outlined below:

A number of options for effluent dispersal have been considered and the preferred or best practice option is subsurface drip irrigation requiring a land area of at least 1200 m<sup>2</sup>, that is more than practicable for a site of more than 80,000 m<sup>2</sup>.

Specifically, it is recommended (for 11 accommodation units and 26 persons) that you:

- Provide a gravity sewer reticulation where possible to a central treatment location as shown in **Figure 3. Site Plan**;
- Provide one 3000 litre capacity pump well and suitable pump(s) to convey sewage to the reticulated sewer from the Caravan sites in the south east part of the premises;
- Install 10,000 litre septic tank and balance tank with controlled pump rates of 1500 litre/day, prior to the treatment plants;
- Install two (2) 1500 litre/day treatment plants for secondary effluent quality (ie. 20/30 standard of a type approved by EPA and having a current *Certificate of Conformity*;
- Provide one thousand two hundred square metres (1200 m<sup>2</sup>) to AS/ZS 1546 Appendix M which includes a reserves for future contingencies;
- Provide a water meter to measure the volume of effluent discharge to the irrigation area;
- Install water saving fixtures and appliances (WELS 3 or 4 star rating) to reduce the effluent load;
- Provide low phosphorus and low sodium (liquid) detergents to improve effluent quality and maintain soil properties for growing plants; and
- Manage the operation and maintenance of the treatment and disposal system in accordance with manufacturer's recommendations, the EPA approval conditions, EPA Code of Practice (891.4), EPA Publication 500 and the recommendations of this report.

## Our Proposed Treatment System Solution

The Taylex® Advanced Blower System (ABS) is designed to treat the wastewater from a site with a hydraulic influent loading up to 4,000 litres per day. This system will comprise of one (1) 3,000lt Dual Alternating Pump Station, one (1) Taylex® 10,000 litre septic primary tank, (1) 10,000 litres Balance Tank and Two (2) ABS units.

The proposed treatment plant will comprise of two *EPA approved* systems of 1500 Litre/capacity operating in parallel to provide the required capacity of 3000 litre/day.

## Rossy's Plumber 's specifications for Taylex ABS plants

Extracts from

### Manufactures warranty on effluent quality

Australian Standards Requirement with Taylex Results				
Effluent Grade	Primary / Septic		Advanced Secondary	
	+Nutrient Reduction			
	Australian Standard	Australian Standard	Australian Standard	TAYLEX ABS
BOD <sub>5</sub> <small>Biological Oxygen Demand Over 5 Days</small>	120 - 240mg/L	<20mg/L	<10mg/L	<1.85mg/L
TSS <small>Total Suspended Solids</small>	65 - 180mg/L	<30mg/L	<10mg/L	<5.19mg/L
Thermotolerant Coliforms	n/a	<200/100mL	<10/100mL	<0.783/100mL
Nitrogen	n/a	n/a	n/a	<25mg/L
Phosphorus mg/L	n/a	n/a	n/a	<5mg/L
Turbidity* <small>Clarity</small>	>13NTU	n/a	n/a	5.22NTU

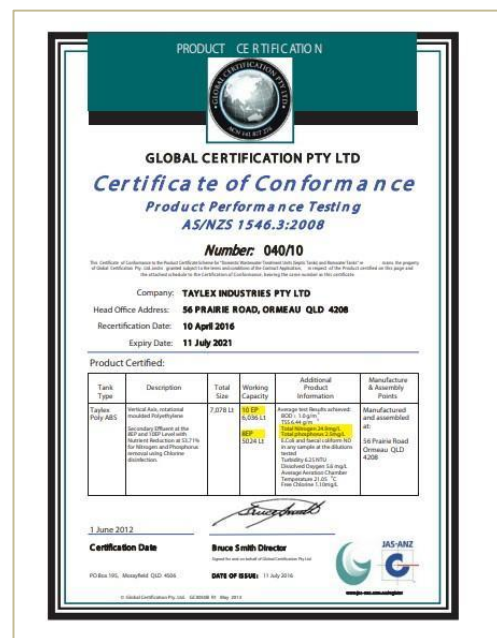
### **Taylex's Certificate of Conformance for proposed plants**

Construction of the drip irrigation areas should be strictly to supplier's instructions and requirements of Appendix M, AS/NZS 1547.

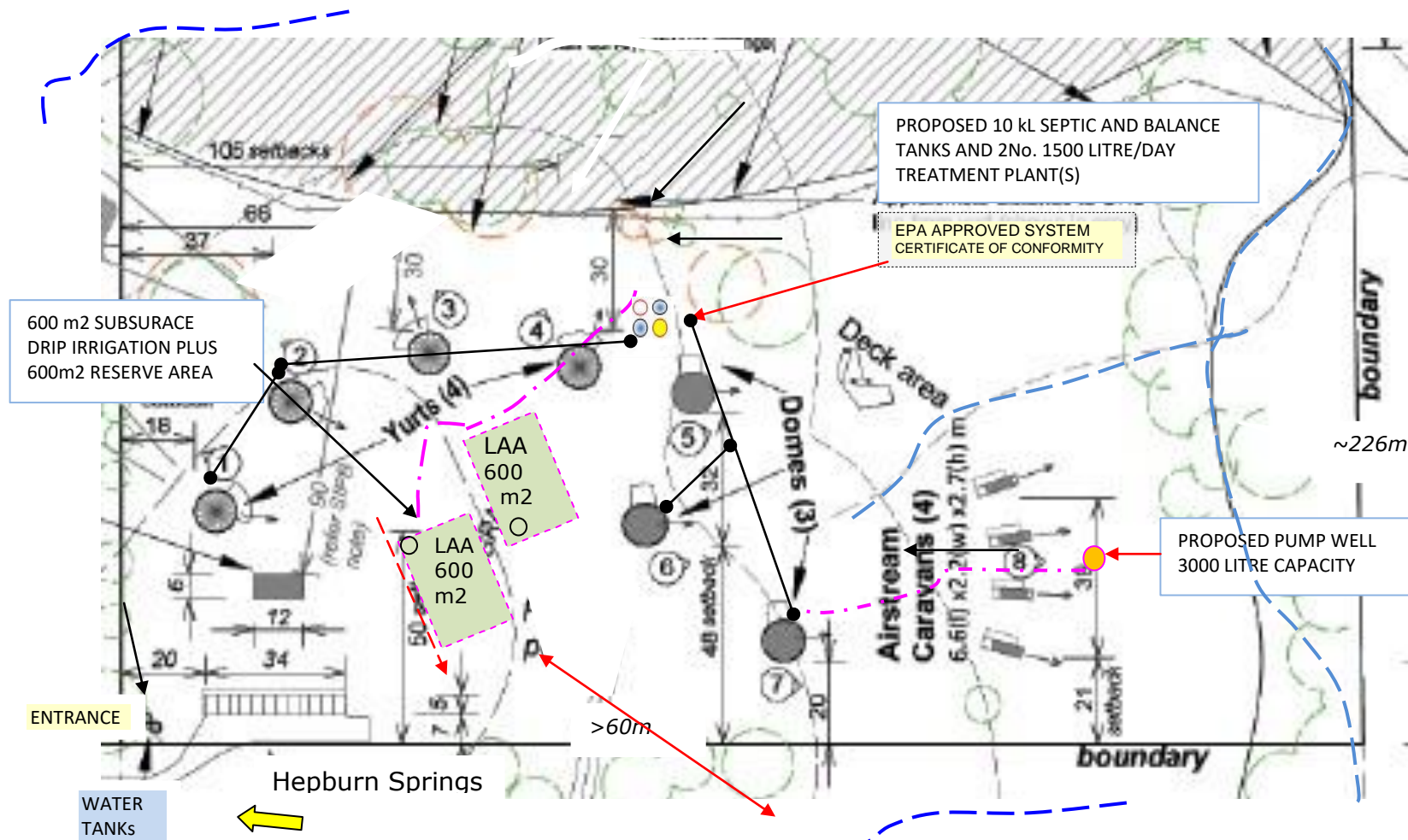
The proposed dual Taylex ABS plants of 1500 litre/day capacity together with additional septic and balance tanks satisfies the requirements of EPA Codes of Practice for Wastewater.

The proposed pump stations with dual alternating pumps and electronic controls satisfy specifications in the EPA Codes of Practice for Wastewater.

The proposed Taylex specifications for the treatment of wastewater as described above meet industry standards and requirements of EPA's Codes of practice for wastewater treatment plants.



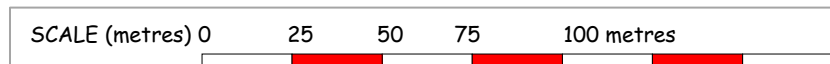
INDICATIVE SKETCH - CONTRACTOR TO SUPPLY "AS - BUILT" PLAN



Drg No: W210115  
 Scale: As shown  
 Date: 2.02.21  
 Revised: 30.08.21

### 153 Charlies Road, Elevated Plains

Municipal Council: Hepburn  
Installation Date:  
Date approved: .....



DIMENSIONS IN METRES - DO NOT SCALE

## Wastewater

# SITE PLAN

REFERENCE: 210121:



## 8. References

1. **Department of Sustainability and Environment**, *Planning permits for open water supply catchments*, November 2012.
2. **Environment Protection Authority** (2003). *Guidelines for Environmental Management: Use of Reclaimed Water*, Publication 464.2.
3. **Environment Protection Authority** (1991). *Guidelines for Wastewater Irrigation*, Pub. 168.
4. **Environment Protection Authority** (2016). Publication 891.4, *Code of practice-onsite wastewater management*.
5. **Hazelton, P and Murphy, B.** (2007). *Interpreting Soil Test Results – What Do All The Numbers Mean?* CSIRO Publishing, Melbourne
6. **Mc Donald , RC** et al (1998). *Australian Soil & Land Survey*, Field Handbook. CSIRO.
7. **McKenzie, N, Coughlan, K & Cresswell, H.** 2002, *Soil Physical Measurement and Interpretation of land Evaluation*, CSIRO Publishing.
8. **Municipal Association of Victoria**, Department of Environment and Primary Industries and EPA Victoria (2014) *Victorian Land Capability Assessment Framework*.
9. **Standards Australia / Standards New Zealand** (2012). AS/NZS 1547:2012 *On-site domestic-wastewater management*.

## 9. Acronyms & Definitions

**AS/NZS** - Australian & New Zealand Standards

**EPA** - Environment Protection Authority, Victoria

**GED** - General Environmental Duty

**LCA** - Land capability assessment

**LAA** - Land application area

**LPED** - Low pressure effluent distribution, **LPOD** - Legal Point of Discharge (Stormwater)

**Reserve area** - a duplicate land disposal area reserved for use when the original land disposal area needs to be rested for future unforeseen contingencies.

**Reticulated water** -water supply obtained from mains supply, including any bore, stream or dam.

**Secondary treatment** - biological and/or physical treatment after primary treatment of sewage.

**Sewage** - any waste containing human excreta or domestic wastewater.

**Unsewered area** - land where no sewer pipes are adjacent to the allotment boundaries.

**Waterway** - as defined by the Water Act 1989

## Appendix A: Soil Bore Log

SOIL BORE LOG					EWS ENVIRONMENTAL, PO Box 4, Box Hill, 3128 Email: <a href="mailto:ews@bigpond.com">ews@bigpond.com</a> Telephone: 9849 0150				
Client:	Clifftop at Hepburn Pty Ltd				Test pit No.	TP 1 – TP2			
Site:	153 Charlies Road, Elevated Plains,				Assessor:	JR Lawrey			
Date:	16/01/ 2021				Excavation:	Spade & auger			
Notes:	Refer to site plan Fig. 4 for borehole positions								
# 1 BORE HOLE - PROFILE DESCRIPTION									
Depth (m)	Log	Horizon	Texture	Structure	Colour	Mottles	Fragments	Moisture	Comments
0.10		A1	Clay LOAM				nil	dry	Organic
0.20				Weak					
0.30					Dark brown				Category
0.60						nil		dry	5b
0.90		B1	Light CLAY	Mod.	Pale brown		<10%		
1.50									

# 2 BORE HOLE - PROFILE DESCRIPTION									
Depth (m)	Log	Horizon	Texture	Structure	Colour	Mottles	Fragments	Moisture	Comments
0.10		A1	Clay LOAM				nil	dry	Organic
0.20				Weak					
0.30					Dark brown				Category
0.60						nil		dry	5b
0.90		B1	Light CLAY	Mod.	Orange brown		<10%		
1.50									

# 3 BORE HOLE - PROFILE DESCRIPTION									
Depth (m)	Log	Horizon	Texture	Structure	Colour	Mottles	Fragments	Moisture	Comments
0.10									
0.20									
0.30									
0.60									
0.90									
1.50									



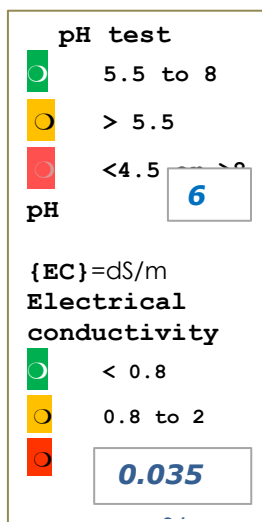
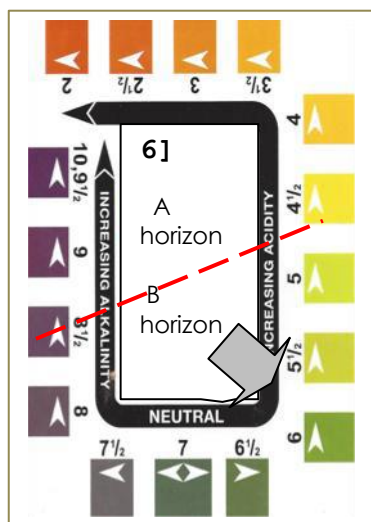
## Appendix A1 -

## Field Soil Test &amp; Notes

Test {pH} Ref: CSIRO soil test kit

Test {EC} Electrical conductivity

Test: {EAT} Emerson Aggregate.



## [EAT] Modified (AS/NZS 1547:E7)

- ☐ No change
- ☒ Aggregate slakes
- ☐ Aggregate disperses
- ☐ Worked ball disperses

## Soil fertility:

Is Gypsum application required? NO Application rate: kg/m<sup>2</sup>  
 Is Lime /dolomite required? NO Application rate: g/m<sup>2</sup>

## Colour:

Dark, Light, Yellow, Reddish, Yellowish  
 Black, Grey, Brown, Yellow, Red

## Slope:

<10% 0  
 10-20% 20%  
 > 20% 50%

## MF

## Drainage:

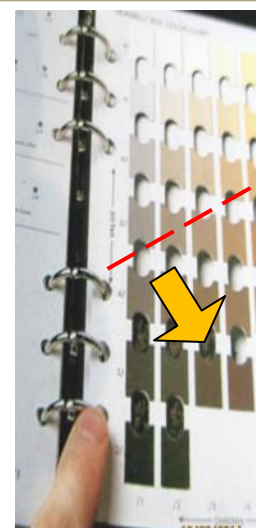
Rapid, Well drained, Moderate, Imperfect, Poor

## Slope form:

Convergent ( )  
 Plannar |  
 Divergent )  
 Waxing ↗  
 Linear ↘  
 Waning ↘

## Vegetation:

Plentiful, Virgin, Sparse, Cultivated, Natural,  
 No wet plants, Tall, Low, Isolated clumps



## Soil Permeability (AS/NZS 1547)

Indicative soil permeability		
Classification	Properties	Cat. K <sub>sat</sub> (m/d)
Gravel & sands	Very little to no coherence; cannot be moulded; single grains stick to fingers	1 > 3.0
Sandy LOAM	Forms a cast but will not roll into coherent ball; sand grains can be seen and felt; gives a ribbon 15-25 mm long	2 1.4-3.0
LOAMS	Forms a cast but not spongy; very smooth and silky; will form a very thin ribbon 25 mm long and dries rapidly	3 0.5-1.5
Clay LOAM	Can be rolled into ball with a spongy feel; slightly plastic; smooth to manipulate; forms a ribbon 40-50 mm long	4 0.12-0.5
Light CLAY	Smooth plastic ball that can be rolled; slight resistance to shearing between thumb and fore finger; ribbon 50-70 mm	5 0.06-0.12
Medium to heavy CLAY	Smooth plastic ball; handles like plasticine; can be moulded into rods without fracture; some resistance to ribboning; forms a ribbon 75 mm or more long	6 < 0.06

Reference: EPA Publication 891.4:2016, Table 9

## Emerson Aggregate Test (AS/NZS 1547)



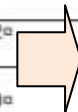
Field tests conducted by: J R Lawrey MIEAust No. 142295

Date: 17 /01/2021

## Appendix A-2: Irrigation loading rates

Table 9: Soil Categories and Recommended Maximum Design Loading/Irrigation Rates (DLR/DIR) for Land Application Systems<sup>1,2,5</sup>

Soil texture <sup>a</sup>	Soil structure <sup>a</sup>	Soil category <sup>a</sup>	Indicative permeability <sup>¶</sup> (K <sub>sat</sub> ) (m/d) <sup>a</sup>	Design Loading Rates and Design Irrigation Rates (DLR / DIR) (mm/day) <sup>a</sup>					
				Absorption trenches/beds and Wick Trench & Bed Systems <sup>6</sup> for primary effluent (see Table L1 in AS/NZS 1547:2012) <sup>a</sup>	(ETA) Evapo-transpiration absorption beds and trenches <sup>¶</sup> (see Table L1 in AS/NZS 1547:2012) <sup>a</sup>	Secondary-treated effluent applied to Wick Trench & Bed System <sup>4</sup>	Sub-surface and surface irrigation (see Table M1 in AS/NZS 1547:2012) <sup>a</sup>	LPED <sup>¶</sup> (see Table M1 in AS/NZS 1547:2012) <sup>a</sup>	Mounds (basal area) <sup>¶</sup> (see Table N1 in AS/NZS 1547:2012) <sup>a</sup>
Gravels and sands <sup>a</sup>	Structureless (massive) <sup>a</sup>	1 <sup>a</sup>	>3.0 <sup>a</sup>	NA <sup>3</sup>	NA <sup>3</sup>	25 <sup>a</sup>	5 <sup>a¶</sup> (see Note 2 in Table M1) <sup>a</sup>	NA <sup>3</sup>	24 <sup>a</sup>
Sandy loams <sup>a</sup>	Weakly structured <sup>a</sup>	2a <sup>a</sup>	>3.0 <sup>a</sup>						24 <sup>a</sup>
	Massive <sup>a</sup>	2b <sup>a</sup>	1.4–3.0 <sup>a</sup>	15 <sup>a</sup>	15 <sup>a</sup>	30 <sup>a</sup>		4 <sup>a</sup>	24 <sup>a</sup>
Loams <sup>a</sup>	High / moderate structured <sup>a</sup>	3a <sup>a</sup>	1.5–3.0 <sup>a</sup>	15 <sup>a</sup>	15 <sup>a</sup>	30 <sup>a</sup>	4 <sup>a¶</sup> (see Note 1 in Table M1) <sup>a</sup>	3.5 <sup>a</sup>	24 <sup>a</sup>
	Weakly structured or massive <sup>a</sup>	3b <sup>a</sup>	0.5–1.5 <sup>a</sup>	10 <sup>a</sup>	10 <sup>a</sup>	30 <sup>a</sup>			16 <sup>a</sup>
Clay loams <sup>a</sup>	High / moderate structured <sup>a</sup>	4a <sup>a</sup>	0.5–1.5 <sup>a</sup>	10 <sup>a</sup>	12 <sup>a</sup>	30 <sup>a</sup>	3.5 <sup>a¶</sup> (see Note 1 in Table M1) <sup>a</sup>	3 <sup>a</sup>	16 <sup>a</sup>
	Weakly structured <sup>a</sup>	4b <sup>a</sup>	0.12–0.5 <sup>a</sup>	6 <sup>a</sup>	8 <sup>a</sup>	20 <sup>a</sup>			8 <sup>a</sup>
	Massive <sup>a</sup>	4c <sup>a</sup>	0.06–0.12 <sup>a</sup>	4 <sup>a</sup>	5 <sup>a</sup>	10 <sup>a</sup>			5 <sup>a¶</sup> (see Note to Table N1) <sup>a</sup>
Light clays <sup>a</sup>	Strongly structured <sup>a</sup>	5a <sup>a</sup>	0.12–0.5 <sup>a</sup>	5 <sup>a</sup>	8 <sup>a</sup>	12 <sup>a</sup>	3 <sup>a¶</sup> (see Note 1 in Table M1) <sup>a</sup>	2.5 <sup>a¶</sup> (see Note 4 in Table M1) <sup>a</sup>	8 <sup>a</sup>
	Moderately structured <sup>a</sup>	5b <sup>a</sup>	0.06–0.12 <sup>a</sup>	(see Notes 2 and 3 in Table L1) <sup>a</sup>	5 <sup>a¶</sup>	10 <sup>a</sup>			5 <sup>a¶</sup> (see Note to Table N1) <sup>a</sup>
	Weakly structured or massive <sup>a</sup>	5c <sup>a</sup>	<0.06 <sup>a</sup>			8 <sup>a</sup>			
Medium to heavy clays <sup>a</sup>	Strongly structured <sup>a</sup>	6a <sup>a</sup>	0.06–0.5 <sup>a</sup>	(see Notes 2, 3 & 5 in Table L1) <sup>a</sup>	(see Notes 2, 3 & 5 in Table L1) <sup>a</sup>	5 <sup>a¶</sup> (see Notes 2 and 3 in Table L1) <sup>a</sup>	2 <sup>a¶</sup> (see Note 2 in Table M1) <sup>a</sup>	NA <sup>a</sup>	
	Moderately structured <sup>a</sup>	6b <sup>a</sup>	<0.06 <sup>a</sup>						
	Weakly structured or massive <sup>a</sup>	6c <sup>a</sup>	<0.06 <sup>a</sup>						



## Appendix B-1: Water balance calculations

Site Address 153 Charlies Road, Elevated Plains, Dispersal: **SSDI** Ref: **210115\_B** Date: 30/08/ 2021  
 Input data Rainfall BoM Stn: **762** mm Evaporation: **1371** mm Monthly Flow: **1000** L/day Irrigation Rate: **3** mm/d

Irrigation Area sizing using Nominated Area Water Balance, Nutrient Balance & Storage Calculations																	
Site Address:		153 Charlies Road, Elevated Plains - water balance for winter conditions at 60% occupancy															
INPUT DATA				Date:	2-Feb-21				Assessor:				JR Lawrey DipCE MIE Aust				
Design Wastewater Flow	Q	2000	L/day	Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2016).													
Effluent TN concentration	TN	25	mg/L	Crop N uptake 220 kg/ha/yr equal to 60 mgTN/day. Phosphorus sorption capacity not limiting.													
Design Loading Rate	DIR	3.0	mm/day	Based on soil class permeability and derived from Table 9 in EPA Code of Practice (2016) 1000spacing.													
Land Application Area	L	1216	m sq	Land application area based on limiting factors.													
Crop Factor	C	0.6 -0.8	unitless	Estimates of evapotranpiration as a fraction of pan evaporation; varies over season and crop type.													
Retained Rainfall	RF	0.75	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff.													
Rainfall Data	Rainfall for Sheppards Flat			Median	Annual			747	mm								
Evaporation Data	BOM evaporation data			Cairn Curran 088009			Run-off coefficient grassed areas: < 10% slope .....0.90										
Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	
Days in month	D	\	days	31	28	31	30	31	30	31	31	30	31	30	31	365	
Rainfall	R	\	mm/month	29	31	27	51	60	74	88	84	60	63	44	38	747	
Evaporation	E	\	mm/month	229	191	151	86	53	31	41	44	74	110	147	214	1371	
Crop Factor	C	\		0.80	0.80	0.70	0.70	0.60	0.60	0.60	0.60	0.70	0.80	0.80	0.80		
OUTPUTS																	
Evapotranspiration	ET	ExC	mm/month	183	153	106	60	32	19	25	26	52	88	118	171	1032	
Percolation	B	DIR x D	mm/month	93	84	93	90	93	90	93	93	90	93	90	93	1095	
Outputs		ET+B	mm/month	276	237	199	150	125	109	118	119	142	181	208	264	2127	
INPUTS																	
Retained design rainfall	RR	R x RF	mm/month	22	23	20	39	45	56	67	64	71	59	59	43	568	
Inputs	W	(QxD)/L	mm/month	51	46	51	49	51	49	51	51	49	51	49	51	600	
		RR+W	mm/month	73	70	71	88	96	105	118	115	120	110	108	94	1168	
STORAGE CALCULATION																	
Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-203.3	-167.3	-127.3	-62.3	-28.4	-3.2	0.0	-4.8	-21.5	-71.0	-99.3	-170.2	-393.3	
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Maximum Storage	N		mm	0.00													
	V	NxL	L	0													
LAND AREA REQUIRED FOR 75 PERCENT STORAGE:																	
			m <sup>2</sup>	244	263	348	538	781	1141	1216	1111	847	508	404	280	468	
MINIMUM Length REQUIRED FOR Wick trenches				1,216 mm <sup>2</sup>													
				LAND APPLICATION AREA FOR MOST LIMITING NUTRIENT 667 m <sup>2</sup>													
				(Minimum area required with zero buffer setbacks)													
MINIMUM PERCENTAGE REQUIRED FOR PERCOLATION				2 3 4 5 6 7 8 9 10													
Area required per person				2 3 4 5 6 7 8 9 10													
Sub Surface Drip Irrigation				<div> <div>XX</div> <div>Red cells are automatically populated by the spreadsheet</div> <div>Enter new data in blue cells</div> </div>													
				<div> <div>XX</div> <div>Data in the yellow cells is calculated by the spreadsheet. DO NOT ALTER THESE CELLS</div> <div>Ref: MAV model version 891.4 #####</div> </div>													

## Environment Protection Regulations 2021

CERTIFICATE OF LOADING – DESIGN AS/NZS 1547: 2012 – Section 7. 4. 2 - Job No. 210115\_B

**To**

Environmental Health Officer – Hepburn Shire Council  
Building Surveyor - Relevant Building Surveyor

**From**

EWS Environmental Email: ews@bigpond.com  
Phone (03) 9849 0150, Mobile 0407 056 837

**Property details:**

**153 Charlies Road, Elevated Plains,  
CPN: 20885 SPI: 7-2/PP5313**

**Compliance**

I have undertaken a land capability assessment (LCA) and prepared the design and certify that the part of the design described as:

**Septic tank system**

complies with the following provisions:

- EPA Code of Practice – Onsite Wastewater Management, No. 891.4, July 2016;
- AS/NZS 1547:2012 - On-site domestic wastewater management, Standards Australia;

**Capacity of system**

Sustainable wastewater maximum daily operating capacity for the premises is **1500** litres/day.

**Design criteria dispersal**

Minimum land irrigation area to be reserved for management of effluent is **1200** square metres.

**Wastewater treatment**

An approved wastewater treatment and effluent dispersal must maintained onsite at all times.


**Water efficiency**

The design is based on all fittings and fixtures having a **3 star WELS** rating or better.

**Consequences of overloading, lack of operation, maintenance and monitoring**

Over or under loading for extended periods (more than a month) will have an adverse impact on the performance of the treatment system. Occupiers of premises must:

- Report unusually high water usage, and/or discharges of inappropriate chemicals;
- Monitor for odours, ponding of effluent or audio/visual alarm activation;
- Keep a record of pump-outs, servicing periods, display emergency numbers, and
- Cause primary septic tank chamber to be pumped out at least once **every 3 years**.

John Lawrey 	Senior Environmental Consultant	Reg. No. 142295
<b>EWS</b> Environmental	MIEAust. Dip CE. CPEng (Ret)	Date: 30 August 2021

**Accreditation:**

On-site Wastewater Management Certificate CET-NZ, 2001

**Professional**

DUAL Australia Pty Ltd on behalf of certain underwriters at Lloyds.

**Indemnity:**

Policy No. SOB/26785/000/21/L, Period: 01/07/21 to 01/07/22.

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## Irrigation Area sizing using Nominated Area Water Balance, Nutrient Balance & Storage Calculations

**Site Address:** 153 Charlies Road, Elevated Plains - water balance for winter conditions at 60% occupancy

### INPUT DATA

INPUT DATA				Date:	2-Feb-21	Assessor:	JR Lawrey DipCE MIE Aust
Design Wastewater Flow	Q	2000	L/day	Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2016).			
Effluent TN concentration	TN	25	mg/L	Crop N uptake 220 kg/ha/yr equal to 60 mgTN/day. Phosphorus sorption capacity not limiting.			
Design Loading Rate	DIR	3.0	mm/day	Based on soil class permeability and derived from Table 9 in EPA Code of Practice (2016) 1000spacing.			
Land Application Area	L	1216	m sq	Land application area based on limiting factors.			
Crop Factor	C	0.6 -0.8	unitless	Estimates of evapotranspiration as a fraction of pan evaporation; varies over season and crop type.			
Retained Rainfall	RF	0.75	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff.			
Rainfall Data	Rainfall for Sheppards Flat			Median	Annual	747	Run-off coefficient grassed areas: < 10% slope .....0.90
Evaporation Data	BOM evaporation data			Cairn Curran 088009			

Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Days in month	D	\	days	31	28	31	30	31	30	31	31	30	31	30	31	365
Rainfall	R	\	mm/month	29	31	27	51	60	74	88	84	60	63	44	38	747
Evaporation	E	\	mm/month	229	191	151	86	53	31	41	44	74	110	147	214	1371
Crop Factor	C			0.80	0.80	0.70	0.70	0.60	0.60	0.60	0.60	0.70	0.80	0.80	0.80	

### OUTPUTS

Evapotranspiration	ET	ExC	mm/month	183	153	106	60	32	19	25	26	52	88	118	171	1032
Percolation	B	DIR x D	mm/month	93	84	93	90	93	90	93	93	90	93	90	93	1095
Outputs		ET+B	mm/month	276	237	199	150	125	109	118	119	142	181	208	264	2127

### INPUTS

Retained design rainfall	RR	R x RF	mm/month	22	23	20	39	45	56	67	64	71	59	59	43	568
	W	(QD)/L	mm/month	51	46	51	49	51	49	51	51	49	51	49	51	600
Inputs		RR+W	mm/month	73	70	71	88	96	105	118	115	120	110	108	94	1168

### STORAGE CALCULATION

Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-203.3	-167.3	-127.3	-62.3	-28.4	-3.2	0.0	-4.8	-21.5	-71.0	-99.3	-170.2	-393.3
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Maximum Storage	N		mm	0.00												
	V	NxL	L	0												

LAND AREA REQUIRED FOR ZERO STORAGE: m<sup>2</sup> 244 263 348 538 781 1141 1216 1111 847 508 404 280 468

MINIMUM Length REQUIRED FOR Wick trenches 1.216 m<sup>2</sup> LAND APPLICATION AREA FOR MOST LIMITING NUTRIENT 667 m<sup>2</sup>  
(Minimum area required with zero buffer setbacks)

NUMBER OF PERSONS	PP	ROOMS + 1	unitless	2	3	4	5	6	7	8	9	10				
Area required per person	IAA		m <sup>2</sup>	2	3	4	5	6	7	8	9	10				

**Sub Surface Drip Irrigation** XX Red cells are automatically populated by the spreadsheet. Enter new data in blue cells  
XX Data in the yellow cells is calculated by the spreadsheet. DO NOT ALTER THESE CELLS. MAY model version 891.4 #####



[www.ews.land](http://www.ews.land)

Hepburn Shire Council  
Planning Department  
PO Box 21  
Daylesford VIC 3460

HEPBURN SHIRE COUNCIL  
ATTACHMENT 10.2.7  
File No: .....  
Rec'd Date: 13 OCT 2021  
Rec'd By: .....  
Action By: .....  
Reg No: .....

October 8, 2021

**Re Permit Application No. PA3335 – 153 Charlies Road, Elevated Plains**

**Proposal:** Use and development of the land for a camping and caravan park.

**Applicant:** Clement-Stone Town Planners, for the owner Clifftop @ Hepburn

We write in objection to the above permit application on the following grounds:

**1. Fire Risk**

The proposal for a visitors' site at 153 Charlies Road has the potential to affect us severely. Our property, in Powells Lane Mount Franklin, lies one kilometre due north of the property at 153 Charlies Road.

Over several recent summers there have been numerous fire alerts in the general area of Elevated Plains. The area between the property of 153 Charlies Road and our property is unbroken forest. Any fires at Elevated Plains with a south wind put our property under threat.

This happened in the summer of 2018/19, causing us great anxiety and the need to eventually evacuate.

Permit application No. PA 3335 makes it clear that there will be a significant number of people camping at various times at 153 Charlies Road, if the proposal goes ahead. This is most likely to occur over the summer months, when the fire risk is greatest.

We are not convinced the applicant has considered the fire risk from actions by visitors to the site, **many of whom may not be aware of how easy it is for a fire to start in this region.**

The fire warden will be on site from midnight to midnight only on days of forecast Very High Fire Danger and will attend the site when there is a fire within 20km of the site.

This leaves the site unsupervised out of normal working hours for much of the summer and into autumn. Bushfires can occur on days of lower fire rating. There is no guarantee the warden will be able to reach the site if a fire starts inside the 20km radius. Only the safety of clients is considered, not the community. For the days when the site is unsupervised, there are no controls over the behaviour of guests after hours who are not familiar with the fire risks associated with camping in dry bushland (camping is synonymous with campfires). Nothing in the application rules out group bookings; campfires are almost a certainty.

Nor are we convinced the applicant is aware that he would be creating a firetrap for his visitors. Charlies Road is a narrow, winding, rough track, and in a fire situation there would only be one-way out. Fire trucks and visitors trying to pass each other on a narrow track is not ideal.

ATTACHMENT 10.27  
In the event of a bushfire emergency, there is insufficient room on Charlies Road for an empty tanker to be leaving the site if a full one is attempting to enter it. The safety of residents will be compromised in the event of a bushfire emergency if first-time road users attempting to evacuate the site at inappropriate times create an unsafe situation.

The likelihood of fallen trees in a bushfire situation could potentially block Charlies Road as an escape route. Tourists are not likely to have a chainsaw in their boot!

## **2. Conservation**

The forest surrounding 153 Charlies Road is part of the Hepburn State Park and has environmental protection. It is a corridor for wildlife. This forest has significant flora and fauna, all of which is in a delicate balance. Increased traffic, walkers, noise and rubbish have the potential for causing harm to this balance.

The forest also has sites of Goldfields heritage significance. It has many uncapped mine shafts which can represent a safety threat to visitors who are unfamiliar with these dangers.

We believe that the limited areas of farmland zoning in this area should be safeguarded. The proposed development, along with increased density of occupation and increased visitor activity to the land at 153 Charlies Road, has the potential to cause land degradation.

Changing land use will be inconsistent with the objectives of Hepburn Planning Scheme Clause 14.01-1L *Protection of agricultural land*, specifically to protect the Shire's high quality productive agricultural land from the encroachment of incompatible use and development.

## **Affect of the Proposal on us**

The main affect of this proposal, should the permit be granted, would be to increase our levels of anxiety over the summer months in regards the possibility of a fire being started on this property.

[REDACTED]

[REDACTED]



From: [REDACTED]  
 To: [REDACTED]  
 Subject: Fwd: Hepburn Shire Planning Application PA3335 - addendum to our Objections.  
 Date: Wednesday, 19 January 2022 2:45:09 PM  
 Attachments: [PastedGraphic-1.png](#)

---

H [REDACTED]

If it's not too late please consider this letter that I emailed to Goulburn Murray water, an addendum to my official objections to the above Planning Application.

I now have three documents for you to consider.

1. this one below to Goulburn Murray Water
2. the one outlining the specific objections
3. the supporting photos of the specific objections.

I would ask you to please consider all three objections documents.

[REDACTED]

Begin forwarded message:

**From:** [REDACTED] **PA3335**  
**Date:** 19 January 2022 at 2:40:26 pm AEDT  
**To:** [planning.referrals@gmwwater.com.au](mailto:planning.referrals@gmwwater.com.au)

Dear Planning Referrals,

Ref: Hepburn Shire Planning Application PA3335, referral to Goulburn Murray Water

We are objectors to the above planning application and have a few questions regarding the subject land: 153 Charlies Road, Elevated Plains, VIC.

1. We understand you have submitted your report to council regarding the application, but we are not aware of its contents. Please could you forward a copy to us via email?
2. Were you aware that the site has an unregistered bore? It was installed in early 2020. I believe this is relevant to your decision, and the Waste Water Treatment considerations.
3. The site is in a designated Environmental Significance Overlay (ESO1) - Proclaimed Catchment Protection. In the application PA3335, the water company, EWS, indicate that the site is "suitable" for the use as described (maximum 26 people per day), and they have specified a design of the waste water treatment plant that would reportedly comply with the regulations regarding polluting water courses. However, their report says there are no bores on the land, and none on surrounding properties. This is incorrect. There are bores, both on the subject land's property, and adjacent properties (see [data.water.vic.gov.au](http://data.water.vic.gov.au)). Further, there is an unregistered dam directly south, and downhill of of the transpiration field, and is also not referred to in the EWS report.
4. Are you aware of a VCAT case with Western Water regarding density issues in Catchment areas?

In a Red Dot VCAT decision in 2009 (Rozen v Macedon Ranges Shire Council), Dr Daniel Deere, an expert in water quality management and public health microbiology, raised concerns about housing density and the risk to water quality. It was Dr Deere's expert view that the application for a planning permit for four dwellings in 72 hectares cannot be supported at a density less than 1:40 ha. He gave evidence that pathogens can result in human harm, and emphasised that risks arose not so much from a properly functioning, well maintained waste water treatment plant, but from the failure of onsite waste water management systems. "Exacerbating issues for the ongoing effective operation of onsite water management systems include institutional limitations, temporal limitations (as new systems becomes old) and human limitations (human error and/or deliberate changes to the operation of the onsite waste water system)." (ref [http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/2746.html?context=1;query=rozen;mask\\_path=au/cases/vic/VCAT](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/2746.html?context=1;query=rozen;mask_path=au/cases/vic/VCAT))

In PA3335, it is proposed that there will be eleven plumbed-in dwellings (accommodations) on the

property, in an area of about **four hectares** (most of which are on a slope of about 15 degrees, downhill toward the south (our property and our neighbour's), and east. If waste management of four dwellings in 72 hectares was deemed to be a density that creates an unacceptable risk by an expert, (which VCAT agreed with, and decided to grant a permit for ONE dwelling in the 72 hectares, a decision that was upheld by the Supreme Court on appeal), we think that eleven dwellings in four hectares to be an even more unacceptable risk.

5. We note the EWS report in PA3335 fails to address the following:

- a) The application proposes a pump well that is located within 30m of a waterway which is downhill from the well, to pump raw effluent from the caravan area.
- b) The application proposes below ground sewer pipes near the Domes, which are within 30 metres, downhill, of a waterway.
- c) The unregistered bore is within about 68 metres, (downhill?) of the LAA (transpiration field)

We have grave concerns that a septic system, whose below ground pipes, wells, tanks, and treatment plants traversing across several hundred metres on the subject land, adjacent to our property, has the potential to contaminate our bore water.

As [REDACTED] the risk of contamination of a septic system when a density is higher than one dwelling per 40 hectares, is cause for applying caution, and VCAT agreed. The land and the waterways deserve the protections of the ESO1 overlay.

I hope you reconsider this application, which is not scheduled for decision until the February Council meeting.

Please let us know your position.

Thank you,

[REDACTED]  
[REDACTED]  
[REDACTED]







Hepburn Shire Council  
PO Box 21  
Daylesford 3460  
[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

24th October 2021

Dear Planners at Hepburn Shire Council,

**RE: Objection to Permit Application No. PA 3335- 153 Charlies Rd, Elevated Plains.**

I write to notify the council and express my objections to the proposed development at the end of Charlies Road situated at 153 Charlies Rd, Elevated Plains.

Having been a landowner and resident of Charlies Rd for over a decade. I have enjoyed the rural lifestyle, sense of community and connection to nature offered by this idyllic location.

While understanding the economic and community benefits of the tourism industry to Daylesford and surrounding areas; the scale of the development proposed on Charlies Rd, a cul-de-sac, raises some significant concerns for the safety of both visitors and existing residents. These concerns have been raised previously relating to another planning application at the same address. The most recent application, PA-3335, has not materially changed my concerns relating to the development proposed.

The development proposed will personally impact my safety by increasing the **likelihood of a bushfire** emergency and **vehicular collision or incident** on Charlies Rd.

These concerns are interconnected and are as follows:

- **Increase bushfire risk**
  - The influx of uninitiated visitors, unfamiliar with the dangers of fire, and the appropriate skills to manage a fire, significantly increase the likelihood of another fire starting in Elevated Plains. As has been seen in the last few years, this would place greater Hepburn, as well as local residents, in direct line of the fire front.
  - Should a fire occur, access is marred by a steep gravel road terminating in a cul-de-sac, placing visitors and CFA volunteers in extremely dangerous circumstances.
  - Charlies Rd is steep, has blind crests, poorly maintained edges and is inadequate for the majority of its length to accommodate two-way traffic. Ingress, and more importantly egress, during a fire emergency has the

potential to be chaotic at best. This would place everyone at increased risk of injury.

- **Traffic congestion**

- Charlies Rd is adequate for the current residents familiar with challenges of navigating it. For visitors, the steep inclines, blind crests, soft edges and limited passing opportunities increase the risks to both visitors and residents significantly. In the last decade I have personally barely avoided a head on collision on two occasions due to blind crests on Charlies Rd. I, as other residents, are aware of these risks and I fear the increased potential of these incidents with increased traffic.
- The intersection of Charlies Rd and Hepburn-Newstead Rd is extremely dangerous particularly if attempting to complete a righthand turn. Charlies Rd is a hidden driveway as northbound traffic on Hepburn-Newstead Rd crest a hill approaching 100km/h. Again, uninitiated visitors risk a very serious incident. I don't want Charlies Rd becoming an accident black spot.

Thank you for the opportunity to raise my objections and I hope that we can resolve these concerns to the satisfaction of the residents and developer.

Yours Sincerely,

A large black rectangular redaction box covering the signature area, with a smaller black rectangular redaction box below it.

From: [REDACTED]  
Correspondence: [REDACTED]  
20 October 2021

To: Hepburn Shire

RE:

**Applicant:** PA 335  
153 Charlies Lane, Elevated Plains Victoria.

I am a resident of neighbouring [REDACTED], up on the ridge to the North of the site address. I have had two fires on the boundary of my property in the last two years, one of which was attended by approximately 20 fire trucks and with considerable assistance from air and on-ground fire and emergency services.

The Elevated Plains Fireguard Group produced the following video of the February 2019 fires. We live in a high fire-prone area.

*[Please paste this link into your browser]*

[https://www.youtube.com/watch?v=OPoLN\\_7-aVo](https://www.youtube.com/watch?v=OPoLN_7-aVo)

The proposed site is in a Bushfire Prone Area with a Bushfire Management Overlay requiring a Bushfire Emergency Management Plan [BEMP]

'The **Bushfire Management Overlay (BMO)** maps areas of very high and extreme bushfire hazard, including wooded areas, for Victoria's planning system. The BMO applies in addition to the BPA so areas where the BMO applies, the BPA also applies. The BMO triggers additional planning permit requirements. This includes mandatory bushfire protection measures – such as defensible space and ongoing vegetation management – in addition to the BPA construction requirements.

Accessed at:

Frequently Asked Questions

[https://www.planning.vic.gov.au/data/assets/pdf\\_file/0032/481928/FAQs-Bushfire-Prone-Areas.pdf](https://www.planning.vic.gov.au/data/assets/pdf_file/0032/481928/FAQs-Bushfire-Prone-Areas.pdf)

My own records of this fire show how incendiary this BMO area is:

On February 1 2019, I took photos showing how the CFA had dealt with burn-off fire sites after a lightning strike on my Northern boundary, with the Hepburn Springs north village in the background, showing the proximity of the [REDACTED] ridge to Hepburn town settlement.

FEBRUARY 1 2019: 3.25pm



CFA put out these two fires to the North of my property, but strong winds re-ignited the fires from these sites the next day and they flared up.

**FEBRUARY 2:** What I saw as I left to go to a show at the Palais in Hepburn Springs at about **6.49 pm** I called the CFA 000 and passed them on the road. **8.36pm**

**Feb 2, 2019: 8.57pm****Feb 2 2019 8.50**

In a short space of time, a northerly wind and dry conditions fanned this fire from two benign looking sites on February 1 2019, to one where there were 24/7 up to 50 fire trucks, water bombing planes, residents evacuated for 3 days, Hepburn town evacuations and fears it would take Hepburn and Daylesford.

Those of us living in Daylesford/Hepburn Springs are intensely aware of the fire risk posed in our area and the appropriateness of the extra planning/building construction protections triggered by a Bushfire Management Overlay [BMO].

According to the DEWLP, a BMO designates areas with “the potential for extreme bushfire behaviour, such as a crown bushfire and extreme ember attack and radiant heat.”

Ref: DEWLP 2017 Technical-Guide-Planning-Permit-Applications-Bushfire-Management-Overlay

The site is bordered to the North by bushland and so, is extremely high risk in terms of the specific site.





The slope to the north of the applicant's site and the revised structures indicate the proximity of forest to the North as a fire risk [above photo].

I wish to address the following objections in regard to the application.

### 1. BUSHFIRE RISK

The major threshold question is the protection of human life; both for tourists who would be staying in structures that give no protection from fires *and* for immediate neighbors and the towns of Hepburn Springs and Daylesford - should a fire, lit by glampers at this site, get out of control on a strong North wind day. In an intensive multi-site development *without* 24-hour managers on site, what or who is to prevent glampers lighting fires even when it is against the rules? Nothing in the application rules out group bookings and campfires are almost a certainty.

Only the safety of clients is considered, not the community. For the days when the site is unsupervised, there are no controls over the behaviour of guests after hours who are not familiar with the fire risks associated with camping in dry bushland (camping is synonymous with campfires).

Visitors to Daylesford, likely from Melbourne, are unfamiliar with the shire and its fire risk, this also poses an elevated risk to properties to the North and South and residents of Powells Lane and Charlies Lane.

Recommendation 12.14 of the 2020 Bushfire Royal Commission states:

12.14 Seasonal populations can make evacuations more challenging. Seasonal populations include tourists, seasonal workers, and other temporary visitors to an area. Visitors can be unfamiliar with local conditions and locations, limiting their awareness of the need to act, what to do and where to go.

The narrow winding and steep nature of Charlie's Lane is a safety issue in the event of a fire for an intensive development allowing for guests in multiple cars. Guests fleeing the site would be at risk evacuating on the narrow Charlies' lane and when trying to pass incoming emergency vehicles.

Recommendation 12.23 of the 2020 Bushfire Royal Commission states:

12.23 We also heard that a number of communities only had a single road that could be used as an evacuation route. In the event of an evacuation, those evacuating would be in danger if traffic could not freely move when threatened by fire.

Given the plans and the proposed intensity of the site and number of occupants, it is doubtful the proposal responds to State policy concerning "strengthening the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life".

The proposed fire plan is grossly inadequate. The fire warden will be on site from midnight to midnight *only* on days of forecast Very High Fire Danger and will attend the site when there is a fire within 20km of the site. There is no guarantee the warden will be able to reach the site if a fire starts inside the 20km radius. This means that the site will be unsupervised out of normal working hours for much of the summer and into autumn. It should also be noted that bushfires can occur on days of lower fire rating.



The development proposes accommodation structures that in themselves give no shelter/protection from ember attack and much less, flame attack protection. Provision of a “purpose-built Shelter in Place Building (in lieu of underground bunkers)” does not give adequate shelter from a fire.

The proposal therefore does not address the key issue of protection of guests from foreseeable risk from fire, especially *whilst sleeping* in structures that are not built according to the BAL, BMO or ACC standards.

If approved, who bears the risk? Would insurers accept this?

## **2. WHAT CONSTITUTES A BUILDING?**

Page 25 of the Clement-Stone proposal states: ‘the proposed glamping facility is comprised of temporary/moveable structures’. However, the yurts and domes are to be constructed upon platforms, with decks and connected to hard-wired mains electricity and water reticulated throughout the development. In many planning departments, hard wiring designates a permanent structure. This raises the question of whether such structures fit with a definition of structures allowed under a “caravan park” planning application, rather than buildings that are subject to stringent BMO standards in bushfire prone areas. If, as should prevail, they are deemed to be buildings or structures subject to the Australian building code, then the building materials etc. need to accord with both bushfire prevention building regulations and sustainable building construction standards.

Thus, it is hard not to see these structures as “buildings,” (rather than temporary structures not subject to the building code) as they are not immediately demountable or transportable, because they are intended to be hard-wired and plumbed into place, with wood-fire heaters with flues and surrounded by or constructed upon permanent structures like platforms, concrete pads or decks.

The overwhelming threshold question is: if any of the proposed structures are deemed to be buildings or equivalent, this potentially raises questions of the need for bushfire-relevant building materials standards to be applied.

## **3. WATER SUPPLY & SUSTAINABILITY CLAIMS OF THE APPLICATION**

The sustainability assessment of the development [water, energy, etc] is questionable.

This property is not connected to town water. It therefore would rely on water gathered from roofs of buildings for a water supply that could support a tourism development. Because on-site water collection is not possible from the yurts and domes etc, water will need to be trucked in and this is problematic, given the gradient of blind crests on Charlies Lane and represents very poor performance on sustainability assessment. Moreover, the prospect of increased regular heavy traffic for residents on Charlies Lane impacts on their amenity and road safety.

## **4. THE IMPACT ON NEIGHBOURHOOD AMENITY**

If there is no on-site manager at night, how can the owner ensure protection of neighboring amenity and noise control and during fire season, and the exercise of a duty of care to visitors to the site?

The visual impact of this intense development will destroy the rural amenity of our neighborhood. My neighbors adjoining the proposed development will be particularly impacted in terms of noise and visual impact. But also, anyone travelling along Mannings road and looking North, will be struck by the intensity of development at the site and the loss of rural ambience and poor net community benefit.

The development is inconsistent with 17.02-2S *Out-of-centre development*, which has the objective to manage out-of-centre development by ensuring that out-of-centre proposals are considered only where the proposed use or development is of *net benefit to the community*.

### Conclusion

This submission is a re-run of a previously rejected submission to Council which previously rejected it on the following grounds:

- The proposal is inconsistent with Clauses 14.01-1S, 21.08 and 22.04 of the Hepburn Planning Scheme as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long term capacity of productive agricultural land to continue production.
- The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone at Clause 35.07 of the Hepburn Planning Scheme as the proposal will fragment and existing productive rural area and will adversely affect the use of the land and surrounding area for agricultural purposes.
- The proposal is inconsistent with Clause 13.02-1S and the purpose and decision guidelines of the Bushfire Management Overlay at Clause 44.06 as the proposal represents an unacceptable risk to human life due to the site's high bushfire risk and inappropriate access arrangements.
- The proposal is inconsistent with Clauses 11.01-1S the various policies within Clause 17, Clause 21.05 and Clause 21.07 as the proposal results in an out of centre development that does not provide a net community benefit to any of the surrounding towns and settlements.
- The generation of noise from use will have an adverse impact on the amenity of the area, inconsistent with Clause 13.05-1S.
- Existing access arrangements to the site is inappropriate to cater for the expected vehicular traffic and type of vehicles accessing the site.
- The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Hepburn Planning Scheme and results in a poor planning outcome for the area.

