



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 21 September 2021

Virtual Meeting
via Video Conference

6:00PM

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

Confirmed at the Ordinary Meeting of Council held 19 October 2021

A handwritten signature in black ink, appearing to read "Lesley Hewitt".

Chair, Cr Lesley Hewitt, Mayor

MINUTES

Tuesday 21 September 2021

Virtual Meeting

via Video Conference

Commencing at 6:00PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 21 September 2021

CONDUCTING COUNCIL MEETINGS VIRTUALLY

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 unable to attend this meeting in person. This meeting is being held virtually to protect the health and wellbeing of Councillors, Council Officers, and the community.

In the spirit of open, transparent and accountable governance, this Ordinary 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.

Pursuant to the Ministerial Guidelines, should technology problems be encountered and we are unable to broadcast this meeting, the meeting will be adjourned until resolution or postponed.

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

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

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2 OPENING OF MEETING

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

OFFICERS PRESENT: Mr Bradley Thomas - Chief Executive Officer, Ms Leigh McCallum - Director Community and Development, Mr Andrew Burgess - Director Organisational Services, Mr Bruce Lucas - Director Infrastructure and Delivery, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager People and Governance, Ms Bronwyn Southee – Manager Planning and Development

The meeting opened at 6:08pm.

STATEMENT OF COMMITMENT

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

3 APOLOGIES

Nil.

4 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Tim Drylie declared a general interest for Item 10.1 PA 3151 - Development of a Caretakers Residence at 80 Albert Street Creswick due to an acquaintance with the applicants.

Cr Lesley Hewitt declared a general interest for 13.3 Recommendations for Funding for Community Grants Program 2021/2022 Round 1 due to an association with the Daylesford and District Horticultural Society.

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 17 August 2021 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 17 August 2021 (as previously circulated to Councillors) be confirmed.

Moved: Cr Don Henderson

Seconded: Cr Tessa Halliday

Carried

6 NOTICES OF MOTION

There were no Notices of Motion tabled for this meeting.

7 ITEMS OF URGENT BUSINESS

Nil.

8 COUNCILLOR AND CEO REPORTS

8.1 MAYOR'S REPORT

Councillor Lesley Hewitt, Birch Ward

I want to start, along with Cr Bray by acknowledging the passing of Mr John Bohn and recognizing his contribution to the Hepburn Shire Community. John Bohn was a well-respected pharmacist in Daylesford for around 25 years and an active volunteer in many community organizations. John was a foundation member of U3A, volunteered at the Daylesford Information Centre, was involved with the Friends of Cornish Hill and was a supporter of the Daylesford Museum where he used his professional expertise to catalogue 800 drugs and items used in pharmacies and donated to the museum. Our community is poorer for his passing and Council extends our sympathy to his family and many friends.

Since the last Council meeting Hepburn Shire have been in and out of lockdown with all the impacts that has on members of our community and I'm aware of both the impact on our children, their education and our resident's mental health as well as the impact on our hospitality, accommodation, tourism and agricultural business. As you know we were notified of a positive COVID case in Daylesford on 17th September, and it's heartening to know from the relevant health authorities that the people and businesses involved were exemplary in how they implemented and managed their COVID plans which meant that to date there was no further spread. I also want to publicly thank those of our Council staff from who stepped up over that weekend to support the Grampians Health rapid response team in setting up the pop-up COVID site. Its yet another example of the commitment to our community that our officers at all levels of the organization have and how they are willing to go the extra yard to help. The media interest was considerable and reflects the importance of Daylesford and the Shire in Victorian's psyche. I feel like I'm on repeat but I'm going to take the opportunity to say to our community yet again, get vaccinated, maintain social distance, wear a mask, hand hygiene and get tested as soon as you show symptoms – Daylesford's experiences show that these simple measures can limited the spread of the virus. COVID-19 places added pressures on all of us and in the meantime all day to day activities continue as well as the storm recovery. This month has seen Councillors and officers work on the annual financial reports and performance statements and the 10-year Council plan, all of which will be presented later in the meeting. I am pleased to report that I chaired the inaugural meeting of the Gender Equity Committee and am confident that the members of this Committee will make a significant contribution to addressing gender inequity in the Shire. In addition to the usual Councillor duties shared by my fellow Councillors I have been involved in representing the Shire at various meetings and briefings including with Fire Rescue Victoria, the CFA, Dept of Justice, the Australian Energy Infrastructure Commissioner in relation to the WVTNP and various other local and state government groups. The variety of activity illustrates the breadth of what the Shire is engage in as we provide services to residents and ratepayers.

Meetings

18TH August Meeting with Andrew Dyer Australian Energy Infrastructure Commissioner re WVTNP

19TH August Launch Daylesford Hospital Upgrade Committee

24th August Council Planning Briefing

25th August Meeting Dept Justice re Local Government Briefing Decriminalization of Sex work

26th August Victorian Local Government Association Meeting

27th August Meeting with Fire Rescue Victoria Representatives

1st September Planning briefing re Subdivision Kingston

2nd September – Meeting with CFA representatives re Kingston Fire Station

Daylesford Hospital Upgrade Committee Meeting

3rd September – CHCV Mayors and CEO's meeting

6th September – Disability Advisory Committee

WVNTP – Kingston Power Alliance Monthly Catch up

7TH September – Councillor Briefing

8th September – Inaugural meeting with the Gender Equity Committee

9th September – Mayoral Briefing – Minister Local Government

10th September – Municipal Association of Victoria – Work Cover Briefing

14th September – Council Briefing

15th September – Audit and Risk Committee Member Pre-Committee meeting

16th September – Audit and Risk Committee Meeting

Hepburn Shire Staff Meeting

17th September – Get the Job Done Video.

20th September – Councillor and Executive Team Building workshop.

Various media commitments included ABC Radio Ballarat, Ballarat Gold, Courier, WINTV News re COVID.

8.2 COUNCILLOR REPORTS

Councillor Don Henderson, Creswick Ward

Verbal report was presented.

Councillor Brian Hood, Coliban Ward

In addition to attending to the customary range of ward issues the past month has required significant work for all councillors on drafting and refining the Council plan and compiling the associated long term financial projections. The 20/21 financial statements have also been drafted and pleasingly have secured an unqualified audit report. Several key factors within the current and projected financial position underline the urgency needed to improve Council's financial viability and resilience. These factors include the current and projected underlying deficit; the very low level of unrestricted cash (which leaves little room to fund additional services or to provide a buffer against unexpected emergencies); the ongoing heavy reliance on grant funding; and the sheer scale of the number and dollar value of carried forward capex projects (which on current run rates equates to almost 3 year's work).

The financial outlook is a sobering factor when considering the ambitious nature of the proposed Council plan and to balancing that outlook against the community's expectations.

It is our responsibility to adopt plans at next month's meeting that not only advance the shire for the benefit of residents but at the same time stabilises Council's financial viability.

Councillor Juliet Simpson, Holcombe Ward

On 19th August the Integrated Water Management Plan Development meeting at the town Hall was cancelled due to COVID and went online.

On 23.8.21 I chaired the Mineral Spring reserve online meeting.

On the 16.9.21 We had an all staff meeting and the Operation Teams of Parks & Open Space and Works were given the CEO Award their hard and often dangerous work during the recent storm.

We have been working on the Community Vision, Council Plan and the Financial Plan. Many events have been postponed or gone online due to COVID restrictions.

I'm booked in to have my first immunization against COVID at the first available appointment.

On the evening of Friday 10th September Council Officers worked until after 11pm organizing the setting up of the COVID testing station at Victoria Park. They then assisted with the organization of the testing on the following Saturday, Sunday and Monday.

Councillor Jen Bray, Birch Ward

Activities since Tue 17 August 2021

September	Daylesford recorded a COVID case this month and council teamed up with Central Highlands Rural Health to set up a pop-up Testing site. Thank you to all our staff and emergency crew who worked overtime to get over 300 residents tested on the weekend. And thank you to everyone who came out to get tested and for their patience during the long wait. It's great to see our community sharing information and looking out for those who were in isolation. I was proud to see our community come together to get on top of this so quickly.
Mon 6 Sep	Western Victoria Transmission Network Project– met with local Community Action groups opposed to the Transmission Lines project and council staff to discuss council's next steps in the Environmental Effects Statement process.
Sep	<p>Community Vision and Council Plan – reading and responding to the community's feedback to the first draft. I want to thank those members of the community for taking the time to read the draft and offer their suggestions and feedback. Very encouraging to see that the community are engaged and interested in the direction of the shire for the next 10 years, as this is very much a partnership between council and the community to understand the needs of our people and to deliver what's required.</p> <p>Working with officers to update the document preparing it for a final draft to go to council in October.</p> <p>Working on the Long Term Financial Plan for the next 10 years also to be presented at October meeting.</p>
Sep	Attended the launch of Ballarat Circular economy project, and heard about the range of initiatives to reduce waste and recover resources with Ballarat council working in partnership with other businesses and community groups. Very inspiring to see what we could apply to Hepburn.
Site visit	<p>Cornish Hill – to look at proposed land re-zoning and sale by DELWP for a parcel of Public Parkland.</p> <p>Also, heard concerns with various community members, CFA, Cornish Hill management committee, and spoke with council officers.</p>

Council are liaising with DELWP and we will be putting in a strong submission to consider the implications of the loss of the track for community and stakeholder groups.

Visited various sites around the shire in relation to upcoming planning issues coming to council.

- Attended: Councillor Briefings each Tuesday
- Promoted: Information regarding pop up COVID testing site in Daylesford
Update on Hepburn Together draft Vision and Plan,
Community Feedback into Domestic Waste Water
Management Plan.
- Community: Met with, spoke to and received correspondence from various members of the community regarding: Jim Crow Creek,
Cornish Hill public land sale, Gold Mining concerns,
Transmission Lines, Recycling, Community Vision and Council
Plan, Tree Register.

Councillor Tim Drylie, Creswick Ward

It has again been another month of lockdowns and disruptions to our way of life for the greater good. As a councillor for the past 11 months now, COVID-19 has figured large in many facets of my day to day routine, as it has for all of us. There has been a direct impact on my ability to be out in the world to connect and engage with people and attend important community events - that almost inevitably get cancelled. Although this has been frustrating, and mentally quite challenging at times for me, as it has been for many of us experiencing the loss of regular encounters and connection with friends, family and the community at large, it has also made me aware how important it is for us to have resilient systems in place to help us cope with unforeseen circumstances. On that front, I have been feeling quite grateful for the professionalism and skills of our health services staff and our own Council operational team. A couple of weeks ago our Council team were required to rapidly establish a pop-up COVID-19 testing station where over 300 community members were tested. Our doctors, nurses and health support staff also continue to do an amazing job under what have been reported to be extremely difficult and stressful working conditions. On a personal front, after experiencing some mildly uncomfortable side effects from my vaccination jabs, I am starting to feel some comfort in knowing that I can soon emerge again into the Spring sunshine with greater confidence and preparedness going forward. I urge anyone who is still sitting on the fence on this issue to get vaccinated soon so you too can participate with this sense of security and strength within your own community groups and settings in the coming months.

Over the past month, most of my meetings (ones that have not been cancelled) have been virtual and include the following:

- Councillor briefings x3
- WVTNP Monthly Catch Up
- Team building workshop and interview
- Ordinary Council Meeting
- In person meeting with Kingston community members in relation to a planning matter

Councillor Tessa Halliday, Cameron Ward

No written report was presented.

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 Juliet Simpson

Seconded: Cr Brian Hood

Carried

8.3 CHIEF EXECUTIVE OFFICER'S REPORT

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

- Nil

CHIEF EXECUTIVE OFFICER UPDATE

The past month has included a 3 week period of annual leave for myself. During this period Bruce Lucas filled the role of Acting Chief Executive Officer. It has been a great opportunity for me to recharge the batteries. Whilst I have been away our great team has continued to deliver for our community.

At last month's Council meeting, several important items were discussed:

- Hepburn Hub at the Rex
- Glenlyon Recreation Reserve Licences
- Contracts were awarded for the reconstruction of Daylesford-Clunes Road, Smeaton and Bridge Strengthening Works
- The draft annual plan 2021/2022 was approved
- The Heather Mutimer International Women's Day Honour Roll Advisory Committee Terms of reference were approved
- Revision of Policy 50(C) Treasury Management Policy was approved
- The appointment of an independent audit and risk committee member was approved
- Leases of community kindergartens and pre-schools were renewed

Immediately prior to commencing leave, the recruitment for the two Director roles was finalised and we are pleased to advise that Andrew Burgess has been appointed to the role of Director Organisational Services, and Leigh McCallum has accepted the role of Director Community and Development.

Andrew is currently acting in a Director's role at Council so the recruitment for his substantive role of Manager Economic Development and Recreation is currently underway. Leigh joins us from the City of Greater Geelong where she held the role of Manager Connected Communities / Municipal Recovery. I congratulate Andrew and Leigh and look forward to their commencement on Monday 20 September.

Our Storm Recovery work is continuing and will for several months yet.

With 35% of our Shire impacted by the extreme storm event in June, we know that many people still face considerable work to clean-up their property.



As part of the storm clean-up effort, Council will provide split and cut firewood for free to ratepayers and residents over the coming months.

Unfortunately, when Regional Victoria went into lockdown, a number of Council services were impacted including the free firewood trial. This trial to finalise logistics to distribute the wood will commence as soon as restrictions allow, with the intention to roll out the program more broadly once systems are in place.

While the wood is green and will need to season (dry out) for at least 12 months, there is plenty to be shared. We appreciate your patience. We aim to provide up to 2 cubic metres to residents or ratepayers. The stockpile of wood will continue to grow over the coming weeks and months as more wood is processed.

Last month our Communications Team coordinated and circulated the August edition of Hepburn Life. If you haven't already signed up, you can sign up to receive this monthly e-newsletter direct to your inbox at <https://mailchi.mp/hepburn/sign-up>.

The newly formed Gender Equity Committee had their Inaugural Meeting on Wednesday 8 September. At this introductory meeting, the group discussed the Terms of Reference and a mutually suitable time for their regular meetings.

In line with the State Government COVID regulations, most of our staff have continued to work from home throughout the lockdown, with the exception of essential workers who had permits to work on site.

On Friday 10 September Council was advised of a confirmed Covid 19 case in Hepburn shire. Our teams activated to support health services and our community respond and supported the establishment of a pop-up testing station where over 300 community members were tested. On Wednesday 15 September the Premier announced that the City of Ballarat would go into a 7-day lockdown.

Both events have and will impact on our community and organisation, however the last 18 months has shown the Hepburn community to be extremely resilient and adaptable and I'm sure will work together and support each other through.

The majority of meetings over the past months have been virtual and include:

- Central Highlands Recovery Forum
- Executive Team meetings
- Grampians Region – Local Government Listening Post
- One on one meetings with direct reports
- Waste Manager recruitment
- Mineral Springs Advisory Committee meeting
- Public Art Advisory Committee meeting
- Confidential Councillor briefings
- Leadership Team Development meeting
- North Central Catchment Partners Forum
- Meeting with Fire Rescue Victoria with Deputy Commissioner Fire Safety, Assistant Chief Fire Officer Community Resilience, Assistant Chief Fire Officer Fire Safety, Assistant Chief Fire Officer Built Environment
- Daylesford Macedon Tourism
- Emergency Management Team meeting
- Storm Recovery Procurement Plan workshop
- Department Jobs, Precincts and Regions, CEOs and MAV forum
- Enterprise Agreement meetings
- Meeting with the CFA regarding Kingstone Fire Brigade station
- Central Highlands Councils Victoria - Mayors & CEOs Forum

- Wombat Hill Botanic Gardens Friends catch up
- Bushfire Recovery Victoria
- Meeting with Ward Councillors

We have welcomed Spring and started to have some warmer and longer days. It's lovely to see the plants and trees which have laid dormant for months bursting into life. Now that lockdown in regional Victoria has lifted, we look forward to welcoming regional visitors back, and showcasing all that our Shire has to offer.

RECOMMENDATION

That Council receives and notes the Chief Executive Officer's Report for September 2021.

MOTION

That Council receives and notes the Chief Executive Officer's Report for September 2021.

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

9 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

9.1 PETITIONS

No petitions have been received this month.

9.2 PUBLIC QUESTIONS

No public questions were received by the deadline for this month's Ordinary Meeting. Public Questions are managed in accordance with Council's Governance Rules.

9.3 REQUESTS TO ADDRESS COUNCIL

No valid requests to address Council received for this month's Ordinary Meeting. Requests are managed in accordance with Council's Governance Rules.

Cr Tim Drylie left the meeting at 6:37pm due to a conflict of interest for 10.1 PA 3151 - development of a caretakers residence at 80 Albert Street Creswick.

10 STATUTORY PLANNING

10.1 PA 3151 - DEVELOPMENT OF A CARETAKERS RESIDENCE AT 80 ALBERT STREET CRESWICK DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. 80 Albert Street Creswick - Application [10.1.1 - 9 pages]
2. 80 Albert Street Creswick - Draft Refusal [10.1.2 - 1 page]
3. PA 3189 - Permit Redacted [10.1.3 - 6 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine their position on the current Victorian and Civil Administrative Tribunal (VCAT) Appeal P11160/2021 in relation to Planning Application PA 3151 – 80 Albert Street, Creswick (Lot 1 on Title Plan 013984S) for the construction of a caretakers residence, which would result in a car park waiver and reducing previously approved onsite car parking.

The VCAT appeal is under Section 79 in the *Environment and Planning Act 1987*, for a failure to determine (within statutory time frame).

OFFICER'S RECOMMENDATION

*That Council resolves to refuse support of the application (**Attachment 2**) and the delegated officer provide VCAT a copy of Council's resolution.*

MOTION

*That Council resolves to refuse support of the application (**Attachment 2**) and the delegated officer provide VCAT a copy of Council's resolution.*

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

Site and Surrounds

The subject site, being 80 Albert Street Creswick, currently contains a restaurant, dwelling and stables. The caretaker's residence, which is the subject of this report.

Proposal

The applicant proposes the construction of a caretaker's residence, which would result in a car park waiver due to the caretaker's residence being located where the

original carparking was approved. The application has remained silent on the associated car park waiver (**Attachment 1**).

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Commercial 1 Zone	
Overlays:	Heritage Overlay (Schedule 222) Environmental Significance Overlay, Schedule 1	
Particular Provisions	Car Parking	
Relevant Provisions of the PPF	Clause 11.01-1S Settlement Clause 11.03-6S Regional and local places Clause 15.01 Built Design Clause 15.03 Heritage Clause 15.01-6S Design for rural areas Clause 18.02-4S Car parking Clause 21.2 Key Influences Clause 21.03 Vision and Strategic Framework Clause 21.04 Objectives - Strategies - Implementation Clause 21.05 Settlement and Housing Clause 21.09 Environment and Heritage	
Under what clause(s) is a permit required?	Clause 43.01-1 Heritage Overlay (Schedule 222)	Construct a building or carry out works.
	Clause 52.06-03 Car Parking	Reduce (including reduce to zero) the number of car parking spaces required.
Objections?	Currently being advertised.	

KEY ISSUES

Land Use

Provision of a caretakers residence on a commercial site that currently includes a dwelling must provide justification as to the supervisory nexus between the business and the caretakers residence, no justification of the use has been provided as part of the application.

Car Parking

The application has made no reference to car park waiver associated with the caretakers residence, or provided a car parking demand assessment in accordance with Clause 52.06-7. As the applicant has remained silent on the car park waiver, it has not been included in the preamble of the application.

The plans submitted as part of the application show two car parking spaces provided on site. This raises a non-compliance issue with planning permit PA 1389, which requires provision of four car parking spaces on site (**Attachment 3**).

Additionally, the proposed caretakers residence, being a one bedroom dwelling, would require an additional car parking space provided on site.

If this application is approved, in breach of PA 1389, a total of 39 car parking spaces would be waived for the site. A further waiver of car parking spaces for the subject site is considered to be an unreasonable outcome in relation to the amenity of the area, and the existing car parking deficiency associated with the existing use of the land.

Decision Options

Councillors can:

a) Resolve to refuse the application, Councils resolution will form part of the VCAT hearing in February 2022.

or

b) Resolve to support the application, Councils resolution will form part of the VCAT hearing in February 2022.

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 is currently being advertised at the direction of VCAT, by sending notification of the proposal to adjoining and adjacent owners and provision of a notice on the land. At time of writing, no objections have been received.

Cr Tim Drylie returned to the meeting at 6:40pm.

Planning Enquiries
Phone: (03) 5348 1577
Web: 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.
- i** Click for further information.

Clear Form

The Land **i**

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

Street Address *

Unit No.:	St. No.: 80	St. Name: Albert Street
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.: 1	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 013984S
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name: Creswick					

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.

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

Development of a Caretakers House

⚠ 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.

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

Cost \$85,000.00	⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.
------------------	---

Existing Conditions 1

Describe how the land is used and developed now *

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

Existing Licensed Tavern/Restaurant (100 patrons) and Dwelling

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

Title Information 1

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 1

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

Applicant *

The person who wants the permit.

[Redacted applicant details]

[Redacted applicant details]

Please provide at least one contact phone number *

Contact information for applicant OR contact person below

[Redacted contact information]

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

Contact person's details*

[Redacted contact person details]

[Redacted contact person details]

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.

[Redacted owner details]

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.

Need help with the Application?

General information about the planning process is available at 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

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

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 Council's Governance Department.



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

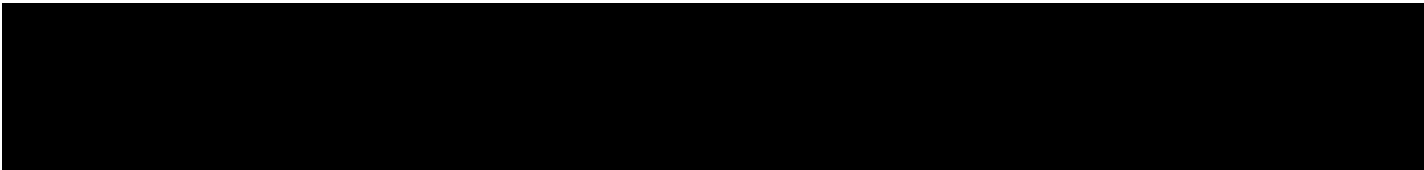
VOLUME 10445 FOLIO 405

Security no : 124088564686Q
Produced 09/03/2021 04:14 PM

LAND DESCRIPTION

Lot 1 on Title Plan 013984S.
Created by Application No. 079550S 03/05/1999

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES



DIAGRAM LOCATION

SEE TP013984S 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: 80 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

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

Document Type	Plan
Document Identification	TP013984S
Number of Pages (excluding this cover sheet)	1
Document Assembled	09/03/2021 16:23

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

TITLE PLAN

EDITION 1

TP13984S
ATTACHMENT 10.1.1

LOCATION OF LAND

NOTATIONS

PARISH CRESWICK
TOWNSHIP CRESWICK
SECTION 11
CROWN ALLOTMENT 11PART1
CROWN PORTION

LTO BASIL BLOOD SOMB-C (RURAL)
LAST PLAN REFERENCE
TITLE REFERENCE

DEPTH LIMITATION NIL

Warning as to dimensions

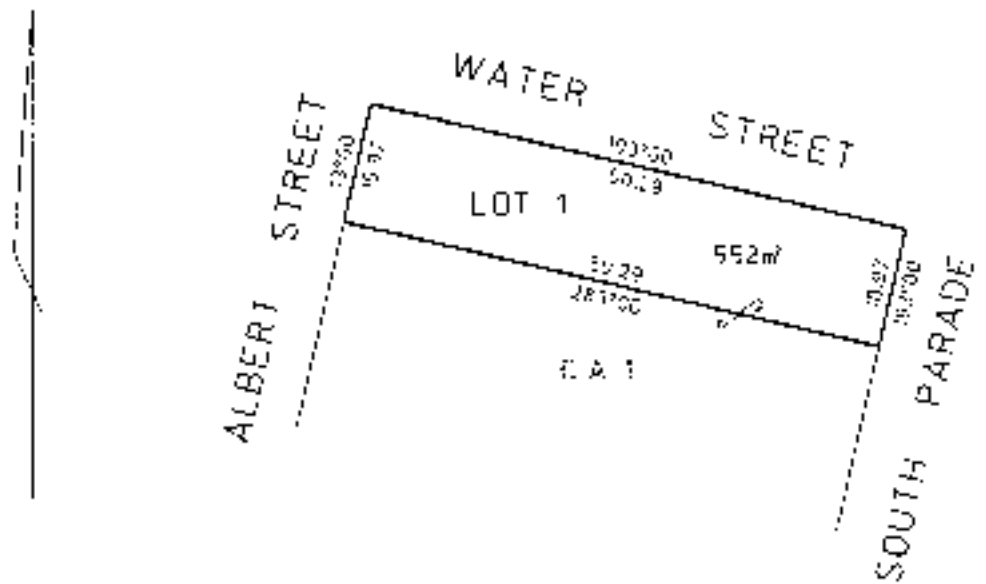
Any dimension and connecting distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.

EASEMENT INFORMATION

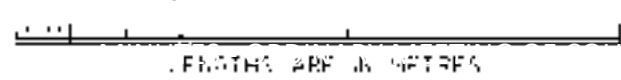
Easement Reference	Purpose / Authority	Width - Metres	Origin	Land benefited / in favour of
NIL				

Legend A - Appurtenant E Encumbering Easement R Encumbering Easement (Rural)

THIS PLAN HAS BEEN
PREPARED BY LAND
REGISTRY LAND VICTORIA
FOR THE USE ONLY FOR PURPOSES
Checked by [Signature]
Date 26 April 1999
Assistant Registrar of Titles

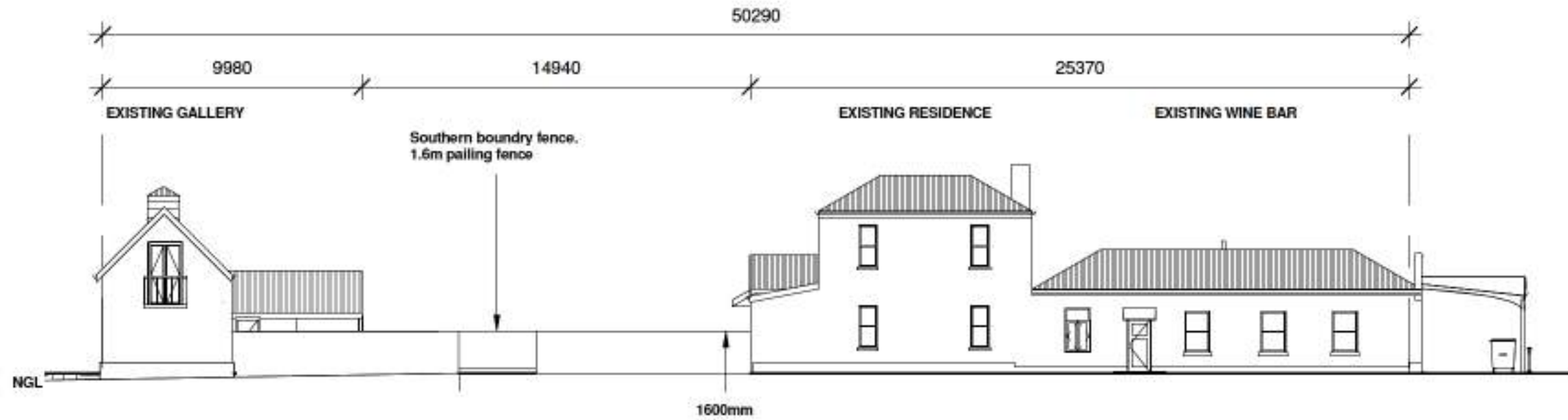


Sheet 1 of 1 sheets

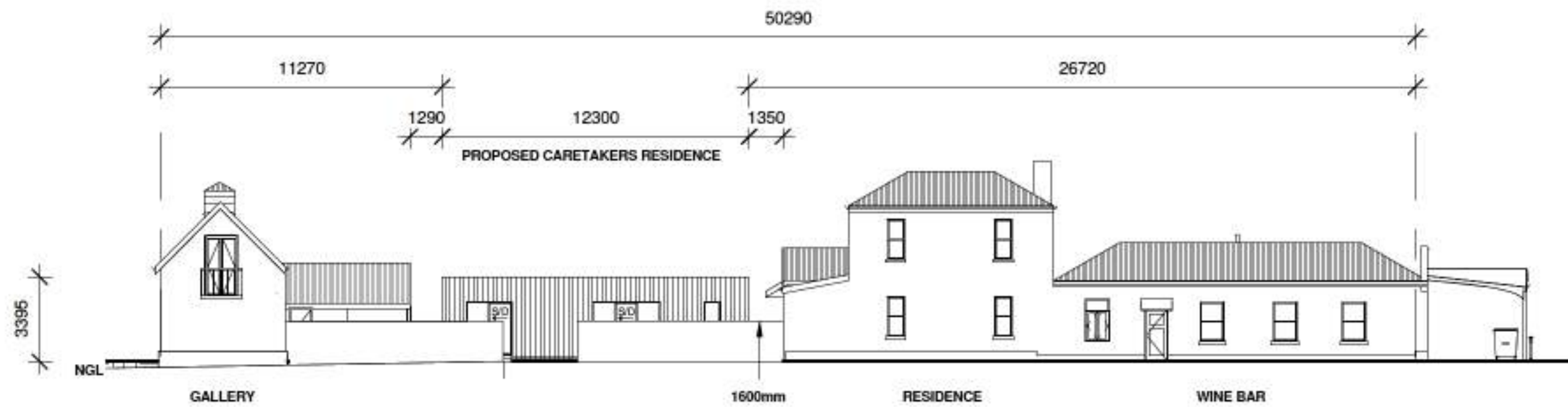


SHEET SIZE A3
APPLICATION No. _____
DEALING CODE No. _____

AP79550S



2 North Elevation EXISTING
1 : 200



1 North Elevation PROPOSED
1 : 200

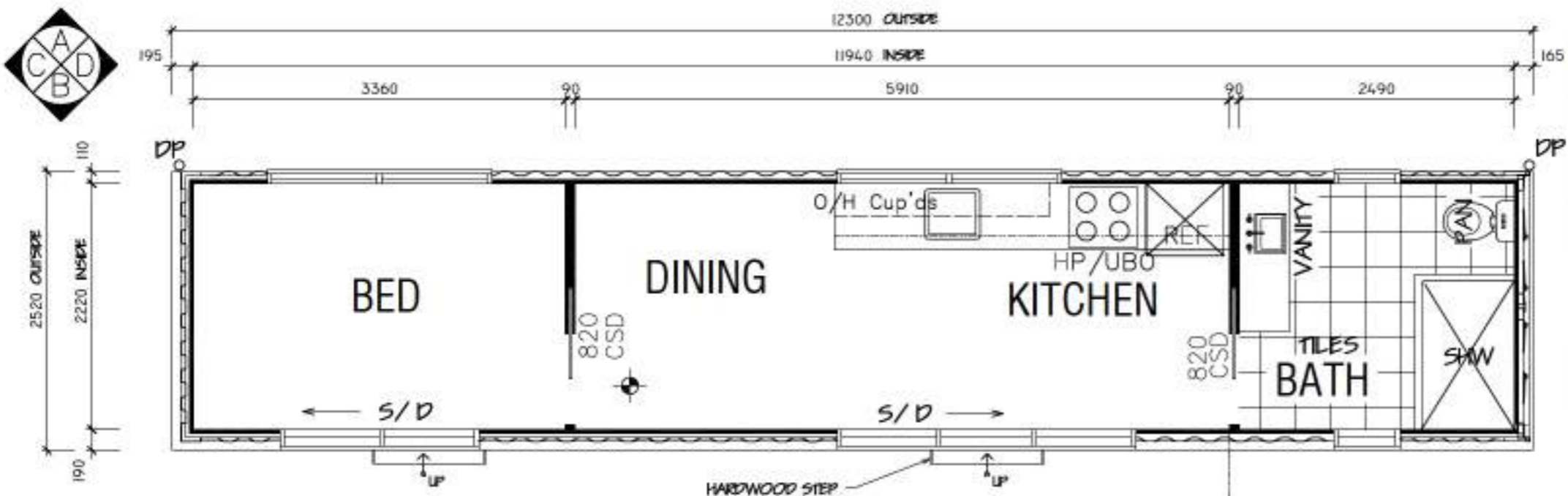
Project Name
**PROPOSED WORKS AT 80 ALBERT St,
CRESWICK, VICTORIA, 3363**

Drg. Title **NORTH ELEVATION EXISTING & PROPOSED**

Drg. No.
A102

Date **03/06/20**

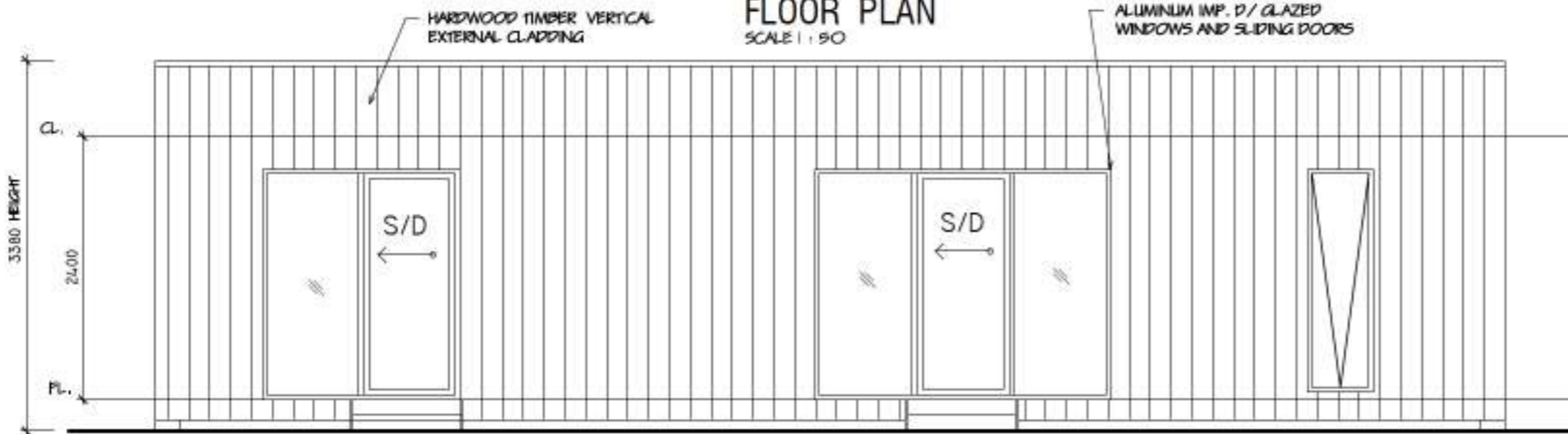
Scale **1 : 200**



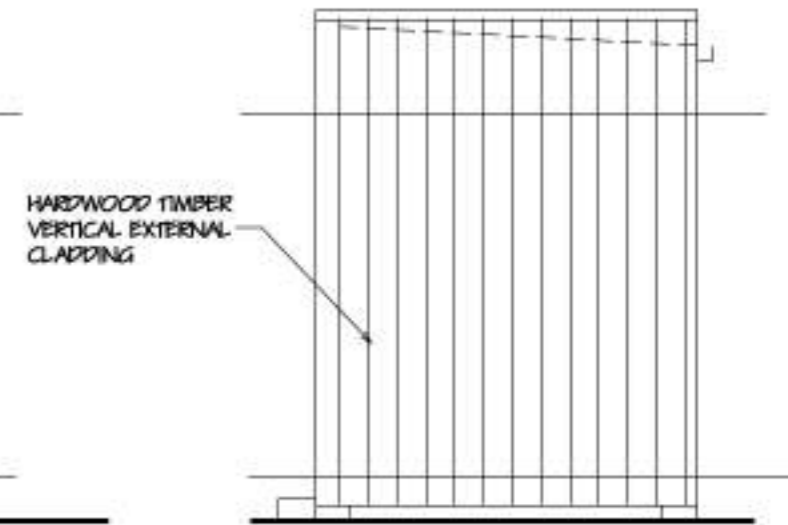
FLOOR PLAN
SCALE 1:50



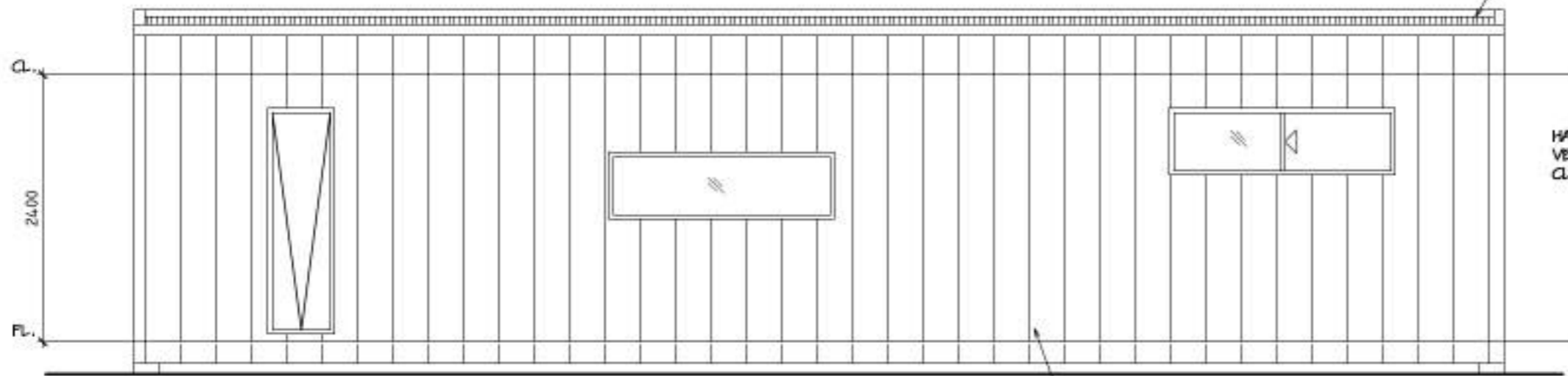
PERSPECTIVE VIEW



VIEW ON 'A' SCALE 1:50



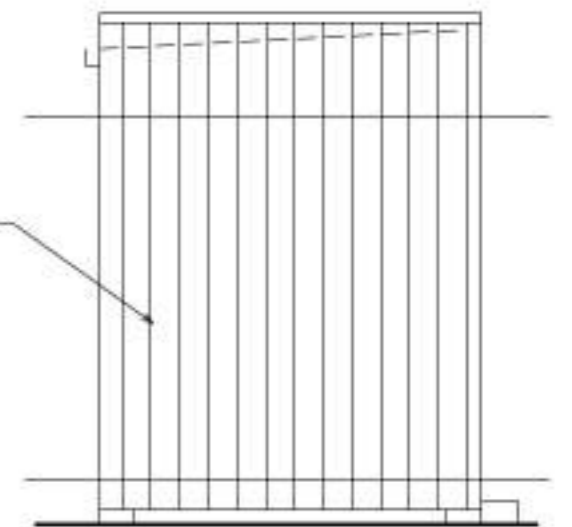
VIEW ON 'C' SCALE 1:50



VIEW ON 'B' SCALE 1:50

COLORBOND MONOCLAD ROOF AT 3° ROOF PITCH

HARDWOOD TIMBER VERTICAL EXTERNAL CLADDING



VIEW ON 'D' SCALE 1:50

METAL SHEET CLADDING

REFUSAL TO GRANT A PLANNING PERMIT

Permit Number:

PA 3151

Planning Scheme:

Hepburn Planning Scheme

Responsible Authority:

Hepburn Shire Council

Address of the land: 80 Albert Street Creswick

Application Proposal: Construction of a caretakers residence

WHAT ARE THE REASONS FOR THE REFUSAL?

- 1. The waiver of carparking would adversely affect the amenity of the area.*
 - 2. The full waiver of carparking would increase the existing car parking deficiency associated with the site.*
 - 3. There is unlikely to be multi-use trips attributed to the caretakers residence that would warrant a further reduction in car parking.*
 - 4. No justification as to the supervisory nexus between the business and the caretakers dwelling has been provided.*
-
-

Planning and Environment Regulations 2005
Form 4

Sections 63 and 86

PLANNING PERMIT

Permit No: PA1389

file ref: 12106/P

Planning Scheme: Hepburn

Responsible Authority: Hepburn Shire Council

ADDRESS OF THE LAND: 80 Albert Street Creswick
Lot 1 TP013984S

THE PERMIT ALLOWS On premises liquor licence and reduction of carparking in association with the use of the land for a tavern for up to 100 patrons, and buildings and works, in accordance with the endorsed plans.

CONDITIONS

No Change

- 1 The development and layout of the use as shown on the endorsed plans must not be altered without the consent of the responsible authority.

Limit of patrons

- 2 No more than 100 patrons are to be present on the land at one time without the further written consent of the responsible authority

Hours of operation

- 3 The hours of operation of the liquor licence are limited to:
- 7.00am to 1.00am, Monday to Saturday (excluding ANZAC Day and Good Friday);
 - 10am to 1.00am Sunday;
 - 12 noon to 1.00am, ANZAC Day and Good Friday.

Amenity

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

Signature for the Responsible Authority: _____



Print Date: 20/12/2016

Page 1 of 3

Noise control

- 5 Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

Engineering**6 Stormwater Drainage**

Stormwater 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.

7 Parking

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

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 fully sealed asphalt or concrete with kerb and channel to the satisfaction of the Responsible Authority;
- drained in accordance with an approved drainage plan;
- constructed and completed to the satisfaction of the Responsible Authority.

8 Access

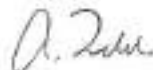
Vehicle access/crossing to the development from Water Street is to be located, constructed of concrete/asphalt and maintained to the satisfaction of the Responsible Authority prior to the commencement of use.

Vehicle access/crossing to the development is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 240.

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

All vehicle entry to and egress from the site shall be in a forward direction. A site plan showing turning circles shall be submitted showing that delivery vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site.

Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.



All works must be constructed and completed prior to commencement of use.

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

NOTE: The Applicant/Owner must obtain a 'Works within Road Reserve Permit' prior to construction of vehicle crossing.

Environmental Health

- 9 The premises must be fitted out in accordance with the Council's Setting Up A Food Business Guidelines and the Australia New Zealand Food Standards Code.
- 10 The premise must be inspected by Council's Environmental Health Officer prior to works commencing.
- 11 The premises must be registered with Council under the Food Act 1984.

END OF CONDITIONS

NOTE: Expiry of permit

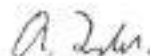
This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date, or the use is not started within two years of the completion of the development, or is discontinued for a period of two years.

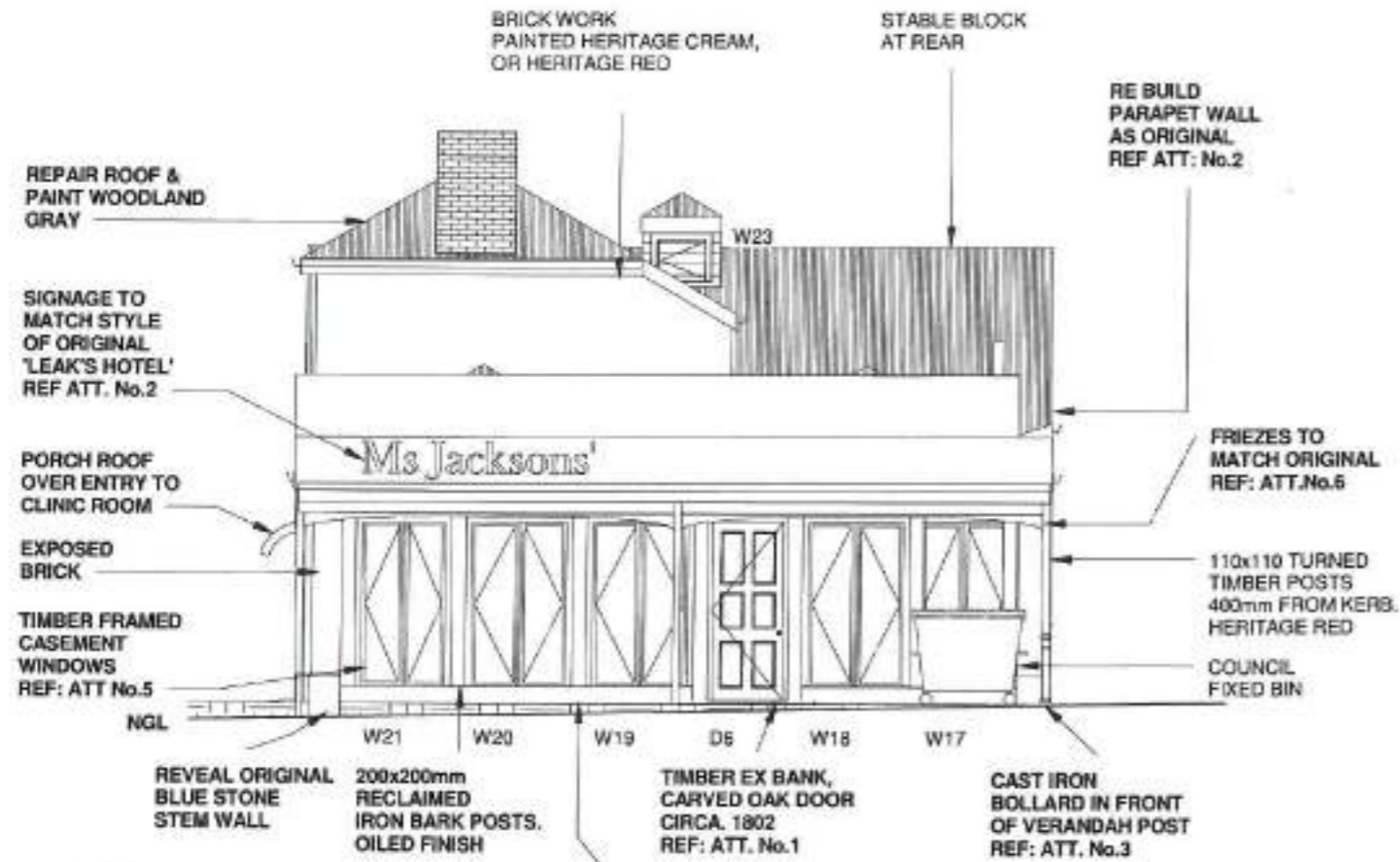
The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

- Within six months afterwards if the development has not been started, or the development is complete but the use has not started, or the use has been discontinued for a period of two years.
- Within twelve months afterwards if the development started lawfully before the permit expired.

Date Issued: 20/12/2016

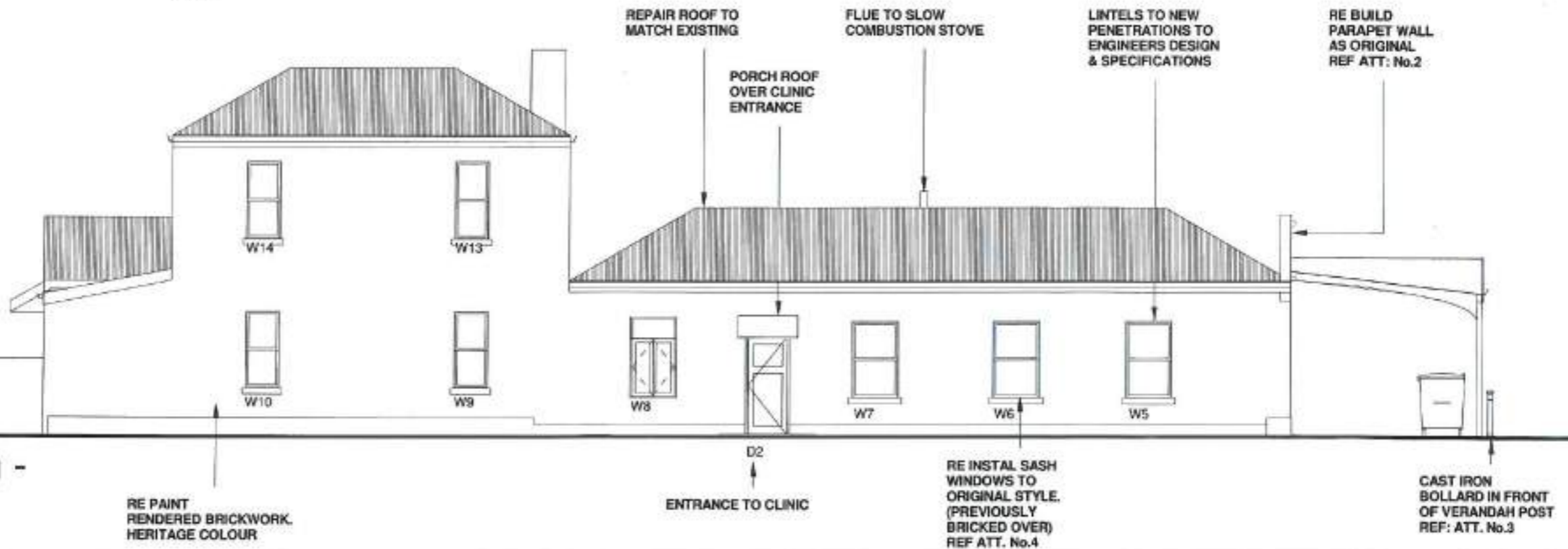
Signature for the Responsible Authority: _____
Print Date: 20/12/2016





Planning and Environment Act 1987
 HEPBURN PLANNING SCHEME
 This plan is endorsed as forming part of
 Planning Permit No. PA 1389
 Signed: A. Zulu
 Authorised Officer for and on behalf of
 the Council of the Hepburn Shire
 Date: 20/12/2016

1 West Elevation - PROPOSED
 1 : 100



2 North Elevation - PROPOSED
 1 : 100

Project Name
**PROPOSED WORKS AT 80 ALBERT St,
 CRESWICK, VICTORIA, 3363**

Drg. Title **ELEVATIONS - PROPOSED**

Drg. No.	BP109
Date	29.07.14
Scale	1 : 100

240 2235 960 1800 960 1960 960 1285 921 1434 950 1370 1580 700 3615 700 1335 200 2530 110

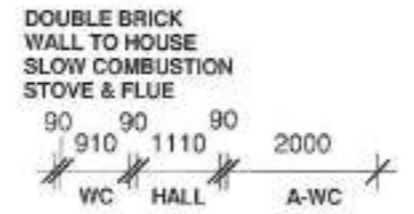
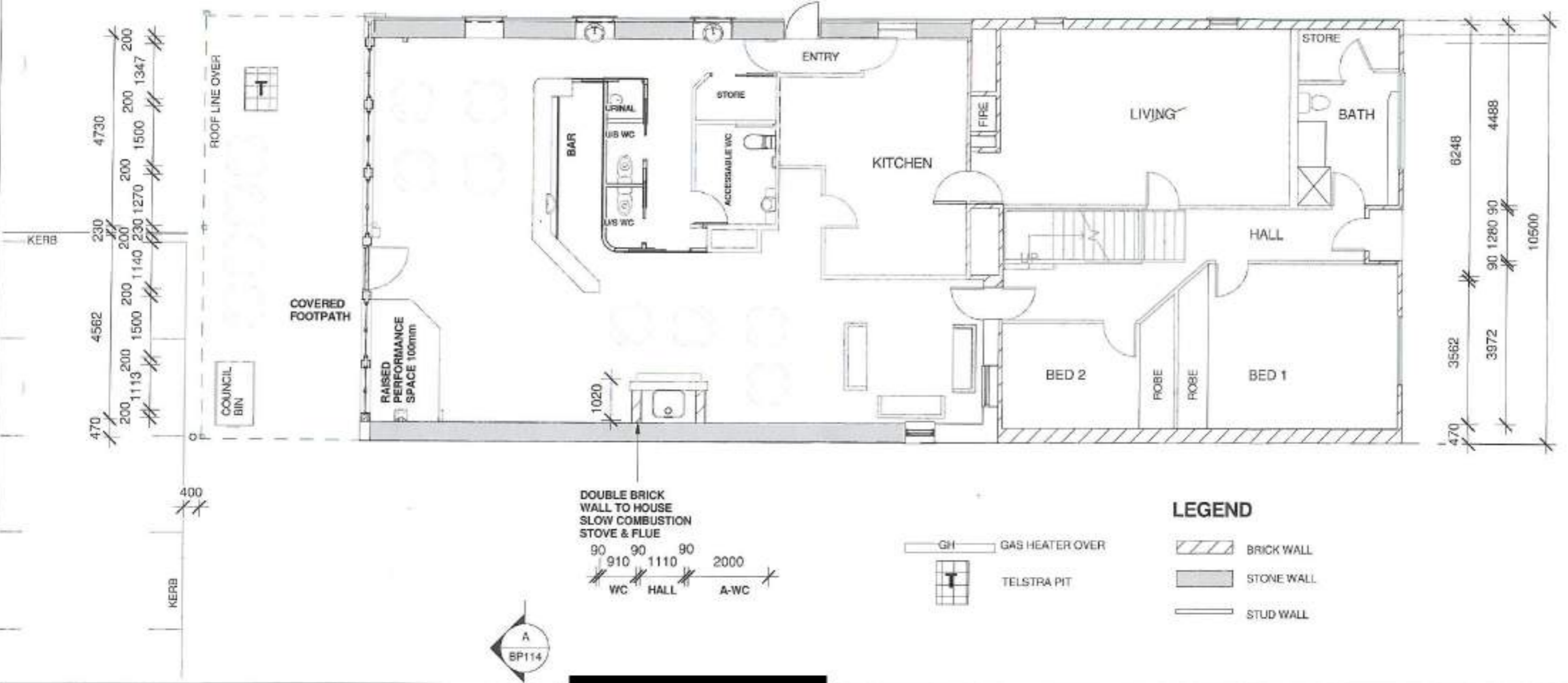
Planning and Environment Act 1987
HEPBURN PLANNING SCHEME
 This plan is endorsed as forming part of
 Planning Permit No. **PA 1389**
 Signed *Ol. Todor*
 Authorised Officer for and on behalf of
 the Council of the Highburn Shire
 Date *20/12/2016*



NOTE

RAMPS TO ACCESSIBLE ENTRANCES - DOOR 6 & DOOR 2 (AS 1428.1.7.1) MAXIMUM GRADIENT 1:8
 fig.10 RAMPED THRESHOLD 450mm MAX
 AND ALL DOORS COMPLIANT WITH fig. 12 (d) CIRCULATION SPACE AT DOORWAYS WITH SWINGING DOORS.

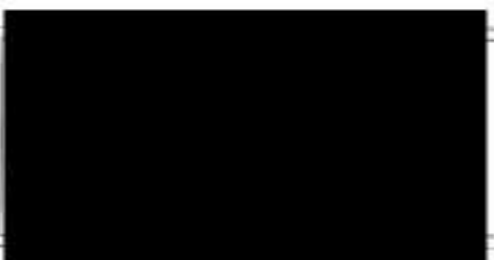
**revision 21.04.16 - toilet layout. 2x unisex @2510x910
 1x urinal @ 910x910
 2x hand washing
 1 x compliant accessible toilet @ 2495x2000
 store2000x1075**



LEGEND

- GH GAS HEATER OVER
- TELSTRA PIT
- BRICK WALL
- STONE WALL
- STUD WALL

Project Name
**PROPOSED WORKS AT 80 ALBERT St,
 CRESWICK, VICTORIA, 3363**



REVISION 31 - TOILET LAYOUT

Drg. Title **GROUND FLOOR - STRUCTURAL -
 PROPOSED**

	Drg. No. BP104
	Date 21.04.16
	Scale 1 : 100

CRESWICK TOWN HALL

FOOTPATH

CROSS OVER

FOOTPATH

ALBERT STREET

Planning and Environment Act 1987
 HEPBURN PLANNING SCHEME
 This plan is endorsed as forming part of
 Planning Permit No. PA 1389
 Signed A. Jull
 Authorised Officer for and on behalf of
 the Council of the Hepburn Shire
 Date 20/12/2016

50780

14940

5000

5000

WATER STREET

9300

CROSS OVER

GRASSED

CROSS OVER

GRASSED

FOOTPATH

BOUNDARY 50.78m

ACCESS POINT

BOUNDARY 10.52m

10500

400

6 PARKING BAYS

FOOTPATH

TIMBER PAILING FENCE @ 1600

BOUNDARY 50.78m

EXCHANGE LANE

No.82

No.86 & 84

Project Name
**PROPOSED WORKS AT 80 ALBERT St,
 CRESWICK, VICTORIA, 3363**



Drg. Title



Drg. No.

Date

Scale

10.2 PA 3227 - APPLICATION FOR A 2 LOT SUBDIVISION AT 90 ROSES LANE CLUNES DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. PA 3227 Advertised Plans 90 Roses Lane Clunes [**10.2.1** - 4 pages]
2. PA 3227 90 Roses Lane Clunes Objections [**10.2.2** - 195 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine planning application PA 3227 for the two-lot subdivision at 90 Roses Lane in Clunes, known as Crown Allotment 24 Section 6 Parish of Clunes (**Attachment 1**). The application seeks approval for a two-lot subdivision of an existing 6.099 hectare allotment into two allotments of 2.9 hectares and 3.19 hectares in area. The application is being referred to Council because 23 objections were received.

The application achieves a high level of compliance with the relevant sections of the Planning Policy Framework, the Zoning and Overlay's that affect 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 makes a determination to issue a Notice of Decision to Issue a Planning Permit at 90 Roses Lane, Clunes in accordance with the following recommendation and conditions.

That Council, having caused notice of planning application PA 2865 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to issue a Notice of Decision to Grant a Planning Permit for a two-lot subdivision at 90 Roses Lane, Clunes subject to the following conditions:

Compliance with the Endorsed Plans

1. *The subdivision and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

Central Highlands Water

2. *Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.*
3. *A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of*

the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

Goulburn Murray Water

4. *All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
5. *All wastewater generated from any future development on the new lots created by subdivision must be in accordance with the Land Capability Assessment NR130521-90 prepared by Ballarat Soil Testing, May 17, 2021.*
6. *All wastewater generated from any future development on the new lots created by subdivision must be treated and disposed of in accordance with the Land Capability Assessment NR130521-90 prepared by Ballarat Soil Testing, May 17, 2021. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.*
7. *The wastewater disposal area associated with any future development must be:*
 - a. *kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.*
 - b. *must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 4 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance the EPA Code of Practice – Onsite Wastewater Management.*
 - c. *located at least 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.*
8. *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 Action.*

Country Fire Authority

9. *The Bushfire Management Plan prepared by NR Links, (Bushfire Management Report, 90 Roses Lane Clunes, Project 2107, Appendix 10: Bushfire management Statement for Lot 2, dated April 2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*

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.*

Engineering

11. *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.*
12. *Each lot requires a separate point of discharge.*
13. *It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines*

Note: Additional information for requirements can be found at <https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

14. *Prior to the issue of a statement of compliance, Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority including:*
 - a. *Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority*
 - b. *Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.*
 - c. *Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.*
 - d. *Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.*

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.

15. *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*

16. *All works must be constructed and completed prior to statement of compliance.*
17. *All costs incurred in complying with the above Engineering conditions shall be borne by the permit holder.*

Mandatory conditions required by Clause 66.01-1

18. *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.*
19. *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.*
20. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
21. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
22. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

Permit Expiry

23. *This permit will expire if one of the following circumstances applies:*
- a. *The plan of subdivision is not certified within 2 years of the date of this permit;*
 - b. *The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.*

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

NOTES:

North Central Catchment Management Authority : *Advice to Applicant / Council. 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 unlikely that the property may be subject to inundation from Kilkenney Creek.*

Ms Jennie Courtney addressed Council in objection to the application.

Mr David Scott addressed Council in objection to the application.

Ms Svantje Mertens addressed Council in objection to the application

Mr James Curzon-Siggers addressed Council in objection to the application.

MOTION

That standing orders be suspended.

Moved: Cr Brian Hood

Seconded: Cr Juliet Simpson

Carried

Standing orders were suspended at 7:22pm.

MOTION

That standing orders be resumed.

Moved: Cr Juliet Simpson

Seconded: Cr Brian Hood

Carried

Standing orders were resumed at 7:50pm.

MOTION

That Council makes a determination to refuse a Planning Permit at 90 Roses Lane, Clunes.

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Cr Halliday proposed an amendment, which was accepted by Cr Bray:

AMENDMENT

That Council makes a determination to refuse a Planning Permit at 90 Roses Lane, Clunes due to:

- *a lack of strategic planning;*
- *concerns of over development; and*
- *Inconsistencies with the current Neighbourhood character.*

Moved: Cr Tessa Halliday

Seconded: Cr Brian Hood

Carried

MOTION

That Council makes a determination to refuse a Planning Permit at 90 Roses Lane, Clunes due to:

- *a lack of strategic planning;*
- *concerns of over development; and*
- *Inconsistent use of current Neighbourhood character.*

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Carried

BACKGROUND

Site and Surrounds

The subject site is known as Crown Allotment 24 Section 6 Parish of Clunes. The property is 6.099 hectares in area and is 120.7 wide and is 505.3 metres deep. The site has three street frontages. The main frontage faces Roses Lane whilst the rear of the property faces Wallington Lane which is unmade. Whilst an unmade road reserve adjoins the northern boundary of the site.

The site contains a shed on the rear north west corner of the site.

No easements or waterways traverse through the property. The property is generally flat and is clear of trees.

The site directly abuts a property to the south which appears to be occupied by a dwelling and outbuilding.

The adjoining land is zoned Low Density Residential and is made up of large rural lifestyle properties generally containing a single dwellings.

Proposal

The application seeks approval for a two-lot subdivision of an existing 6.099 hectare allotment as follows:

- Lot 1 faces Roses Lane and will be 2.9 hectares in area; and
- Lot 2, in a battle axe shape will be located to the rear of lot 1 and 3.19 hectares in area (**Attachment 1**).

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Low Density Residential Zone (LDRZ)
Overlays:	Bushfire Management Overlay (BMO) (Partial, Rear Only) Environmental Significance Overlay - Schedule 1 (ESO1)
Particular/General Provisions	Clause 53.02 (Bushfire Planning) Clause 53.01 (Public Open Space Contribution and Subdivision)
Relevant Provisions of the PPF	<ul style="list-style-type: none"> • Clause 11.01-1S Settlement • Clause 11.03-6S Regional and local places • Clause 12.01-1S Protection of biodiversity • Clause 12.01-2S Native vegetation management • Clause 12.03-1S River corridors, waterways, lakes and wetlands • Clause 12.05-1S Environmentally sensitive areas • Clause 12.05-2S Landscapes • 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 15.01-6S Design for rural areas • Clause 18.02-4S Car parking • Clause 19.03-03S Integrated water management • Clause 19.03-04S Telecommunications • Clause 19.03-2S Infrastructure design and provision

	<ul style="list-style-type: none"> • Clause 19.03-4S Telecommunications • Clause 19.03-5S Waste and resource recovery • Clause 21.2 Key Influences • Clause 21.03 Vision and Strategic Framework • Clause 21.04 Objectives - Strategies - Implementation • Clause 21.05 Settlement and Housing • Clause 21.06 Infrastructure and Transport • Clause 21.08 Rural Land Use and Agriculture • Clause 21.09 Environment and Heritage • Clause 22.01 Catchment and Land Protection • Clause 22.04 Rural Land 	
Under what clause(s) is a permit required?	RLZ – Clause 32.03-3 (Subdivision)	Subdivision
	ESO1 – Clause 42.01-2 (Subdivision)	Subdivision
Objections?	23	

KEY ISSUES

The key issues for consideration relate to the appropriateness of the subdivision in the zoning and location in relation to neighbourhood character and land supply (objections: **Attachment 2**).

Zoning and Character

The response to the requirements of Clause 56 (ResCode), the Bushfire Management Overlay and the ability of the future lots to manage wastewater onsite.

The purpose of the Low Density Residential Zone (LDRZ) is to:

To implement the Municipal Planning Strategy and the Planning Policy Framework. To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

In relation to the location, layout and size of the proposed allotments, The LDRZ states that each lot must be at least 0.4 hectare.

The subdivision proposing two lots of approximately 3 hectares each easily complies with the minimum requirements of the zoning and provides an acceptable response in relation to neighbourhood character and complementing the rural surrounds.

The proposed layout of the subdivision as a battle-axe design has been considered as Kilkenny Lane would require significant upgrades. Additionally, the provided Bushfire Management Statement listed Kilkenny Lane as unsuitable.

Overlays and Res Code

The BMO and ESO1 on the site require the submission of a Bushfire Management Statement and Plan, and a Land Capability Assessment.

These documents were referred to external authorities being Goulburn Murray Water, Central Highlands Water, North Central Catchment Management Authority and The Country Fire Authority as well as Councils Engineering Department. No objections were raised, and conditions were requested.

Clause 56 (also known as ResCode) is relevant to the application. The LDRZ indicates that consideration of Clause 56 in the zoning is limited to the relevant standards of Clauses 56.07-1 to 56.07-4 which relate to water supply, management of waste and stormwater. As previously discussed, the proposal does not raise any concerns in relation to management of waste or stormwater, noting a detailed land capability assessment has been provided indicating that wastewater can be managed onsite.

Strategic Context

Amendment C80Hepb (C80) effects all land in the Hepburn Shire and implements the findings and recommendations of the Hepburn Planning Scheme Review. C80 strengthens the strategic framework through a new Municipal Planning Strategy, eleven new policies, zone and overlay schedules and particular provisions for the municipality. The assessment of this application has considered the implications of C80 and determined that there would be no significant change to the recommendation as set out in this report.

C80 was adopted by Council on 18 February 2020 and is a seriously entertained amendment under section 60(1A)(h) of the Planning and Environment Act 1987. The amendment is awaiting ministerial approval and gazettal into the Hepburn Planning Scheme.

The application is considered to comply with the relevant section of the planning policy framework and the provisions of the planning scheme and should be supported by Council.

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, 23 objections have been received (**Attachment 2**). The issues raised include:

Non-compliance with PPF / Lack of mast plan for the area / Hepburn Shire Planning Scheme Review / Outside town boundaries Over development/ Neighbourhood Character / Impact on community cohesion / Social sustainability

The density of the subdivision is consistent with the current zoning of the land and provides a significantly lower density of land supply than what would be achieved within the town boundaries.

Some discussion was provided in relation to community building, social cohesion and the need for further strategic documents and consideration of the Hepburn planning scheme review. These are strategic planning and policy related issues. In relation to this application, the Planning Scheme Review (C80hepb) amendment does not alter the recommendation. Future strategic work is proposed by Council to include Clunes Structure Plan. Until this work is completed, planning decisions are made under the current planning framework.

Compliance with Clause 56.03-5 Neighbourhood Character Objective

Clause 56.03-5 is not a relevant consideration. It should be noted however that neighbourhood character remains a relevant theme within the Planning Policy Framework and has been considered in forming the recommendation.

Traffic

It is acknowledged that an additional allotment is likely to result in additional traffic. The increase is considered to be acceptable, being minimal and unlikely to result in significant safety concerns in relation to use of the surrounding street network.

Environmental Impacts (Waster water management, Pollution, Native vegetation and biodiversity)

In relation to wastewater management. The subdivision proposes large allotments. The submitted Land Capability Assessment has been assessed and considered appropriate by the relevant Water Authorities. In addition, the future development of the lots will require the issue of a septic permit from Council's Environmental Health Team who require ongoing maintenance and inspections of the systems.

In relation to stormwater management, whilst the application does not include any development, engineering conditions are imposed to address stormwater runoff ensuring acceptable management including concentration of stormwater to an approved point of discharge.

