

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Wednesday, 22 July 2020 8:50:19 AM

[REDACTED]
[REDACTED]
[REDACTED]

22 July 2020

[REDACTED]

Consideration points:

- 1) Shire and State should keep pressing for consolidation of lots considering it's a small location and lots are already being consolidated.
 - 2) Many places around Australia achieve sustainable goals that allow people to live and develop next to nature whilst adhering to strict policies to protect the environment. How is it different here?
 - 3) In 2020 there are many technologies now that allow for sustainable building developments that use sustainable friendly options that don't impact the environment. Shire and State should investigate the use of current technologies that are used around Australia to protect the environment whilst allowing land owners to develop.
 - 4) Sailors Falls is closure to Daylesford than Wheatsheaf and Drummond North is to Daylesford.
 - 5) Fire prevention enforcement should be used to encourage land owners to maintain their land for fire prevention.
 - 6) How were houses developed in this area to start with? It is unfair to title this area as just farming to prevent development. Sailors Falls is very small compared to other places in Australia that successfully allow development whilst protecting the environment. How were Power Lines and Telephone lines built in the area to start with? Works are already in place. Doesn't it become more costly to leave half the works done?
 - 7) As a land owner we will keep pressing the Shire and State on these topics and eventually will seek legal advice on how Sailors Falls is being treated. We question if it's legal to have a Restructure Overlay without a plan. How did that happen? Are we entitled to compensation for loss of land value for such overlays?
 - 9) Removing restrictions on overlays potentially would increase the interest in the area therefore making it more beautiful, wouldn't it? It's done in other areas of Australia!
- [REDACTED]

Yours sincerely

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Planning Scheme (Biodiversity Strategy) SUBMISSION
Date: Wednesday, 22 July 2020 3:54:15 PM
Attachments: [HSC Planning \(Biodiversity\) submission.pdf](#)

Dear Review Officer,
Please find attached my 2-page submission.

I would greatly appreciate receipt of my submission at your earliest convenience.

Kind regards,
[REDACTED]

Amc80hepb Submissions received

The Planning Scheme Review Officer
Hepburn Shire Council
P O Box 21 Daylesford
Victoria 3460

21 July, 2020

**To the Planning Scheme Review Officer
SUBMISSION BY DR PATRICK JONES**

Dear Review Officer,

I write this submission in relation to the Hepburn Planning Scheme, specifically the shire's updating of the Biodiversity Strategy.

A key Permaculture principle is to seek integration not separation, and [REDACTED], seek a broader definition of biodiversity in our shire to include emplaced or naturalising species that provide ecological services to both the community and to indigenous biota. [REDACTED]

[REDACTED] An expanded definition of what constitutes biodiversity speaks to the importance of newcomer species and the role they are playing in the shire's multispecies communities. This is work that The Mulloon Institute and academics such as Dr Michael Wilson, have also been deepening over the past decades.

Dr Michael Wilson is the Director of Environmental Monitoring and Evaluation at the Murray-Darling Basin Authority, where he assesses the health of water dependent ecosystems in the region. Michael has a PhD in aquatic ecology and has been involved in researching, monitoring and evaluating river systems for 20 years. His studies include the critical role willows play in the accelerated repair of degraded stream systems in Australia. He is a Science Advisory Council member at The Mulloon Institute, and his work is highly regarded within the movement to broaden the definition of biodiversity in Australia and around the world and understand ecological services in broader, more detailed and less ideological terms.

Expanding what constitutes 'biodiversity' is a growing movement, a movement calling for recognition of the ecological and social values of newcomer species and how they interact with and support indigenous biota. The movement, which springs from permacultural approaches to biome restoration, and books such as "Beyond the War on Invasive Species" (2015) by Tao Orion, involves numerous voices from broad communities including Indigenous rangers and First Peoples' who integrate newcomer species into local food economies and contemporary eco-cultural practices and dreaming stories, emerging university departments and institutions such as the Centre for Compassionate Conservation at UTS in Sydney and the aforementioned Mulloon Institute in NSW, as well as Permaculturists who recognise the ecological services newcomer species bring into Country, which are aiding adaptations of human and more-than-human communities.

Papers such as "Aboriginal Rangers' Perspectives on Feral Pigs: Are they a Pest or a Resource? A Case Study in the Wet Tropics World Heritage Area of Northern Queensland" by Kana Koichi,

Kamaljit K. Sangha, Alison Cottrell and Iain J. Gordon, highlight there are no correct or incorrect positions when it comes to species and cultural adaptation. My own paper, "Future Food, Future Health: Remodelling Traditional Indigenous Food and Lifeways," written during my time on Palm Island, highlights how Indigenous communities are leading the way in resilient, relocalised and sustainable economies by drawing on their traditions and incorporating feral and weed species into their localised economies. [REDACTED] "In praise of weed soup: towards a posthuman biodiversity movement," also highlights key points for a broader definition of biodiversity and calls for a critical investigation into language and term use within the biodiversity movement, especially given what current science and the environment itself is telling us.

The aforementioned Centre for Compassionate Conservation observes "Compassionate conservation [as] an interdisciplinary field which promotes the treatment of all wildlife with respect, justice, and compassion. With the guiding principles of first, do no harm, individuals matter, inclusivity, and peaceful coexistence, compassionate conservation is forging a new path to enable positive human-wildlife interactions. Whether species are common or rare, whether native or not, all wildlife have intrinsic value. Compassionate conservation creates space for open dialogue, with the goal of helping to shape conservation thinking relevant to the Anthropocene."

Furthermore, I wish to be included in further discussions and communications relating to the shire's Biodiversity Strategy and look forward to working with council and other community stakeholders to build a more inclusive definition and practice of biodiversity, which I believe will in turn build more inclusive implementation processes, management and culture in this space.

Kind regards,

[REDACTED]

[REDACTED]
[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Letter of Objection to Proposed Changes to the Hepburn Shire Planning Scheme
Date: Wednesday, 5 August 2020 11:41:05 AM
Attachments: [Letter of Objection to Hepburn Shire Planning Officer.pdf](#)


To the Planning Officer, Hepburn Shire.

Please find attached our Letter of Objection to the Hepburn Shire re changes to the Significant Landscape Overlays

Regards

[REDACTED]

Amc80hepb Submissions received




4 August 2020

Attention: The Planning Scheme Review officer

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire.

We are writing to you to express our extreme concerns at the proposed changes to the Hepburn Shire Planning Scheme.

 we wish to make the following points:

- Supposed community consultation as set out in the "Proposed Changes to the Planning Scheme" brochure have been ineffectual and poorly targeted and has not reached a significant portion of interested parties.
- The amendments to the Hepburn Shire planning Scheme including SLO's should be postponed throughout the current COVID pandemic.
- Many landholders are not confident with Facebook or Zoom communication.
- The cost of compliance for farmers is unknown and should be costed before any consideration is given to altering to SLO's.
- The cost of compliance to Hepburn Shire is unknown and should be costed before any consideration is given to altering to SLO's.
- A substantial portion of the Hepburn Shire is commercial agriculture and we must not put unnecessary onerous conditions on the future growth of this important industry.
- Commercial Farming is a continuously changing industry and future use is unknown.
- Significant Landscape Overlays should not affect non-indigenous vegetation and planted vegetation must be allowed to be harvested or removed at the landowner's discretion.
- Agricultural practises have been a part of the vista of the Hepburn Shire for over 100 years and is a major part of the tourist attraction which is the Hepburn Shire.

Yours Sincerely



From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Amendment C80hepb with regards to changes to the SLO1
Date: Sunday, 8 August 2020 2:06:25 PM
Attachments: [REDACTED]

To Planning and Councilors,

Please see attached response to the proposed changes to made to the Significant Landscape Overlay 1 in our area. Can you please take the time to read the attached with the view to discussing this issue at your next council meeting. Feel free to contact me with any questions you may have.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received

To the Planning Review Officer.

9-08-2020

We are writing to object to the SLO 1 amendment C80hepb. [REDACTED]

[REDACTED] we would like to make you aware of the following points.

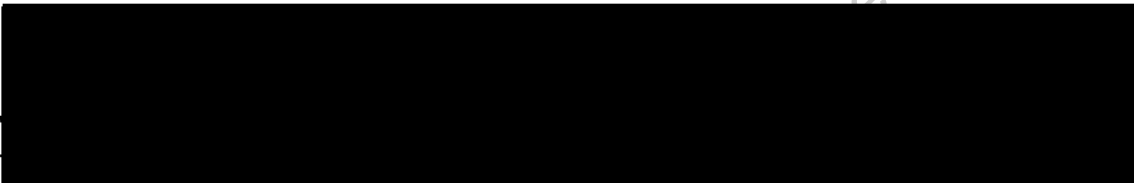
- The broad scale of the proposed amendment affects massive areas of prime agricultural land as compared to the existing SLO which now exists over the volcanic cones. We feel the existing legislation has worked well and can continue to protect these landscapes.
- The presented “glossy brochure” does not give any background to the following points. This makes it unbelievably difficult for councilors and landowners to understand the ramifications of this change.
 - No Impact statement has been done with regards to the affect on local landowners. This should include financial, administrative and mental health.
 - No costings have been presented.
 - No recognition for landowners’ efforts.
 - No gathering of legislation so councilors and farmers can see what is required and what they can and can’t do
- The requirements for obtaining Permits under this scheme are far too onerous for the local landowners particularly for the normal management of their farming enterprises. Listed below are some concerns
 - The Time taken to apply for a permit
 - The cost of the Permit
 - Time and cost to prepare a ‘Detailed Site Evaluation’
 - Time and cost to prepare a “Landscape Plan”
 - Time and cost to prepare a “Visual Impact Assessment”
 - Assessment time by the relevant authority
 - The Landowner is at the mercy of an assessor that probably does not understand the land as well as the landowner.
 -
- Some simple examples, (As best that we understand the proposed legislation)
 - Landowners may not remove dead or dying pine trees without a permit.
 - Landowners may not lop, prune or remove any vegetation over 1.4 metres high without a permit. Some exclusions apply.
 - Collect Firewood without a permit
 - Too many more here to mention.

- In the short term we think that during this time of Covid it is difficult to consult widely with landowners within this region. Therefore, at a minimum this amendment should be delayed until a proper consultative process can be agreed upon giving all landowners a practical forum to ask questions.

We believe that this amendment to SLO1 should be rejected completely and the current SLO remain. To change this legislation would have a major impact on local farmers, to the degree that local farmers may ignore this legislation and open themselves up to legal prosecution. It is poor legislation that encourages good people to break the law.

We have spent a number of days trying to understand and find the various clauses involved in these changes. This has taken us to many different government authorities and we are still not convinced we understand all the obligations. Therefore for all the reasons above we request that this amendment is rejected.

Your Sincerely

A large black rectangular redaction box covering the signature area of the letter.

Amc80hepb Subnm

received

From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: [REDACTED]
Date: Tuesday, 4 August 2020 9:25:10 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[Letter to Hepburn Shire dated 03.08.2020.pdf](#)
[Title page.pdf](#)
[Title plan.pdf](#)
[Planning property report.pdf](#)
[REDACTED]

To Whom It May Concern,

Please see attached a request to have a parcel of land that is incorrectly zoned to be rezoned. The land is currently zoned Public Use Zone, but is privately owned and forms part of [REDACTED]. It is requested that land be zoned to Rural Living Zone.

I have attached the following:

- Covering Letter;
- Copies of title;
- Planning Property Report of the land in question; and,

▪ [REDACTED].

Can you please provide a written response in what action will be taken by the Shire to rectify this anomaly.

If you have any issues, please give me a call on [REDACTED]

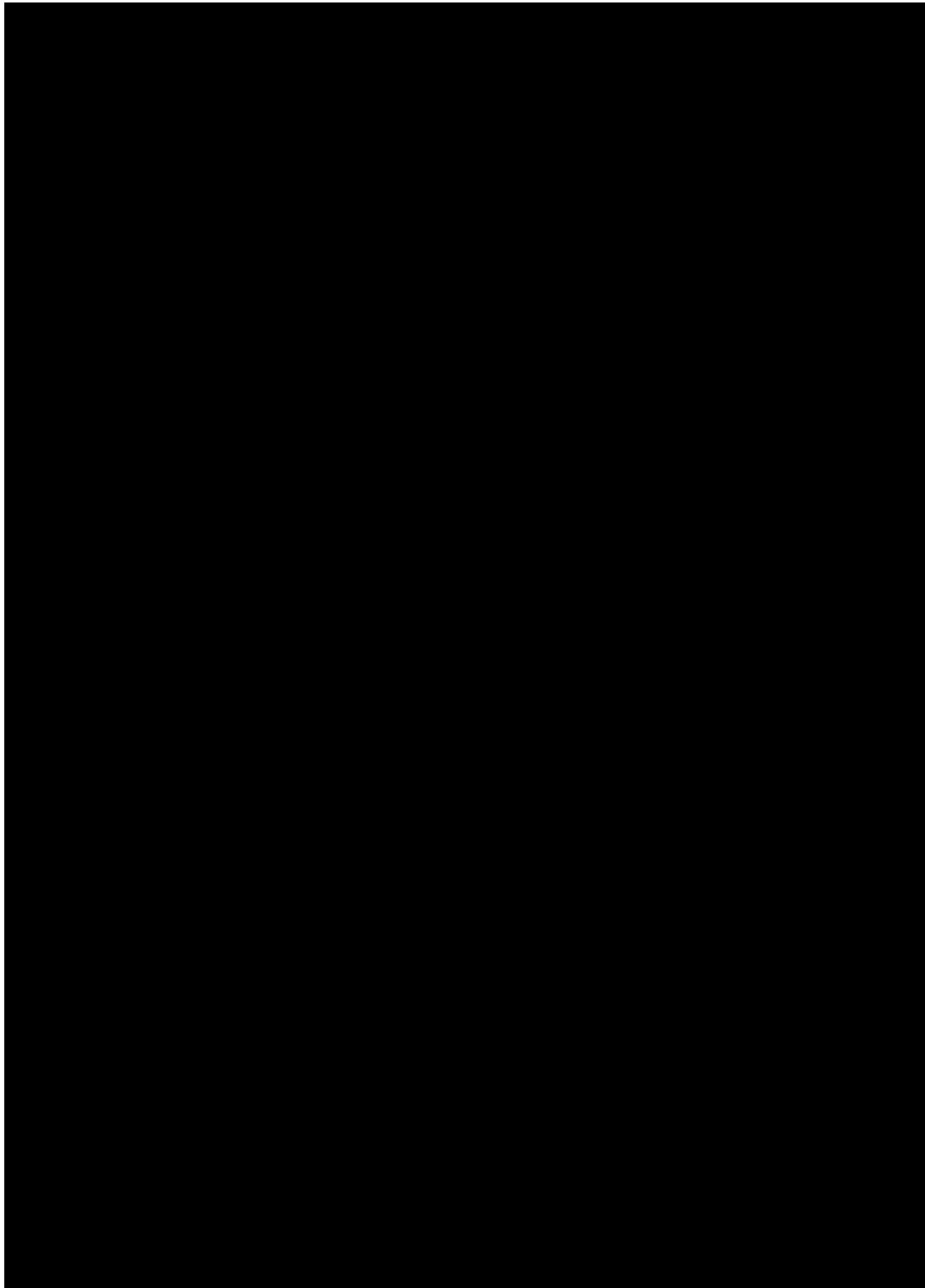
Thanks.

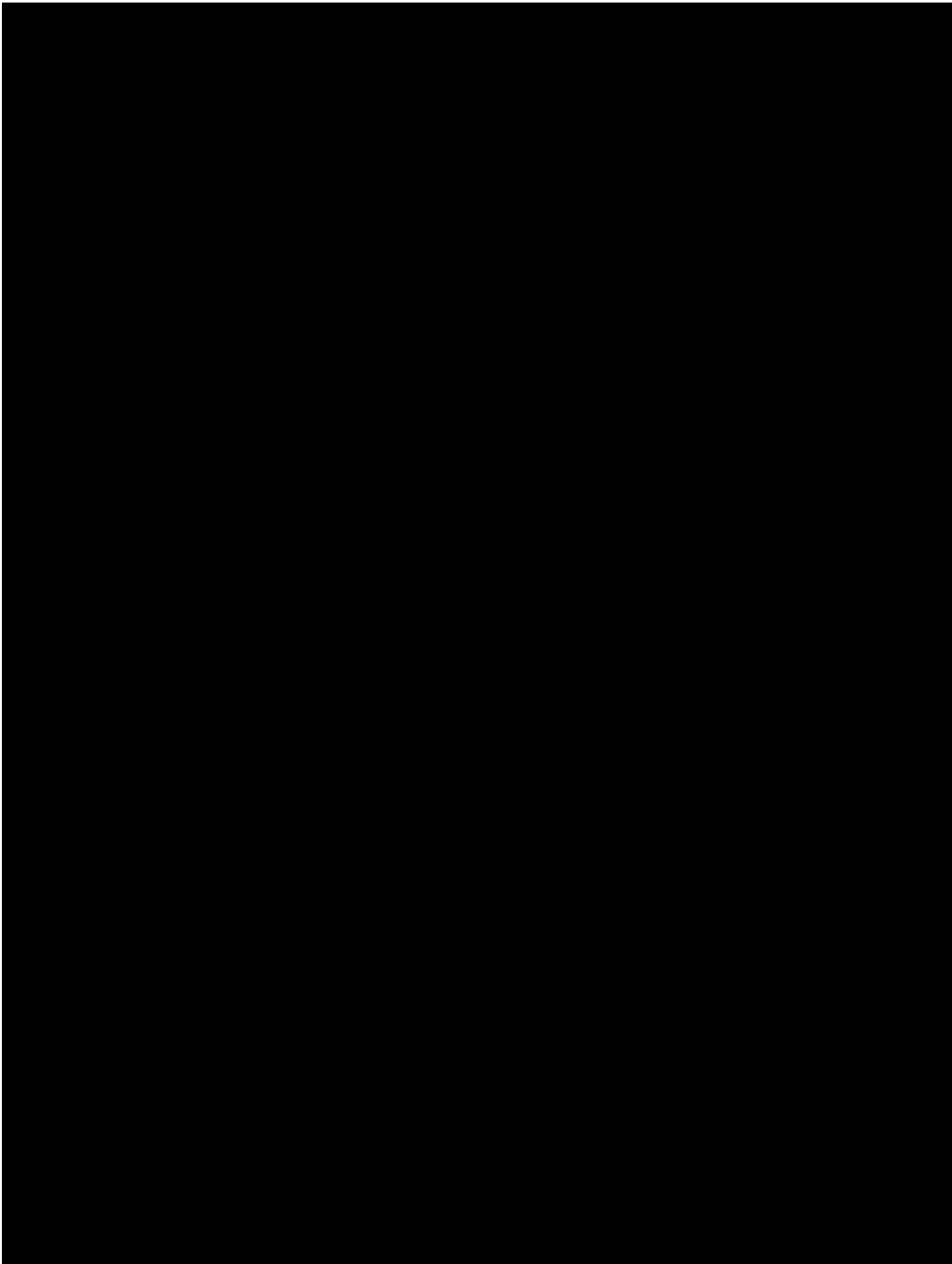
[REDACTED]

[REDACTED]

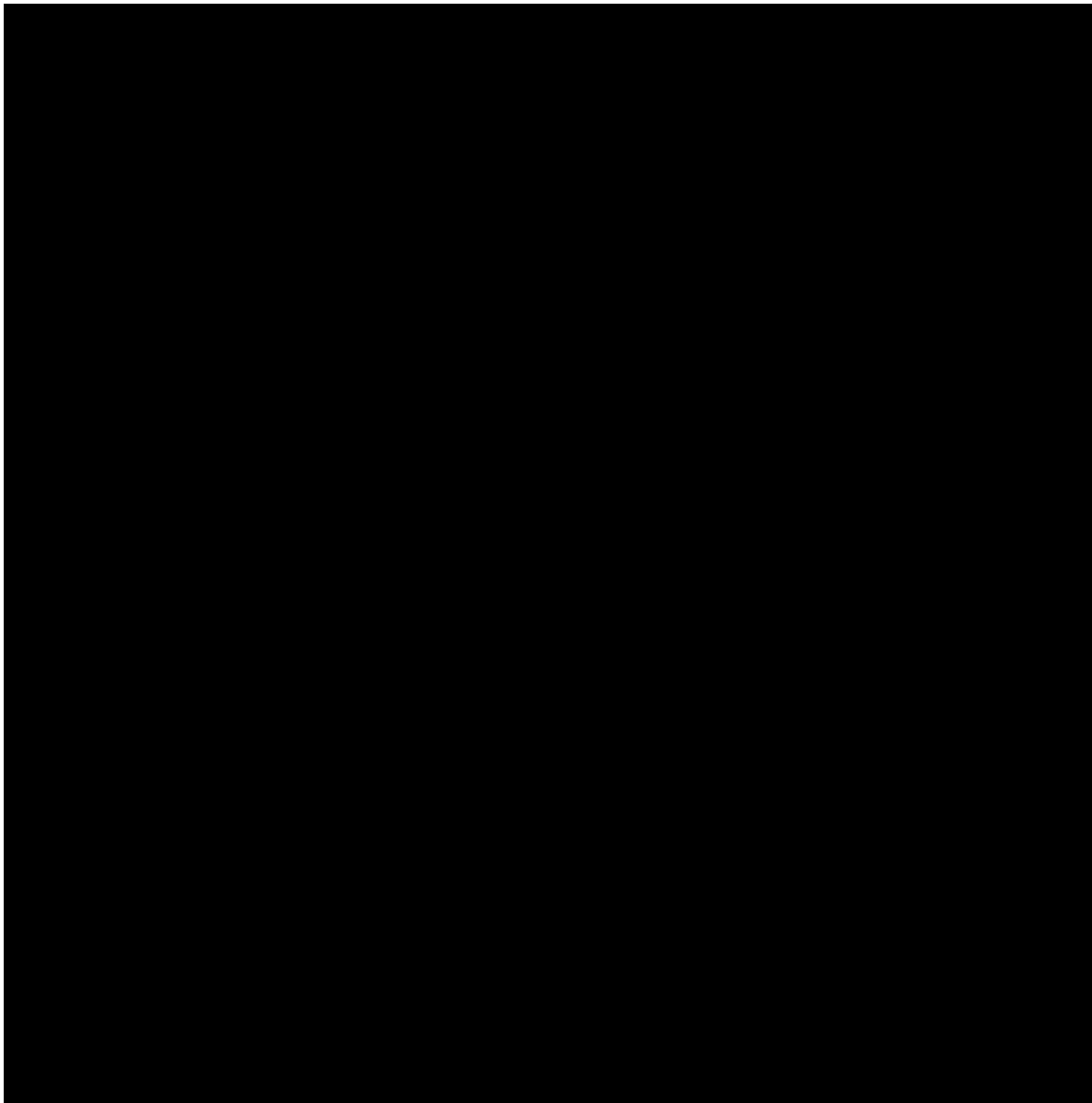
[REDACTED]

[REDACTED]

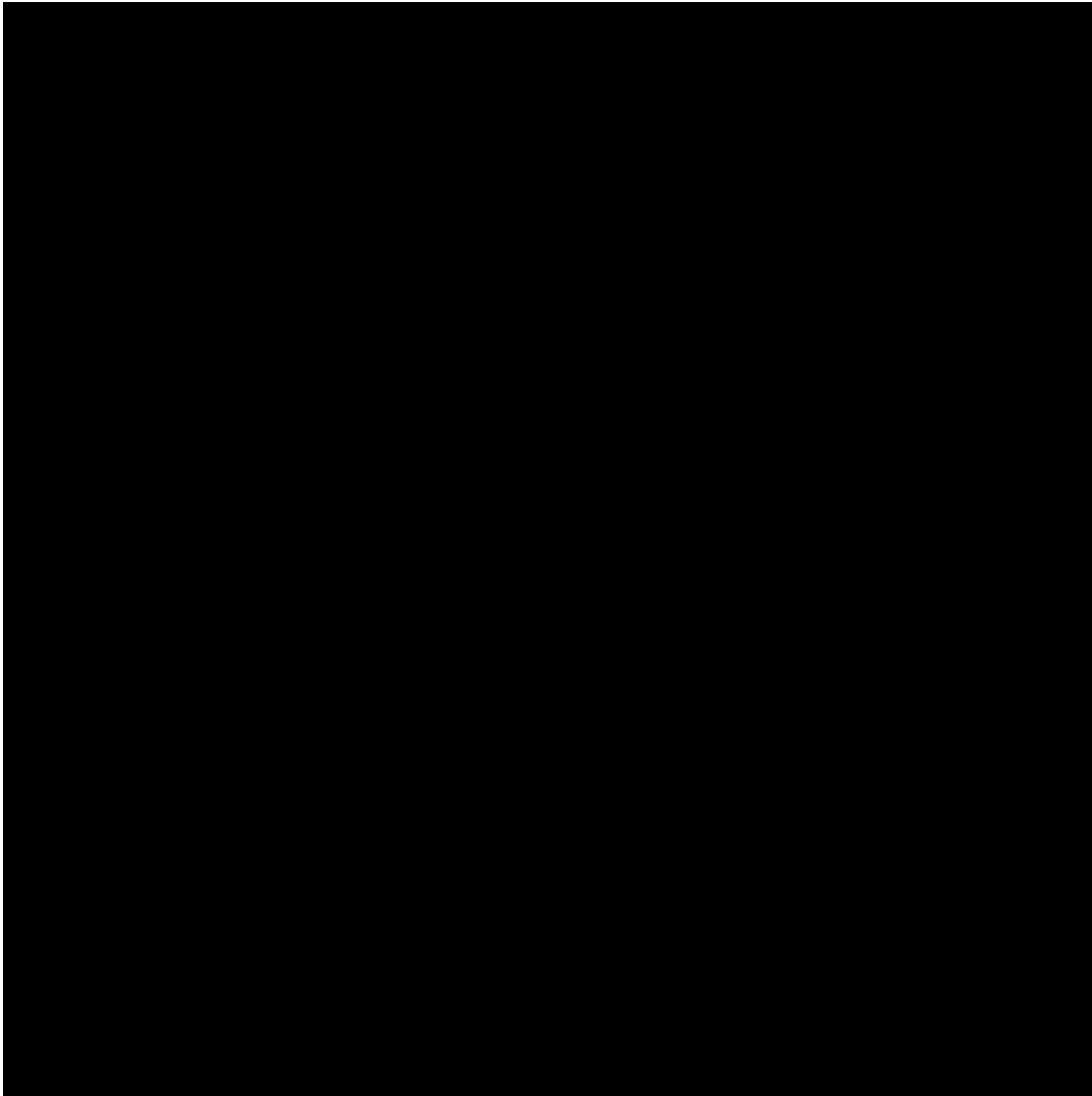




Amco



Amc80hepb Submissions recei



[Redacted]



[Redacted]

[Redacted]

[Redacted]

Dear Bronwyn,

RE: **Incorrect Zoning of Private Land**
P [Redacted]
[Redacted]

[Redacted] to have the above land correctly zoned from Public Use Zone to Rural Living Zone. The land has been owned for many years by my client and it has never been used for public uses in the past.

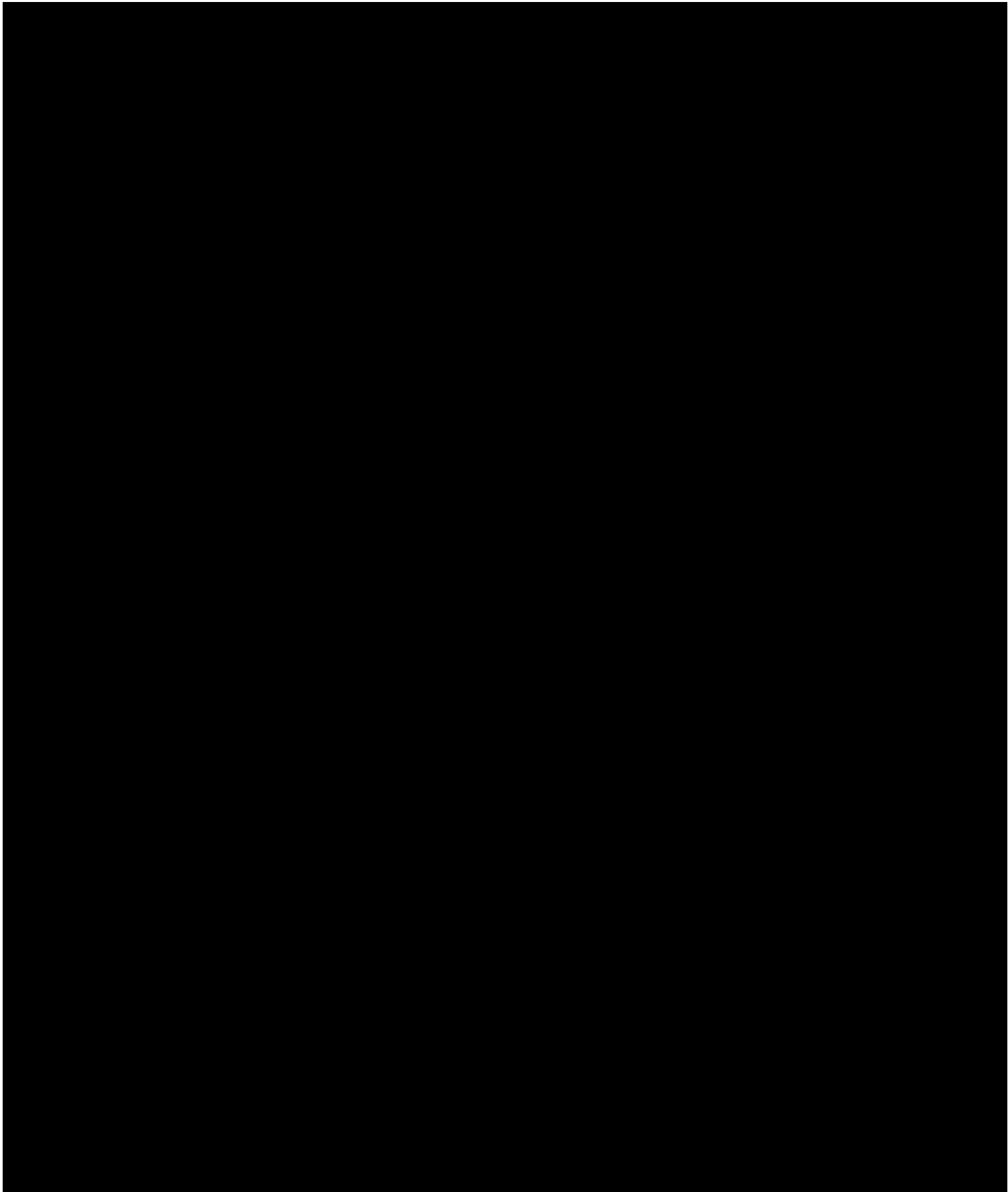
I provide the following information:

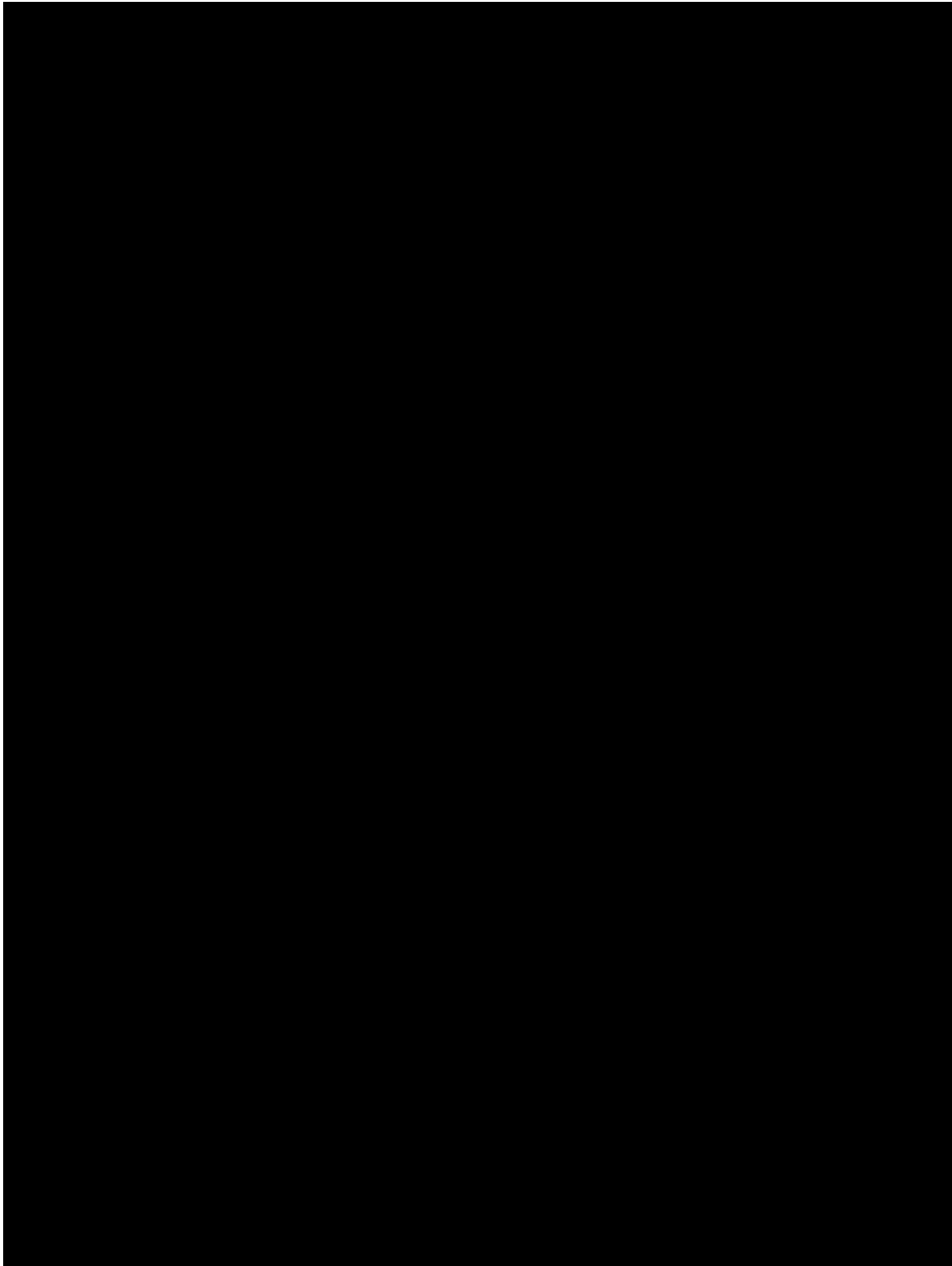
- *Copy of the certificate title;*
- *Copy of the Planning Property Report for the parcel in question;*
- [Redacted].

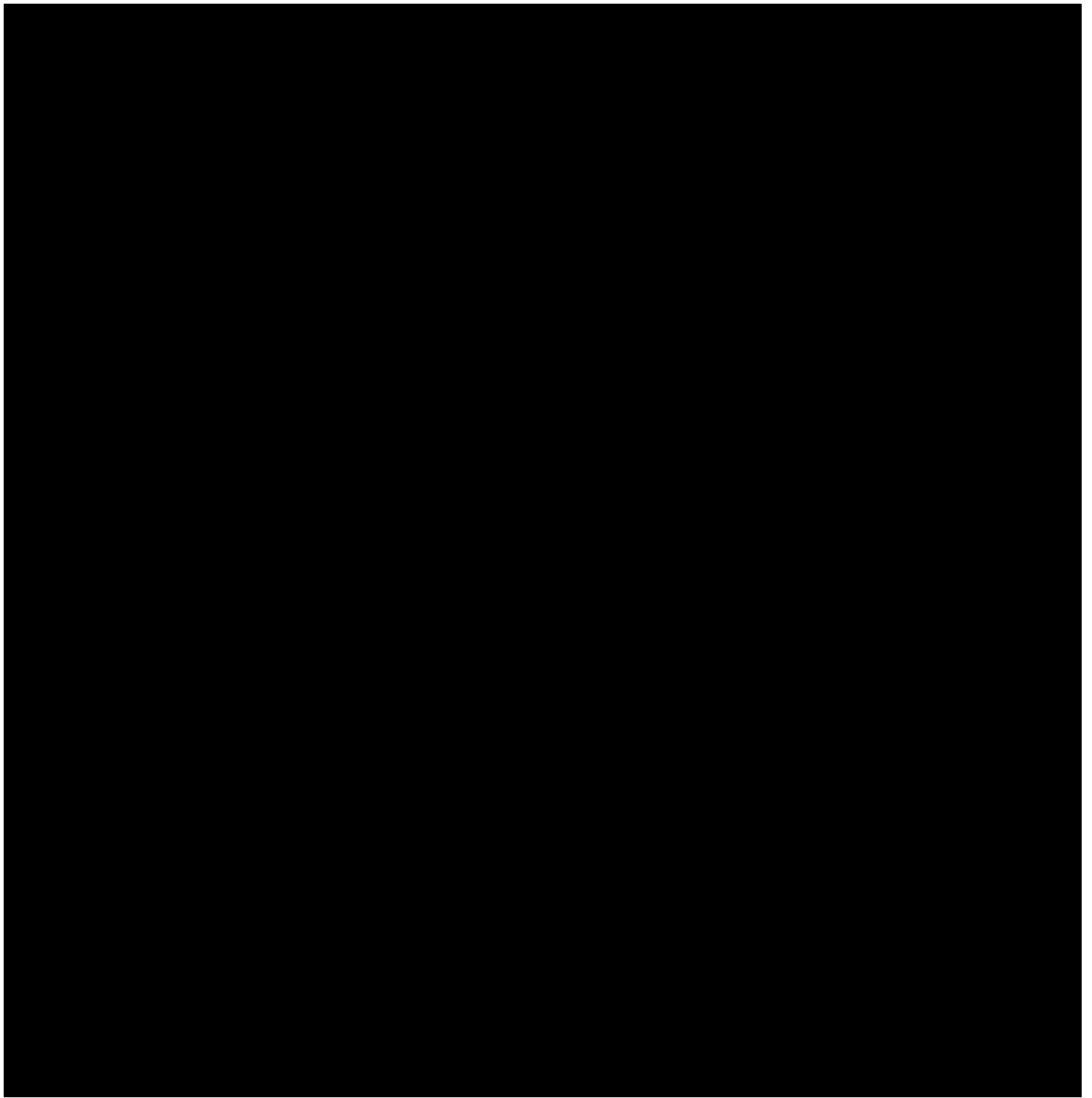
Can you please confirm that you have received this letter and an indication of when the rezoning will occur.

If you have any issues, please don't hesitate to contact me on [Redacted]

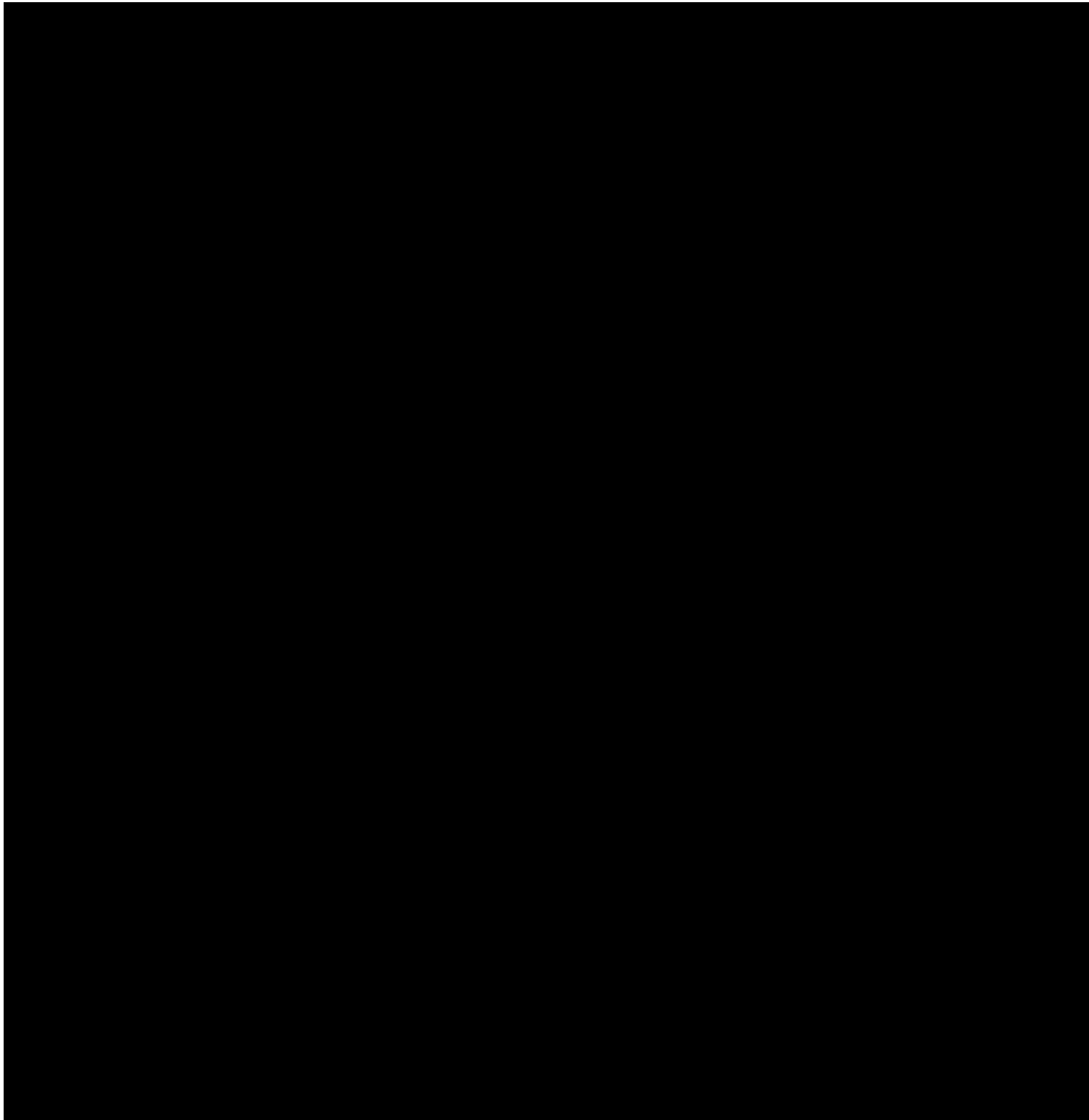
[Redacted]