In summary, existing tourist accommodations in cabins or cottages in Mannings Road and Charlies Lane have been properly constructed of materials required of the relevant BAL ratings, and in conformity with Australian Building Code standards as applicable in a bushfire-prone precinct. And they are suitably low-key/low intensity and low impact on the local community and probably more expensive but safer for guests.

This application seeks to take advantage of what appear to be loopholes in the requirements for proper building code adherence for the proposed accommodation structures. The development performs poorly on environmental/sustainability ratings eg. on-site water collection in particular necessitating regular water truck deliveries, degradation of community amenity [traffic, noise and visual], intensity of development in a farming zone, danger to human safety in the event of a fire given problematic access in Charlie's Lane, inadequate fire and noise management staffing and access problems for fire vehicles. It is therefore inconsistent with 13.07-1S *Land use compatibility*, which has the objective to safeguard community amenity; inconsistent with 15.01-5S *Neighbourhood character*, which has the objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place; and inconsistent with 15.01-6S *Design for rural areas*, which has the objective to ensure development respects valued areas of rural character.

The potential impact on the local community is evidenced by extensive objections to the development in particular, from residents to the South on Mannings Road, residents up and down Charlie's Lane and residents to the North in Powell's Lane and its previous rejection by Council. We are grateful for a Council and our representatives who listen to the community and we are very worried about the precedent that could potentially result from approval of such an application. As awareness of the impact of climate change on extreme weather and fire events increases, the future safety of communities from risk is paramount in planning/development decisions.

[REDACTED]

Hepburn Shire Council

Shire@hepburn.vic.gov.au

22 October 2021

Re: Permit application No PA3335 – 153 Charlies Road, Elevated Plains

We write to object to the application PA 3335. We do not believe that this new proposal addresses the main reasons for rejection by VCAT (VCAT P1209) Clifftop vs Hepburn Shire, furthermore this site remains totally inappropriate for the type of development proposed.

Our main objection remains the elevated fire risk during the bushfire season that is likely to endanger both guests and local residents.

Secondary concerns include the many issues with increased traffic on Charlies Road, and the overall impact to neighborhood character and community wellbeing.

1. Risk of bush fire on site

One of the key reasons that the previous application was rejected by VCAT was due to fact that “the risk from bushfire has not been reduced to an acceptable level”. We do not believe the applicant’s suggestion to build a Shelter in Place structure with a BAL rating is enough to address the significant increased fire risk such a development could pose both to guests and to local residents.

The proposal does not include any on-site supervision after 6pm when guests are most likely to have camp fires. It is unlikely that guests will be appraised of potentially risky behavior in bushfire season and without supervision, know the appropriate and safe action to take in the event of a bush fire incident.

Neither does the proposal address the issues with restricted access for fire trucks or offer an alternate access or escape route other than via Charlies Road.

Additionally, the suggested layout of the site seems to fall short of required CFA guidelines in terms of distance from accommodation to the Shelter in Place and proximity of water for firefighting.

Altogether this creates and unacceptable fire danger for guests and residents.

2. Impact on traffic safety and volume

Charlies Road is already problematic in terms of traffic safety given the steep gradients on the road (20% at some points), blind crests and narrow sections where it is near impossible for larger vehicles to pass easily. The current T section at the entrance of Charlies Rd is a well-known hazard with extreme caution being needed when taking a right-hand turn exiting on to the Hepburn-Newstead Road.

Visitors unfamiliar with the road and/or arriving or leaving after dark will find it difficult to navigate these hazards, let alone in the event of a fire hazard. This can present dangerous conditions both for visitors, residents and the local wildlife that frequently traverse the road and require extra caution when driving.

The proposal radically underestimates the increase in the number of vehicles using the road as it does not take into account the many service, delivery and staff vehicles required to maintain such a large development on a daily and weekly basis.

The current condition of the road already requires annual maintenance with the repair of seasonal pot holes and regrading being necessary. The increase of traffic is likely to exacerbate the situation causing further loss of amenity and increased cost to Council.

### 3. Impact to community

The negative impact to the rural setting of this community cannot be underestimated. Charlies Road is a low-density rural community. The erection of these permanent structures would double occupancy at capacity, dramatically increasing noise pollution, dust from traffic, impact on wild life and visual amenity on site. The impact of increased stress caused to residents during bush fire season cannot be measured.

The development is contrary to the spirit of the Planning Scheme in terms of land use compatibility, protecting neighborhood character, and the overall impact on the amenity of the area.

Permit application No PA3335 does not adequately address any of these issues and this site remains a totally inappropriate location for such a development.

Yours sincerely,

[REDACTED]

[REDACTED]



From: [REDACTED]  
 Subject: [Hebburn Shire Mailbox](#)  
 Date: Objection to PA 3335  
 Monday, 11 October 2021 12:35:50 PM

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Dear Planning Department,

Objection to Proposal PA 3335 at 153 Charlies Rd, Elevated Plains.

I am the owner of the property [REDACTED], where our family produces [REDACTED] and has farmed the land for more than 20 years. We also hold a licence for the disused road allotment to the south which serves as a driveway for next door, storage for olive materials and access track for all our farm activity.

There are four reasons why the proposal would severely impact our farm and create a conflict in land use into the future.

1. This is valuable agricultural land and the comment by the Member in her report on a previous application that the quality of land was low, based on seeing a few rocks, is entirely wrong in fact and unsafe as a matter of planning law. The zone is there to express and protect the value of agriculture to the Shire. Furthermore, the small scale of production likely to be typical of blocks this size is no limit on overall value. Most of the produce sold at the Daylesford Sunday Market comes from small holdings. It is also well recognised in the scientific literature that such allotments play a key role. "Smallholder agriculture, especially if well-integrated into a diversified rural economy and agrifood value chains, can contribute even more to inclusive growth and employment generation." Shenggen Fan & Christopher Rue, (2020) The Role of Smallholder Farms in a Changing World, Springer, International Food Policy Institute, Washington DC.
2. Our farming activity includes regular slashing, spraying and occasional shooting of feral goats and rabbits. While we are careful with the dangerous chemicals used often on the orchard, we know that visitors with health issues or worries will take issue with clouds of pesticide appearing right next to them. Increasing predation by cockatoos will also require us to employ gas-guns at some point in the near future. People enjoying a relaxing time at their glamping site might object to noise of this kind. I would probably feel the same. These land uses should not be put close together. The agricultural purpose of the zone must come first.
3. Bringing 30 people up to this site on a regular basis will totally change the Charlies Road environment and increase risks to us in a number of ways. We will confront hundreds or thousands of people with no experience of the road every year. This will be a massive increase in noise, traffic conflicts and dust. The current state of Charlies Road is entirely unsuitable for traffic of this volume and inexperience.
4. The proposed Yurts and Domes are not tents. They are buildings. They meet every definition of what a building, and none of the definitions of what describes a tent. This proposal should therefore be described as a plan for multiple permanent buildings. This



will change the zone and cause other holdings like ours to be lost to commercial encroachment.

5. The proposed visitors to the site will have only the east and north sides of the property to explore, unless they trespass on private land. It must be assumed that they will venture out into the forest. This part of the state reserve is not developed for tourism and contains many dangers including mines and steep gullies. While experienced bushwalkers occasionally venture into one small area, even they are wary of the main section of the woodland. Putting hundreds or thousands (per annum) of novices into that bushland is inviting disaster. Further, it will take only one stray cigarette to set the whole area alight.

Please reject this application and direct the developer to the many other safe areas of the Shire where such glamping can be safe and welcome.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

22/10/2021

Statutory Planning  
Hepburn Shire Council  
PO Box 21  
Daylesford VIC 3260

Dear Sir/Madam;

**Planning Application PA 3335**  
**Use and development of the land for a Camping and Caravan Park and**  
**associated Business Signage**  
**153 Charlies Road, ELEVATED PLAINS VIC 3461**

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I refer to the Notice of Application for a Planning Permit in relation to the above proposal to use and development land at 153 Charlies Road, Elevated Plains for a Camping and Caravan Park and associated Business Signage.

I wish to strongly object to the proposal.

Background

I reside at 178 Mannings Road, Elevated Plains on a property that is known as *The Longhouse*. The property is our principal place of residence, and doubles as a cookery school with accommodation for up to four (4) people only located at one end of the dwelling.

Our property is also a working farm; we keep farm animals and operate a small orchard and vegetable plots used in association with the agribusiness, all under one roof. We live here and the business we operate is very modest and does not comprise our primary source of income.

Our aim is to tread lightly on the landscape, combining our passions for animal husbandry, gardening and self-sufficiency.

Our property is located on the outskirts of the Daylesford township in an area of gentle transition from urban to rural. Our property is located approximately 780m from and uphill to the application site.

We are members of a close-knit local community with aims to keep Daylesford and the surrounding region the beautiful and special place it is, ideals that we believe will be compromised by approval of the current proposal for a caravan and camping park on the site in Charlies Road.

#### Grounds of Objection

#### **Use of the land for Accommodation is contrary to the primary purposes of the Farming Zone.**

I consider that the use is contrary to the following purposes of the Farming Zone:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

The subject site is located approximately 2km from Daylesford where it encroaches well into the Farming Zone and established pasture land. Whilst I acknowledge that the overall soil quality and terrain of the land may not be suitable for a wide variety of agricultural pursuits, it has been used for pastoral activities in the past and I see no reason as to why that could not continue.

The construction of a communal outdoor deck (8.3m x 5.0m and elevated up to 3.0m above NGL), a shelter-in-place building (12m x 6.0m x 3.0m h), the construction of a car park and vehicle access, plus plumbing and electricity connection to the 'glamping' style accommodation fitted with individual bathroom and kitchen facilities will provide the operation with a degree of permanency not usually associated with traditional camping.

The development would also occupy a large portion of the site in the only cleared area, rendering use of the balance of the site for agriculture unlikely.

Such blatant use of the land for overtly tourism activities would be better located within or on the periphery of the township or in a Rural Activity Zone where such uses are envisaged than a Farming Zone.

**The proposal would set an unwelcome precedent.**

I believe that the introduction of new non-rural buildings, structures and land uses into the rural area should be strictly limited. I also believe that approval of this proposal would set an unwelcome precedent and offer expectation or opportunity for future expansion of the proposed camping and caravan operation.

I understand that the people behind this application have other tourist accommodation in the Daylesford area. I have genuine concern that this aggressive intrusion of tourism into the rural area will increase over time as other land holdings become available and the economic returns may be considered to be a better investment than traditional agricultural or pastoral pursuits by these operators.

Incremental tourist development such as this has the potential to significantly reduce land available for agriculture and to erode the natural beauty of the area which is one of the attractions for visitors in the first place.

In contrast, our own business is modest in scale (including accommodation for up to four (4) people only), agriculturally based, and largely contained under the one building which is also our place of residence. Our building has been carefully designed to adopt the appearance of a long shed structure, not dissimilar to farming buildings traditionally found in rural areas. The visual impact on the environment is minor and the impact of the footprint on the overall landscape is minimal. Our property is also located on the outskirts of town limiting encroachment into the rural area.

This is in stark contrast to the Camping and Caravan Park proposal currently before Council.

**The proposal will create amenity problems with respect to noise and behaviour.**

I am concerned that up to 30 people will be able to visit the site around the clock without any control with regard to check in or check out times or staggering of trips to and from the site. This raises noise concerns as well as light pollution from headlights during evening hours.

Further, without a permanent on-site manager to supervise behaviour on the site, noise from partying and socialising may continue unabated well into the night, every night. I believe that the raised platform proposed to be constructed for visitors will only serve to encourage noise, drinking, and potentially bad or antisocial behaviour.

Visitors may bring dogs onto the site which will bark, particularly at other dogs or people, as well as create potential hazard for native fauna inhabiting the area. This needs to be tightly controlled in any operation like this in a farming area or area of high environmental quality such as this.

**The proposal will be visually prominent.**

The proposed camping site is spaced out and located towards the crest of a hill where it will have a potential visual impact on the surrounding environment. Further, the tents, yurts and caravans will be in metallic or light colours (off-white) which will contrast with the natural browns and greens of the rural and natural landscape.

**Additional traffic using Charlies Road.**

Whilst the road may have capacity to carry additional traffic in terms of simple traffic volume calculations, this does not take into account the increase in dust that will be created as a result of the additional vehicle movements nor to degradation of the gravel road surface.

**The proposal represents a very real bushfire safety risk.**

The relevant clauses of the Hepburn Planning Scheme are:

- CI 13.02-1S Bushfire Planning
- CI 21.9 Environment and Heritage
- CI 44.06 Bushfire management Overlay

The property is located in an area of high bushfire danger as confirmed by the designation of the Bushfire Management Overlay in the Hepburn Planning Scheme. The actual camping and caravan site is also located close to vegetation that has been deemed to be hazardous from a bushfire perspective.

Whilst I appreciate that a bushfire management plan has been prepared, Terramatrix, the authors of the report acknowledge that *the bushfire risk posed by the broader surrounding landscape is very high due to the often steeply undulating topography, extent of remnant vegetation mainly associated with the Hepburn Regional Park, and the limited access and egress options to safer locations.*

Whilst the report concludes that adequate measures will be put in place to safeguard human life, I remain concerned that the site poses a very real fire risk to visitors in the event of bushfire.



Fires can and often do arise or spread very suddenly, increasing in intensity and ferocity on days that have not been declared Total Fire Ban days when we understand the site would be closed. The propensity is for unsuspecting visitors to the site without local knowledge or an appropriate level of appreciation for bushfire risk to become trapped with only one way in and out of the property – a dead end winding and steeply undulating gravel road.

I do not believe that the risk to human life is justified under these circumstances.

Overall, I do not believe that the site is appropriate for this activity in terms of the significant and real bushfire hazard and risk to human life.

### Conclusion

Thank you for affording me the opportunity to view the planning application and to provide comment.

It is clear to me that based on the above, the use and development of the subject site for a Caravan and Camping Park is inappropriate and represents poor and ill-considered planning outcome.

The proposal is not considered to be consistent with the planning controls for the area and presents a very real and significant risk to human life in terms of the bushfire threat.

For these reasons, I respectfully request that the application be refused by council and that no permit issue.

Please contact me assist further in relation to this matter.

Yours sincerely,

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

From: [REDACTED]  
 Subject: [REDACTED] Object on to PA 3335  
 Date: Thursday, 11 November 2021 2:19:37 PM



Objection to PA 3335

153 Charlie Road, Elevated Plains

Use and development of land for a camping and caravan park and associated business identification signage

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 Elevated Plains.  
 VIC 3461.

Aspects of the proposal suggest that it is a desirable proposition. A cluster of temporary dwellings that sit lightly on the land, with safe access and egress, attracting lifestyle-oriented occupants who contribute to the local economy. Sadly, I feel that this proposal is not what it purports to be. It is neither a cluster of temporary dwellings nor does it have safe access and egress. The access to the development site is little more than a goat track. A death trap for vehicles, especially larger service vehicles. This track has been graced with the name of Charles Road, but really it is a track, not a road. Narrow. Dirt. Winding with very steep sections and numerous blind crests. The applicant, who must surely be familiar with the track, had a collision with an oncoming car at one of the blind crests on the track. The applicant has a vested interest in demonstrating the safety of the track and is familiar with its vagaries. If he has a collision on the track, what is the likelihood that those who have never driven on it are going to navigate it safely? It is not a question of whether or not there will be an accident but more a matter of how many accidents there will be and how severe they will be. Lives may be lost.

Which leads on to the matter of the unsuitability of the track for emergency vehicles. In the event of an accident or a fire, emergency vehicles will have trouble navigating the track. They will find it difficult or near impossible to pass oncoming vehicles on the track. And they will find it not merely difficult but impossible to turn around on the track in the event that the track is blocked by accident, fire or an oncoming vehicle. Lives may be lost.

The application is for the construction of four yurts, three dome tents and four Airstream Caravans. All are stated to be temporary dwellings. The application asserts that their yurts are temporary structures. A traditional yurt is certainly a temporary structure. A traditional yurt (the word "yurt" being from the Turkic languages) or ger (the word "ger" being from the Mongolian language) is a portable, round tent covered with skins or felt and is used as a dwelling by several distinct nomadic groups in the steppes of Central Asia. It is designed to be easily and relatively quickly disassembled and transported - generally using horses - to another location where it would be easily and relatively quickly reassembled. The "yurts" in this proposal would be better termed yurt derivations, as they are not round felt homes that are easy to mount, dismount and transport. Quite to the contrary. With electricity, plumbing, waste treatment systems and other substantial modifications, they are anything but temporary. If we want to get pedantic, it could be argued that everything is temporary. Historically, whole towns and cities have been wiped from the face of the Earth by warfare, natural disaster, redevelopment or by attrition, but a town or city is not considered to be a temporary entity in the general sense of the term. The "yurts", or, more accurately, yurt derivations, in this application structure have electricity, plumbing, waste treatment systems, wood-burning heaters, kitchens, bathrooms etc. To pass them off as temporary structures is playing with semantics and is either disingenuous or deliberately misleading. You might as well say that cities are temporary. The Airstream Caravans are to be mounted on substantial platforms that cannot accurately be described as temporary. Similarly the substantial platforms upon which the dome "tents" are constructed cannot accurately be described as temporary. The framework and construction of the dome "tents", as well as electricity, plumbing, waste treatment systems and other substantial modifications, make it impossible to accurately describe them as temporary. The yurt derivations, along with the dome accommodation units and the Airstream caravans in this proposal do not qualify as temporary dwellings in the generally accepted definition of the term.

The application states that "there is no requirement for a building permit for yurts, caravans or dome accommodation units. The units are not a class of building that requires a BAL construction standard. Accordingly, bushfire design considerations are not applicable". I strongly dispute the contention that these buildings are temporary in the true spirit of the term and, accordingly, I strongly dispute the validity of exemption from bushfire protection design considerations. Be that as it may, in the event of a bushfire, lives lost in a "temporary" structure are still lives lost. A convenient loophole to avoid compliance only benefits the developer. It doesn't benefit those who may be burnt, injured, scarred or who may die because of a convenient regulatory loophole that benefits the developer.

Camping is synonymous with campfires. It is inevitable that campfires will be lit. No assurance in an application can guarantee that campfires will not be lit. Campfires will be lit by people who are not familiar with the extent of danger that fire presents in the Australian bush. Fires will be lit by inexperienced people who have probably had a few drinks. And then probably a few more. And then it might seem like a great idea to build the fire up a bit more. And have a few more drinks. And then go to bed leaving the fire left untended. Certainly this is a hypothetical scenario, but it is a very likely one. And it cannot be monitored. An assurance that this will not happen has no credence. No valid guarantee can be given that campers' behaviour can be policed, monitored or regulated.

Estimated cost of the development is stated as \$500,000.00. I would venture to suggest that a significant amount of that money has already been spent. Works to date include earthworks, hundreds of metres of trenching and the installation of hundreds of metres of plumbing and electrical infrastructure. Be that as it may, I consider that the estimated cost is an unrealistic figure. By way of example, the proposal includes four 6.6 metre Airstream caravans. Jayco, the Australian Airstream distributor, is currently advertising 18 ft. (5.4864 metres) Airstream single axle caravans for \$139,990.00 each. Four Airstream caravans will therefore cost at least \$559,960.00. And that is before you build their platforms, furnish them and make them client-ready. This puts the development well over budget straight away. Before any money is allocated for yurt derivations or dome accommodation units, carparks, fire shelters and all the other bells and whistles. This would seem to make the \$500,000.00 estimated cost of the development either disingenuous or deliberately misleading. A previous application for a development on this site projected an estimated cost of the development as \$85,000.00. In an objection to this application, I suggested that the estimate was unrealistic. The applicant's rebuttal stated firmly that this was a realistic estimated cost. The applicant later revised this estimate and changed it to \$1,085,000.00. A difference of a million dollars. It would seem that either the applicant has significant problems with projecting the real and accurate costs (and the ramifications) of his proposals or that he is not inclined to openly state a realistic estimate of the cost of the development. Either incompetence or deliberate deception. Both scenarios are alarming.

The development has to be serviced. It will need water. Local residents are not on town water and have to manage on rainwater. So they are usually conservative with their water usage. Usually people on holiday in glam - or even glamping - resorts think that a long and luxurious shower or spa is a part of the rite of the indulgent experience. And they feel that it's their right because they are paying big bucks for their weekend. Lots of indulgent showers or spas mean lots of trips up and down Charlie's Road with water tankers. And a subsequent drain on the town water supply. (The development does not have the capability to harvest any significant quantity of water but relies on water being trucked in.). More traffic of large service vehicles on the goat track that is Charles Road.

Showers, spas, bathrooms and kitchens mean that the waste treatment systems will have to work hard. And will regularly need cleaning out. Who you gonna call? SludgeBusters. More traffic on the goat track that is Charles Road.

Generally, local residents are mindful of waste management. Some have opted into Council's waste and recyclables collection service and some have opted out. But I am confident in my assumption that the majority of residents in Charles Road are fastidious about separating waste from recyclables and minimising waste that goes into landfill. I admit that this is an assumption but I am confident that, if I were required to verify it, it would be true. Once again we go back to the psyche of the person who has paid a bomb for an indulgent weekend. My assumption is that they are going to be a lot more cavalier about their rubbish. "It's not my problem. Anyway, I'm paying a bomb so let it be their problem". So more rubbish is generated. Much of which could have been recycled. The development could significantly increase the population of people using Charles Road's limited services. I hesitate to estimate the increase in waste. And so more traffic on the goat track that is Charles Road.

The application is peppered with bald reassurances that "we will comply" and "we will do the right thing" with no way of ensuring that these promises will be met after approvals are granted and the development is built. The bald assurance that a Fire Warden will be on site at specified times. The promises that this

compliance will be adhered to or that regulation will be met are not binding. My point of reference for the credibility of these pronouncements is the statement that the estimated cost of an earlier proposed development in the site was \$25,000.00. This was initially presented as an honest and real estimate of the cost of the development. When questioned it was vigorously defended as an accurate estimation. It was later changed to \$1,0055,000.00. A million dollars more. I cannot take assurances on face value in the light of this clear misdirection. There is a history of obfuscation that makes me doubt bold or bland assurances.

A very serious concern to me is that major accidents will happen on Charles Road and on the Hepburn-Newstead Road intersection. As stated before, the applicant has already had a collision on this track. It is a worrying example of what can easily happen. Fortunately it was not a major accident. It could have been a lot worse. And the potential for major accidents on this track is very real. Obviously, a major accident on this track would be a tragedy. And it is a very real possibility if the traffic on this track is dramatically increased, as it inevitably will be if this development goes ahead. There is an obvious flow-on effect for residents. The psychological trauma if the residents witness a major road accident or fatality on their currently quiet country lane. Already one resident has had to deal with the stress associated with a collision with the applicant on Charles Road.

The intersection of Charles Road and Hepburn-Newstead Road is extremely unsafe. Locals enter it with great caution. The likelihood of a major accident at this intersection is very high, especially for visitors who are unfamiliar with it.

And my last concern is, admittedly, somewhat intangible. I fear that approval of this proposal would be the thin end of the wedge. The development at Clifftops in Hepburn (the applicant's other local development) was initially for three units. After it was approved, the developer applied for, and was granted, approval for a fourth unit. Can local residents be confident that this development, if approved, will remain at four yurts, three dome tents and four Airstream Caravans? There is no assurance or guarantee that the development will not expand.

In closing, I reiterate that this development is not what it purports to be. Sadly, I feel that this proposal is trying to sell itself as something that it is clearly not. And I get very worried when I feel that I am not being told the truth. I object to this proposal.



View file: [www.doci.org](http://www.doci.org)

**From:** [REDACTED]  
**Subject:** [Hepburn Shire Mailbox](#)  
**Date:** Objection to PA 3335  
 Thursday, 11 November 2021 2:13:51 PM

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## Objection to PA 3335

[REDACTED] and caravan park and associated business identification signage

Aspects of the proposal suggest that it is a desirable proposition. A cluster of temporary dwellings that sit lightly on the land, with safe access and egress, attracting lifestyle-oriented occupants who contribute to the local economy. Sadly, I feel that this proposal is not what it purports to be. It is neither a cluster of temporary dwellings nor does it have safe access and egress. The access to the development site is little more than a goat track. A death trap for vehicles, especially larger service vehicles. This track has been graced with the name of Charlies Road, but really it is a track, not a road. Narrow. Dirt. Winding with very steep sections and numerous blind crests. The applicant, who must surely be familiar with the track, had a collision with an oncoming car at one of the blind crests on the track. The applicant has a vested interest in demonstrating the safety of the track and is familiar with its vagaries. If he has a collision on the track, what is the likelihood that those who have never driven on it are going to navigate it safely? It is not a question of whether or not there will be an accident but more a matter of how many accidents there will be and how severe they will be. Lives may be lost.

Which leads on to the matter of the unsuitability of the track for emergency vehicles. In the event of an accident or a fire, emergency vehicles will have trouble navigating the track. They will find it difficult or near impossible to pass oncoming vehicles on the track. And they will find it not merely difficult but impossible to turn around on the track in the event that the track is blocked by accident, fire or an oncoming vehicle. Lives may be lost.

The application is for the construction of four yurts, three dome tents and four Airstream Caravans. All are stated to be temporary dwellings. The application asserts that their yurts are temporary structures. A traditional yurt is certainly a temporary structure. A traditional yurt (the word "yurt" being from the Turkic languages) or ger (the word "ger" being from the Mongolian language) is a portable, round tent covered with skins or felt and is used as a dwelling by several distinct nomadic groups in the steppes of Central Asia. It is designed to be easily and relatively quickly disassembled and transported - generally using horses - to another location where it would be easily and relatively quickly reassembled. The "yurts" in this proposal would be better termed yurt derivations, as they are not round felt homes that are easy to mount, dismount and transport. Quite to the contrary. With electricity, plumbing, waste treatment systems and other substantial modifications, they are anything but temporary. If we want to get pedantic, it could be

argued that everything is temporary. Historically, whole towns and cities have been wiped from the face of the Earth by warfare, natural disaster, redevelopment or by attrition, but a town or city is not considered to be a temporary entity in the general sense of the term. The "yurts", or, more accurately, yurt derivations, in this application structure have electricity, plumbing, waste treatment systems, wood-burning heaters, kitchens, bathrooms etc. To pass them off as temporary structures is playing with semantics and is either disingenuous or deliberately misleading. You might as well say that cities are temporary. The Airstream Caravans are to be mounted on substantial platforms that cannot accurately be described as temporary. Similarly the substantial platforms upon which the dome "tents" are constructed cannot accurately be described as temporary. The framework and construction of the dome "tents", as well as electricity, plumbing, waste treatment systems and other substantial modifications, make it impossible to accurately describe them as temporary. The yurt derivations, along with the dome accommodation units and the Airstream caravans in this proposal do not qualify as temporary dwellings in the generally accepted definition of the term.

The application states that "there is no requirement for a building permit for yurts, caravans or dome accommodation units. The units are not a class of building that requires a BAL construction standard. Accordingly, bushfire design considerations are not applicable". I strongly dispute the contention that these buildings are temporary in the true spirit of the term and, accordingly, I strongly dispute the validity of exemption from bushfire protection design considerations. Be that as it may, in the event of a bushfire, lives lost in a "temporary" structure are still lives lost. A convenient loophole to avoid compliance only benefits the developer. It doesn't benefit those who may be burnt, injured, scarred or who may die because of a convenient regulatory loophole that benefits the developer.

Camping is synonymous with campfires. It is inevitable that campfires will be lit. No assurance in an application can guarantee that campfires will not be lit. Campfires will be lit by people who are not familiar with the extent of danger that fire presents in the Australian bush. Fires will be lit by inexperienced people who have probably had a few drinks. And then probably a few more. And then it might seem like a great idea to build the fire up a bit more. And have a few more drinks. And then go to bed leaving the fire left untended. Certainly this is a hypothetical scenario, but it is a very likely one. And it cannot be monitored. An assurance that this will not happen has no credence. No valid guarantee can be given that campers' behaviour can be policed, monitored or regulated.

Estimated cost of the development is stated as \$500,000.00. I would venture to suggest that a significant amount of that money has already been spent. Works to date include earthworks, hundreds of metres of trenching and the installation of hundreds of metres of plumbing and electrical infrastructure. Be that as it may, I consider that the estimated cost is an unrealistic figure. By way of example, the proposal includes four 6.6 metre Airstream caravans. Jayco, the Australian Airstream distributor, is currently advertising 18 ft. (5.4864 metres) Airstream single axle caravans for \$139,990.00 each. Four



Airstream caravans will therefore cost at least \$559,960.00, And that is before you build their platforms, furnish them and make them client-ready. This puts the development well over budget straight away. Before any money is allocated for yurt derivations or dome accommodation units, carparks, fire shelters and all the other bells and whistles. This would seem to make the \$500,000.00 estimated cost of the development either disingenuous or deliberately misleading. A previous application for a development on this site projected an estimated cost of the development as \$85,000.00. In an objection to this application, I suggested that the estimate was unrealistic. The applicant's rebuttal stated firmly that this was a realistic estimated cost. The applicant later revised this estimate and changed it to \$1,085,000.00. A difference of a million dollars. It would seem that either the applicant has significant problems with projecting the real and accurate costs (and the ramifications) of his proposals or that he is not inclined to openly state a realistic estimate of the cost of the development. Either incompetence or deliberate deception. Both scenarios are alarming.

The development has to be serviced. It will need water. Local residents are not on town water and have to manage on rainwater. So they are usually conservative with their water usage. Usually people on holiday in glam - or even glamping - resorts think that a long and luxurious shower or spa is a part of the rite of the indulgent experience. And they feel that it's their right because they are paying big bucks for their weekend. Lots of indulgent showers or spas mean lots of trips up and down Charlie's Road with water tankers. And a subsequent drain on the town water supply. (The development does not have the capability to harvest any significant quantity of water but relies on water being trucked in.). More traffic of large service vehicles on the goat track that is Charlies Road.

Showers, spas, bathrooms and kitchens mean that the waste treatment systems will have to work hard. And will regularly need cleaning out. Who you gonna call? SludgeBusters. More traffic on the goat track that is Charlies Road.

Generally, local residents are mindful of waste management. Some have opted into Council's waste and recyclables collection service and some have opted out. But I am confident in my assumption that the majority of residents in Charlies Road are fastidious about separating waste from recyclables and minimising waste that goes into landfill. I admit that this is an assumption but I am confident that, if I were required to verify it, it would be true. Once again we go back to the psyche of the person who has paid a bomb for an indulgent weekend. My assumption is that they are going to be a lot more cavalier about their rubbish. "It's not my problem. Anyway, I'm paying a bomb so let it be their problem". So more rubbish is generated. Much of which could have been recycled. The development could significantly increase the population of people using Charlies Road's limited services. I hesitate to estimate the increase in waste. And so more traffic on the goat track that is Charlies Road.

The application is peppered with bald reassurances that "we will comply" and "we will do the right thing" with no way of ensuring that these promises will be met after approvals are granted and the

development is built. The bald assurance that a Fire Warden will be on site at specified times. The promises that this compliance will be adhered to or that regulation will be met are not binding. My point of reference for the credibility of these pronouncements is the statement that the estimated cost of an earlier proposed development in the site was \$85,000.00. This was initially presented as an honest and real estimate of the cost of the development. When questioned it was vigorously defended as an accurate estimation. It was later changed to \$1,0085,000.00. A million dollars more. I cannot take assurances on face value in the light of this clear misdirection. There is a history of obfuscation that makes me doubt bald or bland assurances.

A very serious concern to me is that major accidents will happen on Charles Road and on the Hepburn-Newstead Road intersection. As stated before, the applicant has already had a collision on this track. It is a worrying example of what can easily happen. Fortunately it was not a major accident. It could have been a lot worse. And the potential for major accidents on this track is very real. Obviously, a major accident on this track would be a tragedy. And it is a very real possibility if the traffic on this track is dramatically increased, as it invariably will be if this development goes ahead. There is an obvious flow-on effect for residents. The psychological trauma if the residents witness a major road accident or fatality on their currently quiet country lane. Already one resident has had to deal with the stress associated with a collision with the applicant on Charles Road.

The intersection of Charles Road and Hepburn-Newstead Road is extremely unsafe. Locals enter it with great caution. The likelihood of a major accident at this intersection is very high, especially for visitors who are unfamiliar with it.

And my last concern is, admittedly, somewhat intangible. I fear that approval of this proposal would be the thin end of the wedge. The development at Clifftops in Hepburn (the applicant's other local development) was initially for three units. After it was approved, the developer applied for, and was granted, approval for a fourth unit. Can local residents be confident that this development, if approved, will remain at four yurts, three dome tents and four Airstream Caravans? There is no assurance or guarantee that the development will not expand.

In closing, I reiterate that this development is not what it purports to be. Sadly, I feel that this proposal is trying to sell itself as something that it is clearly not. And I get very worried when I feel that I am not being told the truth. I object to this proposal.



**From:** [REDACTED]  
**To:** [Hepburn Shire Mailbox](#)  
**Subject:** Objection to Planning Application PA3335  
**Date:** Friday, 22 October 2021 12:46:08 PM

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To: Hepburn Shire Council Planning,

We are objecting to Planning application PA3335 for the following reasons, in no particular order :-

### **1. Farm Zoned Land.**

A lot of emphasis in this planning application seems to be placed on the proposed structures being "temporary and movable" and that the land can be "reinstated for agricultural purposes at any time." That it will not result in the "permanent loss and fragmentation of the land."

This must be disagreed with.

Please note that this proposed development is on land zoned as FZ or Farm Zone.

There are 13 significant structures proposed to be built :- 4 Yurts, 3 Dome Tents, 4 Airstream Caravans, a communal deck and a SIP building to house about 24 people in an emergency. They all require significant infrastructure.

Each structure has a deck and/or a platform and some will require significant excavation as the land is anything but flat.

The 11 accommodation structures are all self sufficient. They have bathrooms and kitchens so need plumbing, electricity, septic systems and waste water management. Heating and cooling will be needed.

There is a bushfire rated BAL 29 building to be constructed as a bushfire retreat, this definitely cannot be a temporary structure.

There also needs to be connecting roads and lighting.

This cannot be reinstated to agricultural land at any time. The land would require significant rehabilitation.

### **2. VISUAL IMPACT.**

It is suggested that the Visual Impact of this proposed development will be low. From Mannings Rd this is certainly not the case. From Mannings Rd the visual impact will be enormous for the residents and the public.

The Farm Zone classification we believe is there to limit the number of dwellings in the area. This proposal therefore is not in keeping with the rules of the Zoning. 12 dwellings in a 4 hectare area and all the associated infrastructure is not in keeping with the rural character of the area.

This is high density accommodation and will stand out on the landscape.

### **3. NOISE**

We live on Mannings Rd and can hear the football when it is being played in Hepburn and the cars on the raceway in Daylesford as well as the music from a retreat in Hepburn Springs.

Our point is that noise travels and it will certainly travel from this proposed development. There is no 24/7 management on site to make sure the noise is kept at reasonable level.

It is also noted that the None of the accommodations are star rated, therefore running of heating and cooling will add to the noise pollution.



#### **4. FIRE**

We all fear Fire. We have had a couple of significant ones here, one not long ago. Our concerns are for ourselves and for those who may be staying in this proposed development.

The proposed big black, windowless BAL 29 rated building to shelter in if there is a fire does not seem to be enough.

The proposed development is accessed by Charlies Rd. This is the only way in and out. Charlies Rd is a no through road, it is unsealed, narrow and has blind spots.

Its is not only unsuitable for a quick exit in an emergency but it is also difficult for a Fire Truck to negotiate. Having experienced a couple of fires on Mannings Rd we know the fire trucks need room to pass each other, to turn on the road and have ready access to plentiful water. Charlies Rd is not a suitable road to be the only escape route from this proposed development in the event of an emergency.

#### **5. CHARLIES RD**

Apart from the possible problems when fighting or escaping from fire the increase in the traffic on Charlies Rd if this development goes ahead must be a concern.

As well as patrons there will be regular traffic created by staff and everything associated with any accomodation.

For example laundry services, rubbish removal, maintenance and deliveries.

This not only creates problems for the residents but will also cause Charlies Rd to require a lot more maintenance.

This has certainly been the case on Manning's Rd where we live.

We understand that Daylesford and Hepburn Springs are wonderful tourist destinations and there is a lot of tourist accomodation in town. People come here for its relaxing surroundings and beauty.

This proposed tourist development is not appropriate for Farming Zone. It is not a light touch on the landscape, it is high density accomodation on land Zoned Farming. It will adversely affect all the residents around it and is in an area where bushfire is a known threat.

We do not think the development meets the Planning Scheme requirements that the rural character of the land be protected, nor does it fit with the requirement to minimise visual impacts.

Thank you for reading this objection and taking it into consideration,

[REDACTED]

30/9/21

## OBJECTION RE PROPOSAL FOR TENT SITE AT 153 CHARLIES ROAD ELEVATED PLAINS / PA 3335

Charlies Road is really a bush track and for the few properties it services is barely adequate, however there is one of the most dangerous sections of track anywhere in the Shire.

I am referring to the peak in the road near Bella Vista it is dangerous because drivers are unsighted as they approach each other on a very narrow section.

When vehicles approach the peak from opposite directions they have approx. 15 metres to react if there is a car approaching them and on a dirt road there chances of braking hard are reduced considerably.

The proposal would mean substantial increase in traffic and the greater possibility of serious collision.

I chose my property for its seclusion, tranquillity and privacy this proposal will take that away.

The dust that arises from vehicle traffic along Charlies Road will increase dramatically when the volume of traffic increases.

After a vehicle has passed it takes some minutes for dust to settle and as more vehicles would be using the track this will only get worse.

I am concerned about services required for this proposal the effect of sewage, how will water be collected? or delivered? My past experience during drought was water trucks could not get up to my property.

Water trucks cannot access Charlies Road from near Bella Vista upwards.

As the land is on a slope towards the creek wastes will gravitate to the creek and cause effect further downstream.

Murray Goulburn authorities have acted in the past to prevent contamination and should be notified of this proposal.

One photo shows a view from the proposal that indicates to me that there will be overlooking of my property and as I stated previously I purchased because of the privacy.

Finally the proposal is intended to bring all types of people to the site and as we all know many will not be bush savvy, partying, alcohol drugs are a bad combination and the risk of bushfire occurring will be greatly increased, together with bad driving on a dangerous bush track spells disaster.

**I ask our councillors to reject this proposal.**

Signed.....





**From:** [REDACTED]  
**To:** [Hepburn Shire Mailbox](#)  
**Subject:** PA 3335 153 Charlie's Rd Elevated Plains for use and development of land and for camping, caravan park and associated business identification signage  
**Date:** Wednesday, 6 October 2021 7:55:48 AM

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Good morning 6/10/21

We [REDACTED]  
[REDACTED]

Strongly object to PA 3335.

We will write a letter outlining our reasons for objection at a further date

Regards  
[REDACTED]

## Objections

Name	Contact details	Email/postal
[REDACTED]	Elevated Plains 3461	[REDACTED]
Mel [REDACTED]	[REDACTED]	[REDACTED] Elevated Plains VIC 3461
[REDACTED]	Elevated Plains 3461	[REDACTED]
Tino [REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED] 748	[REDACTED]	[REDACTED]
[REDACTED]	Mt Franklin	[REDACTED]
Ker [REDACTED]	[REDACTED]	[REDACTED]
John [REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	Elevated Plains 3461	[REDACTED] Hepburn Springs 3460
Inge var [REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] Daylesford 3460
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Elevated Plains	[REDACTED] Daylesford
[REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	Elevated Plains 3461	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Hepburn Shire Council  
Planning Department  
PO Box 21  
Daylesford VIC 3460

HEPBURN SHIRE COUNCIL  
ATTACHMENT 10.2.7  
File No: .....  
Rec'd Date: 13 OCT 2021  
Rec'd By: .....  
Action By: .....  
Reg No: .....

October 8, 2021

**Re Permit Application No. PA3335 – 153 Charlies Road, Elevated Plains**

**Proposal:** Use and development of the land for a camping and caravan park.

**Applicant:** Clement-Stone Town Planners, for the owner Clifftop @ Hepburn

We write in objection to the above permit application on the following grounds:

**1. Fire Risk**

The proposal for a visitors' site at 153 Charlies Road has the potential to affect us severely. Our property, in Powells Lane Mount Franklin, lies one kilometre due north of the property at 153 Charlies Road.

Over several recent summers there have been numerous fire alerts in the general area of Elevated Plains. The area between the property of 153 Charlies Road and our property is unbroken forest. Any fires at Elevated Plains with a south wind put our property under threat.

This happened in the summer of 2018/19, causing us great anxiety and the need to eventually evacuate.

Permit application No. PA 3335 makes it clear that there will be a significant number of people camping at various times at 153 Charlies Road, if the proposal goes ahead. This is most likely to occur over the summer months, when the fire risk is greatest.

We are not convinced the applicant has considered the fire risk from actions by visitors to the site, **many of whom may not be aware of how easy it is for a fire to start in this region.**

The fire warden will be on site from midnight to midnight only on days of forecast Very High Fire Danger and will attend the site when there is a fire within 20km of the site.

This leaves the site unsupervised out of normal working hours for much of the summer and into autumn. Bushfires can occur on days of lower fire rating. There is no guarantee the warden will be able to reach the site if a fire starts inside the 20km radius. Only the safety of clients is considered, not the community. For the days when the site is unsupervised, there are no controls over the behaviour of guests after hours who are not familiar with the fire risks associated with camping in dry bushland (camping is synonymous with campfires). Nothing in the application rules out group bookings; campfires are almost a certainty.

Nor are we convinced the applicant is aware that he would be creating a firetrap for his visitors. Charlies Road is a narrow, winding, rough track, and in a fire situation there would only be one-way out. Fire trucks and visitors trying to pass each other on a narrow track is not ideal.

ATTACHMENT 10.27  
In the event of a bushfire emergency, there is insufficient room on Charlies Road for an empty tanker to be leaving the site if a full one is attempting to enter it. The safety of residents will be compromised in the event of a bushfire emergency if first-time road users attempting to evacuate the site at inappropriate times create an unsafe situation.

The likelihood of fallen trees in a bushfire situation could potentially block Charlies Road as an escape route. Tourists are not likely to have a chainsaw in their boot!

## **2. Conservation**

The forest surrounding 153 Charlies Road is part of the Hepburn State Park and has environmental protection. It is a corridor for wildlife. This forest has significant flora and fauna, all of which is in a delicate balance. Increased traffic, walkers, noise and rubbish have the potential for causing harm to this balance.

The forest also has sites of Goldfields heritage significance. It has many uncapped mine shafts which can represent a safety threat to visitors who are unfamiliar with these dangers.

We believe that the limited areas of farmland zoning in this area should be safeguarded. The proposed development, along with increased density of occupation and increased visitor activity to the land at 153 Charlies Road, has the potential to cause land degradation.

Changing land use will be inconsistent with the objectives of Hepburn Planning Scheme Clause 14.01-1L *Protection of agricultural land*, specifically to protect the Shire's high quality productive agricultural land from the encroachment of incompatible use and development.

## **Affect of the Proposal on us**

The main affect of this proposal, should the permit be granted, would be to increase our levels of anxiety over the summer months in regards the possibility of a fire being started on this property.

[REDACTED]

[REDACTED]



Reg No:   
 Action By:   
 Rec'd By:   
 Rec'd Date: 20 OCT 2021   
 52 Duke St   
 File No:   
 HEPBURN SHIRE COUNCIL

Application Reference number: PA3335

- Regarding proposed glamping business at 153 Charles Rd.

My objection is based on a number of concerns:

The peaceful, unspoilt character of this area that is the primary reason most of the local residents have made their homes here would be severely threatened by the increase in traffic of both holiday makers & all the attendant services required to run such an enterprise. (Apparently the tranquillity & serenity of our homes is insignificant to the developer.) Not everyone wants to be in the THROG!

The road itself is narrow & steep in many spots with blind crests, awkward bends & narrow sections on inclines. There's a spot near the driveway of no. 46 where skid marks & broken fences have appeared a number of times & folk unfamiliar with the road end up in the corner of a paddock, just before a black-berry infested creek; trying to get hold of a local tractor owner willing to come out (on a Sunday?! ... in the rain & dark?!...) R.A.C.V won't help - now imagine all that with a loaded car & caravan. The makings of a thoroughly miserable, fraught week-end get-away. I imagine many would say "NEVER AGAIN".

I myself have had the misfortune of colliding with the developer, on the only flat bit of the road, despite being in the habit of travelling slowly & cautiously - There is



an abundance of wildlife to consider (erratic, unpredictable), as well as on-coming vehicles - most locals are in the habit of staying in the centre of the track & travelling at an appropriate speed that they have enough time to see each other & pull over to let the vehicle pass - my experience of more than 15 years shows me city folk & those unfamiliar with the road are much less likely to do that. Frankly I can't think of a road less suitable for this kind of increased traffic in the whole shire.

But my gravest concern is in regard to the increased dangers during bush-fire season - an increasingly stressful nail-biting time. Even with all our collective knowledge, experience, prior preparation & community support we all know things can go horribly wrong on The Day. To my mind it beggars belief that someone would contemplate putting a bunch of campers with no knowledge of this area up against a state forest with limited options to exit safely on a road that many larger vehicles flatly refuse to come up at the best of times (water carriers, hay delivery bloke have turned me down)

It is easy to imagine an ensuing catastrophe when we factor in people's predilection for common holiday relaxation activities - campfires, alcohol, dinner in tent - it will be the hapless residents who will end up paying the long-term price while the glampers head on back to the safe suburbs.

Also to consider are the claims of the developer that these are not permanent structures even though they include



plumbing, kitchenettes, fireplaces, spa baths & decking. By definition an impermanent structure is one that can be erected or dismantled in a 24 hour period. Just having the external shape of a yurt does not qualify. (Even the most adept mongolian nomad would struggle). This does seem to be a crucial factor as we are talking about removal of farmland, water management in a very sensitive part of the bush and a precedent set for similar ventures.

Lastly I would like to draw attention to the estimates given for this project. They have changed a number of times & fluctuated wildly. This is of course a matter of concern to the dutiful ratepayers of the area & I hope it is within the powers of our council to investigate this more thoroughly as such changes may indicate other plans than those already submitted or a level of uncertainty on the part of the developer, both of which should be of concern to council and the local community.

Many thanks for your time in considering my concerns.

Regards,



Please use block letters

Planning & Environment Act 1987

**WHO IS OBJECTING?**

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

**WHAT APPLICATION DO YOU OBJECT TO?**

Permit application no. P.A. 3535

Proposal: [REDACTED]

Who has applied for the permit: Clement Stone Town Planners

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

Please see my letter!

**HEPBURN SHIRE COUNCIL**

File No: [REDACTED]

Rec'd Date: [REDACTED]

Rec'd By: [REDACTED]

Action By: [REDACTED]

Reg No: [REDACTED]

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

As above



*If insufficient space, please attach separate sheet.*

### Privacy Collection Notice

Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal or confidential material of third parties without their informed consent. By submitting the material, you agree that the material as detailed above does not breach any third party's right to privacy and copyright. You can request your personal information by contacting Councils Governance Department.

Signature:  Or Tick Box ☐ Date: 22/10/21

### IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



Heppburn Shire Council.  
P.O. Box 21,  
Daylesford 3460.

HEPBURN SHIRE COUNCIL

File No: .....

Rec'd Date: 22 OCT 2021

Rec'd By: .....

Action By: .....

Reg No: .....

Friday 22<sup>nd</sup> Oct. 2021.

Objection to permit application NO. PA 3335  
153 Charlies rd, Elevated Plains.

We write to object in the strongest possible terms  
to this inappropriate development.

For thirty years I have lived and called this  
area my home. I have an appreciation of the  
beauty and the fragility here, and also the  
catastrophic danger of fire during the declared fire  
season which I may add is ever lengthening as  
climate change ~~but~~ even harder.

Severe fire danger days are almost exclusively  
from the North West and in Charlies rd we  
are due North of the towns of Heppburn and  
Daylesford. Any problem here will be  
an even bigger problem for many more  
residents!

I am sure that as planners, you are across  
the stated objectives of Section 44.06,  
"to ensure that the development of land  
prioritises the protection of human life, and  
strengthens community resilience to bushfire."



Unsupervised, out of hours, glamping facilities do not fit with the above objective.

Charles rd, as all the residents know, is narrow, very steep as one progresses toward the development address, and not suitable for passing in many areas. If you believe this to be untrue, please drive the road before you make up your mind.

The light footprint of all the temporary type structures, means that many of the basic requirements, such as water forward cleaners, maintenance, etc, will be trucked in on this most delicate road.

Oppersonal amenity will be impacted most egregiously by repeated and excessive traffic generated by this proposal.

Will the council be required to make very many more visits to repair and keep the road in a trafficable condition due to this extra loading? Absolutely!

Who pays for this, ratepayers as a whole, not the developer? Is this fair?

The applicant has had an accident on the road with a resident, that involved a vehicle write off! Please do not dismiss the real possibility of injury or death due to the combined circumstances of the road condition and fire danger.

We stand firmly in objection to this proposal,



File No: 12108P

27 October 2021

Dear Sir/Madam

Application Ref	PA 3335
Property Description	CA B8 SEC 3 PSH PFR
Property Address	153 Charlies Road ELEVATED PLAINS VIC 3461
Proposal	Use and development of land for a camping and caravan park and associated business identification signage

I wish to acknowledge receipt of your letter of concern in relation to the above development.

All comments received will be considered by Council, prior to making a determination on the application. You will be advised of any decision made concerning the above proposal.

For any further information you may require please contact the Planning Department on ☎ 5348 2306 (Option 4).

Yours sincerely



**From:** [REDACTED]  
**To:** [Heoburn Shire Mailbox](#)  
**Subject:** PA3335 objection - revised  
**Date:** Tuesday, 9 November 2021 2:14:33 PM  
**Attachments:** [REDACTED]

---

Please find my revised letter of objection attached along with Appendix 1 to the objection.

Regards

[REDACTED]

Sent with [ProtonMail](#) Secure Email.



## **WHO IS OBJECTING?**

ATTACHMENT 10.2.7

Names: [REDACTED]  
[REDACTED] Mount Franklin, 3461  
Postal address : As above  
Telephone: [REDACTED]  
[REDACTED].com

## **WHAT APPLICATION DO YOU OBJECT TO?**

Permit Application No PA 3335 – 153 Charlies Road Elevated Plains, Vic 3461

Proposal: Use and Development of the land for a camping and caravan park (comprising 4 yurts, 3 dome tents 4 airstream caravans) and one associated business identification signage

Who has applied for the Permit?

Applicant – Clement-Stone Town Planners on behalf of Clifftop at Hepburn Pty Ltd

Owner – Redacted information

## **WHAT ARE THE REASONS FOR YOUR OBJECTION?**

Hepburn Shire Councilors voted against the original application of Woodstock Glamping PA 2703 at the July 2020 Council Meeting, despite the Hepburn Planning Department approving this application.

Point 3 of the Motion - "The proposal is inconsistent with Clause 13.02-1S ( of the Hepburn Planning Scheme) and the purpose and decision guidelines of the Bushfire Management Overlay at Clause 44.06 as the proposal represents an unacceptable risk to human life due to the site's high bushfire risk and inappropriate access arrangements."

We were very grateful and relieved that the majority of Councilors identified the high bushfire risk and threat to human life ie to the guests and also the wider community. The permit was not granted.

Then after incredible expense by the Hepburn Shire Council and personal expense by many of the Objectors, this permit was brought to VCAT by the applicant. The outcome was the same. Member Carew also did not grant a permit for the same reason.

