



HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF COUNCIL  
PUBLIC MINUTES

Wednesday 20 April 2022

Daylesford Town Hall  
76 Vincent Street Daylesford

5:30PM

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

Confirmed at the Ordinary Meeting of Council held on 17 May 2022

A handwritten signature in black ink, appearing to read "Tim Drylie".

Chair, Cr Tim Drylie, Mayor

# MINUTES

Wednesday 20 April 2022

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 5:30PM

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**BRADLEY THOMAS**

CHIEF EXECUTIVE OFFICER

Wednesday 20 April 2022

## CONDUCTING HYBRID COUNCIL MEETINGS

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

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

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

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

## 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

## 2 SAFETY ORIENTATION

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

## 3 OPENING OF MEETING

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

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

The meeting opened at 5:34pm.

### STATEMENT OF COMMITMENT

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

#### 4 APOLOGIES

Cr Tessa Halliday (Parental Leave)

#### 5 DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Tim Drylie declared a general conflict of interest for Item 11.1 PA 3219 - 47 Albert Street Creswick, Alterations and additions to an existing building, display of signage, waiver of an on-site car parking and the consumption of Liquor associated with a supermarket due to a family connection to one of the objectors, and declared a material interest due to a business interest in proximity to the application.

#### 6 CONFIRMATION OF MINUTES

##### RECOMMENDATION

*That the Minutes of the Ordinary Meeting of Council held on 15 March 2022 and the minutes of the Special Meeting of Council held on the 22 March 2022 (as previously circulated to Councillors) be confirmed.*

##### MOTION

*That the Minutes of the Ordinary Meeting of Council held on 15 March 2022 and the minutes of the Special Meeting of Council held on the 22 March 2022 (as previously circulated to Councillors) be confirmed.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Lesley Hewitt

**Carried**

#### 7 NOTICES OF MOTION

Nil

#### 8 ITEMS OF URGENT BUSINESS

Nil

## 9 COUNCILLOR AND CEO REPORTS

### 9.1 MAYOR'S REPORT

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

With the announcement today that nearly all COVID19 restrictions will be relaxed later this week in Victoria, it is a reminder to us all that there is another life waiting for us post the pandemic. We have certainly seen the stirring of community activity in the shire again in the past month with successful festivals such as CresFest bringing people out on the streets and overall visitation to the shire numbers climbing again. It is great to see so many community groups, volunteers and ordinary people being able to invest their time and energies again in the real world beyond the somewhat surreal, but necessary limitations imposed by a raft of COVID mandates.

At a Council level, we have also been doing some significant work in the background for our communities, the accumulative results of which you are seeing presented for decision on tonight's agenda. In particular, I think it is important to note the possible adoption of Hepburn Shire Council Aquatics Strategy where we are seeing strong support from our community and stakeholders for an Indoor year-round aquatics facility.

Following a considerable community consultation period, which included a special meeting last month to hear presentations from survey respondents, Council is also considering tonight the proposed renaming of Jim Crow Creek to Larni Barramal Yaluk in line with recommendations from representatives of the local Traditional Owners the Dja Dja Wurrung. I note that council is committed to reconciliation to learn, acknowledge and move forward together with our Traditional Owners.

I'd also like to make mention of the significant amount of effort officers and Councillors have gone to be presenting the proposed changes to our differential rating system and to seek possible implementation after further community feedback on four possible changes. In particular, I note that proposed changes introduce such things as a differential to rate to promote and support sustainable farming practices, to address the impact of short-term accommodation on the availability of long-term rentals and the need for more affordable and social housing in the shire. Although these are complex issues, I believe our community can take some comfort that Council is attempting to explore and address the concerns, priorities and values outline in our Council plan.

As we begin our discussions for next years budget, it is important to reflect on the extraordinary year that it has been and to acknowledge the negative impact 2 major storm events and a pandemic have had on our financial bottom line. As a small rural council, as much as we are aware of the desire in the community to see a suite of major projects and services delivered, it is not always possible to fund projects directly and immediately. Also, given our very tight financial position currently, I wish

to acknowledge Councillor and staff efforts to review and prioritise our current workload liabilities to continue to manage our fiscal responsibilities and to forge a successful strategic path going forward.

## 9.2 COUNCILLOR REPORTS

### **Councillor Don Henderson, Creswick Ward**

Cr Don Henderson presented a verbal report.

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

- The **Municipal Response Working Group** met on 21 March and meets again on 2 May. It is timely to provide an update on the group's activities.
- HSC has incurred recovery costs of \$4.8m in the six months to December 2021 but received relief funding of \$4.1m. The impact on Council's financials is obvious; the ongoing burden on staff and the organisation perhaps less obvious.
- Advocacy continues for further state government funding, as there is much more to do.

Depending on funding new programs will include three Targeted Recovery Funding programs covering Mentoring; Timber Training and Community Recovery Events.

- A habitat program to support wildlife back into storm affected parts of our landscape is about to be launched, in partnership with DELWP.
- Three funding packages are anticipated:
  1. A Public Clean-Up program - Council has submitted the highest priorities for this fund as the restoration of: Wombat Trail; Stoney Creek Reserve; Domino Trail; Daylesford Spa Country Railway; Wallaby Drive, Wheatsheaf (fire access track).
  2. A Community Support Fund
  3. Community Clean Up Support Program- under a joint application with Moorabool and Macedon Ranges Councils.

Two new staff members have joined the team with a further position currently advertised. These roles will deliver the social recovery programs, support businesses with their recovery needs and facilitate the funded programs anticipated to be provided by BRV.

- Roadside clean-up of tree debris has been completed, as has the free firewood program, and the timber processing site rehabilitated.
- Another significant remaining piece of work is Council's road restoration program which is awaiting funding approval.
- Much work has been undertaken to date but the community can be assured that much more will be done.



### **Councillor Juliet Simpson, Holcombe Ward**

On Tuesday 22 March I attended a special Council meeting to listen to community members who spoke for or against the renaming of the Jim Crow Creek.

On Wednesday 23 March I attended a virtual citizen ceremony where two people became new citizens.

On Thursday 24 March I attended an Indigenous Food and Fiber workshop hosted by the Creswick Neighborhood center.

On Saturday 2 April I attended a Fireguard meeting at Wheatsheaf.

All the Councilor's including myself had a tour of the Hepburn shire Council offices in and around Daylesford including the Daylesford depot which was held over two days.

On the 11 April I chaired the inaugural meeting of the Mineral Springs Reserve Advisory Committee.

On 12 April I attended a Glenlyon Reserve asset Management Committee meeting.

### **Councillor Jen Bray, Birch Ward**

#### **Activities since Tue 15 March 2022**

I was privileged to be able to chair the inaugural LGBTIQ+ advisory committee on Mon 4 April, standing in for Cr Tessa Halliday who is on parental leave. It was a great opportunity to meet our new committee members and begin to look at actions council can consider, towards raising awareness and making our organisation and our shire a more safe and welcoming environment for our Rainbow Community.

Other highlights from this month were attending Creswick music festival, Cres Fest, and seeing the huge amount of community energy and effort that went into making that such a success. Great to be back together in person taking in live music and dance.

Congratulation's to the Daylesford and District Community Bank who celebrated 10 years – thank you for your ongoing contribution by providing local banking services and through your investment in community projects.

Another 10 year celebration was Hepburn Wholefoods who are excited about how their organisation has grown over this time. They have contributed a huge number of volunteer hours to provide the chance for people to buy healthy, chemical-free and unpackaged foods locally. Contributing to our efforts to be a more sustainable shire.

It was very exciting to be able to award the graduation certificates for the Daylesford, Glenlyon 'Hepburn Gardens for Wildlife' course that council has initiated. A great way for us to be promoting biodiversity by training up local gardeners in our shire to be able to mentor others in planting native gardens specifically to encourage animals and insects into our gardens and surrounds. Congratulations Jill Teschendorff for co-ordinating the course and to all those who graduated.

Other events attended:

18 March                      Wombat Hill Botanical Gardens, Mary Anne Thomas MP  
funding announcement

19 March	Final Sustainable Hepburn workshop
22 March	Special council meeting to hear submissions on the re-naming of Jim Crow Creek
23 March	Citizenship Ceremony
26 March	Youth sustainable input pop-up at Hepburn Springs Sound shell
1 April	CresFest opening and events over the weekend
4 April	Inaugural LGBTIQ+ advisory committee – first meeting
4 April	Western Vic Transmission Line Project Working Group Catchup
3 April	Hepburn Wholefoods 10 year celebrations
8 April	Daylesford and District Community Bank 10 Year celebrations
5 April	Re-think the Rex community meeting, Daylesford Town Hall
19 April	Daylesford/Glenlyon ‘Hepburn Gardens for Wildlife’ course graduation.

Also attended all regular Tuesday council briefing days and the Budget Briefing.

#### Community:

Hearing concerns and suggestions from community members and providing advice about:

- various planning matters, including delays
- traffic on Stanbridge St, Daylesford
- Sale of the Rex and community consultation
- Affordable long term rental concerns
- Smith Street development
- Road works affecting nature strip, Daly St, Daylesford
- Food Hub for local producers

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

This month I have been unable to attend some in person events due to having to isolate with COVID. It is a timely reminder, with some of the Victorian COVID restrictions being lifted on the coming weekend to continue to take care. It is certainly not a pleasant experience. Technology did enable me to continue with my Councillor responsibilities except for face-to-face meetings.

This included the Special Council meeting to here from supporters and objectors of the proposal to rename Jim Crow Creek which is coming up on the agenda later this evening. It was instructive to read the submissions and hear from those who spoke.

I attended a Respect Victoria Workshop – Violence Against Women with a Disability which discussed the findings of a co-design project examining prevention of violence against women with a disability. We know that these women experience higher rates of interpersonal violence than women without a disability and the findings of the workshop highlighted the need to develop preventative programs that looked at disability worker training, inclusion of women with a disability in all aspects of society and addressing some of the stereotypes about women with a disability. Programs have traditionally focused on providing support for individual and the project argues

for a preventative approach. This information will help to inform Council's Gender Equity and Disability Action Strategies, both of which Committees I am the Councillor chair.

An update on the Daylesford hospital upgrade committee which I chair. Our local member, Mary Ann Thomas, who visited to look at the progress on the upgrade of the Wombat Hill Botanical Gardens (a project funded by the State Government, Friends of Wombat Gardens and Hepburn Shire) also took the opportunity to visit the Daylesford Hospital and have a sneak preview of the draft Master Plan. Members of the Hospital Upgrade Committee and I also met with Martha Hallett, the ALP candidate for Ripon and have been pleased with the interest shown in the project, by both Minister Thomas and Martha. It is the 160-year anniversary of the Daylesford Hospital serving the community on 22 May this year – a timely reminder of the importance of continuing to upgrade and modernise facilities.

I attended the 10-year celebrations of the Daylesford and District Community Bank and noted that the bank has returned \$6002000 directly back to the community which is a great amount than shareholders contributed to establish the bank. Shareholders have also received dividends and a return of capital and all those involved over the 10 years are to be congratulated on their work and vision in ensuring that the community benefits.

Along with Cr Bray, I attended the graduation celebration of those who attended the Gardens for Wildlife mentors' course which was funded by the Shire. This was the third such course and aims to increase the skills of residents to understand how local gardeners can support biodiversity – again one of the planks of the Sustainable Hepburn strategy.

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

**Diary Activities:**

Daylesford Hospital Upgrade Committee meeting 18/3/22

Sustainable Hepburn Community Reference Group 19/3/22

Councillor Briefing 22/3/22

Special Council Meeting Renaming Jim Crow Creek 22/3/22

Respect Victoria Prevention of Violence Workshop 23/3/22

Daylesford Hospital Upgrade Committee meeting 23/3/22

Indigenous Food and Fibre Workshop 24/3/22

Kingston Power Alliance 4/4/22

Councillor Briefing 5/4/22

Site Visit Trentham 6/4/22

Daylesford and District Community Bank Dinner 6/4/22

Daylesford and District Community Bank Party 7/4/22

Councillor Briefing 12/4/22

Daylesford Hospital Upgrade Committee Meeting Martha Hallett 14/4/22

Gardens for Wildlife Student graduation 19/4/22  
Councillor Budget Briefing 19/4/22

**RECOMMENDATION**

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

**MOTION**

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

**Moved:** Cr Brian Hood

**Seconded:** Cr Don Henderson

**Carried**

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

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

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

I hope everyone had an enjoyable break over Easter.

This year for the first time we are holding the April Council Meeting on Wednesday night due to the Easter public holidays and people potentially taking additional leave to have a much-awaited long weekend with family and friends.

COVID continues to disrupt business, particularly affecting staffing which has necessitated some businesses to reduce their service offering and trading hours.

Pleasingly, Tourism Research Australia's year end statistics for 2021 have come through for the region and the results show some steady growth. The figures are compared to 2020, so we do need be mindful that both years were impacted by Covid-19 lockdowns, but the numbers reflect that the region is starting to see some good recovery in terms of visitation. Domestic Overnight Visitation saw a 73% increase, while the Regional Victoria average was just 30% growth. Recent community festivals and events like ChillOut and Cresfest have also had a significant impact, attracting many visitors to the region, who in turn support our local businesses. The Easter weekend is traditionally one of the busiest weekends in the Shire and events still to come like Clunes Booktown, Trentham Spudfest and Wintersounds will also have a positive impact.

On 18 March the Minister for Regional Development Mary-Anne Thomas MP visited Daylesford to view the progress of the botanical gardens upgrade project, supported by a \$500,000 grant through the Regional Infrastructure Fund – Stimulus Round in partnership with Council and Friends of Wombat Botanic Gardens also committing significant funding.

The project is on track for completion at the end of this year and is a key part of our Wombat Hill Botanic Gardens Landscape Master Plan. The plan aims to protect the gardens' 19th century heritage while ensuring it is equipped with modern facilities to meet the needs of locals and visitors.

Projects include a new formal stairway from the main entry of the gardens, which will link up with the existing stone and gravel stairs west of the fern grove. This will improve pedestrian access and connections to the cascades, the Alf Headland Conservatory and Wombat Hill House café. This is one of five projects that we'll be completing throughout 2022.



Construction has commenced on Hammon Park, the trailhead for the Creswick Trails. Once complete, the trailhead will include cyclocross jumps, nature playground, shaded BBQ area, learn to ride track and other fun recreational infrastructure.

Construction will take place over the coming months with an expected completion date in November 2022. The reserve will be closed to the public to allow for safe construction in or about late April to ensure a safe and efficient worksite.



On 22 March we held a special meeting to hear public submissions on the proposed renaming of Jim Crow Creek. Fourteen people registered to speak to Council on their submission. At tonight's meeting Council is considering a report which seeks endorsement of the name Larni Barramal Yaluk and for Council to make a recommendation to Geographic Places Victoria (GNV) to rename the creek.

Council is following the process outlined in the Naming Rules for places in Victoria – statutory requirement for naming roads, features and localities 2016. Mount Alexander Shire Council have been conducting the same process in parallel with us and they too are considering a report on the proposed renaming this month.

Round 4 of Community Grant 21/22 are now open. If you're a community group or not for profit organisation looking to fund a new project, I encourage you to apply. Categories include:

- A. Active and Engaged Communities
- B. Quality Community Infrastructure (including small equipment)
- C. Sustainable Environments
- D. Children's Program (specifically for 8 - 12 years)
- E. Charitable Purposes (Birch and Holcombe Wards)

Further details are available on the Hepburn Shire website and the closing date is 28 April 2022.

It's great to see the completed redevelopment works to the Hepburn Recreation Reserve main netball court. The court will provide a safer playing surface for both community use and club activities. The Hepburn Netball Club will enjoy the benefits with increased player development and participation opportunities. A special thanks to the Hepburn Netball Club for their cooperation throughout these works.



Works have commenced on the Calemben Park Change Facilities Project. The works include a redevelopment of the change facilities to provide three accessible unisex changerooms, an accessible path, seating and landscaping.

Access will remain to other areas of Calembreen Park while the works are completed, and a temporary toilet facility will be in place for public use. The \$359,129 Calembreen Park Change Facilities Project is funded by the Victorian Government and Council. It is anticipated the works will be completed by August 2022.

With the Federal Election called for Saturday 21 May, Catherine King MP made an election pledge for support for three projects in our Shire. These are:

- \$750,000 to upgrade the Doug Lindsay Recreation Reserve in Creswick including repairs to the bowling green, a new playspace and outdoor fitness equipment in line with the masterplan precinct
- \$500,000 to redevelop the Glenlyon Recreation Reserve Pavilion; and
- \$365,000 towards the Mineral Springs Reserves Development Program.

These projects will benefit many in our community and we are very grateful for this funding pledge.

In addition to it being a Federal Election year, it is also a State Election year.

Premier Daniel Andrew announced on 12 April that regional Victoria will play host to the 2026 Commonwealth Games. This is very exciting and important for the State as well as the four regional hubs which will be established in Geelong, Bendigo, Ballarat and Gippsland, each with their own athletes' village and sport program. The regional hubs will host athletes, officials and fans following an Opening Ceremony at the iconic Melbourne Cricket Ground.

It is estimated the 2026 Commonwealth Games will contribute more than \$3 billion to Victoria's economy, creating more than 600 full-time equivalent jobs before the Games, 3,900 jobs during the Games and a further 3,000 jobs beyond the Closing Ceremony.

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

- Council briefings
- Council meeting
- Victorian Skills Plan – Central Highlands Regional Forum on education and training response needed to meet industry demand
- Official Launch - Victorian Aboriginal and Local Government Strategy 2021-2026
- COVID-19 meetings with various agencies
- Virtual citizenship ceremony with two conferees
- Gender Equality Action Plan (GEAP) meetings
- Meetings regarding the Western Victoria Transmission Network Project (WVTNP)
- Regular and recurring meetings with Directors and direct reports
- Executive Team and Leadership Team meetings



- Meetings relating to Council's new internet site (expected to launch in June 2022)
- Loddon Campaspe Councils and Central Highlands CEO's meeting
- Meeting regarding Creswick Scout Hall
- Central Highlands Councils CEO's meeting
- 2022 Regional Partnerships Forum with Ministers
- Daylesford Community Bank 10th Birthday Celebrations
- DJPR, CEOs and MAV forum

#### **RECOMMENDATION**

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

#### **MOTION**

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

**Moved:** Cr Brian Hood

**Seconded:** Cr Lesley Hewitt

**Carried**

## 10 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

### **BEHAVIOUR AT COUNCIL MEETINGS**

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

## 10.1 PETITIONS

No petitions were tabled.

## 10.2 PUBLIC QUESTIONS

The Chair will read out responses to questions taken on notice from the last ordinary meeting, and then read and respond to new questions received in accordance with Council's Governance Rules.

The following question was carried over from the previous Council Meeting:

**Question – Gillian Trebilcock**

Is Council intending to support a hospitality training initiative for the benefit of local young people?

**Response – Mayor Tim Drylie**

Council is currently developing the 2021-2025 Youth Strategy, which will identify specific initiatives. Council currently supports 'The Cook, The Chef and Us', which is a hospitality training initiative that also focuses on mental wellbeing for young people. The current Council Plan does identify the following priority statement, which will link to the Youth Strategy and could support such an initiative.

4.1 Work in partnership to attract and retain young people in our area through the provision of improved digital connectivity, education opportunities, employment pathways, affordable housing, improved public and active transport options, and leadership opportunities.

The following questions have been received for this meeting:

**Question 1 – Adam Fawcett**

It has been four months since Council voted to discontinue the Rex project. Can Council please update the community on a timeline for the Community Consultation Strategy that they have promised. We would like a concrete date that this can be expected please.

**Response – Mayor Tim Drylie**

Council is in the process of finalising the content for the community engagement process and we are anticipating releasing this information on Tuesday 26 April 2022. A further report is now anticipated to be presented to June or July Ordinary Council meeting to consider the feedback and determine to proceed with the sale or not.

**Question 2 – Jules McDonald**

The Rethink the Rex Public Meeting held on 5 April 2022 attended by 120 community members unanimously passed a motion to request Council to rescind the decision to sell the Rex.

The decision was made suddenly without community consultation, against the recommendation of the Council's Executive staff and very early in the term of the newly appointed team of Councillors.

Rescinding the decision would enable alternatives to be fully and properly explored and it would also enable a comprehensive community consultation process to be undertaken, prior to such a decision being taken which is the appropriate process. Will Council rescind the decision to sell the Rex building so that alternatives can be explored and the community can be comprehensively consulted?

**Response – Mayor Tim Drylie**

Under Council's Governance Rules, a decision of Council may only be rescinded if a notice of rescission is received within 24 hours of the decision, and the decision has not been acted on.

In this case, the decision of Council at the 23 November 2021 has resulted in considerable action being taken to implement the decision including advice to contractors, media releases and enquiries, communications to stakeholders, commenced the planning for the sale of the building, engagement of contractor to facilitate the community engagement as part of the sale process.

Accordingly, Council is no longer able to consider a rescission motion as the motion is more than 24 hours old and has been acted upon.

It is important to note that a further report will be presented to Council on the community feedback received as part of Council making a final determination to proceed with the sale or otherwise.

**Question 3 – Jules McDonald**

The Rethink the Rex community group is exploring a range of options in relation to the Rex building. Alternatives will include community use of part of the building with the cinema being a prime consideration together with financial viability.

Is council open to considering alternatives developed by the "Rethink the Rex" community group and the community?

**Response – Mayor Tim Drylie**

Council has determined to not proceed with the Hepburn Hub at the Rex project and this project has now been cancelled.

Council has instructed officers to commence the sales process which is underway. As part of this process Council will shortly be undertaking a Community Engagement process and invite submissions / feedback from the community on the proposed sale of the building. This feedback will be presented to Council for consideration in a further report as part of determining to proceed with the sale or not.

**Question 4 – Kristeena Saville**

According to the Hepburn Shire Council website the council is working to encourage the growth of culture in our region with arts events, art commissions and projects, creative spaces for artists and public art.

“A town without an Artist centre is like a person without a Soul.” Quote from Petrus Spronk.

Stop and think... where better than the Rex to inspire, connect and showcase the diversity of our creative community?

What is the Council doing to provide an affordable, available creative spaces for artists and a space to showcase artist's work in Daylesford?

**Response – Mayor Tim Drylie**

Council has determined to not proceed with the Hepburn Hub at the Rex project and this project has now been cancelled.

Outside of this process the Council Plan includes the development and implementation of an Arts and Culture Strategy to support local artists to provide creative cultural experiences to enrich community wellbeing.

**Question 5 – Kristeena Saville**

According to the Hepburn Shire Council website the Council plays an active role in Community Development.

"We do this by helping communities build social capital and assisting them to become more sustainable. By building the skills and capacity of individuals and groups within the community, building community networks, social planning, and business and community partnerships, we are helping make our communities stronger"

The Hub at the Rex was going to be a place where Daylesford and other locals could met/gather and build social capital through an expanded library; a community theatre (including a cinema) and a social enterprise cafe (that could include youth as well as produce of local growers and makers). There was also potential to showcase the work of local artists.

Perhaps the Rex could be a space for growers and makers of local produce and local artists to hold workshops for locals and visitors.

Bringing people, living and working around Daylesford/Hepburn/Hepburn Springs/Glenlyon and beyond, together would help achieve the council's aim of building social capital and making the Daylesford community stronger.

An active, strong community would also enhance Daylesford's reputation as a go to destination to live, work and visit.

Is there another site that council has available in Daylesford that could achieve all the above that is central, visible and accessible?

**Response – Mayor Tim Drylie**

At this time no alternate site has been identified however, Part 6 of Council's determination at the 23 November 2021 meeting does include a requirement for officers to prepare a project scope for a new planning project to review possible solutions for community facilities and staff accommodation. It is envisaged that this project will consider alternative project options (apart from the Rex site, as per Council resolution).

**Question 6 – Tim Bach**

We welcome the release of the Aquatic Strategy and we applaud the key recommendation to undertake a feasibility assessment of an Indoor Aquatic Centre in Hepburn Shire.

The tabled document includes an alteration to the original vision statement so that it now states:

"Provide access to sustainable, affordable year-round aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences"

The inclusion of "access to" could be interpreted to broaden the scope of the vision statement to include access via transport of residents to aquatic facilities outside the

Shire. This does not reflect the community feedback included in the document, nor was it canvassed as an alternative to the existing pools or a new indoor facility. Can the Council please confirm that the intent of the vision statement is to provide year-round aquatics facilities within the Shire? Can the Council also confirm that the intent of the feasibility study will be to assess the viability and location of an all-year, indoor aquatic centre to be located in Hepburn Shire?

**Response – Mayor Tim Drylie**

Council can confirm that the intent of the vision statement is to provide year-round aquatics facilities within the Shire. It is Council's intention to undertake a study into the feasibility of developing an indoor aquatics facility within the Hepburn Shire. The detailed planning work including a business case and funding strategy is required to fully understand Council's ability to fund, develop and operate an indoor aquatics facility.

**Question 7 – Jennifer Beacham**

At the February Council Meeting I asked a question and was informed that a Council officer would ring me with the answer. That has not happened so I am interested to know when I can expect a response.

When I asked the question I expected the information to be readily available to all ratepayers.

**Response – Mayor Tim Drylie**

I apologise that contact has not been made to date. We will follow this up to ensure contact is made in the next couple of days.

**Question 8 – Jim Foster**

The Hepburn Shire Council Aquatics strategy states:

“On average, indoor aquatics facilities receive five times more visits annually than an outdoor swimming pool. This reflects their ability to support recreational needs of people all year round.”

For Daylesford the outdoor pool was open for approximately 62 days and attracted approximately 12,750 visitations or approximately 200 visits for each day that it was open. If a five-fold increase is predicted for a proposed indoor facility, this would extrapolate to approximately 1000 visits a day or 350,000 per annum. In their Draft Business plan, DIAC has estimated annual visitations of about 180,000 which seems conservative by comparison.

Can the consultants or council confirm their estimate for annual utilization/visitation for an all-year indoor facility in Daylesford?

**Response – Mayor Tim Drylie**

An indoor aquatics centre will attract a significantly larger number of people. The proposed feasibility study will confirm the facility components and the likely number of people who will use each of the components. Benchmarking of indoor aquatics facilities with similar catchments to the whole of Hepburn Shire indicates visitations of between 100,000 to 200,000 visits per annum (depending on the components).

**Question 9 – Jim Foster**

The Hepburn Shire Council Aquatics strategy details expenditure in 2020/2021 on existing aquatic facilities as \$393,291.

What was the budget for these facilities for 2021/2022? And what is the current updated estimate?

Is there a budget for 2022/2023?

**Response – Mayor Tim Drylie**

The 2021/2022 operational budget for aquatics facilities was \$470,452 and Council has spent approximately 70% of this budget to date. The 2021/2022 capital works budget also included \$55,000 for pool building renewal works and Council has spent approximately 50% of this budget to date.

An amount of \$377,000 was endorsed by Council as part of the 2021/2022 mid-year budget review to commence the necessary compliance and OH&S works to existing aquatics facilities.

The report before Council this evening seeks an additional \$103,000 to continue these works and \$160,000 to undertake further detailed investigation and develop a feasibility study/business case for indoor aquatics provision.

Council is currently in the process of developing its budget for the 2022/2023 financial year.

### **10.3 REQUESTS TO ADDRESS COUNCIL**

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

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

Councillor Tim Drylie left the meeting due to a general conflict of interest in relation to item 11.1. Councillor Tim Drylie left the meeting at 6.19pm.

Deputy Mayor Cr Jen Bray took the chair.

## **11 STATUTORY PLANNING**

### **11.1 PA 3219 - 47 ALBERT STREET CRESWICK - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING, DISPLAY OF SIGNAGE, WAIVER OF ON-SITE CAR PARKING AND THE SALE AND CONSUMPTION OF LIQUOR ASSOCIATED WITH A SUPERMARKET DIRECTOR COMMUNITY AND DEVELOPMENT**

*In providing this advice to Council as Acting Co-ordinator Statutory Planning, I Pauline Maltzis have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. PA 3219 - Objections - 47 Albert Street Creswick [**11.1.1** - 32 pages]
2. PA 3219 - 47 Albert Street Creswick - Section 57 A amendment - public notice [**11.1.2** - 63 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to determine planning application PA 3219 for alterations and additions (including partial demolition) to an existing building, display of signage, waiver of the required on-site car parking and the sale of liquor associated with a supermarket at 47 Albert Street Creswick. The application is being referred to Council as 8 objections were received.

The proposal complies with the requirements of the relevant sections of the Planning Policy Framework, Zoning and Overlays that affect the land. Following consideration of the relevant planning requirements, comments from referral authorities and grounds of objection, officers recommend that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

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

*That Council:*

1. *makes a determination to issue a Notice of Decision to Issue a Planning Permit at 47 Albert Street Creswick in accordance with the following recommendation and conditions, and;*
2. *having caused notice of planning application PA 3219 to be given under Section 52 of the Planning and Environment Act, 1987, and having considered all the matters required under Section 60 of The Act, determines to issue a Notice of Decision to Grant a Planning Permit for alterations and additions (including partial demolition) to an existing building, display of signage, waiver of the required on-site car parking and the sale of liquor associated with a supermarket at 47 Albert Street Creswick subject to the following conditions:*

*Amended Plans*



1. *Before the development starts, amended plans and documents must be submitted and be to the satisfaction of the Responsible Authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies of plans and documents must be provided. The plans must be generally in accordance with the re-advertised plans but further modified to show:*
  - a. *The site plan must be amended to show the land burdened by restrictive covenant M590494L and a notation added to the plan stating the sale of liquor must not occur on the land burdened by Restrictive Covenant in accordance with Condition 8 of this permit.*
  - b. *A Waste Management Plan in accordance with Condition 4 of this permit.*
  - c. *The on-street car space adjacent to the site and north of the existing 'keep clear' zone to be replaced with a loading bay in accordance with Condition 11 of this permit.*
  - d. *Notation confirming the maximum vehicle size accessing the on-site loading bay to be a 6.4m SRV.*

#### *Compliance with endorsed plans*

2. *The layout of the use and the development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*
3. *The location and details of the sign(s) including their structure(s) as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

#### *Waste management Plan*

4. *A private waste collection shall be required to service the development. It is the responsibility of the developer to prepare a waste management strategy, to the satisfaction of the Responsible Authority, which demonstrates as relevant:*
  - a. *Collection arrangement*
  - b. *Location of storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.*
  - c. *Maximum waste collection vehicle dimension and weight*
  - d. *Adequacy of common property pavement to handle waste vehicles*
  - e. *Adequacy and safety of the access roads*
  - f. *Compliance with enter forward, exit forward vehicle movements*
  - g. *Compliance with Environment Protection Authority noise standards*

### *Waste management*

5. *All waste material not required for further onsite processing must be regularly removed from the land. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority. It is the responsibility of the owner/occupant of the land to ensure all delivery and private waste collection vehicles must not exceed a 6.4 metre rigid vehicle.*

### *Storage of goods*

6. *Any materials or goods must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.*

### *Hours of operation*

7. *The use of the land for the sale of liquor must only operate between the following hours unless otherwise agreed in writing by the Responsible Authority.*
  - *Monday to Saturday 9.00am – 11.00pm*
  - *Sunday 10.00am – 11.00pm*
  - *ANZAC Day 12 noon - 11.00pm*

### *Engineering Conditions*

8. *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*
9. *Stormwater drainage shall be connected to legal point of discharge as determined by the Responsible Authority.*
10. *A Traffic Impact study shall be conducted for all loading and unloading activity. The study shall include, as a minimum, a plan showing all vehicle movements for a maximum 6.4m long SUV, number of expected movements, nature of land ownership and proof of legal access where private land is required, to the satisfaction of the responsible authority.*
11. *This permit will have no force or effect unless proof of legal access to the rear of the site in accordance with Condition 10 is demonstrated, to the satisfaction of the responsible authority.*
12. *Prior to the occupation of the building, the owner of the land must liaise with Council's Engineering Unit to convert the on-street car space adjacent to the site and north of the existing 'Keep Clear' zone to a loading bay. All associated costs are to be borne by the permit applicant/owner.*
13. *Occupation of a footpath and hoarding permit shall be obtained from the Responsible Authority prior to commencement of works associated with the proposed verandah that extends over Council land. Pedestrian access must be provided during the proposed works to the satisfaction of the Responsible Authority.*
14. *All works associated with the above engineering conditions must be constructed and completed prior to the occupation of the building.*
15. *All costs associated with the above engineering conditions incurred in complying with the above conditions shall be borne by the permit holder.*

#### *No damage to Council infrastructure*

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

#### *Boundary walls*

*17. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.*

*Plant/equipment or features*

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

*Piping and ducting*

*19. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.*

*Loading and unloading*

*20. The loading and unloading of goods from vehicles must only be carried out on the land or in a designated on-street loading bay and must not disrupt the circulation and parking of any vehicles, with the maximum vehicle size entering the site to be a 6.4m long SRV, to the satisfaction of the responsible authority.*

*Signage*

*21. No flashing, intermittent lighting or changing coloured lighting is permitted*

*22. The signs must be maintained in good condition to the satisfaction of the Responsible Authority.*

*Permit Expiry*

*23. This permit will expire if one of the following circumstances applies:*

- The development is not started within two years of the date of this permit.*
- The development is not completed within four years of the date of this permit.*
- The use is not started within four years of the date of this permit.*

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

24. *The signage approved by this permit will expire fifteen years from the date of this permit at which stage all signs must be permanently removed from the land.*

#### *Permit Notes*

*Note 1: Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit on 5734 6230 to determine if a building permit is required for this proposal.*

*Note 2: A legal point of discharge must be obtained from Council's Engineering Services Unit before any drainage infrastructure is constructed.*

Mr Justin Scriha, Senior Planner at Ratio addressed Council on behalf of the applicant.

Ms Leah Clark, Managing Director of Inception Planning on behalf of Soul Poultrices addressed Council in objection to the application.

Mr Steve Sellars addressed Council in objection to the application.

Mr Hadyn Boshier addressed Council in objection to the application.

#### **MOTION**

*That Council, having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987 (the Act) to be given, and having considered all the matters required under Section 60 of the Act decides to issue a Refusal to Grant a Planning Permit PA 3219 for alterations and additions (including partial demolition) to an existing building, display of signage, waiver of the required on-site car parking and the sale of liquor associated with the supermarket in respect of the land known as 47 Albert Street, Creswick on the following grounds:*

- 1. The waiver of car parking in association with the proposed supermarket use would result in detriment to the surrounding area.*
- 2. Removal of existing carpark in Albert Street Creswick.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Brian Hood

**Carried**

Councillor Tim Drylie returned to the meeting at 6:53pm and took the chair.

#### **BACKGROUND**

##### *Site and Surrounds*

The subject site is known as Land in Plan of Consolidation 163901B.

The property is 838 square metres in area and is located within the main commercial centre of Creswick. The site has a frontage to Albert Street, with access to a laneway

along the south boundary, and contains an existing single storey commercial building. It is understood the previous use of the land was for Foodworks supermarket which has been vacant in excess of 2 years.

No easements or waterways traverse the property.

The site abuts commercial properties to the north and south, whilst the properties to the rear of the site are occupied by dwellings facing Cambridge Street, that are also located within the Commercial 1 Zone.

#### *Title and Covenant*

The land is burdened by Covenant M590494L that prevents the land to be used as a licensed premise.

The applicant has provided legal advice from Best Hooper Lawyers which determines that the covenant, restricting the use of the land for a licensed premise burdens the land "in part", and the proposed licensed area is not located within the land burdened by the covenant. Therefore, approval of the application including the sale of liquor does not breach the covenant.

Council engaged Russell Kennedy Lawyers to provide an independent review of the covenant who confirmed "*there is no breach of the Restrictive Covenant as it relates to a different portion of the Subject Site. The proposed location for the sale of liquor is not affected by the Restrictive Covenant.*"

To ensure compliance with the covenant, a condition has been included requiring the plans to be amended to show the land affected by the covenant.

#### *Proposal*

The application seeks approval for alterations and additions (including partial demolition) to an existing building including:

- a) Reconstruction of the façade including the parapet and verandah;
- b) Demolition of a large portion of the roof and provision of a loading area to the rear of the site;
- c) Construction of a new 50 square metre internal mezzanine;
- d) Construction of a new verandah to the rear of the site to facilitate loading and unloading of vehicles;
- e) An increase in the height of the walls on boundaries in part; and
- f) Provision of screening for plant equipment on the roof.

Display of business identification signage;

Waiver of the required on-site car parking; and

The sale of liquor (Packaged Liquor Licence).

It is noted the use of the land for a supermarket is an as-of-right (no permit required) use in the Commercial 1 Zone.

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

Zoning:	Commercial 1 Zone (C1Z)	
Overlays:	Environmental Significance Overlay Schedule 1 (ESO1) Heritage Overlay Schedule 234 (HO234)	
Particular Provisions	Clause 52.06 (Car Parking) Clause 52.27 (Licensed Premises)	
Relevant Provisions of the PPF	<ul style="list-style-type: none"> <li>• Clause 11.03-6S Regional and local places</li> <li>• Clause 15.01-2S Building design</li> <li>• Clause 15.01-5S Neighbourhood character</li> <li>• Clause 15.03-1S Heritage conservation</li> <li>• Clause 17.02-01S Business</li> <li>• Clause 18.02-4S Car parking</li> <li>• Clause 21.07 Economic Development</li> <li>• Clause 21.09 Environment and Heritage</li> </ul>	
Under what clause(s) is a permit required?	Clause 34.01-1	Buildings and works in the Commercial 1 Zone
	Clause 43.01-1	Buildings and works, partial demolition, signage and external painting of a building in the Heritage Overlay
	Clause 52.05	Display of business identification signage
	Clause 52.06	A waiver of the required on-site car parking
	Clause 52.27	Sale of liquor (Packaged Liquor License)
Objections?	Eight (8)	

### KEY ISSUES

The key issues for consideration relate to buildings and works in context of the Heritage Overlay, the appropriateness of the proposed liquor license, waiver of carparking and loading.

The application was referred to Council's Economic Development Unit which supports the proposal, noting that the application aligns with the Hepburn Shire Economic Development Strategy 2016-2021 and the proposal provides an

opportunity for increased employment and improving the visual amenity of the existing building and streetscape.

#### *Buildings and works/ Heritage / Signage*

Over time, the existing building has been altered from its original appearance. The proposed alterations are modest renovations to the building that will not substantially alter the scale of the building. The application was referred to Council's Heritage Advisor who deemed the proposal to be acceptable. The following comments are of note.

*The proposed revitalization and upgrade of the existing supermarket at 47 Albert Street meets the requirements of the Hepburn Planning Scheme Heritage Overlay Clause 43.01 and is in accordance with the Heritage Policy.*

*The design, siting, massing, bulk, height, form and design blends harmoniously in with the existing historic streetscape, without mimicking any one form or style.*

*The width and height are in proportion and scale to other nearby historic buildings. The proposal will not visually dominate the nearby heritage buildings.*

*The proposed colours are sympathetic and reflect other buildings in this group of commercial shops. The signage is contemporary yet also traditional in style. The proposed illumination is low key and will not create excessive lighting levels, instead provide safety for pedestrians and customers alike.*

*The proposal will enhance the historic streetscape and reinforce the interpretation of heritage significance of the place.*

The buildings and works and display of signage are considered to be acceptable and are supported by the Planning Policy Framework which seeks to foster economic development and the protection of Heritage within the Shire.

#### *Liquor license*

In relation to use of the land for the sale of liquor it is proposed to sell packaged liquor from the site.

The primary use of the business is a speciality supermarket with a complementary component of the sale of local wines and liquor illustrated by the limited size of the proposed licensed (Red line) area shown on the documentation material.

The cumulative impact on the amenity of the area must be considered. A search of the Victorian Commission of Gambling and Liquor Regulation (VCGLR) indicates that there are currently 16 liquor licenses issued for the town of Creswick. The majority of these licenses relate to restaurant or club licenses. The businesses that will have similar packaged liquor licenses include:



1. Farmers Arms Creswick - general license (31 Albert Street, Creswick VIC 3363 - 150 metres from the subject site)
2. IGA Creswick - Packaged liquor (48 Albert Street Creswick - 70 metres from the subject site)
3. RACV Goldfields Resort - General (1500 Midland Hwy, Creswick VIC 3363 - 2.8 kilometres from the subject site)

The proposed hours of operation are consistent with the VCGLR recommended hours for a packaged liquor license, being:

1. Monday to Saturday 9:00am – 11:00pm
2. Sunday 10:00am – 11:00pm
3. ANZAC Day 12 noon - 11:00pm

These hours will be included as permit conditions to ensure the sale of alcohol from the site cannot be undertaken outside these times.

It is considered that the approval of a liquor licence in association with a specialty supermarket is acceptable. The proposal is not a standalone or independent bottle shop and will complement the retail use of the site and surrounding land uses. Approval of the sale of liquor is unlikely to result in unreasonable amenity impacts upon the surrounding area given the sale of packaged liquor is only proposed and the site is within a commercial precinct.

#### *Carparking and loading*

No on-site car parking is proposed as part of this application. Vehicle access to the site is currently provided from a crossover to Albert Street and single width accessway that extends along the southern boundary of the site. It is proposed to provide bin storage, loading and unloading facilities to the rear of the building accessed from this accessway.

Clause 52.06 of the Hepburn Planning Scheme requires the provision of 5 on-site car spaces to each 100 square metres of leasable floor area. The leasable floor area is increasing due to the construction of a mezzanine of 50 square metres. Accordingly, 34 on-site car spaces are required to be provided for the 690 square metre supermarket. This application seeks to waive this requirement.

In considering a request to reduce the required on-site carparking, Clause 52.06 states that before granting a permit to reduce the number of spaces, the responsible authority must consider a number of matters including; any car parking deficiency associated with the existing use of the land, the availability of alternative car parking in the locality of the land, the practicality of providing car parking on the site, potential adverse economic impact and impact on local amenity, neighbourhood character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

The applicant has provided a traffic engineering assessment prepared by SALT3 (Sustainable Transport Surveys Pty Ltd) dated 21 July 2021. The report undertakes a

thorough assessment of the carparking requirements of the planning scheme, a carparking demand assessment, the adequacy of carparking supply surrounding the site, bicycle facilities, carparking manoeuvrability and traffic impact.

The traffic report indicates that as a supermarket use previously existed on the site, the need for on-site car parking is limited to the additional car parking required for the construction of the proposed mezzanine. Given the site has been vacant for more than two years, Council officers conclude that any existing use rights associated with the previously existing supermarket can no longer be credited in relation to car parking and consideration of car parking requirements associated with the entire supermarket is required.

The applicant's submission relies upon the previous long-term supermarket use to justify a waiver of car parking in relation to the supermarket (excluding the additional mezzanine area). The applicants traffic report concludes as follows, on the basis of considering the additional floor area proposed:

*The Car Parking Demand Assessment indicates a reduction of one (1) parking space can be supported given:*

- *Car parking utilisation surveys show a minimum of 77 vacant car spaces within convenient walking distance of the site during peak utilization periods;*
- *The subject site has good access to public transport services including Creswick Railway Station and the Route 30 bus within convenient walking distance;*
- *It is not physically practical or feasible to provide any additional on-site car parking;*
- *There is no Planning Scheme requirement for additional bicycle parking spaces;*
- *No changes are proposed to the existing access arrangement;*
- *Loading and waste collection can adequately occur in the same manner as per existing conditions;*
- *The volume of traffic generated by the development will have no significant adverse impact on the safety and operation of the surrounding road network.*

The application was referred to Council's Development Engineering Unit which supports the proposal subject to conditions.

In considering the above advice, officers support the request for a waiver of on-site car spaces for the following reasons:

- a. The previous long term established use of the land was a supermarket;
- b. The waiver of car parking associated with the extended floor area of the supermarket use can be accommodated by public off-site car parking;
- c. It is likely that customers may be making multi-purpose trips;

- d. Given the building is established, it is not possible, or practical to provide on-site carparking;
- e. The site is located within an established commercial precinct, with access to ample on-street car parking. The Traffic Report supporting the application indicated that at peak time, parking in the surrounds was at 56 percent availability;
- f. The proposal will support the ongoing viability of the supermarket and will not result in adverse economic impacts or amenity of the commercial precinct.

In relation to vehicle manoeuvrability, loading and unloading, the decision guidelines of the Commercial 1 Zone state that prior to determining an application, Council must consider *“the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.”*

It is understood that the previous business utilised a leased laneway accessed from Victoria Street to access the rear of the site. The land does not have legal access to this laneway on title and does not form part of this application. This application is proposing to use an existing easement that extends along the southern boundary of the site for access.

In support of the application, the applicant provided additional advice from SALT3 (Sustainable Transport Surveys Pty Ltd) dated 21 July 2021. The advice includes a detailed swept path assessment which concluded that loading and unloading can be undertaken using the existing easement to access the rear of building. However, the largest loading vehicle which can enter and exit the site and turn around at the rear of the site was deemed to be a 6.4m Small Rigid Vehicle (SRV).

It is proposed to include permit conditions requiring the submission and endorsement of a Waste Management Plan to clarify the operations relating to loading and unloading and reduce amenity impacts on pedestrians, adjoining business and the surrounding road network.

#### **POLICY AND STATUTORY IMPLICATIONS**

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

#### **GOVERNANCE ISSUES**

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

#### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

## **FINANCIAL IMPLICATIONS**

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

## **RISK IMPLICATIONS**

No risks to Council other than those already identified.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, eight (8) objections have been received.

A community consultation meeting was undertaken following completion of public notice. The parties did not reach any resolution and no objections were withdrawn.

The grounds of objection are summarised as follows:

- Access to private road
- Use of the laneway/carriageway easement
- Traffic / vehicle manoeuvrability / pedestrian safety / access by emergency services
- Liquor license
- Compliance with covenant
- Inaccuracy of plans
- Lack of existing use rights and carparking dispensations
- Lack of a construction management plan
- Heritage (extent of demolition and concern the proposed verandah represents mock heritage)
- Signage (visual clutter and negative impact on heritage significance)
- Waste management
- Impact on amenity of adjoining apartment (noise associated with the use and vehicles using the easement, loading and unloading of vehicles)
- Access to laneway during construction for residents of 49 Albert Street

The issues raised in the objections are addressed as follows.

### *Access to private road*

The objector advises that the previous business and owner of the land have a private agreement to lease land forming a laneway at the rear of the site. The laneway provides access to Victoria Street, and the lease is in effect until October 2027.

Given the title does not demonstrate legal access to this land it has not been considered as part of this application and the permit applicant has been required to demonstrate legal access from the existing laneway along the southern boundary of the site from Albert Street.

#### *Use of the laneway/carriageway easement*

It has been identified that the laneway has not been used by vehicles regularly for many years and the laneway provides access to a residential property to the rear of an adjoining commercial business. The title of the land indicates that the subject site has legal right of carriageway over the existing laneway to the south of the site.

Concern has been raised in relation to the potential for vehicles to collide with the shop verandah when accessing the laneway from Albert Street. The traffic advice submitted with the application indicates that an on-street car space must be removed to allow efficient vehicle manoeuvrability. Conditions of approval will require loading to be carried out on street therefore negating the need to modify the verandah to accommodate loading vehicle movements into the site and laneway.

#### *Traffic / Vehicle manoeuvrability / Pedestrian safety / Access by emergency services*

Advice has been provided with the application from a Traffic Engineer confirming the reduction in the required additional one on-site car space and vehicle manoeuvrability is acceptable. Vehicles will be able to exit the site in a forward motion ensuring the safety of pedestrians. Emergency services vehicles will retain access to the site from Albert Street. As loading is proposed by Council officers to be displaced to occur on street by conditions, which will negate concerns with loading vehicles using the laneway.

#### *Liquor license*

Concerns have been raised with the lack of information supplied relating to the proposed liquor license and the number of liquor licences in town negatively impacting on existing licensed premises and the health of the community.

The appropriateness of the liquor licence has been discussed in detail in this report. The proposed licenced area is a relatively small portion of the physical area of the business. The sale of alcohol is not considered to be that of a typical bottle shop and will complement the existing and primary business on the site being a supermarket. A notable and relevant VCAT red dot Decision *Axicom Pty Ltd v Melton City Council* [2020] identifies that Council must not consider objections from commercial competitors intended to maintain a commercial advantage.

#### *Compliance with the covenant*

The application is not considered to be in breach of the restrictive covenant and conditions have been included in the recommendation to ensure compliance with the covenant.

#### *Inaccuracy of plans*

Concerns were raised in relation to specific inaccuracies in the plans, including lack of windows shown on the first-floor elevations and lack of provision of a demolition plan.

Upon review of the objections, the applicant provided amended plans that were subsequently re-advertised and now form part of the application and are assessed in this report that demonstrate where walls were to provide light to the mezzanine, this provision has now been removed due to issues with fire rating. A demolition plan has also been included as part of the application which is satisfactory.

#### *Lack of existing use rights/Carparking dispensations*

It has been suggested that the site may have lost “existing use rights” due to the extent of time the previous supermarket has been closed, requiring Council to consider a larger car parking dispensation. This is not disputed.

The use of the land for a supermarket is as-of-right (no permit required) under the Commercial 1 Zone and the previously operating supermarket ceased operation more than 2 years ago if existing use rights were to be applicable. Regardless, it is reasonable to consider the proposal having regard to the previous operation of the site in determining appropriate car parking requirements.

A detailed assessment against the car parking requirements has been undertaken in the main body of this report. A car parking waiver associated with the proposed supermarket is considered to be acceptable.

#### *Lack of a construction management plan*

A Construction Management Plan is not considered to be necessary for a development of this size.

#### *Heritage*

The extent of demolition of the building is acceptable given the original building has previously been substantially altered. In relation to the proposed design response Council’s Heritage Advisor has determined that the appearance of the building is acceptable and represents a significant improvement to the existing façade that is respectful to the heritage significance of the site and surrounds.

#### *Signage*

Concerns have been raised in relation to the provision of signage including the under-verandah signs contributing to visual clutter.

The signage has been assessed against the decision guidelines of Clause 52.05 (Signs) and the Heritage Overlay and is considered to have been designed to appropriately identify the business and its services whilst respecting the appearance, form and heritage significance of the building and its surrounds. It is noted that Council’s Heritage Advisor reviewed the signage and raised no concerns.

#### *Waste management*

Council’s Engineering Unit has considered the application and determined that a private waste collection is feasible for the site. A condition has been included on

permit requiring a Waste Management Plan to be provided prior to the commencement of any works on the site.

*Impact on amenity of adjoining apartment / Access to laneway during construction for residents of 49 Albert Street*

It is noted that the site and adjoining properties are located within a Commercial 1 Zone. Therefore, amenity expectations for residential uses within this zone is less than that of a dwelling contained in a residential zone.

In this instance, the use of the land as a supermarket is as-of-right and therefore use impacts are not a relevant consideration.

Nevertheless, following review of the objections the applicant amended the application to include a 1.4m high acoustic barrier surrounding the proposed plant equipment on the roof of the building. A condition will also be included on the permit requiring a Waste Management Plan which will assist in limiting amenity impacts on the adjoining dwelling.

Please use block letters

Planning & Environment Act 1987

**WHO IS OBJECTING:**

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) .....

Tel: [REDACTED] Email: [REDACTED]

**WHAT APPLICATION DO YOU OBJECT TO?**

Permit application no. PA3219

Proposal: Alteration and extension to an existing building and associated works, installation and display of signage, waiver of car parking requirements and use of the land for the sale of liquor and associated liquor license

Who has applied for the permit: Brendan Blake

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

I own the Private Road that accesses the rear of 47 Albert St, the occupier of 47 Albert St only has access via that road until Oct '2027, at which point the fence will be continued; which will block access to the rear of 47 Albert St. I am concerned this will leave the Private Rd. between 47 and 49 Albert St as the only access. It has been at least mid '90's that this road was used for deliveries, The road is not built for the trucks that are on the roads now, the truck will have to cross a busy foot-path making it dangerous for pedestrians, the footpath is angled the larger trucks could hit the verandah of 47 Albert St, making it dangerous to pedestrians, I believe an ingress and egress report should be provided and also take into account the changed traffic conditions, the traffic island and the potential for waiting trucks to block the exiting of CFA trucks. I also object on Amenity, I do not believe Creswick requires any more liquor licenses, there has been a lot of liquor related incidents in town, no liquor licence request forms have been on public display at the premises.

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

Amenity of the town with increased lq license  
Trucks potentially blocking CFA  
Dangerous to walk on footpath with trucks exiting between 47 and 49 Albert St



*if insufficient space, please attach separate sheet*

### Privacy Collection Notice

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

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

Signature: 

Or Tick Box

Date: 07/09/21

### IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which our officers readily understand by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice - Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a special or indirect commercial advantage for the applicant. In this case, the Act operates as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection relates to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown on the notice you were sent, or when you saw it on a television, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will follow your decision.
10. If despite your objection the Responsible Authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The decision are set out on the Notice of Planning Application which will be issued after time.

**From:** [REDACTED]  
**To:** [Hepburn Shire Mailbox](#)  
**Subject:** PA 3219 Formal Objection  
**Date:** Tuesday, 12 October 2021 10:09:18 AM  
**Attachments:** [image001.jpg](#)

---

To whom it may concern, this email is a formal objection to the proposed planning application PA3219, 47 Albert St Creswick.

This objection is from the Entity that owns the current IGA, I also objected as the Creswick Supermarket Pty Ltd, the Entity that owns the Private Road that is not shown on the plan.

Please note, I am not objecting on commercial grounds. My objection is based on insufficient information provided in certain aspects of the planning permit, incorrect assumptions in regard to the purpose of the existing building and therefore substantially incorrect No. of Car Park spaces that dispensation has been sought. There are also further contraventions to the Hepburn Planning scheme.

- The title is covered by a Covenant M590494L – this has not been provided nor has there been any mention of what this restriction is and how the proposal will not contravene it
- The proposed 'First floor' plans have been drawn with solid walls all around the boundaries
  - An amended set of plans must demonstrate location of windows and compliance with walls on boundaries
- Given the subject site is located within the Heritage Overlay, any demolition triggers planning approval. The plans do not provide detail as to what is proposed to be demolished.
  - The plans demonstrate significant façade changes however no demolition plans have been provided to demonstrate what is proposed to be demolished
- A clear set of plans and supporting report needs to be provided that adequately addresses the proposed works to be undertaken within the 'carriageway marked A-2 for party wall purposes'.
  - The current set of plans are unclear exactly what works are proposed. Existing and proposed plans will assist with this aspect.
- The application applies for a Liquor License use however fails to stipulate what type of licence, what days or hours of operation. The application must also provide an assessment on the cumulative impact of any existing licensed premises and the proposed licenses premises on the amenity of the surrounding area as per the requirements of Clause 52.27 of the Hepburn Planning Scheme.
- The use of the premises ceased operation as a supermarket on 24 Oct 2017 and therefore existing use rights has ceased and any earlier approved permit would have lapsed. Therefore, the supplied car parking assessment is incorrect. The application is therefore required to be amended and assessed against Clause 52.06 as requiring 30 car parking space dispensation:





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

Page 1 of 1

**VOLUME 09727 FOLIO 763**

Security no : 124093034405A  
Produced 12/10/2021 03:39 PM

**LAND DESCRIPTION**

Land in Plan of Consolidation 163901B.  
PARENT TITLES :  
Volume 09135 Folio 540      Volume 09720 Folio 437  
Created by instrument CP163901B 20/02/1987

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor



**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AE312631S 26/04/2006  
BENDIGO BANK LTD

**COVENANT as to part M590494L**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP259282D FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 47 ALBERT STREET CRESWICK VIC 3363

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 03500L BENDIGO AND ADELAIDE BANK LTD - SAFE CUSTODY  
Effective from 21/07/2017

DOCUMENT END



## Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	<b>Instrument</b>
Document Identification	<b>M590494L</b>
Number of Pages (excluding this cover sheet)	<b>8</b>
Document Assembled	<b>12/10/2021 15:44</b>

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The document is invalid if this cover sheet is removed or altered.

ATTACHMENT 11.1.1

2017

Lodged at the Titles Office by *Byrne & Torney*  
*Newett, Louisa & Wilson*

Titles Office Use Only

REGD

021286 1013 45 0 M590494L

Code 0338J

**VICTORIA**

**TRANSFER OF LAND**

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement hereby created and subject to any easement hereby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included herein. (Notes 1-4)

Land (Note 5)

ALL THAT piece of land delineated and coloured red on the Plan endorsed on Annexure "A" hereto being part of the land comprised in Certificate of Title Volume 5466 Folio 058 and Certificate of Title Volume 5466 Folio 059.

*Now = 9720 - 437*

Consideration  
Four hundred dollars (\$400.00)

STAMP DUTY (Note 6)  
RECEIVED 15/04/17 11:00  
17 JUL 17  
20/00000000.00

Transferor (Note 7)

J.J. GOLLER & CO. PROPRIETARY LIMITED and THE BALLARAT BREWING COMPANY LIMITED

*Whose Survey  
Plot Landform  
D-12-86*

Transferee (Note 8)

IAN FRANCIS HUNTLEY and WILLIAM JOHN HUNTLEY both of 47 Albert Street, Creswick as joint proprietors

NEW TITLE

Estate and Interest (Note 9)

All its estate and interest in fee simple

CODE: 04

DUTY: \$ 5.80

ASSESSOR: 4

VALUE: \$ 700

Directing Party (Note 10)

Control of INTS  
9% Vol 5466 Fol 058  
(PT) (1/2 INT) & COVT  
9% Vol 5466 Fol 059  
(PT) (1/2 INT) & COVT  
Area: 70 m<sup>2</sup>  
8 1/2 x 1 1/2

Creation (or Reservation) of Easement and/or Covenant (Notes 11-12)

Covenant - see over



*Ex 17/12/86*  
**T2**  
*Jan 12 86*  
Approval No. T2/4

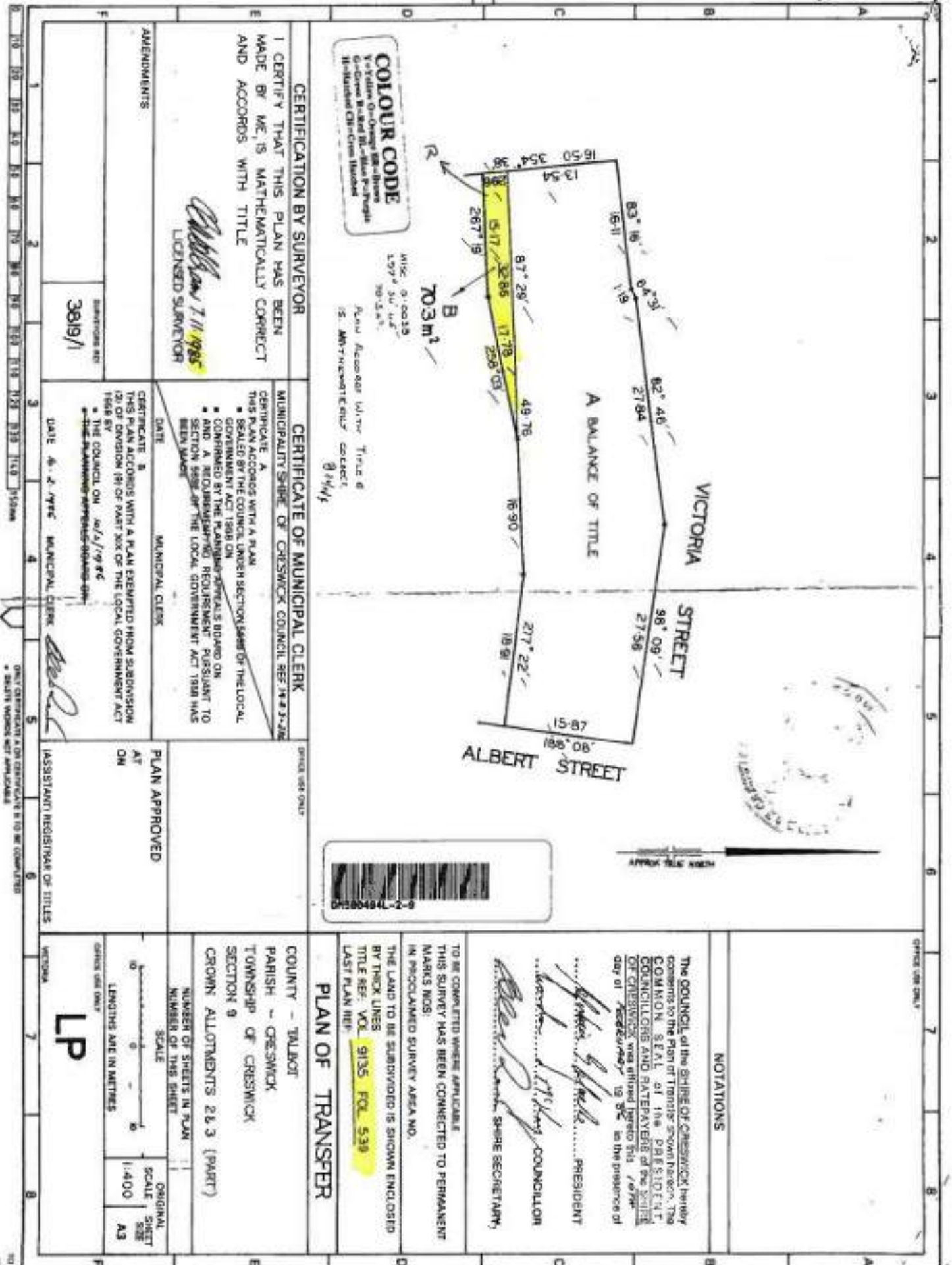


... of this instrument entered in the General Book.

COVENANT: -

The Transferees with the intent that the benefit of this Covenant shall be attached to and run at law and in equity with the land remaining untransferred in Certificates of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 other than the land hereby transferred and that the burden of this Covenant shall be annexed to and run at law and in equity with the land being hereby transferred-

HEREBY for the Transferees their Executors Administrators and Assigns and as a separate covenant with the Transferors and every registered proprietor for the time being of the land remaining untransferred in Certificate of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 (other than the portion of land being hereby transferred) COVENANT that they shall not use the land hereby transferred or any part of it or permit or suffer any of it to be used as or in conjunction with licensed premises as defined in the Liquor Control Act AND THIS COVENANT shall be set out as an encumbrance on the Certificate of Title to the land hereby transferred



**COLOUR CODE**  
 Yellow Green Blue Purple  
 G-Grade B-Blue P-Height  
 H-Height C-Contour

MISC. 01.00128  
 1.077 30' 4.4"  
 30.5 A.S.  
 Plan Accords with Title &  
 is MATHEMATICALLY CORRECT  
 8/24/21

**CERTIFICATION BY SURVEYOR**

I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ME, IS MATHEMATICALLY CORRECT AND ACCORDS WITH TITLE

*William T.H. 1/11/1985*  
 LICENSED SURVEYOR

**CERTIFICATE OF MUNICIPAL CLERK**

MUNICIPALITY/SHERE OF CRESSWICK COUNCIL REF: 14-2-206  
 CERTIFICATE A  
 THIS PLAN ACCORDS WITH A PLAN SEALED BY THE COUNCIL UNDER SECTION 198B OF THE LOCAL GOVERNMENT ACT 1988 ON  
 COMPILED BY THE MUNICIPALITY'S BOARD ON  
 AND A REQUIREMENT FOR THE LOCAL GOVERNMENT ACT 1988 HAS BEEN MADE

**AMENDMENTS**

3819/1

**PLAN APPROVED**

CERTIFICATE B  
 THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION 12) OF DIVISION 14) OF PART XIX OF THE LOCAL GOVERNMENT ACT 1988 BY  
 THE COUNCIL ON 10/2/1986  
 THE MUNICIPALITY'S BOARD ON



**NOTATIONS**

THE COUNCIL of the SHIRE OF CRESSWICK hereby consents to the Plan of Transfer shown hereon. The COMMON SEAL of the PRESIDENT, COUNCILLORS AND RATEPAYERS of the SHIRE OF CRESSWICK was affixed hereto this 7th day of February 19 86 in the presence of

*Robert G. ...* PRESIDENT  
*... ..* COUNCILLOR  
*... ..* SHIRE SECRETARY

TO BE COMPLETED WHERE APPLICABLE  
 THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NOS.  
 IN RECLAIMED SURVEY AREA NO.  
 THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED BY THICK LINES  
 TITLE REF: VOL 9135 FOL 539  
 LAST PLAN REF:

**PLAN OF TRANSFER**

COUNTY - TALBOT  
 PARISH - CRESSWICK  
 TOWNSHIP OF CRESSWICK  
 SECTION 9  
 CROWN ALLOTMENTS 2 & 3 (PART)

NUMBER OF SHEETS IN PLAN 1  
 NUMBER OF THIS SHEET 1  
 SCALE 1:400  
 ORIGINAL SHEET SIZE A3  
 LENGTHS ARE IN METRES

LP



**From:** [REDACTED]  
**To:** [Hepburn Shire Mailbox](#)  
**Subject:** Objection to Planning Permit PA 3219  
**Date:** Saturday, 2 October 2021 8:27:29 AM  
**Attachments:** [DOC300921.pdf](#)

---

Hi, my apologies, I had one date incorrect, I have now amended to 13<sup>th</sup> November 2028, rather than October 2028, the change is in Bold below

---

**From:** [REDACTED]  
**Sent:** Thursday, 30 September 2021 4:17 PM  
**To:** 'shire@hepburn.vic.gov.au' <shire@hepburn.vic.gov.au>  
**Subject:** Objection to Planning Permit PA 3219

Hi, this email is to formally object to Planning Permit PA3219

To whom it may concern; please see a plan attached that shows the approximate location of a Private Road Certificate of Title-Volume 11263 Folio 086  
This Private Road is referred to in the SALT document as a lane at the rear of the store that is adjacent the property- there is no lane, see further below.

Other items I bring to planning departments attention in my objection;

#### **SALT Document**

Page 2- Vehicle access will be via the lane between 47 and 45 Albert St, this hasn't been used except for domestic use since approx. mid 1990's, an Ingress Egress report and truck turning circles plan should be provided. There is now a pedestrian crossing next to this lane which I don't believe was there when last used for commercial use. It would be hard to swing in from same side of the road and illegal to turn from the opposite side of the road due to painted medium.

Page 3- Proposing to use Information centre car park as main car park, does this comply with current review of parking strategy of the Shire

Page 5- Refers to the existing Supermarket- the supermarket ceased trading on 24/10/2018, just on 3 years ago

Page 7- Loading and Waste Collection- no changes proposed in this regard. Waste collection and loading would occur at the rear of the building with vehicles gaining access via the laneway adjacent the site. - **There is no laneway adjacent the site**, when last used as a supermarket in 2018 there was access via the Private Road and the rear of the hotel land which has since been fenced off pending a future development, I believe. The width now is less than half the width that was used to access the rear of the property when last trading as a supermarket.

The access referred to in the proposal would actually be via the Private Road previously mentioned- Volume 11263 Folio 086, this Private Road is owned by Creswick Supermarket Pty Ltd, which is an entity I am the sole Owner and Director of.

Significant Properties (Brendan Blake owned entity) has access by way of a licence agreement to use my Private Road, which expires in **13<sup>th</sup> November 2028**

The licence agreement WILL NOT be renewed after this date. There is no mention of this licence agreement or the Private Road in the proposal or the Planning application and is not shown on any of the plans accompanying the planning permit and given the proposal also suggests vehicle access will be via the lane on Albert St, what are the plans beyond 2028?, I believe an Ingress

Egress report should be done and truck turning circles plan provided. As the rear access is a lot narrower than when last used as a supermarket in 2018, maybe truck ingress egress and turning circles should be checked here as well. The fence that is present at the rear of 45 Albert St and the side rear section of 45 Albert St are also not shown on the planning permit, this makes the entry for truck deliveries and rubbish removal look so much bigger than what they actually are.

**Refer PDF attached.**

Page 7- Traffic Impact expected to be negligible- refer point above.

**Planning Permit**

Page 1 refers to two (2) carparking spaces being waived, the SALT report refers to only one (1)

In closing I would like to emphasise I am not objecting on commercial grounds, I would just like to see my Property rights observed, and given my land is not even shown in the plans or discussed in the proposal it concerns me greatly. The entity making the proposal has no grounds for Adverse Possession after 2028, our grievances have been dealt with and agreed in a legally binding document.

Regards

[Redacted signature block]

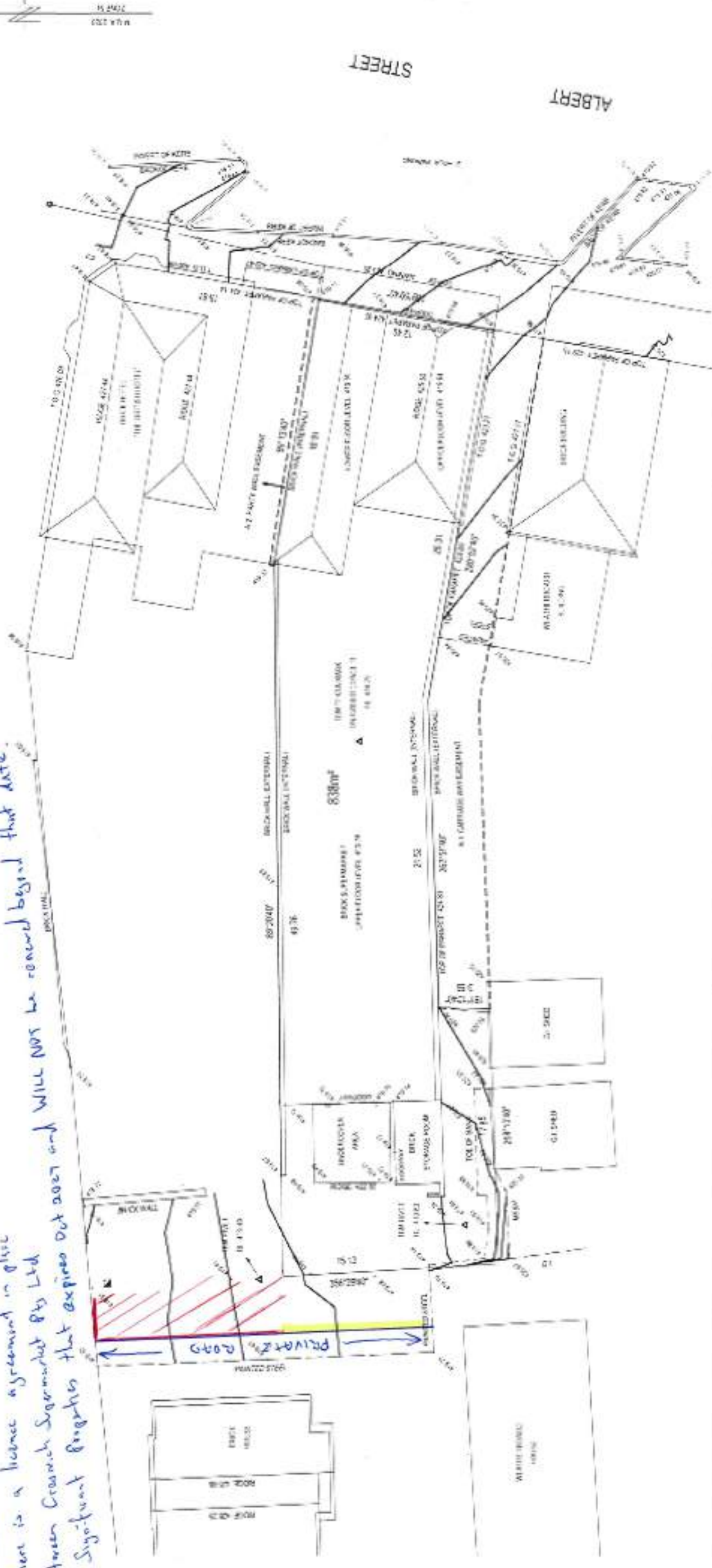
PRIVATE ROAD - Certificate of Title Volume 11263 Folio 086 - Owned by Creswick Supermarket Pty Ltd which is an entity fully owned by Steven Sellers



Hotel Property - Access already denied

Fence at rear and side of 45 Albert St - dangins access STREET  
Fence to be built Oct '27 VICTORIA

There is a licence agreement in place between Creswick Supermarket Pty Ltd + Significant Properties that expires Oct 2027 and will NOT be renewed beyond that date.



PLAN OF SURVEY

47 ALBERT STREET  
CRESWICK, VICTORIA  
PREPARED FOR MAXI FOODS  
FEBRUARY 2021

LEGEND

- FENCE
- EASIMENT
- ESUMMENT
- BOUNDARY LINE
- ▲ FURCHING BENCH MARK
- SURFACE POINT
- TELEGRAPH
- ▲ E'CP VALUE

NOTATIONS

1:500  
Creswick  
1/10/2021



3578

ORIGINAL SCALE SHEET SIZE

**Objection to PA 3219, 47 Albert St Creswick Vic**

**Applicant:** Warren Lee Architecture.

**Who is objecting:** [REDACTED]  
[REDACTED]

Reasons for objection: Access and waste management seem to have not been considered, and loss of Amenity. (see items 1 to 6 below)

How I will be affected by the permit: Loss of amenity, possible damage to building, safety and flooding concerns.

**Item 1.** 49 Albert St has always been a mixed-use property since its inception back in the 1870's. with a four-bedroom residential apartment above which has been in constant use, the property is accessed via the laneway between 47 & 49 Albert St.

The amenity of the residential tenant of 49 Albert St needs to be of consideration.

I would suggest the following conditions and further information be required:

-Early morning or late-night delivery's is not appropriate, can we please have delivery and waste collection times.

-During construction 49 Albert Streets right of carriageway is to be maintained at all times for the resident.

-The laneway must not be blocked for deliveries or waste collection at any time for day to day operations or during construction.

-A sound screen be installed around the proposed roof top plant area.

**Item 2.** To the best of my knowledge, 47 Albert St has never accessed the rear loading area from the laneway between 47 & 49 Albert St, and since I have owned the property at 49 Albert St for the best part of 20 years, they have not used the laneway for rear access, rear access has always been via the rear laneway accessed from Victoria St.

Please have the applicant demonstrate how a service vehicle will enter and egress the loading area from Albert Street in a forward direction. Including dimensions and weight of vehicle.

**Item 3.** Waste management for 47 Albert St has always been accessed via the rear laneway from Victoria St. Please have the applicant demonstrate the following:

-How a collection vehicle can enter and exit the proposed waste collection area in a forward direction from Albert St.

-The frequency and timing of waste collection.

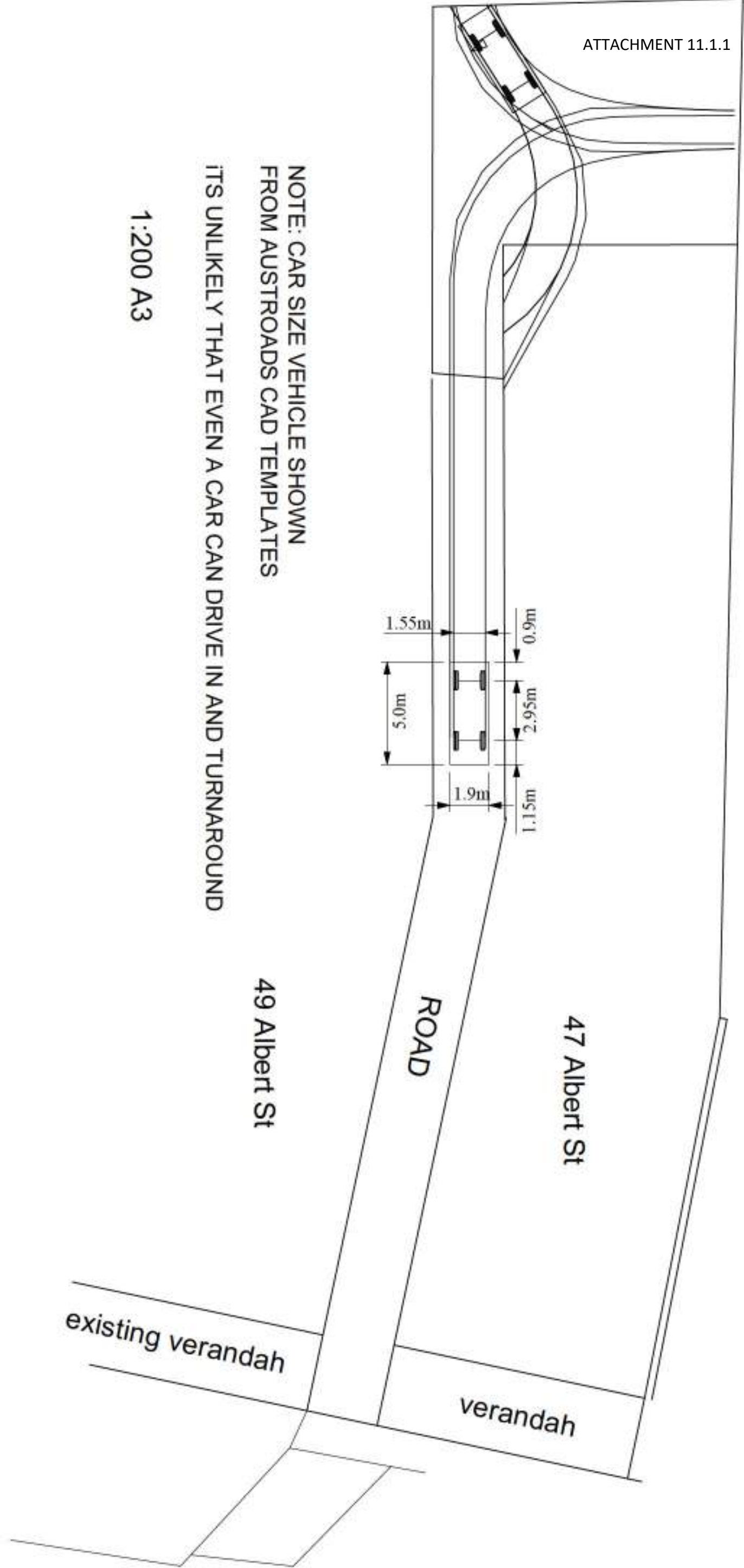
**Item 4.** The existing surface level of the laneway is to be maintained as this is the overland flow path for flooding. Please note Floor level to the rear of 49 Albert St is very close to the ground.

**Item 5.** Other items to consider are the streetscape pavement i.e. (cross fall of entry) and traffic islands are new additions.

Regarding the cross fall as an example. I had a bin truck reverse into the first straight section of laneway when we first moved into the property, and when it was leaving it drove into the supermarket canopy and demolished a third of the canopy., due to how tight the laneway is and the significant cross fall of the entry. when the new streetscape pavement was constructed the crossfall was increased.

While backing a truck into the laneway would no longer be seen as a safe practice, given the location of the laneway and its proximity to the midland Hwy/Albert St. the difficulty for any truck other than a light commercial vehicle to navigate even in a forward direction, the new pavement areas, traffic island, angle carparking and proposed new verandah would seem inappropriate and unsafe.

**Item 6.** Will a construction management plan be obtained as there are residential properties surrounding 47 Albert St.



NOTE: CAR SIZE VEHICLE SHOWN  
FROM AUSTRROADS CAD TEMPLATES

ITS UNLIKELY THAT EVEN A CAR CAN DRIVE IN AND TURNAROUND

1:200 A3

TRAFFIC IS

1:200 A3

NOTE: SERVICE SIZE VEHICLE SHOWN FROM AUSTRROADS CAD TEMPLATES

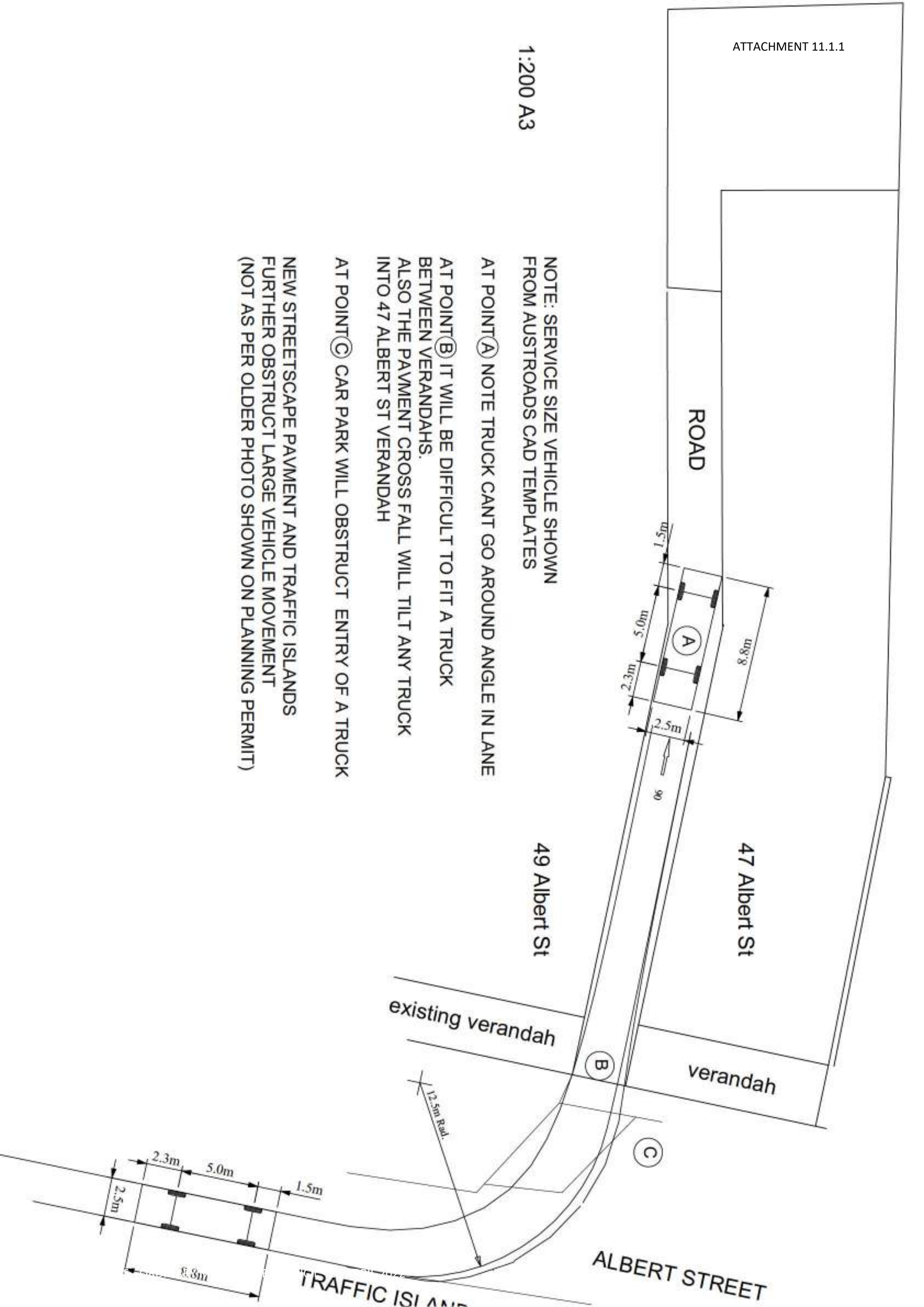
AT POINT A NOTE TRUCK CANT GO AROUND ANGLE IN LANE

AT POINT B IT WILL BE DIFFICULT TO FIT A TRUCK BETWEEN VERANDAHS.

ALSO THE PAVEMENT CROSS FALL WILL TILT ANY TRUCK INTO 47 ALBERT ST VERANDAH

AT POINT C CAR PARK WILL OBSTRUCT ENTRY OF A TRUCK

NEW STREETSCAPE PAVMENT AND TRAFFIC ISLANDS FURTHER OBSTRUCT LARGE VEHICLE MOVEMENT (NOT AS PER OLDER PHOTO SHOWN ON PLANNING PERMIT)







Please use block letters

Planning & Environment Act 1987

**WHO IS OBJECTING:**

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above)

Tel: [REDACTED] Email: [REDACTED]

**WHAT APPLICATION DO YOU OBJECT TO?**

Permit application no. PA 3219

Proposal: Off premise liquor/take away liquor

Who has applied for the permit: Warren Lee Architecture

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

50 years ago, Farmers Arms bottleshop was the only operating bottleshop in Creswick. 15 years ago, Foodworks (now IGA) added takeaway liquor to their liquor licence. 2 years ago, Foodworks was replaced with a new IGA with a bottleshop 10 times the size of what Foodworks had. This has taken a lot of trade away from the Farmers Arms bottleshop and customers are driven by competing prices and sales. Having a 3rd bottleshop in a small town like Creswick will have a further impact on the current bottleshops and the locals in Creswick who already have impacts discounted prices and consequently excessive drinking. A town with just over 3000 people and little tourism cannot accommodate a 3rd bottleshop, and competing businesses with sales on alcohol will have a negative affect on irresponsible drinking in the town. I am worried, that during Covid and my pub already so negatively affected that this may be the end of my business due to way too much competition on alcohol prices and 3 bottleshops all within approximately 25 metres of one another.

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

This has taken a lot of trade away from the Farmers Arms bottleshop and customers are driven by competing prices and sales. Having a 3rd bottleshop in a small town like Creswick will have a further impact on the current bottleshops. I am worried, that during Covid and my pub already so negatively affected that this may be the end of my business due to way too much competition on alcohol prices and 3 bottleshops all within approximately 25 metres of one another. I was already affected by the large IGA bottleshop and not sure if I will survive another across the road from my venue and the IGA.

.....  
 .....  
 .....  
 .....

*If insufficient space, please attach separate sheet*

**Privacy Collection Notice**

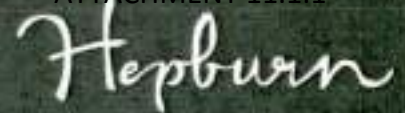
Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will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

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

Signature: ..... Or Tick Box  Date: 5/10/2021

**IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS**

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



File No: .....

Rec'd Date: 11 OCT 2021

Rec'd By: *[Signature]*

Action By: *Aike SF*

Reg No: .....

SHI

V11154

1 OCT 2021

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: *[Redacted]*

Property address: *[Redacted]*

Postal Address (if different to above): .....

Tel: *[Redacted]* Email: *[Redacted]*

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. *PA 3219*

Proposal: *ALTERATIONS AND EDITONS INCLUDING PARTIAL DEMOLITION TO EXISTING BUILDING, INSTALLATION AND SIGNAGE, WAIVER OF VEHICLE PARKING AND SALE AND CONSUMPTION OF REC LIQUOR ASSOC. WITH SUPERMARKET*

Who has applied for the permit: *WARREN LEE ARCHITECTS*

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- EVIDENCE OF TRADING HOURS AND DAYS NOT PROVIDED THAT FACILITATE DELIVERY AND WASTE MANAGEMENT FOR SUPERMARKET.
- NO PROVIDED EVIDENCE ON PLANS OF 49 ALBERT STREET BEING A DUAL PURPOSE BUILDING WITH PERMANENT RESIDENT ACCESSING 24/7 THE RIGHT-OF-WAY LANE, SOUTH SIDE OF 47 ALBERT CAUSING CHANGE TO HISTORIC LANE THROUGH DETERIORATION OF UNSEALED SURFACE, NUISANCE THROUGH LOGISTICAL MOVEMENT OF HEAVY AND LIGHT VEHICLES THROUGH: VIBRATION TO BUILDING, BRAKE AND GEAR NOISE, POLLUTION OF TOXIC FUEL COMES INTO RESIDENCE, INABILITY TO VIEW PEDESTRIANS USING FOOTPATH, INCLUDING DISABLED AND ELDERLY ON ALBERT ST FROM EXISTING LANE WITH LIMITED OUT TURNING DUE TO ANGLE PARKING, ROAD ISLAND, HISTORIC VERANDA.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

THERE HAS NOT BEEN ANY RECOGNITION OR IMPACT OF SHARED USE OF SOUTH SIDE LANE WHICH WILL AFFECT UNIDENTIFIED RESIDANCE ON PLAN THROUGH NUISANCE OF TRAFFIC, DEMOLITION AND BUILDING WORK. GREATLY CONCERNED FOR ELDERLY AND DISABLED COMMUNITY USING PEDESTRIAN PATH AS THE LANEWAY IS CONCEALED VISUALLY ON THE PATH AND FROM INTERNAL LANE. THIS IS FROM MY OWN EXPERIENCE USING THE RIGHT-OF-WAY-LANE. HAVING PTSD (supplied Doc attached) There needs to be consultation. VICTORIA STREET CARPARK PROVIDES A SAFER VEHICLE PLACE ~~TO~~ IN ~~FOR~~ FOR COMMUNITY AND VISITORS

Please use block letters

Continued

Planning & Environment Act 1987

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 5219

Proposal: See Attached first page

Who has applied for the permit: WARREN LEE ARCHITECTS

WHAT ARE THE REASONS FOR YOUR OBJECTION?

.....  
.....  
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.....

Continued

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

THERE HAS BEEN NO CONSULTATION EVIDENCE PROVIDED ON PA 5219 ON POTENTIAL VEHICLE IMPACT ON HISTORIC STORM WATER DRAIN CROSSING RIGHT OF WAY CANE, SOUTH SIDE USED BY 49 ALBERT ST.

ONGOING USE "WILL" CHANGE THE HISTORIC LANE THROUGH REASONS OF OBJECTION, GREATLY AFFECT THE BUILDING STRUCTURE OF HISTORICALLY PRESERVED 49 ALBERT ST, THROUGH VIBRATION AND POLLUTION WHEN OTHER ACCESS IS AVAILABLE VIA VICTORIA STREET WHICH IS DIRECT -

VICTORIA STREET ACCESS IS SEALED, SO NO DETERIORATION TO SURFACE. PROVIDE CLOSER PROXIMITY TO ~~THE~~ SUPERMARKET DELIVERIES AND WASTE MANAGEMENT. THERE IS NO POSSIBILITY THAT LARGE WASTE VEHICLES CAN USE THE LANE AND NO EVIDENCE HAS BEEN PROVIDED DISPLAYING LEGAL OHS VEHICLE TO BUILDING CLEARANCE, NOR SAFETY TO PEDESTRIANS.

If insufficient space, please attach separate sheet

#### Privacy Collection Notice

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Signature  Or Tick Box  Date: 10.10.2021

#### IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Limited pedestrian visual for safety

angled entry + exit into

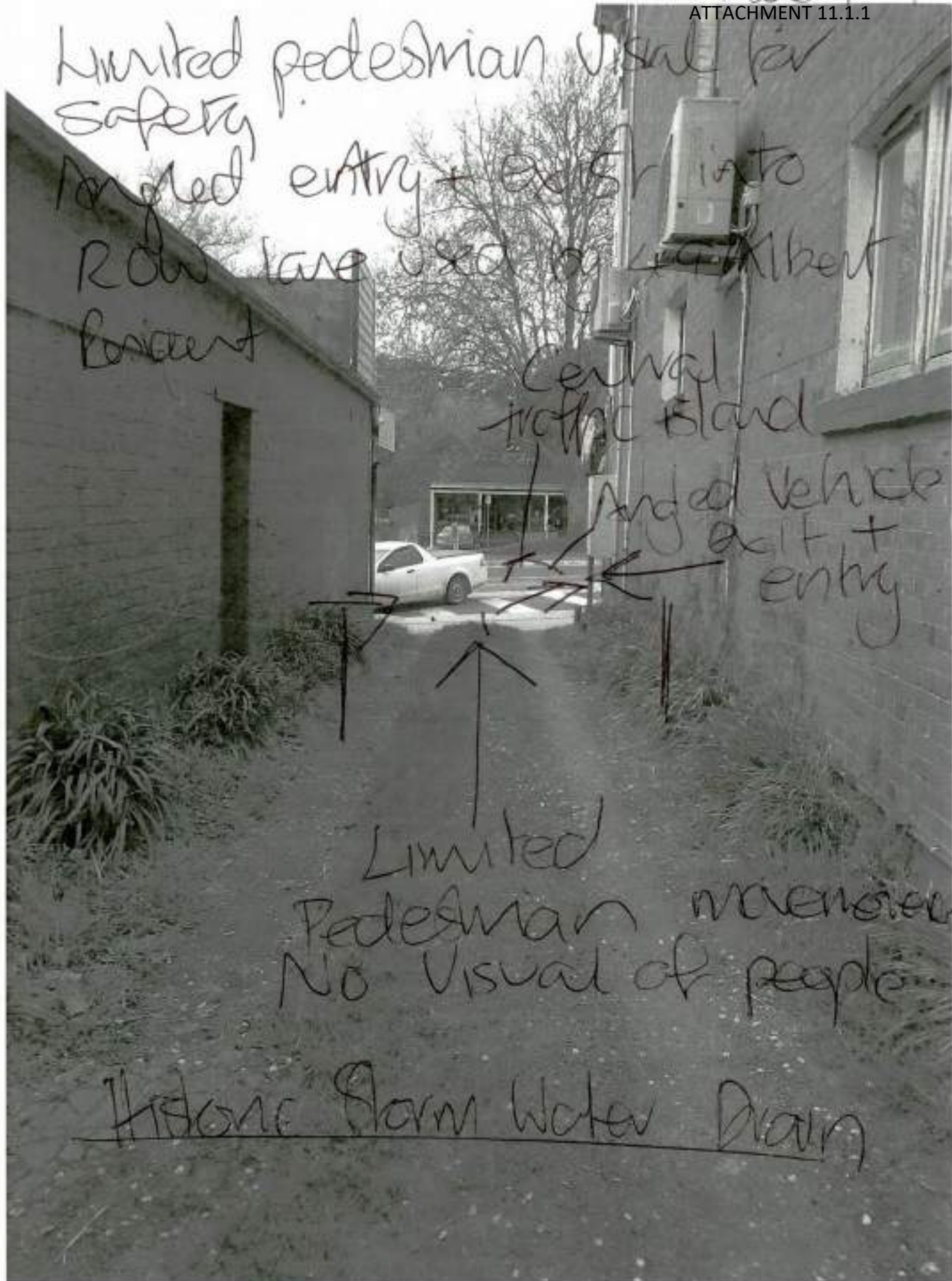
ROW lane used by 49th Street

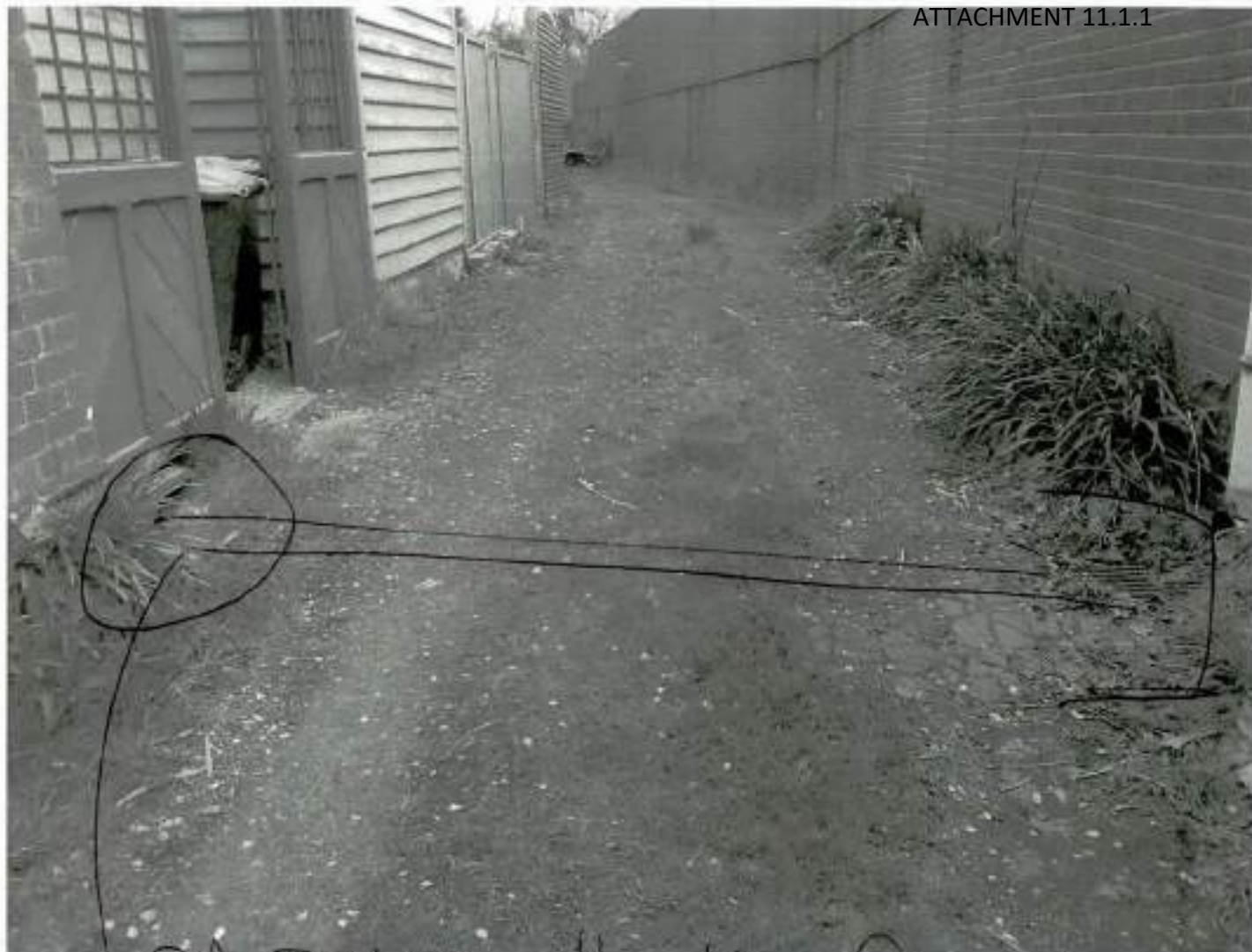
Central traffic island

Angled vehicle exit + entry

Limited Pedestrian maneuvered  
No visual of people

Historic Storm Water Drain





PA 3219 - Heather Faunne  
 Historic storm water

drain across/under lane  
 ROW, south side intended  
 for high traffic use over.

Deterioration + damage  
 concern.



PA 3219

Image



Supermarket  
Building  
Rubbish

Rear Access Gates

49 Albert St, Creswick  
in ROW, South Side

Looking West · Residential  
Access

Planned Vehicle delivery +  
waste management





PA3129 Rear Vehicle Access  
for business operations



Rear entrance from Victoria  
Street, sealed concrete  
with wider delivery and  
waste removal

PA 3129



49 Albert St

**FREED & GOLDING**  
*Commercial & Property Lawyers*

**Director**

Lauren J. Golding B.A. LL.B.

**Consultant**

Yariv Gary Freed B.Ec. LL.B.  
Accredited Specialist in Business Law

Freed & Golding Pty Ltd A.C.N. 006 255 429  
ABN 36 352 345 229

Liability limited by a scheme approved under Professional Standards Legislation

26 Anderson Street,  
CAULFIELD, 3162

Telephone: (03) 9532-7288

Mobile : 0419 594-989

E-mail: freed@tpg.com.au

24 December 2021

Planning Department  
Hepburn Shire Council  
Duke Street  
<kbaker@hepburn.vic.gov.au  
DAYLESFORD VIC. 3460

By Priority Post &  
Email: shire@hepburn.vic.gov.au  
& kbaker@hepburn.vic.gov.au

Dear Sirs,

**APPLICATION FOR A PLANNING PERMIT (THE APPLICATION)**  
**APPLICANT: WARREN LEE OF WARREN LEE ARCHITECTURE**  
**PREMISES: 47 ALBERT STREET, CRESWICK**

We act for Creswick Supermarket Pty Ltd which operates the supermarket at 48 Albert Street, Creswick, Victoria.

We confirm that Warren Lee of Warren Lee has made an application (**Application**) for a Planning Permit for 47 Albert Street, Creswick.

Our client objects to the Application on the following grounds.

**Restrictive covenant**

- as previously notified by our client to the Council, the subject land is encumbered by a registered restrictive covenant which prohibits the land from being used or in conjunction with the sale of liquor. As is evident from the title documents, the restrictive covenant burdens a small sliver of land at the boundary.

- the application clearly states that the subject land is not encumbered by any restrictive covenant and that the development will not breach any such restrictive covenant.

- as far as we are aware, the permit applicant has not made any application for a permit to withdraw or vary the restrictive covenant.

- we consider that the answer to the question of whether the restrictive covenant is breached by the development proposal remains unclear on the basis of the permit application material. And given the clear prohibition of the issue of a permit which would breach a restrictive covenant in s61(4), Council should refuse this application or at least make a request for further information from the permit applicant.

- in advice from Best Hooper regarding the restrictive covenant and provided to Council by Ratio, Best Hooper recommended providing architectural plans which included an overlay to demonstrate the extent to which the development proposal contemplated encroaching on the land encumbered by the restrictive covenant. This has not been done.

- on the basis of the permit application materials it is unclear whether the development proposal intends to build over any or all of the land encumbered by the restrictive covenant. If it is the case that the development proposal does encroach on the encumbered land, this is a clear breach of the restrictive covenant, despite the fact that the red line plan for the sale of liquor is at the other end of the proposed supermarket. This is because the covenant prohibits the encumbered land from being used **in conjunction** with the sale of liquor. It does not matter that the sale of liquor may not occur on the land encumbered, it matters that the encumbered land is being used for a use that is conjunction with the sale of liquor. This would be a clear breach of the restrictive covenant and pursuant to s 61(4) of the Act, Council must refuse this permit application.

- on the other hand, if the permit applicant is not intending on building over the encumbered land and is intending on arguing that the planning unit for the purposes of the proposal excludes the encumbered land, this must be made clear to Council and our client. Further, information will need to be provided as to how the permit applicant intends to use the encumbered land so as to avoid the making of a piecemeal application which would run foul of the VCAT's findings in *Fulton and Able*.

- in summary, there is simply a scarcity of relevant information regarding the restrictive covenant and on this basis the Council ought refuse the permit application on the basis of s 61(4) of the Act or at least request for further information.

#### **Private laneway**

- whilst no mention is made of the use of this private laneway in the permit application materials, it was made clear at the recent mediation that the permit application intends to use the laneway as part of the proposal, for deliveries and waste collection.

- the private laneway is owned by our client and a licence has been granted to the applicant for use of the laneway until 2028. This licence will not be renewed. In the circumstances, clear permit conditions will be required to prohibit the use of the laneway by the permit application following on from 2028. Our client has serious concerns regarding the ongoing viability of the use of the land for a supermarket without the use of the private laneway and considers this would be a valid reason alone for refusal of the permit. In the event Council determines to issue the permit, strict

conditions prohibiting the use of the laneway post 2028 and requiring alternate waste management are required.

### **Waste Management and Deliveries**

- given the use of the laneway for waste management and the fact that its width has been reduced since our client used the laneway for same, our client considers that a waste management plan should have been submitted with the application. There is insufficient information upon which Council can be confident that waste vehicles will access the laneway in the appropriate manner. A waste management plan which indicates and holds the permit applicant accountable to a certain type of waste management vehicle, clear and safe pathways of ingress and egress is required which includes entry and exiting of all delivery vehicles in a forward direction. Sweep path diagrams are also required to prove that this can be done (on our instructions this clearly cannot be done). Clause 34.01-2 requires Council to consider the amenity of the area with respect to waste trucks and there is insufficient information for Council to do so properly.

### **Heritage And Demolition**

- one of the permit triggers for the application is clause 43.01-1 yet the plans accompanying the materials make no reference to which part of the existing building is to be demolished and where the works will be occurring.

- in fact there is no heritage assessment at all accompanying the application.

- given the precedence given to heritage considerations in the PS this is a significant omission.

### **Car Parking**

- our client does not agree that the carparking requirement under clause 52.06 is one car space. Therefore the application for a reduction for a single car space is based on a false premise.

- this is because the permit applicant cannot rely on continuing an existing use. Existing use is governed by the planning scheme and requires 15 years of continued use. The subject site has been disused and vacant for 3 years so this is not satisfied. The permit applicant is therefore required to comply with the car parking requirements for a new use.

### **Absence of planning assessment and compliance with clause 52.26**

- the permit application is not accompanied by any assessment of the relevant permit triggers or planning considerations set out in the PS.

- nor is it accompanied by the material relating to a licensed premises pursuant to cl 52.26. These are significant omissions.

In the circumstances, it is clear that the Council should reject the Application.

Hepburn Shire Council

24 December 2021

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We look forward to hearing from you in due course.

Yours faithfully



Yariv Freed  
Freed & Golding Pty Ltd

**From:** [REDACTED]  
**To:** [Hepburn Shire Mailbox](#)  
**Subject:** Objection to PA 3219, 47 Albert St Creswick  
**Date:** Thursday, 2 December 2021 8:12:52 AM  
**Attachments:** [image002.jpg](#)

---

To Anita Smith  
Statutory Planner  
Hepburn Shire Council

Dear Anita

Objection to PA 3219, 47 Albert St Creswick

Applicant Warren Lee Architecture.

[REDACTED]  
[REDACTED]

Reasons for objection: Access and loss of Amenity.

To emit or reduce the loss of Amenity and Access concerns,  
Could we please have the following items added to the permit  
As conditions.

Item 1 - As mentioned in the letter from Ratio Consultants Pty Ltd, dated the 9 November 2021.  
A condition on the planning permit to restrict waste collection  
and delivery times, to between 7am and 7pm would be appropriate.

Item 2 - I also refer to the letter and swept path assessment plans from Salt traffic engineering.  
That determines that a 6.4M Small Rigid Vehicle, is the largest vehicle that can  
Enter and egress in a forward direction, via the laneway between 47 & 49 Albert St to the rear of  
47 Albert St.

Please have these items added as conditions to the permit.


Item 3 – Regarding waste management, as a large truck cannot access the rear of 47 Albert St.  
I assume collection will be via kerb side collection, with the bins wheeled down the laneway.  
Please note: item 3 is a question for consideration rather than an objection.



Planning Enquiries  
Phone: (03) 5348 1577  
Web: [www.hepburnshire.vic.gov.au](http://www.hepburnshire.vic.gov.au)

# Application for a Planning Permit

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

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

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

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

 Click for further information.

Clear Form

## The Land


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

### Street Address \*

Unit No.: _	St. No.: 47	St. Name: Albert St
Suburb/Locality: Creswick		Postcode: 3363

### Formal Land Description \*


Complete either A or B.


 This information can be found on the certificate of title.

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


A	Lot No.:	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 259282D
OR					
B	Crown Allotment No.:	Section No.:			
Parish/Township Name:					


## The Proposal


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

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

Proposed facade alterations, awning and signage. A mezzanine extension and waiver of 2 car spaces. Liquor License.

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

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

Cost \$ 1.0M	 You may be required to verify this estimate. Insert '0' if no development is proposed.
--------------	--



## Existing Conditions i

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

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

Vacant Supermarket

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

## Title Information i

### Encumbrances on title \*

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

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

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

## Applicant and Owner Details i

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

### Applicant \*

The person who wants the permit.

Name:

Title: Mr

First Name: Warren

Surname: Lee

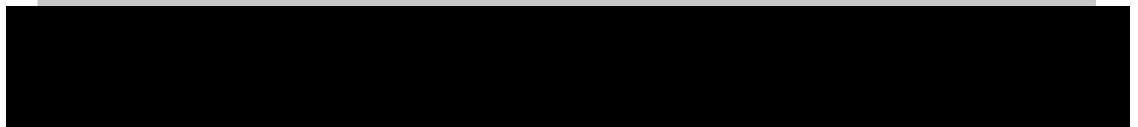
Organisation (if applicable): Warren Lee Architecture

Postal Address:

If it is a P.O. Box, enter the details here:



Please provide at least one contact phone number \*



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

### Contact person's details\*

Same as applicant

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

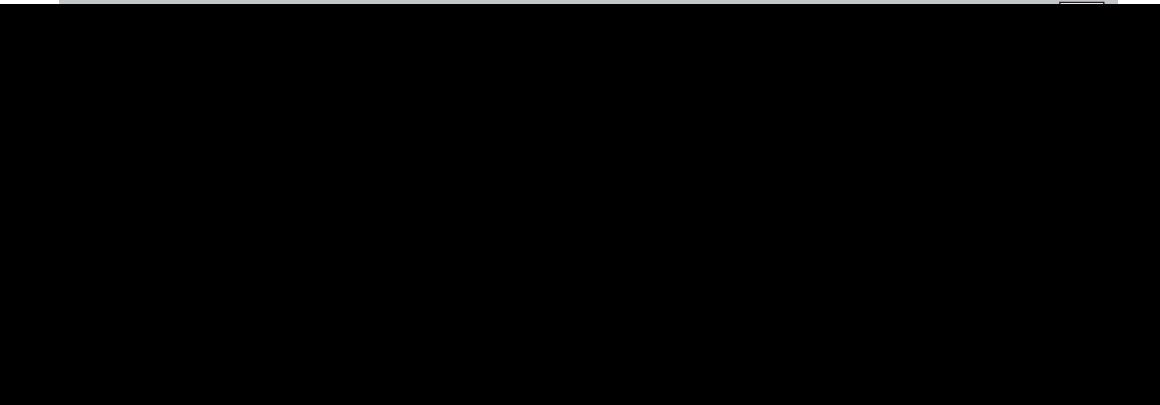
St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:



### Owner \*

The person or organisation who owns the land

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



## Declaration

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

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

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application. **ATTACHMENT 11.1.2**

Signature: **Warren Lee**

Date: 17/05/2021  
day / month / year

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



## Need help with the Application?

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

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

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

No  Yes If 'Yes', with whom?: Callum Murphy  
Date: 3/03/2021 day / month / year

## Checklist

**Have you:**

- Filled in the form completely?
- Paid or included the application fee? Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
- Provided all necessary supporting information and documents?
  - A full, current copy of title information for each individual parcel of land forming the subject site.
  - A plan of existing conditions.
  - Plans showing the layout and details of the proposal.
  - Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
  - If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).
- Completed the relevant council planning permit checklist?
- Signed the declaration above?

## Lodgement

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

Planning Department  
Hepburn Shire Council  
PO Box 21  
Daylesford VIC 3460  
  
Customer Service Centre  
Cnr Duke & Albert Streets  
Daylesford VIC 3460  
  
**Contact information:**  
Phone: (03) 5348 1577  
Email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

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

### Privacy Statement

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## AMENDMENT TO PLANNING APPLICATION

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

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

### Planning Permit

Permit number: PA 3219

Address of the Land: [REDACTED]

### The Applicant

Name: Warren Lee

Organisation: Warren Lee Architecture

### Amendment sought

Inclusion of demolition on the application form to read:

"Partial demolition of the building under the provisions of the Heritage Overlay. Reconstruction of facade, new awning and signage. A mezzanine extension and waiver of 1 car spaces. Liquor License".

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

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

### Prescribed Fee

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

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

### Declaration

### Lodgement

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

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

**Please Note:**

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

**AMENDMENT TO PLANNING APPLICATION**

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

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

**Planning Permit**

Permit number: PA 3219

**Amendment sought**

Please refer to enclosed cover letter:  
 .....  
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 .....  
 .....

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

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

**Prescribed Fee**

<b>To amend an application before advertising To amend an application after advertising</b>	<b>No fee 40% of application fee for the relevant class of permit</b>
---	---

**Declaration**

**Lodgement**

Please lodge the completed form, appropriate fee and supporting documents with:  
 Planning Department  
 Hepburn Shire Council  
 Duke Street  
 Daylesford VIC 3460  
 Telephone: (03) 5348 1577  
 email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

**Privacy Statement**

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

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



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

VOLUME 09727 FOLIO 763

Security no : 124089959004B  
Produced 17/05/2021 05:19 PM

**LAND DESCRIPTION**

Land in Plan of Consolidation 163901B.  
PARENT TITLES :  
Volume 09135 Folio 540      Volume 09720 Folio 437  
Created by instrument CP163901B 20/02/1987

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor



**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AE312631S 26/04/2006  
BENDIGO BANK LTD

COVENANT as to part M590494L

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP259282D FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 47 ALBERT STREET CRESWICK VIC 3363

**ADMINISTRATIVE NOTICES**

NIL

eCT Control      03500L BENDIGO AND ADELAIDE BANK LTD - SAFE CUSTODY  
Effective from 21/07/2017

DOCUMENT END



# Imaged Document Cover Sheet

ATTACHMENT 11.1.2

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Document Type	<b>Plan</b>
Document Identification	<b>CP163901B</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>10/01/2022 14:37</b>

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OFFICIOUS ONLY  
**CP 163901B**  
 ATTACHMENT 1...2

NOTATIONS

...  
 FEBRUARY 56  
*Signature of Surveyor*  
 ...

CERTIFICATION BY SURVEYOR

I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ME, IS MATHEMATICALLY CORRECT AND ACCORDS WITH TITLE

*Signature* 7.11.1985  
 LICENSED SURVEYOR

PLAN APPROVED

*Signature*  
 ASSISTANT MUNICIPAL ENGINEER 20.3.87

THIS PLAN IS TO BE CONSIDERED AS VALID AND CORRECT BY THE CONTROLLER OF THE LIVES

TITLE VOL 8185 POL 540 7 11207 454

PLAN OF CONSOLIDATION

COUNTY - TALBOT  
 PARISH - CRESWICK  
 TOWNSHIP OF CRESWICK  
 SECTION 9  
 CROWN ALLOTMENTS 2 & 3

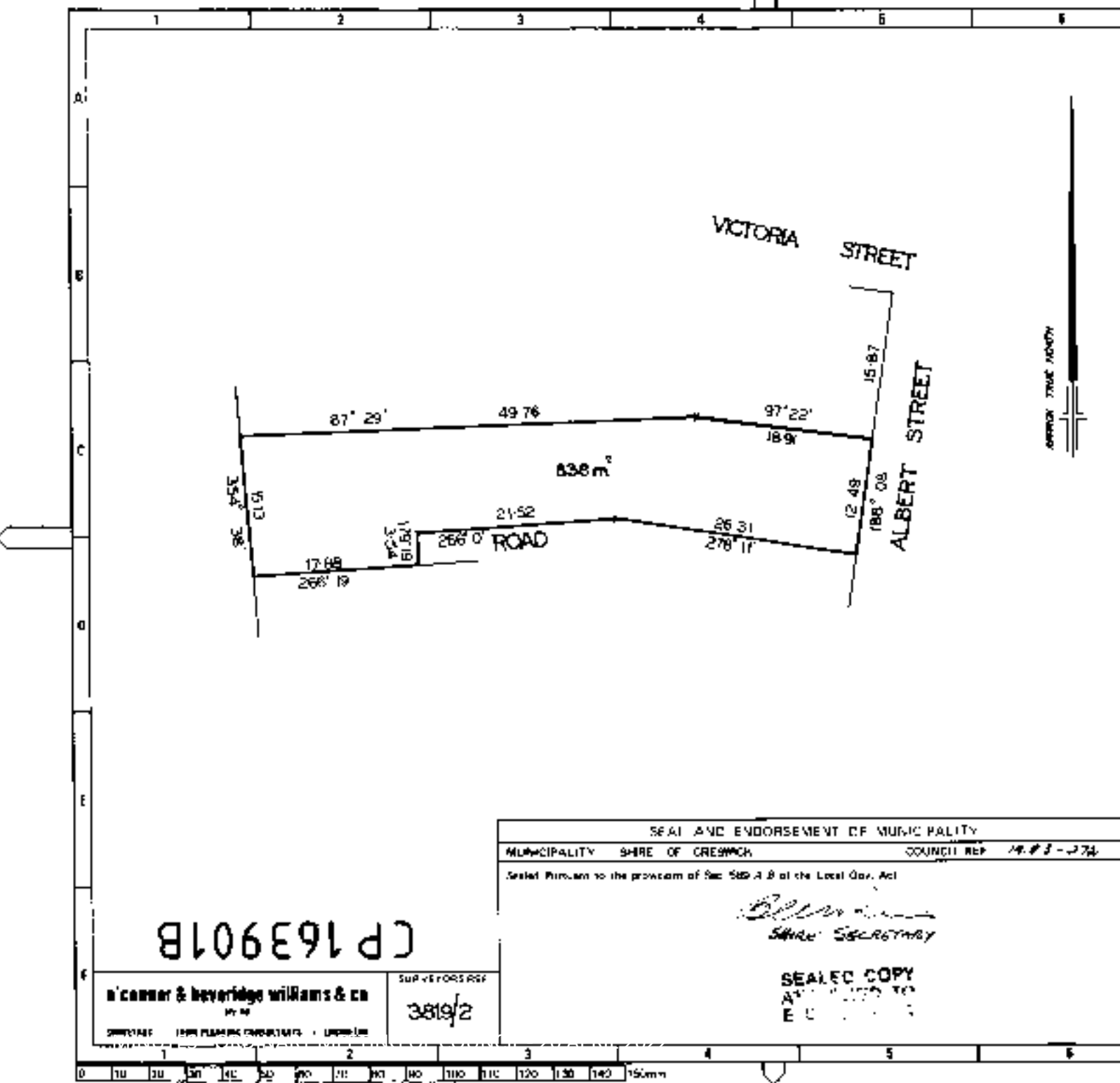
SCALE

ORIGINAL SCALE SHEET SIZE 1:400 A3

LENGTHS ARE IN METRES

DEFACED ONLY

**CP 163901B**



SEAL AND ENDORSEMENT OF MUNICIPALITY

MUNICIPALITY SHIRE OF CRESWICK COUNCIL REF 19.83-074

Sealed Pursuant to the provisions of Sec 58D A & B of the Local Gov. Act

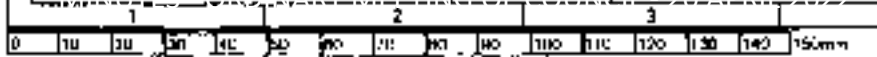
*Signature*  
 SHIRE SECRETARY

SEALED COPY  
 ATTACHED TO  
 E...

