



**ORDINARY COUNCIL MEETING OF
THE HUME CITY COUNCIL**

MONDAY, 14 OCTOBER 2019

7:00 PM

**COUNCIL CHAMBER, HUME GLOBAL LEARNING CENTRE,
BROADMEADOWS**

OUR VISION:

Hume City Council will be recognised as a leader in achieving social, environmental and economic outcomes with a common goal of connecting our proud community and celebrating the diversity of Hume.

This meeting of the Hume City Council will be recorded and published in accordance with Council's Audio Recordings of Council Meetings Policy.

HUME CITY COUNCIL

Notice of an

ORDINARY COUNCIL MEETING OF THE HUME CITY COUNCIL

to be held on Monday, 14 October 2019

at 7:00 PM

at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To: a: Council	Cr Carly Moore Cr Naim Kurt Cr Joseph Haweil Cr Jodi Jackson Cr Drew Jessop, OAM Cr Leigh Johnson Cr Jack Medcraft Cr Geoff Porter Cr Ann Potter Cr Karen Sherry Cr Jana Taylor	Mayor Deputy Mayor
b: Officers	Mr Domenic Isola Mr Hector Gaston Ms Sue Haviland Mr Michael Sharp Mr Peter Waite Mr Daryl Whitfort	Chief Executive Officer Director Community Services Acting Director Communications, Engagement and Advocacy Director Planning and Development Director Sustainable Infrastructure and Services Director Corporate Services

ORDER OF BUSINESS

1. ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

"I would like to acknowledge that we are meeting on Gunung-Willam-Balluk land. The Gunung-Willam-Balluk of the Wurundjeri are the first and original people of this land. I would like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today."

2. PRAYER

Hume City's religious diversity strengthens and enriches community life and supports the well-being of the citizens of Hume City. Hume City Council acknowledges the importance of spiritual life and the leadership offered by the Hume City Inter Faith Leaders Network. In recognition of the religious diversity of residents in Hume City, Council has invited the Inter Faith Leaders Network to take responsibility for the opening prayer at Council meetings. This evening's prayer will be led by Abdelhay Hafiz of the Roxburgh Park Learning Group.

*In the name of God, the Most Gracious, the Most Merciful.
All praise is due to God, the Lord of the Universe;
The Beneficent, the Merciful;
Lord of the Day of Judgement.
You alone we worship, and to You alone we turn for help.
Guide us to the straight path;
The path of those You have blessed.*

Amin

3. APOLOGIES**4. DISCLOSURE OF INTEREST**

Councillors' attention is drawn to the provisions of the *Local Government Act 1989* in relation to the disclosure of conflicts of interests. Councillors are required to disclose any conflict of interest immediately before consideration or discussion of the relevant item. Councillors are then required to leave the Chamber during discussion and not vote on the relevant item.

5. CONDOLENCE MOTIONS**6. ASSEMBLIES OF COUNCIL**

In accordance with section 80A(2) of the *Local Government Act 1989*, the Chief Executive Officer is required to report, as soon as practicable, to an Ordinary Meeting of Council, a record of any assemblies of Councillors held.

6.1 Record of Assembly of Councillors - Friends of Aileu Community Committee Meeting - 3 September 2019**1. SUMMARY:**

1.1 An Assembly of Councillors was held on the following date:

1.1.1 **Tuesday 3 September 2019** – Assembly generally known as Friends of Aileu Community Committee Meeting

2. RECOMMENDATION:

That Council notes the Records of an Assembly of Councillors, known as a Friends of Aileu Community Committee meeting, which was held on 3 September 2019.

**Record of an ASSEMBLY OF COUNCILLORS OF THE HUME CITY COUNCIL****Assembly generally known as:** Friends of Aileu Community Committee**Date of Assembly:** 3 September 2019**Time of Assembly:** 6:00 pm**Place of Assembly:** Seminar Room 5, Hume Global Learning Centre,
Broadmeadows

COUNCILLORS IN ATTENDANCE
Cr Karen Sherry Cr Joseph Haweil

OFFICERS IN ATTENDANCE
Chris Adams

MATTERS CONSIDERED:

Description	Names of Councillors or Council staff members who disclosed conflict of interest	Did the Councillor or Council staff member leave the meeting?
1) Introduction	Nil	N/A
2) Minutes of previous meeting		
3) Information and Discussion, including: <ul style="list-style-type: none"> • Observations by Cr Haweil on July delegation to Aileu • Trivia quiz fundraiser • Aug-Sept 1999 anniversary commemorations • Preparations for May 2020 • Waste management in Aileu, University scholarship program • Other project activities in Aileu 	Nil	N/A
4) Friendship Agreement and Strategy Planning beyond 2020	Nil	After Item 3) Cr Haweil left the meeting for another commitment
5) Finance and Fundraising	Nil	
6) Upcoming Events and Activities	Nil	
7) Other Business	Nil	

Assembly Closed at: 8:30 PM**RECORDED BY:**

Name Chris Adams

Position Title Friends of Aileu Project Officer

6.2 Record of Assemblies of Councillors - Locality Name Advisory Committees**1. SUMMARY:**

1.1 Assemblies of Councillors were held on the following dates:

1.1.1 **Wednesday 18 September 2019** – Assembly generally known as Aitken Ward Locality Name Advisory Committee

1.1.2 **Thursday 19 September 2019** – Assembly generally known as Jacksons Creek Ward Locality Name Advisory Committee

2. RECOMMENDATION:

That Council notes the Records of Assemblies of Councillors, known as the Aitken Creek Ward Locality Name Advisory Committee held on Wednesday 18 September 2019 and the Jacksons Creek Ward Locality Naming Advisory Committee held on Thursday 19 September 2019.

**Record of an ASSEMBLY OF COUNCILLORS OF THE HUME CITY COUNCIL****Assembly generally known as:** Aitken Ward Locality Name Advisory Committee**Date of Assembly:** 18 September 2019**Time of Assembly:** 10:00am**Place of Assembly:** Meeting Room 5, Hume Global Learning Centre, Craigieburn

COUNCILLORS IN ATTENDANCE
Cr Drew Jessop

OFFICERS IN ATTENDANCE
Peter Faull
Matthew Wilton

MATTER CONSIDERED:

Description	Names of Councillors or Council staff members who disclosed conflict of interest	Did the Councillor or Council staff member leave the meeting?
1) Discussion on, and short-listing of, names for new suburbs that may be proposed to the community by Hume City Council as part of it's review of the boundaries of suburbs within the Hume municipality.		

Assembly Closed at: 12:30pm**RECORDED BY:**

Name Peter Faull
Position Title Coordinator Governance and Corporate Support



Record of an ASSEMBLY OF COUNCILLORS OF THE HUME CITY COUNCIL

Assembly generally known as: Jacksons Creek Ward Locality Name Advisory Committee

Date of Assembly: 19 September 2019 **Time of Assembly:** 10:00am

Place of Assembly: Interview Room 1, Hume City Council Sunbury Customer Service Centre

COUNCILLORS IN ATTENDANCE
Cr Jack Medcraft Cr Leigh Johnson

OFFICERS IN ATTENDANCE
Peter Faull

MATTER CONSIDERED:

Description	Names of Councillors or Council staff members who disclosed conflict of interest	Did the Councillor or Council staff member leave the meeting?
2) Discussion on, and short-listing of, names for new suburbs that may be proposed to the community by Hume City Council as part of it's review of the boundaries of suburbs within the Hume municipality.		

Assembly Closed at: 11:00am

RECORDED BY:

Name Peter Faull
Position Title Coordinator Governance and Corporate Support

7. CONFIRMATION OF COUNCIL MINUTES

Minutes of the Ordinary Council Meeting of 9 September 2019 and the Ordinary Council (Town Planning) Meeting of 23 September 2019, including Confidential Minutes.

RECOMMENDATION:

THAT the Minutes of the Ordinary Council Meeting of 9 September 2019 and the Ordinary Council (Town Planning) Meeting of 23 September 2019, including Confidential Minutes, be confirmed.

8. RECEIPT OF COUNCIL AND COMMUNITY COMMITTEE MINUTES AND RECOMMENDATIONS TO COUNCIL TO BE ADOPTED

Minutes of the Audit Committee Meeting of the Hume City Council held on 30 August 2019

RECOMMENDATION:

THAT the Minutes of the Audit Committee Meeting of the Hume City Council held on 30 August 2019, including Confidential Minutes, be confirmed.

9. PRESENTATION OF AWARDS**9.1 Residents of the Month - Nominated by Cr Sherry**

Ms Virginia Porteous

Ms Deborah Clow

9.2 Presentation of Awards - Community Grants 2019

Ms Coral Cara

10. NOTICES OF MOTION

Nil

11. PUBLIC QUESTION TIME

12. OFFICER'S REPORTS

The Mayor will ask the Councillors and gallery at the commencement of this section, which reports they wish to speak to. These reports will then be discussed in the order they appear on the notice paper. Reports not called will be dealt with in a block resolution at the end.

<u>Item No</u>	<u>Title</u>	<u>Page</u>
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EDUCATION AND EMPLOYMENT

ED034	Long Day Care Policy - Review.....	11
ED035	Preschool Enrolment Policy - Review	25

SUSTAINABILITY AND ENVIRONMENT

SU443	45-255 Old Sydney Road, Mickleham - Use of land as a place of assembly (music festival)	41
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GOVERNANCE AND ENGAGEMENT

GE383	Old Sunbury Courthouse - EOI Process	109
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13. PETITIONS AND JOINT LETTERS**14. DEPUTATIONS**

No Deputations listed.

15. URGENT BUSINESS**16. DELEGATES REPORTS****17. GENERAL BUSINESS**

18. CONFIDENTIAL MATTERS

The Meeting may be closed to members of the public to consider confidential matters.

RECOMMENDATION:

THAT the Council close the meeting to the public pursuant to Section 89(2) (sub sections as listed), of the Local Government Act 1989 to consider the following items, which are confidential for the reasons indicated:

Report No.	Title	Reason for Confidential
COED012	Contract - Hume Central Subdivision, Broadmeadows - Sewer Main Extension	(d) contractual matters
COED013	Proposed sale of 60 Erinbank Crescent Westmeadows	(e) proposed developments
COSU137	Contract - Tree Services - Jacksons Creek Area	(d) contractual matters
COSU138	Contract - Tree Services - Aitken Area	(d) contractual matters
COSU138	Contract - Tree Services - Electric Line Clearance	(d) contractual matters
COGE258	Property Development Projects - Infrastructure Development Plan (October 2019)	(e) proposed developments
COGE259	Chief Executive Officer Performance Review 2018/19	(a) personnel matters
COGE260	Assemblies of Councillors - September 2019	(h) any other matter which the Council or special committee considers would prejudice the Council or any person

19 CLOSURE OF MEETING

**DOMENIC ISOLA
CHIEF EXECUTIVE OFFICER**

10/10/2019

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REPORT NO:	ED034
REPORT TITLE:	Long Day Care Policy - Review
SOURCE:	Anne Mallia, Manager Family, Youth & Children's Services
DIVISION:	Community Services
FILE NO:	HCC04/597-06
POLICY:	Long Day Care Policy
STRATEGIC OBJECTIVE:	1.1 Support and enhance skill development and educational opportunities to reduce disadvantage, improve employment prospects and quality of life.
ATTACHMENT:	1. <i>Long Day Care Policy - Review</i>

1. SUMMARY OF REPORT:

Council's Long Day Care Policy is due for review.

2. RECOMMENDATION:

That Council:

2.1 formally revokes the existing Long Day Care Policy, adopted by Council on 13 November 2017; and

2.2 adopts the updated Long Day Care Policy (Attachment 1).

3. LEGISLATIVE POWERS:

3.1 The legislative and regulatory context that governs the provision of Long Day Care services in Hume City includes:

- 3.1.1 The EEO Act 2010 requires Council to plan and provide for wellbeing within the community.
- 3.1.2 The Federal Government has the primary responsibility to ensure that childcare is accessible, affordable and of a high quality.
- 3.1.3 The National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care aims to improve the health, safety, early learning and wellbeing of Australia's children.
- 3.1.4 The Vulnerable Children Action Plan presents a commitment to system-wide reform encompassing organisations, and the range of individuals, both personal and professional that work with vulnerable children and families. It sets out a number of reforms and projects clustered within five action areas:
 - (i) Building effective and connected services;
 - (ii) Enhancing education and capacity building;
 - (iii) Making a child friendly legal system;
 - (iv) Providing safe, stable and supportive out-of-home care; and
 - (v) Introducing accountability and transparency.

REPORT NO: ED034 (cont.)

4. FINANCIAL IMPLICATIONS:

There is no financial impact that should be considered as a result of this report.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

There is no impact on environmental sustainability that should be considered as a result of this report.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

There are no climate change adaptation issues to be considered.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

This policy has been developed in accordance with relevant Equal Opportunity legislation and the requirements of the Vulnerable Children Action Plan.

8. COMMUNITY CONSULTATION:

The Long Day Care Policy continues to reflect the current practice with only minor changes recommended. As such, no community consultation has been undertaken.

9. DISCUSSION:

9.1 Long Day Child Care provides centre based childcare for children from birth through to 5 years of age. An LDC centre provides extended hours to support families who work or study and have no other forms of care options

9.2 Hume City Council current operates 4 LDC centre across the municipality. These are located in Sunbury, Coolaroo, Roxburgh Park and Craigieburn. The Hume community is serviced by a strong local early year's sector. A total of 54 LDC centres operate throughout the municipality, ensuring a strong supply of care options for families.

9.3 The following table details the location distribution of a mix of Council run and privately operated LDC centres across Hume City

Broadmeadows	4
Campbellfield	1
Coolaroo	1
Craigieburn	11
Dallas	3
Gladstone Park	1
Greenvale	3
Kalkallo	1 (opening early 2020)
Meadow Heights	4
Mickleham	3
Roxburgh Park	5
Sunbury	13
Tullamarine	3
Westmeadows	2
Total	54

REPORT NO: ED034 (cont.)

- 9.4 In reviewing the policy, it was found to be consistent with current management practice and only minor amendments, in relation to style and language were made.
- 9.5 The Long Day Care Policy guides Council's role in ensuring Hume residents have access to Long Day Care Services and ensures equitable and appropriate allocation of Council resources. The policy outlines Council's roles and responsibilities in the context of Hume City experiencing strong population growth, with additional need for renewal in established areas.
- 9.6 The Long Day Care Policy provides a mechanism for Council to consider alternate models of service delivery in response to an ever-increasing client base, a rapidly evolving State and Federal Government early years policy agenda and a consequential increased risk environment

10. CONCLUSION:

Council continues to use the Long Day Care Policy as the basis for management of the Long Day Care program.

REPORT NO: ED034 (cont.)

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LONG DAY CARE POLICY

Policy Reference No.	POL/179
File No.	HCC04/597-06
Strategic Objective	1.1: Support and enhance skill development and educational opportunities to reduce disadvantage, improve employment prospects and quality of life
Adopted by Council	28 November 2011
Re-Adopted	13 November 2017
Date Reviewed	August 2019
Next Review	April 2024
Responsible Officer	Coordinator Children's Services
Department	Family, Youth & Children's Services

1 POLICY STATEMENT

- 1.1 It is Council Policy to provide, support and guide the development of Long Day Care (LDC) services in Hume City.
- 1.2 It is Council policy to conduct regular reviews of the delivery of Council's LDC services, with the aim of improving service delivery and ensuring resources are allocated appropriately. On occasion, this may lead to a change in a service or to Council deciding to cease offering a given service.
- 1.3 It is not Council policy to provide all LDC services in Hume City; but to provide these services when and where it is most appropriate for Council to do so, based on the principles and scope outlined in this policy.
- 1.4 The existing service system in Hume City is characterised by a range of LDC providers including Council. This policy provides scope for Council to consider the role of non-Council providers of LDC as appropriate service providers.

2 PURPOSE

- 2.1 The purpose of this Policy is to guide Council's role in ensuring Hume residents have access to LDC Services and ensuring equitable and appropriate allocation of Council resources.
- 2.2 The Policy outlines Council's roles and responsibilities in the context of Hume City experiencing strong population growth, with additional need for renewal in established areas.
- 2.3 Federal and State Government policy initiatives are consistent with Council's focus on the important role of early year's services in setting the foundations for life opportunities for individuals and a cohesive community.
- 2.4 A range of principles guide the implementation of this policy, with the aim of providing opportunities for best quality early years services for children and families in Hume City. The legislative and regulatory context that governs the provision of LDC services in Hume City includes:
 - 2.4.1 The Local Government Act requires Council to plan and provide for wellbeing within the community.
 - 2.4.2 The Federal Government has the primary responsibility to ensure that childcare is accessible, affordable and of a high quality.
 - 2.4.3 The National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care aims to improve the health, safety, early learning and wellbeing of Australia's children.

2.4.4 The Vulnerable Children Action Plan presents a commitment to system- wide reform encompassing mainstream and specialist services, government and non-government organisations, and the range of individuals- both personal and professional that work with vulnerable children and families. It sets out a number of reforms and projects clustered within five action areas:

- Building effective and connected services
- Enhancing education and capacity building
- Making a child friendly legal system
- Providing safe, stable and supportive out-of-home care
- Introducing accountability and transparency

2.5 The licensing and operation of children's services in Victoria are regulated by the State Government through national legislation, namely, the Education and Care National Law Act 2010 and Education and Care National Law Regulations 2011

2.6 Council is the responsible authority for assessing planning applications for the establishment of long day child care facilities in Hume City in accordance with the Planning and Environment Act (1987).

2.7 In providing and facilitating high quality LDC services in the municipality, Hume City Council plays a number of key roles, which are outlined in this policy:

2.7.1 Planning for LDC services for children in Hume City and assessing planning applications from other service providers.

2.7.2 Providing LDC services where appropriate and applicable.

2.7.3 Providing a coordination role for the provision of LDC service in Hume City.

2.7.4 Acting as a lead agency in ensuring high quality service delivery.

3 SCOPE

3.1 The following principles underpin Council's approach to LDC services in the municipality and are to be considered at all times when implementing this policy:

3.1.1 Early years services directly improve a child's social, emotional, learning and employment opportunities throughout different life stages.

3.1.2 Quality is critical to achieving the broader benefits of early year's services.

- 3.1.3 A diversity of providers including Council, 'for-profit' and not-for-profit organisations underpin a robust LDC system.
- 3.1.4 Integrated service models deliver the best possible outcomes for children and families.
- 3.1.5 Council's service provider role strengthens Council's planning role and its capacity to deliver social justice outcomes for Hume residents.
- 3.1.6 LDC providers who offer 'value-add' opportunities due to their broader organisational missions are preferred providers of LDC.
- 3.1.7 Partnership with early years' service providers is critical to effective Council planning for LDC.
- 3.1.8 Parent engagement in LDC service planning and delivery strengthens quality outcomes.
- 3.1.9 Access to LDC is essential to support the participation of the many families who are in the workforce.
- 3.2 Council will undertake planning for the adequate provision of LDC in the municipality through:
 - 3.2.1 Identifying infrastructure requirements to support LDC service delivery, including new services in growth areas and modernisation in established areas of Hume City.
 - 3.2.2 Developing local policy frameworks to lead and inform non-Council service provider planning and influence the development of an integrated service system.
 - 3.2.3 Providing leadership with local Early Years Partnerships and the community to influence State and Federal Government policy directions.
 - 3.2.4 Collaboration with key stakeholders to develop enhanced LDC models and programming and maximise integration opportunities.
 - 3.2.5 Identification of relevant social trends and emerging community needs through research and community engagement to ensure planning is robust and evidence-based.
 - 3.2.6 In planning for LDC service delivery in Hume, Council will identify critical industry issues and strategies (workforce capacity).

Note: Council is the responsible authority for assessing planning applications for the establishment of long day child care facilities in the City in accordance with the Planning and Environment Act 1987.

- 3.3 Council will consider delivering new LDC services in the following circumstances:

- 3.3.1 If a suitable alternative LDC provider is not available.
- 3.3.2 Assistance is required for service establishment prior to transition to another suitable alternative provider.
- 3.3.3 LDC service quality or sustainability is vulnerable in a particular geographic catchment.
- 3.3.4 Families requiring support with complex child or family circumstances are not able to access suitable alternative LDC services in a catchment area.
- 3.3.5 When external capital and operational funding is available and provides an opportunity for innovative service delivery or meets a particular need in the community.
- 3.3.6 Where Council identifies there is higher order strategic outcomes being pursued by Council that another otherwise suitable service provider will not deliver within a particular area of Hume City.
- 3.4 Council will consider reducing LDC services in the following circumstances:
 - 3.4.1 LDC policy objectives can be better achieved by transitioning Council LDC service provision to an appropriate not-for-profit or community managed model.
 - 3.4.2 An alternative service delivery model is developed with other providers which allocates Council a modified role in service delivery (such as enhanced service coordination capacity).
 - 3.4.3 Where a Council LDC service is not viable and demand will be met by suitable alternate providers.
- 3.5 In its role as a coordinator of LDC services in Hume City, Council will:
 - 3.5.1 Undertake an Expression of Interest process to identify a suitable provider in any new Council-owned LDC facility, with the option of choosing to either:
 - 3.5.1.1 directly provide and manage the service or;
 - 3.5.1.2 enter into a lease agreement with an external provider.
 - 3.5.2 Collaborate with key stakeholders to develop enhanced LDC models and programming and maximise integration opportunities.
 - 3.5.3 Facilitate the integration of service access and response by different service providers in a single facility or local area.

- 3.5.4 Consider a direct onsite coordination/community capacity building role where Council can directly influence the outcomes achieved through enhanced service integration and community engagement.
- 3.6 In its role as a lead agency in ensuring high quality service provision in Hume City, Council will:
 - 3.6.1 Facilitate best practice service provision in a number of ways including:
 - 3.6.1.1 Model 'industry best practice' in service delivery and facilitate best practice forums in Hume City.
 - 3.6.1.2 Provide information and support that builds the capacity of other service providers to deliver best practice services.
 - 3.6.1.3 Host annual events to share research findings.
 - 3.6.1.4 Support the professional development of Council staff in the early year's services.
 - 3.6.2 Provide leadership and advocacy with local early years partners and the community to influence future State and Federal Government policy directions and initiatives including:
 - 3.6.2.1 Development of innovative service models.
 - 3.6.2.2 Infrastructure funding.
 - 3.6.2.3 A mix of service providers in the Hume LDC service system.
 - 3.6.2.4 Improved and/or new services for the community.
 - 3.6.2.5 Funding to reduce the cost of LDC for families.
 - 3.6.3 Facilitate and encourage the development of appropriate infrastructure that supports the delivery of high quality LDC services in Hume City, through activities including:
 - 3.6.3.1 Fund and construct new LDC infrastructure where Council resolves that Council infrastructure is required to meet community need and infrastructure costs are reflected in Council's Capital Works Program.
 - 3.6.3.2 Collect appropriate developer contributions for the construction of required facilities.
 - 3.6.3.3 Ensure that Council-owned LDC facilities meet Children's Services Regulations and other relevant standards.

3.6.4 Promote LDC services and their benefits to families in Hume City, including:

3.6.4.1 Disseminate information regarding available LDC services within Hume.

3.6.4.2 Inform community of the value of LDC services.

3.6.4.3 Promote collaboration across LDC and other relevant services.

4 OBJECTIVES

4.1 Council's implementation of this policy will support the development and enhancement of a robust LDC system which:

4.1.1 is sustainable;

4.1.2 offers choice;

4.1.3 offers quality;

4.1.4 is accessible- culturally, geographically and financially;

4.1.5 is integrated with other relevant services and provides an access point to complementary child and family support services;

4.1.6 provides LDC at times and in locations that align with community needs;

4.1.7 responds to the needs of children with additional needs within the parameters of mainstream programs and funding constraints.

4.2 This policy is aligned to the Council Plan Strategic Objective 1.1.2, "Young children are developed into confident learners from birth and have access to high-quality education" and focuses on:

4.2.1 Support the provision of early childhood services across the City including:

4.2.1.1 Undertake programs and initiatives that strengthen learning opportunities for vulnerable families and children.

4.2.1.2 Provide ongoing support to culturally and linguistically diverse families and newly arrived migrants through school-based community hubs.

5 POLICY IMPLEMENTATION

5.1 Council will respond to community need for long day care within the limitations of the

Scope, as identified in this Policy, through:

5.1.1 Planning

5.1.2 Advocacy

5.1.3 Driving partnerships with community service providers

5.1.4 Coordinating services

5.1.5 Guiding the development of infrastructure

6 DEFINITIONS AND ABBREVIATIONS

6.1 **Long Day Care (LDC)** - Long Day child care provides centre-based child care for children from birth to six years. A LDC centre operates extended hours to provide support to families who work or study. In partnership with families, LDC centres support a child's development through guidance and extensive opportunity for play.

6.2 **Viable** - A viable model of service delivery is a model that allows the service to operate in a financially sustainable way without Council subsidy.

6.3 **Access** - A family is considered to have 'access' to early childhood education when a place is available in a quality early childhood education program where neither distance nor cost present a barrier to attendance.

6.4 **Quality** - A service is provided in accordance with National Child Care Quality Standards.

6.5 **Industry leading practice** - Practice that is aligned with contemporary policy and international and national research determining a model of practice that achieves the best possible outcomes for the community.

6.6 **Strategic Objectives** - Refer to Council's adopted strategic objectives including the Council Plan and other strategic plans as detailed in the related documents section of this policy.

7 RELATED DOCUMENTS

- Local Government Act (1989)
- Hume City Council Early Years Action Plan 2014 - 2018
- Hume City Council Plan 2017-21
- Hume Early Years Framework 2014-2018 and its successor documents
- State Government National Competition Policy and Local Government (2008)
- Public Health and Wellbeing Act 2008 (effective January 2016)

- Education and Care National Law Act 2010 and Education and Care Services National Law Regulations 2011.

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REPORT NO:	ED035
REPORT TITLE:	Preschool Enrolment Policy - Review
SOURCE:	Anne Mallia, Manager Family, Youth & Children's Services
DIVISION:	Community Services
FILE NO:	HCC10/599
POLICY:	Preschool Enrolment Policy
STRATEGIC OBJECTIVE:	1.1 Support and enhance skill development and educational opportunities to reduce disadvantage, improve employment prospects and quality of life.
ATTACHMENT:	1. <i>Preschool Enrolment Policy - Review</i>

1. SUMMARY OF REPORT:

Council's Preschool Enrolment Policy is due for annual review.

2. RECOMMENDATION:

That Council;

2.1 formally revokes the existing Preschool Enrolment Policy, adopted by Council on 10 July 2017;

2.2 adopts the updated Preschool Enrolment Policy (Attachment 1).

3. LEGISLATIVE POWERS:

3.1 The Preschool Enrolment Policy governs the allocations of places at Council managed preschools, which are partially funded by the Department of Education and Training and are required to comply with the Kindergarten Funding Guide.

The Preschool Enrolment Policy also operates in the context of the following documents:

- Early Childhood Programs and Services Guide December 2015
- Early Childhood Agreement for Children in Out-of-Home Care
- Education and Care National Law Act 2010
- Education and Care National Law Regulations 2011
- Equal Opportunity Act (Victoria) 2010
- Kindergarten Funding Guide
- Supplementary documents to the Kindergarten Funding Guide

4. FINANCIAL IMPLICATIONS:

There is no financial impact that should be considered as a result of this report

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

There is no impact on environmental sustainability that should be considered as a result of this report.

REPORT NO: ED035 (cont.)

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

There are no climate change adaptation issues to be considered.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

This policy has been developed in accordance with relevant Equal Opportunity legislation and the requirements of The Kindergarten Guide

8. COMMUNITY CONSULTATION:

The Preschool Enrolment Policy continues to reflect the current practice with only minor changes recommended. As such, no community consultation has been undertaken.

9. DISCUSSION:

9.1 The Coordinator, Children's Services conducted the review in consultation with staff from the Children's Services Unit. The existing policy was found to be consistent with current management practice and only a small number of amendments, in relation to style and language, were made.

