

HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

TUESDAY 21 JULY 2015

DAYLESFORD SENIOR CITIZENS' ROOM VINCENT STREET DAYLESFORD

6:00PM

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Confirmed at the Ordinary Meeting of Council held on Tuesday 18 August 2015

Lata RS.

Chair, Mayor Cr Kate Redwood





TUESDAY 21 JULY 2015

Daylesford Senior Citizens' Room Vincent Street, Daylesford Commencing 6:00PM

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AARON VAN EGMOND

CHIEF EXECUTIVE OFFICER 21 JULY 2015



1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2. OPENING OF MEETING

PRESENT: Mayor Councillor Kate Redwood AM, Deputy Mayor Councillor Neil Newitt, Birch Ward Councillor Pierre Niclas, Coliban Ward Councillor Sebastian Klein, Creswick Ward Councillor Don Henderson, Creswick Ward Councillor Greg May, Holcombe Ward Councillor Bill McClenaghan.

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Grant Schuster, General Manager Community Services Kathleen Brannigan, General Manager Infrastructure Bruce Lucas, Manager Planning Justin Fiddes, Governance and Corporate Support Officer Mary Dancuk.

STATEMENT OF COMMITMENT

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

SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL 21 JULY 2015

3. APOLOGIES

Nil

4. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

5. CONFIRMATION OF MINUTES

RECOMMENDATION

5.1 That the Minutes of the Ordinary Meeting of Council held on 16 June 2015 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1. That the Minutes of the Ordinary Meeting of Council held on 16 June 2015 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved:Councillor Pierre NiclasSeconded:Councillor Neil NewittCarried.

6. NOTICES OF MOTION

6.1. ESTABLISHMENT OF A HEPBURN SHIRE WHITE RIBBON COMMITTEE

Date: 13 July 2015

NOTICE OF MOTION

6.1.1. That Council moves to establish a White Ribbon Committee to initiate a campaign to end violence against women.

BACKGROUND

White Ribbon is Australia's only national, male led campaign to end men's violence against women. The White Ribbon vision is that all women live in safety free from all forms of men's violence.

Globally, White Ribbon is the world's largest movement to end men's violence against women. Originating in Canada in 1991, White Ribbon is now active in more than 60 countries and began in Australia in 2003.

White Ribbon Australia observes the International Day of the Elimination of Violence against Women, also known as White Ribbon Day, annually on 25 November. White Ribbon Day signals the start of the 16 Days of Activism to Stop Violence against Women, which ends on Human Rights Day (10 December).

The Municipal Association of Victoria has taken a leadership role in supporting local government to participate in prevention of violence against women initiatives and has produced the *Prevention of Violence Against Women - Leading Change in the Victorian Local Government Sector* publication. Many Victorian Councils have been active in these initiatives some examples are:

- Brimbank City Council Adopted a Prevention Plan to Prevent Men's Violence Against Women 2015 2019 Towards Gender Equity.
- Macedon Ranges Shire Council Adopted a Prevention of Violence Against Women Statement of Commitment (March 2015).
- Golden Plains Shire Council Leadership Statement Prevention of Men's Violence Against Women.
- Mount Alexander Shire Council Adopted a gender equity statement in 2014.



Violence against Women in Hepburn

Family violence is the most significant contributor to death, disability or illness in Victorian women aged 15 - 44.¹

In the past five years, Hepburn Shire incidents of family violence reported to the police have continued to increase. Last financial year, there were 128 police reported family violence offences in Hepburn Shire with children present at 32% of these police call outs.² Despite increasing community awareness, it is estimated that Australian under-reporting remains high and often sits around 50%³. Incidents reported to police rarely correspond with broader measurements (e.g. hospital admissions, women's refuge and other community services data) and many women still do not recognise their experience as violence.⁴

One of the aims in Hepburn Shire Council's Municipal Public Health and Wellbeing Plan (2013-17) is to "*Reduce the incidence of violence against women*". On Tuesday 30 June 2015, Hepburn Shire Council held a Prevention of Family Violence roundtable discussion with representatives from six agencies⁵ to discuss how Council could support local actions to progress this aim. A recommendation from the discussion was for Hepburn Shire Council to establish a White Ribbon Committee.

The committee will bring together representatives from agencies across the Shire to assist with primary prevention campaigns and initiatives involving awareness raising and education across the broader community. This could include events for White Ribbon Day in November 2015 and advising Council on future leadership actions.

Councillor Name:

Councillor Signature:

Acting Chief Executive Officer Signature:

Greg May

Guy May

Kathleen Brannigan

¹ VicHealth 2015, 'Preventing violence against women' https://www.vichealth.vic.gov.au/our-work/preventing-violence-againstwomen.'

² Victorian Police 2014, Corporate Statistics 'Family Violence Incidents 2009/10 to 2013/14'

³ NSW Bureau of Crime Statistics and Research 2013, 'Reporting Violence to Police: A survey of victims attending domestic violence services'

⁴ RMIT University 2015, Centre for Innovative Justice 'Opportunities for Early Intervention'

⁵ Agencies represented were: Victoria Police, Hepburn Health, Maternal and Child Health, Department of Health and Human Services, Women's Health Grampians, Berry Street.

Hepburr \sim SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL 21 JULY 2015

MOTION

6.1.2. That Council moves to establish a White Ribbon Committee to initiate a campaign to end violence against women.		
Moved: Seconde Carried.	5 ,	

lent **IRE COUNCIL**

7. ITEMS OF URGENT BUSINESS

PROCEDURAL MOTION

7.1. That Council consider an Item of Urgent Business.

Moved:Councillor Sebastian KleinSeconded:Councillor Pierre NiclasCarried.

7.2. LEAVE OF ABSENCE – COUNCILLOR SEBASTIAN KLEIN

MOTION

7.2.1. That Council grants a Leave of Absence to Councillor Sebastian Klein from the September Ordinary Meeting of Council.

Moved: Councillor Sebastian Klein Seconded: Councillor Pierre Niclas Carried.

This motion was subsequently amended later in the meeting at Agenda Item 16.



8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Kate Redwood AM, Birch Ward

On 5 July 2015, the first day of NAIDOC (National Aboriginal and Islander Day Observance Committee) week, a ceremony was held to celebrate the raising of the Aboriginal flag permanently over the Shire's Town Hall at Daylesford. About 150 people gathered in front of the Town Hall. Graeme Atkinson, senior elder of the Dja Dja Wurrung, in his possum skin cloak, gave the Welcome to Country, as Mayor, I spoke about the significance of the event for our Council, Sissy Austen, by agreement with the Dja Dja Wurrung, spoke on behalf of non Dja Dja Wurrung Aboriginal people resident here, Trent Nelson did a traditional Smoking Ceremony. Graeme and I, together, raised the flag. It was a proud moment in my life that I will never forget. I then invited all to come in the front door of the Town Hall to morning tea in the Senior Citizens' Room. In doing so, all passed the plaque that we now have on the wall inside the front door, acknowledging that this is Dja Dja Wurrung country. Cr McClenaghan and Cr Klein attended, and I am aware that other councillors would have been there but for other commitments.

Mr CEO, please accept this book, given to the Council by the Dja Dja Wurrung. It is a beautiful publication which documents the culture and history of the families who form the Clan.

Cr Redwood presented the book '*Djuwima Djarra, Dja Dja Wurrung Kiakiki* Wangendak – Families of the Dja Dja Wurrung' to the Chief Executive Officer.

I want to acknowledge the work of Michelle Collett in making this ceremony possible – by undertaking the task of having two flagpoles erected. This sounds simple but was very complex to organise, and to have this happen in time to meet our promise of raising the flag by NAIDOC week was wonderful, and greatly appreciated. A thank you also to Mary Dancuk for assisting with the plaque.

Two days later I attended a reception for NAIDOC week in the ballroom at Government House attended by some 1,000 members of Aboriginal communities from across the state and some mayors of councils. I was warmly greeted by the Dja Dja Wurrung elders who are keen to work with us on other matters of mutual concern.

At this reception I had the opportunity to speak briefly to our new Governor, the Honourable Linda Dessau AM, and told her that we would be keen to invite her to visit us for International Women's Day, if she could find the time in her schedule. She



welcomed the suggestion and it has now been supported by our International Women's Day advisory committee.

Other matters:

During the month, I convened a meeting of representatives of agencies that work with victims of family violence. This was an opportunity to hear of the situation in our Shire. It is most disturbing to know that there are families in our community who are affected by violence, and I am aware that the community looks to us to exercise leadership.

The first meeting of the reference group with Andrew Laidlaw with regard to the long term plans for the Wombat Hill Botanic Gardens was an exciting sharing of information and ideas about the much loved heritage gardens, beginning a conversation about how these gardens can continue to be an inspiration for future generations. In a few weeks, Andrew Laidlaw and his co-worker, Andrea Proctor, will produce preliminary concepts for discussion with Council and with the community.

Slaty Creek Bridge was finally opened – after a 22 year wait for some. Well done Cr Henderson.

The plaque to commemorate the birthplace (approximately) of Prime Minister John Curtin was unveiled, together with Crs May and Henderson.

Amazingly for a quiet month, I have attended over 45 statutory and other Council duties as Mayor. I am grateful for the privilege of representing you. I thank Cr Niclas for filling in for both of us at the ward meeting that I was unable to attend.

COUNCILLOR REPORTS

Councillor Bill McClenaghan, Holcombe Ward

I attended a number of events over the last month.

On Friday 19 June I was at Slaty Creek Bridge in Creswick on the Melbourne Road which was officially opened by the Mayor and by Cr Henderson who has pushed the project for many years.

Prior to the bridge being opened, I didn't think it was appropriate for me to walk across it, so I crossed Slaty Creek the way local people have been crossing Slaty Creek and that is by using the road bridge. Once I was on the road bridge, a couple of large vehicles came by and made it very clear why a footbridge over that creek is really needed. Congratulations to Cr Henderson for all his work on that.



On Monday 22 June I attended the Municipal Association Rural South Central Forum in Torquay, whereby we met with our neighbouring shires in this region to talk about what we are all doing and to share problems and solutions.

Later that evening I attended the Glenlyon Progress Association meeting which is held every second month at the Glenlyon Shire Hall.

On Saturday 27 June, I went back to Creswick to attend the Creswick 1915 Reflection at the refurbished RSL which was to commemorate 100 years of the ANZAC landing.

On Sunday 5 July, I was here at the Daylesford Town Hall to witness the raising of the Aboriginal flag which was a proud day for the Hepburn Shire.

Thursday 9 July was a bit sad. It was one of those bitter sweet days when Hepburn Shire said good-bye to its longest serving employee, Kevin Clohesy, who has worked for 35 years for the municipality. It was interesting to hear some of Kevin's anecdotal evidence of various skeletons that people have in their closets because he really did know where all the bodies were buried.

On Wednesday 15 July, I attended a Special Committee meeting of the Glenlyon Recreation Reserve.

Over the last month I have generally been consulting about the Hepburn Hub and also the kerbside collection roll-out which has had its teething problems but we are now getting it all together. People are getting their bins and the bins are even getting collected which is great.

I have already reported my attendance at the opening of the Buddhist Forest Monastery in Newbury but without any details. This monastery is unlike other Buddhist establishments in that this particular group of Buddhists does not recognise the Dalai Lama and they have Buddhist monks and nuns living on the one site performing their various training and dedication roles - in separate domiciles, of course. This group does not believe in using money because money equates to power and power equates to corruption and they don't want any of it. They also don't cook food and rely on devotees to provide them with food which is placed respectfully into their food bowls. On opening day, all the guests loaded up their food bowls with spoons full of rice and this provided their midday meal which is their only meal for the day. If they don't have food provided, they go without food maybe for several days.

The three significant aspects of Buddhism are firstly the Buddha. We all know about the Buddha. Secondly, is the Dharma which is basically the beliefs of Buddhism and



lastly it's the Sangha. The Sangha are the monks and nuns, the devotees of Buddhism who live in these monasteries.

The ceremony was conducted by the founder of the Dhammasara Nun's Monastery in Western Australia, Ajahn Brahm. He is a Cambridge educated Englishmen who converted to Buddhism and took a Buddhist name. He told us that Buddhism establishments such as the Newbury Forest Monastery tend to increase the productivity in their general area and I just wondered there and then as I was listening to these words maybe whether we should relocate the Hepburn Hub on a neighbouring property that has been for sale in order to increase our productivity. Another interesting anecdote from Ajahn Brahm was an explanation of the difference between *involvement* and *commitment*; pointing out that the Buddhist Sangha are very committed people having committed their entire remaining lives to Buddhism. He said that it's just like considering the ingredients for bacon and eggs. The chook is involved but the pig is committed.

Councillor Pierre Niclas, Birch Ward

As I have been on Long Service Leave for some weeks now from my regular full time employment, I only have a brief report.

Raising the Aboriginal Flag

Although I was away interstate during this event, I would just like to say how proud I am to be part of this Council and the delivering this important statement.

Although there are many people to acknowledge, I would in particular like to thank you Madam Mayor for all the work you personally have put in to bring to reality this small but important step in recognition of this lands traditional owners.

Well done to you.

Hepburn Springs Streetscape Project Roll-out

I am very pleased to report that Stage One of the Hepburn Springs "Main Rd" Streetscape program is now ready to roll-out. At a briefing this week with the Council officer managing this project, the Mayor and I were able to review and offer final thoughts on this particular project.

I am certain that this first stage will be well received by locals and visitors alike and will only add to the current town character.

Next Birch Ward Meeting

The next Birch Ward meeting will be held on Saturday 15 August 2015, between 10.00am to 12 noon.



We will be holding this meeting on Vincent Street, in front of the Town Hall or on the opposite side of the road in front of the old Mitre 10 store if the weather is unfavourable.

I can assure that both Cr Redwood and I will be happy to greet everyone and lend an ear for their concerns/thoughts.

Councillor Neil Newitt, Cameron Ward

Councillors, you may have seen the media attention last week on the release of the latest Household Income and Labour Dynamics in Australia Survey conducted by Melbourne University which has looked into what makes people happy.

One of the key indicators was living in a country town of around 1,000 people.

I am very pleased to report that of all the country towns in Australia that could have been used to illustrate this report, Clunes was chosen by *The Australian* newspaper to explore the findings. The national exposure (page five of Saturday's paper) was enjoyed by the locals. It is great affirmation of the lifestyle choices that many have made as newer residents, and what older families love to see being reaffirmed.

But it also brings home the importance of our job as Councillors to continue to value the importance of our small towns, to recognise what our residents cherish and support and pursue only those opportunities that will 'value add' to our communities.

Opportunities (and decisions) that remain true to the character of our towns.

Councillor Don Henderson, Creswick Ward

The opening of the Slaty Creek Bridge was a very well attended affair with many representatives from different local organisations present. Paulette Pleasance should be commended for the behind the scenes work. People were so pleased with the bridge and after 22 years of waiting, I can understand why. Naming of the bridge is currently a matter of discussion with most feeling that it should have a Dja Dja Wurrung connection. Many thoughts and suggestions but the preference relates to the Creswick frog population.

Just up the road we were treated to a guided tour of works on the St Georges Lake dam rebuild by Parks Victoria. There has been a great deal of engineering work done to stablise the bank and enhance the area. In the absence of any swimming pool in Creswick, many people use this area for swimming and for family picnics and activities. It is hoped that Parks Victoria will eventually build a playground as well. This could save the Council building a decent playground as this seems beyond our capacity in Creswick. We have seen the installation of a commemorative plaque in the vicinity of the birthplace of our wartime Prime Minister John Curtain. This was done by the Creswick and District Historical Society at no cost to Council and will be a permanent memorial to this very well regarded son of Creswick.

The new \$700,000 Hub in Creswick is nearing completion and people are excited about the use of timber recycled from a dead Sequoia that has been milled and treated locally and installed by Creswick contractors. Although this is the smallest hub proposed with the exception of Holcombe Ward, people are grateful to be getting a decent library at last and a building that is safe. The toilets will also be inside which is a first for Creswick as well. There are plans to put a new kitchen pod at the rear of the Town Hall but community contribution will be necessary as usual.

Councillor Sebastian Klein, Coliban Ward

An exciting month for Hepburn Shire with the raising of the Aboriginal Flag above Town Hall in Daylesford. It brought a good opportunity for reflection and vision for the future as this small piece of cloth was raised above the seat of local government in our area. I was impressed by the enthusiasm and the forward looking of many of those present and eager to further and better the lot of indigenous people in our area. Congratulations to Sissy Austin who brought the idea to prominence, and to all of those who have been involved in bringing this to bear. It was great to continue the positive relationship with our formally recognised indigenous group, the Dja Dja Wurrung.

Similar to the Mayor, I was thoroughly impressed by the NAIDOC week reception where my initial scepticism of the artifice of a Mr and Miss NAIDOC week, was replaced by a good deal of respect for these young people who demonstrated a good deal of leadership and energy. If the future of our indigenous people are in the hands of the likes of these young people, then it is a bright future indeed.

Forward looking and optimism were also the themes as I launched the Victorian Local Governance Association (VLGA) Rainbow Working Group at a Local Government Professionals (LGPro) rainbow network screening of the film The Case Against 8 – documenting the legal case to further the cause of marriage equality in the US.

A sense of optimism and hope for the future was also at heart of a presentation I was asked to make to the Trentham Sustainability Group. This group has indefatigably worked towards a more sustainable future in Trentham for many years now with little thanks or need for it.

Much of the rest of my month has been concerned with promoting and pursuing funding for the Trentham Hub, including a meeting this morning with Federal



Member for Ballarat, Catherine King, along with the Mayor, the CEO and a number of community members.

I attended a number of other meetings and events listed in my written report:

- CEO performance appraisal
- Trentham Hub Community Reference Group meeting
- Victorian Local Governance Association Board meeting
- Aboriginal flag raising
- Coliban Ward meeting
- Meeting regarding funding for the Trentham Hub with Council staff and Susie Spence
- VLGA Resource and Finance Sub-Committee

Councillor Greg May, Creswick Ward

I have several events to report on since my last Councillor report. One of those events was held back in June at the Doug Lindsay Recreation Reserve, Creswick. The event was an awards dinner held by the Creswick and District Sportsmen's Club. Each year the club recognises the achievements of up and coming young sports people of both genders, as well as the contributions made to local sport by sports administrators. This year there were four nominations for the junior girl award, Lauren Kinnersley, Celie Hay, Caitlin May and Jordan Barry with Jordan Barry taking out the award. Jordan plays netball for Clunes as well as achieving remarkable results in a variety of sports. The junior boy award went to Liam Forde and the senior Sports Star award was won by Sam Baird. Sam also hails from Clunes, plays football there and is a brilliant 1,500 metre runner with times which could very likely see him competing at the Rio Olympics next year. The Sports Administrator award was won by Kerry Leishman who has, amongst other roles, been the Secretary of the Newlyn Football Netball Club for the last 16 years. The Creswick and District Sportsmen's Club is probably not well known throughout the Shire but has been going for many years, fundraising to support junior sport in the Creswick region. Each year the club allocates funds to the Creswick, Newlyn and Learmonth Junior Football and Netball Clubs and the Junior section of the Mt Prospect Tennis Association, as well as assisting promising young athletes with travel costs to attend competitions.

I also attended the recent AGM of the Newlyn Community and Sporting Complex. This is another organisation which doesn't receive much publicity but has been caring for the recreational and social needs of the Newlyn community for almost 25 years. I'm pleased to report that three new committee members were elected, two of whom are considerably younger than other existing committee members. Some committee members have been in office for almost 30 years, the almost 25 years that it's been open, plus planning and fundraising years prior to its actual construction.



Normally, the election of new committee members would perhaps not be of great significance but to me it was exciting stuff because one day somebody else just might want to be the secretary.

I have also attended the official opening of the new Slaty Creek Pedestrian Bridge, a meeting with Council officers and Friends of the Kingston Avenue of Honour, as well as the unveiling of a plaque in Creswick to mark the birthplace of former Australian Prime Minister, John Curtin. I was also invited by Parks Victoria to attend an inspection of the newly completed works which have been undertaken at St George's Lake, Creswick.

Thirty four and a half years is a very long time to work for any organisation but that's how many years recently retired Council officer Kevin Clohesy has spent at the former Creswick Shire and the Hepburn Shire. I was asked to speak at Kevin's farewell held recently in the Council Chamber which was attended by lots of Council officers, Kevin's wife Yvonne, all his four children and even some of his grandchildren. Kevin held a number of roles at the Shire and I'm sure his experience and expertise will be difficult to replace.

RECOMMENDATION

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

MOTION

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

Moved:Councillor Bill McClenaghanSeconded:Councillor Don HendersonCarried.

ORDINARY MEETING OF COUNCIL 21 JULY 2015



9. PUBLIC PARTICIPATION TIME

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

- Responding to questions that have been submitted by members of the community.
- Allowing members of the community to address Council.

Community members are invited to submit written questions to the Chief Executive Officer before 12 noon on the day of the Council Meeting. If you wish to address Council you must provide a brief synopsis of your address in writing to the Chief Executive Officer before 12 noon on the day of the Council Meeting.

If you are submitting a question, it is important to remember:

- Two questions per person, per meeting may be submitted.
- If the question has multiple parts, each will be treated as a separate question.
- A question may include an introduction of no more than 200 words.
- Each meeting is allocated a maximum of up to 30 minutes for Public Participation Time.
- You need to be present in the public gallery at the meeting in order to ask you question.
- A time limit of three minutes for each question will apply but the time may be extended at the discretion of the Chairperson.

Questions received may be taken on notice and responded to later. Likewise, some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

9.1. PETITIONS

Nil



9.2. QUESTIONS

Question 1: From Ms Eleonore Pierson Musk

Why can't I use my tip tickets for green waste?

We were told we could use our tickets until they expired at the end of September. No-one said anything <u>about exclusions</u>.

Who made this decision?

Did Council approve it?

Do you even know about it?

Not impressed to turn up at the tip to see a slapped up hand-written sign.

Fed up.

Answered by Mayor Councillor Kate Redwood

I apologise on behalf of the Council.

Tip tickets are able to be used for disposal of waste/refuse that is deposited at Council's Recovery Centres, including green waste.

Unfortunately, there has been a misunderstanding with the transition to the new service provider around use of tip vouchers for depositing green waste which has been addressed.

Tip vouchers are accepted for depositing green waste and Future Employment Opportunities (FEO) and Council apologise for the confusion.

Question 2: From Mr Zachary Casper, Glenlyon

Suitability of Daly Street Holy Cross Hall as site for Hepburn Hub

Mr John Caines, a representative of Saint Peter's Parish of the Catholic Church, recently stated that he had had meetings with Hepburn Shire Council CEO Aaron van Egmond regarding an offer to the Council to locate the proposed Hepburn Hub at Holy Cross Hall on Daly Street. Mr Caines said the church was willing to provide a 50-year lease for the land, if that is what is required.

In my opinion, this is an unbelievably generous offer and would negate the need to rush out and borrow over \$3 million as the ratepayers' contribution to building the Hub there. It would appear that in regard to the original site for the Hub, Hepburn Shire Councillors would rather congest central Daylesford, clog up side streets with





parking, build on a truck route, cramp up the pool, overdevelop an historic site, and demolish the Senior Citizens' Centre that has absolutely nothing wrong with it.

But do our good Councillors have the good common sense to agree to this proposal re the Holy Cross Hall and Mr Caines?

Answered by Mayor Councillor Kate Redwood

A detailed assessment of both the financial and non-financial aspects of the options at the Daly Street site has been completed by officers. The results of these are included in the Hepburn Hub - Concept Planning Outcomes Report being presented to Council tonight. This matter will be considered at Item 11.2 on the Agenda of tonight's meeting.

Question 3: From Mr Kevin Moschetti, Creswick Not present at meeting

When might the streetscape project for Creswick be starting?

Answered by Mayor Councillor Kate Redwood

As Mr Moschetti is unable to attend tonight's meeting, a written response will be provided by the General Manager Infrastructure, Mr Bruce Lucas.

Mayor Councillor Kate Redwood asked, in general terms, when is the streetscape starting?

Chief Executive Officer Aaron van Egmond advised the streetscape project has started. A range of feasibility survey work has been conducted and Council is currently working through the detailed design process. It is anticipated that construction will start later this calendar year.

9.3. REQUESTS TO ADDRESS COUNCIL

Mr John Caines, a representative of St Peter's Parish, addressed Council regarding his response to the analysis of the Daly Street site for the Hepburn Hub to be considered at Agenda Item 11.2 – Hepburn Community and Council Services Hub Concept Planning Outcomes.

Mr Caines' written submission, received before 12 noon today, was circulated to Councillors prior to the meeting.



10. STATUTORY PLANNING REPORTS

10.1. CONSTRUCTION OF FOUR DWELLINGS AND A FOUR LOT SUBDIVISION AND ASSOCIATED WORKS AT 50 STANBRIDGE STREET, DAYLESFORD

CHIEF EXECUTIVE OFFICER

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

PURPOSE

The purpose of this report is for Council to determine the application for a four lot subdivision and the construction of four dwellings.

BACKGROUND

The land is zoned General Residential Zone (GRZ) and is subject to an Environmental Significance Overlay – Schedule 1 & 2 (ESO1 & ESO2).

The land has an area of 1417sqm. The proposed dwellings are all double storey, have three bedrooms and utilise a combination of materials on both the ground and upper levels including vertical colourbond, rough sawn ply wood battens, urbanline euroclad 'dark cedar 'and a colourbond roof. The dwellings are proposed to sit behind each other on the Stanbridge Street frontage. The proposed lots range in size from 268sqm to 326sqm including 205sqm of common property which provides access.

The application has been referred to Central Highlands Water, Powercor, Tenix and Telstra pursuant to Clause 66 of the Hepburn Planning Scheme. The application has been internally referred to Council's Engineering Department. No concerns have been raised by any referral authority.

The application has been advertised by placing a notice on the site and sending notices to adjoining and adjacent owners and occupiers. Nine objections have been received. A Mediation Meeting was conducted on the 6 May, 2015 attended by the Applicant, Objectors and Council Officer. No resolution was reached at the meeting. In response to the objections, particularly in relation to amenity impacts, the Applicant has submitted amended plans which include the following changes:

- Removal of the external spa tubs and associated decking.
- Reduction of the floor level to Dwelling 4 by 0.5m to reduce overshadowing to the adjoining secluded private open space.
- Reduction of the south wall height of dwellings 3 & 4

The amended plans have been re-advertised to all objectors however no objectors have withdrawn their objection.



In relation to the requirement for a Cultural Heritage Management Plan (CHMP), under the provisions of the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007, a CHMP is required for an activity if:

- all or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- all or part of the activity is a high impact activity.

The land is not located an area of cultural heritage sensitivity therefore a CHMP is not required.

ISSUE/DISCUSSION

State and Local Policy

State and Local Planning Policy encourages new development within township areas where infrastructure and services are available. The Municipal Strategic Statement (MSS) seeks to consolidate development in existing urban areas while ensuring new development contributes to the neighbourhood character.

The subject site falls within the Daylesford Neighbourhood Character Precinct (Clause 22.08 Precinct 18). The proposed development is considered to achieve the objectives contained within this policy through the use of materials and colours which are consistent with the preferred character of the area and the development is of a scale that is consistent with the character of the area.

The subject site is located within the urban growth boundary on the Daylesford Structure Plan where infill development is encouraged (Clause 21.05 Settlement and Housing).

Zoning and Overlay Provisions

The purpose of the General Residential Zone (GRZ) is to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types in locations offering good access to services and transport. The proposal accords with the purpose of the GRZ.

The proposal will meet the objectives of the Environmental Significance Overlay – Schedule 1 & 2 by being connected to reticulated sewer and water. All stormwater will be controlled by being directed to the legal point of discharge. Conditions will be placed on the permit to control runoff during construction

Particular Provisions

Clause 52.01 – Provision of open space

This Clause refers to the public open space contribution and provides that a person who proposes to subdivide land must make a contribution to Council for public open



space in an amount specified in the schedule to this clause, which is specified at 5% in this instance unless a subdivision is exempt from a public open space requirement, if:

- The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

As the subdivision is not exempted as listed above, the subdivision will include a requirement for the provision of open space.

An application for two or more dwellings and subdivision must be assessed against Clause 55 - Two or more dwellings on a lot & Clause 56 - Residential subdivision.

The development achieves the objectives of Clause 55 by having a site responsive design, a 41% site coverage, providing sufficient set backs from boundaries to allow complementary landscaping within the site and providing adequate car parking and access.

The development achieves the objectives of Clause 56 by providing lots of sufficient size to accommodate a dwelling. All lots have appropriate solar orientation and would be fully reticulated.

Objections

Nine objections were received which are summarised below. Each point is addressed in italics:

• The dwellings do not reflect or respect the neighbourhood character and amenity of the area.

The proposed dwellings are considered to be design responsive to the site and utilise materials and finishes consistent in this precinct. There is sufficient separation between dwellings to provide appropriate landscape.

• The access is not adequate and will cause traffic issues for both Orford and Stanbridge Streets.

The access provisions for the site achieve Council's requirements for a minimum 4m wide access way.

• Concerns raised regarding existing and future drainage infrastructure and water runoff.



The proposal was referred to Councils engineering department which has given conditional consent to the development. A Stormwater Strategy Plan will be required to be submitted and approved prior to completion of the development and a Statement of Compliance for the subdivision being issued. A condition will be placed on the permit should one be issued.

• The proposed dwellings will overlook the adjoining properties.

Any potential for overlooking will be required to be screened in accordance with the requirements of Clause 55.

• Dust control and soil erosion during development.

A construction management plan would be included as a permit condition which would seek to control off site dust emissions and sediment control measures amongst other things.

• The dwellings will overshadow our backyard

The impact of the overshadowing from the dwellings on the adjoining secluded private open space has been reduced with a reduction of the wall height to dwelling 4 and complies with Clause 55.04-5. The overshadowing generally falls within the shadow line of the existing fence.

• The dwellings will be let for holiday accommodation which will mean property devaluation and additional noise

The application does not include use of the dwellings for short term accommodation. Further planning permission would need to be sought to allow for the use of the dwellings for short term accommodation.

• The development does not provide sufficient parking of vehicles which will overflow into Orford Street.

Each dwelling provides two car spaces in accordance with Clause 52.06

• The site is potentially contaminated given the history of mining in the area

There is no known industrial use or former use of this land that would distinguish this site as being contaminated as from adjoining sites that have been developed for residential purposes

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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



FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council and which is subject to appeal rights may incur costs.

RISK IMPLICATIONS

Not applicable

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*.