CP 163901B

McConner & Beveridge Williams & Co  
 SURVEYORS

SURVEYORS REF  
 3819/2



Produced by 'MAGDATA' using 'MagPlot' 3.0.0.000 on 20.03.87 File: 163901B



# Imaged Document Cover Sheet

ATTACHMENT 11.1.2

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Document Type	<b>Plan</b>
Document Identification	<b>TP259282D</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>17/05/2021 17:39</b>

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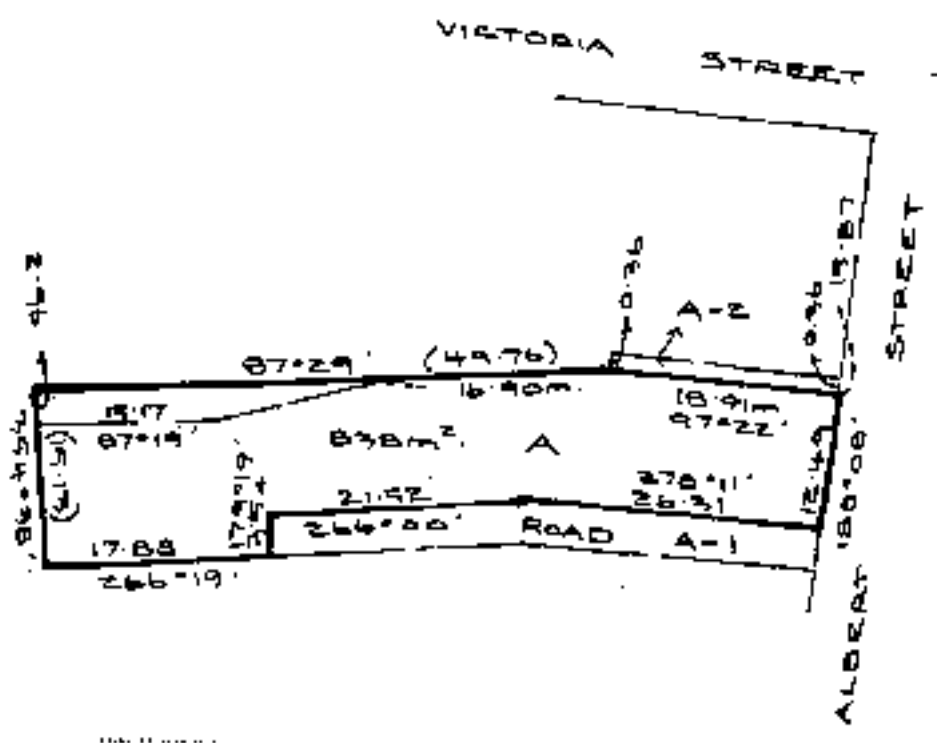
The document is invalid if this cover sheet is removed or altered.



<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>ATTACHMENT 11.1.2</b> TP 2592520
-------------------	------------------	--

<p><b>Location of Land</b></p> <p>Parish: CRESWICK          Township: CRESWICK          S.U.C.D.          Crown Allotment          Crown Portion</p> <p><b>Lot Plan Reference</b> CP103901B  <b>Derived from</b> M.C. 9/12/1961  <b>Depth Location</b> NIL</p>	<p><b>Notations</b></p> <p>ANY REFERENCE TO MAP IN IT IS TO BE MADE TO THE PLAN SHOWN ON THIS TITLE PLAN</p>
--	--

<p style="text-align: center;"><b>Description of Land - Easement Information</b></p> <p>all that piece of land in the Township and Parish of Creswick - - - -          County of Talbot being the land in Plan of Consolidation No. 163901B - - - -          which land is shown enclosed by continuous lines on the map hereon - - - -          TOGETHER WITH a right of carriage way over the land shown marked A-1 AS TO the land shown          marked A TOGETHER WITH a right to use the land shown marked A-2 for party wall purposes -</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRATION VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED 20/07/2002          VERSION 01</p>
---	---





# Imaged Document Cover Sheet

ATTACHMENT 11.1.2

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Document Type	<b>Instrument</b>
Document Identification	<b>M590494L</b>
Number of Pages (excluding this cover sheet)	<b>8</b>
Document Assembled	<b>17/05/2021 17:39</b>

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ATTACHMENT 11.1.2

Lodged at the Titles Office by *Byrne & Toney*  
*Nenett, Conth & Wilson*

Titles Office Use Only  
321286 1013 45 0 M590494L

REGD

Code 0338T

VICTORIA

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealing, lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement herby created and subject to any easement herby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included hereon. (Notes 1-4)

Land (Note 5)

ALL THAT piece of land delineated and coloured red on the Plan endorsed on Annexure "A" hereto being part of the land comprised in Certificate of Title Volume 5466 Folio 038 and Certificate of Title Volume 5466 Folio 039.

Consideration *New = 9720.437*  
Four hundred dollars (\$400.00) (Note 6)

STATE REVENUE (Note 6)  
RECEIVED 25/01/86 \$ 2,200.00/00/00

Transferor (Note 7)

[Redacted Name]

Transferee (Note 8)

[Redacted Name]

Estate and Interest (Note 9)

All its estate and interest in fee simple

Directing Party (Note 10)

CODE 04  
DUTY: \$ 580  
ASSESSOR: ...  
VALUE: \$ 700

Stamping Use Only

Creation (in Reservation) of easement and/or Covenant (Notes 11-12)

Covenant - see over



Office Use Only

T2



*Jan 12 86*  
Approval No T2/4

entered in the ... Book



NEW TITLE

COVENANT: -

The Transferees with the intent that the benefit of this Covenant shall be attached to and run at law and in equity with the land remaining untransferred in Certificates of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 other than the land hereby transferred and that the burden of this Covenant shall be annexed to and run at law and in equity with the land being hereby transferred-

HEREBY for the Transferees their Executors Administrators and Assigns and as a separate covenant with the Transferors and every registered proprietor for the time being of the land remaining untransferred in Certificate of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 (other than the portion of land being hereby transferred) COVENANT that they shall not use the land hereby transferred or any part of it or permit or suffer any of it to be used as or in conjunction with licensed premises as defined in the Liquor Control Act AND THIS COVENANT shall be set out as an encumbrance on the Certificate of Title to the land hereby transferred

OFFICE USE ONLY

NOTATIONS

The COUNCIL of the SHIRE OF CRESWICK hereby consents to the Plan of Transfer shown hereon. The COMMON SEAL of the PRESIDENT, COUNCIL (LDS) AND RATEPAYERS of this SHIRE OF CRESWICK was affixed hereto this 10th day of February 1996. In the presence of

*Alfred J. Goff* ..... PRESIDENT  
*William J. O'Hara* ..... COUNCILLOR  
*Alan Paul* ..... SHIRE SECRETARY

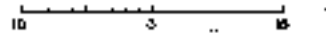
TO BE COMPLETED WHERE APPLICABLE  
 THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NOS  
 IN PROCLAIMED SURVEY AREA NO

THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED BY THICK LINES  
 TITLE REF VOL 9135 FOL 539  
 LAST PLAN REF

PLAN OF TRANSFER

COUNTY - TALKIT  
 PARISH - CRESWICK  
 TOWNSHIP OF CRESWICK  
 SECTION 9  
 CROWN ALLOTMENTS 2 & 3 (PART)

NUMBER OF SHEETS IN PLAN 1  
 NUMBER OF THIS SHEET 1

SCALE  
  
 LENGTHS ARE IN METRES  
 ORIGINAL SCALE SHEET SIZE 1:400 A3

OFFICE USE ONLY

LP

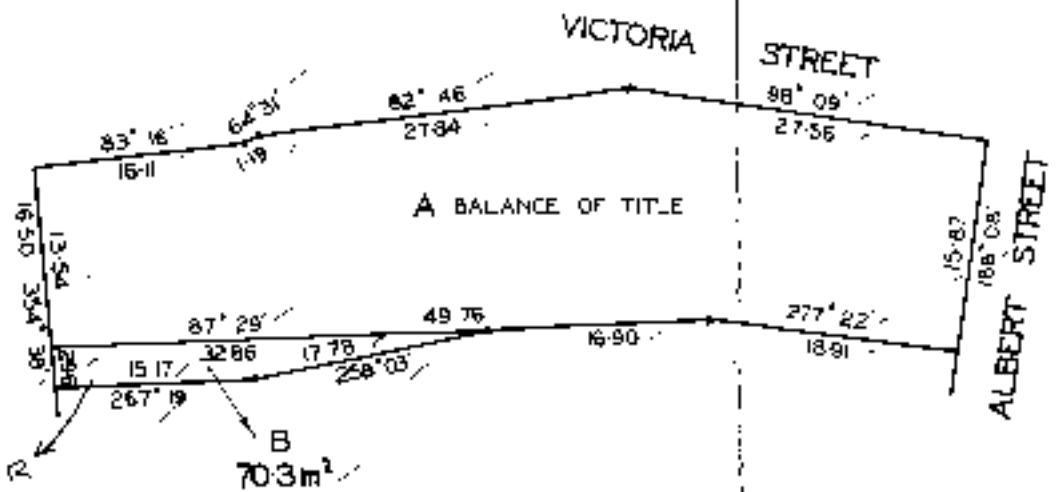
VICTORIA

OFFICE USE ONLY

PLAN APPROVED

AT  
 ON

ASSISTANT REGISTRAR OF TITLES



**COLOUR CODE**  
 1=Yellow 2=Orange 3=Brown  
 4=Green 5=Red 6=Blue 7=Purple  
 8=Black 9=Grey 10=Other

Area of Part B  
 703m<sup>2</sup>  
 This Area is 100% of the total area  
 and is MATHEMATICALLY CORRECT  
 8144

CERTIFICATION BY SURVEYOR

I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ME, IS MATHEMATICALLY CORRECT AND ACCORDS WITH TITLE

*Ch. Brown* 7.11.1995  
 LICENSED SURVEYOR

AMENDMENTS

3819/1

CERTIFICATE OF MUNICIPAL CLERK

MUNICIPALITY SHIRE OF CRESWICK COUNCIL REF 14 23 278

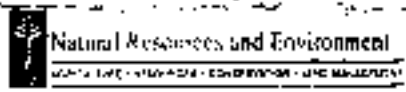
CERTIFICATE A  
 THIS PLAN ACCORDS WITH A PLAN  
 SEALED BY THE COUNCIL UNDER SECTION 565B OF THE LOCAL GOVERNMENT ACT 1958 OR  
 CONFIRMED BY THE PLANNING APPEALS BOARD OR  
 AND A REQUIREMENT NO REQUIREMENT PURSUANT TO SECTION 565E OF THE LOCAL GOVERNMENT ACT 1958 HAS BEEN MADE

DATE MUNICIPAL CLERK

CERTIFICATE B  
 THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION (3) OF DIVISION (B) OF PART XIX OF THE LOCAL GOVERNMENT ACT 1958 BY

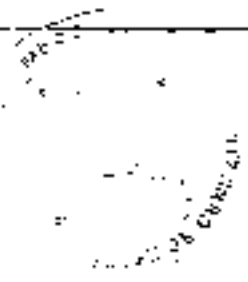
THE COUNCIL ON 10/2/1996  
 THE PLANNING APPEALS BOARD ON

DATE 6 2 1996 MUNICIPAL CLERK

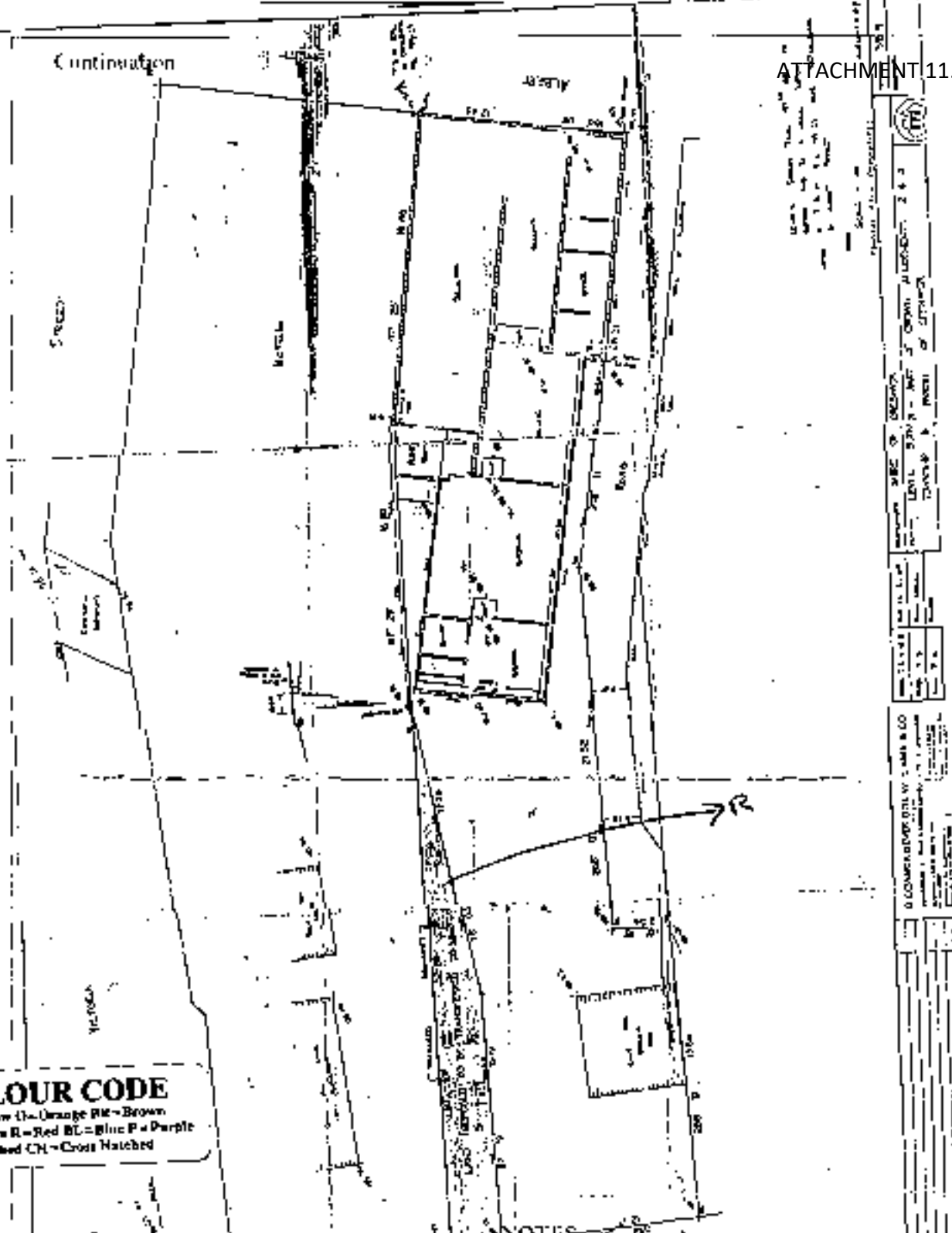


**INTENTIONALLY**

**BLANK**



Continuation



**COLOUR CODE**  
 Y = Yellow O = Orange BK = Brown  
 G = Green R = Red BL = Blue P = Purple  
 H = Hatched CH = Cross Hatched

NOTES

1. If there is insufficient space to accommodate the required information in a panel on the parent instrument insert the words "See Annexure A" (or as the case may be) and enter all the information on an annexure sheet under the appropriate heading.
2. If the instrument is lodged in duplicate (or triplicate) an annexure sheet must be attached to each. The annexure attached to the original must be completed in ink or by typewriter, that attached to the duplicate (or triplicate) may be a copy of the original but the signatures of all parties must be in ink on both the original and any copy.
3. The annexure must be properly identified, be signed by the parties to the instrument to which it is annexed and be securely attached thereto.
4. Multiple annexures may appear on the same annexure sheet but each must be correctly headed.

Surveyor's Name: _____ License No.: _____ Date: _____	
Title: _____ Address: _____ City: _____	Title: _____ Address: _____ City: _____
Date of Issue: _____ Validity: _____	



"a"

VICTORIA

ANNEXURE SHEET  
Transfer of Land Act 1958  
Notes 1-2

Note 3

This is the annexure marked "a" referred to in instrument of Transfer dated 9th July 1986 between J.J. GOLLER & CO. PROPRIETARY LIMITED and THE BALLARAT BREWING COMPANY ~~PROPRIETARY~~ LIMITED and IAN FRANCIS HUNTLEY & WILLIAM JOHN HUNTLEY

Signatures of parties

*I. F. Huntley*  
*W. J. Huntley*      *W. J. Huntley*

Note 4

Heading

A1



Approval No. A11



Date 9th July 1986

(Note 13)

Execution and Attestation

(Note-14)

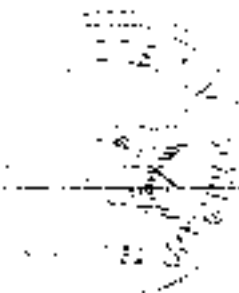
THE COMMON SEAL of J.J. GOLLER & CO. PROPRIETARY LIMITED was affixed hereto by Authority of the Directors in the presence of:

*[Signature]* Director  
*[Signature]* Secretary



THE COMMON SEAL of THE BALLARAT BREWING COMPANY LIMITED was hereto affixed in accordance with its Articles of Association in the presence of:

*[Signature]* Director  
*[Signature]* Secretary



SIGNED by the Transferees in Victoria in the presence of:

*[Signature]*

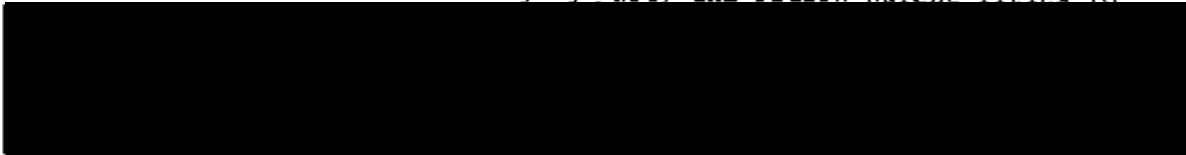
*J. F. Huntley*  
*[Signature]*



To: The Registrar of Titles,

ATTACHMENT 11.1.2

Please register this Instrument of Transfer and after registration hand Title to issue to the lodging party and return parent Title to



NOTES

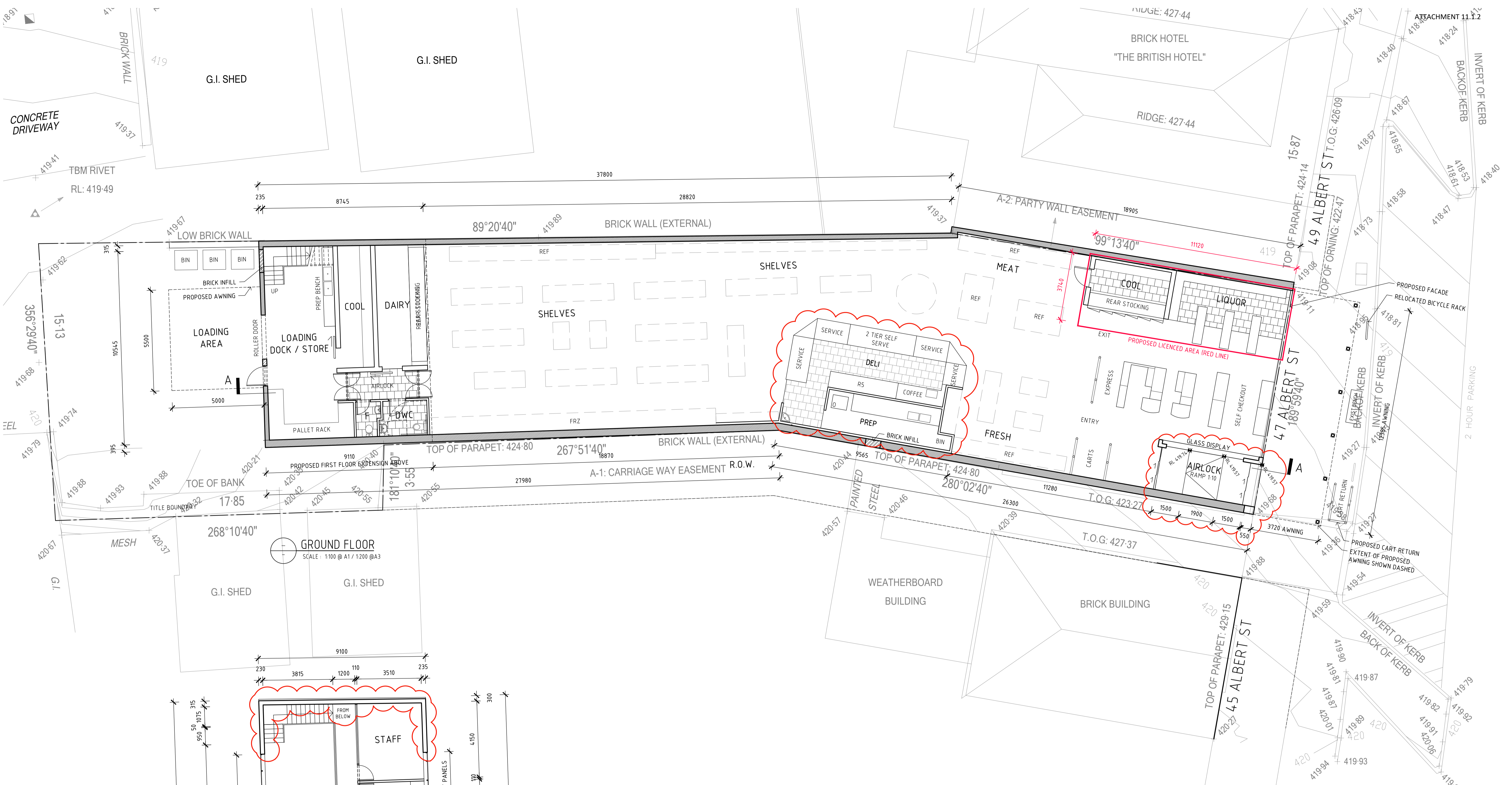
- This form must be used for any transfer by the registered proprietor—
  - of other than the whole of an estate and interest in fee simple
  - by direction
  - in which an easement is created or reserved
  - which contains a restrictive covenant or a covenant created pursuant to statute.
- Transfers may be lodged as an original only and must be typed or completed in ink.
- All signatures must be in ink.
- If there is insufficient space in any panel to accommodate the required information use an annexure sheet (Form A1) or if there is space available enter the information under the appropriate heading after any creation or reservation of easement or covenant. Insert only the words "See Annexure A" (or as the case may be) or "See overleaf" in the panel as appropriate.
 

Multiple annexures may appear on the same annexure sheet but each must be correctly headed

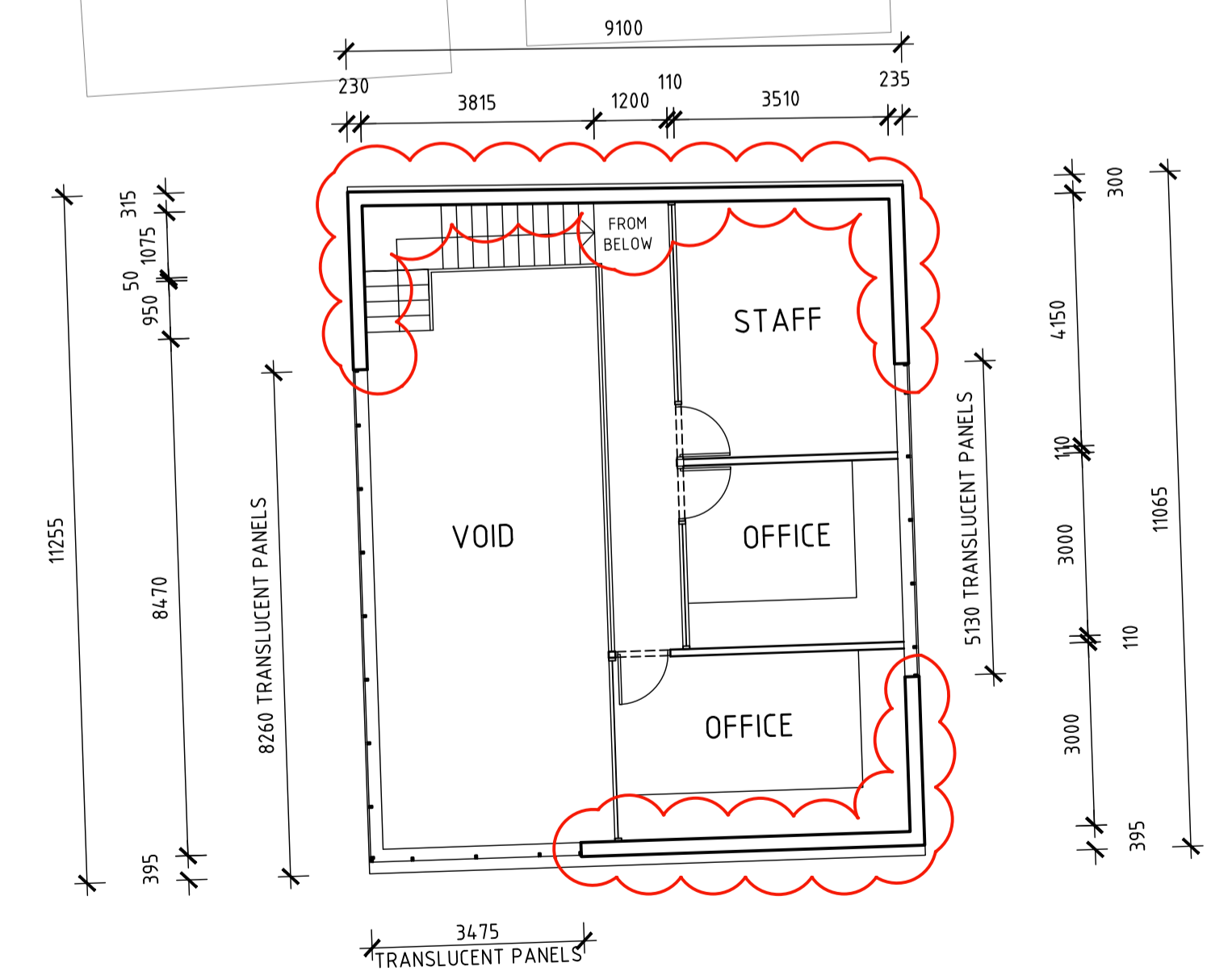
All annexure sheets should be properly identified and signed by the parties and securely attached to the instrument.
- Volume and folio references must be given. If the whole of the land in a title is to be transferred no other description should be used. If the transfer affects part only of the land in a title the lot and plan number or Crown description should also be given. Any necessary diagram should be endorsed hereon or on an annexure sheet (Form A1).
- Set out the amount (in figures) or the nature of the consideration. If the transfer is by direction show the various considerations
 

e.g. \$ . . . . . paid by B to A  
 \$ . . . . . paid by C to B

In a transfer in sale of land subject to a mortgage it should be clearly shown whether or not the amount owing under the mortgage is included in the consideration e.g. \$ . . . . . which includes the amount owing under mortgage No . . . . .
- Insert full name. Address is not required.
- Insert full name and address. If two or more transferees state whether as joint tenants or tenants in common. If tenants in common specify shares.
- Set out "All my estate and interest in the fee simple" (or other as the case may be)
- If the transfer is by direction give the full name of any directing party and show the various considerations under the consideration heading.
- Set out any easement being created or reserved and define the dominant and servient tenements
- Set out full details of any covenant and define the covenantee and the land to bear the burden and to take the benefit of the covenant.
- The transfer must be dated.
- If an executing party is a natural person execution should read "Signed by the transferor (transferee, directing party) in the presence of . . . . .". The witness must be an independent person. If an executing party is a body corporate execution should conform to any prescribed formalities relating to the affixing of the common seal.



GROUND FLOOR  
SCALE: 1:100 @ A1 / 1:200 @ A3



FIRST FLOOR  
SCALE: 1:100 @ A1 / 1:200 @ A3

DEVELOPMENT SUMMARY	
OVERALL LOT SIZE	838sqm
EXISTING LEASABLE AREA	660sqm
AREA TO BE DEMOLISHED	20sqm
RETAINED AREA	640sqm
PROPOSED GF	640sqm
PROPOSED 1F	50sqm
PROPOSED LEASABLE AREA	690sqm
TOTAL BUILDING SITE COVERAGE	640sqm
INCREASE IN AREA	30sqm

REVISION B: PLANNING AMENDMENT



PROJECT: 47 Albert St, Creswick VIC 3363, Maxi Foods inc. BFG  
CLIENT: [Blank]

Proposed Plans

PROJECT # 2102  
DATE: 05 NOV '21  
SCALE: 1:100@A1, 1:200@A3  
DWG BY: DS/ET/WL

SHEET NUMBER: TP04  
REVISION: B  
N



This drawing is copyright and remains the property of the Architect.

TBM RIVET  
RL: 418.84

ONCRETE RIVEWAY

TBM RIVET  
RL: 419.49

356°29'40"

15.13

420

420.67

G.I.



**WLA**  
WARREN LEE ARCHITECTURE  
PO Box 479 Toorak VIC 3142  
t. 03 98279191  
abn 58 686 162 787  
mail@warrenlee.com.au

PROJECT  
47 Albert St  
Creswick VIC 3363  
Maxi Foods inc. BFG

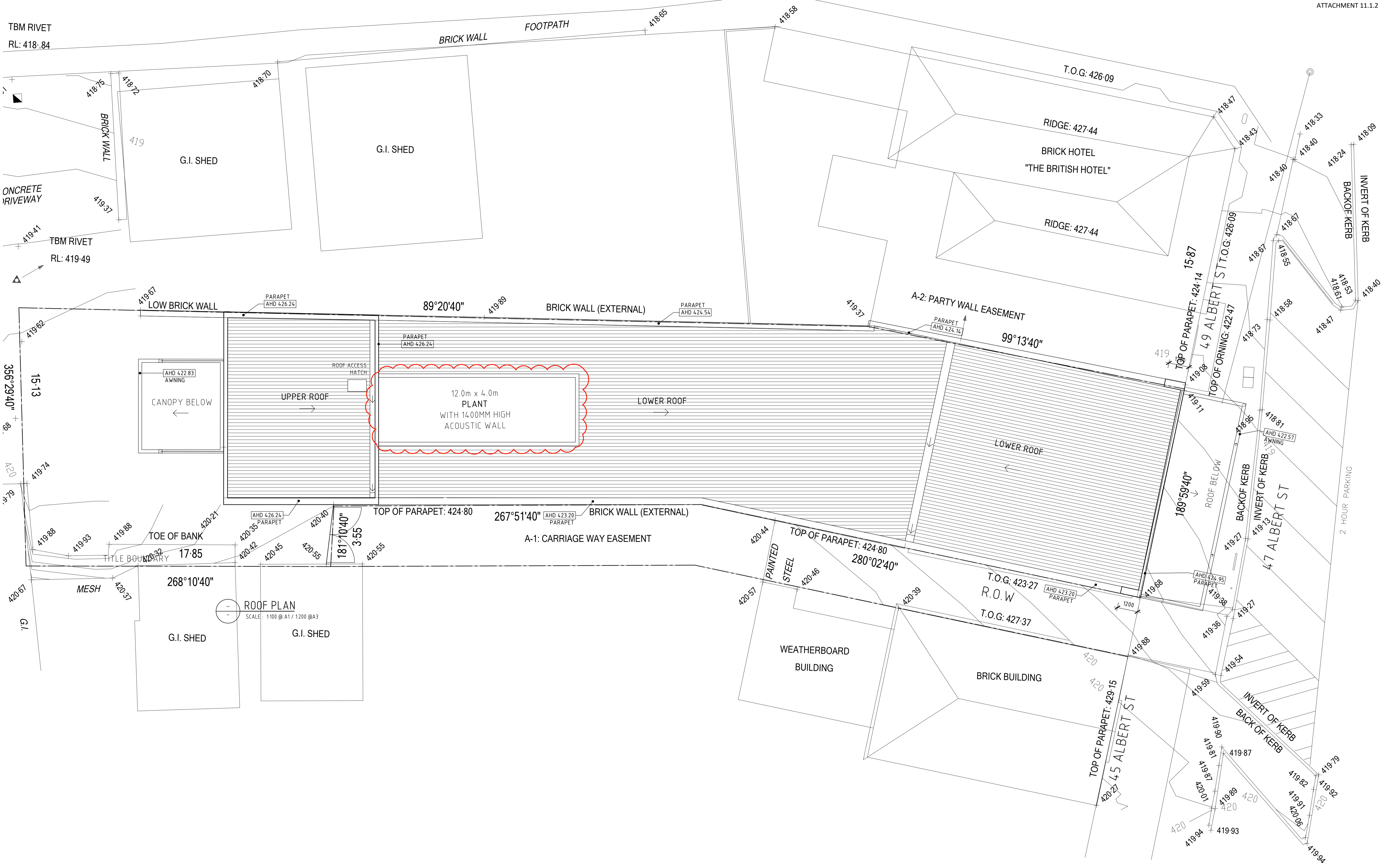
SHEET TITLE  
Proposed Roof Plan

PROJECT # 2102  
DATE: 05 NOV '21

SCALE: 1:100@A1  
1:200@A3  
DWG BY: DS/ET/WL

REVISION B: PLANNING AMENDMENT

SHEET NUMBER TP05  
REVISION B  
This drawing is copyright and remains the property of the Architect.



AHD 422.83  
AWNING  
CANOPY BELOW

UPPER ROOF  
ROOF ACCESS MATCH

12.0m x 4.0m  
PLANT  
WITH 14.00MM HIGH  
ACOUSTIC WALL

LOWER ROOF

A-2: PARTY WALL EASEMENT

LOWER ROOF

TOE OF BANK  
17.85  
G.I. SHED

ROOF PLAN  
SCALE: 1:100 @ A1 / 1:200 @ A3

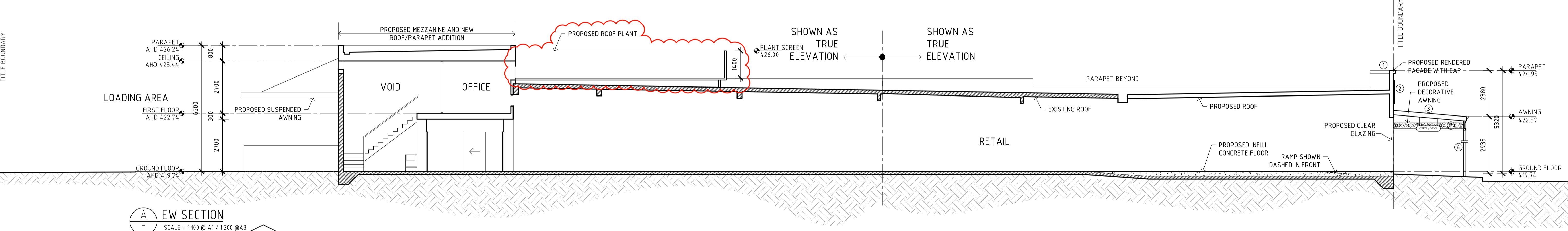
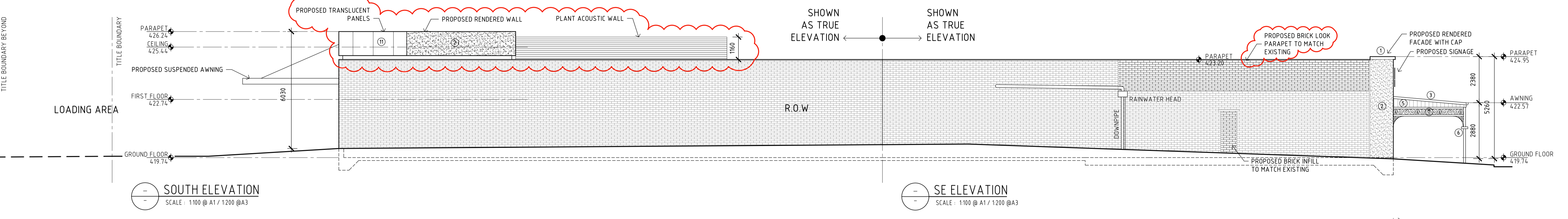
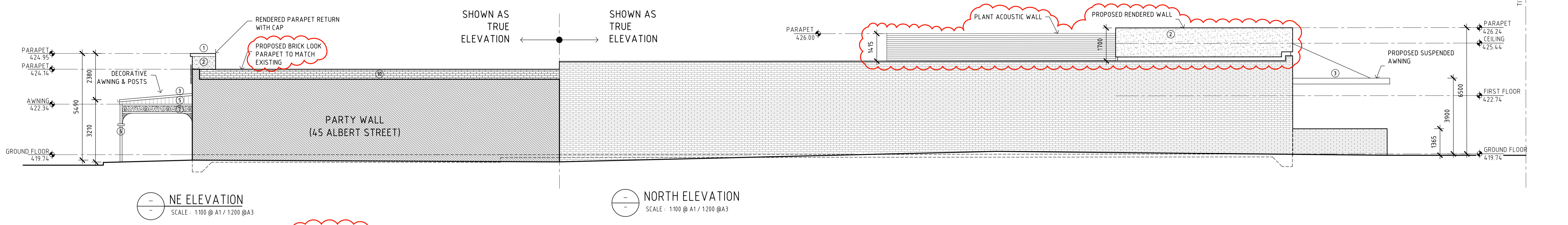
G.I. SHED

TOP OF PARAPET: 424.80  
A-1: CARRIAGE WAY EASEMENT  
BRICK WALL (EXTERNAL)

PAINTED STEEL  
WEATHERBOARD BUILDING

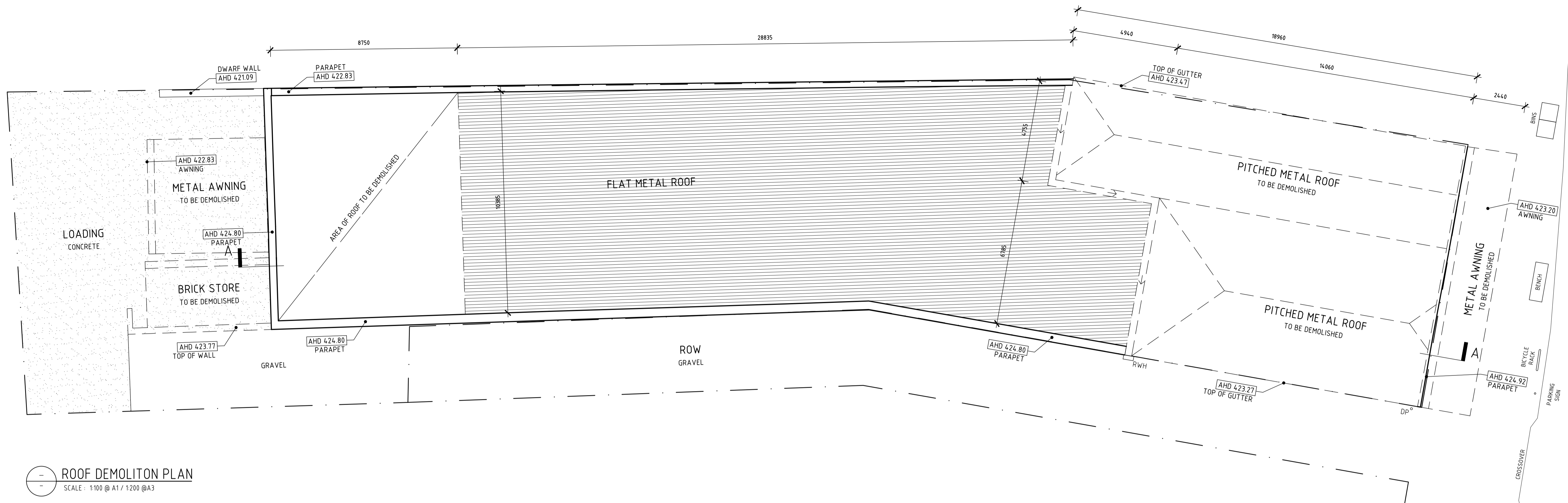
T.O.G: 423.27  
R.O.W  
T.O.G: 427.37  
BRICK BUILDING

INVERT OF KERB  
BACK OF KERB  
47 ALBERT ST

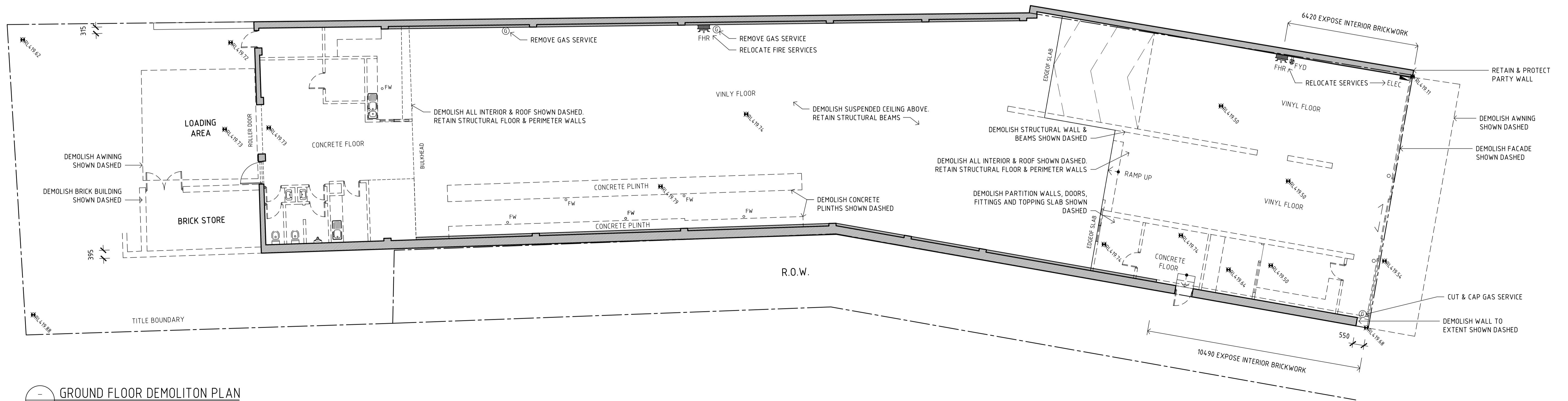


- 1 PARAPET CAP. DULUX MONUMENT
- 2 RENDERED FACADE. DULUX NATURAL WHITE
- 3 CORRUGATED ROOF. DULUX MONUMENT
- 4 METAL GUTTER. DULUX MONUMENT
- 5 FASCIA BOARD. DULUX NATURAL WHITE
- 6 VERANDAH STRUCTURE. DULUX MONUMENT
- 7 VERANDAH LACEWORK. DULUX NATURAL WHITE

- 1 COLOURBOND METAL PARAPET CAP. COLOUR: DULUX MONUMENT
- 2 COARSE CONCRETE RENDER. PAINT FINISH. COLOUR: DULUX NATURAL WHITE LOW SHEEN PCWFS
- 3 COLOURBOND CORRUGATED METAL ROOF. COLOUR: DULUX MONUMENT
- 4 COLOURBOND GUTTER. COLOUR: DULUX MONUMENT
- 5 VERANDAH FASCIA BOARD. PAINT FINISH. COLOUR: DULUX NATURAL WHITE LOW SHEEN PCWFS
- 6 VERANDAH METAL STRUCTURE. PAINT FINISH. COLOUR: DULUX MONUMENT LOW SHEEN
- 7 VERANDAH LACEWORK DECORATION. PAINT FINISH. COLOUR: DULUX NATURAL WHITE LOW SHEEN PCWFS
- 8 CLEAR GLAZING
- 9 EXISTING BRICKWORK
- 10 PROPOSED BRICKWORK
- 11 POLYCARBONATE PLANT SCREEN. COLOUR: TRANSLUCENT WHITE



ROOF DEMOLITION PLAN  
SCALE: 1:100 @ A1 / 1:200 @ A3



GROUND FLOOR DEMOLITION PLAN  
SCALE: 1:100 @ A1 / 1:200 @ A3

NEW DRAWING: PLANNING AMENDMENT

# SITE CONTEXT REPORT - SIGNAGE

The existing building does not currently display any signage at its street frontage.

Though the directly adjacent buildings contain low scale signage, other buildings in the immediate street, such as the Creswick Pharmacy, Tyrepower, and the directly opposing, Café 56, display more prominent signage, and/or bold colours.

The buildings directly abutting the proposed site, The Farmer's Wife, and The British Hotel's signage takes the form of simple text, without significant graphics. Likewise, the proposed signage for the new boutique supermarket blends clean text with simple graphics in order to mesh with its neighbours.

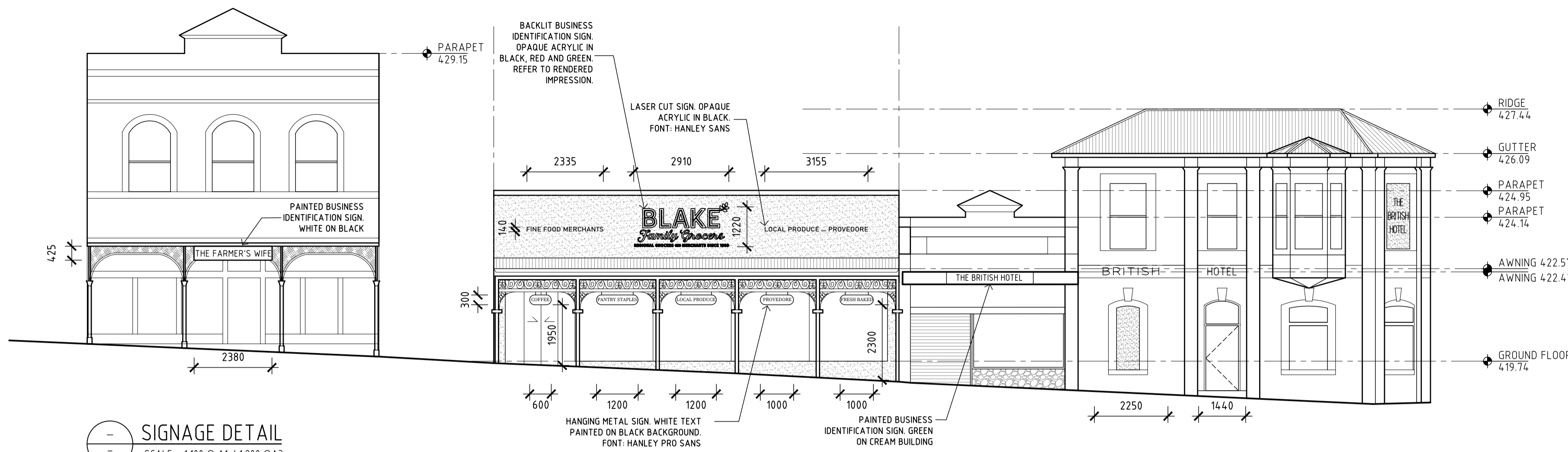
The signage proposed are the: Blake Family Grocer business identifier in black, red and green, featuring a simple clean sans-serif name, paired with a softer, rustic, handwritten font; and additional simple signs flanking which describe the store. These signs are primarily text with only small, decorative, graphic elements.

The sign consists of laser cut, coloured, opaque acrylic lettering, held in front of the façade surface through the use of pins. Rough render is applied to the façade, except for around the main sign, subtly highlighting the text.

The illumination for the sign will take the form of recessed LED backlighting placed behind the business identifier sign, which will illuminate behind and around the edges of the sign, providing a warm glow against the render of the parapet, and signs.

The proposed signs on the parapet equal 5.1 sqm in total, placed above the heritage and street sensitive verandah, with original reclaimed lacework elements.

Simple signs of white text on black metal also hang below the verandah, totalling a maximum of 1.5sqm



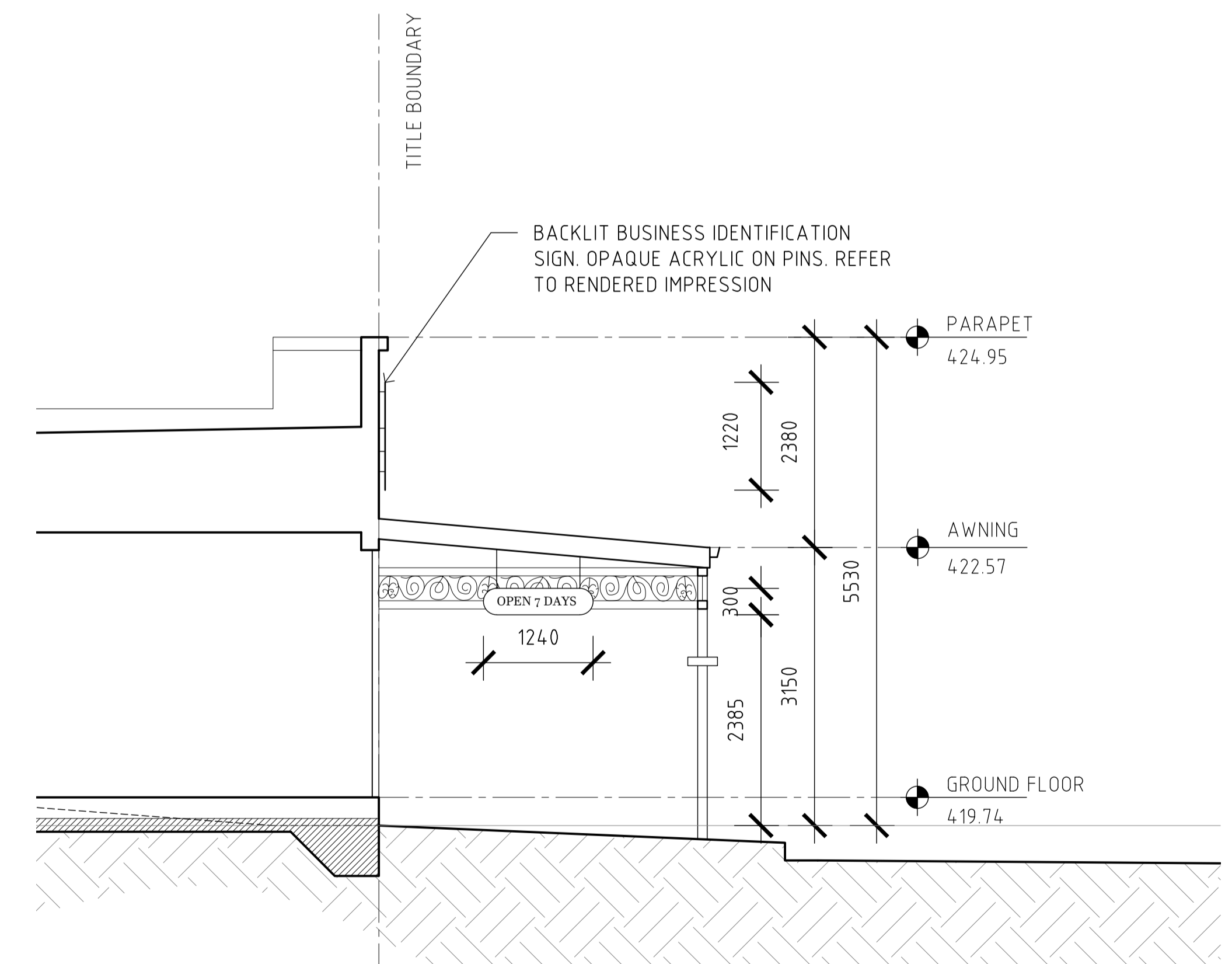
**SIGNAGE DETAIL**  
SCALE: 1:100 @ A1 / 1:200 @ A3



**RENDERED IMPRESSION**



**STREET ELEVATION**



**VERANDAH DETAIL**  
SCALE: 1:50 @ A1 / 1:100 @ A3

**REVISION A: RESPONSE TO HEPBURN RFI**

## Creswick Signage - Blake Family Grocers





**BLAKE**   
*Family Grocers*  
REGIONAL GROCERS **AND** MERCHANTS SINCE 1999

Please use the Master logo as shown. All colours as per style guide.

Words to be determined because the panels would need to be identical sizes and therefore the length of the words would need to be considered.

The corporate font is Hanley. Depending on how decorative the iron/lace work is, would determine which of the Hanley font styles is used. If it is very decorative, then we would recommend using Hanley Sans. If it was quite plain, then you could use Hanley Pro Block

**HANLEY PRO SANS**

**CHEESE AND CHARCUTERIE**

**COFFEE**

**PANTRY STAPLES**

**ORGANIC FOODS**

**SPECIALITY GROCERS**

**OPEN 7 DAYS**

**HANLEY PRO BLOCK**

**CHEESE AND CHARCUTERIE**

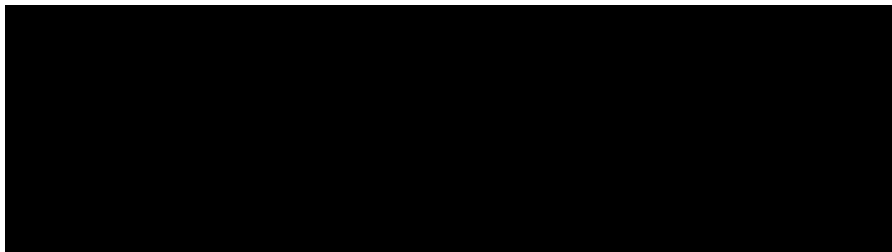
**COFFEE**

**PANTRY STAPLES**

**ORGANIC FOODS**

**SPECIALITY GROCERS**

**OPEN 7 DAYS**



Dear Anita,

9 November 2021

Anita Smith  
Statutory Planner  
Hepburn Shire Council  
PO Box 21  
DAYLESFORD VIC 3460

*Sent via email*

**47 Albert Street, Creswick  
Planning Application No. PA 3219  
Response to Objections**

Ratio Consultants acts on behalf of *Significant Properties Pty Ltd*, the permit applicant in this matter.

Reference is made to the recent advertisement of Planning Application No. PA 3219. It is understood that a total of five (5) objections were received from three (3) properties throughout the notification period.

Two of the key concerns raised in the objections relate to the suitability of the site for ingress and egress by service and delivery vehicles as well as the validity of the proposed liquor license component of the application in light of the restrictions imposed by Covenant as to part M590494L. In response to the concerns raised we provide this letter and additional material including:

- A letter prepared by Best Hooper Lawyers confirming that the restrictive covenant does not prevent the sale of liquor as currently shown on the application.
- Swept paths prepared by Salt3, which demonstrate satisfactory vehicle access to the site.

We also understand that our client has obtained independent legal advice from Tisher Liner FC Law which was separately submitted to Council on 1 November 2021. The advice relates to the access and covenant matters raised in one particular objection.

In addition to the above supporting documentation and amended plans, Ratio Consultants have summarised the matters raised in the objections and provides the following responses:

**Proposed access arrangement for delivery and waste vehicles**

We defer to the attached letter and swept path diagrams prepared by Sustainable Transport Surveys (Salt3). These swept path diagrams demonstrate that access to the rear loading zone of the proposed supermarket is acceptable via the laneway

accessed from Albert Street, including provision for service vehicles to exit the site in a forwards direction.

As demonstrated in the diagrams and accompanying letter, access can be achieved for a 6.4 metre Small Rigid Vehicle (SRV) which is a suitable size for a business of this scale.

The accompanying letter also explains that this can be achieved without the SRV hitting the verandah of Nos. 47 & 49 Albert Street by removing the on-street car parking space directly north of the laneway entry.

#### **Oversaturation of liquor licenses in Creswick**

A number of objections raised concerns about an apparent oversaturation of liquor licensed premises within the township. We note that these objections did not specifically refer to how the granting of a planning permit for the sale of packaged liquor from the subject site would affect the amenity of the objectors.

In relation to the need for a Cumulative Impact Assessment we note that Practice Note 61 confirms that no such assessment is required on the basis of the proposed hours of operation.

In any case we note that the bottle shop is small in size and that there has historically been a small bottle shop on the site. The sale of liquor from the site will continue to provide a competitive liquor market to the people of Creswick and the surrounding region.

#### **Covenant No. M590495L**

Concern has been raised regarding the validity of the proposed packaged liquor component of the application given the restrictions imposed on the site by Covenant as to part M590494L. This covenant prohibits the use of the land as a licensed premises.

We defer to the independent legal advice prepared by Best Hooper Lawyers (attached) which clarifies the extent of the restriction imposed by the Covenant as only applicable to a limited rear portion of the site. The view espoused by Best Hooper Lawyers is also affirmed by Tisher Liner FC Law in the independent advice obtained separately by our client.

The proposal before Council is for the sale of packaged liquor from the front portion of the site along the north-eastern corner, and therefore is not in contravention of Covenant as to part M590494L.

Two separate legal opinions now strongly support the view that the covenant does not prohibit the proposal before Council.

#### **First floor level plans show no windows**

We confirm that it is not proposed to have windows to any of the first floor walls. Translucent panels have instead been shown on the elevations as a means of allowing passive daylight into the staff room and offices. This has now been reduced and translucent panels are only to be provided to a portion of the south-western wall of the first floor addition in accordance with advice obtained from a Building Surveyor. Refer to updated plans.

#### **Demolition and signage in the Heritage Overlay**

A Demolition Plan has now been prepared and is attached. This application seeks full demolition of the existing building façade and canopy/awning.

Concerns have also been raised regarding the appropriateness of the proposed internally illuminated fascia sign and the non-illuminated under awning signage.

We submit that the proposed works are consistent with the relevant decision guidelines of Clause 43.01 (Heritage Overlay) of the Hepburn Planning Scheme as follows:

- The Statement of Significance for the heritage place reads – *“The present façade masks an earlier commercial building. The scale of the existing building and the roof form of the earlier building are compatible with the streetscape”*. The Statement further indicates that the building is listed within the Creswick Heritage Study (conducted in 1989) for its “group value” which essentially indicates that the building is not individually significant.
- Given that the application before Council seeks the demolition of the façade (along with the existing canopy) which is noted in the Statement as masking an earlier commercial building, this aspect of the proposal is not inconsistent with the Statement of Significance.
- The proposed façade design response will be an improvement over existing conditions of the site, noting that it will be provided with clear glazing for its extent whereas the current frontage has opaque glazing and imagery. The remainder of the façade is to be finished in textured painted render (Dulux ‘Natural low white’) which will be complementary to the adjoining British Hotel building.
- The proposed replacement verandah complements the building and heritage precinct through fretwork which takes reference from the adjoining building at No. 49 Albert Street. We note that one of the objectors to the proposal raised concerns about this detailing, stating that the design response “mocks” the historical architecture of the precinct. In response we say that the fretwork pattern is clearly a contemporary interpretation of the examples that can be found in the vicinity of the site.
- The signage proposed is modest and integrated into the façade of the building with no projecting elements aside from the suspended under awning signs. It is noted that the proposed parapet signage has a total area of 5.1sqm and illumination is proposed only to the “Blake Family Grocers” text in the middle of the parapet. Illumination is proposed via recessed backlight LED lighting which will provide a warm glow against the render of the parapet as opposed to the neon style effect associated with electronic signs and light boxes. Overall, the signs will be secondary in appearance to the façade and will not adversely impact the significance of the heritage place.

#### **Works within Easement A-2**

We confirm that no works are proposed within any of the easements which encumber the site.

#### **Operational details of the proposed liquor license**

The proposed hours of operation for the licensed component of the supermarket are as follows:

Monday to Saturday	9.00am – 11.00pm
Sunday	10.00am – 11.00pm
ANZAC Day	12 noon and 11.00pm

We note that the above hours will apply only to the sale of liquor from the premises – a supermarket is an as of right use in the Commercial 1 Zone and therefore it is not reasonable to impose hours of operation on the supermarket operation itself.

### **Incorrect car parking assessment**

We defer to the Traffic Engineering Assessment dated 21 July 2021 prepared by Sustainable Transport Surveys (Salt3) submitted in response to Council's request for further information letter. We concur with the assumptions and conclusions in the assessment regarding the statutory car parking requirement.

The assessment acknowledges that the site previously operated as a Foodworks Supermarket and that it is currently disused. For the intents and purposes of assessing the impact of the proposal on the availability of car parking, the real impact of the proposal will be based on the extended floor area given the site's extensive history as a supermarket.

### **Permit application process for the IGA at 48 Albert Street**

Concerns raised in one objection about the various reports that were required to be submitted as part of a separate application for the IGA at 48 Albert Street are of no relevance to Council's consideration of the current application at the subject land.

### **Impact on adjoining residential apartment at No. 49 Albert Street (waste and delivery vehicles, construction management, access to laneway, noise from plant equipment)**

While the existing residential use at the first floor of the adjoining property is acknowledged, it must also be considered that this property is also located within the Commercial 1 Zone, where the expectation is that a lower degree residential amenity will be enjoyed compared to land within a residential zone. Notwithstanding, our client is amenable to restricting delivery and waste collection times to 'off-peak' times (such as between 7am and 7pm on weekdays) in order to mitigate potential noise impacts on the adjoining property.

### **Surface level of the laneway should be maintained**

There are no proposed level or surface changes to the laneway as part of this application. We note that there is a gas meter and electrical power box currently installed on the laneway surface and on the wall of No. 49 Albert Street respectively, and these utilities may need to be relocated in order to provide clear ingress and egress.

### **Commercial based objections**

We concur with the advice provided by Tisher Liner FC Law with respect to the commercial nature of the objection received from the owner/operator of IGA Creswick. Whilst some planning matters have been raised it is evident that the current proposal will have little or no impact on the existing IGA supermarket in terms of amenity or traffic impacts owing to the fact that the IGA is located some 48 metres away.

### **Lacking information regarding trading hours, delivery and waste collection times**

As mentioned above, there is no requirement for the application to nominate proposed hours of operation as the land use component does not require a permit under the Commercial 1 Zone.

As discussed above, our client would be amenable to Council imposing conditions on any permit issued restricting waste collection and delivery times to between 7am and 7pm weekdays to ensure that the adjoining properties are not unduly impacted by noise during evenings and early mornings.

If you have any further queries, please do not hesitate to contact me either by telephone or by email at [justin.scriha@ratio.com.au](mailto:justin.scriha@ratio.com.au).

Yours sincerely.

A handwritten signature in black ink, appearing to read 'Justin Scriha', written in a cursive style.

██████████  
**Senior Planner**  
**Ratio Consultants Pty Ltd**



ratio:

Dear Anita,

9 November 2021

Anita Smith  
Statutory Planner  
Hepburn Shire Council  
PO Box 21  
DAYLESFORD VIC 3460

*Sent via email*

**47 Albert Street, Creswick**  
**Planning Application No. PA 3219**  
**Section 57A amendment and response to objections**

We act on behalf of *Significant Properties Pty Ltd*, the permit applicant in the above-mentioned matter. Our client seeks to make several amendments to the application pursuant to Section 57A of the *Planning and Environment Act 1987*. These changes are summarized as follows:

- Extent of translucent panels on the first-floor mezzanine walls reduced and replaced with rendered walls.
- Roof plant location centralised and provided with sound screens (in lieu of polycarbonate) to minimise impact on adjoining properties.
- Proposed liquor license hours of operation:
 

Monday to Saturday	9.00am – 11.00pm
Sunday	10.00am – 11.00pm
ANZAC Day	12 noon and 11.00pm
- Brickwork to external walls (first floor parapet, north and south elevations) substituted with lightweight brick-look cement sheeting.
- Minor internal supermarket layout changes.

The above listed changes to the plans are reflected in the enclosed revised architectural drawings prepared by Warren Lee Architecture TP04, TP05, TP06 & TP08, Rev B, dated 5 November 2021.

In addition to amended architectural plans, the following supplementary information is provided in response to issues raised in objections to the planning application:

- A letter prepared by Ratio Consultants responding to the specific concerns raised by objectors.
- A letter prepared by Best Hooper Lawyers confirming that Covenant as to part M590494L does not prevent the sale of liquor from the land as currently shown on the application.
- Swept path diagrams prepared by Salt3, which demonstrate satisfactory vehicle access to the site for a 6.4 metre Small Rigid Vehicle (SRV) which is a suitable size for a business of this scale.

r:

We also understand that our client has obtained independent legal advice from Tisher Liner FC Law which was separately submitted to Council on 1 November 2021. The advice relates to the access and covenant matters raised in one particular objection.

We trust that Council will consider the amended plans at its earliest convenience. If you have any further queries, please do not hesitate to contact me either by telephone or by email at [justin.scriha@ratio.com.au](mailto:justin.scriha@ratio.com.au).

Yours sincerely,



██████████  
**Senior Planner**  
**Ratio Consultants Pty Ltd**



29 October 2021

Significant Properties Pty Ltd

By email only: [Redacted]

CC: [Redacted]

Dear [Redacted]

**47 Albert Street, Creswick VIC 3363**

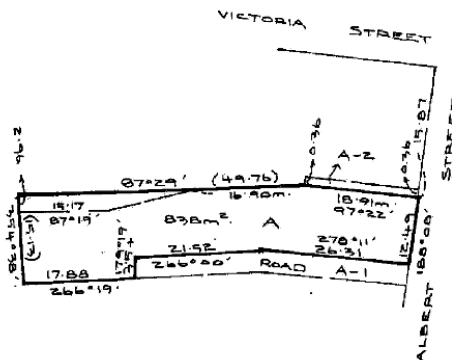
We confirm you have sought our advice in relation to the nature of the restrictive covenant affecting the site at 47 Albert Street, Creswick and in particular whether the proposed permit application would result in a breach of the restrictive covenant.

We are instructed that a planning permit application has been lodged in relation to the land at 47 Albert Street, Creswick for extensions and alterations for use as a supermarket. The application also seeks permission for a liquor licence.

We are also instructed that the site is currently developed with a Foodworks supermarket that is currently disused but existed on the site for many years and had a package liquor licence issued to 'Creswick Supermarket'. We are instructed that the Foodworks ceased to use the land in approximately November 2018.

The land at 47 Albert Street, Creswick is comprised in Certificate of Title Volume 9727 Folio 763 and known as the land in Plan of Consolidation 163901B ("subject site"). Significant Properties Pty Ltd has been the registered proprietor of the subject site since 26 April 2006.

The subject site has a total site area of 838sqm. The extract below from the Plan of Consolidation shows the extent of the subject site.



Best Hooper Pty Ltd

Level 9/451 Little Bourke Street  
Melbourne VIC 3000, Australia

PO Box 13312  
Law Courts 8010

T (03) 9670 8951  
F (03) 9670 2954

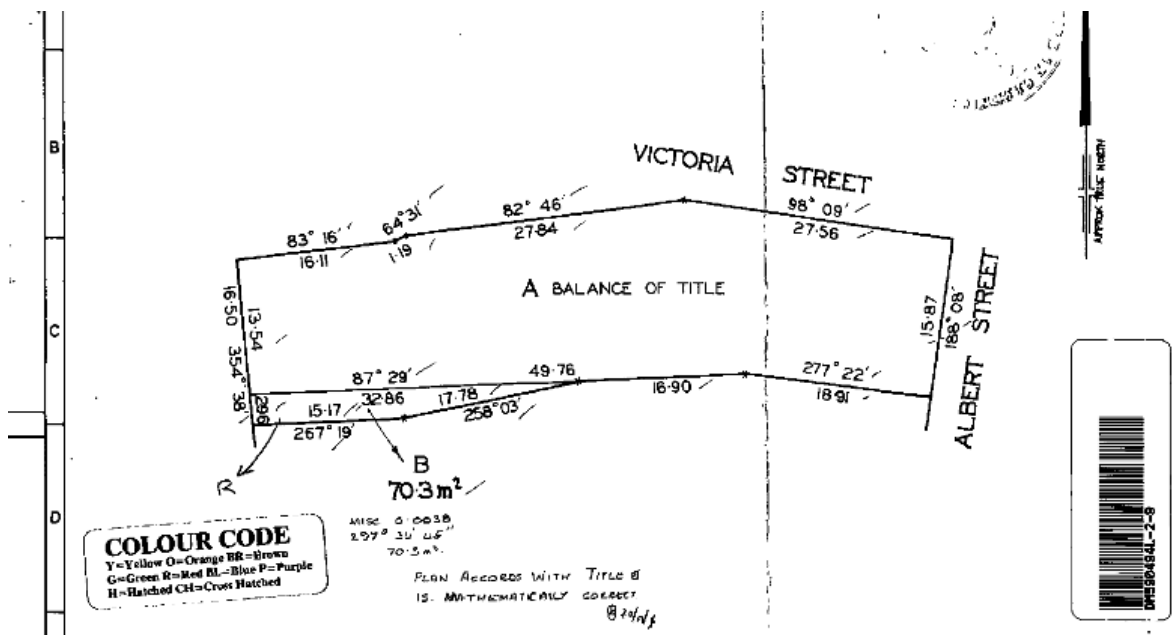
www.besthooper.com.au  
ACN 137 307 692

The subject is encumbered in part by the restrictive covenant comprised in Instrument of Transfer No. M590494L dated 9 July 1986 ("restrictive covenant") which provides as follows:

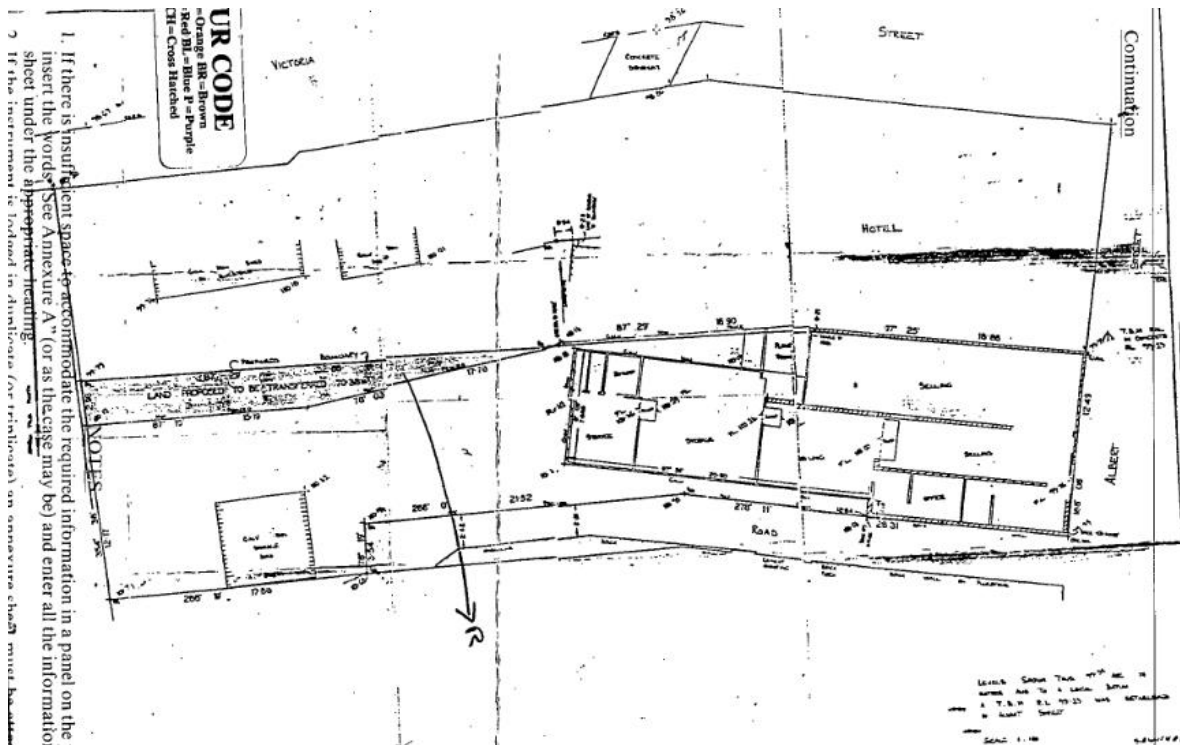
**COVENANT: -**

The Transferees with the intent that the benefit of this Covenant shall be attached to and run at law and in equity with the land remaining untransferred in Certificates of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 other than the land hereby transferred and that the burden of this Covenant shall be annexed to and run at law and in equity with the land being hereby transferred-  
HEREBY for the Transferees their Executors Administrators and Assigns and as a separate covenant with the Transferors and every registered propretor for the time being of the land remaining untransferred in Certificate of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 (other than the portion of land being hereby transferred) COVENANT that they shall not use the land hereby transferred or any part of it or permit or suffer any of it to be used as or in conjunction with licensed premises as defined in the Liquor Control Act AND THIS COVENANT shall be set out as an encumbrance on the Certificate of Title to the land hereby transferred

The restrictive covenant in our opinion burdens the land that was included in that transfer being part of the land at the time in Certificates of Title Volume 5466 Folio 059 and Volume 5466 Folio 058, being the land that is delineated and coloured red on the plan endorsed on Annexure A to the transfer. The land identified as red and having the benefit of the restrictive covenant is shown in the following plans that are annexed to the transfer which comprises of an irregular shaped portion of land with a total area of 70.3sqm.



Above: plan annexed to Restrictive Covenant showing land burdened by the covenant coloured red – namely the parcel B with a 70.3sqm area



**Above: second plan annexed to Restrictive Covenant showing land burdened by the covenant coloured red and shaded and the land to the north described as a “hotel”**

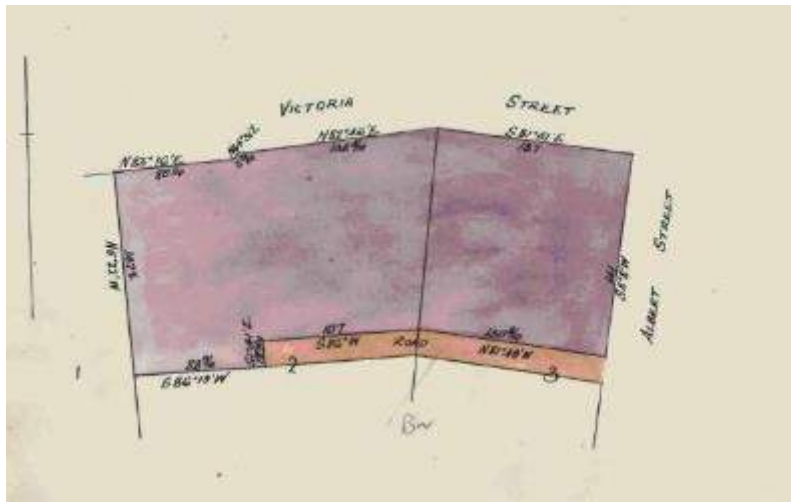
One of the plans annexed to the transfer which is shown above shows the land to the north of the land burdened by the restrictive covenant area and the subject site as being a hotel at that time. We understand that land to the north is historically developed with the British Hotel which is currently a disused pub/hotel.

The restrictive covenant prevents the use of the land burdened by the covenant in conjunction with or as a licensed premises as defined in the Liquor Control Act. We have at this stage been unable to locate the Liquor Control Act that existed as at the date of the covenant in 9 July 1986 however “licensed premises” is defined in the *Liquor Control Act* 1987 as “means the premises in respect of which a licence or permit is granted”. Under the current *Liquor Control Reform Act* 1998 “licensed premises” is defined as “means the premises in respect of which a licence (other than a pre-retail licence) or BYO permit is granted but does not include premises referred to in section 13(1)(a) (producers licence)”. We proceed on the basis that the *Liquor Control Act* that existed at the time was defined to refer to premises the subject of a liquor licence, which would in our opinion extend to a packaged liquor licence (or the equivalent at that time).

In our opinion the purpose of the restrictive covenant was to prevent the burdened land being used as a licensed premises which might have seen at the time seen to conflict or add competition with the sale and consumption of liquor at the existing hotel to the north.

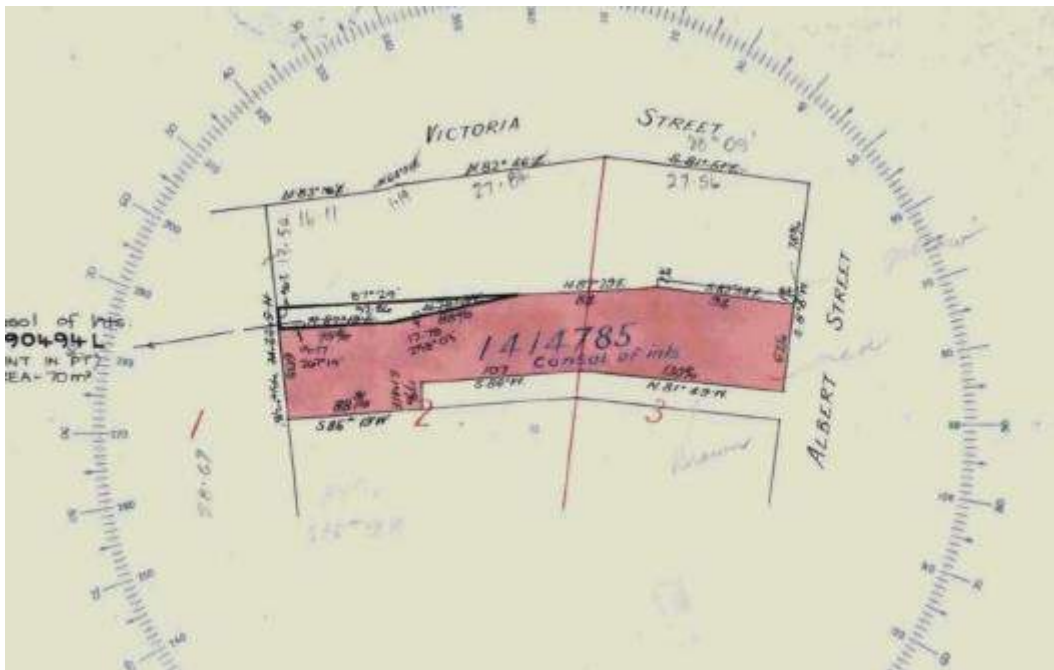
The land benefited by the restrictive covenant is identified as being the land remaining untransferred in Certificate of Title Volume 5466 Folio 059 and Volume 5466 Folio 058 (“the Parent Titles”) as at 9 July 1986.

We **enclose** historical paper searches of those titles which included one equal undivided half share of the land in those titles. The Parent Titles effectively originally contained all of the land comprising of the subject site together with the land to the north. The image following from Certificate of Title Volume 5466 Folio 058 shows in purple the original land in the Parent Titles.



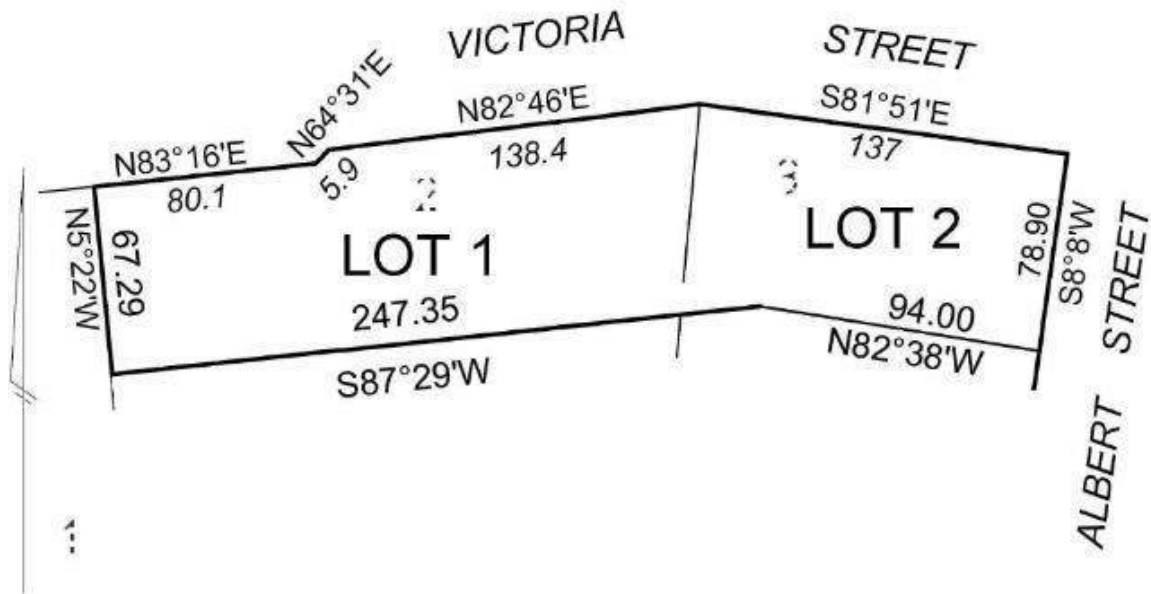
Above: Land in purple being the whole of the land originally in the Parent Titles

Part of the Parent Titles was transferred by instrument of transfer 1414785 dated 21 May 1929 which is shown in the image below but comprises of the majority of the land in the subject site.

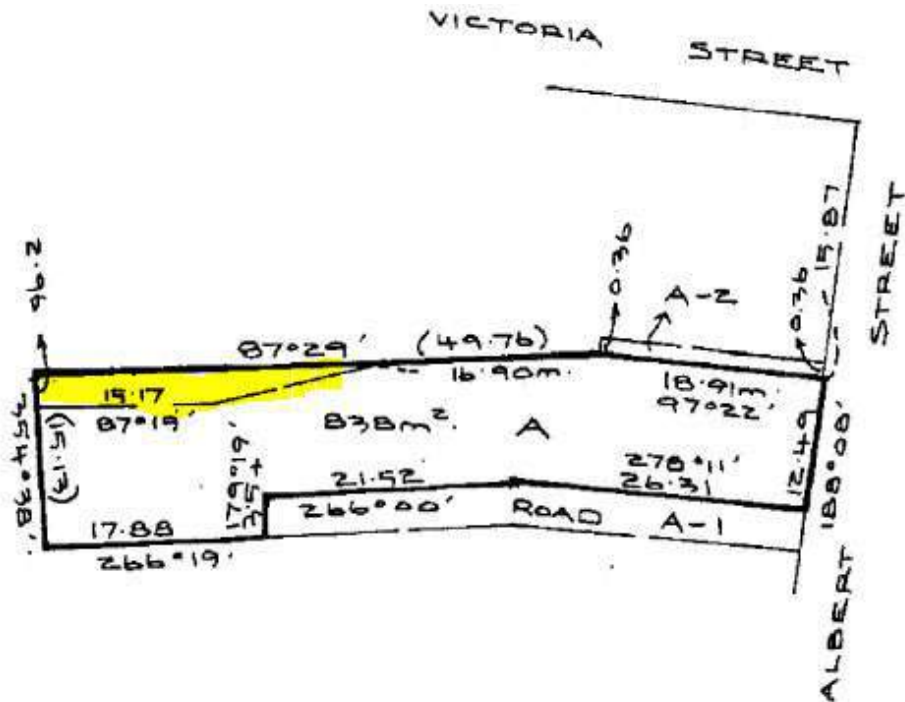


In our opinion, the land remaining untransferred in the Parent Titles as at the date of the transfer and accordingly that has the benefit of the restrictive covenant relates to the land to the north of the subject site. This land was transferred out of the Parent Titles on 19 June 1990 by Transfer No. P855030P. We consider that the land benefited by the Restrictive Covenant is now comprised in Certificates of Title Volume 5466 Folio 058 and Volume 5466 Folio 059 known as Lots 1 and 2 on Title Plan 831486W which is owned by Soul Poullices Pty Ltd. The image following shows the benefited land.

COLOUR CODE



We note that the land burdened by the covenant is confined to the limited small portion of land towards the rear of the site in the north west corner with a total area of 70.3sqm which appears to be partly at grade paving together with loading areas. It is unclear whether the existing building encroaches upon that area. It would be useful for the architects to overlay on the architectural set of plans this area to understand exactly the portion of the overall subject site that is affected by the minor area of land burdened by the restrictive covenant. We have highlighted in yellow in the image below that is the plan of the subject site the area of the land that is burdened by the restrictive covenant.



Pursuant to Section 61(4) of the *Planning and Environment Act 1987* (Vic) ("Act"):

*"If the grant of a permit would authorise anything which would result in a breach of the registered or restrictive covenant, the Responsible Authority must refuse to grant the permit unless the permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant"*

Whilst the permit application includes seeking permission to sell liquor (presumably pursuant to Clause 52.27 of the Planning Scheme), the plans that are submitted with the application show the proposed licensed area outlined in red which is extracted in the plan below:



**Above: Extract Ground Floor showing proposed licensed area identified in red**

The application material makes it clear that the proposed licensed area is within the front portion of the site along the north eastern corner. In our opinion, insofar as the application proposes to sell liquor is it in a portion of the site which is not affected by any restrictive covenant and accordingly would not result in any breach of the registered restrictive covenant.

Further, if Council considered it necessary it could impose a condition ensuring that in the land affected by the restrictive covenant that there was to be no sale of liquor, albeit that we do not consider this necessary given the licensed area would ultimately be endorsed under the permit and a subsequent amendment to that permit or a new planning permit would be required under the Planning Scheme to extend the licensed area.

We note that on our instructions there has on the subject site been a long history of the sale of liquor in the nature of a packaged liquor licence related to the former Foodworks supermarket. Given our advice that we do not consider that the proposed application would result in any breach of the covenant, we have not considered further whether the previous sale of liquor on the site would enable the covenant to be removed pursuant to Section 47(2) of the Act without notice.

We **enclose** for your consideration a copy of:


1. Certificate of Title for the subject land together with a copy of the restrictive covenant.
2. Certificate of Title Volume 5466 Folio 059 (original Parent Title)
3. Certificate of Title Volume 5466 Folio 058 (original Parent Title)
4. Current Certificate of Title Volume 5466 Folio 059
5. Current Certificate of Title Volume 5466 Folio 058.



Please do not hesitate to contact us if you have any further queries.

Yours faithfully  
**BEST HOOPER**



  
Principal

*Enc.*

7 October 2021

[www.salt3.com.au](http://www.salt3.com.au)

Dear [REDACTED]

**RE: 47 ALBERT STREET, CRESWICK – TRAFFIC ENGINEERING SERVICES**

I refer to your request for SALT to respond to the objection raised in relation to the proposed supermarket at 47 Albert Street, Creswick.

Our assessment is provided as follows.

### Objection

The following reason was provided for the objection:

*"I own the Private Road that accesses the rear of 47 Albert St, the occupier of 47 Albert St only has access via that road until Oct 2027, at which point the fence will be continued, which will block access to the rear of 47 Albert St. I am concerned this will leave the Private Rd between 47 and 49 Albert St as the only access. It has been at least mid '90s's that this road was used for deliveries. The road is not built for the trucks that are on the roads now, the truck will have to cross a busy footpath making it dangerous for pedestrians, the footpath is angled the larger trucks could hit the verandah of 47 Albert St, making it dangerous to pedestrians. I believe an ingress and egress report should be provided and also take into account the changed traffic conditions, the traffic island and the potential for waiting trucks to block the exiting of CFA trucks. I also object on amenity, I do not believe Creswick requires any more liquor licenses, there has been a lot of liquor related incidents in town, no liquor license request forms have been on public display at the premises."*

The following was also provided on how the objector would be affected by the grant of a permit:

*"Amenity of the town with increased liquor license"*

*"Trucks potentially blocking CFA"*

*"Dangerous to walk on footpath with trucks exiting between 47 and 49 Albert Street"*

### SALT Response

SALT has undertaken swept path assessment (refer Appendix 1) to determine the largest loading vehicle which can enter and exit the site and turn around at the rear of the site. This has indicated that a 6.4m Small Rigid Vehicle (SRV) is the largest loading vehicle which can service the site.

To ensure that this truck can enter the site appropriately without hitting the verandah of either 47 or 49 Albert Street, it is proposed to remove the on-street parking space directly north of the laneway entry to allow the trucks to enter at a better angle. SALT's previous parking surveys indicated that at the times surveyed, there was a minimum of 77 spaces available out of 173 spaces in the area surrounding the site. Hence, a loss of one on-street parking space is considered acceptable.

With respect to the comment regarding pedestrian safety risks due to trucks crossing the footpath, this is no different to any other loading arrangement where trucks are required to cross a footpath to enter a site and poses no more of a safety risk. Further, the trucks will enter and exit the site in a forward direction, giving drivers a clear view of any pedestrians on the footpath.

The site will operate in a similar manner to how it previously did, and therefore there will be no change to the impact on any CFA operations.

As such, SALT finds no reason to inhibit the granting of a planning permit for the proposed supermarket.

If you have any queries in relation to the above assessment, I can be contacted on the number below.

Yours sincerely,



  
**Director**  
SALT  
T +61 400 535 634  
[jo.garretty@salt3.com.au](mailto:jo.garretty@salt3.com.au)

# APPENDIX 1      SWEPT PATH ASSESSMENT



PLANNING APPLICATION FOR 47 ALBERT ST. CRESWICK. VIC. 3363.



PROJECT  
47 Albert St  
Creswick VIC 3363  
CLIENT:  
Maxi Foods inc. BFG

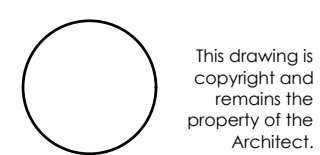
Cover Page

PROJECT # 2102  
DATE: 04 AUG '21

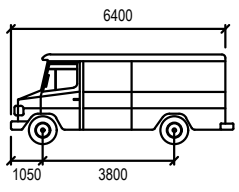
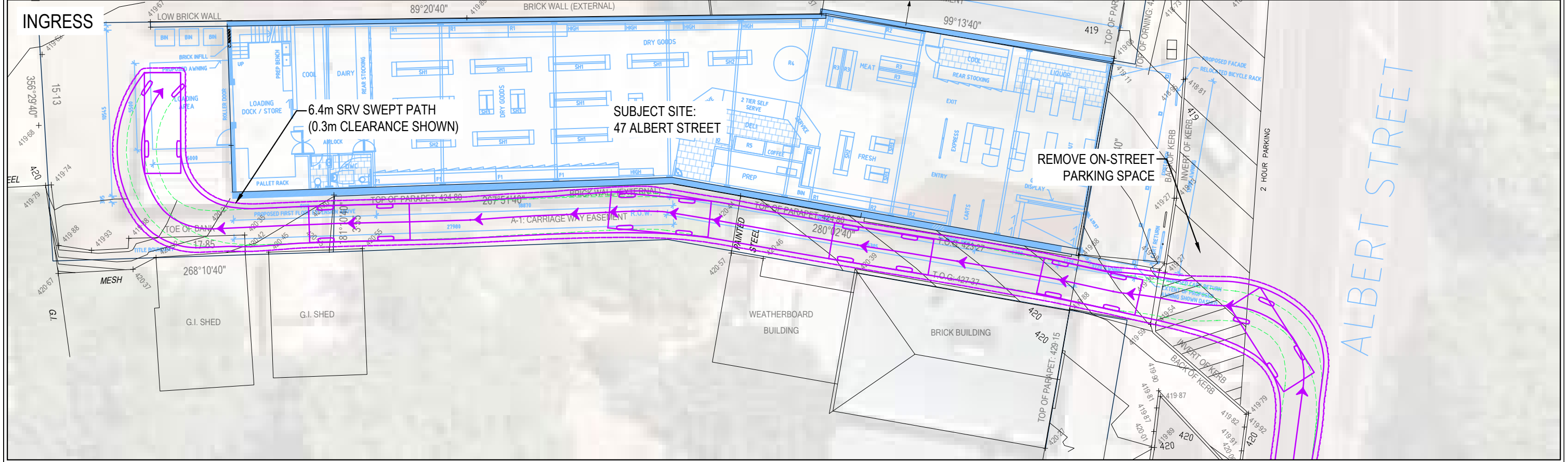
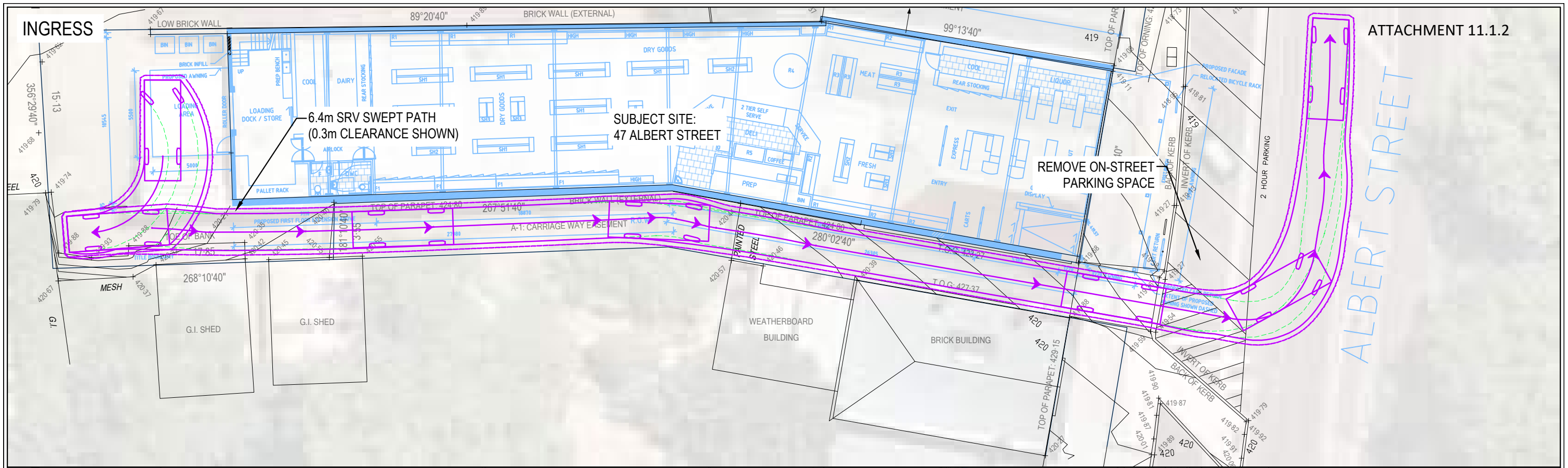
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DWG BY: DS/ET/WL

SHEET NUMBER  
TP00

REVISION  
A



REVISION A: RESPONSE TO HEPBURN RFI

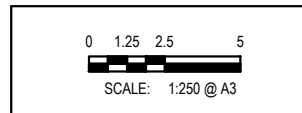


SRV  
 Width : 2300  
 Track : 2300  
 Lock to Lock Time : 6.0  
 Steering Angle : 38.1

**PROPOSED SUPERMARKET**  
 47 ALBERT STREET  
 CRESWICK  
 SWEEP PATH ASSESSMENT



Service. Approachability. Loyalty. Transparency.  
 Email: salt@salt3.com.au  
 A/N: 18 439 813 274  
 Ph: 03 9020 4225  
 Melbourne: Level 3, 51 Queen St Melbourne VIC 3000  
 Sydney: Coca-Cola Place, Level 17, 40 Mount St North Sydney NSW 2060  
 Hobart: Level 4, 116 Bathurst St Hobart TAS 7000  
 Canberra: 45 West Row Canberra ACT 2601



DRAWN / CHECKED	DATE	SIZE
LC / JG	05-10-2021	A3
DRAWING NUMBER	REVISION	
SALT-21275-SK-001	1	

21 July 2021

Warren Lee  
Warren Lee Architecture  
40 Porter Street  
Prahran VIC 3181

Sustainable Transport Surveys Pty Ltd

ABN: 18 439 813 274

[www.salt3.com.au](http://www.salt3.com.au)

Dear Warren,

**RE: 47 ALBERT STREET, CRESWICK – TRAFFIC ENGINEERING SERVICES**

I refer to your request for a traffic engineering assessment in relation to a proposed restaurant at 47 Albert Street, Creswick. In the course of undertaking this assessment we have conducted a desktop assessment of the site and assessed the nearby parking via Nearmap assessment.

Our assessment is provided as follows.

## EXISTING CONDITIONS

### LOCATION & LAND USE

The subject site is located on the eastern side of Albert Street in Creswick. The site fronts along Albert Street which is a Road Zone Category 1 road, under the care and management of the Department of Transport. Refer to **Figure 1** for an aerial image of the site.



Figure 1 Aerial view of the site (Source: NearMap)

The land is zoned *Commercial 1 Zone* and is subject to an *Environmental Significance Overlay – Schedule 1* and a *Heritage Overlay – H0234*. The subject site was previously operating as a Foodworks but is currently disused. No on-site parking is currently provided. The existing supermarket has a leasable floor area of 660m<sup>2</sup>.

The site is situated next to The Farmers Wife, a clothes / home wares shop, to the south and The British Hotel, a pub, to the north. Land uses within the vicinity of the site are otherwise mixed in nature, predominantly consisting of commercial along Albert Street and residential elsewhere. The Creswick train station is located approximately 650m south west of the site.

Parking for the site is available on Albert Street near the site frontage. There is public parking located to the north of the site which is provided adjacent to the public information centre and toilets.

Vehicle access to the site is via a crossover to Albert Street which connects to an adjacent laneway. This laneway is adjacent to the southern boundary of the site.

## ROAD NETWORK

### Albert Street / Midland Highway

Albert Street / Midland Highway is a Primary State Arterial Road and Road Zone Category 1 (RDZ1), under the care and management of the Department of Transport. In the vicinity of the site, there is one traffic lane in each direction separated by a linemarked median, with additional turning lanes provided at intersections. There is indented on-street parking provided on both sides of the road, generally with 2P restrictions from 9am – 5:30pm from Mon – Fri and 9am – 1pm on Saturday.

The posted speed limit is 50km/hr.

### Victoria Street

Victoria Street is classified as a Local Access Road and is under the care and management of the Shire of Hepburn. It is split into two road sections which both connect to Albert Street at separate points.

The posted speed limit is 50km/hr.

## SUSTAINABLE TRANSPORT

The subject site is within 750m walk (10 minutes) of Creswick Railway Station, and the Route 30 bus operates directly past the site on Albert Street. A summary is provided in **Table 1** and the local area PTV map is provided in **Table 1**.

**Table 1 Public transport services**

Service	Route Number	Nearest Stop	Route	Walking Distance
Train	Creswick	Creswick	Mildura – Ballarat via Swan Hill & Bendigo Melbourne – Ballarat via Melton Geelong – Bendigo via Ballarat Melbourne – Maryborough via Ballarat	750m / 10 mins
Bus	#30	Creswick Bowling Club / Albert St	Ballarat Station – Creswick	170m / 3 mins



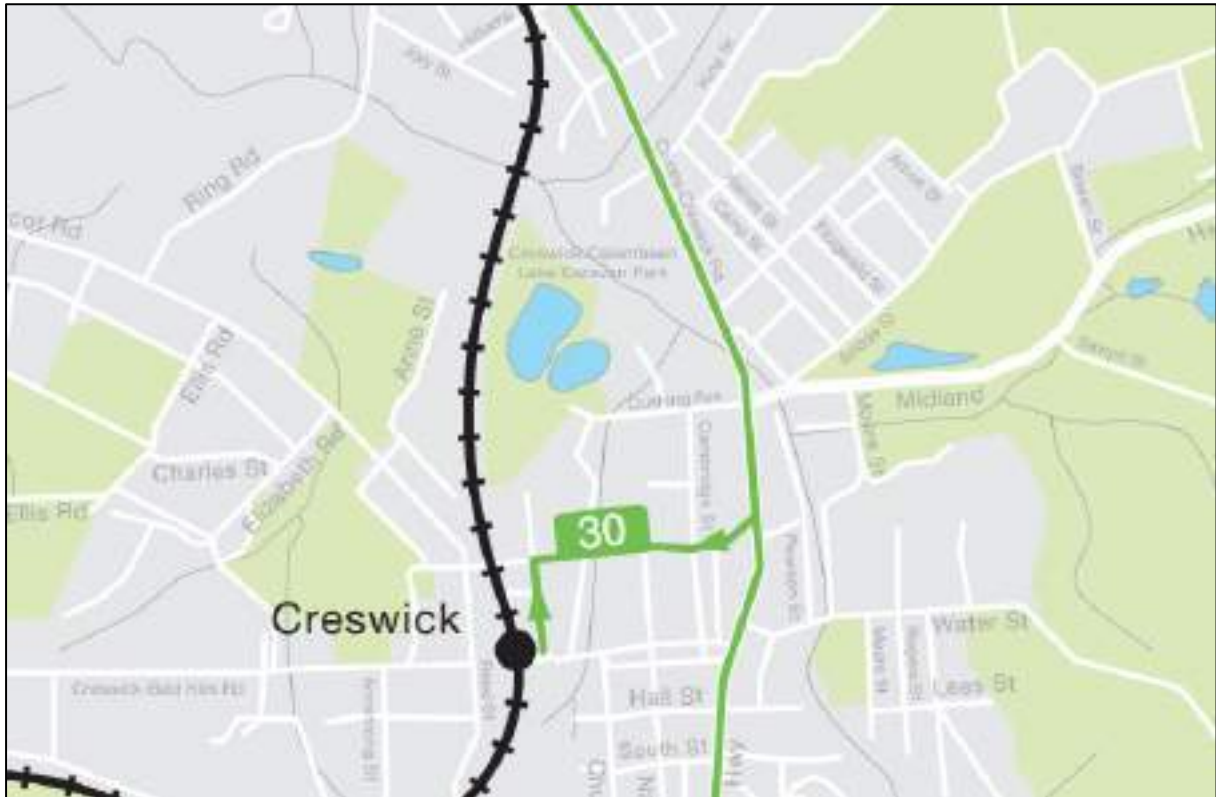


Figure 2 Creswick local area PTV map

## CAR PARKING AVAILABILITY

In order to ascertain the on-street parking demands in the area, a review of Nearmap aerial imagery has been undertaken. The survey area included the public car park to the north of the site as well as on-street parking located on Albert Street and within approximately 200 metres walk of the subject site. A distance of 200m was considered as the typical convenient walking distance for supermarket patrons. Refer **Figure 3** for the parking survey map. Most on-street parking in the area is 2P restricted, with the off-street car park on Victoria Street being unrestricted.

A range of peak and non-peak days and periods were selected to be analysed. The results of the Nearmap spot parking surveys are provided in **Table 2**. Aerial images are provided in **APPENDIX 1**.

Table 2 Car Parking Availability (Nearmap)

Date	Parking supply	Parking occupancy	Utilisation
Sun 23 May 2021, 12:54pm	173	92	53%
Thu 06 May 2021, 1:24pm	173	96	56%
Sun 31 Jan 2021, 4:20pm	173	17	10%
Sat 09 Jan 2021, 11:52am	173	83	48%
Wed 08 Jan 2020, 12:54pm	173	73	42%
Thu 31 Oct 2019, 10:28am	173	73	42%
Fri 19 Apr 2019, 1:45pm	173	36	21%

The survey data indicates that even during peak periods, parking occupancy in the parking survey area did not exceed 56% of the supply. SALT's prior experience suggests that peak supermarket activity times occurs on Thursdays, Fridays and Saturdays, near the middle of the day.

Detailed review of the parking data shows that there are always 20 car parking spaces available on the west side of Albert Street near the subject site, which is likely to be the preferred parking option for patrons.

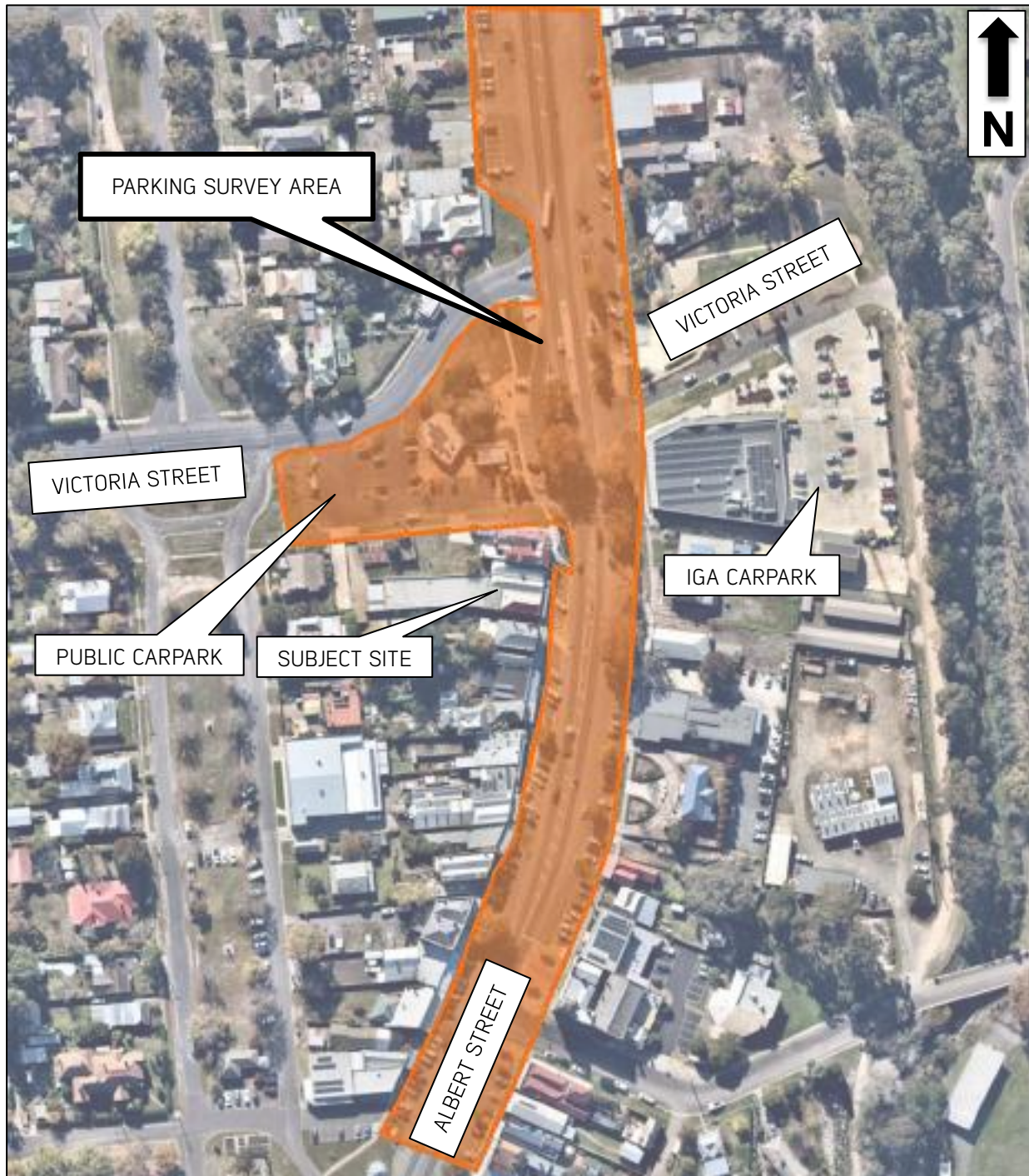


Figure 3 Parking survey map

## PROPOSAL

It is proposed to undertake extensions and alterations to the existing supermarket use at 47 Albert Street, Creswick. The extensions and alterations include revitalization of the supermarket and a proposed 2<sup>nd</sup> storey extension at the rear of the building to allow for a mezzanine floor. The leasable floor area is proposed to increase by 30m<sup>2</sup> from 660m<sup>2</sup> to 690m<sup>2</sup>.

No changes are proposed to the existing parking or access arrangements.

## CAR PARKING

### STATUTORY REQUIREMENTS

The statutory car parking requirements applicable to the proposal are specified in Clause 52.06 of the Hepburn Planning Scheme. The Column A rates are applicable since the development is not within the Principal Public Transport Network Area (PPTN).

As the development is not changing the use, car parking requirements are only applicable to the additional Leasable Floor Area (LFA) proposed. The additional LFA as part of the proposal is 30m<sup>2</sup>.

The car parking requirements are presented in **Table 3**.

**Table 3 Car parking requirements**

Use	Additional size	Car Parking Rate	Required Provision <sup>1</sup>	Proposed Supply	Shortfall
Supermarket	30m <sup>2</sup>	5 to each 100 sqm LFA	1 space	0 spaces	1 space

<sup>1</sup> Car parking requirements are rounded down pursuant to Clause 52.06-5

Based on the above, there is a requirement to provide one (1) additional parking space. As no additional on-site parking is proposed, a reduction of one (1) car space is sought.

### CAR PARKING DEMAND ASSESSMENT

Clause 52.06-7 of the Planning Scheme requires an application to reduce the number of car parking spaces to be accompanied by a Car Parking Demand Assessment. This is provided in **Table 4**.

**Table 4 Car Parking Demand Assessment**

MATTER	RESPONSE
<i>The availability of public transport in the locality of the land</i>	The subject site is within convenient walking distance of Creswick Railway Station and the Route 30 bus. Some staff or patrons travelling from further afield may make use of public transport.
<i>The convenience of pedestrian and cyclist access to the land</i>	The site has good access to the surrounding footpath network with walking facilities provided along the frontage on Albert Street and Victoria Street. Bicycle access is facilitated by bicycle lanes along Albert Street.
<i>The provision of bicycle parking and end of trip facilities of cyclists in the locality of the land</i>	There is a public bicycle hoop on the footpath outside the subject site on Albert Street.

MATTER	RESPONSE
<i>The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land</i>	Car ownership is not a relevant factor in this case.
<i>The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use</i>	The subject site is located within the main business precinct of Creswick, with numerous retail, commercial and food outlets and public points of interest nearby.  Given the accessibility to a range of retail, commercial and food & drink outlets, multi-purpose trips are considered highly likely.
<i>The short-stay and long-stay car parking demand likely to be generated by the proposed use</i>	Staff parking demands are expected to be long-stay in nature whilst patron parking demands would be short-stay, utilising on-street parking.
<i>The variation of car parking demand likely to be generated by the proposed use over time</i>	Based on data from similar supermarkets, peak parking demands are likely to occur on Thursday and Friday between 4:00pm and 6:00pm, as well as on Saturdays between 11:00am to 3:00pm.
<i>Any empirical assessment or case study</i>	Nearmap aerial photography 'spot' parking surveys indicate a peak utilisation of 56% for car parking spaces available nearby, with no fewer than 77 vacant spaces available nearby the site.

Based on the above, a peak demand of one (1) additional parking space is anticipated.

## ADEQUACY OF CAR PARKING SUPPLY

Clause 52.06-7 of the Planning Scheme specifies that before granting a permit to reduce the number of spaces, the responsible authority must consider a range of specified matters. The matters considered relevant to this application are discussed in **Table 5**.

**Table 5 Matters that support a reduction of the car parking requirement**

MATTER	RESPONSE
<i>The Car Parking Demand Assessment</i>	The Car Parking Demand Assessment indicates a shortfall of one (1) space.
<i>Access to or provision of alternative transport modes to and from the land.</i>	The subject site is within convenient walking distance of Creswick Railway Station and the Route 30 bus. This makes public transport a viable form of alternative transport for staff, and patrons who may wish to utilise public transport.
<i>The availability of alternative car parking in the locality of the land</i>	The car parking survey results indicate that there is constantly a large supply of on and off-street car parking available to accommodate the parking demands of the supermarket.  No fewer than 77 vacant spaces were available within convenient walking distance of the site during the times that a parking 'spot' survey was undertaken. This indicates that there is ample parking available within the vicinity of the site that can be used by customers and employees of the supermarket.
<i>Any car parking deficiency associated with the existing use of the land</i>	No on-site parking was provided for the previous supermarket which operated at the site. All parking associated with the existing use occurred on the surrounding streets and public car parks.

MATTER	RESPONSE
<i>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</i>	While the site is greater than 300 square metres, it is impractical to provide on-site car parking without subtracting from the floor area of the supermarket.

Based on the above assessment, a reduction of one (1) car parking space is considered acceptable.

SALT acknowledges that the site is currently not in operation, and therefore at present draws no parking demand. While the site previously operated as a supermarket and therefore only the change in floor area is required to be assessed, for conservatism, applying the rate to the entire 690m<sup>2</sup> of floor area results in a requirement of 34 parking spaces. The parking surveys indicate that this can be easily accommodated in the surrounding on and off-street parking areas.

## BICYCLE FACILITIES

Clause 52.34 of the Hepburn Planning Scheme specifies bicycle parking requirements for various land uses. The applicable requirements are presented in **Table 6**.

**Table 6 Bicycle Parking Statutory Requirements**

Use	Additional Size	Occupant	Planning Scheme Rate	Additional Spaces Required
Shop	30m <sup>2</sup>	Employee / Resident	1 to each 600 sqm of LFA if LFA exceeds 1000 sqm	0
		Customer / Visitor	1 to each 500 sqm of LFA if LFA exceeds 1000 sqm	0
<b>TOTAL</b>				<b>0 spaces</b>

It can be seen that there is no requirement to provide additional bicycle parking spaces.

## CAR PARK ACCESS AND LAYOUT

There are no changes being made to the existing access arrangements.

## LOADING AND WASTE COLLECTION

No changes are proposed in this regard. Waste collection and loading would occur at the rear of the building, with vehicles gaining access via the laneway adjacent the site.

## TRAFFIC IMPACT

There is expected to be negligible, if any, additional traffic generated by the proposed alterations and extensions to the development as there will be no additional provided car parking spaces. Given this fact and that the proposed land use is the same as the previous land use, the proposal is not expected to have any significant adverse impact on the safety and operation of the surrounding road network.

## CONCLUSION

Based on the preceding assessment, it is concluded that:

- The Planning Scheme car parking requirement is one (1) additional space. No additional on-site parking is proposed;
- The Car Parking Demand Assessment indicates a reduction of one (1) parking space can be supported given:
  - Car parking utilisation surveys show a minimum of 77 vacant car spaces within convenient walking distance of the site during peak utilization periods;
  - The subject site has good access to public transport services including Creswick Railway Station and the Route 30 bus within convenient walking distance;
  - It is not physically practical or feasible to provide any additional on-site car parking;
- There is no Planning Scheme requirement for additional bicycle parking spaces;
- No changes are proposed to the existing access arrangements;
- Loading and waste collection can adequately occur in the same manner as per existing conditions; and
- The volume of traffic generated by the development will have no significant adverse impact on the safety and operation of the surrounding road network.