9.2 The Preschool Enrolment Policy governs the Central Enrolment System that allocates preschool places to children at all of Council managed Preschools and six community managed preschools. This policy was last reviewed in 2017 to reflect changes to the priority of access guidelines, changes to allow families to remain on the waiting list for their preferred service and to remove their other preferences, and changes to the administration of the second year of preschool process.

10. CONCLUSION:

Council continues to use the Preschool Enrolment Policy as the basis for decision and processes relating to preschool enrolment



PRESCHOOL ENROLMENT POLICY

Policy Reference No.	POL/188
File No.	HCC10/599
Strategic Objective	1.1: Support and enhance skill development and educational opportunities to reduce disadvantage, improve employment prospects and quality of life
Adopted by Council	November 2011
Re-Adopted	10 July 2017
Date Reviewed	August 2019
Next Review	April 2024
Responsible Officer	Coordinator Children's Services
Department	Family, Youth & Children's Services

PRESCHOOL ENROLMENT POLICY

1 POLICY STATEMENT

The purpose of this policy is to ensure that preschool places are allocated in a manner which ensures equity of access and demonstrates a transparent administrative process.

2 PURPOSE

- 2.1 The purpose and guiding principles of the Preschool Enrolment Policy (the Policy) are:
- 2.2 Preschool, also known as Kindergarten, is a universal early childhood program which is partially funded by the State Government for children in the year prior to commencing primary school. Under the Early Start Kindergarten Program, the State Government provides funded preschool to eligible three-year-old children of Aboriginal and Torres Strait Islander descent or children known to Child Protection. The Access to Early Learning Program is funded by the State Government to include 3-year-old children in 4-Year-old preschool, identified as meeting a number of vulnerability criteria.
- 2.3 Local Government, community organisations, schools, non-profit organisations and private operators are providers of preschool programs. Hume City Council currently provides the majority of preschool services in the municipality.
- 2.4 Preschool programs engage children in quality early learning experiences in community and centre-based environments. Research shows that quality early childhood education has a positive influence on longer-term educational and social outcomes, particularly for children experiencing educational and social disadvantage.
- 2.5 Families in Hume City have access to information, and a choice of high quality, flexible children services.
- 2.6 Collaboration between Council, community service providers, families and children enable Council to share knowledge and strengths and to plan and deliver seamless services.

3 SCOPE

- 3.1 In accordance with the Department of Education and Training Kindergarten Funding Guide, which detail funding and priority of access requirements for funded preschool in Victoria, one year of subsidised preschool is available to all children who turn four years of age on or before April 30 in the year of preschool attendance.
- 3.2 These children will not have attended 4-year-old preschool previously unless approved by the Department of Education and Training. As per the Kindergarten Funding Guide, Early Start Kindergarten and the Access to Early Learning Program is available to eligible children who turn three years of age on or before 30 April of the year of preschool attendance.

4 OBJECTIVE

- 4.1 To facilitate the placement of children into preschools through a streamlined enrolment system.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 2 of 14

PRESCHOOL ENROLMENT POLICY

- 4.2 To provide details of the eligibility criteria for applications, the prioritisation and reservation of places; timelines for lodging of applications and its procedures.
- 4.3 To ensure placements and procedures are in alignment with State Government policy directions, legislation, and funding criteria and accountability (including fee subsidies).
- 4.4 To ensure placements are provided according to the priority of access requirements detailed in the Kindergarten Funding Guide.

5 POLICY IMPLEMENTATION

5.1 Eligibility Criteria

- 5.1.1 In accordance with the Kindergarten Funding Guide, one year of subsidised preschool is available to all children who turn four years of age on or before April 30 in the year of preschool attendance.
- 5.1.2 These children will not have attended 4-year-old preschool previously unless approved by the Department of Education and Training.
- 5.1.3 In accordance with the Kindergarten Funding Guide, Early Start Kindergarten and the Access to Early Learning Program is available to eligible children of three years of age on or before 30 April of the year of preschool attendance.

5.2 Application Timelines

- 5.2.1 Applications can be made up to two years in advance. Children must turn two years of age on or by April 30 the year they apply. Applications open from March 1 (or the following business day) each year for placements two years hence.
- 5.2.2 To be eligible for consideration in the first round of offers, applications must be lodged at Council by 5.00pm June 30 (or previous business day) the year prior to attendance.
- 5.2.3 Information on how to apply will be available on Council's website. Allocation of placements will be made in accordance with priority categories and date of receipt of the application.
- 5.2.4 Council cannot guarantee applicants will receive a Preschool place. Conditions in regard to the number of available preschool places and securing State Government funding will apply.

5.3 How to Apply

- 5.3.1 Application forms are available from the following locations:

a) All Council operated preschools, and Childcare Centres.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 3 of 14

PRESCHOOL ENROLMENT POLICY

b) All Hume City Council customer service centres.

c) Hume City Council website.

5.3.2 Application forms must be returned with the following relevant documents in order to be accepted and processed:

a) Proof of child's age (such as the child's birth certificate, Australian Immunisation Record (AIR) or passport) and,

b) One of the following to show proof of address (rates, gas or electricity bills or drivers licence) and:

c) Non-refundable application fee, as detailed on the application form; or,

d) If the child or family hold an eligible concession card as outlined in 5.17.11, the family is eligible to receive a fee subsidy from the State Government and they are not required to pay the application fee and/or term fee, so long as a current and valid card is provided to Council that covers from time of registration to the completion of the child's preschool year. Should the card expire during any part of the child's preschool year, it is the responsibility of the parents /guardians to produce another valid card, otherwise full fees are payable. A copy of the card must be provided.

5.3.3 In the case of multiple birth, an application form needs to be completed for each child indicating that the child is being registered along with his or her sibling as part of a multiple birth on the application form. A separate application fee is payable for each application submitted.

5.3.4 Application forms can be submitted in any of the following ways. Forms must be complete and include all documentation in order to be processed:

a) In person at one of Council's Customer Service Offices

b) Via mail to PO Box 119 Dallas 3047

Application fees are payable via Cheque, Money Order, Credit Card or Cash at any Customer Service Centre or via cheque or money order if submitted via mail. Application fees do not apply where a valid Concession Card (as per clause 5.17.11) is attached to the application form.

5.3.5 Receipts will be issued to applicants and should be retained as evidence of application.

5.3.6 Children enrolled in three-year-old activity programs at Council's facilities are not automatically eligible for a place in four-year-old preschool. Families must submit a Preschool Application form and enrolment will be determined through the preschool enrolment application process.

5.4 Application Priorities

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 4 of 14

PRESCHOOL ENROLMENT POLICY

- 5.4.1** For children who turn four years of age on or before 30th April in the year they are to attend preschool, places will be allocated based on the priority category and on date of receipt of application — with the priority categories being:

Priority	Criteria	Process that could be used to verify need(s)
Priority 1	Children at risk of abuse or neglect, including children in Out-of-Home Care	<p>The child is:</p> <ul style="list-style-type: none"> attending a three-year-old kindergarten program through Early Start Kindergarten or Access to Early Learning, or is referred by: <ul style="list-style-type: none"> Child Protection Child and Family Services (family services referral and support team, Child FIRST /integrated family services /Services Connect case worker) Maternal and Child Health nurse, or Out-of-Home Care provider. <p>Written referrals from Child Protection / Child FIRST / Community Case Workers may be requested.</p>
	Aboriginal and/or Torres Strait Islander children	No evidence required.
	Asylum seeker and refugee children	An appropriate visa identifies the child and/or parents as a refugee or asylum seeker.
	Children eligible for the Kindergarten Fee Subsidy	<ul style="list-style-type: none"> A child or parent holds a Commonwealth Health Care Card, Pensioner Concession Card, Veteran's Affairs Card, or Multiple birth children (triplets, quadruplets).
	Children with additional needs, defined as children who: <ul style="list-style-type: none"> require additional assistance in order to fully participate in the kindergarten program require a combination of services which are individually planned have an identified specific disability or developmental delay 	<p>The child is:</p> <ul style="list-style-type: none"> assessed as having delays in two or more areas and is declared eligible for a second funded year of kindergarten holds a Child Disability Health Care Card has previously been approved for Kindergarten Inclusion Support Package, or referred by: <ul style="list-style-type: none"> the National Disability Insurance Scheme Early Childhood Intervention Service Preschool Field Officer, or Maternal and Child Health nurse.
Priority 2	Children of Hume City residents and rate payers	Attachment of evidence of living in Hume City, e.g. driver's license, rates notice, contract of construction.
Priority 3	Children of Non-Hume City residents	No supporting documentation required.

- 5.4.2** Evidence of eligibility for children with additional needs can be submitted up until 30 June of the year prior to attendance, if eligibility is not known at the time of initial registration.

- 5.4.3** Children of non-Hume City residents may not receive an offer until after the third round of offers.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 5 of 14

PRESCHOOL ENROLMENT POLICY

5.5 Reserved Places

- 5.5.1** Families who have children who are eligible for a second year of preschool are required to submit a Second Year of Preschool Application form in order to access a reserved place.
- 5.5.2** A Preschool place will be reserved at the centre indicated on the Second Year of Preschool Application form.
- 5.5.3** A Second Year of Preschool Application form must be submitted for children deemed eligible, provided the child has met the eligibility criteria and it has been approved by the Early Childhood Teacher, to attend a second year of preschool. This must be lodged with Council by 30 June in the year of the child's first year of preschool.
- 5.5.4** A reserved place will be allocated for children who received an offer of a preschool placement the previous year, but elected to defer. The reserved place will be allocated at the centre that the offer was made.
- 5.5.5** Reserved places will be available for allocation until the end of December prior to the commencement of the first term of preschool in the following year. The unallocated reserved places may then be released for those on the waiting list according to priority of access outlined in 5.4.1.

5.6 Late Applications

- 5.6.1** Applications will continue to be received after June 30 the year prior to attendance.
- 5.6.2** Late applications may be included in the first round of offers, in accordance with the priority of access and date of applications.
- 5.6.3** If no places are available, the applicant will be placed on the waiting list according to priority and date of receipt.

5.7 Changes to application details

- 5.7.1** When applicants wish to alter their original preschool preferences, a Change of Registration form needs to be completed and lodged at Council's customer service centres, or sent via mail to PO Box 119 Dallas, 3047 or via email to preschool@hume.vic.gov.au.
- 5.7.2** The Changes to Registration form must be lodged with Council by Close of Business of June 30 (or previous business day) the year prior to attendance in order to be considered in the first round of offers, and in order to maintain the original registration date.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 6 of 14

PRESCHOOL ENROLMENT POLICY

- 5.7.3** Changes to preschool preferences lodged with Council after June 30 will result in a new application date being issued, which will be the date the change of details was lodged with Council. Minor changes to registrations such as change of family address will retain the original application date.

5.8 Commencement of Offers

- 5.8.1** All applications will be allocated according to priority and the receipt date upon submission of application.
- 5.8.2** Refer to clauses 5.2.2 and 5.4.1 in regard to lodgement date for first round offers and late applications.
- 5.8.3** Where application numbers exceed the number of places available at the first preference preschool, applicants will be allocated their second or third preference based on availability of places. If there are no places available at any stated preferences, then the applicant will remain on the waiting list for the preschool preferences nominated on the registration form.
- 5.8.4** Placement offers will be made in writing to applicants by the end of Term 3 each year. A written response will be required within a nominated time frame.

5.9 Review of the remaining places

- 5.9.1** Offers are ongoing and will continue to be made until all placements are filled, including once the Preschool year commences.
- 5.9.2** Any children who remain on the waiting list after all places have been allocated; will be offered a placement appropriate to their priority as soon as a vacancy occurs at one of their preferred preschools.
- 5.9.3** Council aims to operate each preschool at viable occupancy rates according to State Government's funding requirements, which requires a minimum number of enrolments for each preschool program.

5.10 Responses to Offers

- 5.10.1** Applicants can select one of the following choices:
- a) Accept the preschool place that is on offer. Once a place has been accepted, applicants cannot remain on the waiting list for another preschool.
 - b) Decline the offer of the preschool place and be placed on a waiting list for their preferred preschools as listed on their application form.
 - c) Defer their child's placement to the following preschool year.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 7 of 14

PRESCHOOL ENROLMENT POLICY

d) Cancel their application.

5.10.2 Applicants must select in writing one of the responses above and respond by the date stipulated on the letter in order for the response to be processed.

5.10.3 Where no response is received by Council within the specified timeframe as stated in the letter of offer, the child's place will be cancelled. When families contact Council later than the required response date, their child will be reinstated to the waiting list with the appropriate priority, and with a new registration date.

5.10.4 When an applicant requests their child to be placed on a waiting list of their preferred preschools, they must forego any other place offered. The child is placed on the waiting list of their preferred centres according to category of priority. At this time, the applicant may request preferences be removed from their application, if their preferred preschool is listed as their second or third preference. Placement is not guaranteed at the preferred centre.

5.11 Deferral

5.11.1 In accordance with the Kindergarten Funding Guide and its successor agreements, an enrolment may be deferred within term 1, provided the registration has not been recorded on the DET Kindergarten Information Management System.

5.11.2 Families wishing to defer their enrolment should speak with the Preschool as soon as possible to discuss their child's readiness for preschool.

5.11.3 Families should complete a deferral form, whereby their enrolment will be re-offered the following year, with the application maintaining its original application date.

5.11.4 Deferrals are unable to be submitted after the registration has been submitted on the Kindergarten Information System.

5.11.5 After a deferral form is submitted, families may submit a 3 year old Activity Group application for that year, however, a new application date will be recorded for this application and there is no guarantee of a placement within this program.

5.11.6 A deferral can only be submitted where a preschool placement offer was made or accepted and the child has already attended in Term 1.

5.12 Second Year of preschool

5.12.1 A second year of preschool is only available to children who meet the eligibility criteria as set by the State Government.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 8 of 14

PRESCHOOL ENROLMENT POLICY

5.12.2 Families identified as eligible to enrol in a second year of preschool must submit an application form before 30 June to be considered in the first round of offers. The application fee will not be payable in these circumstances.

5.12.3 Places will be reserved at the family's preschool of first preference.

5.12.4 Applications received after 30 June will be treated as a late application, however, will be given priority according to clauses 5.4 and 5.6.

5.13 Children who will turn six years of age during the preschool year

5.13.1 Children who turn six years of age during the preschool year must be exempted from attending school.

5.13.2 Parents need to apply for an exemption before the child starts preschool by filling in the appropriate State Government documentation.

5.13.3 If an exemption has not been granted by State Government, Council will not be in a position to accept the child into preschool.

5.14 Transfer of preschool places

5.14.1 Once a place has been allocated to a child, the child's place is not generally transferable between preschool centres. If an applicant believes their circumstances are exceptional, they may write to the Manager Family, Youth and Children's Services asking for consideration of their request.

5.14.2 Each request will be taken on its merit and considered in relation to the available vacancies and current waiting lists. There is no guarantee of transfer.

5.15 Children with additional needs

5.15.1 Children with additional needs are encouraged and welcomed to access Hume City Council's preschools.

5.15.2 Additional support is available to be provided to children with additional needs, families and services through the Preschool Field Officer program.

5.15.3 Applicants are encouraged to notify Council of their child's additional needs on the application form. This will help ensure that appropriate supports will be put in place for the child.

5.15.4 If the child has subsequently been identified with additional needs after registration, a letter of support as detailed in 5.4.3 is to be provided to Council in order to be considered as a priority 1.

5.15.5 Disclosing your child's additional needs will not disadvantage your child's application.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 9 of 14

PRESCHOOL ENROLMENT POLICY

5.16 Application Fees

- 5.16.1** Application fees for all children who are enrolling under Priority 1 (5.4.1) will be waived to reduce barriers to enrolment.
- 5.16.2** Children eligible to receive a preschool fee subsidy from the State Government will also have their application fee waived upon presentation of a valid Concession Card (see section 5.17.11 for eligibility).
- 5.16.3** Council's preschool services at times conduct special enrolment sessions within Hume City and on these occasions, it will be at the discretion of the Manager Family, Youth and Children Services to waive application fees.

5.17 Preschool Fees

- 5.17.1** The annual fee is determined each year as part of Council's budget and is charged on a termly basis. The rate of fees is dependent on the receipt of State Government grants and contributions and other influences on the service.
- 5.17.2** Successful applicants (now service users) will be notified of fee changes in a timely manner.
- 5.17.3** The term fee is charged regardless of attendance of the child during the term. However the families wishing to present exceptional circumstances for consideration in a fee review can put their request in writing to the Manager Family, Youth & Children's Services for consideration.
- 5.17.4** Pro rata fees or refunds do not apply where the service user withdraws from the program during the term, or where the family fail to notify the Preschool Enrolment officer of their withdrawal prior to the term commencing.
- 5.17.5** Full fees apply where a service user accepts an offer of placement/ commences preschool part way through the term.
- 5.17.6** Term fees are required to be paid prior to commencement in the program and prior to each term, in order to continue to access the program. Non-payment of fees may impact upon access to other programs operated by Council.
- 5.17.7** Families with twins or two children of different ages both attending four-year-old preschool in the same year shall be entitled to a fee discount of 50% of the term fee of the second child.
- 5.17.8** Families experiencing difficulties in paying fees are encouraged to discuss this with the preschool accounts officer. Fee payment plans can be established in consultation with Council's Finance Department. Service users are required to adhere to these plans.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 10 of 14

PRESCHOOL ENROLMENT POLICY

- 5.17.9** Council will contact service users who are in arrears in order to rectify the situation through a range of actions, which may include payment options or suspension of service.
- 5.17.10** A placement may be held open for the term if full payment of fees is received or a valid Concession Card is presented, however this will be at the discretion of Council and consideration given to preschool demand (refer to 5.17.3 regarding payment of term fees).
- 5.17.11** In accordance with the Kindergarten Funding Guide, no preschool fees apply to families where evidence is provided that the child individually holds, or has a parent or guardian who holds one of the following current and valid cards/visas:
- a Commonwealth Health Care Card
 - a Commonwealth Pensioner Concession Card
 - a Department of Veterans' Affairs Gold Card or White Card
 - Refugee visa (subclass 200)
 - In-country Special Humanitarian visa (subclass 201)
 - Global Special Humanitarian visa (subclass 202)
 - Temporary Humanitarian Concern visa (subclass 786)
 - Protection visa (subclass 866)
 - Emergency Rescue visa (subclass 203)
 - Woman at risk visa (subclass 204)
 - Bridging visas A-E.
- 5.17.12** Council needs to be provided with a copy of a current and valid concession card, visa, travel document or letter of visa status and record its expiry date.
- 5.17.13** If the concession card expires during the course of the preschool year, it is the service user's responsibility to provide the new card in order to be eligible for the fee discount. Concession cards must be presented before the end of the child's preschool year of attendance in order to be accepted (i.e., 31 December).
- 5.17.14** No preschool fees apply to families where the child is:
- a) Identified by a parent, carer or legal guardian as an Aboriginal and/or Torres Strait Islander
 - b) Identified on their birth certificate as being a multiple birth child, being triplets or more.
 - c) An Early Start Kindergarten enrolment,
 - d) An Early Start Kindergarten Extension Enrolment,
 - e) An Access to Early Learning Enrolment.

5.18 Refunds

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 11 of 14

PRESCHOOL ENROLMENT POLICY

- 5.18.1** Application fees are non-refundable.
- 5.18.2** Service users, who withdraw from their preschool placement, will forfeit the fees paid to Council for that term, and will be liable for term fees in accordance with 5.17.4.
- 5.18.3** Pro rata fees or refunds do not apply where the service user withdraws from the program during the term, or where the family fail to notify the Preschool Enrolment officer of their withdrawal prior to the term commencing.
- 5.18.4** In exceptional circumstances, requests for refunds must be made in writing with copies of receipts forwarded to the Manager Family, Youth and Children's Services. Decisions will be made at the discretion of the Manager.
- 5.18.5** Service users who receive preschool fee subsidies from the State Government are not entitled to a refund of remaining fees.

5.19 Preschool operational sessions

- 5.19.1** Preschool operational session days and times and enrolment numbers will be reviewed annually as part of the allocation process and DET funding confirmation.
- 5.19.2** Sessions may vary from year to year at each centre. Council may make alterations to any preschool session dependant on applications or individual centre numbers at any time.
- 5.19.3** Consultations will take place from time to time to ensure services continue to be responsive to the needs of the community.
- 5.19.4** Once enrolled, each child will generally be able to access fifteen hours of preschool per week during school terms.

5.20 Sessions and groups within preschools

- 5.20.1** For offers accepted in offer rounds 1-3, applicants will be informed of the proposed preschool sessions and timetable at each centre and requested to indicate their preferred group/s.
- 5.20.2** For offers accepted after round 3, applicants may be allocated to the remaining places within groups; however, Council officers will endeavour to consult with families where there are vacancies across the groups.
- 5.20.3** Council officers will endeavour to give applicants their preferences; however it cannot guarantee applicants will receive their preferred session or group within the centre.

6 DEFINITIONS AND ABBREVIATIONS

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 12 of 14

PRESCHOOL ENROLMENT POLICY

6.1 Preschool

Preschool is an interchangeable term for Kindergarten (the term Kindergarten is used by State Government) and is a universal early childhood program which is funded by the State Government for 4 year old children in the year prior to commencing primary school.

6.2 Second Year

A second year of preschool is approved and funded by State Government for children who meet the eligibility criteria for a second funded year of preschool.

6.3 Early Start Kindergarten Program

Early Start Kindergarten enable eligible children to access a preschool program in the year two years before school where the child is Aboriginal and/or Torres Strait Islander or for children known to Child Protection or referred to Child FIRST/Integrated Family Services.

6.4 Access to Early Learning Program

The Access to Early Learning Program enables eligible children (who turn 3 years old by the 30th April in the year of attendance) to access a preschool program in the year before their funded 4 year old preschool program, where the family meet two of the following eligibility criteria, Known to Child Protection, Mental Health issues, Family Violence, Sexual Assault, Alcohol/ Drug Abuse, Physical or intellectual disability or trauma.

6.5 Newly Arrived Families

Newly arrived families are defined as families who have arrived in Australia and moved into Hume City not before 1 July of the year prior to attendance.

6.6 Children with additional needs

The Preschool Field Officer program is available to services, families and children to provide assistance to support the inclusion, learning and development of children with additional needs.

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 13 of 14

PRESCHOOL ENROLMENT POLICY

7 RELATED DOCUMENTS

- Early Childhood Programs and Services Guide December 2015
- Early Childhood Agreement for Children in Out-of-Home Care
- Education and Care National Law Act 2010
- Education and Care National Law Regulations 2011
- Equal Opportunity Act (Victoria) 2010
- Kindergarten Funding Guide
- Memorandum of Understanding for non-Council Preschools participating in the Hume Central Enrolment Scheme
- Supplementary documents to the Kindergarten Funding Guide
- Children's Services Procedure Manual
- All About Preschool Guide (currently under development)

Date Adopted	November 2011
Date Re-Adopted	20 July 2017
Next Review Date	April 2024

Policy Reference No:	POL/188	Responsible Officer:	Coordinator Children's Services
Date of Re/Adoption:	20 July 2017	Department:	Family, Youth & Children's Services
Review Date:	August 2019	Next Review Date:	April 2024

Page 14 of 14

REPORT NO:	SU443
REPORT TITLE:	45-255 Old Sydney Road, Mickleham - Use of land as a place of assembly (music festival)
SOURCE:	Narelle Haber, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P22360
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	<ol style="list-style-type: none">1. <i>Locality and Site Plans</i>2. <i>Stage Plans</i>3. <i>On-site Car Park Layout Plan</i>4. <i>Traffic Access Plan</i>

Application No:	P22360
Proposal:	Use of land as a place of assembly (music festival) comprising 1 event in 2019 and maximum 3 events annually thereafter, buildings and works associated with the temporary structures in a Green Wedge Zone, Environmental Significance and Heritage Overlays, removal of native vegetation and a reduction in car parking and bicycle facility requirements.
Location:	45-255 Old Sydney Road, Mickleham
Zoning:	Green Wedge Zone Environmental Significance Overlay – schedule 1 Heritage Overlay - No. 264
Applicant:	Marnong Estate and Bar None Group
Date Received:	11 July 2019

1. SUMMARY OF REPORT:

- 1.1 Planning approval is sought to use part of the Marnong Estate for a one 1-day music event (Place of Assembly) in 2019 and a maximum of three 1-day music events on an annual basis thereafter. This year's event will be called "Grapevine Gathering" and be held on Saturday 23 November 2019, with acts commencing at 12:noon and concluding at 10:00pm. A maximum of 15,000 patrons are anticipated at the event. Alcohol will be sold on the site as well as food and other refreshments. In the main car park adjacent to the Marnong Homestead, a ferris-wheel will be operating during the event. Music will comprise of live Australian and international artists. All access (deliveries, cars and busses) will be from Old Sydney Road. Kinnear Road will not be used for access.
- 1.2 The application was advertised, and 14 objections were received (two have since been withdrawn). Having considered the application against the provisions of the *Hume Planning Scheme*, requirements of the referral authorities and objector concerns, it is recommended that a Notice of Decision to issue a permit be issued, subject to the following conditions and requirements.

REPORT NO: SU443 (cont.)

2. RECOMMENDATION:

That Council, having considered the provisions of the *Hume Planning Scheme*, requirements of the referral authorities and the objections received, resolves to issue a Notice of Decision to issue a planning permit for *the use of land as a place of assembly (music festival) comprising 1 event in 2019 and a maximum 3 events annually thereafter, buildings and works associated with the temporary structures in a Green Wedge Zone, Environmental Significance and Heritage Overlays, removal of native vegetation and a reduction in car parking and bicycle facility requirements* at 45-255 Old Sydney Road, Mickleham subject to the following conditions and notes:

1. Before the use and/or development starts, plans and documents to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided and documents updated with revised revision number submitted. The plans and documents must be modified to show:
 - a) Delete reference to 'Stage 2' on the site plan.
 - b) The Event Management Plan to be updated for the Grapevine Gathering 2019.
 - c) The Security Management Plan is to be amended to include an 'implementation and record strategy for evicted patrons' to the satisfaction of the responsible authority and Victoria Police.
 - d) The Emergency Management Plan must be amended to include the following statement:
 - The event managers or promoters are to contact the CFA and Council on the Monday prior to the event to ascertain whether any local/regional meetings are required in regard to weather conditions.
 - e) The Safety and Management Plan is to be included in the Table of 'Risk Identification Mitigation and Incident Response' and to be implemented for bump-in and bump out dates and the event. The following is also required to be included:
 - Resource monitoring including Vic Emergency Application, AM 774 ABC radio, CFA website, CFA Facebook page during the event;
 - Response strategy to include warden/chief warden notifying CFA, council MERO, removing people to evacuation points and meet and assist emergency services on arrival.
 - f) Detailed designs for any vehicle access and driveways crossing the waterway tributaries.
2. The hours of operation are to be in accordance with the approved Event Management Plan.
3. This permit allows for three 1-day music events/concerts on the site each calendar year.
4. Concerts must not be held on Good Friday, ANZAC Day, or Christmas Day.

REPORT NO: SU443 (cont.)