The site is mostly clear of trees. No vegetation removal is proposed to form part of the application. Concern has been raised in relation to the impact of vehicle access on existing street trees. Clause 52.17 (Native Vegetation) provides exemptions for native vegetation removal for the creation of vehicle access and tree removal within proximity of fence lines. Therefore, tree removal within the road reserve on Council land will be considered through a road opening permit at the time of construction and will be approved by Council' Engineering Team.

Privacy

The application proposes a subdivision, and whilst it is acknowledged that the subdivision is likely to result in an increase in housing density on the site, Privacy and overlooking are not relevant considerations.

Views

The Hepburn planning scheme does not provide specific planning policy to protect an individual's right to a view.

Land use

Discussion was provided in relation to the use of land for small agricultural enterprises and the current zoning potentially being inadequate to accommodate the existing subdivision layout and land uses.

Council is required to consider the application against the current zoning of the land being low density residential which is a residential zoning that provides for housing within a rural setting which the application is compliant with.

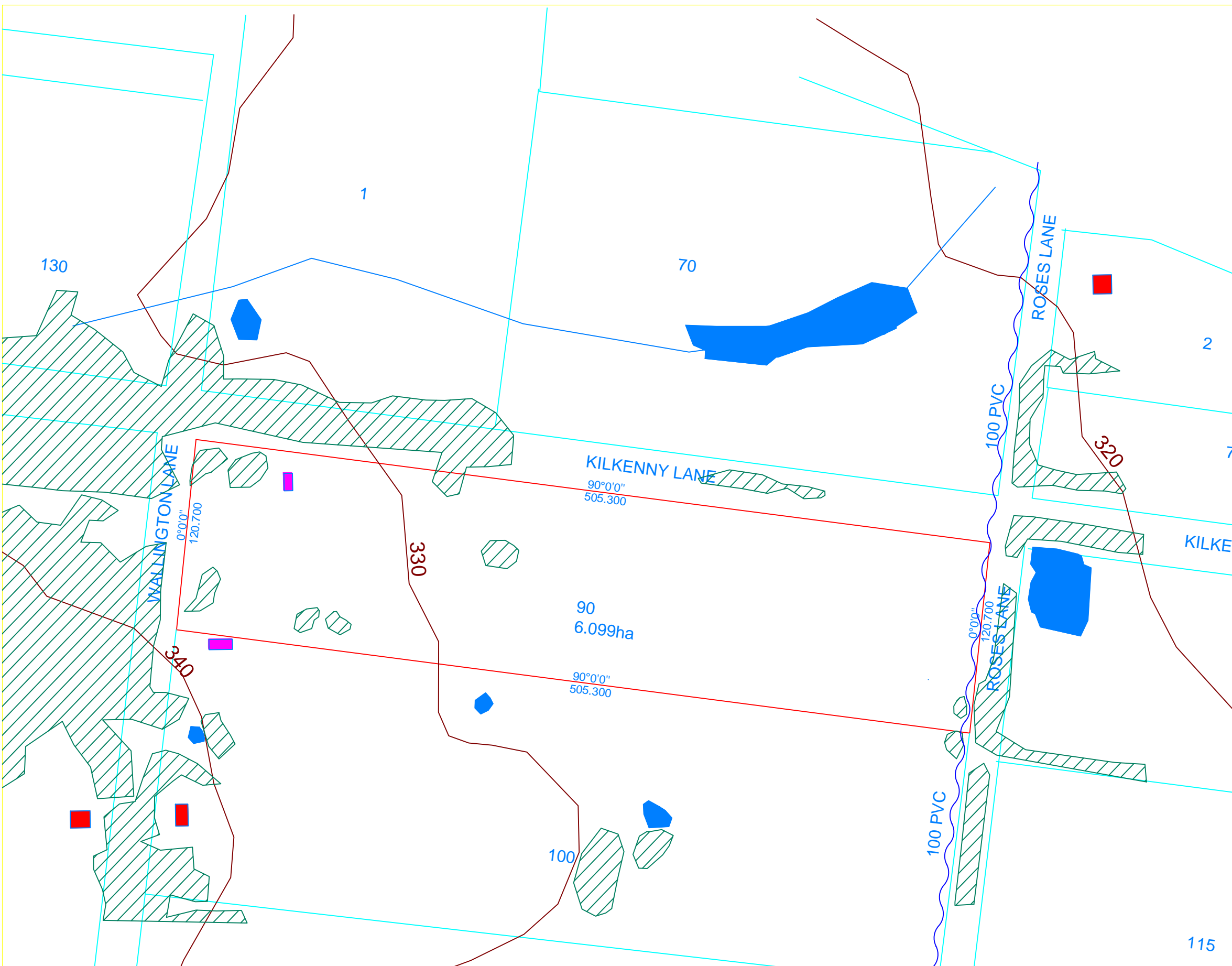
Light pollution

The planning scheme does not provide specific guidance in relation to light pollution from residential development, and whilst the application is for a subdivision and not a development, it is believed that the development of two 3-hectare allotments is unlikely to result in unreasonable glare on adjoining properties in a residential setting.

LEGEND

ATTACHMENT 10.2.1

EXISTING DWELLING	EXISTING SHED	TREE COVER
CONTOUR	EXISTING DAM	DRAINAGE LINE
100 PVC WATER LINE		



EXISTING PLAN

SCALE 1:2500 @A3

Note:
The contractor shall verify all dimensions and all underground services at the site before commencing work. The contractor shall verify all levels from this consulting engineer prior to construction.

DO NOT SCALE FROM DRAWINGS

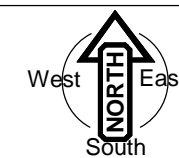
PROJECT:
90 Roses Lane,
Clunes

PROJECT NO: 2107

DATE:
APR 2021

DWG TITLE:
EXISTING PLAN

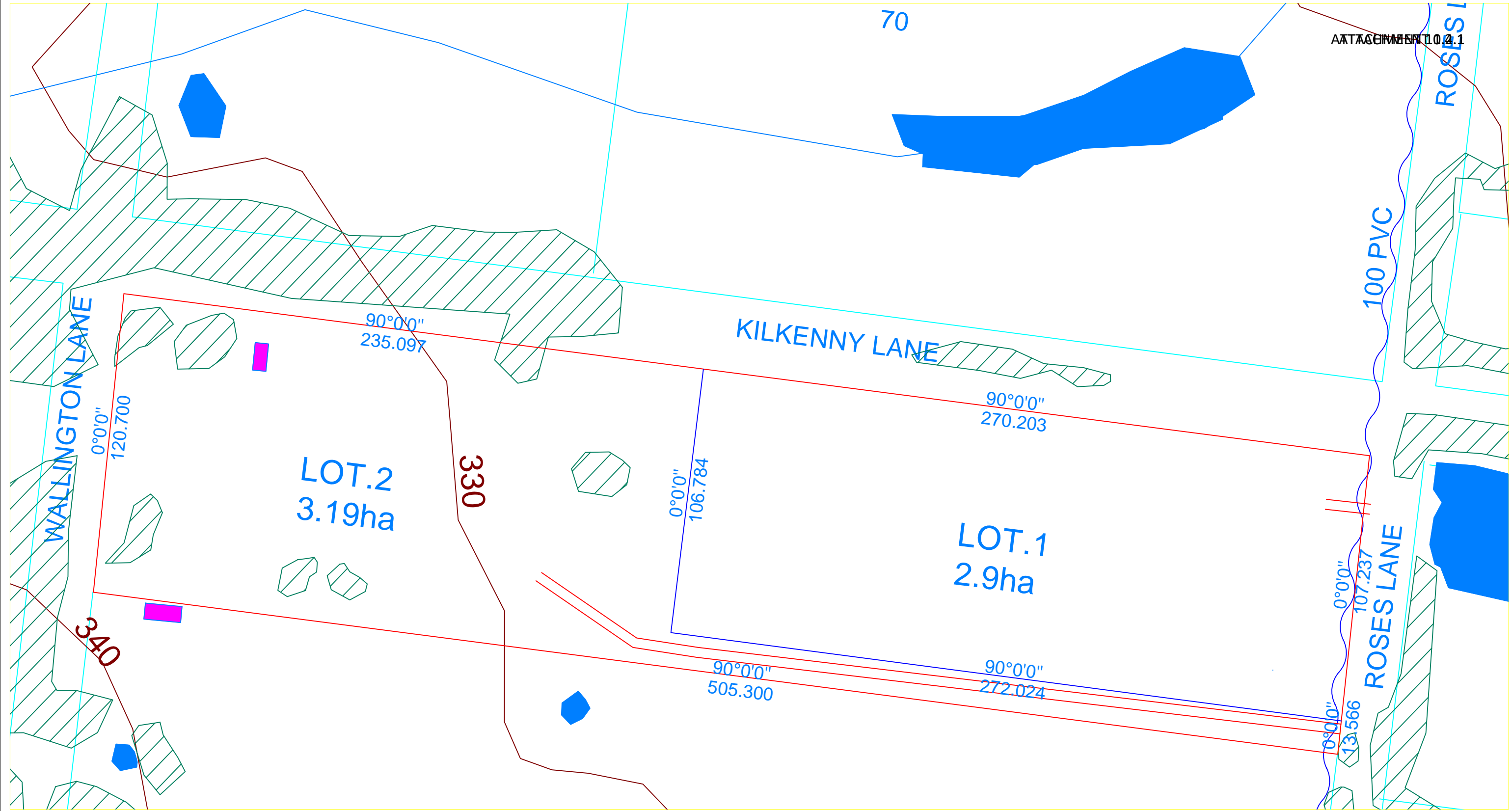
SCALE: 1:2500 @A3



DRAWINGS FOR PLANNING PERMIT ONLY NOT TO BE USED FOR CONSTRUCTION


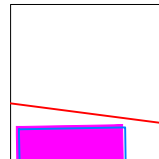
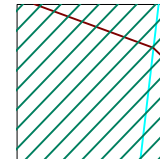

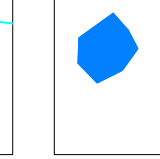
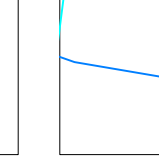
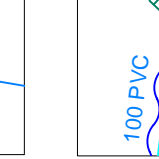
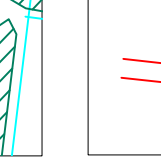


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A ATTACHMENT TO 2.1

LEGEND

- 
EXISTING DWELLING
- 
EXISTING SHED
- 
TREE COVER
- 
CONTOUR
- 
EXISTING DAM
- 
DRAINAGE LINE
- 
WATER LINE
- 
PROPOSED CROSSOVER

SUBDIVISION PLAN
SCALE 1:1500 @A3

Note:
The contractor shall verify all dimensions and all underground services at the site before commencing work. The contractor shall verify all levels from the consulting engineer prior to construction.

DO NOT SCALE FROM DRAWINGS

PROJECT:
90 Roses Lane,
Clunes

PROJECT NO: 2107
DATE: APR 2021

DWG TITLE:
SUBDIVISION PLAN
SCALE: 1:1500 @A3



**DRAWINGS FOR PLANNING PERMIT ONLY
NOT TO BE USED FOR CONSTRUCTION**

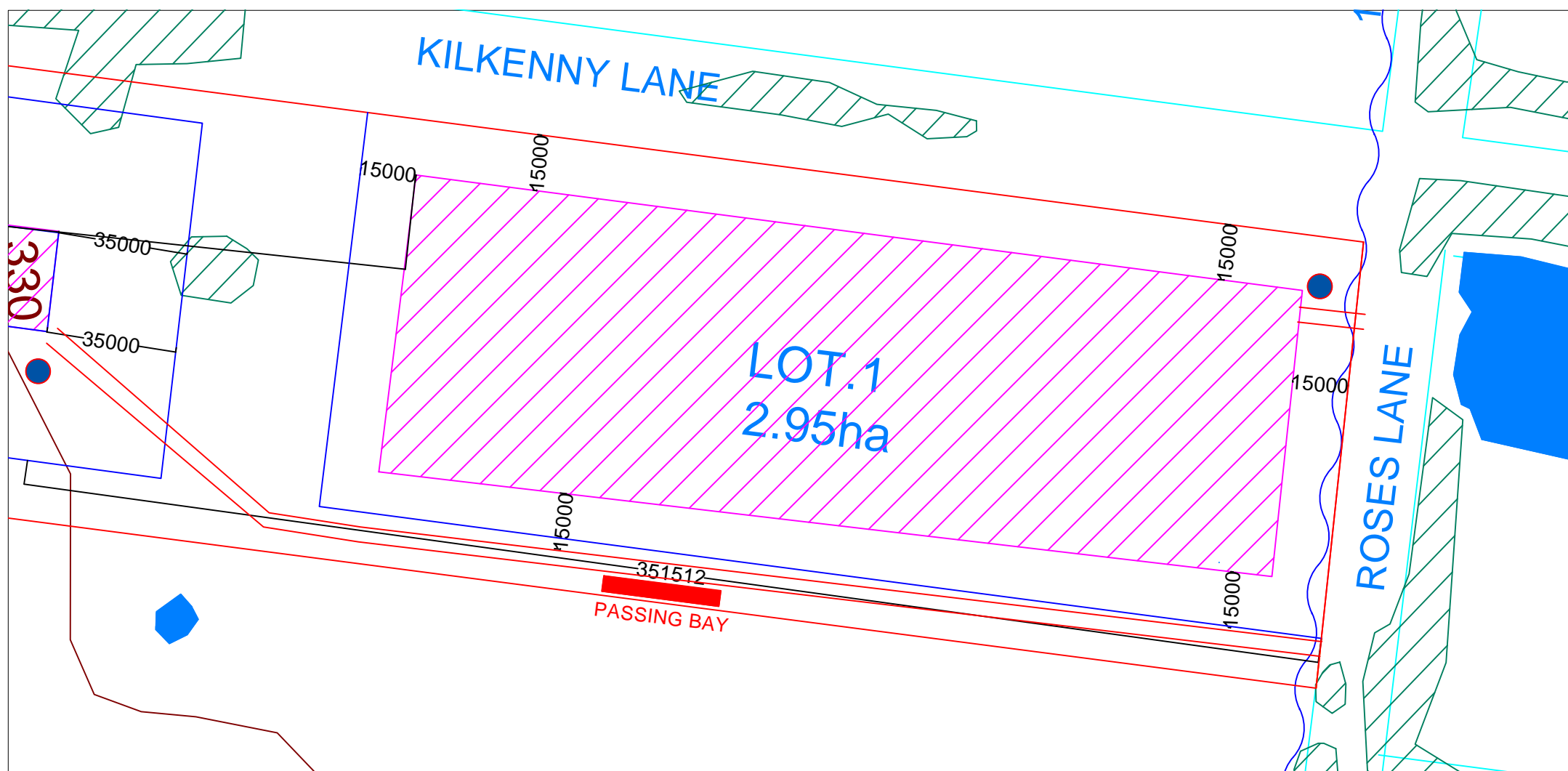


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d) Access

Access for fire fighting purposes will be provided which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.



BUSHFIRE MANAGEMENT PLAN (BMP)

SCALE NTS @A3

a) Defendable Space

Vegetation (and other flammable materials) will be modified and managed as defendable space for a distance 15m around the proposed building, in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standard

The dwelling will be designed and constructed a minimum Bushfire Attack Level of BAL – 19.

c) Water Supply

10,000 litres of effective water supply will be provided for fire fighting purposes for each lot which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

Note:
The contractor shall verify all dimensions and all underground services at the site before commencing work. The contractor shall verify all levels from this consulting engineer prior to construction.

DO NOT SCALE FROM DRAWINGS

PROJECT:
90 Roses Lane,
Clunes

PROJECT NO: 2107

DATE:
APR 2021

DWG TITLE:
BUSHFIRE
MANAGEMENT
PLAN (BMP-Lot.1)
SCALE: NTS @A3



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- d) Access
 Access for fire fighting purposes will be provided which meets the following requirements:
- All weather construction.
 - A load limit of at least 15 tonnes.
 - Provide a minimum trafficable width of 3.5 metres
 - Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
 - Curves must have a minimum inner radius of 10m.
 - The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
 - Incorporate a turning area for fire fighting vehicles close to the building by one of the following:
 - A turning circle with a minimum radius of eight metres.
 - A driveway encircling the dwelling
 - The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.
 - Incorporate passing bays at least every 200m which must be at least 20 metres long and have a minimum trafficable width of 6 metres.



BUSHFIRE MANAGEMENT PLAN (BMP)

SCALE NTS @A3

- a) Defendable Space
 Vegetation (and other flammable materials) will be modified and managed as defendable space for a distance **35m** around the proposed building, in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b) Construction Standard
 The dwelling will be designed and constructed a minimum Bushfire Attack Level of BAL – 19.
- c) Water Supply
 10,000 litres of effective water supply will be provided for fire fighting purposes for each lot which meets the following requirements:
- Be stored in an above ground water tank constructed of concrete or metal.
 - Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
 - Include a separate outlet for occupant use.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - Be located within 60 metres of the outer edge of the approved building.
 - The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
 - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

Note:
 The contractor shall verify all dimensions and all underground services at the site before commencing work. The contractor shall verify all levels from this consulting engineer prior to construction.

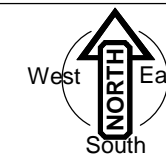
DO NOT SCALE FROM DRAWINGS

PROJECT:
 90 Roses Lane,
 Clunes

PROJECT NO: 2107

DATE:
 APR 2021

DWG TITLE:
 BUSHFIRE
 MANAGEMENT
 PLAN (BMP-Lot.2)
SCALE: NTS @A3



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Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Subdivision

Who has applied for the permit: Julie Lee and Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

We are very excited to have recently purchased land at [REDACTED]. After many years living in cities and abroad, we are very delighted to be moving our family to Clunes to have a rural lifestyle. Our aim is to set up a hobby farm and enjoy all the wonderful aspects of life in a rural setting - nature, peace and quiet, and community. Despite only owning our land for a few months, we have already met many neighbours and are looking forward to becoming part of the community.

We are moving from the inner suburbs of Ballarat and do not want our area of Clunes to become the kind of high density living we experience down here. Whilst the proposed subdivision is only 2 houses, it sets a precedent for the development of the area. The low-density living is exactly why we are attracted to relocating to Clunes, this subdivision and future subdivisions this far out of Clunes town centre will have a detrimental impact on this rural lifestyle we (and many others) are seeking.

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

As our property is directly opposite the proposed subdivision, we are specifically concerned as:

- Access will be from Roses Lane for both allotments with a battle axe driveway proposed along the northern boundary of the site for the western rear allotment. Both properties turning off Roses Lane will increase traffic at our front gate.
- Wastewater system and potential overflow, as we are down hill from the proposed subdivision, additional water runoff into our dam may then make it overflow onto Roses Lane.
- Privacy and views - the pastoral vista we saw when we purchased our land will be significantly reduced by this subdivision.

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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 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: 25/07/2021

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.

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:

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Linker Pty Ltd
on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

.....

If insufficient space, please attach separate sheet

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 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

[Redacted Signature]

Post Box

Date: 25-7-2021

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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.
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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: “*As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.*” This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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 3227

Proposal: T120 (Z) lot subdivision

Who has applied for the permit: NR Linker Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

[Empty lined area for response]

.....

.....

.....

.....

.....

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 acknowledge that the material as detailed above does not breach any third party's right to privacy and copyright.

Signature

[REDACTED]

Tick Box

Date:

25.7.2021

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.
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Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

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As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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:

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Linker Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED OBJECTION

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

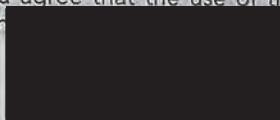
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If insufficient space, please attach separate sheet

Privacy Collection Notice

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Signature:



..... Or Tick Box

Date: 25/12/21

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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

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Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

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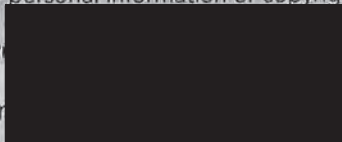
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Signature



Or Tick Box

Date: 27/7/21

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Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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. P.A. 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Limer Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHMENTS.

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

.....

If insufficient space, please attach separate sheet

Privacy Collection Notice

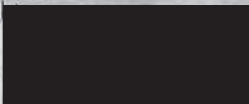
Your objection and the personal information on this form is collected by Hepburn Shire Council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act).

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: 25/7/21

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

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Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Link Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

[Empty lined area for response]

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If insufficient space, please attach separate sheet

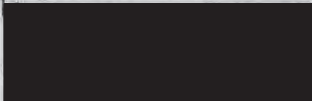
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Your objection will be available at the Hepburn Shire Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

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:

25/7/21

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 - state how you would be affected if a permit is granted.
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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

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Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
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In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

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WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivisions

Who has applied for the permit: NR Linker Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection.

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

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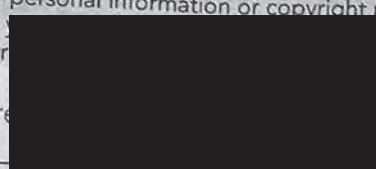
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X Signature



Tick Box

Date:

25.07.21

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The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

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This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

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The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
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Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

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The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
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This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

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There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: Richard Marshall
Property address: 460 McKinnon Road Clunes Victoria
Postal Address (if different to above)
Tel: 0419954997 Email: richard@stella.com.au

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. 3227
Proposal: Subdivision at 90 Roses Lane, Clunes
Who has applied for the permit: NR Links Town Planning

WHAT ARE THE REASONS FOR YOUR OBJECTION?

We would ask that Council, by way of planning permit condition, protect the existing mature native trees within the Roses Lane road reserve. The only trees across the Roses Lane frontage are where the narrow Lot 2 frontage (13.6m approx) has been proposed. Access and services to Lot 2 will impact on or require the removal of those trees. This would include prohibiting trenching or other works that may impact on the health of the trees.

We would also ask Council by way of planning permit condition (such as restriction on the title) prohibit the removal of and protect the large, old, native trees within lot 2 especially from construction activities, fencing or "as-of-right" removal as part of bushfire management plan mitigation / defensible space / fencing clearance requirements.

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

If the permit was granted, we would be affected as follows:
- Removal of native vegetation would have adverse effects on the local natural environment and flora and fauna such as loss of habitat and biodiversity including tree hollows that take over 100 years to form.
- New (animal unfriendly) fencing may limit roaming of native animals such as Grey Kangaroos, Black Wallabies and Echidnas.
- Tree removal would reduce shading along Roses and Kilkenny Lanes which are popular walking routes.

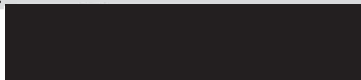
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If insufficient space, please attach separate sheet

Privacy Collection Notice

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 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:



Post Box



Date: **28/7/21**

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
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 - state how you would be affected if a permit is granted.
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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.
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Planning & Environment Act 1987

WHO IS OBJECTING?

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: N.R. Links Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

[Empty lined area for response]

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Signature: _____

Or Tick Box

Date: _____

25-07-2021

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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

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Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) AS ABOVE

Tel: [REDACTED]

Email [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Linn Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED OBJECTION

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

[Empty lined area for response]

.....

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: [REDACTED] Tick Box Date: 25/07/2021

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.

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

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Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: N.R. Linker Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection.

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

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If insufficient space, please attach separate sheet


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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: 25.7.2021

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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.

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.”* (p.6).

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

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WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. *PA 3227*

Proposal: *Two (2) lot subdivision*

Who has applied for the permit: *NR Links Pty Ltd on behalf of Paul McDonald*

WHAT ARE THE REASONS FOR YOUR OBJECTION?

See attached.

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

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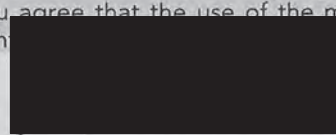
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Signature:



Or Tick Box

Date: 12-07-2021

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The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
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- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

The Hepburn Shire Council promotes sustainability and states: “We love Hepburn Shire and take seriously our job to look after it for future generations.” Council is committed to taking action in the following areas to improve the sustainability of the Hepburn region: Climate change, Sustainability of non-renewable resources, Waste and recycling, Biodiversity

Sustainability is a multilayered endeavour that requires not only action on the above points but sustainability in how we plan our neighbourhoods. If the Council is committed and serious about sustainability, then they need to carefully consider whether this subdivision

sends the right message and is in keeping with their goals. One subdivision is all it takes to throw out all the efforts towards a sustainable future. As a research scientist I understand the complexity of sustainability and know what it really takes to **“look after it for future generations.”** Future generations will not be able to appreciate the connection to nature and country, if all they are presented with is bricks and mortar, buildings upon buildings where there once was open spaces for them to enjoy and live healthy, happy lives.

Councillor Jen Bray states: **“I moved to the Hepburn Shire because of the beauty of this landscape, its sense of history...”** and further: **“I am excited that this council could be a Lighthouse Shire – leading the way with innovative initiatives that will create a more sustainable, socially just, and enriching future for our community. Our council has a duty to protect the elements that make our shire unique – its natural environment, indigenous and historical cultural heritage, strong farming traditions, arts, sports, local businesses and its diverse social make-up.”**

Councillor Tessa Halliday states: **“loves growing things and has 59 animals on her 15 acre property in Clunes.”**

Councillor Brian Hood states: **“Above all I want to make a contribution towards making our shire an even better place to live and work.”**

Councillor Don Henderson states: **“His time spent in the bush growing up has given a great appreciation of flora and fauna and a determination to preserve both nature and heritage both built and natural.”**

Councillor Juliet Simpson states: **“Juliet is a passionate gardener and is regenerating part of her farm with the native flora.”** And **“She now runs a beef farming business in the Hepburn Shire.”**

Based on the above statements, I can see that the councillors understand the value of the asset we have and share as a community: **The rural lifestyle, peace, quiet, connection with nature, passion for history, culture, heritage and connection to country.** Therefore, it makes no sense that this subdivision should be allowed, as it is in direct contradiction to the statements made by the councillors. I urge the council to **decline permission for this subdivision to proceed.**

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
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According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affects this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the

“integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Light Pollution

Apart from stripping us from our connection to country and culture, there is growing evidence from research studies that shows the adverse effects of light pollution on our physiological and psychological health, and fauna. This unnecessary subdivision opens the floodgates for further unplanned subdivisions, which is yet another negative impact that we as a species are having on the ecology of the areas we inhabit. As more people move into an area and their need for the “comforts” of life leads them to disrupt the fine environmental balance of the area. Light pollution is another way we have managed to disrupt the ecology that sustains us. Subdivisions lead to more unnecessary lighting, which research has shown is very poorly designed in urban sprawls, without any consideration of how much of a strain it is on power resources. Before we know it, this community will become a high traffic light polluted area, with the non-resident owner/developer making a financial gain to the detriment of the health of the residents and environment. Using energy efficient LEDs street lights is not the solution to Light Pollution, although it may reduce the strain on power resources, it does not do anything to address a more fundamental problem, and that is reducing the adverse effects on the health of the residents and the environment.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate’s 27/8/2014 editorial “Rural lifestyle May Soon Be Under Threat” highlighted the shire-wide issue. The “grab for land” driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming “ATMs” for non-resident owner/developers hoping to make a “quick buck”.

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social

sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century
4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this sub-division on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on "comfort" and "making a quick buck" without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of

this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects, this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that is deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision, and the domino effect from that, will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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 3227

Proposal: Two (2) lot Subdivision

Who has applied for the permit: NR Links Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

see attached.

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

see attached

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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 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: 25/7/2021

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.

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

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My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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:

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot Subdivision

Who has applied for the permit: MR Linker Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

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If insufficient space, please attach separate sheet

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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 material as detailed above does not breach any third party's right to privacy and copyright.

Signature: ..

Or Tick Box Date: 25-07-2021

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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

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WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Links Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per objection attached.

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

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25/7/21

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There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Linder Pty Ltd
on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED OBJECTION

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

[Empty lined area for response]

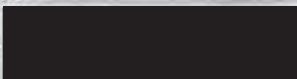
.....

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: 25/7/21

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.”* (p.6).

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

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There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

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People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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:

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Links Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED OBJECTION

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 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: 25/7/2021

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

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.*” (p.6).

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

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Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Link Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

[Empty lined area for response]

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If insufficient space, please attach separate sheet

Privacy Collection Notice

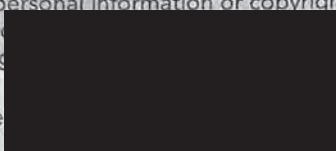
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Signature



Or Tick Box

Date:

25/7/21

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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.
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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

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In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

X

Name/.....

Property address:

Postal Address (if different to above) As above

Tel:

Email:

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Link Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection

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

.....

.....

.....

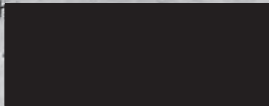
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If insufficient space, please attach separate sheet

Privacy Collection Notice

Your objection and the personal information on this form is collected by 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: 25/07/2021

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.

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

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People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

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 3227

Proposal: Two (2) lot subdivision

Who has applied for the permit: NR Links Pty Ltd on behalf of Paul McDonald

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED OBJECTION

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

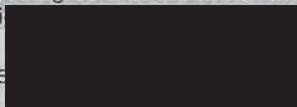
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You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyri

Signature



... Or Tick Box

Date: 25/7/21

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COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: *“As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.”* This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

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[Redacted Signature]

Tick Box

Date:

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In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

Planning is best managed with an initial master plan, rather than ad hoc by individuals or developers wanting to cash in on subdividing, which can lead to detrimental and irreversible consequences for the layout and character of a place. Most of the Roses Lane LDRZ area, including the subject site, has an ESO1 as it is part of the Kilkenny Creek catchment. We strongly object to this subdivision because it appears not to meet the objectives of ESO1 as it relates to water protection within the catchment. If approved, this application and others that will follow have the very real outcome of negatively impacting the water quality of Kilkenny Creek and the catchment generally.

Short and Long-term Impacts

This planned subdivision will have various short and long-term impacts, which are listed below. The subdivision itself will have short-term impacts, however, it will also open the floodgates to other subdivisions, which will lead to long-term impacts.

Native Vegetation and Biodiversity

The encroaching urbanisation of rural areas negatively affects the native vegetation and biodiversity, this subdivision is the start of a downward spiral from which this area will never recover. There is a strong body of research that is pushing for urban developments to include open areas, and parklands; however, here we have nature already providing us with open areas, and the developers want to begin a process of removing this natural asset, only to have to “replace” with some artificial creation. It is also a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the area. The vegetation and biodiversity in this area is centuries old and is not something that can be replaced. History has taught us that “prevention is better than cure”

The rich native vegetation and biodiversity also provides the opportunity for the next generation growing up in the area to connect with nature in their own backyard, and perhaps appreciate the value and importance of maintaining this vital asset.

Social sustainability

Often there are discussions about environmental sustainability and how urban areas are trying to be “green”. However, there is also a closely related and equally fundamental aspect that is oft ignored, and that is “Social Sustainability”. This refers to the maximum capacity of a particular area to provide its residents with social and community cohesion. This involves knowing the neighbours, connecting with them and being able to contribute to wellbeing of the residents. Subdivisions which lead to increased numbers of people will negatively affect this social sustainability in this well established street community, leading to a fragmented social envelope. This has the result of affecting the physical and mental wellbeing of the residents.

Neighbourhood Character

The planned subdivision will impact on the immediate neighbours drastically. This will begin with the various groundworks and construction and will culminate with the increased traffic, noise, and loss of peace and quiet. The neighbours in the vicinity may have underlying health conditions which would be aggravated, and work and hobbies which would be negatively impacted by this and subsequent subdivisions.

The amenity of privacy, seclusion, space, peace, quiet, ability to pursue their commercial and hobby farming activities all provide significant health benefits to the residents of this area. The strong opposition to this subdivision by residents of not only Roses Lane, but adjoining areas of Kilkenny Lane, and McKinleys Road highlights the assertion and demonstrates the drastic negative impacts.

Land use

This area is not merely “a rural lifestyle envelope”, rather residents in the area undertake small-scale farming activities, this includes running cattle, horses, chooks, alpacas, hay bailing, olive groves, vineyards, research astronomy/astrophysics, providing a bee sanctuary, as well as a commercial equestrian centre and commercial fat lamb production. The plots of land are all 8 acres and above in this section on Roses Lane, and the whole of the land has not been subdivided for a significant amount of time. Although this subdivision is only slightly smaller other plots of land, there is nothing to prevent other plots being subdivided into smaller parcels, which leads to adverse effects, some of which have been highlighted in preceding sections. This subdivision and those that follow will negatively affect the “integrity” of this area and will impact the residents’ ability to undertake and maintain their small-scale farms and live the quiet and peaceful area where they chose to make their home, and are keen to protect. We ask the councillors honour the voices of the residents in making their decision.

Conclusion

This is not the first time that there has been a threat to the rural lifestyle that several generations of residents in this area have enjoyed for over a century. The Daylesford Advocate's 27/8/2014 editorial "Rural lifestyle May Soon Be Under Threat" highlighted the shire-wide issue. The "grab for land" driven by short-term financial gain is having a detrimental impact on communities.

The long-standing residents and the more recent residents moved into this area to enjoy the benefits of rural living, which includes, peace, quiet, privacy, connecting with nature, as well as to pursue both commercial and non-commercial small farming and hobby farming pursuits. allowing their children to enjoy life and grow up in an area where they can connect with their neighbours. Recent surveys have shown that 70% of people in rural and regional areas know their neighbours, compared to 55% in urban areas. All of the residents of this area know each other by name.

The residents do not want another Melbourne or Ballarat sprawl that is threatening our most precious assets: environmental sustainability, biodiversity and a sustainable social cohesion. Here in Clunes, and many other rural (and regional) towns are becoming "ATMs" for non-resident owner/developers hoping to make a "quick buck".

Although, the owner and developers (of the 90 Roses Lane subdivision) may argue that this is an isolated case we, the residents, strongly argue that one subdivision leads to a domino effect, with more developers coming in to take advantage of the short-term financial gains. These short-term private financial gains that would benefit the owner and developer are outweighed by the fundamental benefits that this community has access to and has enjoyed for over a century, which includes biodiversity, environmental sustainability, social sustainability, history, a sense of belonging to country and place. These benefits are only made possible by preventing subdivisions in this area.

Therefore, we kindly request that Council votes to decline permission for this subdivision to proceed. We also request Council to have a policy that prevents new subdivisions in this area going into the future.

How will you be affected?

Although each of the residents in the area will be affected differently, we all agree that the effects are negative. This subdivision will lead to further subdivisions, and within a few years, all of the benefits of a rural lifestyle will be a distant memory, and the next generation growing up will not be able to enjoy these benefits.

The negative effects of the subdivision are provided below:

1. There will be a significant loss of the neighbourhood character, which includes peace, quiet, space, privacy, and community cohesion.
2. Loss of residents' ability to continue pursuing their small-scale/hobby farm activities: run horses, sheep, keep poultry, grow their own produce, keep bees and many more activities that help the biodiversity of the area.
3. Another urban sprawl which residents came to the area to escape will destroy the way of life that has been maintained in this area for over a century

4. Increased subdivisions will lead to increased traffic relative to the area which negatively impacts on not only the wellbeing of its residents but also the wellbeing of the environment and will detrimentally affect the amenity of the area
5. Increased subdivisions lead to increased levels of light pollution, which research has shown impacts biodiversity, our physical and mental wellbeing and ability to enjoy and study the night sky
6. As residents we know we have something special here worth protecting and conserving for ourselves and for the future. Which is why we are united in opposing this subdivision. We, better than anyone, understand the threat here to the common good from the short-term pursuit of the private financial gain by the non-resident owner/developer (who bought 90 Roses Lane in 1983 for \$16,500).

In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

My life

I have moved to this area and specifically this street because of the sense of community that is espoused by the residents of this street and neighbouring streets. We bought this property from the previous owners who had lived here for a few decades, and we are the third residents of this property. They highlighted the wonderful time they had in this street and the wonderful neighbours, they raised their children here and were all the better for it. This echoes the earlier point that the titles and properties in this street are historic, and the individuals who move into this area do so with the view that they are joining a cohesive community that values wellbeing and connection. Previous generation have raised their family in an area where they could thrive and benefit physically, mentally and emotionally. We wanted to start our life in an area where we could enjoy life away from the sprawl of urban and sub-urban areas. We wanted to have a small farm, which would allow us to continue our work in beekeeping and playing a role in maintaining the biodiversity of the area. This subdivision brings with it the need to disrupt the rich biodiversity because the emphasis is on “comfort” and “making a quick buck” without any regard for the ecology that is vital to keeping this area thriving for the biodiversity that it supports. People from cities are flocking into rural and regional areas, trying to escape the city; however, this demand is leading increased unplanned subdivisions which destroys the very thing that provided the impetus for people to move here in the first place. All we ask is to let us and the residents of this area continue to maintain our lives, rather than cause us to become statistics, that we then have to find ways to “fix”. We wanted peace and quiet, and did not move here to have non-residents have their merry-way and subdivide, stop this urban sprawl mindset and keep it within the areas that welcome such moves.

My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) *ac above*

Tel: [REDACTED]

Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. *PA 3227*

Proposal: *Two (2) lot subdivision*

Who has applied for the permit: *NR Links Pty Ltd on behalf of Paul McDonald*

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As per attached objection.

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

.....

.....

.....

.....

.....

.....

If insufficient space, please attach separate sheet

Privacy Collection Notice

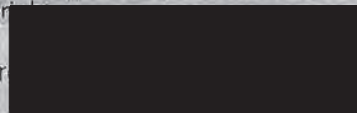
Your objection and the personal information on this form is collected by Hepburn Shire Council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act).

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:

25/7/2021

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.

COMMUNITY PETITION OBJECTING TO THE PROPOSED SUBDIVISION

Address: 90 Roses Lane, Clunes, Victoria 3370, Australia

Summary:

The document below provides an explanation of the reasons that the residents of Roses Lane, Kilkenny Lane, McKinleys Road, and adjoining areas are **strongly objecting to the planned subdivision of 90 Roses Lane**. This subdivision will not only have negative short-term impacts, but also negative long-term impacts that will lead to the loss of the existing neighbourhood character, social and psychological benefits that generations of residents of this area have enjoyed for decades. Indeed, these titles have been intact since the original crown survey was done in the late 1850's and early 1860's with only a few exceptions, the neighbourhood character with respect to lot size and land frontage has remained unchanged for 160 years. The point here, is that there has been very little subdivision, and then not any, for a very long time. The existing pattern of land title and ownership has successfully met the evolving community needs over a very long period of time.

The long-standing residents of this area have developed and nurtured a cohesive social community and have welcomed new generation of residents who value the benefits of living in this area.

- This subdivision and an earlier one (2016) that was opposed by the residents; is marked by “short term financial gain” by the non-resident owner/developer at the detriment of, and by depriving the residents of their physiological and psychological wellbeing, and their way of life.
- The proposed subdivision does not support the objectives of the state and local planning policies of the Hepburn Planning Scheme, especially with regard to the goals of the Municipal Strategic Statement (Clause 21.5 Settlement and Housing), and to the broader planning context (Clause 65 Decision Guidelines).
- Additionally, it fails the test of respect for existing neighbourhood character (Clause 56.03-5 Neighbourhood Character Objective) with regard to lot size and land use and the amenity they make possible.

This proposal would undermine and contradict state and local planning policies, and disregard neighbourhood character, wellbeing and way of life.

What are the reasons for your objections?

Subdivision and Site Analysis

Wastewater Management

The site assessment showed that: “The overall land capability of the proposed effluent management area is constrained due to the following site features and soil assessment:

- Climate (difference between annual rainfall and pan evaporation)
- Soil drainage, concerns especially in proposed Lot 1
- Soil texture and low permeability.” (p.13)

There is no certainty that planned mitigation measures will be adhered to, and this could lead to significant concerns and risks in the future, posing potential risks to the adjoining and nearby properties.

The site analysis is clearly not thorough, as on page 22 they state: “*As a result of our investigations, we recommend that a sustainable onsite wastewater management system can be built to meet the needs of a new four-bedroom dwelling at 25 Fawcett Drive, Clunes.*” This may well have been the case at 25 Fawcett Drive, Clunes, but the subdivision here is planned **for** 90 Roses Lane. This possible human error points to a generic problem with LCA reports on sites that are difficult. First the geologist dutifully points out all the problems, then they dutifully claim that a very complicated wastewater system can be installed to prevent any offsite effluent flows. It’s an inconvenient truth but the proposed Lot 1 is a difficult site. Careful reading of the LCA shows how meticulous the installation maintenance and operation of the AWTS must be for it to actually work. System failure is a very real possibility.

Unnecessary and unwanted subdivisions on difficult sites like this are exactly what the NSS and the ESO1 overlay are intended to discourage. The whole point is to direct new development and higher dense sites to within the urban growth boundary, where there is conventional sewerage. There is no shortage of available land inside the Clunes Structure Plan urban town boundary.

Finally, if Council planners think that Roses Lane precinct is ripe for subdivision, it should be part of a master plan, to ensure it is in line with town planning aims and goals, and has the amenities available that are needed.

State and Local Policy

Hepburn Shire Planning Scheme Review (HSPSR) (2020)

The HSPSR provided insights into what the community values and would like to maintain. The review showed that the community values the aspects of life that will be lost if the subdivision mindset is allowed to take hold. In particular:

“Keep the country towns country, don’t make them like the suburb, people visit for country escape and people live in these towns because they like the country”. (p.4)
“Other comments were broad with the greatest number calling for more controls on development (20 responses).” (p.5). In addition, *“Respondents indicate that things that should not change included the rural feel of the area, the historic townships and the role of agricultural land. Other comments reiterated the desire to maintain the rural feel of the area and not ‘over develop’.” (p.6).*

This subdivision should not be allowed as it contradicts the recommendations and outcome from the HSPSR. The purpose of the review was to listen to the community and to discourage this type of subdivision.

Zoning and Overlay Provisions

There is no reason to instigate another uncontrolled Melbourne or Ballarat urban sprawl in the Clunes LDRZ. The Rose Lane precinct is more like an RLZ area- and this aspect of the ‘existing neighbourhood character’ needs to be respected. In this particular part of the Clunes LDRZ areas, this subdivision sets a precedent, an extremely negative precedent, which will give the green light to other developers, who will likely try to turn this area into another

development sprawl, and it goes against what the community wants and values, as highlighted by the recent HSPSR. Subdivisions will begin to get smaller and smaller, until the 2 acre or even less urban sprawl ravages the 8-15 acre blocks in this part of Clunes.

According to Alan Todd, Statutory Planner, *“It is a well-established principle of planning that just because a permit can be issued, it does not follow it should be issued”* (Hepburn Council Minutes, May 2016). Just because a subdivision may on the surface “tick the boxes” does not mean that it should be allowed. Good planning ensures that the wishes of the community are taken into consideration, people are part of the picture, not bricks and mortar.

In accordance with the most recent Hepburn Planning Scheme, the planning in Clunes (along with the other areas in the Hepburn Shire), is to ‘prevent pollution to land water and air (p.5). This subdivision has the risk of polluting both the land and the water. The plan also states that its aim is to ‘Create and reinforce settlement boundaries’ and this subdivision lies outside the nominated Urban Growth Boundary of the Clunes Structure Plan. Indeed, the Town Planning Report commissioned by the non-resident owner confirms this (p18-19) when it states that Clause 21.05 (Settlement and Housing) provides for ‘infills’ of larger areas in Clunes north and north and east of the primary school NOT the LDRZ areas to the WEST of Roses Lane precinct. There is no shortage of available land within the designated township boundaries. The residents of this area have, in many cases, moved here to get away from unplanned unnecessary, subdivision sprawl.

Clunes is not bursting at the seams with a shortage in housing, especially in an LDRZ. The residents of this area have moved here to get away from the exponential urban growth of other townships.

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The negative effects of the subdivision are provided below:

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In addition to the above, I would like to explicitly highlight the negative impact of this subdivision on my life and my work:

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My work

As a research scientist I work on international projects that require me to run calibration observations that feeds data into various projects this includes detecting and characterising planets around other star systems, and refining image processing workflows. This objection is not the place for me to explain in detail, suffice to say that this subdivision will lead to further subdivisions, which will increase the level of light pollution in this area, and this will drastically impact my work. This subdivision will by extension affect my livelihood, someone gains a quick buck, while those working hard in their field have their passion ripped away from them. The non-resident owner/developer has no perspective of their actions, driven only by financial gain. Furthermore, it is a well-established fact that light pollution drastically and negatively effects the environment, biodiversity, and the humans living in the

area. Research has shown the negative physiological and psychological effects of light pollution on people. The human body and the circadian rhythms are sensitive to these changes, and it is only recently, that we have enough data that shows the negative impacts of light pollution. Owing to this, various major research organisations, non-profits, and universities are leading initiatives to battle light pollution and maintain this important asset that should be accessible by everyone on this planet, and more importantly connects us all. Light pollution destroys the beauty of the night sky, that has deeply rooted in Indigenous culture and society, and has for millennia connected families and communities.

People from the cities often travel to rural areas to be able to show their children the beauty of the night sky whether it is with their unaided eyes or using telescopes and binoculars. This connection is important for families, and is accessible to everyone irrespective of their status, race, religion or any capability. The planned subdivision and the domino effect from that will lead to an important asset being lost for current and future generations.

Reflection

Unfortunately, as a species we often get engrossed in the moment or short-term gains driven by greed and have a habit of not realising what we have until it is taken away from us, but the residents of this area know and value what we have, and we do not want to lose these fundamental precious assets. Our connection to community, history, culture, and the environment, all of which sustains us, and is priceless and irreplaceable once gone.

If the non-resident owner/developer would like to build a home on the plot without any subdivision, the residents of the area would have no objection and would welcome the future resident to this area.

11 STRATEGIC PLANNING

11.1 HEPBURN PLANNING SCHEME AMENDMENT C77HEPB. REVIEW OF SUBMISSIONS AND NEXT STEPS DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. Panel Report Amendment C77Hepb [**11.1.1** - 24 pages]
2. LSIO Mapping Change Amendment C77Hepb [**11.1.2** - 1 page]
3. Amendment C77hepb Post Exhibition Changes [**11.1.3** - 24 pages]

EXECUTIVE SUMMARY

The purpose of this report is to consider the Planning Panels Victoria (Panel) recommendations with respect to Hepburn Planning Scheme Amendment C77Hepb (Amendment C77Hepb), to determine a response to these recommendations, to make changes to the amendment documentation in accordance with these recommendations, and to recommend the amendment be submitted to the Minister for Planning for approval.

The Panel concluded:

- Amendment C77Hepb is well founded and strategically justified.
- Implementation of flooding controls such as the LSIO and Schedules are necessary to assist in the protection of life, property, community infrastructure and the environment from the hazards associated with floods.
- Mapping and data used to determine the one per cent (1%) Annual Exceedance Probability flood extent is robust and follows a tested methodology for flood modelling in Victoria.
- There is merit in changing the property at 67 Fraser Street, Clunes (Timmermans) from the exhibited LSIO2 to LSIO1.
- There is a net community benefit of implementing flooding controls in areas subject to inundation.

The Panel made the following recommendation:

Hepburn Planning Scheme Amendment C77hepb be adopted as exhibited subject to the following:

- Apply the Land Subject to Inundation Overlay Schedule 1 instead of Schedule 2 to 67 Fraser Street, Clunes.

This recommendation matches the position Council presented during the Panel hearing.

OFFICER'S RECOMMENDATION

That Council:

1. *Accepts the Panel recommendations for Amendment 77hepb in Attachment 1;*
2. *Adopts Planning Scheme Amendment C77hepb as exhibited with mapping changes as outlined in Attachment 2 and post exhibition text changes outlined in Attachment 3;*
3. *Authorises Council officers to adjust Scheme Amendment C77hepb text for the purpose of ensuring compliance with the Planning Policy Framework format requirements established in Planning Scheme Amendment C80hepb;*
4. *Submits the adopted Amendment to the Minister for Planning for approval; and*
5. *Advises all submitters of this resolution and of next steps.*

MOTION

That Council:

1. *Accepts the Panel recommendations for Amendment 77hepb in Attachment 1;*
2. *Adopts Planning Scheme Amendment C77hepb as exhibited with mapping changes as outlined in Attachment 2 and post exhibition text changes outlined in Attachment 3;*
3. *Authorises Council officers to adjust Scheme Amendment C77hepb text for the purpose of ensuring compliance with the Planning Policy Framework format requirements established in Planning Scheme Amendment C80hepb;*
4. *Submits the adopted Amendment to the Minister for Planning for approval; and*
5. *Advises all submitters of this resolution and of next steps.*

Moved: Cr Tessa Halliday

Seconded: Cr Don Henderson

Carried

BACKGROUND

The Creswick and Clunes community and outlying rural properties experienced three separate flooding events during late 2010 and early 2011 causing significant property damage and hardship to residents. In response, the North Central Catchment Management Authority (NCCMA) and Hepburn Shire Council worked with consultants, 'Water Technology' to undertake the *Creswick Flood Mitigation and Urban Drainage Plan*, in February 2012 and the *Clunes Flood Mitigation and Urban Drainage Plan*, in June 2013.

The studies found that:

- the existing LSIO within Hepburn Shire is insufficient to manage flood risk;
- there are currently no controls to manage development within flood-prone areas within Creswick; and

- some flood-prone areas within Clunes are not covered by the existing LSIO. The flood studies also recommended updates to the existing planning controls in the Hepburn Planning Scheme based on the flood data and flood modelling be undertaken. These updates are included in the amendment.

Amendment C77Hepb was exhibited between 13 August and 11 September 2020 with comprehensive community engagement. Six submissions were received of which there were three objections.

On 22 December 2020 Council considered the amendment and all submissions and resolved the following:

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

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

The Panel directions meeting took place on 29 April 2021 and the Panel hearing took place on Wednesday 2 June 2021. The Panel findings were released on 28 July 2021.

KEY ISSUES

What the Amendment Does

Amendment C77Hepb proposes to apply the LSIO to properties that are likely to be inundated in the 1% flood event such as waterways and open drainage systems.

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

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

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

Overlay	Definition	Planning permit requirements
LSIO1 Flooding from waterways (depths up to and including 350 mm)	Land affected by creek flooding up to 350mm depth for 1% Average Exceedance Probability (AEP) flood in the localities of Clunes and Creswick	Permit required for buildings and works and subdivision. Exemption for minor works including upper storey extensions if there is no increase to the ground floor footprint, extensions less than 40m ² , replacement dwellings and fences, agricultural buildings with permanent openings, sheds & rainwater tanks
LSIO2 Flooding from waterways (depths greater than 350 mm)	Land affected by creek flooding over 350mm depth for 1% Average Exceedance Probability (AEP) flood in the localities of Clunes and Creswick	Permit required for buildings and works and subdivision. Exemption for minor works including extensions less than 20m ² , replacement dwellings, agricultural buildings with permanent openings, open fences.
LSIO3	Remaining rural areas currently covered by the existing LSIO controls that are liable to inundation. (These localities include Coomoora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford)	Provides permit exemptions for buildings and works including a replacement single dwelling if it is constructed to at least 300 millimetres above the 1 per cent AEP (Annual Exceedance Probability) flood level and the original building footprint is not increased by 20 square metres in area.

Presenters and Panel Response

Submission 4

Presented that they were strongly opposed to flood controls or permit requirements across their property and submitted:

- That there had only been flooding on Timmermans property at 67 Fraser Street, Clunes once since 1955 and that was in the January 2011 floods.
- That works have since been undertaken around the Creswick Creek to clear the waterways of debris and the likelihood of flooding is reduced because of this.

- That the proposed controls and permit triggers are too onerous, impacting on the viability of businesses and on property values.
- Requested that their property not be included in the LSIO mapping at all and alternatively requested that the property be changed from the exhibited LSIO2 to LSIO1 as the previous flooding on the property did not exceed 330 millimetres and this change would reduce the permit controls on the property.

In reply, Council and NCCMA submitted that although works have been undertaken in the floodplain which they acknowledged does reduce the severity of flooding, the risk still remains for the properties in Clunes of a 1% AEP flood event, including the Timmermans property and therefore mapping via the LSIO is still required. Although works had been undertaken in the floodplain at both Clunes and Creswick and had reduced the risk of flooding, the level of protection afforded is now a 1 in 50 year event so the risk of a 1 in 100 year flooding event (that is, the 1%AEP) still remains and since the planning controls are based on the 1-in-100 flood event they should remain in place as exhibited. The flood information in the Planning Scheme will ensure a higher level of transparency to land owners and occupiers and planning applicants.

Council and the NCCMA have agreed to remove the LSIO2 from the land at 67 Fraser Street, Clunes and apply the LSIO1 to the entire property instead.

The Panel agrees that the flooding risk may have decreased since 2011 with the works associated with floodplain maintenance and removal of debris in the waterways being completed, however it agrees with the NCCMA that the risk of a 1 in 100 year flood event still remains as the modelling has indicated. For this reason, the Panel accepts the position that the LSIO1 and not LSIO2 should be proposed over the property at 67 Fraser Street, Clunes but disagrees with the submitter that it should be removed entirely.

Submission 6

Submitted that:

- The updated LSIO mapping should be broader to include the rural parts of Creswick, not just the town centre and should have also included the Creswick waste transfer site.
- Concerns with potential contamination of the waterways downstream from the existing Council waste transfer station, especially in a flood event.
- The need for better environmental weed management within creek corridors and protection of habitat for species such as the Growling Grass Frog.
- There are other areas within the Creswick urban boundary that are subject to flooding that require further assessment.

In reply, Council and NCCMA acknowledged concerns about flooding in the area in and around the waste transfer station and Industrial Zone area as valid, however they submitted that the area is outside the boundaries of the mapping undertaken as part of the Creswick Flood Mitigation and Urban Drainage Plan 2012 and would need to be considered as part of further strategic work.

Council and the NCCMA also noted that the extent of the investigation areas were based on identifying the core parts of the Shire's townships that would be subject to major risk to property, the environment and human life. Council also noted in closing submissions that they propose further strategic work on a number of matters that are noted in the submission but many of these issues are outside of the scope of the Amendment.

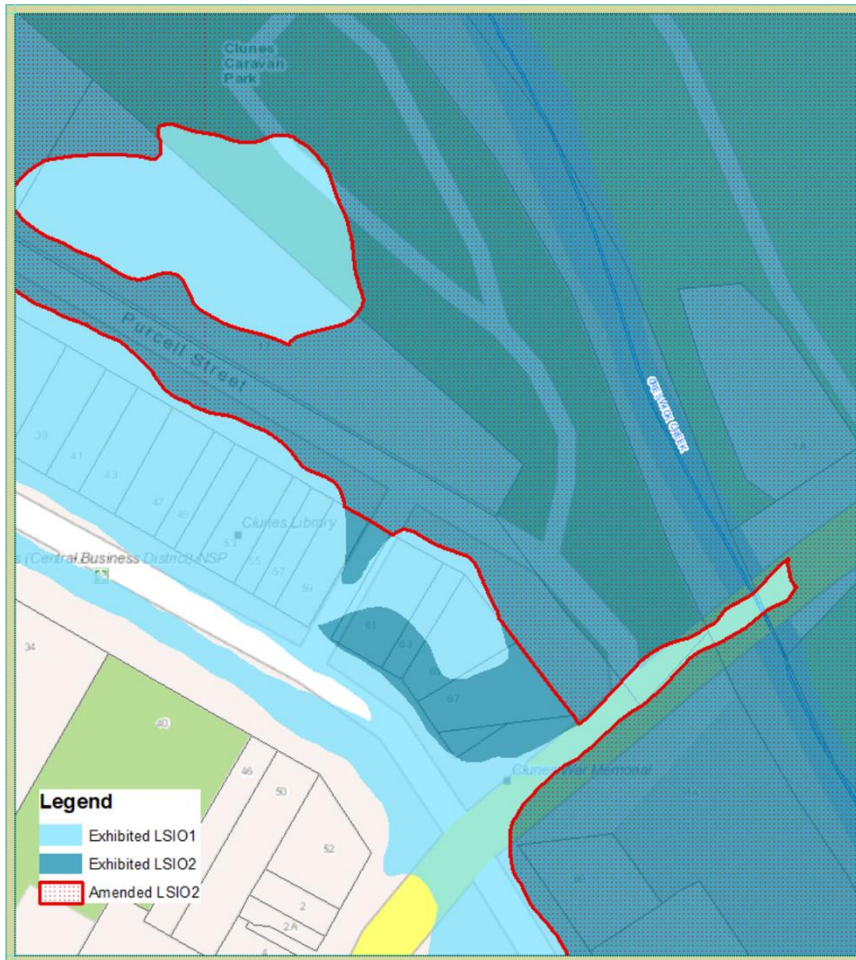
In response, the Panel notes that in principle, the submitter supports the implementation of flood controls, however raised concerns about matters such as contamination, weed control, ongoing management and the need for further strategic work within the Shire which are beyond the scope of the Amendment. Notwithstanding, the Panel is encouraged to hear from the Council that further strategic planning work is proposed for some of the matters raised by Ms Potter. The Panel encourages the Council to engage with the community in developing this further strategic work. The Panel agrees with the Council in that the permit triggers are not onerous. The Panel notes that many properties within the townships of Clunes and Creswick are already subject to permit Hepburn Planning Scheme triggers and requirements for buildings, works and subdivision through Heritage Overlays and the like.

Assessment of Panel recommendations

Submission 4

The Panels position matches the position of Council and NCCMA and no change is suggested.

The changes involve more than the subject site by removing LSIO2 from 59, 61, 63, 65 and 67 Fraser Street Clunes and replacing it with LSIO1. The rationale for the removal of the LSIO2 from these properties was on the basis that whilst the depth of flooding is greater than 0.35 metres on these properties the flooding is associated with "backwatering" and not an active flow path in most flood events. The raised Clunes-Campbelltown Road provides protection to this area in most smaller flood events. Whilst the request was made by Timmermans it was not treated in isolation and the mapping on adjoining properties was also appropriately altered. The following map (same map as Attachment 2) shows the changes that were made following the exhibition process.



Submission 6

Council accepts the Panels assertion that the issues raised through this submission are outside the scope of the amendment as proposed. The issues raised will be addressed through the Central Highlands Water led Clunes, Creswick and Daylesford Integrated Water Management Plan, any future integrated water management plans for regional areas along the creek, as well as upcoming Council led strategic work including Creswick Structure Plan, Clunes Structure Plan and the Agriculture and Rural Settlement Strategy. The submitters will be invited to engage in the upcoming Council led strategic work.

Post Exhibition Changes

Attachment 3 reflects the post exhibition text changes proposed by the Planning Scheme Amendment. These were presented to the Panel for consideration and form the basis of the Panel recommendation. Some additional changes may be required by Department of Environment, Land, Water and Planning. These will be format related only to ensure consistency with Planning Scheme Amendment C80hepb (Planning Scheme Review) which is currently with the Minister for consideration.

Conclusion

On the basis of the above assessment, it is recommended that Council:

1. Accepts the Panel recommendations for Amendment 77hepb in Attachment 1;
2. Adopts Planning Scheme Amendment C77hepb as exhibited with mapping changes as outlined in Attachment 2 and post exhibition text changes outlined in Attachment 3;
3. Authorise Council officers to adjust Scheme Amendment C77hepb text for the purpose of ensuring compliance with the Planning Policy Framework format requirements established in Planning Scheme Amendment C80hepb.
4. Submits the adopted Amendment to the Minister for Planning for approval; and
5. Advise all submitters of this resolution and of next steps.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

Notification requirement	How Council met this requirement
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<p>Copies of the amendment to be given to certain persons.</p>	<p>Notification via email was provided to public authorities and prescribed Ministers of the of the amendment. These include the Dja Dja Wurrung Clans Aboriginal Council, the Victoria Police, Regional Roads Victoria, the water authorities, the power authorities, the Country Fire Authority, DELWP, VicTrack and Parks Victoria</p>
<p>Availability of the amendment.</p>	<ul style="list-style-type: none"> • one month exhibition period • provided in plain English including a simple FAQ page and advice on how to make a submission • Electronic copies available via Council’s website to the DELWP amendment website. • Available free of charge
<p>Time frames for notice.</p>	<ul style="list-style-type: none"> • Notice appeared in the Victorian Government Gazette on the 13 August 2020 noting the closing date for submissions as the 11 September 2020; <p>At least a week prior to the 13 August 2020, Council undertook the following:</p> <ul style="list-style-type: none"> • the amendment was available for inspection on the DELWP website; • notices appeared in local papers; • letters with 'plain English' brochures were directly mailed out to property owners and residents. In summary this included 996 letters of which 612 owned or lived in a property in the impacted area and 384 owners who did not reside in the impacted area; and • correspondence was emailed to prescribed Ministers and authorities.
<p>How Council tried to improve accessibility during Covid-19 ‘lock down.</p>	<p>Council’s website provided a link to the DELWP website which included all amendment documentation and Facebook posts.</p> <p>Council officers also held zoom meetings on the 27 August 2020 with NCCMA, Councillors and interested members of the community. Five community members attended.</p> <p>A dedicated council officer was available to answer any queries on the amendment throughout the exhibition period.</p>

**Planning
Panels
Victoria**

**Hepburn Planning Scheme Amendment C77hepb
Land Subject to Inundation Overlay controls**

Panel Report

Planning and Environment Act 1987

26 July 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Hepburn Planning Scheme Amendment C77hepb

26 July 2021

A handwritten signature in black ink, appearing to read 'M Elliott', with a long horizontal line extending to the right.

Mandy Elliott, Chair

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Glossary and abbreviations

AEP	Annual Exceedance Probability
Council	Hepburn Shire Council
HPS	Hepburn Planning Scheme
HPSR	Hepburn Planning Scheme Review
LSIO1	Land Subject to Inundation Overlay Schedule 1
LSIO2	Land Subject to Inundation Overlay Schedule 2
LSIO3	Land Subject to Inundation Overlay Schedule 3
MSS	Municipal Strategic Statement
MPS	Municipal Planning Strategy
NCCMA	North Central Catchment Management Authority
PE Act	<i>Planning and Environment Act 1987</i>

Overview

Amendment summary	
The Amendment	Hepburn Planning Scheme Amendment C77hepbhepb
Common name	Land Subject to Inundation Overlay controls
Brief description	<p>The Amendment affects flood-prone land in Creswick and Clunes and certain rural localities and small settlements across the Hepburn Shire. The Amendment proposes to:</p> <ul style="list-style-type: none"> - apply the Land Subject to Inundation Overlay (LSIO) controls for the following: <ul style="list-style-type: none"> - Clunes: applies new LSIO controls (LSIO1 and LSIO2) to 105 properties and deletes the existing LSIO from 17 properties - Creswick: applies a new LSIO1 and LSIO2 to 174 properties. - Rural localities and small settlements: deletes the existing LSIO and applies a new schedule LSIO3 to these same properties using updated mapping. - implements the recommendations and flood mapping of the <i>Creswick Flood Mitigation and Urban Drainage Plan, Feb 2012</i> (Water Technology) and the <i>Clunes Flood Mitigation and Urban Drainage Plan, June 2013</i> (Water Technology) through inclusion of these reports as background documents at Clause 21.09 (Environment and Heritage).
Subject land	Numerous properties, particularly in the townships of Clunes and Creswick.
The Proponent	North Central Catchment Management Authority
Planning Authority	Hepburn Shire Council
Authorisation	2 July 2019
Exhibition	13 August to 14 September 2020
Submissions	<p>Number of Submissions: 6 Opposed: 3</p> <p>Submitters to the Amendment are:</p> <ul style="list-style-type: none"> - Mr Hunt, Mount Rommel Mining Ltd - Environment Protection Authority - Central Highlands Water - Ms de Deugd, Timmermans Furniture - Goulburn Murray Water - Ms Potter and Mr Phillips

Panel process

The Panel	Mandy Elliott, Chair
Directions Hearing	By video conference, 29 April 2021
Panel Hearing	By video conference, 23 June 2021
Site inspection	No site inspection was conducted
Parties to the Hearing	<ul style="list-style-type: none">- Hepburn Shire Council and North Central Catchment Management Authority represented by Paul Buxton of Plan2Place- Ms de Deugd, Timmermanns Furniture- Ms Potter
Citation	Hepburn PSA C77hepb [2021] PPV
Date of this report	26 July 2021

Executive summary

As a result of flood events in 2010 and 2011 in and around the townships of Clunes and Creswick, the Hepburn Shire Council and the North Central Catchment Management Authority jointly engaged consultants to undertake flood modelling and prepare reports to inform them on appropriate flood mitigation and planning controls to minimise flood risk to life, property, community infrastructure and the environment.

Hepburn Planning Scheme Amendment C77hepbhepb (the Amendment) seeks to include three new Schedules to the LSIO in the Hepburn Planning Scheme.

The LSIO controls are proposed for the townships of Clunes (applies new LSIO controls (LSIO1 and LSIO2)) to 105 properties and deletes the existing LSIO from 17 properties and Creswick (applies a new LSIO1 and LSIO2 to 174 properties). The Amendment deletes the existing LSIO from various rural localities and small settlements (including Coomora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford) and applies a new Schedule (LSIO3) to these same properties using updated mapping.

The Amendment amends the overview, key issues, objectives and strategies to address flood risk in the Hepburn Shire and to include the *Creswick Flood Mitigation and Urban Drainage Plan, February 2012* and the *Clunes Flood Mitigation and Urban Drainage Plan, June 2013* as background documents within Clause 21.09 (Environment and Heritage).

There were six submissions to the Amendment with three of these opposing, or raising issues. Key issues raised in submissions included:

- the extent of the LSIO mapping
- the proposed permit triggers in the Schedules.

Other matters were raised such as potential waterway contamination, environmental weeds and protection of creek habitat however, although these are important issues to be addressed, these are not matters that form part of the scope of the Amendment.

The Amendment implements the flood studies undertaken for Clunes and Creswick that resulted from the 2010-11 flood events that significantly impacted both townships. The Panel agrees with the Hepburn Shire Council and the NCCMA that the Amendment is necessary to assist in the protection of life, property and community infrastructure from flood hazard and to maintain the natural flood carrying capacity of the Creswick Creek and its tributaries.

The Amendment gives appropriate effect to the State planning policy for floodplain management at Clause 13.03-1S of the Hepburn Planning Scheme and has incorporated the guidance from Planning Practice Note 12 - *Applying the Flood Provisions in Planning Schemes* as relevant.

The Panel concludes:

- The Amendment is well founded and strategically justified.
- Implementation of flooding controls such as the LSIO and Schedules is necessary to assist in the protection of life, property, community infrastructure and the environment from the hazards associated with floods.
- Mapping and data used to determine the one per cent (1%) Annual Exceedance Probability flood extent is robust and follows a tested methodology for flood modelling in Victoria.

- There is merit in changing the property at 67 Fraser Street, Clunes (Timmermans) from the exhibited LSIO2 to the LSIO1.
- There is a net community benefit of implementing flooding controls in areas subject to inundation.

Recommendation

Based on the reasons set out in this Report, the Panel recommends that:

- 1. Hepburn Planning Scheme Amendment C77hepb be adopted as exhibited subject to the following:**
 - **Apply the Land Subject to Inundation Overlay Schedule 1 instead of Schedule 2 to 67 Fraser Street, Clunes.**

1 Introduction

1.1 The Amendment

(i) Amendment description

Amendment C77hepb to the Hepburn Planning Scheme proposes to update the application of the LSIO across the Hepburn Shire.

In particular, the Amendment proposes LSIO controls for the townships of Clunes (applies new LSIO controls (LSIO1 and LSIO2)) to 105 properties and deletes the existing LSIO from 17 properties and Creswick (applies a new LSIO1 and LSIO2 to 174 properties). The Amendment deletes the existing LSIO from various rural localities and small settlements (including Coomora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford) and applies a new schedule LSIO3 to these same properties using updated mapping.