## **CONCLUSION <sup>1</sup>**

112. While there are many aspects of this proposal that are favourable, this was a proceeding which turned on the question of the layered bushfire solution for this land use. I was not satisfied that the proposal in its current form would reduce the risk to human life to an acceptable level.
113. For the reasons given above, the decision of the responsible authority is affirmed. No permit is granted.

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<sup>1</sup> VCAT Decision by Megan Carew ( Member) Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546  
page 33

However, despite the application being altered several times during the previous process, the applicant has sought to apply again with the application – PA 3335.

To us , nothing has changed our need to object to this application , as the applicant still has not adequately addressed the issue of the risk to human life <sup>2</sup>.

We would like to point out that the map provided by Terramatrix<sup>3</sup> incorrectly places the 1985 fire. This fire occurred in Powells Lane on the northern side of the Hepburn Reserve. Powells Lane is also a single carriage way and there were no turning circles for the firetrucks and there was an incident where a firetruck was caught in the fire's path and the firefighters had to shelter under the truck. The fire was racing up the slope on private property. There are many similarities between Powells Lane, Charlies Road and Mannings Road.

At the time, there was huge concern for the safety of residents in Dry Diggings, Hepburn and Daylesford because of the proximity to the Hepburn Reserve. If the bushfire couldn't be stopped and it got into the Reserve, then it could travel into Kidd's Gully or Doctors Gully and head straight for the townships of Hepburn and Daylesford. It was a day of extreme temperatures and high northerly winds.

This bushfire was indeed a threat to human life and why we are adamant to object as the applicant appears to have not factored in the risk to the community, if a bushfire actually starts on his property.

CFA local Brigade tanker drivers, historically, have used Charlie's Road when instructing new drivers. This is because the gradient is too steep ( greater than the recommended safety level for CFA tankers ) and this is the road that was used to enforce the idea NOT to use a road like this or if you absolutely have to, to understand that you are putting your own life and the lives of your fellow fire fighters at risk.

In the previous application PA2073, the applicant was required to seek approval from the CFA before the application process started. They did receive this. However, it was explained during the VCAT trial that the CFA had not attended the site and that the approval was granted by a Junior Officer. We have noted that there is no CFA report in the current Application.

#### Further Concerns :-

1.1 We understand that as tents , yurts and airstream caravans are considered to be temporary structures, BAL ratings on these structures are not required. We find this a huge concern for those people holidaying and having no understanding of the risk that they place themselves in, by staying in a NON -BAL rated structure in a designated high bushfire risk area.

1.2 We have concerns about the Shelter in Place. It is able to be BAL rated, which is very positive. However, we are confused about the applicant being allowed to have a permanent structure on the site as this is farming land and only temporary structures are permitted. The application is for a "Camping and Caravan Park".

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<sup>2</sup> Clause 13.02-1S ( of the Hepburn Planning Scheme) and the purpose and decision guidelines of the Bushfire Management Overlay at Clause 44.06 as the proposal represents an unacceptable risk to human life due to the site's high bushfire risk and inappropriate access arrangements."

<sup>3</sup> Terramatrix – Bushfire Development Report August 2021 page 20 ( page 77 of application )



1.3 We understand that “- No children/infants are permitted on the site, which further minimizes potential difficulties of marshalling and sheltering in place in an emergency. “ However, for those guests staying in the airstream caravans, they will still have to make their way to the SIF in an emergency and that is quite a distance and uphill. What if those guests are disabled or health compromised? How will those guests be able to reach the SIP safely?

1.4 We have concerns that inadequate supervision will be made of the guests during the entire fire season and not just Severe, Extreme and Code Red days.

- According to Bureau of Meteorology<sup>4</sup> data from Jan 2019, 2020 and 2021, there were indeed some very cold nights in the Central region<sup>5</sup> and these were not on Severe, Extreme and Code Red days. So the Fire Warden would not be present on the property. There were 25 days of less than 10 degrees in January over these 3 years.

What assurance do we have that the guests will not decide to have a campfire? With dry conditions and wind speed still high, there is still a risk to human life, as the Fire Warden will not be on duty to supervise safe bushfire management behaviour during the extended fire season.

In the Terramatrix report, information is provided about ‘Site Fire Rules<sup>6</sup>’ ‘No outside fires may be lit anywhere on the site, at any time’. Who is going to ensure that this rule is followed? It IS a camping ground and lighting a campfire is usually what people do when they are camping.

- There is no information provided about the wood heating fireplaces provided in the yurts and domes, other than in ‘Site Fire Rules’. ‘ Fires can only be lit in fireplaces within accommodation units.’ What kind of fireplaces are being provided inside these non-BAL rated temporary structures?

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<sup>4</sup> Ballarat, Victoria Daily Weather Observations. Australian Government Bureau of Meteorology – January 2019, January 2020, January 2021

<sup>5</sup> CFA Fire Districts -Central district comprises Hepburn Shire, Ballarat City and others.

<sup>6</sup> Terramatrix Report - Bushfire Development Report August 2021 – Page 10 - 2.7 Site Fire Rules

We are not residents of [REDACTED], but our residential property lies [REDACTED] on the other side of Hepburn Regional Park, approximately a kilometre (as the crow flies).

We have owned this property in [REDACTED] and have lived here for 36 years. Like the residents of Charlies Road, we are a small community but an active one. We look out for each other, particularly during the Fire season, which over the past few years has extended over a far longer time.

What else we have in common is that Powells Lane is a single carriage- way dirt road, which is badly eroded and narrow in places and has many low overhanging tree branches, which these days make access extremely difficult, if not impossible for CFA tankers to attend if we were to have a grass or bush fire on our property. Consequently, we are extremely vigilant to be fire safe on our property, as are our immediate neighbours in Powells Lane.

In the first few years that we had moved here permanently, we had 2 major fires ( 1985 and 1989). Both fires started on the properties either side of us and both were a huge concern to the CFA due to the close proximity of Hepburn Regional Park and the narrowness of Powells Lane and lack of any turning circles.

Since the 1980's, the population of the local areas of Shepherd's Flat, Elevated Plains, Mount Franklin , Dry Diggings and Hepburn have grown hugely. So in 2021, one would imagine that there is even more of a 'threat to human life ' than in 1985 and 89.

In the past 2 years, the fires generated in the Mannings Road area, were also very close proximity to Powells Lane and Charlies Road communities, and they also originated on private properties and on the other side of the Hepburn Reserve. A wind change expected in the evening was to head the fire in the direction of Powells Lane, Midland Highway , Dry Diggings. Communities in Sawpit Gully and Church Roads were preparing for the fire also to be heading their way.

There was a change of wind and the fire didn't head in a southerly (S/SE/SW) direction. BUT it easily could have.

We also have had experience each Fire Season year with campers at Mount Franklin Reserve. Each year, we have fires lit unlawfully, ones left unattended, and ones not built to CFA guidelines. All of these by tourists who either are ignorant of bushfire safety guidelines or who are actively flouting these guidelines. These actions are a cause of extreme anxiety to Mount Franklin residents. This is an **unsupervised** site. So we are, therefore, very anxious about the level of supervision of the guests who will be holidaying at Woodstock Glamping.

As a result of all these experiences , we wish to object very strongly to this application. We do not believe that the applicant is at all concerned about the safety of the families in the adjoining properties, nearby properties and the local community.

At no time in the first application process did the applicant offer to develop a relationship with his local community, either to answer any questions or seek out their concerns. Indeed he could have averted all the issues with the fire pits and wood fired hot tubs, lack of fire bunkers, need for a trained fire warden and appropriate bushfire management plan and opening on severe and extreme days by speaking with members of the Charlies Rd/Powells Lane Fireguard Group to gain their local advice. In fact he actively chose to alienate the community by referring to them on his social media as "jihadi's " and "anti-tourism".

ATTACHMENT 10.3.7  
We are not anti- tourism, as there is already tourist accommodation in Charlie's Rd that has not received objections by the local community. This is due to the fact that these tourist accommodation venues accommodate a small number of people at a time and are also at the southern end of Charlie's Rd and therefore closer to the Hepburn-Newstead Rd exit if evacuation was needed.

As Ratepayers, we were horrified by the amount of Ratepayers' money that was wasted at VCAT to fight this application, when the issue all the time was and continues to be 'the threat to human life '. This issue was what the Councilors voted upon originally and subsequently refused the application due to this extremely important point. Then Member Carew at VCAT upheld Hepburn Shire Council's decision for exactly the same reason.

We would respectfully ask that you will consider our concerns and fears for the safety of our family, neighbours and extended local communities, in your review of planning application PA3335.

This application and plan for a caravan and camping ground still continues to be a threat to our lives<sup>7</sup>.

22 October 2021

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<sup>7</sup> Hepburn Shire Council Minutes Meeting July 21, 2020 MOTION 11.1.1.

*That Council, having caused notice of planning application PA 2703 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to refuse to grant a planning permit for the use and development of the land for tourist accommodation (camping and caravan park) and business identification signage at 153 Charles Road, Elevated Plains for the following reasons:*

- 1. The proposal is inconsistent with Clauses 14.01-1S, 21.08 and 22.04 of the Hepburn Planning Scheme as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long term capacity of productive agricultural land to continue production.*
- 2. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone at Clause 35.07 of the Hepburn Planning Scheme as the proposal will fragment and existing productive rural area and will adversely affect the use of the land and surrounding area for agricultural purposes.*
- 3. The proposal is inconsistent with Clause 13.02-1S and the purpose and decision guidelines of the Bushfire Management Overlay at Clause 44.06 as the proposal represents an unacceptable risk to human life due to the site's high bushfire risk and inappropriate access arrangements.*
- 4. The proposal is inconsistent with Clauses 11.01-1S the various policies within Clause 17, Clause 21.05 and Clause 21.07 as the proposal results in an out of centre development that does not provide a net community benefit to any of the surrounding towns and settlements.*
- 5. The generation of noise from use will have an adverse impact on the amenity of the area, inconsistent with Clause 13.05-1S.*
- 6. Existing access arrangements to the site is inappropriate to cater for the expected vehicular traffic and type of vehicles accessing the site.*
- 7. A cultural heritage management plan has not been prepared for the site. The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Hepburn Planning Scheme and results in a poor planning outcome for the area.*
- 8. The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Hepburn Planning Scheme and results in a poor planning outcome for the area.*

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





Dimensions of red ute and the water tanks were used to scale Yurts, Domes & Caravans.









**FDome Glamping 75**

The most spacious glamping dome available. The high volume of the dome accommodates visitors in home-like conditions, making them wish the glamping experience could last forever. Ideal dome size to create a common space such as: reception, cafeteria, etc. on your glamping site.

<b>Base:</b>	71m <sup>2</sup> / 807 sq ft
<b>Diameter:</b>	9.5 m / 31.2 ft
<b>Height:</b>	4.75 m / 15.7 ft







Images posted in promotion of  
 “Woodstock” on Clifftop’s  
 FaceBook page encouraging  
campfires!



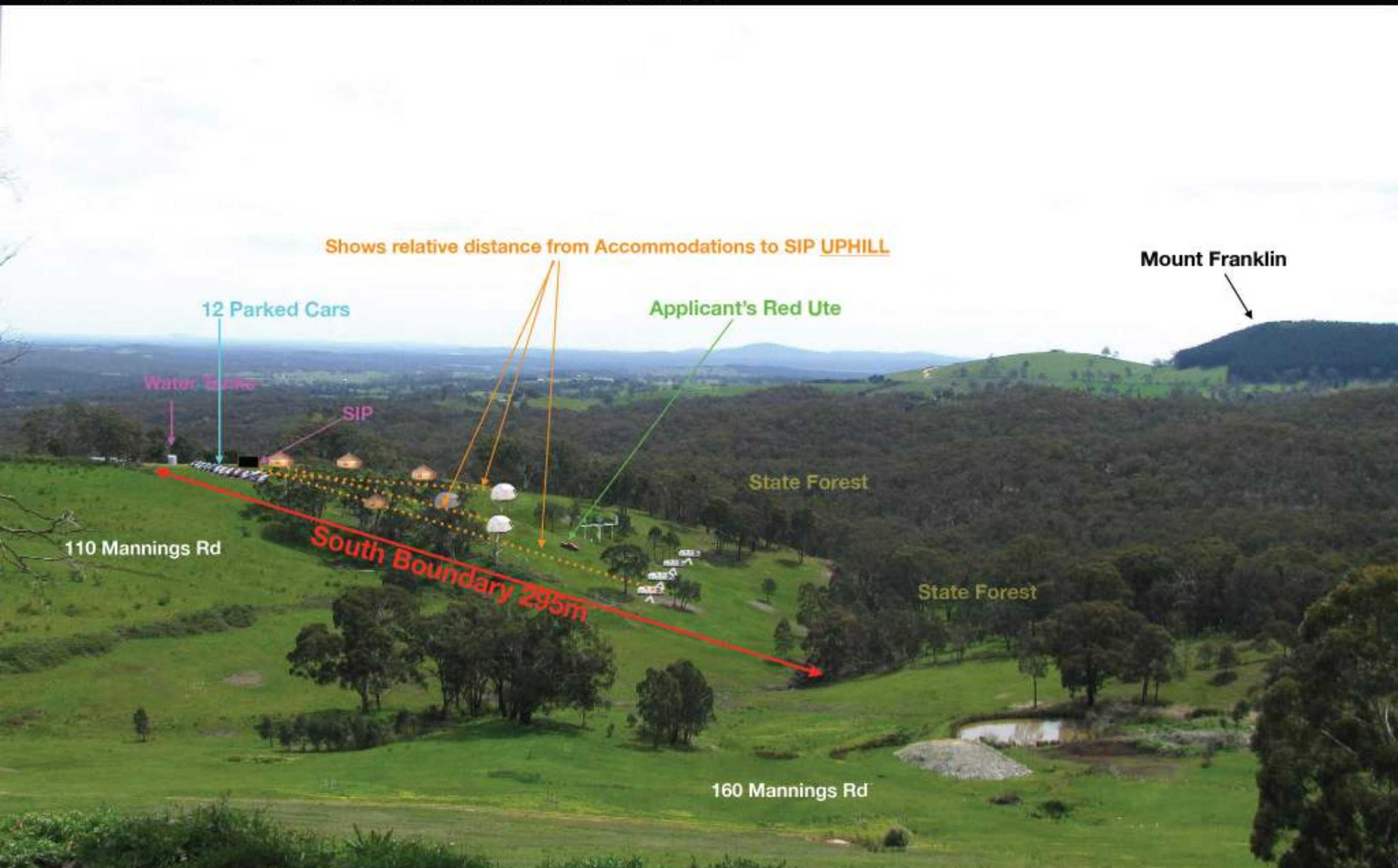


## Distances from Dwellings to SIP and Water Tanks

Photo 7

Dimensions of red ute and the water tanks were used to scale Yurts, Domes & Caravans.

ATTACHMENT 10.2.7





From: [REDACTED]  
Subject: PA3335  
Date: Monday, 11 October 2021 10:25:08 AM  
Attachments: [Errors & Omissions - PA3335.pdf](#)

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[REDACTED] (this is a resend - original email from yesterday was rejected by council's server)

Thanks for your response.

I've put together this "Errors and Omissions" document from my review of the application. No doubt you have also noticed these, and I wanted to share what we've found.

I notice that the CHMP, page 36, describes the footings as "Surefoot" and "comprised of poles rammed in at different angles to form a foundation (rather than open area excavation)".

Do these structures require a building permit and review by council engineering (considering they are elevated up to three metres)?

Thanks again.

[REDACTED]

Hepburn Shire Council

PO Box 21

Daylesford 3460

[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

21<sup>st</sup> October 2021

Dear Planners at Hepburn Shire Council,

**Re: Objection to Permit application No. PA3335 – 153 Charlies Road Elevated Plains**

To provide context to how we came to Charlies Road, we purchased our property in 2017 with the vision of residing sustainably within the rural landscape. Since moving, we have invested considerable funds, time and effort in the understanding and land management of our property. This includes the attendance of a Property Management Plan course by Upper Deep Creek Landcare Network, expert soil testing, planting over 350 native trees, the installation of water tanks and management of noxious weeds and fuel loads on our land.

As seen in the last application PA2703, the Elevated Plains community is a close-knit group. We regularly congregate for neighbourhood gatherings and contribute to the management of each other's land. We foster community spirit through entertainment, community initiatives and mental support during challenging times such as COVID and the recent 2019 Manning's Road bushfires. We sincerely care for those in the community, implementing our Bushfire plan for the Elevated Plains neighbourhood via attending a Fireguard Group and updating the Telephone Tree to ensure everyone is accounted for and safe.

The proposed development promotes tourism but does little to enhance this neighbourhood's community spirit, and significantly raises risk around safety as delivered in VCAT Hearing – Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546. There is minimal change from the last proposal, the removal of the bushfire bunkers and the addition of a building structure.

Charlies Road is a 3-metre-wide unsealed road with no signposts, no lighting, no drainage infrastructure and has multiple blind crests. Steep gradients of over 20% does not allow for safe travelling along the road. For those that are unfamiliar to the road, accidents will be frequent. Charlies Road has very few shoulder areas to allow passage of two vehicles side by side so it's not suitable for frequent use by caravans, large vehicles including waste management, water supply, firewood supply nor construction/maintenance vehicles.

Charlies Road terminates at the first gate of the development access road. The development is further into the bushland area and is surrounded by conservation zone bushland. This bushland is inaccessible to vehicles, with very rugged terrain and no tracks. CFA Fire crews would be at high risk of entrapment entering the property to perform firefighting activities as the road is the only road in and out of the area and has little infrastructure to support additional vehicles loads or additional traffic. Should there be an evacuation, the tourists would add to the existing evacuation traffic

creating a large amount of congestion on the road leading to significant risk to lives. As stated by member Carew at the recent VCAT meeting for proposal PA2703, the risk to human life was too great, therefore the proposal was denied. The existing proposal is very similar to the previous with the elimination of the bushfire bunkers. How will the addition of a building save tourist lives? This building is not where they are being accommodated. Will they be residing in this building at the time of a bushfire?

This proposal does not support the conservation of natural areas, habitat and wildlife, it does however create a significant risk of damage to them. The area has little traffic activity and as such, wildlife in the area are very active, often kangaroos, wombats, birds and reptiles inhabit the area in large numbers and regularly cross Charlies Road. Adding 12 or more accommodation pods to the end of the road would have tourists traversing the road at least twice daily for supplies and trips increasing the likelihood of risk and accidents with local wildlife. Fauna and flora will be impacted by tourists bushwalking and collecting firewood within the camping grounds. The areas surrounding Charlies Road are dense and not suitable for bushwalking by in-experienced tourists.

We do not oppose tourism or development within the Hepburn Shire as long as it is responsible. We ask the council to refuse this development on the grounds that it is not sustainable, not environmentally friendly nor is it a safe environment for the tourists, the residents nor the CFA resources during the hotter months due to bushfire risk. The proposed Caravan Park does not align with the Hepburn Shire Council's purpose to meet the needs and wellbeing of the municipality, nor does it align with the council's tourism policy objectives.

Please visit Charlies Road, Mannings Road, Powells Lane and the surrounding area to gather valuable insight before the final decision of permit application No. PA3335.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Elevated Plains 3461

**From:** [REDACTED]  
**Subject:** [REDACTED] [Mailbox](#)  
**Date:** Permit application NO PA 3335 153 Charlie's Rd Elevated Plains  
Friday, 22 October 2021 9:14:29 AM

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I write strongly in objection to the proposal covered by PA 3335.

I believe the proposed development is inappropriate for this location for a number of reasons

- 1 Safty of guests and local people travelling along a dangerous road that have already had a number of car accidents , local people are very aware of its blind spots and still have many close calls.
- 2 The added bush fire risk that we face every year, that is being increased by climate change and human stupidity that we don't need additional risk in our area.
- 3 A Commerical interest / caravan park in a residential and Significant Conservation Area ( named by the shire with their signage) is really quite disturbing to say the least, wildlife having to relocate and noise pollution to our small community.
- 4 My house is quite close to the road, I see fast cars and dust blowing over and through my house so an extra 200 passes per weekend would be just horrific to say the least.
- 5 The road intersection at the start of Charlie's Rd is also a blind spot to the unaware and a accident will happen in time
- 6 Our small community have all chosen our own piece of paradise to settle down here in a quiet environment, and now we face the impact of PA 3335 that we all find quite upsetting this could happen.

[REDACTED]

Hi James,

If it's not too late please consider this letter that I emailed to Goulburn Murray water, an addendum to my official objections to the above Planning Application.

I now have three documents for you to consider.

1. this one below to Goulburn Murray Water
2. the one outlining the specific objections
3. the supporting photos of the specific objections.

I would ask you to please consider all three objections documents.

Thank you,

Dear Planning Referrals,

Ref: Hepburn Shire Planning Application PA3335, referral to Goulburn Murray Water

We are objectors to the above planning application and have a few questions regarding the subject land: 153 Charlies Road, Elevated Plains, VIC.

1. We understand you have submitted your report to council regarding the application, but we are not aware of its contents. Please could you forward a copy to us via email?
2. Were you aware that the site has an unregistered bore? It was installed in early 2020. I believe this is relevant to your decision, and the Waste Water Treatment considerations.
3. The site is in a designated Environmental Significance Overlay (ESO1) - Proclaimed Catchment Protection. In the application PA3335, the water company, EWS, indicate that the site is "suitable" for the use as described (maximum 26 people per day), and they have specified a design of the waste water treatment plant that would reportedly comply with the regulations regarding polluting water courses. However, their report says there are no bores on the land, and none on surrounding properties. This is incorrect. There are bores, both on the subject land's property, and adjacent properties (see [data.water.vic.gov.au](http://data.water.vic.gov.au)). Further, there is an unregistered dam directly south, and downhill of of the transpiration field, and is also not referred to in the EWS report.

4. Are you aware of a VCAT case with Western Water regarding density issues in Catchment areas?

In a Red Dot VCAT decision in 2009 (Rozen v Macedon Ranges Shire Council), Dr Daniel Deere, an expert in water quality management and public health microbiology, raised concerns about housing density and the risk to water quality. It was Dr Deere's expert view that the application for a planning permit for four dwellings in 72 hectares cannot be supported at a density less than 1:40 ha. He gave evidence that pathogens can result in human harm, and emphasised that risks arose not so much from a properly functioning, well maintained waste water treatment plant, but from the failure of onsite waste water management systems. "Exacerbating issues for the ongoing effective operation of onsite water management systems include institutional limitations, temporal limitations (as new systems becomes old) and human limitations (human error and/or deliberate changes to the operation of the onsite waste water system)." (ref [http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/2746.html?context=1;query=rozen;mask\\_path=au/cases/vic/VCAT](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/2746.html?context=1;query=rozen;mask_path=au/cases/vic/VCAT))

In PA3335, it is proposed that there will be eleven plumbed-in dwellings (accommodations) on the



property, in an area of about **four hectares** (most of which are on a slope of about 15 degrees, downhill toward the south (our property and our neighbour's), and east. If waste management of four dwellings in 72 hectares was deemed to be a density that creates an unacceptable risk by an expert, (which VCAT agreed with, and decided to grant a permit for ONE dwelling in the 72 hectares, a decision that was upheld by the Supreme Court on appeal), we think that eleven dwellings in four hectares to be an even more unacceptable risk.

5. We note the EWS report in PA3335 fails to address the following:

- a) The application proposes a pump well that is located within 30m of a waterway which is downhill from the well, to pump raw effluent from the caravan area.
- b) The application proposes below ground sewer pipes near the Domes, which are within 30 metres, downhill, of a waterway.
- c) The unregistered bore is within about 68 metres, (downhill?) of the LAA (transpiration field)

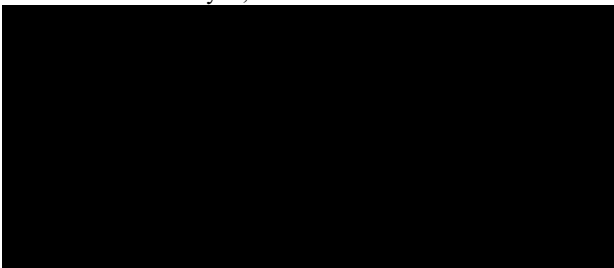
We have grave concerns that a septic system, whose below ground pipes, wells, tanks, and treatment plants traversing across several hundred metres on the subject land, adjacent to our property, has the potential to contaminate our bore water.

As Dr Deere said, the risk of contamination of a septic system when a density is higher than one dwelling per 40 hectares, is cause for applying caution, and VCAT agreed. The land and the waterways deserve the protections of the ESO1 overlay.

I hope you reconsider this application, which is not scheduled for decision until the February Council meeting.

Please let us know your position.

Thank you,



From: [REDACTED]  
 Subject: Re: Permit application No. PA3335 – 153 Charles Rd. From Richard Pleasance 27 Charles Rd  
 Date: Friday, 22 October 2021 9:14:29 AM  
 Attachments: [PA3335 objection Pleasance.rtf](#)

---

Hello Councillors, this is an objection letter from [REDACTED]  
 [REDACTED] regarding Permit application No. PA3335 – 153 Charles Rd. From [REDACTED]

I am writing in objection to the proposed development covered by planning application PA3335. My main points of objection to the previous development proposal for this site (covered by PA2703) still stand. In terms of the potential impact on my home and family, little has changed.

I settled in [REDACTED] The location was carefully selected for its Rural Residential zoning. I believe the proposed development would forever change the essential character of our neighbourhood that attracted me and my wife here 25 years ago. The neighbourhood is a close group who look out for each other and see ourselves as the trusted custodians of our beautiful hamlet. We all abide in and treasure the original vision for the usage of this land and are in disbelief that someone (a non resident) could trample all over our shared and sustainable interests.

#### **The impact on me and my household to which I frame the objection:**

1. Charles Road is not built to carry the greatly increased traffic that would result from this development. It is unsealed, narrow, and very steep in sections with blind crests. Residents know how to respond to its challenging conditions. But if the development were to proceed, most users of the road would be first-time users. Along with the noise and dust from the increased traffic, safety issues for all users would arise. It is not hard to imagine campers, service vehicles, cleaners, delivery trucks for water and firewood, garbage trucks, dogs chasing wildlife etc. This would be unworkable for me because I work from home writing music and require minimum disturbance.

2. Bushfire hazard is a fact of life in this area. The development would mean more guests than there are residents of Charles Road, all of them unfamiliar with the location and most unfamiliar with the bush and its dangers. We have had two major fires in last two years. If fully occupied, 26 guests would be accommodated on a high-risk site with no supervision after hours. There is only one way in and out, and that's through the bush. It is too much to expect guests from elsewhere particularly cities to have our deep appreciation for the dangers of bushfires and how easily they start and spread. Guests are at risk of entrapment. Residents are at risk of embers left to waft on the breeze from fires lit on cold nights which can occur at any time of year. Any rules which may be in place to preclude this can too easily be allowed to fall by the wayside over time. And they can be too easily forgotten altogether if unsupervised visitors have had a few too many drinks. I foresee a tragedy waiting to happen.

3. More than doubling the population of Charles Road overnight will surely have an impact on the wildlife. I have been active in the area of habitat augmentation for our native marsupials, owls, and bats for decades. I monitor film and register these habitat boxes through Connecting Country Castlemaine and the DSE expert in phascogales Andrew Arnold. I have learnt that these delicate animals are on the brink of survival; to survive into the future they require the Dry Diggings bush reserve to be very quiet, free from visitors' dogs and left alone. They in fact need more protected land as they migrate to areas such as Porcupine Ridge and Yandoit to maintain genetic diversity. We have a nesting pair

of eagles 600 m from the proposed site also facing the same negative impact. These creatures are extremely shy and need what's left of our wide open spaces to be free from people.

4. The yurts and domes are purported to be temporary structures, removable within 24 hours. But they have permanent footings and bathrooms, kitchens, plumbing and wiring, so how can this possibly be the case. The development site is farmland, and permanent structures on this farmland can only mean that it will be permanently removed from agricultural use. The olive grove next door to the proposed development site is clear proof that this is valuable agricultural land. Allowing such a development would set a dangerous precedent for further exploitation of our area.

Charlies Road community is a fantastic collection of people who are active in the community and roll up our sleeves when people need help. We look out for each other in fire season and know the risks and what to look out for. We collectively share the vision of handing our land and legacy over to generations of people who can grow food, care and nurture the environment or just write some music. If this proposed development is approved it is possible that eventually the very thing that makes this area special and attractive will be gone.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



HEPBURN SHIRE COUNCIL  
Planning Department  
PO Box 21  
DAYLESFORD 3460  
VICTORIA  
[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

8<sup>th</sup> October 2021

Dear Sir / Madam

**STATEMENT OF GROUNDS: Objection to PA 3335; 153 Charlies Road ELEVATED PLAINS VIC:**

**Use and development of land for a camping and caravan park and associated business identification signage**

Kindly find below reasons for the objection to PA3335.

#### **Character of the local area / Visual pollution**

This area of Elevated Plains is a secluded area of Hepburn, predominantly farming land which abuts public and private forests. The existing developments are minimal, well-spaced, sympathetic and non-obtrusive. The proposed camping and caravan park will permanently bring a detrimental change to the character of area and will detract from the natural qualities of the landscape.

One of the most striking features of the land we acquired is the views down the valley all the way to the ranges - with minimal or no signs of development. Statements made by the applicant such as "...appropriately sited ... and will not detract from the rural landscape features of the area..." is purely subjective and incorrect in the opinion of exiting residents.

This type of development (which is effectively a trailer park) to the north of Mannings Road amounts to a significant change of lifestyle than that is currently practiced. This type of tourism is not compatible with the adjoining and nearby land uses.

**This development will destroy the essence that attracted people to this area in the first place, it amounts to more than a monetary loss.**

The incumbents chose to lead this lifestyle, not the tourist lifestyle. This development destroys what attracted people to this place.

## Use of the terms “Temporary” / Materials Used & Classification of Building

Although the words “temporary and moveable” are used in the applicant’s proposal a number of times, it would seem that the proposed structures are neither temporary in their intended use, nor in their construction, nor is there any appetite to ever move or remove them.

The term “temporary” supposes that there is a time period associated with its construction – this is not indicated in the applicant’s proposal.

If no time period is indicated, and there is no intention of moving or removing the structure then one must assume that it is permanent, thereby subject to a different set of regulations.

If these buildings are permanent, one would assume this in turn should affect the classification of the building and thereby the materials of construction that are allowed to be used on classified permanent structures.

By circumventing these requirements the applicants are bypassing the regulations put in place to protect people and property, and thereby increasing the risk to property and life.

In reviewing the application drawings, and comparing them to other “permanent” structures, it would seem that both the yurts and the domes are permanent buildings with fabric roofs and walls. The construction of these buildings is not in line and seeks to undermine the intent of local building regulations.

**To summarise, the end result of this proposal is that the applicants are effectively applying to build long term accommodation, without complying with the local regulations, thereby resulting in a monetary reward for the applicants at the expense of subverting the risk mitigations to people and property that the regulations were initially put in place to protect.**

## Increased Bushfire Risk including to surrounding areas

Increasing the mobilization of personnel and machinery in an area will ultimately increase the underlying likelihood associated with initiating a bushfire.

This risk likelihood is further amplified with the construction of outside entertainment areas where there is a possibility of fires, which could proceed out of control (e.g. campfires, BBQ’s, smoking, etc.). There is no proposed onsite control or adequate onsite fire suppression to mitigate against this occurrence.

Although the applicant has attempted to address the consequences and the fire protection provision in the event of bushfires for maximum occupancy within its boundary, there is no control in place to limit an influx of visitors, particularly orchestrated through social media. This increases the risk to life during a bushfire event.

In addition, bushfires have a tendency of ignoring property boundaries. What has not been considered is the increased likelihood and impact of a bushfire to surrounding properties, livestock and population as a result of this development.

An out-of-control fire initiated at the property during the right conditions (hot day, north westerly blowing up and through the valley, visitors ignoring risk and restrictions, etc) will significantly impact properties on Mannings Road as the fire soars up the hill. Control measures to mitigate against this risk will have to fall upon the adjoining and local property owners – this is not a suitable outcome, nor is it reasonable. This proposal does not prioritise protection of human life and that of livestock, and increases the vulnerability of the entire local population (Elevated Springs, Hepburn etc.) to bushfires.



### Increased Noise Pollution / Nuisance:

The major source of noise at night is intermittent and remote traffic along the Midland Hwy which is located over 2km away, and the occasional stray nocturnal creature. At its worse, the noise profile is faint and intermittent. Background noise readings on a still night is below 40dB.



Mannings rd at night.m4a

The attached sound bite, captures the “serenity” at the property pre-development.

There is serious concern that 20+ people partying on an elevated deck located less than 300m from our property will affect this ambiance.

Night time background noise from this proposed development, predominantly people accommodated at the proposed development, equipment like air conditioning units, pumps, etc. and use of the elevated communal entertainment areas located less than 300m from our dwelling, will significantly increase. There are no noise abatement provisions and no onsite noise control. Even though the proposal limits the occupancy, there is no control in place to limit an influx of visitors, particularly orchestrated through social media.

This will adversely affect health and quality of life on our and our neighbour’s property.

The Environmental Protection Authority (EPA) Victoria provides guidelines regarding noise from industry in regional areas which I do not believe have been addressed. This includes maximum allowable noise and increases to background noise at night.

### Increased Light Pollution:

The light pollution in this area is minimal, and mainly originates in Daylesford to our South.

The northern aspect of the night sky avails itself to stargazing and astronomy. Light associated with the additional dwellings to the North of our property, plus any peripheral lighting that is required under the code will increase the light pollution in the area and adversely affect the experience.

### Increased Security Risk / Loss of Privacy

Increasing travellers in an area that is predominately farming, brings other concerns such as security and privacy. With this type of development there will be a substantial increase in the stream of transient groups of personnel, through and into an area that is not set up to safely and securely manage large groups of people.

“Woodstock” (1969) and its associated failures to manage human mobility may very well be an appropriate name of the development, considering the limited on-site management presence.

Even though the proposal limits the occupancy, there is no control in place to limit an influx of visitors particularly orchestrated through social media.

This proposal also increases the risk of trespassing onto land, and associated thefts.

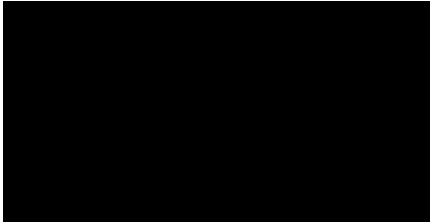
### Increased Vehicular Traffic:

We use Charlies Road as an alternate and shortcut route to get to Hepburn, and as part of our bush fire escape plan. Charlies Road is a rough country track at best, at worse and in an emergency it could it could pose significant risk to safe vehicular traffic and human life. Considering the additional load of vehicular traffic per day, plus the *“city factor”*, also known as *“I have no idea how to drive on a dirt track safely and with consideration of the locals”*, we have a real concern.

Council will have to significantly increase the maintenance on this road to keep it safe and suitable to vehicular traffic. The traffic associated with the proposed accommodation has the increased likelihood of undermining the road, in particular during the wet season. In the dry, vehicular traffic from the development will increase dust in the area which is unpleasant and can be a health hazard for the locals. No dust suppression measures have been identified in the applicant’s proposal.

Mannings Road currently has the issues described above, and has significantly less traffic than Charlies Road.

Regards,



Via Email to [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

20 October 2021

To: Hepburn Shire Council Planning

Subject: Objections to Planning Permit Application PA3335

We object to the planning application PA3335 because it is inappropriate for Farming Zone, doesn't meet Caravan Park Regulations, is environmentally unsound, and unsafe for the community.

Below are the details. We have also attached separately, photos that support our objections. We appreciate your consideration of these matters.



### PA3335 Objections (Whitehead)

#### 1. Inappropriate development for Farming Zone

Despite the applicant stating on more than one occasion they are "temporary/moveable", the proposed structures are permanent constructions, and therefore will remove agricultural land from FZ. (Planning Scheme, Clauses 14.01-1S Protection of agricultural land)

The 4 silver Airstream vans (6.6m long, 2.2m wide, 2.7m tall) are installed on top of 3 meter high permanent elevated structures. The Yurts and Domes (10m diameter, 5m high) will also have permanent elevated integral decks. Finally, there will be a 4 meter high permanent elevated deck, not to mention the "SIP" unclassified building, all using Surefoot foundation technology to comply with CHMP conditions. This means the land cannot be reasonably "reinstated for farming activities at any time."

In addition, Planning Scheme Clause 15.01-6S, "Design for Rural Areas", will not be met:

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features ...

(See attached photos 1 - 5 for scale and visual impacts).

The proposal also is not congruent with Clause 21.02, Key Influences: Environment and heritage (page 169)

"Tourist developments need to be built with appropriate location and design standards and guidelines to maintain the integrity of the environment, residential amenity and rural lifestyle."

## 2. Dwelling density is incompatible with surrounding Farming Zone

Our property is 15 Hectares with one Class 1A dwelling, and is consistent with the properties along both [REDACTED] C80 Planning Scheme amendment limits parcel size to 20 Hectares in Farming Zone, the intent being to limit the number of dwellings in Farming Zone. This application seeks to sidestep that intent.

The applicant's statement regarding Clause 11.01-1: "The use is consistent with existing similar uses (tourist accommodation and Bed and Breakfasts) within the area." is misleading. This application proposes to put 12 unclassified accommodations in an area of 4 Hectares. One dwelling in 20 Hectares is "allowable" in FZ.

The diagram on page 11 of the application shows the total "accommodations" to be 14 dwellings in an area approximately 240 Hectares, which is a ratio of 14:240. In contrast, their 12 dwellings in 4 Hectares, is a ratio of 12:4. If this density ratio was applied to the area, there would be 720 dwellings within the 240 Hectares, which is not a rural density. (Calculations:  $14:240 = .06$  dwellings per Ha.  $12:4 = 3$  dwellings per Ha.  $240 \text{ Ha} * 3 \text{ per Ha} = 720$  dwellings.)

The scale of this development does not protect nor enhance the rural character, and therefore the application is inconsistent with the protections of the Planning Scheme:

*15.01-6S Design for rural areas*

**Objective**

*To ensure development respects valued areas of rural character.*

**Strategies**

*Ensure that the siting, scale and appearance of development protects and enhances rural character.*

(See attached photos 1 - 5 for scale and visual impacts).

## 3. Loss of Visual Amenity

The applicant proposes that "The siting and low-scale moveable form of the development ('glamping') will have minimal impact to the natural environs", however the proposed accommodations will be a dozen unsightly, highly visible "bubbles" scattered across the landscape.

The size and shape of the Domes is incongruent with all other "existing variety of man-made structures" in the neighbourhood, as stated by the applicant (the domes and the yurts are each nearly three times the size of the water tanks for example). These bright white geodesic forms will stand out in the landscape like an alien colony. The Yurts are of the same size and similar shape and have off-white plastic roofs.

The applicant claims the development "will not detract from the natural landscape or result in any adverse amenity impacts." However, the fixed, elevated support structures have zigzag galvanised steel beams that do not blend into the landscape. These silver caravans and steel beams will be glaring in sunlight. We already experience this with the property's metal water tanks. All of these shiny materials will be visible not only from our home, but also our neighbours, and along significant public portions of Mannings Rd.

The applicant has chosen dark black Colorbond 'Monument' for the SIP. This 12 meter black monolith stuck on top of the hill adds to the alien character of the development. And next to it will be a dozen vehicles parked in the direct sunlight also causing glare.

The applicant acknowledges that the 4 Airstream Caravans are highly reflective.

Page 18 of the application states: "In response to the Tribunal's concerns regarding the reflectivity of the Airstream caravans, the caravans are now proposed in a low- reflectivity material to ensure no unreasonable visual intrusion will be caused to the surrounding area."

It does not state what material that is. Airstream caravans are by design highly reflective aluminium vehicles.

The Planning Scheme frequently takes into account "the impact of the use of the land on the surrounding area, including from the emission of noise, light...".

This proposal has up to 30 people moving about the site, with 11 accommodations, and illuminated pathways, plus up to 12 vehicles traversing the carpark, all causing significant light spill from headlights, carpark and footpath lighting. This will impact the rural character of the neighbourhood. Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 states:

32 Lighting

Subject to regulation 33, a caravan park owner must ensure that the lighting of common areas, roadways, recreation areas and paths in use in the caravan park enable the safe and convenient use of the caravan park.

(See attached photos 1 - 5 for scale and visual impacts).

#### 4. Noise Amenity

The applicant acknowledges the potential for intrusion of noise to the surrounding area. They propose to "effectively manage" this impact through operational policies. Without 24x7 on-site management it will be difficult to manage unacceptable noisy behaviours after hours.

Note that the proposal includes a permanent communal deck of approx. 50 square meters, which is elevated about 4 meters. This feature will encourage guests to participate in noisy activities, especially in the evenings (BBQs, fire-pits, boom-boxes, alcohol consumption, yahoing etc).

The elevation of this property and the valley below it has created a natural amphitheatre toward our property. We already hear the applicant's activities on the site, and having 30 people using the site can only increase the noise.

Page 7 of the Draft BEMP includes the use of a siren to alert patrons regarding bushfires, which must be tested on a regular basis, contributing to the noise pollution.

In addition, the 11 accommodations are not Energy Star rated, and thus will be continuously running air conditioners in both summer and winter, due to the exposed nature of their location, contributing to noise pollution to the surrounding properties.

#### 5. The Yurts and Domes do not meet Caravan Park and the Building Act's Regulations

They do not qualify as "movable dwellings" in that they cannot be installed or removed within 24 hours. (N.B. NSW Caravan Regulations replaced the term "movable dwelling" with "relocatable home".)

The Residential Tenancy Act states:

"caravan park" means an area of land on which movable dwellings are situated for occupation on payment of consideration, whether or not immovable dwellings are also situated there."

"movable dwelling" means a dwelling that is designed to be movable, but does not include a dwelling that cannot be situated at and removed from a place within 24 hours. This includes, but is not limited to, caravans, unregistrable movable dwellings (UMDs), annexes and tents."



A manufacturers' guide to erecting a 32 foot (10m) Yurt advises:

*"plan on 3-4 days with 4-5 people (machine lift of fabric super helpful)"*

[www.shelterdesigns.net/learn-about-yurts/yurt-assembly/](http://www.shelterdesigns.net/learn-about-yurts/yurt-assembly/)

Consider the additional time to install kitchenettes, tiling, bathrooms, spa baths, air conditioners and wood fire heaters with associated flues, all of which cannot be situated/removed within the 24 hour time frame stipulated in the Act.

The applicant states "the units are temporary, moveable accommodation and not a class of building that requires a BAL construction standard", which we dispute.

Consider the publication "Guide to the Victorian Caravan Parks Regulations 2010 April 2017, Part 1":

#### "9 Application of the BCA

Note also that any building (including an adjacent structure) situated in a caravan park which is not a movable dwelling is subject to compliance with the Building Act 1993. This includes compliance with the Building Regulations 2006 and the NCC."

"Residential Tenancies Act 1997, No. 109 of 1997, Version incorporating amendments as at 1 July 2021" states:

#### "517 Building provisions

The Building Act 1993, except Part 12A [plumbing], does not apply to movable dwellings situated in a caravan park but does apply to buildings situated in a caravan park that are not movable dwellings."

Since they cannot comply with the definition of a movable dwelling, they are not exempt from the building regulations.

Consider also that DWELP has reported that there is ambiguity about this style of accommodation, that the Regulations were not designed to account for them, and that they potentially pose serious fire risks. The "Caravan Parks and Movable Dwellings Sunset Review Consultation Paper", published by DWELP in 2020, Page 8 states:

#### "4.3 Luxury camping

Luxury camping, also known as '*glamping*', has become popular in Victoria over the last few years. Luxury camping is typically a higher-end style of accommodation, where *large, fully-furnished tents* are provided for guests, sometimes *including powered appliances and heating*. Some luxury camping companies set up luxury camping tents at pre-existing caravan parks or on guests' private land, while others offer seasonal or year-round luxury camping parks. Luxury camping parks that meet the definition of a caravan park are required to be registered under the Regulations.

Stakeholders have raised concerns that *there is ambiguity in the current framework around how these parks should be treated, as the Regulations were not designed to account for this style of accommodation. For example, open wood heaters in luxury camping tents potentially present a serious fire risk which is not currently considered by the Regulations or the Country Fire Authority Caravan Park Guideline 2012 (the CFA Guideline).*

The Yurts and Domes do not comply with the Residential Tenancy Act's definition of movable dwellings, and they cannot comply with The Building Act's Regulations, therefore a Caravan Park permit would not be issued, and so no Planning Permit should be considered.

## 6. The development is environmentally unsound - power, recycling and water consumption.

The accommodations are not Energy Star rated and, subject to direct-sunlight on an exposed paddock, will have the air conditioners running frequently for heating and cooling. Eleven minimally sized units of 2 Kw would consume over 200 Kwh per day, the equivalent of 20 average homes' consumption. (11 units x 2Kw x 10 hours = 220 Kwh)

There is no provision in the application for recycling. The waste of 26 people per day (wrappers, soap, bottles, cans, etc) on this property will go directly to landfill.

The application provides for water to be trucked in, and the LCA configures water usage to be 3000 litres per day which translates to over a million litres per year.

With a total of 75,000 litre tank capacity, and 45,000 reserved for CFA to meet the Caravan Park Fire Regulations, at a consumption of 21,000 litres a week, a weekly delivery will be required.

## 7. The site is in a high risk bushfire zone and is not safe for a caravan park

VCAT denied the previous application (VCAT P1209 "Clifftop vs Hepburn Shire") stating "the risk from bushfire has not been reduced to an acceptable level". The applicant has suggested the remedy is as simple as situating a BAL rated building to be a Shelter in Place.

We believe that this development will put at risk the properties and lives of the neighbours, as well as the patrons of the glamping facilities, and this has not been addressed.

Glamping generally includes campfires, as indicated by the applicant's marketing of "Woodstock" on FaceBook. (See photo 6).

With no onsite supervision after 6:00pm who is to stop someone lighting a campfire?

CFA Guidelines (PP4 Fire authority equipment) require water supply for firefighting, and the applicant has provided water tanks for this purpose. However, Prescriptive Provision P4 of the *CFA Caravan Park Fire Safety Guidelines* states [the water supply should be]:

"c. located so that every site and structure is within reach of 60 metres of hose laid from the tank or 120 metres of hose laid from a hydrant on a reticulated system connected to the tank, avoiding all permanent obstructions and anticipated vehicular obstructions;"

This provision cannot be complied with, as most of the structures are located well beyond 60 metres of the water tanks. (See photo 7).

The Airstream caravans will be approximately 200 meters downhill of the Shelter in Place, with a slope of approximately 15%. How will unfit and/or older patrons be able to get to the SIP in a hurry, or even evacuate easily in any emergency? Note also that the domes and most of the yurts are also 50 - 100 meters or more away from the SIP. (See Photo 7)

Finally, the application does not address CFA's "Amended" Conditions (from the VCAT hearings) that:

1. the SIP requires assurance/certification by a fire safety engineer, and this should not be left to secondary consent, and
2. it does not comply with the CFA condition that the site be closed on "Total Fire Ban" days.

## 8. Traffic Safety, Congestion on Charlies Rd

The site is located at the end of a narrow, unsealed road with multiple blind crests. Non-rural visitors are not familiar with these types of roads, which presents a safety concern.

In the event of a bushfire, the “dead end” of Charlies Road would not be suitable for two fire trucks to pass in different directions.

Page 37 of “CFA Caravan Park Fire Safety Guideline” says:

“Access roads must incorporate the ability for fire trucks to execute a three-point turn safely and permit other emergency services vehicles to pass.” and “Roads must be trafficable in all weather conditions and should be constructed to suit a 15-tonne Gross Vehicle Mass (GVM)”

It is not possible to execute a three-point turn, safely, for a 15-tonne truck on Charlies Road.

The applicant acknowledges “there will be an increase in traffic, including larger vehicles using the road”.

The proposal has an additional 12 vehicles per day traveling up to three times each way - once to check in, at least once to go out, and then to return. Conservatively, that is 36 additional vehicular trips, plus four staff creates a total daily vehicular load of 44 trips per day. This does not include additional delivery and service vehicle traffic (linen, water, rubbish removal, for example).

This is a *quadrupling* of current traffic levels on Charlies Rd, reducing the safety, increasing congestion, decreasing residential amenity, and increasing costs to maintain the road.

## 9. No Net Community Benefit

Whilst no definition is provided for “Net Community Benefit” in the Planning Scheme, traditionally, net community benefit implies the *whole* community benefits. This proposed development does not quantify any benefit.

### Community Benefit Calculation

Pros	Cons
Business profits <i>may</i> generate tax income	Unacceptable fire danger to patrons and residents
Council land rates will increase	Increased pollution of noise, atmosphere and land fill
<i>Possible</i> local employment	Increased density of an area currently enjoying limited density
<i>Possible</i> local retail consumption	Decreased visual amenity of both public and private land
	Loss of farm land due to scattered permanent structures and their associated permanent Surefoot foundations
	Increased traffic on Charlies Rd, leading to an increase in council costs to maintain the road, and loss of amenity to residents and safety concerns

Hi James,

If it's not too late please consider this letter that I emailed to Goulburn Murray water, an addendum to my official objections to the above Planning Application.

I now have three documents for you to consider.

1. this one below to Goulburn Murray Water
2. the one outlining the specific objections
3. the supporting photos of the specific objections.

I would ask you to please consider all three objections documents.

Thank you,

Dear Planning Referrals,

Ref: Hepburn Shire Planning Application PA3335, referral to Goulburn Murray Water

We are objectors to the above planning application and have a few questions regarding the subject land: 153 Charlies Road, Elevated Plains, VIC.

1. We understand you have submitted your report to council regarding the application, but we are not aware of its contents. Please could you forward a copy to us via email?
2. Were you aware that the site has an unregistered bore? It was installed in early 2020. I believe this is relevant to your decision, and the Waste Water Treatment considerations.
3. The site is in a designated Environmental Significance Overlay (ESO1) - Proclaimed Catchment Protection. In the application PA3335, the water company, EWS, indicate that the site is "suitable" for the use as described (maximum 26 people per day), and they have specified a design of the waste water treatment plant that would reportedly comply with the regulations regarding polluting water courses. However, their report says there are no bores on the land, and none on surrounding properties. This is incorrect. There are bores, both on the subject land's property, and adjacent properties (see [data.water.vic.gov.au](http://data.water.vic.gov.au)). Further, there is an unregistered dam directly south, and downhill of of the transpiration field, and is also not referred to in the EWS report.

4. Are you aware of a VCAT case with Western Water regarding density issues in Catchment areas?

In a Red Dot VCAT decision in 2009 (Rozen v Macedon Ranges Shire Council), Dr Daniel Deere, an expert in water quality management and public health microbiology, raised concerns about housing density and the risk to water quality. It was Dr Deere's expert view that the application for a planning permit for four dwellings in 72 hectares cannot be supported at a density less than 1:40 ha. He gave evidence that pathogens can result in human harm, and emphasised that risks arose not so much from a properly functioning, well maintained waste water treatment plant, but from the failure of onsite waste water management systems. "Exacerbating issues for the ongoing effective operation of onsite water management systems include institutional limitations, temporal limitations (as new systems becomes old) and human limitations (human error and/or deliberate changes to the operation of the onsite waste water system)." (ref [http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/2746.html?context=1;query=rozen;mask\\_path=au/cases/vic/VCAT](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/2746.html?context=1;query=rozen;mask_path=au/cases/vic/VCAT))

In PA3335, it is proposed that there will be eleven plumbed-in dwellings (accommodations) on the

property, in an area of about **four hectares** (most of which are on a slope of about 15 degrees, downhill toward the south (our property and our neighbour's), and east. If waste management of four dwellings in 72 hectares was deemed to be a density that creates an unacceptable risk by an expert, (which VCAT agreed with, and decided to grant a permit for ONE dwelling in the 72 hectares, a decision that was upheld by the Supreme Court on appeal), we think that eleven dwellings in four hectares to be an even more unacceptable risk.