5. The event(s) are limited to a maximum 15,000 patrons. Tickets to the event that are released, sold and/or issued by the operator must not permit a higher number of patrons at the event.
6. No camping is to be permitted on the site or surrounding land.
7. All litter and rubbish must be removed from the site at the conclusion of the event by the applicant to the satisfaction of the responsible authority.
8. Proof of public liability insurance with cover of no less than \$20million must be provided to the satisfaction of the responsible authority at least 14 days prior to each event commencing.
9. An Occupancy Permit for a Place of Public Entertainment must be obtained from Council's Municipal Building Surveyor in accordance with Part 5, Division 2 of the *Building Act 1983*.
10. The temporary structures require an Occupancy Permit issued by the VBA and the siting consent of the Municipal Building Surveyor.
11. Car spaces, access lanes and driveways shown on the endorsed plan must be kept available for these purposes at all times to the satisfaction of the responsible authority.
12. Vehicles associated with the approved use must not be parked on nearby streets or roads.
13. Except with the prior written consent of the responsible authority, upon the termination of the approved use, the area set aside for the temporary parking of vehicles together with the associated access lanes must be reinstated to the satisfaction of the responsible authority.
14. At least one week before a proposed concert, a dilapidation report (including photos) must be submitted to Council. The report must document the existing condition of Old Sydney Road from the intersection of Donnybrook Road (including the intersection) northwards to Gate 3.
15. Prior to the Grapevine Gathering to be held on Saturday 23 November 2019 at Marnong Estate (45-255 Old Sydney Road, Mickleham) a bond in the amount of \$100,000 is to be provided to the responsible authority. The bond will provide funds for any remedial works required to Old Sydney Road (between Donnybrook Road and Gate 3) or its associated infrastructure excluding the damage identified in the dilapidation report as required under condition 14 of Planning Permit P22360.
16. Should any damage occur to Council's roads or any other infrastructure as a result of the use hereby permitted, the applicant at their expense shall reinstate any damaged works.
17. In the event of overflow parking causing an unreasonable impact on the amenity of the surrounding area, additional parking must be provided on the land (*or on nearby land*) to the satisfaction of the responsible authority. Details of which must be provided within the amended Traffic and Transport Plan submitted to the responsible authority prior to the approval of the proceeding concert series.

REPORT NO: SU443 (cont.)

18. Except with the prior written consent of the responsible authority, no native vegetation may be felled, lopped, topped, ringbarked or otherwise removed or destroyed other than in accordance with the law.
19. At the conclusion of the event, the site must be remediated/reinstated to the satisfaction of the responsible authority.
20. At the conclusion of the event, all advertising signs erected or displayed unlawfully and/or in association with the event on the land must be removed.
21. The other functions/facilities at Marnong Estate are not to be open to the public on days when concerts/music festival are scheduled.
22. Noise from events including any music noise associated with the use must at all times conform with the State Environment Protection Policies SEPP N-2.
23. A complaints hotline must be established for the duration of the event. The hotline is to be staffed 24 hours from the start to completion of each concert/event. A qualified acoustic consultant will need to investigate any complaints and the results of the investigation and the action taken will be recorded and reported back to the resident.
24. Sound checks must occur at lower music levels and prior to 6pm on the day before the concert or after 10am on the day of the event.
25. The use of any pyrotechnics must be in accordance with the *Dangerous Goods (Explosives) Regulations 2011 Victoria*.
26. The provision of alcohol is subject to the operator gaining all necessary approvals from Victoria Police and the Director of Liquor Licensing Victoria. The sale and consumption of liquor on the site shall be in accordance with the Major Event Liquor License (or similar) issued for the site.
27. The event website must show access and parking arrangements as a means to minimise any confusion to patrons.
28. Registration under the *Food Act 1984* must be sought prior to the sale of food.
29. The use and occupation of the site must be managed so that the amenity of the area is not detrimentally affected, including through the:
 - (a) transportation of materials, goods or commodities to or from the subject 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, rubbish, grit or oil;
 - (d) presence of vermin; or
 - (e) in any other way.
30. Prior to commencement of works and festival activities, a tree retention plan that shows all trees for retention including tree protection zones and covering any issues of retention into the future, must be submitted and

REPORT NO: SU443 (cont.)

approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit.

31. Prior to the commencement of works and for the duration of festival activity, all trees to be retained as well as all trees within the Heritage Overlay must be temporarily fenced off with secure and obvious fencing in accordance with Australian Standard (AS4970-2009). Fencing must be signposted as 'tree protection zone'. The tree protection fence must remain in place until the works are completed. Fill, machinery and building materials must not be placed, even for a short time within the tree protection zone.
32. All vegetation approved for removal in accordance with the endorsed plan must be clearly marked with flagging tape, or other method as appropriate, and must be removed within the prescribed works area in such a manner to avoid damaging vegetation to be retained.
33. To offset the removal of 0.266 hectares of native vegetation in accordance with Native Vegetation Report ID 333-20190924-007, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below.
34. A general offset of 0.014 general habitat units:
 - located within the Port Philip and Western Port Catchment Management Authority boundary or Hume City Council municipal district
 - with a minimum strategic biodiversity score of at least 0.312.
35. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
36. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
37. In the event that a security agreement is entered into as per condition 35, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
38. Works and festival activities must be restricted to the area of development shown on the endorsed plans. Drainage outfalls and creek areas must be adequately protected during construction works and festival activity. No

REPORT NO: SU443 (cont.)

polluted or sediment laden water may enter drainage outfalls or waterways.

39. Environmental Weeds as referred to in Department of Sustainability and Environment Advisory list of *Environmental Weeds of the Inland Plains Bioregions of Victoria, May 2009* must not be used in any of the landscaping works.
40. Weed control, by an experienced bush regenerator, will be carried out along disturbed areas during and post works to control any weed outbreaks.
41. The boundary of the site which adjoins the council reserve or native vegetation must be fenced during works and festival activities with secure and obvious temporary fencing. Fill, machinery and building materials must not be placed, even for a short time, in the adjoining reserve or native vegetation.
42. Prior to commencement of works and festival activities, a Site Environmental Management Plan (SEMP), must be submitted to and approved by the Responsible Authority to address the potential impacts of works and festival activities. The SEMP must be generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts.
43. Prior to commencement of works and festival activities, contractors and festival staff must be inducted into the SEMP and all flora and fauna conservation requirements.
44. The approved SEMP must be implemented to the satisfaction of the Responsible Authority.
45. Best practice erosion and sedimentation control must be installed during works where a hazard is identified. No polluted or sediment laden water may enter the creek.
46. All machinery must enter and exit work sites along defined routes which do not impact on native vegetation.

Auditing of concerts

47. Each concert must be audited by the concert operator. The audit must document:
 - (a) The numbers of patrons in attendance.
 - (b) Compliance with the conditions of this permit.
 - (c) Hours of operation.
 - (d) Compliance with acoustic requirements.
 - (e) Any amenity issues raised by nearby property owners.

A report on the audits must be submitted to the responsible authority within one month of the completion of the concert series or is to be made available to the responsibility authority on request.

REPORT NO: SU443 (cont.)

- (f) For each concert series traffic surveys must be undertaken to the satisfaction of the responsible authority in consultation with the relevant road authorities and emergency services authorities. The surveys may include parking surveys, traffic volume surveys, turning movement surveys and travel time surveys, depending on the areas of concern.

A report on the traffic surveys must be submitted to the responsible authority two weeks after the concert series.

Prior to each concert series (three concerts each year), the following information must be submitted to the responsible authority for approval and endorsement:

Event Management Plan

48. At least three months before the concert series begins three copies of an Event Management Plan must be submitted to the responsible authority for approval. The Event Management Plan will need to include details of each individual concert/music event to be held.
49. The plan must be developed in consultation with the responsible authority and other relevant authorities.
50. The Event Management Plan must be developed and complied with to the satisfaction of the responsible authority.
51. Before deciding to approve the Event Management Plan the responsible authority may consider the views of neighbouring properties.
52. The Event Management Plan must be updated on a yearly basis to address any issues from audits or complaints received.
53. Copies of the Event Management Plan must be distributed to all relevant authorities at least 1 month before the concert series begins.
54. The Event Management Plan must include the following:
 - (a) Details of each concert/event including dates (noting bump-in and bump-out days), hours, and numbers of patrons.
 - (b) A list of properties to receive a copy of the notice of the concert series. The notice is to include details of a complaints hotline.
 - (c) All food operators at events will be registered with council and as part of the Event Management Plan, council will be provided with the details of the caterers and/or vendors prior to each event.
 - (d) Details on how the event satisfies Hume City Council's Sustainable Event Guidelines.
 - (e) A site plan (for each concert) that shows:
 - The location of the stage and all ancillary installations and activities on the site (site context plan).
 - Scaled elevation/floor plans of the stage.
 - Lighting Plan.

REPORT NO: SU443 (cont.)

- Vehicle access plan and delineation of all car and bus parking areas.
 - Internal circulation.
 - Location of free water to be available to patrons.
 - Details as to whether pyrotechnics will be used.
- f) An Emergency Management and Fire Prevention Plan (relevant authorities Country Fire Authority, Victoria Police) to include:
- Contingency plans for emergency situations including but not limited to fire, power failure, and medical emergencies.
 - Provision of (as appropriate) a medical officer, ambulance crew(s) and first aid and ambulance team(s) adequate to cater for the number of patrons anticipated to attend each concert.
 - Access and egress points to be clearly identified by signs and lighting.
- g) A Noise Management Plan to include:
- Details as to how the event will satisfy EPA SEPP N-2 including an outline of noise abatement measures to be implemented.
 - An event hotline will also be provided and staffed 24 hours from start to completion of each event. Council is to be given a copy of the complaints registry and outcome at the conclusion of each event.
 - The noise management plan is to include details of any amenity issues raised by nearby property owners during previous events and how the concern(s) have been dealt with for the upcoming event.
 - Details of signage to be used to encourage responsible off-site patron behavior.
 - Details of staffing and other measures designed to ensure the orderly arrival and departure of patrons.
 - Details relating to the training of staff in the management of patron behavior.
 - Details of staff communication arrangements.
 - Measures to control noise emissions from the premises.
- h) A Security Plan (relevant authority - Victoria Police) to include:
- Personnel numbers, management structure, roles, responsibilities, powers and procedures.
 - Details and frequency of security patrols internal and external to the property.
 - Treatment and identification of property boundaries.
 - Communication provisions.
 - Security provisions and protocols for nearby residents and properties.
- i) An Alcohol Management Plan.
- j) A Medical Operations Plan (relevant authority - Ambulance Victoria)
- Contingency plans for emergency medical situations.
 - Staff allocation - provision of (as appropriate) a medical officer, ambulance crew(s) and first aid and ambulance teams(s) adequate to cater for the number of patrons anticipated to attend each concert.

REPORT NO: SU443 (cont.)

- Administration details.

k) A Waste Management Plan to include:

- Patron and supplier, training and awareness.
- Staff numbers.
- Waste streams likely to be created on site (e.g. general waste, recycled waste, paper/carboard waste, liquid waste and oils, bulk bin system).
- Management methods for each waste stream.
- Bin quantity and size.
- Equipment.
- Collection frequency.
- Allocated bin space.
- Collection point vehicles.
- Waste collection provider.
- Collection of litter or repair of any damage directly attributable to the event, to the satisfaction of the responsible authority.
- Ensure all waste water is disposed of in accordance with the appropriate water licensing authority.

l) A Complaint Management Plan to include:

- Mechanisms for ensuring complaints which are lodged during concerts are able to be received and responded to.
- The 'log' form must include how the complaint was resolved and complainant details.
- Evidence of public liability insurance.

m) A Traffic and Transport Management Plan (relevant authorities – VicRoads, Victoria Police) to include:

- Details of the different management regimes for different size concerts.
- The delineation of all car and bus parking areas including alternative parking arrangements for car and bus parking should the normal parking area be too wet.
- the location of all areas on and/or off the land to be used for staff and patron parking;
- the owner's permission and any required planning permission for parking on other land;
- specification of staff numbers adequate to enable efficient operation of car parking areas both on and off the land;
- the number and location of all security staff on and off the land;
- the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on and off the land;
- measures to discourage patron car parking on surrounding roads. measures to preclude staff parking in designated patron car parking areas;
- staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time; and
- servicing of the drainage and maintenance of car parking areas
- Car parking management.
- Access routes to and from the site.

REPORT NO: SU443 (cont.)

- Traffic controls and signing proposed along all roads used for directing traffic.
- Area wide traffic management considering all routes to the site including back roads.
- Traffic management procedures and personnel.
- Anticipated time of traffic disruptions.
- Schedules of any bus services including free or other shuttle bus service from off-site parking locations.
- Contingency plans in case of breakdowns.
- Marnong Estate to liaise with VicRoads and advertise on social media prior to concert events (Facebook and Victraffic).
- Promote bus usage during ticket sales and aim to maximise bus patronage.
- Liaise with the bus companies arriving from Melbourne to schedule toilet breaks for patrons.
- Liaise with ride share companies to permanently set the pick-up and drop-off pin inside Marnong Estate, to minimise pedestrians on Old Sydney Road.
- Discuss with Taxi services in relation to setting up a taxi rank inside the pick-up/drop-off area.
- Schedule bus arrival and departure times after the peak period. It is proposed buses would start to depart Marnong Estate 15 to 30 minutes from the end of the concert.
- Ensure there is adequate lighting provided in all key areas.
- At least 2 traffic controllers should be stationed at Gate 2 and 3 to locally manage turning vehicles to maximise traffic capacity.
- During the departure peak hour, the northern access (Gate 3) should operate with two (2) outbound lanes and be given traffic priority, which should reduce the delay for pick-up and drop-off vehicles.
- Ensure all vehicles follow site access circulation restrictions - Loop Road (Gate 2- Entry only and Gate 3 - Exit only).

For concerts of more than 3,000 patrons, the Traffic Management Plan must be approved under the provisions of the Road Safety Act 1986.

Notification of concerts

- 55) One month before the concert series begins letters must be sent to neighbouring properties and each property within the Oaklands Park Estate. The letter will advise neighbours of the proposed schedule of the concert series, the hotline number as well as any changed traffic conditions. This will be undertaken in accordance with the requirements of the Event Management Plan. Council is to receive a copy of the notice and be provided with a list of addresses to ensure all relevant properties are informed.
- 56) One week before each concert, a sign must be placed on Donnybrook Road and Mickleham Road notifying the public of the proposed changed traffic conditions. Consent must also be sought from VicRoads.

Car parking requirements

- 57) When the site is being used for an outdoor concert, parking must be provided at a rate of no less than 0.27 car spaces to each patron and no less than 0.025 bus spaces to each patron.

REPORT NO: SU443 (cont.)

- 58) Prior to the commencement of the concert series in 2020, the owner of the subject land must, at no cost to the responsible authority, enter into and execute an agreement (in a form satisfactory to the responsible authority) with the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must provide for:

- a) Prior to the approval of each concert series, the conditions and requirements listed under planning Permit P22360 (or as amended from time to time) issued by Hume City Council must be complied with or otherwise to the satisfaction of the responsible authority.

An application must be made to Land Registry to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Conditions 59-62 required by the Roads Corporation (VicRoads):

- 59) Within four weeks of the 1-day music event on 23 November 2019 (unless otherwise agreed to by the Roads Corporation) the permit holder must submit an Event Traffic Report to the satisfaction of the Roads Corporation. The report must include, but not be limited to, the following:

- a) An evaluation of the traffic and car parking management and procedures employed during the 23 November 2019 event; and
b) A traffic survey of the 3 key intersections (Mickleham Road / Donnybrook Road, Mickleham Road / Mt Ridley Road, Mickleham Road / Craigieburn Road) including key findings along with raw data collected.
c) Recommendations for any amendments to traffic and car parking management practices and procedures for future music festival events (if required).

- 60) Within six weeks following the 1-day music event on 23 November 2019 (unless otherwise agreed to by the Roads Corporation) the permit holder must meet with the Roads Corporation to discuss the findings and recommendations of the Event Traffic Report required by Condition 59 of the permit.

- 61) Prior to the first music event following the 1-day music event on 23 November 2019, a Traffic Management Plan must be submitted to and approved by the Roads Corporation. The Traffic Management Plan must include, but not be limited to, the following:

- a) Parking and access arrangements
b) Bus/public pick-up and drop-off locations
c) Pedestrian Management
d) Traffic management plans relating to site access, pedestrian access, pick-up/drop-off, incident and emergency management; and
e) Any recommendations agreed to by the permit holder and the Roads Corporation.

- 62) Unless otherwise agreed by Roads Corporation, the traffic and car parking of all future music festival events must be operated generally in accordance with the approved Traffic Management Plan (or as amended) required by

REPORT NO: SU443 (cont.)

condition 61 of this planning permit. The Traffic Management Plan must not be altered without the prior written consent of the Roads Corporation.

Conditions 63-65 required by Melbourne Water:

- 63) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 64) Where possible a sedimentation ponds should be implemented to reduce downstream sediment runoff. Construction works A Site Environmental Management Plan (SEMP) must be produced and adopted on-site. The SEMP must address at minimum:
- a) Sediment and silt management controls and diversion drains for storm water management.
 - b) Vegetation management techniques.
 - c) Access tracks.
 - d) Spoil stockpiling.
 - e) Machinery/Plant locations.
 - f) Appropriate EPA Policies and procedures should be implement.
- 65) The developer must negotiate any temporary works with downstream landowner(s) to obtain a free draining outfall solution through their property/ies. Approval must be granted and forwarded to Melbourne Water before construction of the drainage works commences.

Conditions 66-82 required by the CFA:

- 66) Access and egress routes must be provided for emergency vehicles both into and around the site in accordance with the following:
- All-weather construction.
 - A load limit of least 15 tonnes.
 - Provide a minimum trafficable width of 4 metres.
 - Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
 - Curves must have a minimum inner radius of 10m.
 - The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
 - Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- 67) Suitable fire equipment must be provided (e.g. fire extinguishers) for coverage of hazards on the site, particularly around the stage area and the food & beverage area.
- 68) Extinguisher stations should be provided and consist of a minimum of 1 x 4.5 kg ABE dry powder fire Extinguisher and 1 x 9lt stored pressure water extinguisher be located within 60m of any Caravan or Camper Van Camping area.
- 69) 1 X 4.5kg dry chemical fire extinguisher required to be located within 20m of the camp kitchen.
- 70) 1 X 4.5kg dry chemical fire extinguisher to be located within 20m of any generator.

REPORT NO: SU443 (cont.)

- 71) First attack firefighting equipment is to be available on site for the duration of the event to provide protection against an external threat of a grass fire running into the site and from the site. The equipment is to comprise of a minimum 1,000 litres of water, pumps and hoses on a mobile vehicle to be used by suitably qualified personnel with appropriate personal protective equipment.

Note: Due to the access/egress and the road network, evacuation of the site when under threat of a fire would be problematic.

- 72) The event is to be cancelled on a Code Red or extreme fire danger rating day. A code red/extreme day communication action plan is required to be included in the Safety and Management Plan.
- 73) The Emergency Management Plan must be upgraded and submitted to CFA 6 weeks prior to the event to include the following:
- external threat from a grass fire impacting on the property the event is held on and what measures are to be taken should the event be impacted by fire.
 - a fire starting within the property that the event is held what measures are to be taken to reduce the possibility of fire spreading from the event to the surrounding grasslands.
- 74) A final copy of the amended Safety and Emergency Management Plan is to be provided to CFA (along with a site plan showing access points and Emergency Assembly Areas) at least 6 weeks prior to the event.
- 75) Appropriately trained Fire Wardens must be in attendance at the venue at all times.
- 76) The event organiser is to appoint Safety Officers - each Safety Officer should have completed the “Safety Officer – In a place of Public Entertainment” course or hold an equivalent competency.
- 77) Vegetation works must be undertaken prior to the event to remove fuel hazards (long grass, etc) where necessary across the site. The grass within the property is to be maintained below 50mm in height for duration of the event.
- 78) Buffer zones (with a minimum width of 25 metres) should be provided around the event site (i.e. fire breaks around car parks, stage, food area etc) as well as a 10 metre fuel reduced zone around the internal perimeter of the event site.
- 79) All stalls, displays, tents and marquees (either temporary or permanent structures) must be a minimum of 6 metres apart or may have a lesser separation distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority (Council) that fire spread between stalls etc. will not occur.
- 80) Traffic Management Personnel must be on site at all times in to facilitate emergency vehicle access and egress to the site in case of emergency.

REPORT NO: SU443 (cont.)

- 81) The grassed areas in and around car parking, vehicular routes, camping areas and Emergency Assembly Areas must be maintained to a height of no more than 50mm.
- 82) Written authorisation must be obtained from the CFA Operations Manager, District 14, Melton (03 8746 144), for any use of CFA resources and/or personnel.

Conditions 83-86 required by Ambulance Victoria:

- 83) Medical first aid providers and Ambulance Victoria are to be engaged with the event.
- 84) Ambulance Victoria is to provide an onsite Health Commander and Liaison Officer to liaise with the First Aid provider and oversee the medical model – the promoter is to oversee all applicable costs.
- 85) Ambulance Victoria requires 2 ambulances fully crewed with paramedics (4 in total) to support the medical officers detailed in the Medical Operations Plan.
- 86) The Medical Operations Plan and Event Management Plan are to be updated and reviewed each year in accordance with Ambulance Victoria requirements and recommendations.

Condition 87 requested by Victoria Police:

- 87) The Security Management Plan and Event Management Plan are to be updated and reviewed each year in accordance with Victoria Police requirements and recommendations.
- 88) Overland stormwater flow cannot be concentrated or redirected to neighbouring properties.
- 89) Except with the prior written consent of the responsible authority, this permit will expire three years from the date of this permit.

NOTES:

- a) The event organisers are to review and implement Hume City Council's Festival and Events Guidelines.
- b) Separate approval under the Road Safety Act and/or the Road Management Act may be required from VicRoads. Please contact VicRoads prior to commencing any works at VicRoadsmetroevents@roads.vic.gov.au.
- c) In the absence of reticulated sewerage, it is necessary for unsewered properties to effectively treat and dispose of domestic wastewater on-site under the EPA. Installation of such a system requires a permit
- d) Ensure a detrimental effect is not caused to the amenities of the area and/ or public.
- e) Ensure all waste is disposed in accordance with the appropriate waste licensing authority.

REPORT NO: SU443 (cont.)

- f) Ensure all waste water is disposed of in accordance with the appropriate water licensing authority.**
- g) New vehicles crossings and/or modifications to existing vehicle crossings require an application for a ‘Consent to Dig in the Road Reserve’ permit for a vehicle crossing to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application.**
- h) Any service relocations are to the approval of the Service Authority and at the owners cost.**

3. PROPOSAL:

- 3.1 The proposal involves using a portion of the Marnong Estate as a temporary place of assembly (music festival) comprising of one 1-day music event in 2019 and a maximum three 1-day music events annually thereafter, buildings and works associated with the temporary structures, removal of native vegetation and a reduction in car parking and bicycle requirements.
- 3.2 The first concert proposed as part of this permit, is the ‘Grapevine Gathering’ which will to be held on Saturday 23 November 2019. Equipment will start to arrive at the site on Monday 18 November (bump-in) and the equipment and structures removed and the site cleared by 27 November (bump-out). Music performances will commence at 12-noon and conclude at 10pm, with the main artist performing after 6pm. The entertainment will comprise of a mixture of Australian and International artists. A maximum 15,000 patrons are proposed to attend this event. The applicants have also estimated that approximately 1,000 staff, suppliers and contractors will be on the site for the duration of the event.
- 3.3 The area set aside for the proposed 2019 Grapevine Gathering, is located to the north-east of the Marnong Homestead and associated buildings and main car park. It is essentially cleared pastoral land with numerous dams. The proposal will utilize two existing crossovers from Old Sydney Road. A new crossover will be developed to the north of the existing dams from Old Sydney Road. The new access track will run along the length of the existing fence line.
- 3.4 The main concert zone will be located on the western side of the larger dam and to the north of the access track from Gate 1. The ‘concert zone’ will be secured by a temporary fence around its perimeter, and consist of the main stage located toward the north-east corner of the zone, marquees of varying sizes, first aid stations, site sheds, storage containers, hydration taps, toilets and bars around its perimeter.
- 3.5 The proposed stage is oriented to the south-west and toward the lowest point of the site. This location allows the venue to use the natural typography of the land as an amphitheater. With regards to the Grapevine Gathering, the decking structure for the temporary stage measures 24.8 metres x 14.5 metres. Upon this decking, the stage structure measures approximately 12 metres in depth, with a frontage (width) of 24.8 metres and an overall height of approximately 12.6 metres. Located on either side of the stage are waiting areas for the performers and storage areas for equipment. Toward the rear of the stage structure are two sets of stairs and a loading ramp.
- 3.6 The main car park to the Estate will be utilized on day for the food trucks, market stalls, hydration taps, and a 12-metre high, illuminated ferris wheel.

REPORT NO: SU443 (cont.)

- 3.7 A 30-metre wide access exclusion zone will be secured along the tributary traversing the site. Access over the tributary has also been approved by Melbourne Water.
- 3.8 Patrons to the event can purchase food and drinks from the food trucks and stalls located in the main car park to the Marnong estate and from the bars located around the concert arena. There will be no BYO alcohol, patrons are permitted to bring empty bottles/containers into the grounds to fill with water, but alcohol can only be consumed within the concert zone and not removed from the site. Security will be checking all bags and persons entering the exiting the site to ensure no illicit drugs or alcohol is brought into the venue.
- 3.9 The applicants have proposed to use pyrotechnics on the stage which will be managed in accordance with the Dangerous Goods (Explosives) Regulations 2011. This will be discussed in further detail under Section 3.31 of this report.
- 3.10 All other operations at Marnong Estate will be closed on the day of the concert(s). Bankvale Run Restaurant will be operating solely for the use of VIP patrons of the event.
- 3.11 The application is also seeking consent to conduct three 1-day events annually from 2020 onwards (concert series). The applicant has stated that in 2020, the three events will be held in November-December. However, after 2020, the events can be anytime of the year.
- 3.12 One month prior to any event, an Event Notification Letter will be sent to neighbouring properties (including those in Oaklands Junction). The Event Notification Letter will include details of the concert series, times, dates, contact details for project/event staff. An event hotline will also be provided and staffed 24 hours from start to completion of each event. Council will be sent a copy of the complaints. This information will assist in minimizing impacts at future events.
- 3.13 Future music events on the site will differ in patron numbers, genre, and size. Although it should be noted that the maximum numbers would be in accordance with the conditions of this permit.
- 3.14 To ensure appropriate authorities have been consulted and the concert series are conducted in a manner which minimizes impacts on the site and surrounding area, a detailed Event Management Plan will need to be submitted and approved by the responsible authority. The details of the information required for the Event Management Plan are detailed under conditions 48-54 and in section 2 of this report.
- 3.15 The application was accompanied by the following reports:
- Traffic and Transport Assessment;
 - Native Vegetation Assessment;
 - Venue Management Plan;
 - Noise Management Plan;
 - Waste Management Plan
 - Alcohol Management Plan;
 - Medical Operations Plan;
 - Security Management Plan;
 - Safety Emergency Management Plan;
 - Site Lighting Plan;
 - Risk Management Plan;
 - Site Plans; and
 - Stage Plans.

REPORT NO: SU443 (cont.)