Specifically, the Amendment proposes the following changes:

- Clause 21.09 (Environment and Heritage): Amends the overview, key issues, objectives and strategies to address flood risk in the Shire and to include the *Creswick Flood Mitigation and Urban Drainage Plan, February 2012* and the *Clunes Flood Mitigation and Urban Drainage Plan, June 2013* as background documents.
- Creswick: Inserts new Planning Scheme Maps 20LSIO, 21LSIO, 22LSIO and 23LSIO to apply new flood mapping.
- Clunes: Amends Planning Scheme Maps 11LSIO and 12LSIO to apply updated flood mapping.
- Rural localities and small settlements: Amends Planning Scheme Maps 1LSIO, 2LSIO, 3LSIO, 5LSIO, 6LSIO, 7LSIO, 9LSIO, 10LSIO, 13LSIO, 14LSIO, 15LSIO, 17LSIO, 18LSIO, 26LSIO, 34LSIO, 35LSIO, 36LSIO and 37LSIO by deleting the LSIO and replacing it with the LSIO3 and updated flood mapping.
- Schedule to Clause 44.04 (LSIO): Deletes the existing clause which has no content.
- Introduces three new Schedules that outline planning permit exemptions for specified buildings and works, and specify planning permit application requirements and decision guidelines based on flood risk. The Schedules provide for:
 - LSIO1: Flooding from waterways (depths up to and including 350 millimetres) in the localities of Clunes and Creswick
 - LSIO2: Flooding from waterways (depths greater than 350 millimetres) in the localities of Clunes and Creswick
 - LSIO3: Remaining rural localities and small settlements currently covered by the existing LSIO controls that are liable to inundation. These localities include Coomorra, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford.
- Amends Schedule to Clause 72.03 to update the list of maps forming part of the planning scheme with 4 new maps in the Creswick area.

(ii) The subject land

The Amendment proposes to apply the LSIO to properties that are likely to be inundated in the one per cent (1%) Annual Exceedance Probability (AEP) flood event such as waterways and open drainage systems, which affects flood-prone land in the Hepburn Shire.

The Amendment applies to land shown in Figures 1, 2 and 3. This includes various rural localities and small settlements (including Coomora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford) where new schedule LSIO3 is proposed to replace the existing LSIO at these same properties using updated mapping.

Figure 1 Proposed Additional LSIO Maps for Clunes



Figure 2 Proposed Additional LSIO Maps for Creswick

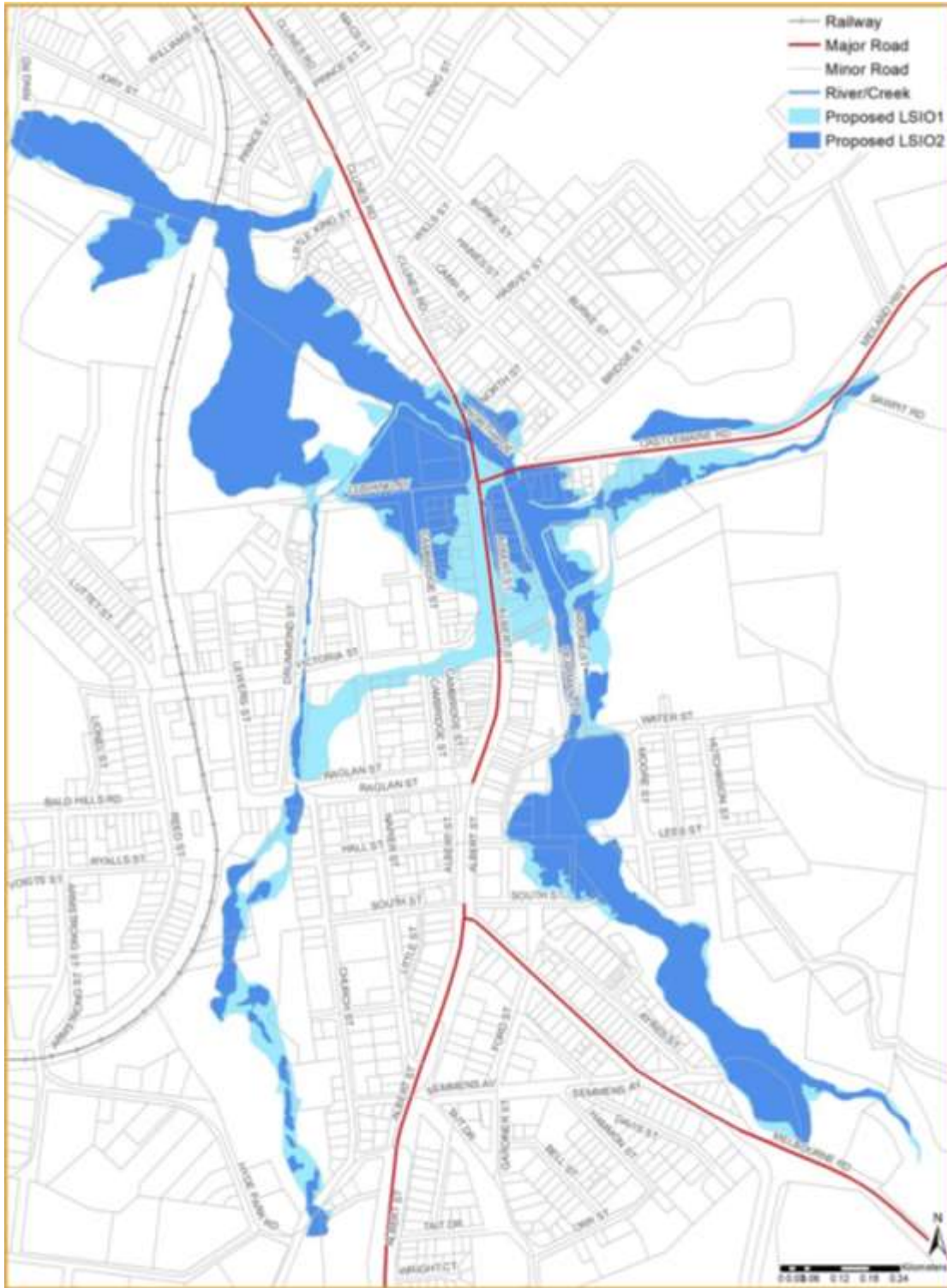


Figure 3 Proposed LSIOs



1.2 Background

Amendment C77hepb updates a previous Amendment (Amendment C64) that the Hepburn Shire Council resolved to exhibit in April 2016. However, due to a change of scope and updated mapping subsequently provided by the NCCMA, Amendment C64 was abandoned by Hepburn Shire Council (the Planning Authority).

The Creswick and Clunes community and outlying rural properties experienced three separate flooding events during late 2010 and early 2011 causing significant property damage and hardship to residents. In response, the NCCMA and Hepburn Shire Council engaged consultants (Water Technology) to undertake the *Clunes Flood Mitigation and Urban Drainage Plan, June 2013* and the *Creswick Flood Mitigation and Urban Drainage Plan, February 2012*. These studies show the distribution, extent levels and velocity of floodwaters across sections of the floodplain for a range of different flood events, including the 1-in-100 year flood event (or the 1% AEP).

Amendment C77hepb was then initiated by the Council as requested by the NCCMA to reflect the updated flooding work undertaken for Clunes and Creswick by the NCCMA between 2012 and 2013, after flood events in these townships in 2010 and 2011.

Extensive community consultation was undertaken during the preparation of the flood studies and Amendment documentation. This included a series of community meetings and opportunity for the community to comment on the draft flood studies and associated mapping.

The studies found that:

- The existing LSIO within Hepburn Shire is insufficient to manage flood risk.

- That some flood-prone areas within Clunes are not covered by the existing LSIO.
- There are currently no controls to manage development within flood-prone areas within Creswick.

The flood studies also recommended updates to the existing planning controls in the Hepburn Planning Scheme based on the flood data and flood modelling that was undertaken. These updates, and the two flood studies, are included in the Amendment.

1.3 Procedural issues

The original Hearing date of 2 June 2021 was postponed due to the COVID lockdown restrictions in Victoria. As one of the submitters required access to Council operated facilities to participate in the Hearing process, the Hearing was changed to Wednesday 23 June 2021 after consultation with all parties to the Hearing, to accommodate all submitters having access to participate in the Hearing process.

The Panel wishes to thank the Hepburn Shire Council for its willingness to accommodate such a request and for ensuring hard copies of all relevant documents were provided to the submitter.

1.4 Summary of issues raised in submissions

The key issues raised in the submissions and during the hearing process included:

- the extent of the LSIO mapping
- the proposed permit triggers in the Schedules.

Other issues raised included impacts to property values, access to mining operations, works already undertaken to resolve flooding issues, potential for flood waters from the Council waste transfer station to contaminate downstream waterways, management of environmental weeds and protection of the creek habitat.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, submissions and other material presented to it during the Hearing. It has reviewed the material, and has been selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Extent of LSIO controls

1.5 Limitations

Property values resulting from the application of planning controls to land is not a relevant planning matter to be considered by the Panel.

The approvals process for gold mining is not before this Panel and the Panel notes that the proposed introduction of flood controls through the LSIO does not prohibit the use and development of existing gold mining operations.

2 Planning context

2.1 Planning policy framework

The Council and the NCCMA submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

(i) Victorian planning objectives

The following objectives of planning in Victoria are relevant to the Amendment:

- Providing for the fair, orderly, economic and sustainable use, and development of land by identifying areas that are subject to flooding and introducing appropriate guidelines for new development.
- Providing for the protection of natural and man-made resources by ensuring that development occurs in ways that will maintain flood storage and active flow paths.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria by establishing a planning framework that will minimise risks to life and property.
- Protecting public utilities and other assets by ensuring that development does not exacerbate flood risks to these assets.
- Facilitating development by establishing clear provisions that allow for different solutions to address flooding issues.

(ii) State Planning Policy Framework

The Amendment proposes to support the State Planning Policy Framework through:

- Clause 11.02-1S which states that planning for urban growth should consider the limits of land capability and natural hazards and environmental quality
- Clause 13.03-1S which aims to protect:
 - life, property and infrastructure from flood hazard;
 - the natural carrying capacity of rivers, streams and floodways;
 - the flood storage function of floodplains and waterways, and
 - floodplains areas of environmental significance and importance to river health
 - through the identification and management of development upon flood-prone land.
- Clause 14.02-1S which assists the protection and restoration of catchments by various strategies, including ensuring that planning is coordinated with the activities of catchment management authorities.

(iii) Local Planning Policy Framework

The Amendment proposes to support and implement the Local Planning Policy Framework through:

- Clause 21.03-2 (MSS) – by providing controls for development to ensure that future development is compatible with the quality, character, amenity and lifestyle of rural and urban communities
- Clause 21.09 (MSS) – by introducing updates to the overview, key issues, objectives and strategies to address flood risk and floodplain management, and by including the

Creswick Flood Mitigation and Urban Drainage Plan, February 2012 and the Clunes Flood Mitigation and Urban Drainage Plan, June 2013 as background documents.

- Clause 22.01 – by ensuring that land use and development is consistent with approved regional land and water catchment strategies.

2.2 Other relevant planning scheme amendment and policies

(i) Amendment C80hepb

Hepburn Shire Council has undertaken a review of the Hepburn Planning Scheme (HPS) which began in July 2019. The review aimed to provide sound, strategic and coordinated planning of land use and development based on section 12B of the PE Act. Amendment C80hepb proposes to update the HPS and the comprehensive changes to the scheme are generated from the following elements:

- Translation of the Local Planning Policy Framework incorporating the Municipal Strategic Statement (MSS) to the Planning Policy Framework which incorporates a new Municipal Planning Strategy (MPS).
- Implementation of the Hepburn Planning Scheme Review (HPSR), February 2020 by strengthening the strategic framework, policies, zone and overlay schedules and particular provisions for the municipality.
- Implementation of recent reforms to the Victoria Planning Provisions and the Ministerial Direction on the Form and Content of Planning Schemes into the HPS.

The HPSR is implemented by Amendment C80hepb to the HPS. The Planning Authority submitted that Amendment C80hepb has been exhibited, considered by a Panel, adopted with changes by the planning authority and submitted to the Department of Environment Land Water and Planning and the Minister for Planning for approval and gazettal. There are changes proposed in Amendment C80hepb that impact on the drafting of the proposed Amendment documentation in Amendment C77hepb, particularly the MPS content and associated mapping, as well as the three new LSIO schedules.

The changes to reflect flooding hazards in the Shire as detailed in Amendment C80hepb constitute strategy and provision neutral changes that will not impact on the substantive strategic directions and statutory provisions proposed by Amendment C77hepb.

(ii) Central Highlands Regional Growth Plan

The Amendment supports the Central Highlands Regional Growth Plan by seeking to deliver a “*productive, sustainable and liveable region for its people*”.

2.3 Planning scheme provisions

A detailed description of the existing zones and overlays is not provided in this report as the Amendment covers a wide area of Clunes, Creswick and other rural land and small settlements within the Shire boundary.

However, the Council submitted that the land use zonings within the Hepburn Shire are predominantly rural (73%), National Parks, Forests or Reserves (21.5%) and townships or settlements (5.5%).

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46) and Ministerial Direction 15 in respect to The Planning Scheme Amendment Process. That information is not repeated here.

Planning Practice Notes

The use of the LSIO in the Amendment is consistent with Planning Practice Note 12 – *Applying the Flood Provisions in Planning Schemes*. The application of the LSIO best represents the flooding characteristics, provides transparency about the actual flood risk to the community and enables flexibility in decision making within Hepburn Shire.

The Council submitted that as a result of its recent adoption of Amendment C80hepb and the requirements of the Ministerial Direction on the Form and Content of Planning Schemes, Amendment C77hepb can be redrafted to give proper effect to that Ministerial Direction and to include the new proposed content of Clause 21.06 into Clause 02.03-3 of the adopted MPS.

2.5 Discussion and conclusion

The NCCMA and Council submitted that the strategic basis of the Amendment is from a range of State planning policies, but particularly Clause 13.03-1S – Floodplain management and from the two flood studies for Clunes and Creswick being the *Clunes Flood Mitigation and Urban Drainage Plan, June 2013* and the *Creswick Flood Mitigation and Urban Drainage Plan, February 2012*.

The Amendment implements the flood studies undertaken for Clunes and Creswick that resulted from the 2010-11 flood events that significantly impacted both townships. The Panel agrees with the NCCMA and Council that the Amendment is necessary to assist in the protection of life, property and community infrastructure from flood hazard and to maintain the natural flood carrying capacity of the Creswick Creek and its tributaries.

The Amendment gives appropriate effect to the State planning policy for floodplain management at Clause 13.03-1S of the HPS and has incorporated the guidance from Planning Practice Note 12 - *Applying the Flood Provisions in Planning Schemes* as relevant.

The Panel notes Council's submission in relation to the recently adopted Amendment C80hepb, which was a review of the HPS. The Panel understands that the proposed changes to the exhibited Amendment C77hepb provided at Appendix K of the Planning Authority's Part A submission (document 5) as a result would be policy neutral changes and would not impact on the substantive strategic directions and statutory provisions proposed in Amendment C77hepb before this Panel.

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Panel notes that the Victorian Planning Provisions include a number of controls for floodplain management risk in planning schemes and that Amendment C77hepb proposes to revise the HPS by updating the application of the LSIO across the Hepburn Shire.

The Panel concludes that the Amendment C77hepb is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapter.

3 Extent of LSIO controls

3.1 The issues

The issue raised in the submissions is whether the extent of the proposed LSIO schedules is appropriate and whether the controls within the Schedules are too onerous on property owners.

3.2 Relevant policies and practice advice

Relevant policies are detailed in Chapter 2 and are not repeated here however of most relevance is Clause 13.03-1S Floodplain Management and Planning Practice Note 12 – *Applying the Flood Provisions in Planning Schemes*.

3.3 Submissions

The Amendment was prepared by the Hepburn Shire Council at the request of the NCCMA, the relevant floodplain management authority. Council jointly submitted with the NCCMA that the existing LSIO within Hepburn Shire is insufficient to manage flood risk. They stated:

There are currently no controls to manage development within flood-prone areas in Creswick, while flood-prone areas in Clunes are not covered by the existing LSIO.

Council submitted that the Creswick and Clunes community and outlying rural properties experienced three separate flooding events during late 2010 and early 2011 causing significant property damage and hardship to residents. As part of the response to these flooding events, the Council and NCCMA commissioned consultants Water Technology to undertake flood studies. This resulted in two reports: *Creswick Flood Mitigation and Urban Drainage Plan, February 2012* and the *Clunes Flood Mitigation and Urban Drainage Plan, June 2013*.

The Water Technology flood studies recommended that updates to the existing planning controls in the HPS based on updated flood data and flood modelling be undertaken, which are included in the exhibited Amendment documentation.

Council and the NCCMA submitted that the application of the proposed LSIO schedules are based upon the one per cent (1%) AEP flood extent, meaning the flood level each year has a one per cent chance of occurring (previously referred to as the 1-in-100 year flood). They stated '*this is a standard used across the industry for flood planning and management*'. The 1% AEP has been determined through the work undertaken by Water Technology in the two flood studies. Council stated:

In terms of the accuracy of the modelling, the flood model was calibrated to both the September 2010 and January 2011 flood events. Survey work was undertaken by licenced surveyors after each of these flood events to capture actual flood levels. The flood modelling produced for each of these events was checked against these observed flood levels to ensure the accuracy of the modelling. There is a high degree of confidence in the modelling due to the alignment of the modelled and actual flood levels.

The Amendment proposes to apply the LSIO to properties that are likely to be inundated in the 1% AEP flood event. Council explained that although a planning permit would be required for specified works and subdivisions, the proposed three Schedules to the LSIO will introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth. The NCCMA will be a recommending referral authority

for the three Schedules. Council submitted the following summary table explaining the differences between the three Schedules:

Table 1 Proposed LSIO Schedules and Permit Requirements

Overlay	Definition	Planning Permit Requirements
LSIO1 Flooding from waterways (depths up to and including 350mm)	Land affected by creek flooding up to 350mm depth for 1% AEP flood in the localities of Clunes and Creswick.	Permit required for buildings, works and subdivision. Exemption for minor works including upper storey extensions if there is no increase to the ground floor footprint, extensions less than 40 square metres, replacement dwellings and fences, agricultural buildings with permanent openings, sheds and rainwater tanks.
LSIO2 Flooding from waterways (depths greater than 350mm)	Land affected by creek flooding over 350mm depth for 1% AEP flood in the localities of Clunes and Creswick.	Permit required for buildings, works and subdivision. Exemption for minor works including extensions less than 20 square metres, replacement dwellings, agricultural buildings with permanent openings, open fences.
LSIO3	Remaining rural areas currently covered by the existing LSIO controls that are liable to inundation. These localities include Coomoora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford.	Provides permit exemptions for buildings and works including a replacement single dwelling if it is constructed to at least 300 millimetres above the 1% AEP flood level and the original building footprint is not increased by 20 square metres in area.

Source: Council's Part A Submission (Document 5)

Council and the NCCMA concluded that:

The Amendment is necessary to assist in the protection of life, property and community infrastructure from flood hazard and to maintain the natural flood carrying capacity of the Creswick Creek and its tributaries. The Amendment gives appropriate effect to the State planning policy for floodplain management at Clause 13.03-1S of the HPS and has incorporated the guidance from Planning Practice Note 12 as relevant.

Mount Rommel Mining and Timmermans Furniture opposed the Amendment for a number of reasons but in particular they disagreed that the properties they own, or have a lease over, are not subject to flooding and that the LSIO Schedule would impose onerous planning controls on their properties and activities.

Mount Rommel Mining submitted that the introduction of the Amendment may affect the company's future use of the entire land area and has '*entirely disregarded other State law responsible for this land, its special character, and the sub-surface*'. In response, Council noted in its submission that the issues raised by Mount Rommel Mining in regard to its right to mine gold in the area are not matters related to land use and development that is regulated by the HPS.

Council submitted:

mining is a land use term nested within 'earth and energy resources industry' that is exempt from the need for planning permission due to the requirements of Clause 62.01 of the Hepburn Planning Scheme.

Ms de Deugd, for Timmermans, submitted that they are strongly opposed to flood controls or permit requirements across their property and submitted that there had only been flooding on Timmermans property at 67 Fraser Street, Clunes once since 1955 and that was in the January 2011 floods. The submission suggests that works have since been undertaken around the Creswick Creek to clear the waterways of debris and the likelihood of flooding is reduced because of this. Ms de Deugd submitted that the proposed controls and permit triggers are too onerous, impacting on the viability of businesses and on property values. Timmermans request that their property not be included in the LSIO mapping at all. Alternatively, Ms de Deugd requested that the property be changed from the exhibited LSIO2 to LSIO1 as the previous flooding on the property did not exceed 330 millimetres and this change would reduce the permit controls on the property.

In reply, Council and NCCMA submitted that although works have been undertaken in the floodplain which they acknowledged does reduce the severity of flooding, the risk still remains for the properties in Clunes of a 1% AEP flood event, including the Timmermans property and therefore mapping via the LSIO is still required.

Ms White, NCCMA, explained that although works had been undertaken in the floodplain at both Clunes and Creswick and had reduced the risk of flooding, the level of protection afforded is now a 1 in 50 year event so the risk of a 1 in 100 year flooding event (that is, the 1%AEP) still remains and since the planning controls are based on the 1-in-100 flood event they should remain in place as exhibited.

Council and NCCMA submitted:

... the Flood Overlay does not cause or change the likelihood of flooding but recognises the existing condition of land. If a property has been identified as having a flood risk, the real flood risks on a property have not changed. The flood information in the HPS will ensure a higher level of transparency to land owners and occupiers and planning applicants.

As noted over many years in numerous Panel reports on Amendments state-wide, property values resulting from the application of planning controls to land are not a relevant matter to be considered in a planning scheme amendment. Property values are not applicable in this Amendment

...

The proposed planning controls in the LSIO and the three schedules are not designed to be onerous and in many cases land owners already require permits for buildings and works due to the presence of the Heritage Overlay, Environmental Significance Overlay and other controls.

Notwithstanding, Council and the NCCMA considered Timmermans submission and have agreed to remove the LSIO2 from the land at 67 Fraser Street, Clunes and apply the LSIO1 to the entire property instead.

Ms Potter and Mr Phillips submitted that the updated LSIO mapping should be broader to include the rural parts of Creswick, not just the town centre and should have also included the Creswick waste transfer site. Ms Potter raised concerns with potential contamination of the waterways downstream from the existing Council waste transfer station, especially in a flood event. In reply, Council acknowledged Ms Potter's concerns as valid about flooding in the area of the waste transfer station, however they submitted that the area is outside the boundaries of the mapping undertaken as part of the *Creswick Flood Mitigation and Urban Drainage Plan 2012* and would need to be considered as part of further strategic work.

Other issues raised by Ms Potter in submissions included the need for better environmental weed management within creek corridors and protection of habitat for species such as the Growling Grass Frog.

Council and the NCCMA noted that the extent of the investigation areas were based on identifying the core parts of the Shire's townships that would be subject to major risk to property, the environment and human life. Council also noted in closing submissions that they propose further strategic work on a number of matters that are noted in Ms Potter's submission but many of these issues are outside of the scope of the Amendment, for example opportunities to address further flooding concerns within the Creswick settlement boundary as part of the Creswick Structure Plan that will inform a future planning scheme amendment.

3.4 Discussion

It is appropriate to apply the LSIO and Schedules on properties in Clunes, Creswick and rural parts of the municipality that would be subject to a 1% AEP flood event. They are an important planning tool for identifying and responding to potential major risk to property, the environment and human life in the future. The Panel agrees with the Council and NCCMA that where there is a purpose to implement planning controls to achieve an outcome then it is appropriate to do so.

The extent of flood modelling and data collection undertaken to inform the Amendment is robust and follows an approach that has been used in a number of flood mapping planning controls in Victoria. The Panel notes that community engagement was a key component in the preparation of the two flood studies, as well as a community based Steering Committee.

The Panel notes that submissions from the Environment Protection Authority, Central Highlands Water and Goulburn Murray Water do not object to the Amendment nor did these authorities propose any changes to the Amendment.

The Panel agrees with the Council that the introduction of the LSIO over the Mount Rommel Mining land will not preclude the use and development of the land for mining purposes and that the approvals sought and processes outlined in the submission are not a matter for this Amendment.

In regard to the submissions of Ms de Deugd for Timmermans, the Panel agrees that the flooding risk may have decreased since 2011 with the works associated with floodplain maintenance and removal of debris in the waterways being completed, however it agrees with the NCCMA that the risk of a 1 in 100 year flood event still remains as the modelling has indicated. For this reason, the Panel accepts the position that the LSIO1 and not LSIO2 should be proposed over the property at 67 Fraser Street, Clunes but disagrees with the submitter that it should be removed entirely.

In regards to the issues raised by Ms Potter and Mr Phillips, the Panel notes that in principle, the submitter supports the implementation of flood controls, however raised concerns about matters such as contamination, weed control, ongoing management and the need for further strategic work within the Shire which are beyond the scope of the Amendment. Notwithstanding, the Panel is encouraged to hear from the Council that further strategic planning work is proposed for some of the matters raised by Ms Potter. The Panel encourages the Council to engage with the community in developing this further strategic work.

The Panel agrees with the Council in that the permit triggers are not onerous. The Panel notes that many properties within the townships of Clunes and Creswick are already subject to permit

triggers and requirements for buildings, works and subdivision through Heritage Overlays and the like.

3.5 Conclusions and recommendation

The Panel concludes:

- That the proposed LSIO schedules are appropriate as a measure to protect life, property, community infrastructure and the environment from flooding in a 1% AEP flood extent.
- Mapping and data used to determine the 1% AEP flood extent is robust and follows a tested methodology within Victoria.
- There is merit in changing the property at 67 Fraser Street, Clunes (Timmermans) from the exhibited LSIO2 to the LSIO1.
- There is a net community benefit of implementing flooding controls through the use of the LSIO to prevent flooding risk and harm to property, the environment and life.

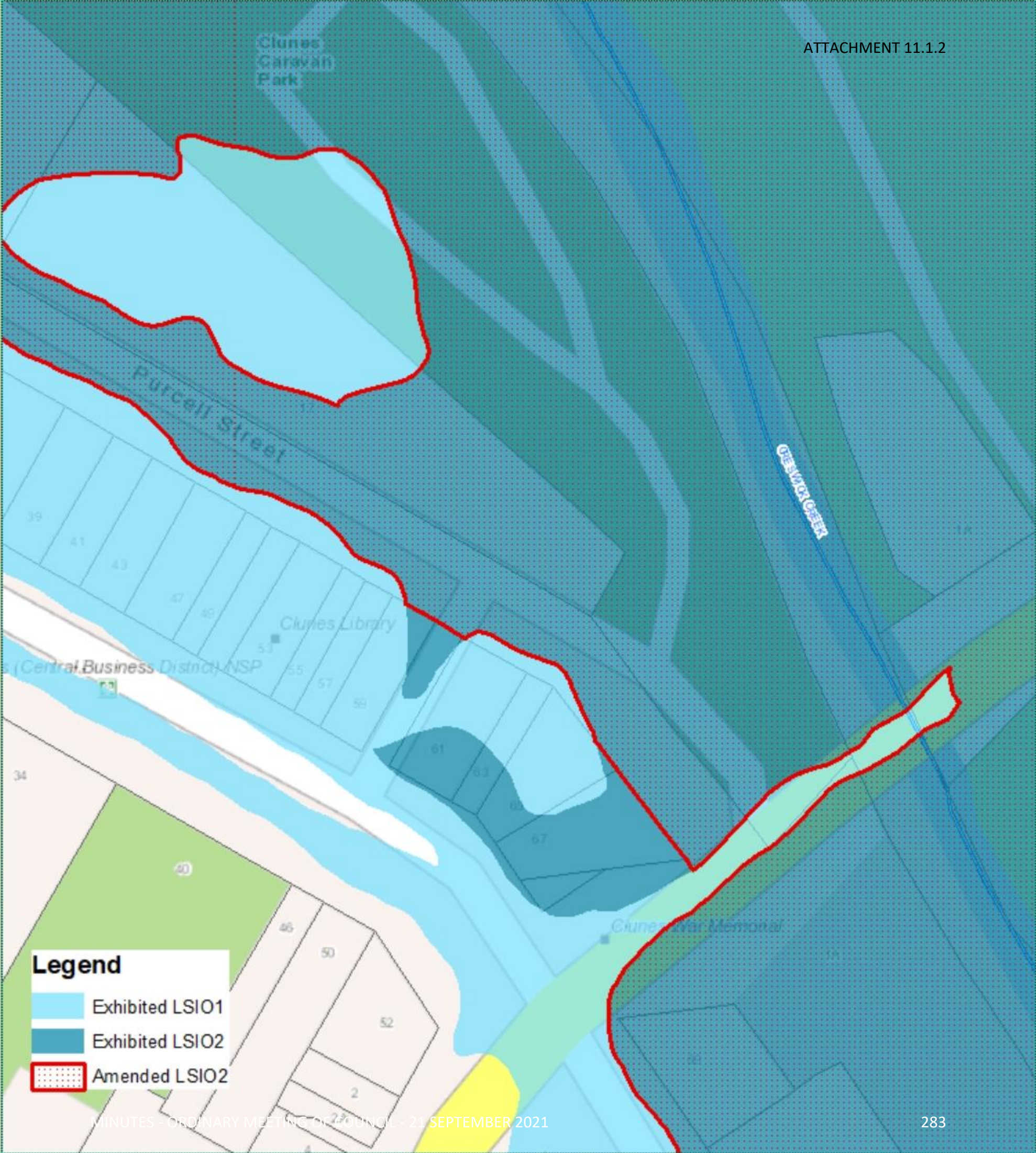
The Panel recommends that:

Hepburn Planning Scheme Amendment C77hepb be adopted as exhibited subject to the following:

- **Apply Land Subject to Inundation Overlay Schedule 1 instead of Schedule 2 to 67 Fraser Street, Clunes.**

Appendix A Document list

No.	Date	Description	Presented by
1	10 Feb 21	Directions Hearing letter	the Panel
2	19 Apr 21	Letter regarding distribution list	Mr Buxton
3	26 Apr 21	Covering Letter and Directions Hearing document	Mr Buxton
4	4 May 21	Directions letter	the Panel
5	21 May 21	Covering Letter and Part A submission including Appendices	Mr Buxton
6	28 May 21	Email regarding COVID restrictions	the Panel
7	28 May 21	Council Covering Letter and Part B submission	Mr Buxton
8	3 Jun 21	Email confirming revised Hearing date and timetable	the Panel
9	21 Jun 21	Exhibit A Map – Overlays as exhibited for 67 Fraser Street, Clunes	Ms de Deugd
10	“	Exhibit B Map – Proposed Overlay changes to 67 Fraser Street, Clunes	“
11	“	Exhibit C Map - Proposed Overlay changes to 67 Fraser Street, Clunes with dotted line	“
12	24 Jun 21	Speaking Notes	“
13	“	Council Closing submissions incl. Appendix A	Mr Buxton
14	14 Jul 21	Speaking Notes	Ms Potter



Legend

- Exhibited LSI01
- Exhibited LSI02
- Amended LSI02

Attachment 3

The clauses on the following pages represent Post Exhibition Changes to Amendment C77hepb resulting from the consideration of submissions and further assessment by Council.

The text highlighted in **BLUE** reflects post exhibitions changes and changes to Planning Scheme Amendment C80hepb.

The text in **magenta** reflects post exhibition changes.

Changes have been incorporated into the documents below so that proposed MSS clauses are incorporated into the new MPS format with administrative changes made to the three schedules to the LSIO so that they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

These clauses are provided in the revised format of the Hepburn Planning Scheme resulting from Amendment C80hepb which has been adopted by Council and is pending consideration by DELWP and approval by the Minister.

02 MUNICIPAL PLANNING STRATEGY

--/--
Proposed
C80hepb

02.01 CONTEXT

Proposed
C80hepb

Hepburn Shire is located in Victoria's Central Highlands, 110 kilometres north-west of Melbourne, in the heart of the goldfields region. The Shire encompasses a total land area of approximately 1,470 square kilometres and comprises 26% public land.

The Shire is strategically placed to take advantage of its proximity to the north and west outer areas of Melbourne and the regional centres of Ballarat, Bendigo, and Castlemaine. Many townships in the Shire are within reasonable commuter distances of Melbourne and the nearby regional centres.

In 2018, Hepburn's residential population was estimated to be 15,810 (Victoria in Future, 2019). The Shire's population is not predicted to grow significantly.

The townships of the municipality are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Smaller settlements include Allendale, Broomfield, Coomoora, Glenlyon, Muskvale, Newlyn, and Smeaton.

The character of settlements within the Shire reflect the varied historical patterns of development including indigenous heritage, early pastoral, 19th Century gold rush, agriculture, industry and forestry. The Shire's extraordinary 19th Century history is reflected in a vast array of buildings and sites which have local, state and national significance.

The original inhabitants of the Hepburn area were the Dja Dja Wurrung Aboriginal people. Lalgambook (Mt Franklin) lies within the Hepburn Shire and is one of a number of sites of indigenous cultural significance.

Hepburn has attracted a highly diverse social mix of people that includes more traditional farming communities and long term residents in established townships, a growing commuter population, as well as a large number of part-time residents.

The Midland Highway bisects the Shire providing primary road access to the regional and interstate transport network for both passenger and freight vehicles.

The re-establishment of passenger rail services to Clunes and Creswick is providing improved public transport access for residents to Ballarat and Melbourne however public transport provision is limited in other areas of the Shire.

Hepburn is located within a number of water supply catchments, including the Loddon and Coliban Rivers, designated by the State Government to provide drinking water, and in some cases irrigation water for central and northern Victoria. These and other waterways are prone to periodic flooding and pose significant risks to people and infrastructure. [Proposed Am C77hepb]

Hepburn is renowned for its mineral springs containing one of the largest concentrations in Australia. Since the 19th century these springs have been a major attraction and economic asset within the Shire and wider region.

The area contains significant areas of high quality agricultural land and provides opportunities in important horticultural activities including vegetables, viticulture and seed production and is known as a prime potato producing area.

The Shire has an enviable reputation as a key tourist destination, largely resulting from the attraction of the mineral springs, spectacular bushland and cultural landscapes, natural resources and environmental features.

Vegetation in the Shire is important for habitat, biodiversity and landscape values; as well as a land and water management resource. Significant areas of public and private land remain forested or are sites of remnant grasslands and vegetation.

Bushfire is a significant risk for the Shire with Creswick, Daylesford, Hepburn Springs and Trentham all identified as high bushfire risk townships. Balancing bushfire management with vegetation and landscape values, and settlement are key challenges.

02.02 VISION

--/---
Proposed
C80hepb

Council's mission for the Shire is the following:

'Hepburn Shire will maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance. We will strive to gain maximum advantage for our community by protecting and enhancing our natural and built environment.'

The key land use and development directions to deliver this mission as derived from the Hepburn Planning Scheme Review 2020 are to:

Protect agricultural land as a valued resource to support jobs and opportunities into the future.

Carefully manage the development of housing and services for residents in keeping with the heritage and rural feel of those areas.

Preserve the heritage character and strong sense of place of the townships.

Protect and manage the municipality's valued landscapes from unsympathetic development or major change.

Manage the Shire's natural resources sustainably and protect them for future generations.

Support tourism as an important industry based on the Shire's beautiful townships and countryside.

Facilitate infrastructure across the Shire to meet the needs of the community.

02.03 STRATEGIC DIRECTIONS

02.03-1
Proposed
C80hepb

SETTLEMENT

The Shire's settlement pattern consists of a range of distinct townships and settlements set within the landscape. The townships are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Settlements are scattered across the municipality including Allendale, Broomfield, Bullarto, Coomoora, Glenlyon, Muskvale, Newlyn and Smeaton. Other settlements exist in rural areas, many of which are former goldfields townships.

Creswick and Daylesford are regional service hubs while the other townships are focused on meeting the needs of the local community and visitors. Rail and road improvements to the Calder regional transport corridor have increased the desirability of Trentham as a location to live. Access to Ballarat and Melbourne via the western transport corridor have also increased the attractiveness of Creswick, and to a lesser extent Clunes.

There are extensive tracts of low-density zoned land between and around the edges of Clunes and Creswick. Development capacity within these areas outside township boundaries is limited due to servicing requirements, on site effluent disposal, surface and groundwater quality and quantity, and bushfire concerns. A number of settlements and rural living areas have high risk of bushfire with some requiring restructuring and potentially abandonment to reduce the threats to life and property.

The Shire has strong economic relationships with Ballarat, Bendigo, Castlemaine, Melbourne, Woodend and Gisborne with a growing number of residents seeking employment and services from these locations. Access to rail services are increasingly positioning Creswick and Clunes as commuter townships. The municipality's high-quality landscapes, natural environment, township character and proximity to Melbourne attract weekenders and tourists.

Council's strategic directions for settlement are to:

- Concentrate development into defensible parts of existing township boundaries and settlements to mitigate bushfire risk, protect agricultural land, and limit natural and environment risks.
- Facilitate growth in Creswick and Clunes within the designated township boundaries.

- Consolidate development in Daylesford within the designated township boundary.
- Contain growth of Trentham and Hepburn Springs within the designated township boundaries.
- Discourage residential development in settlements within existing residentially zoned boundaries where bushfire risks cannot be mitigated.
- Prevent residential and commercial development between settlements along major roads.
- Direct rural residential development that is not associated with rural enterprises into established townships and settlements.

02.03-2 ENVIRONMENTAL AND LANDSCAPE VALUES

Landscape

Hepburn contains a range of spectacular landscapes of state, regional and local significance which are the traditional lands of the Dja Dja Wurrung Clans. Large panoramic views of Lalgambook (Mt. Franklin) and the whole groups of volcanic hills give heart to the country of Larnibarramal (Home of the Emu). The peaks and plains of the Victorian Volcanic Plains bioregion, the ridges and forests of the Central Victorian Uplands and the unique mineral springs area, form landscapes that are significant for their Aboriginal and post contact cultural, visual, environmental, geological and scientific values. These landscapes are attractive to tourists, visitors and locals alike and have strong cultural obligations and connections for the Dja Dja Wurrung Clans.

Vegetation

Vegetation in Hepburn Shire is important for habitat, landscape and Dja Dja Wurrung Clans Aboriginal Corporation's cultural values, and as a land and water management resource. Almost half of the Shire is covered in native vegetation with just over half of this area located on private land. Significant areas of public and private land remain forested or as sites of remnant grasslands. Important habitat areas are also located on roadsides, streams and associated riparian zones. Exotic vegetation, significant for reflecting European settlement patterns, also exist particularly in townships.

Biodiversity

A rich diversity of plants, animals and habitats exist across the Shire. Many species are under threat from activities such as land clearing, invasive flora and fauna, climate change and bushfire management. Reducing habitat fragmentation across the landscape for wildlife and plant dispersal, and protecting large old trees on private and Council land are among key focus areas for Council.

Council's strategic directions for environmental and landscape values are to:

- Protect and enhance significant natural, Aboriginal and post contact cultural and heritage landscapes across the Shire.
- Protect and enhance state significant landscapes such as volcanic outcrops, cones and goldfields.
- Protect sites of importance to the Dja Dja Wurrung Clans such as Lalgambook (Mt Franklin) and Mt Kooroocheang and associated landscapes.
- Protect and enhance watercourses, wetlands and water bodies and their associated riparian zones.
- Protect indigenous vegetation across the Shire including on Council managed reserves and private property.
- Protect biodiversity and environmental values of local, regional and state significance.
- Retain existing habitat and create new habitat corridors, that increases the resilience of existing stands of native vegetation.
- Encourage land owners and public land managers to sustainably manage land and instream uses including removing environmental weeds.
- Minimise wholesale clearing of significant vegetation in areas of high bushfire risk.

02.03-3 ENVIRONMENTAL RISKS AND AMENITY

The Shire will continue to be subject to the risks of environmental challenges such as bushfire, flooding, erosion and salinity. The impacts of climate change, together with local factors such as land management and development, risk exacerbating some of these environmental challenges even further. In addition to increasing mean temperatures, research predicts a reduction in rainfall for the Shire and increases in seasonal variability by 2050. The Shire needs to be ready to adapt to these likely impacts and plan within this uncertainty. This will involve anticipating likely risks and using a precautionary approach for making decisions.

Bushfire

Bushfire poses a significant risk to life and property in Hepburn Shire. Bushfire risk is exacerbated by topography, dispersed townships, ad-hoc development and lack of infrastructure in some locations. There are some locations where residential land uses have been allowed that with current knowledge are unsuitable for settlement and suggest the need for review of boundaries through structure planning. Potential development of existing small lots dispersed across rural landscapes and on the edges of towns are at highest risk from bushfires.

Flooding

Flooding impacts many of the Shire's settlements. Clunes and Creswick, particularly the immediate environs of Creswick Creek, were two of the worst affected regional townships in the flood events of 2010-11. Large floods pose significant risks to life, health and wellbeing of residents and emergency personnel through impacts such as road closures, loss of access/egress for residents, property isolation and damage to buildings and infrastructure. Due to more extreme weather events, flooding impacts are expected to increase and a consistent Shire-wide approach to flood mitigation is needed to better protect life, property and community infrastructure from flood hazards. [Proposed Am C77hepb]

Soil management

Managing the impact of land uses on soil quality, erosion and salinity throughout the Shire is important for the preservation of high quality soils and the protection of waterways and groundwater tables in the catchment.

Council's strategic directions for environmental risks and amenity are to:

- Contain future growth within township boundaries to protect environmental values and to limit the risk to life and property from bushfire.
- Avoid development that through its location or design increases exposure to bushfires.
- Limit development outside townships by minimising future subdivision of rural land to address bushfire risk.
- Minimise risk to life, and property and infrastructure from flooding through appropriate siting, design and management of use and development with adequate setbacks from waterways. [Proposed Am C77hepb]
- Locate new development on the highest available ground with road access that provides safe passage in a flood event. [Proposed Am C77hepb]
- Maintain the flood carrying capacity, free passage, temporary storage function and environmental significance of floodplains and waterways. [Proposed Am C77hepb]
- Maintain and improve soil quality and limit erosion.

02.03-4 NATURAL RESOURCE MANAGEMENT

Climate Change

In order to mitigate the impacts of climate change, Hepburn Shire Council and community groups have committed to a target of 100% renewable electricity supply, zero-net energy by 2025 and zero-net emissions by 2030. This requires careful consideration of opportunities to manage and reduce greenhouse gas emissions, while also looking to carbon sequestration opportunities locally and supporting community led alternative energy infrastructure.

Considering climate change in all land use and development decisions is essential to ensuring that emission reduction goals are realised. This will include minimising: pollution to air, soil and water; the use of non-renewable resources; solid waste generation; or other activities resulting in detrimental environmental outcomes. Localised climate change action is encouraged such as best practice environmentally sustainable development, localised circular economy industries or renewable energy projects.

Water

Water catchments within the Shire ultimately link to the Murray River and Port Phillip Bay. The whole of the Shire is within proclaimed water supply catchments declared under the *Catchment and Land Protection Act 1994*. Potable supply is provided to townships within and downstream of the Shire.

Hepburn Shire is known as the Spa Centre of Australia. Mineral springs are a major tourist attraction and economic asset for the Shire and wider region. Maintaining groundwater quantity, quality and management is an important issue for Council and the Catchment Management Authorities. Mitigating the impacts of stormwater from development will also assist to maintain water resources.

Agricultural land

The rural areas of the municipality form part of Melbourne's hinterland. Careful planning is required to maintain rural and agricultural land uses and to prevent unrelated housing and other urban development negatively impacting upon or reducing this resource.

The Shire's high quality agricultural land is part of a region supplying important horticulture including vegetables, vines, seeds and notably potatoes. Emerging rural industries include locally sourced produce, value added food manufacturing and related products and rural tourism.

In order to maintain the economic and social value of the municipality's rural land, the productivity and versatility of agricultural land needs protection. Landscape and environmental values also form a significant part of the value and character of rural areas.

Council's strategic directions for natural resource management are to:

- Reduce the impacts of climate change, by supporting alternative energy sources, carbon farming, micro-grids, reducing greenhouse gas emissions and adopting environmentally sustainable development principles.
- Minimise landscape and water quality impacts on the catchments through careful location and design of development and wastewater systems.
- Protect streamsides, catchments, flood plains and wetlands from the impacts of development.
- Support future development that adapts to the impacts of climate change and contributes to meeting Council's targets for reducing greenhouse gas emissions.
- Protect water resources in the Shire through integrated water and catchment management including stormwater.
- Protect mineral springs, their aquifers and environs from the impacts of waste disposal and drainage.
- Protect high quality productive agricultural land for agricultural uses over the long term.
- Protect rural land for agricultural uses and compatible rural uses.
- Support the evolution of agriculture in response to improved practices and climate change.

02.03-5 BUILT ENVIRONMENT AND HERITAGE

Heritage

Hepburn Shire has a large number of significant built and cultural heritage places, as well as heritage landscapes of local, regional, state and national and potentially World Heritage significance.

Pre-contact cultural heritage sites of significance to the Dja Dja Wurrung Clans exist across the municipality. These include artefacts, scar trees, middens, sites of birthing and massacre. Many of these are inadequately identified or protected.

There are significant buildings, streetscapes, townships, Avenues of Honour and individual trees that have strong associations with, and represent the Shire's post-contact settlement, particularly its pastoral, gold rush, world wars, manufacturing and tourism history.

The Shire's 19th Century gold mining landscapes are of state, national and potentially international significance in demonstrating the progression of the gold rush era within Australia, including landscapes regarded as the most intact gold rush landscapes in the world.

The mineral springs led to significant interwar development. This built on their therapeutic properties and tourism, with the accompanying notable spa facilities, infrastructure and associated private accommodation in the form of numerous guest houses and other forms of tourist accommodation.

The Shire's built, natural and cultural heritage are fundamental to its sense of identity. Preserving and protecting these assets will give residents and visitors an opportunity to learn about the past and appreciate its role in the Shire's future.

Built form

The Shire contains some of Australia's most important heritage townships. Each of the Shire's townships have a distinctive character shaped by development over various eras and their landscape setting. Residents and visitors are attracted to the individual character of each of the townships. As a collection of townships and settlements, they provide a significant illustration of Australian history particularly the goldfields story.

Natural and 'semi' natural features within townships and settlements are also important to their character. These include significant native and exotic vegetation, creeks, main drainage lines and man-made lakes and reserves. In these environments, the quality of the built form and view lines from, and to, these environments is especially important.

Improved urban design guidance will assist in ensuring that the character of townships is complemented and preserved and quality of development improved.

Council's strategic directions for built environment and heritage are to:

- Protect the built, natural and cultural heritage to enhance appreciation of the Shire's history and to maximise opportunities for tourism.
- Prevent the demolition of heritage built form and provide for its conservation and restoration.
- Support and strengthen the individual character and role of townships that contribute to the Shire's diversity as a place to live, work, recreate and visit.
- Protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values.
- Ensure development is in keeping with the historic, landscape and neighbourhood character of townships and settlements.
- Support development, including new residential areas and infill development, that responds to its setting and surrounds.
- Ensure development does not obstruct significant views to prominent hilltops, ridgelines and landmarks.
- Encourage built form that has been designed to both mitigate bush fire risks and minimise vegetation loss.

02.03-6 HOUSING

The Shire's housing needs are changing due to demographic and lifestyle choices. The housing market is severely impacted by tourism as family homes are made available as weekenders for rent or private use. This affects land prices, affordability and the choice in housing supply.

Like many regional and rural areas, Hepburn Shire is facing a continued ageing population and a rise in lone person households. The median age of people in 2016 was 50 years

compared to just 43 in 2006 and 37 in 1996. By 2036, there is projected to be an additional 2,790 persons aged above 60 years living in the Shire. There is also a significant percentage of the municipality facing housing stress. These residents require housing that suits their needs including smaller, more affordable accommodation with cheaper operating costs and the opportunity for people to age in their communities.

Infill housing, new housing formats and providers and community and aged care facilities that are sensitively located and designed within townships will assist in filling this gap. Partnerships with housing providers and developers are encouraged.

Council's strategic directions for housing are to:

- Support infill housing development in townships that respects and complements neighbourhood character.
- Promote and facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation.

02.03-7 ECONOMIC DEVELOPMENT

Hepburn Shire is part of a region where a broad range of development and employment opportunities continue to be created through good access to Melbourne and other provincial cities.

Hepburn Shire has an economic base built around agriculture, retail, accommodation, spa and wellness, cafes / restaurants, construction, property and businesses services, health and education and manufacturing. Tourism and agriculture contribute the most in dollar terms to the local economy.

Rural enterprises

Hepburn Shire is a significant agricultural region and part of Melbourne's 'food bowl'. The region's contribution will become of even greater importance to the State in adapting to a changing climate. High quality agricultural land is used for horticulture, grazing and other rural industries. Other rural land is important for its contribution to the Shire's landscape and environmental setting and important for tourism attraction. The fragmentation of agricultural land through unmanaged subdivision and housing in rural areas has the potential to undermine established rural uses and must be carefully planned to maintain the long-term productivity of rural land. Rural living development not associated with agricultural enterprises needs to be directed around established townships and settlements.

Tourism

Tourism in the Shire is founded on the attractions of mineral springs, historic townships, natural resources and environmental features, and value-added products from agriculture. Tourism has positive economic benefits in other business activities and infrastructure and is a major driver of the accommodation, café, restaurant and retail sectors. To maintain this market, the attractions and features of the Shire must be protected and enhanced.

Manufacturing and industry

The Shire has limited manufacturing and industrial activities located in Creswick, Daylesford, and Trentham with some industrial land uses also located in rural areas. There are opportunities to develop value added activities and industries processing local agricultural products. These include high value, niche horticulture and production, organic farming and paddock to plate initiatives.

Some industrial land uses located in rural areas of the Shire include mineral water extraction and seed processing. These uses and associated activities need to be sensitively managed in rural areas and environments. Serviced industrial land opportunities need to be available in townships for industries to process and add value to products grown locally and in the region. Materials recycling activities should be located in industrial areas to manage their amenity and environmental impacts.

It is important to protect industrial areas from encroachment by applying the 'agent of change' principle which requires sensitive uses to not impede the viability of existing industrial uses.

Retail and community services

The Shire's townships provide for local convenience shopping and discretionary needs and services. Creswick and Daylesford as larger townships have a greater range of retailing and offices.

The health and community services sector is an important growth industry in the region due to increased demand, particularly as the population ages and the local population grows. Upgrades to existing and additional facilities will be required in townships over the coming years.

Council's strategic directions for economic development are to:

- Maintain and protect agricultural land by avoiding fragmentation and commercial uses that may lead to loss of, or limitations for, production.
- Support the economic sustainability of the Shire's townships with an adequate supply of land zoned for industrial and business purposes.
- Protect industry and business from encroachment of incompatible land use and development by applying the 'agent of change' principle.
- Facilitate a greater range of economic activity and home based businesses in townships and settlements.
- Locate tourist facilities and development in the Shire's townships that brings economic benefits, respects township character and enhances the distinctive tourism assets of each township.
- Ensure that the Shire's quality mineral water resources and reserves are maintained and managed as a long-term community and economic resource.
- Enhance the Shire's existing tourism offer through the development of a more diverse tourism product centred around the natural environment, bike trails, arts and culture, food and environmental sustainability.
- Protect the Shire's heritage and environmental tourism assets.
- Locate materials recycling activities (other than municipal facilities) in industrial areas.

02.03-8 TRANSPORT

The main road network services the townships, provides for regional travel and freight movements, and links to the Western and Calder Freeways. Creswick and Clunes have improved regional connections with passenger rail services to Ballarat and Melbourne. Settlement strategies for the Shire need to take advantage of the opportunities for improved access to jobs and services in the Creswick-Clunes corridor.

Maintaining key transport linkages from within the Shire to interstate transport corridors including the Western and Calder Highways / Freeways is important. Primary producers and other industries in the Shire are dependent on road freight as a means to distribute goods.

Lack of access to transport, particularly public transport, is a key issue for many residents in the Shire along with a desire for greater infrastructure to support walking and riding (active transport) throughout the municipality.

Council's strategic directions for transport are to:

- Concentrate development into Creswick and Clunes to capitalise on transport facilities and connections.
- Facilitate sensitively designed, higher density, walkable neighbourhoods close to train stations in Creswick and Clunes.
- Support a transport network that provides freight connections to the Calder and Western Freeways / Highways.
- Facilitate an active transport network across the Shire to improve connections within and between townships and settlements.
- Ensure car parking provision in townships does not negatively impact on township character.

02.03-9 INFRASTRUCTURE

The provision and adaptation of infrastructure is essential to the future growth and development of the Shire to support both the community and visitor population.

Utility infrastructure

Clunes, Creswick, Daylesford, Hepburn Springs and Trentham have sewerage and potable water infrastructure while settlements are unsewered and have no reticulated water supply. Maintaining water supply and quality will continue to be important for serviced townships and settlements.

There is a need to protect infrastructure facilities such as waste and resource recovery centres, transfer stations and sewage treatment facilities from encroachment of sensitive uses. Former landfill sites are also located across the Shire in Creswick, Daylesford, and Trentham which require careful management in terms of environmental risks so that the environment and community are protected.

The Central Highlands region has been identified as a region with significant opportunities to generate renewable wind and this is supported if appropriately sited to not impact upon highly valued landscapes. Renewable energy developments and associated infrastructure should incorporate benefit sharing, including opportunities for community investment. New infrastructure must limit negative impacts to biodiversity and the significant landscape settings and provide a benefit to communities.

Community infrastructure

Larger townships in the Shire are generally well serviced with community facilities. Facilities in the smaller settlements are more limited requiring residents to travel to the larger townships. Changing population demographics are creating demands for new or improved services and facilities in the Shire's townships.

Infrastructure design

New infrastructure requires careful design to ensure it is in keeping with township character, heritage values, the landscape setting and minimises impact on native vegetation and biodiversity. The Infrastructure Design Manual (IDM) has been adopted by Council. It provides the foundation for improved and sensitive design for the Shire that will be enhanced through structure planning. Infrastructure is ageing or no longer fit for purpose. Opportunities for green or more sustainable infrastructure should be considered to provide for future needs.

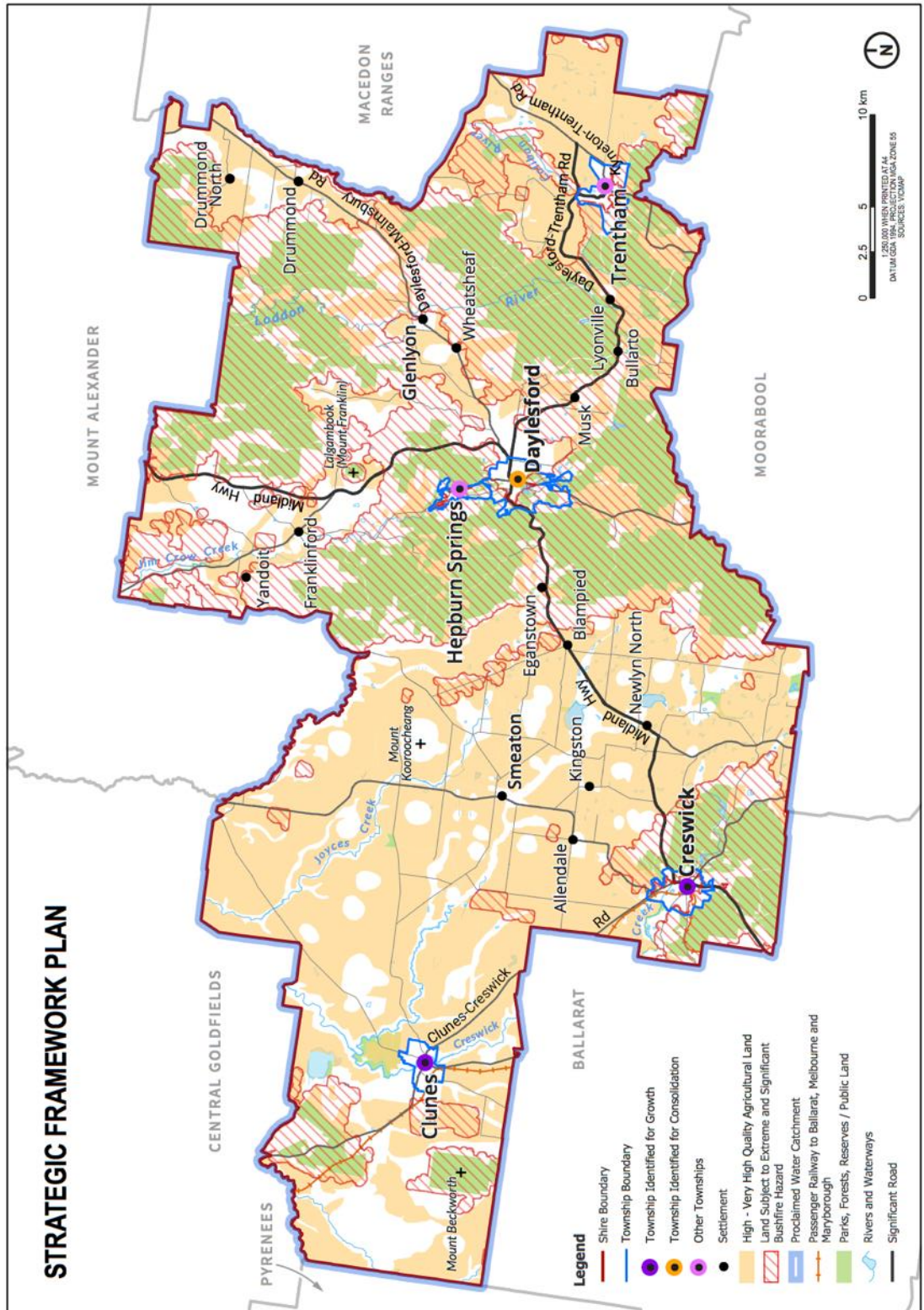
Council's strategic directions for infrastructure are to:

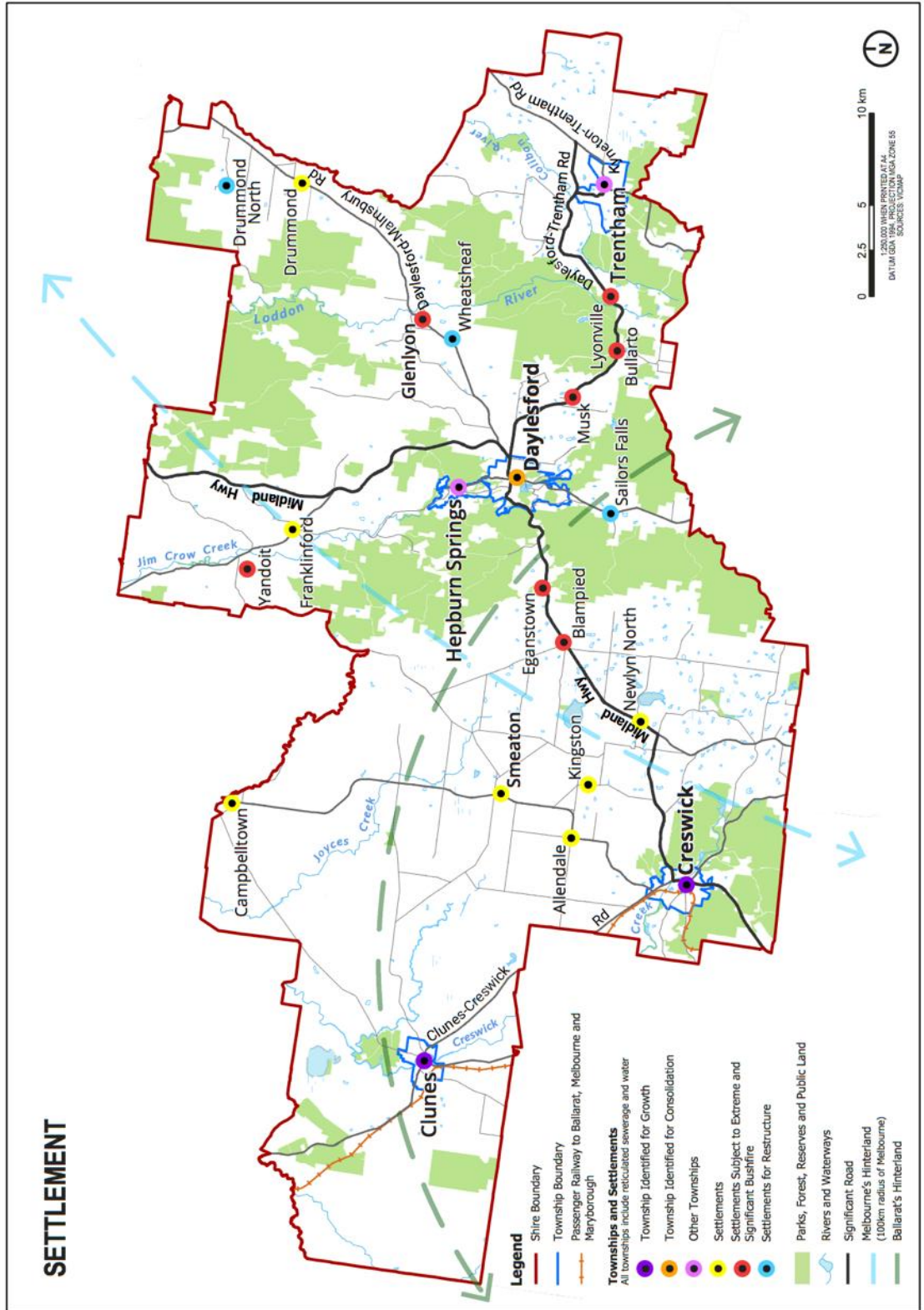
- Ensure development is directed into townships with reticulated water, or capacity for alternative potable water sources, and reticulated sewerage.
- Support community infrastructure including open space, health, education and cultural facilities into townships to support community needs.
- Protect infrastructure facilities such as waste and resource recovery centres, transfer stations, and water and sewage treatment facilities from encroachment of sensitive uses.
- Manage landfill sites in Creswick, Daylesford, and Trentham and their environmental risks so that the environment and community are protected.
- Upgrade existing and ageing infrastructure resulting from the demands of new development and servicing needs, and utilise infrastructure contributions.
- Support green infrastructure provision to minimise environmental and climate impacts on elements such as soil, water, amenity, air quality, native vegetation and biodiversity.
- Support the sensitive location of transmission infrastructure to support decarbonisation within the municipality that provides a net community benefit.
- Support infrastructure to facilitate the growth of electric vehicle use.

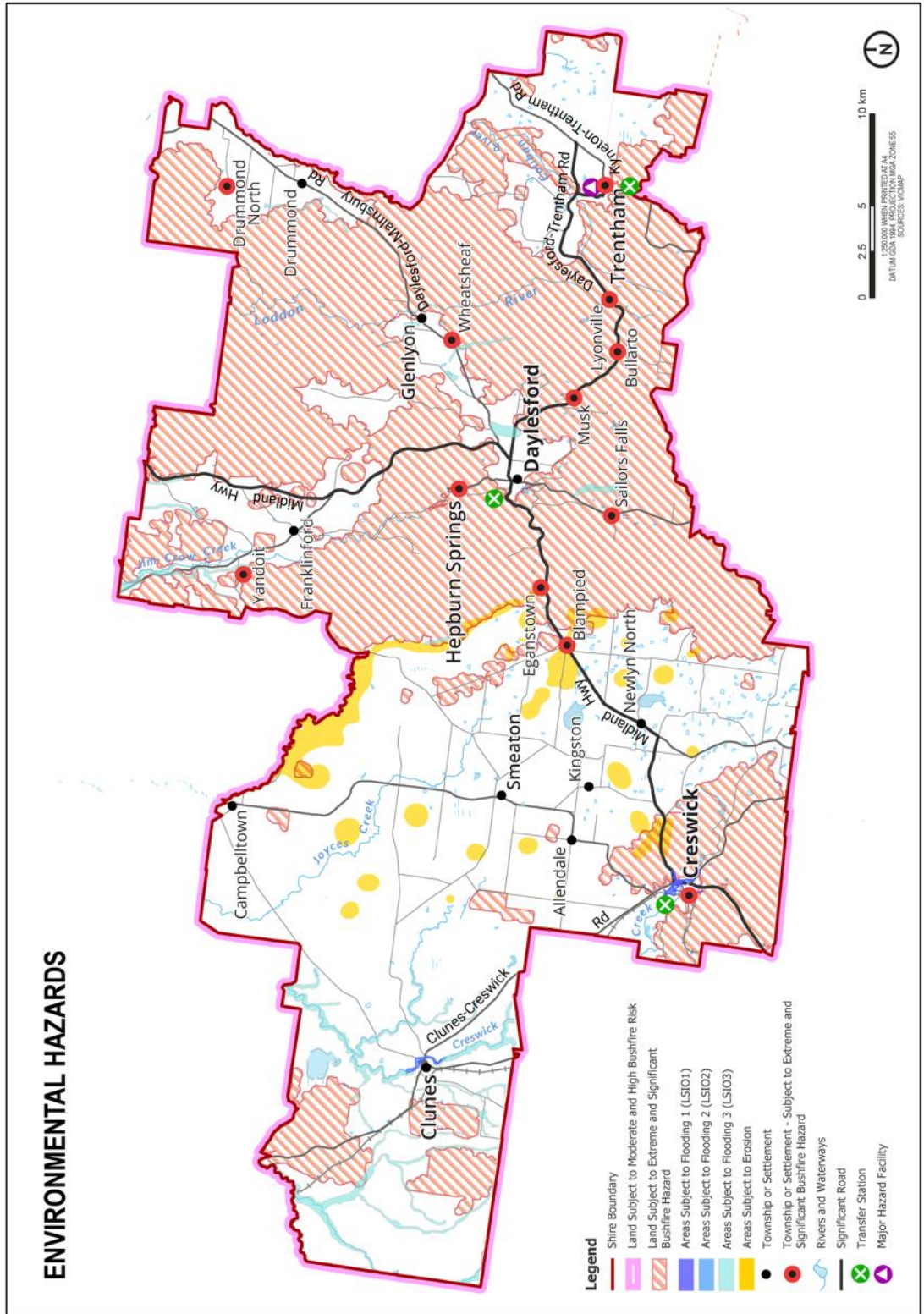
02.04 Strategic framework plans

Proposed
C80hepb

The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.







SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO1**.

FLOODING FROM WATERWAYS IN CLUNES AND CRESWICK (DEPTHS UP TO AND INCLUDING 350 MILLIMETRES)

1.0 Land subject to inundation objectives to be achieved

--/20--
Proposed
C77hepb

None specified.

2.0 Statement of risk

--/20--
Proposed
C77hepb

None specified.

3.0 Permit requirement

--/20--
Proposed
C77hepb

A permit is not required ~~for the following to:~~

~~Buildings and works on land subject to a planning permit, restriction or agreement~~

~~If the Construct~~ buildings or works ~~that~~ are in accordance with an existing agreement under section 173 of the Act or a restriction applying to the land that specifies a minimum finished floor level to be met.

~~If the b~~Buildings or works are on land that ~~has~~ been developed in accordance with a previous planning permit, where ~~the following are all met:~~

~~†~~The previous permit required the ground surface level to be finished at least 300mm above the 100 year ARI flood level. ~~;~~ ~~and~~

~~†~~The ground surface level has been constructed in accordance with the ground level requirements of the previous planning permit as confirmed by survey plans to Australian Height Datum. ~~;~~ ~~and~~

~~†~~The proposed buildings and works are constructed above land that is not less than 300mm above the 100 year ARI flood level.