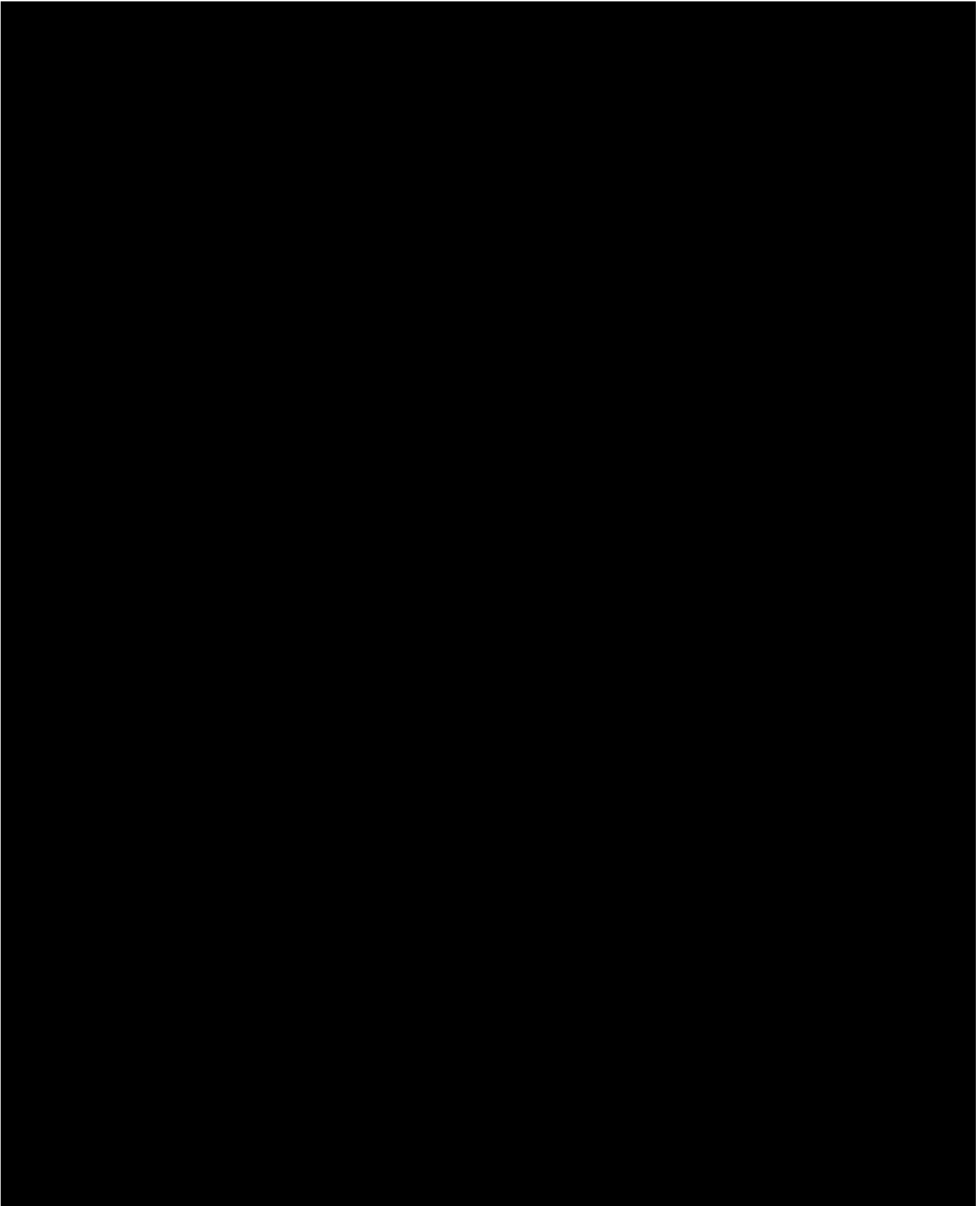


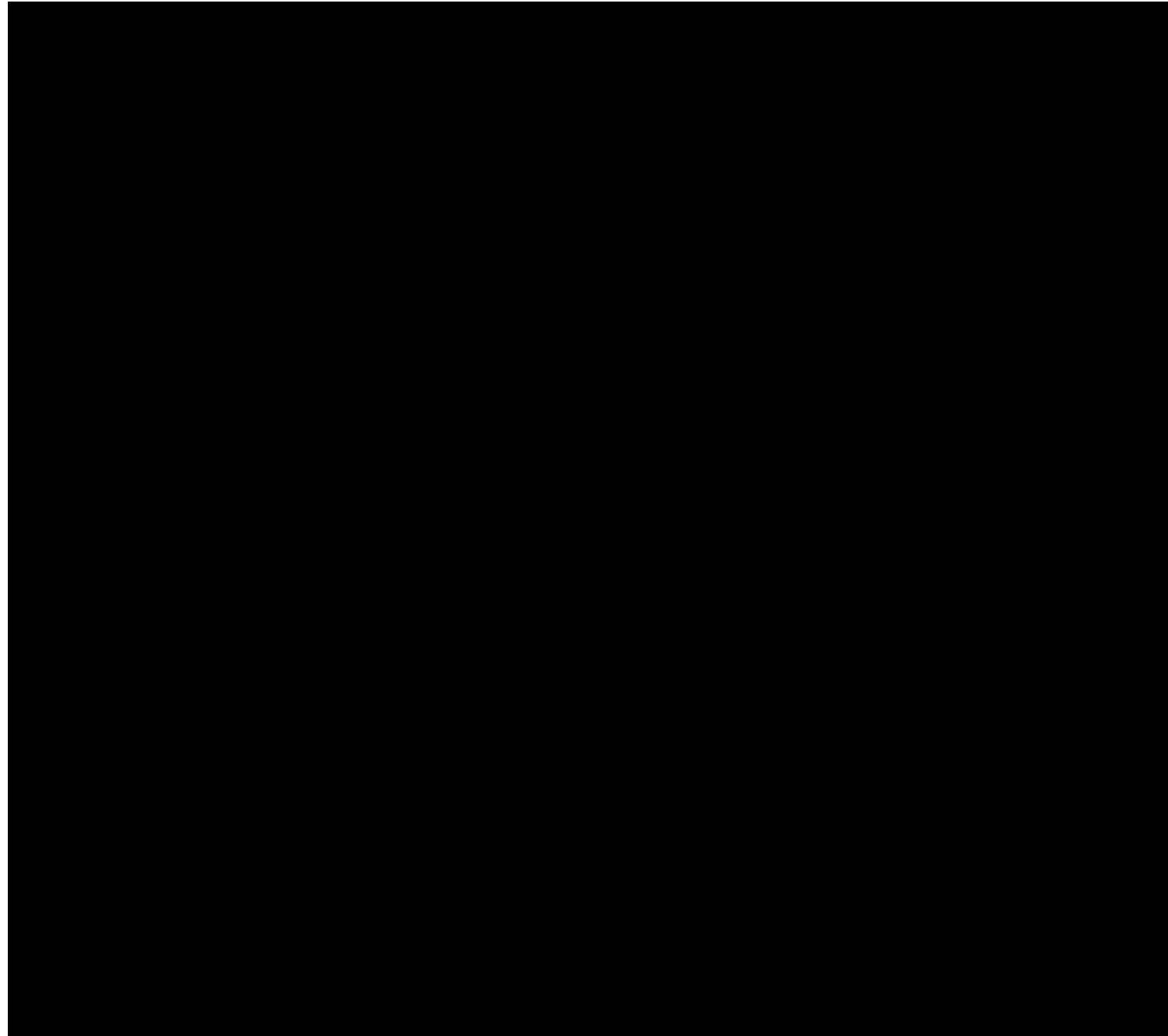




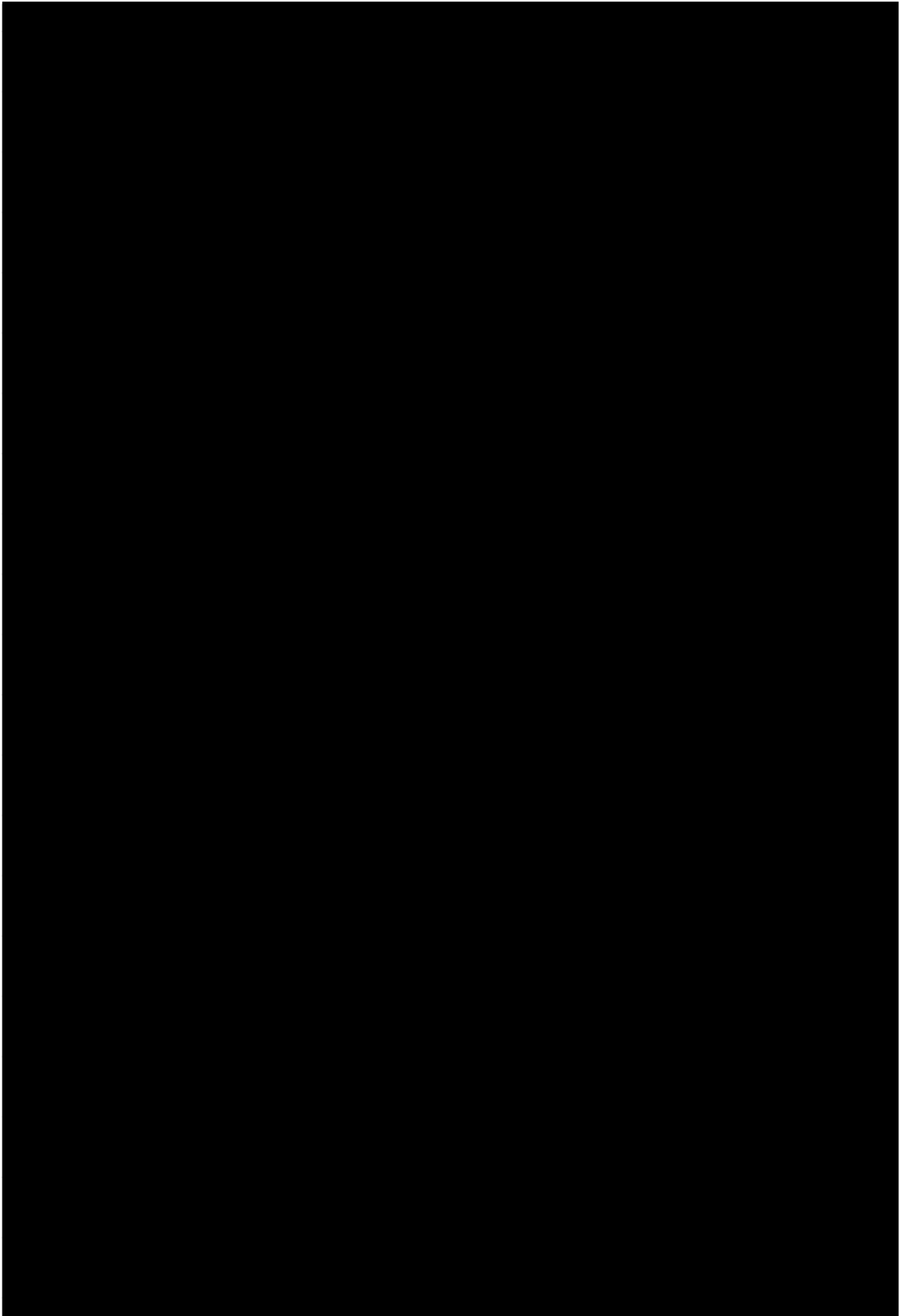
Amc80hepb Submissions receive

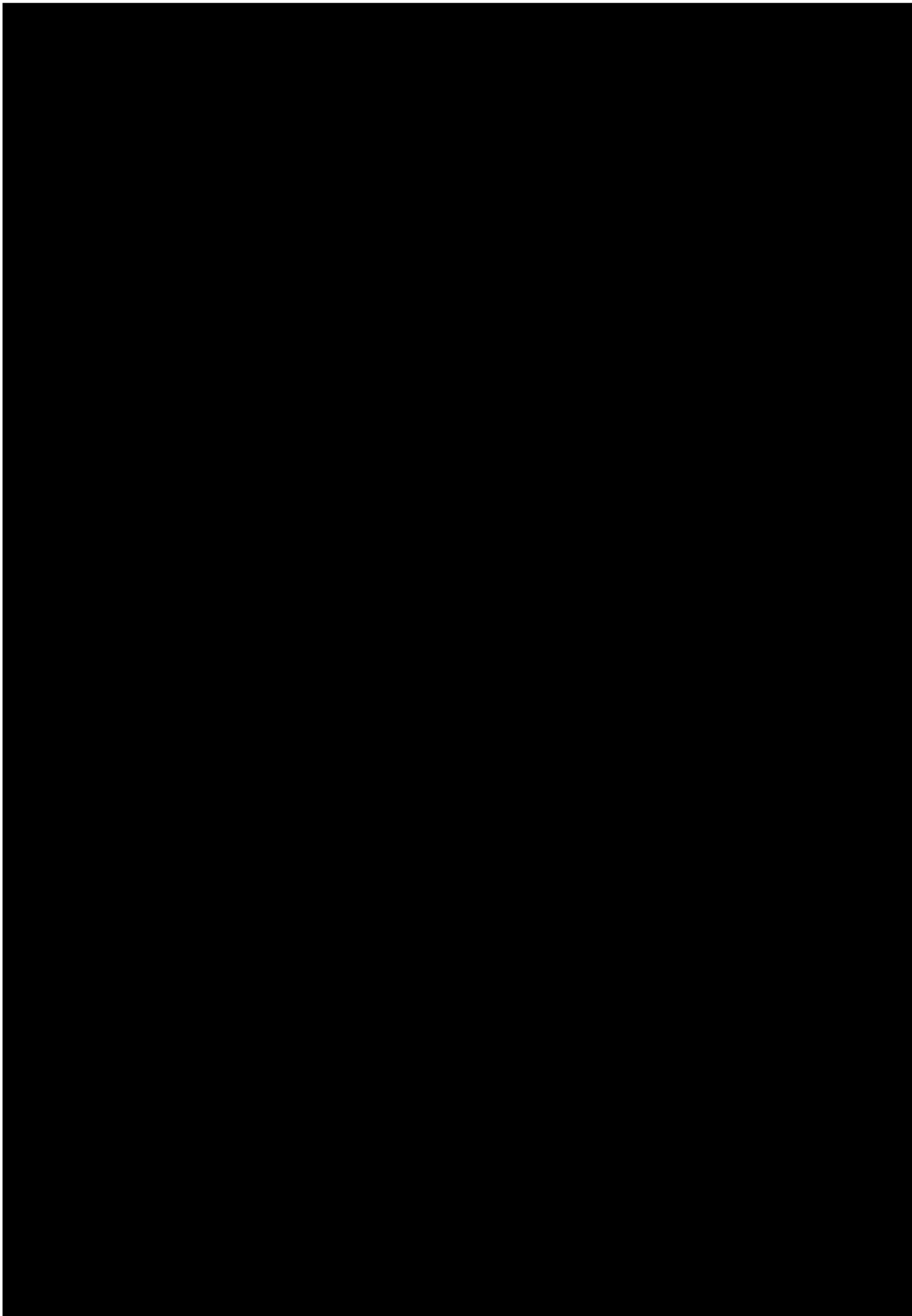


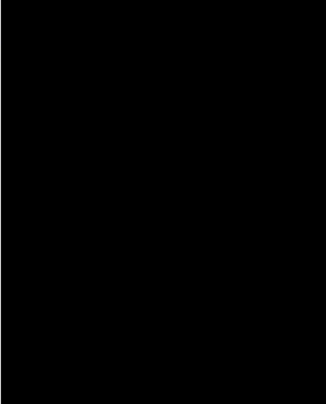




Amc80



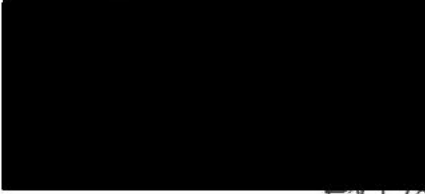




Dear Sir,

I WISH TO OBJECT TO
 ANY SUBMISSIONS
 PROPOSED UNDER
 RELATING TO ANY FENCE
 HEIGHT OF MORE THAN
 1-8 METRES IN HEIGHT.
 REASONS WILL BE GIVEN.
 PRIOR TO BEING ADVISED
 OF THE COUNCIL MEETINGS.
 REGARDING THIS MATTER

Amc80hepb Submissions



COUNCIL

10420/1276

Rec'd Date: 14 AUG 2020
 Rec'd By: [Signature]
 Action By: N. Ackman
 Reg No:

Planning Scheme Review officer

Hepburn Shire Council,

P.O. Box 21

Daylesford 3460

HEPBURN SHIRE COUNCIL

File No: F04/20/1276

Rec'd Date: 24 JUL 2020

Rec'd By: KC

Action By: N. Aitman

Reg No:

Dear sir/madam,

Re: Planning scheme Amendment.

If you must allow double storey dwellings please do not allow next to my single storey home as it will decrease the value of my property.

Yours

P.S. I tried a submission on line — no go.

Amc80hepb Submissions received

From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: Heritage Overlay #457
Date: Monday, 27 July 2020 2:11:39 PM

Good afternoon

[REDACTED] formally request that the Heritage Overlay and Heritage Overlay Schedule (HO457) be removed.

[REDACTED]

[REDACTED]

[REDACTED]

Our original Title was issued 7th November 1927. We purchased the property in February 1988 and no Heritage Overlay was recorded on our Planning Certificate.

As the overlay relates only to the next door neighbours' [REDACTED]
[REDACTED], I request the removal of the overlay.

Please advise the procedure required by Council to arrange the removal.

Regards,

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
Subject: [Planning Scheme](#)
Date: Objection to :Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)
Thursday, 13 August 2020 10:54:08 AM

[REDACTED] Schedule 6 to Clause 43.02
Design and Development Overlay (DDO6) impacts me as follows:

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land
- I lose the benefits of potentially subdividing the property, as building on the new lots would be prohibited
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.

[REDACTED] and is not in line of sight or currently impacted by air or noise pollution from the existing facility. I fail to see any justification for including our property in this Overlay.

Our property and my rights to quiet enjoyment of my property will be significantly impacted by ongoing and unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

--

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: planning scheme changes
Date: Tuesday, 4 August 2020 11:07:58 AM

Hello Hepburn Shire

How did the planning scheme review go, in fixing the problem with building in [REDACTED] on the 2 acre allotments?

There were many many submissions about this issue, and yet I can see little about it in the planning scheme update suggestions?

There are many many people camping out there, living in shacks, because they cannot legally build. This must be fixed during this planning scheme review, MUST!

kind regards

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Hepburn Shire Mailbox](mailto:Hepburn.Shire.Mailbox)
Subject: Planning Scheme Submission - [REDACTED]
Date: Monday, 20 July 2020 10:14:25 AM

As you can see, I attempted to send my submission to <planningscheme@hepburn.vic.gov.au>, however I got the 'undeliverable' message. Can you please pass my email below on to The Planning Scheme Review Officer? Thank you,
Cliff Williams

[REDACTED]
Sent: Monday, 20 July 2020 10:03
To: planningscheme@hepburn.vic.gov.au <planningscheme@hepburn.vic.gov.au>
Subject: Submission - [REDACTED]

My submission:

I am concerned about the blanket 9 metre rule being applied across the shire. This height limit is arbitrary and ignores the role of good design in achieving exemplary amenity and best-practice planning, architectural and environmental outcomes. Streetscapes punctuated with successful and respectful new buildings that happen to be higher than 9 metres is far preferable to endless rows of squat buildings that are approved on the basis of height and not merit. I ask that the council reconsiders and makes provision in the scheme for three to five storey buildings that demonstrate outstanding architectural merit.

[REDACTED]

Please also note that I found it impossible to find a map of the proposed changes to zones in Clunes. I downloaded the 72 maps from <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--C80hepb> and gave up looking after viewing several. As I'm unable to leave Melbourne at present, I can't review any maps in person. Why is there no index etc? Can the council load the maps onto its own website with an appropriate name for each? Also, the online survey ('oursay') is useless - you can't start a new paragraph as 'return' automatically sends all text and closes you out - hence I'm sending this email instead.

[REDACTED]

From: [REDACTED]
[REDACTED] [Planning Scheme](#)
Subject: Formal submission to amendment C80
Date: Thursday, 13 August 2020 12:57:26 PM

To whom it may concern,

I am writing to make a formal submission to amendment C80, specifically to how it relates to the allotments on [REDACTED].

It is my understanding that after the recent report there are no plans to remove the relevant overlays which currently prevent the provision of building permits for new dwellings. Whilst I understand the concerns regarding bushfire risk I believe this decision is nonsensical as the reality is that most allotments already have buildings with or without building permits. At my last estimate, I believe there are more illegal and ramshackle dwellings than dwellings which would have council approval and that these are a far greater fire risk than a building would be with relevant permits. I also understand that one of these illegal buildings was the source of a recent wild fire that endangered life and property of both residents with or without council approval for their dwelling. This is an outcome totally predictable under a scheme that prevents any lawful building under strict controls.

Furthermore, I understand that allotments in nearby Bushman's Crescent do have the ability to gain building permits despite being on smaller allotments. It is again nonsensical given that many of these allotments are directly abutting the allotments on Liza Drive and have the same exposures to fire hazards.

And finally, this decision is nonsensical on both the economic and social justice fronts. This council allowed these initial allotments and were happy to allow building permits until an arbitrary time. People bought these blocks on an understanding that they could be developed and are being financially impacted through the current scheme. Furthermore the council are happy to enjoy the benefits of rates being paid for these allotments but prevent the allotments to be used by the owners. Contradicting this council also seems willing to provide amenity to owners who have built illegally and have not sought approval from the council. I assume the council still provide sanitary services to these allotments with unapproved dwellings. If these services are not provided how is council providing a safe and healthy environment to those who do have approved dwellings?

It is disappointing that these issues have not been considered important enough as to change the current scheme. Council decisions to deny building permits have real impacts on people's lives, livelihoods and the environment of the areas. Please consider my concerns raised in this submission.

I look forward to any correspondence you may have in regard to this matter and appreciate your consideration of the concerns raised. I can be contacted directly via this email address.

Thank you for your time,

[REDACTED]

From: [Grampians Planning \(DELWP\)](#)
To: [Alison Blacket](#)
Subject: C80_ DELWP does not oppose the amendment
Date: Thursday, 13 August 2020 7:35:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image009.jpg](#)
[C80 DELWP does not oppose.pdf](#)

Dear Alison,

Please find attached DELWP's letter

Kind regards

Ezaz Sheikh | Senior Planning & Approvals Program Officer- Grampians Region
[Forest, Fire and Regions | Department of Environment, Land, Water and Planning](#)
402-406 Mair Street Ballarat, Victoria 3350
T: 0353660016 (Monday and Friday, Bacchus Marsh only) | M: 0409 135603 | E:
ezaz.sheikh@delwp.vic.gov.au



I acknowledge the traditional Aboriginal owners of country throughout Victoria and pay my respect to them, their culture and their Elders past, present and future.

Amc80hepb Submissions received



Department of Environment, Land, Water and Planning

402-406 Mair Street
Ballarat, VIC 3350
03 5336 6856

Our ref: SP472169
Your ref: C80

13 August 2020

Alison Blacket
Senior Planning Consultant
Hepburn Shire Council
PO Box 21
DAYLESFORD

Dear Ms Blacket

Hepburn Planning Scheme Amendment C80

Thank you for your correspondence dated 13 July 2020 concerning the Planning Scheme Amendment C80 (amendment).

The Department of Environment, Land, Water & Planning (DELWP) understands that the amendment intends to translate the Local Planning Policy Framework to the Planning Policy Framework, implement the Hepburn Planning Scheme Review dated February 2020 by strengthening the strategic framework, policies, zone and overlay schedules and particular provisions, and implement reforms to the Victoria Planning Provisions into the Hepburn Planning Scheme.

DELWP has reviewed the available details and advises that it does not oppose to the proposed amendment.

DELWP offers following comments for the planning authority's considerations:

2.03-8 Transport

Transport networks need to minimise impacts on the environment, including native vegetation and biodiversity, and this should be included in the clause.

2.03-9 Infrastructure Infrastructure design

Elements listed in the fourth strategic direction for infrastructure should include native vegetation and biodiversity.

2.04 Strategic Framework Plans

Strategic framework plan

The plan shows features such as Public Land, 'high-very high-quality agricultural land' and 'land subject to extreme and significant bushfire risk' but does not include native vegetation on freehold. Clause 2.03-2 states that almost half of the Shire is covered in native vegetation and just over half of the native vegetation is located on private land. Native vegetation on freehold can be a constraint to land use and development and should be included in the plan.

Settlement plan

As per the Strategic Framework plan, the settlement plan should include native vegetation on freehold as it can be a constraint to development.

11.01-1L Township and settlements

Creswick Township plan

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



The Township plan includes two parcels of Crown land being (3~77A\PP5211 in Bloomfield Road and 1~78\PP5211 in Pasco Street) as 'residential infill opportunity'. DELWP as the owner of Crown land suggests excluding those Crown land parcels from any private development opportunities.

Trentham Township plan

DELWP supports identifying areas as 'protect native vegetation protection and habitat significance' on the plan. However, there are some large allotments that are either fully covered in native vegetation or have a substantial cover of native vegetation that are not identified as areas for protection, for example at 150 Blue Mount Road and 13 Wallaby Jack Road. Suggest identifying such areas for protection on the township plan.

12.01-1L Native vegetation and habitat protection

Strategies

The list of fauna species includes species that are threatened, near threatened or do not have a status, for example Koala. The status of those species may change as part of a process DELWP is working through to bring the *Flora and Fauna Guarantee Act 1988* (FFG Act) threatened list and Victoria's Advisory Lists in line with the Common Assessment Method that is used internationally. To cover potential changes and the fact that some of the species do not have a threatened status, we suggest rewording 'threatened fauna species' to 'threatened and locally significant species'.

A few minor edits are suggested for the strategies relating to communities listed under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The name of the EPBC-listed Grey Box community was split in the clause and should read 'Grey Box (*Eucalyptus macrocarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia'.

The Victorian Volcanic Plain bioregion in Hepburn Shire contains remnants of two Critically Endangered EPBC-listed communities: 'Natural Temperate Grassland of the Victorian Volcanic Plain' and 'Grassy Eucalypt Woodland of the Victorian Volcanic Plain'. The clause lists Grassy Eucalypt Woodland but is silent on Natural Temperate Grassland. The *Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland and Grassy Eucalypt Woodland A guide to the identification, assessment and management of nationally threatened ecological communities EPBC Act 1999* states that at many sites, the grassland and grassy woodland communities intergraded to form a mosaic of open grassy and treed sites. Remnants of the Natural Temperate Grassland community exist in the Shire, for example at Clunes Common, and the community should be recognised in the clause.

DELWP suggest changing 'Plain Woodlands or Forests' to 'Plains Grasslands and Woodlands' in the clause and map as these are the dominant vegetation types in the Victorian Volcanic Plain bioregion.

The strategies relating to communities are focussed on communities listed under the EPBC Act and do not mention or include communities found in the Shire that are listed as threatened under the FFG Act. Such communities include Creekline Grassy Woodland (Goldfields) Community, Western (Basalt) Plains Grasslands Community and Western Basalt Plains (River Red Gum) Woodland. The Victorian Temperate Woodland Bird Community is also found in the Shire and many of the bird species listed in this clause are members of the community.

14.01-1L Protection of agricultural land

Strategies

The second last strategy should include avoiding and minimising adverse impacts on native vegetation and biodiversity in accordance with Clauses 12.01-1S and 12.01-2S.

Clause does not include strategies for Rural Conservation Zone. Rural Conservation Zone can be used to facilitate the protection and conservation of biodiversity and farming is subordinate to environmental values of the land (as per Planning Practice Note 42, Applying the Rural Zones, June 2015). The clause could include strategies about development and use of existing RCZ land and to

use the zone to give added protection to rural areas identified as significant for their biodiversity and native vegetation values.

**19.02-6L Open space
Strategies**

Areas of native vegetation can be retained and protected within a subdivision by placing it in public open space. DELWP recommends including 'native vegetation' in the list of values stated in the first strategy.

Schedule to Clause 74.02 Further strategic work

DELWP supports further strategic work to undertake flora and fauna assessments to update biodiversity controls and notes that it will start in the same towns that will go through structure planning. Council may already have plans for timing of the assessments but DELWP recommends they are conducted prior to the start of structure planning. The flora and fauna assessments will inform structure planning by providing information about biodiversity values and constraints in and around the towns. DELWP recommends including a statement that the flora and fauna assessments will be conducted prior to structure planning starting in the towns and township.

For any further queries, you are welcome to me on 0409 135 603 or contact us by email to grampians.planning@delwp.vic.gov.au for any planning and approvals matter.

Yours sincerely



EZAZ SHEIKH

Senior Planning and Approvals Program Officer
Grampians Region

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Resident submission to Hepburn Shire re 2020 planning scheme
Date: Saturday, 15 August 2020 2:18:09 PM
Attachments: [REDACTED]

Please find our submission to Hepburn Shire attached below re the 2020 Planning Scheme

[REDACTED]

Amc80hepb Submissions received

[REDACTED]

[REDACTED] e in
[REDACTED] d waste and that there were
ongoing issues that immediate residents faced with this.

[REDACTED] ring
[REDACTED] wish for periods of time we would have seriously reconsidered our purchase.

We have supported the Daylesford community in many ways [REDACTED]
[REDACTED] have been [REDACTED] an
a business here for a number years. Since we were alerted to the DDO6 by other concerned
residents (not the council) we have been extremely anxious at the potential financial loss we may
incur. It is not the residents' fault that the council has allowed development around the old tip. As
such why should we be suffering these punitive consequences. As other property values increase
in Daylesford ours will decrease to the point of little value.

Schedule 6 to clause 43.02 Design and Development Overlay (DDO6) impacts us as follows and
make objections accordingly:

1. Under the current State of Emergency and COVID 19 restrictions consultation is limited with
those most affected within the DDO6 500m designated zone. It is undemocratic to proceed with
decision making over this proposed overlay. Residents cannot meet in person to discuss its
impacts and communication by and with council cannot take place effectively.

Shire libraries are also closed where the hard copies of the maps and proposed amendments are
being displayed. The Hepburn Shire Council website under Hepburn Planning Scheme Review
page - "How might township residents be affected" states:

"For Daylesford the amendment proposes to remove the Design and Development Overlay (DDO)
due to a 'double up' of existing planning controls: the Design and Development Overlay and the
Neighbourhood Character Overlay on the same land. If the amendment is supported only the
Neighbourhood Character Overlay will remain. This will reduce permit requirements but not
impact character and development outcomes."

This statement does not alert residents affected by DDO6 to the serious impending impacts. In
fact this statement could mislead residents (who are not aware that DD06 even exists) into
thinking that just a Neighbourhood Character Overlay will remain which "will reduce permit
requirements but not impact character and development outcomes". One would expect that a
Shire that has a philosophy of "natural justice and transparency" would have at least included a
statement about DD06 with a recommendation for residents to look at the changes carefully.

**We recommend that an extension and delay to this decision making process be put in place
to allow full consultation, explanation and review with those most affected by the DDO6.**

2. [REDACTED] in the proposed 500m zone we object that this DDO6 reduces
our [REDACTED] ty in the good faith that it was purchased.

This DDO6 in effect will prevent us from:

- a. Subdividing our property which under the current planning scheme we are able to do
- b. Build another dwelling after subdivision
- c. Re building should our current home be destroyed by house fire or other damage apart from
bushfire
- d. Enjoying the open space we own in a rural setting

Below we outline what we believe to be the financial and other consequences of DDO6:

1. [REDACTED] house burns down due to a house fire and it is insured, under DDO6 we cannot rebuild. Insurer may or may not pay us a cheque if we cannot rebuild. Even if they did pay us a portion of the valued insured we would then have a block of land that is worthless as no one will want to purchase it if they cannot build a dwelling. The value of the property will be greatly diminished and we will suffer financial loss because the insurance cheque would not cover anywhere near the full value of the property. Not all insurers will give a cash settlement where a property is not rebuilt.
2. If we had a mortgage on our property the bank would hold the title to the property. Should the house be destroyed by anything other than bushfire the loan to value ratio would rise significantly and the bank could ask for more security. We could in effect have a loan well in excess of the value of the property. The consequences of this could be bankruptcy.
3. Since moving in November we have spent a great deal of money on improvements to our current home with the expectation that over time this would increase the value of our home and property. This proposal gives no property owner in this zone any incentive to maintain and improve their home which ultimately will lead to an area of Daylesford that is not in keeping with its reputation.
4. All overlays are advertised in the Section 32 of property sale documents. If we ultimately decide to sell who would wish to buy a house and property where the house could not be rebuilt due to house fire or damage, pulled down and rebuilt and have restrictions placed on it regarding the enjoyment of its open space?
5. For many affected residents their property will be their biggest or only asset. Apart from estate planning consequences the impact of their property devaluing substantially limits their access to good quality and appropriate aged care assuming that the property can be sold. It is so important for people to have the best opportunity to access good quality aged care as is evidenced by the recent aged care disaster during COVID 19.

Further Note

It is unlikely that even after reading your proposal and digesting it many people would realise the dire consequences in relation to insurance, mortgages, and aged care. It is after much consideration and through our many years of work in financial services that we have come to realise the potential impacts not only on us but on those with differing financial circumstances.

As this overlay has not existed until now we do not believe we have been given sufficient evidence for it to be introduced with its far reaching consequences on those living in the proposed 500m zone. We recommend that, at the very least, an extension and delay to this decision making process be put in place to allow full consultation, explanation and review with those most affected by the DDO6.

From: [REDACTED]
Subject: [Planning Scheme](#)
Date: Proposed planning overlay DDO6
Saturday, 15 August 2020 5:20:44 PM

[REDACTED] Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

[REDACTED] not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.

I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.

My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Proposed planning overlay DDO6
Date: Saturday, 15 August 2020 5:22:44 PM

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.

I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.

My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme; Nathan Aikman](#)
Cc: [REDACTED]
Subject: Concerned Property Owners regarding Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Sunday, 16 August 2020 12:47:45 PM

To whom it may concern,

I hope this email finds you well,

I am emailing you in relation to my concerns surrounding Schedule 6 to Clause 43.02 Design and Development Overlay (DD06).

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED] it is our dream is to renovate and extend our home, which is why this the Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts us greatly.

We will not be able to build or rebuild on our property, which would be significantly devalued. If our existing house is destroyed by accident, we would be left with a practically unsaleable block of land.

We will lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

We will lose some of my exiting rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.

Our property and our rights to quite enjoyment of our property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax road.

[REDACTED]
[REDACTED]
[REDACTED]

I sincerely plead to you to reconsider and please keep me informed on the status of this proposal.

Looking forward to your response,

[REDACTED]
[REDACTED]
[REDACTED]



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay
Date: Sunday, 16 August 2020 2:15:01 PM

Dear Hepburn Shire Council

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay impacts me as follows:

- [REDACTED]
- [REDACTED]
- Loss of rights regarding landscaping, fencing, balconies, open space areas.
- The potential for unrestricted development of the Daylesford Material Recovery Facility to reduce my enjoyment of my land and impact my health (currently there is no impact on either).
- The potential devaluation of my property significantly affects my options and those of my children moving forward.

If the purpose of the document is to effectively operate the Daylesford Material Recovery Facility (and reduce its amenity impacts), then is this proposal linked to any plans or guidelines regarding best practice operation and planning of the facility? Why is all the focus on reducing residents rights and none on council's responsibility to strike an appropriate balance?

What is the basis of the 500m radius? Is there any scientific basis for this proposal and its details?

Why has there been no consultation with residents regarding this matter? It's interesting that in the same week I get a carefully worded letter from the council about the pruning of a conifer tree down the road from me, I hear through secondary sources about a proposal to change the Design and Development Overlay related to my property. This seems incongruous to me.

I await council's response.

Regards

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#); adem.somyurek@parliament.vic.gov.au; richard.wynne@parliament.vic.gov.au; lbrophy14@gmail.com; donna@tnews.com.au; vlga@vlga.org.au; news@heraldsun.com.au; newsdesk@theage.com.au
Subject: Urgent attention of the CEO Hepburn Shire Council
Date: Sunday, 16 August 2020 2:40:31 PM
Attachments: [sign.jpg](#)
[Signature Nigel.jpg](#)

Attention CEO Evan King/Planning Scheme Officers

We write to formally object to proposed changes to Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

[REDACTED]

- We will not be able to build or rebuild on our property, which would be significantly devalued. If the existing house is destroyed by accident, we would be left with a practically unsaleable block of land.
- We lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- We lose some of our existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- Our property and our rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

There are no doubt further implications beyond the above-listed points however without proper time for consideration, it is impossible to understand the full ramifications.

We are shocked and concerned that there has been no consultation with impacted property owners. The previous distribution of a one-page unaddressed flyer provided scant information, no detail, and in no way informed affected residents of the implications of these proposed changes. Distribution of the flyer in lieu of proper consultation is disingenuous and does not constitute community consultation. Given the serious and substantial implications of these proposed changes, proper consultation must be carried out prior to any further action.

Given the level of impact, the lack of consultation from council with affected residents is unconscionable, we demand this proposal is either voided completely or rescheduled to include time for proper consultation and measuring of the impacts. Current level 3 restrictions should also be considered in setting a timetable for thorough community consultation. Please note copies of this email are being forwarded to Minister for Planning, Minister for Local Government, and media outlets.





Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [david krelle](#)
Subject: Re: DDO6
Date: Monday, 17 August 2020 11:35:43 AM

To whom it may concern,

[REDACTED],
3460 VIC. Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts us as follows:

- 1-We will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, we would be left with a practically unsaleable block of land.
- 2-We lose the benefits of potentially subdividing the property because building on the new lots would be prohibited.
- 3-We lose some of our existing rights of use of our property, including with respect to balconies, open space areas, landscaping and fencing.
- 4-Our property and our rights to quiet enjoyment of our property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

Sincerely,

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: RE DDO6 DOCUMENT- Transfer Facility
Date: Monday, 17 August 2020 3:02:37 PM

[REDACTED]
Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts us as follows:

* We will **not** be able to build or rebuild on our property, which would be significantly devalued. If destroyed by accident, we would be left with a practically unsaleable block of land.

* We lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

* We lose some of the existing rights of use of our property, including with respect to balconies, open space areas, landscaping and fencing.

*Our property and our rights to quiet enjoyments of our property may be significantly impacted by potential unrestricted development of existing transfer station and Material Recovery Facility in Ajax Road.

Amc80hepb Submissions Received

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 August 2020

Dear Evan

Re: Hepburn Planning Scheme Review

We write to formally raise our concerns that the current Planning Scheme Review does not satisfactorily address the recognition and protection of Aboriginal cultural heritage within Hepburn Shire. As inaugural members of Hepburn Council Reconciliation Action Plan Advisory Committee, we believe that the current Planning Scheme and proposed amendments are not consistent with the principles espoused within the RAP. To ensure Reconciliation becomes a key component of Hepburn Council business, we seek commitment from Council that the Planning Scheme Review will incorporate far greater provisions for the protection of Aboriginal social, cultural and environmental heritage.

To best justify our position, we alert you to recent new housing developments in close proximity to Mount Franklin. The volcanic crater and the surrounding area of Mount Franklin have been places of considerable religious significance to Dja Dja Wurrung people over thousands of years. Both ethnographical and archaeological evidence indicates that frequent large ceremonial gatherings took place in the area. The western slope of Mount Franklin is a parasitic volcanic scoria mound named Lady Franklin; this area has been rezoned by Council, subdivided and 3 new houses erected. Not only is Lady Franklin an important Aboriginal and landscape feature, it has since the 1960s been documented as a probable Aboriginal stone arrangement and artefact scatter site, south west of Mount Franklin. For these reasons, Mount Franklin was chosen as the site for the launch of Hepburn Council's first RAP.

It is inconceivable to us that current Hepburn Council planning rules and processes allowed the housing development in the Mount Franklin area. Further, we understand that Cultural Heritage Management Plans were not invoked by Council for these developments. Consequently this highly significant landscape has been irreparably scarred and disfigured. We see this outcome as a major failure of both Council policy and process, and clearly the existing Planning Scheme is deficient in the area of Aboriginal heritage protection. Even more concerning is that we don't believe the current Planning Scheme Review has introduced robust and appropriate measures to ensure a "Lady Franklin" does not happen again.

We note that published Planning Scheme review documentation refers to the RAP, and a number of overarching statements relating to the protection of Aboriginal cultural heritage are made. However we can find little detail to show that such protection will be strengthened. There appears to be very few new actions proposed within the Planning Scheme review to drive improved outcomes for Aboriginal cultural heritage recognition and protection. In stark contrast, there is a strong focus on protection of Potato Huts, Dry Stone Walls and Gold Mining heritage for example.

As inaugural members of Council's RAPAC, we recommend that the Planning Scheme Review now incorporates the following actions:

- The production of a Shire-wide comprehensive Aboriginal Sensitivity Overlay, which may require a consultant led desktop study and field work;
- Ensure Dja Dja Wurrung Clans Aboriginal Corporation has input into the Aboriginal Sensitivity Overlay, plus input into the associated Planning Scheme systems and processes to best protect all areas of significance;
- Commitment to the next phase of the RAP (the "Innovate RAP" as specified by Reconciliation Australia), that must contain more specific real actions to recognise and protect all forms of cultural heritage;
- Addition of extra resources into Council's Reconciliation portfolio (extra hours, extra funding) so that greater inputs into the Planning Scheme Review can occur, and so that the RAP and can be progressed with renewed impetus.

We trust that Council will recognise our Reconciliation concerns with respect to Planning, and more importantly consider embracing our recommendations. To this end, we would be pleased to provide ongoing advice and support to assist Council achieve best practice outcomes for the whole community.

Yours sincerely

[Redacted signature]

[Redacted contact information]

Amco Ohepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Planning Objection C80hepb
Date: Monday, 17 August 2020 5:25:27 PM
Attachments: [REDACTED]

to the Planning Scheme Review Officer, please find Objection to this amendment.

[REDACTED]

Amc80hepb Submissions received

To: Planning Scheme Review Officer, Hepburn Shire Council

Re: Hepburn Shire Council (HSC) Planning Amendment C80hepb.

Property: [REDACTED]

We are submitting an objection to the implementation of DDO6.

This amendment will adversely affect our household in many aspects of our continuing to live at our current location within the proposed Overlay Zone.

The amendment denies our existing rights to develop our land or to rebuild on our site should our home be destroyed by an adverse event.

It will reduce our existing financial capacity to freely pursue our current and future lifestyle planning options. We have clear evidence from the local reality that the value of all properties within this DD06 zone will be significantly devalued.

It will void and/or create uncertainty with our current building insurance replacement arrangement.

It denies us the opportunity to build another building such as a “Granny Flat” as part of our changing future options.

It removes the existing “right of use” of our property as it places serious restrictions on the residents and their property within a 500 metre zone of the [REDACTED]

[REDACTED]

It imposes significant increased costs for fencing replacement from rural wire style to 50% semi transparent and 1.5m height as required in DDO6. Our rural fencing is approximately 1km in length and this replacement style will represent an unreasonable financial expectation, from \$12 per metre to \$45 – 75 per m cost!

It imposes the complete ban on any private open living areas within the new zone; this is an incomprehensible and an unrealistic expectation for any human being.

It will introduce new neighbourhood character elements eg fencing style, at odds to the current character and counter to the Planning Scheme, Vision statement 02.02 - *carefully manage the development ... in keeping with the rural feel of those areas.*

It continues the ongoing adverse amenity issues from the Ajax Rd MRFA (that have kept us in regular consultation with Council since 2008) and states that from now on Council denies us any opportunity to object to any future development at this problematic site.

This amendment completely ignores the impacts the MRFA has had on local residents including my household over the past years, the evidence of noise, breach of operating hours, smell, pest and rodent increase, wind and bird transported litter covering our allotment which is all recorded in minutes at the regular monthly waste

management Council meetings with the Friends of Ajax Rd and others. These issues are also recorded in the *EPA Orders* placed on the Council re MRFA non compliance.

The visual and litter amenity issues are clearly evidenced in the following sequence of photos and reflect poorly on the level of mismanagement to date and lack of any confidence for residents into the future. It is quite clear that nothing would have changed without local residents persisting to bring Council to account.



2008



2010



2012



2013



2014



2015



2016



2017



HSC posted an Information sheet & Council page within the “Local” Newspaper which states that DDO6 ‘will limit development density in the area until its review of its current Waste Management and Resource Recovery Strategy. This provides no date or cut-off period and the Planning Scheme documentation Schedule 6 to Clause 43.02 DDO6 does not include any of this information, hence no assurance of any definitive action. Affected residents are asked to trust council to undertake some future review. Given this current planning review was last undertaken 20 years ago (quote in HSC doc) **and** during the last Waste Management Review undertaken in 2012/13, the consultant engaged admitted he had not actually visited the site before writing the report, we have no confidence that this process will be undertaken meticulously and in a timely manner.

As background:

The Transfer Station **and** the MRF are as locals have always known this place, ie. as two separate sites and suddenly C80hepb refers to them as the just one MRFA in DD06. These sites were established around the former Ajax gold mining precinct and the surrounding land was either farmland or forested Crown land reserves.

Since the 1990's council has permitted housing to be established on the former farm land and has established a new road to access this land for residential development. The zoning was changed to Low Density Rural Living – ie large allotments with single houses maintaining a rural amenity. Over time council has allowed greater subdivision of several of these large allotments and permitted the building of new residences within 20-50 metres of the Transfer Station and MRF site. There are currently three new residential developments underway. It is Council that has allowed the existing development; they have failed in their duty of care to protect residents and its assets. We are being asked to absorb all the impacts of Council's negligent performance in managing planning in this area.

C80 hepb -DD06 changes nothing for residents with regards to the many amenity issues experienced to date or going forward. Our experience demonstrates that amenity problems can alter daily with the ever-changing personnel- Councillors, CEOs, council officers and contractors involved at the MRFA over the years 2008 - 2020. This was clearly evidenced when Council **told** us there would be a "Waste to Energy" project commenced at the MRFA in 2018 despite our regular resident contact (over these years) with Council in regards to the adverse waste management issues. Residents here will always be within the EPA 500 metre exemption zone until such time that the council admits its failure to address this risk management issue at the MRFA. Council failed to future proof its waste management facility at Daylesford and now wants to penalise local residents unfairly and in an unjust unequal manner of authority. We again are being asked to absorb all the impacts of Council's negligent performance in managing planning in this area.

HSC is highlighting its push to protect our Heritage & Cultural Significance within the C80hepb amendment and specifically indicates the importance of the Heritage Gold Mining Infrastructure within the shire as part of a possible "World Heritage Recognition" process and this would include recognition of the Ajax Mining area with its remnant mining heritage structures, arguably the best complex of infrastructure in the Daylesford area ie Nuggetty Ajax, Central Ajax, Ajax, Ajax West mining sites and the Ajax Road MRFA sits right within this cluster.

C80hepb amendment gives council free unrestricted right – no permit required for buildings, works, fencing etc on the Daylesford MRF site. The existing planning Permit for the Transfer site has been breached in relation to building distances from fence lines and Ajax Rd frontage, clear distances to perimeter with no fuel load, operating times, escaping refuse. This new proposal frightens us with what next can impact on us from this site.

The timeframe for the review and possibility of community engagement about the C80hep should be extended in this COVID period. Council has installed signage around the shire and stressed in newspapers and website to warn residents of the COVID threats, it has encouraged us to stay at home, demonstrated the need to be isolated by closing its own management operations, library services etc. We ask how is it possible for our community to share opinions and knowledge with each other in a satisfactory manner in this same COVID period?

Hepburn Shire Council scored poorly with the recent Community Satisfaction Survey 2020 indicators for Community Consultation, Lobbying on behalf of the Community, Overall Council Direction, Overall Performance and Waste Management to name a few . All indicators were below the State Rural Average and Birch Ward (Daylesford) recorded substantially below these poor Hepburn Shire wide levels. How can Council be confident in the consultation process in this added COVID period?

Finally we trust Council will determine this DDO6 is inappropriate, unfair and unjust to all residents within the proposed zone.

Council **must** reject the proposal completely and seek a respectful solution to this distressing scenario for residents.

Council must also include the identification process for other suitably zoned land within the shire as part of this Planning Amendment C80hepb: as requested at the public community consultation sessions and also at the regular Friends of Ajax Rd Waste Management meetings with Council, including the Planning Officers, to safely operate its waste management facilities.

Yours sincerely

████████████████████
████████████████
████████████████

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Proposed planning overlay DDO6
Date: Monday, 17 August 2020 6:01:57 PM

Attention: Planning Scheme Review Officer

[REDACTED]
[REDACTED]
[REDACTED]

In its present reading, as land and property owners in DDO6, we will be impacted as follows:

- In its current state DDO6 prohibits us from rebuilding should our home be damaged by fire or another event that requires the home to be rebuilt. The implication for us, should this occur is that we will be financially ruined. [REDACTED] would be left with a practically worthless block of land. Never in our wildest dreams could we have foreseen the likelihood of this occurring!
- We have been impacted by the lack of consultation and the opportunity to provide a more informed response to Council about our concerns in the limited timeframe. As property owners' directly influenced by this overlay a prudent communication plan would see a direct approach to those impacted.
- We are impacted because DDO6 provides Council with unrestricted development rights; should there be further development on the site we are unable to formally lodge any concerns about the potential for impacts on our amenity.
- We note the reference to works associated with building a fence and the requirement for fencing to be solid or 50 per cent transparent to a minimum height of 1.5 meters. We have a 1.5 acre (0.6 hectare) block and constructing a fence as required (above) is nonsensical / impractical; with one of our boundaries measuring 155m the cost is prohibitive and in a rural environment such as ours, a blight on the landscape.

We look forward to discussing our concerns at a meeting with Council prior to any definitive decisions being made

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to Schedule 6 to Clause 43.02 Design and Development Overlay (DD06)
Date: Monday, 17 August 2020 7:31:29 PM

[REDACTED]
Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impact us as follows:

- 1/ We will not be able to build or rebuild on our property, which would be significantly devalued.
If the existing house is destroyed by accident, we would be left with a practically unsaleable block of land.
- 2/ We lose the benefits of potentially subdividing the property, because the building on the new lot would be prohibited.
- 3/ We lose some of my existing rights of my property, including with respect to balconies, open space areas, landscaping and fencing.
- 4/ Our property and our rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

Does Council realise that by devaluing all the properties within the 500m radius of the transfer station they also devalue their rate base and in the case of a property being destroyed and not being able to be replaced, they lose a rateable property.

We hope this does not get passed and clear communication is passed on to all those affected property owners.

Sincerely

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
Subject: FW: AMENDMENT C80 AND DDO6 - DAYLESFORD MRF
Date: Monday, 17 August 2020 9:44:49 AM

FYI – if you could include in the response.

From: [REDACTED]
Sent: Monday, 17 August 2020 9:18 AM
To: Evan King <eking@hepburn.vic.gov.au>
Subject: Re: AMENDMENT C80 AND DDO6 - DAYLESFORD MRF

Evan,

The Friends group have their spokespersons and I will leave it to them. [REDACTED]
[REDACTED]

I still believe that the first point in section 2.0 of Schedule 6 prohibits residential development and contradicts with the Decision Guidelines which indicate there is discretion.

Regards,

[REDACTED]

On Monday, 17 August 2020, 08:57:17 am AEST, Evan King <eking@hepburn.vic.gov.au> wrote:

[REDACTED]

As you would be aware:

- The exhibition documents were signed off by DELWP (on behalf of the Minsiter) as having credibility for exhibition
- Prior to exhibition, DELWP asked us for further information on the basis of the 500 m radius. This has come from the EPA (closed tip site) and had not been 'invented' by Council officers
- All residents within the 500 metre radius received a personal letter plus a flyer
- The exhibition process meets the requirements of the P&E Act

[REDACTED]

Regards

Evan

From: [REDACTED]
Sent: Monday, 17 August 2020 7:32 AM
To: Evan King <eking@hepburn.vic.gov.au>
Subject: AMENDMENT C80 AND DDO6 - DAYLESFORD MRF

Evan,

You would have received a detailed submission from the concerned residents.

Our home is affected by the 500 metre buffer and we consider that the drafting of the controls and explanatory statement is flawed and confusing. Also, the impacts on residents and property values would be very significant.

It does need an urgent review of this part of C80 to see if it is flawed and unworkable with a response to residents who are stressed rather than simply deferring it to a Panel months later. The key issues of buffers around the former landfill and MRF will not be easy to resolve.

Regards,

[REDACTED]

[REDACTED]

From:

Subject:

CM: URGENT: Meeting requested re Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) - Hepburn Planning Scheme Review

Date:

Sunday, 16 August 2020 8:46:14 PM

Attachments:

[Report_Rationale for Deferring DDO6_16Aug2020.pdf](#)
[NEW SCHEDULE 6 Hepburn C80hepb 43_02s06 hepb Exhibition Gazetted_Sch6_DesignDevptOverlay - Copy.pdf](#)

Dear Evan, Bruce and Bronwyn

As concerned residents impacted by the proposed DDO6 planning overlay, **we urgently request a meeting with you in the week commencing 17 August** to:

- highlight that the proposed Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) is flawed, unreasonable and will unfairly cause potentially devastating financial loss for ratepayers within the overlay area
- request that a moratorium is placed on the overlay, at least until the review of the current *Waste Management and Resource Recovery Strategy* is complete, which we've been verbally advised may be by mid-2021.

Rationale for deferring DD06

DDO6 needs to be deferred for the following reasons – **for more detail about each reason, see the attached rationale report:**

1. The intent of the DDO6 is unclear. Is it about addressing the risk of landfill gas escape or limiting *further* development in the areas or ensuring effective operation and protection of the Ajax Road waste management site? And is it only about the MRF on the Ajax Road site or about the three sites, i.e. closed landfill, MRF and transfer station? The story is very muddled.
2. The DDO6 has significantly detrimental financial and amenity impact on residents because it does not specifically deal with how development will be managed on existing properties – it simply prohibits any further residential development on land that is currently designated and zoned for development. This will have a catastrophic impact on **all** landowners in the proposed area.
3. Having viewed the DDO6, one local real estate agent agrees there is significant property devaluation risk and recommends that residents request Council compulsorily purchase their properties at their current values. We will continue to seek the views of other local real estate agents in the coming week. And similarly, a qualified town planner we consulted also advised us about the option of compulsory acquisition.
4. The communications approach has been ineffective in achieving natural justice and transparency for residents. Amendment C80 is an all-encompassing amendment – DDO6 is tucked away within multiple items to be amended and is extremely difficult to find online. It is therefore anticipated most residents in the proposed overlay area are unaware of the restrictions it would place on their property - we have started distributing a flyer (and will continue to do so in the coming week) to all impacted residents and other stakeholders so they **are** aware.
5. The DDO6 is linked to completion of the review of the current *Waste*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

--/--/---
Proposed C80hepb

SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO6**.

DAYLESFORD MATERIAL RECOVERY FACILITY AREA

1.0

--/--/---
Proposed C80hepb

Design objectives

To operate and manage the Daylesford Material Recovery Facility appropriately in providing effective waste management services for the area.

To reduce the amenity impacts on surrounding land from the Daylesford Material Recovery Facility including adjacent residential areas and public forested areas.

To limit further intensity of residential development and subdivision surrounding the Daylesford Material Recovery Facility.

2.0

--/--/---
Proposed C80hepb

Buildings and works

A permit is required to construct a fence.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works and for landscaping:

- A building used for accommodation must not be constructed within 500 metres of the edge of the Daylesford Material Recovery Facility.
- A balcony or a private open space area for accommodation must not directly face towards or be located within 500 metres of the edge of the Daylesford Material Recovery Facility.
- Fencing that is constructed must be solid or 50 per cent transparent to a minimum height of 1.5 metres with screen landscaping within 500 metres of the edge of the Daylesford Material Recovery Facility.

A permit is not required for:

- Minor works.
- Buildings and works, fencing and landscaping on the Daylesford Material Recovery Facility land.

3.0

--/--/---
Proposed C80hepb

Subdivision

A permit to subdivide land must meet the following requirements:

- The minimum subdivision area of land must be a minimum of 1 hectare.
- New access to a lot cannot be provided via Ajax Road.

A permit cannot be granted to subdivide land which is not in accordance with any requirement in a schedule to this overlay.

4.0

--/--/---
Proposed C80hepb

Signs

None specified.

5.0

--/--/---
Proposed C80hepb

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
 - The boundaries and dimensions of the site.

- Relevant ground levels.
 - Adjacent roads.
 - Proposed landscape areas.
 - All driveway, car parking and loading areas.
 - All external storage and waste treatment areas.
 - Access arrangements to the land.
 - The buildings and works within the local neighbourhood context.
- A schedule of construction materials, external finishes and colours including any noise attenuation measures.
 - A landscape plan showing a survey of all existing vegetation to be retained, a planting layout, a planting schedule of all proposed trees, shrubs and ground covers, areas of screening, and landscaping and planting within all areas of the land that interface with the Daylesford Material Recovery Facility.
 - The location of a building used for accommodation in relation to the Daylesford Material Recovery Facility.
 - The location and orientation of a balcony or a private open space area in relation to a building used for accommodation in relation to the Daylesford Material Recovery Facility.
 - Fencing and screen landscaping details in relation to the Daylesford Material Recovery Facility.
 - For subdivision, plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The pattern of subdivision of the surrounding area.
 - Easements.
 - Location of drainage and other utilities.
 - Access points.
 - Any natural features.

6.0

---/---
Proposed C80hepb

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether a building is to be used for accommodation and is located within 500 metres of the edge of the Daylesford Material Recovery Facility and what impacts it may have upon residents of the accommodation and the operation of the facility.
- Whether a balcony or a private open space area for accommodation directly faces or is located within 500 metres of the edge of the Daylesford Material Recovery Facility and what impacts this may have upon residents of the accommodation and the operation of the Daylesford Material Recovery facility.
- Whether solid or semi-transparent fencing and screen landscaping will help to mitigate the impacts of the Daylesford Material Recovery facility.
- Whether the subdivision meets the minimum subdivision area of 1 hectare.
- Whether new access to a lot is provided on a road other than Ajax Road.

HEPBURN PLANNING SCHEME

- Whether the subdivision will intensify residential occupation of land within 500 metres of the edge of the Daylesford Material Recovery Facility.
- Whether the operations of the Daylesford Material Recovery Facility will potentially be unreasonably affected by residential development on land within 500 metres of the edge of the Daylesford Material Recovery Facility.

Amc80hepb Submissions received

Hepburn Planning Scheme Review

Report: Rationale for Deferring DDO6 (Schedule 6 to Clause 43.02 Design and Development Overlay)

Amc80hepb Submissions received

[Redacted content]

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Amc80hepb Submissions received

1. Introduction

The purpose of this report is to:

- highlight that the proposed Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) is flawed, unreasonable and will unfairly cause potentially devastating financial loss for ratepayers within the overlay area
- make recommendations to defer DDO6 until the review of the current *Waste Management and Resource Recovery Strategy* is complete, which currently has no confirmed due date, although may be in 2021.