Traffic Management:

- 3.16 All vehicular access, including deliveries, contractors, cars, buses will be from Old Sydney Road. No access will be available from Kinnear Road.
- 3.17 It is anticipated that most patrons attending the festival will utilize the chartered buses to and from the site. The applicant has stated that bus transfers will be available from Federation Square, Ringwood Station, Frankston Station, Geelong Station and possibly Yarra Valley to the site. Tickets to use the buses will be available when purchasing tickets to the event.
- 3.18 Segregated car parks have been proposed so private vehicles, taxis, ubers and buses are parked and organized on the site for ease of access and allowing for organized exiting of the site. The Site Plan shows bus parking (213 spaces) located along the north side of the access track from Gate 3. The north side of the access track from Gate 2 is set aside for private vehicles (1486 spaces) and designated drop-off and pick-up areas for ride share vehicles and buses – these vehicles will then proceed to the parking areas for the duration of the event. The drop-off and pick-up areas are located opposite the 'pedestrian processing zone' to ensure pedestrian traffic is both managed and controlled in a safe and orderly manner. There will be no pass outs issued from the 'concert zone'.
- 3.19 On the day of the concert all private vehicles will be directed to Gate 2 (entry only) which is located on Old Sydney Road. Vehicles and buses will be able to move off the road into the internal road network and directed by traffic marshals to the designated parking areas. Ample capacity exists on the site to accommodate private vehicles, taxis/ubers and buses. All vehicles exiting the site will use Gate 3 – this will ensure easy and safe movement of vehicles within the site and will allow the traffic marshals to safely direct and mitigate vehicles off site and onto Old Sydney Road. Old Sydney Road, Mickleham Road and Donnybrook Road will also be monitored and managed by traffic controllers to ensure the wider road network is not adversely impacted.
- 3.20 The traffic and transport assessment undertaken for the application (dated 14 August 2019), has recommended the following be considered:
 - *Marnong Estate to liaise with VicRoads and advertise on social media prior to concert events (Facebook and Victraffic).*
 - *Any other available form of advertising should be utilised to notify the public of the concert event.*
 - *Promote bus usage during ticket sales and aim to maximise bus patronage.*
 - *Liaise with the bus companies arriving from Melbourne to schedule toilet breaks for patrons.*
 - *Liaise with Uber to permanently set the pick-up and drop-off pin inside Marnong Estate, to minimise pedestrians on Old Sydney Road.*
 - *Discuss with Taxi services in relation to setting up a taxi rank inside the pick-up/drop-off area.*
 - *Schedule bus arrival and departure times after the peak period. It is proposed buses would depart Marnong Estate 15 to 30 minutes later at the end of the concert.*
 - *Ensure there is adequate lighting provided in all key areas.*
 - *At least 2 traffic controllers should be stationed at Gate 2 and 3 to locally manage turning vehicles to maximise traffic capacity.*
 - *During the departure peak hour, the northern access (Gate 3) should operate with two (2) outbound lanes and be given traffic priority, which should reduce the delay for pick-up and drop-off vehicles.*

REPORT NO: SU443 (cont.)

- *Ensure all vehicles follow site access circulation restrictions - Loop Road (Gate 2- Entry only and Gate 3 - Exit only).*

These have been included as conditions/requirements of the Traffic Management Plan to be submitted to the responsible authority for approval prior to each concert series.

- 3.21 Council's engineers have assessed the proposed management of traffic for the event and are satisfied that it has been adequately addressed.

Native Vegetation

- 3.22 A native vegetation assessment was undertaken to determine if native vegetation existed on the site (concert zone, car park areas and location of the new crossover). A site visit and detailed assessment was conducted which concluded that though no native vegetation was found within the site, however, native vegetation was located in the road reserve. The concert zone and car park area were described as containing a mixture of pasture (including rye grass and lucerne) and associated weeds (onion grass, capeweed and cocksfoot). The several of the fields are divided by rows of planted pine trees and sugar gums.

- 3.23 With regard to the new crossover for Gate 2 on Old Sydney Road, native vegetation in the form of Grassy Woodland (EVC 175) was present on either side of the cleared area proposed for the new crossover. The report states:

Native vegetation comprised predominantly derived grassland dominated by Kangaroo Grass and Weeping Grass, with a scattering of other graminoids including Wallaby Grass, Spear Grass and Wattle Mat-rush, a high percentage of bare ground and common weeds of disturbed areas including Cocksfoot, Onion Grass Capeweed and Annual Veldt-grass. Woody native species including Hedge Wattle and Golden Wattle were present in small clusters with a grassy ground-layer.

- 3.24 With regard to the Golden Sun Moth, which can migrate in this area, the assessment found that it is unlikely that the Golden Sun Moth (GSM) will be negatively impacted. The native vegetation assessment further states:

The native vegetation proposed for removal includes only a sparse cover of native grasses with the potential to support GSM. The past disturbance and soil compaction in the impact area are also unfavourable for GSM. Additionally, the area of native vegetation proposed for removal is well below that considered in the Commonwealth action statement to qualify as a significant impact to this species (EPBC Act Policy Statement 3.12 – significant impacts guidelines for the Critically Endangered Golden Sun Moth (Synemon plana), Table 3, third column, paragraph 3) in the unlikely event it does occur. Therefore, there are no regulatory implications for GSM from the current proposal.

- 3.25 The application to construct the new crossover to Gate 2 will result in a total of 0.023 hectares of Grassy Woodland (EVC 175) to be removed. The removal of the native vegetation requires a permit under Clause 52.17 of the *Hume Planning Scheme*. To comply with Victoria's Guidelines for the removal, destruction or lopping native vegetation (the Guidelines) the applicant has proposed to offset 0.014 general units to compensate for the removal of native vegetation. This offset target will be achieved via a third-party offset. The required offset would be secured following approval of the application to remove native vegetation.

REPORT NO: SU443 (cont.)

Venue management

- 3.26 The Venue Management Plan submitted with the application essentially outlines the operations of the event and gives a detailed summary of the contact details of the stakeholders, documents, plans, permits and licenses required to conduct the event(s). The Venue Management Plan will be updated according to the event and operators of future music events and submitted to Council for approval.

Noise Management

- 3.27 The music emitted from the site must comply with the mandatory EPA SEPP N-2 Policy, which regulates the levels of music noise from public premises. The policy is designed to protect normal domestic and recreational activities in residential areas from music noise from public premises. With regard to the Grapevine Gathering, the applicants have submitted a Noise Management Plan which outlines recommendations to ensure (as practically possible) that the event is conducted in accordance with EPA SEPP N-2 by implementing the following:

- *A complaints hotline will be established for the duration of the event. A qualified acoustic consultant will investigate any complaints and the results of the investigation and action will be recorded and reported back to the resident if requested.*
- *A notice informing nearby residents of each concert series will be sent out one month prior to the first event. A copy of the notice will be forwarded to Council. This has been requested as a condition on the permit.*
- *Sound checks will occur at lower music levels and prior to 6pm on the day before the concert or after 10am on the day of the event.*
- *During the music event, the organizer will ensure that an employee or agent is present at the sound mixing event and is able to exercise ultimate control of the noise levels from all of the sound amplification levels.*
- *If possible, a sound check will be performed prior to the event. During sound check, appropriate music levels will be set to ensure they are started at appropriate levels.*
- *During the event, a qualified acoustic consultant will monitor the pre-determined noise sensitive locations to the north-east, south and east and any additional locations that may become necessary based on the conditions and complaints encountered.*
- *The consultants will be in two-way radio and/or mobile phone contact with the production manager, sound engineers, event organizer and hotline staff throughout the event.*
- *The production manager and sound engineers will be briefed on the importance of reducing music levels as requested by the acoustic consultant.*
- *Procedures will be implemented to allow for a quick reduction of the music levels of all stages if required. The production manager will ensure that sound engineers reduce music levels when required.*

- 3.28 Conditions have been placed on the permit that require the operator to submit a copy of the complaints register and the outcomes to Council within 1 month of the conclusion of the concert series. Reviewing the complaints and outcomes will assist in amending the Noise Management Plan (if required), prior to future events and reducing the impact of the event of the surrounding area.

REPORT NO: SU443 (cont.)

Fire Protection

- 3.29 With respect to fire protection, manned ‘first attack’ firefighting equipment will be made available on site for the duration of the event. It will comprise at a minimum, 1000 litre water tank, pumps and hoses on mobile vehicles operated by a suitably qualified personnel. All event staff and security staff will be trained to use the extinguishers. Fire extinguishers will be located at all food, alcohol and refreshment tents as well as at the security/check points and throughout the stage and band areas.
- 3.30 The Country Fire Authority (CFA) has been provided with full details of the proposed concert. They have provided conditional consent to the proposal. The Event Management Plan for the future concert series also has a requirement that an updated Emergency Management and Fire Protection Plan be submitted and referred to the CFA for consideration.

Fire Works

- 3.31 The applicant has stated that the operator may use pyrotechnics at the concert on the main stage area only. The use of the pyrotechnics will be in accordance with the *Dangerous Goods (Explosives) Regulations 2011* and conducted by a licensed operator. Conditions has been placed on the permit requiring details of their use and compliance with the relevant policies and regulations be adhered to.

Waste Management

- 3.32 An event waste management plan has been provided. The plan proposes rubbish bins to be provided across the event site. The site will be cleaned, and bins emptied during the event by event staff into large waste bins located in service areas. The site will also be cleaned after the event to ensure no rubbish leaves the site.

Toilet Facilities

- 3.33 Non-gendered and accessible toilets with hand washing facilities will be provided at designated, signposted locations around the concert zone and eating area. The number of toilets provided on the site is in excess of the legislated requirement for a Place of Public Entertainment Occupancy Permit and will be confirmed when the relevant applications are sought for each event.

Water

- 3.34 Water stations are to be provided across the site and at all bars. The number of drinking stations provided is in excess of the legislated requirement for a Place of Public Entertainment Occupancy Permit and will be confirmed when the relevant applications are sought for each event.

Food

- 3.35 Food at the Grapevine Gathering will be in the form of food trucks and stalls located in the main car park area. For future events, the amount of food trucks/stalls will depend on the size and nature of the event. All food operators at events will be registered with council and as part of the Event Management Plan, council will be provided with the details of the caterers and/or vendors prior to each event.

Alcohol Management

- 3.36 A Major Event Liquor License will be sought for the event. This license allows for the purchase of alcohol on the site, but none will be permitted to be brought onto or out of the site. People will be screened for alcohol by security staff on entry to the site.
- 3.37 The applicant has stated that wine will be primarily served at this event “*hence the name Grapevine and having the event at a winery*”. The wine will be served in plastic bottles or patrons can purchase wine in plastic cups. Other beverages will be served in

REPORT NO: SU443 (cont.)

cans (soft drinks) and water in plastic bottles. Free water is available at each bar and food court and water stations are situated across the site.

- 3.38 The Grapevine Gathering is an 18+ only event. Proof of age documentation will be required to be presented upon entry – ‘no ID no entry’. No BYO alcohol will be permitted into the event. The sale and service of alcohol will be provided by qualified and certified staff.
- 3.39 The Alcohol Management Plans as well as the Event Management Plan state that any person(s) displaying signs of intoxication will not be permitted entry to the event. Additionally, and person found to be drunk or behaving in a disorderly manner will have right of entry revoked and be required to leave the event. Victoria Police have requested the Security Management Plan for the Grapevine Gathering be amended to specify the process in dealing with evicted persons, so they are not ejected from the site to wander the streets. This requirement has been requested under condition 1 of this permit.

Lighting

- 3.40 Light towers and flood lights will be in place throughout the concert zone, car park, pedestrian thoroughfares. A lighting plan has been submitted which shows only the areas to be used as part of the concert will be illuminated. There should be minimal impact on adjoining properties and certainly no light spillage beyond the property boundaries. The lights will be turned on around 6pm and turned off once the crowd control commander has declared the site clear of patrons.

Medical Management

- 3.41 The applicants have employed Medical Edge Australia to respond to any medical needs on the day. There will be medical officers positioned throughout the event site, with a dedicated 12m x 18m marquee located in an easily accessible location for anyone at the event. The medical centre can accommodate 12 stretcher patient and 25 seated patients. In addition to the medical personnel, a medical doctor will also be on site for the duration of the event. Two stretcher based NEPT ambulances (Non-emergency Patient Transport) will also be available on site. Ambulance Victoria will also be on site with vehicles and personnel.

Heat Stress

- 3.42 To avoid heat stress, fresh clean water will be provided free of charge to patrons by a licensed water carrier for the whole of the event. Food and refreshment areas will have shaded areas for patrons.

Security Management

- 3.43 Should an emergency occur during the event period, security staff will be responsible for directing and controlling the movement of patrons and vehicles from the site. All event and security staff including fire crews will be in radio contact which will allow a quick response to any danger.
- 3.44 NSA Security staff will provide qualified and event registered crowd controllers. The applicant advises that they have extensive experience at such events. The company will have personnel at the command centre and will work closely with other services.
- 3.45 NSA Security have recommended a total of 201 security staff to be deployed for the 15,000 patrons at the 2019 Grapevine Gathering
- 3.46 Security patrols will be regularly undertaken around the property throughout the event as well as patrols on adjoining public roads. A 24 hour contact number will be made available to all adjoining property owners for the reporting of any issues.

REPORT NO: SU443 (cont.)

- 3.47 Key security staff and supervisors will be equipped with UTV's or ATV's to effectively move throughout the festival site and neighboring areas. With the use of the vehicles, security have the ability to respond quickly to any incident. These will monitor the perimeter of the event, car parks and 'hot spots' such as the entry/exit.

Glass Protection

- 3.48 A no-glass policy will apply to the event. No glass bottles, food containers or other items will be permitted onto the site. All food and refreshment will be served in plastic or metal containers.

Insurance

- 3.49 Event insurance including public liability has been sourced and a quotation obtained from CGU Insurance Australia Ltd for a \$20 million cover. Insurance will be in place for each event and confirmation of such insurance required as a condition of permit.

4. SITE AND SURROUNDS:

- 4.1 The proposed event is to be held on the property known as Marnong Estate ("Marnong") located at 45-255 Old Sydney Road, Mickleham. Marnong is located on the north-western side of the T-intersection of Mickleham Road and Donnybrook Road.
- 4.2 45-165 Old Sydney Road, Mickleham comprises of 4 parcels (Lot 2 PS703031, Lot 3 LP135849, Lot 4 PS703031 and Lot 3 PS720088) and 195-255 Old Sydney Road, Mickleham also comprises of 4 parcels (Lot 1 PS703031, Lot 5 PS720088, Lot 1 TP423557 and Lot 4 TP423557). In total, 45-255 Old Sydney Road has an overall area exceeding 500 hectares.
- 4.3 The subject site is characterised as undulating, containing numerous, peaks, valleys and tributaries. Much of the site is used for agricultural purposes (grazing and vineyards) with the historically significant Marnong homestead redeveloped into boutique suites, with a contemporary extension containing a function centre and restaurant.
- 4.4 Various outbuildings on the site have also been converted into a mixture of uses associated with the function centre and restaurant operations on the site.
- 4.5 Various farm and access tracks are located throughout the site and will be utilized as part of the proposal (except the track on Kinnear Road).
- 4.6 The area set aside for the concert and car parking facilities (Grapevine Gathering site) is located adjacent to the Old Sydney Road frontage. The site of the Grapevine Gathering is generally constrained in the following area:
- Gate 1 (set aside as access for equipment trucks, deliveries and VIPs only), forms the southern boundary;
 - Old Sydney Road forms the eastern boundary;
 - A row of planted trees and the existing car park form the western extent of the Grapevine Gathering site;
 - The northern boundary of the event is located approximately 55-75 metres north of the track from Gate 3.

Restrictions on Title:

- 4.7 A title search produced on 29 May 2019 reveals that the land is not encumbered by any covenants but does include a Section 173 Agreement. The obligations of the Section 173 Agreement are not applicable to this site (Lot 4 PS703031). The building envelopes referenced under this agreement relate to the three of the four lots created under planning permit P10846 (refer section 4.8 below).

REPORT NO: SU443 (cont.)

Background:

- 4.8 P10846 – This application related to the subdivision of the original 325.2-hectare parcel of land into four allotments. Three of the lots were 40 hectares whilst Lot 4 (the balance lot) containing the Marnong Homestead and the existing three dwellings was 205.2ha. A Section 173 Agreement was placed on the title to the four lots, which nominated building envelopes on the three smaller lots only. This permit was issued by Council on 18 April 2006.
- 4.9 P11933 – This application related to 'buildings and works associated with an upper level extension to an existing single storey dwelling'. This permit allowed for the renovation of the original Marnong Homestead, and a two storey extension to the rear of the homestead. This permit was issued by Council on 19 December 2007. Several amendments to this permit were approved, however this permit lapsed in December 2011.
- 4.10 P14830 – This application related to 'buildings and works associated with clean fill on an existing rural property'. This application lapsed on 23 March 2011.
- 4.11 P16325 – This application related to the subdivision of 155 & 245 Sydney Road, Mickleham into four lots (effectively re-subdividing two existing lots into four lots). Under this permit, the 'Marnong' site (Lot 3) was 205.2 hectares in area, and as a result of this permit, was reduced to 118 hectares.
- 4.12 Planning Permit P17782 related to the approval of 'buildings and works associated with the delivery and distribution of clean earth fill for the purpose of land contouring'. This permit was issued by Council on 1 December 2014.
- 4.13 Planning permit P17115 was issued by Council on 14 November 2013 for 'use of an existing dwelling for the purpose of a restaurant and utilise rural outbuilding as an art and craft centre with eco-tourism related activities and access to a road in a road zone category 1'. This application was advertised, and no objections were received. This permit allowed the first floor of the existing dwelling to be converted into a restaurant for a maximum 150 seats/patrons, no external alterations were proposed to the building. The approved hours of operation are 7am to 1pm, 7 days per week.
- 4.14 Amendment P17115.01 was issued by Council on 10 June 2014. This amendment allowed for a change in opening hours from 7am to 1pm, 7 days per week to 7am to 3am, 7 days per week.
- 4.15 Amendment P17115.02 was issued by Council on 17 June 2015. The amendment related to:
 - Amended conditions to grant the use of the restaurant pursuant to Clause 43.01-5 (Use of a Heritage Place) of the Hume Planning Scheme to make the use independent of the agricultural use (as per condition 35.04-1 of the Hume Planning Scheme).
 - Increased the number of patrons on the site from 150 to 250.
 - Approved 40 car spaces to the south of the restaurant.
- 4.16 Amendment P17115.03 was issued by Council on 17 June 2015. This amendment related to:
 - The approval of a 'late night general licence' at the premises.
 - Amended the preamble to include reference to the liquor licence
 - Added conditions to the permit relating to the liquor licence.
 - Amended the address on the permit to 45 Old Sydney Road (formally 155 Old Sydney Road).

REPORT NO: SU443 (cont.)

4.17 Amendment P17115.04 was issued by Council on 24 August 2016. This amendment related to the following changes:

- The redevelopment of the rear section of the building – the internal layout of the building improved and extended toward the rear of the property.
- Increased the number of patrons on the site from 250 to 300.
- Amended conditions to grant the use of the reception centre (function centre) pursuant to Clause 43.01-5 (Use of a Heritage Place) of the Hume Planning Scheme to make the use independent of the agricultural use (as per condition 35.04-1 of the Hume Planning Scheme).
- Amended preamble to include reference to the reception centre (function centre)
- Approve the development of a new 130 space car park to the north of the homestead, accessed via the existing accessways.
- The car park to the south of the building was set aside for staff and the loading and unloading area.
- New landscaping plans were approved to reflect the changes on the property.

4.18 Amendment P17115.05 was issued by Council on 2 May 2017. This amendment related to the following changes:

- Changed the legal address of the plans to reflect the current title issued to the land.
- Amended the preamble.
- Increased the number of patrons from 300 to 500.
- Minor adjustments approved to the architectural plans were approved.
- Amended landscape plans were approved in accordance with Council's and Brett Lane and Assoc. recommendations.
- Minor adjustments to the car park layout were approved.

Under secondary consent to P17115.05, amended plans were approved by Council on 18 July 2017.

Under secondary consent to P17115.05, amended plans were approved by Council on 24 July 2018.

Under secondary consent to P17115.05, amended plans were approved by Council on 11 December 2018.

4.19 Amendment P17115.06 was issued by Council on 21 December 2017. This amendment related to the following changes:

- Amended the preamble to include 'use and development of an existing building for provedore (shop) and café (food and drink premises)'.
- Plans were endorsed for the provedore (shop and cafe).
- Four car spaces were removed from the circle driveway in front of the Homestead.
- Realignment of the driveway around the south side of the development (no vegetation to be removed).
- Demolition of the entry sign and gates on Old Sydney Road.
- Removed a small patch of native grassland north-east of the Homestead.

Under secondary consent to P17115.06, amended plans were approved by Council on 20 March 2018.

4.20 Amendment P17115.07 was issued by Council on 20 March 2018. This amendment related to the following changes to the permit:

- Condition 3 was deleted from the permit. The deletion of the condition simply aligns the provision and expectation of a late night general licence with the definition of the VCGLR.

REPORT NO: SU443 (cont.)

- 4.21 Amendment P17115.08 was issued by Council on 5 June 2018. This amendment related to the applicant seeking retrospective approval for the construction of, and works associated with, the construction of a sewerage treatment plant (utility installation) and disposal system at the Marnong Estate. The sewerage treatment plant serves the approved uses on the site. This amendment also included:
- Approval for an on-site sewerage treatment facility and associated pipeline and works.
 - EPA conditions and Note added to the permit.
 - Renumbering of conditions on the permit.
 - Plans were endorsed showing the alignment of the sewer line, underground treatment plant and winter storage dam.
- 4.22 Amendment P17115.10 was issued by Council on 12 March 2019. This amendment related to the following changes to the permit:
- Rewording of the preamble to the permit to include ‘use and development of a chapel in association with the function centre’,
 - Approved the chapel on the site;
 - Relocated the playground;
 - Landscape plans were approved – Rev. 16 dated 15/01/2019 (sheet 1 of 3 only).
- 4.23 Amendment P17115.11 was issued by Council on 17 June 2019. This amendment related to the following changes to the permit:
- Amended the preamble to include reference to the Farmers Market.
 - Plans were approved for the Farmers Market (showing size and location).
 - Conditions were included on the permit relating to the Farmers Market.
 - Revised landscape plan (Rev.19) was approved.
- 4.24 Amendment P17115.09 was amended pursuant to Section 71 of the *Planning and Environment Act 1987*. This correction relates to re-numbering planning permit amendment P17115.09 to P17115.12. Since the lodgment and subsequent approval of the .09 amendment, amendments P17115.10 and P17115.11 have been issued by Council. The re-numbering of the .09 amendment to .12 allows for the sequencing of approvals to stay in order as it is poor planning practice to endorse plans, add conditions or change the preamble to the planning permit if it precedes current approvals. In this case, conditions and preamble to the planning permit were changed under amendments .10 and .11, so the changes proposed (conditions added) under amendment .09 need to be acknowledged as being approved under amendment .12.
- 4.25 Amendment P17115.10 was issued by Council on 12 March 2019. This amendment related to the following changes to the permit:
- Rewording of the preamble to the permit;
 - Approval of a chapel on the site;
 - Relocation of the playground;
 - Conditions added to the permit;
 - Note added to the permit;
 - Re-number conditions accordingly;
 - Landscape plans approved – Rev. 16 dated 15/01/2019 (sheet 1 of 3 only).

Under secondary consent to P17115.10, the following changes were approved by Council:

- Use of the existing shearing shed as additional Function Centre space
- Amendment to the Red Line Plan
- Amendment to the internal layout of the Provedore building.

REPORT NO: SU443 (cont.)

- 4.26 Amendment P17115.11 was issued by Council on 17 June 2019. This amendment related to the following changes to the permit:
- Amend the preamble to include 'Farmers Market'.
 - Endorsing plans for the Farmers Market
 - Amendment to the landscape plan to incorporate the Farmers Market.
- 4.27 Pursuant to Section 71 of the *Planning and Environment Act 1987* the expiry condition on Planning Permit P17115.11 was amended as it required commencement of the use prior to the completion of the development. The expiry condition has been amended so the development will occur prior to the use that has been approved.
- 4.28 Amendment P17115.12 was issued by Council on 22 August 2019. This amendment related to the 'buildings and works associated with the construction of an access track off Kinnear Road, Mickleham'. This amendment related to the following changes to the permit:
- Deletion of condition 1
 - Inclusion of a new condition 1 and additional conditions 2-9
 - The subsequent renumbering of the remaining conditions.

5. PLANNING CONTROLS:

- 5.1 The following policies and provisions of the Hume Planning Scheme ("*the Scheme*") are relevant in the consideration of the application:

<i>Planning Policy Framework</i>	Clause 11.01-1R Green Wedges – Metropolitan Melbourne Clause 11.03-3S Peri-urban Areas Clause 12.01-2S Native Vegetation Management Clause 12.03-1S River corridors, waterways, lakes and wetlands Clause 13 Environment risks and amenity Clause 13.05-1S Noise abatement Clause 14.01-2S Sustainable Agricultural Land Use Clause 15 Built Environment and Heritage Clause 17.04-1S Facilitating Tourism Clause 18 Transport Clause 18.02-4S Car Parking
<i>Local Planning Policy Framework Municipal Strategic Statement (MSS)</i>	Clause 21.01-1 Locality and Regional Context Clause 21.01-2 Key Issues and Influences Clause 21.08 Natural Environment and Environment Risk
<i>Local Policies</i>	Clause 22.02 Rural Land Character and Urban Design Local Policy Clause 22.20 Liquor Licensing
<i>Zoning</i>	Clause 35.04 Green Wedge Zone
<i>Overlays</i>	Clause 42.01 Environmental Significance Overlay – Schedule 1 Clause 43.01 Heritage Overlay (HO264)
<i>Particular Provisions</i>	Clause 52.17 Native Vegetation Clause 53.06 Live Music and Entertainment Noise
<i>General Provisions</i>	Clause 65 Decision Guidelines Clause 65.01 Approval of an Application or Plan

REPORT NO: SU443 (cont.)

Aboriginal Cultural Heritage:

- 5.2 The property is partially within an area identified as having Aboriginal Cultural Heritage Significance. However, the proposed use is located outside of the areas of cultural significance and therefore a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line:

- 5.3 The site is not located within 60 metres of a major electricity transmission line.

Planning Permit Triggers:

- 5.4 A planning permit is required under Clause 35.04 (Green Wedge Zone) for the use of land for a Place of Assembly.
- 5.5 A planning permit is required for buildings and works associated with the development of the temporary structures in the Green Wedge Zone, Environmental Significance Zone and Heritage Overlay.
- 5.6 A planning permit is required for the removal of native vegetation.
- 5.7 A planning permit is also required for the reduction in car parking and bicycle facility requirements.

6. REFERRALS:

- 6.1 The application was referred externally to the Country Fire Authority, VicRoads, Melbourne Water, Victoria Police and Ambulance Victoria. The Country Fire Authority and Victoria Police have given conditional consent (which requires further detail from applicant). Melbourne Water, Ambulance Victoria and VicRoads have also given conditional consent.
- 6.2 The application has been referred internally to Building Control Services, Sustainable Environment, Events and Festivals, Waste Services, Health, Economic Development, Traffic and Civil Departments, Assets and Technical Services. Each department has consented to the proposal, with some requesting conditions be placed on the permit.

7. ADVERTISING:

- 7.1 The application was advertised by notice in the local newspaper, to surrounding property owners/occupiers by mail and two notice boards were also displayed on the Old Sydney Road frontage. At the conclusion of the advertising period, a total of 14 objections were received.

- 7.2 The grounds of objection can be summarised as follows:

- Fire danger – not appropriate time of the year to have the event.
- The concerts will breach SEPP N-2 – no scientific data provided.
- Open ended future request – no expiry on the permit.
- Residents of Oaklands Park were not notified of the application.
- *Amenity – impact on residents by the noise and language of the music.*
- Risk of injuries to animals because of the noise and pyrotechnics.
- Traffic on surrounding roadways.
- Rubbish.
- Traffic congestion on Kinnear Road.
- Lighting on the site.
- Overlooking onto properties in Oaklands Park Estate.
- Tickets already being sold – council already approved the application

REPORT NO: SU443 (cont.)

- Music festivals are not suitable for rural areas.
- Inconsistent with Green Wedge Zone objectives.
- Contrary to the requirements of the Environmental Significance Overlay – schedule 1.

8. OBJECTIONS:

- 8.1 The issues raised in the objections are addressed below:

Fire danger – not appropriate time of the year to have the event.

- 8.2 Appropriate fire emergency and contingency plans and procedures will be put in place for the Grapevine Gathering and future events. The CFA have reviewed the fire management plan for the Grapevine Gathering and consented to the process proposed. The CFA have also requested conditions be placed on the permit including requiring the Emergency Management Plan must be reviewed and approved by the CFA prior to each event.

The concerts will breach SEPP N-2 – no scientific data provided.

- 8.3 The Noise Management Plan submitted for the Grapevine Gathering includes several noise abatement measures which must be implemented to ensure the event complies with the EPA SEPP N-2. The noise levels will be monitored throughout the event so the noise level can be controlled and ensure compliance with SEPP N-2. A resident hotline will also be set up to with the notice sent to the residents having the number included on it.