~~Extensions and alterations to existing buildings~~

An extension to an existing building (not including an outbuilding associated with a dwelling) provided the floor level of the proposed extension is not less than the existing floor level and the gross floor area of the extension does not exceed 20 square ~~meters~~metres.

An upper storey extension to an existing building if there is no increase in the ground floor footprint.

An extension to an outbuilding associated with a dwelling provided the gross floor area of all outbuildings on the lot does not exceed 40 square metres.

~~New and replacement buildings~~

A replacement dwelling provided the floor level is constructed at least 300 millimetres above the 1 per cent AEP flood level and the additional floor area does not exceed 20 square metres.

A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 20 square metres and which is the only non-habitable building on the lot.

An agricultural or farm building that is open on all sides, such as a hay shed, cattleyard, covered horse stable or other similar yards, is less than 200 square metres, and is set back at least 30 metres from any waterway.

An agricultural shed (other than one used for industrial, retail or office purposes) for the storage of farm machinery, storage of farm vehicles or a workshop associated with a rural use in a rural zone with a floor area less than 200 square metres and which is set back at least 30 metres from any waterway.

A relocatable building associated with a caravan park provided the floor level is set at least 300 millimetres above the 1 per cent AEP flood level.

~~Other buildings and works~~

A replacement fence in the same location and of the same type and materials as the existing fence and that is not increased in length.

A rainwater tank with a capacity of not more than 10,000 litres.

A pergola or verandah, including an open-sided pergola or verandah to a dwelling, with a finished floor level of not more than 800 millimetres above ground level and a maximum building height of 3 metres above ground level.

A deck, including a deck to a dwelling with a finished floor level not more than 800 millimetres above ground level.

A carport.

An open-style fence.

A tennis court at natural surface level with curtain fencing.

An in-ground swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot, and associated open style security fencing, where the perimeter edging of the pool or spa is constructed at ground level and excavated material is moved outside the 1 per cent AEP flood extent.

A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area).

Public toilets.

A mast, antenna, or light poles.

A pump shed.

A disabled access ramp.

Works

Landscaping, driveways, and vehicle cross overs associated with a dwelling, if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.

Roadworks, footpaths or bicycle pathways and trails carried out by a public authority if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.

Earthworks associated with the construction of a dam, where no fill is imported to the site, the dam is not constructed on a waterway, the dam does not exceed 3 megalitres in capacity and there is no embankment.

4.0 Application requirements

--/20--
Proposed
C77hepb

None specified.

5.0 Decision guidelines

--/20--
Proposed
C77hepb

None specified.

--/20--
Proposed
C77hepb

SCHEDULE 2 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO2**.

FLOODING FROM WATERWAYS IN CLUNES AND CRESWICK (DEPTHS GREATER THAN 350 MILLIMETRES)

1.0 Land subject to inundation objectives to be achieved

--/20--
Proposed
C77hepb

None specified.

2.0 Statement of risk

--/20--
Proposed
C77hepb

None specified.

3.0 Permit requirement

--/20--
Proposed
C77hepb

A permit is not required ~~for the following to:~~

~~Buildings and works on land subject to a planning permit, restriction or agreement~~

~~If the Construct buildings or works that are in accordance with an existing agreement under section 173 of the Act or a restriction applying to the land that specifies a minimum finished floor level to be met.~~

~~If the Buildings or works are on land that has been developed in accordance with a previous planning permit, where the following are all met:~~

~~¶ The previous permit required the ground surface level to be finished at least 300mm above the 100 year ARI flood level; and~~

~~¶ The ground surface level has been constructed in accordance with the ground level requirements of the previous planning permit as confirmed by survey plans to Australian Height Datum; and~~

~~¶ The proposed buildings and works are constructed above land that is not less than 300mm above the 100 year ARI flood level.~~

~~Extensions and alterations to existing buildings~~

~~An extension to an existing building (not including an outbuilding associated with a dwelling) provided the floor level of the proposed extension is not less than the existing floor level and the gross floor area of the extension does not exceed 20 square metres.~~

~~An upper storey extension to an existing building if there is no increase in the ground floor footprint.~~

~~New and replacement buildings~~

~~A replacement dwelling provided the floor level is constructed at least 300 millimetres above the 1 per cent AEP flood level and the additional floor area does not exceed 20 square metres.~~

~~A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 20 square metres and which is the only non-habitable building on the lot.~~

~~An agricultural or farm building with permanent openings, such as a hay shed, cattleyard, covered horse stable or other similar yards, and which is set back a minimum of 30 metres from any waterway.~~

~~Other buildings and works~~

~~A replacement fence in the same location and of the same type and materials as the existing fence and that is not increased in height or length.~~

~~A rainwater tank with a capacity of not more than 10,000 litres and is the only rainwater tank on the lot.~~

A pergola or verandah, including an open-sided pergola or verandah to a dwelling, with a finished floor level of not more than 800 millimetres above ground level and a maximum building height of 3 metres above ground level.

A deck, including a deck to a dwelling with a finished floor level not more than 800 millimetres above ground level.

A carport constructed over an existing car space.

An open-style fence.

A tennis court at natural surface level with curtain fencing.

An in-ground swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot, and associated open style security fencing, where the perimeter edging of the pool or spa is constructed at ground level and excavated material is moved outside the 1 per cent AEP flood extent.

A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area).

Public toilets.

A mast, antenna, or light poles.

A pump shed.

A disabled access ramp.

Works

Landscaping, driveways, and vehicle cross overs associated with a dwelling, if there is no change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.

Roadworks, footpaths or bicycle pathways and trails carried out by a public authority if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.

Earthworks associated with the construction of a dam, where no fill is imported to the site, the dam is not constructed on a waterway, the dam does not exceed 3 megalitres in capacity and there is no embankment.

4.0 Application requirements

--/20--
Proposed
C77hepb

None specified.

5.0 Decision guidelines

--/20--
Proposed
C77hepb

None specified.

--/20--
Proposed
C77hepb

SCHEDULE 3 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO3.

FLOODING FROM WATERWAYS IN COOMOORA, DRUMMOND, EVANSFORD, KOOROCHEANG, MOUNT BECKWORTH, MOUNT CAMERON, SMEATON AND YANDOIT

1.0 Land subject to inundation objectives to be achieved

--/20--
Proposed
C77hepb

None specified.

2.0 Statement of risk

--/20--
Proposed
C77hepb

None specified.

3.0 Permit requirement

--/20--
Proposed
C77hepb

A permit is not required ~~for the following to:~~

~~Buildings and works on land subject to a planning permit, restriction or agreement~~

~~If the Construct~~ buildings or works ~~that~~ are in accordance with an existing agreement under section 173 of the Act or a restriction applying to the land that specifies a minimum finished floor level to be met.

~~If the b~~Buildings or works are on land that ~~has~~ been developed in accordance with a previous planning permit, where ~~the following are all met:~~

~~€~~The previous permit required the ground surface level to be finished at least 300mm above the 100 year ARI flood level. ~~and~~

~~€~~The ground surface level has been constructed in accordance with the ground level requirements of the previous planning permit as confirmed by survey plans to Australian Height Datum. ~~and~~

~~€~~The proposed buildings and works are constructed above land that is not less than 300mm above the 100 year ARI flood level.

~~Extensions and alterations to existing buildings~~

An extension to an existing building (not including an outbuilding associated with a dwelling) provided the floor level of the proposed extension is not less than the existing floor level and the gross floor area of the extension does not exceed 20 square metres.

An upper storey extension to an existing building if there is no increase in the ground floor footprint.

~~New and replacement buildings~~

A replacement dwelling provided the floor level is constructed at least 300 millimetres above the 1 per cent AEP flood level and the additional floor area does not exceed 20 square metres.

A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 20 square metres and which is the only non-habitable building on the lot.

An agricultural or farm building with permanent openings, such as a hay shed, cattleyard, covered horse stable or other similar yards, and which is set back a minimum of 30 metres from any waterway.

~~Other buildings and works~~

A replacement fence in the same location and of the same type and materials as the existing fence and that is not increased in height or length.

A rainwater tank with a capacity of not more than 10,000 litres and is the only rainwater tank on the lot.

A pergola or verandah, including an open-sided pergola or verandah to a dwelling, with a finished floor level of not more than 800 millimetres above ground level and a maximum building height of 3 metres above ground level.

A deck, including a deck to a dwelling with a finished floor level not more than 800 millimetres above ground level.

A carport constructed over an existing car space.

An open-style fence.

A tennis court at natural surface level with curtain fencing.

An in-ground swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot, and associated open style security fencing, where the perimeter edging of the pool is constructed at ground level and excavated material is moved outside the 1 per cent AEP flood extent.

A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area).

Public toilets.

A mast, antenna, or light poles.

A pump shed.

A disabled access ramp.

Works

Landscaping, driveways, and vehicle cross overs associated with a dwelling, if there is no change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.

Roadworks, footpaths or bicycle pathways and trails carried out by a public authority if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.

Earthworks associated with the construction of a dam, where no fill is imported to the site, the dam is not constructed on a waterway, the dam does not exceed 3 megalitres in capacity and there is no embankment.

4.0 Application requirements

--/20--
Proposed
C77hepb

None specified.

5.0 Decision guidelines

--/20--
Proposed
C77hepb

None specified.

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0 Background documents

--/20--
Proposed
C80hepb and
C77

Name of background document	Amendment number - clause reference
<i>Advisory List of Environmental Weeds in Victoria</i> (Arthur Rylah Institute for Environmental Research, 2018)	C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2

Name of background document	Amendment number - clause reference
<i>Central Springs Master Plan, Final</i> (Land Design Partnership for Hepburn Shire Council, 2012)	C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2
<i>Central Victorian Mineral Springs Groundwater Management Area – Local Management Plan</i> (Goulburn-Murray Rural Water Corporation, 2013)	C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2
<u><i>Clunes Flood Mitigation and Urban Drainage Plan, Final Study Report</i> (North Central Catchment Management Authority, 2013)</u>	<u>C77hepb – 02.03-3, 44.04 – Schedules 1, 2 and 3</u>
<i>Code of Practice – Onsite Wastewater Management Publication 891 4</i> (Environment Protection Authority, 2016)	C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1
<i>Construction Techniques for Sediment Pollution Control Publication 275</i> (Environment Protection Authority, 1991)	C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1
<i>Corangamite Regional Catchment Strategy 2013-2019</i> (Corangamite Catchment Management Authority, 2013)	C80hepb – 02.03-4, 42.01 – Schedule 1
<u><i>Creswick Flood Mitigation and Urban Drainage Plan, Final Report</i> (North Central Catchment Management Authority, 2012)</u>	<u>C77hepb – 02.03-3, 44.04 – Schedules 1, 2 and 3</u>
<i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1990)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire: Building Citations Index Appendix A - Volume 1</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1991)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire: Building Citations Index Appendix A - Volume 2</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1991)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Cultural Landscapes Study of Creswick Goldfields Area</i> (Chris McConville & Associates, 1989)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 1, Environmental History</i> , (Wendy Jacobs, 1995)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 2, Planning Recommendations</i> (Wendy Jacobs, 2000)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 3, Individual Citation Sheets For Significant Places</i> (Wendy Jacobs, 2000)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Daylesford and Hepburn Springs Conservation Study</i> (Perrott Lyon Mathieson, 1985)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Daylesford Neighbourhood Character Study</i> (Planisphere for Hepburn Shire Council, October 2002)	C80hepb – 02.03-5, 02.03-6, 15.01-5L, 43.05 – Schedules 1 – 6
<i>Daylesford Neighbourhood Character Study – Daylesford Explanatory Brochure; Daylesford Township Vision Brochure and Precinct Brochures One to Twenty-Two</i> (Planisphere for Hepburn Shire Council, October 2002)	C80hepb – 02.03-5, 02.03-6, 15.01-5L, 43.05 – Schedules 1 – 6

Name of background document	Amendment number - clause reference
<i>Daylesford Streetscape Study</i> (Chris Dance Land Design Pty Ltd, 1996)	C80hepb – 02.03-5, 15.01-1L, 15.01-5L 43.02 – Schedules 1 – 5
<i>Daylesford Streetscape Study – Updated Recommendations</i> (Chris Dance Land Design Pty Ltd and Essential Economics, 1998)	C80hepb – 02.03-5, 15.01-1L, 15.01-5L 43.02 – Schedules 1 – 5
<i>Domestic Wastewater Management Plan</i> (Hepburn Shire Council, June 2014)	C80hepb – 02.03-4, 42.01 – Schedule 1
<i>Fertile Ground, Hepburn Economic Development Strategy</i> (Hepburn Shire Council, 2016)	C80hepb – 02.03-7, 14.01-2L, 14.02-1L, 17.01-1
<i>Grampians Central West Waste and Resource Recovery Implementation Plan 2017</i> (Grampians Central West Waste and Resource Recovery Group, 2017)	C80hepb – 02.03-7, 43.02 – Schedule 6
<i>Guidelines: Noise from Industry in Regional Victoria</i> (Publication 1411, Environmental Protection Authority, 2011)	C80hepb – 02.03-7, 14.01-2L, 14.02-1L, 17.01-1
<i>Hepburn Biodiversity Strategy 2018 – 2021</i> (Hepburn Shire Council, 2018)	C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2
<i>Hepburn Biodiversity Strategy and Action Plan 2016 Background Report</i> (Cunningham, Hemayet and Harmen, 2016)	C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2
<i>Hepburn Heritage Strategy 2020 – 2030</i> (Hepburn Shire Council, 2020)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Hepburn Mineral Springs Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)	C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2
<i>Hepburn Planning Scheme Review, Data and Evidence Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020)	C80hepb – 02.03, 02.04
<i>Hepburn Planning Scheme Review, Stakeholder and Community Engagement Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020)	C80hepb – 02.03, 02.04
<i>Hepburn Planning Scheme Audit and Review Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020)	C80hepb – 02.03, 02.04, 11.01-1L
<i>Hepburn Shire Restructure Plan Project Report</i> (Meinhertz, December 2012)	C80hepb – 02.03-3, 45.05 – Schedules 1 – 2
<i>Hepburn Significant Tree Register Nominations 2011 - Statements of Significance Report with Planning Scheme Amendment</i> (Planit and TreEcology for Hepburn Shire Council, November 2015)	C80hepb – 02.03-5, 12.01-1L, 15.03-1L, 42.02 – Schedules 1 – 2
<i>Hepburn Structure Plan Review</i> (Planit and Hepburn Shire Council, September 2006)	C80hepb – 02.03-1, 02.03-5, 02.03-6, 11.01-1L, 15.01-1L, 15.01-3L, 15.01-5L, 32.08 – Schedule 1, 32.09 – Schedules 1 – 4

Name of background document	Amendment number - clause reference
<i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2019)	GC112 –02.03-9, 19.03-2L
<i>Jubilee Lake Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)	C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2
<i>Lake Daylesford Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)	C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2
<i>Land Capability Assessment of the Creswick Water Supply Catchments</i> (Soil Conservation Authority, 1979)	C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1
<i>Mineral Springs Risk Assessment for the Central and Hepburn Springs Region, Daylesford, Central Victoria</i> (Sinclair Knight Merz for the Department of Natural Resources and Environment, 1996)	C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2
<i>North Central CMA Region Loddon River System Environment Water Management Plan</i> (North Central Catchment Management Authority, 2015)	C80hepb – 02.03-4, 14.02-1L, 14.02-2L, 42.01 – Schedules 1 and 2
<i>North Central Regional Catchment Strategy 2013-2019</i> (North Central Catchment Management Authority, 2013)	C80hepb – 02.03-4, 14.02-1L, 12.01-1L, 42.01 – Schedule 1
<i>Planning Permit Applications in Open, Potable Water Supply Catchment Areas</i> (Department of Sustainability and Environment, 2012)	C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1
<i>Recommended Separation Distances for Industrial Residual Air Emissions</i> (Publication 1518, Environmental Protection Authority, 2013)	C80hepb – 02.03-7, 11.01-1L, 14.01-2L, 14.02-1L, 17.01-1
<i>Reflect, Hepburn Reconciliation Action Plan</i> (Hepburn Shire Council, 2019)	C80hepb – 02.03-5, 15.03-2L, 43.01
<i>Shire of Kyneton Conservation Study – Trentham Conservation Area – Pages 117 To 1066</i> (David Bick, Phyllis Murphy and John Patrick, and Susan Priestley for Shire of Kyneton, 1990)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>South West Victoria Landscape Assessment Study Regional Overview Report: Executive Summary</i> (Department of Planning and Community Development, June 2013)	C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2
<i>South West Victoria Landscape Assessment Study Character Papers</i> (Department of Planning and Community Development, June 2013)	C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2
<i>South West Victoria Landscape Assessment Study Significance Papers</i> (Department of Planning and Community Development, June 2013)	C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2
<i>South West Victoria Landscape Assessment Study, Municipal Toolkit – Hepburn Shire Council</i> , (Department of Planning and Community Development, June 2013)	C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2
<i>Talbot and Clunes Conservation Study, Part A Study Report</i> (Richard Aitkens, 1988)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Talbot and Clunes Conservation Study, Part B Background Information</i> (Richard Aitkens, 1988)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>The Heritage Overlay - Guidelines for Assessing Planning Permit Applications in Heritage Overlays</i> , (Heritage Victoria and Heritage Council, Draft, February 2007).	C80hepb – 02.03-5, 15.03-1L, 43.01

Name of background document	Amendment number - clause reference
<i>Upper Coliban Integrated Catchment Management Plan</i> (North Central Catchment Management Authority and Coliban Water, 2018)	C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1
<i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999)	C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1
<i>Victorian Mineral Springs Strategic Master Plan 2015-2024</i> (Victorian Mineral Water Committee, December 2015)	C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2
<i>Waste Management and Resource Recovery Strategy</i> (Hepburn Shire Council, January 2014)	C80hepb – 02.03-7, 43.02 – Schedule 6
<i>Wombat Hill Botanic Gardens, Conservation Management Plan</i> (Lee Andrews and Associates Heritage Consulting, 2007)	C80hepb – 02.03-5, 15.03-1L, 43.01
<i>Wombat Hill Botanic Gardens Master Plan</i> , (Laidlaw & Laidlaw Design for Hepburn Shire Council, February 2017)	C80hepb – 02.03-5, 15.03-1L, 43.01

12 QUALITY COMMUNITY INFRASTRUCTURE

12.1 HEPBURN HUB AT THE REX - SEPTEMBER UPDATE DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The purpose of this report is:

- To provide an appropriate level of information to allow Council to properly monitor the progress of the project against the Project Plan as amended on 15 June 2021;
- To acquit Council's resolution that management provide periodic reporting to Council on the progress of the Hepburn Hub at the Rex;
- To respond to the Council resolution of the 15 June 2021 regarding the procurement of a new contractor

OFFICER'S RECOMMENDATION

That Council:

1. *Receives and notes the September 2021 project update report regarding the Hepburn Hub at the Rex Project;*
2. *Notes that a new procurement process has commenced; and*
3. *Notes that monthly reporting to Council and the community will continue.*

MOTION

That Council:

1. *Receives and notes the September 2021 project update report regarding the Hepburn Hub at the Rex Project;*
2. *Notes that a new procurement process has commenced; and*
3. *Notes that monthly reporting to Council and the community will continue.*

Moved: Cr Tim Drylie

Seconded: Cr Brian Hood

Carried

BACKGROUND

On the 18 February 2020 Council endorsed the Project Plan for the Hepburn Hub at the Rex setting out the governance for the project. This plan outlines the project

scope, budget, funding and delivery program and has been subsequently revised by Council as required.

In summary, Council has endorsed a revised scope to attend to the site conditions and to provide certainty. A revised program with a construction completion date of mid 2022 also aligns with the amended scope.

On the 15 June 2021 Council confirmed if negotiations with the appointed contractor were unsuccessful that the project would be re-tendered.

As part of this process Council endorsed a revised scope to attend to the site conditions and to provide greater certainty to the market in terms of the tendered documents. It was resolved that Council:

“Endorses the revised scope to attend to the site conditions and to provide certainty.”

This additional scope was also allowed for in a consequential adjustment to the budget so that the project could be re-tendered in accordance with Council’s Procurement Policy and Procedures:

“Endorses the revised budget of \$8.755M to match the revised scope of works.”

Further, Council endorsed a revised program to allow for the re-tender process and to allow for a new builder to complete the works associated with the amended scope:

“Endorses the revised program with a construction completion date of mid-2022 to align with the amended scope.”

It was also foreshadowed to Council that the additional funds would be made available through an extension of the current loan facility. Further, it was the intended that these funds be repaid through the realisation of council’s surplus real estate assets associated with the functions to be accommodated in the proposed facility.

In terms of procurement it was resolved that a new procurement process would be completed which is currently underway and the tender is programmed to close in early October for consideration by Council at its November meeting.

“Endorses a new procurement process commencing as soon as possible should the contract with Hutchinson Builders be terminated.”

Finally in terms of communication as these resolutions were commercially sensitive Council resolved to delegate to the CEO the method and timing of appropriate communication of these decisions to the community.

“That the Chief Executive Officer communicate the effect of this resolution to the extent necessary to give effect to it.”

KEY ISSUES

The endorsed project scope remains a facility of 2,052 square metres of enclosed space. The revised scope includes a library, community auditorium, coworking space, customer service and council offices.

It also responds to the existing site conditions and allows for the rectification of the identified site issues to be documented and completed as part of the new works. This is intended to bring the facility up to a contemporary standard as required to obtain a building permit.

The program has also been amended to allow for a new procurement process and for the works to be completed mid next year. (Refer **Table 1** below).

Table 1 Project Plan Summary

Project Metric	Current Endorsed Metric	Current Forecast Outcome	Current Forecast Variance
Project Scope (Enclosed Area)	2,052Sqm	2,052Sqm	NIL Sqm
Project Budget	\$7.130M	\$7.130M	NIL \$
Project Program (Date for PC)	01/09/22	01/09/22	NIL weeks

Project Scope

The forecast functional areas endorsed by Council are those outlined in the table below. (Refer **Table 2** below). These areas remain unchanged although some parts may need to be demolished and replaced with new. The risks associated with the project scope are outlined in the following section.

Although a building permit has been obtained to complete the works, the existing building itself is between 15 to 90 years old. It has been identified that some upgrades are required to existing building elements to overcome deferred maintenance, building defects, to improve performance and to meet current standards. This includes the replacement of the existing staff amenities or toilets located in the rear portion of the building, the upgrade to the storm water system.

Further, tender options have been sought for the following enhancements so that they may be considered by Council:

- Acoustic separation of the mezzanine level from the carpark structure
- Photo voltaic system and associated roof upgrades
- Substitution of gas boilers with electric heat exchanges

Table 2 Project Scope Summary

Scope Element	Current Endorsed Area Sqm	Current Forecast Area Sqm	Current Forecast Variance Sqm
Council Offices	944	944	NIL
Customer Services	122	122	NIL
Library	348	348	NIL
Community Auditorium	106	106	NIL
Tenancies 1, 2 & 3	111	111	NIL
Tenancies 4	136	136	NIL
Entry & Amenities	285	285	NIL
Enclosed Area	2,052	2,052	NIL
Carpark	1,298	1,298	NIL
Open Space	120	120	NIL
External Space	1,418	1,418	NIL
Total	3,470	3,470	NIL

Scope Risks

The scope including responses to the site conditions are being documented so they can be allowed for by the tenders.

Project Budget

The project budget endorsed on the 15 September 2020 was \$7.130M, however it has been identified that additional funding may be required to address the site conditions raised and the Project Control Group are managing this within the updated tender documentation.

The possible cost of these changes has been informed by a quantity surveyor's estimate and shall be confirmed when tenders are received and a contract sum accepted by Council.

The tender documentation has been amended to include the documentation of changes to respond to the identified site conditions and also to include the tender options for pricing.

Budget Risks

The construction contract provides a fixed price which should provide certainty in relation to the great majority of the remaining budget to be spent.

The fixed price does not allow for any variations identified during the construction period which are associated with: latent (hidden) conditions; documentation omissions; principal generated changes, and prolongation of the program.

These variations are usually funded from an allowance in the budget known as a contingency.

Project Program

The program was endorsed at the Council meeting held on the 15 June 2021 with the completion of construction scheduled for mid next year.

The revised tender documents have been released to the market and a number of site visits completed. It is anticipated this process will be complete over 3 months so that a contract can be entered into by Council to complete the works at the November Council meeting. This will be followed by construction which is anticipated to take 9 months.

It is desired that works on the roof will be commenced prior to Christmas if possible to ensure the building is watertight over the summer storm period. This will be confirmed once the new tenders have been received. The new building contract will include a contractual date known as the Date for Practical Completion against which progress can be reported to Council.

Once construction is completed a further month has been allowed to decant staff, furniture and equipment and to prepare for operations at the new site.

The program summary is outlined in the table below (Refer *Table 4* below). The risks to the Program are noted below the table.

Table 4 Project Program Summary

Program Element	Current Endorsed Program	Current Forecast Program	Current Forecast Variance

	End Date	End Date	Weeks
Direction	06/07/21	06/07/21	NIL
Documentation	5/08/21	27/08/21	3
Tender	9/09/21	01/10/21	3
Contract	19/10/21	16/11/21	4
Mobilisation	18/11/21	29/11/21	2
Construction	18/07/22	*01/08/22	2
Occupation	15/08/22	01/09/22	2

* This will be confirmed once the tenders are received.

Program Risk

Any forecast variations to the endorsed program shall be monitored by the Project Control Group and reported to Council monthly.

These changes will mostly be associated with the construction program. These are usually associated with changes to the works which also delay the builder's critical path. Once a contractor is procured, we can confirm the Date for Practical Completion.

Recent Activities

Recent activities over the past period include:

- Finalisation of tender documents
- Issue of tender documents.
- Site visits for tenderers
- Finalisation of authority permit submissions
- Preparation of Terms of Reference for the Project Reference Group

NEXT STEPS

Foreshadowed activities over the next period include:

- Site visits and responses to tender queries from contractors
- Invite nominations for the Project Reference Group

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017:2021:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

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

Strategic Objective – Active & Engaged Communities

Key Strategic Activity:

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

Strategic Objective – Vibrant Economy

Key Strategic Activity:

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

Strategic Objective – High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver excellent customer service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.
14. Develop our staff to enhance their work experience and enable them to deliver great outcomes to our community. Through a focus on their careers and developing new skills, we will build a positive culture and develop new leaders of the future.
15. Make Occupational, Health, Safety and Wellbeing an embedded part of our culture and the number one focus every day. We will continuously improve our systems and actions to make sure people go home safe and well every day.

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 proposed facility will comply with contemporary standards of environmental design and improve the sustainability of Council operations.

FINANCIAL IMPLICATIONS

The contract will be funded from the approved Council capital works Budget.

RISK IMPLICATIONS

Due to the value of the contract, and in accordance with Council's Procurement Policy, the preferred tenderer will be subject to an independent financial check and the procurement process subject to an independent review.

Construction related risks shall be addressed in the builder's Construction Management Plan and pre-commencement site meetings. The builder will be required to confirm that the risks have been addressed and responded to appropriately. This will include managing the work site safely and providing Traffic Management Plan in accordance with AS 1742.3.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Stakeholders have been consulted during the design process with updates provided to the community. Council's decision has been communicated in a media release and regular updates on progress shall be made during the works. Directly affected property owners and adjacent businesses will be informed prior to construction commencing.

Council has also resolved to establish a Project Reference Group. This is intended to improve communication between council, the community and stakeholders on construction progress and occupation process.

12.2 HEPBURN HUB AT THE REX - PROJECT REFERENCE GROUP - TERMS OF REFERENCE DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

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

ATTACHMENTS

1. Hepburn Hub at the Rex Project Advisory Group - Terms of Reference [**12.2.1** - 4 pages]

EXECUTIVE SUMMARY

The purpose of this report is to acquit Council's resolution of the 15 June 2021 that:

- a Project Reference Group be created including community members for the Hepburn Hub at the Rex project

The project scope and budget were confirmed by Council in June, the design has been subsequently finalised and it is envisaged that a builder may be appointed in November to complete the works. Given the development stage of the project the purpose of Project Reference Group is to provide the community with updates on the construction phase and the occupation phase and to provide a forum to answer questions regarding the project.

OFFICER'S RECOMMENDATION

That Council endorses the Hepburn Hub at the Rex Project Reference Group - Terms of Reference.

MOTION

That Council endorses the Hepburn Hub at the Rex Project Reference Group - Terms of Reference.

Moved: Cr Jen Bray

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

On the 15 June Council resolved to initiate a Project Reference Group for this project and requested that officers provide a Terms of Reference for Council's consideration.

KEY ISSUES

It was acknowledged that although a separate community engagement process was undertaken for the Hepburn Hub at the Town Hall and another for the Hepburn Hub at the Rex, a Project Reference Group was not initiated.

In more recent times, several major projects have included such a group and this has allowed for community members to be involved in the design, construction and occupation phases of these projects. It has provided a forum where questions from the community can be raised and answered.

Although the funding of the project has been approved and design phase for the facility has been completed, it is still considered beneficial to initiate a Project Reference Group for the final two phases of the project. This will allow the Reference group to act as an additional conduit for sharing information with community about the project, assist with community understanding of decision making and assist in demonstrating transparency of the project.

The project Reference group is not a decision-making entity and is intended to be a place where Council can share information on the project, provide project updates, hear community insights and discuss suggestions from community about the final two stages of the project. There is little opportunity to influence the project design and contract arrangements however where opportunities exist within the endorsed scope and design, these can be considered by Council.

The attached documents are provided to Council for consideration and endorsement.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The proposed Project Reference Group is intended to implement the principles set out in the Hepburn Shire Community Engagement Policy adopted by Council on the 23 February 2021 to the extent possible given the projects current level of progress.

The project is an existing one in the process of delivery which limits the ability to implement the policy in terms of the siting, briefing and design stages. It is acknowledged that separate community engagement processes were completed for those stages predating the adoption of the Policy.

The proposed terms of reference acknowledge that the engagement is limited to the remaining stages including construction and occupation and is informative in nature.

1. INTRODUCTION

The Hepburn Hub project will see the construction of a multi-purpose facility in Daylesford. The Hub will provide a library service, council customer service, community auditorium, digital co-working space and council offices.

The location is 47-53 Vincent Street, Daylesford, the site of the former Rex Theatre.

In June 2021 Council resolved the scope and budget for the facility. As a result, the facility design has been completed and a formal tender process commenced. The scope includes the renovation of the existing facility including the historic theatre to provide a new facility for the community. Given the status of the project and the confirmed design, there is little opportunity to influence design features of the facility.

Funding of the project has been approved by Council and also includes several government grants. The design of the facility has been completed and the project is currently out to tender, so the purpose of this group is to form an additional conduit for sharing information with community about the project, assist with community understanding of decision making and review the completion of the construction and occupation stages.

The Project Reference Group is not a decision-making body and is intended to be a place where council can share information on the project, hear community insights, discuss suggestions of possible minor changes and answer questions the community might have on the development.

2. PROJECT OBJECTIVES

This project aims to:

- Create a hub for community services, currently being delivered from a range of buildings in Hepburn including the Daylesford Library, the Duke Street customer service centre and council offices including those located at Duke Street and Vincent Street.
- Council envisages a centre that will maximise the synergy and collaboration between community organisations, services and community from the co-location in a single facility and physical location.
- The Hub is intended to be a community facility that reflects the heritage, vibrancy and difference of the Hepburn Community. Located centrally in Vincent Street Daylesford it is

intended to embrace a well loved heritage building and be embraced by the community with pride and commitment.

3. ROLES & RESPONSIBILITIES - PROJECT REFERENCE GROUP

The Project Reference Group (PRG) will assist in successfully delivering the project by informing the construction and occupation processes of the project and assisting with transfer of information between Council and community. Areas of responsibility are:

- Representing broad community interests and needs, to help bring the Hepburn Hub to completion and realise the Hepburn Shire community's vision and needs
- Engaging in the construction and occupation process and providing ideas and queries to the project team
- Providing advice about how to effectively engage the broader Hepburn Shire community on these issues
- Sharing information about the project to the Hepburn Shire Community through various community channels and groups

4. ROLE AND RESPONSIBILITIES - HEPBURN SHIRE COUNCIL

Council remains responsible and accountable for the management of:

- the project including the scope, budget and timeline.
- council staff and contractors
- ensuring the satisfactory achievement of key deliverables for each stage.
- approval of any significant or material changes to the scope, budget or timelines.

Council is committed to working co-operatively with the Hepburn Shire community and community organisations in the development and delivery of the Hepburn Hub at the Rex.

5. MEMBERSHIP

The membership of the Project Reference Group aims to ensure there is a broad representation of community needs relevant to the facility.

Membership shall comprise of:

- The Mayor (Chair)
- A Councillor
- Up to six (6) community members who are committed to working positively to see the project's successful completion.
- A representative of Daylesford Community Theatre
- The Project Manager
- The Director Infrastructure & Delivery

Membership shall represent the people of Hepburn Shire in its diversity and is intended to reflect Hepburn's diverse community. In achieving this goal, the following characteristics shall be considered in the selection of the members including cultural; age; gender; access and inclusion; employment and geographical spread across the shire.

Membership will also aim to include people who bring a range of skills to the group. Such skills may include community engagement, membership of a community group or users, marketing and communications, tourism and economic development, community program development and technology and innovation.

Membership will be invited by way of an expression of interest and members will be appointed by Council resolution. Members should notify Council in writing if they intend to rescind their membership. If a quorum of four (4) cannot be achieved, then Council may seek to increase the membership by other means such as a further review of the Expressions of Interest submissions or by appointment.

6. ADMINISTRATION

The Project Reference Group will be administered and supported by Hepburn Shire Council. The following administrative rules shall apply:

- the Hepburn Shire Mayor or their representative shall chair meetings.
- A quorum is the presence of a majority plus one
- Meetings will be scheduled to occur on a 6 (six) weekly basis.
- Meeting notes will be provided for the purpose of the Project Reference Group and will not

be routinely published.

- Council officers shall provide secretarial services to such as: sending out meeting requests; circulating the agenda, written notes of previous meeting, any other written material to be tabled and ; for taking notes and minuting actions.

The term of the Project Reference Group will be for the period of appointment to 3 months after Practical Completion of the construction contract. This is anticipated to be October 2022.

7. CONDUCT

All members of the Project Reference Group will work cooperatively and in a positive manner.

Members are expected to:

- Actively participate in meetings, offer opinions and views in a respectful manner;
- Treat all persons with respect and have due regard to the opinions, rights and responsibilities of others;
- Declare any conflicts of interest or perceive conflicts of interest;
- Act with integrity and avoid the release of confidential information where specified;
- Adhere to the principal of clear and open communication;
- Where issues of conflict arise, parties will be encouraged to discuss issues openly, clearly and in a respectful manner;
- Where there is difficulty in resolving any issues Council will make a final determination on all matters.

Breaches of the Terms of Reference may result in the removal from the Project Reference Group. Any such determination shall be made by the Chair.

12.3 MINUTES OF COMMUNITY ASSET COMMITTEES ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. CONFIDENTIAL - Minutes - AGM - Lee Medlyn Home of Bottles Community Asset Committee - 16 August 2021 [**12.3.1** - 6 pages]
2. CONFIDENTIAL - Minutes - Lee Medlyn Home of Bottles Community Asset Committee - 16 August 2021 [**12.3.2** - 4 pages]

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

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

- *Lee Medlyn Home of Bottles Community Asset Committee, Annual General Meeting Minutes - 16 August 2021*
- *Lee Medlyn Home of Bottles Community Asset Committee, General Meeting Minutes - 16 August 201*

MOTION

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

- *Lee Medlyn Home of Bottles Community Asset Committee, Annual General Meeting Minutes - 16 August 2021*
- *Lee Medlyn Home of Bottles Community Asset Committee, General Meeting Minutes - 16 August 201*

Moved: Cr Brian Hood

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

Community Asset Committees are established by Council under section 65 of the *Local Government Act 2020* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments of Delegation, committees are

required to maintain minutes of meetings held and provide a copy of the minutes to Council.

Council has the following Community Asset Committees:

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

KEY ISSUES

Listed below are the minutes Community Asset Committees for information:

- *Lee Medlyn Home of Bottles Community Asset Committee, Annual General Meeting Minutes - 16 August 20*
- *Lee Medlyn Home of Bottles Community Asset Committee, General Meeting Minutes - 16 August 20*

These minutes have been provided confidentially to Council.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

13 ACTIVE AND ENGAGED COMMUNITIES

13.1 RECONCILIATION ACTION PLAN ADVISORY COMMITTEE (RAPAC) TERMS OF REFERENCE ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Reconciliation Advisory Committee Terms of Reference [**13.1.1** - 8 pages]

EXECUTIVE SUMMARY

In July 2018 Council adopted its first Reconciliation Action Plan (RAP). The Terms of Reference for the RAP Community Reference Group were adopted by Council. They were revised in 2019 to reflect the Reference Group's transition to an Advisory Committee.

The current term of the incumbent RAP Advisory Committee (RAP AC) members expired on June 30, 2021. In preparation for the Expression of Interest process for new RAC (Reconciliation Advisory Committee) members the revised Terms of Reference have been drafted to provide a clearer understanding of the role and function of the Advisory Committee and to be more inclusive of First Nations People and the broader community. The Terms of Reference are attached for Council endorsement.

OFFICER'S RECOMMENDATION

That Council endorses the Reconciliation Advisory Committee Terms of Reference.

MOTION

That Council endorses the Reconciliation Advisory Committee Terms of Reference.

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

BACKGROUND

At the May 2017 Ordinary Meeting of Council, Council moved to form the Reconciliation Action Plan Reference Group with the purpose of assisting in the development of Council's Reflect RAP. An amendment and update to the Terms of Reference were undertaken at the November 2018 Ordinary Council Meeting to reflect a change in purpose to supporting the implementation of Reconciliation

activities. The Reference Group transitioned to an Advisory Committee in 2019. The current term of the incumbent RAP AC members expired on June 30, 2021.

KEY ISSUES

The operation of the Reconciliation Advisory Committee (RAC) fulfills Action One of Council's current Reflect RAP. As the end of the implementation of our Reflect RAP draws closer and the term end of our current RAC members, it was deemed prudent to review our Advisory Committee's Terms of Reference (TOR) in preparation for the Expression of Interest process.

Changes have been made to the format of the TOR to give it a more logical flow and improved readability. The framework of the TOR (20 Nov 2018) compared with the current draft is as follows:

TOR as at 20 Nov 2018	Current draft
<p>Introduction</p> <ol style="list-style-type: none"> 1. Project Background 2. Role of Community Reference Group 3. Community Reference Group Function <ol style="list-style-type: none"> 3.1. Ideas 3.2. Advocacy 3.3. Review 4. Community Reference Group Operations <ol style="list-style-type: none"> 4.1. Term 4.2. Meetings 4.3. Venue 4.4. Time involvement 4.5. Disclosure of Conflict of Interest 4.6. Agenda 4.7. Meeting Minutes 4.8. Chairperson 4.9. Reporting Requirements 	<p>Introduction</p> <ol style="list-style-type: none"> 1. Committee Background 2. Reconciliation Advisory Committee Function 3. Role of the Reconciliation Advisory Committee 4. RAC Membership <ol style="list-style-type: none"> 4.1. Membership Recruitment 4.2. Requirements for Members (Criteria) 4.3. Terms of Appointment 4.4. Chair 4.5. Co-opted Members 4.6. Condition of Members 5. RAC Administration and Conduct <ol style="list-style-type: none"> 5.1. Administration 5.2. Conduct

<p>5. Membership</p> <p>5.1. Co-opted Members</p> <p>5.2. Membership Recruitment</p> <p>5.3. Term of members</p> <p>5.4. Condition of Members</p> <p>5.5. Apologies</p>	
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The table below lists the more notable content changes that have been made:

TOR as 20 Nov 2018	Current draft	Reasoning
Introduction	Inclusion of HSC Acknowledgement Graphics.	These graphics were designed to be included in our documents to acknowledge the Traditional Owners.
1. Project Background	<p>Changed from Project Background to Committee Background.</p> <p>Inclusion of progress and achievements under the current Reflect RAP.</p>	<p>More appropriate description.</p> <p>To provide context for potential members.</p>
2. Role of Community Reference Group	<p>Change Community Reference Group to Advisory Committee.</p> <p>Change of name from Reconciliation Action Plan Advisory Committee to Reconciliation Advisory Committee.</p> <p>RAC's role is advisory, non-decision making.</p> <p>RAC made up of voluntary and remunerated members.</p>	<p>Reflects current role of group and a focus on Reconciliation as the main aim. The RAP is the tool by which we accomplish this.</p>

4.1 Term	<p>Increased membership term from 18 months to a 3 year and 4 year term split between members.</p> <p>Appointment of members given a new section (4.2) and inclusion of two new criteria – broad understanding of barriers and issues affecting Aboriginal and Torres Strait Islander communities, and ability/willingness to learn historical policies and social context.</p>	<p>Ensure the Committee continues to function during an EOI process.</p> <p>Recruitment of more effective RAC members better able to promote Reconciliation.</p>
4.3 Venue	<p>Combined into Administration section and included use of online platform.</p>	<p>Reflects current practice.</p>
4.8 Chairperson	<p>Chairperson specified as Mayor.</p>	<p>Reflects current practice.</p>
5.Membership	<p>Inclusion of</p> <ul style="list-style-type: none"> • Reference to all types of diversity in makeup of RAC as far as practicable • How to rescind membership • Focus group's purpose and formation 	<p>Missing from previous TOR.</p> <p>Reflects current practice.</p>
5.1 Co-opted members	<p>Increase in travel reimbursement rate from 68c to 72c.</p>	<p>In line with ATO rates (2020/21)</p>
5.2 Term of Members	<p>Combined with 4.3</p>	<p>Duplicated in original document.</p>
5.3 Condition of Members	<p>Inclusion of Table 2. Aboriginal and Torres Strait</p>	<p>The RAC is currently a voluntary committee with</p>

	<p>Islander members remuneration rates.</p> <ul style="list-style-type: none"> • \$200 sitting fee for Aboriginal and Torres Strait Islander members 	<p>low Aboriginal representation. The purpose of the sitting fee is to acknowledge the specialised advice and cultural load carried by Indigenous members. The Aboriginal and Torres Strait Islander community represent a small percentage of our population and the call on their skills, expertise and knowledge is large and spans across multiple LGAs. A large number of possible members do not exist to spread the cultural load. Cultural load is the amount of culture-specific knowledge required to understand or perform a task. Non-Indigenous voluntary members provide advice to Council on Reconciliation and are engaged in acts of Reconciliation. The Aboriginal and Torres Strait Islander members provide cultural protocol, knowledge and experience to inform the RAC and Council on options for achieving the deliverables in the RAP. The representation of First Nations members provides greater integrity to the RAC. We cannot advance Reconciliation</p>
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		without these members.
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POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

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

Hepburn Shire Council Reflect Reconciliation Action Plan July 2018 – July 2019

Actions and Deliverables – Relationships

Action 1. Maintain a RAP Working Group to monitor and track the implementation of our RAP.

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

Officer support for administration of the Reconciliation Action Plan Advisory Committee has been budgeted for as part of the Community Development department budget.

Both the revised co-opted member remuneration rates and the proposed remuneration rates for Aboriginal and Torres Strait Islander RAP AC members will be met by the current Reconciliation budget and represent no requested increase in overall budget.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The RAP AC Terms of Reference were reviewed by the outgoing RAP AC members and Council Officers seeking to determine current and culturally appropriate

practice. Benchmarking against current local government practice was also undertaken.

The Expression of Interest process associated with the Reconciliation Action Plan Advisory Committee Terms of Reference has been scored in the 'Level of Engagement Matrix' as a 'Low' level of engagement.

As part of the Expression of Interest process a Communications Plan will be developed in line with the requirements listed in the proposed Terms of Reference. This will be implemented to ensure wide advertisement of membership to the Reconciliation Action Plan Advisory Committee through, but not limited to:

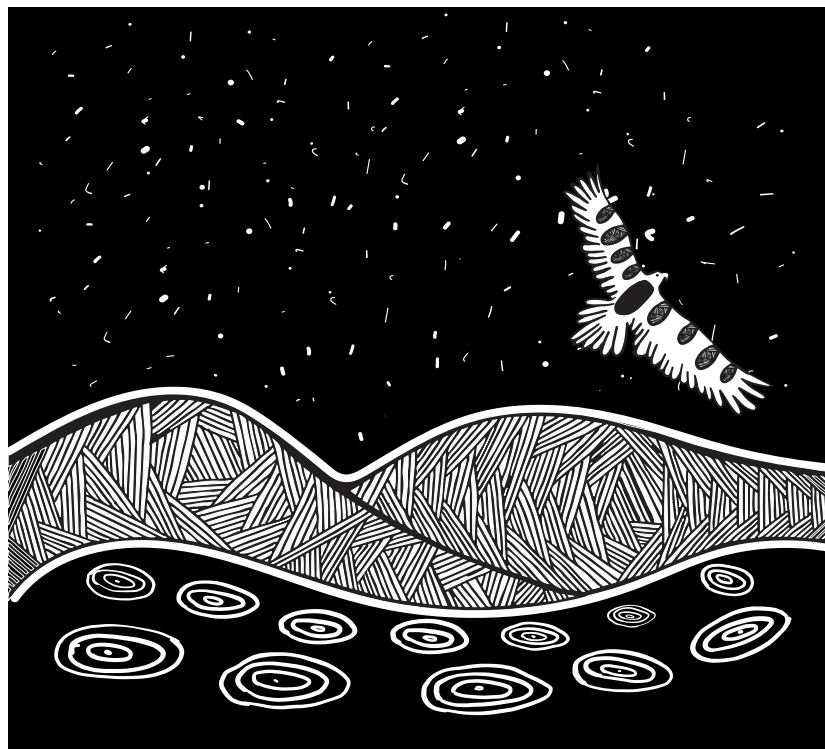
- Council's website
- Council's Facebook page
- Emails
- Targeted contact with relevant groups
- Hepburn Life newsletter
- Indigenous media outlets and publications

Expressions of Interest will be received via Council's secure online platform, SmartyGrants and via mailed applications when requested.

RECONCILIATION ADVISORY COMMITTEE TERMS OF REFERENCE

Reviewed June 2021

Hepburn Shire Council acknowledges that the majority of our municipality is located on Djaara people country, of which members and elders of the Dja Dja Wurrung Clans and their forebears have been custodians for many centuries. On this land, the Djaara people have performed age old ceremonies of celebration, initiation and renewal. We acknowledge the Dja Dja Wurrung living culture and the unique role it plays in the life of this region.



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1. Project Background

In July 2018 Hepburn Shire Council adopted its first Reconciliation Action Plan (RAP). By adopting a RAP, Council makes a commitment to 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 with the whole Hepburn Shire community. Council's 'Reflect' RAP was developed in partnership with Dja Dja Wurrung Clans Aboriginal Corporation (now trading as DJAARA), Atkinson Consulting Group and a Community Reference Group appointed by Council.

The 'Reflect' RAP includes practical actions that have directed Council's contribution to reconciliation both internally and in communities throughout the Hepburn Shire.

Some of the progress and achievements since the adoption of the Reflect RAP and the establishment Reconciliation Advisory Committee include:

- Establishing a Cultural Competency programme for staff and Councillors.
- Commissioning Traditional Owner Acknowledgement graphics for Council signage, print and electronic media.
- Commissioning Dja Dja Wurrung public art as part of the RAP deliverable to include Aboriginal Art in new civic spaces.
- Supporting the community to engage in reconciliation by providing a community grant category for activities and resources that support reconciliation.
- Encourage discussion on Australia wide topics such as January 26; Council lowered the Aboriginal flag to half mast to acknowledge the day of mourning for many Aboriginal people. Supported alternative community events and established a MOU for Traditional Owner Acknowledgment at Council funded community events that celebrate Australia Day.
- Participate in and create Reconciliation week and NAIDOC week events.
- Encourage Dja Dja Wurrung enterprise procurement through exemptions in HSC procurement policy.
- Opening Australia's first Avenue of Honour to acknowledge the Aboriginal lives lost in Frontier Wars and Massacres.
- Truth telling via Reconciliation Week Tours on Country and via film in partnership with the DDWCAC and Djaara Elder.
- Forming an Internal Working Group to monitor and support implementation of the RAP
- Proposing the rename of Jim Crow Creek (considered a racist name) to a Dja Dja Wurrung name 'Larni Barramal Yaluk'.
- Increasing Dja Dja Wurrung language in Council projects including;

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- Manna Gums Frontier Wars Memorial Avenue of Honour signage,
- Glenlyon Public Art Project,
- Renaming features, and
- Included in Council's new civic spaces.

Council's future RAPs will build on the success achieved through the 'Reflect' RAP under the themes of Relationships, Respect and Opportunities. These depend upon the partnerships and collective action as well as further developing Council's capacity to enable mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders.

2. Reconciliation Advisory Committee (RAC) Function

The Reconciliation Advisory Committee (RAC) will function to provide a forum for the Hepburn Shire Council to consult key stakeholders and seek advice regarding the process, development and implementation of each RAP stage and reconciliation activities in the Hepburn Shire community. Each RAP stage will set practical actions that the organisation will take to build strong relationships and enhance respect between Aboriginal and Torres Strait islander peoples and other Australians.

The RAC members will:

- Draw on their connections and experience from within their respective areas of expertise to generate **ideas** for how the RAP deliverables can be most effectively carried out.
- Act as **advocates** and actively support the RAP's actions, intent and outcomes.
- **Review** RAP implementation and development of future RAP stages by providing input and comment.

3. Role of the Reconciliation Advisory Committee

The RAC is comprised of voluntary non-Indigenous and remunerated Aboriginal and Torres Strait Islander participants. The role of the RAC is not a decision-making one but rather an advisory role providing advice and expertise. All feedback from the RAC will be considered by Council.

The RAC's role is to:

- Support Aboriginal and Torres Strait Islander aspirations and provide input that represents inclusive interests, needs and experiences identified by the Aboriginal and Torres Strait Islander community.
- Provide feedback on the methodology and research processes involved in developing each RAP stage (Reflect, Innovate, Stretch and Elevate).

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- Support and assist with community engagement activities that promote and deliver actions of Reconciliation.
- Represent their respective organisations, sectors or groups.
- Communicate feedback on the RAP development between organisations, the community and Council.
- Promote a shared knowledge and understanding of the Shire's commitment to reconciliation.
- Provide advice on agenda items raised by the RAP Internal Working Group.
- Discuss issues and concerns and recommend ways forward that progress reconciliation.
- Provide advice and comment on the RAP framework and reconciliation priorities identified by Council.

4. RAC Membership

The RAC will comprise of a Councillor (Mayor) as the Chair and a maximum of ten (10) community members and a minimum of four (4) community members.

RAC membership should attempt to reflect the diversity of Hepburn Shire and the First Nations Community in terms of age, gender, Aboriginal Status (Youth, Elders), education and employment status and role within community.

Membership will be invited through an Expression of Interest process. Recommendations of appropriate members will be presented to Council for consideration and appointed by Council resolution.

Members should notify Council in writing if they intend to rescind their membership. If membership numbers fall below four (4), Council may seek to increase membership through another Expression of Interest process.

From time to time, the RAC may establish focus groups from RAC members for the purpose of delivering a specific project e.g., Reconciliation Week activity. Focus groups are voluntary for all members (i.e. inclusive of remunerated members) and exist for the length of the project in an informal capacity. Focus group meetings do not require a Chair or formal Agenda/Minutes.

4.1. Membership Recruitment

An invitation for Expressions of Interest will be publicly advertised and circulated through numerous community networks including: Shire-based Neighbourhood Houses, DJAARA, local and regional newspapers, local reconciliation networks and social media. Membership will be sought from Djaara and other identified Aboriginal representatives and community agencies who express an interest in participating.

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The recruitment process will occur as such:

- Invitation for Expressions of Interest circulated in the community.
- Expressions of Interest received by Council.
- Selection Committee including Coordinator and two Council officers will assess the applicants against the selection criteria.
- Recommendation of appointments to Council for approval.
- RAC member agrees to Terms of Reference and Privacy Agreement.

4.2. Requirements for Members (Criteria)

RAC members will be able to demonstrate some of the following:

- Applied knowledge of Aboriginal and Torres Strait Islander history.
- An understanding of the barriers and issues affecting Aboriginal and Torres Strait Islander individuals and communities in the Hepburn Shire Council region and in the broader context.
- Relevance of background and expertise to assist in the implementation and future development of Hepburn Shire Council's Reconciliation Action Plans.
- Ability to influence with the purpose of promoting reconciliation in the Hepburn Shire (e.g., affiliations with community organisations, local businesses, Aboriginal and Torres Strait Islander communities, organisations and businesses).
- Ability to work collaboratively and constructively with key stakeholders and the community.
- People who identify as Djaara (Traditional Owner), Aboriginal and/or Torres Strait Islander.
- An understanding or willingness to learn the historical policies and social context that have detrimentally affected First Nation Peoples.

4.3. Terms of Appointment

Council has committed to a multi-year project to enable it to progress through the RAP stages identified by Reconciliation Australia. To enable an equitable opportunity for community members to participate in the RAC, the term for members shall be either 3 years or 4 years to ensure the committee can continue to function during an EOI process. RAC members completing a term may reapply for an additional four year term (maximum of eight years).

4.4. Chair

The Hepburn Shire Mayor will chair the RAC and be an ex officio member of the RAC without voting rights. The alternate Chair will be a Councillor who has been appointed the alternate position by Council and will also be a Councillor acting as an ex officio member without voting rights. The alternate Chair will

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only attend meetings via invitation as required. Should a Councillor not be in attendance, a Chair will be nominated by Council staff present.

The Chair is responsible for ensuring the Advisory Committee operates efficiently, effectively and according to the Terms of Reference. The Chair will act to enable all members have equal opportunity to contribute.

4.5. Co-opted Members

Co-opted members from Aboriginal and Torres Strait Islander background may be appointed for participation in a RAC meeting where existing members do not have the level of expertise or lived experience to advise Council. A fee for DJAARA (or other organisation) may be paid or a travel reimbursement may be offered to co-opted community members in recognition of the cultural load they may carry. Co-opted members will be remunerated at the rates outlined below in Table 1.

Table 1. Co-opted member remuneration rates

Co-Opted Member	Amount \$	Approval
DJAARA Employee or another relevant formal organisation/consultancy.	Fee as set by organisation.	Council Officer and relevant supervisor. According to budget availability.
Co-opted Member from community (no ABN).	Travel reimbursement @ ATO rate per/km. (0.72per/km 2020/21) <i>* Up to a maximum of \$250.00 per meeting</i>	Council Officer and supervisor. According to budget availability. Community Member will complete Reimbursement Form that includes; <ul style="list-style-type: none"> • Date of meeting • Locations of travel • Total KMs

4.6. Condition of Members

Aboriginal and Torres Strait Islander RAC members will be paid a sitting fee in recognition of the knowledge they hold and the cultural load they may carry. Council acknowledges that Aboriginal and Torres Strait Islander RAC members hold a greater depth of understanding and sensitivity to issues effecting their community that can guide the non-Indigenous community and Council on our work in Reconciliation. Effective Reconciliation requires respect for culture, listening deeply and resisting the urge to tell the Aboriginal and Torres Strait Islander community what is best for them. Hepburn Shire

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Council understands and acknowledges that we are unable to progress Reconciliation without the Aboriginal and Torres Strait Islander representation on the RAC.

Aboriginal and Torres Strait Islander members will be remunerated at the rates outlined below in Table 2.

Table 2. Aboriginal and Torres Strait Islander member remuneration rates

Aboriginal and Torres Strait Islander RAP Advisory Committee Members	Sitting Fee	Approval
Members appointed to the RAC committee according to the EOI process and guidelines in the TOR	\$200 per meeting.	New supplier form and ABN/or Hobby form required.

5. RAC Administration and Conduct

Hepburn Shire Council will have accountability for management of the RAC. Council is committed to working cooperatively with RAC members in the advisory role.

5.1. Administration

It is expected that the Advisory Committee will meet at least four times per year at key project milestones and further if required. Approximately two hours per meeting will be required of members. Preparation for meetings is required including reading of Minutes and Agendas.

Meetings will be held at Hepburn Shire offices or Community Halls unless otherwise arranged. Venues will be considered for their cultural safety and inclusiveness for all RAC members. Aboriginal and Torres Strait Islander members living outside of Hepburn Shire or off Country may choose to attend virtually. Meetings may be moved to an online platform for all members.

The Hepburn Shire Council officer is responsible for the preparation and circulation of meeting agendas, minutes and any other attachments. The agenda, minutes and any other attachments will be distributed by email at least five working days prior to the meeting. Agenda items must be forwarded to the Reconciliation Officer by the close of business, seven working days prior to the next scheduled meeting. Members may raise an item under "Other Business" if necessary and as time permits, at the discretion of the Chair.

Agendas will generally be structured as follows:

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- Attendance (members present and apologies).
- Actions arising from previous meeting and their outcomes.
- Project Status Update.
- Internal Working Group items.
- Items for Discussion.
- Other Business.
- Next Meeting details and review of actions.

5.2. Conduct

All RAC members will work in a co-operative and positive manner that is respectful of members, staff and Councillors. The following qualities and behaviours are expected of members:

- Be fully prepared for and actively participate in meetings and attend a minimum of 50% of meetings.
- Inform the Reconciliation Officer if they are unable to attend a meeting.
- Treat all persons with respect and due regard to the opinions, rights and responsibilities of others.
- Adhere to the principle of clear and open communication.
- Where issues of conflict arise parties will be encouraged to discuss issues openly and clearly in a respectful manner. Where there is difficulty in resolving issues of conflict, Council will make a final decision on the matter.
- Members have a responsibility to disclose any direct or indirect conflict of interest or potential conflict between their business or professional interests, and their roles as members of the Advisory Committee. Where the Advisory Committee discusses the DJAARA in its role as the Traditional Owner group entity under the Recognition and Settlement Agreement, no conflict of interest will apply.

If a conflict of interest is disclosed, the conflicted member must take the following steps:

- Tell the committee you have a conflict of interest.
- Tell the Chair you are leaving the meeting.
- Leave the room until the matter has concluded.

Breaches of the Terms of Reference may result in revoking the member from representing the Committee.

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13.2 APPOINTMENT OF NEW MEMBERS TO THE INTERNATIONAL WOMEN'S DAY COMMITTEE ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Events Officer, I Bridgette O'Brien have no interests to disclose in this report.

ATTACHMENTS

1. Terms of Reference - Heather Mutimer International Women's Day Advisory Committee - 2021 [**13.2.1** - 3 pages]

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 20 July 2021, Council endorsed the Terms of Reference (TOR) for the Heather Mutimer International Women's Day Honour Roll Advisory Committee.

From 22 July 2021 until 11 August 2021 Council called for applications from suitably qualified and experienced Community Members for appointment to the committee. The endorsed Terms of Reference state that membership will comprise of a Councillor as the Chair and between 4 – 7 community members who are committed to working positively to meet the objectives of the Committee. Council received 7 community applications all have been assessed as suitable.

Officers will contact applicants to advise them of the outcome of their application once appointments are confirmed by Council.

OFFICER'S RECOMMENDATION

That Council appoints the following community members to the Heather Mutimer International Women's Day Honour Roll Advisory Committee:

- *Sue Craven*
- *Karen McAloon*
- *Lisa Gervasoni*
- *Barbara Curzon-Siggers*
- *Elizabeth Boulton*
- *Emma Whitfield-Rooney*
- *Narelle Groenhout*

MOTION

That Council appoints the following community members to the Heather Mutimer International Women's Day Honour Roll Advisory Committee:

- *Sue Craven*
- *Karen McAloon*
- *Lisa Gervasoni*
- *Barbara Curzon-Siggers*
- *Elizabeth Boulton*

- *Emma Whitfield-Rooney*
- *Narelle Groenhout*

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

The Hepburn Shire Council Heather Mutimer International Women's Day Women's Honour Roll Organising Committee was first established by Council as an Advisory Committee in October 2009 to oversee the Women's Honour Roll process and organise an appropriate function.

The Heather Mutimer International Women's Day Honour Roll was launched in 2005 and each year, as part of the week of International Women's Day – up to five names are added to the Honour Roll.

Honour Roll inductees are announced at an annual civic function which takes place around International Women's Day.

At the Ordinary Meeting of Council on 20 July 2021, Council endorsed the Terms of Reference for the Heather Mutimer International Women's Day Advisory Committee. Following this decision, Council Officers then implemented the Communications Plan that ensured wide advertisement of the available membership. A total of 7 community members expressed interest.

KEY ISSUES

All applications were assessed against criteria based on the endorsed Terms of Reference. The Advisory Committee members criteria for selection included demonstration of the following:

- An interest, knowledge and understanding of relevant practices that advance women's rights.
- Direct links to local community populations and/or organisations.
- Experience and/or understanding of the role of an advisory committee.
- A high level of female representation will be encouraged.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

The Heather Mutimer International Womens Day Honour Roll event is a budgeted function within Councils 2021/22 Annual budget.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application process associated with the Heather Mutimer International Women's Day Honour Roll Advisory Committee was scored in the 'Level of engagement matrix' as a 'Low' level of engagement.

A communications plan to advertise the opportunity was developed and implemented as follows:

- Facebook posts (5 posts)
- The Local
- Hepburn Life email newsletter
- Councillor Bulletin Article
- Business e-newsletter
- Direct Councillor Communication
- Council's Website

Utilising the SmartyGrants systems allowed for ease of submissions with most applicants providing feedback that the process was easy.

MOTION

That Cr Hood be appointed as temporary Chairperson.

Mover: Cr Don Henderson

Seconder: Cr Tessa Halliday

Carried

Cr Hood took the chair at 8:30pm.

Cr Lesley Hewitt left the meeting at 8:30pm due a conflict of interest for item 13.3 Recommendation for Funding for Community Grants Program 2021/2022 Round 1.

1. INTRODUCTION

The Hepburn Shire Council Heather Mutimer International Women's Day Women's Honour Roll Organising Committee was first established by Council as an Advisory Committee in October 2009 to oversee the Women's Honour Roll process and organise an appropriate function.

The Heather Mutimer International Women's Day Honour Roll was launched in 2005 and each year, as part of the week of International Women's Day – up to five names are added to the Honour Roll.

The nominee must have demonstrated:

- Advancing gender equity.
- Exhibiting leadership qualities and sharing of individual skills and knowledge.
- Creating an environment towards which long-term and sustainable change is possible.
- Contributing creative, unique or innovative ideas or initiatives.

Honour Roll inductees are announced at a function which takes place around International Women's Day (March 8). This is a global day celebrating the social, economic, cultural and political achievements of women. The day also marks a call to action for accelerating gender parity.

The Heather Mutimer International Women's Day Honour Roll Committee is an advisory committee and not a decision-making body and will make recommendations to Council on matters for determination.

2. OBJECTIVES

- To provide advice to Council and its officers on the International Women's Day Women's Honour Roll including:
 - Contribute to the promotion the IWD Honour Roll and event.
 - Review and provide feedback on Honour Roll guidelines.
 - Encourage participation of women to nominate for the Honour Roll.
 - Providing input/advice to Council on the review of nominees for the Heather Mutimer Honour Roll, including the recommendation of nominees to be placed on the roll each year.
 - Develop the citations to be communicated about the successful nominees.

3. MEMBERSHIP

The committee membership positions are voluntary, and membership will comprise of a Councillor as the Chair and between 4 – 7 community members who are committed to working positively to meet the objectives of the Committee. The Committee will operate with a minimum of four (4) members and a maximum of seven (7) members.

Membership will be invited by way of an Expression of Interest (EOI) and recommendations of appropriate members will be presented to Council for consideration and appointment will be by Council resolution.

Members should notify Council in writing if they intend to rescind their membership. If membership numbers fall below four (4), Council may seek to increase membership through another EOI process.

From time to time, may co-opt additional members, including Council officers, if it is considered that additional skills and experience would benefit or add value to the general performance of the Committee.

3.1 SELECTION PROCESS

The Selection Committee will include the appointed Councillor representative and two Council Officers representatives. The Selection Committee will assess the nominations against the selection criteria and recommend appointments to Council.

3.2 REQUIREMENTS FOR MEMBERS (Criteria)

Advisory Committee members will be able to demonstrate some of the following:

- An interest, knowledge and understanding of relevant practices that advance women's rights.
- Direct links to local community populations and/or organisations.
- Experience and/or understanding of the role of an advisory committee.
- A high level of female representation will be encouraged.

3.3 TERMS OF APPOINTMENT

- Appointments will be for a four-year (4) term.
- Council will appoint a Councillor to chair the meetings.
- Heather Mutimer Honour Roll Committee members completing a four-year term may re-apply for a further four-year term.

4. HEPBURN SHIRE COUNCIL

4.1 Role and Responsibilities

Council will have accountability for management of the Heather Mutimer International Women's Day Honour Roll Committee.

Council is committed to working co-operatively with committee members to continue the Honour Roll.

Council will organise and deliver an annual event in March to announce and celebrate the inductees.

5. ADMINISTRATION AND CONDUCT

5.1 Administration

The Committee will receive administration support by a Council Officer.

The Committee will likely meet 2 (two) to 4 (four) times annually.

Minutes from the Committee Meetings will be presented to Council at the corresponding Ordinary Meeting.

5.2 Conduct

All members of the Heather Mutimer International Women's Day Honour Roll Committee will work in a co-operative and positive manner. Members are expected to:

- Actively participate in meetings and offer opinions and views, and attend a minimum of 50% of meetings;
- Treat all persons with respect and have due regard to the opinions, rights and responsibilities of others;
- Declare any conflicts of interest or perceived conflicts of interest;
- Act with integrity and avoid the release of confidential information;
- Adhere to the principle of clear and open communication;
- Where issues of conflict arise, parties will be encouraged to discuss issues openly and clearly in a respectful manner;
- Where there is difficulty in resolving issues of conflict, Council will make a final decision on any matter.

Breaches of the Terms of Reference may result in revoking the member from representing the committee.

5.3 Administration Amendments

The Chief Executive Officer is authorised to make minor amendments to the Heather Mutimer International Women's Day Honour Roll Advisory Committee Terms of Reference.

**13.3 RECOMMENDATIONS FOR FUNDING FOR COMMUNITY GRANTS PROGRAM
2021/2022 ROUND 1
ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES**

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

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The Community Grants Program 2021/2022 aligns with the Council Plan to support the strengthen community capacity resilience. Eligible community groups can access funds in four rounds annually across five categories that support a range of community needs. Round 1 also includes Welcome to New Residents Funding which was previously included in Round 3. This will align the category with the financial year.

Five applications were received for Round 1, 2021/2022. Four applications are recommended for full funding and one application was deemed ineligible. No applications were received for Welcome to New Residents sessions.

Officers recommend that Council award Round 1 funding totalling \$8,559.42 as outlined in Officers Recommendations. The grant monies awarded will support community projects worth in total \$19,290.50.