CONCLUSION

The proposed development and subdivision supports the objectives and outcomes of infill development as stated in the State and Local policies of the Hepburn Planning Scheme. The subject site is located within the defined urban growth boundary on the Daylesford Structure Plan where development is encouraged as the site is fully reticulated. The proposed dwellings would utilise traditional building materials and a design encouraged in this neighbourhood and the subdivision layout would maintain the prevailing subdivision pattern in this area.

The following objectors addressed Council to oppose the application:

Mr Zachary Casper Mr Des Benfield Mr Tim Eaton Mr Edward Nason Ms Kathleen Murray.

Ms Helen Bernard, Unicorn Architecture, the applicant on behalf of the landowners, addressed Council in support of the application



OFFICER'S RECOMMENDATION

That Council having caused notice of Planning Application 770 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Notice of Decision to Grant a Permit** under the provisions of Clauses 32.08-2 & 4, and 42.01-2 of the Hepburn Planning Scheme in respect of the land known and described as 50 Stanbridge Street, Daylesford for the construction of four dwellings and a four lot subdivision with the application dated 25/02/2015 subject to the following conditions:

10.1.1 AMENDED PLANS REQUIRED

Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) All windows/doors and deck areas of the new dwellings must comply with Clause 55.04-6 of the Hepburn Planning Scheme to limit views into existing secluded private open space and habitable room windows
- b) A Landscape plan to scale and with dimensions prepared by a suitably qualified person detailing:
 - A combination of trees, shrubs and ground covers within the front setback area of dwelling 1, along the western and eastern boundaries and between each of the dwellings.
 - Pathways and driveway treatments.
 - Mulching/mounding treatment.
 - Species selection to the satisfaction of the Responsible Authority.
 - The maintenance thereof for a period of two years after completion of the works.

All of the above to the satisfaction of the Responsible Authority.

10.1.2 LAYOUT NOT ALTERED

The development as shown on the endorsed plans must not be altered without the further consent from the Responsible Authority.



10.1.3 ENGINEERING

Stormwater Drainage

- Prior to certification, all underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development.
- The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be completed prior to the issue of the statement of compliance.
- Return period for a detention system is to be 1 in 10 years where there is overland escape path and 1 in 100 years if the failure of the detention system will cause property damage or inundation of freehold titles.
- Stormwater shall be directed to the legal point of discharge being the road reserve drainage on Stanbridge Street to the satisfaction of the Responsible Authority.
- Prior to certification, all drainage easements deemed necessary by the Responsible Authority shall be provided by the developer regardless of whether they are through the subject land or through other titles. The minimum width of easements shall be 2.0m and shall be created on behalf of the beneficiary properties and in favour of the Responsible Authority

Access

- Vehicle access/crossing to the development is to be located and constructed of concrete to the satisfaction of the Responsible Authority. A plan marked with the vehicular access/crossing complying with the following requirements shall be submitted to the Responsible Authority for approval prior to start of construction. Approved plan shall form a part of this permit.
- Vehicle access/crossing to the property shall be constructed in compliance with the Infrastructure Design Manual Standard Drawing SD 260.
- Vehicle access/crossing to the development shall be located to satisfy the minimum sight distance requirement as specified in Ausroad's Guide



to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.

- Minimum 9.0m clearance shall be maintained from any road intersection and/or between adjacent crossovers.
- All vehicle entry to and egress from the site shall be in a forward direction. A plan showing that vehicles can manoeuvre within the site to achieve forward entry and egress to and from the site shall be submitted to the Responsible Authority for approval.
- Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the developer's expense.

Supervision and Plan Checking Fees

In accordance with the Subdivision Act 1989, Council requires the following fees for works undertaken on this development:

- a) Plan checking fee of 0.75% of the value of works.
- b) Supervision fee of 2.5% of the value of works.

All works must be completed prior to the issue of the statement of compliance.

10.1.4 CENTRAL HIGHLANDS REGION WATER CORPORATION

- a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region



Water Corporation, over all existing and proposed sewerage facilities within the proposal.

e) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

10.1.5 **TENIX**

The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

10.1.6 POWERCOR AUSTRALIA LTD

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- b) The applicant shall:-
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.



Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

10.1.7 PAYMENT IN LIEU OF OPEN SPACE PROVISION

Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision.

10.1.8 TELECOMMUNICATION SERVICES

The owner of the land must enter into an agreement with:

• a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and



 a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10.1.9 CONTROL OF LIGHT SPILL

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

10.1.10 COMPLETION OF LANDSCAPING

Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

10.1.11 LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

10.1.12 PLANT/EQUIPMENT OR FEATURES ON ROOF

No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.



10.1.13 ONGOING SOIL EROSION CONTROL

All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.

10.1.14 CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of any works, a construction management plan shall be submitted to and approved by the responsible authority. The construction management plan must address, but is not limited to:

- a) Control of off-site dust emissions during construction works;
- b) Hours and days of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
- c) Hard waste management;
- d) Measures by which vehicles associated with the construction workers of the approved development will be discouraged from parking within nearby residential streets
- e) The location of hoardings, hoists and workers amenities.
- f) Storage of building materials and waste and material stockpiles, to be located on site.

All works must accord with the approved construction management plan to the satisfaction of the responsible authority.

The above plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Two (2) copies must be provided.

Notes:

Development Expiry:

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date.

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

- Within six months afterwards if the development has not been started.
- Within twelve months afterwards if the development started lawfully before the permit expired.



Subdivision Expiry:

This permit will expire if the plan of subdivision is not certified within two years of the date of this permit.

The responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards.

Under section 7 of the Subdivision Act 1988, the plan of subdivision must be registered within five years of the date of certification.

MOTION

That Council having caused notice of Planning Application 770 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Refusal to Grant a Permit** in respect of the land known and described as 50 Stanbridge Street, Daylesford for the construction of four dwellings and a four lot subdivision with the application dated 25/02/2015 based on the following reasons:

10.1.1. The proposal represents an over development of the site and will be detrimental to the amenity of the area, there are problems with the terrain in Orford Street and danger to traffic entering and exiting the site through one entrance.

Moved:Councillor Don HendersonSeconded:Councillor Bill McClenaghanCarried.

Tepbu SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL
 21 JULY 2015

ATTACHMENT 1 - PLANNING APPLICATION 770 - DEVELOPMENT PLANS – 50 STANBRIDGE STREET, DAYLESFORD (ISSUED UNDER SEPARATE COVER)



10.2. REMOVAL OF RESTRUCTURE OVERLAY FOR SAILORS FALLS AND DRUMMOND NORTH

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Strategic Planner, I Joan Copland have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to remove the Sailors Falls and Drummond North Restructure Overlays from the Hepburn Planning Scheme.

BACKGROUND

The areas are zoned Rural Living Zone (RLZ) under the Hepburn Planning Scheme and are subject to a Bushfire Management Overlay (BMO) an Environmental Significance Overlay Schedule 1 (ESO1) and a Restructure Overlay (RO).

The RO currently prevents the construction of new dwellings on vacant land within the Restructure Area as there is no approved Restructure Plan.

A number of landowners have made representations to Council officers over the years seeking resolution of the matter.

State Government funding was obtained to appoint consultants to undertake a high level assessment of bushfire risk and land capability for Wheatsheaf, Sailors Falls and Drummond. *Hepburn Shire's Restructure Plan Project Final Report March 2013* provides guidance in determining the planning options for the areas.

At the Council meeting of 20 August 2013, Council received and noted the consultants' report, considered draft Restructure Plans for each site, and resolved to seek approval from the Minister for Planning to prepare and exhibit an amendment to introduce the Restructure Plans into the Hepburn Planning Scheme.

Further consideration of the proposed Restructure Plans has revealed that due to the pattern of existing development, approval of the plans will not resolve the outstanding planning issues of threat to life from bushfire and the treatment of wastewater generated onsite. Both State Government and Council officers now suggest that an alternative resolution to the current planning impasse is to remove the Restructure Overlays.



ISSUE/DISCUSSION

The following matters have prompted officers to reconsider the merits of the draft Restructure Plans:

- Planning applications on vacant land in a RO cannot be considered unless there is an approved restructure plan.
- RO do not affect existing dwellings and the ability of those dwellings to apply for extensions and additions.
- Hepburn Shire's Restructure Plan Project Final Report March 2013 identified that the opportunities for restructure in Sailors Falls and Drummond are limited given the number of existing dwellings which are located within each area. The report states that 'a Restructure Plan is unlikely to deliver substantial benefits unless significant alterations could be made to the structure of the existing subdivision'.
- There have been changes to the planning controls relating to bushfire protection since Council initially considered the restructure plans, and again since 2013 when Council last considered the matter.
- The vacant lots proposed to be consolidated to form one restructure lot may still not comply with the requirements of the ESO1 and BMO. This would falsely raise landowner expectations that development could occur.
- Council could be subject to criticism for imposing the requirement to consolidate lots that in some cases ultimately still does not enable the owner to develop the site.
- A number of vacant lots adjoin lots that contain a dwelling and there is generally no impetus for landowners with existing dwellings to acquire and consolidate adjoining vacant lots.

The latest changes to the BMO provisions were introduced into all Planning Schemes on 31 July 2014. These changes provided greater flexibility in assessing applications within a BMO, including:

- The ability to reduce the amount of defendable space required if a bushfire shelter is provided.
- An exemption from planning permit requirements for the removal of native vegetation to create defendable space for a dwelling constructed under the provisions of the BMO if it is located in a number of specified zones, including a Rural Living Zone.

These changes may enable some vacant lots to meet the BMO requirements.

Other provisions including satisfactory domestic wastewater management will still prevail. Any new dwelling within the area would have to comply with all relevant standards for the treatment of wastewater generated on unsewered land.



The existing controls, including the zoning and overlays - BMO and ESO1, are the most appropriate controls to consider any proposed future development on the sites. The RO is not an appropriate tool to determine development in areas affected by bushfire or to determine if waste generated by the development of a dwelling can be treated and retained on a lot.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The preparation and exhibition of a planning scheme amendment will meet Council's obligations as Planning Authority under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Any planning scheme amendment that is exhibited by Council may be subject to a Planning Panel hearing and may incur costs.

RISK IMPLICATIONS

Not applicable.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Removal of the Restructure Overlay at Sailors Falls and Drummond North may allow for landowners of vacant land to develop the land subject to satisfying other planning controls.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A letter was sent to owners of the vacant lots within the Restructure Overlay areas in May 2015 seeking feedback on the possible removal of the RO. Three landowners requested a meeting with Council officers and a telephone conversation was held with another landowner. All of the landowners who contacted Council were supportive of this approach.

Discussions with officers from the CFA, Goulburn Murray Water (GMW) and Central Highlands Water (CHW) have also been undertaken. The CFA and GMW have confirmed their support for the proposal in writing, while CHW have yet to respond. During the formal exhibition period, CHW will be required to provide a written response to the proposal to remove the Restructure Overlays.

Formal consultation is also required under the *Planning and Environment Act 1987*. The Planning Scheme Amendment must be exhibited for a period of 30 days. Council must consider all submissions, and any submissions that cannot be resolved must be referred to an independent Planning Panel.



CONCLUSION

Currently, development within Restructure Overlay areas is prohibited until a Restructure Plan is an approved and contained in the Hepburn Planning Scheme. Removal of the Restructure Overlay will enable development proposals to be assessed on their merits against the ESO1 and BMO. There have been several changes to the provisions of the BMO and other planning controls over the years, and these changes impact upon the ability of the existing lots to meet the requirements of the overlay.

Future advances in technology pertaining to building materials in bushfire prone areas and domestic wastewater management may also influence the viability of the vacant sites to be used for the construction of a dwelling.

OFFICER'S RECOMMENDATION

That Council:

- 10.2.1 Resolves to seek authorisation from the Minister for Planning to prepare Amendment C60 to remove the Restructure Overlays at Sailors Falls and Drummond North from the Hepburn Planning Scheme.
- 10.2.2 Subject to ministerial approval, resolves to place the amendment on exhibition for a period of 30 days.

MOTION

That Co	uncil
10.2.1.	Resolves to seek authorisation from the Minister for Planning to prepare Amendment C60 to remove the Restructure Overlays at Sailors Falls and Drummond North from the Hepburn Planning Scheme.
10.2.2.	Subject to ministerial approval, resolves to place the amendment on exhibition for a period of 30 days.
Moved: Secondo Carried.	ed: Councillor Neil Newitt

Tepburr SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL
 21 JULY 2015

ATTACHMENT 2 - ZONING MAPS AND AERIAL PHOTOGRAPHS – SAILORS FALLS AND DRUMMOND

Hepbu SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL 21 JULY 2015

AERIAL PHOTOGRAPHS AND ZONING MAPS



Aerial Photograph Sailors Falls

Aerial Photograph Drummond



Zoning Map Sailors Falls

Zoning Map Drummond



11. OFFICERS' REPORTS

11.1. TRENTHAM COMMUNITY HUB – COMMUNITY CONTRIBUTION AND COUNCIL UNDERWRITING

GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the General Manager Community Services, I Kathleen Brannigan have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider underwriting the community contribution for the Trentham Community Hub.

BACKGROUND

The Trentham Community Facilities Review (2013) recommended development of a multi-use community hub in Trentham, combining the operations and services of the Trentham Neighbourhood Centre, Mechanics Institute Hall, Library and a Visitor Information Centre. It recommended that the Hub be built on the site of the existing Mechanics Institute.

At its September 2014 Council meeting, Council endorsed the draft concept design, proposed governance model and business plan for the Trentham Community Hub. Council noted that officers would commence applying for external funding for the capital cost of the Trentham Community Hub. Council has allocated \$500,000 in its 2015/16 budget towards the project.

ISSUE/DISCUSSION

It is estimated that the project cost will be \$3.5 million. The proposed budget is made up of the following:

Funding Source	Funding Amount	Confirmed Yes/No	Status
National Stronger Regions Fund	\$1.75m	No	Round 2 applications close 31 July 2015
Regional Development Victoria, Regional Infrastructure Fund	\$500,000	No	Project Proposal submitted
Living Libraries Infrastructure Fund	\$650,000	No	Funding round not open
Hepburn Shire Council	\$500,000	Yes	
Community contribution	\$100,000	No	



A funding application for the Trentham Community Hub was submitted to Round One of the National Stronger Regions Fund in November 2014. In May 2015, advice was received from the Department of Infrastructure and Regional Development that the application was unsuccessful. Feedback from the Department about why the application was unsuccessful was that it was ineligible as partner contributions were not confirmed.

The \$100,000 community contribution to this project will include funding from community groups who will use the facility and private contributions/sponsorship.

To give the Trentham Community Hub the best chance of being funded, it is proposed that Council underwrite the community contribution to confirm this funding.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective - Active and Engaged Communities

Key Strategic Activity:

1. Work with and support communities and residents to implement community driven projects through community planning, provision of advice, information and community grants, acknowledging the significant contribution made by community volunteers.

FINANCIAL IMPLICATIONS

If Council underwrites the community contribution and the \$100,000 is not raised, then Council would be required to cover the gap in funding on top of the \$500,000 already committed.

RISK IMPLICATIONS

Nil identified with this report

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The focus of a community hub is to provide a space and environment that supports collaboration between user groups in a way that builds capacity and enables each organisation to deliver opportunities that would otherwise not be available.

The Trentham Hub will be a new building that is friendly and functional, providing services efficiently and effectively delivering maximum benefit to the local community into the future.



COMMUNITY AND STAKEHOLDER ENGAGEMENT

At its meeting on 14 July 2015, the Trentham Hub Community Reference Group passed a resolution endorsing a contribution of \$100,000 from the Trentham community.

CONCLUSION

As highlighted in the key findings of the Trentham Facilities Review, Council has acknowledged that there is a compelling need for a new, integrated facility in Trentham. The underwriting of the community contribution is another step in securing funding for construction of the Trentham Community Hub.

OFFICER'S RECOMMENDATION

11.1.1 That Council underwrites the \$100,000 Trentham community contribution to the Trentham Community Hub from the 2016/17 budget.

MOTION

11.1.1. That Council underwrites the \$100,000 Trentham community contribution to the Trentham Community Hub from the 2016/17 budget.
 Moved: Councillor Sebastian Klein
 Seconded: Councillor Pierre Niclas
 Carried.

11.2. HEPBURN COMMUNITY AND COUNCIL SERVICES HUB - CONCEPT PLANNING OUTCOMES

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the General Manager Corporate Services, I Grant Schuster have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the outcomes of concept planning and community engagement for the Hepburn Community and Council Services Hub ('Hepburn Hub') project, and to consider a proposal to proceed to detailed design and applying for a planning permit.

BACKGROUND

The Hepburn Hub planning and design project is jointly funded by the Victorian State Government and Council. The project seeks to improve services shire wide and integrate Council services to achieve cost savings and reduce Council's environmental impact.

The first phase 'Sites and Spaces' involved meetings with 13 key community and council groups, distribution of over 500 flyers, online information, over 200 attendees at a two day 'Sites and Spaces' community consultation event, five workshops and an online OurSay forum with 367 votes from 85 people.

The outcomes from the 'Sites and Spaces' phase, taking into account all feedback, was presented at the 15 June 2014 ordinary meeting of Council. At that meeting, Council resolved to proceed to the concept design and detailed feasibility phase at the Daylesford Town Hall site (including the pool). This phase involved developing and refining the concept plan based on community and stakeholder feedback, and undertaking further detailed investigations and obtaining independent cost estimates.

ISSUE/DISCUSSION

The concept design and detailed feasibility work is now substantially complete to enable Council to consider proceeding to detailed design.

In December 2014, Council commenced public consultation on the Concept 01 design for the project. Feedback was sought and received using a range of methods, including in person discussions, hard copy feedback forms, emails, letters, Facebook, a hard copy petition and an online 'Change.org' petition.

Much of the feedback on Concept 01 was supportive of the proposed community spaces, restoration of the Town Hall, larger library and the community space plaza off





Central Springs Road. A range of constructive feedback, including concerns, was received at these sessions with suggestions to further improve the concept plans.

In response to concerns with Concept 01, in particular the toddlers' pool and green space, additional consultation sessions were held to gain a greater understanding of the concerns.

All of the feedback from the community on Concept 01 was recorded and was used by Council and ClarkeHopkinsClarke Architects to refine and update the concept plans.

Concept 02 Plans

The Concept 02 plans made significant changes in response to community feedback on Concept 01 designs, as outlined in the attached 'Hepburn Hub - Concept Planning Outcomes Report - July 2015'.

Revised Concept 02 plans were published in May 2015, and feedback sought through in-person meetings, online and via hard copy feedback forms. Workshop sessions for community members to attend to discuss the project, the revised plans and provide further feedback were held in Daylesford, Creswick, Clunes and Trentham.

The feedback received on Concept 02 has been consolidated and is detailed in the attached report. The majority of feedback supports the revised concepts, with some key areas raised for further consideration in the detailed design phase.

Detailed Investigations

In addition to developing and refining the concept plans, further work has been undertaken on:

- Heritage impact assessment
- Car parking needs and supply options
- Assessment of alternate site options, including non-aggregated sites.
- Obtaining third party cost estimates
- Updating the financial model to reflect knowledge changes over time and the refined cost estimates in order to confirm the feasibility of the project

Heritage Impact Assessment

A Heritage Assessment Report has been undertaken by Council's Heritage Architect, Ms Amanda Jean, and is attached. The report highlights the ongoing significance of the Daylesford Town Hall in the development of local government and civic life.

Council has requested quotes to engage an independent heritage architect to complete a Heritage Impact Assessment on the Concept 02 plans for the Hepburn Hub. The outcomes of this will inform decisions made during detailed design.



Car Parking Needs and Supply Options

A car parking demand study has been undertaken in the Daylesford central business area, including the area around the proposed Hepburn Hub at the Town Hall site. The results of the study and car parking options as they relate to the Hepburn Hub project are included in the attached Hepburn Hub - Concept Planning Outcomes Report - July 2015. The study found that current parking demand is not exceeding supply. The study also calculated the maximum number of additional parks that the Hepburn Hub project may need to provide based on statutory requirements. Preliminary work has been undertaken to identify where further car parks can be provided both on and off street. Further work will be undertaken on complementary uses and meeting the required number of parking spaces as the project progresses to planning permit and detailed design.

Alternate Sites

Throughout the project, a range of sites have been considered for delivering the relevant services and facilities. During the Sites and Spaces phase, 30 sites were shortlisted down to eight for detailed assessment. Following this, four additional variations have been considered, including disaggregated options across sites in Daylesford. Specifically, a site in Daly Street Daylesford has been investigated in more detail recently. The results of this investigation confirmed that the Daylesford Town Hall and Pool site is the preferred site. Further details are in the attached Hepburn Hub - Concept Planning Outcomes Report - July 2015.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective - High Performing Organisation

Key Strategic Activity:

- 27. Review Council's future office accommodation needs with a view to improving service delivery, environmental efficiency and universal access while progressing the rationalisation of redundant Council assets.
- Action: Implement the Hepburn Council Services and Community Hub Business Case and Design Project

FINANCIAL IMPLICATIONS

Since day one of the project, the Hepburn Hub has aimed to make long-term cost savings for rate-payers, while improving services. Funding will include state and federal government grants, proceeds from the sale of surplus Council property and a long-term loan. By developing an integrated facility and rationalising assets, an overall cost reduction is achievable for rate-payers.



The financial model for this project has been updated. The updates include a revised cost estimate based on a Cost Plan A completed by a third party quantity surveryor, PlanCost, and a builder's estimate on the concept plans completed by Fairbrother Construction.

The revised cost estimate for construction, based on completion by 31 December 2017, is:

The Hepburn Hub Building	\$7,340,000
Outdoor Community Plaza	\$200,000
Town Hall Restoration	\$600,000
On-street Car Parking	\$375,000
Total	\$8,515,000

In addition to the core Hepburn Hub costs, the following expenditure will deliver new benefits to the pool, renewable energy generation and green waste management as indicated in Concept 02:

Total	\$1,050,000
Biomass Cogeneration	\$500,000
Swimming Pool Upgrades	\$550,000

Further details on the financial model are included in the attached Hepburn Hub -Concept Planning Outcomes Report - July 2015.

The financial model calculates the following average annual savings for Concept 02 at the Daylesford Town Hall and Swimming Pool site:

Average annual cost efficiency	
savings	\$294,000
Average annual net savings	\$47,000

In summary, the financial model demonstrates that the Hepburn Hub project based on Concept 02 is forecast to be cost positive to Council, with loan repayments and new costs more than offset by efficiency cost savings.

RISK IMPLICATIONS

This project is significant and complex, and has project delivery risks that need to be managed. Consequently, a detailed risk management plan has been prepared. This plan is continually monitored, updated and is used to inform the actions taken throughout the process.

In addition, this project seeks to address a number of long standing risks to Council's operations, including:



- Non-compliance with universal access requirements for staff and members of the public resulting in legal liability and inability to use facilities
- Future escalating costs from having a number of assets to deliver the same services or assets that are not fit-for-purpose
- Libraries in Creswick and Daylesford that are too small to service the growing demand into the future resulting in a decrease in patronage
- Poor reputation of Council resulting from a low level of environmental sustainability performance of its buildings

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The project seeks to achieve benefits across environmental, social and economic areas. The Hepburn Community and Council Services Hub will deliver improved Council services and community outcomes, will be more cost efficient for Council and its ratepayers, will be accessible to all and will demonstrate the highest levels of environmental sustainability.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This project has included, and continues to include, a wide range of community engagement processes in order to understand community views and make changes to address them:

- Key stakeholder consultation current facility issues and needs
- Hepburn Hub website project information, plans and comments
- Community Event and Workshops project information, displays and workshop sessions and seeking input about concept plans
- OurSay Forum community ideas, comments and voting
- Drop-in sessions and workshops community ideas, comments and feedback
- Hard copy feedback forms with drop boxes at the Daylesford Town Hall and Daylesford Library
- Shire News, Facebook page and The Advocate providing information and advising dates for consultation sessions.

During the detailed design stage this consultation will continue with key stakeholders and the community.

CONCLUSION

The revised and improved Concept 02 plans for the Hepburn Hub have responded to community feedback during consultation. Further investigations have confirmed the feasibility of the project and that the concept will achieve the aims of this project, as well as revitalising the existing Daylesford Town Hall and Swimming Pool. The project is ready to progress to planning permit application and detailed design at



the Daylesford Town Hall and Swimming Pool site, and doing so will progress Council towards achieving the project aims.

OFFICER'S RECOMMENDATION

That Council:

- 11.2.1 Confirms the Daylesford Town Hall and Swimming Pool site for the proposed Hepburn Community and Council Services Hub development in accordance with Concept 02.
- 11.2.2 Approves the project to progress to the planning permit and detailed design stages.
- 11.2.3 Confirms its commitment to funding Council's contributions to the project, including through asset sales as per the financial model and long term loan paid off through efficiency savings resulting from the project.
- 11.2.4 Resolves to seek funding for the various components of the project from external sources.

MOTION

That Cou	uncil:
11.2.1.	Confirms the Daylesford Town Hall and Swimming Pool site for the proposed Hepburn Community and Council Services Hub development in accordance with Concept 02.
11.2.2.	Approves the project to progress to the planning permit and detailed design stages.
11.2.3.	Confirms its commitment to funding Council's contributions to the project, including through asset sales as per the financial model and long term loan paid off through efficiency savings resulting from the project.
11.2.4.	Resolves to seek funding for the various components of the project from external sources.
Moved: Seconde	Councillor Pierre Niclas ed: Councillor Sebastian Klein

Carried.



Councillor Bill McClenaghan called for a division.

Councillors that voted in favour of the motion: Councillor Kate Redwood, Councillor Pierre Niclas, Councillor Sebastian Klein, Councillor Neil Newitt, Councillor Greg May.

Councillors that voted against the motion: Councillor Bill McClenaghan, Councillor Don Henderson.

Hepbury ر SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL
 21 JULY 2015

ATTACHMENT 3 - HEPBURN HUB – CONCEPT PLANNING OUTCOMES REPORT – JULY 2015



HEPBURN COMMUNITY AND COUNCIL SERVICES HUB -CONCEPT PLANNING OUTCOMES REPORT JULY 2015







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SHIRE COUNCIL

01. INTRODUCTION

The Hepburn Community and Council Services Hub ('Hepburn Hub') planning and design project seeks to improve services shire wide and integrate Council services to achieve cost savings and reduce Council's environmental impact. Since 2013, Council has been undertaking a progressive planning project to develop plans for the Hepburn Hub.

The Hepburn Hub is a proposed new multipurpose community and council facility that seeks to deliver improved services shire wide.

WHAT

It will be a modest, practical and sustainable design intended to meet the current and future needs of the community.

1.1 PROJECT AIMS

The Hepburn Hub project seeks to achieve benefits across environmental, social and economic areas. It will deliver improved Council services and community outcomes, will be more cost efficient for Council and its ratepayers, will be accessible to all and will demonstrate the highest levels of environmental sustainability.

In addition, this project seeks to address a number of long standing risks to Council's operations, including:

- Non-compliance with access requirements (e.g. disability) for staff and members of the public resulting in legal liability and inability to use facilities
- Future escalating costs from having a number of assets to deliver the same services or assets that are not fit-forpurpose
- Libraries in Creswick and Daylesford that are too small to service the growing demand into the future resulting in a
 decrease in patronage
- Poor reputation of Council resulting from a low level of environmental sustainability performance of its buildings.

WHY

Improving services Shire wide

- Requirement for larger libraries

- More floor space for community

Target:

- Double the size of Daylesford and Creswick library - Increase community spaces

Improve accessibility and compliance

- Current buildings are inaccessible - Non-compliant with Disability Discrimination Act

Integration to achieve cost savings

- Reduce number of buildings to deliver services

- Leverage state and federal government funding to avoid rate rises

- Sell surplus assets to fund the project and reduce

maintenance and renewal burdenDeliver operational cost savings

Denver operational cost saving

Modest, efficient and sustainable

 Reduce non usable floor area per staff member
 Reduce energy use through Environmentally Sustainable Design

- Reduce building maintenance and renewal costs

1.2 CONCEPT PLANNING PHASE

The Concept Planning phase involves developing and refining a concept plan. The concept is refined by taking into consideration all feedback received, as well as findings from detailed investigations and independent cost estimates.

This report provides details of the work undertaken and the outcomes of the Concept Planning phase of the project and recommendations for next steps.



02. PROJECT BACKGROUND

2.1 PROJECT FUNDING

In July 2013, Council was successful in gaining \$150,000 in grant funding from the Victorian State Government for the planning and design phase for the Hepburn Community and Council Services Hub ('the Hepburn Hub') project. The project was approved as part of the 2013/14 Council Budget with a Council contribution of \$100,000, resulting in a total budget of \$250,000.

2.2 PHASES AND TIMELINE

The Hepburn Hub project is being conducted over a number of phases. The timeline is summarised below.



2.3 SITES & SPACES

The first phase of the Hepburn Hub project 'Sites and Spaces' involved meetings with 13 key community and council groups, distribution of over 500 flyers, online information, over 200 attendees at a two day 'Sites and Spaces' community consultation event, five workshops and an online OurSay forum with 367 votes from 85 people.

The outcomes from the 'Sites and Spaces' phase, taking into account all feedback, was presented at the 15 June 2014 ordinary meeting of Council. At that meeting, Council resolved to proceed to the concept design and detailed feasibility phase.

SERVICE INCLUSIONS



Library Services

More collection, more

space to sit/read/meet/

browse, easy to access



Community Spaces Provision of rooms, gardens and spaces for community use



Council Services Essential council services and departments



Art Space Integrated exhibition and art spaces



Visitors / Tourists Improved visitor information centre



2.3 BUSINESS CASE

The Hepburn Hub project is underpinned by a detailed financial model and assessment of the benefits to be achieved by the project.

The Hepburn Hub project aims to make long-term cost savings for rate payers, while improving services. Funding will include State and Federal government grants, proceeds from the sale of surplus Council property and a long-term loan. By developing an integrated facility and rationalising assets, an overall cost reduction is achievable for rate payers.

The financial model was developed during the 'Sites and Spaces' phase. Details of the update to the financial model based on the latest available information is included in section 4.

BENEFITS

Improved Services

Central location
 Library doubled in size
 Larger contemporary community spaces
 Compliant and accessible buildings

Cost savings

Operational savings of at least \$270,000 per year
 No rate increases
 Savings cover loan repayment

Environmental Efficiency

 Reduce greenhouse gas emissions and aim for best practice Environmentally Sustainable Design
 Innovative Co generation system

Restoration of Daylesford Town Hall

 Repairs to existing Town Hall building
 Increase utilisation of Town Hall for functions and events with inclusion of commercial kitchen

 Improve amenity of Town Hall

03. CONCEPT DESIGNS

This section summarises the development of the concept designs for the Hepburn Hub and details how they have been refined in response to the valuable community feedback provided.