5. We note the EWS report in PA3335 fails to address the following:

- a) The application proposes a pump well that is located within 30m of a waterway which is downhill from the well, to pump raw effluent from the caravan area.
- b) The application proposes below ground sewer pipes near the Domes, which are within 30 metres, downhill, of a waterway.
- c) The unregistered bore is within about 68 metres, (downhill?) of the LAA (transpiration field)

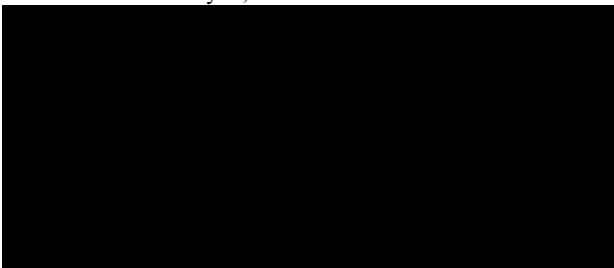
We have grave concerns that a septic system, whose below ground pipes, wells, tanks, and treatment plants traversing across several hundred metres on the subject land, adjacent to our property, has the potential to contaminate our bore water.

As Dr Deere said, the risk of contamination of a septic system when a density is higher than one dwelling per 40 hectares, is cause for applying caution, and VCAT agreed. The land and the waterways deserve the protections of the ESO1 overlay.

I hope you reconsider this application, which is not scheduled for decision until the February Council meeting.

Please let us know your position.

Thank you,





Hepburn Shire Councillors

(By email)

May 5, 2022.

**Re: ‘Woodstock’ glamping proposal, PA3335.**

Dear Councillor,

We understand this matter will again be before Council at the May meeting. Our earlier correspondence (November 2021) outlined our concerns that the proposed development is dangerous on two counts, these being the threat to human life that it represents and the precedent that it would set for future planning approvals in BMO<sup>1</sup> areas, not only in Hepburn Shire but statewide.

You will be aware that this application was before VCAT for its determination early in 2021 and that its finding was that no permit be issued because the threat to human life could not be reduced to an acceptable level. That finding hinged on the limitations and potential difficulties associated with the use of bushfire bunkers.

Bushfire bunkers were not included in **the original proposal** (as outlined in **PA 2703**). These were a later addition when the CFA amended its position at VCAT, requiring that the Shelter in Place (SIP) structure be certified by a qualified fire engineer. The applicant then sought to replace the original above-ground SIP building with underground bunkers; the certification requirement would then be met by the manufacturer’s certification.

Numerous issues arose with the underground bunkers. It was noted by the Tribunal and agreed by the bushfire experts engaged by both parties that with only an hour of breathable air in the bunker, they must be entered at the correct time, and furthermore that with the proposed accommodation units being spread over a broad area on the proposed site, marshalling *prior* to sheltering was necessary.

All parties agreed that marshalling in an open paddock in fire wind conditions, indeed possibly in an ember shower, was not a viable option. Council’s bushfire expert, Mr Kevin Hazell, suggested that a BAL-rated building could be one solution, providing for marshalling prior to sheltering, the latter in an *additional* structure certified (as per the CFA’s requirements) to preserve life.<sup>2</sup>

A reliance on underground bunkers entails additional issues due to the potential difficulties and aversions of visitors and staff in using them. It was noted by the Tribunal that ‘users would not

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<sup>1</sup> Bushfire Management Overlay.

<sup>2</sup> Noted in *Proposed Conditions* in the annexure to *Outline of Submission on behalf of Country Fire Authority*.

generally be familiar with this technology and may not necessarily be physically and mentally prepared.’<sup>3</sup>

### **The Current Proposal PA 3335**

Acknowledging these difficulties, the new proposal is based on removing underground bunkers altogether and instead providing a structure built to BAL29 standards. This might address the *marshalling* requirement suggested by Mr Hazell and affirmed by the Tribunal. The fact that it does not address the *sheltering* requirement is corroborated by the CFA’s reaffirmation of its requirement, in its response to the new proposal, that the SIP be certified by a suitably qualified ‘fire safety engineer’. This requirement is not met by the proposal as it stands.

Marshalling is not the same as sheltering. Similarly, a BAL rating (certifying that a building can withstand a certain level of bushfire attack) is not the same as certification that a structure will preserve life. Eliding these important distinctions has the potential outcome that lives will be placed at risk.

It is our conviction that the concerns of the Tribunal are not addressed by the new proposal. It is essentially the same proposal as the original permit application from 2020, the shortcomings of which prompted the applicant (during the VCAT hearing) to replace the building that was required to be a certified SIP with prefabricated bunkers.

There are additional shortcomings which the CFA does not address. These pertain to building safety standards: the accommodation units, being purportedly temporary, “movable dwellings”,<sup>4</sup> have been allowed to remain exempt from regulatory oversight. Several of these units are up to 200 metres from the SIP, down a steep slope. The regulated maximum distance between a dwelling and its associated bushfire bunker is 20 metres.<sup>5</sup> Here we see an additional factor which has the potential to place lives at risk.

Clause 13.02-1S *Bushfire Planning* of the Hepburn Planning Scheme requires that the protection of human life be prioritized over all other policy considerations. In a case flagged as a Red Dot decision,<sup>6</sup> the Tribunal noted that the policy is *unequivocal* in its requirement that priority be given to the preservation of human life.

The certification requirement stipulated by the CFA is that the SIP structure be a place of secure refuge, certified to preserve life, therefore fulfilling the very same requirements of an

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<sup>3</sup> *Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546*, page 22.

<sup>4</sup> A “movable dwelling” is by definition “situated at and removed from a place within 24 hours” (*Residential Tenancies Act 1997*). The size of Yurts and Domes means this condition cannot be met.

<sup>5</sup> *Performance Standard: The Design and Construction of Private Bushfire Shelters*, Australian Building Codes Board 2014.

<sup>6</sup> *Department of Environment, Land, Water and Planning v Yarra Ranges SC [2019] VCAT 323*.

underground bunker and being built to a comparable standard. With no tourist development ever having been approved which has an inbuilt reliance on any structure certified as a secure refuge, a decision to approve this development would be forever enshrined in planning law.<sup>7</sup>

We are united in our firm conviction that the proposed site is inappropriate for this development and that it should not proceed.

### **Addendum: relevant clauses.**

1. Clause 57 from [Clifftop at Hepburn Pty Ltd v Hepburn SC \[2021\] VCAT 546](#).

57 I understand that use of a private bushfire shelter in this sort of accommodation land use has not been previously approved in Victoria. None of the parties or the experts were able to identify an example. The CFA referred to designs for a nearby aged care facility but noted that this was for a “shelter in place refuge” which is within a building similar to “shelter in place building (SIP)” approved for schools. Mr Peake referred to the use of similar shelters by Melbourne Water.

2. Selected clauses from the new *Hepburn Planning Scheme* indicating that this proposal is not supported:

#### [13.02-1S Bushfire planning](#)

##### **Protection of human life**

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.

#### [14.01-2L Sustainable agricultural enterprises](#)

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

#### [65.01 Approval of an application or plan](#)

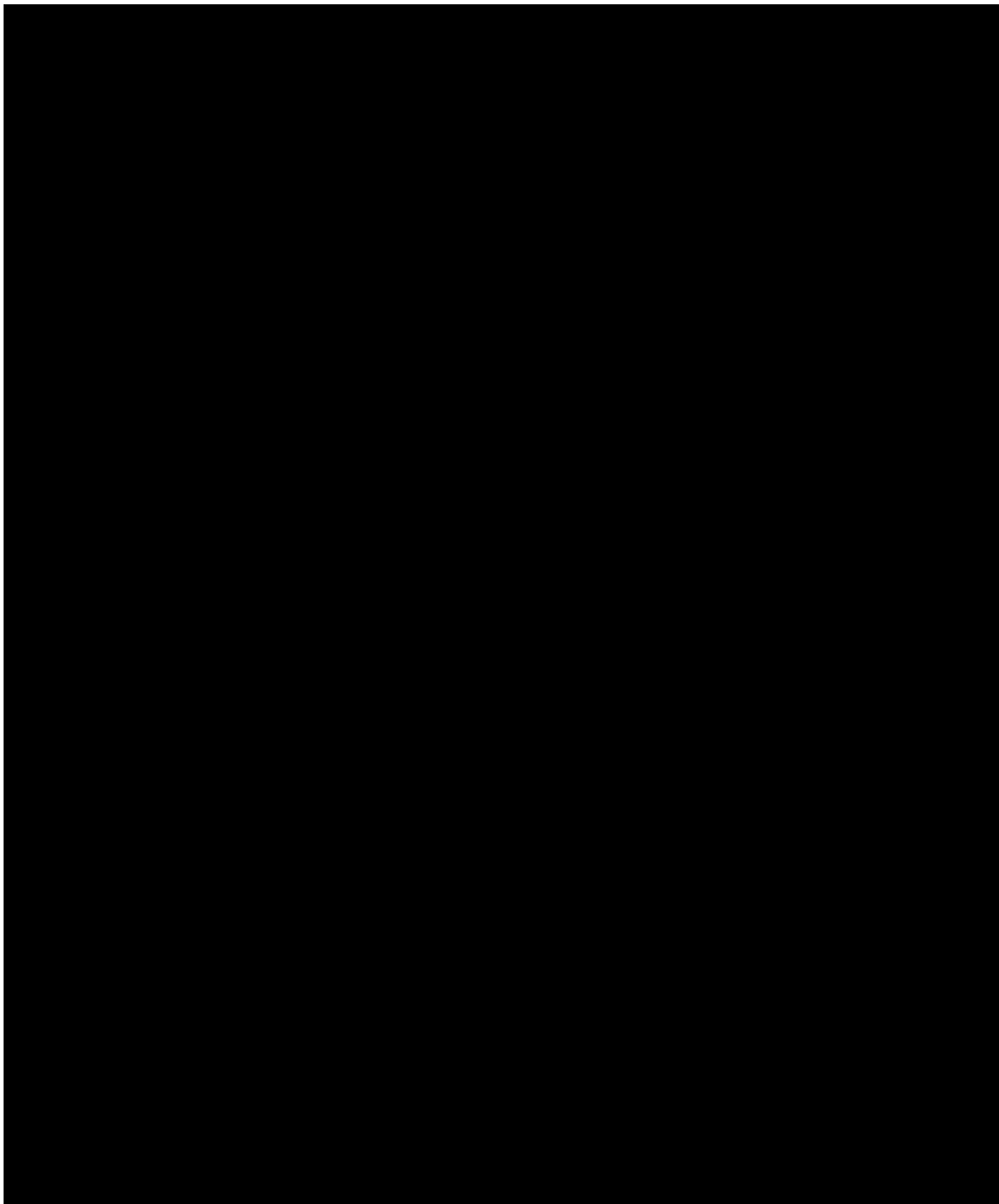
Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.

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<sup>7</sup> *Clifftop at Hepburn Pty Ltd v Hepburn SC [2021] VCAT 546*: paragraph 57.

Respectfully, the Objectors of the Elevated Plains and Mt Franklin communities.



Hepburn Shire Council

PO Box 21, Daylesford 3460.

October 22, 2021.

**Re: Permit application No. PA3335 – 153 Charlies Rd.**

I am writing in objection to the proposed development covered by planning application PA3335. My main points of objection to the previous development proposal for this site (covered by PA2703) still stand. In terms of the potential impact on my home and family, little has changed.

I settled in Charlie's Road Elevated Plains in 1997. The location was carefully selected for its Rural Residential zoning. I believe the proposed development would forever change the essential character of our neighbourhood that attracted me and my wife here 25 years ago. The neighbourhood is a close group who look out for each other and see ourselves as the trusted custodians of our beautiful hamlet. We all abide in and treasure the original vision for the usage of this land and are in disbelief that someone (a non resident) could trample all over our shared and sustainable interests.

**The impact on me and my household to which I frame the objection:**

1. Charlies Road is not built to carry the greatly increased traffic that would result from this development. It is unsealed, narrow, and very steep in sections with blind crests. Residents know how to respond to its challenging conditions. But if the development were to proceed, most users of the road would be first-time users. Along with the noise and dust from the increased traffic, safety issues for all users would arise. It is not hard to imagine campers, service vehicles, cleaners, delivery trucks for water and firewood, garbage trucks, dogs chasing wildlife etc. This would be unworkable for me because I work from home writing music and require minimum disturbance.

2. Bushfire hazard is a fact of life in this area. The development would mean more guests than there are residents of Charlies Road, all of them unfamiliar with the location and most unfamiliar with the bush and its dangers. We have had two major fires in last two years. If fully occupied, 26 guests would be accommodated on a high-risk site with no supervision after hours. There is only one way in and out, and that's through the bush. It is too much to expect guests from elsewhere particularly cities to have our deep appreciation for the dangers of bushfires and how easily they start and spread. Guests are at risk of entrapment. Residents are at risk of embers left to waft on the breeze from fires lit on cold nights which can occur at any time of year. Any rules which may be in place to preclude this can too easily be allowed

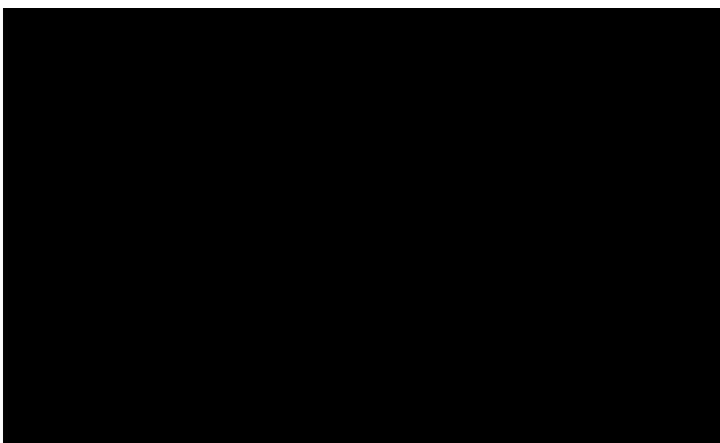


to fall by the wayside over time. And they can be too easily forgotten altogether if unsupervised visitors have had a few too many drinks. I foresee a tragedy waiting to happen.

3. More than doubling the population of Charlies Road overnight will surely have an impact on the wildlife. I have been active in the area of habitat augmentation for our native marsupials, owls, and bats for decades. I monitor film and register these habitat boxes through Connecting Country Castlemaine and the DSE expert in phascogales Andrew Arnold. I have learnt that these delicate animals are on the brink of survival; to survive into the future they require the Dry Diggings bush reserve to be very quiet, free from visitors' dogs and left alone. They in fact need more protected land as they migrate to areas such as Porcupine Ridge and Yandoit to maintain genetic diversity. We have a nesting pair of eagles 600 m from the proposed site also facing the same negative impact. These creatures are extremely shy and need what's left of our wide open spaces to be free from people.

4. The yurts and domes are purported to be temporary structures, removable within 24 hours. But they have permanent footings and bathrooms, kitchens, plumbing and wiring, so how can this possibly be the case. The development site is farmland, and permanent structures on this farmland can only mean that it will be permanently removed from agricultural use. The olive grove next door to the proposed development site is clear proof that this is valuable agricultural land. Allowing such a development would set a dangerous precedent for further exploitation of our area.

Charlies Road community is a fantastic collection of people who are active in the community and roll up our sleeves when people need help. We look out for each other in fire season and know the risks and what to look out for. We collectively share the vision of handing our land and legacy over to generations of people who can grow food, care and nurture the environment or just write some music. If this proposed development is approved it is possible that eventually the very thing that makes this area special and attractive will be gone.



Hepburn Shire Council  
shire@hepburn.vic.gov.au

October 12, 2021 (revised November 9, 2021).

**Re: Permit application No. PA3335 – 153 Charlies Rd, Elevated Plains.**

I write in objection to the proposal covered by PA3335. I believe the proposed development is inappropriate for this location on a number of counts. My reasons, set out below, fall into two broad categories:

1. The wellbeing of guests staying during the bushfire season will be placed in jeopardy and in the worst case scenario, lives may be lost. No-one wants to see this happen in their neighbourhood.
2. The interests of an entire neighbourhood will be overridden and the rural amenity they have sought will be destroyed.

All of this must be weighed against the purely commercial interest of one party, a non-resident of the area. When the interests and wellbeing of all parties including the clientele are considered it is clear that the development is inappropriate for this location.

The inappropriateness of the proposed development location is apparent on two counts:

1. The potential impact of the development on the community means that it finds little support in the Hepburn Planning Scheme.
2. The many shortcomings and contradictions remaining in the development proposal itself, even in this revised form after a VCAT review of Hepburn Shire Council's decision in 2020 to refuse planning permission, which strongly suggest that these issues cannot be resolved.

The proposal is for more persons than there are residents of Charlies Road to be accommodated on a confined site subject to high fire risk and without a second means of egress. All would be first-time users of Charlies Road and most would be unfamiliar with the dangers associated with camping in dry bushland. Among the impacts of this would be these:

1. The rural amenity of an entire neighbourhood would be destroyed and its character forever changed. The proposed development is intrusive and is inconsistent with the objectives of the Planning Scheme at the following points:
  - Inconsistent with 13.07-1S *Land use compatibility*, which has the objective to safeguard community amenity.
  - Inconsistent with 15.01-5S *Neighbourhood character*, which has the objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
  - Inconsistent with 15.01-6S *Design for rural areas*, which has the objective to ensure development respects valued areas of rural character.
  - Not supported by 65.01 *Decision Guidelines*, which states that the responsible authority must consider the orderly planning of the area and the affect on the amenity of the area.

The development proposal makes the claim that the individual accommodation units will have muted tones and will therefore conform to the requirements of 15.01-5S and 15.15-6S. But *the development as a whole* is not considered here, part of which must be the intrusion of traffic along Charlies Road that it would entail. What is true of the parts is not necessarily true of the whole; a single caravan in the bush has minimal impact, but a caravan park has significant impact.

2. The safety of travel for all parties along Charlies Road will be compromised should the development proceed. Charlies Road is not built to carry the load of traffic that the development would entail, having several points of non-compliance:
  - Steep gradients, indicated in a survey of the entire length of Charlies Road<sup>1</sup> as exceeding 20% at some points and therefore not compliant with Table 5 *Vehicle access design and construction* listed in 53.02-5 under 53.02 *Bushfire planning*.
  - Blind crests where the carriageway is also narrow.
  - Narrow sections that make passing a truck impossible, among these the frequent delivery trucks that would be associated with the development.
  - A T-intersection blind to oncoming traffic, with the only safety measure a convex mirror which achieves nothing. For traffic exiting Charlies Road and turning right onto Hepburn-Newstead Road, there is no time to react if a car comes over the hill from Hepburn.

The evidence of a traffic expert, Mr Gnanakone, is cited in the development application. None of the above issues were noted in his report. Instead he refers to ‘undulations’ on Charlies Road. No actual measurements and no design standards are cited by Mr Gnanakone. Mr Gnanakone accepts the convex mirror as a means of mitigating the risk of a vehicle interaction at the T-intersection. He fails to mention that convex mirrors are designed for blind corners and are completely ineffective on blind crests.

Other inconsistencies in the development application are noted. Being erected on elevated platforms and connected to mains power and plumbing as well as having bathrooms installed, the accommodation units must be regarded as permanent structures because the condition for a temporary structure that it be demountable within 24 hours is impossible to meet. Therefore the claim repeated throughout the application that the accommodation units are ‘temporary/moveable structures’ is false and the development unquestionably entails the permanent removal of agricultural land from productive use.

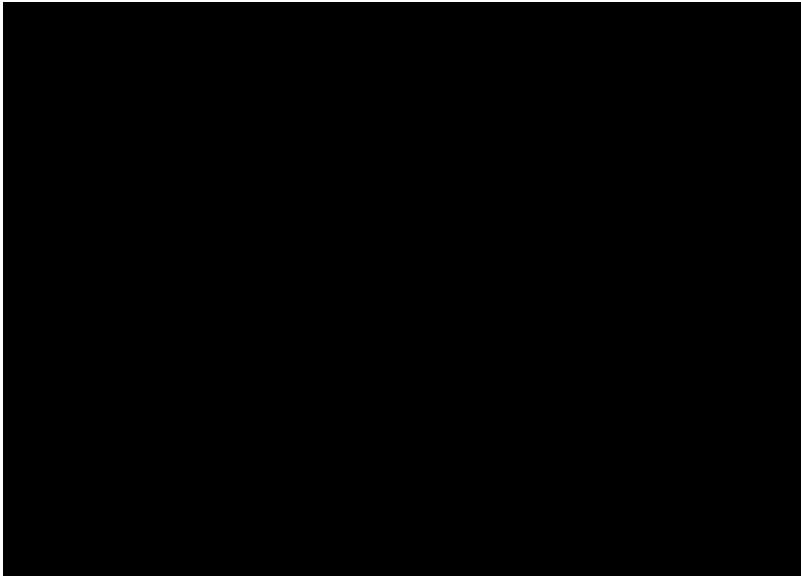
Were the development to proceed, the door would be left ajar for agricultural land throughout the district to be consumed by future multi-dwelling developments that blur the line between temporary and permanent structures. Its approval would have regional impacts; these must be considered as per the requirements of 71.02-3 *Integrated decision making*.

The permit application claims that the proposal appropriately responds to the overarching objective under 13.02-1S *Bushfire planning* which requires that priority be given to the preservation of human life and that development be directed to low risk locations. This claim is false: what the development proposal prioritises is the commercial interest of one party.

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<sup>1</sup> See attached survey data by Ararat Survey Pty Ltd.

The reasons for the Charlies Road site being inappropriate for this development are numerous and compelling. There are none that necessitate its being placed in this location. Approval of this development proposal cannot be regarded as an orderly planning outcome for the area.



lies Rd.

Hepburn Shire Council  
PO Box 21, Daylesford 3460.

October 22, 2021.

**Re: Permit application No. PA3335 – 153 Charlies Rd.**

We write to present our objections to PA3335 ahead of consideration at Shire Planning.

We object because this proposed development poses an unacceptable risk to the safety of prospective users of the facility and we the nearby residents alike. We object because PA3335 would bring a loss to lifestyle and amenity to we who live in Elevated Plains.

The opening address to Councillors in the applicant's new 334-page submission for a permit suggests that this caravan/camping development should be viewed as an act of beneficence to the Hepburn community. We are of the completely opposing view. PA3335 is in essence a plan for the possible financial gain of one individual at the cost of the safety and well-being of an entire community. It is an entirely inappropriate development for this location.

### **1. Fire**

We have the experience of losing our previous family home to fire. As recently as February 2019 we have had to evacuate from a fire starting in Mannings Road (the smoke of which engulfed the land of the proposed development to the point of invisibility) With our neighbours, we have undertaken a training program for fire emergency. We have all long maintained a neighbourhood fire emergency Telephone Tree network. Additionally, a few residents have gone to the expense of having fire bunkers installed on their properties. These precautionary measures we deem essential because our roads - Lithia Lane, Charlies Road, Mannings Road and Powells Lane are tree lined corridors to Wombat State Forest. Our greatest fear is that a bushfire starting there could quickly be of such magnitude as to threaten any or all of us.

It is of staggering disregard that the applicant has proposed that a camping/glamping development be suitable on land that directly abuts this forest. A camping or glamping experience is synonymous with having a 'campfire'. Regardless of the applicant's insistence that these are prohibited except in provided fire pits, the likelihood is that after 6:00pm when there is no supervision, at some point in time less responsible guests will make their own campfire with the nearest fuel source being the forest at a couple of minutes walking distance. Add to this the carefree element of the weekend away, alcohol consumption, the inexperience of guests to campfires and their extinguishment, fuel load, wind



conditions etc and the stage is set for risk of life. It makes little difference that the proposed development excludes usage of days of Total Fire Ban as fire and campfires are unpredictable events.

The immediate risk is to the campers themselves. Their 12 accommodations are not of BAL rated construction. The developer circumvents fire and building regulations by purporting these 'camping' structures to be readily removable structures even though they are plumbed, hard wired and affixed to the ground supports. Flight distances to the proposed 'Shelter in Place' of refuge are also patently too far from their abodes.

## **2. Evacuation**

For the campers and we the residents there is no assured route for emergency evacuation as Charlies Road dead ends and is thus the only entry or exit to the applicant's site. Given that the road is unsealed, narrow and exceptionally steep, this represents as a very high-risk situation for residents, visiting tourists and emergency services across every fire season to come. Vehicles might find the road blocked and likewise emergency vehicles attempting entry.

## **3. Traffic**

Our residence is on Lithia Lane which is accessed from Charlies Road which is clearly unsuitable for this development even before the risks of fire and emergency evacuation. Unsealed Charlies Road is one of the most steeply undulating in the Shire. Drivers are blind to on-coming traffic until the crest of hills. The right turn from Charlies Road into Hepburn Newstead Road is a constant danger even for we who are most familiar with it. Cars approaching from Hepburn might crest the hill and collide at any time. Exiting visitors traffic would have no awareness of this risk. Along Charles Road more generally driving is always challenging. There are several blind crests, sudden turns and dips presenting a risk that is only is magnified at night and in wet conditions. The many prospective visitors unfamiliar to driving this road represent a safety risk to themselves and we who live here.

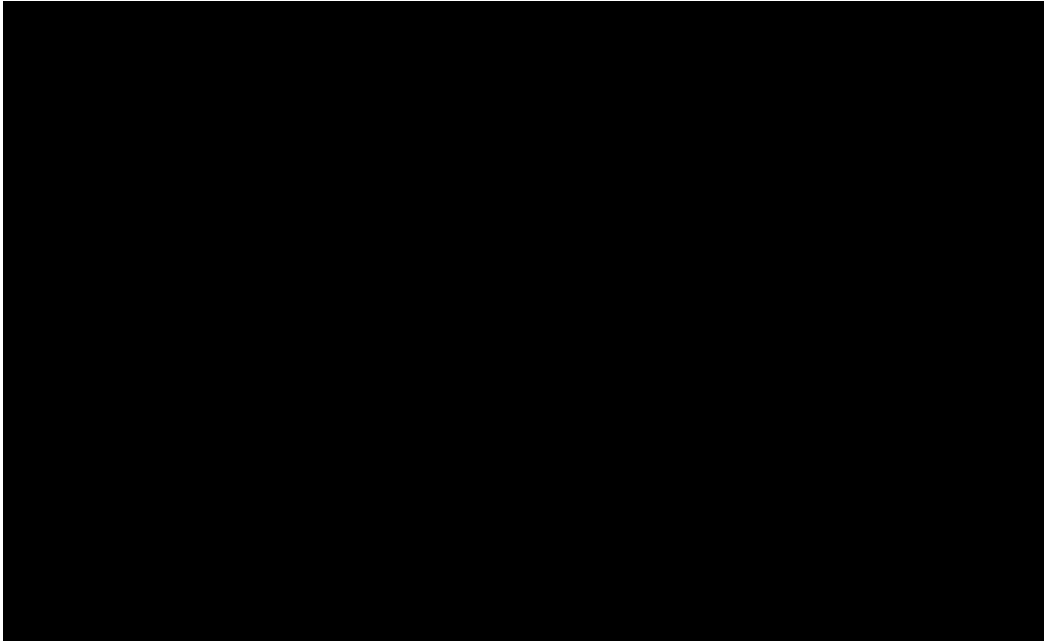
Presently the small number of resident users are cognisant of and careful with these road conditions. The tourist flow of traffic unfamiliar with the road from the PA3335 development renders the road much more unsafe.


## **4. Amenity and Lifestyle**

All of us within this small and close community have moved here or chosen to stay (including a few generational continuity) because the lifestyle we share is of complete contrast to the more built-up residential and commercial on-goings of Daylesford, Hepburn and Hepburn Springs. We cherish less traffic, less noise, sustainable living, a closeness to nature and the valuable sense of neighbourhood that these things engender. A constant flow of tourist visitors along Charlies Road would for certain diminish the quality of our individual lives and our community. The 'camping' style of this development invites much more vehicular movement than a typical guest accommodation for the fact

that guests have little entertainment beyond the confines of their 'yurt' or 'caravan' and would likely take drives in an out over the course of their stay. Additionally, this form of tourist facility requires more service vehicles for management, cleaning, water delivery etc of as to meet the requisites of up to thirty people over a weekend.

We do not at all object to tourism operations within Elevated Plains or indeed along Charles Road, as this of course is an important local industry. But tourism needs to be benign and not in direct conflict with the lifestyle of the people residing alongside it and it should in no way cause a risk to human life.





HEPBURN SHIRE COUNCIL  
Planning Department  
PO Box 21  
DAYLESFORD 3460  
VICTORIA  
[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

8<sup>th</sup> October 2021

Dear Sir / Madam

**STATEMENT OF GROUNDS: Objection to PA 3335; 153 Charlies Road ELEVATED PLAINS VIC:**

**Use and development of land for a camping and caravan park and associated business identification signage**

Kindly find below reasons for the objection to PA3335.

**Character of the local area / Visual pollution**

This area of Elevated Plains is a secluded area of Hepburn, predominantly farming land which abuts public and private forests. The existing developments are minimal, well-spaced, sympathetic and non-obtrusive. The proposed camping and caravan park will permanently bring a detrimental change to the character of area and will detract from the natural qualities of the landscape.

One of the most striking features of the land we acquired is the views down the valley all the way to the ranges - with minimal or no signs of development. Statements made by the applicant such as "...appropriately sited ... and will not detract from the rural landscape features of the area..." is purely subjective and incorrect in the opinion of exiting residents.

This type of development (which is effectively a trailer park) to the north of Mannings Road amounts to a significant change of lifestyle than that is currently practiced. This type of tourism is not compatible with the adjoining and nearby land uses.

**This development will destroy the essence that attracted people to this area in the first place, it amounts to more than a monetary loss.**

The incumbents chose to lead this lifestyle, not the tourist lifestyle. This development destroys what attracted people to this place.

## Use of the terms “Temporary” / Materials Used & Classification of Building

Although the words “temporary and moveable” are used in the applicant’s proposal a number of times, it would seem that the proposed structures are neither temporary in their intended use, nor in their construction, nor is there any appetite to ever move or remove them.

The term “temporary” supposes that there is a time period associated with its construction – this is not indicated in the applicant’s proposal.

If no time period is indicated, and there is no intention of moving or removing the structure then one must assume that it is permanent, thereby subject to a different set of regulations.

If these buildings are permanent, one would assume this in turn should affect the classification of the building and thereby the materials of construction that are allowed to be used on classified permanent structures.

By circumventing these requirements the applicants are bypassing the regulations put in place to protect people and property, and thereby increasing the risk to property and life.

In reviewing the application drawings, and comparing them to other “permanent” structures, it would seem that both the yurts and the domes are permanent buildings with fabric roofs and walls. The construction of these buildings is not in line and seeks to undermine the intent of local building regulations.

**To summarise, the end result of this proposal is that the applicants are effectively applying to build long term accommodation, without complying with the local regulations, thereby resulting in a monetary reward for the applicants at the expense of subverting the risk mitigations to people and property that the regulations were initially put in place to protect.**

## Increased Bushfire Risk including to surrounding areas

Increasing the mobilization of personnel and machinery in an area will ultimately increase the underlying likelihood associated with initiating a bushfire.

This risk likelihood is further amplified with the construction of outside entertainment areas where there is a possibility of fires, which could proceed out of control (e.g. campfires, BBQ’s, smoking, etc.). There is no proposed onsite control or adequate onsite fire suppression to mitigate against this occurrence.

Although the applicant has attempted to address the consequences and the fire protection provision in the event of bushfires for maximum occupancy within its boundary, there is no control in place to limit an influx of visitors, particularly orchestrated through social media. This increases the risk to life during a bushfire event.

In addition, bushfires have a tendency of ignoring property boundaries. What has not been considered is the increased likelihood and impact of a bushfire to surrounding properties, livestock and population as a result of this development.

An out-of-control fire initiated at the property during the right conditions (hot day, north westerly blowing up and through the valley, visitors ignoring risk and restrictions, etc) will significantly impact properties on Mannings Road as the fire soars up the hill. Control measures to mitigate against this risk will have to fall upon the adjoining and local property owners – this is not a suitable outcome, nor is it reasonable. This proposal does not prioritise protection of human life and that of livestock, and increases the vulnerability of the entire local population (Elevated Springs, Hepburn etc.) to bushfires.

### Increased Noise Pollution / Nuisance:

The major source of noise at night is intermittent and remote traffic along the Midland Hwy which is located over 2km away, and the occasional stray nocturnal creature. At its worse, the noise profile is faint and intermittent. Background noise readings on a still night is below 40dB.



Mannings rd at  
night.m4a

The attached sound bite, captures the “serenity” at the property pre-development.

There is serious concern that 20+ people partying on an elevated deck located less than 300m from our property will affect this ambiance.

Night time background noise from this proposed development, predominantly people accommodated at the proposed development, equipment like air conditioning units, pumps, etc. and use of the elevated communal entertainment areas located less than 300m from our dwelling, will significantly increase. There are no noise abatement provisions and no onsite noise control. Even though the proposal limits the occupancy, there is no control in place to limit an influx of visitors, particularly orchestrated through social media.

This will adversely affect health and quality of life on our and our neighbour’s property.

The Environmental Protection Authority (EPA) Victoria provides guidelines regarding noise from industry in regional areas which I do not believe have been addressed. This includes maximum allowable noise and increases to background noise at night.

### Increased Light Pollution:

The light pollution in this area is minimal, and mainly originates in Daylesford to our South.

The northern aspect of the night sky avails itself to stargazing and astronomy. Light associated with the additional dwellings to the North of our property, plus any peripheral lighting that is required under the code will increase the light pollution in the area and adversely affect the experience.

### Increased Security Risk / Loss of Privacy

Increasing travellers in an area that is predominately farming, brings other concerns such as security and privacy. With this type of development there will be a substantial increase in the stream of transient groups of personnel, through and into an area that is not set up to safely and securely manage large groups of people.

“Woodstock” (1969) and its associated failures to manage human mobility may very well be an appropriate name of the development, considering the limited on-site management presence.

Even though the proposal limits the occupancy, there is no control in place to limit an influx of visitors particularly orchestrated through social media.

This proposal also increases the risk of trespassing onto land, and associated thefts.



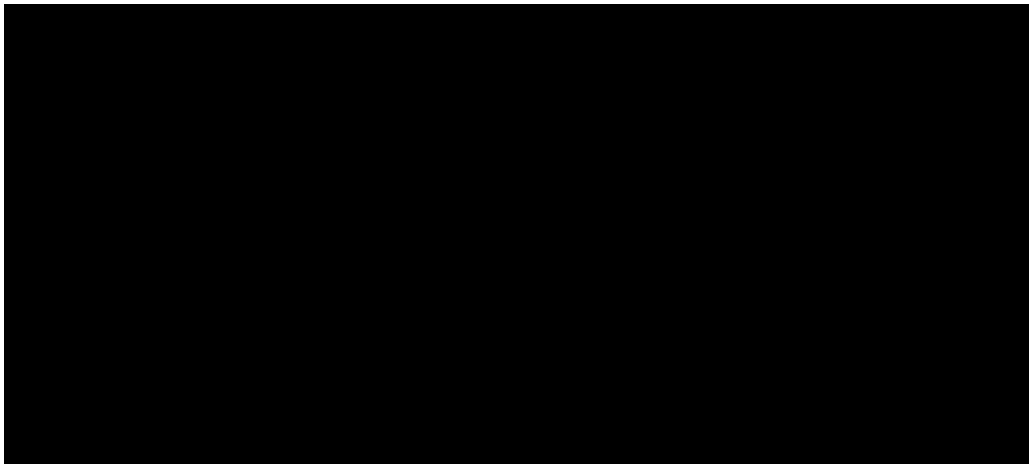
### Increased Vehicular Traffic:

We use Charlies Road as an alternate and shortcut route to get to Hepburn, and as part of our bush fire escape plan. Charlies Road is a rough country track at best, at worse and in an emergency it could it could pose significant risk to safe vehicular traffic and human life. Considering the additional load of vehicular traffic per day, plus the *"city factor"*, also known as *"I have no idea how to drive on a dirt track safely and with consideration of the locals"*, we have a real concern.

Council will have to significantly increase the maintenance on this road to keep it safe and suitable to vehicular traffic. The traffic associated with the proposed accommodation has the increased likelihood of undermining the road, in particular during the wet season. In the dry, vehicular traffic from the development will increase dust in the area which is unpleasant and can be a health hazard for the locals. No dust suppression measures have been identified in the applicant's proposal.

Mannings Road currently has the issues described above, and has significantly less traffic than Charlies Road.

Regards,



## **11 A RESILIENT AND SUSTAINABLE ENVIRONMENT**

### **11.1 SOLAR SAVERS 2021/2022 - DECLARATION OF A SPECIAL RATES SCHEME DIRECTOR COMMUNITY AND DEVELOPMENT**

*In providing this advice to Council as the Sustainability Officer, I Manny Pasqualini have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. CONFIDENTIAL - Declaration of a Special Charge Scheme for Solar Savers Program - May 20 [11.1.1 - 30 pages]

#### **EXECUTIVE SUMMARY**

Hepburn Shire Council is making solar power more accessible to low-income households through the Solar Savers program. It is among the first programs in Australia enabling households to install solar photovoltaic systems (solar PV) and pay them off through a special charge scheme over 8 years. This project was specifically aimed at pensioner households, who are more vulnerable to increasing energy costs.

This report recommends Council declare a Special Charge Scheme under Section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on residential properties participating in the Solar Savers scheme. Council included \$125,000 funding for the 2021/2022 budget. The total cost of the works is calculated at \$43,595.29 GST exclusive, of which property owners will contribute the entirety over an 8-year period (payback period).

On 15 March 2022 Council resolved to advise of its intention to declare a Special Charge, to publish a public notice and to request and to hear submissions under section 223 of the Act. Council published a public notice which was posted in the 19 March 2022 edition of The Courier newspaper. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 29 April 2022. The outcomes are outlined below:

- No submissions or objections were received.
- No households have made requests to withdraw from the scheme due to changed circumstances.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 ('Act'), and otherwise according to law, hereby declares a Special Charge ('Special Charge') under section 163 of the Act as follows:*

- a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the eighth anniversary of that day.
- b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Savers scheme, which:
  - i. Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and
  - ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- c. The total:
  - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$43,595.29; and
  - ii. amount for the special charge to be levied be recorded as \$43,595.29, or such other amount as is lawfully levied as a consequence of this resolution.
- d. The special charge be declared in relation to all rateable land described in the table included as **Appendix B** to this report, in the amount specified in the table as applying to each piece of rateable land.
- e. The following be specified as the criteria which form the basis of the special charge so declared:
 

Ownership of any land described in paragraph 1(d) of this resolution.
- f. The following be specified as the manner in which the special charge so declared will be assessed and levied:
  - i. a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Savers scheme, in respect of which a Householder Agreement has been executed, totalling \$43,595.29, being the total cost of the scheme to Council;
  - ii. to be levied each year for a period of 8 years.
- g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
  - i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or

- ii. *payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*
- 2. *Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.*
- 3. *Council, for the purposes of having determined the total amount of the special charge to be levied:*
  - a. *considers and formally records that only those rateable properties included in the Solar Savers scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and*
  - b. *formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.*
- 4. *Council directs that notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Rate are that –*
  - a. *There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers;*
  - b. *Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*
  - c. *all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will*

*receive a special benefit of a solar energy system being installed at the property.*

- 5. Where a Householder wishes to withdraw from the Scheme, Council agrees to such withdrawal where the Householder has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the Householder's solar PV system.*
- 6. Council receives a further update on the Solar Savers project in 2022 following installation of solar systems at households.*

## **MOTION**

*That Council:*

- 1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 ('Act'), and otherwise according to law, hereby declares a Special Charge ('Special Charge') under section 163 of the Act as follows:*
  - a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the eighth anniversary of that day.*
  - b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Savers scheme, which:*
    - i. Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and*
    - ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*
  - c. The total:*
    - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$43,595.29; and*
    - ii. amount for the special charge to be levied be recorded as \$43,595.29, or such other amount as is lawfully levied as a consequence of this resolution.*



- d. *The special charge be declared in relation to all rateable land described in the table included as **Appendix B** to this report, in the amount specified in the table as applying to each piece of rateable land.*
  - e. *The following be specified as the criteria which form the basis of the special charge so declared:*
    - Ownership of any land described in paragraph 1(d) of this resolution.*
  - f. *The following be specified as the manner in which the special charge so declared will be assessed and levied:*
    - i. *a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Savers scheme, in respect of which a Householder Agreement has been executed, totalling \$43,595.29, being the total cost of the scheme to Council;*
    - ii. *to be levied each year for a period of 8 years.*
  - g. *Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:*
    - i. *payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act;*  
*or*
    - ii. *payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*
2. *Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.*
3. *Council, for the purposes of having determined the total amount of the special charge to be levied:*
- a. *considers and formally records that only those rateable properties included in the Solar Savers scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and*

- b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.*
- 4. Council directs that notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Rate are that –*
  - a. There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers;*
  - b. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*
  - c. all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.*
- 5. Where a Householder wishes to withdraw from the Scheme, Council agrees to such withdrawal where the Householder has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the Householder's solar PV system.*
- 6. Council receives a further update on the Solar Savers project in 2022 following installation of solar systems at households.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

## **BACKGROUND**

Hepburn Shire Council is making solar power more accessible to low-income households through the Solar Savers program. It is among the first programs in Australia enabling households to install solar photovoltaic systems (solar PV) and pay

them off through a special charge scheme over 8 years. Council has committed through its Council Plan (2021-2025) and other programs that it supports, to not only to reduce greenhouse gas emissions, but to support those most vulnerable to climate change impacts and increasing energy costs. This project was specifically aimed at pensioner households, who are more vulnerable to increasing energy costs.

Solar photovoltaic technology (solar PV) provides a wide range of community benefits including:

- Reduction in household energy bills
- Future-proofing against increasing costs of electricity
- Increasing the value of the home
- Reduction in household carbon footprint

In addition, the community benefits of the Solar Savers SRC program are:

- Addresses the cost barrier of solar - Council pay the up-front costs which households gradually repay at no interest, making solar more affordable.
- Targets more vulnerable households, specifically pension card holders who may have a low income and experience energy bill stress.
- Solar Savers complete an energy bill assessment for the household to advise if solar will be a good financial option and ensure they will not be out-of-pocket during the loan period.
- Solar Savers have independently evaluated and selected a trusted and accredited installer, to ensure the systems installed are of good quality and workmanship.
- Increased take-up of renewable energy increases the sustainability of the community.

Council included \$125,000 funding for the project in the 2021/2022 budget and resolved to implement the Solar Savers project to install solar energy systems on homes receiving pensioner rate rebates through the establishment of a special charge scheme. Through an open tender process led by MAV Procurement, Macedon Ranges Solar Power was appointed to provide quotes and supply and install the solar energy systems.

To ensure that participating homes were aware of and agreed to the quoted system, price and the proposed special charge scheme, an agreement between Council and participants was developed (see Appendix A - Householder Agreement). This agreement has been signed by the owner of each of the 8 households included in the proposed special charge scheme.

Solar energy systems of 3.3kW – 6.6kW were available through the program and have been sized to maximise the financial benefits to participating households. It is estimated that the average participating household will save \$100 above their rate repayments in electricity bills over the first year based on current electricity pricing.

After 8 years households are expected to save in the order of \$400 - \$500 per year on electricity bills (although this will vary from household to household).

Council is making solar power more accessible to low-income households through the Solar Savers program. It is among the first programs in Australia enabling households to install solar PV systems and pay them off through a special charge scheme over 8 years. Council has committed through its Council Plan (2021-2025) and other programs that it supports, such as Hepburn Z-NET, to not only reduce emissions, but to support those most vulnerable to climate change impacts and increasing energy costs.

On 15 March 2022 Council resolved to give notice of its intention to declare a special charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Savers scheme.

Council resolved to advise of its intention to declare a Special Charge, to publish a public notice and to request and to hear submissions under section 223 of the Act. Section 223 requires that Council publish a public notice specifying the date by which submissions are to be made, being a date which is not less than 28 days after the date on which the public notice is published. Section 223 also entitles any person making a submission to request a hearing by Council of their submission.

Public notice was posted in the 19 March 2022 edition of The Courier newspaper. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 29 April 2022. The outcomes are outlined below:

- No submissions or objections were received.
- No households have made requests to withdraw from the scheme due to changed circumstances.

## KEY ISSUES

Under Section 163 of the Local Government Act 1989 (**Act**), Council is empowered to declare a special charge for the purposes of defraying any expenses in relation to the performance of a function or the exercise of a power of Council, if Council considers that the performance of the function or the exercise of the power is, or will be, of special benefit to the persons required to pay the special rate or special charge.

In this case, the installation of solar energy systems on properties as part of the Solar Savers scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district and promotes the social, economic and environmental viability and sustainability of the municipal district. Each participating property has signed a Householder Agreement with Council to participate in the scheme, which includes the overall cost and rate repayments which would be paid by the property should the scheme be approved (see Appendix A).

In September 2004, the Minister for Local Government issued a guideline for the preparation of special charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a special charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

This is detailed in the confidential report attached (Attachment 1)

### **Apportionment of Costs**

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected landowners.

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the householders have been notified and signed agreements on the basis of these costs for the purpose of declaring this scheme.

Full detail can be found in **Confidential Attachment 1 - Declaration of a Special Charge Scheme for Solar Savers Program - May 2022.**

This attachment includes the following Appendices:

- Appendix A - Householder Agreement
- Appendix B - Apportionment of costs

### **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

A resilient, sustainable and protected environment

1.1 Adapt to and mitigate climate change to reach net-zero community emissions by 2030.

1.4 Development meaningful policies and strategic partnerships that link sustainability and public health

A healthy, supported, and empowered community

2.5 Improved mental wellbeing within the community.



A resilient, sustainable and protected environment 1.1 Adapt to and mitigate climate change to reach net-zero community emissions by 2030.

### **Environmental Sustainability**

This project is consistent with Council Plan 2021-2025. The adopted project aims include to:

- Assist low-income households to save money, reduce emissions and stay cool in heatwaves
- Build capability and capacity within Victorian councils to use special rates charges to provide a stable underpinning finance model
- Catalyse private sector investment within a community sector traditionally viewed as high risk to investors
- Capture economies of scale and implementation efficiencies through a shared service delivery model
- Address market failures restricting low income and vulnerable households from installing solar systems

### **Human Rights, Equity and Inclusion**

Council has committed through its Council Plan 2021-2025 not only to reduce emissions, but to support those most vulnerable to climate change impacts and increasing energy costs. This project was specifically aimed at pensioner households, who are more vulnerable to increasing energy costs.

### **Economic Development**

It is estimated that the average participating household will save \$100 above their rate repayments in electricity bills over the first year based on current electricity pricing. After 8 years households can save \$400 - \$500 per year. This represents potential funds that can be spent within the Hepburn Shire Council community rather than on utility bills.

The program has been undertaken with the Solar Savers project, a program delivered by Eastern Alliance for Greenhouse Action. On a longer-term basis this program has the potential to be rolled out Australia-wide creating many more solar installation opportunities for the solar industry, resulting in greater demand/jobs for that industry.

### **Other**

This is consistent with the Council Plan 2021-2025 and 2021-2022 Council Budget.

### **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**

This project is consistent with Council Plan 2021-2025 and delivers strong environmental, financial, and social sustainability outcomes as described earlier in this report.

## **FINANCIAL IMPLICATIONS**

Should the proposed special charge scheme proceed, Council will pay \$43,595.29 ex-GST for the supply and installation of the solar PV systems on the properties listed.

In accordance with their respective Householder Agreements, property owners will pay for the cost of the solar energy system by equal installments apportioned over an 8-year period, commencing from 31 October 2022. Council is expected to receive \$43,595.29 ex-GST divided by 8 in special charge repayments annually for the scheme over the 8-year period.

Payments to Council by property owners for works via special charge schemes are GST exempt.

Should the property be sold during the 8-year period in which the special charge scheme applies, the amount outstanding on the special charge scheme at the time of sale will be fully paid.

## **RISK IMPLICATIONS**

The successful contractor has been awarded after a full tender process. Due diligence was carried out by the Solar Savers team to ensure that the provider is capable of program delivery and that workmanship and components are to an acceptably high standard. The system warranties and contract specifics ensure that Council is not liable for system performance or failures, as all installation agreements are between property owners and the retailer or manufacturer.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Eligible households were contacted directly at the beginning of the program and a range of local print newspaper articles and social media posts have promoted the program in addition to word of mouth promotion through local networks. There has been ongoing discussion between Solar Savers administration, Council and householders while gathering information, providing quotes, signing of agreements and the recent periods of public notice.

This round fourteen homes have received home visits to provide quotations for the Solar Savers program. Eight participating households have all signed agreements to participate in the program based on quoted prices.

Householders will continue to be contacted throughout the Council declaration and solar energy system installation process.

On 15 March 2022 Council resolved to give notice of its intention to declare a special charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Savers scheme.

Council resolved to advise of its intention to declare a Special Charge, to publish a public notice and to request and to hear submissions under section 223 of the Act. Section 223 requires that Council publish a public notice specifying the date by which submissions are to be made, being a date which is not less than 28 days after the date on which the public notice is published. Section 223 also entitles any person making a submission to request a hearing by Council of their submission.

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- No submissions or objections were received.
- No households have made requests to withdraw from the scheme due to changed circumstances.

## **12 A HEALTHY, SUPPORTED, AND EMPOWERED COMMUNITY**

### **12.1 ADOPTION OF THE EARLY YEARS STRATEGY 2022-2030 DIRECTOR COMMUNITY AND DEVELOPMENT**

*In providing this advice to Council as the Coordinator Early Years and Healthy Communities, I Kate Procter have no interests to disclose in this report.*

#### **ATTACHMENTS**

- Starting Blocks Early and Middle Years Strategy 2022-2030

#### **EXECUTIVE SUMMARY**

The "Starting Blocks" Early and Middle Years Strategy 2022-2030 sets out the strategies that Council, in partnership with other agencies and the community, will undertake to deliver to support Children 0 – 12 years old within the Hepburn Shire area.

The Early and Middle Years Strategy 2022-2030 aims to:

- Provide a shared strategic direction to Council and the early years sector.
- Outline the service delivery, infrastructure and environment needed to ensure a vibrant future in the early years sector.
- Ensure the health, learning and development needs of children aged 0 to 12 years are met, and outcomes are improved.
- Ensure parents, families and carers have the support they need in their child-related role.

The Draft Strategy is structured using three key Focus Area's:

- Play and participate
- Grow and develop
- Our future need

#### **OFFICER'S RECOMMENDATION**

*That Council adopts the Starting Blocks – Early and Middle Years Strategy 2022 - 2030*

#### **MOTION**

*That Council adopts the Starting Blocks – Early and Middle Years Strategy 2022 - 2030*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Don Henderson

**Carried**

## BACKGROUND

It is well established that the early years of a child's life provide a foundational basis for their growth and development across their lifetime. Specific focus on the ages of 0-8 years enables early intervention to ensure each child receives the best start in life and no child is left behind. Council has also included the middle years within this strategy.

The middle years include the age group of 8 to 12 years of age, which is a time of rapid physical growth as young people pass through puberty. Although not historically a focus of early intervention, Council recognises this it is an important developmental phase of childhood. This is a key period when children need strong social and educational support systems.