2. Rationale for deferring DDO6

The rationale for deferring DDO6 is as follows:

1. The intent of the DDO6 is not expressed clearly.
2. The DDO6 has detrimental financial and amenity impact on residents.
3. As DDO6 is currently written, there is significant property devaluation risk – a local real estate agent recommends residents request Council compulsorily purchase their properties at their current values. A qualified town planner also suggests the option of compulsory acquisition.
4. The communications approach has been ineffectual in achieving natural justice and transparency for residents.
5. The DDO6 is linked to completion of the review of the current *Waste Management and Resource Recovery Strategy*, however no timeframe/deadline is provided to assure residents when the DDO6 will be removed.
6. The DDO6 affords Council with unrestricted development rights and removes residents' rights.
7. it is undemocratic to proceed with this proposed overlay during the COVID-19 pandemic when:
 - gatherings of people cannot be assembled to view and discuss the impacts of DDO6
 - the impacts have not been clearly communicated to residents through other means.
8. There are technical and quality issues associated with the DDO6 document.

For more information about each of the above reasons, **see the subsections that follow.**

See Appendix 1 for advice provided by local, qualified town planners, Anna and Victor Szwed, further supporting the need to defer the proposed DDO6 due to the flawed nature of the proposed DDO6 and associated documents.

Reason 1: Unclear intent of the DDO6 document

Council's Alison Blacket advised that the driver of this overlay is the EPA's requirement to address the 500m buffer zone around the closed landfill and the potential for escape of landfill gas, however, the DDO6 makes no mention of this as an objective, and instead, describes design objectives that are about protecting operation of the existing waste management facility in Ajax Road.

Alison also advised that the intent of DDO6 is “to limit *further* intensity of residential development and subdivision surrounding the Daylesford Material Recovery Facility”,

It is unacceptable for residents to be told:

- not to worry about the content in DDO6 and instead just rely on verbal assertions about EPA requirements and the DDO6 objective “to limit *further* intensity of residential development and subdivision surrounding the Daylesford Material Recovery Facility”
- that Council will need to apply exemptions later to clauses that are unclear.

And, it is just not good practice to ask residents to make submissions about an unclear, poor quality document.

For example, the document includes clauses that require fencing to be solid or 50% transparent, which is not in keeping with the rural, low density area. It’s difficult to understand why such a restriction would be in place. It won’t prevent landfill gases from entering a property, and it actually increases development, and it would be development that’s not appropriate for the area. So it is unclear what the purpose of the clause is, i.e. what it is trying to achieve apart from unfair and unreasonable restriction on residents in the area.

The same questions can be applied to other clauses, like no balconies or private open spaces – see the Reason 8 section for more information about that clause.

Reason 2: Significant and detrimental resident impacts

The wording of DDO6 means that if the overlay is approved, residents who own property in the overlay area:

- will not be able to build or rebuild on their property, therefore devaluing their property. And, if an existing house is destroyed by accident, the owner would be left with a practically unsaleable block of land
- whose land has already been subdivided but is currently vacant, would not be able to build on their lot, again making the block of land unsaleable and largely worthless
- lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited
- lose some of their existing rights of use of their property, including with respect to balconies, open space areas, landscaping and fencing
- may be significantly impacted by potential **unrestricted** development of the existing transfer station and MRF in Ajax Road.

Reason 3: Residents recommended to request compulsory purchase

After reviewing the DDO6 document, local real estate agents agree there is significant potential risk of property devaluation for residents and that residents request Council compulsorily purchase their properties at their current values. Another qualified town planner that we consulted also advised of the compulsory purchase option.

Reason 4: Ineffective communications approach

The communications plan has failed as outlined below:

- A one-page letter and four-page flyer to describe such an extensive and complex Planning Scheme Review is **not** sufficient to properly inform residents of Amendment C80hepb impacts.
- The online information session offered was light on in regards impacts too - instead it provided a very high-level summary of the *entire* amendment and instructions on how to make a submission.
- The DDO6 overlay was only **one** brief bullet point on one slide in the information session's slide pack.
- At the very least the DDO6 document should have been sent to all residents in the proposed overlay area, along with their letter and flyer because:
 - it is extremely difficult to find the document online among all the other documents relevant to the planning scheme review –file names are a mass of numbers that provide no meaningful description of their contents, and it's particularly difficult for those residents who are not computer-literate and/or have no access to a computer
 - due to COVID-19 restrictions, it's not possible for people to visit a location where paperwork is physically displayed, e.g. shire libraries. See Reason 7 for more information about COVID impacts.

Reason 5: Linked to review of waste strategy but no clear timeline/deadline provided

The *Amendment c80hepb Explanatory Report* states that the amendment includes "a new Schedule 6 to the DDO applying to the environs of the Daylesford Material Recovery Facility which will **protect the facility** from residential impacts **prior to Council undertaking a review** of its current *Waste Management and Resource Recovery Strategy*".

The issues associated with this include:

1. The shire's planning scheme should be about protecting **residents'** rights, not just protecting facilities.
2. This statement is made in the explanatory report, but is not stated in the DDO6 itself – this information is therefore not transparent to residents responding to the DDO6.
3. There is no timeframe provided for when the waste strategy will be completed, therefore there is potential for DDO6 requirements to remain in place indefinitely.
4. There is no end date stated for when DDO6 would cease to apply if challenges arise in completing the waste strategy.

Reason 6: Council has unrestricted rights; residents rights removed

DDO6 provides Council with **unrestricted** development rights of the MRF site, allowing them to make decisions about the site without community consultation. Residents development rights are removed.

Reason 7: COVID-19 restrictions

It is undemocratic to proceed with this proposed overlay during the COVID-19 pandemic when gatherings of people cannot be assembled to view and discuss the impacts of DDO6, and the impacts have not been clearly communicated to impacted residents through other means.

Residents are unable to remedy this by completing a letterbox drop or door knock due to COVID-19 Stage 3 restrictions; instead, residents are mailing a flyer and a copy of the DDO6 document to all impacted residents.

Residents are unable to make contact with owners of vacant land because such properties typically do not have letterboxes,

Reason 8: DDO6 document quality issues

Terminology use

The terminology used in the document is confusing. For example, the document is titled 'Daylesford Material Recovery Facility Area' and then refers to the Daylesford Material Recovery Facility throughout; however, the Ajax Road waste management site comprises a closed landfill, a transfer station **and** a materials recovery facility (commonly referred to as the MRF), leaving the reader to wonder to which area the DDO6 actually applies.

The use of the word 'accommodation' can be misinterpreted too. Some residents interpret this to mean holiday-rental properties only, while others interpret it to mean any building used as a residence. Once again, the language/terminology is unclear.

Poorly worded and open to interpretation

In addition, several clauses are worded poorly and open to a range of interpretation. For example:

"A balcony or a private open space area for accommodation **must not directly face towards or be located** within 500 metres of the edge of the Daylesford Material Recovery Facility."

The first condition of the above statement about direction of balconies/open spaces is moot, because the second condition says you can't actually have a balcony or a private open space. The second condition also raises questions about how it is possible to say to residents within 500 metres of the Daylesford Material Recovery Facility that they can't have a balcony or private open space. Residents purchase properties in a rural area to enjoy the beauty of private open spaces. So again, the question is posed: What does this achieve except unfair and unreasonable restriction on residents in the area?

And referring back to the issue of unclear DDO6 intent, it is difficult to understand why this clause would be put in place. To address gas escape risk? Does it apply to *further* development only, and not to existing properties? Or is it related to protecting the Ajax Road site? In any of these cases, it is unclear how this solution would appropriately address any of these scenarios.

No definitive list of impacted properties

No definitive list of impacted properties has been provided. One resident advises that their property is more than 500 metres from the edge of the waste management facility, however, their property

appears in the shaded area of the DDO6 map. Due to this lack of clarity in the document, there are likely to be many arguments such as this if the proposed DDO6 were to be approved.

3. Consultation with Council

Alison Blacket has:

- encouraged residents to provide submissions
- provided some information by email, e.g. EPA requirements, although did not directly answer other questions, e.g. about how bushfire overlays relate to other overlays
- made verbal and email assertions about the 'driver/intent' of DDO6 and acknowledged that exemptions will need to be applied to clauses,

However, residents can only rely on and respond to the **gazetted, published documents**. Residents cannot rely on and respond to assertions from council officers, particularly verbal assertions. It's the approved documents that Council will read back to residents and enforce, not officers' assertions made during a review process, which may not be remembered or worse, denied.

Birch ward councillor, Fiona Robson, advised a resident on 13 August 2020, that the intent of DDO6 is to *assist* in addressing ongoing Ajax Road waste management issues, which the Friends of Ajax Road have been working on with Council for several years now. While Council may have such good intent, and the Friends of Ajax are committed to continuing that work, the DDO6 actually makes the situation more problematic because it introduces a whole new set of issues that impact a much wider group of residents.

4. Conclusion

The proposed DDO6 **cannot** continue to proceed through the Hepburn Planning Scheme Review process because:

- The current DDO6 approach affords Council full development rights over the DDO6 area and removes residents' development rights. This is completely unacceptable in a democratic society.
- The current DDO6 document is technically flawed, as supported by qualified town planners (see Appendix 1) and does not clearly represent the intent of the Council. In addition, clauses are poorly worded and easily misinterpreted, and, because intent is unclear, it is impossible to know how the clauses achieve whatever the intent of DDO6 is.
- The proposal introduces a high risk of catastrophic financial and amenity impact on residents in the DDO6 area.
- In combination, the failed communications approach and current COVID-19 restrictions, are serious barriers preventing residents from knowing about and fully understanding the proposed DDO6 and its outrageous impacts.
- While there is an option to request compulsory purchase of all properties in the proposed DDO6 area, the cost would be prohibitive to Council – instead, the review of the current *Waste Management and Resource Recovery Strategy* must address EPA requirements, including site location, to guarantee the safety and amenity of residents, and the delivery of an affordable and effective waste management approach. The cost of relocating waste management facilities away from areas experiencing waste management encroachment

(such as the Ajax Road site) would be vastly less than the cost of a compulsory purchase program.

5. Recommendations

Recommendation 1:

It is recommended Council acknowledge the compelling argument presented in this report by deferring DDO6, which requires Council to:

1. amend the proposed DDO6 so that:
 - the intent is made clear
 - clauses within the DDO6 are technically accurate, logical, fair, appropriate and aligned with the intent
 - clauses equitably address both Council and resident rights, including the rights of owners of existing properties
2. publish an accurate and clearly stated version of the DDO6, which residents can then properly respond to **after** the review of the current *Waste Management and Resource Recovery Strategy* is complete.

Recommendation 2:

It is recommended the review of the current *Waste Management and Resource Recovery Strategy* addresses appropriate siting for transfer stations in the area. As evidenced by residents' responses to the proposed DDO6, there needs to be a particular focus on the inappropriateness of the current location of the Daylesford Transfer Station and MRF in Ajax Road, which continues to raise significant and ongoing safety and amenity issues for both Council and residents.

Appendix 1: Town planning advice re DDO6

HEPBURN SHIRE COUNCIL AMENDMENT C80

Comments prepared by:

Victor Szwed

Diploma in Town Planning RMIT and Diploma in Civil Engineering RMIT

Anna Szwed

Diploma in Urban Studies – Town Planning FIT

Date:

16 August 2020

As qualified Town Planners we make the following comments regarding the proposed Design and Development Overlay DDO6 relating to a 500 metre buffer around the Daylesford Material Recovery Facility. [REDACTED]

[REDACTED] We ask that Council conduct discussions as soon as possible to address the key issues and reduce the angst and stress for affected residents over this.

The wording of the Amendment is flawed, confusing and contradictory. It is unworkable and should be deferred while the issues are rectified.

Proposed Schedule 6 to Clause 43.02 states in part 2.0 that: “A *building used for accommodation must not be constructed within 500 metres of the edge of the Daylesford Material Recovery facility.*” That would clearly **prohibit any residential type development within 500 metres, including on any existing vacant allotment or redevelopment of an existing residence if it is destroyed (unless there is some other exemption stated in the Planning scheme for destroyed residences).** Yet, the Explanatory Statement as well as Decision Guidelines indicate that a permit will be required and Council will assess any application for an accommodation (residential) building in relation the impacts of the MRF on the residents and vice versa. On the one hand prohibition of accommodation buildings is proposed but on the other hand that development is discretionary.....

- The report to Council on 16 June 2020 states (my underlining) that:

“Land affected by the DDO6 will require a permit for a building, subdivision and fencing. This new control will limit development density in the area until Council has undertaken its review of its current *Waste Management and Resource Recovery Strategy.*” The Amendment Explanatory Statement has the same message.

- The report to Council was available to the community and did not state that residential type developments would be **prohibited**. If that was the intention then it should have been made clear to Councillors and the Community.

- Limiting development density does not imply prohibition but implies that development might be permitted where it does not increase density such as new subdivisions or multiple unit development (and does not conflict with the MRF).
- The Council Meeting on 16 June was conducted by Zoom and according to the Minutes, the actual Amendment was not attached to the Agenda. Councillors apparently did not have the Amendment as part of their formal decision to exhibit and may not have been aware that the Schedule as worded would prohibit residential accommodation on any allotment or rebuilding.
- The Decision Guidelines clearly talk about consideration of a building to be used for residential accommodation and that any application within the 500 metres will be assessed in relation to impacts that the MRF will have upon residents of that accommodation and vice versa. How can you assess this if that is prohibited?
- It appears that the intention may have been to control residential development within the 500 Metres and only allow such development if that did not prejudice the operation of the MRF and the MRF was unlikely to affect those future residents. The drafting does not reflect this and is contradictory and unworkable.
- Council has willingly and openly allowed residential development and subdivision within the 500 Metres over a long period of time including very recent approvals.
- If Council's MRF is likely to affect residents legally established within that area then it is the legal responsibility of Council to ensure that it does not affect them. Otherwise Council will be liable for numerous and major compensation claims.
- If the MRF cannot be operated in a manner which does not impact negatively then it is the responsibility of Council to relocate it rather than punish residents and landowners through these controls.
- In relation to the former landfill operation it is also Council's legal and community responsibility not to impact on residents particularly as Council has openly and willingly allowed them to build and buy nearby over many years.
- This proposed amendment in its current form is likely to have a major negative impact on property values.
- **Has Council been monitoring gas emissions from the closed landfill? In the current circumstances Council should have been monitoring this as soon as it became aware of this as a potential issue. Dose Council have reports and information on this?**
- Council should have conducted a detailed investigation and monitoring of the closed landfill to assess whether it is a problem. Has this occurred?
- Imposing dramatic controls onto existing and potential residents and landowners without doing the research and investigations is inappropriate.
- That work should have been conducted first and then the planning controls adjusted to reflect the actual issues.
- If Council has not been taking urgent research and action to address its own impacts on surrounding existing and future residents then its liability will escalate.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Tuesday, 18 August 2020 10:52:03 AM

st Daylesford 3460. schedule 6 to Clause43.02 and Design and Development Overlay (DDO6) impacts me as follows

1 I will not be able to rebuild or my property, which would be significantly devalued.If the existing house is destroyed by accident.I would be left with a practically unsalable block of land.

Sent from my iPad

Amc80hepb Submissions received

From: [Redacted]
To: [Hepburn Shire Mailbox](#)
Cc: [Alison Blacket](#)
Subject: [Redacted]
Date: Tuesday, 18 August 2020 12:20:12 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image001.jpg](#)

[Redacted]
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[00395312160582020080312320001.pdf](#)
[00395312160592020080312320001.pdf](#)
[00395312160602020080312320001.pdf](#)
[Redacted]

Hi Alison,

Further to our discussions yesterday, I now wish to submit a further written response to Amendment C80 to the Hepburn Planning Scheme regarding [Redacted]

I have attached the following:

- Covering Letter;
- Planning Property Report;
- Copies of titles; and,
- Central Highlands Water sewer plans of the area.

Can you please respond in writing to acknowledgement of this written submission.

If you have any further queries, please give me a call on [Redacted]

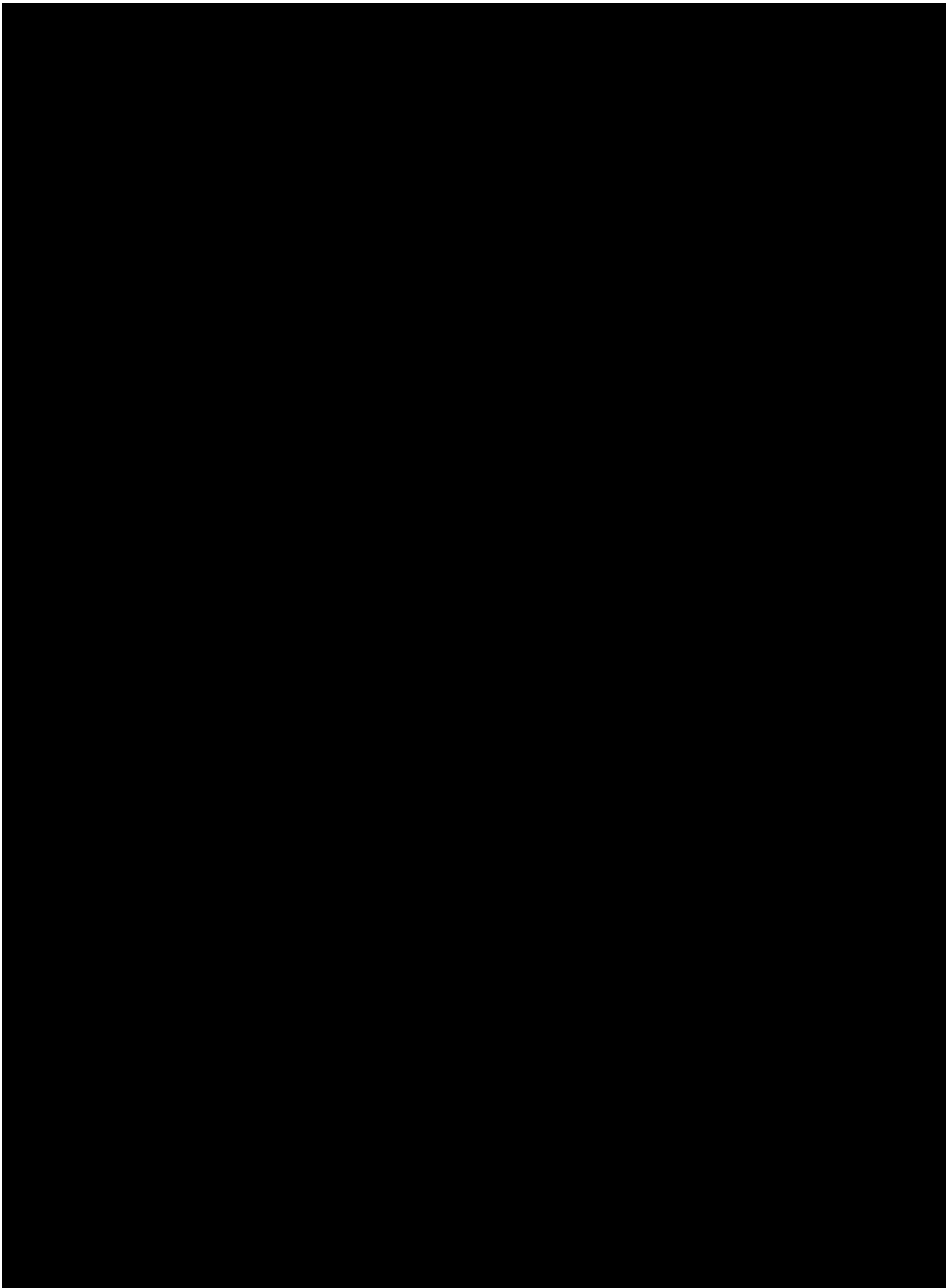
Thanks.

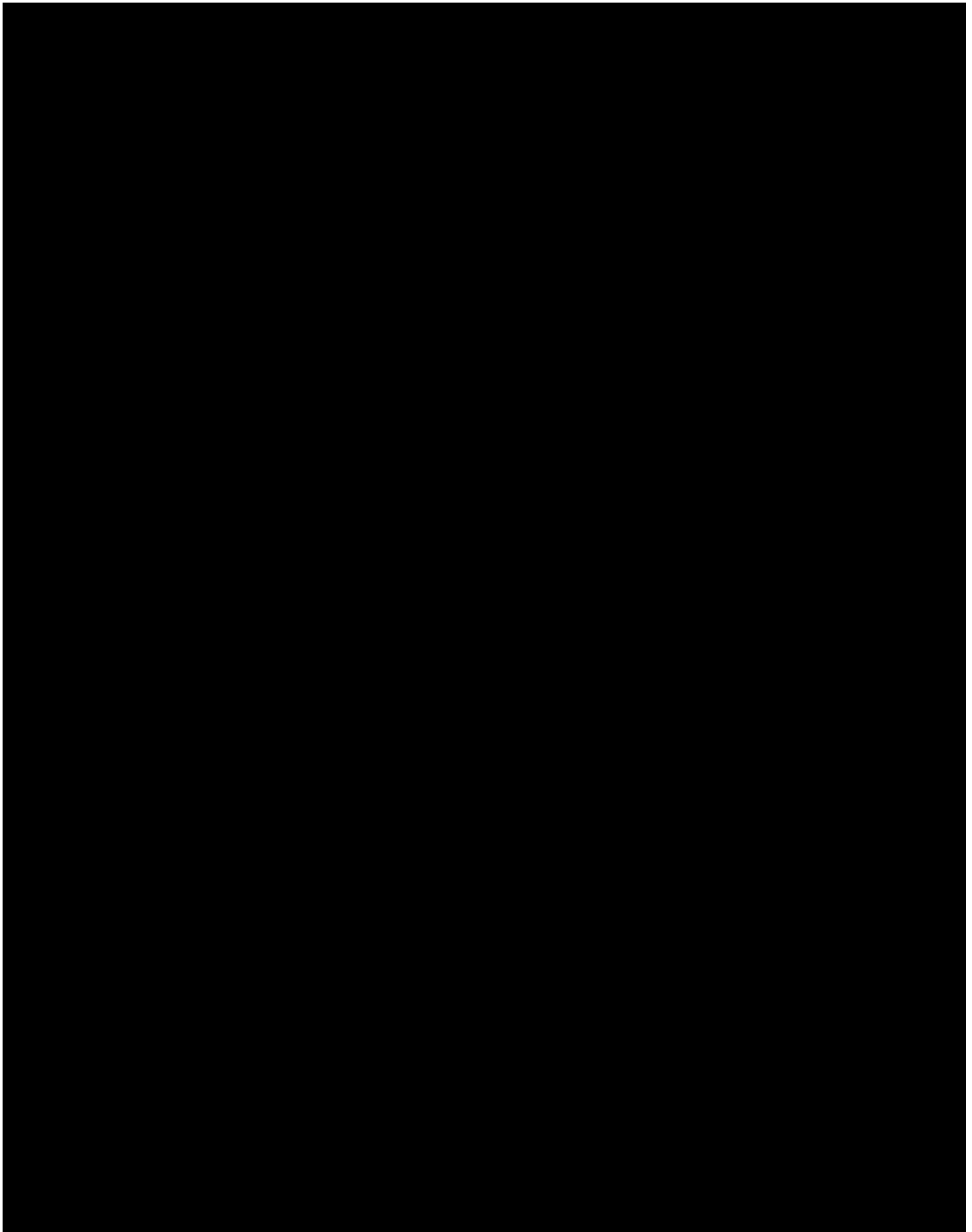
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[Redacted]

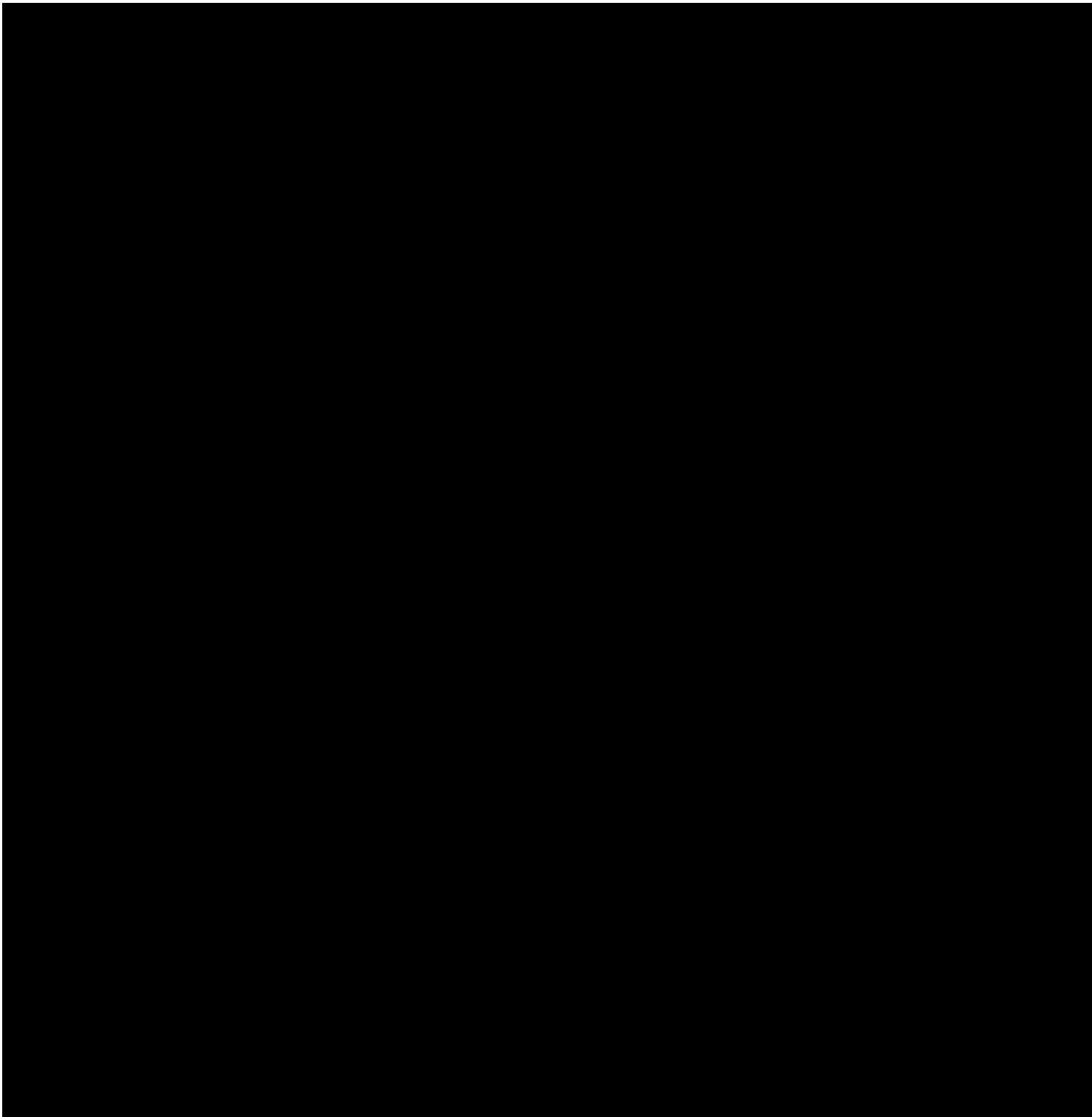


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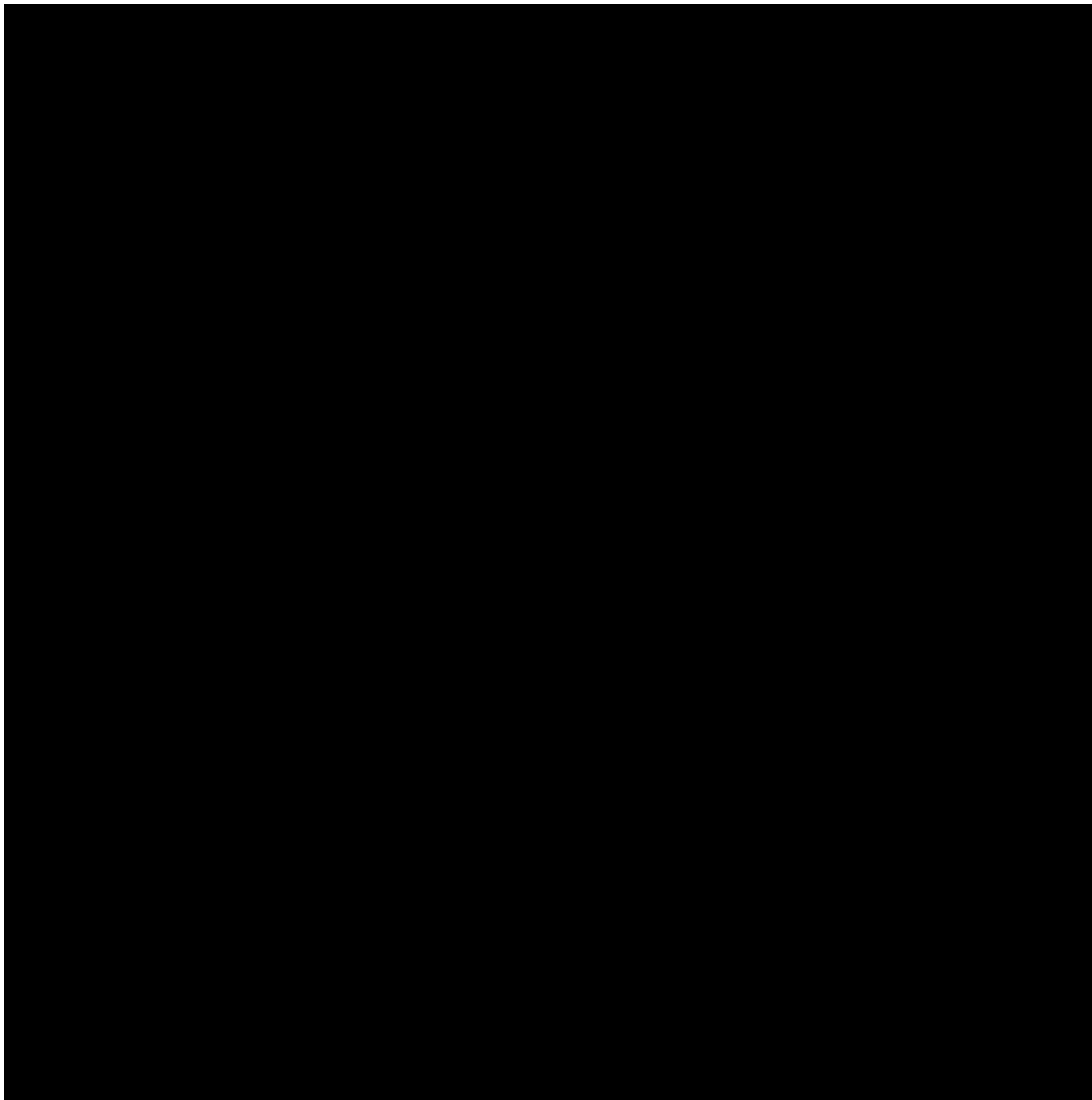