3.1 CONCEPT 01

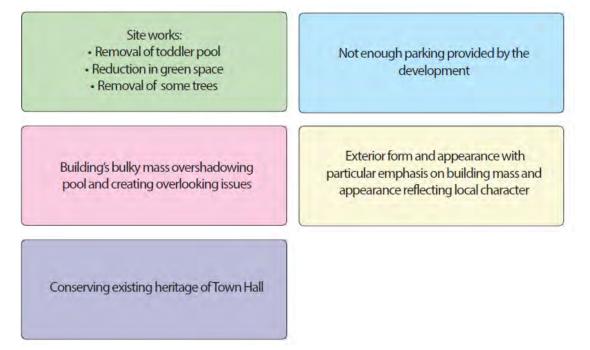
Following selection of the site at the June 2014 Council meeting, the first Hepburn Hub concept plans were developed in response to the themes and suggestions from the 'Sites and Spaces' work undertaken.



In December 2014, Council commenced public consultation on the Concept 01 design for the project, and sought feedback until February 2015.

Much of the feedback on Concept 01 was supportive of the proposed community spaces, restoration of the Town Hall, larger library and the community space plaza off Central Springs Road. A range of constructive feedback, including concerns, was received at these sessions with suggestions to further improve the concept plans.

The following five categories were the main areas of feedback:



The following were additional areas of feedback, some of which will be addressed or considered during the detailed design phase of the project:

Heated pool and hydrothera	y N	lo designated seniors space
Limiting access throughout buildin	g in different modes	Retaining wall beautification
Public toilet access Noise, o	dour and practicalitie	s of the Co-generation plant
Heating of the void	alass cleaning	Is the site the correct one?
No acknowledgement of First Austr	alians Future growth	n - possibility of allowing for this
Storage provisions, lockable pige	on holes	Open plan office and privacy

All of the feedback from the community and stakeholders on Concept 01 was used by Council and ClarkeHopkinsClarke Architects to refine and update the concept plans.

3.2 CONCEPT 02

Revised concept plans were developed in order to address the key areas of feedback from Concept 01.

The revised concept better delivered:

- a) integration with pool site
- b) enhancement of existing pool amenity, including new toddlers' pool
- c) increased green open space, with more useable outdoor space year round.



Concept 02 made the following changes in response to community feedback on Concept 01 designs:

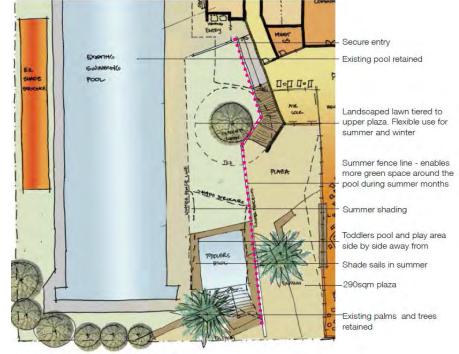
Concerns with Concept 01	Response in Concept 02		
Loss of Toddlers' Pool	New and improved Toddlers' Pool included		
Loss of Green Space	 The green space area around the pool was increased; and A moveable fence for "summer" mode and "off season" mode is included to achieve a significant increase in public space year round. 		
Tall Building Next to the Pool	 The ability to view down to the pool from the building has been eliminated; and A storey has been reduced off the building and it sits back further from the pool. 		
Loss of Trees in Pool Grounds	More trees are retained and new ones included in the pool grounds.		
The Façade is Ugly / Not Suitable	The 'look and feel' has been reviewed and the concept for the façade of the building has been revised to better reflect the local context in Daylesford. The indicative image in Concept 02 can and will be modified as the project progresses into detailed design.		

Key changes in Concept 02, when compared to Concept 01, are shown on the following pages.

- extending the fence line to the north and west boundary. Increasing the amount of usable space during the winter months. demoiabed____ KEY AREAS sqm Current usable outdoor space 3080 CENTRAL SPRINGS ROAD Proposed overall green space 3010 Proposed Usable Outdoor Space - 3010sqm
- 1. Significant increase in outdoor green space, inclusion of a new toddlers' pool and retention of existing trees.

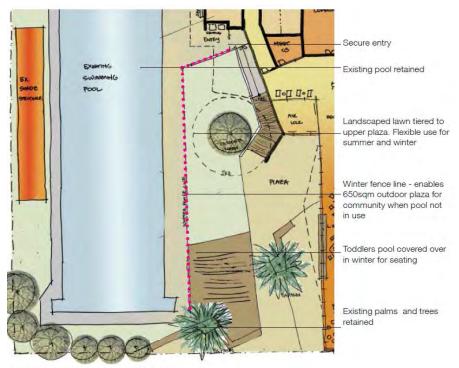
2. Removal of the internal courtyard in the office space, reduction of one floor and inclusion of new highlight windows.





3. A relocatable dividing fence between the community plaza and pool area to create the most useable space year-round.

SUMMER MODE - 290sqm plaza



WINTER MODE - 650sqm plaza

- 2. Proposed design
- 4. A whole floor removed to reduce bulk and remove the possibility of overshadowing and overlooking:

5. A design that retains strong integration of existing and new community facilities, including library, visitor information, multi-purpose rooms and the main town hall.





3.3 COMMUNITY AND STAKEHOLDER CONSULTATION

This project has included a wide range of community engagement processes in order to understand community views and make changes to address them. This has included:

- Key stakeholder consultation current facility issues and needs
- Hepburn Hub website project information, plans and comments
- Community Event and Workshops project information, displays and workshop sessions and seeking input about concept plans
- OurSay Forum community ideas, comments and voting
- Drop-in sessions and workshops community ideas, comments and feedback
- · Hard copy feedback forms with drop boxes at the Daylesford Town Hall and Daylesford Library
- Shire News, Facebook page and The Advocate providing information and advising dates for consultation sessions.

Specifically for the concept planning stage, public consultation on the Concept 01 design for the project commenced in December 2014. Feedback was sought and received using a range of methods, including in person discussions, hard copy feedback forms, emails, letters, Facebook, a hard copy petition and an online 'Change.org' petition. In response to concerns with Concept 01, in particular the toddlers' pool and green space, additional consultation sessions were held to gain a greater understanding of the concerns.

The consultation sessions for Concept 01, were held on:

- Fri 5 & Sat 6 December 2014 Daylesford Town Hall and Senior Citizens
- Thurs 8 January 2015 Daylesford Senior Citizens
- Thurs 22 January 2015 Daylesford Senior Citizens
- Wed 4 February 2015 Daylesford Senior Citizens.

Revised Concept 02 plans were published in May 2015, and feedback sought through in-person meetings, online and via hard copy feedback forms until mid-June 2015. Workshop sessions for community members to attend to discuss the project, the revised plans and provide further feedback were held in Daylesford, Creswick, Clunes and Trentham. The consultation sessions for Concept 02, were held on:

- Wed 6 May 2015 Creswick Doug Lindsay Reserve
- Thurs 7 May 2015 Trentham Mechanics Institute
- Tues 12 May 2015 The Warehouse Clunes
- Wed 13 May 2015 Daylesford Town Hall
- Fri 15 May 2015 Daylesford Senior Citizens
- Sat 9 May 2015 Daylesford Senior Citizens
- Thurs 28 May 2015 Daylesford Town Hall
- Mon 29 June 2015 Creswick Library and office.



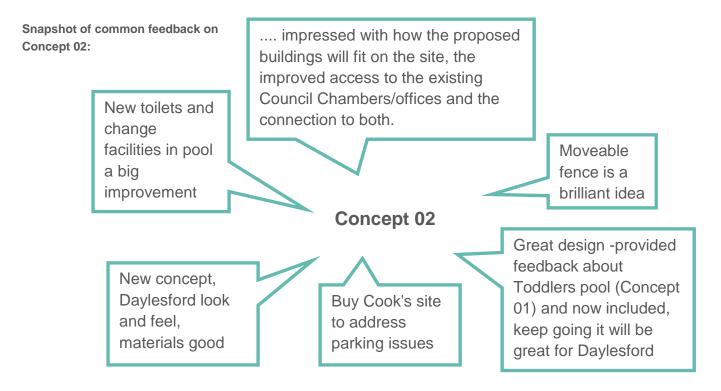
3.4 SUMMARY OF FEEDBACK

A significant number of respondents welcomed the changes made in the revised concept (Concept 02), particularly the reduced height and mass of the building, inclusion of a toddlers' pool, retention of green space for pool use in the summer and the need to include environmentally sustainable design.

Some key themes emerged from the feedback including:

- Opportunities to enhance the Town Hall as a performance space
- The need to future proof the building for expansion or alternative uses
- The need to address security and access to allow multiple uses and after hours use
- Support for improved amenity of pool and surrounds along with the need to improve accessibility for people with disabilities
- Concerns that there is not enough parking at the Town Hall site and that this needs to be addressed
- Council can not afford this and rates will increase
- A desire to retain a community garden either the one next to the library or include one at Town Hall and Swimming Pool site
- Services should be separate not integrated
- Need to include a heated/hydrotherapy pool.

Some people also provided extensive feedback about how the concept design could be improved and other suggestions that can be addressed during the detailed design process. The previous change.org petition comments on Concept 01 were also resubmitted.



Concept 02 Feedback	Response
Enhance North orientation	This will be addressed in detailed design phase and take account of the need to balance reducing glare with good solar penetration.
Improve actual pool access and amenity for people with a disability	In the next stage of design, a Disability Discrimination Act (DDA) consultant engineer will be engaged to consider options for achieving universal access for the pool.
Optimise Town Hall as a performance space	Working with stakeholders, Council and the architects will develop design and technical specifications for lighting, sound and functional requirements.
Manage wind and shelter in plaza and pool area	This will require engineering modelling of screening and landscaping to get good outcomes, which will be part of the next phase.
Reduce the glazing on the building	Detailed testing will be undertaken to get the right balance between glare with good solar penetration.
Incorporate a coffee shop or cart	Investigate feasibility in the next phase.
Refine security and after hours access arrangements to accommodate all uses	Detailed design will identify ways to shut off access to different parts of the building.
Incorporate Aboriginal heritage	Workshop with relevant stakeholders, including Dja Dja Wurrung, to develop a good design response to acknowledge traditional owners
Incorporate signage	Wayfinding signage will be incorporated into the detailed design process
Parking remains an issue	Council has undertaken a parking study to determine the maximum number of additional parks that will be required to be provided. When the project proceeds through the planning permit process, an assessment will be undertaken of complementary uses to determine the required number of additional parks. Council has also commenced investigation of both on street and off street parking options to meet the requirement. This will be further developed during the detailed design phase. Council will be required to meet parking requirements under the Planning
	Scheme.
Why does it need to be an integrated site?	By developing an integrated facility and rationalising assets, an overall cost reduction is achievable for rate-payers. A range of options across two or more sites were investigated and modelled. This showed that they were more expensive to deliver the same outcomes.
Why can't you just expand the current library and leave the VIC where it is?	By developing an integrated facility and rationalising assets, an overall cost reduction is achievable for rate-payers. Maintaining a range of separate sites, including ones which are older and less energy efficient, has a higher ongoing cost for Council and its ratepayers.

Concept 02 Feedback	Response
Don't believe central location is best for this project - want another site	The community feedback during Sites and Spaces consultation (December 2013 to May 2014) strongly indicated that a central and accessible location were the most important factors in delivering the community spaces needed. This has been reiterated by a significant number of community members during the concept plan consultation (December 2014 to June 2015).
Wish to retain a community garden either the one next to the library or include one at Town Hall and Swimming Pool site	Options in relation to the north end of the swimming pool site can be investigated in detailed design. In addition, the Daylesford Primary School has indicated interest in enhancing volunteer involvement in its kitchen garden program, plus there is capacity to expand existing community gardens at the Daylesford Community Park and Rea Lands. The existing library site, including the land with the current garden, is recommended for sale as part of consolidating surplus assets.
The Hepburn Hub, as administrative centre of Council needs to include history and culture of other parts of the Shire.	The materials and colour palette developed for Concept 02 reflects Hepburn Shire incorporating Creswick timber, dry stone walls of Yandoit, Loddon river stone. There is a great opportunity to work with local artists and artisans to further develop this during detailed design.
The project will add too much traffic on Bridport Street	Bridport Street is an arterial road with an existing level of use and existing angle parking. It is not anticipated that there will be significant changes as a result of this project.
The project should cover the pool, incorporate a heated pool or move the pool to another location	The project has considered a range of options with the pool. Given the capital and operational costs associated with any changes to the operation of the pool (e.g. indoor heated), it has been determined that such works are not feasible or cost effective for rate-payers. As such, it is proposed that the project should not incorporate such upgrades or changes to the pool.
Need to allow room for potential future expansion	The potential for a future, if needed, set-back third story on the rear part of the building can be engineered into the structure in detailed design. Although the floor will not be designed at this stage, the wall strength will be built to enable a floor that is further set-back from the pool.

There were a range of views about the look and feel of the concept and elevations and how it fitted with the character of Daylesford. Overwhelmingly, those providing feedback acknowledged that the architects and Council had listened and responded to community concerns about Concept 01. Some respondents do not support the Hepburn Council and Community Services Hub because they are not in favour of integrated services or believe that Council can not afford the Hub. Others are supportive of development of the Hepburn Hub but at an alternative site.

Generally there was support to proceed with development of the Hepburn Hub at the Town Hall and Swimming Pool site with a lot of detailed feedback provided which can be incorporated as the project moves into detailed design.



04. DETAILED INVESTIGATIONS

This section outlines the detailed investigations undertaken as part of the concept planning stage of the project.

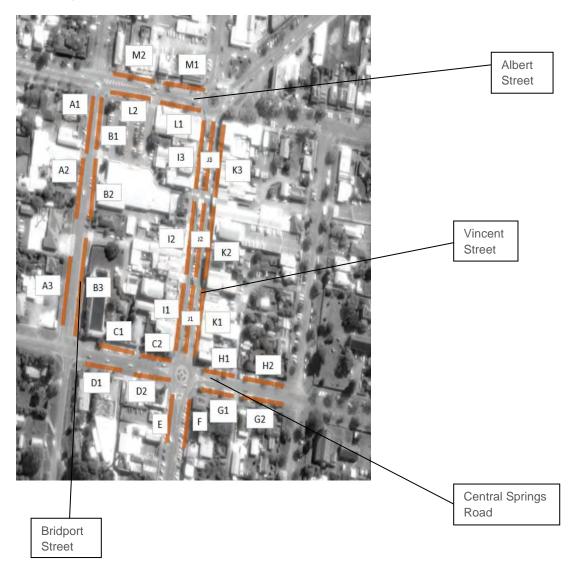
4.1 CAR PARKING

The Hepburn Hub project, like any development, will have an impact on car parking demand and traffic flow in the surrounding street network.

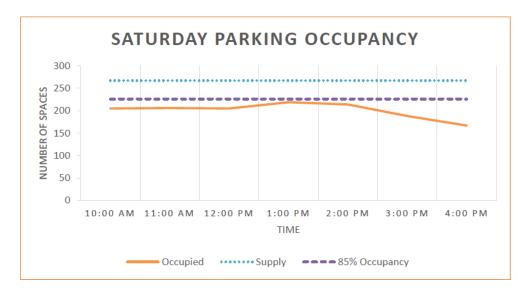
In order to understand the current situation and assess the impact from the proposed development, traffic engineers were engaged to undertake an independent parking study.

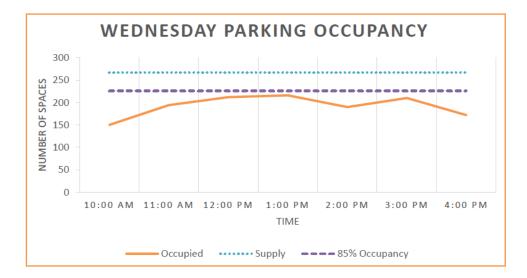
The assessment included hourly occupancy assessment on two separate days being Wednesday (rainy day) and Saturday (dry day). These were considered to best represent weekday and weekend peak parking periods. In addition, a random intercept survey of drivers was completed to assess the convenience of finding a park.

Car parking study area.



Parking occupancy findings from the study.





The 85% occupancy level is a benchmark used in the industry for parking management policies and parking is generally considered full when occupancy exceeds 85%.

On street parking occupancy survey recorded an average of 75% occupancy on Saturday and 72% occupancy on Wednesday which suggests, whilst nearing the 85% benchmark, is not yet considered to be at capacity.

In addition, these results indicate the peak parking occupancy has increased from the previous surveys in 2011 and 2009.

Intercept survey results of drivers - convenience of parking and trip origin.

Provincianist	Time to Find Parking		Total	Post Code	Saturday 16/5/15	Wednesday 20/5/15	Total
Convenience of Parking	Less than 5-10	3003		2	0	2	
1 Sering	5 minutes	minutes		3022	1	0	1
				3024	1	0	1
Excellent	42	2	44	3029	1	0	1
Saturday, 16/5/15	42	2	44	3043	1	0	1
Very Good	14	0	14	3051	1	0	1
and the second				3337	1	0	1
Saturday, 16/5/15	14	0	14	3350	1	1	2
Average	28	5	33	3444	1	0	1
Saturday, 16/5/15	1	5	6	3450	3	0	3
Wednesday, 20/515	27	0	27	3460	30	23	53
Poor	3	0	3	3461	17	3	20
FUUI			2	3462	3	0	3
Wednesday, 20/515	3	0	3	3550	1	0	1
Total	87	7	94	3364	0	1	1
	-	Y.		3342	0	1	1
				3442	0	1	7
				Total	64	30	94

In addition to assessing the current parking demand, the traffic engineers also determined the maximum number of additional parks that the proposed Hepburn Hub would need to provide under the planning scheme. This took into account the existing use of the site and the proposed new use. The detailed results are shown below.

SHIRE COUNCIL

¹⁹71

The maximum number of additional parks required for the Hepburn Hub was calculated as 51. This number does not take into account complementary uses of some of the spaces and a potential waiver for existing supply exceeding demand. For example, the pool and town hall space have their peak usage outside normal working hours, when the offices have their peak usage. As the project progresses through the planning permit process, these complementary uses and waivers will be assessed in order to calculate the final required number of additional parks to be provided as part of this project. This will likely be less than the 51.

Facility/Land Use	Existing Schedule	Proposed Schedule	Statutory Use	Statutory Required Rate	Existing Parking Requirement	Proposed Parking Requirement	Additional Parking Requirement
Town Hall	400 patrons	400 patrons	Place of Assembly	0.3 to each patron permitted	120 spaces	120 spaces	O spaces
Council Offices	290sqm	1,200sqm	Office	3.5 to each 100sqm of net floor area	10 spaces	42 spaces	32 spaces
Library	-	40 patrons ¹	Place of Assembly	0.3 to each patron permitted	-1	12 spaces	12 spaces
Community Meeting Rooms	7	60 patrons	Place of Assembly	0.3 to each patron permitted	-1	18 spaces	18 spaces
Visitor Information Centre	÷	220sqm	Office	3.5 to each 100sqm of net floor area	÷	7 spaces	7 spaces
Swimming pool	285 patrons ²	285 patrons	Swimming Pool	0.3 to each patron permitted ³	86 spaces	86 spaces	0 spaces
Council Chambers	100sqm	100sqm	Office	3.5 to each 100sqm of net floor area	3 spaces	3 spaces	O spaces
Seniors Hall	60 patrons	÷4	Place of assembly	0.3 to each patron permitted	18 spaces	÷.	(-) 18 spaces
Total					237 spaces	288 spaces	51 spaces
			¹ Calculated as the typical average patrons per hour ² Although size of the pool site is reduced, the usage and parking requirements will remain the same. Patrons calculated by 1 per 35sgm of pool space as per WA Code of Practice for the Design.		³ Actual statutory rate is 5.6 to each 100sq given it is expected to operate in the same calculated per patron.		

In terms of providing the additional parks, this project has considered both on-street and off-street parking options. It is preferred to provide the parks on-street where the road network is potentially being under utilised in the adjacent commercial zoned area.

Construction, Operation, Management & Maintenance of Aquatic Facilities July 2011.

A preliminary assessment of on-street parking potential has been conducted and up to 47 parks have been identified for further investigation. These potential parks are shown on the following page. This also includes a removal of some parks to enhance pedestrian access between the Daylesford Primary School and the proposed Hepburn Hub.

As the project progresses to detailed design, a detailed survey will be undertaken and relevant approvals sought with VicRoads and other stakeholders, before designs are completed. Final parks will be determined and assessed as part of the planning scheme application.

From preliminary work, the required number of parks (yet to be finalised through the planning application process) is expected to be able to be met on the road reserves managed by Council.

SALT

Preliminary identification of potential new parks and enhanced pedestrian access between the Daylesford Primary School and the proposed Hepburn Hub.



Street	Change in parks
Bridport – East	+6
Bridport – West	+4
Central Springs (E of Bridport) – North	-4
Central Springs (E of Bridport) – South	+5
Central Springs (W of Bridport) – North	+19
Central Springs (W of Bridport) – South	+15
Vincent Street - West	+2
Total	+47

Hepburn SHIRE COUNCIL

4.2 HERITAGE

A Heritage Assessment Report, including a Statement of Significance, for the Daylesford Town Hall and Pool site has been undertaken by Council's Heritage Architect, Ms Amanda Jean. The following observation summarised the Town Hall's heritage value:

"The Daylesford Town Hall is an excellent highly intact example of the development of municipal government in the Victorian colony"

Council has also engaged the Daylesford & District Historical Society to complete a Memorabilia Assessment in order to plan for the future of the valuable collection within the Daylesford Town Hall.

Council has requested quotes to engage an independent heritage architect to complete a Heritage Impact Assessment on the Concept 02 plans for the Hepburn Hub. The outcomes of this will inform decisions made during detailed design.

4.3 FINANCIAL MODELLING

The financial model for this project has been updated. The updates include a revised cost estimate based on a Cost Plan A completed by a third party quantity surveyor, PlanCost, and a builder's estimate on the concept plans completed by Fairbrother Construction.

The revised cost estimate for construction, based on completion by 31 December 2017, is:

Total	\$8,515,000
On-street Car Parking	\$375,000
Town Hall Restoration	\$600,000
Outdoor Community Plaza	\$200,000
The Hepburn Hub Building	\$7,340,000

In addition to the core Hepburn Hub costs, the following expenditure will deliver new benefits to the pool, renewal energy generation and green waste management as indicated in Concept 02:

Swimming Pool Upgrades	\$550,000
Biomass Cogeneration	\$500,000
Total	\$1,050,000

The biomass cogeneration facility will be dependent on specific sustainability funding, and is subject to a separate feasibility study currently being undertaken. This may vary the cost estimate for this component.

The total estimated cost, if all of those components proceed is \$9.565 million.

As this is a Cost Plan A, undertaken on concept plans, there are options as we progress through detailed design to make cost savings that may reduce the actual cost below this preliminary estimate.

The updated model includes the following funding sources to meet all up-front costs for the project:

Total	\$9,565,000
Loan	\$3,175,000
Asset Renewal Contribution	\$600,000
Grant Funding	\$2,750,000
Property Sales	\$3,040,000

Compared to previous modelling, the forecast property sales income has been increased as a result of the latest Capital Improved Values, which have changed since the original modelling was completed in early 2014. The properties to sell as part of this project include:

- Duke St Offices 10 Albert Street, Daylesford
- Current Visitor Information Centre and offices 96 Vincent Street, Daylesford
- Current Daylesford Library site including building and adjacent open space currently used as a food garden 33 Albert Street, Daylesford
- Old Hepburn Depot Site 57 Main Road, Hepburn
- Vacant Land 1 Bleakley Street, Daylesford

Council's contribution for asset renewal relates to the Town Hall restoration and Daylesford swimming pool upgrades.

The forecast grant funding has been revised based on up-to-date knowledge of State and Federal Government funding and includes the following sources:

- Victorian funding for community and economy benefits, including the Regional Infrastructure Fund
- Federal infrastructure funding
- Victorian Living Libraries funding
- Victorian Heritage funding
- Victorian Swimming Pool Renewal funding
- Sustainability Victoria funding for the biomass cogeneration

The financial model calculates expenses including loan repayments, cost savings, and income changes over the next 22 years, and determines an average overall saving to be delivered over the 20 years following completion of the project, while the loan is being paid off.

The financial model calculates the following average annual savings for Concept 02 at the Daylesford Town Hall and Swimming Pool site:

Average annual cost efficiency savings \$294,000

Average annual net savings	\$47,000
----------------------------	----------

In summary, the financial model demonstrates that the Hepburn Hub project based on Concept 02 is forecast to be cost positive to Council, with loan repayments and new costs more than offset by efficiency cost savings.



During the concept planning phase, an alternate site was re-suggested for the Hepburn Hub. The site, on Daly Street, in Daylesford is currently owned by the Catholic Church.

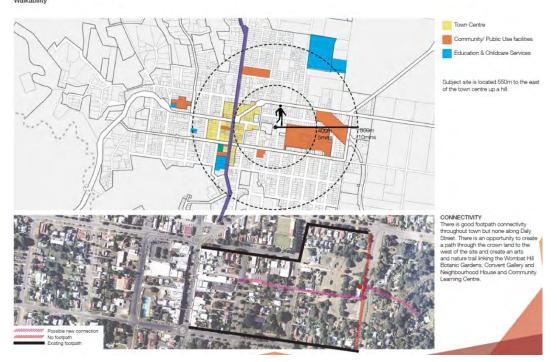
During the 'Sites and Spaces' phase of the project this site was identified, but not shortlisted for detailed investigation. The reasons for not being included on the shortlist were cost of acquisition, steep terrain/path from centre of town and being in a residential context. This formed part of the community consultation in March 2014.

Due to a recent approach from the landowner, the site was investigated in more detail, similar to the original eight sites investigated as part of 'Sites and Spaces'.

The results of that investigation, including preliminary area diagrams for the new construction, are detailed on the following pages.

Location and walkability analysis

DALY ST SITE, DAYLESFORD



tepburn

SHIRE COUNCIL

HEPBURN HUB - CONCEPT PLANNING OUTCOMES REPORT

Existing feature analysis DALY ST SITE, DAYLESFORD Site Analysis



Overall site area diagram and potential trail connections

OII Subject site at 8 Daly Straet, Daylesford, Approximate total site area is 7480 sqm in two parcels divided by a road reserve. The southern portion is approximately Som wide with approximately 8 metres fronting on to Daly Street. The northern portion is approximately 50 metres wide with approximately 84 metres fronting on to Daly Street.

02 Road reserve

- Site has approximately 20m fall across it from the highest point in the south east corner to the lowest point in the north west corner. 03
- Existing paved area, cut in to hillside. Currently used as parking 04 ng
- 05 Existing building on site
- 06 Existing trees on site

Crown land to west of site, zoned as Public Use -Service and Utility. Existing path at western boundary of this land 07

- Existing Neighbourhood and Community Learning Centre 08
- Convent Art Gallery, Daylesford 09
- Existing one way street network flowing in direction indicated by arrows. No on street parking available 10
 - Existing entry to site
- Existing driveway to north of site
- 13 Street parking
- · · · Connection to Wombat Hill Botanic Gardens

Address: 6 Daly St, Daylesford

Ownership: Catholic Church Proximity: 550m from centre of town up Wombat Hill

Area: 7,480sam

- Street Parking:No street parking Heritage: Forms part of the Wombat Hill Garden Precin

Existing Services: TBC



Area diagrams across three levels.



The assessment of the Daly Street site has identified the following benefits and constraints.

Benefits	Constraints
Daylesford Neighbourhood House connection	Limited accessibility due to terrain and steep path from centre of town – 400m
Significant land size	Residential road access, with parts that are narrow or one-way
Nature and Arts trail possibilities linking to Wombat Hill Botanic Gardens and Convent Art Gallery	Land acquisition costs
Opportunity for expansion, including potential for integrated early years in future	General Residential Zone and no existing use rights for offices – offices are a prohibited use – requires rezoning
Under croft or at grade parking options	No benefit to existing assets that still require renewal - including Town Hall restoration and pool renewal/upgrades
Good views and natural setting	Not suitable for Visitor Information Centre
Flexible vendor of land – long term payment or lease options	
Existing use rights for community hall	

²⁵77

Compared to the Town Hall and Pool site, the costs of delivering like-for-like services and outcomes is summarised as follows:

Component	Town Hall	Daly St
Land Acquisition	\$0	\$2,000,000
The Hub Building	\$7,340,000	\$6,800,000
Community Plaza	\$200,000	\$200,000
Car Parking	\$375,000	\$375,000
Town Hall Restoration (+Seniors/VIC)	\$600,000	\$750,000
Pool Upgrades	\$550,000	\$700,000
Biomass Cogeneration	\$500,000	\$500,000
Total	\$9,565,000	\$11,325,000
Property Sales	\$3,040,000	\$3,040,000
Grant Funding	\$2,750,000	\$2,150,000
Asset Renewal	\$600,000	\$600,000
Loan/Terms Contract	\$3,175,000	\$5,535,000

The Daly Street site is estimated to attract less external funding than the Town Hall site due to the lack of inclusion of a Visitor Information Centre and lack of integration with the Town Hall. Therefore, although construction costs are estimated to be less, there will be a greater overall cost to Council. Council does have long term options at both sites to pay off the upfront costs over a long period. At the Daly Street site this is either through lease or long term loan. However, due to Council not being required to pay company tax, it is less favourable for Council to choose a lease option than it may be for a private business. For comparison, the costs at both sites have been modelled on paying off the construction costs over 20 years, and the land at Daly Street over 50 years.

Due to the extra cost of land, even though there is an option to pay it off over a long term (e.g. 50 years), and the reduced ability to attract as much in external grant funds, the Daly Street site is not as cost effective as the Daylesford Town Hall and Pool site. The Daly Street site is calculated to have an annual average **cost** of \$64,000, compared to a **saving** of \$47,000 for the Town Hall and Pool site.

In addition, the community feedback during Sites and Spaces consultation (December 2013 to May 2014) strongly indicated that a central and accessible location were the most important factors in delivering the community spaces needed. This has been reiterated by a significant number of community members during the concept plan consultation (December 2014 to June 2015). This site does not meet the community's expectations in this regard.

As a result of the investigation undertaken, the Daly Street site is not considered more suitable than the Daylesford Town Hall and Pool site. The Daylesford Town Hall and Pool site remains the preferred site.

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05. CONCLUSIONS

The first Hepburn Hub concept plans generated significant community interest and resulted in a range of feedback. This feedback is essential to achieving a facility that meets the needs of our diverse community into the future. We listened to the feedback and updated the concept plans accordingly.

The revised and improved Concept 02 plans for the Hepburn Hub have responded to community feedback. Further investigations have confirmed:

- the feasibility of the project
- that the concept will achieve the aims of this project
- this project will revitalise and enhance the existing Daylesford Town Hall and Swimming Pool

The Hepburn Hub project is ready to progress to planning permit application and detailed design at the Daylesford Town Hall and Swimming Pool site. Doing so will progress Council towards achieving the project aims.