- 8.4 Conditions on the permit also require that at the conclusion of the event, Council receives a copy of the complaints register which will then be used when reviewing the approving the Noise Management Plan for proceeding events.

Open ended future request – no expiry on the permit

- 8.5 Council has placed an expiry date on the permit. Condition 89 on the permit states that ‘the use must cease three years from the date of this permit except without prior written consent of the responsible authority’. The applicant can apply to extend the permit after this date. Approval of the extension will be dependent on the outcome/impact of the previous music events on the site and surrounding area including the views of the referral authorities (if required).

Residents of Oaklands Park were not notified of the application.

- 8.6 A copy of the notice was sent to the Oaklands Park Body Corporate who requested notices be sent directly to all residents in the estate. Council also advertised the application in the local papers and signs were placed along Old Sydney Road. To ensure residents of the Oaklands Park Estate are informed of future events associated with this permit, condition 55 requires the residents to also receive a copy of the notice for each of the future concert series.

Amenity – impact on residents by the noise and language of the music.

- 8.7 Conditions have been placed on the permit to minimise the impact of the event on local residents. The finishing time for the event is not considered excessive and while there will be some amplified music it will not be any worse than someone having a party in a built up residential area – acts at the Grapevine Gathering 2019 will commence at 12-noon with the event finishing at 10pm with noise levels having to comply with SEPP N-

REPORT NO: SU443 (cont.)

2. The location of the stage will likely result in a dampening of sound levels. All rubbish is to be removed from the site following the event to Council satisfaction

Risk of injuries to animals because of the noise and pyrotechnics.

- 8.8 The stage for the event is located over 800 metres from the nearest dwelling. It is considered that the level of noise would certainly dissipate over this distance. If any injury happens as a consequence of the music event, it is an issue that needs to be resolved between the promoter and the animal owner.

Traffic on surrounding roadways

- 8.9 Old Sydney Road and the intersection with Donnybrook Road will be manned at all times by trained staff and directional signage will direct traffic. Council's traffic engineers confirm that subject to appropriate management during the event, that safety at this intersection is not an issue. VicRoads had no objection to the proposal subject to the recommendations outlined in the Traffic Management Plan being implemented. The recommendations in the Traffic management Plan have been included as conditions on the permit.

Rubbish

- 8.10 As discussed previously in the report, there will be staff patrolling the site picking up loose rubbish, collecting and replacing filled bins and removing the waste for the duration of the event. Conditions have also been placed on the permit requiring the amenity of the area not be detrimentally affected and the Waste Management Plan includes process to ensure rubbish does not leave the site.

Traffic congestion on Kinnear Road

- 8.11 The entry to Marnong Estate on Kinnear Road will not be used for the event. All vehicular access, including deliveries, contractors, car, busses and staff will be from the various access points on Old Sydney Road. This requirement has been conditioned on the permit to ensure it is not used during the music event(s) approved as part of this permit.

Lighting on site.

- 8.12 The applicants are proposing to use portable lighting towers to illuminate the concert zone and car parking/access areas. The lighting towers are diesel powered and have a low noise output. The same lighting tower are generally used at road work sites, construction sites and other outdoor events. The lights themselves can be orientated to reduce light spillage and glare. The light towers will be turned off once the crowd control commander has declared the site clear of patrons.

Overlooking onto properties in Oaklands Park Estate

- 8.13 Given the distance of the concert zone from residential properties, there will be no overlooking from the site. The concert zone is located in one of the lowest areas on the site and the closest residential property is located approximately 800 from the concert zone.

Tickets already being sold – Council already approved the application

- 8.14 The pre-selling of tickets for an event that has not been approved by Council is not a practice that is supported or encouraged by Council. However, this is not an uncommon procedure for such events as it assists in booking ample services, facilities

REPORT NO: SU443 (cont.)

and 'locking-in' acts etc. Refunding of purchased tickets to an event that does not receive approval is an issue for the promoter of the event to resolve.

Music festivals are not suitable for rural areas.

- 8.15 The holding of a concert on the land will not prejudice the future use of the land for farming. Major concert events are commonly held on rural properties where patrons enjoy the benefit of the large landholdings which assist in mitigating any possible noise issues. Provided the events are managed well they do not cause any medium to long term harm to either the subject land or surrounding land.

Inconsistent with Green Wedge Zone objectives

- 8.16 Marnong Estate is and is continuing to evolve into tourism destination with various agricultural uses such as vineyards, pasture crops and livestock used in association with the existing restaurant and function centre. The stated purposes of the Green Wedge Zone are:

- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area*

- 8.17 The pursuits undertaken at Marnong Estate satisfy these objectives, particularly with regard to recreational and tourism opportunities and the use of the land for agriculture. The proposed music festival(s) are 1-day events, with all equipment and structures to be temporary. The site will revert back to its agriculture use at the conclusion of the event. When deciding on an application, it is not only the purpose and objectives of the zone that are considered, but the decision guidelines as well. The areas relevant to the proposal have been discussed in detail under Sections 9.15 - 9.25 of this report. It has been found that with the implementation of the Event Management Plan and associated requirements conditioned in this report, the music event can be conducted in a manner respective to the requirements of the zone.

Contrary to the requirements of the Environmental Significance Overlay – Schedule 1

- 8.18 As discussed in detail under sections 9.26 – 9.33 of this report, the site set aside for the concert zone and car and bus parking areas is void of significant vegetation. The reports submitted with the proposal show that objectives and requirements of the Environmental Significance Zone – Schedule 1 have been satisfied.
- 8.19 With regard to the native vegetation to be removed from the road reserve in front of proposed Gate 2, the applicant has satisfied the avoid and minimise requirements and the required off sets can be met.

9. ASSESSMENT:

- 9.1 A detailed discussion of the proposal against the Planning Policy Framework, Municipal Planning Strategy and Local Planning Policy and the specific requirement of Clauses 42.01 is provided below. In short, the proposal achieves compliance with the

REPORT NO: SU443 (cont.)

relevant provisions, subject to additional conditions and the submission of various reports and documents prior to future events being submitted to Council.

Planning Policy Framework

- 9.2 Having regard to the Green Wedges - Metropolitan Melbourne policy at Clauses 11 and 12 of the *Scheme*, it is considered that a 'place of assembly' (music festival) located at and used in association with the existing functions at Marnong Estate could be supported as the proposal satisfies several of the strategic strategies including '*supporting existing and potential agribusiness activities, forestry, food production and tourism*' and '*protecting areas of environmental, landscape, and scenic value*'. The location chosen for the concert zone and car parking areas is void of any significant vegetation and the car park areas have been adequately setback from the tributary traversing the site, this will assist in negating any possible long term adverse environmental impacts as a result of the music festivals. Furthermore, the music festivals will support the existing agricultural (winery), and tourism related activities undertaken at Marnong Estate, which includes a restaurant, function centre, accommodation, Farmers Market and other tourist related activities. Though these functions will not operate independently on the day to the music festival, they will be accessible to patrons at the concerts.
- 9.3 Another strategy supporting the proposal is for authorities to '*support development in the green wedge that provides for environmental, economic and social benefits*'. The music concerts will bring in tourists to the area and Marnong is a well-established tourist destination which employs many local residents.
- 9.4 In considering support for the proposal, it is important that the Noise Abatement policy under Clause 13.05-1S of the *Scheme*, be carefully considered. This strategy states that '*development is not prejudiced, and community amenity is not reduced by noise emissions, using a range of building design and landscape separation techniques as appropriate to the land use functions and character of the area*'. To ensure compliance with this strategy, State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (EPA SEPP N-2) must be applied and adhered to. According to the Noise Management Plan, through the implementation of the 'noise abatement measures' outlined under sections 3.27 and 3.38 of this report, the impact of noise on nearby residences during the event will be minimised and the event will comply with the limits set by the EPA policy.
- 9.5 The acoustic consultant has stated that the site will be able to comply with the SEPP N-2 outdoor venue noise limits by:
- Controlling the location of the stage – for the Grapevine Gathering, the applicant has utilized the topography of the site, so the stage is located towards one of the lowest points and act as a natural open-air amphitheater. The surrounding hills will assist in minimizing the impact.
 - Distance from dwellings – the nearest and most affected dwellings are located approximately 800 metres from the concert area (130 Old Sydney Road).
 - The number of music festivals - the applicant has proposed one 1-day event in 2019 and three 1-day events annually thereafter. The number of events proposed is well under what is permissible (SEPP N-2 allows for up to 6 concerts at an outdoor venue in a financial year).
 - The operating hours - the Grapevine Gathering will be held between 12-noon and 10pm. There will be sound checks prior to the main event but these will be conducted at a lower sound level. These hours are within the EPA restrictions.
 - Implementation of the noise abatement measures – the abatement measures recommended by the consultant have been included as conditions on the permit. An updated Noise Management Plan will be submitted for consideration prior to

REPORT NO: SU443 (cont.)

each concert series. This requirement has been included as a condition of the permit.

- 9.6 Having regard to the Built Environment and Heritage policy under Clause 15 of the *Scheme*, it is considered that the location of the concert site and use of temporary structures ensures the *'proposed use and development has appropriately responded to its surrounding landscape'* by not impacting upon the nearby tributary and the temporary structures and facilities can all be easily removed, and the site reinstated at the conclusion of the event. The event will also utilise existing internal roadways and car park in the site (north of the homestead).
- 9.7 In considering the Facilitating Tourism policy under Clause 17.04 of the *Scheme*, it *'seeks to ensure that tourism facilities have access to suitable transport'* and to *'create an innovative tourism experience'*. Marnong Estate is a historically listed homestead, successfully used for a variety of tourism related activities, the inclusion of music festivals on the site will be an essentially an extension to and complement, the existing tourist facilities on the land.
- 9.8 In considering support for the proposal, it is important that the car parking policy stated under Clause 18.02-4S of the *Scheme* is considered as part of the application. Relevant to this application is the requirement to *'design and located car parking that will protect the role and function of nearby roads, enable safe and efficient use, protect the amenity of pedestrians and other road users, create a safe environment, particularly at night and facilitate the use of public transport'*. A further strategy relevant to this proposal is to *'protect the amenity of residential precincts from the effects of road congestion'*. To minimize the impact of the music festival on the road network, patrons are encouraged to purchase a bus ticket in conjunction with their admission tickets. Buses will be available from Federation Square, Ringwood Station, Frankston Station, Geelong Station and the Yarra Valley to – the pick-up points and number of buses allocated to each will be confirmed once approvals have been granted and demand for the service is known.
- 9.9 Traffic controllers will be located within the car parks and at Gates 2 and 3 to facilitate safe and orderly ingress and egress of the traffic. Traffic marshals will also be located on Old Sydney Road and at the intersection of Donnybrook Road to ensure the orderly movement of the traffic. These marshals will also ensure that no vehicles are parked on the local roadways before, during and at the conclusion of the event.
- 9.10 To ensure future parking and traffic impacts have been considered, a Traffic and Transport Management Plan will be submitted for approval prior to each concert series. This document will be assessed by both Council and VicRoads.

Municipal Planning Strategy and Local Planning Policy

- 9.11 Clause 21.02-4 of the *Scheme* discusses the Urban Structure and Settlement policy, the objective of which is to *'protect the role and enhance the viability of Hume's non-urban areas'*. This is achieved by *'supporting rural activities that provide for the sustainable and economical management of non-urban land'*. Providing the external amenity issues and considerations are satisfied, and the environmental impacts are minimised, a music festival on a rural property is acceptable. Furthermore, the event will enhance the viability of the site and increase tourism to the area.
- 9.12 Local policy objectives regarding rural land character and urban design are achieved as the music festival is located on already cleared land. The structures for the event are all temporary, so once the event is finished, the site revert back to its 'rural character'.

REPORT NO: SU443 (cont.)

9.13 Having regard to Landscape Character policy at Clause 21.04-3 of the *Scheme*, it was important that the location of the music festival '*protected the significant landscape values for character and community purposes and enjoyment*'. On-site, it has been situated in an area with no significant vegetation or the requirement for any vegetation to be removed. Significant vegetation proposed to be removed is constrained to the roadside vegetation located to the front of proposed Gate 2. Appropriate offsets have been put in place to allow its removal. Additionally, the proposed car parks have been off-set 30 metres from the water tributary to ensure they are protected and the landscape qualities retained.

9.14 It is considered that the temporary buildings and works undertaken for the music concert(s) will be in accordance with relevant state and local planning policies.

Clause 35.04 – Green Wedge Zone

9.15 Pursuant to Clause 35.04-5 of the *Scheme* (Green Wedge Zone), a planning permit is required for the use of land as a place of assembly (Music Festival) and for buildings and works associated with the temporary structures. The proposal addresses the relevant decision guidelines in Clause 35.04-6 of the Green Wedge Zone as follows:

The capability of the land to accommodate the proposed use or development

9.16 The Marnong Estate extends over several lots and has a combined area of over 500 hectares. The location for the concert zone and on-site parking areas has been chosen due to the minimal disturbance it would have on the land. The area is already cleared (no vegetation or structures), there is no significant vegetation, it allows ease of access to Old Sydney Road and local road network, utilises the typography of the land for an amphitheatre and is in proximity to the existing driveways, tracks, car parks and facilities on the site. Overall, the event can be easily accommodated on the land with minimal on-site and off-site impacts.

How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management or tourism

9.17 Through exiting uses and permits issued for the site, Marnong Estate already has established vineyards, winery, restaurants, accommodation and other tourist related ventures successfully operating on the land. The Grapevine Gathering is described as a '*one day music festival that combines music, food and wine for a unique boutique festival experiences in a picturesque rural setting*', which is can be considered an extension to the existing tourist related operations on the site.

Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses

9.18 The proposed location of the concert zone and car parking areas was selected to minimise, as practically possible, the impact of the event on the amenity of the surrounding area. The site for the stage is 'imbedded' within the site, close to the lowest point of the land and is well distanced from dwellings. Additionally, the surrounding typography including a wide valley to the west of the site and Old Sydney Road to the east provides buffers between the concert zone and adjoining properties. Notably, the nearest dwelling is approximately 815 metres from the actual stage.

9.19 Having regard to the size of the music festival and the open and rural nature of the site, Council considered the impact the event on those not only on adjoining properties, but the wider area. Council had to ensure the proposal was, 'compatible' with adjoining

REPORT NO: SU443 (cont.)

land uses and did not compromise the existing agricultural endeavours on the site or the potential for the site to be further used for agriculture (expanding the vineyards). The music festival is a one day event (save the bump-in and bump-out days) which utilises not only an existing vacant area, but the existing driveways and tracks, sealed car park area, and other buildings on the site. There will be minimal disturbance to the site, as no earthworks are required for the event. Condition 19 of the permit requires that at the conclusion of the event, the site must be remediated/reinstated to the satisfaction of the responsible authority.

- 9.20 Broader permit conditions restricting access, hours and compliance with SEPP N-2 will also assist to ensure there is minimal impact to adjoining land uses.

The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty

- 9.21 As discussed previously, the owners have minimised the adverse impacts on the character and appearance of the area by locating the concert area in the lowest point on the site that:

1. Is void of significant vegetation;
2. Utilises existing tracks and crossovers from Old Sydney Road,
3. Ensures Kinnear Road will not be used by patrons or crew for the events;
4. All structures are temporary;
5. Requires minimal disturbance to the site and the required remediation works at the conclusion of the event will restore the site to its natural/pre-concert state;
6. Located a significant distance from areas of 'natural scenic beauty' such as the hills and valleys to the west of the site;
7. The requirement to submit for approval a detailed Event Management Plan (EMP) to Council prior to each concert series. The EMP include a requirement for a Noise Management Plan, Waste Management Plan and Traffic Management Plan. In addition to these requirements, amenity conditions have been placed on the permit to assist in minimising the impact on the event(s) on the surrounding area as reasonably possible and within the relevant government guidelines.

- 9.22 Consequently, the location and management practices and policies to be implemented for the events(s) will ensure the character, appearance and natural scenic beauty of the rural area are maintained.

The impact of the use or development on the flora and fauna on the site and its surrounds

- 9.23 As discussed previously, area set-aside for the concert zone and car parking areas will have no impact on the flora and fauna on the site as no native vegetation patches, scattered indigenous trees or significant species (or their habitats) were located within or near these areas. The significant vegetation proposed to be removed is constrained to the roadside vegetation located to the front of proposed Gate 2. Appropriate offsets have been put in place to allow its removal. The accessway resulting from the development of Gate 2 will then be used as an additional farm track at Marnong Estate. Additionally, the proposed car parks have been off-set 30 metres from the water tributary to ensure they are protected and the landscape qualities retained. Council's Sustainable Environment and Waste Department has no objection to the proposal subject to conditions being placed on the permit and the required obligations being met.

- 9.24 Other areas (patches) of significant vegetation on the Marnong Estate will continue to be protected by way of permit conditions.

REPORT NO: SU443 (cont.)

The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance

- 9.25 The proposal had no impact to any recognised archaeological site, or area of historic or scientific significance, or natural scenic beauty or importance.

Clause 42.01 – Environmental Significance Overlay

- 9.26 The proposal addresses the relevant decision guidelines in Clause 42.01-5 of the Environmental Significance Overlay - Schedule 1 as follows:

The effect of the height, bulk, and general appearance of any proposed buildings and works on the environmental values and visual character of the waterway

- 9.27 The structures and facilities required for the events(s) are temporary and no buildings and works are required to be undertaken. Appropriate setbacks from the tributary have been implemented, ensuring the proposal will not detrimentally affect the environmental values or visual character of the area. Conditions have also been placed on the permit requiring the site be remediated/reinstated to its pre-concert state to the satisfaction of the responsible authority. Therefore, there will be no effect on the appearance or environmental value of the waterways on the site.

The effect of the proposed removal of any native vegetation on the habitat value, wildlife corridor, and long-term viability and revegetated areas along the waterway corridor

- 9.28 Though there will be no effect on the vegetation or habitat value of the waterway corridor from the music event, Council was required to assess the impact of the removal of significant vegetation from the new accessway (Gate 2). As described previously, this will be a new access point into the site from Old Sydney Road. However, to ensure the access way is wide enough for busses and trucks to enter and exit the site, a small amount of native vegetation located on either side of an existing cleared area within the road reserve will need to be removed.
- 9.29 The native vegetation report submitted with the application (dated 24 September 2019) states that the native vegetation within this area is Gassy Woodland (EVC 175) and comprised of *'derived grassland dominated by Kangaroo Grass and Weeping Grass, with a scattering of other graminoids including Wallaby Grass, Spear Grass and Wattle Mat-rush, a high percentage of bare ground and common weeds of disturbed areas including Cocksfoot, Onion Grass Capeweed and Annual Veldt-grass. Woody native species including Hedge Wattle and Golden Wattle were present in small clusters with a grassy ground-layer. Radiata Pine and planted eucalypts were present in the road reserve; the latter also along the fence line'*.
- 9.30 A total of 0.023 hectares of Grassy Woodland (EVC 175) is required to be removed'. The Avoid and Minimise Statement submitted with the application notes that an off-set target of 0.014 general units are required to compensate for the removal of the native vegetation, which will be achieved via third-party off-set.
- 9.31 Council's Environment planner also requested confirmation that there would be no impact on the Golden Sun Moth (GSM) and any obligations under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are addressed. The Native Vegetation Assessment found that there would unlikely be any impact on the GSM as *'native vegetation proposed for removal includes only a sparse*

REPORT NO: SU443 (cont.)

cover of native grasses with the potential to support GSM. The past disturbance and soil compaction in the impact area are also unfavourable for GSM'. Consequently, the area of native vegetation proposed for removal is well below that considered in the Commonwealth action statement to qualify as a significant impact to this species (EPBC Act Policy Statement 3.12 – significant impacts guidelines for the Critically Endangered Golden Sun Moth (Synemon plana), Table 3, third column, paragraph 3. Therefore, there are no regulatory implications for GSM from the current proposal. These finding were supported by Council's Environmental planner.

The reasons for removing the native vegetation and the practicality of alternative options which do not require the removal of native vegetation

9.32 The location of the access way to Gate 2 was chosen because:

- 9.32.1 It's located in an already partially cleared area.
- 9.32.2 The location allows for excellent view lines along Old Sydney Road,
- 9.32.3 Has no impact on the Golden Sun Moth; and
- 9.32.4 The access track within the site (extending from Gate 2) will be located along the boundary line, resulting in minimal long-term disturbance to the agricultural use of the land.

9.33 The development of the driveway and crossover will require 0.023 or 230 square metres of native vegetation to be removed. Locating the driveway elsewhere along the frontage will require a greater amount of native vegetation to be removed, and possibly impact view lines and the safety of ingress and egress movements from the site.

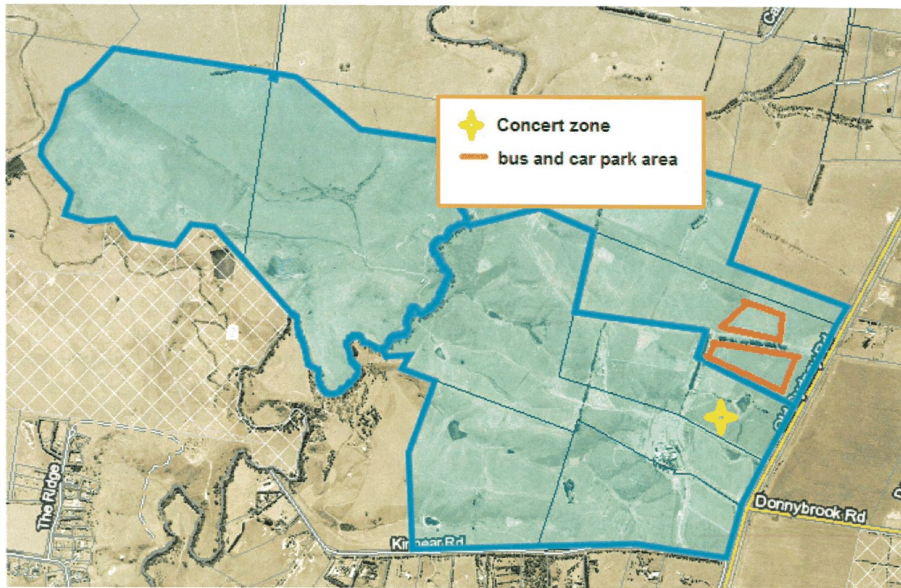
10. CONCLUSION:

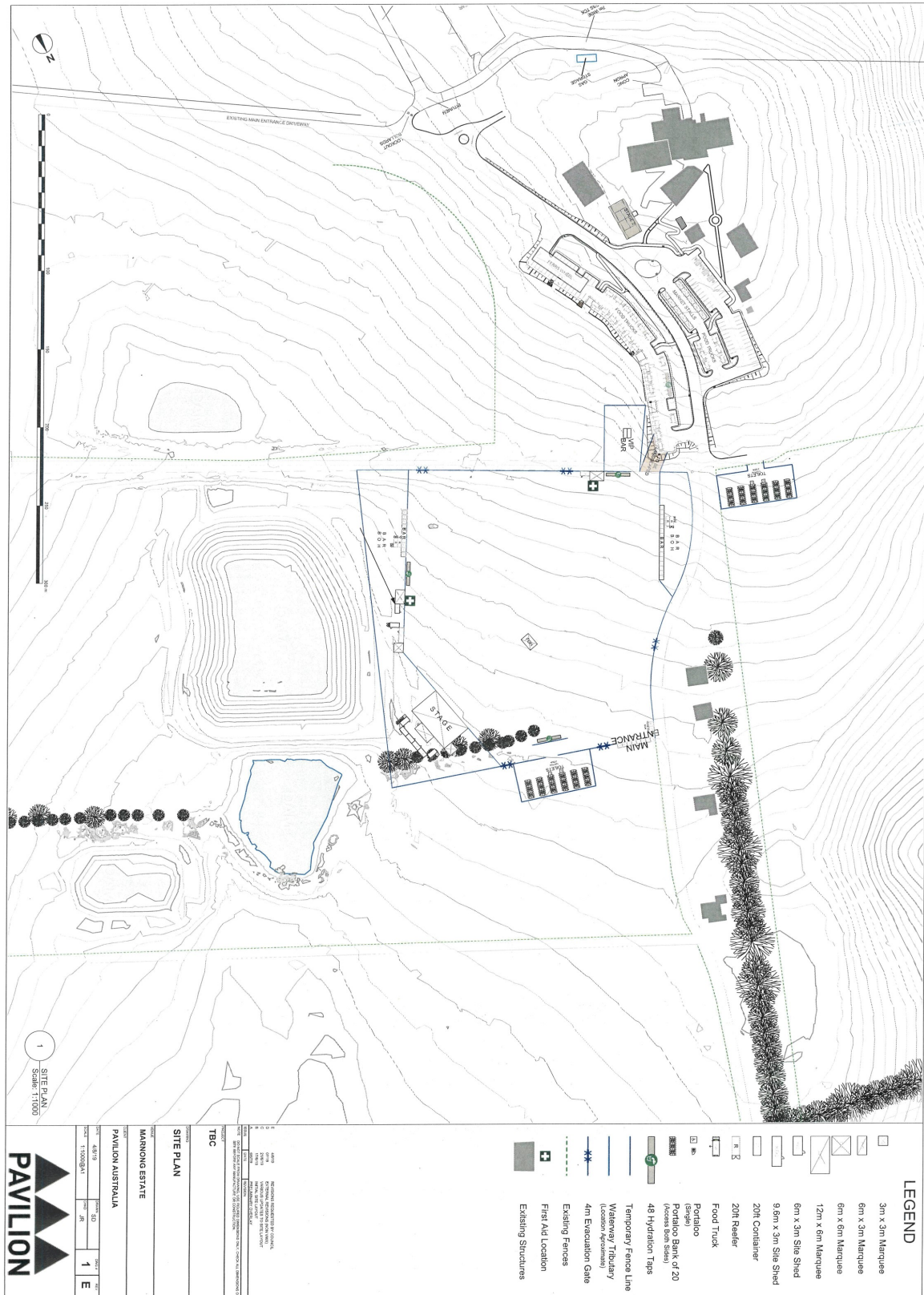
- 10.1 It is considered that the applicant has given thought to all aspects of the Grapevine Gathering event including traffic management, alcohol provision, toilets, fire protection, heat stress, medical facilities, rubbish disposal, public liability insurance, security and the possibility of an emergency occurring. The applicant has put measures in place for all these facets of the event.
- 10.2 The conditions outlined in this report and the requirement to submit an Event Management Plan before each concert series will ensure that they are conducted in a manner sympathetic to the area and that all reasonable measures have been included to minimise the amenity impact of the events(s).
- 10.3 Vegetation impacts have also been carefully considered through the application process. Though a small amount of native vegetation will need to be off-set in accordance with relevant government guidelines, the site chosen for the event itself is void of any significant vegetation or species.
- 10.4 Road safety has also been carefully considered given the potential for serious on-site and off-site amenity and safety issues. Council, Victoria Police and VicRoads have assessed the application and the requirements for future music events and are satisfied that with the implementation of the obligations detailed Traffic Management Plan and other conditions included on the permit any traffic issues can be managed and avoided.
- 10.5 Given the comments and support (subject to conditions) from Victoria Police, CFA, Ambulance Victoria, Melbourne Water and various Council departments, it is recommended that the application be supported.