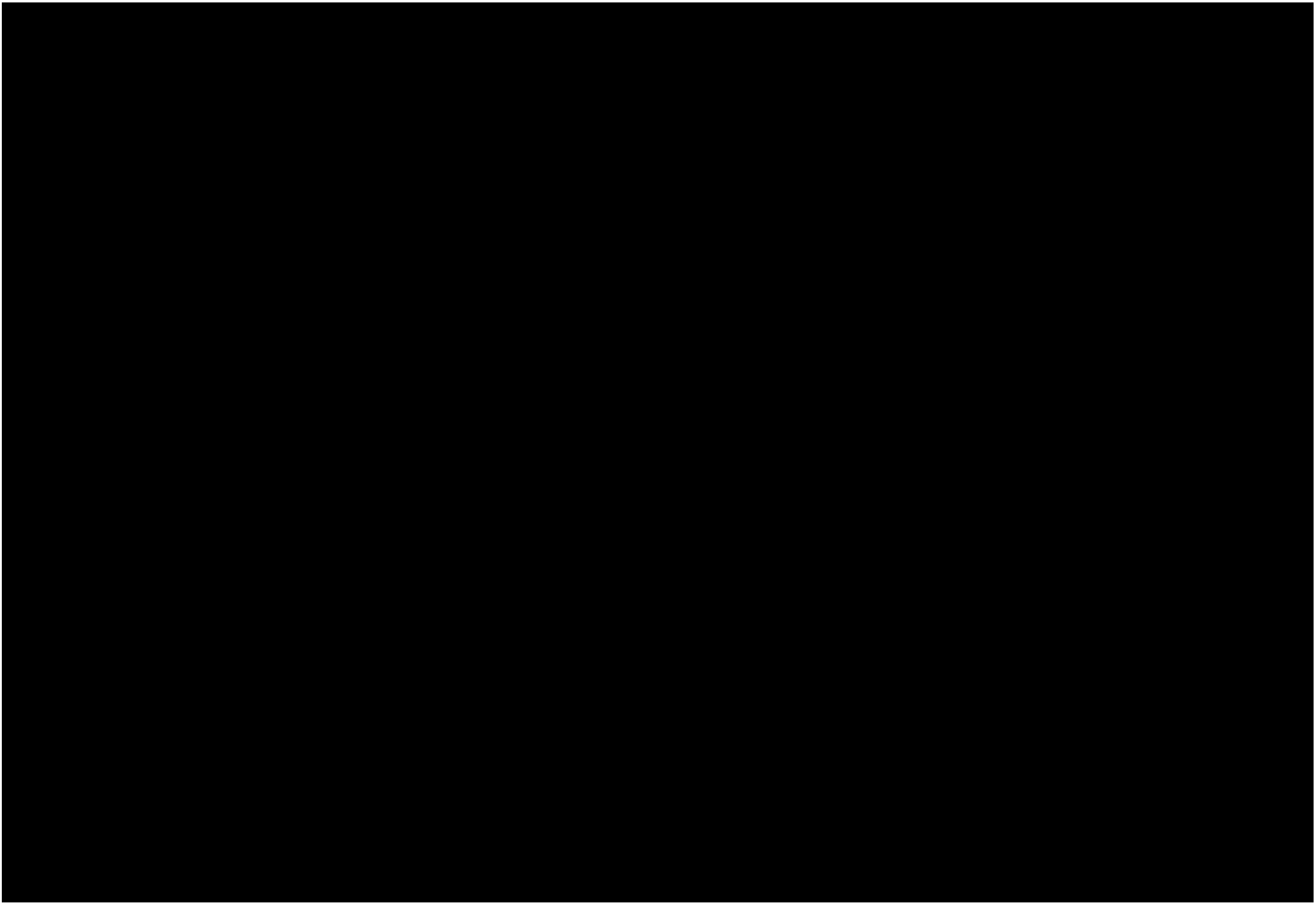


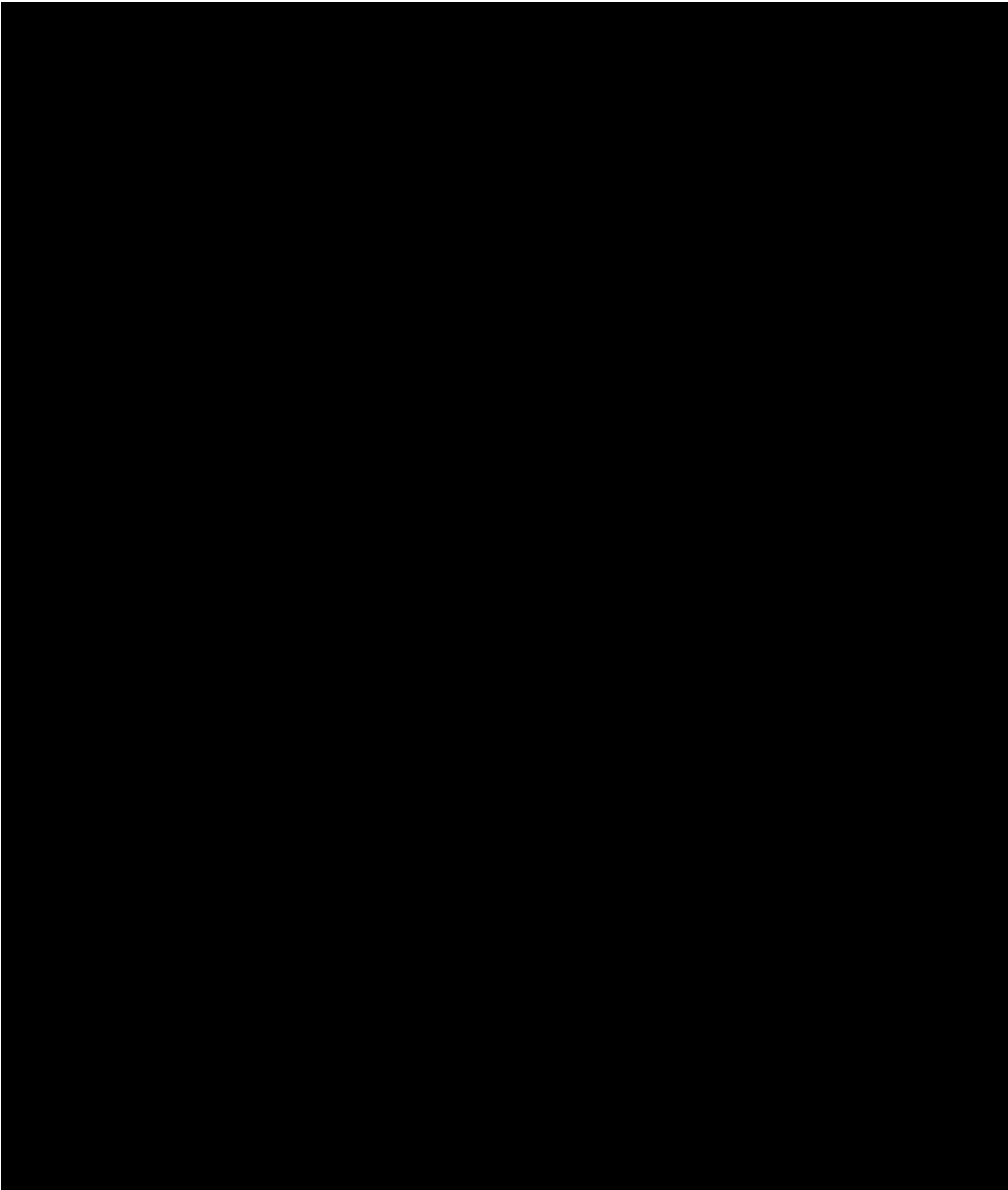
Amc801

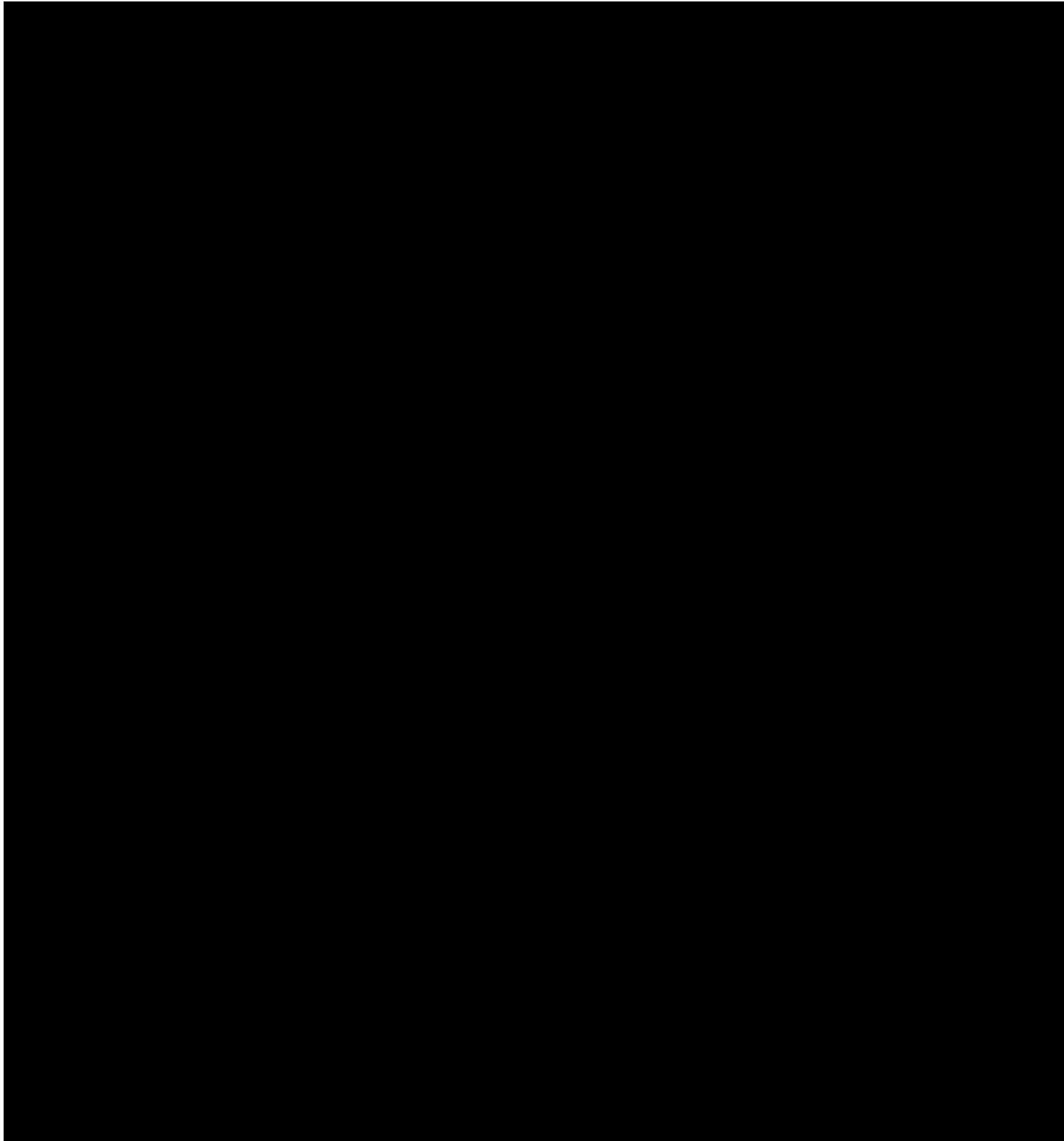


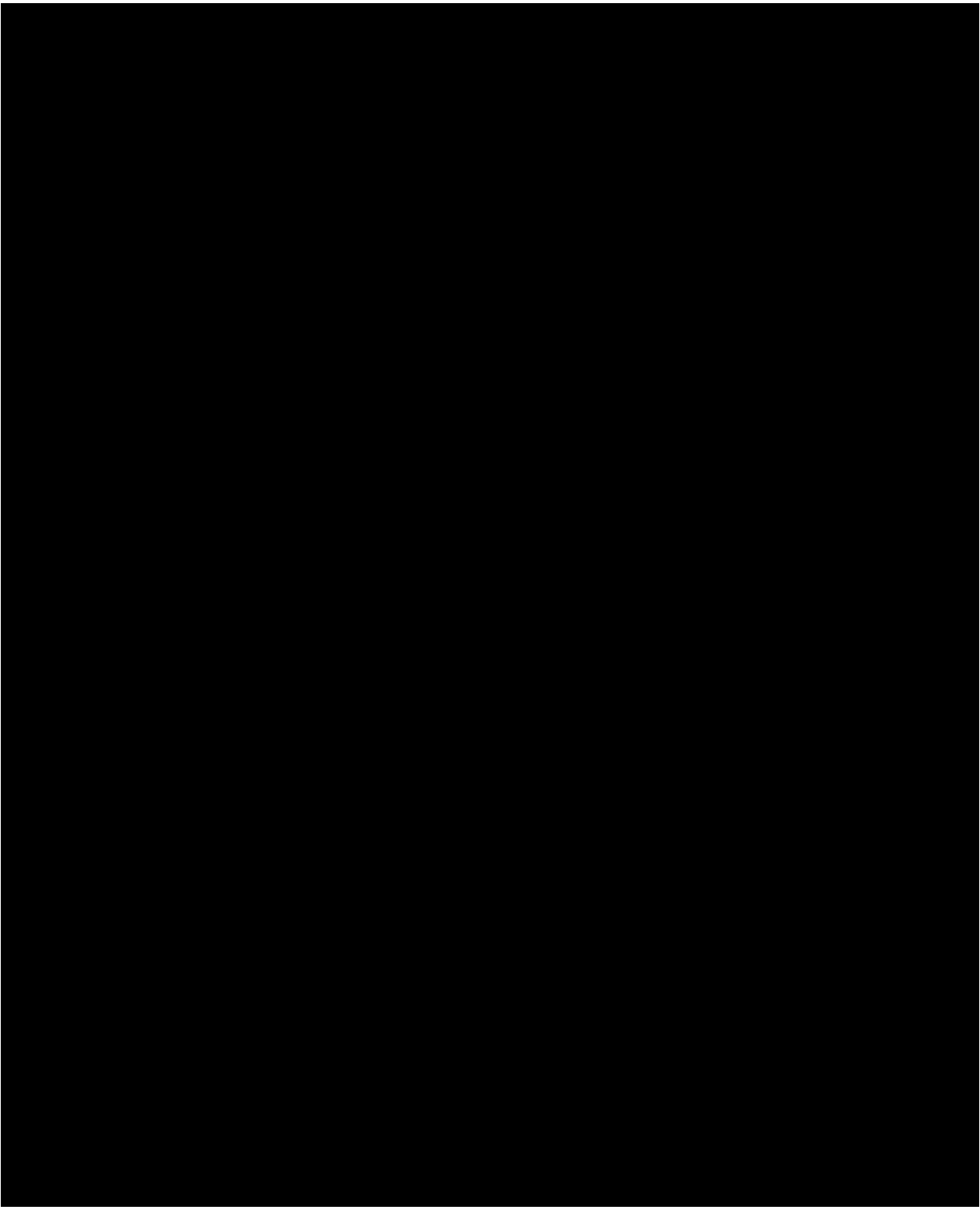
Amc80hepb Submissions receiv

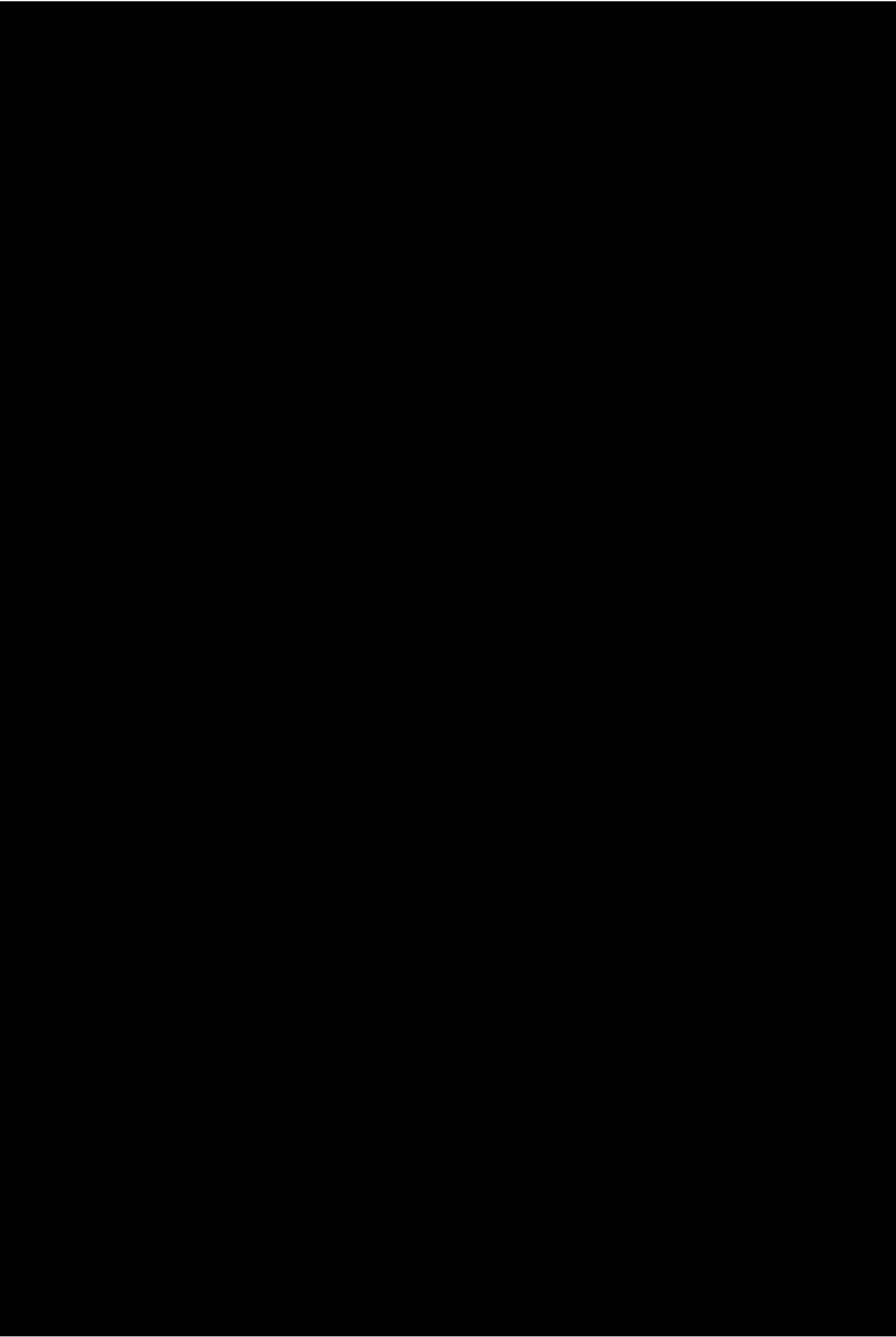








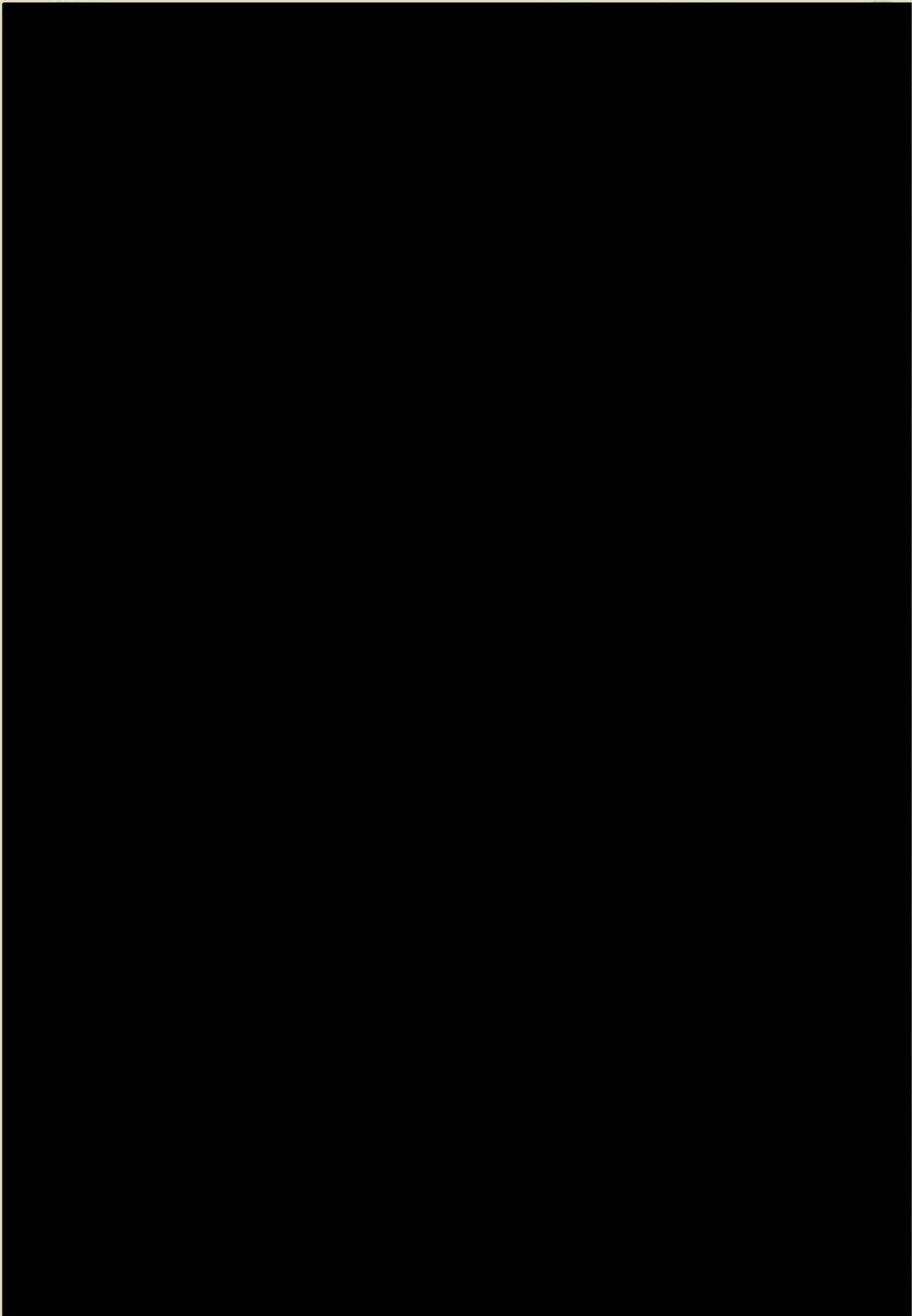


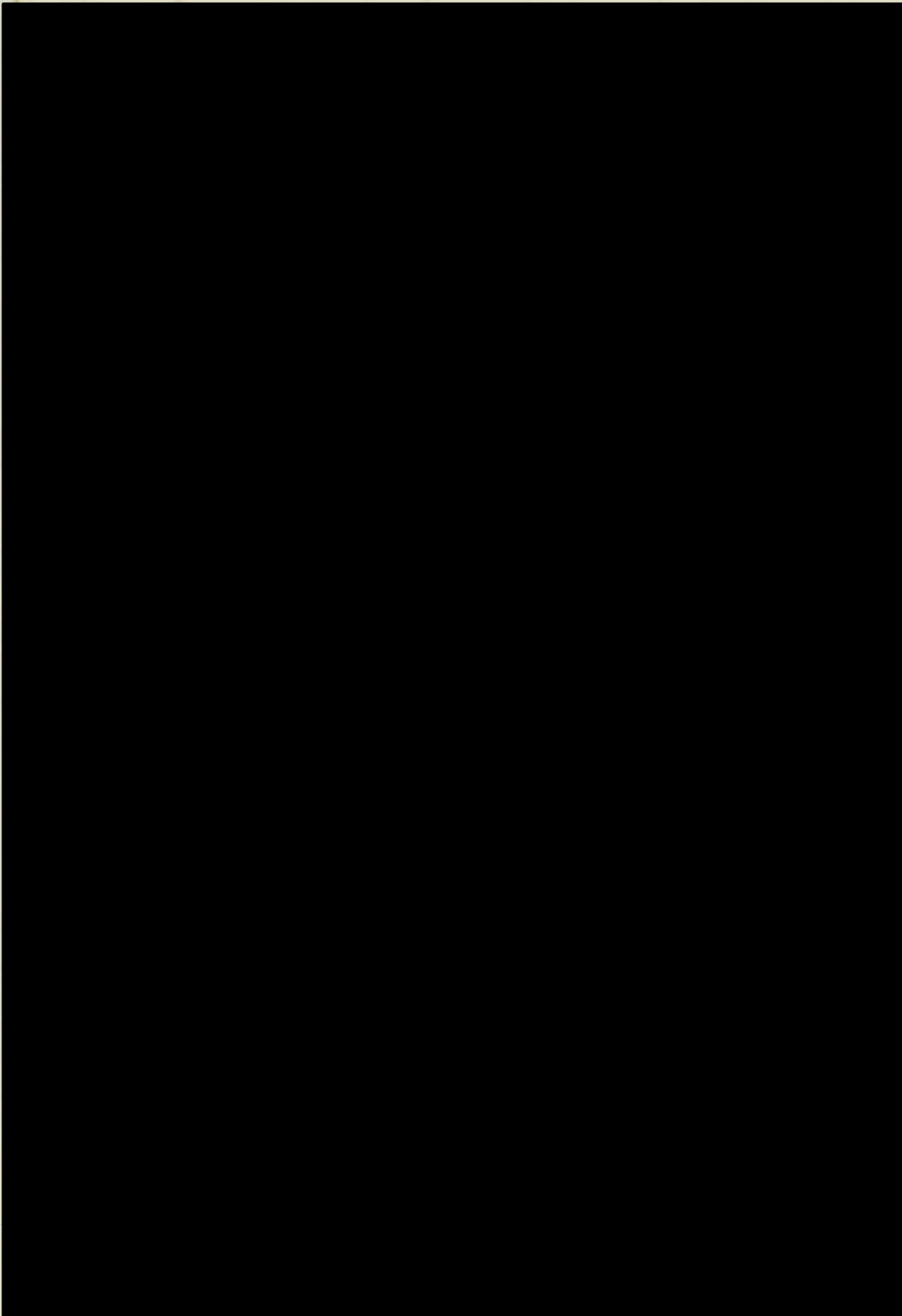


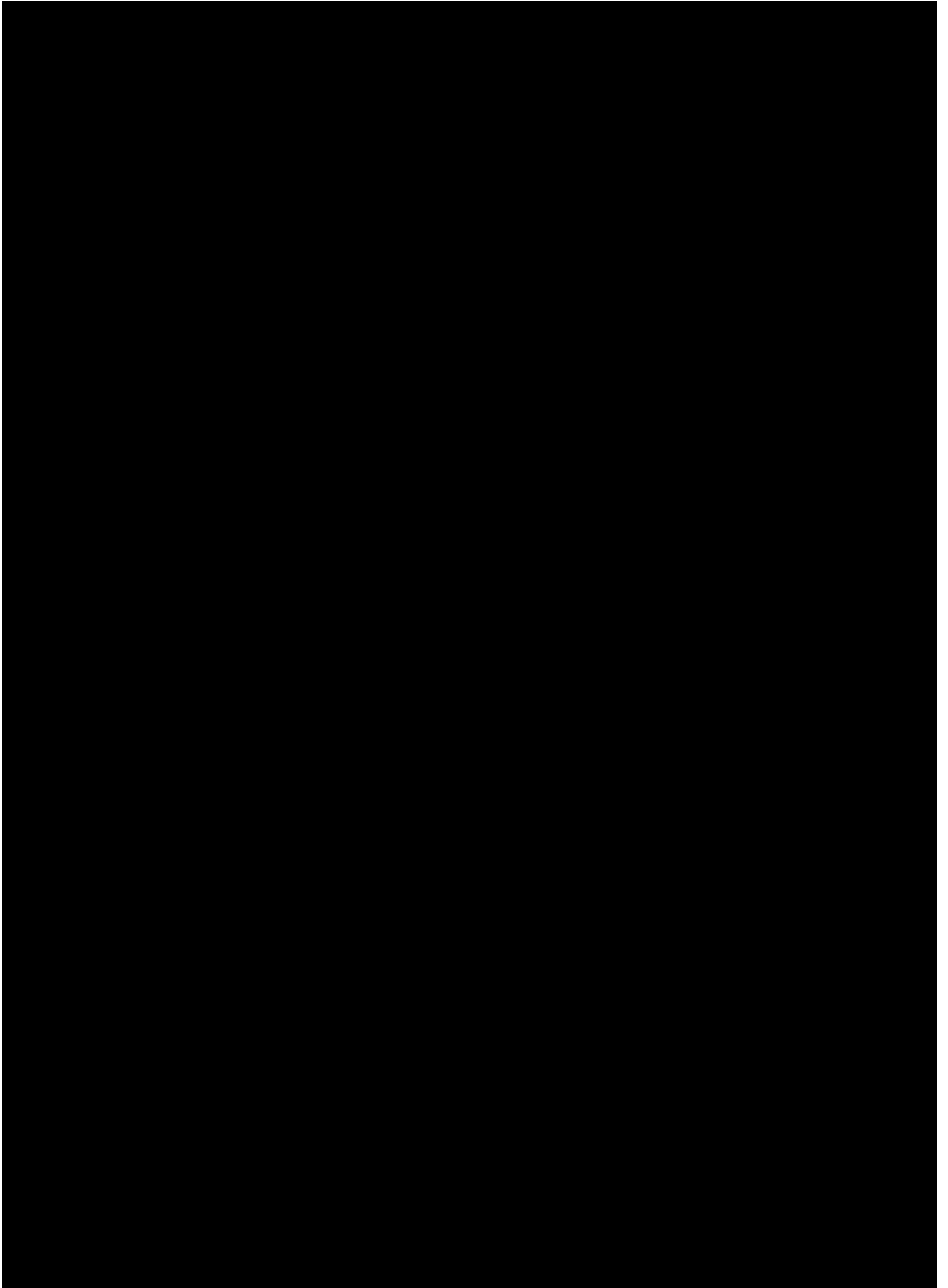


Amc80hepb Sub

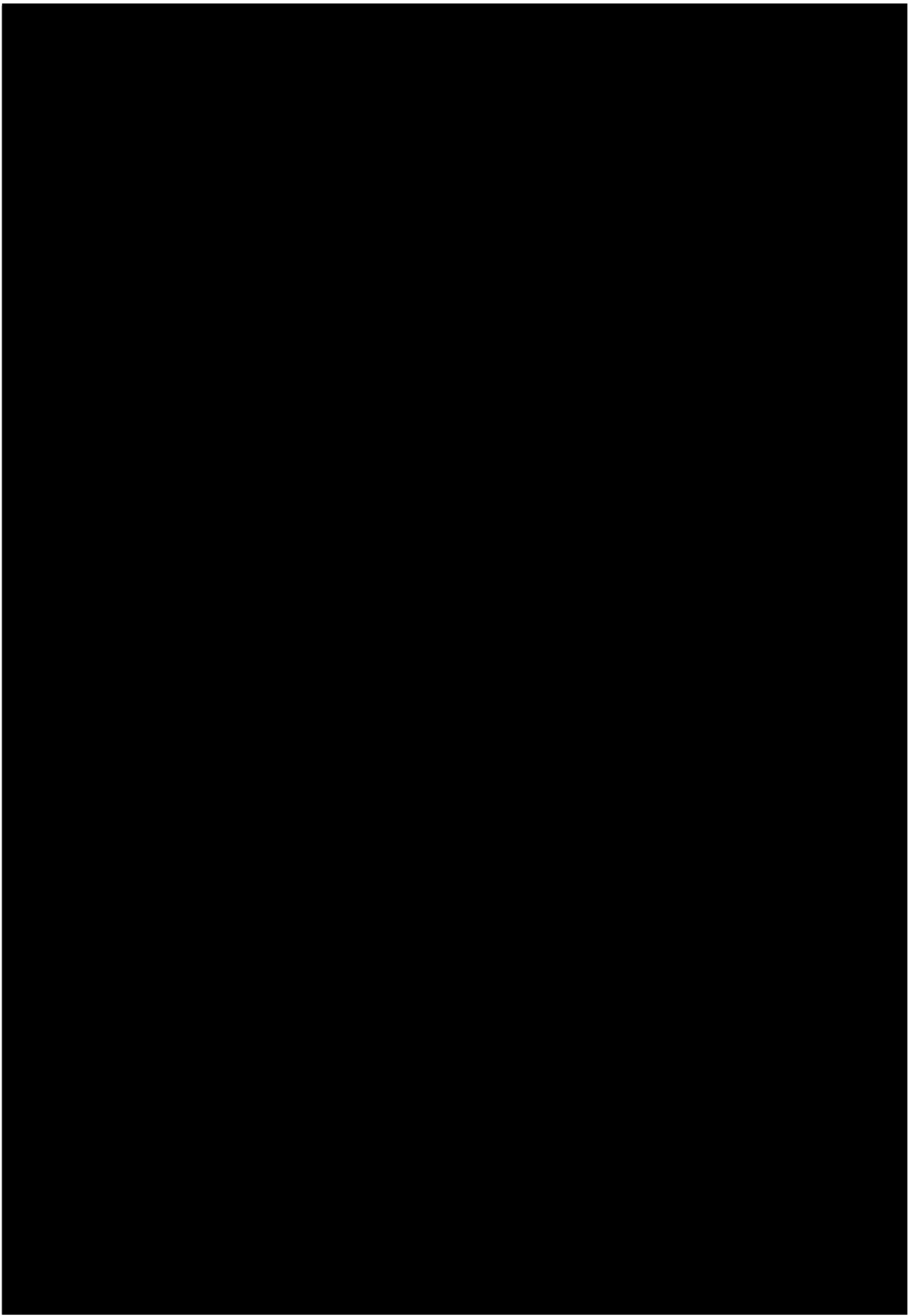


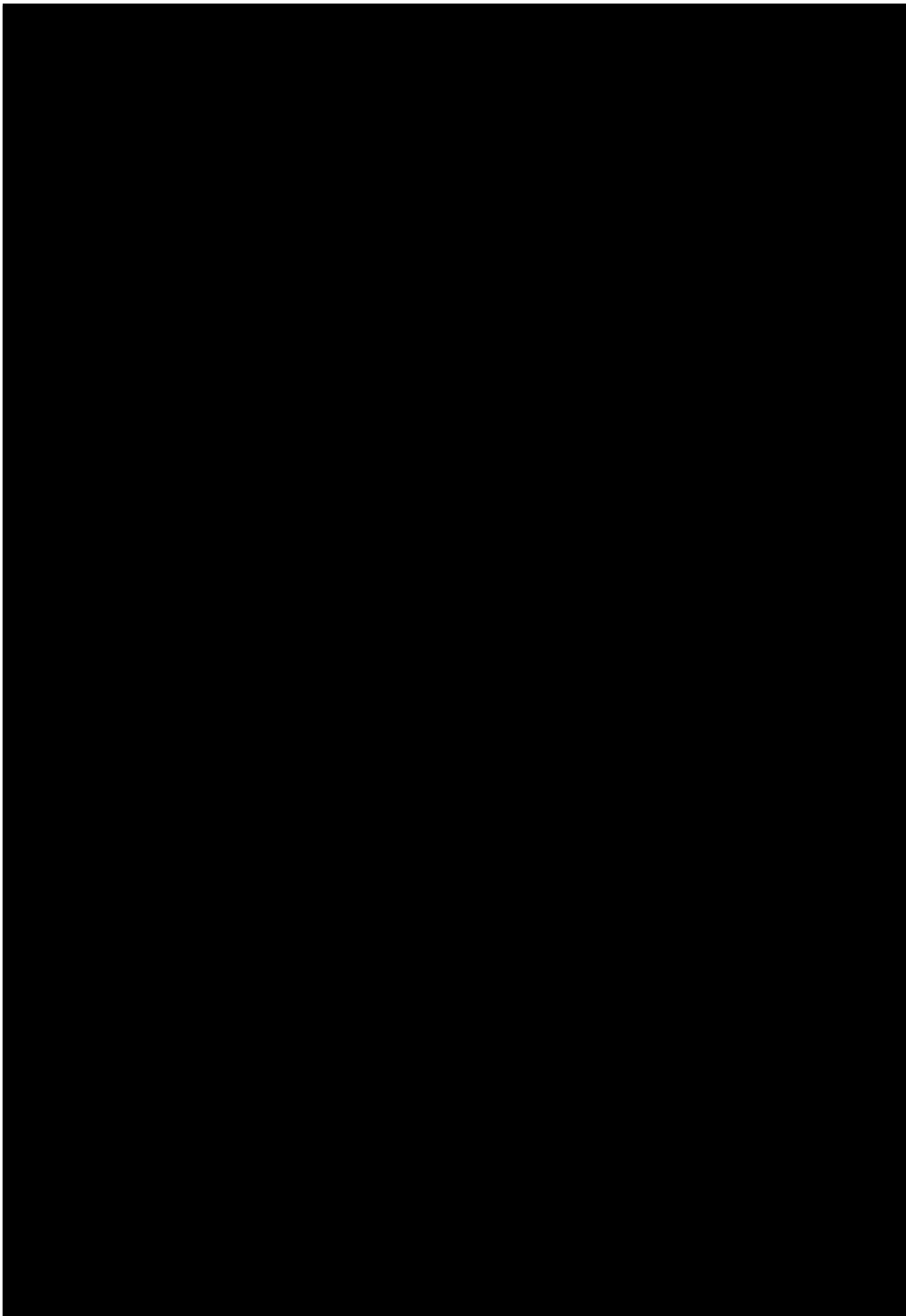


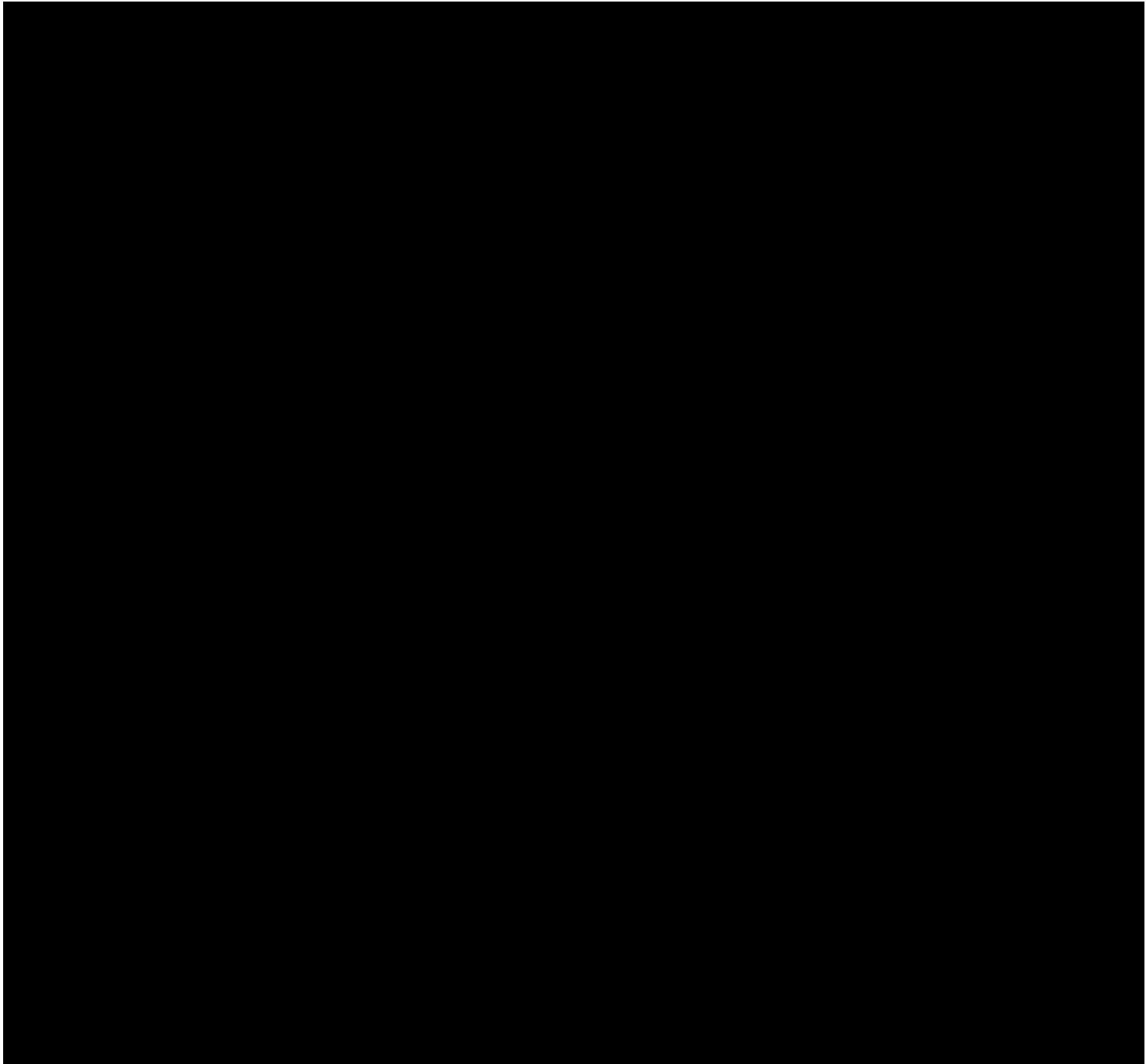




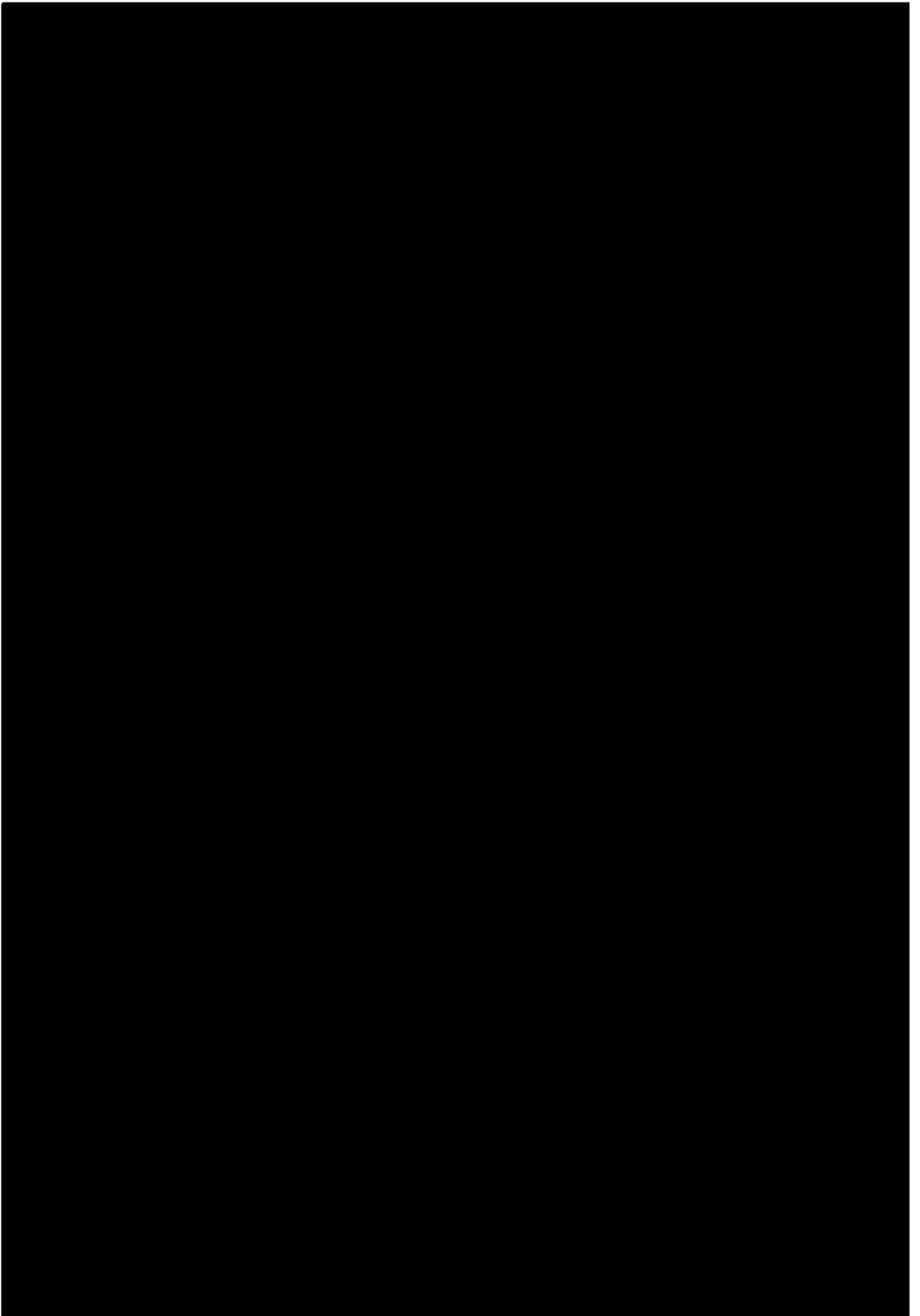
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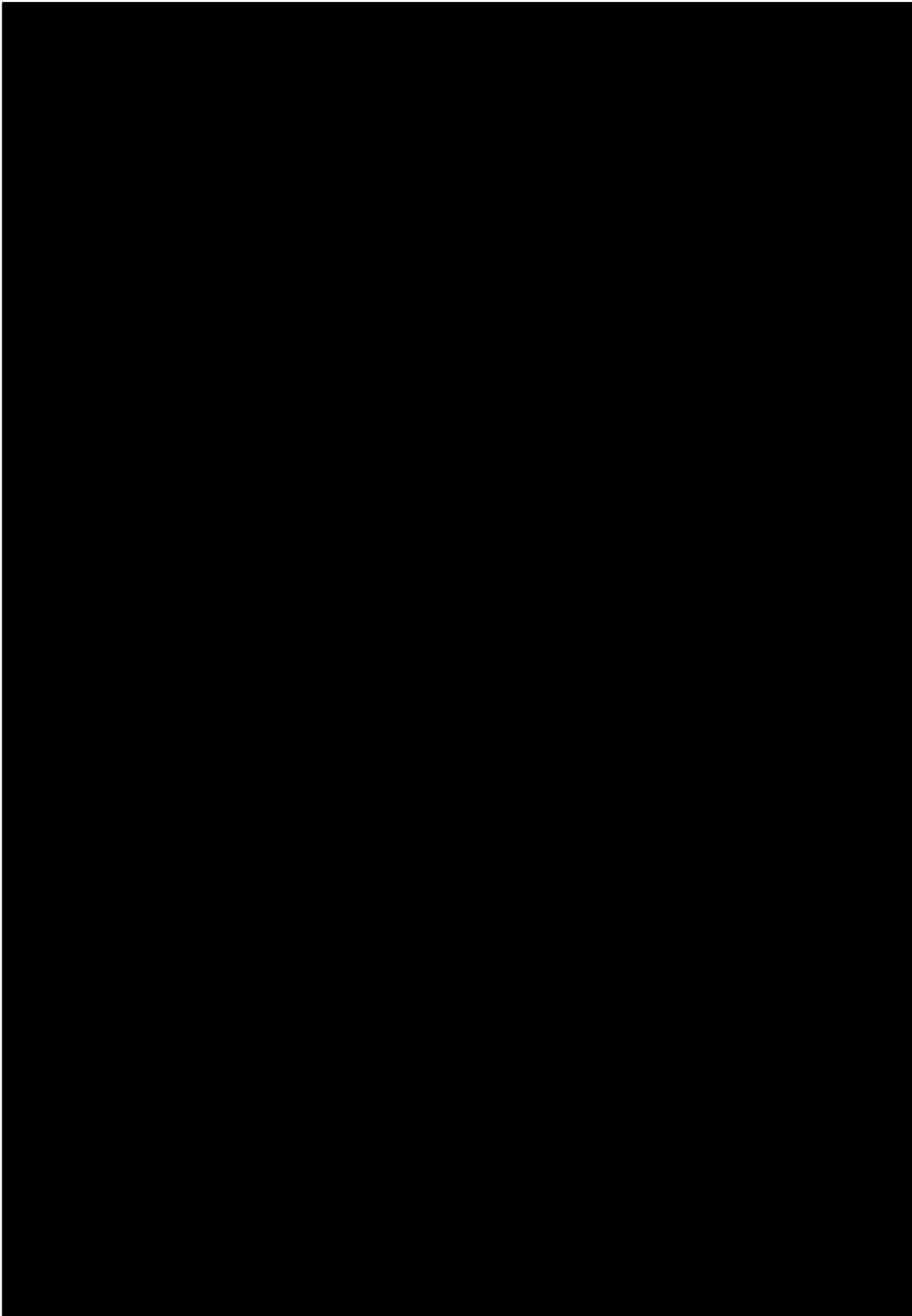


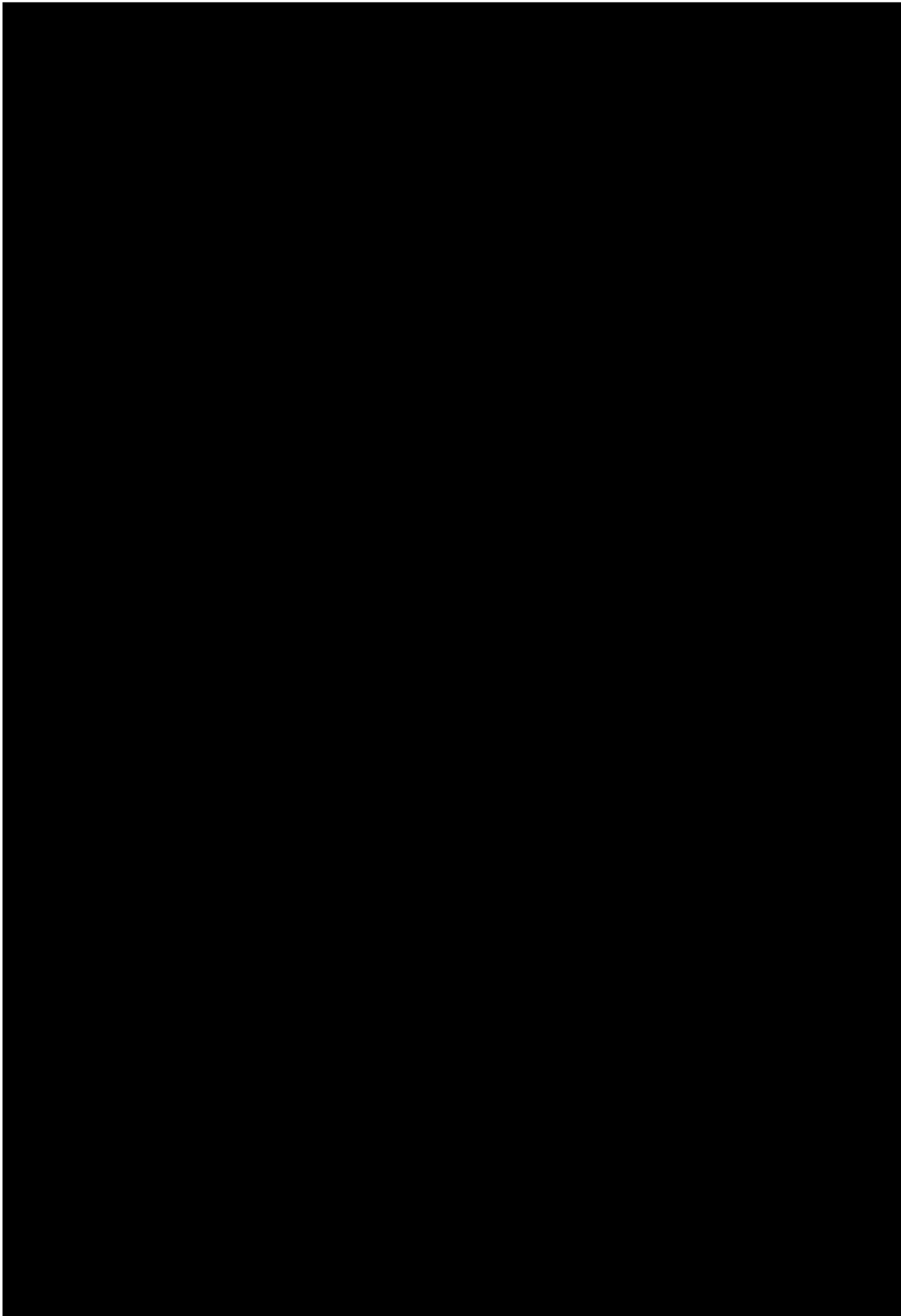


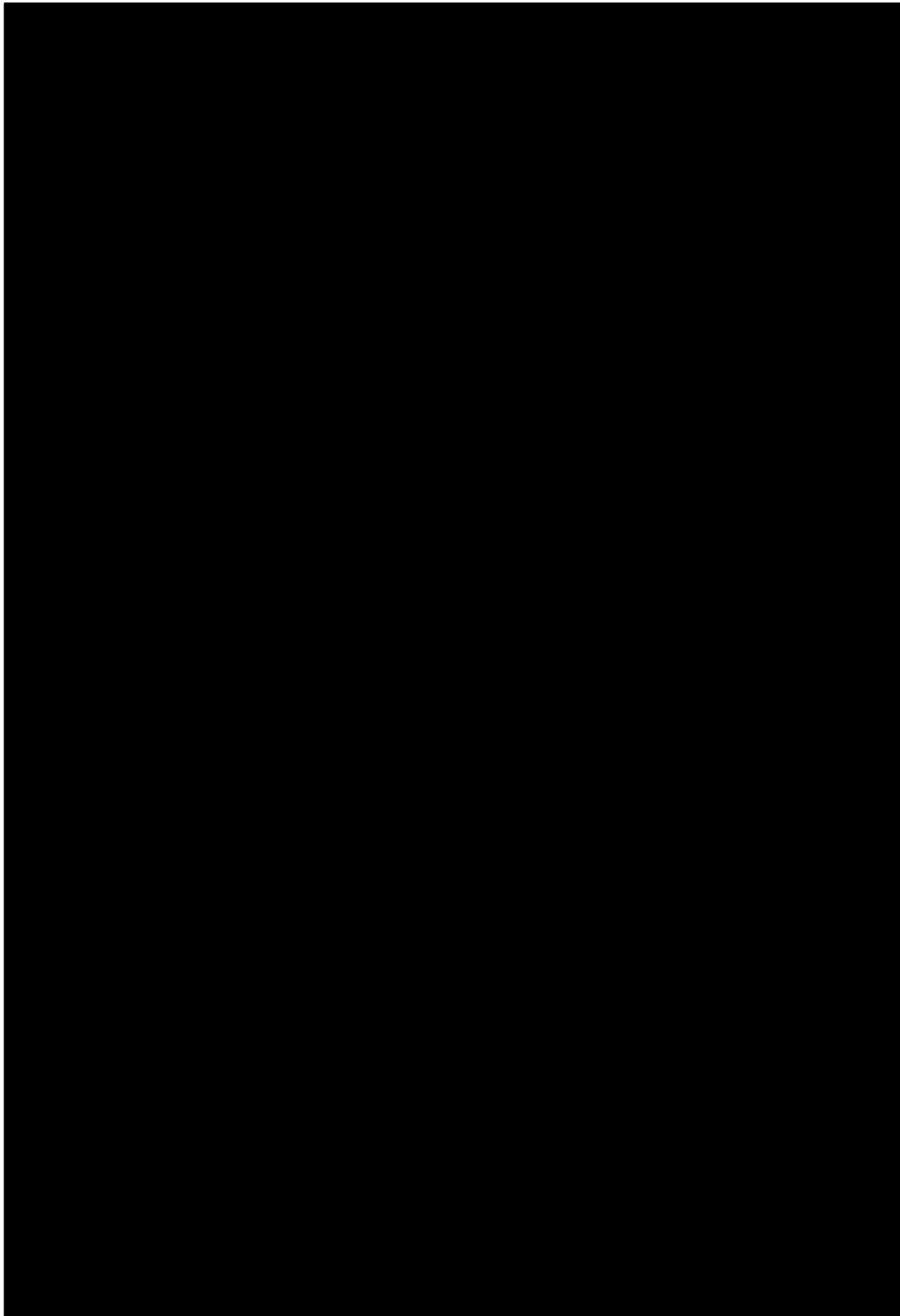
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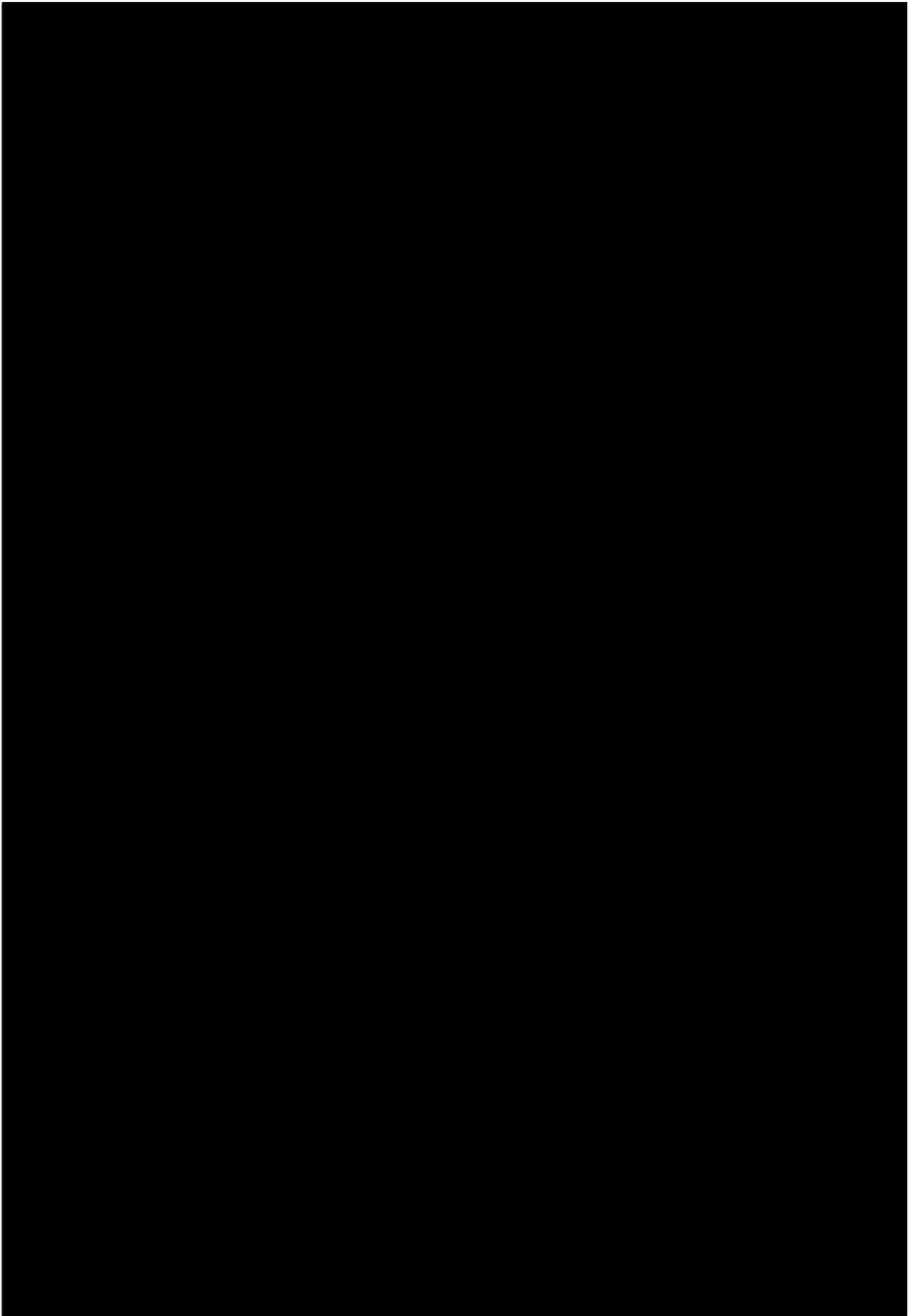
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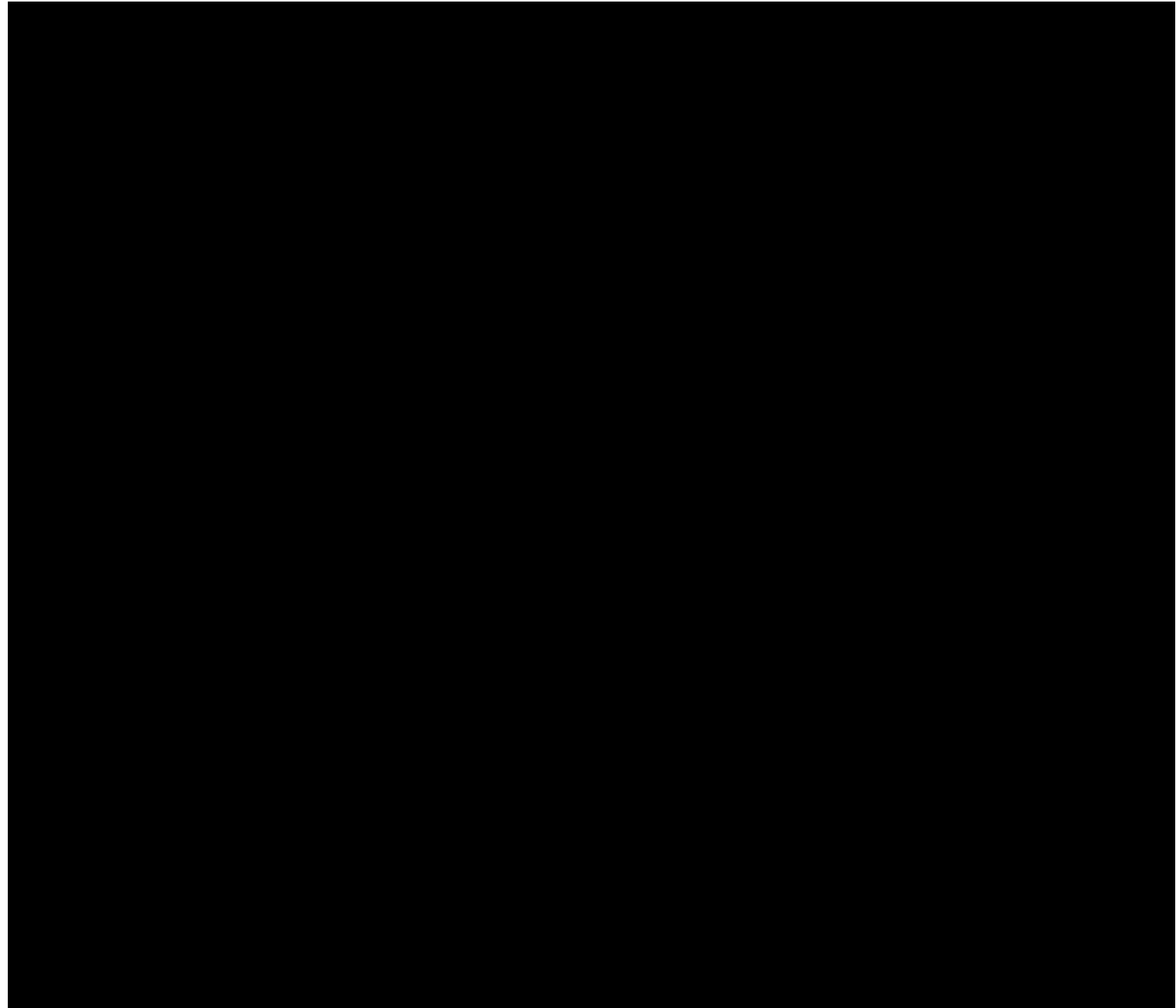




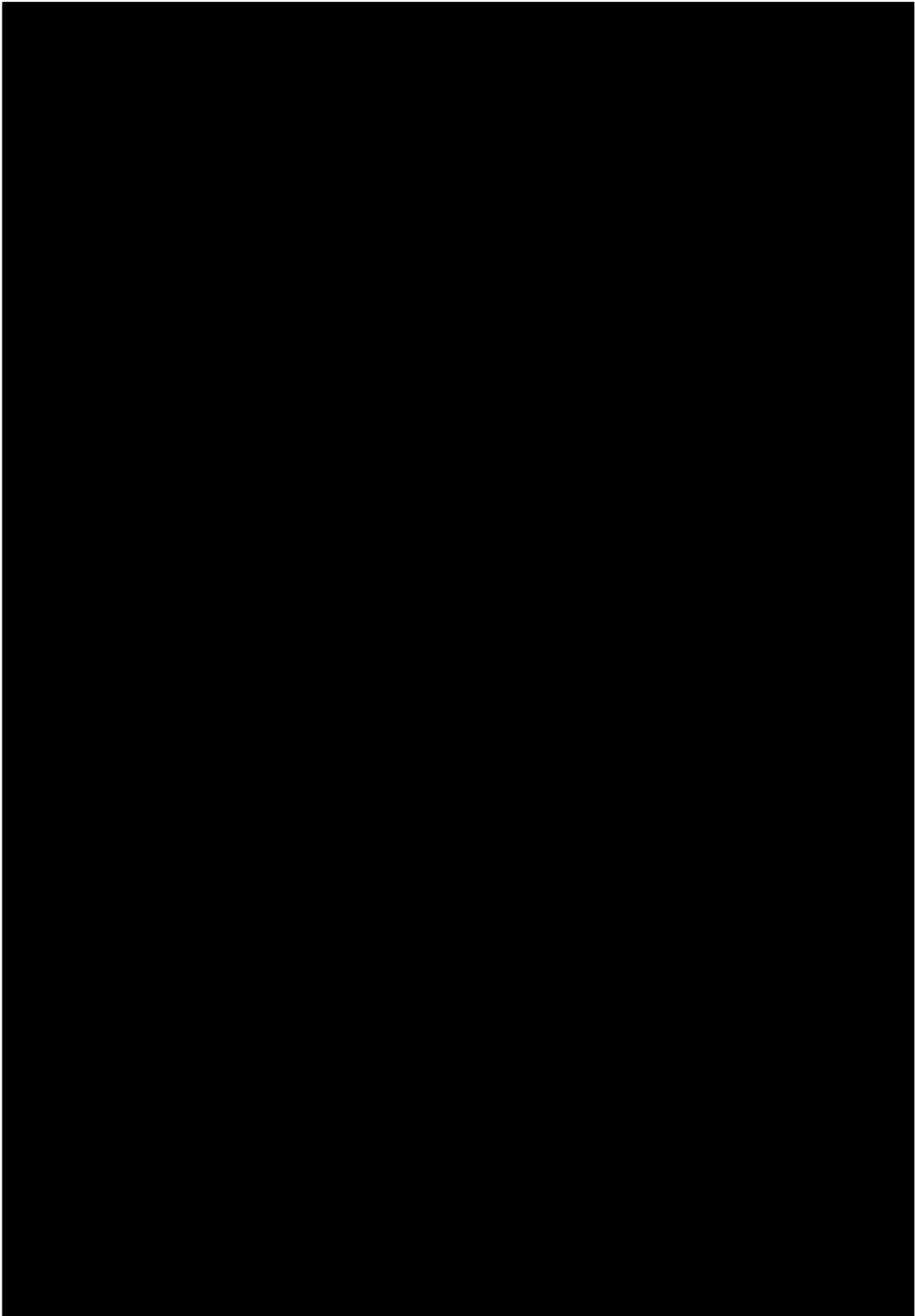


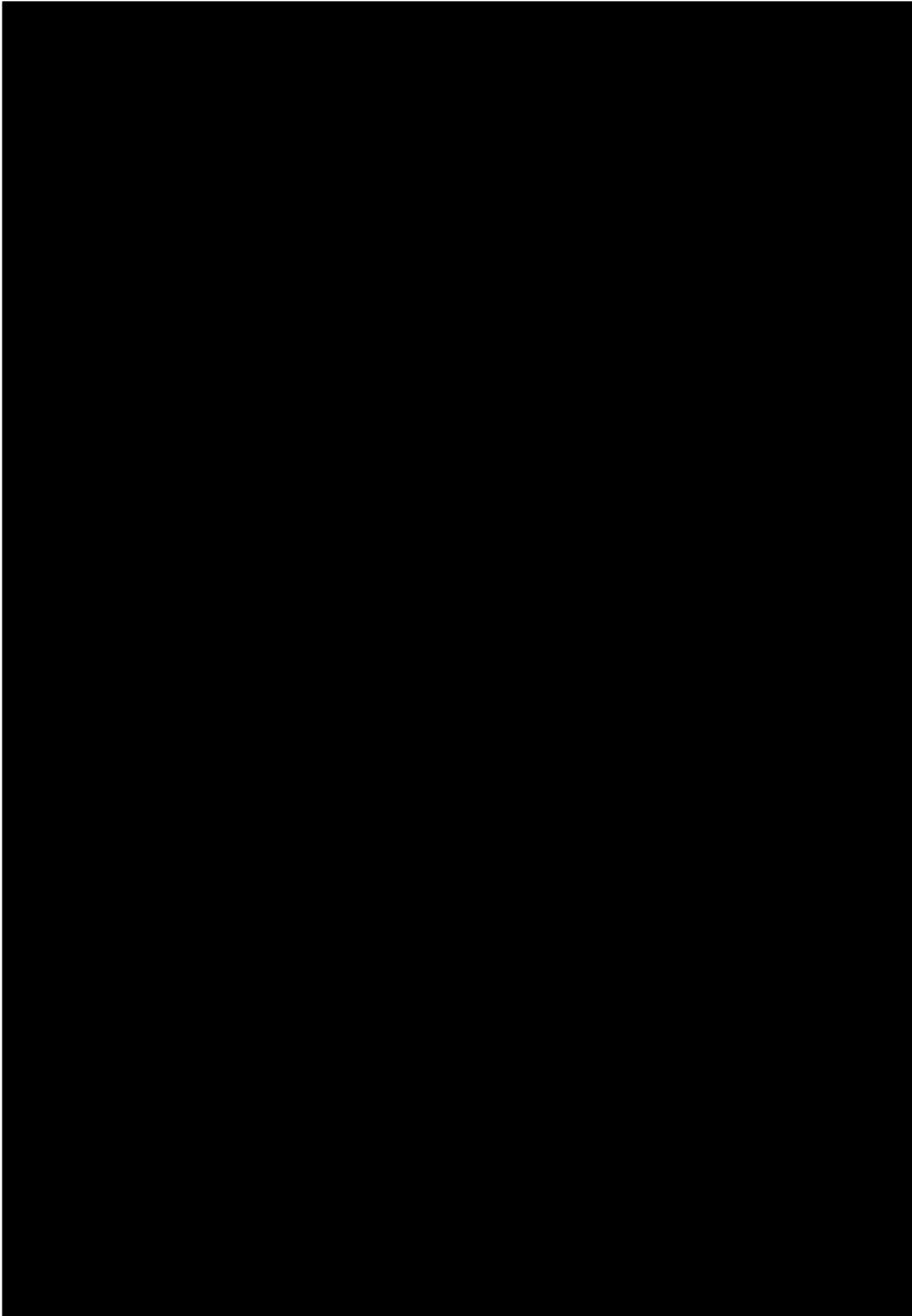
Amc8





Amc80hc







[Redacted line of text]

[Redacted line of text]

[Redacted block of text]

[Redacted line of text]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re: Proposed Planning Overlay DD06
Date: Tuesday, 18 August 2020 3:46:01 PM

[REDACTED]
and Development Overlay (DDO6).