5.1 NEXT STEPS

Now that the concept planning stage of the Hepburn Hub project is complete, the project can commence the following stages:

- Prepare and submit planning application for the Hepburn Hub in accordance with Concept 02 at the Town Hall and Swimming Pool site
- Undertake further detailed design of the Hepburn Hub project, including key user group consultation in relation to key
 aspects of the detailed design
- Seek funding for the project

In addition, the project will continue to refine plans for delivering the required additional car parking spaces and assessing and managing the heritage impact of the project.

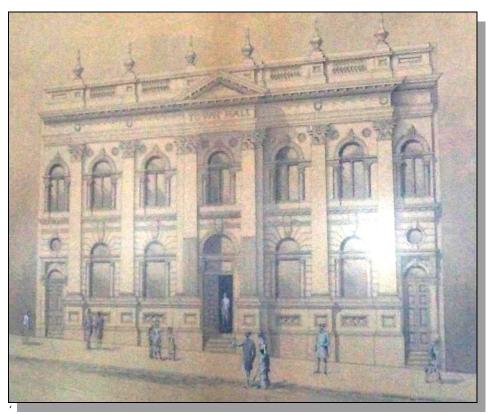
These stages are expected to take between six and nine months to complete.

Tepburr ر SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL
 21 JULY 2015

ATTACHMENT 4 - DAYLESFORD TOWN HALL HERITAGE ASSESSMENT REPORT – JUNE 2015

DAYLESFORD TOWN HALL HERITAGE ASSESSMENT REPORT



The Daylesford Town Hall. George, R Johnson; A. C Cooke (Albert Charles), 1836-1902 Print : wood engraving. **Publisher:** Melbourne : Alfred Martin Ebsworth, January 16, 1884 Print published in The Australasian sketcher.

Hepburn Shire Council

June 2015 Prepared by Amanda Jean

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EXECUTIVE SUMMARY

This Report reviews and expands upon the existing statement of cultural heritage significance of the Daylesford Town Hall (1882/4 and 1885) and its setting in the main street, Vincent Street, of a small 19th century gold mining and tourist town of Daylesford in central Victoria. The Daylesford Town Hall and its civic setting have statutory heritage protection under the Heritage Overlay of the Hepburn Planning Scheme as a site of individual heritage significance at HO290. The Place has both exterior and interior heritage planning controls.

The Daylesford Town Hall comprises three sections: the front three-storey administrative offices designed by the British émigré architect, George Johnston in 1882-84. The Victorian Academic Classical style of the front facade is dominated by a series of giant Corinthian columns and projecting two-storey balcony over the front portico, the main entrance to Vincent Street. Below street level, is a magnificent traditional assembly hall with upper level balconies on three sides and proscenium stage completed in 1885, also designed by George Johnston. And towards the rear, a single storey addition known as the Senior Citizens Centre was built in the 1950s. These three structures form the historic core of Daylesford municipal Town Hall, and have been identified as places of heritage value.¹ Associated with the Daylesford Town Hall is the Olympic swimming pool, built in the1950s, on the site of the former Public Baths. The Town Hall is unusual in that it was built over the Town Water Supply Reserve consisting of a fresh water spring, drinking well and Public Baths. The Baths were relocated at the rear of the Town Hall. A civic space, forecourt, side lanes and rear public spaces were carved out of the main street, which had already been developed by 1860 with substantial buildings.

The Daylesford Town Hall has cultural heritage significance as part of the Vincent Street heritage precinct listed under the Heritage Overlay at HO694. It is located within the main commercial street of Daylesford, Vincent Street, where the majority of buildings date from 1860s-1880s, contemporary with the construction of the Town Hall. With few exceptions they are all individually heritage listed under the Hepburn Planning Scheme and are an outstanding collection of 19th century gold mining buildings. Beautification and early civic planning was carried out by the first Councillors in 1859, who manipulated the British colonial standard geometric town layout to accommodate public institutions and civic gardens.

An expanded statement of cultural significance for the Town Hall is set out within the report according to four variables: attributes of significance (what), values (why), stakeholders (who) and strategies (how). The heritage assessment supports the local heritage listings of the Daylesford Town Hall and furthermore concludes that it meets the threshold for state as well as local listing using the Victorian Heritage criteria for the following values; (a) historic, (b) rarity, (d) characteristics values, (e) aesthetic characteristics, (f) creative/technical achievement and (g) social value.

The cultural heritage significance of Daylesford Town Hall is due to its central role in the production of social relations in the process of community formation, social justice and civic society in the new British colony of Victoria. The local contemporary community holds the Daylesford Town Hall in totemic esteem. It is a symbol of increased bargaining power, local governmental representation and establishment of a fair system of property rights. The motto of the Hepburn municipality is 'Concord and Progress'.

The civic building is an excellent example of a 19th century Victorian town hall. It served a range of different functions. It accommodated a large hall for public meetings, municipal

¹ The heritage value of the Daylesford Town Hall, its interior and its immediate surrounds are recognised in the Hepburn Planning Scheme by inclusion in a Heritage Overlay HO290. It is located within the Heritage Precinct Area HO 694.

offices with a town clerk office, a treasurer's office and a council chamber. The Daylesford Town Hall had two libraries and a private Reading Room. These educational facilities were managed in conjunction with a mechanic's institute for educating the working and lower middle classes. A group of local elites included other public utilities such as the Gas company offices and a separate office for exchange/meeting uses such as the Hospital Benevolent Fund, Masonic Lodge and other Friendly Societies. The construction of the Town Hall was designed with attached commercial shops and banks in the Stanbridge Buildings.

The Town Hall was the result of patronage by civic elites and rate payers. The architectural richness and splendour of the new town hall was a direct result of civic pride and rivalry.

A major aim of the Report is to demonstrate how the material form of the Daylesford Town Hall is both, cause and effect of contemporary social and cultural life of Daylesford, its intangible cultural heritage values. The architectural effect and urban setting is examined through analysing and interpreting the relational, symbolic and social construction of the place.² Standard methods of heritage assessment are used.

The notion of community in 19th century Daylesford and Hepburn Shire was not a given as we know it today. The recently arrived migrants did not automatically have a sense of belonging, common harmonious identity or representation in development. Rather the formation of the community of Hepburn Shire was a continual process of becoming. It was defined by many activities that established links, alliances and relationships between government and different interest groups in the establishment of effective legal institutions to protect private property and promote economic development. The histories of the Town Hall, its programmes and events reflect wider government policies of citizenship. The general maintenance of these hard won civil rights is a continual process.

In the 21st century new models of services delivery and civic space are emerging. The role of 19th century town halls in community development is coming under increasing scrutiny by agents of civic driven change and policy makers. Ideas about social policies such as place-making, bonding, social cohesion and belonging are creating new concepts about civic spaces in a pluralistic society. The increasing power of the city and role of local government in a global world is increasingly reasserted through schemes that stimulate investment and improve desirability and economic activity. The reinvention of the symbolic role of local city councils has led to large scale conservation and restoration of grand old town halls, key buildings and historic civic spaces within major regeneration and urban revitalization programmes.

These themes are considered important to the conservation of the Daylesford Town Hall.

Theme 1. The management of the Town Hall will ensure its protection through development of appropriate conservation strategies as and when development proposals arise.

Theme 2. To comply fully with the statutory consent process systems covering the building's listed status, with reference to its location in a Heritage Precinct- Conservation Area.

Theme 3. To support protection of the building and to continue to encourage early discussions on any proposed changes with appropriate professionals and managerial staff.

Theme 4. To prepare a framework for enhancing knowledge about the Town Hall.

Theme 5 To ensure on-going efforts to improve the attractiveness of the Town Hall and its setting.

Theme 6 To enhance interpretation and explanation of the sites development with displays and signage in and around the town, Vincent Street and the place itself.

Theme 7. To do everything possible to make the Town Hall accessible to all on a socially inclusive basis, commensurate with the historic nature of the building and the need to protect and conserve it.

² 'Architecture belongs to a world of symbolic forms in which every aspect of the building is presented metaphorically, and not literally.' Colquhoun, A., Essays in Architectural Criticism: Modern Architecture and Historical Change (Cambridge Mass. 1981, p. 28.



A Souvenir of Beautiful DAYLESFORD ca. 1950-1960; 8.8 x 13.8 cm. approx. "Published By Nucolorvue Productions, Mentone, Victoria." The two-storey verandah on the adjacent lot, former Belvedere Hotel, was demolished due to 1970s notions about traffic management.

INTRODUCTION

1.1 The Project Brief And Purpose Of The Report

The Hepburn Shire Council commissioned a detailed analysis of the heritage significance of the Daylesford Town Hall. The Report is prepared by Amanda Jean, Hepburn Heritage Advisor and heritage architect. The aim of the study is to undertake a heritage assessment of the Town Hall in order to examine what aspects and features of the heritage place have cultural heritage significance; to interpret how those attributes are valued by the community; and to reveal why these cultural values are important and relevant for the present day.

The heritage analysis and assessment is intended to assist personnel, site managers, planners and contractors associated with the place in managing the heritage values of significance appropriately and in a highly practical way.

1.2 Methodology

Methodology is a system of principles that govern the way in which information and data is gathered and analysed for an assessment. One proven methodology for assessing cultural heritage values is set out in the Australia ICOMOS *Charter for Places of Cultural Heritage Significance* (the Burra Charter 2013) and its guidelines. The Burra Charter is an adaptive model that uses a value-based methodology. It takes a contextual and integrated site analysis approach for site management.

This methodological approach references the following:

- The Australia ICOMOS Charter for Places of Cultural Heritage Significance (the Burra Charter 2013) and its guidelines was the basis of the approach for the Study. The principles of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*, the recognised benchmark document within the Australian heritage industry.
- *Criteria for assessing cultural heritage significance (HERCON)*, adopted by the Heritage Council in 2008, pursuant to the Heritage Act 1995;
- The VPP Practice Note, "Applying the Heritage Overlay" Practice Note 01, revised September 2012, Department of Planning and Community Development The Practice Note states that 'the heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.'
- Victorian Historic Themes
- Relevant Victorian planning and heritage legislation, including the Aboriginal Heritage Act 2006.
- Practices and methods incorporated into existing Hepburn heritage studies.

This Study uses a mixed method approach. The methods are outlined below:³

- Historical and archival data arranged in a thematic framework
- Location: building analysis, mapping, photography and fieldwork
- Contextual analysis and comparative analysis⁴

The Australia ICOMOS Burra Charter recommends the use of a typology of heritage values, a framework or matrix that sets out different kinds of heritage values: aesthetic, historic, scientific, social and spiritual.⁵

- **Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- **Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- **Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- **Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- **Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- **Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- **Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

³ Lowenthal , D. (1985). *The Past is a Foreign Country*, Cambridge University Press, Cambridge, Tengberg, Anna et el, (2012) *Cultural Ecosystems Services Provided By Landscapes: Assessment Of Heritage Values And Identity*, Ecosystem Services 2 (2012) 14-20.

⁴ Krauss RE (2010), *Perpetual Inventory*. Cambridge, MA: The MIT Press.

⁵ The VPP "Applying the Heritage Overlay" Practice Note 01

• **Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

1.3 Location

The Daylesford Town Hall is located at Vincent Street, Daylesford. Aerial Map of the Vincent Street Heritage Precinct Showing Summary of Key Features



Red Arrow indicates the location of the Daylesford Town Hall built over the Water Reserve where fresh water from a spring was piped to the Public Baths,

1.4 Relevant Heritage Reports and Studies

The Daylesford-Hepburn Springs Conservation Study1985 was prepared by

Extract of the Statement of Significance

It was constructed in 1882/3 for the Borough of Daylesford. Essentially, it is a three storey building with two storeys above street level. The municipality of Daylesford was formed in 1859 and during the 1860s the lot was used as the Town Water Reserve having a fresh water spring of piped water which also served baths on the Bridport Street frontage and two shops and a municipal office in Vincent Street. In 1884 the front section of the present building was opened consisting of basement rooms, council chambers, offices lodge room and library. Subsequently a large grand assembly hall was constructed at the rear. The building is intact essentially and in good condition.

The importance of the building as a centre of local government has grown with its absorption of Mt Franklin and Glenlyon shires and latterly Creswick, Clunes and Trentham shires. Architecturally, it stands apart in its regional context as a superlative example of a classically inspired tow hall design, similar but more elaborate decorated than the equivalent building in Woodend. This building is one of the smaller examples in a great series of town halls designed by Johnson. It is a key element in the Vincent Street streetscape, the main street of Daylesford.¹

Daylesford Streetscape Update, Chris Dance Land Design and Essential Economics1989/95 (Extract page 3)

Daylesford is different!

It is different because, whilst these very same forces have been at work, it's robust community has rallied against the onslaught of haphazard modernisation with some heroic individual efforts by a handful of people.

The landscape of Daylesford is also different because of it's overwhelming natural and cultural assets. These include Lake Daylesford, Hepbum Springs and the William Guilfoyle designed gardens of Wombat Hill. The stunning avenue approach from Castlemaine is another splendid example of mainly 19th Century urbanism, embraced by 20th Century bush land.

On the fringes of town, the wide corridors enframe vistas out to the Pyrenes and Castlemaine and are defined by charming villas and cottages.

Closer in, a range of commercial and civic buildings, many of which are twostoreyed, mark the streets forming the centre of town. These help create some memorable urban spaces such as Central Vincent Street, one of the most important urban 19th Century spaces in Victoria.

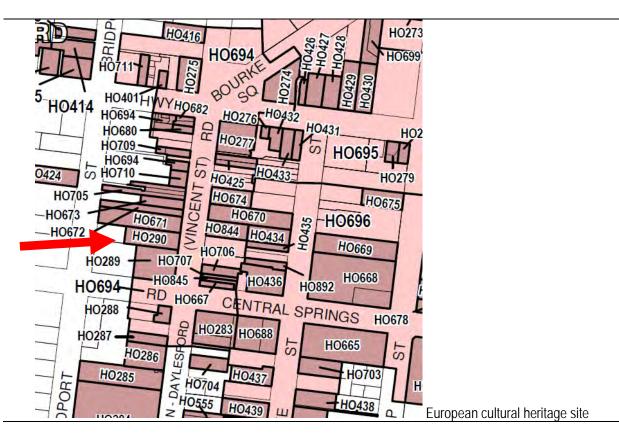
Associated with these streetscapes are some stunning views, such as the one to the Court House along Albert Street, taking in Wombat Hill and the Convent Gallery.

Finally, there is Vincent Street - the core of the community!

From the earliest times to the present day, Vincent Street has been the symbolic focus of Daylesford, both socially and commercially. An initial visit to town quickly indicates the importance of this central strip with it's 19th Century-determined character, supported by a line-up of buildings dating from pre-Victorian almost to the post-moder. Yet there is a harmony and a distinct unity created by the street's simple and honest asphalt pavements and its retained open bluestone drains. The building scale, which descends strongly to the north, helps direct views to the sun and out over Hepburn Springs.

9





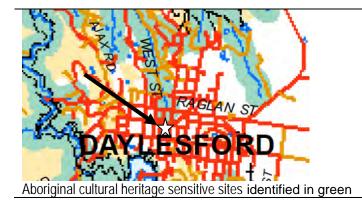
Historic cultural heritage is looked after by all levels of government in Australia and many different arms of government have a role in the identification, management and protection of heritage places and objects. The following legislative matrix summarise the various forms of legislation

Legislation	Administr		for	Site	Relevant Notes
	tor	Management			
EPBC Act	DEH	None			The subject building is not included
1999					on the National Heritage List. It is
(Commonweal					culturally associated with the
th)					Castlemaine Diggings National Park,
National					which is located approx. 15klm away.
Heritage List		The subject buildin	a oo o uni	it in	
Register of the National		The subject building not listed on this No	-		
Estate		listing, specific site:		u y	
Victorian	Heritage	The subject building		sted	The Heritage Act 1995 details
Heritage Act	Victoria	and has not been a	•	lica	statutory responsibilities for historic
1995					buildings and gardens, historic
					places and objects, historical
					archaeological sites, and historic
					shipwrecks.
Planning and	Hepburn	Heritage Overlays			The Town Hall is recognised in the
Environment	Shire	governments with t	•		Hepburn Planning Scheme in a
Act 1987		implement heritage			Heritage Overlay HO290.
(Victoria)		significant buildings	•		The second state of the state of the second state
Aboriginal	Aboriginal	Identifies the curren		ries	The subject building is not an
Heritage Act	Affairs	of the Dja Dja Wurr traditional areas in	-	Tho	identified as a culturally sensitive
2006 (Victoria)	Victoria		viciona.	i ne	Aboriginal cultural heritage place,

	(AAV)	subject building is within the traditional area.	with high potential for significance sites as well as archaeological sites
Victorian Heritage Act 1995 Archaeologica I sites	e Act Victoria	Archaeological sites are not expected. The Heritage Inventory was established pursuant to Section 120 of the <i>Heritage Act 1995.</i> It includes historical archaeological sites, places and relics in Victoria, providing they are older than 50 years, and regardless of their level of cultural heritage significance.	Consent will be required for particular works or activities, including excavation, in relation to an archaeological site. Under the Heritage Act it is an offence to damage or disturb relics and archaeological sites, whether or not they have been included on the Heritage Inventory.
The National Trust of Australia		A community-based, non- government organisation that works to promote and conserve Australia's indigenous, natural and historic heritage through its advocacy work and its custodianship of heritage places and objects	Classification by the National Trust recognises the heritage values of places and objects, but it has no legal implications. Identification Number B5424. The National trust has listed the Daylesford Town Hall as having significance for the whole state of Victoria.

National Trust Statement of Significance: One of the smaller examples in the great series of town halls designed by G R Johnson, the leading practitioner in the field: it dates form 1883-5 and has a giant order pilastrated facade with a happy use of arched windows with colonettes set into the sides, for while this elegant motif is used by Johnson elsewhere it is particularly apposite to Daylesford, where primitive Palladian windows are a hallmark of local architecture. Classified: 15/03/1984.

1.6 Aboriginal Heritage Areas Of Sensitivity



Aboriginal cultural and spiritual heritage places are fundamental to Victorian Aboriginal community life and cultural identity. The Aboriginal Traditional Owner Area map prepared by Aboriginal Affairs Victoria (AAV) identifies that Study Area as within the traditional country of the Dja Dja Wurrung Indigenous people. The Dja Dja Wurrung Clans Aboriginal Corporation is responsible for administering this area under the Aboriginal Heritage Act, 2006.

Legislation	Admini strator	Implication Management	for	Site	Relevant Notes
Aboriginal Heritage Act 2006 (Victoria)	(AAV)	Identifies the c boundaries	urrent		The Study Area is not within an Aboriginal Cultural Sensitive

Under the Aboriginal Heritage Act 2006 a <u>Cultural Heritage Management Plan</u> is required if all or part of the proposed activity is in an area of culture heritage sensitivity, and all, or part of the activity is a high impact activity. Areas that are identified as being of 'cultural heritage sensitivity' may be associated with registered Aboriginal cultural heritage places. AAV have registered numerous Aboriginal sites in the vicinity of the Study Area.

Area

The requirement under the Aboriginal Heritage Act 2006 for the preparation of a Conservation Heritage Management plan is not applicable for works to the Daylesford Town Hall. This does not mean that there are no associated Aboriginal heritage values linked to the Daylesford Town Hall. For a full assessment and exploration of these values the Dja Dja Wurrung Clans Aboriginal Corporation should be consulted.

1.7 Limitations to the Study

Approaches and methods to heritage assessment studies are always influenced by the fact that they are designed according to the questions asked of the project. ⁶

It is not possible to review the existing condition of the Town Hall in this Report. The present report does not include a significant assessment of the moveable items, furniture, photographs and paintings that are displayed in the Town Hall. These items are of considerable value.

The furniture and the majority of other timber architectural accessories for the Town Hall were donated by Councillor Wheeler in 1882. Councillor Wheeler owned and operated a large timber saw mill. It is highly likely that the furniture was especially commissioned and is locally made colonial designed hand crafted pieces. Likewise the timber joinery and magnificent timber doors, windows, architraves and skirtings are most probably all locally manufactured.

1.8 Terminology

The terms used throughout this report are consistent with the Burra Charter: *The Australia ICOMOS Charter for Places of Cultural Heritage Significance.*

⁶ Ibid



From the National Trust file 1998

2.0 Timeline Development

[•]The notion of citizen participation in Western cultures most commonly finds its tangible expression through some form of local, democratic government⁷.

On the centenary of laying the foundation for the Daylesford Town Hall in 1983, a history of the building was commissioned by the Shire of Daylesford and Glenlyon. A History of the Town Hall sub-committee was setup. Assisted by the members of the Daylesford Historical Museum and the Daylesford Technical High School, R. D. Patterson was commissioned to research and write the story of the Town Hall.

The Booklet, 'A Most Commodious Up-Country Hall. A Brief History of the Daylesford Town Hall' was published in 1985. The Shire President Cr Bryan Anderson wrote that the monograph to mark the centenary anniversary of the Town Hall was a 'fitting gesture to these important occasions'.

The Town Hall is a signature piece to an era of social and political history. It embodies principles of town development as embraced by those who thought such development worthwhile and progressive. Its preservation is obviously unquestionable. The evidence from this brief history suggests that the Town Hall, in acting as a venue for social and community affairs, played a significant role in community life and enriched it.

The following is a contextual analysis of the evolution of local government arranged thematically, as it relates to the Daylesford Town Hall. It is followed by a description of the site context, construction of the building, its exterior and interior spaces.

Contextual analysis is a method of interpreting a building in terms of the culture of its times. Architecture is seen as affecting and been effected by religion, politics, social structures and hierarchies, cultural practices and traditions, including the history of ideas. The history of ideas here refers to political movements and debates about economic development.

⁷ Dale Catherine, 'The Role Of Local Government For A Contemporary Victorian Community', Phd Thesis University of Victoria 2008, quoting Bailey, S., 1999. *Local Government Economics: Principles and Practice*. Macmillan Press Ltd, London.

2.1 Historic Themes

Peopling Victoria's places and landscapes.

2.1.1Governing Victorians. This theme focuses on the role of the State and its institutions in shaping the life of its citizens in all facets of life:

The Daylesford Town Hall is an excellent highly intact example of the development of municipal government in the Victorian colony. The story of the Town Hall, its construction, flamboyant Classical neo-Grecian architectural style is associated with the 19th century gold rush to the area. It is representative of one of 26 other shires and town halls established across the goldfields between 1855 and 1880s.

The underlying precarious evolution and existence of Hepburn Shire (1859) and surrounding shires with which it has latterly amalgamated, Mount Franklin (established 1862), Creswick (established established 1858), Clunes (established 1860), part of Talbot (established 1861) Amherst (established 1858), Glenlyon (established 1862) and Trentham Shires, is fundamental to the understanding of the cultural significance of the Daylesford Town Hall.

2.2 Developing institutions of self-government and democracy as a process of socialmodernization.

During the 19th century the influence of government grew rapidly. In the colony of Victoria the English Municipal Corporation Act of 1835 facilitated the introduction of more democratic government. The history of public buildings and town halls reflects this legislative development. A civic building served a range of different functions. It accommodated a large hall for public meetings. The municipal offices with a town clerk office, a treasurer's office and a council chamber were the basic requirement. The English Parliamentary Acts of 1845 and 1850 empowered municipalities to levy a special rate to build and maintain public or free libraries. There were also the public libraries that survived on commercial subscription. The Daylesford Town Hall had two libraries and a private Reading Room. These educational facilities were often accommodated in conjunction with a mechanic's institute for educating the working and lower middle classes. A group of local merchants might also include other public utilities such as the Gas company offices or have a separate office with combined exchange/meeting uses such as the Hospital Fund raising centre. In some examples the construction of a town hall might be designed with attached commercial shops and banks. In smaller settlements the town hall complex included a law court such as in Clunes.

Civic buildings were the result of patronage by municipalities. The initiative lay with each individual town, the civic elites and rate payers. This meant that architectural richness and splendour of the new town hall was a direct result of civic pride and rivalry. As the magazine the *Builder* wrote in 1878, 'Possessing wealth is the prelude to architectural display.' In the design and construction of town halls the most expensive and ornate buildings were selected. In smaller towns the town halls were constructed to a miniature version of the grand designs of the period.⁸

The contextual background to the Daylesford Town Hall and its relationship to the development of local government is complicated by the evolution of colonial political economies. In the era of industrialization, Europeans set up extractive institutions such as wool growing and mining in their colonies for financial gain and to fuel their industries back home. The initial extractive model of colonial economic development in the colony of Port Phillip was based on wheat and wool.

⁸ Dixon, R. And S. Muthesius, 1978, *Victorian Architecture*, Thames and Hudson, London, p 144.

'Declaration of sovereignty' by Britain over territories brought colonial administration and effort to bear over people and places within them' (Porter).⁹ In Australia a major part of the colonizing process was undertaken through spatial land use planning practices and new forms of land annexation and occupation.

Prior to the gold rush the English squirearchy, pastoralists and landowners dominated rural society in Australia in the 19th century partly due to economic power resulting from ownership of land and partly because they controlled colonial government and administered justice from the magistrates bench.¹⁰ The influential pastoralists were not interested in being part of newly created municipalities, which they saw as a form of double taxations.

The transition from this type of colonial realm to modern forms of civic government and incorporation of capitalism was preceded by the pattern of modernity¹¹ intricately bound up to the 19th century British imperial/colonial extractive model of economic development based on mining. Dispossession occurred on a grand scale.

This model of economic development demonstrates what the economic geographer, David Harvey, describes as the concept of "accumulation by dispossession'.¹² It relates to the process of social modernization where destruction of the present and alienation are seen as vital moments in capitalist evolution.¹³ Central to this particular colonial extractive model is the principle of "free mining'. That is a belief that mining should have priority over most other land uses. The evolution of the central goldfields of Victoria illustrates the Victorian colonial government attempts to moderate "free entry" or "free mining" principle, which characterized the Californian gold mine fields in 1848/9.

The philosophy of "open access" or "free mining" is a system which gives mining corporations the right of entry on virtually all land without consulting affected landowners was moderated to some extent in Victoria in the mid 19th century through the introduction of limited gold licensing regulations and the Miner's Rights.

Not all people were equal and able to benefit from mining and the expansion of municipal government. Their struggle for recognition and a fair system of property rights and other citizen securities have taken along time to evolve. The gold rush to central Victoria and subsequent 1860s Land Acts unravelled the power of the pastoralist. It introduced a process of progress (socio-economic development) and emancipation (a liberating potential through social reform) that introduced widespread individual entrepreneurship and capitalism to the Victorian state of Australia.

The 1860 Land Acts gave Europeans and other migrants the rights to acquire farm land upon taking the oath of allegiance to the British Crown. The introduction of civic institutions, local government and local representation stimulated economic growth by self interest and private entrepreneurship. As Barnett writes land in Australia came to be seen as transferable real estate converted into a private income through land sales, subdivision, renting, mortgaging

⁹Porter, L., *Unlearning The Colonial Cultures Of Planning*, Burlington, Ashgate, pp.2-4, 2010.

¹⁰ Dingle, T., *Settling*, Fairfax, Syme & Weldon Association, 1984, p 87.

¹¹ Modernity is used here in reference to a condition of living imposed upon individuals by the socioeconomic process of modernization. The experience of modernity involves a rupture with traditions. Whilst modernity can be understood in many ways, it can be seen as the tension between, capitalism, rationalization, efficiency and utopian hope.

¹² David Harvey, born in 1935 in England, was one of the first geographers interested in how social processes produce spatial forms. And in turn how these spaces constrain, enable and alter those practices and processes. Harvey, D. *The New Imperalism*, Oxford University Press, 2003.

¹³ Heynen, H., Architecture and Modernity: A critique. Massachusetts Inst. Of Technology, 1999 p66

and building development. Benefits from increase in property value accrued to the title holder not to the community. The introduction of the British notion of private property ownership in Australia became instrumental to social mobility between classes, providing power, privilege and business opportunities.

The balancing act of mediating the strategies, tactics and technologies used to achieve economic progress, land acquisition, environmental protection and social justice were made possible by the establishment of local municipal government.¹⁴ Where local people were able to compete for capital and establish a fairer system of property rights than private enterprise, civic society and economic development were able to be established.

There were many disaffected groups of people in the process of modernization and industrialization. The British colonial government upheld the mandate of the 'Doctrine of Discovery' that is the belief in '*terra nullis*' or vacant land'. This world view together with the "free entry" concept and the transition to capitalism resulted in widespread dispossession of the Dja Dja Wurrung Indigenous population of their traditional land and natural resources in the Daylesford area.¹⁵ Other disaffected groups were Itinerant and transient miners, particularly alluvial miners. The story or theme of opposition by the disaffected inhabitants of Daylesford to the formation of the municipality and construction of the Daylesford Town Hall is given below.

2.1.3 Opposition and Dissent to Incorporation of the Borough of Daylesford

Prior to the gold rush the Daylesford area was in the centre of a vast temperate rain forest. The species of trees, messmate, peppermint, white gum, stringy bark, swamp gum and spotted gum were recorded as growing up to 35 metres with circumferences of 12 metres.¹⁶ The area, visually dominated by a series of volcanic cones, such as Wombat Hill, Mount Franklin amongst others, is the traditional homelands and country of the Dja Dja Wurrung Indigenous people. After the goldrush the great Wombat, Lederberg and Blackwood forests surrounding Daylesford as Crown land had been felled and milled for mining to a state of 'forest death', and left vacant to regenerate.

Local government formation was created through local upheaval and struggle. The many itinerant miners, transient population and large land owners were violently opposed to the idea. There have been continual accusations by opponents of municipal government about issues of exclusivity, corruption, social injustice, dispossession, eviction, ecological unsustainable practices and the imposition of unjust monetary exchange values. In contrast over the past 130years, the Town Hall has been packed to capacity with local citizens, gathered to participate in a wide range of community, ceremonial, social and civic activities.

The architectural appearance and function of the Daylesford Town Hall has been shaped by multiple practices incorporating broader ideas of civic consciousness, national progress, pride and good citizenship. The Victorian Municipal Act 1863, conferred statutory power on municipalities to provide and maintain a range of public services, public health, safety, roads and to act as regulators in exchange for raising revenue and land taxes. In practice the philosophy underpinning 19th century municipal government as a political administrative centre was based on self interest and entrepeneurship. And in consequence the reception and local practices of democracy within and between local groups have often spectacularly diverged.

¹⁴ The Advocate and The Daylesford Herald Almanac 1888, 1891, Daylesford.