LOCALITY MAP

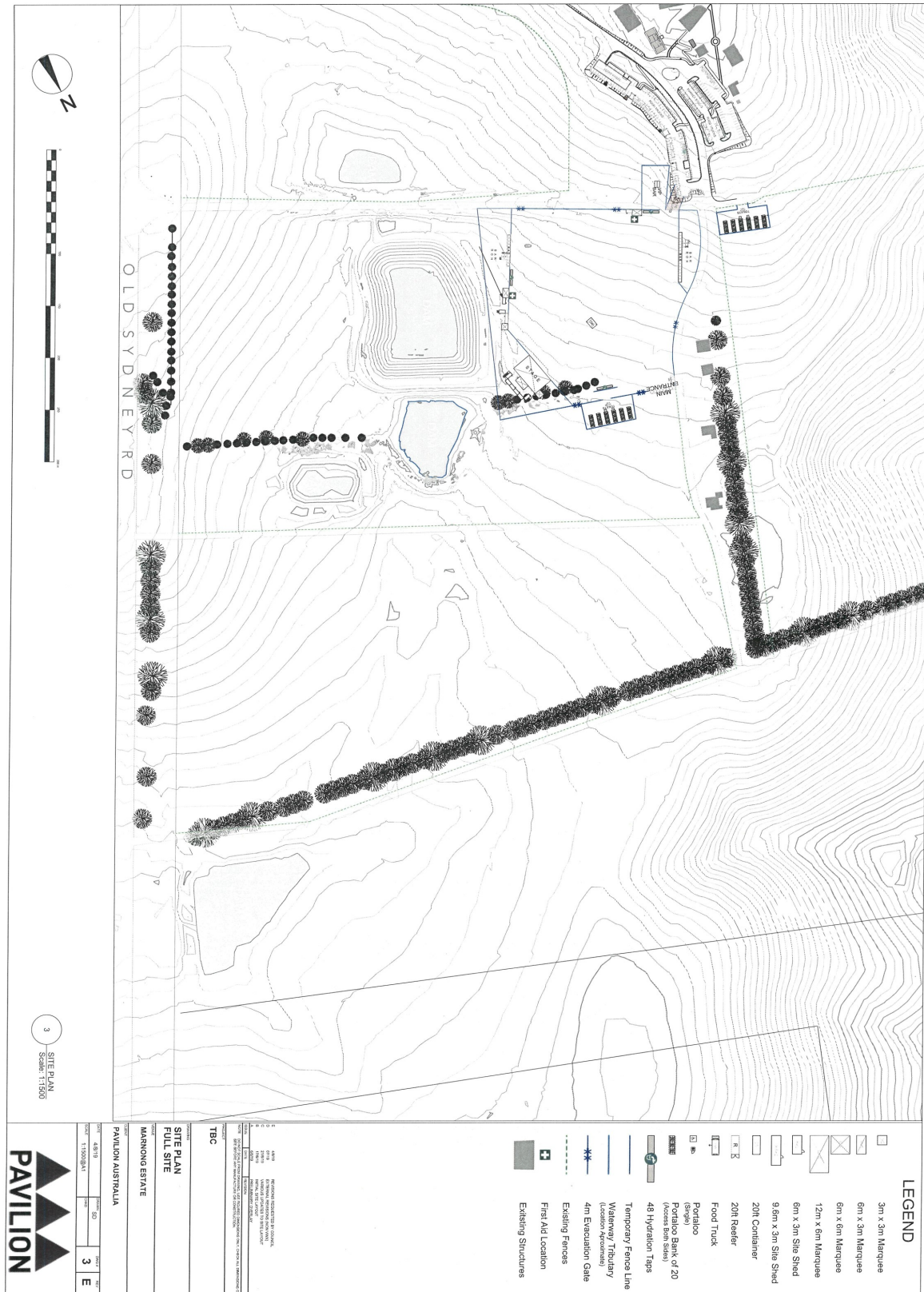
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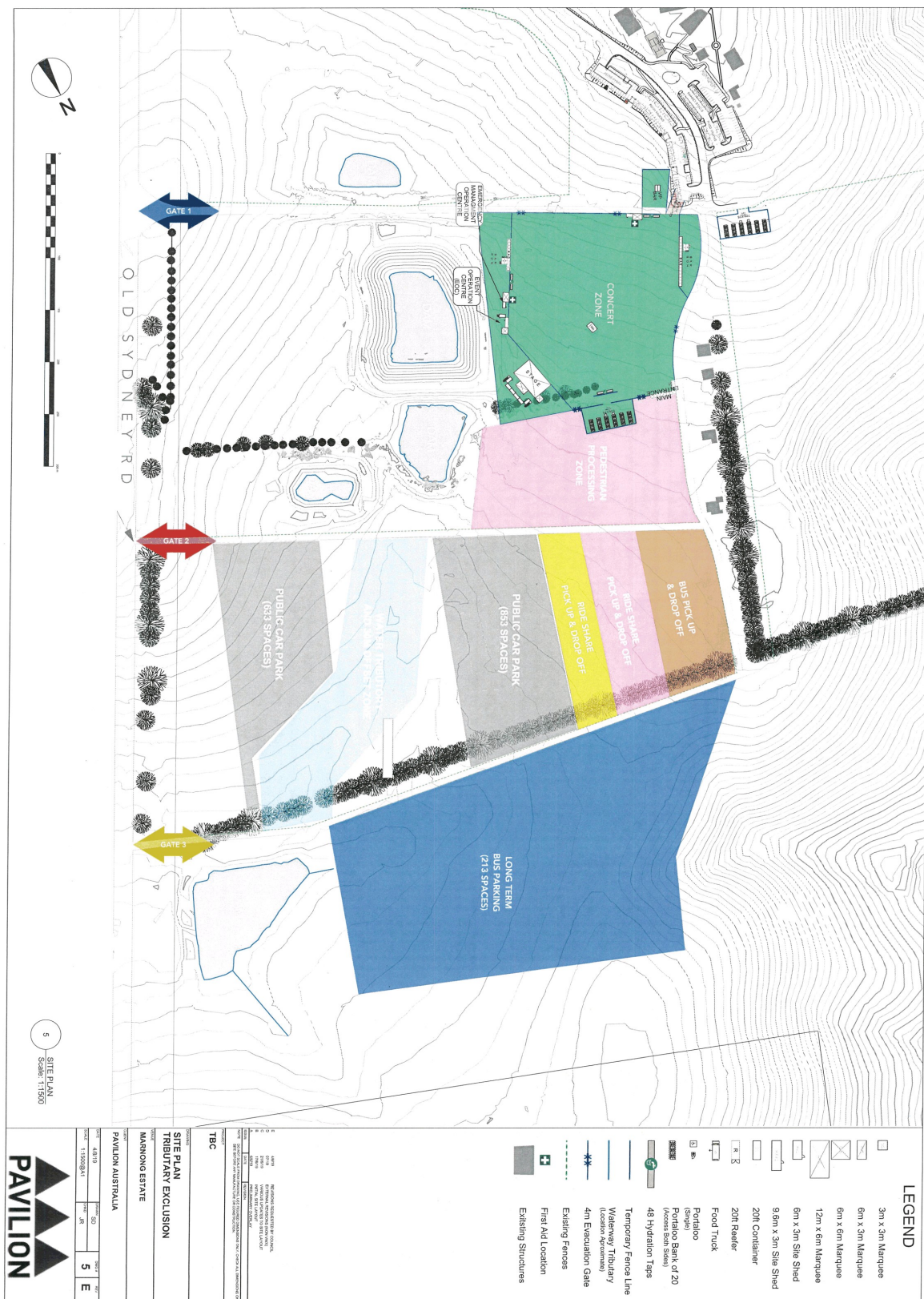
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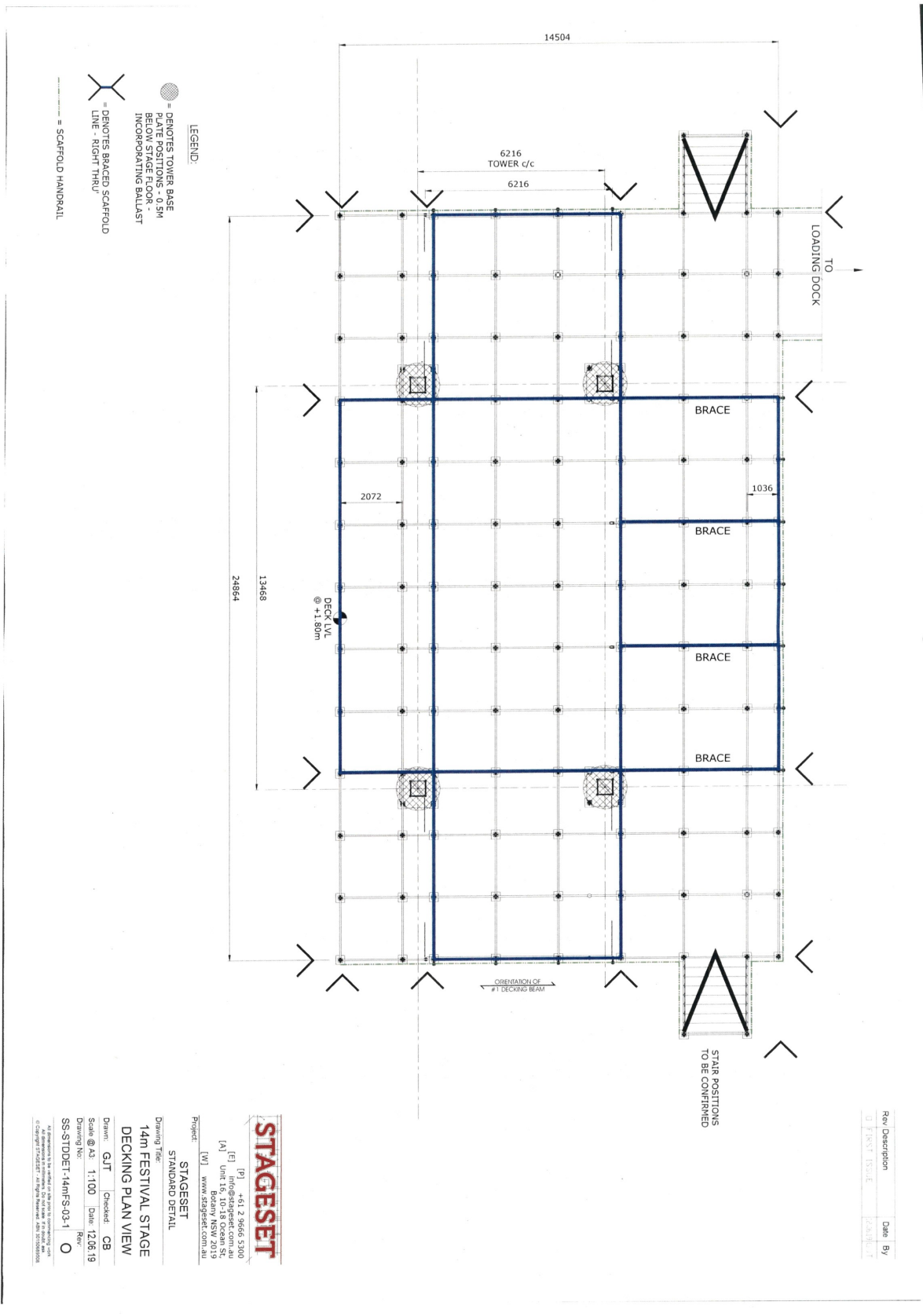