I believe that these changes will affect me personally.

I submit this my objection due to the potential negative effects of changes to the DD06 upon me as a community member in relation to any and all developments within my home shire. As such and in particular, [REDACTED], the tip, my [REDACTED] [REDACTED] the potential for negative impacts upon this area and it's land scapes.

Furthermore, this submission is in support of the residents (my community neighbours) whom, I believe, will suffer the most devastating and negative consequences if the Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) is approved.

Firstly, the properties in this area will be significantly devalued and the owners of the effected properties will not be able to build or rebuild on their properties or have the rights to possible subdivision if they so need to or desire.

It is my opinion that the community at large and in particular the direct property owners will lose the rights to the quiet enjoyment of this area. Additionally, the community and property owners will be significantly and negatively impacted by the potential for unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

Moreover, and of GREAT urgency and importance is to address the rights the Council will be awarding to themselves.

Such rights will allow council unaccountable self governance free from community consultation, notice, awareness, input and/ or opportunities for community support or objection.

Such awards will give the council the rights to develop without requisition of permits or community consultation to develop and/or make decisions, changes and take actions in anyway what so ever to this area that could potentially have major and negative impacts without fair and inclusive community knowledge.

[REDACTED]

HEPBURN SHIRE COUNCIL AMENDMENT C80 - Comments 16th August 2020

As qualified Town Planners we make the following comments regarding the proposed Design and Development Overlay DDO6 relating to a 500 metre buffer around the Daylesford Material Recovery Facility. Our home is right on the edge of the 500 metres and is just impacted. We ask that Council conduct discussions as soon as possible to address the key issues and reduce the angst and stress for affected residents over this.

The wording of the Amendment is flawed, confusing and contradictory. It is unworkable and should be deferred while the issues are rectified.

Proposed Schedule 6 to Clause 43.02 states in part 2.0 that: “A *building used for accommodation must not be constructed within 500 metres of the edge of the Daylesford Material Recovery facility.*” That would clearly **prohibit any residential type development within 500 metres, including on any existing vacant allotment or redevelopment of an existing residence if it is destroyed (unless there is some other exemption stated in the Planning scheme for destroyed residences).** Yet, the Explanatory Statement as well as Decision Guidelines indicate that a permit will be required and Council will assess any application for an accommodation (residential) building in relation the impacts of the MRF on the residents and vice versa. On the one hand prohibition of accommodation buildings is proposed but on the other hand that development is discretionary.....

- The report to Council on 16 June 2020 states (my underlining) that:

“Land affected by the DDO6 will require a permit for a building, subdivision and fencing. This new control will limit development density in the area until Council has undertaken its review of its current *Waste Management and Resource Recovery Strategy.*” The Amendment Explanatory Statement has the same message.

- The report to Council was available to the community and did not state that residential type developments would be **prohibited**. If that was the intention then it should have been made clear to Councillors and the Community.
- Limiting development density does not imply prohibition but implies that development might be permitted where it does not increase density such as new subdivisions or multiple unit development (and does not conflict with the MRF).
- The Council Meeting on 16 June was conducted by Zoom and according to the Minutes, the actual Amendment was not attached to the Agenda. Councillors apparently did not have the Amendment as part of their formal decision to exhibit and may not have been aware that the Schedule as worded would prohibit residential accommodation on any allotment or rebuilding.
- The Decision Guidelines clearly talk about consideration of a building to be used for residential accommodation and that any application within the 500 metres will be assessed in relation to impacts that the MRF will have upon residents of that accommodation and vice versa. How can you assess this if that is prohibited?

- It appears that the intention may have been to control residential development within the 500 Metres and only allow such development if that did not prejudice the operation of the MRF and the MRF was unlikely to affect those future residents. The drafting does not reflect this and is contradictory and unworkable.
- Council has willingly and openly allowed residential development and subdivision within the 500 Metres over a long period of time including very recent approvals.
- If Council's MRF is likely to affect residents legally established within that area then it is the legal responsibility of Council to ensure that it does not affect them. Otherwise Council will be liable for numerous and major compensation claims.
- If the MRF cannot be operated in a manner which does not impact negatively then it is the responsibility of Council to relocate it rather than punish residents and landowners through these controls.
- In relation to the former landfill operation it is also Council's legal and community responsibility not to impact on residents particularly as Council has openly and willingly allowed them to build and buy nearby over many years.
- This proposed amendment in its current form is likely to have a major negative impact on property values.
- **Has Council been monitoring gas emissions from the closed landfill? In the current circumstances Council should have been monitoring this as soon as it became aware of this as a potential issue. Dose Council have reports and information on this?**
- Council should have conducted a detailed investigation and monitoring of the closed landfill to assess whether it is a problem. Has this occurred?
- Imposing dramatic controls onto existing and potential residents and landowners without doing the research and investigations is inappropriate.
- That work should have been conducted first and then the planning controls adjusted to reflect the actual issues.
- If Council has not been taking urgent research and action to address its own impacts on surrounding existing and future residents then its liability will escalate.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Cc: [REDACTED]
Subject: Hepburn Planning Scheme Review: Submission re DDO6
Date: Tuesday, 18 August 2020 4:47:47 PM
Attachments: [REDACTED]

If the DDO6 overlay is approved, I am significantly and negatively impacted as follows:

1. I will not be able to extend or rebuild the existing home on my property, therefore removing my right to make improvements that would add value to my property.
2. If my existing home were to be destroyed by accident, I would be left with a practically unsaleable block of land because DDO6 does not allow me to rebuild. This would have a devastating financial impact on me, as my property is my largest asset. I am currently 59 years of age. If that asset is removed from my financial portfolio, then I would be homeless, reduced to the poverty line and forced to rely on government handouts to live.
3. [REDACTED]
4. [REDACTED]
5. I would be significantly impacted by unrestricted development of the existing waste management facilities in Ajax Road. According to DDO6, Council does not need a permit to complete any development on the site. This means no community consultation will be entered into, and past history has shown that Council cannot be trusted to make good decisions about development / use of the Ajax Road waste management facilities [REDACTED]

For example, Council has wasted significant ratepayer funds over the years trying to keep the waste management facilities in a residential area, spending it on temporary and costly fixes that have ultimately been unsuccessful. In April 2020, consolidated waste management practices were finally stopped at the site - these practices had been causing nearby residents significant distress in regards noise, smell, litter and rodents on properties, for many years. But residents had to fight long and hard to make this happen.

By affording themselves **unrestricted** development rights, and

removing residents' development rights, it appears that Council is setting themselves up to develop the Ajax Road waste management site however they want, noting a waste management strategy review is currently underway. This offers council the right to ignore residents' rights in regards quiet enjoyment of their properties - and under DDO6, residents would have no rights to a voice against any inappropriate development.

As per the attached submission made by concerned residents impacted by DDO6/friends of Ajax Road (dated 16 August 2020), the DDO6 document is:

- flawed from a technical point of view, as supported by the attached document prepared by qualified town planners
- unreasonable in removing residents' development rights
- likely to cause catastrophic financial impacts for residents.

Therefore, as well as submitting the above five personal impacts, I submit that DDO6 be abandoned, and removed from the current Hepburn Planning Scheme Scheme, Amendment c80hepb.

[REDACTED]

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission regarding DDO6 - SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY
Date: Tuesday, 18 August 2020 11:17:45 PM

To whom it may concern at the Hepburn Shire Council

[REDACTED] Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land. [REDACTED]

[REDACTED] Such a devaluation of our property has a huge impact on my family's financial well being and jeopardizes our future and retirement plans.

- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing. This limitation is totally unreasonable and has no foundation. This is a rural area with mainly open space areas. [REDACTED]

[REDACTED] does this mean that we can't have an outside area to put a BBQ and enjoy a family dinner outside during a hot summer night? Our property doesn't have any views on the MRF with at least 150m of bush and trees in between, so I struggle to understand the purpose of these limitations. Or should we be scared of breathing in the air around the MRF?! In that case, it is more important to review the management of the MRF ASAP and stop the disastrous impacts it has on the environment and the community. The requirements of 1.5m high and semi opaque fencing makes me wonder what are the plans for the MRF, how big is this facility going to grow to require such fencing? Let me quote a another concerned resident as it deeply resonates:

"If the MRF cannot be operated in a manner which does not impact negatively then it is the responsibility of Council to relocate it rather than punish residents and landowners through these controls."

- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road. How can any council justify and impose to its taxpayers so many restrictions (no right to build on their own land) while unashamedly granting themselves unlimited development rights? Does that mean that the MRF is above the law and that we just have to turn a blind eye to their expansion while we are being stripped out of our rights?

- I must add that the DD06 document is highly confusing, first the Design objectives
 - "To operate and manage the Daylesford Material Recovery Facility appropriately in providing effective waste management services for the area.
 - To reduce the amenity impacts on surrounding land from the Daylesford Material Recovery Facility including adjacent residential areas and public forested areas.
 - To limit further intensity of residential development and subdivision surrounding the Daylesford Material Recovery Facility. "

Those design objectives seem totally fair and reasonable, but going further in the document, the first 2 objectives regarding the management of the MRF and reduction of its impacts on surroundings are totally disregarded. They are not mentioned anywhere. On top

of that, the MRF has the right to expand without requiring any permit. The rest of the document details how much residents should suffer limitations, financial losses and hold the burden of living near the MRF, while the MRF is not required to do anything to manage its impacts on the population and the environment. Hence the design objectives are a lie.

Then, in the document, it is clearly stated in section 2.0 that "A building used for accommodation must not be constructed within 500 metres of the edge of the Daylesford Material Recovery Facility." So then, why does section 5.0 details what should be included in the permit application to build a dwelling if it is forbidden? This highlights that the document is flawed.

Finally, the following is unreasonable in the rural areas we are in "A landscape plan showing a survey of all existing vegetation to be retained, a planting layout, a planting schedule of all proposed trees, shrubs and ground covers, areas of screening, and landscaping and planting within all areas of the land that interface with the Daylesford Material Recovery Facility."

[REDACTED] Listing every single tree, bush, shrub is not practical. Such a document should reflect the reality of the area it is covering. Once again, this shows how the document can not be used in its present state.

I do believe that members of council will consider the voice of the many concerned residents whom they serve; and that, with the support of our councillors, we will together come to an agreement.

Regards

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
Subject: [Planning Scheme](#)
Date: Proposed impact of planning overlay DD06
Wednesday, 19 August 2020 9:34:42 AM

Dear Councillors

I have been seriously considering purchasing a property which falls directly into the DD06 overlay.

[REDACTED]

I would also lose some of my existing rights with respect to open space areas, landscaping, and fencing.

My potential property would become a business and my rights to quiet enjoyment of said property would be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

Given the above, I do not believe that the DD06 overlay is in the interest of any of the current residents (rate payers) and I respectfully request that the council use another site away from this semi residential area. In doing so, the current transfer area could be redeveloped by the council which if managed prudently could make a new Material Recovery Facility cost neutral.

I am more than willing to discuss my thoughts and am available on [REDACTED]
[REDACTED]

Thank you in advance for considering this email.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [REDACTED]
To: [Planning Scheme](#)
Subject: Hepburn Planning Scheme Review Submission re DDO6
Date: Tuesday, 18 August 2020 4:34:02 PM

[REDACTED]

Schedule 6 to clause 43.02 Design and Development Overlay DDO6 impacts me as follows

This is how DDO6 immediately affects me as it is currently written

1. Not allowed to rebuild my home if it is accidently destroyed
2. Any subdivision is now worthless, who wants to buy a block of land that you cannot Build on.
3. This will have a financial effect on retirement Funding
4. Reduces the value of my property - will have ramifications re mortgage and insurance

My Quality of life

I am extremely concerned about 2.0 Building and Works which allows Council to develop, build or construct anything on the MRF / Landfill Site / Transfer Station site without any permits which suggests no requirement for consultation.

Past problems have been, without any consultation the Council proposed an Anaerobic Digester to be trialed on the site (the least efficient and smelliest of Digesters). The council set up the MRF as a staging site for Daylesford and surrounding areas LANDFILL this produced an intolerable stench from the site, Crows, Ibis, Fox's and other vermin, and an abundance of litter on our property. One of Section 19.03.5S Strategies is to locate waste and resource facilities close together. DDO6 would allow the council to build / construct anything they wish on the site without a permit or any need to consult. I am extremely concerned as to the impact of any new facilities on my quality of Life. I am skeptical of any assurance or guidelines about impacts for residents or the community, given the Councils past record.

The restrictions of DDO6 and the way DDO6 is being introduced is creating great personal stress

How DDO6 was introduced

Little to no consultation

A letter addressed to the Householder should not be considered as Personal Contact and consultation.

DDO6 is extremely difficult to find using the web

DDO6 is for me Poorly written and contradicts itself on many occasions

Things I find Illogical

The Council has allowed development of the area for many years , now they wish to halt it to the detriment of those residents now living within 500 meters of the site.

Owning a block of Land in a township that you cannot build a home on

Being prohibited from rebuilding your home

Although not specifically noted in DDO6 the reason for the 500 m buffer is with regard to the gas from the old landfill. Why was this area allowed to be developed, is the area safe, are the workers at the transfer station safe?

A 1.5 m Fence to stop gas from the old landfill

Council is allowed unrestricted development and residents whom they are meant to represent are given draconian restrictions

For the above reasons I object to DDO6 and suggest it be removed from the amendment c80hepb

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: OBJECTION TO THE HEPBURN PLANNING SCHEME PROPOSED C80epb SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY (Shown on the planning scheme map as DD06).
Date: Wednesday, 19 August 2020 10:32:12 AM

OBJECTION TO THE HEPBURN PLANNING SCHEME PROPOSED C80epb SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY (Shown on the planning scheme map as DD06).

Over recent days details of the above Schedule affecting highlighted zone DD06 has been brought to our attention through the Concerned Residents Group. Previous to this we have not seen any clear and or concise detail explaining possible implications that may affect ourselves or other residents within the marked DD06 500 metre radius zone. We are stating our objections to those proposed changes that will impact existing residents of that zone as follows:

Our interpretation of the wording used in DD06 concerns us for the future residential security of our area:

- We will not be able to build, rebuild or extend on our property, which would impose a significant devaluation. Should the existing house be destroyed by accident or natural event, we would be left with a practically unsaleable block of land.
- We may lose some of our existing rights of use of our property, including with respect to balconies, open space areas, landscaping and fencing.
- Our property and our rights to quiet enjoyment of our property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.
- In support of resident owners of larger allotments, they will lose the benefits of potentially subdividing their properties, because building on the new lots would be prohibited.

We therefore object on the above being allowed to become set in place.

If the present DMRF and siting does not comply with the standards set by bodies such as EPA Victoria or cannot be operated so there is no negative impact on existing surrounding residential properties, Council's main focus and energy would be best directed to assessing the present day appropriateness of the site on Ajax Road and a relocation strategy which safeguards and avoids applying punitive measures to existing residents and landowners.

Given DD06 specifically applies to Daylesford DMRF is the Council proposing also to apply a 500 metre rule and the same constraints to the other MRF's of towns in the Shire?. Similarly, present siting of MRF's must play an important and documented consideration of any future assessment.

In closing we support the comprehensive and detailed submission 'Rationale for Deferring DD06' submitted by the Friends of Ajax Road concerned residents, and as consequence of our property being designated within the DD06 500 metre zone.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Subject: [Planning Scheme](#)
Date: proposed planning overlay DD06
Tuesday, 18 August 2020 4:15:02 PM

Hepburn Shire Planning Department and Councillors,

We wish to express our concerns in relation to the proposed overlay DD06 control related to the Daylesford Material Recovery Facility and the potential affect on property owners within the 500 metres overlay .

Thanks to the work of a number of property owners many people are now becoming aware of the possible implications .

This major proposal needs the Shire to " Bring on Board " the property owners to provide us with the fine details and the affects on us all.

Unfortunately with the current Restrictions COVID 19 we cannot have a public meeting to highlight peoples concerns and we would suggest that this proposed overlay should be "Put on Hold " until the community can have its views known and discussed .

[REDACTED]

[REDACTED]

[REDACTED]

,

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: objection to schedule 6 to clause 43.02 design and development overlay ddo6
Date: Wednesday, 19 August 2020 10:00:27 AM

[REDACTED]
Daylesford VIC 3460 Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impact us as follows:

We will not be able to build or rebuild on our property, which would be significantly devalue. If the existing house is destroyed by accident. We Would be left with a practically unsalable block of land.

We lose the benefits of potentially subdividing the property, because building on the new lot would be prohibited.

We lose some of our existing rights for the use of our property, including with respect to balconies, open space areas, landscaping and fencing.

Our property and our right to quiet enjoyment of property may significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]
[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection of DD06
Date: Wednesday, 19 August 2020 10:46:28 AM

[REDACTED]

If this plan goes ahead it will have a huge affect on our Tourism business that has been running for the last 40 years.

Under the new proposal we wont be allowed to modernize our accommodation or expand our business to be able to survive, also a planned purchase of another property close by to add to our property is also under threat.

Daylesford is a tourist reliant town,we have an average of around 8000 people young and old come through our property for horse riding, school camps and large group accommodation, we employ 8 local familes and sorce all our goods locally when we can which intern employs more locals.

Looking forward to hearing from you in regard to this problem .

Thankyou

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: DD06 objection
Date: Wednesday, 19 August 2020 11:07:44 AM

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay(DD06) impacts us as follows:

- *We will not be able to rebuild on our property, which would be significantly devalued.
- *If the existing house is destroyed by accident, we would be left with a practically unsalable block of land.
- *We lose some of our existing rights of use of the property, including particularly the use of open space areas, landscaping and fencing.
- *Our property and our rights to quiet enjoyment of the property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to proposed DD06 overlay
Date: Wednesday, 19 August 2020 1:20:02 PM

Dear Sir/Madam,

I wish to send I'm my objection to the proposed DD06 overlay which will affect the [REDACTED]
[REDACTED]

No notification had been sent to me at the time of the purchase or settlement and this overlay does have significant consequences as it may devalue my property. I considered subdividing it at the time of the purchase and now this may not be possible. The overlay covers part of our property, but gives no indication of dimensions or distance to our residence which is of particular concern.

[REDACTED]
[REDACTED]
Has there been any environmental studies done regarding any potential development such as noise pollution as well as gas emissions? If so can you please make this available to me? Being so close to the Daylesford township could have dire consequences on its population and reputation as Australia's favourite town. Has this been considered?

I would appreciate a response to this serious matter

Yours sincerely

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From:

To:

[Planning Scheme](#)

Subject:

Date:

Wednesday, 19 August 2020 1:11:31 PM

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows.

Lack of community consultation

Should be postponed until after COVID-19 Pandemic

The cost of compliance for farmers unknown

Permit application process is too onerous

Unnecessary conditions and bureaucracy placed on farmers

Commercial farming is continuously changing and future uses are unknown

SLO's should not affect non-indigenous vegetation and planted vegetation

Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue

Restrictions on use of galvanised iron or zincalume should be withdrawn

House blocks that fall within SLO's should be fully exempt

The Size of the Proposed SLO1 Extension

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Subject: Fwd: objection letter DD06
Date: Wednesday, 19 August 2020 1:32:47 PM
Attachments: [Objection letter to DD06 overlay.docx](#)

Please see below my attached letter.

Kind regards

[REDACTED]

----- Forwarded message -----

[REDACTED]

Here it is

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

To the Planning Scheme Review Office
Hepburn Shire Council
PO Box 21
Daylesford 3460

19th August 2020

To Whom It May Concern

I am writing this letter to object to Schedule 6 to clause 43.02 Design and Development overlay shown on the planning scheme map DD06.

[REDACTED]

If I am to understand this very unclear and confusingly written proposal, and if I am to assume that the term “accommodation” in the document also refers to residences, DD06 overlay would have serious impact in the following ways:

- If my house is destroyed I will be prohibited in rebuilding my home. This would render me homeless, and with a block of land unsaleable as a building permit would not be granted for any prospective buyers if I chose to sell.
- If I am living within an overlay that prohibits rebuilding of a home, I would have to question if I can purchase any home insurance.
- [REDACTED]
- The overlay prohibits me from building a balcony, private open space as I reside within 500m of the Municipal Transfer Facility (MTF)
- Any fencing needing to be built or replaced must be solid or 50% transparent and 1.5 metres high with screen landscaping. [REDACTED]

[REDACTED] It is not a suburban backyard. And if this is about “gas leakage” from old landfill, how is a fence going to remedy that? It appears that residences are now being penalised for the failure of the Council to respond to the EPA’s requests in regards to “gas leakage” from the old landfill back in 2004 – 16 years ago.

- The DD06 proposes “unrestricted development rights for the MTF and/or transfer station” As a resident close to these facilities this unrestricted development is very concerning. Especially as there is meant to be a review process looking at the relocation of this MTF site due to its close proximity to residences but also to the Daylesford township, not unrestricted development.

Finally, I would like to object to both the timing and the manner in which this DD06 overlay has been delivered. The Council prides itself in transparency but a proposal such as this that has such far reaching impact on so many people to be put forward in a time of a global pandemic with Stage 3 restrictions in place that prevent any opportunity for proper community consultation and process to occur is very poor form

I would have thought. And with the added stress that this pandemic is causing to people especially economically, to have the threat of your most valuable asset – your home being rendered useless, is very frightening and stressful.

I will be urging Councillors at the 16th September meeting to abandon the DD06 overlay. I will also be requesting that the process for relocating the MTF be resumed to ensure not only the safety of the nearby residents but the broader Daylesford Township.

Yours Sincerely

A large black rectangular redaction box covering the signature area.

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection council DD06 proposals
Date: Wednesday, 19 August 2020 1:43:03 PM

To whom it may concern, [REDACTED], I strongly object to the current proposal DD06. There has been no consultation with community apart from a leaflet which I did not receive. This serious proposal would have an impact on the whole town and community as Daylesford is a no one hot spot tourist destination attracting hundreds if not thousands of visitors to our beautiful town. I do strongly object 1. It is too close to residents oh Ajax st and beyond 2. It may devalue property in the vicinity 3. There will be noise, odour and heavy machinery activity. [REDACTED] quiet peaceful area with nature and! an Environmental area with fresh air and no pollution as I suffer from asthma it was high on the reasons I decided to live here, It will also impact the birds and animals that live in the vicinity. It is a short sighted proposal there is plenty of areas away from the township where a proposal like this could be considered, I am sure the media will be very interested in hearing about this proposal! This will be a decision that will be extremely detrimental to the future and community of Daylesford. Yours sincerely [REDACTED]

Sent from my iPhone

Amc80hepb Submissions received

19th of August 2020

Hepburn Shire Council

[REDACTED]

[REDACTED]

[REDACTED]

RE: Objection to Proposed Design and Development Overlay - Schedule 6 to Clause 43.02

To whom it may concern,

I am writing to register my strong objection and recommendations regarding the proposed Design and Development Overlay shown on the Planning Scheme Map as DDO6.

I believe for a range of important reasons this proposal should be immediately withdrawn and if it is required to be resubmitted, that it is substantially amended and proper consultation with affected residents is undertaken at the appropriate time.

I will expand on a range of my serious concerns following:

1. Consultation and documentation integrity

Firstly, I do not believe proper consultation has been undertaken with affected residents. I only heard about the proposed changes from another affected neighbour.

This proposed overlay cuts through the middle of [REDACTED] and will have significant detrimental impacts in its current form.

I also do not believe I have been served natural justice (right and fair treatment or processes) to address my concerns and the detrimental impacts on my property and my wellbeing.

I note the changes are extremely hard to understand and as a result, the likely impacts now and in the future are difficult to predict, but that will be too late and too hard to address if they are not resolved now.

Furthermore, during this pandemic and when communication and forums to question, seek clarification and to appeal the proposed changes are limited, I believe it is unconscionable for Council to continue with this process at this time. It is creating a lot of additional stress at a time when we are already being impacted in other ways by the pandemic.

I believe some affected residents have already contacted Council and have received some 'verbal' and written assurances about specific concerns, but this along with any written assurances outside of Council planning documents provides no real protection for residents and could not be relied on later. This is unsatisfactory given the significant impacts.

I believe a one one-page letter and four-page flyer was distributed by Council (which I did not receive) is unacceptably deficient to communicate a planning change of this size and complexity, especially given residents are not planners and skilled at properly researching these matters and the possible detrimental impacts.

The terminology used in the documents is confusing, poorly worded and clauses open to interpretation. For example, the document has varied references to the Daylesford Material Recovery Facility throughout; however, the Ajax Road waste management site comprises a closed landfill, a transfer station, and a materials recovery facility, leaving me wondering which area the overlay applies to.

The use of the word accommodation can also be misinterpreted with some residents believing it applies only to holiday-rental properties, while others interpret it as meaning any building used as a residence. These varied interpretations result in hugely different outcomes and potential impacts.

2. The purpose of the overlay

Some residents have been advised that a key driver of the change is an EPA recommendation (possibly not mandatory) to implement a 500m buffer zone around the closed landfill area because of the potential for landfill gas to escape, but the overlay makes no mention of this as an objective. The area appears to be an arbitrary line on a map and does not consider the topography.

[REDACTED]

[REDACTED]

[REDACTED]

I also understand another purpose is to limit further intensity of residential development and subdivision surrounding the Daylesford Material Recovery Facility and Transfer Station. This would appear sensible; however, the wording of the overlay needs to adequately protect existing residents and landowners' investments. Would adding an additional bedroom to my property be viewed as increasing the intensity of residential development? If I sell, and a new owner wishes to rebuild (potentially larger), would this also be viewed as increasing the intensity? I note my property is on 5 acres so there is plenty of room to expand.

I also note from my own experience, Councils approach to the planning approvals can be inconsistent and cannot be relied on. The 5-acre block next to me recently received planning approval to subdivide and now a new development (construction about to commence) is being progressed. Why wasn't this overlay proposal considered in that subdivision and development application? This development has already had a significant detrimental impact on my property. My once private and treed view and quiet surrounds have been replaced by a development site,

no trees, and a lot of vehicle noise from Tipperary Springs road (as I predicted). I know this has already adversely affected the value of my property and this overlay is a double blow to my investment and lifestyle, and I feel powerless to protect my investment.

3. Detrimental resident impacts (existing owners)

I am very concerned that I would not be able to build (extend), renovate or rebuild on my property for a range of legitimate reasons i.e. this could be due to the loss of the property due to fire, to rebuild or alter the property to make it more appropriate as I get older, to add a bedroom, or when it is eventually sold, to allow new owners to rebuild, etc. Again, these apparent limitations will significantly impact the value of my property.

This property is my superannuation and the eventual sale will be critical to fund my move into a retirement home or aged care, etc. Add a pandemic to the equation that has smashed peoples superannuation, this possible blow to the value of my property is ill-timed and would be disastrous for me.

[REDACTED]
[REDACTED]. The owner indicates buyers pulled out of the sale at the last minute once they heard about the overlay. The risks and detriments associated with this overlay are no longer 'a maybe', the damage that will be done is already being experienced.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I feel for any current owners who may have already subdivided but will now not be able to build making the land unsaleable and largely worthless.

Some of the impacts related to balconies, open space areas, landscaping, and fencing are also of significant concern. [REDACTED]

[REDACTED]. However, under the proposed overlay I am unsure if this would be possible. This has an immediate impact on me and any future buyer, again driving down my property's value. Will this overlay mean I will lose some of my existing rights of use of my property?

Given the Boomerang Ranch has a significant land holding, will this overlay give Council rights that could have future and even more disastrous impact on my property i.e. could this land be purchased or reclaimed later to facilitate further and potentially unrestricted development of the existing Daylesford Material Recovery Facility and Transfer Station on Ajax Road? This would also impact my property significantly. What protection do I have from this?

4. Proposed review of waste strategy

The explanatory notes to the overlay proposal refer to Council undertaking a review of its current Waste Management and Resource Recovery Strategy, but there is no timeframe provided for when this will be completed, meaning the overlay requirements and restrictions could remain in place indefinitely. The review should be completed, and a future strategy developed before this overlay or similar is considered.

5. Council rights vs. residents rights

I understand the overlay provides Council with unrestricted development rights of the Material Recovery Facility and Transfer Station site, allowing it to make decisions about the site without further community consultation, but conversely residents development rights are restricted or removed. Both the Councils and residents existing rights should be maintained with appropriate exemptions where required.

6. Recommendations

- a) The planning overlay should be withdrawn and if it is required to be resubmitted, that it is substantially amended and proper consultation with affected residents is undertaken.
- b) The review of the Waste Management and Resource Recovery Strategy should be completed, and a future strategy developed before this overlay or similar is considered.
- c) This process of resubmitting the overlay should be delayed until after the pandemic is over.
- d) When resubmitted, the overlays intent must be made clear and all clauses technically accurate, logical, fair, and properly aligned with its intent and they should also consider the submissions already made by residents now and in the future.

The overlay and clauses should equitably address both Council and resident rights (current and future), especially the rights of owners of existing properties with enduring exemptions granted where appropriate i.e. because of the topography and location of my property, an exemption could easily be given for my property (and similarly located properties) or Council could alter the zone by making it terminate on the north or north eastern side of Ranch Road.

- e) Residents must be given adequate time to properly review the proposal and respond to the proposed overlay **after** the review of the current Waste Management and Resource Recovery Strategy is complete and made public.
- f) That the review of the current Waste Management and Resource Recovery Strategy consider the appropriateness of the current location of the Daylesford Transfer Station and MRF on Ajax Road.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Objection to Proposed Design and Development Overlay - Schedule 6 to Clause 43.02
Date: Wednesday, 19 August 2020 3:51:52 PM
Attachments: [Planning Objection - Proposed DD06 Planning Overlay.pdf](#)

To whom it may concern,

Please find attached my response to the proposed Design and Development Overlay - Schedule 6 to Clause 43.02

Kind regards

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED] s
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Wednesday, 19 August 2020 2:11:48 PM

- 1 .I will not be able to build or rebuild on my property which would significantly be devalued. IF the existing house is destroyed or damaged by accident. This would leave us with a practically unsaleable block of land.
- 2 .I loose the benefits of potential subdivision of the property. Because new buildings would be prohibited
3. I would loose some of my existing rights of use of my property , including with respect of decks, open spaces, fencing and landscaping.
- 4.my property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

Amc80hepb Submissions received

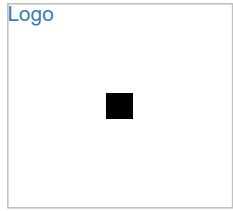
From: [Redacted]
To: [Planning Scheme](#)
Subject: Submission to Amendment C80hepb
Date: Wednesday, 19 August 2020 2:26:49 PM
Attachments: [Outlook-2negii54.jpg](#)
[2020.08.18.NTAV.submission.re.AmendmentC80_DRAFT.pdf](#)

To the Planning Scheme Review Officer,

[Redacted]

Kind regards,

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]



We acknowledge the Traditional Owners of Country throughout Victoria and recognise the continuing connection to lands, waters and communities. We pay respect to Aboriginal and Torres Strait Islander cultures; and to Elders past, present and future.

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Amc80hepb Submission received

18 August 2020

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford Victoria 3460

Email: planningscheme@hepburn.vic.gov.au

Re: Amendment C80hepb

To the Planning Scheme Review Officer,

Thank you for the opportunity to respond to the proposed Amendment C80hepb, which seeks to make substantial changes to the Hepburn Planning Scheme. Among these are several key changes to heritage protection across the Shire, specifically:

- Clearer application requirements for Heritage Overlays across the Shire
- Introduction of a new Significant Landscape Overlay (SLO2) around Mt Beckworth and extension of Significant Landscape Overlay 1 (SLO1)
- Application of local heritage protection to HO998 for 'Potato Huts' in Little Hampton and Trentham
- Addition of the Hepburn Heritage Strategy 2020-2030 as a background document to support planning decisions
- Extension of protection of dry stone walls, regardless of when they were constructed.

[REDACTED]
[REDACTED] actively working towards conserving and protecting our heritage for future generations to enjoy, representing 28,000 members across Victoria. [REDACTED]
[REDACTED], including buildings, landscapes, gardens and trees. Within Hepburn Shire Council there are currently 70 built heritage places, 37 trees and 2 gardens included in the Register.

[REDACTED], [REDACTED] has an interest in ensuring that the wide range of natural, cultural, social and Indigenous heritage values of the municipality are protected and respected, contributing to strong, vibrant and prosperous communities.

We are in support of the key changes to heritage listed in Amendment C80hepb, and have provided further comment below.

1. Clearer application requirements for Heritage Overlays across the Shire

The requirements of works under a Heritage Overlay are sometimes misunderstood by property owners, and as such we strongly support clarification of application requirements for permits under Heritage Overlays across the Shire. Separate from the current C80hepb Amendment process, we suggest that Hepburn Shire Council directly communicate these changes to relevant property owners in writing.

2. Introduction of a new Significant Landscape Overlay (SLO2) around Mt Beckworth and extension of Significant Landscape Overlay 1 (SLO1)

We support the use of the Significant Landscape Overlay as an effective planning tool for areas of cultural significance which require holistic management, rather than protection of individual features.

We support the extension of SLO1 (Hepburn Goldmines and Volcanic District) to apply to additional gold mining and volcanic areas, and the application of SLO2 (Island Uplands – Mount Beckworth), as recommended in the South West Victoria Landscape Assessment Study conducted by Planisphere (2013). The Hepburn Goldmines and Volcanic District and the Island Uplands have aesthetic, archaeological, historical, scientific, social and Indigenous significance for the Shire, contributing to a unique cultural landscape that deserves protection within the Planning Scheme.

We note that Dja Dja Wurrung has not been capitalised correctly in Schedule 1 to Clause 42.03 Significant Landscape Overlay 1, and this should be corrected.

3. Application of local heritage protection to HO998 for ‘Potato Huts’ in Little Hampton and Trentham

The Potato Huts have rarity value and historical significance for their associations with the Shire’s agricultural history. These huts have not been fully explored by experts and have high potential to yield further information about itinerant agricultural workers in the area, as well as contemporary Aboriginal cultural history. We are delighted to see their proposed inclusion in the Heritage Overlay and strongly advocate for ongoing protection and exploration of the history of the “Spud Huts”.

4. Addition of the Hepburn Heritage Strategy 2020-2030 as a background document to support planning decisions

We have previously provided comment on this document and support its inclusion as a background document in the Planning Scheme. As noted in our recent submission, we recommend that Hepburn Shire Council investigate the establishment of a Heritage Advisory Committee, and would be pleased to provide further comment to support this action.

5. Extension of protection of dry stone walls, regardless of when they were constructed

We support Hepburn Shire Council extending protections to dry stone walls regardless of date of construction. Broad heritage policies such as this are encouraged as they offer more protection to contemporary heritage and assist in conserving the cultural landscape of the Shire.

Conclusion

We support the changes to the Hepburn Shire Planning Scheme put forth in Amendment C80hepb, noting that these changes will contribute to the ongoing identification, protection, conservation, interpretation, and celebration of the municipality's heritage. We congratulate Council on their work developing these extensive Shire-wide changes.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to the SLO
Date: Wednesday, 19 August 2020 2:31:19 PM

To the Planning committee,

[REDACTED] are concerned about the proposed changes to the SLO. Objections include the..

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension.

Agriculture is such a highly regulated industry as it is. It also has increasingly exorbitant costs to run a farming business and we don't need any more time consuming obstacles. [REDACTED] and I care greatly for my land, waterways and the environment. Thank you for considering my objections.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Tom Toose Submission C80Hepb
Date: Thursday, 20 August 2020 10:56:26 AM
Attachments: [img-200820114244-0001.pdf](#)

Hi,

Please find attached PDF of my submission to the Planning officer regarding the amendments on C80Hepb

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submissions received



To the Planning Review Officer Hepburn Shire Council,

I am writing this submission to oppose to the proposed amendment (C80hepb) of a Significant Landscape Overlay on several grounds.

The proposed expansion of the SLO across a large area of the shire is prohibitive to the future of primary production in the shire. The shire is home to a wide range of agricultural industries who farm highly productive soils which contribute significantly to the community in terms of employment, investment & consistent production of sustainable food products.

The SLO changes would prove counterproductive, generate significant business risk and cost to the potential of this region which has potential to be further enhanced through capital investments in agricultural development projects. These may include but not be limited to irrigation projects, grain storage, hay storage, glass houses for potential vegetable production etc. I strongly urge shire to abolish this amendment and retain current SLO areas as the proposed changes would be detrimental to the local hard-working farmers who have invested and grown their businesses and continue to do so. The majority of these landowners have voluntarily contributed significant area and countless hours to Landcare and Catchment Management Authority sustainability projects over the years offering great benefits to the wider community.

The amendment which has been derived from the poorly developed "South West Landscape Assessment Study 2013" needs to be abolished. The assessment study & amendment fails to give any justice to the high importance of the agricultural land on the "agricultural plateau" as described on page 23 of the study. The SWLAS falsely states that land surrounding the Hepburn area is "pastoral land typical of the volcanic regions of Victoria." Our region in fact is much more than plain "pastoral land" and rather has a diverse range of agricultural exports from predominantly high value potato, wheat, canola, faba bean, linseed and oat crops to name a few along with other primary production including high quality lucerne, grass & cereal hay, sheep and cattle. I would suggest that most of the land mentioned in the overlays has been and continues to be improved to a high arable level and it is not something that can be assessed by a desktop survey. This study was developed as an indicative guide for councils but has clearly failed to truly assess the big picture in the western half of the Hepburn Shire. It should be dismissed by the council and the current Significant Landscape Overlay should remain.

Additionally, in respect to the overlay maps provided for the region are riddled with errors which could potentially impose significant hardship on landholders. For example, on Map SLO14 there is an overlay placed on land such as the south side of Cemetery Rd, Estate Lane, North side of Beaconsfield Rd, Ullina- Kooroocheang Rd to name a few (and there are plenty). Where these overlays are placed on land its questionable how any of the requirements of the new SLO could be considered when the land that has the overlay on doesn't join a road or access point where the view from any development or alterations on that land could possibly affect the view of volcanic cones. I highly doubt landholders would allow people access to there property to view from that angle given inherent biosecurity and property risks. The new overlay also doesn't take into account that the landscape in this region is in fact rolling by nature and the significant hills or volcanic cones are in fact confined to a much smaller area which is clearly identified by the current SLO and hence I deem it to be a much more relevant representation.

Addressing the listing of the mines as a part of the landscape in clause 42.03 section 1.0 is also questionable. These mines might be historic in their own right, but they are man made by our forefathers and should be considered as more localised heritage issues more so than under a SLO. In my opinion they are in fact an eyesore on our landscape and if a similar industrial mining project was to ever be considered in this region it would be highly unlikely of getting approved. They should be removed also from any consideration in regard to the significant landscape overlay and if of enough significance should be looked at under another scheme such as a localised heritage listing.

In finishing, this issue is of deep concern to me as I am a young farmer, landholder and manager with the significant proportion of my & my families current holdings to be affected by this. My long-term vision of the Hepburn Shire being a sustainable food bowl is at great threat by poor policy such as this. With the majority of my farming years ahead of me it would be heartbreaking to see this amendment pass. It's important that the Hepburn Shire Council & the planning department realize the significance of the agricultural trade in the region and abandon the SLO amendment and retain the current SLO and Farm Zoning over the remaining areas. I will make myself available should the planning panel or the Hepburn Shire Council wish to invite me to present my views in person. To compliment my above statement, I invite you to view my concise objections below:

42.03 Significant Landscape Overlay

1.0 –

- The gold mines in the region should in fact be listed / remain listed as heritage items rather than significant landscape as they are manmade.

2.0 –

- This section doesn't demonstrate any acknowledgement of the role agriculture plays within the shire and neglects to consider it & the implications to the landholder in the expansion of the SLO.

3.0-

- Permit requirements for vegetation removal is very prohibitive. I don't believe in this process any considerations by the committee have been given to the costings of implementing such changes. Permits starting at \$199.90 for a single tree in addition to the generation of maps and potential assessment costs in the thousands is excessive. How can landholders be held to bear those costs? Will the shire instead carry those costs? Given the broadness of this policy and the lack of consideration to costings this should be grounds enough to revoke the SLO expansion and retain current farm zoning which allows removal of non-native vegetation
- The construction of buildings such as farm buildings & silos (6m or greater) having the requirement of needing a permit. This will likely incur an application fee starting from \$500-\$1500 without any promise of being approved. Likely requirement of "muted, natural & non-reflective colours" will add significant cost to projects for agricultural businesses and inherit risks of not being able to further improve vital infrastructure on landholders farms. Zincalume has a historic place in agricultural buildings & practices and should continue to be allowed.

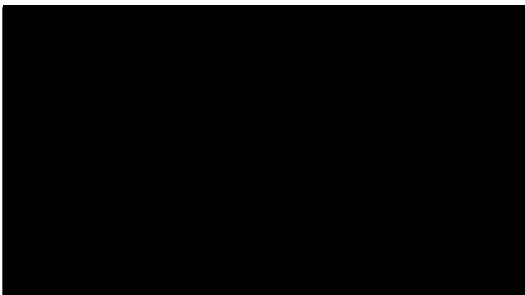
4.0-

- The listed application requirements show to me the lack of thought about costs and effects of the policy to landholders and highlight the bias given to the community, in particular tourism. Once again, the costs involved to generate a detailed site evaluation, landscape plans and visual impact studies will all be additional costs. Does it seem fair that the landholder who is simply looking to invest into his business or to improve his farm should have to carry the costs? Will the Hepburn Shire council carry some of the costs? Give such a broad area of several thousands of acres there must be some consideration to how this will work? This policy is understandable for a small concise area like the current SLO however the broader region should remain farming zoned.

5.0-

- I have concerns about the decisions process. I understand the intentions but feel that the opinion of the assessing authority be that a person or panel may have too much bias. The landholder will be at the mercy of such a panel and if an appropriate ruling isn't made then it could be highly counterproductive to agricultural businesses. The decision process must also bear in mind that a landholder may have considerable investments in land for the purpose of agricultural business and should be entitled to go about his business. The guidelines listed fail to mention agriculture and its importance to the district and the fact that the Shire should be trying to support these local businesses.

Please abolish the proposed extension to the Significant Landscape Overlay.



From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to Schedule 6 to Clause 43.02 Design and Development overlay
Date: Thursday, 20 August 2020 8:15:36 AM

[REDACTED]

I am concerned that Schedule 6 to Clause 43.02 Design and Development overlay proposal will impact me as follows:

- If the existing house were destroyed by accident, I would not be able to build or rebuild on my property. I would be left with an unsaleable block of land.
- I lose some of the existing rights of use of my property relating to fencing, landscaping, balconies and open space areas.
- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Rd.

This represents a massive devaluation of my home and property, and an unfair restriction of my rights as a land holder.

How will you protect existing landholders in the proposed zone from the impacts I have listed?

I look forward to your reply.

[REDACTED]

Amc80hepb Submissions received

From:

█

Subject:

DD06

Date:

Thursday, 20 August 2020 1:58:17 PM

Dear Councillors

█
Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

█
█
█
They will not be able to build, rebuild or improve the property, which significantly devalues it. If the existing house is destroyed by accident, they would be left with a practically unsaleable block of land, and as stated, they have no means of rebuilding their wealth. Further, upon their death, both my wife and our children would inherit a significantly lower estate. This will in turn materially impact my financial position in the future.

█
█
█ lose some existing rights of use of their property, including with respect to balconies, open space areas, landscaping and fencing; it appears that all these aspects would immediately become non-compliant. To make matters worse, if that is possible, they would be prevented by council from carrying out "rectifying" work.

Further, the right to quiet enjoyment of the property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

I therefore object to the introduction of the abovementioned Schedule and Clause generally referred to as DD06.

█

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06
Date: Thursday, 20 August 2020 1:13:13 PM

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts us as follows:

[REDACTED]

[REDACTED]

We will not be able to build, rebuild or improve our property, which significantly devalues it. If the existing house is destroyed by accident, we would be left with a practically unsaleable block of land, and as stated, we have no means of rebuilding our wealth.

We lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.

We lose some existing rights of use of our property, including with respect to balconies, open space areas, landscaping and fencing; it appears that all these aspects would immediately become non-compliant. To make matters worse, if that is possible, we would be prevented by council from carrying out "rectifying" work.

Our property and rights to quiet enjoyment of the property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

We therefore object to the introduction of the abovementioned Schedule and Clause generally referred to as DD06.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Hepburn Planning Scheme Review - Proposed planning overlay DDO6
Date: Thursday, 20 August 2020 1:04:43 PM

I write to register my concern about the subject proposal.

[REDACTED] I am concerned that similar unilateral decisions, greatly affecting those who do live in the 500 metre circle, might well be proposed in the future for other areas, including mine.

The impact on those residents in the defined area is horrendous and will gravely affect the value, status and future use of their properties. This flies in the face of any form of ratepayers' rights and of natural justice.

Please abandon this unfair, unjust amendment.

[REDACTED]
[REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows 10

Amc80hepb Submissions received

From: [REDACTED]
Subject: DDO6 Daylesford Material Recovery Facility.
Date: Thursday, 20 August 2020 12:38:58 PM

Hepburn Shire Council
[REDACTED]
Daylesford Vic 3460

[REDACTED]
[REDACTED]. I was not aware of the seriousness of the changes or proposed changes of DDO6 to my property and my rights as a ratepayer.

I did receive notification by a householder dated 10 July 2020, but there was no mention of my rights being taken away to re build my property in the future, if my home is damaged by either fire or falling trees , beyond my control.

[REDACTED]

I have looked at this so called 500 metre radius and I don't see a proper circle in the art work, very poor design considering the consequences of the Shires proposals. Would the 500 metres include the new Ambulances Station and SES unit ? These two services are a necessity in town and if they can't be rebuilt , what a disgrace.

I would suggest the DMRF be relocated further back into the forest area , therefore away from residential areas. Years ago the tip area was going to become a recreational soccer ground , maybe re visit this situation and you would have a buffer area to keep ratepayers safe from contamination.

I would imagine at least 100 homes would be effected by this proposal and it would be too financially a burden on the councils limited finances to buy these properties , so to relocate the DMRF or the Transfer station would be the best solution in the long term.

I hope to hear back from the council a more detailed proposed changes to the planning scheme, which will include the ratepayers rights and submissions before any councils decisions are acted on.

[REDACTED]

From:



Subject:

RE: SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY(DD06)

Date:

Thursday, 20 August 2020 11:30:56 AM

To the Planning Officer and all parties that are involved with the proposed schedule 6 to Clause 43.02 Design and Development Overlay (DD06),



Firstly, I strongly oppose this plan as;

1: I will not be able build or rebuild on my property, in case of unforeseen circumstances like damage from a tree falling, fire, flood or any circumstance that would damage or destroy my home. This would significantly devalue my property, make myself and family homeless, and I would be left with a practically unsaleable block of land.

2: I would also lose my existing rights of use of my property, including with respect to landscaping, fencing, open space areas.

3: My property and my rights to quiet enjoyment may be significantly impacted by potential unrestricted development of the existing transfer station and material recovery facility in Ajax Road.

4: If council thinks it still wants to proceed then I will be forced to gain legal advice and demand that the Council purchase my property at the current market value, 20th August, 2020.

5: The method of delineation is strange as it doesn't follow any natural boundaries ie-roads, consequently meaning that half of my property is in the zone and half is not. Regardless, this delineation renders my property worthless in the current zoning application of proposed schedule 6 to Clause 43.02 Design and Development Overlay (DD06)

Please reply to this email ASAP or I shall be forced to gain legal advice,

Regards,



Amc80hepo Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06
Date: Thursday, 20 August 2020 7:58:39 PM

Attention: Planning Officer

Thank you for your phone response Wednesday 19 August, 2020

In our brief conversation the conclusion was reached that given I had not received formal communication from your office and my address is 750 m from the existing transfer facility I am not within the Zone as per DD06. Initially relieved I have continued to receive communications stating that I am within the zone. Maps circulating confirm the dissection of my property.

As the maps appeared informal I had assumed the map was wrong.

In an attempt to clarify my position - can you please check your plans and communication and CONFIRM whether I am within or outside the zone of consideration.

[REDACTED]

I would appreciate your reply as the situation is causing me some distress.

[REDACTED]

Amc80hepb Submissions received

I am writing to you to express my concerns regarding the proposed changes to the SLO.

It is my belief that the current SLO is serving the district fine. [REDACTED]
[REDACTED]. Three of these four properties will be affected by proposed amendment C80hepb. A major concern is the need to apply for permits for tree removal.

A large number of old pine trees that are at or very near the end of their life and as such will need to be removed eventually as they become dangerous or start to die. We have also planted a lot of native shelterbelts and native plantation which we thin for firewood.

Being grain growers, we are not required to obtain permits for semi-permanent grain silos and that will change under the amendment. If the need arises to build new grain storage or hay sheds (which the current federal government is encouraging us to do in order to drought proof ourselves) there is going to be a lot more paperwork and expense than the current permit system requires.

As an irrigator there is also a strong concern about being able to upgrade to centrepoint pivot irrigators, as well as replacement of windmills, stock ramps etc., Will we be able to continue to burn stubble after harvest which is necessary to control mouse and slug infestations as well as straw residue.

I believe if the Hepburn Shire are so concerned about the visual impact within the shire then perhaps they could concentrate their time on clearing up the Gorse and Blackberry which is currently taking over the roadsides. Many of the shires roads and intersections have been made increasingly dangerous as a result of blackwoods and self sown pines not to mention the general upkeep of our roads which in many areas are a disgrace.

I am also very curious to know if the visual impact of the proposed Transmission lines will be acceptable or will that also have to be stopped as a result of the proposed amendments or will they just make their way through the gaps.

In summing up, I believe the proposal to be completely unnecessary. I am strongly in favour of protecting the cones of the hills. The areas in question incorporate some of the most productive land in Australia and I believe that landholders have done and will always continue to competently protect the surrounding hills under the current SLO.

I also urge council to take into account the current situation with COVID and the restrictions it places on locals. I strongly urge that any decision is at least postponed until a public meeting can be held with affected landowners allowing an equal opportunity for all to express their concerns and strategies.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06 Amendment
Date: Thursday, 20 August 2020 5:49:36 PM

[REDACTED]

Schedule 6 to clause 43.02 Design and Development Overlay (DD06) impacts me as follows:

[REDACTED] I believe the amendment will take away my freedoms and peace of mind as a ratepayer.