¹⁵ Ostram

¹⁶ Perrott, Lyon Mathieson Pty Ltd and Andrew Ward, 'Daylesford and Hepburn Springs Conservation Study', 1985, Hepburn Shire, p.6.

The spatial layout of the town hall and workings of council represents a pattern of thinking and acting that was established in the nineteenth century associated with British colonial rule.¹⁷ While the Hepburn Shire local government has its legislative bases there is no recognition and protection of the democratic character of local government in the constitution of Australia.¹⁸

Architecture became bound to the world of power, money and middle class modernity.¹⁹ The architectural style of the Daylesford Town Hall may appear 19th century designed in the Classical Academic architectural style, but the layout of spaces and function of the building was modern. The Italian critic, Manfredo Tafuri (1935-1994) believed that the course of modern architecture cannot be understood independently of the economic infrastructure of capitalism and that its entire development occurs within these parameters. The architecture and interior decorative detail of Daylesford Town Hall is a strange mix of iconoclastic motifs and allegories referencing Greek democratic city-state model.

2.1.4 Patrons and Benefactors: William Edward Stanbridge, Mayor, Councillor, MLC.

The particular idiosyncrasy of Hepburn Shire is that the formation of local government and development of the town hall was dominated by the vision of William Edward Stanbridge, a social educator, scientist and parliamentarian. Stanbridge, owner of Wombat Park, a large estate just outside Daylesford, was a leading reformer and philanthropist in local politics for over 40 years until his death in 1894.²⁰ Discovery of gold on the Wombat Park property resulted in the Spring Creek diggings, part ownership and royalties from various companies brought him enormous wealth. He successfully negotiated for one-sixth royalties in the wealthy gold mining venture of Concordia, the successful Garibaldi mine, a rich alluvial mine located on his land.

He became a member of the Mining Board and like other successful miners was instrumental in the formation and survey of Daylesford town in 1854, following his purchase of Wombat Park on the north eastern outskirts in 1852. His utopian vision and philosophical propositions for Daylesford, its grand town hall, civic gardens and educational institutions are embodied within the spatial arrangements of these public buildings, their internal spaces and relational settings.

Sheer wealth, influence and considerable connections meant that gazettal of the Borough of Daylesford in 1859 was relatively early and easy despite opposition. The Hepburn municipality was declared in 1863. He was behind the financial arrangements, the commission for the design and construction of the first stage of the Daylesford Town Hall and later the 1885 Assembly Hall. The development of the Wombat Botanic Gardens and its redesign by Messrs Taylor and Sangster in 1885, the development of the Mechanics Institute, Daylesford Primary and Technical schools are all amongst his many local philanthropic works.

¹⁷ Power, J., Wetternall, R., and Halligan, J. (Eds.), *Local Government Systems of Australia*, Canberra, Australian Government Publishing Service, pp1-22, 1981.

¹⁸ Former High Court Kirby's opinion, 'the Australian Constitution- a centenary assessment,' Monash University Law Review, vol 23, No.2:229-247, 1997.

¹⁹ I reference Manfredo Tafuri's book *Progetto e utopia*, 1973. He belongs to the Marxist tradition in writing history as does David Harvey (see below), who was the first geography to state that space is not an empty container but created through human cultural practices. *Key thinkers on Space and Place*, Hubbard, P., and Kitchin, R., (eds) 2011, p.237

²⁰ Sutherland, A. et al, 'Victoria and its Metropolis', 2 vols, Melbourne, 1888; Burke's Colonial Gentry.

In addition, he had extensive pastoral properties in Daylesford, Lake Tyrrell and in New South Wales.²¹ He held interests in banking, property, real estate, railways, mining, timber mills and flour mills. He was local magistrate and Honorary Correspondent for Aborigines in for the Upper Loddon, responsible to distribute supplies to Aboriginal people and in the process acquired an important SE Australian Indigenous cultural material collection.²² He documented Indigenous astronomical and cosmological stories from the area, particularly focussing on the stories told by the Wergaia Aboriginal people in the 1850s, around Lake

Tyrrell. Stanbridge was elected into the Philosophical Institute of Victoria in 1857, a member of the Royal Society of London in 1860, the Ethnological Society of London in 1861, life member of the Acclimatisation Society of Victoria in 1864. In 1862 he was appointed a magistrate for Daylesford.²³

He held a seat in the Creswick Legislative Assembly, elected Member of the first Council and first Chairman in Daylesford in 1868. He was Councillor of Daylesford from 1868-74 and again from 1880-1892. Between1882 and 1883 he served as Mayor and was elected Member of the Local Council of north-central Victoria. He funded educational scholarships in perpetuity and the building of the wing of the Daylesford High School, the Daylesford Technical School, establishment of the Wombat Botanic Gardens and funding of the Daylesford Hospital and construction of retail shops in Vincent Street, amongst other things. He died in 1894, an exceedingly wealthy landowner.²⁴

2.1.5 Development of Municipal Government and the Borough of Daylesford

1834 The first European unauthorized settlement of Victoria (Port Phillip District) began through private speculation. John Batman landed on the Yarra River in 1835. 1836 Major John Mitchell explores the region on behalf of the government. Governor Bourke directed the military Captain William Lonsdale as police magistrate with troops to survey the land for the purpose of selling. The government saw sale of land as a lucrative source of revenue, preferable to raising funds through taxation. Land became regarded as transferable real estate rather than as a place for community.

Police magistrates and courts were established in Victoria in 1839. Civic administration and civic improvement was in the hands of a police magistrate, who held extensive powers.²⁵ Police courts and courts of petty session were very important means of raising government revenue through imposition of fines for pollution, cleansing of butchers and slaughter yards, damaging public fountains and the like. In the 1840s the district of Victoria was progressively divided into police districts. And each police district was divided into several 'counties'. These counties were for the purpose of selling land. In 1839, superintendent, Charles Joseph La Trobe was put in charge of the district, still controlled from Sydney under Governor Gipps.

²¹ Argus, 1857:5, 1862:5, 6 Apr 1894; 1895:6, Billis, R. V. and Kenyon, A. S., 'Pastoral Pioneers of Port Phillip', Melbourne, 1932;

²² Willis, E., 'Gentlemen Collectors: Port Phillip District 1835-1855', in *Makers and Making of Indigenous Australian Museum Collections* (eds) Peterson, N., Allen, L., Hamby, L., Melbourne University Press, 2008, pp. 113-140.

²³ Thomson, K & Serle, G, 'A Biographical Register of the Victorian Legislature 1851-1900', ANU Press, 1972

²⁴ Daylesford Advertiser, 7 Apr 1894

²⁵ Barret ,B. *The Civic Frontier, The Origins Of Local Communities & Local Government In Victoria,* Melbourne University Press, 1979, p. 17.

1840s In England the first Municipal Corporation Act was introduced in 1835. And in 1839 in NSW the Market Act was passed. This initiated the forerunner to municipal councils in Australia. The first municipal institutions were established through gazettal of land for Market Squares and formation of market commissioners. The history of local government is concerned with issues relating to property. The first function of local government was as a service to local land and property.²⁶ Australia was a colonial developing country. Holding colonial office was regarded as an exclusive franchise that was expected to yield a good return to the political entrepreneur who acquired it.²⁷ In consequence in Victoria, the market commissioners were usually associated with local publicans concerned about the liquor trade, and were members of the Mechanic Institutions, and the various Lodges, the Freemasons, the Oddfellows, the Orange Lodge and others.²⁸ Polling booths for voting were initially held in hotels. It was here that early councils meeting were held prior to the construction of town halls. In Daylesford, many of the hotels were owned and managed by Swiss Italian licensees. The Iveson Hotel in the main street, Vincent Street, was the centre of anti-incorporation activists, a large of group of Danish, Swiss Italian and Irish miners who signed the counter petition to incorporation.²⁹ While the Criterion Hotel was the centre of the jubilant pro-municipal movement.³⁰



In the late 1830s the British government ceased paying for maintenance of police and gaols in the colonies. Other forms of local government were tried to raise revenue. In 1833 a Parish Road Act was passed in New South Wales, with a system of 'district councils' in 1842. Money raised in the districts was to fund the police under the control of the governor. The district council were not

²⁶ Barret ,B. *The Civic Frontier, The Origins Of Local Communities & Local Government In Victoria,* Melbourne University Press, 1979, p 15. Quoting D.M. Purdie *Local Government In Australia* Sydney 1976.

²⁷ Ibid quoting James C. Scott p 31.

²⁸ Ibid pp 26-37.

²⁹ Maddicks, H. T., A *Hundred Years Of Daylesford Gold Mining History*, Daylesford Historical Society 1951.

³⁰ Patterson, R. D., *A Most Commodious Up-Country Hall. A Brief History of the Daylesford Town Hall'* Shire of Daylesford and Glenlyon, 1985.

popular and were not workable without the support of the locals.

- 1851 The Constitution Act of 1850 formally recognized the separate colony of Victoria from New South Wales. The failure of the district councils meant that when Victoria separated from New South Wales in 1851 there was no effective local government. When the first Victorian Legislative Council met in 1851, the idea of a new roads board was discussed. It was the gold rush that significantly altered the pattern of development in Victoria. Gold was discovered in 1851 by John Egan in Wombat Flat, Daylesford, and by Thomas Connell to the north of the area, on the western fringes of Daylesford and Spring Creek in Hepburn as well as Doctors Gully. Major gold rushes occurred at Ballarat, Buninyong, Warrandyte, Castlemaine, Bendigo and Clunes. The following year there were gold rushes at Beaufort, St Arnauds, Talbot and in 1855 the Ararat gold rush commenced. Within the space of five years, the very small population of the colony of Victoria had increased to nearly half a million people, the majority of people being attracted to the goldfields. By 1855 there were more than a hundred inland towns.
- 1853 The Central Road Board was established in 1853 and 'road districts' were gradually proclaimed in certain parts of Victoria.³¹ The Roads Act in 1853/54 gave locals power to levy tolls and make roads through private property. The road districts became the precursors to the 'shires'. The introduction of the road boards coincided with the promotion of the railways and the introduction of the electric telegraph stations.

By 1853 gold discoveries along the Cornish Axial quartz line of reef in Daylesford led to a second rush of gold diggers, who mined in the area known as Cornish Hill. The same year saw gold rushes in Avoca, Heathcote, Maldon, Maryborough, Rushworth and Stawell. The first major gold rush to the

Daylesford area established the very wealthy Ajax Mine which closed in 1928. Extensive flash flooding along the creek lines in Daylesford, caused in part by mining waste led the Government Surveyor Frazer to site the new township of Daylesford on the upper slopes of Wombat Hill far above Spring Creek. Officially gazetted in 1854 as Daylesford, the town was laid out at the crossroads of several important tracks. Wombat Hill volcanic cone dominated the town, surrounded by numerous mining operations that were dotted around its circumference. Other lines of reef cut across the township of Daylesford from north to south.

The Public Health Act of 1854 extended the powers of local committees over nuisances that fell within the jurisdiction of the police magistrates to cover sanitation and health. Fear of spread of disease and epidemics following the gold rush led the government administration to establish local boards of health.

1854 The threat of outside interference was an inducement to communities to establish municipalities under the new Municipal Institution Establishment Act of 1854. Between 1854 and the 1860s, 45 municipal districts were eventually formed. However there was considerable struggle between supporters and opponents of municipal government. Generally, gold miners subject to the gold license were opposed to the idea of an additional taxation system. The introduction of a limited gold licensing system to the large Victorian alluvial gold mining field in contrast to the initial free mining system of New South Wales and the Californian goldfields, provoked communal reaction, petitions and protests and the Eureka Rebellion in 1854. It resulted among other things, in public condemnation of the administration of the Victorian goldfields. The

³¹Ibid p 89.

goldfields had been governed on the principle of raising money by the issue of gold license fees to every adult male working on the gold fields. Fees were collected by Government police and troopers, who were officially allowed to take a cut of the fees and fines. Non payment of fees led to heavy penalties and inscription into work on road gangs. The gold license was abolished in favour of the Mining courts, representation in the Legislative Assembly, Miner's Rights, introduction of rights for Miners, reduction in the annual gold mining license fees, rights to a Miners Residency Area, which later provided option to freehold 'torrens' title of the land.

1855 and Two more important gold rushes to the Daylesford area which attracted a 1856 sizeable population to the area. By 1855 Castlemaine, Bendigo and Sandhurst (Bendigo had been proclaimed municipalities outside the wider Melbourne and Geelong and Beechworth in 1856. No municipality could be proclaimed without a petition of 150 signatures and any counter petition could be considered. Disputes were common over boundaries and reluctance to pay rate taxes. The introduction of council meetings that were open to the public and the right to monthly public assemblies were fought over and won by rate payers. In addition rate payers were to be consulted prior to the contraction of loans and that economy is of paramount importance in the collection and expenditure of public money. In 1856 the Legislative Council voted in favour of issuing grants to municipalities, later the grants became conditional on collecting taxes.³² By the end of 1856 there were fifteen municipal councils in Victoria.

In 1857 the Central Road Board was abolished and absorbed with the Department of Crown Lands and Survey, and later Department of Railways into the Board of Lands and Works.

1859 There was a proliferation of very small rural municipalities and in some gold towns such as Daylesford, Chewton and Tarnagulla there was a struggle to attain a municipality. The communities were divided between householders and businessmen and miners and temporary residents who were against the introduction of rates and taxes. The gazettal of the Municipal Institutions Establishment Bill in 1854 paved the way for the proclamation of the Borough of Daylesford as a municipality in 1859, with first meetings held in the Daylesford Hotel Vincent Street. The majority of first councillors elected, W. E. Standbridge, J. Howe, R. Fullarton, W. King and R. Knox all owned land in Vincent Street and nearby and were associated with successful mining ventures. Establishment of the borough of Daylesford and council elections with a population of 1,919 people.

By 1860 the majority of allotments in the main street of Daylesford, Vincent Street, were sold and the commercial centre was constructed in a typical gold mining shanty town fashion. The buildings in Vincent Street have been rebuilt several times since it was first established as the commercial centre gradually shifted up the hill to its present site.

The establishment of the municipality of Daylesford was as Barnett writes "a way of promoting and developing communities as an enterprise that is a commercial one".³³ The Daylesford Advocate wrote that "*municipal institutions*"

³² Barret ,B. *The Civic Frontier, The Origins Of Local Communities & Local Government In Victoria,* Melbourne University Press, 1979, p.175.

³³ Barnett, B., The Civic Frontier' M.U.P. 1979, quoted in '*A most Commodious Up-Country Hall*, R. D. Patterson, publisher, The Shires of Daylesford and Glenlyon, p16, 1986.

are the ground works of our liberty, the cause of our progress, and the cause of our being able to distribute ourselves over the world and carry with us the principles of self government".

Not everyone agreed with this statement. There was considerable tensions amongst the many thousands of itinerant gold miners living on Miner's Rights who opposed the establishment of local government and introduction of municipal rates in Daylesford and Hepburn Springs area. Whilst, the pro-lobby group, local entrepreneurs, business people sought opportunities for influence in creating order out of the mining chaos. A counter petition with equal number of signatures was submitted to the government protesting about the burden of municipal rates. The protest petition was dismissed and the municipality incorporated.

New gold town municipalities expanded between 1857-62 with Chewton, Gisborne, 1860, Malmsbury (and Taradale (1861) Eaglehawk1862, Maldon (1858), Maryborough 1857, Carisbrook 1857, Ararat 1858, Avoca 1859, Amherst1858 St Arnauds 1861, Moonambel1862, Inglewood1862, Tarnagulla and Bet Bet, Creswick, Clunes, Talbot, Heathcote, 1859.

The Victorian road districts were re-organized as shires.
 Development of street lighting gas street lighting the single biggest customer of gas were the municipalities. By 1860s gas companies began operating in country towns.
 Sanitation, garbage collection sowers and water supplies. By 1863 the colony

Sanitation, garbage collection sewers and water supplies. By 1863 the colony of Victoria was almost completed covered by local government areas. In 1979 there were 211 local government areas in Victoria.

- 1863 Under the Municipal Institutions Amendment Act, all municipalities were designated boroughs and municipal chairmen were mayors. The term householders included tenants. Property of a net annual value of less than 100 pounds entitled the ratepayer to a vote. A value of between 100 and 200 pounds entitled the ratepayer to two votes and above 150 pounds they were
- 1865-1879 entitled to three votes. The Borough of Daylesford (1859) was declared a municipality in 1863.
 The Waterworks Act of 1865. The 1869 Borough statue and Shires statue

entitled any borough exceeding an income of ten thousand pounds to be gazetted as a town. The Act was consolidated into the Local Government Act of 1874. In 1879 the Municipal Association of Victoria was formed. It is the oldest association in Australia.

- Prior to the construction of the Town Hall for nearly 25 years the Daylesford Council held meetings in various buildings around town. Celebrations and a large banquet of between 80-90 men were held at the Commercial Hotel on the occasion of laying the foundation stone in 1883. The Assembly Hall was added in 1885.
- Creation of the Federation of Australia changed and diminished the status and role of local government. In terms of total government outlay in Australia, local government in the 1980s contributed approximately half of what it contributed in 1909, illustrating the expanding role of federal and state governments, with limited growth at the local level (Chapman and Wood 1984).
- 1907-1945 The Municipal Association of Victoria was given statutory recognition by the Municipal Association Act of 1907 and Local Government Act 1919. Compulsory voting was introduced in 1947, women were given the vote in 1906 and allowed to stand for civic office in 1919. Under the LGA 1919 subdivision was brought under council control and residential districts could be proclaimed.

By 1910 there were 206 units consisting of municipalities, shires and boroughs, which covered the entire state of Victoria (Dunstan 1998).³⁴ The early development of Victorian local government indicated that there was a tradition of democratically elected bodies (Russell and Bishop 1973), when this could be seen to be failing by the end of the century, local communities began challenging governments.

- 1945-1970s During the post war period, Victorian local government dealt mainly with what was colloquially described as the 'three Rs', namely roads, rates and rubbish with a limited to non-existent role in community services. There was a failure of local government to gain responsibility for education, health and other critical services.
- 1980s Attempts to reform the local government framework. The *Bains Report* (1979) concluded that Victorian local government had failed to adjust to social change and had become *ossified (Bains 1979 p.xix)*. The *Bains Report* (1979) recommended the introduction of a corporate management approach and the clear distinction between the roles of elected members and senior officers. The election of the Whitlam Federal Government in the 1970s implemented a new model for federal/local government co-operation, including the direct funding of local government. The philosophy of the importance of local government was extended in 1976 at the Australian Constitutional Convention where a resolution was unanimously carried that recognized local government as a partner in the Australian system of democratic government.

Local Government Commission's Report (1986) stated that Victorian local government was financially weak, its boundaries divided communities with similar needs, it failed to meet the challenges of the community and that the existing structure had become *obsolete (Local Government Commission 1986 p.1)*. Opposition from local government and local communities grew and as a result, the reform process for Victorian local government did not proceed (Vince 1997; Morris 1998; Worthington and Dollery 2002). Modern environmentalism which spread to Australia in the 1960s and 1970s broaden local interests. It precipitated emergence of local action groups particularly the imposition of 'green bans' among other things. The rise of community action and demands for community participation and consultation led to a major over haul of the Environmental and Planning Act.

The passing of a new *Local Government Act* in 1989. The 1989 Act provided a fundamental change to the role of Victorian local government because it set out the wide-ranging functions of a local government council. In the 1980s, Victorian local government expanded its range of service responsibilities particularly in the areas of community services and land use planning (Jones 1989, 1993). A comprehensive land use planning system was introduced. The welfare and cultural services provision of local government increased substantially as the general shift from 'services to **property**' extended to 'services to **people**' approach was introduced.³⁵

1990s and 2000s

In 1992 the Kennett Coalition Government was elected in the state of Victoria in both Houses of Parliament and made sweeping changes to Victorian local government. The reforms that were implemented can be summarized as including the reduction of local government municipalities from 210 to 78,

³⁴ Dunstan,

³⁵ Kelly, A. H., 'The Development of Local Government in Australia, focusing on NSW: From Road Builders to planning agency to Servant of the state Government and Developmentalism.' (University of Wollongong, Paper presented to the World Planning School Congress 2011, Perth, 4-8 July).

among other things. The dismissal of democratically elected local government councillors was described as an attack on democracy. The increased size of local government boundaries impacted on the way that citizens and local government representatives interacted and *eliminated the sense of intimacy* (Ravner 1997 p. 176) between the two parties. An outcome of Victorian local government's increased business focus was the trend to refer to citizens as customers (Office of Local Government 1996, 1997), which was considered to be a limitation to Victorian local government's democracy role. Rayner (1997) stated that democracy was about debate, consultation and differences of opinion (p.8). The concepts of engagement, participation and consultation that underpinned democratic governance were defined in a number of different ways. Citizen engagement was a central aspiration of Victorian local government's democratic governance role (Bowman and Hampton 1983; Brackertz et al 2005; Shadwick 2006; Victorian Local Governance Association and Local Government Division 2006 (last update)). Local government strategies to address this matter have influenced their programmes since 2010 with the introduction of community plans and community hubs among other things.

2.1.5 Town Survey

Daylesford town was surveyed in 1854. Laid out by Assistant Surveyor Hugh Fraser. It was marked out under Urquhart's instructions, following Hoddle's boundary specifications. The generic design was a product of mid 19th century British military colonial town surveys. It was completed in the aftermath of colonial engagement with local populations in Afghanistan and the uprising in India, the so called 'Indian Mutiny' and concurrent with the Crimea War against expansionist Russia. These were colonial wars that impacted upon the colony of Victoria and the Daylesford mining district.

The town survey was based on the typical geometric grid common in colonial towns. The town site was elevated above the frequently flooded deep gorge of Spring Creek. It spread out over the western, gentler slopes of the Wombat Hill volcanic cone. The streets of the town wrapped around the extinct volcano, allowing the summit to be used for surveillance, police, gaol, horse paddock and courthouse purposes. The upper most portions were later given towards the establishment of the Wombat Botanic Gardens in 1862 and town water supply in 1882-5. The town survey carries the particular stamp of Assistant Surveyor Fraser's aesthetic. As a matter of expediency, he designed new streets orientated towards existing travel routes. He created large intersections and radial junctions where major routes met such as Wills Square. Here Spring Creek (Hepburn) Road intersects with the main roads to Glenlyon, Malmsbury and Kyneton, Dry Diggings, Mt. Franklin, Franklinford, Castlemaine, Bendigo and meets the road to Wood End and Melbourne on the north. On the south the intersection of the Ballarat, Creswick, Ballan and Geelong Roads all meet at King Street. The central retail section was bounded by two major roads, Victoria Street and Albert Street, a symbolic reference to the British Queen and her consort, Prince Alfred.



Vincent Street looking towards the Market Square with the Town Hall in the right foreground.

On the most elevated junction and street corner of Vincent Street and Central Springs Road (formerly Queen Street) a large parcel of land was reserved for a Market Square. The Market Square is a legacy of the formation of Market Commissioners in the early development of municipal institutions in the Port Phillip colony. The Borough of Daylesford was formed under the new Municipal Institution Establishment Act of 1854 in the newly formed colony of Victoria.

2.1.6 Colonial Market Squares and Nationalistic Inspired City Beautiful Movement

The siting and design of the Daylesford Town Hall predates the early 20th century City Beautiful Movement associated in Australia with the formation of Federation and nationalistic movements. By the time proponents of City Beautiful Movement were expounding their philosophy about the design of civic centres as the hub for the town, the Daylesford Town Hall has already been built. The sale of the Market Square corner lot by the newly elected Councillors for the Post Office in 1862 meant the reserved land was no longer suitable for the location of a Town Hall.³⁶ When plans were prepared for the Daylesford Town Hall in the1870s, the majority of land in Vincent Street was already built upon. As Cannon writes 'governing bodies controlled by the ethics of making private profits from community growth were quite unable to plan desirable or even efficient urban areas.' ³⁷ By 1900 it was considered the height of folly and extravagance in Victoria to erect an expensive public building in a crowded commercial street.³⁸

Contemporary critics described the Daylesford Town Hall as 'Italian' in design concept and 'Italian' in urban streetscape context. However, an analysis of its placement indicates that consideration was given to carving out a civic space and setting for the Town Hall.

³⁶ Daylesford Parish Plan 1860

³⁷ Canon, Life in the Cities, .25

³⁸ G. S. Jones 'Australia And Civic Art' *Architecture*, 2(4) 1917 p. 85 quoted in *Designing Australian Cities*, Robert Freestone, UNSW Press, 2007, p. 145.



The 'Italian' streetscape design and 'Italianate' style Town Hall. The Hepburn shire Motto

The siting of Daylesford public buildings appears to bear the influence of W. E. Standbridge as educator scientist and social reformer. The early councillors, including Standbridge, eschewed the idea of constructing the Town Hall on the prominent corner of Vincent Street and Central Springs Road, (formerly known as Victoria Street) designated as the Market Square. The Market Square instead acquired an educational aura. The corner lot was where the Post Office and Telegraph Office was erected in the 1860s, with corner landmark tower. The remaining part of the Market Square had been haphazardly claimed by illegal structures.

These were progressively acquired, utilized and expediently removed to allow for development of educational facilities, including the School of Mines in 1889 and in 1915 the Technical School, more recently used as the Daylesford Museum. Both buildings were adjacent the Daylesford Primary School and Principals residence, all of which benefited from generous building donations by W. E. Standbridge. The town's Fire Station and Brigade, now used as the Daylesford Tourist Information Centre, was also located within the Market Square. More recently an Infants Creche and Kindergarden were erected on remaining area of the former Market Square. All these buildings are still extant and highly intact.

The only option for the location of the Town Hall was on the opposite side of the Central Springs Road and Vincent Street. With the prominent corner block taken up, by the National Bank (later converted into the Belvedere Hotel and latterly, Frangos and Frangos), the Town Hall was constructed over the fresh water springs, the town's water supply, in the Water Reserve, two lots down, facing Vincent Street. This was only made possible after the gazettal of the Waterworks Act of 1865, whereby local government were given grants for construction of waterworks.

The Water Reserve extended to the west behind the National Bank to front onto Central Springs Road (Victoria Street). The new Town Hall was an infill development site, on either side were 1860s banks and hotels, which are still extant. It only required the eviction of Messrs Lavezzotti, who had illegally erected a building on the reserve site.



There were and still are four 19th century banks in Vincent Street, the former, Victoria, Colonial Bank of Australasia, the Union and Savings Bank. (Photographs Daylesford Town Hall)

2.1.7 The Water Reserve and the Waterworks Act of 1865

The Water Reserve in Vincent Street incorporated a fresh water spring, which was piped to the Public Baths, located at the rear on the corner of Central Springs Road and Bridport Street.³⁹ The former Water Reserve in Vincent Street became the site for the Daylesford Town Hall. The initial designs of the building accommodated the substantial fall across the site. The natural fresh water spring was preserved by elevating the front section of the building towards the front of the site. It appears the land was later excavated to provide for a substantial basement with high ceilings to make room for public cloakroom, toilets, staircase, store rooms and possibly the caretakers quarters. A water pipe carrying the clear water from the spring was rerouted along the side lane to the public baths and wash house. (The former public baths was upgraded during the late 1950s/1960s to an Olympic swimming pool, which still exist intact to their original design in 2014).

The Daylesford Town Hall was recessed back from the adjoining 1860s buildings built on either side of it, creating a small forecourt to the building in Vincent Street. Large ceremonial central entrance stairs are designed beneath a projecting portico with pedimented two-storey balcony above, gave prominence to the front facade. It also allowed the elevation of the ground floor of the building well above pavement level and its neighbours and in so doing allowed the construction of a generous basement. The purchase of land from adjoining neighbour provided for a side laneway created, separating and distancing the prominent public building from its neighbours. The prestige of the building was expressed by a series of giant Corinthian columns which terminate in elaborate acanthus leaf capitals on the third storey, above which rise cornices and a high balustraded parapet adorned by tall Grecian urns.

Taking advantage of the authority conferred by the Waterworks Act of 1865, the Hepburn municipal councillors relocated the main town water supply from beneath the new Town Hall to the summit of the Wombat Hill Botanic Gardens. Reserved in the early 1880s, two concrete water tanks were erected on newly created water reserves. The Circular Day Basin and Oval Reservoir were set within the Botanic Gardens, which were-designed by Messrs. Taylor and Sangster, who had just completed the layout and planting of the ceremonial gardens of the International Exhibition Buildings, Melbourne (1880). The new design of the Wombat Botanic Gardens incorporated the town water supply. The Circular Day Basin was designed originally as a small artificial lake, surmounted by a water fountain with overflow part of the main garden feature. The feature incorporated an elaborate cascade water gardens, including fountains, rockeries, grottos and ferneries. The newly designed Wombat Botanic Gardens was officially opened in conjunction with the new Daylesford Town Hall in 1884. It created a new imaging for the local community.

³⁹ Patterson, R. D., *A Most Commodious Up-Country Hall*, J.A. Hoskin & Son Pty Ltd., Ballarat, p 17, 1985



Drawing of the Town Hall prepared by George Johnston, (SLV)

2.1.8 Competition and Design of the Daylesford Town Hall

The Daylesford Town Hall was built in 1882-84 to the competition-winning design of the architect George Johnson. In 1881 the Council of the Borough of Daylesford formed a sub-committee, who after touring around visiting various town halls, offered a sum of twenty five pounds sterling for the most suitable design of the town hall.⁴⁰ Fourteen competition entries were submitted and shortly afterwards, Johnson's plans for the new Municipal Building were selected (without the hall at the rear). The entry was described in the Advocate, 7th Feb 1882

The first elevation is exceedingly bold and striking. The building will be about forty two feet high from the footpath to the top of the parapet, and must form a very prominent feature. The front is divided into bays of six bold columns carried from the basement to the top of the second storey, these being surmounted by ornamental capitals. What may be termed the central bay stands forward nearly six feet, forming a fine entrance porch, and is surmounted by balcony windows, with appropriate pediment at the second storey. The windows are lofty and circular headed. a similar style to the Town Hall. It included a Mechanics Institute and Library, as well as eight shops to generate an income.

We now come to the central entrance, where a large lofty hall is entered ten feet wide, from a spacious porch, flanked by fluted pillars on either side. Passing along the hall, we enter a fine vestibule fifteen feet wide, which will form a splendid approach and crush room to the large public hall which must sooner or later be erected at the rear. From the vestibule is a staircase ascends to the second storey. At the top is a broad landing the same size as the vestibule below, and from this, access is gained to the various offices. First we enter the finest room in the building- the Council Chamber.⁴¹

The first stage, the east end of the present building on the ground floor provided rooms for the Mechanics Institute and Free Library as well as rooms for local Friendly Societies the Franklinshire Council Office, the Gas Company and The Hospital and Benevolent Society. And on first floor, the Council Chamber, Public Gallery and Mayor's Room and Town Clerk's Room and the Lodge Room were located.