In 2020 Council recommitted to supporting young families by employing an additional Early Years and Healthy Communities Coordinator and set aside funding for the creation of the new Early Years Strategy. This strategy plans to build on previous work completed in the Early Years Plan 2014 –2017 and inform the future direction of work in both Early and Middle Years.

## KEY ISSUES

Previously Councils Early Years Plan 2014 – 2017 (0 – 8 years of age) and a Youth strategy 2016 – 2021 (12 - 24 years of age). This left a gap in middle years which has been rectified in this new strategy and the draft ACE Youth Strategy (12 – 24 years of age) will now link to support young people from birth through to adulthood.

## POLICY AND STATUTORY IMPLICATIONS

Council Plan and Health and Wellbeing Plan 2021-2025

Hepburn Shire Council Draft Youth Strategy 2022 - 2030

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

This strategy has been created in line with current regional, state and national plans and policies as stated below:

Federal

- *Belonging, becoming, being: The Early Years Framework for Australia* (the Framework)



- The *United Nations Convention on the Rights of the Child*

State

- *Local Government Act 2020*
- *Victorian Public health and wellbeing plan 2019-2023*
- *2017 Early Childhood Reform Plan*
- *Roadmap for Reform: Strong Families, Safe Children* is the 2018
- *Early Years Compact (2017-2027)*
- *Victorian Early Years Learning and Development Framework (VEYLDF)*

## **GOVERNANCE ISSUES**

Council Officers have completed a Gender Impact Assessment (GIA) as per the Gender Equality Act requirements.

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 strategy aligns to the currently funded Maternal Child Health programs and seeks to align Early and Middle Years actions with external stakeholders to support young families in Hepburn.

Implementation of the Early and Middle Years Strategy currently has an annual budget allocation of 18K which will be supported by external grant funding opportunities.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

As part of the Strategy development extensive community consultation occurred and a second round of community and stakeholder consultation was implemented to receive feedback on the proposed Draft Early and Middle Years Strategy.

Overseen by a Project Control Group, the strategy has been shaped by consultation with both stakeholders and community members and created with data of children and families across the Hepburn Shire. Over 450 children and their families and 13 service providers contributed to the development of this Early Years Strategy. People contributed their views through a community survey, stakeholder survey, service provider telephone interviews, in person Early Years consultations and Christmas Rhyme Time events. Community engagement data from the Youth Census, youth

stakeholder workshops, Creswick Youth Activation project and Hepburn Together project was also used to create a complete picture of the current needs and wants of young families living in the region.

Through the public exhibition period we had 8 stakeholders attend a Starting Blocks – Early and Middle Years Strategy workshop and 8 online feedback submissions from members of the public.

The updated final version of the strategy is attached.

# Starting Blocks

Early and Middle Years  
Strategy

(0-12 years of age)

2022-2030

*Hepburn*  
SHIRE COUNCIL





## Message from the Mayor

During the early and middle years, a child’s brain develops faster than at any other time of life. This begins in early childhood and then influences how children perform at school, as young people, as adults and as future leaders and active citizens.

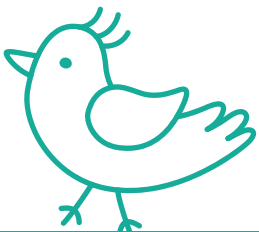
Hepburn Shire Council is committed to achieving the best outcomes for our children and families. Laying strong foundations and applying early intervention for our children gives them the best start in life.

Our Early and Middle Years Strategy 2022-2026 outlines a vision where all children who live in Hepburn Shire get the best start in life and go on to reach their potential. The strategy also demonstrates our commitment and highlights the support and investment we will provide to our children and families to play and participate in their community, and to grow and develop at each stage of life.

Council takes seriously its role in leading policy direction, coordinating and collaboration with partners, the provision of infrastructure and programs, advocacy and strengthening community capacity. To positively impact on the lives of our children, we must collaborate internally and work with external partners to achieve our vision.

I would like to thank everyone who worked collaboratively to develop our Early and Middle Years Strategy 2022-2026. The council looks forward to working with families, government, community organisations and service agencies to achieve great outcomes for our community.

Cr. Tim Drylie, Mayor  
Hepburn Shire Council



### WE WOULD ALSO LIKE TO ACKNOWLEDGE

- The many stakeholders who contributed to the development of the Hepburn Shire Council Early and Middle Years Strategy 2022–2026. Particularly the input from children and families from schools, kindergartens, childcare centres and playgroups, and the input of many service providers in the shire.
- Projectura Pty Ltd who worked closely with council to prepare this Early and Middle Years Strategy.

### ACKNOWLEDGEMENT OF COUNTRY

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age-old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving.

We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.





**Vision Statement**

Hepburn Shire - an inclusive rural community located in Dja Dja Wurrung country where all people are valued, partnerships are fostered, environment is protected, diversity supported, and innovation embraced.



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1 About the strategy





Glossary of Terms

Early Years

0-8 Year olds

Early Years Education Providers

Includes Long Day Care, Out of School Hours Care, Kindergarten and Family Day Care

Long Day Care

Offers longer hours of formal early years education usually for working families

MCH

Maternal Child Health

Middle Years

8-12 year olds

Sessional Kinder

Sessions for 3 and 4 year olds often runs 3 or 4 days a week for 3-4 hour

OSHC

Out of School Hours Care refers to School holiday programs and after school care

Playgroup

Informal social support groups for primary carers to attend with child

Purpose

Hepburn Shire Council’s Early and Middle Years Strategy 2022-2030 aims to plan and prepare for family growth and the development needs of early years and middle years children.

It provides direction for the development and coordination of services, programs, infrastructure, activities, and local community development processes that impact children aged 0 – 12 years living in Hepburn Shire.

Why do we need an Early and Middle Years Strategy?

It is well established that a child’s early years provide a foundational basis for their growth and development across their lifetime. Specific focus on the ages of 0-8 years enables early intervention to ensure each child receives the best start in life and no child is left behind.

Council has included the middle years within this strategy. The middle years include the age group of 8 to 12 years, which are the years of rapid physical growth as young people pass through puberty. Although not historically a focus of early intervention, Council recognises this is an important developmental phase of childhood when children need strong social and educational support systems.

Link to Council Plan

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support livability, health, and wellbeing.

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes livability and active living in the community. hood when children need strong social and educational support systems.

Project objectives

The Early and Middle Years Strategy 2022-2030 aims to:

- Provide a shared strategic direction to Council and the early years sector.
- Outline the service delivery, infrastructure and environment needed to ensure a vibrant future in the early year sector.
- Ensure the health, learning and development needs of children aged 0 to 12 years are met, and outcomes are improved.
- Ensure parents, families and carers have the support they need in their child-related role.

Process

The development of the strategy included five main stages:



Engaged from  
26 Oct - 16 Dec 2021



231

People engaged

This included:

90  
Community survey responses



13  
Service provider survey responses



108  
Early years engagement  
18% 0-5 yr olds  
8% 5-12 yr olds



20

Rhyme Time families



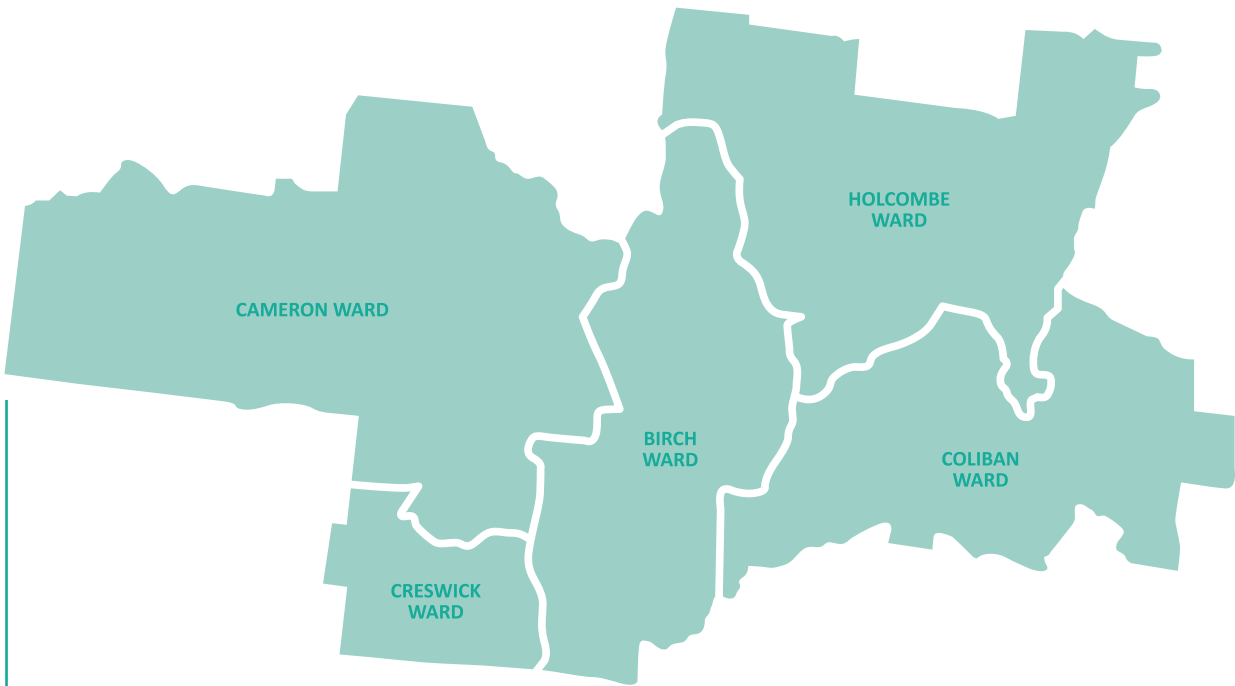
## 2

## Children and families in Hepburn Shire





# Hepburn Shire



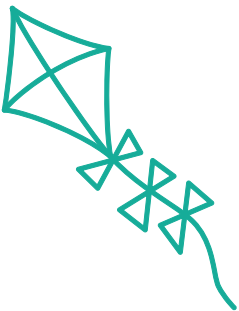
Hepburn Shire sits on the traditional lands of the Djaara people of the Dja Dja Wurrung, covering 1473 km<sup>2</sup> in the Central Highlands of Victoria.

Located approximately 115km northwest of Melbourne and 50km north of Ballarat.

The shire includes the townships of Clunes, Creswick, Daylesford, Hepburn Springs, Trentham and other small villages and hamlets.



## Services and infrastructure



### Maternal and Child Health

Jointly funded by Council and the Victorian Government, the Maternal and Child Health service is delivered by Central Highlands Rural Health in Daylesford, Creswick, Clunes and Trentham. Families can access ten key age and stage consultations for all children from birth to pre-school age, parenting support programs, Sleep and settling session, information and referral to other child and family services, and a 24-hour counselling and advice line.

### Immunisations

Immunisations are available through family medical practitioners within the shire. Council had previously delivered monthly infant immunisation but ceased the service due to low attendance.

### Playgroups

There are nine playgroups that meet regularly within the shire. Six of the playgroups are community-run, with the other three being run by the Maternal and Child Health service.

### Long Day Care and Occasional Care

There are two long day care centres in Creswick and Daylesford.

Occasional care services in Trentham.

Family Day Care providers in Creswick, Clunes and Trentham.

### After School Care and School holiday programs

OSHC - After School Care is currently provided by in Daylesford and Clunes.

Full day School holiday programs are run in Clunes and Daylesford.

Interest based School holiday programs are run by the Youth team and Libraries throughout the school holiday period.

### Kindergarten

Long Day Care Kindergarten services for children aged 3 and 4 years are delivered by two kindergarten providers: Aussie Kindies Creswick and Daylesford Community Child Care Centre.

Sessional Kindergarten is run by Eureka Community Kindergarten Association (ECKA), the Cluster Manager for the daily management of five kindergarten within Hepburn Shire: Clunes , Creswick, Hepburn, Trentham, and Daylesford.

### Primary schools

There are eleven primary schools in the shire, of these eight are public schools and three are private.

### Youth Programs

Community interest based one off and ongoing Youth activities are run through Council libraries and youth program throughout the school term.

### Community infrastructure

Council does not directly provide preschool or kindergarten services to the community but acts as landlord to six of the sessional Kindergartens and one Long Day Care centre, providing the facility to operate out of.

Council also supports the delivery of services to children and families by providing infrastructure including playgrounds, parks, walking path, bike trails and libraries.

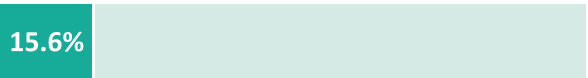
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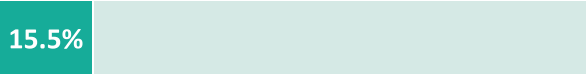
Children aged 0-14 years - % of total population 2011



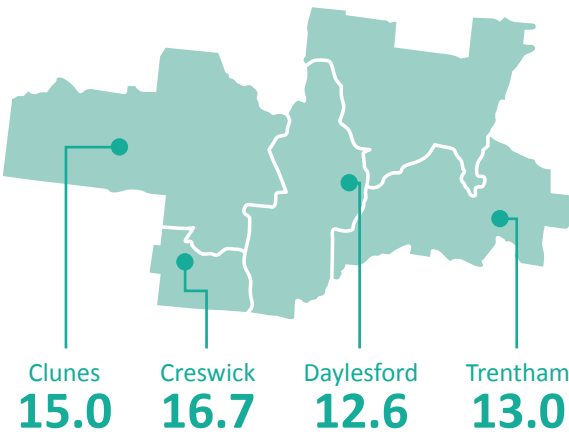
Children aged 0-14 years - % of total population 2016



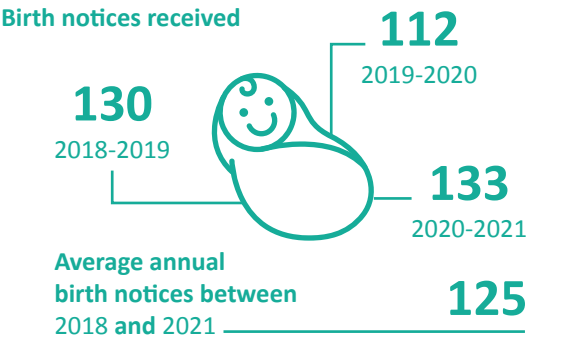
Children aged 0-14 years - % of total population 2020\*\*



Percentage of total population aged 0-14 years who live in the main population areas (2016)



Birth notices received



Families



\* Estimated residential population  
\*\* The Census reports on age groupings of 0-4, 5-9 and 10-14 years. Although not precisely aligned with the age cohort under consideration in this strategy, it is informative to consider.  
Source: ABC Census 2016, 2019 Victoria in Future report, ABS, 2011 Census Community Profile + ABS, 2016 Census Community Profile + Social Health Atlas for Estimated Resident Population (ERP), Hepburn Shire Council Maternal and Child Health service data, ABS, 2016 Census State Suburb Codes, 20577 (Clunes), 20667 (Creswick), 20716 (Daylesford) and 22564 (Trentham)

Strengths and challenges

What is working well

- Perception of Hepburn Shire as a good place for children to grow up, including access to nature and open spaces, location and proximity, and the safe and friendly community
- The Maternal and Child Health service
- Number of infants enrolled in the Maternal and Child Health service
- Percentage of children fully immunised at 1, 2, and 5 years of age
- Breast feeding
- Social activity programs like playgroups and rhyme time
- Children who met the fruit and vegetable consumption guidelines
- Proportion of children who are ‘on track’ in the physical health and wellbeing domain (readiness for the school day, physical independence and gross and fine motor skills)
- Community facilities such as libraries and kindergartens



Areas for improvement

- Childcare access and availability
- Information and awareness of programs, services, and activities that are available
- Awareness of available parenting support
- Updated and age-appropriate playgrounds
- Prevalence of family violence
- Physical and emotional health and wellbeing
- Parental concern about child behaviour, social emotional, and expressive language and articulation
- Cost of the Maternal and Child Health Service
- Percentage of Aboriginal children enrolled who participate in the Maternal and Child Health Service
- Proportion of population ever diagnosed with anxiety or depression
- Mothers smoking during pregnancy
- Percentage of women who did not attend antenatal care within the first 10 weeks of birth
- Transport
- Range of child-friendly and age-appropriate activities
- Facilities such as walking, cycling and pump tracks, and indoor play spaces



What you told us



Early Years (0 to 8 years)

We need:

- Exercise and play
- Healthy food and water
- Good wellbeing supported by family
- Learning and education opportunities

What makes us healthy:

- Exercise and play
- A broad range of activities
- Strong family support
- Helping others
- Hugs
- Learning and participation opportunities

We would like Hepburn Council to do:

- Help people
- Be nice to people
- Behave well
- Build houses
- Keep people safe
- Exercise choice in our own actions including lots of play and telling people what to do!



Middle Years (8 to 12 years)

Issues:

- Access to sport, recreation and playground infrastructure
- Feeling connected, included, safe and supported
- Places to meet and hang out
- Age-appropriate organised activities

What would make the shire a better place to live:

- Cycling and walking paths
- An indoor pool
- An indoor sports stadium
- Motorbike track
- Places to ride scooters
- Updated and age-appropriate playgrounds
- More events and activities
- Better places to meet and hang out



Families

What makes Hepburn Shire a good place for children to grow up:

- The natural environment
- Location and proximity
- Safe and friendly community

What’s contributed to positive experiences raising a child:

- Maternal and Child Health and childcare services
- Libraries
- Social activities such as rhyme time and Playgroups
- Local people and other families
- Community groups
- Community feel
- Open spaces
- The opportunity to get out and about during recent Covid 19 lockdowns

What’s contributed to negative experiences raising a child:

- Playgrounds and facilities
- Lack of walking, cycling and pump tracks
- No indoor play centres for cooler weather
- Spaces, events and activities for children



Service providers

Challenges

- Finding qualified staff
- Cost of providing the service
- Finding suitable venues or locations to deliver services

Issues affecting children aged 0-12 years and their families

- Access to all forms of childcare
- Access to health services including mental health, and allied health
- Social vulnerability including poverty, education, and housing
- Family violence
- Lack of timely information to keep parents informed
- Addressing the impact of COVID-19 including increased anxiety, the need to build resilience and address the uncertainty

COVID-19 related impacts and issues:

- Increase in childhood development or disengagement issues
- Access to, and participation in, activities and opportunities which address social, emotional and language development
- Access to mental health or allied health support
- Separation anxiety due to isolation
- Educator and staff fatigue

We see Council’s role as:

- Provide infrastructure, parks and gardens
- Provide financial support
- Deliver the Maternal and Child Health service.
- Facilitate programs and events
- Advocate for funding from state and federal governments



## Community priorities

### Service delivery

- **Childcare** availability and options to meet diverse needs within the community
- Local access to **health and allied health services**

### Infrastructure

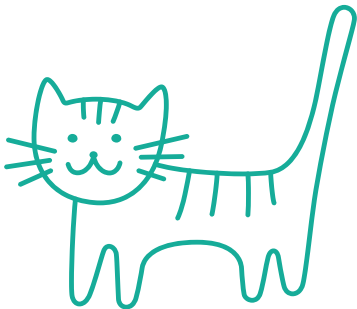
- Good community **infrastructure and facilities**
- **Sport and recreation** infrastructure and facilities, including tracks and trails, an indoor pool, pump tracks, sporting fields and courts, motorbike tracks, skate and scooter parks, and outdoor recreation equipment
- **Places** to meet and hang out
- Excellent **playgrounds** with shade, parks, nature play

### Health, learning and development needs of children

- Live a **healthy and active lifestyle**, featuring exercise, play, and healthy food
- Sense of **belonging** and family **support**
- Enjoy **nature** and the great outdoors
- **Learning and education** opportunities, including a secondary school in Creswick
- **Reduce vulnerability** with a focus on socio-economic issues, housing, and family violence
- Child-friendly **events and activities**
- Strengthen children’s links to the **community**, through community and social support **groups**

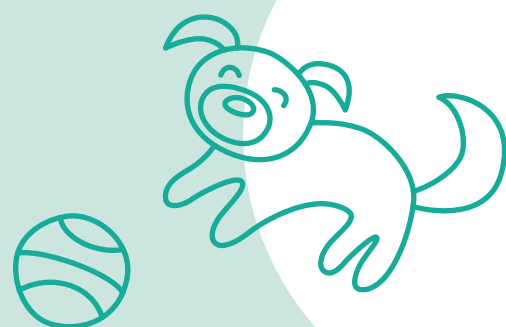
### Parents, families and carer support

- **Information** and communication
- Diverse **retail and hospitality offering**
- Address the **impact of COVID-19**, including some childhood development issues arising from isolation, anxiety and resilience





### 3 Early and Middle Years Strategy





**Hepburn Shire Council's  
Early and Middle Years Strategy  
2022-2030 aims to plan and prepare  
for family growth and the development  
needs of early years and middle  
years children.**

## Council's role

Council takes a collaborative approach to early years planning to ensure children in our community have enabling environments and opportunities to grow and develop.

### A. Play and participate

- Planning and coordination
- Service provision
- Facility planning
- Advocacy
- Strengthening community capacity

- Learning, and healthy food options that support physical and emotional development
- Promote prevention of family violence initiatives, and early intervention initiatives to the community through the Maternal and Child Health service and Council promotional methods
- Improve the resilience of our children and their families

- Plan for service demand across childcare, education and health services
- Plan appropriate facilities to respond to changing demand for kindergarten and childcare
- Greater coordination between services and cross-referrals

A simple line drawing of an acoustic guitar, oriented vertically. It features a rounded body, a circular sound hole, and a neck with a headstock. The drawing is composed of black outlines on a white background.

A. Play and participate

- Provide age-appropriate, inclusive, accessible and welcoming playgrounds, parks, open spaces, walking tracks, bike paths and infrastructure to help children and families to live a healthy and active lifestyle
- Strengthen children’s links to the community, through community events and social support groups
- Organise and promote FREE child-friendly events and activities to support social connection, diverse interests, and parent peer support
- Improve communication of information to families



Focus	Actions	Our role	Our partners
Playgrounds	Consider the provision of play equipment within existing community facilities – libraries, community centers to include play elements within their venues - link to Playspace strategy 6.1	Planning and coordination Service provision Facility planning	Children Community
Sporting, community and social support groups	Continue to support sporting, community and social support groups and organisations within our community. Including arts and cultural events.	Strengthening community capacity	Community groups
	Collaborate with key stakeholders and partners to address the gaps in participation and programming opportunities and events for women and girls in Hepburn Shire - links to women and girls strategy 1.3	Planning and coordination Service provision Facility planning	Sport and recreation clubs  Children Community
	Actively promote all play groups within the area and focus on encouraging participation	Planning and coordination	Playgroup Victoria Local playgroups Central Highlands Rural Health
	Continue to support and implement and support social support programs for 8-12 year olds	Service provision	Sport and recreation clubs
Events and activities	Continue to deliver, fund and promote a calendar of events and activities for children (eg Rhyme Time)	Planning and coordination	Children Community
	Promote welcoming, inclusive and accessible events. Link to Hepburn Shire Events strategy 4.2	Planning and coordination	Community
Information and communication	Produce and distribute a Families Booklet, both in print and online versions. The Booklet will communicate the services, social supports, activities, parks and programs available for children and families across the shire	Planning and coordination	Education providers, childcare providers, community early years childcare, children and the community
	Use Children’s Week to promote services, activities and programs that are offered in each township. Work with key service providers for a collaborative approach	Planning and coordination	Early years educators and service providers

B. Grow and develop

- Promote and implement prevention of family violence initiatives, and early intervention initiatives to the community through the Maternal and Child Health service and Council promotional methods
- Learning, and healthy food options that support physical and emotional development
- Improve the resilience of our children and their families



Focus	Actions	Our role	Our partners
Maternal and Child Health	Continue to implement and monitor the delivery of Maternal and Child Health Services	Planning and coordination	Central Highlands Rural Health Municipal Association Victoria
Learning, education and care	Work with Early Years educators to increase and promote the available early years educational services options in the community	Planning and coordination	Early Years Education providers MCH
	Partner with education providers to support children and families in the transition from Preschool to Primary School	Planning and coordination Strengthening community capacity	Early Years Education providers Local Primary Schools
	Partner with education providers and Youth team to support social and community connection through the transition from primary to secondary school - links to Youth strategy : Social and community connection - 5.6	Planning and coordination Strengthening community capacity	Local High Schools Local Primary Schools
Healthy food and behaviours	Support initiatives that encourage healthier lifestyles and habits across the life span, particularly in children in early years link to Council Plan 2021-2025	Planning and coordination	Early Years Education providers
		Service provision	Local primary schools
		Strengthening community capacity	Victorian Government
Recovery and resilience	Address the impact of COVID-19, including development issues arising from isolation, anxiety, and resilience	Planning and coordination Strengthening community capacity	Central Highlands Rural Health Victorian Government
Immunisation	Follow up of over-due children on the Australian immunisation Register	Planning and coordination	MCH
Prevention of violence	Provide strong Council leadership to build understanding of safe, respectful and equitable relationships through education and awareness - link to Health and wellbeing plan 4.1	Planning and coordination	Central Highlands Rural Health
	Partner with regional and local organisations to work collaboratively in the prevention of all forms of violence and raise awareness and access to family violence services - link to Health and wellbeing plan 4.2	Planning and coordination Strengthening community capacity	Hepburn Prevention of Violence Network CoRE



# C. Our future need

- Plan for service demand across childcare, education and health services
- Plan appropriate facilities to respond to changing demand for Early education services
- Greater coordination between services and cross-referrals



Focus	Actions	Our role	Our partners
Future service demand	Advocate for specialist health services such as mental health services, speech pathology, and occupational therapy to be available locally	Planning and coordination Advocacy	Health providers, service providers, Maternal and Child Health services, community  Victorian Government
	Advocate for diverse childcare options to be available locally to meet the needs of families in the shire	Planning and coordination Advocacy	Families Victorian Government Childcare providers
	Continue to advocate for learning and education options that meet the needs of our community	Advocacy	Families Education providers Victorian Government
Facilities	Conduct rolling facility and infrastructure audits and master planning to meet current and future needs	Facility planning	Victorian Government
	Continue to provide welcoming, modern and comfortable facilities for preschool/ kindergarten for service delivery	Facility planning	Victorian Government
	As required, seek Building Block Grants to provide welcoming, modern and comfortable facilities for preschool/ kindergarten	Facility planning	Victorian Government
	Deliver well-planned and designed facilities that contribute to community life in the shire	Facility planning	Victorian Government
	Advocate for increase local early education places in current and future facilities	Advocacy	Victorian Government
Cross-service coordination	Council to facilitate an early year’s network/s of key service providers that meets regularly according to the needs of each township. The group will aim to collaborate on enhancing understanding of the early and middle years cohort, share information across service providers, improve cross referrals, and address shared issues such as workforce planning	Planning and coordination Strengthening community capacity	Service providers, childcare providers, community early years childcare, education providers, Maternal and Child Health and health providers
	Advocate and increase service support for locally trained early years education staff	Planning and coordination Advocacy	Victorian Government

## In action

Council have prioritised the needs of children and their families, with strong partnerships with families and service providers playing a key role in the development and implementation of the strategy. Council will strive to meet the needs of children through thoughtful planning and creating supportive environments to live, learn and grow.

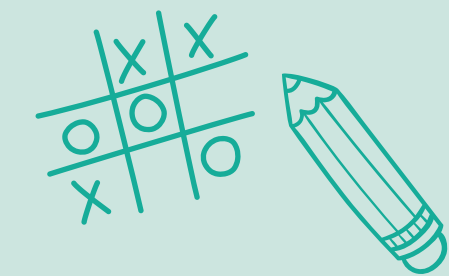
### Implementation

Hepburn Shire Council has developed strategic priorities and actions for early years to guide Council’s decision making over the next eight years. A process of continuous improvement will be established to allow for flexibility and adaptability for early years planning. Where required, specific action plans will be developed by Council in partnership with key service providers and organisations to ensure the priorities are met.

Council will embed the strategic priorities and actions into broader Council planning, and take a lead role to implement, review and evaluate the strategy together with our families and service providers.

### Review and evaluation

Hepburn Shire Council will monitor and report on the success and progress of the plan. The Baseline Data Report was developed to provide a baseline measure for the strategy and will assist in determining if positive change has occurred in the community, as well as identifying new priority areas.



### Governance

The role of local government across the early and middle years sector should focus on planning and coordination, service provision, facility planning, advocacy, and strengthening community capacity. Through the development of this strategy, Council will develop partnerships to identify local opportunities and priorities, lead the coordination and implementation of the strategy, ensure stakeholders are committed to the success of the strategy and its objectives, plan for infrastructure development that supports early and middle years, and advocate for services to be provided locally to those who need them.



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@visithepburnshire

DAYLESFORD  
Corner Duke & Albert Sts  
Mon to Fri 8:30am-5pm

CRESWICK  
68 Albert St  
Mon to Fri 8:30am-5pm  
Sat 9am-12pm

CLUNES  
36 Fraser St  
Mon & Thurs 10am-6pm  
Wed & Fri 10am-4pm

TRENTHAM  
13 Albert St  
Mon, Wed, Fri 10am-5pm  
Sat 10am-1pm

## **13 EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE**

### **13.1 DAYLESFORD SPEEDWAY DRIVERS ASSOCIATION INC. LEASE AT THE BASIN RESERVE, DAYLESFORD DIRECTOR INFRASTRUCTURE AND DELIVERY**

*In providing this advice to Council as the Property Officer, I Karen Menne have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Daylesford Speedway - Community Engagement Report [**13.1.1** - 8 pages]
2. CONFIDENTIAL - Draft Section 17 D Lease - Daylesford Speedway [**13.1.2** - 74 pages]

#### **EXECUTIVE SUMMARY**

Council is considering this report in its role as committee of management for the Basin Recreation Reserve.

The purpose of this report is for Council to consider the renewal of the Lease with the Daylesford Speedway Drivers Association Inc. (DSDA) at The Basin Recreation Reserve following the comprehensive review undertaken.

#### **OFFICER RECOMMENDATION**

*That Council:*

1. *Grants the Lease to the Daylesford Speedway Drivers Association Inc. (DSDA) for part of The Basin Reserve for a period of six (6) years plus a six (6) year option in accordance with the attached Lease document;*
2. *Authorises the Chief Executive Officer and the Mayor to execute the Lease and affix the Council's Common Seal;*
3. *Authorises Council Officers to formally seek Ministerial Consent to endorse the new Lease;*
4. *Authorises Council Officers to manage the exercise of the extension option when it comes due and authorises the Chief Executive Officer and the Mayor to execute the Renewal of Lease and affix the Council's Common Seal.*

#### **MOTION**

*That Council:*

1. *Grants the Lease to the Daylesford Speedway Drivers Association Inc. (DSDA) for part of The Basin Reserve for a period of six (6) years plus a six (6) year option in accordance with the attached Lease document;*
2. *Authorises the Chief Executive Officer and the Mayor to execute the Lease and affix the Council's Common Seal;*
3. *Authorises Council Officers to formally seek Ministerial Consent to endorse the new Lease;*
4. *Authorises Council Officers to manage the exercise of the extension option when it comes due and authorises the Chief Executive Officer and the Mayor to execute the Renewal of Lease and affix the Council's Common Seal.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Juliet Simpson

**Carried**

## **BACKGROUND**

The Basin Recreation Reserve (the Reserve) is located on the Ballan-Daylesford Road, Daylesford, with access via Basin Road. The Speedway was established by the local community in the 1950s prior to the creation of the Reserve. Crown Allotment Q, Section A in the Parish of Wombat was reserved as Crown Land for the purpose of Public Recreation by an Order in Council dated 20 January 1987 and published in the Government Gazette dated 28 January 1987, p.212. Council was appointed as Committee of Management for the Reserve on 2 March 1987. Since at least 1987, part of the Reserve has been leased as a speedway racing track to the Victorian Independent Speedway Drivers Association Inc., now known as the Daylesford Speedway Drivers Association Inc. (DSDA). The most recent Lease between Council and DSDA, a s17D Lease under the *Crown Land (Reserves) Act 1978*, was for a 4-year lease term that expired on 30 September 2021.

## **KEY ISSUES**

The DSDA has an almost 70-year long history at the Reserve and the Speedway events have proven to be a popular drawcard. With a purpose-built arena, it is the “oldest, still-operating speedway in Australia on its original site”. Recent re-zoning of surrounding land has meant that the low-density housing of Daylesford Township has expanded to the area adjacent to the Reserve. There is a need to maintain diverse sporting activities within in the Hepburn Shire, in particular clubs with strong historical connections to the area.

The review of the Daylesford Speedway Lease considered the following:

### **Track and Building Conditions at the Reserve**

- Speedway Australia issued a Venue Inspection Certificate valid for 2 years until 3 March 2022 recognising a 1-Star Safety Standard, which means the track meets the standards for Sedan racing, Karting, Vintage demonstrations & Junior Quarter Midgets. The variables taken into consideration when determining a track rating are the track safety fence, construction material, catch fence (posts and cables) dimensions and crowd control fence. There is also a list of permitted classes and event types that can be run on tracks rated from 1 Star through to 5 Star. Speedway Australia has recently reinspected the venue and have confirmed their intention to reissue the Certification of the 1-Star Safety Standard for a further 2 years.
- The Speedway has a valid Certificate of Registration of Food Premises – Class 3 – Low Risk.
- In Council's 2014/15 budget, a \$100,000 project was approved to address a range of run-down facilities and sheds and poor access. Works completed included: steel work; concreting; storage containers; improved access road; new lap scorer's platform; and associated permits and working drawings. Works completed in 2017 included a DDA-compliant toilet fit-out and access ramp, septic system upgrade, safety rail and landscaping.
- The building work was inspected in late-2021 by Council's Building Inspector who confirmed that, in accordance with the Building Permit issued in 2016, the work has been completed satisfactorily.
- DSDA has cleared significant rubbish from the area.
- DSDA uses watering of the Speedway track and Basin Road as a dust mitigation measure.
- Community Feedback suggested the need for further access improvements on Basin Road, which has been assessed in accordance with Council's Road Upgrade Policy and will be further considered by Council along with other road upgrade requests. Other community suggestions were for additional funding for track improvements, additional amenities, seating and shading.

#### **Financial Viability of DSDA and economic and social contribution to the Community**

- Review of documentation provided to Council confirmed the financial viability of the DSDA as well as their not-for-profit status as an Incorporated Association.
- Community Feedback highlighted and acknowledged the hard work and dedication of the volunteers who run and manage the site.
- DSDA contributes locally through fund-raising events for the RSL, Daylesford Hospital and recently, the Breast Cancer Foundation.
- Daylesford Speedway has also been approached to host the first-ever Victorian 1200 Junior Class Title in February 2023.
- There was a significant number of comments in the community feedback that were supportive of the Speedway and praising it for it being a multi-generational, family-friendly sport and form of entertainment, and the



participation is for all ages and genders – it is an inclusive, affordable, popular social event.

- There are also significant benefits from Junior participation (30+ currently involved), an important learning experience handling vehicles under adult supervision. DSDA would like to offer additional, non-event Junior Development Days in their seasonal calendar.

### **Acoustics Report**

Council commissioned an Acoustic Report, completed by Enfield Acoustics in February 2022

#### Key Points:

- There are no specific statutory noise policies for motorsports events; Environmental Protection Regulations 2021 and incorporated EPA Publication 1826 (Noise Protocol) exclude assessment of sporting events; and they do not meet definition of Outdoor Entertainment Event;
- Noise levels vary depending on prevailing conditions (e.g. wind direction) and existing use meets upper noise limit benchmarks used in other jurisdictions.

Recommendation: limitation of total number of events per year and number of events within same calendar month plus restrict time of day; noise emissions would not be considered excessive.

Please note that the previous Speedway Lease contained the following requirements, which will be retained in a new Lease:

- The number of race meetings limited to eighteen (18) per annum;
- A calendar of events to be submitted to Council by 1 August (amended from October) each year for approval;
- That Motor racing be permitted during daylight hours, between 10am and 6pm;
- Public address system use is only permitted between 12 noon and 5.30pm on race days;
- Racing not permitted on days when a festival or event is scheduled at Victoria Park Reserve (e.g. Chillout).

It should be noted that the Speedway event program is held between September and May each year.

It is also recommended that the Race Event Calendar be widely publicised to the greater community.

### **Environmental Report**

Council commissioned an Environmental Site Investigation to review potential contamination, including soil and water testing which was completed by Senversa in February and March 2022.

#### Key Points:

- Fuels and chemicals have been stored and used on-site, so there is potential for leakage to have occurred, however available information suggests these are likely to be localised and small scale in nature, such that risk to human health and the environment is expected to be low;
- Environmental sampling and analysis was conducted and confirmed the low-risk status of site;
- Historically, a 'quarry' operated at the basin in 1890s, with the ground 'worked for gold on several occasions'.

**Recommendation:** The Tenant will be required to maintain an Environmental Management Plan under the proposed lease.

### **Revegetation Plan**

It has been noted that a number of trees were removed c.2016 without proper approvals, however it is not certain that this was undertaken by the operators of the Speedway.

It is acknowledged that tree planting, revegetation and weed control could positively contribute to the improved amenity of the Reserve and Council's Biodiversity Officer has developed a Vegetation Management Plan during 2021 at the request of DSDA.

#### **Key Points for Speedway Area:**

- Protect remnant native vegetation and identify plantings to improve the amenity, screening and soil stabilisation and biodiversity values;
- Remedial work to address drainage issues;
- Rectify examples of incompatible vegetation/infrastructure.

The DSDA has also expressed a strong interest in assisting with the Revegetation Plan proposed for the Reserve.

### **Community Feedback**

Council has received minimal complaints in recent years however Council Officers undertook Community Consultation as part of this review in order to understand community sentiment at this time. Please see Community and Stakeholder Engagement section below.

## **POLICY AND STATUTORY IMPLICATIONS**

### **Council Plan 2021-2025**

A healthy, supported, and empowered community

2.3 Optimise the use of public spaces to increase participation and community connection.

Diverse economy and opportunities

4.3 Support and facilitate a diverse and innovative local economy that encourages an increase of local businesses with diverse offerings to achieve positive social, economic and environmental impacts.

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

Local Government Act 2020

Process and recommendation comply with requirements of s.115 of the *Local Government Act 2020*.

Crown Land (Reserves) Act 1978

Granting of Lease complies with s.17D of the *Crown Land (Reserves) Act 1978*, subject to formal Ministerial Consent via DELWP.

Leasing Policy for Victorian Crown Land (May 2018) - Department of Environment, Land, Water & Planning (DELWP)

The following are the key principles of the DELWP Leasing Policy:

1. Community Benefit – the Lease enables the community to use, benefit from and enjoy Crown land, particularly through the provision of recreational, cultural and sporting facilities; economic benefits through the promotion of tourism; protection of natural assets through proposed revegetation.
2. Consistency & Transparency – Approval in Principle from DELWP on behalf of Minister; Lease is consistent with the purpose for which the land has been reserved, that is Public Recreation.
3. Lease allocation fair, open & impartial – the proposed lease is not a commercial lease; there is clear public benefit of continuation of lease; direct allocation is permitted and encouraged when the land is currently occupied by a community group that has acted as a good tenant, and that offers a service to the public on the land, with all profits generated on the land being applied to site maintenance or for offering services.

The Speedway Lease meets the above criteria to justify the Renewal of Lease under the DELWP Leasing Policy for Crown Land.

Use of DELWP template for s17D Lease ensures appropriate terms & conditions within lease.

## **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**

Hepburn Shire Council recognises that participation in recreational groups and clubs provide important social connection and health benefits for communities. The Daylesford Speedway is a local club that provides a social connection and recreation opportunity for all ages and has been an active and positive part of the community for almost 70 years.

Should the Lease be granted, Council will work with DSDA to ensure compliance with all provisions and conditions of the Lease. This will include periodic onsite surveillance during and/or after events as a minimum.

### **FINANCIAL IMPLICATIONS**

It is recommended that the annual Rent remain the same as the previous Lease.

### **RISK IMPLICATIONS**

As noted above, a review of potential contamination shows that this is not significant and the risk is low. The tenant is required to maintain a Risk Management Plan and Environmental Management Plan under the lease.

The lease also requires the tenant to hold appropriate insurance.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council Officers convened an internal Project Working Group to undertake the review of the Speedway Lease. This was comprised of officers from a range of teams, including Property, Facilities and Waste, Planning, Economic Development (also representing Sport & Recreation) and Parks & Open Spaces.

Council has worked closely with the DSDA during the review process for the Lease.

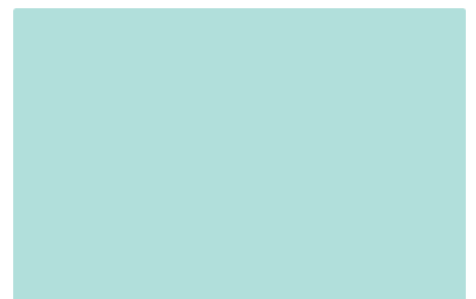
Council also sought community feedback asking for submissions via the Participate Hepburn website for the period 16 January to 11 February 2022. Of the 360 responses received, 306 supported the continuation of Lease for the Speedway at The Basin Reserve on grounds of history and tradition, community contribution and tourism/economic benefit, importance of a diversity of sport offerings and it being a family, multi-generational and inclusive form of entertainment. Constructive suggestions for improvements and shared space were received as part of the support, including from the closest neighbours.

The compiled Community Engagement Report is attached.



# CONSIDERATION OF RENEWAL OF LEASE DAYLESFORD SPEEDWAY THE BASIN RESERVE COMMUNITY ENGAGEMENT REPORT

FEBRUARY 2022





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## 1 Introduction

Hepburn Shire Council is considering a renewal of Lease for the Daylesford Speedway Drivers Association Inc (DSDA) at The Basin Recreation Reserve (the Reserve).

The Reserve is located on the Ballan-Daylesford Road, Daylesford, with access via Basin Road. The land is Crown Land that was reserved in 1987 for Public Recreation and which Council has been appointed to manage.

The Speedway was established by the local community in the 1950s. The DSDA, a not-for-profit, incorporated association, has leased this land (which forms part of the Reserve) from Council as a speedway racing track since 1987.

Council Officers are currently undertaking a review of the Daylesford Speedway at the Reserve in order to make a recommendation to Council for the possible renewal of a lease to DSDA.

As part of the review, Council invited community feedback in relation to the current use and/or other potential issues or uses for this site. The length of lease may be up to six-years with the option for an extension for a further six years.

## 2 Invitation for Community Feedback

A notice inviting the community to provide feedback regarding the consideration for a renewal of lease for the Daylesford Speedway at the Basin Recreation Reserve was published in The Local newspaper on both 16 and 30 January 2022.

This was also publicised on the Council's Facebook page, Participate Hepburn website and in the Hepburn Life newsletter.

Council Officers were seeking community feedback on the Daylesford Speedway to gauge public interest in relation to the current use and other potential issues or uses for this site.


The community were able to submit feedback via the Participate Hepburn website. The period for submissions closed on Friday 11 February 2022.

This report outlines the feedback received between 16 January to 11 February 2022.

Please note, The Basin Reserve is approximately 40 ha in size, consisting of woodland and forest; the approx. 7 ha area surrounding the racetrack is located within the larger Reserve.

### 3 Participate Hepburn Project Report

Performance Summary					
Information regarding key visitation and utilisation metrics for your Site or projects.					
<b>1,924</b> Views	<b>1,769</b> Visits	<b>1,625</b> Visitors	<b>354</b> Contributions	<b>333</b> Contributors	<b>0</b> Followers
<p><b>Views</b> - The number of times a Visitor views any page on a Site.</p> <p><b>Visits</b> - The number of end-user sessions associated with a single Visitor.</p> <p><b>Visitors</b> - The number of unique public or end-users to a Site. A Visitor is only counted once, even if they visit a Site several times in one day.</p> <p><b>Contributions</b> - The total number of responses or feedback collected through the participation tools.</p> <p><b>Contributors</b> - The unique number of Visitors who have left feedback or Contributions on a Site through the participation tools.</p> <p><b>Followers</b> - The number of Visitors who have 'subscribed' to a project using the 'Follow' button.</p>					

Referral Types
Referral traffic is the segment of traffic that arrives on your website through another source, like through a link on another domain.
 <ul style="list-style-type: none"> <li>● Social Media: 1,475 - 90.38%</li> <li>● Direct: 118 - 7.23%</li> <li>● Websites: 20 - 1.23%</li> <li>● Search Engine: 19 - 1.16%</li> <li>● Other: 0 - 0.00%</li> </ul>
<p><b>Direct</b> - Visitors who have arrived at a Site by entering the exact web address or URL of the page.</p> <p><b>Search Engine</b> - Visitors who have arrived at a Site via a search engine. Such as Google, Yahoo, etc.</p> <p><b>Websites</b> - Visitors who have arrived at the Site after clicking a link located on an external website.</p> <p><b>Social Media</b> - Visitors who have arrived at a Site by clicking a link from a known social media site such as Facebook, Twitter, LinkedIn, etc.</p> <p><b>Other</b> - Visitors who have arrived at a Site by undetermined means. This may include those arriving from a direct marketing campaign.</p>



354 responses were received  
via the Participate Hepburn portal

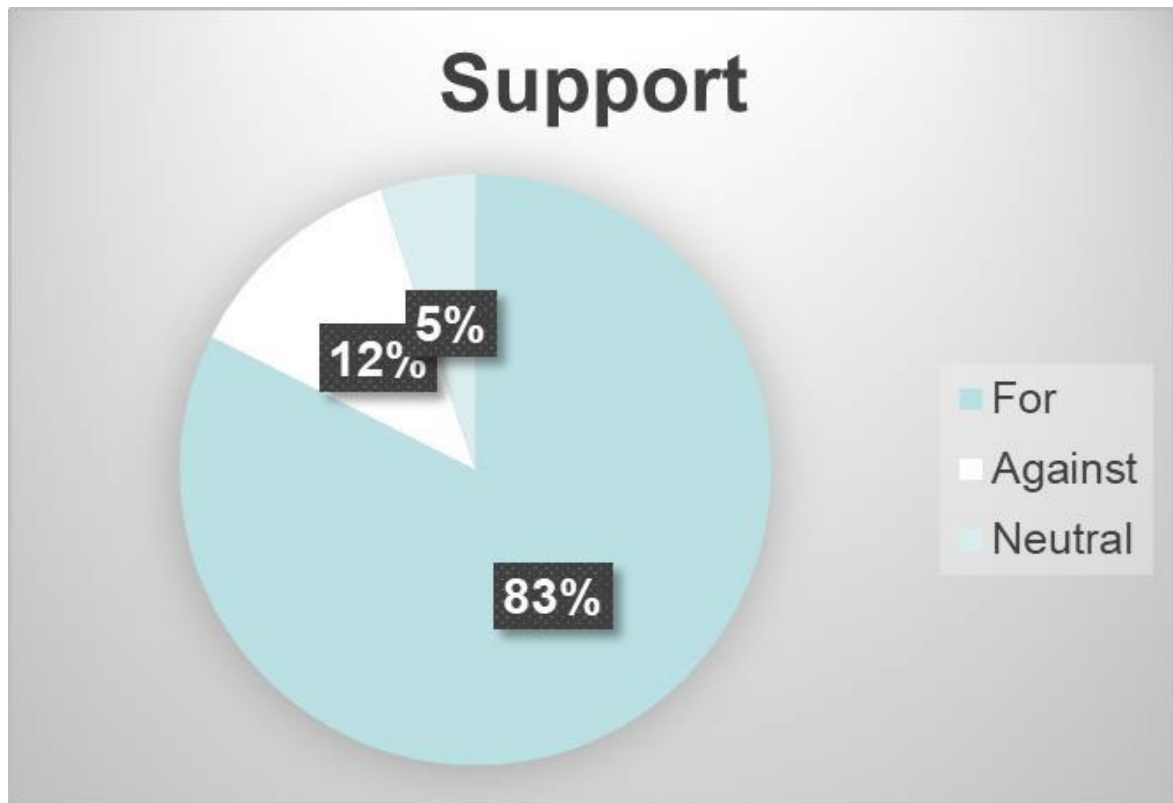


9 additional submissions were  
received via email



At least 55 responses were  
identifiably from outside the Shire

## 4 Snapshot of Feedback



## 5 Community Feedback



The majority of the feedback supported the renewal of the Speedway Lease on grounds of history and tradition, community contribution and tourism/economic benefit, diversity of sport offering and it being a family, multi-generational form of entertainment

Constructive suggestions for improvements and shared space were received as part of the support, including from the closest neighbours



Some objections were received on grounds of noise, environment or being inappropriate to continue at this location

## 6 Themes from Community Feedback

### 6.1 Noise and Amenity

- Concern was raised about dust and speed on Basin Road on event days; also concern that a narrow, unsealed residential road only access to the Reserve.
  - Suggestion of traffic control measures; possible sealing (and widening) of access road to reduce dust.
- Comments regarding noise included: *extremely intrusive; disturbs rural peace and quiet; too noisy and the sound travels across the town.*
  - Noise mitigation measures suggested: reduction of event frequency (limit number per month/year) and timing (during day) of events; wide publicisation of event dates; need to monitor compliance.

#### How Council is addressing these concerns:

- Council commissioned an Acoustic Report, completed in February 2022
- Existing restrictions in the lease will be retained and monitored
- Upgrade of Basin Road to be considered

### 6.2 Environment

- Concern was raised regarding emissions, pollution and climate change; wildlife; weeds and soil run-off; impact to natural environment; waste management; inappropriate use of land and long-term impacts;
- Visually unappealing, historic issues with maintenance;
- Need for revegetation – weed control and tree planting; restore natural beauty and habitat, natural amphitheatre, protect natural spring;

#### How Council is addressing these concerns:

- Council commissioned an Environmental Site Investigation to review potential contamination, including soil and water testing – completed February and March 2022
- Tenant will be required to maintain an Environmental Management Plan
- Council has developed a Vegetation Management Plan to protect remnant native vegetation and identify plantings to improve the amenity, screening and soil stabilisation and biodiversity values



► Community Engagement Report – Daylesford Speedway

### 6.3 Encourage Multi-Use

- Suggestions made were as follows:
  - Potential for additional outdoor entertainment, e.g. drive-in cinema, fairs/festivals/markets, live music or performance space; dirt/mountain bikes; horse-riding
  - Suggestion of increasing general public use to reduce pressure on Victoria Park, e.g. dog-walking; encourage diversity of users
  - Defensive driving courses/training; build kids activities, e.g. BMX track or skate/scooter facilities
  - Upgrade amenities, increase shade and seating
- **Please note that investigations of shared use are beyond the scope of this review, however use of the wider Reserve could be considered separately to the lease of the Speedway.**

### 6.4 Relocate

- Too close to town and residents vs. will never revive if closed

### 6.5 History, Culture and Economy

- Support for the continuation of the Speedway included comments that it is important to encourage a variety of recreational activities within the Shire and value its role in encouraging diverse interests; *“...for some it is the same as a football game, a family sport”; “important to support a diverse range of interests, hobbies and sports in our area.”*
- Historically significant, recognised icon of the area; established in the 1950s by returned servicemen raising funds to build the local RSL club and this affiliation continues; *“oldest still-operating speedway in Australia on its original site”; “a local treasure”; “to lose this local icon would be a sad end of an era at best, and a shameful and unnecessary atrocity at worst.”*
- There was significant number of comments in support of the Speedway praising it for it being multi-generational family-friendly sport and entertainment, with participation of all ages and genders – *“an inclusive, affordable, social event”; “...a family event that is an important part of many families lives.”* There is also strong support from Speedway Australia.
- Provides community engagement; offers driving skill building in a safe, controlled environment; positive youth activity; *“There are 12 Junior drivers within the club and 20 Junior Quarter Midgets drivers on a smaller track, from all over Victoria. This is a learning experience handling vehicles under adult supervision”; “helps develop lifelong skills for Junior racers.”*

► Community Engagement Report – Daylesford Speedway

- Attracts visitors to Daylesford; events provide injection to local economy; economic benefit to the community; great family day out/weekend in Daylesford – *“a great place to catch up with family and friends from all over Victoria.”*
- *“The Daylesford Speedway is a well-supported event venue run by an enthusiastic community attracting not only local participation in “grass roots” motorsport but many competitors from other regions. It is also one of the longest standing circuits therefore making it important in the history of Speedway in Australia.”*
- Contributes to local fund-raising; run by dedicated volunteers; a community asset – *“the club is an important part of the Daylesford community, and the current committee are working incredibly hard”; “the Speedway has been an important part of this town for many, many years and gives back to the community, especially the RSL...”*
- Consider funding track improvements and better amenities, shade and spectator seating.