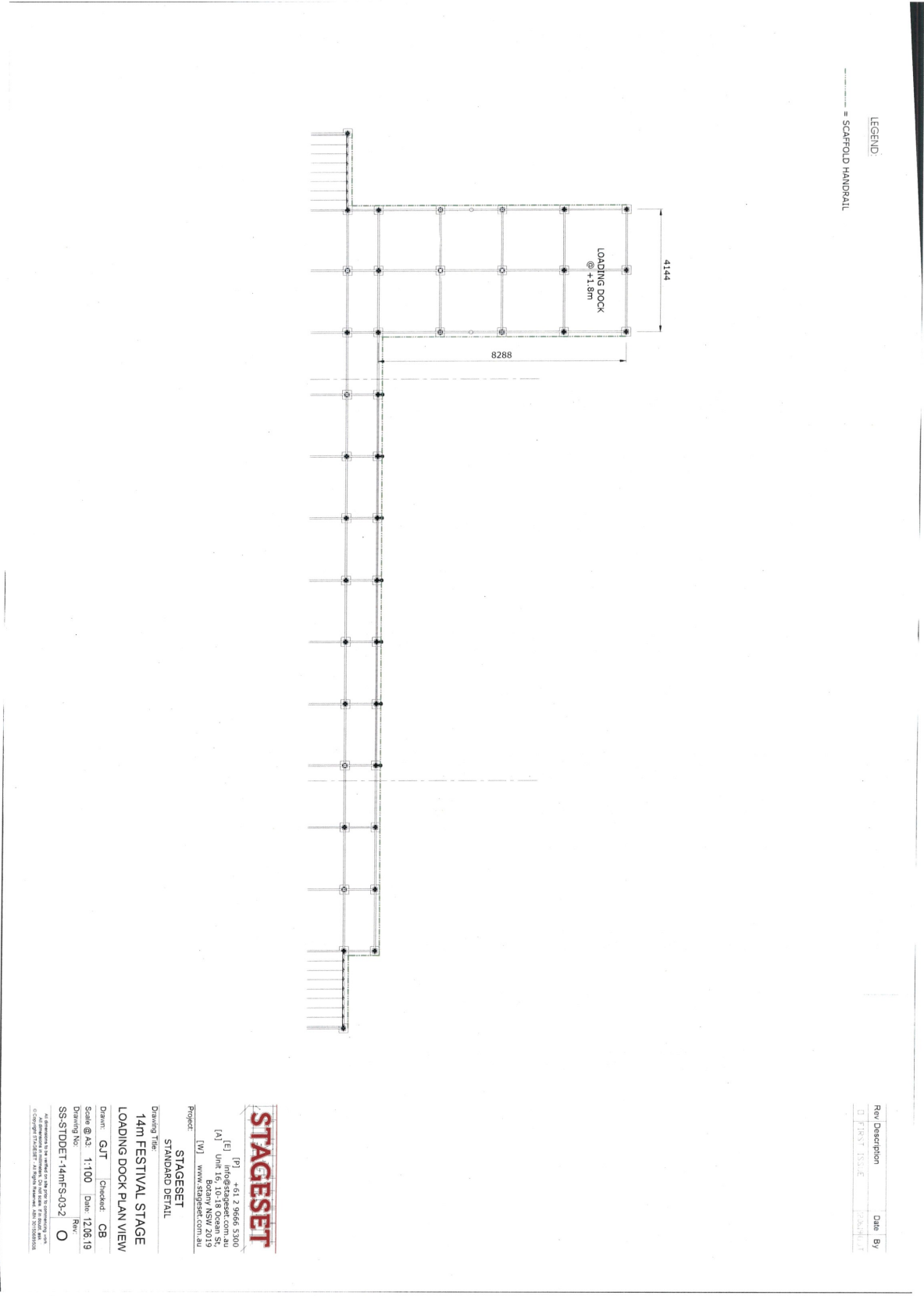


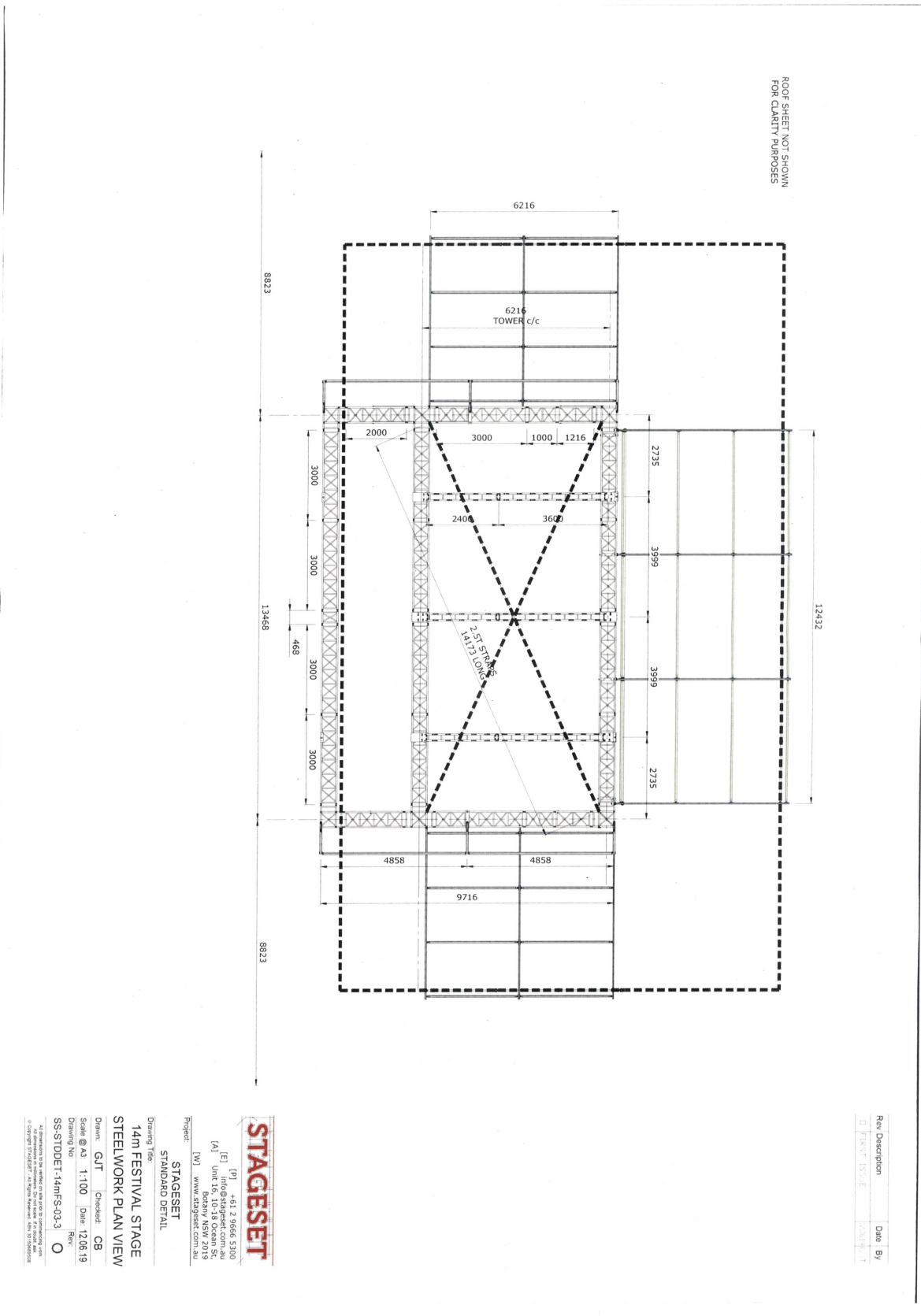


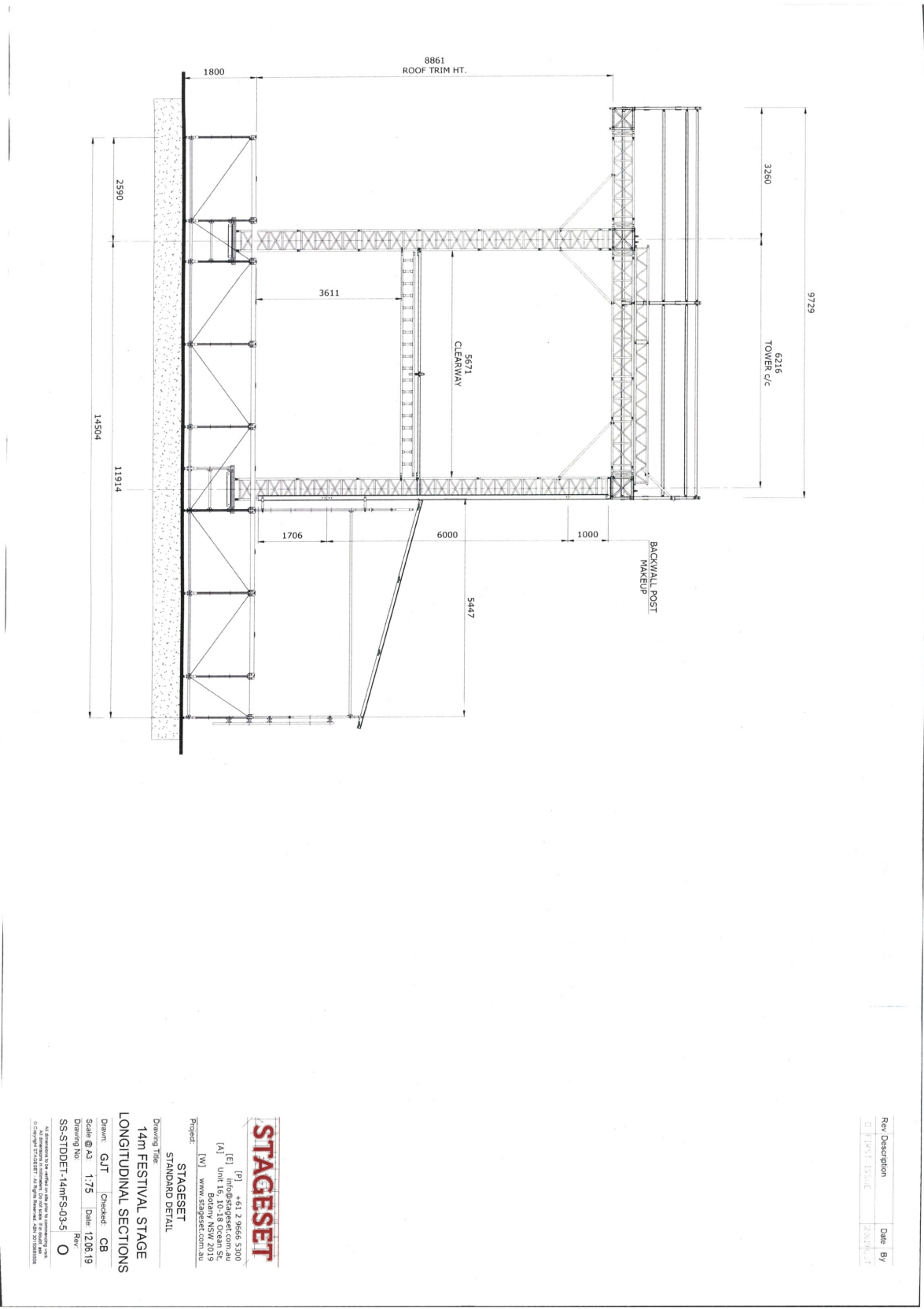


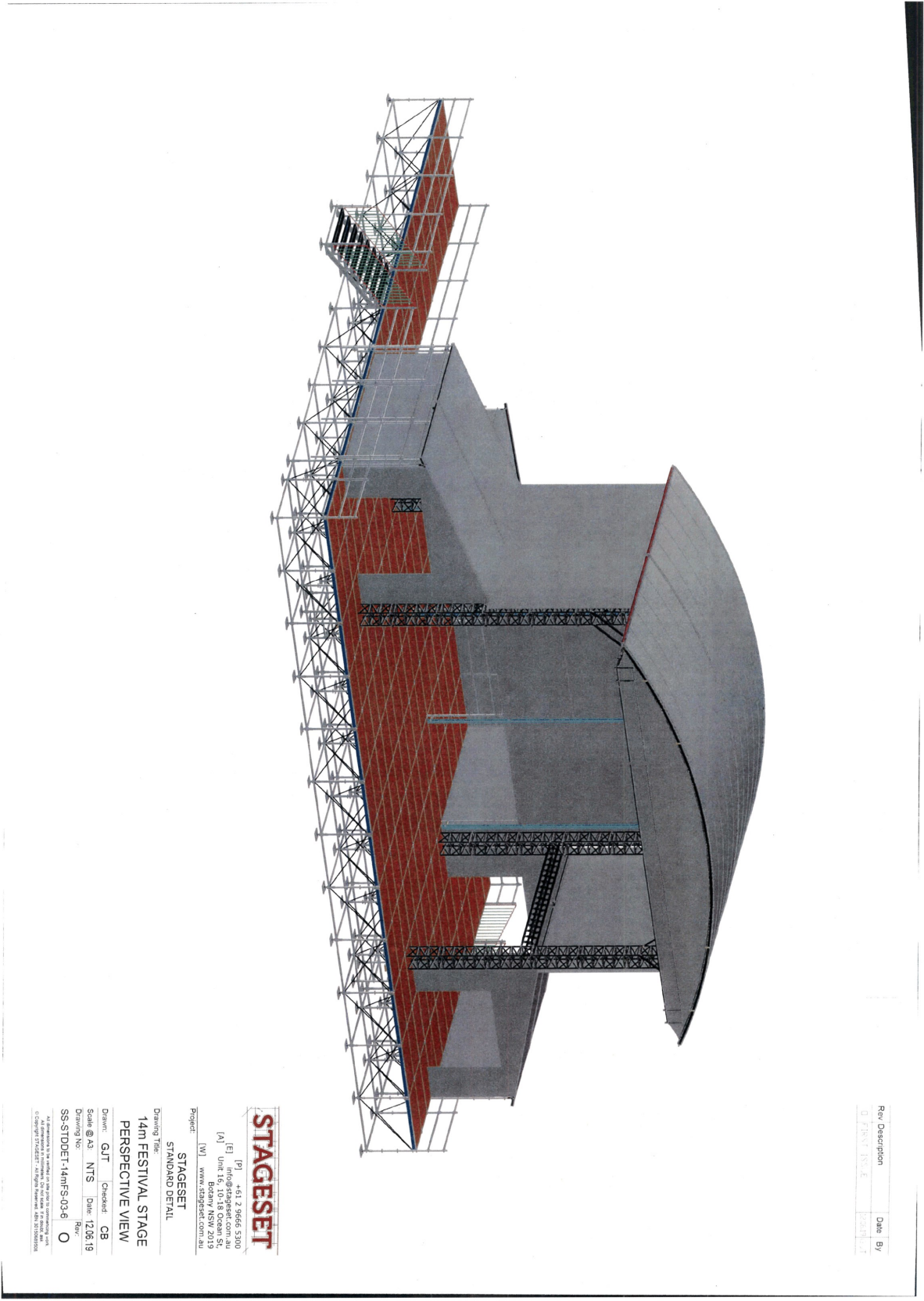


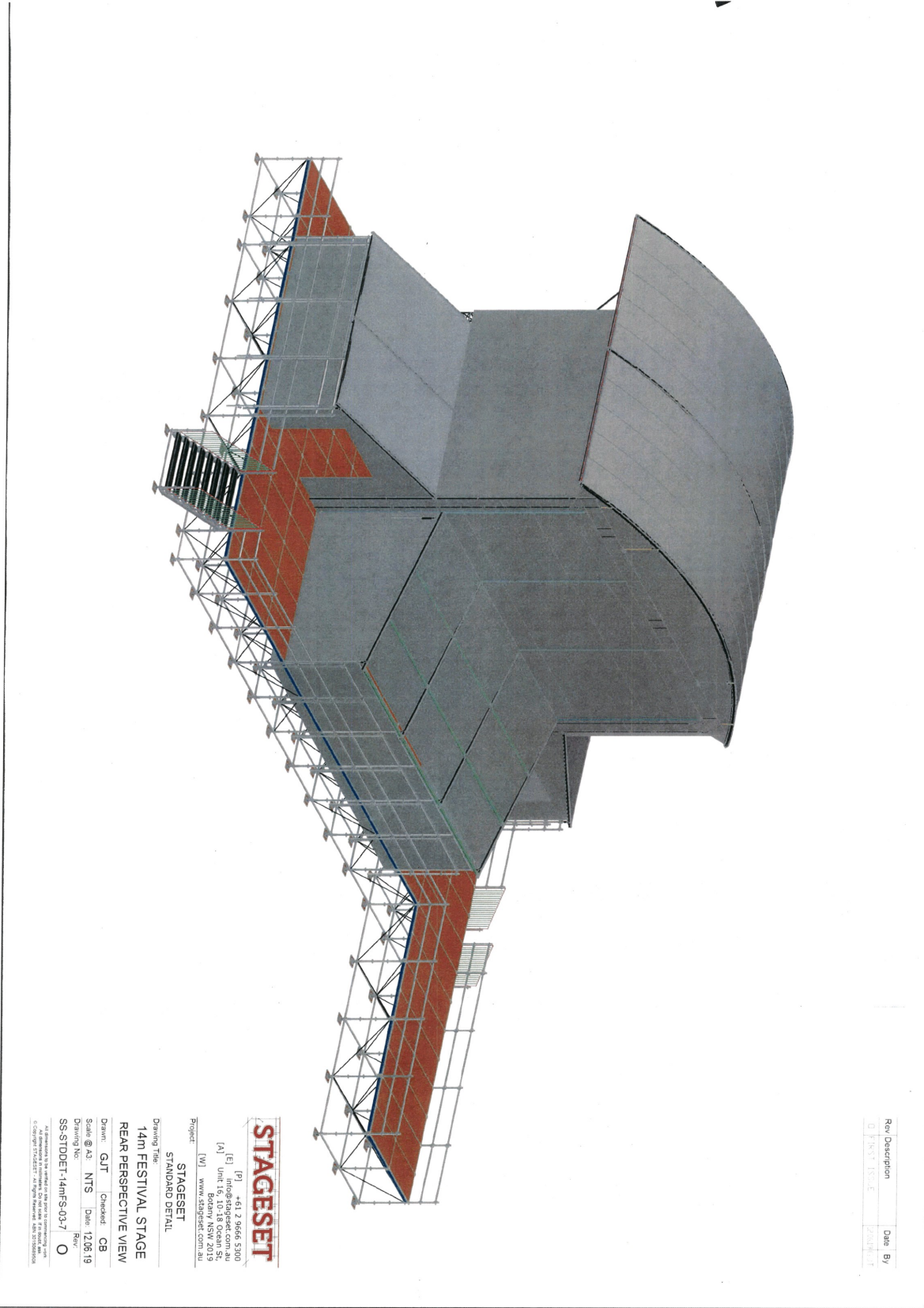




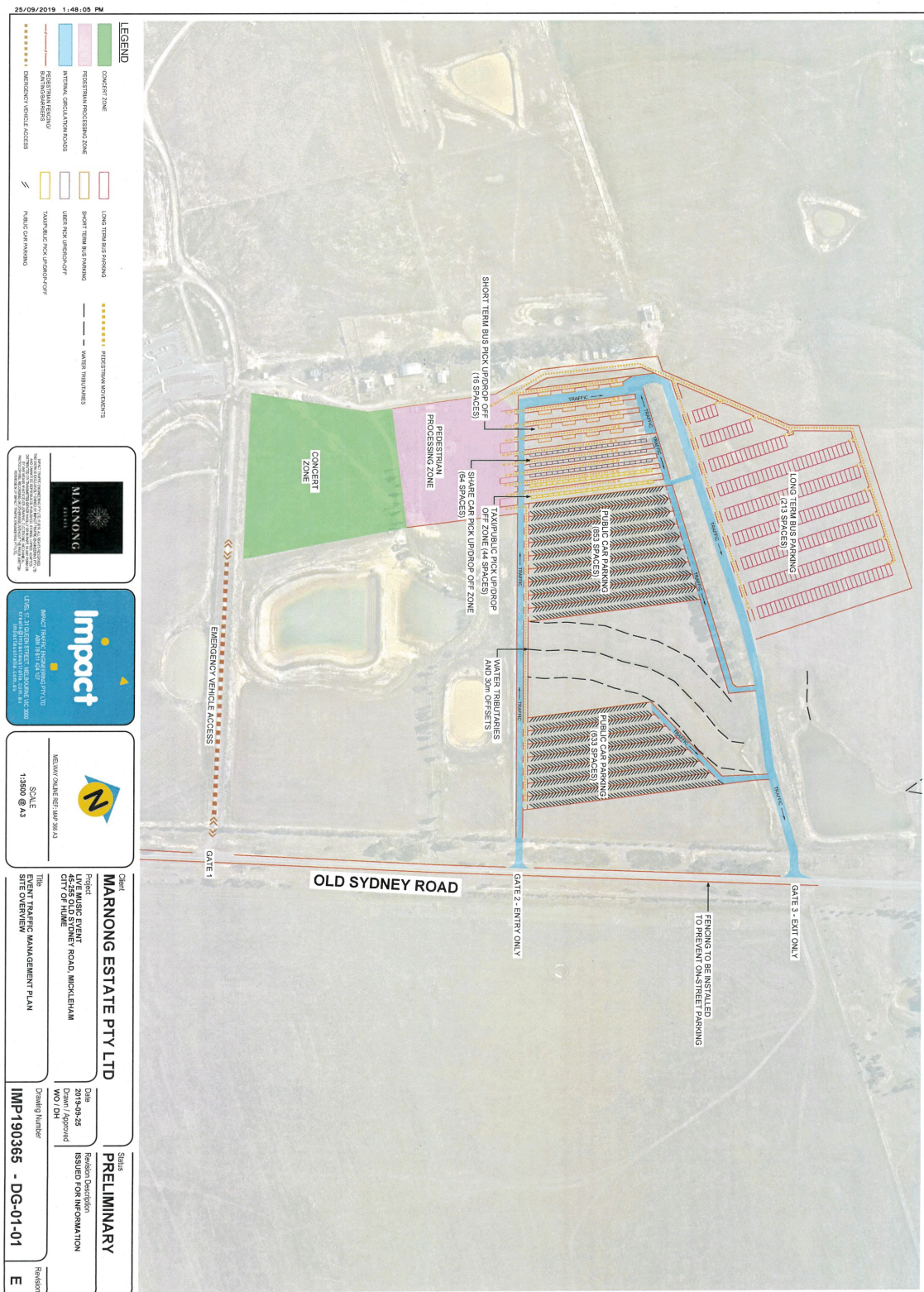


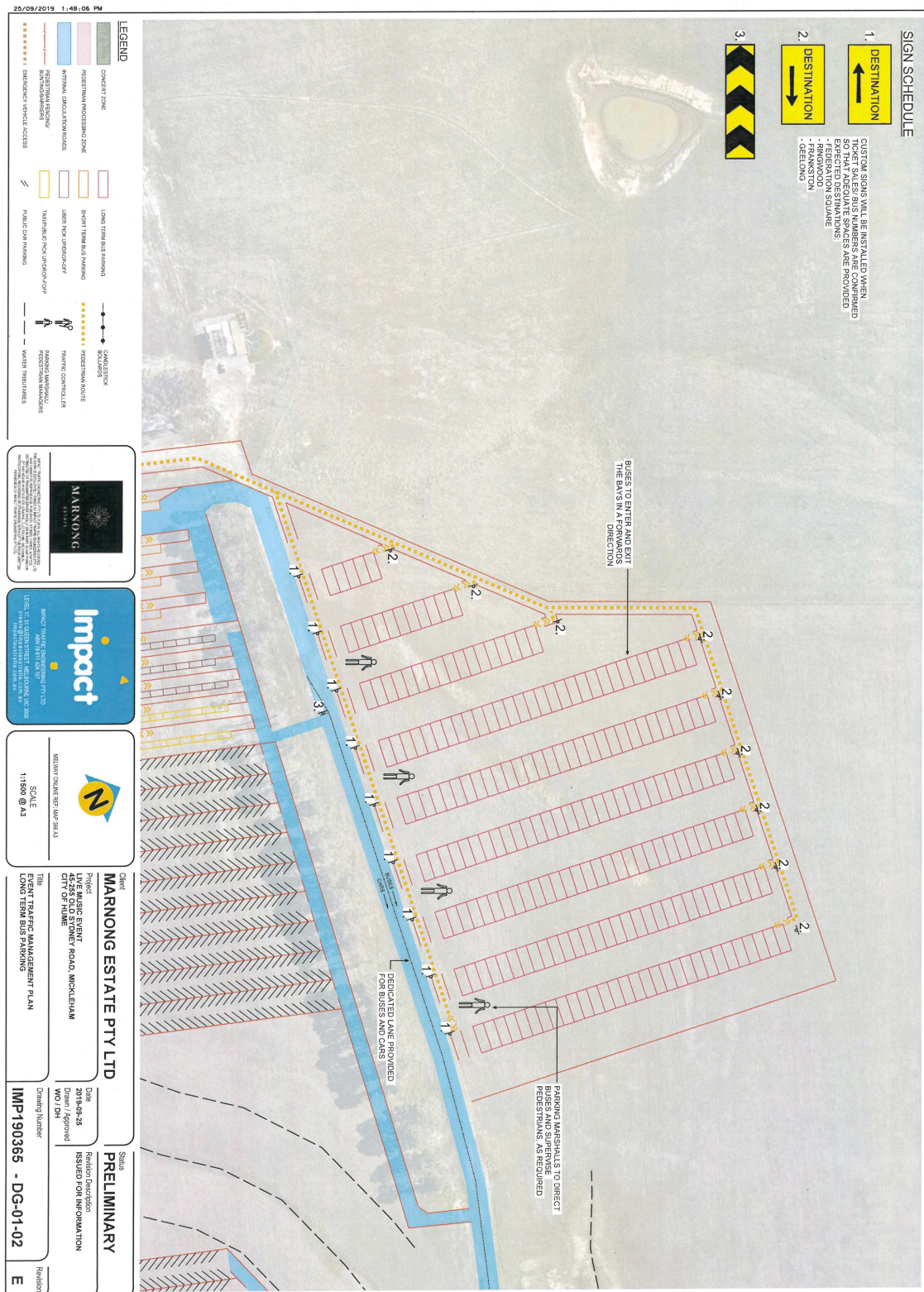


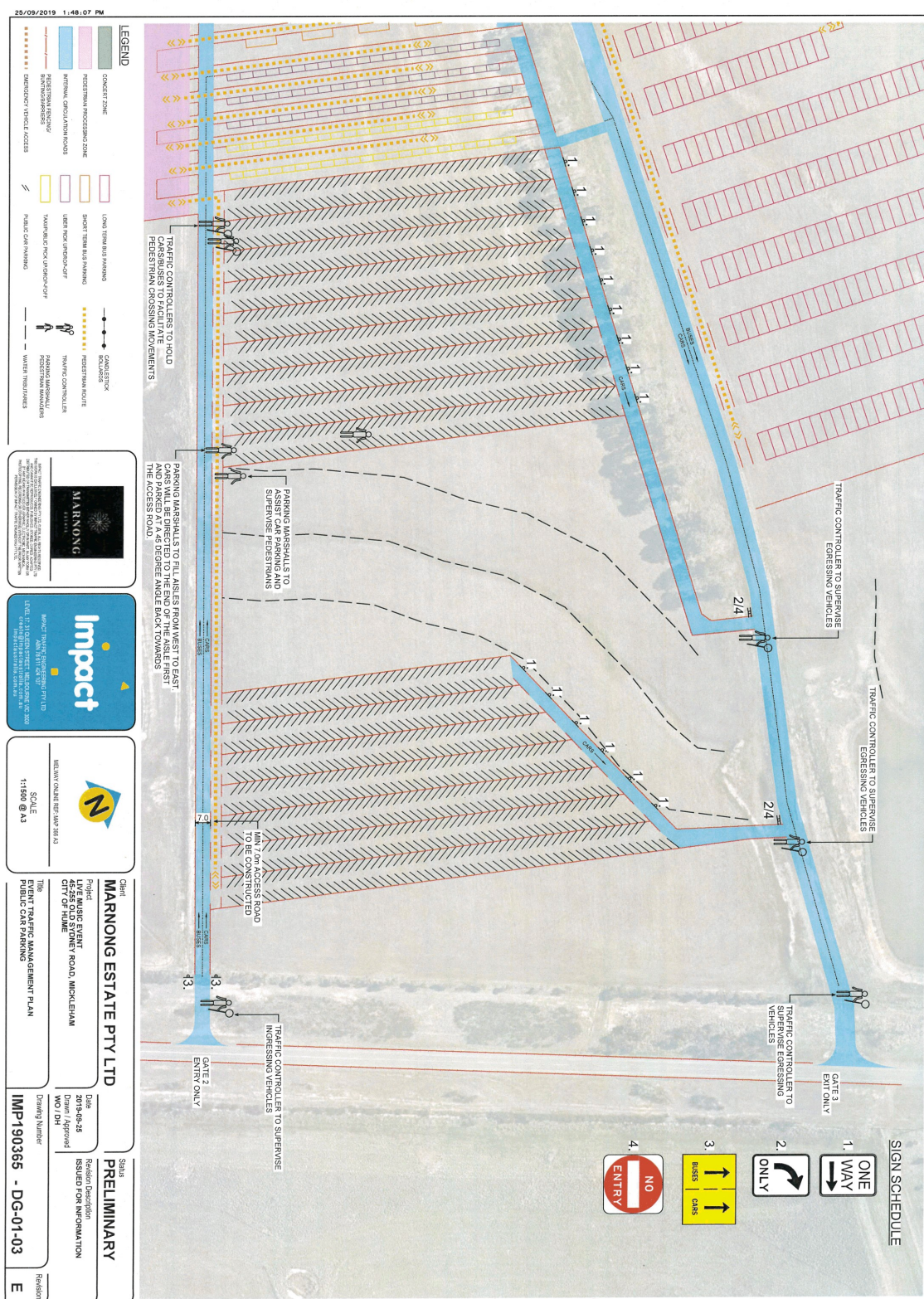


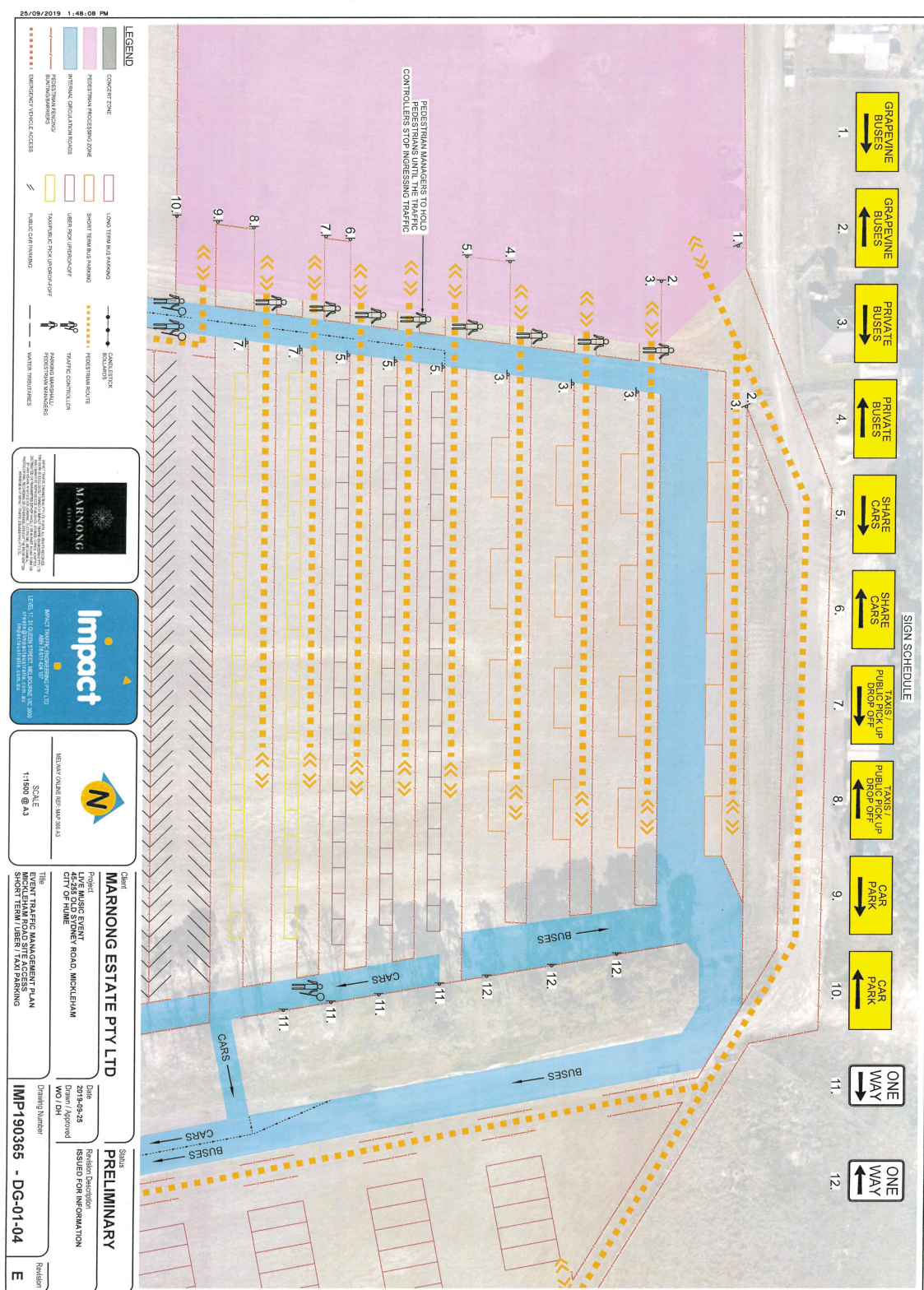


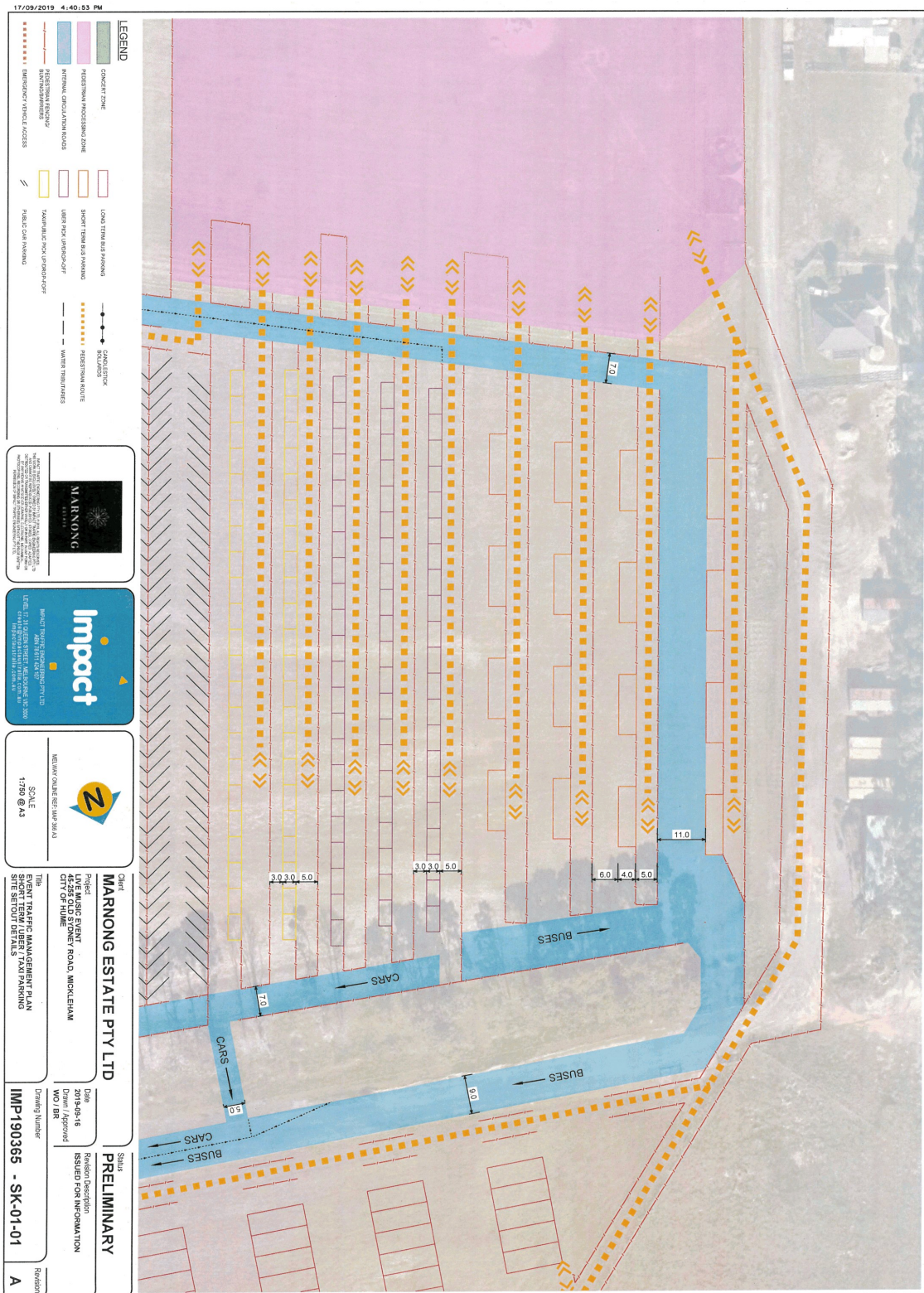
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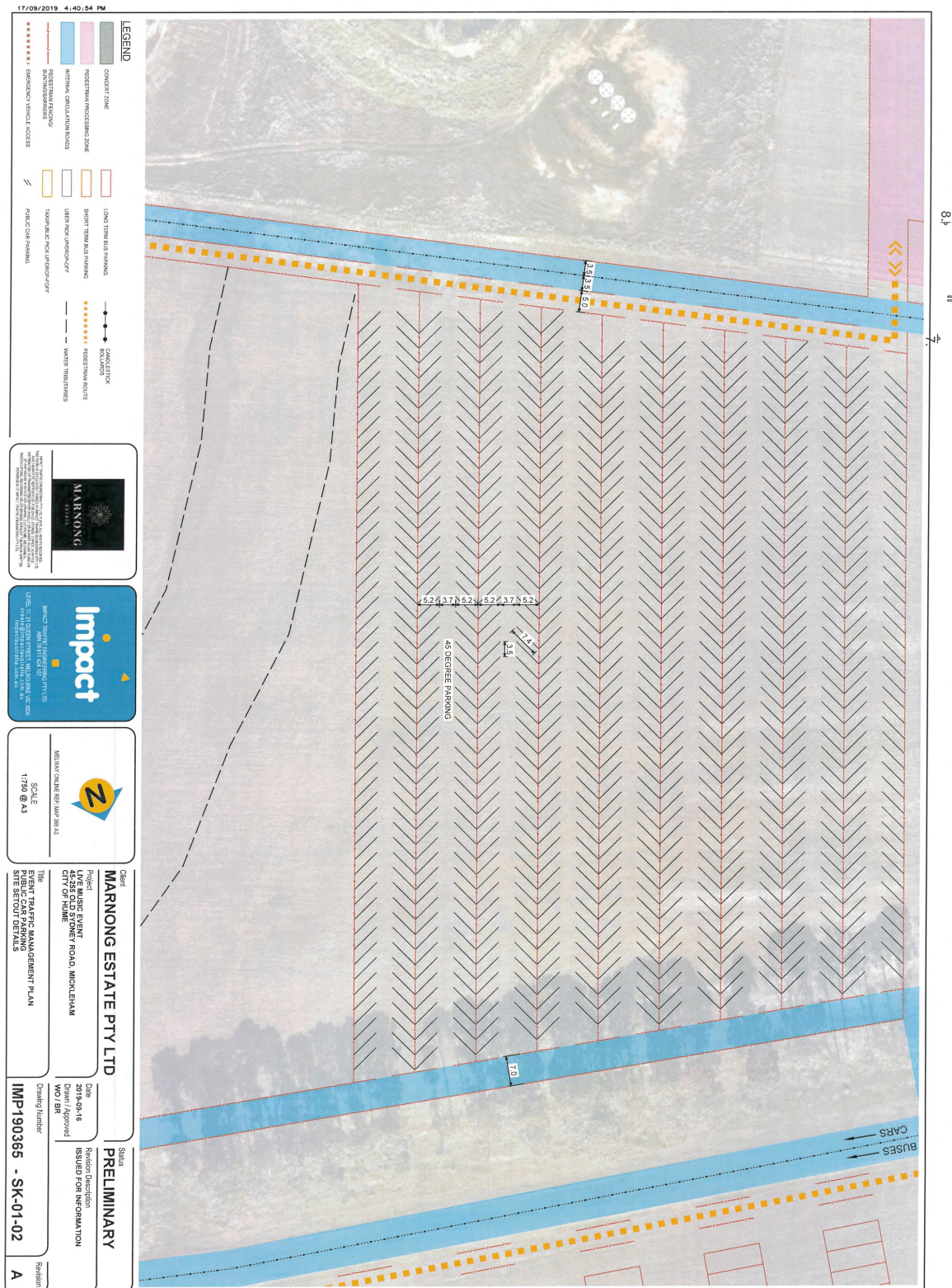