As such, SALT finds there is no traffic engineering reason to inhibit the granting of a Planning Permit for the proposed supermarket extension.

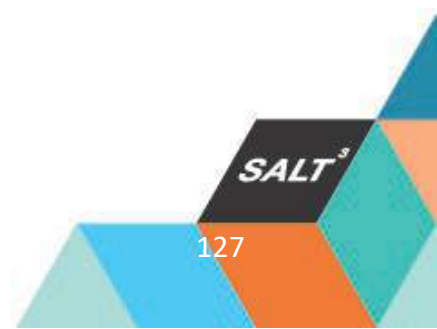
If there are any enquiries in relation to this assessment, I can be contacted on the number below.

Yours sincerely,



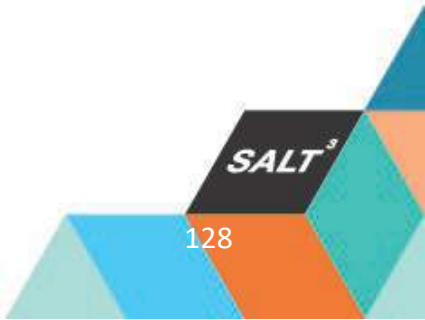
Jo Garretty  
**Director**  
SALT  
T +61 400 535 634  
[jo.garretty@salt3.com.au](mailto:jo.garretty@salt3.com.au)

# APPENDIX 1 NEARMAP PARKING SURVEY IMAGERY





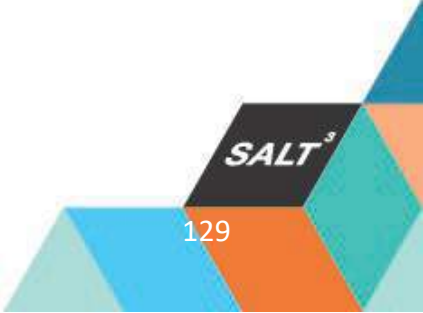
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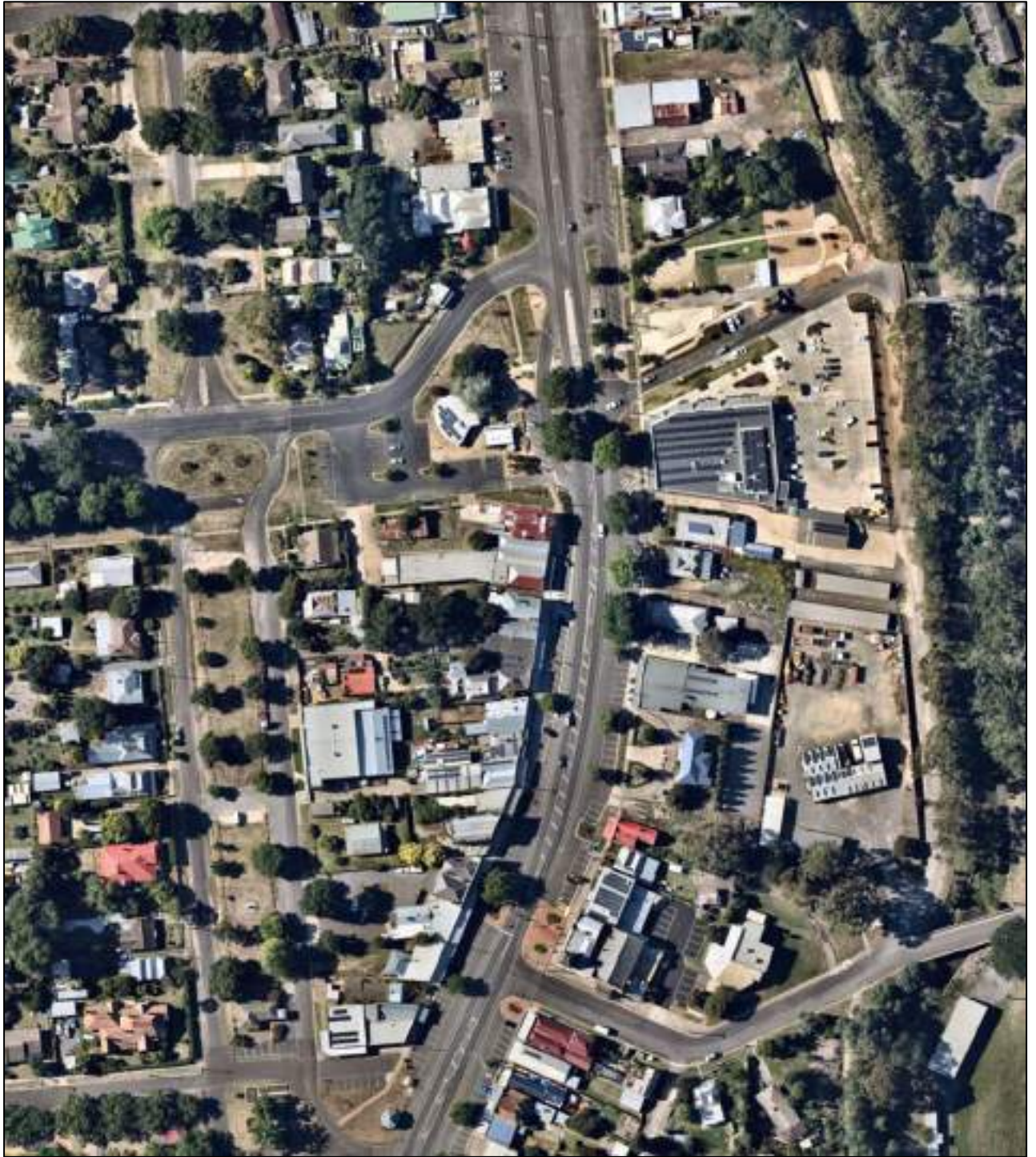






Time: Thu 06 May 2021 1:24pm





Time: Sat 31 Jan 2021 4:20pm



Time: Sat 09 Jan 2021 11:52am



Time: Wed 08 Jan 2020 12:54pm



Time: Thu 31 Oct 2019 10:28am



Time: Fri 19 Apr 2019 1:45pm

## **11.2 PA3353 66 HIGH STREET TRENTHAM - AMENDMENT TO PLANNING PERMIT DIRECTOR COMMUNITY AND DEVELOPMENT**

*In providing this advice to Council as Acting Co-ordinator Statutory Planning I have no interests to disclose in the report.*

### **ATTACHMENTS**

1. 66 High Street Trentham - Existing and Proposed Site Plan [**11.2.1** - 1 page]
2. PA 3353 - Application Cover Letter and Permit - Alterations and extensions - PIn PA 003353 [**11.2.2** - 7 pages]

### **EXECUTIVE SUMMARY**

The purpose of this report is for Councillors to consider a Section 72 Application to amend Permit PA 3353, Condition 1a), to require no less than 25 car parking spaces.

At the Ordinary Meeting of Council on 21 December 2021, Council determined to issue a Planning Permit for *alterations and extensions to an existing building used for a place of assembly including partial demolition, removal of two trees, reduction in carparking requirement and alteration of access to a Road Zone Category 1* at 66 High Street Trentham. The application was reported to Council as the proposed project cost was over \$2million.

The permit was issued subject to 26 conditions, including a requirement for amended plans.

Condition 1a) requires that amended plans be provided to show no less than 35 car parking spaces contained within the parking area to the north of the development.

The permit applicant is seeking a Section 72 Amendment to Condition 1a) to reduce the required number of car parking spaces to a total of no less than 25.

### **OFFICER'S RECOMMENDATION**

*That Council supports the amendment sought and determine to amend Condition 1a) of Planning Permit PA 3353 to read as follows:*

- a) *The provision of no less than 25 car parking spaces on site.*

### **MOTION**

*That Council supports the amendment sought and determine to amend Condition 1a) of Planning Permit PA 3353 to read as follows:*

- a) *The provision of no less than 25 car parking spaces on site.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Don Henderson

**Carried**

## **BACKGROUND**

This application was previously considered by Council at the Ordinary Meeting of Council on 21 December 2021.

The subject site is known as Crown Allotment 6 Section 2A Township of Trentham Parish of Trentham and is approximately 3028sq.m and irregular in shape. The site is developed with the Trentham Mechanics Hall, currently used as a community facility, at the south-western corner of the lot, and associated car parking in the northern part of the lot. The site has vehicular access to both High Street to the south and Albert Street to the north.

The surrounding area is a mix of Commercial 1 Zone to the west/south-west, Township Zone to the north, and Public Park and Recreation Zone to the east/south-east.

Planning Permit PA 3353 was issued to alter and extend the existing Trentham Mechanics Hall, including partial demolition of the existing building and removal of outbuildings, small trees and alteration to the vehicle access to the site. This will accommodate a new Hepburn Shire Community Hub for Trentham.

## **KEY ISSUES**

### *Car Parking*

In December 2021, Council considered an application for the development of a Community Hub at the existing Mechanics Hall at 66 High Street Trentham. The statutory car parking requirement for this development is 50 car spaces, pursuant to Clause 52.06 of the Hepburn Shire Planning Scheme. An application to amend the permit pursuant to Section 72 of the Planning and Environment Act has been made to allow for a minimum of 25 car spaces to be provided on site.

In considering the original application, an additional 10 car spaces was required to the north of the development area. To achieve this, it would need to be demonstrated that the additional spaces could be accommodated in accordance with the relevant car parking standards for access and dimensions, pursuant to Clause 52.06 of the Hepburn Planning Scheme.

The original permit application was accompanied by a Car Parking Demand Assessment by OneMileGrid who concluded that the carparking demand would be 24 car spaces. The application proposed 25 car spaces. Council's Infrastructure Department did not oppose the proposal or require additional car parking, subject to conditions relating to drainage and car park details and construction.

The permit applicant has had further regard to the requirement of additional spaces to the north of the development and considers that, whilst there is space allocated to non-carparking uses including garden beds, the provision of additional car parking spaces will not be beneficial to the use of the site, is not necessary for the approved



use, would result in surplus car parking, could not necessarily be provided such that compliance with Clause 52.06 can be satisfied and would require additional review to be undertaken by the traffic engineer and architect.

Council's Projects Unit confirms there are no plans to expand the current facility as approved at this time. Nevertheless, it is submitted that the gardens beds and undeveloped spaces will allow prospects for any future development required to improve the community hub to be considered in the future.

If the land were proposed to be further developed any requirements for carparking would be considered at that time having regard to current car parking data and analysis.

### **POLICY AND STATUTORY IMPLICATIONS**

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

### **GOVERNANCE ISSUES**

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

### **SUSTAINABILITY IMPLICATIONS**

All sustainability implications have been considered through the permit process. The reduction of carparking to no less than 25 car spaces is supported through a car parking analysis provided by a qualified traffic consultant

### **FINANCIAL IMPLICATIONS**

Should Council determine to not consent to removal of Condition 1a), compliance with the permit and provision of 10 additional car spaces would require further advice and reporting by the traffic consultant and modification to the plans by the project architect. This would result in additional significant costs to the project.

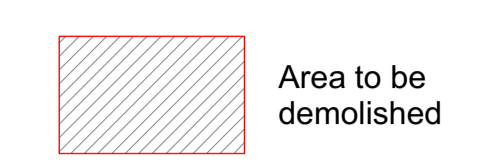
### **RISK IMPLICATIONS**

No risks to Council other than those already identified.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The original permit application was exempt from notification. However, an extensive community consultation process for the proposed development has been undertaken, which notably was based on provision of 25 car spaces.

Legend



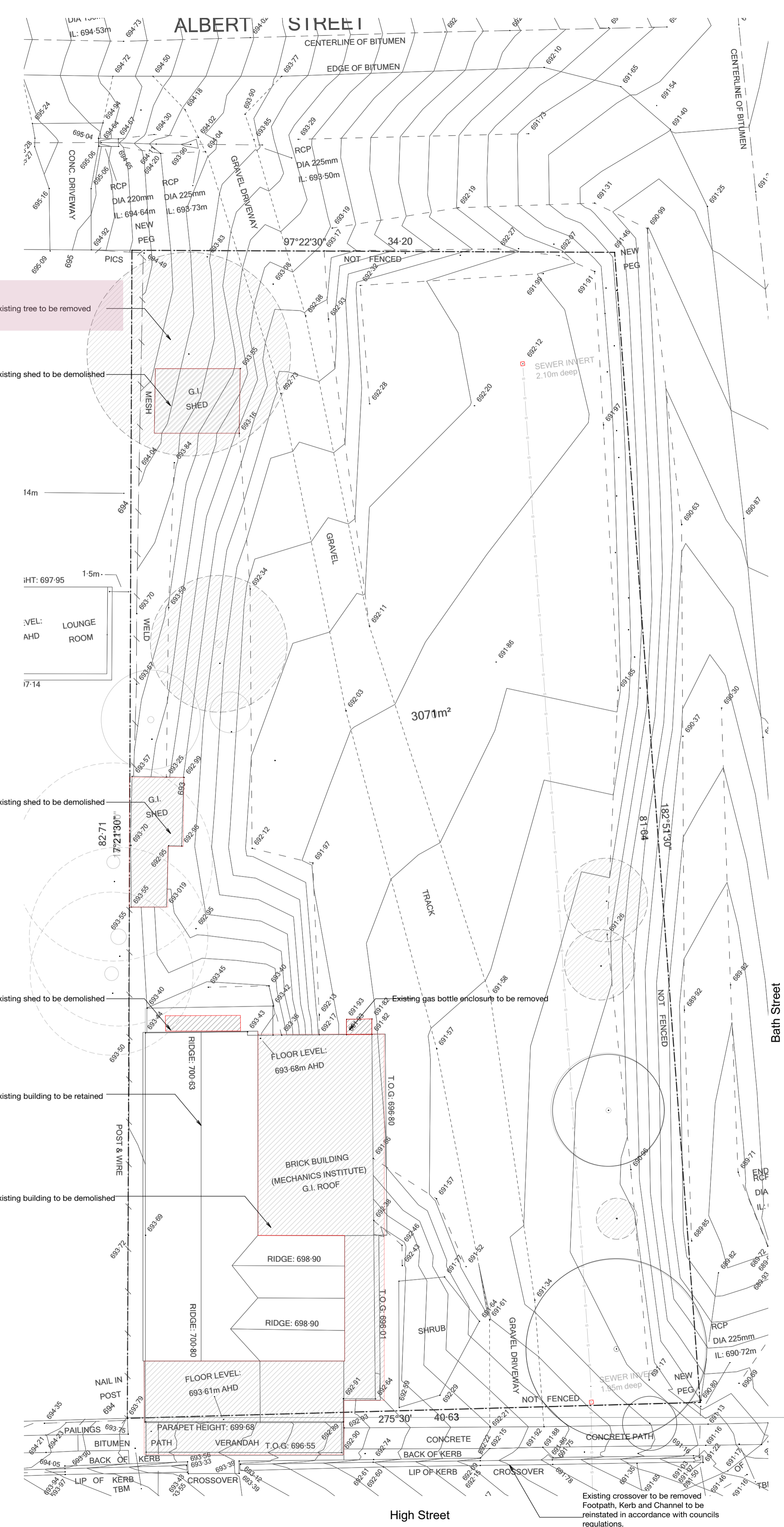
Existing Building Area ~492 sqm

Existing Building Area to be demolished ~254 sqm

Existing Building Area to be retained 238 sqm

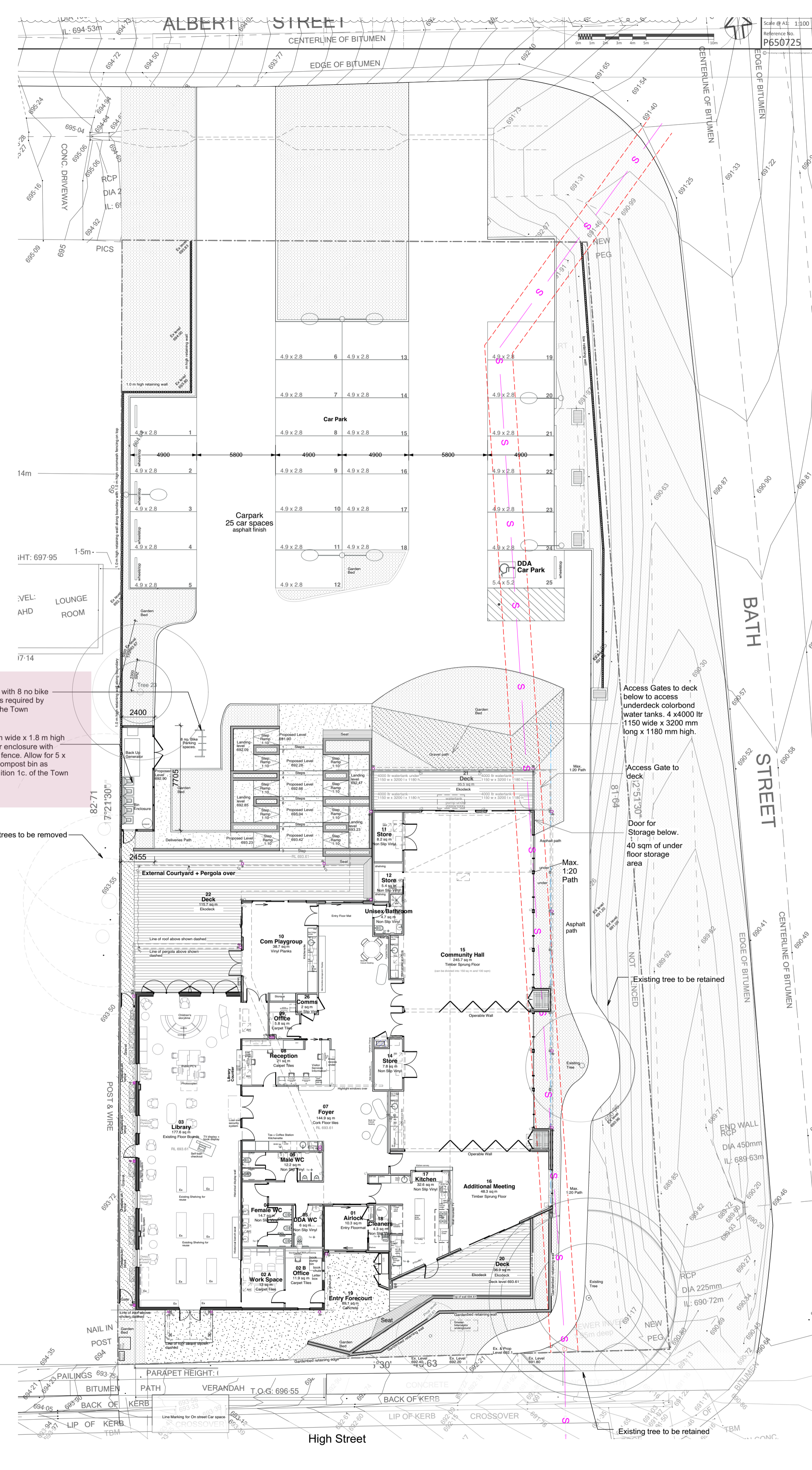
New Building: ~598m<sup>2</sup>  
Deck Areas: ~188m<sup>2</sup>

Roofed Area : 998m<sup>2</sup>

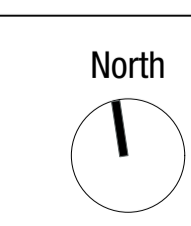


1 Existing Conditions  
Scale: 1:200

2 Proposed Site Plan  
Scale: 1:200



2 Proposed Site Plan  
Scale: 1:200



Property No: 14606/P



23 December 2021

Perkins Architects Pty Ltd  
 153 High Street  
 PRAHRAN VIC 3931

Dear Sir/Madam

Application Ref	PA 3353
Property Description	Crown Allotment 6 Section 2A Township of Trentham Parish of Trentham
Property Address	66 High Street TRENTHAM VIC 3458
Proposal	Alterations and extensions to an existing building used for a place of assembly including partial demolition, removal of two trees, reduction in car parking requirement, and alteration of access to Road Zone Category 1

I am pleased to advise you that a planning permit has been issued.

A copy of the planning permit is attached for your reference. If plans have not been endorsed as part of the permit, Condition 1 of the permit will require changes to the submitted plans to be undertaken before the plans are endorsed.

The planning permit contains a number of conditions and some of the conditions may require actions to be undertaken before the use or development can start, as well as throughout the life of the permit. It is imperative you read and understand these conditions to prevent any possible delays during the Building Permit stage. Coupled with the planning permit you will also find information about your review (appeal) rights if you are unhappy with any of the requirements of the planning permit.

Please also note that this permit is NOT a building permit. If the proposal involves the construction or alteration of a building, or (in some circumstances) the change of use of a building, then you may need to obtain a separate building permit. For further information about the building permit process please contact Council's Building Unit.

If your permit includes a condition that requires you to enter into a Section 173 Agreement you are strongly encouraged to contact the relevant planner to determine how Council can help you to prepare this agreement in the most timely and cost effective way.

If you would like more information about the planning permit process, please visit the Statutory Planning page on Council's website at [www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au).

Please do not hesitate to contact me if you have any further queries.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James McInnes", written over a light blue horizontal line.

James McInnes  
**Acting Statutory Planning Coordinator**

▶ HEPBURN SHIRE COUNCIL	▶ DAYLESFORD	▶ CRESWICK	▶ CLUNES
ABN: 76 845 763 535	76 Vincent Street	Corner Duke	68 Albert
PO Box 21 Daylesford 3460	Daylesford 3460	& Albert Streets	Street
shire@hepburn.vic.gov.au	03 5348 2306	Daylesford 3460	Creswick 3363
		03 5348 1577	03 5345 8399
			The Warehouse
			36 Fraser Street
			Clunes 3370
			03 5345 3359

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the *Planning and Environment Act 1987*.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from:
  - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - ii. the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988 .
2. A permit for the use of land expires if:
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal



# PLANNING PERMIT

Permit Number:  
 Planning Scheme:  
 Responsible Authority:

**PA 3353**  
 Hepburn Planning Scheme  
 Hepburn Shire Council

**Address of the land:** 66 High Street TRENTHAM VIC 3458  
 Crown Allotment 6 Section 2A Township of Trentham Parish of  
 Trentham

**The Permit Allows:** Alterations and extensions to an existing building used for a place of assembly including partial demolition, removal of two trees, reduction in car parking requirement, and alteration of access to Road Zone Category 1 generally in accordance with the endorsed plans

**The following conditions apply to this permit:**

## Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the application plans but further modified to show:
  - a. The provision of no less than 35 car parking spaces contained within the parking area to the north of the development;
  - b. The provision of a bicycle rail providing no less than 8 visitor bicycle spaces;
  - c. Dimensions for the bin enclosure being adequate to contain a compost bin and no less than five (5) 360 litre wheelie bins of 1100mm in height, 680mm in width, and 848mm in depth;
  - d. A closable door to the cleaner's room.

## Schedule of materials, finishes, and colours

2. Before the development starts, a full schedule of materials, finishes and colours, for all external hard surface areas, including colour samples in a form that is able to be endorsed and held on file, must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.

## Compliance with endorsed plans

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

Date permit issued: 23 December 2021

Signature for the  
 Responsible Authority:



# PLANNING PERMIT

Permit Number:  
 Planning Scheme:  
 Responsible Authority:

**PA 3353**  
 Hepburn Planning Scheme  
 Hepburn Shire Council

## Mandatory stormwater requirements (Clause 42.01, Sch. 1 – 3.0)

4. All stormwater must be managed and discharged to the satisfaction of the responsible Authority and generally in accordance with the principles described in Urban Stormwater: Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).

## General amenity

5. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
6. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
7. Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:
  - a. transport of materials, goods or commodities to or from the land;
  - b. inappropriate storage of any works or construction materials;
  - c. hours of construction activity;
  - d. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and
  - e. presence of vermin.

to the satisfaction of the Responsible Authority.

8. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

## Noise restrictions

10. Noise emanating from the land must comply with the requirements of the Environment Protection Authority's Noise from Industry in Regional Victoria (Publication 1411, October 2011) to the satisfaction of the Responsible Authority

Date permit issued: 23 December 2021

Signature for the  
 Responsible Authority:

A handwritten signature in black ink, appearing to be a stylized name or set of initials.



# PLANNING PERMIT

**Permit Number:**  
**Planning Scheme:**  
**Responsible Authority:**

**PA 3353**  
 Hepburn Planning Scheme  
 Hepburn Shire Council

## Waste management

11. All waste material not required for further onsite processing must be regularly removed from the land.
12. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled, or dust or odour is created to the satisfaction of the Responsible Authority.

## Council Engineering

### *Stormwater Drainage*

13. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.
14. Prior to commencement of use, professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be constructed and completed prior to commencement of use.
15. Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.
16. It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.

### *Carparking*

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

Date permit issued: 23 December 2021

Signature for the  
Responsible Authority:

A handwritten signature in black ink, appearing to be a stylized name or set of initials.



# PLANNING PERMIT

**Permit Number:**  
**Planning Scheme:**  
**Responsible Authority:**

**PA 3353**  
 Hepburn Planning Scheme  
 Hepburn Shire Council

18. Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
- surfaced with an all-weather surface and treated to prevent dust;
  - drained in accordance with an approved drainage plan;
  - provision for vehicles to pass on driveways and
  - constructed and completed to the satisfaction of the Responsible Authority.
  - Allow for turning movements of delivery vehicle
19. Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority.

### *Completion of works*

20. Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20.
21. All Council Engineering works must construct and complete prior to commencement of use.
22. All costs incurred in complying with the above Council Engineering conditions shall be borne by the permit holder.

### **North Central Catchment Management Authority**

23. The finished floor level of the proposed extension must be no lower than the existing floor level of the current building.

### **Coliban Water**

24. The proposed building over the existing sewer main is not acceptable. Coliban Water requires a mains extension application to realign the sewer main. Specific requirements for the sewer realignment will be provided to the applicant after a preliminary design has been referred to us by one of our Consulting Engineers.
25. Following Section 148 of the Water Act 1989, the land owner is to reach agreement with Coliban Water for any building or construction works that are undertaken closer than 1m to a Coliban Water Asset.

Date permit issued: 23 December 2021

Signature for the  
Responsible Authority:

A handwritten signature in black ink, appearing to be a stylized name or set of initials.





# PLANNING PERMIT

**Permit Number:**  
**Planning Scheme:**  
**Responsible Authority:**

**PA 3353**  
Hepburn Planning Scheme  
Hepburn Shire Council

## Permit Expiry

26. This permit will expire if one of the following circumstances applies:

- a. The development is not started within two years of the date of this permit.
- b. The development is not completed within four years of the date of this permit.

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

## PERMIT NOTES:

**Note 1:** This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

### North Central Catchment Management Authority

**Note 2:** Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation from Trent Creek.

### Coliban Water

**Note 3:** A list of our Registered Consulting Engineers is available on Coliban Water's website.

Date permit issued: 23 December 2021

Signature for the  
Responsible Authority:

A handwritten signature in black ink, appearing to be a stylized name or set of initials.

### **11.3 PA 3334 7A GUNYAH DRIVE TRENTHAM - FOUR LOT SUBDIVISION DIRECTOR COMMUNITY AND DEVELOPMENT**

*In providing this advice to Council as the Manager Planning and Development, I Vige Satkunarajah have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. PA 3334 - Objections (redacted) - 7 A Gunyah Drive Trentham [**11.3.1** - 42 pages]
2. 7 A Gunyah Drive Trentham- Plan of Subdivision [**11.3.2** - 1 page]
3. PA 3334 - Complete application (redacted) - 7A Gunyah Drive Trentham [**11.3.3** - 39 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to determine planning application PA 3334 for a four (4) lot subdivision of land at No. 7A Gunyah Drive, Trentham [Attachment 1 – PA 3334 – Complete application (redacted) – 7A Gunyah Drive, Trentham].

The site is a battle-axe shaped lot, approximately 1.119 hectares in size, and has access to Gunyah Drive to the east via a 5.03 metre wide accessway.

The application has been advertised by sending notification to the adjoining properties and placing a notice on the land. Six (6) objections were received in response to the notification (see Attachment 2 – PA 3334 – Objections (redacted) - 7A Gunyah Drive, Trentham).

The application complies with the requirements of the relevant Planning Policy Framework, the Zoning and Overlays affecting the land. Following consideration of the relevant planning provisions, comments from referral authorities and the grounds of objection officers recommend that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

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

*That Council:*

1. *makes a determination to issue a Notice of Decision to Grant a Planning Permit at 7A Gunyah Drive, Trentham, in accordance with the following recommendation and conditions, and;*
2. *having caused notice of planning application PA 3334 to be given under Section 52 of the Planning and Environment Act 1987 (the Act), determines to issue a Notice of Decision to Grant a Planning Permit for the four (4) lot subdivision of land at 7A Gunyah Drive, Trentham, subject to the following conditions:*

### ***Layout must not be altered***

- 1. The formal plan of subdivision lodged for certification under the Subdivision Act, 1988 must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.*

### ***Landscape plan to be provided***

- 2. Before certification of the subdivision under the Subdivision Act, 1988, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must show:*
  - a. The locations of all landscaping works to be provided on the land;*
  - b. The locations of any trees to be retained or removed from the land, including details of species and size;*
  - c. A detailed schedule of all proposed trees, shrubs, and groundcovers, including botanical names, common names, pot sizes at maturity, and quantities of each plant;*
  - d. Details of the proposed surface finishes of any pathways and driveways;*
  - e. Details of the irrigation system to be used on the land following completion of the landscaping works;*
  - f. Details of plantings for the purposes of:*
    - i. Providing vegetation along any waterways, drainage lines, gullies, and ridgelines that traverse the land;*
    - ii. Providing vegetative screening along title boundaries to adjoining land and, where possible, within the common property area along the southern title boundary without compromising the access requirements of any Council Engineering conditions of this permit.*

### ***Completion and maintenance of landscaping***

- 3. Before the issue of a Statement of Compliance, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscape plans. If the proposed landscaping is to be undertaken during house construction stage, the Owner must enter into a Section 173*

*Agreement with the Responsible Authority under section 173 and 174 of the Planning and Environment Act 1987, requiring that such works shall be constructed and completed during house/building construction stage.*

4. *All landscaping and works are to be maintained for a period of 24 months from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.*

#### **Fire hydrants**

5. *Before the issue of a Statement of Compliance under the Subdivision Act, 1988, operable hydrants must be provided either above or below ground, with a maximum distance between hydrants and the rear of lots of 120 metres and be no more than 200 metres apart, to the satisfaction of the Responsible Authority.*

#### **Tree protection requirements**

6. *Where any required or proposed engineering or servicing works associated with the subdivision extends into the Tree Protection Zone (as defined within AS 4970 – 2009 – Protection of trees on development sites) of any street trees or trees upon adjoining land, the construction methodology must be undertaken in accordance with the requirements of AS 4970 – 2009 to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*
7. *Any required underground services should be installed outside of the recommended Tree Protection Zone as defined in AS 4970 – 2009, to the satisfaction of the Responsible Authority. Where this is not possible, trenches within the Tree Protection Zone should be hand dug with minimum root severance or may be bored under the root plate with any entry and exit pits positioned outside of the designated Tree Protection Zone.*

#### **Mandatory telecommunication requirements**

8. *The owner of the land must enter into an agreement with:*
  - a. *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and,*
  - b. *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the*

*applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

9. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*

- a. *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and,*
- b. *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

**Public open space contribution**

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

**Amenity standards**

11. *Any required engineering works, and the associated development of the subdivision must be managed so that the amenity of the area is not detrimentally affected through the:*

- a. *transport of materials, goods or commodities to or from the land;*
- b. *appearance of any building, works or materials;*
- c. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or otherwise.*

*All the above to the satisfaction of the Responsible Authority.*

**Council Engineering**

**Stormwater Drainage**

12. *Prior to the certification of the plan of subdivision, professionally prepared Stormwater Drainage Plans and the Stormwater Strategy, and computations*

*must be prepared to the satisfaction of the Responsible Authority and submitted for approval by the Responsible Authority. The submitted plans must be approved by the Responsible Authority and form part of this permit.*

*13. The Stormwater Strategy Plan among other things must include the following:*

- The provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre-development runoff from the development.*
- Return period for a Detention system is to be 10%AEP where there is overland escape path and 1%AEP if the failure of the detention system will cause property damage or inundation of freehold titles.*
- All drainage easements necessary to protect and facilitate existing and future drainage infrastructure.*
- Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater.*
- Drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority.*
- The drainage works to be installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge.*
- All the works associated with the proposed stormwater drainage system that are to be constructed during the construction stage of each lot proposed and any common property.*
- Demonstrate that no concentrated stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be constructed and completed prior to the issue of the statement of compliance.*
- All allotments shall be provided with drainage outfall (house connection) connected to the underground drainage system to the satisfaction of the Responsible Authority. House drainage connection shall be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 505.*
- Demonstrate that stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.*
- Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment (not just the immediate development), including any new infrastructure that may be required to convey stormwater to a registered waterway. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design*

*plans and legal point of discharge will not be considered until the drainage strategy has been established.*

- *To demonstrate that drainage infrastructure meet the relevant requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20 (or as updated).*
- *The Plan must meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.*

*Note: Additional information for requirements can be found at*

*<https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>*

14. *Prior to issue of the Statement of Compliance, all underground and surface drainage works that are shown on the approved stormwater drainage plans must be constructed to the satisfaction of the Responsible Authority.*
15. *Prior to issue of the Statement of Compliance, all drainage easements shown on the approved plans must be provided by the Permit Holder to the satisfaction of the Responsible Authority.*
16. *Prior to the issue of the Statement of Compliance, the Owner must enter into a Section 173 Agreement with the responsible Authority under section 173 and 174 of the Planning and Environment Act, 1987, requiring the following:*

*Stormwater drainage related*

- a) *All the works associated with the proposed stormwater drainage system that are to be constructed during the construction stage of each lot as shown on the approved plans must be constructed during the construction of dwellings on each lot and completed prior to the commencement of the use to the satisfaction of the Responsible Authority.*
- b) *Stormwater shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority.*
- c) *Stormwater management as outlined in the approved Stormwater Drainage Plans and the Stormwater Strategy should be always complied with.*

*The Owner must pay all of the costs and expenses including Responsible Authority's lawyers checking fees in relation to preparation, execution, registration, enforcement and cancellation of this Agreement including costs for obtaining necessary consents if required by the Land Titles Office before registration of this Agreement.*

**Access**

17. *Prior to the issue of the Statement of Compliance the vehicle access shown on the approved plan to the land is to be located, must be constructed to the satisfaction of the Responsible Authority.*

- *Vehicle access to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.*
- *Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.*
- *Demonstrates any other relevant access infrastructure requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20 (or as updated).*
- *Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree to the satisfaction of the Responsible Authority. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.*

18. *The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.*

19. *Prior to the issue of the Statement of Compliance the following must be constructed to the satisfaction of the Responsible Authority:*

- a. *Vehicle crossing to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 260 to the satisfaction of the Responsible Authority, unless otherwise a varied standard is agreed in writing by the Responsible Authority.*
- b. *Grades through vehicle crossing shall not exceed 1:10.*

### **Accessway**

20. *Prior to the certification of the subdivision, the permit holder must professionally prepare and submit an Accessway Plan to the Responsible Authority for approval. The Plan and specification among other things shall show and demonstrate the following to the satisfaction of the Responsible Authority:*

- *The accessway on the subject land shall comprise of 5.0m pavement width comprising:*
  - *Minimum 200mm compacted depth class 3 20mm FCR sub-base*



- *Minimum 100mm compacted depth class 2 20mm FCR base*

*OR*

- *300mm compacted depth approved gravel sub base.*

- *40mm Type H, 10mm asphalt or 150mm 32MPA concrete with SL82 Mesh to the satisfaction on the responsible authority*
- *Central Drainage along the accessway.*
- *All vehicle entry to and egress from the property shall be in a forward motion. Vehicle turn around must be provided within the property.*
- *Any safety signage and line marking required to be installed to ensure safer movement of people and vehicles within and to and from the subject land.*
- *Turning circles to ensure all vehicles enter and leave the property in a forward direction.*
- *Other relevant accessway requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20 (or as updated).*
- *The plan must be approved by the Responsible Authority and form part of this permit.*

*21. Prior to issue of the Statement of Compliance, the accessway shall be constructed including formed, drained and surfaced in accordance with the approved accessway plan and specifications to the satisfaction of the Responsible Authority (from the intersection of Gunyah Drive to the subject land).*

#### *Waste Management*

*22. Prior to the issue of the Statement of Compliance the permit holder must submit a Waste Management Plan to the Responsible Authority to show adequate room to place Council collection bins (including garbage and recycle bins) on Gunyah Drive for weekly collection.*

*OR*

*Prior to the issue of the Statement of Compliance a private waste collection arrangement shall be required to service the development. A Private Waste Management Plan must be prepared and submitted to the Responsible Authority. The Plan among other things should demonstrate the following:*

- *Collection arrangement*
- *Maximum waste collection vehicle dimension*
- *Adequacy and safety of the access roads*
- *Compliance with Environment Protection Authority noise standards.*

*The Private Waste Management Plan must be approved by the Responsible Authority and will form part of this permit.*

### Line marking and Signage

23. Prior to the issue of the Statement of Compliance any safety signage and line marking as shown on the approved plans must be installed to the satisfaction of the Responsible Authority.

### Plan Checking and Supervision Fee

24. In accordance with the Subdivision Act 1988, Responsible Authority requires the following fees for works undertaken on this subdivision:

- Plan checking fee of 0.75% of the value of works
- Supervision fee of 2.50% of the value of works

### **Goulburn Murray Water**

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

26. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

27. Stormwater from the site must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

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

29. No buildings are to be constructed on any drainage lines.

### **North Central Catchment Management Authority**

30. Prior to issuing a statement of compliance the drain that traverses the site from the southern boundary to the northern boundary must be increased in size as per the engineering computations undertaken by Axiom Consulting Engineers dated 1/9/2021.

31.

### **Coliban Water**

32. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided and where necessary existing services may require amending in accordance with our specifications.

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

34. *If sewer servicing of each of the lots created is to be by pressure sewer rather than provision of traditional gravity sewer then; New Customer Contributions (NCC's) for pressure sewer will apply to each lot being connected to the reticulated infrastructure required. This NCC is to provide developer funding for the supply, installation and ongoing maintenance requirements by Coliban Water for the property assets on each lot including tank, pump and control box. The supply and installation will be completed by our approved contractors after an application to connect is received.*

35.

**Powercor**

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

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

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

39.

**Permit expiry**

40. *This permit will expire if one of the following circumstances applies:*

- a. *The plan of subdivision is not certified within two (2) years of the date of this permit;*
- b. *The registration of the relevant stage of subdivision is not completed within five (5) years from the date of certification of the plan of subdivision.*

*In accordance with Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the permit if a request is made in writing before the permit expires, or;*

- *Within six (6) months after the permit expires to extend the commencement date.*
- *Within twelve (12) months after the permit expires to extend the completion date of the development if the development has lawfully commenced.*

**PERMIT NOTES:**

North Central Catchment Management Authority

**Note 1:** *Flood levels for the 1% AEP probability (100 year ARI) have not been determined for this area under the Water Act 1989. However, information available*

at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that a portion of the property may be subject to inundation.

**Note 2:** Please note the drainage line that traverses the site from the southern to northern boundary is a waterway gazetted by the North Central CMA to be a designated waterway under the Water Act 1989. A separate works on waterway permit will need to be obtained from the North Central CMA for the proposed modifications to the drainage line.

#### Coliban Water

**Note 3:** Specific requirements for the servicing of the new lots will be provided to the applicant after a plan for certification has been referred to us. It is further requested that a final copy of the plan as certified by Council be forwarded to us for record purposes.

#### AusNet Gas Services

**Note 4:** AusNet Gas Services does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to council issuing a Statement of Compliance at the appropriate time.

#### Powercor

**Note 5:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

**Note 6:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

**Note 7:** It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Ms Steph Durant, Principal Planner from Inception Planning addressed Council on behalf of the applicant.

Mr William Benson addressed Council in objection to the application.

Ms Jan Halliday addressed Council in objection to the application.

Mr David Kotzman and Ms Margot Burrows addressed Council in objection to the application

## **MOTION**

*That Council, having caused notice of the planning application under Section 52 of The Planning and Environment Act, 1987, and having considered all the matters required under Section 60 of the Act decides to issue Refusal to Grant a Planning Permit PA 3334 for a Four (4) lot subdivision in respect of the land known as 7A Gunyah Drive, Trentham on the following grounds:*

- 1. The proposal does not adequately address the flooding and inundation risks*
- 2. The width of the proposed driveway presents a safety and access risk, especially for emergency vehicles in a bushfire risk area.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Don Henderson

**Carried**

## **BACKGROUND**

### *Site and Surrounds*

The subject land is known as Lot 2 on Plan of Subdivision 845771H, with the street address of 7A Gunyah Drive, Trentham. The site is a battle-axe shaped allotment, approximately 1.119 hectares in size, and has access to Gunyah Drive to the east via a 5.03 metre wide accessway. The site is currently undeveloped, with little vegetation present on the site. Two easements traverse the site for the purposes of drainage, which benefit the lots of the broader Gunyah Bend Estate. A small drainage line traverses the site north-south and there is a small dam near to the northern boundary. The site slopes generally downward to the west, more specifically to the north-south drainage easement and towards the dam.

The immediately surrounding area is zoned Low Density Residential Zone, with lots varying in size from 2000sq m to 1.61 hectares in area, many of which are developed with single dwellings. A seven (7) lot subdivision with lots of approximately 2000sqm in size was approved in September 2020, directly adjoins the subject land to the west. A rail reserve, now disused, directly adjoins the subject land to the north-west. The commercial centre of Trentham is approximately 700 metres to the south-west of the subject land.

### *Proposal*

The application proposes a four (4) lot subdivision of the subject site, creating the following parcels of land:

- Lot 1 - 2183sq m in area, 12m frontage to common property
- Lot 2 - 2847sq m in area, 9m frontage to common property
- Lot 3 - 2004sq m in area, 13.95m frontage to common property
- Lot 4 - 3004sq m in area, 46.22m frontage to common property

- Common Property Road -1155sq m in area, 10m radius half-court bowl, 5.03m wide accessway.

Potential building envelopes of between 192sqm and 600sqm have been shown for each proposed lot, however these are indicative only and are not proposed to be encumbering upon any future title issued as a result of an approval of this permit.

*Relevant Planning Ordinance applying to the site and proposal*

Zoning:	Clause 32.03 Low Density Residential Zone (LDRZ)	
Overlays:	Clause 42.01 Environmental Significance Overlay – Schedule 1 (ESO1)	
Particular Provisions	Clause 53.01 Public Open Space Contribution and Subdivision	
Relevant Provisions of the PPF	Clause 11.01-1S Settlement Clause 11.01-1R Settlement – Central Highlands Clause 11.02-1S Supply of urban land Clause 13.02-1S Bushfire planning Clause 14.02-1S Catchment planning and management Clause 14.02-2S Water quality Clause 15.01-3S Subdivision design Clause 15.01-5S Neighbourhood character Clause 16.01-1S Housing supply Clause 16.01-2S Housing affordability Clause 21.01 Municipal Profile Clause 21.03 Vision and Strategic Framework Clause 21.05 Settlement and Housing Clause 21.09 Environment and Heritage Clause 22.01 Catchment and Land Protection	
Under what clause(s) is a permit required?	Clause 32.03-3 (LDRZ)	A permit is required to subdivide land
	Clause 42.01-2 (ESO1)	A permit is required to subdivide land

**KEY ISSUES***Response to Planning Policy Framework*

The proposal offers a reasonable and compliant proposed plan of subdivision in relation to the relevant State and Local provisions of the Hepburn Planning Scheme.

The subject land is located in an area where incremental growth and infill subdivision is expected to occur moving forward, being located within the urban growth boundary for Trentham identified in the *Hepburn Structure Plan Review, 2007* and within an existing urban settlement. The proposal aligns with objectives which encourage appropriately located increases in supply of land for residential purposes. The proposed density is seen as appropriate on grounds of proximity to the town centre of Trentham and to established road transport corridors providing access to both local and regional services.

The application was referred to the relevant servicing authorities. No issues have been raised in relation to service limitations or capacity as it relates to the subject land or the surrounding area.

*Low Density Residential Zone*

The proposed allotments are of a size and orientation that are compliant with the minimum size requirements and will allow for future development which maintains the low-density character prescribed by the LRDZ. The lots can accommodate future development appropriately setback from the water features and drainage lines traversing the site, and in meeting landscaping conditions, revegetation of areas proximate to water features and property boundaries will be achievable and result in a positive floral and faunal outcome for the site.

The relevant standards of Clauses 56.07-1 to 56.07-4 relating to integrated water management have been addressed through both the submission of detailed drainage computations at the request of NCCMA, and through compliance with conditions provided from the relevant water authorities and Council's Engineering department.

*Stormwater Drainage*

In meeting the NCCMA and Council's Engineering department conditions of any permit issued will appropriately address stormwater drainage matters associated with the subject land. Engineering conditions include a detailed Stormwater Drainage Plan, Stormwater Strategy, an agreement under the Section 173 of the *Planning and Environment Act, 1987*, requiring the necessary stormwater infrastructure, including onsite stormwater detention system are constructed to Council's satisfaction. This is to ensure that the post development runoff does not exceed pre-development runoff from the development.

### *Environmental Significance Overlay – Schedule 1*

The application was referred to Coliban Water (CW), Goulburn Murray Water (GMW) and North Central Catchment Management Authority (NCCMA), all of which have provided conditional consent to the issuing of a planning permit. No vegetation is proposed to be removed and the indicative building envelopes show that future development of the site will be able to occur appropriately setback from existing water features upon the site. Landscaping conditions require revegetation across the subject land, with a focus along the open drainage easement which traverses the site.

Each proposed lot will have the ability to connect to water and sewerage infrastructure in accordance with their recommended conditions, and in doing so and in meeting other relevant site management conditions, the proposal aligns with the objectives and decision guidelines of the Environmental Significance Overlay.

### *Neighbourhood Character*

Being located within Low Density Residential Zone and within the urban growth boundary for Trentham, incremental subdivision such as this is expected for the subject land and surrounding area. Whilst until recently the area has been afforded a more rural character, this is not uncommon for LDRZ areas before growth pressures become more apparent. As noted throughout this report, rural character does not form part of the considerations to be made under the zoning and recent nearby approvals speak to the expected and emerging character of the area as infill development begins to occur. The character of the streetscape throughout the Gunyah Bend Estate does not stand to see much change resulting from this proposal, with only the surface finish of the existing accessway to be changed to meet the requirements of the access conditions and some works expected to provide additional servicing to the land.

### *Access*

The proposed accessway and common property road associated with the subdivision is compliant with the requirements of the Infrastructure Design Manual. The application was referred to Council's Engineering Department who have provided conditional consent to the issuing of a planning permit, with detailed conditions relating to access to the site.

## **POLICY AND STATUTORY IMPLICATIONS**

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

## **GOVERNANCE ISSUES**

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



## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

## **FINANCIAL IMPLICATIONS**

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at the Victorian Civil Administrative Tribunal if appealed.

## **RISK IMPLICATIONS**

There are no known risks to Council.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice was placed on the land. As a result, six (6) objections have been received (see Attachment 2 – PA 3334 – Objections (redacted) - 7A Gunyah Drive, Trentham). The key issues raised in the objections are addressed individually as follows:

### Neighbourhood character impacts

The proposed subdivision, whilst seeing a departure from some of the larger lot sizes present throughout the area, is certainly in line with the emerging character of the area. The site is within the urban growth boundary of Trentham, and the lot sizes accord with the requirements of the zoning requirements. The permanent physical interface of the site and accessway to Gunyah Drive will see minimal change, and the density of future development of the proposed lots will be in keeping with the emerging pattern of development throughout the area.

### Stormwater drainage and flooding issues

It is noted that the subject land is not within a flooding or inundation overlay, regardless the application was referred to both the floodplain authority, North Central Catchment Management Authority (NCCMA), and Council's Engineering department for comments on drainage and flooding issues. NCCMA requested further information of the applicant to ensure flooding concerns could be appropriately managed upon the site and without causing any adverse impacts to adjoining areas. Detailed plans and computations were provided in response, and subsequently NCCMA provided conditional consent to the issuing of a planning permit. Council's Engineering department provided initial advice to the applicant prior to lodgement of the application and have subsequently provided conditional consent in relation to stormwater drainage including condition seeking onsite stormwater detention system to ensure future runoff from the developed site does not exceed pre-development runoff.

By meeting the proposed conditions drainage and flooding issues can be appropriately dealt with. Any additional drainage requirements can be addressed at any subsequent building permit stage.

#### Inadequate access and waste management

The proposed accessway, whilst not as wide as those throughout the area, is compliant with the requirements of the Infrastructure Design Manual. The application was referred to Council's Engineering department, who have provided conditions relating to access and waste management as appropriate. In meeting the requirements of these conditions, it is understood that access to the proposed lots can be achieved safely and that waste collection can be managed in such a manner that impacts will be appropriately minimised.

#### Amenity impacts

Much of the amenity concerns stem from increased development and density as a result of the proposed additional allotments, potential disruption resulting from construction of any future dwellings upon these allotments, and how future occupants may behave upon the land. In relation to the increase in density, the proposed density and proximity of likely future development to surrounding existing dwellings is in accordance with the expected and emerging pattern of development for Low Density Residential Zoned land within the growth boundaries of Trentham. Both future construction activities and ongoing use of the land is subject to applicable EPA regulations which control unreasonable noise and disruption.

#### Limited planting and landscaping opportunities

Whilst it is acknowledged that there are limited opportunities for planting and landscaping along the accessway to the proposed lots given the width of this accessway, there still exists adequate space across the subject site to ensure landscaping is provided which addresses the decision guidelines of the Low Density Residential Zone. Appropriate landscaping conditions are recommended to ensure this compliance.

#### Inappropriate building envelope locations

The building envelopes as shown on the proposed plan of subdivision are potential building envelopes only and are not proposed to encumber any subsequently issued titles for the land. Any future development of the proposed lots will be required to be in accordance with any subdivision permit issued for the land, and to seek appropriate building permit approvals and achieve compliance with relevant siting regulations. If a variation is sought in relation to the siting requirements, appropriate dispensation would be required to be sought from Council's Building Services Department.

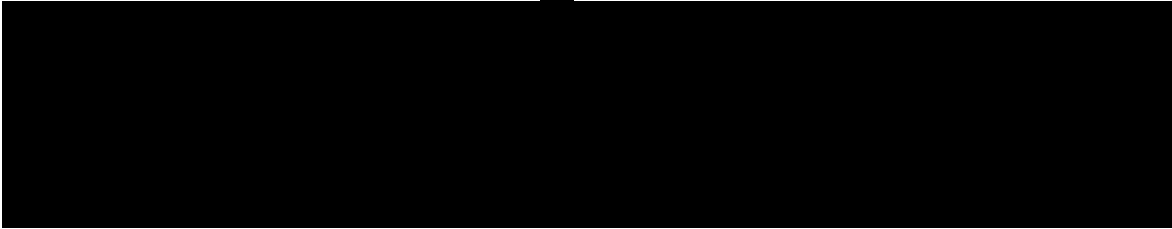
#### Loss of rural outlook and feel

The purpose and decision guidelines of the Low Density Residential Zone does not require consideration of rural character, given it is a residential zone. There is no identified significant vegetation acting as a limitation to the future development of the site, and in meeting the landscaping requirements of the proposed conditions, it is believed a positive outcome can be achieved in relation to revegetation of the currently vacant site.

*Please use block letters*

Planning & Environment Act 1987

**WHO IS OBJECTING:**



**WHAT APPLICATION DO YOU OBJECT TO?**

Permit application no. PA 3334

Proposal: 4 Lot sub division

Who has applied for the permit: Inception Planning, Ballarat West.

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

.Please see attached addendum.....  
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**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

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*If insufficient space, please attach separate sheet*

**Privacy Collection Notice**

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

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

Signature: ..... Or Tick Box  Date: **19th Nov 2021**

**IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS**

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Addendum to Planning Objection for application PA 3334

## Introduction

This submission relates to Application PA3334 for a four lot subdivision, with building envelopes, of the previous sub-division at 7A Gonyah Drive, Trentham Vic 3458 (LOT 2 ON PS845771H). Access is proposed via a 5m wide common property road with proposed lots fronting onto a “half bowl” cul de sac. We understand that the application has been amended to relocate the building envelope for lot 4 away from the drainage line but we note that the planning report accompanying the application identifies two different envelopes for this lot, with (400sqm and 192 sqm).

Relevant policy guidance provided in Clause 21.05 Settlement & Housing includes, in summary, to:

- contain most future development within the urban growth boundaries (Objective 1),
- retain and enhance the compact form and the heritage, landscape and townscape character (Objectives 2 and 3).

It is noted that the land is zoned Low Density Residential (LDRZ). Under the LDRZ:

- a 2000 square metre minimum lots size applies
- Clause 32.03-5 requires application to show a building envelope and driveway to the envelope for each lot and how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- Decision guidelines require consideration of relevant standards of Clauses 56.07-1 to 56.07-4 which relate to stormwater management.
- Of particular relevance to the assessment of this application is the LDRZ decision guidelines for subdivision which require consideration of:

*The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and **the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.***

(emphasis added)

The Environmental Significance Overlay (ESO1) Proclaimed Catchment Protection applies. ESO1 has an overriding purpose to protect domestic water supplies.

## Submissions

The proposed sub division indicates that the applicant has given little if any consideration to the exposure of the 250 metre boundary to No. 5 Gonyah Drive with this re-subdivision of 7A Gonyah Drive only 12 months after the previous subdivision was established.

Our primary concerns are:

1. The application documentation fails to demonstrate a considered response to the site conditions and its context. It does not satisfy the Clause 32.03-5 application requirement: **“An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. .... Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land...”** (Emphasis added)

As a result of inadequate documentation, the proposed subdivision fails to take account of the opportunities, constraints and appropriate design responses that are identified below. The application should be supported by relevant documentation, including building envelopes that fit within the previous building envelope approved by council for sub-division of No. 7 Gunyah Drive, Lot 5 PS 522475 on 21<sup>st</sup> August 2020, which refers to a single dwelling and driveway access. The building envelopes in the subdivision plans provides no assurances that development will:

- incorporate attributes that are vital to the desired character and that development
- respond to frequent flooding and stormwater management constraints (see attached photographs).

It is noted that the usual subdivision requirements of **Clause 56.01-1** anticipate that features such as access points, location of drainage and other utilities and areas subject to inundation are explicitly addressed.

2. Claims that “*The proposed layout and lot sizes of the subdivision is in keeping with the character of the area*” fail to acknowledge that the proposed “battle-axe” subdivision to create 4 lots is inconsistent with the established form of subdivision in the relatively recent development of Gunyah Bend estate. Further, it continues recent practice of haphazard re-subdivision of lots.  
The permit conditions pertaining to the original sub division of the Gunyah bend Estate established a reasonable expectation on the part of all who have bought into the Gunyah Bend estate subdivision regarding the form of development that would take place and should not be dispensed with unless compelling justification is established.
3. The subdivision is inconsistent with the original subdivision streetscape design. It has no provision for boundary tree planting on neighbouring boundaries or other types of screening. When the driveway was established following the previous subdivision, the applicant removed several trees on the boundary with No. 5 to make way for services and these have not been replanted, contrary to council’s conditions.
4. In the context of the land’s low density zoning, the proposal is an overdevelopment of the subject site:
  - The number of lots applied for (4) is excessive and is not in keeping with the existing or intended character of the immediate neighbourhood. Currently there are **no** multi lot developments of this size accessed by a single 90 metre x 5 metre driveway within this area. (emphasis added)
  - Although the minimum LDRZ lot size is satisfied, unlike a planned development of 2000sqm lots, this ad hoc infill form of development means that the proposed paved road and building envelopes (i.e. consequential dwellings) are concentrated in part of the subject site. The combination of the paved road, limited separation between dwellings and cul de sac street frontage widths, mean that the presentation of this enclave is more consistent with that of conventional residential densities.
5. The amenity of 5 Gunyah Drive will be adversely affected in terms of outlook due to limited opportunities for effective boundary planting and, without street lighting, it can be assumed that at night vehicles headlights exiting the proposed lot’s will be on full beam shining into the main bedroom of 5 Gunyah Drive.
6. Stormwater is an existing issue in this area that the proposed development must respond to. We seek assurances that the proposed development will deal with runoff effectively. We note that if the following planning scheme requirements are implemented our concerns should addressed:

Cl 56 .07-4 states *“Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.”*  
 Standard 25: ***Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.***  
 (emphasis added)

We seek assurance that road and storm water design will be effectively managed to ensure there is no adverse impact on flows to our property.

7. Parts of the building envelopes for lots 1,2 and 4 are prone to flooding. During heavy downpours the water stops flowing at the intersection of the culvert at the bottom of 7A and the adjoining paddock to the north thus causing a backup and flooding in 7A, 5 Gunyah Drive and 32 Victoria Street. (See attached diagram). Trentham was subjected to horrendous destruction during the storm of June 2021. The town was cut off for 3 days with no communications, no power, and no power for sewerage pumps to the reticulated sewerage lines and no potable water. Flooding of the culvert at the bottom of 32 and 34 Victoria St, 5 and 7A Gunyah Drive extended for 15 metres either side of the culvert for 3 to 4 months. This must be taken into account when addressing the suitability of this application.

### Without prejudice revisions

If the proposed subdivision proceeds it is submitted that, as a minimum, the subdivision design should be revised as follows to reinforce character of this low density residential locality, protect the amenity of adjoining properties, manage flooding constraints and ensure appropriate access for emergency vehicles:

1. Provide boundary planting along the fence line adjacent to No. 5 Gunyah Drive.
2. Provide a 5 metre setback of the building envelope of Lot 1 from the boundary with No. 5 Gunyah Drive to accommodate a more generous space for new planting to accord with the desired character of the neighbourhood and protect the amenity of the adjoining property.
3. Redesign lots 1, 2 and 3 to provide more appropriate separation between building envelopes and greater opportunities for canopy planting.
4. Remove lot number 4 altogether or, at the very least, relocate the building envelope to the Northwest corner of that lot.
5. Provide appropriate access for all emergency services, such as ambulance, SES, CFA and delivery and construction vehicles. Relevant agencies including the CFA should verify that the proposed access meets their requirements, without compromising landscaping opportunities.
6. Show how reticulated sewerage will be pumped from the proposed 4 properties up hill to the main sewer line for approximately 150 metres and how this would be maintained during an extended day power outage as happened during the violent storm of June 2021. Of particular concern is the possibility of contamination to waterways.
7. Utility services trenches from the main road access points on Gunyah Drive to the access points on each lot should be located at least a minimum of 2 ½ metres away from the boundary of No. 5 Gunyah Drive in order to protect the roots of existing established trees and shrubs on the fence line of No. 5 Gunyah Drive. To prevent



disruption to neighbouring properties these services should be installed prior to approval of the permit.

8. Require a stormwater management plan that ensures there is no adverse impact on adjoining properties.
9. Require adequate lighting for the half court and the 90 metre Common property road to protect children, elderly and protected wildlife from injury from motor vehicles using this road at night and avoid vehicle headlights being forced to use full beam.
10. Ensure through a Section 173 agreement, or comparable mechanism, that any further re-subdivision of the 7A Gonyah lot is prohibited.

It should be noted that the sign advertising the proposed sub division has twice been moved back behind a hedge after being relocated by council twice by person or persons unknown, thereby depriving various residents of notification along with inadequate time to lodge and objection.



Tree at beginning of Gunyah Drive fell during storm June 2021 compromised by Culvert storm water.



Tree at beginning of Gunyah Drive fell during storm June 2021 compromised by Culvert storm water 2.





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See travel times, traffic and nearby places

STORM WATER FLOW  
SHOWN BY ARROWS

WATER POOLS  
HERE

7A  
Sub  
Division



In response to the planner's response to objections.

**To: James McInnes**

**25 Jan 2022**

**Statutory Planner, Hepburn Shire Council**

**Re: Additional Response : Objection to Four Lot Subdivision ( PA-3334 ) at 7A Gunyah Drive**

We wish to respond to the applicant's response letter dated 17th December'21 and add further detail to our initial objection (summary response 22th Nov'21 attached) to the proposed Subdivision described in Permit Application No. PA-3334 proposed by Steph Durant (Inception Planning).

We strongly request that the council reject the applicant request for the four lot subdivision in its current form as it fails to qualify for approval on several fronts.

Neighbourhood Character

The applicant specifically continues to refer to a similar development at 30 Victoria Street, but does not refer to the fact that 30 Victoria Street will have a **16 metre wide sealed** access road serving 5 properties with **footpath, street lighting, all services to lots and treescape planting with a 25 meter wide turning court**. As opposed to the applicant's 90 metre x 5 metre wide driveway serving 4 house lots that has no footpath, no treescape, no street lighting and no drainage culverts.

RE: Hepburn Planning Scheme 2007 (as referred to by the applicant)

Clause 21:05 (Settlement & Housing) This adds no legitimacy to their claim at all. Hepburn Structure Plan Review showing an arrow placed by the applicant to the site of 7a Gunyah Drive. The review also shows on this site a significant waterway through this property.

The size of the proposed lots as indicated in the original sub division of Gunyah Bend in 2004 reflect the unsuitability of more than one lot on the 4 acres due to the sensitivity of the site, the narrow shape, the severe contours and flooding in extreme weather. The original sub division PS 428759 reflects this. Please note the original endorsed plan by Hepburn council indicates that no further sub division should take place -No 21 Page 6 on the planning permit.

As such the Gunyah Bend Estate fulfilled this requirement of 21 Lots of mixed acreage but has since been added to increasing the number of lots to 38 lots plus 1 farm and a proposal of a sub division currently with VCAT to add an additional 11 more lots off Gunyah Drive, bringing it to a total of 50 lots with one way in and one way out to a T intersection with the main Kyneton/Trentham Road. It should be accepted by council that Gunyah Bend has already more than fulfilled its obligation to the planned growth strategy.

PA 3334 doesn't in any way comply with the area's Neighbourhood Character, and has so far not provided any valid evidence that it does. What has been provided is false and misleading, lacking in detail and technical support.

Gunyah Drive as the main access road from the Kyneton/Trentham road services 50 lots without pedestrian footpaths or bicycle paths. PA 3334 has no provision for safe pedestrian or bicycle movement as is noted as a key requirement of the Planning scheme of 2007. PA 3334 will only add to the burden already placed on services for power, water and reticulated sewage on this estate. As such this application cannot be considered suitable.

In August 2020 Council endorsed the sub division of No. 7 Gunyah Drive PA 2682 as suitable for a one lot, one building envelope approval. There is currently no compelling evidence that this original

building envelope should not be upheld, and that the original building envelope should therefore still apply. In fact, the unsuitability for further sub development has been clearly demonstrated by the recent June 2021 storm and subsequent flooding of this block. The applicant has provided no substantiated design plans for the common road construction, power supply to individual lots, mains water, storm water easements, back up water flow issues through the 2 significant water easements. Reticulated sewage to be pumped by 4 lots around 120 metres including 90 metres uphill to the road connection. Also not provided is detail on rubbish collection and landscape design for boundary planting and its ongoing maintenance. We require an arborists report on the significant risk of root damage to the established trees along the common property road border on the 5 Gonyah Drive side when 90 metres of road and service channels are being excavated. We require that it be stated in writing that these service channels be kept a minimum of 2 metres from the boundary of 5 Gonyah Drive.

No consideration has been given to the neighbours at 5 Gonyah Drive for their wellbeing, privacy and peaceful surrounds that the destructive and intrusive nature of this proposed sub division will cause. The impact on the Gonyah Bend vicinity established over the last 13 years has also not been adequately considered.

Urbanising small rural towns like Trentham with poor quality inappropriate over-development on unsuitable sites is most certainly not part of the Trentham Town Plan. This proposal offers maximum benefit for the developer at the expense of rate payers and residents.

The proposal seeks to exploit the reputation that the original Gonyah Bend sub division enjoys as a "sort after area". It's character and design (see attachment) currently demonstrates true low density living with a lot size mix of 1 acre, 2 acre and 4 acre lots, with the only existing battle axe block of 2 lots being serviced by a 10 metre wide carriageway with treescape planting. The applicant's proposal only reflects poor design, problematic and onerous conditions for this community.

As stated in the Hepburn Planning Scheme 2007, under 21.05 **Key Issues** –

- Unplanned development at the edge of townships increases infrastructure and service pressure.
- The need to conserve the urban fabric of townships and maintenance of rural lifestyle and residential amenity.

And as stated under **Strategies** –

- Residential infill, with more diverse dwelling types and lot sizes is encouraged in locations within the 400m walking distance of designated town centres. **(It should be noted that 7A Gonyah Drive is over a kilometre from the designated town centre)**
- Development in Trentham should be in keeping with its predominantly low rise rural town character, forest landscape/backdrop and rural setting.

(This proposal does not meet any of the above criteria).

#### Building envelope

In the Notice Of Decision issued by council for the endorsed plan of the original sub development of No. 7 Gonyah Drive, PA2682, it was clearly stated that a building envelope was a condition of the

permit. We are now informed by the current applicant's planner's that the building envelope does not appear on the title for 7A. Surely it would be the responsibility of council to reintroduce this building envelope as a condition of the N.O.D as the reasons for the requirement of the original building envelope have not changed and in case of point are more relevant since the storm in June 2021.

### Drainage

The planner's response to the driveway and forecourt hard surface run-off is untenable. On their own plan submitted to council surveyed by Walsh & Mobbs it is shown that the drain starts at the south eastern corner and terminates at the North east corner. The output end of the pipe at the North east corner is approximately 500 mm higher than the south east corner? The ground surface level at the start of the drain at the lowest point of the drive and forecourt (southern end) indicated by the planners intention to put a drain and pipeline to the culvert at the northern end is 629 m- asl (above sea level) and surface level at the culvert junction at the northern end at the LPOD is 629.5 m -asl. 500mm higher (water does not flow up hill)

Minimum recommended fall for stormwater pipes is 1 in 100 i.e. 1 metre for every 100 metres. Based on this the length of their drainage pipe which will be 64 metres means it will come out at 640mm lower down at the LPOD.

Add to this the requirement for the top of the pipe to be at least 200mm below ground and the centre of the pipe comes out  $320+200 = 520$  mm below sea level (or ground level). The culvert bottom depth is currently 400mm below ground level. So, the pipe comes out 120mm below the culvert bottom. This could be fixed by putting in a pit at the LPOD but when the pit is full and the culvert is running with storm water from Rock Court the water in the pipe would not have a clear flow and would back up in a heavy downpour. Alternatively, the East-West boundary culvert could be dug out to a lower depth to accommodate the pipe but when the new deeper culvert meets the main bottom culvert it would create an even bigger problem. We require proof with supporting correspondence and plans of an engineer's report as to how this drain will function and how storm water from the half court and driveway will not back up into 5 Gonyah Drive.

The suggestion by the planners (based on a Northern Water & Catchment authority engineer's recommendation) needs to be supported by sighting the engineers report.

The suggestion to dig out the bottom culvert to make it a 4 metre wide x 300mm deep channel is nothing short of absurd for the overall problem of this and adjacent properties during severe storms. Whilst this would provide something of a drainage channel for 7A to stop flooding either side of the culvert on *that* property it would do nothing for back up flooding at 5 Gonyah Drive, 32 Victoria Street or No. 1 Kyneton/Trentham Road. Particularly if the water cannot get past the boundary on the northern end of 7A.

It would also create a significant problem for owners of lots 1 & 2 at 7A crossing the channel to access the bottom part of their properties to cut grass etc. In effect the solution creates new problems whilst failing to address existing ones on neighbouring properties. We would welcome a discussion with a Hepburn shire engineer to investigate this further.

### Servicing

According to The Infrastructure Design Manual guidelines, the existing 5 metre wide driveway was suitable for a private driveway to a one lot, single dwelling with onus on the single occupant to construct and maintain, but the applicant has requested a change to a common property road servicing 4 house lots with the driveway to remain at 5 metres wide and as such we believe it does



not comply. Additionally, we require clarity and sighting of schematic drawings on the proposed surface and water drainage system for both the driveway and turning court.

In relation to the service channels of utility services to be dug along the 90 metre driveway we require to see where these will be located on a plan in relation to the boundary of 5 Gunyah Drive and how deep and wide these channels will be and what form of protection will be provided for the trees on the boundary of 5 Gunyah Drive particularly in relation to tree roots.

Amenity

To say that 40 vehicle movements to and from private property is not considered excessive is not acceptable. In whose opinion is it not considered excessive. Obviously, the opinion of the applicant. Certainly not the neighbouring properties. Due to its proximity, Trentham currently has a number of residents who work at the airport and the Kyneton Abattoirs. Some of these people currently leave for work at 3.30 am and 4.30 am. It cannot be ruled out that resident at the bottom of a battle axe block will not make up part of this demographic.

We believe the issues raised in this response have to be taken into consideration when council is assessing the developer's application.

[REDACTED]

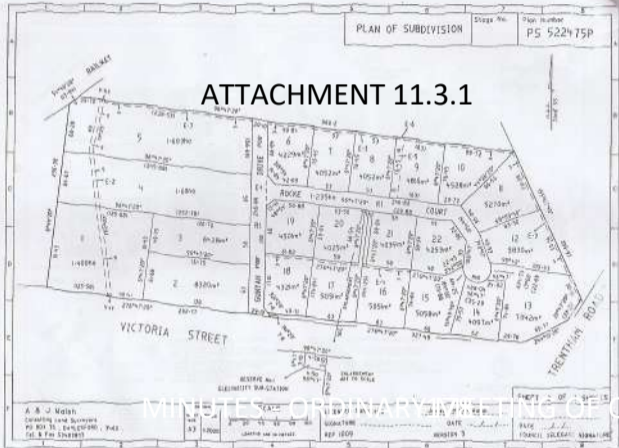
PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 522475P

# ATTACHMENT 11.3.1



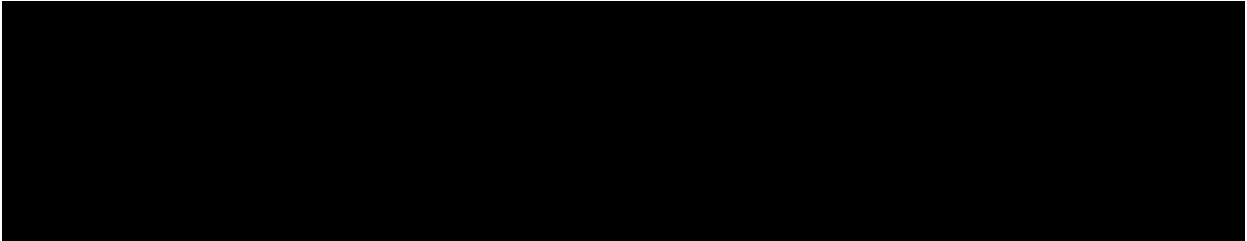
PS 522475P - Laid before members 11/20/09 at 7:00 AM Page 2 of 2

MINUTES ORDINARY MEETING OF COUNCIL

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA3334

Proposal: 4 LOT SUBDIVISION 7A GUNYAH DRIVE, TRENTHAM. 3458.

Who has applied for the permit: STEPH DURANT INCEPTION PLANNING

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- 1.) The 4 Lot subdivision with block sizes between 2-3000 square metres if allowed will create an Urban feel in a semi-rural neighbourhood which has existing block sizes of more than 4000 square metres.
- 2.) The subdivision is not in the town centre infill zone.
- 3.) A 4 Lot subdivision will have a detrimental effect on the drainage of the surrounding properties which is already an issue in winter now. The creek flows through several properties and floods a large area of our property each year.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

- 1.) Increase Drainage problems
- 2.) Destroy the rural outlook and feel of the area and will ultimately affect the value of our property.

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*If insufficient space, please attach separate sheet*

**Privacy Collection Notice**

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

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

Signature: ..... Or Tick Box  Date: .....

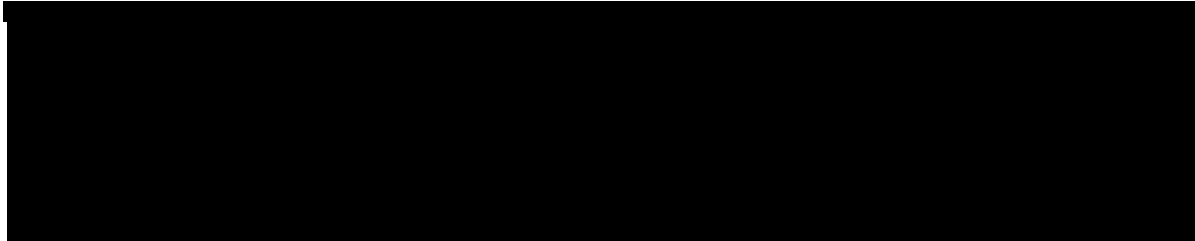
**IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS**

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4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3334

Proposal: Four lot subdivision

Who has applied for the permit: Inception Planning PO Box 339W Ballarat West

WHAT ARE THE REASONS FOR YOUR OBJECTION?

1. PROPOSAL IS OUT OF CHARACTER WITH THE NEIGHBOURHOOD OF GUNYAH BEND ESTATE.

The application fails to demonstrate a considered response to the site conditions and context of the Gunyah Bend Estate (GBE), as is required under Clause 32.03-5 of the zoning regulations. The GB Estate is in a Low Density Residential Zone and was established over a decade ago with Shire endorsement planning objectives crating open green spaces by siting all dwellings close to the road boundary. Most properties in GBE are a minimum size of 4000sqm and the adjoining ones to the proposal are all considerably larger. The proposal will create 4 lots of around 2000sqm so it is NOT in keeping with the neighbourhood character.

The particular proposal to 'hang' the 4 lot off a battle-axe subdivision (approved only 12 months ago) by the creation of a common property private road will result in a dwellings and associated sheds in a concentrated area more akin to an urban town subdivision.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

1. LOSS OF VISUAL AMENITY AND DIMINISHED PROPERTY VALUE

Our property at 3 Gunyah Drive has views overlooking the 4 neighbouring properties to our north towards the railway embankment and therefore includes the area subject to the proposal. Currently, these views provide a delightful visual amenity highlighting the open, green shared space which was a key attraction when we purchased our property in 2018. This visual amenity will be adversely affected by the proposal for a 4 lot subdivision as it seek to create a concentration of dwellings and associated outbuildings in currently undeveloped green open space. We are also concerned that permission for a further subdivision (and an additional dwelling) will be sought on the western side of 5 Gunyah Drive. The tight concentration of dwellings (due to the drainage issues of the site) in a form pattern around the outbuildings of the private

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*If insufficient space, please attach separate sheet*

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Signature: ..... Or Tick Box  Date: **24 November 2021**

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## Text of Objection to Hepburn Shire Planning Application PA3334

### REASONS FOR OBJECTION?

#### 1. PROPOSAL IS OUT OF CHARACTER WITH THE NEIGHBOURHOOD OF GUNYAH BEND ESTATE.

The application fails to demonstrate a considered response to the site conditions and context of the Gunyah Bend Estate (GBE), as is required under Clause 32.03-5 of the zoning regulations. The GB Estate is in a Low Density Residential Zone and was established over a decade ago with Shire endorsement planning objectives crating open green spaces by siting all dwellings close to the road boundary. Most properties in GBE are a minimum size of 4000sqm and the adjoining ones to the proposal are all considerably larger. The proposal will create 4 lots of around 2000sqm so it is NOT in keeping with the neighbourhood character.

The particular proposal to 'hang' the 4 lot off a battle-axe subdivision (approved only 12 months ago) by the creation of a common property private road will result in a dwellings and associated sheds in a concentrated area more akin to an urban town subdivision and will be inconsistent with the current semi-rural low density character of the Gunyah Bend Estate. The inappropriateness of this single driveway access to 4 (or even 5 dwellings, as it is likely that a further subdivision of 7 Gunyah Drive will be sought in the future) will be amply demonstrated when the 4-bin-per-household rubbish collection system is fully implemented and 16 (or 20) wheelie bins jostle for space along the roadway in front of numbers 5 and 7 Gunyah Drive, as the entrance to 7A Gunyah Drive will have to be kept clear!

Additionally, the proposal makes no reference to planting of trees and vegetation along property boundaries although this is another requirement of the zoning regulations.

#### 2. FAILS TO ADDRESS MANAGEMENT OF STORMWATER DRAINAGE

There are existing stormwater drainage issues in the Gunyah Bend and adjoining areas evidenced by the frequent ponding and water backing-up during major rainfall events. The proposal will only add to this situation by allowing 4 dwellings in a flood prone block. The proposal contains no plausible management arrangement to address or remedy the issue of stormwater drainage which will be further exacerbated by the proposal. For example, it is unclear where or how increased stormwater runoff from increased impermeable surfaces on the 4 lot subdivision and common property road, will flow as the culvert under the railway embankment is unable to cope with existing stormwater flows. The consequence is that water backs up towards the southern end and into adjoining properties at numbers 5 and 3 Gunyah Drive. Thus will negatively affect our property.

#### 3. NO PROVISION FOR RETICULATED SEWERAGE DURING POWER OUTAGES

The proposal does not address the potential issue of sewage contamination of waterways and water catchment areas in the event (not uncommon in Trentham) of power outages. The 4 (or potentially 5) dwellings created by the proposed subdivision will all require electric

pumps to reticulate sewerage up the 100m plus length to the sewer main but there is no provision for managing reticulation when there is a prolonged power outage.

### HOW AFFECTED?

#### 1. LOSS OF VISUAL AMENITY AND DIMINISHED PROPERTY VALUE

Our property at [REDACTED] has views overlooking the 4 neighbouring properties to our north towards the railway embankment and therefore includes the area subject to the proposal. Currently, these views provide a delightful visual amenity highlighting the open, green shared space which was a key attraction when we purchased our property in 2018. This visual amenity will be adversely affected by the proposal for a 4 lot subdivision as it seek to create a concentration of dwellings and associated outbuildings in currently undeveloped green open space. We are also concerned that permission for a further subdivision (and an additional dwelling) will be sought on the western side of 5 Gunyah Drive. The tight concentration of dwellings (due to the drainage issues of the site) in a fan pattern around the cul-de-sac of the private roadway, will result in an urban or town style dense development which is out of step with the current semi-rural appearance of the Gunyah Bend Estate (a feature often referred to by real estate agents as creating a 'dress circle' address in Trentham) and will set a precedent for similar future developments resulting in a total trashing of the original GBE concept. Our property will loose value as it is encroached upon by multiple smaller blocks and increased number of dwellings.

#### 2. INCREASED PONDING AND BACKING UP OF STORMWATER

The failure of the proposal to properly address the current issues related to stormwater drainage, and indeed compounded by the proposal, will result in further ponding of stormwater after heavy rainfall which, without rectification of current inadequate drainage, will lead to increased backing up of water into and over our property. This impact limits the use we can have of our property and the type of plants we can grow due to inundation and soggy ground.



**Additional Comments from** [REDACTED]**in Response to Applicant Response to Objection to Planning Application PA 3334****7A Gunyah Drive TRENTHAM****Neighbourhood Character**

In respect of this issue, the Applicant relies heavily on the VCAT decision *Duggan v Melton SC* [2006] VCAT 135.

We submit that whilst previous cases (including decisions by VCAT) can guide decision making, every decision is unique and is determined by the facts of the case, and decision makers are not bound by precedent.

In this instance, the facts of this Application are so divergent from the cited VCAT decision as to make any comparison risible.

The *Duggan* decision involved a block of land that was of reasonably large size, but with relatively similar width-to-depth proportions; was in a corner position with access to two streets; had no difficult topographic constraints, such as slope, trees, or awkwardly positioned easements (or indeed flood risk); had readily available infrastructure services, and was in reasonable proximity to bus services, schools, open space, and shopping facilities. It was on these grounds that VCAT considered that the site had the physical attributes to accommodate medium density housing.

The block of land that is the subject of this Application has poor width-to-depth proportions; does not involve direct access of any of the proposed lots to any existing streets; is encumbered by serious drainage issues, which have not been adequately addressed (see below); will require significant works for each dwelling along a common driveway (most likely not undertaken concurrently) to access required infrastructure (including pumped sewage), and is not particularly close to any services.

The Applicant cites the development at 30 Victoria Street Trentham in support of their Application, but although block sizes are similar to the proposed subdivision, this is where any similarity ends. The Victoria Street development involves a surveyed roadway (Red Dog Court), not a 5 m shared driveway. Thus any alleged precedent supposedly arising from this development is spurious.

The proposed shared driveway presents many practical problems, not the least of which will be the lot owners having to bring all their bins up to Gunyah Drive for collection (as the shared driveway will not accommodate a garbage truck, unless it reverses down the approximately 150 m length of the driveway). As there is only a 5 m frontage onto Gunyah Drive, this will involve placing bins in front of 5 Gunyah Drive, with an appearance akin to this, when four bins are mandated in 2030!





To Hepburn Shire Council

Objection to PA3334

**WHO IS OBJECTING:**

**WHAT APPLICATION DO YOU OBJECT TO?**

Permit application no. PA3334

Proposal: For a 4 lot subdivision for 7A Gunyah Drive, Trentham

Who has applied for the permit: Inception Planning PO Box 339W Ballarat West

**WHAT ARE THE REASONS FOR YOUR OBJECTION**

**SUBJECT SITE AND SURROUNDS: Re LOT SIZE.**

The propose subdivision envisages lots of 2000 to 3000 sqm, which is in stark contrast to all existing lot sizes in the Gunyah Bend subdivision. Some proposed building envelopes come within 4m of adjoining building envelopes, which would create a totally out-of character urban infill pocket within an otherwise semi-rural neighbourhood.

The applicant states ' the surrounding context of the site is low residential in nature. Lots typically consist of dwellings with lots ranging in size from 2000sqm to 1.5ha.' It is not true that sites are as little as 2000sqm. All the sites in Gunyah Drive subdivision are at least 4000sqm, and in that part of the subdivision are considerably more. If this proposal is approved it will set a precedent that could destroy the character and value of the entire neighbourhood.

Smaller lots (2000sqm) exist to the west in a new subdivision accessed off Victoria Street, which is within the 'town centre infill' zone, according to the Trentham Structure Plan, whereas this proposal accessed off Gunyah Drive is outside this designation.

**STORMWATER MANAGEMENT**

The applicant states that the proposal meets the objective/standards of stormwater management but this is not the case. The proposal will in fact exacerbate an existing stormwater problem on nearby properties.

In the application no assessment has been made of the fate of stormwater that will be discharged into the existing drainage easements which serve all the properties on the west side of Gunyah Drive. In winter water ponds immediately to the north of the property which is the subject of the proposal, and backs up through the property. Further backing up of water

already occurs through 5 Gonyah Drive and as far back as # 1 Kyneton Trentham Road and #34 Victoria Street. In fact, in winter proposed lots 1, 2 and 3 will have significant parts of their building envelopes under water.

Drainage is already a problem in the area, before any stormwater runoff is concentrated due to the extensive increase in impermeable surfaces which would occur under the proposed development.

#### ATTACHMENT 2 – CLAUSE 65 ASSESSMENT

The response to the first 6 Decision Guidelines the applicant claims that the subdivision will fit in with the general character of the area as regards density, character and access. This is not the case. As well, the applicant claims that the creation of lots will not have a detrimental impact on the drainage of surrounding properties. This also is untrue.

The subdivision, were it to go ahead, would create a pocket of dense, urban-style housing in the midst of semi-rural properties where the dwellings are well spaced and visually share their open spaces.

#### **HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

Our outlook from #3 Kyneton Trentham Road is over the lower parts of Gonyah Drive properties of 4000sqm to 1.5ha, where all the houses have been built on higher ground close to Gonyah Drive in order to protect the uninterrupted views of gardens and open green space. The proposed subdivision would destroy this amenity value for us, our neighbours at 1 Kyneton Trentham Road and 34 Victoria Street, and for all the residents of Gonyah Drive who overlook the proposed subdivision. If this subdivision is allowed this will create a precedent, potentially seeing further such developments in the future. Should this happen it is fair to say our own property value will be reduced, and our reason for buying, building and living in Trentham will have been taken away from us.

OBJECTION TO THE PROPOSED SUBDIVISION AT 7A GUNYAH DRIVE, PA 3334: Additional  
Comments in Response to the Applicant's Response to Objections

These additional comments address the permit applicant's response to the original objections made by ourselves and others.

### 1. Neighbourhood Character

The applicant relies heavily on the VCAT decision in **Duggan V Melton SC (2006) VCAT 135** to support claims regarding neighbourhood character, but their reading of the Duggan V Melton SC decision is superficial and inadequate. As they themselves quote from Duggan:

*The assessment of whether a proposal is respectful or "fits in" with neighbourhood character is much more complex than [how intense the development is – our paraphrase].*

**Size of lot:** Where Duggan spells out in detail the ways in which the proposed development was similar to the existing neighbourhood, and that infrastructure could accommodate the small increase in housing (from 1 to 3 houses), the applicant in the current case bases their argument almost exclusively on the size of lots being created.

They assert that while the proposed lots are smaller than what exists in the immediate area they are bigger than what occurs in other 'typical General Residential subdivisions', and are similar to the already approved development at 30 Victoria Street, Trentham.

Vague assertions about size of lot elsewhere are unhelpful: the decision about neighbourhood character must be based on **this** neighbourhood, not anywhere else. As previously stated, the lots being created at ~2000m<sup>2</sup> are half the size of the smallest of **any other** block in Gunyah Bend, these ranging from 4000m<sup>2</sup> to 1.6ha. Moreover the ~2000m<sup>2</sup> area of the proposed lots are problematic in terms of access and contour: the contour is undulating, there are drainage issues that have not been adequately addressed (see below), and access is by a long, steep, narrow (5m wide) shared driveway, not by a suitable-width road.

As well, to compare this proposal to the development at 30 Victoria Street is invalid. In that case the development is located in an area designated 'Residential Infill' in the Hepburn Structure Plan Review (2007), there are no drainage issues, it is happening on a large flat area where there are currently no other houses to take into consideration, and it is properly supported by a 16m wide access road and large turning bay, lighting, footpaths, and landscape planting. Where that development could be called a planned subdivision, this one is an afterthought.

The applicant's arguments on the matter of neighbourhood character are therefore unconvincing. Citing *Duggan V Melton SC* they argue that to respect neighbourhood character does not mean 'more of the same'. Implicit in this is that, as far as neighbourhood character is concerned, the proposed subdivision development is indeed different in character from that which currently exists in the area, an implication with which we agree.

**Urban V Village Context:** As well there are fundamental differences between the context and the detail of the development in *Duggan V Melton SC* and those of the current proposal. The *Duggan* decision related to a city/suburban context that is not in any shape or form comparable to a country village such as Trentham. While the term 'urban' may be a planning term used in the Trentham Structure Plan (2007) this does not in any way mean that this is an urban environment, or that a decision made about an urban environment should be applied to a small, rural town such as Trentham.

The current applicant's proposal would see four houses built urban-style, potentially separated by as little as four metres, one building envelope being within 2 metres of a neighbour's property, all of which would be clustered close together in the middle of the open, landscaped space provided by neighbouring properties. Far from being aligned with the neighbourhood character these houses would be inherently and conspicuously out-of-place: they would stick out like the proverbial sore thumb.

**Lack of detail:** To the extent to which *Duggan V Melton SC* could serve as a precedent for this application far more detail about the current proposal is called for. In that case the proposal and decision were accompanied by extensive detail as to the nature and character of the houses that were to be built on the development site. The existing environment was closely described, including the character of existing houses, the treatment of street frontage, parking, access, amenities and infrastructure, and landscaping.

No such detail is provided here. There is little or no detail provided as to the building sizes, design, or any other ways the possible houses could be made sympathetic to the environment, or how the development would address the many ways in which four houses in that location would negatively impact the existing character of the neighbourhood and its residents.

The offer in their response to possibly make adjustments to building envelopes and the vague mention of the provision for increased setbacks and scope for screen planting to meet existing residents' concerns are vague to the point of being meaningless, and so completely unacceptable.

**Precedent:** It is vital to the future of Trentham and other similar small towns and villages throughout Hepburn Shire that the council does not approve this planning application and in doing so set a precedent that could be used to justify future infill

subdivisions. Approving this subdivision would almost certainly lead to the approval in Trentham and elsewhere of similar developments that would destroy the character of not only the immediate residential area at Gunyah Bend but of the whole town.

Gunyah Bend Estate, of which 7 (and now 7A) Gunyah Drive is a part, was developed on the edge of Trentham to provide an opportunity for residents to make their home within a semi-rural, garden environment. Hundreds upon hundreds of trees and ornamental shrubs have been planted by passionate gardeners so that the spaces between houses, rather than the houses themselves are the source of the character of the neighbourhood, and can be enjoyed by all.

## 2. Drainage

There are serious drainage issues with the proposed development which the applicant fails to address adequately in the response they have provided. The proposal to widen the south-to-north drain for the subdivision would accelerate the disposal of stormwater (from the roofs of the proposed houses, sheds, driveways, and off-street parking) **off** the proposed subdivision and **onto** other properties.

The question is, where will this water go?

The proposed development would lead to more water having to be accommodated by the existing drain due to the increase in impermeable surfaces, with banking up of water on to the other properties through which the south-to-north drain runs, particularly on to the property immediately to the north, which is itself bounded to its north by a railway embankment.

Residents of Gunyah Drive already experience the water building up throughout winter to form a pond that backs up on the applicant's property and floods higher properties that the existing south-to-north drain runs through. The properties already impacted by this problem are 5 Gunyah Drive, 32 Victoria Street and 1 Kyneton Trentham Road. The inadequate drainage through the current use of the drainage easement results in trees dying and a significant amount of land becoming unstable and under water during winter months.

The more intense development and creation of impermeable surfaces proposed for 7A Gunyah Drive would exacerbate this problem, and the enlarging of the existing drain would do nothing more than shift the problem off 7A Gunyah Drive onto neighbouring properties.

We are at a complete loss to understand how this so-called solution could have been approved by the Northern Central Catchment Management Authority.



30<sup>th</sup> January 2022



P

[Redacted]

[Redacted]

[Redacted]

Proposal: Four Lot Subdivision

Who has applied for the permit: Steph Durant (Inception Planning)

**WHAT ARE THE REASONS FOR YOUR OBJECTION?**

- (1) Significant Health and Safety Risk to my family and friends visiting the Gunya Drive Estate, if this development was to be approved.
- (2) Significant Environmental risk to estate with overflow of pumped sewers in power shutdowns during flooding event with location of proposed development
- (3) In-appropriate higher density development not in alignment with the current Gunya Drive Estate.
- (4) Power voltage drop in estate due to overload existing underground cable from current transformer for development - not designed for increased load - damage to our electronic equipment
- (5) Sewer not designed for increase volume from development - risk of blockages and back pressure into system.
- (6) Water pressure drop to due demande at peak
- (7) Not sustainable development in keeping with area - impacting natural water course

**HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?**

High risk of serious accident to my family and friends, with no foot path to separate vechicles and persons, in particular children walking to school from development.  
Current road access not to design standard for two way traffic; drainage; footpath for high density development. Trucks not able to access safely - turning circle and road width.  
Increased volume of traffic during construction and the speeding risks experienced - great concern for family safety.  
All of the above 7 items in objections section will have a negative impact on my family's healths and quality of live in the Gunya Bend Estate.  
Not enough room on this form to expand on these impacts

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*If insufficient space, please attach separate sheet*

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Signature: ..... Or Tick Box  Date: **22-Nov-2021**

**IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS**

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2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
  - state the reasons for your objection, and
  - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

**To: James McInnes**

**Statutory Planner, Hepburn Shire Council**

**Re: Additional Response : Objection to Four Lot Subdivision ( PA-3334 ) at 7A Gunyah Drive**

We wish to respond to the **applicants response letter dated 17<sup>th</sup> December'21** and add **further detail to our initial objection (summary response 22th Nov'21 attached)** to the proposed Subdivision described in Permit Application No. PA-3334 proposed by Steph Durant (Inception Planning).

**We strongly request that the council reject the applicant request for the four lot subdivision as it presents a high risk of serious injury and fatality to the residents of Gunyah Estate, in conjunction with the further details of objections described below.**

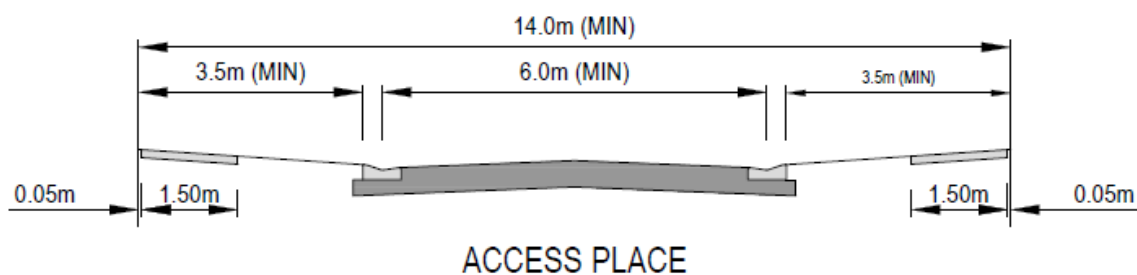
**Note: The Infrastructure Design Manual (IDM) referenced to version:**

1. Infrastructure Design Manual (IDM) "VERSION 5.30 / IDM 2019"
2. Infrastructure Design Manual Standard Drawings "STANDARD DRAWINGS APPENDIX 'G' - IDM VERSION 5.3"

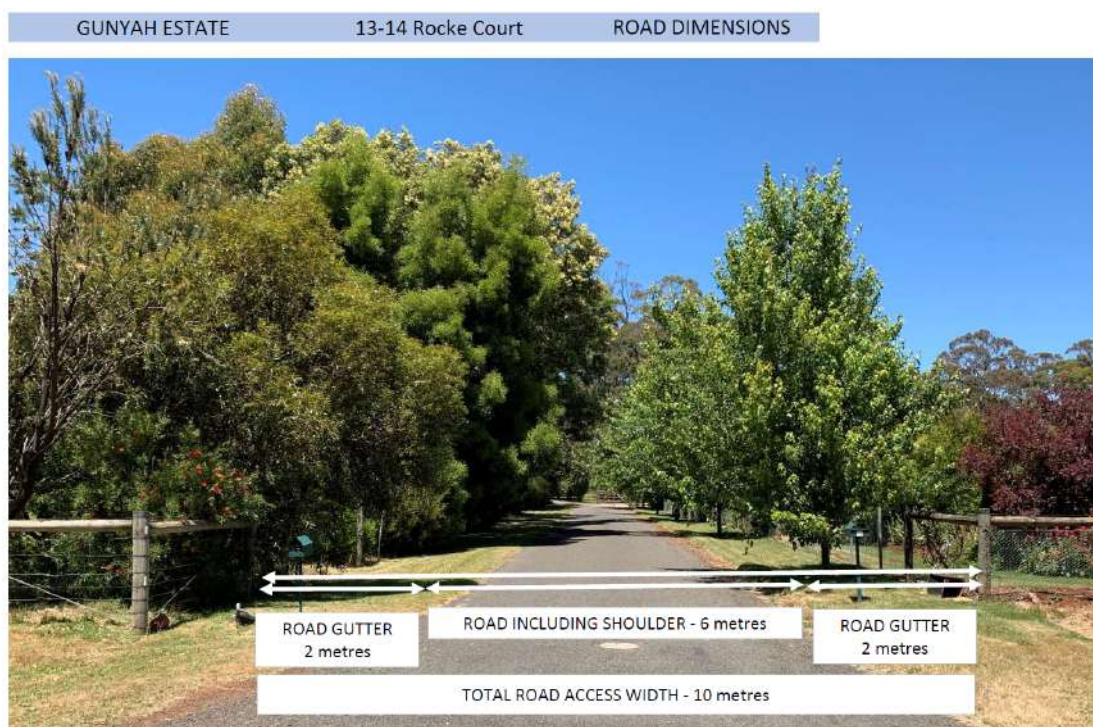
**Response to applicant letter dated 17<sup>th</sup> December'21**

In review of the response from the applicant the key objections to this letter are as follows:

- **Significant Health and Safety Risk to Residents ignored:** In grouping the concerns the applicant failed to respond to the most significant health and safety risk presented in this application with the proposed change from a single residence "driveway access" to an "Access place" road for the access by multiple residents as required in the **Infrastructure Design Manual (IDM)**. The applicant does not provide safety for children and families to walk to Trentham schools and shops. **This proposal presents a high risk of serious injury and fatality to residents as no separation currently proposed between vehicle traffic and pedestrians on the access road off Gunyah Drive to this subdivision.**
  - **The current road reserve width of 5.03 m for 7A Gunyah, does meet the IDM requirement of the road reserve width of 14 m for the "Access place" road and turning radius off Gunyah Drive.** The minimum requirement for safe access for residents in the proposed subdivision would be for one footpath on the side of the access place road, hence the minimum acceptable width would be ~10 m for the road reserve. The road reserve would include a footpath of 1.5m (within minimum 3.5 width of road verge) and sealed all weather road of 6m (min) with shoulder and verge tree planting. (See figure below for "Access place" from the IDM drawing SD 605 for road profile in low density residential zones).



- The current design would require some delivery trucks to reverse down the access road - blind spots due to the slope, create risk for serious injury to pedestrians, and/or unloading from Gunyah Drive causing potential for serious injury to residents.
- The applicant refers to the approved subdivision at 30 Victoria street which has complied with the IDM requirements of the “Access Street” with road reserve width of 16 m for access to five house lots. This subdivision also provides a driveway road access, road reserve width of 5m for one house lot. **The applicant has not provided a road reserve profile section drawing showing compliance to the IDM, for all weather sealed and kerbed road surface with indicative location for drainage, all services, tree planting and footpath etc.**
- In the Gunyah estate two houses at No 13 and No 14 Rocke court are accessed by a road with road reserve width of 10m with sealed all weather road and tree planting on road verge with gutter. **The applicants proposed subdivision access road is not to this existing standard with the road reserve width of 5.03m and no road verge and no tree plantings on both sides.**



- The IDM clause 13 “Mobility and Access Provisions” clearly describes the objectives for developers are required to promote:
  - walking and cycling to daily activities;
  - universal access to the community;
  - community health and wellbeing associated with increased physical activity; and
  - to develop layouts that allow for access in all directions, link to public transport, reduce dependence on cars and provide walkways and cycle-ways that are continuous and linked to each other.

**The current proposal does not meet the requirements of IDM clause 13 , as no provision of safe walkways for residents in the proposed subdivision “Access road” to walk to Trentham schools and the general community.**

- **Neighbourhood character**

- We reject the applicant response that the proposed subdivision is in character with the area of the Gunyah Estate and the approved subdivision at 30 Victoria Street. **The proposed access road reserve width of 5.03m does not meet IDM requirements and is not in character with surrounding road reserve widths of:**

- **30 Victoria Street subdivision: 16m road reserve width which includes footpaths and verge tree plantings**
- **Gunyah Estate: ~18 m road reserve width for access roads to multiple house lots, which includes verge with tree planting on both sides of the sealed road**
- **Gunyah Estate: 10m road reserve width for access road to two house lots, which includes verge with tree planting on both sides of sealed road.**

The proposed building envelopes are not in character with the area, as the minimum set back between blocks being 5m.

- **Drainage**

- We reject the applicant response that widening the drain in the subdivision would solve the flooding issue. Local knowledge of the adjacent land levels and the evidence as shown in photos of flooding events demonstrate flooding will only be increased by increased run-off. The flooding water back-up into the subdivision block is due to the existing culvert under the railway line being not at the correct level or of sufficient size to allow flood water to drain effectively. **The current proposed access road drainage does not work as insufficient fall from south boundary to north boundary drain, based in current drawing and levels shown.**

- **Servicing**

- **We reject the applicant response that “the accessway has been designed to meet the Infrastructure Design Manual (IDM) and Australian Standards which requires that the accessway must be between 3m to 5m in length”. The applicant response is false and does not comply with the IDM the minimum road reserve width of 14m for “Access Place”.**
- No road reserve profile section drawing has been provided with the application to confirm compliance to IDM and to show location of services. CFA fire hydrant pipe, water pipe, main sewer pipe, main power cable back to substation in Rocke Court, Telecom, road drainage pipes etc
- **We reject that design of services to support the subdivision has been accepted by service providers. No evidence in writing from service providers has been provided in application to support statements that services are suitable to support the subdivision.**

- **Amenity**

- We reject the applicant response that “additional dwellings are not considered to be out of character of provide a substantial visual impact”. **The change from one dwelling to four dwellings is a significant change from the current view of grassed woodland and hence not in character to the Gunyah Estate.**

**Additional Objection Response:**

1. **Ambulance Access Confusion-Causing Enormous distress:** The current proposal has caused significant anxiety to my wife (Jeannine) in relation to re-living a previous event in the Gunyah Bend estate, when an Ambulance in an emergency situation, was not able to locate a neighbour due to poor street identification for the house and restricted access. The No. 13 and 14 Rocke road access is 10m in width – providing access to two properties on the original plans is part of the those properties (Lot 17,18 ) equally divided up the centre ( 5mtrs each), a private owned road (not listed on official maps etc). The road was only renamed after the previous occupants applied to Vic-Roads, following a serious event involving illness for the occupants, when the ambulance on a number of occasions was unable to find the address. This caused enormous distress. **The 7A Gunyah access is only 5m in width for subdivision proposal of 4 properties and not appropriate for emergency access and Gunyah Estate residents.**
  
2. **Gunyah Bend Estate Services – Not Designed for proposed Sub-division:** The proposal plans to access the services of the Gunyah Bend Estate. The Water, sewerage, Telstra and power were not designed to cover this proposed sub-division.
  - a. The significant cost of new underground power cable runs from Sub-station - dedicated for this sub-division have not been shown or confirmed by PowerCor assessment.
  - b. The Water and Sewerage design assessments have not be shown or attached to permit.
  - c. The consequences of approving this sub-division would cause further stress and anxiety around issues with Power Supply voltage drops and impacts on appliances, in addition to water pressure drops and sewerage potential back flow pressure.
  
3. **Significant Environmental Risk – Pumped Sewer overflow into water way:** The proposed sub-division would require pumped sewerage pits to be installed in order for connection to the Gunyah Bend Estate services. In recent storm events we have been without power for 3-4 days, this presents a high risk with rain events that the sewerage pits could overflow into the storm water causing significant environmental impact.
  
4. **False and Misleading Permit Application Information:**
  - a. **Inception Planning Application – Subject Site and Surrounds -section**
    - i. Reference made in second paragraph **“The site has access to reticulated sewer and water” is misleading.** No information provided to show that the Gunyah Bend Estate Sewer and Water is designed for access by the proposal.
  
  - b. **Inception Planning Application – Planning Assessment – Policy Support -section**
    - i. Paragraph 3 – **Misleads the reader that existing services from the Gunyah Bend Estate are available to support the proposed development which is false.** No evidence provided to support the claim.

- ii. Paragraph 4 – **“The area surrounding the site has an evolving neighbourhood character”, Misleading statement** – The reference to the site at 30 Victoria street is not the neighbourhood character of the Gunyah Bend Estate.
  - iii. Paragraph 5 – **“The proposed subdivision is considered to be consistent with the identified neighbourhood character”, False statement** – is not consistent with the Gunyah Bend Estate.
- c. **Inception Planning Application – Attachment 1 Clause 56 Assessment -section**
- i. Waste Water Management – **No evidence provided that the current Sewer proposed connection point is feasible to existing infrastructure, Misleading statement.**
  - ii. Stormwater Management – False statement, the proposed road access width not sufficient to manage water run-off, increased run-off into flood zones, does not meet standards.
- d. **Inception Planning Application – Attachment 2 Clause 65 Assessment -section**
- i. The Suitability of the land for subdivision – **“The land size, location and access lends itself to the subdivision as the general character of the area can remain”, False statement** – The block has two natural drainage paths through the block.
    - a. **Significant flooding occurs on the block each year. The flooding is caused by the restrictions of water flow in downstream properties.**
    - b. **The further development of the block will only increase the run-off and the flooding, hence land not suitable for subdivision.**
  - ii. The density of the proposed development – **“The proposed layout and lot sizes of the subdivision is in keeping with the character of the area” False statement** – No other part of the Gunyah Bend Estate has this high density of building lots, and building envelopes are minimum of 5m from boundary fences, and not 2m as proposed in this subdivision application.
  - iii. The area and dimensions of each lot in the subdivision – **“Lot sizes are appropriate having regard to the surrounding development pattern” False statement** – The lot size and dimension is not occurring within the Gunyah Estate.
  - iv. The Layout of Roads., The Movement of Pedestrians., : **“N/A “False statement. The layout of roads and movement of pedestrians have been ignored by this proposal and presents a significant public safety risk to Gunyah Bend Estate and its residents.**

Regards,

[REDACTED]

[REDACTED]

Objection: Summary Response 22<sup>nd</sup> Nov 2021



Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA-3334

Proposal: Four Lot Subdivision

Who has applied for the permit: Steph Durant (Inception Planning)

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- (1) Significant Health and Safety Risk to my family and friends visiting the Gunya Drive Estate, if this development was to be approved.
- (2) Significant Environmental risk to estate with overflow of pumped sewers in power shutdowns during flooding event with location of proposed development
- (3) In-appropriate higher density development not in alignment with the current Gunya Drive Estate.
- (4) Power voltage drop in estate due to overload existing underground cable from current transformer for development - not designed for increased load - damage to our electronic equipment
- (5) Sewer not designed for increase volume from development - risk of blockages and back pressure into system.
- (6) Water pressure drop to due demande at peak
- (7) Not sustainable development in keeping with area - impacting natural water course

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

High risk of serious accident to my family and friends, with no foot path to separate vehicles and persons, in particular children walking to school from development.  
 Current road access not to design standard for two-way traffic, drainage, footpath for high density development. Trucks not able to access safely - turning circle and road width.  
 Increased volume of traffic during construction and the speeding risks experienced - great concern for family safety.  
 All of the above 7 items in objections section will have a negative impact on my family's healths and quality of live in the Gunya Bend Estate.  
 Not enough room on this form to expand on these impacts





.....  
 .....  
 .....  
 .....

*If insufficient space, please attach separate sheet*

**Privacy Collection Notice**

Your objection and the personal information on this form is collected by Hepburn Shire Council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act).  
 If you do not provide your name and address, Hepburn Shire Council will not be able to consider your objection.  
 Your objection will be available at the Hepburn Shire Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.  
 You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.

Signature: ..... Or Tick Box  Date: **22-Nov-2021**

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beeping of construction vehicles. This is in addition to the seven lot development next door to me in Victoria Street and a proposed two lot subdivision directly opposite in Victoria Street.

4. An approval of this proposal will establish a precedent and is likely to result in the departure of some existing residents, disrupting neighbourhood relationships, and resulting in further proposals for subdivision, entirely changing the area's character.

*If insufficient space, please attach separate sheet*

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Signature: ..... Or Tick Box  Date: **25 November 2021**

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Pa 3334 7a Gunyah Drive Trentham

OBJECTION

WHAT ARE THE REASONS FOR YOUR OBJECTION?

1. The development is out of keeping with the character of the area which is low density residential with open fences creating a shared park-like setting which will be destroyed by the development. The impact on visual amenity for many houses in the surrounding area will be substantial including for the Gunyah Drive properties, the rear properties in the Red Gum Court development, my property at [REDACTED] and numbers 1 and 3 Kyneton-Trentham Road. Similarly, noise, traffic and light exposures will increase substantially.
2. There are existing problems with storm water ponding on 7A Gunyah Drive and other properties including mine for weeks on end during winter. I accompanied the owner of 7 Gunyah Drive and an interested potential buyer of 7A onto the property in question some months ago during winter. As a result, I was surprised that even one property was permitted to be constructed as the block was largely covered in water. Increased water and siltation issues will ensue if the development proceeds
3. Sewerage will need to be pumped up to the street for the four houses. This area has experienced multiple power outages this year, including one lasting three days.
4. 7A Gunyah Drive is not designated Town Centre In-fill development.
5. The proposed 4 houses exceed the current approved building envelope and are very close to lot boundaries.
6. If approved, a precedent will be established to the detriment of the area and current owners.

HOW WILL YOU BE AFFECTED BY GRANT OF A PERMIT?

1. My visual amenity looking out from my main living area will be severely comprised.
2. My own property, the bottom part of which is already under water during winter due to large amounts of storm water being directed through it, will become even wetter as a result of four additional homes and associated hard surfaces contributing to water levels. As 7A already experiences extensive ponding during protracted wet periods, it is likely that the new homes will require extensive hardscaping, further exacerbating water problems. Whilst water should flow away from my property, it doesn't and there is substantial ponding at the bottom of my property and in the lower points of downstream properties including my neighbour 5 Gunyah Drive and 7A Gunyah Drive.
3. As four separate lots are proposed, I would be facing an extended period of construction noise, possibly lasting many years, noting particularly access limitations of the common property road and small turn around likely to result in extensive reverse beeping of construction vehicles. Please note this is in addition to the seven lot development next door to me in Victoria Street and a proposed two lot subdivision directly opposite in Victoria Street.

4. An approval of this proposal would establish a precedent and is likely to result in the departure of some existing residents, disrupting neighbourhood relationships, and resulting in further proposals for subdivision, entirely changing the area's character irrevocably.

[REDACTED]

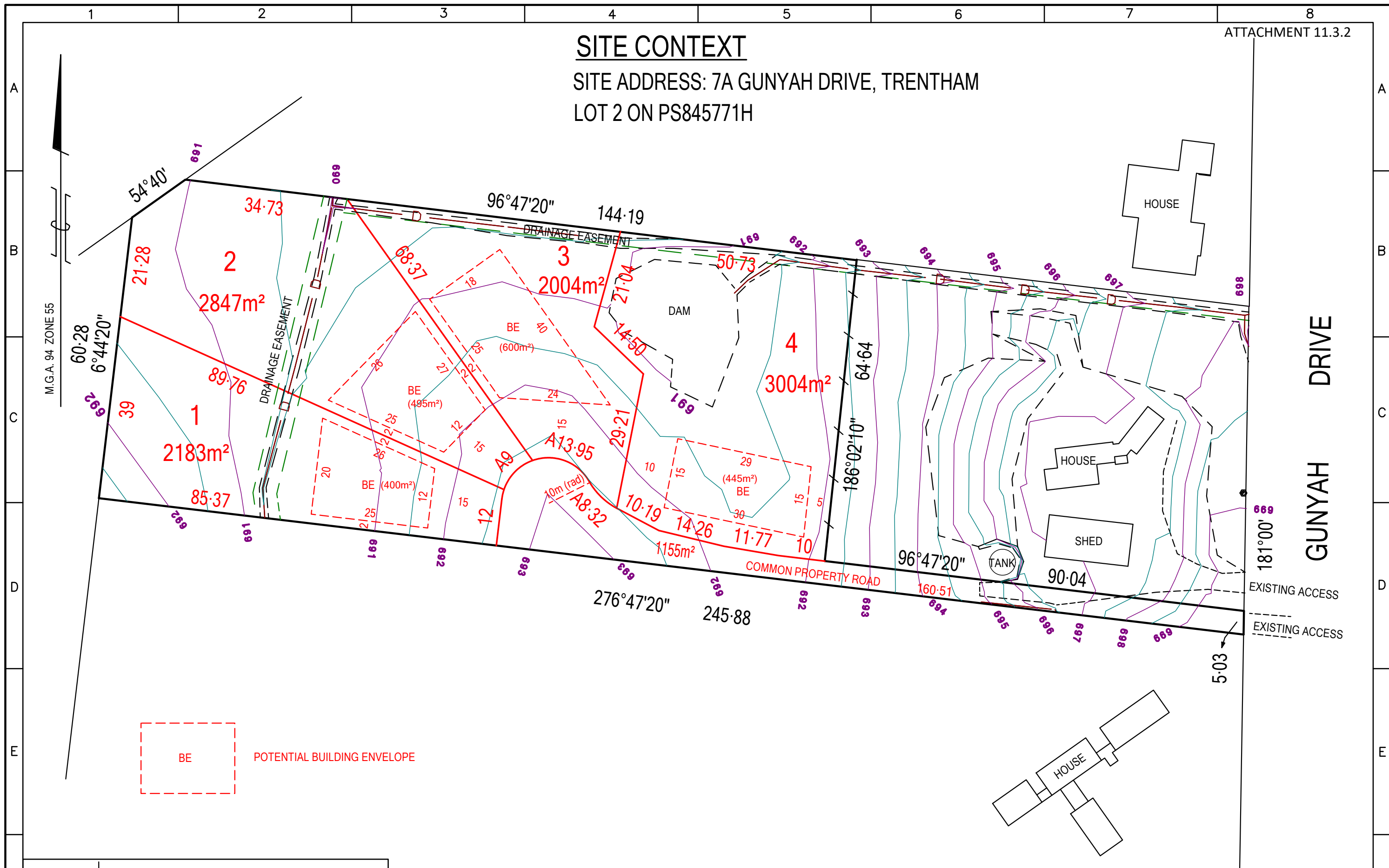
[REDACTED]

[REDACTED]

[REDACTED]

# SITE CONTEXT

SITE ADDRESS: 7A GUNYAH DRIVE, TRENTHAM  
LOT 2 ON PS845771H

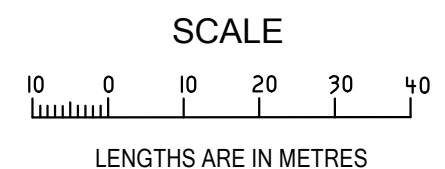


M.G.A. 94 ZONE 55

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 www.walshmobbs.com.au

ORIGINAL SCALE  
 SHEET SIZE: A3  
 SCALE: 1:1000




LICENSED SURVEYOR: ROWAN MOBBS  
 REF 3633  
 VERSION 1  
 DRAWN: 07/07/2021


Planning Enquiries  
Phone: (03) 5348 1577  
Web: [www.hepburnshire.vic.gov.au](http://www.hepburnshire.vic.gov.au)


# Application for a Planning Permit

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

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

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

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

 Click for further information.

Clear Form

## The Land


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

### Street Address \*

Unit No.:	St. No.: 7a	St. Name: Gunyah Drive
Suburb/Locality: Trentham		Postcode: 3458

### Formal Land Description \*


Complete either A or B.


 This information can be found on the certificate of title.

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


A	Lot No.: 2	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: 845771H
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					


## The Proposal

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


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

Four lot subdivision

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

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

Cost \$ 0

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



## Existing Conditions i

ATTACHMENT 11.3.3

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

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

vacant land

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

## Title Information i

### Encumbrances on title \*

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

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

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

## Applicant and Owner Details i

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

### Applicant \*

The person who wants the permit.

Name:

Title:  First Name:  Surname:

Organisation (if applicable):

Postal Address:  If it is a P.O. Box, enter the details here:

Unit No.:  St. No.:  St. Name:

Suburb/Locality:  State:  Postcode:

Please provide at least one contact phone number \*

**Contact information for applicant OR contact person below**

Business phone:  Email:

Mobile phone:  Fax:

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

**Contact person's details\*** Same as applicant

Name:

Title:  First Name:  Surname:

Organisation (if applicable):

Postal Address:  If it is a P.O. Box, enter the details here:

Unit No.:  St. No.:  St. Name:

Suburb/Locality:  State:  Postcode:

### Owner \*

The person or organisation who owns the land

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

Name:  Same as applicant

day / month / year



## Declaration

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

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

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

Signature:

Date: 11/08/2021  
day / month / year

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



## Need help with the Application?

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

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

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

No  Yes   
Date:  day / month / year

## Checklist

**Have you:**

Filled in the form completely?