The proposed amendment in its current form will have a negative impact on my property value. It will devalue my property substantially if I wish to sell in the future, and take away my sense of security if I am unable to rebuild or repair my property. [REDACTED]

Imposing dramatic controls on to me as a long term ratepayer without researching or proper investigating is passing the buck from council to residents and is inappropriate.

The DD06 amendment is flawed and does not take into consideration that Council has allowed building and subdivision in this area over a long period of time, also very recently.

I strongly object to this amendment in this current form.

[REDACTED]

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Submission - Concerns over DDO6
Date: Thursday, 20 August 2020 6:04:21 PM

Dear Hepburn Shire Council,

I hope this submission finds you well.

I have read the brochure sent on the 17th of July 2020 about the proposed changes to the Hepburn planning scheme. Page 3 states: "Introduces a **new design** and development overlay over land within 500m of the Daylesford Material recovery Facility to **minimise** land use impacts until a **new Waste Management Strategy** can be prepared.", I thought to myself: "That's great, there are about to be some changes for the better!". I was far away from the truth.

I was made aware of the Schedule 6 to Clause 43.02 Design and Development Overlay (referred as DDO6 for the remaining of this submission), and I hereby declare that [REDACTED]

and [REDACTED]

[REDACTED] I had plans in mind to potentially extend our house when possible, when the girls are older. From what I understand, please correct me if I'm wrong, if any incidents (storm, fire, tree fall...) cause permanent damage to my house and needs to be rebuilt, this overlay states that I wouldn't be able to get that rebuilt. That also means that I wouldn't be able to extend any part of my house at any point in time in the future? So in short, if anything happens to my house, my family and I are stuck with an unusable house on an unsaleable block of land. This has catastrophic financial impacts on our life goals and plans as a family trying to relocate in Daylesford. I'm asking a simple question, Do you think that this situation is fair?

2. On our property, the plan is to study and practice permaculture principles to develop a resilient and generous garden. I always thought it would be nice to enjoy the view of my garden from an outdoor alfresco area. It is quite clear that this overlay removes some of my existing rights of use of my property, including open space areas, landscaping and fencing. What are the reasons behind this restriction? Our property is more than lightly treed, more than 150m with no direct view to the Material Recovery Facility (MRF). So why this restriction? Should we be worried about something else? Gas emissions? Smells? So just to be clear, the council is preventing any outdoor enjoyment in this 500m buffer because they think something might go wrong with the management of the MRF? Again, do you think it's fair?

3. My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road. How can any council justify and impose to its taxpayers so many restrictions (no right to build on their own land) while granting themselves unlimited development rights? Does that mean that the MRF is above the law and that we just have to turn a blind eye to their expansion while we are being stripped out of our rights?

4. I understand there are now conditions on the subdivision of the land. I'm not really

impacted by this, as I don't intend to subdivide. But just out of curiosity, what is the intent of subdividing a land if you can not build anything on it?

I trust that "Our Council", as stated in your vision of the 20-21 budget document, will stand up and listen to concerned citizens and members of the community.

I trust that the Council's values of **Accountability**, **Probity** and **Transparency** will come forward and will remain strongly displayed during the treatment of this delicate matter.

I trust that we can work together to find a suitable outcome.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO1
Date: Thursday, 20 August 2020 4:43:33 PM

[REDACTED], wish to lodge an objection to the proposed SLO within the Hepburn Shire because of the unnecessary and onerous conditions placed on farmers & household owners.

- Information on what will be required to comply is very difficult to find & some guidelines left to the individual council officer's interpretation. eg: What is a muted colour? A visual impact assessment?
- The inclusion of non-native trees requiring a permit for removal at a huge expense to the landholder if all conditions for the permit are to be met. Many of us do not have the time, money or the expertise to meet the requirements in drawing scale & site maps. We are FARMERS not landscape architects who aim to leave our properties in a better condition than when we took them over, both commercially & visually.
- The restrictions on the use of galvanised or zincalume products on new or old buildings if it is deemed not a muted colour should be opposed. Gal or zinc products have been used for a hundred plus years & anything else would look out of place.

[REDACTED]

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DDO6 submission
Date: Thursday, 20 August 2020 4:42:18 PM

[REDACTED] Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:
As a long term ratepayer/resident at the above property I feel that I will be significantly impacted by this proposed amendment both financially and psychologically.

Financially the impact would be huge if we were to sell our family home to downsize, as the property would be severely devalued. This has been part of our long term retirement financial strategy and would limit our ability to self fund in our retirement.

[REDACTED]
it would also leave us with a feeling of unease if we were to be unable to rebuild/repair our home if an unforeseen accident/event were to occur.

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
- I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing
- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road

I therefore object to this amendment in its current form

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to the recommended expansion of the Significant Landscape Overlays
Date: Thursday, 20 August 2020 4:39:33 PM

To the Senior Manager.

[REDACTED] and wish to object to the recommended changes to the Significant Landscape Overlays within the Hepburn Shire.

These changes impact me as follows:

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zinc aluminium should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension.

[REDACTED]
[REDACTED]
[REDACTED]

What happens if you don't take a few minutes to put in a submission? Council will assume you

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission on C80hepb
Date: Thursday, 20 August 2020 4:02:32 PM

[REDACTED] I submit that the proposed amendment C80hepb, specifically Schedule 6 to Clause 43.02 *Design and Development Overlay*, will impact excessively and unreasonably on my occupation and use of our property in the following ways.

1. It would restrict or prevent any reasonable alteration, addition to or rebuilding of our property. In the event of our building or any developments on the property being seriously damaged or destroyed we would not be able to replace them. This restriction or prevention would also have the effect of unreasonably reducing the value of our property.
2. It would unreasonably prevent subdivision, and remove the potential to subdivide, of what is a large block within the township, as no building could be built on the subdivision. This restriction or prevention would also have the effect of unreasonably reducing the value of our property.
3. It would reasonably raise concern that any balcony or open area for accommodation is in some way threatened by proximity to the DMRF, as there is no other reasonable explanation for why such a limitation should be placed on any balcony or open area, either proposed or existing. That concern could impact on the value of our property.
4. It would unreasonably degrade the heritage characteristics of the property and the immediate locality by requiring any fence constructed in the locality to be of an inappropriate design.
5. It fails to give clarity on how landscaping is to be treated under the provisions. Landscaping could mean any plantings or addition of garden features within an existing property with a developed garden. Setting limitations on landscaping within long-developed properties would be totally unreasonable.
6. It would enable unrestricted development of the DMRF without proper oversight by the community in ways that could be detrimental to the amenity of the locality, thereby impacting on enjoyment of our property and reducing the value of our property.
7. The substance of the proposal is of concern to me, being more appropriate to providing a partial exclusion zone to give protection from some hazardous activities within the DMRF site, rather than preventing inappropriate development within the proximity of the DMRF. If the proposal is intended to protect the DMRF site, then appropriate requirements within the site and for the immediate boundary would be better and would avoid the proposed imposts to me and many others affected by the proposed changes.
8. I believe the Council has not made sufficient efforts to guide residents to the specifics of DD06, where those specifics could have considerable impact on the value and amenity of their properties.

9. I urge the Council not to proceed with Schedule 6 of C80hepb, and to review the need for any new Design and Development Overlay related to the DMRF when a new Waste Management Strategy has been finalised.
10. I would like the Council to provide assurance that the Daylesford Material Recovery Facility is not of itself a threat to the safety and wellbeing of occupiers of properties within planning map DD06.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission on C80hepb
Date: Thursday, 20 August 2020 4:03:32 PM

[REDACTED] I submit that the proposed amendment C80hepb, specifically Schedule 6 to Clause 43.02 *Design and Development Overlay DD06*, will impact excessively and unreasonably on my occupation and use of our property in the following ways:

1. It would restrict or prevent any reasonable alteration, addition to or rebuilding of our property. In the event of our building or any developments on the property being seriously damaged or destroyed we would not be able to replace them. This restriction or prevention would also have the effect of unreasonably reducing the value of our property.
2. It would unreasonably prevent subdivision, and remove the potential to subdivide, of what is a large block within the township, as no building could be built on the subdivision. This restriction or prevention would also have the effect of unreasonably reducing the value of our property.
3. It would reasonably raise concern that any balcony or open area for accommodation is in some way threatened by proximity to the DMRF, as there is no other reasonable explanation for why such a limitation should be placed on any balcony or open area, either proposed or existing. That concern could impact on the value of our property.
4. It would unreasonably degrade the heritage characteristics of the property and the immediate locality by requiring any fence constructed in the locality to be of an inappropriate design.
5. It fails to give clarity on how landscaping is to be treated under the provisions. Landscaping could mean any plantings or addition of garden features within an existing property with a developed garden. Setting limitations on landscaping within long-established properties would be totally unreasonable.
6. It would enable unrestricted development of the DMRF without proper oversight by the community in ways that could be detrimental to the amenity of the locality, thereby impacting on the quiet enjoyment of our property and reducing the value of our property.
7. The substance of the proposal is of concern to me, being more appropriate to providing a partial exclusion zone to give protection from some hazardous activities within the DMRF site, rather than preventing inappropriate development within the proximity of the DMRF. If the proposal is intended to protect the DMRF site, then appropriate requirements within the site and for the immediate boundary would be better and would avoid the proposed imposts to me and many others affected by the proposed changes.
8. I believe the Council has not made sufficient efforts to guide residents to the specifics of DD06, where those specifics could have considerable impact on the value and amenity of their properties.

9. I urge the Council not to proceed with Schedule 6 of C80hepb, and to review the need for any new Design and Development Overlay related to the DMRF when a new Waste Management Strategy has been finalised, following due consultation process.
10. I would like the Council to provide assurance that the Daylesford Material Recovery Facility is not of itself a threat to the safety and wellbeing of occupiers of properties within planning map DD06.



Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Opposition to proposed planning overlay DDO6
Date: Thursday, 20 August 2020 4:11:32 PM

[REDACTED]
Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

I will not be able to rebuild on my property which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.

My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing Transfer Station and Material Recovery Facility in Ajax Rd.

I have been a home owner and ratepayer since the nineteen eighties.
I am a single woman of sixty-five years and I saved very hard to be able to purchase land, and build [REDACTED]
My property is my only asset to leave to my loved ones when I die.

I hope you will reconsider these plans.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submission Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Addition to submission on C80hepb made on 20 Aug 2020
Date: Friday, 21 August 2020 10:17:14 AM

[REDACTED]. I submit this addition to my earlier submission (20 Aug 2020) that the proposed amendment C80hepb, specifically Schedule 6 to Clause 43.02 Design and Development Overlay, will impact excessively and unreasonably on my occupation and use of our property.

The proposed specification for fencing is totally inappropriate for about 380 of the about 500 meters of fence around our property. It is currently post-and-wire as per the original fencing. It has many large native trees actually on the boundary line, necessitating the wire to stop and restart around trunks. When large branches fall across the fence, as they occasionally do, repair is simple. We know native animals (kangaroos, wallabies, echidnas) regularly pass along, through and over this fencing, as probably do other smaller native animals. About 60 meters abuts onto Cobblers Creek reserve. Clearly this existing construction method is the most appropriate. The proposed specification for fencing would impose a substantial financial burden for any replacement and for ongoing maintenance of any replacement. It would also be detrimental to the movements of wildlife, which is a feature we value and which should be preserved in the area. It is inconsistent with the bush character of over half of our block, and inconsistent with the character of the Cobblers Creek reserve at the bottom of our block.

On those grounds the proposed fencing specification would impose an unnecessary and inappropriate burden on us and on the community in general, and is completely unjustified on any grounds.

[REDACTED]

Amc80hepb Submission received

From: [REDACTED]
Cc: [Planning Scheme](#)
Subject: Hepburn Planning Scheme Submission
Date: Friday, 21 August 2020 8:54:59 AM

Dear Councilor

[REDACTED]
[REDACTED] in regards to Councils proposed changes to the Hepburn Planning Scheme (DDO6 500 mtr radias of the Daylesford Material Recovery Facility).

Our property falls within the 500 mtr boundary as shown on a mapped plan being distributed and our concerns are.

If adopted we will lose the right to expand , develop and rebuild on the land which could lead to a loss of business, opportunity to grow and also greatly devalue the property.

If adopted we could lose the right of subdivision which would have a substantial loss of value of the property and a loss of business development.

If adopted this overlay would be another burden property owners have to contend with.

We are in total support of all residents and property owners affected by this proposed Overlay and would suggest Council address the issues (if there are any) with the MRF which would resolve all issues.

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO1 Submission
Date: Friday, 21 August 2020 11:28:32 AM
Attachments: [SLO1 Submission.docx](#)

To whom it may concern,

Please see attached my submission to oppose the Proposed Planning Amendment to Schedule 1 to Clause 42.03 Significant Landscape Overlay.

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO1 Submission
Date: Friday, 21 August 2020 11:31:18 AM
Attachments: [SLO1 Submission 1.docx](#)

To whom it may concern,

Please see attached my submission to oppose the Proposed Planning Amendment to Schedule 1 to Clause 42.03 Significant Landscape Overlay.

Regards,

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: CM: SLO1 Submission
Date: Friday, 21 August 2020 11:31:18 AM
Attachments: [SLO1 Submission 1.docx](#)

To whom it may concern,

Please see attached my submission to oppose the Proposed Planning Amendment to Schedule 1 to Clause 42.03 Significant Landscape Overlay.

Regards,

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Subject: Hepburn Planning Scheme Submission
Date: Friday, 21 August 2020 11:45:49 AM

Dear Councillor,

[REDACTED] and I would like to submit to you my concern in regards to Councils proposed changes to the Hepburn Planning Scheme ([REDACTED]).

The said property falls within the 500 mtr boundary as shown on a mapped plan which has been distributed and has raised my following concerns.

If proposed plans are adopted then the right to expand, develop or rebuild on the land is compromised which could lead to loss of business and greatly devalue the property.

If adopted then sub division would also be compromised again losing value of property and business development.

I am in total support of all property owners and residents affected by this proposed Overlay and I would ask council to address the issues with the MRF to resolve all issues.

[REDACTED]
[REDACTED].

Sent from [Outlook](#)

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO Restrictions
Date: Friday, 21 August 2020 11:53:17 AM

[REDACTED]. As a landowner that is completely restricted by your SLO I strongly object to any changes. I find it ridiculous that you try and shove this through in the middle of this pandemic, not allowing any proper community consultation. Farming is hard enough at the best of times and more time and expense getting permits from everything from cutting down dead trees to putting up a fence is ridiculous. Galvanised sheds and out buildings have been built in Australia for 100s of years. Some now have heritage listings and now we can't build them. More expense! Once again I strongly object to any changes and think it should be completely scrapped and more time spent on making roads and intersections safer.

With thanks

[REDACTED]
Sent from my iPad

Amc80hepb Submissions received

The Planning Scheme Review Officer.
Hepburn Shire.

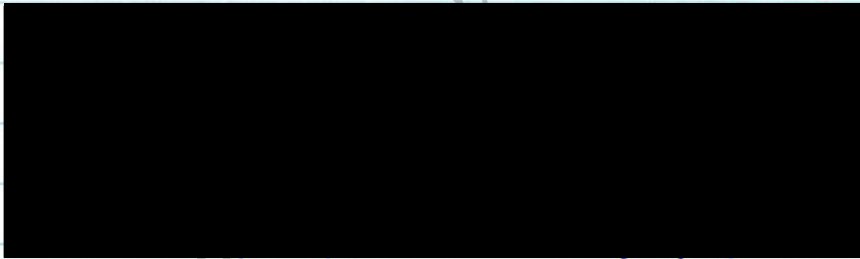
11/8/20

Dear Sir,

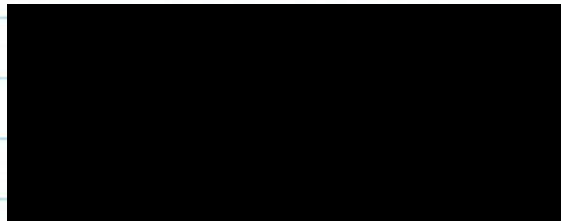
Please advise how we can obtain a building permit for the property we own in the Shire, in the Clunes district.
Details.



Please reply to. OWNERS



Thanking you in Anticipation



THE COUNCIL

20/1276

Rec'd Date: 19 AUG 2020

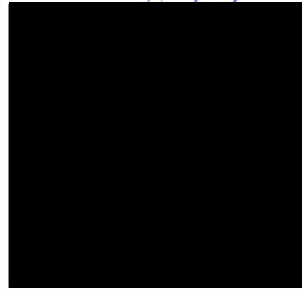
Rec'd By: KC

Action By: A. S. Lockett

Reg No:

Amc80.80.

10/8/20



Dear Sir,

I WISH TO OBJECT TO ANY
SUBMISSIONS PROPOSED
RELATING TO SLO'S
WITHIN THE SHIRE
REASONS WILL BE GIVEN
PRIOR TO BEING NOTIFIED
OF THE COUNCIL MATTERS
REGARDING THIS MATTER

Yours.



Amc80hepb Submission Received

HEPBURN SHIRE COUNCIL
File No: Fou/20/1276
Rec'd Date: 19 AUG 2020
Rec'd By: KC
Action By: A. Blacket
Reg No:

Rec'd Date: 19 AUG 2020

Rec'd By:

Kc

Action By:

A. Blakett

Reg No:

Planning Scheme Review Officer (DD06)

I am writing as a
concerned resident

How can you just take away our rights then build what you like at the Top

Schedule 6, clause 43.02 Design & Development Overlay DD06

1. I will not be able to build or rebuild on my own property which would devalue significantly! if the existing house is destroyed by accident I would be left with a practically unsaleable block of land ???
2. I lose some of my existing rights of use of my property - including with respect to balconies, open space areas, landscaping and fencing ???
3. My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and material Recovery Facility in Ajax Road ???

maintained and loved. How can the council take away my rights and devalue my property ??????
Where are my rights - Please review this !!!

From: [REDACTED]
Subject: Fwd: Objection to proposed DD06 Planning Amendment
Date: Saturday, 22 August 2020 6:55:55 PM

Alison,

Could you please acknowledge receipt of the below email.

Sent from my iPad

Begin forwarded message:



To Whom it May Concern,

We are writing to lodge our objection to proposed planning amendments by Hepburn Shire, in particular the DD06.

We have grave misgivings that Council feels an EPA overlay needs to apply to their facility not only so close to residential properties, but to the centre of town and Mineral Spring's.

It should be noted that whilst we don't own a property that will be impacted by the proposal, we do own property in the Shire. Our children go to Daylesford Primary and we currently rent a residence in town.

We think the facility should be relocated if council thinks that how they plan to use/or currently use the facility requires such an overlay.

The DDO6 in the proposed amendments to the planning scheme is grossly unfair and will have devastating impacts on the values of homes and properties within the buffer zone.

Furthermore the potential negative impact it poses to our tourism industry is too great. I would hate to think what would happen to the image of the 'Mineral Spring' Region - if it became contaminated.

I would like DDO6 to be removed from the planning scheme and that Council

reassess the Transfer Stations location and/or scope of use.

Sincerely,

A large black rectangular redaction box covering the signature area.

Amc80hepb Submissions received

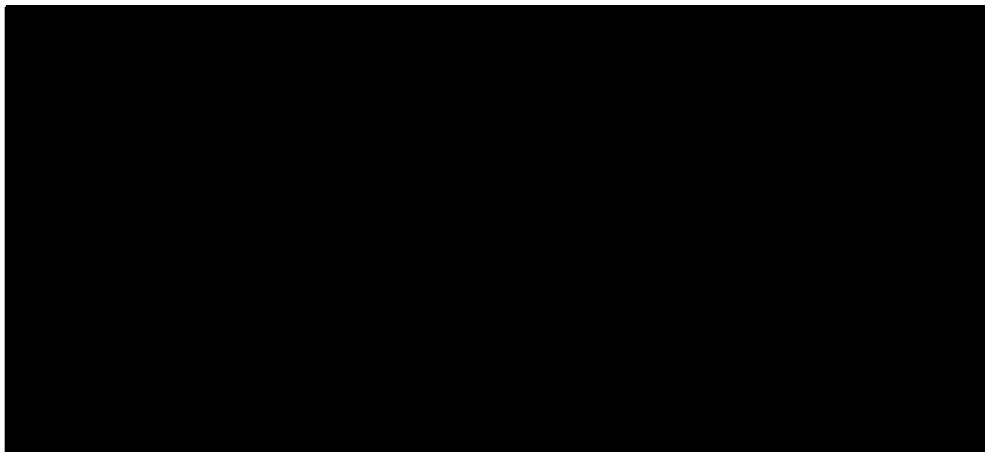
From: [REDACTED]
To: [REDACTED]
Subject: Fwd: Hepburn Planning Scheme review reference DD06
Date: Saturday, 22 August 2020 6:53:44 PM
Attachments: [Planning Schedule Review DD06.docx](#)
[ATT00001.htm](#)

Alison,

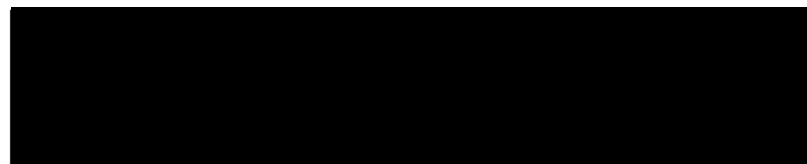
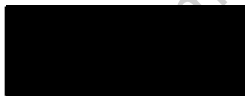
Could you please acknowledge receipt of the below letter.

Sent from my iPad

Begin forwarded message:



Dear Mr King and Councillors,
Please find a letter of statement re the Hepburn planning scheme review.
Kind regards
Annette



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From: [REDACTED]
Subject: Fwd: Submission to Council in relation to Proposed DDO6
Date: Saturday, 22 August 2020 5:27:15 PM
Attachments: [Submission In relation to Proposed planning overlay DD06.docx](#)

This is an emailed copy as there was difficulty with a couple of email addresses including Evan King who has not received a copy - please forward to him.
Please see below and attached
Thank

[REDACTED]

----- Forwarded message -----

[REDACTED]

Dear Councillors for Hepburn Shire

Please find attached a submission to council in regard to the Proposed Planning Overlay DDO6 for your consideration

I ask for the motion outlined therein be made and carried by councillors.

I will be present at related council meetings and I am available to speak to the submission if required and to be contacted for any matters pertaining to the proposed DD06 Planning Scheme.

[REDACTED]
[REDACTED]

Submission to Hepburn Shire Council Regarding Proposed Planning Overlay DDO6

Property owner: [REDACTED]

[REDACTED]

Preamble:

- I write to express my serious concern and opposition to the entire Proposed Planning Overlay DD06 and the impacts it will have on effected residents
- I was aware of the WMF or “Tip” as it was known at the time of purchase of my property.
- [REDACTED]
- The property includes a dwelling which is over 100 years old and predates the existence of the WMF.
- I have not experienced any significant impacts from proximity to the WMF nor lodged complaints to council in relation to the WMF.
- I support the efforts of the group formed to advocate and reject the proposed DD06, the *Impacted Residents of DDO6* group
- I am shocked and disappointed at the lack of consultation and appropriate communication on behalf of council in relation to the proposed DD06 which is unacceptable given the implications and impacts on its residents. I fear that some property owners affected by DD06 may still not be aware of the implications and cannot contribute. Had it not been for the advocacy of the group I would still not have been aware of the process and impacts.

Submission to Council

My submission is to request for the current elected Hepburn Shire Councillors to move the following motions and I implore them to vote in support:

1. That the implementation of the planning overlay DD06 be suspended until the following occur:
 - a. The review of the future of the Waste Management Facility (WMF) on Ajax Rd Daylesford is completed

and

- b. An exhaustive, transparent and inclusive consultation is carried out by an independent consultant selected by all affected residents and the Hepburn Shire Council in agreement. All affected property owners be informed by registered mail the scope and impacts both potential and implicit, including financial, of the proposed overlay. A series of facilitated

consultation sessions are conducted with scope to obtain expert advice from suitably qualified consultants during the process.

2. That rights of all property owners in the affected 500m zone be preserved in their current form until 1a) and (b) are completed. This includes but is not limited to the right to subdivide their land, erect habitable dwellings, erect non habitable dwellings, build decks and undertake other landscaping works and to sell their properties to others with a right to do the same subject to existing planning scheme overlays and requirements.
3. That property owners with land and or buildings which predate the existence of the WMF be excluded from any future planning overlay and that their rights and the rights of future owners be preserved in their current form regardless of the outcome of 1, 1a) and 1b)

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Fw: Subject: Proposed planning overlay DDO6
Date: Sunday, 23 August 2020 9:44:09 AM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To whom it may concern at the Hepburn Shire Council.

I [REDACTED]
[REDACTED]

The reasons for my objection are listed below

[REDACTED] and **strongly OBJECT to Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) which would impact me in the following ways:**

- I would not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically an unsaleable block of land
- I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property would be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

P.S. Please respond that you have received this email to which I have edited slightly [but very importantly]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Hepburn Planning Scheme Review Submission re DDO6
Date: Sunday, 23 August 2020 11:40:57 AM

[REDACTED]

Schedule 6 to clause 43.02 Design and Development Overlay DDO6 impacts me as follows

Submissions / Objection to DDO6

DDO6 Appears to be driven by GUIDELINES from the Minister for Planning to give a clearer approach to helping community and business co exist.

These guidelines make perfect sense when applied to **new and developing** facilities and areas, allowing a futuristic approach to the problems that can be encountered if proper planning is not taken.

These Guidelines make no sense when applied retrospectively to areas that have already been developed, as in the case of the Hepburn Material Recovery Facility. This development has been approved by previous councils without any care given to the potential problems that may arrive in the future. Residents have made extremely large investments (both monetary and life affecting) based on those decisions and approvals by council. I think that the horse has bolted for the implementation of DDO6 and this would be the same for any other council. Imagine trying to implement DDO6 in a metropolitan suburb.

The sensible thing would have been to relocate the MRF when the landfill was closed, that would have been planning. Perhaps the council should be approaching DELP, who seem to have a major stake in the new guidelines and have them facilitate a new site more appropriate to the guidelines. I suggest this as DELP has overall responsibility for this Crown Land site and council just manages it.

It appears that the Local Residents are now to be punished by introducing draconian measures to placate Guidelines that are common sense for future development but would not be needed if Planners and Councils had done their job appropriately initially.

19.03-5s of the guideline

Ensure waste and recovery facilities are sited, designed, built and operated so as to minimize impacts on surrounding communities and the environment.

The current waste facilities already impact on surrounding communities due to the development allowed by council

I would put to you that DDO6 does not follow this when it

1. Prohibits me from rebuilding my home if it is accidently destroyed. This reduces the investment in my Home to an unsalable, worthless block of land
2. Any existing subdivision is now worthless, who wants to buy a block of land that you cannot Build on.
3. People who have invested in land will have this lands value reduced to virtually zero. As I am sure no one will buy land that you cannot build on in an area that is residential
4. The Reduction of the value of my property - will have ramifications re mortgage and insurance
5. Effects my retirement Funding

6. Profound effect on my financial well being and mental health

For the above reasons I object to DDO6 and suggest it be removed from the amendment
c80hepb

[REDACTED]

Amc80hepb Submissions received

From:



Subject:

Fwd: DDO6 we say NO

Date:

Saturday, 22 August 2020 6:52:30 PM

Alison,

Could you please acknowledge receipt of the below email.

Sent from my iPad

Begin forwarded message:



I believe DDO6 in the proposed amendments to the planning scheme is unfair and will have devastating impacts on the values of homes and properties within the buffer zone. I would like it to be removed from the planning scheme. A review of Waste Management should be done as soon as possible



Amc80hepb Submission Received

From: [REDACTED]
Subject: Subject: Proposed planning overlay DDO6
Date: Sunday, 23 August 2020 9:42:39 AM

Subject: Proposed planning overlay DDO6

[REDACTED]

To whom it may concern at the Hepburn Shire Council.

[REDACTED]

The reasons for my objection are listed below

[REDACTED] to Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) which would impact me in the following ways:

- I would not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically an unsaleable block of land
- I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property would be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]

P.S. Please respond that you have received this email to which I have edited slightly [but very importantly]

From: [REDACTED]

Subject:

Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

Date:

Saturday, 22 August 2020 2:22:56 PM

[REDACTED]

We recently purchased the block of land and have intentions to build.

Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road

I also request to be updated via email on any further action, as we are not currently based in Daylesford.

[REDACTED]

Amc80hepb Submissions received

From:

█

Subject:

Objection to proposed DD06 Planning Amendment

Date:

Saturday, 22 August 2020 12:04:56 PM

To Whom it May Concern,

We are writing to lodge our objection to proposed planning amendments by Hepburn Shire, in particular the DD06.

We have grave misgivings that Council feels an EPA overlay needs to apply to their facility not only so close to residential properties, but to the centre of town and Mineral Spring's.

It should be noted that whilst we don't own a property that will be impacted by the proposal, we do own property in the Shire. █

We think the facility should be relocated if council thinks that how they plan to use/or currently use the facility requires such an overlay.

The DDO6 in the proposed amendments to the planning scheme is grossly unfair and will have devastating impacts on the values of homes and properties within the buffer zone.

Furthermore the potential negative impact it poses to our tourism industry is too great. I would hate to think what would happen to the image of the 'Mineral Spring' Region - if it became contaminated.

I would like DDO6 to be removed from the planning scheme and that Council reassess the Transfer Stations location and/or scope of use.

Sincerely,

█

Amcohepb Submissions received

From:

Subject:

Date:

Fwd: OBJECTION TO EXPANDED SIGNIFICANT LANDSCAPE OVERLAYS WITHIN THE HEPBURN SHIRE
Saturday, 22 August 2020 11:50:22 AM

[REDACTED] wrote:

I object to these SLOs for the following reasons:

There has been limited community consultation.

These amendments should be postponed until after the COVID-19 Pandemic, when we are in a more stable environment (economic and social) enabling better consultation.

Cost for Farmer compliance is unknown. If permits are required they should be at no cost.

The permit application process is too onerous.

Unnecessary conditions and bureaucracy placed on Farmers.

Commercial farming is a continually changing industry, making future uses unknown.

SLOs should not affect non-indigenous vegetation and planted vegetation.

Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.

Restrictions on use of galvanized or zincalume should be withdrawn.

House blocks that fall within SLOs should be fully exempt.

[REDACTED]

[REDACTED]

[REDACTED]

From:



Subject:

SLO

Date:

Friday, 21 August 2020 5:05:59 PM



Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as

follows:

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension.

From: [REDACTED]
Subject: Objection to DDO6.
Date: Friday, 21 August 2020 4:22:54 PM

To The Planning Scheme Review Officer,

[REDACTED]

I am officially submitting an objection to Schedule 6 to Clause 43.02 Design & Development Overlay (DDO6), which is part of Amendment C80 hepb to the Hepburn Planning Scheme.

My property is located inside the DDO6 zone.

I feel if council implements the proposed restrictions within this zone, it will impact my ability to do things with the property in the future. Such things as subdivide if I should like to. [REDACTED] subdividing would be prohibited. Also no longer being able to build would be severely limiting.

The restrictions would put future potential buyers off should I decide to sell.

I feel a lot more transparency and open discussion with the community needs to take place before any new laws, which have wide ranging effects, are put into place.

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Fwd: Kim barter
Date: Friday, 21 August 2020 3:04:03 PM
Attachments: [Letter to council.docx](#)

To Planning department

I have written a letter to the Hepburn Shire CEO,
Which is attached below, raising my concerns over
The proposed new DDO6 Planning and Development laws.

I find the process in informing community and its associated
Implications for some ratepayers totally unfair and dismissive of
Community voices and engagement.

As a valued member of Hepburn Council , I ask you to reconsider
The process of decision making and the DDO6 new laws,
Undemocratic.

Thanking you

[REDACTED]

Amc80hepb Submissions received

To. CEO Hepburn Shire Council
Re . Proposed DD06 New Laws

I am writing to you in outrage, as to the undemocratic process the new DD06 laws has been undertaken. COVID 19 restrictions has made public community engagement impossible at present, so the above new laws need to be abandoned until further notice. Ratepayers and Community members need more time and public discussion with Councillors to raise their concerns openly and transparently. The above new laws , will impact on their properties hugely and at huge financial loss and unethical.

My understanding, is that
Schedule 6 Design and Development Overlay and
Daylesford Material Recovery Facility Area
Proposed changes
Allows Council to have unlimited power to redevelop the Transfer stations at will.
To the detriment of Ratepayers and Landowners nearby(ie. 500 m)

Personally, I have long been concerned at the location of our transfer Station, as DaylesfordHepburn Shire continues to develop. This facility needs to be relocated to a more remote site, and built to accommodate the future needs of the community , a cleaner green option.

It is obvious , that the current location is a nightmare , should a natural disaster eg. bushfire happen , the landfill gas emissions , on top of fuel loads and smoke
Would be catastrophic. To prevent this potential hazardous site and nightmare to community health and wildlife , moving the TIP should be the option,
To muddle with building development and land restrictions around this TIP site, is not the answer , just bandaid Decision making.
Hepburn Shire is better than that , Council can be a leader here and this is an opportunity to create a new relocated waste facility .

Furthermore,
to go ahead with the above new planning residential overlays , would require Council to purchase the particular housing / land properties at proper valued prices , and I don't think Council has the funds to do this. I understand there are at least 70 residential properties impacted.

So to conclude ,
I believe the current Waste Management strategy needs to be totally reviewed.

A new waste management site needs to be researched and considered.
The new Residential overlays , building requirements and restrictions need to be Abandoned , until a time of adequate consultation with Community and affected Ratepayers has been met.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From:

Subject:

Objection to SLO1

Date:

Friday, 21 August 2020 3:00:08 PM

[REDACTED]

I object to the expanded Significant Landscape Overlay within the Hepburn Shire as it impacts me in the following ways,

Lack of community consultation.

The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID 19 Pandemic.

The cost for compliance for farmers is unknown. If a permit is required it should be at no cost.

The permit application process is too onerous.

Unnecessary conditions and bureaucracy placed on farmers.

Commercial farming is a constantly changing industry and future uses are unknown.

SLO's should not affect non-indigenous vegetation and planted vegetation.

Agriculture has been operating in the Hepburn Shire for over 150 years and should be allowed to continue.

House blocks that fall within SLO's should be fully exempt.

Size of the proposed SLO1 Extension is far too large.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

From:

[Redacted]

[Redacted]

[Redacted]

 Virus-free. www.avast.com

Amc80hepb Submissions received

From:

█

Subject:

DD06

Date:

Friday, 21 August 2020 2:20:52 PM

Dear Councillors

█
█
Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6) impacts me as follows:

█
I can't understand how their rights for their own home can be taken away from them. Under your suggested rules they will not be able to build, rebuild or improve the property. If the existing house is destroyed by accident, they would be left with a practically unsaleable block of land which makes it virtually worthless. So where are they supposed to get the money to re home themselves?

█
█, and relish in watching all the local wildlife. (Echidnas, kangaroos, lizards and a huge variety of birdlife). They have always paid their rates and been active workers and volunteers in the community.

When we purchased the property we were told it was a protected street, meaning there could be no further building or sub divisions. All to help keep the quiet country feel of the street. Since then and despite objections by most of the street, it has been subdivided, and more housing has gone up, meaning more traffic in the area, more impact on local wildlife, more trees being cut down, and more noise. I find it astounding that now you are saying the subdivisions are not allowed? When we were told they weren't allowed from the beginning.

I am also concerned that the area is now being deemed unliveable by the EPA. Why has this changed? Does it have anything to do with the waste disposal unit talked about a couple of years back? The one that digests rubbish and turns it to electricity? How can this be put in a residential area, and how is a 1.5m fence and hedging supposed to protect them? How is this fencing supposed to be put in place if you are saying changes can't be made?

I object that these restrictions are being placed onto long term residents when the council itself is free to do whatever it likes without consent regarding the facilities in Ajax Road.

Myself and my family have enjoyed the property so much and I would hate for any of this to be put into place. I also really miss being able to salvage and shop at the Transfer Station. We have taught the kids to fix what you can and use recycled items before buying new. This has also been taken away and is very upsetting.

I object to the introduction of the above mentioned Schedule and Clause generally referred to as DD06.

█

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO
Date: Friday, 21 August 2020 2:11:05 PM

To whom it may concern.

[REDACTED]

As if farming isn't hard enough now we are expected to find the time and money to apply for permits to allow us to continue to do what generations of farmers have been doing here for 100yrs plus. We consider ourselves caretakers of this amazing area and you guys obviously think we need to be told how to do it appropriately at a cost. Not to mention the fact that you hope to get this through with little or no community consultation due to coved restrictions. The shire would be much better off concentrating on doing there job better i.e looking after our appalling roads and overgrown road sides. I do wonder how inappropriate over head power lines can be deemed o k but a farmer replacing a fence or cutting down a dead or dangerous tree needs your approval, not to mention the cost of the permit! In closing, I am totally against the SLO.

Thank you .

[REDACTED]

Sent from my iPad

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Re: Submission re DDO6 overlay
Date: Sunday, 23 August 2020 1:03:59 PM

[REDACTED]

Please find my submission below.
Please let me know if you need anything further.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

Can you please resend this submission with your property address.

Thanking you

Alison Blacket

[REDACTED]

Sent: Saturday, 22 August 2020 4:45 PM
To: Planning Scheme <planningscheme@hepburn.vic.gov.au>
Subject: Submission re DDO6 overlay

Dear Hepburn Shire Council

Please accept this submission in relation to Schedule 6 to Clause 43.02 Design and Development Overlay.

I currently live in the affected area.

It is unfair to prevent people developing their land in a reasonable way and sustain property losses, when the proposals are not justified.

I know environmental scientists and consultants who believe this is an unnecessary response to the very low risk situation we have.

This proposal affects me in the following ways:

- My family will be unable to build or develop their land
- My family will lose the value of property they have worked hard to purchase
- This issue is causing my family a lot a lot of emotional distress.

Please review or reject this proposal.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr](#) [REDACTED]
Subject: Objection to Amendment C80Hepb
Date: Sunday, 23 August 2020 1:19:31 PM
Attachments: [council submission.docx](#)

Dear Sir/Madam,

Attached is a copy of our objections to the amendment C80Hepb.

Please submit our objection please

Kind regards

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

[REDACTED]

Planning Scheme Review Officer,
Hepburn Shire Council
P.O.Box 21,
Daylesford, Vic 3460

Dear Sir/ Madam,

RE: Amendment C80Hepb

[REDACTED]

We wish to put an Objection to Expand Significant Landscape Overlays with in the Hepburn Shire and the Zoning Changes which impacts us as Follows:-

- Lacking of community consultation
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the Covid – 19 Pandemic to keep everyone safe as not everyone is up with electronic ways.
- The cost of compliance for farmers is unknown – if a permit is required it should be at no cost.
- The permit application process is too difficult and time consuming.
- Unnecessary conditions and bureaucracy placed on farmers
- Farming is a continuously changing industry and the future uses are unknown
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on the use of galvanized or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt
- The size of the Proposed SLO1 Extension.
- Unable to find the information on the web page at Hepburn shire planning scheme.

- More cost to property owners for permits which you are changing during a very difficult time in a pandemic when Jobs are lost or could be lost in the future.
- Information sent to Clunes residents was very unclear as Highlighted headings had the following unchanged then not highlighted was changed. Quick check by residents would think there were no changes.
- Council's inappropriate timing of changes, doing it in a Pandemic when people are not thinking right.
- No consulting on change of Zones done with residents .Change from Farm zone to Neighbourhood Residential Zone.
- C77hepb.(flooding)
- Doing two amendments at the one time so people have no time to study them both
- Information not in a friendly manner so residents can find and be able to understand.
- Boundary of township changed since sewage was installed. No sewage connected and now changing Zones without contacting residents.

Hope you consider our objections.

██████████

██████████

██████████

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: DD06 ~ Attention Planning scheme Officer
Date: Sunday, 23 August 2020 3:25:33 PM
Attachments: [DD06.pdf](#)

To the Planning Scheme Officer,

I have an number of concerns in regard the the Council's recent proposal DD06. I have a attached my concerns & objections. Please contact me if you have any issues printing up the document, via return email, I am happy to attend any meeting in regard to this proposal, if required. [REDACTED]
kind regards

[REDACTED]

Amc80hepb Submissions received

DD06

SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY DAYLESFORD MATERIAL RECOVERY FACILITY



Firstly, I am not sure why the Council is proposing an extension/overlay, given that the Council NO LONGER allows items left at the tip to be reused or recycled in any way by the residents. My understanding currently, items are discarded under new regulations. So my first question is why does the Tip need to be extended ? Secondly, if the tip needs to be larger, why not find a location away from residential land ? Why choose an area that is reasonably inhabited, and has been since the early 1900s?

A lot of these houses would have a Heritage Overlay & the Council are suggesting the tip be extended to butt up to their back fence ? We currently already have an Overlay 1 on our properties in West Street, this tip overlay would mean further restriction on how we live on our property.

Has the Council thought this DD06 proposal though?
The impacts on residential land or just put a compass to the Daylesford map and thought 'this will do'?
Why not choose an 'uninhabited' piece of land close to Daylesford & Hepburn & create your Tip afresh?
Can I ask why, as a Resident of West Street I was not notified by mail, the Council's intentions to extend the overlay the Tip? I had to find out by the Daylesford Grapevine page!

Schedule 6 to Clause 43.02 or not, if the Council is going to make change to my land, surely as a Resident I need to be informed by Council.

If this proposed DD06 goes ahead, what is to stop the actual tip & buildings being extended to our back fence ?



I checked with Council re any plans for proposed changes & plans for neighbouring properties ~ an old race reserve which cannot be built on & property lines redrawn, but NO TIP extension !

[REDACTED]

This tip overlay will definitely reduce the value of my property; NO ONE is going to want to buy a home with restrictions on what it can do on it & butting up to the local tip !

[REDACTED]

[REDACTED]

'2.0 Buildings and Works .A balcony or private open space area for accommodation must not directly face towards or be located within 500metres of the edge of the Davlesford Recovery Facility Land' aka the Tip.

[REDACTED]

What happens down the track if I plan to rebuild my house, under the current regulations I can do this, under the DD06 Tip extension I will not be able to do this ? What if I would like to put in a pool, I notice it gets very hot here in summer; will I be prevented from doing so with the DD06 Tip extension/overlay? My pool location would be located right within the DD06 overlay. I am guessing if Council extend the Tip, there will be an increase of noise including over the weekend when the Tip is open ? This will reduce the enjoyment of my land and property.

[REDACTED]

Can I suggest some more appropriate & Resident/Community friendly ideas in regard to the tip & Council's proposal.

1. Create a new Tip with 500m overlay away from residential land, I.e. a location, slightly further out of town but still accessible to the community. Like in Queenscliff where the tip is located away from the local community & residential properties.
2. Council keep the tip where it is currently located but create the 500m buffer further northwest, away from residential (inhabited) land.

3.

3. Council re takeover the management of the Tip & make it more user/resident friendly, rather than outsourcing. i.e. actually recycle items that are placed there where appropriate and allow Residents access to these items for their own use, and remove the hefty 'tip' fees.

[REDACTED] I am disappointed that the Council have gone about this proposal surreptitiously, especially as this proposal will effect many, many residents' long term. The Council needs to be open & transparent & working for the Whole community not just a few 'stake' holders.

Sincerely & Concerned

Wendy Avery RN. RPN
Grad. Dip Community Health (Deakin)
Grad. Dip Perioperative Nursing (Deakin)

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr](#) [REDACTED]
Subject: Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:
Date: Sunday, 23 August 2020 5:00:07 PM

We object to this proposed planning amendment for the following reasons.

- 1 - No information from council direct to us on the proposed changes.
- 2 - We object to more requirements, rules or regulations on what already exists and has been previously approved.
- 3 - What gains and what costs are involved in these proposed changes.
- 4 - This is an already well established area with it's character developed over more than 100 years. Why are the proposals necessary in such a historical developed area?

[REDACTED]
As such we lodge this protest over this bureaucratic proposal.

[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: Proposed Planning Overlay DD06.
Date: Sunday, 23 August 2020 3:39:48 PM

Good afternoon ,

[REDACTED] Schedule 6 to Clause 43.02
Design and Development (DD06) impacts me and my property as follows:

- I will not be able to build or re-build on my property, which would significantly be devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
- I had planned in the next year or so to redevelop the my home by building an extra level increasing the space to a five bedroom house. My budget is approximately \$300 000.00 which if the DD06 proceeds, this money will not feed into the community builders, plumbers, electricians and draft people. What a shame that would be!
- I have worked extremely hard all my life to avail myself to own a property to help me into eventual retirement and having the ability to leave my family a property worth something of substantial value.
- I loose some of my existing rights of the use of my property, including with respect to balconies, open space areas, landscaping and fencing. I have a real problem with having little or no rights to make decisions with regard to the property which I own and have worked hard to buy.

Please except my objection to the above proposal.

Regard

[REDACTED]

Amc80hepb Submissions Received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission of Objection to DDO6
Date: Sunday, 23 August 2020 5:09:20 PM

Dear Councillors,

I am writing to submit my objection to the Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6). [REDACTED]. The DDO6 will negatively impact our family home. In particular, under the proposed plans:

- We will not be able to build or rebuild on our property, which would be significantly devalued. If the existing house is destroyed by accident, we would be left with a practically unsaleable block of land.
- We lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- We lose some of our existing rights of use of our property, including with respect to balconies, open space areas, landscaping and fencing.
- Our property and rights to quiet enjoyment of our property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

I hope the proposed DDO6 does not go ahead due to the negative consequences for our family home, and our neighbourhood.

Kind regards,

[REDACTED]

Amc80hepu Submission received

23/08/2020

To the Hepburn Shire Counsellors

Re: Proposed changes to DD06

I write to voice my great concern over the introduction of laws DD06 regarding the Daylesford Material Recovery Facility and Transfer Station. To introduce a new ruling that detrimentally affects a large number of Daylesford residents during a time when public scrutiny and thorough community engagement cannot occur is truly an outrageous exercise.

A law that gives council unlimited power to develop the MRF and place overlays on surrounding, existing properties that essentially renders them worthless cannot be allowed to proceed. Residents of the affected area have worked hard to purchase properties and in many instances will have their entire livelihood and asset base decimated. These are residents that have worked hard and contributed significantly to our town.

Perhaps rather than try to push through such laws at an already stressful time for people it is time for the council to plan a MRF and Transfer Station that will take us into the future and properly accommodate a growing population in an area with minimal impact to the town residents.

Does the council have the funds to compulsorily acquire the affected properties at the current market value? Because that is the only reasonable and fair course of action if does go ahead.

I urge you vote against DD06 at the next council meeting.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Amc80hepb Submissions Received

To. CEO Hepburn Shire Council
Re . Proposed DD06 New Laws

I am writing to you in outrage, as to the undemocratic process the new DD06 laws has been undertaken. COVID 19 restrictions has made public community engagement impossible at present, so the above new laws need to be abandoned until further notice. Ratepayers and Community members need more time and public discussion with Councillors to raise their concerns openly and transparently. The above new laws , will impact on their properties hugely and at huge financial loss and unethical.

My understanding, is that
Schedule 6 Design and Development Overlay and
Daylesford Material Recovery Facility Area
Proposed changes
Allows Council to have unlimited power to redevelop the Transfer stations at will.
To the detriment of Ratepayers and Landowners nearby(ie. 500 m)

Personally, I have long been concerned at the location of our transfer Station, as DaylesfordHepburn Shire continues to develop. This facility needs to be relocated to a more remote site, and built to accommodate the future needs of the community , a cleaner green option.

It is obvious , that the current location is a nightmare , should a natural disaster eg. bushfire happen , the landfill gas emissions , on top of fuel loads and smoke
Would be catastrophic. To prevent this potential hazardous site and nightmare to community health and wildlife , moving the TIP should be the option,
To muddle with building development and land restrictions around this TIP site, is not the answer , just bandaid Decision making.
Hepburn Shire is better than that , Council can be a leader here and this is an opportunity to create a new relocated waste facility .

Furthermore,
to go ahead with the above new planning residential overlays , would require Council to purchase the particular housing / land properties at proper valued prices , and I don't think Council has the funds to do this. I understand there are at least 70 residential properties impacted.

So to conclude ,
I believe the current Waste Management strategy needs to be totally reviewed.

A new waste management site needs to be researched and considered.
The new Residential overlays , building requirements and restrictions need to be Abandoned , until a time of adequate consultation with Community and affected Ratepayers has been met.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: SLO1
Date: Monday, 24 August 2020 8:45:58 AM

[REDACTED]

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension

Regards,

[REDACTED]

Sent from [Mail](#) for Windows 10

From:



Subject:

Concern & Objection to DD06

Date:

Monday, 24 August 2020 10:09:01 AM

[REDACTED]

I have been a home owner & rate payer in Hepburn Shire for 14 years.
My entire financial plan for myself and my young family is based upon development & subdivision of my current property.

I want to object to
Schedule 6 to Clause 43.02 Design
and Development Overlay (DDO6) impacts me as follows:

- I will not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically unsaleable block of land.
- I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property may be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

Kindest regards



Amc80hepb Submissions received

15 August 2020

Planning Scheme Review Officer
Hepburn Shire Council
planningscheme@hepburn.vic.gov.au

Regarding: Proposed Amendment C80hepb

I write on behalf of the Trentham Community Forum - Business Committee, in relation to the proposed amendment to planning scheme C80hepb.

The Committee is in general support of the proposed amendments, however, requests more information regarding guidelines relevant to Trentham's Neighbourhood Residential Zone or to be involved in developing any new guidelines.

The Committee welcomes further consultation and would like to be added to any mailing lists relevant to this process.

[Redacted]

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Submission - C80Hepb
Date: Monday, 24 August 2020 1:01:20 PM
Attachments: [C80hepb - Trentham Forum Submission - August 2020.docx](#)

Please see the attached submission on behalf of [REDACTED]
[REDACTED]

Thank you
[REDACTED]

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Cc: [Alison Blacket](#)
Subject: RE: Objection to Expanded SLO
Date: Monday, 24 August 2020 12:29:55 PM

[REDACTED],

Thank you for your submission, which has been received.

Kind regards

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Friday, 21 August 2020 3:02 PM
To: Cr [REDACTED]
Subject: Objection to Expanded SLO

[REDACTED]

Expanded Significant Landscape Overlays within the Hepburn Shire impact me as follows:

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject:
Date:
Attachments:

Dear Sir or Madam

I am attaching a **revised** objection (WORD document) on behalf of myself and my husband to the Planning Scheme Amendment Schedule 6 (DDO6). We apologise for having to resubmit (please see cover page to document)

Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received

[Redacted]

Planning Scheme Review Officer

Hepburn Shire Council

PO Box 21

Daylesford 3460

Dear Sir or Madam

Re: Hepburn Planning Scheme Amendment C80hepb

Please find attached our **revised** objection to the above proposed amendment.

We apologise for having to resubmit, however some important matters have arisen that we wanted to include since we wrote the initial objection, dated 18th August and emailed to you on 19th August 2020.