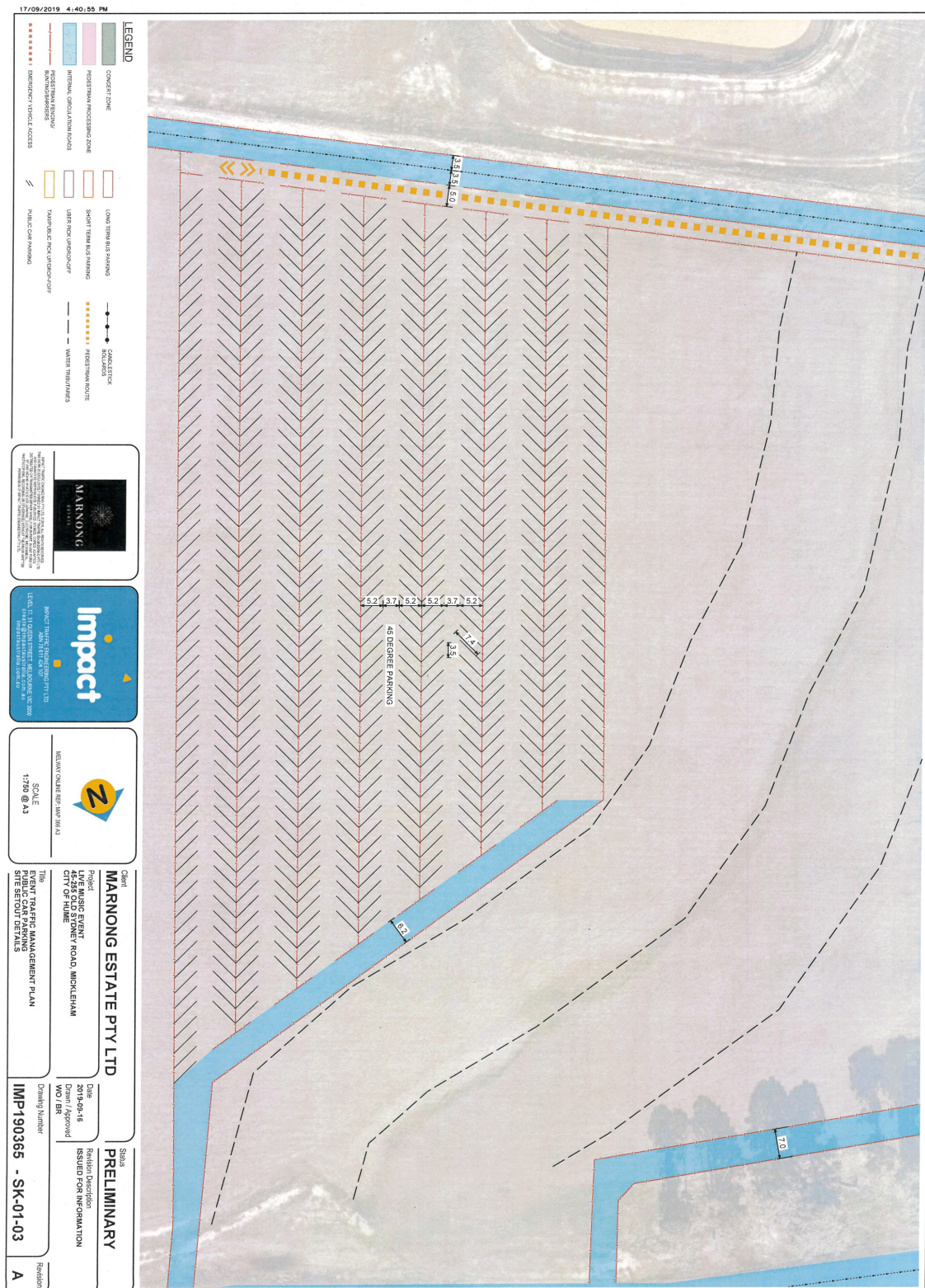




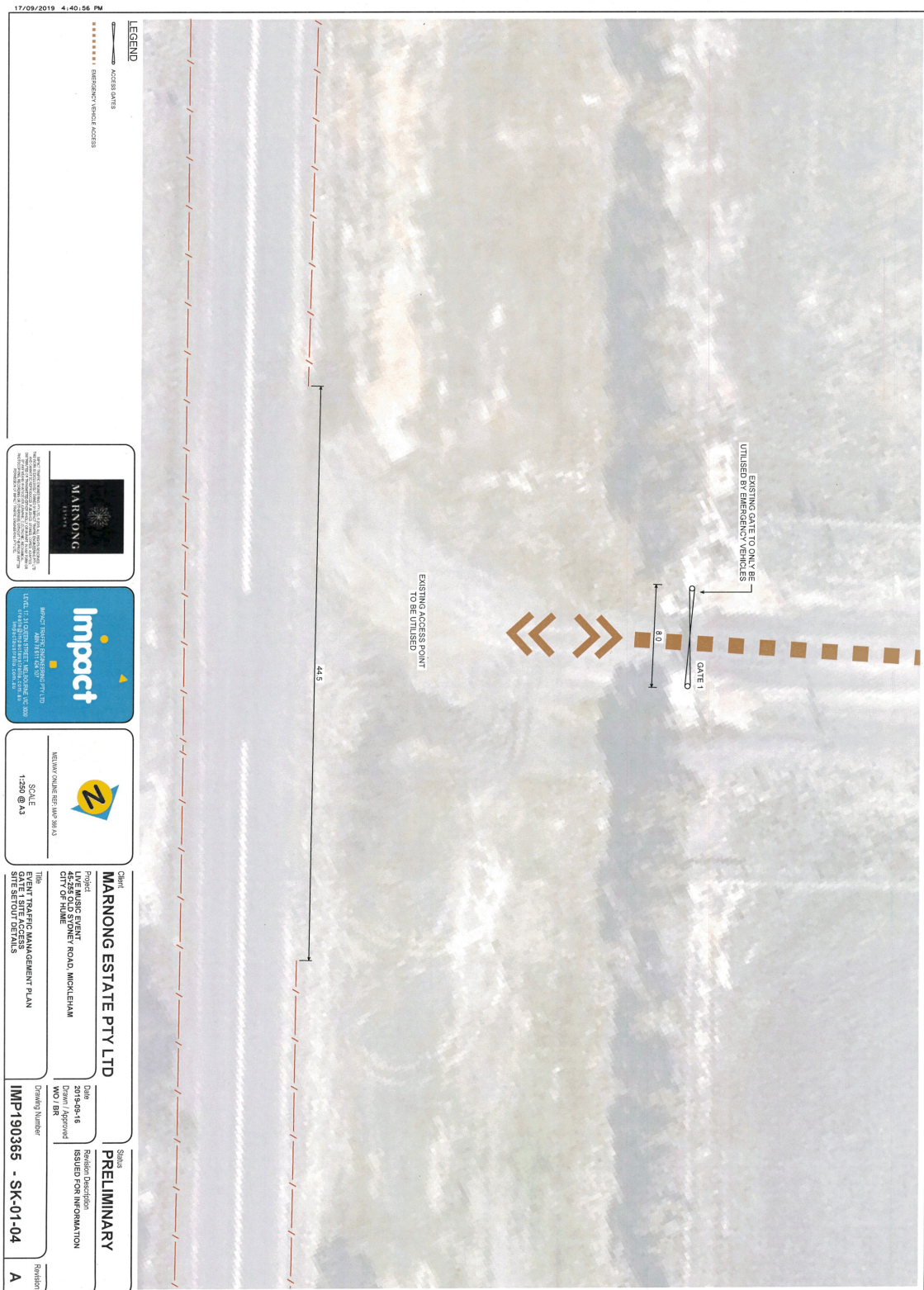




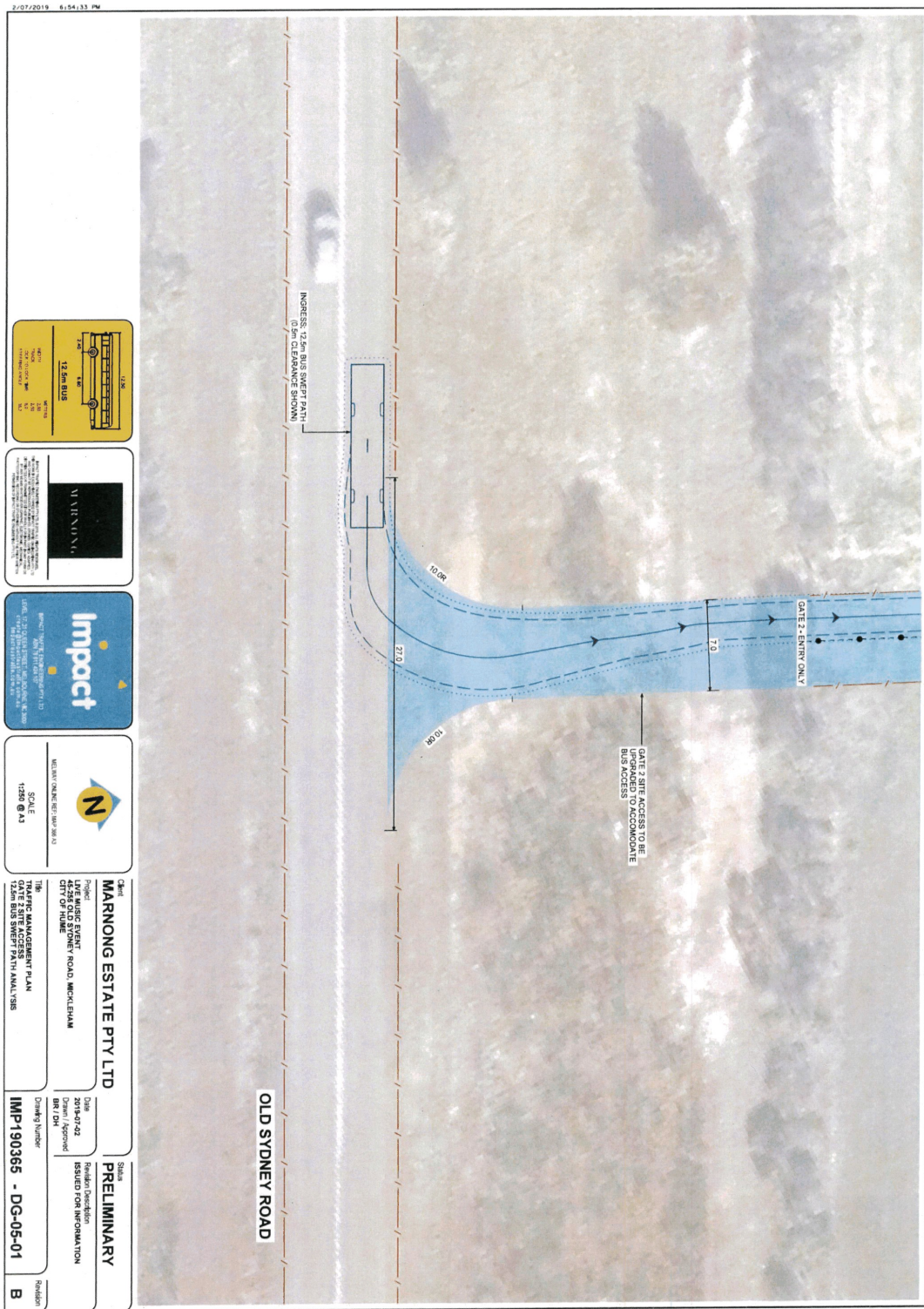




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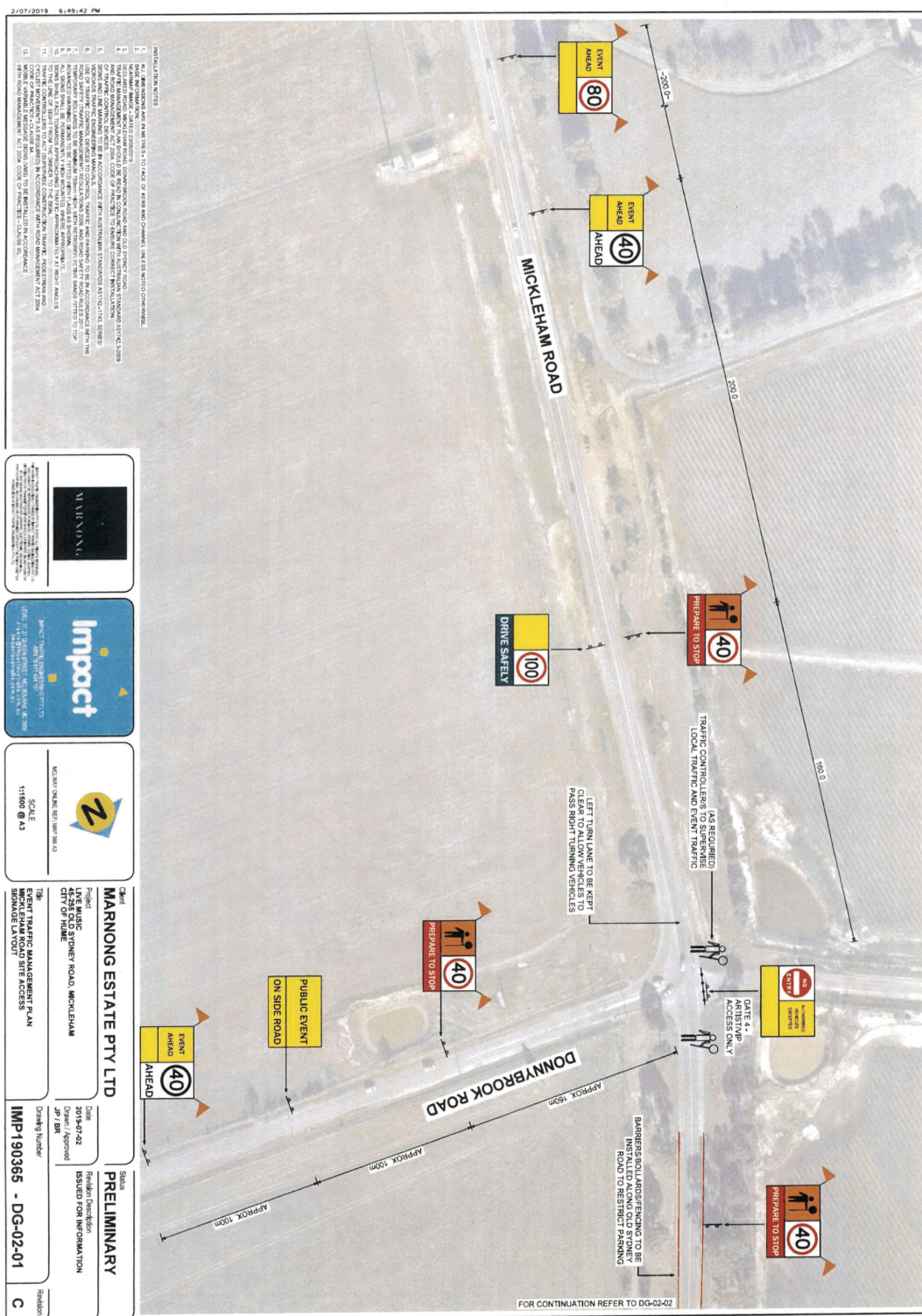


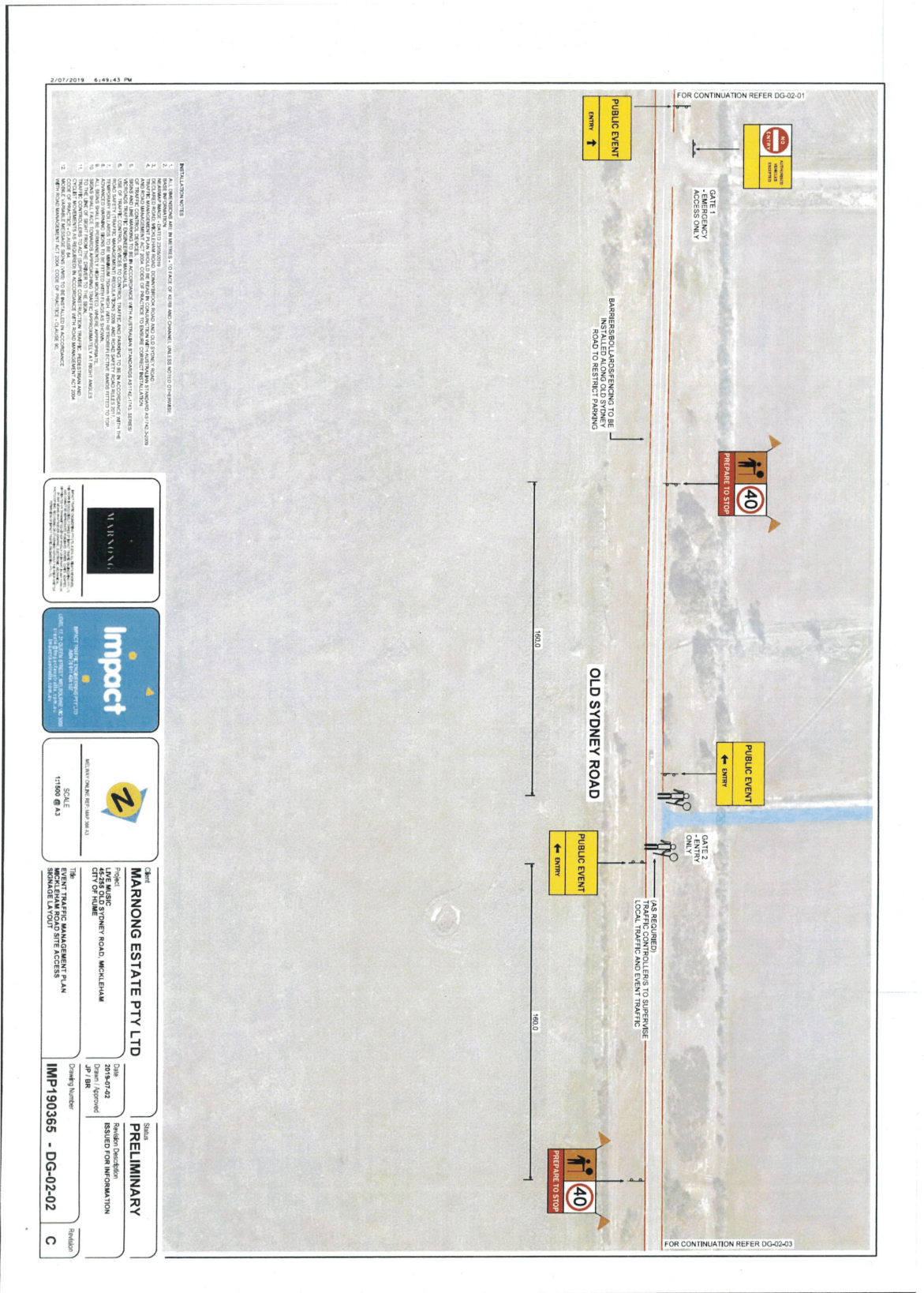


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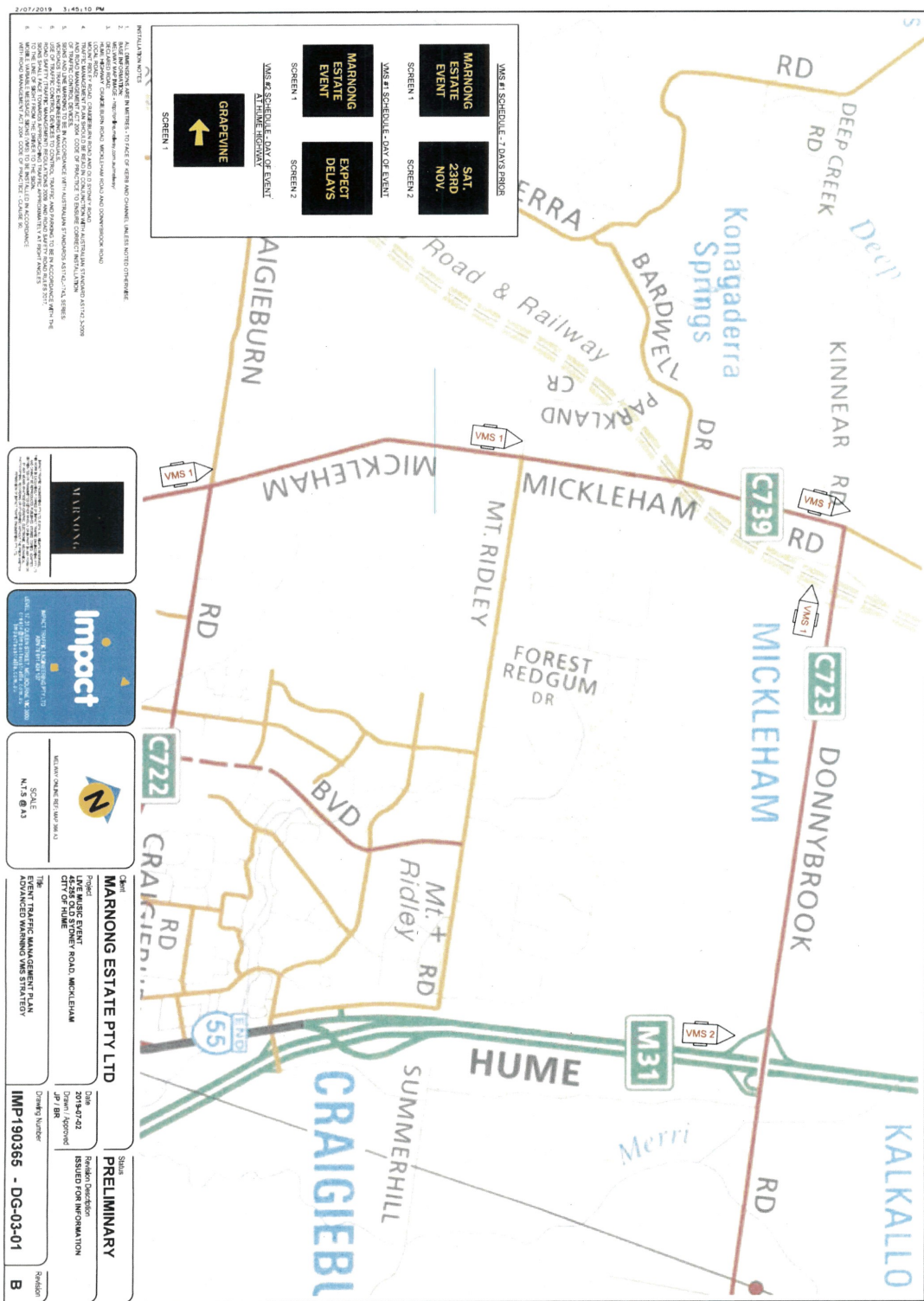












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REPORT NO:	GE383
REPORT TITLE:	Old Sunbury Courthouse - EOI Process
SOURCE:	Cathy Marshall, Executive Officer Community Services
DIVISION:	Community Services
FILE NO:	HCC 18/785
POLICY:	Governance and Engagement
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENTS:	Nil

1. SUMMARY OF REPORT:

Following an extensive community engagement process over the past 12 months this report presents the findings from the Expression of Interest process and recommends a preferred future use for the Old Sunbury Courthouse building.

2. RECOMMENDATION:

THAT Council:

- 2.1 resolves to enter into a two-year licence agreement at nil fee with the Sunbury Historical and Heritage Society for the future use of the Old Sunbury Courthouse for the purposes of establishing an Ashes Museum.**
- 2.2 notes that this decision is subject to the establishment of a suitable formal agreement with both Council (as Committee of Management) and the Victorian State Government (Department of Environment, Land, Water and Planning as responsible authority).**
- 2.3 Incorporates a condition in the licence agreement requiring the Sunbury Heritage and Historical Society to submit to Council a detailed business plan demonstrating the project's ongoing viability and sustainability three months prior to the end of the licence. This information will be used by Council to determine whether a future long-term use agreement will be entered into.**
- 2.4 authorises Council officers to engage with the Sunbury Aboriginal Corporation to assist them to find alternative local community facilities to support the ongoing development of their programs and services.**

3. LEGISLATIVE POWERS:

In accordance with the Local Government Act 1989, the function of Council is to endeavor to achieve the best outcome for the community having regard for the long-term cumulative health and wellbeing effect of its decisions.

4. FINANCIAL IMPLICATIONS:

In accordance with Council's 2018 Lease and Licence Policy, the Sunbury Historical and Heritage Society falls under the category of Group Three Tenants. This category includes incorporated community groups that service the community. Such tenants generally do not have the capacity to generate a significant amount of income and operate on a not for profit basis. Whilst the standard rent is generally between \$500-\$1,000 per annum (plus GST) it is

REPORT NO: GE383 (cont.)

recommended that nil fee is applied on this occasion for the first initial two-year licence period.

In accordance with the EOI documentation, the tenant will be responsible for the payment of all associated outgoings and utility costs, with the exclusion of building maintenance and repairs and gardening and lawn maintenance which will remain the responsibility of Council.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

The report has no impact on climate change.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The Hume City Council Social Justice Charter 2014 seeks to advance a fair and just society and to promote respect for every citizen, encourage community participation, strengthen community wellbeing and reduce the causes of disadvantage.

8. COMMUNITY CONSULTATION:

Over the past 12 months Council Officers has undertaken a comprehensive planning and engagement process to inform the future use of the Old Sunbury Courthouse facility.

9. DISCUSSION:

9.1 The Old Sunbury Courthouse building located at 43 Macedon Street Sunbury, is owned by the Attorney General of Victoria and the former Shire of Bulla is the Committee of Management for the site. This was gazette on 23rd September 1992 for the purpose of public building and public purposes.

9.2 Built in 1885, the Old Sunbury Courthouse is one of Sunbury's earliest public buildings that still remains today. The Sunbury Courthouse ceased operation as a court facility in 1989, and in 1993 after considerable community advocacy to retain the building for public use, the former Shire of Bulla undertook significant restoration works and reopened the building as a Visitor Information Centre.

9.3 The Sunbury Visitor Information Centre has occupied the building for a period of twenty- six years delivering tourism information and services. With the planning of the new Hume Global Learning Centre in Sunbury, Council at its meeting on the 10th July 2017 resolved to approve the inclusion of the Sunbury Visitor Information Centre into the Hume Global Learning Centre – Sunbury and noted that ongoing community use of the Old Sunbury Courthouse would be the focus of future planning in consultation with the Sunbury community.

9.4 The key consultation activities undertaken to support this project included:

9.4.1 Phase 1: Community consultation – via Your Say whereby (39) respondents completed an online survey suggesting (59) ideas about how best the facility could be used to support and respond to community needs. The most common responses to the future uses/s included:

- History museum (16 responses from a total of 59 responses)
- Café (14 responses from a of total of 59 responses)
- Meeting venue (10 responses from a total of 59 responses)
- Art (8 responses from a total of 59 responses)

REPORT NO: GE383 (cont.)

- 9.4.2 Phase 2: Expression of Interest process was undertaken in March 2019, whereby interested groups and organisations were invited to put forward their interest in occupying the building when the Sunbury Visitor Information Centre vacates in 2019. A total of (7) EOI's were received from the following organisations;
- Sunbury Toy Library
 - Sunbury U3A
 - Friends of Sunbury Public Cemetery Advisory Committee
 - Sunbury Art Society
 - Sunbury Aboriginal Corporation
 - Sunbury Historical and Heritage Society
 - Lions Club of Sunbury
- 9.5 An evaluation panel comprising of Gerard Feain Social and Community Infrastructure Planner, Julie Andrews Community Capacity Co-ordinator, Sharyn Cox Co-ordinator Research and Engagement and Cr. Ann Potter Jacksons Creek Ward Councillor was convened to assess the applications against a predetermined methodology.
- 9.6 At the conclusion of the assessment process, the panel unanimously agreed that there was no one clear stand out application, and as a consequence recommended that further time was required to work with both preferred applicants (Sunbury Aboriginal Corporation and Sunbury Heritage and Historical Society) to explore how both parties could co-share the facility as both groups had expressed in their EOI documentation:
- A willingness to share space within the Old Sunbury Courthouse with other organisations;
 - A desire to maintain high weekly utilisation/occupation rates
 - A willingness to manage the site; and
 - A view that the facility's spaces would be sufficient to conduct their respective activities.
- 9.7 In July 2019, Council engaged the services of an independent experienced facilitator to commence discussions between Sunbury Aboriginal Corporation and Sunbury Historical & Heritage Society with a view to actively exploring a co-sharing arrangement at the Old Sunbury Courthouse.
- 9.8 The consultant provided a summary report of each of the two separate consultation sessions and recommended to officers that a co-share arrangement should not be pursued between the two nominated organisations, as the Sunbury Heritage and Historical Society had conveyed through the consultation that they were no longer willing to share the Old Sunbury Courthouse with another community organisation.

10. APPLICANTS SUBMISSION:

- 10.1 Sunbury Aboriginal Corporation – The Corporation is a volunteer organisation who operates currently from Sunbury Community Health Centre. The group has expressed an interest in using the site to provide a safe cultural space for community members. The group propose to deliver information services, small cultural display, and to be a contact point for government agencies and services providers. The interview highlighted that they are currently applying for grants to support their operation and currently have no income sources. The operation of the service initially would rely on volunteers to operate the service.

REPORT NO: GE383 (cont.)

- 10.2 Sunbury Historical and Heritage Society propose to use the site to establish a museum which would focus on the history of the Ashes, and contain cricket memorabilia. Sunbury Historical and Heritage Society has confirmed that they no longer have an interest in co-sharing the facility. The group has expressed concerns about the amount of space they require to house their future exhibitions and the security of the collection. The Historical Society is a volunteer organisation and does not have an income source and is currently seeking funding to support this initiative. The group has also indicated that external funding will be required to fund the capital costs of establishing and operating the facility. No business planning to estimate these costs has been undertaken at this point in time. The Sunbury Historical and Heritage Society advised that the museum would be staffed by volunteers and open seven days a week.
- 10.3 Both organisations communicated that they have limited funding, and would be seeking financial assistance through grants and sponsorship for both operational, staffing and establishment costs.

11. OPTIONS FOR CONSIDERATION

- 11.1 It is now proposed that the EOI process is drawn to a conclusion following what has been an extensive and comprehensive planning and engagement process.
- 11.2 The following alternative options have been identified and could form part of the Council deliberations.
- 11.2.1 Transferring the Committee Management responsibility for the Old Courthouse building and associated land back to the State Government.
 - 11.2.2 Allocating the building to the Sunbury Aboriginal Corporation and working with the Corporation to identify other compatible community uses willing to co-share the facility.
 - 11.2.3 Council could agree to establish a short-term licence with the Sunbury Historical and Heritage Society for the purpose of establishing an Ashes Museum for an initial period of two years. This would provide a reasonable amount of time for the group to test, plan, and operationalise the building as an Ashes Museum. At the same time Council could engage and assist the Sunbury Aboriginal Corporation to find alternate local community facilities.
 - 11.2.4 Council could determine not to accept any of the submissions at this point time and recommence a new process to explore alternative community, social enterprise uses for the site.

12. CONCLUSION:

It is proposed that the Sunbury Historical and Heritage Society be offered the use of the Old Sunbury Courthouse for an initial two-year period following the relocation of the Sunbury Visitor Information Centre to the Hume Global Learning Centre – Sunbury for the purposes of establishing an Ashes Museum.