## 7 Conclusion

We appreciate the time taken by the community to provide feedback on the proposed renewal of lease for the Daylesford Speedway. This report will be included in the final report to Council regarding the renewal of lease.

Hepburn Shire Council thanks you for your interest and participation.

## **14 A DYNAMIC AND RESPONSIVE COUNCIL**

### **14.1 QUARTERLY FINANCE REPORTS - QUARTER 3 2021/2022 DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Director Organisational Services, I Andrew Burgess have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Financial Report for the Period Ending 31 March 2022 (2) [**14.1.1** - 26 pages]
2. Capital Projects Report March 2022 [**14.1.2** - 4 pages]
3. Special Projects Report March 2022 [**14.1.3** - 3 pages]

#### **EXECUTIVE SUMMARY**

The March Quarterly Finance Report outlines the financial results for the nine months ended 31 March 2022, along with a comparison to the mid-year budget. It includes a summary of Council's financial performance and position for the 2021/2022 year up until 31 March 2022, and an update on each operational and capital project as at 31 March 2022.

The current financial position needs to be read in the context of Council's financial plan contained within the 2021/2022 Budget.

The ongoing impacts of COVID-19 on operational costs and recovery support for the community will be monitored throughout the 2021/2022 financial year.

The financial impact of two storm events are reflected in these results.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Notes the financial position and performance for the nine months ending 31 March 2022.*
2. *Notes the operating and capital works project reports effective 31 March 2022, noting that the project reports will be placed on Council's website.*

#### **MOTION**

*That Council:*

1. *Notes the financial position and performance for the nine months ending 31 March 2022.*
2. *Notes the operating and capital works project reports effective 31 March 2022, noting that the project reports will be placed on Council's website.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Juliet Simpson

**Carried**

## **BACKGROUND**

This report provides information of Council's financial performance for the period 1 July 2021 to 31 March 2022 and compares the Income Statement to the mid-year budget, which includes operating projects carried forward from 2020/2021 and the Balance Sheet and Statement of Cash Flows to last year.

The results in the first nine months of the financial year have continued to be impacted by the COVID-19 pandemic which has resulted in restrictions on our community and the operations of the Council itself, as well as the impact of the June 2021 and January 2022 storm events. These impacts will continue to be felt and reflected in future reports during the 2021/2022 financial year.

This report includes adjustments for the mid-year budget review, which were presented at the March Ordinary Council Meeting 2022.

## **KEY ISSUES**

The financial report and attachments provide a comprehensive overview of Council's financial performance and current financial state, for the first nine months of the 2021/2022 financial year up until 31 March 2022 and an update on the status and progress on each operational and capital project.

The main items to note at the end of Quarter 3, with further details and explanation provided in the attached report:

- The operating surplus for the nine months ended 31 March 2022 was \$3.74 million, which is \$0.8 million (or 16.9%) unfavourable to the budget of \$4.52 million.
- Capital and operating project reports are being compared to the mid-year budget which had adjustments due to the cancellation and deferral of projects as determined by Council.
- Year-to-date Capital works expenditure for the nine months ended 31 March 2022 was \$6.91 million or 33.8% of the \$20.46M adjusted mid-year budget.
- The financial impact of the two storm events at 31 March 2022 is \$1.8M unfavourable, this is expected to reduce to a \$1M unfavourable for the full year.
- Cash holdings at 31 March 2022 are \$2.5 million higher than the same time last year, and this is the result of increasing reserve balances, continued unspent capital and operating projects, and grants held to complete multi-year projects.
- Trade and other receivables at 31 March 2022 are \$0.85 million higher than the same time last year, and this is due to a combination of the annual rate cap rate rise, the impacts of COVID and offering a support package of payment extensions on instalments.

- As the Capital and Project reports are difficult to read in .pdf form, they will be provided as A3 hard copies at face-to-face meetings.

Council officers will remain flexible and agile in the management of their forecasts while responding in the best interests of the community.

## **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

## **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 and associated attachments provide the opportunity for review of Council's financial position and forecasts.

## **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.





## FINANCIAL REPORT

For the nine months ending  
31 March 2022



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## 1. Overview

The March Quarterly Finance Report outlines the financial results for the nine months ended 31 March 2022, along with a comparison to the mid-year budget. This report includes the following:

- Income Statement;
- Statement of Capital Works;
- Balance Sheet;
- Statement of Cash Flows;
- Cash, investments and financial reserve schedules;
- Key performance indicators;
- Rates and other debtors; and
- Councillor expenditure.

The current financial position needs to be read in the context of Council's financial plan contained within the 2021/2022 Budget.

The ongoing impacts of COVID-19 on operational costs and recovery support for the community will be monitored throughout the 2021/22 financial year.

The financial impact of two storm events are reflected in these results.

This report represents nine months of business in the 2021/2022 year.

The main items to note at the end of Quarter 3 are:

- The operating surplus for the nine months ended 31 March 2022 was \$3.74 million, which is \$0.8 million (or 16.9%) unfavourable to the budget of \$4.52 million.
- Capital and operating project reports are being compared to the mid-year budget which had adjustments due to the cancellation and deferral of projects as determined by Council.
- Year-to-date Capital works expenditure for the nine months ended 31 March 2022 was \$6.91 million or 33.8% of the \$20.46M adjusted mid-year budget.
- The financial impact of the two storm events at 31 March is \$1.8M unfavourable, this is expected to reduce to a \$1M unfavourable for the full year.
- Cash holdings at 31 March are \$2.5 million higher than the same time last year, and this is the result of increasing reserve balances, continued unspent capital and operating projects, and grants held to complete multi-year projects.
- Trade and other receivables at 31 March 2022 are \$0.85 million higher than the same time last year, and this is due to a combination of the annual rate cap rate rise, the impacts of COVID and offering a support package of payment extensions on instalments.
- As the Capital and Project reports are difficult to read in .pdf form, they will be provided as A3 hard copies at face-to-face meetings.

## 2. Financial Statements

The adjusted underlying result seen in the Income Statement is the net surplus/(deficit) for the year adjusted for non-recurrent capital grants, monetary contributions (open space contributions) and capital contributions from other sources. It is a measure of financial sustainability and Council's ability to achieve its service delivery objectives as it is not impacted by non-recurrent capital income items, which can often mask the operating result.

## 2.1. Income Statement for nine months ending 31 March 2022

### Hepburn Shire Council Comprehensive Income Statement For the Period Ended 31 March 2022

	Notes	YTD Budget 2021/22	YTD Actual 2021/22	YTD Variance	
		\$'000	\$'000	\$'000	%
<b>Income</b>					
Rates and charges		23,460	23,561	100	0%
Statutory fees and fines		710	765	55	8%
User fees	1	750	636	(114)	-15%
Grants - operating		8,684	8,231	(453)	-5%
Grants - capital	2	4,879	1,057	(3,823)	-78%
Contributions - monetary		459	442	(17)	-4%
Net gain/(loss) on disposal of assets		(23)	40	62	-277%
Other income	3	1,014	896	(119)	-12%
<b>Total Income</b>		<b>39,934</b>	<b>35,626</b>	<b>(4,308)</b>	<b>-11%</b>
<b>Expenses</b>					
Employee costs	4	11,735	12,276	(541)	-5%
Materials and services	5	17,688	13,777	3,911	22%
Bad and doubtful debts		11	2	9	82%
Depreciation and amortisation		5,285	5,317	(33)	-1%
Borrowing costs		126	129	(3)	-2%
Other expenses	6	570	372	198	35%
<b>Total Expenses</b>		<b>35,415</b>	<b>31,873</b>	<b>3,542</b>	<b>10%</b>
<b>Surplus/(Deficit) for the year</b>		<b>4,520</b>	<b>3,754</b>	<b>(766)</b>	<b>-16.9%</b>
<b>Underlying Result adjustment</b>					
Contributions - monetary		(459)	(442)	(17)	4%
Grants - capital (non-recurrent)		(4,879)	(1,057)	(3,823)	78%
<b>Total underlying adjustment</b>		<b>(5,338)</b>	<b>(1,499)</b>	<b>(3,839)</b>	
<b>Adjusted underlying Surplus/(Deficit)</b>		<b>(818)</b>	<b>2,255</b>	<b>3,073</b>	

Commentary is provided for variances greater than \$100,000 and 10%.

#### Note 1 – User fees

Other fees and charges are unfavourable to budget by \$114K, this is due to traders not being charged for footpath obstruction permits (outdoor dining) to help encourage economic recovery from the COVID-19 pandemic, funded by the State Government grant program(\$300K) to activate outdoor dining. Aged service fees are unfavourable to budget by \$147K due to reduced employee resources to deliver estimated and targeted service hours. This is partially offset by increased fee income at the transfer station \$53K and building service fees \$15k.



#### Note 2 – Grants - capital

Council received Local Government Infrastructure grants favourable to budget by \$399K and local roads and bushfire recovery grants favourable to budget by \$125K (this amount is also favourable to the full-year budget). This is offset by timing of the Roads to Recovery funding which is unfavourable by \$969K and local roads and bridges grant funding unfavourable \$3.4M. Capital grant timing is difficult to estimate and will always be offset by the requirement to complete construction of the projects allocated by the grant. Officers are confident that grant payments in the 4<sup>th</sup> quarter will return this line item to budget.

#### Note 3 – Other income

Rent received is unfavourable to budget \$108K due to COVID rent relief being provided during the year, as required by State Government legislation.

#### Note 4 – Employee costs

Permanent salaries and superannuation are favourable to budget by \$644K due to budgeted positions still being vacant, this is offset by temporary staff costs which are unfavourable to budget by \$1.1M, predominately related to storm response \$700,000 (which is mostly refunded by State / Federal Government). Additional recruitment and advertising costs will be incurred given the number of vacancies but this is expected to be managed within budget.

#### Note 5 – Materials and services

Materials and services expenditure totals \$13.77 million which is favourable to budget by \$3.9 million. This is primarily due to the mid-year budget adjustments that were included for contractor payments resulting from multiple storm events during the nine months to 31 March. Total costs for the year for storm recovery are expected to be \$1.0M unfavourable.

#### Note 6 – Other expenses

Grants are favourable to budget by \$198K predominately due to timing of payments for Community Grant contributions, with these expected to be paid out in the second half of the financial year.

## 2.2. Statement of Capital Works for the nine months ending 31 March 2022

Hepburn Shire Council Statement of Capital Works as at 31 March 2022				
Capital Works Category	Original Budget	Mid-year Budget	YTD Actual	% Spent YTD
<b>PROPERTY</b>				
Land improvements	262,200	207,079	136,166	66%
Buildings	1,748,623	5,907,077	1,227,794	21%
Building improvements	276,500	1,388,277	221,247	16%
<b>TOTAL PROPERTY</b>	<b>2,287,323</b>	<b>7,502,433</b>	<b>1,585,206</b>	<b>21%</b>
<b>PLANT AND EQUIPMENT</b>				
Plant, machinery and equipment	860,000	1,733,088	681,587	39%
Computers and telecommunications	917,250	1,448,708	556,486	38%
Library books	60,000	60,000	28,976	48%
<b>TOTAL PLANT AND EQUIPMENT</b>	<b>1,837,250</b>	<b>3,241,796</b>	<b>1,267,049</b>	<b>39%</b>
<b>INFRASTRUCTURE</b>				
Roads	3,077,151	3,753,957	2,087,721	56%
Bridges	600,000	1,160,824	521,574	45%
Footpaths and cycleways	534,053	863,877	625,327	72%
Drainage	270,000	414,674	1,201	0%
Recreational, leisure and community facilities	1,765,400	2,079,552	387,829	19%
Parks, open space and streetscapes	733,000	978,564	186,429	19%
Other infrastructure	548,200	464,594	267,085	57%
<b>TOTAL INFRASTRUCTURE</b>	<b>7,527,804</b>	<b>9,716,042</b>	<b>4,077,166</b>	<b>42%</b>
<b>TOTAL CAPITAL WORKS</b>	<b>11,652,377</b>	<b>20,460,271</b>	<b>6,929,421</b>	<b>34%</b>
<b>Represented by:</b>				
New asset expenditure	1,229,000	5,397,182	831,309	15%
Asset renewal expenditure	7,804,254	11,296,156	4,737,582	42%
Asset upgrade/expansion expenditure	2,619,123	3,766,933	1,360,531	36%
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>11,652,377</b>	<b>20,460,271</b>	<b>6,929,422</b>	<b>34%</b>

### Capital Works Expenditure

The capital works expenditure for the nine months ended 31 March 2022 was \$6.91M or 33.8% of the \$20.46M mid-year budget. Capital expenditure through the nine months of 2021/22 is consistent with the previous two years as a percentage of the forecast budget but has increased in actual spend by \$347K (2020/21) and \$826K (2019/20) respectively, as can be seen in the table below.

Year	Forecast Budget (incl Carry Forwards)	YTD Actual at 31 March 2022	Percentage delivery in third quarter
2021-2022	\$23,313,092	\$6,929,421	29.7%
2020-2021	\$23,265,773	\$6,582,324	28.3%
2019-2020	\$19,324,713	\$6,103,215	31.6%

In addition to the actual expenditure of \$6.93M Council has committed capital expenditure of \$11.4M at 31 March, and is underway with key (and large cost projects) such as Hammon Park redevelopment, Trentham Community Centre and the Trentham Recreation Pavilion.

Further details relating to individual operational and capital project status can be found in the Appendix of this document.

## 2.3. Balance Sheet as at 31 March 2022

### Hepburn Shire Council Balance Sheet As at 31 March 2022

	Note	Current Year Actual	Prior Year Actual	Variance Year on Year	
		\$'000	\$'000	\$'000	%
<b>Assets</b>					
<b>Current Assets</b>					
Cash and cash equivalents		9,052	8,552	500	6%
Trade and other receivables		10,359	9,535	824	8%
Other financial assets	7	12,202	10,202	2,000	16%
Inventories	8	121	11	110	91%
Non-current assets classified as held for sale	9	-	935		
Other assets		23	-	23	100%
<b>Total Current Assets</b>		<b>31,757</b>	<b>29,235</b>	<b>2,522</b>	<b>8%</b>
<b>Non-Current assets</b>					
Property, infrastructure, plant and equipment	10	327,709	295,670	32,039	10%
Intangible assets		318	416	(99)	-31%
<b>Total Non-Current Assets</b>		<b>328,027</b>	<b>296,087</b>	<b>31,940</b>	<b>10%</b>
<b>TOTAL ASSETS</b>		<b>359,784</b>	<b>325,322</b>	<b>34,463</b>	<b>10%</b>
<b>Liabilities</b>					
<b>Current liabilities</b>					
Trade and other payables		154	74	(80)	-52%
Trust funds and deposits	11	2,263	1,746	(517)	-23%
Provisions		2,559	2,429	(129)	-5%
Interest-bearing loans and borrowings	12	683	411	(271)	-40%
Other Liabilities	13	6,414	1,294	(5,120)	-80%
<b>Total Current Liabilities</b>		<b>12,072</b>	<b>5,955</b>	<b>(6,117)</b>	<b>-51%</b>
<b>Non-Current Liabilities</b>					
Provisions	14	545	442	(103)	-19%
Interest-bearing loans and borrowings	12	4,085	3,303	(781)	-19%
Other Liabilities		60	45	(15)	-26%
<b>Total Non-Current Liabilities</b>		<b>4,690</b>	<b>3,790</b>	<b>(900)</b>	<b>-19%</b>
<b>TOTAL LIABILITIES</b>		<b>16,762</b>	<b>9,745</b>	<b>(7,017)</b>	<b>-42%</b>
<b>NET ASSETS</b>		<b>343,022</b>	<b>315,576</b>	<b>27,446</b>	<b>8%</b>
<b>Equity</b>					
Accumulated surplus		163,996	169,971	(5,975)	-4%
Reserves	15	179,026	145,605	33,421	19%
<b>TOTAL EQUITY</b>		<b>343,022</b>	<b>315,576</b>	<b>27,446</b>	<b>8%</b>

Commentary is provided for variances greater than \$100,000 and 10%.

#### Note 7 – Other financial assets

Total cash and cash equivalents are \$0.5 million higher than the same time last year and other financial assets have increased by \$2.0M. This is the result of increasing reserve balances, continued unspent capital and operating projects, and income received in advance to complete multi-year projects. Refer to section 3.10 for further information in relation to Council's unrestricted cash position.

#### Note 8 – Inventories

Diesel fuel purchased for council vehicles which will be charged out to the appropriate areas.

#### Note 9 – Non-current assets classified as held for sale

Council sold its only asset listed as being held for sale last year, and now does not have any assets being held for sale. With Council's decision to sell the Rex building this asset will be added to this category in the final quarter of the 2021/22 financial year.

#### Note 10 – Property, infrastructure, plant and equipment

The large increase in property, plant and equipment relates primarily to the revaluation of infrastructure assets (\$32.8M) at the end of 2020/2021 financial year.

#### Note 11 – Trust funds and deposits

The increase is due to the Fire Services Property Levy not being paid until April 2022.

#### Note 12 – Interest bearing loans and borrowings

Current and non-current interest-bearing loans have increased in comparison to last year as a result of Council taking out additional net borrowings of \$2.6M in last financial year, to fund the Hepburn Hub at the Rex construction. Council have decided not to continue with this project and this loan will be reallocated to other capital projects.

#### Note 13 – Other liabilities

Other liabilities have increased due to recognition of income in advance for capital grants that have been received.

#### Note 14 – Provisions

General increase in provisions due to Enterprise Agreement increase being processed in March

#### Note 15 – Reserves

Reserves are \$33.421M higher than at the same time last year. This movement is the result of a \$32.826M revaluation of infrastructure assets last year, along with a transfer of \$595K to other reserves.



## 2.4. Statement of Cash Flows as at 31 March 2022

### Hepburn Shire Council Statement of Cash Flows For the Period Ended 31 March 2022

		Current Year Actual	Prior Year Actual	Variance Year on Year	
	Notes	Inflows/ (Outflows) \$'000	Inflows/ (Outflows) \$'000	\$'000	%
<b>Cash flows from operating activities</b>					
Rates and charges		17,928	17,068	(860)	-5%
Statutory fees and fines		758	683	(75)	-10%
User fees	16	798	1,100	302	38%
Grants - operating	17	8,343	4,952	(3,391)	-41%
Grants - capital	18	1,057	1,942	885	84%
Contributions - monetary		442	466	24	5%
Interest received	19	291	49	(242)	-83%
Rent received	20	708	446	(262)	-37%
Trust funds and deposits taken	21	540	113	(427)	-79%
Other receipts		142	99	(43)	-31%
Net GST refund/payment	22	(171)	(17)	153	-90%
Employee costs		(12,109)	(11,387)	722	-6%
Materials and services	23	(15,165)	(9,844)	5,321	-35%
Income in advance		(470)	(376)	94	-20%
Other payments		(372)	(458)	(86)	23%
<b>Net cash provided by/(used in) operating activities</b>		<b>2,720</b>	<b>4,835</b>	<b>2,115</b>	<b>78%</b>
<b>Cash flows from investing activities</b>					
Payments for property, infrastructure, plant and equipment		(6,595)	(6,777)	-	0%
Proceeds from sale of property, infrastructure, plant and equipment	24	40	753	713	1796%
Payments for investments	25	6,000	(9,009)	(15,009)	-250%
<b>Net cash provided by/(used in) investing activities</b>		<b>(555)</b>	<b>(15,033)</b>	<b>(6,020)</b>	<b>1084%</b>
<b>Cash flows from financing activities</b>					
Finance costs		(129)	(116)	13	-10%
Repayment of borrowings	26	(1,823)	(276)	1,548	-85%
<b>Net cash provided by/(used in) financing activities</b>		<b>(1,952)</b>	<b>(391)</b>	<b>1,561</b>	<b>-80%</b>
Net increase (decrease) in cash and cash equivalents		212	(10,589)	(10,802)	-5085%
Cash and cash equivalents at the beginning of the financial year		8,839	19,141	10,302	117%
<b>Cash and cash equivalents at the end of the period</b>		<b>9,051</b>	<b>8,551</b>	<b>(500)</b>	<b>-6%</b>

Commentary is provided for variances greater than \$100,000 and 10%.

#### Note 16 – User fees

For the current quarter, other fees and charges are unfavourable to budget by \$33K, this is due to traders not being charged for footpath obstruction permits (outdoor dining) to help encourage economic recovery from the COVID-19 pandemic. Aged service fees are unfavourable to budget by \$147K, this is due to reduced employee resources and service demand.

#### Note 17 – Grants – operating

Operating grants received of \$8.2 million are comparable to budget as it includes adjustments for future storm recovery reimbursements. Council has received storm clean up grants totaling \$4.10 million, these amounts are offset by material and service expenditure for storm clean ups (see note 5). Timing of receipts has also contributed to favourable positions at 31 March 2022; Commonwealth Aged Care funding \$290K favourable and Victoria Grants Commission funding favourable by \$975K.

#### Note 18 – Grants - capital

Council received Local Government Infrastructure grants favourable to budget by \$399K and local roads, bridges grants favourable to budget by \$533K (this amount is also favourable to the full-year budget) and bushfire recovery grants favourable to budget by \$125K (this amount is also favourable to the full-year budget).

#### Note 19 – Interest received

Interest received has increased by \$242K over last year as there was no interest charged on overdue rates for 2020/21, as part of Council's response to the community to assist through the COVID pandemic.

#### Note 20 – Rent received

Rent received has increased compared to last year as the prior financial year included rent relief schemes due to COVID

#### Note 21 – Trust funds and deposits taken

Increase on last year due to Fire Services Property Levy not being paid until April 2022.

#### Note 22 – Net GST refund/payment

The value of the GST refund or payment varies depending on the timing and nature of transactions during the previous quarter. The spend on storm clean up during the year would have an impact on this.

#### Note 23 – Materials and services

Materials and services expenditure totals is greater than last year, primarily due to contractor payments for recovery work as a result of multiple storm events during the 9 months to 31 March. The impact of the storm recovery works is expected to be \$1.0M unfavourable to budget for the financial year.

#### Note 24 – Proceeds from sale of property, infrastructure, plant and equipment

Proceeds from the sale of property, infrastructure, plant and equipment relate to the sales of land, plant and fleet. 2020/2021 includes the sale of the property at 59 Main Road Hepburn, which has significantly increased this figure as compared to the current year.

#### Note 26 – Payments for investments

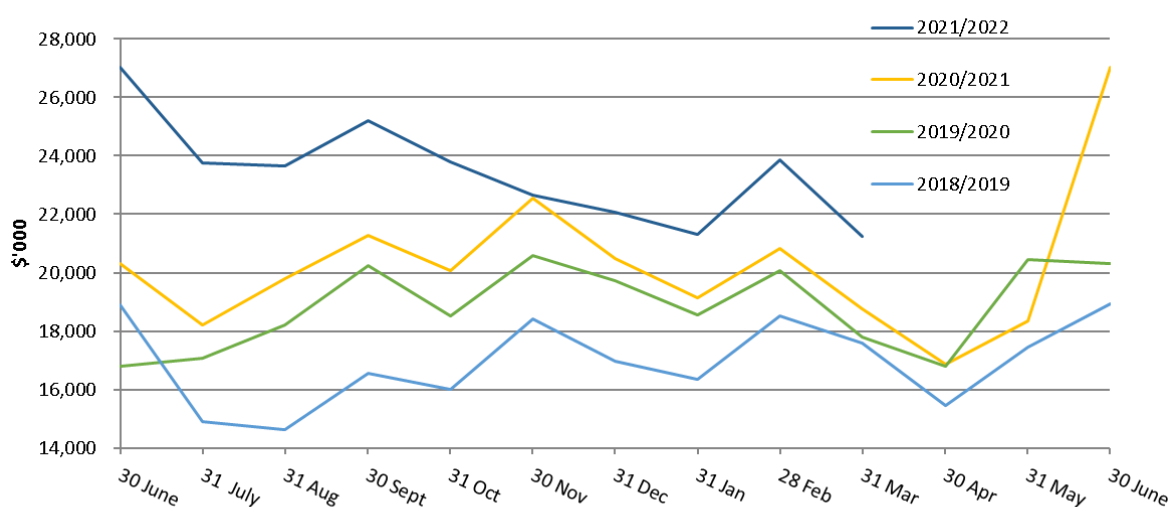
Council has redeemed \$6.0M of short-term investment back to cash, during this current financial year. During the same period last year, Council added \$9.0M to its short-term investments.

#### Note 27 – Repayment of borrowings

Council took out an interest only loan of \$1.42M in September 2014. The loan was taken out to fund council's defined benefits superannuation liability and was repaid in November 2021 in accordance with the loan contract.

### 3. Cash Holdings

The following graph shows the monthly balances of cash and investments combined over time. Cash and term deposits held at 31 March 2022 were \$21.25M. The increasing trend, year on year, is the result of increasing reserve balances, continued unspent capital and operating projects, and grants held to complete multi-year projects.



The table below shows the balances of cash and investments as at 31 March 2022.

Cash and investments	Amount \$'000	%
<b><u>Cash and cash equivalents</u></b>		
Cash on hand	9	0.0%
Cash at Bank	408	1.9%
At call funds	8,560	40.3%
Community Asset Committee Cash at Bank <sup>1</sup>	74	0.3%
<b>Total Cash and cash equivalents</b>	<b>9,051</b>	<b>42.6%</b>
<b><u>Other financial assets</u></b>		
Investments	12,069	56.8%
Community Asset Committee Term Deposits <sup>1</sup>	133	0.6%
<b>Total Other financial assets</b>	<b>12,202</b>	<b>57.4%</b>
<b>Total Cash and investments</b>	<b>21,253</b>	<b>100.0%</b>

1. Council incorporates investments held on behalf of Community Asset Committees into our financial position.

### 3.1. Restrictions on Cash and Investments

Council's working capital (current assets / current liabilities) and unrestricted cash to current liabilities are measures of Council's liquidity. Restrictions on cash and investments does not account for cash liabilities.

The table below should be considered in the context of Council's 2020/2021 financial results and financial plan contained within the 2021/2022 Draft Budget.

	Actuals 30-Jun-19 \$'000	Actuals 30-Jun-20 \$'000	Actuals 30-Jun-21 \$'000	Actuals 31-Mar 21 \$'000	Actuals 31-Mar-22 \$'000
<b>Cash and Investments</b>					
Cash and cash equivalents	12,759	19,141	8,839	8,552	9,052
Other financial assets	6,133	1,192	18,202	10,202	12,202
<b>Total Cash and Investments</b>	<b>18,892</b>	<b>20,333</b>	<b>27,041</b>	<b>18,753</b>	<b>21,254</b>
<b>Restrictions on Cash and Investments<sup>1</sup></b>					
Trust Funds and Deposits	950	1,194	1,205	1,746	2,263
Statutory Reserves	530	1,102	1,526	1,361	1,526
Other Restrictions <sup>2</sup>	13,678	16,721	20,927	12,448	15,835
<b>Total Restricted Cash and Investments</b>	<b>15,158</b>	<b>19,017</b>	<b>23,658</b>	<b>15,555</b>	<b>19,624</b>
<b>Total Unrestricted Cash and Investments</b>	<b>3,734</b>	<b>1,316</b>	<b>3,383</b>	<b>3,199</b>	<b>1,630</b>

1. A statutory requirement for Council to hold in trust. This includes bond payments, development contributions toward Public Open Space and grant income received in advance for future year projects.

2. Other restrictions.

Other Restrictions	\$'000	\$'000	\$'000	\$'000	\$'000
Cash held to fund carry forward capital works	7,670	10,320	12,125	10,320	12,125
Grants and other income received in advance	4,011	4,157	6,386	-	1,294
Discretionary Reserves	1,997	2,244	2,416	2,128	2,416
<b>Total other restricted amounts</b>	<b>13,678</b>	<b>16,721</b>	<b>20,927</b>	<b>12,448</b>	<b>15,835</b>



### 3.2. Unrestricted cash (VAGO ratio)

**Measure:**

unrestricted cash / current liabilities

**2021/22 Budget Calculation:**

\$3,179K / \$7,740K = 41.1%

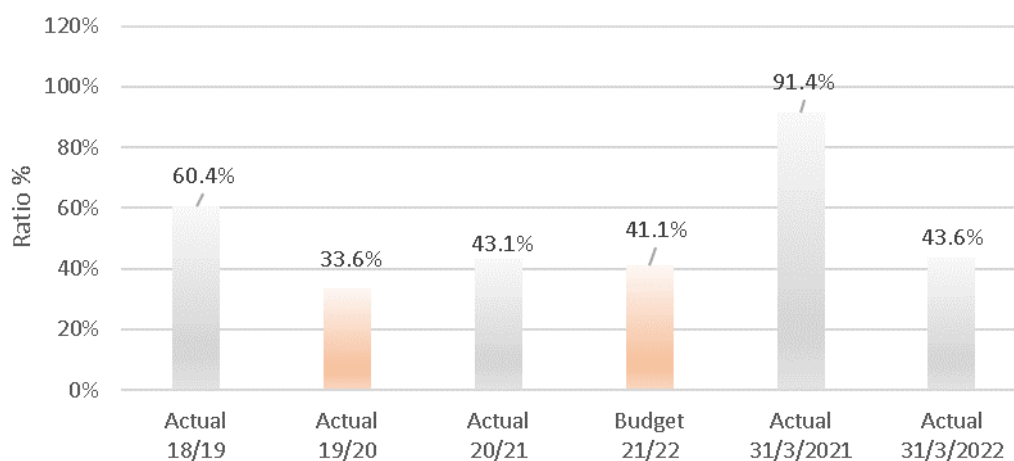
**31 March 2022 Actual Calculation:**

\$5,626 / \$12,072K = 43.6%

**Purpose of ratio:**

To assess if Council has enough cash, that is not tied to a reserve or trust account, to meet its obligations for the financial year.

The current forecasted KPI of 41.1% sits below the target of between 50-100%. This was a consideration in the setting of the 2021-22 budget and will also be a factor in the Long-Term Financial Plan (Financial Plan).



## 4. Financial Reserves

The below table shows reserve balances expected as at 30 June 2022.

Reserve	Opening Balance 30-June-21 ('000)	Forecast Transfers to ('000)	Forecast Transfers from ('000)	Closing Balance 30-June-22 ('000)
<b>Statutory Reserves</b>				
Public Open Space Reserve	1,526	421	-	1,947
<b>Statutory Reserves Total</b>	<b>1,526</b>	<b>421</b>	<b>-</b>	<b>1,947</b>
<b>Discretionary Reserves</b>				
Clunes Caravan Park Reserve	7	-	-	7
Debt Management Reserve	1,792	-	(1,792)	-
Heritage Advisory Fund	20	-	-	20
Mineral Springs Financial Reserve	1,060	461	(534)	987
Mt Beckworth Pit Reserve	28	-	-	28
Smeaton Hill Pit Reserve	74	-	-	74
Waste Management Reserve	(565)	534	-	(31)
<b>Discretionary Reserves Total</b>	<b>2,416</b>	<b>995</b>	<b>(2,326)</b>	<b>1,085</b>
<b>Total Reserves</b>	<b>3,942</b>	<b>1,416</b>	<b>(2,326)</b>	<b>3,032</b>

### Public Open Space Reserve

The Public Open Space Reserve is used to hold developer contributions towards public open space infrastructure arising from property developers undertaking property subdivisions. These funds are then used to expand and upgrade Council's public open space facilities. Use of the funds in the Public Open Space Reserve are restricted by legislation.

### Clunes Caravan Park Reserve

The Clunes Caravan Park Reserve contains funds reserved for future capital works projects at the Clunes Caravan Park. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

### Debt Management Reserve

In 2013 Council financed the repayment of its defined benefits superannuation liability with an interest only bond. The Debt Management Reserve was created to hold the notional principal repayment due on this loan over the life of the loan. At the maturity of the interest only bond, the entire bond will be repaid with the proceeds of this reserve. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

Council previously made a commitment to transfer \$200K per annum into the Debt Management Reserve to set aside cash to pay back the principal component of a \$1.42M interest only loan taken out in 2013 (maturing in 2023). This amount was repaid in November 2020.

### **Heritage Advisory Reserve**

The purpose of this reserve is to provide low interest loans for heritage renovations. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

### **Mineral Springs Financial Reserve**

The purpose of this reserve is to fund future works associated with mineral springs across the municipality and the refurbishment of the spa complex. The annual operating surplus of the Hepburn Mineral Springs Reserve is transferred to this reserve each year. Reserve funds are then used for capital projects at the Hepburn Mineral Springs Reserve. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

### **Smeaton Hill Pit Reserve**

The Smeaton Hill Pit Reserve contains funds reserved for future gravel pit restoration works at the Smeaton Hill gravel pit. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

### **Mt Beckworth Pit Reserve**

The Mt Beckworth Pit Reserve contains funds reserved for future gravel pit restoration works at the Mt Beckworth gravel pit. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

### **Waste Management Reserve**

The annual operating surplus of Council's waste management function is transferred to the Waste Management Reserve each year. Reserve funds are then used for waste management capital projects. Council is undertaking a Waste Strategy during 2021-2022 which will inform future waste management capital projects required by the shire. The use of funds in this reserve is not restricted by legislation and is at the discretion of Council.

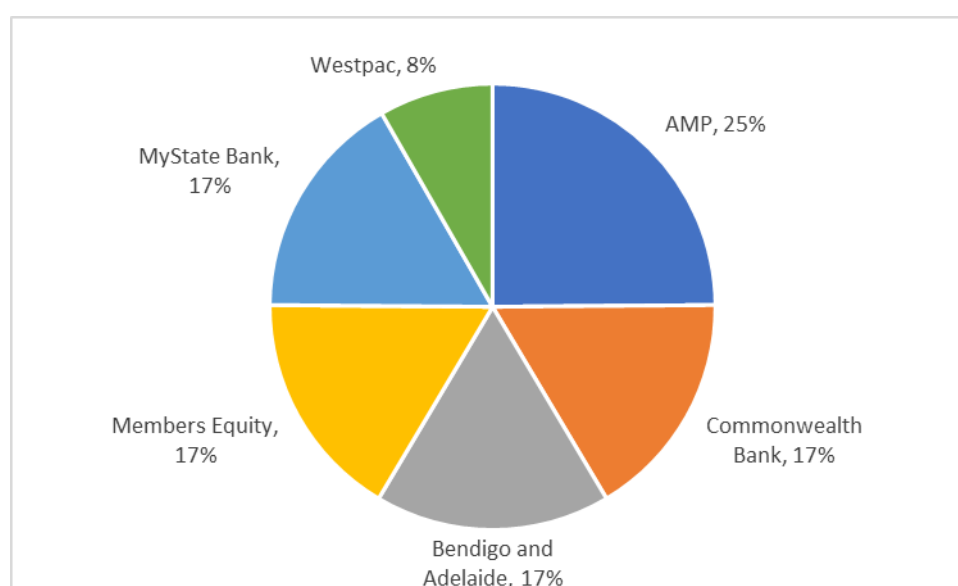
## 5. Investment Mix

Council invests funds held in Trust and Reserves in short to medium term investments such as term deposits. All investments are made in accordance with the *Local Government Act 2020* and are made with APRA (Australian Prudential Regulation Authority) approved financial institutions.

The table below shows a varied interest rate per investment. This is due to an increase in interest rates currently offered within the market, combined with maximum allowable investments with financial institutions as per Council's policy.

As at 31 March 2022 investments consisted of the following term deposits:

Institution	Maturity Date	Interest Rate	Term (months)	Amount \$'000
Commonwealth Bank	14-Feb-23	0.80%	12	1,000
Bendigo and Adelaide	23-Feb-23	0.85%	12	1,000
Bendigo and Adelaide	23-Feb-23	1.35%	12	1,000
Bendigo and Adelaide	22-Nov-22	0.25%	9	60
Westpac	15-Feb-23	1.01%	12	1,000
Commonwealth Bank	19-Apr-22	0.45%	10	1,000
AMP	10-May-22	1.00%	5	1,000
Members Equity	17-Jun-22	0.53%	12	1,000
Members Equity	24-Jun-22	0.52%	12	1,000
MyState Bank	04-Oct-22	0.49%	12	1,000
AMP	04-Oct-22	0.80%	12	1,000
AMP	10-Nov-22	0.80%	12	1,000
MyState Bank	20-Oct-23	0.80%	24	1,000
<b>Total Investments</b>				<b>12,060</b>



## 6. Financial Performance Indicators

### 6.1. Adjusted underlying result

**Measure:**

adjusted underlying surplus (deficit) / adjusted underlying revenue

**2021/22 Budget Calculation:**

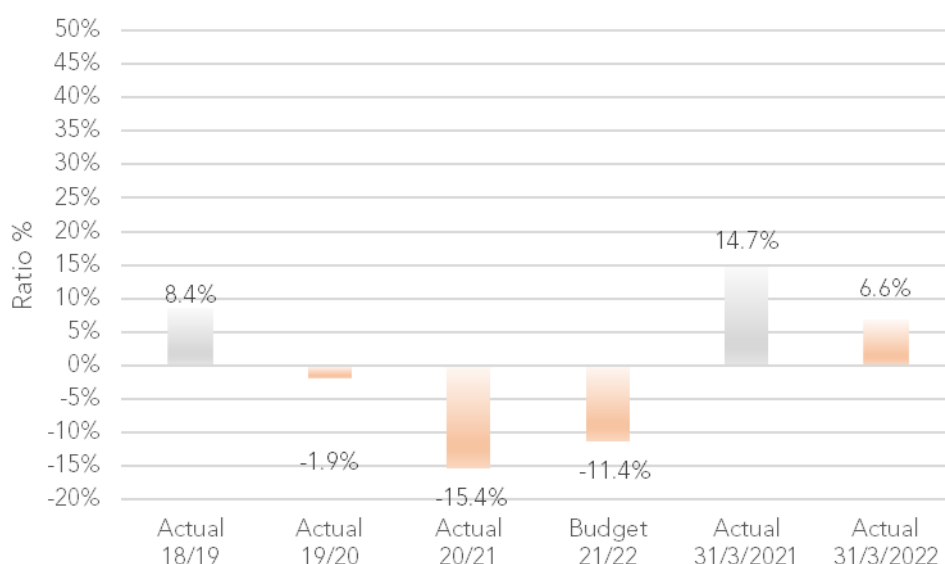
$\$-3,669\text{K} / \$32,121\text{K} = -11.4\%$

**31 March 2022 Actual Calculation:**

$\$2,555\text{K} / \$34,127\text{K} = 6.6\%$

**Purpose of ratio:**

This ratio measures Council's ability to meet operating expenditure with operating revenue. The current budget of -11.4% sits below the State Government target of between 0-10%.



A short term negative adjusted underlying result can be managed. Council reviewed the long-term projections as part of the development of the Council Financial Plan 2021-2031.



## 6.2. Obligations

The 2021/2022 Budget contains borrowings for one capital project that has long term intergenerational benefits that would otherwise be unable to be funded by Council. However, Council has decided to not proceed with the Hepburn Hub at the Rex project so Councils borrowing levels will be reviewed as part of the 2022/23 budget setting.

### Borrowing Ratio

**Measure:**

interest bearing loans and borrowings / rate revenue

**2021/2022 Budget Calculation:**

$\$5,243K / \$23,547K = 22.3\%$

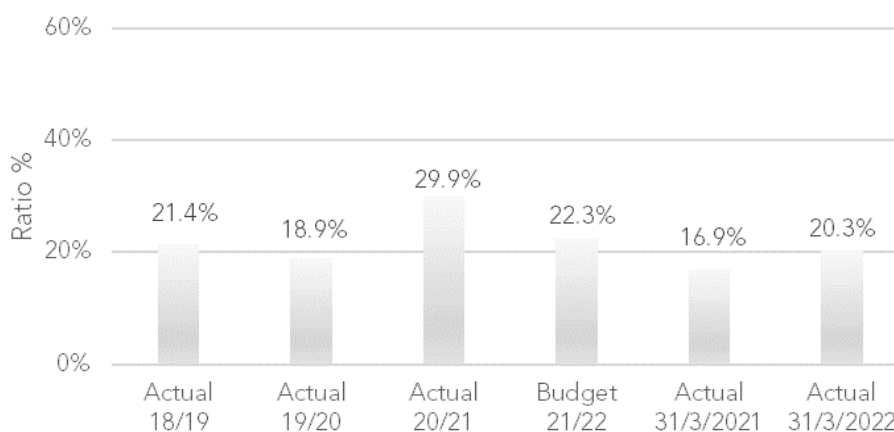
**31 March 2022 Actual Calculation:**

$\$4,767K / \$23,460K = 20.3\%$

**Purpose of ratio:**

To assess the utilisation of debt to fund Council's intergenerational works projects, relative to rates and charges revenue.

The budget ratio of 22.3% and the actual ratio as at 31 March 2022 of 20.3% sits well within State Government target of between 0-60%.



## Debt Commitment

### Measure:

interest and principal repayments on interest bearing loans and borrowings / rate revenue

### 2021/2022 Budget Calculation:

\$2,341K / \$23,547K = 9.9%

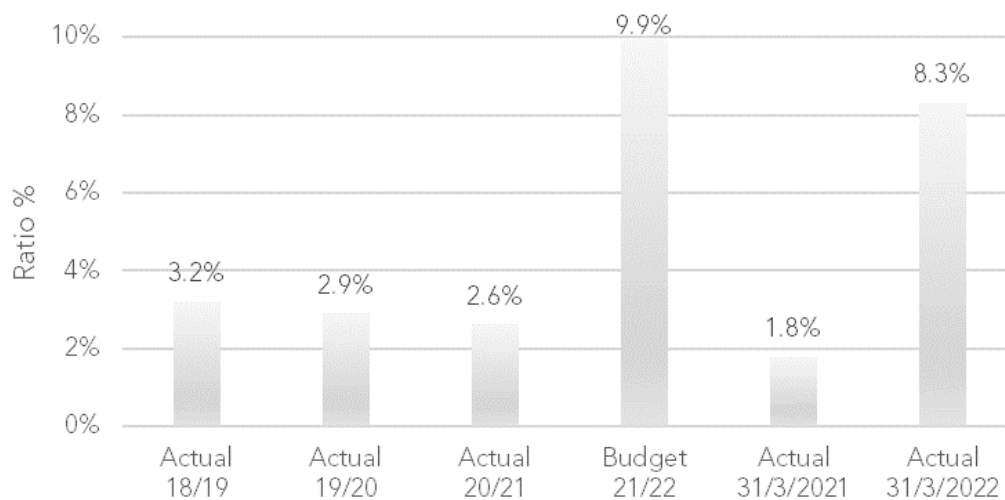
### 31 March 2022 Actual Calculation:

\$1,951K / \$23,460K = 8.3%

### Purpose of ratio:

To assess how reliant Council is on rates and charges revenue to meet interest and principal loan repayments.

The budget ratio of 9.9% and the actual ratio as at 31 March 2022 of 8.3% sits outside of the State Government target of between 0-5%.



## Indebtedness

### Measure:

non-current liabilities / own source revenue

### 2021/2022 Budget Calculation:

\$5,043K / \$26,920 = 18.7%

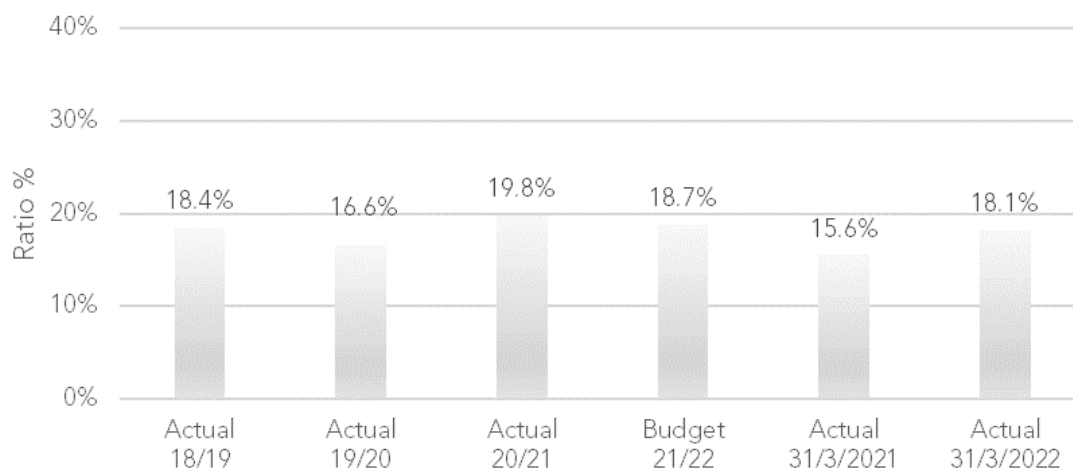
### 31 March 2022 Actual Calculation:

\$4,690K / \$25857K = 18.1%

### Purpose of ratio:

To assess Council's ability to cover its medium to long-term liabilities with revenue not sourced by grants, monetary contributions, or non-monetary contributions.

This measure is relatively static over time and remains in the middle of the State Government target of between 0-40%.



## 6.3. Rates and charges

### Rates concentration

**Measure:**

rates and charges / adjusted underlying revenue

**2021/2022 Budget Calculation:**

\$23,547K / \$32,121K = 73.3%

**31 March 2022 Actual Calculation:**

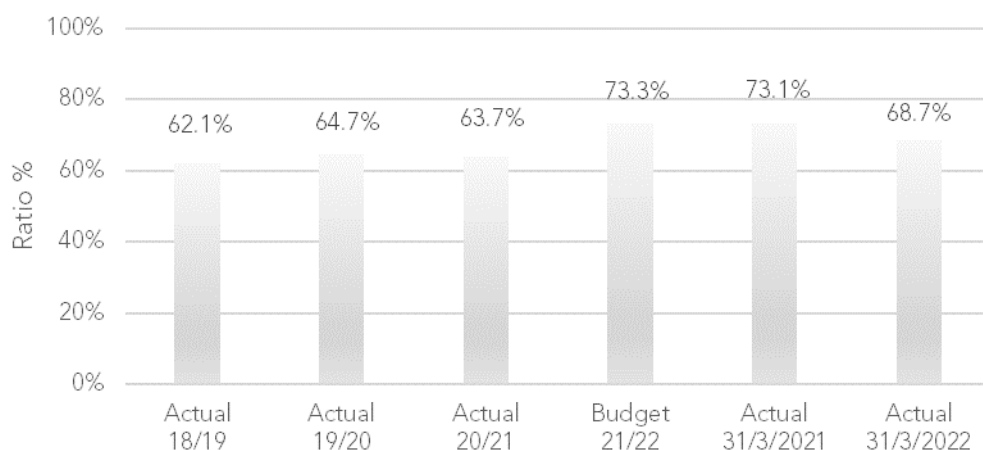
\$23,460K / \$34,127K = 68.7%

**Purpose of ratio:**

This ratio measures Council's reliance on rates and charges to fund operating services.

Sitting within the KPI range (30-80%) means that Council is less reliant on operating grants and user fees to fund operating expenditure.

This ratio is higher this year due to only 50% of the Victoria Grants Commission grant being budgeted to be received during the financial year.



## 7. Rates and Other Debtors

As at 31 March 2022, Council's debtors are summarised below:

Debtor	March 2021 \$'000	March 2022 \$'000	Current \$'000	> 30 Days \$'000
Rates (including F S L debtors) <sup>1</sup>	8,310	9,193	7,320	1,873
Sundry	636	560	417	143
Other Debtors	235	165		
-G S T	276	447		
-Pension Concession	216	218		
Less : provision for doubtful debts	(138)	(79)		
Less : LUAA	-	(145)		
<b>TOTAL</b>	<b>9,535</b>	<b>10,359</b>	<b>7,737</b>	<b>2,016</b>

1. Any payments made on rates and charges are applied to prior year outstanding balances first. Rates are classified as overdue when payment is not received by installment date.

Overdue rates debtors were \$1.87M (including Fire Services Levy collected on behalf of the State Government) at 31 March 2022. At the same time last year overdue rates were \$1.47M, and the increase of \$400K in overdue rates debtors is an increase of 27%. This is due to a combination of the annual rate cap rate rise, the impacts of COVID and offering a support package of payment extensions on instalments.

Outstanding sundry debtors of \$560K comprise the following:

Debtor Details	March 2021 \$'000	March 2022 \$'000
Government Grants	300	43
Leases	42	306
Planning	18	14
Environmental Health	2	6
Contract Services	2	7
HACC	5	2
Building	3	4
Fire Hazards	3	3
Local Laws	1	0
Other	260	175
<b>Total</b>	<b>636</b>	<b>560</b>



## 8. Councillor Expenses

Councillor Expenses for the nine months ended 31 March 2022.

Councillor	Councillor Allowance	Mobile and Data	Conferences and Training	Travel and Accom	Total
Cr Bray	16,861	812	1,041		18,714
Cr Drylie	32,384	812	1,041	4,098	38,335
Cr Halliday	16,861	812	1,491		19,164
Cr Henderson	16,861	1,146	1,041		19,048
Cr Hewitt	34,850	812	1,041	5,802	42,505
Cr Hood	16,861	812	1,291		18,964
Cr Simpson	16,861	812	1,541		19,214
<b>Total</b>	<b>151,539</b>	<b>6,018</b>	<b>8,487</b>	<b>9,900</b>	<b>175,944</b>

### Councillor Allowances and Expenditure

The Victorian Government sets upper and lower limits for all allowances paid to Councillors, Deputy Mayors and Mayors. Hepburn Shire Council is classified as a category one Council and allowances are paid in accordance with section 39 of the Local Government Act 2020. On 7th March 2022 a determination was made increasing the allowances payable to Councillors and Mayors and a new allowance was introduced for Deputy Mayors. This increase and back pay applicable to 18 December 2021 was paid in April.

### Mobile and Data

The provision of telecommunications services, including phones and laptop/tablet, are paid for by Council.

### Travel and Accommodation

This category covers expenses associated with attendance by Councillors at approved short-term training, conferences and/or functions. The travel costs associated with the Mayor are associated with the provision of a council vehicle.