Paid or included the application fee? Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Provided all necessary supporting information and documents?

- A full, current copy of title information for each individual parcel of land forming the subject site.
- A plan of existing conditions.
- Plans showing the layout and details of the proposal.
- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)

Completed the relevant council planning permit checklist?

Signed the declaration above?

## Lodgement

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

Planning Department  
 Hepburn Shire Council  
 PO Box 21  
 Daylesford VIC 3460

Customer Service Centre  
 Cnr Duke & Albert Streets  
 Daylesford VIC 3460

**Contact information:**  
 Phone: (03) 5348 1577  
 Email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

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

### Privacy Statement

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

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

# Hepburn

## SHIRE COUNCIL

### AMENDMENT TO PLANNING APPLICATION

Prescribed by Sections 50, 60A and 51A of the Planning and Environment Act 1987

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

#### Planning Permit

Permit number: **PA334**

Address of the Land: **7A Gunyah Drive Trentham**

#### The Applicant

Name:

Organisation: **Inception Planning**

Postal Address: **PO Box 339 W Ballarat West**

Postcode: **3750**

Telephone no (Business hours):

Mobile phone no: **0476 454 956**

Email Address: **info@inceptionplanning.com.au**

Fax no

#### Amendment sought

**Amend layout of sub building envelope for Lot 4 to move it away from waterway / drainage line.**

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

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

#### Prescribed Fee

To amend an application before advertising

No fee

To amend an application after advertising

40% of application fee for the relevant class of permit

#### Declaration

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

Name: **Stephanie Durant** Date: **28/10/2021** Signature: 

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

#### Lodgement

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

Planning Department  
Hepburn Shire Council  
Duka Street  
Daylesford VIC 3460

Telephone: (03) 5348 1577  
email: [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

#### Privacy Statement

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

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## HOW TO AMEND AN APPLICATION FOR A PLANNING PERMIT

Applications made under section 50(3)(c) must include the information required by Regulation 15 of the Planning and Environment Regulations 1988

### Section 59. Amendment to application at request of the applicant before notice

- (1) An applicant may ask the responsible authority to amend an application before notice of the application is first given under section 57
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and an amendment to any plans and other documents forming part of or accompanying the application
- (3) A request under this section must—
  - (a) be accompanied by the prescribed fee (if any); and
  - (b) be accompanied by any information or document referred to in section 47(1)(c) to 47(1)(e) that relates to the proposed amendment to the application and that was not provided with the original application; and
  - (c) if the applicant is not the owner of the land to which the application applies, be signed by the owner or include a declaration by the applicant, that the applicant has notified the owner about the request
- (4) Subject to sub-section (5), the responsible authority must amend the application in accordance with the request
- (5) The responsible authority may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.
- (6) The responsible authority must make a note in the register if any amendment is made to an application under this section
- (7) On the amendment of an application under this section, the amended application is to be taken—
  - (a) to be the application for the purposes of this Act; and
  - (b) to have been received on the day that the request for amendment was received by the responsible authority

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

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

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

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

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

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



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

VOLUME 12305 FOLIO 333

Security no : 124091766077S  
Produced 11/08/2021 01:53 PM

**LAND DESCRIPTION**

Lot 2 on Plan of Subdivision 845771H.  
PARENT TITLE Volume 10922 Folio 489  
Created by instrument PS845771H 21/05/2021

**REGISTERED PROPRIETOR**

[Redacted Proprietor Name]

**ENCUMBRANCES, CAVEATS AND NOTICES**

[Redacted Encumbrances]

COVENANT PS845771H 21/05/2021

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE PS845771H FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NUMBER		STATUS	DATE
PS845771H (S)	PLAN OF SUBDIVISION	Registered	21/05/2021
AU369421U	RECTIFY ADD/CREATE COVT	Registered	21/05/2021
AU670474R (E)	TRANSFER CONTROL OF ECT	Completed	09/08/2021
AU676506X (E)	TRANSFER CONTROL OF ECT	Completed	10/08/2021
AU677217A (E)	DISCHARGE OF MORTGAGE	Registered	10/08/2021
AU677218X (E)	TRANSFER	Registered	10/08/2021
AU677219V (E)	MORTGAGE	Registered	10/08/2021

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

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

Street Address: 7 GUNYAH DRIVE TRENTAM VIC 3458

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA  
Effective from 10/08/2021



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ATTACHMENT 11.3.3

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

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Page 2 of 2

DOCUMENT END



# Imaged Document Cover Sheet

ATTACHMENT 11.3.3

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	<b>Plan</b>
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<b>PLAN OF SUBDIVISION</b>	Stage No. <b>LRS use only</b>  EDITION 1	Plan Number <b>ATTACHMENT 11.3.3</b> <b>PS845771H</b>
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<p><b>Location of Land</b> Parish: <b>TRENTHAM</b></p> <p>Crown Portion: <b>23(PT)</b></p> <p>Title References Vol 10322 Fol 489</p> <p>Last Plan Reference: <b>LOT 5 ON PS522475P</b></p> <p>Postal Address <b>7 CLINYAH DRIVE TRENTHAM VIC 3458</b></p> <p>MGA 34 Coordinates: E 250700 S (approx. centre of plot): N 5259030      Zone 55</p>	<p><b>General Name:</b> Trentham Urban Council</p> <p>Council Reference Number: <b>PS845771H</b> Planning Permit Reference: <b>PA2682</b> SPRAR Reference Number: <b>S1507134</b></p> <p><b>Certification</b> This plan is certified under section 5 of the Subdivisions Act 1958</p> <p><b>Public Open Space</b> An agreement for public open space made under section 14 of the Subdivisions Act 1958 has not been made.</p> <p>Created by: <b>6020 - Surveyor John Latta for Hopton Street Council on 12/03/2021</b></p> <p><b>Statement of Compliance:</b> covered by s.15(1)(a)(2)</p>
--	---

**VESTING OF ROADS AND / OR RESERVES**


IDENTIFIER	COUNCIL / BODY / PERSON
NIL	NIL

<p style="text-align: center;"><b>Notations</b></p> <p><b>DEPTH LIMITATION:</b> Does not apply</p> <p><b>SURVEY:</b> This plan is based on survey</p> <p>This survey has been connected to permanent marks (nots) In proclaimed Survey Area no. 32, 39 &amp; 56</p> <p><b>STAGING:</b> This is not a staged subdivision Planning Permit No. PA2682</p>	<p style="text-align: center;"><b>Notations</b></p> <p><b>CREATION OF RESTRICTION</b> LAND TO BENEFIT                      LOT 1 ON THIS PLAN LAND TO BE BURDENED              LOT 2 ON THIS PLAN</p> <p><b>DESCRIPTION OF RESTRICTION:</b> BUILDINGS SHALL NOT BE CONSTRUCTED OR APPROVED WITHOUT THE PROVISION OF APPROPRIATE STORMWATER TREATMENT MEETING BEST PRACTICE ENVIRONMENTAL MANAGEMENT GUIDELINES.</p> <p><b>CREATION OF RESTRICTION</b> LAND TO BENEFIT                      LOT 1 ON THIS PLAN LAND TO BE BURDENED              LOT 2 ON THIS PLAN</p> <p><b>DESCRIPTION OF RESTRICTION:</b> BUILDINGS SHALL NOT BE CONSTRUCTED OR APPROVED WITHOUT THE PROVISION OF AN APPROPRIATE SEWER PUMP SYSTEM.</p>
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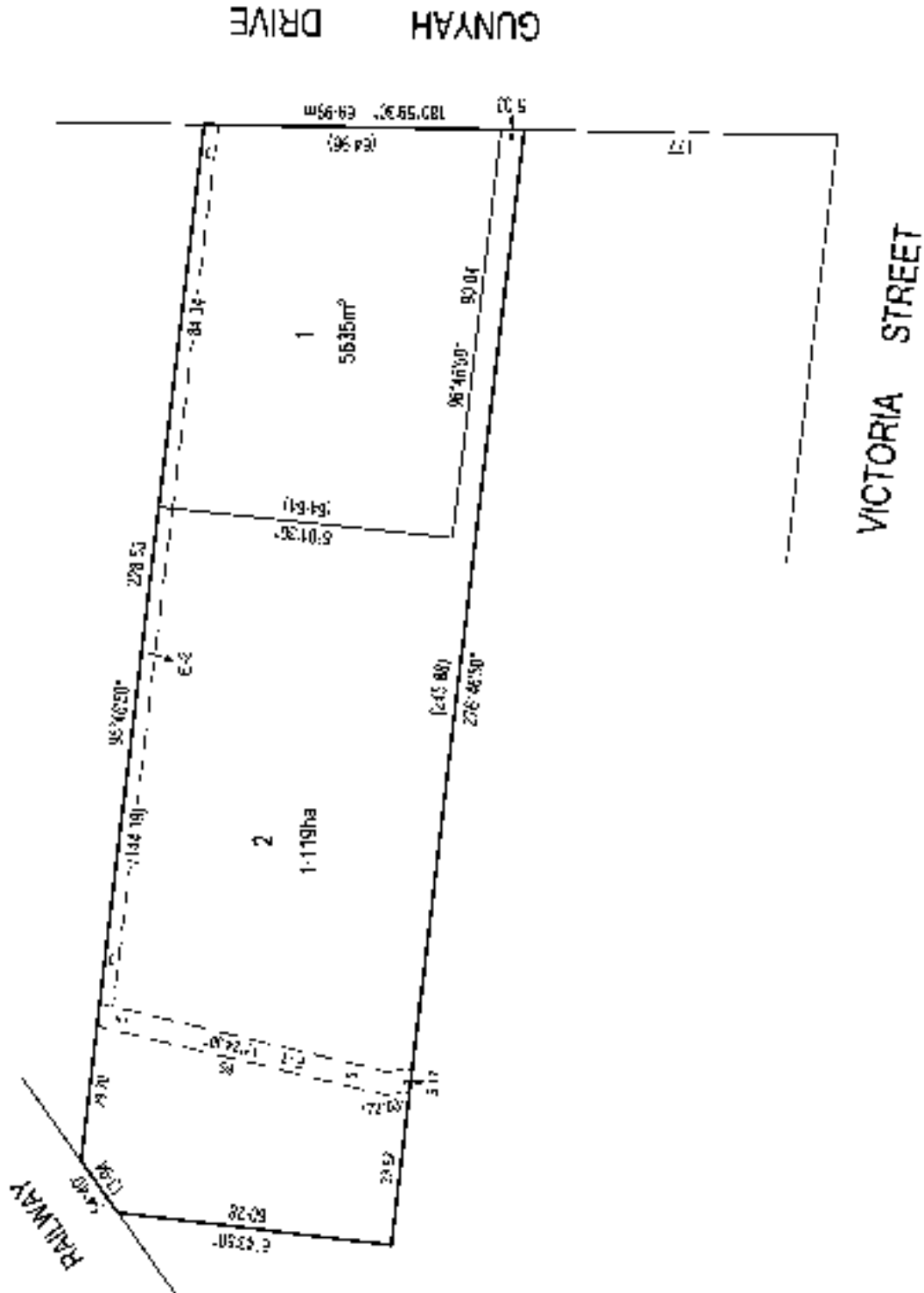
**EASEMENT INFORMATION**

**Legend:**    A - Appurtenant Easement      E - Encumbering Easement      R - Encroaching Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited In Favour Of
E-1	DRAINAGE	5	PS522475P	LOTS ON PS522475P
E-2	DRAINAGE	0	PS522475P	LOTS ON PS522475P

 <p><b>LAND SURVEYORS</b> PO BOX 77 BAY EFFORD VIC M 3476 354 567 0300 015 430 000 (24h) or www.cwa.org.au</p>	<p>SURVEYING REF: 3414</p> <p><small>Digitally signed by: Rowan Mollis, Licensed Surveyor, Surveyor's Practising Cert. No. 02/01/2021 - SPRAR Ref. S1507134</small></p>	<p>ORIGINAL SHEET SHEET 01</p>	<p>Sheet 1 of 2 Sheets</p> <p>PLAN REGISTERED TIME: 03:02 pm      DATE: 21/03/2021 As per the Register of Titles</p>
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Plan Number  
**PS845771H**



**CW** **WALSH & JOBBE**  
**LAND SURVEYORS**  
 PG BOX 17, CANTONMENT QLD 4870  
 M (08) 9391 0933  
 www.cwland.com.au

SCALE 1:1000  
 METRES  
 0 10 20 30 40

SURVEYORS REF/474

Exclusively sold by Foma Developments  
 Surveyors Plan 1/2000  
 28/03/2021 SPEAF RJ 51667337

ORIGINAL SHEET  
 SIZE: A3

SHEET 2

Created by AutoCAD  
 28/03/2021  
 SPEAF RJ 51667337





7a Gunyah Drive Trentham

Four lot subdivision

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# Introduction

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Inception Planning has been engaged to submit a planning permit application for [REDACTED] for a four lot subdivision for 7a Gonyah Drive Trentham.

The subject site comprises one title, formally known as Lot 2 on Plan of Subdivision 845771H. The site does not have any restrictions on title.

## Subject Site and Surrounds

---

The subject site is located on the western side of Gunyah Drive approximately 176m north of the intersection with Kyneton-Trentham Road.

The subject site is a battle-axe lot located behind 7 Gunyah Drive, which was created by a previous subdivision finalised in March 2021. The site has access to reticulated sewer and water.

The subject site has an overall area of 1.119ha with the developable area of the site having a maximum width of 60.28m and a maximum depth of 144.19m. There is a 5.03m wide accessway along the southern boundary with an existing vehicle access providing access to Gunyah Drive.

The site is cleared with a dam located in the north eastern corner of the lot with a slight fall to the north west. There is an existing 5m wide drainage easement located towards to the western boundary and a 3m wide drainage easement located along the northern boundary.



Image 1: Subject Site

The site is located on the north eastern fringe of Trentham within walking distance of the centre of town.

The surrounding context of the site is low residential in nature. Lots typically consist of dwellings with lots ranging in size from 2,000sqm to 1.5 hectares.

Land immediately to the north consists of the private open space of a residential development with the dwelling located further to the north having access from Sideshow Close.

Land to the west consists of partially of a disused railway line and a recently approved 7 lot subdivision at 30 Victoria Street. Land to the south consists of a single dwelling on a lot of approximately 1.5 hectares.

Gunyah Drive is a two way sealed local road which connects to Kyneton-Trentham Road, an arterial road which provides connection between Kyneton and Trentham.



Image 2: Surrounds

# Proposal

The application proposes a four lot subdivision, with a common property driveway. The lots sizes propose the following:

- Lot 1 will have a total area of 2183m<sup>2</sup>, with a 12m wide frontage to the internal accessway. An indicative 400m<sup>2</sup> building envelope can be located on the block setback 15m from the frontage and 2m from boundaries.
- Lot 2 will have a total area of 2847m<sup>2</sup> with a 9m frontage to the internal accessway. An indicative 495m<sup>2</sup> building envelope can be located on the block setback 15m from the frontage and 2m from boundaries.
- Lot 3 will have a total area of 2004m<sup>2</sup> with a 13.95m frontage to the internal accessway. An indicative 600m<sup>2</sup> building envelope can be located on the block setback 15 metres from the internal accessway and 2m from the western boundary.
- Lot 4 will have a total area of 3004m<sup>2</sup>, with a 46.22m frontage to the internal accessway. An indicative 445m<sup>2</sup> building envelope can be located on the block setback 10 metres from the western boundary and 5 metres from eastern boundary.

The subdivision will be accessed via the existing 5.03 vehicle access with a common property road providing access to the lots. The driveway will end in a half court bowl with a 10m radius.

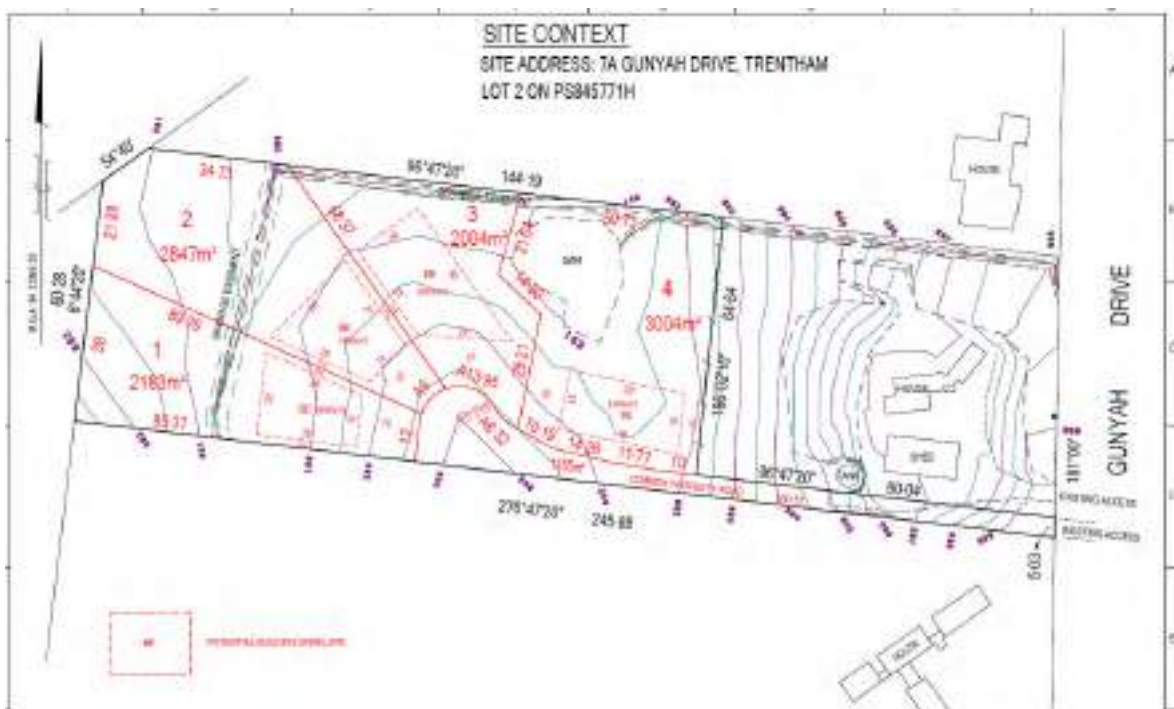


Image 3: Proposed subdivision

# Hepburn Planning Scheme

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## State Planning Policy

- Clause 11.02-1S Supply of Urban Land
- Clause 15.01-3S- Subdivision Design
- Clause 15.01-5S Neighbourhood Character

## Municipal Strategic Statement

- Clause 21.05- Settlement and Housing
- Clause 21.06 Infrastructure and Transport
- Clause 21.09 Environment and Heritage

## Local Planning Policies

- Clause 22.01- Catchment and Land Protection

## Zone

- Clause 32.03-3- Low Density Residential Zone

## Overlays

- Clause 42.01-2 Environmental Significance Overlay Schedule 1 Proclaimed Catchment Protection (ES01)

## Particular Provisions

- Clause 56- Residential Subdivision

## General Provisions

- Clause 65.02 – Approval of an Application to Subdivide Land



## Permit Triggers

---

Clause 32.03-3 Low Density Residential Zone

*'A permit is required to subdivide land.'*

Clause 42.01-2 Environmental Significance Overlay- Schedule 1

*'A permit is required to subdivide land.'*

# Planning Assessment

---

## Policy Support

Clause 11.02-1S Supply of Urban Land aims to ensure that there is sufficient supply of land available for residential development within townships. Furthermore, Clause 21.05 Settlement and Housing and Clause 21.06 Infrastructure and Transport aims to consolidate urban development within the urban growth boundary identified within structure plans where infrastructure capacity exists.

Creation of a compact neighbourhood that creates a variety of lot sizes to suit a variety of dwelling and household types is a key objective of Clause 15.01-3 Subdivision Design. Clause 15.01-5S Neighbourhood Character seeks to ensure that development respects the existing neighbourhood character or contributes to the preferred neighbourhood character.

The subject site is located within the urban growth boundary as identified within the Trentham Structure Plan as shown in Image 4 below. The site can also be serviced with reticulated sewer and water. The proposed subdivision will therefore provide an infill development opportunity within the town boundary on land that can be serviced.

The neighbourhood character of Trentham is identified as having a low rise rural town character with a backdrop of forest landscape and rural setting. The area surrounding the site has an evolving neighbourhood character with surrounding land experiencing infill development with a recent seven lot subdivision approved to the south of the site at 30 Victoria Street.

The proposed subdivision is considered to be consistent with the identified neighbourhood character as the lots created will provide for low density residential development opportunities consistent with the surrounding development in this area. The further subdivision of this site also reflects the evolving character of this area, which is currently experiencing further infill development through the subdivision of existing lots.

All lots will be able to accommodate generous building envelopes with setbacks from all boundaries consistent with the evolving character of the area.

As detailed above the proposed development is considered to support State and Local planning policy as it relates to subdivision design, urban consolidation and neighbourhood character.



**Fig.5 TRENTHAM STRUCTURE PLAN**

**Hepburn Structure Plan Review 2007**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li> Urban growth boundary<br/>Ensure continuation of township urban boundary where it more complex township form</li> <li> Potential residential use<br/>Investigate rezoning to Residential 1 Zone</li> <li> Native vegetation protection<br/>Protect native vegetation strips and wildlife corridors<br/>Ensure development proposed on adjacent cleared land address need to protect native significance also reduce active built form risk</li> <li> Open space network<br/>Open space network based on watercourse and major drainage lines<br/>Encourage establishment of walking trails and bicycle paths<br/>Ensure continuation of open space links with neighbouring township structure</li> <li> Closed alleyway - investigate use for carstacking/unloading bay</li> <li> House</li> </ul> | <ul style="list-style-type: none"> <li> Urban - Public Forest Interface<br/>Development proposals at interface to address potential built form and natural significance of forest</li> <li> Existing Public Conservation and Recreational Area</li> <li> Existing Industrial 1 Zone</li> <li> Potential Mixed Use Activity Commercial Use to township zoning</li> <li> Town Centre (Business 1 zone)<br/>Encourage compact development<br/>Implement development incentives</li> <li> Town Centre C1B<br/>Investigate form control measures and Business 1 rezoning along Market Street north of Market Street to connect to existing business zoning</li> <li> Town Entrances<br/>Reinforce and enhance town structure character and presentation<br/>C1 - major entry with character defining transition from town to higher residential densities<br/>C2 - character defined by row of living and uses of low-rise scale<br/>C3 - character defined by trees and landscape setting</li> </ul> |
|--|--|

Image 4: Trentham Structure Plan

## Water Catchment

The site is located within the Environmental Significance Overlay Schedule 1 which covers proclaimed catchment areas. The environmental objective of the ESO1 is:

- 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.

In making a decision on the application the responsible authority must consider, the means of treatment of wastewater and stormwater and the impact of development on water quality.

All lots can be serviced with reticulated sewer which will ensure that all wastewater can be treated so as to prevent any impact on the water catchment. A stormwater design has accompanied the application which details all stormwater will be directed to a legal point of discharge within the existing draining easements onsite or to onsite rainwater tanks.

It is therefore considered that the proposed development has adequately addressed the requirements of the ESO1 and Clause 22.01 and will not have an impact on the water catchment.

## Clause 56 Response

The decision guidelines of the Low Density Residential Zone require consideration of the relevant standards of Clause 56.07-1-to 56.07-4.

A detailed assessment of the proposal against these t provisions of 56 is provided in Appendix 1.

## Clause 65 Assessment

The proposal responds positively to Clause 65 'Decision Guidelines' and represents an orderly, sensible and practical response to the subdivision of land.

A detailed assessment of the proposal against the Decision Guidelines of Clause 65.02 is provided in Appendix 2.

## Conclusion

---

The proposed use and subdivision are considered to adequately address the State and Local Planning Policies and Decision Guidelines of the Hepburn Planning Scheme.

For the reason set out in our submission to Council, we respectfully request the application be supported and a permit issue.

## Attachment 1 – Clause 56 Assessment

<b>INTERGRATED WATER MANAGEMENT</b>	
<p><b>Clause 56.07-1 - Standard C22</b></p> <p><b>Drinking Water Supply</b></p> <p><i>To reduce the use of drinking water.</i></p> <p><i>To provide an adequate, cost-effective supply of drinking water.</i></p>	<p>Reticulated water will be provided to each lot in accordance with Central Highlands Water requirements.</p> <p><b>The proposal meets the objective/standards.</b></p>
<p><b>Clause 56.07-2 - Standard C23</b></p> <p><b>Recycled and Recycled Water</b></p> <p><i>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water</i></p>	<p>Central Highlands Water do not require recycled water.</p> <p><b>The proposal meets the objective/standards.</b></p>
<p><b>Clause 56.07-3 - Standard C24</b></p> <p><b>Waste Water Management</b></p> <p><i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i></p>	<p>Wastewater will be connected to reticulated sewer to the satisfaction of Central Highlands Water.</p> <p><b>The proposal meets the objective/standards.</b></p>
<p><b>Clause 56.07-4 - Standard C25</b></p> <p><b>Stormwater Management</b></p>	<p>A stormwater plan has accompanied the application which demonstrates that all stormwater will be directed to either water tanks or the drainage easements onsite. This will ensure that stormwater run</p>

<p><i>To minimise damage to properties and inconvenience to residents from stormwater.</i></p> <p><i>To ensure that the street operates adequately during major storm events and provides for public safety.</i></p> <p><i>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</i></p> <p><i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i></p> <p><i>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</i></p>	<p>off will not increase offsite as a result of the subdivision.</p> <p><b>The proposal meets the objective/standards.</b></p>
--	--



## Attachment 2 – Clause 65 Assessment

The proposal responds positively to Clause 65 - Decision Guidelines by representing an orderly, sensible and practical response to use and subdivision in a rural area. The land is of a suitable size to accommodate the residential use, and the proposal will not adversely impact on the amenity or character of the area.

Before deciding on an application or approval of a plan, the responsible authority must also consider, as relevant:

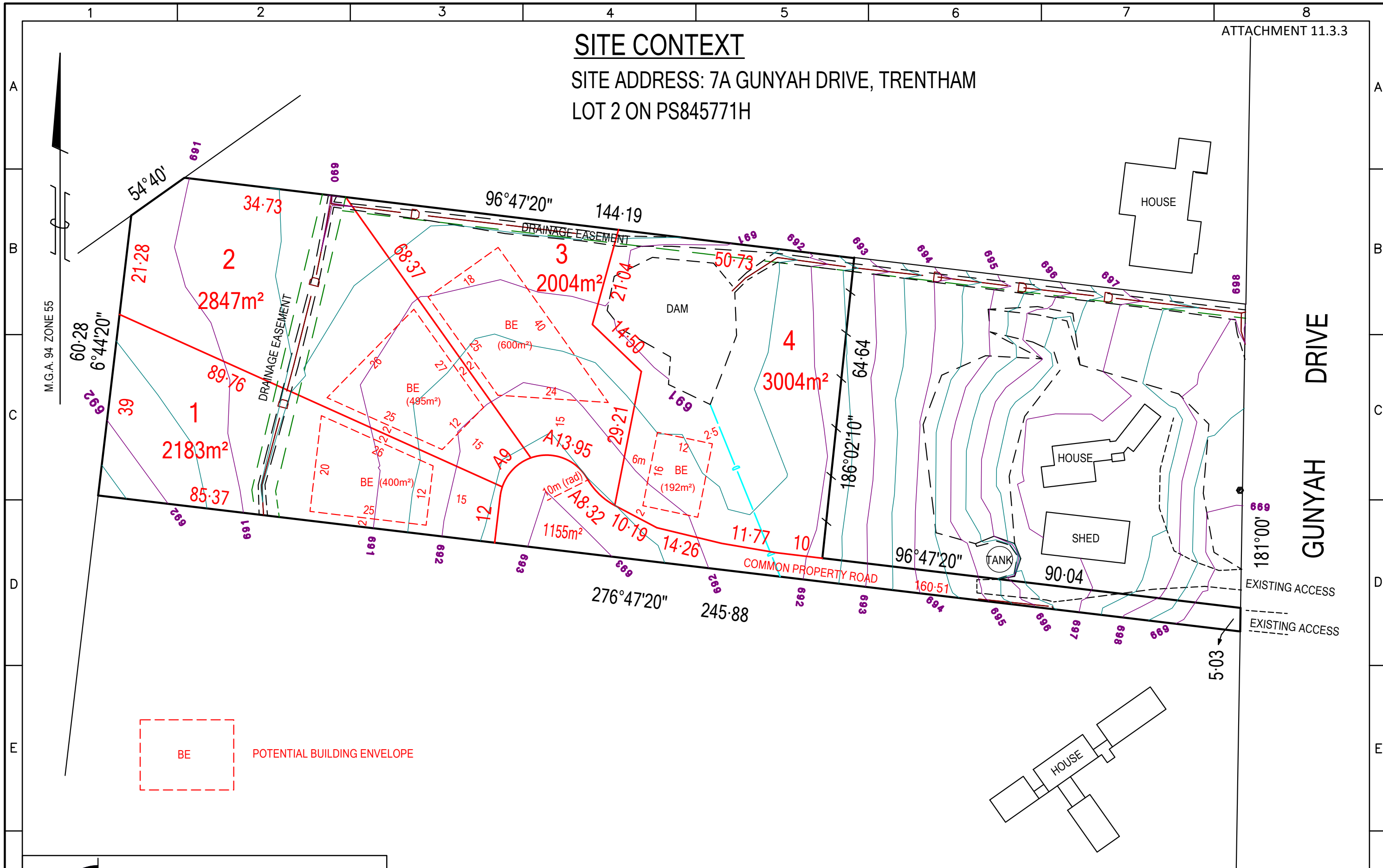
<b>Decision Guidelines – Clause 65.02</b>  <b>Approval of an application to subdivide land</b>	<b>Comment</b>
The suitability of the land for subdivision.	The lands size, location and access lend itself to the subdivision as the general character of the area can remain.
The existing use and possible future development of the land and nearby land. The availability of subdivided land in the locality, and the need for the creation of further lots.	The future development of the land will be for dwellings which is consistent with the surrounding land uses.
The effect of development on the use or development of other land which has a common means of drainage.	The creation of the lots will not have a detrimental impact on the drainage of surrounding properties.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The subdivision layout is consistent with the broader development pattern of the wider area.

<b>Decision Guidelines – Clause 65.02</b>  <b>Approval of an application to subdivide land</b>	<b>Comment</b>
The density of the proposed development.	The proposed layout and lot sizes of the subdivision is in keeping with the character of the area.
The area and dimensions of each lot in the subdivision.	Lot sizes are appropriate having regard to the surrounding development pattern.
The layout of roads having regard to their function and relationship to existing roads.	N/A.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	N/A
The provision and location of reserves for public open space and other community facilities.	N/A
The staging of the subdivision.	N/A
The design and siting of buildings having regard to safety and the risk of spread of fire.	The site is not affected by a BMO.
The provision of off-street parking.	There is ample room for parking of vehicles onsite.

<b>Decision Guidelines – Clause 65.02</b>  <b>Approval of an application to subdivide land</b>	<b>Comment</b>
The provision and location of common property.	The accessway will be common property and will provide a practical access to all lots.
The functions of any body corporate.	N/A
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas	All lots can be serviced by sewer, electricity and water.

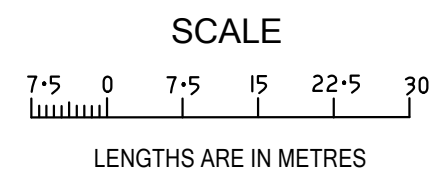
# SITE CONTEXT

SITE ADDRESS: 7A GUNYAH DRIVE, TRENTHAM  
LOT 2 ON PS845771H



**WALSH MOBBS**  
**LAND SURVEYORS**  
 PO BOX 77, DAYLESFORD 3460  
 M 0408 994 985  
 admin@walshmobbs.com.au  
 www.walshmobbs.com.au

ORIGINAL SCALE  
 SHEET SIZE: **A3**  
 SCALE: 1:750



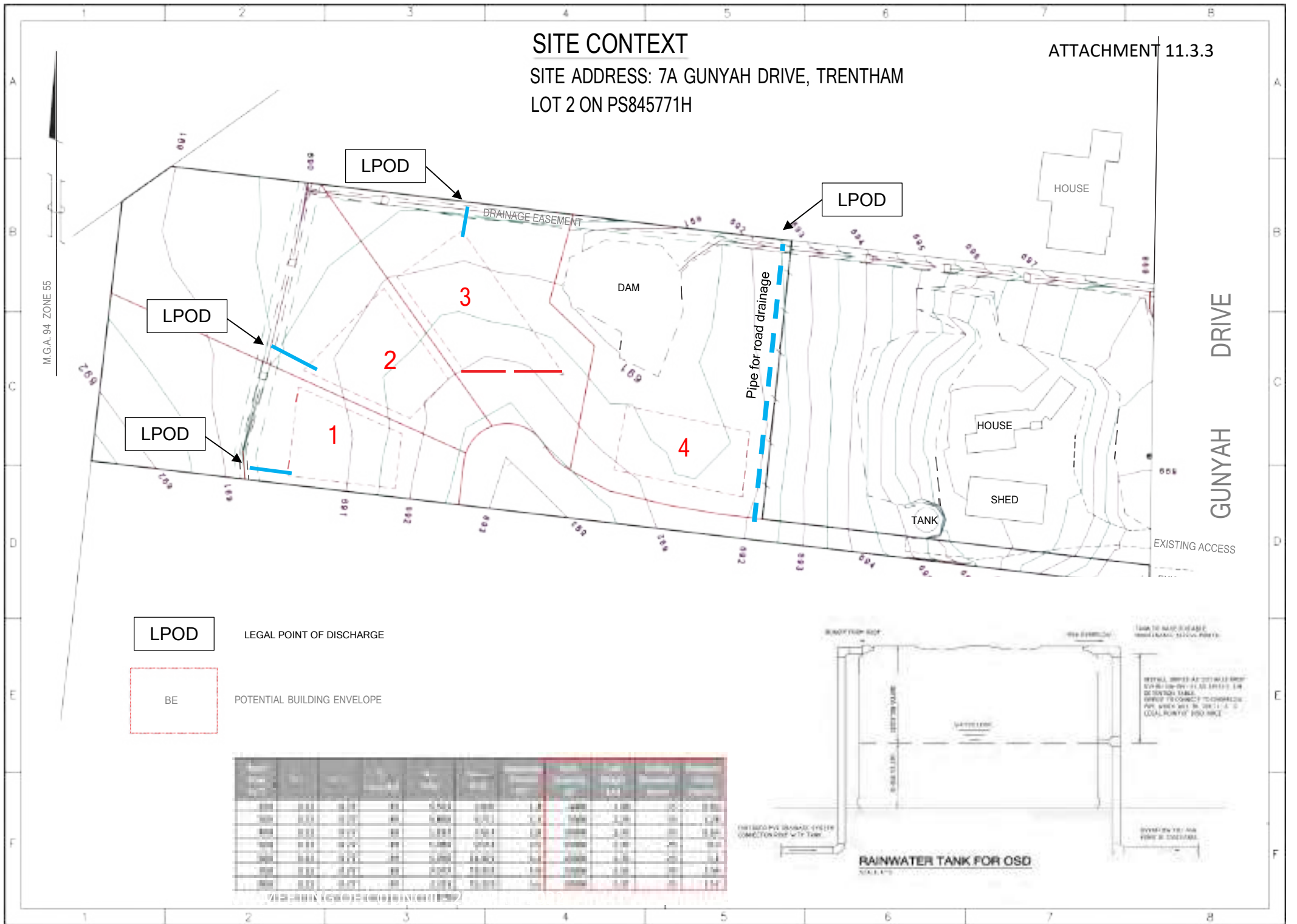
LICENSED SURVEYOR  
 REF 3633

ROWAN MOBBS  
 VERSION 1  
 DRAWN: 07/07/2021

# SITE CONTEXT

SITE ADDRESS: 7A GUNYAH DRIVE, TRENTHAM  
 LOT 2 ON PS845771H

ATTACHMENT 11.3.3



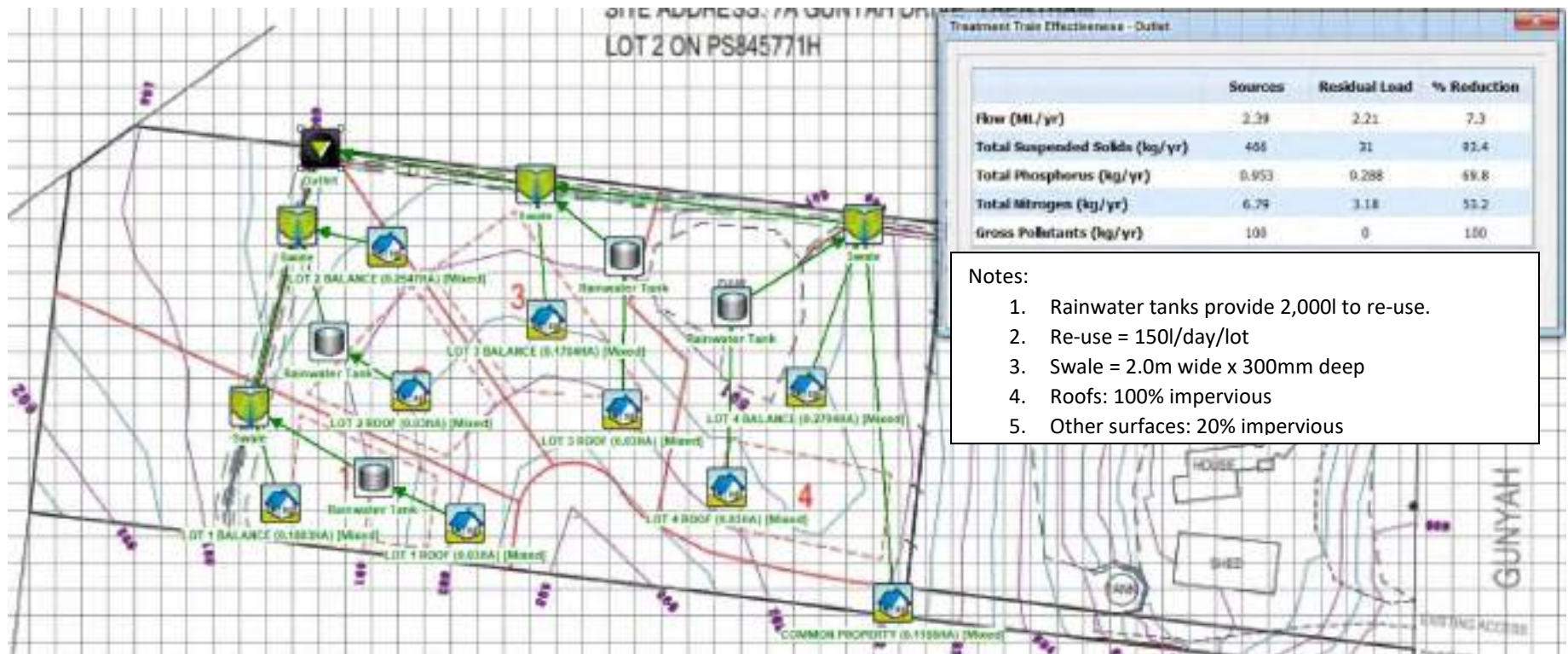
- LPOD** LEGAL POINT OF DISCHARGE
- BE** POTENTIAL BUILDING ENVELOPE

Lot	Area (sqm)	Volume (m³)	Height (m)	Volume (m³)	Volume (m³)	Volume (m³)	Volume (m³)	Volume (m³)	Volume (m³)
1	1000	1000	1.0	1000	1000	1000	1000	1000	1000
2	1000	1000	1.0	1000	1000	1000	1000	1000	1000
3	1000	1000	1.0	1000	1000	1000	1000	1000	1000
4	1000	1000	1.0	1000	1000	1000	1000	1000	1000



# WATER SENSITIVE URBAN DESIGN

## MUSIC OUTPUT



17 December 2021



Inception Planning  
PO Box 339w  
Ballarat West VIC 3350

Att:

James McInnes  
Statutory Planning Department  
Hepburn Shire  
shire@hepburn.vic.gov.au

**PA 334 7A Gunyah Drive Trentham  
Four Lot Subdivision**

Five submissions have been received in relation to the above application. Below is a summary of these objections and a response to the concerns raised within the submissions.

As the concerns raised within the submissions have common themes the responses have been grouped avoid repetition.

Neighbourhood character

- *The proposed lot sizes will create blocks with an urban feel in a low density residential area*
- *The subject site is not located in the town centre infill zone*
- *The proposal for four houses exceed the current approved building envelope*
- *The building envelopes have minimal setbacks from boundaries*
- *The battleaxe subdivision layout is not in keeping with subdivision pattern in the area*
- *Require a Section 173 Agreement prohibiting any further subdivision*

Response:

At Clause 21.05 (Settlement and Housing) strategies state that urban development should be consolidated within the urban growth boundary and that residential growth and a more compact and efficient urban form is encouraged.

The subject site is located within the urban growth boundary as detailed within the Trentham Structure Plan which is incorporated into the Hepburn Planning Scheme at Clause 21.05. The structure plan and the subject site's location is shown in Figure 1 below.

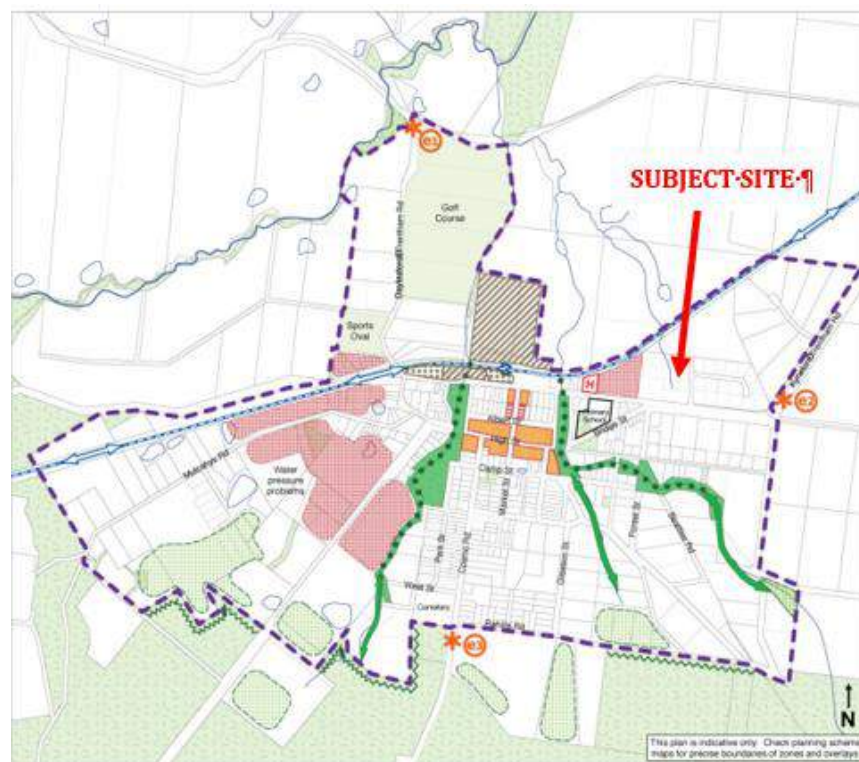


Fig.5 TRENTHAM STRUCTURE PLAN

Hepburn Structure Plan Review 2007

- Urban growth boundary  
Ensure consolidation of township within boundary.  
Achieve a more compact township form.
- Potential residential infill  
Investigate returning to Residential 1 Zone.
- Native vegetation protection  
Protect native vegetation blocks and wildlife corridors.  
Ensure development proposals on adjacent cleared land address need to protect habitat significance and reduce potential bushfire risk.
- Open space network  
Open space network based on watercourses and major drainage lines.  
Encourage establishment of walking trails and bicycle paths.  
Ensure continuation of open space links with progressive township expansion.
- Closed railway - investigate use for cycle/quest/tennis/leisure trail
- Hospital
- Urban - Public Forest interface  
Development proposals at interface to address potential bushfire risk and habitat significance of forests.
- Existing Public Conservation and Resource zone
- Existing Industrial 1 Zone
- Potential Mixed Use activity commensurate to township zoning
- Town Centre (Business 1 zone)  
Encourage compact town centre.  
Implement streetscape recommendations.
- Town centre infill  
Investigate town centre expansion and Business 1 zoning along Main Street north of Albert Street to connect to existing business zoning.
- Town entrances  
Mark and enhance town entrance character and presentation.  
E1 - main entry with character defining transition from lower to higher residential densities.  
E2 - character defined by rural living and views of rural landscape.  
E3 - character defined by forest and bushland setting.

Figure 1: Trentham Structure Plan



The proposed subdivision is considered to directly support these strategies as it will be providing opportunities for infill development within the urban growth boundary.

The proposed lot sizes whilst being smaller than the surrounding subdivision layout, do still reflect a lower density character and are considerably larger than typical General Residential subdivisions which are mostly under 1000m<sup>2</sup> and are often under 500m<sup>2</sup>.

In the VCAT decision *Duggan v Melton SC* [2006] VCAT 135, the Tribunal stated:

*Policies at Clauses 16 and 21.04 and Clauses 55 and 56 all emphasise the need for new development to respect neighbourhood character. That does not mean more of the same, nor does it preclude double storey dwellings, unit development or smaller lots.*

*As such, it is overly simplistic to say that medium density housing should be rejected because the level of development is more intense than what exists on adjacent or nearby land. The assessment of whether a proposal is respectful or "fits in" with neighbourhood character is more complex than this. [24-25]*

As stated in the above VCAT decision whilst the proposed subdivision does propose lots that are smaller than the majority of surrounding lots, this does not mean they are out of character.

The proposed subdivision plan has shown indicative building envelopes for each lot which do provide for setbacks between boundaries and there is substantial provision for large areas of open space which is in keeping with the character of the area. There is provision for increased setbacks to be provided along the southern boundary and for some of these building envelopes to be moved to allow for further opportunities for spacings between future dwellings and vegetation screen planting to occur.

As detailed within the planning submission there is evidence nearby of subdivisions occurring at densities that this application proposes. This includes the recently approved subdivision at 30 Victoria Street which proposed lots down to 2000m<sup>2</sup>. It is therefore considered that the application is not out of character with the area and can be supported by planning policy.

In relation to the concern raised in relation to the subdivision not being in accordance with the approved building envelopes for the previously approved permit and the requirement for a Section 173 Agreement

preventing further subdivision, the permit for 7 Gunyah Drive did not require building envelopes to be registered on title and therefore this does not preclude a planning application being made at 7a Gunyah Drive.

A Section 173 Agreement to prevent further subdivision of the lots is not considered necessary as the minimum lot size in the Low Density Residential Zone is 2000m<sup>2</sup> and therefore any further subdivision would be prohibited under the current zoning.

In order to provide some certainty to surrounding landowners if a permit was to issue my client would be willing to have the proposed building envelopes registered on title. This will require any future dwellings to be located within these envelopes.

#### Drainage

- *The subdivision will have a detrimental impact on the drainage of surrounding properties, where drainage is already an issue*

Engineers were engaged to complete a stormwater assessment as part of the application to consider drainage and stormwater impacts from the proposed subdivision.

Flows were assessed for a 1% AEP storm event which is the standard required under Clause 56.07-4 (Stormwater Management) It was found that the drain that runs along the northern boundary of the site is sufficient to convey the expected flows.

It was determined that the open cut "V" drain that traverses the site from the southern boundary to the northern boundary does not have sufficient capacity to convey the expected flows and flooding of the surrounding land would occur.

To prevent flooding from occurring, the engineers have recommended that this drain is widened to 4.0m at the top and formed such that it has a depth of 300mm. This would then convey the flows expected and therefore, flooding of the adjoining land would not occur. It is also proposed to construct as part of the subdivision a drainage pipe to convey flood away from the building envelope at proposed lot 4.

North Central Catchment Management Authority who are the floodplain managers have consented to the application subject to a condition that the south to north drain is widened as detailed above prior to

Statement of Compliance being issued for the planning permit.

These works are considered to address any potential stormwater impacts on adjoining properties from the proposed subdivision.

#### Servicing

- *Seek assurances that the accessway can be accessed by emergency vehicles*
- *Location of utility services should be setback from the boundary of 5 Gunyah Drive to protect adjoining vegetation*
- *Overloading of power and sewer and impacts during power outages*

The accessway has been designed to meet the Infrastructure Design Manual and Australian Standards which requires that the accessway must be between 3m to 5m in length. The proposed accessway will be 5m which meets this standard and is able to accommodate emergency vehicles.

Services will be located down the accessway and they will be setback as far as is practical from the boundary with 5 Gunyah Drive and protections will be put in place to ensure that the trees on this property will not be impacted.

The application has been referred to all servicing authorities who have provided conditional consent to the application. These servicing authorities consider if there is capacity for additional development within their servicing area and prior to a subdivision achieving statement of compliance their requirements must be met.

#### Amenity

- Noise, traffic and light exposure from the proposed subdivision including during construction
- Visual impact of additional houses
- Lack of opportunity for vegetation screen planting along boundaries
- Street lighting should be provided

The Infrastructure Design Manual states that the estimated traffic volumes for undeveloped residential allotments are at least 10 vehicle movements per day per lot. That would result in 40 vehicle movements per day entering and exiting the site. This would be 20 movements per direction, per day.

This level of traffic is not considered to be excessive or create levels of traffic that would have a significant

impact on the amenity of the area. As the subject site is located in a residential area, additional dwellings are not considered to be out of character or provide a substantial visual impact. The requirement for street lighting will be a decision of council and if required would be a condition of a permit.

As discussed above, the building envelopes can be altered to provided additional opportunities for vegetation screen planting. Our client would also be willing to have a condition on the planning permit that required vegetation screen planting along external boundaries to be planted prior to Statement of Compliance being issued. This would exclude the accessway as it is required to be 5m.

In order to address some of the concerns raised within the submissions our client is willing to make the following amendments to the application:

- Increase to 5m the southern setback of the building envelope for Lot 1
- Move the building envelope for Lot 4 to the north east of the lot
- Register all building envelopes on title so future dwellings would be required to be built within these envelopes
- Provide vegetation screen planting along all external boundaries (excluding the accessway) prior to Statement of Compliance being issued for the subdivision.

If Council was inclined to issue a permit for the subdivision, we would request these changes were applied as part of an amended plans condition.

We believe that the above response has addressed the concerns raised within the submissions.

If you have any questions or concerns with the proposal or above written response, please do not hesitate to contact me on 0476 454 956 or via email [steph@inceptionplanning.com.au](mailto:steph@inceptionplanning.com.au)

Regards,



Steph Durant

**Principal Planner**

**Inception Planning**



## **12 A HEALTHY, SUPPORTED, AND EMPOWERED COMMUNITY**

### **12.1 ADOPTION OF THE HEPBURN SHIRE COUNCIL AQUATICS STRATEGY DIRECTOR COMMUNITY AND DEVELOPMENT**

*In providing this advice to Council as the Coordinator Sport and Active Recreation, I Kathie Schnur have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Hepburn Shire Council Aquatics Strategy - Public Exhibition Engagement Report April 2002 ( Final) [**12.1.1** - 30 pages]
2. Implications for the Draft Aquatics Strategy [**12.1.2** - 9 pages]
3. Hepburn Shire Council Aquatics Strategy Report April 2002 (Final) [**12.1.3** - 74 pages]
4. Hepburn Shire Council Aquatics Strategy April 2002 - App 1 Community Survey Summary Final Report [**12.1.4** - 26 pages]
5. Hepburn Shire Council Aquatics Strategy Summary Report April 2002 (Final) [**12.1.5** - 35 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with the proposed final Hepburn Shire Council Aquatics Strategy (Aquatics Strategy) and Hepburn Shire Council Aquatics Strategy Summary Report for adoption.

The Aquatics Strategy provides a 10-year priority plan to guide the future strategic direction, infrastructure development priorities, asset management and maximise participation and programming opportunities to contribute to the health, wellbeing and liveability of the communities of Hepburn Shire.

There are a number of Strategic Direction Actions arising from the Aquatics Strategy including consideration of priority projects including outdoor aquatics facility upgrades assessment and outdoor pool and water play upgrades. These Strategic Recommendations and Actions will require further detailed planning work including feasibility, business case and funding strategy.

The high order indicative costs associated with implementing the actions arising from the Aquatics Strategy are estimated to be \$5.9 million - \$7.98 million. The implementation of the Aquatics Strategy is currently not included in Council's Long Term Financial Planning and would be subject to achieving funding as part of future Council budgeting processes and seeking external partner funding opportunities where applicable.

The further work undertaken as part of the Indoor Aquatics Facility Planning will identify the capital and operating costs associated with an Indoor Aquatics Facility which are likely to be significant. The high order indicative costs outlined in the Aquatics Strategy do not include the capital and operating costs associated with an Indoor Aquatics Facility. This will need to be further considered by Council at the appropriate time.

The Draft Aquatics Strategy and Draft Summary Report were endorsed for public exhibition at the 15 February 2022 Council Meeting.

A total of 65 responses were received during the public exhibition period undertaken between 16 February to 18 March 2022, through community pop in sessions, a community survey, key stakeholder interviews and written submissions.

The key community and stakeholder feedback received on the draft Aquatics Strategy includes:

- Strong support for an Indoor aquatics facility to be a key priority.
- Feasibility planning for the future provision of indoor aquatics should progress immediately.
- Vision Statement should reference “indoor year-round facility”.
- Report needs to strengthen the focus on universal and inclusive access at aquatics facilities.
- Feasibility study should provide a plan that includes both the indoor aquatics facility and the investment in outdoor pools and water play.
- Priority works on existing facilities should focus on compliance issues until the indoor aquatics facility feasibility and wider plan is completed.
- Include commentary on the Hepburn Shire Disability Access and Inclusion Plan, Youth Strategy, Early and Middle Years Strategy, Positive Aging Strategy as important strategy links to the development and future implementation of the Aquatics Strategy.

Details of the engagement undertaken throughout the public exhibition period is provided in the Aquatics Strategy Public Exhibition Engagement Report (attached).

As a result of the engagement feedback received the following minor changes to the Aquatics Strategy and Aquatics Strategy Summary Report have been considered:

- Minor change to the Vision Statement: Provide *access to* sustainable, affordable *year-round* aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.
- Reorder the Recommended Strategic Directions to place Strategic Direction 7, Indoor Aquatics Facility Planning as Strategic Direction 2.
- Minor change to Objectives 1, 3 and 4 that emphasise the demographic diversity of the Hepburn Shire and Council’s commitment to providing future aquatics provision that is accessible and inclusive.
- Minor change to Recommended Strategic Directions 5 and 6 that provides commentary on the Council’s annual budget decision making process in context of outdoor pool and water play upgrades.
- Minor change to Recommended Strategic Direction 7 to strengthen the focus on universal and inclusive design principles in Indoor Aquatics Facility planning.
- Commentary has been included in the Strategy on the Hepburn Shire’s Disability Access and Inclusion Plan, Youth Strategy, Early and Middle Years Strategy and Positive Aging Strategy as important strategy links to the development and future implementation of the Aquatics Strategy.

An overview of the recommended changes to the Aquatics Strategy and Summary Report is detailed in Section 3, Implications for the Draft Aquatics Strategy within the Hepburn Shire Council Aquatics Strategy Public Exhibition Engagement Report (report section extract attached). These recommended changes have been incorporated into the proposed final Aquatics Strategy and Summary Report presented for adoption.

Adopting the proposed changes outlined provides improvements to the Aquatics Strategy content maintaining the intent and direction of the draft Aquatics Strategy that was placed on public exhibition.

## **OFFICER RECOMMENDATIONS**

*That Council:*

1. *Notes the public exhibition engagement feedback received and endorses the changes made to finalise the Hepburn Shire Council Aquatics Strategy and Hepburn Shire Council Aquatics Strategy Summary Report.*
2. *Adopts the Hepburn Shire Council Aquatics Strategy and Hepburn Shire Council Aquatics Strategy Summary Report (attached) and notes that officers will prepare an Implementation Plan that will inform Council's Long Term Financial Planning to implement the Aquatics Strategy over the next 10 years.*
3. *Considers an allocation within Council's 2022/2023 Annual Budget to implement Year 1 Actions of the Hepburn Shire Council Aquatics Strategy which are listed below:*
  - 3a) *An amount of \$160,000 to be provided to undertake further detailed investigation and develop a feasibility study/business case for indoor aquatics provision.*
  - 3b) *An amount of \$103,000 to complete the necessary compliance and OH&S works to existing aquatics facilities.*
4. *Acknowledges the community members, key stakeholders and community organisations who have been involved in the development of Hepburn Shire Council Aquatics Strategy and note that officers will write to submitters, key stakeholders and community organisations to advise them of Council's decision.*

## **MOTION**

*That Council:*

1. *Notes the public exhibition engagement feedback received and endorses the changes made to finalise the Hepburn Shire Council Aquatics Strategy and Hepburn Shire Council Aquatics Strategy Summary Report.*
2. *Adopts the Hepburn Shire Council Aquatics Strategy and Hepburn Shire Council Aquatics Strategy Summary Report (attached) and notes that officers will prepare an Implementation Plan that will inform Council's Long Term Financial Planning to implement the Aquatics Strategy over the next 10 years.*



3. *Considers an allocation within Council's 2022/2023 Annual Budget to implement Year 1 Actions of the Hepburn Shire Council Aquatics Strategy which are listed below:*

*3a) An amount of \$160,000 to be provided to undertake further detailed investigation and develop a feasibility study/business case for indoor aquatics provision.*

*3b) An amount of \$103,000 to complete the necessary compliance and OH&S works to existing aquatics facilities.*

4. *Acknowledges the community members, key stakeholders and community organisations who have been involved in the development of Hepburn Shire Council Aquatics Strategy and note that officers will write to submitters, key stakeholders and community organisations to advise them of Council's decision.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

## **BACKGROUND**

The development of Council's Aquatics Strategy aims to provide a 10-year priority plan to guide the future strategic direction, infrastructure development priorities, asset management and maximise participation and programming opportunities to contribute to the health, wellbeing and liveability of the communities of Hepburn Shire.

The planning and community and key stakeholder engagement undertaken has informed the development of the Aquatics Strategy throughout all stages of the project.

The community interest shown through the consultation opportunities undertaken has acknowledged that the Aquatics Strategy is critical to providing Council and the community with a clear strategic direction on the future aquatics provision throughout the Hepburn Shire over the next 10 years.

Through the development of the Aquatics Strategy the need for access to all-year-round indoor aquatics provision was identified, and the Aquatics Strategy has addressed the identified need through a number of recommended strategic directions and actions.

The most significant challenge for Council in determining a future indoor aquatics facility is the affordability to build and operate such a facility. This includes the ability to attract sufficient capital funding for a new facility and the ability to sustain the ongoing operational cost.

In its considerations, Council will also need to take into account the existing aquatics facilities and the further detailed planning work required to fully understand the feasibility, business case and funding strategy to undertake the upgrades identified and Council's ability to fund those works.

The Aquatics Strategy is a summary of market research, asset condition, current operating information and broad community engagement. It will guide the future strategic direction, infrastructure development priorities, asset renewal and upgrades, operational improvement and activation of aquatics provision throughout the Shire.

Several key stakeholders were involved to guide the development of the Aquatics Strategy. They include Sport and Recreation Victoria, Daylesford Indoor Aquatics Centre (DIAC) Advocacy Group, Creswick and District Aquatics Centre Advocacy Group and Central Highlands Rural Health.

The content of the Aquatics Strategy includes:

- Strategic Review and Background Research
- Demographic Review
- Current Facilities Operational Review
- Market Research and Industry Trends
- Community Engagement Findings
- Vision
- Objectives
- Facility Hierarchy and Provision
- Strategic Recommendations and Actions.

There are a number of Strategic Direction Recommendations and Actions arising from the Aquatics Strategy including consideration of priority projects including outdoor aquatics facility upgrades assessment and outdoor pool and water play upgrades. These Strategic Recommendations and Actions will require further detailed planning work including feasibility, business case and funding strategy.

The Aquatics Strategy supports the identified need for access to an all-year-round indoor aquatics facility to support the needs of Hepburn Shire residents. The evidence that supports the need includes:

- **Hepburn population demographics** - the younger and older demographic profile of the Shire requires access to indoor aquatics facilities to support the key areas of learn to swim programs, therapy, aquatics programs and recreational swimming. The travel and climate conditions make it difficult for some residents to access aquatics services in neighbouring municipalities i.e., Ballarat and Macedon Ranges.
- **Identified community need** – extensive feedback from the community engagement process identified a strong need and desire for access to a year-

round aquatics facility for learn to swim, therapy, aquatics programs and recreational swimming.

- **Current facilities barriers to participation** – evidence that the existing Hepburn aquatics facilities are underutilised due to aging infrastructure, cold water temperatures, poor accessibility and facilities are not meeting identified community needs.

Whilst the Aquatics Strategy identifies the need for access to an indoor all year-round aquatics facility to support the needs of Hepburn Shire residents, further work is needed.

As outlined in Recommended Strategic Direction 7.4.2 in the Aquatics Strategy further detailed investigation and the development of a feasibility study/business case is needed. The further work that needs to be undertaken includes aquatics provision options, preferred location, facility components including universal and inclusive design principles, concept plan, capital cost estimate, financial operating model and funding strategy.

This further work will identify the capital and operating costs associated with an Indoor Aquatics Facility which are likely to be significant. The high order indicative costs outlined below do not include the capital and operating costs associated with an Indoor Aquatics Facility. This will need to be further considered by Council at the appropriate time.

The high order indicative costs associated with implementing the actions arising from the recommended Strategic Directions outlined in the Aquatics Strategy are estimated to be \$5.9 million - \$7.98 million. This includes Facility upgrades compliance and OH&S works, Management and Operation, Facility Programming and Activation, Asset Management Plan, Outdoor pool and Waterplay Upgrades and further Indoor Aquatics Facility Planning. Funding the implementation of the proposed actions would be subject to achieving funding as part of future Council budgeting processes and seeking external partner funding opportunities where applicable.

## **KEY ISSUES**

The Draft Aquatics Strategy was endorsed for public exhibition at the 15 February 2022 Ordinary Meeting of Council.

The purpose of the public exhibition engagement undertaken was to seek focused feedback on the proposed draft Aquatics Strategy including the vision statement, objectives and recommended strategic directions and actions.

A Community Engagement Plan was implemented to seek feedback on the draft Aquatics Strategy during the public exhibition period of 16 February to 18 March 2022.

The public exhibition engagement undertaken included:

### **Community pop-in sessions**

Four (4) community pop-in sessions were offered to provide residents and stakeholders an opportunity to attend a scheduled in person consultation session. The sessions were conducted at the following locations:

- Trentham outdoor pool – Friday 25 February 2022
- Clunes outdoor pool – Friday 4 March 2022
- Creswick Splash Park – Saturday 5 March 2022
- Daylesford outdoor Pool – Thursday 10 March 2022

A total of 13 people provided feedback at the pop-up sessions across the four days.

### **Key stakeholder online interviews**

A total of 15 interviews were conducted by Council Officers and Otium Planning Group representatives with key stakeholders including community organisations, schools, Hepburn Shire Staff and project funding partner, Sport and Recreation Victoria.

### **Written submissions**

A total of six (6) written submissions were received, one from the Creswick and District Indoor Aquatics Centre Inc., two from the Daylesford Indoor Aquatics Centre Inc. and three (3) from Hepburn residents.

### **Community survey**

An online community survey was available on Council's Participate Hepburn website between 16 February 2022 – 18 March 2022. There were 779 visits to the Participate Hepburn project page and a total of 31 survey responses were received.

Details of the engagement undertaken throughout the draft Aquatics Strategy's public exhibition period is provided in the Hepburn Shire Council Aquatics Strategy Public Exhibition Engagement Report (attached).

### **Key Community Feedback**

The key community feedback received on the draft Aquatics Strategy includes:

- Strong support for an Indoor aquatics facility to be a key priority.
- Feasibility planning for the future provision of indoor aquatics should progress immediately.
- Vision Statement should reference "indoor year-round facility".
- Report needs to strengthen the focus on universal and inclusive access at aquatics facilities.
- Feasibility study should provide a plan that includes both the indoor aquatics facility and the investment in outdoor pools and water play.
- Priority works on existing facilities should focus on compliance issues until the indoor aquatic facility feasibility and wider plan is completed.

- Include the commentary on the Hepburn Shire Disability Access and Inclusion Plan, Youth Strategy, Early and Middle Years Strategy and Positive Aging Strategy as important strategy links to the development and future implementation of the Aquatics Strategy.

The feedback received through the public exhibition community engagement period has been considered. The following table provides a summary of recommended changes to the Aquatics Strategy as further detailed in Section 3, Implications for the Draft Aquatics Strategy within the Hepburn Shire Council Aquatics Strategy Public Exhibition Engagement Report is (report section extract attached). These recommended changes have been incorporated into the proposed final Aquatics Strategy and Summary Report presented for adoption.

Draft Aquatics Strategy	Recommended Changes
<p><b>Vision Statement</b></p> <p><i>Provide sustainable, affordable and accessible aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences</i></p>	<p>Minor change to Vision Statement (Additional words added in italics)</p> <p>Provide <i>access to</i> sustainable, affordable <i>year-round</i> aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences</p>
<p><b>Objective 1:</b></p> <p><i>Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs</i></p>	<p>Minor change to Objective 1: (Additional words added in italics)</p> <p>Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs <i>for all, including people with a disability, children, youth and older adults.</i></p>
<p><b>Objective 2:</b></p> <p><i>Existing facilities are well managed and maintained to meet current design and operational industry standards</i></p>	<p>No change to Objective 2</p>
<p><b>Objective 3:</b></p> <p><i>Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for the community</i></p>	<p>Minor change to Objective 3 (Additional words added in Italics)</p> <p>Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for <i>all, including people with a disability,</i></p>

	<i>children, youth and older adults.</i>
<p><b>Objective 4:</b></p> <p><i>Future design of facilities will be operationally sustainable and based on contemporary design principles.</i></p>	<p>Minor change to Objective 4: (Additional words added in Italics)</p> <p>Future design of facilities will be operationally sustainable and based on contemporary <i>universal and inclusive</i> design principles.</p>
<p><b>Strategic Direction 1:</b></p> <p>7.4.1 Facility Upgrades – Compliance and OH&amp;S Works</p>	No change to Strategic Direction 1
<p><b>Strategic Direction 2:</b></p> <p>7.4.2 Management and Operation</p>	<p>No change to Strategic Direction 2 Text.</p> <p>Change the numbering of 7.4.2 Management and Operation to 7.4.3</p>
<p><b>Strategic Direction 3:</b></p> <p>7.4.3 Facility Programming and Activation</p>	<p>No change to Strategic Direction 3 Text.</p> <p>Change the numbering of 7.4.3 Facility Programming and Activation to 7.4.4</p>
<p><b>Strategic Direction 4:</b></p> <p>7.4.4 Asset Management Plan</p>	<p>No change to Strategic Direction 4 Text.</p> <p>Change the numbering of 7.4.4 Asset Management Plan to 7.4.5</p>
<p><b>Strategic Direction 5:</b></p> <p>7.4.5 Outdoor Pool Upgrades</p>	<p>Add the following statement to Strategic Direction 5 – Outdoor pool Upgrades: <i>Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</i></p> <p>Change the numbering of 7.4.5 Outdoor Pool Upgrades to 7.4.6</p>
<p><b>Strategic Direction 6:</b></p> <p>7.4.6 Water Play Upgrades</p>	<p>Add the following statement to Strategic Direction 6 – Water Play Upgrades: <i>Investment in water play upgrades will be subject to the prioritisation of the implementation</i></p>

	<p><i>plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</i></p> <p>Change the numbering of 7.4.6 Water Play Upgrades to 7.4.7</p>
<p><b>Strategic Direction 7:</b></p> <p>7.4.7 Indoor Aquatics Facility Planning</p>	<p>Include the following statement in the Officer recommendation section of the Council Report to adopt the Aquatics Strategy:</p> <p><i>That Council considers an allocation within Council’s Annual Budget to implement Year 1 recommended Actions of the Hepburn Shire Council Aquatics Strategy including undertaking the feasibility of future indoor aquatics provision within the Shire.</i></p> <p>Minor change to Strategic Direction 7: (Additional words added in italics)</p> <p>The scope of the detailed investigation should include exploring Aquatics Provision Options, Facility Benchmarking of similar size aquatics facilities within the rural and regional areas, Facility Components <i>including universal and inclusive design principles</i>, Concept Plan, Capital Cost estimate, Financial Operating Model, Site Assessment, Funding Strategy (Council and External).</p> <p>Change the numbering of 7.4.7 Indoor Aquatics Facility Planning to 7.4.2</p>
<p><b>Disability Access and Inclusion Plan</b></p>	<p>Include additional information and reference to Council’s Disability Access and Inclusion Plan (2018 – 2022) in Section 3 Strategic Review.</p>
<p><b>Youth Strategy</b></p>	<p>Include additional information and reference to Council’s Youth Strategy in Section 3: Strategic Review.</p>

<b>Early and Middle Years Strategy</b>	Include additional information and reference to Council’s Early and Middle Years Strategy in Section 3 Strategic Review.
<b>Positive Aging Strategy</b>	Include additional information and reference to Council’s Positive Aging Strategy in Section 3 Strategic Review.
<b>Success of the draft Aquatics Strategy to drive future directions</b>	Feedback has been addressed through the previous recommended changes to the Aquatics Strategy.
<b>Other</b>	Feedback has been addressed through the previous recommended changes to the Aquatics Strategy.
<b>Completion of Aquatics Strategy documents</b>	The commentary throughout the Aquatics Strategy and Summary Report has been amended to remove references such as ‘draft’, ‘recommendation’ and ‘proposed’ to finalise the draft Aquatics Strategy documents.

## **POLICY AND STATUTORY IMPLICATIONS**

The Aquatics Strategy is consistent with the Council Plan 2021-2025 key focus area: A healthy, supported and empowered community and Council’s Municipal Public Health and Wellbeing Plan 2021-2025. This includes optimising the use of public spaces to increase participation and community connections which is supported by the provision of leisure and recreation facilities such as outdoor community pools, that encourage healthy and active lifestyles to improve the health and wellbeing of the community.

Council Plan 2021-2025

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.

2.3 Optimise the use of public spaces to increase participation and community connection.

The development of the Aquatics Strategy has reviewed and considered the following State, Regional and Local Strategies to inform the consideration of the future aquatics provision with Hepburn Shire.



- Hepburn Shire Council, Council Vision and Plan - 2021 – 2025
- Hepburn Shire Council, Recreation and Open Space Strategy 2016-2021
- Healthy Active and Safe Children Hepburn Shire Municipal Early Years Plan – April-2015
- Hepburn Shire Early and Middle Years Strategy – 2022-2030 (currently being developed)
- Hepburn Shire Economic Development Strategy 2016-2021
- Hepburn Shire Youth Strategy – 2016 – 2021
- Hepburn Shire Youth Strategy 2022 – 2030 (currently being developed)
- Hepburn Shire Active Women and Girls Strategy
- Hepburn Shire Reconciliation Action Plan – 2018
- Hepburn Shire Council Disability Access and Inclusion Plan, 2018 to 2022
- Hepburn Shire Municipal Public Health and Wellbeing Plan 2021 to 2025
- Hepburn Shire Positive Aging Strategy 2022-2030 (currently being developed)
- Activate 2020 – 2030 Regional Strategic Plan
- Hepburn Shire Playspace Strategy 2020-2030 – Play is for Everyone
- Sport and Recreation Victoria, Active Victoria – A strategic framework for sport and recreation in Victoria 2017-2021
- Sport and Recreation Victoria, Female friendly sport infrastructure guidelines
- Sport and Recreation Victoria, Design for Everyone Guide

### **GOVERNANCE ISSUES**

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

### **SUSTAINABILITY IMPLICATIONS**

Economic, social and environmental sustainability opportunities and implications have been key considerations in the development of the Hepburn Shire Aquatics Strategy.

The implementation of the Strategy will further identify economic, social and environmental sustainability opportunities and implications associated with Council's future Aquatics provision and will need to be further considered by Council at the appropriate time.

### **FINANCIAL IMPLICATIONS**

The high order indicative costs associated with implementing the actions arising from the recommended Strategic Directions contained in the Hepburn Shire Council Aquatics Strategy are estimated to be \$5.9 million - \$7.98 million.

Funding the implementation of the proposed Strategic Directions Recommendations and Actions would be subject to achieving funding as part of future Council

budgeting processes and seeking external partner funding opportunities where applicable.

An amount of \$377,000 was endorsed by Council as part of the 2021/2022 mid year budget review to commence the necessary compliance and OH&S works to existing aquatics facilities. An additional \$103,000 is required to complete these works.

The following table provides a breakdown of the indicative costs for each of the recommended strategic directions as further detailed in the Hepburn Shire Council Aquatics Strategy.

<b>Recommended Strategic Directions</b>	<b>Indicative Cost Range*</b>
Facility Upgrades – Compliance and OH&S Works	\$415,000 - \$480,000
Management and Operation	\$20,000 - \$30,000
Facility Programming and Activation	\$10,000 – \$20,000
Asset Management Plan	\$30,000 - \$40,000
Outdoor Pool Upgrades	\$3,320,000 - \$4,730,000
Waterplay Upgrades	\$2,000,000 – \$2,520,000
Indoor Aquatic Facility Planning	\$120,000 - \$160,000
<b>Total Indicative Cost Range</b>	<b>\$5,915,000 - \$7,980,000</b>

\*Note: Indicative costs only – estimates are likely to change over time subject to timing of delivery, cost escalation, CPI and final scope of works for each project. The figures exclude contingencies and project management fees.

The further work undertaken as part of Indoor Aquatics Facility Planning noted in the above table will identify the capital and operating costs associated with an Indoor Aquatics Facility which are likely to be significant. The high order indicative costs outlined above do not include the capital and operating costs associated with an Indoor Aquatics Facility. This will need to be further considered by Council at the appropriate time.

## **RISK IMPLICATIONS**

Implementation of Council Plan 2021 – 2025 – Strategy 2.3.9 in Hepburn Shire Council Plan is to Finalise and implement the Hepburn Shire Aquatics Strategy. If this project is not finalised, then this puts at risk Council not achieving one of its Strategies contained in the Council Plan.

Impact on Service Provision - If the Aquatics Strategy is not supported then Council runs the risk of not having a strategic plan in place to support the need to upgrade aging aquatics facilities and not being able to provide this service if facilities fail.

Reputational risk – Council has entered into a Funding Agreement with Sport and Recreation Victoria to develop a Hepburn Shire Council Aquatics Strategy. There is also keen interest and expectation from two advocacy groups and the broader community to finalise an Aquatics Strategy.

Impact on ability to attract funding partners – Council will seek funding opportunities from relevant Funding Bodies to assist with the implementation of the Hepburn Shire Aquatics Strategy should it be endorsed by Council. Having a Strategy in place strengthens Council’s ability to attract funding partners.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

While this project scores within the Low range, Officers recognised that this project possesses high community sentiment and that there has been, and will continue to be, significant community attention on the issue and therefore conducted community stakeholder engagement to a level more in line with a medium project.

In collaboration with the Project Consultants, Officers undertook the first phase of community engagement between April and August 2021. As a result, engagement took place with over 1000 Hepburn Shire residents and over 50 shire-wide community organisations and schools, through the following consultation opportunities:

- Councillors Briefings/Workshops (April and December 2021).
- An on-line community survey.
- Email submissions from community groups and individuals.
- Four community pop-in sessions were conducted in Daylesford, Clunes, Creswick and Trentham.
- Internal and external key stakeholder workshops and interviews.
- The Project was placed on the Participate Hepburn website and the community engagement opportunities were promoted through:
  - Social and local media networks
  - Direct contact with key project stakeholders
  - Signage placed at the Daylesford, Clunes and Trentham Outdoor Pool and Creswick Splash Park
  - Project Bulletins placed at Council’s Customer Service hubs, Libraries and each of the local Neighbourhood Centres
  - A randomised mail out to 50 Hepburn Shire ratepayers.

Full details of the community engagement undertaken is provided in the Hepburn Shire Aquatics Strategy and community survey findings Report.

Following the endorsement to release the draft Hepburn Shire Aquatics Strategy for public exhibition at the 15 February 2022 Council Meeting, a Community Engagement Plan was implemented between 16 February to 18 March 2022 and included the following consultation opportunities:

- An on-line community survey.
- Invited written submissions from community groups and individuals.
- 4 Community pop-in sessions at the aquatic's facilities in Daylesford, Clunes, Creswick and Trentham.
- Internal and external key stakeholder consultation sessions.

Engagement opportunities were placed on the Participate Hepburn website and the community engagement opportunities were promoted through:

- Social and local media networks.
- Direct contact with key project stakeholders.
- Signage placed at the Daylesford, Clunes and Trentham Outdoor Pool and Creswick Splash Park.
- Project information placed at Council's Customer Service hubs, Libraries and each of the local Neighbourhood Centres.

Two documents were developed for the purposes of public exhibition consultation:

1. A Hepburn Shire Council Aquatics Strategy Draft Summary Report; and
2. A Hepburn Shire Council Aquatics Strategy Draft Report.

An overview of the community engagement results include:

- 31 online surveys.
- Six (6) written submissions from community organisations and individuals.
- 13 responses received at the four (4) community pop-in sessions.
- 15 Key Stakeholder consultation sessions were undertaken with Council Officers, Community and State Government organisations and Schools throughout the Shire.

The public exhibition community engagement feedback received was qualitative and focussed on specific proposed Strategy outcomes including the proposed Vision, Objectives, Strategic Directions and Recommended Actions.

Full details of the community engagement results are provided in the Hepburn Shire Council Aquatics Strategy Public Exhibition Engagement Report (attached).



# Hepburn Shire Council Aquatics Strategy

PUBLIC EXHIBITION  
ENGAGEMENT REPORT

April 2022

*Hepburn*  
SHIRE COUNCIL

# Otium Planning Group Pty Ltd

**Head Office:**

304/91 Murphy Street  
 Richmond VIC 3121  
 ABN: 30 605 962 169  
 Phone: (03) 9698 7300  
 Email: info@otiumplanning.com.au  
 Web: www.otiumplanning.com.au

**Local Office:**

Contact: Kate Maddock, Managing Director  
 Phone: 0419 316 540  
 Email: kate@otiumplanning.com.au

Otium Planning Group has offices in:

- Auckland • Brisbane • Cairns • Christchurch • Melbourne • Perth • Sydney

OPG, IVG and PTA Partnership has offices in Hong Kong, Shenzhen, Shanghai and Beijing.

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**The Hepburn Shire Council acknowledges the support of the Victorian Government for their funding contribution to this project.**

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# 1. Introduction

The purpose of this report is to provide a summary of the key issues and feedback gathered on the draft Hepburn Shire Council Aquatics Strategy (Aquatics Strategy) during the public exhibition period between 16 February and 18 March 2022. The feedback will support Council with finalising the Aquatics Strategy.

## 1.1 PROJECT TIMELINE

The Aquatics Strategy will guide the future strategic direction, infrastructure development priorities, asset management, operational development and activation of aquatics provision throughout the Shire over the next 10 years.

Hepburn Shire has five public aquatics facilities:

- Daylesford Outdoor Pool
- Clunes Outdoor Pool
- Trentham Outdoor Pool
- Creswick Splash Park
- Calembreen Park Toddlers Pool.

The four outdoor pools are reported to be nearing their end of life and not fit for purpose for many residents in the community. There is a growing demand and expectation from the community for access to year-round warm water facilities that cater for learn to swim, therapy, aquatics programs and recreational swimming. It is because of these reasons, that a long-term strategic plan for aquatics facilities provision is an important project for the Hepburn Shire Council to guide its investment strategy for the next 10-20 years.

## 1.2 THE PROJECT

The development of the Aquatics Strategy commenced in 2021. Phase one consultation undertaken during April and August 2021 identified a range of key needs and issues. Activities during the stage one engagement included:

- Councillor workshop
- Stakeholder interviews and workshops (9 completed)
- Resident Community Survey (799 responses)
- Pop up sessions in each major township (Approx. 150 residents attended)
- School survey (7 school responses)
- Written submissions (13 submissions).

The key finding from the stage one community and stakeholder engagement were as follows:

- There is significant interest from key stakeholders and the broader community in the aquatics facilities provision across the Hepburn Shire. The feedback gathered indicates the outdoor pools, although highly valued, are not fit for purpose for many ageing residents who are a significant proportion of the population with 34% over the age of 60. The other key issue is younger children have limited access to year-round swimming lessons.



- An indoor aquatics facility is strongly supported by stakeholders and residents. There are two very active and passionate community advocacy Groups in Daylesford and Creswick that have undertaken significant lobbying, research and preliminary assessments for an indoor facility over the last ten years.

The Community Engagement Survey received significant interest with 799 residents completing the online or hard copy surveys. The majority of responses came from residents in the Daylesford, Hepburn and Hepburn Springs towns (41%) and Creswick/Creswick North areas (24%).

- Close to 50% of the survey respondents stated they don't use an existing Hepburn aquatic facility.
- The main reasons for not using an existing facility included lack of an indoor facility (56%), the only pools available are outdoor facilities (41%) and no suitable facilities close by (30%). Other factors such as cold-water temperature, lack of suitable programs/activities and unsuitable opening times were also key issues for some residents not using the existing aquatics facilities.
- A significant number of respondents use Indoor Aquatics facilities outside the shire. They include Ballarat Aquatic and Lifestyle Centre (35%) and Kyneton Toyota Aquatic Centre (20%). The key reasons for using these Centres were the availability of indoor pools, warm water program pools and the variety of programs and activities offered.
- The future improvements that would encourage greater use of aquatics facilities include provision of an indoor warm water pool, indoor recreation and leisure pools, outdoor heated pools, indoor spas and sauna, extended swimming season, health and fitness classes and longer opening hours.
- Of the seven schools that responded to the school survey 75% of them use the Ballarat Aquatic and Lifestyle Centre for school carnivals, swimming lessons and fun days. The Daylesford Outdoor Pool is used by one school for a carnival and one school uses Kyneton Toyota Aquatic Centre for swimming lessons. All schools indicated they would use an indoor facility within Hepburn Shire if it were developed in the future. There is support for an indoor heated year-round facility within the Shire.

## KEY ISSUES AND OPPORTUNITIES

Based on the feedback received, site assessments, operational reviews, asset condition audits and background research the following key issues and opportunities were identified.

### **Aquatics facilities and services support the strategic commitment to healthy and active communities.**

Hepburn Shire has a number of strategies that have key objectives to improve the health and wellbeing of the community. These include the Council Plan 2021-2025, Municipal Public Health and Wellbeing Plan, Activate 2020-2030 and the Recreation and Open Space Strategy 2016-2021. A key focus in each of the strategies is providing quality infrastructure that encourages active and healthy lifestyles and social inclusion opportunities.

### **Current aquatics facilities do not cater for all key user markets**

The existing outdoor pools are ageing, and do not cater for the key user markets adequately. A successful aquatics facility should cater for the following four key user markets:

- Recreation, leisure and adventure (water play, recreational swimming, families, socialising, fun).
- Fitness and training (training, competitive swimming, swim clubs).
- Education (Learn to Swim, school swimming lessons and special needs programs).
- Therapy (hydrotherapy, aqua exercise classes, rehabilitation).

There are also barriers for some of Hepburn's population demographics including older residents and young children who are seeking warmer water for water therapy, aquatics programs, recreational swimming and learn to swim programs. These barriers include cold water temperatures, irregular opening hours due to weather closure policy, poor accessibility compliance and lack of suitable activities and programs.

The natural water bodies scattered throughout the Shire are also frequently used by local residents. The use of some of these areas (particularly Calembreen Park) provide some level of health and safety risk to users. It's important to note that Calembreen Park is Crown land and controlled by the State Government Department of Environment, Water, Land and Planning (DEWLP). Hepburn Shire Council has a role as Committee of Management in the day-to-day operation of the site but the liability for risks and health and safety issues is the responsibility of DEWLP.

The feedback gathered from key stakeholders and the community survey support the need for a contemporary indoor warm water program pool to support year-round rehabilitation, water therapy and swimming lessons.

### **Facility catchment, accessibility and cold climate challenges**

Hepburn Shire has some unique characteristics that make it challenging to cater for the changing needs of its townships and communities. The outdoor pools cater for a limited market given they are not contemporary year-round facilities. With an ageing population there is a growing need for greater access to indoor year-round warm water pools with good accessibility features such as ramps and compliant change rooms.

The long travel distances between towns and poor public transport result in the existing facilities being very localised to its user catchments. Determining a potential location for an indoor aquatics centre is challenging given the population distribution across the Shire. Any future solutions will need to consider how the Hepburn facilities work as a complementary network with other neighbouring shire aquatics facilities.

The cold climate of Hepburn Shire creates some constraints (cold pools and icy roads) for accessing aquatics services. The need for flexible operating hours and warmer outdoor pool water temperatures was highlighted throughout the community engagement activities.

### **Asset renewal - short to medium term priorities**

There are significant asset renewal, compliance and maintenance priorities across the aquatics services offered by Council that will need to be planned for over the next 10 - 20 years. This will be further impacted if Council decides to invest in modern technology solutions for more effective water heating, energy efficiency initiatives and improve accessibility compliance to pools and change rooms.

Council has recently funded the installation of a solar system at each outdoor pool as a means of increasing the water temperature. The technical audit has identified that the current system is inefficient due to that the volume of water. For solar systems to be effective, a larger surface area is required for the solar panels. The water temperature increase is negligible and has not improved user comfort. An option to improve this would be the installation of electric heat pumps.

Calembreen Park Toddlers Pool and broader lake precinct pose significant health and safety risks to users which need to be addressed in the short to medium term. These risk issues are also highlighted in the Calembreen Park Management Plan 2009.

### **Management model options review**

The management of the outdoor pools has varied over the last 10 - 20 years impacting the usage and operating performance of the facilities. The pools are currently operated by Council, which has increased the operating costs in the last two years due to higher wage rates of the local government award.

The operating deficit has also grown significantly since the introduction of the free entry which removed payment of entry fees for use of the outdoor pools. However, usage has increased dramatically which is a positive outcome in supporting residents' participation in active and healthy lifestyles.

A review of the management model options should be considered. This would include investigating the various models in the market and/or shared services model between other surrounding councils.

### **Affordability of a new facility - capital and operational costs**

The most significant challenge for Council in determining a future indoor aquatics facility is the affordability to build and operate such a facility. This includes the ability to attract sufficient capital funding for a new facility and, more importantly, the ability to sustain the ongoing operational cost.

Opportunities to ensure residents across the Shire can access aquatics services should be considered. This may include bus services or alternate models of provision i.e., supporting learn to swim businesses.

### **Potential Partnerships**

It was evident from the key stakeholder interviews with the regional health providers that future partnership opportunities should be further explored. This could include co-location opportunities, integrated programming and a shared focus on community health and wellbeing alliances.

Opportunities for partnerships with governments, private sector operators, schools, community organisations and commercial businesses should be explored for funding, sustainable management models and shared use/facility location opportunities.

Based on the above key issues, the draft proposed vision and objectives of the Hepburn Aquatics Strategy are:

## **PROPOSED DRAFT VISION**

***“Provide sustainable, affordable and accessible aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.”***

## **PROPOSED DRAFT OBJECTIVES**

**Objective 1:** Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs.

**Objective 2:** Existing facilities are well managed and maintained to meet current design and operational industry standards.

**Objective 3:** Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for the community.

**Objective 4:** Future design of facilities will be operationally sustainable and based on contemporary design principles.

The recommended future development options are based on the following localised trends:

- Need for funding investment to address the operational and technical issues identified via the detailed facility audits of the ageing facilities.

- Opportunity to integrate key facilities and service areas at one location to support year-round access to aquatics facilities to support learn to swim and therapy-based activities.
- New leisure and water play opportunities to continue to support the informal leisure/social/family markets and access to an aquatics experience in small townships.
- Consider opportunities to support indoor health and fitness programs and services.
- Improvements to disability access, amenities, improved shade, more seating and landscaping.
- Maintaining the existing pools is the priority in the immediate to medium term. However, if the cost of these works cannot be afforded over the long term, Council may be forced to close one or more of the existing pools.
- Need to consider the future management arrangements of the facilities to ensure the long-term sustainability of operations.

## DRAFT STRATEGIC RECOMMENDATIONS

Based on the above, the recommended draft Strategic Directions for the Hepburn Aquatics facilities are as follows, noting that further detailed planning work is required to fully understand Council's ability to fund the future development options identified.

### **Strategic Direction 1: Facility Upgrades - Compliance and OH&S Works**

Undertake recommended upgrades identified in Technical Review audits to meet current compliance and OH&S requirements.

### **Strategic Direction 2: Management and Operation**

To ensure the management and operations of the facilities is financially sustainable for Council and aligned to industry trends and compliance requirements it is recommended that Council undertake a detailed assessment of the options available and associated costs and benefits for the future management of the facilities. This would include:

- Inhouse Model
- External Contractor
- Company Limited by Guarantee
- Lease.

### **Strategic Direction 3: Facility Programming and Activation**

Undertake a review of the current programming of the outdoor pools. Develop and implement new programming and activation opportunities across the outdoor pools to encourage greater participation outcomes. This may include more regular aquatics programs, special events, family fun days, community partnership activities and promotions, themed activity days and increased school use.

### **Strategic Direction 4: Asset Management Plan**

To ensure the aquatics facilities are maintained in accordance with industry standards it is recommended that Council implement an Aquatics Facilities Asset Management Plan and site-specific maintenance plans for all aquatics facilities in line with Technical Assessments.

### **Strategic Direction 5: Outdoor Pool Upgrades**

Further investigate identified upgrade options to the three outdoor pools in Daylesford, Clunes and Trentham. This includes the provision of warmer water, amenities, plant rooms and associated infrastructure.

**Strategic Direction 6: Water Play Upgrades**

Develop concept plans and cost estimates for the addition of water play facilities at the three outdoor pools to cater for the growing expectations of different aquatics experiences for families and children. This should include consideration of the enhancement of features at the Creswick Splash Park and further investigation and exploration of the identified replacement options for Calembreen Toddlers Pool to ensure compliance with industry guidelines.

**Strategic Direction 7: Indoor Aquatics Facility Planning**

The Aquatics Strategy identifies the need for access to an indoor all year-round aquatics facility to support the needs of Hepburn Shire residents.

Further detailed planning work including feasibility, business case and funding strategy is required to fully understand Council's ability to fund, develop and operate an indoor aquatics facility.

The scope of the detailed investigation should include exploring Aquatics Provision Options, Facility Benchmarking of similar size aquatics facilities within the rural and regional areas, Facility Components, Concept Plan, Capital Cost estimate, Financial Operating Model, Site Assessment, Funding Strategy (Council and External).

## 2. Phase Two Public Exhibition and Engagement

Phase two engagement for the draft Aquatics Strategy was conducted between 16 February and 18 March 2022. The project was published on Council's Participate Hepburn online engagement platform after the Council meeting held on Tuesday, 15 February 2022. The Public Exhibition engagement activities included:

- Four (4) in-person pop-in consultation sessions
- Key stakeholder online interviews
- School online and in-person interviews
- Written submissions
- Online community survey via Council's Participate Hepburn webpage.

### 2.1 COMMUNITY POP IN SESSIONS

Four "pop-in" sessions were offered to provide residents and stakeholders an opportunity to attend a scheduled in person consultation session. The four sessions were conducted at the following locations:

- Trentham Outdoor Pool - Friday, 25 February 2022 (3.30pm - 6.30pm)
- Clunes Outdoor Pool - Friday, 4 March 2022 (3.30pm - 6.30pm)
- Creswick Splash Park - Saturday, 5 March 2022 (10.00am - 1.00pm)
- Daylesford Outdoor Pool - Thursday, 10 March 2022 (3.30pm - 6.30pm).

A total of 13 people provided feedback at the pop-up sessions across the four days. Council officers and representatives from Otium Planning Group were in attendances to answer questions and record feedback on the draft Aquatics Strategy.

The following table provides a summary of the key issues and feedback received at the four sessions.

**Table 1: Pop-Up Sessions Feedback Summary**

Key Theme/Issue	Comments and Feedback Received
<b>Vision Statement</b>	<ul style="list-style-type: none"> <li>• General support for the draft Vision.</li> <li>• Several comments that it should contain "year-round" in the wording.</li> <li>• Sustainability could be added to the wording.</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• General support for the objectives.</li> <li>• Disabled access is important to be recognised.</li> <li>• Support for objectives 1 and 2.</li> <li>• Objective 3 too high level could be improved.</li> </ul>
<b>Strategic Direction 1: Facility Upgrades - Compliance and OH&amp;S Works</b>	<ul style="list-style-type: none"> <li>• Support to upgrade existing facilities in terms of accessibility, compliance, water quality and change room improvements.</li> <li>• Calemben Park Toddlers Pool needs to be retained and upgraded.</li> <li>• More regular maintenance needed at Clunes Pool.</li> </ul>
<b>Strategic Direction 2: Management and Operations</b>	<ul style="list-style-type: none"> <li>• General support for the recommendation.</li> </ul>

Key Theme/Issue	Comments and Feedback Received
	<ul style="list-style-type: none"> <li>Free entry has been successful at Trentham and Clunes, and strongly support this to be continued at all pools.</li> <li>Clunes pool staff are great, need to address shortages though and provide more time for staff to undertake maintenance/cleaning prior to opening each day.</li> <li>Extend the season at Clunes.</li> </ul>
<b>Strategic Direction 3: Programming and Activation</b>	<ul style="list-style-type: none"> <li>General support for the recommendation.</li> <li>More activation and programs would be good.</li> <li>Open for morning lap swimming at Clunes would be good.</li> <li>More programs such as aqua aerobics should be offered.</li> <li>More events would be good to encourage more families, clubs and community groups to use the facilities.</li> <li>Opportunities to partner with Clunes neighbourhood house for events, activation and older adult participation.</li> <li>Trial of early morning and longer opening hours at Clunes pool.</li> </ul>
<b>Strategic Direction 4: Asset Management Plan</b>	<ul style="list-style-type: none"> <li>General support for the recommendation.</li> <li>Clunes pool needs improved security measures such as CCTV cameras.</li> <li>Council should allocate larger recurrent maintenance budgets for all pools.</li> </ul>
<b>Strategic Direction 5: Outdoor Pool Upgrades</b>	<ul style="list-style-type: none"> <li>General support for the recommendations.</li> <li>Trentham changerooms need upgrades.</li> <li>Better pool heating would be good for Trentham Pool.</li> <li>Clunes pool upgrades are needed including changerooms, grounds, shade structures, accessibility improvements, ramp into pool.</li> <li>Not just about maintaining the current infrastructure, need to enhance the facilities and lift cleaning standards.</li> <li>Clunes Recreation Reserve Master Plan should consider the pool in the precinct planning. Stadium has a non-compliant court which should also be included in the Master Plan.</li> </ul>
<b>Strategic Direction 6: Waterplay Upgrades</b>	<ul style="list-style-type: none"> <li>Toddlers Pool could be added to Creswick Splash Park, rather than replacing Calembeen Park Toddlers Pool with splashpad.</li> <li>More shade needed at Creswick Splash Park for families.</li> <li>Clunes water play upgrade must include some toddlers pool water space.</li> <li>Master Plan of pool sites should be considered before any upgrade works.</li> </ul>
<b>Strategic Direction 7: Indoor Aquatic Facility Planning</b>	<ul style="list-style-type: none"> <li>General support for feasibility study to progress quickly for the future indoor pool.</li> <li>Community believes an indoor pool would likely be built in Daylesford. Creswick likely to miss out as Council spends more money on Daylesford.</li> <li>Support for Indoor Pool to be built in Creswick, as they have no facility and residents all drive to Ballarat for these services.</li> <li>An indoor facility would be restrictive for Clunes residents to access due to travel time and road conditions in winter.</li> </ul>

Key Theme/Issue	Comments and Feedback Received
<b>Other Comments</b>	<ul style="list-style-type: none"> <li>• Public transport is a significant barrier for many residents, particularly around Daylesford.</li> <li>• More shade and seats needed at all pools, Creswick Splash Park and Calemben Toddlers Pool.</li> <li>• Longer opening hours on weekends needed.</li> <li>• Disabled access improvements needed at Calemben Park.</li> <li>• Creswick Splash Park is very popular with locals and tourists.</li> <li>• More thought needed into playground equipment at Creswick Splash Park to cater for other activities.</li> <li>• Creswick Splash Park is only suitable for toddlers, older kids still have nowhere to swim or have lessons.</li> <li>• Existing outdoor pools are very important to the community.</li> <li>• Clunes pool needs more attention to maintenance and cleaning e.g., scum lines.</li> <li>• Would like to see a diving board at Clunes Pool.</li> <li>• The Aquatics Strategy section on current performance needs to have a breakdown of costs per site.</li> </ul>

## 2.2 WRITTEN SUBMISSIONS

Six (6) written submissions were received via direct email correspondence with Council officers. The key issues from these submissions can be classified into the following themes.

1. Support for an Indoor Aquatics Facility as the highest priority recommendation.
2. Concerns that money will be wasted on further planning work rather than focusing on developing an indoor aquatics facility as the priority.
3. Concerns that investing in upgrades to the current facilities could be wasted or impact on Council's ability to fund an indoor aquatics facility.
4. Access to warm water is important for rehabilitation and exercise for the elderly, learn to swim and broader population of Hepburn.
5. Greater emphasis on improving access for people with disabilities to the current facilities.
6. The Vision statement should include "year-round."
7. The Aquatics Strategy should recommend Daylesford as the location of a future indoor facility.

## 2.3 KEY STAKEHOLDERS

Online interviews were conducted by Council officer and Otium representatives with key stakeholder groups and organisations between 8 March and 17 March 2022.

The purpose of the meetings was to provide each organisation with a brief presentation and the opportunity to provide direct feedback on the draft Aquatics Strategy, in particular the draft vision, objectives and strategic recommendations.

The following key stakeholders were invited to participate in briefing sessions to gather feedback on the draft Aquatics Strategy.



**Table 2: Key Stakeholder Interviews Schedule**

Stakeholder	Date	Time
Hepburn Shire Staff Workshop	Tuesday, 8 March	1.30pm - 3pm
Daylesford Indoor Aquatic Centre	Wednesday, 9 March	12pm - 1pm
Creswick and District Aquatic Centre	Tuesday, 15 March	9am - 10am
Sport and Recreation Victoria	Tuesday, 15 March	11am - 12pm
Hepburn Shire Council Disability Advisory Committee	Tuesday, 8 March	4pm - 5pm
Central Highlands Rural Health #1 (staff)	Tuesday, 15 March	1pm - 2pm
Central Highlands Rural Health #2 (management)	Tuesday, 15 March	12pm - 1pm
Daylesford Primary School	Thursday, 10 March	1pm - 2pm
Daylesford Secondary College	Thursday, 17 March	9am - 10am
Wesley College (Clunes)	Wednesday, 9 March	11am - 12pm
Bullarto Primary School	Wednesday, 9 March	4pm - 5pm
Clunes Primary School	The Clunes Primary School was contacted twice by email and twice by phone to convene an interview time, however no response was received.	
Creswick North Primary School	Wednesday, 9 March	10am - 11am
Creswick Primary School	Friday, 11 March	12pm - 1pm
Hepburn Primary School	Tuesday, 15 March	2pm - 3pm
Newlyn Primary School	The Newlyn Primary School was contacted twice by email and twice by phone to convene an interview time, however no response was received.	
Trentham Primary School	Friday, 11 March	10am - 11am

## KEY THEMES FROM STAKEHOLDER ENGAGEMENT SESSIONS

A summary of the feedback provided at the Stakeholder sessions is listed below.

### Acknowledge Council on the actions and directions in the Aquatics Strategy

- Groups are pleased that Council has acknowledged the need for an Indoor Aquatics Facility.
- There needs to be a clear plan that outlines the feasibility process and timing.
- Indoor Aquatics Facility planning to be the key priority.
- A decision on an indoor facility should be reached before investing money into existing facilities.
- The community needs to see tangible changes and quick wins in the short term.
- Acknowledgment that the Aquatics Strategic identifies the need for an Indoor Aquatics Facility but also addresses improvements to the existing outdoor pools.
- Outdoor pools are highly valued by the community.

- Schools are strong advocates for an Indoor Aquatics Facility to support learn to swim.
- Community health groups support the development of an Indoor Aquatics Facility to promote improved resident health and wellbeing.
- The development an indoor facility should include co-location opportunities.
- State Government supports the Aquatics Strategy and believes it provides Council with a robust strategic framework for the planning and provision of aquatics facilities across the Shire.

### **Access, Inclusion and Accessibility**

- Physical accessibility need improvement.
- Providing Lifeguard training.
- Fees and charges.
- Public transport access.
- Hepburn Bathhouse has limited accessibility.
- Access required to existing outdoor pools not just the potential future indoor facility.
- Travel is a barrier - schools and residents travelling to Ballarat and Kyneton Indoor Aquatic Facilities.

### **Support of an Indoor Aquatics Centre Feasibility Study**

- Need for all year-round access for swimming sport training.
- Strong support for local advocacy groups for the need of an Indoor Aquatics Facility with Daylesford and Creswick being identified as preferred locations for consideration.

### **Asset Management Plan**

- Support for the development of a long-term asset management plan as part of Council's wider asset management planning.

### **Young People**

- Need for safe inclusive space for young people to meet.
- Gap in the provision for suitable facilities for older children and teenagers.
- Access to warm water for learn to swim is a challenge.

### **Management and Operations**

- Support for external management option to be considered.
- Current facilities are inadequate - need for longer opening hours and extended season.
- The operating cost and utilisation of each facility should be available to make informed decisions.

### **Outdoor Pool Upgrades**

- Capacity for outdoor pools to be covered.
- Cold water temperatures of outdoor pools don't meet community needs.
- If Calembreen Park Toddlers Pool is removed a replacement solution needs to be provided.

## Other

- The Daylesford Primary School is currently investigating options for the pool space including decommissioning. The school pool has not been used for four years. The operating cost and inability to source swimming instructors stopped the learn to swim program on site.
- Daylesford Secondary College Master Plan supports an indoor aquatics facility to be built onsite in the next 10-15 years.

## 2.4 COMMUNITY SURVEY

The Draft Aquatics Strategy was released for public exhibition on February 16, 2022. The report was available on Council's Participate Hepburn website from 16 February 2022 to 18 March 2022. There were 779 visits to this page and a total of 31 responses were received.

The following provides a summary of the survey results.

### 2.4.1 Vision Statement

Respondents were asked if the Vision Statement for the Strategy was right and if there was anything that needed to be amended or added to the statement. Of the 31 responses received 14 believed the Vision Statement was right and 17 believed it was not right. The key additions requested included:

- The vision statement needs to include "year-round" and recognise the climatic and geographic conditions within the Shire.
- The statement should consider each location in the Shire to ensure the needs of each community hub are met.

Suggested revised Vision:

***Provide year-round, sustainable, affordable, and accessible aquatics facilities that recognises the climatic and geographic challenges of the Shire and brings Hepburn residents together to enjoy health, wellbeing, education, and leisure experiences.***

### 2.4.2 Objectives

Respondents were asked if the Objectives detailed in the Strategy were right and if there was anything that needed to be amended or added.

Of the 31 responses received 10 believed the Objectives within the Strategy were right and 21 believed they were not right. The key additions requested included:

- Objective One - should be to provide year-round access to heated aquatics facilities.
- Objective Two - needs to acknowledge the need to replace outdated and unsustainable existing infrastructure that doesn't meet current community needs.
- Objective Three - should reference all people in the community including young and old, healthy, and needing rehabilitation and able-bodied as well as people living with disabilities.
- Objective Four - needs to include the need to phase out and replace existing infrastructure which is not able to be converted to modern design and amenity.

### 2.4.3 Positive Aspects of the Strategic Directions

The Strategy includes seven Strategic Directions with accompanying recommendations to guide the implementation of the Strategy and future provision and management of the Hepburn Aquatics Facilities.

Respondents were asked what they liked about each strategic direction and if there was anything that needed to be amended or added.

## **Strategic Direction 1: Facility Upgrades - Compliance and OH&S Works**

### ***What they liked about the Strategic Direction:***

- Strategic Direction 1 has identified the issues with the current facilities and that the facilities do not meet contemporary OH&S and compliance regulations.
- It also recognises that Council has not adequately maintained aquatics facilities in the Shire even in the most recent facility, the Creswick Splash Park.
- The Technical Review has identified that there are risks associated with poor management and that the facilities do not meet contemporary OH&S and compliance regulations.
- The Strategic Direction takes into consideration maintaining existing facilities as well as develop a modern indoor facility.

### ***Suggestions for amendments or additions:***

- Priority of the strategy should be to prepare the business case and feasibility study for an indoor aquatics facility at Daylesford/Hepburn.
- The Facility Upgrades direction should identify when each pool will reach the end of its life.
- The strategy should recognise that facilities have a limited life expectancy, are underutilised, and do not meet current community expectations.
- Essential/mandatory works for compliance should be identified to determine if the facilities are operationally sustainable in the medium to longer term.
- Twenty-year facilities upgrade plan is required which should be then communicated to the community.
- Council needs to have the courage to take a leadership role and not rely on residents to provide feedback on outdated facilities when they do not use them.
- Before money is spent on fixing and replacing existing facilities (a band aid approach) there needs to be overall facilities upgrade and redesigned plan.

## **Strategic Direction 2: Management and Operation**

### ***What they liked about the Strategic Direction:***

- Strategic Direction 2 identifies a lack of an effective management structure and process. This has been clear for many years, but Council has failed to address issues such as low utilisation, deteriorating facilities and high cost per entry.
- The concern around facility management is clearly identified including the high cost associated with in-house staff management.
- Partnership with education and health would be worth further investigation.
- Developing an indoor heated pool with other leisure facilities such as gyms, courts, meeting rooms may off set running cost.
- More emphasis on management and operation of the three outdoor pools is needed, particularly at the beginning of the season.

### ***Suggestions for amendments or additions:***

- The draft Strategy should include the usage levels of each facility separately to ensure Council can make informed decisions.
- Given the limited life expectancy of existing facilities and the need for an indoor facility, the Management and Operation review should be part of the Indoor Aquatics Facility Planning (Strategic Direction 7).
- Management option reviews should include the option of outsourcing management.

### **Strategic Direction 3: Programming and Activation**

#### ***What they liked about the Strategic Direction:***

- Strategy at least recognises the need to take action to address current underutilisation.
- The Strategy recognises that existing facilities are underutilised and are not serving the needs of the community.
- Crucial to the success of any aquatics program is the ongoing support and promotion by Council.
- There is a great opportunity to build cohesiveness and cooperation between parts of the Shire.

#### ***Suggestions for amendments or additions:***

- The key to increasing usage is to fix the water temperature problem as the majority of the community are not going to use the facilities until this is addressed with an indoor aquatic facility.
- Facilities need to be activated immediately, cannot wait for further reviews to be undertaken.
- Activation should encourage interaction between groups in different parts of the Shire e.g.: School swimming sports between all primary schools in the Shire; older adults swimming lessons.
- Need to provide well planned and advertised activities for all ages such as more Learn to Swim sessions, Water Aerobics/ Exercise classes and Family events.
- Need to ensure the hours of operation are constant. The temperature policy is also a problem and confusing.

### **Strategic Direction 4: Asset Management Plan**

#### ***What they liked about the Strategic Direction:***

- Facilities have not been well managed and have fallen into disrepair.
- Strategic Direction 4 puts the onus on Council to manage its aquatics facilities.
- Concern that an asset management plan does not already exist.

#### ***Suggestions for amendments or additions:***

- It is anticipated that there is expertise within Council to develop an Asset Management Plan, if not Council should recruit these skills.
- This planning is a high priority but should not be outsourced.
- Improvements and asset management plans for 'other' bodies of water, like Lake Daylesford and Jubilee Lake, should also be developed.

### **Strategic Direction 5: Outdoor Pool Upgrades**

#### ***What they liked about the Strategic Direction:***

- Strategic Direction 5 recognises that Council has failed in its responsibility to adequately maintain and improve the existing pools.
- Accepting the age of the three outdoor pools, the plan to keep them in safe and good condition into the next 5-10 years is a good plan.
- The Strategic Direction recognises that one segment of our population does not have adequate aquatics facilities. It fails to recognise that all segments of the population have inadequate access to aquatics facilities.

***Suggestions for amendments or additions:***

- An overall plan for an Aquatics Strategy must be developed before heating outdoor pools is considered.
- If funding for heating the outdoor pools (from State or Federal funds) will jeopardise in any way the likelihood of attracting funding for an indoor aquatic's facility, the upgrades should not be considered.
- Council should do the bare minimum to maintain facilities in the short term until an indoor facility is operational.
- Accessibility to pools e.g., physically getting there from home as well as physically getting into pool for those with a disability should be a priority.

**Strategic Direction 6: Water Play Upgrades*****What they liked about the Strategic Direction:***

- Strategic Direction 6 recognises the need to enhance facilities to encourage participation and recognises that existing facilities are not suited to the current needs of residents.
- The focus on water play as another way for parents and children to spend time outdoors together is positive. These facilities do not require the plant and space demanded for by indoor swimming pool.
- However, water play/water parks should not become a Council's go-to ahead of swimming pools.
- Water parks do not allow children of all abilities to access water play. Swimming pools do.

***Suggestions for amendments or additions:***

- This recommendation should be a low priority and it should be considered as part of the plan.
- Water play areas provide enjoyment for young children but they do not address the need for learn to swim, exercise for older residents, rehabilitation which are the priorities.

**Strategic Direction 7: Indoor Aquatic Facility Planning*****What they liked about the Strategic Direction:***

- This objective should be first in your list, to provide year-round access to a heated aquatics facility.
- It is pleasing that independent advice has confirmed the need for an indoor all year-round solution.
- It is pleasing that finally, Council has received independent, external advice that there is a need for access to an indoor all year-round aquatics facility.
- Council has a responsibility to provide facilities that promote health and well-being across all age groups and abilities.

***Suggestions for amendments or additions:***

- Strategic Direction 7 is the most important recommendation and should be placed at the top of the list of recommendations rather than at the bottom. Council must accept the identified need for a community facility and should budget for a feasibility study, business case and management and operational plan as a priority.
- The plan should incorporate Recommendation 2 (Management and Operation) and Recommendation 3 (Facility programming and Activation) as part of the Business case. It should also include Recommendation 4 (Asset Management Plan) and Recommendation 5 (Outdoor Pool Upgrades) as part of an overall plan to manage Council aquatics facilities including the

eventual closure of outdoor pools which are beyond their useful life or no longer operationally viable.

- The budget allocation must be included in the 2022/23 budget and should be completed in time for planning for the 2023/24 budget.

#### 2.4.4 Success of the Draft Aquatics Strategy to Guide Future Directions

Respondents were asked if they felt the draft Aquatics Strategy provided all the key elements required to guide the future strategic direction for aquatics services and facilities over the next 10 years

Of the 31 responses received 11 believed the Strategy included all the key elements required to guide the future direction for aquatics services and facilities over the next 10 years right and 20 believed not all of the elements were included. The key additions requested to be included in the Strategy include:

- The prioritisation of an indoor all year-round facility.
- The need to provide improved access to learn to swim programs for schools.
- A detailed breakdown of operational performance including usage and financial results of each facility.
- The need to further address the issue of access for people with disabilities.
- The need to understand the environmental costs.
- More detail and clear demonstration of thought and decision-making processes.

#### 2.4.5 Other Comments

Respondents were invited to make any further comments about the draft Hepburn Aquatics Strategy. The key issues identified were:

- There is a need to be more definitive about the preferred location of an indoor aquatics facility. This question is not answered in the Strategy.
- Given the size of the Daylesford community, the current long distance from appropriate aquatics facilities and the existing ageing and costly infrastructure, the Strategy should specify Daylesford as the preferred location.
- The availability of inclusive facilities is critical to the physical and mental well-being of people with a disability.
- DIAC has made submissions to council including a Scoping Study in 2018 and a draft business and operation plan in 2021. Both documents showed that a sustainable facility was possible if the capital funding was largely from grants.
- Council needs to do its own due diligence in assessing a project of this size, but four years have been lost for another election cycle as we are not able to take advantage of State or Federal elections in 2022.
- The feasibility and the need have been demonstrated and Council should now progress without further delay to a proper business plan upon which capital funding can be sought via grants and, if appropriate, community funding.
- It is exciting to read the draft Hepburn Aquatics Strategy and to feel the feedback of residents has been considered in its formation.

### 3. Implications for the Draft Aquatics Strategy

The following table provides a summary of the key issues and opportunities identified during the public exhibition engagement process for the draft Aquatics Strategy. The table below identifies the key issues and themes that were gathered during the engagement activities and the recommendation on how the issue could be responded to in the final Aquatics Strategy.