⁴⁰ Patterson, R. D. '*A most Commodious Up-Country Hall*, publisher, The Shires of Daylesford and Glenlyon, 1986. P. 29

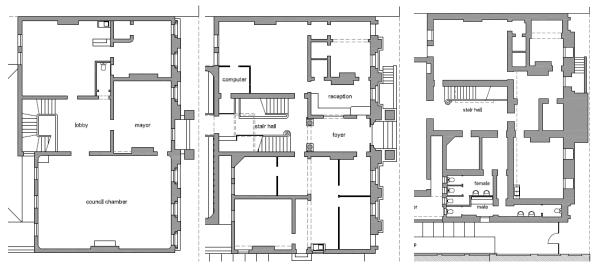
⁴¹ Advocate 7th February 1882.

The borough publication, Daylesford and Its Beautiful Surrounds' by "A Wanderer" wrote in 1885 about the Town Hall. $^{\rm 42}$

On walking through the town, the first building of any size that meets your gaze is the New Town Hall, situated in the principal (Vincent) street. It is a fine large building, recently erected at a cost of upwards of 7,000 pounds, and would do credit to any inland town.

It contains besides the council Chambers and necessary municipal offices, a Lodge Room, where the various Friendly Societies of the town meet, and a capital Mechanics' Institute and Circulating Library, containing upwards of 1200 volumes and a Public Hall, capable of seating 1000 persons, which is provided with a stage and all modern accessories for theatrical representations. In the Reading Room, which is open from 11am to 9pm- all principal papers can be perused daily. The subscription to the Reading Room and Library is 5s per quarter, but visitors are allowed the free use of the Reading Room on introduction by any subscriber.

In addition to the Subscribers' Room there is a free Reading Room, which is open to all, daily from 11am to 98pm. The Melbourne papers are always on the table after the arrival of the morning train.



First Storey Level

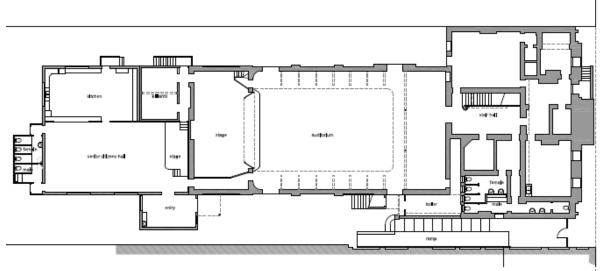
Ground Floor Vincent Street

Basement Level Bridport Street

The town hall was completed in 1884 to an estimated cost of 4,500 pounds stirling. The first public use of the place was on 10th January 1884. A caretaker was appointed to the Town Hall and the Council met in the Chambers for the first time on 1st March 1884.

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⁴² *The Illustrated Handbook & Guide to Daylesford and Surrounding Districts*, pub. Authority of the Borough Council Troedel & Co, Melbourne, 1885



Senior Citizen Cupper Room & Kitchen Stage & Assembly Hall & Balcony

Three Storey Chambers



The side laneway

The building was built by contractor Messrs. G. Clayfield, and McMillian. The Clerk of Works was Parnham. The building construction was started in 1882, the foundation stone laid in January 1883 by Hon. W. E. Stanbridge, Mayor and Councilllor of the Borough if Daylesford, consisting of ten councillors. The Town Clerk at the time was D. McLeod, with Chas. Devlin, Borough Engineer.

Amendments during the course of construction included alterations to the foundations to enable the design of a series of 'lofty rooms' on the basement storey, which was considered might add greatly to the value of the building.

The second alteration was the purchase of a strip of land to the south of the building, eleven feet wide by which a right of way from the front to the rear of the building could be created. It would also provide access to the hall at the rear of the building when it was completed. The additional land also allowed to side entrance to the Free Library to be created and also improved light and ventilation with additional windows.



View of the side lane between the former Belvedere Hotel and the Town Hall.

Architectural Description of the Exterior

Stylistically the Daylesford Town Hall is designed in what is known as the Victorian Academic Classical Style that was popular in Australia from the mid 19th century to the 1890s. The style is associated with the expansion of the British Empire and development of its colonies in India, Sri Lankia, Australia and New Zealand and elsewhere.

The scholarly brand of neo-classical architecture was also very popular in the United States with the construction of the state capitol. As Apperly writes the growth in local government in Britain's booming industrial cities created some impressive and quintessential Victorian monuments, reserved for public works such as law courts, libraries, museums and art galleries as well as town halls.⁴³ Early civic buildings were designed in the revival of Greek architectural forms with Ionic columns. By the mid 19th century Neo-classical architects became more popular, often responding to competition briefs that stipulated a building in 'Grecian, Roman or Italian style'.

Neo-Classical designs such as that for the Daylesford Town Hall are typical of this genre. Typically with a series of giant Corinthian columns placed across the facade, the central ones projecting forwards to hold the Grecian style pediment. The columns set on rusticated ground storey and chunks of entablature breaking forwards above them, at the top ornate balustrade is decorated with cast urns.

Strongly, symmetrical in plan with six double storey height Corinthian columns, set on high raised plinths, base and pedestals, divide the front into seven bays to create a front elevation that embodies solidarity and status.⁴⁴ The facade is deeply modelled in stucco with Palladian motif style windows, the arched double casement windows are defined by fluted columns, with heavy upper corbel brackets supporting the stringer course.⁴⁵

A pedimented portico derived from a Grecian temple model, projects into Vincent Street. Set on raised plinth base the columns raise the ground level, allowing five

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⁴³ Apperly, R., Irving, R., Reynolds P., *Identifying Australian Architecture*, North Ryde, Angus & Robertson, 1989, P 53.

⁴⁴ The Corinthian Order includes a plinth, pedestal, base column shaft, capital usually based on arcanthus leaves, architrave, frieze and cornice, an Athenian invention but usually based on roman examples in the 19th century.

⁴⁵ Summerson, J., *The Classical Language of Architecture*, London Thames & Hudson, 1980 reprint 1983. The Palladian motif is a combination of arch and column illustrated by Palladio of the Basilica at Vicenza, often combined with arched windows in Victorian architecture.

monumental front steps made from Harcourt granite, to lead up to a tessellated tile portico, protected beneath a two storey balcony. The front door is heavily decorated with ten recessed panels and diaper pattern to mouldings. Two single side doors give separate access to the ground floor end rooms. The columns support a deep cornice and entablature with balustrade parapet and Grecian urns surmounting solid pillars.

Description of the Interior of the Town Hall

The interior consist of a series of large flowing rooms, which are accessed through an ornate Grecian portico defined by lonic columns set on raised plinths. To the left were the two types of libraries, free and commercial as well as a Reading Room and Mechanic Institute. To the right of the hall the rooms accommodated the rooms for local Friendly Societies the Franklin Shire Council Office, the Gas Company and The Hospital and Benevolent Society. And on first floor, the Council Chamber, Public Gallery and Mayor's Room and Town Clerk's Room and the Lodge Room were all located.





Ground Floor main entrance



First-Storey Landing





Original timber joinery, furniture fireplace in Council Chambers





Original benches upholstery, balcony and stage in the Assembly Hall



The Palladian motif theme is extended to the interior with the main entrance vestibule with lonic free standing columns and deep frieze and cornice consisting of 'triglyph' series of vertical grooves and 'mutule' with 'guttae' below. This is repeated in the architraves and pediments in the ornate timber joinery on the first floor, the Council Chamber and Mayor's rooms. The ground floor is treated as a base and the main first floor as a 'piano mobile'.

The construction is load bearing masonry walls with stucco and plaster interiors. Structural corrugated metal and iron is used for the roof structure. The building is designed in three sections. The front three-storey section is separated from the lower two-storey Assembly Hall. Built of masonry red brick it has no architectural stylistic exterior features. It is built on the lower level behind the main Chamber Rooms of the Town Hall. The building raises again, a further one or two levels, to accommodate the flytower over the stage. The roof is a hip structural design with separate metal roof structure, clad with corrugated metal sheeting.

The whole complex of the Daylesford Town Hall is remarkably intact. The interior walls, cornices and ceilings have been repainted and the original decorative detail obscured. However details about the specialist decorators and designers are known and further research is most likely to reveal the original interior scheme should it be restored in the future. The stage has been modified in the 1950s again, sketch details exist of the original.

The internal central staircase and decorative iron balustrading is insitu as too is the balcony balustrade, upper balcony flooring and original 1882 red upholstered benches, all crafted locally. The magnificent 24 gas burner light chandelier designed by the architect, George Johnston has been removed from the Assembly Hall. There is high potential to restore the interior of the Town Hall.



2.1.9 Government Loans and the Construction of the Assembly Hall

In 1885 the Daylesford Council proposed the construction of the rear Assembly Hall. A loan of six thousand pounds stirling was proposed in order to pay the debt of the town hall and for costs of construction of the hall. The loan was approved amidst some considerably public opposition and tenders were finally called. George R. Johnson designed the main assembly hall stage. Additional dressing rooms and a supper room and kitchen was constructed as the Senior Citizens Rooms nearly 80 years later.

The local building G. Clayton won the contract to build the hall in 1884 for 2,285 pounds stirling. The Clerk of Works was the Borough Engineer, Charles Devlin. The Assembly Hall accommodated 1,000 seats of which 300 seats were located in the upper gallery. The hall was equipped with seven emergency exit doors each six foot wide.

The stage was designed in proscenium style incorporating, backdrops, flies, trap and curtain. The balcony was fitted with elaborate ornamental iron brackets and metal balustrading. The basement of the Town Hall provided separate Gentlemen's and Ladies cloakrooms, retiring rooms and powder rooms. The scenery art work was designed by Harry Grist and H.W. Scott of the Melbourne Theatre Royal. The decorative art work undertaken by Signor Rossi and Mr Davies completed the scenery drawing of the French casement window opening out onto a landscape. The gallery seating was manufactured in crimson red by local upholster C. M. Pow. Two spectacular sun lights were made by T. J. Connelly and Co. to the design of the architect G. R. Johnson. Each light contained 25 gas burners. The gas lighting was ignited by a pilot light and the fittings manufactured by J. Robertson of Daylesford. All the furnishings and timber accessories were all gifted to the Town Hall by the Mayor Cr.J.H. Wheeler, a large local timber sawmill owner.

2.1.10 Function of the Daylesford Town Hall

The building was opened with a large Concert and Ball held on 20th January 1886. The Advocate the next day described every dress worn by every lady present at the concert. Over the past 128 years the Town Hall has been used continuously for a variety of community and municipal uses. These include social dances balls and concerts, patriotic functions, rallies, commemorative events, jubilees and farewells, fundraising, political occasions and civic receptions, Council presentations, community events annual meetings, speech and club nights commerce and industry meetings. In 2014 the Assembly Hall and Senior Citizens Rooms are booked out for almost every week and weekend of the year.

The Town Hall is a strong focus for social, political, municipal and community affairs and is an important civic place that gives expression to the community life and culture.

2.1.11 George Johnston the Architect of the Daylesford Town Hall

George Raymond Johnson (1840-1898), architect and surveyor, was born on 7 February 1840 at Southgate, in the Edmonton district, Middlesex, England, one of eight children of William Johnson, carpenter, later a contractor at Derby, and his wife Fanny, née Noon. George was articled to George Hall, architect to the Midlands Railway Co., and then worked in London. Before leaving for Queensland, on 24 July 1862 he married Emma Louisa Wood at the parish church, St George the Martyr, Holborn. In Brisbane Johnson joined John Townsend Godfrey as a house- and ship-builder and claimed experience in both London and New York. In 1863 they had contracts for the Toowoomba Gaol, Woogaroo Asylum and Woogaroo Congregational Church, but the partnership was insolvent by April 1864. In 1865 Johnson was at Bowen and next year was licensee of the Criterion Hotel, Townsville.

Again in financial difficulties, in 1867 he moved to Melbourne, where he began modestly, building cottages, villas and small hotels; he may have gained clients through Masonic connexions, though many commissions came from competitions. His earliest works included cottages for the Old Colonists' Association (1869), Fitzroy, the Eastern Arcade (1872), Bourke Street, the New German Club (1878), Adelaide, and the Austin Hospital for Incurables (1881), Melbourne.



Prince of Wales Opera House 1872 Eastern Arcade 1972 dem 2008 North Melbourne Meat Market

His town halls (still in use in 2003) mostly had landmark towers and the distinctive and powerful designs that sustained Johnson's reputation. They were at Hotham (North Melbourne, 1875), Collingwood (1885), Fitzroy (1887, an addition to the first part by W. J. Ellis) and Northcote (1888), in Melbourne, and at Daylesford (1882), Maryborough (1887) and Kilmore (1893). These were all classical designs with bold and rich character from Johnson's mannerist palette, an idiom in which he was a master. Another of his dominating classical works, featuring giant Corinthian pilasters, was the Metropolitan Meat Market (1879), North Melbourne.

He was a prolific architect of theatres, long since demolished or radically altered, including the Prince of Wales Opera House (1872), the Cyclorama (1888) and the Bijou Theatre (1889), Melbourne, the Theatre Royal (1878), Adelaide, the Criterion Theatre (1886), Sydney, and the early plans for Her Majesty's opera houses in Sydney (1883) and Brisbane (1884). Johnson's greatest contemporary acclaim came from his design for the extensive and wonderful Centennial Exhibition complex (1887), which he added with sensitive deference to the northern side of the earlier Exhibition Building (1880), by Reed & Barnes.

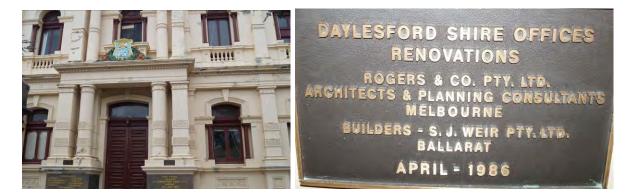
Johnson's success created some professional enmity and he had disputes with the Victorian Institute of Architects. He served on Hawthorn Borough Council in 1870-73. On 2 December 1882 he was seriously injured in a railway accident at Hawthorn for which he received £2481 in compensation.

During the financial depression of the early 1890s, Johnson sought opportunities elsewhere. In Western Australia he worked on the Theatre Royal (1896), Perth. While returning to Melbourne in the *Pilbarra*, he took ill and died of septicaemia on 25 November 1898 at sea. Intestate he left an estate of £150. His wife, three sons and four daughters survived him. One son Harry Melbourne Golding Johnson (1867-1931) became an architect.

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 Johnson family papers (privately held).1



2.1.12 Conditions of the Fabric

The Daylesford Town Hall has generally been well looked after. The Council operates a regular system of cyclic maintenance with annual budgets for planned works. There have been few alterations to the Daylesford Town Hall. Except for the Senior Citzens' Rooms, comprising supper room, toilets, stage and a large kitchen located at the rear of the Assembly Hall with access from Bridport Street, there have been no additions to the place.

Maintenance works have primarily focussed on combating rising damp associated with the fresh water spring beneath the front section of the buildings. This has resulted in a new timber parquetry floor laid over the existing Assembly Hall floor in the mid 1950s. Later in the 1970s a cement base was laid and a new parquetry floor installed.

The Cloakrooms have been refurbished and new render applied to the water damaged walls. The ground floor rooms and internal walls have been altered by the addition of new internal non-loading bearing walls and some openings in the walls have been constructed to reflect the changing functions and use of the office spaces. Major upgrades and conservation work occurred in 1986 under the direction of the architect, Rogers & Co. Pty. Ltd.

The front facade and exterior joinery were re-painted in the 1990s and again in 2005. A disability access ramp was installed in the side lane and new access friendly side entrance created for the public due to the several main entrance steps in the main portico entrance to the building.

Ongoing rising damps issues persist in the area of the fresh water spring in the basement.

3 INTERPRETATION AND ANALSYIS

3.1 Comparative Analysis

The tool of comparative analysis is used to clarify which social, economic, cultural and physical features or attributes have been and are important for the area's development; which traits have played a key functional and symbolic role, and which are secondary. Intangible cultural values are derived from associations between places and the responses that the places evoke in communities.

The following is a pictorial survey of town halls that were constructed on the central Victorian goldfields during the gold rush of the 19th century and similar town halls built in the inner suburbs of Melbourne that reflect the development of local government.





St Arnauds



Talbot 1860s



Kilmore, Mitchell, 1894



Collingwood, G. Johnston 1885-1890



Fitzroy 1887-1890 G. Johnston



Northcote G. Johnston 1892



Castlemaine 1898



Eaglehawk 1901



Hawthorn 1888



Brighton, 1885



Buninyong, 1886

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Ararat 1899



Bendigo 1878-1886 Vahland remodelled



Port Melbourne 1882



Prahan 1860-1870s rebuilt after fire 1914



Dunolly 1884 built as a courthouse and later made into a town hall

Creswick 1876



Richmond 1919



South Melbourne, 1883



Maryborough 1887





Preston



Ballarat 1868, part of ground floor originally rented by the Commercial Bank constructed by W. Cowland



Clunes Town Hall and Courthouse 1872 constructed by William Cowland

Daylesford Town Hall

Built 1882-1884 and 1885 constructed by William Copland designed by George Johnston

Daylesford Town hall is one of the earliest Victorian local government buildings. Built during the colonial period it is a quintessential example of British expansionist aspirations. The particularly Victorian Academic Classical architectural style and streetscape setting reflects the development of the Daylesford mining field and cyclic periods of wealth, boom and burst.

4 STATEMENT OF SIGNIFICANCE

4.1 Statement of Significance

The Daylesford Town Hall is an example of a model British colonial government Public Works building initiated and promoted by local civic elites. It was designed by the well known colonial architect George Johnston in a flamboyant Victorian Academic Classical architectural style. The Neo-classical style extends to interior layout, decorative detail, metal internal staircase and timber joinery. The various attributes. design, setting, physical fabric and layout of the building reflects the early development of local government, particular to colonial Australia prior to the formation of Federation. The Daylesford town was surveyed in 1854, one of the many successful gold mining towns of central Victoria. Gold was discovered in the area in 1851 with three substantial alluvial rushes shortly afterwards and relatively permanent gold mines operating until 1928. The early gold wealth of the area led to the formation of the Borough of Daylesford in 1859 and the incorporation of the Hepburn Municipality in 1863, one of the earliest municipalities in Victoria. There was considerable local opposition to the formation of the municipality with counter petitions. The local population was a very mixed group of European, Irish, English and Chinese itinerant and transient miners working on alluvial Miners' Rights in the rugged hilly country. Early wealth produced by some on the local goldfields led to economic activity with local town land sales and settlement. By the time plans for a Town Hall were won by competition in 1882, there was no available space for the Town Hall in the main street of Daylesford.

The site of the Town Hall encompasses the important communal water reserve in Vincent Street. The fresh water from the spring and town well beneath the Town Hall was piped down a newly formed side lane to the remodelled Public Baths, which were later recycled in the 1950s as a public Olympic swimming pool. And also the associated relocated Vincent Street water supply to a reserve on the summit of Wombat Hill, a volcanic cone and location of the Wombat Hill Botanic Gardens in Daylesford.

In conjunction with the design and construction of the Daylesford Town Hall, and in lieu of a grand civic square, the new Town Water Reservoir and Circular Day Basin, an artificial concrete holding tank adorned with fountains were constructed and officially opened at the same time as the Town Hall in 1885 and 1885. The overflow to the concrete reservoir was designed as a cascading hanging water garden with fountains, grottoes and ferneries. Designed by Messrs. Taylor and Sangster, leading designers and colonial nurserymen, it became the main feature of the Botanic Gardens.

The Daylesford Town Hall was designed by British émigré architect, George Johnston, an important Melbourne architect, shortly after he completed the design of the annexes to the International Exhibition Buildings, Melbourne, and prior to his most active period designing numerous inner Melbourne grand city town halls. The prestige afforded the new Daylesford Town Hall and gardenesque water cascade gardens and fountains in the Wombat Botanic Gardens, is demonstrated by the contemporary construction of the International Royal Exhibition Buildings Annexes, Melbourne, and Gardens, including and landmark Fountain (Carlton Gardens) both designed by the same architect, George Johnston, and landscape designers, Messrs Taylor and Sangster.

The Daylesford Town Hall has three sections, the three storey grand front section built in 1882-8 that included the Council Chamber, Public Gallery and Mayor's Room and

Town Clerk's Room, a separate office for the former Franklin Shire Council, offices for the Gas Company, a Mechanics Institute, free Library, public subscription Reading Room, rooms for the Masonic Lodge and other Friendly Societies. There is a large basement for cloakrooms and caretaker's accommodation.

In 1885 a large 1,000 seat Assembly Hall and upper level curved balcony was designed by George Johnston. The stage was designed in proscenium style incorporating, backdrops, flies, trap and curtain. The stage scenery art work was designed by Harry Grist and H.W. Scott of the Melbourne Theatre Royal. The balcony is fitted with elaborate ornamental iron brackets and metal balustrading. The gallery seating is manufactured in crimson red by local upholster C. M. Pow in 1880s. There were two spectacular sun lights made by T. J. Connelly and Co. to the design of the architect G. R. Johnson, which has since been removed. The gas lighting was ignited by a pilot light and the fittings manufactured by J. Robertson of Daylesford. The interior joinery and furniture was donated by Councillor Wheeler, owner of a large timber mill. The decorative art work and painting scheme throughout the building is by Signor Rossi and Mr Davies, 1880s. Remains of the scheme are likely to exist under the over paint. The building was built by local contractor Messrs. G. Clayfield, and McMillian. The Clerk of Works was Parnham. The building construction started in 1882, the foundation stone laid in January 1883 by Hon. W. E. Stanbridge, Mayor and Councillor of the Borough if Daylesford, consisting of ten councillors. The Town Clerk at the time was D. McLeod, with Chas. Devlin, Borough Engineer.

The site of the Daylesford Town Hall includes its civic setting and associated six commercial shops, the Stanbridge Buildings on the north side and the former Coffee Place on the south, also designed by George Johnston.

The Town Hall is a purpose built assemblage, achieved through the purchase and construction of a public pedestrian lane to the south and partially closed lane to the north. The building is set back in the street with a small civic forecourt, which allows the elevation of the ground floor by a flight of grand steps leading to the central twostorey balcony and portico. Gravitas is provided by the symmetrical plan and six double-storey height Corinthian columns. The columns divide the front into seven bays to create a facade that embodies solidarity and status.⁴⁶ The facade is deeply modelled in stucco with Grecian details as derived through Palladian motif style windows. The arched double casement windows are defined by fluted columns, with heavy upper corbel brackets supporting the stringer course.⁴⁷ Å pedimented portico symbolic of a Grecian temple, projects into Vincent Street. Set on raised plinth base and pedestels, the columns elevate the ground level, allowing ceremonial access to a tessellated tile portico, protected beneath a two storey balcony. The front door is heavily decorated with ten recessed panels and diaper pattern to mouldings. Two single side doors give separate access to the ground floor end rooms, denoting the different hierarchical social structures within local government. The columns support a deep cornice and entablature with balustrade parapet and Grecian urns surmounting solid pillars.

The final building was opened with a large Concert and Ball held on 20th January 1886.

⁴⁶ The Corinthian Order includes a plinth, pedestal, base column shaft, capital usually based on arcanthus leaves, architrave, frieze and cornice, an Athenian invention but usually based on roman examples in the 19th century.

⁴⁷ Summerson, J., *The Classical Language of Architecture*, London Thames & Hudson, 1980 reprint 1983. The Palladian motif is a combination of arch and column illustrated by Palladio of the Basilica at Vicenza, often combined with arched windows in Victorian architecture.

Later in the 1970s a cement base was laid and a new parquetry floor installed in large assembly hall in the 1950s. A large single storey timber weatherboard building used by the Senior Citizens Centre, that included a small stage, kitchen, toilets and supper room were constructed at the rear of the 1885 assembly hall at this time.

The Town Hall exterior, interior and setting including adjacent 1860s former banks and hotels are still extant with a high degree of authenticity and integrity. The original interior decorative finishes have been painted over in the main section of the building and some internal partitions erected which to some degree obscure the original configuration of the former Mechanic Institute and Reading Rooms. The joinery and original furnishings, photographs, paintings, honour boards and ceremonial artefacts remain intact and are outstanding local examples of exemplary craftsmenship.

How is it significant?

The Daylesford Town Hall is of historic, rarity, characteristic, aesthetic, social and associational significance to the local Hepburn Shire area and central goldfields region.

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

The Daylesford Town Hall is of historical significance as a public works building, part of an important 19th century gold rush era of central Victoria, when a large number of collective communities asserted their claims to civic rights, security of property rights and access to capital. It is a tangible example of the transfer of a model of local governance from England to a small gold mining district in the colony of Victoria, Australia, during the 1850s and 1880s, prior to nationhood and the Federation of Australia.

The 1882/5 Daylesford Town Hall is the public face of the Borough of Daylesford, created in 1859 and later Hepburn municipality, proclaimed in 1863. It also accommodated the offices of Mount Franklin Shire and later merged with the shires of Creswick, Clunes, part of Talbot/Amherst, Mount Franklin, Glenlyon and Trentham shires

It embodies the many metropolitan/colonial viewpoints in which the institutional framework of local government was won locally. It is a product of a very diverse ethnic community of local entrepreneurs and miners who sought to promote civic order, learning and economic growth out of the environmental chaos that resulted from the largely uncontrolled gold mining industry in the Daylesford area

Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history.

The rarity value of the Daylesford Town Hall is associated with the influence and interaction between local communities, trans-colonial collaboration and exchange of scientific knowledge.

The Daylesford Town Hall is one of the few regional examples of George Johnston's municipal buildings, which design in response to the provision of human orientated services (parks, gardens, schools and staging community events). The Daylesford Town Hall shaped the physical environment of Daylesford in a unique way associated with the development of local infrastructure, particularly water, gardens and science as well as offering a large public venue to celebrate, commemorate and collaborate in social, political and community

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events.

Daylesford Town Hall is rare example of the development of a town hall and municipal government where the provision of local waterworks has been an inspiration of social progress and tourist development. Developed over a fresh water spring, located beneath the Town Hall, the water was re-directed, piped down a newly created laneway to the remodelled public baths and latrines located at the rear of the town hall, a vital service to the health of the early gold mining town. After water reticulation was introduced, the public baths located behind the town hall were remodelled as an Olympic public swimming pool and gardens in the 1950s focusing on the needs of the youth and old, with the nearby construction of a Seniors Citizens Centre.

The Hepburn Shire contains 80% of all known mineral springs in Australia. As early as 1862 the first mineral springs reserves were gazetted for protection in the Daylesford and Hepburn area. The 1860s Botanic Gardens was formally designed and officially opened in conjunction with the new Daylesford Town Hall in 1884. Funded by councillors, the Botanic Garden was designed by Messrs. Taylor and Sangster, who laid out the ceremonial gardens of the International Exhibition Buildings, Melbourne (1880). Located on the summit of the Wombat Hill Botanic Gardens is the 1880s Circular Dav Basin and Oval Reservoir, the relocated town water supply. Originally designed as a small artificial lake, surmounted by a water fountain with overflow designed as the main garden feature, the elaborate 1884-85 cascade water gardens, fountains, grottos and ferneries. In the late 1880s, the Hepburn Mineral Springs Bath House was constructed. Further beautification was carried out in the 1920s, when the massive Lake Daylesford and then Jubilee Lake were constructed by the municipal council providing ornamental lakes and civic public gardens for the local citizens.

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness). The Daylesford Town Hall is the operating centre of Hepburn Shire. It has cultural heritage significance for outstanding example of demonstrating the principal characteristic of Victorian Classical Academic architecture to express the form and ideas of civic society. It is a superlative example of George Johnston's early work, regarded as the most prolific designer of municipal buildings in late 19th century Victoria, as well as of many theatres and opera houses in Melbourne and other Australian cities and the annexes to the Royal Exhibition Building in Carlton

The flamboyant architectural neo classical design is typical of early town hall development in the Australian colony prior to Federation in 1901. It is a symbol of wealth, property and prestige amongst the many gold mining districts of Victoria. The Daylesford Town Hall incorporates meeting rooms for members of the lodges, Freemasons, Oddfellows and Orange Lodge and members of the Mechanics Institute, all specifically and spaciously accommodated within the early layout of the Town Hall. The interior decorative details and layouts are exemplary, rare examples of local craftwork and materials.

The Daylesford Town Hall's early Mechanic Institution, included public

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libraries and reading rooms for meetings and lectures. The social, political and moral homogeneity of these members of the lodges can be attributed in part to the consumption of the same print media and political influence through local newspapers distributed in the Town Hall.

The Town Hall was an infill development, created on land set between the National, Union and Commercial Bank in the middle of the commercial centre of the town. Its motto is 'Concord and Progress'. The symbiotic relationship between councillors and members of the lodges created many kinds of opportunities afforded by these spheres of influence, alliances, including the gravitas of ritual, pomp and ceremonial performances of the lodges themselves. One of the earliest evidence of the benefits of municipal government to local businesses in Daylesford was in the installation of gas street lighting in Vincent Street. The gas company beginning as a private speculative company established by councillors with premises in the Town Hall. Other benefits for businesses and property owners followed. The construction of the town hall is associated with six shops that make up the Stanbridge Buildings.

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance). The Daylesford Town Hall has outstanding aesthetic significance as a 19th century gold rush town hall designed in the Victorian Academic Classical style.

The Daylesford Town Hall has aesthetic and architecturally significant as one of the earliest of the grand municipal buildings that characterised Victoria in the post-gold era. It is an outstanding and intact example of the grand town halls which were built in the central goldfields of Victoria in the 1880s, and demonstrates the prosperity of these mining municipalities at that time.

The Daylesford Town Hall is of aesthetic significance because of its largely intact ornate exterior and interior depicting Grecian symbolic and iconoclastic motifs. The interiors fireplaces, ceilings and other features are remain original, and display original furniture and all joinery features, all manufactured locally. The rear stage and large ornately decorated assembly hall, surrounded by a proscenium arch and a first floor gallery which extends around three sides is intact. Although the stage was modified in the 1950s there is considerable potential to restore the original decorative details. The gallery has elaborate cast iron balustrade and is supported on decorative brackets with original upholstered red velvet benches designed and manufactured locally.

The exterior massing of its form, the dramatic landscape setting, civic forecourt and laneway design associated with the fresh water spring and former Pubic Baths, now the Olympic swimming pool, remains substantially intact adding to the grandeur of the place.