OFFICER'S RECOMMENDATION

That Council:

1. Awards Round One Community Grant Program funding totalling \$4,969 supporting community projects worth \$13,419 to applicants in the following categories:

'Category A' Grants

Project Name	Community Group	Grant Amount Requested
Sprout: A celebration of Spring	Daylesford & District Horticultural Society	\$2,500
Daylesford Lawn Tennis Club Past and Present	Daylesford Lawn Tennis Club	\$2,469

2. Awards Round One Community Grant Program funding \$1,133.92

supporting community projects worth in total \$3,415 to applicants in the following categories:

'Category B' Grants

Project Name	Community Group	Grant Amount Requested
Seniors Kitchen Update	Creswick and District Senior Citizens	\$1,133.92

3. Awards Round One Community Grant Program funding \$2,456.50 supporting community projects worth in total \$2,456.50 to applicants in the following categories:

'Category D' Grants

Project Name	Community Group	Grant Amount Requested
"The Lost Things"	Sprung Circus Incorporated	\$2,456.50

MOTION

That Council:

1. Awards Round One Community Grant Program funding totalling \$4,969 supporting community projects worth \$13,419 to applicants in the following categories:

'Category A' Grants

Project Name	Community Group	Grant Amount Requested
Sprout: A celebration of Spring	Daylesford & District Horticultural Society	\$2,500
Daylesford Lawn Tennis Club Past and Present	Daylesford Lawn Tennis Club	\$2,469

2. Awards Round One Community Grant Program funding \$1,133.92

supporting community projects worth in total \$3,415 to applicants in the following categories:

'Category B' Grants

Project Name	Community Group	Grant Amount Requested
Seniors Kitchen Update	Creswick and District Senior Citizens	\$1,133.92

3. Awards Round One Community Grant Program funding \$2,456.50 supporting community projects worth in total \$2,456.50 to applicants in the following categories:

'Category D' Grants

Project Name	Community Group	Grant Amount Requested
"The Lost Things"	Sprung Circus Incorporated	\$2,456.50

Moved: Cr Don Henderson

Seconded: Cr Tessa Halliday

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:	19 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)

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

KEY ISSUES

Officers implemented the communications plan for Round 1 of Community Grants prior to the round opening. This included Councillor Bulletin, print media, multiple Facebook posts, phone calls and emails to community groups.

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

Applications opened on 1 July 2021 and closed on 29 July 2021. During this time Council Officers promoted the opportunity to community groups across the Shire and advertised in both printed and digital platforms.

An assessment of the applications was conducted by an evaluation panel consisting of three Community Assessment Panel members, Council’s Visitor Experience Officer, Community Development Officer and Community Partnerships Coordinator.

Funding Distribution Model

Five applications were received in Round 1 of the 2021/2022 Community Grants Program. Four applications are recommended for full funding with one application ineligible due to successful funding in the previous round.

Table 1

Category	Project Name	Community Group	Description	Grant Amount Requested	Total Project Amount	Recommendation
A	Sprout: A celebration of Spring	Daylesford & District Horticultural Society	Floral installations for retail outlets in Daylesford	\$2,500	\$9,745	Recommended for full funding

A	Daylesford Lawn Tennis Club Past and Present	Daylesford Lawn Tennis Club	Historical display	\$2,469	\$3,674	Recommended for full funding
B	Seniors Kitchen Update	Creswick and District Senior Citizens	New crockery	\$1,133.92	\$3,415	Recommended for partial funding
D	"The Lost Things"	Sprung Circus Incorporated	Equipment purchase, workshop training	\$2,456.50	\$2,456.50	Recommended for full funding
Total amount eligible requested: Category A-C				\$6,102.92		
Total amount requested: Category D				\$2,456.50		

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Active and Engaged Communities

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

A verbal presentation of all recommendations will be provided in the meeting.

Category	Total Eligible Funds Requested	Annual Budget	Available Funds
A. Active and Engaged Communities	\$4,969.00	\$45,000	\$45,000
B. Quality Community Infrastructure	\$1,133.92		
C. Sustainable Environments	Nil		
D. Children's Program	\$2,456.50	\$10,000	\$10,000
E. Charitable Purposes	NIL	\$10,000	\$10,000
Total funding to be approved A - C	\$6,102.92	Remaining funds to be allocated in the 2020/2021 year	\$38,897.08
Total funding to be approved D	\$2,456.50	Remaining funds to be allocated in the 2020/2021 year	\$7,543.50
Total funding to be approved E	NIL	Remaining funds	\$10,000

Funds Remaining for Rounds 2 to 4: \$56,440.58

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

The Communications Plan was implemented with Facebook posts, advertising on Council's page in The Local, Councillor Bulletin and direct contact with community groups. Council Officers offered over five hours of one-on-one phone support to a variety of groups during and post the application process. Fifteen enquiries were made directly with the Community Development Officer with only twenty percent of those enquiries submitting an application for this round. One applicant was a previously unsuccessful applicant. The Community Development Officer worked with the applicant to support an improved submission.

Fifty percent of applicants did not submit their application before the Round One closing date. This was due to various reasons including ineligibility, poor timing, group capacity to complete the application, group capacity to complete the project (in part due to ongoing Covid restrictions), and ongoing Council support of the project. Council Officers continue to work with all organisations wishing to progress their applications.

Cr Lesley Hewitt returned to the meeting at 8:35pm and resumed the chair.

14 HIGH PERFORMING ORGANISATION

14.1 ANNUAL FINANCIAL REPORT AND PERFORMANCE STATEMENT 2020/2021 ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Senior Accountant, I Paul Brumby have no interests to disclose in this report.

ATTACHMENTS

1. Annual Financial Report 2020/2021 [**14.1.1** - 48 pages]
2. Performance Statement 2020/2021 [**14.1.2** - 12 pages]

EXECUTIVE SUMMARY

This report aims to present to Council the draft Annual Financial Report and Performance Statement for in principle approval.

The financial and performance statement are still subject to audit clearance however have been finalised to a stage where the draft statements are presented for Councillor consideration, as changes are expected to only be minimal.

Details are included in this report's key issues section that detail Council's performance during the 2020/2021 financial year.

Councils Audit and Risk Committee meet on the 16 September to review in detail and have recommended that Council approve the statements.

Once the final statements have been approved in principle by Council, certified by the nominated Councillors and the independent auditor's report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 September 2021.

OFFICER'S RECOMMENDATION

That Council:

1. *Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2021.*
2. *Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Mayor Lesley Hewitt and Deputy Mayor Brian Hood to certify the 2020/2021 annual financial report and performance statement in their final forms after any changes recommended, or agreed to, by the auditors have been made.*
3. *Note that once the final statements have been certified by the nominated Councillors and the independent auditor's report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 September 2021.*

MOTION

That Council:

1. Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2021.

2. Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Mayor Lesley Hewitt and Deputy Mayor Brian Hood to certify the 2020/2021 annual financial report and performance statement in their final forms after any changes recommended, or agreed to, by the auditors have been made.

3. Note that once the final statements have been certified by the nominated Councillors and the independent auditor's report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 September 2021.

Moved: Cr Brian Hood

Seconded: Cr Tim Drylie

Carried

BACKGROUND

Audit

Council Officers prepared an initial draft set of statements for the year ended 30 June 2021. The Victorian Auditor-General's Office (VAGO), as Council's appointed external auditors, undertook an audit of the accounts during 23-30 August 2021.

The Financial and Performance Statements were presented to the Audit and Risk Committee at their meeting on 16 September 2021. The Statements were presented by Officers and VAGO representatives who spoke to the audit process, including confirmation that an unqualified audit opinion would be issued. The Audit and Risk Committee passed the following recommendation:

- *That the Audit and Risk Committee recommend to Council the adoption of the 2020/2021 Financial Statements and Performance Statements in their final form after any changes recommended or agreed to by the auditor have been made; and*
- *notes that the Draft Closing Report and Management Letter were discussed by VAGO representatives and that the final versions will be emailed to Audit and Risk Committee members.*

Financial Statements

The Annual Financial Report has been prepared in accordance with the Local Government Better Practice Guide, Model Financial Report and the Local

Government Better Practice Guide - Performance Reporting template. The following statements are contained in the report:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Statements
- Performance Statement

The financial statements provide information on current and prior year balances and information as required by accounting standards, the Local Government Act 1989 and Regulations.

The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures as developed by the Victorian Government under the new performance reporting framework. This is the seventh year for reporting in this manner and as such comparative data from 2015/2016 onwards are also reported with commentary on variations.

KEY ISSUES

Financial Statements

Council is experiencing a challenging fiscal environment due to the COVID-19 pandemic and the associated economic impacts within the community, as well as the decreasing revenue base as a result of rate capping. The Shire remains in a stable financial position, but like many businesses needs to continue to closely monitor its financial position and performance over the coming years to ensure it remains in a financially and sustainable position.

A summary of some key aspects of the Council's financial position is below, with greater detail provided in the Financial and Performance Statements.

The true impact of the COVID-19 pandemic has not yet fully impacted Council's financials. There has been and will continue to be negative impacts through reduced revenue (rentals, rates interest waived) and additional costs to respond to the pandemic. There is also likely to be a cash flow impact at 30 June 2022, with increased receivables at year end. The impacts of these items will be closely monitored by management during the coming year.

Surplus/Deficit

The operating result for 2020/2021 was a deficit of \$2.30 million.

It is not unusual for Councils to report a deficit, however, it does sometimes not reflect the 'true' financial performance and cash position of Council. The underlying

surplus can be a better measure of Council’s surplus or deficit as it removes several one-off items. The calculation of the underlying surplus for 2020/2021 is detailed below which demonstrates that Council generated a small deficit. This deficit arose primarily as a result of additional non-recurrent capital grants that were received and then spent on capital projects. A surplus is required to ensure adequate cash is generated from operations to assist in funding capital works and borrowing repayments.

	2020/2021
	\$’000s
Deficit for the year	(2,295)
Less non-recurrent capital grants	(2,220)
<u>Add loss on disposal of assets</u>	<u>3,931</u>
<u>Underlying surplus/(deficit)</u>	<u>(584)</u>

Income

Council receives income from a wide range of sources, including rates, user fees, fines, grants, contributions and other income. The total income for 2020/2021 was \$37.60M (\$35.17M in 2019/2020), an increase of \$2.43M or 6.9%.

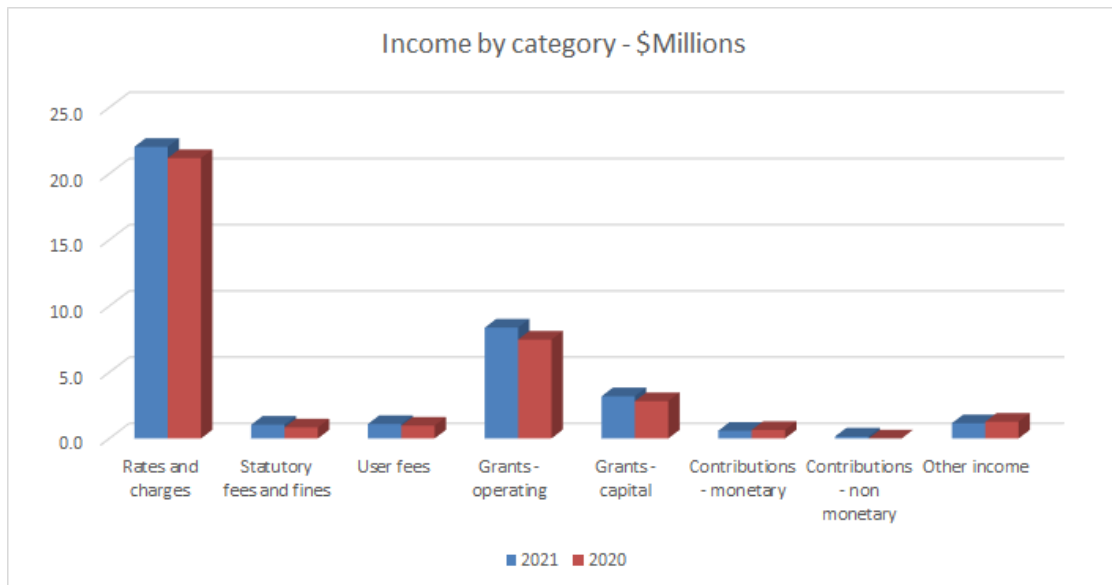
Traditional income categories of rates, fees, fines, grants and other income remained fairly stable during the year, with note 3 of the financial statements providing a more detailed breakdown.

Explanation of key income movements include:

- Rates and charges increased \$851k (4.0%) which is in line with the State Government rate cap, growth and a significant increases in waste charges. No interest on overdue rates was charged during 2020/2021 because of COVID, resulting in a loss of income (interest on rates was \$127k in 2019/2020).
- Fees and fines increased by \$206k (24.6%) predominantly due to an additional \$143k received in relation to planning applications and permits as a result of increased development activity across the shire.
- User fees and charges increased by \$121k (12.4%) predominately due to an additional \$112k received in for waste management fees arising from additional usage of transfer stations, something which was seen across the local government sector with a change of habits due to COVID lockdowns.
- Operating grants increased by \$900k (12.1%) predominantly due to an increase in non-recurrent State grants of \$1.34M (mostly COVID related) offset by a reduction of \$332k in Commonwealth financial assistance grants.

- Capital grants increased by \$373k (13.3%) which was all non-recurrent State capital grants for a number of projects, many of which were COVID recovery focussed.
- Other income decreased \$113k (9.0%) predominately due receiving \$115k less in commercial rental as a result of offering discounts in lease payments to tenants, due to the COVID impacts (as required by State Government).

The below graph provides the income categories with a comparison of the current and previous financial year.



Council's income of \$37.60M was \$499k (1.3%) above budget, which was predominately due to increased grants. Council was successful in obtaining a number of un-budgeted government grants which assisted to deliver more projects and programs to the community. Note 1.1 provides an analysis of performance against budget.

Since the pandemic began, Council has been focused on identifying a range of initiatives to support our community and businesses that are impacted by COVID-19, including easing the financial strain by enabling deferral of a range of payments and charges. Specific hardship measures to support community members, including the ability for those experiencing financial hardship to defer payments and all rate payers able to defer some instalments.

Expenses

Council's total operational expenditure including depreciation for 2020/2021 was \$39.89M. Expenditure relates to the ongoing or operational costs to deliver services that benefit the community. Expenditure categories summarised below include employee costs, depreciation and other expenses.

Total operational expenditure has increased significantly from the prior year (\$33.30M), an increase of \$6.59M or 19.8%, reflecting increased expenditure on

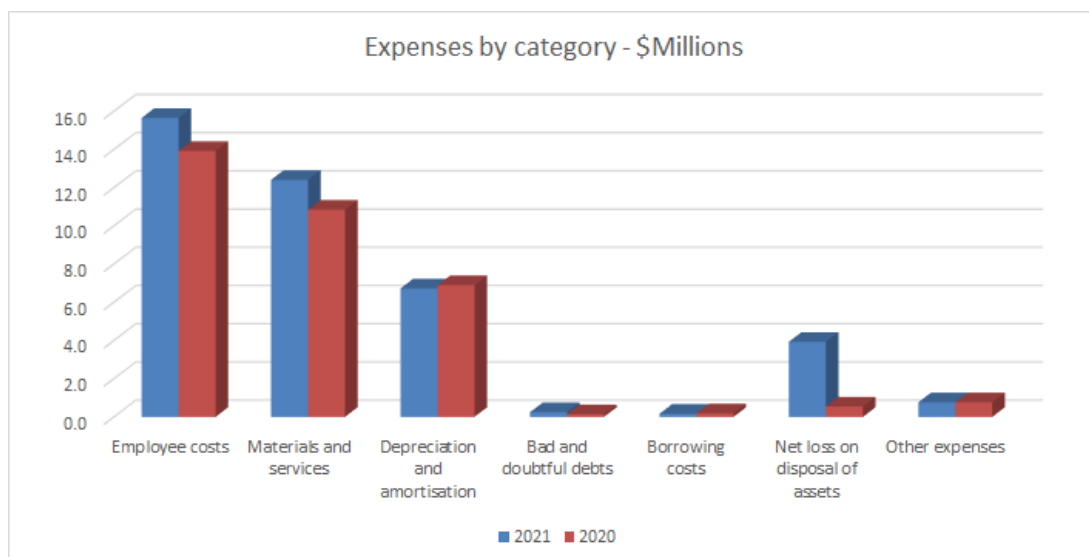
salaries, materials, contracts and services, with further details outlined in note 4.

Explanation of key expenditure movements include:

- Employee costs increased by \$1.73M (12.4%) which was broadly in line with (0.8% over) budgeted employee costs, and was mainly due to the fully funded Working For Victoria program which funded 33 fulltime, 6-months roles to assist the State economy respond to the pandemic.
- Materials and services increased by \$1.56M (14.4%) predominantly due to expenditure associated with the increase in non-recurrent State grants of \$1.34M, much of which was in response to COVID.
- Bad and doubtful debts increased by \$106k (75.3%) predominantly to an additional \$94k of debts written off due to offering discounts in lease payments due to the COVID impacts (as required by State Government).
- Net loss on disposal of assets increased by \$3.39M (626%) predominantly due to an increase of \$3.00M (non-cash) of assets disposed of by way of them being renewed, and a \$269k increase in the net loss on disposal of assets held for sale that were sold during the year.

Total operational expenditure was \$4.64M (13.2%) above budget, due to similar factors outlined above, headlined by a \$3.91M increase in the net loss on disposal of assets, an increase in materials and services of \$984k and a decrease in depreciation of \$575k.

The below graph provides the expense categories with a comparison of the current and previous financial year.

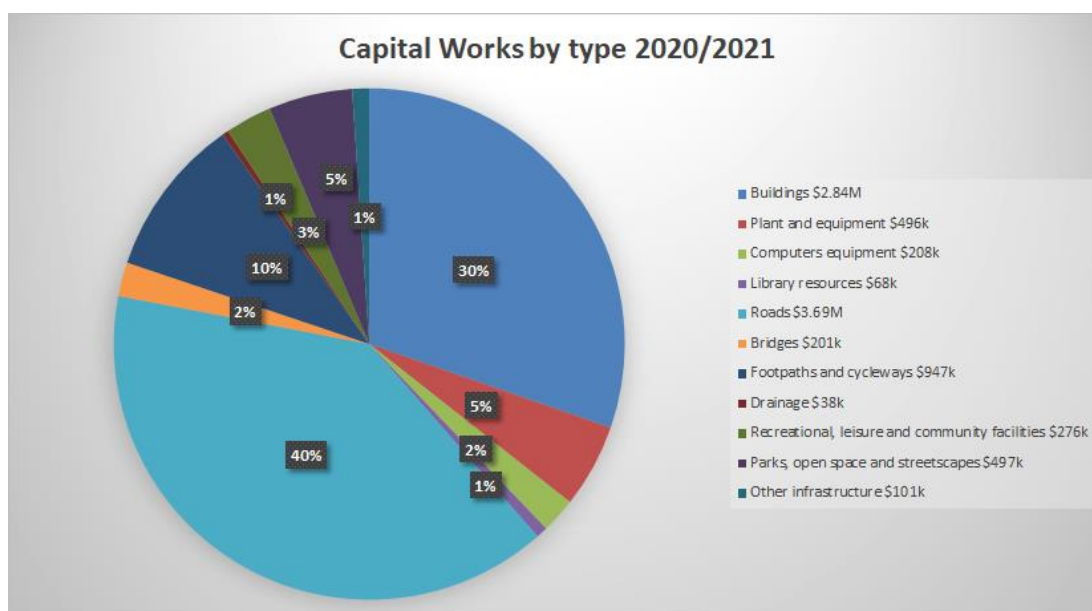


Capital works

Council delivered \$9.36M of capital works throughout the financial year (\$9.39M in 2019/2020), with the most significant areas of capital investment being on buildings and roads. The \$9.36M of capital expenditure is 72.1% of the total capital works budget for 2020/2021, up significantly from the 49.6% of the total capital works budget delivered in 2019/2020.

\$11.60M of capital works expenditure will carry forwards into next year (\$9.24M in 2019/2020), and this amount involves 57 capital projects. Projects not completed during 2020/2021 will be 'carried forward' and delivered in 2021/2022.

The following chart illustrates the value of each type of capital works expenditure delivered during 2020/2021.



Financial sustainability

In 2020/2021 the Victorian Government capped overall rate increases at 2.0%. Council elected not to apply for an exemption to this rate cap and continued to review operations throughout the year to ensure delivery of important services and best value for money for the community. As part of the implementation of new requirements required under the Local Government Act 2020, a 10-year Long Term Financial Plan will be developed and adopted during 2021/2022, by 31 October 2021.

Reduced revenue and increasing costs mean that it is vital that efforts continue to identify efficiencies and alternative funding opportunities to reduce the reliance on rate revenue. Council relies heavily on support from State and Federal Governments to deliver key infrastructure projects and provide support for other important programs.

Key Sustainability Indicators

The Victorian Audit General (VAGO) issued a number of financial sustainability indicators and compares all 79 Councils. The below table provides Council's indicators for 2020/2021. These indicators should be considered collectively and are more useful when assessed over time as part of a trend analysis. Council remains mainly in the 'low' risk category.

Indicator	Result	Risk	Formula
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		Rating	
Underlying result	-15%	High	Adjusted net surplus/ total underlying revenue
Liquidity	2.24:1	Low	Current assets/ current liabilities
Indebtedness	20%	Low	Non-current liabilities/ own-sourced revenue
Self-financing	38%	Low	Net operating cash flows/ underlying revenue
Capital replacement	142%	Medium	Capital expenditure/ depreciation
Renewal gap	131%	Low	Renewal and upgrade expenditure/ depreciation

Rating per VAGO's risk matrix

It should be noted that although Councils underlying result was an underlying result of negative 15% and this places in the high-risk category this is a result of delivering of projects within the 2020/21 year but funded in previous financial years. The underlying result is forecast to return to a positive in 2021/22 and subsequent years per the Adopted Budget 2021/22.

Balance Sheet

Council operates a solid balance sheet as detailed in the above VAGO indicators. Many of the balance sheet line items remained similar to the prior year, with major changes explained below:

- Cash and other financial assets (term deposits) totalled \$27.0M as at 30 June 2021, which was an increase of \$6.7M from the previous year. The increase was predominantly due to an increase of \$5.3M in unspent grants received and an increase of \$1.3M to fund carried forward projects. Further detail is provided in relation to Council's unrestricted cash assets in note 5.1.
- Non-current assets (property, plant and infrastructure) increased by \$32.0M to a total valuation of \$326.3M, due to a combination of \$9.3M of capital work expenditure, depreciation of \$6.6M and asset revaluations of \$32.8M.

Further detail is provided in relation to Council’s property, plant and infrastructure assets in note 6.2.

- Trade and other payables increased by \$4.6M to a total of \$8.4M, and this was predominantly due to an increase in income in advance of \$5.2M, mainly related to timing of government grants.
- Reserves increased by \$33.4M to a total of \$179.0M. Most of this movement (\$32.8M) was due to the revaluation of key asset classes, and this is a non-cash transaction. Other reserves increased from \$3.3M to \$3.9M and reflect cash backed reserves such as a debt management reserve, open space reserve and the mineral springs reserves which is allocation of funding for future works.

Unrestricted cash assets – Council has cash and other financial assets (term deposits) that total \$27.0M, however it is important to note that the majority of these funds have intended allocations which are detailed below:

	2020/2021
	\$’000s
Total financial assets	27,041
Council’s cash and cash equivalents are subject to external restrictions	
• Trust funds and deposits (Note 5.3)	(1,205)
• <u>Statutory reserves (Note 9.1(b))</u>	<u>(1,526)</u>
Total unrestricted financial assets	24,310
Amounts that have been allocated for specific future purposes by Council:	
• Cash held to fund carried forward works	(12,125)
• Unexpended grants received (Note 3.4(c))	(6,386)
• 2021/22 Federal Government Funding (received in June 2021)	(2,541)
• <u>Discretionary reserves (Note 9.1(b))</u>	<u>(2,416)</u>
Total unrestricted and unallocated financial assets	842

With unrestricted and unallocated cash of only \$0.84M, this will need to be carefully managed over coming years. Council’s unrestricted and unallocated cash was \$1.31M as at 30 June 2020 and when compared to other Local Governments is lower than the average, predominately due to Council being a lower rating Council than average.

Council will be preparing and adopting a Long-Term Financial Plan (10- years) during 2021/2022 as part of the implementation of the Local Government Act 2020 and that review will look at the long-term unrestricted cash balances.

Performance Statement

Attached is the current performance statement. The Performance Statement details a set of audited results against State Government prescribed performance indicators and measures.

The majority of indicators have remained fairly similar to previous years whilst some have been impacted by the COVID-19 pandemic.

Sustainable Capacity

The construction and renewal of infrastructure assets combined with the revaluation of footpaths and road related infrastructure has increased the value of all infrastructure controlled by Council. The growing proportion of infrastructure relative to the population shows Council's commitment to improving and accurately recording infrastructure.

The revenue generated by Council compared to the population has reduced this year on a per person basis because of decisions taken to reduce rents, reduce registrations fees and other fees as well as waiving interest on unpaid rates. These decisions were taken by Council to mitigate the negative financial impact of COVID on the residents, businesses and ratepayers of Hepburn.

Service Performance

Visits to the swimming pools decreased by 0.39 visits per person compared to previous year due to cool weather conditions. Visits to the pool have increased over the last four years, mainly because pool entry is now free of charge. The cost per visit has increased due a reduction in visits in 2020/21 whilst most fixed costs and some operating costs could not be reduced.

Library results have been impacted negatively by COVID, because restrictions have required libraries to close for long periods. It is anticipated that these results will return to normal after the pandemic.

The community satisfaction rating of Councils decision making in the public interest has increased by 6 points compared to last year. This may be due in part to the Council's Community Engagement Policy, which has a strong focus on consulting with the community on major decisions.

The amounts of recyclables, as a percentage of all waste, that is diverted from landfill has increased by almost 6% over the last four years because of the improvement in household participation in recycling due to a number of State and Local factors.

Financial Performance

The measure of Liquidity is one reflection of Council's current financial position. The higher assets relative to liabilities shows Council is in a position to settle its liabilities. The reduction from prior years reflects the decreasing financial position as Council implements a significant capital works program, additional costs due to the COVID

pandemic response and lower rates due to the State Government rate capping system.

Interest bearing loans as a percentage of rate revenue increased this year because Council borrowed \$3 million for the redevelopment of the Hepburn Hub at the Rex.

Non-current liabilities as a percentage of Council's revenue from rates and fees has increased due to the \$3 million loan. However, the result reveals that Council is well within its capacity to meet its loan repayment obligations.

Generally, the financial performance results remain within the expected range.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

Under Section 131 of the Local Government Act 1989:

- 1) A Council must prepare an annual report in respect of each financial year.
- 2) An annual report must contain the following, in respect of the financial year reported on -
 - a) a report of operations of the Council;
 - b) an audited performance statement;
 - c) audited financial statements;
 - d) a copy of the auditor's report on the performance statement, prepared under section 132;
 - e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
 - f) any other matter required by the regulations.

Under Section 132 of the Local Government Act 1989;

- 5) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—
 - a) 2 Councillors authorised by the Council for the purposes of this subsection

Under Section 133 of the Local Government Act 1989;

- 1) A Council must submit the annual report to the Minister—
 - a) within 3 months after the end of the financial year reported on

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 direct financial implications associated with this report, rather this report presents Council's performance and position.

RISK IMPLICATIONS

There are no risk implications associated with this report. The Finance and Performance Statements will be presented to the Audit and Risk Committee at their meeting on the 16 September 2021. The Statements will be presented by Officers and VAGO representatives will spoke to the audit process, including that an unqualified audit opinion would be issued

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Once the final statements have been certified by the nominated Councillors and the independent auditor's report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 September 2021. After the annual report has been submitted to the Minister, Council must give public notice that the annual report has been prepared and can be inspected at the Council offices and on Council's website. Other appropriate communication of Councils financial performance and results will be undertaken including media release, inclusion in Hepburn Life and reports placed on Council's website.

MOTION

That the Council Meeting be extended past 9:00pm to transact the remaining items on the agenda.

Moved: Cr Brian Hood

Seconded: Cr Don Henderson

Carried



ANNUAL FINANCIAL REPORT

For the Year Ended 30 June 2021



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Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Planning and Reporting) Regulations 2014*, the Australian Accounting Standards and other mandatory professional reporting requirements.

Bradley Thomas Chartered Accountant

Principal Accounting Officer

Date : ??th September 2021

Daylesford

In our opinion the accompanying financial statements present fairly the financial transactions of Hepburn Shire Council for the year ended 30 June 2021 and the financial position of the Council as at that date.

As at the date of signing, we are not aware of any circumstances that would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify the financial statements in their final form.

Mayor Cr Lesley Hewitt

Councillor

Date : ??th September 2021

Daylesford

Deputy Mayor Cr Brian Hood

Councillor

Date : ??th September 2021

Daylesford

Bradley Thomas

Chief Executive Officer

Date : ??th September 2021

Daylesford

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Comprehensive Income Statement
For the Year Ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
Income			
Rates and charges	3.1	22,027	21,176
Statutory fees and fines	3.2	1,040	834
User fees	3.3	1,091	970
Grants - operating	3.4	8,278	7,468
Grants - capital	3.4	3,279	2,816
Contributions - monetary	3.5	582	642
Contributions - non monetary	3.5	147	-
Other income	3.7	1,151	1,264
Total income		37,595	35,170
Expenses			
Employee costs	4.1	15,647	13,921
Materials and services	4.2	12,408	10,845
Depreciation	4.3	6,593	6,774
Amortisation - intangible assets	4.4	133	120
Bad and doubtful debts	4.5	247	141
Borrowing costs	4.6	165	188
Net loss on disposal of property, infrastructure, plant and equipment	3.6	3,931	542
Other expenses	4.7	766	765
Total expenses		39,890	33,296
Surplus/(deficit) for the year		(2,295)	1,874
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment	6.2	32,826	24,234
Total comprehensive result		30,531	26,109

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Balance Sheet As at 30 June 2021

	Note	2021 \$'000	2020 \$'000
Assets			
Current assets			
Cash and cash equivalents	5.1(a)	8,839	19,141
Trade and other receivables	5.1(c)	4,542	4,473
Other financial assets	5.1(b)	18,202	1,192
Inventories	5.2(a)	19	15
Non-current assets classified as held for sale	6.1	-	935
Prepayments	5.2(b)	130	39
Total current assets		31,732	25,794
Non-current assets			
Property, infrastructure, plant and equipment	6.2	326,340	294,345
Intangible assets	5.2 (c)	408	417
Total non-current assets		326,748	294,763
Total assets		358,480	320,557
Liabilities			
Current liabilities			
Trade and other payables	5.3 (a)	8,430	3,830
Trust funds and deposits	5.3 (b)	1,205	1,194
Provisions	5.5	2,482	2,318
Interest-bearing liabilities	5.4	2,065	411
Other liabilities		-	18
Total current liabilities		14,182	7,771
Non-current liabilities			
Provisions	5.5	455	401
Interest-bearing liabilities	5.4	4,526	3,579
Other liabilities		26	45
Total non-current liabilities		5,007	4,025
Total liabilities		19,189	11,796
Net assets		339,291	308,761
Equity			
Accumulated surplus		160,265	163,155
Reserves	9.1	179,026	145,605
Total equity		339,291	308,761

The above balance sheet should be read in conjunction with the accompanying notes.

Statement of Changes in Equity For the Year Ended 30 June 2021

	Note	Accumulated		Revaluation	Other
		Total	Surplus	Reserve	Reserves
2021		\$'000	\$'000	\$'000	\$'000
Balance at beginning of the financial year		308,760	163,155	142,258	3,347
Surplus/(deficit) for the year		(2,296)	(2,296)	-	-
Net asset revaluation increment/(decrement)	6.2	32,826	-	32,826	-
Transfers to other reserves	9.1 (b)	-	293	-	(293)
Transfers from other reserves	9.1 (b)	-	(888)	-	888
Balance at end of the financial year		339,290	160,264	175,084	3,942

	Note	Accumulated		Revaluation	Other
		Total	Surplus	Reserve	Reserves
2020		\$'000	\$'000	\$'000	\$'000
Balance at beginning of the financial year		274,318	153,767	118,024	2,527
Found Assets		13,364	13,364	-	-
Written Off Assets		(5,030)	(5,030)	-	-
Adjusted Opening balance		282,652	162,101	118,024	2,527
Surplus/(deficit) for the year		1,874	1,874	-	-
Net asset revaluation increment/(decrement)	6.2	24,234	-	24,234	-
Transfers to other reserves	9.1 (a)	-	214	-	(214)
Transfers from other reserves	9.1 (b)	-	(1,033)	-	1,033
Balance at end of the financial year		308,760	163,155	142,259	3,346

The above statement of changes in equity should be read in conjunction with the accompanying notes.

**Statement of Cash Flows
For the Year Ended 30 June 2021**

	Note	2021 Inflows/ (Outflows) \$'000	2020 Inflows/ (Outflows) \$'000
Cash flows from operating activities			
Rates and charges		21,768	20,435
Statutory fees and fines		1,007	814
User fees		915	1,134
Grants - operating		9,316	8,122
Grants - capital		8,510	3,376
Contributions - monetary		582	642
Interest received		97	326
Rent received		720	861
Trust funds and deposits taken		-	174
Other receipts		122	143
Net GST refund		1,502	-
Employee costs		(15,492)	(13,750)
Materials and services		(15,194)	(10,857)
Trust funds and deposits repaid		(2)	-
Other payments		(843)	(795)
Net cash provided by/(used in) operating activities	9.2	<u>13,008</u>	<u>10,624</u>
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment		(9,364)	(8,790)
Payments for intangible assets		(125)	-
Proceeds from sale of property, infrastructure, plant and equipment	3.6	41	218
Proceeds from sale of assets held for sale	3.6	712	-
Payments for investments		(17,010)	4,941
Net cash used in investing activities		<u>(25,746)</u>	<u>(3,631)</u>
Cash flows from financing activities			
Finance costs		(165)	(188)
Repayment of borrowings		(412)	(424)
Proceeds of borrowings		3,012	-
Net cash provided by/(used in) financing activities		<u>2,435</u>	<u>(612)</u>
Net increase/(decrease) in cash and cash equivalents		(10,303)	6,381
Cash and cash equivalents at the beginning of the financial year		19,141	12,759
Cash and cash equivalents at the end of the financial year	5.1	<u>8,838</u>	<u>19,141</u>
Financing arrangements	5.6		
Restrictions on cash assets	5.1		

The above statement of cash flows should be read in conjunction with the accompanying notes.

**Statement of Capital Works
For the Year Ended 30 June 2021**

	Note	2021 \$'000	2020 \$'000
Property			
Land improvements		-	132
Buildings		2,838	1,279
Total property		2,838	1,411
Plant and equipment			
Plant, machinery and equipment		496	1,136
Computers and telecommunications		208	332
Library Resources		68	59
Total plant and equipment		772	1,527
Infrastructure			
Roads		3,695	4,405
Bridges		201	341
Footpaths and cycleways		947	351
Drainage		38	193
Recreational, leisure and community facilities		276	419
Parks, open space and streetscapes		497	655
Other infrastructure		100	82
Total infrastructure		5,754	6,446
Total capital works expenditure		9,364	9,385
Represented by:			
New asset expenditure		749	907
Asset renewal expenditure		4,841	5,814
Asset upgrade expenditure		3,774	2,664
Total capital works expenditure		9,364	9,385

The above statement of capital works should be read in conjunction with the accompanying notes.

Notes to the Financial Report For the Year Ended 30 June 2021

OVERVIEW

Introduction

The Hepburn Shire Council was established by an Order of the Governor in Council on 19 January 1995 and is a body corporate. The Council's main office is located at 76 Vincent Street, Daylesford 3460

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

Significant accounting policies

(a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.2)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.2)
- the determination of employee provisions (refer to Note 5.5)
- the determination of landfill provisions (refer to Note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of *AASB 15 Revenue from Contracts with Customers* or *AASB 1058 Income of Not-for-Profit Entities* (refer to Note 3)
- the determination, in accordance with *AASB 16 Leases*, of the lease term, the estimation of the discount rate when not implicit in the lease and whether an arrangement is in substance short-term or low value (refer to Note 5.8)
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

Notes to the Financial Report
For the Year Ended 30 June 2021

(b) Impact of Covid-19

On 16 March 2020 a state of emergency was declared in Victoria due to the global pandemic COVID-19 virus, known as coronavirus. A state of disaster was subsequently declared on 2 August 2020. While the impacts of the pandemic have abated somewhat through the 2020-21 year, Council has noted the following significant impacts on its financial operations:

	2021
	\$'000
Financial impact of COVID-19	
<u>Additional revenue including:</u>	
• Community Activation and Social Isolation (CASI) initiative grant \$164,000	164
• Outdoor dining grant \$265,000	265
• Visit Victoria event funding grant \$60,000	60
• Information and communication technology infrastructure grant \$100,000	100
• Working for Victoria grant \$860,000	860
<u>Revenue reductions including:</u>	
• Community care user charges \$143,000 below budget	(143)
• Commercial property rental \$115,000 below budget	(115)
<u>Revenue foregone including:</u>	
• Interest on overdue rates \$127,000	(127)
Net impact on revenue	1,064
<u>Additional costs including:</u>	
• Property rental provision for doubtful debts \$163,000	(163)
• Community Activation and Social Isolation (CASI) initiative \$164,000	(164)
• Outdoor dining projects \$265,000	(265)
• Visit Victoria event funding \$60,000	(60)
• Information and communication technology infrastructure \$100,000	(100)
• Working for Victoria program	(860)
Net impact on expenditure	(1,612)
Net financial impact of COVID-19	(548)

(c) Impact of Storm Event

On the 9th and 10th June 2021 a severe weather event impacted many parts of Victoria, and caused significant damage in Hepburn Shire, particularly in Trentham and surrounding townships. Significant clean up works will be required, estimated to be in the vicinity of \$10 million. The majority of these costs will be incurred during 2021/22 and reimbursed through insurance and natural disaster funding from the State and Federal Government. In the 2020/21 financial year \$78,154 was incurred as expenditure.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

Note 1 Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variances. Council has adopted a materiality threshold of 10 percent and \$100,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures detailed below are those adopted by Council on 21 July 2020. The Budget was based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for income and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

These notes are prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

1.1 Income and expenditure

	Budget 2021 \$'000	Actual 2021 \$'000	Variance 2021 \$'000	Variance %	Ref
Income					
Rates and charges	22,266	22,027	(239)	-1.1%	
Statutory fees and fines	915	1,040	125	13.7%	1
User fees	964	1,091	127	13.2%	2
Grants - operating	8,741	8,278	(463)	-5.3%	
Grants - capital	2,355	3,279	924	39.2%	3
Contributions - monetary	370	582	212	57.3%	4
Contributions - non monetary	-	147	147	100.0%	5
Other income	1,485	1,151	(334)	-22.5%	6
Total income	37,096	37,595	499	1.3%	
Expenses					
Employee costs	15,518	15,647	(129)	-0.8%	
Materials and services	11,424	12,408	(984)	-8.6%	
Depreciation	7,168	6,593	575	8.0%	
Amortisation - Intangible assets	101	133	(32)	-31.7%	
Bad and doubtful debts	18	247	(229)	-1272.2%	7
Borrowing costs	206	165	41	19.9%	
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	20	3,931	(3,911)	-19555.0%	8
Other expenses	794	766	28	3.5%	
Total expenses	35,249	39,890	(4,641)	-13.2%	
Surplus (deficit) for the year	1,847	(2,295)	(4,142)	-224.3%	

**Notes to the Financial Report
For the Year Ended 30 June 2021**

Note 1 Performance against budget (continued)

1.1 Income and expenditure (continued)

(i) Explanation of material variations

Ref	Item / Explanation
1	Statutory fees and fines - The increase in actual statutory fees and fines was predominantly due to an additional \$143,000 received in relation to planning applications and permits as a result of increased development activity across the shire.
2	User fees - There was an increase in user fees predominately to additional fees received in Waste Management (\$112k) due to additional usage of transfer stations which has been seen across the sector with change of habits due to COVID lockdowns, Caravan Parks (\$93k) with Council operating the Creswick Holiday Park during the year where it was previously leased out and Building Services (\$88k) as a result of increased development activity across the shire offset by reduced fees received in Community Care (\$143k) with less hours of services provided due to COVID restrictions and staff shortages.
3	Grants - capital - The increase in Capital Grants received is predominantly due to the timing of funding in relation to priority projects and COVID stimulus projects to be constructed.
4	Contributions (monetary) - The increase to budget of monetary contributions is due to an additional \$182,000 of Open Space Contributions which are paid in relation to developments undertaken across the shire. Open Space contributions are transferred to a cash-backed reserve to assist in funding of future infrastructure works.
5	Contributions - non monetary - During the process of revaluing infrastructure assets, road assets of \$53,000 and drainage assets of \$95,000 were found and brought to account for the first time.
6	Other income - Other income was less than budget predominately due to receiving \$148k less in interest due to significantly lower interest rates during the financial year and receiving \$115k less in commercial rental due to offering discounts in lease payments due to the COVID impacts as required by State Government.
7	Bad and doubtful debts - Increase bad and doubtful debts relates predominately to an additional \$94k of debts written off due to offering discounts in lease payments due to the COVID impacts as required by State Government, and \$61k in relation to offering Health and Hospitality licences at a discount to assist businesses respond to COVID.
8	Net gain/(loss) on disposal of property, infrastructure, plant and equipment - The increase compared to budget relates to the written down value of disposed infrastructure (roads, footpaths etc) as a result of capital works undertaken. Given the value of infrastructure disposed is difficult to assume and the fact that it is non-cash it is not budgeted.

Notes to the Financial Report
For the Year Ended 30 June 2021

Note 1 Performance against budget (cont'd)
1.2 Capital works

	Budget 2021 \$'000	Actual 2021 \$'000	Variance 2021 \$'000	Variance %	Ref
Property					
Land improvements	88	-	(88)	-100.0%	
Buildings and Building Improvements	5,318	2,838	(2,480)	-46.6%	1
Total property	5,406	2,838	(2,568)	-47.5%	
Plant and equipment					
Plant, machinery and equipment	866	496	(370)	-42.7%	2
Computers and telecommunications	602	208	(394)	-65.5%	3
Library books	60	68	8	13.5%	
Total plant and equipment	1,528	772	(756)	-49.5%	
Infrastructure					
Roads	2,886	3,695	809	28.0%	4
Bridges	275	201	(74)	-26.9%	
Footpaths and cycleways	549	947	398	72.5%	5
Drainage	299	38	(261)	-87.3%	6
Recreational, leisure and community facilities	1,679	276	(1,403)	-83.6%	7
Parks, open space and streetscapes	207	497	290	140.1%	8
Other infrastructure	165	101	(64)	-39.0%	
Total infrastructure	6,060	5,754	(306)	-5.0%	
Total capital works expenditure	12,993	9,364	(3,629)	-27.9%	
Represented by:					
New asset expenditure	3,404	749	(2,655)	-78.0%	
Asset renewal expenditure	7,750	4,841	(2,909)	-37.5%	
Asset upgrade expenditure	1,839	3,774	1,935	105.2%	
Total capital works expenditure	12,993	9,364	(3,629)	-27.9%	

(i) Explanation of material variations

Ref	Item / Explanation
1	Buildings and Building Improvements - A number of construction project did not proceed as much as had been expected during the financial year, especially the Hepburn Hub at the Rex Project. The project was delayed due to a contractual dispute with the builder and will be retendered in late August 2021. This accounted for an underspend of \$2.4M of which funding is carry-forward to 2021/22.
2	Plant, machinery and equipment - A number of plant and fleet purchases occurred during the year, with orders place, but the items have been delayed for delivery due to manufacturing delays as a result of COVID. Funding is carry-forward to 2021/22.
3	Computers and telecommunications - A number of ICT projects were delayed during the year as the ICT teams focus was in relation to COVID response and allowing staff the ability to work from home due to State Government restrictions in place, funding is carry-forward to 2021/22.
4	Roads - Additional stimulus funding in response to the COVID pandemic was received from State and Federal Government and therefore a number of additional projects were brought forward.
5	Footpaths and cycleways - Additional stimulus funding in response to the COVID pandemic was received from State and Federal Government and therefore a number of additional projects were brought forward, including the Daylesford-Coomoora Trail Construction stage 2 works and Clunes Railway Station to Township - Connecting Footpath.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

Note 1 Performance against budget (cont'd)

1.2 Capital works

(i) Explanation of material variations (continued)

Ref	Item / Explanation
6	Drainage - The major drainage project budgeted for is kerb and channel works at Pearman Street, Creswick. Design works were delayed to provide additional information to authorities, the construction will commence in more favourable weather conditions in September 2021.
7	Recreational, leisure and community facilities - A number of construction projects did not proceed as much as had been expected during the financial year. The major project impacting recreational assets was Councils decision to not proceed with the upgrade to the Daylesford Pool and creation of a Civic Plaza (\$1m budgeted in 2020/21). Funding was returned to State Government and project cancelled as Council is undertaking an Aquatics Strategy.
8	Parks, open space and streetscapes - A number of projects had not been completed in the 2019/20 financial year and therefore carried forward and were completed in the current financial year (2020/21) including the Trentham Streetscape project of \$176k and works at Lake Jubilee

Notes to the Financial Report For the Year Ended 30 June 2021

Note 2.1 Analysis of Council results by program

2.1 (a) Council delivers its functions and activities through the following programs.

CEO

The Chief Executive Office (CEO) provides the strategic direction across council to enable the efficient, effective delivery of policy commitments, council vision and mission. The provision of these services includes people and culture, which is responsible for organisation development and provides efficient and effective services to meet the growing needs of the community.

Infrastructure and Development Services

Infrastructure Services is responsible for constructing new infrastructure and maintaining existing infrastructure across a very diverse range of assets that underpin the wellbeing of the community. These assets include capital works engineering services, environment and waste, parks and gardens, emergency management and municipal resources, including the delivery of major projects.

Development Services incorporates planning services and includes the assessment of shire development, health and local laws, planning strategy and urban growth.

Corporate and Community Services

Community Services provides high quality community focused programs, service delivery and communication to residents. Community Services is comprised of community care, connected communities, family services, health communities, leisure and recreational services and social planning and investment.

Community Services is underpinned by both customer commitments and customer service strategies. Community and economic development are responsible for business improvement and customer service. Community and economic development also advocate on behalf of the community for major events, arts, culture, economic development and cultural opportunities including the delivery of a reconciliation action plan with the traditional owners of the land of the Dja Dja Wurrung.

Corporate Services provides efficient, effective and proactive support services across council to enable the delivery of all council services. The provision of these services includes finance services, governance, risk, digital information and technology.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

Note 2.1 Analysis of Council results by program (cont.)

2.1 (b) Summary of revenues, expenses and grant income per program

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2021					
CEO	846	3,363	(2,517)	860	62
Infrastructure and Development Services	13,382	17,028	(3,646)	3,473	296,791
Corporate and Community Services	23,367	19,499	3,868	7,224	61,627
	37,595	39,890	(2,295)	11,557	358,480
	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2020					
CEO	464	2,096	(1,632)	457	48
Infrastructure and Development Services	9,794	14,964	(5,170)	4,581	267,095
Corporate and Community Services	24,912	16,236	8,676	5,245	53,415
	35,170	33,296	1,874	10,284	320,557

**Notes to the Financial Report
For the Year Ended 30 June 2021**

Note 3 Funding for the delivery of our services	2021	2020
3.1 Rates and charges	\$'000	\$'000

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is an approximation of its market value.

The valuation base used to calculate general rates for 2020/2021 was \$6,087,346 million (2019/20 \$5,572,383 million).

General rates	18,272	17,802
Garbage and Recycling Charges	1,673	1,462
Waste management charge	1,911	1,642
Special rates and charges	57	43
Supplementary rates and rate adjustments	107	93
Interest on rates and charges	-	127
Revenue in lieu of rates	6	6
Total rates and charges	22,027	21,176

The date of the latest general revaluation of land for rating purposes within the municipal district was 01/01/2020, and the valuation will be first applied in the rating year commencing 1/07/2020.

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

3.2 Statutory fees and fines

Infringements and costs	79	54
Permits	77	80
Registration fees	226	204
Town planning fees	594	439
Other fees and fines	64	58
Total statutory fees and fines	1,040	834

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

3.3 User fees

Aged and health services	107	223
Building Services	328	252
Waste management services	428	365
Other fees and charges	227	130
Total user fees	1,091	970

User fees by timing of revenue recognition

User fees recognised at a point in time	1,091	970
Total user fees	1,091	970

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

Notes to the Financial Report
For the Year Ended 30 June 2021

3.4 Funding from other levels of government	2021	2020
Grants were received in respect of the following :	\$'000	\$'000
Summary of grants		
Commonwealth funded grants	6,495	6,998
State funded grants	5,062	3,286
Total grants received	11,557	10,284
(a) Operating Grants		
Recurrent - Commonwealth Government		
Financial Assistance Grants - VGC	3,386	3,636
Local road funding	1,605	1,688
Aged care	349	703
Community health	23	3
Recurrent - State Government		
Aged care	115	77
Libraries	168	164
Maternal and child health	204	191
School crossing supervisors	36	31
Youth	25	25
Other	53	54
Total recurrent operating grants	5,963	6,570
Non-recurrent - Commonwealth Government		
Aged care	164	0
Non-recurrent - State Government		
Commerce and tourism	766	-
Emergency management	222	120
Family and children	-	94
Recreation	97	15
Transport	18	27
Waste and environment	65	62
Working for Victoria	860	457
Other	122	122
Total non-recurrent operating grants	2,315	897
Total operating grants	8,278	7,468
(b) Capital Grants		
Recurrent - Commonwealth Government		
Roads to recovery	969	969
Total recurrent capital grants	969	969
Non-recurrent - State Government		
Buildings	904	154
Roads	589	1,498
Recreation, leisure and community facilities	545	34
Waste and Environment	4	101
Other	267	60
Total non-recurrent capital grants	2,310	1,847
Total capital grants	3,279	2,816

**Notes to the Financial Report
For the Year Ended 30 June 2021**

	2021	2020
(c) Unspent grants received on condition that they be spent in a specific manner	\$'000	\$'000
Operating		
Balance at start of year	2,053	1,077
Received during the financial year and remained unspent at balance date	976	1,311
Received in prior years and spent during the financial year	(1,459)	(335)
Balance at year end	<u>1,570</u>	<u>2,053</u>
Capital		
Balance at start of year	1,835	3,034
Received during the financial year and remained unspent at balance date	4,716	619
Received in prior years and spent during the financial year	(1,735)	(1,818)
Balance at year end	<u>4,816</u>	<u>1,835</u>

Grant income is recognised at the point in time when the council satisfies its performance obligations as specified in the underlying agreement.

3.5 Contributions

Monetary	582	642
Non-monetary	147	-
Total contributions	<u>729</u>	<u>642</u>

Contributions of non monetary assets were received in relation to the following asset classes.

Roads	53	-
Other Infrastructure	95	-
Total non-monetary contributions	<u>147</u>	<u>-</u>

Monetary and non monetary contributions are recognised as revenue when Council obtains control over the contributed asset.

3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

Proceeds of sale	41	218
Written down value of assets disposed	(11)	(73)
Written down value of infrastructure assets renewed	(3,738)	(733)
Proceeds of sale - Assets Held for Sale	712	591
Written down value of assets disposed - Assets Held for Sale	(935)	(545)
Total net gain/(loss) on disposal of property, infrastructure, plant and equipment	<u>(3,931)</u>	<u>(542)</u>

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

3.7 Other income

Interest	97	169
Reimbursements	33	23
Facilities rental income	933	952
Sale of materials	84	98
Other	6	22
Total other income	<u>1,151</u>	<u>1,264</u>

Interest is recognised as it is earned. Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

Notes to the Financial Report
For the Year Ended 30 June 2021

	2021 \$'000	2020 \$'000
Note 4 The cost of delivering services		
4.1 (a) Employee costs		
Wages and salaries	13,109	11,325
WorkCover	406	304
Superannuation	1,194	990
Fringe benefits tax	80	69
Agency Staff	858	1,234
Total employee costs	15,647	13,921
(b) Superannuation		
Council made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	50	49
	50	49
Employer contributions payable at reporting date.	-	-
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	501	468
Employer contributions - other funds	643	473
	1,144	941
Employer contributions payable at reporting date.	-	-
Refer to note 9.3 for further information relating to Council's superannuation obligations.		
4.2 Materials and services		
Building maintenance	89	351
Consultants	1,354	807
Contract payments		
Waste Service	3,332	2,600
Infrastructure Maintenance	504	638
General Contracts	2,101	1,753
	5,938	4,991
Information technology	637	603
Insurance	500	443
Materials and services	2,774	2,744
Office administration	455	308
Utilities	662	600
Total materials and services	12,408	10,845
4.3 Depreciation		
Property	1,220	1,230
Plant and equipment	796	797
Infrastructure	4,577	4,747
Total depreciation	6,593	6,774
4.4 Amortisation - Intangible assets		
Software	133	120
Total Amortisation - Intangible assets	133	120

Refer to note 5.2(c) and 6.2 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

Notes to the Financial Report
For the Year Ended 30 June 2021

	2021	2020
	\$'000	\$'000
4.5 Bad and doubtful debts		
Compliance Debtors	-	1
Rental Debtors	163	-
Other debtors	84	140
Total bad and doubtful debts	247	141

Movement in provisions for doubtful debts

Balance at the beginning of the year	(138)	(50)
New provisions recognised during the year	(79)	(138)
Amounts already provided for and written off as uncollectible	138	50
Amounts provided for but recovered during the year	-	-
Balance at end of year	(79)	(138)

Provision for doubtful debt is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

4.6 Borrowing costs

Interest - Borrowings	165	188
Total borrowing costs	165	188

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

4.7 Other expenses

Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	58	45
Auditors' remuneration - Internal	27	54
Councillors' allowances	192	205
Community grants	326	321
Operating pension rebate	38	39
Tourism board membership	80	80
Others	45	21
Total other expenses	766	765

Notes to the Financial Report
For the Year Ended 30 June 2021

Note 5 Our financial position

	2021	2020
	\$'000	\$'000
5.1 Financial assets		
(a) Cash and cash equivalents		
Cash on hand	5	5
Cash at bank	8,791	19,093
Term deposits	43	43
Total cash and cash equivalents	<u>8,839</u>	<u>19,141</u>
(b) Other financial assets		
Term deposits - current	18,202	1,192
Total other financial assets	<u>18,202</u>	<u>1,192</u>
Total financial assets	<u>27,041</u>	<u>20,333</u>
Council's cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:		
- Trust funds and deposits (Note 5.3)	1,205	1,194
- Statutory reserves (Note 9.1(b))	1,526	1,102
Total restricted funds	<u>2,731</u>	<u>2,296</u>
Total unrestricted cash and cash equivalents	<u>6,108</u>	<u>16,844</u>
Intended allocations		
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:		
- Cash held to fund carried forward works	12,125	10,320
- Unexpended grants received (Note 3.4(c))	6,386	4,157
- Discretionary reserves (Note 9.1(b))	2,416	2,244
Total funds subject to intended allocations	<u>20,927</u>	<u>16,721</u>
Total unrestricted and unallocated cash, cash equivalents and other financial assets	3,383	1,316

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

In addition to cash and cash equivalents, other financial assets are available to meet Council's liabilities and intended allocations as and when required due to their scheduled maturity dates.

Notes to the Financial Report
For the Year Ended 30 June 2021

	2021 \$'000	2020 \$'000
5.1 (c) Trade and other receivables		
Current		
<i>Statutory receivables</i>		
Rates debtors	3,138	2,880
Special rate assessment	320	306
Infringement debtors	171	137
GST receivable	277	243
<i>Non statutory receivables</i>		
Other debtors - rental	194	181
Other debtors - government grants	110	565
Other debtors - miscellaneous	412	299
Provision for doubtful debts - other debtors	(79)	(138)
Total current trade and other receivables	4,542	4,473

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

(d) Ageing of Receivables

The ageing of the Council's trade and other receivables (excluding statutory receivables) that are not impaired was:

Current (not yet due)	97	531
Past due by up to 30 days	167	216
Past due between 31 and 180 days	310	163
Past due between 181 and 365 days	31	90
Past due by more than 1 year	32	44
Total trade and other receivables	637	1,045

(e) Ageing of individually impaired Receivables

At balance date, other debtors representing financial assets with a nominal value of \$79,000 were impaired. The amount of the provision raised against these debtors was \$79,000. They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as

Current (not yet due)	-	-
Past due by up to 30 days	-	-
Past due between 31 and 180 days	31	132
Past due between 181 and 365 days	6	6
Past due by more than 1 year	42	1
Total trade & other receivables	79	138

**Notes to the Financial Report
For the Year Ended 30 June 2021**

	2021	2020
	\$'000	\$'000
5.2 Non-financial assets		
(a) Inventories		
Inventories held for distribution	19	15
Total inventories	19	15
Inventories held for distribution are measured at cost, adjusted when applicable for any loss of service potential.		
(b) Other assets		
Prepayments	130	39
Total other assets	130	39
(c) Intangible assets		
Software	408	417
Total intangible assets	408	417
Gross carrying amount		
Balance at 1 July	1,157	1,049
Additions	-	39
WIP	125	69
Balance at 30 June	1,282	1,157
Accumulated amortisation and impairment		
Balance at 1 July	741	620
Amortisation expense	133	120
Balance at 30 June	874	740
Net book value at 30 June	408	417

Intangible assets with finite lives are amortised as an expense on a systematic basis over the asset's useful life. Amortisation is generally calculated on a straight line basis, at a rate that allocates the asset value, less any estimated residual value over its estimated useful life. Estimates of the remaining useful lives and amortisation method are reviewed at least annually, and adjustments made where appropriate.

	2021	2020
	\$'000	\$'000
5.3 Payables		
(a) Trade and other payables		
Trade payables	993	1,735
Accrued expenses	553	442
Income in advance	6,884	1,653
Total trade and other payables	8,430	3,830
(b) Trust funds and deposits		
Refundable deposits	197	196
Fire services levy	320	306
Retention amounts	87	93
Other trust funds and deposits	601	599
Total trust funds and deposits	1,205	1,194

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

5.3 Payables (continued)**Purpose and nature of items**

Refundable deposits - Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

5.4 Interest-bearing liabilities	2021	2020
Current	\$'000	\$'000
Borrowings - secured	2,065	412
Non-current		
Borrowings - secured	4,526	3,579
Total	6,591	3,991

Borrowings are secured by a deed of charge over council rates

(a) The maturity profile for Council's borrowings is:

Not later than one year	2,065	412
Later than one year and not later than five years	2,629	2,882
Later than five years	1,897	697
	6,591	3,991

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

5.5 Provisions

	Employee	Landfill	Total
	\$ '000	restoration \$ '000	\$ '000
2021			
Balance at beginning of the financial year	2,418	301	2,719
Additional provisions	1,222	23	1,244
Amounts used	(1,026)	-	(1,026)
Balance at the end of the financial year	2,614	323	2,937
2020			
Balance at beginning of the financial year	2,248	322	2,570
Additional provisions	1,117	-	1,117
Amounts used	(961)	(21)	(982)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	15	-	15
Balance at the end of the financial year	2,418	301	2,719

**Notes to the Financial Report
For the Year Ended 30 June 2021**

5.5 Provisions (continued)

	2021	2020
	\$'000	\$'000
(a) Employee provisions		
Current provisions expected to be wholly settled within 12 months		
Annual leave	876	739
Long service leave	214	287
Other	62	63
	1,153	1,090
Current provisions expected to be wholly settled after 12 months		
Annual leave	51	25
Long service leave	1,254	1,183
	1,304	1,208
Total current employee provisions	2,457	2,298
Non-current		
Long service leave	157	121
Total non-current employee provisions	157	121
Aggregate carrying amount of employee provisions:		
Current	2,457	2,298
Non-current	157	121
Total aggregate carrying amount of employee provisions	2,614	2,418

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulated sick leave expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. LSL is measured at present value. Unconditional LSL is disclosed as a current liability. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability. Key assumptions:

- discount rate	1.49%	0.87%
- index rate	1.80%	1.65%
- inflation rate	2.95%	4.25%
- settlement rate	7 years	7 years

(b) Landfill restoration

Current	25	20
Non-current	298	280
	323	301

Key assumptions:

- Aftercare period	30 years	30 years
- discount rate	1.12%	0.00%
- index rate	2.50%	0.00%

Council is obligated to restore landfill sites to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

5.6 Financing arrangements

	2021	2020
	\$'000	\$'000
The Council has the following funding arrangements in place as at 30 June		
Bank overdraft	-	2,443
Credit card facilities	50	50
Total facilities	50	2,493
Used facilities	15	10
Unused facilities	35	2,483

5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

2021	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Operating					
Transfer station	519	500	-	-	1,019
Maternal and child health	365	365	122	-	852
Library services	143	144	287	-	574
Swimming pools	6	-	-	-	6
Other	108	37	-	-	145
Total	1,141	1,046	409	-	2,596
Capital					
Buildings (see Note 8.5)	4,760	-	-	-	4,760
Infrastructure	12	-	-	-	12
Total	4,772	-	-	-	4,772

2020	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Operating					
Waste and Recycling	1,863	-	-	-	1,863
Maternal and child health	365	365	487	-	1,217
Other	551	190	431	-	1,172
Total	2,779	555	918	-	4,252
Capital					
Plant and Equipment	-	-	-	-	-
Infrastructure	3,075	700	700	-	4,475
Total	3,075	700	700	-	4,475

	2021	2020
	\$'000	\$'000

Operating lease commitments

At the reporting date, the Council had the following obligations under non-cancellable operating leases for the lease of equipment and land and buildings for use within Council's activities (these obligations are not recognised as liabilities):

Not later than one year	-	33
Later than one year and not later than five years	-	-
Later than five years	-	-
	-	33

The above lease falls into the category of short term and low value as identified in note 5.8. Council recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term

**Notes to the Financial Report
For the Year Ended 30 June 2021**

5.8 Leases

At balance date Council did not have any leases.

Lease Liabilities	2021	2020
	\$'000	\$'000
Maturity analysis - contractual undiscounted cash flows		
Less than one year	-	33
One to five years	-	-
More than five years	-	-
Total undiscounted lease liabilities as at 30 June:	<u>-</u>	<u>33</u>

Lease liabilities included in the Balance Sheet at 30 June:

Current	-	33
Non-current	-	-
Total lease liabilities	<u>-</u>	<u>33</u>

Short-term and low value leases

Council has elected not to recognise right-of-use assets and lease liabilities for short-term leases of machinery that have a lease term of 12 months or less and leases of low-value assets (individual assets worth less than existing capitalisation thresholds for a like asset up to a maximum of AUD\$10,000), including IT equipment. Council recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Expenses relating to:	2021	2020
	\$'000	\$'000
Short-term leases	33	33
Leases of low value assets	-	-
Total	<u>33</u>	<u>33</u>
Variable lease payments (not included in measurement of lease liabilities)	0%	0%

Non-cancellable lease commitments - Short-term and low-value leases

Commitments for minimum lease payments for short-term and low-value leases are payable as follows:

Payable:

Within one year	-	33
Later than one year but not later than five years	-	-
Total lease commitments	<u>-</u>	<u>33</u>

Council is not required to make any adjustments on transition to AASB 16 Leases for leases in which it acts as a lessor, except for a sub-lease. Council accounted for its leases in accordance with AASB 16 Leases from the date of initial application.

Note 6 Assets we manage**6.1 Non current assets classified as held for sale**

	2021	2020
	\$'000	\$'000
At Fair Value	-	935
Total non current assets classified as held for sale	<u>-</u>	<u>935</u>

At 30 June 2020 Council owned a block of level 2 non-specialized land zoned R1Z which was classified as a non-current asset held for sale. During 2020/21 this asset was sold via an option to sell agreement.

Non-current assets classified as held for sale (including disposal groups) are measured at the lower of its carrying amount and fair value less costs of disposal, and are not subject to depreciation. Non-current assets, disposal groups and related liabilities and assets are treated as current and classified as held for sale if their carrying amount will be recovered through a sale transaction rather than through continuing use. This condition is regarded as met only when the sale is highly probable and the asset's sale (or disposal group sale) is expected to be completed within 12 months from the date of classification.

Notes to the Financial Report
For the Year Ended 30 June 2021

6.2 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment

	At Fair Value 30 June 2020	Additions	Found Assets	Revaluation	Depreciation	Disposal	Write-off	Asset Class Transfers	At Fair Value 30 June 2021
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Property	114,063		-	5,167	(1,220)	-	-	980	118,990
Plant and equipment	3,547		-	-	(796)	(11)	-	521	3,261
Infrastructure	170,764		147	27,659	(4,577)	(3,738)	-	5,965	196,221
Work in progress	5,970	9,364	-	-	-	-	-	(7,466)	7,868
Total	294,345	9,364	147	32,826	(6,593)	(3,749)	-	-	326,340

Summary of Work in Progress

	Opening WIP	Additions	Write-off	Transfers	Closing WIP
	\$'000	\$'000	\$'000	\$'000	\$'000
Property	3,547	2,838		(980)	5,405
Plant and equipment	646	772		(521)	897
Infrastructure	1,778	5,754		(5,965)	1,567
Total	5,970	9,364	-	(7,466)	7,868

Notes to the Financial Report
For the Year Ended 30 June 2021

6.2 Property, infrastructure, plant and equipment (continued)

(a) Property

	Land - specialised \$'000	Land - non specialised \$'000	Land improvements \$'000	Total Land & Land Improvements \$'000	Buildings - specialised \$'000	Buildings - non specialised \$'000	Total Buildings \$'000	Work in Progress \$'000	Total Property \$'000
At fair value 1 July 2020	23,591	16,963	12,631	53,184	116,862	17,188	134,049	3,547	190,780
Accumulated depreciation at 1 July 2020	-	-	(4,419)	(4,419)	(62,033)	(6,718)	(68,752)	-	(73,170)
Adjusted Opening Balance	23,591	16,963	8,212	48,766	54,828	10,470	65,298	3,547	117,610
Movements in fair value									
Additions	-	-	-	-	-	-	-	2,838	2,838
Revaluation	2,524	1,815	1,351	5,691	-	-	-	-	5,691
Transfers from Work in Progress	-	-	-	-	-	980	980	(980)	-
	2,524	1,815	1,351	5,691	-	980	980	1,858	8,529
Movements in accumulated depreciation									
Depreciation and amortisation	-	-	(478)	(478)	(613)	(129)	(742)	-	(1,220)
Revaluation	-	-	(524)	(524)	-	-	-	-	(524)
	-	-	(1,002)	(1,002)	(613)	(129)	(742)	-	(1,744)
At fair value 30 June 2021	26,115	18,778	13,982	58,875	116,862	18,168	135,030	5,405	199,309
Accumulated depreciation at 30 June 2021	-	-	(5,421)	(5,421)	(62,647)	(6,847)	(69,494)	-	(74,915)
	26,115	18,778	8,561	53,454	54,215	11,321	65,535	5,405	124,395

Notes to the Financial Report
For the Year Ended 30 June 2021

6.2 Property, infrastructure, plant and equipment (continued)
(b) Plant and Equipment

	Plant machinery and equipment \$'000	Fixtures fittings and furniture \$'000	Computers and telecomms \$'000	Library books \$'000	Work In Progress \$'000	Total plant and equipment \$'000
At fair value 1 July 2020	6,824	873	1,080	809	646	10,231
Accumulated depreciation at 1 July 2020	(4,105)	(787)	(512)	(635)	-	(6,039)
	2,719	86	568	174	646	4,193
Movements in fair value						
Additions	-	-	-	-	772	772
Disposal	(85)	-	-	-	-	(85)
Transfers from Work in Progress	245	-	208	68	(521)	-
	161	-	208	68	251	436
Movements in accumulated depreciation						
Depreciation and amortisation	(602)	(16)	(159)	(19)	-	(796)
Accumulated depreciation of disposals	74	-	-	-	-	74
	(528)	(16)	(159)	(19)	-	(722)
At fair value 30 June 2021	6,984	873	1,287	877	897	10,919
Accumulated depreciation at 30 June 2021	(4,633)	(802)	(671)	(654)	-	(6,760)
	2,352	70	616	223	897	4,159

Notes to the Financial Report
For the Year Ended 30 June 2021

6.2 Property, infrastructure, plant and equipment (continued)
(c) Infrastructure

	Roads	Bridges	Footpaths and Cycleways	Drainage	Recreational, leisure and community	Parks open spaces and streetscapes	Off street car parks	Other Infrastructure	Work In Progress	Total Infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2020	206,537	29,304	7,192	17,689	1,575	2,088	95	7,311	1,778	273,569
Accumulated depreciation at 1 July 2020	(70,768)	(14,487)	(4,159)	(8,805)	(678)	(53)	(15)	(2,061)	-	(101,027)
Adjusted Opening Balance	135,769	14,817	3,034	8,883	897	2,035	80	5,250	1,778	172,542
Movements in fair value										
Additions	-	-	-	-	-	-	-	-	5,754	5,754
Found Assets	53	-	-	95	-	-	-	-	-	147
Revaluation	31,113	-	(76)	398	-	-	-	-	-	31,435
Disposal	(4,793)	(2)	(184)	-	-	-	-	-	-	(4,979)
Transfers from Work in Progress	4,133	62	974	24	101	670	-	-	(5,965)	-
	30,506	60	714	518	101	670	-	-	(211)	32,357
Movements in accumulated depreciation										
Depreciation and amortisation	(3,758)	(225)	(95)	(247)	(68)	(27)	(5)	(152)	-	(4,577)
Accumulated depreciation of disposals	1,162	2	77	-	-	-	-	-	-	1,240
Revaluation	(4,864)	-	866	223	-	-	-	-	-	(3,776)
	(7,460)	(223)	848	(25)	(68)	(27)	(5)	(152)	-	(7,112)
At fair value 30 June 2021	237,043	29,364	7,906	18,206	1,676	2,758	95	7,311	1,567	305,926
Accumulated depreciation at 30 June 2021	(78,228)	(14,711)	(3,311)	(8,830)	(747)	(80)	(20)	(2,213)	-	(108,139)
	158,815	14,653	4,595	9,376	929	2,678	75	5,098	1,567	197,787

**Notes to the Financial Report
For the Year Ended 30 June 2021**

6.2 Property, infrastructure, plant and equipment (continued)

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

<i>Asset recognition thresholds and depreciation periods</i>	Depreciation Period	Threshold Limit \$
Land & land improvements		
land	-	1,000
land improvements	20 - 100 years	1,000
Buildings		
buildings	25 - 150 years	1,000
building and leasehold improvements	25 - 150 years	1,000
Plant and Equipment		
plant, machinery and equipment	3 - 10 years	1,000
others	3 - 10 years	1,000
Infrastructure		
roads - pavements, substructure, formation and earthworks	10 - 80 years	1,000
roads - kerb, channel and minor culverts and other	10 - 65 years	1,000
bridges - deck and substructure	50 - 200 years	1,000
others	5 - 80 years	1,000
Intangible assets	3 - 10 years	1,000

Land under roads

Council recognises land under roads acquired after 30 June 2008 at fair value. Council does not recognise land under roads that it controlled prior to that period in this financial report.