**Table 4: Public Exhibition Feedback Themes, Key Issues and Recommendations**

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><b>Vision Statement</b></p> <p><i>Provide sustainable, affordable and accessible aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences</i></p>	<p>The vision should include:</p> <ul style="list-style-type: none"> <li>• Recognition of the need for an indoor all year-round aquatic facility.</li> <li>• Reference to the geographic and climatic conditions within the Shire.</li> </ul>	<p>The current vision provides a broad statement that encompasses aquatic provision and services now and into the future. More planning and feasibility work is needed in regard to providing an indoor facility and providing access to year-round aquatics provision has been included in the Vision. Reference to the geographic and climatic conditions within the Shire are captured in Section 7.1 Key Issues and as such are not required as part of the Vision Statement.</p>	<p>Minor change to Vision Statement:</p> <p><i>Provide access to sustainable, affordable year-round aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.</i></p>
<p><b>Objective 1:</b></p> <p><i>Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs</i></p>	<p>Needs to reference indoor year-round facility.</p>	<p>The current Objective 1 provides a broad statement that encompasses access to aquatic provision and facilities now and into the future. More planning and feasibility work is needed in regard to providing an indoor all year-round facility which is captured in Section 7.4 Recommended Strategic Directions.</p>	<p>Minor change to Objective 1: (Additional words added in italics)</p> <p>Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs <i>for all, including people with a disability, children, youth and older adults.</i></p>



Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
	Suggestion to add more emphasis on access and inclusion in the Aquatics Strategy	Noted. Add the words <i>for all including people with a disability, children, youth and older adults</i> to Objective 1 to recognise that the Aquatics Strategy is all encompassing and provides aquatics facilities for all.	
<p><b>Objective 2:</b></p> <p><i>Existing facilities are well managed and maintained to meet current design and operational industry standards</i></p>	Acknowledge the need to replace outdated and unsustainable existing infrastructure that does not meet community need.	The need to replace outdated and unsustainable existing infrastructure that does not meet community need is not required to be included in Objective 2 as this is identified in Section 7.4 Recommended Strategic Directions which includes facility upgrades - Compliance and OH&S works, Asset Management planning and outdoor pool and water play upgrades subject to achieving funding.	No change to Objective 2
<p><b>Objective 3:</b></p> <p><i>Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for the community</i></p>	Should reference all people in the community including young, old, able bodied and people living with a disability.	Noted. Amend Objective 3 to reference people within the community by replacing the words 'for the community' to 'for all, including people with a disability, children, youth and older adults.	<p>Minor change to Objective 3. (Additional words added in italics)</p> <p>Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for <i>all, including people with a disability, children, youth and older adults.</i></p>
<p><b>Objective 4:</b></p> <p><i>Future design of facilities will be</i></p>	Needs to include that existing facilities that are not sustainable or easily modified to meet contemporary design should be phased out as new facilities are brought online.	Further work and analysis are needed before Council can commit to the phasing out of existing facilities. The further work to be undertaken is	<p>Minor change to Objective 4: (Additional words added in italics)</p> <p>Future design of facilities will be operationally sustainable and based</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><i>operationally sustainable and based on contemporary design principles</i></p>	<p>Suggestion to add more emphasis on access and inclusion in the Aquatics Strategy.</p>	<p>identified in Section 7.4 Recommended Strategic Directions which includes facility upgrades - Compliance and OH&amp;S works, Asset Management planning and outdoor pool and water play upgrades subject to achieving funding. The assessment of existing facilities will be undertaken at this time.</p> <p>Noted. Add the words <i>universal and inclusive</i> design principles to emphasise that the Aquatics Strategy encompasses accessibility and gender equity outcomes.</p>	<p>on contemporary <i>universal and inclusive</i> design principles.</p>
<p><b>Strategic Direction 1: 7.4.1 Facility Upgrades - Compliance and OH&amp;S Works</b></p>	<p>There was recognition that the facilities need to be upgraded and compliant.</p> <p>Feedback that Strategic Direction 1 should be to undertake the indoor aquatic facility feasibility and business case as the key priority.</p>	<p>Strategic Directions are not presented in a priority order however it is noted that a strong theme arising from the consultation was to re number the Strategic Directions and make Strategic Direction 7.4.7 Indoor Aquatics Facility Planning, Strategic Direction 7.4.1. Strategic Direction 7.4.1 Facility Upgrades - Compliance and OH&amp;S works will remain to recognise the need to undertake compliance and OH&amp;S works to existing facilities. Strategic Direction 7.4.7 Indoor Aquatics Facility Planning will be changed to 7.4.2. The recommendations within each Strategic Direction identifies a timeline and indicative cost estimate.</p>	<p>No change to Strategic Direction 1 Text.</p> <p>Change the numbering <i>7.4.7 Indoor Aquatics Facility Planning</i> to <i>7.4.2 Indoor Aquatics Facility Planning</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><b>Strategic Direction 2: 7.4.2 Management and Operation</b></p>	<p>Feedback on Strategic Direction 2 recognises the need for effective management of the aquatic facilities.</p> <p>Opportunities for more sustainable management options should be prioritised.</p> <p>Council needs to have access to site based operational data including utilisation numbers for individual facilities.</p> <p>Future management and operation of the facilities should be included in the indoor facility planning.</p>	<p>Noted.</p> <p>This is identified in the Action Plan to be undertaken in the Short Term 1-3 years.</p> <p>This data is collected at Aquatic Facilities that are staffed i.e., Clunes, Trentham and Daylesford outdoor community pools. Collection of data at other sites such as Creswick Splash Park and Calembeen Park Toddlers Pool would require additional resources. This will be explored as part of future planning for these sites and implementation of the Aquatics Strategy Actions.</p> <p>Determining the most suitable option for the future management of the aquatics facilities and developing an implementation plan is identified in the Action Plan to be undertaken in the Short Term 1-3 years. This will include undertaking further detailed investigation and the development of a feasibility study/business case for an indoor aquatics facility. The feasibility study would explore at a high level the management options for an Indoor Aquatic Facility and also consider the existing aquatics facilities management model.</p>	<p>No change to Strategic Direction 2 Text.</p> <p>Change the numbering <i>7.4.2 Management and Operation</i> to <i>7.4.3 Management and Operation</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<b>Strategic Direction 3: 7.4.3 Facility Programming and Activation</b>	<p>The Strategy recognises that the existing facilities are underutilised and are not catering for all market segments.</p> <p>Suggestion that cold water pools do not support participation, and this will not be addressed until there is access to an indoor all year-round facility.</p> <p>Feedback received that the facilities need to support young people, older adults and people with disabilities.</p> <p>Support for the recommendation to improve programming and activation.</p> <p>Support for more promotion of events to activate the pools over summer.</p> <p>Feedback that a review of the weather policy and operating hours is supported.</p>	<p>Noted.</p> <p>Noted. This Strategic Direction recommends undertaking a review of the current programming of the outdoor pools. The outdoor pools are used and enjoyed by the community and there are opportunities to develop and implement new programming and activation at the existing facilities.</p> <p>Noted and this will be included in the development of a programming and activation plan for each outdoor pool.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>No change to Strategic Direction 3 Text.</p> <p>Change the numbering <i>7.4.3 Facility Programming and Activation</i> to <i>7.4.4 Facility Programming and Activation</i></p>
<b>Strategic Direction 4: 7.4.4 Asset Management Plan</b>	<p>Recognition of the need to develop and implement an asset management plan is supported.</p> <p>Suggestion that asset management planning should be an internal responsibility of Council.</p>	<p>Noted.</p> <p>Noted. Developing an Asset Management plan for Aquatics Facilities is highly technical and specialised and requires expert advice. Given this, the engagement</p>	<p>No change to Strategic Direction 4 Text.</p> <p>Change the numbering <i>7.4.4 Asset Management Plan</i> to <i>7.4.5 Asset Management Plan</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
	<p>Suggestion that improvements and asset management plans for other bodies of water, like Lake Daylesford and Jubilee Lake, should also be developed.</p>	<p>of suitably qualified Industry expert/s will be required to develop an Asset Management Plan.</p> <p>Noted. Natural water bodies are recognised in the Aquatics Strategy as part of the complementary network of aquatics facilities across the Shire however no need has been identified to develop Asset Management Plans for these facilities as part of the Aquatics Strategy.</p>	
<p><b>Strategic Direction 5: 7.4.5 Outdoor Pool Upgrades</b></p>	<p>Accepting the age of the three outdoor pools, the plan to keep them safe and good condition into the next 5-10 years is a good plan.</p> <p>Recognition that minimal upgrades will be required to keep facilities operational until an indoor facility can be developed.</p> <p>Suggestion that Council should not invest in heating of the outdoor pools until an indoor pool feasibility is completed.</p> <p>Once an indoor facility is operational a cost benefit analysis of heating the outdoor pools is required.</p>	<p>Noted. Strategic Direction 5 includes further investigate identified upgrade options to the three outdoor pools in Daylesford, Clunes and Trentham. This includes the provision of warmer water, amenities, plant rooms and associated infrastructure. A short-term action (1-3 years) is to undertake a cost benefit analysis report of installing electric heat pumps to replace the solar heating system to increase the water temperature. This piece of work will then guide implementation. Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</p>	<p>Add the following statement to Strategic Direction 5 - Outdoor pool Upgrades:</p> <p><i>Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</i></p> <p>Change the numbering 7.4.5 Outdoor Pool Upgrades to 7.4.6 Outdoor Pool Upgrades</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<b>Strategic Direction 6: 7.4.6 Water Play Upgrades</b>	<p>Recognition that water play facilities have a role in providing opportunities for families and children to spend time outdoors together.</p> <p>Suggestion that water play facilities do not meet the needs of people with disabilities.</p> <p>Suggestion that water play should be invested in prior to the development of an indoor facility.</p> <p>Suggestion that water play areas do not address the need for learn to swim which is a priority.</p>	<p>Noted. Investment in water play upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</p>	<p>Add the following statement to Strategic Direction 6 - Water Play Upgrades:</p> <p><i>Investment in water play upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</i></p> <p>Change the numbering 7.4.6 Water Play Upgrades to 7.4.7 Water Play Upgrades</p>
<b>Strategic Direction 7: 7.4.7 Indoor Aquatics Facility Planning</b>	<p>Recognition that the community is pleased that Council has acknowledged the need for an indoor facility.</p> <p>Suggestion that Council needs to allocate funding in the 2022/23 budget for the feasibility study and should be completed in time for planning for the 2023/24 budget.</p> <p>Feedback that Strategic Direction 7 should be the key priority for funding and should become Strategic Direction 1 in the Aquatics Strategy.</p>	<p>Noted.</p> <p>Noted. Allocation of funding will be referred to Council as part of the Council Report to adopt the Aquatics Strategy.</p> <p>Strategic Directions are not presented in a priority order however it is noted that a strong theme arising from the consultation was to re number the Strategic Directions and make Strategic Direction 7.4.7 Indoor Aquatics Facility Planning, Strategic Direction 7.4.1. Strategic Direction 7.4.1 Facility Upgrades - Compliance and OH&amp;S works will remain to recognise the need to undertake</p>	<p>Change the numbering 7.4.7 Indoor Aquatics Facility Planning to 7.4.2 Indoor Aquatics Facility Planning</p> <p>Include the following statement in the Officer recommendation section of the Council Report to adopt the Aquatics Strategy:</p> <p><i>That Council considers an allocation within Council's Annual Budget to implement Year 1 Recommended Actions of the Hepburn Shire Council Aquatics Strategy including undertaking the feasibility of future indoor aquatics provision within the Shire.</i></p> <p>Minor change to Strategic Direction 7: (Additional words added in italics)</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
	<p>Feedback that an indoor facility should be developed in Daylesford as the priority over Creswick.</p> <p>Suggestion to add more emphasis on access and inclusion in the Aquatics Strategy</p>	<p>compliance and OH&amp;S works to existing facilities. Strategic Direction 7.4.7 Indoor Aquatics Facility Planning will be changed to 7.4.2.</p> <p>Noted. Site analysis work will be undertaken as part of the Indoor Aquatics Facility Feasibility Study to identify a preferred location.</p> <p>Noted. Add the words <i>universal and inclusive</i> design principles to the scope of the detailed investigation for Indoor Aquatics Facility feasibility and planning to emphasise that the Aquatics Strategy encompasses accessibility and gender equity outcomes.</p>	<p>The scope of the detailed investigation should include exploring Aquatics Provision Options, Facility Benchmarking of similar size aquatics facilities within the rural and regional areas, Facility Components <i>including universal and inclusive design principles</i>, Concept Plan, Capital Cost estimate, Financial Operating Model, Site Assessment, Funding Strategy (Council and External).</p>
<b>Disability Access and Inclusion Plan</b>	<p>Feedback that the Draft Report does not include a summary of the Hepburn Disability Access and Inclusion Plan in the strategic review section. Request for this to be added.</p>	<p>Noted. Summary of the 2018-2022 Hepburn Shire Disability Access and Inclusion Plan to be added to Section 3 of the Aquatics Strategy Report.</p>	<p>Include additional information and reference to Council's Disability Access and Inclusion Plan (2018 - 2022) in Section 3 Strategic Review.</p>
<b>Youth Strategy</b>	<p>Feedback that the new Youth Strategy is currently under development. There has been feedback that outdoor pools are important gathering places for the youth to congregate. The pools are identified as a safe place for the youth to socialise and relax.</p>	<p>Noted. Summary of the 2016-2021 Hepburn Shire Youth Strategy to be added to Section 3 of the Aquatics Strategy Report.</p>	<p>Include additional information and reference to Council's Youth Strategy (2016 - 2021) in Section 3 Strategic Review.</p>
<b>Early and Middle Years Strategy</b>	<p>Suggestion to add reference in the Aquatics Strategy to the Hepburn Shire Early and Middle Years Strategy.</p>	<p>Noted. Summary of the Hepburn Shire Early and Middle Years Strategy to be added to Section 3 of the Aquatics Strategy Report.</p>	<p>Include additional information and reference to Council's Early and Middle Years Strategy in Section 3 Strategic Review.</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<b>Positive Ageing Strategy</b>	Suggestion to add reference in the Aquatics Strategy to the Hepburn Shire Positive Ageing Strategy.	Noted. Summary of the Hepburn Shire Positive Ageing Strategy to be added to Section 3 of the Aquatics Strategy Report.	Include additional information and reference to Council's Positive Ageing Strategy in Section 3 Strategic Review.
<b>Success of the draft Aquatics Strategy to drive future directions</b>	<p>The need for access to all year-round facilities was reinforced.</p> <p>Some community concern about the operational costs of providing aquatics facilities.</p> <p>Access to indoor facilities for people with disabilities was identified as a key priority.</p> <p>Access to indoor facilities for learn to swim was identified as a key priority.</p> <p>Concerns about the environmental cost of lack of local access to an indoor facility.</p>	Noted.	No changes to the Strategic Directions.
<b>Other</b>	<p>Concern expressed that a location for an indoor facility was not identified as part of the Aquatics Strategy.</p> <p>Feedback that an indoor facility should be co-located with other services such as gym, childcare and health services.</p> <p>Feedback that Council should progress with the indoor facility planning without further delays.</p>	<p>Noted. The feasibility study will assess the location and components to be included in a potential future indoor aquatic facility. A comprehensive site assessment process is recommended in the scope of the feasibility study project brief.</p> <p>The component schedule should respond to the needs identified within the Aquatics Strategy.</p>	No changes to the Strategic Directions.





PO Box 21 Daylesford 3460  
P: 03 5348 2306

[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)  
[www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)  
 [www.facebook.com/hepburncouncil](https://www.facebook.com/hepburncouncil)

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**DAYLESFORD**

Cnr. Duke & Albert Streets,  
Daylesford  
8:30am – 5:00pm

**CRESWICK**

Creswick Hub  
68 Albert Street, Creswick  
8:30am – 5:00pm

**TRENTHAM**

13 Albert Street, Trentham  
Mon, Wed, Fri 10am-5pm  
Sat 10am-1pm

**CLUNES**

The Warehouse – Clunes  
36 Fraser Street, Clunes  
Mon & Thurs 10am – 6pm  
Wed & Fri 10am – 4pm

Prepared by Otium Planning Group Pty Ltd  
304/91 Murphy Street Richmond VIC 3121  
ABN: 30 605 962 169 Phone: (03) 9698 7300  
Email: [info@otiumplanning.com.au](mailto:info@otiumplanning.com.au)  
Web: [www.otiumplanning.com.au](http://www.otiumplanning.com.au)

Local Office:  
Contact: Kate Maddock,  
Managing Director  
Phone: 0419 316 540  
[kate@otiumplanning.com.au](mailto:kate@otiumplanning.com.au)



## *4. Warranties and Disclaimers*

The information contained in this report is provided in good faith. While Otium Planning Group has applied their own experience to the task, they have relied upon information supplied to them by other persons and organisations.

We have not conducted an audit of the information provided by others but have accepted it in good faith. Some of the information may have been provided 'commercial in confidence' and as such these venues or sources of information are not specifically identified. Readers should be aware that the preparation of this report may have necessitated projections of the future that are inherently uncertain and that our opinion is based on the underlying representations, assumptions and projections detailed in this report.

There will be differences between projected and actual results because events and circumstances frequently do not occur as expected and those differences may be material. We do not express an opinion as to whether actual results will approximate projected results, nor can we confirm, underwrite or guarantee the achievability of the projections as it is not possible to substantiate assumptions which are based on future events.

Accordingly, neither Otium Planning Group, nor any member or employee of Otium Planning Group, undertakes responsibility arising in any way whatsoever to any persons other than client in respect of this report, for any errors or omissions herein, arising through negligence or otherwise however caused.

### 3. Implications for the Draft Aquatics Strategy

The following table provides a summary of the key issues and opportunities identified during the public exhibition engagement process for the draft Aquatics Strategy. The table below identifies the key issues and themes that were gathered during the engagement activities and the recommendation on how the issue could be responded to in the final Aquatics Strategy.

**Table 4: Public Exhibition Feedback Themes, Key Issues and Recommendations**

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><b>Vision Statement</b></p> <p><i>Provide sustainable, affordable and accessible aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences</i></p>	<p>The vision should include:</p> <ul style="list-style-type: none"> <li>• Recognition of the need for an indoor all year-round aquatic facility.</li> <li>• Reference to the geographic and climatic conditions within the Shire.</li> </ul>	<p>The current vision provides a broad statement that encompasses aquatic provision and services now and into the future. More planning and feasibility work is needed in regard to providing an indoor facility and providing access to year-round aquatics provision has been included in the Vision. Reference to the geographic and climatic conditions within the Shire are captured in Section 7.1 Key Issues and as such are not required as part of the Vision Statement.</p>	<p>Minor change to Vision Statement:</p> <p><i>Provide access to sustainable, affordable year-round aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.</i></p>
<p><b>Objective 1:</b></p> <p><i>Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs</i></p>	<p>Needs to reference indoor year-round facility.</p>	<p>The current Objective 1 provides a broad statement that encompasses access to aquatic provision and facilities now and into the future. More planning and feasibility work is needed in regard to providing an indoor all year-round facility which is captured in Section 7.4 Recommended Strategic Directions.</p>	<p>Minor change to Objective 1: (Additional words added in italics)</p> <p>Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs <i>for all, including people with a disability, children, youth and older adults.</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
	Suggestion to add more emphasis on access and inclusion in the Aquatics Strategy	Noted. Add the words <i>for all including people with a disability, children, youth and older adults</i> to Objective 1 to recognise that the Aquatics Strategy is all encompassing and provides aquatics facilities for all.	
<p><b>Objective 2:</b></p> <p><i>Existing facilities are well managed and maintained to meet current design and operational industry standards</i></p>	Acknowledge the need to replace outdated and unsustainable existing infrastructure that does not meet community need.	The need to replace outdated and unsustainable existing infrastructure that does not meet community need is not required to be included in Objective 2 as this is identified in Section 7.4 Recommended Strategic Directions which includes facility upgrades – Compliance and OH&S works, Asset Management planning and outdoor pool and water play upgrades subject to achieving funding.	No change to Objective 2
<p><b>Objective 3:</b></p> <p><i>Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for the community</i></p>	Should reference all people in the community including young, old, able bodied and people living with a disability.	Noted. Amend Objective 3 to reference people within the community by replacing the words 'for the community' to 'for all, including people with a disability, children, youth and older adults.	<p>Minor change to Objective 3. (Additional words added in italics)</p> <p>Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for <i>all, including people with a disability, children, youth and older adults.</i></p>
<p><b>Objective 4:</b></p> <p><i>Future design of facilities will be</i></p>	Needs to include that existing facilities that are not sustainable or easily modified to meet contemporary design should be phased out as new facilities are brought online.	Further work and analysis are needed before Council can commit to the phasing out of existing facilities. The further work to be undertaken is	<p>Minor change to Objective 4: (Additional words added in italics)</p> <p>Future design of facilities will be operationally sustainable and based</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><i>operationally sustainable and based on contemporary design principles</i></p>	<p>Suggestion to add more emphasis on access and inclusion in the Aquatics Strategy.</p>	<p>identified in Section 7.4 Recommended Strategic Directions which includes facility upgrades – Compliance and OH&amp;S works, Asset Management planning and outdoor pool and water play upgrades subject to achieving funding. The assessment of existing facilities will be undertaken at this time.</p> <p>Noted. Add the words <i>universal and inclusive</i> design principles to emphasise that the Aquatics Strategy encompasses accessibility and gender equity outcomes.</p>	<p>on contemporary <i>universal and inclusive</i> design principles.</p>
<p><b>Strategic Direction 1: 7.4.1 Facility Upgrades – Compliance and OH&amp;S Works</b></p>	<p>There was recognition that the facilities need to be upgraded and compliant.</p> <p>Feedback that Strategic Direction 1 should be to undertake the indoor aquatic facility feasibility and business case as the key priority.</p>	<p>Strategic Directions are not presented in a priority order however it is noted that a strong theme arising from the consultation was to re number the Strategic Directions and make Strategic Direction 7.4.7 Indoor Aquatics Facility Planning, Strategic Direction 7.4.1. Strategic Direction 7.4.1 Facility Upgrades – Compliance and OH&amp;S works will remain to recognise the need to undertake compliance and OH&amp;S works to existing facilities. Strategic Direction 7.4.7 Indoor Aquatics Facility Planning will be changed to 7.4.2. The recommendations within each Strategic Direction identifies a timeline and indicative cost estimate.</p>	<p>No change to Strategic Direction 1 Text. Change the numbering <i>7.4.7 Indoor Aquatics Facility Planning</i> to <i>7.4.2 Indoor Aquatics Facility Planning</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><b>Strategic Direction 2: 7.4.2 Management and Operation</b></p>	<p>Feedback on Strategic Direction 2 recognises the need for effective management of the aquatic facilities.</p> <p>Opportunities for more sustainable management options should be prioritised.</p> <p>Council needs to have access to site based operational data including utilisation numbers for individual facilities.</p> <p>Future management and operation of the facilities should be included in the indoor facility planning.</p>	<p>Noted.</p> <p>This is identified in the Action Plan to be undertaken in the Short Term 1-3 years.</p> <p>This data is collected at Aquatic Facilities that are staffed i.e., Clunes, Trentham and Daylesford outdoor community pools. Collection of data at other sites such as Creswick Splash Park and Calembeen Park Toddlers Pool would require additional resources. This will be explored as part of future planning for these sites and implementation of the Aquatics Strategy Actions.</p> <p>Determining the most suitable option for the future management of the aquatics facilities and developing an implementation plan is identified in the Action Plan to be undertaken in the Short Term 1-3 years. This will include undertaking further detailed investigation and the development of a feasibility study/business case for an indoor aquatics facility. The feasibility study would explore at a high level the management options for an Indoor Aquatic Facility and also consider the existing aquatics facilities management model.</p>	<p>No change to Strategic Direction 2 Text.</p> <p>Change the numbering <i>7.4.2 Management and Operation</i> to <i>7.4.3 Management and Operation</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<b>Strategic Direction 3: 7.4.3 Facility Programming and Activation</b>	<p>The Strategy recognises that the existing facilities are underutilised and are not catering for all market segments.</p> <p>Suggestion that cold water pools do not support participation, and this will not be addressed until there is access to an indoor all year-round facility.</p> <p>Feedback received that the facilities need to support young people, older adults and people with disabilities.</p> <p>Support for the recommendation to improve programming and activation.</p> <p>Support for more promotion of events to activate the pools over summer.</p> <p>Feedback that a review of the weather policy and operating hours is supported.</p>	<p>Noted.</p> <p>Noted. This Strategic Direction recommends undertaking a review of the current programming of the outdoor pools. The outdoor pools are used and enjoyed by the community and there are opportunities to develop and implement new programming and activation at the existing facilities.</p> <p>Noted and this will be included in the development of a programming and activation plan for each outdoor pool.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>No change to Strategic Direction 3 Text.</p> <p>Change the numbering <i>7.4.3 Facility Programming and Activation</i> to <i>7.4.4 Facility Programming and Activation</i></p>
<b>Strategic Direction 4: 7.4.4 Asset Management Plan</b>	<p>Recognition of the need to develop and implement an asset management plan is supported.</p> <p>Suggestion that asset management planning should be an internal responsibility of Council.</p>	<p>Noted.</p> <p>Noted. Developing an Asset Management plan for Aquatics Facilities is highly technical and specialised and requires expert advice. Given this, the engagement</p>	<p>No change to Strategic Direction 4 Text.</p> <p>Change the numbering <i>7.4.4 Asset Management Plan</i> to <i>7.4.5 Asset Management Plan</i></p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
	<p>Suggestion that improvements and asset management plans for other bodies of water, like Lake Daylesford and Jubilee Lake, should also be developed.</p>	<p>of suitably qualified Industry expert/s will be required to develop an Asset Management Plan.</p> <p>Noted. Natural water bodies are recognised in the Aquatics Strategy as part of the complementary network of aquatics facilities across the Shire however no need has been identified to develop Asset Management Plans for these facilities as part of the Aquatics Strategy.</p>	
<p><b>Strategic Direction 5: 7.4.5 Outdoor Pool Upgrades</b></p>	<p>Accepting the age of the three outdoor pools, the plan to keep them safe and good condition into the next 5-10 years is a good plan.</p> <p>Recognition that minimal upgrades will be required to keep facilities operational until an indoor facility can be developed.</p> <p>Suggestion that Council should not invest in heating of the outdoor pools until an indoor pool feasibility is completed.</p> <p>Once an indoor facility is operational a cost benefit analysis of heating the outdoor pools is required.</p>	<p>Noted. Strategic Direction 5 includes further investigate identified upgrade options to the three outdoor pools in Daylesford, Clunes and Trentham. This includes the provision of warmer water, amenities, plant rooms and associated infrastructure. A short-term action (1-3 years) is to undertake a cost benefit analysis report of installing electric heat pumps to replace the solar heating system to increase the water temperature. This piece of work will then guide implementation. Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</p>	<p>Add the following statement to Strategic Direction 5 – Outdoor pool Upgrades:</p> <p><i>Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</i></p> <p>Change the numbering 7.4.5 Outdoor Pool Upgrades to 7.4.6 Outdoor Pool Upgrades</p>



Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<p><b>Strategic Direction 6: 7.4.6 Water Play Upgrades</b></p>	<p>Recognition that water play facilities have a role in providing opportunities for families and children to spend time outdoors together.</p> <p>Suggestion that water play facilities do not meet the needs of people with disabilities.</p> <p>Suggestion that water play should be invested in prior to the development of an indoor facility.</p> <p>Suggestion that water play areas do not address the need for learn to swim which is a priority.</p>	<p>Noted. Investment in water play upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</p>	<p>Add the following statement to Strategic Direction 6 – Water Play Upgrades:</p> <p><i>Investment in water play upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.</i></p> <p>Change the numbering 7.4.6 Water Play Upgrades to 7.4.7 Water Play Upgrades</p>
<p><b>Strategic Direction 7: 7.4.7 Indoor Aquatics Facility Planning</b></p>	<p>Recognition that the community is pleased that Council has acknowledged the need for an indoor facility.</p> <p>Suggestion that Council needs to allocate funding in the 2022/23 budget for the feasibility study and should be completed in time for planning for the 2023/24 budget.</p> <p>Feedback that Strategic Direction 7 should be the key priority for funding and should become Strategic Direction 1 in the Aquatics Strategy.</p>	<p>Noted.</p> <p>Noted. Allocation of funding will be referred to Council as part of the Council Report to adopt the Aquatics Strategy.</p> <p>Strategic Directions are not presented in a priority order however it is noted that a strong theme arising from the consultation was to re number the Strategic Directions and make Strategic Direction 7.4.7 Indoor Aquatics Facility Planning, Strategic Direction 7.4.1. Strategic Direction 7.4.1 Facility Upgrades – Compliance and OH&amp;S works will remain to recognise the need to undertake</p>	<p>Change the numbering 7.4.7 Indoor Aquatics Facility Planning to 7.4.2 Indoor Aquatics Facility Planning</p> <p>Include the following statement in the Officer recommendation section of the Council Report to adopt the Aquatics Strategy:</p> <p><i>That Council considers an allocation within Council's Annual Budget to implement Year 1 Recommended Actions of the Hepburn Shire Council Aquatics Strategy including undertaking the feasibility of future indoor aquatics provision within the Shire.</i></p> <p>Minor change to Strategic Direction 7: (Additional words added in italics)</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
	<p>Feedback that an indoor facility should be developed in Daylesford as the priority over Creswick.</p> <p>Suggestion to add more emphasis on access and inclusion in the Aquatics Strategy</p>	<p>compliance and OH&amp;S works to existing facilities. Strategic Direction 7.4.7 Indoor Aquatics Facility Planning will be changed to 7.4.2.</p> <p>Noted. Site analysis work will be undertaken as part of the Indoor Aquatics Facility Feasibility Study to identify a preferred location.</p> <p>Noted. Add the words <i>universal and inclusive</i> design principles to the scope of the detailed investigation for Indoor Aquatics Facility feasibility and planning to emphasise that the Aquatics Strategy encompasses accessibility and gender equity outcomes.</p>	<p>The scope of the detailed investigation should include exploring Aquatics Provision Options, Facility Benchmarking of similar size aquatics facilities within the rural and regional areas, Facility Components <i>including universal and inclusive design principles</i>, Concept Plan, Capital Cost estimate, Financial Operating Model, Site Assessment, Funding Strategy (Council and External).</p>
<b>Disability Access and Inclusion Plan</b>	<p>Feedback that the Draft Report does not include a summary of the Hepburn Disability Access and Inclusion Plan in the strategic review section. Request for this to be added.</p>	<p>Noted. Summary of the 2018-2022 Hepburn Shire Disability Access and Inclusion Plan to be added to Section 3 of the Aquatics Strategy Report.</p>	<p>Include additional information and reference to Council's Disability Access and Inclusion Plan (2018 – 2022) in Section 3 Strategic Review.</p>
<b>Youth Strategy</b>	<p>Feedback that the new Youth Strategy is currently under development. There has been feedback that outdoor pools are important gathering places for the youth to congregate. The pools are identified as a safe place for the youth to socialise and relax.</p>	<p>Noted. Summary of the 2016-2021 Hepburn Shire Youth Strategy to be added to Section 3 of the Aquatics Strategy Report.</p>	<p>Include additional information and reference to Council's Youth Strategy (2016 – 2021) in Section 3 Strategic Review.</p>
<b>Early and Middle Years Strategy</b>	<p>Suggestion to add reference in the Aquatics Strategy to the Hepburn Shire Early and Middle Years Strategy.</p>	<p>Noted. Summary of the Hepburn Shire Early and Middle Years Strategy to be added to Section 3 of the Aquatics Strategy Report.</p>	<p>Include additional information and reference to Council's Early and Middle Years Strategy in Section 3 Strategic Review.</p>

Draft Aquatics Strategy	Key Consultation Feedback	Response	Recommendation
<b>Positive Ageing Strategy</b>	Suggestion to add reference in the Aquatics Strategy to the Hepburn Shire Positive Ageing Strategy.	Noted. Summary of the Hepburn Shire Positive Ageing Strategy to be added to Section 3 of the Aquatics Strategy Report.	Include additional information and reference to Council's Positive Ageing Strategy in Section 3 Strategic Review.
<b>Success of the draft Aquatics Strategy to drive future directions</b>	<p>The need for access to all year-round facilities was reinforced.</p> <p>Some community concern about the operational costs of providing aquatics facilities.</p> <p>Access to indoor facilities for people with disabilities was identified as a key priority.</p> <p>Access to indoor facilities for learn to swim was identified as a key priority.</p> <p>Concerns about the environmental cost of lack of local access to an indoor facility.</p>	Noted.	No changes to the Strategic Directions.
<b>Other</b>	<p>Concern expressed that a location for an indoor facility was not identified as part of the Aquatics Strategy.</p> <p>Feedback that an indoor facility should be co-located with other services such as gym, childcare and health services.</p> <p>Feedback that Council should progress with the indoor facility planning without further delays.</p>	<p>Noted. The feasibility study will assess the location and components to be included in a potential future indoor aquatic facility. A comprehensive site assessment process is recommended in the scope of the feasibility study project brief.</p> <p>The component schedule should respond to the needs identified within the Aquatics Strategy.</p>	No changes to the Strategic Directions.



# *Hepburn Shire Council Aquatics Strategy*

REPORT

APRIL 2022

# Otium Planning Group Pty Ltd

**Head Office:**

304/91 Murphy Street  
 Richmond VIC 3121  
 ABN: 30 605 962 169  
 Phone: (03) 9698 7300  
 Email: info@otiumplanning.com.au  
 Web: www.otiumplanning.com.au

**Local Office:**

Contact: Kate Maddock, Managing Director  
 Phone: 0419 316 540  
 Email: kate@otiumplanning.com.au

Otium Planning Group has offices in:

- Auckland • Brisbane • Cairns • Christchurch • Melbourne • Perth • Sydney

OPG, IVG and PTA Partnership has offices in Hong Kong, Shenzhen, Shanghai and Beijing.

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3.0 Draft Aquatics Strategy Report (with edits)	January 2022	M Kuhn	Hepburn Shire Council	Kathie Schnur Kendall Sinclair
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# Executive Summary

The development of the Hepburn Shire Council Aquatics Strategy commenced in April 2021 and aims to provide a 10-year priority plan to guide the future strategic direction, infrastructure development priorities, asset management and maximise participation and programming opportunities to contribute to the health, wellbeing and liveability of the communities of Hepburn Shire.

Together with the Project Consultants, Otium Planning Group, Council Officers have undertaken a suite of planning and community and stakeholder engagement to inform the development of the Hepburn Shire Aquatics Strategy.

The Hepburn Shire Aquatics Strategy is a summary of the market research, current operating information and broad community engagement. It will guide the future strategic direction, infrastructure development priorities, asset renewal and upgrades, operational improvement and activation of aquatics provision throughout the Shire.

Several key stakeholders were engaged to guide the development of the Aquatics Strategy. They include Sport and Recreation Victoria, Daylesford Indoor Aquatic Centre (DIAC) Advocacy Group, Creswick and District Aquatic Centre Advocacy Group and Central Highlands Rural Health.

The Aquatics Strategy includes:

- Strategic Review and Background Research
- Demographic Review
- Current Facilities Operational Review
- Market Research and Industry Trends
- Community Engagement Findings
- Vision
- Objectives
- Facility Hierarchy and Provision
- Strategic Recommendations and Actions.

The Aquatics Strategy is consistent with the Hepburn Shire Council Plan 2021-2025 key focus area: A healthy, supported and empowered community and Council's Municipal Public Health and Wellbeing Plan 2021-2025. This includes optimising the use of public spaces to increase participation and community connections which is supported by the provision of leisure and recreation facilities such as outdoor community pools, which encourage healthy and active lifestyles to improve the health and wellbeing of the community.

The Aquatics Strategy provides market research, current operating information and broad community engagement. It provides a guide on the future strategic direction, infrastructure development priorities, asset renewal and upgrades, operational improvement and activation of aquatics provision throughout the Shire.

There are a number of Strategic Direction Recommendations and Actions arising from the Aquatics Strategy including consideration of priority projects including outdoor aquatic facility upgrades assessment and outdoor pool and waterplay upgrades. These Strategic Recommendations and Actions will require further detailed planning work including feasibility, business case and funding strategy to fully understand Council's ability to fund the facility upgrades identified.

The Aquatics Strategy supports the identified need for access to an all-year-round indoor aquatics facility to support the needs of Hepburn Shire residents. The evidence that supports the need includes:

- **Hepburn population demographics** - the younger and older demographic profile of the Shire requires access to indoor aquatics facilities to support the key areas of learn to swim programs, therapy, aquatics programs and recreational swimming. The travel and climate conditions make it difficult for some residents to access aquatics services in neighbouring municipalities i.e., Ballarat and Macedon Ranges.
- **Identified Community Need** - extensive feedback from the community engagement process identified a strong need and desire for access to a year-round aquatics facility for learn to swim, therapy, aquatics programs and recreational swimming.
- **Current facilities barriers to participation** - evidence that the existing Hepburn aquatics facilities are underutilised due to ageing infrastructure, cold water temperatures, poor accessibility and facilities are not meeting identified community needs.

Further detailed planning work including feasibility, business case and funding strategy is required to fully understand Council's ability to fund, develop and operate an indoor aquatics facility.

As outlined in Strategic Direction 7.4.2 in the Aquatics Strategy, further detailed investigation and the development of a feasibility study/business case is needed. The further work that needs to be undertaken includes aquatics provision options, preferred location, facility components and concept plan, capital cost estimate, financial operating model and funding strategy.

The most significant challenge for Council in determining a future indoor aquatics facility is the affordability to build and operate such a facility. This includes the ability to attract sufficient capital funding for a new facility and the ability to sustain the ongoing operational cost.

The high order indicative costs associated with implementing the actions arising from the Strategic Directions and Actions outlined in the strategy are estimated to be \$5.9M - \$7.98M. This includes Facility upgrades compliance and OH&S works, Management and Operation, Facility Programming and Activation, Asset Management Plan, Outdoor pool and Waterplay Upgrades and further Indoor Aquatics Facility Planning.

Funding the implementation of the Strategic Directions and actions would be subject to achieving funding as part of future Council budgeting processes and seeking external partner funding opportunities where applicable. The Strategic Direction Recommendations and Actions arising from the Aquatics Strategy are not currently included in Council's long term financial plan and would require significant external funding.

The further work undertaken as part of Indoor Aquatics Facility Planning will identify the capital and operating costs associated with an Indoor Aquatics Facility and this will need to be further considered by Council at the appropriate time.



# 1. Introduction

The Hepburn Shire Council Aquatics Strategy will guide the future strategic direction, infrastructure development priorities, asset management, operational development, and activation of aquatics provision throughout the Shire over the next 10 years.

Hepburn Shire has five public aquatics facilities:

- Daylesford Outdoor Pool
- Clunes Outdoor Pool
- Trentham Outdoor Pool
- Creswick Splash Park
- Calembreen Park Toddlers Pool.

The four outdoor pools are reported to be nearing their end of life and not fit for purpose for many residents in the community. There is a growing demand and expectation from the community for access to year-round warm water facilities that cater for learn to swim, therapy, aquatics programs and recreational swimming. It is because of these reasons, that a long-term strategic plan for aquatics facilities provision is an important project for the Hepburn Shire Council to guide its investment strategy for the next 10-20 years.

## 1.1 PROJECT TIMELINE

The following graphic shows the key project stages and tasks undertaken to inform the final Aquatics Strategy report.



Figure 1: Project Plan Milestones

## 2. Demographic Review

### Who are we planning for?

This section profiles the population and demographic characteristics of the Hepburn Shire community. These characteristics will influence the aquatics and leisure services and facilities needed for the community into the future.

### 2.1 PROJECT AREA

Hepburn Shire is renowned for its heritage buildings, parks, reserves and native forests. Located in central Victoria, the Hepburn Shire includes the townships of Clunes, Creswick, Daylesford, Hepburn Springs, Trentham and many other small villages and hamlets. Within easy access to Ballarat, Bendigo and Melbourne, Hepburn Shire's neighbouring municipalities include Macedon Ranges, Ballarat, Mount Alexander, Central Goldfields, Pyrenees and Moorabool.



Figure 2: Location Map

### 2.2 RESIDENT PROFILE

The resident profile is based on the 2016 ABS Census data and has been sourced from Remplan, an online company that analyses ABS Census data.

#### Population

- Hepburn Shire has experienced a population increase of 963 residents from 14,368 in 2011 to 15,331 in 2016, representing an annualised rate of 1.31%. The 2019 Estimated Residential

Population (ERP) is 15,975 which represents an annualised growth rate from 2016 to 2019 of 0.96%. In 2021 the population reached 16,157.

- Victoria in Future 2019 provides projections of population and households for Local Government Authorities and forecasts an additional 1890 residents by 2036, representing a 0.6% increase in population. The 2036 population projection, in the most recent Council Plan 2021-25, estimates it will increase to 17,700.
- Hepburn Shire has an ageing population, with 35% of the population aged 60+ years and 17.27% aged between 50 and 59 years. This is much higher when compared with the whole of Victoria which is 20.96% for 60+ and 12.42% for 50 to 59 years age groups. The 0 to 19 years represents 19.38% of the population which is low when compared to the State average of 24.25% for that age group.
- There are a higher number of two person families (32.77%) in Hepburn Shire when compared to Central Highlands (30.29%) and lower number of couples with children (19.36%) compared to Central Highlands (26.10%).

### Diversity

- There is a lower level of cultural diversity in Hepburn Shire when compared to the State, with 10% of the population born overseas compared to the Victoria state average of 28.3%.

### Disadvantage and Social Capital

- The SEIFA Index of Disadvantage for Hepburn Shire in 2016 was 995. This score ranks Hepburn Shire 351 out of 544 local government areas across Australia. It should be noted that 77.96% of localities within Hepburn Shire rated within the 1000-1099 SEIFA, showing a greater spread of advantage within the Shire. There are some areas of Hepburn Shire that are more disadvantaged than others including Clunes (924) and Creswick (972).
- The varying levels of advantage across the Shire are represented in the differences in household income data. The three most common cohorts are earning between \$52,000 to \$64,999 per annum (9.34%), \$104,000 to \$129,000 per annum (8.80%) and \$41,600 to \$51,999 per annum (8.33%).
- A total of 875 people (or 5.74% of the population) in 2016 reported needing assistance in completing core activities due to disability. This is less than the 5.86% recorded for the Central Highlands Region.
- A total of 33.34% of the population reported not being in the labour force which reflects the high number of older adults in the Hepburn Shire. This compares to 28.71% and 27.17% in Central Highlands and the whole State respectively. Unemployment rates are low in Hepburn Shire, with the 2% unemployment rate recorded sitting below Central Highlands (2.96%) and the State (3.26%).
- Property prices are comparatively lower with the most common cohort (4.38%) paying a monthly mortgage repayment of between \$1200 and \$1399, which is below the \$2000 to \$2199 monthly mortgage payment range for Victoria (4.36%).

## 2.3 HEALTH AND WELLBEING OF HEPBURN SHIRE

The Hepburn Shire Municipal Health and Wellbeing Plan 2021-2025 was developed through a collaborative approach with support from the Health and Wellbeing Working Group. This working group included partners from Central Highland Rural Health, Central Highlands Primary Care Partnership, Health Futures Australia, Women's Health Grampians and four local Neighbourhood Centres. The Plan informed the 2021-2025 Council Plan and reviewed the health profile of the municipality, with key findings identified listed below:

- 37.6% of adult residents diagnosed with anxiety or depression.
- 45.9% of people are pre-obese or obese.
- 54.7% of people don't meet Australian Guidelines for fruit and vegetable consumption.

- 65.5% of people meet physical activity guidelines.
- 20.6% of residents have sought help from a mental health professional.
- 15.6% of people have asthma.
- 9.1% of people drink sugar-sweetened drinks daily.
- Residents have higher mortgage and rental stress rates than the Central Highland and Victoria average.

Four priority areas were established to inform the Health and Wellbeing Plan. They include tackling climate change and its impact on health, increasing healthy eating, improving mental wellbeing and preventing all forms of violence. While the priority areas are described separately, there are important correlations between the priorities which creates greater opportunities for action and effect in many areas.

The VicHealth Indicators 2015 results provide the following key insights:

1. *Hepburn Shire residents have an increased perception of safety compared to the rest of the State.* 94.4% of Hepburn Shire residents agreed that they felt safe walking alone in their local area during the day and 69.2% agreed they felt safe walking alone after dark. This is higher than the Victorian average with 92.5% and 55.1% respectively.
2. *Hepburn Shire residents experience a significantly higher level of resilience and neighbourhood connectedness when compared to the rest of the State.* Hepburn Shire residents reported an average resilience score of 6.7 out of 8, higher than the state average of 6.4. Just over three quarters (77.4%) of Hepburn Shire residents felt that they live in a close-knit neighbourhood, and 86.5% felt that people within their neighbourhood could be trusted. This is significantly higher than the state averages of 61.0% and 71.9% respectively.

Additionally, the VicHealth Indicators 2015 found that when compared to the rest of the State, Hepburn Shire residents experience similar levels of:

- a. Wellbeing and life satisfaction
- b. Physical activity levels
- c. Fruit and water intake per day
- d. Alcohol intake per month.

The local impact of COVID-19 has been significant. A health and wellbeing survey conducted by Central Highland Rural Health reported some concerning statistics including:

- Overall levels of physical activity decreased.
- There was an increase in feeling lonely three or more days per week.
- 20% more people were anxious five to seven days per week.
- 29% of people increased alcohol consumption.

## 2.4 KEY FINDINGS FROM DEMOGRAPHIC REVIEW

Hepburn Shire has an older population with 51.59% of the population aged 50 years and over. This is significantly higher when compared to the Central Highlands region (40.49%) and the State (33.38%). The high number of older adults within the community reflects a need for therapy based programming and warm water provision.

Comparatively, the number of children and teens aged 19 years and under (19.38%) is lower when compared to Central Highlands (25.33%) and Victoria (24.25%).

There are varying levels of disadvantage throughout the Hepburn Shire which is represented in the differences of household income. While the second most common cohort of the population (8.80%) earns between \$104,000 to \$129,000 per annum, there are a significantly higher than average number of low-income households with 45.8% of residents earning less than \$400 per week. Therefore, providing accessible and affordable facilities and programs are important to encourage participation.

Opportunities exist to significantly improve the health and wellbeing of Hepburn Shire residents. Most alarmingly, 52.5% of people are pre-obese or obese. Additionally, a high percentage of residents (37.6%) have been diagnosed with anxiety or depression and over 54% of residents don't consume enough fruit or vegetables.

Aquatics and leisure facilities and programs play a key role in increasing physical activity levels, with the health, social and wellbeing benefits associated with visitation assisting in addressing some of the identified health priorities.

## 3. Strategic Review

### **What strategic commitments will underpin decision making?**

This section includes a review of relevant strategies. The review identifies key strategic objectives and principles that will guide Council's decision making when considering the aquatics and leisure service and facility provision into the future.

#### **Strategic Links**

Council has a number of service planning and strategic documents that are important linkages to the planning and delivery of aquatics facilities in Hepburn.

The Hepburn Council Plan, Municipal Public Health and Wellbeing Plan and Activate 2020-2030, articulate Council's vision and overarching frameworks used to make key decisions and deliver service priorities. The Recreation and Open Space Strategy, Playspace Strategy and Council's strong focus on community engagement help inform the Aquatics Strategy.

The diagram below shows the strategic links between Hepburn Shire Council's key strategic documents, plans and policies.



Figure 3: Strategic Links Overview

### **3.1 HEPBURN COUNCIL STRATEGIES AND PLANS**

#### **Council Plan 2021-2025**

Hepburn Shire Council's 2021-2025 Council Plan stipulates a vision; Hepburn Shire - an inclusive rural community located in Dja Dja Wurrung country where all people are valued, partnerships are fostered, environment is protected, diversity supported, and innovation embraced.

In aspiring to achieve the above and to create strong alignment with the needs and aspirations of the community, Council has identified five key focus areas:

1. A resilient, sustainable and protected environment.
2. A healthy, supported and empowered community.
3. Embracing our past and planning for the future.
4. Diverse economy and opportunities.
5. A dynamic and responsive Council.

Specific key strategic activities that relate to the provision of aquatics and leisure services and facilities include:

- Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.
  - Promote partnerships with health service providers to improve shared community health outcomes.
  - Developed services networks to increase community awareness and access to local services.
- Optimise the use of public spaces to increase participation and community connection.
  - Finalise and implement the Hepburn Shire Aquatics Strategy.
- Improved mental wellbeing within the community.
  - Ensure Council services, activities and facilities are accessible and inclusive to remove barriers to participation.
- Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.
  - Continue to provide strong management and maintenance of our infrastructure.
  - Ensure sustainable and accessible infrastructure that promotes healthy recreation, physical activity and social connection.
  - Advocate for and partner in the delivery of Council's priority projects.
- Strong asset management and renewal.
  - Continue to invest in asset maintenance, renewal and upgrade programs.
- Adapt to and mitigate climate change to reach net-zero community emissions by 2030.
  - Review procurement policies and procedures to ensure they provide a focus on sustainable practices.
  - Promote the use of environmentally sustainable practices through planning processes and the Environmentally Sustainable Development Policy.

### **Municipal Public Health and Wellbeing Plan 2021-2025**

The plan sets four priorities that guide action over four years. The priorities have been determined based on review of health-related data, community engagement and health partners consultation.

The four priority areas of the plan are:

1. Tackling climate change and its impact on health.
2. Increasing healthy eating.
3. Improving mental wellbeing.
4. Preventing all forms of violence.

Under the improving mental wellbeing priority area there are two strategies Council has committed to:

- Adopt a co-benefit approach to improving mental wellbeing, supporting active living and healthy eating initiatives.
- Ensure Council services, activities and facilities are diverse, accessible and inclusive to remove barriers to participation.

## **Disability Access and Inclusion Plan 2018-2022 (DAIP)**

The Hepburn Shire Disability Access and Inclusion Plan is currently under review.

The purpose of this DAIP is to continue to improve and monitor a range of community services and facilities in partnership with the community and other agencies to promote wellbeing, safety, social independence, and inclusion in the community. Apart from the usual physical aspects of access, great change can occur by thinking differently about how people with a disability can be included in all aspects of community life. The DAIP aims to prompt and guide such thinking to create a more inclusive community.

### **Key Objectives**

The four key objectives of the DAIP will align with the same Victorian Disability Act S38 objectives:

- Objective 1: to ensure all Council services, recreation and infrastructure is accessible to people with a disability.
- Objective 2: to ensure that non-discriminatory practices are followed at all times with existing staff and when employing new staff and that people with a disability are encouraged to apply for positions at Council.
- Objective 3: to ensure that Hepburn Shire Council provide opportunities for people with a disability to participate in events, meetings or celebrations and feel valued and included in the community.
- Objective 4: to ensure that all corporate, strategic planning and communications actively help make tangible changes to negative attitudes and practices in regard to people with a disability.

There are several key actions that are aligned with the Aquatics Strategy including:

- 1.3.4 Recreation - ensure that any future planning and development of parks and open spaces - recreation, sporting and playgrounds are disability friendly.
- 1.3.5 Playgrounds - when renewing playgrounds, include 'all abilities' features.
- 1.3.7 Accessible Public Toilets - audit existing accessible public toilets and make recommendations for placement and upgrade where relevant.
- 1.3.8 Investigate the feasibility of installing a 'Changing Places' facility in Daylesford and Creswick.

## **Youth Strategy 2022 - 2030**

The Hepburn Shire Youth Strategy 2022- 2030 is currently being developed. Some initial engagement feedback has highlighted the importance of the outdoor pools to the youth cohort across the shire. In particular the following comments were received:

- There is a need for safe spaces for young people to congregate.
- The youth currently identify the outdoor pools as a safe space to socialise, exercise and have fun.
- Youth need access to better food choices to community facilities they attend.



- Youth Employment - the Junior Lifeguard Program should continue to be offered as part of the future Aquatics programming.

The previous 2016-2021 Youth Strategy outlined the following guiding principles in delivering projects and initiatives:

- Encourage opportunities for learning and participation.
- Ensure we are providing a safe environment in our activities and events.
- Provide access to information and technology.
- Be mindful of the transport issues that young people face in Hepburn Shire.
- Promote fairness and acknowledge diversity in young people.

The 2016-2021 Youth Strategy Action Plan has some initiatives which aligns with the aquatics strategy including:

Social Theme: Space Activation

- Build on current out of hours youth activities in libraries/hubs and pilot new activities in these and other civic spaces.

Transport Theme: Transport

- Transport options for young people have been identified as a challenge for young people in Hepburn. This concerns transport for education, social and employment needs.

## Early and Middle Years Strategy 2022-2030

The Early and Middle Years Strategy 2022-2030 is currently being developed and aims to plan and prepare for family growth and the development needs of early years and middle years children. It will provide direction for the development and coordination of services, programs, infrastructure, activities, and local community development processes that impact children aged 0 - 12 years living in Hepburn Shire.

The Draft Strategy has been developed after significant community and stakeholder engagement and includes three focus areas with a number of strategies. The Strategy was released for community engagement in March 2022.

Focus Areas:

1. Play and Participate
2. Grow and Develop
3. Our Future Need

Focus area one is aligned to the aquatics strategy through the following actions:

- Provide age-appropriate, accessible and welcoming playgrounds, parks, open space and infrastructure to help children and families to live a healthy and active lifestyle.
- Strengthen children's links to the community, through community and social support groups.
- Organise and promote child-friendly events and activities to support social connection, diverse interests, and parent peer support.

## Positive Ageing Strategy 2022-2030

Hepburn Shire has commenced the development of its first ever Positive Ageing Strategy. Positive ageing is the process of maintaining a positive attitude, feeling good about yourself, keeping fit and healthy, and fully engaging in life as you age.

Hepburn Shire has a higher proportion of people over the age of 55 years compared to the Victorian average and is following the international trend of a rapidly growing ageing population.

Based on the World Health Organisation's Age-friendly Cities Framework and the Commissioner for Senior Victorians' report Ageing Well in a Changing World, the Hepburn Shire's Positive Ageing Strategy will respond to feedback from the community and service providers. The strategy will set the direction for Council in its response to its ageing population and guide the provision of services and resources to its residents so that they can 'age well' in an 'age-friendly' community.

During the recent community engagement activities there has been feedback about the growing need for an indoor aquatic facility that has warm water and hydrotherapy facilities, which is aligned with the aquatics strategy.

## Activate 2020-2030

The intention of the Activate 2020-30 Strategy is to provide a regional framework and 10-year action plan that enables a coordinated and collaborative approach aimed at increasing participation in sport and active recreation for liveability, health and wellbeing for the following municipalities:

- Ararat Rural City Council
- City of Ballarat
- Golden Plains Shire Council
- Hepburn Shire Council
- Moorabool Shire Council
- Northern Grampians Shire Council
- Pyrenees Shire Council.

The Activate 2020-30 shared vision is that the Central Highlands and Grampians Pyrenees communities are the most active, healthy and liveable in Victoria. This will be achieved via the four strategic pillars identified as working together, activating places and spaces, creating quality physical activity environments and community cohesion through sport and active recreation.

The Clunes Recreation Reserve Masterplan Implementation is the sole key action identified within the Strategy that relates to the provision of aquatics facilities within the Hepburn Shire.

## Recreation and Open Space Strategy 2016-2021

The Recreation and Open Space Strategy provides the following vision for recreation and open space within the Shire: Hepburn Shire features a diversity of quality, accessible and sustainable recreation and open space facilities supported by passionate community members. The vision is supported by five pillars to guide Council's priorities and service delivery:

1. Facilities
2. Community Support and Development
3. Sustainability
4. Utilisation and Participation
5. Policy and Management.

The Strategy recognises that recreation (in all forms; passive, active, structured or non-structured) provides opportunities for residents and visitors to improve their fitness, which enables protecting against poor health outcomes, reducing social isolation and creating a higher awareness of environmental influences.

Specific to the provision of aquatics services and facilities, the Strategy outlines the following actions:

- Action the outcomes of the Creswick pool consultation undertaken in 2016-17.
- Explore the potential to extend the Daylesford outdoor swimming pool's season through the use of sustainable heating technology.
- Prepare or review master plans for Calembreen Park (Creswick), Clunes Recreation Reserve and Trentham Recreation Reserve.

### **Playspace Strategy 2020-2030 - Play is for Everyone**

Play is for Everyone is the vision of the Strategy; Hepburn Shire will have a network of engaging, inclusive and sustainable play spaces that are reflective of our people and our places. The following planning principles have been developed to guide the planning, management and maintenance of play spaces in the Hepburn Shire:

1. Strategic
2. Activated
3. Multifunctional
4. Well maintained
5. Inclusive
6. Economically sustainable
7. Environmentally sound
8. Shire wide.

In relation to the provision of aquatics and water play features within play spaces, the Strategy outlines:

- That water play/aquatics play is not supported for a local level play space but may or may not be included at a municipal or regional level play space dependant on local need and site context suitability.
- A long-term action to renew the Creswick Skate and Splash Park (inclusive of outdoor fitness).

## **3.2 STATE GOVERNMENT AND INDUSTRY STRATEGIES**

### **The Royal Life Saving Society Australia: The Social, Health and Economic Value of the Australian National Aquatic Industry 2021**

In July 2021, The Royal Life Saving Society Australia released a report detailing the social, health and economic value of the National aquatics industry. The report is assessed on Council-owned pools, public-access privately owned pools and swimming pool sports; it did not include privately owned pools that are not publicly accessible or aquatics theme parks. Key findings of the report include:

- Victoria has 570 aquatics facilities, with 94% of residents living within a 20-minute drive of a facility.
- On average, indoor aquatics facilities receive five times more visits annually than an outdoor swimming pool. This reflects their ability to support recreational needs of people all year round.
- Rates of social return on investment are detailed as:

- **Regional Australia:** \$2.18 social return for each \$1.00 spent operating existing aquatics facilities and \$1.97 for each \$1.00 spent if a new aquatics facility is constructed in a regional location.
- **Indoor aquatics facilities:** \$3.61 social return for each \$1.00 spent operating existing indoor facilities and \$3.04 for each \$1.00 spent if a new indoor facility is constructed in an area with unserved demand.
- **Outdoor swimming pool:** \$2.80 social return for each \$1.00 spent operating current outdoor facilities and \$2.38 for each \$1.00 spent if a new outdoor pool is constructed in an area with unserved demand.
- The aquatics industry is one of the largest employers in the sport and recreation sector; 33,600 average annual full-time roles support by the aquatics industry Australia wide.
- Nationally, the aquatics industry makes a significant contribution to the health and wellbeing of Australians, providing:
  - \$1.65 billion in physical health benefits
  - \$238 million in mental health benefits
  - \$399 million in reduced absenteeism benefits
  - \$174 million in reduced drowning benefits.

### Active Victoria 2018-2021

*Active Victoria* was launched by the State Government as a strategic framework for sport and recreation in Victoria. It plans to cater for growing demand and to enhance Melbourne's (and Victoria's) reputation as Australia's sporting capital. The framework includes the following six key directions:

- Meeting demand
- Broader and more inclusive participation
- Additional focus on active recreation
- Build system resilience and capacity
- Connect investment in events, high performance and infrastructure
- Work together for shared outcomes.

The development of an Aquatics Strategy for the Hepburn Shire correlates with key directions of meeting demand, connecting investment in infrastructure, additional focus on active recreation and broader and more inclusive participation.

## 3.3 AQUATICS FACILITY PLANNING IN HEPBURN

### Daylesford Indoor Aquatic Centre ('DIAC') Community Advocacy Group – Scoping Study 2018

This scoping study was undertaken by the DIAC Advocacy Group to create a community led vision for the facility and assist with lobbying of Council.

In 2018, DIAC completed a scoping study to explore the project opportunities. Key considerations relating to facility trends and priority components proposed in the report are detailed in Table 1 on the following page.

**Table 1: DIAC Scoping Study (2018) key facility considerations**

Consideration	Notes
Aquatics facility trends	<p>Aquatics facilities have evolved from being primarily outdoor pools to being recreation and community centres with a range of facilities. Trends identified include:</p> <ul style="list-style-type: none"> <li>• Warm water pools for use by healthcare professionals to prescribe water-based exercise programs. Aquatics therapies continue to experience explosive growth due to the ageing population.</li> <li>• Outdoor pools are being replaced by larger, all-inclusive aquatics facilities to consolidate resources and lower operating costs.</li> <li>• Water play/splash pad areas are becoming increasingly popular as they embody accessibility, safety, innovation and affordability objectives.</li> <li>• The addition of supporting amenities such as gym, spa, sauna, café and in some instances allied health services transform a pool into a recreational hub and to assist in financial viability.</li> <li>• The inclusion of universal access as a legislated requirement when constructing new facilities.</li> <li>• Increasing community expectation to meet environmentally sustainable design targets. Consideration is to be given to water and power efficiencies such as harvesting of rainwater, thermal pool coverings, solar heating, and efficient appliances, fixtures and fittings.</li> </ul>
Priority facility components	<p>The above identified trends should inform facility features to ensure that a Daylesford Indoor Aquatic Facility is viable and sustainable.</p> <ul style="list-style-type: none"> <li>• Highest priority is placed on: <ul style="list-style-type: none"> <li>○ Eight lane 25-metre pool; research indicates the need for sufficient space to cater for programming and casual use needs.</li> <li>○ Depth of 1.1 metres to accommodate learn to swim and encourage casual use.</li> <li>○ Business case to explore options for an adjustable floor to allow use for competition swimming.</li> <li>○ Warm water pool to allow therapeutic and programmed use.</li> <li>○ Water play area to attract families with children.</li> <li>○ Change rooms to be suitable for school group use.</li> <li>○ Office and administration area.</li> </ul> </li> <li>• Lower priority components to be explored where budget permits: <ul style="list-style-type: none"> <li>○ Gymnasium; include equipment and free weights exercise area.</li> <li>○ Café: dependant on proposed site of facility this may not be necessary.</li> <li>○ Childcare facilities; priority component for small number of survey respondents.</li> </ul> </li> </ul>

The 2018 DIAC Scoping Study also identifies the following:

1. **Cost** - Architect estimates an indicative opinion of cost between \$10 million and \$12 million, dependant on the quality of facility and finish (Otium can confirm this is not consistent with industry benchmarking for similar size indoor aquatics facilities. A small indoor aquatics facility is likely to cost between \$17 million to \$22 million based on current quantity surveyor estimates).
2. **Funding opportunities** - a combination of community fundraising, philanthropic funds, sponsorship and commercial partnerships, and State and/or Federal Government grants are identified as possible funding sources.
3. **Location** - a number of sites were identified and assessed against criteria to consider visibility, profile, topography, site conditions, orientation opportunities, car parking and traffic accessibility (including proximity to public transport and bicycle networks/trails) and capacity for future expansion.

**8.3. Option to Redevelop Existing Pool**

Figure 4: DIAC Advocacy Group - Concept Plan Existing Outdoor Pool Site

### Daylesford Indoor Aquatic Centre ('DIAC') Community Advocacy Group - Interim Business Plan 2021

The members of DIAC prepared a draft Business Plan in late 2021 for an indoor aquatics facility in Daylesford. This is an extension to the work undertaken on the previous Scoping Study that was developed in 2018. The Business Plan was provided to Council Officers for consideration in the Aquatics Strategy.

The Business Plan includes a budget model based on specific assumptions and information sourced from the Kyneton Sports and Aquatic Centre. There is also reference and comparisons to other Otium work undertaken recently for the Gannawarra Shire Council with regards to an indoor facility model in Kerang.

The Business Plan notes a revised capital cost estimate between \$11 million (based on quantity surveys obtained by DIAC) and \$20 million (reference to the Gannawarra Aquatics Strategy prepared by Otium).

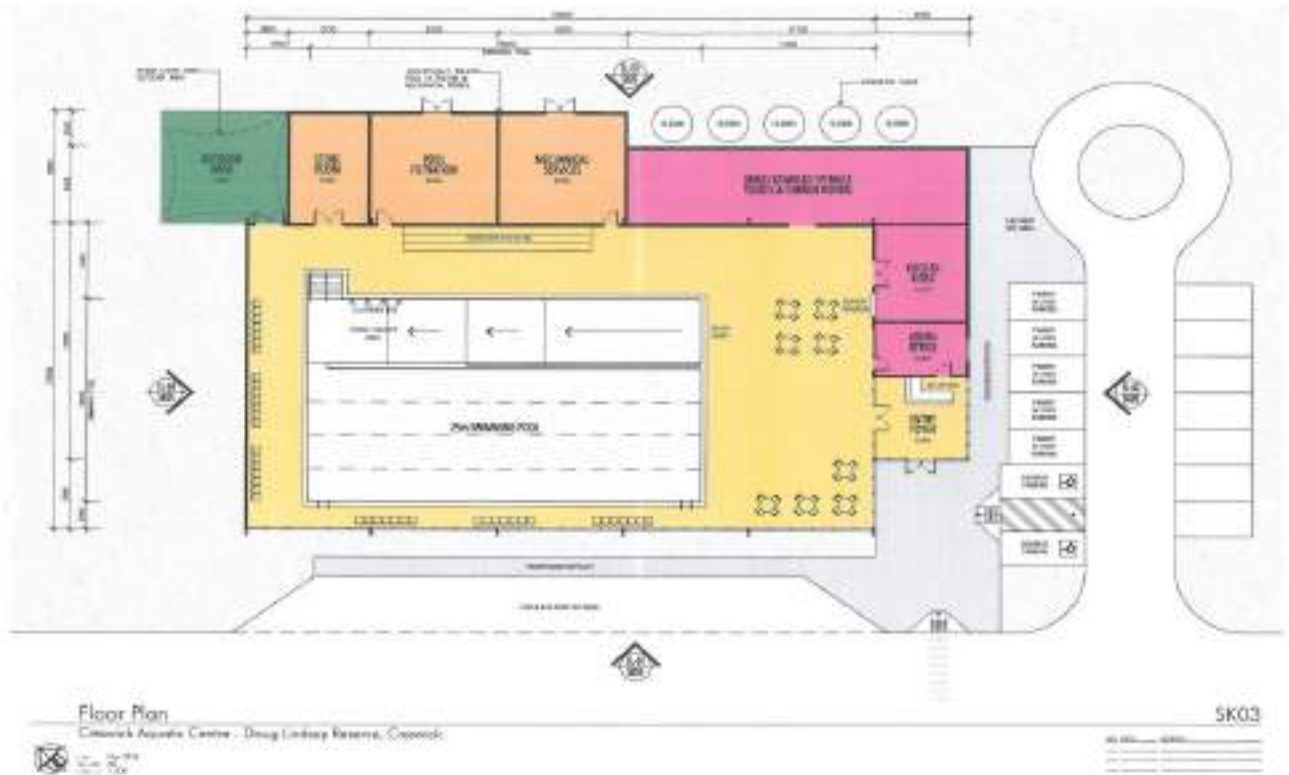
An annual operating budget is proposed in the Business Plan based on specific fees and charges assumptions, labour cost projections and other expenditure forecasts. This budget modelling also informed a five-year projection for the indoor pool operation.

### Creswick Pool Consultation Report 2016 and Concept Plan

Hepburn Shire allocated internal funds of \$30,000 in 2016/17 to undertake community consultation in Creswick to assess the level of interest for a potential swimming pool within the Creswick area. The Consultation process aimed to understand a range of topics from the level of need, location, design, use, cost and funding. It was decided to undertake the consultation element using internal Council staff rather than commission an external consultant.

Key interest groups were consulted including the Creswick RACV Resort, John Curtin Aged Care Facility, Melbourne University, Creswick & District Aquatic Centre Group, local schools, Friends of Calembreen Park, Doug Lindsay Recreation Reserve Committee and Hepburn Health.

The concept design on the following page was presented by the Creswick and District Aquatic Centre Advocacy Group to Council Officers. This group have been strong advocates for an aquatics facility in the town for many years and this design has been created to provide a vision for the facility. The design has not been costed through a quantity surveyor.



**Figure 5: Creswick Aquatic Centre Advocacy Group Concept Plan**

The following conclusions and recommendations were presented in the report from the research and consultation undertaken with the Creswick community.

Three key actions were suggested in the report:

1. Build a new indoor aquatics facility at Doug Lindsay Recreation Reserve - design and costings to be finalised.
2. Upgrade Calemben Park - focus on middle pool and amenities upgrades.
3. Partner with John Curtain Aged Care Facility or Hepburn Health to build a hydrotherapy pool.

### Suggested Next Steps from the Report

1. Develop concept plans and cost estimates for capital and operation.
2. Apply for a planning grant to undertake a feasibility study through Community Sports Infrastructure Fund.
3. Further consultation with the community to present the outcomes of consultation, potential design option and sources for funding. Test the community response for an indoor pool in Creswick once full capital and operational costs are available.
4. Review the Calemben Management Plan 2010 for future upgrades and include in Recreation Priority Planning for future works.

Otium has confirmed with Council Officers that this report and proposed actions did not progress further in terms of funding, design or cost estimates. However, Council did acknowledge the community's feedback and decided to develop an Aquatics Strategy to further investigate the provision of aquatics facilities across the entire Hepburn Shire. Council allocated funding in the 2020/21 budget which was matched by Sport and Recreation Victoria through a grant to develop the Hepburn Shire Aquatics Strategy.

## Calembeen Park Management Plan 2009

This plan was commissioned by Council and the Friends of Calembeen Park in 2009. The Management Plan aims to provide the local community and Council with clear directions about the future management, maintenance and improvement of use of Calembeen Park. Key management principles identified include conservation, trail connections, activities, sustainable management, maintenance, historical interpretation, signage, traffic management and entry presentation.

Consultation to inform the Management Plan indicated that Calembeen Park is highly valued by residents for its capacity as a local swimming area and park and for its historical relevance and unique landscape. The focus of the Management Plan should be to return Calembeen Park to a quality recreation space and swimming destination.

Outcomes of the consultation resulted in a vision for the future of Calembeen Park to include the following statements:

- It will provide a swimming baths area that is managed and maintained to safe standard.
- The reserve will provide a tranquil setting for passive recreation such as swimming, sailing, walking, picnics and be accessible for all to enjoy.

The following actions were identified to align with the management principles and are relevant to swimming and aquatics at the park:

1. Protect water quality.
  - a. Regularly test water for E-Coli and other contaminants. It is suggested that a minimum of four tests take place throughout the year, with most occurring during the warmer months in the lead up to a swimming season and during a swimming season. It is recommended to test in October (pre-season), November, January, February.
2. Activities.
  - a. The reserve is to be maintained for passive recreation only. Suitable developments to provide for passive activity include:
    - i. Development of more picnic facilities, shade and seating.
    - ii. Provision of quality swimming and diving facilities.
    - iii. Development and improvement of walking/cycling paths.
    - iv. Protection and enhancement of native vegetation.
    - v. Interpretation of baths and other areas (restoration and signage).
    - vi. Development of facilities that improve accessibility.
    - vii. Replace diving tower and if fencing is required, design fencing that is more sympathetic to the surrounds.
3. Managing risk.
  - a. Provide lifeguard supervision for the diving tower and look to extend this role for a one season period to encompass a level of supervision of behaviour in the water.
  - b. Monitor and improve water clarity.
  - c. Remove dangerous equipment installed by community members (i.e., Tarzan rope).
4. Minimal built form onsite.
  - a. There is to be minimal built form on the site reflecting the intent of the reserve as a tranquil area with a natural and historic landscape.
  - b. Built form is to reflect the natural and historic character and the capacity for access.



### 3.4 KEY FINDINGS FROM STRATEGIC REVIEW

In aspiring to achieve objectives identified in the 2021-2025 Council Plan, Hepburn Shire identifies a key goal of continuing to activate the existing outdoor swimming pools and strengthen their role as a community resource, including the recommendation to finalise the Hepburn Shire Aquatics Strategy. This is supported by other general yet relevant activities relating to the provision of aquatics facilities, such as:

- Improving access, maintenance and renewal planning and programs for Council assets, including opportunities to reduce Council's energy consumption.
- Promoting and encouraging inclusive, accessible and equitable access to sport and recreation opportunities in the Shire, including the associated health benefits.

The Recreation and Open Space Strategy 2016-2021 acknowledges the role that all forms of recreation play in the general wellbeing of residents and visitors. Of relevance are the following actions specified within the Strategy:

- Action the outcomes of the Creswick pool consultation undertaken in 2016-17.
- Explore the potential to extend the Daylesford outdoor swimming pool's season through the use of sustainable heating technology.
- Prepare or review master plans for Calembreen Park (Creswick), Clunes Recreation Reserve and Trentham Recreation Reserve.

Additionally, the Playspace Strategy 2020-2030 provides the following guidelines relating to water play:

- Water play/aquatics play is not supported for a local level play space but may or may not be included at a municipal or regional level play space dependant on local need and site context suitability.
- A long-term action to renew the Creswick Skate & Splash Park (inclusive of outdoor fitness).

These actions from the Recreation and Open Space Strategy 2016-2021 and the Playspace Strategy 2030 will be considered in this Aquatics Strategy.

There is a long history of planning and community lobbying regarding the provision of an indoor aquatics centre within the Shire, with community advocacy groups established in Creswick and Daylesford and each with their own facility concept plans developed. In addition to considering renewal opportunities for existing aquatics infrastructure, this Aquatics Strategy will also explore the demand and merit of an indoor facility, it's role within the network of existing facilities and possible locations.

It is acknowledged that there are a number of natural water bodies that exist within the Shire that are used for aquatics facilities, and these are not included in the scope of this report.

## 4. Current Aquatics Facilities Review

### *What aquatics facilities do we have in Hepburn Shire?*

This section reviews each aquatics facilities components, usage trends, asset condition and compliance and operational performance.

#### 4.1 HEPBURN SHIRE AQUATICS FACILITIES PROVISION

Hepburn Shire has three outdoor pools and two unsupervised aquatics spaces:

- Three of these aquatics facilities are owned and managed by Council (Daylesford Outdoor Pool, Clunes Outdoor Pool and Trentham Outdoor Pool – all seasonal facilities).
- Creswick Splash Park is owned and maintained by Council. It is a zero-depth, unsupervised aquatics play space.
- Calembreen Park Toddlers Pool is located next to Calembreen Lake which is natural water body. It is a fenced shallow seasonal toddler pool and is not supervised.
- There are also several natural water bodies across the Shire that are used by local residents including Lake Calembreen, St Georges Lake, Bluewaters, Hepburn Pool, The Blowhole, Sailors Creek, Vaughn Springs, Tipperary Spring, Lake Daylesford and Jubilee Lake.
- The Hepburn Bath House is also located in the Shire; however, this facility is seen as a commercial/tourist spa that does not provide for the aquatics needs of residents.

#### 4.2 DAYLESFORD OUTDOOR POOL



Figure 6: Aerial view of Daylesford Outdoor Pool

## Overview

The Daylesford Outdoor Pool was built in 1972 making it nearly 50 years old. The facility is open for the summer season which is approximately 14 weeks per year. The facility is located in the town centre, off the main street and at the rear of the Council's Town Hall building.

The facility is managed internally by Council staff.

The table below outlines the aquatics components at the Daylesford facility.

**Table 2: Daylesford Outdoor Pool facilities**

Pool	Size	Depth
Main Pool	50 metres x 13.4 metres x 6 lanes	1 metre shallow end to 3.4 metres deep end
Toddler Pool	7.3 metres x 6.1 metres	0.3 - 0.4 metres
Diving Board at the deep end	1 metre board	3.4 metres

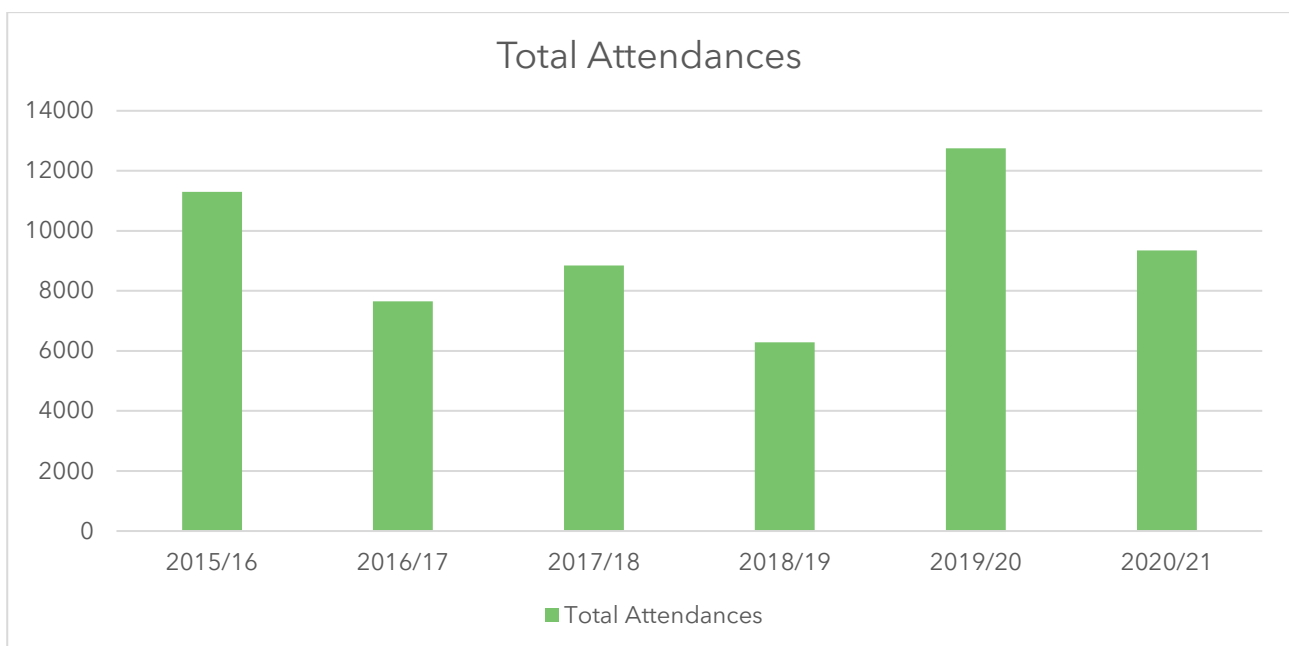
Other features of facility include:

- Amenities and change rooms - very small and in poor condition. Evidence of asbestos ceiling.
- Reception, kiosk and office area.
- Shades structures and grassed areas.
- Plant and storerooms - small sheds with compliance issues with access and chemical storage.

## Usage

The facility caters for lap swimming, recreational users, school groups and families. The cold temperature of the water is one of the key challenges for encouraging great use. This has been confirmed through the community engagement findings as a barrier for participation.

The length of season and closures for cooler weather days are also barriers for growing the usage of the facility. As an example, the facility was closed for 33 days out of 92 schedule operating days due to weather closures in 2020/21.



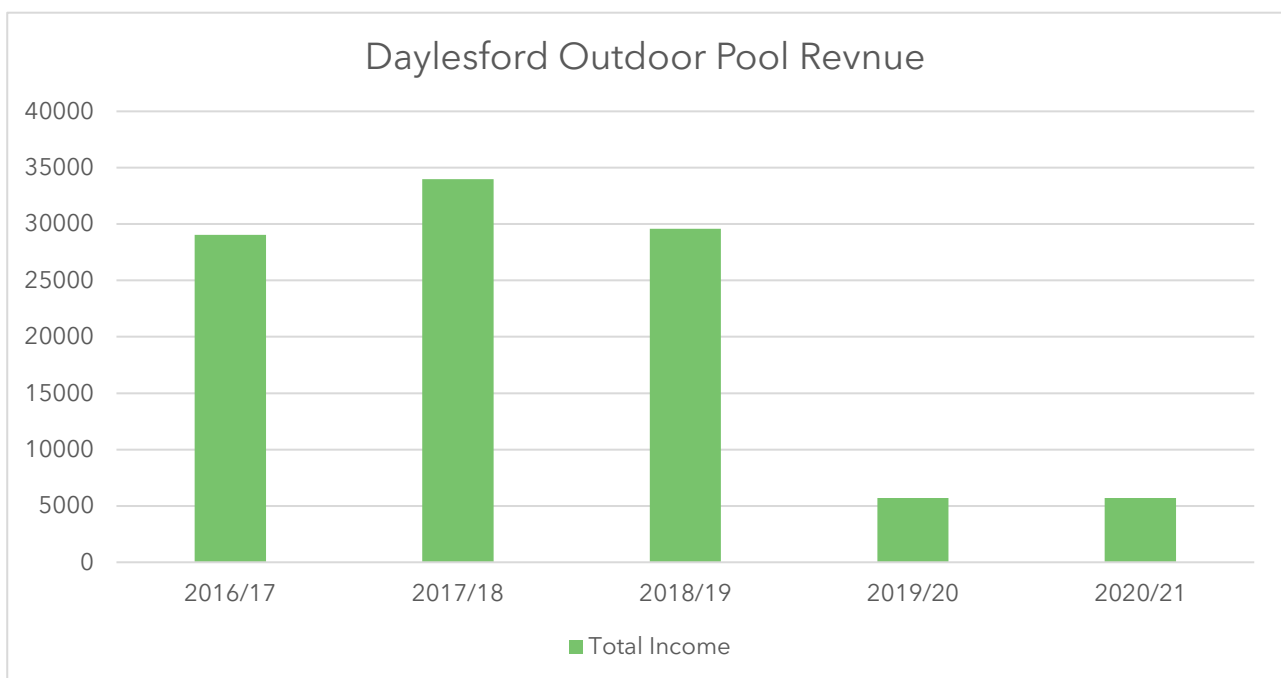
**Figure 7: Daylesford Outdoor Pool Attendance Data**

The following trends are evident from the attendance data:

- The visitations have fluctuated over the last six years with weather closures being a major factor in this trend.
- Over the last six years the lowest visitations were in 2018/19 6,286 and the highest visits were in 2019/20 12,753.
- Since the introduction of the free entry policy in 2019/20 visitations increased sharply recording the highest visitations ever recorded.
- Interesting to note that 2015/16 was the second highest visitations over the last 6 years which coincided with Council assuming the internal management of the facility after decades of external contract management arrangements.

### Operating Revenue Summary

The graph below provides a summary of the total revenue for the last five years between 2016/17 to 2020/21.



**Figure 8: Daylesford Outdoor Pool Operating Revenue**

The following trends are evident from the revenue data:

- Since the introduction of the free entry policy in 2019/20 income has decreased sharply.
- The highest income of \$33,996 was achieved in 2017/18.
- The lowest income of \$4,363 was recorded in 2020/21.

### Asset Condition and Compliance

The following is a summary of the JWC Asset Condition Assessment Report. The objective of the assessment is to provide direction on the asset management and allocation of resources for the development and maintenance of aquatics facilities.

The following observations were made by JWC Engineers during the site visit:

- The main pool is now likely to be some 50-60+ years old and is now only in fair condition from an aesthetic viewpoint. While nearing the end of its expected life there is still some remaining life of approximately 10-20+yrs. The remaining life will largely depend on stable ground

conditions continuing to remain, and preventing reinforcement corrosion, there is no indication otherwise.

- The main issue is leakage. Installation of a water meter on the make-up water, and leak testing is recommended. Expansion joints are likely required to be re-sealed.
- The water treatment plant is much newer than the pool, estimated to be 20 years old, and overall, it is in reasonably good condition.
- The hypo fill area requires a spill containment parking slab for the tanker. To be constructed where the tanker now parks at the rear of the Town Hall building.
- The electrics are an ad-hoc mixture of old and new and the older boards should be replaced and possibly consolidated with other elements.
- The site is small and constrained with the only available land to the north of the main pool. There is no opportunity to expand the site.

The items in the table below are remedial works required in the short to medium term (up to 5 years).

### Recommended Works - Daylesford Outdoor Pool

**Table 3: Short term Capital Works and Maintenance Priorities**

Item	Description	Cost Estimate
1	Install water meter on make-up water to Water Treatment Plant.	\$1,000
2	Leak test main pool and pipework. Allowance includes for some remedial works to expansion joints.	\$30,000
3	Hypo fill point requires spill containment tanker parking slab/valves drainage and an expanded fence enclosure.	\$40,000
4	Replace/upgrade old switchboards in plantroom. Undertake electrical check of plantroom electrics, including RCD's.	\$15,000
5	Connect backwash tank discharge to sewer, utilising a small pump.	\$10,000
6	Provide weather protective covers for solar pool covers.	\$2,000
7	Contingency fund.	\$20,000
	<b>TOTAL</b>	<b>\$118,000</b>

### Potential Redevelopment Option

The JWC Asset Condition Assessment Report notes that, if redevelopment of Daylesford Outdoor Pool is a potential future option, the following comments are provided for consideration:

- The pool shell is likely to remain serviceable for another 10-20+ years. This could potentially extend further if ground conditions remain stable and any initial reinforcement corrosion is kept at a minimum by prompt treatment.
- The 13.4m pool width is insufficient to meet current day expectations of 8 x 2m lanes.
- Conversion to a wet deck is not considered a viable option due to the age of the pool. Conversion would involve significant structural works plus changes to pipework and this could expose and cause adverse impacts on adjacent infrastructure. There would be similar issues with a disabled access (DA) ramp into the shallow end of the pool.
- The water treatment plant is adequate for the current pool spaces albeit that the toddlers pool is connected into the main pool system when preferably it should have its own dedicated system. The main equipment generally has 10-20+ years of life remaining but noting that pumps and dosing equipment have less economic life than filters and pipes etc and their replacement will likely be at the lower end of this range. Filter laterals may also need attention in this shorter time frame.

- Heating of the pools was discussed with Officers on the inspection day. Given the limitations of the existing solar heating, alternative options of electric heat pumps or gas fired boilers could be explored.
- Disinfection options were discussed with Officers on the inspection day. Alternatives to the traditional sodium hypochlorite-based disinfection typically default to calcium hypochlorite and on-site chlorine generation systems. Of these two options, calcium hypochlorite dominates; it needs only a simple mixer system to create required chlorine solution for dosing. It is being adopted largely because being a solid powder (or briquette) it is safer to handle than liquid sodium hypochlorite. But it is also more expensive. On-site chlorine generation systems are essentially a saltwater pool with the salt water (brine) solution located in the plantroom. They do not have a strong track record of reliable operation and only produce a low percentage strength chlorine solution. This means they often need to be supplemented with sodium hypochlorite, manually dosed, on busy days.
- The toddlers pool and main building do not warrant being retained in any redevelopment due to their age, small size, functionality issues and low asset value. Their removal would leave this upper tier level open for any new development.
- Any water new water space, including a splash play area will require its own dedicated water treatment system(s).

### 4.3 CLUNES OUTDOOR POOL



Figure 9: Aerial view of Clunes Outdoor Pool

## Overview

The Clunes Outdoor Pool was built in the 1960's making it approximately 60 years old. The facility is open for the summer season which is approximately 14 weeks per year. The facility is located adjacent to the Clunes Recreation Reserve and Clunes indoor stadium. The facility is managed internally by Council staff.

The table below outlines the aquatics components at the Clunes facility.

**Table 4: Clunes Outdoor Pool facilities**

Pool	Size	Depth
Main Pool	25 metres x 5 lanes	1 metre shallow end - 3 metres deep end
Toddler Pool	4.5m x 3.6m	0.35 metres

Other features of facility include:

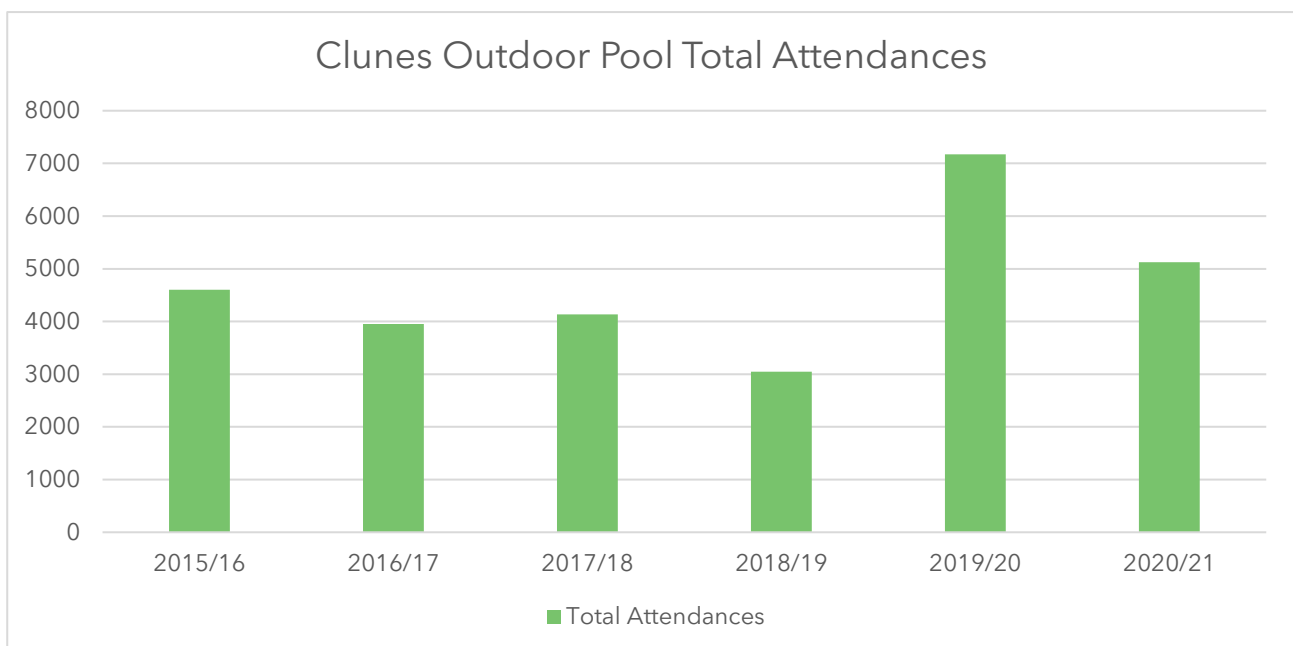
- Amenities and change rooms
- Reception, kiosk and office area
- Shade structures and grassed areas
- Plant and storerooms.

## Usage

The facility caters for lap swimming, recreational users, school groups and families. Despite having a solar heating system one of the key challenges for encouraging greater use is the water temperature. This has been confirmed through the community engagement findings as a barrier for participation.

The length of season and closures for cooler weather days are also barriers for growing the usage of the facility. For example, the facility was closed due to weather closures for 4 days out of 92 scheduled operating days for the 2020/21 season.

The graph below provides a summary of the total visitations for the last six years between 2015/16 to 2020/21.



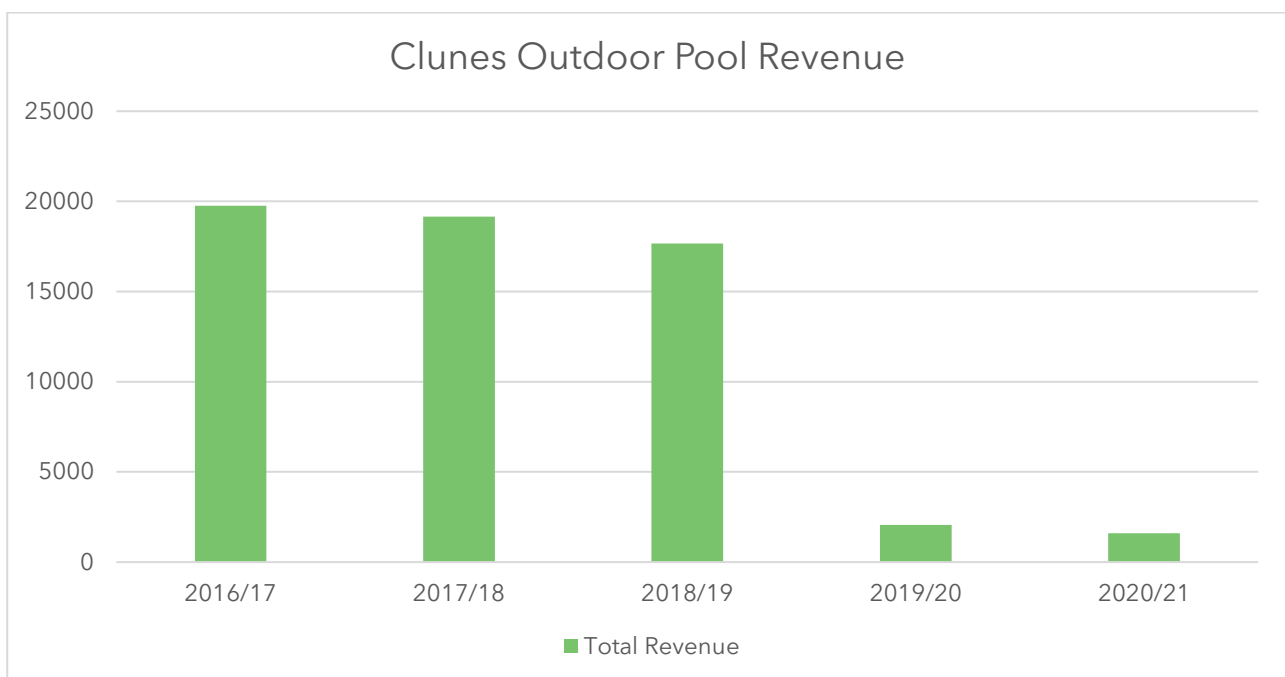
**Figure 10: Clunes Outdoor Pool Attendance Data**

The following trends are evident from the attendance data:

- Since the introduction of the free entry policy in 2019/20 visitations increased sharply recording the highest visitations ever recorded. Although visits dropped slightly in 2020/21 it was the second highest attendance level in the last six years.
- Over the last six years the lowest visitations were 3,049 in 2018/19 and the highest visits were 7,170 in 2019/20.
- Interesting to note that 2015/16 was the third highest visitations over the last 6 years which coincided with Council assuming the internal management of the facility after decades of external contract management arrangements.

### Operating Revenue Summary

The graph below provides a summary of the total revenue for the last five years between 2016/17 to 2020/21.



**Figure 11: Clunes Outdoor Pool Operating Revenue**

The following trends are evident from the revenue data:

- Since the introduction of the free entry policy in 2019/20 income has decreased sharply.
- The highest income of \$19,757 was achieved in 2016/17.
- The lowest income of \$1,604 was recorded in 2020/21.

### Asset Condition and Compliance

The following is a summary of the JWC Asset Condition Assessment Report. The objective of the assessment is to provide direction on the asset management and allocation of resources for the development and maintenance of aquatics facilities.

The following observations were made by JWC Engineers during the site visit.

- The main pool is now likely to be approximately 60 years old, has a low build quality and is now deteriorated to fair condition. While nearing the end of its economic life the shell remains functional and is likely to remain so for the next 15-20 years. Remaining life expectancy will largely depend on ground conditions continuing to be remain stable (and there is no indication otherwise) and continuing to manage leakage.



- As for most older pools the main issue is leakage. Installation of a water meter on the make-up water to establish a data base, and formal leak testing is recommended. Hydrostatic and dye testing should focus on the expansion joints and pipework. Expansion joints are highly likely required to be renewed and this work is in the Recommended Works table.
- The toddler's pool is a small, domestic type fibreglass pool. It is a very basic installation, in poor condition. It has a low asset value and retaining it in any redevelopment is not warranted.
- Any new toddlers pool or splash play area will need its own dedicated water treatment plant. Although site space is very limited the logical location for this is along the east boundary.
- The main water treatment plant is much newer than the pool estimated as approximately 20years old, and overall, it is in good condition.
- The water distribution system into and from the pool has been influenced by the additional pipework to the pool installed as part of the Water Treatment Plant replacement. This presents some risk of short circuiting which could adversely affect water quality. This risk however can be mitigated, particularly on busy days, by taking water samples directly from the pool in likely dead spots i.e., not relying solely on the automatic system and managing bather numbers accordingly.
- The original pipework will remain a risk (relative to the newer pipework), as evidenced by the drainpipe / valve failure and total water loss in February 2021. There is little that can be done in terms of planned maintenance to mitigate risk of the older pipe and thus reactive maintenance can only be expected to increase over time.
- The hypo fill area requires a spill containment parking slab for the tanker. This is a significant amount of work and if the current parking spot is retained it will involve legal assessments on land ownership and use. Alternatively, it may be feasible to relocate it to inside the site. This project needs further investigation of design options and land issues before proceeding.
- The site is small and constrained. There is no opportunity to expand the site.

The items in the table below are remedial works required in the short to medium term (up to 5 years).

**Table 5: Short Term Capital Works and Maintenance Priorities**

Item	Description	Cost Estimate
1	Install water meter on make-up water to Water Treatment Plant	\$1,000
2	Leak test main pool and pipework. Allowance includes for some remedial works including renewal of expansion joints.	\$25,000
3	Hypo fill point requires spill containment tanker parking slab/valves drainage and an expanded fence enclosure.	\$50,000
4	Undertake electrical check of plantroom electrics, including RCD's. Allowance includes for some nom. remedial work.	\$5,000
5	Connect backwash tank discharge to sewer, utilising a small pump.	\$15,000
6	Provide weather protective covers for solar pool covers	\$3,000
7	Paint 'lane' lines on pool floor	\$1,000
8	Contingency fund	\$20,000
	<b>TOTAL</b>	<b>\$130,000</b>

### Potential Redevelopment Options

The JWC Asset Condition Assessment Report notes, in terms of redevelopment, the fact that the main pool has some remaining life and the relatively young water treatment plant, coupled with the linkage to the newer oval pavilion building supports retaining the facility. There is potential for numerous cosmetic improvements, depending on budgets.

Replacement of the toddler's pool is recommended and there is opportunity, albeit limited by space constraints, for a splash play area.

## 4.4 TRENTHAM OUTDOOR POOL



Figure 12: Aerial view of Trentham Outdoor Pool

### Overview

The Trentham Outdoor Pool was built in the 1960's making it approximately 60 years old. The facility is open for the summer season which is approximately 14 weeks per year. The facility is located centrally in the township and is adjacent to the Trentham tennis courts and neighbouring park. The facility is managed internally by Council staff.

The table below outlines the aquatics components at the Trentham facility.

Table 6: Trentham Outdoor Pool facilities

Pool	Size	Depth
Main Pool	25 metres x 10.6 metres x 5 lanes	1 metre shallow - 2.6 metres deep end
Toddler Pool	9.2 metre hexagonal shape	0.2 metres - 0.3 metres

Other features of facility include:

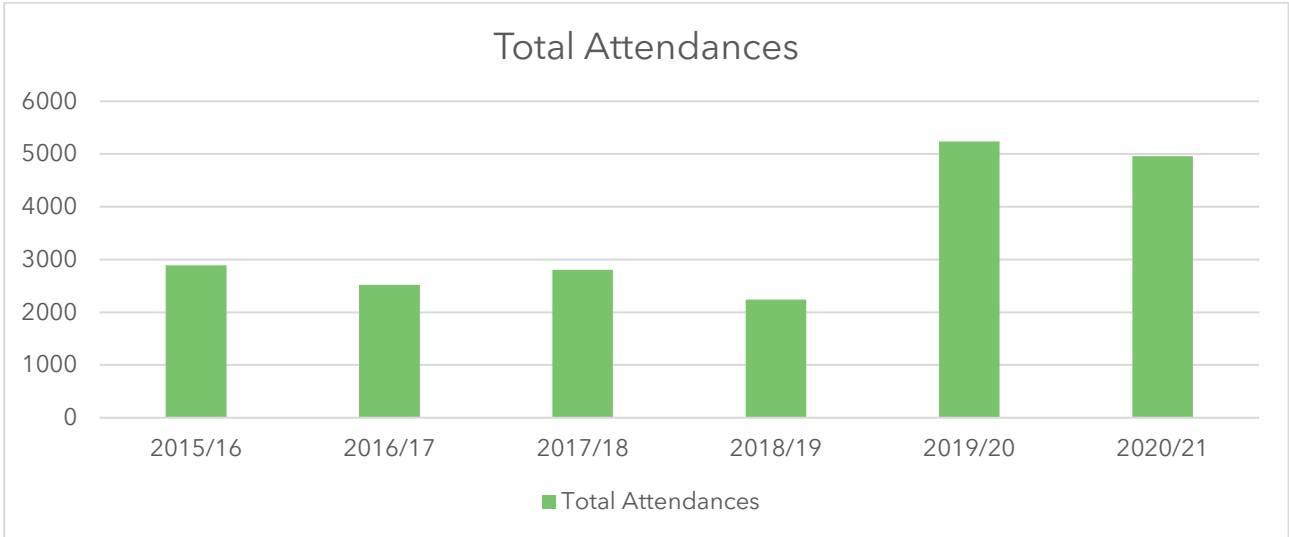
- Amenities and change rooms
- Reception, kiosk and office area
- Shade structures and grassed areas
- Plant and storerooms.

### Usage

The facility caters for lap swimming, recreational users, school groups and families. Despite having a solar heating system one of the key challenges for encouraging greater use is the water temperature. This has been confirmed through the community engagement findings as a barrier for participation.

The length of season and closures for cooler weather days are also barriers for growing the usage of the facility. To emphasize this the facility was closed due to weather closures for 33 days out of 92 scheduled operating days for the 2020/21 season.

The graph below provides a summary of the total visitations for the last six years between 2015/16 to 2020/21.



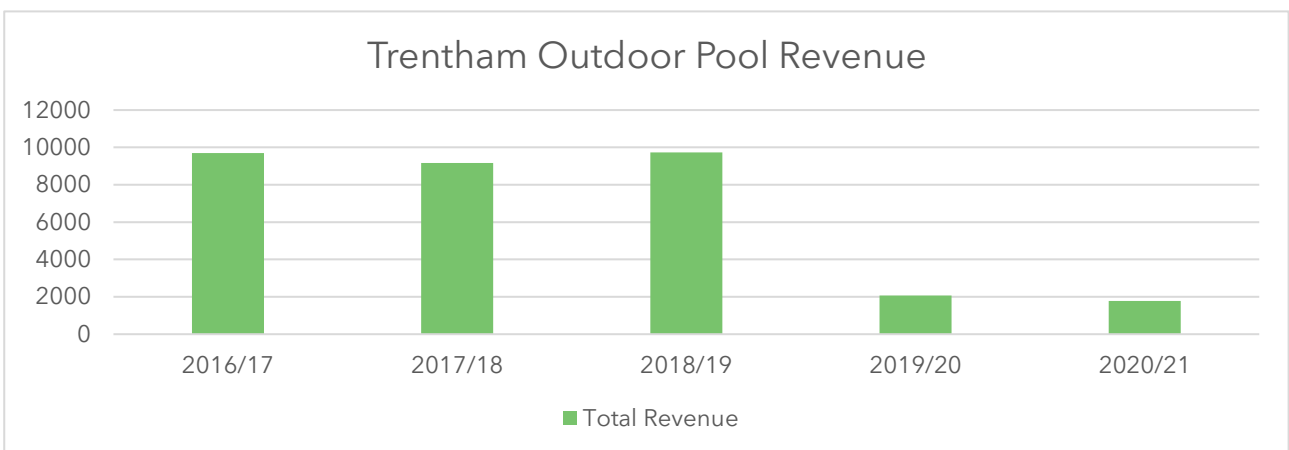
**Figure 13: Trentham Outdoor Pool Attendance Data**

The following trends are evident from the attendance data:

- Since the introduction of the free entry policy in 2019/20 visitations increased sharply reaching the highest visitations ever recorded. Although visits dropped slightly in 2020/21 it was the second highest attendance level in the last six years.
- Over the last six years the lowest visitations were 2,239 in 2018/19 and the highest visits were 5,241 in 2019/20.
- Interesting to note that 2015/16 was the third highest visitations over the last 6 years which coincided with Council assuming the internal management of the facility after decades of external contract management arrangements.

**Operating Revenue Summary**

The graph below provides a summary of the total revenue for the last five years between 2016/17 to 2020/21.



**Figure 14: Trentham Outdoor Pool Operating Revenue**

The following trends are evident from the revenue data:

- Since the introduction of the free entry policy in 2019/20 income has decreased sharply.
- The highest income of \$9,729 was achieved in 2018/19.
- The lowest income of \$1,776 was recorded in 2020/21.

### Asset Condition and Compliance

The following is a summary of the JWC Asset Condition Assessment Report. The objective of the assessment is to provide direction on the asset management and allocation of resources for the development and maintenance of aquatics facilities.

The following observations were made by JWC Engineers during the site visit:

- The main pool has suffered from floor uplift at some stage which represents a technical structural failure. The resultant cracks have been repaired. While the shell is nearing the end of its economic life, it is functional and is likely to remain so for the next 10-20+ years. Remaining life expectancy will largely depend on ground conditions continuing to be remain stable (there is no indication otherwise) and continuing to manage and control leakage.
- The prime issue is leakage, even more so than at Clunes and Daylesford. Trentham has a greater leakage rate than the other two pools and this is suspected to be due to the pool uplift event/cracks many years ago. Installation of a water meter on the make-up water to establish a data base, and formal leak testing is recommended. Hydrostatic and dye testing should focus on the expansion joints and pipework. Expansion joints are highly likely required to be renewed and this work is in the Recommended Works table.
- The main shade structure is in poor condition and appears to lack structural robustness. Replacement is recommended.
- The toddler's pool is quite large. It is a basic installation but still serviceable and serves its purpose.
- The main water treatment plant is much newer than the pool, estimated about 20 years old, and overall is in good condition.
- The original pipework under the concourse is a long-term risk but unfortunately there is little that can be done in terms of planned maintenance to mitigate this risk. Reactive maintenance can only be expected to increase with time until ultimately pipes will need to be replaced.
- The site is small and constrained. The only direction for expansion is further into the Reserve to the west, moving closer to Market St.

### Recommended Works - Trentham Outdoor Pool

**Table 7: Short Term Capital Works and Maintenance Priorities**

Item	Description	Cost Estimate
1	Install water meter on make-up water to Water Treatment Plant.	\$1,000
2	Leak test main pool and pipework. Allowance includes for some remedial works including renewal of expansion joints.	\$25,000
3	Main pump foot valve, rectify opening in inlet grille.	\$1,000
4	Acid mixing tank, provide compliant nesting bund tank. Remove incorrect Cal-hypo label from door.	\$1,000
5	Replace main shade structure along south side of pool.	\$40,000
6	Undertake electrical check of plantroom electrics, including RCD's. Allowance includes for some minor remedial work.	\$3,000
7	Connect backwash tank discharge to sewer.	\$10,000
8	Provide weather protective covers for solar pool covers (only 1 seen onsite).	\$2,000
9	Contingency fund.	\$20,000
<b>TOTAL</b>		<b>\$104,000</b>

## Potential Redevelopment Options

The JWC Asset Condition Assessment Report notes, in terms of redevelopment, the fact that the main pool has suffered a technical structural failure, albeit some time ago, restricts opportunities to essentially maintaining the status quo.

## 4.5 CRESWICK SPLASH PARK



Figure 15: Creswick Splash Park

### Overview

The Creswick Splash Park was installed in 2016 in the town centre, opposite the new Creswick IGA store. It forms part of a broader recreation precinct which also includes the skate park, shelters, BBQ facilities and outdoor gym equipment. It's a vibrant and highly popular facility for locals and visitors.

Facilities include:

- Zero depth splash pad approximately 15 metres x 10 metres with a variety of interactive waterplay features including tipping buckets, water tunnels, and sprays.
- Plant room.
- Shade structures and picnic areas.
- Paved and grass surrounds.

### Usage

Visitation data is not collected for this site.

## Asset Condition

The following is a summary of the JWC Asset Condition Assessment Report. The objective of the assessment is to provide direction on the asset management and allocation of resources for the development and maintenance of aquatics facilities.

The following observations were made by JWC Engineers during the site visit.

### Splash Park

- Facility is five years old and consists of two components, the splash park and adjacent is the Green River.
- One splash park water feature has been abandoned due to poor performance/operational issues.
- Play surface is bare concrete, no soft padding, but conversely there are no climbing water features.
- All water from Splash Park drains separately to a new balance tank, then to the treatment plant. The original balance tank had to recently be supplemented with this tank, with increased volume.
- Treatment plant and feature pumps are located in two small sheds along northern boundary. Auto-dosing is installed for sodium hypochlorite and sodium bisulphate chemical treatment of water.

### Green River feature

- There is a simple 'river themed water feature' built under separate contract.
- River is approximately 35 metres long and gently snakes down a 5-metre-wide concrete pathway towards Midland Highway/service road.
- River pathway also serves as primary walkway from the street (Midland Highway) to picturesque creek frontage and pedestrian bridge. This dual purpose indicates the flat and gentle nature, in fact water ponds in the 'river' in places.
- River water only runs, from mains water pressure, with button activation by the public. However, the flow is hardly noticeable with water taking minutes to migrate a few metres downslope. Hence it is little used.
- The pragmatic solution is to abandon this river feature, on the basis that the water-side infrastructure has low asset value. If high pressure pumps were added then that would add significant cost, raise safety issues and start to compromise the walkway functionality.
- The plant is still as new but heat build-up in the sheds on hot days is an issue that has affected some electrics. Staff have put additional shade overhead to reduce this problem.
- Both the sodium hypo and acid mixing tank need to have higher walled bunding tanks (as per Clunes, Daylesford and Trentham) to meet regulations.

Council Officers mentioned lack of shade and seating for parents while children were playing on Splash Park. Currently parents look into the setting evening sun from existing shade structure, another shade structure on the west side looking east could be considered. The closest toilets are on other side of busy Midland Highway which is not ideal. Consideration of a public amenities block adjacent to the Splash Park would be beneficial for users.

## Recommended Works - Creswick Splash Park

Table 8: Short Term Capital Works and Maintenance Priorities

Item	Description	Cost Estimate
1	Acid mixing and hypo dosing tank, provide compliant nesting bund tank.	\$1,000
2	Allowance to improve shading arrangements/ventilation if needed over both plantrooms.	\$10,000
3	Contingency fund.	\$5,000
	<b>TOTAL</b>	<b>\$16,000</b>

## 4.6 CALEMBEEN PARK TODDLERS POOL



Figure 16: Aerial view of Calembreen Park Toddler Pool

### Overview

Calembreen Lake was the original swimming hole for the Creswick community. It has a long history dating back to the early 1900's. Council recognised that the reserve provided an opportunity to create a more formal swimming baths for Creswick. Dressing sheds, spectator seating and landscaping was completed which created one of the more popular swimming spots available in the region at the time.

Over time, limited resourcing and risk management issues have resulted in the loss of much of the historical infrastructure. Although the area is still picturesque there are a number of ongoing challenges with asset renewal and upgrades within Calembreen Park that will need to be considered.

The facility includes:

- Toddlers Pool on the banks of the lake, in a fenced area.
- Intermediate pool, shallow section of the main lake. This area is not chemically treated, natural water body.
- Amenities and change rooms.
- Plant room.
- Shade structures and picnic areas.

## Usage

No usage data is collected for this site.

## Asset Condition and Compliance

The following is a summary to the JWC Asset Condition Assessment Report. The objective of the assessment is to provide direction on the asset management and allocation of resources for the development and maintenance of aquatics facilities.

The following observations were made by JWC Engineers during the site visit:

- The toddlers pool structure is nearing the end of life.
- Simple and basic pool shell 12 metre x 4 metre with 250mm to 400mm depth.
- The toddlers pool abuts the lake but is separated/surrounded by a pool safety fence.
- Treatment plant is estimated at approximately 30 years old. It is a simple domestic type of sand filter system located in a very small timber shed and well away from pool.
- Disinfection is with sodium hypochlorite and pH control is with hydrochloric acid, both delivered in 15 litre containers. It does have a new water chemistry control system (1 yr. old) but no remote telemetry. Maintaining water quality is a challenge for Council staff.
- Numerous pipe blockages occur due to leaves etc. Saw-cuts in the concourse above wall nozzle inlets show that these pipes have been replaced. Pipe blockage problems appear reasonably frequent, and this could possibly be linked to poor geotechnical conditions from the proximity to the lake.
- Leaking drain valve to lake requires investigation/repair.
- Filter backwash discharges directly out through rear wall of this shed, onto ground and drains into the lake.

There are a number of safety and compliance concerns with this pool. It is not staffed during summer which exposes Council to a level of risk for incidents. Compliance with current health department water quality regulations is a concern also as water is drawn from the lake which is filled with stormwater. There have been previous recordings of E-Coli existing in the water supply which is a significant concern for parents and toddlers using the pool. Daily water tests are undertaken on the toddler pool when in operation to ensure compliance with Health Department regulations.

## Recommended Works - Calembeen Park Toddlers Pool

**Table 9: Short Term Capital Works and Maintenance Priorities**

Item	Description	Cost Estimate
1	Leak test pool and pipework. Allowance includes for some remedial works including renewal of expansion joints.	\$10,000
2	Re-align plantroom pipework to improve performance and OHS safety.	\$5,000
3	Increase separation distance between hypo and acid to improve safety.	\$1,000
4	Upgrade plantroom electrics, including RCDs to ensure compliance. Allowance.	\$5,000
5	Connect backwash discharge to sewer. This will require tank, pump and 60m pipe to public toilets.	\$10,000
6	Contingency fund.	\$20,000
	<b>TOTAL</b>	<b>\$51,000</b>



### Potential Redevelopment Options

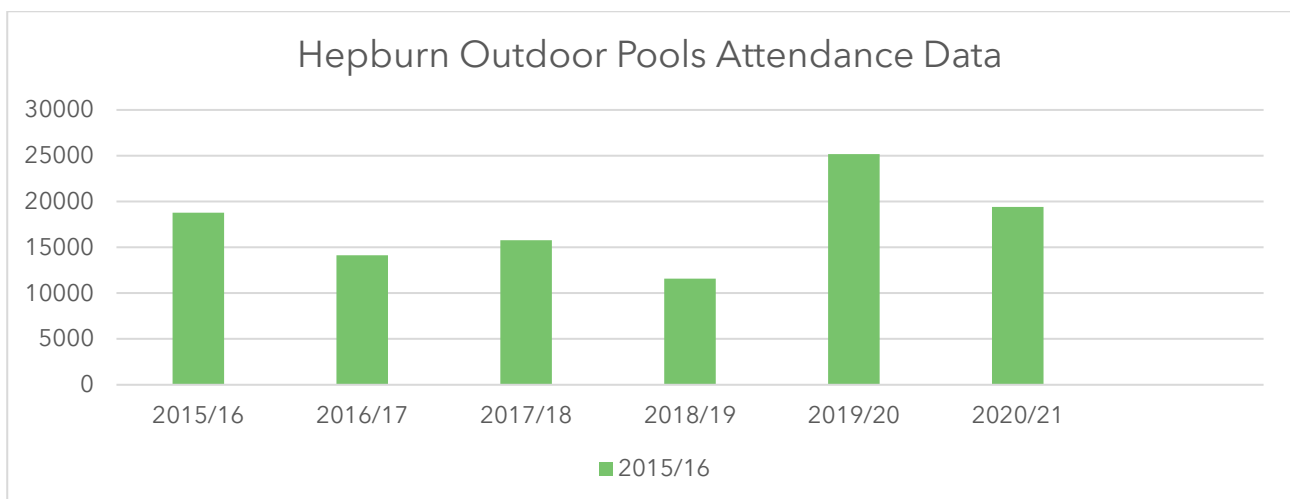
- The pool and plant are both basic and old.
- The pool shell has cracks around the perimeter and replacement nozzles and pipework saw-cuts in slab indicate previous pipework problems, possibly due to poor geotechnical issues from being so close to the lake.
- The ad-hoc plant and plantroom has OHS issues and regulatory non-compliances such as the backwash discharge going to ground and returning to the lake.
- There is no solar heating; roof area is scarce.
- Both the pool structure and plant room have reached the end of their economic life.

## 4.7 SUMMARY OF HEPBURN AQUATICS FACILITIES OPERATING PERFORMANCE SUMMARY

Limited financial data for each site was available for the operating performance analysis section. Prior to the 2020/21 season all Council financial data was aggregated for reporting purposes.

### Combined Hepburn Outdoor Pool Attendance Data Overview

The following graph shows the aggregated annual attendance data for the last six years.



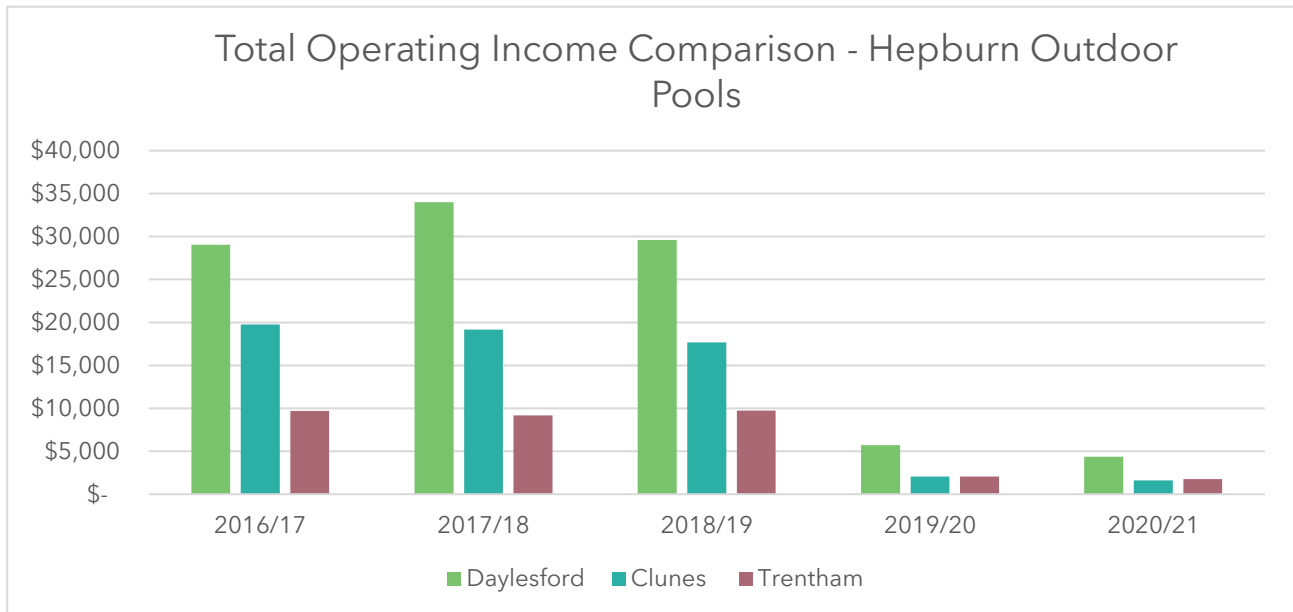
**Figure 17: Hepburn Aquatics Facilities Annual Attendance Summary**

The attendance summary indicates the following trends:

- The graph shows an overall increase in visitations for the Hepburn Council managed aquatics facilities over the past two seasons.
- The three outdoor pools attracted the highest recorded attendances of 25,164 visits in 2019/20, which was driven by a new free entry policy adopted in 2019.
- There was a slight decline in 2020/21 however each facility had a significant number of closures due to weather conditions and maintenance closures. They were also closed for five days due to COVID lockdowns.
- The lowest visitations of 11,574 was recorded in 2018/19 and highest visitations of 25,164 was achieved in 2019/20.