Would you please substitute this objection for the old one. You may destroy the earlier version,

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

[REDACTED]

Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
Daylesford 3460

Dear Sir or Madam

Re: Hepburn Planning Scheme Amendment C80hepb

[REDACTED]

[REDACTED] We are writing to express our strong objection to Clause 43.02 Schedule 6 **Design and Development Overlay DDO6** of the above amendment which, as currently drafted, will have a major negative and potentially catastrophic effect on our ability to enjoy, maintain and develop our home and property, as well as its value. Rights that we formerly possessed to build and develop will simply be stripped away without compensation.

Section 2.0 Buildings and Works

Section 2.0 states that a building used for accommodation must not be constructed within 500 m of the Daylesford Material Recovery Facility. The most shocking aspect of this section is that there is no exemption to allow us to rebuild our home if it is destroyed by accident, such as a domestic fire, storm, treefall or malicious damage. Under these circumstances we would be left with nothing but a largely worthless block of land, since nothing could be built on it. The financial consequences for us would be devastating – not to mention the personal and emotional effect – this is our home! The callousness and injustice of the proposal is breathtaking and will surely lead to legal action on our part, jointly, or both if it is not abandoned or modified.

We will also be stripped of the right to apply to build additional accommodation on the property for use by family and friends, or to make any improvements (other than “minor works”) to repair, extend or upgrade the existing house. We were already well into advanced plans along these lines, including a bathroom renovation and new ensuite. Despite already spending nearly \$15,000 on design and planning we have had to abandon this plan, as it will be money down the drain if the house is destroyed in future. We were also planning to update the old dairy building still existing on our property to keep the building strong and use it as a ‘base’ for a new outdoor area. Again, probably one of the only Dairies in the town and we had planned to maintain it and make it a useful building. The ‘balcony and outdoor’ overlays will affect this and obviously further restrict our enjoyment of the property.

Further specific elements of this section, dealing with balconies *etc* and fencing, further do away with our existing right to apply to develop the property as we would wish. We will not be able to build a balcony or “private open space area for accommodation”. The latter undefined term is obscure and wide enough to include practically anything. The relevant dot-point appears to provide the let-out of only applying to areas that “directly face” the MRF, while contradicting itself in the same sentence by stating that it applies to ALL areas within the 500 m boundary!

[REDACTED]

The ‘fencing’ part of the overlay will also destroy the heritage value of probably the only old cattle ramp and matching fencing within the Daylesford town ship when we need to reconstruct it. As far as fencing is concerned, currently much of our property, especially along the street frontages, is fenced with a traditional post-and- wire agricultural fence. This enhances the semi-rural and historic appearance of the property and is valued and appreciated by both us and our neighbours – it is part of the reason we chose to live here! Should any of the fences need replacing we would be forced under the new rule to build a solid or semi-transparent 1.5 m high fence “with screen landscaping”. Such a fence will make it feel like suburbia (think Werribee, Pakenham, *etc*). Our current attractive view of largely open pastureland to the north-west would be blocked. All the above restrictions appear pointless as our property is well-screened from any direct view of the Material Recovery Facility area by the wide row of remnant eucalypts and other native vegetation along Ajax Road.

Also wildlife uses our land fronting Ajax Road and Langdon Court, with their low fencing, as a corridor to go via other properties to the Regional park, Cobblers Gully and beyond. Native species like kangaroos, echidnas, wallabies and wood ducks would be excluded from their natural paths by 1.5 metre fences. Kangaroos, now common every day in the surrounding paddocks, would be forced increasingly onto the roads and killed. This would obviously affect our enjoyment, quite apart from the adverse effect on the animals and biodiversity of our land, as well as the surrounding country all the way to Hepburn via Cobblers and Doctors Gullies.

Section 3.0 Subdivision

Under the proposal we would entirely lose our existing right to apply to subdivide our land, which, although over 1 hectare in area, could not be subdivided into two full one-hectare blocks, the minimum under the proposed changes. [REDACTED]

[REDACTED] It was a significant consideration in buying the property in the first place.

While we had no immediate plans to subdivide, removing the ability to do so will obviously substantially reduce the value of our property when the time comes to sell, with no compensation offered.

Future development of the Daylesford Material Recovery Facility

In stark contrast to the restrictions imposed on rate-payers, Section 2.0 of the proposal exempts Council from the need for a permit for any kind of building, works, landscaping and fencing on the Material Recovery Facility! This proposal raises the prospect of unlimited and currently unknown environmental and aesthetic threats to the amenity of our property and will contribute to the reduction in its value.

[REDACTED] The capital-we have put into this home will help in the future to fund us if we need to move into aged care.

DD06 is affecting our belief and confidence in our shire council. Council has continued to accede to subdivision and building applications close to the Material Recovery Facility - often into very small blocks - almost up to the present day. It has now apparently discovered a problem for itself, which it proposes to try to solve at the expense and distress of a small minority of existing residents. Schedule 6 (DD06) should be dropped in its entirety.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Date: Wednesday, 26 August 2020 9:10:49 AM

[REDACTED]

25 August 2020

The Planning Scheme Review Officer Hepburn Shire Council
PO Box 21
Daylesford, VIC, 3460

[REDACTED]

Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

- Lack of community consultation.
 - The Size of the Proposed SLO1 Extension.
 - The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
 - The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
 - The permit application process is too onerous.
 - Unnecessary conditions and bureaucracy placed on farmers.
 - Commercial farming is a continuously changing industry and the future uses are unknown.
 - SLO's should not affect non-indigenous vegetation and planted vegetation.
 - Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
 - Restrictions on use of galvanised or zincalume for farm sheds and silos should be withdrawn.
 - House blocks that fall within SLO's should be fully exempt.
- [REDACTED]

From:

To: [Planning Scheme](#)

Date: Wednesday, 26 August 2020 9:09:45 AM

[REDACTED]

Please find below my objection to C80Hepb and in particular the significant expansion of the Significant Landscape Overlay (SLO) as described in the amendment document C80Hepb.

[REDACTED] We take care of our environment and this is our home. [REDACTED] that has looked after our landscape for most of my life. I am proud to live here. I understand the function of the existing SLO's on our volcanic cones and feel these are adequate.

My objections:

- I do not think there has been sufficient community and stakeholder engagement undertaken by the Council. I know of no agribusiness operators who have been engaged.
- We are experiencing the worst financial downturn since the great depression and managing our business during COVID is challenging enough. On that basis I would request the proposed changes be postponed until next financial year.
- The cost implications for seeking permits is unknown.
- The permit application process appears onerous and disproportionately high given most farmers would generally be seeking permission to continue their farming operations as they have done for decades and in our family since 1887.
- Commercial farming is already a highly regulated industry and this additional overlay appears to be an unnecessary arm of regulation over land that is clearly zoned for farming and therefore should be left to continue to do so.
- Agribusiness enterprises within the Ullina, Newlyn, Smeaton and Kingston area form a critical component to the Australian food chain supply and this should be considered, respected and understood within the proposed SLO amendment to reduce the impact further restrictions will have on Primary Production.
- To place restriction for the use of galvanised or zincalume materials for agribusiness purposes is unrealistic and extremely costly and should be withdrawn from this amendment.
- I don't believe the SLO's should have any application in respect of non-indigenous vegetation and planted vegetation.
- The proposed SLO amendment undermines large areas of the Landcare movement which has been an active caretaker of our landscape in Ullina since 1994. This group as farmers and landowners have cared and been committed to rehabilitating the Ullina district.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to Hepburn Shire Council Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)
Date: Monday, 24 August 2020 4:24:25 PM

To whom it may concern at the Hepburn Shire Council.

[REDACTED]
[REDACTED]

The reasons for my objection are listed below

[REDACTED]

following ways:

- I would not be able to build or rebuild on my property, which would be significantly devalued. If the existing house is destroyed by accident, I would be left with a practically an unsaleable block of land
- I lose the benefits of potentially subdividing the property, because building on the new lots would be prohibited.
- I lose some of my existing rights of use of my property, including with respect to balconies, open space areas, landscaping and fencing.
- My property and my rights to quiet enjoyment of my property would be significantly impacted by potential unrestricted development of the existing transfer station and Material Recovery Facility in Ajax Road.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

P.S. Please respond that you have received this email to which I have edited slightly [but very importantly]

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Cc: [Alison Blacket](#)
Subject: FW: DDO6 Submission
Date: Monday, 24 August 2020 4:36:12 PM
Attachments:

Dear Sharon,

Thank you for your submission, which I have passed onto the appropriate officer. We will consider all submissions in due course.

Kind regards

[REDACTED]
[REDACTED]

[REDACTED]

Amc80hepb Submissions Received

SUBMISSION DD06: Monday 24th August 2020

[REDACTED]

Schedule 6 to Clause 43.02 Design and Development Overlay (DD06) impacts me in the following way:

- This takes away my rights over my property and could significantly de-value my property to the point of financial ruin. Our property is our retirement plan and these changes will have significant financial impact.
- It means we cannot build on, or rebuild our house if it was to be damaged or destroyed in the future
- It takes away our option to subdivide if we should ever want to
- Will leave us with a property that is worthless and unsellable

[REDACTED]

[REDACTED]

During those 4 years we have invested tens of thousands of our hard-earned dollars to improving and beautifying our property, not only for us, but for our family and friends who visited.

We have vastly improved the street appeal from the mess that it was when we purchased it. We have conducted significant improvements and look forward to making future improvements.

To find out about Councils intentions with DD06 Overlay is heartbreaking, frustrating and leaves us unsure of our financial future. In a time of so much uncertainty, anxiety, stress and loss of work due to COVID 19 this is a further stressful blow.

Our house, like many in this area has been here for many decades. Now it seems our future is in the hands on this Council decision. A Council is supposed to be there for its people, people that pay rates, Council should work for and represent them.

A potential Overlay that was insufficiently communicated to all residents of the said 500-meter zone, a decision that has left us little time to communicate with Council or any other authorities.

It is completely unjust, unfair and totally disregards the rights of the residents.

I am sure none of this would be happening if any of you owned a property in this area.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [REDACTED] [e](#)
Cc: [REDACTED]
Subject: RE: Objection to Amendment C80Hepb MICHELLE LEISHMAN
Date: Wednesday, 26 August 2020 10:01:09 AM

Good morning Michelle,

Thank you for your submission, which has been passed onto the Planning Team. The submission will be considered, as are all public submissions.

Thank you for your time in this matter,

Kind regards

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Please find attached my submission

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Amc80hepb Submission received

From: [REDACTED]
To: [REDACTED]
Subject: FW: DDO6 submission Hepburn Planning Scheme
Date: Wednesday, 26 August 2020 2:17:56 PM
Attachments: [Submission #2 Hepburn Shire Planning Scheme 200824.pdf](#)

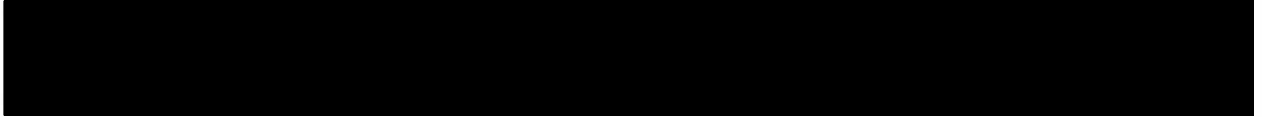
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

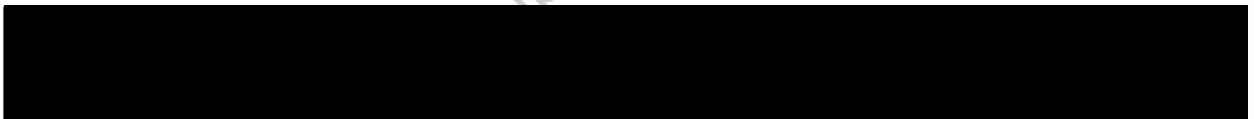
[REDACTED]

Amc80hepb Submissions received

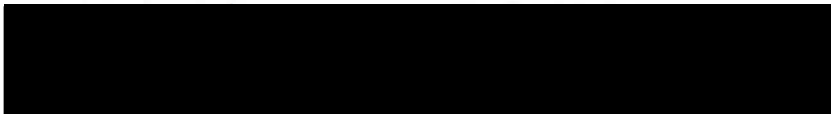


Our farming of this land includes high value cropping which involves cultivation of the land, we also use the land for fat lamb and cattle production, we are also strong landcare members and plant only local indigenous species of trees on our land, we object to having to get any permits to continue these farming practices. There maybe need to be a shed and eventually a house built on the property.

We cannot see any reason to extend the size of the SLO1 as the existing SLO has worked successfully for a long time. We object to the SLO1 extension as it will place heavy costs and stress on farmers including ourselves trying to get a permit in the extended area of the SLO1 if we want to put up a higher fence build a shed or house or plant trees. There will be unnecessary cost of getting a permit, unnecessary cost of visual impact assessment, unnecessary cost of sight evaluation. Building materials are to be muted, natural and non reflective this pretty much discounts using a number of building items not limited to but including iron which we object to. The chance of getting a permit seems to be very slim and will be too onerous and stressful.



Yours Sincerely,



From: [REDACTED]
To: [REDACTED]
Subject: FW: Objection to Expanded SLO1
Date: Tuesday, 25 August 2020 7:51:55 AM
Attachments: [SLO 1 Objection.jpeg](#)

Hi Alison
Here's another objection for registration

Regards

[REDACTED]

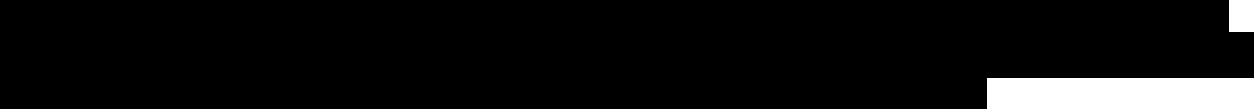
[REDACTED]

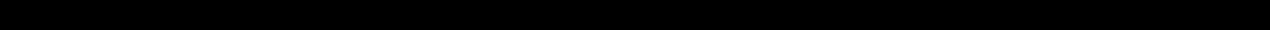
Dear Planning Scheme at Hepburn Shire,

Please find attached our objection to your proposed expanded SLO1

[REDACTED]

Amc80hepb Submissions received

- 
- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
 - Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
 - Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DDO6
 - Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.
 - Not informing and correctly advising Councillors in the report from officers in June as to the implications to affected property owners in the DDO6 area so therefore the resolution to submit the overall scheme to Exhibition was flawed.



It was a move designed to support our retirement funding. We can see this diminishing with the proposed DDO6. The stress over the last 3 weeks in trying to see our way through what this DDO6 means and its implications has been beyond measure. Not abandoning the DDO6, with the prospect of going to a panel, will continue to place undue stress on us and all those affected in the zone for months.

We would rather look forward to supporting council in reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs into the future openly, fairly and with goodwill.

•

From: [REDACTED]
To: [REDACTED]
Subject: FW: Planning Scheme Amendment Objection
Date: Thursday, 27 August 2020 7:52:34 AM
Attachments: [Hepburn Planning Scheme Review Submission.pdf](#)

Hi Alison
Just checking that this objection is registered.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions Received

Hepburn Planning Scheme Review Submission

The "Hepburn Planning Scheme Review" has been poorly handled and when I was consulted in 2019 I was advised that zones and overlays would not be addressed as part of the planning scheme review.

A planning scheme review is meant to:

- improving the performance of the planning scheme and strengthening its strategic objectives to satisfy the requirements of section 12B of the Act
- streamlining planning processes
- reducing the complexity of processes
- identifying unnecessary permit requirements
- complying with Best Value reporting.

As per the Planning Practice Note 32 a planning scheme review is not an amendment. "Any proposed improvements to the planning scheme that flow from the review should be carried out as planning scheme amendments separate to the review."

The process has been deceptive and has not followed the correct processes.

Suddenly it is not just a review, it is an amendment. Here is a snapshot from the shire website:

How has the Amendment been developed?

The amendment has been informed by:

- The findings of the 2019 Hepburn Planning Scheme Review (adopted by Council in February 2020);
- Feedback from the community and key stakeholders undertaken in 2019 and early 2020 via surveys, drop in sessions and written feedback

Never has this been advertised as a planning scheme amendment, this was only discovered when the amendment went on exhibition.

The amendment has not had community consultation, the point above is erroneous and offensive to all the constituents of this shire. I was part of this process and the zone and overlay amendments were not part of this process. This consultation process was only ever about the planning scheme review, the planning strategy and the local policies. I have phone calls recorded and emails to back this up.

You are lying to the people of this shire! The amendment was only presented for the first time to the community after the council meeting on 16th July 2020.

Even in a recent facebook post on 17/8/2020 you are still calling it a planning scheme review. Be honest and tell the shire that it is an amendment that you are sneaking through under the guise of a planning review with no community consultation.



Hepburn Shire Council
August 17 · 🌐

Hepburn Planning Scheme Review

Council officers will be holding additional information sessions next Monday (24 August 2020) via Zoom at either 6pm to 7.30pm. The purpose of the meetings is to clarify any matters of process and to answer any questions that you may have regarding the review.

Please contact Alison Blacket on ablacket@hepburn.vic.gov.au if you would like to attend.

Shaping Hepburn's Future: planning to 2040

1 Share

I am requesting that the only items that are accepted from this review is the planning strategy and the policies. I am also requesting that the amendment is not passed and is put back to the community for consultation.

The suggested changes to the zones and overlays have not had sufficient research put into them and addresses only a small percentage of the amendments that are required across the shire. In addition, the suggested changes to the zones and overlays also have not gone through a community consultation process.

Regards

██████████

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [REDACTED]
Subject: SUBMISSION OPPOSING PROPOSED PLANNING AMENDMENT TO SCHEDULE 1 TO CLAUSE 42.03
SIGNIFICANT LANDSCAPE OVERLAY EXPANSION
Date: Tuesday, 25 August 2020 10:11:36 AM
Attachments: [SLO Amendment Submission Doug May 25 August 2020.pdf](#)

To the Planning Scheme Review Officer,

Please find attached letter of submission opposing the proposed planning amendment to Schedule 1 Clause 42.03 Significant Landscape Overlay expansion.

Can you please acknowledge receipt of this email.

Yours sincerely

[REDACTED]

Amc80hepb Submissions received

25 August 2020

The Planning Scheme Review Officer
Hepburn Shire Council
PO Box 21
DAYLESFORD VICTORIA 3460

Dear Sir/Madam,

**SUBMISSION OPPOSING PROPOSED PLANNING AMENDMENT TO SCHEDULE 1 TO CLAUSE 42.03
SIGNIFICANT LANDSCAPE OVERLAY EXPANSION**

I strongly support the existing Significant Landscape Overlay (SLO) protecting the important landscape values of Kangaroo Hills. These volcanic cones like many other of the surrounding 'Seven Hills' district are unique and are very significant features in our landscape and it is important that we protect these landscapes from inappropriate development into the future. Like many locals in the district, we often underestimate their significance and take their uniqueness for granted because we live amongst them every day of our lives.

The existing SLO areas include the elevated hills only and the boundaries of the SLO are based on a contour line which defines their circular rounded shape. For Kangaroo Hills for example, the existing SLO boundary appears to follow the 560/570 metre contour line around the two volcanic cones protecting the landscape to the summit of the hills. This contour line boundary follows no easily distinguishable on ground landmark boundary and I believe an **extension of this boundary to the nearest crown allotment/title boundary or road edge would provide additional and appropriate protection to the primary landscape feature and be a more practical boundary for administration purposes.**

The proposed extension to the existing SLO represents a massive expansion to the total SLO area and is both unjustified and impractical.

My understanding of the rationale behind this expanded SLO is based on the DPCD South West Victoria Landscape Assessment Study by Planisphere (2013). The greatly expanded SLO area is described as the "setting or buffer" and has been calculated based on a subjective formulae of 1:5, ie. For every 100m in vertical elevation of hill a 500m horizontal setting or buffer be applied? **It appears this arbitrary calculation has been used across the entire Hepburn Volcanic study area district in a one size fits all approach with no input from our local Shire Planning Officers or local community to determine this imaginary setting or buffer around each of the primary landscape features.**

This 1:5 calculation that has been applied uniformly across the district is recommended only as a "starting point to the mapping" in the above assessment report, it is a suggested boundary only and a point at which to start the conversation. It is a very subjective recommendation which **if applied and implemented as per the proposed amendment extends the setting or buffer well beyond the "immediate significant landscape feature". If implemented it will have far reaching implications for our farming community and their general agricultural land use.**

Whilst the existing SLO areas are largely free of structures and vegetation plantings, these extended SLO settings/buffer areas are highly modified agricultural landscapes that have been farmed by the first

European settlers since the arrival of Captain Hepburn in 1838. Plantings of native species (not indigenous to the area), introduced Cypress, Pine and Willows are common along roadsides, fence lines, property boundaries, waterways and around dwellings. Houses, farm sheds, communication towers, electricity transmission lines, wind mills, silos and other structures have been constructed across the landscape. **Many of these constructed buildings and structures are clad in corrugated iron (zincalume and galvanised) that has been an accepted part of the agricultural landscape for many generations.**

[REDACTED]. To propose that a planning permit be required to “remove, destroy or lop any vegetation”, **the very same vegetation which my family have planted ourselves (notwithstanding the permit exclusions) is quite frankly ridiculous and a level of planning control that is totally unjustified.** If this requirement for planning permit was introduced, the permit application process and requirement to provide extensive supportive documentation would be **incredibly onerous on the average landholder, not to mention the thousands of dollars wasted in consultant fees.**

This proposed level of control over routine farming operations involving vegetation removal and the associated costs that landholders would need to outlay in seeking planning permits, **would inevitably lead to landholder noncompliance with Planning Scheme regulations and unlawful outcomes which ultimately fail to protect any landscape values.**

This proposed amendment represents a significant change to the extent of the SLO and the implications will affect many farmers and landholders of our district.

I strongly recommend to Council that this significant expansion of the SLO not be adopted in its current proposed form for the reasons outlined above.

I recommend that a reduced area SLO which protects the primary significant landscape feature extended to the nearest crown allotment/title boundary or road edge only, be re-drafted and advertised for public consultation at a later date when COVID restrictions have eased. This would offer a more rational and acceptable SLO area that provides increased protection to the volcanic cones whilst providing a practical boundary for administration purposes.

Our community have only been made aware of the real implications of this proposed amendment since early August thanks to the efforts of a small group of concerned landholders. A postponement on this proposed amendment will allow for a more thorough and extensive public consultation process involving face to face meetings to be conducted to ensure that affected landholders can have their fair say.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Alison Blacket](#)
Subject: [REDACTED]
Date: Thursday, 27 August 2020 9:11:55 AM
Attachments: [REDACTED]
Importance: High

Please find attached submission for the planning scheme review.
Can you please acknowledge receipt.

[REDACTED]
[REDACTED]

Amc80hepb Submissions received

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Amendment C80hepb does not propose changes to purposes of the Rural Conservation Zoning as contained in the Hepburn Planning Scheme.

To correct anomaly we seek to re-align the RCZ boundary to mirror the UGB, extending the existing NRZ to this small 2,591m2 part of the site. The rezoning is supported by the following:

1. Anomaly previously recognised by the council with confirmation correction would be undertaken at next Strategic Review.
2. The RCZ on this site conflicts with the Hepburn Planning Scheme and Local Planning Policy Framework in that:
 - Clause 21.05 directs that Rural Conservation Zoning will only apply to “land well-outside of Urban Growth Boundary”.
3. The purposes of Rural Conservation Zone are:
 - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To conserve the values specified in the schedule to this zone.
 - To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
 - To protect and enhance natural resources and the biodiversity of the area.
 - to encourage development and use of the land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
 - to provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
 - To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes
4. The schedule to the Rural Conservation Zone identifies the conservation values as:
 - To protect domestic water supply quality and to prevent vegetation loss and environmental weed invasion of public land forests.
5. It is **not** proposed to vary the following existing overlays that apply to this 2,591m2 of land:
 - The Bushfire Management Overlay (BMO) - any future development would need to address defensible space and BAL ratings
 - Environmental Significance Overlay Schedule 1 (ESO1) - Proclaimed Catchment Protection. We acknowledge that any future development on this site would be need to address water quality and note that the site has access to existing reticulated sewerage system.
 - Environmental Significance Overlay Schedule 2 (ESO2) - Mineral Spring and Ground Water Protection - the relevant Objective of this Clause is to *protect the mineral springs, their aquifers and their environs from the impacts of effluent and drainage*. We acknowledge that any future development would need to maintain stormwater quality and note that the designated land has access to the existing reticulated sewerage and storm water drainage systems designed for this purpose.
6. Correction of the anomaly meets the State Planning Policy Framework and Local Planning Policy Framework emphasis on urban in-fill opportunities that utilise existing infrastructure.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Amc80hepb Submissions received

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Submission Hepburn Planning Scheme Changes C80Hepb
Date: Tuesday, 25 August 2020 7:56:12 AM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 25 August 2020 7:10 AM
To: Planning Scheme
Cc: Cr Kate Redwood; Cr Fiona Robson; Cr Neil Newitt; Cr Licia Kokocinski; Cr Don Henderson; Cr Greg May; Cr John Cottrell
Subject: Submission Hepburn Planning Scheme Changes C80Hepb

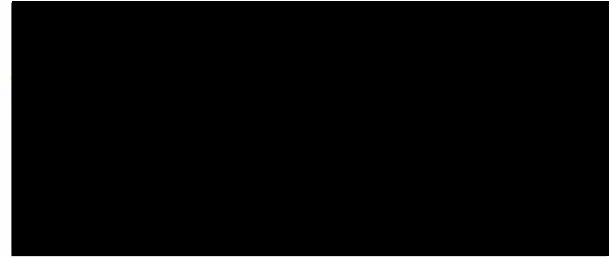
Please find attached our submission on the Hepburn Planning Scheme.

Regards

[REDACTED]

Amc80hepb Submissions received

25/08/2020

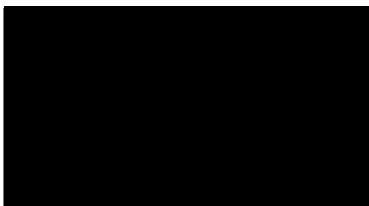


To who it may concern



Objection to Expanded Significant Landscape Overlays within the Hepburn Shire impacts me as follows:

- Lack of community consultation.
- The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID-19 Pandemic.
- The cost of compliance for farmers is unknown - if a permit is required it should be at no cost.
- The permit application process is too onerous.
- Unnecessary conditions and bureaucracy placed on farmers.
- Commercial farming is a continuously changing industry and the future uses are unknown.
- SLO's should not affect non-indigenous vegetation and planted vegetation.
- Agriculture has been operating for over 100 years in the Hepburn Shire and should be allowed to continue.
- Restrictions on use of galvanised or zincalume should be withdrawn.
- House blocks that fall within SLO's should be fully exempt.
- The Size of the Proposed SLO1 Extension.



From: [REDACTED]
To: [Planning Scheme](#)
Subject: Attention: Planning Scheme Review Officer
Date: Thursday, 27 August 2020 1:52:31 PM

Dear Person

Re matter: Schedule 6 to Clause 43.02 Design and Development Overlay (DDO6)

[REDACTED]

I refer to the above matter as I have serious concerns about the proposed changes and how they will impact on me and my property.

In particular, the following issues cause me the most concern at this time:

My property value will be most certainly be adversely affected if we, or subsequent owners, are unable to build or re-build in the event our existing home is accidentally destroyed.

Furthermore, I believe it is absolutely unreasonable that we may not have the option to improve the capital value or suitability of our existing home by way of extension or replacement.

And I am deeply concerned about the loss of my some of my existing rights in respect of balconies, open space areas, landscaping and fencing.

In closing, I want to state clearly that my rights to the quiet enjoyment of my property and the surrounds are something that I hold in very high regard and I would object to the possibility of unrestricted development of the current transfer station and Material Recovery Facility in Ajax Rd.

I urge you to take my comments into serious consideration.

Thank you.

[REDACTED]

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Licia Kokocinski](#); [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr John Cottrell](#); daylesfordresidents@gmail.com
Subject: FURTHER OBJECTION TO THE HEPBURN PLANNING SCHEME PROPOSED C80epb SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY (Shown on the planning scheme map as DDO6).
Date: Thursday, 27 August 2020 1:49:01 PM

FURTHER OBJECTION TO THE HEPBURN PLANNING SCHEME PROPOSED C80epb SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY (Shown on the planning scheme map as DDO6).

[REDACTED] submit that Amendment C80 hepb, Schedule 6 to Clause 43.02 Design and Development Overlay, shown on the planning scheme map as DDO6, are impacted by DDO6 because our existing development and land use rights are removed/restricted, our property's resale value is reduced, and if our home is damaged or destroyed, then we are left with worthless land.

DDO6 should therefore be abandoned as a consequence of Council:

- Not meeting EPA guidelines relating to risk assessment of the Shire's transfer stations
- Not completing due diligence in response to the *Grampians Central West Waste and Resource Recovery Implementation Plan – Land Use Planning Project FINAL REPORT*, September 2018
- Not completing the due diligence necessary to determine the qualitative and quantitative effects on residents of DD06
- Not meeting requirements of The Planning & Environment Act to act in the interests of all Victorians and recognising that DDO6 is clearly not in the interests of residents.

DDO6 should also be abandoned because the design and development provisions in the planning scheme cannot be used to control land use, consequently DDO6 as drafted is flawed and does not meet legal requirements, as confirmed to residents by DELWP.

Anything other than the abandonment of DDO6 would mean months and potentially years of stress and anxiety for us until the issue is resolved by a panel.

Between now and the time this is resolved, in the event that we need to sell our property, it may not be possible due to the overlay, which we understand has been the recent experience of another property owner.

We, as part of the Concerned residents, look forward to supporting Council reviewing the Waste Management Strategy to come up with a plan that meets everyone's needs.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Cr Fiona Robson](#)
To: [Planning Scheme](#)
Subject: Re: Objection to SLO1
Date: Monday, 24 August 2020 10:33:12 PM

[REDACTED]

Thank you for making a submission. Community input into the review of the Hepburn Planning Scheme is an important part of the process and will help create an ever better outcome.

[REDACTED]

Hepburn Shire is on Dja Dja Wurrung Country. I acknowledge, respect and value the original custodians of this land, their descents, wisdom and culture.

Our Council is an inclusive workplace that embraces diversity in all its forms.

From: [REDACTED]
Sent: Friday, 21 August 2020 3:00 PM
To: Planning Scheme <planningscheme@hepburn.vic.gov.au>
Cc: Cr Kate Redwood <kredwood@hepburn.vic.gov.au>; Cr Fiona Robson <frobson@hepburn.vic.gov.au>; Cr Neil Newitt <nnewitt@hepburn.vic.gov.au>; Cr Licia Kokocinski <lkokocinski@hepburn.vic.gov.au>; Cr Don Henderson <dhenderson@hepburn.vic.gov.au>; Cr Greg May <gmay@hepburn.vic.gov.au>; Cr John Cottrell <jcottrell@hepburn.vic.gov.au>
Subject: Objection to SLO1

[REDACTED]

I object to the expanded Significant Landscape Overlay within the Hepburn Shire as it impacts me in the following ways,

Lack of community consultation.

The Hepburn Shire Planning Scheme Amendments should be postponed until after the COVID 19 Pandemic.

The cost for compliance for farmers is unknown. If a permit is required it should be at no cost.

The permit application process is too onerous.

Unnecessary conditions and bureaucracy placed on farmers.

Commercial farming is a constantly changing industry and future uses are unknown.

SLO's should not affect non-indigenous vegetation and planted vegetation.

Agriculture has been operating in the Hepburn Shire for over 150 years and should be allowed to continue.

House blocks that fall within SLO's should be fully exempt.

Size of the proposed SLO1 Extension is far too large.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amc80hepb Submissions received



From: [REDACTED]
To: [Planning Scheme](#)
Subject: Objection to proposed DD06
Date: Thursday, 27 August 2020 1:46:16 PM
Attachments: [final objection to DD06 - Alison.docx](#)
[REDACTED]

Please find enclosed my objection to the proposed DD06 overlay.
Regards Alison

Amc80hepb Submissions received

From: [REDACTED]
To: [Planning Scheme](#)
Cc: [Cr Kate Redwood](#); [Cr Fiona Robson](#); [Cr Neil Newitt](#); [Cr Licia Kokocinski](#); [Cr Don Henderson](#); [Cr Greg May](#); [Cr John Cottrell](#)
Subject: Objection to Expanded SLO1
Date: Monday, 24 August 2020 9:43:34 PM
Attachments: [SLO 1 Objection.jpeg](#)

Dear Planning Scheme at Hepburn Shire,

Please find attached our objection to your proposed expanded SLO1

[REDACTED]

Amc80hepb Submissions received

24.8.2020

**SUBMISSION TO THE REVIEW OF PROPOSED CHANGES TO THE HEPBURN PLANNING
SCHEME (AMENDMENT C80HEPB)**

FOR A

Dear Planning Scheme Review Officer

SUBMISSION REQUEST

1. Our submission requests that the Hepburn Shire Council (HSC) as part of the proposed changes to the Hepburn Planning Scheme correct an anomaly in the zoning of our property at [REDACTED]
2. Our request is based on two important considerations.
 - I. The outcome of a VCAT hearing (P285/2016) that issued orders to vary the HSC planning permit (Condition 3) that required the consolidation of titles to preserve "very high quality" agricultural land. Both the HSC representative and the VCAT member accepted the expert evidence of an agronomist that found the land was not very high-quality agricultural land. The acceptance of this evidence called into question the appropriateness of the existing zoning as a farm zone (FZ).
 - II. [REDACTED]
3. The review of the proposed Amendment C80hepb to the Hepburn Planning Scheme provides an overlooked and overdue opportunity to correct the inaccurate and inconsistent zoning of the land comprising our property.

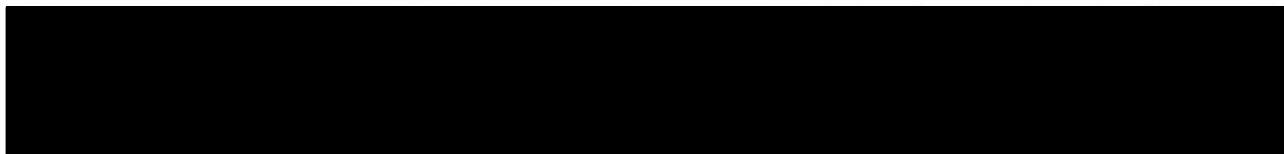
BACKGROUND

4. In 2016, a prolonged process with the Hepburn Planning Department to negotiate a compromise to Condition 3 on Planning Permit PA1024 (12.11.2015) that required the

consolidation of our property titles failed. This outcome resulted in a hearing at VCAT (P285/2016) to argue that Condition 3 should be removed from the Planning Permit. The HS Planning Permit - Condition 3 stated:

Consolidation of titles

3



5. The VCAT hearing ordered that Condition 3 be varied, and that the consolidation requirement be removed from planning permit.

RELEVANT DOCUMENTS

6. We are providing the Planning Scheme Review with five (5) documents that are relevant to our request and provide accepted evidence for why our property, currently zoned farming (FZ), should be zoned rural living (RLZ).

7.



The HS Planning Department submission stated:

The land in the vicinity, known as Elevated Plains, forms (as the name suggests) a plateau. The agricultural quality is identified as “very high” on Council’s mapping system, based on the underlying geomorphic unit – Younger Basalt.

8.



This document lays out the arguments challenging Condition 3 of the Hepburn Shire Planning Department permit (PA1024) that required the consolidation of property titles as a condition of the planning permit.

The HS Planning Department argued that the consolidation of the five titles (six lots) that comprise [REDACTED] would preserve “very high quality” agricultural farmland thus creating a community benefit. VCAT upheld the submissions of Best Hooper Lawyers and dismissed the HS Planning Department argument and ordered the removal of the consolidation.

9. **Document 3:** The report of [REDACTED].

This report was provided as expert evidence to the VCAT hearing. In his report Mr Phillips concluded:

“The property comprises a basalt plateau with a steep sided escarpment leading to Spring Creek. The agricultural quality of the plateau country is classed 3 or “Average” while the escarpment is classed 5 or “Very Poor” and unsuited to agriculture.

Agricultural productivity of the property is low due to small holding size, moderate to poor soils and high pest incidence. There is no potential for farm expansion due to surrounding tenement patterns and small holding sizes.” (Summary of Opinion – Section 4)

10. **Document 4:** The transcript of the VCAT hearing.

This document provides evidence of the Hepburn Shire Planning Department representative (Mr Alan Todd) and the VCAT member (Mr Michael Deiden) accepting the evidence of the expert agronomist (Mr Ray Phillips) without challenge or further questions. Accepting this expert evidence contributed to VCAT deciding to vary the Planning Permit and remove the requirement in Condition 3 for consolidating the titles comprising [REDACTED]. [REDACTED] The transcript can be cross referenced to the relevant paragraphs referred to in Document 1 and Document 2.

11. [REDACTED]

CONCLUSION

12. These five documents give context and weight to our request that Hepburn Shire Council correct the anomaly identified above and bring the zoning of this identified parcel of land into alignment with all comparable properties bordering Hepburn-Newstead Road.
13. This amendment to the Hepburn Planning Scheme would be consistent with the evidence presented to VCAT and accepted at the VCAT hearing by the Hepburn Shire Planning Department. It is also consistent with the outcome of the hearing.
14. We appreciate you considering our matter and sincerely hope that HSC will put right a situation, that previously and ongoingly singles out our property, causes us disadvantage and is contrary to the evidence.

From: [REDACTED]
To: [Planning Scheme](#)
Subject: [REDACTED]
Date: Monday, 24 August 2020 6:44:00 PM
Attachments: [image001.gif](#)
[REDACTED]

Dear Planning Scheme Review Officer

Please find attached our submission to the review of the proposed changes to the Hepburn Planning Scheme.

This email contains six attached documents:

The submission -

1. [REDACTED]

Five supporting documents -

2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

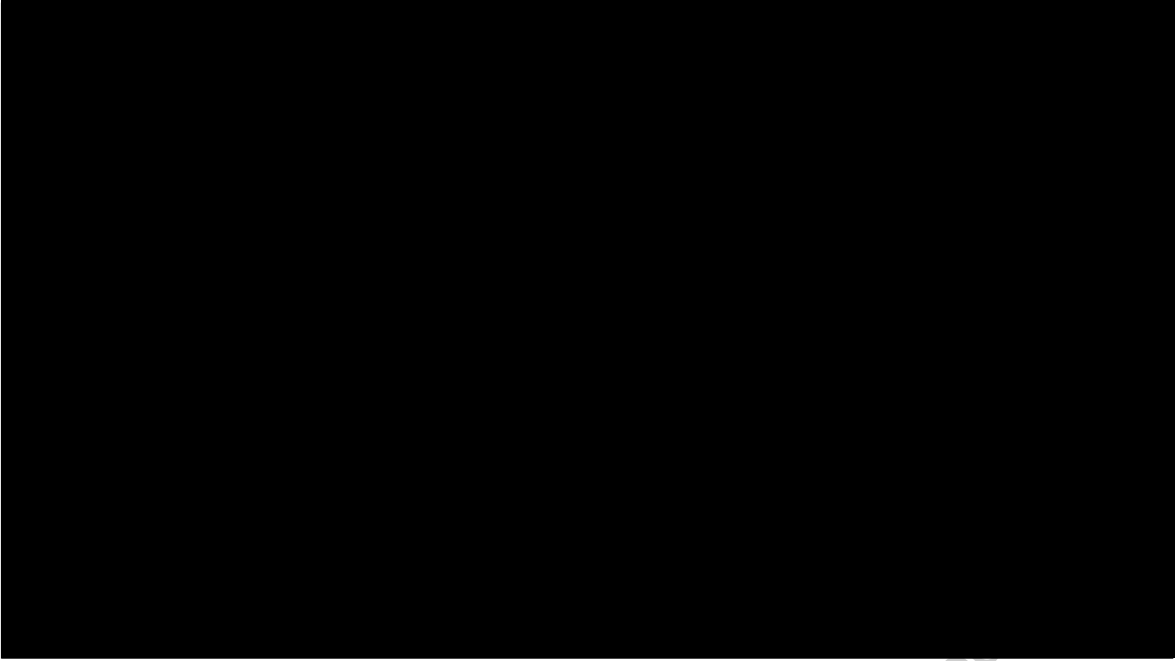
Could you please confirm receipt of this email and the six documents.

Finally, we request the opportunity to present our case to the Independent Planning Panel.

[REDACTED]

[REDACTED]

.....



Amc80hepb Submissions received

[REDACTED]

Development of a third dwelling and use for group accommodation.

[REDACTED]

Submission by Hepburn Shire Council

25th July 2016

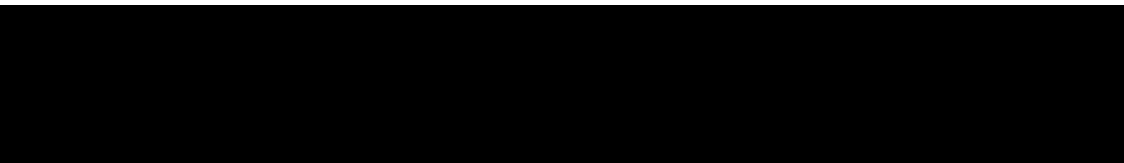
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- 1 Introduction
- 2 Subject Land and Surrounding Land
- 3 Proposal
- 4 Planning Scheme Provisions – Policy Framework
- 5 Planning Scheme Provisions – Statutory Framework
- 6 Application Process
- 7 Response to Statement of Grounds
- 8 Conclusion

1 Introduction.

This matter relates to an appeal under s.80 of the Planning and Environment Act 1987 to review a condition on a permit granted by Hepburn Shire Council for the development of a third dwelling and use of the land for group accommodation. The permit for the [REDACTED] was issued on 14/12/2015.

The disputed condition is condition 3, requiring consolidation of six contiguous lots, and is stated thus:



The grounds of the application for review, as submitted to VCAT, are:

- 1 *Condition 3 should be deleted on the basis that the consolidation of the land is not required and is inappropriate in light of the development being confined to one title*
- 2 *The proposal is consistent with all provisions contained within the Hepburn Shire Planning Scheme and the proposed condition is not required for an acceptable outcome to be achieved at the subject site.*

Further correspondence from the applicant for review was sent to Council on 16/6/2106, offering a "compromise" solution, whereby it was proposed that the six parcels of land be consolidated into two separate parcels. Within this correspondence (p.5) is contained a statement which we understand to be a further statement of grounds, or at least an expansion on the previously stated grounds. It states:

Section 62 of the Act sets out the provisions as to the conditions that may be put on permits. In [REDACTED] enclosed, the Tribunal held at paragraph 24:

"To be valid, a condition in a planning permit must fairly and reasonably relate to the permitted development or the condition must be reasonably capable of being regarded as relevant to the implementation of planning policy as ascertained from the P E Act and relevant planning scheme"

We are of the opinion that Condition 3 is not relevant to the permission granted and that it does not achieve a planning purpose.

In response, Council advised the applicant for review as follows:

- 1 *We do not accept that the proposed settlement is a good planning outcome*
- 2 *You state that it is your opinion that Condition 3 does not relate to the permissions granted under the Permit and will not achieve a planning purpose having regard to the current and potential condition of the land, its surrounds, and the relevant controls and policies that apply to the land. We are puzzled therefore as to why you would consider the consolidation of the six lots into two parcels an acceptable outcome.*

3 *As we do not share your view on the planning purpose and merits of condition 3, we must decline the settlement offer.*

The matter for review is limited to the validity of one condition. However before addressing that, I will go through the application, applicable planning controls, and application process as is customary.

2 Subject Land and Surrounding Land.

The parcel of land on which the current dwellings and proposed dwelling stand is a triangular parcel of 2.913Ha. The existing access drive crosses three other parcels of land in the same ownership. There are also two small land locked lots which altogether make up 20.49Ha of land, used as a whole, for the existing and proposed purposes. The application was considered as applying to all this land in the one ownership.

The land comprises an elevated section of clear grazing land, which slopes generally to the north and north west from the highest point, where the existing dwellings are. There is a steep wooded escarpment on the south west falling away to the creek at the foot of Breakneck Gorge.

A site of heritage significance, the [REDACTED] [REDACTED] lies at the base of the escarpment.

The proposed site of the new dwelling is on the flat area above this escarpment, connected to the existing driveway by a short (50m) side branch.

Correspondence on file shows that the cleared grazing land in private ownership is not included in the area of significance, which lies on and at the foot of the escarpment, at the junction of Spring and Jim Crow Creek.

The land in the vicinity, known as Elevated Plains, forms (as the name suggests) a plateau. The agricultural quality is identified as "very high" on Council's mapping system, based on the underlying geomorphic unit – Younger Basalt.

The plateau is zoned Farming Zone, and is generally used and developed for smaller lifestyle/hobby farming, including a number of dwellings.

3 Proposal.

Proposal is to develop a third dwelling on the land. This is to be a single bedroom unit, which is to be used for short term holiday accommodation. When considered along with an existing unit used for this purpose, the use is characterised as group accommodation. The access to the proposed third dwelling is by a short gravel drive coming off the existing drive which connects the main house to the road.

4 Planning Scheme Provisions. Policy Framework

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 13.05-1 Bushfire planning strategies and principles seeks to assist to strengthen community resilience to bushfire.

Clause 14.01-1 Protection of agricultural land seeks to protect productive farmland which is of strategic significance in the local or regional context.

Clause 14.02-1 Catchment planning and management seeks to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

There is a considerable body of local policy with bearing on rural land use. The overarching purpose of policy, found in the following clauses, is the ongoing protection of agricultural land for productive agricultural purposes, with the corollary that non-agricultural use and development should not be encouraged if it conflicts with this aim.

Clause 21.01-3	Rural Land
Clause 21.08	Rural Land Use and Agriculture
Clause 22.01	Catchment and land protection
Clause 22.04	Rural Land

5 Planning Scheme Provisions. Statutory Framework including Permit Triggers

ZONE AND OVERLAY PROVISIONS

Farming Zone. A permit is required for development of more than one dwelling on land and use of group accommodation

Clause 35.07-2 applies to the Use of land for a dwelling (or dwellings)

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling(s) must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling(s) must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling(s) 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.
- The dwelling(s) must be connected to a reticulated electricity supply or have an alternative energy source.

The dwellings would be able to comply with these requirements.

The application would accord with the decision guidelines at Clause 35.07-6 as:

- The land would be able to accommodate the development including the disposal of effluent from within the site.
- The use and development is compatible with adjoining uses. The area is generally used for small scale hobby farm farming, often with associated dwellings. The development of a single bedroom dwelling close to existing dwelling, and use for group accommodation is compatible with these uses.
- The development would not remove land from agricultural production. The land is used for grazing purposes, with some small loss of area for footprint of existing dwellings and services. The development of a small extra dwelling on land with a total area of over 20Ha is not considered to remove land from agricultural production.
- The development would not limit the operation and expansion of adjoining and nearby agricultural uses.
- The dwellings would not result in the loss or fragmentation of productive agricultural land. The consolidation of the six parcels covered in the application will secure further ongoing prevention of fragmentation by precluding the possibility of further development of dispersed dwellings. The development of a group accommodation unit cannot be considered as leading to a concentration or proliferation of dwellings in the area, due to the limited dwelling use allowed.
Development will utilize existing waste water disposal system.

Environmental Significance Overlay Schedule One (Proclaimed Catchment Protection). A permit is required for the development of a dwelling if it is not connected to reticulated water and sewer.

The Environmental objective includes:

- *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.*

The effluent from the new unit can be treated and disposed of onsite utilising the existing system. This has met the approval of Council's EHO and Goulburn Murray Water.

Bushfire Management Overlay

The BMO triggers a planning permit for buildings and works associated with accommodation. The Applicant provided a response (bushfire management statement) to address the risks associated with the construction of dwellings in a bushfire prone area. The application was referred to the CFA who consented to the proposal subject to conditions. The conditions include the endorsement of the Bushfire Management Plan submitted by the applicant.

Heritage Overlay 971.

The area identified as HO971 was added to the Victorian Heritage Register in 1997 (H1305)

All proposed development lies outside the area covered by this overlay. (Correspondence on file shows that the cleared grazing land in private ownership is not included in the area of significance, which lies on and at the foot of the escarpment, at the junction of Spring and Jim Crow Creek.)

PARTICULAR PROVISIONS

Clause 52.47 – Planning for Bushfire. The BMO statement submitted with the application demonstrated that the proposal meets all required objectives of this clause.

GENERAL PROVISIONS

Clause 65 – Decision guidelines

In addition to matters already noted above, before deciding on an application or approval of a plan, the responsible authority must consider: (appropriate matters only listed)

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

Clause 66 – Referral and Notice Provisions.

These provisions set out the types of applications which must be referred under section 55 of the Act, or for which notice must be given under section 52(1)(c) of the Act.

6 Application Process.

The application was lodged on 25th September 2015.

ADVERTISING

The application was not advertised. The location of the proposed unit, distance from adjoining dwellings and topography combined to satisfy the responsible authority that the grant of a permit would not cause material detriment to any person.

EXTERNAL REFERRAL

The application was referred to Goulburn Murray Water and the CFA. Both authorities granted conditional consent.

REFERRAL WITHIN COUNCIL

The proposal was referred to Council's Environmental Health Unit, who requested that a condition be placed requiring an application to "alter" the existing septic tank system.

COUNCIL DECISION

A permit was granted on 14/12/2016. Plans were also endorsed at this time. It has since come to light that the Bushfire Management Plan, which required endorsement as part of the permit in accordance with CFA condition 10, was never endorsed. It is a simple matter to endorse the plan at a later stage, following any advice from VCAT.

7 Response to Statement of Grounds.

The statement of grounds, including that from the letter of 16th June, makes the following claims:

- 1 *Condition 3 should be deleted on the basis that the consolidation of the land is not required and is inappropriate in light of the development being confined to one title*
- 2 *The proposal is consistent with all provisions contained within the Hepburn Shire Planning Scheme and the proposed condition is not required for an acceptable outcome to be achieved at the subject site.*
- 3 *We are of the opinion that Condition 3 is not relevant to the permission granted and that it does not achieve a planning purpose.*

It is not unusual for a responsible authority to require consolidation of lots as a condition of granting a development permit, nor is it unusual that such conditions are challenged. As senior member Baird remarks in *Ford v Greater Shepparton CC* [2005] VCAT 39 at paragraph 25 "*The principle of allowing a dwelling and then requiring consolidation of existing small lots has been the subject of a number of reviews by the Tribunal.the Tribunal has found both in favour and against a condition based on the particular circumstances and policies that were relevant.*"

To find in favour of the condition, it will be necessary to show that the condition fairly and reasonably relates to the permission given, and is supported by planning

effect a reworking of 2) should be sufficient to demonstrate that the condition requiring consolidation is valid, and should be retained.