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

6.2 Property, infrastructure, plant and equipment (continued)

Valuation of land and buildings

Valuation of land and buildings were undertaken by a qualified independent valuer Vincent John Bourke, AAPI, of Rating Valuation Services. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Valuation of land and buildings have been considered post balance date, given the potential impact of COVID-19. Management are satisfied the carrying value is materially correct.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or un-serviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date of the current valuation is detailed in the following table

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2021 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
	\$'000	\$'000	\$'000	
Land	-	18,778	-	Jun-20
Specialised land	-	-	26,115	Jun-20
Land improvements	-	-	8,561	Jun-20
Buildings	-	11,321	54,215	Jun-20
Total	-	30,099	88,891	

Valuation of infrastructure

Valuation of infrastructure assets has been determined in accordance with an in-house valuation undertaken by Manoj Bhattarai, Asset Coordinator of Hepburn of Shire Council and by Moloney Asset Management Systems.

The date of the current valuation is detailed in the following table.

The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2021 are as follows:

Where no valuation date is provided, Council has deemed that the valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

	Level 1	Level 2	Level 3	Date of Valuation
	\$'000	\$'000	\$'000	
Roads	-	-	158,815	Jun-21
Bridges	-	-	14,653	Jan-18
Footpaths and cycleways	-	-	4,595	Jun-20
Drainage	-	-	3,584	Jun-20
Kerb and channel	-	-	5,792	Jun-21
Recreational, leisure and community facilities	-	-	929	-
Parks, open space and streetscapes	-	-	2,678	-
Off Street Car Parks	-	-	75	-
Other infrastructure	-	-	5,098	-
Total	-	-	196,221	

**Notes to the Financial Report
For the Year Ended 30 June 2021**

6.2 Property, infrastructure, plant and equipment (continued)

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 5% and 95%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$1 and \$1,075 per square metre.

Specialised buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs is calculated on a square metre basis and ranges from \$120 to \$15,000 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 25 years to 150 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 5 years to 200 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2021	2020
	\$'000	\$'000
Reconciliation of specialised land		
Land under roads	96	86
Parks and reserves	26,019	23,505
Total specialised land	26,115	23,591

Notes to the Financial Report
For the Year Ended 30 June 2021

	2021 No.	2020 No.
Note 7 People and relationships		
7.1 Council and key management remuneration		
(a) Related Parties		
<i>Parent entity</i>		
Hepburn Shire Council is the parent entity.		
(b) Key Management Personnel		
Details of persons holding the position of Councillor or other members of key management personnel at any time during the year are:		
Councillors		
Councillor Don Henderson		
Councillor Licia Kokocinski (Mayor to 18/11/2020)		Councillor Lesley Hewitt (Mayor from 19/11/2020)
Councillor John Cottrell (to 18/11/2020)		Councillor Jennifer Bray (from 19/11/2020)
Councillor Fiona Robson (to 18/11/2020)		Councillor Timothy Drylie (from 19/11/2020)
Councillor Greg May (to 18/11/2020)		Councillor Brian Hood (from 19/11/2020)
Councillor Kate Redwood (to 18/11/2020)		Councillor Tessa Halliday (from 19/11/2020)
Councillor Neil Newitt (to 18/11/2020)		Councillor Juliet Simpson (from 19/11/2020)
Officers		
Chief Executive Officer - Evan King (to 24/02/2021)		
Acting Chief Executive Officer - Bradley Thomas (from 29/01/2021 to 11/05/2021)		
Chief Executive Officer - Bradley Thomas (from 12/05/2021)		
Director Community and Corporate Services - Bradley Thomas (to 31/01/2021)		
Acting Director Community and Corporate Services - Andrew Burgess (from 01/02/2021)		
Director Infrastructure and Development Services - Bruce Lucas		
Total Number of Councillors	13	7
Total of Chief Executive Officer and other Key Management Personnel	4	3
Total Number of Key Management Personnel	17	10
(c) Remuneration of Key Management Personnel		
	2021	2021
	\$	\$
Total remuneration of key management personnel was as follows:		
Short-term benefits	870,298	779,625
Long-term benefit	45,445	13,865
Post-employment benefit	52,190	50,073
Termination benefits	-	-
Total	967,933	843,563
The numbers of key management personnel whose total remuneration from Council and any related		
\$1 - \$9,999	10	-
\$10,000 - \$19,999	1	-
\$20,000 - \$29,999	2	5
\$30,000 - \$39,999	-	1
\$50,000 - \$59,999	-	1
\$70,000 - \$79,999	1	-
\$160,000 - \$169,999	1	-
\$180,000 - \$189,999	-	1
\$190,000 - \$199,999	-	1
\$220,000 - \$229,999	1	-
\$260,000 - \$269,999	-	1
\$290,000 - \$299,999	1	-
	17	10

**Notes to the Financial Report
For the Year Ended 30 June 2021**

7.1 Council and key management remuneration (continued)

(d) Senior Officer Remuneration

A Senior Officer is an officer of Council, other than

- a) that has management responsibilities and reports directly to the Chief Executive; or
- b) whose total annual remuneration exceeds \$151,000.

The number of Senior Officers are shown below in their relevant income bands:

	2021	2020
Income Range:	No.	No.
less than \$151,000	3	3
	3	3
Total Remuneration for the reporting year for Senior Officers included above, amounted to	332,810	137,190

7.2 Related party disclosure

(a) Transactions with related parties

During the period Council had no reportable transactions with related parties.

(b) Outstanding balances with related parties

There are no outstanding balances at the end of the reporting period in relation to transactions with related parties

(c) Loans to/from related parties

Council does not make loans to or receive loans from related parties, no guarantees have been provided

(d) Commitments to/from related parties

Council has no outstanding commitments to or from related parties.

Notes to the Financial Report For the Year Ended 30 June 2021

Note 8 Managing uncertainties

8.1 Contingent assets and liabilities

Contingent assets and liabilities are not recognised in the Balance Sheet, but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

(a) Contingent assets

Council did not have any contingent assets as at balance date.

(b) Contingent liabilities

Legal Matters

From time to time Council is involved in legal matters which are conducted through Council's solicitors. As these matters may yet be finalised, or the financial outcomes are unable to be reliably estimated, no allowance has for these contingencies has been made in the financial report.

Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Future superannuation contributions

In addition to the disclosed contributions, Council has paid unfunded liability payments to Vision Super totalling \$0 (2019/20 \$0). There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2021. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2022 are \$54,000.

Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

MAV Workcare

In November 2017, the Victorian WorkCover Authority (the Authority) granted the Municipal Association of Victoria (MAV) a three-year self-insurance licence allowing it to provide workers' compensation insurance to Victorian councils. When the MAV WorkCare Scheme commenced, there were 31 inaugural members, including the MAV.

In accordance with the Authority's decision not to renew the MAV's self-insurance licence, the MAV WorkCare Scheme ceased operation on 30 June 2021. The MAV is continuing to support the orderly transition of claims management responsibilities to the Authority.

Council was a participant of the MAV WorkCare Scheme.

The MAV WorkCare Scheme participation agreement stated that each participant would remain liable to make further contributions to the Scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability would continue whether or not the participant remained a participant in future insurance years.

The net financial impact on Council as a result of the cessation of the MAV WorkCare Scheme for the 2020-21 financial year is yet to be determined. Any obligation is dependent upon the Authority's initial actuarial assessment of the tail claims liabilities of the MAV WorkCare Scheme.

In accordance with the Workplace Injury Rehabilitation and Compensation Act 2013, there is a six year liability period following the cessation of the MAV WorkCare Scheme. During the liability period, adjustment payments may be required (or received) by Council. The determination of any adjustment payments is dependent upon revised actuarial assessments of the Scheme's tail claims liabilities as undertaken by the Authority.

8.2 Change in accounting standards

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2021 reporting period. Council assesses the impact of these new standards. As at 30 June 2021 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2022 that are expected to impact Council.

Notes to the Financial Report For the Year Ended 30 June 2021

8.3 Financial instruments

(a) Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- council have a policy for establishing credit limits for the entities council deal with;
- council may require collateral where appropriate; and
- council only invest surplus funds with financial institutions which have a recognised credit rating specified in council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

8.3 Financial instruments (continued)

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of + 1% and -0% in market interest rates (AUD) from year-end RBA cash rates of 0.10%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

8.4 Fair value measurement (continued)

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from two to five years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

The COVID-19 pandemic has had a significant impact on the operations of Council. In line with government restrictions, Council closed a number of facilities and adjusted service delivery. The financial impacts of these have been reflected in the results for 2020/2021 and appropriate commentary appears throughout the financial report.

Council enacted the emergency clause of its hardship policy to provide support to the community, including deferral for rate payments and waiver of interest charges that will help sustain residents who are living in a new reality. We do not believe that these measures will have a material effect on Council's overall finances going forward.

The financial statements have been prepared based upon conditions existing as at 30 June 2021, considering those events occurring subsequent to that date that provide evidence of conditions that existed at the end of the reporting period.

As another wave of COVID-19 lockdowns occurred after 30 June 2021 its impact is considered an event that is indicative of conditions that arose after the reporting period, and as such, no adjustments have been made to the financial statement balances as at 30 June 2021 for any further impacts. Two lockdowns occurred between balance date and the date of signing these statements. These lockdowns involved closing Council's customer service centre, tip shops and libraries. Due to the significant uncertainty surrounding the current lockdown, it is not possible to estimate the full impact on council's operations, financial position and cashflows at this point in time.

In July 2021 Council terminated the \$4.7 million contract with the builder of the Hepburn Hub at the Rex project prior to the builder commencing work on the project. Council does not believe that the cancellation of this contract has or will create any financial liability.

Notes to the Financial Report
For the Year Ended 30 June 2021Note 9 Other matters
9.1 Reserves

	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
(a) Asset revaluation reserves			
2021			
Property			
Land and land improvements	33,327	5,167	38,494
Buildings	35,335	-	35,335
	68,662	5,167	73,829
Infrastructure			
Roads	63,539	26,249	89,788
Other infrastructure	10,057	1,410	11,467
	73,596	27,659	101,255
Total asset revaluation reserves	142,258	32,826	175,084
2020			
Property			
Land and land improvements	29,176	4,151	33,327
Buildings	30,342	4,993	35,335
	59,518	9,145	68,662
Infrastructure			
Roads	48,449	15,090	63,539
Other infrastructure	10,057	-	10,057
	58,506	15,090	73,596
Total asset revaluation reserves	118,024	24,234	142,258

The asset revaluation reserve is used to record the movement in fair value of Council's assets over time.

	Balance at beginning of reporting period \$'000	Transfer to accumulated surplus \$'000	Transfer from accumulated surplus \$'000	Balance at end of reporting period \$'000
(b) Other reserves				
2021				
Clunes caravan park reserve	7	-	-	7
Debt management reserve	1,592	200	-	1,792
Heritage advisory fund	20	-	-	20
Mineral springs financial reserve	824	236	-	1,060
Mt Beckworth pit reserve	28	-	-	28
Open Space Reserve *	1,102	452	(28)	1,526
Smeaton hill pit reserve	74	-	-	74
Waste management reserve	(300)	-	(265)	(565)
Total Other reserves	3,347	888	(293)	3,942
2020				
Clunes caravan park reserve	7	-	-	7
Debt management reserve	1,392	200	-	1,592
Heritage advisory fund	20	-	-	20
Mineral springs financial reserve	577	246	-	824
Mt Beckworth pit reserve	28	-	-	28
Open Space Reserve *	530	587	(15)	1,102
Smeaton hill pit reserve	74	-	-	74
Waste management reserve	(101)	-	(199)	(300)
Total Other reserves	2,527	1,033	(214)	3,346

* Indicates statutory reserve

**Notes to the Financial Report
For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)		
Surplus/(deficit) for the year	(2,295)	1,874
Depreciation/amortisation	6,726	6,894
Loss on disposal of property, infrastructure and plant	3,931	542
Contributions - non monetary	(147)	-
Interest expense	165	188
<i>Change in assets and liabilities:</i>	-	
Increase/(decrease) in trade and other receivables	(69)	(432)
(Increase)/decrease in prepayments	(91)	13
Increase/(decrease) in accrued income	-	34
Increase/(decrease) in trade and other payables	4,600	1,126
(Decrease)/increase in other liabilities	(36)	-
(Increase)/decrease in inventories	(4)	(9)
Increase/(decrease) in provisions	218	149
Increase/(decrease) in trust funds / deposits	11	244
Net cash provided by/(used in) operating activities	13,009	10,624

9.3 Superannuation

Hepburn Shire Council makes many of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in Comprehensive Operating Statement when they are made or due.

Accumulation

Council makes both employer and employee contributions to The Fund's accumulation category, Vision MySuper/Vision Super Saver, on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2021, this was 9.5% as required under Superannuation Guarantee (SG) legislation).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

A triennial actuarial review for the Defined Benefit category as at 30 June 2020 was conducted and completed by the due date of 31 December 2020. The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 104.6%. The financial assumptions used to calculate the VBI were:

Net investment returns 5.6% pa

Salary information 2.5% pa for two years and 2.75% pa thereafter

Price inflation (CPI) 2.0% pa.

As at 30 June 2021, an interim actuarial investigation is underway as the Fund provides lifetime pensions in the Defined Benefit category.

Vision Super has advised that the estimated VBI at 30 June 2021 was 109.7%.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2020 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

9.3 Superannuation (continued)

Employer contributions

Regular contributions

On the basis of the results of the 2020 triennial actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2021, this rate was 9.5% of members' salaries (9.5% in 2019/2020). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

The 2020 triennial actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. A full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigations identified the following for the Defined Benefit category of which Council is a contributing employer:

	2020 (Triennial) \$m	2019 (Interim) \$m
A VBI surplus	\$100.00	\$151.30
A total service liability surplus	\$200.00	\$233.40
A discounted accrued benefits surplus	\$217.80	\$256.70

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2020.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2020.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2020.

Council was notified of the 30 June 2020 VBI during August 2020 (2019: August 2019).

Notes to the Financial Report
For the Year Ended 30 June 2021

9.3 Superannuation (continued)

The 2021 interim actuarial investigation

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2021 as the Fund provides lifetime pensions in the Defined Benefit category. It is anticipated that this actuarial investigation will be completed by October 2021.

Superannuation contributions

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2021 are detailed below:

Scheme	Type of Scheme	Rate	2021 \$'000	2020 \$'000
Vision super	Defined benefit	9.5%	50	49
Vision super	Accumulation fund	9.5%	501	468
Other funds	Accumulation fund	9.5%	643	473

Council has not paid any unfunded liability payments to Vision Super during the 2019/20 and 2020/21 years.

There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2021.

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2022 is \$54,000.

**Notes to the Financial Report
For the Year Ended 30 June 2021**

10 Change in accounting policy

AASB 1059 Service Concession Arrangements: Grantors (AASB 1059) (applies 2020/21 for LG Sector)

Council has adopted AASB 1059 Service Concession Arrangements: Grantors, from 1 July 2020. This has resulted in no changes in accounting policies and adjustments to any amounts recognised in the financial statements. Council does not consider it has any assets which are subject to Service Concession arrangements.

AASB 2018-7 Amendments to Australian Accounting Standards - Definition of Material (applies 2020/21 for LG Sector)

Council has adopted AASB 2018-7 Amendments to Australian Accounting Standards - Definition of Material, from 1 July 2020.

All information has been disclosed where material in nature, amount and impact to ensure primary users of the general purpose financial statements are informed and can make decisions on the basis of the information disclosed regarding the entity.

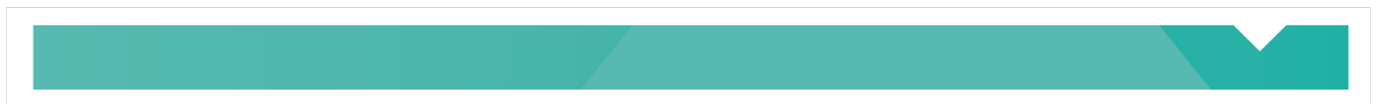
AASB 2019-1 Amendments to Australian Accounting Standards - References to the Conceptual Framework (applies 2020/21 for LG Sector)

Council has adopted AASB 2019-1 Amendments to Australian Accounting Standards - References to the Conceptual Framework from 1 July 2020. These financial statements present fairly the financial position, financial performance and cash flows of Council. There is a fair presentation of the effects of transactions, other events and conditions in accordance with the definitions and recognition criteria for assets, liabilities, income and expenses set out in the Conceptual Framework for financial reporting.

It is not expected that these standards will have any significant impact on Council.



PERFORMANCE STATEMENT
For the Year Ended 30 June 2021



Description of Municipality

Hepburn Shire was created in January 1995 by the amalgamation of the former Shires of Creswick, Daylesford and Glenlyon, the Clunes portion of the Shire of Talbot and Clunes and the Trentham portion of the Shire of Kyneton.

Hepburn Shire is small rural Shire, with a population of 16,157. The population is projected to reach 17,700 by 2036. The Shire covers an area of 1,473 square kilometres which includes Clunes, Creswick, Daylesford, Hepburn Springs and Trentham, and the villages of Glenlyon, Allendale, Kingston, Leonard's Hill, Lyonville, Newlyn, Denver, and Smeaton, and other smaller settlements, each with their own unique identity and character. Located in central Victoria, the Shire is ideally situated within easy access to Melbourne, Ballarat, and Bendigo. It is a great place to live, work, invest and visit.

Hepburn Shire has a rich cultural history which began with the Dja Dja Wurrung People, the Traditional Owners and custodians of the area. Mass migration during Victoria's goldrush era saw many cultures settle in the region, which created a distinctive architecture and culture, still present throughout the Shire today. The Shire is renowned for its native forests, mineral springs reserves and waterways, botanical gardens, volcanic plains with rich soils, gold, and many spectacular heritage buildings. It is a popular tourist destination that has a reputation for indulgence and relaxation, festivals and outdoor recreational activities.

The Shire has a vibrant and diverse welcoming community that is well serviced by schools and childcare, recreation facilities, libraries, hospitals and shopping precincts. There is a large range of events throughout the year including markets, community run festivals, book fairs, LGBTIQ+ festivals and artisan masterclasses. With a strong arts community there are opportunities to visit artist studios, exhibitions and workshops.

The COVID-19 pandemic significantly impacted Hepburn Shire. Some of the biggest impacts on our community included social isolation along with heightened financial and emotional stress on families and local business. Another significant consequence of the pandemic was the impact on housing affordability and availability due to an influx of new residents choosing to move to our Shire.

Performance Statement
For the Year Ended 30 June 2021

Sustainable Capacity Indicators					
Indicator / measure [formula]	Results 2018	Results 2019	Results 2020	Results 2021	Comments
Population					
C1 Expenses per head of municipal population [Total expenses / Municipal population]	\$1,895.46	\$1,923.10	\$2,084.26	\$2,225.60	Total expenses have increased this year because of allocation of additional resources to deliver a large program of activities. However, it is anticipated the Hepburn will remain a low cost Council when compared to other similar sized councils (small rural).
C2 Infrastructure per head of municipal population [Value of infrastructure / Municipal population]	\$12,716.21	\$13,520.24	\$16,003.13	\$19,903.57	The construction and renewal of infrastructure assets combined with the revaluation of footpaths and road related infrastructure has increased the value of all infrastructure controlled by Council. The growing proportion of infrastructure relative to the population shows Council's commitment to improving and accurately recording infrastructure.
C3 Population density per length of road [Municipal population / Kilometres of local roads]	10.42	10.52	11.16	11.28	The population per kilometre of road has increased slightly over the past four years. However, Hepburn's population compared to road length still shows a low population density.
Own-source revenue					
C4 Own-source revenue per head of municipal population [Own-source revenue / Municipal population]	\$1,479.10	\$1,553.82	\$1,517.62	\$1,323.20	The revenue generated by Council compared to the population has reduced this year on a per person basis because of decisions taken to reduce rents, reduce registrations fees and other fees as well as waiving interest on unpaid rates. These decisions were taken to mitigate the negative financial impact of COVID.
Recurrent grants					
C5 Recurrent grants per head of municipal population [Recurrent grants / Municipal population]	\$466.14	\$444.47	\$471.92	\$439.19	The value of grants per person decreased by 6.9%, due to a reduction in Commonwealth financial assistance grants, and a reduction in Commonwealth aged care grants to better match aged care funding with actual demand for aged care services.
Disadvantage					
C6 Relative Socio-Economic Disadvantage [Index of Relative Socio-Economic Disadvantage by decile]	6.00	6.00	6.00	6.00	The socio-economic index summarises a range of information about the economic and social conditions of people and households within the shire. The decile has remained constant throughout the past four years.

**Performance Statement
For the Year Ended 30 June 2021**

Sustainable Capacity Indicators					
Indicator / measure [formula]	Results 2018	Results 2019	Results 2020	Results 2021	Comments
Workforce turnover C7 <i>Percentage of staff turnover</i> [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	17.9%	21.8%	22.3%	22.5%	Staff turnover has remained fairly constant throughout the last four years.

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"population" means the resident population estimated by council

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Performance Statement
For the Year Ended 30 June 2021

Service Performance Indicators					
Service/indicator/measure	Results 2018	Results 2019	Results 2020	Results 2021	Comments
Aquatic Facilities					
Utilisation					
AF6 <i>Utilisation of aquatic facilities</i>	1.01	0.73	1.59	1.20	Visits to the pools decreased by 0.39 visits per person compared to previous year due to cool weather conditions. The result has increased by 0.19 visits per person over the last four years, mainly because pool entry is now free of charge.
[Number of visits to aquatic facilities / Municipal population]					
Animal Management					
Health and safety					
AM7 <i>Animal management prosecutions</i>	New in 2020	New in 2020	0%	0%	Council has not prosecuted any person under the Domestic Animals Act.
[Number of successful animal management prosecutions]					
Food Safety					
Health and safety					
FS4 <i>Critical and major non-compliance outcome notifications</i>	100.00%	75.00%	100.00%	50.00%	1 of 2 major non-compliance outcome notifications was not able to followed up as the business was closed as a result of COVID.
[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100					
Governance					
Satisfaction					
G5 <i>Satisfaction with council decisions</i>	49.00	52.00	38.00	44.00	The community satisfaction rating of Councils decision making in the public interest has increased by 6 compared to last year. This may be due in part to the Council's Community Engagement Policy, which has a strong focus on consulting with the community on major decisions.
[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]					

Performance Statement
For the Year Ended 30 June 2021

Service Performance Indicators					
Service/indicator/measure	Results 2018	Results 2019	Results 2020	Results 2021	Comments
Libraries					
Participation					
LB4 Active library borrowers in municipality	20.59%	19.49%	18.08%	15.66%	The percentage of the population that are active library borrowers has decreased by 3.83 percentage points over the last two years. This is because COVID restrictions have required libraries to close for long periods.
[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100					
Maternal and Child Health (MCH)					
Participation					
MC4 Participation in the MCH service	80.69%	77.16%	78.99%	76.96%	The percentage of infants enrolled in the MCH service, who also attend MCH service has remained fairly constant over the previous four years.
[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100					
MC5 Participation in the MCH service by Aboriginal children	83.33%	88.24%	76.74%	75.76%	The percentage of Aboriginal infants enrolled in the MCH service, who also attend MCH service has remained fairly constant over the previous four years.
[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100					
Roads					
Satisfaction					
R5 Satisfaction with sealed local roads	46.00	50.00	44.00	47.00	The community satisfaction rating with the condition of sealed local roads has increased slightly over the last four years. Annual fluctuations may be the consequence of uncontrollable factors such as heavy rainfall leading to flooding and road closures.
[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]					

**Performance Statement
For the Year Ended 30 June 2021**

Service Performance Indicators					
Service/indicator/measure	Results 2018	Results 2019	Results 2020	Results 2021	Comments
Statutory Planning Decision making					
SP4 <i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	33.33%	50.00%	0.00%	80.00%	The percentage of planning application decisions, that were set aside after being reviewed by VCAT has decreased over the last four years.
Waste Collection Waste diversion					
WC5 <i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	42.50%	37.08%	37.81%	48.46%	The amount of recyclables, as a percentage of all waste, that is diverted from landfill has increased by almost 6% over the last four years because of the improvement in household participation in recycling due to a number of State and Local factors.

Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

"active library member" means a member of a library who has borrowed a book from the library

"annual report" means an annual report prepared by a council under sections 131, 132 and 133 of the Act

"CALD" means culturally and linguistically diverse and refers to persons born outside Australia in a country whose national language is not English

"class 1 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 2 food premises under section 19C of that Act

"critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorised officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the Food Act 1984

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"population" means the resident population estimated by council

"target population" has the same meaning as in the Agreement entered into for the purposes of the Home and Community Care Act 1985 of the Commonwealth

"WorkSafe reportable aquatic facility safety incident" means an incident relating to a council aquatic facility that is required to be notified to the Victorian WorkCover Authority under Part 5 of the Occupational Health and Safety Act 2004.

Performance Statement
For the Year Ended 30 June 2021

Financial Performance Indicators									
Dimension/ <i>indicator/measure</i>	Results 2018	Results 2019	Results 2020	Results 2021	2022	2023	2024	2025	Material Variations and Comments
Efficiency									
Expenditure level									
E2 Expenses per property assessment [Total expenses / Number of property assessments]	\$2,677.44	\$2,718.89	\$2,931.50	\$2,996.58	\$2,982.58	\$3,010.33	\$3,069.42	\$3,129.83	The average expenditure per property increased by 2.22% compared to the previous year. This is a continuation of the slowing upward trend in expenditure and reflects cost containment measures taken by Council. Hepburn Council is a low cost Council when compared to other Small Rural Councils.
Revenue level									
E4 Average rate per property assessment [General rates and Municipal charges / Number of property assessments]	New in 2020	New in 2020	\$1,566.03	\$1,530.50	\$1,576.17	\$1,620.67	\$1,662.00	\$1,713.50	The average rate revenue per property has increased by 2.2% compared to the previous year. This continues the slowing upward trend in average rates and reflects Council's commitment to maintain rate increases within the State Government imposed restrictions on rate revenue. Hepburn Council is a lower rating Council than most other Small Rural Councils.
Liquidity									
Working capital									
L1 Current assets compared to current liabilities [Current assets / Current liabilities] x100	337.99%	380.90%	331.94%	223.75%	197.96%	195.05%	202.21%	188.72%	This measure is one reflection of Council's current financial position. The higher assets relative to liabilities shows Council is a strong position to settle its liabilities. The reduction from prior years reflect the decreasing financial position as Council implements a significant capital works program, additional costs due to the COVID pandemic response and lower rates due to the State Government rate capping system.
Unrestricted cash									
L2 Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	96.56%	60.36%	33.59%	22.96%	21.00%	39.00%	40.00%	39.00%	This measure is one reflection of Council's current financial position. The higher assets relative to liabilities shows Council is a strong position to settle its liabilities. The reduction from prior years reflect the decreasing financial position as Council implements a significant capital works program, additional costs due to the COVID pandemic response and lower rates due to the State Government rate capping system.

Financial Performance Indicators										
Dimension/indicator/measure	Results 2018	Results 2019	Results 2020	Results 2021	2022	2023	2024	2025	Material Variations and Comments	
Stability										
Rates concentration										
S1	Rates compared to adjusted underlying revenue	60.52%	62.06%	64.66%	71.53%	58.06%	62.55%	60.85%	63.20%	The results remain within the expected range and show that Council is in a good position to generate sufficient rate revenue to fund the services and activities it provides to the community.
	[Rate revenue / Adjusted underlying revenue] x100									
Rates effort										
S2	Rates compared to property values	0.46%	0.43%	0.38%	0.36%	0.35%	0.34%	0.34%	0.33%	The reduction in rates compared to property values suggests that there is a small reduction in the overall the rate burden upon property owners. The reduction also reflects Council's commitment to maintain rate increases within the State Government imposed restrictions on rate revenue.
	[Rate revenue / Capital improved value of rateable properties in the municipality] x100									

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants

"population" means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant" means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Performance Statement
For the Year Ended 30 June 2021

Other Information

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. The Local Government (Planning and Reporting) Regulations 2014 requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by council in its strategic resource plan on 29 June 2021 and which forms part of the council plan. The strategic resource plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The strategic resource plan can be obtained by contacting council.

Performance Statement
For the Year Ended 30 June 2021

Certification of the performance statement

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

Bradley Thomas - Chartered Accountant

Principal Accounting Officer

Date :

In our opinion, the accompanying performance statement of Hepburn Shire Council for the year ended 30 June 2021 presents fairly the results of council's performance in accordance with the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by Council and by the Local Government (Planning and Reporting) Regulations 2014 to certify this performance statement in its final form.

Mayor Cr Lesley Hewitt

Councillor

Date :

Cr Brian Hood

Councillor

Date :

Bradley Thomas

Chief Executive Officer

Date :

14.2 FINANCIAL PROJECT REPORTS 2020/2021 INCORPORATING PROPOSED CARRY FORWARD ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Senior Accountant, I Paul Brumby have no interests to disclose in this report.

ATTACHMENTS

1. Statement of Capital Works as at 30 June 2021 [**14.2.1** - 7 pages]
2. Operational Projects Report as at 30 June 2021 [**14.2.2** - 3 pages]
3. Proposed Projects Carry-forwards to 2021/2022 [**14.2.3** - 1 page]

EXECUTIVE SUMMARY

The purpose of this report is report on the delivery of Capital Works and Operational Projects during 2020/2021 and for Council to consider adopting recurrent, operational and capital projects to the carry-forward budget for 2021/2022.

Carry-forwards projects are those that have not been completed during the year, but funding will be 'carried forward', and these projects will be delivered in the new financial year (2021/2022). This report sets out those items that are required to be carried forward to the 2021/2022 Budget from the previous financial year.

The report will be presented to the September Council Meeting with the following Officers recommendation.

OFFICER'S RECOMMENDATION

That Council:

1. *notes the Capital Works and Operational Project report as at 30 June 2021, and note this will be placed on Council's website;*
2. *approves the capital works, non-recurrent operational projects and operational projects totalling \$11,246,212 net as listed in the report's attachment and scheduled in the 2020/2021 financial year, as carry-forward projects to be delivered in 2021/2022; and*
3. *Notes a detailed review of deliverability of carry-forward projects will be undertaken as part of the 2021/22 mid-year budget review.*

MOTION

That Council:

1. *notes the Capital Works and Operational Project report as at 30 June 2021, and note this will be placed on Council's website;*
2. *approves the capital works, non-recurrent operational projects and operational projects totaling \$11,246,212 net as listed in the report's attachment and scheduled in the 2020/2021 financial year, as carry-forward projects to be delivered in 2021/2022; and*

3. *Notes a detailed review of deliverability of carry-forward projects will be undertaken as part of the 2021/22 mid-year budget review.*

Moved: Cr Brian Hood

Seconded: Cr Tim Drylie

Carried

BACKGROUND

Council adopted the 2020/2021 Budget at a meeting held on 21 June 2020. This budget contained a capital works program with a budget of \$12.99M along with a non-recurrent operational projects budget of \$1.24M. 70 capital works projects were carried forward from 2019/2020 along with 25 non-recurrent operational projects. A further 25 projects (17 capital and 8 operational) were added during the year due to additional State and Government funding being received as stimulus funding given the COVID Pandemic.

Council adopted the 2021/2022 Budget at a meeting held on 29 June 2021. Each year, following the completion of the audited financial reports an evaluation of operating and capital projects is undertaken. Projects are evaluated on their status, and updates are provided by officers regarding their completion. At balance date (30 June 2021) a number of projects remain uncompleted, and the level of project completion may be influenced by factors such as grant funding which has not been received and is required for project completion, project activities from the current or previous years and new or changed priorities that Council has been required to address.

KEY ISSUES

Capital Works

Council delivered \$9.36M of capital works throughout the financial year (\$9.39M in 2019/2020). The \$9.36M of capital expenditure is 72.1% of the total capital works budget for 2020/2021, up significantly from the 49.6% of the total capital works budget delivered in 2019/2020.

Although a number of improvements to capital works delivery, and additional resources were put in place, a number of projects were not completed as at 30 June 2021, and the recommended carry-forwards in relation to capital works is expenditure of \$11,660,719 and income of \$1,255,009, for a net of \$10,405,710

An analysis of capital projects throughout the year provides the following:

- 115 capital projects were budgeted for (either in the adopted budget or through carry-forwards) at the start of the 2020/2021 year, and a further 17 capital projects were added during the course of the year. This is a total of 132 capital projects, which is a significant number of projects for a small rural council.

- The 73 projects that were completed during the year were collectively completed for 81.3% of the allocated budget.
- Multi-year projects can distort the dollar value of carry-forwards. 11 of the 59 projects that require carry-forwards were partly grant funded which can give rise to delays in starting the projects.
- Spending has commenced on 49 of the 59 carry-forwards projects.
- The Hepburn Hub at the Rex project and vehicle, plant and machinery replacement comprise 47% of the carry forward budget.
- Full details of all capital project completion and budgets carried forward are shown in the attachments.

Non-Recurrent Operational Projects

Council delivered \$2.09M of non-recurrent operational project expenditure against a budget of \$5.03M (41%). The \$5.03M budget comprised an adopted budget of \$1.24M and a carry-forward budget of \$3.79M from 2019/2020. \$3.22M of expenditure and \$1.56M of income is expected to be carried forward.

An analysis of non-recurrent operational projects throughout the year provides the following:

- 42 non-recurrent operational projects were budgeted for (either in the adopted budget or through carry-forwards) at the start of the 2020/2021 year, and a further 8 non-recurrent operational projects were added during the course of the year. This is a total of 50 non-recurrent operational projects, which is a significant number of projects for a small rural council.
- 20 projects that were completed during the year were collectively completed for 81.5% of the allocated budget.
- Multi-year projects can distort the dollar value of carry-forwards. 6 of the 29 projects that require carry-forwards were partly grant funded which can give rise to delays in starting the projects.
- Spending has commenced on 21 of the 29 carry-forwards projects.
- The Creswick Trails project constitutes 58% of the carry forward budget.
- Full details of all non-recurrent operational project completion and budgets carried forward are shown in the attachments.

Operational Projects

An analysis of operational projects with expenditure required to be carried forwards, provides the following:

- 17 individual projects have funds to be carried forwards.
- Total expenditure on operational projects to be carried forwards is \$471,555.
- Spending has commenced on eight of the 15 carry-forwards projects.
- At least four of the carry-forwards projects are partly grant funded.
- Full details of all operational project budgets carried forward are shown in the attachment.

Carry-forwards projects

The following is a summary of the proposed carry-forward projects.

Proposed carry-forward expenditure:

- Capital Projects \$11,660,719
- Non-Recurrent Operational Projects \$3,216,834
- Operational Projects \$471,555

Proposed carry-forward income:

- Capital Projects \$1,255,009
- Non-Recurrent Operational Projects \$1,555,107

Net carry-forward projects \$12,538,992

For full details of all the specific projects carry-forwards, refer to the attachment.

Deliverability

An extensive carry-forward program coupled with a large capital works budget already for 2021/2022 (\$11.65M) as well as continued impacts of the COVID Pandemic may result in the adjusted 2021/22 Budget including carry-forwards to be delivered. Officers will conduct a detailed analysis of the ability to deliver all project as part of the mid-year budget review (31 December 2021) and present findings to Council.

Council Plan 2017-2021

High Performing Organisation

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

A project budget review supports Council's compliance with Section 136, Principles of sound financial management, in particular 136 (2d) to ensure full, accurate and timely disclosure of financial information relating to 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

The project budget review incorporates changes to Council's 2021/2022 Budget to identify the consolidated financial implications of all known and reported variations.

Council has a commitment to those projects where an existing funding allocation has been made in 2020/2021, and this funding allocation will be carried forward to allow the completion of the projects in the 2021/2022 budget year.

Reporting of progress of these carry-forward projects will form part of the 2021/2022 budget, and quarterly financial reporting provided to Council.

RISK IMPLICATIONS

This budget review is required to assist in decision making, project management and to mitigate the risk of budget allocations being exceeded.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This budget review has been completed with input from officers and Councillors. No external consultation is required but the community will be informed of Councils decision through the Council Meeting, and ongoing project updates.

Hepburn Shire Council
Statement of Capital Works as at 30 June 2021

Project Number	Project Name	Original Budget	Forecast Budget	YTD Actual	YTD Actual + Commit.	Original Budget	Forecast Budget	YTD Actual	Project Status	Expected Completion Date	Carry Forward Request (EXPENSE)	Carry Forward Request (INCOME)	Progress Comments
		2020/21 Expenditure		2020/21		2020/21 Income							
CEO SERVICES													
Total CEO													
Total Governance, Compliance and Risk													
Total People & Culture													
TOTAL CEO SERVICES													
COMMUNITY & CORPORATE SERVICES													
000497	Trentham Community Hub Design & Construct	207,000	229,720	86,768	86,768	-	-	-	Plan and Design	Apr-23	\$142,952	\$0	Concept design adopted by Council, detailed design underway, funding secured, tendering for construction to occur November 2021.
Total Coporate Services		207,000	229,720	86,768	86,768	-	-	-					
000733	Trentham Child Care Construction for In-Venue Family DayCare	107,786	521,692	521,878	521,878	-	153,539	152,500	Closure	Apr-21	\$0	\$0	Project completed, and facility operational.
000964	Hepburn Kindergarten Extension	225,181	229,138	26,360	26,360	90,071	162,128	-	Plan and Design	Mar-22	\$202,778	\$162,128	Project has been rescoped due to inability to achieve original design, to form a submission to the Early Childhood Refurbishment and Minor Works Program. Awaiting advice on the outcome of the submission (expected October 2021) before proceeding with the project.
000965	Creswick Kindergarten Accessibility	52,588	50,138	50,400	50,400	30,294	54,529	54,529	Closure	Jul-20	\$0	\$0	Project complete, acquitted and facility operational.
000972	Daylesford Community Childcare Centre Refurbishment	118,000	117,403	125,120	125,120	63,000	113,351	113,846	Closure	Feb-21	\$0	\$0	Project complete, acquitted and facility operational.
Total Community Care		503,555	918,371	723,757	723,757	183,365	483,547	320,875					
Total Financial Services		-	-	-	-	-	-	-					
000557	IT Hardware / Technology Renewal Program	239,000	476,391	192,800	192,800	-	-	-	Delivery	N/A	\$283,591	\$0	Ongoing project - replacement of user infrastructure program on ongoing basis over 5 year cycle. Delays occurred in project due to ICT prioritise and supplier availability during COVID response. Funding carry-forward to 2021/22.
000926	Software Upgrades	185,000	275,459	125,092	125,092	-	-	-	Delivery	N/A	\$150,367	\$0	Ongoing project - replacement of user infrastructure program on ongoing basis over 5 year cycle. Delays occurred in project due to ICT prioritise and supplier availability during COVID response. Funding carry-forward to 2021/22 as currently finalising ICT Strategy to detail roll out program which includes updates to Human Resource system, Planning, Asset and GIS systems.
000979	Hepburn Hub Coworking Space	147,500	147,500	-	-	97,500	97,500	80,000	Plan and Design	Aug-22	\$147,500	\$17,500	Project will be completed as part of the Hepburn Hub at the Rex project.
000981	Councillor ICT Equipment Renewal	30,000	14,600	14,793	14,793	-	-	-	Complete	Dec-20	\$0	\$0	Project Complete
Total ICT		601,500	913,950	332,685	332,685	97,500	97,500	80,000					
Buildings													
000970	Hepburn Recreation Pavilion	544,500	582,839	366,992	366,992	110,000	190,000	190,000	Delivery	Sep-21	\$215,847	\$0	Construction is progressing with inclement weather causing some additional delays. Project due to reach practical completion and handover in late September 2021.
Building Improvements													
000741	Calambeen Park Aquatics Project	187,316	256,019	10,315	10,315	171,000	171,000	154,440	Procurement	Dec-21	\$245,704	\$16,560	Procurement for construction in May/June unsuccessful in good value submissions. Reviewed and amended procurement methodology to retender in July 2021.
Off Street Car parks													
000769	Doug Lindsay Carpark and Traffic Management	-	4,711	4,711	4,711	-	-	-	Plan and Design	Feb-22	\$0	\$0	Design underway, funded as a deferred project in 2021/22.
Footpaths and Cycleways													

Hepburn Shire Council
Statement of Capital Works as at 30 June 2021

Project Number	Project Name	Original Budget	Forecast Budget	YTD Actual	YTD Actual + Commit.	Original Budget	Forecast Budget	YTD Actual	Project Status	Expected Completion Date	Carry Forward Request (EXPENSE)	Carry Forward Request (INCOME)	Progress Comments
		2020/21 Expenditure		2020/21		2020/21 Income							
000838	Walking+Cycling - Clunes Walkability Project	-	1,838	-	-	-	-	-	Consultation	Dec-21	\$1,838	\$0	Completion of the draft Clunes Walkability Plan has been put on hold whilst the recruitment to fill current vacant positions within the Sport and Active Recreation Team is being undertaken.
001023	Doug Lindsay Reserve - Security Lighting & Shared Pathway	-	280,000	8,878	8,878	-	-	-	Plan and Design	Feb-22	\$271,122	\$0	Feature and level survey and underground services detection along path alignment completed. Civil design package awarded to Axiom Consulting Engineers. Completion of design expected in late August ahead of a request for tender in September. Construction expected to commence in November 2021.
	Land Improvements												
000646	Gateway signage - permanent market sign in each town	-	4,584	10,781	10,781	-	-	-	Closure	Jun-21	\$0	\$0	Project complete
	Library Collection												
000423	Library Collection and Technology Renewal	59,771	59,771	51,043	51,043	-	-	-	Closure	Jun-21	\$0	\$0	On-going program, managed under a contract arrangement. 2020/21 renewal program completed.
	Other Infrastructure												
000504	Public Art Appropriation	-	77,533	44,130	44,130	-	-	-	Delivery	Oct-21	\$33,403	\$0	Glenlyon - Piece being manufactured presently has had delays due to covid. Artist has advised that the current lockdown has delayed polishing and potentially delivery of second piece of steel. Installation and signage potentially completed by end of September 2021, dependant on conditions around the dam and artist completion of piece. The Rex - Weaving is in progress and almost complete. Installation of the final artwork will be dependent on the completion of the Hepburn Hub at the Rex.
001047	Bullarto Interpretive Sign	-	15,000	-	-	-	-	-	Procurement	Dec-21	\$15,000	\$0	Preferred supplier completing sketches. Community consultation to begin on signage once sketches are complete, item to be completed in first half of 2021/22.
	Parks, Open Space and Streetscapes												
000871	Daylesford Skate Park Redevelopment	-	-	-	-	-	24,000	24,000	Closure	Jul-21	\$0	\$0	Project complete, acquitted and capitalised.
000898	Playspace Strategy Implementation	36,300	86,300	1,000	1,000	-	-	-	Plan and Design	Jun-22	\$85,300	\$0	Artwork for the production of the Daylesford Skatepark signage is in progress. Key stakeholder consultation of the Final draft signage anticipated August 2021. Sign installation anticipated by September 2021. Other stage one Playspace Strategy Implementation projects - Hepburn Recreation Reserve playspace renewal and Jubilee Park Playspace upgrade design are on hold whilst the recruitment to fill current vacant positions within the Sport and Active Recreation Team is in progress but expect to finalise in first half of 2021/22.
000905	Rod May Reserve	-	4,000	4,798	4,798	-	-	-	Delivery	Sep-21	\$0	\$0	Due to the Circuit Breaker Lockdown restrictions that were implemented in May 2021 the tree planting ceremony was required to be postponed. Discussion are being held with the family to organise a date for the ceremony to be held in late august early September.
000908	Clunes Community Park Masterplan	-	10,000	9,367	9,367	-	-	-	Consultation	Dec-21	\$633	\$0	Internal review of the draft masterplans has commenced, however the project has been put on hold while additional research to inform the master plan is being undertaken.
001027	Outdoor Fitness Equipment Clunes Creek Walk & Wombat Trail	-	41,630	-	-	-	-	-	Procurement	Dec-21	\$105,569	\$0	Initial community consultation completed of the preferred equipment selection and location at Clunes. RFQ released early June, closing end of June with the award of contract anticipated by mid- July. Whilst the RFQ is advertised, community consultation to continue with the Trentham community to finalise a location for the equipment to be installed. Community consultation has been completed with the Trentham community in regards to the type of community. Carried forward balance required to complete project inline with LRCI funding requirements. Project is also linked to 0009904.
	Recreational, Leisure and Community Facilities												
000414	Hard Court Renewals	24,200	56,700	13,592	13,592	-	-	-	Plan and Design	Feb-22	\$43,108	\$0	Preliminary investigations of the courts have been submitted with a report of findings completed for all courts. A scope of works to be formed from the priority listing and RFQ advertised for the repair of the various hard courts. RFQ has been delayed due to resourcing and financial constraints. Repair works are anticipated to be completed by February 2022 considering optimum weather conditions for hard courts. Budget is carry-forward to 2021/22 with additional budget in 2021/22 to finalise a number of long term outstanding hard court repairs and renewals.
000609	Daylesford Pool Upgrade and Civic Plaza	1,020,000	60,904	71,014	71,014	500,000	(160,000)	60,000	Cancelled	N/A	\$0	\$0	Project cancelled at the 2020/2021 mid year review.
000766	Reserve Benches and Tables Renewal and Expansion Program	-	-	1,916	1,916	-	-	-	Closure	Jul-20	\$0	\$0	Project completed.

Hepburn Shire Council
Statement of Capital Works as at 30 June 2021

Project Number	Project Name	Original Budget	Forecast Budget	YTD Actual	YTD Actual + Commit.	Original Budget	Forecast Budget	YTD Actual	Project Status	Expected Completion Date	Carry Forward Request (EXPENSE)	Carry Forward Request (INCOME)	Progress Comments
		2020/21 Expenditure		2020/21		2020/21 Income							
Building Improvements													
000662	Daylesford Town Hall Community Hub	-	100,000	-	-	-	-	-	Plan and Design	Jun-22	\$100,000	\$0	Project delayed due to the delays in the Hepburn Hub at the Rex Project, funding carry-forward to allow for project planning to be undertaken.
000853	Hammon Park toilet upgrade	-	188,644	11,810	11,810	-	-	-	Plan and Design	Feb-22	\$176,834	\$0	Project in final stages of site specific design. Additional funding received to expand scope to include Changing Places facility. Stakeholders/users consulted, design is consistent with adopted masterplan. Project will be tendered in August.
Total Major Projects		-	288,644	11,810	11,810	-	-	-					
Bridges													
000114	Bridge Renewal Program	275,000	-	14,238	14,238	-	-	-	Closure	Jun-21	\$0	\$0	Works Complete
000714	Bridge Renewal - Beaconsfield Rd	-	-	-	-	-	21,690	21,690	Closure	Jul-20	\$0	\$0	Project completed in July 2020
000753	Bridge Renewal - Wheelers Bridge	-	164,019	43,995	43,995	-	-	-	Delivery	Sep-21	\$120,024	\$0	Final detailed design is due in September 2021.
000803	Bridge Renewal - Drummond Lauriston Rd Drummond	-	70,000	61,792	61,792	-	-	-	Closure	Jun-21	\$0	\$0	This project was being managed by Macedon Ranges Shire Council and jointly funded by Hepburn Shire Council. Construction works are now complete.
000957	Bridge Renewal - Newstead Road	-	40,000	8,763	8,763	-	-	-	Closure	Jun-21	\$0	\$0	Clearance works have been completed at the structure inlet to enable further investigation works. Structural assessment of the culvert has been undertaken which has provided positive results with no significant capital investment required at this time.
001035	Bridge Renewal - Telegraph Road Bridge	-	252,500	-	-	-	126,250	-	Procurement	Dec-21	\$252,500	\$126,250	Construction due to begin mid-September and is expected to be finalised by December 2021.
001036	Bridge Renewal - West Parade Bridge	-	40,000	15,545	15,545	-	-	-	Closure	Sep-20	\$0	\$0	Project completed in September 2020
001046	Blampied Mollonghip Road Bridge Strengthening	-	200,000	11,700	11,700	-	200,000	150,000	Procurement	Sep-21	\$188,300	\$50,000	Construction underway, due for completion by mid-September.
Building Improvements													
000821	Central Springs Master Plan and Cafe works	-	51,445	28,488	28,488	-	-	-	Delivery	Oct-21	\$22,957	\$0	Draft master plan presented at July Councillor briefing ahead of a planned community exhibition period beginning 13/07. Consultation undertaken with Rotary, Friends of Lake Daylesford and Dja Dja Warrung Corporation Graphical representation of survey outcomes shared with the community in June. Following the community exhibition period, feedback will be analysed and the master plan finalised ahead of the September Council meeting
Off Street Car parks													
000907	Accessible Parking Improvement Program	-	20,415	19,453	19,453	-	-	-	Closure	Jun-21	\$0	\$0	All work in Creswick, Clunes, Daylesford & Trentham are complete.
Drainage													
000410	Kerb & Channel Rehabilitation Program	298,870	-	-	-	-	-	128,280	Closure	Jun-21	\$0	\$0	No specific project associated with this project account - utilised as a holding account for other drainage projects.
000651	Drainage condition assessment and renewal/upgrade program	-	31,331	10,087	10,087	-	-	-	Consultation	Dec-21	\$21,244	\$0	This project is currently waiting on easement registration through the titles office. Construction works are set to commence in 2021 once approval is granted.
001038	Kerb & Channel - Pearman St Creswick	-	276,870	3,440	3,440	-	-	-	Plan and Design	Dec-21	\$273,430	\$0	Design works are continuing due to the Catchment Management Authority requesting further design certification given the proximity to the Creswick Creek. The project is expected to be tendered in July/August 2021 with construction to commence in more favourable weather conditions in September 2021.
001039	Drainage Upgrade - Fifteenth Street Hepburn	-	22,000	14,290	14,290	-	-	-	Closure	Feb-21	\$0	\$0	Works completed in February 2021.
001053	Drainage Upgrade - Wills Street, Creswick	-	-	41,260	41,260	-	-	-	Closure	Jun-21	\$0	\$0	This project was brought forward from the 2021/22 financial year to allocate savings in the LRCI stage 1 program. Construction works were complete in June 2021.
Footpaths and Cycleways													
000112	Footpath Renewal Program	500,722	500,722	364,238	364,238	-	-	-	Closure	Dec-21	\$86,864	\$0	Delays due to the recent storm and wet weather, the Trentham component of the Footpath Program has been delayed slightly. The works are proposed to commence in July/August 2021.
000836	Walking+ Cycling - Daylesford to Coomoora Trail (Stage1)	-	60,000	38,085	38,085	-	-	-	Closure	Apr-21	\$0	\$0	Works completed in April 2021.
000958	Fairview Trail Alfred Street Clunes	-	125,000	152,801	152,801	-	-	-	Closure	Apr-21	\$0	\$0	Works completed in April 2021.
000978	Daylesford, Coomoora & Glenlyon - Walking Trail feasibility	48,400	-	-	-	-	-	-	Deferred/Cancelled	Dec-20	\$0	\$0	Deferred/cancelled as part of mid-year review
001022	Fairview Estate Trail Loop	-	210,000	147,199	147,199	-	-	-	Closure	Apr-21	\$0	\$0	Works completed in April 2021.
001024	Daylesford - Coomoora Trail Construction - Stage 2	-	228,000	109,181	109,181	-	-	-	Closure	Jun-21	\$0	\$0	Civil construction works completed June 2021.
001025	Clunes Railway Station to Township - Connecting Footpath	-	100,000	100,000	100,000	-	-	-	Closure	Nov-20	\$0	\$0	Works completed in November 2020.

Hepburn Shire Council
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Project Number	Project Name	Original Budget	Forecast Budget	YTD Actual	YTD Actual + Commit.	Original Budget	Forecast Budget	YTD Actual	Project Status	Expected Completion Date	Carry Forward Request (EXPENSE)	Carry Forward Request (INCOME)	Progress Comments
		2020/21 Expenditure			2020/21	2020/21 Income							
001026	Bald Hills Road connecting footpath	-	49,200	49,200	49,200	-	-	-	Closure	Jan-21	\$0	\$0	Works completed in January 2021.
001052	Footpath Renewal – Angus Street, Clunes	-	-	27,043	27,043	-	-	-	Closure	Jun-21	\$0	\$0	This project was brought forward from the 21/22 financial year to allocate savings in the LRCI stage 1 program. Project completed in June 2021.
	Land Improvements												
000944	Mineral Springs Pit Closure	-	20,000	19,696	19,696	-	-	-	Closure	Dec-20	\$0	\$0	Works completed in December 2020.
000974	Central Springs Lake Reserve - Footbridge and Signage	26,620	26,620	38,791	38,791	-	-	-	Closure	Mar-21	\$0	\$0	Works completed in March 2021.
000984	Lake Jubilee Path Construction and improvements	61,050	61,050	1,716	1,716	-	-	33,000	Delivery	Oct-21	\$59,334	\$0	Engagement has taken place with Jubilee Lake stakeholders with minor amendments to scope agreed. Contractor engaged with construction works scheduled to commence in August 2021 pending arborist assessment. Damage at Jubilee Lake due to storms has delayed implementation.
	Other Infrastructure												
001020	Local Roads and Community Infrastructure Grant	-	60,000	-	-	-	968,830	589,200	Plan and Design	Dec-21	\$0	\$0	Budget to be transferred to new projects captured by the LRCI
001102	Mineral Springs Priority Projects 2021-22	-	-	-	-	-	-	39,100	Plan and Design	Jun-22	\$39,100	\$0	Program to commence in 2021-22 following grant received.
	Parks, Open Space and Streetscapes												
000543	Trentham Streetscape Implementation	-	176,478	177,196	177,196	-	-	-	Closure	Mar-21	\$0	\$0	Project completed in March 2021.
000563	Hepburn Streetscape construction	-	-	1,045	1,045	-	-	-	Closure	Jul-20	\$0	\$0	Project completed in July 2020.
000595	Mineral Springs Improvement Works	-	23,807	11,800	11,800	-	-	-	Closure	Nov-20	\$0	\$0	Project completed in November 2020.
000775	Jubilee Lake Remedial Works	-	47,382	2,632	2,632	-	-	-	Delivery	Mar-22	\$44,750	\$0	Remedial works (willow and paths) have been undertaken. Currently procuring consultancy services to undertake an assessment on the Jubilee Dam. Possibility that the inspection may take place in summer months as water levels are lower. Ongoing maintenance work required for regular inspections of paths.
000925	Jubilee Lake Revegetation	-	25,391	14,891	14,891	-	-	-	Closure	Jun-21	\$0	\$0	Project complete
000939	Clunes Dog Park	-	18,394	17,457	17,457	-	-	-	Closure	Nov-20	\$0	\$0	Project completed in November 2020
000983	Lake Jubilee Furniture renewal	32,670	32,670	26,643	26,643	-	-	-	Delivery	Oct-21	\$6,027	\$0	Furniture works delayed due to storm and requirement for arborist to check safety before they are installed. Community discussion on location required. Furniture has been acquired and will be installed after liaison with Friends Group and Caravan Park managers.
000985	Creswick Fountain Refurbishment	42,350	42,350	9,516	9,516	-	-	-	Plan and Design	Feb-22	\$32,834	\$0	Structural analysis has been received with officers now assessing the information to prepare a remediation quotation document. It is anticipated to go out for quote in August 2021.
000986	Lake Daylesford Amphitheatre Works	24,200	2,888	2,888	2,888	-	-	-	Deferred/Cancelled	Dec-20	\$0	\$0	Deferred as part of mid-year review.
000993	Chatfield Reserve Lake Daylesford - Develop Landscape Plan	8,800	8,800	9,103	9,103	-	-	-	Closure	Feb-21	\$0	\$0	Design project completed in February 2021.
000994	Creswick Information Centre Irrigation and Turf	49,610	49,610	23,483	23,483	-	-	-	Delivery	Nov-21	\$26,127	\$0	Irrigation and tree removal works are complete, with final turf installation and new tree planting to commence in September/October 2021 for optimal growing conditions for turf and trees.
	Recreational, Leisure and Community Facilities												
000929	Drinking Fountain Queens Park	-	5,500	5,000	5,000	-	-	-	Closure	May-21	\$0	\$0	Project completed May 2021
000982	Hepburn Recreation Reserve irrigation controller	13,200	13,200	9,334	9,334	-	-	-	Closure	Feb-21	\$0	\$0	Project completed February 2021
000992	Queens Park Clunes Irrigation	36,300	-	-	-	-	-	-	Deferred/Cancelled	Dec-20			Deferred as part of mid-year review.
	Roads												
000100	Road Reseals Program	726,000	886,000	622,451	622,451	-	-	-	Closure	Apr-21	\$0	\$0	Program complete - savings identified due to contract arrangements in place.
000102	Road Reseal Preparation	126,808	126,808	110,447	110,447	-	-	-	Closure	Jan-21	\$0	\$0	Program complete - savings identified due to contract arrangements in place.
000103	Gravel Road Resheet Program	432,890	432,890	436,528	436,528	-	-	-	Closure	Dec-20	\$0	\$0	Program complete
000411	Road Reconstruction Program	1,400,000	-	-	-	968,830	968,830	818,830	Ongoing	N/A	\$0	\$0	Program complete - a holding account prior to specific projects being set up.
000463	Road Safety Improvements	200,000	51,078	51,079	51,079	-	-	-	Closure	May-21	\$0	\$0	Project completed in May 2021
001051	Westberry Road Reseal & Prep	-	-	185,089	185,089	-	-	-	Closure	May-21	\$0	\$0	Works complete. Project was created from the Reseal and Reseal Preparation Program to allocate Roads 2 Recovery money to this project.
000701	Road Reconstruct - Forward Design Program	-	142,726	96,370	115,570	-	-	-	Ongoing	N/A	\$19,200	\$0	This is an ongoing annual budget for design and engineering services. Request roll over of open PO's from 20/21 financial year only
000952	Road Reconstruct - Back Glenlyon Road Coomoora	-	268,604	268,604	268,604	-	-	-	Closure	Dec-21	\$0	\$0	Project completed in December 2020.
000953	Road Reconstruct - Old Ballarat Road Daylesford	-	700,000	648,793	648,793	-	-	-	Closure	Jan-21	\$0	\$0	Project completed in January 2021.
001019	Clunes Community Liveability Stage 2 – Angus Street	-	200,000	190,373	190,373	-	-	-	Closure	Aug-21	\$0	\$0	Project completed in August 2021.
001028	Road Rehab - Creswick-Lawrence Road	-	867,830	797,812	797,812	-	433,915	-	Closure	Apr-21	\$0	\$433,915	Project completed in April 2021.

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		2020/21 Expenditure			2020/21	2020/21 Income							
001029	Road Rehab - Asphalt Overlays	-	31,340	-	-	-	-	-	Plan and Design	Dec-21	\$80,000	\$0	This Asphalt Overlay project is on Park Lane, Hepburn. Project was initially budgeted as an asphalt overlay but requires drainage and kerbing. This project is currently out to quotation with works expected to be completed by December 2021.
001030	Road Rehab - Orford St, Daylesford	-	178,808	226	226	-	-	-	Procurement	Dec-21	\$178,582	\$0	This project is procured and contract awarded. Construction works are expected to commence in September/October 2021 in more favourable conditions.
001031	Road Rehab - Kingston-Werona & Whitehills Rd	-	124,200	164,200	164,200	-	-	-	Closure	May-21	\$0	\$0	Project completed in May 2021.
001032	Road Rehab - Clunes-Mt Cameron Rd	-	30,000	4,620	4,620	-	-	-	Plan and Design	Jan-22	\$25,380	\$0	Construction works were cancelled as part of mid-year review with design works to be completed which is still in progress and expected to be finalised by January 2022.
001033	Sealed Road Upgrade	-	100,000	135,213	135,213	-	-	-	Closure	Apr-21	\$0	\$0	Project completed in April 2021.
001034	Sealed Road Upgrade - Eldon St, Glenlyon	-	100,000	132,854	132,854	-	-	-	Closure	Apr-21	\$0	\$0	Project completed in April 2021.
001045	Glengower/Cotswald Rd Intersection	-	150,000	8,130	8,130	-	150,000	112,500	Plan and Design	Dec-21	\$141,870	\$37,500	Funding received for this project in December 2020. Project is currently designed and expected to be procured by the end of August 2021. It anticipated to be constructed by December 2021.
001048	Daylesford-Smeaton Road	-	499,862	226	226	-	249,931	-	Procurement	Sep-21	\$499,862	\$249,931	Construction underway, due for completion by late September.
Total Operations		4,303,491	7,945,788	5,485,004	5,504,204	968,830	3,119,446	1,892,600					
Buildings													
000849	E-waste Infrastructure - Daylesford Transfer Station	-	-	-	-	-	4,148	4,148	0	Jul-20	\$0	\$0	Project Complete
000975	Creswick Mechanics Institute Building upgrades	100,000	2,917	15,407	15,407	-	-	-	Plan and Design	Jun-22	-\$12,490	\$0	Deferred as part of mid-year review to be undertaken in 21/22. Project set to restart subject to 21/22 budget. Scope is to remediate nominated high priority items from the building condition survey. Timing of works are dependent on successful relocation of the building's occupants, council officers are currently working to find a solution to this.
000976	Clunes Stadium Kitchen Minor Upgrade	44,770	44,770	40,841	40,841	-	-	-	Closure	May-21	\$0	\$0	Complete
000977	Stage One Public Toilet Additions	199,000	199,000	4,360	4,360	-	-	-	Plan and Design	Feb-22	\$194,640	\$0	Designs for all sites finalised or nearing completion. Procurement for construction to be undertaken in coming months (in a number of coordinated packages), with construction to follow.
Building Improvements													
000287	Building and Structures Renewal Program	310,000	316,200	41,956	41,956	-	-	-	0	Ongoing	\$274,244	\$0	Ongoing program significantly impacted by COVID and staffing shortages. Program to be accelerated in first half of 2021/2022
000553	Sustainability Strategy - Towards Zero - Council Assets	118,040	194,287	20,210	20,210	-	-	16,398	0	Ongoing	\$190,475	\$0	Project is an action of the Sustainability Strategy and involves putting solar on Council buildings and upgrading heating and cooling systems. Progress delayed by COVID and staffing shortages but will be delivered in full during 2021/2022.
000725	Swimming Pool Painting Program	-	13,800	13,800	13,800	-	-	-	0	Oct-20	\$0	\$0	Clunes Pool Painting completed October 2020
000726	Building Essential Safety Measures (ESM)	-	20,000	16,346	16,346	-	-	-	0	Jun-21	\$0	\$0	Specified works completed for 2020-21
000729	Lee Medlyn - Building condition upgrade	80,000	721	721	721	-	-	-	Deferred/Cancelled	Dec-20	\$0	\$0	Deferred as part of mid-year review to be undertaken in 21/22. Project set to restart subject to 21/22 budget. Scope is to remediate nominated high priority items from the building condition survey with a main focus on repairing highlight windows along the industrial 'sawtooth' portion of the structure as well as improving aged and defective roof plumbing and structural issues.
000731	Clunes Victoria Park Toilets	-	122,091	8,119	8,119	-	-	-	Plan and Design	Feb-22	\$113,972	\$0	Designs nearing completion. Procurement for construction to be undertaken in coming months, with construction to follow.
000737	Lee Medlyn Toilet Replacement	-	146,490	8,119	8,119	-	-	-	Plan and Design	Feb-22	\$138,371	\$0	Designs nearing completion. Procurement for construction to be undertaken in August, with construction to follow. Consultation with Committee of Management has resulted in agreed siting.
000739	Quarry St Reserve Shelter & Toilet	-	236,781	21,392	21,392	-	-	-	Plan and Design	Feb-22	\$215,389	\$0	Designs nearing completion, after multiple reviews to bring the Committee of Management's design into the project budget. Procurement for construction to be undertaken in coming months, with construction to follow.
000740	Glenlyon Public Toilets	-	86,223	12,255	12,255	-	-	-	Plan and Design	Feb-22	\$73,968	\$0	Designs nearing completion. Procurement for construction to be undertaken in coming months, with construction to follow. Liaison with Committee of management has resulted in an agreed siting.
000820	Building Painting program	-	17,093	18,432	18,432	-	-	-	Closure	May-21	\$0	\$0	Project completed.
000823	Pavilion Cafe floor Repairs	-	6,161	15,337	15,337	-	-	-	Deferred/Cancelled	Dec-20	\$0	\$0	Project deferred.
000824	Smeaton Recreation Reserve Public Toilets	-	1,202	4,477	4,477	-	-	-	Closure	Jun-21	\$0	\$0	Project completed.
000825	Vic Park toilet (Netball/Table Tennis)	-	149,906	8,119	8,119	-	-	-	Plan and Design	Feb-22	\$141,787	\$0	Designs nearing completion. Procurement for construction to be undertaken in coming months, with construction to follow.
000850	Clunes Town Hall Renovation	317,000	1,032,968	694,453	694,453	-	317,000	317,000	Closure	May-21	\$338,515	\$0	Project complete and officially opened by State Government.
000855	Park Lake Caretakers Cottage renovation	-	2,361	13,144	13,144	-	-	-	Deferred/Cancelled	Dec-20	\$0	\$0	Project deferred.
000946	Market Street Toilet Removal	-	2,000	-	-	-	-	-	Not Started	TBC	\$0	\$0	Transfer project to form part of overall public facility works budget.