Hepburn Shire Council Statement of Capital Works as at 31 March 2022																									ATTACHMENT 14.1.2	
Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	% of YTD Budget Spent	Commit-ments	YTD Actual + Commit.	Spent YTD Incl Commit	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Team Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments		
2021/22 Expenditure												2021/22 Income														
CEO SERVICES																										
001080	Website Upgrade	75,000	-	-	75,000	56,250	9,339	12%	17%	30,000	39,339	52%	-	-	-	-	-	In Progress and On Track	15/06/2022	<div></div>	B Thomas	M Abate/L. Shine	M Abate/L. Shine	Project on track for a go-live date of mid-June 2022. Consultant has been engaged, draft page format has been created and e are curently in the process for data transfer.		
Total CEO		75,000	-	-	75,000	56,250	9,339	12%	17%	30,000	39,339	52%	-	-	-	-	-									
TOTAL CEO SERVICES		75,000	-	-	75,000	56,250	9,339	12%	17%	30,000	39,339	52%	-	-	-	-	-									
COMMUNITY AND DEVELOPMENT																										
Total Director Community & Development		-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	-									
000504	Public Art Appropriation	-	33,403	-	33,403	23,125	500	1%	2%	20,000	20,500	61%	-	-	-	-	-	In Progress and Delayed		<div></div>	L McCallum	F Fogarty	D Spiller	Glenlyon Public Art Commission is complete however is experiencing a delay due to site soil testing being required. Soil testing requirements underway		
000964	Hepburn Kindergarten Extension	-	202,778	-	202,778	140,385	17,564	9%	13%	31,960	49,524	24%	-	162,128	-	162,128	-	In Progress and On Track	Dec-22	<div></div>	F Fogarty	K Proctor	E Atkin	Designs completed, RFT for construction closed on 1st April, no submissions received. Considering options for procurement.		
001047	Bullarto Interpretive Sign	-	15,000	-	15,000	10,385	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed		<div></div>	L McCallum	F Fogarty	F Fogarty	Signage design is complete and procurement sourced for installation. There is a delay in obtaining building materials due to industry wide shortage. Installation will occur immediately once building materials can be sourced.		
Total Community Life		-	251,181	-	251,181	173,895	18,064	7%	10%	51,960	70,024	28%	-	162,128	-	162,128	-									
Total Planning and Development		-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	-									
Buildings																										
000970	Hepburn Recreation Pavilion	-	215,847	(8,272)	207,575	207,575	207,698	100%	100%	-	207,698	100%	-	-	-	-	10,000	Completed	Complete	<div></div>	K Sinclair	J Carr	S Hattam	Project aquitted and complete		
001112	Trentham Recreation Reserve Pavilion	748,623	-	233,734	982,357	736,768	294,171	30%	40%	1,790,980	2,085,150	212%	1,856,089	-	-	1,856,089	-			<div></div>	K Sinclair	T McCarthy	E Atkin	Construction commenced in November 2021. Demolition, site excavation, in-ground services and footing excavations complete. Currently tracking to a mid August completion date.		
Building Improvements																										
000553	Sustainability Strategy - Towards Zero - Council Assets	-	190,475	-	190,475	131,867	17,678	9%	13%	2,045	19,724	10%	-	-	-	-	-	In Progress and On Track	Various	<div></div>	K Sinclair	M Pasqualini	M Pasqualini	Projects planned for the 2021-22 year are underway, including Public EV charging rollout (3 chargers in partnership with hepburn Energy and Chargefox), the Community Sparks Program, Healthy Landscapes and Electricity Audit. Some sub-projects won't be able to be commenced until FY23.		
000741	Calambeen Park Aquatics Project	-	245,704	116,107	361,811	250,485	22,223	6%	9%	329,026	351,248	97%	-	16,560	-	16,560	-	In Progress and Delayed	Aug-22	<div></div>	K Sinclair	T McCarthy	E Reid	Construction commenced 5th April. Expected completion August 2022		
Off Street Car parks																										
000769	Doug Lindsay Reserve Works	167,000	-	94,084	261,084	195,813	230,878	88%	118%	44,402	275,281	105%	-	-	-	-	-	In Progress and On Track	30-Jun	<div></div>	K Sinclair	J Carr	E Atkin	Storm recovery works and works to improve on the original installation to be priced by a new, single contractor. It is likely that landscaping works will be removed from JNR, the original contractor, due to poor performance. Expect additional works to occur May/June.		
Footpaths and Cycleways																										
000838	Clunes Walkability Project Planning	-	1,838	-	1,838	1,272	-	0%	0%	-	-	0%	-	-	-	-	-	Not Yet Due to Start	N/A	<div></div>	K Sinclair	K Schnur	J Carr	Project deferred at mid year budget review.		
Parks, Open Space and Streetscapes																										
000898	Playspace Planning & Design	-	85,300	(40,000)	45,300	31,362	2,591	6%	8%	800	3,391	7%	-	-	-	-	-	In Progress and Delayed	4-Nov	<div></div>	K Sinclair	K Schnur	T McCarthy	Project planning in progress. Anticipate completion by November 2022.		
000908	Clunes Community Park Masterplan	-	633	-	633	438	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed	30-Dec-22	<div></div>	K Sinclair	K Schnur	J Carr	Seeking scope variation costs to include revised scope of the project. Project completion timing to be confirmed pending new workplan to undertake revised scope of the project.		
001027	Outdoor Fitness Equipment	-	105,569	37,010	142,579	98,708	57,870	41%	59%	58,770	116,640	82%	-	-	-	-	-	In Progress and Delayed	30-Jun	<div></div>	K Sinclair	K Schnur	J Carr	LUA for Clunes Creek Walk currently being finalised with equipment received and installation to be undertaken in May for project completion by 30 June in accordance to LRCI funding guidelines. Trentham Recreation Reserve installation delayed until further noticed due to the		
Recreational, Leisure and Community Facilities																										
000414	Hard Court Renewals	144,000	43,108	(157,000)	30,108	22,581	16,992	56%	75%	-	16,992	56%	-	-	-	-	-	In Progress and On Track	30-Jun	<div></div>	K Sinclair	K Schnur	J Carr	Hepburn Netball Court reconstruction reached practical completion on 22 March 2022 with Trentham and Drummond tennis court audits now completed and recommendations and indicative costings to inform future budget consideration.		
000899	Hepburn Cricket Nets	-	20,011	-	20,011	13,854	2,669	13%	19%	1,404	4,073	20%	-	10,000	-	10,000	-	Completed		<div></div>	K Sinclair	J Carr	E Atkin	Construction completed Project scope and budget allocation revised at mid year budget review. Project planning to commence May 2022. Anticipate completion by Nov 2022.		
000906	Magic Pudding Playground Development	20,000	-	(10,000)	10,000	10,000	-	0%	0%	-	-	0%	-	-	-	-	-	Not Yet Started and Delayed	30-Nov	<div></div>	K Sinclair	K Schnur	T McCarthy			
000913	Clunes Recreation Reserve Masterplan	-	6,391	8,000	14,391	9,963	-	0%	0%	3,664	3,664	25%	-	-	-	-	-	In Progress and Delayed	30-Dec-22	<div></div>	K Sinclair	K Schnur	J Carr	Seeking scope variation costs to include revised scope of the project. Project completion timing to be confirmed pending new workplan to undertake revised scope of the project.		
000923	Netball Court Hepburn	-	43,100	157,000	200,100	150,075	161,980	81%	108%	23,123	185,103	93%	-	-	-	-	-	Completed	Completed	<div></div>	K Sinclair	J Carr	E Reid	Construction completed		
001081	Pool Building Renewal Works Program	55,000	-	337,000	392,000	294,000	26,169	7%	9%	21,420	47,589	12%	-	-	-	-	-	In Progress and On Track	31-May	<div></div>	K Sinclair	J Carr	V O'Halloran	Painting of changerooms completed with asbestos removal and replacement of partitions in the changerooms to be completed by end of May.		
001086	Clunes Recreation Reserve Netball Pavilion Redevelopment	12,000	-	-	12,000	9,000	799	7%	9%	-	799	7%	-	-	-	-	-	Not Yet Due to Start	N/A	<div></div>	K Sinclair	J Carr	E Reid	Project deferred at mid year budget review. Budget to be transferred to Recreation Reserve Masterplan.		
001088	Glenlyon Pavilion Redevelopment Project	24,000	-	(21,582)	2,418	1,814	3,611	149%	199%	-	3,611	149%	-	-	-	-	-	Not Yet Due to Start	On Hold	<div></div>	K Sinclair	K Schnur	T McCarthy	Project deferred at mid year budget review.		
001089	Newlyn Cricket Net Construction	240,000	-	(104,740)	135,260	101,445	17,258	13%	17%	86,390	103,648	77%	-	-	-	-	-	In Progress and Delayed	Jun-22	<div></div>	K Sinclair	J Carr	E Reid	Contract Awarded with anticipated completion date of the the end of June in line with the LRCI funding requirements.		

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Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	% of YTD Budget Spent	Commitments	YTD Actual + Commit.	% Spent YTD Incl Commit	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Team Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments			
2021/22 Expenditure													2021/22 Income														
001091	Reserve and Open Space Furniture Renewal and Expansion Progr	51,600	-	-	51,600	38,700	33,761	65%	87%	15,567	49,328	96%	-	-	-	-	-	In Progress and On Track	May-22	<div></div>	K Sinclair	K Schnur	E Reid	To be installed as part of works at Calambeen Park Public Amenity upgrades.			
001094	Recreation Lighting Strategy	30,000	-	-	30,000	22,500	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed	Nov-22	<div></div>	K Sinclair	K Schnur	J Carr	Scope and request for quotation documentation currently being finalised.			
001095	Active Recreation Centre (ARC) Masterplan Implementation	22,000	-	-	22,000	16,500	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed	Nov-22	<div></div>	K Sinclair	K Schnur	T McCarthy	Project planning in progress. Anticipate completion by November 2022.			
Total Economic Development and Recreation		1,514,223	957,976	641,341	3,113,540	2,344,720	1,096,348	35%	47%	2,377,591	3,473,939	112%	1,856,089	26,560	-	1,882,649	10,000										
TOTAL COMMUNITY AND DEVELOPMENT		1,514,223	1,209,157	641,341	3,364,721	2,518,614	1,114,412	33%	44%	2,429,551	3,543,963	105%	1,856,089	188,688	-	2,044,777	10,000										
ORGANISATIONAL SERVICES																											
000497	Trentham Community Hub Design & Construct	200,000	142,952	-	342,952	257,214	295,130	86%	115%	5,070,069	5,365,199	1564%	500,000	-	-	500,000	-				A Burgess	A Burgess	E Atkin	Construction tender awarded at the December Council Meeting. Final construction documentation being prepared prior to possession of site being handed over to contractor to commence construction. Anticipate site works to commence late April, 2022.			
Total Director Organisational Services		200,000	142,952	-	342,952	257,214	295,130	86%	115%	5,070,069	5,365,199	1564%	500,000	-	-	500,000	-										
Total Financial Services		-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	-										
Total Governance		-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	-										
Total People and Culture		-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	-										
000557	IT Hardware / Technology Renewal Program	345,750	283,591	(50,000)	579,341	434,506	294,254	51%	68%	100,555	394,809	68%	-	-	-	-	-	In Progress and On Track	30/6/2022	<div></div>	A Burgess	C Whyte	C Whyte	This is an ongoing project for the year to replace equipment. There is some major spend to come towards the end of the year and will require some carry over to cover spend in regards to improving and rectifying office infrastructure issues in the current environment after Rex Hub project cancellation. This project is currently in progress and will be completed by the end of the year.			
000979	Hepburn Hub Coworking Space	-	147,500	-	147,500	102,115	-	0%	0%	-	-	0%	-	17,500	-	17,500	-	Not Yet Started and Delayed		<div></div>	A Burgess	R Pedretti	R Pedretti	Due to cancellation of the Hepburn Hub at the Rex project this project will need to be rescope. An internal working group are working on a mobile digital hub concept. DJPR have advised that any rescope will need to be approved by the Minister and funds must be expended by June 30, 2022. Request for quote process complete. Equipment delivered and prework undertaken at site ready for installation to commence. Dell appointed to perform initial server implementations, before being handed to HSC staff for migration from old to new equipment. Project delayed due to equipment stock shortages.			
001077	Server Equipment Replacement	264,000	-	-	264,000	198,000	14,826	6%	7%	8,650	23,476	9%	-	-	-	-	-	In Progress and On Track	30/9/2022	<div></div>	A Burgess	C Whyte	C Whyte	Project is currently in progress and will be completed by the end of the year.			
001078	Software Development (Non Technology One)	132,500	-	-	132,500	99,375	5,994	5%	6%	19,823	25,817	19%	-	-	-	-	-	In Progress and Delayed	30/6/2022	<div></div>	A Burgess	C Whyte	C Whyte	Ongoing project to be completed prior to end of financial year. Includes development of Employee Self Service (ESS) due to be started in April and implemented by June 30th. Forecast underspend will be discussed with Finance and utilised to finalise identified software development projects.			
001079	Technology One Development	100,000	-	150,367	250,367	187,775	232,073	93%	124%	14,859	246,933	99%	-	-	-	-	-	Completed	22/01/2022	<div></div>	A Burgess	C Whyte	C Whyte	Additional budget identified from Software Development budget. eProperty (ePlanning) implemented in January 2021. The planning infringements module also successfully migrated to Technology One at this time. Project implementation continuing.			
Total ICT		842,250	431,091	100,367	1,373,708	1,021,771	547,148	40%	54%	143,887	691,035	50%	-	17,500	-	17,500	-										
000423	Library Collection and Technology Renewal	60,000	-	-	60,000	45,000	28,976	48%	64%	-	28,976	48%	-	-	-	-	-				A Burgess	A Perrett	A Perrett	Library collection and Technology renewal not undertake as the Hepburn Hub Rex Library project cancelled. Daylesford Library upgrades undertaken and on track to be completed by June 30.			
Total Customer Experience		60,000	-	-	60,000	45,000	28,976	48%	64%	-	28,976	48%	-	-	-	-	-										
TOTAL ORGANISATIONAL SERVICES		1,102,250	574,043	100,367	1,776,660	1,323,985	871,253	49%	66%	5,213,956	6,085,209	343%	500,000	17,500	-	517,500	-										
INFRASTRUCTURE AND DELIVERY																											
000551	Hepburn Hub at the Rex	-	4,254,437	(940,532)	3,313,905	2,294,242	301,438	9%	13%	995	302,432	9%	-	-	-	-	(120,698)				B Lucas	B Lucas	B MacIsaac	Project has been cancelled in accordance with Council Decision of 23 November 2021. The process to commence the sale of the building has now begun.			
001072	Bullarto Station Project	400,000	-	-	400,000	300,000	60,974	15%	20%	30,300	91,274	23%	550,000	-	-	550,000	50,000				B Lucas	R Pedretti	E Atkin	Construction contract awarded. Commencement is pending resolution of structural certification for building permit and works expected to commence in May 2022.			
001093	Hammon Park Trail Head	750,000	-	176,834	926,834	695,126	79,270	9%	11%	1,975,254	2,054,524	222%	2,100,000	-	-	2,100,000	-	In Progress and On Track	30-Dec-22	<div></div>	B Lucas	B Grounds	A Breach	Following award of contract to Naturform at the Ordinary meeting in February, construction has commenced on the trailhead. Works are on track for an opening before end of calendar year.			
Total Director Infrastructure and Delivery		1,150,000	4,254,437	(763,698)	4,640,739	3,289,367	441,681	10%	13%	2,006,549	2,448,230	53%	2,650,000	-	-	2,650,000	(70,698)										
Total Major Projects		-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	-										
Bridges																											
000753	Bridge Renewal - Wheelers Bridge	-	120,024	-	120,024	83,094	80,715	67%	97%	18,535	99,250	83%	-	-	-	-	-	In Progress and On Track	April-22	<div></div>	T May	T Powell	T Powell	Tender design drawings at final stage. Complete set of drawing will allow Council to seek external funding to reconstruct this bridge. Initial QS estimate for project has been completed.			
001035	Bridge Renewal - Telegraph Road Bridge	-	252,500	-	252,500	174,808	252,301	100%	144%	-	252,301	100%	-	126,250	-	126,250	-	Completed	Nov-21	<div></div>	T May	T Powell	T Powell	Heavy Vehicle Access road grant application submitted with advice on outcome. Works complete			
001046	Bridge Renewal - Blampied-Mollongghip Rd	-	188,300	-	188,300	130,362	188,558	100%	145%	-	188,558	100%	-	50,000	-	50,000	-	Completed	Nov-21	<div></div>	T May	T Powell	T Powell	Works complete			
001055	Bridge Renewal - James La - Tylden	100,000	-	-	100,000	75,000	-	0%	0%	44,168	44,168	44%	-	-	-	-	-	In Progress and On Track	May-22	<div></div>	T May	T Powell	P O'Leary	Project being delivered by Macedon Ranges shire with co funding from Hepburn. Project is tendered and expected to be complete by May.			
001056	Bridge Renewal - Old Ballarat Rd - Cameron	500,000	-	-	500,000	375,000	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and On Track	Dec-22	<div></div>	T May	T Powell	P O'Leary	Project is tendered and taken to April Council meeting for award. Expected construction to be complete by end of calendar year			
Building Improvements																											
000821	Central Springs Master Plan and Cafe works	-	22,957	(16,225)	6,732	6,732	6,780	101%	101%	-	6,780	101%	-	-	-	-	-	Completed	22-Nov	<div></div>	T May	S Ludeke	E Atkin	Complete. Master plan adopted by Council and available on councils website.			
Drainage																											

Hepburn Shire Council  
Statement of Capital Works as at 31 March 2022

ATTACHMENT 14.1.2

Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	% of YTD Budget Spent	Commitments	YTD Actual + Commit.	% Spent YTD Incl Commit	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Team Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments	
2021/22 Expenditure													2021/22 Income												
000651	Drainage condition assessment and renewal/upgrade program	60,000	21,244	-	81,244	60,933	-	0%	0%	36,725	36,725	45%	-	-	-	-	-	In Progress and On Track	Jun-22	<div></div>	T May	T Powell	T Powell	Drainage works are ongoing and expected to be complete by June 2022.	
001038	Kerb & Channel - Pearman St Creswick	-	273,430	-	273,430	189,298	1,201	0%	1%	-	1,201	0%	-	-	-	-	-	In Progress and On Track	May-22	<div></div>	T May	T Powell	T Powell	Construction underway and expected to be completed by May 2022.	
001057	Kerb & Channel - Central Springs Rd - Daylesford	60,000	-	-	60,000	45,000	-	0%	0%	60,000	60,000	100%	-	-	-	-	-	Completed	Apr-22	<div></div>	T May	T Powell	K Shrestha	Project expected to be fully completed in mid April 2022.	
Footpaths and Cycleways																									
000112	Footpath Renewal Program	504,053	86,864	-	590,917	443,188	437,323	74%	99%	49,920	487,243	82%	-	-	-	-	-	In Progress and On Track	Apr-22	<div></div>	T May	T Powell	P O'Leary	Works complete with some minor clean-up and infill sections scheduled.	
001023	Doug Lindsay Reserve - Security Lighting & Shared Pathway	-	271,122	-	271,122	187,700	188,004	69%	100%	30,931	218,935	81%	-	-	-	-	-				B Grounds	J Carr	D Thornton	Practical completion reached by contractor however additional works remain outstanding to address quality concerns and additional scope around lighting security cameras and storm damage being followed up. Completion anticipated in June 2022.	
Land Improvements																									
000984	Lake Jubilee Path Construction and improvements	-	59,334	-	59,334	41,077	40,266	68%	98%	300	40,566	68%	-	-	-	-	-	In Progress and On Track	30/06/2022	<div></div>	T May	S Ludeke	D Owe-Young	Path Construction complete. Sign design complete. Production and installation to follow. Community consulted.	
Other Infrastructure																									
001020	Local Roads and Community Infrastructure Grant	-	-	-	-	-	-	0%	0%	-	-		-	-	-	-	536,410				B Lucas	T May	T May	This is an overarching line item, with specific projects spread throughout the report. This line item does not need to be reported on.	
001101	Hepburn Mineral Spring Reserve Steps and Retaining Wall Refu	18,000	-	-	18,000	13,500	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and On Track	25/5/2022	<div></div>	T May	S Ludeke	S Fishlock	Awaiting exemption permit from Heritage Victoria prior to works commencing and expect to be delivered within budget in June 2022.	
001102	HMSR Path and Fencing Upgrade	120,000	39,100	(75,400)	83,700	62,775	-	0%	0%	62,988	62,988	75%	-	-	-	-	-	In Progress and On Track	15/5/2022	<div></div>	T May	S Ludeke	S Ludeke	Works to start on the 20/4/2022 With some savings due to reduced scope.	
001116	Central Springs Bore	-	-	35,220	35,220	26,415	-	0%	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed		<div></div>	T May	S Ludeke	S Ludeke	Reviewing information provided by contractors. Procurement challenges are being worked through to ensure compliance with policy given lack of skilled/knowledgeable contractors. Works expected to commence in June 2022.	
Parks, Open Space and Streetscapes																									
000775	Jubilee Lake Remedial Works	-	44,750	(20,000)	24,750	17,135	4,471	18%	26%	68,605	73,075	295%	-	-	-	-	-	In Progress and On Track	30/06/2022	<div></div>	T May	S Ludeke	Tim Powell	Main works for Jubilee Lake willow removal and path repair completed. Current dam/spillway risk analysis ongoing - report to be provided May 2022.	
000983	Lake Jubilee Furniture renewal	-	6,027	-	6,027	4,173	3,462	57%	83%	-	3,462	57%	-	-	-	-	-	Completed	30/3/2022	<div></div>	T May	S Ludeke	D Owe-Young	Works completed.	
000985	Creswick Fountain Refurbishment	-	32,834	(26,928)	5,906	5,906	7,022	119%	119%	2,030	9,052	153%	-	-	-	-	-	In Progress and Delayed	Jun-23	<div></div>	T May	S Ludeke	E Reid	Project cancelled as per Council mid year budget review and will be reconsidered as part of the 2022/23 budget process.	
000994	Creswick Information Centre Irrigation and Turf	-	26,127	(5,758)	20,369	20,369	20,371	100%	100%	-	20,371	100%	-	-	-	-	-	Completed		<div></div>	T May	S Ludeke	B Darby	Complete	
001073	Wombat Hill Botanic Gardens	242,000	-	258,000	500,000	375,000	53,736	11%	14%	165,046	218,782	44%	700,000	-	-	700,000	-	In Progress and On Track	30/11/2022	<div></div>	T May	S Ludeke	D Owe-Young	Works ongoing. There are four separate elements to this project. (i) stone stairs - these have been constructed and completed (ii) Alf Headland glasshouse refurbishment - construction scheduled to begin at the end of April	
001096	Clunes Streetscape Planning	50,000	-	-	50,000	37,500	5,448	11%	15%	-	5,448	11%	-	-	-	-	-	In Progress and Delayed		<div></div>	T May	S Ludeke	Major Projects	Quotes recieved in November well over budget. Project currently under review and on hold.	
001097	Creswick Streetscape Planning	36,000	-	-	36,000	27,000	8,188	23%	30%	-	8,188	23%	-	-	-	-	-	In Progress and Delayed		<div></div>	T May	S Ludeke	Major Projects	Quotes recieved in November well over budget. Project currently under review and on hold.	
001098	Lake Daylesford Amphitheatre Works	108,000	-	24,000	132,000	99,000	14,368	11%	15%	13,186	27,554	21%	-	-	-	-	-	In Progress and Delayed	Oct-22	<div></div>	T May	S Ludeke	E Reid	Procurement underway for rockbolting, expecting installation of bolts in early May. Scope being finalised for repair of stone steps. Expected to procure May-June and construct July-October. Project expected to be within budget.	
001099	Water Fountain - Trentham	15,000	-	-	15,000	11,250	8,902	59%	79%	6,800	15,702	105%	-	-	-	-	-	Completed	22-Oct	<div></div>	B Lucas	T May	E Reid	Drinking fountain installed and project completed.	
Recreational, Leisure and Community Facilities																									
001085	Chatfield Reserve Lake Daylesford Landscape Works	162,000	-	(149,170)	12,830	12,830	20,623	161%	161%	360	20,983	164%	-	-	-	-	-	In Progress and Delayed	Jun-23	<div></div>	T May	S Ludeke	E Reid	Design complete. Construction project deferred as part of the mid year budget review and will be reconsidered as part of the 2022/23 budget process.	
Roads																									
000100	Road Reseals Program	1,052,459	-	(200,000)	852,459	639,344	450,118	53%	70%	72,582	522,699	61%	1,235,419	-	-	1,235,419	-	In Progress and On Track	May-22	<div></div>	T May	T Powell	P O'Leary	Reseal program has been delivered in accordance with project scope in March 2022. The second coat of linemarking still to be applied and is ongoing. Some additional asphaltting on Victoria Street Creswick will take place in	
000102	Road Reseal Preparation	-	-	200,000	200,000	154,035	143,413	72%	93%	30,000	173,413	87%	1,039,000	-	-	1,039,000	-	Completed	Jan-22	<div></div>	T May	T Powell	P O'Leary	Contractor completed scope in Jan 22. This was the first year that the reseal pre was tendered out to an external contractor. Need to move budget from PJ100 to PJ102 as program was charged to this PJ from tracking purposed.	
000103	Gravel Road Resheet Program	570,000	-	(60,001)	510,000	386,535	508,500	100%	132%	-	508,500	100%	-	-	-	-	-	Completed	Dec-22		T May	T May	P Healy	Works complete in accordance with program.	
000411	Road Reconstruction Program	499,862	-	-	499,862	378,932	-	0%	0%	-	-	0%	968,830	-	-	968,830	350,000				T May	T Powell	T Powell	Holding account for R2R income	
000463	Road Safety Improvements	36,000	-	(16,088)	19,912	14,934	19,913	100%	133%	-	19,913	100%	-	-	-	-	-	Completed	Nov-21	<div></div>	T May	T Powell	P O'Leary	Works complete - Lighting and guardrail projects	
000701	Road Reconstruct - Forward Design Program	110,000	19,200	-	129,200	96,900	84,681	66%	87%	30,673	115,354	89%	-	-	-	-	-	In Progress and On Track	Jun-22	<div></div>	T May	T Powell	T Powell	All projects for the 21/22 program are complete. Started survey and designs on future years projects.	
001028	Road Rehab - Creswick-Lawrence Road	-	-	-	-	-	-	0%	0%	-	-		-	433,915	-	433,915	398,906	Completed		<div></div>	T May	T Powell	T Powell	Works complete in FY20/21, grant income recieved in 21/22. Aquiltal complete.	
001029	Road Rehab - Asphalt Overlays	-	80,000	-	80,000	55,385	64,910	81%	117%	15,090	80,000	100%	-	-	-	-	-	Completed	May-22	<div></div>	T May	T Powell	T Powell	Works on was Park Avenue in Hepburn Springs. Construction complete.	

Hepburn Shire Council Statement of Capital Works as at 31 March 2022																								
Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	% of YTD Budget Spent	Commit-ments	YTD Actual + Commit.	Spent YTD Incl Commit	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Team Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments
2021/22 Expenditure												2021/22 Expenditure						2021/22 Income						
001030	Road Rehab - Orford St, Daylesford	-	178,582	-	178,582	123,634	183,406	103%	148%	-	183,406	103%	-	-	-	-	-	Completed	Feb-22	<div></div>	T May	T Powell	P O'Leary	Construction scope complete
001032	Road Rehab - Clunes-Mt Cameron Rd	-	25,380	-	25,380	17,571	-	0%	0%	2,800	2,800	11%	-	-	-	-	-	In Progress and On Track	Jun-22	<div></div>	T May	T Powell	T Powell	Design will be complete by EOFY, with works budgeted for in future years
001045	Road Rehab - Glengower-Cotswald Rd Intersection	-	141,870	-	141,870	98,218	1,983	1%	2%	196,299	198,282	140%	-	37,500	-	37,500	-	In Progress and On Track	Apr-22	<div></div>	T May	T Powell	P O'Leary	Works 90 percent complete. Centre island to be poured this month
001048	Road Rehab - Daylesford-Smeaton Road	-	499,862	-	499,862	346,058	500,572	100%	145%	-	500,572	100%	-	249,931	-	249,931	-	Completed	Feb-22	<div></div>	T May	T Powell	T Powell	Construction complete in September 2021. Final seal was brought forward to the 21/22 reseal program to be included in grant expenditure. Final seal complete in February 2022.
001070	Road Rehab - Lone Hand Rd	585,900	-	-	585,900	439,425	130,225	22%	30%	-	130,225	22%	-	-	-	-	-	Completed	Mar-22	<div></div>	T May	T Powell	P O'Leary	Complete buy in house works crew. Note that expenditure against OP yet to be added. Project delivered under budget.
001071	Road Rehab - Railway Pde	222,930	-	(192,000)	30,930	23,198	-	0%	0%	-	-	0%	-	-	-	-	-	Not Yet Started and Delayed	Jun-22	<div></div>	T May	T Powell	T Powell	Works deferred to future years. Design to be completed this FY.
Total Operations		5,052,204	2,389,507	(244,350)	7,197,362	5,299,211	3,429,461	48%	65%	907,036	4,336,496	60%	3,943,249	897,596	-	4,840,845	1,285,316							
Buildings																								
000975	Creswick Mechanics Institute Building upgrades	-	(12,490)	70,000	57,510	43,133	14,225	25%	33%	5,700	19,925	35%	-	-	-	-	-	In Progress and Delayed	Jul '22	<div></div>	S Mennie	V O'Halloran	S Hattam	Heritage Victoria permit exemption approved. Works tender resulted in one submission which was over budget. Officers are seeking selective quotes in a challenging labour market.
001082	Creswick Town Hall	400,000	-	-	400,000	300,000	36,595	9%	12%	22,850	59,445	15%	500,000	-	-	500,000	-	In Progress and On Track	Nov '22	<div></div>	B Lucas	B Grounds	S Hattam	Tender underway closes 28 April. Officer recommendation will be at May Council meeting subject to receiving suitable tender submission. Works to commence late May, expected completion in 2022.
Building Improvements																								
000287	Building and Structures Renewal Program	176,500	274,244	(250,000)	200,744	150,558	74,646	37%	50%	14,310	88,956	44%	-	-	-	-	-				S Mennie	V O'Halloran	V O'Halloran	Clunes Recreation Reserve audited for key upgrade. Daylesford Library quoted to upgrade from JB4 to Bi-lock as well install swipe readers. Additional electrical safety works quoted for Dean Rec Reserve, Newlyn Recreation Reserve guttering replacement scoped.
000662	Daylesford Town Hall Community Hub	-	100,000	-	100,000	69,231	1,052	1%	2%	4,540	5,592	6%	-	-	-	-	-				S Mennie	V O'Halloran	V O'Halloran	All works have been quoted. Seeking Heritage Victoria exemption for works to commence. Expecting to have exemption by May.
000739	Public Toilets Program	-	215,389	264,611	480,000	332,308	70,917	15%	21%	3,534	74,451	16%	-	-	-	-	-				S Mennie	B Grounds	B Grounds	Quarry Street Reserve Public Toilets being scoped, planning to go to tender, in May. Lee Medlyn toilets are next on the list.
000823	Pavilion Cafe floor Repairs	30,000	-	(20,000)	10,000	7,500	6,343	63%	85%	8,950	15,293	153%	-	-	-	-	-	In Progress and Delayed	12/01/2022	<div></div>	S Mennie	V O'Halloran	S Hattam	Preparing 'scope of works' and 'HV application' package to go out to panel of suppliers. Works will not commence until budget is available - July '22.
000850	Clunes Town Hall Renovation	-	338,515	(300,000)	38,515	26,664	21,607	56%	81%	-	21,607	56%	-	-	-	-	-	In Progress and Delayed	TBC	<div></div>	S Mennie	V O'Halloran	S Hattam	Project deferred as part of Councils mid year budget review.
Land Improvements																								
000963	Glenlyon Rec Res Land Remediation	262,200	35,545	(150,000)	147,745	110,809	95,900	65%	87%	26,343	122,242	83%	-	-	-	-	-	In Progress and On Track	30/05/2022	<div></div>	B Lucas	S Mennie	D Owe-Young	Works to be completed 30 May 2022.
Other Infrastructure																								
001104	Transfer Station Upgrades 2021-22	169,200	-	(151,013)	18,187	18,187	20,777	114%	114%	5,428	26,205	144%	-	-	-	-	-				S Mennie	S Mennie	S Mennie	Reorganisation of all transfer stations sites ocured including moving waste oil, cardboard and general cleaning up. Receiving good feedback from the community on the condition of the sites.
Plant and Machinery																								
000131	Vehicle and Plant Replacement	860,000	750,708	(100,000)	1,510,708	1,133,031	615,905	41%	54%	643,213	1,259,119	83%	140,000	151,225	-	291,225	83,729				S Mennie	S Mennie	S Mennie	Tractor ordered for Creswick works team order placed. Expecting to place orders for multiple passenger vehicles in April
000599	National Flagship Bioenergy Facility	-	222,380	-	222,380	153,955	65,681	30%	43%	77,062	142,743	64%	-	-	-	-	-				S Mennie	S Mennie	S Mennie	The organics trial has been extended in Clunes for another 6 months which remains in budget. The contractor is constructing a some scale testing units to speed up the process of testing technical changes. Organics collections will continue until September at this stage.
Recreational, Leisure and Community Facilities																								
001084	Lee Medlyn Bottle Museum	220,000	-	-	220,000	165,000	24,697	11%	15%	1,510	26,207	12%	-	-	-	-	-	In Progress and On Track	Dec '22	<div></div>	S Mennie	V O'Halloran	S Hattam	Replacement of majority of stormwater drains required, this will occur in the coming month. Remaining scope for window replacement and DDA entry repairs to go to design.
Total Waste, Facilities and Community Safety		2,117,900	1,924,291	(636,402)	3,405,789	2,510,375	1,048,346	31%	42%	813,440	1,861,786	55%	640,000	151,225	-	791,225	83,729							
TOTAL INFRASTRUCTURE AND DELIVERY		8,320,104	8,568,235	(1,644,450)	15,243,890	11,098,953	4,919,488	32%	44%	3,727,024	8,646,512	57%	7,233,249	1,048,821	-	8,282,070	1,298,347							
TOTAL CAPITAL WORKS		11,011,577	10,351,435	(902,742)	20,460,271	14,997,803	6,914,492	33.8%	46%	11,400,531	18,315,023	90%	9,589,338	1,255,009	-	10,844,347	1,308,347							
Represented by:																								
New asset expenditure		1,205,000	5,028,390	(836,208)	5,397,182	3,820,468	831,309	15%	22%	7,297,544	8,128,852	151%	2,600,000	27,500	-	2,627,500	415,712							
Asset renewal expenditure		7,536,254	4,571,207	(811,306)	11,296,156	8,387,403	4,737,582	42%	56%	1,647,185	6,384,768	57%	3,883,249	1,027,881	-	4,911,130	842,635							
Asset upgrade/expansion expenditure		2,270,323	751,838	744,772	3,766,933	2,789,931	1,345,601	36%	48%	2,455,802	3,801,403	101%	3,106,089	199,628	-	3,305,717	50,000							
Total capital works expenditure		11,011,577	10,351,435	(902,742)	20,460,271	14,997,803	6,914,492	34%	46%	11,400,531	18,315,023	90%	9,589,338	1,255,009	-	10,844,347	1,308,347							



Hepburn Shire Council Special Projects Report as at 31 March 2022																								ATTACHMENT 14.1.3				
Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	Commitments	YTD Actual + Commit.	% Spent YTD Incl Commit.	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments					
2021/22 Expenditure											2021/22 Expenditure					2021/22 Income												
Non-Recurrent Projects																												
COMMUNITY AND DEVELOPMENT																												
000388	HACC Growth and Minor Capital	-	24,423	-	24,423	16,908	12,577	51%	6,236	18,813	77%	-	-	-	-	-	In Progress and On Track	30/06/2022	<div></div>	F Fogarty	F Fogarty	F Fogarty	Minor capital purchases and works for the HACC program					
000888	Significant Renaming Project - Jim Crow Creek	-	4,420	-	4,420	3,060	5,481	124%	-	5,481	124%	-	-	-	-	-	In Progress and On Track		<div></div>	F Fogarty	R Hastwell	A Millar	Officers report recommending that the name change is supported was passed at the 20th April Council meeting successfully. Mt Alexander Shire Council also made the same decision. The next steps will include formally contacting the objectors to advise them of the appeals process and providing a detailed report					
000996	Arts and Culture Strategy	40,000	-	-	40,000	30,000	17,500	44%	-	17,500	44%	-	-	-	-	-	In Progress and Delayed		<div></div>	F Fogarty	F Fogarty	R Hastwell	Progressing but slightly delayed. Community consultations to take place in May					
001017	DHHS Community Activation and Social Isolation initiative	-	53,517	(52,007)	1,510	1,045	-	0%	-	-	0%	-	30,760	(30,760)	-	-	Completed	Jun-21	<div></div>	C Whyte	C Whyte	TBC	The Community Life aspects of this project were completed last financial year. Final acquittal can be found DOC/21/20619. Funding may still be available (approximately \$40K) for the wifi component of this project, which would sit with Chris Whytes department and may need to be reallocated to his for project					
001105	Christmas Community Planning	10,000	-	-	10,000	7,500	-	0%	-	-	0%	-	-	-	-	-	In Progress and On Track	22-Dec	<div></div>	L McCallum	F Fogarty	F Fogarty	Advice and support in being provided to Daylesford Mens Shed for their proposed decorations project for Vincent Street. On track.					
001108	Future Of Aged Care	20,000	-	-	20,000	15,000	14,949	75%	-	14,949	75%	-	-	-	-	-	In Progress and On Track	30/06/22	<div></div>	F Fogarty	F Fogarty	F Fogarty	Council has confirmed its in-principle decision to exit aged care and disability service delivery. Both State and Commonwealth Govts have been notified. Waiting on the successor provider to be appointed to progress transition process.					
Total Community Life		70,000	82,360	(52,007)	100,353	73,514	50,507	50%	6,236	56,744	57%	-	30,760	(30,760)	-	-												
000676	Implement biodiversity strategy actions	-	49,147	-	49,147	34,025	2,453	5%	-	2,453	5%	-	-	-	-	-				B Southee	B Bainbridge	B Bainbridge	Project (development of 2 Vegetation management Plans for Hepburn Springs Reserve and Lake Daylesford Reserve) to be commenced. Previously developed Request for Quote to be updated in April.					
000962	Wildlife Protection Increasing Capacity	-	14,407	-	14,407	9,974	13,359	93%	-	13,359	93%	-	-	-	-	-				B Southee	B Bainbridge	B Bainbridge	Project completed					
001003	Flora and Fauna assessments	45,000	-	-	45,000	33,750	-	0%	-	-	0%	-	-	-	-	-				B Southee	B Bainbridge	B Bainbridge	Request for Quote developed and advertised.					
001044	Lake Daylesford Gully Fuel Management Project	-	68,667	-	68,667	47,539	67,078	98%	-	67,078	98%	-	-	-	-	-				B Southee	B Bainbridge	B Bainbridge	Completed					
001049	Wheatsheaf Firescape	-	25,957	-	25,957	17,970	37,936	146%	116	38,052	147%	-	-	-	-	-				B Southee	B Bainbridge	B Bainbridge	Completed					
001054	Streamlining for Growth	-	20,000	-	20,000	13,846	-	0%	-	-	0%	-	-	-	-	-				B Southee	B Southee	B Southee						
Total Planning and Development		45,000	178,178	-	223,178	157,104	120,825	54%	116	120,941	54%	-	-	-	-	-												
000578	Sustainability Strategy - Towards Zero - Community Buildings	-	46,528	-	46,528	32,212	41,721	90%	-	41,721	90%	-	-	-	-	-	In Progress and On Track	30-Jun	<div></div>	K Sinclair	M Pasqualini	M Pasqualini	The Towards Zero Community Grants are now open for applications - closing 13 May 2022.					
000672	Rail Trail and Rail Line Feasibility	-	40,697	-	40,697	28,175	72,206	177%	8,300	80,506	198%	-	-	-	-	-				K Sinclair	R Pedretti	A Breach	A funding application has been submitted to State government for the Tourism Enabling Fund, to conduct the next stage of detailed planning for this project					
000680	Glenlyon Recreation Reserve - master plan	-	21,176	30,000	51,176	35,429	-	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed	30-Nov	<div></div>	K Sinclair	K Schnur	T McCarthy	Revised project plan and scope is being developed. Anticipated to undertake community engagement in May/June. Anticipate project completion late 2022.					
000875	Solar Savers	125,000	62,293	(99,899)	87,394	65,545	42,194	48%	100	42,294	48%	125,000	149,347	(186,953)	87,394	-	In Progress and On Track	30-Jun	<div></div>	K Sinclair	M Pasqualini	M Pasqualini	Project on track. Currently in public exhibition phase. Purchase order to pay for solar systems will be created next week in readiness for the final endorsement by council - expected on 17 May.					
000878	Hub For Premium Produce	179,148	323,500	-	502,648	375,310	111,472	22%	5,953	117,425	23%	-	-	-	-	196				K Sinclair	R Pedretti	S Hebbard	This month the Artisan Agriculture project engaged the Open Food Network (OFN) to conduct a workshop with the PAG to consider what a potential Food and Produce Hub could look like. A broader co-design workshop with other key stakeholders will be conducted in April and OFN will provide a report to officer					
000918	Streetslights Towards Zero	-	120,788	-	120,788	83,622	92,164	76%	-	92,164	76%	-	-	-	-	-	In Progress and On Track	30-Jun	<div></div>	K Sinclair	M Pasqualini	M Pasqualini	Installs now complete. Final report being prepared currently and project will be closed out by 30 June 2022.					
000973	Visit Victoria Grant Program	-	100,000	-	100,000	69,231	-	0%	-	-	0%	-	90,000	-	90,000	-				K Sinclair	R Pedretti	B O'Brien	Visit Victoria have approved Tenthams Spudfests marketing funding to be held over the next years event, as request by the Spudfest committee. However the \$10,000 for a 3 year strategy to be written has been approved to be paid after this years event.					
000998	Hepburn Shire Aquatics strategy	-	49,864	-	49,864	34,521	19,306	39%	-	19,306	39%	-	3,000	-	3,000	-	In Progress and On Track	30-Jun	<div></div>	K Sinclair	K Sinclair	K Schnur	Final Aquatics Strategy to be presented at the 20 April Council meeting for adoption.					
001011	Hepburn Energy Savvy Upgrades 2020	-	12,116	27,282	39,398	29,549	53,547	136%	62,266	115,813	294%	-	-	-	-	27,282	In Progress and On Track	30-Jun	<div></div>	K Sinclair	M Pasqualini	M Pasqualini	Install quota of 70 has now been reached with the install pipeline filled. Still some work to do to close off the project but on track for 30 June 2022.					
001041	Covid Outdoor Dining	-	47,639	300,000	347,639	240,673	70,095	20%	3,690	73,784	21%	-	-	300,000	300,000	300,000				K Sinclair	R Pedretti	R Pedretti	Council officers released an EOI process for eligible businesses to express interest in having furniture items purchased for their outdoor spaces to assist with outdoor dining and activation.					
001121	Daylesford Park Masterplan	-	-	40,000	40,000	10,000	-	0%	-	-	0%	-	-	-	-	-	In Progress and Delayed	30-Dec	<div></div>	K Sinclair	K Sinclair	K Schnur	Project reinstated at the mid year budget review. Project plan and scope with key stakeholder commenced in March 22. Anticipate completion by December 22.					
Total Community & Economic Development		304,148	824,601	297,383	1,426,132	1,004,268	502,705	35%	80,309	583,013	41%	125,000	242,347	113,047	480,394	327,478												
TOTAL COMMUNITY AND DEVELOPMENT		419,148	1,085,139	245,376	1,749,663	1,234,885	674,037	39%	86,661	760,698	43%	125,000	273,107	82,287	480,394	327,478												
ORGANISATIONAL SERVICES																												
001000	Integrated Planning and Reporting Framework	-	2,247	-	2,247	1,556	36,047	1604%	1,285	37,332	1661%	-	-	-	-	-				A Burgess	A Burgess	A Burgess	Project completed in accordance with legislative timelines.					
Total Director Organisational Services		-	2,247	-	2,247	1,556	36,047	1604%	1,285	37,332	1661%	-	-	-	-	-												
001110	Electoral Representation Review 2021-22	35,000	-	-	35,000	26,250	618	2%	-	618	2%	-	-	-	-	-	Not Yet Due to Start			A Burgess	R Smith	R Smith	VEC have advised review will commence in June 2022					

Hepburn Shire Council Special Projects Report as at 31 March 2022																								ATTACHMENT 14.1.3									
Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	Commitments	YTD Actual + Commit.	% Spent YTD Incl Commit.	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments										
2021/22 Expenditure											2021/22 Expenditure											2021/22 Income											
Total Governance		35,000	-	-	35,000	26,250	618	2%	-	618	2%	-	-	-	-	-																	
001002	Security Penetration Testing	-	25,000	(4,591)	20,409	20,409	20,409	100%	1,855	22,264	109%	-	-	-	-	-	Completed		<div></div>	C Whyte	C Whyte	C Whyte	Completed, remediation plan being developed inline with ICT Strategy due to be formalised in May 2022.										
001018	ICT Infrastructure Support Program	-	-	-	-	-	-	0%	-	-		-	10,000	-	10,000	-	Completed		<div></div>	C Whyte	C Whyte	C Whyte	Project completed April 2021.										
Total ICT		-	25,000	(4,591)	20,409	20,409	20,409	100%	1,855	22,264	109%	-	10,000	-	10,000	-																	
TOTAL ORGANISATIONAL SERVICES		35,000	27,247	(4,591)	57,656	48,215	57,074	99%	3,140	60,214	104%	-	10,000	-	10,000	-																	
INFRASTRUCTURE AND DELIVERY																																	
001008	COVID-19 Response Costs	-	-	-	-	-	14,892	0%	4,719	19,611		-	-	-	-	-				B Lucas	B Lucas	B Lucas											
001111	Storm clean up costs 2021 NDFA	-	-	6,500,000	6,500,000	4,500,000	5,227,807	80%	93,334	5,321,141	82%	-	-	6,000,000	6,000,000	3,340,727				B Lucas	A Western	A Western											
001113	Storm 2021 BRV	25,000	-	583,100	608,100	456,075	236,852	39%	35,751	272,603	45%	-	-	583,100	583,100	583,100				B Lucas	A Western	A Western											
001114	Storm 29 October 2021	-	-	31,127	31,127	31,127	42,697	137%	11,525	54,222	174%	-	-	-	-	-				B Lucas	B Lucas	T May	Tracking well. Roadside vegetation works completed. Auditing of road surfacing expected to be complete in April										
001115	Storm 5 January 2022	-	-	2,500,000	2,500,000	1,000,000	268,777	11%	2,087,345	2,356,123	94%	-	-	2,000,000	2,000,000	13,291				B Lucas	B Lucas	B Lucas											
Total Director Infratucture and Delivery		25,000	-	9,614,227	9,639,227	5,987,202	5,791,025	60%	2,232,675	8,023,701	83%	-	-	8,583,100	8,583,100	3,937,118																	
000616	Creswick Trails	-	1,874,624	-	1,874,624	1,297,817	264,098	14%	42,483	306,581	16%	-	1,272,000	-	1,272,000	-	In Progress and Delayed	Jul-24	<div></div>	B Lucas	B Grounds	A Breach	A planning permit to construct the 60 kilometers of mountain bike trails was issued in January 2022. Final permits and permissions to construct including Heritage Consent, Works on Waterways and negotiation of a Land Use Activity Agreement are underway. Construction tender is expected to be released in										
000876	Calembeen to Hammon Park Connection	-	12,480	-	12,480	8,640	-	0%	-	-	0%	-	-	-	-	-				T May	B Grounds	T Powell	This path is being delevered as part of the Pearman street Creswick upgrade project and will be complete in May 2022.										
Total Major Projects		-	1,887,104	-	1,887,104	1,306,457	264,098	14%	42,483	306,581	16%	-	1,272,000	-	1,272,000	-																	
000370	Tree Risk Mitigation	110,000	-	-	110,000	82,500	126,532	115%	10,292	136,824	124%	-	-	-	-	-	In Progress and On Track	22-Jun	<div></div>	T May	S Ludeke	S Ludeke	Proposed sites audited with urgent and high risk tree works completed. Due to the extent of high risk tree works resulting from recent storm events, additional costs have been incurred to manage the risk.										
000633	Street Tree Planting Program	25,000	-	-	25,000	18,750	-	0%	-	-	0%	-	-	-	-	-	In Progress and On Track	22-May	<div></div>	T May	S Ludeke	S Ludeke	Letter box notification complete with limited feedback responded. Plants to be ordered in April with plantings scheduled for May. Expected to be within budget.										
000635	Turf Playing Surface Renewal Program	32,000	-	(5,366)	26,634	26,634	26,639	100%	-	26,639	100%	-	-	-	-	-	Completed		<div></div>	T May	S Ludeke	B Darby	Project completed in accordance with program.										
000781	Tree management strategy development	-	13,132	-	13,132	9,091	3,080	23%	-	3,080	23%	-	-	-	-	-	In Progress and Delayed	22-Apr	<div></div>	T May	S Ludeke	S Ludeke	Final draft completed and with graphic designer for publishing prioeto be ing released for community comment.										
000938	Weed Management Hepburn Mineral Springs	-	160,421	(129,020)	31,401	31,401	47,659	152%	8,732	56,391	180%	-	-	-	-	-	In Progress and On Track	30/05/2022	<div></div>	T May	S Ludeke	D Owe-Young	Final follow up spray to be completed end May 2022. Pine Wildlings weed removal deferred.										
001117	HMSR Interpretive Signs	-	-	3,880	3,880	2,910	-	0%	9,462	9,462	244%	-	-	-	-	-	In Progress and On Track	May-22	<div></div>	T May	S Ludeke	S Ludeke	Procurement of materials underway. Installation scheduled for April										
001118	WHBG Collections Policy and Plant Labels	-	-	-	-	-	-	0%	13,064	13,064		-	-	-	-	-	In Progress and Delayed	Jun-22	<div></div>	T May	S Ludeke	S Ludeke	Draft policy in development and to be consulted with stakeholders. Heritage Victoria have approved plant labels and currently being procured. Expected to be within budget and completed in June 2022.										
001119	HMSR Lighting Audit and Repairs	-	-	12,100	12,100	9,075	-	0%	-	-	0%	-	-	-	-	-	In Progress and On Track	May-22	<div></div>	T May	S Ludeke	S Ludeke	Project scope finalised currently obtaining quotes. Works scheduled for April. Expected by be within budget.										
001120	Lake Daylesford Weed Management	-	-	24,200	24,200	18,150	-	0%	-	-	0%	-	-	-	-	-	In Progress and On Track		<div></div>	T May	S Ludeke	S Ludeke	Project to tie in with Biodiversity officers grant funded for fire management. Currently in scoping phase obtaining quotes mid April										
Total Operations		167,000	173,553	(94,206)	246,347	198,511	203,910	83%	41,550	245,460	100%	-	-	-	-	-																	
001005	Organic Waste Kerbside Collection	-	26,400	-	26,400	18,277	-	0%	-	-	0%	-	-	-	-	-				S Mennie	S Mennie	S Mennie	The organics trial has been extended in Clunes for another 6 months which remains in budget. The contractor is constructing some scale testing units to expedite the process of testing technical changes. Organics collections will continue until September 2022.										
001006	Weed Management Plan - HSC Transfer Stations	-	9,476	-	9,476	6,560	9,500	100%	-	9,500	100%	-	-	-	-	-				S Mennie	S Mennie	S Mennie	Contractors engaged to do latest batch of weed management. Scheduling works for future rounds.										
001109	Sustainable Hepburn	44,000	-	15,499	59,499	44,624	12,803	22%	33,943	46,747	79%	-	-	-	-	-				S Mennie	S Mennie	S Mennie	The Sustainable Hepburn Community Reference Group meetings have concluded. The consultant (Capire) have nearly completed their report and drafting of the strategy has commenced. It is planned that the draft strategy will be released to community for comment in May.										
Total Waste, Facilities and Community Safety		44,000	35,876	15,499	95,375	69,461	22,303	23%	33,943	56,247	59%	-	-	-	-	-																	
TOTAL INFRASTRUCTURE AND DELIVERY		236,000	2,096,533	9,535,520	11,868,053	7,561,631	6,281,337	53%	2,350,652	8,631,989	73%	-	1,272,000	8,583,100	9,855,100	3,937,118																	
TOTAL NON-RECURRENT PROJECTS		690,148	3,208,919	9,776,305	13,675,372	8,844,731	7,012,447	51%	2,440,453	9,452,901	69%	125,000	1,555,107	8,665,387	10,345,494	4,264,596																	
Recurrent Maintenance Prograrms																																	
000245	Gravel Road Management (3244)	-	-	-	-	-	445	0%	-	445		-	-	-	-	-																	
000250	Footpath Maintenance (3244)	-	-	-	-	-	71	0%	-	71		-	-	-	-	-																	
000251	Urban Drainage Management (3244)	-	-	-	-	-	891	0%	-	891		-	-	-	-	-																	
000252	Rural Drainage Management (3244)	-	-	-	-	-	51	0%	-	51		-	-	-	-	-																	
000305	Street Cleaning (Internal Staff) (3244)	90,350	-	-	90,350	67,762	64,782	72%	-	64,782	72%	-	-	-	-	-																	