## Operating Revenue Comparison

The following graph shows the annual operating revenue for each outdoor pool for the last five years.



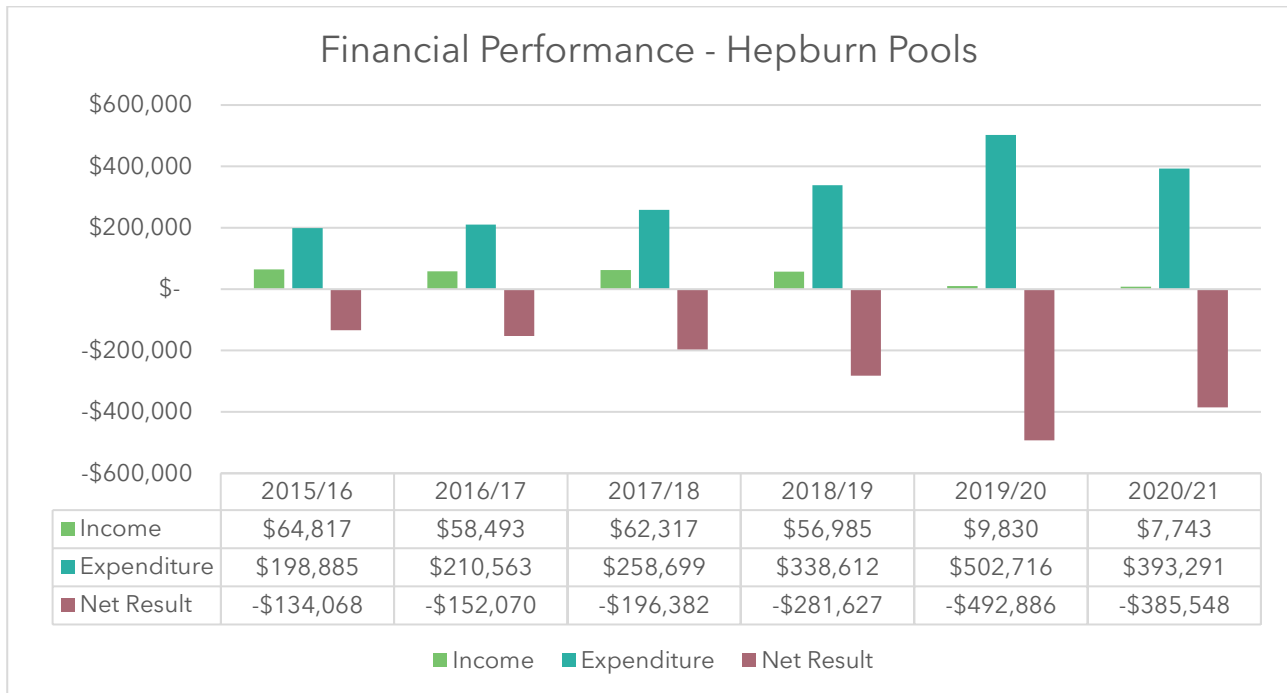
**Figure 18: Hepburn Aquatics Facilities Operating Revenue**

The operating revenue summary indicates the following trends:

- The graph shows a decline in revenue over the past five years across all three outdoor pools. This is attributed to the free entry policy adopted in 2019. Revenue in 2019/20 and 2020/21 is only kiosk sales income.
- The Daylesford Outdoor Pool generated the highest income compared to the other two pools over the five years. The peak year for income was 2017/18.
- Clunes and Trentham Outdoor Pools attract far less visitations and revenue compared to Daylesford which is expected due to lower population catchments.
- The average annual income between 2016/17 and 2018/19 was \$59,265 per season prior to the introduction of the free entry policy. This compares to the average income \$8,786 per season for 2019/20 and 2020/21.

## Hepburn Aquatics Facilities Annual Operating Performance

The following graph shows the combined financial performance for the Hepburn aquatics facilities over the last six years. This includes Daylesford Outdoor Pool, Clunes Outdoor Pool, Trentham Outdoor Pool, Creswick Splash Park and Calembreen Park Toddlers Pool.



**Figure 19: Hepburn Aquatics Facilities Annual Financial Performance Summary**

The combined financial performance summary indicates the following trends:

- Total income gradually declined between 2016/17 and 2018/19, then dropped sharply in 2019/20 after the commencement of the free entry policy adopted by Council.
- Conversely expenditure increased significantly over the same period. Expenditure increased by 153% from \$198,885 in 2015/16 to \$502,716 in 2019/20. This is attributed to higher staff costs with Council assuming the internal management of the three facilities in 2019/20. Prior to this a hybrid management model was in place with subcontracted lifeguard staff sourced through Momentum One.
- The net performance declined significantly over the six-year period. The operating deficit grew from a loss of \$134,068 in 2016/17 to \$492,627 deficit in 2019/20. This equates to a 267% increase in the operating subsidy to operate the outdoor pools. The key factors for the decline were the introduction of the free entry policy combined with higher staffing and maintenance costs since Council assumed the internal management control of the facilities.
- Council commenced an annual maintenance contract in 2019/20 to address numerous asset management issues across the pools. This was additional expenditure added to the net operating results, which was not included between 2016/17 and 2018/19. Council spent \$98,000 in 2019/20 and \$86,000 in 2020/21 on maintenance.
- It should also be noted that seasonal pools typically see up to 30% swing in revenue annually depending on the weather conditions, particularly during the peak summer holiday periods. An example was the 2020/21 season which had 33 days of closures at Daylesford and Trentham in due to poor weather and COVID disruptions.

## 4.8 COUNCIL'S WEATHER CLOSURE POLICY

The current Weather Closure Policy across the three outdoor pools states that during the operating season the pools close on days of 21 degrees or less.

The current weather closure policy is causing high levels of frustration from the community. It was raised in stakeholder discussions, at the Community Pop Up sessions and in the community survey results. The community sees the current policy as not providing consistent or reliable opening hours. During each season a significant number of days and hours are lost due to the closures. For example, in 2020/21 both Daylesford and Trentham closed for 33 days out of a total 92 days that the pools are officially open during summer. This indicates that the pools were closed for over 30% of the season. This is a similar trend each year.

## 4.9 KEY FINDINGS OF CENTRE REVIEW

The following table provides a summary of the operational performance of Hepburn aquatics centres across the last six years.

**Table 10: Summary of Overall Operational Performance - 2015/16 to 2020/21**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	6 Year Average
Visits	18,795	14,121	15,782	11,574	25,164	19,430	17,477
Income	\$64,817	\$58,493	\$62,317	\$56,985	\$9,830	\$7,743	\$43,816
Expenditure	\$198,885	\$210,563	\$258,699	\$338,612	\$502,716	\$393,291	\$317,127
Operational Surplus / Deficit	-\$134,068	-\$152,070	-\$196,382	-\$281,627	-\$492,886	-\$385,548	-\$273,311
Income Per Visit	\$3.45	\$4.14	\$3.95	\$4.92	\$0.39	\$0.40	\$2.88
Expense Per Visit	\$10.58	\$14.91	\$16.39	\$29.26	\$19.98	\$20.24	\$18.56
Operating Cost Per Visit	\$7.13	\$10.77	\$12.44	\$24.33	\$19.59	\$19.84	\$15.68

The operating indicators show:

- Visitations ranged from a high of 25,164 in 2019/20 and a low of 11,574 in 2018/19. The average annual visits were 17,477 over the six years. There was a sharp increase in visitations in the 2019/20 with the introduction of the free entry policy. This new policy was embraced by the community, and it was further validated from the positive feedback gained at the Pop-Up sessions, online survey and stakeholder consultation sessions.
- Income fluctuated between 2015/16 and 2018/19 due to weather conditions and facility closures. There was a sharp decline in revenue in 2019/20 with the introduction of the free entry policy. The only sources of income in the last two years have been kiosk sales and private bookings.
- While revenue has declined, expenditure has grown significantly over the last six years. The key factors behind this change are higher wages costs, new maintenance agreements and internal management model commencing in 2019/20.
- The operating deficit has grown by 188% from \$134,068 to \$385,548 over the last six years. This is due to declining revenue levels and higher operating costs as explained above.
- Despite growing usage, introducing free entry has impacted the cost per visit which has increased by 178% from \$7.13 to \$19.84 over the past six years.

## 5. Market Research Analysis

### **What is the demand for aquatics and leisure services and facilities in Hepburn?**

This section analyses the catchment of facilities, participation demand and aquatics facility trends.

#### **5.1 CATCHMENT ANALYSIS**

Leisure and sporting facility trends and benchmarking generally indicates that local or municipal facilities have a primary catchment radius of approximately 5km and a secondary catchment radius of 10km.

In general, approximately 75% to 85% of users will reside within a 0km to 5km radius of a facility with the remaining 15% to 25% coming from areas within the 5km to 10km radius of the facility. Regional facilities, providing unique and varied facility components and a larger number of services will draw users from a much wider catchment than a local/municipal facility. In rural Victoria a 20km catchment area is observed for regional facilities.

The size and shape of the catchment area will be influenced by a number of factors including the range and quality of facilities and services offered, natural and built barriers i.e., freeways, travel times and the availability of competing facilities. In metropolitan Melbourne, it is common for facilities to share catchment areas, particularly the secondary catchment areas.

The Catchment Map on the following page shows:

- The facility catchment areas of the five Hepburn aquatics facilities.
- The catchment areas for the indoor facilities surrounding the Hepburn Shire boundaries including the Ballarat Aquatic & Lifestyle Centre, Kyneton Toyota Aquatic Centre and Maryborough Sports and Leisure Centre.
- Primary and Secondary catchment shaded zones surrounding each aquatics facility.
- Plotting of other aquatics facilities which surround Shire's outdoor pools and the Hepburn Bathhouse.

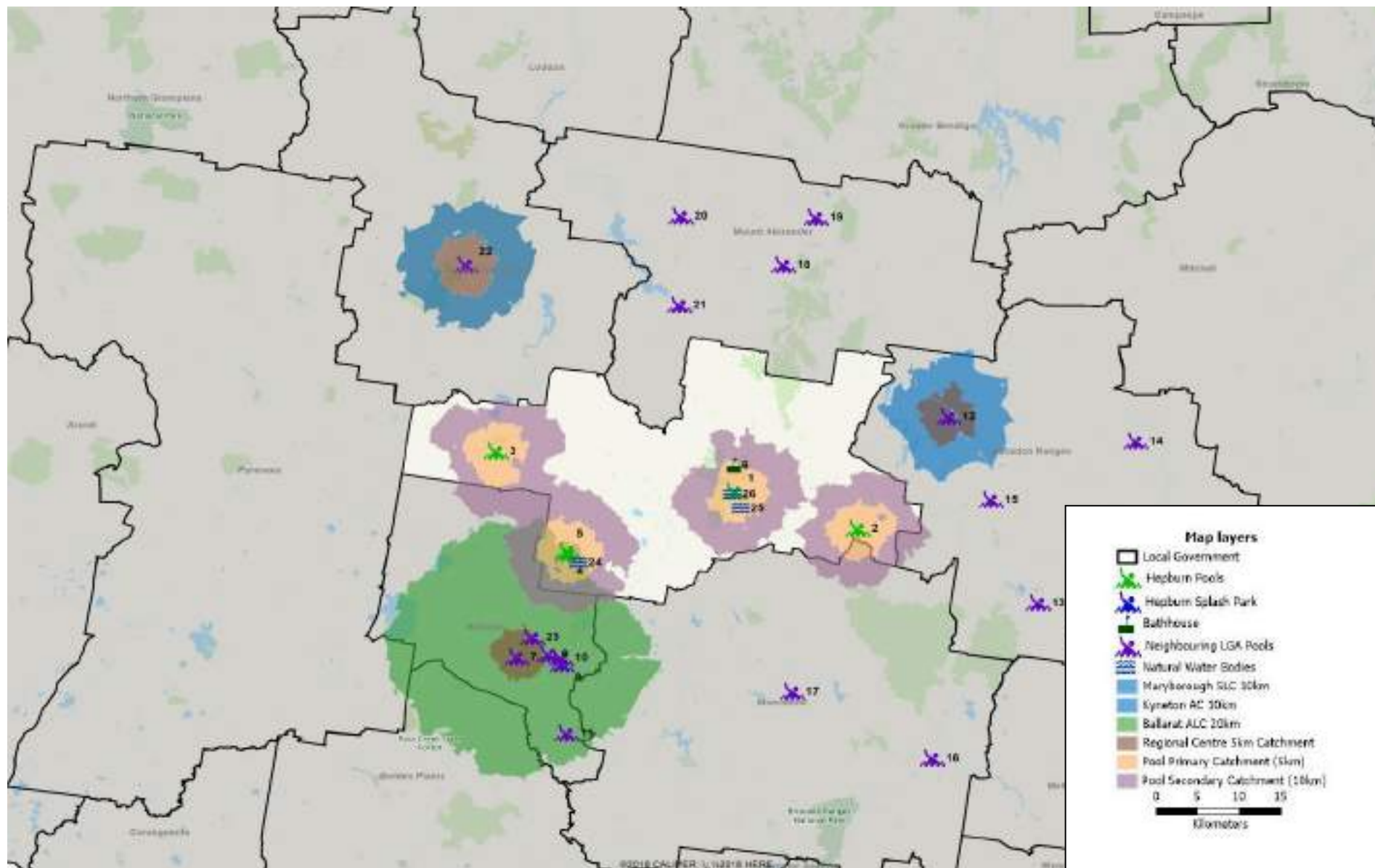


Figure 20: Hepburn Aquatics Facilities Catchment Map

## 5.2 PARTICIPATION RATES

AusPlay is the national population tracking survey funded and led by the Sports Commission (formerly known as the Australian Sports Commission) and follows on from the previous Exercise, Recreation and Sport Survey (ERASS) and Australian Bureau of Statistics, 'Children's Participation in Cultural and Leisure Activities, Australia'. Annually, about 20,000 interviews are conducted with adults aged 15 and over and about 3,500 interviews with parents/guardians of children under 15 years of age.

Key participation statistics show:

- The annual population estimate of Australian Adults (15+ years) participating in swimming was 2,984,880 or 14.8% of the adult population.
- Overall, females accounted for 56% of participants and males 44%.
- Swimming participation rates increased steadily from early adulthood to their peak in the 35 to 54-year age groups.
- Conversion to club participation was low with only 6% of participants a member of an organised swim club.
- An estimated 1.5 million children (Under 15 years) participating in organised swimming out of school e.g., learn to swim or squad classes. This accounts for around one third of all Australian children.
- The peak participation rates for children in organised out of school swimming were five and eight years.
- Adult swimmers participated regularly with a median frequency of 48 sessions per annum for a duration of 45 minutes.
- The highest rating reasons for participating in swimming was 'physical health/fitness (51%) and 'fun/enjoyment (34%)'.
- The highest rating reasons for drop out were not enough time/too many commitments (19%) and poor health or injury (16%).

In 2013, The Australian Sports Commission commissioned the CSIRO to research future sports trends, including the impact of megatrends - patterns of social, economic or environmental changes that influence sports participation (Future of Australian Sport: Megatrends shaping the sports sector over the coming decades, Australian Sports Commission, 2013).

The research found activities supported by aquatics and leisure facilities including swimming, aerobics and fitness/gym participation rates per capita have increased in recent years and remains within Australia's top 10 sport and recreational activities.

The key megatrends profiling the types of participants identified in the Australian Sports Commission's the Future of Australian Sport report that can support greater participation in swimming and fitness/gym include:

- A perfect fit - personalised sport for health and fitness.
- More than a sport - achieving health, community and overseas aid objectives via sport.
- Everybody's game - sports that respond to demographic, generational and cultural change.

OPG research has identified a range of general sport and recreation participation trends that are likely to impact on local communities in the future. These are:

- **A gradual ageing of the population.** As life expectancy increases, birth rates stay low and the "baby boomers" of the 1950s and 1960s grow older. This is placing a demand on providing specific older persons programs.

- **Flexibility in the times when people recreate.** As demands on people's time increases and work practices change, people are seeking to take their sport and recreation at different times, over a broad spread of hours and at facilities that offer a lot of activities under the one roof. Health and fitness facilities are particularly attractive and getting easier to use, as many are open 12 to 16 hours per day, 7 days a week, with some now also open 24/7.
- **Increased variety in sport and recreation options.** People's sport and recreation options are changing towards newer more varied activities offered over a greater range of timeframes compared to previous decades where limited variety in activities and scheduling occurred. This has supported the trend to more multi-use facilities to attract a broader range of users as well as multiple programs to meet different needs at the one facility.
- **Constraints to sport and recreation participation.** Lack of time, lack of facilities close by, family and work constraints, health problems and cost of service or use of facilities are the main constraints to many people's sport and recreation participation. The development of targeted markets of users, programs and services at many health and fitness centres has assisted in reducing some of these participation constraints.
- **Changing employment structures, trading and work hours.** These trends often make participation in traditional sport and recreation activities difficult and therefore people are looking for facilities that are open longer hours and have a lot of activity options at the one site. This makes opportunities such as indoor sports courts attractive as their long opening hours and days open per year means usage can be made in a wide range of social, training, competition and educational settings.
- **Different people want different activities.** The different population characteristics sees the need for facilities to offer potential users a much more varied range of programs and services than previously offered. All year round available indoor and outdoor sport and recreation facilities also provide the greatest diversity of activities throughout the different seasons impacted by the areas weather.
- **Provision of high standards and quality of facilities and services.** People are more and more looking for high standard, high quality facilities and services to meet their sport and recreation needs. This has also seen the trend for indoor facilities becoming very popular as they allow activity in safe and secure spaces in all weather and environmental conditions. This leads to indicating that building low standard, low-cost facilities will not attract the maximum user market. The development by a number of peak sporting bodies of sport specific facility standards and guidelines has also placed pressure on facility providers to meet higher standards of provision.
- **Desire for activities to be affordable.** The development of multi-purpose fitness and indoor sport centres has enabled the high operating cost activities to be cross subsidised by more profitable activity areas such as health and fitness, food and beverage and entertainment areas. This has enabled many facilities to keep general entry fees low to encourage use whilst seeking users who want special services to contribute at a greater level to the cost of such activities. In general, there is a greater reliance on locally accessed and lower cost opportunities by those without the resources to travel and pay for more expensive activities.
- **Recognition of strong links between physical activity and health.** Preventative health care and active lifestyles are very important to many people and health and fitness and indoor sport activities are becoming a large part of people's activity choices. There is increased recognition of the strong links between involvement in recreational activity and good health, and the development of appropriate activities and services, which support this.
- **Expectations of equity and access.** Today's society expects all abilities and people with disabilities to be catered for in public facilities. This has seen improved design features to increase accessibility to and within such facilities. Added to this is the growing array of programs and activities offered to people of all abilities, physical condition and skill levels.
- **Sustainable Development.** In addition to the trends above there are specific trends relating to leisure and sporting facility development such as sport facility planners and operators need to respond to community demand for more sustainable and eco-friendlier infrastructure.



### 5.3 FACILITY TRENDS

#### Aquatics and Leisure Facility Usage Trends

There has been a much greater emphasis in the development of a variety of water spaces within public aquatics centres including:

- Program pools designed for learn to swim and a variety of aquatics programs.
- Warm water pools which are used for rehabilitation and therapy, one of the highest use spaces within public aquatics and leisure centres.
- Water play including large, enclosed slides, water jets and other leisure play opportunities.

Health and fitness programming have also advanced with a greater emphasis on programs for older adults as well as a much broader range of opportunities including Pilates, Yoga and Boot Camp.

Components that contribute to successful contemporary aquatics and leisure facilities are summarised in the figure below.

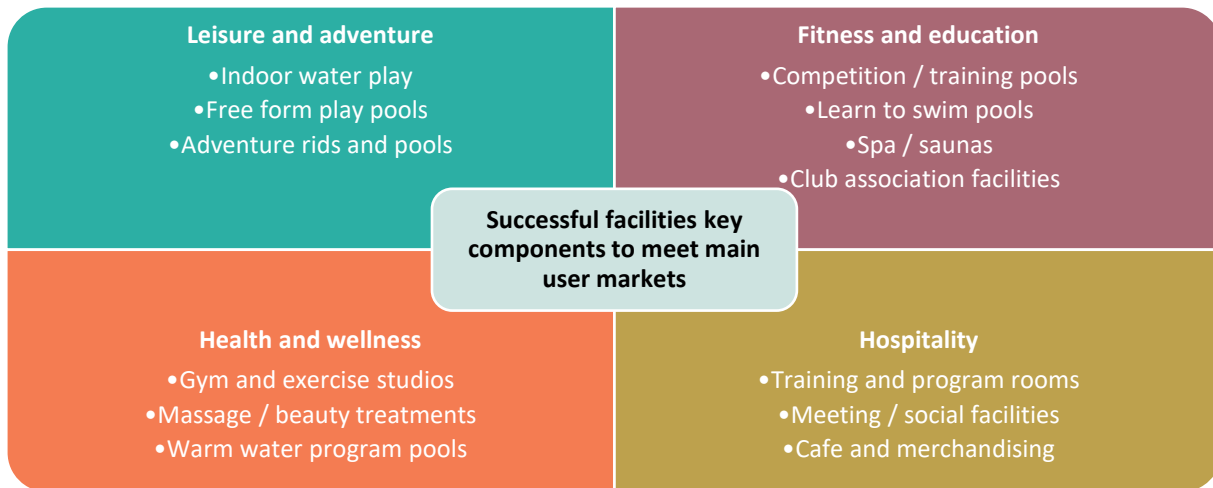


Figure 21: Successful Aquatics and Leisure Facility Model

Detailed planning and comprehensive feasibility studies show targeted user profiles with the majority of aquatics facility market research indicating complexes must equally cater for four distinct aquatics user markets, summarised in the figure below.

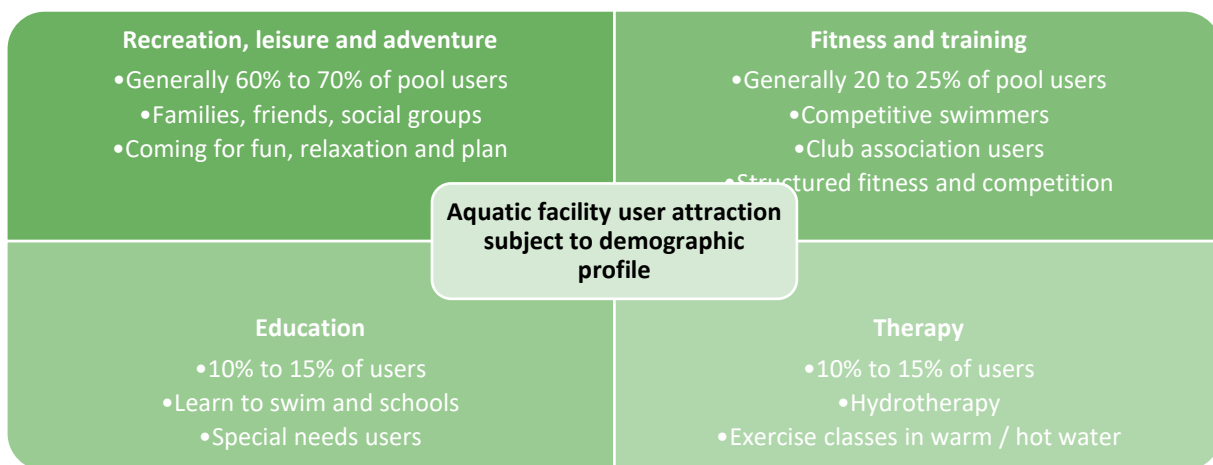


Figure 22: Main Aquatics and Leisure Facility User Markets

Research was completed to understand the user catchments of Hepburn residents who use the two neighbouring indoor aquatic facilities in Ballarat (Regional size facility) and Kyneton (Municipal size facility). The following table captures current member and learn to swim data from both facilities.

### Participation data from Ballarat Aquatic & Lifestyle Centre and Kyneton Toyota Aquatic Centre

The table below shows the number of Hepburn Shire residents using the Ballarat and Kyneton indoor aquatic facilities, as members or Learn to Swim enrolments.

**Table 11: Participation Data - Indoor Facilities Outside Hepburn Shire**

Postcode	Birch Ward	Cameron Ward	Coliban Ward	Creswick Ward	Holcombe Ward	Kyneton Members	Ballarat Members	Kyneton LTS	Ballarat LTS
3352				Bullarook, Mollongghip, Sulky, Wattle Flat		0	2	0	2
3363				Creswick, Creswick North, Dean, Langdons Hill		0	77	0	24
3364		Lawrence, Smeaton, Werona, Campbelltown, Kooroocheang		Allendale, Blampied, Kingston, Newlyn, Newlyn North, Bald Hills, Cabbage Tree, Mount Prospect, Rocklyn, Smokeytown, Springmount, Broomfield		0	36	0	6
3370		Clunes, Ullina, Glengower				0	23	0	18
3444			Tylden South			3	0	0	0
3458			Newbury, North Blackwood, Trentham, Little Hampton, Fern Hill			30	1	6	0
3460	Basalt, Daylesford					16	10	3	13
3461	Dry Diggings, Elevated Plains, Franklindford, Hepburn, Hepburn Springs, Korweinguboora, Musk Vale, Porcupine Ridge, Sailors Falls, Sailors Hill, Shepherds Flat, Yandoit, Yandoit Hills, Leonards Hill		Bullarto, Bullarto South, Lyonville, Musk	Eganstown,	Coomoora, Wheatsheaf, Denver, Drummond, Glenlyon, Mount Franklin, Clydesdale, Strangways	20	7	12	17
Total						69	156	21	80

## 5.4 KEY FINDINGS FROM MARKET RESEARCH ANALYSIS

No aquatics facility in Hepburn Shire provides for a successful integrated aquatics and leisure facilities providing a range of contemporary 'wet' and 'dry' elements that appeal to broader market segments including:

- Leisure and social
- Health and wellness
- Aquatics education and learn to swim
- Therapy and rehabilitation
- Competitive and recreational swimming
- Food/beverage and merchandise services.

Providing equitable access to aquatics and leisure facilities (and other services like health, education, cultural, recreational and other community services) in rural and regional areas is a challenge, particularly in smaller townships. Particularly with the capital and operational costs of aquatics and leisure facilities having risen significantly over the last 10 to 20 years.

Participation data gathered from surrounding indoor aquatics centres in Ballarat and Kyneton shows that 326 Hepburn Shire residents currently use these facilities on a regular basis as members or Learn to Swim enrolments. Ballarat Aquatic & Lifestyle Centre services 156 members and 80 Learn to Swim participant, with the largest percentage of these users living in the Creswick Ward. Kyneton Aquatic Centre services 69 members and 21 Learn to Swim enrolments, with the largest percentage of these users living in the Coliban Ward.

These factors raise some key questions for Council:

- What is the financial capacity to provide capital funding to future aquatics facility projects?
- What is the impact of funding pool improvements or new on other services and facilities?
- How will we support small township outdoor pools?

## 6. Stakeholder and Community Engagement

### What do residents like or dislike about Hepburn Shire aquatics facilities?

This section summarises the findings from stakeholder interviews, workshops and community surveying undertaken for the project.

A detailed community engagement plan was developed to ensure Hepburn residents had the opportunity to provide input into the development of the Aquatics Strategy. The extensive consultation and engagement included:

- Councillor workshop
- Stakeholder interviews and workshops (9 completed)
- Resident Community Survey (799 responses)
- Pop up sessions in each major township (Approx. 150 residents attended)
- School survey (7 school responses)
- Written submissions (13 submissions).

The following provides a summary of the key issues identified.

### 6.1 STAKEHOLDER INTERVIEWS AND WORKSHOPS

#### Councillor Workshop

A workshop was held in April 2021 with Councillors and the Executive Management Team to identify and capture current successes, required improvements and strategic considerations relating to the provision of aquatics facilities within the Hepburn Shire. Key findings are detailed in the figure below.

Benefits of current services / facilities	Required improvements	Strategic considerations and issues
<ul style="list-style-type: none"> <li>• <b>Facilities;</b> available in summer months and in each main township (albeit limited in Creswick). Family friendly, safe environment with qualified lifeguards.</li> <li>• <b>Health and wellbeing;</b> recreation, exercise and therapy is catered for in some capacity at existing facilities, providing health and therapeutic benefits. Good social spaces for kids and teenagers, school carnival use.</li> <li>• <b>Success;</b> Creswick Splash Park and 2020/21 free entry.</li> <li>• <b>Community interest;</b> significant lobbying for new indoor facility in Daylesford and Creswick. Use of natural water bodies in Creswick and Daylesford is attractive to some residents.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Equity and access;</b> distance and cost of travel, cool climate, lack of ramps and warm water programs are barriers.</li> <li>• <b>Facilities;</b> limited indoor facilities for warm water and learn to swim programs. Clunes needs shade, activation and repairs.</li> <li>• <b>Partnerships;</b> to be enhanced with health sector, Parks Victoria, schools and neighbouring Shires with indoor facilities (Ballarat, Maryborough, Kyneton).</li> <li>• <b>Sustainability;</b> ESD, salt water chlorination and other energy efficient opportunities. Additional income generating opportunities to be explored.</li> <li>• <b>Hepburn Bathhouse;</b> focused on tourism market with limited local access.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Affordability;</b> capital and operational budgetary pressures and constraints.</li> <li>• <b>Location;</b> pressure from Daylesford and Creswick for indoor facility. Opportunity to repurpose land at existing sites (i.e Daylesford Outdoor Pool/Town Centre).</li> <li>• <b>Weather;</b> Clunes generally has better weather and has solar heating. Icy roads in Winter discourages early morning and late evening use (particularly near Daylesford).</li> <li>• <b>Hepburn Bathhouse;</b> barriers include price, mixed change rooms and deep water.</li> <li>• <b>Tourism;</b> a new indoor facility has potential as visitor destination.</li> </ul>

Figure 23: Feedback from Councillor Briefing Workshop

## Staff workshop

An internal staff workshop was conducted in May 2021 to understand the internal sentiment on issues and opportunities with aquatics provision in the Hepburn Shire, with representatives from the following teams in attendance:

- Environmental Health
- Community Care
- OH&S
- Parks and Open Space
- Sustainability
- Information and Communications Technology
- Environment and Waste
- Sport and Active Recreation
- Youth and Disability
- Operations and Facilities
- Events
- Economic Development
- Asset Management.

Key themes captured in the workshop are described in table below.

**Table 12: Hepburn Shire Internal Staff Workshop**

Theme	Benefits / Successes	Barriers / Challenges
Accessibility		<ul style="list-style-type: none"> <li>• Accessibility issues at Daylesford pool deters users.</li> <li>• Lack of lifts, ramps and inclusive signage.</li> </ul>
Resourcing	<ul style="list-style-type: none"> <li>• Inhouse management has been good in providing local employment.</li> <li>• Junior lifeguard program has been a successful program.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited resourcing for maintenance. Reactive rather than preventative.</li> <li>• More resourcing required to support the pools.</li> <li>• Training for lifeguards/staff; Child Safe Standards and managing behaviour of youth.</li> <li>• Aquatics Officer resourcing is stretched with other department responsibilities.</li> </ul>
Programming	<ul style="list-style-type: none"> <li>• Free entry has been very well received.</li> <li>• Clunes and Trentham pools; high local visitation, using COVID-19 sign in protocol.</li> </ul>	<ul style="list-style-type: none"> <li>• Access to learn to swim programs and aquatics activities.</li> <li>• Weather Policy is 21 degrees; closed for many days in the season.</li> </ul>
Facilities	<ul style="list-style-type: none"> <li>• Low level maintenance for outdoor pools.</li> <li>• Hang out space for youth; enjoy with friends on hot days.</li> <li>• Healthy choices café has been difficult but valuable.</li> <li>• Daylesford pool is great location.</li> </ul>	<ul style="list-style-type: none"> <li>• Temperature of water is a concern, barrier for primary schools.</li> <li>• Poor quality of changerooms.</li> <li>• No asset management plan.</li> <li>• Lack of data on buildings.</li> <li>• Sustainability Strategy expires 2021.</li> <li>• Lack of indoor facility.</li> <li>• Lack of heating.</li> <li>• Duck waste is a hygiene issue that is difficult to manage.</li> <li>• Introduction of synthetic grass and improved grounds.</li> <li>• Compliance with regulations; water quality, pools need the right equipment.</li> </ul>
Other		<ul style="list-style-type: none"> <li>• Community perceptions; tensions between users.</li> <li>• Lack of promotion of pools.</li> </ul>

## Community Pool Advocacy Groups

### Daylesford Indoor Aquatic Centre (DIAC) Advocacy Group

The DAIC Community Association was formed in 2018 with the purpose to:

- Explore the feasibility of establishing an indoor aquatics centre in the Daylesford/Hepburn Springs region.
- Develop an indoor aquatics centre that is community based and operated.
- Raise funds for the building and ongoing operation of an indoor aquatics centre.

The DAIC Community Association is led by a committee and membership has grown to 400 members in 2021. The Facebook page has received 468 likes. A 0-0-200 philosophy is adopted, which aims for a \$0 net operating loss, zero greenhouse emissions and 200,000 visits annually.

Daylesford has a tourism population market with an average of 800,000 overnight stays annually which is a potential market catchment for the new facility on weekends.

In 2016-17 the DAIC Association negotiated a \$400,000 Community Bank sponsorship pledge. There is flexibility on expenditure and delivery timeframes for this funding.

The DAIC Association have had some contact with local and State MP's, Sport and Recreation Victoria however have not yet met with Federal MP's.

To prioritise a wellness focus, the proposed scope of facilities is similar to the Kyneton Toyota Sports and Aquatic Centre, incorporating:

- 8 lane 25-metre pool at 1.1 metre depth
- Warm water exercise pool
- Water play/splash pad facility
- Small café/merchandise facilities
- Childcare services.

An aquatics centre to this scale would enhance wellness models currently in place and delivered by a local GP. The 'Spring in Your Step' program was developed with some Federal funding, and while it was created to improve cardiac health it has now extended to improve mental health conditions. The 40-50-minute sessions are run twice per week and designed by an exercise physiologist with assistance from a dietician, nutritionist, podiatrist and physiotherapist. The program has a waiting list of 50 people.

In consideration of the above, the following sites have been identified by the DAIC Association as potential opportunities for the development of an indoor aquatics centre:

- Daylesford Secondary College
- Victoria Park
- Daylesford Lawn Tennis Club
- Daylesford Dharma School
- Daylesford Outdoor Pool site
- Daylesford Hospital.

## **Creswick and District Aquatic Centre Inc. (CDAC) Advocacy Group**

The CDAC Inc. was formed in 2012 with the purpose to begin working on the planning and development of an indoor, hydrotherapy and swimming facility for the use of all residents and visitors to the Hepburn Shire. CDAC are registered as a community/charitable organisation and as a registered fundraiser with Consumer Affairs Victoria.

The CDAC is led by a community volunteer committee and membership has grown to approximately 200. The Facebook page has received 517 likes.

Initial interest and fundraising for the project was derived from attendance at local markets, indicating great community support for an aquatics facility in Creswick. CDAC receive ongoing financial support from Bendigo Bank and Creswick Lions, with many local businesses also providing letters of support and donations of goods for fundraising.

Various community consultation phases over time have provided the following feedback:

- Generally speaking, Creswick residents would not travel to a facility in Daylesford.
- Approximately \$10,000 is spent on bus costs in transporting local school students to Ballarat for school swimming lessons.
- A facility is needed for older adults and kids/families.
- Some concerns around rate levy.

CDAC have visited indoor aquatics facilities at Ballarat, Kyneton and Maryborough, and in 2016 developed a concept design which was based on the Belfast Aquatics facility in Port Fairy. With a priority on families and health and wellbeing, the recommended scope includes learn to swim and warm water facilities with an accessible beach entry. While the concept includes a four-lane pool, the CDAC would prefer a six-lane facility with hydro jets.

Council conducted a scoping study process in 2016 to determine sites. RACV Resort was considered, and high-level discussions initiated regarding the potential location of a warm water exercise pool at John Curtin Aged Care Complex. The preferred site was identified as Doug Lindsay Reserve, however due to unfavourable site conditions this has not been supported by Council.

The preferred site is required to be easily accessible and visible from the main street and ideally within walking distance from John Curtin Aged Care Complex, local schools and kindergartens.

CDAC outline concerns regarding Calembeen Park facilities including water quality and E-Coli, and risks associated with no surveillance and glass/debris. Opportunity identified to convert the existing toddlers pool to a splash park. Calembeen Park is considered an intermediate swimming area.

The Creswick Splash Park was created with the conversion of an old bowling green to open park space including BBQ area, skate park, outdoor exercise equipment, pedestrian walking track and the water splash park.

## **Hepburn Shire Advisory Groups**

### **Disability Advisory Committee**

The Disability Advisory Committee work closely with Council to address barriers to access and inclusion issues within the community, and to monitor the implementation of the Disability Access and Inclusion Plan. Representation within the Committee includes eight residents with lived experience of disability ranging from sensory, mental health, neurological, physical and intellectual impairment.

Discussion and feedback captured from the Committee is documented in the following table.

**Table 13: Feedback received from Disability Advisory Committee**

Discussion points	Feedback / Comments
Current provision of facilities and programs: <ul style="list-style-type: none"> <li>• What's good</li> <li>• Barriers for accessibility/use</li> <li>• Opportunities for improvement</li> <li>• Community insights</li> </ul>	<ul style="list-style-type: none"> <li>• Locality is ok; schools are located close to facilities.</li> <li>• Free entry has been well received by the community.</li> <li>• Facilities don't work, accessibility issues at all sites.</li> <li>• Appropriate change facilities need to be provided they are in poor condition, very outdated and not accessible.</li> <li>• Cold water is a barrier. Daylesford pool is unusable as hydrotherapy pool.</li> <li>• Travel - Bendigo is 45 mins for access to warm water pool. Hydrosplash program/rehabilitation programs at Ballarat and Kyneton are good.</li> <li>• Project was underway for existing Daylesford site but ceased due to insufficient funding. Included a hoist but only proposed beach entry. Committee supported Council's decision not to proceed.</li> <li>• Creswick splash park has received very positive feedback, great location and safe.</li> <li>• Creswick has better public transport connection.</li> <li>• Hepburn Bathhouse doesn't work for people with disabilities due to poor accessibility.</li> </ul>
Future demand - if a new indoor facility was considered then what components are important?	<ul style="list-style-type: none"> <li>• Opportunities for co-design/ co-location with public transport proximity, library, community hub, health services.</li> <li>• Health and wellbeing aspects should be a priority.</li> <li>• A publicly accessible facility for the whole community is needed.</li> <li>• Challenges with operating costs and attracting skilled staff (lifeguards).</li> </ul>

### Central Highland Rural Health (CHRH)

Two discussions were held with staff from Central Highland Rural Health, with included the Management team and CEO.

The staff are well aware of the community aspiration for an indoor facility. They received regular feedback from the community about the lack of suitable warm water therapy facilities in the Hepburn region. There is some evidence that a hydrotherapy facility would be well used by the ageing population to provide rehabilitation programs, social connection opportunities and a more reliable service than the outdoor pools. The cold climate of Hepburn is a significant barrier for residents to use the outdoor pools. Accessibility of existing facilities is also a major challenge for many residents.

Opportunities for co-location with health services is an opportunity they would genuinely explore. Having a viable allied health presence at a future indoor facility could be challenging as CHRH have problems already attracting qualified staff to the region and there is a high percentage of low socio-economic residents who could not afford private allied health services.

The Daylesford Hospital is currently under review with a Master Plan in the early stages of scoping. Health Planners are currently conducting a site review of the existing Hospital buildings. The CEO confirmed a hydrotherapy facility is unlikely to be included in the Hospital site Master Plan given the high demand for other acute rehabilitation services.

### Sport and Recreation Victoria (SRV) - Grampians Regional Office

An update was provided by the SRV staff on the feasibility study scope and engagement activities. There was some discussion about the evidence and need for an indoor facility within Hepburn Shire to service a growing ageing population. They also understand the importance of accessibility aquatics and learn to swim programming to the local communities.

Discussion about inter municipal linkages with the aquatics facilities network was highlighted by SRV staff and that the Aquatics Strategy needs to consider broader regional planning considerations, including better access and use of existing indoor facilities across the region.

Gender neutral change room and amenities was highlighted, along with Universal Design principles for new and existing aquatics facilities.



They also stated that aquatics facility provision should be linked to Hepburn Shire Municipal Public Health and Wellbeing Plan.

## **School Interviews and Online Surveys**

### **School Interviews**

Online interview sessions were offered to all school with Hepburn Shire. Only two schools took up the opportunity which were Creswick North Primary School and Daylesford Secondary College. A summary of the discussions follows.

#### **Creswick North Primary School**

- A small rural school of 36 students, who expect to grow as the Creswick town population expands.
- They use Ballarat Aquatic & Lifestyle Centre for annual swimming lessons - which is a 15-20-minute drive each day for two-week intensive program. It's an expensive activity for families to fund.
- They also use the natural water bodies of St Georges Lake for the fishing program and Calembreen Park is used by students' afterschool during summer.
- With no pool in Creswick local kids are forced to travel to Ballarat for swimming programs during and after school.

#### **Daylesford Secondary College**

- Further follow up with the school is planned as the interview was interrupted due to COVID matters.

### **Online School Survey Summary**

A total of seven local schools completed the online survey. These schools included Hepburn Primary School, Creswick Primary School, St Michael's Daylesford Primary School, Creswick North Primary School, St Augustine's Creswick Primary School, Newlyn Primary School and Daylesford Primary School.

The following insights have been gathered from the responses:

- Six schools (75% of respondents) currently use Ballarat Aquatic & Lifestyle Centre for learn to swim programs, school carnivals and fun days.
- One school uses the Daylesford Outdoor Pool for a carnival, one school uses Kyneton Toyota Aquatic Centre for swimming lessons and one school uses the Swim and Survival Academy in Wendouree for swimming lessons.
- All schools generally use the facilities for 1-2 hours for swimming lessons and fun days, and school carnivals for 4-5 hours.
- Most schools use the aquatics facilities in terms 1 and 4. One school conducts their swimming program in term 3.
- Most schools use bus transport, a combination of large buses and minibuses depending on the school size.
- Most schools travel between 15 - 45 minutes to attend an indoor aquatics facility outside the Shire. One school travels up to 15 minutes to the Daylesford Outdoor Pool.
- All schools rated the indoor aquatics facility they use as good to excellent. They highlighted the quality of staff, access to indoor pools, distance from the school, and the whole is able to attend as the key reason for choosing the facility.
- All school stated they would be more encouraged to use a facility in the Hepburn Shire if it was an indoor heated facility.
- Swimming programs range between \$50 - \$110 per student depending on the length of the program. This cost includes lesson and bus travel costs.

## Community Engagement Pop Up Sessions

Community Pop Up sessions were conducted during the survey open period. These sessions provided the communities with an opportunity to meet with the project team to share the feedback. There were approximately 150 residents who participated. Attendees were provided with either hard copy of the community survey or a QR code to enable them to complete the survey online. The following locations were used:

- Daylesford – Farmers Market
- Clunes – outside the IGA store
- Creswick – outside the IGA store
- Trentham – Due to the June 2021 storm event and COVID restrictions delaying the in-person town Pop Up session, two video conference sessions were undertaken.

Key themes emerging from the Pop-Up sessions were:

- Residents highly value the existing aquatics facilities.
- Creswick Splash Park is a popular facility for younger children and families.
- Opening hours of the current pool is limiting some residents from accessing facilities. Earlier openings and morning sessions requested.
- The outdoor pools are important for teenagers to socialise and gather during school holidays.
- Cold water is a barrier for some residents.
- Residents would like to see more programming including events, learn to swim and aquatics exercise classes.
- Interest in an indoor facility within the Shire, however some concerns over Councils financial capacity to afford both the capital and ongoing operational cost.
- Travel distance to pools is a barrier for some residents.
- Free access to the pools has been well accepted and encourages more people to use the pools.
- Accessibility at the outdoor pools is poor.
- More maintenance and upgrades needed at the ageing outdoor pools.

## Written Submissions

Council received thirteen written submissions including seven community organisations (Daylesford Rotary Club, Daylesford Indoor Aquatic Centre Association, Daylesford Football Netball Club, Daylesford Men's Shed, Riding for the Disabled Association Daylesford – (RDA Daylesford), Hepburn Football Netball Club and Daylesford and Hepburn United Soccer Club), one school (Daylesford Primary School) and five resident submissions. The key themes from the feedback provided were as follows:

### Indoor Aquatics Facility

- There is strong support for an indoor aquatics facility within Hepburn Shire.
- Any future indoor facility should cater for all age groups and offer learn to swim programs and opportunities for older adults to access warm water facilities.
- It was suggested that an indoor aquatics facility should be located in Daylesford or Hepburn Springs as a central location in the Shire and has the largest population base.
- An indoor aquatics facility with a gym, childcare and other program spaces would be well used.
- The significant tourism market in the region is an opportunity to improve the viability of an indoor aquatics facility.
- An indoor aquatics facility in Daylesford is necessary and long overdue for community.

- An indoor aquatics facility would lead to substantial health benefits across a spectrum of ages from children, youth, middle age and elderly adults.
- An indoor aquatics facility would provide local employment, be a drawcard for future residents and further boost tourism revenue in the region.
- One submission offered financial contributions from community groups and willingness to assist with community fund raising activities to contribute the ongoing operational costs of an indoor aquatics facility.
- The Daylesford community has campaigned for over 20 years for an indoor heated pool and Council needs to demonstrate its commitment to the health, safety and wellbeing of their residents through the provision of this important infrastructure.

### **Access**

- The current facilities accessibility challenges were highlighted as a barrier to use.
- The existing outdoor pools are old and inadequate for the needs of many residents.
- Evidence that Hepburn school students are not reaching national swimming and water safety benchmarks.
- The travel distance to Ballarat and Kyneton makes it difficult to bus students regularly for learn to swim programs.

## **6.2 COMMUNITY SURVEY**

An online community survey was undertaken to determine the community's feedback on the current aquatics' provisions across the Hepburn Local Government Area. The survey was open from 14 May 2021 to 23 August 2021. A total of 965 residents started the survey, with 799 fully completing responses. The survey was "live" for a total of 14 weeks, after several extensions were offered to the community due to COVID and Community Pop Up session disruptions. The full survey report is included as Appendix 1.

### **Survey Respondent Profile and Satisfaction Ratings**

The following respondent profile is summarised below:

- Females represented 72% of total responses compared to Males at 25%. 3% of respondents preferred not to specify their gender.
- The largest age cohort who responded to the survey was 40-49 years at 24%, followed by 50-59 years and 60-69 years with both recording 21% of total responses. The 30-39 age group contributed 16% of responses. These four age categories represented 82% of total completed responses.
- The largest survey participation came from Daylesford, Hepburn and Hepburn Springs residents (41%) and Creswick/Creswick North (24%), which is indicative of the larger population bases in these towns.
- A total of 50.06% of respondents had visited a Hepburn Shire aquatics facility in the past 12 months. Of those who visited a Hepburn aquatics facility, Daylesford had the highest response of 57.55% of all respondents.
- Daylesford Outdoor Pool and Calembeen Park Toddlers Pool as facilities had a majority rating of poor. The quality of the pools, change rooms and grounds were the key issues highlighted in the responses. Water temperature was also raised as an issue for many residents.
- The programming across all pools was rated poorly, with Clunes receiving the highest rating of adequate.

- The top five issues of importance for residents were:
  1. Temperature of the water
  2. Range of programs and services offered
  3. Learn to Swim programs
  4. Maintenance
  5. Cleanliness.

## Facility Usage Summary

The key findings from the visitation characteristics were:

- Three-quarters of visitors were at the pools for more than 1 hour, with the most common duration 1-1.5 hours.
- Typical visitation times were during normal working hours (9am -5pm), accounting for 91% of all responses. This may be a representation of the typical respondents' characteristics, who were predominately either women in typical parental ages, or those in age cohorts who may be retired or working reduced hours.
- Almost all respondents were travelling from home, by car either on their own or with others, to the Shire pools.
- Frequency of pool usage varied significantly with 54.09% visiting the pool weekly, of which 22.96% visited 2-3 times a week. This also means there are almost as many people visiting less frequently as there are those who visit weekly.

The top four reasons for using the aquatics facilities were relatively consistent:

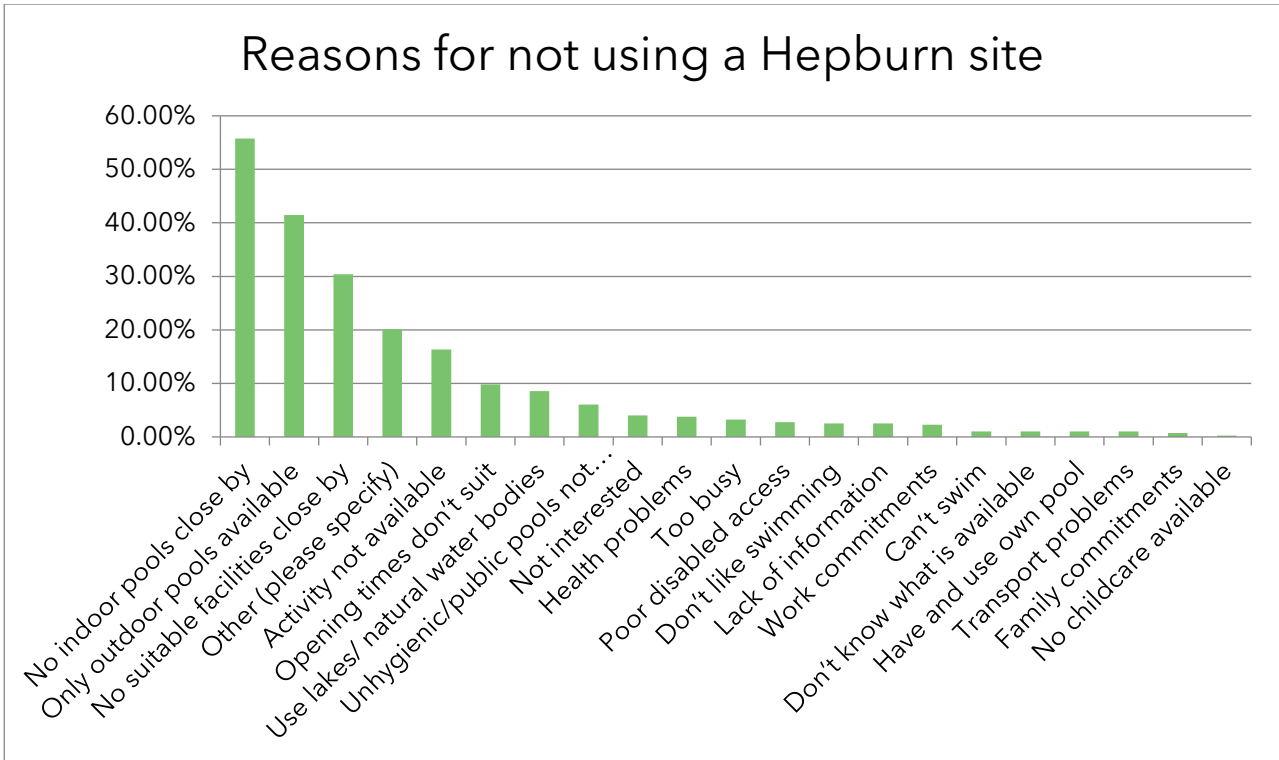
- Close to them and easy to get to
- Only swimming pool in the area, they are aware of
- Family/friends use it
- Outdoor pool.

Respondents were asked to identify the main activities that they undertook at the pool, with four clear activities emerging across the five sites:

- Cool down from hot weather
- Recreation swimming/fun
- Take child to pool
- Lap swim/ fitness.

## Respondents Who Don't Use Hepburn Aquatics Facilities

A total 397 surveys or 50% of total respondent Respondents stated that they hadn't used a Hepburn Shire Aquatics Site in the past 12 months. They were asked to select up to three reasons as to why. The graph on the following page details the most common responses.

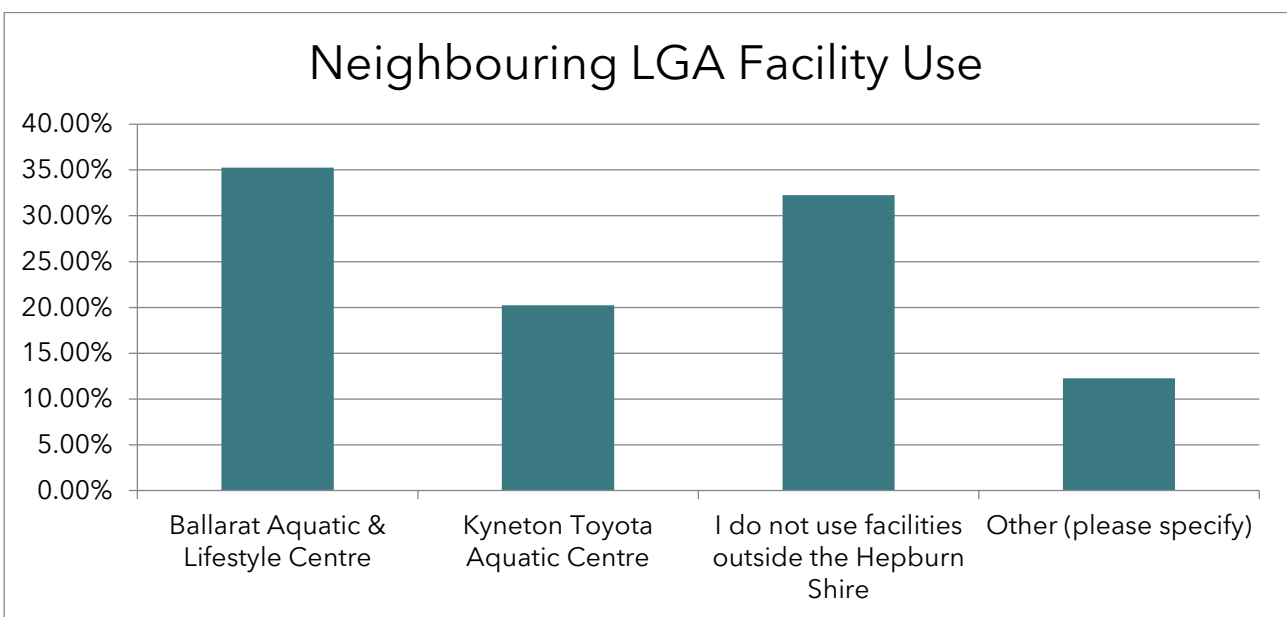


**Figure 24: Reasons for not using a Hepburn Shire Aquatics Facility**

The most common responses for not using an existing Hepburn Shire facility were:

- Lack of an indoor pool within the Shire.
- Poor access to suitable water temperature, these responses included access to indoor or heated pools.
- The respondent travelled outside the LGA to use other facilities.

Respondents were also asked if they use neighbouring LGA facilities, in particular Ballarat Aquatic & Lifestyle Centre and Kyneton Toyota Aquatic Centre, as shown in the following graph.



**Figure 25: Non-Hepburn Aquatics Centres Use**

Those who selected other also identified facilities across Victoria, including Swim and Survive Ballarat, Eureka Pool, and Bendigo Indoor Aquatics Centre.

The respondents who stated that they visit centres outside of the Hepburn Shire were asked to identify why they were visiting these centres. The results indicate the facility offerings were most likely reason to visit a centre.

### What Would Encourage Greater Utilisation

Of the 799 respondents who completed the survey, 755 stated that they would like to make greater use of aquatics centres. These respondents were then asked to identify the three facilities or features that would encourage them to use aquatics facilities more. The graph on the following page details the most common facilities and features that would encourage the greater use of aquatics centres.

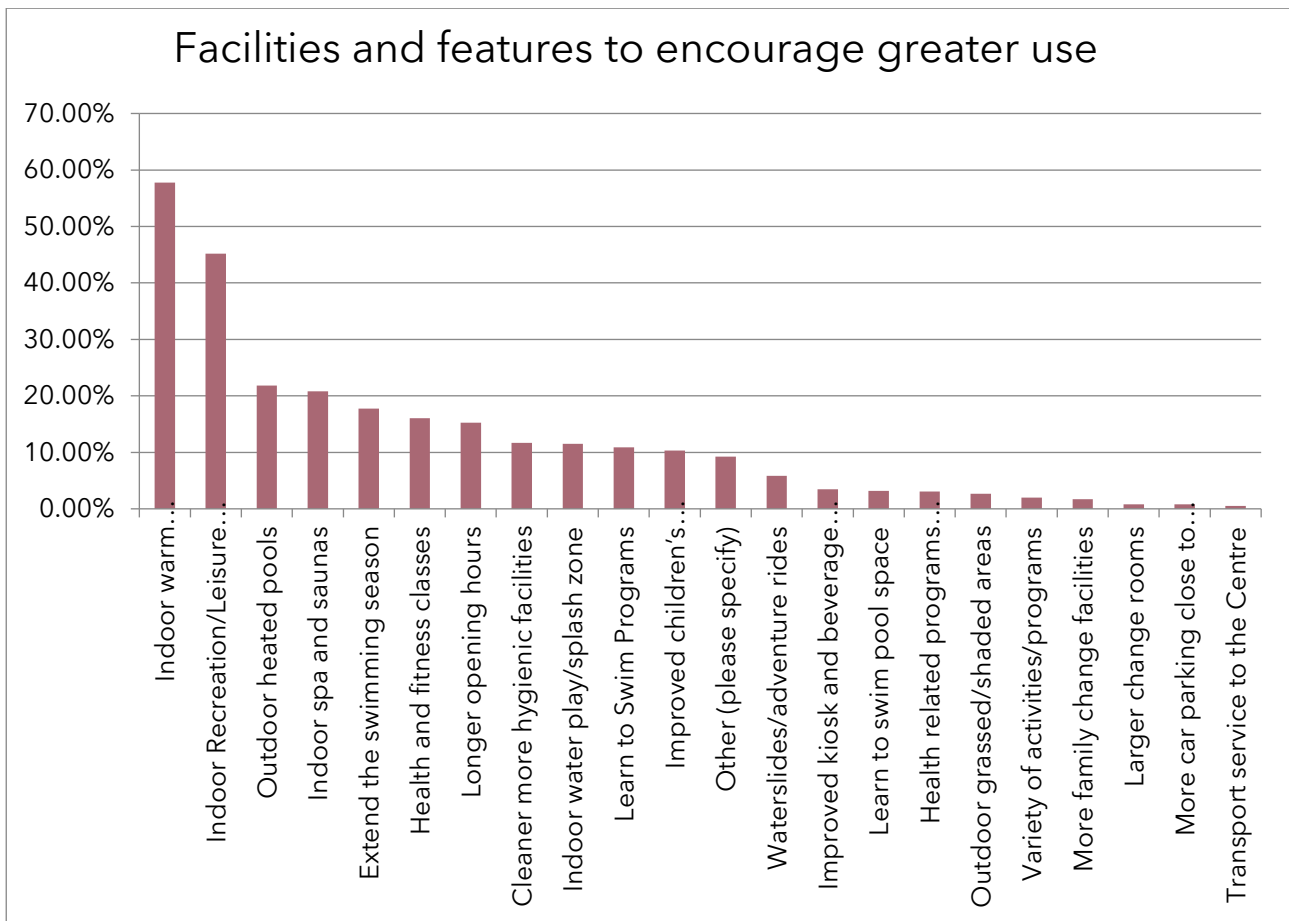


Figure 26: Facilities to encourage greater use

The top three responses from the graph above were:

- Indoor warm water program pool
- Indoor recreation and leisure pools
- Outdoor heated pools.

### Additional Comments from Respondents

Respondents were asked to make any additional comments on aquatics facilities in Hepburn Shire. There were 379 comments made and these were categorised into nine themes. The table on the following page details the themes and response rate of the additional comments.

**Table 14: Summary of Additional Comments Themes provided by Community Survey Respondents**

Theme	Referenced	Response percentage
Heated pool	1. Heated/warm pool or hydrotherapy 2. Either indoor, outdoor or non-specified (if indoor then indoor tag has been applied)	34.04%
Indoor	3. Indoor pool facilities 4. Aquatics centre 5. Includes any reference to extending operating hours and supporting facilities as a result of indoor facility being built.	47.49%
Cost/affordability	6. Capital or operating (effect on rate base) 7. Accessibility; if built or added to existing facilities (i.e., Hepburn Bathhouse, travel costs) 8. Free entry to facilities 9. Fundraising and grants	12.14%
Operations/maintenance	10. On existing facilities 11. Opening hours / season length / scheduling 12. Maintenance and improvements 13. Cold pool temps 14. ESD opportunities to explore	22.69%
Programs/services	15. Learn to swim, aqua classes etc	21.37%
Travel/weather	16. Travel as a barrier 17. Currently travelling to other facilities 18. Cool climate 19. Weather policy	27.18%

These comments followed the theme throughout the survey that the community believed there was a need for improved access to aquatics facilities, in particular heated or indoor pools, to provide increased service capabilities and more access year-round.

## 6.3 KEY FINDINGS FROM STAKEHOLDER AND COMMUNITY ENGAGEMENT

There is significant interest from key stakeholders and the broader community in the aquatics facilities provision across the Hepburn Shire. The feedback gathered indicates the outdoor pools, although highly valued, are not fit for purpose for many ageing residents, who are a significant proportion of the population with 34% over the age of 60. The other key issue is younger children have limited access to year-round swimming lessons.

An indoor aquatics facility is strongly supported by stakeholders and residents. There are two very active and passionate community advocacy Groups in Daylesford and Creswick that have undertaken significant lobbying, research and preliminary assessments for an indoor facility over the last ten years.

The Community Engagement Survey received significant interest with 799 residents completing the online or hard copy surveys. The majority of responses came from residents in the Daylesford, Hepburn and Hepburn Springs towns (41%) and Creswick/Creswick North areas (24%).

Close to 50% of the survey respondents stated they don't use an existing Hepburn aquatics facility.

The main reasons for not using an existing facility included lack of an indoor facility (56%), the only pools available are outdoor facilities (41%) and no suitable facilities close by (30%). Other factors such as cold-water temperature, lack of suitable programs/activities and unsuitable opening times were also key issues for some residents not using the existing aquatics facilities.

A significant number of respondents use indoor aquatics facilities outside the Shire. They include Ballarat Aquatic & Lifestyle Centre (35%) and Kyneton Toyota Aquatic Centre (20%). The key reasons for using these Centres were the availability of indoor pools, warm water program pools and the variety of programs and activities offered.

The future improvements that would encourage greater use of aquatics facilities include provision of an indoor warm water pool, indoor recreation and leisure pools, outdoor heated pools, indoor spas and sauna, extended swimming season, health and fitness classes and longer opening hours.

Of the seven schools that responded to the school survey 75% use the Ballarat Aquatic & Lifestyle Centre for school carnivals, swimming lesson and fun days. The Daylesford Outdoor Pool is used by one school for a carnival and one school uses Kyneton Toyota Aquatic Centre for swimming lessons. All schools indicated they would use an indoor facility within Hepburn Shire if it were developed in the future. There is support for an indoor heated year-round facility within the Shire.

Council received thirteen written submissions including seven community organisations (Daylesford Rotary Club, Daylesford Indoor Aquatic Centre Association, Daylesford Football Netball Club, Daylesford Men's Shed, Riding for the Disabled Association Daylesford - (RDA Daylesford), Hepburn Football Netball Club and Daylesford and Hepburn United Soccer Club), one school (Daylesford Primary School) and five resident submissions.

All submissions expressed strong support and need for an indoor aquatics facility that is accessible, caters for all ages and abilities, provides access to warm water programs and offers a variety of learn to swim and other aquatics programs year-round.



## 7. Strategic Directions

The following section summarises the key issues identified through the market research, facilities review and stakeholder engagement stages of the project. Strategic directions will address these issues together with an aquatics facility network approach to meet the identified community needs.

### 7.1 KEY ISSUES

#### **Aquatics facilities and services support the strategic commitment to healthy and active communities.**

Hepburn Shire has a number of strategies that have key objectives to improve the health and wellbeing of the community. These include the Council Plan 2021-2025, Municipal Public Health and Wellbeing Plan, Activate 2020-2030 and the Recreation and Open Space Strategy 2016-2021. A key focus in each of the strategies is providing quality infrastructure that encourages active and healthy lifestyles and social inclusion opportunities.

#### **Current aquatics facilities do not cater for all key user markets**

The existing outdoor pools are ageing, and do not cater for the key user markets adequately. A successful aquatics facility should cater for the following four key user markets:

1. Recreation, leisure and adventure (water play, recreational swimming, families, socialising, fun).
2. Fitness and training (training, competitive swimming, swim clubs).
3. Education (Learn to Swim, school swimming lessons and special needs programs).
4. Therapy (hydrotherapy, aqua exercise classes, rehabilitation).

There are also barriers for some of Hepburn's population demographics including older residents and young children who are seeking warmer water for water therapy, aquatics programs, recreational swimming and learn to swim programs. These barriers include cold water temperatures, irregular opening hours due to weather closure policy, poor accessibility compliance and lack of suitable activities and programs.

The natural water bodies scattered throughout the Shire are also frequently used by local residents. The use of some of these areas (particularly Calembreen Park) provide some level of health and safety risk to users. It's important to note that Calembreen Park is Crown land and controlled by the State Government Department of Environment, Water, Land and Planning (DEWLP). Hepburn Shire Council has a role as Committee of Management in the day-to-day operation of the site but the liability for risks and health and safety issues is the responsibility of DEWLP.

The feedback gathered from key stakeholders and the community survey support the need for a contemporary indoor warm water program pool to support year-round rehabilitation, water therapy and swimming lessons.

#### **Facility catchment, accessibility and cold climate challenges**

Hepburn Shire has some unique characteristics that make it challenging to cater for the changing needs of its townships and communities. The outdoor pools cater for a limited market given they are not contemporary year-round facilities. With an ageing population there is a growing need for greater access to indoor year-round warm water pools with good accessibility features such as ramps and compliant change rooms.

The long travel distances between towns and poor public transport result in the existing facilities being very localised to its user catchments. Determining a potential location for an indoor aquatics centre is

challenging given the population distribution across the Shire. Any future solutions will need to consider how the Hepburn facilities work as a complementary network with other neighbouring shire aquatics facilities.

The cold climate of Hepburn Shire creates some constraints (cold pools and icy roads) for accessing aquatics services. The need for flexible operating hours and warmer outdoor pool water temperatures was highlighted throughout the community engagement activities.

### **Asset renewal – short to medium term priorities**

There are significant asset renewal, compliance and maintenance priorities across the aquatics services offered by Council that will need to be planned for over the next 10 – 20 years. This will be further impacted if Council decides to invest in modern technology solutions for more effective water heating, energy efficiency initiatives and improve accessibility compliance to pools and change rooms.

Council has recently funded the installation of a solar system at each outdoor pool, as a means of increasing the water temperature. The technical audit has identified that the current system is inefficient due to that the volume of water. For solar systems to be effective, a larger surface area is required for the solar panels. The water temperature increase is negligible and has not improved user comfort. An option to improve this would be the installation of electric heat pumps.

Calembeen Park Toddlers Pool and broader lake precinct pose significant health and safety risks to users which need to be addressed in the short to medium term. These risk issues are also highlighted in the Calembeen Park Management Plan 2009.

### **Management model options review**

The management of the outdoor pools has varied over the last 10 – 20 years impacting the usage and operating performance of the facilities. The pools are currently operated by Council, which has increased the operating costs in the last two years due to higher wage rates of the local government award.

The operating deficit has also grown significantly since the introduction of the free entry which removed payment of entry fees for use of the outdoor pools. However, usage has increased dramatically which is a positive outcome in supporting residents' participation in active and healthy lifestyles.

A review of the management model options should be considered. This would include investigating the various models in the market and/or shared services model between other surrounding councils.

### **Affordability of a new facility – capital and operational costs**

The most significant challenge for Council in determining a future indoor aquatics facility is the affordability to build and operate such a facility. This includes the ability to attract sufficient capital funding for a new facility and, more importantly, the ability to sustain the ongoing operational cost.

Opportunities to ensure residents across the Shire can access aquatics services should be considered. This may include bus services or alternate models of provision i.e., supporting learn to swim businesses.

### **Potential Partnerships**

It was evident from the key stakeholder interviews with the regional health providers that future partnership opportunities should be further explored. This could include co-location opportunities, integrated programming and a shared focus on community health and wellbeing alliances.

Opportunities for partnerships with governments, private sector operators, schools, community organisations and commercial businesses should be explored for funding, sustainable management models and shared use/facility location opportunities.

## 7.2 STRATEGIC RECOMMENDATIONS

Based on the above key issues, the vision and objectives of the Hepburn Aquatics Strategy are:

### Vision

***“Provide access to sustainable, affordable year-round aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.”***

### Objectives

- Objective 1:** Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs for all, including people with a disability, children, youth and older adults.
- Objective 2:** Existing facilities are well managed and maintained to meet current design and operational industry standards.
- Objective 3:** Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for all, including people with a disability, children, youth and older adults.
- Objective 4:** Future design of facilities will be operationally sustainable and based on contemporary universal and inclusive design principles.

## 7.3 FACILITY HIERARCHY AND PROVISION

Given the diverse and dispersed characteristics of the Hepburn Shire population, the provision of aquatics facilities will be provided using a network approach. With a small population catchment, providing multiple indoor aquatics facilities within the Shire is not achievable or affordable for Council.

The aquatics provision strategy is a combination of:

- Council owned aquatics facilities including outdoor pools, splash parks and the exploration of one future indoor facility.
- Facilities and services available from the private sector (e.g., swim schools, commercial day spas/bathhouse, private gyms and personal training studios).
- Regional and Sub Regional facilities in adjoining municipalities of Ballarat (Ballarat Aquatic & Lifestyle Centre), Macedon Ranges (Kyneton Aquatics and Sports Centre) and Central Goldfields (Maryborough Sports and Leisure Centre).
- Natural water bodies including lakes, waterholes and mineral springs.

Table 15: Hepburn Shire Aquatics Facility Hierarchy

Service Hierarchy	Population Size	Typical Travel Time to the Facility	Service Level Objective
<b>Local</b> Local rural township catchment population	1,000 - 10,000	0 - 5 mins drive time	<ul style="list-style-type: none"> <li>• Provides a local aquatics experience i.e., pool or water play/leisure water</li> <li>• Usually linked to other community facilities to share management and operation cost</li> </ul>
<b>District</b> Major townships centre and district catchment population	10,000 - 40,000	5 - 10 mins drive time	<ul style="list-style-type: none"> <li>• Ability to provide program pool combined with water play/leisure water</li> <li>• Consider provision of limited dry/gym facilities</li> </ul>
<b>Sub Regional</b> Major township centre with highest population area servicing a municipal catchment	40,000 - 70,000	10 - 30 mins drive time	<ul style="list-style-type: none"> <li>• Ability to separate program and leisure water</li> <li>• Larger dry/gym facilities</li> <li>• Additional limited facilities</li> </ul>
<b>Regional</b> Regional city catchment population servicing across municipal boundaries	70,000 - 150,000	30 - 45 mins drive time	<ul style="list-style-type: none"> <li>• More extensive program and leisure water</li> <li>• Consideration of indoor 50m pool and complementary warm water pool</li> <li>• Increased gym and program space</li> <li>• Additional complementary amenities, food and beverage</li> </ul>

## 7.4 STRATEGIC DIRECTIONS

The future development options are based on the following localised trends:

- Need for funding investment to address the operational and technical issues identified via the detailed facility audits of the ageing facilities.
- Opportunity to integrate key facilities and service areas at one location to support year-round access to aquatics facilities to support learn to swim and therapy-based activities.
- New leisure and water play opportunities to continue to support the informal leisure/social/family markets and access to an aquatics experience in small townships.
- Consider opportunities to support indoor health and fitness programs and services.
- Improvements to disability access, amenities, improved shade, more seating and landscaping.
- Maintaining the existing pools is the priority in the immediate to medium term. However, if the cost of these works cannot be afforded over the long term, Council may be forced to close one or more of the existing pools.
- Need to consider the future management arrangements of the facilities to ensure the long-term sustainability of operations.

Based on the above the strategic directions for the Hepburn Aquatics facilities are as follows, noting that further detailed planning work is required to fully understand Council's ability to fund the future development options identified.

## 7.4.1 Strategic Direction 1: Facility Upgrades - Compliance and OH&S Works

**Undertake recommended upgrades identified in Technical Review audits to meet current compliance and OH&S requirements.**

The key findings that support this strategy include:

- Ageing assets at all sites that are reaching end of life.
- Management and mitigation of risks identified in the Technical Review Audits.
- Ensure Council meets contemporary OH&S and compliance regulations.

### Action Plan: Facility Upgrades - Compliance and OH&S Works

**Table 16: Strategic Direction 1 Recommendations**

Recommendation	Proposed Timing	Indicative Cost Range
That funding be provided to undertake the necessary maintenance works as identified within the technical review audit at the three outdoor pools.	Short	\$350,000 - \$400,000
That funding be provided to undertake the necessary maintenance works as identified within the technical review audit at the Creswick Splash Park.	Short	\$15,000 - \$20,000
That funding be provided to undertake the necessary maintenance works as identified within the technical review audit at the Calembreen Park Toddler Pool.	Short	\$50,000 - \$60,000
<b>Total</b>		<b>\$415,000 - \$480,000</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

## 7.4.2 Strategic Direction 2: Indoor Aquatics Facility Planning

**The Aquatics Strategy identifies the need for access to an indoor all year-round aquatics facility to support the needs of Hepburn Shire residents.**

**Further detailed planning work including feasibility, business case and funding strategy is required to fully understand Council's ability to fund, develop and operate an indoor aquatics facility.**

**The scope of the detailed investigation should include exploring Aquatics Provision Options, Facility Benchmarking of similar size aquatics facilities within the rural and regional areas, Facility Components, including universal and inclusive design principles, Concept Plan, Capital Cost estimate, Financial Operating Model, Site Assessment, Funding Strategy (Council and External).**

**The evidence that supports the need is:**

- **Hepburn population demographics** - the younger and older demographic profile of the Shire requires access to indoor aquatics facilities to support the key areas of learn to swim programs, therapy, aquatics programs and recreational swimming. The travel and climate conditions make it difficult for some residents to access aquatics services in neighbouring municipalities i.e., Ballarat and Macedon Ranges.
- **Identified Community Need** - extensive feedback from the community engagement process identified a strong need and desire for access to a year-round aquatics facility for learn to swim, therapy, aquatics programs and recreational swimming.
- **Current facilities barriers to participation** - evidence that the existing Hepburn aquatics facilities are underutilised due to ageing infrastructure, cold water temperatures, poor accessibility and facilities are not meeting identified community needs.

## Action Plan

**Table 17: Strategic Direction 2 Recommendations**

Recommendation	Proposed Timing	Indicative Cost Range
That Council accept the identified community need for access to a year-round indoor aquatics facility to support the needs of the Hepburn Shire residents.	Short	N/A
That funding be provided in the Council budget for further detailed investigation and the development of a feasibility study/business case that will include: <ul style="list-style-type: none"> <li>• Aquatics provision options</li> <li>• Preferred location</li> <li>• Facility components and concept plan</li> <li>• Capital cost estimate</li> <li>• Financial operating model</li> <li>• Funding Strategy</li> </ul>	Short	\$70,000 - \$100,000
Based on the outcome of the feasibility study and business case develop an advocacy plan to seek internal and external funding (state and federal governments) including broader partnership opportunities to support the development of an indoor aquatics centre.	Medium/Long	\$50,000 - \$60,000 (Funding and Advocacy Strategy)
<b>Total</b>		<b>\$120,000 - \$160,000</b>

Note Timeline Scale: Short Term 1 – 3 years, Medium Term 4 – 7 years and Long Term 8 – 10 years

### 7.4.3 Strategic Direction 3: Management and Operation

**To ensure the management and operations of the facilities is financially sustainable for Council and aligned to industry trends and compliance requirements, Council will undertake a detailed assessment of the options available and associated costs and benefits for the future management of the facilities. This would include:**

- **Inhouse Model**
- **External Contractor**
- **Company Limited by Guarantee**
- **Lease.**

The key findings that support this strategy include:

- The increasing operational cost to Council over time under an in-house management model.
- Challenges in attracting and retaining high quality and qualified aquatics staff.
- The need for contemporary corporate systems and adequate internal expertise in aquatics.

**Action Plan: Management and Operation****Table 18: Strategic Direction 3 Recommendations**

Recommendation	Proposed Timing	Indicative Cost Range
That Council undertake an annual review of the performance of all facilities in meeting key performance measures and progress made on the strategy.	Short	Existing Resources
That Council undertake a Management Model Review to consider the costs, issues and benefits of the various options available.	Short	\$20,000 - \$30,000
That Council determine the most suitable option for the future management of the aquatics facilities and develop an implementation plan.	Short	N/A
<b>Total</b>		<b>\$20,000 - \$30,000</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

**7.4.4 Strategic Direction 4: Facility Programming and Activation**

**Undertake a review of the current programming of the outdoor pools. Develop and implement new programming and activation opportunities across the outdoor pools to encourage greater participation outcomes. This may include more regular aquatics programs, special events, family fun days, community partnership activities and promotions, themed activity days and increased school use.**

The key findings that support this strategy include:

- Significant community feedback for more programs and activities to be offered over summer at the outdoor pools.
- Maximise the free entry to all outdoor pools to increase community use and participation.
- Create more vibrant facilities and increase participation through innovative programming and activities.

**Action Plan - Facility Programming and Activation****Table 19: Strategic Direction 4 Recommendations**

Recommendation	Proposed Timing	Indicative Cost Range
That Council undertake a review of the aquatics programming schedule for each outdoor pool.	Short	Existing Resources
That Council review the weather policy to enable greater access to the outdoor pools.	Short	Existing Resources
That Council develop and implement a programming and activation plan for each outdoor pool.	Short	\$10,000 - \$20,000
That Council undertake an annual review of the programs and seek community feedback for improvements via the annual outdoor pool survey.	Short/Medium	N/A
<b>Total</b>		<b>\$10,000 - \$20,000</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

## 7.4.5 Strategic Direction 5: Asset Management Plan

**To ensure the aquatics facilities are maintained in accordance with industry standards, Council will implement an Aquatics Facilities Asset Management Plan and site-specific maintenance plans for all aquatics facilities in line with Technical Assessments.**

### Action Plan: Asset Management Plan

Table 20: Strategic Direction 5 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council implements an Aquatics Facilities Asset Management Plan and maintenance plans for all aquatics facilities in line with Technical Assessments prepared; and align Council's operational and renewal budgets.	Short	\$30,000 - \$40,000 (if outsourced)
<b>Total</b>		<b>\$30,000 - \$40,000 (if outsourced)</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

## 7.4.6 Strategic Direction 6: Outdoor Pool Upgrades

**Further investigate identified upgrade options to the three outdoor pools in Daylesford, Clunes and Trentham. This includes the provision of warmer water, amenities, plant rooms and associated infrastructure.**

**Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.**

The key findings that support this strategy include:

- The current outdoor pools are highly regarded by the local community as important community facilities for all ages.
- The need for warm water temperature for patrons, which was consistent feedback from the community.
- The need to improve the accessibility, functionality and usage of the existing outdoor pools to cater for broader user markets.

### Action Plan: Outdoor Pool Upgrades

Table 21: Strategic Direction 6 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council undertake a cost benefit analysis of installing electric heat pumps to replace the ineffective solar heating system, to increase the water temperature for bather comfort.	Short	\$20,000 - \$30,000 (Cost Benefit Analysis Report) \$1.8M - \$2.2M (Heat pump and plant room installation)
That Council develop an asset management plan and provides the required funding in the Capital Works program for the replacement, upgrade or renewal of facility infrastructure as it reaches end of life. This includes change rooms, shelters, seating and plant room equipment.	Short/Medium	\$1.5M - \$2.5M (Asset renewal/upgrades)
<b>Total</b>		<b>\$3.32M - \$4.73M</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years



## 7.4.7 Strategic Direction 7: Water Play Upgrades

**Develop concept plans and cost estimates for the addition of water play facilities at the three outdoor pools to cater for the growing expectations of different aquatics experiences for families and children. This should include consideration of the enhancement of features at the Creswick Splash Park and further investigation and exploration of the identified replacement options for Calembreen Toddlers Pool to ensure compliance with industry guidelines.**

**Investment in water play upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.**

The key findings that support this strategy include:

- The current outdoor pools are ageing and lack contemporary water play facilities for families and children.
- Creswick Splash Park is a popular destination for families which will require renewal in the future.
- The current Calembreen Toddlers Pool is an ageing asset reaching end of life. It also does not comply with current Royal Life Saving Society Guidelines for Safe Pool Operation.

### Action Plan: Waterplay Upgrades

**Table 22: Strategic Direction 7 Recommendations**

Recommendation	Proposed Timing	Indicative Cost Range
That Council further investigate water play options and costs for the outdoor pool sites to enhance the facilities for families and children and attract higher participation.	Short/Medium	Existing Resources
Consideration of feasibility and concept plans for water play and toddler zone to replace the ageing toddler pool infrastructure at the outdoor pool sites.	Medium	\$40,000 - \$50,000 (Feasibility and Concept Plans) \$1.8M - \$2.2M (New waterplay and plant rooms)
That Council upgrade or renew infrastructure as it reaches end of life at Creswick Splash Park. This includes Splash Park features, shelters, seating and plant room equipment.	Medium/Long	\$150,000 - \$250,000
That Council investigate and explore options for water play experiences at Calembreen Park to ensure a low-risk environment for toddlers and children.	Short/Medium	\$10,000 - \$20,000 (Scoping Study)
<b>Total</b>		<b>\$2M - \$2.52M</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

## 7.4.8 Strategic Recommendations Indicative Cost Summary

The table below provides a high-level summary of the total indicative cost range estimates for the Strategic Recommendations Actions outlined on the previous pages.

**Table 23: Strategic Recommendations Cost Indicative Range Summary**

Strategic Recommendation	Indicative Cost Range
7.4.1 Facility Upgrades - Compliance and OH&S Works	\$415,000 - \$480,000 *
7.4.2 Indoor Aquatics Facility Planning	\$120,000 - \$160,000 *
7.4.3 Management and Operation	\$20,000 - \$30,000 *
7.4.4 Facility Programming and Activation	\$10,000 - \$20,000 *
7.4.5 Asset Management Plan	\$30,000 - \$40,000 *
7.4.6 Outdoor Pool Upgrades	\$3,320,000 - \$4,730,000 *
7.4.7 Waterplay Upgrades	\$2,000,000 - \$2,520,000 *
<b>Total Indicative Cost Range</b>	<b>\$5,915,000 - \$7,980,000 *</b>

\*Note: Indicative costs only - estimates are likely change over time subject to timing of delivery, cost escalation, CPI and final scope of works for each project. The figures exclude contingencies and project management fees.

Funding the implementation of the Strategic Directions Recommendations and Actions would be subject to achieving funding as part of future Council budgeting processes and seeking external partner funding opportunities where applicable.

The further work undertaken as part of Indoor Aquatics Facility Planning mentioned in Table 17 will identify the capital and operating costs associated with an Indoor Aquatics Facility. This will need to be further considered by Council at the appropriate time.

The high order indicative costs associated with implementing the actions arising from the Strategic Directions and Actions outlined in the strategy are estimated to be \$5.9M - \$7.98M. This includes Facility upgrades compliance and OH&S works, Management and Operation, Facility Programming and Activation, Asset Management Plan, Outdoor pool and Waterplay Upgrades and further Indoor Aquatics Facility Planning.

The Strategic Direction Recommendations and Actions arising from the Aquatics Strategy are not currently included in Council's long term financial plan and would require significant external funding.

## *8. Warranties and Disclaimers*

The information contained in this report is provided in good faith. While Otium Planning Group has applied their own experience to the task, they have relied upon information supplied to them by other persons and organisations.

We have not conducted an audit of the information provided by others but have accepted it in good faith. Some of the information may have been provided 'commercial in confidence' and as such these venues or sources of information are not specifically identified. Readers should be aware that the preparation of this report may have necessitated projections of the future that are inherently uncertain and that our opinion is based on the underlying representations, assumptions and projections detailed in this report.

There will be differences between projected and actual results because events and circumstances frequently do not occur as expected and those differences may be material. We do not express an opinion as to whether actual results will approximate projected results, nor can we confirm, underwrite or guarantee the achievability of the projections as it is not possible to substantiate assumptions which are based on future events.

Accordingly, neither Otium Planning Group, nor any member or employee of Otium Planning Group, undertakes responsibility arising in any way whatsoever to any persons other than client in respect of this report, for any errors or omissions herein, arising through negligence or otherwise however caused.



PO Box 21 Daylesford 3460  
P: 03 5348 2306

[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)  
[www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)  
 [www.facebook.com/hepburncouncil](https://www.facebook.com/hepburncouncil)

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**DAYLESFORD**

Cnr. Duke & Albert Streets,  
Daylesford  
8:30am – 5:00pm

**CRESWICK**

Creswick Hub  
68 Albert Street, Creswick  
8:30am – 5:00pm

**TRENTHAM**

13 Albert Street, Trentham  
Mon, Wed, Fri 10am-5pm  
Sat 10am-1pm

**CLUNES**

The Warehouse – Clunes  
36 Fraser Street, Clunes  
Mon & Thurs 10am – 6pm  
Wed & Fri 10am – 4pm

Prepared by Otium Planning Group Pty Ltd  
304/91 Murphy Street Richmond VIC 3121  
ABN: 30 605 962 169 Phone: (03) 9698 7300  
Email: [info@otiumplanning.com.au](mailto:info@otiumplanning.com.au)  
Web: [www.otiumplanning.com.au](http://www.otiumplanning.com.au)

Local Office:  
Contact: Kate Maddock,  
Managing Director  
Phone: 0419 316 540  
[kate@otiumplanning.com.au](mailto:kate@otiumplanning.com.au)

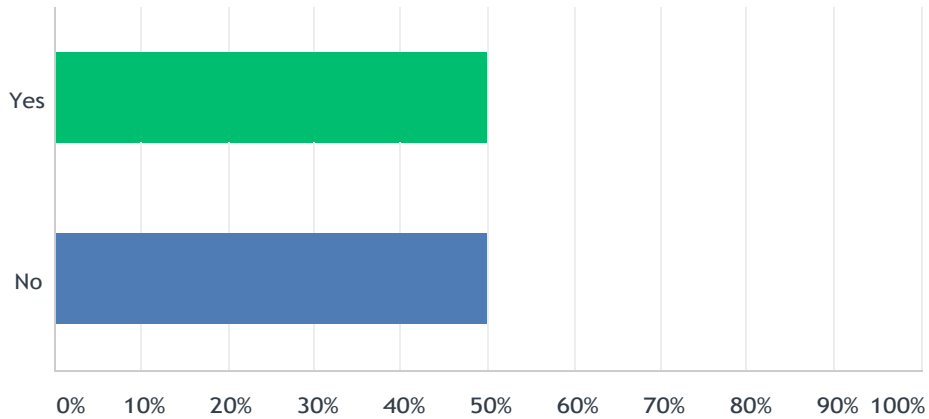


# *Appendix 1: Community Survey Results*



## Q1 Have you used or visited an aquatics facility within the Hepburn Shire in the last 12 months?

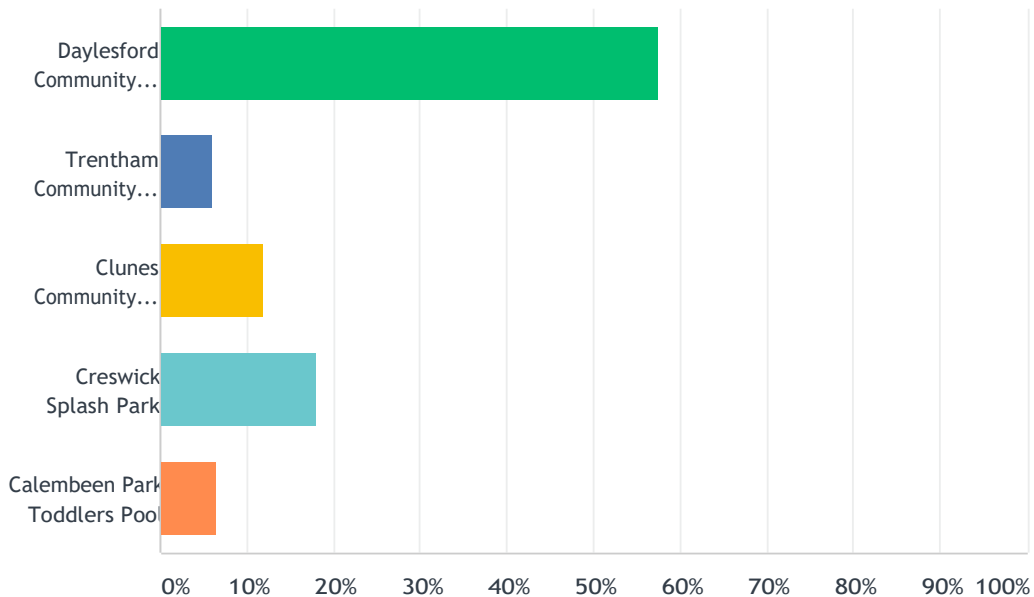
Answered: 795 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	50.06%	398
No	49.94%	397
<b>TOTAL</b>		<b>795</b>

## Q2 Which Hepburn aquatic facilities do you use most in the last 12 months?

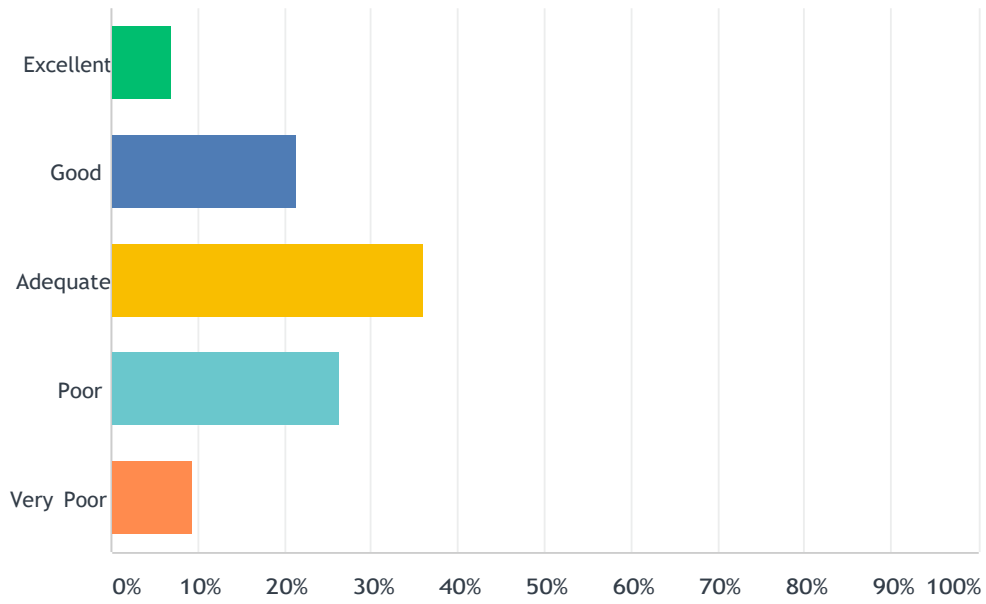
Answered: 384 Skipped: 411



ANSWER CHOICES	RESPONSES	
Daylesford Community Outdoor Swimming Pool	57.55%	221
Trentham Community Outdoor Swimming Pool	5.99%	23
Clunes Community Outdoor Swimming Pool	11.98%	46
Creswick Splash Park	17.97%	69
Calembreen Park Toddlers Pool	6.51%	25
<b>TOTAL</b>		<b>384</b>

### Q3 Overall, how would you rate the facilities?

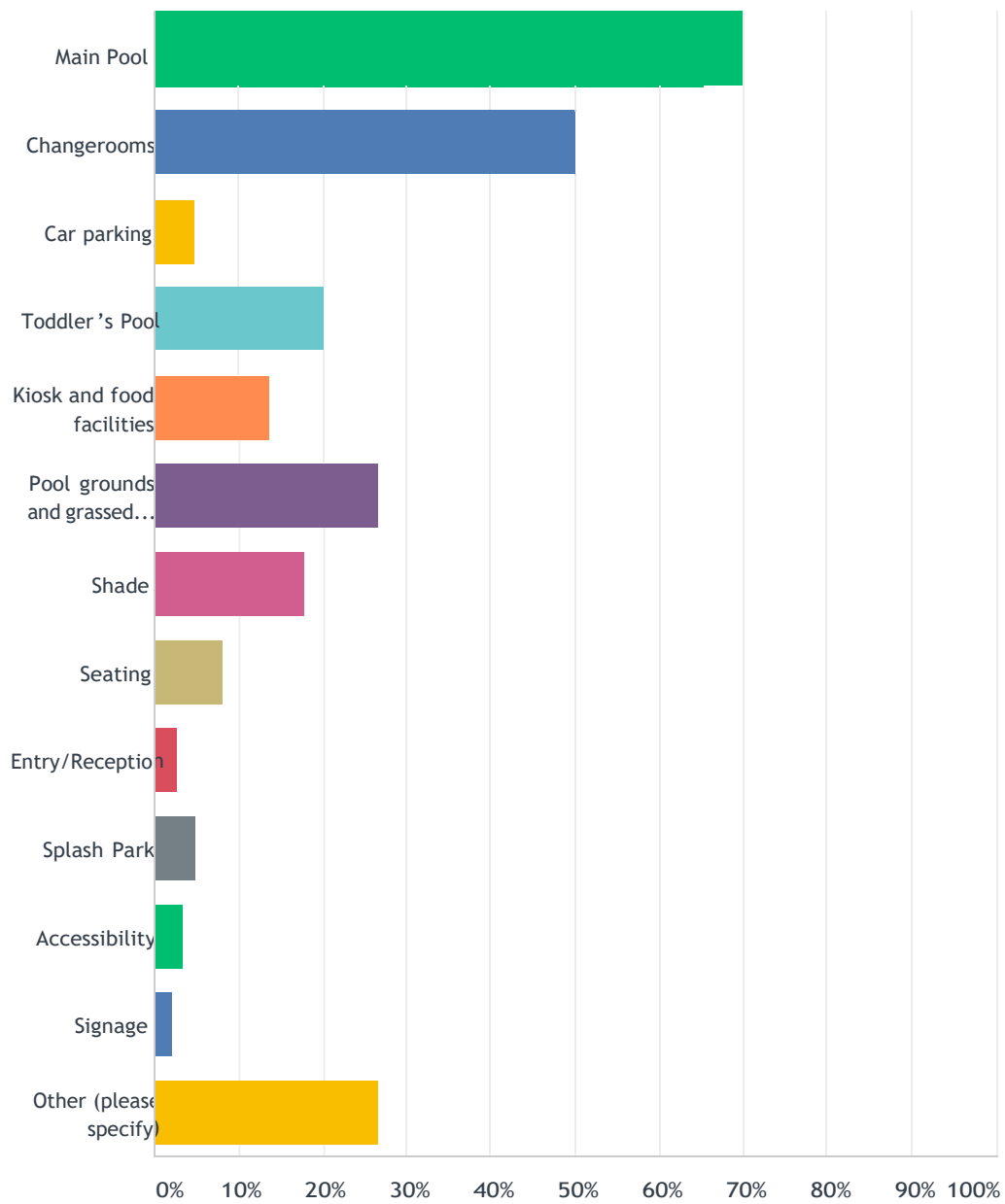
Answered: 394 Skipped: 401



ANSWER CHOICES	RESPONSES	
Excellent	6.85%	27
Good	21.32%	84
Adequate	36.04%	142
Poor	26.40%	104
Very Poor	9.39%	37
<b>TOTAL</b>		<b>394</b>

### Q4 Please indicate which aspects of the aquatic facilities you are not happy with.

Answered: 147 Skipped: 648

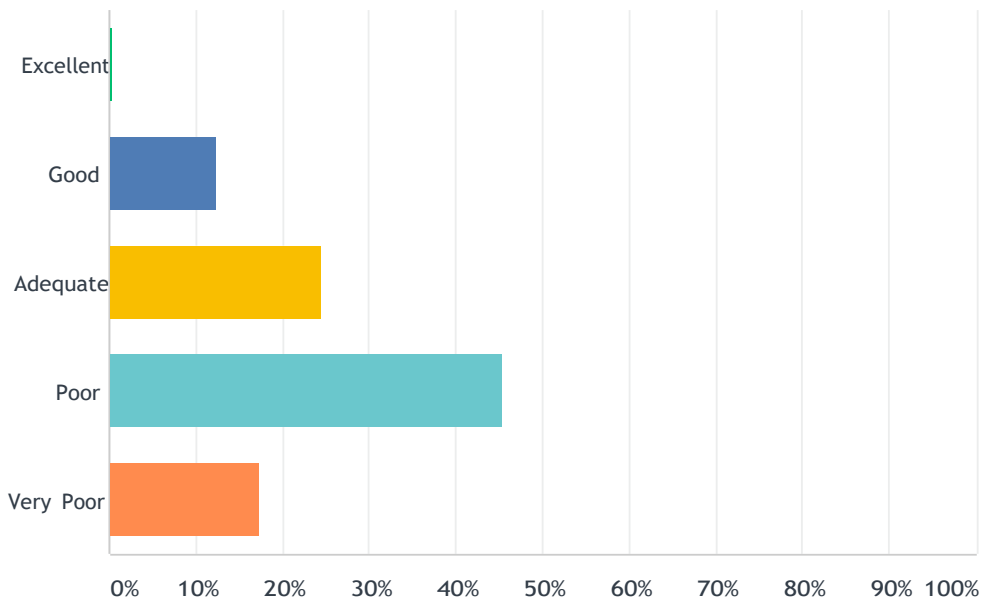




ANSWER CHOICES	RESPONSES	
Main Pool	65.31%	96
Changerooms	50.34%	74
Car parking	4.76%	7
Toddler's Pool	21.09%	31
Kiosk and food facilities	13.61%	20
Pool grounds and grassed areas	26.53%	39
Shade	17.69%	26
Seating	8.16%	12
Entry/Reception	2.72%	4
Splash Park	4.76%	7
Accessibility	3.40%	5
Signage	2.04%	3
Other (please specify)	26.53%	39
Total Respondents: 147		

### Q5 Overall, how would you rate Hepburn Shire’s aquatic programs and services?

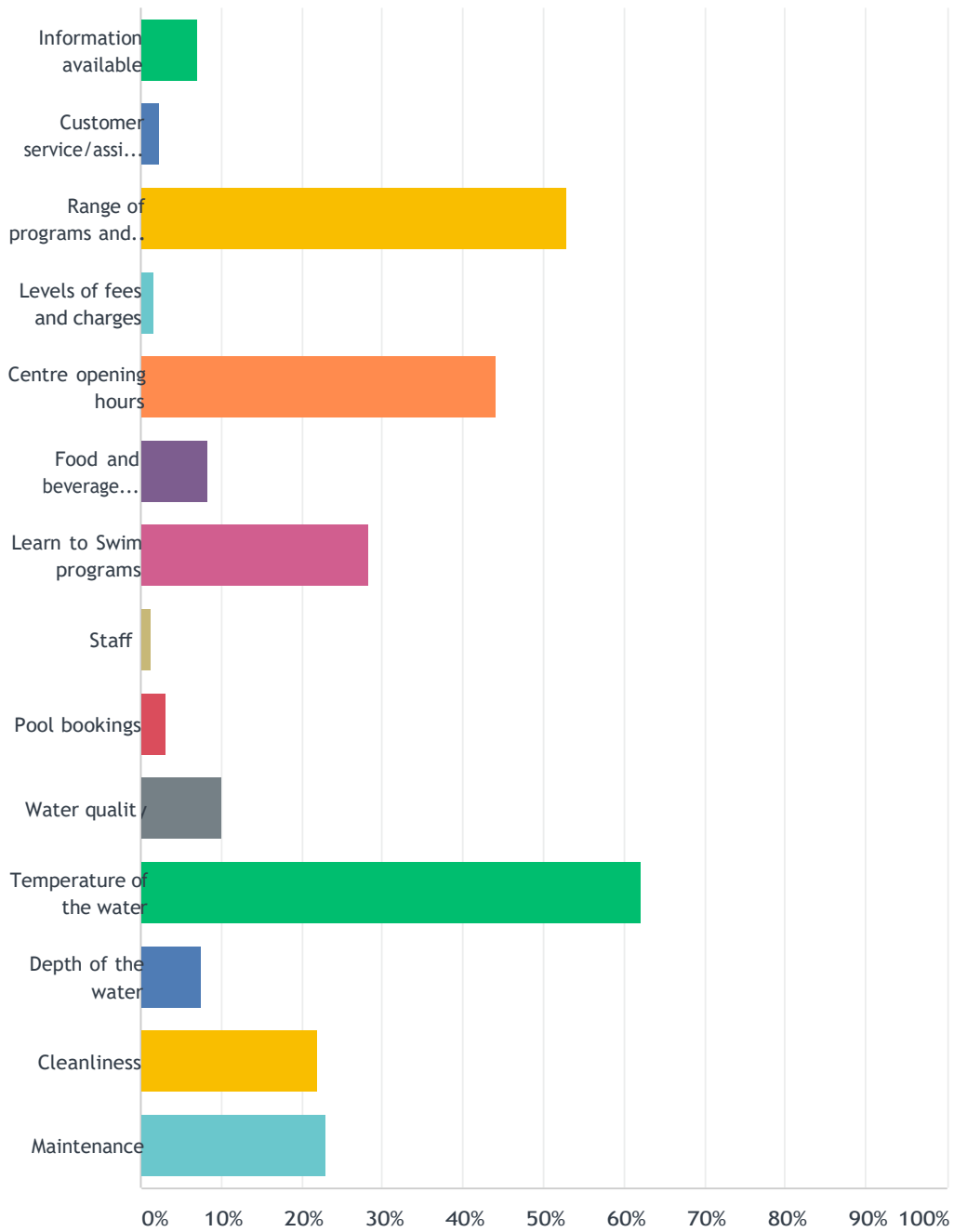
Answered: 397 Skipped: 398



ANSWER CHOICES	RESPONSES	
Excellent	0.50%	2
Good	12.34%	49
Adequate	24.43%	97
Poor	45.34%	180
Very Poor	17.38%	69
<b>TOTAL</b>		<b>397</b>

Q6 Please indicate the program and services you are not happy with?