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		2020/21 Expenditure			2020/21	2020/21 Income							
000947	Wombat Hill Glasshouses	-	5,434	6,705	6,705	-	-	-	Deferred/Cancelled	Dec-20	\$0	\$0	Deferred/cancelled as part of mid year review. Project scope has changed due to grant funding for the larger Wombat Hill Visitor Experience Project. This project forms one of four individual projects in this larger Wombat Hill Visitor Experience Project. Project will be completed by FY 21/22.
	Land Improvements												
000963	Glenlyon Rec Res Land Remediation	-	120,000	84,455	84,455	-	-	-	Delivery	Jun-22	\$35,545	\$0	Preliminary Site Investigation Report Completed Detailed Site Investigation and Environmental Recommendations Report Completed / Temporary fencing work completed / EPA PAN Notice Revoked Stage 3 - Auditor and Assessor engaged. Delivery of Clean Up Plan expected end October 2021 Delivery of Environmental Management Plan (if required) in December 2021 Assessor and Auditor work will determine next steps regarding potential management/remediation requirements.
	Other Infrastructure												
000991	Transfer Station Infrastructure Upgrades	47,180	47,180	18,316	18,316	-	-	-	Closure	May-21	\$0	\$0	Minor works undertaken throughout the year
	Plant and Machinery												
000131	Vehicle and Plant Replacement	866,000	979,130	228,422	228,422	192,000	192,000	40,775	Ongoing	Jun-22	\$750,708	\$151,225	Carry forward budget, 2 significant items of plant have been ordered but not yet delivered.
000599	National Flagship Bioenergy Facility	-	603,684	263,304	263,304	-	375,000	257,000	0	Jun-22	\$222,380	\$0	60% grant funded composting of kerbside organics in Creswick which will run through until June 2022.
000777	Transfer Stations CCTV	-	5,736	-	-	-	-	-	Deferred/Cancelled	N/A	\$0	\$0	Project cancelled
	Recreational, Leisure and Community Facilities												
	Total Waste and Environment	2,081,990	4,356,135	1,558,687	1,558,687	192,000	888,148	635,321					
	TOTAL INFRASTRUCTURE	9,397,481	17,553,466	7,763,963	7,763,963	1,160,830	4,007,594	2,527,921					
	TOTAL CAPITAL WORKS	12,993,023	21,852,842	9,746,685	9,746,685	2,247,695	4,898,641	3,407,236			\$11,660,719	\$1,255,009	
	Represented by:												
	New asset expenditure	3,524,900	7,119,606	1,667,505	1,667,505	122,500	1,526,330	976,200					
	Asset renewal expenditure	8,496,484	12,748,395	7,120,407	7,120,407	2,004,830	2,977,506	2,163,759					
	Asset upgrade/expansion expenditure	971,639	1,984,841	958,774	958,774	120,365	394,805	267,277					
	Total capital works expenditure	12,993,023	21,852,842	9,746,685	9,746,685	2,247,695	4,898,641	3,407,236					
	TOTAL CAPITAL WORKS EXCL. HEPBURN HUB	9,981,023	16,889,943	9,038,223	9,038,223								\$10,405,711 Net Carry Forwards

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2020/21 Expenditure						2020/21 Income							
Non-Recurrent Projects													
CEO SERVICES													
001111	Storm clean up costs 2021	-	-	273,934	273,934	-	-	-	Delivery	Jun-22	\$0	\$0	On-going storm clean costs. A team of staff have been dedicated to manage and delivery the clean-up. Government funding has been made available and the majority of costs are likely to be reimbursed.
Total CEO		-	-	273,934	273,934	-	-	-					
000263	Sale of Land	-	-	-	-	-	712,360	712,360	Closure	Jul-20	\$0	\$0	Land Sale completed
000999	Councilor Induction Program	20,000	20,000	8,650	8,650	-	-	-	Closure	May-21	\$0	\$0	The Mandatory Councilor Induction Program is completed. All Councillors have been sent a Statutory Declaration form for signing to agree and acknowledge that the induction has been completed. This satisfies the requirement of a Council to undertake all necessary mandatory induction program elements as per the Local Government Act 2020. A program for the continued induction for councillors has commenced, which will see councillors re inducted into parts of the induction program that have already been presented, and further training identified from the needs analysis.
001000	Integrated Planning and Reporting Framework	35,000	105,000	102,753	102,753	-	-	-	Delivery	Sep-21	\$2,247	\$0	Hepburn Together project continues with majority of costs incurred in 2020/21. Key documents such as the Community Vision and Council Plan will be available for community consultation in the first quarter of 2021/22
001001	Council Elections 2020	211,000	211,000	165,797	165,797	18,000	18,000	7,719	Closure	May-21	\$0	\$0	Council elections are finalised. The Victorian Electoral Commission (VEC) has sent 507 Penalty Reminder Notices (PRN) on Thursday 27 May 2021 to persons who have outstanding infringements in order for them to take action before the matter is referred to Fines Victoria.
Total Governance, Compliance and Risk		266,000	336,000	277,200	277,200	18,000	730,360	720,079					
Total People & Culture		-	-	-	-	-	-	-					
TOTAL CEO SERVICES		266,000	336,000	551,134	551,134	18,000	730,360	720,079					
COMMUNITY & CORPORATE SERVICES													
001008	COVID-19 Response Costs	-	200,000	161,520	161,520	-	-	-	Delivery	Dec-21	\$0	\$0	On-going, however the majority of associated costs are expected to have been incurred.
Total Coporate Services		-	200,000	161,520	161,520	-	-	-					
000959	Prevention Lab	-	8,940	9,500	9,500	-	-	-	Closure	Jun-21	\$0	\$0	Project Completed
000968	Pride Brigayed 2020	-	10,000	7,272	7,272	-	-	-	Closure	Jul-21	\$2,728	\$0	Final invoices relating to the youth ball remain outstanding
001015	Kindergarten Central Enrolment Project Plan	-	24,839	9,050	9,050	-	-	-	Closure	Jun-21	\$0	\$0	Project Completed.
001016	3 y.o Kindergarten rollout	-	34,775	-	-	-	-	-	Deferred	NA	\$0	\$0	Project deferred.
Total Community Care		-	78,554	25,822	25,822	-	-	-					
Total Financial Services		-	-	-	-	-	-	-					
000572	Installation of free Public WiFi	-	75,901	12,565	12,565	-	40,000	31,953	Delivery	Sep-21	\$55,289	\$0	Initial setup completed in background with servers built at minimal cost. Seeking vendors during COVID has been difficult, but vendor now confirmed and meetings planned at sites in Daylesford and Trentham. September 30th planned end date.
001002	Security Penetration Testing	25,000	25,000	-	-	-	-	-	Delivery	Sep-21	\$25,000	\$0	Supplier appoint and PO released. In progress. Supplier accessing systems and conducting testing.
001018	ICT Infrastructure Support Program	100,000	100,000	111,561	111,561	100,000	100,000	90,000	Completed	Aug-21	\$0	\$10,000	Equipment purchased. Much of the equipment is already installed with remote locations to be completed. Planned for completion end of August.
Total ICT		125,000	200,901	124,126	124,126	100,000	140,000	121,953					

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2020/21 Expenditure					2020/21 Income								
000672	Daylesford - Macedon rail trail	-	95,697	55,000	55,000	-	-	-	Consultation	Dec-21	\$40,697	\$0	Initial, high level stakeholder engagement complete. Communications and engagement planning underway for strategic community engagement process for the project. Feasibility Study is in progress with a draft of initial background information and audit complete.
000680	Glenlyon Recreation Reserve - master plan	-	21,176	-	-	-	-	-	Plan and Design	Mar-22	\$21,176	\$0	Project planning has commenced in collaboration with Major Projects, however the progress of the project has been delayed due to responding to the contamination issues.
000878	Hub For Premium Produce	266,666	443,971	120,471	120,471	-	-	-	Delivery	Jun-22	\$323,500	\$0	3 year project. Year one actions achieved. Recruitment of administrative officer complete, with new team member to commence 19 July. Small Business Mentoring Services- Artisan Agriculture mentoring sessions to commence. Co-operative farming workshop being held 22 July.
000881	Management of Council Own Recreation Facilities	-	16,587	8,616	8,616	-	-	-	Consultation	Jun-22	\$7,971	\$0	The progress of this project has been delayed, it is proposed to undertake a review of the project scope to ensure the planning outcomes meet the evolution of Council's facilities management practices and policies since commencing this project. It is anticipated to have this planning considered and endorsed by Council by June 2022.
000883	Customer Experience Service Review	-	30,000	25,000	25,000	-	-	-	Closure	Jun-21	\$0	\$0	Final report received from consultants. Customer Experience structure has been put in place and is finalised. A team meeting will be held to deliver findings to customer experience team. Leadership team will take on actions in report to improve customer service organisation-wide, including Customer Service Strategy/Charter.
000888	Significant Renaming Project - Jim Crow Creek	-	5,000	580	580	-	-	3,000	Delivery	Nov-21	\$4,420	\$0	Meeting scheduled with Mt Alexander Shire Council and Geographic Names of Victoria to finalise shared communications plan on 29 July. The film has successfully been funded by DELWP and project to occur throughout 2021/22.
000930	Table Creswick Museum	-	5,760	2,877	2,877	-	-	-	Closure	Jan-21	\$0	\$0	Project complete
000969	This Girl Can Marketing and Promotion	-	10,240	9,740	9,740	-	-	-	Closure	Jan-21	\$0	\$0	Project complete
000971	Aboriginal Peoples Memorial Avenue	-	5,000	4,545	4,545	-	-	-	Closure	Jun-21	\$0	\$0	Manna Gums Frontier Wars Memorial Avenue opened and sign unveiled.
000973	Visit Victoria	-	100,000	-	-	-	100,000	10,000	Plan and Design	Jun-22	\$100,000	\$90,000	The terms of the Visit Victoria agreement were varied due to COVID-19 to pay funds as per each individual event. Swiss Italian Festa and Spudfest were cancelled in 2020, funds will go towards event in 2021/2022.
000997	Artist in Residence Pilot	18,500	18,500	-	-	-	-	-	Deferred	N/A	\$0	\$0	Deferred
000998	Hepburn Shire Aquatics strategy	67,000	80,290	30,427	30,427	30,000	30,000	27,000	Consultation	Jan-22	\$49,864	\$3,000	Community Engagement Phase has been extended to 30 July 2021 due to the impact on consultation events from the June 2021 COVID Restrictions and severe weather event. It is anticipated that the project will be completed by 30 January 2022 in line with SRV funding requirements.
001041	Covid Outdoor Dining	-	151,250	103,611	103,611	-	250,000	265,000	Complete	Sep-21	\$47,639	\$0	Funding acquittal to be completed
Total Community & Economic Development		352,166	983,471	360,868	360,868	30,000	380,000	305,000					
TOTAL COMMUNITY & CORPORATE SERVICES		477,166	1,462,926	672,336	672,336	130,000	520,000	426,953					
INFRASTRUCTURE AND DEVELOPMENT													
Total Infrastructure and Development Services		-	-	-	-	-	-	-					
000962	Wildlife Protection Increasing Capacity	-	14,407	-	-	-	-	-	Delivery	Sep-21	\$14,407	\$0	Contractor has been engaged. Project completion is weather dependant, but is anticipated to be completed in the first quarter of 2021/22.
001017	DHHS Community Activation and Social Isolation initiative	58,860	157,503	103,986	103,986	58,860	123,860	93,100	Delivery	Sep-21	\$53,517	\$30,760	Some of the smaller projects from CASI (eg. Community arts project) applications were extended due to storms and covid and spent in the first quarter of 2021/22. This project is now complete and ready to be acquitted.
001044	Lake Daylesford Gully Fuel Management Project	-	-	1,333	1,333	-	-	70,000	Delivery	Dec-21	\$68,667	\$0	Clearance and woody weed control works on roadsides and asset protection zones completed. Intermediate report supplied to funder. Final report to be supplied to funder September 2021. Follow up works scheduled.
001049	Wheatsheaf Firescape	-	-	49,555	49,555	-	-	75,512	Delivery	Oct-21	\$25,957	\$0	Clearance and woody weed control works on roadsides and streamside completed. Intermediate report supplied to funder. Draft final report developed and to be supplied to funder September 2021
001054	Streamlining for Growth	-	-	-	-	-	-	20,000	Not Commenced	Dec-21	\$20,000	\$0	RFQ advertised, quotations received, consultant to be determined by 17 September 2021.
Total Development and Community Safety		58,860	171,910	154,874	154,874	58,860	123,860	258,612					
000616	Creswick Trails	-	2,173,737	298,817	298,817	-	1,638,000	365,705	Delivery	Jun-22	\$1,874,624	\$1,272,000	Planning approvals stage progressing, with all requests for information responded to, and currently awaiting responses from referral agencies. Application for Development Facilitation Program expected to be progressed to a decision in September. Procurement for construction to occur when planning approval or Development Facilitation Program approval is acquired, in the second quarter if this financial year.

Hepburn Shire Council
Operational Projects Report as at 30 June 2021

Project Number	Project Name	Original Budget	Forecast Budget	YTD Actual	YTD Actual + Commit.	Original Budget	Forecast Budget	YTD Actual	Project Status	Expected Completion Date	Carry Forward Request (EXPENSE)	Carry Forward Request (INCOME)	Progress Comments
2020/21 Expenditure				2020/21 Income									
000876	Calembreen to Hammon Park Connection	-	12,480	-	-	-	-	-	Plan and Design	Oct-21	\$12,480	\$0	The final piece of this footpath connection will be delivered with impending Kerb and Channel works on Pearmen Street. This is expected to be finalised in October 2021.
Total Major Projects		-	2,186,217	298,817	298,817	-	1,638,000	365,705					
000577	Street Decorations Banner Brackets	7,500	7,500	6,564	6,564	-	-	-	Closure	Jan-21	\$0	\$0	Annual street decorations were installed in all townships as per our standard schedule
000622	Wills Square Fountain and Landscape	-	-	4,613	4,613	-	-	-	Closure	Jan-21	\$0	\$0	Project completed in January 2021
000633	Street Tree Planting Program	15,000	15,000	-	-	-	-	-	Deferred	N/A	\$0	\$0	Budget was not utilised until street tree strategy is adopted (ETA August).
000635	Turf Playing Surface Renewal Program	32,000	32,000	29,190	29,190	-	-	-	Closure	Apr-21	\$0	\$0	Project completed in April 2021
000667	Landscape Clunes & Jubilee Lake Caravan Parks	-	-	634	634	-	-	-	Closure	Jul-20	\$0	\$0	Project completed in July 2020
000690	Development & implementation of Vegetation Management Plans	-	-	6,191	6,191	-	-	-	Deferred	Dec-20	\$0	\$0	Deferred as part of Mid-Year budget. Will be completed in 2021-22 using Biodiversity recurrent budget carry forwards
000781	Tree management strategy development	-	27,500	14,368	14,368	-	-	-	Delivery	Sep-21	\$13,132	\$0	Draft management plan presented to executive team with advise to seek further information before presenting at Councillor briefing.
000890	Newlyn Oval Alternative Water Supplies	-	15,000	-	-	-	-	-	Cancelled	N/A	\$0	\$0	Assessment by Council Officers deemed the project as not feasible based on the level required financial investment associated projects risks.
000938	Weed Management Hepburn Mineral Springs	169,400	180,154	19,733	19,733	-	-	-	Delivery	Dec-21	\$160,421	\$0	Works separated in a number of different individual contracts. (i) clearing and blackberry slashing Spring Creek (ii) Spring Creek (East) weed removal (iii) Mineral Springs Pine and weeds removal. (i) environmental weeds west of Spring Creek - 95% complete - small amount of blackberry clearing ad tidy up required will be completed 1st qtr FY 21/22. Ongoing work delayed due to storm and weather. (ii) environmental weeding East of Spring Creek. Contractor engaged in June '21. Ongoing work delayed due to storm and weather. (iii) design and scope ongoing for environmental weeding of areas that have high pine wildlings. Scope changed due to new experience with another project indicating scope needed to change due to reduce costs. Due to seasonal nature of vegetation, storm events and weather - to ensure appropriate weeding - works will carry over next FY21/22 and be completed in Spring. All remaining project funds to be carried forward into FY21/22 to complete the planned (i), (ii), (iii) works and other required works.
Total Operations		223,900	277,154	81,293	81,293	-	-	-					
000578	Sustainability Strategy - Towards Zero - Community Buildings	40,000	56,753	10,225	10,225	-	-	-	Delivery	Sep-21	\$46,528	\$0	Delayed due to COVID restrictions. Grant round reopened 7 June, closing 25 June. Successful applications to be funded in the first quarter of 2021/22..
000757	Old Hepburn Depot site cleanup for property sale	-	40,396	40,396	40,396	-	-	-	Complete	Jul-20	\$0	\$0	Property sale completed
000869	Waste Services Planning	-	15,499	-	-	-	-	-	Plan and Design	Dec-21	\$15,499	\$0	Engaged contractor to work through strategy development. In project planning phase.
000875	Solar Savers	125,000	206,525	144,232	144,232	125,000	206,530	57,184	Delivery	Jun-22	\$62,293	\$149,347	Solar installs taking place despite c-19 restrictions. Expected to be able to achieve completion by EOFY
000918	Streetlights Towards Zero	-	215,906	95,118	95,118	-	-	-	Delivery	Jul-21	\$120,788	\$0	On track to complete project in July 2021. LED upgrades taking place during June & July 2021
001005	Organic Waste Kerbside Collection	26,400	26,400	-	-	-	-	-	Delivery	Mar-22	\$26,400	\$0	Project has been progressing through DELWP funded project, collections taking place and 2nd batch of compost approaching completion.
001006	Weed Management Plan - HSC Transfer Stations	25,080	25,080	15,604	15,604	-	-	-	Delivery	Dec-21	\$9,476	\$0	Continuation of weed management at the transfer stations- seasonal spraying.
001011	Hepburn Energy Savvy Upgrades 2020	-	13,345	24,419	24,419	-	-	23,190	Delivery	Aug-21	\$12,116	\$0	On track although participant recruitment needs to increase if we are to hit project milestones.
Total Waste and Environment		216,480	599,904	329,994	329,994	125,000	206,530	80,374					
TOTAL INFRASTRUCTURE		499,240	3,235,185	864,978	864,978	183,860	1,968,390	704,690			\$3,216,834	\$1,555,107	
TOTAL NON-RECURRENT OPERATIONAL PROJECTS		1,242,406	5,034,111	2,088,448	2,088,448	331,860	3,218,750	1,851,722				\$1,661,728	Net Carry forwards
TOTAL NON-RECURRENT PROJECTS		1,242,406	2,860,374	1,789,631	1,789,631	331,860	1,580,750	1,486,017					

Hepburn Shire Council Proposed Projects Carry-forwards to 2021/2022				
Project Number	Project Name	Original Budget 2020/21	Carry Forward Budget	Comment
RECURRENT FUNDING				
	Aquatics (.5 Aquatics Coordinator)	\$0	\$38,500	Funding from savings during 2020/21 - to allow operations of the season and review operation model and impacts of the Aquatic Strategy.
	Community Care (.4 Officer LGBTIQ+)	\$0	\$32,000	Council resolution - funded from underspend.
Formerly 000887	Resource Recovery Education & Initiatives	\$20,000	\$20,000	To be funded by the Waste Reserve
Formerly 000776	Waste Transfer Stations - Develop Traffic Management Plans	\$10,000	\$10,000	To be funded by the Waste Reserve
Formerly 000885	Public Health & Wellbeing Plan Implementation	\$4,000	\$3,863	Underspend in 2020/21 to assist implementation of ambition MPHWP in 2021/21
000778	Communities of Respect and Equality CORE training	\$12,700	\$12,700	Funding required to ensure compliance with the new Gender Equality Act.
000482	Community Planning Implementation Fund	\$121,670	\$38,874	Community Planning funding to assist with the roll out of Community Plans that were on hold given the Hepburn Together Project.
000574	Implement Eco Dev Strategy	\$88,781	\$30,000	Underspent in 2020/21 given the impact of COVID pandemic, initiatives will support business recovery
000781	Cultural Competency Training - 000570	\$5,000	\$5,000	Council Plan action for 2021/22
000374	Municipal Fire & Emergency Management	\$272,848	\$72,580	Grant funded project - to be finalised in 2021/22
	Freeza (State Government Youth Programs)	\$55,131	\$26,821	Grant funded project - to be finalised in 2021/22
000676	Implement biodiversity strategy actions	\$154,729	\$49,147	Projects committed to in late 2020/21
	Wombat Hill Botanic Gardens - Labelling	\$22,647	\$22,647	
	Business Concierge Program	\$60,000	\$60,000	
	C77 Planning Budget (part of additional MY 2020-21 for Strategic Planning)	\$30,000	\$25,000	Grant funded project - to be finalised in 2021/22
000388	CHSP Community Care Grant Programs	\$15,105	\$15,105	Grant funded project - to be finalised in 2021/22
	CHSP Community Care Grant Programs	\$16,500	\$9,318	Grant funded project - to be finalised in 2021/22
TOTAL RECURRENT FUNDING		\$889,110	\$471,555	

14.3 DRAFT FINANCIAL PLAN 2021-2031

ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Senior Accountant, I Paul Brumby have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Under the Local Government Act 2020 (The Act) Council must develop, adopt and keep in force a Financial Plan in accordance with its deliberative engagement practices, and the scope of a Financial Plan must be a period of at least the next ten financial years. The draft 10-year Financial Plan has been developed in accordance with the requirements of the Local Government Act 2020, and must be adopted by 31 October 2021.

Note -- The Financial Plan document is embargoed until the Council Meeting on 21 September 2021 and will be released following the meeting.

OFFICER'S RECOMMENDATION

That Council:

- 1. Pursuant to Section 91(1) of the Local Government Act 2020, notes the draft 10-year Financial Plan;*
- 2. Undertakes community engagement on the draft 10-year Financial Plan via the Participate Hepburn platform ending on 6 October 2021;*
- 3. Acknowledges the Financial Plan forms part of the Hepburn Together Project; and*
- 4. Acknowledges the Financial Plan will be updated annually as part of the annual budget cycle.*

MOTION

That Council:

- 1. Pursuant to Section 91(1) of the Local Government Act 2020, notes the draft 10-year Financial Plan;*
- 2. Undertakes community engagement on the draft 10-year Financial Plan via the Participate Hepburn platform ending on 6 October 2021;*
- 3. Acknowledges the Financial Plan forms part of the Hepburn Together Project; and*
- 4. Acknowledges the Financial Plan will be updated annually as part of the annual budget cycle.*

Moved: Cr Brian Hood

Seconded: Cr Tessa Halliday
Carried

BACKGROUND

Council has prepared the 10-year financial plan to support the Community's vision and the Council plan. The 10-year Financial Plan outlines the resources required to:

- deliver the Council plan and ensure we are investing in assets that the community values;
- ensure that our services remain affordable and accessible for our community members;
- ensure that our organisation remains financially sustainable.

The 2021-2031 Financial Plan is the first plan of its type to be completed under the Local Government Act 2020 and is required to be adopted by Council by 31 October 2021.

The document has been put together based on the template issued by Local Government Victoria and FinPro. Officers have included additional context and commentary to the template.

KEY ISSUES

The 10-year Financial Plan is designed to be a document that provides high-level financial data and trends, over the life of the plan. It is not designed to provide specific detail about individual projects, as that information is contained in the annual budget document.

The aim of the 10-year Financial Plan is to show where Council is going over the medium term. It is a key component of Council's integrated strategic planning and reporting framework.

The 2020 Local Government Act contains a new requirement for Councils to create and maintain a 10-year Financial Plan, and this draft plan is the first iteration of this document. Once established, the 10-year Financial Plan will be reviewed and updated annually as part of the annual Council budget process.

The 10-year Financial Plan has strong linkages to the Council Plan 2021-2025 including:

- Strategic Indicator – to achieve a low or medium risk rating for Victorian Auditor-General (VAGO) financial sustainability indicators.
- Strategy 5.3.3 - enhance long-term financial planning and forecasting through the development of a long-term financial plan
- Strategy 5.3.1 - strengthen the integrated strategic planning and reporting framework, including a programmed service review of all Council services.

The 10-year Financial Plan is a financial model that is based upon a number of assumptions about changes in prices and volumes of Council's inputs (such as labour, materials, contracts, utilities, rates, grants, etc) and Council's outputs (user charges, waste charges, fees and fines). All 16 assumptions are disclosed in the 10-year Financial Plan.

Plan Development

Given that Council having a 10-year Financial Plan is a new requirement, it is to be expected that Council will not get the plan perfect the first time. To add value to how we operate, the 10-year Financial Plan needs to be a dynamic document that is updated frequently, in order to ensure that it remains contemporary. It is expected that each iteration of the plan will improve upon the previous version.

Key items to come that will impact include:

- Impact of COVID through 2021/22 – including additional costs but importantly what stimulus funding is provided to Council.
- Workforce Plan – required by 31 December and will drive staffing requirements
- Service Reviews – required as part of the Council Plan. Hepburn hasn't got a process in place but have just started streamlined business plans.
- Asset Plan – required in 2022 and provides key information in relation to asset renewal needed.
- Key strategies – a number of new or revised strategies.
- Key projects – such as Creswick Trails, Hepburn Hub at the Rex and Trentham Community Hub are either at or shortly will go to tender and we will have greater understanding of total costs.

Timeline

Tuesday, 21 September 2021	Council meeting – endorsement of draft Financial Plan for consultation
Wednesday, 22 September 2021	Consultation opens via Participate Hepburn
Wednesday, 6 October 2021	Consultation closes
Tuesday, 26 October 2021	Special Council Meeting to adopt Financial Plan

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

Section 91 of the Local Government Act 2020 prescribes that Council must develop and maintain a financial plan as follows:

91 Financial Plan

(1) A Council must develop, adopt and keep in force a Financial Plan in accordance with its deliberative engagement practices.

(2) The scope of a Financial Plan is a period of at least the next 10 financial years.

(3) A Financial Plan must include the following in the manner and form prescribed by the regulations—

(a) statements describing the financial resources required to give effect to the Council Plan and other strategic plans of the Council;

(b) information about the decisions and assumptions that underpin the forecasts in the statements specified in paragraph (a);

(c) statements describing any other resource requirements that the Council considers appropriate to include in the Financial Plan;

(d) any other matters prescribed by the regulations.

(4) A Council must develop or review the Financial Plan in accordance with its deliberative engagement practices and adopt the Financial Plan by 31 October in the year following a general election.

(5) The Financial Plan adopted under subsection (4) has effect from 1 July in the year following a general election.

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 10-year Financial Plan is a key strategic tool used to ensure the financial sustainability of Council.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report, rather this report presents a model of Council's possible performance and position over the coming ten years.

RISK IMPLICATIONS

There are no direct risk implications associated with this report. Adopting the 10-year Financial Plan by the date required in the Act will eliminate the risk of non-

compliance with Section 91 of the Act. A 10-year Financial Plan is a tool that can be used to mitigate the financial sustainability risk of Council in the medium term.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Once the 10-year Financial Plan has been adopted in draft form, Council will undertake community engagement, in order to refine the plan, prior to adopting a final version of the 10-year Financial Plan at a Special Council meeting in late October.

There will be a short consultation period via the Participate Hepburn, but it should be noted that the detailed consultation has already been undertaken through the broad engagement phase as part of the Hepburn Together project.

14.4 PRIORITY PROJECTS 2021

ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Grants and Project Officer, I Kelly Lewis have no interests to disclose in this report.

ATTACHMENTS

1. Hepburn Priority Projects 2021-2022 [**14.4.1** - 5 pages]
2. Priority Projects 2021-2022 - Flyers [**14.4.2** - 12 pages]

EXECUTIVE SUMMARY

In July 2020 a list of 23 projects were identified by Council as priority COVID-19 Stimulus Recovery projects. The projects focussed on key tourist attractions, recreation reserves, track and trails, historical town halls, roads, footpaths and public amenities.

As a result of a highly successful advocacy effort targeting both State and Federal Governments during the 2020/2021 financial year, 8 of the identified priority projects received financial support totalling in excess of \$9.8M. These projects are now either completed or scheduled to commence construction within the next 18 months.

As a result of securing this funding, the attached draft Priority Project lists have been reviewed and updated and now include 11 projects, that will provide Council with an informed investment plan proposed to initially cover the next 12 months (2021-2022).

The current list for consideration contains the residual projects from 2020 and includes new additions such as Hepburn Settlement Strategy Planning and Mineral Springs Reserves Development. All projects identified have an alignment to Council's current draft Community Vision and Council Plan, strategic reports and studies. As this strategic work is finalised, further Priority Projects will be identified and presented to Council for their endorsement. This will ensure that Council has a well-balanced suite of projects that aligns with the community vision and that can be elevated to governments.

Once projects have been endorsed by Council, advocacy documentation prepared for external presentation and communication will be made available to both State and Federal Government along with the community.

OFFICER'S RECOMMENDATION

MOTION

That Council:

1. *Endorses the list of 11 Priority Projects for advocacy activities seeking government funding during 2021-2022 financial year;*

2. *Acknowledges that to ensure a well-balanced portfolio of Priority Projects further Projects will be identified and considered for endorsement from the Council Vision and Council Plan as the current and future strategic work evolves.*

Moved: Cr Juliet Simpson

Lapsed

MOTION

That standing orders be suspended.

Moved: Cr Tessa Halliday

Seconded: Cr Brian Hood

Carried

Standing orders were suspended at 9:29pm.

MOTION

That standing orders be resumed.

Moved: Cr Juliet Simpson

Seconded: Cr Brian Hood

Carried

Standing orders were resumed suspended at 9:29pm.

BACKGROUND

As a result of a highly successful advocacy effort targeting both State and Federal Governments during the 2020/2021 financial year, 8 of the 23 priority projects received financial support worth over \$9.8M.

These priority projects were:

- Clunes Town Hall and Police Court House (\$357,000)
- Creswick Town Hall (\$500,000)
- Hammon Park Trailhead and Bike Path (\$2,100,000)
- Trentham Community Hub (\$3,500,000)
- Wombat Hill New Visitor Experience (\$500,000)
- Trentham Sportsground Pavilion (\$2,062,321)
- Calembeen Park Change Facilities (\$171,600)
- Community Footpath Network Program – partially funded program (\$647,200)

The 2020 priority projects were identified through master planning, strategic and annual plans, and formed part of Council's long-term investment plan. The projects

were in addition to the usual list of infrastructure projects included in each year's budget.

Moving forward and taking into consideration projects that have already received support, an updated list of projects has been prepared to carry us over the next 12 months. Identifying and endorsing our priority projects will provide important information to government advocacy efforts during this period. The new priority projects include:

- Clunes Town Hall and Police Court House – Stage C
- Daylesford to Hanging Rock Rail Trail – Planning and Design
- Crossing the Divide – Daylesford Spa Country Railway Bullarto to Trentham Rail Extension Planning and Design
- Doug Lindsay Recreation Reserve Masterplan Implementation Stage 2
- Glenlyon Recreation Reserve Pavilion
- Hepburn Trails Activation – Business Planning
- Mineral Springs Reserves Development
- Major Towns Streetscape Improvements
- Wheelers Bridge Replacement
- Hepburn Settlement Strategy
- Institute of Gastronomy Construction

In addition to providing information on Hepburn Shire projects, there is an additional information flyer on our regional advocacy and partnership activities, including our support for projects that provide benefits to Hepburn Shire including the Victorian Goldfields World Heritage listing and Ballarat's Material Recovery Facility.

KEY ISSUES

This advocacy is particularly important to support Council lobbying efforts as we enter into an election cycle of both State and Federal Governments within the next 18 months and in the lead up to the 2022 budget.

Acknowledging the draft Council Vision 2021 -2031 and Council Plan 2021-2025, it is important to note that further Priority Projects will be identified and considered for inclusion resulting from current and future strategies, including:

- Aquatics Strategy
- Hepburn Settle Strategy – Affordable Housing
- Sustainable Hepburn
- Masterplans

All project costs are high level estimates only and will provide an indicative level of investment required by government. They do not currently contain information on any Council contributions budgeted or not budgeted, as it is expected that this will be negotiated with funding bodies depending on programs and level of investment on offer. They will however be reflected in Council's 10-year Financial Plan.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Quality Community Infrastructure

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

2. Provide great community Parks and Open Spaces by greening our streets, managing tree safety and improving our town entrances, sporting ovals, botanic gardens and passive recreation spaces.

Active and Engaged Communities

5. Take action to encourage improved health and wellbeing to residents and to reduce the risks associated with obesity and poor nutrition. This includes the provision, development and promotion of passive and active recreation facilities and options and working with clubs and other agencies on planning for future developments and encouraging increased activity.

Vibrant Economy

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

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

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

Priority projects identified do not currently contain information on Council contributions budgeted or not budgeted. It is expected that this will be negotiated

with funding bodies depending on program guidelines and level of investment on offer.

All endorsed projects will be considered in the Financial Plan.


RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Projects included for consideration were originally identified as part of previous community engagement activities including master planning, council plans and strategies. Once adopted by Council advocacy documents will be prepared for each project and will be displayed on Council's website.

Priority Projects 2021-2022

Project Name Project Cost	Budget Year 	Strategic References	Detail	Benefits (Project Jobs*)
Clunes Town Hall and Police Courthouse – Stage C \$600,000	22/23	<ul style="list-style-type: none"> Clunes Town Hall Conditions Survey 2020 Clunes Town Hall and Courthouse Conservation Management Plan Clunes Community Plan 2015 Heritage Victoria H2180, HO188, HO776 Talbot and Clunes Conservation Study 1988 	<p>Restoring the 1873 Town Hall to its original grandeur will not only preserve this historic building but will enable full community use to be reinstated. The Clunes Town Hall supports significant community events such as the annual Clunes Booktown, private functions, education programs and provides tourism opportunities with the restoration of the historically significant Courthouse. The rare example of a combined Courthouse and Town Hall is also a major attraction for Wesley College's curriculum with history and drama classes and re-enactments of historical court proceedings. A program of restoration works (Stage A & B) has been completed with structural underpinning of the building to secure the internal arches and wall rendering, with remedial works to the Police Courthouse, external façade painting and repairs to portico, completed in 2021.</p> <p>Stage C includes repairs to the upstairs former clerical offices, upgrade of toilet facilities to meet current standards, heating, improvements to stormwater management and overall accessibility.</p>	<ul style="list-style-type: none"> Preservation of historic and icon building Improve community facilities Supporting major events Supporting regional education opportunities <p>(3)</p>
Daylesford to Hanging Rock Rail Trail – Planning and design (Daylesford to Tylden Stage) \$1.5M <i>\$500,000 Business Case</i> <i>\$1.0M Design</i>	22/23	<ul style="list-style-type: none"> Daylesford to Hanging Rock Feasibility (currently underway) Fertile Ground Economic Development Strategy 2016-2021 Crossing Borders Track and Trails (2013) Hepburn Walking and Cycling Strategy (2017) Victorian Trails Strategy 2014-2024 	<p>encourage visitors to unwind and explore the region's unique offering of dramatic scenery, food, wine and health and wellness activities, based around local mineral springs. Passing through beautiful landscapes the trail, along the former Karlsruhe-Daylesford railway, will offer a variety of quality visitor experiences only an hour from Melbourne International Airport and accessible by public transport.</p> <p>The significant increase in visitors using the trail will provide huge opportunities for existing and new businesses, including farmgate produce sales. The Daylesford to Hanging Rock Rail Trail builds on the existing plans to develop the Woodend to Hanging Rock Rail Trail being developed by Macedon Ranges Shire Council.</p> <p>The Daylesford to Tylden stage planning project will undertake significant, stakeholder consultation and design required to progress the project to construction and will complement the planning already undertaken by Macedon Ranges Shire for the Tylden to Hanging Rock portion of the Rail Trail.</p> <p>Construction phase is estimated to be \$30M</p>	<ul style="list-style-type: none"> Significant increase in visitation (est. 62,500 visits pa) across completed trail Economic benefit of \$4.1M annually Creating 51 new jobs post construction <p>(9)</p>
Crossing the Divide – Spa Country Railway Bullarto to Trentham Planning and Design \$1.5M <i>\$500,000 Planning</i> <i>\$1.0M Design</i>	22/23	<ul style="list-style-type: none"> Preserving our Rail History - Blueprint for the future (2021) – Victorian Strategy Daylesford Spa Country Railway Strategy and Business Plan (2012) Daylesford Spa Country Railway Strategy and Business Plan Addendum (2019) Fertile Ground Economic Development Strategy 2016-2021 	<p>Hepburn Shire is a popular tourist destination that has a reputation for indulgence and relaxation, festivals and outdoor recreational activities.</p> <p>There is an opportunity to uplift our tourism offer through an extension to the existing iconic and unique product by Daylesford Spa Country Railway, an accredited museum, which operates a vintage train service between Daylesford, Musk and Bullarto on the former Daylesford branch line. The popular tourist attraction currently journeys 9km through the picturesque Wombat State Forest and attracts over 12,000 patrons annually contributing nearly \$1.7M to the local economy.</p>	<ul style="list-style-type: none"> Enhancing business and creating opportunities for new tourism developments, products and employment Promotion and preservation of Victoria's Rail history Opportunity to increase operational days to take advantage of the railways ability to move people through the region <p>(9)</p>

Priority Projects 2021-2022

			<p>The project will plan and design a further 9km extended rail service from Bullarto to Trentham, bringing tourists into Trentham and creating a choice of full-day, half-day and 2 hour journeys and increase visitation into the large village of Trentham. An extension to the rail will also create an opportunity for the community to travel between Trentham and Daylesford.</p> <p>Council in partnership with Daylesford Spa Country Railway is seeking funding for business planning and design.</p>	
<p>Doug Lindsay Recreation Reserve (Creswick) – Masterplan Implementation Stage 2</p> <p>22/23</p> <p>\$750,000+</p>	<ul style="list-style-type: none"> ▪ Doug Lindsay Recreation Reserve Redevelopment Masterplan (2018) ▪ Recreation and Open Space Strategy 2016-2021 ▪ Disability Access and Inclusion Plan 2014-2016 ▪ AFL Goldfields Regional Strategy 2017 	<p>Doug Lindsay Recreation Reserve in Creswick is an active recreation reserve accommodating AFL, Netball, Soccer and Lawn Bowls activities. It also includes informal active recreation use such walking, free ball play and fitness training, and community events.</p> <p>Stage One of the Masterplan implementation project is currently underway that will see the installation of CCTV / lighting, landscaping and main entrance. This was funded through the Commonwealth Government’s Local Roads and Community Infrastructure Program 2020.</p> <p>This next Stage 2 will include:</p> <ul style="list-style-type: none"> • Delivery of the water harvest project • Development of a new playspace • Provision of outdoor fixed fitness equipment 	<ul style="list-style-type: none"> •Community health and wellbeing outcomes •Significant community facility with multiple user groups •Enhance the accessibility and safety •Increase the scope and quality of the active recreation <p>(5)</p>	
<p>Doug Lindsay Recreation Reserve (Creswick) – Masterplan Stage 2</p> <p>23/24</p> <p>\$250,000+</p>	<ul style="list-style-type: none"> ▪ Doug Lindsay Recreation Reserve Redevelopment Masterplan (2018) ▪ Recreation and Open Space Strategy 2016-2021 ▪ Disability Access and Inclusion Plan 2014-2016 ▪ AFL Goldfields Regional Strategy 2017 	<p>Doug Lindsay Recreation Reserve in Creswick is an active recreation reserve accommodating AFL, Netball, Soccer and Lawn Bowls activities. It also includes informal active recreation use such walking, free ball play and fitness training, and community events.</p> <p>A future second Masterplan project will include:</p> <ul style="list-style-type: none"> • Redevelopment of the community pavilion to include gender neutral changerooms to service use of the soccer pitches • Planning and delivery of Stage Two car parking and traffic management and pedestrian reserve access • Feasibility planning for a second bowling green 	<ul style="list-style-type: none"> •Community health and wellbeing outcomes •Significant community facility with multiple user groups •Enhance the accessibility and safety •Increase the scope and quality of the active recreation <p>(2)</p>	
<p>Glenlyon Recreation Reserve Pavilion</p> <p>22/23</p> <p>\$1.0M to \$1.5M</p>	<ul style="list-style-type: none"> ▪ Draft Glenlyon Recreation Reserve Master Plan (2019) ▪ Recreation and Open Space Strategy 2016-2021 ▪ Glenlyon and District Community Action Plan (2010) 	<p>Glenlyon Recreation Reserve is a much-used reserve services Glenlyon and surrounding towns. It supports several sporting clubs, notably non-traditional, including the Riding for the Disabled, Pony Club and Adult Riding, Carriage Drivers, Gun Club, Collectors and Restorers, Landcare and various neighbours, residents and casual users. It is also home to some significant events including the New Year’s Day Wood Chop.</p> <p>The redevelopment of the Glenlyon Recreation Reserve is a key priority of the Glenlyon Recreation Reserve Masterplan. The redeveloped pavilion will provide universal access public amenities, upgraded meeting space and kitchen for minor catering purposes and storage to accommodate existing user groups.</p>	<ul style="list-style-type: none"> •provide a welcoming and inclusive community facility •accommodate the reserve’s diverse formal and informal activities from many user groups •Provide universal access public amenities <p>(7)</p>	

Priority Projects 2021-2022

			Council will undertake a detailed design and community consultation process during 2021-22.	
Hepburn Trails Activation – Business Planning \$500,000	22/23	<ul style="list-style-type: none"> ▪ Fertile Ground Economic Development Strategy 2016-2021 ▪ Crossing Borders Track and Trails (2013) ▪ Hepburn Walking and Cycling Strategy (2017) ▪ Victorian Trails Strategy 2014-2024 	<p>The Hepburn Shire has many tracks and trails for walkers and cyclists. From short walks highlighting our parks and reserves, such as the mineral springs reserves to more adventurous trails, the Goldfields Track, mountain bike trails in Creswick, rail trails such as the Domino Trail in Trentham, and the future Daylesford to Hanging Rock Rail Trail development.</p> <p>The project will enable further tourism development and activation through branding, marketing and way finding and visitor interpretation signage construction activities of Shire wide walking and cycling trails. Potential early opportunities identified include Indigenous Heritage Trails products.</p> <p>Included in the planning will be the identification of a strategic program to upgrade existing trails, create connections and ongoing maintenance standards, and opportunities for collaboration with stakeholder groups and public authorities.</p>	<ul style="list-style-type: none"> • Development of iconic trails that highlight and celebrate the natural assets of the Hepburn Shire in a state, national and international environment • Supporting business in developing the nature-based tourism market • Increased tourist visitation providing immediate economic activity <p>(4)</p>
Mineral Springs Reserves Development Program \$200,000 to \$2.0M	22/23	<ul style="list-style-type: none"> ▪ Hepburn Mineral Springs Reserve Advisory Committee Priority Projects (2021) ▪ Central Springs Reserve Master Plan 2021 ▪ Victorian Mineral Springs Masterplan 2015-2024 	<p>Majority of Australia’s mineral springs are located in Victoria and concentrated in the Central Highlands area, particularly in and round the townships of Daylesford and Hepburn Springs and naturally occur in a diverse range of settings from ranges, waterways, forested areas and agricultural surroundings.</p> <p>A program to develop our iconic Hepburn Mineral Springs sites has been identified that will build upon and elevate sites to improve amenity, access and interpretation of their significance to Australia.</p> <p>Projects identified as priority works by the Mineral Springs Advisory Committee, include:</p> <ul style="list-style-type: none"> • Hepburn Mineral Springs Pavilion Café structure, • Central Springs Master Plan Implementation • Park furniture upgrades, landscape improvements and various weeding programs across all mineral spring sites • Reinstate Central Spring Reserve bores • Hepburn Shire Mineral Springs Reserves Development Masterplan 	<ul style="list-style-type: none"> • Increase tourism and community amenity • Enhance the interpretation of the iconic reserves to engage all visitors to the reserve • Provide high quality facilities suitable for regional, state and international visitors • Ensure ongoing availability of safe mineral water from all of the springs <p>(10)</p>
Major Towns Streetscape Improvements Program \$3.0M	23/24	<ul style="list-style-type: none"> ▪ Hepburn Shire Streetscape Planning and Design 2015 ▪ Fertile Ground Economic Development Strategy 2016-2021 	<p>Implement next stage of planned improvements to streetscapes across Hepburn’s major towns; Clunes; Creswick; Daylesford; Hepburn; Glenlyon and Trentham. Improvements include:</p> <p>Clunes – Present the historic Clunes Town Hall as a prominent and welcoming entrance to the township through heritage street lamps, trees and DDA compliant car parking</p> <p>Creswick – Landscaping to create welcoming town entrances and improve traffic flows and safety for pedestrians</p> <p>Daylesford – Traffic calming measures by creating green spaces through parklets and plantings to the main retail strip</p> <p>Hepburn – Improve pedestrian experience with upgraded plantings, creative and safety elements</p>	<ul style="list-style-type: none"> • Activation of spaces • Promote economic activity • Improve livability and attractiveness • Improve and promote retail activity • Improve pedestrian experience and safety <p>(14)</p>

Priority Projects 2021-2022

			<p>Glenlyon – Landscaping to provide shade canopy and seating outside general store and café and development of outdoor market square in the centre of town complete with pavilion, public amenities and BBQ</p> <p>Trentham – Pedestrian safety and landscaping improvements to the main street</p>	
<p>Whealers Bridge Replacement</p> <p>\$3.0M</p>	<p>22/23</p>	<ul style="list-style-type: none"> ▪ Hepburn Shire Council Wheelers Bridge Options Study (2013) ▪ Hepburn Shire Council Wheelers Bridge Stage 2 Assessment (2015) 	<p>Whealers Bridge on the Creswick-Lawrence Rd in Creswick was constructed in 1900 and is the oldest Monier Arch still in service. It is classified as a local access road limited to light vehicles only, carries 97 vehicles a day and is in an agricultural zoned area. This is one of the earliest examples of reinforced concrete structures by famed Civil Engineer Sir John Monash.</p> <p>The project will see this historical bridge repaired to enable its ongoing and safe use. Works will involve retaining the original arches and use them as formwork for new arches and spandrel walls. The project will strengthen and reinforce the bridge enabling continued community and agricultural vehicle access into the future.</p> <p>Full design works for reconstruction of the bridge are being undertaken during 2021.</p>	<ul style="list-style-type: none"> • Increase in road usability (load limits) and safety • Heritage asset protection • Future proof road access for agribusiness <p>(14)</p>
<p>Hepburn Settlement Strategy</p> <p>\$5.0M</p> <p>Phase 1 (2021/22) \$440,000</p>	<p>21/22</p>	<p>Hepburn Shire Planning Scheme Review 2020</p>	<p>The Shires most comprehensive suite of Strategic Planning work in decades.</p> <p>Following on from the recommendations in the Planning Scheme Review, a massive amount of Strategic Planning work is required to secure and protect current and future environmental preservation, land use, development goals for the community. Completing this suite of work is required by the State government, the key pieces of work will be the Township Structure Plans, which also require suite of technical reports to be completed to inform and deliver them, including reports on: indigenous heritage, biodiversity, integrated water management, agriculture and rural settlements, distinctive areas and landscape protection, environmental and contamination assessments, infrastructure and service provision, access management, and numerous others. Community consultation is a vital part of this process as well.</p> <ul style="list-style-type: none"> • Land Demand and Supply Study (\$30k) • Biodiversity Strategy (flora and fauna study for township structure plans) (40k) • Aboriginal Heritage Strategy (part 1 – indigenous engagement) (30k) • Agriculture and Rural Settlement Strategy (part 1 – Restructure Plans) (20k) • Creswick Structure Plan (part 1 tech reports: incl. Infrastructure and Services, Land Capability, Access Management, NVPP, and Heritage) (80K) • Community Consultation for all township structure plans (40k) • Distinctive Areas and Landscapes Study (100k) • Hepburn Integrated Water Management Plan (100k) 	<ul style="list-style-type: none"> • The entire environmental, social and economic future of the Shire of Hepburn is contingent on the successful application and delivery of the Hepburn Settlement Strategy <p>(3 Phase 1) (32 Overall)</p>
<p>Institute of Gastronomy – Construction</p> <p>\$25.0M</p>	<p>22/23</p>	<ul style="list-style-type: none"> ▪ Institute of Gastronomy and Good Food Initial Business Case (2018) 	<p>This exciting project involves the new construction of a flagship regional facility which will act as a hub and catalyst to support the transformation of the good food economy.</p> <p>The facility will comprise of infrastructure to support cutting edge and innovative educational and good food outcomes including lecture theatres, offices, student</p>	<ul style="list-style-type: none"> • State significant project • Skilled workforce outcomes • Agri-Tourism development

Priority Projects 2021-2022

	<p>accommodation, kitchens, boning rooms, incubator spaces, food storage and a host of other facilities for culinary and agricultural education all fitted with world-class, specialised equipment.</p> <p>The new Institute supported by William Angliss TAFE, will enable collaboration between education, agriculture, food production and hospitality in the Grampians region.</p> <ul style="list-style-type: none"> Institute of Gastronomy and Good Food Initial Business Case completed in 2018 funded in partnership with William Angliss Institute, Victorian Government and Regional Development Australia Grampians. Full Business Case Planning currently underway and will be completed in 2022. 	<ul style="list-style-type: none"> Attract & grow investment in the food industry & regional Victoria Driver for regional economic development <p>(147+)</p>
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*Project Jobs is estimated and calculated through capital expenditure during construction phase. From a direct increase in output, the corresponding creation of direct jobs is estimated. From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in an increase in employment. (Source: Employment Impact Report Central Highlands Region Jul 2020 REMPLAN)

Various other projects would be available including the below, ranging in all levels of funding, and many are shovel ready or easily implemented:

- Blackspot / Mobile Towers
- Play spaces
- Various minor-medium building works.
- Sports fields lighting
- Signage
- Public Furniture



Clunes Town Hall and Police Courthouse – Stage C

Restoring the 1873 Town Hall to its original grandeur will not only preserve this historic building but will enable full community use to be reinstated. The Clunes Town Hall supports significant community events such as the annual Clunes Booktown, private functions, education programs and provides tourism opportunities with the restoration of the historically significant Courthouse. The rare example of a combined Courthouse and Town Hall is also a major attraction for Wesley College’s curriculum with history and drama classes and re-enactments of historical court proceedings.

A program of restoration works (Stage A & B) has been completed with structural underpinning of the building to secure the internal arches and wall rendering, with remedial works to the Police Courthouse, external façade painting and repairs to portico, completed in 2021.

Stage C includes repairs to the upstairs former clerical offices, upgrade of toilet facilities to meet current standards, heating, improvements to stormwater management and overall accessibility.



Clunes



2022/23



600,000



3 Jobs



- ✓ Preservation of historic and iconic building
- ✓ Improve community facilities
- ✓ Supporting major events
- ✓ Supporting regional education opportunities



Daylesford to Hanging Rock Rail Trail - Planning and Design

Building on the region's wellness brand, the Rail Trail will encourage visitors to unwind and explore the region's unique offering of dramatic scenery, food, wine and health and wellness activities, based around local mineral springs. Passing through beautiful landscapes the trail, along the former Karlsruhe-Daylesford railway, will offer a variety of quality visitor experiences only an hour from Melbourne International Airport and accessible by public transport.

The significant increase in visitors using the trail will provide huge opportunities for existing and new businesses, including farmgate produce sales. The Daylesford to Hanging Rock Rail Trail builds on the existing plans to develop the Woodend to Hanging Rock Rail Trail being developed by Macedon Ranges Shire Council.

The Daylesford to Tylden stage planning project will undertake significant, stakeholder consultation and design required to progress the project to construction and will complement the planning already undertaken by Macedon Ranges Shire for the Tylden to Hanging Rock portion of the Rail Trail.

Construction phase is estimated to be \$30M



- ✓ Significant increase in visitation (est. 62,5000 visits p.a.) across completed trail
- ✓ Economic benefit of \$4.1M annually
- ✓ Creating over 50 new jobs post construction
- ✓ Sustainable, accessible and promotes physical activity and social connection



Daylesford to Tylden



2022/23



1.5M



9 Jobs



Crossing the Divide- Spa Country Railway Bullarto to Trentham Planning and Design

Hepburn Shire is a popular tourist destination that has a reputation for indulgence and relaxation, festivals and outdoor recreational activities.

There is an opportunity to uplift our tourism offer through an extension to the existing iconic and unique product by Daylesford Spa Country Railway, an accredited museum, which operates a vintage train service between Daylesford, Musk and Bullarto on the former Daylesford branch line. The popular tourist attraction currently journeys 9km through the picturesque Wombat State Forest and attracts over 12,000 patrons annually contributing nearly \$1.7M to the local economy.

The project will plan and design a further 9km extended rail service from Bullarto to Trentham, bringing tourists into Trentham and creating a choice of full-day, half-day and 2 hour journeys and increase visitation into the large village of Trentham. An extension to the rail will also create an opportunity for the community to travel between Trentham and Daylesford.



Bullarto -
Trentham



2022/23



1.5M



9 Jobs



- ✓ Enhancing business and creating opportunities for new tourism developments, products and employment
- ✓ Promotion and preservation of Victoria's Rail history
- ✓ Opportunity to increase operational days and take advantage of the railway's ability to move people through the region



Doug Lindsay Recreation Reserve Masterplan Implementation - Stage 2

Doug Lindsay Recreation Reserve in Creswick is an active recreation reserve accommodating AFL, Netball, Soccer and Lawn Bowls activities. It also includes informal active recreation use such walking, free ball play and fitness training, and community events.

Stage One of the Masterplan implementation project is currently underway that will see the installation of CCTV / lighting, landscaping and main entrance. . This was funded through the Commonwealth Government’s Local Roads and Community Infrastructure Program 2020.

Stage 2 implementation will include the delivery of a water harvesting project, new playspace, and provision of outdoor fixed fitness equipment.

A future second Masterplan project will include planning for;

- Redevelopment of the community pavilion to include gender neutral changerooms to service use of the soccer pitches
- Additional parking and traffic management, and pedestrian reserve access
- Feasibility planning for a second bowling green



Creswick



2022/23



750,000+



5 Jobs



- ✓ Community health and wellbeing outcomes
- ✓ Significant community facility with multiple user groups
- ✓ Enhance the accessibility and safety
- ✓ Increase the scope and quality of the active recreation



Glenlyon Recreation Reserve Pavilion

Glenlyon Recreation Reserve is a much-used reserve services Glenlyon and surrounding towns. It supports several sporting clubs, notably non-traditional, including the Riding for the Disabled, Pony Club and Adult Riding, Carriage Drivers, Gun Club, Collectors and Restorers, Landcare and various neighbours, residents and casual users. It is also home to some significant events including the New Year's Day Wood Chop.

The redevelopment of the Glenlyon Recreation Reserve is a key priority of the Glenlyon Recreation Reserve Masterplan. The redeveloped pavilion will provide universal access public amenities, upgraded meeting space and kitchen for minor catering purposes and storage to accommodate existing user groups.



Glenlyon



2022/23



1.0M to 1.5M



7 Jobs



- ✓ Community health and wellbeing outcomes
- ✓ Significant community facility with multiple user groups
- ✓ Enhance the accessibility and safety
- ✓ Increase the scope and quality of the active recreation

Hepburn Trails Activation - Business Planning



Hepburn Shire



2022/23



500,000



4 Jobs



The Hepburn Shire has many tracks and trails for walkers and cyclists. From short walks highlighting our parks and reserves, such as the mineral springs reserves to more adventurous trails, the Goldfields Track, mountain bike trails in Creswick, rail trails such as the Domino Trail in Trentham, and the future Daylesford to Hanging Rock Rail Trail development.

The project will enable further tourism development and activation through to branding, marketing and way finding and visitor interpretation signage construction activities of Shire wide walking and cycling trails. Potential early opportunities identified include Indigenous Heritage Trails products.

Included in the planning will be the identification of a strategic program to upgrade existing trails, create connections and ongoing maintenance standards, and opportunities for collaboration with stakeholder groups and public authorities.



- ✓ Development of iconic trails that highlight and celebrate the natural assets of the Hepburn Shire in a state, national and international environment
- ✓ Supporting business in developing the nature-based tourism market
- ✓ Increased tourist visitation providing immediate economic activity



Mineral Springs Reserves Development

The majority of Australia's mineral springs are located in Victoria and concentrated in the Central Highlands area, particularly in and round the townships of Daylesford and Hepburn Springs. These naturally occur in a diverse range of settings from ranges, waterways, forested areas and agricultural surroundings.

A program to develop our iconic Hepburn Mineral Springs sites has been identified with an aim to build upon and elevate spring sites to improve amenity, access and interpretation of their significance to Australia.

Projects identified as priority works by the Hepburn Mineral Springs Advisory Committee, include;

- Hepburn Mineral Springs Pavilion Café structure
- Central Springs Master Plan Implementation
- Park furniture upgrades, landscape improvements and various weeding programs across all mineral spring sites
- Reinstate Central Spring Reserve bores
- Hepburn Mineral Spring Reserves Development Masterplan



Hepburn Shire



2022/23



Up to 2.0M



Up to 10 Jobs



- ✓ Increase tourism and community amenity
- ✓ Enhance the interpretation of the iconic reserves to engage all visitors
- ✓ Provide high quality facilities suitable for regional, state and international visitors
- ✓ Ensure ongoing viability of safe mineral water from all of the springs



Major Towns Streetscape Improvements

The project will implement the next stage of planned improvements to streetscapes across Hepburn's six major towns. The improvement works include:

Clunes – Present the historic Clunes Town Hall as a prominent and welcoming entrance to the township through heritage street lamps, trees and DDA compliant car parking

Creswick – Landscaping to create welcoming town entrances and improve traffic flows and safety for pedestrians

Daylesford – Traffic calming measures by creating green spaces through parklets and plantings to the main retail strip

Hepburn – Improve pedestrian experience with upgraded plantings, creative and safety elements

Glenlyon – Landscaping to provide shade canopy and seating outside general store and café and development of outdoor market square in the centre of town complete with pavilion, public amenities and BBQ

Trentham - Pedestrian safety and landscaping improvements to the main street



Hepburn Shire



2023/24



3.0M



14 Jobs



- ✓ Activation of spaces
- ✓ Promote economic activity
- ✓ Improve liveability and attractiveness
- ✓ Improve pedestrian experience and safety



Wheeler's Bridge Replacement

Wheeler's Bridge on the Creswick-Lawrence Rd in Creswick was constructed in 1900 and is the oldest Monier Arch still in service. It is classified as a local access road limited to light vehicles only, carries 97 vehicles a day and is in an agricultural zoned area. This is one of the earliest examples of reinforced concrete structures by famed Civil Engineer Sir John Monash.

The project will see this historical bridge repaired to enable its ongoing and safe use. Works will involve retaining the original arches and use them as formwork for new arches and spandrel walls. The project will strengthen and reinforce the bridge enabling continued community and agricultural vehicle access into the future.

Full design works for reconstruction of the bridge are being undertaken during 2021.



Creswick



2022/23



3.0M



14 Jobs



- ✓ Increase in road usability (load limits) and safety
- ✓ Heritage asset protection
- ✓ Future proof road access for agribusiness



Hepburn Settlement Strategy - Phase 1

This will be the Shires most comprehensive suite of Strategic Planning work in decades. Following on from the recommendations in the Planning Scheme Review, a considerable amount of Strategic Planning work is required to secure and protect current and future environmental preservation, land use, development goals for the community. The key pieces of work will be the Township Structure Plans, which also require suite of technical reports to be completed to inform and deliver them.

- Land Demand and Supply Study
- Biodiversity Strategy - flora and fauna study for township structure plans
- Aboriginal Heritage Strategy - part 1 indigenous engagement
- Agriculture and Rural Settlement Strategy - part 1 Restructure Plans
- Creswick Structure Plan - part 1 tech reports: incl. Infrastructure and Services, Land Capability, Access Management, NVPP, and Heritage
- Community Consultation for all township structure plans
- Distinctive Areas and Landscapes Study
- Hepburn Integrated Water Management Plan



Hepburn Shire



2021/22



440,000
(5.0M overall)



3 Jobs
(32 Jobs)



- ✓ The entire environmental, social and economic future of the Shire of Hepburn is contingent on the successful application and delivery of the Hepburn Settlement Strategy



Institute of Gastronomy - Construction

This exciting project involves the new construction of a flagship regional facility which will act as a hub and catalyst to support the transformation of the good food economy.

The facility will comprise of infrastructure to support cutting edge and innovative educational and good food outcomes including lecture theatres, offices, student accommodation, kitchens, boning rooms, incubator spaces, food storage and a host of other facilities for culinary and agricultural education all fitted with world-class, specialised equipment.

The new Institute supported by William Angliss TAFE, will enable collaboration between education, agriculture, food production and hospitality in the Grampians region.

- Institute of Gastronomy and Good Food Initial Business Case completed in 2018 funded in partnership with William Angliss Institute, Victorian Government and Regional Development Australia Grampians
- Full Business Case Planning currently underway and will be completed in 2022



Daylesford



2022/23



25.0M (est.)



147+ Jobs



- ✓ State significant project
- ✓ Skilled workforce outcomes
- ✓ Agri-Tourism development
- ✓ Attract and grow investment in the food industry and regional Victoria
- ✓ Driver for regional economic development

Regional Advocacy



Partnerships

- Central Highlands Regional Partnership
- Regional Development Australia Grampians
- Central Highlands Mayors and CEOs



Hepburn Shire strongly advocates for regional projects through its strong partnerships with our neighbouring LGAs and Regional Cities of Ballarat and Bendigo. These partnerships provide benefits and opportunities to our businesses and community.

This includes support for projects and advocacy activities such as;

- Victorian Goldfields World Heritage UNESCO Bid to unlock the full potential of the goldfields region, bringing economic diversification, jobs and investment into tourism
- Supporting the regional circular economy through the Ballarat Materials Recovery Facility which will see the establishment of organic and recyclable processing infrastructure within the region
- Improved regional rail through increased services on the Ballarat to Maryborough line benefitting Creswick and Clunes communities as well as opportunities for increased visitation
- Establishing the Institute of Gastronomy in Daylesford which will support ongoing education and training in the food and hospitality industry, address workforce and skills issues, and provide exciting opportunities for the region's growing artisan agriculture industries and complement Australia's first UNESCO Creative City of Gastronomy in Bendigo
- Maximising the region's opportunity for more community and affordable housing
- Maximising the region's competitive advantage by capitalising on agricultural and food manufacturing with a focus on value-adding
- Realise the full benefits of digital innovation and inclusion
- Attract and educate workers to ensure that employers can thrive

14.5 REVIEW OF POLICY 45(C) - FRAUD PREVENTION POLICY ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Policy 45(C) - Fraud Prevention Policy [**14.5.1** - 9 pages]

EXECUTIVE SUMMARY

The existing Fraud Prevention Policy (adopted by Council on 19 August 2014) has been reviewed and a revision has been prepared. It is attached.

This Policy provides the objectives of preventing fraud and corruption. It also endorses the elements of Council's Risk Management Framework for the purposes of identifying, assessing and controlling the risk of fraud and corruption.

It has been influenced by –

- Existing legislation and standards of conduct and behaviour expected of Councillors and Council personnel.
- Existing Council Policies, which demonstrate Council's commitment to be organisation that aspires to high standards of integrity.

It will help to foster an honest culture for the collective benefit of Council, its citizens and ratepayers.

OFFICER'S RECOMMENDATION

That Council:

1. *Rescinds the Fraud Prevention Policy, adopted on 19 August 2014; and*
2. *Adopts the Fraud Prevention Policy 2021.*

MOTION

That Council:

1. *Rescinds the Fraud Prevention Policy, adopted on 19 August 2014; and*
2. *Adopts the Fraud Prevention Policy 2021.*

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

Accountability, probity and transparency are the three Core Values enshrined in Council's Governing Policies. They form the foundation on which Council will conduct itself and upon which the activities of the organisation will be based.

This Policy is an important document within (a) Council’s Governance framework and (b) Council’s Risk Management Framework.

Fraud can take many forms including corruption and therefore this Policy does not attempt to include or describe all the different aspects and dimensions of fraud. However, it does define the difference between fraud and corruption. **Fraud** means “dishonest activity to obtain a benefit or advantage or to cause a loss or disadvantage.” **Corruption** means “dishonest activity involving the breach of public trust in the performance of official duties, usually to obtain a benefit or advantage or to cause loss or disadvantage.”

KEY ISSUES

1. Purpose

The purpose of this Policy is to –

- State Council’s position in preventing fraud and corruption.
- Protect Council’s assets, services, and reputation by preventing, detecting and responding to fraud and corruption.
- Promote and foster a culture of honesty and integrity.
- Prevent fraud and corruption by applying the elements of Risk Management.
- Raise awareness within the community and at all levels within Council.
- Encourage and support the disclosure of fraudulent and corrupt activity.
- Define Accountabilities.

2. External environment

It is entirely appropriate that Council’s approach to preventing fraud and corruption should be cognisant of their existence in the local government environment.

The Victorian Independent Broad-based Anti-corruption Commission (IBAC) warns councils of the risk of fraud and corruption and recommends that the “*approach to managing the risks of fraud and corruption should be underpinned by a whole-of-organisation risk management framework.*”

IBAC recommends appropriate fraud prevention strategies and practices such as –

- Risk control plans to address fraud risks.
- Fraud and corruption control measures in Manager's performance evaluations.
- Line management accountability.
- Staff code of conduct for ethical standards.
- Internal audit of fraud controls.
- Ongoing fraud and corruption training for Staff and Councillors.
- Suspected fraud reporting mechanisms and investigations.

This Policy takes IBAC’s recommendations into consideration.

3. Internal environment

It is evident that Council has established a policy framework which, amongst other things, provides the standards of conduct and integrity expected of Councillors and Council personnel. The policy framework includes –

- Council’s Governing Policies for Values, Culture and Behaviour, and Risk Management.
- Privacy Policy 30 (C)
- Councillor Staff Relationship Policy 37 (C)
- Procurement Policy 46 (C)
- Councillor Code of Conduct Policy 47 (C)
- Councillor Expenses and Resources Policy 80 (C)
- Councillor Gifts, Benefits and Hospitality Policy 84 (C)
- Employee Code of Conduct Policy 57 (O)
- Employee Performance Management and Disciplinary Action Policy 69 (O)
- Position Descriptions and Employment Agreements

This Policy complements and enhances the established policy framework.