Project Number	Project Name	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Forecast Budget	YTD Actual	% of Annual Budget Spent	Commitments	YTD Actual + Commit.	% Spent YTD Incl Commit.	Original Budget	Carry Forward Budget	Mid-Year Budget Variations	Forecast Budget	YTD Actual	Project Status (select from drop down list)	Expected Completion Date	Project Tracking Green = 1 Orange = 2 Red = 3	Project Sponsor (Leadership Rep.)	Sponsor Delegate (Project Owner)	Project Manager	Progress Comments
2021/22 Expenditure												2021/22 Income											
000359	Signs Maintenance	-	-	-	-	-	436	0%	-	436		-	-	-	-	-							
000361	Roadside Maintenance (3244)	-	-	-	-	-	3,680	0%	-	3,680		-	-	-	-	-							
000591	Weed Eradication	112,200	-	-	112,200	84,150	53,178	47%	5,906	59,085	53%	33,853	-	-	-	33,853							
000691	Sealed Road Management	597,348	-	-	597,348	465,649	306,344	51%	88,857	395,200	66%	-	-	-	-	-							
000692	Unsealed Road Management	840,741	-	-	840,741	640,741	796,179	95%	30,669	826,848	98%	-	-	-	-	-							
000693	Footpath Management	86,094	-	-	86,094	68,101	33,031	38%	-	33,031	38%	-	-	-	-	-							
000694	Drainage Management (Urban & Rural)	752,421	-	-	752,421	591,553	268,553	36%	9,600	278,153	37%	-	-	-	-	-							
000695	Road Furniture Management	203,337	-	-	203,337	159,565	103,841	51%	-	103,841	51%	-	-	-	-	436							
000696	Roadside Management	354,907	-	-	354,907	276,773	270,409	76%	3,720	274,129	77%	-	-	-	-	-							
000697	Emergency Management (Response)	71,260	-	-	71,260	53,445	37,945	53%	-	37,945	53%	-	-	-	-	-							
000698	Works Coordination	203,296	-	-	203,296	149,507	84,595	42%	-	84,595	42%	-	-	-	-	-							
000699	Works Maintenance Supervision	217,500	-	-	217,500	160,147	132,259	61%	-	132,259	61%	-	-	-	-	-							
000700	Non Chargeable Time - Works Maintenance	20,234	-	-	20,234	45,345	83	0%	-	83	0%	-	-	-	-	-							
Total Works Maintenance		3,549,688	-	-	3,549,688	2,775,251	2,156,772	61%	138,752	2,295,524	65%	33,853	-	-	33,853	37,263							
000521	P&G - Mowing	609,080	-	-	609,080	490,063	273,944	45%	37,042	310,987	51%	-	-	-	-	1,230							
000522	P&G - Garden Beds	151,664	-	-	151,664	120,072	102,849	68%	5,376	108,225	71%	-	-	-	-	15,000							
000523	P&G - Tree Maintenance	250,894	-	-	250,894	194,495	150,831	60%	4,200	155,031	62%	-	-	-	-	-							
000524	P&G - Spraying	95,312	-	-	95,312	75,173	49,163	52%	-	49,163	52%	-	-	-	-	-							
000525	P&G - Paths	75,722	-	-	75,722	59,954	46,573	62%	-	46,573	62%	-	-	-	-	-							
000526	P&G - Turf	98,251	-	-	98,251	75,797	150,718	153%	6,707	157,425	160%	-	-	-	-	-							
000527	P&G - Litter/Rubbish	23,300	-	-	23,300	18,816	30,619	131%	-	30,619	131%	-	-	-	-	-							
000528	P&G - Tree Inspections	38,712	-	-	38,712	30,855	112,897	292%	-	112,897	292%	-	-	-	-	-							
000529	P&G - BBQ's/Furniture	102,147	-	-	102,147	80,827	53,410	52%	4,550	57,960	57%	-	-	-	-	-							
000531	P&G - Utilities	198,420	-	-	198,420	148,815	123,397	62%	5,236	128,633	65%	-	-	-	-	-							
000532	Non Chargeable Time - Parks and Open Space	119,869	-	-	119,869	83,821	36	0%	-	36	0%	-	-	-	-	-							
000533	P&G - Playground/Outdoor Fitness	70,000	-	-	70,000	52,500	23,133	33%	-	23,133	33%	-	-	-	-	-							
Total Parks and Open Space Maintenance		1,833,371	-	-	1,833,371	1,431,187	1,117,570	61%	63,112	1,180,682	64%	-	-	-	-	16,230							
000259	Large Plant Maintenance (3259)	335,959	-	-	335,959	249,646	211,129	63%	20,776	231,905	69%	-	-	-	-	-							
000260	Fleet Maintenance (3259)	19,000	-	-	19,000	2,850	(32,081)	-169%	7,392	(24,690)	-130%	-	-	-	-	-							
000369	Small Plant Maintenance (3259)	8,160	-	-	8,160	6,120	2,218	27%	-	2,218	27%	-	-	-	-	-							
Total Plant and Fleet Maintenance		363,119	-	-	363,119	258,616	181,266	50%	28,168	209,433	58%	-	-	-	-	-							
000258	Building Maintenance (3258)	400,217	-	-	400,217	298,738	301,321	75%	124,774	426,094	106%	-	-	-	-	-							
000342	Public Convenience Building Maintenance (3258)	38,750	-	-	38,750	29,063	23,355	60%	-	23,355	60%	-	-	-	-	-							
Total Building Maintenance		438,967	-	-	438,967	327,801	324,676	74%	124,774	449,449	102%	-	-	-	-	-							
TOTAL RECURRENT MAINTENANCE PROGRAMS		6,185,145	-	-	6,185,145	4,792,854	3,780,283	61%	354,806	4,135,089	67%	33,853	-	-	33,853	53,493							
Emergency Response NDRRA Funded																							
TOTAL Emergency Response NDRRA Funded																							
TOTAL SPECIAL PROJECTS		6,875,293	3,208,919	9,776,305	19,860,517	13,637,586	10,792,731	54%	2,795,259	13,587,989	68%	158,853	1,555,107	8,665,387	10,379,347	4,318,089							

## **14.2 ANNUAL PLAN 2021/2022 - QUARTER 3 UPDATE - JANUARY - MARCH 2022**

### **DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Director Organisational Services, I Andrew Burgess have no interests to disclose in this report.*

### **ATTACHMENTS**

1. Annual Plan Report - Qtr 3 2021/2022 - Project and Initiative Updates [**14.2.1** - 9 pages]

### **EXECUTIVE SUMMARY**

The attached report provides a list of the projects included in the Annual Plan 2021/2022 and a progress comment has been provided for each project by a responsible officer.

### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Notes the Annual Plan 2021/2022 Quarter 3 updates; and*
2. *Notes that this report will be published on Council's website*

### **MOTION**

*That Council:*

1. *Notes the Annual Plan 2021/2022 Quarter 3 updates; and*
2. *Notes that this report will be published on Council's website*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

### **BACKGROUND**

The Annual Plan outlines the actions for 2021/2022 that will be implemented as priorities from the Council Plan 2017-2021 and Annual Budget 2021/2022. The Annual Plan was adopted by Council at its Ordinary Meeting on 20 July 2021.

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.

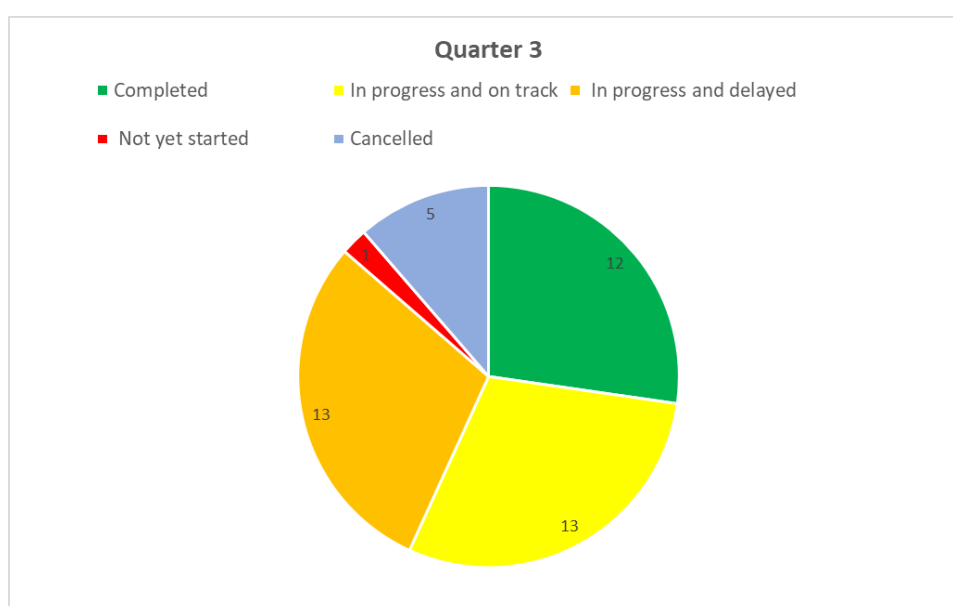
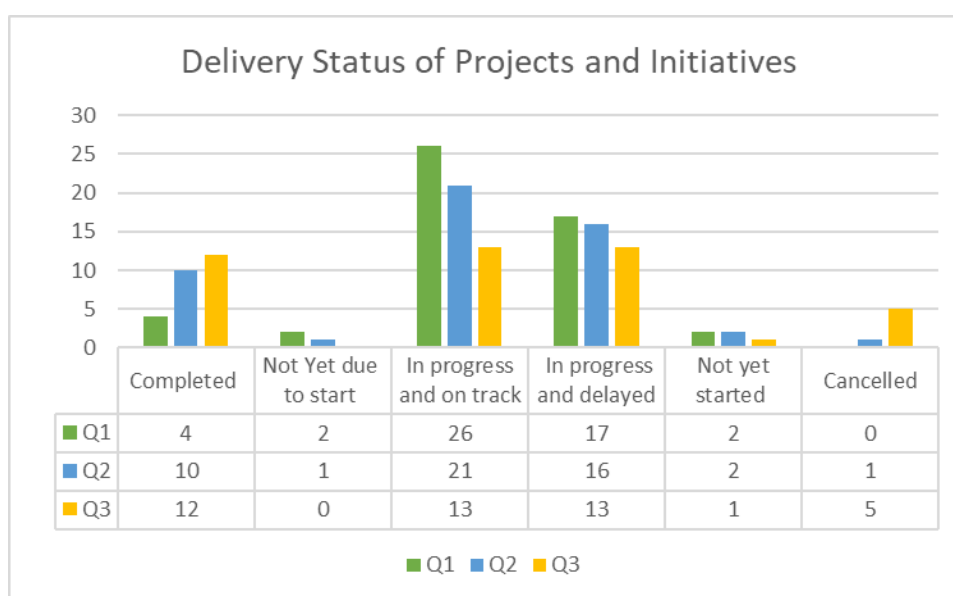
### **KEY ISSUES**

The attached report provides a list of the projects included in the Annual Plan 2021/2022 and a progress comment has been provided for the period ended 31 March 2022.

It should be noted that the Annual Plan does not include all projects to be undertaken during the year, and as it was adopted in July 2021 does not include several new actions and opportunities have been undertaken by Council, which were not included in the Plan.

Some projects have been delayed because of announcements of government funding, delays in project delivery or in recent months as a result of the impacts of the COVID-19 Pandemic, resourcing issues and natural disasters.

The following graph provides a snapshot of the current status of projects as of 31 March 2022, including carry-forward projects. Significant progress has been made on many of the projects with a significant number of projects completed over this reporting period.





The report contains the status of carry forward projects from the 2019/2020 and 2020/2021 annual plans. When these projects are reported as completed, they will not appear on the following quarter report. All completed projects in the current financial year plan, will be continuously reported throughout the entire reporting period.

**Snapshot Commentary:**

- 13 projects listed as 'in progress and on track'.
- 12 projects are complete
- 1 listed as 'Not yet due to start'
- 5 listed as a cancelled project
- 13 projects listed as 'in progress and delayed. A number of these projects are ongoing and have also been impacted by procurement stages.

**POLICY AND STATUTORY IMPLICATIONS**

**Council Plan 2021-2025**

- 3. Embracing our past and planning for the future
  - 3.3 Build and maintain infrastructure that supports liveability and activity in our community.
- 5. A dynamic and responsive Council
  - 5.2 A sustainable and agile organisation with strong corporate governance that supports excellent operations.
  - 5.3 Actively communicate, inform and engage with our community about events and decision-making.

**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**

It is anticipated that all projects listed as 'in progress and delayed' will be completed in the final quarter of 2021/2022 Financial Year.

**RISK IMPLICATIONS**

A review of 'in progress and delayed' is being undertaken as part of finalising the end of year accounts. Project comments have been updated to confirm status as of 31 March 2022.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Community Engagement in accordance with the adopted policy is considered on a project-by-project basis. The update will be placed on Council's website.

# Annual Plan Project Updates

Quarter 3 / 2021-2022 (January - March 2022)

(includes carry-forward projects 2019-20 and 2020-21)



**A resilient and sustainable environment**

A responsive, adaptive, and resilient community that addresses changes to our climate and biodiversity.



**A healthy supported, and empowered community**

A community that values connection, supports diversity, health, and wellbeing, and is inclusive of all people and their needs.



**Embracing our past and planning for the future**

We acknowledge and empower the Traditional Owners and other cultures of our area to protect our historical roots while planning for future generations.



**Diverse economy and opportunity**

Our community is enhanced by a diverse and resilient economy that supports local aspirations through opportunity.



**A dynamic and responsive council**

Council and the community partner to achieve their aspirations through excellent communication and engagement, the delivery of effective services, strong financial management, and governance.

## 2021-22 Annual Plan

### A RESILIENT AND SUSTAINABLE ENVIRONMENT

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Domestic Animal Management Plan (DAMP)</b>	Develop a 4-year plan that outlines Councils approach to animal management within the Shire.	Operational Budget	Dec-21	Waste, Facilities and Community Safety	Storms in January have caused some further delays in the process however offices are engaging a consultant to assist with the compilation of the DAMP following the review of the roughly 500 submissions. Completion is still expected in June-2022	In progress and on track
<b>Western Victoria Transmission Line</b>	Advocate for detailed community engagement and underground construction of the proposed Western Victorian Transmission Line and complete detailed Environmental Effects Statement submission	\$50,000	Jun-22	CEO Unit	<p>Ongoing advocacy continues in relation to the project with regular ongoing meetings occurring between HSC and AusNet, HSC and a community working group. HSC has active involvement and input in to the Technical Reference Group (TRG). Although the workings of the TRG are currently confidential, these officers are feeding Councils concern into the group.</p> <p>Community sessions were conducted in February and March to assist community members prepare for making a formal submission on the EES which is expected mid-year. Council will also prepare and submit a submission to the EES.</p>	In progress and on track
<b>Sustainable Hepburn</b>	Develop and adopt integrated strategy to include; 1. Waste Strategy, 2. Biodiversity Strategy, 3. Sustainability Strategy	Operational Budget	Mar-22	Waste, Facilities and Community Safety / Planning and Development	The Community Reference Group Meetings have concluded, and the group have provided their recommended action plans to the independent facilitators. The facilitators are now preparing a report to share with officers who have begun the process of drafting the Sustainable Hepburn Strategy document. Officers intend to present the draft strategy in May 2022.	In progress and on track

### A HEALTHY, SUPPORTED AND EMPOWERED COMMUNITY

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Hepburn Hub at the Rex</b>	Begin construction of the Hepburn Hub at the Rex to deliver improved community spaces	Carry-forward	Mar-22	Major Projects	In line with the decision of Council this project has been cancelled and is no longer being delivered	Cancelled
<b>Trentham Community Hub</b>	Complete detailed design of the new Trentham Community Hub and progress to construction stage.	Carry-forward \$200,000	Jun-22	Major Projects	Following the awarding of the construction contract in late December 2021, the project officers has been working with Coliban Water to plan for a realignment of sewer mains on the project site. The work is planned for late March to allow for construction to commence in April 2022.	In progress and on track
<b>Trentham Sportsground Reserve Pavilion Development</b>	Complete detailed design of the pavilion redevelopment and begin construction.	Carry-forward +\$748,623	Sep-22	Economic Development and Recreation		Completed

<b>Arts and Culture Strategy</b>	Develop and adopt an Arts and Culture Strategy to set the future direction for art and culture in the Shire, in order to nurture and expand experiences.	\$40,000	May-22	Community Life	Detailed planning and background research for the Strategy has commenced. Engagement and consultation planning is currently underway. Creative sector and community consultations will take place in May-June and the Strategy is expected to be finalised in the first quarter of 2022/2023	In progress and delayed
<b>Early Years Strategy</b>	Develop and adopt a strategy that will build on the previous Hepburn Shire Healthy, Active and Safe Early Years Strategy 2015.	Carry-forward	Mar-22	Community Life	Significant community input occurred during 2021/2022. Following Executive and Councillor endorsement in March the draft Starting Blocks Early and Middle Years strategy has been advertised for community comment. It is anticipated that the final strategy will be presented to the May Council meeting for adoption.	In progress and on track
<b>Positive Ageing Strategy</b>	Develop and implement a new Positive Ageing Strategy to focus on staying active and healthy.	Operational Budget	Jun-22	Community Life	Significant community input occurred during 2021/2022. Executive and Councillor endorsement expected in April, the draft No Barrier Positive Ageing Strategy will be advertised for community comment. It is anticipated that the final strategy will be presented to the July Council meeting for adoption.	In progress and on track
<b>LGBTIQA+ Advisory Committee</b>	Fund an Officer resource and operational budget to establish an LGBTIQA+ Advisory Committee of Council.	\$50,000	Dec-21	Community Life	Members of the Advisory Committee have been appointed and the first meeting of the Committee is due to take place in April 2022	Completed
<b>Walking and Cycling Strategy</b>	Develop and adopt a Walking and Cycling Strategy 2021-2025.	\$90,000	Jun-23	Economic Development and Recreation	Project deferred in mid year budget review and will be considered for inclusion as a project for the 2022/23 budget.	Cancelled

## EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Hammon Park Trail Head and Bike Path</b>	Begin construction of Hammon Park Trail Head and Bike Path, Creswick	\$750,000	Feb-22	Major Projects	Council awarded the construction contract for the Hammon Park Trailhead to NaturForm in February 2022. Construction has commenced with an anticipated completion date scheduled for November 2022. Given project was to 'commence construction' the task is deemed to be achieved and construction will continue.	Completed
<b>Reconciliation Action Plan Development</b>	Develop and adopt our next Reconciliation Action Plan	\$29,000	Jun-22	Community Life	Final stages of the key reconciliation project are under way for the proposed renaming of Jim Crow Creek. A Special Council Meeting to hear presentations both supporting and objecting to the proposal was held on 22 March. Council will make its determination at its April meeting whether to recommend to Geographic Names Victoria that the Creek be renamed to Larni Barramal Yaluk. A call out for members for a new Reconciliation Action Plan Advisory Committee will be advertised in May	In progress and delayed



<b>Delivery of Strategic Planning Program</b>	Implement year 1 of Council program of strategic planning work to be delivered in accordance with financial budget allocations.	\$660,000	Jun-22	Planning and Development	Council has an ambitious but detailed strategic planning program. The program is currently slightly behind schedule, with a detailed update provided to Councillors in late March on the current progress. A key consultant to provide a flora and fauna assessment has been engaged for the technical studies associated with the Creswick Structure Plan. Liaison with Dja Dja Wurrung has also commenced. Officers are currently working on the development of a shire wide Land Demand and Supply study, with expected completion in late April 2022. This work will also provide the background and analysis for the Affordable Housing Strategy. The Planning Scheme Review (Amendment C80) has been approved by the Minister for Planning and was gazetted in February 2022. Amendment C77, an update to the Land Subject to Inundation Overlay was approved in April and Amendment C82 which seeks permanent heritage protection for the Old Hepburn Hotel should be gazetted shortly.	In progress and delayed
<b>Undertake Affordable Housing Strategic Planning</b>	Implement year 1 of Council program of strategic planning work.	\$50,000	Jun-22	CEO Unit	This project will build upon the findings and analysis of the shire wide Land Demand and Supply study which is due for completion shortly. Officers have commenced development of the project scope for the second stage of this work, which will require a consultant resource to undertake the works. On a regular basis, officers are meeting with interested community groups, and State Government to advocate for continued assistance to ensure increased affordable housing within the shire.	In progress and on track

### DIVERSE ECONOMY AND OPPORTUNITIES

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Hub for Premium Produce</b>	Undertake Year 3 (of 3) actions, focused on connecting and actively working with Premium Produce Enterprises in the Hepburn Shire and surrounding region to navigate processes, unlock opportunities, and build the ongoing capacity and skills of the sector to collectively grow and survive.	Carry-forward +\$270,000	Jun-22	Economic Development and Recreation	In Quarter 3 the second Artisan Agriculture survey was launched and widely promoted and closes 24 April. A significant amount of work went in to planning for the rest of the project which is due to end in February 2023. A full suite of events have now been planned and staff have drafted communications plans, the key events will all address the barriers identified and include the following; Planning forum in June, with Agriculture Victoria and planning staff and Eco Dev staff from each of the Central highlands SLGA's to discuss who agriculture can be better supported; Small business mentoring marketing workshop in Ma; Food regulation session in Aug/Sept, engaged Open Food Network to plan and facilitate 2 x workshops on possible Food and Produce Hub concept. The team have also been actively involved in supporting and liaising with the broader agriculture sector in response to the January storm event in Creswick and surrounds.	In progress and on track

<b>City (Region) of Gastronomy</b>	Partner with the City of Greater Bendigo to seek opportunities for our region flowing from the City (Region) of Gastronomy initiative and continue advocacy for the planning of the Institute of Gastronomy.	Operational Budget	Jun-22	Economic Development and Recreation	Ongoing participation in quarterly meeting with the region. City of Greater Bendigo have completed testing of an online map featuring producers within the region, this is being rolled out in a staged approach, and currently features Bendigo producers, with the expectation that it will be further rolled out throughout the region in 2022. Next City of Gastronomy meeting being to be held in April 2022.	In progress and on track
<b>Central Victorian Goldfields</b>	Partner with other Council's to advocate for the World Heritage Listing of the Central Victorian Goldfields	Operational Budget	Jun-22	Economic Development and Recreation	An online forum of 90 local government Mayors, Councillors, Chief Executive Officers, key staff, Co-Patrons The Hon Denis Naphthine AO and The Hon John Brumby AO, as well as representatives from regional tourism bodies and Heritage Victoria was held in March it was communicated how the bid will serve as a catalyst to transform the region, delivering a crucial post-pandemic economic lifeline to the Central Victorian Goldfields region. The working group will soon embark on trying to identify 12 key sites from throughout the entire region that will be put forward for listing.	In progress and on track
<b>Hepburn Shire COVID Stimulus Projects Package</b>	Deliver key COVID stimulus projects including 1. Bullarto Station Tourist Precinct, 2. Creswick Town Hall restoration and 3. Wombat Hill Botanic Gardens enhanced visitation experience.	State Government Regional Infrastructure Fund in partnership with HSC and Community partners. Total package \$2.2M	Jun-22	Major Projects	Creswick Town Hall restoration – HV permit exemption approved. Procurement to seek commercial builder underway, closes 28/4. Award scheduled for May 17 Council meeting. Completion late 2022.  Wombat Hill Botanical Gardens enhances visitation experience - construction and design are underway for the four parts to the Wombat Hill upgrades project. One project has been completed. One project contractor procured for construction. Two projects design are underway. The total project will progressively be completed. The project is to be completed in November 2022.	In progress and delayed

## A DYNAMIC AND RESPONSIVE COUNCIL

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Pavement Rehabilitation Program</b>	Undertake Councils Annual road rehabil	\$1.41M	Jun-22	Operations	Council's 2021/22 Road Rehabilitation program includes the following large projects <ul style="list-style-type: none"> <li>•Daylesford Clunes Road is complete. The final seal was brought forward and delivered in the Annual reseal program in March 2022 to maximise the Heavy Vehicle grant funding</li> <li>•Lone Hand Road was constructed by Council Works team and completed in March 2022.</li> <li>•Orford St Daylesford was completed in October 2021.</li> <li>•Railway Crescent planning complete with on ground works deferred in the Mid Year Budget Review.</li> </ul>	Completed
<b>Gravel Resheeting Program</b>	Undertake 16 kilometres of Gravel Resh	\$570,000	01-March-2022	Operations	The annual gravel resheeting program was completed in December 2021. The program achieved resurfacing of 14kms of road as identified in the program. Project delivered with some minor savings.	Completed

Hepburn Shire Council

Quarter Three 2021-22 Annual Plan Report - Project and Initiative Updates (Jan - Mar 2022)

ATTACHMENT 14.2.1

<b>Implementation of the Local Government Act</b>	Implement changes as required by the L	Operational Budget	01-June-2022	Governance and Risk	The majority of Local Government Act 2020 implementation is complete, with the only remaining plan that needs to be developed in 2022 is the asset management plan and this is on track for adoption by June 2022. The Complaints Policy, Procurement policy, CEO Remuneration and Employment Policy, Staff Code of Conduct, Recruitment Policy and Workforce Plan have been finalised.	In progress and on track
<b>Review and Implement HSC Workforce Strategy and Plan</b>	Develop, in accordance with the Local G	Operational Budget	01-December-2021	Culture and Performance	The 2021 – 2025 Workforce Strategy and Plan developed in consultation with staff was presented to Executive and Councillors for consideration in late 2021. The finalised plan was adopted in December 2021.	Completed
<b>Develop and Implement Gender Equity Action Plan</b>	Develop, in accordance with the Gender	Operational Budget	01-March-2022	Culture and Performance	The Gender Equity Action Plan (GEAP) has been approved by the CEO and made available to all staff, our Gender Equity Advisory Committee and placed on Councils website.	Completed
<b>Customer Service Strategy</b>	Implement a Customer Service Strategy	Operational Budget	01-March-2022	Organisational Services	The scope of project expanded to include the Customer Service Strategy, Customer Service Charter and will consider impact on current Council values. Request for quote developed and to be advertised in May 2022. Project will commence in June and will be finalised in August 2022.	In progress and delayed
<b>Community Vision, Council Plan including Municipal Public Health and Wellbeing Plan.</b>	Finalise and adopt the Community Visio	Operational Budget	01-October-2021	Executive	Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan adopted by Council at the October 2021 Ordinary meeting of Council. Project Complete.	Completed
<b>Priority Projects</b>	Continued advocacy for State and Feder	Operational Budget	01-June-2022	Executive	The Hepburn Shire Advocacy Statement was adopted by Council at the February 2022 Ordinary Meeting. The Statement has been forwarded to all levels of Government to showcase our priority projects and initiatives.	Completed
<b>Risk Management Framework Implementation</b>	Implementation of the Risk Managemer	Carry-forward	01-December-2021	Governance and Risk	Following detailed development and review by Councils Audit and Risk Committee the Risk Management Framework was finalised and adopted by Council at the Ordinary Meeting of Council in December 2021	Completed
<b>Long Term Financial Plan</b>	Adopt a Long Term Financial Plan 2021-	Operational Budget	01-October-2021	Financial Services	The 10 year Financial Plan (Long Term Financial Plan) was adopted by Council at a Special Meeting held on 21 October, 2021. Project complete.	Completed
<b>Council Website</b>	Modernise and upgrade website to mak	\$75,000	01-March-2022	CEO Unit	<p>A website developer (Open Cities) has been selected. Open Cities is an MAV preferred supplier and has developed websites for councils large and small through Victoria.</p> <p>Community have been able to complete a short survey to let us know what should be considered in the development of the new website, internal data transfer and development of the site is now on target for a go-live date of mid-June 2022.</p>	In progress and delayed

## Carry Forward 2020-21 Annual Plan

### QUALITY COMMUNITY INFRASTRUCTURE

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Creswick Fountain Refurbishment</b>	Repair and reinstate the Creswick fountain to permanent use.	\$42,350	01-June-2021	Operations	Project deferred in Mid Year Budget review.	Cancelled
<b>Hammon Park Facilities Upgrade</b>	Identify further needs for the current buildings at Hammon Park Reserve and provide drawings to the level of tender issue for any proposed works.	\$50,000	01-January-2021	Waste, Facilities and Community Safety	Flooding in Creswick severely impacted the Hammon Park Reserve. Internal and external water damage is being assessed before continuing with these works.	In progress and delayed
<b>Glenlyon Recreation Reserve Community Pavilion</b>	Complete detailed design of the new pavilion at the Glenlyon Recreation Reserve following adoption of the masterplan and continue advocacy for government funding.	\$121,000	01-November-2022	Economic Development and Recreation	Project deferred in Mid Year Budget review. Officers to recommence master planning engagement at the site with a view to finalising a Master Plan for adoption by Council.	In progress and delayed

### ACTIVE AND ENGAGED COMMUNITIES

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Community Planning</b>	Work with appointed Charter Groups to review or endorse Community Plans for Lyonville, Glenlyon and District and Hepburn/Hepburn Springs.	Operational Budget	01-May-21	Community Life	The Community Planning program and working with Charter Groups has been delayed, as resources have been targeted to Storm and COVID recovery.	In progress and delayed

### VIBRANT COMMUNITIES

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Artists in Residency Pilot program</b>	Undertake as a pilot an Artist in Residency Programme utilising the Caretakers Cottage at Hepburn Mineral Springs Reserve.	Operational Budget	01-Jun-21	Community Life	Project Cancelled. The project and artist programming will be reconsidered as part of the development of the Arts and Culture Strategy, which is expected to be completed by mid-2022.	Cancelled

### SUSTAINABLE ENVIRONMENT

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Tree Management</b>	Adoption of a Tree Management Plan and 5-Year Street Tree Strategy	Operational Budget	01-Feb-21	Operations	Tree Management Plan and Planting Strategy completed with all feedback responded and incorporated. Documents currently with graphic designer and to be endorsed in May 2022.	In progress and delayed

## Carry Forward 2019-20 Annual Plan

### QUALITY COMMUNITY INFRASTRUCTURE

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Future Water Security</b>	Central Highlands Water partnership for Integrated Water Management (IWM)	Carry-forward	01-Jun-21	Parks and Open Spaces	Project Delivered	Completed
<b>Creswick Trails Project</b>	Undertake a tender process and begin construction on the Creswick Trails.	Carry-forward	01-Jun-21	Major Projects	The Creswick Trails received a planning permit in January 2022. Following this, officers are seeking final permissions and permits required to release a construction tender which is anticipated in May 2022.	In progress and delayed

### ACTIVE AND ENGAGED COMMUNITIES

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Recreation Facilities and Management Models</b>	Complete a study to review the current management models of Community Recreation Facilities	Carry-forward	01-June-2023	Economic Development and Recreation	Project deferred at mid year review	Cancelled
<b>Recreation Facilities – Masterplans</b>	Work with community groups to undertake and adopt masterplans for Glenlyon, Trentham, Doug Lindsay and Clunes Recreation Facilities	Carry-forward	01-November-2022	Economic Development and Recreation	Doug Lindsay Recreation Reserve and the Trentham Recreation Reserve Masterplans have previously been adopted by Council. Officers are working through the development and community engagement for the Daylesford Community Park, Glenlyon and Clunes Recreation Reserves to adoption in 2022.	In progress and delayed

### SUSTAINABLE ENVIRONMENT

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Towards Zero Emissions Roadmap - Streetlights</b>	Continue implementation of the towards Zero Emissions Roadmap by upgrading 133 Street lights as part of the Major Road Lighting Project.	Carry-forward	01-Jun-20	Waste, Facilities and Community Safety	Project almost complete with the last 3 installs being completed by Powercor. The project is set to be finalised by April 2022.	In progress and on track
<b>Waste to Energy</b>	Construct a plant and expand the waste to energy project to full scale (pending the outcome of the current pilot project)	Carry-forward	01-Jun-20	Waste, Facilities and Community Safety	Kerbside collection and processing of organic waste into compost is continuing. Officers are communicating with residents that the trial will continue until September within the original project budget. The process will continue to be improved and refined to help gather knowledge and experience to help council make decisions on future organic Kerbside services.	In progress and on track



**A HIGH PERFORMING ORGANISATION**

Project Name	Description	Budget - 2021/22	Target Completion Date	Business Unit	Q3 Comments	Status
<b>Governance Software</b>	Purchase, install and implement software to manager and enhance Council's risk and incident management reporting including management of Council delegations	Carry-forward	01-Oct-19	People and Governance	Delayed while recruitment for Manager Governance and Risk underway. With the Risk Management Framework finalised and implemented in December 2021 the next steps will be the exploration to procure software that is built for purpose that will house council's risk management / risk registers and incident management information.	Not yet started
<b>Contractor Management</b>	Continue the training and development of staff skills in relation to Contractor Management, including the rollout of an online induction system for contractors	Operational Budget	01-Mar-20	People and Governance	Contacting Management Training of staff was completed in 2021, with the planned roll out of an online induction system scheduled to be undertaken in 2022.	In progress and delayed

### **14.3 RECOMMENDATIONS FROM THE AUDIT AND RISK COMMITTEE MEETING HELD ON 28 MARCH 2022 DIRECTOR ORGANISATIONAL SERVICES**

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

#### **ATTACHMENTS**

1. CONFIDENTIAL - Draft Confidential Minutes - Audit and Risk Committee - 28 March 2022 [**14.3.1** - 22 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Councillors to consider advice from the Audit and Risk Committee (ARC) meeting that was held on 28 March 2022.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Receives the draft minutes of the Audit and Risk Committee Meeting that was held on the 28 March 2022; and*
2. *Notes the recommendations of the Audit and Risk Committee that were moved at the meeting on 28 March 2022.*

#### **MOTION**

*That Council:*

1. *Receives the draft minutes of the Audit and Risk Committee Meeting that was held on the 28 March 2022; and*
2. *Notes the recommendations of the Audit and Risk Committee that were moved at the meeting on 28 March 2022.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Don Henderson

**Carried**

#### **BACKGROUND**

The purpose of the Audit and Risk Committee is to oversee and monitor the effectiveness of Council in carrying out its responsibilities for accountable financial management and risk, good corporate governance, provide experience in public sector management, and the maintenance of systems of internal control, and the fostering of an ethical environment.

The Audit and Risk Committee is not a delegated committee and cannot exercise statutory functions and powers of the Council under delegation, and essentially acts as an advisory body on behalf of Council.

The Audit and Risk Committee meetings are closed to the public.

### **KEY ISSUES**

The Audit and Risk Committee held its quarterly meeting on 28 March 2022. The Confidential Minutes of the meeting are attached for Councillor's consideration.

### **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

*Local Government Act 2020*

The Audit and Risk Committee is governed by section 53 of the *Local Government Act 2020*, and operates in line with the Audit and Risk Committee Charter. A Workplan is developed to align with their obligations.

### **GOVERNANCE ISSUES**

The Audit and Risk Committee was established by Council resolution on 28 August 2020 in line with section 53 of the *Local Government Act 2020*.

The Committee is made up of four independent committee members – Ms Linda McNeill (Chair), Mr Jason Young, Mr Robert Taylor and Ms Carol Pagnon.

The Councillor delegates of the Committee are Cr Tim Drylie (Mayor), and Cr Brian Hood.

### **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 major risk implications associated with this report.

The Audit and Risk Committee were duly briefed on all reports and a robust discussion was had. Should Council disagree with any recommendations that the Audit and Risk Committee present for its consideration, then Council may, via a

resolution of Council and in line with Council's good governance framework, state which motions Council do not accept.

If officers do not present this report to Council at the next practicable Council meeting for consideration, then there will be a breach of the Audit and Risk Committee Charter.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with this report. The Audit and Risk Committee, and representatives from Council's external and internal auditors respectively have been engaged and consulted on reports that relate to their function and duty to Council.

All members of the Audit and Risk Committee were presented with agenda papers and were all present at the Audit and Risk Committee Meeting that was held on 28 March 2022.

Councillor Tim Drylie and Chief Executive Officer Bradley Thomas left the meeting at 8:22pm due to a conflict of interest in relation to item 14.4 Approval of Interstate travel to attend the National General Assembly partners in Progress Conference 2022.

#### **14.4 APPROVAL OF INTERSTATE TRAVEL TO ATTEND THE NATIONAL GENERAL ASSEMBLY PARTNERS IN PROGRESS CONFERENCE 2022 DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Governance Advisor, I Dannielle Kraak have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. National General Assembly 2022 [**14.4.1** - 6 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider the approval of travel arrangements for the Mayor, Cr Tim Drylie, and Chief Executive Officer Mr Bradley Thomas to attend the National General Assembly Partners in Progress Conference 2022. The purpose of the Conference is for Local Governments to engage directly with the Federal Government, to develop national policy, and to influence the future direction of Council and our community.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Approve the interstate travel for the Mayor Tim Drylie and Chief Executive Officer Mr Bradley Thomas to attend The National General Assembly Partners in Progress Conference 2022;*
2. *Approves expenditure estimate for travel of \$6728 for both the Mayor and CEO;*
3. *Notes that this amount includes \$500 for incidentals that may occur that cannot be pre-paid by Council,*
4. *Notes that any additional expenditure identified once bookings have been made will be reported to a future Ordinary Meeting of Council, and;*
5. *Notes that the Mayor and the Chief Executive Officer to prepare a report regarding the conference for a future Ordinary Meeting of Council.*

#### **MOTION**



*That Council:*

- 1. Approve the interstate travel for the Mayor Tim Drylie and Chief Executive Officer Mr Bradley Thomas to attend The National General Assembly Partners in Progress Conference 2022;*
- 2. Approves expenditure estimate for travel of \$6728 for both the Mayor and CEO;*
- 3. Notes that this amount includes \$500 for incidentals that may occur that cannot be pre-paid by Council,*
- 4. Notes that any additional expenditure identified once bookings have been made will be reported to a future Ordinary Meeting of Council, and;*
- 5. Notes that the Mayor and the Chief Executive Officer to prepare a report regarding the conference for a future Ordinary Meeting of Council.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

**Cr Henderson called for a Division:**

**For:** Cr Brian Hood, Cr Lesley Hewitt, Cr Juliet Simpson, Cr Jen Bray

**Against:** Cr Don Henderson

**Carried**

## **MOTION**

*To approve the extension of the Ordinary Council Meeting 17 May until the remaining items on the agenda have been considered.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Don Henderson

**Carried**

## **BACKGROUND**

The Mayor, Cr Tim Drylie, and Chief Executive Officer Mr Bradley Thomas are proposing to travel to Canberra for the National General Assembly.

Under Council's Expenses and Resources Policy 2020, interstate travel by a councillor requires approval from Council.

## KEY ISSUES

The following table shows the details of interstate travel undertaken in an official capacity by a Councillor or any member of Council staff for the period.

The total cost to Council includes all the costs of the travel including conference fees, flights, incidentals and accommodation costs.

Officer/Councillor	Cr Tim Drylie
Date	19 – 22 June 2022 (departing 18 June 2022 and returning 22 June 2022)
Destination	Canberra
Accompanying Staff	Bradley Thomas – Chief Executive Officer
Purpose and Benefits	Council to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our councils and our communities.  A networking opportunity with other Local Government agencies
Strategic Objectives	A dynamic and responsive Council  5.2 Actively communicate, inform and engage with our Community about events and decision-making  5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations
Costs	\$6728.00, including airfare, airport transfer, accommodation, meals and conference attendance for both the Mayor and CEO.
Funding	Existing Council Budget

## POLICY AND STATUTORY IMPLICATIONS

### Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

### Council Expenses and Resources Policy

6.3 *Procedure for applying for interstate and international travel*

*a) Councillors seeking to travel interstate or internationally must first provide a report to the Mayor and CEO outlining their proposal. The report must contain the following elements:*

- State the travel location, reason for travel and period of travel*
- Provide details of the travel including any external funding*
- The objectives of the travel together with the potential benefits to the Hepburn Shire Council and its stakeholders*
- Accompanying staff and their role*
- Identify the relationship between the proposed travel and the Strategic Objectives in the Council Plan and any other Council policy, strategy or program.*

*b) Provide the estimated cost including*

- Airfares, including class of travel, accommodation, fees and other expenses such as day to day incidental costs;*
- The cost associated with any accompanying Council staff member*
- A statement confirming that the costs relating to the proposed travel will be met from an existing budget allocation*
- Contain a recommendation to Council to approve the proposal.*
- Assessment of each application will be made on the merits of the proposal and the alignment of the request with the Council Plan or other interests of the Hepburn Shire Council.*
- Councillors seeking to travel internationally must prepare and present a report to an Ordinary Meeting of Council which contains the elements outlined above.*

*c) Where the proposal is supported by Council it will be approved and:*

- Nominate the Councillor(s) to undertake the travel*
- Recommend an amount to cover the travel costs relating to airfare, accommodation, fees, expenses and incidentals*
- Identify a maximum estimated amount for “incidentals” covering costs not pre-paid by Council*
- Note that the Councillor/ member of delegated committee will prepare a post travel report within 14 days of their return from approved travel.*

*d) Any proposal in relation to overseas travel to be undertaken by the Mayor will follow the same format. During the consideration of any travel proposal relating to the Mayor, the Deputy Mayor or other Councillor will take the Chair.*

*e) Councillors shall await the decision of the Mayor and CEO for interstate travel, or Council for international travel, which will be evidenced in writing, prior to making any bookings or incurring any costs associated with the proposed travel arrangement.*

## **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**

Council will cover the full cost of travel as there is no external funding available.

The breakdown of the estimated costs are itemised below.

*\*Please note these are an estimate of costs for Mayor and CEO, subject to change upon booking confirmation.*

- Regional Forum Sunday 19 June \$225pp
- National General Assembly \$989pp at early bird rates
- Estimate of Airfares \$1200
- Estimate of accommodation for Mayor and CEO (4 nights) \$2500
- Estimate of incidentals \$500
- Total Estimate \$ 6,728.00

## **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.

Cr Tim Drylie and Chief Executive Officer Bradley Thomas returned to the meeting at 8:28pm.

Cr Juliet Simpson left the meeting at 8:28pm due to a conflict of interest in relation to item 15.1 General Business





AUSTRALIAN  
LOCAL GOVERNMENT  
ASSOCIATION

PARTNERS IN PROGRESS

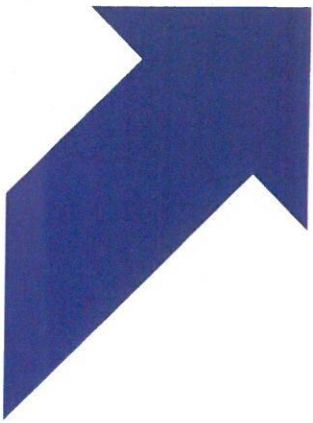
# 2022

## NATIONAL GENERAL ASSEMBLY

19 - 22 JUNE 2022

REGISTRATION BROCHURE





# Provisional Program

## SUNDAY 19 JUNE

9.00am	Registrations Open
9.30am - 5.00pm	Regional Forum (Additional registration required)
5.00pm - 7.00pm	Welcome Reception & Exhibition Opening

## MONDAY 20 JUNE

8.00am	Registrations Open
9.00am	Opening Ceremony Welcome to Country
9.20am	ALGA President Opens the Assembly
9.30am	Prime Minister Address <i>(invited)</i>
10.00am	ALGA President's Address Cr Linda Scott, ALGA President
10.30am	<b>MORNING TEA</b>
11.00am	Keynote Address: Thinking Differently for a New Future of Local Government in Australia Alicia McKay, Strategic Leadership Expert, NZ
11.45am	Panel: What is Progress? Panelists TBC
12.30pm	<b>LUNCH</b>
1.30pm	Debate on Motions
3.30pm	<b>AFTERNOON TEA</b>
4.00pm	Keynote Address: Economic Recovery Jennifer Westacott AO, Business Council of Australia
4.30pm	Minister for Local Government Address <i>(invited)</i>
5.00pm	Closing Remarks
7.00pm - 11.00pm	Networking Dinner National Museum



# **REGIONAL FORUM**

National Convention Centre Canberra

**2022**

Sunday 19 June

[regionalforum.com.au](http://regionalforum.com.au)



## PROVISIONAL PROGRAM

9.00AM	Registrations Open
9.30AM	Welcome to Country
9.40AM	ALGA President Opening Cr Linda Scott, ALGA President
9.50AM	Minister for Local Government Address (Invited)
10.15AM	Facilitated Q&A
10.30AM	Panel: Regional Tourism Post-Pandemic Coralie Bell, Australian Regional Tourism James Goodwin, Australian Airports Association Additional Panelists TBC
11.00AM	MORNING TEA
11.30AM	Keynote Address: Leadership During an Uncertain Climate Presenter TBC
12.00PM	Keynote Address and Panel: Regional Leadership Matt Linnegar, Australian Rural Leadership Foundation
1.00PM	LUNCH
2.00PM	Keynote Address: Increasing Our Resilience to Fires and Floods Adrian Turner, Minderoo Foundation Fire and Flood Resilience Initiative
2.30PM	Panel: Regional Housing and Population Challenges Liz Ritchie, Regional Australia Institute Professor Andrew Beer, University of South Australia
3.30PM	AFTERNOON TEA
4.00PM	Department of Infrastructure, Transport, Regional Development and Communications Presenter TBC
4.30PM	Shadow Minister for Local Government Address (invited)
5.00PM	Closing Remarks

## GENERAL INFORMATION

### REGISTRATION FEES

Forum Only Registration  
\$425

NGA Delegate Discount  
Registration  
\$225

Register Online Now:  
[regionalforum.com.au](http://regionalforum.com.au)

Dress Code: Smart Casual



**TUESDAY 21 JUNE**

9.00am	Panel: Building Stronger Communities Panelists TBC
9.45am	Panel: Federation Reborn Paul Tilley, Author Graham Jarvis, AEC Group Additional Panelists TBC
10.45am	<b>MORNING TEA</b>
11.15am	Keynote Address: Global Democracy Presenter TBC
12.00pm	<b>LUNCH</b>
1.00pm	Debate on Motions
2.00pm	Panel: Workforce Skills and Housing Panelists TBC
3.00pm	<b>AFTERNOON TEA</b>
3.30pm	Concurrent Sessions <ul style="list-style-type: none"> <li>Strategic Community Leadership with Alicia McKay</li> <li>Disaster Management and Recovery</li> <li>Climate Change</li> <li>Update from Department of Infrastructure, Transport, Regional Development and Communications</li> </ul>
5.00pm	Closing Remarks
7.00pm - 11.00pm	General Assembly Dinner Exhibition Park in Canberra (EPIC)

**WEDNESDAY 22 JUNE**

9.00am	Opposition Leader Address ( <i>invited</i> )
9.30am	Keynote Address: The New Political Landscape Presenter TBC
10.00am	Keynote Address: Local Government - A Global View Jonathan Carr-West, CEO, Local Government Information Unit
10.30am	<b>MORNING TEA</b>
11.00am	Panel: Future of Local Government Mayors and Councillors TBC
12.00pm	Keynote Address Val Dempsey, 2022 Senior Australian of the Year
12.30pm	Closing Session ALGA President Closing Address
1.00pm	<b>LUNCH</b>

**Alicia McKay Leadership Masterclass**

Join Alicia McKay, our keynote and MC, for an exclusive introductory masterclass to strategic community leadership.

Get a live taste of her newly launched program designed exclusively for local government leaders and enjoy a special offer for delegate enrolments.

Spaces are limited to just 50 places so be sure to pre register online <https://engage.aliciamckay.co.nz/scl-nga>

# Key Dates

**25 MARCH  
2022**

2022 NGA  
Call for Motions  
Closes

**20 MAY  
2022**

Close of  
Early Bird  
Registration Rate

**19 JUNE  
2022**

Regional  
Cooperation &  
Development Forum

**20 -22 JUNE  
2022**

National  
General  
Assembly



# Registration Information

Registration form available at [nga22.com.au](http://nga22.com.au)

GENERAL ASSEMBLY REGISTRATION FEES		INCLUSIONS
Registration Fees — Early Bird Payment received by Friday 20 May 2022	\$989.00	— Attendance at all General Assembly sessions — Morning tea, lunch and afternoon tea as per the General Assembly program
Registration Fees — Late Payment received after Friday 20 May 2022	\$1,099.00	— One ticket to the Welcome Drinks, Sunday — General Assembly satchel and materials

VIRTUAL REGISTRATION FEES		INCLUSIONS
Full Virtual Registration	\$689.00	— Virtual access to all General Assembly sessions for day(s) selected
Virtual Day Registration (Monday or Tuesday)	\$489.00	— Meeting hub to connect with other virtual attendees

DAY REGISTRATION FEES		INCLUSIONS
Monday 20 June 2022	\$529.00	— Attendance at all General Assembly sessions on the day of registration
Tuesday 21 June 2022	\$529.00	— Morning tea, lunch and afternoon tea as per the General Assembly program on that day
Wednesday 22 June 2022	\$280.00	— General Assembly satchel and materials

SUNDAY REGIONAL FORUM REGISTRATION FEES	
Forum Only Sunday 19 June 2022	\$425.00
NGA Delegate Delegates attending the Regional Forum and the NGA are entitled to this discount	\$225.00

ACCOMPANYING PARTNERS REGISTRATION FEES		INCLUSIONS
Accompanying Partners Registration Fee	\$280.00	— 1 ticket to the Welcome Reception, Sunday 19 June — Day tour Monday 20 June — Day tour Tuesday 21 June — Lunch with General Assembly Delegates on Wednesday 22 June

*All amounts include GST*



## 15 GENERAL BUSINESS

### RECOMMENDATION

*That Council:*

- 1. Grants Cr Juliet Simpson a leave of absence from 23 June 2022 to 13 July 2022 inclusive, noting that Cr Simpson will continue to attend Briefings and Council Meetings virtually during her leave, and;*
- 2. Appoints Cr..... to the Mineral Springs Reserves Advisory Committee for the period of Cr Simpson's leave.*

### MOTION

*That Council:*

- 1. Grants Cr Juliet Simpson a leave of absence from 23 June 2022 to 13 July 2022 inclusive, noting that Cr Simpson will continue to attend Briefings and Council Meetings virtually during her leave.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Lesley Hewitt

**Carried**

Cr Juliet Simpson returned to the meeting at 8:30pm

**16 CLOSE OF MEETING**

The Meeting closed at 8:30pm.