The Daylesford Town Hall has aesthetic significance for its landmark presence in the streetscape of Vincent Street, described as an Italian style streetscape. The building is contemporary with adjacent shops and hotels in Vincent Street, which are aesthetically and historically significant for their intact 1860s-180s elevations and shopfronts, which form an exceptional group. The aesthetic significance of the Town Hall is enhanced by its location in Vincent Street, adjoining the 1878 Post Office, former 1850s banks, hotels and retail shops. The centre of the town of Daylesford has outstanding cultural patrimony. The Town Hall, the main street, the many residences, public parks, botanic gardens,

avenue of trees and ornamental lakes all have considerable authenticity as a rare example of a multicultural British colonial 19th century gold mining town and early 20th century Australian tourist centre.

Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons The colonial built Daylesford Town Hall is the most symbolic feature of the Hepburn Shire. The Daylesford Town Hall is of social significance as a monument to the aspirations of predominantly gold mining municipality of Daylesford and Hepburn in the mid 19th century. It has also played a major and continuing part in the social life of the area. It has been, especially between the wars, an extremely popular dance venue, and from the early years of the 20th century the main hall was used for civic ceremonies.

Local government and the town hall or 'Rathaus' are one of the oldest political units of the western world, representative of political authority, in European towns since the Middles Ages. Local government in Australia was formed under the British colonial rule during the 19th century, but never enjoyed similar powers as their counterparts in the United Kingdom (incorporated under the Municipal Act of 1835), Europe and the United States. The Daylesford Town Hall has intangible heritage values for its associations with putting in place the mechanism for creating a collective community of mixed European migrants and settlers. The Town Hall symbolizes the conception, production and foundation of an idea of a community and civic society

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance

The siting of Daylesford Town Hall with its other public buildings bears the hallmarks of the first Councillors vision of a civic landscape and beautification program. In particular the commission and design and setting was influenced by W. E. Standbridge as educator scientist and social reformer. He became a member of the Mining Board and like other successful miners was instrumental in the formation and survey of Daylesford town in 1854, following his purchase of Wombat Park on the north eastern outskirts in 1852. His utopian vision and philosophical propositions for Daylesford, its grand town hall, civic gardens and educational institutions are embodied within the spatial arrangements of these public buildings, their internal spaces and relational settings.

Sheer wealth, influence and considerable connections meant that gazettal of the Borough of Daylesford in 1859 was relatively early and easy despite opposition. The Hepburn municipality was declared in 1863. He was behind the financial arrangements, the commission for the design and construction of the first stage of the Daylesford Town Hall and later the 1885 Assembly Hall. The development of the Wombat Botanic Gardens and its re-design by Messrs Taylor and Sangster in 1885, the development of the Mechanics Institute, Daylesford Primary and Technical schools are all amongst his many local philanthropic works.

4.2 Levels of Heritage Significance of Contributory Elements

The following levels of significance have been consistently used in Conservation Management Plans across the state.

Exceptional: Rare or outstanding precinct or element which significantly embodies and demonstrates Heritage values in its own right and makes a direct and irreplaceable contribution to a place's significance/value. High degree of original fabric or attributes with heritage values, loss or alteration would significantly diminish the heritage values of the place.

High: Precinct or element which demonstrates heritage values in its own right and makes a significant contribution to the place's heritage value. Existing alterations do not detract from its heritage values. Loss or unsympathetic further alteration would diminish the Heritage values.

Moderate: Precinct or element which reflects heritage values and contributes to the overall significance/values of the place in a moderate way primarily due to unsympathetic alteration and accretion that is reversible.

Low: Precinct or element which reflects some Heritage values and only contributes to the overall significance/values of the place in a moderate way. Loss will not diminish the Heritage values of the place.

None: Precinct or element which does not reflect or demonstrate any Heritage values and detracts from the overall Heritage values of the place. Does not fulfil criteria for heritage listing.

Intrusive: Damaging to the place's heritage values. Loss may contribute to the Heritage values of the place. Does not fulfil criteria for heritage listing.

No	Current Use	Date	Individual Significance Exceptional	Precinct/Area Town Hall and Assembly Hall
	The front elevation	1882- 1885	Exceptional	Original exterior fabric Original interior fabric
	The main front section of the building, ground floor and second floor. The Assembly Hall		Exceptional	Original decorative details, artefacts, and moveable items
	The setting, forecourt, entry stairs & basement entrance and side lane.	1882- 1885	High	The civic setting, the open public space of the laneways, the dramatic landscape location, original access, setting in Vincent Street.
	The adjoining party walls of the two 1860s buildings	1882- 1885	High	Vincent Street heritage precinct
	The swimming pool and former Public Baths area, fresh water spring and well.	1854- 1950s	High to Moderate	Setting potential archaeological site.
	The Senior Citizens Centre, supper room and Kitchen	1950 fabric	Moderate Social value	Rear of the Town Hall
	Interior Alterations	1970-	None	

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11.3. REQUESTS FOR APPROVAL TO OPERATE SEMI TRAILERS UNDER GENERAL MASS LIMITS AND HIGHER MASS LIMIT VEHICLES ON LOCAL COUNCIL ROADS

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Project Engineer - Development, I Inoka Sanjeewanie have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider a request for renewal of consent to use Semi Trailers under General Mass Limits [GML] on a local road with restricted load limit and requests for renewal/amendment of existing consents to use Higher Mass Limit [HML] vehicles on local roads.

BACKGROUND

The following requests for renewal/amendment of existing permits have been received from the National Heavy Vehicle Regulator (NHVR) (Requests 43407, 43385 and 43462) and a renewal request directly from an operator.

Ref	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)				
Renewal Requests										
N/A	Daylesford & Hepburn Mineral Springs Co	Semi Trailers under GML	Stanbridge Street in Daylesford	Water tanker	28/07/2015 – 28/07/2016	5 trips per week				
43407	Tringali Road Transport Pty Ltd	3-axle truck and 4-axle dog trailer under HML	East Street in Daylesford	Quarry product	28/08/2015 – 27/08/2018	5 trips per week				
Amendments										
43385 43462	Venmoore Pty Ltd	Semi-Trailer combination	Golf Course Road and Codes Forest Road in Creswick	Forestry logs	06/07/2015 – 12/05/2018	10 trips per week				

ISSUE/DISCUSSION

Council officers have assessed the applications considering the following:

- Community Safety
- Local Amenity
- Physical Limitations of the network



- Economic benefits
- Alternative access
- Cost implications to Council.

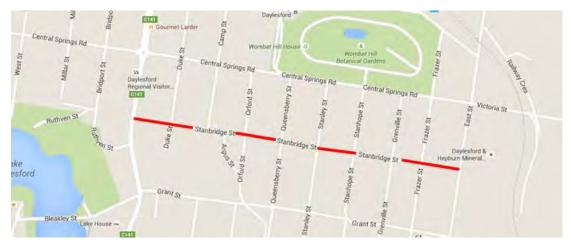
The results of the assessment are provided below along with any recommended conditions to be applied to any consent granted by Council.

RENEWAL REQUESTS

Daylesford & Hepburn Mineral Springs Co

Daylesford & Hepburn Mineral Springs Co requests Council consideration to extend its existing permit to use Semi Trailers under GML on Stanbridge Street to access Daylesford industrial precinct in East Street for a period of one year.

Daylesford & Hepburn Mineral Springs Co does not require a permit from the NHVR, as the vehicles operate under GML.



Access to the East Street industrial precinct is restricted by a railway bridge with a height limit of 3.7m. The available alternative routes for trucks over 3.7m to access East Street are Central Springs Road and Stanbridge Street. Central Springs Road has steeper grades than Stanbridge Street and a more difficult truck route alignment. Therefore, Stanbridge Street is considered to be the best suitable alternative to access the East Street industrial precinct.

A Council imposed load limit of 16 tonne applies to Stanbridge Street. However, there is no other suitable alternative for vehicles over 3.7m high to access the Daylesford industrial precinct in East Street.

Therefore, it is recommended that Council approves Daylesford & Hepburn Mineral Springs Co to use Semi Trailers under GML on Stanbridge Street subject to following conditions.

• It is the responsibility of the permit holder to pay attention to:



- o Overhead cables
- o Overhanging trees
- o Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- Hours of Operation shall be 7:00am to 6:00pm.
- The use of compression brakes is to be avoided in residential areas.

Tringali Road Transport Pty Ltd (Request Number 43407)

Tringali Road Transport Pty Ltd requests Council consent to renew its permit to use 3-axle trucks and 4-axle dog trailers at HML on East Street between Raglan Street and Railway Crescent to transport quarry products to the Boral concrete batching plant at 6 East Street Daylesford.



East Street (between Raglan Street and Railway Crescent) has been assessed as being suitable for use by HML vehicles.

It is recommended that Council approves Tringali Road Transport Pty Ltd to use 3axle trucks and 4-axle dog trailers at HML on East Street, subject to the following conditions:

- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees

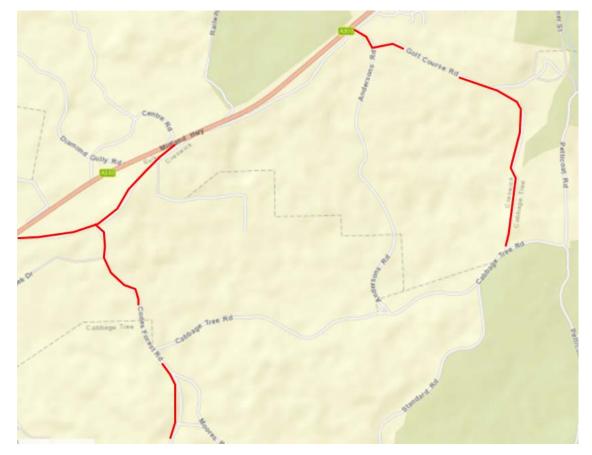


- o Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- Hours of Operation shall be 7:00am to 6:00pm.
- The use of compression brakes is to be avoided in residential areas.

AMENDMENTS

Venmoore Pty Ltd

Venmoore Pty Ltd requests Council consent to amend its existing permit to use Semi Trailers at HML on Golf Course Road and Codes Forest Road in Creswick. Venmoore Pty Ltd's current permit is for B-doubles to operate at HML.



Golf Course Road and Codes Forest Road are gravel roads located in a forestry area. It is considered that Golf Course Road and Codes Forest Road are capable of catering for Semi Trailers at HML.

It is recommended that Council approves Venmoore Pty Ltd to use semi trailers at HML on Golf Course Road and Codes Forest Road in Creswick, subject to the following conditions:



- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- Hours of Operation shall be 7:00am to 6:00pm.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Sustainable Environment and a Vibrant Economy

Key Strategic Activity:

12. Support and develop existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shire's Economic base.

FINANCIAL IMPLICATIONS

There are no expected financial implications of granting approval to the above operators to use heavy vehicles on subject Council maintained roads.

RISK IMPLICATIONS

There are no expected specific risk implications of granting approval to the above operators to use heavy vehicles on subject Council maintained roads.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are expected to be economic benefits for local business and economic development through the granting of consents for access.

Council is obliged to provide an acceptable access route for industries located in East Street while respecting the safety and amenity of residents in Stanbridge Street. Granting of conditional consent endeavours to balance the needs of local businesses with the amenity of Stanbridge Street residents until a more suitable alternative route is available.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No external engagement was undertaken in relation to this request. Relevant internal roads staff have been involved in assessing these requests.



CONCLUSION

Council has received a request from Daylesford & Hepburn Mineral Springs Co to renew its existing permit to use Semi Trailers under General Mass Limits on Stanbridge Street in Daylesford. Council has also received requests from the National Heavy Vehicle Regulator for consent to the renewal/amendment of existing permits to operate Higher Mass Limit vehicles on local roads.

Following a review of the requests, conditional consent is recommended for the operators as detailed.

OFFICER'S RECOMMENDATION

That Council:

- 11.3.1 Approves Daylesford & Hepburn Mineral Springs Co to use Semi Trailers under GML on Stanbridge Street in Daylesford, for a period of one year commencing 28 July 2015 and expiring on 28 July 2016, subject to the following conditions:
 - It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - Hours of Operation shall be 7:00am to 6:00pm.
 - The use of compression brakes is to be avoided in residential areas.
- 11.3.2 Approves Tringali Road Transport Pty Ltd to use 3-axle trucks and 4-axle dog trailers at HML on East Street in Daylesford, for a period of three years commencing 28 July 2015 and expiring on 27 July 2018, subject to the following conditions:
 - It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained
 - Hours of Operation shall be 7:00am to 6:00pm.
 - The use of compression brakes is to be avoided in residential areas.



- 11.3.3 Approves Venmoore Pty Ltd to use Semi Trailers at HML on Golf CourseRoad and Codes Forest Road in Creswick, for a period commencing 6 July2015 and expiring on 12 May 2018, subject to the following conditions:
 - It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - Hours of Operation shall be 7:00am to 6:00pm.

Daylesford & Hepburn Mineral Springs Co requested Council approve its contractor Eve-trans Kyneton Ltd to use Semi Trailers under GML on Stanbridge Street, Daylesford.

General Manager Infrastructure, Bruce Lucas, confirmed that the Officer's Recommendation at 11.3.1 should be amended to approve Eve-trans Kyneton Ltd.

ORDINARY MEETING OF COUNCIL 21 JULY 2015



MOTION

That Council:

- 11.3.1. Approves Eve-trans Kyneton Ltd to use Semi Trailers under General Mass Limits on Stanbridge Street in Daylesford, for a period of one year commencing 28 July 2015 and expiring on 28 July 2016, subject to the following conditions:
 - It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - Hours of Operation shall be 7:00am to 6:00pm.
 - The use of compression brakes is to be avoided in residential areas.
- 11.3.2. Approves Tringali Road Transport Pty Ltd to use 3-axle trucks and 4-axle dog trailers at Higher Mass Limits on East Street in Daylesford, for a period of three years commencing 28 July 2015 and expiring on 27 July 2018, subject to the following conditions.
 - It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained
 - Hours of Operation shall be 7:00am to 6:00pm.
 - The use of compression brakes is to be avoided in residential areas.
- 11.3.3. Approves Venmoore Pty Ltd to use Semi Trailers at Higher Mass Limits on Golf Course Road and Codes Forest Road in Creswick, for a period commencing 6 July 2015 and expiring on 12 May 2018, subject to the following conditions.





- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - Hours of Operation shall be 7:00am to 6:00pm.

Moved:Councillor Pierre NiclasSeconded:Councillor Neil NewittCarried.



11.4. COUNCIL APPLICATION TO BE COMMITTEE OF MANAGEMENT OF THE TRENTHAM KINDERGARTEN SITE AT 6 BRIDGE STREET, TRENTHAM

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Property Officer, I Karen Ratcliffe have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to apply to the Department of Environment, Land, Water and Planning (DELWP) for Council to be Committee of Management for the Trentham Kindergarten site at 6 Bridge Street, Trentham.

BACKGROUND

At the January 2015 Council Meeting, Council resolved to authorise officers to formally seek Ministerial consent to the granting of three Crown land leases to Eureka Community Kindergarten Association Inc (ECKA) for the Creswick and District Pre-school Centre, the Daylesford Pre-School Centre and the Trentham Kindergarten.

During the Ministerial consent process, it was discovered that Council is not Committee of Management for the Trentham site (as it is for the Daylesford Pre-School and the Creswick Pre-School), but is a *licensee* of DELWP for the site.

As a consequence, the Trentham Kindergarten lease cannot be endorsed by DELWP until Council becomes Committee of Management for the Trentham Kindergarten site.

ISSUE/DISCUSSION

In order for Council to become Committee of Management for the Trentham Kindergarten site, a request from Council to DELWP is required. DELWP will then arrange for the Minister to reserve the land as a pre-school site under section 4 of the *Crown Land (Reserves) Act* and appoint Council as Committee of Management under section 14.

Council, as Committee of Management, can then request the Minister to formally consent to the lease in the normal manner.

Council has always treated the land and buildings as it would any other land for which it is Committee of Management.

KEY ISSUES

- For consistency, it is preferable for Council to be Committee of Management for all three kindergarten sites. This means that Council is able to have greater



control of its ability to grant leases into the future, rather than the alternative of granting sub-licences. To date, technically Council has not had exclusive occupancy of this site.

- Council's responsibilities regarding the site will remain the same and maintenance obligations for ECKA will be consistent across all 3 sites
- The site will be reserved specifically for pre-school purposes.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Policy 9: Council Owned & Controlled Property requires that appropriate written occupancy arrangements be in place to support good governance objectives and principles.

DELWP will arrange for the Minister to reserve the land as a pre-school site under section 4 of the *Crown Land (Reserves) Act* and appoint Council as Committee of Management under section 14.

FINANCIAL IMPLICATIONS

The annual licence fee of \$104 per annum will no longer need to be paid by Council to DELWP.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council officers have worked in conjunction with officers at DELWP regarding the proposed application to be Committee of Management.

CONCLUSION

Once Council has been appointed Committee of Management of the site at 6 Bridge Street, Trentham, it can then request the Minister to formally consent to the lease between Council and the Eureka Community Kindergarten Association Incorporated for the site.



OFFICER'S RECOMMENDATION

That Council:

- 11.4.1 Authorises officers to formally apply to the Department of Environment, Land, Water and Planning for Council to be Committee of Management for the Trentham Kindergarten site at 6 Bridge Street, Trentham.
- 11.4.2 Authorises officers to formally apply to the Department of Environment, Land, Water and Planning to cancel the current licence for Council's occupation of the Trentham Kindergarten site at 6 Bridge Street, Trentham.
- 11.4.3 Authorises Council to be Committee of Management for the Trentham Kindergarten site at 6 Bridge Street, Trentham.

MOTION

That Council:

- 11.4.1. Authorises officers to formally apply to the Department of Environment, Land, Water and Planning for Council to be Committee of Management for the Trentham Kindergarten site at 6 Bridge Street, Trentham.
- 11.4.2. Authorises officers to formally apply to the Department of Environment, Land, Water and Planning to cancel the current licence for Council's occupation of the Trentham Kindergarten site at 6 Bridge Street, Trentham.
- 11.4.3. Authorises Council to be Committee of Management for the Trentham Kindergarten site at 6 Bridge Street, Trentham.

Moved:Councillor Don HendersonSeconded:Councillor Sebastian KleinCarried.



11.5. NEW LICENCE – CLUNES TOURIST AND DEVELOPMENT ASSOCIATION - TO OCCUPY COLLINS PLACE, CLUNES, ONCE PER MONTH

GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the Manager Community and Economic Development, I Adam McSwain have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval of a new licence between Council and the Clunes Tourist and Development Association to use Collins Place, Clunes, once per month for the Clunes Farmers Market.

BACKGROUND

The Clunes Farmers' Market (CFM) Committee is auspiced by the Clunes Tourist and Development Association (CTDA).

In 2014 the CFM, with support from Council, received funding from the Regional Development Victoria Farmers' Market Support Program to establish the CFM. The CFM was successfully launched on Sunday 12 April 2015.

As recommended in the Clunes Farmers' Market Feasibility Study – Final Report, the CFM is currently utilising Collins Place, Clunes, between Fraser Street and Bailey Street on the second Sunday of each month.

This proposed licence seeks to formalise the use of Council space by the CFM Committee for the standard community licence term of three years with the option for Council to renew the licence at the end of this term.

ISSUE/DISCUSSION

The proposed new licence terms are based on similar community licences with the addition of the following Special Conditions:

- 16.1 Licence is valid for the second Sunday of each month
- 16.2 Upon consultation with the Licensee, the Licensor reserves the right to allocate an alternative venue for the Clunes Farmers Market if the licensed area is required for any other Council purposes (including the Clunes Streetscape Plan works and Clunes Booktown event).
- 16.3 The Licensee will be responsible for removing all rubbish from the site associated with the Farmers Market after each use.



- 16.4 With prior consultation, the Licensee agrees to provide the Licensor with a market stall for the purposes of community consultation or any other Council purposes.
- 16.5 That Licensor support of the Clunes Farmers Market is acknowledged by the Licensee in all promotional and written material

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Sustainable Environment and a Vibrant Economy

Key Strategic Activity:

12. Support and develop existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shire's economic base.

FINANCIAL IMPLICATIONS

Use of Collins Place once per month for the market requires additional cleaning of the public toilets and increases utility costs e.g. electricity. Council officers have estimated this to be an annual expense of \$372. Additionally, the standard licence fee for a not for profit community group is \$104 per annum.

Due to the significant economic benefits that the market provides to Clunes, it is recommended that these fees are waived for this licence and re-considered at the end of the three year term.

RISK IMPLICATIONS

The Licence requires a minimum public liability insurance of \$20m to be held by CTDA with evidence of this to be provided to Council.

The CFM has a documented risk management plan for the use of Collins Place, Clunes that has been developed in conjunction with Council officers.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

CTDA is a not-for-profit community organisation that seeks to help grow and connect the Clunes social, visitor and business economies through a monthly market. The market has been attracting over 1,000 people to Clunes each month, providing a significant economic benefit to the local economy.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council officers have worked in conjunction with the CFM Committee regarding the proposed new licence.



In undertaking the feasibility study and subsequent establishment of the CFM, there has been significant consultation with local business and community about the market.

CONCLUSION

Since its establishment, the Clunes Farmers Market has been making a significant contribution to the local economy and is helping to attract over 1,000 people every month to visit. Formalising the markets use of Collins Place, Clunes, once per month, will provide certainty for the market to continue to grow and further enhance the benefits it provides.

OFFICER'S RECOMMENDATION

That Council:

- 11.5.1 Grants a three year Council licence to Clunes Tourist and Development Association to occupy Collins Place, Clunes, once per month, in accordance with the attached licence document.
- 11.5.2 Authorises the Chief Executive Officer to sign the attached licence document for and on behalf of Council.

MOTION

That Council:				
11.5.1.	11.5.1. Grants a three year Council licence to Clunes Tourist and Development Association to occupy Collins Place, Clunes, once per month, in accordance with the attached licence document.			
11.5.2. Authorises the Chief Executive Officer to sign the attached licence document for and on behalf of Council.				
Moved: Second Carried	ed: Councillor Greg May			

tepbu SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL
 21 JULY 2015

ATTACHMENT 5 - DRAFT THREE YEAR LICENCE – CLUNES TOURIST AND DEVELOPMENT ASSOCIATION

FOL/13/342

HIRE COUNC

Hepburn Shire Council

LICENCE

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee <u>HEREBY</u> <u>AUTHORISES</u> the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is granted subject to the provisions of the *Local Government Act 1989* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

Licensor or Authorised person Aaron van Egmond, Chief Executive Officer On behalf of **Hepburn Shire Council**

The Licensee hereby agrees to comply with the terms and conditions of this Licence

Licensee – Name: On behalf of **Clunes Tourist and Development Association Inc No A0020797G**

NOTE:

1 This licence is not valid until it has been executed.

2 This licence is an important document and should be stored in a secure and safe place. In the event of loss, a replacement fee will be charged. INDEX SCHEDULE

PLAN

LICENCE CONDITIONS

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- 2.3 Indemnity
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- 2.7 Notice of Defects and other matters
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- 2.9 Arrears and Interest
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- 6 Interpretations

SCHEDULE ITEM

Licence Number: DOC/15/18006

1	Licence Number: DOC/15/18006			
2	Licensor: HEPBURN SHIRE COUNCIL ABN 76 845 763 535			
3	Licensee: Clunes Tourist and Development Association Inc No A0020797G			
4	Licensee's Address: PO Box 69, Clunes, VIC, 3370			
5	Commencement Date: 21 July 2015			
6	Term: Three (3) years			
7	Licence fee: Nil			
8	Payable: In advance on the commencement date and annually on the anniversary date thereafter			
9	Reservation description: Part of Collins Place, Clunes			
10	Licensed premises: The area of Collins Place, 36 Fraser Street, Clunes VIC 3370 specified in the plan attached to this Licence			
11	Area: approximately 3,250 sq meters			
12	Powers under which licence granted: Local Government Act 1989			
13	Specified Purposes: Farmers Market and associated activities including having third party stallholders			
14	Amount of Public Liability Insurance: \$20 Million			
15	Licensor Address: PO Box 21, Daylesford Vic 3460.			
16	Special Conditions:			
	 16.1 Licence is valid for the second Sunday of each month 16.2 Upon consultation with the Licensee, the Licensor reserves the right to allocate an alternative venue for the Clunes Farmers Market if the licensed area is required for any other Council purposes (including the Clunes Streetscape Plan works and Clunes Booktown event). 			
	16.3 The Licensee will be responsible for removing all rubbish from the site after each use.			
	16.4 With prior consultation, the Licensee agrees to provide the Licensor with a market stall for the purposes of community consultation or any other Council purposes.			
	 16.5 That Licensor support of the Clunes Farmers Market is acknowledged by the Licensee in all promotional and written material. 			

LICENCE CONDITIONS

1 Grant

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the licensed premises or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

2 Licensee's Obligations (Positive)

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will:-

2.1 Licence fee

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 Rates and Taxes

Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 Indemnity

For activities outside of the Specified Purposes, in clause 13 of the Schedule, indemnify the Council in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, breach of any relevant Special Condition, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith. Note that this does not apply to activities or actions relating to the Specified Purposes.

2.4 Public Liability Insurance

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

'the Hepburn Shire Council, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Council (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.'

2.5 Maintenance

2.5.1 Throughout the term keep the licensed premises in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.
2.5.2 Any items of maintenance requiring council's action are to be reported promptly to the Council officers at the The Warehouse - Clunes for action.

2.6 Condition at Termination

On expiry or prior determination of this Licence return the licensed premises to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

2.7 Notice of Defects and other matters

2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;

2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;

2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.8 Compliance with Law

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and bylaws relating to the licensed premises and all lawful orders or direction made under them;

2.9 Arrears and Interest

2.10.1 Pay to the Licensor:-

2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the *Penalty Interest Rates Act 1983* computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;

2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.10 Further Conditions

Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

3 Licensee's Obligations (Negative)

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will not -

3.1 Use of Licensed premises

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 Create nuisance

Do not cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

3.3 Allow rubbish

Permit any rubbish to accumulate in or about the licensed premises.

3.4 Hazardous Chemicals

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

3.5 Assignment

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.

3.6 Licensor's Entry

3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent or any other person who

may have a right to use the Reserve at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose, and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-

3.6.1.1 retaking or attempting to retake possession of the licensed premises;

3.6.1.2 inspection; or

3.6.1.3 any other lawful purpose.

3.6.2 Notwithstanding 3.6.1 nothing contained herein permits the Licensor or the Licensor's employee or agent or any other person using the Reserve to access, interfere with, or damage the pipeline constructed in the licensed premises.

3.7 Void insurance

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

3.8 Erection of Improvements

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 General Conditions

4.1 Termination upon Default If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the Licensee has failed to comply with any terms or conditions of the Licence, the Licensor may, by notice given to the Licensee, declare that the Licence is cancelled, and upon cancellation the Licensee will not be entitled to any compensation whatsoever.

4.2 Termination without Default

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the Licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the Licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the Licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 **Ownership of Improvements**

The Licensee acknowledges that all buildings and structures on the licensed premises at the date of commencement of this Licence and all new structural works (except for any Licensee's trade fixtures or fittings) and any additions or modifications to the existing or new buildings and structures carried out during the term of this Licence are and remain the property of the Licensor.

4.4 Licensee's Chattels

4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels will remain the property of the Licensee.

4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.

4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under sub-clause 4.4.2, the Licensee's chattels will become the property of the Licensor.

4.5 Licensor may remove and dispose of Licensee's chattels

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.6 Licensor's Agents

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.7 Notices

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence will be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.8 Debt recovery

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

5 Definitions

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"**commencement date**" means the date described in Item 5 of the Schedule and is the first day of the term;

"**Council**" means the Hepburn Shire Council (its successors in law) and includes the Licensor and each employee and agent of the Council;

"GST" means a goods and services tax within the meaning of the A New Tax System (Goods and Services Tax) Act 1999.

"hazardous chemical" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"**improvement**" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"**licensed premises**" means the land and structures described in Item 10 of the Schedule; "**Licence fee**" means the licence fee described in Item 7 of the Schedule as varied during the term;

"Licensee" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"Licensor" means the Council;

"person" includes a body corporate as well as an individual;

"**rates and taxes**" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"schedule" means the schedule to this Licence;

"sign" includes names, advertisements and notices;

"soil" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"**term**" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"**writing**" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

Interpretations

6

6.1 A reference importing the singular includes the plural and vice versa.

6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.

6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.

Collins Place Plan – Licensed Area Hatched





11.6. NEW LICENCE – CRESWICK MUNICIPAL BAND TO OCCUPY CRESWICK MECHANICS INSTITUTE

COUNCIL IS CONSIDERING THIS REPORT IN ITS CAPACITY AS COMMITTEE OF MANAGEMENT FOR THE CRESWICK MECHANICS INSTITUTE

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Property Officer, I Karen Ratcliffe have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to enter into a three year Crown land licence with the Creswick Municipal Band Incorporated at the Creswick Mechanics Institute, 87 Albert Street, Creswick (Premises).

BACKGROUND

The Creswick Municipal Band Inc (Band) has occupied the Premises for many years for recitals, practice, meetings, storage of instruments and associated activities.

As part of the Doug Lindsay Recreation Reserve development, the Band was offered shared use of the building. However, the Band did not consider this arrangement to be suitable and has requested the use of the Premises. As the Band is the sole occupant of the Premises, it may be appropriate for the Band to become the Committee of Management with the Department of Land, Environment, Water and Planning.

The Creswick Mechanics Institute is situated on Crown land for which Council is the Committee of Management under the *Crown Land (Reserves) Act 1978.*

At the May 2013 Council Meeting, Council resolved to enter into a one year Crown land lease for the Band to occupy the premises.

The lease expired on 31 December 2014 and the Band has sought to have its occupancy agreement renewed.

ISSUE/DISCUSSION

It is proposed to enter into a three year Crown land licence for the premises which is based on almost identical terms as the previous lease.

The proposed licence fee of \$104 per annum plus GST is as per the community licence fee structure.



KEY ISSUES

- A licence will be issued for a period of three years in line with other community based licences
- A licence is proposed, however, the Band will effectively have sole occupancy as it would have had under a lease arrangement.
- A licence fee of \$104 plus GST per annum must be paid.
- The Band must have Public Liability Insurance of at least \$20M.
- The Band is responsible for keeping the property in good repair and condition and will be required to undertake all repairs and maintenance and prepare a program of maintenance works annually.
- The Band will be required to submit a Risk Management Plan.
- Prior to the expiration of the licence, it is proposed that the band will apply to the Department of Environment, Land, Water and Planning to become the Committee of Management for the Creswick Mechanics Institute. Council will support the Band with its application.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The proposed licence is granted under the powers of Section 17(B) of the Crown Land (Reserves) Act 1978.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the issue of a licence to the Band. The annual licence fee of \$104 + GST, for community based organizations must be paid.