4. Fostering an honest culture

If fraud has occurred or is alleged to have occurred, it will have a negative effect on Council including Councillors and Council personnel. For example, it may result in reputational damage, financial loss, a decline in public trust and confidence, as well as personal consequences. Council is also aware that the impact of fraud will be difficult to reverse.

It is evident from the previously mentioned policy framework that Council’s goal is for a workplace culture, based on honesty and integrity, practiced by people acting in professional and accountable ways, where fraud and corruption will not be tolerated.

This Policy will help Council to achieve that goal.

5. Staff Training

Training in the prevention of fraud and corruption was provided to Staff in September 2019. The training was delivered by Crowe Business Advisors. Several sessions were held at different locations, and it was compulsory for all Staff to attend.

Post adoption of this Policy, further training will be organised for Staff and is tentatively scheduled for October and November 2021. Engagement with a consultant has commenced to undertake this training as the training is seen to be an integral component to the understanding of the policy and detection and prevention of fraud and corruption in Council.

The training is also timely given the change in staff over the past three years and revisitation of the Leadership and Executive Team membership.

6. Risk Management

The negative consequences of fraud and corruption highlight the importance of implementing effective risk management.

Therefore, managing the risks of fraud and corruption will be in accordance with Council's existing whole-of organisation Risk Management Framework.

Council's Risk Management Framework is currently under review and will provide a framework to assist in the monitoring and detection of fraud and corrupt activities.

Reporting of fraud and corruption incidences when it occurs is required to be reported to the Audit and Risk Committee.

7. Disclosure

Council already encourages and supports the disclosure of fraud and corruption.

In September 2020, Council adopted the Public Interest Disclosure Procedures for Hepburn Shire Council. The Procedures were informed by the revision of the *Public Interest Disclosure Act 2012*. (The Procedures are available on the website).

The Procedures enable the disclosure of fraudulent and corrupt conduct to be made to Council's Public Interest Disclosure Coordinator, or to the Independent Broad-based Anti-corruption Commission (IBAC).

Disclosures may be made by any person, including citizens, ratepayers, Councillors and Council personnel.

8. Differences between 2014 Policy and 2021 Policy.

The 2021 version of the Policy builds upon the foundation created by the 2014 Policy, but it does not change the principles captured by the 2014 Policy.

The major changes are –

1. Removed the obsolete Best Value legislation.
2. Added a Contents page.
3. Created a new Introduction.
4. Clarified the Policy's Scope and Application.
5. Enhanced the Policy's Purpose.
6. Revised the Definitions and added brief explanations.
7. Added a new section about Fostering an Honest Culture.
8. Added a new section explaining the close relationship between Risk Management and the prevention of fraud and corruption.
9. Referred to the Australian Standard for Fraud and Corruption Control as the strategic guide for fraud prevention, detection and response.
10. Enhanced the section concerning Raising Awareness within the community.
11. Defined training options for Councillors and Council Staff.
12. Removed the subsection that dealt with pre-employment screening as this is primarily an intrinsic part of Staff recruitment.
13. Removed the section on reporting and investigating as this is now part of Council's Public Interest Disclosure Procedures; adopted in September 2020.

14. Enhanced the section on Accountabilities.

15. Revised the Governance sub-sections.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Other than the risks mentioned in the Policy, there are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A report on the Fraud Prevention Policy 2021 will be presented to the Audit and Risk Committee meeting on Thursday 16 September 2021 for their review.

The Policy informs the community, but it does not impact directly on the community.

If a member of the community suspects fraud or corruption amongst Councillors and Council personnel, then there is already the opportunity and mechanism to disclose improper conduct under the **Public Interest Disclosures Act 2012** by following the "Public Interest Disclosure Procedures for Hepburn Shire Council" (Policy 74 C) which was adopted by Council on 15 September 2020.

The Policy has been assessed against the Level of Engagement Matrix in the Community Engagement Policy and the assessment resulted in a "low level" rating.

Accordingly, the Policy will be published on Council's website and additional community engagement will not be required.

POLICY NUMBER: 45 (C)

NAME OF POLICY: FRAUD PREVENTION POLICY 2021

DATE OF NEXT REVIEW: Within 4 years of date approved

DATE APPROVED: 21 September 2021

RESPONSIBLE OFFICER: Manager People and Governance

REFERENCES: *Local Government Act 2020*
Public Interest Disclosure Act 2012
Independent Broad-based Anti-corruption Commission Act 2011
Public Interest Disclosure Procedures for Hepburn Shire Council 2020
Risk Management Policy 24 (C)
Councillor Code of Conduct Policy 47 (C)
Employee Code of Conduct Policy 57 (O)

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1. INTRODUCTION

Accountability, probity and transparency are the three Core Values enshrined in Council's Governing Policy. They form the foundation on which Council will conduct itself and upon which the activities of the organisation will be based.

The Fraud Prevention Policy has been influenced by –

- Existing legislation and codes of conduct expected of Councillors and Council personnel.
- Council's Policies, which demonstrate Council's commitment to be organisation that aspires to high standards of integrity.

Therefore, it will help to foster an organisational culture based on honesty for the collective benefit of Council, its citizens and ratepayers.

In harmony with this, Council encourages and supports the disclosure of suspected fraudulent activity as part of its commitment to an organisation free from fraud.

It is noted that fraud can take many forms including corruption and therefore this document does not attempt to include or describe all the different aspects and dimensions of fraud.

2. POLICY STATEMENT

Council will not tolerate any form of fraud or corruption and Council is committed to preventing, detecting and responding to fraud and corruption.

As it develops and implements a robust approach to controlling fraud and corruption, Council will be mindful of (a) the *Standards Australia AS 8001–2008 Fraud and Corruption Control* and (b) the *International Organisation for Standardisation ISO 31000 – 2018 Risk Management*. These Standards are expected to guide the development of strategies to control fraud and corruption, such as –

- Prevention – proactive measures designed to help reduce the risk of fraud and corruption occurring in the first place.
- Detection – measures designed to uncover incidents of fraud and corruption when they occur.
- Response – measures designed to take corrective action.

3. SCOPE

This policy applies to Councillors, whilst they are Councillors and to Council personnel whilst they are engaged by Council.

This policy applies to all assets, works, services, activities and workplaces of Council.

This policy applies to the management of Council’s contractors, consultants and agents.

The policy applies to all incidents of fraud, whether suspected, alleged or proven, that are either –

- committed against Council by any person (legal or natural); or
- committed by Councillors or Council personnel against a third party.

4. PURPOSE

The purpose of this Policy is to –

- State Council’s position in preventing fraud and corruption.
- Protect Council’s assets, services, and reputation by preventing, detecting and responding to fraud and corruption.
- Promote and foster a culture of honesty and integrity.
- Prevent fraud and corruption by applying the elements of Risk Management.
- Raise awareness within the community and at all levels within Council.
- Encourage and support the disclosure of fraudulent and corrupt activity.
- Define Accountabilities.

5. DEFINITIONS AND BRIEF EXPLANATIONS

Assets include money, property (land and buildings), materials, stock, vehicles, plant, equipment, furniture, chattels and all other similar possessions and items. Assets also include information and records including transactional records.

Corruption means *“dishonest activity involving the breach of public trust in the performance of official duties, usually to obtain a benefit or advantage or to cause loss or disadvantage.”*

Corrupt conduct can take many forms including; dishonestly using influence, authority or position; having conflicts of interest; taking or offering bribes (and other unlawful or dishonest payments); blackmail; nepotism and favouritism. Corruption does not include mistakes or unintentional acts.

Councillor means a person who holds the office of an elected representative of Hepburn Shire Council.

Council personnel means the Chief Executive Officer, members of Council staff, (permanent, temporary, agency, casual, full and part time), volunteers, trainees, students, Audit and Risk Committee members, Delegated Committee members and Community Asset Committee members.

Fraud means *“dishonest activity to obtain a benefit or advantage or to cause a loss or disadvantage.”*

Fraud can involve many different activities. Fraud is normally characterised by deliberate deception to facilitate or conceal dishonest conduct. It will often cause actual or potential loss including financial loss. It may include the deliberate falsification, concealment, destruction or improper use of information for personal benefit.

Risk Management Framework is the combination of the policy and procedures that are implemented to undertake risk assessments (identify, analyse, evaluate and treat) and monitor risks. Risks are recorded in the Risk Register and a Risk Control Plan is established to treat the risks by defining actions to be taken, assigning responsibilities and establishing timeframes (what will be done, by whom and when).

6. FOSTERING AN HONEST CULTURE

Council is aware that if fraud has occurred or is alleged to have occurred, it will have a negative effect on Council including Councillors and Council personnel. For example, it may result in reputational damage, financial loss, a decline in public trust and confidence, as well personal consequences. Council is also aware that the impact of fraud will be difficult to reverse.

Therefore, Council's goal is for a workplace culture, based on honesty and integrity, practiced by people acting in professional and accountable ways, where fraud and corruption will not be tolerated.

To achieve that goal, this Policy is led by and aligned with Council's existing Governing Policies for Values, Culture and Behaviour, and Risk Management.

Furthermore, and importantly, the following Codes and Policies have already established the standards of conduct and integrity expected of Councillors and Council personnel –

- Privacy Policy 30 (C)
- Councillor Staff Relationship Policy 37 (C)
- Procurement Policy 46 (C)
- Councillor Code of Conduct Policy 47 (C)
- Councillor Expenses and Resources Policy 80 (C)
- Councillor Gifts, Benefits and Hospitality Policy 84 (C)
- Employee Code of Conduct Policy 57 (O)
- Employee Performance Management and Disciplinary Action Policy 69 (O)
- Position Descriptions and Employment Agreements

7. RISK MANAGEMENT

The negative consequences of fraud and corruption highlight the importance of implementing effective risk management.

There are different levels of risk across the organisation and its services. In determining the best approach to managing these risks, the allocation and use of resources to manage the risk should be proportionate to the risk profile and the likelihood and consequence of the risk occurring.

Managing the risks of fraud and corruption involves a proactive approach to mitigate the risks posed by fraud and corruption before they occur.

Managing the risks of fraud and corruption will be in accordance with Council's existing whole-of-organisation Risk Management Framework, which includes the following elements –

- Policies and Procedures.
- Risk Assessments.
- Risk Register.
- Risk Control Plan.
- Risk Measures in Position Descriptions and Performance Evaluations.

On an on-going basis, Risk Assessments will be undertaken by Managers within their area of responsibility.

The Risk Assessments will identify, analyse and evaluate risks. They will be recorded in the Risk Register and a Risk Control Plan will be established to treat the risks by defining actions to be taken, assigning responsibilities and establishing timeframes (In other words, what will be done, by whom and when).

The Risk Register and Risk Control Plans will be monitored by the Executive Team to ensure all expected risks are included and addressed by justifiable rankings and effective controls.

The Internal Auditors will conduct independent reviews to assess the adequacy of risk controls and the extent of compliance with those controls.

The Executive Team will ensure there is regular reporting to the Audit and Risk Committee and Council.

8. RAISING AWARENESS

Council will ensure that its citizens and ratepayers have access to the avenues for reporting fraud and corruption by promoting relevant legislation, independent organisations and disclosure processes on its website.

Council encourages open discussion by Council personnel on the importance of integrity, within the context of the type of work being undertaken and the type of services being delivered in the various areas of operation.

Council will ensure that Councillors and Council personnel are made aware of the importance of preventing and disclosing fraud and corruption by the following methods –

- Councillor induction program and ongoing training and development.
- Staff induction program.
- Staff training* focussed on prevention, detection and disclosure.
- Training for Supervisors in understanding delegated responsibilities including responsibilities to educate and supervise staff.
- Internal communication including mandatory reporting.

*Council has a comprehensive Staff Training Program, which encompasses many subjects including the Employee Code of Conduct Policy 57 (O). After the adoption of this Policy, the Staff Training Program will be extended to include designated training on the prevention, detection and disclosure of fraud and corruption.

9. DISCLOSURE

Council encourages and supports the disclosure of fraud and corruption. In September 2020, Council adopted the Public Interest Disclosure Procedures for Hepburn Shire Council. (Available via this link: [Public Interest Disclosures \(Whistleblower\) - Hepburn Shire Council](#))

The Procedures enable the disclosure of fraudulent and corrupt conduct to be made to Council's Public Interest Disclosure Coordinator, or to the *Independent Broad-based Anti-corruption Commission (IBAC)*. (Available via this link: [Independent Broad-based Anti-corruption Commission | IBAC](#))

Disclosures may be made by any person, including citizens, ratepayers, Councillors and Council personnel.

10. ACCOUNTABILITIES

Accountability is one of three Core Values enshrined in Council's Governing Policy.

Council personnel are required to be accountable for their decisions and actions, including compliance with policies and particularly, the policies referred to in Section 6 of this Policy.

Accountability helps to foster a culture where all Council personnel are encouraged to be forthcoming and honest about mistakes, in the knowledge that mistakes are part of an organisation that seeks to continuously improve.

MEMBERS OF COUNCIL STAFF

Have the responsibility and obligation to –

- Behave in accordance with the Employee Code of Conduct Policy 57 (O).
- Prevent fraudulent and corrupt activity.
- Act in the public interest and lead by example, by modelling behaviours expected of all Staff.
- Report known or suspected instances of fraudulent or corrupt conduct to Council’s Public Interest Disclosure Coordinator, or to *the Independent Broad-based Anti-corruption Commission (IBAC)*.
 (Available via this link: [Independent Broad-based Anti-corruption Commission | IBAC](#)).
- Report known or suspected instances of fraudulent or corrupt conduct to their Manager.

MANAGERS AND EXECUTIVE OFFICERS

In **addition** to the responsibilities of Staff, Managers and Executive Officers have the responsibility and obligation to –

- Promote a work environment and culture that fosters integrity.
- Inform members of Council staff about fraud prevention and detection.
- Monitor and actively manage excessive outstanding leave of staff.
- Undertake Risk Assessments within their area of responsibility to identify, analyse and evaluate risks.
- Record those risks in the Risk Register and establish Risk Controls to treat those risks by defining actions to be taken, assigning responsibilities and establishing timeframes (what will be done, by whom and when).
- Report known or suspected instances of fraudulent or corrupt conduct to Council’s Public Interest Disclosure Coordinator, or to the Independent Broad-based Anti-corruption Commission (IBAC).
-

Managers will ensure that Council personnel who are engaged within their area of responsibility are made aware of this Policy and, when applicable, the Employee Code of Conduct Policy 57 (O).

COUNCILLORS

Have the responsibility and obligation to –

- Promote a work environment and culture that fosters integrity.
- Support Council initiatives and activities including risk management, internal audit and workplace relations to minimise or deter fraudulent and corrupt conduct.
- Report known or suspected instances of fraudulent or corrupt conduct to Council’s Public Interest Disclosure Coordinator, or to *the Independent Broad-based Anti-corruption Commission (IBAC)*.
 (Available via this link: [Independent Broad-based Anti-corruption Commission | IBAC](#)).

11. GOVERNANCE

OWNER

The Manager People and Governance is responsible for the Policy, including its implementation and review.

FURTHER INFORMATION

The Policy is available to the public via Council's website.

Questions about the Policy should be directed to the Manager People and Governance.

COMPLIANCE RESPONSIBILITY

- Chief Executive Officer.
- Director Organisational Services.
- Manager People and Governance.

OPERATION

The Policy is operational from the date it is adopted by Council until the date it is rescinded by Council unless its operation becomes obsolete by circumstances beyond the control of Council.

The Chief Executive Officer is authorised to make minor administrative amendments to the Policy.

REVIEW

The Policy will be reviewed every four years or sooner if required by Council or changes in legislation.

The Chief Executive Officer may cause the Policy to be reviewed if there is a significant change in organisational circumstances.

**14.6 BIENNIAL AUDIT AND RISK REPORT TO COUNCIL - AUDIT AND RISK COMMITTEE ACTIVITIES
ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES**

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

ATTACHMENTS

1. Hepburn Shire Council biannual Audit and Risk Report CEO Obligations [14.6.1 - 10 pages]

EXECUTIVE SUMMARY

The Audit and Risk Committee (ARC) was established by Council in August 2020 in line with the *Local Government Act 2020*.

There is a requirement pursuant to sections 54(4)(a) and 54(5)(b) of the *Local Government Act 2020* for the Audit and Risk Committee prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

OFFICER RECOMMENDATION

That Council endorses the biannual audit and risk report that details the activities of the Audit and Risk Committee from the period January 2021 - June 2021 pursuant to section 54 of the Local Government Act 2020.

MOTION

That Council endorses the biannual audit and risk report that details the activities of the Audit and Risk Committee from the period January 2021 - June 2021 pursuant to section 54 of the Local Government Act 2020.

Moved: Cr Juliet Simpson

Seconded: Cr Tim Drylie

Carried

BACKGROUND

Background of the Audit and Risk Committee

The Audit and Risk Committee is a Committee established under section 53 of the *Local Government Act 2020*. The ARC is not a delegated committee of Council, rather operates similar to an advisory committee of Council providing oversight on financial control, risk management, internal audit and control and public sector management.

The Audit and Risk Committee operates to a developed and adopted Audit and Risk Committee Charter, and an annual Workplan that is reviewed to ensure

management present required reports on a set basis, and the functions and expertise of the ARC are capitalised and maximised to support the operations of Council.

The Audit and Risk Committee meet approximately 4-5 times a year, and at times meet 'out of session' to address with any matters that come before it to advise on and provide Council with consideration and information.

The Audit and Risk Committee consists of 4 Independent Committee members who are paid sitting members approved by a resolution of Council and two Councillor Delegates, who are appointed at the Statutory Council Meeting at the end of each calendar year.

The current Audit and Risk Committee Chair is Independent Committee Member, Ms Linda McNeill who has been a member of the Audit and Risk Committee from June 2021 onwards.

Requirements to prepare a biannual audit and risk report to the Chief Executive officer

In accordance with section 54(4)(a) and 54(5)(b) the Audit and Risk Committee is required to:

- *prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and*
- *provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.*

The attached report to this Officer Report details the achievements of the Audit and Risk Committee from 01 January to 31 June 2021.

Members and attendance

The below table details the attendance of the Committee for the meetings held in February 2021 and June 2021.

As of April 2021 members M Trevor Shard and Ms Rachelle Tippet tenure expired.

Member name	Meeting – 22 February 2021	Meeting -28 June 2021
Cr Lesley Hewitt	Y	N
Cr Brian Hood	Y	Y
Trevor Shard	Y	N/A - no longer a member
Rachelle Tippet	Y	N/A - no longer a member
Robert Taylor	Y	Y
Carol Pagnon	Y	Y

Linda McNeill	N/A - not yet a member	Y
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It is also worth noting that at the May 2021 Ordinary Council Meeting Council resolved to appoint Ms Linda McNeill to the Committee for a period of 4 years, and at the June 2021 Ordinary Council Meeting approved to appoint Mr Jason Young to the Committee as independent committee members.

KEY ISSUES

The relevant findings and recommendations from each meeting have been reported to Council through the respective Council reports, which have been presented to Council after each Audit and Risk Committee meeting.

Responding to emerging Risks, the Audit and Risk Committee, and management, continue to pay close attention to identifying and reviewing emerging risks, close oversight of financial and internal control, and utilise public sector management skills to provide timely advice to Council on reports presented to them in line with the adopted Workplan.

Policy and Statutory Implications

Council Plan 2017-2021

High Performing Organisation

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

To avoid preparing a report as required under the *Local Government Act 2020* would be a breach of Council's statutory compliance, a known risk and hence the intention and preparation of this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

The Audit and Risk Committee Chair has been consulted in the preparation of the audit and risk report as presented to the Chief Executive Officer for tabling.

Charter responsibilities	Activity / Outcome	Additional notes
Financial and Performance reporting		
<i>In conjunction with the external auditor review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof.</i>	This item is scheduled to be presented to ARC annually, and will be presented to the meeting in September 2021.	
<i>Review the Local Government Performance Reporting Framework (LGPRF) changes</i>	This item is scheduled to be presented annually and is a legislated requirement. This report will be presented to ARC meeting in September 2021.	
<i>Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position.</i>	This item is presented annually. This report will be presented to the fi in September 2021.	
<i>Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved.</i>	This item is presented annually. This report will be presented to the ARC in September 2021.	
<i>Recommend adoption of annual financial report and performance statements</i>	This item is presented annually. This report will be presented to the ARC in September 2021.	
<i>Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council</i>	This report is presented to at each meeting. Information pertaining to this requirement in the Charter was presented in February 2021 and June 2021.	

Internal Control Environment		
<i>Review key policies and plans</i>	<p>The Charter requires Management to report on this bi annually.</p> <p>For this period from January – June 2021 the following policies have been presented for either review, or presented by way of information provision at both February 2021 and June 2021 meetings.</p> <ul style="list-style-type: none"> - Councillor Code of Conduct - Councillor Gifts, Benefits and Hospitality Policy - Community Engagement Policy - Revenue Collection and Financial Hardship Policy 2021 - Treasury Management Policy 2021 - Staff Councillor Interaction Policy 	
<i>Determine whether systems and controls are reviewed regularly and updated where required, through Internal Audit process.</i>	This report is listed to be presented quarterly to the Committee and where applicable relevant systems and controls are reviewed and updated as required and the outputs of this is presented.	
<i>Monitor significant changes to systems and consider impact of changes on Council's risk profile, through regular risk reporting and identification.</i>	This report is listed to be presented quarterly and where applicable relevant systems and controls are reviewed and updated as required and the outputs of this is presented.	
<i>Ensure a program is in place to test compliance with systems and controls, through internal audit program.</i>	This information is listed to be presented quarterly and where applicable details the program(s) that are in place to test compliance with systems and controls, through the adopted internal audit program.	

<p><i>Assess whether the control environment is consistent with Council's Governing Principles, through the Internal Audit program.</i></p>	<p>This is a standing item that ensures that the Councils control environment inclusive of the internal audit program is consistent with good governance principles.</p> <p>This is referred to quarterly.</p>	
<p>Risk Management</p>		
<p><i>Review Risk Management Framework and Risk Appetite Statement</i></p>	<p>This item is listed to be reviewed annually, scheduled for September 2021 meeting.</p> <p>Council are currently reviewing its Risk Management Framework and Risk Appetite Statement which is a comprehensive project management are undertaking. This is a whole of organisation project that involves engagement with every department, Leadership Team and Councillors.</p> <p>A standing report has been presented to the Committee for some time that provides an update on Councils Risk Management Framework Implementation Road Map, and this will be provided in the September 2021 meeting.</p> <p>Previous reports were presented at both February 2021 and June 2021 ARC meetings.</p>	<p>Management will be presenting to the Committee at the September 2021 an update on the review and development of its Risk Management Framework.</p> <p>Where required, out of session information sharing in the form of draft framework iterations and request for feedback will be undertaken.</p> <p>It is hoped that management will present its draft Risk Management Framework to the Committee in November 2021.</p>
<p><i>Review whether appropriate fraud control arrangements processes and systems are in place to detect, capture and effectively respond to fraud-related information.</i></p>	<p>This is an annual requirement. However, as part of managements 'Risk Review Report' that is presented to ARC quarterly, and</p>	

	<p>updates on any identified fraud and corruption events are presented, the Committee are provided with the opportunity to review the processes and systems that are in place to detect, capture and respond to fraud-related information.</p> <p>The review of Councils Fraud Prevention Policy will be presented to the Committee at the September 2021 meeting.</p>	
<i>Review Council's treatment plans for significant risks</i>	<p>The ARC receive through the Internal audit Final report documents on internal audits undertaken, the auditors findings, recommendations and risks associated (high, medium, low) and Council's plan to mitigate that risk or reduce it by implementing a process change.</p> <p>This has been captured at both February 2021 and June 2021 ARC meetings.</p>	
<i>Review Council's insurance programme</i>	<p>This is an annual requirement and will be presented to the Committee at the November 2021 meeting. The Workplan states that this is an annual requirement.</p> <p>This will incorporate the Insurance Renewal Process that management have undertaken, along with Insurance policies, practices and guidelines.</p>	
<i>Review Councils Protective Data Security Plan</i>	<p>This is an annual requirement.</p> <p>The Protective Data Security Plan was developed and presented to the Office of the</p>	

	<p>Victorian Information Commission in August 2020.</p> <p>The Plan will be presented annually to ensure that it captures the required controls to continue to satisfy Council's Protective Data Security Plan requirements. This report will be presented in November 2021.</p>	
<p><i>Review whether appropriate business continuity and disaster planning, response and recovery arrangements are in place.</i></p>	<p>Due to COVID-19 pandemic, the Chief Executive Officer presents an ongoing verbal and when required, a written report that provides for Council's plan for business community and disaster planning when presented with natural disasters such as fires, storm events or the pandemic.</p> <p>For this period these discussions have been had at both February 2021 and June 2021 Committee meetings.</p>	
<p>Fraud Prevention Systems & Controls</p>		
<p><i>Review Council's fraud prevention policy and controls</i></p>	<p>This is an annual requirement pursuant to the ARC Workplan and as such is scheduled to be presented in September 2021.</p>	<p>The Fraud Prevention Policy is currently in Draft Form and ready to be presented to ARC.</p>
<p><i>Review Council's fraud control plan and awareness programme</i></p>	<p>This item will be considered at the November meeting 2021 after Council have adopted the Fraud Prevention Policy.</p> <p>This is an annual requirement and should follow the review and socialising of the revised Policy.</p>	

<p><i>Review reports on any instances of unethical behaviour, fraud and corruption</i></p>	<p>A standing item is presented to ARC on any reports of unethical behaviour, fraud, corruption, misconduct or any mandatory reporting requirements as identified by the CEO in line with the requirements of oversight agencies.</p> <p>A standing item detailing whether any identified instances of unethical, fraud or corrupt conduct has occurred has been presented to the February 2021 and June 2021 ARC meetings.</p>	<p>This is a standing item irrespective of whether any identified behaviours have occurred.</p>
<p><i>Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.</i></p>	<p>This is a standing item presented to ARC where management have the opportunity, if required, to report on behalf of Council any matters to the oversight integrity bodies on fraud and corruption.</p> <p>A statement detailing whether this was required has been presented to the February and June 2021 ARC meetings.</p>	
<p>Internal Audit Functions</p>		
<p><i>Review and recommend the Internal Audit Plan for Council endorsement</i></p>	<p>This is an annual requirement.</p> <p>The Strategic Internal Audit plan is presented to ARC each meeting (on a quarterly basis) by way of transparency around upcoming internal audits scheduled.</p>	
<p><i>Review internal audit reports and assess whether matters are being managed and rectified in an appropriate and timely manner.</i></p>	<p>A report is presented to the Committee per quarter with updates on:</p> <p>From January – June 2021 the following internal audit final reports were presented to</p>	

	<p>assist in the monitoring of Council's internal audit function:</p> <ul style="list-style-type: none"> - Accounts Payable and Credit Cards - Rates Revenue - Procurement and Contract Management - Any internal audits that have been undertaken inclusive of Final Reports - Updates on the Strategic Internal Audit Plan and - Outstanding Internal Audit Action Register. 	
<p><i>Monitor and review management's implementation of internal audit findings and recommendations and have regard to any significant disagreements with management (irrespective if they have been solved).</i></p>	<p>This is a biannual requirement as detailed in the Workplan. However, management present an Outstanding Internal Audit Action Register at each meeting providing for an update on the status of each internal audit findings and Council's progress to implementing the recommendations.</p> <p>This report was presented in February and June 2021 ARC meetings.</p>	
<p><i>Meet with the leader of the internal audit function at least annually in the absence of management.</i></p>	<p>This is an annual requirement as detailed in the Workplan. However, Council's internal auditors are present at each meeting and are afforded the opportunity to meet with the ARC in camera each meeting.</p>	
<p><i>Review the performance of the Internal Auditor in conjunction with management</i></p>	<p>This is an annual requirement and is scheduled to be discussed at the November 2021 ARC meeting.</p>	

<i>Committee involvement in appointment of internal audit service provider</i>	This is a standing item on the workplan when Councils internal audit contract undergoes a public tender process. This has not been required to date. Council's current internal audit providers contract concludes at the end of 2021 and as such the ARC will be engaged on the outcome of the tender process and panel recommendation for appointment.	
External Audit Functions		
<i>Review the scope of the external audit plan with the external auditor and management and monitor its implementation.</i>	This will be presented at September 2021 meeting.	
<i>Review all external audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.</i>	This is a quarterly requirement and management presented this to the ARC in February 2021 and June 2021.	
<i>Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information.</i>	This is an annual requirement as per the Workplan. The External Auditors are invited and attend most ARC meetings and were present at both the February and June 2021 meetings.	
<i>Ensure that management responses to any audit findings are appropriate and timely</i>	This is a quarterly requirement as per the ARC Workplan. A standing report is presented to ARC on the External Audit function and was presented in February 2021 and June 2021 for the committee to ensure that management responses to any audit findings are appropriate and timely.	
<i>Monitor and review management's implementation of external auditor's findings and recommendations and have regard to any significant disagreements with management (irrespective if they have been solved).</i>	This is a requirement in the Workplan 'as required'.	
<i>Monitor processes and practices to ensure that the independence of the external audit function is maintained.</i>	This is an annual requirement as per the Workplan.	

	This is scheduled to be presented to the Committee at the September 2021 meeting.	
<i>Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views if applicable.</i>	This is an annual requirement as per the Workplan. This is scheduled to be presented to the Committee at the September 2021 meeting.	
<i>Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them.</i>	This is an annual requirement as per the Workplan. This is scheduled to be presented to the Committee at the September 2021 meeting.	
<i>Meet with external auditor in absence of management</i>	This is an annual requirement as per the Workplan. This is scheduled to be presented to the Committee at the September 2021 meeting.	
Reporting to Council		
<i>Provide summary of Minutes to the next Ordinary Council Meeting</i>	After each meeting management present a public summary of the ARC meeting minutes to the Council at its Ordinary Council Meeting. Meeting minutes were presented to the Council after the February 2021 and June 2021 Ordinary Council Meeting.	
<i>Provide audit and risk report to Council that describes the activities of ARC and includes its findings and recommendations.</i>	This will be presented to Council at its August 2021 Ordinary Council Meeting.	

<i>Report to Council summarising the activities of the Committee during the previous Financial Year</i>	This will be presented to Council at its August 2021 Ordinary Council Meeting.	
<i>Assessment of Committee performance (Survey)</i>	This is an annual requirement and will be undertaken after the November 2021 ARC meeting.	
Other matters		
<i>Committee member induction</i>	Two new independent committee members were appointed by Council at both the May and June 2021 Ordinary Council Meetings. As such, both new members have been provided with adequate induction to support their onboarding to ARC.	
<i>Consider other matters referred by Council</i>	Where any other matters are determined by management to be presented, the matters are presented to the Committee accordingly.	

14.7 REVISION OF INSTRUMENTS OF DELEGATION FROM COUNCIL TO THE CEO (S5) AND COUNCIL TO COUNCIL STAFF (S6) ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. S5 Instrument of Delegation Council to CEO July 2021 [**14.7.1** - 4 pages]
2. S6 Instrument of Delegation Council to Council Staff July 2021 [**14.7.2** - 102 pages]
3. S18 Instrument of Sub delegation to Council Staff - Environment Protection Act [**14.7.3** - 5 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 current Instrument of Delegation to the CEO was executed on 20 July 2021 and the Instrument of Delegation to Members of Council Staff was executed on 20 April 2021.

The revised instruments reflect staffing changes in the organisation resulting from the new organisational structure, 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 Council's 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.*
3. *In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council 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 the common seal of Council is affixed to the instrument.*
 - c. *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 Council's 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.*
3. *In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council 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 the common seal of Council is affixed to the instrument.*
 - c. *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 Juliet Simpson

Seconded: Cr Tessa Halliday

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 CEO was executed on 20 July 2021 and the Instrument of Delegation to Members of Council Staff was executed on 20 April 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 <i>Require resolution of Council</i>
Schedule 5 – Delegation from Council to the CEO under the <i>Local Government Act 2020</i> <i>Includes delegations required and excluded under the Local Government Act 2020</i>
Schedule 6 – Delegation from Council to Council Staff under various Acts <i>Powers are delegated direct to officers under the following Acts:</i> <ul style="list-style-type: none">• <i>Cemeteries and Crematoria Act 2003</i>• <i>Domestic Animals Act 1994</i>

- *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

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 July 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 April 2021. This revision has also been updated to include staff changes resulting from the restructure to come into effect on 20 September 2021.

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:

- the Environment Protection Act 1970 has been removed;
- inserted appointments made under the EPA 2017 – in particular, the appointment of a litter enforcement officer and the appointment of a residential noise enforcement officer, both of whom must be members of Council staff;
- inserted power to institute proceedings under the EPA 2017 - in particular, with respect to enforcement of unreasonable and aggravated noise and to litter and other waste.

New Instrument of Delegation Environment Protection Authority powers from Council to members of Council staff (S18) – to be adopted by Council

This is a new Instrument 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.

Instruments of Delegation to be authorised by the CEO

The following instruments will be authorised by the CEO once Council has considered the Instrument of Delegation to 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:

- Not all provisions of the 2020 Act are yet in force;
- 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.

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 2020. 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.

Delegating to short term contractors and labour hire staff

In regard to who can be delegated powers, and whether delegations and appointments to authorised officers can be to contractors or those engaged through labour hire who have an ABN, Councillors may note the following:

- The *Local Government Act 2020* states that delegations are provided to members of council staff, which includes someone in a contracted role for set period.
- Some legislation, such as the *Environment Protection Act 2017*, limit the delegation or authorisation of specific powers beyond permanent staff. These limitations are reflected in the instruments.
- Powers under the S6 Instrument from Council to Council Staff may be delegated to Labour Hire or contractors employed under an ABN only where the legislation powers are delegated from allows and Council has approved the Instrument by Resolution;
- Our understanding is that any short-term appointment made by Council would need to be reflected in the instrument of delegation if it were not already, which we consider would be due process.
- This also applies to instruments of appointment to authorised officers.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

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 20 July 2021;
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:)

.....
Witness

Date:

Signed by the Mayor in the presence of:)
)

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

July 2021

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:

Not Delegated	means not delegated below Chief Executive Officer
CEO	means Chief Executive Officer (Including Interim or Acting)
DOAS	means Director Organisational Services
DCAD	means Director Community and Development
DIAD	means Director Infrastructure and Delivery
All D	means All Directors
All M	means All Managers
All S	means All Supervisors with reports
All	means All Staff
ACC	means Accountant
AMS	means Assessment Management Specialist
BAS	means Building Administrator Support
BCSA	means Building and Community Safety Administration
BUI	means Building Inspector
CCC	means Coordinator Community Care
CCE	means Coordinator Customer Experience
CCP	means Coordinator Community Partnerships
CED	means Coordinator Economic Development
CENG	means Coordinator Engineering
CEYHC	means Coordinator Early Years and Healthy Communities
CF	means Coordinator Facilities
CFS	means Coordinator Financial Services

CGE	means Coordinator Governance
CHCS	means Coordinator Health and Community Safety
CIMO	Corporate Information Management Officer
CO	means Communications Officer
CP	means Coordinator Planning
CPAC	means Coordinator People and Culture
CPOS	means Coordinator Parks and Open Space
CSAR	means Coordinator Sport and Active Recreation
CSDE	means Civil and Survey Design Engineer
CSO	means Customer Service Officer
CSTL	means Customer Service Team Leader
CSY	means Community Safety Officer
CW	means Coordinator Waste
CWK	means Coordinator Works
DSEO	means Development Services Enforcement Officer
EHO	means Environment Health Officer
EHTO	means Environment Health Technical Officer
EMO	means Emergency Management Officer
ENGO	means Engineering Officer
GAD	means Governance Advisor
GPDO	means Grants and Projects Development Officer
HO	means Heritage Officer
IFO	means Information Officers
MBS	means Municipal Building Surveyor
MCL	means Manager Community Life
MEDR	means Manager Economic Development and Recreation
MEMO	means Municipal Emergency Management Officer
MERR	means Manager Emergency Response and Recovery
MFPO	means Municipal Fire Prevention Officer

MFS	means Manager Financial Services
MICT	means Manager ICT
MOPS	means Manager Operations
MPAD	means Manager Planning and Development
MPG	means Manager People and Governance
MPS	means Manager Projects
MRM	means Municipal Recovery Manager
MTL	means Maintenance Team Leaders
MWFC	means Manager Waste, Facilities and Community Safety
PAO	means Planning Administration Officer
PIRO	means Procurement Insurance and Risk Officer
PIRS	means Procurement, Insurance and Risk Specialist
PSP	means Principal Strategic Planner
RO	means Revenue Officer
SAP	means Statutory Planner
SARDO	means Sport and Active Recreation Development Officer
SARO	means Sport and Active Recreation Officer
SRO	means Senior Rates Officer
SRP	means Strategic Planner
SSF	means Safety Systems Facilitator
SUO	means Subdivision Officer
TLCC	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 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 Lesley Hewitt

.....
Chief Executive Officer Bradley Thomas

SCHEDULE

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CEMETERIES AND CREMATORIA ACT 2003 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, MPG	
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, MPG	

CEMETERIES AND CREMATORIA ACT 2003			
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, MPG	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	All D, MPG	
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

CEMETERIES AND CREMATORIA ACT 2003 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 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

CEMETERIES AND CREMATORIA ACT 2003 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, MPG	
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	

CEMETERIES AND CREMATORIA ACT 2003 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, MPG	
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, MPG	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	All D, MPG	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	All D, MPG	
s 60(2)	Power to charge fees for providing information	All D, MPG	
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	

CEMETERIES AND CREMATORIA ACT 2003 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, MPG	
s 73(2)	Power to impose conditions on the right of interment	All D, MPG	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	All D, MPG	

CEMETERIES AND CREMATORIA ACT 2003 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 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, MPG	
s 80(2)	Function of recording transfer of right of interment	All D, MPG	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	All D, MPG	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	All D, MPG	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	All D, MPG	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	All D, MPG	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	All D, MPG	The notice must be in writing and contain the requirements listed in s 85(2)

CEMETERIES AND CREMATORIA ACT 2003 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 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, MPG	Does not apply where right of interment relates to remains of a deceased veteran.
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	

CEMETERIES AND CREMATORIA ACT 2003			
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 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	Not delegated	
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, MPG	

CEMETERIES AND CREMATORIA ACT 2003 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 99	Power to approve or refuse an application made under s 98, or to cancel an approval	All D	
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, MPG	
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	

CEMETERIES AND CREMATORIA ACT 2003 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 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	
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, MPG	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	All D, MPG	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	All D, MPG	
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, MPG	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	All D, MPG	
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, MPG	
s 108	Power to recover costs and expenses	All D, MPG	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 109(1)(a)	Power to open, examine and repair a place of interment	All D, MPG	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, MPG	Where the holder of right of interment or responsible person cannot be found
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, MPG	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, MPG	
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, MPG	
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, MPG	
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, MPG	
s 112	Power to sell and supply memorials	Not delegated	

CEMETERIES AND CREMATORIA ACT 2003 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(4)	Duty to notify the Secretary of an interment authorisation granted	All D, MPG	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	All D, MPG	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	All D, MPG	
s 119	Power to set terms and conditions for interment authorisations	All D, MPG	
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, MPG	
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	

CEMETERIES AND CREMATORIA ACT 2003 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 149	Duty to cease using method of disposal if approval revoked by the Secretary	All D, MPG	
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, MPG	
s 151	Function of receiving applications to inter or cremate body parts	All D, MPG	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	All D, MPG	
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

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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
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
s 19NA(1)	Power to request food safety audit reports	CEO, DIAD, MWFC, CHCS, EHO, EHTO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
---	Power to register, renew or transfer registration	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority Refusal to grant/renew/transfer registration 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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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)	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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39A	Power to register, renew or transfer 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)
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
s 40F	Power to cancel registration of food premises	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CEO, DIAD, MWFC, CHCS, EHO	Where Council is the registration authority
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO¹	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, DCAD, MPAD, CP, 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, CP, SRP, PSP, SAP	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, SRP, PSP, SAP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, 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, CP, SRP, PSP, SAP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DCAD, MPAD, CP, SRP, PSP, SAP	
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DCAD, MPAD, CP, 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, CP, SRP, PSP, SAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, 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, CP, SRP, PSP, SAP	
s 12A(1)	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>)	CEO, DCAD, MPAD, CP, SRP, PSP, SAP	
s 12B(1)	Duty to review planning scheme	CEO, DCAD, MPAD, SRP, PSP	
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, CP, SRP, PSP, SAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, DCAD, MPAD, CP, SRP, PSP, SAP, PAO	
s 17(2)	Duty of giving copy s 173 agreement	CEO, DCAD, MPAD, CP, 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, CP, SRP, PSP, SAP, PAO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, 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, CP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DCAD, MPAD, SRP, PSP, CP	<p>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or</p> <p>Where the amendment will amend the planning scheme to designate Council as an acquiring authority</p>
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DCAD, MPAD, CP SRP, PSP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, SRP, PSP, SAP, PAO	
s 21A(4)	Duty to publish notice	CEO, DCAD, MPAD, CP, SRP, PSP, SAP, PAO	
s 22	Duty to consider all submissions	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, 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, CP, 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, CP, 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, CP, SRP, PSP, SAP, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, 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, CP, SRP, PSP, SAP	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, DCAD, MPAD, CP SRP, PSP,	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, DCAD, MPAD, CP SRP, PSP,	
s 32(2)	Duty to give more notice if required	CEO, DCAD, MPAD, CP SRP, PSP,	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DCAD, MPAD, CP SRP, PSP,	
s 36(2)	Duty to give notice of approval of amendment	CEO, DCAD, MPAD, CP SRP, PSP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DCAD, MPAD, CP 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, CP SRP, PSP,	
s 40(1)	Function of lodging copy of approved amendment	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, SRP, PSP, SAP	
s 42(2)	Duty to make copy of planning scheme available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, 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	<p>Where Council is a responsible public entity and is a planning authority</p> <p>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</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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	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) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	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
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
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, SRP, PSP, SAP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DCAD, MPAD, CP, 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, CP	
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, CP, 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, CP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DCAD, MPAD, CP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCAD, MPAD, CP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, SRP, PSP, SAP	
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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCAD, MPAD, CP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DCAD, MPAD, CP, SAP, SUO, PAO	
s 49(2)	Duty to make register available for inspection in accordance with public availability requirements	CEO, DCAD, MPAD, CP, SAP, SUO, PAO	
s 50(4)	Duty to amend application	CEO, DCAD, MPAD, CP, SRP, PSP, SAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50(5)	Power to refuse to amend application	CEO, DCAD, MPAD, CP	
s 50(6)	Duty to make note of amendment to application in register	CEO, DCAD, MPAD, CP, SAP, SUO, PAO	
s 50A(1)	Power to make amendment to application	CEO, DCAD, MPAD, CP, 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, CP, SRP, PSP, SAP	
s 50A(4)	Duty to note amendment to application in register	CEO, DCAD, MPAD, CP, SAP, PAO	
s 51	Duty to make copy of application available for inspection in accordance with public availability requirements	CEO, DCAD, MPAD, CP, 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, CP, SAP, PAO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, DCAD, MPAD, CP, SAP, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, SAP, PAO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, DCAD, MPAD, CP, SAP, PAO	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DCAD, MPAD, CP, SAP, PAO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCAD, MPAD, CP, SAP, PAO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DCAD, MPAD, CP, SAP, PAO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1)	Power to require the applicant to provide more information	CEO, DCAD, MPAD, CP, SAP, PAO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DCAD, MPAD, CP, SAP, PAO	
s 54(1B)	Duty to specify the lapse date for an application	CEO, DCAD, MPAD, CP, SAP, PAO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DCAD, MPAD, CP, 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, CP, SAP	
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, CP, SAP, PAO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCAD, MPAD, CP, SAP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, DCAD, MPAD, CP, SAP, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57(5)	Duty to make a copy of all objections in accordance with public availability requirements	CEO, DCAD, MPAD, CP, SAP, PAO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, DCAD, MPAD, CP, SAP	
s 57A(5)	Power to refuse to amend application	CEO, DCAD, MPAD, CP	
s 57A(6)	Duty to note amendments to application in register	CEO, DCAD, MPAD, CP, SAP, PAO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DCAD, MPAD, CP, SAP, PAO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DCAD, MPAD, CP, SAP, PAO	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, DCAD, MPAD, CP, SAP, PAO	
s 58	Duty to consider every application for a permit	CEO, DCAD, MPAD, CP, SAP, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58A	Power to request advice from the Planning Application Committee	CEO, DCAD, MPAD, CP	
s 60	Duty to consider certain matters	CEO, DCAD, MPAD, CP, SAP, PAO	
s 60(1A)	Duty to consider certain matters	CEO, DCAD, MPAD, CP, SAP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, SAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, SAP	
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, CP, 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, CP, SAP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DCAD, MPAD, CP, SAP	
s 62(2)	Power to include other conditions	CEO, DCAD, MPAD, CP, SAP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DCAD, MPAD, CP, 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCAD, MPAD, CP, 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, CP, SAP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75
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, CP, SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75A

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, DCAD, MPAD, CP, 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, CP, SAP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DCAD, MPAD, CP, 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, CP, 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
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, CP, 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, CP, SAP, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, DCAD, MPAD, CP, SAP, PAO	
s 69(2)	Power to extend time	CEO, DCAD, MPAD, CP, SAP, PAO	
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, SAP, SUO, PAO	
s 71(1)	Power to correct certain mistakes	CEO, DCAD, MPAD, CP, SAP	
s 71(2)	Duty to note corrections in register	CEO, DCAD, MPAD, CP, SAP, PAO	
s 73	Power to decide to grant amendment subject to conditions	CEO, DCAD, MPAD, CP, 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>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue amended permit to applicant if no objectors	CEO, DCAD, MPAD, CP, 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, CP, SAP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DCAD, MPAD, CP, SAP, PAO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, 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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, DCAD, MPAD, CP, SAP, SUO, PAO	
s 83	Function of being respondent to an appeal	CEO, DCAD, MPAD, CP, SAP, SUO	
s 83B	Duty to give or publish notice of application for review	CEO, DCAD, MPAD, CP, 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	
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, CP, SAP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, DCAD, MPAD, CP, 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, CP, SAP, SUO, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DCAD, MPAD, CP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DCAD, MPAD, CP, SAP, DSEO	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DCAD, MPAD, CP, SAP, DSEO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, DCAD, MPAD, CP, 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, CP, SAP, DSEO	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, DCAD, MPAD, CP, SAP, DSEO	
s 95(3)	Function of referring certain applications to the Minister	CEO, DCAD, MPAD, CP, DSEO	
s 95(4)	Duty to comply with an order or direction	CEO, DCAD, MPAD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DCAD, MPAD, CP, SRP, PSP	
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, CP, SRP, PSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DCAD, MPAD, CP, 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, CP, SAP, SRP, PSP	
s 96F	Duty to consider the panel's report under s 96E	CEO, DCAD, MPAD, CP, 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, CP, SAP, SRP, PSP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DCAD, MPAD, CP, SAP, SRP, PSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96J	Power to issue permit as directed by the Minister	CEO, DCAD, MPAD, CP, SAP, SRP, PSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, 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, CP, SRP, PSP, SAP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, DCAD, MPAD, CP, SRP, PSP, SAP, PAO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DCAD, MPAD, CP, SRP, PSP, SAP, PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, SRP, PSP, SAP	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DCAD, MPAD, CP, SRP, PSP, SAP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, DCAD, MPAD, CP, 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, SRP, PSP, SAP, SUO	
s 107(3)	Power to agree to extend time for making claim	CEO, DCAD, MPAD	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DCAD, MPAD, CP, DSEO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DCAD, MPAD, CP, DSEO SAP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCAD, MPAD, CP, 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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP, DSEO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DCAD, MPAD, CP, 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, CP, 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, CP, SAP	
s 171(2)(g)	Power to grant and reserve easements	CEO, DCAD, MPAD, MOPS, CP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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, CP	
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, CP	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, CP	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, CP	Where Council is the relevant responsible authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP	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, CP	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, DCAD, MPAD, CP	
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, CP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DCAD, MPAD, CP	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DCAD, MPAD, CP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DCAD, MPAD, CP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DCAD, MPAD, CP	
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, CP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DCAD, MPAD, CP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DCAD, MPAD, CP	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCAD, MPAD, CP	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, CP	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, CP	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, CP	After considering objections, submissions and matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP	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, CP	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, CP	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, CP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DCAD, MPAD, CP	
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, CP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DCAD, MPAD, CP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP	
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, CP	
s 179(2)	Duty to make a copy of each agreement in accordance with public availability requirements	CEO, DCAD, MPAD, CP	
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, CP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DCAD, MPAD, CP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DCAD, MPAD, CP	
s 182	Power to enforce an agreement	CEO, DCAD, MPAD, CP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, DCAD, MPAD, CP	
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, CP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CP	
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, CP	
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, CP	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DCAD, MPAD, CP	
s 198(1)	Function to receive application for planning certificate	CEO, DCAD, MPAD, CP, SAP, PAO	
s 199(1)	Duty to give planning certificate to applicant	CEO, DCAD, MPAD, CP, SAP, PAO	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCAD, MPAD, CP, SAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201(3)	Duty to make declaration	CEO, DCAD, MPAD, CP	
-	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, CP	
	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, CP	
	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, CP	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCAD, MPAD, CP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, DCAD, MPAD, CP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DCAD, MPAD, CP	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, CHCS, EHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	DIAD, MWFC, CHCS, EHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	DIAD, MWFC, CHCS, 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, CHCS, EHO	
s 206AZA(2)	Function of receiving written notification	CEO All D	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 207ZE(2)	Function of receiving written notification	CEO All D	
s 311A(2)	Function of receiving written notification	CEO, All D	
s 317ZDA(2)	Function of receiving written notification	CEO	
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, All D, MPG, 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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DIAD, MOPS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
sch 2 cl 5	Duty to publish notice of declaration	CEO, All D	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)

CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act 2003</i> , 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
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CEO, All D, MPG	
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, MPG	
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	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##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).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, MPG	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##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).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, MPG	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 <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).]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CEO, All D, MPG,	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, MPG,	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, MPG,	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, MPG,	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CEO, All D, MPG,	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, MPG,	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, MPG,	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, MPG,	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, MPG	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 <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).]			
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, MPG	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, MPG	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CEO, All D, MPG	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, CP	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, CP, 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, CP, 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, CP, 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, CP	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.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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, CP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

RESIDENTIAL TENANCIES REGULATIONS 2021			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	CEO, DIAD, MWFC, CHCS, EHO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

***S18 Instrument of Sub-Delegation
under the Environment Protection Act 2017***

Hepburn Shire Council

Instrument of Sub-Delegation

to

Members of Council staff

June-July 2021

Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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 in column 3 of the Schedule;
2. record that references in the Schedule are as follows
 - CEH** means **Coordinator Health and Community Safety**
 - EHO** means **Environmental Health Officer**
 - CSY** means **Community Safety Officer**
3. this Instrument of Sub-Delegation is authorised by a **resolution of Council** passed on **## Month 2021** pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
 - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2 remains in force until varied or revoked;
 - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1.1 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;
 - 6.1.2 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) strategy

adopted by Council;

6.1.3 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

6.1.4 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.

Signed by:

.....
Chief Executive Officer Bradley Thomas

SCHEDULE

ENVIRONMENT PROTECTION ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 271	Power to issue improvement notice	CEH, EHO, CSY	
s 272	Power to issue prohibition notice	CEH, EHO, CSY	
s 279	Power to amend a notice	CEH, EHO, CSY	
s 358	Functions of the Environment Protection Authority	CEH, EHO, CSY	
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	CEH, EHO, CSY	
s 359(2)	Power to give advice to persons with duties or obligations	CEH, EHO, CSY	

14.8 INSTRUMENTS OF APPOINTMENTS TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 & ENVIRONMENT PROTECTION ACT 2017 ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. S11B Instrument of Appointment and Authorisation - Planning and Environment Act [**14.8.1** - 1 page]
2. S11B Instrument of Appointment and Authorisation - Environment Protection Act [**14.8.2** - 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* and the *Environment Protection Act 2017* be authorised by Council resolution.

Maddocks recommends that Council to execute the appointment and authorisation of authorised under the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* because these Acts place limitations on what powers can be sub-delegated, so by delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.

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.*
2. *In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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.*
2. *In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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 Jen Bray

Seconded: Cr Tim Drylie

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 by the Governance Team after consultation with the internal departments of Council.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* and the *Environment Protection Act 2017* will be executed by the Chief Executive Officer as per legislation.

KEY ISSUES

Planning and Environment Act 1989

There are 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 officers 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.

As the power to act on behalf of the Environment Protection Authority is delegated to Council, and not the CEO, a resolution of Council is required to allow the CEO to execute the Instruments of authorisation.

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.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

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 Development and Community Services 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
Katy Baker – Coordinator Planning
Anita Smith – Statutory Planner
Callum Murphy – Statutory Planner
James McInnes – Statutory Planner
Glenn Musto – Senior Strategic Planner
Wallie Cron – Development Services Enforcement Officer
Norman Latta – Subdivision Officer**

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

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 ##.

**Bradley Thomas
Chief Executive Officer
Hepburn Shire Council**

Date:##insert

*S11B Instrument of Appointment and Authorisation
(Environment Protection Act 2017)*

Hepburn Shire Council

Instrument of Appointment and Authorisation

(Environment Protection Act 2017 only)

In this instrument "**officer**" means -

Melissa Phillips
Lisa Sparkes
Julie Breed
Peter Ford

By this instrument of appointment and authorisation, Hepburn Shire Council -

under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Hepburn Shire Council
on

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:##insert

14.9 RECORDS OF COUNCILLOR ATTENDANCE ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

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

ATTACHMENTS

1. Record of Councillor Attendance - Councillor Briefing - 3 August 2021 [**14.9.1** - 5 pages]
2. Record of Councillor Attendance - Long Term Financial Plan Workshop - 16 August 2021 [**14.9.2** - 2 pages]
3. Record of Councillor Attendance - Pre- Council Meeting Briefing - 17 August 2021 [**14.9.3** - 2 pages]
4. Record of Councillor attendance - Councillor Briefing - 7 September 2021 [**14.9.4** - 5 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive and note Records of Councillor Attendance, formerly known as Assemblies of Councillors records required to be presented under provisions of the *Local Government Act 1989*.

OFFICER'S RECOMMENDATION

That Council receives and notes the Records of Councillor Attendance as detailed in the report.

MOTION

That Council receives and notes the Records of Councillor Attendance as detailed in the report.

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

BACKGROUND

Under the *Local Government Act 1989 (1989 Act)*, Council was required to keep records of assemblies of Councillors as defined under the Act:

...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- *the subject of a decision of the Council; or*

- *subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee – but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation.*

With this section of the 1989 Act now repealed, Council’s Governance Rules, chapter 6 section 1, requires that:

If there is a meeting of Councillors that:

- 1. is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
- 2. is attended by at least one member of Council staff; and*
- 3. is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a. tabled at the next convenient Council meeting; and*
- b. recorded in the minutes of that Council meeting.*

To full-fill this requirement and promote transparency, records of councillor attendance are kept where the above definition is met and brought to Council for noting, as attached.

KEY ISSUES

The following records of Councillor attendance are reported:

Date	Committee Name	Location
3 August 2021	Councillor Briefing	Virtual
16 August 2021	Long-term Financial Plan Workshop	Virtual
17 August 2021	Pre-Council Meeting Briefing	Virtual
7 September 2021	Councillor Briefing	Virtual

POLICY AND STATUTORY IMPLICATIONS

The report full fills Council’s requirements under the Governance Rules.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

The inclusion of the attached records of Councillor attendance in the Council Agenda and their availability to the public will increase awareness of the activities of Council and promote community involvement in decision making at Council level.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

If records of Councillor attendance are not included in the Public Agenda at a Council Meeting, Council would be in breach of its Governance Rules as adopted on the 25 August 2020.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Briefing	DATE	Tuesday, August 03, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9.00am – 2.25 pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Development Services – Bruce Lucas <input checked="" type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Amanda Western – Storm Recovery Manager Manny Pasqualini – Sustainability Officer Tamara Patterson – Health and Wellbeing Officer		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/46325

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Cr Lesley Hewitt	TowardsZero Grants	11.30	11.51
Cr Tim Drylie	Towards Zero Grants	11.30	11.51
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

[Record late arrivals or early departures>](#)

RECORD COMPLETED BY

Acting Director Community and Corporate Services – Andrew Burgess

Director Infrastructure and Development Services – Bruce Lucas

CEO – Bradley Thomas

Other:

▶ RECORD OF COUNCILLOR ATTENDANCE

Click or tap here to enter text.

Signed:



Tuesday 3 August 2021
Virtual Meeting, via Video Conference
9:00am – 2:30pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under 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)).

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED:	Councillors	Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward
	Officers	Bradley Thomas – Chief Executive Officer Andrew Burgess – Acting Director Community and Corporate Services Bruce Lucas – Director Infrastructure and Development Services
CHAIR:		Councillor Lesley Hewitt - Mayor Bradley Thomas – Chief Executive Officer
APOLOGIES:		

No	Time	Type	Agenda Item	Presenter	Page No
1.1	9:00am	Discussion	Chief Executive Officer Key Performance Indicators	Chief Executive Officer	4
1.2	10:00am	Discussion	Storm Recovery Update	Storm Recovery Manager	5
1.3	10:45am	Report	Distribution of Community Firewood	Storm Recovery Manager	15
	11:15am		Break		
1.4	11:30am	Report	Towards Zero Community Grants 2020/2021	Sustainability Officer Acting Manager Environment & Waste	22
1.5	12:00pm	Report	Gender Equity Advisory Committee Expressions of Interest - Recommendations.	Health and Wellbeing Officer	26
1.6	12:30pm	Report	Quarterly Corporate Reporting 2020/2021 - Q4 (April - June)	Acting Director Community and Corporate Services	40
	1:00pm		Lunch		
1.7	1:30pm	Discussion	Advisory Committee Minutes	Chief Executive Officer	97
1.8	1:45pm	Discussion	Councillor "Burning Issues" Discussion	Chief Executive Officer	112
1.9	2:00pm	Discussion	Executive Issues Update	Chief Executive Officer	113

1.10	2:15pm	Discussion	External Committee Update	Chief Executive Officer	114
2	2:30pm	Close of Meeting			115

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Long Term Financial Plan Workshop	DATE	Monday, August 16, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	2:30pm to 5:30pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Development Services – Bruce Lucas <input checked="" type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Senior Accountant Paul Brumby		

MATTERS CONSIDERED

Agenda attached – CM Reference: Click or tap here to enter text.

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

Acting Director Community and Corporate Services – Andrew Burgess

Director Infrastructure and Development Services – Bruce Lucas

CEO – Bradley Thomas

Other:

▶ RECORD OF COUNCILLOR ATTENDANCE

Click or tap here to enter text.

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Pre-Council Meeting Briefing	DATE	Tuesday, August 17, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	3 pm – 4.50 pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Development Services – Bruce Lucas <input checked="" type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Acting Manager Facilities and Waste Simon Meanie Strategic Planner Glen Mustor Manager Plannin and Building Bronwyn Southee Manager Community Care Fran Fogarty Coordinator Early Years Kate Proctor		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/49494

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- Acting Director Community and Corporate Services – Andrew Burgess
 Director Infrastructure and Development Services – Bruce Lucas

▶ RECORD OF COUNCILLOR ATTENDANCE

CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Briefing	DATE	Tuesday, September 07, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9am to 4.20 pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> Acting CEO – Bruce Lucas <input checked="" type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Krysten Forte – Manager Governance & Risk Karen Menne – Property Officer Simon Mennie – Acting Manager Environment & Waste Fran Fogarty – Manager Community Care Inga Hamilton – Community Development Officer Michelle Whyte – Coordinator Community Partnerships Rebecca Pedretti – Acting Manager Community and Economic Development Bridgette O'Brien – Events Officer		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/54109

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Cr Hewitt	Sprout Spring Celebration	11.52 am	12.05
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

▶ RECORD OF COUNCILLOR ATTENDANCE

RECORD COMPLETED BY

X Acting Director Community and Corporate Services – Andrew Burgess

Director Infrastructure and Development Services – Bruce Lucas

CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



Tuesday 7 September 2021
Virtual Meeting, via Video Conference
9:00am – 4:00pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under 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)).

BRUCE LUCAS

ACTING CHIEF EXECUTIVE OFFICER

INVITED:	Councillors	Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward
	Officers	Bruce Lucas – Acting Chief Executive Officer Andrew Burgess – Acting Director Community and Corporate Services Bronwyn Southee – Acting Director Infrastructure and Development Services
CHAIR:		Councillor Lesley Hewitt - Mayor Bruce Lucas – Acting Chief Executive Officer
APOLOGIES:		Bradley Thomas – Chief Executive Officer

No	Time	Type	Agenda Item	Presenter	Page No
1.1	9:00am	Discussion	Biannual Audit and Risk Report to Council - Audit and Risk Committee activities.	Manager Governance and Risk Chair, Audit and Risk Committee	5
1.2	9:30am	Briefing Only	Daylesford Speedway Drivers Association Inc. Lease at The Basin Reserve, Daylesford	Property Officer Acting Manager Environment & Waste	19
1.3	9:45am	Report	Consideration of Licences for the Hammon Park Pavilion	Property Officer Acting Manager Environment and Waste	75
1.4	10:00am	Report	Response to Commonwealth Aged Care Reforms	Mach2 Consulting	101
	11:00am		Break		
1.5	11:15am	Report	Review of Policy 45(C) - Fraud Prevention Policy	Manager Governance and Risk	121
1.6	11:30am	Report	Recommendations for Funding for Community Grants Program 2021/2022 Round 1	Community Development Officer	135
1.7	12:00pm	Report	Reconciliation Action Plan Advisory Committee (RAPAC) Terms of Reference	Arts Culture and Reconciliation Officer	141

1.8	12:30pm	Report	Appointment of new members to the International Women's Day Committee	Acting Manager Community and Economic Development	157
	1:00pm		Lunch		
1.9	1:30pm	Report	Community Vision 2021-2031 and Council Plan 2021-2025 including the Municipal Public Health and Wellbeing Plan - Public Submissions	Acting Director Community and Corporate Services	161
1.10	2:30pm	Report	Council Plan 2021-2025 including the Municipal Public Health and Wellbeing Plan - Strategic Indicators review	Acting Director Community and Corporate Services	163
1.11	3:30pm	Discussion	External Committee Update	Chief Executive Officer	165
1.12	3:40pm	Discussion	Executive Issues Update	Chief Executive Officer	166
1.13	3:50pm	Discussion	Councillor "Burning Issues" Discussion	Chief Executive Officer	167
2	4:00pm		Close of Meeting		168

15 GENERAL BUSINESS
Nil.

16 CONFIDENTIAL ITEMS

16.1 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. Hammon Park Pavillion Licences

This agenda item is determined to be confidential information for the purposes of section 3(1)(a) of the Local Government 2020:

- *As it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (s.3(1)(a)); and*
- *The ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. This item also contains details of the potential market rental value of this property.*

2. Consent Order – 9 Albert Street Trentham

This agenda item is determined to be confidential information for the purposes of section 3(1)(e) of the Local Government 2020:

- *Because it is legal privilege information, being information to which legal professional privilege or client privilege applies.*
- *The ground applies because the outcome of the consent order may impact on the appeal process and VCAT outcome on the on the current VCAT Appeal P995/2021 in relation to Planning Application PA 2969 – 9 Albert Street, Trentham*

3. Consent Order – 15 Gunyah Drive Trentham

This agenda item is determined to be confidential information for the purposes of section 3(1)(e) of the Local Government 2020:

- *Because it is legal privilege information, being information to which legal professional privilege or client privilege applies.*

- *The ground applies because the outcome of the consent order may impact on the appeal process and VCAT outcome on the Consent Order - Planning Permit P2805 - 15 Gunyah Drive Trentham.*

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. Hammon Park Pavillion Licences

This agenda item is determined to be confidential information for the purposes of section 3(1)(a) of the Local Government 2020:

- *As it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (s.3(1)(a)); and*
- *The ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. This item also contains details of the potential market rental value of this property.*

2. Consent Order – 9 Albert Street Trentham

This agenda item is determined to be confidential information for the purposes of section 3(1)(e) of the Local Government 2020:

- *Because it is legal privilege information, being information to which legal professional privilege or client privilege applies.*
- *The ground applies because the outcome of the consent order may impact on the appeal process and VCAT outcome on the on the current VCAT Appeal P995/2021 in relation to Planning Application PA 2969 – 9 Albert Street, Trentham*

3. Consent Order – 15 Gunyah Drive Trentham

This agenda item is determined to be confidential information for the purposes of section 3(1)(e) of the Local Government 2020:

- *Because it is legal privilege information, being information to which legal professional privilege or client privilege applies.*
- *The ground applies because the outcome of the consent order may impact on the appeal process and VCAT outcome on the Consent Order - Planning Permit P2805 - 15 Gunyah Drive Trentham.*

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

Carried

The meeting closed to the public at 10:07pm for the consideration of confidential items 1.1, 1.2 and 1.3 and did not reopen to the public at its conclusion.

The Confidential Council meeting commenced at 10:08pm.

The Council determined to release information to the public on Item 1.1 as detailed below:

**1.1 CONSIDERATION OF LICENCES FOR THE HAMMON PARK PAVILION
MOTION**

That Council:

- 1. Approves the granting of 3-year Licences for use of the Hammon Park Pavilion and the Storage Shed to The Academy of Classical Ballet and Villages of the Old Goldfields Cycle Club Inc (VOGA) in accordance with the attached Licence documents;*
- 2. Authorises the Chief Executive Officer and the Mayor to sign and seal the attached Licences; and*
- 3. That the Chief Executive Officer communicate the effect of this resolution and make it available to the public.*

Moved: Cr Juliet Simpson

Seconded: Cr Tim Drylie

Carried

The Council determined to release information to the public on Item 1.2 as detailed below:

**1.2 CONSENT ORDER - 9 ALBERT STREET TRENTHAM
MOTION**

That Council:

- 1. Resolves to refuse the attached consent order signed by the owner of the land for 9 Albert Street, Trentham.*
- 2. Notes that the following reasons for refusal of the Planning Permit include:*
 - The proposal does not align with the objective and strategies of Clause 15.03- 1S – Heritage Conservation;*
 - The proposal does not meet the objective and strategies of Clause 17.02-1S – Business;*
 - The proposal does not address the Key Issues raised in Clause 21.07 - Economic Development as the application does not recognise the limitations or objective 4 of Clause 21.07 of the Local Planning Policy Framework’;*
 - The waiver of carparking would adversely affect the amenity of the area and would impact on the character of the area;*
 - The proposal is inconsistent with the decision guidelines of Clause 65 of the Hepburn Planning Scheme; and*
 - It would have an adverse effect on the neighbourhood character and would be an over development of the site.*
- 3. That the Chief Executive Officer communicate the effect of this resolution and make it available to the public.*

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

The Council determined to release information to the public on Item 1.3 as detailed below:

**1.3 CONSENT ORDER - PA 2805 - 15 GUNYAH DRIVE TRENTHAM
MOTION**

That Council:

- 1. Resolves to support the attached consent order signed by the owner of the land;*
- 2. Approves for the Chief Executive Officer to sign and execute the consent order;*
- 3. That the Chief Executive Officer communicate the effect of this resolution and make it available to the public.*

Moved: Cr Juliet Simpson

Seconded: Cr Brian Hood

Carried

The meeting closed at 11:27pm.

17 CLOSE OF MEETING

The Meeting closed at 11:27pm.