Answered: 251 Skipped: 544

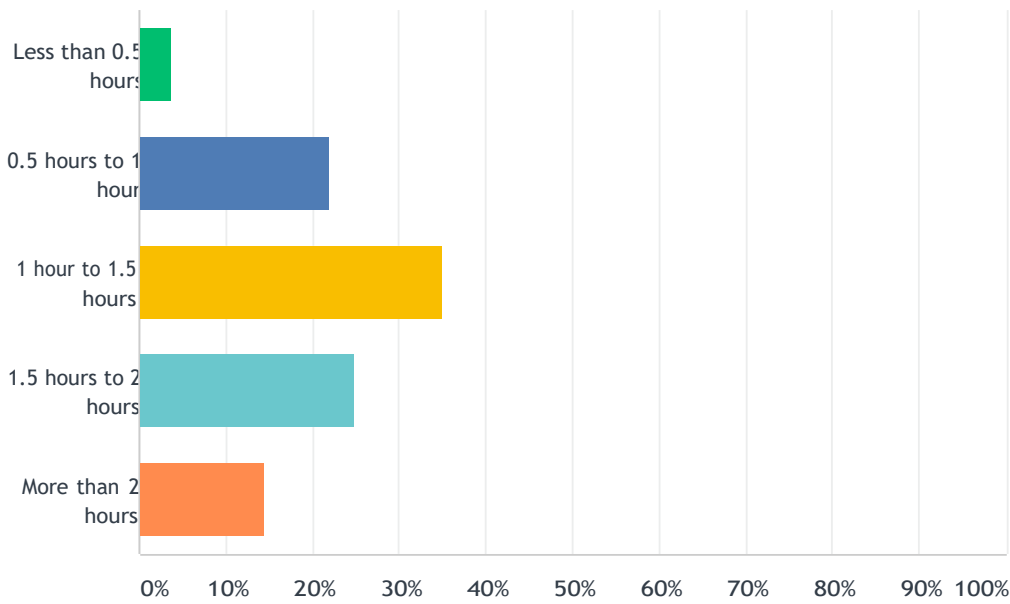


Aquatics Strategy – Community Survey

ANSWER CHOICES	ATTACHMENT 12.1.4 RESPONSES	
Information available	7.17%	18
Customer service/assistance	2.39%	6
Range of programs and services offered	52.99%	133
Levels of fees and charges	1.59%	4
Centre opening hours	44.22%	111
Food and beverage services	8.37%	21
Learn to Swim programs	28.29%	71
Staff	1.20%	3
Pool bookings	3.19%	8
Water quality	9.56%	24
Temperature of the water	62.15%	156
Depth of the water	7.57%	19
Cleanliness	21.91%	55
Maintenance	23.11%	58
Total Respondents: 251		

### Q7 How much time do you spend at the aquatic facilities areas during a normal visit?

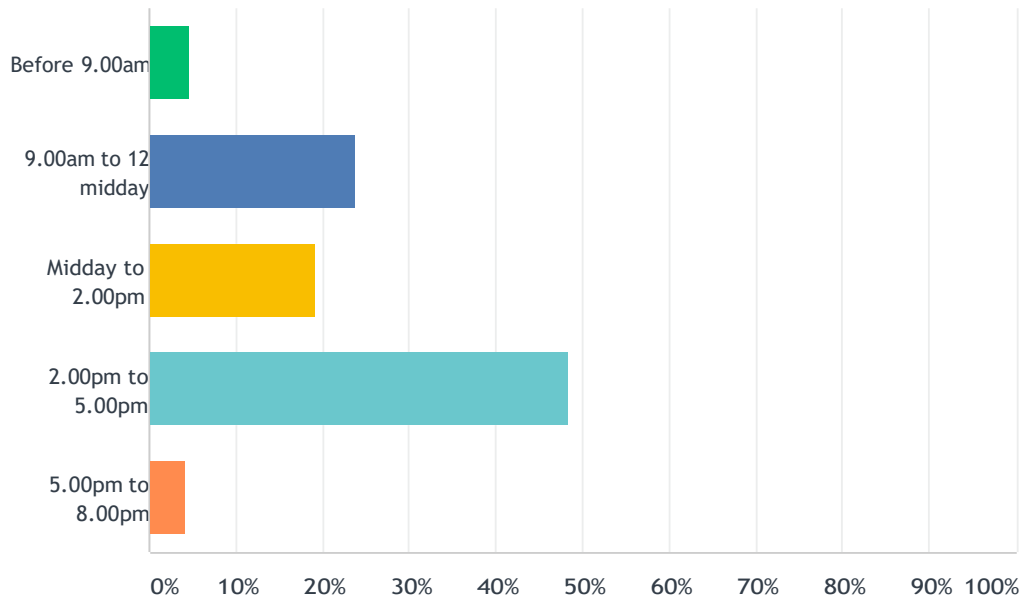
Answered: 393 Skipped: 402



ANSWER CHOICES	RESPONSES	
Less than 0.5 hours	3.82%	15
0.5 hours to 1 hour	21.88%	86
1 hour to 1.5 hours	34.86%	137
1.5 hours to 2 hours	24.94%	98
More than 2 hours	14.50%	57
<b>TOTAL</b>		<b>393</b>

### Q8 When do you most commonly arrive at the aquatic facilities?

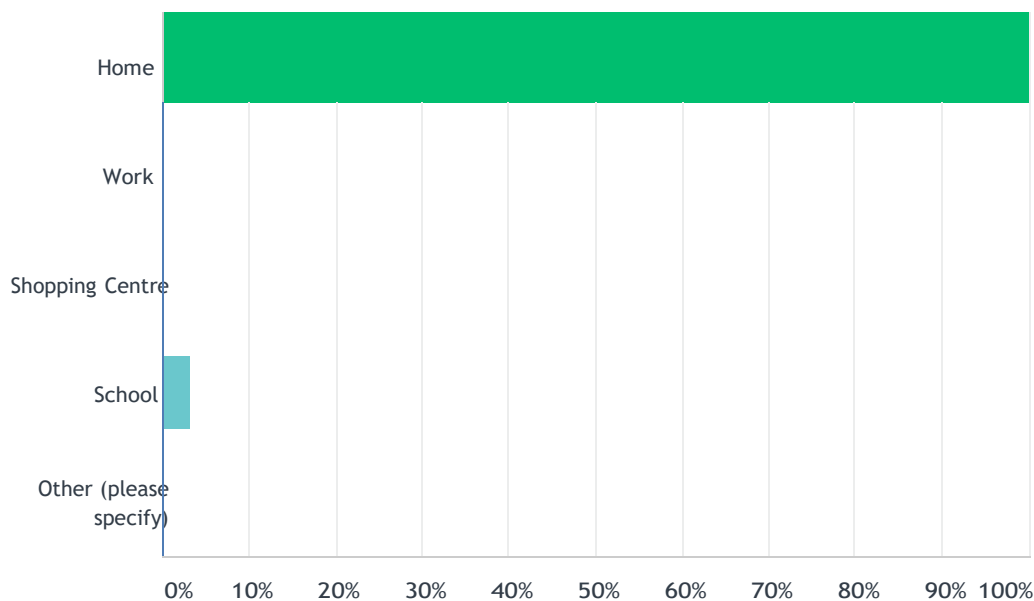
Answered: 391 Skipped: 404



ANSWER CHOICES	RESPONSES
Before 9.00am	4.60% 18
9.00am to 12 midday	23.79% 93
Midday to 2.00pm	19.18% 75
2.00pm to 5.00pm	48.34% 189
5.00pm to 8.00pm	4.09% 16
<b>TOTAL</b>	<b>391</b>

### Q9 Where do you normally travel from when you visit the aquatic facilities?

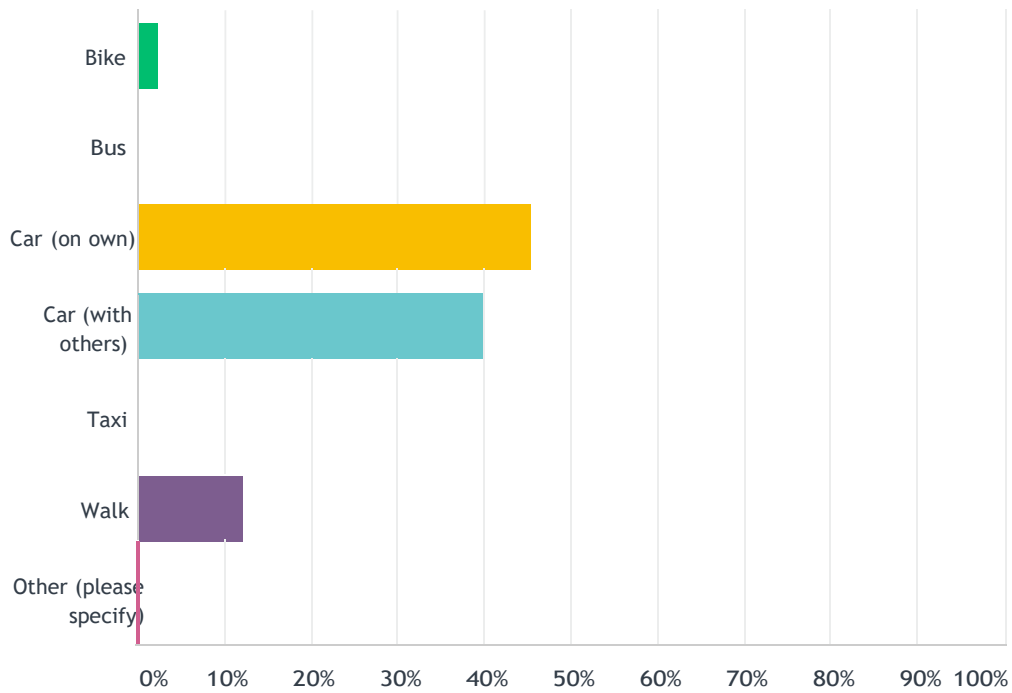
Answered: 395 Skipped: 400



ANSWER CHOICES	RESPONSES	
Home	93.92%	371
Work	1.77%	7
Shopping Centre	0.00%	0
School	3.04%	12
Other (please specify)	1.27%	5
<b>TOTAL</b>		<b>395</b>

### Q10 How do you normally travel to the aquatic facilities?

Answered: 395 Skipped: 400

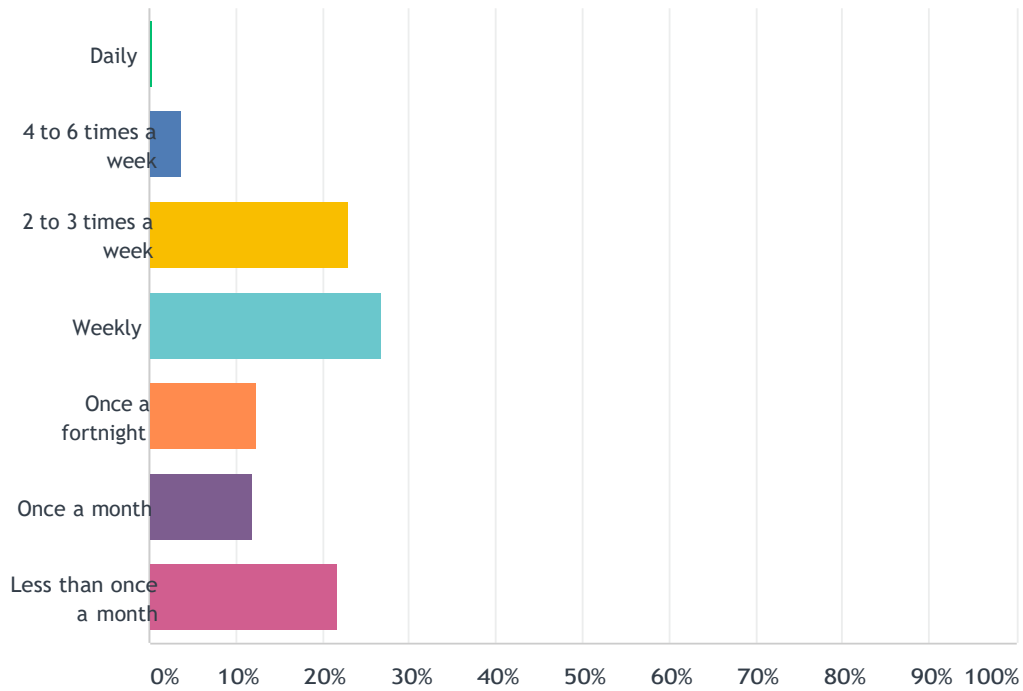


ANSWER CHOICES	RESPONSES	
Bike	2.28%	9
Bus	0.00%	0
Car (on own)	45.32%	179
Car (with others)	39.49%	156
Taxi	0.25%	1
Walk	12.15%	48
Other (please specify)	0.51%	2
<b>TOTAL</b>		<b>395</b>



### Q11 How often, on average, do you visit the aquatic facilities?

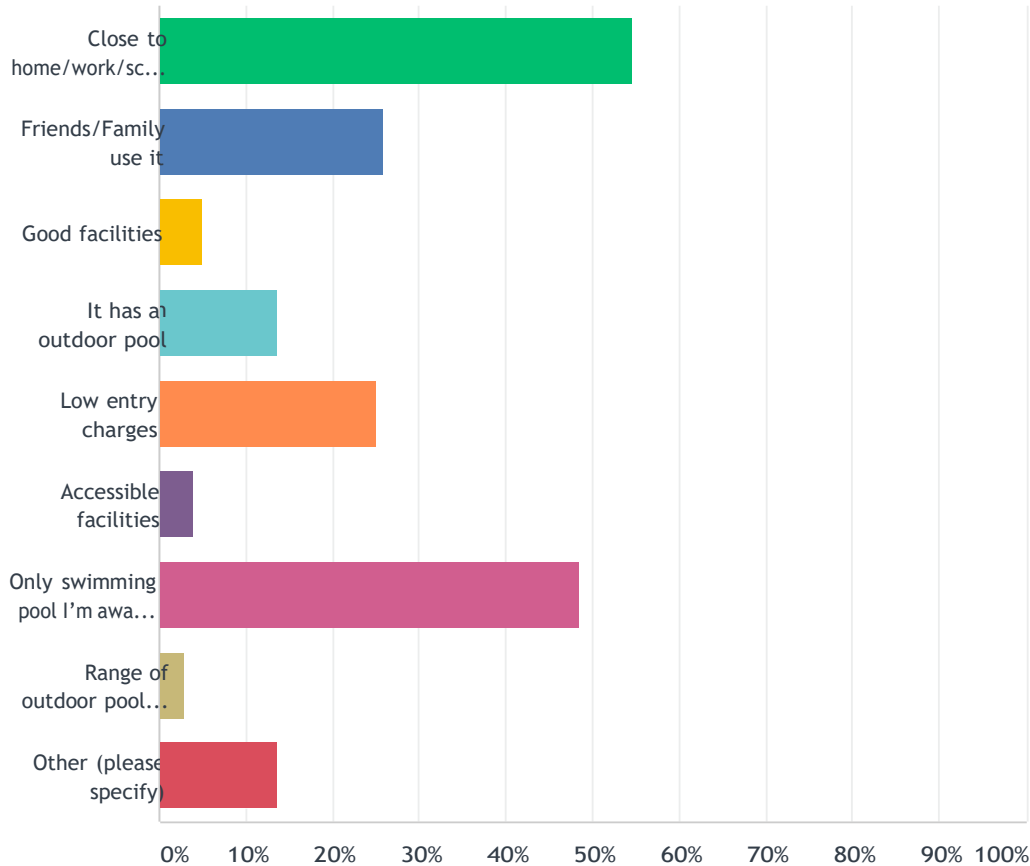
Answered: 392 Skipped: 403



ANSWER CHOICES	RESPONSES	
Daily	0.51%	2
4 to 6 times a week	3.83%	15
2 to 3 times a week	22.96%	90
Weekly	26.79%	105
Once a fortnight	12.24%	48
Once a month	11.99%	47
Less than once a month	21.68%	85
<b>TOTAL</b>		<b>392</b>

**Q12 Thinking about the Hepburn aquatic facilities you have used in the last 12 months, what are the main reasons you use these facilities?  
(Please select up to 3 responses)**

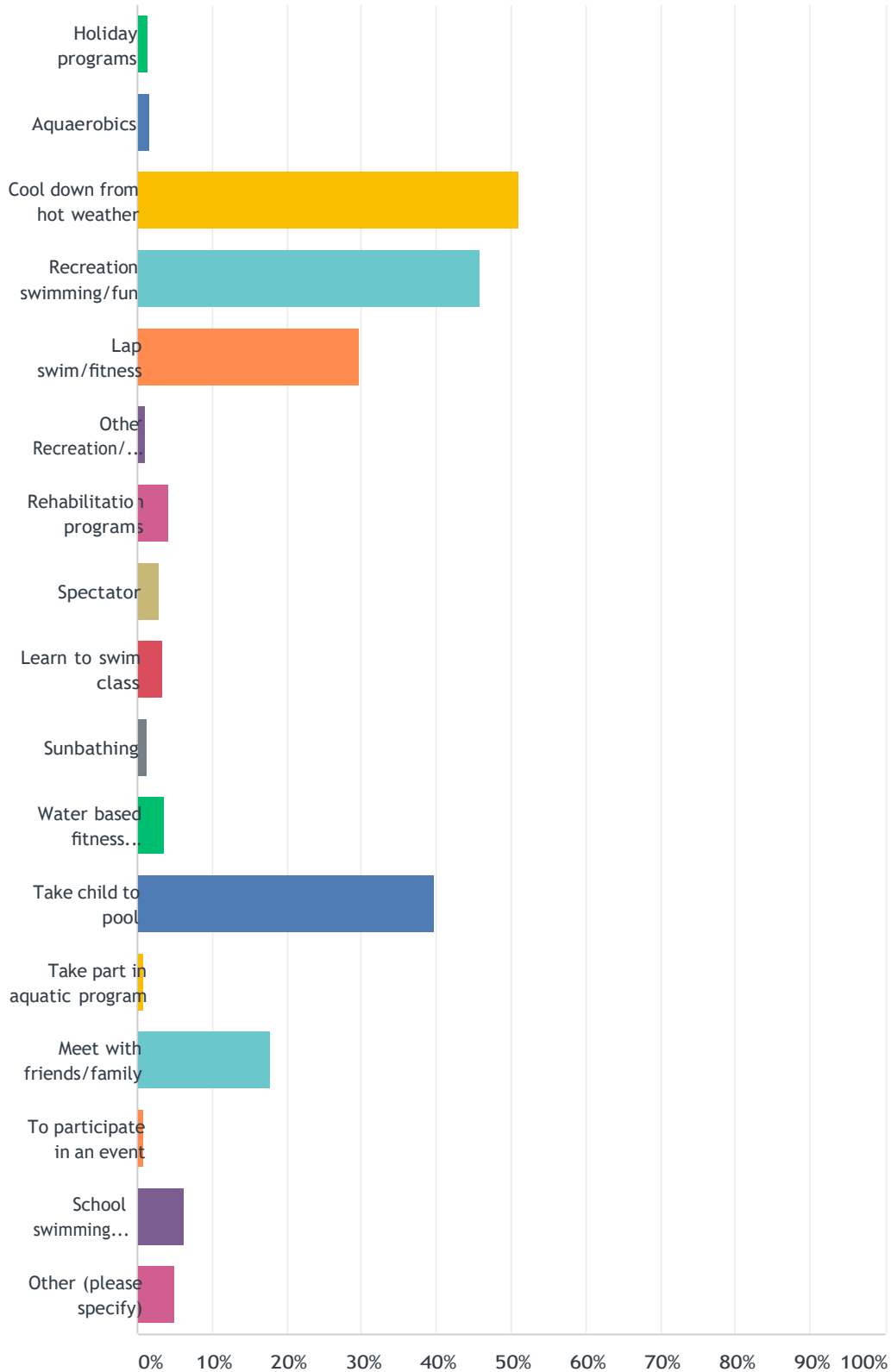
Answered: 398 Skipped: 397



ANSWER CHOICES	RESPONSES	
Close to home/work/school/easy to get to	54.52%	217
Friends/Family use it	25.88%	103
Good facilities	5.03%	20
It has an outdoor pool	14.07%	56
Low entry charges	25.13%	100
Accessible facilities	4.02%	16
Only swimming pool I'm aware of in the area	48.49%	193
Range of outdoor pools available	3.02%	12
Other (please specify)	13.32%	53
<b>Total Respondents: 398</b>		

**Q13 Thinking about the Hepburn aquatic facilities that you have used in the last 12 months, what are the main activities you usually do there?  
(Please select up to 3 responses)**

Answered: 398 Skipped: 397



Aquatics Strategy – Community Survey

ANSWER CHOICES	ATTACHMENT 12.1.4 RESPONSES	
Holiday programs	1.51%	6
Aquaerobics	1.76%	7
Cool down from hot weather	51.01%	203
Recreation swimming/fun	45.73%	182
Lap swim/fitness	29.65%	118
Other Recreation/ Cultural activities	1.01%	4
Rehabilitation programs	4.27%	17
Spectator	3.02%	12
Learn to swim class	3.27%	13
Sunbathing	1.26%	5
Water based fitness activities	3.52%	14
Take child to pool	39.70%	158
Take part in aquatic program	0.75%	3
Meet with friends/family	17.84%	71
To participate in an event	0.75%	3
School swimming carnivals	6.28%	25
Other (please specify)	5.03%	20
Total Respondents: 398		

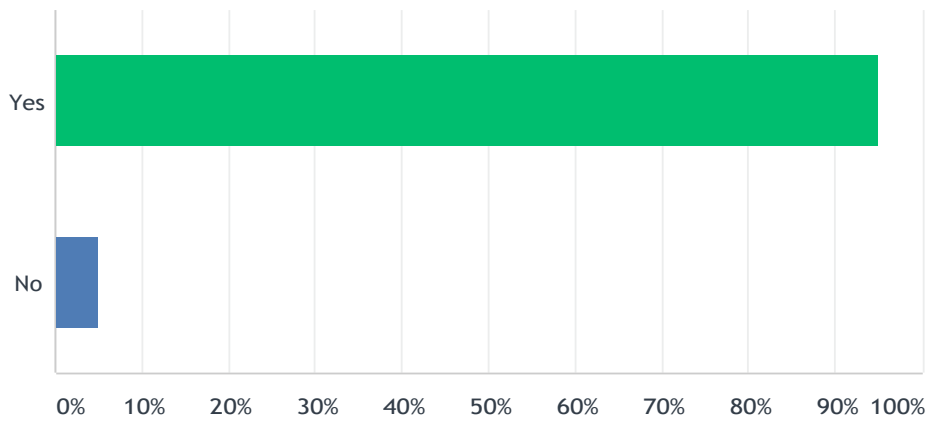
### Q14 If you have not used an aquatic facility in the past 12 months, can you tell us why? (Please select up to 3 responses)

Answered: 398 Skipped: 397

ANSWER CHOICES	RESPONSES	
Activity not available	16.33%	65
Can't swim	1.01%	4
Cultural beliefs restrict use	0.00%	0
Don't know what is available	1.01%	4
Don't like swimming	2.51%	10
Family commitments	0.75%	3
Have and use own pool	1.01%	4
Health problems	3.77%	15
Lack of information	2.51%	10
Language difficulties	0.00%	0
No childcare available	0.25%	1
Poor disabled access	2.76%	11
No suitable facilities close by	30.40%	121
No indoor pools close by	55.78%	222
Not interested	4.02%	16
Only outdoor pools available	41.46%	165
Opening times don't suit	9.80%	39
Too busy	3.27%	13
Transport problems	1.01%	4
Unhygienic/public pools not clean	6.03%	24
Use neighbours/friends pool	0.00%	0
Work commitments	2.26%	9
Use lakes/ natural water bodies	8.54%	34
Other (please specify)	20.10%	80
Total Respondents: 398		

### Q15 Would you like to make use of or greater use of aquatic facilities in the future?

Answered: 795 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	94.97%	755
No	5.03%	40
<b>TOTAL</b>		<b>795</b>

## Q16 What facilities or features would encourage you to make greater use of Hepburn Shire's aquatic facilities in the future? (Select up to 3 responses)

Answered: 755 Skipped: 40

ANSWER CHOICES	RESPONSES	
Cleaner more hygienic facilities	11.66%	88
Improved children's pools/water play	10.33%	78
Health related programs (nutritionist etc.)	3.05%	23
Indoor water play/splash zone	11.52%	87
Improved kiosk and beverage offer	3.44%	26
Indoor warm water/hydrotherapy/program pool	57.75%	436
Indoor spa and saunas	20.79%	157
Waterslides/adventure rides	5.83%	44
Indoor Recreation/Leisure pools	45.17%	341
Longer opening hours	15.23%	115
Extend the swimming season	17.75%	134
Larger change rooms	0.79%	6
More family change facilities	1.72%	13
Learn to swim pool space	3.18%	24
More retail products for sale	0.00%	0
Learn to Swim Programs	10.86%	82
Health and fitness classes	16.03%	121
More car parking close to centre	0.79%	6
Variety of activities/programs	1.99%	15
Outdoor heated pools	21.85%	165
Outdoor grassed/shaded areas	2.65%	20
Training/meeting rooms	0.00%	0
Transport service to the Centre	0.53%	4
Other (please specify)	9.27%	70
Total Respondents: 755		

## Q17 Can you tell us why you do not wish to make greater use of Hepburn Shire's aquatic facilities in the future? (Tick up to 3 responses)

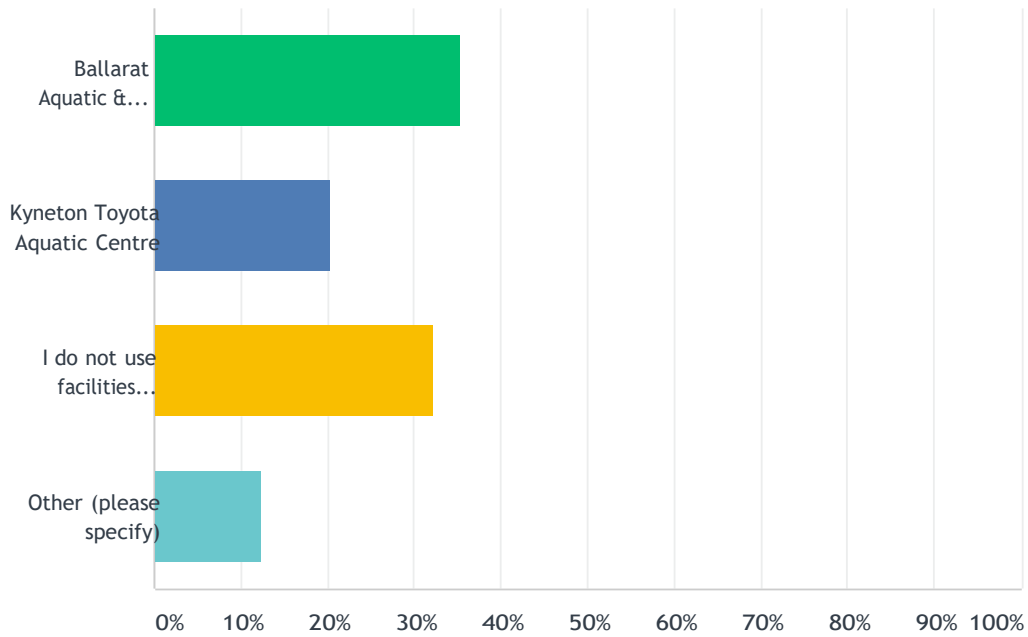
Answered: 40 Skipped: 755

ANSWER CHOICES	RESPONSES	
Activity not available	2.50%	1
Cannot swim	2.50%	1
Cannot afford it	2.50%	1
Cultural beliefs restrict use	0.00%	0
Don't know what is available	2.50%	1
Don't like swimming	20.00%	8
Family commitments	0.00%	0
Use lakes/ natural water bodies	12.50%	5
Have and use own pool	5.00%	2
Health problems	2.50%	1
Lack of information	0.00%	0
Language difficulties	0.00%	0
No childcare available	0.00%	0
Poor disabled access	0.00%	0
No suitable facilities close by	12.50%	5
No indoor pools close by	15.00%	6
Not interested	27.50%	11
Not value for money	0.00%	0
Only outdoor pools available	7.50%	3
Opening times don't suit	2.50%	1
Too busy	12.50%	5
Transport problems	0.00%	0
Unhygienic/public pools not clean	5.00%	2
Use neighbours/friends pool	0.00%	0
Work commitments	7.50%	3
Other (please specify)	22.50%	9
Total Respondents: 40		



### Q18 Do you use other aquatic facilities outside of the Hepburn Shire?

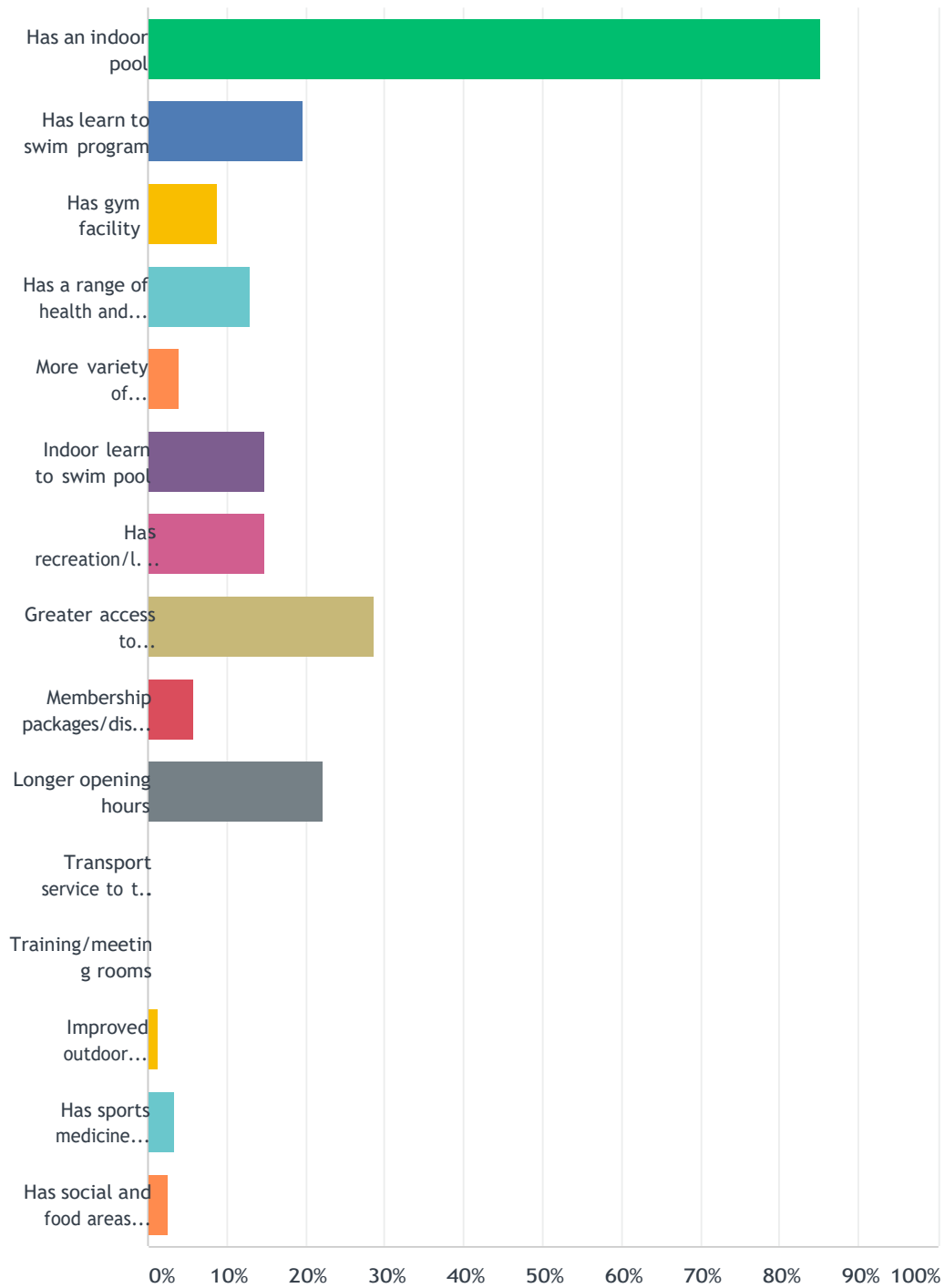
Answered: 791 Skipped: 4



ANSWER CHOICES	RESPONSES	
Ballarat Aquatic & Lifestyle Centre	35.27%	279
Kyneton Toyota Aquatic Centre	20.23%	160
I do not use facilities outside the Hepburn Shire	32.24%	255
Other (please specify)	12.26%	97
<b>TOTAL</b>		<b>791</b>

### Q19 Why do you use these facilities?

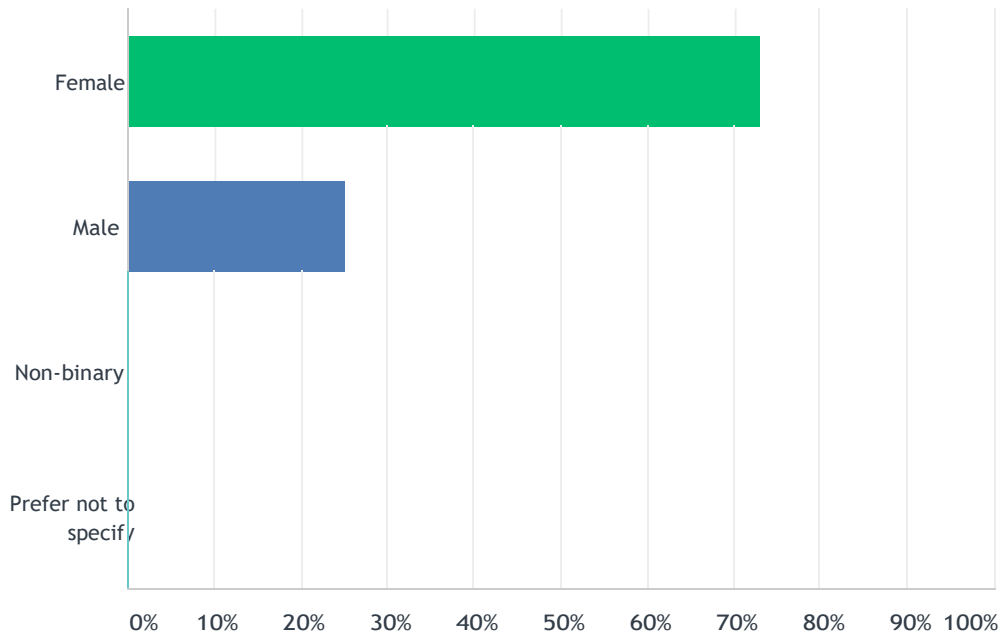
Answered: 540 Skipped: 255



ANSWER CHOICES	RESPONSES	
Has an indoor pool	85.19%	460
Has learn to swim program	19.63%	106
Has gym facility	8.70%	47
Has a range of health and fitness classes	12.96%	70
More variety of activities/programs	3.89%	21
Indoor learn to swim pool	14.81%	80
Has recreation/leisure pools	14.81%	80
Greater access to programs/warm water pool	28.70%	155
Membership packages/discount offers	5.93%	32
Longer opening hours	22.22%	120
Transport service to the Centre	0.19%	1
Training/meeting rooms	0.00%	0
Improved outdoor grassed/shaded areas	1.30%	7
Has sports medicine programs ie physiotherapist	3.33%	18
Has social and food areas (café)	2.59%	14
Total Respondents: 540		

### Q21 Are you

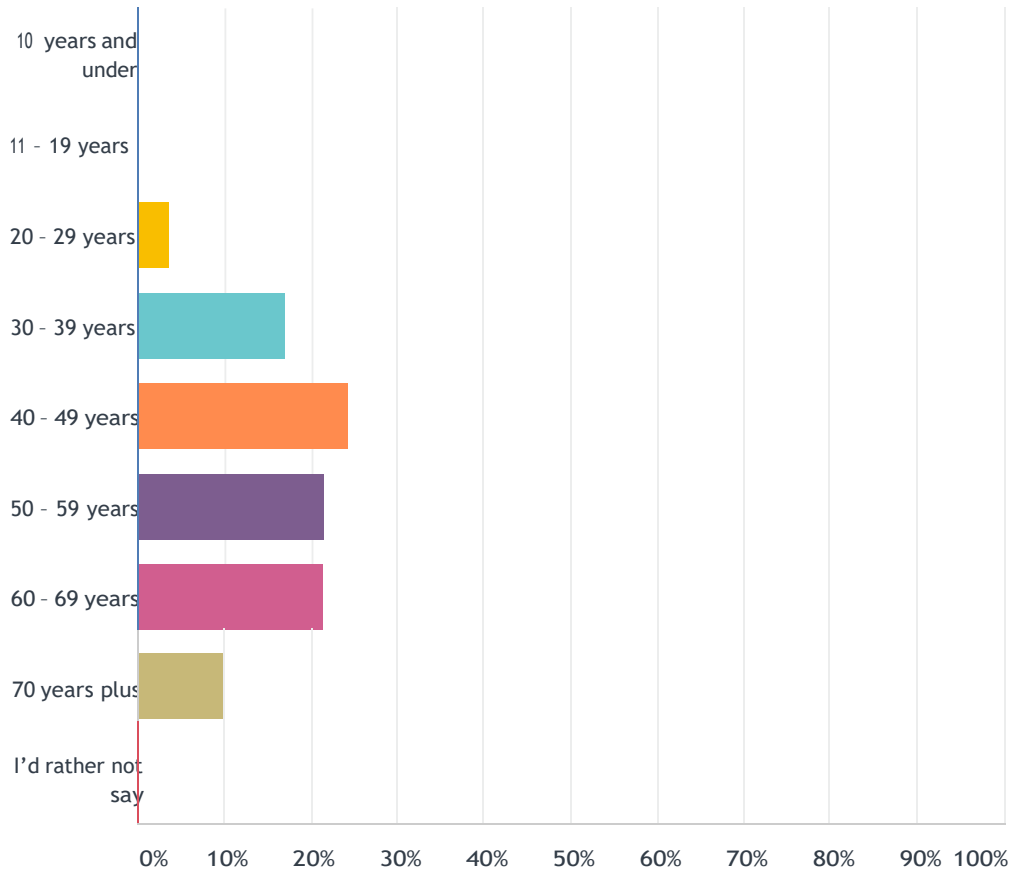
Answered: 795 Skipped: 0



ANSWER CHOICES	RESPONSES	
Female	72.96%	580
Male	25.16%	200
Non-binary	0.25%	2
Prefer not to specify	1.64%	13
<b>TOTAL</b>		<b>795</b>

### Q22 Which age group are you in?

Answered: 794 Skipped: 1



ANSWER CHOICES	RESPONSES	
10 years and under	0.00%	0
11 – 19 years	1.39%	11
20 – 29 years	3.53%	28
30 – 39 years	16.88%	134
40 – 49 years	24.31%	193
50 – 59 years	21.54%	171
60 – 69 years	21.41%	170
70 years plus	9.32%	74
I'd rather not say	1.64%	13
<b>TOTAL</b>		<b>794</b>

## Q23 Which suburb/township do you live in?

Answered: 762 Skipped: 33

ANSWER CHOICES	RESPONSES	
Allendale	0.66%	5
Bald Hills	0.39%	3
Basalt	0.00%	0
Blampied	0.52%	4
Broomfield	1.31%	10
Bullarook	0.00%	0
Bullarto	0.66%	5
Cabbage Tree	0.13%	1
Campbelltown	0.00%	0
Clunes	3.81%	29
Clydesdale	0.00%	0
Coomoora	3.54%	27
Creswick	20.47%	156
Creswick North	2.36%	18
Daylesford	30.71%	234
Dean	0.00%	0
Denver	0.39%	3
Drummond	0.39%	3
Dry Diggings	0.13%	1
Dunach	0.00%	0
Eganstown	1.57%	12
Elevated Plains	0.39%	3
Fern Hill	0.00%	0
Franklinford	0.26%	2
Glengower	0.00%	0
Glenlyon	2.89%	22
Guildford	0.13%	1
Hepburn	4.99%	38
Hepburn Springs	5.91%	45
Kooroocheang	0.00%	0
Korweinguboora	1.31%	10
Langdons Hill	0.13%	1
Lawrence	0.00%	0

## Aquatics Strategy – Community Survey

Leonards Hill	0.39%	<b>ATTACHMENT 12.1.4</b>	3
Little Hampton	0.26%		2
Lyonville	0.13%		1
Mollonghip	0.39%		3
Mount Franklin	1.05%		8
Mount Prospect	0.00%		0
Musk	1.44%		11
Musk Vale	2.23%		17
Newbury	0.00%		0
Newlyn	0.66%		5
Newlyn North	1.57%		12
North Blackwood	0.13%		1
Porcupine Ridge	0.52%		4
Rocklyn	0.13%		1
Sailors Falls	0.26%		2
Sailors Hill	0.52%		4
Sandon	0.00%		0
Shepherds Flat	0.00%		0
Smeaton	1.05%		8
Smokeytown	0.00%		0
Spring Hill	0.00%		0
Springmount	0.26%		2
Stony Creek	0.00%		0
Strangways	0.13%		1
Sulky	0.13%		1
Tarilta	0.00%		0
Trentham	3.81%		29
Trentham East	0.26%		2
Ullina	0.00%		0
Werona	0.00%		0
Wheatsheaf	1.31%		10
Yandoit	0.26%		2

<b>Total</b>	<b>795</b>
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# *Hepburn Shire Council Aquatics Strategy*

SUMMARY REPORT

April 2022

*Hepburn*  
SHIRE COUNCIL



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The Hepburn Shire Council acknowledges the support of the Victorian Government for their funding contribution to this project.

# Executive Summary

The development of the Hepburn Shire Council Aquatics Strategy commenced in April 2021 and aims to provide a 10-year priority plan to guide the future strategic direction, infrastructure development priorities, asset management and maximise participation and programming opportunities to contribute to the health, wellbeing and liveability of the communities of Hepburn Shire.

Together with the Project Consultants, Otium Planning Group, Officers have undertaken a suite of planning and community and stakeholder engagement to inform the development of the Hepburn Shire Aquatics Strategy.

Several key stakeholders were engaged to guide the development of the Aquatics Strategy. They include Sport and Recreation Victoria, Daylesford Indoor Aquatic Centre (DIAC) Advocacy Group, Creswick and District Aquatic Centre Advocacy Group and Central Highlands Rural Health.

The Aquatics Strategy includes:

- Strategic Review and Background Research
- Demographic Review
- Current Facilities Operational Review
- Market Research and Industry Trends
- Community Engagement Findings
- Vision
- Objectives
- Facility Hierarchy and Provision
- Strategic Recommendations and Actions.

## ATTACHMENT 12.1.5

The Aquatics Strategy is consistent with the Hepburn Shire Council Plan 2021-2025 key focus area: A healthy, supported and empowered community and Council's Municipal Public Health and Wellbeing Plan 2021-2025. This includes optimising the use of public spaces to increase participation and community connections which is supported by the provision of leisure and recreation facilities such as outdoor community pools, that encourage healthy and active lifestyles to improve the health and wellbeing of the community.

The Aquatics Strategy provides market research, current operating information and broad community engagement. It provides a guide on the future strategic direction, infrastructure development priorities, asset renewal and upgrades, operational improvement and activation of aquatics provision throughout the shire.

There are a number of Strategic Direction Recommendations and Actions arising from the Aquatics Strategy including consideration of priority projects including outdoor aquatics facility upgrades assessment and outdoor pool and waterplay upgrades. These Strategic Recommendations and Actions will require further detailed planning work including feasibility, business case and funding strategy to fully understand Council's ability to fund the facility upgrades identified.

The Aquatics Strategy supports the identified need for access to an all-year-round indoor aquatics facility to support the needs of Hepburn Shire residents. The evidence that supports the need includes:

- Hepburn population demographics - the younger and older demographic profile of the Shire requires access to indoor aquatics facilities to support the key areas of learn to swim programs, therapy, aquatics programs and recreational swimming. The travel and climate conditions make it difficult for some residents to access

aquatics services in neighbouring municipalities i.e. Ballarat and Macedon Ranges.

- Identified Community Need – extensive feedback from the community engagement process identified a strong need and desire for access to a year-round aquatics facility for learn to swim programs, therapy, aquatics programs and recreational swimming.
- Current facilities barriers to participation - evidence that the existing Hepburn aquatics facilities are underutilised due to ageing infrastructure, cold water temperatures, poor accessibility and facilities are not meeting identified community needs.

Further detailed planning work including feasibility, business case and funding strategy is required to fully understand Council's ability to fund, develop and operate an indoor aquatics facility.



As outlined in Strategic Direction 7.4.2 in the Aquatics Strategy further detailed investigation and the development of a feasibility study/business case is needed. The further work that needs to be undertaken includes aquatics provision options, preferred location, facility components and concept plan, capital cost estimate, financial operating model and funding strategy.

The most significant challenge for Council in determining a future indoor aquatics facility is the affordability to build and operate such a facility. This includes the ability to attract sufficient capital funding for a new facility and the ability to sustain the ongoing operational cost.

The high order indicative costs associated with implementing the actions arising from the Strategic Directions and Actions outlined in the strategy are estimated to be \$5.9m - \$7.98m. This includes Facility upgrades compliance and OH&S works, Management and Operation, Facility Programming and Activation, Asset Management Plan, Outdoor pool and Waterplay Upgrades and further Indoor Aquatics Facility Planning.

Funding the implementation of the Strategic Directions and Actions would be subject to achieving funding as part of future Council budgeting processes and seeking external partner funding opportunities where applicable. The Strategic Direction Recommendations and Actions arising from the Aquatics Strategy are not currently included in Council's long term financial plan and would require significant external funding.

The further work undertaken as part of Indoor Aquatics Facility Planning will identify the capital and operating costs associated with an Indoor Aquatics Facility and this will need to be further considered by Council at the appropriate time.

# Introduction

The Hepburn Shire Council Aquatics Strategy will guide the future strategic direction, infrastructure development priorities, asset management, operational development, and activation of aquatics provision throughout the Shire over the next 10 years.

Hepburn Shire has five public aquatics facilities:

- Daylesford Outdoor Pool
- Clunes Outdoor Pool
- Trentham Outdoor Pool
- Creswick Splash Park
- Calembreen Park Toddlers Pool.

The four outdoor pools are reported to be nearing their end of life and not fit for purpose for many residents in the community. There is a growing demand and expectation from the community for access to year-round warm water facilities that cater for learn to swim programs, therapy, aquatics programs and recreational swimming. It is because of these reasons, that a long-term strategic plan for aquatics facilities provision is an important project for the Hepburn Shire Council to guide its investment strategy for the next 10-20 years.



## WHY DO WE NEED AN *Aquatics Strategy?*

It is acknowledged that the current aquatics facility provision does not cater well for many ageing and younger residents and that there has been significant community advocacy for further investment in fit for purpose aquatics facilities within the Hepburn Shire over the past 10 years.

Hepburn Shire has five public aquatics facilities. Four sites are owned and operated by Council, and one is located on Crown land with Council having the role of the Committee of Management.

- Daylesford Outdoor Pool
- Clunes Outdoor Pool
- Trentham Outdoor Pool
- Creswick Splash Park
- Calembeen Park Toddlers Pool

The four outdoor pools are nearing their end of life and are not fit for purpose for many residents in the community. There is a growing demand and expectation from the community for access to year-round warm water facilities that cater for learn to swim programs, therapy, aquatics programs and recreational swimming. Hepburn also has some unique localised characteristics with a cool climate, dispersed towns with significant travel distances and limited access to public transport services. For these reasons a long-term strategic plan for aquatics provision into the future has been commissioned by Council.

There have been other references to aquatics services in previous Council strategies over the last five years including the Recreation and Open Space Strategy 2016-2021 which outlined the following actions:

- Action the outcomes of the Creswick pool consultation undertaken in 2016-17.
- Explore the potential to extend the Daylesford outdoor swimming pool's season through the use of sustainable heating technology.
- Prepare or review master plans for Calembeen Park (Creswick), Clunes Recreation Reserve and Trentham Recreation Reserve.

The Playspace Strategy 2020-2030 outlined some actions in relation to the provision of aquatics and water play features within play spaces. These included:

- That water play/aquatics play is not supported for a local level play space but may or may not be included at a municipal or regional level play space dependant on local need and site context suitability.
- A long-term action to renew the Creswick Skate and Splash Park (inclusive of outdoor fitness).



**STRATEGIC LINKS**

The diagram below shows the strategic links between Hepburn Shire Council’s key strategic documents, plans and policies. The Aquatics Strategy is a recommendation in the Council Plan 2021-2025.

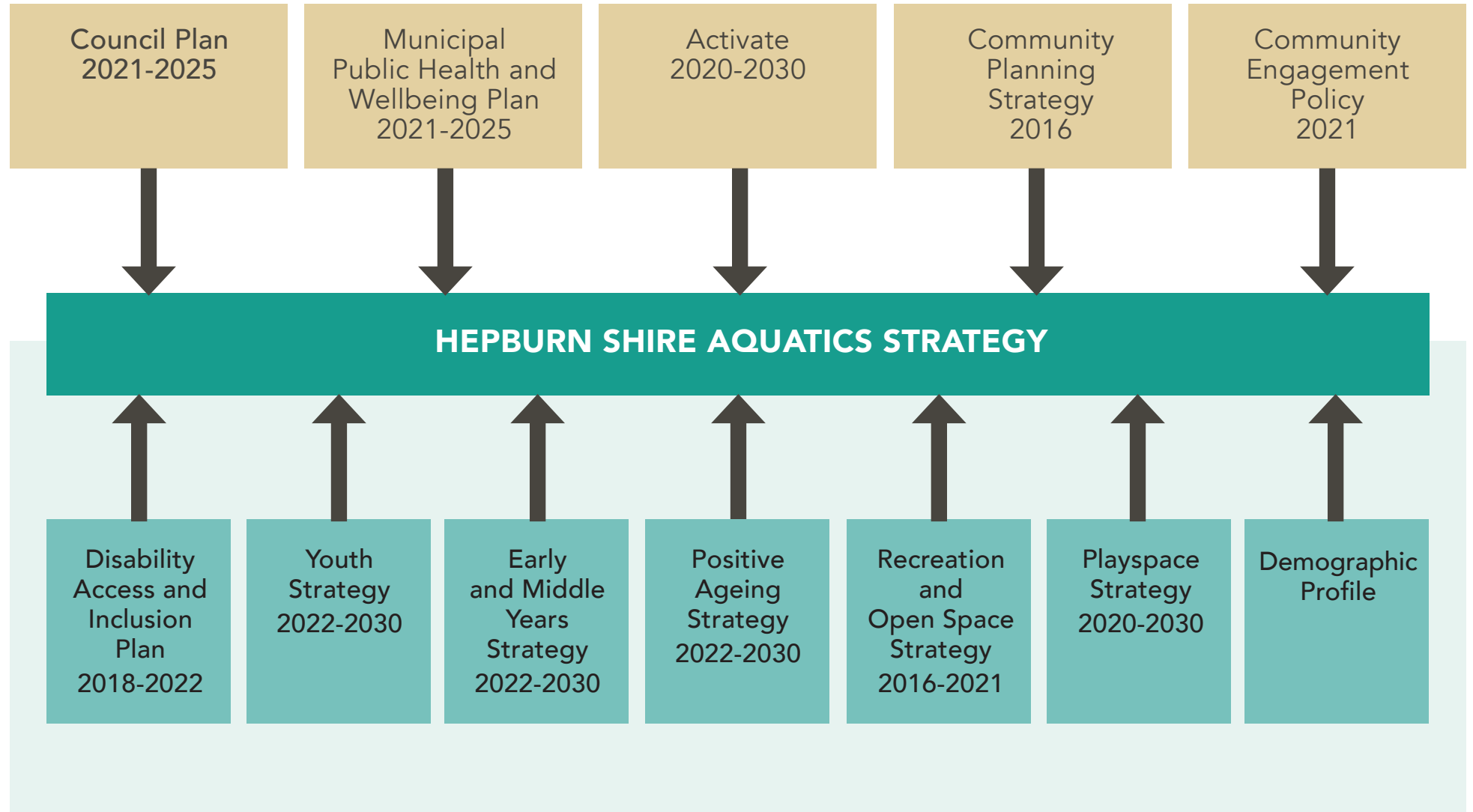
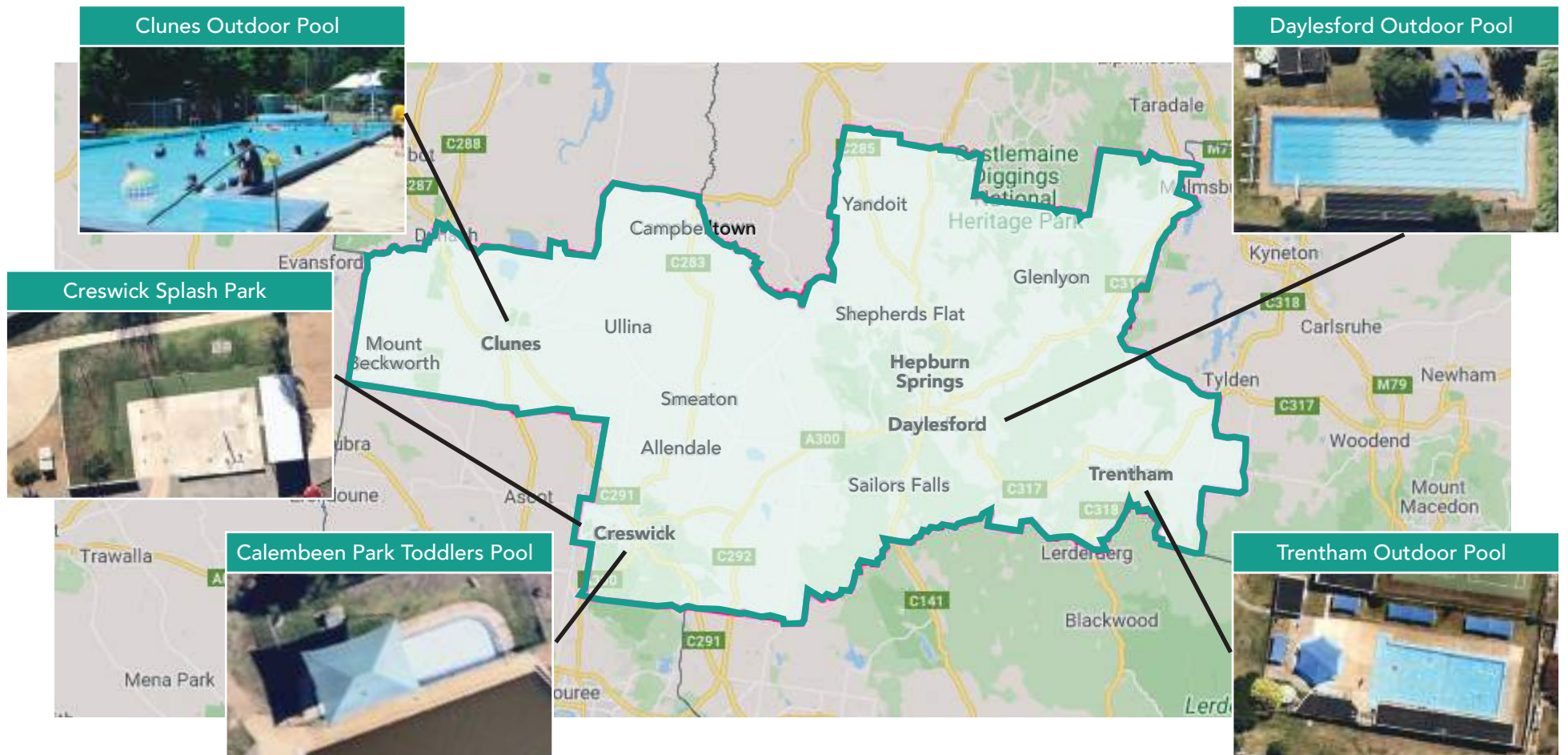


Figure 1: Strategic Links Overview

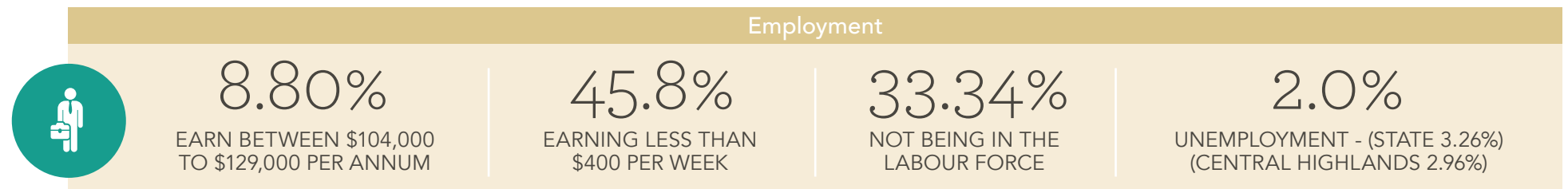
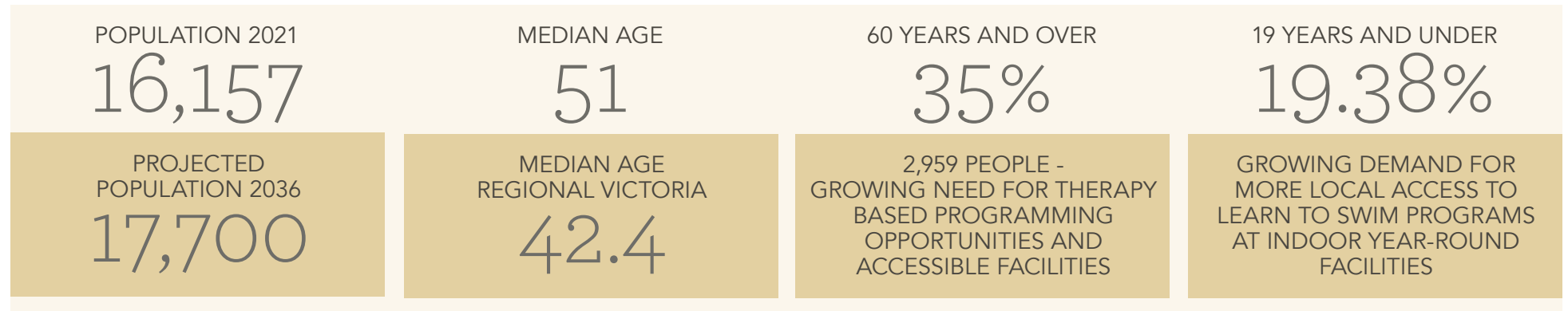
# Project Area

Hepburn Shire is renowned for its heritage buildings, parks, reserves and native forests. Located in central Victoria, the Hepburn Shire includes the townships of Clunes, Creswick, Daylesford, Hepburn Springs, Trentham and many other small villages and hamlets. Within easy access to Ballarat, Bendigo and Melbourne it is a popular tourist destination for weekend visitors. The region features the Wombat State Forest, many natural lakes and water bodies and is renowned for the natural springs in Hepburn.



# WHO IS OUR Community

Opportunities exist to significantly improve the health and wellbeing of Hepburn Shire residents. Aquatics and leisure facilities and programs play a key role in increasing physical activity levels, with the health, social and wellbeing benefits associated with visitation assisting in addressing some of the identified health priorities, accessible and affordable facilities and programs that are important to encourage participation





# Aquatics Facilities

## WHAT WE KNOW ABOUT OUR FACILITIES

### DAYLESFORD OUTDOOR POOL



#### Ownership and Management

Seasonal Pool  
Owned and Managed by Council

#### Facilities

- Main Pool (50 metres x 6 lanes)
- Toddler Pool
- Diving board at deep end (1 metre board)
- Amenities and change rooms
- Reception, kiosk and office area
- Shade structures and grassed areas
- Plant and storerooms
- Solar heating
- Seating

### CLUNES OUTDOOR POOL



#### Ownership and Management

Seasonal Pool  
Owned and Managed by Council

#### Facilities

- Main Pool (25 metres x 5 lanes)
- Toddler Pool
- Amenities and change rooms
- Reception, kiosk and office area
- Shade structures and grassed areas
- Plant and storerooms
- Solar heating
- Seating

### TRENTHAM OUTDOOR POOL



#### Ownership and Management

Seasonal Pool  
Owned and Managed by Council

#### Facilities

- Main Pool (25 metres x 5 lanes)
- Toddler Pool
- Amenities and change rooms
- Reception, kiosk and office area
- Shade structures and grassed areas
- Plant and storerooms
- Solar heating
- Seating

## CRESWICK SPLASH PARK



### Ownership and Management

Seasonal Splash Pad  
Owned and Managed by Council

### Facilities

- Zero depth splashpad (15 metres x 10 metres) with a variety of interactive waterplay features including tipping buckets, water tunnels, and sprays
- Plant room
- Shade structures and picnic areas
- Paved and grass surrounds

## CALEMBEEN PARK TODDLERS POOL



### Ownership and Management

Seasonal Toddlers Pool next to Calembreen Lake  
Situated on Crown Land and Managed by Council as Committee of Management  
No lifeguard supervision

### Facilities

- Toddlers Pool on the banks of the lake, in a fenced area
- Intermediate pool, shallow section of the main lake. This area is not chemically treated, natural water body.
- Amenities and change rooms
- Plant room
- Shade structures and picnic areas



## HEPBURN AQUATICS FACILITIES OPERATING PERFORMANCE SUMMARY

The following table provides a summary of the combined operational performance of Hepburn aquatics centres across the last six years.

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	6 Year Average
Visits	18,795	14,121	15,782	11,574	25,164	19,430	17,477
Income	\$64,817	\$58,493	\$62,317	\$56,985	\$9,830	\$7,743	\$43,816
Expenditure	\$198,885	\$210,563	\$258,699	\$338,612	\$502,716	\$393,291	\$317,127
Operational Surplus / Deficit	-\$134,068	-\$152,070	-\$196,382	-\$281,627	-\$492,886	-\$385,548	-\$273,311
Income Per Visit	\$3.45	\$4.14	\$3.95	\$4.92	\$0.39	\$0.40	\$2.88
Expense Per Visit	\$10.58	\$14.91	\$16.39	\$29.26	\$19.98	\$20.24	\$18.56
Operating Cost Per Visit	\$7.13	\$10.77	\$12.44	\$24.33	\$19.59	\$19.84	\$15.68

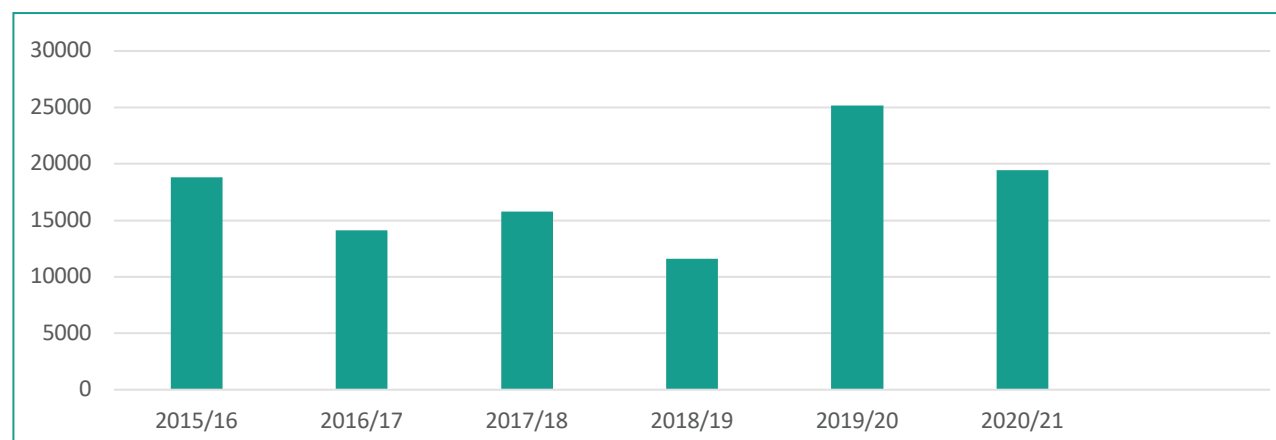
The operating indicators show:

- Visitations ranged from a high of 25,164 in 2019/20 and a low of 11,574 in 2018/19. The average annual visits were 17,477 over the six years. There was a sharp increase in visitations in the 2019/20 with the introduction of free entry for all users. Council's decision not to charge an entry fee was embraced by the community, and it was further validated from the positive feedback gained at the pop-up sessions, online survey and stakeholder consultation sessions.
- Income fluctuated between 2015/16 and 2018/19 due to weather conditions and facility closures. There was a sharp decline in revenue in 2019/20 with the introduction of the free entry policy. The only sources of income in the last two years have been kiosk sales and private bookings.
- While revenue has declined, expenditure has grown significantly over the last six years. The key factors behind this change are higher wages costs, new maintenance agreements and internal management model commencing in 2019/20.

- The operating deficit has grown by 267% over the last six years. This is due to declining revenue levels and higher operating costs as explained above.
- Despite growing usage, introducing free entry has impacted the cost per visit which has increased by 178% over the past six years reaching \$19.84 per visit in 2020/21.

The following graph shows the aggregated annual attendance data for the last six years.

**Figure 2: Hepburn Aquatics Facilities Annual Attendance Summary**



The attendance summary indicates the following trends:

- The graph shows an overall increase in visitations for the Hepburn council managed aquatics facilities over the past two seasons.
- The three outdoor pools attracted the highest recorded attendances of 25,164 visits in 2019/20, which was driven by a new free entry policy adopted in 2019.
- There was a slight decline in 2020/21 however each facility had a significant number of closures due to weather conditions and maintenance closures. They were also closed for five days due to COVID lockdowns.
- The lowest visitations of 11,574 was recorded in 2018/19 and highest visitations of 25,164 was achieved in 2019/20.

The following graph shows the combined financial performance for the Hepburn aquatics facilities over the last six years. This includes Daylesford Outdoor Pool, Clunes Outdoor Pool, Trentham Outdoor Pool, Creswick Splashpark and Calemben Park Toddlers Pool.

The combined financial performance summary indicates the following trends.

- Total income gradually declined between 2016/17 and 2018/19, then dropped sharply in 2019/20 after the commencement of the free entry policy adopted by Council.
- Conversely expenditure increased significantly over the same period. Expenditure increased by 153% from \$198,885 in 2015/16 to \$502,716 in 2019/20. This is attributed to higher staff costs with Council assuming the internal management of the three facilities in 2019/20. Prior to this a hybrid management model was in place with subcontracted lifeguard staff sourced through Momentum One.

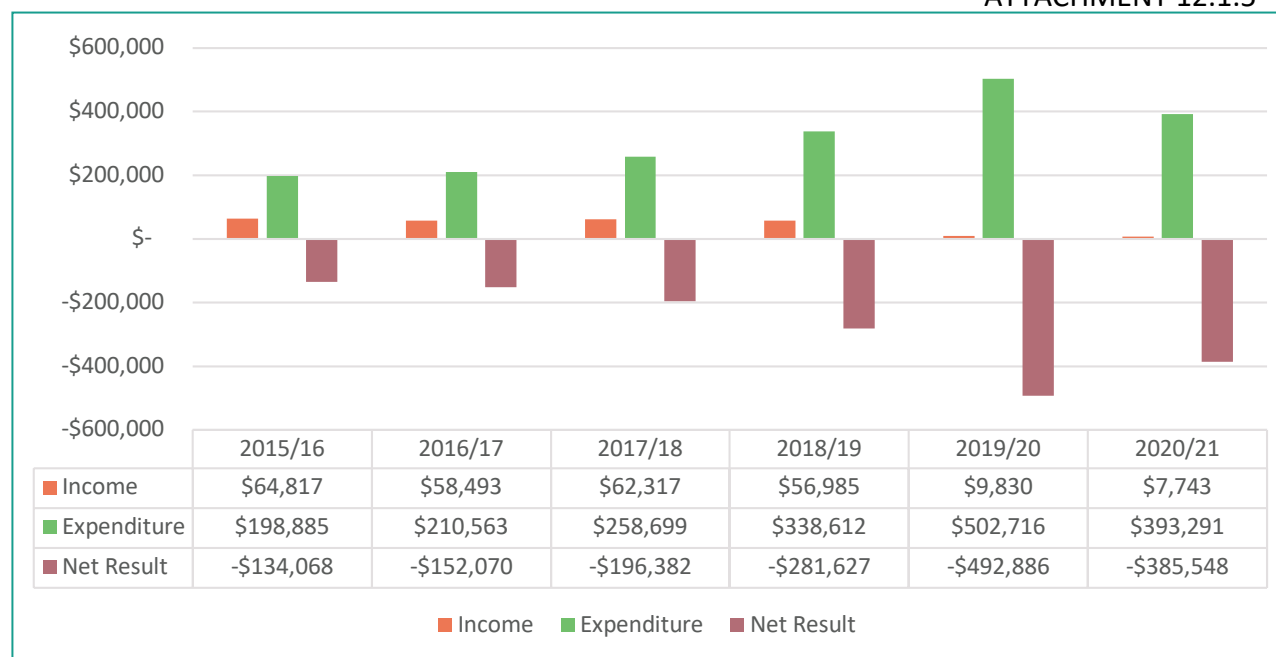


Figure 3: Hepburn Aquatics Facilities Annual Financial Performance Summary

- The net performance declined significantly over the six-year period. The operating deficit grew from a loss of \$134,068 in 2016/17 to \$492,627 deficit in 2019/20. This equates to a 267% increase in the operating subsidy to operate the outdoor pools. The key factors for the decline were the introduction of the free entry policy combined with higher staffing and maintenance costs since Council assumed the internal management control of the facilities.
- Council commenced an annual maintenance contract in 2019/20 to address numerous asset management issues across the pools. This was additional expenditure added to the net operating results, which was not included between 2016/17 and 2018/19. Council spent \$98,000 in 2019/20 and \$86,000 in 2020/21 on maintenance.
- It should also be noted that seasonal pools typically see up to 30% swing in revenue annually depending on the weather conditions, particularly during the peak summer holiday periods. An example was the 2020/21 season which had 33 days of closures at Daylesford and Trentham due to poor weather and COVID disruptions.

## COUNCIL'S WEATHER CLOSURE POLICY

The current Weather Closure Policy across the three outdoor pools states that during the operating season the pools close on days of 21 degrees or less.

The current weather closure policy is causing high levels of frustration from the community. It was raised in stakeholder discussions, at the Community pop-up sessions and in the community survey results. The current policy is seen by the community as not providing consistent or reliable opening hours. During each season a significant number of days and hours are lost due to the closures. For example, in 2020/21 both Daylesford and Trentham closed for 33 days out of a total 92 days that the pools are officially open during summer. This indicates that the pools were closed for over 30% of the season. This is a similar trend each year.

## TECHNICAL AUDITS

Asset Condition Assessments were undertaken by JWC Engineers on the five aquatics facilities. The objective of the assessments is to provide direction on the asset management and future upgrades and maintenance of the facilities to remain functional. A brief summary of the Technical Audits findings for each facility are provided.

### DAYLESFORD OUTDOOR POOL

- The main pool is now likely to be some 50-60+ years old and is now only in fair condition from an aesthetic viewpoint. While nearing the end of its expected life there is still some remaining life of approximately 10-20+yrs. The remaining life will largely depend on stable ground conditions continuing to remain, and preventing reinforcement corrosion.
- The main issue is leakage. Installation of a water meter on the make-up water, and leak testing is recommended. Expansion joints are likely required to be re-sealed.
- The water treatment plant is much newer than the pool, estimated to be 20 years old, and overall, it is in reasonably good condition.
- The hypo fill area requires a spill containment parking slab for the tanker. To be constructed where the tanker now parks at the rear of the Town Hall building.
- The electrics are an ad-hoc mixture of old and new and the older boards should be replaced and possibly consolidated with other elements.
- The site is small and constrained with the only available land to the north of the main pool. There is no opportunity to expand the site.



## CLUNES OUTDOOR POOL

- The main pool is now likely to be approximately 60 years old, has a low build quality and is now deteriorated to fair condition. While nearing the end of its economic life the shell remains functional and is likely to remain so for the next 15-20 years. Remaining life expectancy will largely depend on ground conditions continuing to be remain stable (and there is no indication otherwise) and continuing to manage leakage.
- As for most older pools the main issue is leakage. Installation of a water meter on the make-up water to establish a data base, and formal leak testing is recommended. Hydrostatic and dye testing should focus on the expansion joints and pipework. Expansion joints are highly likely required to be renewed and this work is in the Recommended Works table.
- The toddler's pool is a small, domestic type fibreglass pool. It is a very basic installation, in poor condition. It has a low asset value and retaining it in any redevelopment is not warranted.
- Any new toddlers pool or splash play area will need its own dedicated water treatment plant. Although site space is very limited the logical location for this is along the east boundary.
- The main water treatment plant is much newer than the pool estimated as approximately 20 years old, and overall, it is in good condition.
- The water distribution system into and from the pool has been influenced by the additional pipework to the pool installed as part of the Water Treatment Plant replacement. This presents some risk of short circuiting which could adversely affect water quality. This risk however can be mitigated, particularly on busy days, by taking water samples directly from the pool in likely dead spots i.e., not relying solely on the automatic system and managing bather numbers accordingly.
- The original pipework will remain a risk (relative to the newer pipework), as evidenced by the drainpipe/valve failure and total water loss in February 2021. There is little that can be done in terms of planned maintenance to mitigate risk of the older pipe and thus reactive maintenance can only be expected to increase over time.
- The hypo fill area requires a spill containment parking slab for the tanker. This is a significant amount of work and if the current parking spot is retained it will involve legal assessments on land ownership and use. Alternatively, it may be feasible to relocate it to inside the site. This project needs further investigation of design options and land issues before proceeding.
- The site is small and constrained. There is no opportunity to expand the site.



### TRENTHAM OUTDOOR POOL

- The main pool has suffered from floor uplift at some stage which represents a technical structural failure. The resultant cracks have been repaired. While the shell is nearing the end of its economic life, it is functional and is likely to remain so for the next 10-20+ years. Remaining life expectancy will largely depend on ground conditions continuing to be remain stable (there is no indication otherwise) and continuing to manage and control leakage.
- The prime issue is leakage, even more so that at Clunes and Daylesford. Trentham has a greater leakage rate than the other two pools and this is suspected to be due to the pool uplift event/cracks many years ago. Installation of a water meter on the make-up water to establish a data base and formal leak testing is recommended. Hydrostatic and dye testing should focus on the expansion joints and pipework. Expansion joints are highly likely required to be renewed and this work is in the Recommended Works table.
- The main shade structure is in poor condition and appears to lack structural robustness. Replacement is recommended.
- The toddler's pool is quite large. It is a basic installation but still serviceable and serves its purpose.
- The main water treatment plant is much newer than the pool, estimated about 20 years old, and overall is in good condition.
- The original pipework under the concourse is a long-term risk but unfortunately there is little that can be done in terms of planned maintenance to mitigate this risk. Reactive maintenance can only be expected to increase with time until ultimately pipes will need to be replaced.
- The site is small and constrained. The only direction for expansion is further into the Reserve to the west, moving closer to Market Street.

### CRESWICK SPLASH PARK

- Facility is five years old and consists of two components, the Splash Park and adjacent is the Green River.
- One Splash Park water feature has been abandoned due to poor performance/operational issues.
- Play surface is bare concrete, no soft padding, but conversely there are no climbing water features.
- All water from Splash Park drains separately to a new balance tank, then to the treatment plant. The original balance tank had to recently be supplemented with this tank, with increased volume.
- Treatment plant and feature pumps are located in two small sheds along northern boundary. Auto-dosing is installed for sodium hypochlorite and sodium bisulphate chemical treatment of water.



### CALEMBEEN PARK TODDLERS POOL

- The toddlers pool structure is nearing the end of life.
- Simple and basic pool shell 12 metres x 4 metres with 250mm to 400mm depth.
- The toddlers pool abuts the lake but is separated/surrounded by a pool safety fence.
- Treatment plant is estimated at approximately 30 years old. It is a simple domestic type of sand filter system located in a very small timber shed and well away from pool.
- Disinfection is with sodium hypochlorite and pH control is with hydrochloric acid, both delivered in 15 litre containers. It does have a new water chemistry control system (1 yr. old) but no remote telemetry. Maintaining water quality is a major issue for Council staff.
- Numerous pipe blockages occur due to leaves etc. Saw-cuts in the concourse above wall nozzle inlets show that these pipes have been replaced. Pipe blockage problems appear reasonably frequent, and this could possibly be linked to poor geotechnical conditions from the proximity to the Lake.
- Leaking drain valve to lake requires investigation/repair.
- Filter backwash discharges directly out through rear wall of the plant room shed, onto ground and drains into the lake.
- There is a number of safety and compliance concerns with this pool. It is not staffed during summer which exposes Council to a level of risk for incidents. Compliance with current health department water quality regulations is a concern also as water is drawn from the lake which is filled with stormwater. There have been previous recordings of E-Coli existing in the water supply which is a significant concern for parents and toddlers using the pool.





## CATCHMENT ANALYSIS

Leisure and sporting facility trends and benchmarking generally indicates that local or municipal facilities have a primary catchment radius of approximately 5km and a secondary catchment radius of 10km.

In general, approximately 75% to 85% of users will reside within a 0km to 5km radius of a facility, with the remaining 15% to 25% coming from areas within the 5km to 10km radius of the facility. Regional facilities, providing unique and varied facility components and a larger number of services will draw users from a much wider catchment than a local/municipal facility. In rural Victoria a 20km catchment area is observed for regional facilities.

The size and shape of the catchment area will be influenced by a number of factors including the range and quality of facilities and services offered, natural and built barriers i.e., freeways, travel times and the availability of competing facilities.

The Catchment Map on the following page shows:

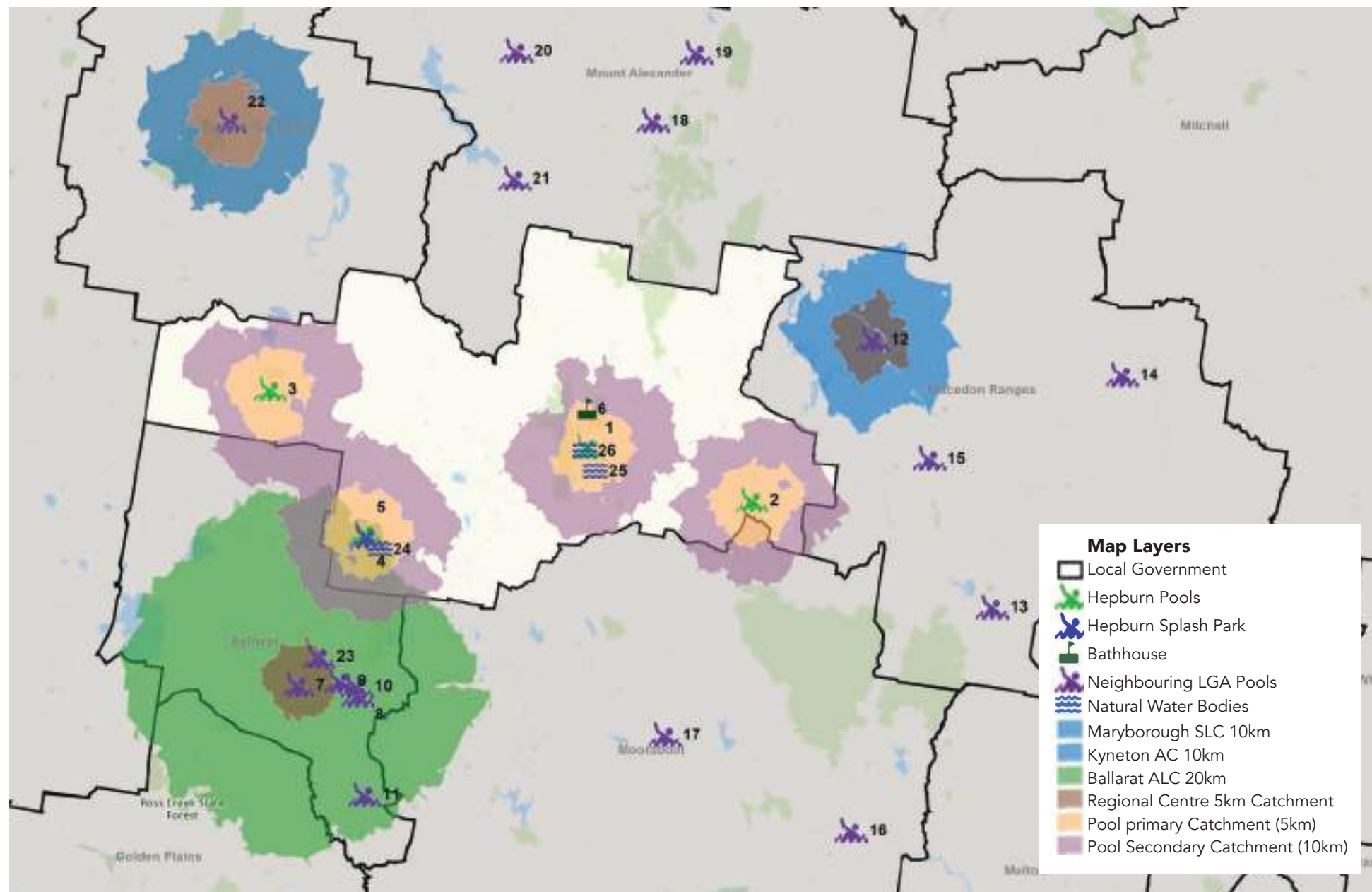
- Primary (0-5km) and Secondary (5-10km) catchment shaded zones surrounding each aquatics facility.
- The facility catchment areas of the five Hepburn aquatics facilities.
- The catchment areas for the Regional Indoor facilities surrounding the Hepburn Shire boundaries including the Ballarat Aquatic and Lifestyle Centre, Kyneton Aquatics and Sports Centre and Maryborough Sports and Leisure Centre.

### ATTACHMENT 12.1.5

- The three outdoor pools in Daylesford, Clunes and Trentham provide for local catchments.
- The Creswick Splash Park and Calembreen Park Toddlers Pool provide for local and sub regional catchments.
- There is an overlap of the Ballarat Aquatic and Lifestyle Centre (Regional Facility) with the town of Creswick.
- Other surrounding shire outdoor pools and commercial facilities are marked on the map.



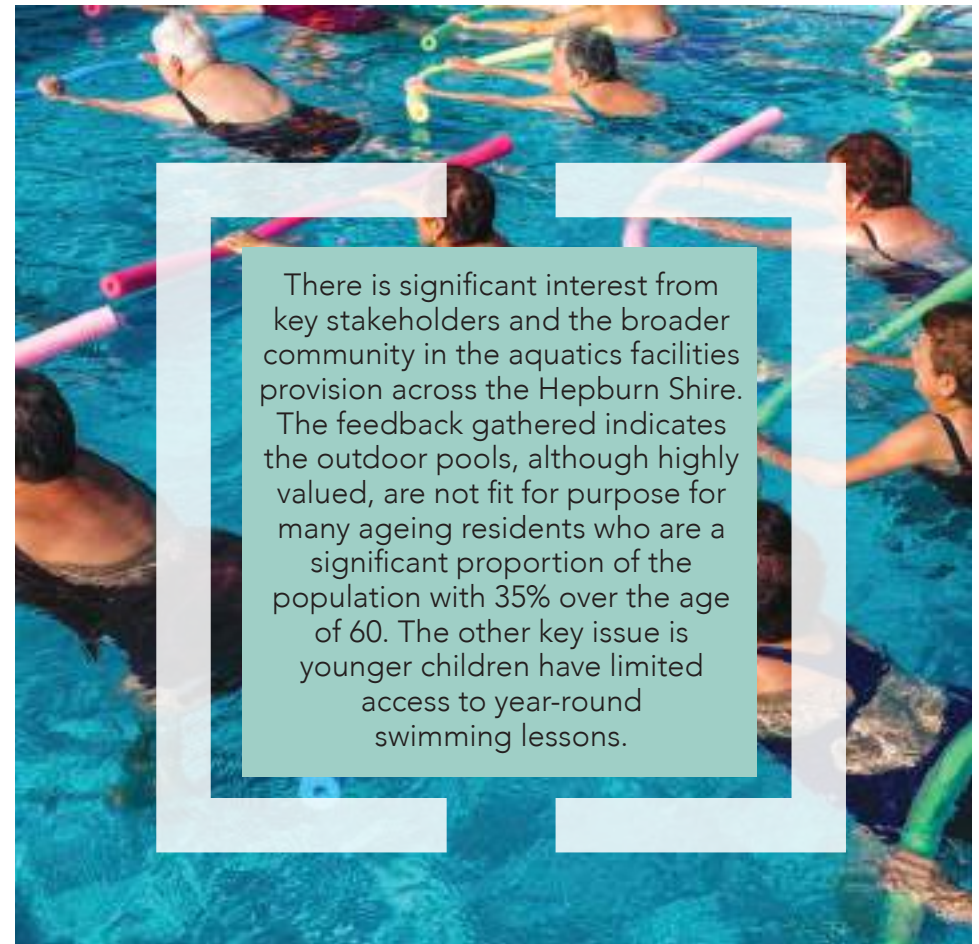
Figure 4: Hepburn Aquatics Facilities Catchment Map



# WHAT HAVE OUR Stakeholders Told Us?

A detailed community engagement plan was developed to ensure Hepburn residents had the opportunity to provide input into the development of the Aquatics Strategy. The extensive consultation and engagement included:

 <p>Councillor workshop</p>	 <p>Stakeholder interviews and workshops (9 completed)</p>	 <p>Resident Community Survey (799 responses)</p>
 <p>Pop up sessions in each major township (Approx. 150 residents attended)</p>	 <p>School survey (7 school responses)</p>	 <p>Written submissions (13 submissions)</p>



There is significant interest from key stakeholders and the broader community in the aquatics facilities provision across the Hepburn Shire. The feedback gathered indicates the outdoor pools, although highly valued, are not fit for purpose for many ageing residents who are a significant proportion of the population with 35% over the age of 60. The other key issue is younger children have limited access to year-round swimming lessons.

## ATTACHMENT 12.1.5

An indoor aquatics facility is strongly supported by stakeholders and residents. There are two very active and passionate community advocacy Groups in Daylesford and Creswick that have undertaken significant lobbying, research and preliminary assessments for an indoor facility over the last ten years.

The Community Engagement Survey received significant interest with 799 residents completing the online or hard copy surveys. The majority of responses came from residents in the Daylesford, Hepburn and Hepburn Springs towns (41%) and Creswick/Creswick North areas (24%).

Close to 50% of the survey respondents stated they don't use an existing Hepburn aquatics facility.

The main reasons for not using an existing facility included lack of an indoor facility (56%), the only pools available are outdoor facilities (41%) and no suitable facilities close by (30%). Other factors such as cold-water temperature, lack of suitable programs/

activities and unsuitable opening times were also key issues for some residents not using the existing aquatics facilities.

A significant number of respondents use Indoor Aquatics facilities outside the shire. They include Ballarat Aquatic and Lifestyle Centre (35%) and Kyneton Aquatics and Sports Centre (20%). The key reasons for using these Centres were the availability of indoor pools, warm water program pools and the variety of programs and activities offered.

The future improvements that would encourage greater use of aquatics facilities include provision of an indoor warm water pool, indoor recreation and leisure pools, outdoor heated pools, indoor spas and sauna, extended swimming season, health and fitness classes and longer opening hours.

Of the seven schools that responded to the school survey 75% of them use the Ballarat Aquatic and Lifestyle Centre for school carnivals, swimming lessons and fun days. The Daylesford Outdoor Pool

is used by one school for a carnival and one school uses Kyneton Aquatics and Sports Centre for swimming lessons. All schools indicated they would use an indoor facility within Hepburn Shire if it was developed in the future. There is support for an indoor heated year-round facility within the shire.

Council received thirteen written submissions including seven community organisations (Daylesford Rotary Club, Daylesford Indoor Aquatic Centre Association, Daylesford Football Netball Club, Daylesford Mens Shed, Riding for the Disabled Association - Daylesford (RDA-Daylesford), Hepburn Football Netball Club, Daylesford & Hepburn United Soccer Club), one school (Daylesford Primary School) and five resident submissions. All submissions expressed strong support and need for an indoor aquatics facility that is accessible, caters for all ages and abilities, provides access to warm water programs and offers a variety of learn to swim and other aquatics programs year round.



# What Industry Trends

## DO WE NEED TO CONSIDER?

Aquatics and leisure facilities provide a range of values and benefits for communities including:

- Health and fitness services allowing people to enjoy the benefits of physical activity.
- The provision of safe and welcoming spaces, supporting social inclusion and a sense of connection for all members of the community.
- Opportunities to participate for recreation, competition, or sport.
- Community development that contributes to the development of social capital, helping to create links in a community.
- Positive impacts on physical and mental wellbeing.
- Water safety/education and water confidence programs that can reduce the incidence of drownings in the community.
- Fostering community pride.

The primary focus in contemporary aquatics and leisure facility design is on expanding the facility mix to include a combination of 'wet' and 'dry' options. These include spaces that accommodate a range of activities such as lap swimming, aquatics programs/learn-to-swim, adventure water, 'leisure water' with interactive water play elements, health and fitness, wellness services, multi-purpose program spaces, community meeting rooms/spaces, quality food and beverage options and improved merchandising/retail areas.

Contemporary aquatics leisure facilities are community destinations and meeting points for a range of physical and social activities. Facilities including these elements will attract the four key user markets outlined in figure 5 and are most likely to provide more reasons for people to visit and stay longer, improving health and wellbeing of the community and financial sustainability for the Centre. These types of facilities provide more reasons for people to visit and stay longer, thus facility viability is improved.

Major increases in energy and water costs in recent years (and predictions of higher energy costs into the future) require aquatics and leisure facilities to incorporate modern, environmentally sustainable features.



Community expectations about recreation, and how leisure time is used is changing. This is driven by several factors, as identified in the following table.

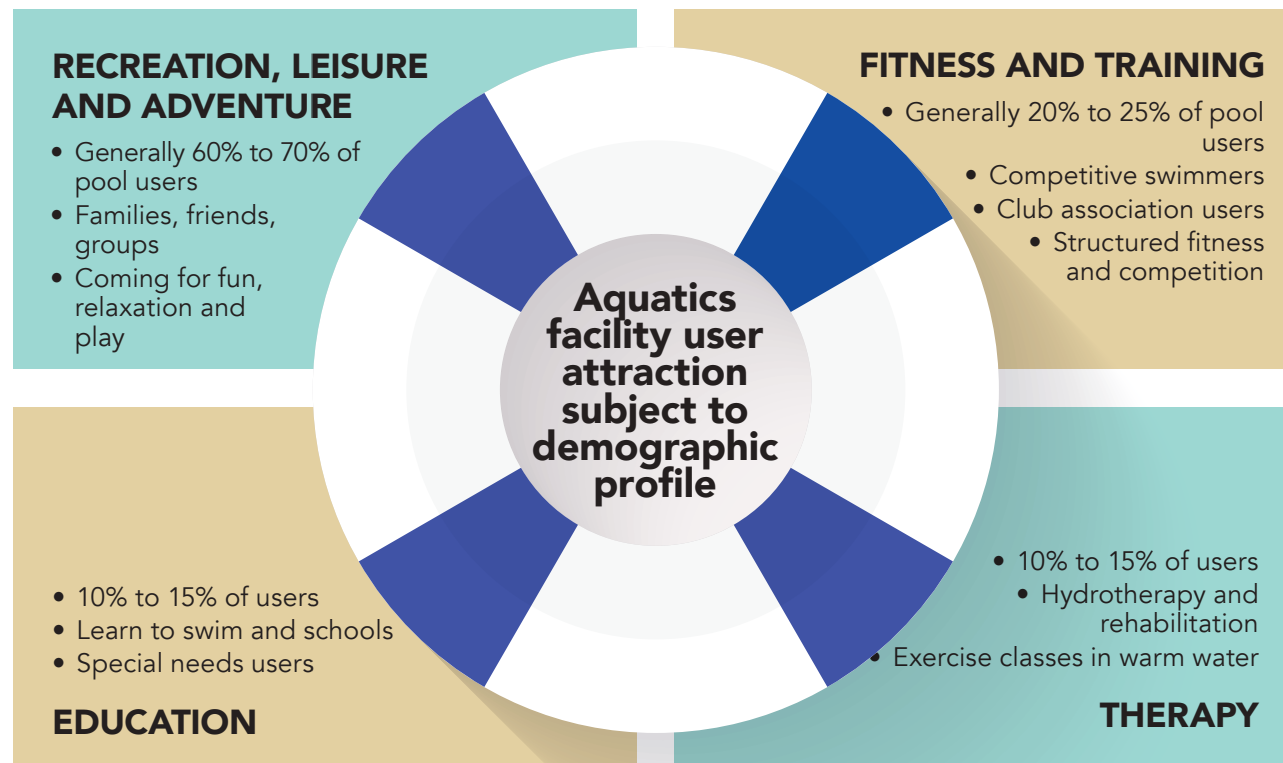
Sport and Recreation Trends	Challenges for Providers
• A gradual ageing of the population	• Consumer Expectations – low cost / long operating hours
• Flexibility in the times when people recreate	• Changing population demographics
• Increased variety in sport and recreation options	• Competition for participants
• Constraints to sport and recreation participation	• High cost of aquatics areas due to labour and service costs
• Changing employment structures, trading and work hours	• Need to operate commercial activities to help subsidise aquatics area costs
• Different people want different activities	• Maintaining and upgrading ageing and outdated facilities
• Provision of high standards and quality of facilities and services	• Need for new facilities to accommodate population growth
• Desire for activities to be affordable	• Well-trained personnel – volunteers and paid staff
• Recognition of strong links between physical activity and health	• Keeping pace with technology development
• Expectations of equity and access	• Environmentally sustainable to reduce energy and water costs
• More sustainable and environmentally friendly infrastructure	• Rate capping impact and competing priorities on Council budgets
	• Managing risk and safety



## AQUATICS AND LEISURE FACILITY USAGE TRENDS

Detailed planning and comprehensive feasibility studies show targeted user profiles with the majority of aquatics facility market research indicating leisure facilities must equally cater for four distinct aquatics user markets, summarised in the figure below.

Figure 5: Main Aquatics and Leisure Facility User Markets



No aquatics facility in Hepburn Shire provides for a successful integrated aquatics and leisure facility providing a range of contemporary 'wet' and 'dry' elements that appeal to broader market segments including:

- Leisure and social
- Health and wellness
- Aquatics education and learn to swim
- Therapy and rehabilitation
- Competitive and recreational swimming
- Food/beverage and merchandise services.

Providing equitable access to aquatics and leisure facilities (and other services like health, education, cultural, recreational and other community services) in rural and regional areas is a challenge, particularly in smaller townships. Particularly with the capital and operational costs of aquatics and leisure facilities having risen significantly over the last 10 to 20 years.



# Strategic Directions

The following section (Section 7 of the Aquatics Strategy) summarises the key issues identified through the market research, facility review and stakeholder engagement stages of the project. Strategic directions will address these issues together with an aquatics facility network approach to meet the identified community needs.

## 7.1 KEY ISSUES

### Aquatics facilities and services support the strategic commitment to healthy and active communities

Hepburn Shire has a number of strategies that have key objectives to improve the health and wellbeing of the community. These include the *Council Plan 2021-2025*, *Municipal Public Health and Wellbeing Plan, Activate 2020-2030* and the *Recreation and Open Space Strategy 2016-2021*. A key focus in each of the strategies is providing quality infrastructure that encourages active and healthy lifestyles and social inclusion opportunities.

### Current aquatics facilities do not cater for all key user markets

The existing outdoor pools are ageing, and do not cater for the key user markets adequately. A successful aquatics facility should cater for the following four key user markets.

1. Recreation, leisure and adventure (water play, recreational swimming, families, socialising, fun)
2. Fitness and training (training, competitive swimming, swim clubs)
3. Education (Learn to Swim, school swimming lessons and special needs programs)
4. Therapy (hydrotherapy, aqua exercise classes, rehabilitation)

There are also barriers for some of Hepburn's population demographics including older residents and young children who are seeking warmer water for learn to swim, therapy, aquatics programs and recreational swimming. These barriers include cold water temperatures, irregular opening hours due to weather closure policy, poor accessibility compliance and lack of suitable activities and programs.

The natural water bodies scattered throughout the Shire are also frequently used by local residents. The use of some of these areas (particularly Calembreen Park) provide some level of health and safety risk to users. It's important to note that Calembreen Park is Crown land and controlled by the State Government Department of Environment, Water, Land and Planning (DEWLP). Hepburn Shire Council has a role as Committee of Management in the day to day operation of the site but the liability for risks and health and safety issues is the responsibility of DEWLP.

The feedback gathered from key stakeholders and the community survey support the need for contemporary indoor warm water program pool to support all year round learn to swim, therapy, aquatics programs and recreational swimming.





## Facility catchment, accessibility and cold climate challenges

Hepburn Shire has some unique characteristics that make it challenging to cater for the changing needs of its townships and communities. The outdoor pools cater for a limited market given they are not contemporary year round facilities. With an ageing population there is a growing need for greater access to indoor year round warm water pools with good accessibility features such as ramps and compliant change rooms.

The long travel distances between towns and poor public transport result in the existing facilities being very localised with its user catchments. Determining a potential location for indoor aquatics is challenging given the population distribution across the Shire. Any future solutions will need to consider how the Hepburn facilities work as a complementary network with other neighbouring shire aquatics facilities.

The cold climate of Hepburn Shire creates some constraints (cold pools and icy roads) for accessing aquatics services. The need for flexible operating hours and warmer outdoor pool water temperatures was highlighted throughout the community engagement activities.

## Asset renewal – short to medium term priorities

There are significant asset renewal, compliance and maintenance priorities across the aquatics services offered by Council that will need to be planned for over the next 10 - 20 years. This will be further impacted if Council decide to invest in modern technology solutions for more effective water heating, energy efficiency initiatives and improve accessibility compliance to pools and change rooms.

Council has recently funded the installation of a solar system at each outdoor pool, as a means of



increasing the water temperature. The technical audit has identified that the current system is inefficient due to that the volume of water. For solar systems to be effective, a larger surface area is required for the solar panels. The water temperature increase is negligible and has not improved user comfort. An option to improve this would be the installation of electric heat pumps.

Calembeen Park Toddlers Pool and broader lake precinct pose significant health and safety risks to users which need to be addressed in the short to medium term. These risk issues are also highlighted in the Calembeen Park Management Plan 2009.

## Management model options review

The management of the outdoor pools has varied over the last 10 - 20 years impacting the usage and operating performance of the facilities. The pools are currently operated by Council which has increased the operating costs in the last two years due to higher wage rates of the local government award.

The operating deficit has also grown significantly since the introduction of the free entry fee which removed payment of entry fees for use of the outdoor pools. However, usage has increased dramatically which is a positive outcome in supporting residents' participation in active and healthy lifestyles.

A review of the management model options should be considered. This would include investigating the various models in the market and/or shared services model between other surrounding councils.

## Affordability of a new facility – capital and operational costs

The most significant challenge for Council in determining a future indoor aquatics facility is the affordability to build and operate such a facility. This includes the ability to attract sufficient capital funding for a new facility and more importantly the ability to sustain the ongoing operational cost.

Opportunities to ensure residents across the Shire can access aquatics services should be considered. This may include bus services or alternate models of provision i.e., supporting learn to swim businesses.

## Potential Partnerships

It was evident from the key stakeholder interviews with the regional health providers that future partnerships opportunities should be further explored. This could include colocation opportunities, integrated programming and a shared focus on community health and wellbeing alliances.

Opportunities for partnerships with governments, private sector operators, schools, community organisations and commercial businesses should be explored for funding, sustainable management models and shared use/facility location opportunities.

## 7.2 STRATEGIC RECOMMENDATIONS

Based on the aforementioned key issues, the vision and objectives of the Hepburn Aquatics Strategy are:

### Vision

Provide access to sustainable, affordable year-round aquatics facilities that brings Hepburn residents together to enjoy health, wellbeing, education and leisure experiences.

### Objectives

**Objective 1:** Access to affordable, accessible and inclusive aquatics facilities that support participation opportunities and key program needs for all, including people with a disability, children, youth and older adults.

**Objective 2:** Existing facilities are well managed and maintained to meet current design and operational industry standards.

**Objective 3:** Facilitate access to a network of complementary facilities that support health and wellbeing outcomes for all, including people with a disability, children, youth and older adults.

**Objective 4:** Future design of facilities will be operationally sustainable and based on contemporary universal and inclusive design principles.

## 7.3 FACILITY HIERARCHY AND PROVISION

Given the diverse and dispersed characteristics of the Hepburn Shire population the provision of aquatics facilities will be provided using a network approach. With a small population catchment providing multiple indoor aquatics facilities within the Shire is not achievable or affordable for Council.

The aquatics provision strategy is a combination of:

- Council owned aquatics facilities including outdoor pools, splash parks and the exploration of one future indoor facility.

- Facilities and services available from the private sector (e.g., swim schools, commercial day spas/bathhouse, private gyms and personal training studios).
- Regional and Sub Regional facilities in adjoining municipalities of Ballarat (Ballarat Aquatic and Lifestyle Centre), Macedon Ranges (Kyneton Aquatics and Sports Centre) and Central Goldfields (Maryborough Sports and Leisure Centre).
- Natural water bodies including lakes, waterholes and mineral springs.

Table 1: Hepburn Shire Aquatics Facility Hierarchy

Service Hierarchy	Population Size	Typical Travel Time to the Facility	Service Level Objective
<b>Local</b> Local rural township catchment population	1,000 - 10,000	0 - 5 mins drive time	Provides a local aquatics experience i.e., pool or water play / leisure water Usually linked to other community facilities to share management and operation cost
<b>District</b> Major townships centre and district catchment population	10,000 - 40,000	5 - 10 mins drive time	Ability to provide program pool combined with water play / leisure water Consider provision of limited dry/gym facilities
<b>Sub Regional</b> Major township centre with highest population area servicing a municipal catchment	40,000 - 70,000	10 - 30 mins drive time	Ability to separate program and leisure water Larger dry/gym facilities Additional limited facilities
<b>Regional</b> Regional city catchment population servicing across municipal boundaries	70,000 - 150,000	30 - 45 mins drive time	More extensive program and leisure water Consideration of indoor 50m pool and complementary warm water pool Increased gym and program space Additional complementary amenities, food and beverage

## 7.4 STRATEGIC DIRECTIONS

The future development options are based on the following localised trends:

- Need for funding investment to address the operational and technical issues identified via the detailed facility audits of the ageing facilities.
- Opportunity to integrate key facilities and service areas at one location to support year-round access to aquatics facilities to support learn to swim and therapy-based activities.
- New leisure and water play opportunities to continue to support the informal leisure/social/family markets and access to an aquatics experience in small townships.
- Consider opportunities to support indoor health and fitness programs and services.
- Improvements to disability access, amenities, improved shade, more seating and landscaping.
- Maintaining the existing pools is the priority in the immediate to medium term. However, if the cost of these works cannot be afforded over the long term, Council may be forced to close one or more of the existing pools.
- Need to consider the future management arrangements of the facilities to ensure the long-term sustainability of operations.

Based on the above the Strategic Directions for the Hepburn Aquatics facilities are as follows noting that further detailed planning work is required to fully understand Council's ability to fund the future development options identified:

### 7.4.1 Strategic Direction 1: Facility Upgrades - Compliance and OH&S Works

**Undertake recommended upgrades identified in Technical Review audits to meet current compliance and OH&S requirements.**

The key findings that support this strategy include:

- Ageing assets at all sites that are reaching end of life.
- Management and mitigation of risks identified in the Technical Review Audits.
- Ensure Council meets contemporary OH&S and compliance regulations.

## Action Plan

Table 2: Strategic Direction 1 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That funding be provided to undertake the necessary maintenance works as identified within the technical review audit at the three outdoor pools.	Short	\$350,000 - \$400,000
That funding be provided to undertake the necessary maintenance works as identified within the technical review audit at the Creswick Splash Park.	Short	\$15,000 - \$20,000
That funding be provided to undertake the necessary maintenance works as identified within the technical review audit at the Calamburn Park Toddler Pool.	Short	\$50,000 - \$60,000
<b>Total</b>		<b>\$415,000 – \$480,000</b>

*Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years*



## 7.4.2 Strategic Direction 2: Indoor Aquatics Facility Planning

The Aquatics Strategy identifies the need for access to an indoor all year round aquatics facility to support the needs of Hepburn Shire residents.

Further detailed planning work including feasibility, business case and funding strategy is required to fully understand Council's ability to fund, develop and operate an indoor aquatics facility. The scope of the detailed investigation should include exploring Aquatics Provision Options, Facility Benchmarking of similar size aquatics facilities within the rural and regional areas, Facility Components, including universal and inclusive design principles, Concept Plan, Capital Cost estimate, Financial Operating Model, Site Assessment, Funding Strategy (Council and External).

### The evidence that supports the need is:

- Hepburn population demographics - the younger and older demographic profile of the Shire requires access to indoor aquatics facilities to support the key areas of learn to swim, therapy, aquatics programs and recreational swimming. The travel and climate conditions make it difficult for some residents to access aquatics services in neighbouring municipalities i.e. Ballarat and Macedon Ranges.
- Identified Community Need – extensive feedback from the community engagement process identified a strong need and desire for access to a year-round aquatics facility for learn to swim, therapy, aquatics programs and recreational swimming.
- Current facilities barriers to participation – evidence that the existing Hepburn aquatics facilities are underutilised due to ageing infrastructure, cold water temperatures, poor accessibility and facilities are not meeting identified community needs.

## Action Plan

Table 3: Strategic Direction 2 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council accept the identified community need for access to a year round indoor aquatics facility to support the needs of the Hepburn Shire residents.	Short	N/A
That funding be provided in the Council budget for further detailed investigation and the development of a feasibility study/business case that will include: <ul style="list-style-type: none"> <li>• Aquatics provision options</li> <li>• Preferred location</li> <li>• Facility components and concept plan</li> <li>• Capital cost estimate</li> <li>• Financial operating model</li> <li>• Funding Strategy.</li> </ul>	Short	\$70,000 - \$100,000
Based on the outcome of the feasibility study and business case develop an advocacy plan to seek internal and external funding (state and federal governments) including broader partnership opportunities to support the development of an indoor aquatics centre.	Medium	\$50,000 – \$60,000 (Funding and Advocacy Strategy)
<b>Total</b>		<b>\$120,000 - \$160,000</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

### 7.4.3 Strategic Direction 3: Management and Operation

To ensure the management and operations of the facilities is financially sustainable for Council and aligned to industry trends and compliance requirements, Council will undertake a detailed assessment of the options available and associated costs and benefits for the future management of the facilities. This would include:

- **Inhouse Model**
- **External Contractor**
- **Company Limited by Guarantee**
- **Lease**

The key findings that support this strategy include:

- The increasing operational cost to Council over time under an in-house management model.
- Challenges in attracting and retaining high quality and qualified aquatics staff.
- The need for contemporary corporate systems and adequate internal expertise in aquatics.

#### Action Plan

Table 4: Strategic Direction 3 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council undertake an annual review of the performance of all facilities in meeting key performance measures and progress made on the strategy.	Short	Existing Resources
That Council undertake a Management Model Review to consider the costs, issues and benefits of the various options available.	Short	\$20,000 - \$30,000
That Council determine the most suitable option for the future management of the aquatics facilities and develop an implementation plan.	Short	N/A
<b>Total</b>		<b>\$20,000 - \$30,000</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

### 7.4.4 Strategic Direction 4: Facility Programming and Activation

Undertake a review of the current programming of the outdoor pools. Develop and implement new programming and activation opportunities across the outdoor pools to encourage greater participation outcomes. This may include more regular aquatics programs, special events, family fun days, community partnership activities and promotions, themed activity days and increased school use.

The key findings that support this strategy include:

- Significant community feedback for more programs and activities to be offered over summer at the outdoor pools.
- Maximise the free entry to all outdoor pools to increase community use and participation.
- Create more vibrant facilities and increase participation through innovative programming and activities.

#### Action Plan

Table 5: Strategic Direction 4 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council undertake a review of the aquatics programming schedule for each outdoor pool.	Short	Existing Resources
That Council review the weather policy to enable greater access to the outdoor pools.	Short	Existing Resources
That Council develop and implement a programming and activation plan for each outdoor pool.	Short	\$10,000 - \$20,000
That Council undertake an annual review of the programs and seek community feedback for improvements via the annual outdoor pool survey.	Short/ Medium	N/A
<b>Total</b>		<b>\$10,000 - \$20,000</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

### 7.4.5 Strategic Direction 5: Asset Management Plan

To ensure the aquatics facilities are maintained in accordance with industry standards, Council will implement an Aquatics Facilities Asset Management Plan and site specific maintenance plans for all aquatics facilities in line with Technical Assessments.

#### Action Plan

Table 6: Strategic Direction 5 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council implement an Aquatics Facilities Asset Management Plan and maintenance plans for all aquatics facilities in line with Technical Assessments prepared; and align Council's operational and renewal budgets.	Short	\$30,000 - \$40,000 (if out-sourced)
<b>Total</b>		<b>\$30,000 - \$40,000 (if out-sourced)</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years



### 7.4.6 Strategic Direction 6: Outdoor Pool Upgrades

Further investigate identified upgrade options to the three outdoor pools in Daylesford, Clunes and Trentham. This includes the provision of warmer water, amenities, plant rooms and associated infrastructure.

Investment in outdoor pool upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.

The key findings that support this strategy include:

- The current outdoor pools are highly regarded by the local community as important community facilities for all ages.
- The need for warm water temperature for patrons, which was consistent feedback from the community.
- The need to improve the accessibility, functionality and usage of the existing outdoor pools to cater for broader user markets.

#### Action Plan

Table 7: Strategic Direction 6 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council undertake a cost benefit analysis of installing electric heat pumps to replace the ineffective solar heating system, to increase the water temperature for bather comfort.	Short	\$20,000 - \$30,000 (Cost Benefit Analysis Report) \$1.8M - \$2.2M (Heat pump and plant room installation)
That Council develop an asset management plan and provides the required funding in the Capital Works program for the replacement, upgrade or renewal of facility infrastructure as it reaches end of life. This includes change rooms, shelters, seating and plant room equipment.	Short/ Medium	\$1.5M - \$2.5M (Asset renewal/ upgrades)
<b>Total</b>		<b>\$3.32M - \$4.73M</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

### 7.4.7 Strategic Direction 7: Water Play Upgrades

Develop concept plans and cost estimates for the addition of water play facilities at the three outdoor pools to cater for the growing expectations of different aquatics experiences for families and children. This should include consideration of the enhancement of features at the Creswick Splash Park and further investigation and exploration of the identified replacement options for Calemben Toddlers Pool to ensure compliance with industry guidelines.

Investment in water play upgrades will be subject to the prioritisation of the implementation plan. The priorities will be assessed each year in line with the Council budget process and external funding opportunities.

The key findings that support this strategy include:

- The current outdoor pools are ageing and lack contemporary water play facilities for families and children.
- Creswick Splash Park is a popular destination for families which will require renewal in the future.
- The current Calemben Toddlers Pool is an ageing asset reaching end of life. It also does not comply with current Royal Life Saving Society Guidelines for Safe Pool Operation.



### Action Plan

Table 8: Strategic Direction 7 Recommendations

Recommendation	Proposed Timing	Indicative Cost Range
That Council further investigate water play options and costs for the outdoor pool sites to enhance the facilities for families and children and attract higher participation.	Short/ Medium	Existing Resources
Consideration of feasibility and concept plans for water play and toddler zone to replace the ageing toddler pool infrastructure at the outdoor pool sites.	Medium	\$40,000 - \$50,000 (Feasibility and Concept Plans) \$1.8M - \$2.2M (New waterplay & plant rooms)
That Council upgrade or renew infrastructure as it reaches end of life at Creswick Splash Park. This includes Splash Park features, shelters, seating and plant room equipment.	Medium/ Long	\$150,000 - \$250,000
That Council investigate and explore options for water play experiences at Calemben Park to ensure a low risk environment for toddlers and children.	Short/ Medium	\$10,000 - \$20,000 (Scoping Study)
<b>Total</b>		<b>\$2M - \$2.52M</b>

Note Timeline Scale: Short Term 1 - 3 years, Medium Term 4 - 7 years and Long Term 8 - 10 years

### 7.4.8 Strategic Recommendations Indicative Cost Summary

The table below provides a high level summary of the total indicative cost range estimates for the Strategic Recommendations Actions outlined above.

Table 9: Strategic Recommendations Cost Indicative Range Summary

Strategic Recommendation	Indicative Cost Range
7.4.1 Facility Upgrades – Compliance and OH&S Works	\$415,000 - \$480,000 *
7.4.2 Indoor Aquatics Facility Planning	\$120,000 - \$160,000 *
7.4.3 Management and Operation	\$20,000 - \$30,000 *
7.4.4 Facility Programming and Activation	\$10,000 - \$20,000 *
7.4.5 Asset Management Plan	\$30,000 - \$40,000 *
7.4.6 Outdoor Pool Upgrades	\$3,320,000 - \$4,730,000 *
7.4.7 Water Play Upgrades	\$2,000,000 - \$2,520,000 *
<b>Total Indicative Cost Range</b>	<b>\$5,915,000 - \$7,980,000 *</b>

*\*Note: Indicative costs only – estimates are likely change over time subject to timing of delivery, cost escalation, CPI and final scope of works for each project. The figures exclude contingencies and project management fees.*

Funding the implementation of the Strategic Directions Recommendations and Actions would be subject to achieving funding as part of future Council budgeting processes and seeking external partner funding opportunities where applicable.

The further work undertaken as part of Indoor Aquatics Facility Planning mentioned in Table 3 will identify the capital and operating costs associated with an Indoor Aquatics Facility. This will need to be further considered by Council at the appropriate time.

The high order indicative costs associated with implementing the actions arising from the Strategic Directions and Actions outlined in the strategy are estimated to be \$5.9m - \$7.98m. This includes Facility upgrades compliance and OH&S works, Management and Operation, Facility Programming and Activation, Asset Management Plan, Outdoor pool and Waterplay Upgrades and further Indoor Aquatics Facility Planning.

The Strategic Directions Recommendations and Actions arising from the Aquatics Strategy are not currently included in Council's long term financial plan and would require significant external funding.



# Warranties

## AND DISCLAIMERS

The information contained in this report is provided in good faith. While Otium Planning Group has applied their own experience to the task, they have relied upon information supplied to them by other persons and organisations.

We have not conducted an audit of the information provided by others but have accepted it in good faith. Some of the information may have been provided 'commercial in confidence' and as such these venues or sources of information are not specifically identified. Readers should be aware that the

preparation of this report may have necessitated projections of the future that are inherently uncertain and that our opinion is based on the underlying representations, assumptions and projections detailed in this report.

There will be differences between projected and actual results because events and circumstances frequently do not occur as expected and those differences may be material. We do not express an opinion as to whether actual results will approximate projected results, nor can we confirm,

underwrite or guarantee the achievability of the projections as it is not possible to substantiate assumptions which are based on future events.

Accordingly, neither Otium Planning Group, nor any member or employee of Otium Planning Group, undertakes responsibility arising in any way whatsoever to any persons other than client in respect of this report, for any errors or omissions herein, arising through negligence or otherwise however caused.





PO Box 21 Daylesford 3460  
P: 03 5348 2306

[shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)  
[www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)

 [www.facebook.com/hepburncouncil](https://www.facebook.com/hepburncouncil)

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#### DAYLESFORD

Cnr. Duke & Albert Streets,  
Daylesford  
8:30am – 5:00pm

#### CRESWICK

Creswick Hub  
68 Albert Street, Creswick  
8:30am – 5:00pm

#### TRENTHAM

13 Albert Street, Trentham  
Mon, Wed, Fri 10am-5pm  
Sat 10am-1pm

#### CLUNES

The Warehouse – Clunes  
36 Fraser Street, Clunes  
Mon & Thurs 10am – 6pm  
Wed & Fri 10am – 4pm

Prepared by Otium Planning Group Pty Ltd

304/91 Murphy Street Richmond VIC 3121  
ABN: 30 605 962 169 Phone: (03) 9698 7300

Email: [info@otiumplanning.com.au](mailto:info@otiumplanning.com.au)  
Web: [www.otiumplanning.com.au](http://www.otiumplanning.com.au)



## 12.2 COMMUNITY GRANTS PROGRAM 2021/2022 ROUND 3 DIRECTOR COMMUNITY AND DEVELOPMENT

*In providing this advice to Council as the Acting Community Development Officer, I Tamara Patterson have no interests to disclose in this report.*

### ATTACHMENTS

- Nil

### EXECUTIVE SUMMARY

The Community Grants Program 2021- 2022 aligns with the Council Plan 2021- 2025 to support the strength and resilience of the community. Eligible community groups can access funds in four rounds annually across five categories that support a range of community needs. Round 3 opened on 8 February 2022 and closed on 1 March 2022 and included applications for Category E – Charitable Purposes.

Fourteen applications were received for Round 3, 2021 - 2022. Eleven applications are recommended for full funding. Three applications were deemed ineligible for funding. There were no applications received from Birch or Holcombe Wards for Category E.

### OFFICER'S RECOMMENDATION

*That Council:*

1. *Awards Round 3 Community Grants Program funding totalling \$23,757.65 supporting the following community projects :*

Category	Project Name	Community Group	Recommended Funding
A	A Defibrillator for Daylesford Table Tennis	Daylesford Table Tennis Association	\$2,500
A	The Day of the Wombat	Hepburn Wildlife Shelter	\$2,500
A	Clunes: Anthology of Works	Clunes Writers Group (auspiced by Clunes Neighbourhood House)	\$1,671
A	Trentham Timeline Project	Trentham and District Historical Society	\$2,500
A	Wholefoods 10th Anniversary Cookbook	Hepburn Wholefoods Collective	\$1,795
A	Australian Orienteering Carnival – Locals Subsidised Entry	Orienteering Victoria	\$2,500
B	Seed Collection for the	Seeding Victoria Inc. (based in	\$2,491.65

	Future	Creswick)	
D	Classics for Kids	U3A Hepburn Shire Inc.	\$1,800
E	Trentham Lions Wood for the Needy	Trentham Lions Club	\$2,000
E	Additional Relief for Vulnerable Persons	St John's Creswick Emergency Relief	\$2,000
E	Open House Shared	Clunes Neighbourhood House	\$2,000

2. *Reopens Category E. Charitable Purposes in Round 4 for applications from Birch and Holcombe Wards.*

## MOTION

*That Council:*

1. *Awards Round 3 Community Grants Program funding totalling \$23,757.65 supporting the following community projects :*

Category	Project Name	Community Group	Recommended Funding
A	A Defibrillator for Daylesford Table Tennis	Daylesford Table Tennis Association	\$2,500
A	The Day of the Wombat	Hepburn Wildlife Shelter	\$2,500
A	Clunes: Anthology of Works	Clunes Writers Group (auspiced by Clunes Neighbourhood House)	\$1,671
A	Trentham Timeline Project	Trentham and District Historical Society	\$2,500
A	Wholefoods 10th Anniversary Cookbook	Hepburn Wholefoods Collective	\$1,795
A	Australian Orienteering Carnival – Locals Subsidised Entry	Orienteering Victoria	\$2,500
B	Seed Collection for the Future	Seeding Victoria Inc. (based in Creswick)	\$2,491.65
D	Classics for Kids	U3A Hepburn Shire Inc.	\$1,800
E	Trentham Lions Wood for the Needy	Trentham Lions Club	\$2,000
E	Additional Relief for Vulnerable Persons	St John's Creswick Emergency Relief	\$2,000

E	Open House Shared	Clunes Neighbourhood House	\$2,000
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2. *Reopens Category E. Charitable Purposes in Round 4 for applications from Birch and Holcombe Wards.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Jen Bray

**Carried**

## BACKGROUND

The Hepburn Shire Council Community Grants Program 2021- 2022 receives applications and awards funding on a quarterly basis. Key Program dates are as follows:

Round 1	
Round Opens:	1 July 2021
Round Closes:	29 July 2021
Council Meeting:	21 September 2021
Round 2	
Round Opens:	1 October 2021
Round Closes:	29 October 2021
Council Meeting:	21 December 2021
Round 3	
Round Opens:	8 February 2022
Round Closes:	1 March 2022
Council Meeting:	20 April 2022
Round 4	
Round Opens:	31 March 2022
Round Closes:	28 April 2022
Council Meeting:	21 June 2022

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

A. Active and Engaged Communities (up to \$2,500)

B. Quality Community Infrastructure (up to \$2,500)

C. Sustainable Environments (up to \$2,500)

D. Children's Program (up to \$2,500)

E. Charitable Purposes (up to \$2,000) Round 3

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

### **KEY ISSUES**

Officers implemented a communications plan for Round 3 of Community Grants prior to the round opening. This included Councillor Bulletin, print media, multiple Facebook posts, phone calls and emails to community groups.

Applications opened on 8 February 2022 and closed on 1 March 2022. During this time Council Officers promoted the opportunity to community groups across the Shire and advertised publicly through both printed and digital platforms.

All applicants were required to contact a grants officer to discuss their application and were required to consider any potential implications of the pandemic on the delivery of their project as part of their application.

Applications were assessed by an evaluation panel consisting of two external Community Assessment Panel members and Officers whose knowledge and expertise aligned with the submission.

Fourteen applications were received in Round 3 of the 2021/2022 Community Grants Program. Three applications were deemed ineligible. There were no applications received from Birch or Holcombe Wards for Category E.

The eleven eligible applications are recommended for full funding, with a total amount of \$23,757.65.

### **Funding Recommendations**

The quality of applications received in this Round was excellent. This is evidenced by the consensus of the assessment panel in recommending full funding of all eligible projects. All successful applicants contacted a Council Officer prior to their submission. It is encouraging to see many applications aligning with the priorities as outlined in the Council Plan 2021-2025 including for example:

- The Day of the Wombat and the Trentham Timeline Project align strongly with Council's commitment to Reconciliation Action
- Trentham Lions Firewood for the Needy highlights the contribution that their project will make towards Gender Equality

- Wholefoods 10<sup>th</sup> Anniversary Cookbook and Open House Shared aligns with the Municipal Public Health and Wellbeing Priority 2 – Increasing Healthy Eating, while additionally applying a co-benefit lens of sustainability and improving mental wellbeing.

**Table 1 – Summary of projects and recommendations for funding**

Category	Project Name	Community Group	Description	Grant Amount Requested	Total Project Amount	Recommendation
A	A Defibrillator for Daylesford Table Tennis	Daylesford Table Tennis Association	Purchase, installation and training for members of a defibrillator	\$2,500	\$2,920	Full funding
A	The Day of the Wombat	Hepburn Wildlife Shelter	Day-long community outreach event to educate about wildlife	\$2,500	\$4,810	Full funding
A	Clunes: Anthology of Works	Clunes Writers Group (auspiced by Clunes Neighbourhood House)	Publish an anthology of works by members written during the pandemic lockdowns	\$1,671	\$1,871	Full funding
A	Trentham Timeline Project	Trentham & District Historical Society	Permanent outdoor display depicting key stages of Trentham history	\$2,500	\$18,000	Full funding
A	Wholefoods 10th Anniversary Cookbook	Hepburn Wholefoods Collective	Production of a cookbook supporting seasonal produce	\$1,795	\$3,400	Full funding
A	Australian Orienteering Carnival – Locals Subsidised Entry	Orienteering Victoria	Two come-and-try events and subsidised entry to 'Orienteering	\$2,500	\$3,450	Full funding

			Grand Prix' in Daylesford			
B	Seed Collection for the Future	Seeding Victoria Inc. (based in Creswick)	Purchase of seed collection equipment	\$2,491.65	\$2,491.65	Full funding
D	Classics for Kids	U3A Hepburn Shire Inc.	Free attendance and meet-and-greet for 8- to 12-year-old music students to the Zelman Orchestra event in Daylesford	\$1,800	\$5,000	Full funding
E	Trentham Lions Wood for the Needy	Trentham Lions Club	Supply of dry, split firewood for those in need	\$2,000	\$5,845	Full funding
E	Additional Relief for Vulnerable Persons	St John's Creswick Emergency Relief	Purchase of food, blankets and Christmas gifts	\$2,000	\$2,800	Full funding
E	Open House Shared	Clunes Neighbourhood House	Storytelling campaign designed to capture the tales, motivations and methodologies behind the Clunes Open House program	\$2,000	\$6,400	Full funding

Total amount eligible requested: Category A- C      \$15,957.65

Total amount eligible requested: Category D      \$1,800

Total amount eligible requested: Category E      \$6,000

## **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

A resilient, sustainable and protected environment



1.5 Protect and regenerate the natural resources of the Shire including soils, water and ecological systems from both current and future threats

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.

2.4 Assist our community to increase access to healthy food to improve nutrition, reduce chronic disease, improve mental wellbeing and strengthen the local food production system

2.5 Improved mental wellbeing within the community.

Embracing our past and planning for the future

3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

Diverse economy and opportunities

4.1 Work in partnership to attract and retain young people in our area through the provision of improved digital connectivity, education opportunities, employment pathways, affordable housing, improved public and active transport options, and leadership opportunities.

4.3 Support and facilitate a diverse and innovative local economy that encourages an increase of local businesses with diverse offerings to achieve positive social, economic and environmental impacts.

4.4 Develop and promote the circular economy to diversify our local economy and support our sustainability goals

## **GOVERNANCE ISSUES**

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

## **SUSTAINABILITY IMPLICATIONS**

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

## FINANCIAL IMPLICATIONS

Category	Total Eligible Funds Requested	Annual Budget	Current funds remaining for 21 - 22
A. Active and Engaged Communities	\$13,466	\$45,000	\$21,370.70
B. Quality Community Infrastructure	\$2,491.65		
C. Sustainable Environments	NIL		
D. Children's Program	\$1,800	\$10,000	\$5,043.50
E. Charitable Purposes	\$6,000	\$10,000	\$10,000
<b>Total funding to be approved A-C</b>	\$15,957.65	<b>Remaining funds to be allocated in 2021- 2022</b>	\$5,413.05
<b>Total funding to be approved D</b>	\$1,800	<b>Remaining funds to be allocated in 2021- 2022</b>	\$3,243.50
<b>Total Funding to be approved E</b>	\$6,000	<b>Remaining funds to be allocated in 2021- 2022 (Birch and Holcombe Wards)</b>	\$4,000

## RISK IMPLICATIONS

All applicants are required to identify how project risk and safety issues will be managed and this formed part of the assessment process. Insurance, not-for-profit-

status and ABNs are checked for all applications to determine eligibility. Applicants were asked to supply COVID Safe Plans where appropriate. All successful applicants are required to sign grant terms and conditions prior to receiving the grant allocation. Council Officers monitor the receipt of acquittals and follow up any outstanding acquittals.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

A Communications Plan was implemented with Facebook posts, advertising on Council's page in The Local, and direct contact with community groups. Council Officers also offered over four hours of one-on-one phone and email support to applicants during the application process. Fifteen enquiries were made directly with grants officers and all successful applicants contacted the Officer prior to their submission.

An additional seven potential applications were unsubmitted for this Round. Only one of these applicants had contacted a grants officer.

## **13 EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE**

### **13.1 PROPOSED RENAMING OF GEOGRAPHIC FEATURE - JIM CROW CREEK DIRECTOR COMMUNITY AND DEVELOPMENT**

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

#### **ATTACHMENTS**

1. Confidential Attachment - Council Report 20 April 2022 List of spe [13.1.1 - 2 pages]
2. CONFIDENTIAL - Confidential Part A Immediate Community Survey Responses [13.1.2 - 5 pages]
3. CONFIDENTIAL - Confidential Part B Community Outside of Shire [13.1.3 - 2 pages]
4. CONFIDENTIAL - Confidential Part C Extended Community Response [13.1.4 - 8 pages]

#### **EXECUTIVE SUMMARY**

It is proposed that Jim Crow Creek be renamed to Larni Barramal Yaluk in line with recommendations from representatives of the local Traditional Owners the Dja Dja Wurrung. The proposal is consistent with relevant key Council plans and policies and also responds to broader community advocacy in relation to the offensive and racist associations of the name.