"Condition 3 should be deleted on the basis that the consolidation of the land is not required and is inappropriate in light of the development being confined to one title"

When the application was lodged, titles to all six parcels of land were included with the application documentation. In the formal description of the land, all six parcels were included. The application was therefore quite reasonably taken to include all of the land, not just the parcel on which the proposed dwelling was to stand.

The development of the dwelling may well be confined to one parcel. However the use of the development necessarily requires four of the six parcels to be taken into account, due to the access from the public road network relying on free access of the driveway across all four titles. Securing this access into the future by means of consolidation cannot be considered inappropriate.

“We are of the opinion that Condition 3 is not relevant to the permission granted and that it does not achieve a planning purpose.”

Relevance to the permission granted falls under three main headings.

1 Access

It is a requirement of the Zone provisions that in considering the use of the land for a dwelling, access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles. This must not be understood as temporary or unsecured access. Consolidation of the four lots where this access is provided will ensure the continuing availability of access.

2 Bushfire Safety

In planning for bushfire safety, it is a requirement that a bushfire management plan be prepared, to meet the relevant objectives of clause 52.47. The bushfire management plan submitted with the application shows defensible space covering parts of five of the six parcels of land. This is the plan to be endorsed in accordance with condition 10 of the permit. In order to achieve bushfire safety on an ongoing basis, condition 11 (a mandatory condition in such applications under the BMO) requires:

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

If it is open to dispose separately of one or more of the parcels of land, there would be no guarantee that it would remain in the power of the permit holder or their successors to secure the ongoing access and defensible space measures required for bushfire safety. Consolidation of the five lots achieves this ongoing certainty, and hence is highly relevant to the permission granted.

3 Agricultural Land.

There has been some discussion from the applicant's witness that the agricultural quality of the land is only medium, whereas Council's data base indicates it is very high. This is not considered a "deal breaker" with regard to the relevance of the condition to the permission granted. What is considered relevant is the discretionary use and development of the land itself, and how that may or may not relate to ongoing agricultural use. It has been said, both in the original officer's report, and herein, that the use and development of a third dwelling for group accommodation will not have a significantly negative impact on the ongoing use of the land for agriculture. This is not to say however that the permitted use will support the purpose of the zone, to provide for the use of land for agriculture and to encourage the retention of productive agricultural land. Consolidation of all six lots has positive support from the purposes of the zone, and from the many policies relating to agricultural land use and development. This would ensure that future fragmentation, due to the potential for inappropriate small lot development, is prevented. The condition is therefore relevant to the permission granted as it is considered a reasonable balance of planning

outcomes to require a positive planning contribution in granting a permit for use and development.

Achievement of a planning purpose

It has been shown above that the condition requiring consolidation achieves significant planning purposes, namely:

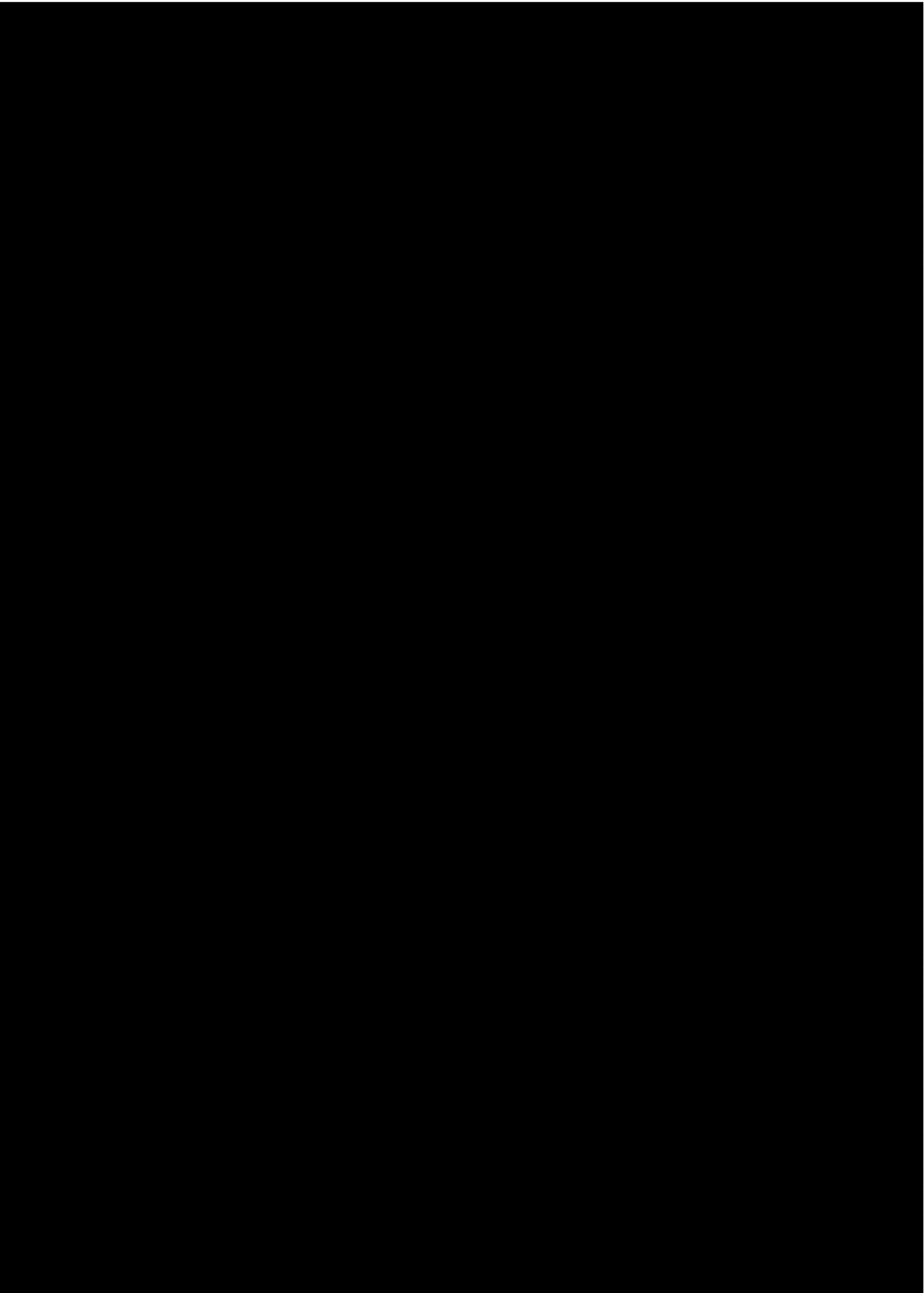
- Securing of access to the permitted development
- Ensuring bushfire safety objectives by securing the achievability of ongoing bushfire mitigation measures.
- Supporting the ongoing use of the land for agriculture by avoiding fragmentation.

8 Conclusion.

The statement of grounds on which this appeal was brought has been carefully examined, with response to each in detail. In no case have the grounds been found to have planning support.

It has been shown that the condition requiring consolidation fairly and reasonably relates to the permission given, and is supported by planning policy to achieve a valid planning purpose.

For the above reasons, it is respectfully requested that the Tribunal rejects the request to remove condition 3 from the permit.



INTRODUCTION

1. These submissions are made on behalf of the Permit Applicants/Applicant for Review (the **Applicants**).
2. They are made on the basis that the Tribunal has been taken to the details of the subject site, locality, proposal, relevant planning controls and policies.
3. The following matters are highlighted.

BACKGROUND

4. On 14 December 2015 the Hepburn Shire Council (**Council**) issued Planning Permit Number PA1024 (the **Permit**), which allows “*development of a third dwelling and use for group accommodation in accordance with the endorsed plans*” (**Proposal**) for land at [REDACTED] (**the subject site**).
5. On the same date, four (4) pages of plans were endorsed under the Permit.
6. Condition 3 of the Permit provides:-

“Consolidation of Titles

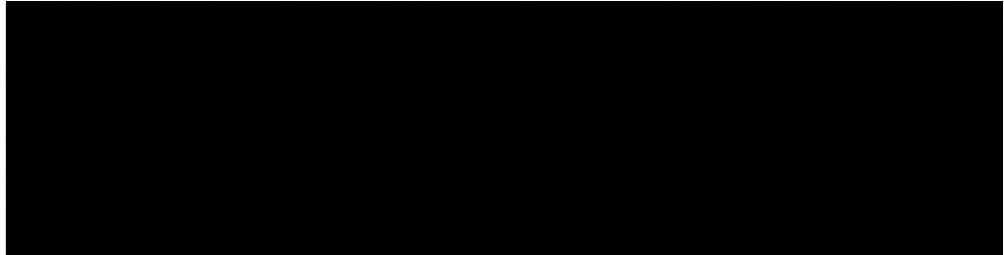
3. [REDACTED]

AMENDMENT OF GROUNDS OF REVIEW

7. The Applicants in their Application for Review as filed with the Tribunal on or around 12 February 2016 sought the deletion of condition 3 of the Permit.
8. By letter dated 16 June 2016 the Applicants made an offer of compromise to the Council, by which it proposed condition 3 be amended to provide for the existing six (6) lots to be consolidated into two (2) lots. Accordingly, it proposed condition 3 be amended as follows (shown with tracked changes):


Consolidation of titles

3. Prior to the issue of the building permit for the ~~proposed~~ development permitted under this permit, a dealing must be provided for the consolidation of the lots to the satisfaction of the responsible authority as follows:




9. **Attachment A** is a copy of the letter of offer to Council and Council's response. The attachments to the offer include an aerial map marked with the existing lot boundaries and proposed area for the two lot consolidation.
10. That offer was rejected by the Council by email dated 22 June 2016.
11. Whilst the applicants primary submission is that the condition can be deleted in its entirety, in the alternative it is prepared to accept a modified consolidation requirement as set out above.

ZONING AND OVERLAY CONTROLS

12. The subject site is zoned Farming Zone and is located within Area 3 of the schedule to the zone.
13. The following overlays affect the subject site, either entirely or in part as noted below:-
 - Environmental Significance Overlay – Schedule 1 (Proclaimed Catchment Protection) – affects entire area of the subject site;
 - 
 - Bushfire Management Overlay – affects entire area of the subject site.

14. The building envelope for the proposal does not sit within either of the heritage overlays that apply to the subject site.
15. The Permit Application triggered the following permit requirements under the Hepburn Planning Scheme (**Planning Scheme**):-
- Use of the land for group accommodation: Clause 35.07-1;
 - Buildings or works associated with the group accommodation use (being a section 2 use): Clause 35.07-4;
 - Construct a building: Clause 42.01-2; and
 - Construct a building associated with an Accommodation Use: Clause 44.06.
16. As a permit is required pursuant to Clause 44.06, the provisions of Clause 52.47 (Planning for Bushfire) apply.
17. The Council referred the permit to Goulburn-Murray Water and the CFA, both referral authorities for the purposes of the permit application. The response of each referral authority was that it did not object to the grant of the permit, subject to conditions. Those conditions appear in the Permit as issued.

PHYSICAL CONTEXT

18. The subject site is comprised of 6 lots held across 5 titles, all of which are currently owned by the Applicants and the total area is approximately 20 hectares.
19. An unmade Government Road runs through part of the Subject Site. The Applicants hold a current 99 year licence over the unmade Government Road for agricultural purposes, which commenced on 1 October 1994.
20. 
21. There is an existing residential building on the land that is occupied by the Applicants and an existing one bedroom villa which is used for holiday rental.

22. As can be seen from zoning map 16 (**Attachment B**), the nearby land to the east of the subject site is zoned Farming Zone and is comprised of relatively small fragmented land holdings. To the south are the small townships of Hepburn and Hepburn Springs. Further north and on the west boundary of the subject site is land zoned Rural Living Zone, whilst land to the north west and the south west is zoned Public Conservation and Resource Zone.

23. At page 9 of Appendix A to the expert witness statement of Mr Ray Phillips, he states:

“All of the adjoining landholdings in the Farming Zone are directed to rural living activity while west of the Hepburn-Newstead Road and immediately north of the property the zoning is Rural Living”.

24. **Attachment C** is a copy of a map prepared by the Applicants with a table on the right hand side identifying the zoning and use of the subject land and nearby land holdings. As this map identifies, and consistent with the observations of Mr Phillips, the actual current use of the subject land and surrounding land zoned for farming use is consistent with rural living uses.

25. It is acknowledged that these proceedings are not the appropriate forum in which to challenge the appropriateness of the zoning of the subject land. It is submitted, however, that the farming zone applied to the land and its immediate environs to the east is not reflective of the actual use, which is consistent with rural living uses. The latter are consistent with the location of the site being near the townships of Hepburn and Hepburn Springs, the character of the locality being lower density rural residential use and development focused on lifestyle opportunities, and the location of the subject site approximately 500 metres from the Urban Growth Boundary identified on page 8 of clause 21.05 (with page 4 of clause 21.05 specifying that it is strategy to implement “Farming Zone and Rural Conservation Zones to land well-outside of Urban Growth Boundaries shown on relevant structure plans”).

AGRICULTURAL POTENTIAL OF THE LAND

26. The Applicants rely upon Mr Ray Phillips's expert witness statement, in which he concludes that the agricultural potential of the land:

- is of "Average" (class 3) agricultural quality for the area identified as "plateau country" and
- the remainder of the site forms the escarpment and is of "Very Poor" (class 5) agricultural quality, which is unsuited to agriculture.

27. Mr Phillips states at page 4 of Appendix A to his expert witness statement, that under the Council's GIS data, the land is rated as "very high" (class 1) agricultural potential.

Mr Phillips concludes:

"This is considered a technical error and probably brought about by relying on the output of a strategic document [the Strategic Assessment of Agricultural Quality of Rural Lands in the Hepburn Shire, Enplan Partners, September 2007] that looked more generally at agricultural land quality in the shire rather than the detail required for individual site assessment."

28. Mr Phillips, in the summary of his expert witness statement concludes:

"Agricultural productivity of the property is low due to small holding size, moderate to poor soils and high pest incidence. There is no potential for farm expansion due to surrounding tenement patterns and small holding sizes.

The proposed dwelling is to be located on the same lot as the other dwellings. Because of its location close to the escarpment line and through being on the same lot as other dwellings, it will have no impact on agricultural performance.

Under these circumstances there appears to be no relationship between the number of titles and farming productivity. As a result, the permit condition

requiring the consolidation of titles is unlikely to achieve a better land management outcome.

The landholder proposal of consolidating 5 titles into 2 would have no effect on the natural resource base, no change to agricultural productivity and the outcome would be consistent with surrounding development patterns.”

OFFICER REPORT

29. The Council Officer report dated 14 June 2016 for the proposal concludes that the proposal would not remove land from agricultural production, is consistent with any ongoing farming use of the land, would not result in the loss or fragmentation of agricultural land and that it is consistent with nearby farming and rural residential land use.

30. In particular, the following comments from pages 2 to 3 of the Officer report are noted:-

- *“The use and development is compatible with adjoining uses. The area is generally used for a mix of rural residential and farming purposes. The development of a single bedroom dwelling close to existing dwelling, and use for group accommodation is compatible with these uses.*
- *The development would not remove land from agricultural production. The land is used for grazing purposes, with some small loss of area for footprint of existing dwellings and services. The development of a small extra dwelling on land with a total area of over 20Ha is not considered to remove land from agricultural production.*
- *The development would not limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The dwelling would not result in the loss or fragmentation of productive agricultural land. The use and development of these dwellings is compatible with any ongoing farming use of the land.*

- *The development of a group accommodation unit cannot be considered as leading to a concentration or proliferation of dwellings in the area”.*

31. The Applicants further submit that the extent of the current grazing on the land is limited to that of their two pet Angus steers.

CONDITIONS THAT MAY BE PUT ON PERMITS

32. Section 62 of the *Planning and Environment Act 1987 (the Act)* sets out the provisions as to the conditions that may be put on permits granted and issued under the Act. **Attachment D** is a copy of section 62(2) of the Act. In particular, Section 62(2) provides:

“(2) The responsible authority may include any other condition that it thinks fit, including –”

33. What follows in section 62(2) is a non-exhaustive list of conditions that may be included on permits. None of the examples of conditions specified in section 62(2) is relevant to the current condition 3 of the Permit.

34. In the decision of *Brereton Pty Ltd v Gannawarra SC* [2002] VCAT 1010 (**Attachment E**), the Tribunal held at paragraph 24:-

“...Conditions must be relevant to the permission granted, capable of being implemented, clear and unambiguous, and useful and achieve a planning purpose.”

35. In *Domus Design Pty Limited v Frankston CC* [2006] VCAT 1127 (**Attachment F**), the Tribunal held at paragraph 23:-

“To be valid, a condition in a planning permit must fairly and reasonably relate to the permitted development or the condition must be reasonably capable of being regarded as relevant to the implementation of planning policy as ascertained from the PE Act and relevant planning scheme” (footnotes omitted).

36. It is submitted on behalf of the Applicants that the requirement pursuant to condition 3 for the consolidation of the titles of the subject land is not related to the permission

sought, ie. No permission for subdivision is sought and no consolidation of the land is required in order to use the land for group accommodation, nor to build a third dwelling. Further, the existing two dwellings and proposed third dwelling are contained within the one lot.

IS CONDITION 3 JUSTIFIED PURSANT TO THE FARMING ZONE OR RELEVANT PLANNING POLICIES?

37. If it is accepted that condition 3 does not relate to the permissions sought, then, to be valid the permit condition would need to be reasonably capable of achieving a planning purpose as assessed according to the Act, the planning controls and planning policies relevant to the application. It is submitted this is not the case.

Farming Zone

38. The purpose of the Farming Zone includes:

"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."

39. If subdivision of the subject site was sought, a permit would be required pursuant to clause 35.07-3. No subdivision of the subject site is proposed.

40. The decision guidelines under the Farming Zone include:

"Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*

...

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

..."

41. It is submitted these objectives and decision guidelines to do not require the consolidation of the subject site. Nor does the consolidation requirement of Council encourage the retention of productive agricultural land or the likely use of the land for agriculture given the land is not currently used for such purpose and given the location, condition and limited potential of the land for any possible future agricultural use.

Planning Policies

42. With respect to the relevant planning policies, the following policies are highlighted:-

- Clause 21.08 Rural Land Use and Agriculture; and
- Clause 22.04 Rural Land.

43. Other policies relevant to the Planning Permit Application more generally are:-

- Clause 13.05 Environmental Risks – Bushfire;
- Clause 14 Natural Resource Management – Agriculture and Water;

- Clause 17.03 Economic Development: Tourism;
- Clause 21.01 Municipal Profile
- Clause 21.03 Vision and Strategic Framework;
- Clause 21.05 Settlement and Housing;
- Clause 21.07 Economic Development.
- Clause 22.01 Catchment Land Protection.

Agricultural land policies

44. The policy basis of Clause 22.04 includes:-

“Land that is capable of producing a range of agricultural outputs needs to be protected. The Responsible Authority supports the maintenance and development of the agricultural industry and seeks to minimise the use of high and very high quality productive agricultural land for non-soil based uses and developments.

The objectives include:-

- *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 protect the natural and physical resources upon which agricultural industries rely.*
- *...*
- *To limit subdivision of land that will be incompatible with the utilisation of land for sustainable resource use.”*

45. With respect to the objectives for dwellings in rural zones, Clause 22.04 provides:-

“Dwellings in Rural Zones

- *To provide for the erection of dwellings on rural lots where associated with and required to support a productive agricultural enterprise.*

- *To ensure that the subdivision of land which excises a lot for a dwelling is designed in a manner which does not prejudice surrounding rural production activities.”*

46. With respect to the exercising of discretion pursuant to Clause 22.04, the following are noted:

“Policy

Exercising Discretion

Where a permit is required for uses and development in indicative areas of high and very high quality agricultural land identified in the Environment Framework Plan in the MSS, it is policy to:

- *Ensure that proposals including housing and small lot excisions show the ongoing use of the land for productive agricultural activity is not diminished and that the development is directly related to an agricultural enterprise.*

...

- *Ensure that agricultural land will be protected as an economic and environmentally valuable resource. Conversion of land to non-soil based used will be strongly discouraged unless there are no alternative sites for the proposed use and overwhelming public benefit is demonstrated.*

...

Where a permit is required for development in the rural zones, it is policy to:-

...

- *Ensure that areas of high to very high agricultural land available (sic) for agricultural production.*

Where a permit is required for a dwelling, it is policy to:-

...

- *Support proposals for a dwelling on a plan of subdivision created prior to the introduction of the scheme only where the land is of low agricultural value or where there will be no loss of productive land.”*

47. The decision guidelines for Clause 22.04 include that it is policy that the Responsible Authority consider as appropriate:-

- *“The impact of any new land use and development against the potential for continued agricultural activity and production on the subject land or adjoining or adjacent surrounding land.”*

48. Clause 21.03 contains a Framework Plan: Economic Development which shows a small area of land north of Hepburn Springs as being “high to very high quality agricultural land”. It is not clear whether the subject site is within this area, however the evidence at page 4 of Mr Phillips expert witness statement is that Council’s GIS system records the land as being of high to very high agricultural land quality. Mr Phillips disputes this assessment and concludes the land is in part of “very poor” (class 5) and in part “average” (class 3) agricultural quality.

49. It is submitted that the relevant policies are primarily directed towards preventing further fragmentation of agricultural land as a result of inappropriate subdivision. The current permit application and resulting permit have no subdivision component.

50. The only policy support for consolidation of lots, as opposed to prevent further subdivision, is to be found in the following policies:

- Clause 14.01-1 (Natural Resource Management), which provides: *“Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure”.*
- Clause 21.08 (Rural Land Use & Agriculture), where objective 1 provides *“To protect area of high-very high quality agricultural land and areas with demonstrated potential for productive agricultural activity from non-complementary land uses”.* The final strategy to objective one is to,

“Encourage consolidation of allotments capable of agricultural production where appropriate and discourage the fragmentation of productive rural land.”

51. It is submitted that neither of the policies directed towards encouraging consolidation is applicable to the subject site given the evidence of Mr Phillips that the agricultural productivity of the subject site is low, there is no potential for farm expansion and the land is not of high or very high agricultural quality.

52. In summary, it is submitted on behalf of the Applicants, that the consolidation requirement does not achieve any relevant purpose under the Farming Zone or relevant planning policies given:-

- the land is not of high or very high agricultural quality;
- the permit does not seek to subdivide the land;
- the proposal does not remove usable agricultural land from production;
- the use and development is compatible with adjoining uses;
- the use and development will not limit the operation and expansion of adjoining and nearby agricultural uses;
- the use and development will not lead to a concentration or proliferation of dwellings in the area;
- there is no potential for farm expansion due to surrounding tenement patterns and small holding sizes;
- the proposed third dwelling, being a small one-bedroom holiday villa, has a small footprint and will not remove land from agricultural production; and
- the proposal does not include any further subdivision and no consolidation is required to achieve the purposes of the proposal.

OTHER RELEVANT CASE LAW

53. In the decision of *Lovrecic v Hepburn SC [2009] VCAT 329 (Attachment G)*, the Tribunal considered a proposal for use and development of a dwelling on an 8 hectare

lot zoned farming zone, within the Hepburn Planning Scheme. In that case, the Tribunal found (at paragraph 50) that the land the subject of that proceeding was not of high agricultural value and it concluded at paragraphs 55 to 58 :-

- “55. *It is true that the dwelling is not to be associated with an agricultural use. However, I do not consider this to be fatal having regard to the matters to be considered under the decision guidelines to the zone.*
56. *For reasons outlined above, I do not accept that the dwelling would result in the loss of a productive parcel of agricultural land. There would not be further fragmentation as subdivision is not proposed. Given that the dwelling is to be positioned centrally on the site, well away from the grazing land to the north, and is bounded by residential type uses on two sides and the plantation with a substantial buffer on the other, I do not accept that the activities on adjoining land would have unreasonable impacts on amenity. Further given the nature of the adjacent uses and the distances to boundaries with the plantation and grazing land, I would not expect that the use of the dwelling would adversely affect neighbouring operations or unreasonably prejudice the opportunity for expansion.*
57. *The council is however, also concerned that the approval of this dwelling would lead to the proliferation of dwellings in the locality, particularly within the group of 7 similar sized lots of which includes the site. As I see it, there are dwellings on two lots and permits have been granted for another two. In 2002, the council granted a permit for a dwelling on this site. To some extent the pattern of development has been set. But any application for development of dwellings on those lots will need to be assessed on their own merits, and not simply relay on what has been allowed on other land.*
- 58 *Given the above, I have come to the conclusion that given the specific circumstances of this case, the grant of a permit for the dwelling would not*

lead to an outcome that would compromise the purpose of the zone or the strategic intent of the planning scheme.”

54. It is submitted that the current proceeding is, similarly, one in which the specific circumstances are such that whilst the proposed third dwelling is not associated with an agricultural use, there will be no loss of productive, high or very high agricultural land, the grant of the permit is appropriate and that the strategic intent of the planning scheme is satisfied.

SUMMARY AND CONCLUSION

55. On the basis of the above matters and the evidence of Mr Ray Phillips, it is submitted that condition 3:

- is not connected to the permission sought under the permit; and
- will not achieve the implementation of any relevant planning policy or objective.

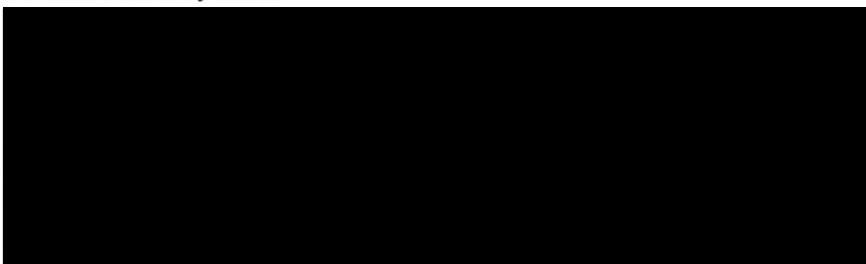
56. It is respectfully submitted that the Tribunal ought to direct that condition 3 of the permit be deleted.

COSTS

57. By letter dated 16 June 2016, an offer was made to Council to settle the proceedings on the basis of an amended condition 3 in the form now offered as an alternative position.

58. In the event that the Tribunal orders the permit be amended to delete condition 3 or to amend the condition in a form comparable to that sought by the Applicants, the Applicants seek an award of its costs in this proceeding.

DATED 25 July 2016



[REDACTED]

[REDACTED]

Amc80he received

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1. Introduction

My company, Phillips Agribusiness was commissioned by Best Hooper, to provide an agricultural assessment of the impact that the construction of one-bedroom villa would have on land capability and rural productivity of a 19ha property. The purpose of the proposal is to complement an existing holiday rental facility rather than meet any agricultural requirement. A council requirement in granting the permit is that the land be consolidated into one title.

An Agricultural Report reviewing the technical issues associated with the proposal is attached as **Appendix A**.

I formally adopt the information, analysis and conclusions contained in the Agricultural Report and this statement as my Expert Witness Statement for the purposes of the VCAT Hearing which has been convened to consider such issues.

2. Qualifications and Experience

[REDACTED]

Experience

My specialist skills are in farm and business management, environmental and land use surveys, water recycling and irrigation developments, industry studies and strategic planning. My experience is in agriculture under temperate climatic conditions, usually in the livestock, cropping and intensive agricultural industries.

I have been engaged in numerous studies which consider the impact that development has on farming practice and its sustainability. My experience has been at a State, regional and local level.

A copy of my curriculum vitae is provided in **Appendix B**

3. Instructions and Information

I was instructed by Best Hooper, Lawyers, to provide an assessment of the agricultural potential of the land and what impact the construction of an additional dwelling would have on land capability and rural productivity. I was also asked to consider what effect the consolidation of 5 titles into 2 would have on the agricultural potential of the land.

My investigation included:

- An inspection of the property to consider its natural resource base, existing land use patterns and to consider what impact the proposal would have on sustainable agricultural practice and environmental management in the immediate district;
- Review of information provided by Best Hooper which included Geotechnical Report, Agricultural Quality report, Land Assessment report, Officer report and recommendation, Planning Summary report, Planning Controls and numerous other technical documents.

[REDACTED]

The information I relied upon when preparing my report were the various reports and instruction notes from Best Hooper, aerial photography via Google Earth and other technical data and records available on line.

4. Summary of opinion

The property comprises a basalt plateau with a steep sided escarpment leading to Spring Creek. The agricultural quality of the plateau country is classed 3 or “Average” while the escarpment is classed 5 or “Very Poor” and unsuited to agriculture.

Agricultural productivity of the property is low due to small holding size, moderate to poor soils and high pest incidence. There is no potential for farm expansion due to surrounding tenement patterns and small holding sizes.

The proposed dwelling is to be located on the same lot as the other dwellings. Because of its location close to the escarpment line and through being on the same lot as other dwellings, it will have no impact on agricultural performance.

Under these circumstances there appears to be no relationship between the number of titles and farming productivity. As a result, the permit condition requiring the consolidation of titles is unlikely to achieve a better land management outcome.

The landholder proposal of consolidating 5 titles into 2 would have no effect on the natural resource base, no change to agricultural productivity and the outcome would be consistent with surrounding development patterns.

Expert’s declaration

I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

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APPENDIX A

PHILLIPS
AGRIBUSINESS

AGRICULTURAL REPORT

[REDACTED]

Amc80hepb Submissions received

[REDACTED]
[REDACTED]
[REDACTED]

July 2016

[REDACTED]
[REDACTED]

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1.0 INTRODUCTION

[REDACTED]

[REDACTED]

[REDACTED] The purpose of the proposal is to complement the existing holiday rental facility rather than meet any agricultural requirement. A council requirement in granting the permit is that the land be consolidated into one title.

This report is an assessment on the agricultural capability of the property and considers what impact the proposal would have on rural productivity. It also considers whether lot consolidation of the property is necessary to achieve a better land management outcome.

2.0 PROPERTY DESCRIPTION

2.1 Location and landform

The property lies due north of the township of Hepburn and forms part of an undulating basalt plateau. The southern and western boundaries of the property is an escarpment which falls steeply to Spring Creek. The remainder of the property is a gently rounded plateau which slopes north-east to north-west with gentle to moderate gradients. There is approximately 13ha of plateau country and 6ha of escarpment.

2.2 Soils

The soils of the plateau area occur as a basalt cap overlying Ordovician sediments which comprise shales, sandstone and slate material². The topsoil soil forms brown to dark reddish brown friable clay loams that grade to light to medium clay subsoils. There is some surface rock and rock occurs throughout the soil profile. This characteristic restricts land use to crop types that are not dependent on cultivation. The soils are moderately permeable and there is sufficient slope to ensure good surface runoff. However, there is no irrigation potential due to a lack of an irrigation water source. Photo 1 shows the plateau landform while Photo 2 shows the escarpment on the southern boundary that falls to Spring Creek. Its steep contour, shallow, rocky soil and native tree and shrub vegetation base makes it unsuited to agriculture.

2.3 Climate

The climate in the area is temperate, with an average annual rainfall of approximately 850mm³ and an autumn, winter and early spring incidence. Pasture and crop growth is restricted by low soil temperatures during the winter months and low rainfall during the summer months. The normal growing season commences with an autumn break in April, the cessation of growth during the July-August winter months, a major growing period from September until mid-December, followed by dry summer conditions January to March. Recent seasons have been unfavourable to crop and pasture production because of low average rainfall and extended dry conditions during summer.

¹ One title is subdivided into two lots through the passage of an unmade government road

² A Land Assessment Report, Paladin White Pty Ltd December 2000

³ Daylesford 876mm, Bureau of Meteorology

Photo 1: Plateau landform



Photo 2: Southern escarpment



2.4 Vegetation

The plateau vegetative base comprises native grasses and volunteer species which include Tussock, Creeping Bent, Subterranean Clover, Capeweed, other weed grasses and weeds. Woody weeds include Briar Rose, Blackberry and Bracken Fern. These pastures are of low productivity with an estimated stocking capacity of 6-7 dry sheep equivalents (dse) per ha⁴. Current livestock grazing is by two cattle and a troop of 70 plus kangaroos that frequent and graze the property and surrounding landholdings.

The escarpment is largely vegetated by tree and shrub species endemic to the region. Their population extends from the plateau edge to Spring Creek where they provide land stability and water quality protection. Land use is restricted to nature conservation.

⁴ Dry sheep equivalent is that amount of dry matter required by one mature wether per ha

2.5 Water supply

The property is not serviced by town water supply. The only water source is from roof catchment and a groundwater bore which services the garden. Water supplies are sufficient to meet stock and domestic needs but no irrigation potential exists. Under extended dry conditions water purchases are necessary to supplement supply.

2.6 Property Improvements

The property improvements are fully contained within the housing envelope and in addition to residences, include a farm shed and garden. The groundwater bore is within the housing envelope.

Fencing is restricted to boundary fencing and one subdivision fence near the western boundary which fences off that section of the escarpment from the rest of the property. All the plateau land is run as a whole.

2.7 Current land use

Current productivity levels are low with grazing rates estimated at 8-9 dry sheep equivalents (dse) per ha⁵. Were Best Management Practice to be applied to the plateau area through weed and pest control, introducing perennial grass and clover species, raising soil fertility levels and practising rotational grazing stocking rates might be raised to 13-14 dse/ha but because of the small area available (13ha) this would only represent 13-15 head of dry cattle.

Current land use is restricted to running 2 steers. All of the property is subject to grazing by a large troop of kangaroos that are resident to the immediate region. Boundary fencing is not of a sufficient standard to prevent their free movement. No control is applied so they are a strong competitive influence and form the dominant grazing activity to the property.

2.8 Land capability

The land capability of the property has been assessed against a 5 Class Land Quality system prepared by the Soil Conservation Authority and based on identifying natural resource features. These are ranked on a 5 point scale from Very High to Very Poor. Attachment 1 is the detailed table which shows the plateau and escarpment assessment while Figure 1 shows the boundaries between the two land classes.

On this basis, the plateau country is considered to be Average or Class 3 while the escarpment country is classed Very Poor or 5 and unsuited to agriculture.

There are a number of reasons why the plateau country is classed as Average Agricultural Quality:

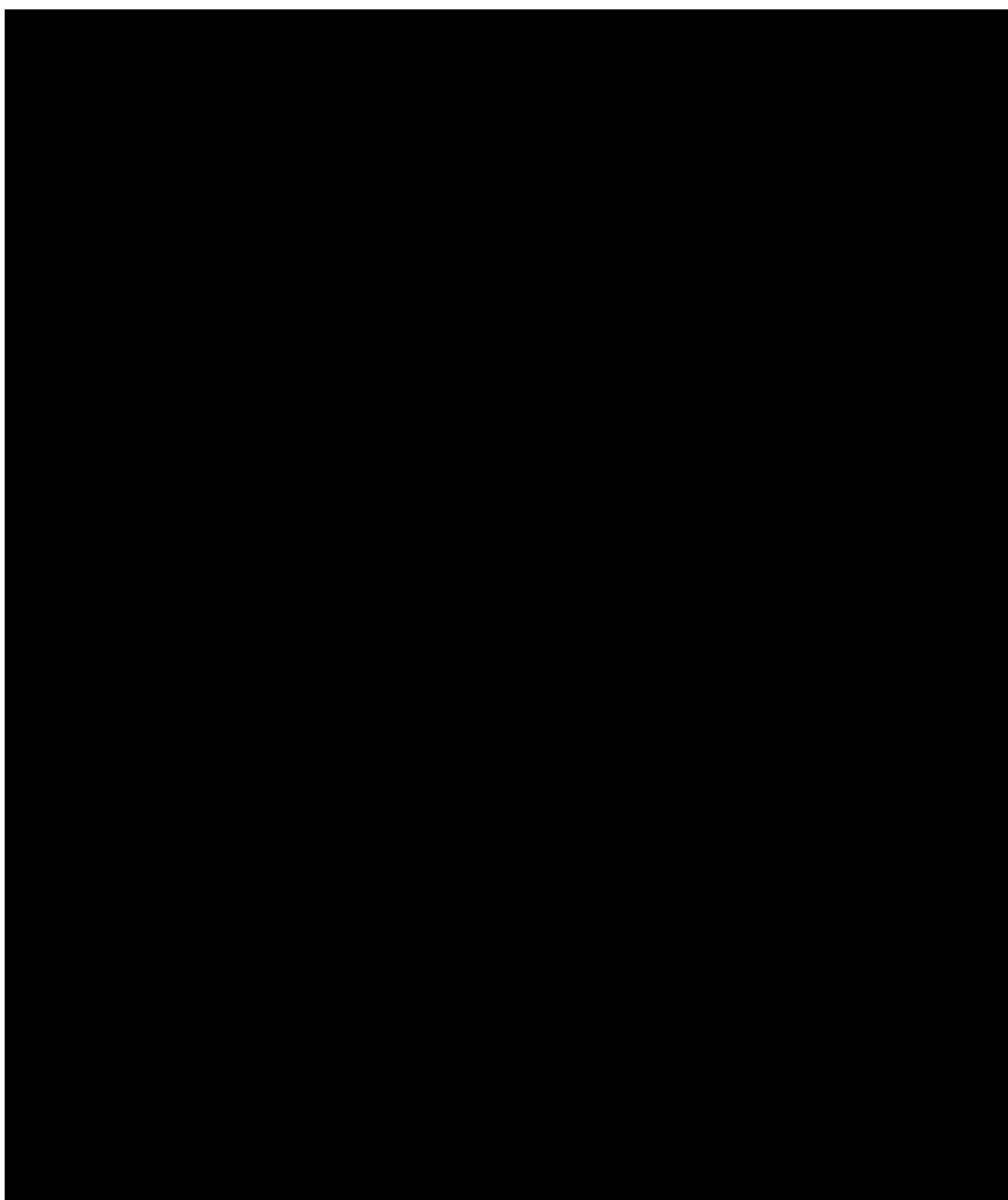
- The soil profile is rocky which increases in frequency with depth. It is not suited to frequent cultivation and land use is restricted to permanent crops such as pasture or some tree crops;
- Land use is rainfall dependent as no irrigation potential exists. Although annual average rainfall is high, cold winter temperatures and recent variable rainfall patterns has reduced agricultural productivity potential to low levels;

⁵ Dry sheep equivalent is that amount of dry matter required by one mature wether per ha

- The area available for agriculture is small and is in a reverted state due to the influence of pests (kangaroos, rabbits) and weeds (Briar Rose, Blackberry). The most suitable rural enterprise is livestock grazing which can only be run on a very small scale due to environmental constraints and high pest incidence;
- There is no potential for farm expansion due to surrounding tenement patterns and small holding sizes. On the western boundary the zoning is Rural Living and the southern boundary unsuited to agriculture.

The Hepburn Shire's GIS system has the land rated as "Very High"⁶. This is considered a technical error and probably brought about by relying on the output of a strategic document⁷ that looked more generally at agricultural land quality in the shire rather than the detail required for individual site assessment.

Figure 1: Site Land Capability



⁶ Email confirmation from Shire 13 May 2016

⁷ Strategic Assessment of Agricultural Quality of Rural Lands in the Hepburn Shire, Enplan Partners, September 2007

3.0 PLANNING PROVISIONS

3.1 Current Zoning

The property lies within the Farming Zone (FZ). It has on its north-west boundary a Rural Living Zone (RLZ) and on its south-western boundary, a Public Conservation & Resource Zone (PCRZ) which reflects the streamline and escarpment character.

Clause 35.07 of the Farming Zone describes the purpose of the zone. The main ones relevant to this proposal are:

- 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 Decision Guidelines (Clause 35.07-6) are more expansive and discuss potential issues under General, Agricultural, Dwelling and Environmental. In considering the range of issues against the proposal the Hepburn Shire Officer's report notes:

- The development would not remove land from agricultural production because of its small footprint and location to the edge of the property;
- There would be no impact on adjoining and nearby agricultural uses;
- The dwellings would not result in the loss or fragmentation of productive agricultural land.

We agree with these observations. At present, the agricultural use of the property is limited to low level grazing with only moderate capacity to improve productivity. Even with the application of Best Management Practice the agricultural enterprise would be small in scale and of limited economic consequence. More appropriate uses might be a land management system that was directed to environmental improvement using animals only as a complementary input into vegetation and weed control.

3.2 Overlays

The Farm Zoning of the property is accompanied by a Bushfire Management Overlay and an Environmental Significance Overlay.

In the case of bushfire management there are a number of mandatory mitigation conditions that relate to construction standards of building and works, defendable space, water supply and access. These are already in place for the existing buildings.

The Environmental Significance Overlay has as its principal concern the protection of water quality which then leads to the control of soil erosion and the prevention of pollution, turbidity and nutrient levels within water bodies. Associated concerns are in vegetation control and weed and pest management. The current low level of agricultural activity means that this position would not change with the additional dwelling.

4.0 PROPOSAL CHARACTERISTICS

4.1 Description

The proposal is to construct and use a single bedroom holiday villa for group accommodation. There is an existing dwelling and existing holiday villa already on the land. The new villa is to be constructed within the same vicinity of the other dwellings and on the same land title.

The property is approximately 19ha in size and comprises five titles and 6 lots. One title is severed by an unused government road to form two lots. The developed lot is 1D, an area of 7.198 acres (2.9 ha) and lies on the southern portion of the property adjoining Lot 1G (2.47ha) which comprises the southern escarpment to Spring Creek.

Council have approved the planning application subject to a number of conditions, the most significant one being the requirement to consolidate all titles into one.

4.2 Lot characteristics

Table 1 shows the respective areas of the different lots. Figure 2 shows their location within the property and according to land class.

Table 1: Lot areas

Lot No	Area (ha)
2A	4.06
2B	2.89
1D	2.91
1F	0.82
1G	2.47
1J	5.05
Road reserve	0.8
Totals	19

4.3 Conclusion

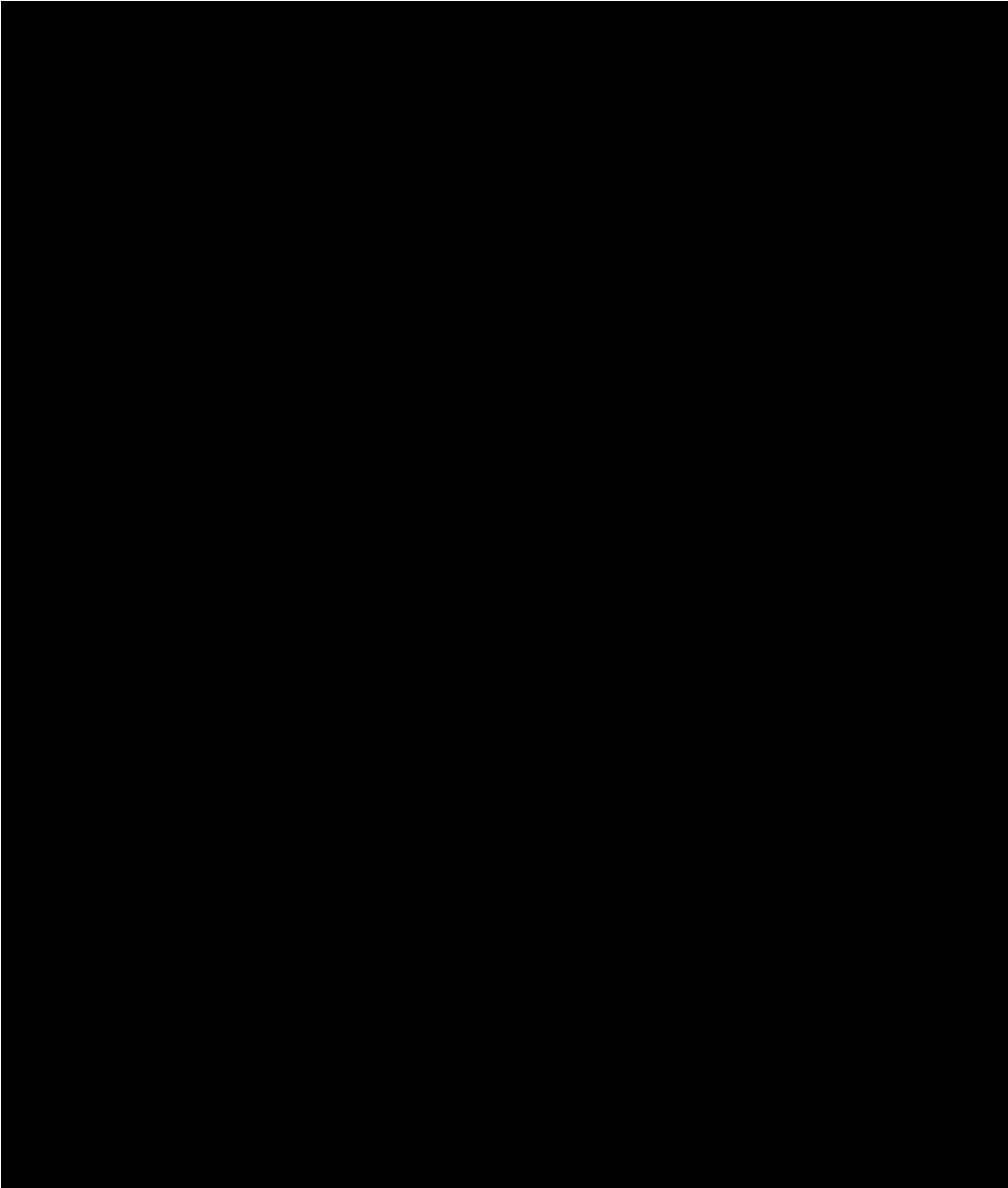
There are a number of observations that can be made from this data:

- Lots 1G, 1F and 2B are principally located within the escarpment and therefore have no agricultural value;
- Lot 1D contains the housing and building envelope which is located near the eastern boundary. The envelope represents approximately 50% of the lot area;
- The remaining lots (1J, 2A) are open grazing land.

The proposed villa dwelling is to be located west of the existing residence and near the escarpment line. As noted in the Shire's Planning Assessment Report, the development will not remove land from agricultural production because of its small footprint and location to the edge of the property. It also notes that the proposal will have no impact on adjoining agricultural uses nor result in the loss or fragmentation of productive agricultural land.

As a result of these observations, lot consolidation is an unnecessary requirement for the development to proceed. Its purpose is to complement the existing holiday rental facility rather than meet any agricultural requirement.

Figure 2: Lot layout



5.0 TITLE CONSOLIDATION

The landowner has considered the consolidation of titles from 5 to 2 as a means of reconciling the difference between Council and the Planning Application.



Figure 3: Title consolidation



The characteristics and outcome of this consolidation are considered to be as follows:

- Both titles have the potential to access the Hepburn-Newstead Road;
- There would be no change to the natural resource base and therefore no impact on rural productivity. The current size of the property is too small to support commercial agriculture and therefore a reduction in size has no commercial rural impact;
- The property sizes created through the consolidation are consistent with the surrounding development patterns. All of the adjoining landholdings in the Farming Zone are directed to rural living activity while west of the Hepburn-Newstead Road and immediately north of the property the zoning is Rural Living.

6.0 SUMMARY AND CONCLUSION

The property comprises a basalt plateau with a steep sided escarpment leading to Spring Creek. The agricultural quality of the plateau country is classed 3 or “Average” while the escarpment is classed 5 or “Very Poor” and unsuited to agriculture.

Agricultural productivity of the property is low due to small holding size, moderate to poor soils and high pest incidence. There is no potential for farm expansion due to surrounding tenement patterns and small holding sizes.

The proposed dwelling is to be located on the same lot as the other dwellings. Because of its location close to the escarpment line and through being on the same lot as other dwellings, it will have no impact on agricultural performance.

Under these circumstances there appears to be no relationship between the number of titles and farming productivity. As a result, the permit condition requiring the consolidation of titles is unlikely to achieve a better land management outcome.

The landholder proposal of consolidating 5 titles into 2 would have no effect on the natural resource base, no change to agricultural productivity and the outcome would be consistent with surrounding development patterns.

[Redacted]

[Redacted]

ATTACHMENT 1

Criteria & Performance Levels to measure Agricultural Land Quality

Feature	Land Class					Plateau	Steep Slopes
	1	2	3	4	5		
	Very high	High	Average	Poor	Very poor		
Length of growing season (months)	11 – 12	9 – 11	8 – 9	7 – 8	< 7	7-8	6-7
Availability of supplementary water	Yes	Yes	No	No	No	No	No
Slope %	0 – 5	3 – 6	6 – 12	12 – 20	20 – 30	3-6	20-30
Drainage	Good	Moderate - easily drained	Moderate - not easily drained	Poor	Very poor	Good	Good
Soil	Friable loams	Friable loams	Clay Loams	Sands & clay	Sands & clay	Clay loam	Rocky
Profile permeability	High	Moderate	Mod/low	Low	Low	Mod	Low
Depth of friable soil	50 cm	20 - 30cm	10 - 25cm	5-10cm	< 5 cm	10-25	<5cm
Soil fertility	High	Mod/high	Moderate	Low	Low	Low	Low
Depth to rock	1 m	1 - 0.5 m	0.5 m	0.5-0.1m	< 0.1 m	0.5m	<0.1m
Erosion risk	Low	Low	Moderate	High	Very high	Mod	Mod
Flooding frequency (years)	None	1 in 15	1 in 10	Annual	Annual	None	None
Arability	Excellent	Good	Moderate	Poor	Nil	Mod	Nil
Land capability						3	5

Agricultural land capability is measured on a 5-point scale where 1 is best and 5 is worst.

APPENDIX B

CONSULTANT PROFILE

[REDACTED]

SPECIAL FIELDS OF COMPETENCE

Specialist skills are in farm and business management, environmental and land use surveys, water recycling and irrigation developments, industry studies and strategic planning. Experience is under temperate climatic conditions, usually in the livestock, cropping and intensive agricultural industries. Activities include whole farm planning, farming system analysis, irrigation investigations, economic analysis and market research. Clients include Government, industry and private sector individuals and companies.

RELEVANT PROFESSIONAL EXPERIENCE

Farm Management Consulting

Provide farm management advice to farmers throughout Australia. Clients embrace a wide range of enterprises including dairying, beef, sheep, broadacre and intensive cropping. The services provided include farm management advice, rural property investment, loss assessment, technical services and expert representation in legal matters.

Agricultural Management Studies

The following project list indicates the nature of domestic studies undertaken. In many cases I was principal consultant or project leader; however in multi-disciplined projects I also act as a specialist sub consultant to larger consulting organisations.

- 2013 Loddon-Mallee Strategic Rural Land Use study, Regional Development Victoria;
- 2011-12 Western Highway Duplication: Ballarat to Stawell, Vic Roads via GHD;
- 2012-13 Airport Link to OMR/Bulla Bypass: Vic Roads via GHD;
- 2010-13 Victorian Desalination Project: Land Rehabilitation via Ecology Australia;
- 1998-13 Melbourne Airport Land Management Program: Melbourne Airport;
- 2012 Agricultural Impacts: Thompson Road Duplication, VicRoads;
- 2011 Land Capability Assessments, Glenrowan & Tungamah Sites, N E Water via Beca Pty Ltd;