RISK IMPLICATIONS

The licence requires the Band to hold public liability insurance of \$20m and to submit an annual risk management plan.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council recognises that the Band provides important social connection and benefits for the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council officers have worked in conjunction with the Band regarding the proposed licence.





CONCLUSION

A three year licence issued under Section 17(B) of the *Crown Land (Reserves) Act* 1978 is presented for Council's approval.

Cr Sebastian Klein left meeting at 9:14pm and returned to the meeting at 9:15pm.

OFFICER'S RECOMMENDATION

That Council:

- 11.6.1 Grants to the Creswick Municipal Band Incorporated a three year Crown land licence to occupy the Creswick Mechanics Institute at 87 Albert Street, Creswick in accordance with the attached licence document.
- 11.6.2 Authorises officers to formally seek Ministerial Consent to the granting of the Crown land licence for the Creswick Municipal Band Incorporated to occupy the Creswick Mechanics Institute at 87 Albert Street, Creswick.
- 11.6.3 Supports the Creswick Municipal Band Incorporated with an application to become Committee of Management of the Creswick Mechanics Institute at 82 Albert Street, Creswick directly with the Department of Land, Environment, Water and Planning.



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MOTION

That Co	uncil:	
11.6.1.	Grants to the Creswick Municipal Band Incorporated a three year Crown land licence to occupy the Creswick Mechanics Institute at 87 Albert Stree Creswick in accordance with the attached licence document.	
11.6.2.	Authorises officers to formally seek Ministerial Consent to the granting of the Crown land licence for the Creswick Municipal Band Incorporated to occupy the Creswick Mechanics Institute at 87 Albert Street, Creswick.	
 Supports the Creswick Municipal Band Incorporated with an application become Committee of Management of the Creswick Mechanics Instite 82 Albert Street, Creswick directly with the Department of Land, Environment, Water and Planning. 		
Moved: Seconde Carried.	Councillor Greg May ed: Councillor Neil Newitt	

Hepburn SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL
 21 JULY 2015

ATTACHMENT 6 - 17(B) CROWN LAND LICENCE TO THE CRESWICK MUNICIPAL BAND INCORPORATED

Hepburn Shire Council

<u>LICENCE</u>

<u>CROWN LAND (RESERVES) ACT 1978</u> <u>Section 17B</u>

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee <u>HEREBY</u> <u>AUTHORISES</u> the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is subject to the provisions of the Crown Land (Reserves) Act 1978 and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

Licensor or Authorised person Aaron van Egmond, Chief Executive Officer On behalf of **Hepburn Shire Council** Date: _______

Licensee - Creswick Municipal Band Inc

The Licensee hereby agrees to comply with the terms and conditions of this Licence:

President	Г
Print Name	P

Treasurer Print Name.....

Approved	by
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as delegate for the Minister on

NOTE:

 This licence is not valid until it has been approved by the Minister or the Minister's delegate.
 This Licence is an important document and should be stored in a secure and safe place. In the event of loss, a replacement fee will be charged.

SCHEDULE

ITEM

1. Licence Number:				
2. Licenson	LicensorHepburn Shire Council ABN 76 845 763 535			
3. License	Licensee: Creswick Municipal Band Inc (A0034730P)			
4 License	e's Address:	PO Box 64, Creswick 3363		
5 Comme	ncement Date:	1 st July 2015		
6 Term:		3 Years		
7 Licence	fee:	\$104.00 plus GST per annum		
8 Payable	:	Annually in full by 1st July		
9 Reservat	tion description:	Mechanics Institute and Free Library		
10 License	d premises:	87 Albert Street, Creswick		
11 Area:		See Plan		
12 Powers	under which licence g	granted: Section 17(B) Crown Land (Reserves) Act 1978		
13 Specifie	13 Specified Purposes: Brass Band recitals, practice and ancillary uses			
14 Insuran	14 Insurance: Minimum cover of \$20,000,000			
15 Licenso	15 Licensor Address: PO Box 21 Daylesford 3460			
16 Special	Conditions:			
16.1		ovide to the Licensor by 1 st July an annual report on any concerns, and or improvements to the Licensed Premises.		
16.2	16.2 The Licensee is responsible to insure any and all chattels/contents/equipment/personal property it has on the Licensed Premises and any property of its members, officers, agents, invitees where applicable.			
16.3	16.3 You must prepare each year a program for your maintenance works (together with estimates of cost) proposed to be undertaken during the next year beginning 1 July and submit a copy of this program to us.			
16.4	16.4 Upon consultation with the Licensee, the Licensor reserves the right to allocate the Licensed Premises for use by other Clubs, Associations, Groups or individuals.			
16.5 s.17B Licence – Creswick	16.5 You must immediately report to us any damage to the property and you must make good any damage caused to the property by you or your members or by any person you invite on to the property or permit to use the property. For the avoidance of any doubt, the s.17B Licence - Creswick Municipal Band Inc - 2015			
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Creswick Municipal Band Inc is responsible for all repairs and maintenance at the premises.

- **16.6** We will for the purposes of our risk management programs undertake inspections, provide you with a report and give notice of any works you are required to complete as a result of the inspections to enable you to maintain the property to appropriate standards.
- **16.7** By 1 July each year during the Licence term, the Licensee must submit a current Risk Management Plan which must be relevant to, kept current, and observed for the purposes allowed by this Licence.

PLAN



INDEX

SCHEDULE

PLAN

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LICENCE CONDITIONS

1 Grant

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the licensed premises or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

2 Licensee's Obligations (Positive)

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will:-

2.1 Licence fee

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 Rates and Taxes

- 2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed premises.
- 2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.
- 2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 Indemnity

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

2.4 Public Liability Insurance

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

'the Committee of Management, the Crown in the right of the State of Victoria, the Secretary to the Department of Environment, Land, Water and Planning its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.'

2.5 Maintenance

- 2.5.1 Throughout the term keep the licensed premises in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will:-
 - 2.5.1.1 Keep the licensed premises free of pest animals and weeds;
 - 2.5.1.2 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

2.6 Fire Protection Works

Undertake all fire protection works on the licensed premises required by law to the satisfaction of the Licensor and the responsible fire Authority

2.7 Condition at Termination

On expiry or prior determination of this Licence return the licensed premises to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

2.8 Notice of Defects and other matters

- 2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;
- 2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;
- 2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.9 Compliance with Law

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed premises and all lawful orders or direction made under them;

2.10 Arrears and Interest

- 2.10.1 Pay to the Licensor:-
 - 2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the *Penalty Interest Rates Act 1983* computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
 - 2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.11 Further Conditions

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Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

Licensee's Obligations (Negative)

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will not -

3.1 Use of Licensed premises

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 Create nuisance

Do nor cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

3.3 Allow rubbish

Permit any rubbish to accumulate in or about the licensed premises.

3.4 Hazardous Chemicals

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

3.5 Assignment

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.

3.6 Licensor's Entry

- 3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-
 - 3.6.1.1 retaking or attempting to retake possession of the licensed premises;
 - 3.6.1.2 inspection; or
 - 3.6.1.3 any other lawful purpose.

3.7 Void insurance

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

3.8 Erection of Improvements

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 General Conditions

4.1 Termination upon Default

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

4.2 Termination without Default

- 4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may with the approval of the Minister by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.
- 4.2.2 If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.
- 4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.
- 4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 Ownership of Improvements

The Licensee acknowledges that all buildings and structures on the licensed premises at the date of commencement of this Licence and all new structural works (except for any Licensee's trade fixtures or fittings) and any additions or modifications to the existing or new buildings and structures carried out during the term of this Licence are and remain the property of the Licensor.

4.4 Licensee's Chattels

- 4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels shall remain the property of the Licensee.
- 4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.
- 4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under subclause 4.4.2, the Licensee's chattels shall become the property of the Licensor.

4.5 Licensor may remove and dispose of Licensee's chattels

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.6 Licensor's Agents

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.7 Notices

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.8 Debt recovery

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

4.9 Additional Approvals

If the Licensor is a Committee of Management or Trustees the approvals required in Conditions 3.1 and 3.8 shall be read to mean the Licensor and the Secretary or delegate.

5 Definitions

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"commencement date" means the date described in Item 5 of the Schedule and is the first day of the term;

"**Crown**" means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary;

"Department" means the Department of Environment, Land, Water and Planning or its successor in law;

"GST" means a goods and services tax within the meaning of the A New Tax System (Goods and Services Tax) Act 1999.

"hazardous chemical" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"**improvement**" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"licensed premises" means the land and structures described in Item 10 of the Schedule;

"Licence fee" means the licence fee described in Item 7 of the Schedule as varied during the term;

"Licensee" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"Licensor" means the Trustees or Committee of Management appointed by the Minister to manage the reserved land described in Item 9 of the Schedule or if there are no Trustees or Committee of Management means the Secretary to the Department of Environment, Land, Water and Planning or a person or class of person authorised by the Secretary to grant licences under Section 17B of the *Crown Land (Reserves) Act 1978*;

"Minister" means the Minister of the Crown for the time being administering the Crown Land (Reserves) Act 1978;

"person" includes a body corporate as well as an individual;

"pest animals" has the same meaning as in the Catchment and Land Protection Act 1994;

"rates and taxes" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"schedule" means the schedule to this Licence;

"Secretary" means The Secretary to the Department of Environment, Land, Water and Planning the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"sign" includes names, advertisements and notices;

"soil" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"term" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"weeds" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994*, and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"writing" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

6 Interpretations

- 6.1 A reference importing the singular includes the plural and vice versa.
- 6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.
- 6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.
- 6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.
- 6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.
- 6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.



11.7. CRESWICK MUSEUM SPECIAL COMMITTEE – AMENDMENT TO DELEGATION GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider an amendment to the current 'Winding Up' clause in the Instrument of Delegation for the Creswick Museum Special Committee appointed under section 86 of the *Local Government Act 1989*.

BACKGROUND

As part of the accreditation process currently being undertaken for the Creswick Museum, Museum Australia (Victoria) has requested a change to the 'Winding Up' clause in the Creswick Museum Special Committee Instrument of Delegation to ensure that the collection remains cared for, intact and accessible to the public.

ISSUE/DISCUSSION

The Museum Accreditation Program (MAP) team acknowledges that the Creswick Museum collection is highly significant and valuable for Creswick and should be preserved for the community of Creswick and district.

Current Winding Up Clause:

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

Requested Change to Winding Up Clause:

The following highlighted change to the Instrument of Delegation is proposed to the current 'Winding Up' clause:

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all functions and powers delegated to the Committee under this instrument of delegation will revert to the Council, including all powers to deal with, dispose of or otherwise distribute the stated property, to hold in trust and preserve the collection for the benefit of the community of Creswick and district. For the avoidance of doubt, no monies or property shall be distributed to or amongst members of the Committee.



In the event the Creswick Museum Special Committee ceases to operate as a special committee, Council would assume the role of Trustee.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989 s86

FINANCIAL IMPLICATIONS

No change to current arrangements.

RISK IMPLICATIONS

Not amending the 'Winding Up' clause as requested may affect the accreditation of the Creswick Museum

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No change to current arrangements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The proposed change was provided by Museums Australia's (Victoria) lawyer and circulated to the Creswick Museum Secretary and Council for feedback.

CONCLUSION

The adoption of the amended 'Winding Up' clause will assist with the Creswick Museum's accreditation.

OFFICER'S RECOMMENDATION

That Council, in exercise of the powers conferred by section 86 of the Local Government Act 1989, resolves to:

11.7.1 Amend the 'Winding Up' clause in the Instrument of Delegation for the Creswick Museum Special Committee as follows:

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all functions and powers delegated to the Committee under this instrument of delegation will revert to the Council, including all powers to deal with, dispose of or otherwise distribute the stated property, to hold in trust and preserve the collection for the benefit of the community of Creswick and district. For the avoidance of doubt, no monies or property shall be distributed to or amongst members of the Committee.



11.7.2 Authorises the Chief Executive Officer and the Mayor to sign and seal the amended Instrument.

MOTION

That Council, in exercise of the powers conferred by section 86 of the Local Government Act 1989, resolves to:

11.7.1. Amend the 'Winding Up' clause in the Instrument of Delegation for the Creswick Museum Special Committee as follows:

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all functions and powers delegated to the Committee under this instrument of delegation will revert to the Council, including all powers to deal with, dispose of or otherwise distribute the stated property, to hold in trust and preserve the collection for the benefit of the community of Creswick and district. For the avoidance of doubt, no monies or property shall be distributed to or amongst members of the Committee.

11.7.2. Authorises the Chief Executive Officer and the Mayor to sign and seal the amended Instrument.

Moved:Councillor Don HendersonSeconded:Councillor Sebastian KleinCarried.



11.8. RECORD OF ASSEMBLIES OF COUNCILLORS – JUNE 2015 GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to receive and note Assemblies of Councillors.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –

but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation.

ISSUE / DISCUSSION

The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be:

- 1. reported at an Ordinary Meeting of the Council; and
- 2. incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Assemblies of Councillors			
Date	Location	Committee Name	
2 June 2015	Council Chamber, Daylesford Town Hall	CEO Performance Appraisal 2014/15	
2 June 2015	Council Chamber, Daylesford Town Hall	Councillor Briefing	
16 June 2015	Daylesford Senior Citizens' Centre Councillor/CEO Meeting		
16 June 2015	Daylesford Senior Citizens' Centre	Pre Council Meeting Briefing	



Assemblies of Councillors			
Date Location Committee Name			
23 June 2015	Council Chamber, Daylesford Town Hall	Councillor Briefing	

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

There are implications with regards to Council's compliance with the *Local Government Act 1989* (as amended) if written records of Councillor Assemblies are not reported to Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The inclusion of the attached record of Councillor Assemblies in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

11.8.1 That Council receives and notes the Records of Assemblies of Councillors for the month of June 2015.

Hepbu $\overline{\mathbf{v}}$ SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL 21 JULY 2015

MOTION

Maxiaali	Courseillen Coloostion Kloin
11.8.1.	That Council receives and notes the Records of Assemblies of Councillors for the month of June 2015.

Moved: Councillor Sebastian Klein Seconded: Councillor Neil Newitt Carried.

Tepburr ر SHIRE COUNCIL

ORDINARY MEETING OF COUNCIL 21 JULY 2015

ATTACHMENT 7 - RECORDS OF ASSEMBLIES OF COUNCILLORS – JUNE 2015

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the Local Government Act 1989

Title of Meeting: Date: Time:	CEO Performance Appraisal 2014/15 Tuesday 2 June 2015 11:00am – 12:30pm		
	Chamber Daylesford Citizens Centre Daylesford pecify)		
Councillors presen Cr Don Hende Cr Kate Redw Cr Sebastian I Cr Bill McCler	erson ood AM Klein	 ☑ Cr Greg May ☑ Cr Neil Newitt ☑ Cr Pierre Niclas 	
GM Commun		Other, please specify:	
Conflict of Interest	Disclosures:		
Councillor Name		Time Left and Returned	-

Matters Considered:

Agenda Attached 🗌

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond

Other, please specify:

GM Corporate Services Grant Schuster

GM Community Services Kathleen Brannigan

GM Infrastructure Bruce Lucas

Signature:	a

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the Local Government Act 1989

Title of Meeting: Date: Time:	Councillor Briefing Tuesday 2 June 2015 1:00pm – 5:15pm	
Venue: 🛛 Council C 🗌 Senior Ci 🗌 Other (sp	tizens Centre Daylesford	
Councillors present: Cr Don Hender Cr Kate Redwo Cr Sebastian Kl Cr Bill McClena	rson od AM lein - Apology	⊠ Cr Greg May ⊠ Cr Neil Newitt ⊠ Cr Pierre Niclas
	n Egmond Services Grant Schuster y Services Kathleen Brannigan	 Other, please specify: Manager Finance & IT, Trafford Thompson Manager Community & Economic Development, Adam McSwain Manager Contracts and Procurement, Brian Coustley Manager Strategic Project Delivery, Darren Dumesny Planning Co-ordinator, Louise Johnston

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Nil	and the second

Matters Considered:

Agenda Attached 🛛

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond

- GM Infrastructure Bruce Lucas
- GM Corporate Services Grant Schuster
- Other, please specify:

GM Community Services Kathleen Brannigan

Signature: an

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

CONFIDENTIAL COUNCILLOR BRIEFING AGENDA TUESDAY 2 JUNE 2015



Tuesday 2 June 2015 Council Chamber, Daylesford Town Hall 1:00pm – 5:15pm

PRESENT:	Councillors	Kate Redwood AM, Don Henderson, Sebastian Klein, Greg May, Bill McClenaghan, Neil Newitt, Pierre Niclas
	Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, General Manager Infrastructure and other officers as required

Mayor Cr Kate Redwood AM

CHAIR:

APOLOGIES:

	11:00am - 12:30pm		CEO Performance Appraisal 2014/15		
	12:30pm		Lunch Break Lunch will be provided		
No	Time		Agenda Item	Presenter	No
1.	1:00pm	External Presentation	Clunes Flood Mitigation & Urban Drainage Plan – Study Outcomes	North Central Catchment Management Authority	Page 4
				Camille White Brad Drust	
2.	1:30pm	Presentation	Final Budget 2015/16, Updated Strategic Resource Plan and Council Plan Review	General Manager Corporate Services	Page 5
3.	2:00pm	Report	MAV WorkCare Self-Insurance Scheme Proposal – Update	General Manager Corporate Services	Page 6
			Attachment 1 – MAV WorkCare Presentation – Regional Mayors and CEO Forum – Summary Key Statistics		Page 8

CONFIDENTIAL COUNCILLOR BRIEFING AGENDA TUESDAY 2 JUNE 2015



Hepburn

SHIRE COUNCIL

CONFIDENTIAL COUNCILLOR BRIEFING AGENDA TUESDAY 2 JUNE 2015



No	Time		Agenda Item	Presenter	No
8.	4:45pm	Report	Planning Application - Extension of Liquor Licence and Hours of Operation – 31 Albert Street, Creswick	Planning Coordinator	Page 176
			Attachment 8 – Site Plan		Page 180
9. 5:00	5:00pm	Verbal Presentation	Planning Update	Manager Planning	Page 183
			Attachment 9 – VCAT Hearing List as at 28 May 2015		Page 184
10.		For Noting	Agenda Items – Next Council Meeting		Page 186
11.	5:15pm		CLOSE OF MEETING		Page 187

SHIRE COUNCIL

This record is required under Section 80A of the Local Government Act 1989

Title of Meeting:Councillor/CEODate:Tuesday 16 JuneTime:2:00pm	
Venue: Council Chamber Daylesford Senior Citizens Centre Dayle Other (specify)	
Councillors present:	
🛛 Cr Don Henderson	🛛 Cr Greg May
🛛 Cr Kate Redwood AM	Cr Neil Newitt
🔀 Cr Sebastian Klein	🛛 Cr Pierre Niclas
🛛 Cr Bill McClenaghan	
Members of Council Staff present:	
🔀 CEO Aaron van Egmond	Other, please specify:
GM Corporate Services Grant Sch	uster
GM Community Services Kathleen	Brannigan
GM Infrastructure Bruce Lucas	
Conflict of Interest Disclosures:	
Councillor Name	Time Left and Returned

Time Left and Returned

Matters Considered:

Agenda Attached 🛛

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond

Other, please specify:

GM Corporate Services Grant Schuster

GM Community Services Kathleen Brannigan

GM Infrastructure Bruce Lucas

Signature:



COUNCILLOR & CEO MEETING

Tuesday 16 June 2015 Daylesford Senior Citizen's Room 1:30PM

PRESENT:

Councillors Kate Redwood AM, Neil Newitt, Don Henderson, Pierre Niclas, Greg May, Bill McClenaghan, Sebastian Klein, CEO Aaron van Egmond

CHAIR:

APOLOGIES:

N/A

No.	Time	Agenda Item	Presenter
1.	1:30PM	Kerbside Collection - best estimate of opt in/opt out numbers	Cr Pierre Niclas
2.		Picnic Shelter Old Blackwood Rd, Bullarto and power line easement	Cr Pierre Niclas
3.		Daylesford Town Hall flagpoles	Aaron van Egmond
4.		CEO Upcoming Annual Leave	Aaron van Egmond
5.			
6.			

Councillor Kate Redwood AM

This record is required under Section 80A of the Local Government Act 1989

Title of Meeting: Date: Time:	Pre Council Meeting Briefin Tuesday 16 June 2015 3:30pm – 5:20pm	g	
Senior C	Chamber Daylesford Citizens Centre Daylesford pecify) – <i>Creswick Senior Citizen</i>	's Centre	
Councillors presen	t:		
Cr Don Hende		🛛 Cr Greg May	
🛛 Cr Kate Redw	ood AM	🛛 Cr Neil Newitt	
🖂 Cr Sebastian Klein		🔀 Cr Pierre Niclas	
Cr Bill McCler	naghan		
Members of Counc	il Staff present:		
CEO Aaron va	an Egmond	Other, please specify:	
GM Corporate Services Grant Schuster		Manager Planning, Justin Fiddes	
GM Commun	ity Services Kathleen Brannigan	Manager Finance & IT, Trafford Thompson	
GM Infrastruc	ture Bruce Lucas	Manager Community & Economic	
and the second second		Development, Adam McSwain	

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned	
Nil		

Matters Considered:

Council Meeting Agenda - Tuesday 16 June 2015

Agenda Attached 🗌

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond

Other, please specify:

GM Corporate Services Grant Schuster

GM Community Services Kathleen Brannigan

set del

GM Infrastructure Bruce Lucas

Signature:

This record is required under Section 80A of the Local Government Act 1989

Chamber Daylesford tizens Centre Daylesford pecify)		
: rson bod AM lein aghan	 ☑ Cr Greg May ☑ Cr Neil Newitt ☑ Cr Pierre Niclas 	
ure Bruce Lucas	Other, please specify:	
Disclosures:	Time Left and Returned	
	tizens Centre Daylesford hecify) frson hod AM lein aghan I Staff present: In Egmond Services Grant Schuster y Services Kathleen Brannigan	tizens Centre Daylesford pecify) rson Income Cr Greg May rood AM Income Cr Neil Newitt lein Income Cr Pierre Niclas aghan I Staff present: In Egmond Income Cr Pierre Niclas aghan I Staff present: I St

Matters Considered:

Agenda Attached 🗌

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond

Other, please specify:

GM Corporate Services Grant Schuster

GM Community Services Kathleen Brannigan

GM Infrastructure Bruce Lucas

Signature:	Real

SHIRE COUNCIL

This record is required under Section 80A of the Local Government Act 1989

Title of Meeting: Date: Time:	Councillor Briefing Tuesday 23 June 2015 11:00am – 1:00pm		
Venue: 🛛 Council (Senior Ci Other (sp	itizens Centre Daylesford		
Councillors present Cr Don Hende Cr Kate Redwo Cr Sebastian K Cr Bill McClena	rson ood AM lein	⊠ Cr Greg May ⊠ Cr Neil Newitt □ Cr Pierre Niclas	
GM Communit		Other, please specify:	

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned	
Nil		

Matters Considered:

Agenda Attached 🛛

Name and title of Officer responsible for this written record:

- CEO Aaron van Egmond
- GM Corporate Services Grant Schuster
- GM Community Services Kathleen Brannigan

Graf Signature:

GM Infrastructure Bruce Lucas Other, please specify:

CONFIDENTIAL COUNCILLOR BRIEFING AGENDA TUESDAY 23 JUNE 2015



Tuesday 23 June 2015 Council Chamber, Daylesford Town Hall 11:00am – 1:00pm

PRESENT:	Councillors	Kate Redwood AM, Don Henderson, Sebastian Klein, Greg May, Bill McClenaghan, Neil Newitt
	Officers	Chief Executive Officer, General Manager Corporate Services
CHAIR:		Mayor Cr Kate Redwood AM
APOLOGIES:		Cr Pierre Niclas, General Manager Infrastructure

9:00am - 10:30am	CEO Performance Appraisal 2014/15	
10:30am- 11:00am	Break	

No	Time		Agenda Item	Presenter	No
1.	11:00am	Presentation	Hepburn Community and Council Services Hub – Concept 02 Feedback	Chief Executive Officer	
				General Manager Corporate Services	
2.	12:30pm	Presentation	Council Plan Review 2013-2017	Chief Executive Officer	
				General Manager Corporate Services	
3.	1:00pm		CLOSE OF MEETING		
	1:00pm		Lunch Lunch will be provided		



12. COUNCIL SPECIAL COMMITTEES (SECTION 86)

12.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes and recommendations from Council's Special Committees (Section 86).

BACKGROUND

Special Committees are established by Council under section 86 of the *Local Government Act 1989* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports of Special Committees, as provided by the committees over the past month, for your information:

- Minutes from the Creswick Museum Special Committee 1/06/2015.
- Minutes from the Lee Medlyn Home of Bottles Special Committee 3/06/2015
- Minutes from the Lyonville Hall Special Committee 16/06/2015.

These minutes have been previously provided to Councillors under separate cover.

Committee Members Terms Expiring – Call for Nominations

Council has advertised for community members to be appointed to the following Special Committees due to expiry of some existing appointments:

- Creswick Museum 3 vacancies
- Dean Recreation Reserve & Tennis Courts 5 vacancies
- Drummond Hall 4 vacancies
- Glenlyon Recreation Reserve 5 vacancies
- Lee Medlyn Home of Bottles 3 vacancies
- Lyonville Hall 3 vacancies.

Applications close on Friday 31 July 2015.



A report will be presented to the August Council meeting to consider the appointment of committee members to these Special Committees.

Membership Expiry Date - Creswick Museum Special Committee

As the appointment of new members to the Creswick Museum Special Committee will not be considered by Council until after the Annual General Meeting, it is proposed to extend the current term due to expire on 3 August 2015 until 31 August 2015 for the following committee members:

- Mr Geoff Newmarch
- Ms Dianne Sewell
- Ms Evelyn Wright.

Membership Expiry Date - Lee Medlyn Home of Bottles Special Committee

As the appointment of new members to the Lee Medlyn Home of Bottles Special Committee will not be considered by Council until after the Annual General Meeting, it is proposed to extend the current term due to expire on 5 August 2015 until 31 August 2015 for the following committee members:

- Mr Stephen Greenwood
- Ms Yvonne Yates
- Ms Gayle Smith.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

Letters were sent to existing committee members whose terms are due to expire, acknowledging their contribution to the committee and inviting membership applications.



The call for nominations to the Special Committees has been undertaken via public advertisements in *The Advocate* and *Ballarat Courier* newspapers, on Council's website and Facebook page.

CONCLUSION

Minutes and reports have been provided for noting.

Call for nominations to Special Committees due to the expiry of some existing appointments is provided for information.

The extension of current terms of office for the Creswick Museum and Lee Medlyn Home of Bottles will enable these Special Committees to continue to operate in accordance with their Instruments of Delegation.

OFFICER'S RECOMMENDATION

That Council:

- 12.1.1 Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:
 - Minutes from the Creswick Museum Special Committee 1/06/2015.
 - Minutes from the Lee Medlyn Home of Bottles Special Committee 3/06/2015.
 - Minutes from the Lyonville Hall Special Committee –15/06/2015.
- 12.1.2. Resolves to extend the current term of office for the following members of the Creswick Museum Special Committee until 31 August 2015:
 - Mr Geoff Newmarch
 - Ms Diane Sewell
 - Ms Evelyn Wright.
- 12.1.3 Resolves to extend the current term of office for the following members of the Lee Medlyn Home of Bottles Special Committee until 31 August 2015:
 - Mr Stephen Greenwood
 - Ms Yvonne Yates
 - Ms Gayle Smith.

ORDINARY MEETING OF COUNCIL 21 JULY 2015



MOTION

That Cou	ıncil:			
12.1.1.	Receives and notes the following minutes of Special Committees (Sec 86) which have been distributed under separate cover:			
	• Minutes from the Creswick Museum Special Committee – 1/06/2015.			
	 Minutes from the Lee Medlyn Home of Bottles Special Committee – 3/06/2015. 			
	• Minutes from the Lyonville Hall Special Committee –15/06/2015.			
12.1.2.	Resolves to extend the current term of office for the following members of the Creswick Museum Special Committee until 31 August 2015:			
	 Mr Geoff Newmarch Ms Diane Sewell Ms Evelyn Wright. 			
12.1.3.	Resolves to extend the current term of office for the following members of the Lee Medlyn Home of Bottles Special Committee until 31 August 2015: • Mr Stephen Greenwood			
	 Ms Yvonne Yates Ms Gayle Smith. 			

Moved:Councillor Don HendersonSeconded:Councillor Neil NewittCarried.

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ORDINARY MEETING OF COUNCIL 21 JULY 2015

13. COUNCIL ADVISORY COMMITTEES

13.1. MINUTES OF ADVISORY COMMITTEES

No Minutes were received from Advisory Committees for the month of June 2015.





14. CONFIDENTIAL ITEMS

14.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

RECOMMENDATION

That the meeting be closed to members of the public under section 89(2) of the *Local Government Act 1989*, specifically the following sub-sections:

14.1.1. 89(2)(d) Contractual matters

Proposed New Five Year Crown Land Lease – DABS Agency Pty Ltd trading as Escapes Daylesford Accommodation Booking Service at 94 Vincent Street, Daylesford.

Chief Executive Officer's Performance Appraisal – May 2014 – May 2015; and

14.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

ORDINARY MEETING OF COUNCIL 21 JULY 2015



MOTION

That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:

14.1.1. 89(2)(d) Contractual matters

Proposed New Five Year Crown Land Lease – DABS Agency Pty Ltd trading as Escapes Daylesford Accommodation Booking Service at 94 Vincent Street, Daylesford.

Chief Executive Officer's Performance Appraisal – May 2014 – May 2015; and

14.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

Moved: Councillor Don Henderson Seconded: Councillor Pierre Niclas Carried.

The Meeting Closed to Members of the Public at 9:22pm.

Cr Neil Newitt left the meeting at 9:23pm and returned to the meeting at 9:24 pm.

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15. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

15.1 That Council, having considered the confidential items, re-opens the Meeting to members of the public.

MOTION

15.1. That Council, having considered the confidential items, re-opens the Meeting to members of the public.

Moved: Councillor Don Henderson Seconded: Councillor Greg May Carried.

The Meeting re-opened to Members of the Public at 9:38pm.

16. LEAVE OF ABSENCE – COUNCILLOR SEBASTIAN KLEIN

MOTION

 16.1.1. That Council amends Motion 7.2.1 and grants a Leave of Absence to Councillor Sebastian Klein from the August Ordinary Meeting of Council (18 August 2015) and not the September Ordinary Meeting of Council.

Moved:Councillor Sebastian KleinSeconded:Councillor Pierre NiclasCarried.

17. CLOSE OF MEETING

The Meeting closed at 9.40pm.