Council has provided extensive information to the community about the proposed renaming and has undertaken a community consultation process in line with the State Government's *Naming rules for places in Victoria* (2016). The consultation results demonstrate that while there are strongly held views both in support as well as opposing the proposal, the overall community sentiment is clearly in support of the proposed renaming.

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

*That Council:*

1. *Resolves to recommend to Geographic Names Victoria for its consideration that Jim Crow Creek be renamed to Larni Barramal Yaluk.*
2. *Email or write to all respondents to the proposed renaming consultation survey undertaken between 30 September 2021 and 12 November 2021 informing them of:*
  - *Council's decision to recommend the proposed renaming*
  - *Council's responses to key issues received from community objectors*
  - *The opportunity for objectors to appeal to Geographic Names Victoria*

## MOTION

*That Council:*

1. *Resolves to recommend to Geographic Names Victoria for its consideration that Jim Crow Creek be renamed to Larni Barramal Yaluk.*
2. *Email or write to all respondents to the proposed renaming consultation survey undertaken between 30 September 2021 and 12 November 2021 informing them of:*
  - *Council's decision to recommend the proposed renaming*
  - *Council's responses to key issues received from community objectors*
  - *The opportunity for objectors to appeal to Geographic Names Victoria*

**Moved:** Cr Don Henderson

**Seconded:** Cr Lesley Hewitt

**Carried**

## BACKGROUND

It is proposed that Jim Crow Creek be renamed to Larni Barramal Yaluk, in line with recommendations from the representatives of the local Traditional Owners the Dja Dja Wurrung.

Council is committed to reconciliation, working positively today and into the future with the Dja Dja Wurrung (Traditional Owners) and other Aboriginal and Torres Strait Islander community members to learn, acknowledge and move forward together. Council's response to the request by the Traditional Owners regarding the proposed renaming of Jim Crow Creek is consistent with this position and also responds to broader community advocacy for the change. The reasons for the proposed renaming are twofold:

- the existing name of Jim Crow Creek is offensive and derogatory
- the proposed name of Larni Barramal Yaluk recognises Aboriginal heritage and promotes the reinstatement of the Djaara language of the Traditional Owners the Dja Dja Wurrung into the landscape.

### Community Consultation

Council has undertaken a community consultation process consistent with the requirements for naming authorities in *Naming rules for places in Victoria – statutory requirements for naming roads, features and localities* (2016) and as advised by Geographical Names Victoria. The results of the consultation have demonstrated

that while there are a range of views within the community about whether the Creek should be renamed, there is clear overall support for the renaming as proposed.

Council provided the opportunity for the community to register their views through a consultation survey from 30 September to 12 November 2021. Council has presented clear, accessible and detailed information on the rationale and process for the proposed name change including an educational video published on Council's website Participate Hepburn during and since the consultation period.

Having undertaken a clear and transparent process of consultation during 2021, Council also undertook an additional step of holding a Special Council Meeting on 22 March 2022 to hear presentations from survey respondents both supporting and objecting to the proposal.

The results of the consultation undertaken in 2021 indicated that of the immediate community (200 metres from the creek) who responded within the timeframe of the survey; 24 supported the proposal and 21 objected. There was no response from a further 41 property owners or residents who were contacted. The Naming Rules specify that those who do not respond to the letter or email inviting their views are counted as tacitly approving the proposal. Therefore the result for immediate community was:

- 65 in support (including tacit approval)
- 21 objecting

Responses received from the extended community within or connected to the Shire indicated

- 83 in support
- 8 objecting.

Responses received from extended community from outside of the Shire or not providing a location address indicated

- 39 in support
- 1 objecting

Correspondence was received from a further 15 interested community members both for and against the proposal outside of the consultation period.

#### Overall result

Applying the Naming Rules for consultation, the total overall result was:

- 187 in support (including 41 tacit approval)
- 30 objectors

#### Next steps in the process

The overall results of the community consultation indicate strong support for the proposed renaming. The proposal is also in line with Council's policies and plans

including its commitment to reconciliation and is therefore recommended for support.

While Jim Crow Creek is primarily located within the Shire of Hepburn, it also extends a short distance into Mount Alexander Shire. Consequently, a parallel process of consultation and decision-making is being undertaken at the same time by Mount Alexander Shire Council.

The two Councils will reach their determinations independently and will provide their respective recommendations to Geographic Names Victoria. The final decision to accept or reject the proposal will be made by the Registrar at the Office of Geographic Names (OGN).

### KEY ISSUES

Objectors to the proposed renaming raised a number of concerns and issues which are summarised below. These concerns and issues can be addressed as follows:

Objection	Response
Renaming of the Creek is not core business for Council	Council has responded to a strong desire in the community to review the name of the Creek. The proposed renaming is clearly aligned with Council's commitment to reconciliation  The <i>Naming Rules for places in Victoria</i> recognizes that local Councils have an important role to play in facilitating community consultation in relation to proposed renamings when there is a clear case for renaming to be considered.
The name "Jim Crow Creek" is not racist	Council acknowledges that there are some members of the community who may not previously have been aware of the racist meaning behind the name of the Creek. However, soundly researched history clearly demonstrates that the term "Jim Crow" is closely linked to racial segregation and anti-black racism. Originating in the United States, the term became the foundation for the infamous "Jim Crow Laws" which legalized discrimination and racial segregation. "Jim Crow" was subsequently adopted internationally as a racist term to refer to "black people" and was likely first applied to the area of Lalgambook/Mount Franklin by Captain John Hepburn in the 1830s.
Renaming the Creek might cause confusion in an emergency	The State Government works very closely with all state emergency services. If the name is changed, both the historical and the new name will be registered on the State's mapping systems which are used by emergency services
The change of	If the name is changed this does not delete history. Names

<p>name would result in the history of the local community being deleted</p>	<p>change over time and many names for geographic features across the State have been changed for different reasons. The Register of Geographic Names includes current names as well as historic names and provides information about the reasons behind the place names.</p> <p>The name Jim Crow Creek will be reserved in the State's geographic names register as a historic name and will remain a part of the region's history. The name Jim Crow Creek will be archived and it will forever be recorded as a 'former name' of the creek. It will not be erased from existing documents or stories.</p> <p>If approved, the new name of Larni Barramal Yaluk will appear on future documents.</p>
<p>The name is too long and difficult to say</p>	<p>Council has produced a highly accessible video which provides information about the Dja Dja Wurrung name for the creek and how it is pronounced. Council will continue to be advised by the Traditional Owners the Dja Dja Wurrung and will work in partnership with the local community to promote understanding and acceptance of the name if it is changed</p>
<p>Changing the name is divisive</p>	<p>The potential change of name is challenging for some members of the community. Council recognizes and respects that there are different understandings and experiences of the Creek in the lives of past and present residents. It remains committed to ensuring that diverse voices are heard and will continue to work with all of its community to promote cohesion at the same time as promoting greater understanding of the importance of Indigenous Language in the landscape.</p>

## **POLICY AND STATUTORY IMPLICATIONS**

The use of Traditional Owner language supports a number of resolutions from international frameworks including:

United Nations Decade of Indigenous Languages 2022 – 2032

The proposed renaming if renamed would be one of the first major naming's within the United Nations Decade of Indigenous Languages.

The United Nations Group of Experts on Geographic Names (UNGEGN)

UNGEGN was established to provide a cooperative framework, allow for follow up on conference resolutions and promote standardisation of geographical names across



member states. The Victorian naming rules comply with a number of UNGEGN resolutions.

**Principle F: Recognition and use of Aboriginal languages in naming**

- UNGEGN Resolution V/22 Aboriginal/ native geographical names
- UNGEGN Resolution VIII/1 Promotion of minority group and indigenous geographical names
- UNGEGN Resolution IX/5 Promotion of the recording and use of indigenous minority and regional language group geographical names

**Council Plan 2021-2025**

Embracing our past and planning for the future

3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

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3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

A dynamic and responsive Council

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**GOVERNANCE ISSUES**

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

**SUSTAINABILITY IMPLICATIONS**

Place naming is one of the important ways that the governments, industry and communities can work together to support the United Nations Sustainable Development Goals (SDGs). Most of the SDGs require standardised names of places and roads to deliver the work needed to achieve the goals, as well as for effective reporting.

SDG 10: Reduced inequalities

Target / Indicator

Place name connection

Target 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

Support and encourage naming of places after minority groups and ensure equality in the naming of places

**FINANCIAL IMPLICATIONS**

There are no risk implications.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Hepburn Shire Council is the lead partner in this project and has established a Naming Committee of key stakeholders including DJAARA, NCCMA (North Central Catchment Management) and Mount Alexander Shire Council.

Advice has been sought and followed from Geographic Names Victoria ( Department of Environment, Water, Land and Planning ) to ensure a fair and transparent process for gauging community sentiment prior to both Councils forming their separate recommendations on the renaming of the Creek.

The engagement period for consultation by Hepburn Shire Council was undertaken between 30 September and 12 November 2021 and included a survey which was directly mailed to immediate community. Immediate community is defined in accordance with the Naming Rules, as being owners and residents of properties adjoining and those within 200 metres of the Creek. The survey was also made publicly available for the extended community to respond.

This period of consultation was supported by the presentation of detailed and extensive information about the proposed name change and an educational video published on Council’s website ‘Participate Hepburn’.

Summary of results of survey

The following table provides information on responses received from both immediate and extended community. It does not include 15 responses received out of time, duplicate responses or responses which were otherwise invalid.

Table 1 Submission response in each sector

<b>Community Sectors</b>	<b>Support</b>	<b>Object</b>	<b>Tacit</b> (Implied Support according to <i>Naming Rules</i> definition)	<b>Total Support</b>	<b>Total Object</b>
<b>IMMEDIATE</b>	24	21	41	65	21

200m from creek,					
<b>EXTENDED</b> in Shire or connected to Shire	83	8	-	83	8
<b>EXTENDED</b> out of Shire or no address	39	1	-	39	1
<b>TOTAL</b>	<b>146</b>	<b>30</b>	<b>41</b>	<b>187</b>	<b>30</b>

All respondents for and against who provided address details were sent letters or emails advising them of the next steps in the process, including the opportunity to register by 15 March 2022 to speak at the Special Council Meeting on 22 March 2022. A public notice was placed advising of the Special Meeting of Council. Details and a form for registering to speak at the Meeting were provided on the Council's Participate Hepburn webpage.

Fourteen individuals responded to the invitation within the advertised timeline: three of these indicated they were objecting to the proposal while eleven indicated that they were supporting the proposal. There were several apologies for the meeting, resulting in 10 speakers: one objecting and nine supporting. A video recording of the meeting was made available on Council's Participate Hepburn webpage.

Following Council's decision about whether to recommend the renaming at its Meeting on 20 April 2022, a detailed assessment report and Council's recommendation will be submitted to Geographic Names Victoria.

Council will advise the community of the outcome and will keep the community updated on specific dates for each step in the process via its Participate Hepburn website.

If Council determines to recommend the proposed renaming it will email or write to all survey respondents from the engagement phase 30 September – 12 November 2021 informing them of Council's decision and the reasons for this; outlining Council's response to the objections and informing objectors that they can appeal to Geographic Names Victoria.

## **13.2 AWARD OF CONTRACT HEPBU.RFT2022.03 - INTERSECTION REALIGNMENT OF KINGSTON ROAD KINGSTON DIRECTOR INFRASTRUCTURE AND DELIVERY**

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

### **ATTACHMENTS**

1. CONFIDENTIAL - Report Tenders Evaluation HEPBU RFT2022 03 Intersection Upgrade King [13.2.1 - 7 pages]
2. CONFIDENTIAL - HEPBU RFT2022 03 Tender Evaluation Matrix [13.2.2 - 6 pages]

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to award contract HEPBU.RFT2022.03 Intersection realignment of Kingston Road Kingston.

This project is fully funded through the Federal Government's Blackspot program due to the intersection being the site of a double fatality in December 2019.

Following the incident, officers met on with concerned community members. Whilst initial minor improvements were made to the intersection officers (with community support) have also continued to explore opportunities for more significant improvements at the intersection.

Officers have undertaken a request for tender process in accordance with Councils Procurement Policy to invite submissions for the realignment of this intersection to ensure identified safety improvements can be realised.

### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Awards Contract Number HEPBU.RFT2022.03 to Fulton Hogan Industries for a for the fixed price of \$319,438.66 exclusive of GST*
2. *Approves Council Officers to make variations to the Contracts, in excess of the awarded lump sum contract value, within approved Officer Delegations for each variation, and within approved budgets and contingencies.*
3. *Delegates the Chief Executive Officer to sign and seal the contract documents on behalf of Council; and*
4. *Resolves that the Tender Evaluation Report and Matrix, as attached, remain confidential.*

### **MOTION**

*That Council:*

- 1. Awards Contract Number HEPBU.RFT2022.03 to Fulton Hogan Industries for a for the fixed price of \$319,438.66 exclusive of GST*
- 2. Approves Council Officers to make variations to the Contracts, in excess of the awarded lump sum contract value, within approved Officer Delegations for each variation, and within approved budgets and contingencies.*
- 3. Delegates the Chief Executive Officer to sign and seal the contract documents on behalf of Council; and*
- 4. Resolves that the Tender Evaluation Report and Matrix, as attached, remain confidential.*

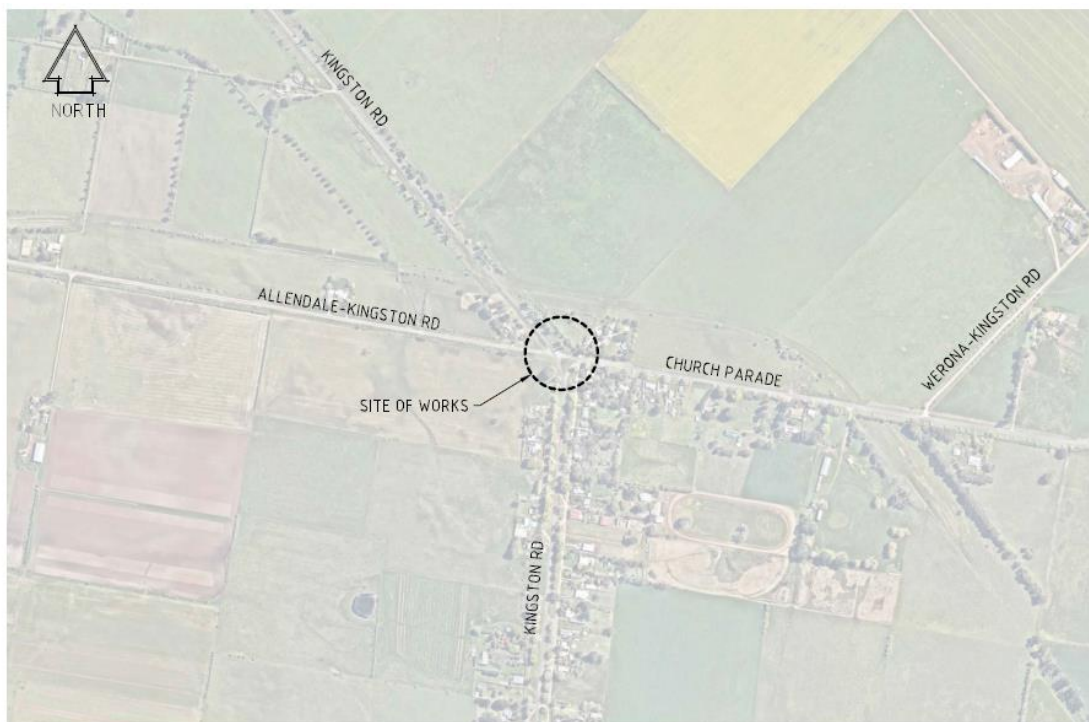
**Moved:** Cr Jen Bray

**Seconded:** Cr Don Henderson

**Carried**

## **BACKGROUND**

Council received Federal Blackspot funding for realignment of the Kingston Road, Allendale-Kingston Road and Church Parade intersection, Kingston in September 2021. The funding is for capital works, in line with Council's grant application and the recommendation of a Road Safety Audit following a fatal collision in 2019.



LOCALITY PLAN  
NTS

## **KEY ISSUES**

Two known “failure to give way” accidents have occurred at the intersection over the last 7 or so years. A recent Road Safety Audit on the location recommended several improvements that may help to improve road safety at this location in future.

## **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

Embrace our Past and Planning for the Future

3.3 Build and Maintain infrastructure that supports liveability and activity in our community.

A Dynamic and Responsive Council

5.5 Strong Asset Management and Renewal

Road Management Act 2004

Under the Road Management Act 2004. Part 4 – Management of roads, Division 1, part (2), the following principles apply in respect of the management of works and infrastructure under this Act— *(a) the minimisation of road safety hazards;*

## **GOVERNANCE ISSUES**

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

## **SUSTAINABILITY IMPLICATIONS**

There are no negative sustainability implications associated with this report. Sustainability was considered at design stage to maximise material reuse.

## **FINANCIAL IMPLICATIONS**

This project is entirely Federal grant funded. Capital investment in assets helps to ensure longevity and minimise the maintenance costs of assets into the future.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report. The expected construction related risks shall be addressed in pre-commencement site meetings and mitigated by managing the work site and providing traffic management in accordance with AS 1742.3.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council officers have been in contact with many local community stakeholders following the 2019 accident and throughout the funding process, many of whom were first responders.

Council initial response was to undertake some minor improvement works and a commitment to explore longer term major safety improvement opportunities.

A pre-construction community meeting is also planned prior to works onsite commencing, specifically targeting the local residents of Kingston.

The project ranks as a Low on the community engagement matrix however Council also acknowledges there is significant interest in the Local Kingston community.

**13.3 AWARD OF CONTRACT HEPBU.RFT2022.01 - OLD BALLARAT ROAD CLUNES - BRIDGE CONSTRUCTION**  
**DIRECTOR INFRASTRUCTURE AND DELIVERY**

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

**ATTACHMENTS**

1. CONFIDENTIAL - Report Tenders Evaluation HEPBU RFT2022 01 Replacement of Old Ballar [13.3.1 - 7 pages]
2. CONFIDENTIAL - Tender Evaluation Matrix HEPBU2022 01 [13.3.2 - 4 pages]

**EXECUTIVE SUMMARY**

The purpose of this report is for Council to award contract HEPBU.RFT2022.01 Replacement of Old Ballarat Road Bridge, Evansford.

Officers have undertaken a request for tender process in accordance with Councils Procurement Policy to invite submissions for the replacement of the bridge structure. The bridge is currently at the end of its useful life and scheduled for replacement as part of our asset renewal program.

**OFFICER'S RECOMMENDATION**

*That Council:*

1. *Awards Contract Number HEPBU.RFT2022.01 for the fixed lump sum of \$507,039.10 exclusive of GST to Ontrack Civil Pty Ltd.*
2. *Approves Council Officers to make variations and additions to the Contract, in excess of the awarded lump sum contract value, within approved Officer Delegations and approved budgets and contingencies.*
3. *Delegates CEO to sign and seal the contract documents on behalf of Council.*
4. *Resolves that the evaluation report remains confidential and that the minutes record the successful tenderer and accepted the tender price.*

**MOTION**

*That Council:*

1. *Awards Contract Number HEPBU.RFT2022.01 for the fixed lump sum of \$507,039.10 exclusive of GST to Ontrack Civil Pty Ltd.*



2. Approves Council Officers to make variations and additions to the Contract, in excess of the awarded lump sum contract value, within approved Officer Delegations and approved budgets and contingencies.
3. Delegates CEO to sign and seal the contract documents on behalf of Council.
4. Resolves that the evaluation report remains confidential and that the minutes record the successful tenderer and accepted the tender price.

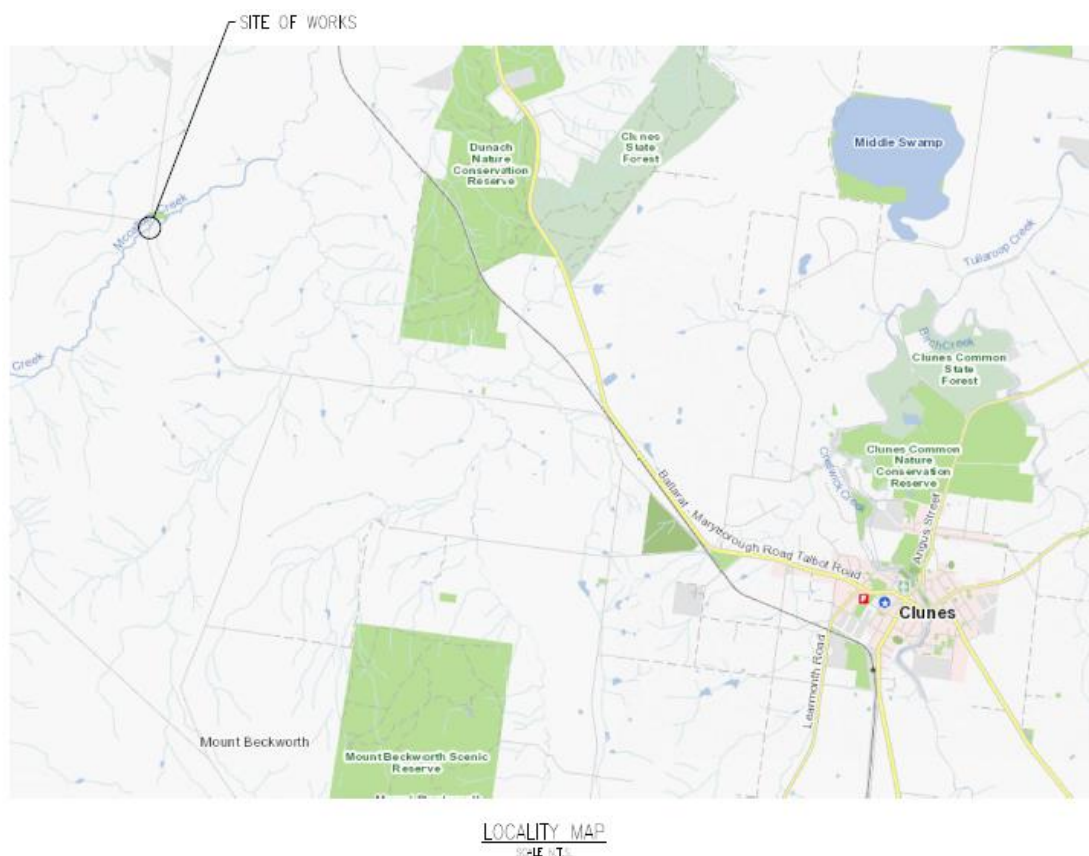
**Moved:** Cr Don Henderson

**Seconded:** Cr Jen Bray

**Carried**

## BACKGROUND

Tenders for contract HEPBU.RFT2022.01 – Replacement of Old Ballarat Road Bridge, Evansford, were invited via public advertisement on Council's website and in the Ballarat Courier on 5 February 2022. Tenders were received from five (05) tenderers.



## KEY ISSUES

Old Ballarat Road bridge is at the end of its useful life. Previous condition audits have highlighted movement and distortion in the primary steel beams. The bridge sits in

board acre farming zone with limited practical detours so introducing a load limit to try and extend the bridge life is not considered a practical option.

## **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

Embrace our Past and Planning for the Future

3.3 Build and Maintain infrastructure that supports liveability and activity in our community.

A Dynamic and Responsive Council

5.5 Strong Asset Management and Renewal

## **GOVERNANCE ISSUES**

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

## **SUSTAINABILITY IMPLICATIONS**

The timely implementation of renewal works with evidence-based data driven, investment in infrastructure replacement ensures Council can continue to deliver at current service levels.

## **FINANCIAL IMPLICATIONS**

The project allocation in the renewal program is \$500,000 with the recommended tender having a value of \$507,039.10, resulting in a project budget shortfall of approximately \$7,000 (including the project contingency amount). This budget shortfall will be drawn from savings in other delivered projects in the 2021/2022 Infrastructure program.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report. The expected construction related risks shall be addressed in pre-commencement site meetings and mitigated by managing the work site and providing traffic management in accordance with AS 1742.3.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

This project is ranked as a Low on the community engagement matrix. Council will continue to communicate with adjacent land holders and motorists regarding the required road closures.

## **14 A DYNAMIC AND RESPONSIVE COUNCIL**

### **14.1 PROPOSED CHANGES TO DIFFERENTIAL RATING SYSTEM DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Director Organisational Services, I Andrew Burgess have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Community Engagement Paper - Possible Changes to Council's Differential Rating Strategy [**14.1.1** - 8 pages]

#### **EXECUTIVE SUMMARY**

At the special meeting of Council held on Tuesday 29 June 2021, Council moved the following resolution:

*“That Council brings forward to the 2021/2022 financial year a project to model possible changes to rating differentials as outlined in the Draft Revenue and Rating Plan and received as part of the community submission process, noting that findings of the project will be available for Councillors to consider as part of the 2022/2023 budget process.”*

Four Councillor briefing sessions have been held on this matter to further discuss and explore the seven possible changes to the differential rating system that were included in the June 2021 Council motion.

A background paper covering all seven possible changes to the differential rating system has been produced. This background paper identified that four of the seven possible changes to the differential rating system merit further consideration for possible implementation, and a community engagement paper has been produced in order to seek community feedback on these four possible changes.

#### **OFFICER’S RECOMMENDATION**

*That Council:*

1. *Adopts the Possible Changes to Council's Differential Rating Strategy Community Engagement Paper which contains the following four possible changes to the differential rating strategy:*
  - a) *That a new differential rate for residential properties that are used for short-term accommodation be set at 150% of the general differential rate.*
  - b) *That a new differential rate for non-government residential properties that are used wholly for the provision of social housing be set at 0% of the general differential rate.*

- c) *That a new differential rate for certified farming properties be set at 50% of the general differential rate.*
        - d) *That a new differential rate for vacant land township be set at 150% of the general differential rate.*
  2. *Undertakes a community engagement process on the Possible Changes to Council's Differential Rating Strategy to determine the level of community sentiment for or against each of the four proposed changes.*
  3. *Considers a report on the results of the community engagement process on the Possible Changes to Council's Differential Rating Strategy at the June 2022 Council meeting.*

## **MOTION**

*That Council:*

1. *Notes the Possible Changes to Council's Differential Rating Strategy Community Engagement Paper which contains the following four possible changes to the differential rating strategy:*
  - a. *That a new differential rate for residential properties that are used for short-term accommodation be set at 150% of the general differential rate.*
  - b. *That a new differential rate for non-government residential properties that are used wholly for the provision of social housing be set at 0% of the general differential rate.*
  - c. *That a new differential rate for certified farming properties be set at 50% of the general differential rate.*
  - d. *That a new differential rate for vacant land township be set at 150% of the general differential rate.*

2. *Requests officers update the Community Engagement Paper to include details of the current rating differential categories and rates applied, and include a statement that details the cost to date of the current review, costs to implement potential rating differential changes and cost to process the potential rating differential changes on an ongoing basis.*
3. *Undertakes a community engagement process on the Possible Changes to Council's Differential Rating Strategy to determine the level of community sentiment for or against each of the four proposed changes.*
4. *Considers a report on the results of the community engagement process on the Possible Changes to Council's Differential Rating Strategy at the June 2022 Council meeting.*

**Moved:** Cr Jen Bray

**Lapsed**

#### **MOTION**

*That Council approve to extend the duration of the Ordinary Council Meeting for 20 April 2022 up to an additional 3 hours as per Council's Governance Rules.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Brian Hood

**Carried**

#### **MOTION**

*That Council:*

1. *Acknowledges the work undertaken by officers and Councillors to review potential changes to rating differentials;*
2. *Resolve to make no changes to current rating differentials; and*
3. *Requests that Officers explore additional options to encourage investment in social housing and present a report to a future Ordinary Meeting of Council.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Brian Hood

**Carried**

**Cr Bray called for a Division:**

**For:** Cr Juliet Simpson, Cr Don Henderson, Cr Brian Hood, Cr Lesley Hewitt

**Against:** Cr Jen Bray, Cr Tim Drylie

## **BACKGROUND**

The adoption of the Revenue and Rating Plan 2021-2025 report to Council on 29 June 2021, listed the seven following possible changes to rating differentials:

1. Provide a lower concession for recreational land properties which are able to generate significant income
2. Introduce a higher differential rate for residential properties that are used for short term accommodation
3. Introduce a lower differential rate for residential properties used for social housing
4. Introduce a higher differential rate for commercial, industrial and mixed-use properties to reflect their greater capacity to pay rates and charges
5. Introduce a lower differential for farmland properties that undertake sustainable farming practises
6. Introduce a higher differential rate for vacant land
7. Introduce a higher differential rate for vacant properties.

These seven following possible changes to rating differentials were further refined at a Councillor briefing session held on 16 November 2021.

## **KEY ISSUES**

Of the seven possible changes to the differential rating system identified as part of the June Council motion, the second Councillor briefing session on this matter refined this list to four possible changes and provided guidance on possible levels of change. Each of the four possible changes are discussed separately below.

### **Short-term accommodation properties**

Council currently applies the commercial differential rate to 491 residential properties that it has identified as being used wholly or partly for the letting of residential accommodation for less than 60 days. These properties are usually identifiable on booking websites such as “Bookings.com” and “Airbnb.com”. The commercial differential rate applicable to these properties is a 16% premium on their rates relative to the general differential. At this current differential rate, these ratepayers are paying a 24% lower after-tax level of rates than owner-occupier residential ratepayers (who cannot claim their rates as a tax deduction).

Currently Council staff conduct an annual, manual audit of accommodation websites to determine which properties are being used for short-term accommodation, in order to ensure that they are being rated at the commercial differential rate. Should Council introduce a new differential rate for residential properties that are used for short-term accommodation, Council would engage an accommodation website monitoring business to conduct this annual audit. The cost of this audit is approximately \$10,500 per annum and would be an additional expense to Council.

Council currently has identified 491 short-term residential accommodation properties (4.2% of assessments) which are valued at \$343 million (5.1% of the total

Capital Improved Valuation {CIV}) and they pay rates of \$1.166 million (or 6.2% of the total rates). These properties have an average CIV of \$699,686 and pay an average of \$2,375.44 in rates each.

Council is considering introducing a new differential rating category for residential properties that are used for short-term accommodation because residential properties that are used for short-term accommodation:

- reduce the number of dwellings available for permanent residents, thereby driving up the price of rental accommodation, and reducing the ability of people to live permanently in our Shire
- are occupied by tourists who require a level of Council services different to those which would otherwise be provided to the local community
- are commercial businesses that can claim their rates as an income tax deduction

It is proposed that the new differential rate for residential properties that are used for short-term accommodation be set at 150% of the general differential rate.

Benefits of this change are:

- Sends a signal to the owners of these properties that Council would prefer them to move onto the long-term rental accommodation market
- Sets the rates at a level comparable to the after-tax level of rates paid by owner-occupiers of residential properties who can't claim their rates as tax deductions
- Sets the rates at a level comparable to the average commercial differential rate of our neighbouring Councils
- Demonstrates to our community that Council has heard and acted on their concerns about the high number of residential properties currently being used as short-term accommodation businesses

Disadvantages of this change are:

- Significant cost increase on businesses that were hard hit by the COVID-19 pandemic
- Could be perceived as Council being "anti-tourism".

Financial impacts of this change are:

- The owners of residential properties that are used for short-term accommodation would pay \$315,203 more rates in total, and the owners of all other properties would pay \$315,203 less rates in total.
- Owners of residential properties that are used for short-term accommodation would pay:
  - o an extra \$372 or \$7.15 per week on a low value (10<sup>th</sup> percentile) property valued at \$405,000
  - o an extra \$578 or \$11.12 per week on an average value (50<sup>th</sup> percentile) property valued at \$630,000

- o an extra \$945 or \$18.17 per week on a high value (90<sup>th</sup> percentile) property valued at \$1,030,000
- All other property owners would pay 1.8% less rates or an average of \$28.35 per property per year.

After thorough consideration of this possible change to the differential rating system it was concluded that introducing a new differential rating category for residential properties that are used for short-term accommodation (set at 150% of the general differential rate) was a possible change to the differential rating system that should be presented to the community for consideration.

### **Social housing properties**

Council currently has identified 146 rateable residential properties used for social housing in the Shire and these properties are currently rated at the general residential differential rate.

State Government departments are the ratepayer for 127 of these social housing properties, whilst Registered Housing Agencies are the ratepayers for the remaining 19 properties. These 19 residential properties (0.16% of assessments) which are valued at \$3.980 million (0.06% of the total CIV) and pay rates of \$11,649 (or 0.06% of the total rates). These properties have an average CIV of \$209,474 and pay an average of \$613.13 in rates each.

In addition, the Daylesford Ladies Benevolent Association Incorporated has 12 social housing units in Daylesford, but these properties are currently non-rateable as they are owned by a registered charity.

Council is considering introducing a new differential rating category for non-government residential properties that are used wholly for the provision of social housing because it wishes to encourage the provision of social housing in the Shire.

Eligibility for this differential rating category would be where the ratepayer is one of the registered housing agencies in Victoria listed at [www.vic.gov.au/registered-housing-agencies-victoria](http://www.vic.gov.au/registered-housing-agencies-victoria).

It is proposed that the new differential rate for non-government residential properties that are used wholly for the provision of social housing be set at 0% of the general differential rate.

Benefits of this change are:

- Sends a signal to the Victorian social housing sector that Council is supportive of social housing in our Shire
- Provides rate relief for non-for-profit organisations whose purpose Council highly values
- Council acting on this issue prior to the State government potentially legislating a similar change



- Demonstrates to our community that Council has heard and acted on their concerns about the shortage of social housing residential properties in our Shire

Disadvantages of this change are:

- Increases the rate burden on all other properties by an average of \$1.00 per year.

Financial impacts of this change are:

- The registered housing agency owners of residential properties that are used wholly for the provision of social housing would pay \$11,649 less rates in total, and the owners of all other properties would pay \$11,649 more rates in total.
- The registered housing agency owners of residential properties that are used wholly for the provision of social housing would pay on average \$613 less rates per property per year.
- All other property owners would pay 0.04% more rates or an average of \$1.00 per property per year.

After thorough consideration of this possible change to the differential rating system it was concluded that introducing a new differential rating category for non-government residential properties that are used wholly for the provision of social housing (set at 0% of the general differential rate) was a possible change to the differential rating system that should be presented to the community for consideration.

### **Sustainable farming properties**

“A resilient, sustainable and protected environment” is the first of the five key focus areas in the Community Vision and Council Plan 2021-2025, and the priority statements for this focus area include:

- “Prioritise environment management, protection and regeneration”
- “Protect and regenerate the natural resources of the Shire, including soil, water and ecological systems, from both current and future threats.”

Council is considering the introduction of a lower differential rate for farmland properties that undertake sustainable farming practices, as a way of supporting farmers whose land management philosophy closely aligns with the Council plan focus of a resilient, sustainable and protected environment, and in response to our community making Sustainability the number one focus of the Council Plan.

It is important to recognise that one of the challenges of introducing a lower differential rate for farmland properties that undertake sustainable farming practices is defining what “sustainable farming practices” are, given the varying views on what the term “sustainable farming practices” means.

The chosen objective for this differential rate is “to encourage the management of farmland under a certified system to ensure that farm ecological systems are

sustainable for both current and future generations”, and the intention is that this differential rate would apply to those farm enterprises that are certified with one of the following organisations:

- Australian Certified Organic – [www.aco.net.au](http://www.aco.net.au)
- Australian Demeter Bio-Dynamic – [www.demeterbiodynamic.com.au](http://www.demeterbiodynamic.com.au)
- The National Association for Sustainable Agriculture Australia – [www.nasaaorganic.org.au](http://www.nasaaorganic.org.au)
- Southern Cross Certified – [www.sxcertified.com.au](http://www.sxcertified.com.au)

It is proposed that the new differential rate for certified farming properties be set at 50% of the general differential rate.

Benefits of this change are:

- Sends a signal to the farming sector that Council is supportive of management of farmland under certified systems that are ecologically sustainable
- Provides rate relief for farms who have undertaken a rigorous and costly certification journey
- Demonstrates to our community that Council has heard and acted on their concerns about protecting our environment and takes the issue of sustainability seriously
- Eligibility for this differential rate relies on evidence of third-party certification, therefore, is clear and simple for Council staff to administer

Disadvantages of this change are:

- The narrow eligibility for this differential rate may exclude some farm properties that are achieving similar outcomes as those being achieved by certified farmers

It is important to recognise that this particular definition will not be perfect, but it does provide a starting point to commence the conversation and more fully explore what could be achieved in this area.

Financial impacts of this change are:

- None of the four certification websites listed above allow searches for certified organisations by shire or township/locality, so quickly identifying the number of certified farm enterprises in the shire was not possible.
- In order to create an indicative model of the impact of introducing a differential for farmland properties that undertake sustainable farming practices, a level of 5% of the farmland CIV was taken for illustrative purposes, with the impact as follows:
  - o The owners of certified farming properties would pay approximately \$25,000 less rates in total, and the owners of all other properties would pay \$25,000 more rates in total.
  - o All other property owners would pay 0.10% more rates or an average of \$2.16 per property per year.

After thorough consideration of this possible change to the differential rating system it was concluded that introducing a new lower differential rating category for farmland managed under a certified system (set at 50% of the general differential rate) was a possible change to the differential rating system that should be presented to the community for consideration.

**Vacant land township properties**

Vacant land township is defined as rateable land, within township boundaries, which does not form part of a commercial or industrial or farming enterprise or recreational purpose or upon which a residence is erected.

Council currently rates vacant land township properties with the vacant land township differential rate, which is set at a 25% premium relative to the general differential rate.

Currently Council has 705 vacant land township properties (6.1% of assessments) which are valued at \$204 million (3.1% of the total CIV) and they pay rates of \$747,000 (or 4.0% of the total rates). These properties have an average CIV of \$289,533 and pay an average of \$1,059.40 in rates each.

Four of Council’s six neighbouring Councils have some form of vacant land differential rate, ranging between 156% and 296% of the general rate, at an average of 204%.



Council is considering introducing a higher differential rate for all vacant land township properties in order to encourage the development of vacant township

land, which then has a positive effect on growing local housing stock, communities, employment and income.

It is proposed that the differential rate for vacant land township properties be set at 150% of the general differential rate.

Benefits of this change are:

- Sends a signal to the owners of vacant township land across the shire that Council wants to encourage development on vacant land situated within townships
- Encourages new residential development in close proximity to existing township services (retail, health, transport, waste and recycling collections, etc), and existing infrastructure (electricity, reticulated water, wastewater disposal, telecommunications, etc)
- Sets the rates at a level that is still significantly below the average vacant land differential rate of our neighbouring Councils
- Demonstrates to our community that Council has heard and acted on their concerns about the high number of undeveloped land parcels situated within townships in the Shire

Disadvantages of this change are:

- Delivers an increase in rates to the owners of vacant township land.

Financial impacts of raising vacant land township to 150% of the general differential rate are:

- The owners of vacant land township properties would pay \$142,272 more rates in total, and the owners of all other properties would pay \$142,272 less rates in total.
- Owners of vacant land township properties would pay:
  - an extra \$93 or \$1.78 per week on a low value (10<sup>th</sup> percentile) property valued at \$133,000
  - an extra \$168 or \$3.23 per week on an average value (50<sup>th</sup> percentile) property valued at \$241,000
  - an extra \$324 or \$6.23 per week on a high value (90<sup>th</sup> percentile) property valued at \$465,000
- All other property owners would pay 0.78% less rates or an average of \$13.05 per property per year.

After thorough consideration of this possible change to the differential rating system it was concluded that that increasing the vacant land township differential rate to 150% of the general differential rate was a possible change to the differential rating system that should be presented to the community for consideration.

### **Community engagement**

The proposed changes will require significant community engagement. A comprehensive community engagement plan which sets out in detail the community

engagement proposed for this project has been developed. The attached background paper and community engagement paper are the proposed documents to be used in the community engagement process.

## **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations.

## **GOVERNANCE ISSUES**

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

## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

## **FINANCIAL IMPLICATIONS**

The financial implications of proposed changes are detailed in the body of this report.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Community or stakeholder engagement implications associated with this report have been assessed. A community engagement plan has been completed and community engagement will only be undertaken if Council resolves that it wishes to engage with the community on any proposed changes to the differential rating system. The community engagement plan sets out the proposed community engagement process.

# Hepburn

SHIRE COUNCIL



Possible changes to Council's  
differential rating system

## Community Engagement 2022

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## ACKNOWLEDGEMENT OF COUNTRY

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age-old ceremonies of celebration, initiation and renewal.

We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving.

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

# Why are we having this discussion with our community?

During community engagement on the Draft Revenue and Rating Plan ([insert hyperlink to Adopted Revenue and Rating plan on our website](#)) held in the autumn of 2021, community members raised some concerns with the current Differential Rating Strategy and identified a number of possible changes that could be investigated.

The seven possible changes to rating differentials are as follows:

- Provide a lower concession for recreational land properties which are able to generate significant income
- Introduce a higher differential rate for residential properties that are used for short-term accommodation
- Introduce a lower differential rate for residential properties used for social housing
- Introduce a higher differential rate for commercial, industrial and mixed-use properties to reflect their greater capacity to pay rates and charges
- Introduce a lower differential for farmland properties that undertake sustainable farming practices
- Introduce a higher differential rate for vacant land
- Introduce a higher differential rate for vacant properties.

## Will Council collect more rates if it makes changes?

Changing the differential rating strategy has NO IMPACT on the total amount of rates income raised by Council.

## More information?

Council has produced a "Possible changes to Council's differential rating system background paper" which provides far greater detail on the possible changes.



# Council Rates

## What are rates?

The Local Government Act enables all Councils to raise rates on properties in their municipality.

The 2020 State Government Rating System Review recommended that the Local Government Act 1989 be amended to describe rates as **a tax for local government purposes**. Unlike other taxation systems of the State and Commonwealth Governments, the rating system in Victoria is applied by 79 independent Councils.

## Who controls rate increases?

The Victorian Government Fair Go Rates System sets the maximum amount that Council may increase rates each year, and this is referred to as the "rate cap". The Minister for Local Government sets the rate cap independent of Councils, annually in December. For the 2022/2023 financial year the rate cap has been set at 1.75%.

## Who values my property?

The Valuer-General Victoria values every property in each of Victoria's 79 Councils each year, using a standardised methodology.

## What determines how much each property owner pays?

Property values are used as the basis for distributing the total rates to be raised by Council across all property owners in our Shire.

The "rate cap" sets the total amount of rates that Council can raise – this essentially determines the size of the rates "pie". The individual valuation of each property is then used to determine how much each property owner pays in rates on their property. Property valuations is the tool used to rate "cut" our rates "pie" into 11,500 individual "slices", where a "slice" represents the amount of rates paid by the owner of each property.



Property valuations is the tool used to rate "cut" our rates "pie" into 11,500 individual "slices".



# Options for Change 1

## Introduce a higher differential rate for residential properties that are used for short-term accommodation

Council is considering introducing a new differential rating category for residential properties that are used for short-term accommodation because of the long-term housing availability crisis in the Shire, and residential properties that are used for short-term accommodation:

- reduce the number of dwellings available for permanent residents, thereby driving up the price of rental accommodation, and reducing the ability of people to live permanently in our Shire
- are occupied by tourists who require a level of Council services different to those which would otherwise be provided to the local community
- are commercial businesses that can claim their rates as an income tax deduction.

It is proposed that the new differential rate for residential properties that are used for short-term accommodation be set at 150% of the general differential rate, up from the current rate of 116% of the general differential rate.

### Benefits of this change are:

- Sends a signal to the owners of these properties that Council would prefer them to move onto the long-term rental accommodation market

- Sets the rates at a level comparable to the after-tax level of rates paid by owner-occupiers of residential properties who can't claim their rates as tax deductions

- Sets the rates at a level comparable to the average commercial differential rate of our neighbouring Councils

- Demonstrates to our community that Council has heard and acted on their concerns about the high number of residential properties used as short-term accommodation businesses

### Disadvantages of this change are:

- Significant cost increase on businesses that were hard hit by the COVID-19 pandemic
- Could be perceived as Council being "anti-tourism".

### Financial impacts of this change are:

- The owners of residential properties that are used for short-term accommodation would pay \$315,203 more rates in total, and the owners of all other properties would pay \$315,203 less rates in total.

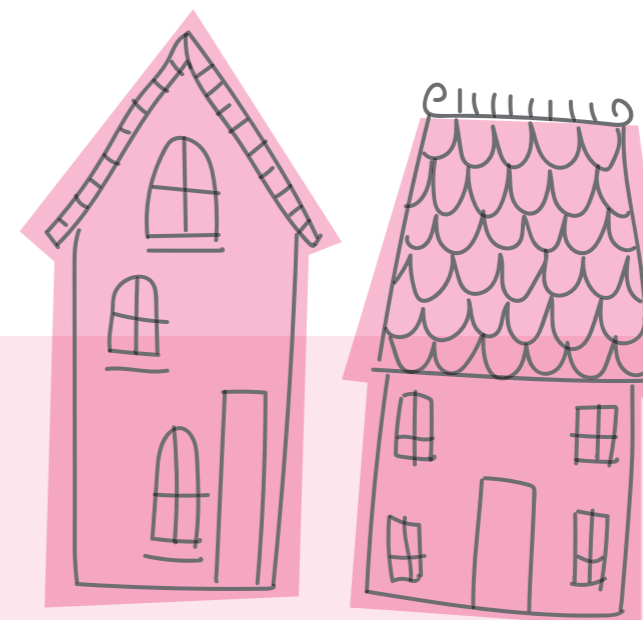
- Owners of residential properties that are used for short-term accommodation would pay:

> an extra \$372 or \$7.15 per week on a low value (10th percentile) property valued at \$405,000

> an extra \$578 or \$11.12 per week on an average value (50th percentile) property valued at \$630,000

> an extra \$945 or \$18.17 per week on a high value (90th percentile) property valued at \$1,030,000

- All other property owners would pay 1.8% less rates or an average of \$28.35 per property per year.



### FINANCIAL IMPACTS OF THIS CHANGE ARE:



### OWNERS OF RESIDENTIAL PROPERTIES THAT ARE USED FOR SHORT-TERM ACCOMMODATION WOULD PAY:



# Options for Change 2

## Introduce a lower differential rate for residential properties used for social housing

Council is considering introducing a new differential rating category for non-government residential properties that are used wholly for the provision of social housing because it wishes to encourage the provision of social housing in the Shire.

It is proposed that the new differential rate for non-government residential properties that are used wholly for the provision of social housing be set at 0% of the general differential rate, down from the current rate of 100% of the general differential rate.

Benefits of this change are:

- Sends a signal to the Victorian social housing sector that Council is supportive of social housing in our Shire
- Provides rate relief for non-profit organisations whose purpose Council highly values
- Council taking action on this issue prior to the State government potentially legislating a similar change

• Demonstrates to our community that Council has heard and acted on their concerns about the shortage of social housing residential properties in our Shire

**Disadvantages of this change are:**

- Increases the rate burden on all other properties by an average of \$1.00 per year.

**Financial impacts of this change are:**

- The registered housing agency owners of residential properties that are used wholly for the provision of social housing would pay \$11,649 less rates in total, and the owners of all other properties would pay \$11,649 more rates in total.

- The registered housing agency owners of residential properties that are used wholly for the provision of social housing would pay on average \$613 less rates per property per year.

- All other property owners would pay 0.04% more rates or an average of \$1.00 per property per year.



**FINANCIAL IMPACTS OF THIS CHANGE ARE:**

THE REGISTERED HOUSING AGENCY OWNERS OF RESIDENTIAL PROPERTIES THAT ARE USED WHOLLY FOR THE PROVISION OF SOCIAL HOUSING WOULD PAY **\$11,649 LESS RATES** IN TOTAL

THE OWNERS OF ALL OTHER PROPERTIES WOULD PAY **\$11,649 MORE RATES** IN TOTAL

THE REGISTERED HOUSING AGENCY OWNERS OF RESIDENTIAL PROPERTIES THAT ARE USED WHOLLY FOR THE PROVISION OF SOCIAL HOUSING WOULD PAY ON AVERAGE **\$613 LESS RATES** PER PROPERTY PER YEAR

ALL OTHER PROPERTY OWNERS WOULD PAY **0.04% MORE RATES** OR AN AVERAGE OF **\$1.00** PER PROPERTY PER YEAR

# Options for Change 3

## Introduce a lower differential for farmland properties that undertake sustainable farming practices

Council is considering the introduction of a lower differential rate for farmland properties that undertake sustainable farming practices, as a way of supporting farmers whose land management philosophy closely aligns with the Council plan focus of a resilient, sustainable and protected environment, and in response to our community making Sustainability the number one focus of the Council Plan.

The chosen objective for this differential rate is "to encourage the management of farmland under a certified system to ensure that farm ecological systems are sustainable for both current and future generations", and the intention is that this differential rate would apply to those farm enterprises that are certified with one of the following organisations:

- Australian Certified Organic – [www.aco.net.au](http://www.aco.net.au)
- Australian Demeter Bio-Dynamic – [www.demeterbiodynamic.com.au](http://www.demeterbiodynamic.com.au)
- The National Association for Sustainable Agriculture Australia – [www.nasaaorganic.org.au](http://www.nasaaorganic.org.au)
- Southern Cross Certified – [www.sxcertified.com.au](http://www.sxcertified.com.au)

It is proposed that the new differential rate for certified farming properties be set at 50% of the general differential rate, down from the current rate of 65% of the general differential rate.

### Benefits of this change are:

- Sends a signal to the farming sector that Council is supportive of management of farmland under certified systems that are ecologically sustainable
- Provides rate relief for farms who have undertaken a rigorous and costly certification journey
- Demonstrates to our community that Council has heard and acted on their concerns about protecting our environment and takes the issue of sustainability seriously
- Eligibility for this differential rate relies on evidence of third-party certification, therefore, is clear and simple for Council staff to administer

### Disadvantages of this change are:

- The narrow eligibility for this differential rate may exclude some farm properties that are achieving similar outcomes as those being achieved by certified farmers

### Financial impacts of this change are:

- None of the four certification websites listed above allow searches for certified organisations by shire or township/locality, so quickly identifying the number of certified farm enterprises in the shire was not possible.

- In order to create an indicative model of the impact of introducing a differential for farmland properties that undertake sustainable farming practices, a level of 5% of the farmland CIV was taken for illustrative purposes, with the impact as follows:

- > The owners of certified farming properties would pay approximately \$25,000 less rates in total, and the owners of all other properties would pay \$25,000 more rates in total.
- > All other property owners would pay 0.10% more rates or an average of \$2.16 per property per year.



### FINANCIAL IMPACTS OF THIS CHANGE ARE:

<p>THE OWNERS OF CERTIFIED FARMING PROPERTIES WOULD PAY APPROXIMATELY</p> <p style="font-size: 2em; text-align: center;">\$25,000</p> <p style="text-align: center;"><b>LESS RATES</b> IN TOTAL</p>	<p>THE OWNERS OF ALL OTHER PROPERTIES WOULD PAY</p> <p style="font-size: 2em; text-align: center;">\$25,000</p> <p style="text-align: center;"><b>MORE RATES</b> IN TOTAL</p>
<p>ALL OTHER PROPERTY OWNERS WOULD PAY <b>0.10% MORE RATES</b> OR AN AVERAGE OF <b>\$2.16</b> PER PROPERTY PER YEAR</p>	

# Options for Change 4

## Introduce a higher differential rate for vacant land township

Council is considering introducing a higher differential rate for all vacant land township properties in order to encourage the development of vacant township land, which then has a positive effect on growing local housing stock, communities, employment and income.

It is proposed that the differential rate for vacant land township properties be set at 150% of the general differential rate, up from the current rate of 125% of the general differential rate.

### Benefits of this change are:

- Sends a signal to the owners of vacant township land across the shire that Council wants to encourage development on vacant land situated within townships
- Encourages new residential development in close proximity to existing township services (retail, health, transport, waste and recycling collections, etc), and existing infrastructure (electricity, reticulated water, wastewater disposal, telecommunications, etc.)

- Sets the rates at a level that is still significantly below the average vacant land differential rate of our neighbouring Councils
- Demonstrates to our community that Council has heard and acted on their concerns about the high number of undeveloped land parcels situated within townships in the Shire

### Disadvantages of this change are:

- Delivers an increase in rates to the owners of vacant township land

### Financial impacts of this change are:

- The owners of vacant land township properties would pay \$142,272 more rates in total, and

the owners of all other properties would pay \$142,272 less rates in total

- Owners of vacant land township properties would pay:

- > an extra \$93 or \$1.78 per week on a low value (10th percentile) property valued at \$133,000
- > an extra \$168 or \$3.23 per week on an average value (50th percentile) property valued at \$241,000
- > an extra \$324 or \$6.23 per week on a high value (90th percentile) property valued at \$465,000
- All other property owners would pay 0.78% less rates or an average of \$13.05 per property per year.



### FINANCIAL IMPACTS OF THIS CHANGE ARE:

<p>THE OWNERS OF VACANT LAND TOWNSHIP PROPERTIES WOULD PAY</p> <p style="font-size: 2em; text-align: center;">\$142,272</p> <p style="text-align: center;"><b>MORE RATES</b> IN TOTAL</p>	<p>THE OWNERS OF ALL OTHER PROPERTIES WOULD PAY</p> <p style="font-size: 2em; text-align: center;">\$142,272</p> <p style="text-align: center;"><b>LESS RATES</b> IN TOTAL</p>
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### OWNERS OF VACANT LAND TOWNSHIP PROPERTIES WOULD PAY:

<p>AN EXTRA</p> <p style="font-size: 2em; text-align: center;">\$93</p> <p>or \$1.78 p.w. on an</p> <p style="text-align: center;"><b>LOW VALUE</b> PROPERTY VALUED AT</p> <p style="font-size: 2em; text-align: center;">\$133,000</p>	<p>AN EXTRA</p> <p style="font-size: 2em; text-align: center;">\$168</p> <p>or \$3.23 p.w. on an</p> <p style="text-align: center;"><b>AVERAGE VALUE</b> PROPERTY VALUED AT</p> <p style="font-size: 2em; text-align: center;">\$241,000</p>	<p>AN EXTRA</p> <p style="font-size: 2em; text-align: center;">\$324</p> <p>or \$6.23 p.w. on an</p> <p style="text-align: center;"><b>AVERAGE VALUE</b> PROPERTY VALUED AT</p> <p style="font-size: 2em; text-align: center;">\$465,000</p>
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<p>ALL PROPERTY OWNERS WOULD PAY</p>	<p style="font-size: 2em; text-align: center;">0.78% <b>LESS RATES</b></p>	<p>OR AN AVERAGE OF</p>	<p style="font-size: 2em; text-align: center;">\$13.05</p>	<p>PER PROPERTY PER YEAR</p>
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# Feedback required

Proposal	Support (yes or no)	Why you feel this way
Introducing a new differential rate for residential properties that are used for short-term accommodation set at 150% of the general differential rate?		
Introducing a new differential rating category for non-government residential properties that are used wholly for the provision of social housing set at 0% of the general differential rate?		
Introducing a new differential rating category for certified farming properties set at 50% of the general differential rate?		
Raising the differential rate for vacant land township properties to 150% of the general differential rate?		
Any other comments?		



PO Box 21 Daylesford 3460  
P: 03 5348 2306

shire@hepburn.vic.gov.au  
www.hepburn.vic.gov.au  
 www.facebook.com/hepburncouncil

DAYLESFORD

Cnr. Duke & Albert Streets,  
Daylesford  
8:30am – 5:00pm

CRESWICK

Creswick Hub  
68 Albert Street, Creswick  
8:30am – 5:00pm

TRENTHAM

13 Albert Street, Trentham  
Mon, Wed, Fri 10am-5pm  
Sat 10am-1pm

CLUNES

The Warehouse – Clunes  
36 Fraser Street, Clunes  
Mon & Thurs 10am – 6pm  
Wed & Fri 10am – 4pm

## **14.2 CREDIT CARD FACILITY LIMIT INCREASE DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Manager Finance, I Kathy Fulton have no interests to disclose in this report.*

### **ATTACHMENTS**

- Nil

### **EXECUTIVE SUMMARY**

This report is to request council to authorise the CEO to sign documentation to increase Council's credit card facility limit from \$50,000 to \$150,000. The current limit does not allow requests for new cards or limit increases to be actioned.

This authority is required as the credit card facility must be treated as 'borrowings' for the purposes of the Local Government Act 2020 and requires a council resolution.

Card and transactions limits by position have recently been reviewed and updated in the Credit Card policy approved on 21 September 2021.

### **OFFICER'S RECOMMENDATION**

*That Council:*

- 1. authorises the CEO to sign documentation to increase the credit card facility limit.*

### **MOTION**

*That Council authorises the CEO to sign documentation to increase the credit card facility limit to \$150,000.*

**Moved:** Cr Jen Bray

**Seconded:** Cr Lesley Hewitt

**Carried**

### **BACKGROUND**

Council currently has a credit card facility limit of \$50,000 which is fully utilised, and officers do not have the ability to issue new cards or increase card limits when requested. Council currently has 28 cards issued against this facility.

The credit card policy adopted on 21 September 2021 increased card and transaction limits by position to provide greater flexibility for purchases as outlined in the policy.

The use of corporate credit cards is an efficient and cheap process to facilitate council purchases as prescribed in the policy.

The credit card facility must be treated as borrowings due to the conditions associated with the facility and requires a council resolution for an increase to be applied for.

## **KEY ISSUES**

The current credit card facility limit of \$50,000 does not allow new card applications or card limit increase requests to be processed.

The total card limits by position in the Credit Card policy are greater than the current limit on the council credit card facility.

The new limit being requested is \$150,000.

## **POLICY AND STATUTORY IMPLICATIONS**

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

## **GOVERNANCE ISSUES**

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

## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

### **14.3 INSTRUMENTS OF APPOINTMENTS TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Acting Manager Governance and Risk, I Rebecca Smith have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. S11A Instrument of appointment authorisation Planning and Environment Act - April 2022 [14.3.1 - 1 page]

#### **EXECUTIVE SUMMARY**

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

Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks Authorisations and Delegations Service, which Council subscribes to.

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

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

*That Council:*

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*
  - a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
  - b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

#### **MOTION**

*That Council:*

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*
  - a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
  - b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Don Henderson



**Carried**

## **BACKGROUND**

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

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

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.

The instruments have been prepared in consultation the internal departments of Council.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* will be executed by the Chief Executive Officer as per legislation.

## **KEY ISSUES**

### ***Planning and Environment Act 1989***

There a no legislative changes to the authorisation under the *Planning and Environment Act 1989*. The instrument has been updated in line with the revised organisation structure.

Powers are delegated to individuals, not positions.

### ***Environment Protection Act 2017***

The s18 Instrument of Delegation confers powers of the Environment Protection Authority from Council to members of Council staff. This Instrument of Appointment and Authorisation allows authorised officer to exercise powers held by the Environment Protection Authority under the Environment Protection Act 2017, specifically relating to:

- onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- noise from the construction, demolition or removal of residential premises.

Now that powers from the Environment Protection Authority have been delegated to the CEO under the s5 Instrument of Delegation, the CEO can execute the Instruments of authorisation under this Act moving forward.

Powers are delegated to individuals, not positions.

### ***Other Appointments and Authorisations***

There are a number of amendments, mostly administrative, to the S11 Instrument of Appointment and Authorisation. The changes impact on a number of appointments, including under the *Food Act 1984*, the *Environment Protection Act 2017*, the *Graffiti Prevention Act 2007*, and the *Domestic Animals Act 1994*. To account for these changes, all Environmental Health and Community Safety Officer instruments will be updated and actioned to the CEO for approval.

There is also a legislative update to provisions under the *Land Act 1958*, specifying that authorisation requires ministerial consent.

## **POLICY AND STATUTORY IMPLICATIONS**

### *Council Plan 2021-2025*

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

## **GOVERNANCE ISSUES**

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

## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **RISK IMPLICATIONS**

There are no risk implications associated with this report.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

This Instrument of Appointment and Authorisation has been prepared following feedback from Planning and Development Department. There are no other community or stakeholder engagement implications or requirements associated with this report.

For transparency purposes, Council is required to prepare a register of Instruments of Appointment to Authorised Officers and Delegations on Council's website.

## ***S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)***

### **Hepburn Shire Council**

#### **Instrument of Appointment and Authorisation (*Planning and Environment Act 1987* only)**

In this Instrument 'officer' means –

**Bronwyn Southee – Manager Planning and Development**  
**Wallie Cron – Coordinator Statutory Planning**  
**Brayden Crutchfield – Statutory Planner**  
**Lipi Patel – Statutory Planner**  
**Caroline Reisacher – Strategic Planner**  
**Alicia Cooper-Wallis - Administration Support Statutory Planning**  
**Jack Morales – Administration Support Strategic Planning**

**By this instrument of appointment and authorisation Hepburn Shire Council -**

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Hepburn Shire Council on <Date>

This Instrument is made by the Chief Executive Officer of Hepburn Shire Council in the exercise of his authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on <Date>.

**Bradley Thomas**  
**Chief Executive Officer**  
**Hepburn Shire Council**

Date:

#### **14.4 REVISION OF INSTRUMENTS OF DELEGATION FROM COUNCIL TO THE CEO (S5) AND COUNCIL TO COUNCIL STAFF (S6) DIRECTOR ORGANISATIONAL SERVICES**

*In providing this advice to Council as the Acting Manager Governance and Risk, I Rebecca Smith have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Instrument of Delegation Council to CEO (s5) - January 2022 - DRAFT [14.4.1 - 4 pages]
2. Instrument of Delegation Council to Council Staff (s5) - January 2022 - DRAFT [14.4.2 - 110 pages]

#### **EXECUTIVE SUMMARY**

Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enable the business of Council to be carried out efficiently and in line with Council approved policies.

The previous Instrument of Delegation to the CEO and the Instrument of Delegation to Members of Council Staff were executed on 21 September 2021.

The revised instruments reflect staffing changes in the organisation, along with legislative changes and amendments suggested by Maddocks as part of their continual review processes.

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

*That Council:*

1. *In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:*
  - a. *There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;*
  - b. *The instrument comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer and the Mayor;*
  - c. *On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;*
  - d. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:*

- a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
- b. *The instrument comes into force immediately upon resolution of Council and is to be signed by the Council's Chief Executive Officer and the Mayor;*
- c. *On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;*
- d. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

## **MOTION**

*That Council:*

1. *In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:*
  - a. *There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;*
  - b. *The instrument comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer and the Mayor;*
  - c. *On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;*
  - d. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:*
  - a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*

- b. *The instrument comes into force immediately upon resolution of Council and is to be signed by the Council's Chief Executive Officer and the Mayor;*
- c. *On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;*
- d. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Brian Hood

**Carried**

## **BACKGROUND**

Instruments of Delegation represent the formal delegation of powers by Council. Section 11(1)(b) of the *Local Government Act 2020* (the Act) provides for a Council to delegate powers, duties and functions to its CEO under the Act or any other Act, other than certain specified powers.

Delegations enable the business of Council to be carried out effectively, in line with Council approved policies and are assigned to positions within Council, rather than to staff individually. When executing powers under delegation, staff are also limited and bound by Council policies and procedures.

Section 11 of the Act specifies a number of powers, duties and functions that must be specified through Instruments of Delegation, along with a number of exclusions to what can be delegated to the CEO:

*(1) A Council may by instrument of delegation delegate to—*

- (a) the members of a delegated committee; or*
- (b) the Chief Executive Officer— any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).*

*(2) The following are specified for the purposes of subsection (1)—*

- (a) the power of delegation;*
- (b) the power to elect a Mayor or Deputy Mayor;*
- (c) the power to grant a reasonable request for leave under section 35;*
- (d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;*

- (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;*
- (f) the power to approve or amend the Council Plan;*
- (g) the power to adopt or amend any policy that the Council is required to adopt under this Act;*
- (h) the power to adopt or amend the Governance Rules;*
- (i) the power to appoint the chair or the members to a delegated committee;*
- (j) the power to make, amend or revoke a local law;*
- (k) the power to approve the budget or revised budget;*
- (l) the power to borrow money;*
- (m) subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;*
- (n) any power, duty or function prescribed by the regulations for the purposes of this subsection.*

*(3) A Council may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period not exceeding 28 days.*

*(4) A delegation may be made subject to any conditions or limitations specified in the instrument of delegation.*

*(5) A delegation that includes the power to enter into a contract or make any expenditure must specify a maximum monetary limit that cannot be exceeded.*

*(6) A member of a delegated committee to whom a delegation is given under subsection (1)(a) can only exercise the delegation while acting as a member of the delegated committee at a meeting of the delegated committee.*

*(7) A Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force.*

*(8) A Council must keep a public register of delegations made under this section*

The current Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff were executed on 21 September 2021.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which are then tailored to organisational requirements. Maddocks have informed Council about the legislative changes that affect the powers, duties and functions of Council.

The following table provides an overview of Council's Instruments of Delegation, what powers are delegated, and what approval is required:

## **Delegation from Council**

*Require resolution of Council*

**Schedule 5** – Delegation from Council to the CEO under the *Local Government Act 2020*

*Includes delegations required and excluded under the Local Government Act 2020*

**Schedule 6** – Delegation from Council to Council Staff under various Acts

*Powers are delegated direct to officers under the following Acts:*

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
- *Road Management (General) Regulations 2016*
- *Road Management (Works and Infrastructure) Regulations 2015*

**Schedule 18** - New Instrument of Delegation Environment Protection Authority powers from Council to members of Council staff

*Allows authorised officer to exercise powers held by the Environment Protection Authority under the Environment Protection Act 2017, specifically relating to:*

- *onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and*
- *noise from the construction, demolition or removal of residential premises.*



## **Delegation from the CEO**

*To be determined by the CEO*

**Schedule 7** – Sub-delegation from the CEO to Council Staff under various Acts

*Powers, as delegated to the CEO by Council or under various Acts, are sub-delegated to Council Staff under various Acts and through administrative powers.*

**Schedule 13** – delegation directly from the CEO to Council Staff under various Acts

**Schedule 14** – delegation from the CEO to Council Staff related to VicSmart applications

**Schedule 16** – delegation from the CEO to Council Staff related to bushfire reconstruction

## **KEY ISSUES**

### **Instrument of Delegation to Chief Executive Officer (S5) – to be adopted by Council**

There are no legislative changes advised by Maddocks for this instrument. The Instrument is based upon the Maddocks template, and continues the delegations approved in September 2021.

### **Instrument of Delegation to Members of Staff (S6) – to be adopted by Council**

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in September 2021. This revision has also been updated to include recent position changes in the Organisational Development Directorate.

The Instrument has been revised to take into account recent legislative changes and to provide further clarity on officer powers.

Amendments to the delegated powers, duties and functions in the revised Instrument of Delegation to Members of Council Staff are largely administrative in nature and will not result in any significant changes to current practices.

The revised instrument is attached. In summary, the legislative changes to the revised Instrument of Delegation are:

- Minor additions to the Food Act 1984, and;
- Removal of requirements under the Residential Tenancies Act 1997 relating to room houses. These have been placed under CEO delegation and now appear in the Instrument of Sub-Delegation by CEO (S7).

### **Instrument of Delegation Environment Protection Authority powers from Council to members of Council staff (S18)**

This Instrument that was adopted for the first time in September 2021, resulting from the enacting of the *Environment Protection Act 2017*, and allows authorised officer to exercise powers held by the Environment Protection Authority under the *Environment Protection Act 2017*, specifically relating to:

- onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- noise from the construction, demolition or removal of residential premises.

There are no legislative changes to this instrument in this update, so it has not been included.

### **Instruments of Delegation to be authorised by the CEO**

The following instruments have been authorised by the CEO:

#### *Instrument of Sub-Delegation by CEO (S7)*

Section 47 of the 2020 Act provides the CEO the power to sub-delegate any powers, duties or functions that has been delegated to them to members of Council staff. These powers, duties or functions may be delegated to a named person or to the holder of a specified position.

The revised Instrument of Sub-Delegation provided refers to both the 2020 Act and the 1989 Act. This is because the 1989 Act is intended to continue in force, with some provisions surviving until the 2020 Act is, or other Acts are, amended.

The Instrument sets out the commencement date of the new provisions of the 2020 Act and the date by which the provisions of the 1989 Act will be repealed. Where no date is specified against provisions of the 1989 Act, this means no current repeal date is set and the provisions continue.

#### *Instrument of Delegation by CEO of CEO powers, duties and functions to Members of Council Staff (S13)*

This instrument allows the CEO to delegate powers, duties and functions existing under all Victorian legislation. This differs to the Instrument of Sub-Delegation by CEO (S7) in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.

Amendments have been made to this instrument in line with the Environment Protection Act 2017 and new provisions for the *Local Government Act 2020* that have come into effect.

This instrument has been updated to allow the recruitment and appointment of existing roles to be approved by managers.

#### *Instrument of Delegation by CEO for VicSmart Applications (S14)*

The revised Instrument of Delegation by CEO for VicSmart Applications (S14) is based upon the previous Instrument considered by Council in September 2021. The S14

Instrument has been updated to reflect staffing changes and there are no legislated changes required to this instrument at this time.

#### *Instrument of Delegation by CEO for Bushfire Reconstruction (S16)*

This provides for the CEO to delegate their powers as a responsible authority under the *Planning and Environment Act 1987* in relation to bushfire reconstruction applications in light of Amendment VC179.

The Instrument has been updated to reflect staffing changes. There are no legislated changes required to this instrument at this time.

### **POLICY AND STATUTORY IMPLICATIONS**

#### *Council Plan 2021-2025*

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

Amendments to the delegated powers, duties, and functions in the revised Instrument of Delegation to Members of Council Staff are administrative in nature and will not result in any significant changes to current practices.

It is noted that the instruments provide that a power, duty, or function may only be exercised in accordance with adopted policies of Council.

### **GOVERNANCE ISSUES**

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

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK IMPLICATIONS**

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.

If the Council did not delegate duties, powers, and functions to members of Council staff and enable the CEO to do the same, Council would not be able to manage the volume of work and decisions that are effectively carried out by officers every day.

Appropriate conferring of powers to positions within Council also enables decisions that are made on a day-to-day basis to be compliant and reduce the opportunity to be challenged from an authorising environment perspective.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The revised Instruments of Delegation have been prepared based on current advice provided by Council's solicitor Maddocks.

Consultation has occurred with Managers, Coordinators, and relevant staff during the preparation of the revised Instruments of Delegation to ensure that appropriate staff delegates have been nominated.

Appropriate communications with the Leadership Group will occur to ensure all staff are made aware of the changes to the Instruments if adopted by Council.

***S5 Instrument of Delegation to Chief Executive Officer***

**Hepburn Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

## Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Hepburn Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on <date>
2. the delegation
  - 2.1 comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

**Signed** by the Chief Executive Officer of Council  
in the presence of:

)  
) Mr Bradley Thomas

.....  
Witness

Date: <date>

**Signed** by the Mayor in the presence of:

)  
) Mayor Timothy Drylie

.....  
Witness

Date: <date>

## SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 awarding a contract or making an expenditure exceeding the value of \$300,000, excluding GST, with approved budget;
  - 1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.3 electing a Mayor or Deputy Mayor
  - 1.4 granting a reasonable request for leave under s35 of the Act;
  - 1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.6 approving or amending to the Council Plan;
  - 1.7 adopting or amending of any policy that Council is required to adopt under the Act;
  - 1.8 adopting or amending of the Governance Rules
  - 1.9 appointing the chair or the members to a delegated committee;
  - 1.10 making, amending or revoking a local law;
  - 1.11 approving the budget or revised budget;
  - 1.12 approving the borrowing of money;
  - 1.13 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 4.1 policy; or
  - 4.2 strategy  
adopted by Council
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



***S6 Instrument of Delegation – Members of Staff***

**Hepburn Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**January 2022**

## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

<b>Not Delegated</b>	<b>means not delegated below Chief Executive Officer</b>
<b>CEO</b>	<b>means Chief Executive Officer (Including Interim or Acting)</b>
<b>DOAS</b>	<b>means Director Organisational Services</b>
<b>DCAD</b>	<b>means Director Community and Development</b>
<b>DIAD</b>	<b>means Director Infrastructure and Delivery</b>
<b>All D</b>	<b>means All Directors</b>
<b>All M</b>	<b>means All Managers</b>
<b>All S</b>	<b>means All Supervisors with reports</b>
<b>All</b>	<b>means All Staff</b>
<b>ACC</b>	<b>means Accountant</b>
<b>AMS</b>	<b>means Assessment Management Specialist</b>
<b><u>ASBS</u></b>	<b><u>means Assistant Building Surveyor</u></b>
<b>BAS</b>	<b>means Building Administrator Support</b>
<b>BCSA</b>	<b>means Building and Community Safety Administration</b>
<b>BUI</b>	<b>means Building Inspector</b>
<b>CCC</b>	<b>means Coordinator Community Care</b>
<b>CCE</b>	<b>means Coordinator Customer Experience</b>
<b>CCP</b>	<b>means Coordinator Community Partnerships</b>
<b>CED</b>	<b>means Coordinator Economic Development</b>
<b>CENG</b>	<b>means Coordinator Engineering</b>
<b>CEYHC</b>	<b>means Coordinator Early Years and Healthy Communities</b>
<b>CF</b>	<b>means Coordinator Facilities</b>

<b>CFS</b>	means Coordinator Financial Services
<b>CGE</b>	means Coordinator Governance
<b>CHCS</b>	means Coordinator Health and Community Safety
<b>CIMO</b>	Corporate Information Management Officer
<b>CO</b>	means Communications Officer
<b>CSAP</b>	means Coordinator <u>Statutory</u> Planning
<b><u>CSRP</u></b>	<b><u>means Coordinator Strategic Planning</u></b>
<b>CPAC</b>	means Coordinator People and Culture
<b>CPOS</b>	means Coordinator Parks and Open Space
<b>CSAR</b>	means Coordinator Sport and Active Recreation
<b>CSDE</b>	means Civil and Survey Design Engineer
<b>CSO</b>	means Customer Service Officer
<b>CSTL</b>	means Customer Service Team Leader
<b>CSY</b>	means Community Safety Officer
<b>CW</b>	means Coordinator Waste
<b>CWK</b>	means Coordinator Works
<b>DSEO</b>	means Development Services Enforcement Officer
<b>EHO</b>	means Environment Health Officer
<b>EHTO</b>	means Environment Health Technical Officer
<b>EMO</b>	means Emergency Management Officer
<b>ENGO</b>	means Engineering Officer
<b>GAD</b>	means Governance Advisor
<b>GPDO</b>	means Grants and Projects Development Officer
<b>HO</b>	means Heritage Officer
<b>IFO</b>	means Information Officers
<b>MBS</b>	means Municipal Building Surveyor
<b>MCL</b>	means Manager Community Life
<b><u>MCP</u></b>	<b><u>means Manager Culture and Performance</u></b>
<b>MEDR</b>	means Manager Economic Development and Recreation

<b>MEMO Officer</b>	means Municipal Emergency Management Officer
<b>MERR</b>	means Manager Emergency Response and Recovery
<b>MFPO</b>	means Municipal Fire Prevention Officer
<b>MFS</b>	means Manager Financial Services
<b><u>MGR</u></b>	<b><u>means Manager Governance and Risk</u></b>
<b>MICT</b>	means Manager ICT
<b>MOPS</b>	means Manager Operations
<b>MPAD</b>	means Manager Planning and Development
<b><u>MPCG</u></b>	<b><u>means Manager People and Culture</u></b>
<b><u>MGR</u></b>	<b><u>means Manager and Governance and Risk</u></b>
<b>MPS</b>	means Manager Projects
<b>MRM</b>	means Municipal Recovery Manager
<b>MTL</b>	means Maintenance Team Leaders
<b>MWFC</b>	means Manager Waste, Facilities and Community Safety
<b>PAO</b>	means Planning Administration Officer
<b>PIRO</b>	means Procurement Insurance and Risk Officer
<b>PIRS</b>	means Procurement, Insurance and Risk Specialist
<b>PSP</b>	means Principal Strategic Planner
<b>RO</b>	means Revenue Officer
<b>SAP</b>	means Statutory Planner
<b>SARDO</b>	means Sport and Active Recreation Development Officer
<b>SARO</b>	means Sport and Active Recreation Officer
<b>SRO</b>	means Senior Rates Officer
<b>SRP</b>	means Strategic Planner
<b>SSF</b>	means Safety Systems Facilitator
<b>SUO</b>	means Subdivision Officer
<b>TLCC</b>	means Team Leader Community Care

3. declares that:

- 3.1 this Instrument of Delegation is authorised by **"a resolution" or "resolutions"** of Council passed on ~~21 September 2021~~<date> and
- 3.2 the delegation:
  - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 3.2.2 remains in force until varied or revoked;
  - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
  - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
  - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed by:

.....  
Mayor Tim Drylie

.....  
Chief Executive Officer Bradley Thomas

# SCHEDULE

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<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	All D	
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	All D	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions	All D	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	Not applicable	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	Not applicable	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	All D	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	All D	
s 15(4)	Duty to keep records of delegations	All D, <b>MGRPG</b>	
s 17(1)	Power to employ any persons necessary	Not delegated	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	All D, <b>MGRPG</b>	



<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Power to determine the terms and conditions of employment or engagement	All D, <b>MCP</b> PG	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	All D, <b>MGR</b> PG	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	Not applicable	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	Not applicable	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Not applicable	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	Not applicable	Where Council is a Class A cemetery trust

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	Not applicable	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	Not applicable	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	Not applicable	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Not applicable	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable	Where Council is a Class A cemetery trust

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	Not applicable	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	All D, <b>MGRPG</b>	
s 20(1)	Duty to set aside areas for the interment of human remains	All D	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	All D	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	All D	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	All D	

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	Not delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	Not delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	All D, <b>MGRPG</b>	
ds 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Not applicable	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	All D, <b>MGRPG</b>	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	All D, <b>MGRPG</b>	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	All D, <b>MGRPG</b>	
s 60(2)	Power to charge fees for providing information	All D, <b>MGRPG</b>	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	All D	
s 64B(d)	Power to permit interments at a reopened cemetery	All D	

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Fs 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	Not delegated	The application must include the requirements listed in s 66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	All D	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	All D	
s 70(2)	Duty to make plans of existing place of interment available to the public	All D	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	All D	
s 71(2)	Power to dispose of any memorial or other structure removed	All D	
s 72(2)	Duty to comply with request received under s 72	All D	
s 73(1)	Power to grant a right of interment	All D, <b>MGRPG</b>	
s 73(2)	Power to impose conditions on the right of interment	All D, <b>MGRPG</b>	
<u>s 74</u>	<u>Duty to offer a perpetual right of interment</u>	<u>All D</u>	<u>Provision commences on 1 March 2022 unless proclaimed earlier</u>

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	All D, <u>MGRPG</u>	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	All D	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	Not delegated	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	All D, <u>MGRPG</u>	
s 80(2)	Function of recording transfer of right of interment	All D, <u>MGRPG</u>	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	All D, <u>MGRPG</u>	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment ( <del>sole holder</del> )	All D, <u>MGRPG</u>	<u>Reference to 'sole holder' will no longer apply from 1 March 2022</u>
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	All D, <u>MGRPG</u>	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	All D, <u>MGRPG</u>	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<u>s 84F(2)(d)</u>	<u>Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)</u>	<u>All D, MGR</u>	
<u>s 84H(4)</u>	<u>Power to exercise the rights of a holder of a right of interment</u>	<u>All D, MGRCP</u>	
<u>s 84I(5)</u>	<u>Duty to pay refund to the previous holder or holders of the right of interment</u>	<u>All D, MGRCP</u>	
<u>s 84I(6)(a)</u>	<u>Power to remove any memorial on the place of interment</u>	<u>All D, MGRCP</u>	
<u>s 84I(6)(b)</u>	<u>Power to grant right of interment under s 73</u>	<u>All D, MGRCP</u>	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	All D, <u>MGRCP</u> PG	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	All D, <u>MGR</u> PG	Does not apply where right of interment relates to remains of a deceased veteran.

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	Not delegated	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	Not delegated	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	Not delegated	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	Not delegated	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	Not delegated	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	Not delegated	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 86(5)	Duty to provide notification before taking action under s 86(4)	All D	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	All D	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	All D	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	All D	
s 91(1)	Power to cancel a right of interment in accordance with s 91	All D	
s 91(3)	Duty to publish notice of intention to cancel right of interment	All D	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	All D	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	All D, <b>MGRPG</b>	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	All D	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	All D	
s 100(1)	Power to require a person to remove memorials or places of interment	All D, <b>MGRPG</b>	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	All D	
s 100(3)	Power to recover costs of taking action under s 100(2)	All D	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	All D	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	Not delegated	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	Not delegated	
s 103(1)	Power to require a person to remove a building for ceremonies	Not delegated	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	All D	
s 103(3)	Power to recover costs of taking action under s 103(2)	All D	

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	All D, <u>MGRPG</u>	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	All D, <u>MGRPG</u>	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	All D, <u>MGRPG</u>	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	All D, <u>MGRPG</u>	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	All D, <u>MGRPG</u>	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	All D, <u>MGRPG</u>	
s 108	Power to recover costs and expenses	All D, <u>MGRPG</u>	
s 109(1)(a)	Power to open, examine and repair a place of interment	All D, <u>MGRPG</u>	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	All D, <u>MGRPG</u>	Where the holder of right of interment or responsible person cannot be found

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	All D, <u>MGRPG</u>	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	All D, <u>MGRPG</u>	
<u>s 110(1A)</u>	<u>Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary</u>	<u>All D, MGR</u>	<u>Provision commences on 1 March 2022</u>
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	All D, <u>MGRPG</u>	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	All D, <u>MGRPG</u>	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	All D, <u>MGRPG</u>	
s 112	Power to sell and supply memorials	Not delegated	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	All D, <u>MGRPG</u>	

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	All D, <u>MGRPG</u>	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	All D, <u>MGRPG</u>	
s 119	Power to set terms and conditions for interment authorisations	All D, <u>MGRPG</u>	
s 131	Function of receiving an application for cremation authorisation	Not applicable	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	Not applicable	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	All D, <u>MGRPG</u>	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	Not delegated	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	Not delegated	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	All D, <u>MGRPG</u>	

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	All D, <b>MGRPG</b>	
s 151	Function of receiving applications to inter or cremate body parts	All D, <b>MGRPG</b>	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	All D, <b>MGRPG</b>	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not delegated	
sch 1 cl 8(8)	Power to regulate own proceedings	Not delegated	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not applicable	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	Not applicable	Where Council is a Class A cemetery trust Subject to cl 8

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 41A(1)	Power to declare a dog to be a menacing dog	DCAD, MPAD, MWFC, CHCS, CEO, DOAS	Council may delegate this power to a Council authorised officer

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, DIAD, MWFC, CHCS, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, DIAD, MWFC, CHCS, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, DIAD, MWFC, CHCS, EHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, DIAD, MWFC, CHCS, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	CEO, DIAD, MWFC, CHCS, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, DIAD, MWFC, CHCS, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, DIAD, MWFC, CHCS, EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
<u>s 19EA(3)</u>	<u>Function of receiving copy of revised food safety program</u>	<u>CEO, DIAD, MWFC, CHCS, EHO, EHTO</u>	<u>Where Council is the registration authority</u>
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
<u>s19IA(1)</u>	<u>Power to form opinion that the food safety requirements or program are non-compliant.</u>	<u>CEO, DIAD, MWFC, CHCS, EHO, EHTO</u>	<u>Where Council is the registration authority</u>
<u>s 19IA(2)</u>	<u>Duty to give written notice to the proprietor of the premises</u>	<u>CEO, DIAD, MWFC, CHCS, EHO, EHTO</u>	<u>Where Council is the registration authority</u> <u>Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))</u>

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
<u>s 19N(2)</u>	<u>Function of receiving notice from the auditor</u>	<u>CEO, DIAD, MWFC, CHCS, EHO, EHTO</u>	<u>Where Council is the registration authority</u>
s 19NA(1)	Power to request food safety audit reports	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DIAD, MWFC, CHCS, EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, DIAD, MWFC, CHCS, EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
---	Power to register <del>or,</del> renew <del>or transfer</del> the registration <u>of a food premises</u>	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority Refusal to grant <del>or</del> /renew <del>the/transfer</del> registration <u>of a food premises</u> must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 38G(2)	<del>Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises</del> Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
<u>s 38G</u>	<u>Power to require the proprietor of the food premises to comply with any requirement of the Act</u>	<u>CEO, DIAD, MWFC, CHCS, EHO</u>	<u>Where Council is the registration authority</u>
<u>s 39(2)</u>	<u>Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed</u>	<u>CEO, DIAD, MWFC, CHCS, EHO</u>	<u>Where Council is the registration authority</u>
s 39A	Power to register <del>or</del> , renew <del>or transfer</del> the registration of a food premises despite minor defects	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
<u>s 40(1)</u>	<u>Duty to give the person in whose name the premises is to be registered a certificate of registration</u>	<u>CEO, DIAD, MWFC, CHCS, EHO</u>	<u>Where Council is the registration authority</u>

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEO, DIAD, MWFC, CHCS, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
<u>s 40E</u>	<u>Duty to comply with direction of the Secretary</u>	<u>CEO, DIAD, MWFC, CHCS, EHO</u>	
s 40F	Power to cancel registration of food premises	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
<u>s 43</u>	<u>Duty to maintain records of registration</u>	<u>CEO, DIAD, MWFC, CHCS, EHO</u>	<u>Where Council is the registration authority</u>
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, <del>transferring</del> or renewing registration of a component of a food business	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
<u>s 45AC</u>	<u>Power to bring proceedings</u>	<u>CEO, DIAD, MWFC, CHCS, EHO</u>	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DCAD, MPAD	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 185L(4)	Power to declare and levy a cladding rectification charge	<b>CEO<sup>1</sup></b>	

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<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
<del>s 12A(1)</del>	<del>Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)</del>	<del>CEO, DCAD, MPAD, <u>CPCSAP</u>, <u>CSRP</u>, SRP, PSP, SAP</del>	
s 12B(1)	Duty to review planning scheme	CEO, DCAD, MPAD, SRP, PSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DCAD, MPAD, SRP, PSP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DCAD, MPAD, SRP, PSP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 17(2)	Duty of giving copy s 173 agreement	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DCAD, MPAD, SRP, PSP, <u>CPCSAP</u> , <u>CSRP</u>	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DCAD, MPAD, SRP, PSP, <u>CPCSAP</u> , <u>CSRP</u>	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> SRP, PSP,	<u>Where Council is a planning authority</u>
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 21A(4)	Duty to publish notice	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22	Duty to consider all submissions	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 26(2)	Duty to keep report of panel available for inspection in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DCAD, MPAD, SRP, PSP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DCAD, MPAD, SRP, PSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, DCAD, MPAD, <del>CPCSAP</del> , <del>CSRP</del> , SRP, PSP, SAP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, DCAD, MPAD, <del>CPCSAP</del> , <del>CSRP</del> , SRP, PSP, SAP	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, DCAD, MPAD, <del>CPCSAP</del> , <del>CSRP</del> SRP, PSP,	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, DCAD, MPAD, <del>CPCSAP</del> , <del>CSRP</del> SRP, PSP,	
s 32(2)	Duty to give more notice if required	CEO, DCAD, MPAD, <del>CPCSAP</del> , <del>CSRP</del> SRP, PSP,	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> SRP, PSP,	
s 36(2)	Duty to give notice of approval of amendment	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> SRP, PSP,	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> SRP, PSP,	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> SRP, PSP,	
s 40(1)	Function of lodging copy of approved amendment	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
S 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 42(2)	Duty to make copy of planning scheme available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSR</u> , SRP, PSP, SAP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not delegated	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	Not delegated	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	Not delegated	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Not delegated	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Not delegated	Where Council is a responsible public entity

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Not delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Not delegated	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Not delegated	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Not delegated	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Not delegated	
s 46GP	Function of receiving a notice under s 46GO	Not delegated	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Not delegated	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	Not delegated	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	Not delegated	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	Not delegated	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Not delegated	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Not delegated	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Not delegated	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	Not delegated	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	Not delegated	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	Not delegated	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Not delegated	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Not delegated	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Not delegated	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Not delegated	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Not delegated	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Not delegated	Where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Not delegated	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	Not delegated	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Not delegated	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	Not delegated	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(2)(b)	Function of receiving the monetary component	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	Not delegated	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Not delegated	<p>If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	Not delegated	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records	Not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	Not delegated	Where Council is a development agency under an approved infrastructure contributions plan

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Not delegated	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	Not delegated	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Not delegated	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not delegated	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	Not delegated	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSR</u> P	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSR</u> P	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSR</u> P	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCAD, DOAS, MFS, MPAD	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, DCAD, DOAS, MFS, MPAD	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSR</u> P, SRP, PSP, SAP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, All D, MFS, MPAD	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, All D, MFS, MPAD	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DCAD, MPAD	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, All D, MFS, MPAD	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, All D, MPAD	
s 46QD	Duty to prepare report and give a report to the Minister	CEO	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, All D, MPAD	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	
s 49(2)	Duty to make register available for inspection in accordance with public availability requirements	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	
s 50(4)	Duty to amend application	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 50(5)	Power to refuse to amend application	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 50(6)	Duty to make note of amendment to application in register	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	

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s 50A(1)	Power to make amendment to application	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 50A(4)	Duty to note amendment to application in register	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 51	Duty to make copy of application available for inspection in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SUO,	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO	
s 54(1)	Power to require the applicant to provide more information	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 54(1B)	Duty to specify the lapse date for an application	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 57(5)	Duty to make a copy of all objections in accordance with public availability requirements	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 57A(5)	Power to refuse to amend application	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 57A(6)	Duty to note amendments to application in register	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 58	Duty to consider every application for a permit	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 58A	Power to request advice from the Planning Application Committee	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u>	
s 60	Duty to consider certain matters	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60(1A)	Duty to consider certain matters	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> or a conservation management plan under the <i>Flora and Fauna Guarantee Act</i></p> <p>More than 5 objections must be referred to Council</p> <p>Development applications in excess of \$2m must be referred to Council</p> <p>Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	

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s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 62(2)	Power to include other conditions	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO	

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s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, DCAD, MPAD	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, DCAD, MPAD	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 69(2)	Power to extend time	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	
s 71(1)	Power to correct certain mistakes	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	

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s 71(2)	Duty to note corrections in register	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 73	Power to decide to grant amendment subject to conditions	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	<p>More than 5 objections must be referred to Council</p> <p>Development applications in excess of \$2m must be referred to Council</p> <p>Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme</p>
s 74	Duty to issue amended permit to applicant if no objectors	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	<p>More than 5 objections must be referred to Council</p> <p>Development applications in excess of \$2m must be referred to Council</p> <p>Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme</p>
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, PAO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	
s 83	Function of being respondent to an appeal	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SUO	
s 83B	Duty to give or publish notice of application for review	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCAD, MPAD	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, DCAD, MPAD	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DCAD, MPAD,	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, DSEO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 91(2)	Duty to comply with the directions of VCAT	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, DSEO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, DSEO	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, DSEO	
s 95(3)	Function of referring certain applications to the Minister	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , DSEO	
s 95(4)	Duty to comply with an order or direction	CEO, DCAD, MPAD	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP	
s 96F	Duty to consider the panel's report under s 96E	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 96J	Power to issue permit as directed by the Minister	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SRP, PSP, SUO	
s 97C	Power to request Minister to decide the application	CEO, DCAD, MPAD	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	

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s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, PAO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCAD, MPAD	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DCAD, MPAD	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s 97Q(4)	Duty to comply with directions of VCAT	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCAD, MPAD	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCAD, MPAD	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, DCAD, MPAD	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DCAD, MPAD	
s 107(1)	Function of receiving claim for compensation	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SRP, PSP, SAP, SUO	
s 107(3)	Power to agree to extend time for making claim	CEO, DCAD, MPAD	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<a href="#">s 113(2)</a>	<a href="#">Power to request a declaration for land to be proposed to be reserved for public purposes</a>	<a href="#">CEO, DCAD, MPAD</a>	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSR</a> P, DSEO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSR</a> P, DSEO SAP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSR</a> P, DSEO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCAD, MPAD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DCAD, MPAD	Except Crown Land
s 129	Function of recovering penalties	CEO, DCAD, MPAD	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSR</a> P, DSEO	



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s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , DSEO, SAP	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , DSEO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DCAD, MPAD	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 171(2)(g)	Power to grant and reserve easements	CEO, DCAD, MPAD, MOPS, <u>GPCSAP</u> , <u>CSRP</u>	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	Not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan

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s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	Not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	Where Council is the relevant responsible authority
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	Where Council is the relevant responsible authority
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	Where Council is the relevant responsible authority
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	

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s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	After considering objections, submissions and matters in s 178B

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s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 179(2)	Duty to make a copy of each agreement in accordance with public availability requirements	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 182	Power to enforce an agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DCAD, MPAD, <a href="#">GPCSAP</a> , <a href="#">CSRP</a>	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 198(1)	Function to receive application for planning certificate	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 199(1)	Duty to give planning certificate to applicant	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP, PAO	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u> , SAP	
s 201(3)	Duty to make declaration	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s-91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO, All-D	Where Council is a public statutory authority engaged in the provision of housing
s-91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO, All-D	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s-91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO, All-D	Where Council is a public statutory authority engaged in the provision of housing
s-91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CEO, All-D	Where Council is a public statutory authority engaged in the provision of housing
s-142D	Function of receiving notice regarding an unregistered rooming house	DIAD, MWFC, GHCS, EHO	
s-142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	DIAD, MWFC, GHCS, EHO	
s-142G(2)	Power to enter certain information in the Rooming House Register	DIAD, MWFC, GHCS, EHO	
s-142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DIAD, MWFC, GHCS, EHO	
s-206AZA(2)	Function of receiving written notification	CEO All-D	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<del>s 207ZE(2)</del>	<del>Function of receiving written notification</del>	<del>GEO All D</del>	
<del>s 311A(2)</del>	<del>Function of receiving written notification</del>	<del>GEO, All D</del>	
<del>s 317ZDA(2)</del>	<del>Function of receiving written notification</del>	<del>GEO</del>	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DIAD, MWFC, CHCS, EHO	
s 522(1)	Power to give a compliance notice to a person	CEO, DIAD, MWFC CHCS, EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DIAD, MWFC	
s 525(4)	Duty to issue identity card to authorised officers	DIAD, MWFC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DIAD, MWFC, CHCS, EHO	
s 526A(3)	Function of receiving report of inspection	DIAD, MWFC, CHCS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DIAD, MWFC, CHCS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, All D, MGRPG, MOPS	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, All D,	
s 11(9)(b)	Duty to advise Registrar	CEO, All D, MOPS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, All D, MOPS	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, All D, MOPS	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, All D, MOPS	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, All D, MOPS	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CEO, All D, MOPS	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	CEO, All D, MOPS	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, All D, MOPS	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	CEO, All D, MOPS	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, All D, MOPS	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, All D	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, All D	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, All D	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, All D	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, DIAD, MOPS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 16(7)	Power to enter into an arrangement under s 15	CEO, All D	
s 16(8)	Duty to enter details of determination in public roads register	CEO, DIAD, MOPS	
s 17(2)	Duty to register public road in public roads register	CEO, DIAD, MOPS	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DIAD, MOPS	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, DIAD, MOPS	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, DCAD, MOPS	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, DIAD, MOPS	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DIAD	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CEO, DIAD, MOPS, CENG, AMS	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, DIAD, MOPS, CENG, AMS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, DIAD, MOPS, CENG, AMS	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, DIAD, MOPS, CENG, AMS	
s 21	Function of replying to request for information or advice	CEO, DIAD, MOPS	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DIAD, MOPS	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO, All D, MOPS	
s 22(5)	Duty to give effect to a direction under s 22	CEO, All D, MOPS	
s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, All D, MOPS	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, All D, MOPS	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, All D, MOPS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 42(1)	Power to declare a public road as a controlled access road	CEO, All D, MOPS	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, All D	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, All D, MOPS	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, All D	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, All D, MOPS	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, All D, MOPS	
s 49	Power to develop and publish a road management plan	CEO, All D, MOPS	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, All D, MOPS	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, All D, MOPS	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, All D, MOPS	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO	
s 54(6)	Power to amend road management plan	CEO, All D, MOPS	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, All D, MOPS	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, All D, MOPS	
s 63(1)	Power to consent to conduct of works on road	CEO, All D, MOPS	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, All D, MOPS	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, All D	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, All D	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CEO, DIAD, MOPS	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 67(3)	Power to request information	CEO, DIAD, MOPS, CHCS	Where Council is the coordinating road authority
s 68(2)	Power to request information	CEO, DIAD, MOPS, CHCS	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, All D	
s 72	Duty to issue an identity card to each authorised officer	CEO, All D	
s 85	Function of receiving report from authorised officer	CEO, DIAD, CHCS, MOPS	
s 86	Duty to keep register re s 85 matters	CEO, DIAD, CHCS, MOPS	
s 87(1)	Function of receiving complaints	CEO, DIAD, MOPS, CHCS	
s 87(2)	Duty to investigate complaint and provide report	CEO, DIAD, MOPS, CHCS	
<u>s 96</u>	<u>Power to authorise a person for the purpose of instituting legal proceedings</u>	<u>CEO, DIAD, MOPS, CHCS</u>	
s 112(2)	Power to recover damages in court	CEO, DIAD, MOPS, CHCS	
s 116	Power to cause or carry out inspection	CEO, DIAD, MOPS, CHCS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DIAD, MOPS	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DIAD, MOPS	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, DIAD, MOPS	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DIAD, MOPS	
s 122(1)	Power to charge and recover fees	CEO DIAD, MOPS	
s 123(1)	Power to charge for any service	CEO DIAD, MOPS	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO All D	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, All D	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, All D	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DIAD, MOPS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 5	Duty to publish notice of declaration	CEO, All D	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, DIAD, MOPS, CWK, CENG	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DIAD, MOPS, CWK, CENG	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DIAD, MOPS, CWK, CENG	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, DIAD, MOPS, CWK, CENG	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, DIAD, MOPS, CWK, CENG	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, DIAD, MOPS	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DIAD, MOPS, CWK, CENG	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DIAD, MOPS, CWK, CENG	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DIAD, MOPS	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, DIAD, MOPS, CWK, CENG	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DIAD, MOPS	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, DIAD, MOPS	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DIAD, MOPS, CWK, CENG	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DIAD, MOPS, CWK, CENG	Where Council is the coordinating road authority, responsible authority or infrastructure manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DIAD, MOPS, CWK, CENG	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DIAD, MOPS, CWK, CENG	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DIAD, MOPS, CKW, CENG	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, DIAD, MOPS, CKW, CENG	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DIAD, MOPS,	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DIAD, MOPS,	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, All D	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DIAD, MOPS	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DIAD, MOPS	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DIAD, MOPS, CENG	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DIAD, MOPS, CENG	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DIAD, MOPS, CENG	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CEO, All D, MGRPG	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CEO, DIAD, MOPS	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	CEO, All D, MGRPG	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not applicable	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not applicable	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	Not applicable	
r 30(2)	Power to release cremated human remains to certain persons	Not applicable	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not applicable	



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not applicable	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not applicable	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Not applicable	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Not applicable	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	Not applicable	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	Not applicable	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	Not applicable	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	CEO All D, MGRPG	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 40	Power to approve a person to play sport within a public cemetery	CEO, All D	
r 41(1)	Power to approve fishing and bathing within a public cemetery	Not applicable	
r 42(1)	Power to approve hunting within a public cemetery	CEO, All D	
r 43	power to approve camping within a public cemetery	CEO, All D	
r 45(1)	Power to approve the removal of plants within a public cemetery	CEO, DIAD, MOPS, CPOS	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CEO, All D	
r 47(3)	Power to approve the use of fire in a public cemetery	CEO, All D	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CEO, All D	
Note: sch 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CEO All D, MGRPG	See note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CEO, All D, <u>MPGRG</u> ,	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CEO, All D, <u>MGRPG</u> ,	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CEO, All D, <u>MGR,MPG</u> ,	See note above regarding model rules
sch 2 cl 7(1)	power to give directions regarding the dressing of places of interment and memorials	CEO, All D, <u>MGRPG</u> ,	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CEO, All D, <u>MGRPG</u> ,	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CEO, All D, <u>MGRPG</u> ,	See note above regarding model rules
sch 2 cl 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CEO, All D, <u>MGRPG</u> ,	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CEO, All D, <u>MGRPG</u> ,	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CEO, All D, <u>MGRPG</u>	See note above regarding model rules

**CEMETERIES AND CREMATORIA REGULATIONS 2015**

[[#These provisions apply to Council appointed as a cemetery trust under s 5 of the *Cemeteries and Crematoria Act* 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, All D, MGRPG	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, All D, MGRPG	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CEO, All D, MGRPG	See note above regarding model rules

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u>	Where Council is not the planning authority and the amendment affects land within its municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SUO	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	CEO DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u> , SAP, SUO, PAO	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO DCAD, MPAD, <u>CPCSAP</u> , <u>CSRP</u>	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	Not delegated	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Not delegated	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	CEO DCAD, MPAD, <u>GPCSAP</u> , <u>CSRP</u>	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7	Power to enter into a written agreement with a caravan park owner	CEO, DIAD, MWFC, CHCS, EHO	
r 10	Function of receiving application for registration	CEO, DIAD, MWFC, CHCS, EHO	
r 11	Function of receiving application for renewal of registration	CEO, DIAD, MWFC, CHCS, EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, DIAD, MWFC, CHCS, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DIAD, MWFC, CHCS, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, DIAD, MWFC, CHCS, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DIAD, MWFC, CHCS, EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO DIAD, MWFC, CHCS, EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 12(4) & (5)	Duty to issue certificate of registration	CEO, DIAD, MWFC, CHCS, EHO	
r 14(1)	Function of receiving notice of transfer of ownership	CEO, DIAD, MWFC, CHCS, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	CEO, DIAD, MWFC, CHCS, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	CEO, DIAD, MWFC, CHCS, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	CEO, DIAD, MWFC, CHCS, EHO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO, DIAD, MWFC, CHCS, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, DIAD, MWFC, CHCS, EHO	
r 17	Duty to keep register of caravan parks	CEO, DIAD, MWFC, CHCS, EHO	



<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEO, DIAD, MWFC, CHCS, EHO	
r 18(6)	Power to determine where certain information is displayed	CEO, DIAD, MWFC, CHCS, EHO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEO, DIAD, MWFC, CHCS, EHO	
r 22(2)	Duty to consult with relevant emergency services agencies	CEO, DIAD, MWFC, CHCS, EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, DIAD, MWFC, CHCS, EHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, DIAD, MWFC, CHCS, EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CEO, DIAD, MWFC, CHCS, EHO	
r 26	Duty to have regard to any report of the relevant fire authority	CEO, DIAD, MWFC, CHCS, EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEO, DIAD, MWFC, CHCS, EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEO, DIAD, MWFC, CHCS, EHO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, DIAD, MWFC, CHCS, EHO	
r 41(4)	Function of receiving installation certificate	CEO, DIAD, MWFC, CHCS, EHO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEO, DIAD, MWFC, CHCS, EHO	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, DIAD, MWFC, CHCS, EHO	

<b>RESIDENTIAL TENANCIES REGULATIONS 2021</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	CEO, DIAD, MWFC, CHCS, EHO	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	CEO, DIAD, MOPS	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, DIAD, MOPS	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DIAD, MOPS	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, DIAD, MOPS	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, DIAD, MOPS	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CEO, DIAD, MOPS	
r 16(3)	Power to issue permit	CEO, DIAD, MOPS, CENG, ENGO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DIAD, MOPS, CENG, ENGO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DIAD, MOPS, CHCS	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DIAD	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DIAD, MOPS, CWK, CHCS, CSY. CENG, ENGO	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DIAD, MWFC, CHCS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DIAD, MWFC, CHCS	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, All D	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, All D	Where Council is the coordinating road authority

## 15 CONFIDENTIAL ITEMS

### 15.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

#### RECOMMENDATION

*That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:*

##### 1. RENEWAL OF LICENCE – CRESWICK DISTRICT NEWS

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and*
- *This ground applies because the agenda concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. This item contains details of the rental charges for this property and financial information from the tenant.*

##### 2. 258 WRIGLEYS ROAD BROOMFIELD P1666/2020 – VCAT - PROPOSED CONSENT ORDERS AND SECTION 173 AGREEMENT

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *Because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(a)); and*
- *The ground applies because the Council report considers and provides recommendations in relation to a without prejudice in principle settlement agreement contained in the Tribunal's order dated 23 March 2022. Council's solicitors will provide confidential legal advice regarding potential settlement options at the Council meeting on 20 April 2022 and*

*therefore the meeting is required to be confidential pursuant to s.66(2) of the Local Government Act 2020.*

## **MOTION**

*That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:*

### **1. RENEWAL OF LICENCE – CRESWICK DISTRICT NEWS**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and*
- *This ground applies because the agenda concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. This item contains details of the rental charges for this property and financial information from the tenant.*

### **2. 258 WRIGLEYS ROAD BROOMFIELD P1666/2020 – VCAT - PROPOSED CONSENT ORDERS AND SECTION 173 AGREEMENT**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *Because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(a)); and*
- *The ground applies because the Council report considers and provides recommendations in relation to a without prejudice in principle settlement agreement contained in the Tribunal's order dated 23 March 2022. Council's solicitors will provide confidential legal advice regarding potential settlement options at the Council meeting on 20 April 2022 and therefore the meeting is required to be confidential pursuant to s.66(2) of the Local Government Act 2020.*

**Moved:** Cr Juliet Simpson

**Seconded:** Cr Brian Hood

**Carried**

Meeting closed to the public at 8:42pm for the hearing of confidential items and did not reopen to the public.



The Confidential meeting opened at 8:43pm.

The Council determined to release information to the public on item's 1 and 2 as detailed below.

## **1. RENEWAL OF LICENCE – CRESWICK DISTRICT NEWS**

### **MOTION**

*That Council:*

- 1. Approves the Renewal of Licence with the Creswick District News Incorporated for the term of 3 years commencing 1 January 2022 for part of the Creswick Visitor Information Centre building at 41 – 43 Albert Street Creswick;*
- 2. Authorises the Chief Executive Officer to sign the attached Licence on behalf of Council;*
- 3. Pursuant to Section 125(2) of the Local Government Act 2020, that the information should be publicly available for the limited purpose of communicating the effect of the resolution to the extent necessary to give effect to it; and*
- 4. That the Chief Executive Officer communicate the effect of this resolution to the extent necessary to give effect to it.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Lesley Hewitt

**Carried**

## **2. 258 WRIGLEYS ROAD BROOMFIELD P1666/2020 – VCAT - PROPOSED CONSENT ORDERS AND SECTION 173 AGREEMENT**

### **MOTION**

*That Council:*

- 1. having considered the Outcome of Compulsory Conference dated 23 March 2022 and Section 173 Agreement, provide written advice that it consents to the Orders as set out in that outcome, subject to minor changes to Appendix A.*
- 2. Agrees to enter into a Section 173 Agreement on a date to be agreed to by the parties.*

3. *agrees to the conditions of permit as set out at Appendix A of the Outcome of Compulsory Conference with the following revisions:*
  - *Inclusion of the conditions as required by the Central Highlands Water and Goulburn Murray Water, as Referral Authorities for this application.*
  - *Addition of a note to the end of the permit advising that before works start, an application to install a septic tank system must be submitted to the Responsible Authority.*
4. *consents to the issue of Permit PA 2701 for the use of the land for materials recycling (automotive recycling) and associated development of a shed generally in accordance with the endorsed plans.*
5. *agrees to the conditions as outlined in Appendix A – subject to modification, as follows:*

#### *Amended plans*

1. *Within 120 days from the date of the issue of the planning permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Andrew Fedorowicz, Job no. 2124, drawing Nos. SP01 and D1, dated 23 December 2021, but modified to show:*
  - a. *The setback of the proposed shed from the northern title boundary;*
  - b. *Elevation plans for the proposed shed noting the length and width dimensions, and showing any required cut and fill to site the development;*
  - c. *A colour and material schedule for all external hard surfaces of the proposed shed;*
  - d. *A floor plan of the proposed shed, detailing areas for work, tyre storage, chemical storage, and toilet and bathroom facilities;*
  - e. *The existing accessway to Wrigleys Road with a notation for it to be maintained in accordance with Condition 23 of this permit;*
  - f. *A Site and Materials Management Plan in accordance with Condition 14 of this permit;*
  - g. *A Landscape Plan in accordance with Condition 15 of this permit;*
  - h. *An Emergency Management Plan in accordance with Condition 18 of this permit;*
  - i. *A Stormwater Plan in accordance with Condition 20 of this permit;*

### *Endorsed Plans*

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

### *Operating hours*

- 3. Except with the further written consent of the Responsible Authority, the land must not be used to dismantle, treat, process, or recycle materials outside of the following hours:*

- Monday to Friday 7:30 am to 5:00 pm;*

- Saturday 7:30 am to 3:00 pm.*

- The land must not be used to dismantle, treat, process, or recycle materials on any Sunday, ANZAC Day, Good Friday, or Christmas Day.*

- 4. Except with the further written consent of the Responsible Authority, vehicles and other materials must not be brought to and from the site for the purposes of being dismantled, treated, processed, or recycled, outside of the following hours:*

- 5. - Monday to Friday 7:30 am to 5:00 pm;*

- 6. - Saturday 7:30 am to 3:00 pm.*

- 7. - Vehicles and other materials must not be brought to and from the site for the purposes of being dismantled, treated, processed, or recycled on any Sunday, ANZAC Day, Good Friday, or Christmas Day.*

### *Storage of vehicles and other materials*

- 8. No more than 50 vehicles are to be stored on the site at any one time.*

- 9. No more than 60 tyres (other than those attached to vehicles stored on the land) are to be stored on the site at any one time.*

- 10. All chemicals, waste liquids, stored on site must be stored in the designated bunded storage area.*

- 11. No vehicles or materials are to be stored or located on the land in such a way that their storage impacts on the health of any tree.*

### *Removal of materials and waste from site.*

12. *The permit holder must ensure that vehicles leaving the site have any potentially dangerous debris removed from their wheels and exterior of the vehicle before entering public roads.*

13. *All vehicles removing waste from the premises must have fully secured and contained loads so that no wastes are spilled.*

#### *Stockpile height*

14. *Within 60 days of the date of the issue of the planning permit, no stockpile of vehicles or materials upon the land is to exceed 4 metres in height above natural ground level.*

15. *Within 120 days of the date of the issue of the planning permit, all stockpiles of vehicles and materials must be located within the enclosed vehicle storage area as shown on the endorsed plans.*

16. *No new material is to be added to any stockpile which would increase the height of the stockpile beyond 4 metres in height above natural ground level.*

#### *Site and Materials Management Plan*

17. *Within 120 days of the date of the issue of the planning permit, a Site and Materials Management Plan to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will form part of the permit. The use must at all times be conducted in accordance with the approved Site and Materials Management Plan. The plan must detail, but is not limited to:*

- a. The area of the site to be used for storage, processing, and recycling of materials;*
- b. Details of how the material will be recycled, and the processing/treatment of specific materials that will occur prior to removal of the product from the land;*
- c. Full details of all dust suppression measures which meet current requirements of the EPA Guideline for assessing and minimising air pollution in Victoria (publication 1961) May 2021 and all applicable EPA requirements and guidelines;*

18. *All noise mitigation measures which meet recommended levels set out in the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826.4) May 2021.*

### *Landscape Plan*

*19. Within 120 days of the date of the issue of the planning permit, a Landscape Plan to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will form part of the permit. The plan must be drawn to scale and fully dimensioned. The plan must detail:*

- a. The locations of all existing and proposed landscaping works to be provided on the land, including location of all existing trees upon the site to be retained;*
- b. A schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant designed to provide a mix of canopy and understorey and to screen the vehicle storage area from the eastern and western boundaries;*
- c. Details of all proposed surface finishes for all pathways and driveways;*
- d. Details of any irrigation system to be used on the land following completion of the landscaping works, and*
- e. Details of fencing to be provided for delineation between the enclosed vehicle storage area and other areas of the property, and any proposed gates and access to the enclosed vehicle storage area.*

### *Completion and maintenance of landscaping*

*20. Within six (6) months of the endorsement of plans, all landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed Landscape Plan.*

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

### *Emergency Management Plan*

*22. Within 120 days of the date of the issue of the planning permit, an Emergency Management Plan to the satisfaction of the CFA and the Responsible Authority must be submitted to and approved by the CFA and Responsible Authority. When approved the plan will be endorsed and will form part of the permit. The plan must be developed in line with EPA's Management and storage of combustible recyclable and waste materials – guideline – Publication 1667.3 July 2021 and AS*

*3745: Planning for emergencies in facilities in relation to, but not limited to, emergency prevention, emergency preparedness and risk/emergency mitigation.*

*23. The use as approved by this permit must at all times be conducted in accordance with the approved Emergency Management Plan to the satisfaction of the CFA and the Responsible Authority.*

#### *Stormwater Plan*

*24. Within 120 days of the date of the issue of the planning permit, a Stormwater Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will form part of the permit. The plan must show:*

- a. How the site drainage system ensures that any potential contaminants, including sediments, oil, grease, and leachate will not be discharged beyond the boundary of the premises, and if necessary collected and disposed of off-site by an EPA approved contractor;*
- b. How the above matters in Condition 20a) are contained within the site in accordance with EPA regulations and guidelines;*
- c. Confirmation that no stormwater, sullage, sewerage, or polluted drainage may drain or discharge from the land to adjoining properties.*

*25. Where identified in the stormwater plan, a containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with applicable EPA regulations and guidelines.*

*26. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*

#### *Access*

*27. The existing accessway to Wrigleys Road as shown on the endorsed plans must be maintained to an all-weather trafficable standard to the satisfaction of the Responsible Authority.*

#### *Completion of works*

*28. Unless otherwise approved in writing by the Responsible Authority, within 120 days of the endorsement of plans, the permit holder must construct all drainage works associated with and approved under the endorsed Stormwater Plan and any subsequent required Hepburn Shire Council Engineering approvals to the satisfaction of the Responsible Authority.*

#### *Central Highlands Water conditions*

*29. There must be no storage on-site of oils, petrochemicals, batteries and coolants from dismantled vehicles.*

*30. No vehicles associated with Materials Recycling are to be stored or dismantled within 100 metres of the waterway located on lot 11 TP 314719K.*

*31. Once dismantled vehicles and motors must be transported off the land within six months.*

#### *Goulburn Murray Water conditions*

*32. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*

*33. No works are to be carried out within 30 metres of any waterways or on any drainage lines.*

*34. There must be no discharge of contaminated water from the material recycling area to any waterways or drainage lines. Any oil or fuel stockpile areas must be appropriately bunded to ensure contaminated run-off cannot be discharged from the area.*

#### *Permit expiry*

*35. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:*

- a. The development is not started within six (6) months of the issued date of this permit.*
- b. The development is not completed within two (2) years of the issued date of this permit.*

*In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.*

*36. Pursuant to Section 125(2) of the Local Government Act 2020, that the information should be publicly available for the limited purpose of communicating the effect of the resolution to the extent necessary to give effect to it; and*

*37. That the Chief Executive Officer communicate the effect of this resolution to the extent necessary to give effect to it.*

Note

*That before works start, an application to install a septic tank system must be submitted to the responsible authority.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Jen Bray

**Carried**



**16 CLOSE OF MEETING**

The Meeting closed at 9:12pm.